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PROCEEDINGS AND DEBATES OF THE SIXTY-FOURTH CONGRESS, FIRST SESSION.

SENATE.

FRIDAY, *May 19, 1916.*

(Legislative day of Thursday, May 18, 1916.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

TEXAS BICENTENNIAL AND PAN AMERICAN EXPOSITION.

Mr. SHEPPARD. Mr. President, with the permission of the Senator from Arkansas [Mr. CLARKE], I wish to ask unanimous consent for the passage of the joint resolution (S. J. Res. 72) to provide for holding the Texas Bicentennial and Pan American Exposition at San Antonio in 1918. If it leads to any debate, I shall withdraw it.

Mr. CLARKE of Arkansas. That may be done by unanimous consent without displacing the river and harbor bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Industrial Expositions by Mr. MARTINE of New Jersey without amendment.

Mr. SHEPPARD. There are certain amendments to be added. I send them to the desk.

Mr. KENYON. I should like to make an inquiry of the Senator from Texas. I understand the joint resolution does not carry an appropriation.

Mr. SHEPPARD. It carries no appropriation.

Mr. SMOOT (to Mr. SHEPPARD). Has the Senator offered the amendments?

Mr. SHEPPARD. I have offered several amendments, among which are those suggested to me by the Senator from Utah.

The VICE PRESIDENT. The amendments will be stated.

The amendments were, on page 1, line 6, to strike out "San Antonio" and insert "Texas Bicentennial"; on page 1, line 7, strike out the word "Bicentennial" and insert the words "and Pan American"; on page 2, line 2, strike out the word "January" and insert "November"; on page 2, line 5, strike out the word "respectfully"; on page 2, line 6, strike out the words "by proclamation, or in such manner as he may deem proper"; and on page 2, line 7, insert the words "Spain and" between the word "invite" and the word "all," so as to make the joint resolution read:

Resolved, etc., That whenever it shall be shown to the satisfaction of the President of the United States that a suitable site has been selected and that adequate provision has been made for buildings and grounds that will enable the Texas Bicentennial and Pan American Exposition to inaugurate, carry forward, and hold an exposition at the city of San Antonio, Tex., on or about the 1st day of November, 1918, to celebrate the two hundredth anniversary of the settlement of San Antonio, the President of the United States be, and he hereby is, authorized and requested to invite Spain and all the Pan American countries and nations to such proposed exposition, with a request that they participate therein.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMOOT. I should like to ask the Senator from Texas if he desires the "whereases" to be inserted in the joint resolution?

Mr. SHEPPARD. Not necessarily.

Mr. SMOOT. They are not necessary, and I should like to have them go out.

Mr. SHEPPARD. Very well; let the preamble be stricken out.

The VICE PRESIDENT. Without objection, the preamble is stricken out.

The title was amended so as to read: "A joint resolution to provide for holding the Texas Bicentennial and Pan American Exposition in 1918."

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The SECRETARY. On page 22——

Mr. KENYON. Mr. President, I think we should have a quorum here before we commence with the bill. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Ashurst	Gallinger	Myers	Smith, Md.
Bankhead	Gore	Nelson	Smith, S. C.
Beckham	Gronna	Norris	Smoot
Brady	Hardwick	O'Gorman	Sterling
Catron	Husting	Oliver	Swanson
Chamberlain	Johnson, S. Dak.	Overman	Thomas
Chilton	Jones	Page	Thompson
Clarke, Ark.	Kenyon	Ransdell	Wadsworth
Culberson	La Follette	Sheppard	Warren
Curtis	Lea, Tenn.	Sherman	Williams
Dillingham	Martin, Va.	Simmons	Works
du Pont	Martine, N. J.	Smith, Ga.	

Mr. CHILTON. I wish to announce for the day that the senior Senator from Indiana [Mr. KERN] and the junior Senator from Indiana [Mr. TAGGART] are unavoidably absent, and also that my colleague [Mr. GOFF] is absent on account of illness.

Mr. CURTIS. I was requested to announce the absence of the Senator from Maine [Mr. BURLEIGH] on account of illness.

The VICE PRESIDENT. Forty-seven Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of the absentees.

Mr. CLARKE of Arkansas. I move that the Sergeant at Arms be directed to notify the absentees to attend. Let the clerks at the desk furnish him with a list of the absentees.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

The Secretary called the names of the absent Senators.

Mr. LODGE, Mr. STONE, and Mr. HITCHCOCK entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. CLARKE of Arkansas. I move that further proceedings under the call be vacated.

The motion was agreed to.

Mr. WORKS. Mr. President, ever since I have been in the Senate the river and harbor bill has been a matter of contention and criticism. Last year a filibuster was resorted to in order to defeat its passage. At the present session the junior Senator from Iowa [Mr. KENYON] has pointed out in a very able speech some of its weaknesses, defects, and vices. There is no doubt that the river and harbor bill has been a source of a great deal of unnecessary and inexcusable expenditure of public money. I think we all realize that fact.

The remedy for all this, it seems to me, is perfectly simple, yet it has never been resorted to, and probably never will be. If the Congress of the United States should do its duty, it would take up each one of the items contained in this bill, determine it upon its merits, and enact or defeat it as the interest of the Government required.

It has been very generally known that the river and harbor bill has been used for the purpose of aiding men to secure favor and votes at home. That is an evil that should be condemned by everybody, but nothing has been done so far to prevent it, and we have here again precisely the same old question that we have had ever since I have had any connection with the Senate and, I presume, for many years previously.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Missouri?

Mr. WORKS. I yield.

Mr. REED. The statement as just made by the Senator from California has been frequently made in the past, and I do not care to discuss it with the Senator or to interrupt him as to the question of whether the river and harbor bills have not at some time in the past contained items which were put into those bills for the purpose of aiding some Member of Congress; but I call his attention to the fact that there are certain great propositions which have been approved by the proper heads of departments and have been adopted permanently. I want to ask him now if it is not a fact that, with the exception——

Mr. KENYON. I rise to a parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator from Iowa will state his parliamentary inquiry.

Mr. KENYON. I desire to make a parliamentary inquiry, because the Senator from Arkansas [Mr. CLARKE] yesterday, when the Senator from Missouri [Mr. REED] was not present, I think, stated that he would object to any interruption of any of the speeches during the day. I am not myself raising any objection, but if the Senator from California is going to lose the floor by submitting to an interruption, I think——

Mr. REED. I have not the slightest idea of taking the Senator from California from the floor. I merely made a little preliminary statement, in order to make my question plain, and I was going simply to ask a question.

Mr. WORKS. Mr. President, I am very glad to have the Senator from Missouri ask any question which he desires to ask.

Mr. REED. Now, to resume, is it not a fact that, with the exception of a very few items, the present bill simply carries on those great projects which were approved by previous Congresses, and some of them approved by many previous Congresses? Is not that the situation which confronts us to-day in the consideration of the present bill?

Mr. WORKS. Undoubtedly. I think the Senator from Missouri was not present when I began what I have to say, in which I stated that the right thing to do in this matter was to test each one of these proposed appropriations upon its merits. I am not contending that there are not a great many items in the appropriations contained in the bill that ought to be made. I think we all realize that.

Mr. REED. I, of course, did not object to that statement; I did not take any exception to it; but the language employed by the Senator from California, to the effect that such bills had been used for the purpose of aiding particular Members of Congress, seemed to me to imply that that charge could be justly brought against the pending bill; and I do not think that so fair a man as the Senator from California is known to be would really want to have that statement, made in that way, to go to the country without the further statement which I have taken the liberty of making, that this bill almost entirely is confined to those various projects which have had the approval of previous Congresses, the approval of the departments, and which have been adopted as a part of the settled policy of internal improvement.

Mr. WORKS. Yes; I think that is undoubtedly true, Mr. President, but it is not at all true that a great many of these projects that have been long since adopted and have been carried on from time to time are now justified. This Congress ought to have the courage to put an end to those appropriations, no matter who has authorized them beforehand, if Congress believes that they are not just charges to be made against the Government. I do not believe that this Congress can justify itself in carrying on these continuous appropriations by reason of the simple fact that some other Congress in previous years has started us on that road; and I insist upon what I said in the beginning, I will say to the Senator from Missouri, that these different items of appropriation in this bill should be tested separately, and whatever of them are just and right should be allowed, of course. There are many of them in this bill that are not only justfied and should, under the circumstances, be made, but there are others here that have been pointed out which I think are vicious and ought not to be allowed to remain in the bill.

My broad statement that the rivers and harbors bill was used for the purpose of securing votes did not imply that there were not a great many of these appropriations which were just and which should be made—and as to those there can be no fair criticism—but, taken as a whole—and this has always been so—there are items in this bill which are undoubtedly used for the purpose of gaining favor or credit by Members of Congress at home. We all know that, and there is no use trying to blink the fact. One of the difficulties about presenting this matter fairly and receiving an honest vote upon it is that one Member who desires to get through his appropriation, and one that may be perfectly fair and just, hesitates to oppose an appropriation offered in the interest of somebody else lest he lose the vote of that particular Member of Congress. That is one of the unfortunate features of legislation of this kind which I should like to see corrected.

But, Mr. President, what are we going to substitute in place of this means of making appropriations? That is the important question to me. I remember when Senator Burton last year was discussing this subject I asked him the question whether he had anything to offer as a substitute for this means of making appropriations, and he admitted that he had not. The Senator from Iowa [Mr. KENYON], who has given this matter the most careful and conscientious study, has, so far as I know—and I have heard a great part of his discussions of the question—offered no substitute for what we have already.

Mr. KENYON. Mr. President, I simply want to say to the Senator that I have offered an amendment, and shall present it at the proper time, for a national waterway commission to handle the question. I hope the Senator will examine that amendment.

Mr. WORKS. Very well. If I remember correctly, the Senator criticized the method that is in vogue now of submitting these matters to a board of Army engineers for the reason that Members of Congress control the action of that board; that they went before it and discussed and presented these items, and that the influence that Members of Congress were able to bear upon the board made it inefficient and resulted in the recommendation of appropriations that ought never to be made. If the Senator substitutes some other body, such as he suggests, the same condition will exist. Members of Congress are going to look after the appropriations for their own States and districts, whether the items go before a commission or not; and, after all, we have to come down to the one single and simple remedy, that is, to test these different items of appropriation upon their merits, and until we can do that no substitute can be devised that will get us out of this situation.

Mr. President, I am not going to discuss the rivers and harbors bill at any length. I want to talk about something else which has grown out of the discussion, particularly by the interesting address delivered by the Senator from Colorado [Mr. THOMAS] yesterday. I have no doubt the Senator was greatly delighted to be able to expose the fact that very large appropriations had been asked for by different Members of the Senate on this side of the Chamber. I can appreciate that fact. I think, perhaps, the Senator was a little bit unkind toward me because I had insisted in the beginning of this debate that we ought not to make it a political question. It is not a question of what Democrats or Republicans have been doing with respect to it; it does not make any difference whether these appropriations which are offered come from the Democratic side or from the Republican side of the Chamber. The Senator from Iowa very justly commented upon the fact that the Democratic Party had declared in favor of greater economy and that it was not living up to that pledge; but such pledges have been made by both the political parties that have controlled the Senate in the past; and, after all, it does not make very much difference whether a man is a Democrat or a Republican if he wants an appropriation for his State or district. However, what the Senator has said with reference to appropriations for which I have asked has given me an opportunity, of which I am going to take advantage, with the consent of the Senate, to point out some of the things that I have sought to bring about in asking for these appropriations, and to call the attention of the Senate to some of the things that I think ought to be taken up and acted upon, and that without delay, in justice to Congress and the country.

Now, let me take up a few of them and call the attention of the Senate to the appropriations for which I have asked and the objects sought to be accomplished by them. The first of them is an appropriation of $18,000 to pay the salaries of three members of a commission. That is asked for in the bill introduced by me to take out of the hands of the Members of Congress the disagreeable duty, if it is a duty, of recommending and selecting officers and employees of the Government; in other words, to take out of the hands of Congress political patronage and all that belongs to it, which, I think, is one of the greatest evils that afflicts this country and Congress to-day.

The provisions of the bill, in a brief way, were that at the incoming of any elected President he should, at the beginning of his term, appoint a commission of three to receive the recommendations for appointment to office or appointment as employees of the Government, and determine, upon full hearing, who was the most meritorious of those submitted for any particular office, and select and report that person to the President for his appointment. It is a singular thing to me that a Member of the Senate should object to a provision of that kind.

I should suppose that there was not a Member of this body who would not only be willing but glad to get rid of patronage and the burden that rests upon him of determining who shall be appointed to office from his State.

The bill provided further that upon making this recommendation to the President he might appoint or might not; and, if he was not satisfied with the selection, the matter was referred back to the commission to select some one else who should be satisfactory to the President. It was further provided that no Member of Congress and no member of the Cabinet should make any recommendations of anybody for appointment to office or as employees of the Government in any position whatever, taking it absolutely out of the hands of the Congress of the United States to deal with this question of patronage and turning it over to a commission that would aid the President in determining just who should be appointed to office. It involves, as I have said, an appropriation of $18,000 for the purpose of paying the commission. A Democratic committee dealing with the question at the last session of Congress reported the bill adversely. I reintroduced it at the present session of Congress, but it has not been acted upon at all and probably will not be.

The second appropriation asked for by me is $90,000 to pay the salaries of a tariff commission. That bill was offered at the last session of Congress. At that time the Democratic Party was not in favor of a nonpartisan tariff commission and the bill received no attention whatever. Since that time there has been a change in sentiment on the part of the administration and of the Democratic Party, as I assume, and now they are attempting to bring about just what I attempted to do by the bill to which I have called attention. That was another of the appropriations of which the Senator complains.

Then there is a proposed appropriation of $800,000 to provide a home for the Confederate veterans. It seemed to me that the time had come in the history of this country when, as a matter of benevolence and good will, Congress might very well extend this favor to the veterans of the Confederacy. Certainly there is nothing selfish about that proposed appropriation. It was intended principally as an act of good will toward the people of the South that would tend to remove any of the ill feeling that might still remain as between the two sections of the country growing out of the Civil War. Much to my surprise, that bill has also died in committee. At least it has not been reported upon or received any attention, as far as I know. Some of the soldiers' homes are now only partially occupied and soon they will not all be needed by the Federal veterans. It would be a commendable and a graceful thing to give them over to the few remaining Confederate veterans of the Civil War.

Then I have asked for an appropriation of $400,000 to buy lands for an aviation school at San Diego, Cal. That was recommended by the Secretary of War, who wrote me a letter upon the subject approving action of that kind. The bill was introduced, but never was passed. In place of it provision was made for an examination of the whole question by a committee to be appointed by the Secretary of War, or officers to be appointed for that purpose, and that was done. What has finally been done about it I do not know. The bill was again introduced at this session.

Then there was another small appropriation asked for of $10,000 for the purpose of putting up signposts in the deserts, where lives were sacrificed year after year by reason of the fact that persons passing over the deserts had lost their way and were unable to reach water. This bill simply provided for the establishment of signposts and the discovery of springs along the way, and was a purely beneficent act for the purpose of protecting human lives.

Then, Mr. President, I introduced a bill that has brought about some discussion here—one providing for a constructive industrial reserve military force. That bill provided, in substance, for the setting aside by the Government of the United States of small tracts of land upon which persons who enlisted in this reserve force might find homes for themselves and their families. The appropriation was for the purpose of buying these lands. I insist, Mr. President, that that should have been done by this Congress, and I think it will be done later on. It was an appropriation that has appealed to me very strongly as one means of providing for this Government a reserve force that could be used on occasions when it was necessary in time of war, if that should ever happen, and at the same time the men enlisted could be used as a reserve force to work upon the public works of the Government and help settle the public lands of the country that are now vacant and unimproved and improve them to an extent that will be of vast benefit to the whole country. That appropriation involved the sum of $50,000,000, and was the largest of the entire number that has been commented upon.

Then I come to another that has appealed to me very strongly, but seems to have appealed to very few other Senators. That is the appropriation of $600,000 for the purchase of what is known as Snow Court, one of the worst slums in Washington, and to erect upon it model houses for the housing of the poor. I offered that measure as an amendment to one of the bills that was pending here in the Senate. I have taken occasion, as I said then, to investigate these conditions, and they are horrible to think about. What can be done in a case of that kind? Even Senators will not stop to listen to information as to what the conditions are. You can not secure their support, because they seem to be indifferent to those conditions; and the same condition exists, so far as the people of the city of Washington are concerned. This city is filled up during the winter season in great part by the idle and profligate rich, who spend their time here without benefit to the city or the country, spending their surplus money in high society and extravagant living. One of these fine ladies, dressed in her silks and satins, could step into her $10,000 automobile in front of her $100,000 mansion on one of the great thoroughfares of this city and in three minutes drive into a section of this city that should shock her sensibilities and excite her sympathy for the people who are compelled to reside in those places. She is not a bad woman. She does not realize what those conditions are. She does not know anything about them. There are thousands of people right here in the city of Washington who have no knowledge of those conditions. I believe there are very few of the Senators of the United States who have looked into those conditions and know what they are.

It seemed to me, Mr. President, that it is a solemn duty resting upon the Congress of the United States, which has absolute control and jurisdiction over the District of Columbia, to see that these conditions are corrected. If Congress is not willing to appropriate the money of the Government for that purpose, there are rich people in the city of Washington who should see to it themselves that these conditions are removed. But there have been corporations organized here in the city, partly charitable and partly for the purpose of making money, organized for the very purpose of doing what is contemplated by this proposed appropriation—constructing and building model sanitary buildings to be occupied by the poor people of the city. But what has been the result of it? One of these organizations has been able to make the full amount of profit that was allowed by the act organizing the company. Therefore it is not a matter of charity; it is a matter of making money, and still the slums remain practically untouched. Another effort was made to remedy this evil by an act that was passed in memory of a good and charitable woman, providing for the organization of another just such partly charitable and partly profit-making corporation for the purpose of doing in part what is sought by this appropriation. There have been some donations, if they may be so called, to that corporation. There is some hope that something may be accomplished by it, but very little; and I am satisfied that this thing will never be accomplished until it is taken hold of by the Government, brought to a direct issue, and the slum districts destroyed and comfortable sanitary homes provided for the poor and unfortunate, to be supervised and kept sanitary by the Government.

Then another of the appropriations commented upon by the Senator is one that was offered as an amendment to a bill pending to appropriate $100,000,000 for the purpose of purchasing the lands on Pennsylvania Avenue, to be occupied by Government buildings. As was explained at the time, that was an arbitrary amount that was fixed, and it was for the purpose of purchasing land for the use of the Government, and an act of economy rather than the extravagant expenditure of money.

Then there was a general bill offered, that was included in this estimate by the Senator from Colorado, of $10,000,000 for the purpose of purchasing and cleaning out all these slums in the city of Washington. This is just what should be done. The work should not be done by piecemeal.

Mr. President, there is just one in all this list that may be regarded as a selfish one of advantage to my own State, and that is an amendment that I have offered to the bill that is now pending carrying an appropriation of $1,080,000 for the construction of a diverting dam to protect the Los Angeles and Long Beach Harbors from filling up by the silt that comes down from the mountains. That appropriation was very thoroughly and carefully examined by the Board of Engineers and recommended by it. It has been presented to the Committee on Commerce, and in that way has gone into the bill.

Then, in addition to that, to make up the amount of these appropriations, I have offered a number of bills embodying claims against the Government. I hope the time has not come when a Senator should be criticized for attempting to induce

the Government to pay its honest debts. One of those is quite a large appropriation of five hundred and twenty-six thousand and odd dollars for one of the Indian depredation claims. The others are small in amount.

Then follows the list of pensions that have been applied for. Usually these pension bills have not been criticized by anyone, and a great many of them are offered that are rejected because the proof is not sufficient or the circumstances are not such as to warrant the granting of the pension. Six of these have already been granted. They make up the sum of $6.036.

So these, Mr. President, are some of the appropriations that I have asked for. I have not said this about it in the way of apology for introducing these bills. I think they need no apology from me. I have not said what I have about it for the purpose of explaining these bills, with the object of justifying myself in introducing them in the Senate. I have only felt it proper to call them to the attention of the Senate because I think most of them should be taken up and dealt with by Congress and not hidden away in the committees.

Mr. President, my continued service in the Senate of the United States will be very brief. My term of office will soon expire. I expect, when it does, to retire to the peace and quiet of private life. When I look back over the more than five years that I have rendered service here I sometimes wonder what I am here for and what I have accomplished that is of good to the country or to humanity. I have made a few speeches—not very good ones, I am willing to concede. Maybe they will be looked upon as a fair average of the speeches that are made in the United States Senate. Few people read them—especially Senators. Very few of the Members of the Senate have heard them. I have tried to say some helpful things. I have condemned some of the evils that I think exist and should be remedied. But when any Senator looks back over the six years of his service he will, if he desires to accomplish anything of good, be sadly disappointed at the result. The fact that Senators will not stop to listen to something that is intended for the benefit of the public makes it seem almost hopeless to attempt to accomplish anything in that direction.

Under these conditions, Mr. President, I shall retire to private life with a great deal of satisfaction and relief. I have tried to do my part here. There is only one particular thing that I can look back to and say that I feel some pride in having accomplished at least that one thing for the help of others. I was partly instrumental in closing up something like 250 of the saloons in the District of Columbia and banishing them all from the residence districts of the city. But there are 300 of them yet open and sending out their poisons all over this city, and they probably will remain open until I have left the Senate.

One of the things that has appealed to me as most unfortunate in the work that I have tried to do here is the fact that these very attempts that I have made in behalf of humanity, unselfish in their object, seeking to relieve the poor and unfortunate who need our help more than anybody else, have seemed to receive the least attention from the lawmaking power of the Government. We discuss politics. We talk about money. We look after the selfish interests of our constituents at home. We all do that. There is almost no question that can come before this body that does not, somehow or somewhere, involve politics or some selfish interest that is calculated to bias the minds of men dealing with public affairs. I am not saying this in criticism of the Senators with whom I have worked for the past five years and more. One of the things that I prize most of all in my work here is the association with the Members of this body, who have treated me with the utmost kindness and consideration at all times. So I have no criticism to make of them. It is the condition into which we have fallen—the fact that men are not considering these things that go for the benefit of humanity. They are thinking about the material things, about politics and the advancement of their own interests and the interests of their constituents in a material way; and these things that seem to me to be vastly more important in the interest of humanity are laid aside and forgotten.

I think it will be seen that, in the main, these appropriations for which I have asked have been for the purpose of advancing the things that seem to me most important, and not for the purpose of aiding my constituents, except as they are a part of this great country of ours, and should be interested in these great moral questions that affect us all so closely.

Now, Mr. President, I have wandered away from the subject. I must confess to the Senate that some of these things that I have advanced have come very close to my heart. I have been greatly disappointed that some of them have not attracted the attention and the help of Senators in carrying them out. That is the way of things here. Nobody is particularly to blame or to be criticized respecting it, but I do wish Senators of the United States would think more about these great questions and that at some time some of these things that I have been talking about, especially those here in the Capital of the Nation, will be looked to and that at some time—not, perhaps, while I am here, but after I am gone—they will be corrected.

Mr. NORRIS. Mr. President, yesterday the Senator from Colorado [Mr. THOMAS] came to the relief of this bill. With one exception, as far as I know, no one else has undertaken to defend it. I have wondered during several days of this debate under the critical analysis of the bill that was made by the junior Senator from Iowa [Mr. KENYON] why some of its defenders did not take the floor and justify the various appropriations contained in the bill; but yesterday the defense was made. It was not a direct defense, it is true. The Senator from Colorado did not even profess to defend the bill directly, but he contented himself with making a partisan attack upon those who are opposed to it.

Personally I do not believe that the bill ought to be discussed on a partisan basis. As far as I am concerned, I do not believe any bill ought to be discussed here on a partisan basis. Such a basis is frequently artificial, made often for the purpose of concealing the real intent and aligning men on one side or the other, according to the partisan bias or prejudice that we all possess more or less, while the people and the country suffer for the want of good legislation or on account of bad legislation.

Instead of defending the bill directly the Senator from Colorado called attention to various bills that have been introduced by Republican Senators asking for appropriations, and then said that people who live in glass houses must not throw stones. It is the province of the Senator from Colorado or any other Senator to discuss the public record of any Member of this body, to take up all the bills that he has introduced, to show what they are, and comment on their extravagance if he believes them to be extravagant. That is perfectly legitimate; but, Mr. President, he ought to tell the whole truth and not stop at a part of it. To do as he did yesterday, taking a list of Senators, in the first place, it is not fair to divide them along political lines; but waiving that for the moment, to take up various Senators and then read the amounts contained in the various bills that they have introduced asking for the expenditure of public funds and then stop is, in my humble judgment, unfair, unjust, and unworthy of the Senator from Colorado. Coming from some sources, I would not think anything of it and would pay no attention to it, but coming from the Senator from Colorado, with his discriminating and analyzing mind, his judicial temperament, it seems to me that it can not be passed by unnoticed.

Mr. President, when a witness goes into court and holds up his hand he swears to tell the truth, the whole truth, and nothing but the truth; and there are men now serving in penitentiaries who have been convicted of perjury because they did not tell the whole truth and covered something up. The political boss and the political machine and the yellow newspapers seeking for sensation jump at the opportunity to tell a part of the truth about public men. The organized band that goes to rob a bank always places a sentinel on the outside to keep people off while the looters are inside cracking the safe, and the pedestrian who comes along the street with honest intent trying to do his duty is warned to stand back.

While this bill, which, in my judgment, is a pork-barrel proposition, contains a great many items that ought to be excluded, that ought to be condemned, and that have no place in any bill that should be passed by Congress, is being put through, the Senator from Colorado goes down the street and says to men who are trying to make the bill better, who are trying to protect the Treasury of the United States, "Stand back; I will expose your record and show that you yourself are extravagant in trying to take the public money of the United States"; and then he shows the amounts contained in the various bills that have been introduced by Republican Senators where they asked either for an appropriation or an authorization of the expenditure of public funds.

If he had been fair, as fair as he usually is, as fair as we have a right to expect him to be from his past work and his upright character, when he undertook to make that analysis and that comparison he would have gone into detail in every case sufficiently far to show what the amount was, what the appropriation asked for undertook to do, and then, if he thought it was extravagant, condemned it in any parliamentary way that he saw fit.

I can discuss some of the items included in the bills introduced by the Senator from California [Mr. WORKS]. I would not have discussed them if he had not already done so himself. He has explained them. The amount as shown in the RECORD, or as it will be shown in the RECORD I presume—the Senator

from Colorado has not yet published his speech, I am speaking of it entirely from memory—but the amount charged up against the Senator from California will be very large, running into the millions, and while we might disagree with the Senator from California as to whether any of these propositions which he has introduced in the shape of bills ought to become laws, no man can question his fidelity, his patriotism, or his honesty when he has asked for them. Personally I believe in a great many of them, and when I have had an opportunity for some of them at least I voted; and yet if the Senator from California were running for reelection this morning's yellow Democratic journals in California would contain flaming headlines something like this: "The attempt of the Senator from California to rob the Treasury of the United States is exposed on the floor of the Senate by the Senator from Colorado."

Then they would have gone no further in holding the Senator from California up to ridicule before the people than the Senator from Colorado went in what he said yesterday. They would have told part of the truth, not all. In other words, it would be getting into it a partisanship, it would excite the partisan newspaper, the partisan machine, the man who wanted to get some advantage of the Senator from California, and give him an opportunity and a text to scatter before the people a misrepresentation.

We all know, all of us, how those things occur. We all know how anxious men and newspapers and machines and political leaders in all parties are willing and ready to resort to a plan of that kind which will throw discredit upon the public official seeking the suffrages of his people. It is an illustration of partisanship and the unfair method that can be taken where such a record is made.

Mr. President, what is the effect of it? When the bill comes before the Senate that a Member of the Senate believes to be wrong, he may be wrong himself, but he conscientiously believes that the appropriations contained in it are, many of them, wicked, what is his duty? There is only one answer. But if he undertakes to expose it, if he undertakes to defend what he believes to be right in reference to it, he is going to be met with a proposition as an answer to it that as a matter of fact is no answer. "You yourself have been guilty of extravagance; you asked for fifty or sixty million dollars from the Treasury of the United States," and then stop. That is a sufficient text for a partisan machine, for a partisan newspaper, or a partisan leader to carry the deception to the voters, and at least put the honest legislator on the defense and compel him to explain; and often, very often, Mr. President, it is that the man who has had to make the explanation does not have the money to follow up the deception, and it travels many miles and goes into thousands of places, because those who want to circulate such things in a political campaign are always possessed of unlimited funds and means to do it.

That is one of the things that often keeps honest men out of public life. Men do not want to subject themselves to such an unfair and unjust yet wicked criticism as that may be, and when it is made, feeling compelled to defend it, they exhaust the last dollar in making such defense when no defense ever ought to have been required.

Mr. President, I want to illustrate that. At the risk of criticism I am going to illustrate it by something that happened in my own life. I was a Member of the House of Representatives during a Republican administration when we passed the Panama Canal act. I believed then, as I do now, that there ought not to be an exemption to American ships passing through that canal. I am not going to discuss that question, but for argument's sake you can assume that I am wrong if you want to. But I believe they should not be exempt. When that bill was before the House of Representatives I voted in favor of an amendment to the bill that provided that American ships should be compelled to pay toll the same as any other ships. The amendment was defeated. The bill went through the House, passed the Senate, and was signed by President Taft, and became a law.

The Democratic platform, you remember, at Baltimore contained a provision in which they said they were in favor of free American ships; that there should be no toll on American ships going through the canal. The then candidate for President, Mr. Wilson, made a speech in which he made particular reference to that plank to the farmers of New Jersey, commending it and favoring it. I am not criticizing him. He had a perfect right to do it. But the Democratic Party was successful on that record and thereby fairly bound to uphold the contention in their platform particularly approved by Mr. Wilson.

Then President Wilson changed his mind, and after he changed his mind the Democratic Party changed its mind, and we passed a bill through Congress which provided that American ships should pay toll. After the time that that bill passed the House in its original form I was elected to the Senate, and when I came to the Senate I supported that bill. I voted for the proposition then the same as I did in the House. During my campaign for the Senate I made a speech one evening in one of the towns in my State. Some man from the audience got up and asked me a question. The question was in regard to the free passage of American ships and whether I favored it. I told him I did not; that I had voted for an amendment providing for the payment of tolls by American ships. I said I voted for the proposition in the House of Representatives and still favored it. I discussed it somewhat briefly.

There were in that town two newspapers, one of them a Republican paper and the other a Democratic paper. The Republican paper was standing by President Taft and the action of the Republican Party as it existed in the House and in the Senate, and in the next issue criticized me for what I said rather bitterly. The Democratic paper also criticized me and called attention to the fact that nobody was in favor of charging tolls but the railroads, and that I was a railroad candidate, and would be a railroad Senator if I was elected to the Senate of the United States. Then it said, "The Democratic Party is on the other side of this proposition"; and it cited the plank of the Democratic Party. Then it said, "President Wilson, the Democratic candidate, has made a speech in which he has affirmed that particular proposition in the Democratic platform, and Mr. NORRIS's opponent is standing on that platform. If he is elected, he will be opposed to charging tolls to American ships. Therefore we say to the voters it is a choice between a railroad Senator and one who stands for the people." That was the substance of the editorial. So I was hit on both sides.

I remember the Democratic editorial said one thing further. It said, "There are a great many Republicans who are opposed to this railroad Senator because he has incurred the displeasure of some of the leaders of his party. All we have got to do is to stand together, in order to get a Democratic Senator, and at the same time defeat a railroad candidate."

Well, you all know what happened. In due time President Wilson delivered his message to Congress, in which he asked that we pass a law providing for a repeal of the free-of-tolls clause of that act, in effect compelling American ships to pay tolls the same as others; in other words, approving what was my position from the beginning.

I might digress here to say that I know this Democratic editor well. He is one of the best men of his community. He is an able man; he is honorable; and in everything but politics you can trust him to the limit. His word is good and his note is good, but he would skin his own father if he were running on the Republican ticket. So when President Wilson came forward and took the other stand, what did this editor do? Why, he did as most of the Democrats of the Senate and of the House did; he flopped over just as quickly as the President did; and he had this kind of an editorial in his paper: He commented at considerable length on the message in general, and then took it up in detail and said, "The President has strongly advocated the repeal of the free-of-tolls provision of the Panama Canal act," and he added, "Of course, everybody knows that that free-of-tolls plank, which went into the Baltimore platform, was never anything but a joke; that it got in there by manipulation; nobody knew anything about it; and nobody wants freedom of tolls except the Shipping Trust, and it can not be repealed too quickly."

Well, in due time it was repealed, as Senators know. Then there was another editorial in the newspaper which stated that "A tardy and recreant Congress had at last obeyed the mandate of the President, and had repealed the free-of-tolls provisions of the Panama Canal act, as it ought to have done long ago." It further stated, "We are glad to say that the Democratic Senator from Nebraska was with the President on that proposition and voted for it," and, as a sort of a postscript to the editorial, it said, "Mr. NORRIS also voted in that way; but he had already voted the same way in the House of Representatives, and he therefore was entitled to no credit for being right." [Laughter.]

That is an illustration of the partisanship—rank partisanship—that is going to be given and has been given a great boost by the Senator from Colorado, when he said, "Men who are fighting this bill, if they be Republicans, must desist, or I will expose to the country their record of extravagance."

Mr. President, I want to give just a little further illustration in regard to these things which have been alluded to, and I am going to refer to my own case. I do that, not because it is of any particular importance—for it is not—but because I should like to illustrate the point, and I can discuss my own case, of

course, without criticism and with perfect freedom, while I do not feel at liberty to discuss so freely the position of other Senators.

The Senator from Colorado, in showing up my wonderful extravagance, stated that I had introduced bills providing for the appropriation or authorization of the expenditure of public money amounting to something over $17,000,000. I am speaking from memory, because, as I have said, the Senator has withheld his speech from the RECORD, and so I have not been able to read it. With that statement regarding me, the Senator stopped, just as he did as to other Senators. Well, I want to take up just two bills that are included in my list. One was a bill providing for an authorization—not an appropriation, for it did not appropriate a dollar; but, of course, appropriations would have come, but they would have been spread out over the length of time that it would take to construct the improvement for which the bill provided. It provided for the development of water power out here, west of the city of Washington, at Great Falls. There the Potomac River is rolling down over rocks and precipices every day, and has been during all the ages, with enough power going to waste to turn every wheel in the city of Washington, to pull every car, to light every home, and to furnish all the electrical power that all the citizens of this Capital City could utilize. To my mind, it is a sin; to my mind, we are not doing our duty when we do not provide for the development of that power.

So I introduced a bill instructing the Secretary of War to take the necessary steps that would bring about this development. I did that in pursuance of an investigation which Congress had authorized by law, in which $20,000 of public funds were expended to make the investigation. It was one of the most complete investigations that has ever been made. I put in the bill the amount that the engineers of the Government said it would take. That was something over $15,000,000.

Who is opposed to that bill? A great many good, honest men, because they do not understand it, and some when they do understand it. I criticize no man who opposes the bill. The Senator from Colorado would have had a right and would have been perfectly justifiable, if he thought that was extravagance, to say, "One of those bills appropriates $15,000,000 to develop water power at Great Falls for the city of Washington and for the Government of the United States"; and then he could have used any language he saw fit that was parliamentary to condemn it and to show that it was unfair and that I was extravagant, but he did not do so.

Who is opposed to the bill? The bitterest opposition on earth that comes to legislation of that kind comes from the interests that are making money out of the people—the poor people of the city of Washington—in charging them exorbitant rates for electric light; and the effect of the attitude of the Senator from Colorado—and I know he does not intend to stand in that light—is to say to any man who dares stand between the people and this exorbitant expenditure, "Stand back, sir, or I will expose your record of extravagance to the people of the United States and of your State." The Potomac Electric Power Co. never counted the Senator from Colorado as one of its defenders; but, innocently, he has put himself in that class by saying, in effect, "You who undertake to provide for the development of that power I am going to put on the defensive, at least in your own States, and give the newspapers of a yellow streak an opportunity to show how extravagant you are in the use of Government funds."

Then there was another one of my bills containing an item, to which the Senator referred, of $2,000,000. When you add those two items together you have disposed of 99 per cent—more than that, probably—of the appropriations for which I have asked in the bills which I have introduced. That $2,000,000 was proposed to be appropriated; and, again, it related to a question concerning which there were two sides. Any man has a right to take the other side, and the Senator from Colorado had a perfect right to say, "This $2,000,000 is for the purpose of enabling the Federal Government to assist the States, particularly the States of the West and the Southwest, in the care of indigent persons afflicted with tuberculosis"; and then he could have said, "That is wrong; that is extravagant"; or he could have said anything else he desired; but that is what the bill provided for.

Every year there go from all the Eastern and Northern States into Colorado, into California, into New Mexico, into Arizona, and perhaps into some other States, an army of men, women, and children afflicted with tuberculosis. A majority of them are poor. They are clinging to life, as all men and women do cling to life, grasping perhaps at a straw, willing to take any chance to save their lives; their fathers, their wives, their husbands, their sons, their brothers, their sisters sacrificing the last dollar to carry the loved one into the State of Colorado, represented so ably on this floor by the Senator from that State. These afflicted people are often mistaken. It is often true that they are beyond the help of humanity; but they go out into these States and then become stranded. They are unable to secure admittance to the sanitariums; they do not have the money to secure proper treatment, and their cases have developed to such an extent that the climate, as beneficent and healthful as it is in some stages of that disease, is not able to save their lives. Hence, they drift into second-class boarding houses.

Why, Senators, you ought to read the testimony before the committee of the men who have been working for years and years along these lines to realize the fact that thousands and thousands of men have spent their last dollar to get into Colorado or California or New Mexico or Arizona, only to find when they get there that it is all too late. They do not have money enough to come back home to die; they do not have money enough to employ proper medical attendance; they do not have money enough to enter the sanitoria—and sanitoria, however much they may be inclined in that direction, do not have the money to provide free treatment for these poor people.

The bill to which I have referred provided that in cases of that kind, where the afflicted persons who had left their homes and gone into the Western States could not pay their way and could not provide for their own care, they should be cared for jointly by the State and by the General Government, each paying one-half; and it appropriated $2,000,000 for that purpose.

It seemed to me to be fair, although I may be wrong, that the remainder of the United States, sending this great army of persons afflicted with tuberculosis into the West and Southwest, ought to bear a portion of the expense involved. Not only that, but it seemed to me that it was an act of mercy that persons in the condition which I have described should be provided for in a proper and in a scientific way. I thought the bill had the necessary safeguards; in fact, it had the approval, and has the approval, of the Public Health Service of the United States and of the leading physicians of the United States who have devoted their lives to the study of tuberculosis. However, I may be wrong. A man can oppose that measure on the ground that it is not a proper use of public funds of the Federal Treasury; he has a right to do that, and I criticize no man for doing that; but I contend that no man, if he wants to be fair with me, has the right to say, "You live in your glass house; you are extravagant; you have asked the United States to pay out of its Treasury $2,000,000," and then not say what it was proposed to appropriate the $2,000,000 for, thereby laying the foundation for some political machine or some yellow sheet in glowing terms or in striking cartoons to "show me up" as just sneaking around the corner stealing $2,000,000 from the taxpayers of the country.

Mr. President, as I remember, when the Senator from Colorado looked up the bills which had been introduced by the junior Senator from Iowa he found that that Senator had introduced but very few bills asking for appropriations and that the amount carried by them was comparatively insignificant, and yet it may be that before this bill is disposed of he may offer a substitute cutting the appropriation down one-half or one-third, or some other figure. If he shall do that, even then the measure will carry a large appropriation of public funds; but if the Senator from Iowa had introduced that kind of a substitute before the speech of the Senator from Colorado, that Senator would have used that proposed amendment as an item to show the extravagance of the Senator from Iowa and his desire to get money out of the Public Treasury of the United States, when, as a matter of fact, if an analysis were made, it would be found that on its very face it was a saving instead of an expenditure of money.

Mr. President, the Senator from Colorado referred only to Republican Members. It has been true that in the last session and in the session preceding, when the river and harbor bill was before the Senate, the amount was materially reduced on account of the activities of certain Republican Senators. In the last two sessions this opposition to the "pork-barrel" bill was led by the then Senator from Ohio, Mr. Burton, and now the fight is led by the junior Senator from Iowa [Mr. KENYON]; so that, as a matter of fact, it happens that the real opposition, the real fight which has been made against this extravagance comes from this side of the Chamber, and therefore a Senator who wants to prevent opposition to this great measure and who would get it in such shape that there could be a partisan advantage taken of it, makes an attack, so far as extravagance is concerned, only on the Republicans.

Just the other day the Senator from North Carolina [Mr. SIMMONS], while this bill was before the Senate, made a statement here—and it was true—that in the last two Congresses

the Democratic Party had passed river and harbor bills carrying less appropriations than the Republicans had before them. That is true. And I suppose that when this is over, if you carry on the partisanship as the Senator from Colorado has so well begun it, if the fight led by the junior Senator from Iowa results in economy, the campaign speakers and the yellow journals of Democratic persuasion will go before the country and say: "Look at this! Here is a river and harbor bill that is 50 per cent less than a river and harbor bill when the Republicans were in power." They will not say anything about an attempt to hold back Republican opposition by citing things that might and will be used in a partisan way to injure the men who made the fight, the result of which they are going to claim credit for in the coming campaign.

Why, Mr. President, if the Senator had been as unfair to the Democrats as he was to the Republicans, he would have found some astounding results. I have not examined the figures; I do not intend to; but I venture the assertion that I can name three men on the Democratic side whose combined bills asking for authorizations and appropriations will amount to more than the total that was given yesterday by the Senator from Colorado as coming from the entire Republican side. But, Mr. President, it would not be a fair argument, it would not be justice, unless I went into the details and explained what the items were; and I concede then that a large part of it would vanish into thin air. It would be the same kind of an argument, however, that was made yesterday by the Senator from Colorado.

Instead of going out and warning Republicans to cease opposing pork-barrel bills and appropriations, the Senator from Colorado ought to be here united with them, leading the fight, if necessary, to bring about a bill here that would agree even with the ideas of economy of the Senator himself. Instead of taking the position he does and warning Republicans not to prevent this loot, he ought to raise his voice with them, or raise his voice and they would be glad to follow him, in an attack upon this bill, which I believe to be unjust and unfair. He ought to help the men who are protesting instead of trying to scare them away from the fight.

Mr. President, from the very beginning of time civilization has advanced because men had the courage to expose what was wrong. But you just undertake, under the political conditions that exist in this country, to expose what is wrong and you will find that political bosses and machines will search your life back to the time when you left the cradle; and whenever they find anything that is wrong—and when you are hunting for something wrong you can always find it—they will expose it. They will not tell what the real objection to you is, but they will unearth something; and if they tell all the truth, and that will not answer, then they will tell half the truth and put you on the defensive.

We would be in a condition of barbarism to-day if it were not for the men who through history have dared to face criticism, to face condemnation in exposing wrong. The man who has it presented to him as we do here, or if he believes it is presented to him—I want to put it in that way—and does not expose it, is not doing his duty to himself, to his God, or to his country. "To sin by silence when we should protest makes cowards out of men. The world has climbed on protest. If no voice had been raised against ignorance and lust, superstition yet would rule the law, and guillotines decide our least disputes. The few who dare must speak, and speak again, to right the wrongs of many."

I say this, Mr. President, without any criticism upon any man's action. He can take the course even that the Senator from Colorado has taken if he wants to. As I said at the beginning, if many men I know had taken that position I would only have laughed at it and said nothing. But when I saw the Senator from Colorado take it—a man in whose patriotism and whose wisdom and whose judgment and whose fairness I had almost unlimited faith—it seemed to me that I could not, in justice to my own conscience, permit it to pass unnoticed.

Men may favor every item in this bill if they want to, and I will not condemn them. I myself can not see how all of the items can be defended. It may be due to my ignorance, my lack of wisdom and lack of ability; but as far as my wisdom does go, I am going to follow it. And so, I think, those over here and over there who are opposed to this bill are going to do likewise, regardless of the unfair or unjust criticisms that may be made by any man or any set of men.

I am not opposed, Mr. President, to large appropriations. I am not opposed to river and harbor development. On the other hand, I am in favor of that kind of development; and I want to go just as far as honesty and good judgment will bid us go, regardless of what it costs. But I am just as anxious to prevent the use of Federal funds for the unjust development of localities as I am anxious to have good things accomplished if they can be accomplished with benefit to the people.

I believe the bill is wrong in its method. As long as we pursue this way of legislating for rivers and harbors we will always have, I believe, a pork-barrel proposition. I anticipate—in fact, I know—that the junior Senator from Iowa will have some remedies to suggest and offer. Personally, I believe Congress is not prepared or equipped to say whether there should be $40,000 or $10,000 or nothing expended on some creek in Florida or New Jersey or North Carolina or elsewhere. We ought to have, I believe, a nonpartisan permanent board of experts that would carry out a system of development the outlines of which Congress could very appropriately provide for.

There are in this bill items in regard to little creeks and little bayous that have been in the river and harbor bills for 10 or 15 years and are still uncompleted. No man would do that way with his own business or with his own property. If a certain river and its tributaries, for instance, ought to be developed, and can be developed for the improvement of navigation, it ought to be taken as a whole, and ought to be developed as speedily as possible, as speedily as economy and good judgment could provide and advance the work. Instead of that, we appropriate a few thousand dollars this year in a hundred or a hundred and fifty different localities, knowing that next year we are going to do the same, and next year the same, and so on, with the intent of completing the work in perhaps ten or a dozen years. It is not systematic; it is not economy. In the first place, an unbiased judgment would cut out hundreds of them entirely, and then would develop them as a system; and Congress ought to appropriate the money so that that can be carried on to advantage.

There would be no opposition, in my humble judgment, here or elsewhere, to a proper and honest system of development of our rivers and harbors, and there would be no particular criticism as to the amount if it could be justified. But this haphazard way, while it always gets votes in Congress and gets local support in the various localities where the money is expended, brings no return to the taxpayers of the United States.

It seems to me that not only ought we to defeat this bill but we ought to defeat the system. There might often be cases, probably, where it would be a close question as to whether or not a development ought to take place. I would not pretend to offer my judgment, at least, unless I had opportunities to make a close inspection and a complete investigation, and had the necessary qualifications of a technical nature to do that intelligently. So that I am willing to abide by the judgment of intelligent, honest men if a system is provided for, and, as far as I am concerned, give them the money to go ahead with the development.

There are a great many things we ought to do. There is not much use in developing harbors and rivers unless we make by law some provision that will prevent the railroads from putting out of business the men who go into the navigation business on the rivers and the lakes. It seems to me that that could be easily done. We ought to provide also that they should not be allowed to monopolize the harbors of the country. That, I think, could be easily done. Then we ought to provide by law for some tribunal within whose power and whose judgment it would be to investigate, and after investigation, if they thought the project was worthy of development, to develop it, and then have money enough to do it systematically, as a business man would do it in his own business. That kind of river and harbor improvement I would welcome.

We have been just as far from it as we possibly could be. It seems to me that it is unworthy of Congress year after year to sink the public funds of the taxpayers of this country in dry creeks and mudholes where never, under any conceivable conditions, will there be any navigation. This bill is full of such propositions. I expect later on to offer some amendments. I have not had time to give the matter the attention that other Senators have given it, particularly the junior Senator from Iowa [Mr. KENYON], in whose judgment I have great confidence after he has had an opportunity to make and has made an investigation of any proposition. But he is not trying to prevent river and harbor development. He is not trying to prevent the legitimate development of the internal resources of our country. He is not objecting to large appropriations, if he knows they are going to be used for legitimate and honest purposes. But he and those who are his lieutenants, with whom he advises and who follow him mostly in this fight, are not going to be diverted from the course that they believe to be right simply because somebody says, "We are going to expose your extravagant record to the people of the country."

Mr. THOMAS. Mr. President, I shall detain the Senate but a moment in again referring to some features of my discussion of yesterday. I do not know that I should do so, however, for I am not entirely sure of the standpoint to which any criticism or refutation of mine might be directed.

Some of my Republican associates, and particularly the junior Senator from Wyoming [Mr. WARREN], expressed their thanks and gratification that I had drawn attention to the bills calling for appropriations by Republican Senators. Among other things, the Senator from Wyoming expressed a sense of duty only partly performed in that he had introduced so few of them. Other Senators—not, perhaps, so candidly, but indirectly—have expressed some amusement and offered friendly suggestions with regard to some of the bills included in the list to which I had the honor of calling the attention of the Senate yesterday.

I shall not attempt, Mr. President, to reiterate the purpose for which I caused the tabulation to be made, for I have heretofore stated and restated what that purpose was. The Senator from California [Mr. WORKS] this morning expressed regret, and very properly so, that the matter to which these tabulations referred should have been considered as a political subject. If there is any partisanship in the performance, it did not have its origin with me, because if it be partisan or political, then surely the many criticisms and reminders concerning our expenditures which have proceeded from the other side of the Chamber and which prompted me to do that which I have done must have been inspired by a political or a partisan purpose, and if that be true then my rejoinder, if it is at all tinctured with partisanship, is due to the attitude of those who provoked the discussion.

I regret very much, Mr. President, that anything which I have done has caused any pain or given rise to any feeling on the part of the junior Senator from Nebraska [Mr. NORRIS]. He is evidently much concerned because of the inclusion in my list of certain bills which he introduced, and because of the political use which he thinks can be made of the list by what he calls politicians and yellow journals.

If it be true, Mr. President, that the political fortunes of a Member of this body can be injured or minimized by such a statement as I have submitted to the Senate, then the evil, if it be an evil, and I have not declared it to be one, of introducing bills for these appropriations is more far-reaching and deadly than I supposed.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER (Mr. HUSTING in the chair). Does the Senator from Colorado yield to the Senator from California?

Mr. THOMAS. In just a moment. I gather that if it be so the abundant material which I have been informed can be provided by this side of the Chamber and in the same direction will be promptly and frequently utilized in the next five or six months and for the purpose to which the Senator referred.

I yield to the Senator from California.

Mr. WORKS. Mr. President, I should not want the Senator from Colorado to think that I was induced to say what I did about this matter out of any sense of injury on my part or any sense of pain or any feeling that the Senator from Colorado had been or intended to be unjust to me. I think the kindly and generous disposition of the Senator from Colorado would prevent him from doing anything unjust or malicious. As I have said, it gave me an opportunity to express some views respecting these appropriations that I was glad to take advantage of. That was about all. I was not thinking about myself, politically or otherwise. What might have been said by the Senator from Colorado, that is for the Senator. I have no feeling of resentment myself at anything he has said on the subject as it relates to me.

Mr. THOMAS. Mr. President, the few reflections which I have just uttered were based entirely upon the comments and the evident feeling exhibited by the junior Senator from Nebraska. Let me assure the Senator from California that I listened with a great deal of interest and pleasure and with sadness as well to remarks submitted to the Senate by him this morning. I have never even in thought attributed to any action of the Senator from California the notion of extravagance or improper motive, either as to political conviction or as to public expenditure. I know no man in this body who has been a Member of it during the short period of my service for whose convictions, candor, uprightness of purpose, and spotless integrity I have a greater regard.

It was with infinite sadness, Mr. President, that I heard the announcement by the Senator that he did not intend to seek a return to this body. When he leaves the Senate of the United States his retirement will be a distinct loss not only to this body but to the United States of America. He has been an agency here for good, for uprightness of purpose, for riveting attention upon those sinister and fundamental social and political conditions which, if not corrected, must sooner or later lead to national disaster. He has done his work here and done it well, and the people, when he retires, will follow him in his retirement with their constant and never-failing gratitude.

So, Mr. President, I could not under any circumstances have taken even seeming exception to anything which the Senator from California said this morning nor do I take very serious exception to those criticisms which the Senator from Nebraska has just submitted for our consideration.

I regret extremely that he should feel so sensitive upon this subject and the more so that in the proceedings of yesterday I seem to have lowered myself somewhat in his personal estimation. But I regard what I did as entirely fair, as entirely legitimate, and as entirely appropriate under the circumstances. Nothing which the Senator has so far said convinces me even in the slightest degree to the contrary. Hence while regretting that the Senator has taken the subject so seriously I see nothing that occurred which needs further comment or elaboration.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The SECRETARY. On page 24, after line 5, insert:

Sabine-Neches Canal, Tex.: Continuing improvement, $70,000: *Provided*, That so much of this amount as may be necessary may be expended for making a cut-off at Smiths Bluff, on Neches River.

Mr. KENYON. I think that amendment was given no consideration by the committee and before voting on it I should like to know what the circumstances are in regard to it.

Mr. CLARKE of Arkansas. The Senator from Texas is not in his seat at this moment, but I call the attention of the Senator from Iowa to the fact that we agreed to take up the East River item at this time. I ask that the amendment just read be passed over and that we proceed to the consideration of the amendment to strike out, which appears on the top of page 6 of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none and the item will be passed over. The amendment at the top of page 6 will be stated.

The SECRETARY. At the top of page 6 strike out from line 1 to line 15 in the following words:

East River, N. Y.: For improvement with a view to providing a channel 35 feet deep from deep water in New York Harbor to the Brooklyn Navy Yard in accordance with so much of the report published in House Document No. 188, Sixty-third Congress, first session, as applies to the channel west of the navy yard, $200,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $500,000, exclusive of the amount herein and heretofore appropriated: *Provided further*, That nothing herein contained shall be construed as adopting the said project beyond the work to the extent and in the manner specified.

Mr. FLETCHER. Mr. President, not for the purpose of discussing this amendment, but just at this point I should like to take a few minutes to present to the Senate the matters which have already been passed which affect particularly those items relative to Florida mentioned in the bill. The Senator from Iowa [Mr. KENYON] challenged some explanation regarding certain of those items, and the Senator from Nebraska [Mr. NORRIS] indicated this morning that no explanations were forthcoming and there had been no presentation of the reasons justifying some of the improvements which have been objected to. For that reason I should like to have the indulgence of the Senate for a very few minutes in order to place in the RECORD the facts regarding the few projects located in Florida that were mentioned by the Senator from Iowa as not being satisfactory to him.

One of those projects was the Choctawhatchee River. The facts regarding that river are that it is in length about 200 miles. The section now under improvement extends from Newton, Ala., downstream 140 miles to the mouth. It is quite a considerable river. The pending bill provides for the maintenance of a navigable channel at low water from the mouth to Newton, Ala., including Cypress Top Outlet.

The river and harbor act of July 5, 1884, provided for the project. There was another act, the act of June 13, 1902, which added the improvement of Cypress Top Outlet, one of the mouths of the stream, but no provision was made for maintenance in either of these acts.

The present appropriation provided in this bill is to cover the operations for the next year, and the work will consist of maintenance by dredging and snagging and some construction work and making surveys where necessary.

"The funds now available," the report of the committee shows, and that is based on the report of the Chief of Engineers

of 1915, "will be expended by March 31, 1916." It is proposed to expend the funds requested for maintenance work as follows: Operating snag boats for one year, $30,000.

The original project has been completed. The river is in good condition, the reports show, from the mouth 27½ miles to the mouth of Holmes River, and from that point to Geneva, 96 miles above the mouth, the worst obstructions have been removed, but the river is yet in a bad condition.

The effect of the improvement on freight rates was beneficial as long as the improvement was maintained in good condition. At present, in connection with the Holmes River, it affords transportation to a large section of Florida that is without other means. Its restoration to a good condition will probably result in lowering the freight rates by rail to Geneva.

There has been, as the Senator from Iowa, I think, mentioned, some decrease of commerce in the last year, but the report shows that the reason for that was the temporary cessation of naval stores and the lumber industry. It may be stated that the effect of the European war was decidedly injurious to the naval stores and lumber industries, especially naval stores. Nearly two-thirds, perhaps four-fifths, of the naval stores were disposed of in foreign countries. Germany was a large buyer, and other countries involved in the war afforded a demand for naval stores. That industry, of course, suffered in consequence of the discontinuance of transportation and the loss of shipping facilities as well as the market. It is gradually coming back. The demand has increased and the price of naval stores has gone to a point where operators are able to continue the industry. All that commerce will come back to the river.

At present the commerce consists principally of naval stores, general merchandise, cotton, fertilizers, provisions, and hardware, and it amounted in 1912 in value to $1,732,000.

I submit, Mr. President, that heretofore no provision having been made for maintenance in the prosecution of the improvement the estimate of $30,000 for maintenance and for work on this river, as indicated in the report, for a distance of 140 miles is not an excessive amount to expend. It is a stream that, as the report shows, affords the transportation means of getting to markets for a large section of the State which has no railroad lines or any other means of transportation.

It will be noted that there is no large sum to be expended here in further improvement on the river. This is an estimate for maintenance work. This would put it in a condition where it can be of additional use and benefit, especially that portion of the river which has been neglected, because the other bills have carried no appropriation for maintenance in the past.

The Withlacoochee River is mentioned on page 170 of the committee report. The project there is about 85 per cent completed. The item in the bill is for maintenance, not for any additional work nor any new work nor any further improvement. It is for the operation of the dredge *Sarasota*, "for maintenance, $5,000." There is a river on which private individuals, the Dunnellon Phosphate Co., spent $200,000 of its own money. The incomplete improvement of the upper river from Port Inglis north does not affect commerce to any great advantage, because it is incomplete. but on the river from Dunnellon to the Gulf phosphate has moved in enormous quantities in the past, and that has been one of the chief articles of commerce. That portion of the river is the portion upon which private enterprise spent $200,000, and the report states to what extent the improvement from Port Inglis to the Gulf, partly by Federal and partly by private funds, reduced freight rates. Port Inglis is between Dunnellon and the Gulf, just within the river entrance. The report says:

> The improvement from Port Inglis to the Gulf, partly by Federal and partly by private funds, reduced freight rates on phosphate from this territory fully 50 per cent and has opened an outlet for a large tonnage in this commodity.

Mr. NORRIS. What is the name of the private company that spent $200,000?

Mr. FLETCHER. The Dunnellon Phosphate Co.

Mr. NORRIS. What is their business?

Mr. FLETCHER. The mining and shipping of phosphate.

Mr. NORRIS. They are shipping phosphate out?

Mr. FLETCHER. Out of this river. Of course there are other articles of commerce moving on the river.

Mr. NORRIS. What other commerce is there on that river?

Mr. FLETCHER. The water-borne commerce on the river amounted in 1914 to 95,778 tons, valued at $832,045, of which amount 3,700 tons, chiefly citrus fruits and cypress blocks, were carried on the river, and the remainder, consisting of fish and oysters, groceries, iron pyrites, lumber, and phosphate rock, was handled between Port Inglis and the mouth.

Mr. NORRIS. Where is that phosphate rock shipped to?

Mr. FLETCHER. The phosphate rock has been shipped to foreign markets; largely to Germany.

Mr. NORRIS. Must it be reloaded after it is shipped?

Mr. FLETCHER. No; the depth of water is sufficient at Port Inglis to accommodate the vessels which load there and take the phosphate abroad.

Mr. NORRIS. Do the people who have paid this money own the territory where the phosphate rock is located?

Mr. FLETCHER. They own the mines and the land upon which the rock is mined, I take it.

Mr. NORRIS. I suppose their expenditure was made because in their judgment it was a good business proposition and would be of financial assistance to them?

Mr. FLETCHER. Undoubtedly it did help them, but the report says—and this is the fact about it:

> This work, while primarily for the benefit of the company, to enable it to ship the product of its mines, was also of general benefit to navigation, and the channel dug now forms part of the adopted project.

Mr. NORRIS. What are the facts in relation to towns located along the navigable portion of the river? For instance, is there any passenger traffic?

Mr. FLETCHER. I take it that that is rather limited. There is not a great deal of passenger traffic.

Mr. NORRIS. Is it in the northern part of the State?

Mr. FLETCHER. No; it is in the peninsular portion of the State, on the western side. Port Inglis is at the mouth of the river, which flows into the Gulf of Mexico.

Mr. NORRIS. Is the country pretty well settled up and developed along there?

Mr. FLETCHER. The river extends quite a considerable distance farther into the interior. It reaches from large lakes, which are near the center of the peninsular portion of the State. That portion of it has not been improved which extends above Dunnellon. Its total length is about 120 miles.

Mr. NORRIS. Are there railroads on the stream or in any reasonable proximity to it?

Mr. FLETCHER. There are railroads crossing the river, but none leading down to the Gulf along or near the river.

Mr. NORRIS. Where is the outlet of the river? It flows into the Gulf?

Mr. FLETCHER. It flows into the Gulf of Mexico, running from the center of the peninsular portion of the State southwestward to the Gulf.

Mr. NORRIS. How many miles long is the navigable part?

Mr. FLETCHER. Twenty-four and one-half miles. Dunnellon is 24½ miles from the mouth of the river. This principal improvement is in that stretch of the river. The section on which the work has been done mainly is a little over 4 miles in length at the entrance to the river.

Mr. NORRIS. What is the depth of the water? What kind of boats can go up there?

Mr. FLETCHER. It is a channel of 10 feet at low water in depth and 100 feet wide.

Mr. NORRIS. Do boats drawing only 10 feet cross the ocean.

Mr. FLETCHER. Oh, no; the rock is transferred to ships crossing the ocean.

The Senator made the point, I believe, that there has been a falling off of commerce. That is true for the reason that there has been no movement of phosphate on account of the European war. Phosphate was largely shipped to Germany, and we brought back potash. That was largely the market for this hard rock phosphate.

Mr. NORRIS. As a matter of fact, it was shipped over in that form to a great extent and shipped back in the manufactured form, was it not?

Mr. FLETCHER. I am not so sure. It came back probably to some extent in manufactured form. We usually brought back German potash. Phosphate, potash, and nitrogen are the three necessary elements for plant food. Florida furnishes about 70 per cent of all the phosphate mined in this country, and the domestic market is oversupplied. Foreign countries heretofore took the larger portion of our output.

Mr. NORRIS. In regard to the decline of traffic, I have not looked at this river particularly; but from the examination I have made on a large number of them there has been a decline for a good many years in traffic. How was the traffic on that river prior to the war? Was it increasing or decreasing?

Mr. FLETCHER. It was increasing. The report shows the value of commerce in 1912 was $1,394,742; in 1913, $1,516,482. Then came the war, and the phosphate shipments were practically discontinued. The commerce fell off to such an extent that in 1914 it was $832,045.

This item is only $5,000, and it is for maintenance, to maintain that waterway, and it is a very important waterway. The

business of that industry alone would be almost destroyed if they were not able to use this waterway.

Mr. NORRIS. In what does the maintenance consist mostly? What is the work?

Mr. FLETCHER. The operation of the dredge *Sarasota.*

Mr. NORRIS. They have to dredge it somewhat in some places?

Mr. FLETCHER. That is all that is done—to dredge it.

The Senator from Iowa, I believe, mentioned the Anclote River, Fla. I will say in reference to that item that the only provision in the bill is for "maintenance, to operate the dredge *Sarasota* two months, $3,000." The effect of the improvement, as stated in the report, has resulted in making Tarpon Springs the headquarters for the sponging fleet on the west coast, and the most important sponge market in the United States. Freight rates have been reduced approximately 20 per cent by reason of that improvement. The commercial statistics show that the water-borne commerce for the calendar year 1914 amounted to 14,095 tons, valued at $1,551,250, consisting of fertilizers, fish, oysters, logs, lumber, ship chandlery, and general merchandise.

At times there may be some falling off of shipments on these rivers in the way of logs or lumber or phosphate or naval stores, or products of that kind, which move to foreign markets largely. When the foreign market is cut off, necessarily the commerce decreases for the time, but the products are there, and the commerce is bound to increase in the future rather than decrease as soon as normal conditions are reached.

The only item in this case, as I said, is a small provision for the maintenance of that channel.

I will not take further time in discussing that item. It seems to me the objection can not reasonably be urged to the maintenance of these improvements, which have been adopted by Congress, and where the work has been in many instances completed or largely completed. It is simply a question of preserving what has been accomplished by former appropriations.

Some reference was made to the Oklawaha River.

Mr. SMOOT. Before the Senator leaves Anclote River I wish to call his attention to the fact that July 1, 1915, there was an unexpended balance of $5,000. Can the Senator tell us why that appropriation has not been expended? In the appropriation act for the fiscal year ending June 30, 1915, there was appropriated for this river for maintenance $5,073.50, and we find on July 1, 1915, an unexpended balance of $5,000. The department recommends $3,000 for the river for 1917 for maintenance.

Mr. FLETCHER. Yes. The funds "now available"—that is, when the report was made in 1915—the department holds will be sufficient for necessary maintenance work during the fiscal year ending June 30, 1916. The additional funds asked for are to maintain the improvements during the fiscal year ending June 30, 1917.

Mr. SMOOT. That is the $3,000?

Mr. FLETCHER. That is the $3,000.

Mr. SMOOT. But what did they do for the fiscal year 1916?

Mr. FLETCHER. This report was made up to June 30, 1915. From then until now that $5,000 has been consumed in maintenance work, and there is further need of this $3,000 to carry the maintenance until 1917.

Mr. SMOOT. I see that the traffic on the river, if it may be called traffic, has decreased from 1912. In that year there were transported 35,100 tons, and in 1914 it had fallen off until there were 14,095 tons. I ask the Senator if that is going to continue to decrease, and is it on account of any lack of appropriation that it is so decreasing?

Mr. FLETCHER. It has decreased because of the inability to move lumber in the quantities in which we were able to move it previously, shipping conditions having been such that it has been impossible to get the lumber shipped.

Mr. SMOOT. Is phosphate rock a part of the shipments made upon the river?

Mr. FLETCHER. Not upon this river. There were no phosphates carried on this river. The commerce consists of fertilizer, fish and oysters, logs and lumber, ship chandlery, and general merchandise. There is no phosphate moved on this river.

Mr. SMOOT. I see the report claims that the decrease over the tonnage of 1913 is due to the falling off of the shipments of logs and lumber.

Mr. FLETCHER. Of logs and lumber. That is because the lumber shippers can not put the lumber into the market without paying such enormous freight rates that they are practically prohibitory at present. That condition, however, we expect will not obtain for many more months or years. The lumber is there; there will be a demand for it; it can be moved and will be moved on this river. It is partially because of the falling off of the shipments; but the value of the commerce for 1914, the Senator will observe, was greater than in 1912, although the tonnage seems to have been less. The value was $1,051,250 for 1914. As I say, the item is simply to provide for the maintenance for the coming year, until June, 1917.

Mr. SMOOT. Is there not fall enough in the river, so that they could float those logs instead of transporting them on barges?

Mr. FLETCHER. There is no difficulty about floating the logs, I take it.

Mr. SMOOT. That is the most of the tonnage, I should judge from this report.

Mr. FLETCHER. Yes; but the amount of logs and lumber depends on getting them beyond the point where the river reaches; and from that point the rates are so high that that movement for the present has been discontinued very largely. I do not think it has been entirely discontinued.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Iowa?

Mr. FLETCHER. I do.

Mr. KENYON. Of the tonnage cited by the Senator from Utah [Mr. SMOOT] logs seem to constitute 10,500 tons and pine lumber 1,125 tons out of the 14,095 short tons. I note in the Engineer's report that they say:

> Number of regular steamers in the trade, one launch.

I will ask the Senator if it is correct that there are no steamers there but one launch?

Mr. FLETCHER. Of course, I am not prepared to say with reference to that. I should be controlled by the Engineer's report as to the number of steamers; but the commerce on the river is not passenger business at all. There is no need of steamers. Barges and other boats can take care of the commerce without steamers.

Mr. KENYON. I suppose the lumber floats in rafts, does it not?

Mr. FLETCHER. The logs float in rafts and the lumber is transported in barges usually, though it may move some distance in rafts under some conditions.

Mr. KENYON. There seem to be no barges at all, according to the engineers' report, but there are some rafts.

Mr. FLETCHER. It is probable that, for comparatively short distances, they can float lumber also in rafts. I am not sure whether or not it moves in that way, but ordinarily I should say it is moved on barges. The logs, of course, are rafted.

Mr. KENYON. Mr. President, on page 2474 of the Army Engineer's report, volume 2, it is stated that the average distance carried of the different kinds of freight traffic set forth is eighty-five one-hundredths of a mile, as to fertilizer and as to general merchandise. Then, as to the other articles, there is the figure "1," which refers to the bottom of the page, and is marked "local." What does that mean; that the transportation is merely local?

Mr. FLETCHER. That it is to and from points on the river. The total length of the river is 20 miles.

Mr. KENYON. Not this project. It is about 3½ miles.

Mr. FLETCHER. This improvement covers a distance of 3½ miles, but the river is about 20 miles in length.

> This river rises in the western part of Florida and flows northwestwardly, emptying into the Gulf of Mexico about 38 miles north of the entrance to Tampa Bay. Its total length is about 20 miles. The section under improvement extends from the mouth to the county bridge at Tarpon Springs, a distance of 3.6 miles.

It is quite a considerable river, and there is a good deal of local business on it.

Now, as to the Oklawaha River:

> The section under improvement extends from the mouth to Leesburg, at the head of Lake Griffin, a distance of 94 miles.
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> * * * * * * *
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> The project is believed to be about 70 per cent completed.
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> * * * * * * *
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> Available funds will probably be exhausted before March 1, 1916. To keep the river open annual maintenance work is necessary, and for this purpose the following estimate is submitted.

Then follows an estimate for dredging, and so forth, a total of $10,000.

> The tonnage shows an increase over last year, due to the resumption of logging.
>
> * * * * * * *
>
> The water-borne commerce on the river for the calendar year 1914 amounted to 34,430 tons, valued at $248,991, consisting of citrus fruits, hay and grain, logs, naval stores, vegetables, and general merchandise.

There has been considerable local cooperation, as shown by the fact that—

> The city of Leesburg has dug a canal 2,500 feet long, 100 feet wide, and 5 feet deep from Lake Griffin to a point within easy reach of the business portion of the city, and a similar canal 2,200 feet long, 100

feet wide, and 6 feet deep from Lake Harris, with the object of enabling boats to land near the mercantile and shipping section.

This waterway connects St. Johns River with these important lakes and the interior of the peninsula portion of Florida. It is a river that ought to be improved very much more extensively than is contemplated in this report. I will not go into that now, but the proposal here is to keep the river open, and for its maintenance, at a cost of $10,000 for the year. It is a river 94 miles long and a very important waterway. I can not see, Mr. President, that there can be any reasonable objection to an expenditure of a small sum like that on a waterway of that kind.

I should like to have inserted in the RECORD that portion of the report which deals with the Oklawaha River.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

OKLAWAHA RIVER, FLA.

[Eng. Rept., 1915, p. 643; H. Doc. 514, 63d Cong.]

Location: This river has its source in the central part of Florida and flows in a general northerly direction, then eastwardly, emptying into the St. Johns River 22 miles above Palatka. Its length from the mouth to Lake Griffin is 86 miles. The extreme head of the system may be taken as Lake Apopka, 120 miles above the mouth of the river. The section under improvement extends from the mouth to Leesburg, at the head of Lake Griffin, a distance of 94 miles.

Present project: The improvement under the present project was inaugurated by Congress in the river and harbor act of September 19, 1890. It provided for clearing the channel from Lake Griffin to the mouth by removing snags, overhanging trees, and floating obstructions, with a view to obtaining a navigable depth of about 4 feet at low stages. The cost of the proposed work was estimated in 1892 at $26,000, with $1,000 annually for maintenance. The project was modified by Congress in the river and harbor act of March 2, 1907, to provide for removing obstructions and deepening the channel to 6 feet at mean low water from the mouth to and including Silver Springs Run, a distance of 62 miles, at an estimated additional cost of $15,000, and $600 annually for maintenance. By the river and harbor acts of June 25, 1910, and July 25, 1912, the project was further modified to provide for the maintenance of the levels in the lakes at the head of the river.

Condition at the end of fiscal year: The project is believed to be about 70 per cent completed. There is now a fairly well cleared channel approximately 6 feet deep for the first 32 miles above the mouth and a practicable channel from 5 to 5½ feet deep to the head of Silver Springs Run. The channel between Silver Springs Run and Leesburg has shoaled and become obstructed with water plants, and not more than 2 to 2½ feet can be carried over this part of the river. The total expenditure under the present project to June 30, 1915, has been $74,157.24, of which $33,531.32 was for original work and $40,625.92 was for maintenance

Local cooperation: None is required by the appropriation acts. The city of Leesburg has dug a canal 2,500 feet long, 100 feet wide, and 5 feet deep from Lake Griffin to a point within easy reach of the business portion of the city, and a similar canal 2,200 feet long, 100 feet wide, and 6 feet deep from Lake Harris, with the object of enabling boats to land near the mercantile and shipping section. Lake Dora has been connected with Lake Eustis by a canal 1¼ miles long, 25 feet wide, and 3 feet deep, dug by private enterprise at a cost of about $15,000. This canal enables small boats to pass from Lake Eustis to Lake Dora. In 1911 the owners of a basin of muck land along the river between Heather Island (60 miles above the mouth) and Moss Bluff (72 miles above the mouth) dug a channel 4.6 miles long and about 6 feet deep and 26 feet wide near the higher land on the east side of the basin and diverted the river into the new channel, cutting off about 6½ miles of the old river. The work was done with the object of facilitating the drainage of the basin, but incidentally it has proved, on the whole, of benefit to navigation.

Effect of improvement: No effect on freight rates has been observed.

Proposed operations: Available funds will probably be exhausted before March 1, 1916. To keep the river open annual maintenance work is necessary, and for this purpose the following estimate is submitted:

Dredging in continuation of improvement and for maintenance, with hired plant, 3 months, at $2,250	$6,750
Operation of snagging party, 4 months, at $750	3,000
Contingencies	250
	10,000

Commercial statistics: The water-borne commerce on the river for the calendar year 1914 amounted to 34,430 tons, valued at $248,991, consisting of citrous fruits, hay and grain, logs, naval stores, vegetables, and general merchandise. The tonnage shows an increase over last year, due to the resumption of logging, which under present conditions forms the bulk of the tonnage.

Comparative statement.

Year.	Tons.	Value.
1912	102,206	$1,055,464
1913	14,622	546,045
1914	34,420	248,991

Financial summary.

Amount expended on all projects to June 30, 1915:	
New work	$37,443.27
Maintenance	40,625.92
Total	78,069.19
July 1, 1915, balance unexpended	4,552.76
Amount recommended by department for maintenance for 1917	10,000.00

Mr. FLETCHER. Mr. President, I believe that covers the items which have been mentioned with reference to Florida; and I do not care to take up the time of the Senate in any general discussion of this bill. The bill has one fault, and only one, in my judgment, and that is that it is confined to projects which are already under way and does not take care of projects that have passed examination by the engineers and have the indorsement and approval of the Board of Engineers for Rivers and Harbors, the Chief of Engineers, and the Secretary of War, as reported to Congress.

We can not continue very much longer, Mr. President, with merely taking care of old projects which Congress has approved years ago, which are partially completed and already under construction. We must provide for those projects which have been approved by the district engineer, approved by the Board of Engineers, approved by the Chief of Engineers, and reported to Congress favorably by the Secretary of War as being worthy of improvement after all the study and investigation which these responsible officials have given the subject.

We have no business to talk about spending money for preparedness or any other purpose if we must neglect internal improvements, the duty of taking care of which rests upon Congress. These are navigable streams. No individual can exercise any control of them or can undertake even to improve one of them without first getting the permission of the Board of Engineers. No individual can go into a harbor on the coast anywhere and spend his money to deepen that harbor without asking permission of the Government, through the War Department, to do so. He can not expend his own money to deepen and widen a river without asking permission to do it. Congress has jurisdiction over these navigable waterways, and it is incumbent upon Congress to take care of the waterways just as well as to take care of the harbors of the country; and we are neglecting our duty, we are shirking our responsibility, we are short-sighted, and guilty of inexcusable neglect of the public interest, in my judgment, when we fail to go on with the care, maintenance, and improvements of the highways of commerce—the rivers and the harbors of this country—which have been recommended for improvement because of their commercial justification and because of the merit in them by the boards charged with the duty of examining and studying and reporting upon them.

It has been mentioned here that there is a sentiment against the present system inaugurated for the improvement of the waterways, the rivers and harbors of this country. If so it is created by the cry of "pork barrel," and that sort of thing, for purposes which I do not care to characterize, but not in all instances in good faith, in my judgment. That sentiment has been manufactured; it has been created; it is not the judgment of the people of this country that we ought to neglect these waterways or fail to take care of them or to make the improvements for which the Federal Government is responsible. There is no better system, it seems to me, which can be devised than the present system.

A survey, when ordered by Congress, is referred to the district engineer. He is a responsible official; he is under nobody's control or influence; he is not elected in any district or by the people of any State; he is in office during good behavior; he is trained; he knows his business; he feels his responsibility; he is faithful to his trust; and he makes the examination and reports that the project is worthy of improvement or that it is not worthy of improvement; that its cost will be so much, and that Congress would not be justified in appropriating that amount of money for that improvement, or, otherwise, that Congress would be justified. That report comes to another responsible body, the Board of Engineers for Rivers and Harbors. The members of that board are not dependent on any county, State, or community for their positions. They are entirely independent, faithful, competent, honorable men of the highest integrity and of the very best capacity. Those men consider these reports, and, if that is desired, hearings are had before this board, and the Board of Engineers passes on the subject. Then the Board of Engineers reports to the Chief of Engineers, and the Chief of Engineers reports to the Secretary of War, and the Secretary of War to Congress. I can conceive of no safer or better way of safeguarding the public expenditures and of conducting these great public enterprises than the present plan provides, and I think all this talk about "pork barrel" and about favoritism and about influence, local or otherwise, is uncalled for, unwarranted, and that any sort of criticism that suggests nothing better is simply destructive criticism and gets nowhere. No plan has been proposed to change that system which in any way commends itself to Congress.

The proposal of the Senator from Iowa [Mr. KENYON] to make a lump-sum appropriation as a substitute for this bill is, in my

judgment, unsound. So far as I am concerned, I would rather see the bill go down in defeat than to see that amendment adopted. If Senators want to take the responsibility of stopping the improvement of the public waterways of the country, those which are under the jurisdiction of Congress because of their navigability, if Senators want to take the responsibility of saying "we will not spend another dollar on the rivers and harbors of the country," let them take it; and they would take that responsibility in effect if they should appropriate a lump sum in this bill, as they have done in the last two bills, because it would mean an absolute abandonment of the present system and plan of carrying on these improvements. It would mean that Congress was unwilling to be guided by the judgment and the opinion of the experts who are qualified to pass on these questions; that Congress discredits the reports made to it by the Chief of Engineers, by the Board of Engineers, and by the district engineers as to the merits of the various projects which have been undertaken in the past and which have already been reported for action to Congress. It would mean to say that we have no faith in the worthiness or the merit of any project now under way or heretofore reported on. I do not propose to put myself in that attitude under any consideration, because it would not only be contrary to my judgment and convictions, but it would be absolutely absurd, without any justification whatever, and unwise from the standpoint of the public interest.

So, Mr. President, I say that this bill ought to be passed as reported by the committee, and that, if it can not be passed in that form, I would rather have it defeated than to have the substitute proposed by the Senator from Iowa adopted. We have done that thing for the last two years. The last two river and harbor bills have provided lump-sum appropriations. If we did that thing again, it would mean clearly that that was the policy intended to be pursued by Congress; it would mean the tearing down and destruction of what Congress has heretofore done, a complete reversal of its position on this important question; and the consequence would be that when the time came again for taking care of the rivers and harbors there would be no appropriation at all provided. It would mean a complete abandonment of these great public works.

Mr. O'GORMAN obtained the floor.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to his colleague?

Mr. O'GORMAN. I yield.

Mr. WADSWORTH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New York suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Martine, N. J.	Smith, Ariz.
Bankhead	Hardwick	Myers	Smith, Mich.
Borah	Hitchcock	Nelson	Smoot
Brandegee	Hollis	Newlands	Sterling
Broussard	Hughes	Norris	Stone
Chamberlain	Husting	O'Gorman	Thomas
Clapp	Johnson, S. Dak.	Oliver	Tillman
Clark, Wyo.	Jones	Page	Vardaman
Clarke, Ark.	Kenyon	Pittman	Wadsworth
Curtis	La Follette	Poindexter	Warren
Dillingham	Lane	Ransdell	Williams
Fall	Lea, Tenn.	Shafroth	Works
Fletcher	Lewis	Sheppard	
Gallinger	Lippitt	Sherman	
Gore	Lodge	Simmons	

Mr. SMITH of Michigan. I desire again to announce the unavoidable absence of my colleague [Mr. TOWNSEND] on account of sickness in his family. I desire also to state that he is paired with the junior Senator from Florida [Mr. BRYAN]. I wish this announcement to stand for the day.

The PRESIDING OFFICER. Fifty-seven Senators having answered to their names, a quorum is present.

Mr. O'GORMAN. Mr. President, on page 6 of the bill before the Senate is an amendment proposed by the Senate Commerce Committee, striking out what I regard as perhaps the most important provision in the entire bill. The expense involved can not be the excuse for this action by the committee, because it provides for an appropriation of only $200,000, while making an authorization for $500,000. It contemplates an improvement regarded by the President and the Navy Department as absolutely imperative. It relates to one of the most important rivers of the country. It is not one of the streams that have figured frequently, and doubtless figure now in this bill, which in the dry season practically dry up and are incapable of navigation, and never will be fit for navigation, notwithstanding the vast sums of money taken out of the Public Treasury to waste upon those improvements.

In 1914 the commerce on the East River amounted to 46,000,000 short tons, valued at $1,500,000,000. It carried more than 22,000,000 passengers. Yet this committee, for some reason—perhaps not stated before the Senate—has seen fit to strike out this proposed appropriation, which was incorporated in the House bill after careful consideration of its merits and in response to a personal appeal by the President of the United States and the Secretary of the Navy. The immediate appropriation is $200,000 with an authorization for $500,000 more.

In the East River, which runs for a length of 16 miles north of New York Harbor, there are only two points where the depth is less than 35 feet. Diamond Reef is one of those points, in close proximity to the most important navy yard in the United States—the Brooklyn Navy Yard. They are now launching dreadnoughts from time to time with a draft of 30 to 31 feet, while the depth of water over this reef is but 26 feet. In order to avoid this menace to safe navigation, our great battleships can enter the navy yard only once a day, and at high tide. Not only can it be said in favor of the proposition that it is a commercial necessity, but from the standpoint of preparedness it is indispensable; and yet, if the Senate is to act with the committee, notwithstanding all these urgent reasons, this absolutely essential improvement is going to be eliminated.

A great deal can be said, I think, in criticism of the judgment of the Senate with respect to this provision. I am reluctant at this time to say more than that this is a just provision, it is a necessary provision, and in some respects it is vital in any broad scheme of national preparedness. I should prefer to withhold further comment until the Senate may be advised as to the reasons that animated the committee in taking this action. I should be very glad to hear from the distinguished chairman of the committee what reasons led him and his distinguished associates to take this most extraordinary action.

I pause for the information, if the Senator is disposed to give it.

Mr. CLARKE of Arkansas. Mr. President, it is my purpose to make a few remarks about the action of the committee on this particular item at some appropriate time before it is submitted to a vote, but I would not care to intrude upon the Senator while he is speaking.

Mr. O'GORMAN. It will not be an intrusion. I shall yield the floor now to the chairman of the committee, reserving the privilege of asking the attention of the Senate at another time.

Mr. CLARKE of Arkansas. The junior Senator from New York [Mr. WADSWORTH], I understand, desires to address the Senate, and I thought it was due him to afford him that opportunity now, if he cares to exercise it. If not, I have no objection to presenting the reasons that actuated the committee.

I think there is some force in what the senior Senator from New York has said. The improvement of New York Harbor is a matter always of vital concern in the development of the water transportation facilities of this country. The fact is New York is a favorite of national action, and ought to be. It is the very heart of the commerce and life of the Republic; and there is nothing that is proper and fairly within the means of the National Government that ought not to be done at that point, because it not only contributes to national pride but it promotes the national interest. The committee was not actuated by any spirit of hostility to New York nor to this particular enterprise.

In the first place, the committee found that the engineers were not agreed as to the proper channel to improve at that point. It seems that two investigations were made for the purpose of determining the most eligible point at which a deeper channel could be provided to the Brooklyn Navy Yard. One of the examinations and surveys was made under the direction of Col. Black, now the Chief of Engineers; another by Col. Roessler, a very eminent officer in the Engineer Corps. They reached different conclusions. Col. Roessler reported in favor of what is known as the Buttermilk Channel, and his report passed through the several stages necessary to make it an approved project, and the Board of Engineers decided that that particular channel should be improved in preference to this one. Subsequently Col. Black's report was submitted, providing for the channel mentioned in this particular bill.

The report submitted by Col. Black was for a more comprehensive project, known as Document No. 188, Sixty-third Congress, first session, and providing for the channel through the East River just as is described in the bill which the Commerce Committee has recommended for rejection. That particular part of the work is only a single unit in the larger program, and the program itself will be a failure if the several units that constitute it are not brought into harmony; the main fea-

ture being that a depth of 35 feet should be furnished for all the shipping facilities that are grouped at that point. The project of which the pending amendment is a part, and which received the second approval of the Board of Engineers, calls for an expenditure of $29,659,561. The project itself consists of five or six different units, the one under consideration now being only one of these.

I should say that it would not tend to a proper development of the shipping facilities at that point to improve one of the reaches of the harbor upon a basis of 35 feet without providing a similar depth for all of those that are associated in the shipping activities that concentrate there.

Leaving out any question, therefore, of a choice between these particular routes, it became a matter of importance to the committee to take time to determine whether or not the present necessity of providing for this particular item was of sufficient importance to practically commit the Government to the expenditure of the remaining $29,000,000. The Buttermilk Channel contemplates no such expensive outlay, and if the purpose be simply to provide for a 35-foot depth to the navy yard it can be much more readily and cheaply accomplished by improving that particular channel.

That is, in a way, the right of subsequent investigation that the committee saw proper to reserve to itself so far as the merits of the project itself are concerned. Then there entered into its consideration a matter of policy. It was given out authoritatively that this bill was to contain no new projects. That matter was submitted to the House of Representatives, and by a yea-and-nay vote that policy was declared to be the one that should govern in the preparation of this bill. An exception was made in favor of this particular item because of the insistence of the President, in a letter addressed to some one officially connected with the matter, wherein he based his recommendation upon the necessities that grow out of the military situation. He associated it with the so-called preparedness program. It was not insisted upon as a matter that would immediately promote the commercial interests of that particular port.

The committee felt that as long as they were confronted by that policy of a coordinate branch of the legislative part of our Government, it was well for us to determine whether or not the Senate would also take that view of it. We added 15 or 20 amendments. Some of them we deemed to be quite as meritorious as this particular item. We felt that we ought to enter the conference which will take place in the event the two Houses disagree on that policy upon a footing of absolute equality, and have an opportunity to compare the merits of this particular project with those that were inserted in the Senate bill. If we were confronted by a cast-iron instruction that would withdraw from the House conferees the right to consider any proposition simply because it was new, overlooking its merits entirely, then it would be a matter for further consideration to determine whether or not, if the policy was to be carried out at all, it was to be carried out in its entirety. We thought, too, that we might present the merits of the so-called Buttermilk Channel—a project that will cost very much less, and will accomplish much more readily and immediately the purposes that are in view.

It has been said that we struck out the item for trading purposes. Well, every one selects his own terms in which to express his own ideas. In a way, that element might be said to enter into it; but we can justify our action by a little more conservative and justifiable statement than that. We felt that we were entitled to put it upon the Democratic footing of "special privileges to none and equal rights to all"; that if the projects added by the Senate were to be subjected to scrutiny it was nothing more than right that this particular project, which stood upon identically the same claim of merit, should be considered surrounded by the same circumstances and conditions. In that sense it was a trade, but the trade did not partake of any corrupt or secret agreement. It was a public declaration of a policy to consider in cooperation with those who had a right to be consulted as to whether or not that policy should be applied at this time in its strictness and do justice to the country.

It was said that the present condition of the public revenues would not permit the Senate to exercise an absolute legislative discretion in making up this bill. In addition to the items contained in the bill, those included in the House bill as well as those added by the Senate, there are about $150,000,000 of projects that have been approved in the regular way by the Board of Engineers and forwarded to Congress for such action as it sees proper to take. So, out of that $150,000,000 of approved projects, located all over the country, the committee saw proper to select those that will cost in the aggregate about $3,000,000. For instance, a project in Connecticut appealed to us very strongly as one of necessity and of justice as well. An additional project was added for the State of New York, to join the great canal system with the rivers in connection with which the canals are intended to be operated. We thought that the harbors in California at San Diego and at Los Angeles were worthy of improvement; and we thought well of other projects that had been certified to us by the executive officers of the Government. Nearly any one of these four can be considered in connection with this particular item without suffering any on its merits; and we felt that if we were to enter a conference where those matters were to come into competition, or where principles were observed that would include one and exclude the other, we ought to enter that negotiation upon a footing of absolute equality and independence.

The action of the committee, therefore, had its justification in the fact that this was not the only project to accomplish the same purpose that was submitted to us. There was fair room for doubt as between the two; and if expense was to be considered, and this particular project alone was to be considered, the Buttermilk Channel was the better one. If, however, it was the purpose of the Congress to select the larger project, involving an expenditure of $29,000,000, and it was deemed wise to pick out one unit in that larger plan and begin work upon it at this time, then, of course, the preference would go in favor of the East River route.

That is just exactly, briefly, the reason that lay at the foundation of the committee's action. It is submitted to the Senate for what it is worth, and whatever the Senate does about it is just exactly what we want done about it. The committee had no particular preference about its action except as it represented the Senate; and it intended that its action should be submitted to the Senate frankly and openly, so that whatever action was taken would represent the policy of the Senate in this connection.

Of course, if the Senate expresses a preference for that particular item and takes away from the Senate conferees the right to insist upon a comparative consideration of the question, it carries with it a certain implication that the Senate conferees do not have behind them the sentiment of the Senate that they ought to insist upon their items as vigorously as they might if they were in a position where they could insist that the other House should accord to the Senate the right to make meritorious exceptions to the rule, just as the House had exercised its right to do.

That is all there is in it. The matter is submitted to the Senate for whatever action it may see proper to take.

Mr. NELSON. Mr. President, will the Senator from Arkansas yield to me for a minute?

Mr. CLARKE of Arkansas. I shall be glad to do so.

Mr. NELSON. Is it not a fact that for the sake of preserving two important items from the State of New York that we inserted in the bill—to wit, the Lake Champlain item and the Buffalo item—we thought it was good policy to leave the other out, so that we could perhaps secure all three?

Mr. CLARKE of Arkansas. We could at least consider all three upon a footing of equality.

Mr. NELSON. If the Senate does not sustain us on this East River item we may have to give way on the other two items in conference. We might as well talk very plainly on this subject.

Mr. CLARKE of Arkansas. Oh, I have no disposition to conceal anything.

Mr. NELSON. The bill came over from the House with the understanding that we were not to put in any new provision at all, except the one solitary item they put in. We broke over that rule and put in a few new items.

Mr. CLARKE of Arkansas. We had to do it, to do justice, as we understood our duty.

Mr. NELSON. Yes. Especially three of those items I regarded as very important. We will have to fight for those items in conference, and I hope the Senate will leave us in position to make a good fight to retain them.

Mr. CLARKE of Arkansas. I am very glad the Senator agrees with me.

Mr. O'GORMAN. Mr. President, the very illuminating remarks of the Senator from Arkansas, together with those offered by the Senator from Minnesota, almost persuade me to take the position advocated by the junior Senator from Iowa [Mr. KENYON] and the senior Senator from Colorado [Mr. THOMAS]. If a proposition on its merits is of such doubtful propriety that the members of the committee candidly avow that legislation can not be accomplished without throwing out some inducement here and there, giving every locality its price

for the support of the measure, then it is clear that the proposal is not in the public interest, and should be defeated.

Mr. CLARKE of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Arkansas?

Mr. O'GORMAN. I do.

Mr. CLARKE of Arkansas. Does the Senator know an item in this bill of that character which the committee has recommended for adoption?

Mr. O'GORMAN. I know what has been stated here several times by the Senator from Iowa and by the Senator from Colorado. If it be avowed, as has been stated in the last few minutes, that an appropriation is dropped out to permit the committee in conference to have a basis of negotiation and trading and conceding this or that, it leads me to the conclusion that the entire proposition can not be defended upon its merits and lends much support to the criticism of this class of legislation.

Mr. President, a moment ago when I was referring to the importance of the commerce of the East River I am not sure whether I correctly stated the amount of tonnage passing through that river; but in 1914 it amounted to 46,000,000 tons, valued at $1,500,000,000. It does seem to me, and I think it should seem to every impartial observer, that a river of national importance, carrying that amount of trade and commerce, should not be denied the comparatively small appropriation provided for in the House bill.

We are told that among other considerations that influenced the committee they were in doubt as to whether they might not be committing themselves to a twenty-million or a thirty-million project. The fact is, this immediate proposition is absolutely divorced from any project. You are not passing on any proposition other than the simple one: "Are you prepared to devote $200,000 of the public money for a vital improvement close to the greatest navy yard we have in the country? Are you going to take the counsel of your Executive and of the head of your Navy Department, both of whom state that this is absolutely essential?"

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. O'GORMAN. Yes.

Mr. NORRIS. I want to say to the Senator that I am moved to ask the question I expect to propound solely with the object of bringing out the facts surrounding this proposition.

I want to ask the Senator what his judgment is in regard to what I understood the Senator from Arkansas to claim—that the expenditure of the money provided for in this item would necessarily lead to the expenditure of $29,000,000, I think it was?

Mr. O'GORMAN. No; I think the Senator from Arkansas, if he desired to be so understood, was mistaken, because the House provision expressly declares:

That nothing herein contained shall be construed as adopting the said project—

And "the said project" refers to one of those alluded to by the chairman of the committee—

beyond the work to the extent and in the manner specified.

I should like to direct the thought of the Senate to this immediate proposition. This Diamond Reef obstruction is in the direct course of navigation leading into the navy yard, and the water at that point is less than 35 feet deep. These large battleships now being built there and that have been built and that pass in and out now draw 30 and 31 feet of water; and, as has been testified by one of the admirals before the House committee, he never passes through that section of the East River without the gravest anxiety as to a possible injury to his ship for which we are expending in these days from fifteen to eighteen million dollars.

Mr. NORRIS. The question I really wanted the Senator to answer was whether or not, in his judgment, the expenditure of the money provided for in this item would, in order to make it useful, necessitate the expenditure of the additional sum mentioned by the Senator from Arkansas?

Mr. O'GORMAN. No; I do not think so. I do not think it would follow at all. My impression is that this immediate appropriation would go very far toward reducing the Diamond Reef and removing it as an obstruction.

Mr. NORRIS. What is the proposition that is going to cost $29,000,000 to which the Senator from Arkansas refers?

Mr. O'GORMAN. There are two propositions, rather comprehensive, but not necessarily affecting this immediate improvement that we are asking now. As I have said, that is apparent from the circumstance that in the House provision there is an express declaration that this appropriation is not to be regarded as an adoption of any project.

Mr. NORRIS. No; but, of course, a declaration in the law does not necessarily mean that it would not follow that such a thing might be necessary. I wanted to know what the facts were. Would this expenditure be useless if we did not go further and expend the additional money?

Mr. O'GORMAN. I think not. Indeed, I am sure it would not.

Mr. NORRIS. I should like to ask the Senator to discuss, at some time when he has the floor, the proposition—and I ask this question with the same motives—of what is known as the Buttermilk Channel, as I believe it is called.

Mr. O'GORMAN. That is one of the propositions, but that is not before this body.

Mr. NORRIS. Does this mean that that improvement would be rejected if we adopted this? Is this connected with that proposition in any way?

Mr. O'GORMAN. This does not adopt any project. It is a simple, concrete proposition. It is necessary to expend $200,000 to make a needed improvement in the East River in close proximity to the navy yard. The question is, Will the Senate of the United States refuse it—refuse it to a State that is contributing 25 per cent of every dollar paid out of the Federal Treasury for public improvements in every part of the Union? I do not think it is fair that such a disposition should be manifested.

Mr. NORRIS. Mr. President, I do not want the Senator to get the idea that I am propounding these questions in any spirit of hostility but without knowing all the facts I feel inclined to vote to retain this item in the bill, and the Senator has presented certain propositions that I think are worthy of consideration. I am trying to get information so as to vote intelligently.

Mr. O'GORMAN. The Senator referred to two propositions not before us. Both of them are found in House or Senate documents, which, of course, are accessible to any Senator who cares to read them. Mr. President, I believe on the merits that this proposition should be favored; it should have the approval of the Senate. I am not without appreciation of the other reasons offered by the chairman of the committee. He is a Senator of great experience. He knows better than a good many of us how to secure legislation. He knows the best methods to be employed, and I have no doubt from his viewpoint he is pursuing the very best course looking ultimately to the welfare of the country.

But I prefer not to be involved in those collateral considerations. I base my contention as to the propriety of this appropriation on its merits, divorced from all other propositions that came before the committee or that may come before the Senate. It is not to be supposed that this is of no more importance than the 15 or 20 other projects alluded to by the Senator from Arkansas. The President of the United States, at a time when he is endeavoring with the aid of Congress to formulate a preparedness program, advises us that he believes it essential to have this appropriation and to have this improvement. If his judgment is good in this respect I think the Senate ought to reinstate the House provision, and I think in reinstating it the plans the Senator from Arkansas has with regard to these other meritorious provisions will not necessarily suffer. With his powerful capacity for persuading, I have no doubt when he goes into a meeting with the House conferees he will be able to satisfy them that the best interests of the country will be served by yielding to every proposition he makes with respect to these public improvements.

Mr. OLIVER. Mr. President, when this bill was reported from the committee, I as a member of the committee reserved the right, while favoring the report, to vote in opposition to certain items of the bill of which I did not approve. The rejection of the East River proposition was one of the items that I had in mind. I do not think, and I so expressed it to the committee, that a matter vitally affecting the importance of the greatest harbor in the country and one of the greatest in the word should be made a trading point between the two Houses of Congress. It is no secret that this proposition on its merits met with favor on the part of a majority of the committee.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Ohio?

Mr. OLIVER. I yield.

Mr. POMERENE. May I ask the Senator was there any difference of opinion as to the real merits of the proposition?

Mr. OLIVER. Not so far as I can remember. I do not remember that a single member of the committee expressed himself in opposition to this proposition.

Mr. POMERENE. May I ask a further question? Was there any different opinion expressed by any witness who came before the committee on the subject?

Mr. OLIVER. I do not think there was any hearing on this item.

Mr. CLARKE of Arkansas. There were no witnesses.

Mr. OLIVER. There was no hearing at all. The discussion was confined entirely to the members of the committee sitting in executive session. I will say, however, that in rejecting this proposition a very respectable minority of the committee voted in favor of retaining it.

For this reason, Mr. President, I feel constrained to differ from my associates on the committee, and I think that on the merits of the proposition it is undeniable that we ought to retain it and let the amendments reported by the committee which relate to new projects stand upon their own merits when the bill comes into conference.

Mr. WADSWORTH. Mr. President, while the utterances made thus far in the discussion of this item have been highly entertaining, particularly the statement of the chairman of the committee, fortified by the statement of the Senator from Minnesota with respect to at least one exceedingly important motive for the rejection of this item by the Senate Committee on Commerce, that motive has become so clear to the Senate, and it is so thoroughly understood by every Member of the body that I shall not make any further observations in connection with it. I do, however, desire to bring to the attention of the Senate some phases of this matter which I think are of importance by way of supplementing the remarks of my colleague, the senior Senator from New York.

I hope it will not be considered that the State of New York is asking for this item as a State, that the city of New York is here asking the Federal Government to expend $200,000 this year and $500,000 next year for the completion of this particular piece of work.

I need not say that the expenditure under Government contract of $700,000 and the subsequent expenditure of that sum by a contractor, in the space of two years, in the work of improving a portion of the harbor of New York is of very little importance, comparatively, to the people of that city in their capacity as citizens of that city or in their capacity as citizens of the State of New York. Neither my colleague nor myself ask this for the State of New York or for the city, but we do ask the Senate to take into consideration a condition of affairs which can not be ignored.

By an accident of geography and by the remarkable facilities afforded by nature at the mouth of the Hudson River the city of New York has become the metropolis of the United States. It has become the metropolis not only by the efforts of its inhabitants or by the efforts of the inhabitants of the State of New York, but it has become a metropolis as a result of the prosperity and the wealth and the enterprise of the entire Union, and as such it is the property of the United States. It is the pride of this country, just as Berlin is the pride of Germany, Paris of France, and London of Great Britain. Nothing that Congress can do or say can change the economic laws which make the city of New York the metropolis of the Nation and make the harbor of New York the greatest port of entry on this continent. If we place our discussion upon that plane and view the situation from that standpoint, I think we can approach it with clearer minds.

Now, it so happens that the progress of shipbuilding in recent years—particularly in the last 10 or 15 years—has resulted in this, that ships, instead of drawing 24 to 26 feet as a maximum, are now drawing 30 to 31 feet as a maximum.

That applies not only to merchant vessels, which, as my colleague has said, carry 46,000,000 tons in and out of New York every year, but also applies to battleships and armored cruisers.

Prior to this very significant increase in size and draft of ships the harbor of New York required very little improvement either at the hands of the Federal Government or of the local authorities. As a result of that situation existing prior to the increase in the size of ships, out of $850,000,000, in round figures, which has been appropriated by the Federal Government for the improvement of the rivers and harbors of the country since those appropriations were first started, just about 3 per cent of that sum has been spent in the harbor of New York.

Now, the situation has commenced to change. Ships have increased in size. Every great port in the world is being seriously affected by this change in the size of ships, and every Government in the world worthy of being called a great Government has been exceedingly industrious in recent years in improving the harbors of their great seaports. This has been done in Antwerp; it has been done in Rotterdam; it has been done on the Thames; it has been done in Liverpool. Eventually it must be done in the principal harbors of the United States; otherwise large vessels can not come to this country as they should come.

The Senator from Nebraska [Mr. NORRIS] has inquired whether or not this particular item will necessarily and inevitably lead to the expenditure of $29,000,000. The wording of the item expressly forbids any such construction being placed upon it. My colleague has read the language. The project to which he refers and to which the Senator from Arkansas [Mr. CLARKE] refers, as I understand it, is one which has been recommended a couple or three years ago by the Army engineers for a comprehensive improvement of all New York Harbor or all those portions of the harbor which need improvement in order to enable 30-foot draft vessels to reach the docks in both the North River and the East River and to reach the docks on the Jersey side at Hoboken and Jersey City. Much of the harbor, in fact a great portion of it now, will not only carry a 30-foot draft vessel but will carry a 35-foot draft vessel, and the main channel coming in from Sandy Hook through the lower bay, known as Ambrose Channel, already contains a 40-foot depth of water.

The proposal made by the engineers, and which has not yet been adopted by Congress, and which could not be adopted under the language of this item, is that an average depth in the usable waters of the harbor of 35 feet be eventually attained, at an estimated cost, as I understand it, of about $29,000,000.

The Senator from Nebraska has asked a question about the Buttermilk Channel and its relation to this particular improvement. At the risk of boring the Senate, but perhaps for the benefit of the Senator from Nebraska, I beg leave to point out on a map of the harbor the particular points of interest with respect to this bill.

Every Senator, I assume, of course, is familiar with Manhattan Island and the lower end of the island known as the Battery. To a ship coming in from the Atlantic and coming up the Ambrose Channel into the upper bay, we will say a battleship bound for the Brooklyn Navy Yard, which I have here indicated in solid blue [indicating], two entrances into the East River, which separates the borough of Brooklyn from Manhattan, are available.

The two entrances in the East River are separated from each other by Governors Island, which is here indicated in solid blue, and which is well known as an Army post and the headquarters of the Department of the East.

The channel at the south of Governors Island, separating Governors Island from the Brooklyn shore, is the Buttermilk Channel. The channel north of the island separating Governors Island from the Battery on Manhattan Island is the channel which is to be improved under this item.

The Senator from Arkansas has stated that two Army engineers have disagreed as to which of those two channels should be improved in order to allow a battleship to reach the Brooklyn Navy Yard with entire safety, and he has stated that the improvement of the channel between the Battery and Governors Island will cost a great deal more money than the improvement of the Buttermilk Channel south of the island.

However I call the attention of the Senate to the hearings held before the House committee, a copy of which I hold in my hand. On page 26 we have the testimony of Col. Black, of the Army Engineers, who says that to improve Buttermilk Channel to its full width, or to a width equal to the improvement now asked for the northern channel on the other side of Governors Island, would cost $1,950,000.

Further on in his testimony he states that the initial expenditure would not be sufficient for all time, because the bottom of that channel is composed largely of mud and clay and gravel, and consequently there will always be an annual maintenance charge to keep it clear. He states that the initial expenditure will be $1,950,000, and he estimates that the other channel, the one that is to be improved under this item, is to cost only a total of $700,000.

So I think, with all due deference to the Senator from Arkansas, he must be mistaken as to the comparative cost of the improvement of the respective channels.

Furthermore, Col. Black says in his testimony that when Diamond Reef is blasted out of the channel between Governors Island and the Battery there will be no cost of maintenance, because it is solid rock and does not fill in again by the drifting of silt. In that respect this improvement is exceptional. Once done it is permanent.

Now, what is the situation with respect to the East River? My colleague has stated the tremendous interest of the Navy Department in having this improvement made. He has not overstated that interest. Both these channels—the one north of Governors Island contemplated for improvement and Buttermilk Channel to the south of Governors Island—to-day carry about the same depth of water, from 30 to 32 feet, 32 feet being

the maximum depth at the top of the highest tide when the wind is right. With the wind blowing in a certain direction, Admiral Benson testified before the House committee, the water is backed out of both those channels, and as a result even at the highest tide there is sometimes a reduction of 2 feet in depth due to wind action alone. Sometimes that condition continues from 24 to 48 hours, and during such a condition no battleship built or launched or used by the United States during the last 8 or 10 years can reach the Brooklyn Navy Yard, and if it is in the yard at such a time it can not get out.

Mr. POMERENE. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Ohio.

Mr. POMERENE. Can the Senator state how many merchant vessels now enter New York Harbor requiring a draft of 35 feet?

Mr. WADSWORTH. I can not state the total number, in response to the question of the Senator from Ohio, but I will say that the North River can carry a 30-foot vessel. Improvements have been made along the North River docks, and North River, be it remembered, is the Hudson River lying between the Jersey shore and Manhattan Island. The North River now can carry a 30-foot vessel to the docks in Hoboken. The Hamburg-American Line and the North German Lloyd Line, as I remember—and my colleague will correct me if I am wrong—have their docks on the Hoboken side. The *Olympic* and the *Vaterland*, the greatest ships in the world, one White Star liner and one a German liner, can reach their Hoboken or Manhattan docks and discharge their passengers and freight. Therefore, so far as that is concerned, the west side of New York Harbor, the west fork, as it were, which presents itself to the ship coming north from Sandy Hook, can be used now by the largest boat in existence.

There are certain reaches of the river above the docks at Hoboken and Jersey City to which the ships can not go. It is the idea of the Government engineers, as I understand it, to make some further improvements in the North River, so that ships of any size can go farther north.

The same is not true of the East River. The reef between Governors Island and the Battery, which my colleague has described as Diamond Reef, and another reef just beyond it, known as Coenties Reef, limit the ships to 30-feet draft at a maximum under the most favorable conditions, so that none of the great ocean liners come into East River. They can not get into East River from Long Island Sound coming from the north on account of similar obstructions at Hell Gate, and it is the plan of the Army engineers eventually, with the consent, of course, of Congress, to blast out the reefs at Hell Gate and a few pinnacle rocks here and there in East River, so that both ends of the river will carry the largest vessel.

Two battleships have already touched bottom in this spot which it is desired to be improved, and when a battleship of 15,000 or 20,000 to 30,000 tons hits a rocky obstacle on the bottom of a stream it is an exceedingly serious matter. The momentum of a ship of that sort striking against a resisting material causes an enormous damage, and that is what gives rise to the nervousness of the navigating officers of our ships.

Furthermore, the channel between Governors Island and the Battery, which it is sought to be improved, such as it is, is not a straight channel, and the ships have to make two exceedingly sharp angle turns in a very restricted area of water. One of the turns is guided by a point on the roof of a hotel in the city of Brooklyn, situated on higher land. By ranging the roof of that hotel with a certain point down on the Brooklyn shore, the navigating officer knows he is following the turn in the channel; but Admiral Benson testified that if there was any fog on the river the shore-line point is obscured and he can not range it with the point higher up on the roof of the hotel. He has even had to back a great battleship out of the way of a tow of barges in that particularly narrow place.

The Brooklyn Navy Yard has been in existence for 100 years. The Government has spent millions and millions of dollars upon it. We build dreadnaughts there. A ship is being built there now. It is on the ways. Another battleship, having been completed so far as its hull is concerned, is being outfitted there. It is well to remember that the Brooklyn Navy Yard is the one navy yard above all others in the United States which is used for the outfitting of battleships, the placing of guns on board, the movable equipment. It has been the custom of the Navy Department to base, as it is called, four or five or six battleships on the New York Navy Yard. When a new ship is built and added to the Navy, they take the oldest of the battleships which have been based on the New York Navy Yard and base them on the Philadelphia or Norfolk or some other yard, always leaving four or five or six battleships based upon New York.

The situation is an exceedingly serious one. We have embarked on building these big ships, and we must continue it if we are to maintain our own in competition with others, even if we do not intend to compete with them to the limit. It strikes me, as it must strike every Senator who takes this matter seriously, that for us to leave a situation of that sort which at some time may lock up two or three battleships in the Brooklyn Navy Yard without their being able to get out or at any moment may prevent two or three battleships getting in is a matter of far greater importance to this country than the mere matter of hampering the legislative independence of the Senate in its dealings with the House.

Mr. POMERENE. May I ask the Senator further how many battleships we have now with a draft of 35 feet?

Mr. WADSWORTH. We have no battleships of more than 30-foot draft. But all harbor work in these modern days is being done on a basis of 35 feet depth of water. The Senator from Michigan [Mr. SMITH] reminds me. Ships like the *Utah*, the *Wyoming*, the *Arkansas*, the *Arizona*, the *California*, and *No. 43* and *No. 44*, now building, draw 30 feet and can not get in and out of that channel unless the conditions are absolutely normal in every respect, and then they have only a few inches to spare under their bottoms.

May I call the attention of the Senate to a very possible contingency? If one of our battleships in time of war should suffer an injury below the water line, which resulted in filling with water some of the water-tight compartments, she could not get to the Brooklyn Navy Yard dry dock to be repaired, and that is one of the few dry docks which will contain a modern dreadnaught. An injury below the water line, as is well known, will settle a battleship by the head or by the stern 18 inches or 2 feet. She can be kept afloat indefinitely by keeping the water-tight compartments closed and the pumps going; but she is disabled in her fighting capacity. If that should happen in time of war outside of New York Harbor in some contest between an American fleet and a foreign fleet, the injured American battleship could not be repaired, for she could not get into the Brooklyn Navy Yard.

Mr. President, I have attempted to point out, in a somewhat rambling way, what I believe is the national importance of this improvement, and for one, with all due deference to my colleagues, and particularly to the members of this committee, I must utter a protest against placing this item in the category already described in this debate. It is too important; it should not be trifled with; it is just as important to the people of the Middle West and of the Pacific coast as it is to the people of New York. That contention has, in effect, been made by the President of the United States, when he said it is of national importance, affecting our self-defense; it has been made by the Secretary of the Navy in a communication to the House committee; and it strikes me that the Senate would not be true to its traditions as a deliberative body, having in mind the good of the country—not merely the needs of New York—it seems to me that the Senate would not be true to its functions as the upper House of Congress if it did not correct what I believe to be an error on the part of this committee in striking out this item. For, Mr. President, while we have obtained some assurances with respect to the striking out of this item, and some intimation is made that it may go back in conference, I for one, as a Senator, am not willing to approach this project on that basis. I have not entire confidence in what the House of Representatives, through its conferees, will do upon this item. The House has passed it; it now comes before the Senate, just as it should come before the Senate, on its merits. Mr. President, I hope that the Senate will not agree to the amendment of the committee which strikes out this item.

Mr. KENYON. Mr. President, as a member of the Commerce Committee, I feel deeply hurt by the reflection of the distinguished Senator from New York [Mr. WADSWORTH] as to the consideration or lack of consideration of this matter by that committee. I think probably the Committee on Commerce gave nearly five minutes' attention to this important item. Some of us on the committee who tried to find out the reasons for striking out this item, heard the suggestion, as the distinguished Senator from Minnesota [Mr. NELSON] has here stated, in the frank and honest way that he always states the truth, that this was eliminated for trading purposes. When you say that you state the vice of this whole system that some of us have been fighting.

These propositions ought to stand upon their merit, or they ought to go down upon their demerits, as great national propositions of commerce or navigation or of preparedness, and not on their merit as trading propositions. I voted for this item in the committee; I shall vote for it on the floor, and hope it

may be restored to the bill, because it is a meritorious proposition.

While I have as great respect for the chairman of this committee as any man could have for another man, I do not believe that the chairman of the committee needs this for trading purposes. We know him well enough to know that if he can not persuade the conferees he can very quickly overrule any objection which they may make. He can swing the big stick very effectively.

Mr. CLARKE of Arkansas. Mr. President, would it not be a fairer way for the Senator from Iowa to state it, to say that we are not at liberty, under present understandings of the rules, to consider the merits of the different propositions with reference to this bill; that we are confronted by a prohibition against including any new items in it?

Mr. KENYON. We have included new items in it.

Mr. CLARKE of Arkansas. We are insisting that if any new items go into the bill they ought all to be considered on the same footing, so that their comparative merits might be considered at the same time on an equal footing. The Senator may call that "trading" if he wants to.

Mr. KENYON. And every other proposition in this bill we have been insisting ought to be considered on its merits. If Congress has reached the point that great questions of this character, entering into the question of preparedness, are to be considered as trading propositions, the sooner the country finds it out the better. And when it does find it out the rebuke will be quick.

I do not think this is a proposition merely for New York, as the Senator from New York has well said. It is a proposition in which the whole country is interested; it is a proposition in which the people of the West, of the Middle West, and of the South are interested; it is a proposition that the President of the United States considered so important that he asked the House committee to insert it in the bill.

I am one of those who glory in the progress of New York—of the city of New York and of the State of New York. We of the Middle West are proud of New York. Their progress is our progress; their pride is our pride. The fact that New York is a great, rich, prosperous city is a matter in which we all rejoice. Sometimes it seems as if they had almost a surplus of good things; even now they have three candidates for President. I wish they might eliminate some of them.

The Senator from Florida [Mr. FLETCHER], however, has told us this afternoon that we need not talk about any preparedness if we are to neglect the streams in this country. New York is for preparedness. Of course the people of New York are, perhaps, not apprehensive; but this is not for their particular benefit; it is for the benefit of the entire country. They must realize, however, that if trouble comes, if war comes, if they are attacked by foreign foes, they can, perhaps, get away and go down along the Anclote, and some of them take the one launch that goes up the Anclote, or perhaps grasp the trees that twine above the Orange or the Oklawaha Rivers, and thus evade hostile submarines. This is not a New York proposition entirely; it is for the whole country, and certainly is a meritorious one.

Mr. President, I do not understand why we can not as a Senate, as a Congress, be broad enough and fair enough to take up each proposition and decide it on its merits; cut out the bad propositions and keep the good ones, and stop this legislative trading. Believing this to be one of the good and meritorious ones, I shall vote for it when the opportunity to do so arrives.

Mr. LODGE. Mr. President, if this were a local improvement, I should say nothing about it, as I have kept silent on the many interesting local improvements of which this bill is full. I should be more than content to leave it in the very able and competent hands of the two Senators from New York; but, to my mind, it is in no sense a local improvement. To the people of the city of New York, vast as it is, and the great population of the State of New York, the expenditure of $200,000 on this channel in the next year is a matter of very little moment. The great majority of them will never know it is being done. This, however, is a wholly national question, as I look at it.

New York is the great gateway through which pour the bulk of the exports and the imports of the United States. It is to the interest of everybody in the United States that that gateway should be made as commodious as possible. Everyone throughout the United States benefits directly or indirectly by the condition of the harbor of New York. That is the commercial reason; but in this case with the commercial reason is associated the military reason or the naval reason. It is the site of one of our great navy yards—our greatest navy yard—and it is of immense importance to the defense of this country to have it readily open for our battleships, which are constantly growing in size and draft. It is now dangerous to take them there. Their approach to the yard and their departure from it ought to be made as safe as possible, so that our ships may pass in and out at all stages of water. It seems to me perfectly clear that this is perhaps the most important item nationally in the bill.

I want to say, in conclusion, a single word about the rule or law which has come into being about putting no new project in the bill. If this is a new project, it must have got into the bill in the other House, despite the law; but I am informed that what is called the "rule against new projects" is established by vote of the House. Mr. President, I am not one of those who are prepared as yet to accept the proposition that we have not an equal right with the other House to decide on any bill or on what shall be in any bill. The fact that the other House adopts a rule about new projects does not seem to me to have any bearing as to the action of the Senate of the United States.

Projects ought to go into this bill on their merits, and there is no use in holding up the bugbear of losing the bill because we put into it this or any other new project. As a matter of fact, this project was put in by the other House, and all we are asked to do is to keep it in.

Let me say to the Senate that, whatever else may happen, nothing will persuade the House of Representatives to allow this bill to fail. This bill is in no danger of failure. No river and harbor bill that I have ever seen ever was in danger of failure in conference. I have seen one or two river and harbor bills perish on the floor of the Senate, but never in conference. I think we may dismiss from our minds any apprehension of that kind. Judging this item, as the House put it in originally on its merits—and we have no other way to judge it here—judging it on its merits, there could not be a more meritorious proposition than this, for it is of great national importance. It affects us commercially and in a military way, and it affects not the port of New York alone, not the people of New York alone, but the commerce and the naval protection of the entire country.

Mr. NORRIS. Mr. President, I am only going to detain the Senate for a few moments. I shall do that for fear my attitude may be misunderstood. The questions I have propounded to the senior Senator from New York [Mr. O'GORMAN], which were also referred to by the junior Senator from New York [Mr. WADSWORTH], might have created the impression that because I am hostile to the bill itself, and have expressed myself to-day at some length upon it, I would be opposed to putting any items into the bill which I could be instrumental in any way in keeping out; but, Mr. President, I am just as anxious to get good items in this bill as I am anxious to get bad items out.

I have not the expert knowledge to enable me to say that I understand all of the items contained in the bill, meritorious and otherwise; but, so far as my limited knowledge goes, I believe this is the most important of any of the items contained in this bill. I think it is national in its character, and I believe every other item ought to be, to a great extent, a national item.

We are all interested in every one of our great ports and we are all interested, although in a lesser degree, in the smaller ports. We ought to be interested in anything that tends to build up the commerce of the country, regardless of location. I would not draw—and I hope I do not draw—in my consideration of the questions involved, any State line. The harbor of New York ought to be improved.

I wanted to say these few words for another reason, because, aside from its commercial possibilities and its commercial importance, the improvement covered by the amendment under consideration is a military necessity, and I wanted to make my position plain, because I have so often been quoted as one who was opposed to any consideration being given to anything along military lines, when, as a matter of fact, I have felt the same way about that question as I have about the river and harbor bill. While I do not agree with many great men, some of them being amongst my best friends, that there is a great necessity for extreme military development at the present time, I am anxious that any matter relating to military preparedness which, in my judgment, is reasonable and fair should be looked after and attended to properly.

It goes without saying that when we have a navy yard—if we were going to locate it now, it might be a different proposition—but when we have already located in the harbor of New York, and have maintained there for about 100 years, the greatest of all navy yards in this country, and when, on account of the increasing size of vessels which we have been building and are building for the Navy, it is practically an impossi-

bility for our ships to get in or get out, I think, as a military proposition, this improvement ought to be made. I am therefore in favor of it under almost any considerations; but there is another reason why I am in favor of it.

It has been said that the item was put in the bill for trading purposes, and the Senator from Massachusetts [Mr. LODGE] intimated that some one had claimed that if we left this item stand the bill might fail. To my mind that is a very good reason why we ought to leave it in. If this bill, at least in its present form, can be made to fail by including any item, I would be glad to put it in the bill, and thus kill the bill, and then vote for a provision such as is contained in the amendment under discussion as a separate and independent matter. It is bad legislation, as I look at it, to put anything in a bill or to strike anything out of any bill for trading purposes.

There are other new items which have been incorporated in this bill by the Senate committee. I have not examined in detail all of them, but, for the purpose of the argument, I want to assume that at least some of them are meritorious and ought to be included in the bill. As I understand, however, the committee fears that the House will not agree to them unless the Senate conferees are able to say "We will keep the New York item out if you do not let these others in." If our committee have anything "up their sleeve" which is not meritorious, we ought not to give them that leverage, and if they have inserted some new item which is meritorious and which ought to be included in the bill, and it shall pass the Senate, then they do not need any leverage. It will stand on its own merits. If it is desired to add some other new and meritorious item, and if there is such a rule as that to which reference has been made, that nothing new shall be done under the sun, the House having violated that rule by putting in this meritorious item, there is no reason why the Senate should not also violate it. The pot could not call the kettle black in that instance, because the other body has already violated that rule, if there is such a rule; and if there is such a rule, it is not of any consequence, anyway, for there is no reason, if we want to legislate for the benefit of the entire country and we find a proposition that is meritorious—one that is going to be beneficial to the people of the country—why it should not be put in the bill, whether it is a child or whether it is hoary and gray haired and baldheaded with age. If it has merit, we ought to provide for it; and if it has not merit, it ought to be kept out.

So it seems to me, from any viewpoint, that this item ought to stay in the bill. It is of just as much interest to the people of the West as it is to the people of the East. They are just as anxious to protect the battleships which we have as are the people of New York. They are just as anxious that our battleships should have a harbor of safety as are the people of the cities of the Atlantic coast, and that, too, without regard to whether they believe that we ought to build a hundred battleships in the next six months and bankrupt the country by the expenditure of all the money which we can borrow everywhere to build battleships and provide armies, or whether they believe that there is not any demand or necessity for any increase of any kind. No matter what extreme you take, here is a proposition, it seems to me, that should appeal to all patriotic citizens, regardless of their belief upon that question, because no one wants to take a battleship now under our flag and prevent it from getting into a navy yard already established if, by the expenditure of a reasonable amount of money, we can make provision that the ship may have access to and egress from such yard.

I am glad of an opportunity to support this item, Mr. President. I wish that every other item in the bill had behind it the broad, patriotic reasons which, it seems to me, are behind this item.

Mr. JONES. Mr. President, as a member of the Committee on Commerce, I also reserved the right to vote for or against any item that might be in the bill and concerning which there might be controversy in the Senate. I think every member of the committee has that right, whether he expressly reserved it or not. I am not going to discuss the general features of the bill, except simply to say that I concur with all those who say that every item ought to be considered on its merits. I do not suppose there is a Senator here who will deny that.

Mr. President, with reference to this particular item, I have really been amused at the solemnity and earnestness with which the able Senators from New York have come to the defense of New York, and have so vigorously assured us that it is a great city. I really thought that it was before I heard this discussion. I think that the country generally recognizes that it is a great city. I think that everybody recognizes that the harbor of New York is more than a local harbor; that it is of national importance; that its development is of great benefit to all the country; and I am not surprised that there is such a strong sentiment in favor of this amendment. Of course, whenever the Senator from New York reads that the commerce in a certain channel is 46,000,000 tons a year and that they want additional sums to further improve the harbor, it very strongly appeals not only to the Senate but to the whole country.

The worst thing about this item is the way it got into the bill. My friend from Iowa [Mr. KENYON] talks about these items being considered on their merits. This item was not put in this bill on its merits at all. The merits of the item, as a matter of fact, had nothing to do with getting it in the bill. As I understand the senior Senator from New York, he said that this item was included in this bill by the unanimous vote of the House. I should like to ask the Senator whether I was mistaken in that?

Mr. O'GORMAN. Mr. President, the matter was taken up by the committee on the President's suggestion, and the hearings ordered by unanimous consent of the House. It is only to that extent that I meant to be understood.

Mr. JONES. Well, Mr. President, the House does not direct hearings before the River and Harbor Committee; the River and Harbor Committee had its hearings. That is true; but, Mr. President, this is the only item in this bill that led to a minority report on the bill signed by every member of the minority on that committee.

I want simply to call attention to these facts. I am going to vote for this item, so far as that is concerned—I will say that now—but I do say the method and manner in which the item was incorporated in this bill is most reprehensible.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New York?

Mr. JONES. I do.

Mr. O'GORMAN. I know the Senator would be glad to have his facts stated accurately. All the minority members did not vote against this provision, but only five out of eight voted that way. That is my information.

Mr. JONES. Well, I have the record here, I will say to the Senator, and I will point out to the Senator wherein he is mistaken. I have here the minority report of the committee submitted to the House of Representatives. It speaks for itself, and it is signed by six members.

Mr. O'GORMAN. There are eight members altogether of the minority on the committee.

Mr. JONES. Then I am mistaken in that. There are eight members of the committee, and there were six who signed the minority report. I thank the Senator for making that correction. The minority was not unanimous, but six constitutes a large part of the minority; but that does not make any difference anyhow. It does not make any difference if there had been only one member of the minority who signed the report. I want to call attention to how this item got in this bill.

The Committee on Rivers and Harbors in the House of Representatives adopted a rule that it would not insert any new items in the bill which it was going to frame. It did that, according to this minority report, not only because of the views of the committee itself but at the request of the President of the United States. This is what the minority report says:

> The committee voted that owing to the condition of the National Treasury and in compliance with the wishes of the President no new project should be carried in the bill.

I have nothing to say as to the wisdom of that rule; but, nevertheless, the committee adopted it and said, "That is the rule we are going to follow," and the House of Representatives indorsed the committee in that rule in every respect. They did not include in the bill any new projects except this one; and they adopted that rule not only because of their views as to what ought to be done but at the request of the President of the United States.

Mr. HUGHES. Mr. President, will the Senator permit me to interrupt him?

Mr. JONES. Certainly.

Mr. HUGHES. Does the Senator say the committee passed a rule in the language which he has just read?

Mr. JONES. This is what the minority say in their minority report, and I think we have a right to assume that it is so. It is common knowledge that that is so; that they did pass a rule of that character and absolutely adhered to it.

Mr. HUGHES. It is common knowledge that it is not true, and that is the reason I wanted to correct the Senator. It is common knowledge——

Mr. JONES. The Senator can not correct me in that way.

Mr. HUGHES. It is common knowledge that it is not true, and that the committee never passed any such rule.

Mr. JONES. Mr. President, I do not yield to the Senator for that purpose. I have my opinion and he has his. There is no question, so far as that is concerned, but that the committee did adopt that rule. They may not have written it out, but they adopted that rule, and they have followed that rule all the way through except on this one item.

Mr. KENYON. Mr. President, does the Senator say they adopted that rule at the request of the President?

Mr. JONES. I read from the minority report. I am not a member of the committee over there and I was not in its deliberations. Every one of the members signed that statement.

Mr. KENYON. If they adopted the rule at the request of the President, then why would not they adopt the exception at the request of the President?

Mr. JONES. That is exactly what they did, and that is what I am going to show in a minute. That is exactly what they did, and that is what I object to. That is the objectionable feature about this item. The Senator does not approve of that way of getting items in the bill?

Mr. KENYON. No; Mr. President, but I am willing to take the judgment of the President of the United States.

Mr. JONES. Oh, yes. Let me show what he based his judgment on, however, and then I will ask the Senator whether he is willing to take his judgment.

Mr. LODGE. Mr. President, will the Senator allow me to ask him a question?

Mr. JONES. Yes.

Mr. LODGE. What on earth has a rule of the House Committee on Rivers and Harbors to do with our action? How does it concern us?

Mr. JONES. Oh, well, it has not anything to do with our action, except that it does have something to do with how we shall treat items put in the bill by the House and how we shall govern ourselves in the way we think is best with reference to our bill. As I stated a moment ago, I expect to vote for this item; but while certain Senators are denouncing this measure, I do want to show how some of these items that are really meritorious get in here. That is what I want to show. It shows that there are objectionable features outside of those that have been pointed out with reference to the making up of these bills.

As I say, the House committee followed this rule, and they refused to put this item in the bill because of this rule; and then a letter was sent to the President by a Member of the House in which he said to the President what I am about to read. Here are the reasons why he said this item should be put in. He did not talk about its commercial importance. He did not talk about the really great importance and the essential need of it from a preparedness standpoint; but he said this:

> The Representatives from New York will be placed in an impossible position if they support revenue measures which will largely increase the burdens of their constituents while failing to obtain legislation deemed essential for the security of the metropolis of the Nation.

That is nothing more nor less than a hold-up proposition. That is all it is. It is a notification to the President that "if you do not help us get this item in this bill, you can not command our support on your revenue legislation."

Now, some may draw other inferences from that language, but it seems to me that it is perfectly plain. They wanted the President to help them out, and that is the reason they give for it. They do not point out the great commerce carried in this channel. They do not point out these obstructions that are in it. They do not say anything about the navy yard or anything of that sort; but they insist upon his helping them, or else his revenue propositions are not meritorious, are not deserving of support. That is what it means.

There were some references in the debate awhile ago to items put in this bill that have been put in to help Congressmen. Why, that is exactly the reason why this item is put in here. That is perfectly plain. It was put in here for the purpose of helping Representatives. That is true regardless of its merits. It ought to have stood on its merits, but it did not. It was not put in here on its merits.

They say that the President says it is essential to national preparedness, and they say we ought to take the President's judgment. He never sent any message down to us. He never sent any message to Congress pointing out the importance of the improvement of this great channel for the great city of New York, which belongs to the Nation and not to the people of New York. What did he say in answer to this letter? Why, apparently he did not consider it of sufficient importance to sign a letter himself, but he directed his secretary to address a letter to the chairman of the committee, and this is what he said:

> THE WHITE HOUSE,
> *Washington, February 11, 1916.*
>
> MY DEAR MR. SPARKMAN: The President directs me to say to you that he is strongly of the opinion that the pending river and harbor bill should carry an appropriation for the immediate improvement of the East River adjacent to the Brooklyn Navy Yard. He fully appreciates the fact that this would be—

I want to call this to the attention of the Senator from New Jersey [Mr. HUGHES]. Listen to what the President says in this letter, through his secretary—

> He fully appreciates the fact that this would be contrary to the rule of the committee not to recommend appropriations for new projects at this time, but he feels that the importance of the matter in its relation to the question of national preparedness fully justifies an exception to the rule.
>
> The President understands that Secretary Daniels has fully explained this matter to the committee.
>
> Sincerely, yours,
> J. P. TUMULTY,
> *Secretary to the President.*

Mr. KENYON. What are the dates of those letters?

Mr. JONES. This letter is dated February 11, 1916. The date of the letter from the Congressman is not given here, but I suppose it is in the hearing.

The President, through his Secretary, does not give any special facts or special reasons why this item should be taken out of the rule adopted by the committee. If it is so important from a preparedness standpoint, he ought to submit to Congress a statement of the need for it.

Practically all the argument that has been presented on this floor to-day has been from the standpoint of the necessity of this improvement for the navy yard. Grant it; grant that it is necessary in order to get battleships up to the navy yard, and grant that we ought to get the battleships up there, and that we ought to have the channel. That could very properly, under the rules of the Senate and under the practices of the Senate, be taken care of in the naval appropriation bill, where it ought to be taken care of.

Mr. STONE. Mr. President, will the Senator permit me?

Mr. JONES. Certainly.

Mr. STONE. The Senator, as I understood, expressed himself as being in favor of this item.

Mr. JONES. Yes.

Mr. STONE. And yet he is making a very vigorous speech in opposition to it.

Mr. JONES. Oh, no.

Mr. STONE. I do not quite understand the attitude of the Senator.

Mr. JONES. Why, my attitude is very plain. I am opposed to the methods by which it got into the bill. The item is all right, but it did not get in here right.

Mr. STONE. Ought it to go out on that account?

Mr. JONES. No; it ought not; and I am not going to vote to have it go out; but I am going to call attention to how it got in, in the hope that in the future other items will not get in in the same way.

Mr. LODGE. Mr. President, on the matter of appropriating on naval bills, I have been on the Naval Committees in both Houses, and I have been for a good many years on the Naval Committee of the Senate. We could not put any such item as this in the naval bill.

Mr. JONES. Why not?

Mr. LODGE. Because it has nothing immediately to do with the navy yard. It is the approach to the navy yard. If the naval bill could be used in that way, you would have harbor improvements all over this country in the naval bill.

Mr. JONES. Yes, Mr. President; and if every river and harbor bill can be used in this way, you will have appropriations for all the navy yards in the country made in this same way.

Mr. LODGE. This is part of the general harbor of New York. It is some distance from the actual yard, and it is useful for commercial as well as military purposes. We never put such items as this in the naval bill.

Mr. JONES. Mr. President, I am going to touch on that matter, and I will do it right now. Why, the very language of this item shows that it is not put in here for commercial purposes. It is not a commercial item, and the Senators from New York have expressly said that it is not the beginning of any project; but the language of the item itself excludes that. It is solely for the purpose of getting up to the navy yard; and I venture to say that there is not any rule of the Senate or of any committee that would prevent the inclusion in the naval bill of any item necessary in order to secure an approach to any navy yard in the country. If there were any such rule, it would soon be done away with.

Mr. LODGE. Mr. President, there is not any question of the commercial value of this—none whatever. A very large commerce goes by there, and it is very essential to commerce. I will say that out of my own knowledge.

Mr. JONES. Why, Mr. President, according to the report they have a channel 26 feet deep all through this stretch of water—I do not know just what they call it—through which the great commerce that the Senator from New York has pointed out, 46,000,000 tons, is already going. There is not anything here that will show that there will be a through channel for commercial vessels drawing 35 feet—not a bit of it. There are other obstructions outside of the approach to the navy yard.

Mr. WADSWORTH. Mr. President——

Mr. JONES. If you take this from a commercial standpoint—and I wish the Senator from Nebraska were here—I want to call his attention to the fact that if you take it on that theory it is the beginning of a $13,000,000 project, and possible a $32,000,000 project.

I now yield to the Senator from New York.

Mr. WADSWORTH. Mr. President, with respect to the statement just made by the Senator from Washington, to the effect that the removal of this reef will not accomplish anything for commerce——

Mr. JONES. Oh, I did not say it would not accomplish anything; practically nothing, though, for the great through commerce going through there.

Mr. WADSWORTH. May I remind the Senator from Washington that this particular reef is the only obstacle at the mouth of the East River which prevents vessels of 35 feet draft from sailing up and into the East River to the Manhattan and Brooklyn docks. They can not get out of the East River at the northern end on account of similar reefs at Hell Gate; but commercial vessels may use all of the East River if this reef is removed.

Mr. JONES. Does the Senator say that they will use that channel to any very great extent if no further improvement is made?

Mr. WADSWORTH. Why, certainly.

Mr. JONES. Then, why did they put this limitation in here?

Mr. WADSWORTH. Mr. President, I did not draft the item. It was drafted in the House.

Mr. JONES. No; I judge not. We have to judge this item largely by its language. This is specifically put upon the ground of getting it in for the navy yard. Of course, the real purpose of it is set out in the letter from the Congressman.

With reference to this project, I want to call attention to the report of the engineers. The district officer recommended a project that would cost $32,000,000 and over. The total cost would be $32,533,501. The Board of Engineers did not think that the commerce, even of the great city of New York, warranted that increased expenditure, and they said so, and they modified that proposition in the recommendation of the local engineer, and they recommended a project like this for the East River:

The board reports that in its opinion it is not advisable for the United States to undertake any further improvement at this time of Little Hell Gate, New York, but it is advisable for the United States to undertake additional improvement of East River, N. Y., as follows:

Then they give one item that will cost $8,616,780. The $700,000 provided in this bill will not do that, and they say that is necessary. This item will not do that. Then there is another item to give access to the wharves that would cost $2,129,458. This will not do that. Then there is the east channel, which will cost in round numbers $13,400,000. Then they say:

The work should be prosecuted—

I call the attention of the Senator from Iowa to this proposition, as bearing upon some of the general criticisms he is making with reference to these bills. They recommend as follows:

The work should be prosecuted at such a rate as appropriations will permit, it being desirable to have at least $500,000 provided annually for this purpose, the application of the funds supplied being left to the discretion of the Chief of Engineers, so that the work may be carried on at such points and in such order as may best serve the interests of navigation.

According to that, they have a project to cost over $13,000,000. At the rate of $500,000 a year, it would be 26 years before they would get it done. That is what we are starting on, if we take the view that this is a commercial proposition. We are starting on a thirteen million dollar project that they do not expect to have finished for 26 years.

I should like to see the Senators from New York, if they stand on this as a commercial proposition, urging that we appropriate enough money to begin the work and authorize contracts to finish it and get it done. That is the great wasteful feature in the river and harbor work that we have done heretofore. I agree with the Senator from Iowa that we have been dribbling along in these projects for years and years and quarters of centuries, and we have wasted more money than would be necessary to finish the projects if we had appropriated all of it or made it available so that they could carry out the projects.

That is what this is the beginning of, if it is taken as a commercial proposition. I do not say it is not advisable to take it up as a commercial proposition. I think it is. I agree with the Senators from New York that the harbor of New York can not be made too good, and that it ought to be made so that it will accommodate the largest possible ships that are going to be constructed in the years to come, so as to accommodate this great commerce, which is the commerce of the country, and not simply the commerce of the city of New York.

Mr. President, I simply wanted to call attention to the manner in which this item got in here. As I said at the beginning, that is the worst objection to it—the manner of it getting in. Of course, we need not be controlled by the action of the House; and yet this is urged on the ground of preparedness, and the Senator from Massachusetts [Mr. LODGE] urges it on the ground of preparedness. If it is necessary for preparedness, that is all right; but that, again, is another argument why it should be in the naval bill. The river and harbor bill is not a military preparedness measure. It is an industrial preparedness measure, if you want to put it on that ground. Of course, everything that anybody wants now is put on the ground of preparedness, and that seems to be a sufficient argument to present for a great many of these things. This river and harbor bill and the different items in it are not being pressed and have not been pressed, however, on the ground even of industrial preparedness, although that is the line of work that should be carried on by this bill. But if this is an item of military or war preparedness, it certainly should be very properly in one of the war bills—either the naval bill or the military bill—whichever you want to put it in.

Of course, if you connect it up with a commercial proposition, why, all right; but when you connect it up with a commercial proposition I want you to understand what you are doing. You are connecting it up with a $13,000,000 proposition, and possibly a $30,000,000 proposition, that may take, and with the dribbling policy suggested in this report will take, from 26 to 30 years; and if you take the $32,000,000 proposition that would be 64 years. If we are going to take it up as a commercial proposition, we ought to take it up earnestly and do what is necessary to be done to complete it in the proper time.

As I said, I am going to vote for this item because it is needed both as a commercial proposition and as a naval proposition, but I am not voting to put it on because it really is entitled to be put on here on the basis of a naval proposition. It ought to have been put on the naval bill. That is where it ought to go. The main thing I wanted to call attention to was the methods used to put it on, which, in my judgment, are just as reprehensible, if not more reprehensible, than to put an improper item in the bill in the proper way.

Mr. CLARKE of Arkansas. Mr. President, the Committee on Commerce has fully accomplished the purpose it had in view in presenting this item by eliciting the discussion which has followed. I want to advise the Senate that the committee rested under no delusion about what it was doing and what will be done in this matter. Those of the members of the committee who informed themselves, as all members of the committees should, as to what they were doing knew exactly what was involved in this matter and acted with a perfect understanding of that fact. It is a deliberate attempt to capitalize the clamor in the country in favor of this so-called preparedness policy by the usual plan of first taking the most attractive and the most defensible item in a larger project and adopting it.

This particular East River project has been recommended for the last three years. The first report, the one recommending the Buttermilk Channel, was filed with Congress on May 3, 1913. There is a full discussion in that report of the relative merits of the two channels, and the then Chief of Engineers recommended the Buttermilk Channel in competition with this East River Channel as being not only the better one of the two but the cheaper. The report is accompanied by an approving report from the General Board of Naval Advisers headed by Admiral Dewey, in which the opinion is expressed that for the purpose of reaching the Brooklyn Navy Yard the Buttermilk Channel is the proper one. This report, recommending the larger project, was made by another division engineer and approved by another board of engineers a short time thereafter.

The project reported in the larger and more comprehensive report, known as Document No. 188, Sixty-third Congress, first session, was filed on the 7th of August, 1913. On its merits neither of these propositions commended itself sufficiently to the River and Harbor Committee of the House or the Senate Committee on Commerce to justify its being included in any one of the three

bills that have been prepared during the time that has intervened. It was not in either of the bills that failed during the last two sessions of Congress. Just at this time it seems to take on a new significance, and a misleading nominal appropriation is provided for it. The scope of the project is cut in two, and the proposition is coolly made to make one end of it 35 feet deep, under the safe assumption that hereafter an argument will thereby be furnished in favor of extending the whole system.

So far as I am concerned, I am not opposed to adopting the entire project, with the $29,000,000 in it, if it is necessary to do so; but I do not care to have it adopted by this process of indirection.

In recommending the rejection of the item we were not dealing with the item primarily. We were dealing with the policy as to whether or not other new items should go into this bill. The Senate Committee on Commerce felt that the Senate was an independent part of the legislative branch of this Government and had a right to exercise its judgment about what should be included in matters of legislation to which its assent is required; and in the exercise of that judgment it included some 15 or 20 items, aggregating an outlay of some $3,000,000 as against about $40,000,000 included in the bill by the House before it came to us. We thought that as there was so much dispute among professional men with reference to a choice between these two channels, we were well within our rights when we submitted that matter again to legislative inquiry. When we come to be confronted with an arbitrary, cast-iron rule when we go into conference we thought we were still within our rights when we could say, "If that is the rule for one item it should be the rule for another of equal merits."

I say to you that this proposition has no merit that is in excess of the merits of any one of three or four propositions that we included in the bill. If it goes in, others ought to go in. If others have to wait, it can wait; and I do not have to go outside of the testimony of engineers to reach that conclusion.

I am not opposed to the item going in the bill if, upon fair consideration of the whole project, it seems to us that it should go in and that others just as good should go in. It may be that I should be compelled to consent to others being thrown out; but I do not want to have my hands tied to start with when we come to consider the general question, because legislation, under our system, is not perfected until the two Houses have adopted the conference report.

I am not going into any very elaborate statement about these two projects—that is to say, the Butermilk Channel and the so-called East River Channel. This colloquy occurred before the Committee on Rivers and Harbors on the 12th of February, 1916, between Mr. BOOHER, a Member of Congress from Missouri, and Col. Black, now the Chief of Engineers:

Mr. BOOHER. Colonel, I want to ask you a question as to Document No. 44, Sixty-third Congress, first session, relative to the improvement of Buttermilk Channel. Now, you say that the other is better. Why the change?

Col. BLACK. There is no change. You will find that both projects are printed in the House documents of the Sixty-third Congress, first session. The Buttermilk Channel report is in Document No. 44, the East River report in Document No. 188. Both are important and much-used entrances to the East River. They were considered as such, reported on by different people. Both are worthy of improvement. At sometime both will be improved and it is simply a question which will be improved first.

Mr. BOOHER. Let me read you a section:

Reading now from report No. 44, in favor of the Buttermilk Channel—

"On account of the great cost of suitably enlarging the channel passing between Governors Island and the Battery—

That is, the East River project—

"and the difficulties attending the prosecution of the work in this congested part of the harbor, the district officer does not favor the enlargement of this channel, but recommends instead the improvement of the Buttermilk Channel to a depth of 40 feet at mean low water and width of 1,000 feet, believing that this route will adequately meet the needs of the Navy and be of future benefit to general commerce and navigation."

Who was the district officer that made this report?

Col. BLACK. Col. Roessler. I never did understand why that channel was given to Col. Roessler to report on and why the other was given to me to report on. There was a slip up in the chief's office. The clerk got the wrong man. Now, we two independent officers made two independent investigations. Col. Roessler got his in first and said this about the East River, but as a matter of fact, the other is cheaper.

Mr. BOOHER. Now, what caused the change from Buttermilk Channel over to the other?

Col. BLACK. Never was any change. Two independent officers make independent investigations as to which is the better, and the one comes to one conclusion and the other comes to another conclusion. Now, it is a question of your paying your money and taking your choice. Both will eventually be needed. Both will eventually be improved.

That was the only way left for him to get out of it.

Now, if those eminent engineers, in dealing with that question, differed, and the best answer that Col. Black could give to the question as to how he was going to reconcile that conflict was to say: "You pay your money and you take your choice," since we are called upon to pay the money I think we ought to have some voice in taking the choice.

I want the Senate to act independently on this matter. The Committee on Commerce has no pride of opinion about it. We have laid the cards on the table. That is what we have done about it. I shall not feel offended if every member of the committee votes for the retention of this item. This bill has been conducted in the open. There has not been a single item in it that we do not understand everything about that it is necessary to understand. There were very complete hearings in the House of Representatives. Printed copies—bound copies—of those hearings were laid upon the desk of every member of the committee, and if each did his duty he familiarized himself with what is contained therein. There is no guesswork about it. We know what we are doing. I think the item ought to be left out, but I shall not be offended at anybody who takes a different view of it.

Mr. SHERMAN. Mr. President, before any action is taken upon this item I wish to say that I shall vote to keep it in the bill. Of course, we are met instantly by the criticisms of the supporters of other items. We who believe in striking out certain items that are neither meritorious nor national in character are at once accused of inconsistency. I very much prefer to be accused of many things whether they be justly or unjustly founded than to interfere with the improvement of a harbor which leads to one of the navy yards of the country, and is at the greatest port in the New World. For that reason, if for none other, I shall support this item. I think it was stricken out without any proper foundation, and the more I have heard it discussed here the less good reason I have heard for leaving it out of the bill.

If there is any political argument advanced for omitting this improvement it would not appeal to me. It does not make any difference to me, Mr. President, whether the Chief Executive approves or disapproves. That of itself is not controlling, but the reason of his approval or disapproval ought to appeal to Senators on a matter of this kind, in which no political argument ought to control. While I admit that even a Democratic President may inadvertently be right sometimes, the mere fact that he recommended this item would not destroy its usefulness if it rested upon any sufficient foundation, and this does.

It is said in the minority report presented by the House committee that the improvement would not be undertaken before one year. I trust we will be at peace for at least one year, and even if it is indefinite, there are a great many improvements we might be compelled to make under the stress of a great emergency. If the appropriation be here allowed, at least within the year, steps will be taken for making this improvement.

New York and its harbors and all the approaches, whether on salt or fresh water, are a part of my country as much as it is of the gentlemen who reside in New York City. I feel just as much interest in any improvement there as if it were a few miles from my door. I believe the character of this improvement, its great importance in war as well as peace, the very great volume of commerce, both in merchandise and in passengers, that will have to enter this harbor annually, make it a first consideration to this body to see that all adequate appropriations are provided.

To my mind, the principal thing is stated by both Senators from New York. At this time if a portion of the Navy could not reach the Brooklyn Navy Yard because of water inadequate in depth, if in time of trouble they could neither obtain ingress nor egress or reach a dry dock for repairs, that, to my mind, answers all other objections, even those of a political character.

Whatever rule may have been passed, if we are to hamper ourselves by House rules and Senate rules that override an emergency of this kind, then it were better that no rules were made. Those rules are not made in the interest of economy. They are made solely for the purpose of cutting off appropriations in an easier way than to meet the ordinary appeals that are made by communities who desire additional expenditures. It is the easiest thing in the world when a rule of this kind has been adopted to say that we can not take up any new project under the rule.

I know how difficult it is to withstand those appeals. I know some of the difficulties that the chairman of the committee, who is primarily charged with a great responsibility in the handling of such bills as this, meets.

On every side of my State there are waterways. On the north and east is one of the Great Lakes, on the east and south there are the Wabash and Ohio Rivers, and along the entire western border of the State runs the Mississippi River,

Since I have opposed certain items in this bill, Mr. President, I have been deluged with telegrams that wish me to take even the bad in order that the good may be saved.

I had an idea once that the Senate was a proper body to make discriminating cuts; that we do not have to take the rotten with the sound in order to save the sound portions of a bill. If it has reached that bad eminence, and if parliamentary government has reached such a level that we are obliged to vote for every project, wise or unwise, that presents itself, without regard to its merits, then I am ready to vote against everything in such a bill. If economy, if proper restrictions, can not be made in any way save that meritorious projects be killed, then let the slaughter proceed, so far as I have a voice in the matter.

Sometimes it takes killing to do good. I do not think the Treasury is of more account than human life, and still military operations constantly kill so that by the destruction of human life ultimate good may come. So, if the Treasury must be protected by the killing of meritorious projects that appear from time to time, then let it be done. I must answer those appeals to me from my own country in that way.

This, however, calling for an immediate expenditure of $200,000, is of a high type of improvement that is not local in its character. It is national in its scope. If New York Harbor should have an insufficient depth of water, if suddenly war were to be our portion, I am vitally interested in seeing that access is obtained to the navy yard, that repairs may be made, new vessels launched, and that prompt action may be had in taking out such battleships or cruisers as are necessary. It is a national question.

Of course, the criticism will be made at once, "Why are you against some other item in the bill?" Those items that have not that opposition in every instance are purely local in their operation. Some of them, it is true, are old measures; they are old in sin and expenses and little result. Most of them show that supposed improvements were instituted but the volume of commerce has fallen off. In some instances it has fallen off 75 per cent or more. So the more the improvements are the less the commerce for the community. These in every instance are local in their character, and if they were obliterated entirely from this bill, and if such improvements were to be ended, they could not affect the national welfare in the least.

The improvements of this character in tidewater rest upon an entirely different basis. I am perfectly willing to be accused of the inconsistency of being unduly susceptible to a large center, where commerce legitimately ebbs and flows, than to add my vote to keep this item out of the bill. For that reason I shall vote to restore it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. WADSWORTH. I ask for the yeas and nays.

Mr. O'GORMAN. I hope my colleague will withdraw the request.

Mr. WADSWORTH. I withdraw the request.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] The Chair is unable to decide by the sound.

Mr. KENYON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], who is necessarily absent. For that reason I withhold my vote.

Mr. SMITH of Michigan (when his name was called). I have a pair with the junior Senator from Missouri [Mr. REED] and withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I transfer that pair to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

The roll call was concluded.

Mr. GRONNA. May I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted?

The VICE PRESIDENT. He has not.

Mr. GRONNA. I transfer my pair with the senior Senator from Maine [Mr. JOHNSON] to the senior Senator from Iowa [Mr. CUMMINS] and vote "nay."

Mr. MYERS. Has the Senator from Connecticut [Mr. MCLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with that Senator. I transfer the pair to the Senator from Indiana [Mr. TAGGART] and vote "yea."

Mr. BECKHAM. I have a general pair with the Senator from Delaware [Mr. DU PONT], but I understand he would vote as I do, and I therefore vote. I vote "nay."

Mr. WEEKS (after having voted in the negative). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. I understand he has not voted. I transfer that pair to the senior Senator from Idaho [Mr. BORAH] and allow my vote to stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY].

Mr. CATRON (after having voted in the negative). I wish to inquire if the Senator from Oklahoma [Mr. OWEN] has voted?

The VICE PRESIDENT. He has not.

Mr. CATRON. I have a general pair with that Senator and withdraw my vote.

Mr. OLIVER (after having voted in the negative). I inquire if the senior Senator from Oregon [Mr. CHAMBERLAIN] has voted?

The VICE PRESIDENT. He has not.

Mr. OLIVER. I have a pair with that Senator which I transfer to the senior Senator from Delaware [Mr. DU PONT] and allow my vote to stand.

The result was announced—yeas 14, nays 48, as follows:

YEAS—14.

Bankhead	Martin, Va.	Shafroth	Swanson
Broussard	Myers	Sheppard	Vardaman
Clarke, Ark.	Nelson	Simmons	
Fletcher	Ransdell	Stone	

NAYS—48.

Ashurst	Hardwick	Martine, N. J.	Smith, Ga.
Beckham	Hitchcock	Norris	Smoot
Brady	Hughes	O'Gorman	Sterling
Brandegee	Husting	Oliver	Thomas
Chilton	Jones	Overman	Thompson
Clapp	Kenyon	Page	Tillman
Clark, Wyo.	La Follette	Pittman	Underwood
Curtis	Lane	Poindexter	Wadsworth
Fall	Lee, Md.	Pomerene	Walsh
Gallinger	Lewis	Reed	Warren
Gronna	Lippitt	Sherman	Weeks
Harding	Lodge	Smith, Ariz.	Works

NOT VOTING—34.

Borah	du Pont	McCumber	Smith, Md.
Bryan	Goff	McLean	Smith, Mich.
Burleigh	Gore	Newlands	Smith, S. C.
Catron	Hollis	Owen	Sutherland
Chamberlain	James	Penrose	Taggart
Colt	Johnson, Me.	Phelan	Townsend
Culberson	Johnson, S. Dak.	Robinson	Williams
Cummins	Kern	Saulsbury	
Dillingham	Lea, Tenn.	Shields	

So the amendment of the committee was rejected.

Mr. CLARKE of Arkansas. I now ask to go back to the amendment appearing on line 25, page 22, authorizing an increase of the appropriation from $25,000 to $50,000, that was passed over in order that we might supply a letter from the Chief of Engineers.

Mr. SMOOT. That amendment is in reference to the channel at Port Bolivar, is it not?

Mr. CLARKE of Arkansas. It involves the channel at Port Bolivar, Tex.

The VICE PRESIDENT. The amendment referred to by the Senator from Arkansas will be stated.

The SECRETARY. On page 22, line 23, it is proposed to strike out the figures "$25,000" and to insert "$50,000," so as to read:

Channel to Port Bolivar, Tex.: For maintenance, $50,000.

Mr. CLARKE of Arkansas. I now present the letter in reference to that amendment, and I desire the Secretary to be good enough to read it.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, May 2, 1916.

Hon. MORRIS SHEPPARD,
United States Senate.

SIR: In reply to your inquiry relative to the amount needed for the maintenance of Bolivar Channel, Tex., I have the honor to inform

you that immediately upon the passage of the pending river and harbor bill by the House of Representatives copies of this bill were sent to all district officers, with request for information as to whether the bill sufficiently met the needs of the works in their districts until about April 1, 1917. In reply to this letter the district officer at Galveston reported that no additional funds were needed for Bolivar Channel; but this morning I am in receipt of a telegram from him, stating that emergency dredging in this channel since March 9 has exhausted all available funds, and that $25,000 in addition to the amount carried in the pending bill, or a total of $50,000 altogether, will be required if the full channel depths and dimensions are to be maintained until April 1, 1917.

Very respectfully,

H. TAYLOR,
Colonel, Corps of Engineers,
Acting Chief of Engineers, United States Army.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Texas if he knows what class of work had been done before March 12, which necessitated the additional appropriation of $25,000? Why was the work undertaken? The letter does not make any explanation as to the reason for doing the work. I should like to be informed, if the Senator knows, why the work was done?

Mr. SHEPPARD. An unusual shoaling was caused by the storm of a few months ago.

Mr. SMOOT. That is, the Senator means by the wash from the watershed into the river?

Mr. SHEPPARD. It is not a river, but it is a channel in the bay near Galveston. It is one of the main channels composing the greater Galveston Harbor, the channel leading from Bolivar Roads to Port Bolivar.

Mr. SMOOT. What has been the usual annual appropriation for maintenance of the channel to Port Bolivar?

Mr. SHEPPARD. My impression is that it has been something like $25,000 or $30,000.

Mr. SMOOT. I thought I had the report in reference to the matter, but I have it not before me; and I therefore can not turn to it at present. It seems to me, however, that the letter which has been read at the desk is very indefinite. There is nothing particular in it. The letter states that the necessity for the increase in the appropriation is simply on account of work that has been done there, and that for that reason they want this extra $25,000. There is no explanation as to what was the character of the work or the necessity for it. It seems to me that information ought to have been supplied by the engineers before the increase should have been made.

Mr. SHEPPARD. I will state for the information of the Senator from Utah that I shall later have the full data in reference to the storm and the effects of the storm on that channel. The necessity for this appropriation is due to the unusual storm which took place there a short time ago; but I repeat that I shall have the data as to the effect of that storm and put it in the RECORD as soon as I can get it.

Mr. CLARKE of Arkansas. I hardly think it is necessary to further pass that item over. It is a maintenance item.

Mr. SMOOT. I am not going to ask that it be passed over, I will say to the Senator.

Mr. CLARKE of Arkansas. In consequence of a storm on the coast, the channel is filled up and must be dredged out, in order that boats may get in and out. It is one of the current expenses of maintaining the channel. About all that can be said is now said in the communication from the Chief of Engineers, which has just been filed. We added some $300,000 or $400,000 for a similar purpose at the mouth of the Mississippi River, at the Head of the Passes.

Mr. SMOOT. Mr. President, I do not ask that the item be passed over. I simply wanted to get some kind of explanation as to the necessity for the proposed increase, because the letter does not specifically state what was the necessity for the extra work that had been done.

Mr. CLARKE of Arkansas. I think it does state that the extra expense is rendered necessary by reason of the storm.

Mr. SMOOT. If that was stated, I did not hear it. There was so much confusion in the Chamber that I could not distinctly hear the reading, but I shall not further object to this item.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CLARKE of Arkansas. The next item passed over is on page 24, in lines 6, 7, 8, and 9.

The VICE PRESIDENT. The amendment referred to by the Senator from Arkansas will be stated.

The SECRETARY. On page 24, after line 5, the committee reported to insert:

Sabine-Neches Canal, Tex.: Continuing improvement, $70,000: *Provided*, That so much of this amount as may be necessary may be expended for making a cut-off at Smiths Bluff, on Neches River.

Mr. KENYON. Mr. President, can we have some explanation of the necessity for that amendment, I ask the Senator from Texas?

Mr. SHEPPARD. It represents part of a project which was adopted by Congress and recommended by the engineers. The statement in reference to it is found on page 18 of House Document No. 1290, Sixty-first Congress, third session, and is included under the heading "Estimate for 25-foot channel." The project carries an estimate for "Cut-off, 70 feet bottom width." This is the cut-off authorized by the project as originally outlined, and was included in the Senate bill two years ago, but the bill failed on the floor of the Senate, as the Senator from Iowa will remember.

Mr. KENYON. Does the Senator know why the other House did not include this item?

Mr. SHEPPARD. I do not. I know that the Senate committee examined the item thoroughly two years ago; that it decided it was part of the original project; and that we followed that action of the committee at this time.

Mr. KENYON. Does this complete the project, I should like to ask the Senator?

Mr. SHEPPARD. It will complete the project as originally outlined by the special board of engineers, except as to maintenance.

Mr. SMOOT. Has this item been recommended by the Board of Engineers for this year's appropriation?

Mr. SHEPPARD. It is a part of the original project.

Mr. SMOOT. And for this amount?

Mr. SHEPPARD. This is the estimate of the engineers as to the cost of making the cut-off.

Mr. SMOOT. I have been trying to see whether there were any hearings upon the matter in the House, but I do not think there were. If there were any hearings, copies have not been sent to me. The Senator says that this $70,000 will complete the project?

Mr. SHEPPARD. It completes the project as outlined in the report of the special board.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 24, line 20, after the word "maintenance," to insert "and repair of levees destroyed by overflows in 1915 and 1916," and in line 22, after the words "Washita River, Tex.," to strike out "$25,000" and insert "$50,000," so as to make the clause read:

Red River, Ark. and Tex.: Continuing improvement and for maintenance and repair of levees destroyed by overflows in 1915 and 1916 between Fulton, Ark., and Washita River, Tex., $50,000.

Mr. KENYON. Mr. President, that amendment also makes an increase from $25,000 to $50,000. This is one of the items on which I want to ask a vote of the Senate. I hesitate to find fault with the Red River on account of its being in the vicinity of the home of the chairman of the committee, but I want to call the attention of the Senate particularly to some of the facts, and then, so far as I am concerned, will submit the item to a vote.

I do not know as to the third branch of the amendment, the one relating to the repair of the levees. I think we had no evidence before the committee on that subject, but the word of the chairman, of course, would be persuasive. I want to place in the RECORD an extract from the Report of the Chief of Engineers, commencing on page 947, volume 1, as to the Red River from Fulton, Ark., to the mouth of the Washita. We have appropriated for that part of the river——

Mr. CLARKE of Arkansas. Mr. President, I might say to the Senator that this item has nothing to do with that part of the river south of Fulton.

Mr. KENYON. It refers to the river below Fulton?

Mr. CLARKE of Arkansas. To the river north of Fulton.

Mr. KENYON. The item is for the Red River between Fulton and the mouth of the Washita, is it not?

Mr. CLARKE of Arkansas. North or west of Fulton.

Mr. KENYON. I want to ask the Senator, then, relative to geography. We have two items in this bill for the Red River?

Mr. CLARKE of Arkansas. Yes, sir.

Mr. KENYON. One from Fulton to the mouth of the Washita. That is this item, is it not?

Mr. CLARKE of Arkansas. The amended item on page 24, lines 19 to 23, covering the Red River in Arkansas and Texas, relates to the northern division, which is in the Dallas district, while that part of the river south of Fulton is in the Vicksburg district.

Mr. KENYON. That is the item that is treated in the Army Engineer's report on pages 947 to 950, volume 1, I think.

Mr. CLARKE of Arkansas. I doubt whether it is.

Mr. KENYON. The other part of the river, below Fulton, is treated on pages 953 to 956.

Mr. CLARKE of Arkansas. I should like the Senator to direct his attention to the particular item with which we are now dealing.

Mr. KENYON. That is what I am trying to do. There are two items, one involving the Red River from Fulton to the mouth of the Washita and the other below Fulton. Now, this is the one from Fulton to the mouth of the Washita, is it not?

Mr. CLARKE of Arkansas. No, sir; it is northwest from Fulton; it is what is called the upper reach of the river.

Mr. SHEPPARD. Mr. President, let me say to the chairman of the committee that the Washita River referred to there is in Oklahoma. It has the same name as the river which empties into the Red River in Louisiana; but the Red River from Fulton to the Washita is the upper section. The river which empties into the Red River in Louisiana is spelled differently; it is the Ouachita; that is all.

Mr. SMOOT. Then, this is the item referred to in the report made by the Chief of Engineers, in part 2, page 866, "Red River between Fulton, Ark., and the mouth of the Washita River in Oklahoma"?

Mr. SHEPPARD. Exactly; and it will be found there that the engineers estimate that $50,000 will be necessary for the next fiscal year.

Mr. KENYON. Let us settle, first, whether or not that is the item. The Army Engineer's reports speak of the Red River from Fulton, Ark., to the mouth of the Washita River in Oklahoma. This item on page 24 refers to the Red River between Fulton, Ark., and the Washita River, Tex. Is there any difference?

Mr. SHEPPARD. It should be the Washita River, Okla.

Mr. KENYON. So, then, I am correct, I think, in my statement. On the part of the Red River from Fulton to the mouth of the Washita River we have expended, as appears on page 950, volume 1, of the Report of the Chief of Engineers, $444,783.53. On page 949 the report refers to commercial statistics, and says:

> Navigation on the Red River above Fulton has practically ceased. No steamboats are now in operation, and the rafting of logs has been reduced to an almost negligible quantity.

On the Red River below Fulton, which this item, it is true, does not treat of, that section of the river being provided for in another part of the bill, we have expended, according to the Report of the Chief of Engineers, volume 1, page 955, $2,763,896.40, with a commerce on the river of 47,351 short tons.

Mr. SHEPPARD. Will the Senator state the value of the 47,351 tons?

Mr. KENYON. They had a value of $2,939,073. That traffic consists of lumber and logs, farm products, and general merchandise.

Now, as to the nature of that traffic, I have the minority report filed by Senator Burton in 1914, in which he discusses this improvement. I read from page 9:

> On the Red River below Fulton, covering a distance of 475.4 miles, there was in the year 1912 a total tonnage of 44,967 tons—

It was slightly more the next year—

> Of this amount 42,640 tons were saw logs, of which the average haul was 131 miles, and lumber 1,100 tons. Of the balance of the freight, including lumber, amounting to 2,327 tons, part was carried 45 and part 80 miles. The total amount appropriated to date for this stream is $2,768,377—

Which includes, of course, the river above as well as below Fulton—

> The expense per ton to the United States Government for carrying this freight, including the lumber, can be approximately obtained if an allowance of 4 per cent is made on the amount appropriated to date and the prospective appropriation in the pending bill is added. This interest on the investment would amount to $110,735.08, and adding the $100,000 appropriated, would make a total of $210,735.08. The cost per ton would be $4.68, or if the saw logs are excluded, the cost per ton would be $90.56, and the cost per ton-mile, $1.53.

I refer to these items to show that, so far as commerce is concerned, as to the particular item in question, there is no commerce, for, according to the Report of the Chief of Engineers—

> Navigation on the Red River above Fulton has practically ceased. No steamboats are now in operation, and the rafting of logs has been reduced to an almost negligible quantity.

I simply raise the question, Mr. President, whether, on that kind of a showing, we are justified in increasing this appropriation. If we are going to appropriate for flood control in this bill, there may be some justification for it, but a flood-control bill, carrying some $50,000,000, has now passed the House and is in the Senate for action before the committee. The flood-control matters ought to be separated from questions of navigation. I do not care to further discuss this matter, but I did desire to put the facts in the RECORD.

Mr. CLARKE of Arkansas. Mr. President, the amount carried by the amendment is the amount recommended by the engineers for the present year, as appears on page 281 of the report which accompanies this bill.

As to the matter of navigation, that part of the river has fallen somewhat into disuse. Under the general authorization for resurveys, contained in the last river and harbor bill, a new survey of the river was made during last summer, and a recommendation not altogether favorable to its very extensive improvement was made; but the engineers did recommend that the project was worthy of an appropriation of $50,000 for the purpose of keeping it in a navigable condition, or of keeping its natural navigable condition in such order that it might be used when necessary; and it is used during the so-called cotton seasons of the year. Many of the plantations in that locality can not be reached otherwise. It has lost some of its significance because of the construction of railroads running east and west from Texarkana, but it is still a river, and a navigable river, and under the jurisdiction of the Congress of the United States. After having dealt with it, I think as strictly as could reasonably be done under the modern and reform policy now prevalent in the Engineer's office, there was enough merit left in the proposition to justify the expenditure of $50,000.

Maj. Slattery, of the Corps of Engineers, in a communication on the subject, says, "only such snagging operations, such participation in levee building, and such levee and revetment work to prevent cut-offs as Congress may authorize" is warranted.

A very extensive scheme of improvement was originally adopted; but the policy now is to leave the river more in its natural condition, making such repairs as are necessary to prevent cut-offs. There have been three or four overflows on that river in the past two years, disastrous overflows, that practically devastated that section of the country and ruined every farmer in the Red River bottoms. They have lost their crops, and, in consequence of the breaking of the levees which protected what is called the regimen of the stream, cut-offs at various points are threatened.

I am sure the Senator from Iowa would not apply the rule so strictly as to preclude this improvement, if it is to be the policy of the Government to keep the rivers in their natural condition. There is some use for the river as a navigation proposition. There is much justification for preventing the river from doing additional damage to the farmers in the locality. They have put themselves to considerable expense—hundreds of thousands of dollars—to build those levees. They have broken in numerous places. The water has run through them and threatened cut-offs at various points. It is largely in the interest of the Government, I think, to make this very modest appropriation, and I hope it will be done.

Mr. KENYON. Mr. President, I should like to ask the chairman of the committee if there is any prospect of placing the Red River and the Arkansas River in the flood-control bill?

Mr. CLARKE of Arkansas. No, sir; I should say not. They are hardly propositions of sufficient magnitude to justify such separate treatment.

Mr. SHEPPARD. Mr. President, the statement of the Senator from Iowa as to the tonnage on the lower Red River ought not to go unchallenged. It is unfair to the river to select one particular year when the tonnage was unusually low and endeavor to analyze the river from that standpoint.

I have here a statement based on the tonnage transported on the river for the last 36 years. The statement shows that there was a total tonnage from 1878 to 1889 of the value of $72,000,000, in round numbers; from 1890 to 1907 a tonnage of $78,000,000; and from 1908 to 1913 a tonnage of about $1,500,000, making the average value of the tonnage for the last 36 years, or from 1878 to 1913, $4,220,000. In fact, the average yearly tonnage is much larger, when the traffic on the lower section of the lower Red is included, the section between the mouth of the Black in the lower Red and the mouth of the lower Red itself in the Mississippi. The fact that the tonnage increased in 1914 in the ratio of probably 50 per cent over 1913 shows that it varies from year to year.

Mr. KENYON. Mr. President, I will suggest to the Senator that the engineers state, on page 955 of volume 1, that "the apparent increase"—and there seems to be an increase for the year 1915—"was caused by an error in reporting the commerce for the fiscal years 1913 and 1914." So, apparently, they account for the increase for the year 1915, which does not seem to be large, by an error in the computations for 1913 and 1914.

Mr. SHEPPARD. Be that as it may, Mr. President, it does not alter the general fact that there has been a relatively large

tonnage, on the average, during the last 30 or 40 years on that river.

Mr. SMOOT. The trouble about it is that for the last few years it is decreasing rather than increasing. The Senator from Iowa was perfectly fair in quoting the figures that he did for the year 1915, because the tonnage for 1915 is nearly double what it was in 1914, and it is larger than it was in 1913. The value for 1913 was only $354,715, and the value for 1914 was only $310,333, whereas the value for 1915 was $2,939,073. In other words, there is some statement here that the increase for the year 1915, as reported by the engineers, was to correct the record that was made for the years 1913 and 1914, thus showing that the volume of commerce upon the river is not increasing, but is steadily decreasing. I think the Senator from Iowa was perfectly justified, and not only justified but was more than fair, in quoting the higher figures that he did to show the commerce upon that river.

Mr. SHEPPARD. But the average for three years is not a fair statement.

Mr. SMOOT. No, Mr. President; but the average for 40 years is not a fair statement, either, particularly when the heavy traffic upon the river was when we were not appropriating for it. Now that Congress is appropriating money for the river, the commerce is decreasing instead of increasing. I think it is that class of rivers that we should eliminate from our river and harbor bills, and spend the Government's money upon rivers where there is a chance of increasing the commerce on them and benefiting the people by the increase.

Mr. SHEPPARD. The Senator is mistaken about that. The river has been improved by the Government since 1828. In 1828 the sum of $500,000 was expended to remove a great raft.

Mr. SMOOT. That was the original amount. I am speaking now of the appropriations that have been made for the maintenance of the river.

Mr. SHEPPARD. But the Senator says that this tonnage was carried when we were making no appropriations for the river.

Mr. SMOOT. I spoke of relatively no appropriations.

Mr. SHEPPARD. One of the largest appropriations was made in 1828.

Mr. SMOOT. Yes; because that was the original appropriation that was made. There is not any question but that that was what they thought then would put the river in navigable shape; but we are appropriating $50,000 this year for the maintenance of the river when the original appropriation was $25,000. The House made an appropriation of $25,000. The Senate has increased it, and added an amendment, and I suppose the amendment gives the reason why the increase is made—that is, to take care of the levees that were destroyed by floods during the years 1915 and 1916. Evidently out of the appropriation that was made for the fiscal years 1915 and 1916 in a lump sum the engineers would not allow any part of the $20,000,000 or the $30,000,000 that was appropriated during those years, respectively, to be applied to this river; and therefore I take it for granted that there has been nothing spent there, even in the maintenance of the river, during those two years. I will ask the Senator whether I am correct with reference to that?

Mr. SHEPPARD. That there has been nothing spent for the maintenance of the river?

Mr. SMOOT. That is, for the fiscal years 1915 and 1916.

Mr. SHEPPARD. Oh, yes; they have continued to improve the river during these years.

Mr. SMOOT. How much did they allow out of the lump-sum appropriation for rivers and harbors, we will say for the fiscal year 1914, for the maintenance of the Red River?

Mr. SHEPPARD. Fifty or seventy-five thousand dollars for the lower river and something like $25,000 for the upper river.

Mr. SMOOT. It does not so appear in the report. That is all I know. It may be so, but it is not in the report.

Mr. SHEPPARD. I have seen the Government snag boats in operation on the river, and I know that the improvement has continued. But, Mr. President, the Board of Engineers recommended that $55,000 be appropriated for the lower river for the next three years to test out the question as to whether the commerce is really going to continue to decline. There has been a decline of commerce on the river during the last three or four years. Up to that time, however, the tonnage had averaged four or five million dollars a year in value for the last 30 or 40 years.

Mr. SMOOT. Can the Senator say why the tonnage is decreasing rather than increasing?

Mr. SHEPPARD. The machinations of the railroads have resulted in putting off the boats.

Mr. SMOOT. Just the same as they have in nearly every country in the world?

Mr. SHEPPARD. The people of Shreveport, the principal city on the river, have lately organized a barge line and subscribed fifty or a hundred thousand dollars in capital. The citizens laid this fact before the Board of Engineers when they made their special examination, and the Engineers decided to make this further recommendation and give the people a chance to continue the navigation of the river, to see if they could revive it and put it on the old basis.

Mr. CLARKE of Arkansas. Mr. President, the remarks made by the Senator from Texas are directed to that part of the river south of Fulton. The item that is now before the Senate relates to the part north of Fulton.

Mr. SHEPPARD. That is very true; but I will say to the Senator from Arkansas that the Senator from Iowa has taken up the question of navigation on the lower river, and I was making answer to that. As to the upper river, the project has really never been given a chance. In 1909 the Engineers recommended that it be improved by snagging and dredging and jettying. Congress, however, appropriated only for snagging, and it was not until last year that the dredge boat was put on the river, and no jettying has yet been done. As a matter of fact, the project authorized by the Government has never had a fair trial on the upper river.

Mr. KENYON. We have appropriated over $500,000, have we not?

Mr. SHEPPARD. That is true.

Mr. KENYON. Why has it not had a fair trial? What has become of the money?

Mr. SHEPPARD. It has been expended in snagging work.

Mr. KENYON. I do not know whether I gave the commerce for the last year. According to page 2690 of volume 2, it was 1,318 tons, of which 840 tons were lumber and 473 tons saw logs.

Mr. SHEPPARD. No one claims that there can be any extensive navigation on the upper section until this project is tried out. The project included dredging and jettying as well as snagging. It is not the fault of the upper section of the river that only snagging work has been done. It is rather the fault of Congress in not carrying out the project in its entirety.

Mr. KENYON. If we have spent $519,000 since 1902, how does the Senator account for the fact that there is practically no commerce?

Mr. SHEPPARD. I have tried to explain it to the Senator. Those expenditures have been confined to only one part of the recommended project; that is, snagging. The other two elements are just as necessary, and have not been supplied as yet by Congress.

Mr. RANSDELL. Mr. President, I wish to say that I understand we are taking up the upper Red River now. The Senator from Iowa attempted to discuss the lower Red River. I understood that he would move, at the proper time, to strike out the appropriation for the lower Red River. I wish to have something to say when that part of the river is taken up. I do not understand that it is under consideration now.

Mr. KENYON. I will say to the Senator that I was discussing them both, and I put in the RECORD from the engineer's report the appropriations for both projects and the commerce for both projects for those years.

Mr. RANSDELL. Do I understand from the Senator that he will discuss the lower Red River and move to strike out that item?

Mr. KENYON. I think so, at the proper time; yes.

Mr. RANSDELL. I simply wanted a chance to discuss that item when the Senator reached it. I have nothing further to say at this time.

The VICE PRESIDENT. The question is on the amendment of the committee.

Mr. SMOOT. Upon that amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I am paired with the senior Senator from Oklahoma [Mr. OWEN]. As he is absent, I withhold my vote.

Mr. CLARKE of Arkansas (when his name was called). Mr. President, what are we doing? Is the roll being called to ascertain the presence of a quorum, or are we voting on something?

The VICE PRESIDENT. We are voting on the amendment of the committee.

Mr. SMOOT. Mr. President, I do not know whether, under the rule, I can ask to withdraw the request or not. As this item is on the upper Red River and does not apply to the lower Red River——

Mr. THOMAS. The roll call has been ordered. Let us have it.

The VICE PRESIDENT. The Secretary will proceed with the calling of the roll.

Mr. CLARKE of Arkansas. Mr. President, the Senator from Utah wanted to make the statement that he was laboring under a misapprehension as to the item on which he called for a yea-and-nay vote. He desires to make a statement to the Chair with reference to it. I think he is entitled to do so.

Mr. THOMAS. I do not understand that after the roll call has begun any further statements can be made.

Mr. CLARKE of Arkansas. I think a statement for one purpose is permissible where it can not be made for another.

Mr. THOMAS. If the Senator from Utah withdraws the request, I shall renew it.

The VICE PRESIDENT. The Secretary will continue the calling of the roll.

The Secretary resumed the calling of the roll.

Mr. FLETCHER (when his name was called). May I ask to have the question stated?

The VICE PRESIDENT. The Secretary will state the question.

The SECRETARY. On page 24, line 20, after the word "maintenanme," it is proposed to insert "and repair of levees destroyed by overflows in 1915 and 1916."

Mr. FLETCHER. Is that a committee amendment?

The VICE PRESIDENT. It is.

Mr. FLETCHER. I vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. As he is absent, I withhold my vote.

Mr. THOMAS (when his name was called). I make the same announcement as on the previous roll calls, and the same transfer, and vote "nay."

Mr. WEEKS (when his name was called). I have a pair with the senior Senator from Kentucky [Mr. JAMES]. As he is absent, I withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Indiana [Mr. KERN], and vote "yea."

The roll call was concluded.

Mr. BECKHAM. I have a general pair with the senior Senator from Delaware [Mr. DU PONT]. As he is absent, I withhold my vote.

Mr. GRONNA. Has the senior Senator from Maine [Mr. JOHNSON] voted?

The VICE PRESIDENT. He has not.

Mr. GRONNA. I have a pair with that Senator, and therefore withhold my vote.

Mr. MYERS. Has the junior Senator from Connecticut [Mr. MCLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with that Senator, which I transfer to the junior Senator from Indiana [Mr. TAGGART], and will vote. I vote "yea."

Mr. SIMMONS (after having voted in the affirmative). I wish to inquire if the junior Senator from Minnesota [Mr. CLAPP] has voted?

The VICE PRESIDENT. He has not.

Mr. SIMMONS. I see he is in the Chamber, and I will allow my vote to stand.

The result was announced—yeas 41, nays 10—as follows:

YEAS—41.

Ashurst	Jones	Oliver	Smith, S. C.
Bankhead	La Follette	Page	Sterling
Brandegee	Lane	Pittman	Swanson
Chamberlain	Lee, Md.	Poindexter	Thompson
Chilton	Lewis	Pomerene	Vardaman
Clarke, Ark.	Lippitt	Ransdell	Wadsworth
Curtis	Lodge	Shafroth	Walsh
Fletcher	Martin, Va.	Sheppard	Williams
Hardwick	Martine, N. J.	Simmons	
Hitchcock	Myers	Smith, Ariz.	
Hollis	Nelson	Smith, Mich.	

NAYS—10.

Borah	Husting	Sherman	Works
Clark, Wyo.	Kenyon	Smoot	
Fall	Norris	Thomas	

NOT VOTING—45

Beckham	Gallinger	McLean	Smith, Md.
Brady	Goff	Newlands	Stone
Broussard	Gore	O'Gorman	Sutherland
Bryan	Gronna	Overman	Taggart
Burleigh	Harding	Owen	Tillman
Catron	Hughes	Penrose	Townsend
Clapp	James	Phelan	Underwood
Colt	Johnson, Me.	Reed	Warren
Culberson	Johnson, S. Dak.	Robinson	Weeks
Cummins	Kern	Saulsbury	
Dillingham	Lea, Tenn.	Shields	
du Pont	McCumber	Smith, Ga.	

So the amendment of the committee was agreed to.

REVOLT IN IRELAND.

Mr. CLARKE of Arkansas. Mr. President, we have been here now for six hours, and I move that the Senate take a recess until 11 o'clock to-morrow.

Mr. MARTINE of New Jersey. May I ask, before that motion is put, the attention of the Senate for a few moments? I read a little story to-day that impressed me intensely. It affected me to the quick; and, with the permission of the Senate, I desire to occupy a few moments.

Mr. CLARKE of Arkansas. I withdraw the motion temporarily.

Mr. MARTINE of New Jersey. Mr. President, I have no thought or desire to interfere with foreign Governments in the management of their domestic affairs, yet I feel that England in her effort to quell a local disturbance in the city of Dublin, Ireland, has gone rank mad and is both blind and deaf to all thoughts of humanity and civilization.

In the steps to quell a local disturbance the Government of Great Britain has descended to sheer butchery in dealing with this question.

Mr. President, we have listened for a long time to Great Britain's profuse professions of humanity, but her recent action bids me say that cant and hypocrisy still prevail there. Has it come to this, that proud and boastful England should brace up against a wall a poor, wounded cripple and then at order to riddle the helpless mortal with bullets? Shame! Shame! Yes, thrice shame!

Mr. President, I do not desire to commit my country, nor do I desire to commit any Senator, but for myself I want to be placed on record as standing aghast at this recent act of barbarism on the part of Great Britain. It seems to me humanity will rebel the world over at this recent act upon the part of this brutal and tyrannous power.

PETITIONS AND MEMORIALS.

Mr. GRONNA presented the memorial of Hubert Harrington, president of the North Dakota Retail Hardware Association, remonstrating against the creation of a national chamber of agriculture, which was referred to the Committee on Agriculture and Forestry.

Mr. WADSWORTH presented petitions of sundry citizens of Clinton, N. Y., praying for the enactment of legislation to prohibit the exportation of intoxicating liquors to Africa, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Long Island City, N. Y., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. JONES presented a memorial of sundry citizens of Seattle, Wash., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. SMITH of Maryland, from the Committee on the District of Columbia, to which was referred the bill (S. 5525) to provide for the abandonment of Piney Branch Road between Allison Street and Buchanan Street NW., in the District of Columbia, reported it with an amendment and submitted a report (No. 461) thereon.

He also, from the same committee, to which was referred the bill (S. 5976) to amend an act approved May 29, 1908, entitled "An act to amend an act to authorize the Baltimore & Washington Transit Co., of Maryland, to enter the District of Columbia," approved June 8, 1896, reported it without amendment and submitted a report (No. 460) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 5539) to consolidate national forest lands, reported it with an amendment and submitted a report (No. 462) thereon.

Mr. MYERS, from the Committee on Military Affairs, to which was referred the bill (S. 2701) for the relief of William Walters, alias Joshua Brown, reported it without amendment and submitted a report (No. 463) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 453. A bill to place Lieut. Col. Junius L. Powell on the retired list of the Army with the rank of brigadier general (Rept. No. 465); and

S. 2222. A bill for the relief of the heirs of Antoine Bayard (Rept. No. 464).

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WARREN:

A bill (S. 6070) granting a pension to Florence V. Handbury (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:
A bill (S. 6071) for the relief of the Episcopal Church of Selma, Ala.; to the Committee on Claims.
By Mr. FLETCHER:
A bill (S. 6072) to enable the Secretary of Agriculture to investigate the diseases and insects affecting cigar leaf tobacco; to the Committee on Agriculture and Forestry.
By Mr. LEWIS:
A bill (S. 6073) granting the consent of Congress to George Fabyan to construct a bridge across the Fox River; to the Committee on Commerce.
A bill (S. 6074) to authorize the United States Government to build a certain number of merchant-marine vessels and own the same and launch the same upon seas for interstate and international trade, and lease the same to corporations, associations, or persons upon such terms as may be equitable and just, applying the proceeds of the said lease to the payment of the obligations issued for the money to be expended in the building of the ships, and to reserve to the United States the right to convert the ships to national defense at any time when, in the opinion of the President and Secretary of the Navy, such shall be necessary; to the Committee on Interstate Commerce.
By Mr. THOMPSON:
A bill (S. 6075) granting a pension to John F. Roberson (with accompanying papers); to the Committee on Pensions.
By Mr. GORE:
A bill (S. 6076) to amend an act entitled "An act to authorize condemnation of land for sites of public buildings, and for other purposes," approved August 1, 1888, and for other purposes; to the Committee on the Judiciary.
A bill (S. 6077) to authorize the Secretary of Agriculture to establish uniform standards of classification for cotton; to provide for the application, enforcement, and use of such standards in transactions in interstate and foreign commerce; to prevent deception therein; and for other purposes; to the Committee on Agriculture and Forestry.
By Mr. STONE:
A joint resolution (S. J. Res. 133) to authorize the President of the United States to convey the acknowledgments of the Government and people of the United States to various foreign Governments of the world who have participated in the Panama-Pacific International Exposition to celebrate the completion and opening of the Panama Canal, and also the four hundredth anniversary of the discovery of the Pacific Ocean; to the Committee on Foreign Relations.

INSPECTORS OF STEAM VESSELS.

Mr. MARTINE of New Jersey (by request) submitted an amendment intended to be proposed by him to the bill (S. 5349) to amend section 4414 of the Revised Statutes of the United States, relating to the appointment of local and assistant inspectors of steam vessels, which was referred to the Committee on Commerce and ordered to be printed.

RECESS.

Mr. CLARKE of Arkansas. I move that the Senate take a recess until 11 o'clock to-morrow.
The motion was agreed to; and (at 5 o'clock and 3 minutes p. m. Friday, May, 19, 1916) the Senate took a recess until to-morrow, Saturday, May 20, 1916, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 19, 1916.*

The House met at 11 o'clock a. m.
The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:
O Lord our God and our Father, whose tender mercies and loving kindness have been over us from the beginning, shaping and guiding our destiny as individuals and as a people, continue, we beseech Thee, Thy care over us; give us plenteously of Thy grace that we may do justly, love mercy, and walk humbly before Thee, and so hallow Thy name in all our doings, in the spirit of the Lord Jesus Christ. Amen.
The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. RUSSELL of Missouri. Mr. Speaker, I call up the conference report on the bill S. 4856.
Mr. MANN. I make the point of order, Mr. Speaker, that it is not in order to call up the conference report under the rule.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:
S. 5841. An act to authorize the Perdido Bay Bridge & Ferry Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across Perdido Bay from Lillian, Baldwin County, Ala., to Cummings Point, Escambia County, Fla.
The message also announced that the Vice President had appointed Mr. MARTINE of New Jersey and Mr. JONES members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Labor.
The message also announced that the President had approved and signed bills and joint resolution of the following titles:
On May 15, 1916:
S. 4432. An act to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; and
H. R. 3575. An act to amend section 5234 of the Revised Statutes of the United States so as to permit the Comptroller of the Currency to deposit upon interest the assets of insolvent national banks in other national banks of the same or of an adjacent city or town.
On May 16, 1916:
H. R. 6099. An act to amend section 72 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.
On May 18, 1916:
H. R. 759. An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof;
H. R. 562. An act to amend the act approved June 25, 1910, authorizing the postal-savings system, and for other purposes;
H. R. 10385. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917;
S. 4603. An act to authorize the Jackson Highway Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at Princes Lower Landing, near Jackson, Ala.;
S. 4726. An act to permit issue by the supply departments of the Army to certain military schools and colleges; and
S. J. Res. 119. Joint resolution to permit the issuance of medical and other supplies to the American National Red Cross for a temporary period.

SENATE BILLS REFERRED.

Under clause 2 Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:
S. 3257. An act for the relief of Johnston-McCubbins Investment Co.; to the Committee on Claims.
S. 5841. An act to authorize the Perdido Bay Bridge & Ferry Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across Perdido Bay from Lillian, Baldwin County, Ala., to Cummings Point, Escambia County, Fla.; to the Committee on Interstate and Foreign Commerce.
S. 746. An act to remove the charge of desertion from the military record of Capt. Daniel H. Powers; to the Committee on Military Affairs.

UNITED STATES SHIPPING BOARD.

The SPEAKER. The conference report is not in order under the rule. The House automatically resolves itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15455, the shipping bill, with the gentleman from Tennessee, Mr. GARRETT, in the chair.
The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will read the title.
The Clerk read as follows:
A bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, page 4, line 17, by striking out "ten thousand" and inserting "seven thousand five hundred."

Mr. HUMPHREY of Washington. Mr. Chairman, I have offered this amendment reducing the salary of the members of the shipping board from $10,000 to $7,500. When the rural-credits bill was under consideration a few days ago we reduced the salary from $10,000 to $7,500. I have been somewhat surprised that my farmer friends on the other side of the aisle have not offered an amendment before this. It can not be possible that the great friends of the farmers on that side think that a man on the shipping board is worth more than an expert on rural credits, who has to handle millions of dollars, and they only get $7,500.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. GREEN of Iowa. Does the gentleman realize the extreme difficulty that the shipping board is going to have to make the bill work? Will it not need high-salaried men to carry out the intention of the bill?

Mr. HUMPHREY of Washington. The same is true about the rural-credit bill. If you are going to base it on that proposition, the compensation which the President of the United States receives would be small. But, seriously speaking, I think $7,500 is sufficient compensation. The members of the board have no expenses; they have their secretaries; they have an office provided; and some of the greatest men in the United States—and I know everybody in the House will agree with me—are serving their country for $7,500 a year and paying campaign expenses every two years. [Laughter.]

Mr. MADDEN. Paying them every day.

Mr. HUMPHREY of Washington. Yes; paying them every day, as a matter of fact. I hope, Mr. Chairman, that the distinguished chairman of the committee will accept the amendment.

Mr. SLOAN. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. SLOAN. Would it not be preferable to have the campaign expenses come round only once in six years. [Laughter.]

Mr. HUMPHREY of Washington. Yes; I have decided opinions upon that point myself.

Mr. ALEXANDER. Does the gentleman from Washington think that the salaries of members of this board should be $7,500?

Mr. HUMPHREY of Washington. I do. I think that is a sufficient compensation to get the highest character of men.

Mr. ALEXANDER. What salaries do the members of the Interstate Commerce Commission get?

Mr. HUMPHREY of Washington. My recollection is $10,000.

Mr. ALEXANDER. And what salary do the members of the Federal Trade Commission get?

Mr. HUMPHREY of Washington. I do not know. The gentleman need not cross-examine me about what other people get. If you put it on the ground of ability and service rendered the country, I can put my hand on a gentleman who is rendering more valuable and distinguished service to the country at this time than any other man in it, and he only draws a salary of $7,500 a year. I refer to the distinguished leader of the minority. [Applause.]

Mr. ALEXANDER. The committee considered this question, and all the members of the committee, without exception, I think, were of the opinion that the minimum salary that should be provided for the class of men of the qualification necessary to efficiently discharge the duties of this board should be $10,000, and I think that is a reasonable opinion.

This Federal shipping board will become, in my judgment, a permanent institution. We want to make it a success. The sentiment of the country is in favor of the creation of the board. There is no division of sentiment, so far as I know, on that score.

The gentlemen who appeared before the committee, and particularly those from the East and representing the Chamber of Commerce of New York, expressed a doubt as to our ability to get men possessing the qualifications called for in this bill at $10,000 a year. That has been the only doubt expressed before the committee. For that reason the committee were a unit in fixing $10,000 a year as the salary men should receive possessed of the qualifications necessary for the proper discharge of the duties imposed on this board.

As I say, all members of the committee, Republicans as well as Democrats, agreed that the sum named should be the minimum salary. There is no reason why the salary should be less than that of the Interstate Commerce Commission, and certainly there is no reason why the salary should be less than that of the Federal Trade Commission. The bill establishing the Federal Trade Commission went through this House almost by unanimous consent. I do not know any better way to destroy the provision for the establishment of this board than to provide a salary that is insufficient to secure the service of men of the right kind. The bill provides that they shall not engage in any other business while sitting on the board.

Mr. MADDEN. Mr. Chairman, I think that where a man has been successful in life under the protection of his Government that he ought to be willing to give some of his time to his Government to pay the obligation that he owes. If this board should be created there will be an opportunity for patriotic men who have been protected in their road to success under the flag who will be glad to serve. Lots of men all over America are waiting for an opportunity to pay off the debt that they owe the Government in some way or other, and they would rather pay it by service than to be taxed out of existence.

There are men in this House who are serving for just that reason. They think they owe the Government of the United States something, and they are serving here at a great sacrifice from a financial point of view because they believe they ought to do something for their Government. It makes no difference whether you pay a man $7,500 or $500, if he has the qualifications to serve, if he is patriotic enough he will serve.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. GREEN of Iowa. Just for a suggestion of what the gentleman is doubtless aware, that in England there are many men serving on royal commissions of the highest importance without any compensation.

Mr. MADDEN. Why, we have men all over the United States serving local communities without any compensation whatever, and they are glad to do it. Members of great school boards of the great cities of America, having charge of all the expenditures of the moneys that are necessary for the education of the future citizens of America, not only serve free of charge but spend their own money to help build up the community and establish principles upon which we can base a citizenship of which we will in the future be proud. Seven thousand five hundred dollars is enough; it is plenty. If $7,500 is considered adequate compensation for men serving in the House and Senate, where the best brains of the country can be found and where those men are willing not only to serve for $7,500 but to spend all they get for the purpose of serving their people, twice as much more, for anybody knows that men serving in this House are serving at a sacrifice—and I would be sorry to think they were not; I would be sorry to think that we had men here for the purpose of making money—if men are serving in this House at a great loss for the good of the country, if we can find men, 500 of them, serving in the Congress of the United States, at great personal and financial sacrifice, we ought to be able to find men who will serve on this shipping board, in case it is organized——

Mr. COX. Mr. Chairman——

Mr. MADDEN. I will yield.

Mr. COX. I thought the gentleman had concluded.

Mr. MADDEN. No. I would like to get to another phase of the question.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. HUMPHREY of Washington. I was just going to ask the gentleman if he had done himself the pleasure of reading a certain political document which was adopted over in Baltimore in reference to increase of salaries?

Mr. MADDEN. Yes; I have a very vivid recollection of that document, but I am not going to refer to it now.

Mr. FESS. It is out of order.

Mr. MADDEN. I would like to say that there are very many serious objections to the bill which is pending before the committee, and one of those objections is that it puts the Government of the United States into the Government ownership business of the transportation of the commodities of the country. It puts the Government into competition with the men who have invested their money in the most hazardous enterprise that is known to investment, the carrying of goods across the seas; and it takes $50,000,000 out of the Treasury at once and it opens the doors of the Treasury, that is already empty, to $500,000,000 more. Will anybody deny that? Nobody will deny it. Everybody knows if we start out on this enterprise, managed by the Government, controlled by the shipping board, which will be a Government instrumentality, that we are going to carry goods to ports all over the world at a loss; and everybody knows more than that, that when we make the loss we have driven the private citizen, whose capital is invested in

this line of endeavor, off the seas and we put our hands into the Treasury to take out the loss. The gentlemen on the other side of the House are opposed to a ship subsidy and so am I, but in addition to that I am opposed to Government ownership. But here you have Government ownership and ship subsidy combined. Here you pretend to be in favor of the enactment of a law that will admit the purchase of ships that can not be purchased or the right to build ships that can not be built. You will have to admit that you can not build any ships in American yards now, and that you can not build them for two or two and a half years.

Mr. HARDY. Will the gentleman yield?

Mr. MADDEN. The emergency which you say is on will be passed before the bill can become effective. I maintain there is no emergency calling for this legislation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. I yield to the gentleman from Texas.

Mr. HARDY. Mr. Chairman, the gentleman is now speaking of the difficulty of getting ships of which others have spoken. Does not the gentleman realize that even now private capital is having ships built and more are going to be built than ever before, and is it not possible to increase our shipbuilding output?

Mr. MADDEN. The gentleman will not be able to get ships built in American shipyards for the next two and a half years.

Mr. HARDY. Is there any reason why the Government can not get ships as rapidly as private individuals who are now having ships built?

Mr. MADDEN. Private individuals can not get them for the next two and a half years—except those already on the stocks.

Mr. HARDY. This is to help the situation and cause shipyards to increase their capacity, and be prepared to furnish them as rapidly as possible.

Mr. MADDEN. I assume we are passing this bill because there is said to be an emergency. Now, the emergency is likely to pass long before this bill can become effective. They are building about all the ships in the American yards they can to-day and this bill provides for the building of 600,000 tons, and when you put that 600,000 tons of ships in the market and offer them to carry the commerce of the world in competition with our own citizens, you drive our citizens out of business.

Mr. HARDY. Will the gentleman yield for just another question? Does the gentleman conceive it is impossible for us to be building more ships than we are now, or rather will not our shipbuilding increase and will not this law help it to increase?

Mr. MADDEN. Well, I do not know whether it will or not. Of course you can establish Government shipyards, and that might take another bill and more money out of a Treasury that is empty.

Mr. HARDY. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. HARDY. Does not the gentleman feel that the private shipyards would be at least awakened to the necessity of increasing their facilities if they had a chance to secure the building of these ships for the Government?

Mr. MADDEN. Of course if the Government of the United States engages private shipyards to build 600,000 tons of ships, the shipyards will then have no business for private citizens of the United States, because the very moment we pass this bill and undertake to build ships every citizen who has heretofore been willing to put his money into merchant ships will quit and he will not build any more ships to go into competition with the Government.

Mr. FESS. Will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Ohio.

Mr. FESS. When the war ceases and the European shipyards again are utilized, what will be the demand upon us for the superfluity of ships we are trying to build?

Mr. MADDEN. We have all the ships now that we need in which to ship our products everywhere. Nobody complains.

Mr. ALEXANDER. Is the gentleman serious in that assertion?

Mr. MADDEN. I am.

Mr. ALEXANDER. It is contrary to all the facts of which I have knowledge. What I want to ask the gentleman is, You say if this bill becomes a law shipbuilding will stop by private parties?

Mr. MADDEN. Of course.

Mr. ALEXANDER. Even if this is a menace, yet within the last six months contracts have been let for more ships than at any other period since the Civil War.

Mr. MADDEN. I think the people of the United States who are willing to invest their money in the construction of merchant ships had a right to believe that Congress would have too much sense to pass a bill like this and that they might be willing to let them go on their way rejoicing and attend to their own business without Government interference.

Mr. ALEXANDER. The gentleman from Ohio [Mr. FESS] put in the RECORD yesterday a statement of the National Foreign Trade Council, composed of distinguished gentlemen, of which James A. Farrell, of the United States Steel Corporation, is president, in which they say we need six to ten million tons of shipping under the American flag. Do you think that the construction of 600,000 tons would be a menace to private capital?

Mr. MADDEN. Yes.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that I may have five minutes more to finish what I have to say.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. I will say to the gentleman from Missouri that my experience in business leads me to this conclusion, that it does not make any difference how big your concern is, how large a percentage of the business of your line you are able to do, if some man with a small corporation goes into competition with you, even though you may have $100,000.000 invested in your business, he can make the price, and he makes it, and you have to meet that price. And so the argument that 600.000 tons of shipping will not affect the rates as against 10,000,000 tons of shipping does not hold good. It is not a good argument. The Government can make a low rate and can afford to do it because it has the Treasury of the United States behind it to make up the loss.

There is one more thing that I want to speak about. This bill proposes to regulate the rate. It gives the power to the shipping board to regulate the rates. But you can not regulate the rates on anything except the liners, and two-thirds of all the tonnage carried all over the world is carried by the tramp steamer, and the tramp steamer fixes the rate. And if you fix a rate higher than the tramp steamer, why you put your people out of business.

Mr. HARDY. Will the gentleman yield right there?

Mr. MADDEN. Yes, sir.

Mr. HARDY. Is it not a fact that the tramp steamer practically always carries freight for less than the liner?

Mr. MADDEN. I do not know. I can not say as to that.

Mr. HARDY. Well, it is a fact.

Mr. MADDEN. I am only speaking from general principles.

Mr. HARDY. That being the fact, if you regulate the liners, and the tramp steamers run with a less rate than the liners, would you not benefit the whole people?

Mr. MADDEN. If you can make a rate so low that an American citizen who has his money invested in shipping must conduct his business at a loss, and you have to call on the Treasury of the United States to make up the loss of these ships, then you are a menace to the country. You are taxing the innocent citizen to make up the losses caused by Government operation of merchant ships.

Mr. HARDY. Do you think that the shipping board would fix the rate so low that there would be no profit in shipping?

Mr. MADDEN. I claim that you can not regulate the rate at all without doing injustice, because the tramp steamer regulates the rate.

Mr. HARDY. Does the gentleman think that there ought to be no power under the sun to prevent a thousandfold excessive rate or powerful combinations robbing the people?

Mr. MADDEN. I maintain you can not regulate the rates unless you regulate all the rates. If two-thirds of the rates are beyond your power to regulate, the rest amounts to nothing.

Mr. HARDY. If the liner always fixes a higher rate than the tramp, and you regulate the liner, does not that necessarily bring down the tramp?

Mr. MADDEN. No; it does not necessarily bring down the tramp at all.

Mr. SAUNDERS. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. SAUNDERS. You refer to the rate in foreign commerce?

Mr. MADDEN. That is, the commerce in which we engage.

Mr. SAUNDERS. We do not undertake to regulate that?

Mr. MADDEN. Not at all.

Mr. SAUNDERS. We provide in respect to foreign rates that we shall not be guilty of certain discrimination and unfair practices. We do not undertake to do anything whatever with fixing rates. There is no power to fix an establishment of foreign rates whatever.

Mr. MADDEN. If this bill becomes a law, you will drive every citizen who is now engaged in shipping out of business.

Mr. SAUNDERS. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. And you will draw on the Treasury of the United States for all deficiencies, and you will be paying subsidies, although you pretend to be against subsidies.

Mr. SAUNDERS. I admit that under the terms of this bill there are subsidies in it. I would not deny that; but will the gentleman point out where this board can in any way regulate the rates of carriers of foreign commerce?

Mr. MADDEN. It is in the bill, but I would not undertake to point out just where now.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ALEXANDER. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent that all debate on this section and all amendments thereto close in five minutes. Is there objection?

Mr. MANN. I would like to have a little time.

Mr. CULLOP. Reserving the right to object, Mr. Chairman, I would like to have five minutes.

Mr. BENNET. I would like to have a little time. I have three amendments to offer to the section.

Mr. HUMPHREY of Washington. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUMPHREY of Washington. Has the debate on the amendment which I offered already expired?

The CHAIRMAN. Yes. That debate has expired.

Mr. ALEXANDER. Mr. Chairman, I modify my request and ask unanimous consent that all debate on this section and all amendments thereto close in 20 minutes, 10 minutes to be controlled by the gentleman from Massachusetts [Mr. GREENE] and 10 minutes by myself.

Mr. MANN. Make it 15 minutes on a side.

Mr. ALEXANDER. Let it be 15 minutes on the other side, to be controlled by the gentleman from Massachusetts [Mr. GREENE], and 10 minutes on this side, to be controlled by myself.

The CHAIRMAN. The gentleman from Missouri modifies his request and asks that the debate on the pending section and all amendments thereto close in 25 minutes, 15 minutes to be controlled by the gentleman from Massachusetts and 10 minutes by himself. Is there objection?

There was no objection.

Mr. GREENE of Massachusetts. I yield to the gentleman from Illinois [Mr. MANN] five minutes.

The CHAIRMAN. The Chair will first recognize the gentleman from Missouri [Mr. ALEXANDER], if he desires to yield time at this time.

Mr. ALEXANDER. No.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GREENE] yields five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I want to call the attention of the committee to a matter not involved in this section. If my recollection is correct, I reported in the act to amend the interstate commerce act, in 1910, a pooling provision relating to railroads. It was stricken out in the House. The matter has been put before the House several times again. It never has been enacted into law. The House has never been in favor of it.

Section 16 of this act contains a pooling provision, exempting all provisions which are approved by this board from the provisions of the Sherman antitrust law. I presume gentlemen will defend that proposition, and I am not sure but that it is defensible.

For instance, here is a railroad that has through connections on the Great Lakes with a steamer, and they make through rates. Those rates are controlled by the Interstate Commerce Commission. They can not be pooled, either as to rates or as to quantity of freight to be carried. But if the same freight is shipped merely from Chicago to Buffalo by water they can pool the freight, although it may be destined from Iowa to Boston or New York. That is an unfair discrimination against the through rates, and an unfair discrimination against the railroads which make through rates.

Section 16 provides that every common carrier subject to this act shall file with the board every agreement which is made, which agreement may be approved, modified, or canceled by the board. In other words, they can approve the agreement. Then the section further provides that these agreements are excepted from the provisions of the Sherman antitrust law. That permits the freight that may be broken at Chicago—and I only use Chicago as an illustration—and which may be shipped by water to Buffalo, so that it comes under the terms of this act, to be pooled. But if you ship it on a through rate from Chicago to New York, the Interstate Commerce Commission has control of that, and that can not be pooled.

There can be no justification, in my opinion, for this discrimination as to whether you can pool your freight as between through rates and through routes and broken routes and broken rates. Gentlemen, I think, can not deny that result. I can see no object in making this discrimination.

When we tried to give to the railroad companies—I tried in a way—the authority not to pool the rates, because they are usually uniform, but to make pooling arrangements so as to prevent railroad wars, leaving the control of the rates to the Interstate Commerce Commission, the House decidedly struck it out of the bill. But if it is to be given to those whose agreements come under the control of this board in direct competition with the agreements which come under the Interstate Commerce Commission, it is an unjust and unfair discrimination. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ALEXANDER. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. CULLOP].

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] is recognized for five minutes.

Mr. CULLOP. Mr. Chairman, I am in favor of the amendment of the gentleman from Washington. Seventy-five hundred dollars a year for these men is an adequate compensation compared with the compensation of other public service just as important, where the duties involved require just as much talent. It is very rare that such positions are declined because of the inadequacy of compensation, and $7,500 salary for the period of appointment will get just as good talent as would be secured at $10,000 a year. [Applause on the Republican side.] I believe when the compensation was fixed at $10,000 a year in the Federal reserve law it was fixed $2,500 a year higher than it ought to have been. I believe in all cases "the laborer is worthy of his hire"; that reasonable compensation should be paid in all employments; but I do not believe salaries for public service should be out of proportion with other employments. The amendment fixes a reasonable sum and not out of proportion with other services just as important.

Now, this is an important measure. Its enactment will bring relief to all the people of the country and supply transportation to carry our products to the markets of the world.

Mr. RAGSDALE. Mr. Chairman, will the gentleman permit an interruption?

Mr. CULLOP. I regret I have not time now. The gentleman from Illinois [Mr. MADDEN] said it would be infringing on the opportunities of the men who own the ship lines; it will reduce their earnings, their extortionate charges for ocean shipments, and improve our foreign commerce. I will say to the gentleman from Illinois that their numbers are few compared with the thousands and millions of people who will be benefited by the reduction in the rate charged for ocean transportation at this time and in the future. This condition, this monopoly, has been demanding our consideration for more than two years, because of the excessive charges exacted for this service. It affects every branch of industry in this country, and has reduced the profits of every business we have engaged in foreign commerce, and it is essential that it be regulated, its grip broken, in order that trade may be accommodated and industry properly rewarded.

Every wharf along the Atlantic Ocean to-day is congested with goods for transportation, sold in foreign markets at good prices, but the cost of transportation is reducing the profits to every producer in the United States and preventing their speedy transportation.

The men who produce products ought to have the profits, not the shipowners that transport the products to foreign markets; but because of this monopoly of a few shipowners the producers are prevented from enjoying the profits and the shipowners absorb them.

Mr. MEEKER rose.

Mr. CULLOP. I have not the time to yield now. I believe in benefiting the many by legislation. This Government-ownership bugaboo is no longer scaring many people in this country. It formerly terrorized them, but it has been made do overtime, until now the people consider it harmless. Whenever anything becomes a monopoly so powerful that it can oppress the people,

limit business opportunities, just as this monopoly has been doing, it is proper for the Government to take a hand, and, if it requires Government ownership, furnish the relief the people require, as appears necessary in this matter, and break the grip of the monopoly. By this measure it is proposed to liberate business from this restraint and let the producers enjoy the profits they are able to earn and would be earning if it were not for the extortionate rates this giant monopoly is charging for ocean transportation. It is enabled to charge these rates because of the want of ample shipping facilities. This will supply this want, regulate prices by competition, and enable producers to realize the profits which now they pay to shipowners. The same argument was used here when we passed the Federal maritime insurance law. They said that the Government was going into business and competing with private capital; but the Government went into that business, and the prophecies of those same gentlemen that we would bankrupt the Government did not materialize and we did not drive a single company out of business. We regulated the rates and inspired business. On the contrary, the Government has paid every obligation under that law and has cleared more than $1,200,000, which has been put into the Public Treasury. It reduced the rates of insurance not to a starvation figure but with ample profit, as the results of this law have shown. It accelerated prosperity, encouraged business, and inspired confidence. So if this bill is passed, putting ships upon the ocean to carry the people's products to foreign markets on reasonable terms when they have sale for them in foreign ports to foreign purchasers, the producers will get the profits, and not the ship monopoly in this country. So that the enactment of this law is to the advantage of the many, the people who deserve to have the profits, instead of to the advantage of the men who control the ocean transportation, and who, on account of the scarcity of ships and the number of shippers, are able to raise the rates until they are almost prohibitive, and who thereby injure the producer, the wage earner, the manufacturer, the farmer, and the merchant in this country. For this reason there is a great public demand for the enactment of this law, in order that relief may be furnished to the producers and the wage earners of the country and to furnish opportunity to the men who produce the products to send them to market and realize the profits which legitimately belong to them, instead of permitting a few shipowners to absorb them.

Another feature I want to discuss for a moment. For years our shipbuilding interests have been dwindling down until it has become almost a business of the past, but this will encourage that great industry, revive it, and make it once more a thriving business in this country. Activity in that industry through the hope of the enactment of this law is appearing, and with the passage of this law it will again take its place among the great industries of the country. It will regain its lost prestige and will employ men and capital. It will add thrift to the great enterprise. It will restore the American flag on the seas, where it will float over American built and owned argosies carrying American goods to foreign markets, swelling American commerce. It will employ American wage earners at good wages and extend American industry. We will pay the money expended for this service to American people instead of paying it to foreigners, keeping it home to increase the welfare of our country and better the condition of our people. [Applause.]

Mr. GREENE of Massachusetts. I yield to the gentleman from New York [Mr. BENNET] five minutes.

Mr. BENNET. Mr. Chairman, I move as a substitute for the amendment of the gentleman from Washington to strike out $7,500 and insert $15,000.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by striking out "$7,500" and inserting "$15,000."

Mr. BENNET. Mr. Chairman, I agree with the distinguished gentleman from Missouri that they ought to get good men for this board, and the figure that I propose is the amount that is paid the public-service commissioners in the city of New York, who have not a tithe of the work to do that this board will have to do.

The gentleman from Indiana [Mr. CULLOP] says that this board will discourage monopoly. I will tell you what the reports are that come to me. Our great objective is the South American trade. Now, what is being formed in the city of New York to-day because of this bill? I will tell the gentleman. There is a great bank, with practically unlimited capital. There is a shipping company that has nearly 50 vessels. There is an export house that has many branches in South America. They have combined. Why? Because if this bill goes into operation all other ships, being common carriers, will come under the regulations and provisions of this law. The combination's ships will not be common carriers, because, as freight is carried on with South America, the manufacturers, like my colleague [Mr. SNYDER], who manufactures bicycles, sell their products f. o. b. New York, and this tremendous combination will transport simply its own freight to South America. If this combination is perfected, no independent shippers will go into the South American trade if the regulations prescribed in this bill become law.

None of the ships under the jurisdiction of this shipping board can go into competition, because they are so bound and tied by the provisions of sections 7, 8, 9, 10, and 12 that they can not compete, and this combination, with seventy or eighty million dollars to start with, can, for as long as it is necessary, put the business on so low a rate that no man dare start in South America, because the ships of this combination do not come under the provisions of this act, that if they reduce the freight they must keep it reduced until they raise it for some other reason than the removal of competition. We ought to have good men to fight a condition like that; and while good men do volunteer, and good men like the gentlemen from Illinois, Mr. CANNON, Mr. MANN, and Mr. MADDEN, and good men like the gentleman from Missouri [Mr. ALEXANDER] do come to this House for $7,500 a year, there is no reason why men should be drafted from private life for such public service as this at less compensation than they are receiving in other public capacities.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. TOWNER. Does the gentleman really think that many of the Members of this House have been drafted to serve?

Mr. BENNET. I did not use that word in connection with Members of the House. I used it in connection with these proposed commissioners, for this reason, that I regard elective service as a Member of the House of Representatives of the United States as one of the highest honors that can be conferred upon a man, and not at all to be compared with an appointive position on a board.

Mr. TOWNER. I agree with the gentleman; but does he really think there will be any difficulty in obtaining deserving Democrats to fill these places at $7,500 a year?

Mr. BENNET. I am not going to make a political speech. You can get $7,500 men; but this important board ought to have the best men in the country, regardless of politics, especially in connection with section 13, under which they are to conduct investigations.

I have told this House frankly of the combination that is being formed in New York City at this very minute. I hold in my hand a report, as they call it, from the Nautical Gazette, received this morning, I presume, by every Member of the House, in which they call attention to this combination that has bought 500 acres of land alongside of the Standard Oil plant and the Baltimore & Ohio at Bayonne.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. I wish I had more time.

Mr. GREENE of Massachusetts. I yield to the gentleman five minutes more.

Mr. BENNET. I hope the House will give these men $15,000 and enable us to get the best men.

Mr. SLAYDEN. Will the gentleman yield?

Mr. BENNET. Certainly.

Mr. SLAYDEN. I am interested in the statement the gentleman made; and, because unfortunately I was detained and did not hear his opening remarks, I wish to ask him, Is this combination that the gentleman speaks of one that proposes to develop trade between Latin America and this country? Is that their purpose, or are they to be shipowners or bankers or merchants or what?

Mr. BENNET. This combination is to develop trade between this country and South America for its own benefit.

Mr. SLAYDEN. Of course. That is the object of all trade development.

Mr. BENNET. They have 50 ships. They will not charge a dollar of freight. Here is what they said to a man in the export trade. They asked him to go into the combination, so it has been reported to me by a Government official, and he said he did not desire to go into the combination because he did not think they were on a sound economic basis. They said to him: "Sound economic basis! Why, we are going to control the whole thing, and we can fix our own rates." He said, "I prefer to stay out and do business on conservative lines that I have for years." They said to him, "All right, you stay out; but if you stay out of this combination there won't be any

way that you can ship your goods to South America." They start in with 50 ships and with the power in their own hands to keep every other man in the United States that has not a hundred million dollars to risk from putting one single ship on the ocean. And yet we proceed with regulations in which we tie the people up tighter and tighter and with a board so limited in its powers that it can not charter a single ship in the South American trade.

Mr. McKELLAR. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. McKELLAR. Is not the formation of such an organization a pretty good reason why this bill ought to pass?

Mr. BENNET. Not at all; not this bill, with the restrictions put on charters, because, as I said frankly, as long as the bill is to pass the House we ought to give these men $15,000 apiece, so as to get the best men to carry out the provisions of section 13.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. MOORE of Pennsylvania. Suppose we form this Government shipping board and a hundred million dollar corporation gets control of that board, what will happen?

Mr. BENNET. They do not have to get control of the shipping board. They control the ships.

Mr. MOORE of Pennsylvania. Would not this be a perfect monopoly?

Mr. BENNET. I do not think that they would ever control the shipping board. I am assuming that these men are to be good men, and I want them to be good men.

Mr. REILLY. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. REILLY. What is to prevent a corporation under existing conditions doing just what you claim this corporation is doing?

Mr. BENNET. Under existing conditions they are going to do it.

Mr. REILLY. Is it not time, then, for the Government to step in and do something to counteract it?

Mr. BENNET. It seems that it might be the duty of Attorney General Gregory to do something. The gentleman from Indiana talks about trusts. Do you Democrats forget that you are in power? If there is a Shipping Trust why does not the Attorney General go after it? There has not been a prosecution commenced against the so-called trusts in two years and a half, and yet every once in a while you Democrats get up and holler about the trusts. Why do not you get after them? If there are these iniquitous trusts, why do not you skin them? You promised to do so when you were out of power.

Mr. MOORE of Pennsylvania. Does not the gentleman remember that the other day gentlemen on the other side said the power of Mr. Morgan was just as great to-day, notwithstanding the Federal Reserve Board, as it was before the board was created? Is it not possible that the Shipping Trust will continue to be as powerful, notwithstanding Government competition?

Mr. BENNET. If there is such a thing as a shipping trust, the Attorney General ought to start after it to-morrow. The Democrats are so used to being out of power and criticizing the people that they forget it once in a while. Now, Mr. Chairman, I have no disposition to take up any more of the time. I have laid the facts before the House, and I hope they will get the best men they can for this shipping board.

Mr. ALEXANDER. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Chairman, I am not going outside the question before the House to reply to the efforts on the other side to inject politics into this bill. I will say on the question before the House that the remarks of the last gentleman [Mr. BENNET], who told us about an immense combination just being organized, that if there was no other reason given the House except that statement—granting that it is true, and I have no reason to doubt it—that statement would contain absolute proof that some regulatory laws such as are embodied in this bill ought to be passed in order to prevent such combinations.

Now, on the amendment offered by the gentleman from Washington, when I watched the smile of Mephistopheles that passed over his countenance and then heard his statement and the statement of the gentleman from Illinois that they hoped to God the bill will never pass, I know the purpose is not to strengthen but to destroy the bill.

I want to say that our committee of 21 members—Democrats and Republicans—heard all the evidence as to the fixing of these salaries, and there is not one of us that does not agree to the salaries as fixed in the bill. I want to say that while $15,000 may be a little sum to men engaged in large business, this committee looked into the whole subject and has found the right between the two extremes. We neither cut down the salary to a figure which might not get the men desired and qualified for this place nor did we wish to make salaries too high. The President, by the terms of the bill, must have regard to men having the capacity to do the work. Men of big business affairs are the only ones who will understand, and have that capacity—men of broad scope and views will be the only men to meet the requirements of the legislation on the subject. Men of that character will be able to contemplate the whole field of operations and put this law on its feet and help it to become a success. If the law does what we hope it will do, and helps to reinstate the merchant marine, this board will be worth a thousand times its salary, and if it shall help to prevent oppressive discriminations against our people used in various and sundry ways, and in the interest of special favorites and in tearing down the average small business man; if this board vindicates the powers given to it, it will be the most important board outside of the Interstate Commerce Commission that there is under the Government of the United States. It will be one of the greatest importance, and will stand side by side with the Interstate Commerce Commission. It will have a useful and possibly even greater field of usefulness than that board that undertakes to regulate our railway traffic. It will help to build up our commerce where it is needed to be built up and then to prevent such combinations and shipping trusts as prevent any effort on the part of American capital to get into line and to begin competition in the shipping of the world. I want to see the American flag on the high seas; I want to see American commerce carried under the American flag, but I want to see it carried with justice, fairness, and reasonableness of service to the American people. [Applause.]

The CHAIRMAN. The question is on the substitute offered by the gentleman from New York.

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

Mr. MANN. Mr. Chairman, may we have that amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. HUMPHREY of Washington) there were—ayes 52, noes 84.

So the amendment was rejected.

The Clerk read as follows:

SEC. 5. That the board, with the approval of the President, is authorized to have constructed and equipped in American shipyards and navy yards [or elsewhere, giving preference, other things being equal, to domestic yards,] or to purchase, lease, or charter, vessels suitable, as far as the commercial requirements of the marine trade of the United States may permit, for use as naval auxiliaries or Army transports, or for other naval or military purposes.

Mr. ROWE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 21, strike out all of section 5, with notice that if this paragraph is stricken out a motion will be made to strike out sections 6 to 12, inclusive, also section 14, being all the sections relating to the ship-purchase provisions of the bill.

Mr. ALEXANDER. Mr. Chairman, in order to facilitate the consideration of the bill can we agree on time on this amendment?

Mr. MANN. What is the gentleman's request?

Mr. ALEXANDER. Can we agree on time on this amendment and all other amendments to this section?

Mr. MANN. There are some other amendments to the section, and I think we had better not agree right now on all amendments to the section. Let us agree on this amendment.

Mr. ALEXANDER. How much time would the gentleman suggest?

Mr. MANN. Let it run a little while. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. ROWE] may proceed for 10 minutes on his amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from New York may proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ROWE. Mr. Chairman, there are two separate bills to this measure before the House. One provides for a commission to regulate commerce on the high seas; in other words, to be a regulatory commission and have charge not only of destroying the wrongs that are committed by those carrying on commerce under the United States flag and foreign flags if possible. The other appoints a commission and gives them the

authority either to purchase or construct $50,000,000 worth of ships to be leased or sold to private parties or to be transferred to a company in which the United States has the controlling interest.

Now, I claim that these two principles can not be operated together by the same commission. Let us use an illustration; for instance, the chairman of this committee and many others on the committee yesterday and to-day talked of the operation of steamers and shipping lines to South American ports. Now, the Grace Co., way back in the early times in the history of this Nation, began the operation of sailboats first to the Pacific coast of South America. They have built up a large trade there. Now there are opportunities for starting other companies in that locality.

Now, think of this commission starting a corporation in which it has the controlling interest to send ships to one or more ports on the Pacific coast and South America and at the same time having the power to regulate all of the business of the Grace Co. The thing would be almost exactly parallel if this House should vote to give to the Pennsylvania Railroad Co. the regulation of all the transportation by rail between the Atlantic and the Pacific coasts so that they could say to the New York Central, the Baltimore & Ohio, and the Erie roads what their rates were to be and how they were to do their business, and what was an unjust and a wrong practice in railroad matters.

I hold, gentlemen, that the commission to be appointed under this bill should be regulative; it should be helpful in the building up of the commerce of the United States on the high seas. It should not be competitive and destructive of our commerce.

Now, Mr. Chairman, there is no country in the world of any importance that owns its own ships. It is true that Brazil owns a line to the United States, but that line to the United States was established not because Brazil wanted the ships but because she had to take the ships for a debt, and they are still operating that line. It is a small item in the commerce of Brazil, and it has up to the beginning of this war, as the testimony shows and as you will find in our evidence, been operated at a great loss.

Mr. Chairman, it has been argued here, and it was very extensively discussed before the Merchant Marine Committee, that it is necessary to do this in order that the United States Government might have the necessary transports and auxiliaries. England has no steamships of its own, Germany has no ships of its own, France has no ships of its own, and yet England has the finest transport service and auxiliary service in this war that any nation at any time has ever had in any war. It is not necessary, gentlemen of this committee, that we should own ships in order to have transports and auxiliaries to care for our Army and our Navy.

Now, the people do not want this. We have had frequent reference from the chairman of the Merchant Marine Committee and from many others to the vote taken by the Chamber of Commerce of the United States. I would like to call attention to that vote, which contains some very interesting figures. This, by the way, is all within the minutes taken before our committee and is contained in the minutes. Take the State of New York, for instance, in the matter of Government ownership and Government operation. There is 1 vote for it and 106 votes against it. Take in the matter of Government ownership, but lease to private corporations, 1 vote for it and 108 votes against it. Take Missouri, the State of the chairman of the Merchant Marine Committee—7 votes for Government ownership and Government operation and 26 votes against it.

In Missouri, for Government ownership and lease, there were 7 votes for it and 26 votes against it. Take the State of our own President—the State of New Jersey—and in that State Government ownership and operation did not receive a single vote. And I would ask every man in this House to look at the civic bodies that voted on that matter. Not a single vote in favor of Government ownership and operation. There were 18 votes against it. And on the question of Government ownership, but leased to private parties, there was not a single vote in favor, but there were 18 votes against it.

Mr. BENNET. Will my colleague yield?

Mr. ROWE. Certainly.

Mr. BENNET. These votes were not cast by individuals but by chambers of commerce, were they not?

Mr. ROWE. They were cast by chambers of commerce and other commercial bodies.

Mr. BENNET. So that those 18 votes would represent memberships running into thousands?

Mr. ROWE. Yes; many thousands.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. ROWE. I yield.

Mr. MOORE of Pennsylvania. May I say to the gentleman that the Philadelphia Maritime Exchange, which is the leading maritime body of that great city, has voted against this and forwarded resolutions against the bill?

Mr. ROWE. Thank you.

Mr. ALEXANDER. Will the gentleman yield right at that point?

The CHAIRMAN. Will the gentleman from New York yield to the gentleman from Missouri?

Mr. ROWE. Certainly.

Mr. ALEXANDER. Is it not true that the National Bankers' Association was almost a unit against the Federal reserve act?

Mr. ROWE. I think it was.

Mr. ALEXANDER. And are they not now a unit for it?

Mr. ROWE. No.

Mr. ALEXANDER. Who are the ones that are opposed to it?

Mr. ROWE. The difference there is very great. These bodies are not shipowners. They are just organizations that are composed of the business men of the country.

Mr. REILLY. Will the gentleman yield?

Mr. ROWE. Certainly.

Mr. REILLY. Is it not a fact that that same body voted against the Glass currency bill before it was adopted?

Mr. ROWE. I think not. Anyway, it does not matter about that.

Mr. REILLY. They are against everybody.

Mr. ROWE. Now, let us consider the entire United States, and we find that there were 89 votes in favor of Government ownership and operation and 690 votes against Government ownership and operation. Now, as to the proposition of just plain Government ownership, 51 were in favor of it and 730 votes were against it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Massachusetts. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the gentleman from New York may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ROWE. Mr. Chairman, there is another question brought up here, and it is a very serious one—the question of subsidies.

Mr. CLINE. Will the gentleman yield, so that I may ask for information? What action, if any, was taken by the United States Chamber of Commerce that met at Washington last winter on this subject? Does the gentleman know?

Mr. ROWE. They indorsed the former action of the chamber. The former president of the organization appeared before our committee and backed up this vote, and the president, who comes from South Carolina, by the way, has appeared twice before our committee and said that the organization stood absolutely for this vote.

Mr. CLINE. Was there any referendum taken in the organization with reference to that matter?

Mr. ROWE. It was a vote taken by ballot cast by the separate organizations, and is very much ahead of a meeting held here.

Mr. HARDY. Will the gentleman yield for a question?

Mr. ROWE. Certainly.

Mr. HARDY. Was it not also in evidence before us that in sending out these referendums at least some of the bodies sent them out with the recommendation that "you vote this way on this proposition and that way on that proposition"? Is there not definite testimony to that effect?

Mr. ROWE. Mr. Chairman, the gentleman is right and wrong; that is, his question might easily give a wrong impression. I think the United States organization itself in sending out the questions did not suggest in any way how the vote should be cast; and yet when it came to the local organizations they referred it in many cases to a committee, and the committee, after having passed upon it and after making up its ideas, sent it out among the individual members with the findings of the committee.

Mr. Chairman, I object to any more interruptions.

The CHAIRMAN. The gentleman declines to yield to further interruptions.

Mr. ROWE. Now, there is no need of this measure at this time. The shipyards of the United States are in business; the money of the people of the United States has gone in during the last 12 months in very great amounts—three or four times the amount we are talking of putting into the shipbuilding bill. As I said in my former address here, while there were 76 vessels building on July 1, 1915, there are now 316 building in American yards.

If the House of Representatives and the Congress of the United States will only leave the people alone or assist in this business, within 10 years we will have the greatest merchant marine in the world. [Applause on the Republican side.]

Mr. TOWNER. Mr. Chairman, as the gentleman from New York [Mr. ROWE] has said there are two propositions before the House for consideration in this bill. One to provide a commission to investigate and regulate shipping; the other to appropriate $50,000,000 to start the Government of the United States in the shipping business. As to the first proposition dissociated from the second there would be little opposition. The second proposition many of us oppose, because we believe it inexpedient, unnecessary, and dangerous.

The legislation was first presented with the idea that it would enable the Government to buy the German interned ships at reduced figures and place them at once in the over-seas trade. But that idea had to be abandoned, for one reason, because Germany would not allow them to be sold. Then, the proposition was urged as necessary to relieve the cotton situation in the South. The price of cotton was greatly depressed, and it was thought the Government ought to relieve the situation by furnishing the cotton growers cheap transportation. But while the legislation has been pending the price of cotton has gone up to a high and satisfactory figure without Government aid. Now, the proposition is advocated as a preparedness measure, as necessary to reduce transoceanic rates, and as the only possible way by which we can build up an American merchant marine.

NOT A PREPAREDNESS MEASURE.

Any proposition, weak in its appeal and indefensible on any other ground, can now be given a semblance of value if on any plausible pretext it can be urged as a preparedness measure. When this legislation was first proposed it was not thought of as a preparedness measure, and not until every other theory on which the proposition had been advocated had failed was the bill amended so that it might read, "for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve."

That part of the title of the bill is a misnomer, for the object of the bill is to create a board which shall be given $50,000,000 to buy or build ships with which the Government is to engage in the shipping business. As a reason therefor, all other reasons having failed, it is provided that in case of need the ships can be used by the Navy. The Government can take what American merchant ships it desires in any event in case of war, without buying them in advance. Besides, if the ships are intended as naval auxiliaries they should be controlled by the Navy and not by a shipping board.

It must be apparent that the use of the ships by the Navy is only an afterthought and entirely subsidiary to the main purpose.

If it were proposed to use some of the auxiliaries of the Navy in time of peace for commercial purposes, such a proposition would be worthy of consideration. The vessels to be used as auxiliaries of the Navy should be built for that purpose, and are provided for in the naval bill now pending. Some, and only some of them, could be used for commercial purposes in time of peace. But a merchant ship, built primarily for that purpose, must be reconstructed to its disadvantage as a merchant ship if it is to be used as an auxiliary ship of the Navy.

Besides, we have more than enough of that class now on hand which we acquired during the Spanish-American War. As the gentleman from Michigan [Mr. LOUD] well suggests we ought to be selling instead of buying that class of ships. We have 53 ships now in the Navy that could be used for commercial purposes. They are many of them old, and should be disposed of while prices are high. One of them, a collier, the *Justin*, we purchased during the Spanish-American War. It was second-hand then, and we bought it for $145,000. It was condemned for further use as an auxiliary a short time ago; was ordered sold, and appraised at $75,000. The Government sold it to the highest bidder a short time ago for $301,070. It is a good time to sell. I agree with the gentleman from Michigan [Mr. LOUD] that every one of these old ships should be sold now when prices are good so they can be at once placed in the carrying trade. Or we could begin the experiment of the Government operating in the shipping business by putting them in commission as merchant ships. But the majority will consider neither the selling of the old ships which have outlived their usefulness as auxiliaries nor of using them while they last in commerce.

It should be said in passing that within the last few years we have built for our Navy the best fleet of colliers in the world, 14 in number, of 10,500 and 7,500 tons capacity, with a total tonnage of 132,000.

NOT A RELIEF MEASURE.

It is asserted by the advocates of this bill that it should be passed as an emergency relief measure, to furnish needed additional ships, and by thus adding competition to reduce rates.

There is no doubt a shortage of shipping occasioned by the European war. Great Britain alone controls one-half of the world's shipping, and 57 per cent of all her ships have been withdrawn from general business on account of the war. France and Italy have requisitioned large numbers of their ships. The great German fleet has been driven from the seas. There is unquestionably a great demand for more ships at this time.

Can we relieve this situation by taking $50,000,000 from the United States Treasury and building or buying ships with it? Suppose we contemplate a building program. The Government yards will be taxed to their utmost capacity with the building of additional warships. No merchant ships can be built in them. Suppose we attempt to have them built in private American shipyards. We find that all such yards are now engaged to their utmost capacity, and can not take any additional orders for completion within two years. We find all American plants have been enlarged, abandoned plants have been revived, and new plants have been established to meet the present extraordinary demand. At the beginning of the present month there were 368 steel merchant ships in process of building in the 32 private shipyards of the United States. This is three times the number that was ever at one time under construction in the country before the war.

We can not build in our own navy yards, and all our private shipyards are working night and day to their full capacity, so that we could not secure new ships either by building or under contract in less than two years.

But it is said we can buy them abroad under the terms of this bill. That is true, so far as the terms of the bill are concerned. But we find the same conditions exist everywhere. All private yards in the world are working overtime to fill orders at high prices to meet the present world-wide demand.

There is nothing left but to buy ships. It must be apparent that the present time is not a good time to buy ships. No other thing of merchantable value is so high. I have already called attention to the sale of the *Justin* at many times its value. Another instance may illustrate conditions. The steamer *Robert Dollar* was built 10 years ago at a cost of $250,000. It was sold a few weeks ago for $1,300,000 cash. Anything that will float and carry a cargo will command an exorbitant price to-day.

To buy now would be folly when vessels sell at five times their cost. Probably within a year the European war will end. When that time comes, the thousands of merchant ships now tied up by the war will be released to engage in the world's commerce. Vessels then will sell for a song that now will bring a fortune. Rates that now are mountain high will drop to the lowest point ever reached under the immediate and intense competition. If we invest now, we will have sunk $50,000,000 in the most foolish and unbusinesslike project ever suggested.

And all to no purpose. We can not add one single ship to our American merchant fleet within two years by building, and then there will be thousands of ships begging for trade. We can not add a ship to commerce by buying those already engaged in commerce. If a ship is already engaged in American trade, it would not help American trade to buy it, whether owned by foreigners or Americans. To buy a foreign ship to transfer it to American trade would be foolish as a business proposition, and is made impracticable by the fact that nearly all the European nations—Great Britain, France, Germany, Austria, Sweden, and others—have placed an embargo forbidding the sale of all ships under their flag.

We hear much about the exorbitant rates now charged for trans-Atlantic transportation. With the warring powers willing to pay any price for quick delivery of war material, high rates are inevitable. To expect that high prices for products can be secured and maintained and low prices for transportation prevail is absurd. The southern supporters of this bill are eloquent about what an increase in the price of cotton would accrue to the growers if they could only have the low rates now that prevailed at the opening of the war. Their logic would be strained if they were required to explain why the price of cotton has risen coincident with the rise in rates. In other words, the higher the rates the higher the price of cotton has gone. The same causes, of course, operate on both, viz, the increased demand.

The extraordinary demand for shipping will cease with the war, both because there will not be such an amount of goods to ship and because there will be released for competitive commerce about one-third of the world's ships now tied up on account of the war.

AN AMERICAN MERCHANT MARINE.

Our people are united in the desire to build up an American merchant marine. We are not only materially injured, but we are humiliated by our dependence on and subjection to foreign control of our own commerce. Nine-tenths of our overseas trade is carried in foreign ships. We can not send our own products in our own vessels. We can not transport American citizens under the American flag to foreign lands. We can not even forward the United States mail in our own ships. We pay from $200,000,000 to $300,000,000 annually to foreign shipowners for carrying American passengers and products. It is not comforting to realize that as our productive capabilities increase our dependence on foreign transportation of our commerce increases. In case of a war in which we should be involved our position would be not only dishonorable, it would be dangerous. There can be no doubt we need and must obtain an American merchant marine.

The imperative necessity of taking some action that will bring our shipping under our flag makes it the more necessary that we should carefully consider the problem, that we may act wisely in the initial steps of the great undertaking.

In the earlier years of the Republic we carried 90 per cent of our foreign commerce. Under varying conditions we managed to control a preponderance of our foreign trade for more than half a century. As late as 1856 we carried 75 per cent of it. For reasons which can not now be adequately discussed, we lost control of our foreign commerce during the Civil War. We have never regained it. We now carry less than 10 per cent in value of our foreign trade.

In the meantime the over-seas commerce of the world has grown to vast proportions. The oceans, instead of being barriers, have become the great highways of commerce. It is easier and cheaper in ordinary times to transport a cargo of grain across the Atlantic than across the State of Texas. One may travel from New York to Liverpool as quickly, as cheaply, and with more comfort than he can from New York to San Francisco.

There are now over 30,000 registered vessels engaged in the over-seas trade. Great Britain alone has over 12,000 merchant ships. In 1915 the United States had 680 vessels engaged in foreign trade. Before the war Great Britain carried 54 per cent of our foreign commerce. Germany carried 12 per cent. Less than 9 per cent was carried under our own flag.

The world's ocean tonnage is about 50,000,000. Our total tonnage engaged in the foreign trade is about 1,000,000.

It costs now about $100 per ton to build freighters. It costs $200 per ton to build combined passenger and freight ships. With $50,000,000 we could build, if we could find a place to build them, 50 freighters of 10,000 tons capacity. We could build 25 freight and passenger ships.

It must be manifest that the addition of 50 ships to the world's 30,000 can have but little influence on rates. It is evident that an addition of 500,000 tons to the world's tonnage of 50,000,000 can have no appreciable effect, except to discourage individual enterprise.

To dominate our foreign commerce we should control at least 60 per cent of it, and that would require at least 600 ships of the first-class freight type and would require an investment of $600,000,000. The building of 50 ships—all that could be obtained under the present bill—would be but a weak commencement of such a program.

Of course, nobody contemplates such a program. But if we do not intend to carry out the plan, why enter upon it?

GOVERNMENT OWNERSHIP.

In this debate there have been two lines of argument offered in defense of this Government-ownership proposition. One is that everything else has been tried and has failed, and there is nothing left but Government ownership; the other is that under the terms of the bill Government ownership is to terminate within five years following the close of the war.

The launching of the Government of the United States in the shipping business is a most remarkable proposition. No other nation of the world has been so foolish as to attempt it. Germany has experimented with Government ownership of railways, France of telegraphs, England of telephones, but none of these great centralized Governments has ever ventured to attempt developing a merchant marine by Government ownership.

It is a subject of wonder why some gentlemen seem so enamored with the Government-ownership idea. The Government never has and never can engage in competitive business without disaster to the business in which it engages and loss to itself.

The Government-owned railways of Germany, where Government efficiency is carried to the highest degree, before the war paid $7.86 a week for their labor, and charged 1.42 cents per ton per mile for carrying freight.

In the United States in 1913 the railways paid $15.86 a week for their labor, and carried freight for seventy-two one-hundredths of a cent per ton per mile.

It has been stated here as an instance where Government ownership has been justified that the Government is now making its own powder cheaper than it could buy it of private producers. True, but the Government is not going into the powder business to compete with its own citizens in the open market. That is what is proposed in this bill. It is proposed that the Government shall go into the shipping business to compete openly with its own citizens for business. In the first place it desires to have its citizens invest their money in the business, and then it goes into the business to compete with them. And in this case there is not even the excuse that the Government is itself directly interested. It is not shipping grain, or cotton, or merchandise.

The effect on rates of putting 50 ships in commission operated by the Government would be little if that were the limit of the Government's interference. But the effect on further investment and the further development of an American merchant marine can not but be injurious. Just at this time when American investors are interested in this as a promising line of industrial activity, to say to those contemplating entering it that if you do you must be prepared to compete with the Government is discouraging, to say the least.

The effect of this Government entering into competition directly in the business would likely be to drive every American-owned vessel under a foreign flag. If the Government-owned ships operate at less prices than the privately owned ships, the latter would be forced to go where operations are cheapest, and that is confessedly under foreign flags.

The impression is sought to be conveyed that the Government will not go further than this bill authorizes. If that be true, the action is unwise, for the addition of merely 50 ships will not materially lessen rates or supply demands. At the same time such action will operate as a discouragement to private investment, and thus injure rather than encourage the building up of an American merchant marine.

If, however, this is but a commencement, and the Government itself is to supply an American merchant marine, then our people must contemplate the investment of from $600,000,000 to $1,000,000,000 instead of this paltry $50,000,000, for that is what will be required to furnish even 60 per cent of our foreign commerce.

All this has been considered by thoughtful Members of the majority before, and was sufficient to defeat the proposition in the last Congress. But these gentlemen it seems have been placated by the provision in the present bill that limits governmental operation to five years after the close of the present war. In view of the fact that it is perfectly clear that no temporary action of this kind can have any beneficial effect, and that the only result that can be anticipated would be to discourage rather than to build up an American merchant marine, it is difficult to see how these men can justify their present support of a bill which at this time is less needed than ever before and which still retains the fundamental defects of the other bills.

It requires only a slight consideration of the operation of shipping business under Government control to determine its utter impracticability.

It is proposed to put 50 ships belonging to the Government into operation. From what ports are they to sail? There are more than 50 ports on our seaboard. Is one ship to be assigned to each port, or are 64 per cent to be assigned to New York? Two views may be given. If the Government boats offer cheaper rates the shippers will demand them, and the private shipowners will try to prevent their competing with them. Which will prevail? What are the influences that will determine the placing of these ships? Can it be done without political favoritism? Can it be done without fraud and scandal?

And where are these ships to be sent? To Europe? If so, to the ports of what nation—England, France, or Germany? Or are they to be used to build up the trade with South America? Is it proposed to send them to China or Japan? What proportion is to be assigned to our eastern, western, and southern trade?

And what are to be the rates? Are they to be always lower than prevailing rates, or only lower when prevailing rates are too high? And on what classes of goods are preferences to be made? What particular classes are to be favored? Is cotton or corn to get the best of it?

These and numerous other like questions will have to be determined, not on their merits, but upon grounds that will, it

is believed, strengthen and sustain the administration. Political reasons, always and only these, must necessarily control this board. It is not like the Interstate Commerce Commission, a court that is to hear and determine causes impartially. The board is itself to be engaged in the business. It is itself to engage in the trade wars of the future. And the anomalous condition is to be established by this bill that the board is to engage as a competitor in the shipping business, and at the same time is given power to make rules to regulate and control its private competitors. What an encouragement is here offered to our citizens to build up an American merchant marine!

SUBSIDIES.

Granting that the administration is desirous of doing something toward building up an American merchant marine, it is improbable it would ever have indorsed the present indefensible proposition if it had not been for its terror of anything that might be labeled a subsidy. It is not the substance that is feared, but the name. The party is perfectly willing to support the essential, but it shrinks at the appellation. The administration still carries the subsidy for carrying the mail in its appropriations, and its tariff bill provided for a 10 per cent discrimination in favor of American ships, both admitted subsidies. Still the Democrats vehemently assert they are opposed to subsidies of every kind and character.

This proposition is a subsidy, pure and simple. It is, in fact, subsidy raised to the *n*th degree. It is subsidy in the superlative. Subsidy is defined as "a grant of money to a person or industrial scheme considered as beneficial to the public." It is pecuniary aid from the Government. In this case the Government takes $50,000,000 of the people's money to aid a corporation in which individuals are asked to invest, for which the Government is to furnish the credit, and to which it is to subscribe most of the capital. Or it proposes to buy ships and lease them to private parties on more favorable terms than they could otherwise be obtained. It does not require argument to show that this is subsidy in every requisite of the definition.

The Democratic Party has officially declared its purpose with regard to this matter. In 1908 the Democratic platform declared for the "upbuilding of the American merchant marine without new or additional burdens upon the people, and without bounties from the Public Treasury." The imposition of $50,000,000 is a considerable "burden upon the people." The present bill is in direct contravention of the statement that whatever was done to build up an American merchant marine it should not be done by bounties taken from the Public Treasury.

Again in 1912 the Democratic Party declared for building up a merchant marine, but declared it must be done without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury. This bill proposes to take $50,000,000 in one tremendous bounty from the Public Treasury, but its advocates declare on the floor of the House that the only advocates of subsidy in the country are Republicans.

However, at this time there is no need to discuss the policy of subsidies. At this time there is no necessity for subsidies, either of the bounty character or of the Government-ownership variety. Everything and more is being done now in building up an American merchant marine than could be secured by the most liberal subsidies. If as a result of subsidy legislation every private shipyard in the country had more than doubled its capacity; if new yards were being established almost every day; if more capital, more workmen, more energy were employed than was ever before known in the history of the Nation; if 368 new steel merchant ships had been placed on the ways, it would have been an ample vindication of the action. And yet all that and more has been accomplished without one cent of subsidy. Private enterprise has done everything that could be done without Government aid. What, then, is the necessity for this belated, unnecessary action? Why, this reckless, wicked waste of the people's money, that is needed so much for necessary things, that can not accomplish its avowed purpose, that can not add one ship to our merchant marine, not send one additional cargo from our ports?

WHAT CAN BE DONE.

While at present conditions are favorable, and while now everything is being done that can be done to upbuild American shipping, we must not shut our eyes to the fact that it is not likely such conditions will long continue. Neither should we disguise the fact that American shipping will have heavy handicaps to overcome before it can be placed in a condition successfully to compete for even the carriage of our own commerce. The present war, which occasions both a shortage of available shipping and an extraordinary demand, can not long continue. Nearly one-third of the world's ships will at its close be released to enter the contest for the world's trade. If we could enter the contest on equal terms with our competitors, no American would fear the trial; but, unfortunately, we can not do so.

In the first place it costs more to build ships in the United States than in other countries. In the construction of a merchant ship, it is computed that nine-tenths of the cost is for labor. Labor is paid more in American shipyards than in others. An official report of the Department of Commerce, issued this month, states that in the shipyards of Japan there are now employed more than 40,000 skilled laborers, and that their wages average 34.9 cents per day. In Great Britain higher wages are paid than in any other shipyards in the world except in the United States. Yet their wages are less than half those paid in American shipyards. A comparison may be of interest showing the average weekly wage in both countries before the war:

Great Britain.

Blacksmiths	$9.84
Machinists	9.67
Joiners	9.50
Carpenters	9.88

United States.

Blacksmiths	$20.88
Machinists	19.38
Joiners	21.18
Carpenters	22.14

If, then, an American contemplates entering the shipping business he must start with the realization that he must pay from twice to ten times the labor cost that his foreign competitors will be required to pay.

Nor are operating expenses on a more favorable basis. I am indebted to the gentleman from Michigan [Mr. FORDNEY] for some very illuminating figures with regard to the comparative operating expenses of shipping. The labor cost of the *Yasama Maru*, a Japanese ship, carrying 36 men, was $795 per month, or $9,540 a year. The labor cost of the *Robert Dollar*, of practically the same size, operated under the English flag, with 47 men, was $1,308 per month, or $15,696 per year. The American steamer the *Algoa*, practically the same size, carrying 49 men, pays for labor $3,270 per month, or $39,240 per year. In other words it cost $29,700 more to run an American ship than a Japanese ship of the same size and type. It costs annually $13,550 more to run a ship of this type under the American flag than under the British.

Besides this, an American ship must undergo inspection every year at a cost of about $3,000. Its measurements cost is above $5,500 each year. The cost of subsistence is much larger also under the American flag. It requires more men to man a ship under our present requirements than is required by any other nation.

Several things have been proposed and some have been tried in an attempt to equalize conditions. It was strenuously advocated by Democrats that if free trade in ships was instituted and Americans were allowed to buy their ships in the cheaper foreign markets, the entire difficulty would be overcome. Accordingly they passed a free-ship bill. Not a single ship came under the American flag by the operation of that law.

Some bills passed during this administration instead of helping have greatly injured the upbuilding of an American merchant marine. The repeal of the act granting free tolls to American vessels using the Panama Canal was discouraging. The passage of the seaman's bill, while its declared purpose was good, has operated disastrously. It drove every merchant ship flying the American flag off the Pacific Ocean.

In the tariff act of October 3, 1913, a discriminative duty of 10 per cent, in addition to the regular duties, was imposed on foreign goods imported into this country in foreign vessels. This was a good provision, and undoubtedly would have accomplished much good. But the administration nullified the law and prohibited the collection of such duties on the ground that it violated our treaties, notwithstanding the fact that the board of general appraisers decided otherwise. It is to be regretted that this endeavor to test the effect of discriminative duties should have been thus prevented.

In 1789, immediately following the institution of our Government under the Constitution, a law was enacted under which a discount of 10 per cent was given on all duties on imports brought to this country in vessels owned in the United States. On August 10, 1790, an addition of 10 per cent on the specified rates was made on imports brought in foreign vessels. This amounted to a preference of 20 per cent made in favor of American shipping. Under the operation of this law by 1810 we were carrying 90 per cent of our foreign commerce.

It is believed by many that the effect of such a law would be very beneficial in placing our commerce under the American flag. If modifications in our treaties are needed to enable us

thus to assist our own industries, notice should be given at once and such changes made.

Free tolls should be given to all American ships through the Panama Canal. If any changes in our treaty agreements are needed to secure this preference to American ships, such changes should be at once made.

We should offer bounties and prizes to such American ships as shall most efficiently and speedily carry the American mails to foreign ports. By limiting such prizes only to American ships we would encourage American enterprise, and by offering such bounties only for efficiency and expedition we would relieve such action from the taint of subsidy.

All harbor charges, pilotage dues, and other expenses of like character should be remitted to American ships. We should in every way foster and favor American shipping where legislation can aid it. We should impose no burdens upon it not necessary to secure and protect passengers, crews, and cargoes.

These things we can do if we are really desirous of building up an American merchant marine. These things are not political. They are not in any sense partisan propositions. They are American. They mean America first. They do not crook the pregnant hinges of the knee to secure foreign praise or favor. They are proposals to look after our own interests just as every other nation is looking after its own interests.

How different is it with regard to this bill. The real grounds on which it is now pressed are political not national. It is considered desirable that just now the administration should have $50,000,000 to spend as it pleases. We are on the eve of a presidential election. With this money the administration can buy ships or build ships as may be most advantageous. It can put them where they will do the most good politically. It provides places at high salaries for a large number of "deserving Democrats" who may need to be placated or satisfied. The money may be used to build up such particular ports or special industries as are most advantageous to the administration. It is a political measure pure and simple, and its passage will be a reproach and a disgrace to the party that forces its enactment.

Mr. ALEXANDER. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. TOWNER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The gentleman from Missouri is recognized for 10 minutes.

Mr. ALEXANDER. Mr. Chairman, I esteem the gentleman from Iowa [Mr. TOWNER] very highly. There is just an imaginary line between our districts. He said it is impossible to have these ships built; that the American shipyards are being used now to their utmost capacity. Then in the next breath he says that we are proposing to take $50,000,000 out of the Treasury of the United States to build ships. Well, that is logical, I admit, with a reservation.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I do not want to yield at this point.

The CHAIRMAN. The gentleman declines to yield.

Mr. ALEXANDER. I decline at the present time.

Now, with reference to the referendum of the Chamber of Commerce of the United States, I wish to say that Benjamin J. Rosenthal, of Chicago, who is vice president of the National Business League of America, which is composed of some of the most distinguished business men in the United States, made this statement before our committee with reference to the referendum at Chicago:

> Now, I will tell you gentlemen exactly how this vote was arrived at, and to make assurance doubly sure I will mention the fact that I happened to meet Mr. Nickerson, who is a member of the association of commerce, and was one of the subcommittee of two. I met him last night at the New Willard Hotel.

This is a statement made on February 12, 1916. Mr. Rosenthal continues:

> He was here attending this conference of the United States Chamber of Commerce. I asked him, just to be sure, just how that vote was arrived at, and I will explain just exactly what he said, and that was my understanding. The request came to the executive committee; the executive committee referred it to a committee of two. Mr. Nickerson was one of that committee and Mr. Buchanan was the other. That committee of two had probably never even read the Alexander bill and did not know, perhaps, all of the provisions of it. This committee reported that they were not in favor of Government ownership, but in favor of some form of subsidy, and the executive committee indorsed this action of the committee of two, and it was sent to the National Association of Commerce, and in that way the National Association of Commerce attempts to bind an organization of 4,000 men.

That is the way the referendum was taken at Chicago. The correctness of that statement has never been challenged and I have never heard anyone question the fair reliability of Mr. Benjamin T. Rosenthal.

Now, with reference to the action of the Chamber of Commerce of the United States on two propositions in this bill, I said in my first statement that they had opposed Government ownership and operation of vessels.

On their ballot No. 2 the committee recommended the creation of a Federal shipping board to investigate and report to Congress regarding the navigation laws and to have full jurisdiction, under the law, in all matters pertaining to over-sea transportation. The vote was 639 votes in favor of the recommendation and 116 votes opposed.

On the fourth proposition the committee recommended that there should be legislation abolishing deferred rebates and providing for supervision of rates by the Federal shipping board, with requirements for filing with the board schedules of rates and all agreements among over-sea lines. There were 601 votes in favor of the recommendation and 130 votes opposed.

The Chamber of Commerce of the United States in referendum No. 9 on the ship-purchase bill accompanied that referendum with the report of the special committee of the chamber of commerce in opposition to the bill. I have no objection to that. I think that is entirely legitimate; but I say in every instance, in each referendum, these chambers of commerce had the recommendation of the special committee opposing this legislation or some features of this legislation. And it is only natural for these bodies to follow their recommendations, because that committee was composed of men of large capacity.

Yesterday I read into the RECORD a letter from Mr. William Harris Douglas, the chairman of that special committee, indorsing this bill and saying that he hoped it would become a law, and that quickly. I also read into the RECORD a letter from Thomas L. Sitt, of Chicago, another member of that special committee, indorsing this bill and saying that he was going to communicate with the officers of the national association with a view to having them officially indorse this bill.

I think the most harmful speech that could be made as affecting the upbuilding of our American merchant marine was made by the gentleman from Michigan [Mr. FORDNEY] yesterday, in which he exaggerated the difference in the cost of construction and operation of ships under the American flag as compared with ships under foreign flags. The Chamber of Commerce of New York in November last appointed a committee to consider this merchant marine question and particularly to hold an inquest on the Alexander ship-purchase bill. At the regular meeting on November 5 the president announced the appointment of this special committee: Irving T. Bush, president of the Bush Terminal Co.; William Harris Douglas, whose name I have just mentioned; George S. Dearborn, late president of the American-Hawaiian Steamship Co.; Jacob W. Miller, and J. Temple Gwathmey.

That committee made a report at a special meeting on January 14, and I want simply to call attention to some of the parts of that report referring to this difference in cost of construction, one serious handicap to the investment in merchant-marine property.

> The steamship man must obtain his capital for American ships from American investors. The American investor knows little of the value of securities of steamship companies beyond the repeated statements in the public press that it costs 40 per cent more to operate an American vessel than one owned abroad, and that, consequently, competition is impossible without a heavy subsidy.
>
> These statements are not calculated to attract American capital to vessel securities.

Again—

> At the outset it must be recognized that one of the most important parts of this problem is to satisfy the investing public that they can safely buy bonds secured by vessel property. Otherwise the steamship man is helpless, and can do little to restore our shipping, no matter what inducements may be held out to him.

This bill provides that this board shall investigate securities on vessel property with a view to making them safe. Again—

> We desire first to point out that there has been a general misunderstanding of the added cost of operating American vessels as compared with the same vessel under a foreign flag. It has been frequently stated, and generally accepted, that the operation under the American flag will cost from 40 to 50 per cent more. We believe this percentage should be applied to wages alone, for the cost of fuel, supplies, insurance, and upkeep is substantially equal for the same vessel in the same trade regardless of flag.
>
> On passenger ships, where the wage item may be a larger percentage of the total operating cost, the difference in favor of foreign vessels is somewhat greater, but with strictly freight carriers your committee is informed that the disadvantage under which American tonnage must labor is 5 and 10 per cent of the total operating cost. Even in passenger vessels of a type suitable for South American trade, the disadvantage probably does not greatly exceed 10 per cent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALEXANDER. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. ALEXANDER. I wish to read further from this report:

As we have pointed out, the item of wages on vessels of this character represents a smaller percentage of the total operating cost, and the disadvantage under which American vessels labor is in the neighborhood of 5 per cent of the total operating cost. Under conditions existing in the past, even this difference would prevent the engaging in foreign trade of American tonnage, but it is the conviction of your committee that conditions will not again be normal for a number of years, and that if credit machinery be created to enable the steamship men to finance American steamship enterprise sufficient inducements will exist to assure the construction of a substantial tonnage of freight vessels without the payment of subsidy.

Now, Mr. Bush, discussing the report of the special committee on the merchant marine in the foreign trade, from which I have quoted extracts, at a meeting of the Chamber of Commerce of New York, when the report was up for consideration, had this further to say with reference to the difference of cost of operation of vessels under the American flag and under the foreign flag:

The American steamship man, if he has to operate a ship under the American flag, must get his money from the American investing public.

* * * * * * *

The American public is unacquainted with it, and if we gave a substantial subsidy to establish an American merchant marine it is questionable if any amount of capital could be interested in it, because it is stated it costs 40 per cent more to operate vessels under the American flag than under the foreign flag.

I should like to say one word on that difference of cost. It may be that some of those gentlemen who have been advocating subsidies in the past have made such a good case that, perhaps, they have created too good a case for themselves at the present time. I do not think that it differs anything like 40 per cent; I do not think it does cost anything like 40 per cent more to operate freight vessels under the American flag. In fact, I think all of the committee, with the possible exception of one gentleman, are convinced that the difference in cost is very much less. In order to get some light on this subject I asked a steamship man in this port to have taken off from his books the exact cost of operating a vessel under the English flag prior to its passing through the American registry on a certain voyage and the exact cost of operating that same vessel under the American flag. We must recognize there is a great difference in the class of voyages. In vessels en voyage to Europe, a distance of 3,000 miles, the question of wages bears a much smaller percentage to the total operating cost than it does on the longer voyage at really a midway point, to the River Plate, which, I think, takes about 22 days. I asked him to get those figures for me without in any way discussing whether there was a difference of 5 per cent, or 10 per cent, or 25 per cent. I have in my hand the figures given me on a vessel of 3,000 tons net registry, which carried 7,400 tons, weight measurement, to the River Plate, and came back with a cargo of 6,800 tons of grain. I will not attempt to read all the details. There are freight charges at both ports, coal, wages, oil, vitroline, etc., left out of this; also the question of interest on property, the question of insurance, and any question of the commissions at the ports. Curiously enough it figured out that the total cost of such a round-trip voyage, which occupied about 22 days down, the loading there, and the return back, altogether about a three-months' period, was $40,760 under the British flag and $42,800 under the American flag.

This is an exact statement of the same vessel making the same voyage under the two flags, and it was worked out really with the idea of getting at the facts. That meant in this particular class of vessel, which did not carry passengers, a difference under the American flag of just about 5 per cent. If we had included any of the cost of dry dock and repairs, the insurance, and the commissions to the brokers and the agents at each end, it would be even less than 5 per cent. I therefore think that the statement which gives 40 per cent is entirely exaggerated, and we are within very conservative lines in stating that it will not be certainly more than 10 per cent, and the average would be somewhere between 5 per cent and 10 per cent, depending on the character of the cargo and the length of the voyage.

The estimate of difference in cost of operation of vessels under the American and under foreign flags may be too great or it may be too small. There is a wide difference of opinion on the subject. The point in his statement to which I wish to give emphasis is that we do not accomplish any good purpose by exaggerating the difference, the only effect of which can be, as Mr. Bush points out so clearly, to deter American capital from investing in vessel property.

GOVERNMENT OWNERSHIP AND OPERATION OF RAILWAYS IN GERMANY V. PRIVATE OWNERSHIP AND OPERATION OF RAILWAYS IN THE UNITED STATES.

The gentleman from Michigan, Mr. FORDNEY, also presented some figures to show that the carriage of freight per ton-mile on the Government owned and operated railways in Germany is much higher than on the privately owned and operated railways in the United States, although the wage scale for railway employees here, and operating costs in general, is much higher than in Germany. The gentleman from Michigan did not produce any evidence to show that the railways in Germany are not operated with as high a degree of efficiency under Government ownership as in the United States under private ownership; or that the higher cost per ton-mile for carrying freight on German railways is the result of mismanagement and lack of skill and efficiency and economy of management. He would have us assume that the higher cost is the result of this lack of skill, efficiency, and economy, based alone on the higher cost per ton-mile to carry freight on German railways, as compared with our railroads.

I have not had occasion to investigate this subject with any great care, but my understanding is that statisticians generally have rejected the ton-mile price as a basis of comparison between transportation on American railways with their long hauls and transportation on German railways, with their comparatively short hauls.

When we take into consideration that the cost of loading and discharging and the interest on terminal investments enormously increases the per-mile cost of German transportation, the futility of any comparison made on this basis is apparent.

If the gentleman wishes to make any effective argument against Government ownership, he is unfortunate if he can not find a better illustration than the German railways.

AUTHORITY TO PURCHASE MERCHANT VESSELS "ELSEWHERE."

Stout objection is made to the following provision in section 5 of the bill: "That the board, with the approval of the President, is authorized to have constructed and equipped in American shipyards and navy yards, or elsewhere, giving preference, other things being equal, to domestic yards," and so forth. It is insisted that the board should have the vessels provided for in the bill built in American shipyards; that "elsewhere" should be struck out of the bill. It is my desire that all the vessels provided for shall be built and equipped in American shipyards, yet, I do not think it would be wise to limit the power of the board in that regard.

If the difference in cost of construction in domestic shipyards is so much greater than in foreign shipyards, as contended by some of the gentlemen on the other side, it would be manifestly unfair to the American taxpayer to so limit the power of the board.

The bill expressly provides that foreign-built vessels heretofore or hereafter admitted to American registry or enrollment and license under the act of August 18, 1914, or under this act may not engage in the coastwise trade of the United States, except that such vessels may engage in trade with Alaska, Hawaii, or Porto Rico if the board finds such trade is not being adequately served by a regular line or lines of vessels.

The Panama Canal act, which contained a provision admitting foreign-built vessels to American registry if owned by American citizens, became a law under the administration of President Taft.

The act of August 18, 1914, referred to was passed through the House under a suspension of the rules, and, as I now recall, without opposition.

It may well be claimed that it has become the settled policy of the Government to admit foreign-built vessels to American registry if their operations are limited to the foreign trade. This bill goes no further, except to provide that if the trade to Alaska, Hawaii, or Porto Rico is not being adequately served these foreign-built vessels may be employed in those trades.

As I have said, it is my wish that all these vessels may be built in American shipyards, and I believe they will be built in American shipyards. There is no good reason why it may not be done at this time and for years to come.

Wherein is the provision different in principle to the provisions of a joint resolution passed by Congress in 1906, under a Republican administration, providing for the purchase of material and equipment for use in the construction of the Panama Canal? That joint resolution is as follows:

Resolved, etc., That purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture from the lowest responsible bidder, unless the President shall in any case deem the bids or tenders therefor to be extortionate or unreasonable.

FREE SHIPS.

The free-ship policy has long been pursued by Great Britain, Germany, France, the Scandinavian countries, the Netherlands, Belgium, Spain, Portugal, Greece, Japan; in fact, by nearly every country except the United States.

Mr. EDMONDS. Mr. Chairman, I would like to call the attention of the House to the fact that during the argument made here we have had quite a number of gentlemen who have used figures showing that the American trade in American vessels has been decreasing. As a matter of fact, American trade has been increasing since 1880. Gentlemen have used the figures of the value of the cargo as a basis for their figures showing that the American trade has decreased. If they had used the tonnage figures on American trade carried in American vessels, they would have found that in 1880 19 per cent of our trade was carried in American vessels. To-day 29 per cent is carried in American vessels. This increase has been noticeable

since 1900, and, in fact, has increased very rapidly in the last five or six years. In 1910 we carried 22 per cent of the foreign trade in tonnage, and in 1915 we carried 29 per cent of foreign trade in tonnage. We carried 17,000,000 tons in 1910, and in 1915 we carried 26,693,000 tons.

The trade in foreign ships has decreased equal to that percentage, and their increase in the last six years has only been 4,000,000 tons, while in our ships it has been 9,000,000 tons.

I think we are mistaken when we take the money value of cargoes and use that as a basis for saying how much we ship in American ships. As a matter of fact, the American marine is taking care of itself by increase every year, and if you look up the record of tonnage, we are doing more business every year since 1880; and therefore Government aid and Government operation at the present time would be only a detriment to those gentlemen engaged in building up the business.

Take the report of the Department of Commerce, and you will find that 26,000 tons of new ships have been entered in the last few weeks—new ships completed in 1916—and have gone into the trade in this country. You will find that during April the shipyards have taken on 51,000 tons of new tonnage, which they are ready to complete. You will find that there has been an increase in the shipbuilding facilities of this country equal to any country in the world at any time in its history. We have eight shipyards now on the Delaware River instead of three a few years ago. They are building on the Delaware as many ships as Japan can build in all of their shipyards.

I do not think, gentlemen, it is a good time now to inject any Government operation into the situation, as provided for in this bill, if we expect to keep up the increase of tonnage we are now experiencing in our merchant marine. [Applause.]

Mr. OGLESBY. Mr. Chairman and gentlemen of the committee——

Mr. MOORE of Pennsylvania. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN (Mr. ADAMSON). The gentleman will state it.

Mr. MOORE of Pennsylvania. Has the time agreed upon expired?

The CHAIRMAN. The Chair is not advised that any agreement as to time was made. Since the present occupant of the chair has been in the chair more time has been occupied on that side than on the other.

Mr. OGLESBY. Mr. Chairman, if I believed that the shipping board created in this bill would operate these vessels except as a last resort, I should not vote for the bill. I want to say, however, that I do not believe it would be wise to tie the hands of the board so that they may not operate the vessels in any contingency. We are all agreed that one of the best things that could happen in this country is the building up of a merchant marine so we can control the means by which our goods and wares can be taken to the markets of the world and at reasonable rates for its transportation. We have not that means at present. The present activity in shipbuilding is unquestionably due to the enormous rates for freight caused by the withdrawal from commerce of vessels that belong to the countries engaged in the European war.

We are all also agreed, or everybody that I have conversed with on the subject assents to the proposition, that it is practically impossible for us to build up a merchant marine except by some kind of Government aid. The question is to determine in what manner such aid should be given. The nearer we can come to devising a plan by which the Government may extend such aid as would result in the building up for us of a merchant marine ample for our requirements, and without cost to the Government or injury to private enterprise, the nearer we shall arrive at an ideal solution of the problem. The menace to private enterprise lies in the possibility of Government operation. Eliminate this—there is scarcely a possibility that the power will ever be exercised—and the plan here presented, if not ideal, will, in my opinion, come vastly nearer to a satisfactory solution of the problem than any I have ever heard proposed.

Mr. MEEKER. Will the gentleman yield?

Mr. OGLESBY. Yes.

Mr. MEEKER. Does the gentleman believe that private investors in this country lack about $50,000,000 of having enough to start the proposition if they have the proper law?

Mr. OGLESBY. Oh, no.

Mr. MEEKER. Then why do we vote the money?

Mr. OGLESBY. This is what I have in my mind to explain, and I believe the plan entirely feasible. The main items of excess expenditure required for operating vessels of American ownership and registry over that of foreign owners are wages and food. Greater initial cost has also been a handicap, but such difference is rapidly approaching, if, in fact, it has not already reached, the vanishing point. The food and labor cost on a typical ship of American registry of 5,000 gross tons' capacity is less than $50,000 per annum. Operated under an English, French, or German registry the average cost would be at least 70 per cent of the cost under American registry. So that the total difference in these main items of expense can not exceed $15,000 between such a vessel operated under our flag and under the countries named. If the difference in initial cost be practically eliminated, it would then only be required to aid the man operating under American registry to the extent of balancing this difference in cost for wages and food.

Private capital will not invest in any commercial enterprise that does not give promise of a fair investment return and in addition thereto such added sum as will be deemed adequate by way of insurance for the risk involved. In my judgment, the promise of a return approximating 8 or 9 per cent would be required to induce private capital to embark upon a commercial enterprise of this character. But we will assume a minimum rate of 7½ per cent will be demanded for private capital invested in privately owned vessels.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. OGLESBY. Mr. Chairman, I ask unanimous consent to proceed for five minutes. I have not so far taken up any time on this subject.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes longer. Is there objection?

There was no objection.

Mr. FESS. Will the gentleman yield?

Mr. OGLESBY. Yes.

Mr. FESS. I understood the gentleman to say that if he thought the board was to operate the ships he would not favor the bill.

Mr. OGLESBY. Yes.

Mr. FESS. If that is not the purpose, why does the bill say that the Government shall never be a minority stockholder?

Mr. OGLESBY. Oh, well, if the Government is a majority stockholder it can lease the vessels to men who will operate them, and if it is a minority stockholder it could not. The Government can build ships with money which costs not more than 2½ per cent. Private capital will demand at least 7½ per cent, so there is 5 per cent in favor of ships built with Government money.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. OGLESBY. I hope the gentleman will excuse me until I develop this. If such a vessel as I have suggested, and which is estimated to cost approximately $300,000, is built by the Government and leased to an operator at a rental sufficient to repay to the Government its interest outlay on the money required to build the vessel, say 2½ per cent plus whatever is necessary to amortize the investment, the operator of such a vessel would secure an advantage of at least 5 per cent per annum on the original cost of the vessel over the operator whose vessel has been built with private capital, to wit, $15,000, and substantially equalize the difference in cost for wages and food under American registry and that under a registry in European countries with which such operators will have to compete.

Mr. EDMONDS. That would be a subsidy, would it not?

Mr. OGLESBY. If you call it a subsidy; yes. It would be a subsidy which would not cost the Government of the United States one cent, but will place our operators here on a parity with the people owning and operating ships in foreign countries.

Mr. EDMONDS. Well, it would still be a subsidy.

Mr. OGLESBY. I suppose any Government aid to the owner or operator of a ship may be called a subsidy if you choose.

Mr. BENNET. Will my colleague yield for a question?

Mr. OGLESBY. Certainly.

Mr. BENNET. My colleague said the Government ought to go into the shipping business because it could get money at 3½ per cent.

Mr. OGLESBY. No; I did not say that.

Mr. BENNET. Well, 2½ per cent.

Mr. OGLESBY. I did not say the Government should go into the shipping business.

Mr. BENNET. That is the argument for building these ships.

Mr. OGLESBY. The gentleman misunderstood me.

Mr. BENNET. I think not. If that is so in reference to ships, why is not that so with reference to elevators which are built in the gentleman's district?

Mr. OGLESBY. Because the people who build those elevators have managed to do a very good business and amass very comfortable fortunes for themselves through their own enterprise without any Government aid; and if it were pos-

sible with private capital and with private ownership to build up a merchant marine to carry our goods to foreign ports, I would never advocate the Government extending aid for that purpose.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OGLESBY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. SMITH of Michigan. Mr. Chairman and gentlemen of the committee, I am very much in favor of an American merchant marine. If I were to name this bill, I would name it a bill to discourage American shipbuilding. There is just one way now to get a merchant marine in this country, and no other way, and that way is by doing just what other countries do, and a country never did it in any other way. You can not build a ship and compete with foreign nations where you pay 25 to 50 per cent more for building a ship in this country than you would in other countries. You can not build a ship here upon 6 or 7 per cent money on one-half its value if you can get a loan on it at all, when the English Government will furnish money at 3½ per cent and 4 per cent upon three-fourths of the value of the ship. You can not operate that ship by American seamen and pay our seamen $60 to $75 a month, where other countries pay their seamen $7, $8, $9, and $10 a month. That country will draw the commerce of the world which does it the cheapest. There is no question about that, and this is no new thing. The United States was the first country in the world, I think, to give a discriminating duty of 10 per cent on goods imported in American ships. It ran along until we had to make a treaty; I do not know but what it was all right to make that treaty. We agreed with 30 nations that we would not make any discriminating duties against them if they would not make one against us. It sounds strange to me that one after another of you gentlemen on that side stand up here and excuse yourselves from making an argument, because you say you have not the time after you voted for a gag rule to limit the time. [Applause on the Republican side.] It sounded very strange to me also, my friends, that one of the most distinguished gentlemen in this House will stand up here on the floor and say that he was steeped and saturated with a desire for a merchant marine and make nearly his whole argument upon the fact that he always fought against it tooth and nail from first to last every time it came upon the floor of this House when the Republicans were in power.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SMITH of Michigan. I will.

Mr. MOORE of Pennsylvania. Referring to the matter of time and the inability of gentlemen to offer amendments to this bill, does the gentleman know that we must vote under the rule at 4 o'clock on this bill, in which there are 27 pages, and that we have only read to page 4?

Mr. SMITH of Michigan. I know that very well.

Mr. MOORE of Pennsylvania. Does the gentleman know that we have heard members of the committee themselves complain that they had not time here to discuss their own proposition?

Mr. SMITH of Michigan. Certainly I do.

Mr. SABATH. Was not a majority of that time taken up yesterday by the Republican side that did not do anything but filibuster to kill time?

Mr. MANN. There is no sense in that statement.

Mr. SMITH of Michigan. No; we have not filibustered a minute; we have fought for time all the time and are fighting for time yet and now and are denied it.

Mr. SABATH. That is what I say. There is no sense to it.

Mr. MOORE of Pennsylvania. Does not the gentleman know that this very paragraph involves the rights of American labor, and we have not had opportunity to discuss it?

Mr. SMITH of Michigan. Everybody knows that. I will tell you another thing about the importance of this bill. It involves an expenditure of $50,000,000 and you have not any money in the Treasury of the United States, and at this inopportune time you are going to issue obligations against the Treasury by selling Panama bonds.

Mr. COX. Is the gentleman in favor of a straight-out subsidy? Would he vote for it?

Mr. SMITH of Michigan. I do not know I would do as other countries do; but this is a straight-out subsidy. I think this is a subsidy.

Mr. JOHNSON of Washington. I want to ask the gentleman a question, at this point, as it is apparent that section 9 will never be reached for discussion.

Mr. SMITH of Michigan. I yield to the gentleman from Washington.

Mr. JOHNSON of Washington. Does the gentleman from Michigan think that the provision on page 6, in section 9, "that foreign-built vessels heretofore or hereafter admitted to American registry or enrollment and licensed under the act of August 18, 1914," and so forth, "may not engage in the coastwise trade of the United States," is going to help shipping along the coasts of the United States?

Mr. SMITH of Michigan. It can not do it in any way.

The CHAIRMAN. The gentleman's time has expired.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent for two minutes more.

Mr. HARDY. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for three minutes without interruption.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I want to know whether the gentleman is familiar with the fact that this $50,000,000 subsidy now being voted by the Democratic Party for the purchase of foreign-built ships is contrary to the Democratic platform adopted at Baltimore in 1912?

Mr. SMITH of Michigan. Certainly. As far as I am acquainted with that platform it is. But I have noticed that the only provisions of that platform being observed by the Democratic Party are those provisions carrying large appropriations or fat salaries.

Mr. HARDY. Mr. Chairman, I asked unanimous consent that the gentleman be allowed to proceed without interruption. I thought it was granted, and I hope it will be observed.

Mr. SMITH of Michigan. Now I commence on the three minutes that the gentleman from Texas [Mr. HARDY] so kindly procured for me.

We have not any ships in this country, according to the statements of some gentlemen in favor of this bill. We are not in dire straits for ships here. And, do you know, gentlemen, on page 177 of the World's Almanac you will find that the tonnage of the English merchant navy marine is 20,874,309 tons, and the United States comes next in line, with 8,389,499 tons. The next nation that has the greatest tonnage in the world is Germany, with 5,516,088 tons. The Norwegian tonnage is 2,474,165. France comes next, with 2,294,623 tons; Japan, 1,866,319 tons; Italy, 1,559,707, and so on.

I want to make this statement while I have the floor now, and you gentlemen or any gentlemen can answer it now or answer it later.

I have heard a great deal said here to-day and at other times about the beauties of the Federal reserve act; how it has benefited our country, and how you on that side compare one measure with another and refer to it by comparison when you wish to appoint a board or commission with large salaries, including a large number of offices. And I would like an answer out of the balance of my time if there is a gentleman on that side of the House who can tell me one single thing that can be done under the Federal reserve act that could not be done by the national banks, by the Comptroller, and by the Secretary of the Treasury before that act was passed?

Mr. FITZGERALD. I will tell you one thing. It keeps the Republican plutocrats from keeping the public money free at the expense of the people of the United States.

Mr. SMITH of Michigan. I asked for any one act. Of course, our friend from New York [Mr. FITZGERALD] puts us in a pretty high class. Is there any other thing you can think of or have you named them all?

Mr. MOORE of Pennsylvania. Is it not a fact that the Federal reserve act has created three or four thousand more Democratic offices than they had heretofore?

Mr. SMITH of Michigan. Why certainly. They have the offices now, we will have them after November——

The CHAIRMAN (interrupting). The time of the gentleman has expired.

Mr. SMITH of Michigan. I am sorry. [Applause.]

Mr. SLAYDEN. Mr. Chairman, I shall ask to proceed without interruption, as this five minutes is possibly the only time I shall have in which to express my views.

Mr. LENROOT. Mr. Chairman, a parliamentary inquiry. I would like to inquire of the present status of this debate.

The CHAIRMAN (Mr. GARRETT). There is no limit.

Mr. LENROOT. Might I ask the chairman of the committee whether it is the present intention——

Mr. FITZGERALD. Mr. Chairman, I call for the regular order.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. SLAYDEN. Mr. Chairman, I shall not be able to yield, and I would like now to have permission to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Chairman, the most eminent Member of this House and the most distinguished Democrat in the Congress of the United States—the Speaker—used these words in a brief speech which he made yesterday:

> Mr. Chairman and gentlemen, crimination and recrimination about what has happened or has not happened in the past are very unprofitable; they do not get us anywhere. I suppose in a certain sense we are all sinners. I wish sometimes I never again could hear the word "Republican" or "Democrat" mentioned on a bill in this House which is purely a business matter. If there ever was any proposition introduced here that was simply and purely business, good, bad, or indifferent, whatever it may turn out to be, this is one of them. All patriotic and wise American citizens, without regard to political or religious affiliations, want to see an American merchant marine.

And to that, if I may quote one of my colleagues, I say "Amen." We all want to see a large merchant marine developed—and along business lines.

Then, said Mr. CLARK:

> That is absolutely certain. A man that is opposed to rehabilitating the American merchant marine ought to be turned over to a board of alienists to see what is the matter with his head. [Laughter.]

Mr. Chairman, I indorse every one of those words uttered by the Speaker in his speech yesterday. I am as much in favor of the rehabilitation of the American merchant marine, not to its former magnificent proportions only, but to a degree of grandeur and importance it has never reached, as any man who lives. [Applause.] I am in favor of doing everything that is legitimate and proper to develop a merchant marine, and I will go as far as any man in that direction, except I can not be carried so far as to abandon a principle. I am opposed to the policy of Government ownership and operation of transportation lines. Such a plan does not mean a merchant marine but a Government commercial ship line which will surely operate at a loss and be an unusual tax on the people. It will be socialism [applause], and I still prefer the association of Thomas Jefferson to that of the modern socialists. [Applause.] I have been opposed as violently perhaps—I will not say as violently, but I have been as strongly opposed—to subsidies as any man who ever stood in this House.

My influence has not been so great, my tongue not so eloquent that I have been able to express my hostility to legislation of that sort in such a way as to command the attention of the country as other gentlemen have been able to do. But, Mr. Chairman, I can not conceal from myself the fact that in the general meaning of the word "subsidy" this bill, and every other Government-ownership bill, is indirectly, if not frankly, a subsidy. The inevitable deficit in the operation of such a line will be paid out of the People's Treasury, and no matter what gentlemen may call it, that is subsidy.

Sir, the Government of the United States can not operate transportation lines as cheaply as business men can do it. Deficits in the operation of lines under the Government are bound to occur. Who is going to pay them? The taxpayers. It has got to come out of the Treasury of the United States, and it goes to the benefit of a limited industry, limited compared with all the other industries, and none the less an industry because operated by the Government. And if that is not subsidy, getting away from the narrow, confined meaning of the word, or a direct application of so much of the public funds to the owners of ships, private or public, to induce them to operate their vessels, then I do not know what a subsidy is.

Mr. Chairman, it distresses me very much to have to oppose the majority of my colleagues in any way, but much as I regret to do so, sir, I shall take that road which I conceive to be the path of duty [applause on the Republican side] rather than to run counter to what I believe to be right. But, supported and sustained by the declaration of the Speaker yesterday, that the employment of the words "Democrat" or "Republican" or "politics" in connection with this bill is uncalled for and unwarranted, I feel that I am violating no obligation to my party in doing so. In my judgment, if this bill should become law, it will prevent the development of a merchant marine, a thing we all want to see done.

Mr. Speaker CLARK was right when he said in his frank, clear way that the American who is opposed to the rehabilitation of our merchant marine should have his sanity investigated. But there is no such person.

For commercial reasons and for reasons of defense we all want to see ships under the American flag traversing all the "seven seas," and the minor seas as well, peacefully distributing the produce of American farms and workshops. The question that Congress has to deal with is how shall we get the ships, not whether we want them. Politics has nothing to do with this question. It is purely a matter of business, the particular business being the determination of the method which shall be adopted by Congress for the reestablishment of the merchant marine.

The chairman of the committee, Mr. ALEXANDER, of Missouri, in his speech last Tuesday and in his report on the bill said, in substance, that "all reasonable objections" to the Government ownership and operation features of the bill that met its defeat last year had been removed from the bill of this year.

All I can say in reply to that statement of the distinguished chairman, whose high character, zeal, and earnestness I have always admired, is that the Member of Congress who voted against his bill in the Sixty-third Congress because of its Government-ownership feature and swallows the one under consideration is very easily satisfied.

The chairman does not deny that the Government-ownership feature is there, nor does my learned friend from Virginia, Mr. SAUNDERS, but they plead in extenuation that the offense is a small one and that in five years it will be ended.

Mr. Chairman, it is not a question of continuing the offense, not a question of brief or prolonged sinning. It is a question of sin, and in my opinion it is a political sin for the Government to engage in commercial transactions and particularly wicked for it to do so in competition with its own citizens. It is a matter of principle, not a mere question of policy or expediency. Five years of Government ownership is, in one sense, just as much a transgression of that principle as a hundred years.

It is intended, if this bill shall become law, to have two classes of shipowners engaged in freight carriage on the oceans. One will be private citizens, who, in an honorable endeavor to better their own fortunes and to accommodate commerce, have invested their capital in ships. If the investment should turn out to be unprofitable, these investors will withdraw from the enterprise without any avoidable delay or they will end in the court of bankruptcy.

The other class will be the Government of the United States. If its investment should not yield a profit, it will keep out of the bankrupt court by the simple process of calling on the taxpayers to meet the deficit and can go on operating a losing business. It is a matter of common knowledge, Mr. Chairman, that whatever business of a commercial nature the Government undertakes is done at a greater cost than are similar enterprises conducted by private citizens for their own account.

The reason is simple and easily understood. The Federal Government does its work by officials and hired agents, who are probably paid all they earn but who are usually less capable, less well trained, and less well paid than are the directors of great business firms or corporations in similar lines.

But this bill proposes a competitor for the citizen with whom, for the reason already mentioned, the ability to make up a deficit by the use of the taxing power he can not compete.

If you will appropriate money enough you can finally get ships, but not now; not until the European war is ended, when they will not be needed, but even then you will not have a merchant marine. It will be a Government marine and there will not be room enough on the widest ocean for a real merchant marine and the tax-supported Government substitute.

But how are the ships that the chairman and his committee want to buy to be obtained? By purchase? All are now profitably employed that can venture on the ocean and can not be had except for a price that no prudent business man would pay.

By construction? In what shipyard can they be built? Certainly in none in the United States, for all are working to capacity with orders ahead. In foreign yards? The great maritime countries of Europe are otherwise engaged, and nothing can be expected from that direction. There remains Japan, but it is a matter of common knowledge that she is building with feverish haste on orders from her own merchants and shipowners. So we can expect nothing there.

I have heard the suggestion made, but as a jest, I hope, that the only way we can get ships until long after the great European war will certainly end either from exhaustion or from decisive victory on the field of battle, is to pick a quarrel with Germany and seize her ships that sought security in our ports that they had reason to believe were neutral.

Of course that method of building up an American merchant marine is not honorable, and would be revolting to the gentleman from Missouri [Mr. ALEXANDER], and, moreover, would make them altogether too costly. It would even bring upon us the contempt of the allies, whom it would help.

Then, Mr. Chairman, it appears that there is no way of getting ships except to bid so high for them that present owners, in spite of the prevailing high rates and huge profits, will sell.

They know, even if Members of Congress do not, that the war in Europe must soon come to an end, and that when it does, and all the merchant ships now lying in neutral ports can venture on the seas again, freight rates will go down as rapidly as they advanced in 1914–15.

Mr. Chairman, there is more complaint about unfair freight rates, both on land and sea, and less reason for it than with any branch of trade with which I am familiar.

A comparison of the rates charged on American railways, both on the basis of mileage and quality of service, with those of Europe, and particularly with the State-owned roads, discloses the gratifying fact that Americans are as a rule better and more cheaply served.

As to sea-borne freight I can only say, and about this thing I speak of personal knowledge and from my own experience, that prior to the war in Europe the ordinary charges were most reasonable.

Here and there one might run into conditions where the carrying charges were controlled by monopoly or a combination. About that I have no personal knowledge; but if there are such conditions and the transactions fall within the jurisdiction of the United States, the laws against restraint of trade may be invoked.

Prior to 1914—the war period—cotton was taken from Galveston, the great Texas port, to Liverpool at a cost rarely exceeding $2 a bale of 500 pounds. For a water haul of nearly 5,000 miles $2 a bale was not an exorbitant charge. Often it was as little as $1.50 a bale.

For years cotton has been taken from interior Texas markets across the continent to San Francisco, or other Pacific ports, and thence to Japan at a cost rarely more than $6.25 to $7 a bale of 500 pounds. That was for an average rail haul of about 2,250 miles and an ocean haul of about 6,000 miles.

I doubt, sir, if it can ever be done much cheaper and yield any profit whatever to the carrier.

This will give those Members of Congress who have had no personal experience in business an idea of the competition a Government-owned ship line would meet.

Until the European war disturbed the commerce of the world and drove so many merchant ships into harbors of safety and idleness ocean freight carrying was not a very profitable business. Ships could be bought at moderate prices and only those that could be run on an economical basis were money makers. Since the war and submarines have destroyed so many vessels and rates have advanced, any old tub that can float has been making money. These are all to be reckoned with as competitors of any fleet this legislation may provide.

I have heard supporters of this bill say that they will vote for it knowing perfectly well that it will not relieve the freight congestion, for the ships can neither be built nor otherwise acquired until long after the war will be only a bloody chapter in the history of the world.

I do not think these gentlemen believe in the bill. I believe that they feel as I do, that it is a step toward socialism and a dangerous experiment in government.

There is no demand for it in any Democratic platform with which I am familiar, and if there were I could not regard it as a sacred obligation, for it would be a command to do an undemocratic thing. The party would have just as much right to command me to support a protective tariff for the sake of protection.

I append a letter recently received from the Commissioner of the Bureau of Navigation. It shows a phenomenal growth in the American shipbuilding industry. I do not believe that this condition should be disturbed by legislation such as is proposed:

DEPARTMENT OF COMMERCE,
BUREAU OF NAVIGATION,
Washington, April 20, 1916.

Hon. JAMES L. SLAYDEN,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN SLAYDEN: Replying to your inquiry of the 19th instant as to the growth of shipbuilding in this country in the last three years, that growth is probably best illustrated by a statement showing at the beginning of the past three fiscal years and at the present time the number and gross tonnage of steel merchant vessels, building or under contract to be built, in the private shipyards of the United States. That statement is as follows:

	Lakes.		Seaboard.		Total.	
	Number.	Gross tons.	Number.	Gross tons.	Number.	Gross tons.
July 1, 1913	63	40,849	71	169,580	134	210,429
July 1, 1914	17	39,337	24	104,631	41	143,968
July 1, 1915	14	15,951	62	294,138	76	310,089
Apr. 1, 1916	184	244,205	176	823,651	360	1,067,856

I inclose a copy of Daily Commerce Reports for Saturday, April 15, giving further details on the subject.

Respectfully,

E. T. CHAMBERLAIN,
Commissioner.

Mr. SAUNDERS. Mr. Chairman, what does this bill propose to do? It will be well for a brief time to confine ourselves to the actual contents of the bill, and determine its possibilities whether for good or ill. The sum of $50,000,000 derived from the sale of Panama bonds will be turned over, and made subject to the disposition of the shipping board. To what uses can the board apply this fund? On the one hand they may take the $50,000,000 and buy ships, subsequently leasing, or chartering these ships on favorable rates, to intending operators. Should it lease these ships on such favorable terms to the lessees, as will enable them to overcome the handicaps of foreign competition, then that transaction will be Government aid. You can call it a subsidy, or not. That is a mere choice of terms. At any rate it will be Government aid.

On the other hand, what may the board do? It may use the $50,000,000 in another direction. It may subscribe to the stock of corporations that may be formed under the laws of the District of Columbia. It must take at least 51 per cent of that stock. Why? In order to have a majority of stock, a controlling interest, at all times in those corporations. Then, through those corporations, it can operate ships in the foreign trade. That will be Government operation, or ownership. The board may do either one or both of these things under the terms of the bill.

All this talk about Government ownership and operation, when it is boiled down, comes to this, that the Government through corporations hereafter to be formed may possibly operate a few ships in certain selected trades, for a period not to exceed five years after the present war. The danger to private enterprise from this limited and comparatively insignificant operation, is too trifling to be seriously considered.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Illinois?

Mr. SAUNDERS. Certainly.

Mr. MANN. Under section 5 of the bill can not the board spend $50,000,000 in the construction and equipment of ships aside from subscribing to the stock of corporations to the extent of $50,000,000?

Mr. SAUNDERS. Yes. I said those ships could be leased or chartered in order to allow private enterprise to enter the merchant-marine business, and overcome the competition of foreign competitors, or at least meet that competition on equal terms. That is Government aid. Nobody denies it, or is seeking to conceal the fact that the bill makes provision for such aid. But the board can not build $50,000,000 worth of ships, and subscribe to $50,000,000 worth of stock. The amount that it can expend, is limited to $50,000,000. I ask the gentlemen on that side of the House who have criticized this bill, to tell me how, under present conditions, it is possible for private capital to enter the foreign trade without any aid, and meet the competition on the high seas of their foreign competitors? No one on the minority side of the House has attempted to answer that question. In fact the burden of their cry has simply been that it is not possible for private capital to compete in the foreign trade, without some form of aid. This bill provides a possible fleet of 50, or 60 ships, that may be used, so far as they will go, to enable private capital to overcome these handicaps.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Missouri?

Mr. SAUNDERS. Yes.

Mr. MEEKER. The gentleman referred a moment ago to going into competition with foreign ships. What would be the effect of such a ship competing with our American privately owned ship?

Mr. SAUNDERS. Oh, I answered that question once before, but I will answer it again. As a result of securing these leases on the favorable terms contemplated, the ships leased, and the lessees thus aided, will, of course, be in competition with private shipping not receiving that help. But any scheme of limited subsidy such as has been proposed ever since I have been a Member of this body, would involve the result that the privately owned ships receiving the subsidy, would be in competition with privately owned ships not enjoying that aid. At no time in the history of Congress, has anyone ever offered a plan of subsidy sufficiently comprehensive to apply to every shipowner deserving to take advantage of it. Until you do that, everyone who enjoys the benefit of Government subsidy, aid, or subvention, will operate in competition with domestic, competitors who do not receive that help. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. SAUNDERS. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to proceed for five minutes. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Chairman, I call attention to the fact that it is now a quarter after 1 o'clock.

Mr. SHERLEY. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Chairman——

Mr. SHERLEY. I ask for the regular order.

The CHAIRMAN. Is there objection?

Mr. JOHNSON of Washington. I object.

The CHAIRMAN. Objection is heard.

Mr. HARDY and Mr. ALEXANDER rose.

Mr. ALEXANDER. Mr. Chairman, an hour and a half ago I asked unanimous consent to limit debate on this section and all amendments thereto, and at the instance of the minority leader I withdrew the request, so that this debate has been proceeding at the instance of the gentlemen on the other side. Now, I am going to renew my request that all debate on this section and all amendments thereto close in five minutes.

Mr. LENROOT. Oh, if you do that, you will get into trouble. Of course on this amendment that does not apply.

The CHAIRMAN. Let the Chair state the question.

Mr. ALEXANDER. I make the request in this form: That all debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent——

Mr. CANNON. One moment, if the gentleman will yield. I have listened to the remarks of the gentleman from Virginia [Mr. SAUNDERS]. He has talked to the bill, whether we agree with him or not. I make the request that he, being a member of the committee, have five minutes' extension of time, and I hope the gentleman from Missouri [Mr. ALEXANDER] will couple that with his request. It seems to me that is only fair. [Applause.]

Mr. ALEXANDER. The gentleman from Virginia yielded the floor voluntarily; but at the suggestion of the gentleman from Illinois I make the request that the time be extended to 10 minutes on this amendment—5 minutes to the gentleman from Michigan [Mr. FORDNEY] and 5 minutes to my colleague [Mr. SAUNDERS].

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that all debate upon this amendment may be concluded in 10 minutes, 5 minutes of that time to be controlled by the gentleman from Michigan [Mr. FORDNEY] and 5 minutes by the gentleman from Virginia [Mr. SAUNDERS]. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object——

Mr. SHERLEY. Mr. Chairman, I again demand the regular order. I am not going to have the time wasted in this way.

The CHAIRMAN. The regular order is demanded. The regular order is, Is there objection?

Mr. GREEN of Iowa. I object.

The CHAIRMAN. The gentleman from Iowa objects. The question is on the amendment.

Mr. HARDY. Mr. Chairman, I have listened with——

Mr. MANN. Let us have a vote on this amendment. Debate is exhausted.

The CHAIRMAN. All debate on the amendment is exhausted. The question is on the amendment offered by the gentleman from New York [Mr. ROWE].

The question was taken; and on a division (demanded by Mr. ROWE) the chairman announced that the noes appeared to have it.

Mr. MANN. I ask for a division.

The committee divided, and there were—ayes 72, noes 57.

Mr. ALEXANDER. Tellers, Mr. Chairman.

Tellers were ordered, and the chairman appointed Mr. ROWE and Mr. ALEXANDER.

The committee again divided; and the tellers reported—ayes 106, noes 90.

Accordingly the amendment was agreed to.

The announcement of the result was greeted with applause.

The Clerk read as follows:

SEC. 6. That the President may transfer to the board such vessels belonging to the War or Navy Department as are suitable for commercial uses and not required for military or naval use in time of peace, and cause to be transferred to the board vessels owned by the Panama Railroad Co. and not required in its business.

Mr. ROWE. Mr. Chairman, I move to strike out section 6.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 6, by striking out section 6.

Mr. ROWE. I ask for a vote on that amendment.

Mr. HARDY. Mr. Chairman, I wish to be heard on this motion. Of course this section hangs on the other section. The fact that a vote by tellers, in the absence of a large number of Members on this side, has prevailed so far to strike out the preceding section of course means nothing. If it was the sense of the House to strike it out, of course there would be no occasion to do anything further except to strike out the rest of the bill, leaving only this board to investigate what might be done, and thus we would linger along year after year and term after term of Congress without doing anything. It is perfectly apparent from the arguments of gentlemen on the other side that that is the purposse of the Republican part of this Congress; that is, to do nothing toward helping to build up the great American merchant marine. Yet they sing the song and pretend to be in earnest—that they want to do something. But man after man of them has said that the best plan now is to do nothing, and let the American merchant marine grow. Why, the gentleman from New York [Mr. ROWE] and the gentleman from Pennsylvania [Mr. EDMONDS] have said that since 1880 the American merchant marine has been growing and growing; and yet the general knowledge of the whole country is that during that whole period of time our American merchant marine has dwindled till it has disappeared from the seas. Not only so, but the other gentlemen on that side, like the gentleman from Michigan [Mr. FORDNEY] present the figures which demonstrate that fact. If the figures of the gentleman from Michigan [Mr. FORDNEY] are not lying, then an American can not operate an American ship unless you give him a subsidy, and the gentleman from Michigan claimed to give us the exact figures of the subsidy that would be required. He said that a 5,000-ton vessel would require $39,000 a year as a subsidy to enable it to compete with a Japanese ship, and $32,000 a year to enable it to compete with a British ship.

According to the position of the gentleman from Michigan [Mr. FORDNEY] the American merchant marine can not get along without a subsidy; but according to the position of the gentleman from New York [Mr. ROWE] and the gentleman from Pennsylvania [Mr. EDMONDS] the American merchant marine is growing now, and all we want to do is to let it alone. These gentlemen know better. The fact of the business is that the American merchant marine has not prospered and everybody knows it. I want to tell you right now that under the subsidy proposition, which is really favored by every one of you who is fighting this bill, according to the figures of the gentleman from Michigan [Mr. FORDNEY], on the 6,000,000 tons of shipping that we need to have in the American merchant marine, put back on the sea, if you gave it a subsidy proportionate to what he says is necessary, it would take over $50,000,000 every year to keep that merchant marine on the sea. It would not only be a $50,000,000 expenditure now, but it would be a $50,000,000 expenditure every year, and you know you are not going to get it. Not only that, but the gentleman from Michigan [Mr. FORDNEY] and the rest of the gentlemen who advocate a subsidy know that if they were to put up to the American people at this time the idea of paying a subsidy to ships that are charging 100, 200, 300, 500, or 1,000 per cent over normal and reasonable rates, the American people would laugh at them as fools and pay no further attention to them. Yet that is the only remedy they propose. I beg the pardon of the gentleman from Iowa [Mr. GREEN]. He has another remedy. He wants discriminating duties applied; but other Members on his own side tell us that discriminating duties have been tried in this country and found wanting, and that is true. When we had the policy of discriminating duties in force by us and all other nations, we ourselves sought the nations of the earth and asked them to remove discriminating duties, and we removed them. If we were to adopt that policy, it would mean commercial warfare and cutthroatism. Every time we imposed a 10 per cent duty on goods coming into our ports in foreign ships, they would impose 10 per cent on goods coming into their ports in our ships. The result would be they would burden our commerce and we would burden theirs, and cutthroatism would run riot in this country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that his time be extended five minutes. Is there objection?

Mr. JOHNSON of Washington. I object.

SEVERAL MEMBERS. Oh, no!

Mr. MANN. I ask unanimous consent that the gentleman from Texas may have five minutes.

Mr. JOHNSON of Washington. I withdraw my objection, Mr. Chairman.

The CHAIRMAN. The Chair hears no objection.

Mr. HARDY. Now, gentlemen, thanking the gentleman for that courtesy, let me go over the figures of the gentleman from Michigan [Mr. FORDNEY] coolly and calmly and deliberately. I have his own statement that the difference between the operation of an American ship of 5,000 tons and a Japanese ship of the same size would be $39,000 per year, and his assertion was that the only way to keep that American ship on the sea was to make up that difference by a subsidy. Now, it is well understood that in order to have any reasonable American merchant marine we ought to have from six to ten million tons on the sea. If you make it 6,000,000 tons, a 5,000-ton ship would go into that tonnage 1,200 times. Multiply $39,000 by 1,200 and you will find the total amount required to subsidize our merchant marine into existence. To maintain it you would have to pay over $47,000,000 every year, which is to compensate for the difference in cost of operation which he enumerated; and then he says that Japan subsidizes her ships and you would have to pay an additional amount to equal that subsidy. That supposes that the ships cost the same as foreign ships. But if we do not allow our merchants to go abroad and buy ships where they can buy them cheapest we have got, to add enough to make up the added cost of our ships and the added amount of interest, insurance, repairs, and depreciation arising from the higher cost of our vessels which we buy in this country; and if we paid 25 per cent more on a vessel, as I figure it out, these items would cost, at a reasonable estimate, another $18,000,000; so that in order to run our ships it would cost $18,000,000 plus $7,000,000, making $65,000,000 every year that we would have to pay.

Is that what you gentlemen ask the country to do? That is all that you propose. That is the only remedy you have offered and the only one you ever will offer because you are tied hand and foot, neck and ankle, body and soul to the shipbuilding monopoly and the coastwise monopoly. You never will be willing to do what other nations do; you will never be willing to let the merchants of America have a merchant marine by buying ships in the cheapest market. We have yielded to that idea in the bill further than I for one desired to. We have not put in a free-ship clause, but we have proceeded to start a merchant marine, and from this beginning we will learn wisdom, and through our board we will amend such laws as need amendment and build up our merchant marine.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. HARDY. Yes.

Mr. JOHNSON of Washington. Can the gentleman find any provision in the bill that he thinks will assist the coastwise trade?

Mr. HARDY. No. The coastwise trade has never needed any assistance because by law you confine it to American ships and will not let anything else come in. A gentleman over there said the other day that we had 8,000,000 tons of shipping against 21,000,000 tons of England, but he neglected to say that the 8,000,000 tons was nearly all in the coastwise shipping.

Mr. JOHNSON of Washington. The gentleman is not quoting me.

Mr. HARDY. No; I referred to a gentleman who made a speech over there the other day, and the gentleman from Washington has made no speech.

Mr. JOHNSON of Washington. Is there anything in the bill that will help American coastwise shipping?

Mr. HARDY. I have said to the gentleman it does not need help; it needs control. When we find the coastwise shipping in combination robbing the country by excessive freight rates we need something to control it. They have an absolute monopoly. What more help could you ask? This is not to build up a coastwise trade, but we want to see our flag on the high seas and in foreign ports so that any American abroad can sometimes look at the flag that bears the Stars and Stripes and say that stands for my land—my native land. [Applause on the Democratic side.] You gentlemen care nothing; you have done nothing and you ask for nothing except a subsidy, and you know you can not get that, and when we bring this bill in you say let us alone and let us do nothing. [Applause on the Democratic side.]

Mr. MILLER of Pennsylvania. Mr. Chairman, when a resolution was brought into the House on Tuesday to take up the bill (H. R. 15455) to develop and create a naval auxiliary and naval reserve, and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries, I supported and voted for it. I did this for two reasons, among others:

First. The resolution provided 14 hours in all for discussing the bill and amendments thereto. I then believed, and still believe, that this was ample time for discussion. If any Member of this House can not understand the provisions of the bill between Tuesday noon and to-day at 4 o'clock by studying the bill and report and listening to 14 hours' debate, he is hopeless. He will never comprehend it.

Second. It provides for a final vote on the bill and all amendments offered thereto by to-day.

Without the adoption of this resolution no Member could even guess, not alone predict, the day when a final vote would be taken.

The bill in some respects does not meet my approval, and I will help to amend it if possible; but if all amendments fail, then I will vote for the bill as it now is.

The United States needs a naval auxiliary and naval reserve and a merchant marine to meet the requirements of our commerce in time of peace, and that can be used, in case of war between the United States and any foreign power, as a naval auxiliary and naval reserve. It is proposed to materially enlarge our Navy by constructing dreadnaughts, battleships, armored cruisers, submarines, and so forth. But of what avail if we have no naval auxiliaries or naval reserve ships?

In my opinion, the United States will never have an ample merchant marine except by three methods—first, subsidies; second, private capital without subsidies; third, Government aid, in whole or part.

The gentleman from New York [Mr. ROWE] demonstrated clearly that a merchant marine has been in the past, and can now be, built up in the United States by subsidies. Congress never has since 1860 adopted a subsidy bill. It has often been tried in the last 50 years, and, as admitted by the gentleman from Michigan [Mr. FORDNEY], in answer to a question propounded by me during his argument against this bill on the floor, always failed. The gentleman from Missouri [Mr. CLARK] also stated on the floor in debate on this bill that no Congress in 50 years had passed a subsidy bill. It always failed either in the House or Senate.

The gentleman from New York [Mr. ROWE] and the gentleman from Michigan [Mr. FORDNEY] both demonstrated that owing to the higher cost of labor paid in American shipyards—twice as high as is paid in British shipyards, and three times as high as is paid in Japanese shipyards—owing to the higher wages paid by American shipmasters to sailors over those paid by Great Britain, Germany, Japan, and other foreign shipmasters, it was impossible to either build up a merchant marine in the United States for the foreign trade or operate the ships, if built abroad, under the American flag without a subsidy.

A Republican Congress never has passed a subsidy bill in the past; a Democratic Congress never will. I would vote for a subsidy bill, but the passage of such a bill now or in the near future seems impossible. Without discussing its merits or demerits, such a method of building up a merchant marine can be dismissed.

For 50 years private capital has not undertaken to build up a merchant marine for the United States, and for the very good reason that it preferred to invest in railroads, in manufacturing, and in innumerable other important enterprises which tended to develop our country and presented more attractive inducements. Up to the present European war the investment of American capital in ships sailing under the American flag to foreign ports has been practically nothing. It is true very many ships are being built in American shipyards, as stated by the gentleman from New York [Mr. ROWE], but when asked if they were being built for the United States coastwise trade, or for carrying commerce to foreign countries, or for foreign shipowners, he frankly answered he did not know.

Up to the date of the Civil War of 1861–1865 the merchant marine of the United States did a very large carrying trade in both domestic and foreign commerce. During the Civil War foreign nations took advantage of internal conditions and by subsidies and other government aid developed a foreign merchant marine that practically drove American ships, sailing under the American flag and carrying United States commerce to foreign countries, from the high seas.

It is true that owing to present conditions in Europe the outlook is more hopeful; but the war will be over some time, and soon after it is closed and peace is assured foreign ships sailing under the English, German, French, and other foreign flags, aided by subsidies, will again cripple and finally drive from the high seas merchant ships owned and operated by American capital and sailing under the American flag.

This has been the result in the past; it will be the result in the future.

There remains but one method of solving the question: Government aid or ownership, or both.

This bill, or something like it, presents the only present solution.

Possibly there are defects in the present bill. It would be remarkable if there were not. But these can be corrected in time, if not corrected now by amendment.

The minority of the Committee on Merchant Marine say in the minority report accompanying the bill that it is experimental in its nature. That may be, but it is only by experiment that new methods are worked out successfully.

They further say:

> The bill can afford no present relief to shippers.

That may be true if by "present" is meant immediate relief. It will at least give the shippers of the United States in the future 40 to 50 additional ships in which they can ship their domestic commerce to foreign countries and bring back foreign commerce to the United States. It will relieve our shippers from dependence on foreign-owned ships in which to transport their commerce. It will afford American shippers an essential method of extending and protecting their foreign trade, so essential and vital to the interests of all classes of our people, whether laborers, tradesmen, farmers, manufacturers—whether living in city or country.

It will provide an effective naval auxiliary, which, while it promotes our commerce in times of peace, will furnish us additional means of defense in times of danger.

The minority further say in their report:

> We can not subscribe to the proposal to expend $50,000,000 of public funds in the way contemplated. While intended to further the public interest, we are of the opinion that such expenditure would work a public injury.

It is true, Mr. Chairman, that $50,000,000 is a large sum, but this House recently passed a river and harbor bill appropriating $39,000,000 for the improvement of rivers and harbors, and Members who should know whereof they spoke said that fully $20,000,000 was waste. The bill will come back to the House in a few days from the Senate increased to $40,000,000 or more, and the House will finally accept it.

Out of $50,000,000 proposed by this bill, I believe every dollar will be wisely expended for the benefit of all the people of the United States.

To-day the world's shipping has passed almost entirely under the control of Great Britain. Her large merchant fleet is wholly under control of the British Government. It is being used as a Government weapon of commercial and naval warfare both against enemies and neutrals. It dictates ocean freight rates and discriminates in favor of British traders.

If the United States intends to free her shippers and her commerce from the servitude of Great Britain and other foreign Governments, this country should build up an American merchant marine.

This bill should never have been made a political measure. It is not political in its results. If it were a political measure pure and simple, I reckon I would be found lining up with the Members on my side of the center aisle. Believing that it is a business measure; believing that its results will benefit a great majority of our people of all political shades of belief, I shall vote for the bill.

Mr. Chairman, I believe that the House has lost sight of the main object of the bill. I read in the title of this bill that it is for the purpose of encouraging, developing, and creating a naval auxiliary and a naval reserve. This House is going to be asked in a short time to vote a large appropriation to increase the efficiency of our Navy. We have not a naval auxiliary, we have not a naval reserve, and that is the main object of this bill. It never would have been brought into the House if it had been only for the purpose of establishing a merchant marine. The whole discussion on the bill up to this time has been on the question of a merchant marine. Does not the country demand that we should have a naval auxiliary if we are to have a large Navy? Does not the country demand that we should have a naval reserve if we are to have a large Navy? And one of the ways we can get it is by this bill. [Applause on the Democratic side.]

Gentlemen ask what is the use of making great appropriations for the Navy, building it up, if we have no naval reserve and naval auxiliary. In the recent War with Spain we had neither. We had to go out and buy worthless ships at a high price in order to get naval reserves. Are we to be in the same position in the future? I hope not.

But it will also help to build up a merchant marine. Why? The ships that are proposed to be built can be used in time of peace for the merchant marine, and will help develop the foreign commerce in this country. We have none to-day. It was demonstrated by the gentleman from New York [Mr. ROWE] and the gentleman from Michigan [Mr. FORDNEY] that we could not have a merchant marine in this country without a subsidy. I would favor that. But Congress never has done that, and never will do it, if we can judge the future by the past.

A Republican Congress never did do it, although they tried it for years and years. Why did not they do it? They could not get the necessary votes. [Laughter and applause.] The Democrats never will do it. The Democrats shun a subsidy and hate it like the devil shuns and hates holy water. [Laughter.] They never will vote for it. This is an entering wedge. If we pass this bill, we can have a merchant marine in times of peace and in time of war the same ships can be used for a naval auxiliary and a naval reserve. I should rather vote for this proposition than to vote to increase the number of dreadnaughts, which contribute nothing to the country in time of peace but expense.

Mr. Chairman, 18 months ago or thereabouts I made an address in the town of Sharon, in my district, the largest iron and steel manufacturing town in the district, to an association of business and professional men and manufacturers. I said then I would support a merchant-marine bill if one was presented to Congress while I was a Member. No one present objected. Knowing me, as they did, they knew I would do so, and I am going to do it to-day. [Applause.]

Mr. Chairman, I ask leave to extend my remarks.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The CHAIRMAN. The gentleman from New York [Mr. ROWE], a member of the committee.

Mr. LENROOT. Mr. Chairman, I have an amendment which is preferential.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Page 6, line 4, after the word "transfer," insert the words "either permanently or for limited periods."

Mr. LENROOT. Mr. Chairman, I think some of the time which remains should be devoted to a consideration of some of the defects of this bill as reported by the committee and an attempt, so long as the bill is evidently going to pass, to remedy those defects so far as possible. One, I think, is contained in this section now under consideration. The President is authorized to transfer to this board such vessels belonging to the War or Naval Department as are suitable for commercial uses and not required for military or naval use in time of peace. It provides for the transfer of all vessels in the control of the Army and Navy not now necessary for such use, but once transferred there is no method under this bill by which they can be retransferred to the Army and Navy when they may be required for use. And it is clear, Mr. Chairman, that if the full benefits of this bill shall be had the President should be permitted to transfer to this board, either permanently or for limited periods, such vessels as are not required for use. For instance, to-day we have transports that could have been used in this emergency for a short period of time if the law had permitted such use, but it did not. And I wish to say if this amendment is adopted and the section is not stricken out, I shall offer an amendment to the next section providing for the transfer or lease of such vessels for limited periods of time not extending beyond the period for which the transfer is made. It seems very clear it is a defect in the bill that ought to be remedied, and I trust there will not be any opposition to its adoption.

Mr. HARDY. Will the gentleman yield?

Mr. LENROOT. I do.

Mr. HARDY. I would suggest that while this provision requires or permits the transfer to the board, there is another provision in the bill that authorizes the President, whenever he sees proper, to take them away from the board.

Mr. LENROOT. No; I beg the gentleman's pardon. I have examined the bill carefully, and there is no such provision.

Mr. HARDY. To take any of these ships whenever in his judgment the emergency demands them to be used for the Government.

Mr. LENROOT. The gentleman refers to section 10?

Mr. HARDY. Yes.

Mr. LENROOT. Referring to section 10, I will say that it authorizes only the taking of such vessels as the board has already

sold, leased, or chartered, and in addition it will require the payment of the value of those vessels in the hands of those who may lease or charter, and therefore, of course, would prevent the President from transferring to the board these vessels for limited periods of time.

Mr. HARDY. The purpose of the gentleman is of course all right. I do not see where there is any objection to his suggestion, and I believe we would just as soon accept his amendment, although I believe it is already covered.

Mr. LENROOT. If the gentleman will examine again section 10 he will agree with me it is not covered.

Mr. HARDY. We will accept the amendment. I will ask that the amendment be again reported.

The amendment was again reported.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. A motion was made by the gentleman from New York [Mr. ROWE] to strike out the paragraph. What is the status?

The CHAIRMAN. The amendment proposed by the gentleman from Wisconsin is preferential. It is in order to perfect the text before a motion to strike out. The question is upon the amendment.

The question was taken, and the amendment was agreed to.

Mr. LOUD. Mr. Chairman, I offer the amendment, which is already at the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 4, after the word "President," strike out all down to the last word, "and," in line 7, and insert in lieu thereof the following: "shall transfer to the board all such colliers as are over 18 years of age and all such other auxiliaries as are suitable for commercial uses and not required for military or naval use in time of peace."

Mr. LOUD. Mr. Chairman and gentlemen, I offer an amendment which I trust will be accepted by the chairman of the committee, for it only seeks to perfect the bill and make it more useful for the object to be attained. Eight years ago we did not have a single respectable collier in the United States Navy. Eight years ago we authorized for the first two modern colliers. Since that time we have built 14 magnificent colliers and fuel ships for the use of the Navy. Before that time we had a few—about 15, I think—old, insignificant, inadequate ships which we had bought in the time of the Spanish-American War, which were not adapted to our use and were expensive to operate. We expected when we gave the Navy an adequate collier fleet that they would dispose of those old ships, but that has not been done. We have given to them in the last eight years 132,000 tons of splendid, modern construction in colliers and fuel ships. Now, there are 11 of those old ships which are of no use to the Navy and which would be of some considerable use to the merchant marine and to commercial use.

Mr. SAUNDERS. May I ask my colleague a question?

Mr. LOUD. Yes.

Mr. SAUNDERS. Why does the gentleman want specially to single out these ships in his amendment when these very ships can be transferred by virtue of the authority of the section as it stands?

Mr. LOUD. They can but will not.

Mr. SAUNDERS. Why will they not?

Mr. LOUD. Because they will not give them up. The Navy will hang onto them. They will hang onto everything they have, and more if you give it to them. But we have a splendid collier service—14 modern ships adapted to the work—and we are going to appropriate for one more in the present Navy bill. When Congress has given them all they ask for, and more, too, then it is in the power of Congress to take away from the Navy the old ships which they do not need.

Mr. SAUNDERS. It is the purpose of your amendment, then, that these old ships you speak of shall be transferred without discretion?

Mr. LOUD. It will be mandatory.

Mr. SMITH of Michigan. I have been interested to know, and perhaps with your extensive information you can tell us, how many colliers are necessary for the proper use of our Navy?

Mr. LOUD. No; I can not answer that. We have a great abundance and more, too, in time of peace, and we need many more in time of war, and this bill or some other bill we hope will provide for additional ones to be taken into service when emergency requires.

Mr. PADGETT. Will the gentleman yield?

Mr. LOUD. Yes.

Mr. PADGETT. I wanted to ask how you would reconcile this recommendation that you are offering as an amendment to transfer them to the board, when at your request the Naval Committee has included that provision in the naval bill, authorizing the Secretary of the Navy to sell those old colliers that are above 18 years of age?

Mr. LOUD. I do not need to reconcile it.

Mr. PADGETT. You authorize their sale and specially request it, and upon consideration and reference to the department recommending it, we have included it.

Mr. LOUD. I do not need to reconcile it, because I will use the first opportunity, and every opportunity, to take away these old and useless ships from the Navy and put them into commercial work, where they are needed a thousand times more than they are there.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALEXANDER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the time of the gentleman from Michigan be extended five minutes. Is there objection?

Mr. KREIDER. Reserving the right to object, Mr. Chairman, if I can be recognized for five minutes I shall not object.

Mr. ALEXANDER. Mr. Chairman, I ask unanimous consent also that the gentleman from Pennsylvania have five minutes, following the gentleman from Michigan.

Mr. GREEN of Iowa. Reserving the right to object, there are several of us——

The CHAIRMAN. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent that the time of the gentleman from Michigan [Mr. LOUD] may be extended for five minutes. Is there objection?

There was no objection.

Mr. LOUD. A little more information, gentlemen. The gentleman who preceded me said that we had no auxiliaries in our Navy. It is true that we have not enough in time of war, but we have more than enough in time of peace. We have to-day 53 auxiliary ships adapted to commercial work, and out of these 53 there are 30 of them that are over 18 years of age, and those 30 average 25.7 years, and they should be disposed of, and I want new ones built, where needed, to take their place. I do not believe that we ought to take away all the auxiliaries of the Navy, but we ought to dispose of these old ships at this time, when the price is so high that we can sell them at three times their value. We sold one, the *Justin*, a short time ago, valued at $75,000. We paid for that ship at the time of the Spanish-American War, 18 years ago, $145,000, and in the sale a few months ago we received for that ship $301,070, over double the value of the ship at the time it was bought and four times its appraised value at time of sale. That is what it means to sell those old ships now. This list indicates the colliers I would at once take from the Navy and put into commercial use:

Old colliers which should be sold immediately.	Tons.
Abarcndon	3,400
Ajax	5,000
Arethusa	3,625
Brutus	4,000
Cæsar	3,150
Hannibal	2,300
Leonidas	2,200
Nanshan	2,900
Nero	3,500
Saturn	2,500
Sterling	2,675
Eleven old colliers	35,250
Modern colliers.	Tons.
Cyclops	10,500
Jason	10,500
Jupiter	10,500
Neptune	10,500
Venus	10,500
Orion	10,500
Proteus	10,500
Ulysses	10,500
Achilles	10,500
Mars	7,500
Vulcan	7,500
Hector	7,500
Maumee	7,500
Kanawha	7,500
Total	132,000

Total tonnage of the 25 colliers, 167,250 tons.

Now, let me speak of the Army. They have 15 transports in the Army service, only 1 of which is of modern construction. Fourteen of those transports average 29 years. They are 22 to 42 years of age. Those old ships could all be disposed of, or at least a part of them, to the best advantage now and put into commercial service, where they are so badly needed, and take them away from where they are not needed.

I will yield the rest of my time, unless there is some question which some one wishes to ask.

Mr. KREIDER. Mr. Chairman, the purpose of my motion is to secure an opportunity to make a few observations upon this

bill as a whole, rather than on the particular paragraph under immediate consideration. It is evident that we are all in favor of enacting legislation that will develop a merchant marine for the United States. We all agree that we should adopt a sound national policy in regard to same. The subject is not a new one. This need has been recognized for many years, and in each succeeding Congress bills have been introduced designed to accomplish this result, but no positive policy has as yet been adopted.

It is a most deplorable fact that we have allowed the merchant marine to drift from the proud position it once occupied to its present condition, for we must admit that we have no merchant marine to-day that is worthy of the name. This fact is perhaps brought more forcibly to our notice and we more fully realize its importance because of the present European war, and we see more clearly the absolute and imperative need of a merchant marine.

It is absolutely essential, to my mind, that Congress enact legislation which will encourage the development and speedily give us an adequate merchant marine. Legislation with this object in view was first enacted on July 4, 1789; it provided that a discount of 10 per cent be allowed on all duties imposed on imports in vessels wholly the property of a citizen or citizens of the United States. Again, on August 10, 1790, further legislation was passed providing for an additional 10 per cent of the ordinary duties on imports in foreign ships, so that the inducement to import on American bottoms amounted to 20 per cent, consisting of the rebate of 10 per cent if the goods came on American bottoms and a penalty of 10 per cent if they came on foreign bottoms. This was the commencement of an effort to build up an American merchant marine.

Under this legislation marked progress was made, and in the course of a few years we were carrying 80 per cent of our own products on American bottoms; by 1810 we were carrying 90 per cent, and shortly thereafter we were not only carrying our own but a large portion of the world's commerce and led the world as a maritime nation. We then occupied the position that England now occupies. We maintained our supremacy until about 1845, and even as late as 1856 we carried from 75 to 85 per cent of our over-sea commerce.

Without going into detail, it seems that from then on a decline set in until to-day we find that we carry less than 10 per cent.

The merchant marine is not only needed for carrying our commerce in times of peace, but should we be so unfortunate as to become involved in war its need is most imperative.

During the last 30 years volumes have been written on the subject; men in public and private life, officers of the Army and officers of the Navy, Presidents of the United States have emphasized the importance and actual necessity of a merchant marine, both for safeguarding our Navy and protecting our commerce. Nothing has been done.

When President Roosevelt sent our fleet on a cruise around the world to show our naval strength and our up-to-date battleships, we were made the laughing stock of the foreign nations when they saw that we were obliged to carry our coal on foreign bottoms to keep the fleet steaming. Ex-President Roosevelt called our attention many times to this sad condition. Ex-President Taft said:

> If we were compelled to go into a war to-day, our merchant marine lacks altogether sufficient tonnage of auxiliary ships necessary to the proper operation of the Navy.

But it is useless to continue to speak of the need of a merchant marine; we all agree we need it; we must have it.

The question, however, is, What policy can we or shall we adopt so that our merchant marine will again place us in the proud position we once occupied? Will the bill now under consideration accomplish the result? Does this bill embody the policy this Government shall pursue? These are the important questions. It is necessary that we give most serious and careful consideration to the policy we adopt. I want to say that I am in thorough accord with the provisions of the bill providing for a permanent shipping board, provided this board is composed of men experienced in shipping and foreign trade. I am in favor of empowering this board to recommend to Congress the repealing of any unwise legislation that may now be on the statute books and the enacting of such legislation as may seem wise and desirable. In fact, this board must have power to adopt and enforce rules and regulations as may seem necessary and have absolute control of our over-sea commerce.

It seems that at present our shipping interests are seriously hampered by unwise and ill-considered legislation, the most notable and recent of which was the passage of the seamen's bill passed by the Sixty-third Congress. This bill has driven more ships out of business, has caused the American flag to be hauled down on more ships in less time than any legislation on the statute books. The Pacific Mail, the Robert Dollar, and the Great Northern Steamship Cos. all claim that this bill drove them from the Pacific trade. In any event, the facts are that their ships have gone, and there is not an American vessel engaged in the trans-Pacific oriental service, while the Japanese ships have increased over 50 per cent. It was indeed a sad message when Thomas W. Garlick, commander of the *Minnesota*, was forced to flash by wireless, when sailing from the Golden Gate to Europe, "the great Northern steamship *Minnesota*, the finest ship that ever sailed the sea and the largest ship flying the American flag, is now passing down by your beautiful city, bound for a foreign country, never again to return with Old Glory floating from her stern."

This bill is supposed to correct this. Will it do it? Will the provisions of this bill result in the development and upbuilding of an adequate merchant marine? It provides, without going into details, for a certain form of possible Government and private ownership, but which in its last analysis is Government ownership, because I do not see that its provisions make private investment attractive. I am opposed to Government ownership and operation, and my opposition is not of a political nature, but I am opposed to it from a business standpoint.

The Government never does and never has managed, controlled, or conducted any business proposition on an economical basis. Whenever and wherever the Government operates, it is always at a far greater expense than the same operation is carried on by private capital; and it is reasonable to assume that this will be so as long as present political methods continue, and especially if the civil service, from which we have so much to hope and expect, will continue to be sidetracked and ignored as it has been during the last three years. When the Government erects a building it is at an increased cost of from 25 per cent to 40 per cent over the cost of the same building erected by private capital. When the plans for that building are drawn it is at an increased cost of 40 per cent to 50 per cent over the cost to private concerns. In various other governmental activities the increased cost as compared with private control is from 25 per cent to 100 per cent or more. If our governmental activities were conducted on the same economical lines that private business is, I give it as my opinion from actual observation while here that a saving of hundreds of millions of dollars could be effected. If I should go into details and cite my own observations I could easily prove this by actual facts and figures. I have personally called attention to and fought these extravagances on the floor of this House, but with very little result, except in one instance we feel that we were instrumental in saving about $3,000,000 for the Government. Only recently, just a few weeks ago, we tried to save $125,000 on a little item of printing, but the party in power would not have it. Therefore, as stated, I do not favor Government operation where it possibly can be avoided.

In all matters of legislation I believe it is a safe plan to seek advice from those who are actually engaged in that line of business which the legislation is intended to affect, and on this matter of building up a merchant marine and of the desirability of enacting this bill into law we are not without advice from the great business men of the country.

Mr. HARDY. Will the gentleman yield a moment right there?

Mr. KREIDER. Yes.

Mr. HARDY. I want to say this, that the committee has heard the evidence from every shipowner in the United States by their chosen representatives, sent before them, and we have been hearing them for two years.

Mr. KREIDER. Let me reply to the gentleman by saying that you may hear them, but you discard their evidence. Let me read what the Chamber of Commerce of the United States says on this subject.

The Chamber of Commerce of the United States, of which I happen to be a member, has taken this matter up and referred it to its merchant marine committee, and on February 4, 1916, the majority report condemned Government ownership but did recommend the creation of a Federal shipping board, composed of men experienced in marine transportation, with power to investigate navigation laws and recommend to Congress necessary revisions and to have full jurisdiction under the law of all matters pertaining to over-sea transportation. I might say that the Chamber of Commerce of the United States is composed of business men over the entire United States and of organized bodies of trade associations and of the various chambers of commerce in every important city in the United States and is absolutely nonpartisan in its character.

Mr. HARDY. Mr. Chairman, will the gentleman yield just at that particular point about the Chamber of Commerce of the United States?

Mr. KREIDER. In a moment. The National Foreign Trade Council at its meeting September 23, 1915, adopted a report which condemned the Government-ownership policy in principle and considered it as a standing deterrent to investment of private capital in shipping ventures.

Mr. HARDY. Mr. Chairman, will the gentleman yield right there?

Mr. KREIDER. Yes.

Mr. HARDY. I want to say that our committee had before it William L. Douglas, representing the New York Chamber of Commerce, who talked with us about this bill, and he has written the chairman a letter favoring the bill.

Mr. KREIDER. I do not know what Mr. Douglas has done, but I think he has no special knowledge of this subject and probably knows no more about maritime shipping than I do. [Applause on the Republican side.] I am speaking of the majority report of the Chamber of Commerce of the United States of America. In that report they disapprove of Government ownership, but they approve of a provision providing for a board so that our maritime laws relating to this subject may be changed and so that objectionable laws may be taken off the statute books.

Mr. HARDY. I am not speaking of Mr. Douglas of Massachusetts. The man I refer to is a different man. I am speaking of a man who lives in New York, who is connected with the Chamber of Commerce, and who is closely allied to the shipping business.

Mr. KREIDER. I have stated to you what the Chamber of Commerce of the United States has done. Now let me refer to the action of the Chamber of Commerce of the State of New York, as you seem to desire that information. The Chamber of Commerce of the State of New York on January 28, 1915, adopted a report condemning the Government-ownership policy, and declaring that desirable modification of the navigation laws were needed, but stated that the modification of these laws would not alone be sufficient to develop the American foreign mercantile marine, because of the greater cost of operation of American vessels, due to higher American wages, which it was desirable to maintain. [Applause on the Republican side.] These opinions are the expressions of men whose opinions should be respected; they know what they are talking about, having had extensive experience in shipping, and at the same time it gives us a positive expression of the sentiment of these men; and right here I want to state that it seems that legislators, as a rule, do not follow the advice given by experts when legislation is enacted affecting a particular line of industry. It is not only true in this case, but it is nearly always true. The railroader's testimony is rejected when legislation affecting transportation is enacted, because it is contended that he is a party in interest. The banker's testimony is rejected when legislation affecting finances is enacted, because he is a party in interest. The manufacturer's testimony, in whatever line of industry he may happen to be, is rejected when legislation affecting his business is enacted, because he, too, is considered a party in interest. Our great merchants' testimony is being rejected on the same grounds. The testimony of our Army and Navy officials is discounted and rejected because they, too, are considered a party in interest.

The truth is that all the testimony that is really worth while, that has any weight, is rejected, with the result that the schoolteacher dictates the legislation affecting the prosperity of the Nation and its people, when he knows absolutely nothing of the actual operation of these activities. Is it any surprise that business is afraid to expand, when legislation emanates from such a source and is liable to come at any time, at any moment, when the Congress is asked to enact legislation, right or wrong, as it may suit the whim of the dictator? I can not recall a single piece of legislation enacted into law since Woodrow Wilson was inaugurated President of the United States that has had as its underlying principle the promotion of business. It seems that it is the popular thing to decry, hamper, and destroy business activities, and then, after all the obstacles are put in the way of business, business men are told to go after and secure foreign business, wherein they must compete with foreign competitors whose Governments are given every possible assistance and encouragement.

This is not fair, and this policy must be and will be changed. I do not want to be misunderstood. I am opposed to Government ownership and Government operation, but I am in favor of Government control, a control which will protect capital and labor. During the last decade we have passed through an age or period of inventions such as the world has never known. Business men have taken advantage of these inventions which have revolutionized methods of transportation, of communication, methods of manufacture, and so forth. All this has resulted in large business being established in certain lines and, of course, some men have become wealthy because they have taken advantage of the opportunities presented.

This has given the opportunity to the hypocritical, political demagogue to go about the country in an effort to array labor and capital against each other, whereas, as a matter of fact, their interests are identical and each should receive his proper share of prosperity which can be secured by Government control. During the political campaign we hear these demagogues denouncing the tariff, ascribing the creation of trusts, monopolies, and special interests to a protective tariff, which is not true. I defy any man on the floor of this House or elsewhere to point to a single instance where a protective tariff has created a monopoly or a trust or to point to a single instance where free trade has destroyed one.

Quite the contrary is true. The tariff has protected thousands upon thousands of small concerns and enabled them to remain in business, and free trade has driven thousands of small concerns to the wall and out of business. The reason why this is so is plain and evident. The large concern, through its decreased cost of manufacture, because of its size, is able to withstand the foreign competition, and as each small concern is forced to the wall because of competition the large concern gets that business, and it enables it to become larger by each succeeding failure of the small concern, so that the large concern, the so-called trust, is never destroyed by free trade and it is never made by protective tariff, because the small concern can find a market for its product and continue in business under an adequate protective-tariff law. This gives labor a chance to secure its just dues, because labor is not confined to the dictation of any one concern in any particular line of business.

However, I did not intend to touch on this subject; it is the policy of building up a merchant marine that we are considering, but the evidence submitted by the various organizations which I have named and a large number I have not named is against Government ownership. I shall feel compelled to vote against this measure notwithstanding the fact that I consider the development and building up of the merchant marine imperative and the failure to do so almost a crime. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WOOD of Indiana. Mr. Chairman, I believe the people of the United States are opposed to this measure for a great many vital reasons.

If section 5 of this bill, which has been stricken out, is put back again—an attempt to do which no doubt will be made—it will present this beautiful spectacle of the United States engaging not only in private business but engaging in the discouragement of the investment of private capital, and at the same time it will engage in destroying the opportunity for employment of workingmen in this country.

It has long been the boast of gentlemen on the Democratic side of this House that their party is the good friend of the laboring men. Under section 5 of this bill $50,000,000 may be employed—will be employed—in the manufacture of ships, not in the United States, because under the terms of the bill this money may be or will be employed in the manufacture of these ships in foreign countries, for the reason that the terms will not be equal. And why are they not equal? They are not equal because of the fact that men who are employed in the shipbuilding business—laborers on the other side—receive less than one-half of what the men employed in the shipyards of this country receive.

Some man may rise in his place and say that that is not exactly true now, and he might be correct, for the reason that because this war has been making great demands on the shipyards of Europe wages there have increased; but after the war is over—and we could not get these ships built until the war is over—normal conditions will be resumed and normal prices will again prevail; and if so, the $50,000,000 will be invested over there.

And how much of it is represented by labor? Ninety per cent of every dollar of that money expended in the building of ships will represent labor. Ten per cent alone of it will represent the raw material. That means that $45,000,000 of that money that should go to the employment of American workingmen will go to the employment of workingmen on the other side of the sea.

I have taken some pains to collect data and have made a tabulated statement showing the wages paid to men employed in American shipyards prior to the war in Europe and the wages in establishments engaged in the same kind of business in Scotland and England; and, without a single exception, more than twice the wage that was paid on the other side was

paid to the workmen in the shipyards in this country; and what obtained then will obtain when the war is over.

The following figures are very instructive, and I commend them for the consideration of the Democratic majority:

Comparison of average wages per week paid at 12 British shipyards and the average for same class of men at the Union Iron Works, San Francisco, converted into United States money.

	Union Iron Works.	British shipyards.
Drafting room:		
Draftsmen	$19.44	$9.42
Apprentices	6.30	3.10
Pattern shop:		
Pattern makers	22.74	9.75
Helpers	13.20	6.25
Apprentices	6.07	3.02
Blacksmith shop:		
Blacksmiths	20.28	9.81
Helpers	13.20	6.62
Apprentices	6.72	3.78
Machine shop:		
Machinists	19.38	9.69
Helpers	13.44	6.83
Apprentices	5.58	3.05
Boiler shop:		
Laying out work	23.22	10.00
Boiler makers	19.74	9.33
Apprentices	7.20	3.63
Joiner shop:		
Joiners	21.18	9.50
Helpers	12.72	6.35
Apprentices	7.08	3.32
Ship carpenters and calkers:		
Ship carpenters and calkers	22.14	9.83
Helpers	13.20	6.62
Apprentices	5.76	3.32
Ship fitters:		
Fitters	20.10	9.50
Helpers	12.60	6.42
Apprentices	7.25	3.67
Riveters:		
Riveters	21.50	9.88
Drillers, chippers, and calkers	18.34	8.94
Helpers	13.28	6.72
Rivet-heater boys	7.80	4.20
Riggers and sailmakers:		
Riggers and sailmakers	17.80	8.96
Helpers	14.40	6.98
Boys	6.66	3.68
Coppersmiths:		
Coppersmiths	19.20	9.72
Helpers	13.44	7.36
Boys	7.20	3.86

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. HARDY. If we can not build ships in America because we pay a higher scale of wages than England, how can England build any ships at home when she pays a higher scale of wages than Japan or France? Is it not a fact that, although England pays a higher scale of wages than France or Japan, she not only builds her own ships, but builds ships for the rest of the world? And is it not a fact that while we pay higher wages, we can turn out cheaper iron and steel products than any other country in the world, and the same with respect to wooden products?

Mr WOOD of Indiana. Oh, the gentleman should ask his question and then sit down. The conditions that have heretofore obtained will continue to obtain. If you gentlemen on that side are the friends of labor that you profess to be, it is better that this money should be expended in our own country, even though we pay more for building ships than is paid on the other side, because thereby we are keeping the money here, which builds homes for the laboring man, and furnishes those homes, and provides for the higher education of the children, thereby bettering their condition in every way.

Mr. HARDY. How is it that Japan, with cheaper wages, does not build the ships for England?

Mr. WOOD of Indiana. It is because of the fact that England throws around her shipbuilding enterprises the same kind of protection that we should have here, and the further fact that she subsidizes her ships and gives them subventions that you have been denying on that side.

Mr. HARDY. Does not the gentleman know that England does not prohibit the building of her ships elsewhere?

Mr. WOOD of Indiaaa. England gives subsidies and subventions to the shipping companies and the owners of ships.

Mr. HARDY. Has she ever given a dollar to a shipbuilder?

Mr. WOOD of Indiana. I say she is giving subventions all the time, and the gentleman knows it.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HARDY. Mr. Chairman, I ask unanimous consent that the gentleman be given five minutes longer. The gentleman's statement is wrong, and I want to answer him. If England ever gave a dollar of bounty to a shipbuilder, I never heard of it.

Mr. WOOD of Indiana. She gives subsidies and subventions to all.

Mr. HARDY. To the shipbuilders?

Mr. WOOD of Indiana. To the shipping companies and to those engaged in the carrying trade.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HARDY. I ask that he be given five minutes longer, and I wish to ask him how it is that England can compete with Japan in building ships, although wages in England are so much higher than they are in Japan?

Mr. MANN. Would it be possible to make the same request that the gentleman from Texas made awhile ago, that the time be extended five minutes, not to be interrupted?

Mr. HARDY. I will admit that my question was impetuous. I ask unanimous consent that the gentleman's time be extended five minutes, and I will ask him only one question.

Mr. MANN. Can not the request be made without any "ifs" or "ands" about it?

Mr. HARDY. I withdraw the condition, and ask that the gentleman's time be extended five minutes.

Mr. MANN. I will not object, because I assume that the gentleman from Indiana [Mr. WOOD] will get at least one minute out of the five.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of the gentleman from Indiana may be extended five minutes. Is there objection?

There was no objection.

The CHAIRMAN. Just a moment before the gentleman proceeds. The Chair desires to make this statement now, in order that it may be understood: The Chair has promised to recognize the gentleman from Iowa [Mr. GREEN]. The Chair understands that the gentleman from South Carolina [Mr. BYRNES], a member of the committee, desires recognition. He will therefore recognize the gentleman from South Carolina next, and then recognize the gentleman from Iowa [Mr. GREEN], and then the gentleman from Illinois [Mr. CANNON]. That is the arrangement which the Chair now has. The gentleman from Indiana [Mr. WOOD] will proceed.

Mr. WOOD of Indiana. I will state, in answer to the gentleman from Texas, that the reason why the ships of England are not built in Japan, where wages are so much lower there than in England, is that the English Government will not grant a subsidy to any vessel that is not built in England or Scotland. [Applause on the Republican side.] That is the reason why. So I say we should throw the same arm of protection not only about the American who is engaged in the building of American ships for American trade, but we should also remember the men who are given employment thereby. Now, if it be true—and it is true—that we are paying to our men engaged in the shipbuilding business in this country, to the wageworkers $2 for every $1 that is paid upon the other side for the same amount of work, are we not doing the American laboring man a very great injustice when we make it possible for the United States, that ought to be the guardian of the welfare of the workingman, to become the instrument for the destruction of the welfare of the American laboring man?

Mr. HARDY. Now, if it is perfectly agreeable I will ask another question.

Mr. WOOD of Indiana. Well——

Mr. HARDY. Does not the gentleman know that England grants subsidies to only a very few of her ships? I want to know why it is that Japan does not build ships for the English trade to which no subsidy is given?

Mr. WOOD of Indiana. My understanding is that England does not give a subsidy to any ship that is not built in her own yards, and that in consequence there are very few English ships built outside. So far as Japan is concerned, I am glad that the gentleman has made the suggestion. The men who work in the shipbuilding yards of Japan work for from 40 to 60 cents a day, making it all the worse in this comparison. The United States has been trying for years and years to protect herself against the yellow race. Are we going to say that she is going to send her money across the Pacific to that country, to whose laborers she has denied admittance here, and is going to say to them, "You build our ships at from 40 to 60 cents a day while our workmen, who receive $4 and $5 a day, shall become idle or seek other employment?"

Mr. HUMPHREY of Washington. I want to say to the gentleman on that point that in our shipyards in Seattle we pay $3.50 to $5.50 a day to workmen, while workmen performing the same work in Japan receive 40 cents a day.

Mr. WOOD of Indiana. That is my information.

Mr. SAUNDERS. Did I understand the gentleman to say that ships that are built abroad can not be admitted to American registry?

Mr. WOOD of Indiana. My understanding is that there is a law now upon the statute books which provides that ships built abroad are not admitted to American registry.

Mr. SAUNDERS. The gentleman is mistaken, except as to domestic commerce. In the ocean-carrying trade you can buy a foreign ship to-day and have it admitted to American registry. Now, let me ask the gentleman another question.

Mr. WOOD of Indiana. Hurry up.

Mr. SAUNDERS. I do not want to take the gentleman's time if he thinks I am consuming it.

Mr. WOOD of Indiana. The point I want to make is that it would have been better if ample opportunity might have been had in this House to discuss all the objections that might be raised to this bill, so that the people who are vitally interested in the result of this legislation might have some chance to communicate with this Congress and to advise their Representatives concerning their best interests. I do not believe that the great army of American workingmen would be in favor of this bill if they knew or appreciated what it means to them. I do know that if the Americans who are engaged in the shipbuilding industry, and those who would like to invest their money in that industry, had confidence that the Government which ought to protect them would protect them, then they would invest their money in this character of enterprise and help to build up again that merchant marine which met the beginning of its destruction 54 years ago this week, when the *Alabama* started upon her cruise of destruction. [Applause on the Republican side.]

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina [Mr. BYRNES].

Mr. BYRNES of South Carolina. I see the gentleman from Iowa [Mr. GREEN] upon his feet, and I am perfectly content to have the Chair recognize him first.

The CHAIRMAN. Then the Chair will recognize the gentleman from Iowa, and after him will recognize the gentleman from South Carolina.

Mr. GREEN of Iowa. Mr. Chairman, I am in favor of the amendment which was introduced by the gentleman from Pennsylvania [Mr. KREIDER], but I shall address myself more particularly to some remarks made by the gentleman from Texas [Mr. HARDY], in which he was kind enough to make some reference to myself.

I wish, however, in the first place, to call attention to a remark which was made by the distinguished Speaker of this House in speaking on this bill yesterday. He said with reference to it that it was a business proposition. In one sense it is a business proposition, but in a true sense it is the most unbusinesslike proposition that ever came before any legislative body. [Applause.] This is a proposal to contract for ships at a time of scarcity and to operate them at a time when there will be a surplus of ships more than anyone needs.

What kind of a business proposition is that? Let me suggest by way of example a parallel case. Here is the gentleman from Illinois [Mr. MADDEN], a man of large business experience, who learns of a great scarcity in gun stocks, owing to the war. He finds out that black walnut lumber is very high and scarce. Suppose he concludes that he will take a million dollars, contract for all the lumber that can be delivered a year from now to be made into gun stocks, and sets up a factory in order to manufacture them. What would his friends say? "Too bad, too bad. He has gone clear crazy." [Laughter.] "We must have a commission of lunacy sitting on his case in order to keep him and his family from going to the poorhouse."

Mr. HARDY. Will the gentleman yield?

Mr. GREEN of Iowa. No; I can not yield unless the gentleman will get me more time.

That is what will happen to business men who do not observe the A B C of business principles. Poor old Uncle Sam, if this business goes on, will, metaphorically speaking, have to go to the poorhouse himself.

What kind of a condition will we have? The gentleman from Texas [Mr. HARDY] said that on our side we knew certain things. Well, on your side you know this, and no man has undertaken to deny it, that during the next year you will not get a ship under this bill. The freight that you say is lying at our wharves—that is congesting our railroad traffic—will not be moved by this bill, because no shipyard has any capacity to build any more ships than it is now building. What kind of a condition will you have when you get the ships? It will be just as it was after the Boer war. First, a scarcity of ships and then at the close a surplus, only the scarcity is now greater and the surplus will be greater when the German ships are released. You contract for them to-day when they cost four or five times their normal price, owing to the extraordinary conditions produced by the war going on in Europe, the demand for ships for military purposes and carrying supplies. You will contract for them and get them some time in a year or two. At that time there will be a surplus of ships, rates will go, nobody knows where, and we will be trying to carry freights under laws that make your operating costs twice that of your competitors. That is the kind of a business operation in which we are embarking. I say that a man who would propose anything of that kind really ought to have an investigation made not as to his sanity—as some one has said—but as to his business capacity. The gentleman from Texas spoke about the plan of discriminating rates. I believe it is a practical plan, but when the committee met they never found time to consider that or any other plan but the one embodied in this bill.

They took up this plan that we have here. Why did they take it up and refuse to consider any other plan. It was because of orders coming from the other end of the Avenue that this plan and this plan alone should be put through the House, and because it is the pet project of the Secretary of the Treasury.

Mr. ALEXANDER. Will the gentleman yield?

Mr. GREEN of Iowa. I can not refuse to yield to my friend from Missouri.

Mr. ALEXANDER. Did not the Republican national platform declare for discriminating duties, and why did not the minority offer amendments to consider it?

Mr. GREEN of Iowa. I think I am disclosing no secrets of the committee. The fact is that the minority had no opportunity of proposing any other plan. This bill was introduced one day and reported the next. Not half the members on the Democratic side, if they spoke their real sentiments, would favor it. Even the distinguished gentleman from Missouri, the chairman of the committee which reported the bill, at a previous Congress introduced a bill the purpose of which was to build up our merchant marine by discriminating duties.

A similar bill which was introduced last year failed to pass because so many on the Democratic side were openly opposed to it. The speech of the distinguished gentleman from Virginia [Mr. SAUNDERS] condemned the proposition in immeasured terms. The bill has now been slightly changed, the only change of any importance being the provision that the Government should go out of the ship business at the end of five years.

But, Mr. Chairman, this will be just about the time when the scheme is fairly set in motion. It is indeed a beautiful plan. It provides for ships in the future to meet present emergencies, and practically admitting that the proposition is neither workable nor feasible as a continuing one, also provides that we should get out of it as soon as we can.

Mr. Chairman, I am not so much worried as some others with reference to the Government-ownership features of the bill. When a work can be carried on successfully by the Government for the benefit of the people, or a large portion of them, I am in favor of the Government taking hold of it.

If the purchase and construction features of the bill would help either present or future conditions, I would not oppose it merely because Government ownership was involved. Private profit must yield to the public good, but in all this debate no man has claimed, nor will anyone claim, that any relief will be obtained for present conditions, and no one has undertaken to explain how the situation in the future would be benefited by the bill. We will, of course, get some American ships in the course of time, but nobody denies that it will cost us far more to operate them than ships sailing under a foreign flag. I have been astonished to hear gentlemen say that private capital of this country would not go into the ship business under ordinary conditions. What they mean is that it will not invest in ships to be run under the American flag. Millions—far more than is provided for under this bill—have been invested in this country in operating ships under the flag of some other country. Some of these on account of the war have recently come under the American flag. The people of the Middle West would like to see the American merchant marine rehabilitated, but they are not willing to pay too high a price in order that they may indulge in the high-flown sentiments over the fact that the American flag waves over the seven seas. Can they get an American merchant marine at a reasonable price through some sensible and practical plan? I answer "yes." The Republican platform of 1908 declared in favor of discriminating duties for this purpose. Under this plan, and in the early days of the Republic,

we built up a merchant marine which in proportion to the population was the greatest on earth. With the abolishment of the discriminating duties there came a gradual decline. Of course, as long as wooden ships were used exclusively and they could be built cheaper in this country than elsewhere and with operating costs only slightly larger than that of foreign vessels, American skill and enterprise for a long time survived the abolishment of these discriminating duties through the act of 1828. To-day no man claims that a ship can be built or operated under the American flag as cheaply as it can be under the control of foreign nations. The operating cost alone is over twice or three times as much, depending upon whether comparison is made with European or Asiatic ships. Discriminating duties would not only remedy this condition but would make the foreigner instead of the American taxpayer pay in building up the American merchant marine.

It is said that discriminating duties provoke retaliation, but here we have the greatest advantage over the foreigner. Our ships never engage in the indirect trade by which they would carry freight from one foreign country to another, whereas English, German, Norwegian, and other ships carry goods not merely from their own country to us but from the United States to countries which are also foreign to them. We have the advantage in this game of retaliation if it should be undertaken. It is true that discriminating duties would not be likely to give us fast passenger ships or ships for the high-class freight which is often carried on fast boats, but this would be easily taken care of if we were not so foolish as to pay enormous sums to the foreigner for carrying our ocean mails. If we had required all our outgoing mails to be carried under the American flag and paid a reasonable price for this service, we would have long before now been supplied with this class of ships. Of course, this would be somewhat in the nature of a subsidy, but this bill is the most gigantic subsidy ever proposed in this or any other country. True, it is ingeniously covered up, but this is just what it amounts to, after all. The fifty millions expended for the benefit of some one who leases ships costs the American taxpayer just as much as fifty millions paid to people who construct the ships themselves, and if it was proposed to expend one-half this sum in direct subsidies a howl would go up that would rend the skies.

Mr. Chairman, this bill is like the other administration measures that have been put through Congress since the present occupant of the White House controlled the situation. Such beautiful promises have been made as to what these bills would accomplish, such radiant hopes were aroused as to the benefits which would accrue, that many upon both sides, fearing that the people would think, if they voted against these measures, that they did not desire to see these hopes and promises fulfilled, have been led to cast their votes for them, and some may even vote for this bill. The result has been that we are loaded down by new boards and commissions, secretaries, departments, and hordes of new officeholders, with Government expenses constantly rising higher and higher in the millions, until with an empty Treasury we are compelled to sell the Panama Canal bonds, which a Republican administration had carefully saved and set aside, and to what good or for what benefit? None that anybody has been able to discover. These hopes have been disappointed and the promises have been unfulfilled. Nothing has resulted but the ever-increasing bill of expenses and ever-increasing multitude of officeholders. The result will be the same with this bill—a new commission, practically a new department, more officeholders, more expense, and nothing else. [Applause on the Republican side.]

Mr. BYRNES of South Carolina. Mr. Chairman, I am satisfied that the statement of the gentleman from Iowa [Mr. GREEN] will not be corroborated by any member on the Merchant Marine Committee, either on this side or that side of the House. No man on our committee from the Republican side will contend that he was denied an opportunity to present any amendment to the bill while it was being considered by the committee. Certainly you will not deny that there was nothing to prevent you from urging anything you wished in the minority report.

Mr. MANN. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. MANN. This bill was introduced May 8 and reported May 9. Great opportunity there was to offer amendments.

Mr. BYRNES of South Carolina. Oh, before the bill was reported there was a meeting of the committee at which the minority was present, and they will not assert that they were denied an opportunity to present amendments.

Mr. MANN. But it was not in print until May 9.

Mr. BYRNES of South Carolina. The gentleman from Illinois can not fool himself in that way. This is merely a reprint of a bill that had been before the committee day after day, and no member of the committee will support the statement of the gentleman from Illinois.

Now, I remind my good friend from Indiana, who has spoken about this being such an inopportune time to build vessels, that he would have us believe that men of business ability, men of intellect, are to-day having built in American shipyards more vessels than ever before, and, yet, when it is proposed that Uncle Sam shall go into the business, you say that it is a demonstration of incapacity, when it is only proposed to have the Government do what the business men of America are doing to-day.

Another thing, the gentleman from Indiana [Mr. WOOD] spoke of his wonderful interest in behalf of American labor. He says that this provision authorizing the purchase and the construction of ships abroad if fair treatment is not accorded the board by American shipbuilders will drive American labor out of the shipyards. He says it will prevent the circulation in this country of several million dollars that ought to stay here for the benefit of American labor. But when he states that, he does not consider that last year we spent for freight that went to foreign shipowners $300,000,000 that ought to be in circulation in America. He has no desire to stop that payment to foreign shipowners. It is a wonderful inconsistency.

I might ask him again to read the remarks of that distinguished candidate for the Republican nomination for the Presidency, Ex-Senator Burton, who told you several years ago that the American flag would never float from the masthead of an American vessel until you did away with the provision which prevented the citizens of the United States from going into shipyards the world over and constructing vessels to engage in foreign commerce.

Why do they not follow him to-day——

Mr. FESS. Will the gentleman yield?

Mr. BYRNES of South Carolina. No; I can not yield right now; I want to tell you something else. The purpose of this provision is to do what? The purpose is to insure fair treatment of the United States through a shipping board. You talk as if it were something unheard of. What is the fact? The fact is every last one of you has been voting for a similar provision in the naval appropriation bill every year. Take the naval appropriation bill for 1909 and what does it provide? It says this, as to ships to be built under the bill:

> And in all their parts shall be of domestic manufacture; and the steel material shall be of domestic manufacture and of the quality and characteristics best adapted to the various purposes for which it may be used in accordance with specifications approved by the Secretary of the Navy, provided contracts for furnishing the same in a reasonable time, at a reasonable price, and of the required quality can be made with responsible parties, and of the two first-class battleships provided for in this act not more than one shall be built by one contracting party.

You say they shall be bought from domestic manufacturers, provided you can secure them in a reasonable time and at reasonable prices. That is the provision we place in this bill. What happened to this? This very provision, which was placed in the naval bill to protect domestic manufacture, was, according to the chairman of the Committee on Naval Affairs, stricken out of the bill on motion of a Republican Senator. You tell me it will have a bad effect? Let me tell you what the effect was. Here is the testimony of Mr. Grace, who testified before the Committee on Naval Affairs during the consideration of the armor-plate bill. What did he say? He said that in 1912 he submitted a bid for $490 for a 14-inch shell, and when that provision was stricken from the bill and the bill was left practically as we now propose to leave this bill the next bid that was submitted by the company represented by Mr. Grace was for $315 per shell instead of $490 per shell. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina? [After a pause.] The Chair hears none.

Mr. BYRNES of South Carolina. That, my friends, was a direct saving of $175 per 14-inch shell to the American taxpayer. Did you object to it then? No; you never objected to it until this bill was brought in and the proposition is submitted to you to furnish an American merchant marine to the people of America; and when it is, because it comes in conflict with the Shipping Trust, you Republicans in this House rise in holy horror and demand that there be stricken from the bill an authority you willingly permit to be carried in the naval bill.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. BYRNES of South Carolina. No; I have finished.

Mr. MANN. Mr. Chairman, I ask unanimous consent that my colleague [Mr. CANNON] may proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, I do not know that I shall use the 10 minutes, but I desire now to ask unanimous consent to extend my remarks in the RECORD.

Mr. ALEXANDER. Mr. Chairman, I make the same request.

Mr. HARDY. Mr. Chairman, I make the same request.

Mr. MOORE of Pennsylvania. I ask the same privilege.

Mr. PRICE. I make the same request.

The CHAIRMAN. Is there objection to these requests? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, I have heard this matter back and forth from one side of the aisle to the other about subsidies, about wages, about labor, about the merchant marine, for 40 years, and I had just as well be frank with the House. I succeeded, as the leader of the minority on the Post Office and Post Roads Committee, in 1877, with an overwhelming Democratic majority in the House, in turning down a ship-subsidy bill reported by the gentleman from North Carolina, I believe, now dead, Mr. Waddell. So much for that. I succeeded upon this ground which I hold now, that in this country, a new country, developing as we are—and we have greatly developed since 1877—with all the burdens that our people bear, that we can protect labor of the United States against the products of foreign labor that is paid less than our labor only in one way, and that by a tax on foreign products seeking our markets gathered at the customhouse equal to the difference in the cost of production at home and abroad. This we can do for we are supreme in our territory. [Applause on the Republican side.]

But when we seek to compete on the world's highway—all the oceans of all the world—in the carrying trade, we can not do so successfully unless we sail our ships at a cost equal to what it costs the world to sail its ships. This can only be done in two ways—one by reducing the wages of our American sailors, the other by granting aid from the United States Treasury to make up the difference we pay and which the world pays.

I listened to the speech yesterday of our honorable Speaker, for many years my political opponent but my personal friend. I do not know whether I can read in this light—but I am not going to read much—but he very strongly said, in supporting this bill:

> There is no use to beat about the bush. We spend $300,000,000 a year for ocean freights, all paid to foreigners nearly, to foreign steamship companies. I am in favor of paying that money to American ships under the American flag, giving employment to Americans on the high seas and American shipbuilders on shore.

Mr. HARDY. Will the gentleman yield for just one question?

Mr. CANNON. The House has been kind to me. I yield for a question.

Mr. HARDY. Is it not a fact that the shipowners to-day complain of the seaman's bill because we tried to make American seamen?

Mr. CANNON. The seaman's bill, I think, added another weight against operating our ships upon the seas. But I am not speaking about the seaman's bill now; I am speaking about the conditions that obtained before the seaman's bill.

Now, take Japan. It costs us double and more to compete with Japan upon the high seas, but not so much as that when we compete with Great Britain or with Germany. It only costs us 33 to 50 per cent more, or did before the war. I want to be exactly fair and not color anything one way or the other.

Now, I have great admiration for the frankness of the honorable gentleman from Virginia [Mr. SAUNDERS], a member of this committee. I do not think the word "subsidy" scares him, if he is for that principle. He says it is "aid from the Treasury." So is subsidy an aid from the Treasury; but our Democratic friends have so long been crying "subsidy," "subsidy," "subsidy," that, as our honored friend, the Speaker, said yesterday, he never had and never would vote for a subsidy.

Mr. DAVIS of Texas. Amen!

Mr. CANNON. I get an "Amen" from over on that side. It comes with reason and without reason. [Laughter.] It is the substance you want. "The letter killeth, but the spirit maketh alive."

Now, then, I must hurry along. If a bill passes bearing aid from the Treasury, is this a proper time to pass it? You provide for $50,000,000. How far will it go? Why, gentlemen, it has already been stated, I believe, although I did not hear it, that nine months ago there were 76 ships amounting to 310,000 tons in construction in our shipyards, and to-day there are 360 ships, the tonnage of which, when completed, will be 1,067,000 tons. To-day, with the price of labor that we pay—higher than it ever was before—how many ships would your $50,000,000 build? How much would it pay for? Five hundred thousand tons; that is all.

Now, you say upon that side that you have to have 60 per cent of the tonnage in our foreign trade in American ships, flying the flag if we are to control and compete on the world's highway. Well, how far will $50,000,000 go? If you are to get 60 per cent, and if the Government goes into this business it must go the whole length, because nobody under our conditions can compete with the Government. How much would it cost? You can not place orders now at $100 a ton. It would cost $1,000,000,000 at least, and I guess you could not begin to do it at that price. Are gentlemen in favor of that policy? I think not. I do not believe the gentleman from Texas [Mr. HARDY] or the gentleman from Virginia [Mr. SAUNDERS], members of this committee, would have voted for this bill if they did not have a better excuse than that which satisfies most of you. However, I will just withdraw that part of my remarks, because I do not desire to be personal and say what one man would do and what another man would not do. But you would not have voted for this bill, many of you upon that side, had it not contained the provision that after five years, when the war has closed, these ships will be disposed of either by lease or by sale, and that they must be sold or leased to an American citizen.

Well, where does that place you? Fifty million dollars; 50 ships! It does not amount to anything to speak of. You are going to sell them. They cost you $50,000,000, and that is gone. What could you get for them? Why, it would be a thing that you would apologize for until you would drop into your graves if this bill goes on the statute books and it turns out in that way. All for what? Is it sound from an economic standpoint? Nay! Nay! Is it sound from the standpoint of good, common sense? Nay! Nay! From what standpoint is it sound? I do not desire to be offensive in my remarks, but if the Secretary of the Treasury had not invented this policy and had not made speeches——

The CHAIRMAN (Mr. RIORDAN.) The time of the gentleman has expired.

Mr. SAUNDERS. Mr. Chairman——

Mr. MANN. Does the gentleman from Illinois wish to have more time?

Mr. MEEKER. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. I believe the President followed the Secretary of the Treasury, but, whether he did or not, they are both occupying the same position. That is part of the policy that is put up to the Democratic side of the House to pass. Now, if I could just stand you up and swear you, and say, "All you who love that policy, all of you who in your sound judgment and in your hearts believe it is right, stand up," I believe that not half of you would stand up. But yet that is the policy of the President. Well, that is what he wants; that is what the Secretary of the Treasury wants and, willy-nilly, you will pass it if you can and trust to Providence. Well, Providence has taken care of you, my Democratic friends, a good many times——

Mr. DAVIS of Texas. Amen!

Mr. CANNON (continuing). When I thought He ought not to have taken care of you. Always wait until the full sentence comes in before you say, "Amen!" [Laughter.]

Let me tell you another reason why we can not compete upon the world's highway. But before I do that, let me say that they talk about $300,000,000 paid to foreigners. Well, I used to hear earnest people on this side who wanted subsidies talk about the same thing. You know very well that great amounts of American capital have gone into foreign ships. Why? Because the labor for operation is less. Now, I think everybody will admit that that is true. But, after all, if you get service upon the world's highway, where we can not compete and where our laws do not extend—if we get good service—is it not legitimate to take that service at the lowest price? It is different from protection, because here we are supreme within our borders. You get the distinction.

Now, they talk about capturing the South American trade. It is a wonderful thing. Why, do you know, our trade with Asia last year was one-half greater than it was with South America? Our exports to South America in 1914 were only 5 per cent of our total exports to the world.

They are competitors with us in substantially everything except nitrates, rubber, and coffee. One reason why we have not the South American trade is that they, being our competitors, do not buy greatly of us. We will get the South American

trade, gentlemen, when the time comes, and not before; only when the same amount of capital, the same amount of energy, the same amount of skill, will bring the American citizen better returns in South America than by keeping his own market. [Applause on the Republican side.]

We have just scratched the surface of this country. We have 100,000,000 people. The Speaker said the other day that the time was not far distant when we would have three hundred or four hundred or five hundred million people. When we are as fully developed as Europe is, where 300,000,000 people are fighting for the mastery, we shall support 700,000,000 people, and we have a better country to develop. Therefore, as a business proposition, I am for the Republican policy of protection at the customhouse. That is real protection. When you get out on the world's highway and undertake to sail ships on the oceans of all the world, to compete, you have to pay no more than the world pays for similar service.

Now, I think that is about all that I wanted to say. I have asked unanimous consent to extend my remarks, and they will not be very lengthy when I do extend them. I do wish you would adopt this amendment, that the Committee of the Whole should adopt it, to strike out this section and let this be an administrative measure only, because if you buy these ships at three or four times what they are worth, it will bring scandal and graft untold, that will not only make you but every American citizen bow his head in shame. [Applause on the Republican side.]

This ends my remarks in the House. However, under the leave to Members to revise and extend their remarks upon this bill, I print as an extension of my remarks, as follows:

It is said that we once had control of the sea and that our flag was known in every port of the world. That is true, but it was a time somewhat like the present. All Europe was engaged in war, and the United States, as a neutral power, was encouraged to take command of the sea. Our ships were welcomed everywhere because they were neutral and immune from attack. They could carry the commerce of the belligerent powers without attack, and they did. Americans, every ready to venture in enterprise which promised returns, built ships and engaged in international commerce. They were successful until peace returned to Europe and they again came into competition with the cheaper labor of Europe in building and in sailing ships. Then we lost because we could not compete with that cheaper labor in a field that was international, and we had opened to us better opportunities for better returns for labor and capital in developing our own country, building railroads, opening up new agricultural territory, and trying to supply our own needs by manufacturing what we consumed. We could protect our labor at home with taxes at the customhouse, and we did. Since 1850 we have doubled our wealth every 10 years, a record made nowhere else in the world in any time.

To-day Europe is again engaged in war, and there is again an opening for American ships. But need we look to the Government? Why, every shipyard is now crowded with work, and they have contracts to run for several years. Private capital has come forward to meet the opportunity and asks no aid from the Government. Why, then, should the Government at this time become a competitor of private capital in such an undertaking? It can only embarrass those who are willing to take the risk and discourage an enterprise for which we have been waiting many years for private capital to engage in.

Mr. SAUNDERS and Mr. WM. ELZA WILLIAMS rose.

The CHAIRMAN. The Chair will recognize the gentleman from Virginia [Mr. SAUNDERS].

Mr. WM. ELZA WILLIAMS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. REILLY. Mr. Chairman, I ask for the same privilege.

Mr. DICKINSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to these several requests?

Mr. MANN. Reserving the right to object, I just want to interject this little remark in the RECORD, so that it will be in the RECORD. Gentlemen on that side of the House having refused to consider the bill properly now want to make it appear that they have made speeches that have not been made.

The CHAIRMAN. Is there objection.

There was no objection.

Mr. LENROOT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LENROOT. I desire to inquire the present status of the question before the House.

The CHAIRMAN. In what respect?

Mr. LENROOT. I understood the debate had been exhausted on this amendment.

The CHAIRMAN. The debate has been exhausted.

Mr. SAUNDERS. I move to strike out the last word, Mr. Chairman. I do not think that the action of the gentleman from Wisconsin was very gracious after we had extended the time for various Republican speakers, in one instance for as much as 10 minutes.

The CHAIRMAN. The gentleman from Virginia moves to strike out the last word.

Mr. SAUNDERS. Mr. Chairman, the gentleman from Illinois [Mr. CANNON] repeatedly emphasized the statement that it is impossible, under present conditions, for an American merchant marine to compete for the deep sea trade without Government aid of some sort. That is perfectly true. This bill undertakes to afford a measure of aid, and your side rejects it, on the ground that it is inadequate and insufficient, in a word that it will affect too small a proportion of the trade to be seriously considered.

Be frank with us, and tell the House that not a Member on your side has offered a single constructive proposition, either in the course of the present debate, or in the consideration of the bill before the committee, looking to aid of any sort that will enable American capital to overcome the difficulty with which it is confronted. [Applause on the Democratic side.]

Are discriminating duties the remedy, then why was no amendment to that effect submitted to the committee? The fullest opportunity was afforded to offer such an amendment, when the bill was under consideration in our committee. A like opportunity is still open. Why not avail yourselves of it?

The country will question the sincerity of your assertions, and the sufficiency of your remedy, if you delay much longer to vindicate the one, by submitting the other. Is there a gentleman on the minority side of the House, who has introduced a bill in favor of discriminating duties? What is your remedy, what do you suggest as a cure, for the conditions that thus far have made a privately owned merchant marine in foreign commerce, an impossibility?

Mr. Chairman, consider for a moment the inconsistency of the attitude of the opposition. First they say that the amount of the appropriation that this bill provides is too insignificant to accomplish anything: that the bill so far from being a serious contribution to the movement for the restoration of our merchant marine, is a colossal joke, that merits nothing but ridicule and contempt. Then another Member on that side will rise and tearing a passion to tatters, will denounce the bill on the ground that the Government aid proposed, and the possibility of operation of a few Government ships for a limited period, will paralyze the present boom in privately owned shipping, and drive all privately owned ships from the high seas, leaving that field to the foreign ships, and the wretched handful of Government-owned ships which the first speaker has denounced for their pitiful inadequacy to accomplish anything worth while toward relieving the public from the burden of the present extravagant rates. How do you reconcile the two positions? How can the shipping that this bill will provide, be so ineffective for good on the one hand, and so terrifying to, and destructive of private enterprise on the other? Again you contend that the discretion given to this board to award preference to American yards, but to build abroad, if the bids of the American yards are unreasonable, will destroy the American yards. Precisely the same provision was embodied by the Republican Party in an act with respect to the purchase of the materials required in connection with the construction of the Panama Canal. Was that provision destructive of American manufacturers? Not at all. It merely served to protect the Government against oppression and unfair combinations to secure extravagant prices for American materials. That will be the effect of the like provision in the pending bill.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. MOORE of Pennsylvania. An effort was made to do that, but it was voted down. I offered that myself.

Mr. SAUNDERS. The gentleman is mistaken. The statute is now on the books. It was passed in 1906, and expressly provided that if the bids of American manufacturers were not reasonable the purchase of materials could be made abroad.

Mr. MOORE of Pennsylvania. If the gentleman pleases, I have made points against that provision, and on one occasion I think, helped hold the House up over night until the point was decided.

Mr. SAUNDERS. I will show the gentleman the act. I am not in the habit, Mr. Chairman, of making a positive statement unless I am supported by the facts. I will read the act itself. I read:

Joint resolution providing for the purchase of material and equipment for use in the construction of the Panama Canal.

Resolved, etc., That purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture, from the lowest responsible bidder, unless the President shall, in any case, deem the bids or tenders therefor to be extortionate or unreasonable.

Approved June 25, 1906.

[Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. Is the gentleman quoting from the Panama Canal government act? I am referring to that act.

Mr. SAUNDERS. I am quoting from a statute of the United States passed in 1906.

Mr. MOORE of Pennsylvania. Oh, I was not here when that act was passed, but I know Republicans have opposed those foreign purchases for American ships, and I have been one of them.

Mr. SAUNDERS. I have not referred to, or assailed the gentleman's personal record. I merely put in evidence the fact that the Republican Party enacted a law to the effect that if the bids of domestic bidders, for the materials needed in the construction of the Panama Canal, were unreasonable the authorities were authorized to buy abroad, and that this act did not destroy American industry. The law was a wise one, but a like provision in the pending bill, is the subject of bitter and unreasoning attack. In so doing our Republican friends challenge the propriety of their former attitude. Preferential consideration is given to American yards, but it is not proposed that in the construction of these ships, the Government shall be held up, as it has been held up in the matter of powder—and armor plate. If the domestic bids are unreasonable, they can be rejected and ought to be rejected. Under such circumstances the Government should have the authority to buy abroad. This authority has been conferred by the bill.

Mr. MONDELL. Mr. Chairman, I have never favored taxing the American people to pay a general subsidy to the over-seas carrying trade of the country, and I am opposed to this bill because it is the crudest, most unwise, and least defensible of all of the subsidy bills that have ever been presented to this Congress. It is a subsidy pure and simple, not to the carrying trade of the country generally, but to a certain chosen and hand-picked portion of the carrying trade to be selected by the shipping board to receive certain benefits, which benefits shall not be in anywise reflected on the general over-seas carrying trade of the country. There are certain things which as a Nation we need and need badly on the high seas. We need large, swift, regular steamship lines between our great Atlantic and Pacific ports and the great ports of South and Central America and the Orient, in the interest of our trade, our diplomacy, and our good relations with those countries. We need the naval auxiliaries that such lines would give us. But neither of these public purposes would be served by the passage of this bill, for by its very provisions the bill subordinates these public purposes to the ordinary uses of over-seas commerce, and for the benefit of a favored class and number of ships that under no circumstances or conditions could equal one-tenth of the carrying trade of the Nation.

The bill in its provisions of regulation will lay a very considerable additional burden upon all American high-seas shipping, whereas the ship purchase and operation provisions of the bill, carried out to the fullest extent, accomplishing all that anyone can hope they may accomplish, can not be of any benefit except to the very small and limited number of ships that may be provided for under the measure and the few shippers that may use them. It is an unwise, ill-advised effort to yoke together subsidy and public ownership, and to turn them loose upon the high seas in the hope that in some miraculous way that no one can understand or foresee it may accomplish some slight good. [Applause on the Republican side.]

I share in the desire to increase the merchant marine of my country. I am anxious to reduce the three hundred million we pay per annum for foreign bottoms, but I am even more anxious to reduce the two hundred million per month we are importing from foreign shores. If our Democratic friends would make an attempt to reduce the tremendous importations instead of loading a burden on the American people in a crude subsidizing of certain favored shipping they would be serving their country better.

Mr. SLOAN. I am opposed to contributing $50,000,000 from the Treasury of the United States to buy inflated priced ships for the Government. By the way, that is impossible at this time, as there is less than that sum in the Treasury of clear legal tender money. I am equally opposed to mortgaging the future by sale of Panama bonds, placing a burden upon our children of $50,000,000 for them to pay for ships to be purchased now at the highest price ships have ever brought, not only in the history of the United States but in the history of the world since Commodore Noah started out with his water craft and the scoffers of that day looked around, saw the gathering flood, and then asked him to name his price for a ship. [Laughter.]

Yet the inspiring genius of this legislation, still active in its support, no doubt will find a way to go into the market and purchase ships at whatever price necessary to obtain them, and place that burden upon our children. They probably will, God bless them, forgive us for it, but they will have a sublime contempt for our business judgment in investing at this time. The western man who bought water in a dry season to hold for use when the floods came had nothing on the financial genius who conceived this legislative enterprise.

I object to the investment for a larger reason, and that is the reason unveiled by the Speaker of the House in his address yesterday, unveiled with that frankness which compels us all to love and admire him.

Gentlemen will recall that the first bill presented in this House for this legislation, two or more years ago, stated clearly that it was to build up our South American trade. That appeared also in the committee reports to the House and Senate. But now the purpose up until yesterday and to-day was, if not veiled and concealed, was kept ably secluded. Because while I have always understood that the main purpose was to build up this South American trade, nothing in the bill, committee report, or responsible speech emphasized that fact till the Speaker declared the South American trade as the larger end to be served by passage of this bill.

I have no objection to building up trade with South America, with Europe, or with any of the continents of the earth, but I do not desire that trade shall be built up with South America at the expense of the American Treasury so as to give a special discrimination against the people whom I represent and those living in that part of the country whence I come.

The following is a portion of an editorial taken from the Wallace Farmer, one of the greatest farm journals in the world. I knew well its able and venerable founder in his lifetime. The last time I met him we discussed the adverse line of legislation begun and carried out in Congress against the men and women of the Northwest and the industries through which they were making that section the best and most useful part of the world—reciprocity, so-called farmers' free list, Underwood tariff law, and now this Government-owned shipping bill, with the South American trade as its objective:

But if we should be able to secure a large share of the South American trade, what effect will it have on the agriculture of the United States? What will it mean to the corn-belt farmer, who has been furnishing most of the corn consumed in the United States, and in some years has been exporting? What will it mean to the wheat grower in the United States? What will it mean to the live-stock grower and feeder, not only in the corn belt but in the West?

If we should establish a line of merchant vessels for the South American trade, either by Government subsidy or through Government ownership, these vessels would take down there the products of our manufacturing enterprises. What will they bring back? They must have a return loading. What will South America sell to us in return for what they buy from us? Naturally they will expect us to take their agricultural products, their corn and their small grains, their cattle, sheep, and hides. What effect will that have on the agriculture of the West? If we expect South American people to buy from us, we must be willing to buy from them and we must buy what they have to sell.

For a generation the farmers of this country sustained a high protective tariff on manufactured products, and during that period they were given a high protective tariff on agricultural products. Few of them realized that this tariff on agricultural products was absolutely worthless to them, because we had a surplus of agricultural products which we were selling at prices with which no other country could compete. When, a few years ago, prices of grain and live stock reached a point at which other countries could compete, what happened to us? The paper tariff, which had been of no value up to that time, was very promptly taken off as soon as it became worth something, and we are not likely to get it back if the efforts to establish relations with South America are successful.

The price of corn, for example, is governed very largely by the surplus which we have to sell; not necessarily the surplus which goes out of the country, but the surplus which goes out of the country in which it was grown. This amounts to not more than 20 per cent of the total crop Speaking roughly, the price is fixed by a surplus of, say, 500,000,000 bushels. The Argentine surplus of corn is in the neighborhood of 170,000,000 bushels, or about one-third of our surplus. Now, if the price is fixed by our surplus of 500,000,000 bushels, what will happen if we add to that surplus 170,000,000 bushels from Argentina? We can not say definitely, but we would estimate the effect to be a reduction of not less than 5 cents a bushel—probably more. What effect will this have on the price of our land, remembering that this 5 cents is taken out of the profit of the farmer?

Not alone the farmers but all of the citizens of the West should consider this situation. No one can foresee now just what effect this war and its termination will have upon the United States; but when we consider that the prosperity of the West depends upon the prosperity of its agriculture, it seems high time that we should take note of the probable developments that may very injuriously affect us.

It seems to us the time has come for the people of the West to consider whether they should not send to Congress men who will represent the West and its interests, rather than men who will represent this party or that party.

South America, and especially Argentina, is our greatest rival for the markets of what are now, so far as farm products

are concerned, free-trade cities of London and New York, Boston and Liverpool, Philadelphia and Birmingham, Baltimore and Manchester.

Argentina exports more beef and veal than any other nation on earth. Argentina exports more corn than all the other nations of the earth, including the United States. The United States imported 30,000,000 bushels of corn the first two years under the Underwood law and nearly 400,000,000 pounds of beef and veal in the same time, both coming largely from Argentina. Argentine land is as fertile as ours, but worth only a fraction as much on the market; its labor costs only half as much; and before the European war ocean freights to our ports from Argentina were from one-fifth to one-half as much as our rail from Nebraska to the Atlantic and Gulf ports.

The trade to be built up in South America is that trade which will compete with the products of the farmers of the Northwest. If ships are bought at fabulous prices and cargoes are carried from United States ports to South American ports, those ships, unless they be operated at a great loss, must carry cargoes back, and the cargoes carried back must be of those products of which those places in South America have a surplus. [Applause on the Republican side.] They have a surplus of wheat, corn, and grains generally, alfalfa, beef, veal, and mutton and wool, the same as we produce throughout the great Northwest. I do not think it fair to the great producing portion of this country that this Congress shall first take off every vestige of protective duty on its products as did the Underwood law; keep out of the Treasury of the United States during the last two and one-half years $120,000,000 that should have been collected on farm products at our ports, and farm products competing with our Northwest products; then, in addition, as a crowning discrimination against the farmers of the United States, go a step further and, as a special premium to stimulate that discrimination, go into the Treasury of the United States, or, rather, sell $50,000,000 of bonds in the interest of the farmers of Argentina, Chile, Uruguay, and Paraguay against the farmers of Iowa, Illinois, and Nebraska to buy ships to cheapen transportation for the Joses, Miguels, and Pedros of South America. [Applause on the Republican side.]

Mr. OLNEY. Mr. Chairman and Members of the House, I realize that debate is limited upon this shipping bill, and I intend to consume only two minutes of the valuable time of the House.

It seems to me that American prosperity has been built up upon private competition and I therefore can not favor a shipping bill, a linking of Government ownership with private capital, which, it seems to me, would strike at the very vitals of American industry. [Applause on the Republican side.] Certain Members on this side of the House have told me in confidence that they were voting for this proposition under protest. I realize that no words of mine, a new Member, will convert the Members upon this side of the House, but I ask you to vote according to your consciences and beliefs. The chances of my election next fall are in the balance, and I may be crucifying myself politically here to-day by voting against this shipping bill, but at least I shall be at peace with my conscience [applause on the Republican side]; and I believe that by voting against this bill I shall be voting for the best interests of my people in my district, Massachusetts, New England, and the Nation. Although Quincy, Mass., the home of the Fore River Shipbuilding Co., one of the most prosperous and one of the largest private shipyards in the world, is in my congressional district, I am not altogether actuated by personal motives in registering my protest of the passage of this act, but in the belief that the happiness and prosperity of our great Nation were made possible by healthy, private industry and competition. I am constrained to deplore a partnership of Government and private capital, which would throttle and discourage investment by corporate and individual capital. [Applause on the Republican side.]

Mr. HUMPHREY of Washington. Mr. Chairman, there are several amendments to this bill of great importance that I should like to have offered, but it is perfectly apparent that I will not have the opportunity, because that portion of the bill will not be reached before 4 o'clock, the time fixed by the rule for ending all debate.

Under these circumstances, Mr. Chairman, it becomes impossible for me to represent my portion of the country as should have been done and would have been done if the bill had proceeded under the ordinary rules of the House.

The purpose of this filibuster has been perfectly apparent. My good friend from Missouri intimated that the Republicans had been carrying on a filibuster, and yet he remained in his seat for hours and permitted the discussion out of order to take place on the bill. That is something very unusual for the chairman of a committee that wishes to hurry along the reading and the passage of a bill that he is in charge of.

Mr. ALEXANDER. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. ALEXANDER. A number of times I have tried to check debate, and the objections have come from that side of the House.

Mr. HUMPHREY of Washington. Oh, the gentleman does not have to ask unanimous consent to limit debate. The gentleman has been here long enough and is familiar enough with the practice to know that when you have five minutes on one side of an amendment and five minutes on the other, that closes debate, except by unanimous consent. The gentleman is not deceiving anybody by the filibuster that has taken place on that side of the House during the consideration of this bill. We saw the procession a little while ago through the tellers, and the way it moved one would think that all the lame, halt, and blind in the Democratic Party were passing between the tellers. [Laughter.] The reason why they do not want the bill read is because they do not want to get to the objectionable features in it. We only reached one of them, and on a vote it was stricken out. So, of course, you do not want to hurry and get to any more of those objectionable features.

Mr. SABATH. Will the gentleman yield?

Mr. HUMPHREY of Washington. Oh, yes. I should feel that I had labored in vain if I did not have at least one question from the gentleman from Illinois.

Mr. SABATH. I would like to know if the gentleman remembers how much time he took yesterday and to-day on this bill? If he does not know, I will enlighten him and tell him that he has taken up 45 minutes.

Mr. HUMPHREY of Washington. I might take up the time, but when I took it up I did not waste it, as does the gentleman from Illinois. I use it to some purpose, and not in asking absurd questions.

Now, my good friend from Texas, and also my friend from Virginia, members of the committee, seem very much grieved because the Republican Party has not done anything for the merchant marine. I have been a Member of this House for a good many years, and I am not very proud of the record my party has made on the merchant marine. While they were in power they did not do anything. That can not be said of the Democrats, because every act they have passed has been to drive what few American ships we had left off the seas. First, you had the Panama Canal act, and then you had your discriminating duties downward, a proposition which every man on that side of the House is now ashamed of. Then you passed the seamen's bill that drove the remaining American ships off the sea.

I forgot yesterday to mention the greatest achievement the Democratic Party has to its credit in regard to the merchant marine. A short time ago your party put on the statute books a law that permitted any old tub that floated the seas, wherever constructed, to come under the American flag, and in order to do this you waived the inspection laws and permitted foreign ships that would not pass an inspection; gave them privileges not granted to an American ship. You did more than that. You permitted foreign officers to go upon these vessels, although there were 300 American officers in my city alone that had served their country well, out of employment, and they saw their places taken by foreigners. Under that law you received some vessels under the American flag that belonged to great corporations, but you never received a vessel that did not belong to a corporation. These vessels are commanded by foreigners, were built abroad, and the only thing about them that is American is the flag, and colors in that under this administration are from foreign dyes and stamped upon foreign cloth. Such merchant marine certainly appeals to American patriotism. [Applause on the Republican side.]

Mr. ADAMSON. Mr. Chairman, I have not much to contribute to the gayety of the occasion, nor do I agree to contribute to the alleged filibuster on either side.

Mr. MANN. On that side.

Mr. ADAMSON. I said on either side. I am sure I do not wish to interfere with my amiable old friend, the common scold from Washington [laughter], who would be unhappy if he was not miserable in complaining about the blessed old Democratic Party. [Laughter.] I congratulate my Republican friends on the apparent success of their effort in this case, which was not to defeat the bill, but to kill the time until 4 o'clock this afternoon, so that, as provided by the rule, the rest of the bill would be read without debate and afford them the coveted opportunity of crying "gag" to the country and posing as political martyrs.

That is their game, and because the chairman of the committee in charge of the pending bill has for the last half hour permitted them to debate what they call the most important part of the bill they are endeavoring to cry tit for tat and act "the pot calling the kettle black."

Now, the only substantial argument they have been able to make against the bill is the universal and abounding prosperity of this country under the Wilson administration [applause on the Democratic side], which they say renders this bill unnecessary.

I assure them the bill provides that the moment it appears to become unnecessary in its operation it shall be automatically discontinued. There will be no trouble about that. Whenever private capital wishes to invest and furnish facilities for foreign commerce, and do it honestly and fairly, at reasonable rates, the necessity will be removed and operation under this bill will cease. [Applause.] This is an emergency measure, necessary because private capital will not serve us on fair terms.

It is true that private capital is now building and buying and operating ships at prohibitory freight rates, and that is the reason that it is necessary not so much to buy as build 100 ships but to confer the authority to do it. It will act as a yardstick, it will exert an influence far beyond the number of ships that may be engaged in its operation. [Applause on the Democratic side.] Mr. Chairman, for the last two years ships have sailed the Atlantic and charged as much for one passage as the ship itself was worth. They will get the value of the ship going one way and the value of the ship returning in freight, and then if they had it insured and if it was burned up, they would have three times the price for the ship on one round-trip cruise. Now, if we can secure by private capital enough ships to do the business and secure honest and fair rates of freight instead of having the monopoly increase the rate a hundred or a thousand per cent under the stress of emergency circumstances, then there would be no further use for this bill and the corporation would be discontinued and the Government will withdraw its support. The remarkable thing in this debate is to hear gentlemen belonging to the Republican Party, which has for the past quarter of a century illustrated the doctrine and practice of special privileges and discriminations and graft, come up here and hold up their hands in holy horror and talk about our subsidizing the commerce of the country. Whatever benefits the people benefits the Treasury. When you make the people prosperous, when you save them freight rates, when you improve their facilities for transportation and commerce you make the country rich and you make it possible to enrich the Treasury by reimbursing its deficiencies from the incomes of a prosperous people. [Applause.]

Mr. MANN. Mr. Chairman, I make the point of order that debate is exhausted on this amendment, and I ask for a vote.

The CHAIRMAN. The gentleman makes the point of order that the debate is exhausted on this amendment. The point of order is well taken.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

Mr. LENROOT. Mr. Chairman, I desire to offer an amendment to that, the same amendment that was adopted to the original section. After the word "transfer" insert "either permanently or for limited periods."

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amend the amendment by inserting, after the word "transfer," the words "either permanently or for limited periods."

Mr. LOUD. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the Chairman announced the noes appeared to have it.

Mr. MANN. Oh, I ask for a division on that.

The CHAIRMAN. Is the gentleman propounding an inquiry to the Chair?

Mr. MANN. I asked for a division.

The committee divided; and there were—ayes 113, noes 117.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan to strike out and insert.

The question was taken, and the Chairman announced the noes appeared to have it.

Mr. MANN. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. LOUD and Mr. ALEXANDER) reported that there were—ayes 129, noes 156.

So the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York, striking out the section.

The question was taken, and the Chairman announced the noes appeared to have it.

Mr. ROWE. Mr. Chairman, I ask for a division—Mr. Chairman, I will withdraw the request.

The CHAIRMAN. The gentleman withdraws his request.

So the amendment was rejected.

The Clerk read as follows:

SEC. 7. That the board, upon terms and conditions prescribed by it and approved by the President, may charter, lease, or sell to any person, a citizen of the United States, any vessel so purchased, constructed, or transferred.

Mr. GOODWIN of Arkansas. Mr. Chairman, I move to strike out the last word.

Mr. LENROOT. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Arkansas moves to strike out the last word.

[Mr. GOODWIN of Arkansas addressed the committee. See Appendix.]

Mr. JOHNSON of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 6, in line 12, after the word "a," insert "naturalized or native-born," so that the line will read: "naturalized or native-born citizen of the United States."

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen, inasmuch as the distinguished Secretary of War, the Hon. Newton D. Baker, has issued an order, under date of April 24, calling for the discharge of all members of certain crews who are not citizens of the United States, and inasmuch as the Secretary of War has stated positively in that order that by citizens he means native-born citizens, it seems to be necessary to offer this amendment. The word "citizen" appears all through this ship-purchase bill, and the word means in the United States what it has always meant until the present Secretary of War issued an order making a distinction between native-born and naturalized citizens. I have shown the Secretary's remarkable order to a number of Members of the House of Representatives, all of whom at first said it was impossible that any such order could have been issued; that there had been some mistake. But there is no mistake. I have seen the order. It has resulted, to my knowledge, in the dismissal of five citizens, naturalized, if you please, but citizens of the United States nevertheless, employed as sailors on a vessel of the United States in Puget Sound doing Government work for the War Department. The first man who signs the protest to me is John W. Carlson, born in Finland. The second is Alfred Christianson, born in Denmark. The third is L. Hermansen, born in Norway. The fourth man is Carl Thomasson, born in Norway, and the fifth is William Matheon, born in Finland. All are naturalized citizens. Some have been citizens for many years.

Mr. Chairman, fifteen and one-half millions of people of the United States are foreign born. Most of them are naturalized. This order seems to discredit the loyalty of every one of them. It seems to say that their oaths of allegiance mean nothing. Twenty-seven per cent of the population of the district which I have the honor to represent here is foreign born. Nearly all of them have been naturalized and have taken the oath of allegiance to the United States, and I firmly believe that every last one of them meant that oath. Other Members of Congress will make similar affirmations concerning the naturalized citizens in their districts.

Mr. HUMPHREY of Washington. Will my colleague yield?

Mr. JOHNSON of Washington. I yield.

Mr. HUMPHREY of Washington. What is the reason given for the discharge of these people?

Mr. JOHNSON of Washington. I have been unable to get a reason. I have telephoned various branches of the War Department. I have received a letter from the Secretary of War but not an explanation. The exact situation is this: I was notified by telegraph——

Mr. TOWNER. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes; I yield.

Mr. TOWNER. Did I understand the gentleman to say that this order applied to all naturalized citizens in the service?

Mr. JOHNSON of Washington. This direct order apparently does not. It is addressed to the commanders of certain vessels

and requests them to dismiss without delay all members of crews who are not citizens of the United States. Then follow the astonishing words—

by citizens is meant native-born citizens of the United States.

That is signed by Newton D. Baker and dated April 24, 1916.

Mr. TOWNER. Then it does apply to all naturalized citizens?

Mr. JOHNSON of Washington. If carried out far enough, or if other similar orders were issued for other branches of the service. We have foreign-born citizens in all branches of the United States Government and in all Government work. If they are good in one place they are good in another. They are taken into the Army on their first papers.

Mr. GREENE of Vermont. Suppose that such an order had been received by a Union commander at the time of the Civil War, would it not have obliged them to dispose of men like Siegel and Carl Schurz?

Mr. JOHNSON of Washington. Yes; but at a time like this, when we are at peace with all the world——

Mr. BENNET. If that order was issued to the Cabinet of the United States to-day, what would happen to the Cabinet?

Mr. JOHNSON of Washington. That brings up a problem. The proportion of foreign-born members of the Cabinet is about the same as the proportion in the United States. As the gentleman from Nebraska [Mr. SLOAN] remarks, such an order would exclude from the membership of the House of Representatives quite a number of members—Celtic, Teutonic, and Scandinavian, and so forth.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. Under the leave just granted to me I shall a little later place in the RECORD the telegraphic and other correspondence concerning this matter, including my protest against the discharge of the men named.

Mr. MOSS of West Virginia. Mr. Chairman, I desire to offer an amendment by moving to strike out the last two words.

Mr. Chairman, I do not think that my colleagues on this side of the House can accuse me of leaving them on many important measures that have come up for discussion. It is only when it is a question between conscience and party that I must decide according to my honest belief. And my honest belief, Mr. Chairman, is that although this bill may have imperfections it will be, if passed, one of the greatest measures on behalf of the American people that has ever been adopted by Congress. [Applause on the Democratic side.]

I want to say, Mr. Chairman, that it is not a partisan question. Every political party in this country has declared for the upbuilding of a merchant marine. Are we going to be content to let it stand that way and simply repeat in the platform year after year that we are for a merchant marine, and then sit here like wooden men and do nothing to build it up? [Applause on the Democratic side.]

Mr. Chairman, those who have invested money in the shipping industry in this country have had ample warning that they must supply this great need of ocean transportation. They have had ample opportunity to do something if they could, and it has been either impossible for them to do it or they have been unwilling to do it. All over this country there is a crying demand for ocean transportation of the products of the mine, the farm, and the factory.

I say that this measure will supply, to some extent, at least, this demand of the farmers of this country, the manufacturers of this country, and the laboring men of this country. They are entitled to be relieved of just such oppression as prevailed in rail shipments before the establishment of the Interstate Commerce Commission. I say they are entitled to relief.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from West Virginia yield to the gentleman from Missouri?

Mr. MOSS of West Virginia. No; I have not the time. Why, they talk about the expense of this thing. Mr. Chairman, the people of this country are losing millions of dollars. Fifty millions is nothing in comparison. Every single month in the year they are losing millions of dollars because they can not get their products transported abroad. [Applause on the Democratic side.]

Before this European war you could transport West Virginia coal to France for $5 a ton, and now shippers are charged $32 a ton, and even at that rate they can not get the ships, and the coal is piled up mountain high at the different ports. [Applause on the Democratic side.]

And yet, Mr. Chairman, I am asked, knowing that instance, knowing of numerous other instances of oppressive and almost prohibitive rates and of absolute lack of transportation facilities, to vote against a bill which I believe, even with its imperfections, will be of vast benefit to the American people. I decline to do it. [Applause on the Democratic side.]

Now, Mr. Chairman, we talk about preparedness for war. Almost everybody nowadays is in favor of it, although only a short time ago many prominent people were opposed to it. But now is the time to prepare for what is coming after the war; and, Mr. Chairman, when we contemplate the competition that will take place in foreign trade, in South America, all over the world, just as soon as this war ends; when we contemplate the fact that our Nation will be left in the lurch, as it has been left for years, simply because we have not enough ships to carry our products, I am unable to see why it is that Republicans on this side of the House should regard this as a partisan issue and should be opposed to the establishment of this service. [Applause on the Democratic side.]

Mr. Chairman, if this bill did nothing else—even though the amount appropriated is inadequate to purchase or build sufficient ships—we shall have established a board to examine into the rates that are being charged by some of these existing ship lines, to regulate those rates, to see that one shipper is not given rebates, to see that all are treated alike; and I submit that even if there is not a single ship purchased this result of regulation and fair and impartial treatment would alone justify the passage of the bill. I am, as a general proposition, opposed to Government ownership when private capital is willing and able to supply a great public demand. But as such ownership under this bill can continue only for five years and, therefore, will not constitute a precedent; and as private interests have demonstrated during the last generation that they will not, or can not, supply this vital need, for one I shall not permit a mere theory to frighten me into voting against this measure of relief, even though I must regretfully differ from my colleagues on this side of the House. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. ROWE. Mr. Chairman, I offered an amendment. The Clerk has it at the desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. ROWE].

The Clerk read as follows:

On page 6, line 10, strike out all of section 7.

The CHAIRMAN. The Chair directs the attention of the gentleman from New York to the fact that an amendment is pending to perfect the paragraph.

Mr. MANN. Let us have a vote.

The CHAIRMAN. The Chair desires now to appeal to Members of the House to please keep order. Within 15 minutes we shall have reached the point at which the reading is to proceed without interruption.

Mr. MANN. We would like to get a vote on this section.

The CHAIRMAN. There will probably be some confusion about amendments here, and the Chair desires that we should keep everything in regular order. The Chair appeals to the committee to keep order.

Mr. MANN. Mr. Chairman, I understand the debate on this amendment is exhausted.

The CHAIRMAN. There is an amendment pending, offered by the gentleman from Washington [Mr. JOHNSON], to perfect the paragraph. The gentleman from Illinois [Mr. MANN] makes the point that the debate is exhausted. The Chair sustains the point of order. The question is on agreeing to the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The gentleman from New York [Mr. ROWE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 6, line 10, strike out all of section 7.

Mr. LENROOT. Mr. Chairman, I have an amendment which is preferential.

Mr. MOORE of Pennsylvania. I have an amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] offers an amendment which is preferential. The Clerk will report it.

The Clerk read as follows:

Amendment by Mr. LENROOT: Page 6, line 13, after the word "or," insert the word "permanently," and after the word "transfer," insert the words "and may charter or lease to any such person any vessel transferred to it for a limited period by the President, but such lease or charter shall not be for a longer term than the period designated in such transfer."

Mr. LENROOT. Mr. Chairman, this amendment merely perfects the amendment which I proposed and which was accepted to the previous section authorizing the lease of these vessels transferred for periods, limited to the time only designated in the transfer, and I trust it will be accepted by the committee.

Mr. Chairman, a word with reference to this bill generally. Up to this afternoon I was in great doubt as to how I would vote on this bill, because, as between a ship subsidy and the principle involved in this bill, I am for the principle of the bill. I have several important amendments that I expected to discuss, and many of them I have been assured would be accepted by the committee, but under existing circumstances, with no opportunity for discussion, they will undoubtedly be voted down. If these amendments are rejected, I shall feel compelled to vote against the bill.

Mr. Chairman, the way this bill has been conducted justifies any Member upon this side of the House in voting against it. If the Democratic side of the House needed any votes from Republicans, they would not have conducted this bill as it has been conducted. It is now 10 minutes of 4 o'clock; all debate will close in 10 minutes. There are 35 sections of this bill and we have reached the consideration of the seventh section only. There will be no opportunity for consideration or discussion of the 28 sections remaining or the amendments to be proposed thereto. Nineteen sections of the bill which have not been considered relate to regulation of carriers by water, a question that has never been discussed in either House of Congress, a question of the very greatest importance, but, under the rule which has been adopted by the Democratic majority and the procedure which has taken place yesterday and to-day, these 19 sections referred to upon this new and important subject will never be discussed or considered in any way by the House. The Democratic majority not only closes the debate at 4 o'clock to-day but the committee having control of this bill have deliberately wasted the time of this House for the past two days so as to prevent consideration of the different sections of the bill upon their merits. [Applause on the Republican side.]

I have never seen nor has any other Member of Congress ever seen the consideration of a bill conducted by any committee as this bill has been conducted, especially this afternoon. In all probability, Mr. Chairman, they will say that it is this side of the House that has consumed the time. I have done everything that I could to expedite the consideration of this bill.

I have called for the regular order and have personally requested the chairman of the committee to expedite the consideration of this bill, as chairmen ordinarily expedite the consideration of any other bill. Only a little while ago the gentleman from Virginia [Mr. SAUNDERS], a Democrat, and a member of the committee, after some time had been consumed upon this side in general debate, took the floor himself and indulged in general debate. I called for the regular order, Mr. Chairman, because I wanted to expedite the consideration of this bill and have some consideration of the very obvious defects in it, but the gentleman from Virginia [Mr. SAUNDERS] then made the pro forma amendment to move to strike out the last word, and then proceeded to discuss, not the amendment that was pending before the House but the general question. Was that attempting to expedite the consideration of this bill upon the part of the Democratic side of this House? They have permitted a little less than two days for the consideration of this bill under the five-minute rule. Immediately following the conclusion of this bill the Porto Rican bill will be considered, which has the unanimous report of the committee, and as to which there is no opposition from any quarter, but upon that bill they make no attempt to limit debate whatever. Following the Porto Rican bill, the District of Columbia appropriation bill will be taken up, and I undertake to say that there will be no effort to limit debate upon that bill, and at least a week will be consumed in debating minor details of the appropriation, and yet upon this bill, involving $50,000,000 of Government money and one of the most important questions that has ever been presented to this House, they compel us to vote upon it after two days of consideration, and that consideration involving only 7 sections of the bill out of 35 sections. I say, Mr. Chairman, that the conduct of the majority members of this committee is inexcusable and indefensible in the premises. [Applause on the Republican side.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I am opposed to this ship-purchase bill because of its paternalistic features. I can speak also for the Maritime Exchange, the Bourse, and the Board of Trade of Philadelphia, all of which have passed resolutions opposing the principle of Government ownership of merchant vessels. The gentleman from West Virginia [Mr. Moss], who preceded me, seems to think this bill ought to pass in order to obtain ships to carry coal abroad. I can not agree with his point of view unless we are ready to embark broadly in the Government control of public utilities in competition with private enterprise. The people generally do not yet believe in the Government ownership of railroads, nor would there be any difference in principle between taking this $50,000,000 of Federal money to buy or build a railroad to run into the coal fields of West Virginia and the taking of it to buy or build ships to carry coal across the ocean.

I can see one possible advantage in owning and controlling the railroad in this, that if we took $50,000,000 of the people's money for the railroad there would be a chance that they might get their coal cheaper in the United States than they do to-day, whereas if we used the people's money to buy and build ships we would do it more for the advantage of the foreigner than for the people of our own country. But that is not enough to justify this proposition of Government ownership.

DRIVING TOWARD PATERNALISM.

Mr. Chairman, it is to be regretted that the people themselves are not better posted on the tendency of this Congress to drive them into debt, taxes, and socialism. There is scant information for the toiling millions about the ease with which great measures fraught with serious consequences are forced through this House. In this instance you are appropriating $50,000,000 out of the Public Treasury under a rule which will require a vote upon the bill before it has been read for amendment. You are now about to come to a vote under your rule, when only 6 pages of the 27 pages of the bill have been read. With the money thus to be taken from the Treasury, you propose to buy or build ships in spite of the fact that American shipyards are working to the limit of capacity and that this vast sum of money must be used to buy foreign ships or have them built in foreign countries at war prices and in direct competition with the labor and shipbuilding interests of the United States. This $50,000,000 which you propose to take from the Treasury, which is buoyed up now by direct taxes upon the people, is, in effect, a direct tax of 50 cents upon every man, woman, and child of the 100,000,000 people in the United States. If it were levied directly upon the voters of the country it would approximate $3.50 per capita, but it is to be rushed through here regardless of the principle involved or of the burden it carries. It is going through in spite of the Democratic platform at Baltimore, which declared for the development of a merchant marine—

without imposing additional burdens upon the people and without bounties or subsides from the Public Treasury.

DEMOCRATIC DOCILITY.

But, Mr. Chairman, the breaking of its platform pledges by the present Democratic administration is not news to the Congress or the country. It has become a matter of habit. What is new and what would be news to most of the people of the country if they could get hold of the CONGRESSIONAL RECORD once in a while, is the deadly drive toward Government ownership for which this administration has been more responsible than any other. Since the falling of revenues, due to the low tariff bill now in effect, the administration has been more lavish in expenditure than any other in history, and this Congress has gone along with lamb-like obedience, in spite of the convictions and former professions of many of its Members against extravagance or the interference of the Federal overseer in matters affecting the rights of States and individuals.

COUNT ONE—$2.

First. You were compelled, in spite of your promise to relieve the people of their taxes, to impose a war tax—when there was no war—of $100,000,000, which was a tax of a dollar a head upon everybody. Then you renewed that $100,000,000 tax for another year, which was a direct tax of another dollar on everybody. That made a $2 tax against every man, woman, and child, or over $13 per capita for every voter, to save in part what you lost on the tariff. The war-tax items created many new offices the salaries for which are paid out of the common funds.

COUNT 2—ALASKA, 30 CENTS.

Second. You passed a $3,000,000 bill to buy old railroads and build new ones in Alaska. The amount provided for this purpose was equal, at the time the bill passed, to about $1,000 per head for every white person in Alaska. There may be more white persons up there now, and doubtless there are, but neither they nor the Government are extremely happy at the present time. The Government has run up against a strike, and harsh things are being said by the people most interested about Government-owned railroads in Alaska. It is a far cry to that country and the news of the Government's troubles is not extensively published in the United States, but enough is known to warrant the inference that the administration is already learning a valuable

lesson about Government ownership. It is finding out that while jobs may be provided for "deserving Democrats," and while conciliation and mediation boards may be created at the expense of the Government, harmony of operation and success in negotiating labor troubles are not more easily adjusted by a paternalistic Government than they are by private enterprise. While the railroads in the East are congested with freight and we could use a few more of them in various parts of the country to relieve the people of expensive charges, demurrage, and the like, you have provided that the Alaska experiment shall go on at the rate of 30 cents per capita for every man, woman, and child in the United States.

COUNT 3—50 CENTS.

Third. You have just passed through this House a flood-control bill granting upward of $50,000,000 for the reclamation of private lands, mostly along the valley of the lower Mississippi River. Several States will be directly benefited by this appropriation, and their population is comparatively small. You add on this account, however, an additional tax of 50 cents per head upon every man, woman, and child of the Nation.

COUNT 4—20 CENTS.

Fourth. You have passed an Army bill, which, while it proposes in part to respond to the public demand for preparedness, carries an appropriation suddenly raised from $15,000,000 to $20,000,000 for a nitrate plant, which expert opinion advises us is not necessary, but which we are informed will set the Nation up in business at Muscle Shoals on the Tennessee River to furnish fertilizer for some of the States when the plant is not needed for the production of war materials. The expenditure of $20,000,000 in any one of our States will help the locality and must necessarily provide jobs for a fine assortment of experts, scientists, and others who understand the technicalities incident to the manufacture of nitrates and fertilizers, but you should not lose sight of the fact that you are imposing an additional tax of 20 cents upon every man, woman, and child in the country for the installation of this plant.

COUNT 5—15 CENTS.

Fifth. You rushed the farm-land bank bill through the House last week, which many thoughtful men believe will require of the farmer a larger expenditure for loans than his necessities will warrant. The bill proposed to take $9,000,000 from the Treasury to set up banks which must needs employ a large number of officers, agents, investigators, etc., with salaries ranging up to $10,000 per annum, but you added to the $9,000,000 by amendment a possible $6,000,000 more, making a total of $15,000,000 of public money, which is an additional tax of 15 cents per head upon every man, woman, and child whether deriving advantage from the farm banks in the country or paying for a separate service in the cities.

COUNT 6—75 CENTS.

Sixth. The country-roads bill ought not to be overlooked. When it passed the House this bill was supposed to carry $25,000,000 for dirt roads, not city roads or highways already paid for by communities taxing themselves for the purpose, but country roads exclusively—dirt roads, so to speak. The Senate raised your modest appropriation of $25,000,000 to $75,000,000, and of course that $75,000,000 is as much the money of the people who live in the cities, who have taxed themselves heavily for their highways, as it is the money of the people in the country. But even so, the county-roads tax, which you are putting on everybody—man, woman, and child—is 75 cents a head.

COUNT 7—11 CENTS.

Seventh. The armor-plate proposition; let us not forget that. Existing companies offered to turn their books and business over to the Government. Of course that would mean a nice, new pay roll and a precarious business, but the administration says, "No; let us have an armor-plate plant of our own. Uncle Sam is rich enough and taxation is easy." The Navy bill provides for an armor-plate plant at $11,000,000. That means more admirals, captains, lieutenants, inspectors, specialists, and so forth, but do not forget that the initial tax on our 100,000,000 population for this plant is 11 cents apiece. Cost of maintenance, falling off in the demand for armor plate, and things like that may be considered later.

COUNT 8—90 CENTS.

Eighth. I had almost forgotten the income tax. Some say this is intended only for the rich, but somehow or other the poor manage to feel it just the same, even if it consists in the lopping off of charity on the one hand, or the imposition of excess profits and charges on the other, or higher rentals. At any rate, the income tax is calculated at about $90,000,000 per annum, and we shall use but one year for purpose of illustration. That is a tax of 90 cents apiece on all of us.

COUNT 9—10 CENTS.

Ninth. The postal deficit is reported to be about $10,000,000 per annum under this administration, and notwithstanding the strenuous efforts of the Postmaster General to economize we may lay a burden of 10 cents apiece on our population generally on this account.

COUNT 10—45 CENTS.

Tenth. The sugar "tax" ought not to be ignored. Democrats contend that the tariff is a tax, and for the sake of argument we will not dispute it just now, in the matter of sugar. The Democrats took down the so-called Republican "tax" on sugar, but when their revenues fell short and they were obliged to resort to war taxes to save the Treasury from bankruptcy, they made haste to restore the duty upon sugar. It amounted to about $45,000,000 per annum. Add a direct tax of 45 cents to every man, woman, and child, in consequence.

COUNT 11—$1.50.

Eleventh. It was announced this morning that the Ways and Means Committee, after consultation with the White House, had decided that new forms of taxation, not including gasoline, to the extent of $150,000,000, would be sufficient to make up the discrepancy in the Treasury, which the taxes heretofore referred to have failed to meet. This fresh burden of $150,000,000 is to be levied upon certain incomes, inheritances, and so forth, as well as upon munition makers, and, of course, will be charged back to the people in the end. That makes another $1.50 levy dead sure against every man, woman, and child. What do the people care, anyhow?

COUNT 12—3 CENTS PLUS.

Twelfth. I have not completed the list of taxes realized or possible, by any means. Every appropriation bill that has come up this session contains its "rider" or its pet appropriation to create some new commission or board of inquiry, giving the Government and its bureaus more and more power over the individual at the taxpayers' expense. It is estimated that the commissions, boards, and bureaus which have been created during this administration will require an expenditure of at least $5,000,000 next year, but the mere expenditure is not all. It is the fastening of bureaus, with their myriads of officeholders, upon the backs of the people that occasions concern. My colleague from Iowa [Mr. GOOD], a member of the Appropriations Committee, in a carefully prepared address, delivered a few days ago while the rural credits bill was under consideration, declared that this administration, which is supposed to be worrying itself to death about the war in Europe and the affront to American dignity in Mexico, had succeeded, in its first three years, in creating 30,000 new places for Government employees, while it was spending on salaries upward of $36,000,000 every year more than was ever appropriated for the same purpose by any Republican administration. No wonder the Democratic Party is not in argumentative mood on the subject of taxes. No wonder it is closing its eye to Government ownership and control. No wonder the Army and Navy are not filling up with recruits to fight the country's battles at $15 per month. No wonder the 30,000 new Federal employees are not enlisting for the service. The Government pay roll is far too attractive and the prospect of its continuance is too alluring for the faithful. They can be counted on to "stand by the President."

THE SUMMARY.

If you want to pass this ship-purchase bill on the record you have made, go ahead and do it. Some day, perhaps, the people back home will be wise to what it all means. As I figure it out roughly, your platform promise to relieve the people of their alleged, but imperceptible tariff burdens, has resulted in direct or prospective taxation exceeding $750,000,000, which is more than $7.50 for every man, woman, and child. If that $750,000,000 were put over on the voters exclusively, it would amount to approximately $50 apiece. With a record like that, and with more paternalistic propositions on the way, what will be the issue back home? Make it peace, preparedness, or pumpkins, just so long as the people can be made to forget about extravagance and taxes. [Applause on the Republican side.]

Mr. MANN. Mr. Chairman, I make the point of order that debate on this amendment is exhausted.

Mr. BYRNES of South Carolina. I move to strike out the last word.

The CHAIRMAN. The gentleman from South Carolina moves to strike out the last word.

Mr. MANN. You can do that, and let us vote on it, if you want to, instead of considering the bill.

Mr. BYRNES of South Carolina. Mr. Chairman, I am not going to ask the gentleman from Illinois what to do about this bill, because the truth is——

Mr. MANN. This is cutting off the opportunity to amend——

Mr. BYRNES of South Carolina. The truth is you have not kept yourself well informed. You deserted the House yesterday and left the conduct of the filibuster in charge of the gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Washington [Mr. HUMPHREY]; and, great heavens! the gentleman from Pennsylvania talked until he has lost his voice! [Laughter.] You left it in charge of the gentleman from Pennsylvania and the gentleman from Washington [Mr. HUMPHREY] and what happened?

Mr. MANN rose.

Mr. BYRNES of South Carolina. I refuse to yield. If the gentleman could enlighten the situation, I would yield; but, as I tell him, he was absent and does not know what happened yesterday.

Mr. MANN. I will soon wind you up.

Mr. BYRNES of South Carolina. I have wound you up; that is the trouble.

Mr. MANN. I will wind you up.

Mr. BYRNES of South Carolina. Oh, I am not afraid of the gentleman's threat.

The CHAIRMAN. The committee will please be in order.

Mr. BYRNES of South Carolina. The gentleman from Illinois [Mr. MADDEN] talked here to-day about gag rule, but what happened in the Sixtieth Congress? When they brought in the ocean-pay bill—your idea of a merchant-marine bill—you were the first man to complain of the Republican rule which did not allow a single Member of this House to offer an amendment. You and every other Member were gagged then by a rule brought in by the Republican Committee on Rules——

Mr. GOOD. Mr. Chairman, I rise to a point of order. The gentleman has no right to address a Member in the second person.

Mr. BYRNES of South Carolina. Oh, I do not blame you for objecting, my friend——

The CHAIRMAN. The point of order is sustained.

Mr. BYRNES of South Carolina. What happened yesterday? You come into this House now and complain that you did not have an opportunity to offer amendments, but it was because you were not here.

Mr. GOOD. If the gentleman can not observe the rules of the House, he ought to sit down.

Mr. BYRNES of South Carolina. Will the gentleman sit down! In order to conform to the rule I will say that the gentleman from Illinois was not here, and therefore I shall tell him what happened. Yesterday, between 12 o'clock and 6 o'clock, the gentleman from New York [Mr. BENNET] occupied the floor 93 minutes.

Mr. MANN. I make the point of order that the gentleman is not talking to his amendment or to the bill.

Mr. BYRNES of South Carolina. Mr. Chairman, I am talking to the bill and am replying to the gentleman.

The CHAIRMAN. The gentleman from South Carolina will proceed in order.

Mr. ALEXANDER. Mr. Chairman, it comes with very ill grace from the gentleman from Illinois——

Mr. MANN. Oh, I do not ask the gentleman for grace——

Mr. ALEXANDER. It comes with very ill grace from the gentleman from Illinois, who has occupied the time of the House, to talk to this side of the House about filibustering.

Mr. MANN. You are carrying on a filibuster now.

Mr. BYRNES of South Carolina. May I say that this amendment is not the nineteenth amendment, because 19 amendments were offered yesterday afternoon, 13 being offered by the gentleman from New York [Mr. BENNET]. If they offered 19 amendments in one day to five pages you can calculate how long it would take the House to consider even the amendments of the gentleman from New York if the time was unlimited. The total time consumed up to 3 o'clock——

Mr. MANN. Mr. Chairman, I make the point of order, and I ask that the Chair enforce the rule.

The CHAIRMAN. The point of order is well taken, and the gentleman from South Carolina will proceed in order.

Mr. HOWARD. Mr. Chairman, can not a Member of the House proceed to discuss things incidental to his amendment? [Laughter.]

Mr. BYRNES of South Carolina. Mr. Chairman, the gentleman from Illinois has charged me along with all other gentlemen on this side of the House with filibustering, and in answering that charge I think I have the right to say that to-day from 11 o'clock up to 3 o'clock the Democratic side consumed only 1 hour and 30 minutes. I think I should have a right to say that on yesterday afternoon I did not consume any time, but one gentleman, the gentleman from New York [Mr. BENNET], consumed 1 hour and 43 minutes.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I withdraw the pro forma amendment, and I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD.

Mr. MANN. I object [laughter] until we get a vote on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the Chair announced that the noes had it.

Mr. MANN. I demand tellers.

Mr. SAUNDERS. Mr. Chairman, I make the point of order that all time has expired.

The CHAIRMAN. Four o'clock having arrived, all time has expired, and the Clerk will proceed with the reading of the bill.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Under the terms of the rule, is it in order for any Member while the Clerk is reading the balance of the bill to send to the Clerk's desk and leave with him amendments to that portion of the bill which had not been read before 4 o'clock, in order to have the amendment pending?

The CHAIRMAN. It is in order; and amendments will be numbered at the Clerk's desk and will be voted upon in their order. That does not mean in the order in which they are presented. The Chair will construe the rule to mean that they will be voted upon in the order in which they would apply in the bill.

Mr. MANN. I think the Chair had better look that over, before he finally rules, as a matter of convenience.

The CHAIRMAN. The Chair stated that he did not think they should be numbered in the order in which they are sent up but in the order in which they would apply to the bill.

Mr. MANN. The gentleman who sends his amendment up can not number it?

The CHAIRMAN. No; the Clerk will do it. The Chair desires to state that already there has been sent to the Clerk's desk a number of amendments applicable to the sections of the bill that have been already read. Of course, those amendments will not be in order and will thus be laid aside. Gentlemen in sending amendments to the desk will confine them to that part of the bill which was not read prior to 4 o'clock.

Mr. MOORE of Pennsylvania. It being contrary to the rules for Members to advance to the desk, how will they get them there?

The CHAIRMAN. By a page.

Mr. LENROOT. Mr. Chairman, I desire to ask whether the amendments that were pending when 4 o'clock arrived will be considered as now pending?

The CHAIRMAN. They will.

Mr. FESS. Mr. Chairman, at what point will the question of the germaneness of an amendment be determined?

The CHAIRMAN. As they are reported at the desk.

The Clerk then began with section 8, and completed the reading of the bill.

Mr. SAUNDERS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Virginia rise?

Mr. SAUNDERS. The amendment to be voted on will be the amendment pending when the hour of 4 o'clock arrived and then the amendments that are sent to the desk in their parliamentary order?

The CHAIRMAN. That is correct. The first is the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken; and on a division (demanded by Mr. MANN) there were 114 ayes and 131 noes.

Mr. MANN. I demand tellers.

Tellers were ordered, and the Chair appointed as tellers the gentleman from Wisconsin [Mr. LENROOT] and the gentleman from Missouri [Mr. ALEXANDER].

The committee again divided; and the tellers reported that there were 156 ayes and 185 noes.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York [Mr. ROWE].

The question was being taken when Mr. MANN demanded tellers.

Tellers were ordered, and the Chair appointed as tellers the gentleman from New York [Mr. ROWE] and the gentleman from Missouri [Mr. ALEXANDER].

The committee again divided; and the tellers reported that there were 152 ayes and 181 noes.

So the amendment was lost.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 6, line 15, after the word "the," insert the words "control of."

The CHAIRMAN. The question is on the amendment.

The question was being taken when Mr. ALEXANDER demanded tellers.

Tellers were ordered, and the Chair appointed as tellers the gentleman from New York [Mr. BENNET] and the gentleman from Missouri [Mr. ALEXANDER].

The committee again divided; and the tellers reported—ayes 126, noes 169.

So the amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 6, line 18, strike out the words "or private."

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 97, noes 129.

So the amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. ROWE: Page 6, strike out all of section 8.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 6, line 20, after the word "vessel," insert a comma and the following words: "not of foreign origin."

The question was taken, and the Chair announced the noes appeared to have it.

Mr. MANN. Mr. Chairman, I ask for tellers on this amendment.

Tellers were ordered.

The committee again divided; and the tellers (Mr. MOORE of Pennsylvania and Mr. ALEXANDER) reported—ayes 115, noes 156.

So the amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 6, line 23, after the word "thereto," insert the words "so long as it remains the property of a citizen of the United States."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 6, line 23, after the word "thereto," strike out all the remainder of the paragraph, as follows: "*Provided*, That foreign-built vessels heretofore or hereafter admitted to American registry or enrollment and license under the act of August 18, 1914, or under this act, and vessels owned, chartered, or leased by any corporation in which the United States is a stockholder (except the Panama Railroad Co.), may not engage in the coastwise trade of the United States, except that such vessels may engage in trade with Alaska, Hawaii, or Porto Rico, whether or not en route to or from a foreign port, if the board finds such trade is not being adequately served by a regular line or lines of vessels."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 7, line 2, after the word "by," insert the words "the United States or."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. HUMPHREY of Washington: Page 7, line 5, after the word "States," insert the words "and shall not be used to carry goods, wares, or merchandise from a port in the United States to a foreign port in contiguous territory, to be transported from such foreign port to any port or place in the United States by railroad or otherwise: *Provided*, That this provision shall not apply to the Great Lakes."

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 100, noes 146.

So the amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. KAHN: Page 7, line 5, after the word "States," strike out the remainder of line 5 and all of lines 6, 7, 8, and 9.

The question was taken; and on a division (demanded by Mr. KAHN) there were—ayes 90, noes 145.

So the amendment was rejected.

The Clerk read as follows:

Amendment by Mr. GRAHAM: Page 7, line 5, after the word "States," strike out the remainder of line 5 and all of lines 6, 7, 8, and 9.

Mr. GRAHAM. Mr. Chairman——

The CHAIRMAN (Mr. FERRIS). For what purpose does the gentleman rise?

Mr. GRAHAM. I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRAHAM. Mr. Chairman, I do not see how anyone can understand, and I would like to be informed, what they are voting upon, because this amendment is not read, and I do not see anyone scarcely with the bill before them, and they can not understand what they are voting on. [Cries of "Regular order!"] One man has a newspaper and another man has something else.

Mr. MANN. Mr. Chairman, I ask that the language proposed to be stricken out be read.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent——

Mr. MANN. I did not ask unanimous consent; it is a matter of right. We have a right to have it read.

The CHAIRMAN. The Chair was under the impression the amendment has been once read.

Mr. MANN. It has not.

The CHAIRMAN. The Clerk will report the language proposed to be stricken out.

The Clerk read as follows:

Page 7, line 5, after the word "State," strike out the words "except that such vessels may engage in trade with Alaska, Hawaii, or Porto Rico, whether or not en route to or from a foreign port, if the board finds such trade is not being adequately served by a regular line or lines of vessels."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. HUMPHREY of Washington: Page 7, line 6, after the word "with," strike out the word "Alaska."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 7, lines 6 and 7, after the word "Hawaii," strike out the words "or Porto Rico."

The amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 7, strike out line 9.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 7, at the end of line 9, add the following:

"*Provided*, That the board may permit, by general regulations or otherwise, such vessels to engage in the coastwise trade of the United States as incidental to the foreign trade in which they may be engaged, but only to such extent as the board shall find necessary to enable such vessels to successfully carry on foreign commerce."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. GREENE of Massachusetts: Page 7, line 9, after the word "vessels," insert:

"*And provided further*, That if the service of such regular line or lines subsequently becomes adequate in the judgment of the board such foreign-built vessels shall thereupon cease to engage in such trade."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. KENT: Insert, page 7, line 9, after the word "vessels":

"And except that such vessel, when en route to or from a foreign port or to or from a port of Alaska, Hawaii, or Porto Rico as hereinafter specified, may, by special permission of the shipping board, touch at more than one port on the coast of the United States and may be permitted to transport cargo and passengers between such ports when in the opinion of the board such action shall not interfere with an adequately supplied coastwise service."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 7, strike out lines 10 to 12, inclusive.

Mr. BENNET. Mr. Chairman, I would like to have the lines read which are proposed to be stricken out.

The CHAIRMAN. The gentleman from New York asks to have the lines read. The Clerk will read.

The Clerk read as follows:

Page 7, lines 10 to 12, inclusive: Every vessel purchased, or leased from the board shall, unless otherwise authorized by the board, be operated only upon such registry or enrollment and license.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. HUMPHREY of Washington: Page 7, line 17, after the word "therein," insert:

"That said vessels shall take as cadets or apprentices one American-born boy under 21 years for each 1,000 tons gross register and one for each majority fraction thereof, who shall be educated in the duties of seamanship, rank as petty officers, and receive such pay for their services as may be reasonable."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 7, line 26, after the word "board," insert "and of the President."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 8, line 8, strike out "misdemeanor" and insert "crime."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. ROWE: Page 6, line 20, strike out all of section 9.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 8, line 9, after the word "President," insert "in time of war or national emergency, the existence of which is declared by his proclamation."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. LENROOT: Amend page 8, line 16, by inserting after the word "vessel" the following: "and any vessel under the control of said board belonging to the United States or any corporation created under the provisions of this act."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. LENROOT: Amend page 8, line 19, after the word "value," insert "based upon normal conditions."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. LENROOT: Amend page 8, line 21, after the word "value," insert "based upon normal conditions."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. LENROOT: Amend, page 8, line 22, by striking out the word "the" and inserting the word "such."

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MANN. Mr. Chairman, this is a vaudeville performance that the Chair is having.

The CHAIRMAN. The gentlemen voted in the negative before the Chair had opportunity to put the question in the negative. The Chair will put the question over again. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 8, strike out lines 17 to 24, inclusive, and lines 1 and 2 on page 9.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. ROWE: Page 8, line 9, strike out all of section 10.

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. LENROOT: Page 9, at the end of line 2, insert the following:

"Every sale, lease, and charter of vessels from said board or from any corporation created under the provisions of this act shall be expressly subject to the provisions of this section, and such condition shall be included as an express provision of every bill of sale, lease, and charter made under the provisions of this act."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 9, lines 5 and 6, after the word "Columbia," on line 5, strike out the words "one or more corporations" and insert the words "one corporation"; and, on line 12, after the word "of," strike out the word "any."

The amendment was rejected.

Mr. MANN. Mr. Chairman, I do not question the result, but I will ask the Chair to state the question so that we can hear it. Nobody can hear except those sitting in the front row.

The CHAIRMAN. The Chair stated that the question was on the pending amendment.

Mr. MANN. I have no doubt the Chair stated the question, but we could not hear it.

The CHAIRMAN. The amendment was rejected. The Clerk will report the next pending amendment.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 9, line 17, after the word "therein" insert: "*Provided*, That said board shall not establish and operate any steamship line where a sufficient service has been established by American companies operating ships under American registry."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. LOUD: Page 9, line 3, strike out section 11 entire and insert in lieu thereof the following:

"SEC. 11. (a) Loans at 3 per cent may be made at the discretion of the board for the building or purchase of ships of domestic construction for American registry, suitable for naval or Army auxiliaries, to be used in foreign commerce, to the amount of 75 per cent or less of cost or appraised original value of such ships, less 5 per cent per annum for deterioration, the Government to be secured by the owner to the full value of the ships by a satisfactory insurance policy payable to the Government. First-mortgage liens shall be held by the Government against such ships. All ships acquired by aid of such loans shall be subject to requisition by the Government in time of need.

"(b) A construction option of 25 per cent shall be paid by the Government on ships constructed in the United States for American registry for use in foreign commerce according to plans suitable for auxiliaries for naval or Army use upon condition that such ships shall be taken over by the Government in time of need, in the discretion of the board, payment to be made at the rate of 75 per cent of cost of such ships less 5 per cent per annum for deterioration, and the further condition that such ships shall not be transferred from American registry. This section shall become operative at the close of the present European war, or at such future time as the Shipping Board may deem expedient. As paragraphs (a) and (b) conflict, if applied to the same ship, any shipowner may avail himself of one clause but not of the other; that is, he may not obtain both benefits as provided by paragraphs (a) and (b) for the same ship, but may secure either, at his option."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. LENROOT: Page 9, line 25, strike out the word "board," and insert the words "United States."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 9, lines 18 and 19 after the word "from" on line 18, strike out "the conclusion of the present European war," and insert in lieu thereof the words "the passage of this act."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 9, line 8, after the words "capital stock," insert the words "or purchasing power."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 9, lines 8 and 9, after the word "States," on line 8, strike out the words "the total capital stock thereof shall not exceed $50,000,000."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 9, lines 15 and 16, after the word "sell," on line 15, strike out the words "any or all of the."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 9, lines 18 and 19, after the word "the," on line 18, strike out the words "conclusion of the European war" and insert the words "date of this act."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 9, lines 22 and 23, after the word "dissolved," on line 22, strike out the period and the words "The date of the conclusion of the war shall be declared by proclamation of" and insert the words "upon proclamation by."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 9, line 25, after the word "board," strike out the period and the words "the board may sell, lease, or charter" and insert the following: "and the board shall, within one year after the President's proclamation of dissolution."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 9, line 25, after the word "board," strike out "may sell, lease, or charter such vessels as provided in section 7 and"; and strike out, on page 10, line 2, the words "other than vessels."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Pages 9 and 10, strike out all of the section after line 17 on page 9.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Pages 9 and 10, strike out all of the section after line 17 on page 9 and insert in lieu thereof the following:

"At the expiration of five years from the passage of this act the participation in any such corporation on the part of the United States shall cease. If the board on the one hand and the minority stockholders on the other can agree as to the disposition of the property, the board is authorized, with the approval of the President, to enter into such agreement on the part of the United States. If the board and the minority stockholders can not agree, then the property shall be valued after the manner provided in section 10. Either the board or the minority stockholders shall have the right to purchase at the value as so determined, but the board shall have the first right of purchase."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. ROWE: Page 9, line 3, strike out all of section 11.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ROWE].

The question being taken, on a division (demanded by Mr. MANN) there were—ayes 74, noes 116.

Mr. MANN. I ask for tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. ROWE and Mr. ALEXANDER.

The committee again divided; and the tellers reported—ayes 116, noes 149.

Accordingly the amendment was rejected.

The CHAIRMAN. There are certain amendments to the text of this section which by inadvertence were overlooked, which should have been submitted before the motion to strike out the section.

Mr. MANN. I think that that was a very natural mistake.

The CHAIRMAN. The Clerk will report the first of these amendments.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 10, line 4, after the word "Treasury," strike out "to its credit" and insert in lieu thereof the following: "as miscellaneous receipts."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 10, line 3, after the word "proceeds," strike out the word "thereof" and insert the words "of such sales."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. MOORE of Pennsylvania: Page 10, line 1, after the word "shall," strike out the words "disposed of" and insert the word "sell."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 10, line 4, after the word "Treasury," strike out the words "to its credit" and insert the words "of the United States."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 10, line 9, after the word "ten," insert the following:

"The board shall cease to exist at the expiration of one year after the President's proclamation of dissolution, and all unfinished business incident to its existence shall be transferred to the Secretary of the Treasury."

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were 55 ayes and 93 noes.

So the amendment was rejected.

The Clerk read as follows:

Amendment by Mr. LENROOT: Page 10, at the end of section 11, insert the following:

"*Provided*, That if at the expiration of five years from the conclusion of the present European war any corporation created under the provisions of this section shall be engaged in the operation of vessels maintaining regular communication between the east or west coast, or both coasts, of the United States and either or both coasts of South America, and if the board shall find that the dissolution of any corporation created under the provisions of this section will result in inadequate lines of communication between the United States and South America as aforesaid, then and in that case any corporation created under the provisions of this act maintaining such lines shall continue until such time as the board shall determine such corporation is no longer necessary for such purpose."

The amendment was rejected.

The CHAIRMAN. A double amendment has been offered to strike out section 11. That has already been once voted upon.

Mr. BENNET. Mr. Chairman, I ask to withdraw that amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

Amendment by Mr. WALSH: Amend line 20 after the word "law" by inserting:

"*Provided*, That nothing in this act shall apply to whaling or fishing vessels or ships engaged in the transportation of the products of whaling or fishing voyages."

The question was taken; and on a division (demanded by Mr. WALSH) there were 53 ayes and 90 noes.

So the amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. LOUD: Page 10, line 13, strike out the entire section 13 and insert:

"That said board shall report to Congress at its next session and each succeeding session such changes as it deems advisable in our navigation or shipping laws to remove any of the disadvantages to American ships which may be found to exist in competition with the ships of other countries. It shall further be the duty of the board, if at the close of the present European War or at such time as the shipping business has returned to normal conditions it shall be found necessary to provide a subsidy to equalize conditions in operation, owing to lower wages paid to seamen on foreign ships and other causes, to make recommendation to Congress as to the necessity of such subsidy and the extent and method by which, in their judgment, it should be applied.

"It shall, on or before the 1st day of December in each year, make a report to the Congress, which shall include its recommendations and the results of its investigations, a summary of its transactions, and a statement of all expenditures and receipts under this act, and of the operations of any corporation in which the United States is a stockholder, and the names and compensation of all persons employed by the board."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 10, at the end of section 12, insert the following:

"All persons thus enrolled in the said reserve shall be entitled to receive retainer allowance from the United States while so enrolled, at rates to be fixed by the Secretary of the Navy, not to exceed an allowance of $5 per month for enlisted men, $10 per month for petty officers, and $15 per month for officers."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. ROWE: Strike out all of section 12.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 11, line 16, after the word "board," insert "or by such corporation at annual compensation."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. GRAHAM: Page 11, line 18, after the word "eleven" insert "no expenditure shall be made nor liability incurred exceeding a total of $50,000,000 and."

Mr. SAUNDERS. Mr. Chairman, may I ask who that amendment was offered by?

The CHAIRMAN. By the gentleman from Pennsylvania, Mr. GRAHAM.

Mr. SAUNDERS. May I have unanimous consent to say a word?

Mr. MANN. I do not object if you can do it under the rule.

Mr. SAUNDERS. We can do it by unanimous consent. All I want to say is that the committee accepts that amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Amendment by Mr. MANN: Page 11, line 18, after the word "of," where it first occurs, strike out "section 5 and," and insert in lieu thereof the word "section."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 12, line 11, after the word "board," strike out the last of line 11 and all of line 12.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 12, strike out lines 7 to 12, inclusive, reading as follows:

"The proceeds of such bonds and the net proceeds of all sales, charters, and leases of vessels and of sales of stock made by the board, and all other moneys received by it from any source, shall be covered into the Treasury to the credit of the board, and are hereby permanently appropriated for the purpose of carrying out the provisions of sections 5 and 11."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. GOOD: Page 12, at end of section 14, add: "Said board shall at no time make any expenditures or incur any liability on the part of the United States in excess of the unexpended balance of any sum or sums appropriated for its use."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. ROWE: Page 11, line 17, strike out all of section 14.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. EDMONDS: Page 13, line 15, after the word "fourth," strike out balance of line 15, all of line 16, and first two words in line 17, and insert in lieu thereof the word "to."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. HUMPHREY of Washington: Page 13, line 22, insert as a separate section:

"That all goods, wares, and merchandise brought to a foreign port, in contiguous territory, by a foreign steamship line, doing or practicing any of the things or practices prohibited in this section, shall not be permitted to enter the United States on penalty of being seized and forfeited to the United States: *Provided*, That this provision shall not apply to the Great Lakes."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. HUMPHREY of Washington: Page 13, line 22, insert as a new paragraph:

"That any vessel not of the United States which is owned, operated, or controlled by any person or persons who have been adjudged by a court of the United States to be a party or parties to any combination or conspiracy in restraint of trade with foreign nations such as is prohibited by the act of July 2, 1890, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' and which vessel is being used to carry out the unlawful purposes and objects of such combination or conspiracy, is hereby prohibited from entering at or

clearing from any port of the United States under penalty of $25,000 for each and every violation of the provisions of this section, and no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine and in the event such fine is imposed while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

"That the Postmaster General is hereby authorized and directed to cancel any contract for carrying the ocean mails pursuant to the act of March 3, 1891, entitled 'An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce,' on satisfactory evidence to him that any vessel performing such a service is, at the time of performing such service, owned, operated, or controlled by any person or persons who have been adjudged by a court of the United States to be a party or parties to any combination or conspiracy in restraint of trade with foreign nations such as is prohibited by the act of July 2, 1890, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies.'

"That the word 'person' or 'persons' wherever used in this act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States or the laws of any of the Territories, the laws of any State, or the laws of any foreign country."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 14, line 3, after the word "copy," strike out the words "or if oral, a true and complete memorandum."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 14, line 5, after the word "act," insert "or common carrier engaged in commerce between any foreign country and any foreign territory contiguous to the United States."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 15, strike out lines 7 to 12, inclusive.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 15, strike out lines 13 to 23, inclusive, reading as follows:

"Every agreement, modification, or cancellation lawful under this section shall be excepted from the provisions of the act approved July 2, 1890, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' and amendments and acts supplementary thereto, and the provisions of sections 73 to 77, both inclusive, of the act approved August 27, 1894, entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' and amendments and acts supplementary thereto."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNETT: Page 15, after line 2, add: "The board may direct any common carrier by water in foreign commerce to make with any person in the United States as favorable agreements or contracts as it has offered under like circumstances and conditions to persons residing or doing business in foreign contiguous territory. It may direct any collector of customs to refuse clearance to any vessel for noncompliance with any such order."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 15, lines 9 and 10, strike out "before approval or."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 15, after line 12, insert "but nothing herein contained shall permit the board to approve any agreement or contract contrary to the provisions of section 1 of the act of August 1, 1882, known as the passenger act, as amended."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 13, insert as a new section after section 15:

"SEC. 15a. No ship not belonging to or operated by or as a part of a regular line shall be permitted clearance from any port of the United States if the collector at such port shall be satisfied after due examination that such ship is taking freight from such port or has brought freight to such port at less than the prevailing freight rates."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 15, after line 12, insert: "But nothing herein contained shall permit the board to approve any agreement or contract contrary to the immigration law approved February 20, 1907, or acts amendatory thereto."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 15, after line 12, insert: "But nothing herein contained shall permit the board to approve any agreement or contract contrary to the Chinese exclusion laws."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 15, after line 12, insert: "But nothing herein contained shall permit the board to approve any agreement or contract contrary to the provisions of any tariff act in force at the time when such approval is sought."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 15, after line 12, insert: "But nothing herein contained shall permit the board to approve any agreement or contract contrary to the provisions of the laws prohibiting the importation of absinthe into this country."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 15, at the bottom of the page, insert: "Any vessel known as a 'tramp,' by which is meant a vessel not operated regularly over definitely ascertained routes, but going from one port to another in search of freight or under a charter for a particular voyage which offers or accepts freight rates lower than those permitted by agreements approved by the board, shall be refused clearance from any port by the collector thereof, who shall after examination find that such lower rates are offered or accepted as aforesaid."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 15, after line 12, insert, "But nothing herein contained shall permit the board to approve any agreement or contract contrary to the national quarantine laws or the health laws of any State or municipality."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 15, after line 12, insert, "But nothing herein contained shall permit the board to approve any agreement or contract contrary to the laws permitting the prohibition of the importation of impure seed."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 15, after line 12, insert, "But nothing herein contained shall permit the board to approve any agreement or contract contrary to the laws permitting the Department of Agriculture to prevent the importation of certain domestic and wild animals."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 15, line 26, after the word "action," insert, "Nothing in this section shall be construed to refer to tug or tow boats or ferryboats running on regular routes."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 13, after line 22, insert, "Fifth. But nothing in this act contained shall prevent any common carrier by water in foreign commerce from making contracts or agreements with shippers in the United States which shall be as advantageous as contracts or agreements made with or offered to shippers residing or doing business in foreign contiguous territory."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. ROWE: Page 13, strike out lines 23, 24, and 25, and insert in lieu thereof the following:

"Any carrier who violates any provision of the first, second, or third subdivisions of this section shall be guilty of a misdemeanor, punishable by a fine of not more than $10,000 for each offense. Any carrier who violates any provision of the fourth subdivision of this section shall be guilty of a misdemeanor, punishable by a fine of not more than $5,000 for each offense."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 16, lines 1 and 2, strike out "or other person subject to this act."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNETS Page 16, lines 13, 14, and 15, strike out all after the word "carrier" in line 13.

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 16, after line 21, insert: "A violation of any of the provisions of this section shall be punished by imprisonment for not exceeding five years or by a fine not exceeding $10,000, or by both fine and imprisonment, in the discretion of the court."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 16, line 25, after the word "exporters," strike out "of" and insert "from or importers to."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 16, line 21, after the word "act," insert: "Nothing in this section shall be construed to refer to tug or tow boats or ferryboats running on regular routes."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. EDMONDS: Page 16, strike out first subdivision of section 17, being all of lines 5, 6, 7, 8, 9, and 10.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 16, line 13, after the word "carrier," strike out "by means of false billing, false classification, false weighing, false report of weight, or by any other unjust or unfair device or means."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 17, after line 15, insert: "Any vessel disobeying any order made pursuant to the provisions of this section shall be refused clearance from any or all ports of the United States for such periods as the board shall direct."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 17, line 15, after the word "practice," insert "Nothing in this section shall be construed to refer to tug or towboats or ferryboats running on regular routes."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 18, after line 23, insert "But this section shall not apply to ferryboats running on regular routes, nor to tugboats, nor to vessels of less than 100 tons burden."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 20, lines 20 to 24, inclusive, strike out the sentence commencing on line 20.

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 20, lines 4 and 5, strike out "or to any officer or agent of the Government of the United States."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 20, line 9, strike out "or suspected of."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 20, lines 14 and 19, strike from each line "or other person subject to this act."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 20, line 18, insert before the word "business" the words "transportation or shipping."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 20, line 12, after the word "carriers," insert "Nothing in this section shall be construed to refer to tug or towboats or ferryboats running on regular routes."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 21, line 9, after the word "imprisonment," insert "Nothing in this section shall be construed to refer to tugboats or ferryboats running on regular routes."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 21, line 16, strike out the word "complaint" and insert in lieu thereof the word "complainant."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 21, line 17, strike out the word "it" and insert in lieu thereof the words "the complaint."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 21, line 17, strike out the word "complaint" and insert in lieu thereof the word "complainant."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 21, line 19, strike out the word "it" and insert in lieu thereof the words "the complaint."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 22, line 23, strike out the word "States."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 22, line 3, after the word "act" insert: "Nothing in this section shall be construed to refer to tugboats or ferryboats running on regular routes."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. ESCH: Page 22, line 5, after the word "after" insert "due notice and."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. ESCH: Page 22, line 9, after the word "shall" insert "take effect within such reasonable time, not less than 30 days, and."

The amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. ESCH: Page 23, line 11, after the word "documents" insert "including correspondence."

The amendment was rejected.

Mr. GOOD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GOOD. I ask unanimous consent that the balance of the amendments be considered en bloc.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the balance of the amendments be considered en bloc. Is there objection?

Mr. THOMPSON of Oklahoma. I object.

The Clerk read as follows:

Page 24, line 18, strike out "of the parties."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 24, line 24, after the word "file," insert "or commence."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr ESCH: Page 24, line 4, after the word "documents," insert "including correspondence."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 26, line 7, after the word "filed," insert the words "or commenced."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 26, line 25, add "nor to the power or jurisdiction of the Department of Agriculture over Federal warehouses."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 26, line 18, strike out "misdemeanors" and insert "crimes and."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr. JOHNSON of Washington: Page 27, line 8, after the word "of," strike out $100,000" and insert in lieu thereof "$200,000."

The amendment was rejected.

The Clerk read as follows:

Amendment by Mr LOUD: Page 27, line 6, after the word "thereby," insert a new section numbered 35, as follows:

"SEC. 35. That on or after August 1, 1916, a duty or additional duty of 5 per cent ad valorem shall be imposed upon all imports from foreign countries in ships which are not of American registry."

The amendment was rejected.

Mr. ALEXANDER. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill do pass.

Mr. MANN. It does not require a motion.

Mr. FOSTER. The rule says that the committee shall rise.

The CHAIRMAN. The Chair sustains the point of order on the ground that the rule previously adopted provides that after the amendments are disposed of the committee will rise and the bill be reported to the House with amendments.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes, and he reported the same back to the House with sundry amendments.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations I report the sundry civil appropriation bill (H. Rept. 735.)

Mr. MANN. The gentleman asks unanimous consent.

Mr. FITZGERALD. If the rule requires it, I will ask unanimous consent to report the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York, chairman of the Committee on Appropriations, reports the sundry civil appropriation bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 15836) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois reserves all points of order, and the bill will be printed and referred to the Committee of the Whole House on the state of the Union.

UNITED STATES SHIPPING BOARD.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. ALEXANDER. Mr. Speaker, I demand a separate vote on the amendment striking out section 5.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them in gross.

There was no demand for a separate vote, and the other amendments were agreed to.

The SPEAKER. The question is on the amendment striking out section 5.

Mr. MANN. Mr. Speaker, I demand the yeas and nays, and upon that I make the point that no quorum is present.

The SPEAKER. The gentleman from Illinois demands the yeas and nays, and makes the point that no quorum is present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 153, nays 203, answered "present" 14, not voting 64, as follows:

YEAS—153.

Austin	Fess	King	Russell, Ohio
Bacharach	Focht	Kinkaid	Scott, Mich.
Barchfeld	Fordney	Kreider	Sells
Beales	Foss	Lafean	Siegel
Bowers	Frear	La Follette	Sinnott
Britten	Freeman	Lehlbach	Slemp
Browne	Garland	Loud	Sloan
Browning	Gillett	McArthur	Smith, Idaho
Butler	Glynn	McCulloch	Smith, Minn.
Campbell	Good	McKenzie	Snell
Cannon	Graham	McKinley	Snyder
Capstick	Green, Iowa	Magee	Stafford
Carter, Mass.	Greene, Mass.	Mann	Steenerson
Charles	Greene, Vt.	Mapes	Stephens, Cal.
Coleman	Guernsey	Matthews	Sterling
Cooper, Ohio	Hadley	Meeker	Stiness
Cooper, W. Va.	Hamilton, N. Y.	Miller, Del.	Sullowav
Cooper, Wis.	Haskell	Mondell	Sweet
Copley	Haugen	Moore, Pa.	Switzer
Costello	Hawley	Moores, Ind.	Temple
Crago	Heaton	Morgan, Okla.	Tilson
Cramton	Hernandez	Mott	Timberlake
Curry	Hicks	Mudd	Tinkham
Dale, Vt.	Hill	Nelson	Towner
Dallinger	Hopwood	Nichols, Mich.	Treadway
Danforth	Howell	North	Volstead
Darrow	Hull, Iowa	Olney	Walsh
Davis, Minn.	Humphrey, Wash.	Paige, Mass.	Ward
Dempsey	Husted	Parker, N. J.	Wason
Denison	Hutchinson	Parker, N. Y.	Watson, Pa.
Dowell	James	Powers	Wheeler
Drukker	Johnson, Wash.	Ramseyer	Williams, T. S.
Dunn	Kahn	Reavis	Williams, Ohio
Edmonds	Kearns	Ricketts	Wilson, Ill.
Ellsworth	Keister	Roberts, Mass.	Winslow
Elston	Kelley	Roberts, Nev.	Woods, Iowa
Emerson	Kennedy, Iowa	Rodenberg	
Esch	Kennedy, R. I.	Rogers	
Fairchild	Kiess, Pa.	Rowe	

NAYS—203.

Abercrombie	Cox	Gregg	Linthicum
Adamson	Crisp	Griffin	Littlepage
Aiken	Crosser	Hamill	Lloyd
Alexander	Cullop	Hamlin	Lobeck
Allen	Dale, N. Y.	Hardy	London
Almon	Davenport	Hart	McAndrews
Anderson	Davis, Tex.	Hastings	McClintic
Ashbrook	Decker	Hay	McDermott
Aswell	Dent	Hayden	McGillicuddy
Ayres	Dickinson	Heflin	McKellar
Bailey	Dies	Helgesen	McLemore
Barkley	Dill	Helm	Maher
Barnhart	Dillon	Helvering	Mays
Beakes	Dixon	Hensley	Miller, Pa.
Bell	Dooling	Hilliard	Montague
Black	Doolittle	Holland	Moon
Blackmon	Dupré	Hood	Moss, Ind.
Booher	Eagan	Houston	Moss, W. Va.
Bruckner	Eagle	Howard	Neely
Brumbaugh	Edwards	Huddleston	Nicholls, S. C.
Buchanan, Ill.	Evans	Hughes	Nolan
Buchanan, Tex.	Farley	Hulbert	Norton
Burgess	Ferris	Hull, Tenn.	Oglesby
Burke	Fields	Humphreys, Miss.	Oldfield
Burnett	Finley	Igoe	Oliver
Byrnes, S. C.	Flood	Johnson, Ky.	O'Shaunessy
Byrns, Tenn.	Flynn	Jones	Overmyer
Caldwell	Foster	Keating	Padgett
Callaway	Gallagher	Kent	Page, N. C.
Candler, Miss.	Gallivan	Kettner	Park
Caraway	Gandy	Key, Ohio	Phelan
Carew	Gard	Kincheloe	Price
Carter, Okla.	Garner	Kitchin	Quin
Cary	Garrett	Konop	Ragsdale
Church	Glass	Lazaro	Rainey
Cline	Goodwin, Ark.	Lee	Raker
Coady	Gordon	Lesher	Randall
Collier	Gray, Ala.	Lever	Rauch
Connelly	Gray, Ind.	Lieb	Rayburn
Reilly	Sims	Stout	Venable
Riordan	Sisson	Sumners	Vinson
Rubey	Small	Taggart	Walker
Rucker	Smith, N. Y.	Tague	Watson, Va.
Russell, Mo.	Smith, Tex.	Tavenner	Whaley
Sabath	Sparkman	Taylor, Ark.	Williams, W. B.
Saunders	Stedman	Taylor, Colo.	Wilson, Fla.
Shackleford	Steele, Iowa	Thomas	Wingo
Shallenberger	Steele, Pa.	Thompson	Wise
Sherley	Stephens, Nebr.	Tillman	Young, N. Dak.
Sherwood	Stephens, Tex.	Tribble	Young, Tex.
Shouse	Stone	Van Dyke	

ANSWERED "PRESENT"—14.

Bennet	Langley	Martin	Stephens, Miss.
Dewalt	Liebel	Murray	Wood, Ind.
Doughton	Longworth	Schall	
Gould	Madden	Smith, Mich.	

NOT VOTING—64.

Adair	Fitzgerald	Lindbergh	Pratt
Antnony	Fuller	Loft	Rouse
Borland	Gardner	McCracken	Rowland
Britt	Godwin, N. C.	McFadden	Sanford
Cantrill	Gray, N. J.	McLaughlin	Scott, Pa.
Carlin	Griest	Miller, Minn.	Scully
Casey	Hamilton, Mich.	Mooney	Sears
Chandler, N. Y.	Harrison	Morgan, La.	Slayden
Chiperfield	Hayes	Morin	Steagall
Clark, Fla.	Henry	Morrison	Sutherland
Conry	Hinds	Oakey	Swift
Doremus	Hollingsworth	Patten	Talbott
Driscoll	Jacoway	Peters	Vare
Dyer	Johnson, S. Dak.	Platt	Watkins
Estopinal	Lenroot	Porter	Webb
Farr	Lewis	Pou	Wilson, La.

So the motion to strike out section 5 was rejected.

The Clerk announced the following pairs for this vote:

Mr. ROWLAND (for striking out section 5) with Mr. LIEBEL (against striking out section 5).

Mr. MARTIN (for striking out section 5) with Mr. WILSON of Louisiana (against striking out section 5).

Mr. MCLAUGHLIN (for striking out section 5) with Mr. MORRISON (against striking out section 5).

Mr. MCCRACKEN (for striking out section 5) with Mr. SCULLY (against striking out section 5).

Mr. LONGWORTH (for striking out section 5) with Mr. CARLIN (against striking out section 5).

Mr. SWIFT (for striking out section 5) with Mr. STEPHENS of Mississippi (against striking out section 5).

Mr. CHIPERFIELD (for striking out section 5) with Mr. HARRISON (against striking out section 5).

Mr. BRITT (for striking out section 5) with Mr. DOUGHTON (against striking out section 5).

Mr. OAKEY (for striking out section 5) with Mr. LEWIS (against striking out section 5).

Mr. MCFADDEN (for striking out section 5) with Mr. DEWALT (against striking out section 5).

Mr. WOOD of Indiana (for striking out section 5) with Mr. ADAIR (against striking out section 5).

Mr. BENNET (for striking out section 5) with Mr. HENRY (against striking out section 5).

Mr. GARDNER (for striking out section 5) with Mr. GODWIN of North Carolina (against striking out section 5).

Mr. SMITH of Michigan (for striking out section 5) with Mr. DOREMUS (against striking out section 5).

Mr. DYER (for striking out section 5) with Mr. WEBB (against striking out section 5).

Mr. HOLLINGSWORTH (for striking out section 5) with Mr. STEAGALL (against striking out section 5).

Mr. PETERS (for striking out section 5) with Mr. SEARS (against).

Mr. GRIEST (for) with Mr. WATKINS (against).

Mr. SANFORD (for) with Mr. ESTOPINAL (against).

Mr. GOULD (for) with Mr. TALBOTT (against).

Mr. SCOTT of Pennsylvania (for) with Mr. CASEY (against).

Mr. JOHNSON of South Dakota (for) with Mr. JACOWAY (against).

Mr. HAMILTON of Michigan (for) with Mr. MORGAN of Louisiana (against).

Mr. CHANDLER of New York (for) with Mr. MURRAY (against).

Until further notice:

Mr. MOONEY with Mr. SLAYDEN.

Mr. HINDS with Mr. DRISCOLL.

Mr. MORIN with Mr. POU.

Mr. SUTHERLAND with Mr. BORLAND.

Mr. HAYES with Mr. LOFT.

Mr. MILLER of Minnesota with Mr. FITZGERALD.

Mr. LANGLEY with Mr. CANTRILL.

Mr. MADDEN with Mr. ROUSE.

Mr. FULLER with Mr. CLARK of Florida.

Mr. PORTER with Mr. PATTEN.

Mr. PRATT with Mr. CONRY.

Mr. MADDEN. Mr. Speaker, I wish to know whether the gentleman from Kentucky, Mr. ROUSE, voted?

The SPEAKER. He did not vote.

Mr. MADDEN. I am paired with Mr. ROUSE, and I desire to withdraw my vote and answer "present."

The name of Mr. MADDEN was called, and he answered "Present."

Mr. LANGLEY. Mr. Chairman, I voted "aye." I am paired with my colleague, Mr. CANTRILL, and I desire to withdraw my vote and answer "present."

The name of Mr. LANGLEY was called, and he answered "Present."

Mr. LONGWORTH. Mr. Speaker, I would like to know how the gentleman from Virginia [Mr. CARLIN] voted, if he is recorded.

The SPEAKER. He is not recorded.

Mr. LONGWORTH. I have a pair with Mr. CARLIN and I did not hear the pair read from the Clerk's desk. If the pair is of record, I desire to withdraw my vote and answer "present."

The SPEAKER. The pair is of record.

Mr. LONGWORTH. Then I desire to withdraw my vote, and answer "present."

The name of Mr. LONGWORTH was called, and he answered "Present."

Mr. MARTIN. Mr. Speaker, I voted "aye." I am paired with Mr. WILSON of Louisiana, and I desire to withdraw that vote and answer "present."

The name of Mr. MARTIN was called, and he answered "Present."

Mr. WOOD of Indiana. Mr. Speaker, I voted "aye." I am paired with the gentleman from Indiana [Mr. ADAIR]. I desire to withdraw my vote and answer "present."

The name of Mr. WOOD of Indiana was called, and he answered "Present."

Mr. STEPHENS of Mississippi. Mr. Speaker, I voted "no." I am paired with the gentleman from New York [Mr. SMITH], and I desire to withdraw my vote and answer "present."

The name of Mr. STEPHENS of Mississippi was called, and he answered "Present."

Mr. GLASS. Mr. Speaker, when my name was called I answered "Present," thinking Mr. WINSLOW, with whom I am paired, was not present. I find that Mr. WINSLOW was present and voted and I desire to change my vote from "present" to "no."

The name of Mr. GLASS was called, and he voted "No."

Mr. DEWALT. Mr. Speaker, I voted "No." I am paired with Mr. MCFADDEN, and I desire to withdraw my vote of "no" and answer "present."

The name of Mr. DEWALT was called and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. MANN. Mr. Speaker, I demand the reading of the engrossed bill.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

Mr. MANN. A parliamentary inquiry, Mr. Speaker. If we adjourn now, do we adjourn until 11 o'clock a. m. to-morrow?

Mr. KITCHIN. Yes; we will adjourn until 11 o'clock a. m., under the rules.

EXTENSION OF REMARKS.

Mr. GUERNSEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill.

The SPEAKER. The gentleman from Maine asks unanimous consent to extend his remarks in the RECORD on this bill. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill which has just been under consideration.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that all Members of the House have the right to extend their remarks in the RECORD on this bill for five legislative days.

The SPEAKER. The gentleman from North Carolina asks that all gentlemen who desire to do so may extend their remarks on this bill for five legislative days. Is there objection?

There was no objection.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 8068. An act for the relief of E. C. Hornor.

WITHDRAWAL OF PAPERS.

Mr. CARY, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Veronica Werner, special pension act, Sixty-third Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. BRITT, by unanimous consent, was granted leave of absence for two days, on account of public business.

PENSIONS.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 655, disagree to all of the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take the bill from the Speaker's table and disagree to the Senate amendments and ask for a conference. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER announced the following conferees: Mr. KEY of Ohio, Mr. KEATING, and Mr. JAMES.

ADJOURNMENT.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] moves that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Saturday, May 20, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Tombigbee River from Demopolis, Ala., to Columbus, Miss., with a view to securing continuous navigation by means of locks and dams (H. Doc. No. 1137); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John Gerteisen *v.* The United States, which is a correct copy of said findings of fact and conclusion, in lieu of an erroneous and incorrect copy transmitted May 9, 1916, and printed as House Document No. 1098, Sixty-fourth Congress, first session (H. Doc. No. 1098, pt. 2); to the Committee on War Claims and ordered to be printed.

3. A letter from the Secretary of the Treasury, submitting estimate of appropriation, with the recommendation that the same be included in the sundry civil bill now pending, Caruthersville (Mo.) post office, $250 (H. Doc. No. 1138); to the Committee on Public Buildings and Grounds and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ROBERTS of Nevada, from the Committee on Irrigation of Arid Lands, to which was referred the bill (S. 2519) to encourage the reclamation of certain arid lands in the State of Nevada, and for other purposes, reported the same without amendment, accompanied by a report (No. 731), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHACKLEFORD, from the Committee on Roads, to which was referred the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain

cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter, reported the same without amendment, accompanied by a report (No. 732), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMLIN, from the Committee on Industrial Arts and Expositions, to which was referred the joint resolution (H. J. Res. 92) to provide for holding the San Antonio Bicentennial Exposition in 1918, reported the same with amendment, accompanied by a report (No. 733), which said joint resolution and report were referred to the House Calendar.

Mr. TIMBERLAKE, from the Committee on the Public Lands, to which was referred the bill (H. R. 15287) authorizing the addition of certain lands to the Colorado and Pike National Forests, Colo., reported the same with amendment, accompanied by a report (No. 734), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8591) granting a pension to Charles M. Walker, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. HASTINGS: A bill (H. R. 15804) to amend paragraph 1 of section 3 of the act of May 27, 1908, and making the final rolls compiled and printed under authority conferred by the act of Congress approved June 21, 1906, conclusive evidence as to the age and quantum of Indian blood of duly enrolled members of the Five Civilized Tribes and of freedmen; to the Committee on Indian Affairs.

By Mr. LLOYD: A bill (H. R. 15805) providing for the purchase of a site and the erection thereon of a public building at Unionville, in the State of Missouri; to the Committee on Public Buildings and Grounds.

By Mr. DAVENPORT: A bill (H. R. 15806) to refer the claims of the Eastern and Western Bands of the Cherokee Indians to the Court of Claims for investigation and final judgment; to the Committee on Indian Affairs.

By Mr. GUERNSEY: A bill (H. R. 15807) to provide for holding sessions of the United States district court in the district of Maine and for dividing said district into divisions and providing for offices of the clerk and marshal of said district to be maintained in each of said divisions, and for the appointment of a field deputy marshal in the division in which the marshal does not reside; to the Committee on the Judiciary.

By Mr. FITZGERALD [from the Committee on Appropriations]: A bill (H. R. 15836) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. SHERWOOD: Resolution (H. Res. 242) providing for pay for the examiner detailed to the Committee on Invalid Pensions from the Pension Bureau; to the Committee on Accounts.

By Mr. LOFT: Resolution (H. Res. 243) authorizing the Speaker to appoint a select committee to investigate the tapping of private wires in New York City; to the Committee on Rules.

By Mr. GALLIVAN: Resolution (H. Res. 244) relative to the executions in Ireland; to the Committee on Foreign Affairs.

By Mr. EMERSON: Joint resolution (H. J. Res. 226) to amend the Constitution of the United States so as to limit the term of the President of the United States to a single presidential term; to the Committee on the Election of President, Vice President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 15808) granting an increase of pension to Joseph Myers; to the Committee on Invalid Pensions.

By Mr. BEAKES: A bill (H. R. 15809) granting an increase of pension to Henry H. Howes; to the Committee on Invalid Pensions.

By Mr. DALE of New York: A bill (H. R. 15810) granting an increase of pension to Joseph Simonson; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: A bill (H. R. 15811) granting a pension to John H. Brinkley; to the Committee on Pensions.

By Mr. DOWELL: A bill (H. R. 15812) granting an increase of pension to John F. Hitchcock; to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 15813) granting an increase of pension to Robert B. Thomas; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 15814) granting a pension to Ellen M. Smith; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 15815) granting an increase of pension to Sarah J. Montgomery; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 15816) granting an increase of pension to William A. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15817) granting an increase of pension to John Parker; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 15818) granting an increase of pension to Daniel Robb; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 15819) granting an increase of pension to Mary A. Folkenroth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15820) granting an increase of pension to Mary E. Skinner; to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 15821) granting a pension to Francis M. Westbrooks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15822) granting a pension to James W. Ledford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15823) granting a pension to M. Westbrooks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15824) granting a pension to William Ledford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15824) granting an increase of pension to Mary K. Scott; to the Committee on Pensions.

By Mr. LESHER: A bill (H. R. 15826) granting an increase of pension to William H. Freed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15827) granting an increase of pension to Michael T. Wertz; to the Committee on Invalid Pensions.

By Mr. OAKEY: A bill (H. R. 15828) granting an increase of pension to Fairfield Dresser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15829) granting a pension to Mary F. Starmer; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 15830) granting an increase of pension to Otis S. Mason; to the Committee on Invalid Pensions.

By Mr. SCOTT of Michigan: A bill (H. R. 15831) granting an increase of pension to James T. Clark; to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 15832) granting an increase in pension to Sarah E. Lafayette; to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 15833) granting an increase of pension to James W. Smith; to the Committee on Pensions.

By Mr. THOMPSON: A bill (H. R. 15834) granting a pension to Joseph W. Mitcham; to the Committee on Pensions.

By Mr. TILLMAN: A bill (H. R. 15835) granting a pension to James Drake; to the Committee on Invalid Pensions.

By Mr. COADY: A bill (H. R. 15837) granting a pension to Edward G. Dalton; to the Committee on Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 15838) granting an increase of pension to William H. Rees; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of American Supply & Machinery Manufacturers' Association, favoring a permanent tariff commission; to the Committee on Ways and Means.

By Mr. ASHBROOK: Papers to accompany House bill 15655, for relief of Edgar G. Speid; to the Committee on Invalid Pensions.

By Mr. BAILEY: Petition of business men of Carrolltown, Pa., favoring bill taxing mail-order houses; to the Committee on Ways and Means.

By Mr. CAREW: Petition of Southern Hardware Jobbers' Association, in re floods; to the Committee on Rivers and Harbors.

By Mr. DALE of New York: Petition of members of Congressional Union for Woman Suffrage, of Rhode Island, and Jessie M. Park, of Denver, Colo., favoring suffrage amendment; to the Committee on the Judiciary.

By Mr. EMERSON: Memorial of Convention of Mental Hygiene Societies, favoring establishing a division of mental hygiene in the United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Memorial of members of the Fort Greene Chapter, Daughters of America, urging immediate action to prepare our Army, Navy, and coast defenses, thereby insuring the life, liberty, and the sacred honor of our beloved country; to the Committee on Military Affairs.

Also, memorial of 4,000 citizens of New Orleans, urging Congress, if diplomatic relations be severed, to use utmost endeavors to prevent a declaration of war; to the Committee on Foreign Affairs.

Also, memorial of Northeast Washington Citizens' Association, opposing the location of the proposed hospital on reservation No. 13; to the Committee on the District of Columbia.

Also, memorial of board of directors of the Irish-American Club, favoring bill introduced by the Hon. MURRAY HULBERT for the appropriation of money for the erection of a national stadium on East Capitol Park, in Washington; to the Committee on Appropriations.

Also, memorial of Southern Hardware Jobbers' Association, requesting Congress to enact such legislation as shall provide a separate and comprehensive plan for the prevention of floods; to the Committee on Flood Control.

Also, memorial of New York Board of Trade and Transportation, opposing House bill 8665, to prevent any time studies on work by Government employees; to the Committee on Labor.

Also, memorial of Central Labor Union of Brooklyn, N. Y., favoring Senate bill 3081 and House bill 6915, to retire employees in the Postal Service who may have become superannuated; to the Committee on the Post Office and Post Roads.

Also, memorial of Society of Scabbard and Blade, of Madison, Wis., recommending that the Pomerene amendment be enacted into law at the earliest possible date; to the Committee on Military Affairs.

Also, memorial of Cotton Goods Export Association of New York, disapproving the so-called Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

By Mr. FULLER: Petition of Gadsden (Ala.) Chamber of Commerce, favoring Shield water-power bill; to the Committee on Rivers and Harbors.

By Mr. HOPWOOD: Petition of 40 citizens of Fairchance, Pa., for control of liquor traffic; to the Committee on Alcoholic Liquor Traffic.

By Mr. HOWELL: Memorial of citizens of Salt Lake City, Utah, favoring suffrage amendment; to the Committee on the Judiciary.

By Mr. KEISTER: Memorials of a mass meeting held at Trafford and at Export, Pa., urging the adoption of a resolution providing for an amendment to the Federal Constitution prohibiting polygamy and polygamous cohabitation; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Memorial of Providence Central Federated Union, of Providence, R. I., in favor of House bill 8828 and Senate bill 3457; to the Committee on Appropriations.

Also, memorial of Rhode Island State Branch of the American Federation of Labor, favoring House bill 8828 and Senate bill 3457; to the Committee on Appropriations.

Also, petition of sundry citizens, on the practice of chiropody in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MAPES: Petitions of citizens of Grand Haven, men's Bible classes of Grand Haven, and Sunday school teachers of Grand Haven, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. VARE: Memorial of New Century Club, of Philadelphia, relative to proposed Indian legislation; to the Committee on Indian Affairs.

Also, memorial of Philadelphia Chamber of Commerce, advocating the establishment of free ports at various places and congressional investigation of the subject; to the Committee on Ways and Means.

Also, memorial of Philadelphia Real Estate Board, indorsing the park commission plans for the development of Washington; to the Committee on the District of Columbia.

SENATE.

SATURDAY, *May 20, 1916.*

(Legislative day of Thursday, May 18, 1916.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SMOOT. Mr. President, there are very few Senators in the Chamber. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Myers	Simmons
Bankhead	Gallinger	Nelson	Smith, S. C.
Beckham	Gore	Norris	Smoot
Brady	Gronna	Page	Sterling
Chamberlain	Johnson, S. Dak	Pittman	Taggart
Chilton	Jones	Poindexter	Thomas
Clapp	Kenyon	Ransdell	Thompson
Clark, Wyo.	Lea, Tenn.	Shafroth	Vardaman
Clarke, Ark.	Martin, Va.	Sheppard	Wadsworth
Dillingham	Martine, N. J.	Sherman	Williams

Mr. CHILTON. I wish to announce for the day that my colleague [Mr. GOFF] is absent on account of illness, and also that the senior Senator from Indiana [Mr. KERN] is unavoidably absent.

The VICE PRESIDENT. Forty Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators.

Mr. BRANDEGEE entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present.

Mr. CLARKE of Arkansas. I move that the Sergeant at Arms be directed to notify the absentees and request their attendance.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. LIPPITT, Mr. WORKS, and Mr. WALSH entered the Chamber and answered to their names.

Mr. WALSH. I was requested to announce that the Senator from Oklahoma [Mr. OWEN], the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Missouri [Mr. REED], the Senator from New Hampshire [Mr. HOLLIS], and the Senator from Wisconsin [Mr. HUSTING] are detained in the Committee on Banking and Currency upon official business.

Mr. O'GORMAN, Mr. CATRON, Mr. CULBERSON, Mr. NEWLANDS, Mr. SMITH of Arizona, and Mr. TILLMAN entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. CLARKE of Arkansas. I move that further proceedings under the call be vacated.

The motion was agreed to.

Mr. CLARKE of Arkansas. I am informed by the clerks at the desk that while the amendment appearing on page 24, lines 20, 21, and 22, was agreed to, the amendment on line 23 was not read. I ask that the Secretary may read the change made in line 23, because it is a part of the amendment that was adopted yesterday.

The SECRETARY. On page 24, line 23, strike out "$25,000" and insert "$50,000."

The VICE PRESIDENT. Was not that considered as a part of the amendment adopted yesterday?

Mr. CLARKE of Arkansas. It was not submitted to the Senate.

The VICE PRESIDENT. The Chair hears no objection, and the amendment is agreed to.

Mr. SHEPPARD. I wish to ask the chairman of the committee if the word "Texas" should not be stricken out in line 23, on page 24, and the word "Oklahoma" inserted.

Mr. CLARKE of Arkansas. I think that might be done, properly, although it is in the text of the bill as passed by the House, and it is the language they usually employ in the Engineer's office. I do not know that it is necessary. I suggest that we just let it stay like it is.

Mr. SHEPPARD. Very well.

The VICE PRESIDENT. The reading of the bill will be continued.

The Secretary resumed the reading of the bill.

The SECRETARY. The next amendment of the Committee on Commerce is, on page 25, line 5, after the word "including," to strike out the word "works" and insert "bank protection," and——

Mr. KENYON. I wish to raise some objection to this item.

Mr. CLARKE of Arkansas. Let it be read, I suggest to the Senator from Iowa, that we may understand what it is that we are going to consider.

The VICE PRESIDENT. It will be understood that the three amendments in this paragraph constitute one amendment.

Mr. CLARKE of Arkansas. That is all. They are associated in the text for the purpose of constituting a single amendment.

Mr. KENYON. They are all to go together?

Mr. CLARKE of Arkansas. Yes.

The VICE PRESIDENT. The amendments in the item will be stated as one amendment.

The amendment was, on page 25, line 5, after the word "including," to strike out "works" and insert "bank protection"; in line 6, after the words "Pine Bluff and," to insert "Little Rock and vicinity and"; and in line 7, after the word "plant," to strike out "$200,700" and insert "$234,700," so as to make the clause read:

Arkansas River, Ark. and Okla.: For maintenance of improvement, including bank protection at Pine Bluff and Little Rock and vicinity and the operation of dredging plant, $234,700.

Mr. KENYON. I will state to the chairman of the committee that the Senator from South Carolina [Mr. TILLMAN] desires to address the Senate at this time for a few moments, but he has stepped out of the Chamber.

Mr. CLARKE of Arkansas. There is no objection to the Senator from South Carolina addressing the Senate if he wants to do so.

Mr. KENYON. I will take the time until the Senator from South Carolina comes back, and I hope the Senator will listen very earnestly.

Mr. CLARKE of Arkansas. Very well.

Mr. KENYON. We have approached an item now, Mr. President, which will put the Senate to a test; an item that is contrary to the recommendation of the district engineer, the division engineer, the Board of Engineers, and the Chief of Engineers. I notice the Senator from South Carolina has entered the Chamber; and if he desires to proceed at this time, I will resume my seat.

Mr. TILLMAN. I am much obliged to the Senator.

The VICE PRESIDENT. The Senator from South Carolina is recognized.

Mr. TILLMAN. Mr. President, much to my regret, I feel compelled to vote against this bill, if I am the only Democrat to do so. The Senator from Massachusetts the other day, with a cynical laugh, said, "This is one of the bills that was made to pass," and I have no doubt that it will pass; but, all the same, I do not think it ought to become a law. I will trespass on the time of the Senate for a few minutes to give my reasons.

In the first place, the United States is confronted by a very unusual and remarkable condition. Nothing like it has ever been seen before in the world. The war in Europe, which came like a cyclone and burst upon the world with a suddenness and fury the like of which history gives us no parallel, will soon have been in progress two years. If there is any end in sight it is out of my vision. This fearful and bloody struggle has affected our country in many ways, bringing unexampled prosperity to some sections, and not injuriously affecting any class of its citizens except the southern cotton growers. And even the South is now very prosperous, thanks to Secretary McAdoo's wise and liberal administration of the Treasury Department. Like a fire bell in the night, the war has called attention in clarion tones to the conditions of unpreparedness for self-defense in which the United States finds itself.

I shall part company with my colleagues on this river and harbor bill with great reluctance. But I really can not see things as they seem to see them, judging by the action of the Senate Commerce Committee.

Congress has appropriated hundreds of millions of dollars for the Army and Navy both; but the country feels now, I am sure, that the Army and Navy which we have are not at all adequate for the amount of money they have cost. Had the $50,000,000 appropriated by Congress when the Spanish-American War broke out in 1898 not been scandalously squandered we would not now have such a worthless and inadequate transport service. Instead of Congress having to appropriate money for a merchant marine now, we would have a very respectable lot of ships—and serviceable ones, too—already belonging to the Navy which could be utilized for that purpose.

The *Chicago* and the *Dolphin*, authorized in 1883, are still in commission and doing good service, whereas the ships purchased in 1898 have either been sold at a loss or are still on the Navy list at a heavy expense to the Government.

Secretary McAdoo, in a speech before the Chamber of Commerce of Indianapolis, October 13, 1915, said:

The Navy alone bought at that time 102 vessels as naval auxiliaries, and paid, in round numbers, the fabulous sum of $18,000,000 for them. There is no officer of the Navy who knows about these purchases who won't admit that most of these vessels were junk.

I shall insert in my speech a table compiled from official figures obtained at the Navy Department giving the cost of some of these vessels, the amount that has been spent on them for repairs, and the price obtained for those that have been sold. It will prove very instructive and interesting, and is as follows:

Ships purchased during the Spanish-American War, the price paid for each, amount spent on repairs, and price for which sold.

	Purchase price.	Repairs, changes, etc.	Selling price.
Alexander	$206,825.25	.....	$17,400.00
Cheyenne	19,639.05	.....	1,690.00
Chickasaw	15,000.00	.....	2,550.00
East Boston	57,500.00	.....	28,091.00
Gov. Russell	71,000.00	.....	25,000.00
Hector	200,000.00	.....	65,150.00
Hist	65,000.00	.....	2,421.00
Hornet	117,500.00	.....	5,100.00
Inca	35,000.00	.....	1,800.00
Justin	145,000.00	$308,208.37	101,107.00
Niagara	200,000.00	.....	75,563.00
Oneida	60,000.00	36,703.31	2,550.00
Restless	29,000.00	.....	1,008.00
Scipio	85,769.71	.....	41,550.00
Shearwater	24,000.00	.....	1,535.00
Siren	40,000.00	.....	2,352.50
Vulcan	350,000.00	.....	175,750.00
Yankee	575,000.00	.....	2,010.00
Yosemite	575,000.00	.....	11,522.43
Zafiro	87,597.00	.....	3,300.00

We have as good officers and men in both Army and Navy as any Nation can show, but when put to the test the Army has not met expectations at all. The Navy has shown up much better. We seem to have lost the art of getting a dollar's worth of Army or Navy either for a dollar.

In the Navy the armor manufacturers have been allowed to steal too much, and for some reason or other the bill which went through here for a Government armor plant seems paralyzed in the House. While the Army did not get started into Mexico as quickly as it should have done under the circumstances, and seems to have been dazed by the suddenness that it was called on to really do something except patrol the border, I have every confidence that it will prove itself worthy of the Stars and Stripes under which it goes to battle, if we ever have any fighting down there. And the way Funston and Pershing have handled the troops under them shows what we may expect should any real business be cut out for them to do. It is my belief that we ought to set about this one particular thing and confine our energies and expenditures almost entirely to these two objects.

I want us to have the very best Army for its size in the world, and the very best Navy, too. Both have made such glorious records in the past that I do not fear that either of them will discredit those records.

We Americans can imitate and ought to imitate and emulate the wonderful efficiency of the German people. The marvelous condition of preparation which Germany has shown proves beyond doubt that she was ready and had expected war a long time; while the other combatants were not expecting it nor were they prepared for it.

The inventions of Americans have cut a great figure in the story and results of the fighting. Aviation in all its forms—aeroplanes, hydroplanes, biplanes, and Zeppelins, all American inventions except the last—has proved a great factor and been of immense use.

The fight between the *Monitor* and the *Merrimac* during our Civil War revolutionized naval warfare, and made junk of all the navies then in existence. This war has revived the trench fighting first used by the Confederates and Federals in the siege of Petersburg in 1864 and 1865. The Confederates defended the ruins of Fort Sumter after it had been battered to pieces by the Federal batteries on Morris Island and made a heap of brick dust. They found sand bags to be a far more efficient defense than bricks and mortar had ever been. Just so the destruction of the fortress at Antwerp, thought impregnable, demonstrated no new thing in defensive warfare, or fortification either. Many lessons taught by this war thought to be new had been proven by our Civil War. Students of military science hereafter can very profitably study the parallels and make comparisons. European generalship proves that the campaigns of Lee and

Jackson, Grant and Sheridan, Johnston and Sherman have been profitably studied across the water.

American inventors first conquered the air and taught men to fly, but notwithstanding that we were the pioneers and discoverers of aerial navigation, every American must have blushed with mortification at the unprepared condition of our Army and the almost worthless character of our flying machines as shown by the punitive expedition into Mexico. It was anything but creditable to American genius, progressiveness, and business ability.

I do not propose to vote for any scheme of lavish expenditure along any of these lines; but I do want—and will joyously vote for—enough money to give us adequate, well-equipped, and properly built aerial squadrons for Army and Navy both. The appropriations for aviation have not been at all lavish, and perhaps they were inadequate, but I feel sure that an honest and earnest supervision and inspection of machines before they were paid for would have given us better results; and there are entirely too many excuses—and lame excuses at that—to satisfy the people. There is incompetence or rottenness somewhere, and it ought to be ferreted out and punished. If the greed of contractors for money making is not checked and killed off some way, this country is bound to suffer should we get into war, and our national debt will mount up much more rapidly than it did during the Civil War.

I will not and can not but believe that our manufacturers can do as well as or better than the Europeans, all of whom seem to have become experts in flying. I know our men are just as brave as theirs, and we have as great dare-devils as they possess. But somehow there are too many failures to satisfy me.

The submarine, too, is an American invention, and yet we have allowed the Europeans to outstrip us so far as to wholly discredit our ability to manufacture and use our own invention.

We have had a hard struggle between the two committees of the House and Senate about the size and character of our Army. I am rejoiced to feel that we have agreed on a military force on land and set in motion preparation of the necessary reserves to enable us to temporarily defend our country if war should unhappily come. What we need now, in that respect, is enough reserves of ammunition and guns of all kinds.

But the one essential and most important expenditure confronting us, and to which we should bend all the Nation's energies, is an adequate navy; and by that I mean a navy second to none except England's, both in number of ships and their armament. I want us to have the very best types of ships and armament possible to obtain—not as many ships or as powerful a navy as Great Britain's, but equaling it in individual units and, if possible, surpassing it in every essential of modern warfare. This will cost hundreds of millions of dollars; but no matter what it cost, we ought to have it—we must have it—and we ought to set about obtaining it in a hurry, because it takes time to build battleships and battle cruisers.

Battleships and battle cruisers are not the only things we need for a great Navy, but we need docks, piers, and other facilities to take care of the ships after we build them.

This bill proposes to spend $40,000,000 or more on rivers and harbors. The Committee on Commerce reported this bill to the Senate with one of the most meritorious items that the House had put in stricken out—that for East River—"Providing for a channel of deep water from New York Harbor to the navy yard," so that a battleship could go up to the navy yard without running aground at any stage of the tide. The Senate has shown itself too broad and patriotic to follow its committee, and this item was restored by an overwhelming vote yesterday. The House Committee on Rivers and Harbors refused absolutely to put in a similar item for Charleston Harbor where, for $175,000 only, deep water can be obtained by dredging, so our largest battleships can go from open sea up to the navy yard under their own steam. The House Naval Committee has incorporated this item in the appropriation bill, and I feel sure the Senate will retain it without any contest at this time.

This policy of urging a river and harbor bill of this kind is inexplicable. It is as though men were wild and crazy over local affairs, and have no broad national grasp at all. Why should we spend all this money in the face of the fact that we are compelled to greatly increase taxes to get money to run the Government this year? I shall be criticized in South Carolina for voting against it. Many of our Congressmen who have small pieces of pork in this barrel will dislike very much my opposing it, but I have always found that truth and honesty of purpose in the long run to be the very best of policy. However, I have already told the people of South Carolina that I would never be a candidate again and would retire when my term expires; therefore the political aspect has no influence on me whatever. [Laughter.]

Senators laugh and do not believe me, but I will tell you it is true. You may be that kind of politicians, but I am not. I have stated to the people of South Carolina that I would not be a candidate, and they can not make me be a candidate. If they want to elect me, they can do so, though I am so feeble and helpless.

Mr. THOMAS. I beg to assure the Senator that I did not doubt his word at all.

Mr. TILLMAN. The Senator laughed.

Mr. THOMAS. I laughed because that reminded me of certain matters. I have the highest regard for the Senator's word, and do not question it for a moment.

Mr. TILLMAN. I beg the Senator's pardon, then; I apologize.

Many a time I have confounded my enemies with the plain, blunt, and almost brutal statement of the truth, both here and elsewhere. The unvarnished truth is a new weapon in political warfare as the game is generally played, and it revolutionized the science in South Carolina. Many men found fault with and even now do not like my methods, but they were compelled to respect my motives. I knew I was honest; I believed I was right; and I have never hesitated to blurt out the truth anywhere and before any audience. The people of South Carolina have sustained me, because they believed in my integrity of purpose and honesty. When they understand what I am doing here they will applaud me for my moral courage, and I can afford to let my critics continue to howl.

I can not understand such a policy at all. I do not want to hurt anybody's feelings, or wound sensibilities, but to me this expenditure would be criminal under the circumstances which now exist. I have not the figures, or even the approximate data, and can only guess; but I would be willing to vote $300,000,000 if necessary, to begin at once—and hurriedly, as though we expected a war immediately—the construction of the necessary ships of the most improved types to give us a really first-class Navy.

I see the House Committee on Naval Affairs proposes five battle cruisers of the most approved type. When the naval appropriation bill comes over from the House, if there is no provision in it, or adequate provisions in it, for docking these monsters, I expect to have something to say in regard to how we can get the first dock large enough on the Atlantic to repair them in one year and a half. But I will not anticipate.

Let us appropriate as many millions as the Board of Army Engineers in charge of these improvements tell us on their honor are vitally important and of immediate necessity, and vote every dollar that we spend this year to putting the country in a condition to defend itself.

I am not panic-stricken nor frightened, but when I consider the possible dangers that may confront us as a people when this European war is over, I tremble at what could happen. There will be millions of trained and veteran soldiers and all the treasuries of Europe will be bankrupt. If America is then defenseless and has shown no inclination to get ready to defend itself adequately, the temptation for invading us and taking some of the wealth which has been brought across the ocean by the war will be very great indeed. No one knows what combinations might be made or what alliances come about. Japan even now has a navy far more efficient than ours in some particulars, because she has battle cruisers of the best kind; and the war has brought to Japan much money for munitions, just as it has to us.

Armies are not created in a day. It takes six months or a year to drill men and familiarize them with the use of arms, so that they may know how to fight and defend themselves. Otherwise, they can be slaughtered like so many sheep. And a navy is even of slower growth. It takes from two to three years to build modern ships of war, depending on the size; and they have become such complicated machines that it takes a long while to drill the officers and men to handle them efficiently. It is far better—even an ignoramus will admit this—to keep men from landing on our shores and doing us damage than it is to have to fight them after they do land. Therefore the American people have never been willing, and they are not willing now, for a large standing army. I believe religiously that the taxpayers of the United States are not only willing but anxious to put their hands in their pockets to create and maintain a Navy sufficient to protect us from invasion. The people of the Pacific coast are, and have been for a long while, deeply concerned because of the unprotected condition in which that coast now finds itself. I do not believe any man of any party will receive consideration at the hands of intelligent audiences who

objects to giving us a powerful Navy "second only to Great Britain." I stress this, and I should like to most have it stressed throughout the country, because to me it is important, and it ought to be drummed into the ears of the American people, just like old Cato, in every speech he made, concluded with his famous utterance, "Delenda est Carthago"—"And, fellow citizens, Carthage must be destroyed."

Returning to rivers and harbors, this was the policy which has been in vogue for a long while. Members of the House, where all revenue bills must originate under the Constitution and whose Members go before the people every two years, have always been more solicitous about such things than Senators. "You vote for my river, and I will vote for yours; I'll tickle you, if you will tickle me"; and finally the slogan became very common: "You vote for my steal, and I will vote for your steal."

The appropriations thus made were not technically stealing at all, but the river and harbor bill came to be known as the "pork barrel"; and it has had much to do with the discredit into which Congress has fallen. It was permissible and perhaps admirable for Members to wish to get back for their congressional districts and Senators for their States as nearly as possible what those States paid in taxes. When you think about that phase of it, it does not appear so great a crime. It did not elevate men in their own estimation nor in that of their constituents, however.

The protective tariff piled money up in Washington, and these expenditures, whether stealing or not, served to circulate it among the people again.

I can recall the year after I came to Washington—1897—when the first tariff bill after I entered the Senate was under discussion. The Republicans following their usual tactics were pretending to "protect" wheat and cotton and other farmers' products we exported by putting a duty on them. I asked for a duty on rice—a South Carolina product—and said:

Now, let us have a clean record on this business. I stand here myself and announce that if we are to have this stealing from the people by protected interests, I want my share for South Carolina; and I am not ashamed to say it. (CONGRESSIONAL RECORD, vol. 30, pt. 2, p. 1820.)

This utterance has been rolled under the tongues of my critics and enemies for these many years, and every once in a while it confronts me in the columns of some lying Republican newspaper—only that part of it, though, where I proclaimed I wanted "my share of the stealing." They are always careful to omit the first clause of the sentence, "if we are to have this stealing from the people by protected interests." That is always expunged, or omitted.

In 1901, when the rivers and harbors bill was before the Senate, I used these words:

The Mississippi itself has quit having any steamboats on it almost, and the whole scheme of river improvement is a humbug and a steal; but if you are going to steal, let us divide it out, and do not go to complaining. (See CONGRESSIONAL RECORD, vol. 34, pt. 4, p. 3527.)

And again, in the same debate, Senator Carter had said the "locks and dams all through Pennsylvania on the Allegheny were erected in the time of George Washington, or shortly after"; and I made this reply:

In those days the South stood back and did not claim anything for public improvements, on the ground that it was unconstitutional, and our friends up North got all the swag. We have come to think that we are entitled to our share. (CONGRESSIONAL RECORD, vol. 34, pt. 4, p. 3528.)

You see, I am taking a farewell, as it were, and this is my valedictory on the "stealing" business. I want to let everybody know just what I said, and when I said it, and why I said it, and let them do me justice. To oppose river and harbor bills is no new thing for me.

It was these utterances of mine which caused the Senator from Iowa some days ago in this debate to allude to the Senator from South Carolina in the way he did. But I do not want my share of the stealing in this bill; and while South Carolina has items in it amounting to $300,000, I shall vote against it, and hope it will not become a law. We need the money so much for far more important things that it is criminal to my mind to hesitate for one moment, or discuss this bill at all. Think of it! Forty million dollars to be wasted, and taxes to be heavily increased. That forty millions would build two battle cruisers. No one knows how many submarines it would build, and I can only guess how many airships and other things of that sort we could buy with it.

I make bold to say—and I do not say it in criticism of any other man's vote at all—that I would be ashamed to go home to South Carolina and tell my people that I had voted $300,000 for South Carolina and left unprepared and unprovided for the momentous question of a great Navy. I had rather have, and I believe the Nation needs more, a thousandfold more, two modern up-to-date battle cruisers of the best type than it does or can possibly need or be benefited by this forty millions for rivers and harbors. If this bill does pass, as Senator LODGE has said it was made to do, I pray God the President will veto it.

The wise course would be for us to pass a lump-sum appropriation for rivers and harbors to continue those most meritorious items in the bill—and there are many of these—leave out all surveys, and only give enough to keep the really important projects from going to ruin.

The Army engineers ought not to be encouraged, almost coerced, as it were, to advise or consent to the improvement of this and that creek or river until the country is prepared to protect itself. Common sense, patriotism, and every other consideration which ought to control men are against the passage of this bill. And while I do not claim I am more patriotic than my brethren on this side of the Chamber, and have none of the Pharisee in my nature, I hope there will be some others like myself who do not see their duty lying the way this bill points. I hope there will be votes enough to defeat it.

Mr. KENYON. Mr. President, I join in the wish of the Senator from South Carolina.

To revert to the proposition of the Arkansas River, if there is any proposition that can be a test as to whether or not the Senate will follow the Army engineers when the Army engineers decide against a project, here is the test. We have spent something like three and a half million dollars on the Arkansas River. The commerce in 1913, excluding timber and sand, was, I think, less than 20,000 tons. In 1915, under the allotment of the act of March 4, there was assigned $193,350. In 1913 and 1914 there were some 44,000 snags removed from this river.

I want to put into the RECORD, at least for some future reference, a portion of the minority report of Senator Burton with reference to this river. The part I put in is very short. On page 9 he says:

On the Arkansas River the total tonnage was 71,516 tons—

He is speaking of 1912—

of which 56,208 tons were saw logs. The balance, 15,308 tons, notwithstanding the length of the so-called navigable portion of the river (463 miles), was carried an average of only 34 miles. The appropriations to date on this stream have been $3,108,008.44, and the appropriation in the pending bill is $164,700.

He was referring then to the act of 1914—

Using the same computation as before of 4 per cent on the amount appropriated for this river, and the $164,700 appropriated in this year, which includes work at Pine Bluff and the completion and operation of a dredging plant, the cost for carrying each ton would be $4.04. If the saw logs are excluded, the cost per ton would be $18.81. And yet it is proposed to expend on this stream $349,000 for permanent plant and $118,000 per year for its maintenance.

According to the reports of the Army engineers on page 2719 of volume 2, the appropriations and allotments and the proceeds of some sales—I do not know what those sales are, but they amount to a small figure—make an aggregate of $3,592,402.18. The commerce for 1914 was 79,169 tons. Of that 35,000 tons were logs, 3,000 tons lumber, and 17,115 tons sand and gravel hauled 7 miles, or a total of 55,115 tons that should be subtracted in getting at the real commerce on the river for handling that requires particular improvements, leaving 24,054 tons of commerce.

Mr. President, the House appropriated $209,700 for this stream. The Senate committee have inserted $25,000 more, making the total appropriation $234,700. Now, let us see what the reports of the Army engineers amount to.

When the report of the Army engineers is for a project, as yesterday on the Red River, I note that you follow it; and we have been listening for a year or so, whenever the bill has been up, to eulogies of the Army engineers. The Senator from Louisiana [Mr. RANSDELL] last year rather found fault with Senator Burton for finding any fault upon his part with the Army engineers, and delivered a eulogy of the Army engineers that almost amounted to a canonization. Now, are we going to follow the Army engineers when they decide our way and not follow them when they decide against us? That is the proposition involved here.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. KENYON. I do.

Mr. VARDAMAN. I should like to ask the Senator from Iowa if that is going to be his course?

Mr. KENYON. It is not.

Mr. VARDAMAN. The Senator is not going to follow them at all, then, is he?

Mr. KENYON. My course is definitely marked in my own mind. I am going to support propositions that, after study, seem to me to be for the benefit of the Nation, and I am going to oppose propositions that seem to me to be wasteful.

Mr. VARDAMAN. I commend the Senator's fidelity to his sense of duty, but if the Army engineer should be mistaken the Senator would not think any other Senator was acting improperly if he did not follow the recommendation of the engineers?

Mr. KENYON. I have no complaint of other Senators. I know very well they will not follow the Army engineers on this proposition, and I should like to see my way clear not to follow them, just because of the chairman of the committee. But, regardless of that, let us see what the engineers report.

Congress ordered a reexamination of this river; and I want to say now that this river is as good as a number of other rivers covered in this bill. There is not any question about that.

Mr. SMOOT. Better.

Mr. KENYON. Yes; better. In the report of Gen. Kingman, Chief of Engineers, Document No. 461, of date December 17, 1915, submitting to Congress the report of Maj. Putnam, Gen. Kingman says:

The Arkansas River has been under improvement by the United States since 1832, when snagging operations were inaugurated. The present project provides for improving the river from its mouth to the head of navigation by snagging operations, removing shoals by dredging and the use of contraction works, and holding the improved channel by revetment where necessary.

Further down he says:

Experience has now demonstrated that no benefit commensurate with the cost can be expected from them, even if confined to the short reach below Pine Bluff, where they have been operated. The commerce has been decreasing and now amounts to only about 55,000 tons, a large part of which consists of forest products, which can usually be handled at medium and high stages without improvement. In view of the existing physical and commercial conditions, the district officer thinks that the work of revetting the banks should be revived, and he recommends that the project be modified to provide for "the improvement of the river from its mouth to the mouth of Grand [Neosho] River (461 miles) by snagging operations, by revetting of banks, and by dredging operations, with a view to producing at ordinary low-water channel depths of 3½ feet to Little Rock, 3 feet from there to Ozark, 2½ feet from there to the mouth of the Canadian River, and 2 feet from there to the mouth of Neosho River." The division engineer calls attention to the general decline of commerce on the western rivers—

And so forth—

After due consideration of the above-mentioned reports, I concur in the views of the division engineer and the Board of Engineers for Rivers and Harbors, and therefore recommend that legislation be enacted modifying the existing project for improvement of Arkansas River, so as to limit the work to snagging the river from its mouth to the mouth of the Neosho, at an annual cost of about $35,000, and authorizing the transfer without charge of the dredges and other plant not required for snagging to such other works of improvement as the Chief of Engineers may designate.

DAN C. KINGMAN,
Chief of Engineers, United States Army.

So he recommends the appropriation of $35,000. The House put in $209,700 and the Senate $234,700. Why?

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. KENYON. I do.

Mr. STERLING. Will the Senator please state again for what purpose the $35,000 is recommended by the Board of Engineers?

Mr. KENYON. For snagging the river from its mouth to the mouth of the Neosho.

The Board of Engineers, speaking through Col. Black, on page 3 of this report, says:

Under this and the various other projects described by the district officer, there had been expended to June 30, 1914, a total of $3,243,650.91. It is estimated that snagging will cost $35,000 annually, and that it will require $118,700 annually for the operation of the two dredges.

A modification of the plan which they recommend seems to eliminate the dredging.

At the bottom of page 3 is the district officer's plan, which seems to meet with Col. Black's approval. On that subject he says:

The district officer believes that the improvement of the river should not be abandoned, but that more complete work of regulation should be undertaken and the project modified to read:

"The improvement of the river from its mouth to the mouth of Grand [Neosho] River (461 miles) by snagging operations, by revetting of banks, and by dredging operations, with a view to producing at ordinary low-water channel depths of 3½ feet to Little Rock, 3 feet from there to Ozark, 2½ feet from there to the mouth of the Canadian River, and 2 feet from there to the mouth of Neosho River."

He says, further:

The Arkansas River flows through an alluvial bed, and the channel is subject to unusually rapid changes in position and depth. Its banks are easily eroded, and experience has shown that no permanent improvement of channel can be expected unless the banks are protected by revetment. This would necessitate practically continuous work on one or both banks, similar in character to that being done on the Missouri River under the existing project for that stream. Such work on the Missouri River costs from $50,000 to $60,000 per mile, and is expected to result in a channel depth of 6 feet or more. The permanent improvement of the Arkansas would be correspondingly expensive, and owing to the small low-water discharge could hardly be expected to result in a low-water channel depth of more than about 3 feet, which would obviously be inadequate for a commerce great enough to justify such an expenditure.

Further, he says:

The board fully realizes the advantages of water transportation and the benefits that would result to a large section of the States of Arkansas and Oklahoma if a stable channel of good navigable depth were available. The physical conditions on this stream, however, and particularly its small low-water discharge, are such as to prevent any radical improvement except at a cost which is entirely disproportionate to resulting benefits, as far as they can now be foreseen. The removal of snags, at an estimated cost of $35,000 per year, will make the natural depths available and permit a light-draft navigation such as has been carried on in the past. It is believed that this work should be continued.

In view of the foregoing, the board recommends legislation modifying the existing project so as to limit the work to snagging the river from its mouth to the Neosho, at an annual cost of about $35,000, and authorizing the transfer without charge of the dredges and other plant not required for snagging to such other improvement as the Chief of Engineers may designate.

There is also in this document a report of Maj. Putnam, who, I think, was the district engineer.

On page 10 of House Document No. 461, page 6, of Maj. Putnam's report, there is set forth the commerce during the 10-year period ending with the calendar year 1913. It seems that in 1905 there were 86,458 short tons. The commerce seems to have reached its height in 1907, when it amounted to 104,493 tons. In 1913 it amounted to 55,228 tons, of which the heaviest movement, he says, has been below Pine Bluff, 80 per cent of it in forest products. Maj. Putnam makes the following recommendation on page 11:

The improvement of the river from its mouth to the mouth of Grand River (461 miles) by snagging operations, by revetting of banks, and by dredging operations, with a view to producing at ordinary low water channel depths of 3½ feet to Little Rock, 3 feet from there to Ozark, 2½ feet from there to the mouth of the Canadian River, and 2 feet from there to the mouth of Neosho River.

Then Col. Townsend, colonel of the Corps of Engineers, he himself the division engineer, says what I shall read, because it is short and applies somewhat to other rivers than the Arkansas River:

Not only has the commerce of western rivers rapidly declined in recent years, as stated by the district officer, but the character of the boats carrying the traffic has radically changed. In 1900 the average sized boat that navigated the Arkansas River was one of 174 registered tons, while in 1913 it was only of 46 tons. In 1900 the larger vessels made trips from Little Rock and Pine Bluff to Memphis and Vicksburg, while in 1913 the average distance traveled was only 34 miles, indicating that the boat has entirely ceased competing with the railroad in carrying through traffic and is only used to collect the products of a farm distant from a railroad and transport them to the nearest rail connection.

I will ask to have the entire report of Col. Townsend inserted as a part of my remarks.

The matter referred to is as follows:

OFFICE DIVISION ENGINEER, WESTERN DIVISION,
St. Louis, Mo., May 20, 1915.

To the CHIEF OF ENGINEERS, UNITED STATES ARMY:

1. Forwarded.

2. Not only has the commerce of western rivers rapidly declined in recent years, as stated by the district officer, but the character of the boats carrying the traffic has radically changed. In 1900 the average sized boat that navigated the Arkansas River was one of 174 registered tons, while in 1913 it was only of 46 tons. In 1900 the larger vessels made trips from Little Rock and Pine Bluff to Memphis and Vicksburg, while in 1913 the average distance traveled was only 34 miles, indicating that the boat has entirely ceased competing with the railroad in carrying through traffic and is only used to collect the products of a farm distant from a railroad and transport them to the nearest rail connection. A similar condition is found on all the western rivers, with the exception of the transportation of coal on the Ohio River and a small movement of freight on the Missouri River between Kansas City and St. Louis. Such transportation has no effect on rail freight rates, and can be most profitably carried by motor boats and barges of light draft.

3. Whatever may be the causes of this decline of river traffic, they are of general application to all the western rivers, and the density of traffic on the Arkansas River is so small that there is no probability that the improvement of its channel will counteract this general law, particularly since the radical improvement of the Mississippi River from St. Louis to New Orleans, which has existed for the past 10 years, has had no appreciable effect upon it.

4. Should a revival of river commerce occur, it will first be observed between large centers of population, such as Chicago, Pittsburgh, St. Louis, and New Orleans, where there are large amounts of manufactured articles to be moved. The agricultural products that are directly tributary to a river do not furnish a sufficient volume of freight to justify at present its permanent improvement as a route for through traffic, but a revival of commerce, commencing at large centers of population along the trunk stream, may gradually extend to the tributaries.

5. It is therefore recommended that the improvement of the Arkansas River be at present confined to snagging, which is warranted by the existing commerce, and that all attempts to permanently improve the river channel be deferred until there is an appreciable revival of commerce on the Mississippi River. The dredging proposed by the district officer is considered a waste of public funds. It can have no effect on the permanent improvement of the river. It is insufficient even to maintain a temporary channel from the river mouth to Pine Bluff. The transfer of the dredges built for the Arkansas River to the Ohio is suggested, where they would be of some practical use.

C. McD. TOWNSEND,
Colonel, Corps of Engineers, Division Engineer.

Mr. KENYON. The district officer, Maj. Putnam, did, it seems, recommend the dredging, and my statement is in error to that extent. But we have here the division engineer, the Board of Engineers, and the Chief of Engineers of the United States Army, at least to the extent of suggesting a modification project, condemning the project that is carried by the terms of this bill. They recommend $35,000. This bill carries $234,700.

Now, a number of distinguished gentlemen appeared before the Board of Army Engineers, as there appeared before the Committee on Rivers and Harbors of the House. I called attention to the remarks made at that time by the distinguished chairman of this committee. There were few present, not as many as there are now, and I want to call attention to those remarks again. They are as forcible as the remarks of the Senator from South Carolina [Mr. TILLMAN], and I wish that we could follow the suggestion of the Senator from Arkansas. He says with relation to this matter:

> There are millions of dollars scattered over the United States not doing any good except to improve the political prospects of some party. I have been aware that, whether from oversight or whatever it is, there comes up to our committee recommendations that seem to me to be discriminatory. Some things that are not half so worthy as other things are recommended where others things are not recommended. If it is the policy of this administration and of this board to adopt a more rational, businesslike system, I shall aid them in their efforts to do so, and if, after a fair test, the Arkansas River falls under the condemnation of any rule that has been adopted and will be uniformerly applied, I will stand as religiously for that as any other—

We all know that is true—

> but, when I am backed by such reports as the two I have called your attention to—

Reports of the division engineer favoring this project. Indeed, I think there was a time when the Army engineers favored a project that involved an expenditure of $16,000,000 to improve the Arkansas River. The Senator from Arkansas continues:

> and the policy was reasonable of digging out this stretch of 173 miles of river from here to the Mississippi River—I believe I am justified in showing some earnestness and protesting with some emphasis against the report made, and which is now under consideration by you.

After referring to some boats that had been constructed he further said:

> The bill was passed by the committees—

Referring to the last river and harbor bill—

> The bill was passed by the committees, but it was impossible to get it out under the "pork-barrel" system. If the shaking up that that business has gotten in the last two years or in the last two Congresses will result in a more careful discrimination in these objects, I think a very substantial result has come from it.

I had not used the words "pork barrel" in referring to this bill or in the discussion, but I am glad that the chairman of the committee at least is not one who condemned a thorough and full discussion and showing up of the last two bills.

Mr. President, I think that is all I have to suggest about the Arkansas River. I have shown that the commerce over it practically amounts to nothing after the sand, gravel, and logs and the lumber are deducted. There has been an expenditure of over $3,000,000, and the recommendation of all the engineers except the district engineer is against the provision of this bill, and in favor merely of $35,000 for snagging.

If the Senate votes that kind of a proposition into the bill or refuses to take it out it certainly is quite apparent that it is useless to endeavor to strike out any item in this bill.

There may be some reasons for keeping it in, I imagine the chairman has some other reason outside of the question of navigation why he feels this item should remain in the bill, and his personal appeal to Members of the Senate, of course, is most potent. No one can question his good faith and earnestness. The facts, however, speak for themselves. The Senate is at the testing place. Will you follow the Army engineers only when they report for the project you believe in?

Mr. CLARKE of Arkansas obtained the floor.

Mr. JONES. I wish to ask that the amendment be read before the Senator from Arkansas proceeds with his remarks, so that we may know just what it is.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 25, line 5, after the word "including," strike out the word "works" and insert "bank protection"; in line 6, after the word "and," insert "Little Rock and vicinity and"; and in line 7 strike out "$209,700" and insert "$234,700," so as to make the paragraph read:

> Arkansas River, Ark. and Okla.: For maintenance of improvement, including bank protection at Pine Bluff and Little Rock and vicinity and the operation of dredging plant, $234,700.

Mr. CLARKE of Arkansas. Mr. President, I regret that a matter of this importance is to be submitted to the Senate at a time when there are not exceeding 10 Members present, but I think it due to those who have enough interest in this bill to attend to have a frank statement made of the reasons why I think the item should be retained in the bill and that the additional amount of $25,000 named in the Senate committee amendment should be provided. The addition of $25,000 is the only change that the Committee on Commerce made in the bill as it came from the House, in so far as the matter of amount is concerned. The Senate amendment provides that some part of it shall be expended in repairing the bank revetment heretofore made by the Government in the vicinity of Little Rock.

The Senator from Iowa [Mr. KENYON], contrary to his usual habit, has gotten into his mind a very erroneous impression about the Arkansas River. From the time that Arkansas was a Territory it has been one of the principal water highways of the country, and down to 1880 it constituted the principal means of reaching the western part of Arkansas and what was then known as Indian Territory. It is one of the well-known rivers of the country, and with proper improvement it will become one of the most important rivers of the country at least so far up as Fort Smith. But the present item does not deal with so comprehensive a problem as that.

The amount of $209,700 was included in the bill by the House, and is the amount recommended by the Board of Engineers, the same Board of Engineers who made this adverse report to which the Senator from Iowa has referred. They evidently had no confidence that Congress was going to adopt the wild and radical recommendation they made in this particular case, unless it shall be adopted in many other cases; in fact, unless Congress shall include in the act a complete change of policy with reference to all the western rivers, because the nonuse of western rivers is the ground upon which Col. Townsend puts his recommendation. I call attention to page 284 of the report accompanying this bill:

> The funds available July 1, 1915, will be so reduced by January 1, 1916, that no active operations can be carried on after that date until additional funds are provided. The estimate for the fiscal year ending June 30, 1917, is to cover snagging and dredging operations, the maintenance of the works at Pine Bluff, and the procurement of additional plant needed in connection with the dredging operations. Total for the fiscal year ending June 30, 1917, $209,700.

That is the amount that the House included in the item. The aditional $25,000 was made necessary by the damage to the bank at Little Rock by the recent disastrous overflows. There have been three disastrous overflows on the Arkansas River during the past 12 months. The last overflow, the highest known in the history of the river, was brought about by the extreme high water of the Mississippi River so that the Arkansas River was not able to discharge itself as rapidly as on former occasions when the former river was not bank full at the same time.

The Government some years ago put in a wing dike north of Little Rock. The probable height of probable high water was estimated at that time, and the elevation of the wing dike was adjusted accordingly. During the last overflow the water rose to such a high stage that it went over the top of it and undermined it and cut the bank at various places and damaged the improvement made by the United States at that point. It threatened to so change the channel as to cut into the populated parts of the city of Argenta, which is located on the north side of the Arkansas River just opposite Little Rock. So we feel that, so far as the small increase in amount is concerned, it has all the indorsement and foundation in actual merit that any other amount in this bill has. There is nothing objectionable or questionable in that feature of the demand.

Now, as to whether the recommendation of Col. Townsend should be accepted, something may be said, because at last his recommendation is the basis of this so-called adverse report. The Arkansas River has been under consideration for many years, as I stated before.

The $3,000,000 that the distinguished Senator from Iowa says has been expended upon the river consisted of appropriations from time to time since 1834 of $1,018,511 for new projects. Since 1834 the current expenditures connected with the maintenance of the river were $1,934,932. Two-thirds of the $3,000,000 the Senator referred to was expended in that great length of time for the current maintenance of the stream, principally during the time when it was actively used for transportation purposes and which have become obsolete by the passing of time and changes due to natural causes. Of the remaining $1,018,000 spent for new projects, more than $400,000 of it was spent within the last three years for the construction of two dredge boats recently provided to operate on the lower reaches of the river. So there has actually been spent in new projects on that river since the year 1834, leaving out the items for dredge construction, about $600,000.

The dredges were not built by accident. They were supplied for purposes of improvement of the river and were the result of very deliberate action taken by the Board of Engineers as

late as 1913. A report was filed justifying this expenditure and earnestly recommending it in the Sixty-first Congress, second session, House Document 510. Three of the most eminent engineers then in the service made the report and recommended that the treatment of the river which would bring the best results was by the dredging process.

The Arkansas River is like all the western rivers. Its waters are heavily charged with silt. There are thousands of square yards of Colorado and Kansas silt brought down and deposited in the bed of the river every year. The result is that the channel of the river is disorganized and its bed is looped with pools of narrow and deep places. An unbroken deposit of white sand from the prairies of the West is observable from the mouth to Fort Smith at any time during an ordinary stage of the river.

So the treatment that was suggested by that particular Board of Engineers in the report filed, as I said, in January, 1910, and under which the boats were provided in 1915, was that these two boats would probably be able to keep the channel open from Little Rock to the Mississippi River. Since the boats were put into the river the water has either been too high, as was the case during the year of 1916, or too low, as was the case in 1915. It is said by those who are in a position to know what they are talking about to be a fact that the dredge boats have been operated in the actual work of dredging for less than 30 days since they were installed on the river. The proposition is now coolly made, without giving the former recommendations of the board a fair trial, to take the boats off to the Ohio River and relegate the Arkansas River to the same national status as an ordinary creek.

The Committee on Rivers and Harbors and the House of Representatives very properly reached the conclusion that Congress was not going to do any such thing. The dredges were built for that river on a plan especially adapted to that situation, and they have been in actual operation about 30 days. The only ground upon which such a radical change of policy could be put was the sweeping recommendation of Col. Townsend, and that was that the western rivers have been condemned because of the disappearance from them as a class of an adequate commerce. He does not say that the river ought to be abandoned unconditionally, but says that it ought to be abandoned until traffic can be restored on the Mississippi River. The people interested in the Arkansas River care nothing about the Mississippi River except as it is a part of the water highway from Little Rock to Memphis.

There are several reasons why Little Rock, which is quite a jobbing center, should have access to Memphis by some means other than railroad communication. The freight zones east and west divide at Memphis. The Mississippi River is the dividing line. Little Rock is 132 miles inside the western zone. The freight rates authorized by the Interstate Railroad Commission are from 30 to 300 per cent higher for all classes of freight coming from the east for delivery at Little Rock than for traffic of the same class coming from the same direction for delivery at Memphis. It gives the Memphis jobbers a decided advantage over those at Little Rock. That matter of difference could be measurably equalized if we had the Arkansas River in a condition to be used. The merchants of Little Rock are among the most enterprising of any to be found in the country. They realize that fact of the handicap of proximity to the dividing line between the two zones, and they provided themselves with two boats to transfer the traffic—hundreds and thousands of tons coming and going to the Memphis gateway, but the condition of the Arkansas River would not permit them to continue it. The particular boats were bought at Grand Rapids, Mich., and brought to Little Rock, and one of them is now lying at the wharf because there is no channel in the river that will permit it to be operated. This is not a case where the commerce has left the river, but one where the river has left an abundant and anxious commerce.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Washington?

Mr. CLARKE of Arkansas. Certainly.

Mr. JONES. Will the Senator tell me what is the condition of the Mississippi River for navigation purposes from the mouth of the Arkansas River down?

Mr. CLARKE of Arkansas. It is first class. There is a boating stage of about 7 feet in the Mississippi River.

Mr. JONES. Why did the engineer say, then, that the Arkansas River improvement should be put off until there is further navigation on the Mississippi River?

Mr. CLARKE of Arkansas. As the engineer did not explain, and I have not ingenuity enough to answer for him, I must admit that I can not answer.

Mr. JONES. The Senator does not see any reason why, because there is no navigation from the mouth of the Arkansas down the Mississippi River, we should withhold appropriations until they get navigation on the Mississippi to St. Paul?

Mr. CLARKE of Arkansas. I think the Senator's question is a very appropriate one, and it obviously answers itself in the negative. There is no reason in the world why the western rivers should be outlawed by the United States simply because the people will not run boats on the Mississippi River where they can run them if they so desire. They have the best boating stage on the Mississippi River they have ever had in its history. The commercial interests at Little Rock will run boats from Little Rock to Memphis any day the United States will furnish river on which to run them. They have the boats and they have a motive for using them in the fact that thousands of dollars in freight charges will be saved to them, and they will be put in a better condition to compete for business with Memphis in territory common to both; but the vice of the whole of this last recommendation of the board is that it does not deal with the peculiar situation at Little Rock and the Arkansas River from that city to its junction with the Mississippi. The first board did. The river can be maintained at a boatable stage by the outlay of a reasonable sum of money if the dredges are permitted to continue the work assigned to them, as the former board said they could do, in the matter of removing shoals and sand bars separating the pools in the river between Little Rock and the mouth of the river.

Now, take what Col. Townsend said, sitting securely in his office in St. Louis. He did not come down to Little Rock, so far as anyone ever heard; he made no examination of the river; but it is a political recommendation, not in any technical sense, but as a recommendation of policy, and a recommendation with reference to this particular item only; and on that proposition listen to what he says:

2. Not only has the commerce of western rivers rapidly declined in recent years, as stated by the district officer, but the character of the boats carrying the traffic has radically changed.

Now, why should the Arkansas River alone have to be condemned by a proposition involving all the western rivers? Then he goes on to say:

A similar condition is found on all the western rivers, with the exception of the transportation of coal on the Ohio River and a small movement of freight on the Missouri River between Kansas City and St. Louis.

His reasons for condemning the Arkansas River will condemn the Missouri River; they will condemn the White River, the St. Francis River, the Trinity River, the Brazos River, and every river on the western side of the Mississippi River. Col. Townsend continues—

Whatever may be the cause of this decline of river traffic—

That is what he is talking about—the decline of river traffic generally; which does not apply to Little Rock, because we have made arrangements there to see that traffic does not decline there, and we have good reasons for seeing that it does not decline; and one of those reasons is to save money. We are within 132 miles of the dividing line between the eastern and western freight zones, and we must pay the western rate, whereas our competitors in business get their freight delivered at the eastern rate, which is from 30 to 300 per cent less. There is no speculation about it; it is a matter of actual computation and sound business.

The people there, as I have said, have provided for the situation by supplying themselves with two boats, one of which, however, they had to sell, because they could not run it for want of a boatable stage on the river, and not for want of traffic. On one trip out of Memphis the boat was caught between two sand bars with a load of freight on it and remained there many days until the rise came that enabled it to proceed. These very engineers who made this last report sought to travel from Pine Bluff to Little Rock on one of these dredge boats, when they encountered a sand bar, which made it necessary for them to leave the boat and proceed to Little Rock by other means. There is plenty of water in the river, if the dredging process could be carried on to an extent that the shoals and sand bars could be gotten out of the way, to make a continuous channel in the river.

About this last recommendation of Col. Townsend, I will say that it is not a professional recommendation, not a recommendation based upon things an engineer would know, and that other people would not know. Anybody could make the observation contained in his report; I mean any well-informed man of the same standing and character of Col. Townsend; and he is a man of high standing. He said:

It is therefore recommended that the improvement of the Arkansas River be at present confined—

Not permanently abandoned, but—

be at present confined to snagging, which is warranted by the existing commerce, and that all attempts to permanently improve the river channel be deferred until there is an appreciable revival of commerce on the Mississippi River.

We will revive part of it if you will give us a chance, and we will revive as much as two or three boats regularly engaged can haul.

More than that, the greatest bauxite deposit in the world is within 22 miles of Little Rock. The great Aluminum Co. of America owns it. That is one of the great so-called trusts of the country; but they have encountered such differences with the railroads that make it to their interest to ship this ore to Little Rock and Devalls Bluff by rail and there transship it by water to East St. Louis. They have been able to do that profitably. They could furnish thousands of tons—a thousand tons a day—at Little Rock for shipment down the Arkansas River if there were facilities to take care of it. This particular tonnage supply will continue until such time as they can bring the railroads around to their way of thinking about it; but the tonnage is there, and they are actually engaged in shipping it, when the water stages will permit, from Devalls Bluff around the White River and up the Mississippi River to East St. Louis; and they report that, in view of the smaller terminal charges which they pay at East St. Louis, that they can afford to continue shipments in this way.

The actual situation with which we are confronted with here is that less than three years ago the Board of Engineers recommended that two new dredge boats be constructed and put on the Arkansas River. They have been put on the river, and they are there now, but they have worked less than 30 days in execution of the business they were sent there to do.

A provision was put in one of the lump-sum river and harbor appropriations directing the engineers to reinvestigate certain projects. The local engineer, who lives at Little Rock and who is familiar with business conditions there and with the use of the river as a commercial proposition when put in a condition to be navigated, recommended a continuance of the project. He was a man eminent in his profession; he was no novice, but a man about 50 years of age, a former citizen of Massachusetts, who had worked himself up from a lieutenant to a major of engineers. He wrote his report with a knowledge of local conditions and recommended a continuation of the project. It was then referred to the St. Louis office—to Col. Townsend. If that officer ever put his foot in the Arkansas Valley in connection with this examination, nobody ever saw him; but he is a well-informed man, a high authority on water matters, and I am not going to say anything in the slightest degree to his discredit; but the view he takes is one of governmental policy; it is not a professional reason, and is no more binding upon the Senate and no more binding upon the Congress than the same opinion expressed by anybody else of equal standing. If it were not for the reason that grows out of our proximity to the dividing line between the eastern and western freight zones the argument would be somewhat narrowed in our case, as it would also be if it were not for the fact that the bauxite field is within reach with a thousand tons a day of freight that the company will ship over the railroad to Little Rock and then by water to destination. Even then that does not measure the possibilities of the output available for freight tonnage.

So this is not such a project as would appear from a surface examination of some of the expressions found in this last report. It has been repeatedly examined; the closest scrutiny has been given to it, with no desire to exhibit any favoritism in its behalf. A slight increase in the amount required was brought about by damage that has been suffered by the Government dike to the banks at Little Rock since the estimates for this river were made to Congress.

I do not believe, if the Senator from Iowa were familiar with the situation, that he would address any criticism to the Committee on Rivers and Harbors of the House, which inserted this item, and I know he would not address any criticism to the Committee on Commerce of the Senate for the slight enlargement they have made to cover the subsequent damage done to the situation at Little Rock. It is not an abandoned river. In its best days boats, as is shown by official reports in different places, plied between Little Rock and Cincinnati, Little Rock and Memphis, and Little Rock and New Orleans. Single boats went out of that port carrying 3,500 bales of cotton, which is nearly a thousand tons. Boats of a thousand tons capacity came and went from its wharves, and, if we had the opportunity now, we could maintain a successful boat line from Little Rock to Memphis and from Little Rock down the Mississippi River as far as Greenville, in Mississippi. There is a small boat now running and making semiweekly trips from Pine Bluff to Rosedale, Miss., I believe it is.

This is a matter that will not suffer on the fullest examination to which it can be subjected. I believe I will submit the matter, because I think its merit is evident.

The PRESIDING OFFICER. The question is on the adoption of the amendment reported by the committee.

Mr. SMOOT. Mr. President, during the discussion of the river and harbor bill at the last session of Congress a number of what may be termed notorious projects were condemned. Among those referred to at that time were the 10 mentioned in the substitute for the bill of the House which passed the Senate on March 3, 1915. That provision, Mr. President, was found in section 15 of the substitute bill, and reads as follows:

That the following projects now under improvement shall be reexamined in accordance with the law for the original examination of rivers and harbors, with a view to obtaining reports whether the adopted projects shall be modified or the improvement abandoned.

Mr. CLARKE of Arkansas. Mr. President, if the Senator will allow me right there, I will say that I was in the committee when Senator Burton made that suggestion, and I told him that I was entirely agreeable to have the Arkansas River included in it.

Mr. SMOOT. I was going to call the attention of the Senate not only to the Arkansas River item but to the other nine items which were mentioned in that section. The river affected by that provision, Mr. President, were the inland waterway from Norfolk to Beaufort Inlet, N. C.; the Coosa River in Georgia and Alabama; the St. Lucia Inlet, Fla.; the Brazos River, Tex., from Old Washington to Waco; the Red River, La., Ark., Tex., and Okla.; the Ouachita River, Ark. and Okla.; the Arkansas River in Arkansas; the Tennessee River, Tenn., Ala., and Ky.; the Fox River in Wisconsin; and the Missouri River, Mo.

The provision contained this language:

And the Chief of Engineers is directed to make a report upon any other projects, river or harbor, the further improvement of which under present conditions is undesirable or in which modifications of the plans or projects should be made.

I am informed, Mr. President, that all of those reports have not yet been made, and I shall not spend very much time upon the discussion of the Arkansas item, because I think there are others in this bill that are even worse that that. The appropriations for this river, Mr. President, have been as follows:

July 3, 1832, to Sept. 15, 1900, appropriations and allotments	$2,250,783.46
June 13, 1902, continuing improvement and for maintenance, including the general improvement, and removing obstructions and operating snag boats	110,000.00
Mar. 3, 1905:	
For maintenance of improvement	35,000.00
For revetment work in the vicinity of Red Fork, provided it is required in the interest of navigation	30,000.00
Mar. 2, 1907:	
For maintenance of improvement	$35,000.00
Arkansas River at Pine Bluff and White River at Augusta Narrows (part applied to Pine Bluff)	74,200.00
Mar. 3, 1909:	
Preservation and maintenance (general)	35,000.00
For works at Pine Bluff	97,200.00
June 25, 1910:	
For maintenance of improvement, including works at Pine Bluff	51,000.00
For the construction and operation of dredge boats and accessories	375,000.00

Those were the dredge boats referred to by the Senator from Arkansas.

Mr. CLARKE of Arkansas. Those are the ones that have just come into the river.

Mr. SMOOT. I continue:

Feb. 27, 1911, for maintenance of improvement, including works at Pine Bluff and the operation of dredging plant	$62,500.00
July 25, 1912:	
For protecting bank in front of Crawford County Levee	30,000.00
For maintenance of improvement, including works at Pine Bluff and the operation of dredging plant	30,000.00
Mar. 4, 1913, for protecting bank in front of Crawford County Levee (completion)	30,000.00

That was to complete the improvement; and I suppose that is the last appropriation that has been made for that project.

Mr. CLARKE of Arkansas. That is 200 miles west; that is away up near the Oklahoma line.

Mr. SMOOT. That project is completed.

For maintenance of improvement, including works at Pine Bluff and operation of dredging plant	$48,000
Oct. 2, 1914, maintenance and improvement of existing river and harbor works	46,000
Mar. 4, 1915, for maintenance of improvement, including works at Pine Bluff and operation of dredging plant	193,350

Or total appropriations, Mr. President, for that river of $3,533,033.40.

Mr. President, the Senator from Iowa [Mr. KENYON] has already referred to the amount of freight traffic in tonnage upon that river. It amounted to 79,169 tons for last year reported.

The valuation of all the products transported, including everything making up the 79,169 tons, was only $812,657. Now, we are asked, Mr. President, to appropriate $234,700 for a river the traffic on which, in dollars and cents, or the total value of the products transported, is but $812,657. Mr. President, it does seem to me that that is out of all proportion and all reason; and I might say that there are other rivers that are even worse than this. There was one expert who made the remark, in an article written by him some time ago, that we might better buy and burn the freight upon certain rivers in this country than to keep appropriating money as we are doing.

I want to call attention to the estimate of the cost to the Government for furnishing waterways to float actual commerce on a few projects in this bill. In this estimate I do not consider logs as commerce.

On the Ohio River a little over $5 a ton, excluding soft coal; on the upper Mississippi, $12 a ton; on the lower Mississippi, $35 a ton; on the Arkansas, nearly $20 a ton; on the Hennepin, $36.75 a ton; on the Missouri, a little over $40 a ton; Muscle Shoals, $41 a ton; the Arkansas Pass Canal, $80 a ton; the Brazos, $80 a ton; the Red River, $100 a ton; the proposed Muscle Shoals project, $100 a ton; and the Big Sandy, Ky., $350 a ton.

Mr. President, if we were providing transportation of commerce upon these rivers and we had to pay the money out of our own pockets none of us would for a minute consider a proposition of that kind.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I do.

Mr. NORRIS. I came in just as the Senator was reading those figures. Does it cost the Government that much per ton for the commerce that is floated on the rivers the Senator mentions?

Mr. SMOOT. Yes; that is what it costs the Government.

Mr. NORRIS. I wish the Senator would go into detail. That is an exceedingly interesting statement. How does he arrive at those figures? What does he take into consideration?

Mr. SMOOT. This is how it is arrived at: The amount the project has cost the Government, and a rate of interest of 4 per cent per annum upon it; then take the amount of actual commerce that is carried on the river, divide it into the cost of project with interest, and it shows the figures I have quoted.

Mr. NORRIS. What rate of interest does the Senator calculate?

Mr. SMOOT. Four per cent interest.

Mr. NORRIS. The Senator in each case takes, in the first place, the entire amount the Government has expended?

Mr. SMOOT. The entire amount the Government has expended upon the river.

Mr. NORRIS. And the interest upon that at 4 per cent?

Mr. SMOOT. The interest upon that at 4 per cent.

Mr. NORRIS. And then the Senator counts that interest——

Mr. SMOOT. And then the added amount each year that is appropriated for the purpose of maintaining those rivers for the purpose of transportation, and that gives the amount it costs for each ton.

Mr. NORRIS. Then the item consists, first, of maintenance, and, second, of interest on investment? Is that right?

Mr. SMOOT. That is right, Mr. President; and it is also based upon the amount that the project has cost the Government, of course.

Mr. NORRIS. That is the point I want to bring out.

Mr. SMOOT. For instance, if there is an appropriation, as there is in the present bill, for revetment purposes or for dredging purposes, outside of maintenance, that is included in the rivers mentioned as part of the cost per ton.

Mr. NORRIS. I should think that would be properly classified as part of the maintenance.

Mr. SMOOT. Yes.

Mr. NORRIS. What I want to reach distinctly is that as far as the investment is concerned the Senator counts nothing but the interest on that?

Mr. SMOOT. That is all.

Mr. RANSDELL and Mr. KENYON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana?

Mr. SMOOT. Yes; I yield to the Senator for a question.

Mr. RANSDELL. Did I understand the Senator to say that the cost of transporting freight on the Red River was $100 a ton?

Mr. SMOOT. Yes; $100 a ton for actual commerce.

Mr. RANSDELL. Will the Senator kindly tell me who furnished those figures—whether they were prepared by himself or not?

Mr. SMOOT. The figures that were given by me were furnished by Congressman FREAR, of Wisconsin.

Mr. RANSDELL. I notice that the tonnage on the Red River was 47,351 tons in 1915, valued at $2,939,000. Does the Senator mean to say that the appropriation we made for the Red River in 1915 amounted to $100 a ton on 47,351 tons?

Mr. SMOOT. No; I did not say that it did, Mr. President. I said that, taking into consideration the amount of money that was expended on the Red River and the appropriations made for the maintenance of the river, they amounted to $100 a ton for the actual commerce transported. In relation to the Red River——

Mr. RANSDELL. Will the Senator allow me to finish my question?

The PRESIDING OFFICER. Does the Senator from Utah further yield to the Senator from Louisiana?

Mr. SMOOT. I want to answer further the question which the Senator propounded.

Mr. RANSDELL. Certainly.

Mr. SMOOT. In a statement made in the minority views submitted by Mr. Burton from the Committee on Commerce on the river and harbor appropriation bill on June 25, 1914, referring to the Red River, he says:

> There should be a careful reexamination of each of these waterways and a policy adopted which squares with present conditions. The following are illustrations: On the Red River below Fulton, covering a distance of 475.4 miles, there was in the year 1912 a total tonnage of 44,967 tons. Of this amount 42,640 tons were saw logs, of which the average haul was 131 miles, and lumber 1,100 tons. Of the balance of the freight, including lumber, amounting to 2,327 tons, part was carried 45 and part 80 miles. The total amount appropriated to date for this stream is $2,768,377 There was no appropriation in the pending bill as it came from the House, but by a proposed Senate amendment $100,000 has been inserted. The expense per ton to the United States Government for carrying this freight, including the lumber, can be approximately obtained if an allowance of 4 per cent is made on the amount appropriated to date and the prospective appropriation in the pending bill is added. This interest on the investment would amount to $110,735.08, and adding the $100,000 appropriated would make a total of $210,735.08. The cost per ton would be $4.68, or if the saw logs are excluded the cost per ton would be $90.56 and the cost per ton-mile $1.53.

Mr. RANSDELL. The figure is $4.68 instead of $100, then?

Mr. SMOOT. No, Mr. President; the $4.68 is arrived at by including the saw logs that could have been and are floated down the river without being transported on boats. They are not actual commerce. Excluding the saw logs—and the saw logs are excluded from all the figures that I have quoted—the freight itself, the merchandise, and that which is carried in commerce that requires transportation by barges or boats, amounts to the figures I have given.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. RANSDELL. The Senator usually tries to be fair. I should like to ask him if he thinks it is fair to charge that river with the entire amount of money appropriated for it since the beginning of this Government, to capitalize that sum at 4 per cent—which is certainly a much higher rate of interest than the Government pays—and not to give the river credit for any of the vast commerce which it has been carrying since we began to make appropriations for it?

I can testify, as I was born and reared near that river, that until very recent years it had a very large commerce. Now, if we are going to charge up to the annual expense of the commerce that is going on it every dollar ever expended on the river, and are going to capitalize that sum and estimate 4 per cent interest on it, ought we not, I say, in all fairness, to credit the river with the commerce that it has been bearing for all these years since the appropriations began?

Mr. SMOOT. Mr. President, the interest is only upon the amount actually appropriated and from the year it was appropriated. It is not 4 per cent for 50 years. Not only that, but the rate of 4 per cent interest is not too high, considering the amount that the Government has paid during the period of the expenditure of the money. It is true that the Government can secure money now at 3 per cent, as our 3 per cent bonds will sell at par; but the Senator knows that it has been but a few years since the Government had a great many 4 per cent bonds in circulation, and some of its bonds bore even a higher rate of interest.

Mr. President, this river exemplifies many of the statements that have been made by Senators calling attention to these "wonderful highways of commerce." The Senator from Louisiana has just referred to the vast amount of commerce upon

this river. Why, the whole commerce for last year was 44,967 tons. Of this amount there was 42,640 tons of saw logs. The Red River is not very different from many of the rivers enumerated in this bill, and it seems to me that the comparison was a just one. As I said the other day, general merchandise is not going to be shipped upon the waterways of the country. That method of transportation is too slow. The railroads are going to carry it, and are carrying over 95 per cent of it to-day, and will carry that amount of it, no matter how much money we expend upon rivers like the Red and others.

Mr. CLARKE of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. SMOOT. I do.

Mr. CLARKE of Arkansas. I want to call the Senator's attention to the fact that the very use we desire to make of the river from Little Rock to Memphis is to haul merchandise. As far as the 79,000 tons hauled last year is concerned, that was a mere bagatelle. It hauled five times that much on every trip that the boat left Little Rock.

Mr. SMOOT. I grant that that is true, Mr. President, but the trouble is that they do not haul it to-day. The commerce upon the river is decreasing each year.

Mr. CLARKE of Arkansas. The Government will not improve the river so as to let us haul it.

Mr. SMOOT. The trouble is that the railroads will not let it be hauled. The railroads can handle it better, quicker, and safer, and the shipper is going to take advantage of these conditions. Transportation of commerce on this river is only repeating the history of river transportation of every other country.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SMOOT. Certainly.

Mr. NELSON. There are two things that I want to call to the attention of the Senator with reference to these matters.

First, he goes on with old rivers like the Red River or the Arkansas and makes a list of all the appropriations that have been made for those rivers. Not many years ago those were the only avenues for trade and commerce, and appropriations were made for them and navigation carried on. By and by the railroads paralelled the rivers; and the railroads, in order to secure the traffic that had formerly moved by the rivers, reduced their rates. If we should close up all of these streams to-day, we would be at the mercy of the railroads as we were in many instances before. It is unfair to foot up the amount that we have devoted to a river in times past when that river was the only avenue for us, and say, "So much has been expended on this river." Why, the Arkansas River, from the time the country was first settled, was the main avenue and the main outlet for the commerce of that State as the Red River was for upper Louisiana and for a part of Texas.

It is unfair to go back and repeat all those figures. They relate to a day when that was the only avenue of transportation. Now they have built railroads along there, and the railroads have had to come down in their rates in order to steal the traffic from the river. That is all there is to it.

Mr. SMOOT. Of course it would not be possible now for the railroads to advance their rates unless the Interstate Commerce Commission should grant them permission to do so. Rates are regulated now. I grant what the Senator says—that in years past the reductions made in the rates came about, perhaps, as he has stated, but——

Mr. NELSON. If the Senator will allow me to interrupt him again, he refers to the Interstate Commerce Commission. When I first came to Washington in 1883 over the Baltimore & Ohio Railroad the rate was only $17, and they only ran two or three passenger cars. Now they run a large train full of passengers, and they charge, I think, a dollar and a half more, owing to the last increase granted by the Interstate Commerce Commission, this 5 per cent increase that they granted at the hearing last year. The rates are higher to-day, and we have an Interstate Commerce Commission, as it has appeared in its operation within the last 12 months, that is willing to give the railroads pretty nearly all they ask. We have higher rates to-day for the transportation of passengers from here to Chicago than we ever had before the Interstate Commerce Commission was created, and when the traffic was not a tenth part of what it is to-day.

Mr. SMOOT. Mr. President, I think that is true so far as the passenger fares are concerned between Chicago and Washington; but the freight rates in this country have all been reduced, particularly the through rates, I will say, from Chicago to almost any part of this country. The passenger business of the railroads has never at any time been very profitable. They have made their money mostly out of freight, as the Senator, no doubt, well knows.

Mr. RANSDELL. Mr. President——

Mr. NELSON. Oh, Mr. President, there are some roads, like the New Haven, the bulk of whose income comes from the passenger business, and to a large extent the same thing is true of the Pennsylvania Railroad.

Mr. SMOOT. I am speaking of the railroads in general, as the reports show. The railroads of the country as a whole make the most of their money from freight and not from passenger traffic.

Mr. RANSDELL. Mr. President, I should like to ask the Senator another question.

The PRESIDING OFFICER. Does the Senator from Utah further yield to the Senator from Louisiana?

Mr. SMOOT. Will the Senator wait until I have answered the question asked by the Senator from Minnesota?

Mr. RANSDELL. Certainly.

Mr. NELSON. Will the Senator allow me to say one word more?

Mr. SMOOT. Certainly.

Mr. NELSON. I can travel from one point to another in the State of Minnesota to-day at a lower rate than you can travel from here to New York, with all this immense traffic, and only two lines to carry it. I can travel in Minnesota from one end of the State to the other at 2 cents a mile, and you have to pay more than that for a ticket from here to New York.

Mr. SMOOT. That is true, Mr. President.

Mr. NELSON. That is the effect of the Interstate Commerce Commission. I hope Senators will not cite the Interstate Commerce Commission as proof that we are going to have lower rates. They have not given them to us. The principal good we have gotten is from the act preventing discriminations between places and individuals; but as for the lowering of rates, the Interstate Commerce Commission has conferred no blessing on us.

Mr. SMOOT. Of course, Mr. President, railroad rates can not be increased without the consent of the Interstate Commerce Commission. That commission, I believe, has had the approval of the American people, and the American people have had confidence in the commission protecting the interest of the people as against extortionate prices charged by the railroads.

I do not want to be unfair in any computation that I may make in relation to cost of transportation on rivers; but take the rivers that I have complained of, and take the amount of traffic carried upon those rivers to-day, outside of saw logs, and the rate that it costs the Government for the actual commerce, such as merchandise of all kinds, fertilizer, cement, oysters, and so forth, is out of all proportion and all reason.

I want to be perfectly frank in this matter in discussing it. I have no hostility to many of the items in the bill. I believe in proper appropriations for rivers and harbors in all parts of the country, but I think appropriation ought to be for rivers where there is at least a chance of increasing the amount of commerce upon them rather than to appropriate money and keep appropriating it from year to year on rivers where the commerce is decreasing every year.

Mr. RANSDELL. Mr. President——

Mr. SMOOT. There is no river that I shall refer to, but the commerce on the rivers is decreasing from year to year, and we are in many cases increasing appropriations for those rivers.

The PRESIDING OFFICER. Will the Senator from Utah yield to the Senator from Louisiana?

Mr. SMOOT. I yield to the Senator.

Mr. RANSDELL. I hope the Senator will not evade an answer to my question. He has made a statement that the cost of the commerce on the Red River was $100 per ton and he has arrived at that figure, or is trying to arrive at it, by capitalizing every expenditure on the river since we began to make appropriations, computing interest at 4 per cent per annum on it. As a matter of fact, he must know, if he knows anything at all about the improvement of rivers and the commerce on rivers, that for many years there was very large commerce on the Red River, and that there were annual sums for maintaining that river. Certainly the maintenance item was a fair offset, I take it, to the commerce of that year. One offset the other for the time being, and it is unfair to bring it forward now to make a capital.

There is another very large item on that river. There was a big raft above the city of Shreveport which at an enormous cost was taken out many years ago. Have we a right to bring all those things forward and make them as a capital and compute interest on it?

I want the Senator to answer me this question: If you were to capitalize the railroads in all that has been spent on them,

the enormous sums subscribed to the original stock and never returned, the enormous bonuses of land given to railroads, the enormous grants in the way of exemption from taxes, going into billions, several times as much as the whole system has cost—if you were to capitalize all that could you earn interest on it?

Mr. SMOOT. That is exactly what every business concern has to do. They have to capitalize every cent that they put into the business, whether it is put in one year or another.

What the Senator says is true—that some of the railroads of this country have had land grants. Of course, those grants proved very profitable to the railroads; but there are other railroads—and most of those that are in competition with the rivers are finding fault with this bill—that never have received a land grant, and they have had to account for every dollar that was put into the road in the way of capital stock from the very first day they began building it to the present time.

Mr. RANSDELL. All those in Louisiana adjacent to the Red River had land grants of the biggest kind and exemption from taxation.

Mr. SMOOT. There is no need of discussing this question from any other point of view than as a business proposition, in my opinion. Whenever the Government puts a dollar into a river, no matter what it is for, whether it is for revetment or for maintenance, it does just exactly the same as if a corporation put their money into building a road and into repairing and maintaining and operating that road.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. Will the Senator from Utah yield to the Senator from New Jersey?

Mr. SMOOT. I yield.

Mr. HUGHES. I can not understand how the Senator can draw a parallel between what a railroad does and what the Government does. Of course, the Senator knows and we all know that a railroad each year receives income from the freight carried, but the Government does not and is not supposed to receive income for the freight carried on a river. If so, each year it might have discharged some of the capitalization the Senator now speaks of. I can not see how any parallel can be drawn between the Government appropriating money for rivers and a railroad appropriating money for betterment.

Mr. SMOOT. There is no comparison based upon the position the Senator is taking. We were talking about what the appropriations made by the Government for these rivers actually were, and that the interest upon the actual cost at the rate of 4 per cent will amount to a rate of freight per ton so high that it is absolutely unjustifiable on the part of the Government to continue the appropriations as they have been doing in the past.

Mr. NELSON. Will the Senator allow me to make another suggestion? When comparing railroads with the expenses of water transportation, I want to call the Senator's attention to the fact that we embarked a few years ago upon a system of so-called railroad valuation. A large force has been appointed and is to-day at work on it and probably will be for half a dozen years before the system is completed. By that time it will have cost us millions of dollars, and the whole thing will be obsolete, as far as its value to regulate transportation or to adjust litigation is concerned. Does the Senator know how many million dollars we are spending on the valuation of railroad property?

Mr. SMOOT. I think the Senator will remember that I stated at the time of the passage of the act that that would be the result. I also stated that it would cost at least $10,000,000 to make the valuation, and that by the time the valuation was made the information would be almost useless as far as being a basis for rate making was concerned. I agree with the Senator absolutely as to the result of that appropriation. I think it was a perfect waste of public funds, nearly as bad, if not as bad, as a great many of the appropriations made in this river and harbor bill.

Mr. NELSON. But does not the Senator think the $10,000,00 that will be squandered on the valuation should be charged up against the railroads, not against the rivers and harbors of the country?

Mr. SMOOT. Mr. President, the railroads did not ask for that appropriation. The expenditure of that money has not even the advantage of improving the roads. It does not straighten the curves, it does not take out the weak rails or the rotten ties of the road. The Government gets nothing except simply a report, and a report which will be of little benefit to the people of the United States. I think it is a waste of money, even more so than the appropriations made for certain rivers and harbors I will mention before this bill passes.

Mr. President, I am not opposed to appropriations for rivers and harbors. I think some of the projects in this bill ought to receive more money than is appropriated; they ought to be dredged and put into a shape to enable commerce to be transported at the least possible cost. No one doubts but what traffic will increase on such rivers. Everybody agrees that they should be improved. Most of them are at present used by the Government. I have no objection to rivers of this kind being improved. I believe Senators ought to take an interest in the consideration of the bill, and this Chamber ought to be filled with Senators, rather than have three or four Senators present during the whole day, and when a vote is called have absent Senators come in and ask, "What is my vote?" or, "What am I to vote upon?" or, "What is the project that is being voted upon?"

When the time comes, Mr. President, that the Senate will take an interest in the appropriation of money for rivers and harbors and consider each item upon its own merits, and consider whether it is for the best interests of the United States to appropriate the money for each particular project, I know there are many, many appropriations in this bill that never would receive the sanction of the Senate of the United States if so considered. I am just as sure of it as that I live.

I do not, as a general thing, believe in lump appropriations. I never have done so. I think more appropriations have been squandered through lump-sum appropriations than in any other way. But it seems to me that rather than to make up a bill in the way this bill has been made up and the way former river and harbor bills have been made up, it would be much better to make a lump appropriation and leave the expenditure of the money to the Army engineers.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I yield.

Mr. NORRIS. I am interested in what the Senator says about lump-sum appropriations. There is not any doubt, of course, but that as a general proposition it is an extravagant way of legislating. But does not the Senator believe that lump appropriations, if they are justified at all, are justified in cases like the river and harbor improvements of our country, where, necessarily, Congress, with the other duties that it has to perform, finds it an impossibility to get all the information? Much of it is of rather a scientific nature, and Congress finds itself unable to legislate intelligently as to each of the large number of projects that are worthy.

Mr. SMOOT. I agree with the Senator. This is about the only exception, it seems to me, that should be made where the expenditure can possibly be specifically named and the amounts appropriated for. In my opinion, it would be much better to make a direct appropriation of $30,000,000, or even $40,000,000, rather than to pass this bill in the shape it is in.

I want to say another thing to the Senator. I remember that years ago, when former Senator Hemenway was speaking upon a river and harbor bill, he went into the details of many of the items of the river and harbor bill then pending. I remember well that he called attention to appropriations that were made for certain rivers in the past that had never been expended upon the river; they had been transferred to other places. If I remember aright, he called it the short-circuiting of appropriations.

If I had the time, Mr. President, I should like to go into the last appropriation act, where each river was appropriated for, and I should like to follow the expenditure of the appropriations for those rivers to see if the amount of money appropriated was expended upon those particular rivers or whether it had been transferred en bloc to some other rivers that the engineers desired to have it transferred to.

Mr. RANSDELL. That can not be done except by the authority of Congress.

Mr. SMOOT. Mr. President, I know that is often said, and just offhand I would say, as the Senator said, that it can not be done unless by act of Congress. But I want to call the Senator's attention to the fact that Congress has made appropriations for specific purposes and the heads of departments have spent the money for an entirely different purpose, not an appropriation of $20 or $100 or $1,000, but appropriations of tens of thousands of dollars have been spent for purposes for which the Congress of the United States never appropriated the money. I called attention to the case of the $2,000,000 appropriation the other day for the eradication of the foot-and-mouth disease. Tens of thousands of dollars of that appropriation was spent for other purposes than it was intended for.

Not only that, but there is another practice that is growing greater every year, and that is we pass appropriation bills carrying so much money for a specific purpose, and not a year passes but what the expenditures exceeded the appropriations. There

is no law which allows that to be done, and yet Congress is asked to pass a deficiency appropriation bill to cover those expenditures.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from South Dakota?

Mr. SMOOT. I yield.

Mr. STERLING. I should like to ask the Senator from Utah what he thinks of the proposition of appropriating for a long stretch of a certain river, as in the Missouri River, for example, say $175,000 or $200,000 for improvement of the Missouri River from Sioux City to Fort Benton, a distance of 1,477 miles, I think. Would it not be better for Congress to designate a specific project for which an appropriation should be made, rather than leave it to the Board of Army Engineers to determine what particular project should be improved?

Mr. SMOOT. We certainly ought to state specifically where the money shall be spent if we are going into the appropriation of money, the same as we have done in the past in river and harbor bills, with the exception of the fiscal year 1915–16.

Mr. RANSDELL. Will the Senator permit me just one moment? I simply wish to call his attention to pages 36, 37, 38, and 39 of the report of the engineers, made December 1, to show that we authorized a transfer of appropriations made for certain specific purposes which were lying to the credit of the various projects.

Mr. SMOOT. I will say——

Mr. RANSDELL. Wait a moment, please, if you will let me make a statement.

Mr. SMOOT. The Senator is not asking a question.

Mr. RANSDELL. I am going to make a statement, if you please, and to ask the Senator a question in regard to it.

Mr. SMOOT. I will be a little more accommodating to the Senator than he was to me the other day. I have no objection to his continuing his statement.

Mr. RANSDELL. If the Senator objects to according me the right——

Mr. SMOOT. Not at all, Mr. President.

Mr. RANSDELL. I want to show the Senator how these transfers were made without authority. The last river and harbor act authorized the transfer of sums amounting to $5,000,000. We gave $25,000,000 in cash and authorized the Engineer Corps to transfer unused balances and they did make a transfer to the extent of $5,000,000. Those transfers appear in volume 1, on pages 36, 37, 38, and 39 of the Engineer's report for 1915. I simply call the Senator's attention to it. I thought he had overlooked it.

Mr. SMOOT. I had no reference to that. That was done by act of Congress in a specific river and harbor bill. I was speaking of the past practices of the departments in the expenditure of appropriations. I can not state what specific items have been appropriated for a specific purpose that have been transferred to other rivers, but I know it has been stated on this floor time and again that that was done, and I never heard a contradiction made of it.

Mr. President, I simply rose to speak upon the Arkansas River appropriation. I have been carried away from the Arkansas River to the increase of passenger rates upon the railroads, the valuation of railroads, and a number of other very interesting subjects; but I do not want to delay the vote upon this item.

I quite agree, Mr. President, with the Senator from Iowa [Mr. KENYON] that this item should not be agreed to. It proposes to expend the public money with very, very little return for it. The commerce upon the river will not justify the expenditure of this amount of money. I think with the amount of commerce upon the river the appropriations in the past have been very large indeed, for they have been $30,000 and $35,000 and $50,000 per year. I notice that the amount included in the cost of the river is the two dredges. I suppose they cost $375,000, as that is the amount that was appropriated for. I notice in the report of the engineers that this is what is said in reference to them:

> The dredges *H. S. Taber* and *Robert McGregor* were under construction by contract at Dubuque, Iowa, at the beginning of the year. The *H. S. Taber* arrived at the mouth of the Arkansas River on August 12, 1914, and active work was begun August 14, 1914. The *Robert McGregor* was delivered at Pendleton, 42 miles above the mouth, on the Arkansas River, September 18, 1914. As it had not yet been equipped or outfitted, the 30-day trial of this dredge was made with the crew of the *H. S. Taber*, the latter boat remaining with the *Robert McGregor*. At the expiration of the 30-day trial of the *Robert McGregor*, the river was so low that the boat could not be run to Pine Bluff for outfitting and it remained with the *H. S. Taber* until December 29, 1914, when it proceeded to Pine Bluff and was outfitted.

I think the Senator from Arkansas stated the situation exactly when he said that after the Government had spent $375,000 for these dredges and after they had been delivered in August, 1914, it was only possible under river conditions for a 30-day trial of the dredges and scarcely any work was done. It seems to me, Mr. President, that that of itself shows that it would have been very much cheaper for the Government to have hired a dredge to do the work rather than to have put $375,000 into them and have them remain idle at a great expense to the Government.

Mr. CLARKE of Arkansas. That is the very work they were sent there to do. That was the difficulty they were sent there to remove.

Mr. SMOOT. I will ask the Senator if the conditions are such that they can remove that difficulty why they have not done so before this time? It is nearly two years since they were sent there.

Mr. CLARKE of Arkansas. When they first went into the river about the 1st of January, 1914, they found the river very low. During the next year the river was unusually high, and they could not work in consequence of that. So far as the work they were sent there to do is concerned they have devoted less than 30 days to it. Nobody can condemn the project until it has had a fair trial.

Mr. SMOOT. In other words, the Government spent $375,000 for building the dredges and——

Mr. CLARKE of Arkansas. Two brand new first-class dredges adapted to that very situation.

Mr. SMOOT. And from August 12, 1914——

Mr. CLARKE of Arkansas. The report says they were equipped in December, 1914, 1915, and a part of 1916, less than a year and a half.

Mr. SMOOT. And it has been impossible for them to do anything that amounts to anything.

Mr. CLARKE of Arkansas. A part of that time it was absolutely impossible for them to do anything. They are just coming to the time now when they may be able to do something, when the water recedes, as it will this spring. The water is receding now.

Mr. SMOOT. Does the Senator expect that the water will get so low this year that they can not do anything?

Mr. CLARKE of Arkansas. The object is to get ahead and dredge the channel a little at a time, and connect these pools. There is plenty of water in the river, but the water shoals, and the channel is in a deplorable condition.

Mr. SMOOT. It is a larger appropriation than has usually been granted to that river.

Mr. CLARKE of Arkansas. The Senator is quite mistaken. The appropriation recommended there last was $239,350, and there is recommended now by the Board of Engineers $239,350.

Mr. SMOOT. I said appropriated.

Mr. CLARKE of Arkansas. The engineers themselves, out of the lump-sum appropriation, gave approximately the amount we are asking now.

Mr. SMOOT. The engineers give as the appropriation, March 14, 1915, $193,350. However, every year before that the appropriations ran as follows: $46,000, $48,000, $30,000, $30,000, $62,500, $51,000, $74,200, $35,000, $30,000, $35,000.

Mr. CLARKE of Arkansas. The engineers reached the conclusion that that sort of an appropriation was just throwing money away, and the only way to do anything on earth was to put dredges there. Since the dredges were put in the river appropriation has necessarily increased, because the dredges can not run themselves.

Mr, SMOOT. Does the Senator think that after the dredging work is done the commerce will be increased?

Mr. CLARKE of Arkansas. There is not any doubt about it. A navigable river in that section of the country so improved will have that result. There are reasons for it.

Mr. SMOOT. I mean for actual commerce.

Mr. CLARKE of Arkansas. Actual, everyday commerce. There is not any doubt about it. We are in the western freight zone and we pay from 30 to 33 per cent more freight than is paid on freight delivered at Memphis, 132 miles away. With its connections, when the improvement is made, ample commerce will be maintained. As I said before, it is a case where the river has left the commerce and not commerce the river.

Mr. SMOOT. The Senator will be perfectly satisfied, if, after dredging the river and putting it in good shape, and commerce does not increase, to have the river abandoned?

Mr. CLARKE of Arkansas. Yes, indeed; better than that. I have an item in this bill directing them to make a survey and make their report to the next Congress. If it does not show that the river can maintain a commerce, I will be perfectly willing for the item to go out of the bill.

Mr. SMOOT. I think that is a very proper thing to do. Of course I do not believe that we ought to proceed with any of

the general projects that we have authorized or make provision for a reexamination, and particularly do I believe that it is unwise to make appropriations additional to those we have made in the past. I will not take the time of the Senate in saying anything more in relation to this matter. I sincerely hope the Senate will not agree to this amendment.

Mr. CLARKE of Arkansas. May I call the attention of the Senator to the fact that the appropriation last year of $239,350 appears on page 38?

Mr. SMOOT. I notice the report says——

Mr. CLARKE of Arkansas. This is the last report of the Chief of Engineers, part 1.

Mr. SMOOT. I have part 2 of the report of the Chief of Engineers of the United States Army, page 2718, and it says:

Mar. 4, 1915, for maintenance of improvement, including works at Pine Bluff and operation of dredging plant------ $193,350

Mr. CLARKE of Arkansas. That was the first sum appropriated. The second one is in the other volume.

Mr. JONES. Mr. President, the Senator from Iowa [Mr. KENYON] said that an issue would be raised in reference to this amendment as to whether the Senate was going to follow the report or whether the Senate was going to follow the rule which has been referred to, the adoption of projects that have not been recommended by the engineers; that is, it has been urged here in behalf of projects that have been recommended by the engineers that the Senate should adopt them, and hence the Senator said the issue is as to whether an item that is reported against adversely by the engineers should be adopted by the Senate. I am going to refer to that for just a moment.

I was a member of the Rivers and Harbors Committee of the House for six years, and I know that that committee adhered rigidly to the rule that it would not put any item into the river and harbor bill that did not have the approval of the Board of Engineers.

I am not going to consider whether that is a good rule or the reasons for the rule; but I have not, in the time that I have been here, knowingly voted for the adoption of any project that has not had the approval of the Board of Engineers. I believe that it is a good rule to follow, for reasons, as I have said, which I am not going into now. If this proposition came clearly within that rule I would vote against it and I would vote in favor of striking out the item in the bill. That was my impression when the Senator from Iowa [Mr. KENYON] read from the report what he did; but since I have looked into the matter a little bit more fully, I think that I can very consistently vote for this item, even with my belief in the advisability of following the rule to which I have referred.

What is recommended by the engineers, according to the report from which the Senator from Iowa quoted, is a modification or an abandonment of a project that has already been adopted. The item in this bill is simply to carry out a project that has not only been recommended by the Board of Engineers but that Congress itself has actually approved, adopted, and begun. This item is to carry on a project which was adopted by Congress just a few years ago, for which the dredges that we approved have been constructed and put in operation only a little over a year and a half.

So, as I take it, the question here is whether or not we shall accept and follow absolutely the adverse recommendation of the Board of Engineers just submitted, or whether we shall continue the project that the Board of Engineers heretofore recommended, that Congress adopted, and that we have been carrying out practically for a year and a half, but not long enough, as the district officer says, to demonstrate whether or not it can be successfully carried on.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES. Yes.

Mr. SMOOT. I desire to ask the Senator if he does not think it would be very much better to wait for a resurvey of the river before the expenditure of this amount of money, as the resurvey of the river was ordered a year ago?

Mr. JONES. I did not know that a resurvey had been ordered a year ago.

Mr. SMOOT. Oh, yes.

Mr. JONES. The document from which the Senator from Iowa read, as I understand, is a report of the last survey. As I understand, the Senator from Arkansas has put another provision in the bill for a further survey.

Mr. SMOOT. I call the Senator's attention—he was not here when I read it—to the provision of the river and harbor bill of March 3, 1915.

Mr. JONES. The Senator from Arkansas says that what I have just suggested to the Senator is correct, that the report from which the Senator from Iowa [Mr. KENYON] read is a response to that provision.

Mr. CLARKE of Arkansas. Yes.

Mr. KENYON. I will say——

Mr. SMOOT. That is the report on the resurvey?

Mr. JONES. Yes.

Mr. SMOOT. And that report is adverse?

Mr. JONES. Yes.

Mr. KENYON. This is the report made in accordance with the act of Congress to which the Senator refers—a very recent report.

Mr. SMOOT. And that report is adverse to the proposition.

Mr. KENYON. That is just what I was contending.

Mr. JONES. That is correct. In other words, it must be admitted that we have an adverse report from the Board of Engineers, and they recommend the abandonment of the project, except as to snagging; but the project which they recommend shall be abandoned is the project that has been approved by the Board of Engineers; it also had the approval of Congress itself, and we have entered upon it. It seems to me that I am not put up against this rule that I have been following, and which I think is a good rule to follow.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Iowa?

Mr. JONES. I do.

Mr. KENYON. Under that theory, then, of the Senator, it makes no difference what the Army engineers may find as to any of these projects, we can not abandon them?

Mr. JONES. No; that does not follow at all.

Mr. KENYON. That is the logic of the Senator's position.

Mr. JONES. Not at all. I am not saying, because of the mere fact that we have already adopted a project, and then the Army engineers should recommend its abandonment, that necessarily we shall still adhere to the one that we adopted; but, under the circumstances of this case, I think that is the proper thing to do; and I will briefly state why I think so.

It was brought out a moment ago that the dredges that Congress provided for under the project that was approved did not get down there on that river until August, 1914. They have been there only a little over a year and a half; and because of exceptional conditions, as I understand the chairman of the committee, they have not been able to do very much; it has not been practicable to use them probably more than a month or so. Now, the district officer, who is on the ground and knows all of the conditions and circumstances, says this:

Operation of suction dredges has not yet passed the experimental stage so far as this river is concerned. By "experimental stage" I mean the extent of work required to maintain a navigation channel over any fixed distance of river and the duration of time through which a dredged channel will remain effective.

If that is correct—and I think the local officer is better able to determine that than is anybody else—it seems to me that we ought at least to complete the experiment; and that is practically what the chairman of the committee, who knows this situation better than anybody else, proposes to the Senate. He said just a moment ago that if, under the provision for a resurvey that he has in this bill, the report should come in that this work should not be carried on, then he would say that it should be abandoned; in other words, he is willing to let the operation of these dredges pass the experimental stage; and, if the result of the experiment is adverse, he will accept that as the proper decision of the matter.

Mr. CLARKE of Arkansas. I want to say, in that connection, that the report recently filed is not based upon any examination at all. It is based upon the recommendation of an officer, whose headquarters are in St. Louis, and who never put his foot in that valley so far as we have been able to hear anything about it. He caused no survey to be made, but merely exercised his judgment generally on what is happening to western rivers.

Mr. JONES. I will read from the report of the district officer, contained in the same document from which the Senator from Iowa read. Of course this is the local man, the man on the ground. He is A. B. Putnam, major, Corps of Engineers. He concludes his report with this statement:

10. I am not of the opinion that the improvement of the Arkansas River should be abandoned, but am inclined to the belief that the work of revetting the banks should be revived.

That is carried out in one of the amendments proposed here:

The commercial importance of the valley is increasing all the time, as is natural under an increase of population. While this increase is not reflected in the river commerce, I can not hold that the absence

of such reflection is an indication of the unworthiness of the improvement of the river.

Then, in his report, he suggests that he has approved the estimate for operating the two dredges, which is $118,700 a year. As I understand, the amount provided for in this bill is the amount that is necessary for the operation of these two dredges, with possibly some additional revetting along the banks.

Mr. CLARKE of Arkansas. And to repair a break in the bank and a wing dike at Little Rock.

Mr. JONES. That is in accordance with the project that the Board of Engineers has approved; it is in accordance with a project that Congress itself approved just a short while ago. We have been working on it only about a year and a half. We have not, according to the local engineer, passed the experimental stage. So, under those circumstances, Mr. President, I think we are more justified in following the project that we have already adopted, at least for another year, than we would be to accept the judgment of the Board of Engineers in their last report; which, as the Senator from Arkansas says, is based upon a general policy, rather than upon anything that may apply particularly to this particular project.

I have not any doubt that the statement of the Senator that the engineer who made the report on which the Board of Engineers based its report, did not go down there and examine the river at all. The report in itself shows that. He simply based his report upon his idea as to what the policy should be with reference to western rivers.

So, Mr. President, in voting for the retention of this item in this bill, I do not believe that I shall be violating the rule that I have heretofore, at least, very consistently followed and in which I believe. I think this item should remain in the bill under the circumstances. This does not indicate how I am going to vote upon the final passage of the bill. I shall probably say something about my view with reference to the framing of this measure and the different items in it a little bit later on; but, so far as this particular item is concerned and so far as this particular amendment goes, I think the item should be kept in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KENYON. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARDWICK (when his name was called). I inquire if the Senator from Kansas [Mr. CURTIS] has voted?

The PRESIDING OFFICER. The Chair is informed the Senator from Kansas has not voted.

Mr. HARDWICK. Having a pair with that Senator, I withhold my vote.

Mr. SIMMONS (when the name of Mr. OVERMAN was called). I desire to state that my colleague [Mr. OVERMAN] is unavoidably absent. He is paired with the Senator from Wyoming [Mr. WARREN].

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER], which I transfer to the junior Senator from South Dakota [Mr. JOHNSON] and vote "nay."

Mr. CLARKE of Arkansas. I shall have to have some information as to that kind of a transfer.

Mr. THOMAS. I do not know that any explanation is necessary. If so, I will make it. What is the Senator's point?

Mr. CLARKE of Arkansas. Does the Senator know the attitude of the Senator from South Dakota?

Mr. THOMAS. With respect to this bill?

Mr. CLARKE of Arkansas. Yes.

Mr. THOMAS. He told me this morning——

Mr. CLARKE of Arkansas. That is all right; that is satisfactory.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Indiana [Mr. KERN] and vote "nay."

Mr. SMITH of Michigan (when Mr. TOWNSEND's name was called). I desire to announce the unavoidable absence of my colleague [Mr. TOWNSEND] on account of sickness in his family. He is paired with the Senator from Florida [Mr. BRYAN]. I desire this announcement to stand for the day.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from New Jersey [Mr. MARTINE] and vote "nay."

The roll call was concluded.

Mr. JONES (after having voted in the affirmative). I voted, overlooking the fact that I have a pair for the day with the junior Senator from Virginia [Mr. SWANSON]. I am advised, however, that the junior Senator from Virginia, who is unavoidably absent to-day, would, if present, vote "yea" on this question. I therefore will ask to allow my vote to stand.

Mr. HARDWICK. I transfer my pair with the junior Senator from Kansas [Mr. CURTIS] to the junior Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. MYERS. I inquire if the Senator from Connecticut [Mr. MCLEAN] has voted?

The PRESIDING OFFICER. He has not.

Mr. MYERS. I have a pair with that Senator, which, in his absence, I transfer to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. SHEPPARD. I wish to announce the unavoidable absence on official business of the Senator from Kentucky [Mr. BECKHAM]. He is paired with the Senator from Delaware [Mr. DU PONT].

Mr. PHELAN. I desire to announce the unavoidable absence of the Senator from Oregon [Mr. CHAMBERLAIN]. He has a general pair with the junior Senator from Pennsylvania [Mr. OLIVER].

Mr. FLETCHER. If no announcement has been made concerning the absence of my colleague [Mr. BRYAN]. I desire to announce that he is paired with the Senator from Michigan [Mr. TOWNSEND]. I ask that this announcement stand for the day.

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES].

The result was announced—yeas 29, nays 17, as follows:

YEAS—29.

Bankhead	Hardwick	O'Gorman	Smith, Ariz.
Brandegee	Hughes	Owen	Smith, Mich.
Chilton	Jones	Phelan	Vardaman
Clarke, Ark.	Lane	Poindexter	Warren
Culberson	Lee, Md.	Ransdell	Williams
Fall	Martin, Va.	Shafroth	
Fletcher	Myers	Sheppard	
Gallinger	Nelson	Simmons	

NAYS—17.

Borah	La Follette	Smoot	Wadsworth
Brady	Lippitt	Sterling	Works
Catron	Norris	Thomas	
Husting	Page	Thompson	
Kenyon	Sherman	Tillman	

NOT VOTING—50.

Ashurst	Goff	McCumber	Smith, Ga.
Beckham	Gore	McLean	Smith, Md.
Broussard	Gronna	Martine, N. J.	Smith, S. C.
Bryan	Harding	Newlands	Stone
Burleigh	Hitchcock	Oliver	Sutherland
Chamberlain	Hollis	Overman	Swanson
Clapp	James	Penrose	Taggart
Clark, Wyo.	Johnson, Me.	Pittman	Townsend
Colt	Johnson, S. Dak.	Pomerene	Underwood
Cummins	Kern	Reed	Walsh
Curtis	Lea, Tenn.	Robinson	Weeks
Dillingham	Lewis	Saulsbury	
du Pont	Lodge	Shields	

The PRESIDING OFFICER. No quorum has voted.

Mr. CLARKE of Arkansas. Mr. President, may I inquire whether or not there were certain Senators who announced their presence, but did not vote?

The PRESIDING OFFICER. The Chair thinks there was not one. The entire Senate voted.

Mr. SMOOT. The roll will have to be called.

Mr. CLARKE of Arkansas. I think the roll will have to be called.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Nelson	Simmons
Bankhead	Hardwick	Norris	Smoot
Borah	Hughes	O'Gorman	Sterling
Brady	Husting	Oliver	Thomas
Brandegee	Jones	Owen	Thompson
Chilton	Kenyon	Page	Tillman
Clapp	Lane	Phelan	Vardaman
Clark, Wyo.	Lee, Md.	Poindexter	Wadsworth
Clarke, Ark.	Lodge	Shafroth	Williams
Culberson	Martin, Va.	Sheppard	Works
Fall	Myers	Sherman	

The PRESIDING OFFICER. Forty-three Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of the absentees.

The Secretary called the names of the absent Senators, and Mr. SMITH of Arizona, Mr. SMITH of Michigan, and Mr. WARREN answered to their names when called.

Mr. BECKHAM, Mr. JOHNSON of South Dakota, Mr. LA FOLLETTE, and Mr. WEEKS entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators have answered to their names. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. KEATING, and Mr. JAMES managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a memorial of the Manchester Dry Goods Co., of New Hampshire, remonstrating against the enactment of legislation to fix standard prices for patented and trade-marked articles, which was referred to the Committee on Education and Labor.

Mr. LODGE presented a petition of sundry citizens of Massachusetts, praying that the United States remain at peace, which was referred to the Committee on Foreign Relations.

He also presented a petition of the National Association of Cotton Manufacturers, of Boston, Mass., praying for the imposition of a tariff on dyestuffs, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Boston, Cambridge, Millbury, and Oxford, all in the State of Massachusetts, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Massachusetts, praying for an increase in armaments, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Massachusetts, praying for the enactment of legislation looking to a reclassification of the employees in the Bureau of Animal Industry, Agricultural Department, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the National Association of Cotton Manufacturers, of Boston, Mass., praying for the enactment of legislation to prevent fraudulent advertising and the misbranding of merchandise, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Massachusetts, remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PHELAN presented memorials of sundry citizens of California, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented petitions of sundry citizens of California, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union, of Berkeley, Cal., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. LEA of Tennessee, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment:

S. 4176. A bill authorizing and directing the Secretary of War to make certain provisions for the care of Federal and Confederate veteran soldiers who served in the War between the States, 1861 to 1865, to enable them to unite in participation of a national reunion and peace jubilee to commemorate the victories and virtues resulting in the half century of peace and prosperity to the American Nation, to be held in the national domain within the Vicksburg National Military Park October 16, 17, 18, and 19, 1917; and

S. 4473. A bill for the relief of Charles G. Griffa.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 2880. A bill for the relief of Martin V. Parmer (Rept. No. 466);

S. 3973. A bill for the relief of Clyde R. Altman (Rept. No. 467);

S. 1553. A bill for the relief of Peter Kenney (Rept. No. 468); and

S. 3268. A bill for the relief of John Duggan (Rept. No. 469).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 6078) granting a pension to Rufina M. Sutton (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 6079) granting a pension to Henry C. Miller (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH:

A bill (S. 6080) granting a pension to Mary J. Nolan (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

A bill (S. 6081) providing for the purchase of the portrait of Samuel Blodget, jr.; to the Committee on the Library.

A bill (S. 6082) granting an increase of pension to Eliza J. Stillwell (with accompanying papers);

A bill (S. 6083) granting an increase of pension to Louisa E. McMillen (with accompanying papers); and

A bill (S. 6084) granting an increase of pension to William H. Hayes (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 6085) to repeal an act to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, Ohio; to the Committee on the Judiciary.

A bill (S. 6086) for the relief of the Equity Savings & Loan Co., of Cleveland, Ohio; and

A bill (S. 6087) for the relief of The Royal Savings & Loan Co., of Portsmouth, Ohio; to the Committee on Claims.

RIVER AND HARBOR APPROPRIATIONS.

Mr. LA FOLLETTE submitted two amendments intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which were ordered to lie on the table and be printed.

EMPLOYMENT OF STENOGRAPHER.

Mr. POMERENE submitted the following resolution (S. Res. 199), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Civil Service and Retrenchment, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fourth Congress to send for persons, books, and papers; to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

PENSIONS TO SURVIVORS OF INDIAN WARS.

The PRESIDING OFFICER (Mr. SMITH of Michigan) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HUGHES. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Presiding Officer appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT conferees on the part of the Senate.

HOUSE BILL REFERRED.

A bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States

with its Territories and possessions and with foreign countries. to regulate carriers by water engaged in the foreign and interstate commerce of the United States, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

RECESS.

Mr. CLARKE of Arkansas. Mr. President, it is perfectly evident that we shall not be able to get a working quorum today. I move that the Senate take a recess until 11 o'clock on Monday next.

The motion was agreed to; and (at 1 o'clock and 58 minutes p. m., Saturday, May 20, 1916) the Senate took a recess until Monday, May 22, 1916, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 20, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, fountain of light, life, and love, pour out abundantly upon us, we beseech Thee, of those gifts which make for righteousness in the soul, that we may be indeed members of the kingdom of heaven, and thus be able to render unto Thee and our fellow men a truer, nobler, more efficient service as citizens and lawmakers of a great Republic "conceived in liberty and dedicated to the proposition that all men are created equal." For Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 655) entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT as the conferees on the part of the Senate.

UNITED STATES SHIPPING BOARD.

The SPEAKER. When the House adjourned yesterday the unfinished business was the bill H. R. 15455, the shipping bill.

Mr. MANN. Mr. Speaker, I withdraw my demand for the reading of the engrossed bill.

The SPEAKER. When we adjourned we had reached the third reading of the bill. The Clerk will read it the third time. The gentleman from Illinois [Mr. MANN] withdraws his request for the reading of the engrossed copy.

The Clerk read as follows:

A bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States, and for other purposes.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. ALEXANDER. Mr. Speaker, I call for the yeas and nays.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present. That will expedite matters.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of passing this bill will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 209, nays 161, answered "present" 12, not voting 52, as follows:

YEAS—209.

Abercrombie	Bell	Byrns, Tenn.	Connelly
Adamson	Black	Caldwell	Cox
Aiken	Blackmon	Callaway	Crisp
Alexander	Booher	Candler, Miss.	Crosser
Allen	Borland	Caraway	Cullop
Almon	Bruckner	Carew	Dale, N. Y.
Ashbrook	Brumbaugh	Carlin	Davenport
Aswell	Buchanan, Ill.	Carter, Okla.	Davis, Tex.
Ayres	Buchanan, Tex.	Cary	Decker
Bailey	Burgess	Church	Dent
Barkley	Burke	Cline	Dickinson
Barnhart	Burnett	Coady	Dies
Beakes	Byrnes, S. C.	Collier	Dill
Dillon	Hensley	Mays	Sims
Dixon	Hilliard	Miller, Pa.	Sisson
Dooling	Holland	Moon	Small
Doolittle	Hood	Moss, Ind.	Smith, N. Y.
Doughton	Houston	Moss, W. Va.	Smith, Tex.
Dupré	Howard	Murray	Sparkman
Eagan	Huddleston	Neely	Stedman
Eagle	Hughes	Nicholls, S. C.	Steele, Iowa
Edwards	Hulbert	Nolan	Steele, Pa.
Estopinal	Hull, Tenn.	Norton	Stephens, Nebr.
Evans	Humphreys, Miss.	Oglesby	Stephens, Tex.
Farley	Igoe	Oldfield	Stone
Farr	Jacoway	Oliver	Stout
Ferris	Johnson, Ky.	O'Shaunessy	Sumners
Fields	Jones	Overmyer	Taggart
Finley	Keating	Padgett	Tague
Flood	Kent	Page, N. C.	Tavenner
Flynn	Kettner	Park	Taylor, Ark.
Foster	Key, Ohio	Phelan	Taylor, Colo.
Gallagher	Kincheloe	Price	Thomas
Gallivan	Kitchin	Quin	Thompson
Gandy	Konop	Ragsdale	Tillman
Gard	Lazaro	Rainey	Tribble
Garner	Lee	Raker	Van Dyke
Garrett	Lesher	Randall	Venable
Goodwin, Ark.	Lever	Rauch	Vinson
Gordon	Lieb	Rayburn	Walker
Gray, Ala.	Linthicum	Reilly	Watkins
Gray, Ind.	Littlepage	Riordan	Watson, Va.
Gregg	Lloyd	Rubey	Whaley
Griffin	Lobeck	Rucker	Williams, W. E.
Hamill	London	Russell, Mo.	Wilson, Fla.
Hamlin	McAndrews	Sabath	Wilson, La.
Hardy	McClintic	Saunders	Wingo
Hastings	McDermott	Schall	Wise
Hay	McGillicuddy	Shackleford	Young, N. Dak
Hayden	McKellar	Shallenberger	Young, Tex.
Heflin	McLemore	Sherley	
Helm	Maher	Sherwood	
Helvering	Martin	Shouse	

NAYS—161.

Anderson	Fess	Kiess, Pa.	Roberts, Nev.
Anthony	Focht	King	Rodenberg
Austin	Fordney	Kinkaid	Rogers
Bacharach	Foss	Kreider	Rowe
Beales	Frear	Lafean	Russell, Ohio
Bowers	Freeman	La Follette	Sanford
Britt	Garland	Lehlbach	Scott, Mich.
Britten	Gillett	Lenroot	Sells
Browne	Glynn	Longworth	Siegel
Browning	Good	Loud	Sinnott
Butler	Gray, N. J.	McArthur	Slayden
Campbell	Green, Iowa	McCracken	Sloan
Cannon	Greene, Mass.	McCulloch	Smith, Idaho
Capstick	Greene, Vt.	McKenzie	Smith, Minn.
Carter, Mass.	Guernsey	McKinley	Snell
Chandler, N. Y.	Hadley	Magee	Snyder
Charles	Hamilton, Mich.	Mann	Stafford
Coleman	Hamilton, N. Y.	Mapes	Steenerson
Cooper, Ohio	Haskell	Matthews	Sterling
Cooper, W. Va.	Haugen	Meeker	Stiness
Cooper, Wis.	Hawley	Miller, Del.	Sulloway
Copley	Heaton	Mondell	Sweet
Costello	Helgesen	Moore, Pa.	Switzer
Crago	Hernandez	Moores, Ind.	Temple
Cramton	Hicks	Morgan, Okla.	Tilson
Curry	Hill	Mott	Timberlake
Dale, Vt.	Hinds	Mudd	Towner
Dallinger	Hopwood	Nelson	Treadway
Danforth	Howell	Nichols, Mich.	Volstead
Darrow	Hull, Iowa	North	Walsh
Davis, Minn.	Humphrey, Wash	Olney	Ward
Dempsey	Husted	Paige, Mass.	Wason
Denison	Hutchinson	Parker, N. J.	Watson, Pa.
Dowell	James	Parker, N. Y.	Wheeler
Drukker	Johnson, Wash.	Platt	Williams, Ohio
Dunn	Kahn	Porter	Williams, T. S.
Edmonds	Kearns	Powers	Wilson, Ill.
Ellsworth	Kelster	Ramseyer	Woods, Iowa
Elston	Kelley	Reavis	
Esch	Kennedy, Iowa	Ricketts	
Fairchild	Kennedy, R. I.	Roberts, Mass.	

ANSWERED "PRESENT"—12.

Bennet	Gould	Madden	Smith, Mich.
Dewalt	Langley	Patten	Stephens, Miss.
Gardner	Liebel	Slemp	Wood, Ind.

NOT VOTING—52.

Adair	Glass	McFadden	Rowland
Barchfeld	Godwin, N. C.	McLaughlin	Scott, Pa.
Cantrill	Graham	Miller, Minn.	Scully
Casey	Griest	Montague	Sears
Chiperfield	Harrison	Mooney	Steagall
Clark, Fla.	Hart	Morgan, La.	Stephens, Cal.
Conry	Hayes	Morin	Sutherland
Doremus	Henry	Morrison	Swift
Driscoll	Hollingsworth	Oakey	Talbott
Dyer	Johnson, S. Dak.	Peters	Tinkham
Emerson	Lewis	Pou	Vare
Fitzgerald	Lindbergh	Pratt	Webb
Fuller	Loft	Rouse	Winslow

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. DRISCOLL with Mr. HAYES.

Mr. ROUSE with Mr. MADDEN.

Mr. CONRY with Mr. PRATT.

Mr. PATTEN with Mr. PORTER.

Mr. CLARK of Florida with Mr. FULLER.

Mr. FITZGERALD with Mr. MILLER of Minnesota.
Mr. LOFT with Mr. TINKHAM.
On the vote:
Mr. HARRISON (for shipping bill) with Mr. CHIPERFIELD (against).
Mr. STEPHENS of Mississippi (for shipping bill) with Mr. SWIFT (against).
Mr. HART (for shipping bill) with Mr. GRIEST (against).
Mr. MONTAGUE (for shipping bill) with Mr. SLEMP (against).
Mr. MORRISON (for shipping bill) with Mr. MCLAUGHLIN (against).
Mr. GLASS (for shipping bill) with Mr. WINSLOW (against).
Mr. TALBOTT (for shipping bill) with Mr. GOULD (against).
Mr. MORGAN of Louisiana (for shipping bill) with Mr. GRAHAM (against).
Mr. SCULLY (for shipping bill) with Mr. MOONEY (against).
Mr. CANTRILL (for shipping bill) with Mr. LANGLEY (against).
Mr. POU (for shipping bill) with Mr. JOHNSON of South Dakota (against).
Mr. STEAGALL (for shipping bill) with Mr. HOLLINGSWORTH (against).
Mr. SEARS (for shipping bill) with Mr. PETERS (against).
Mr. WEBB (for shipping bill) with Mr. DYER (against).
Mr. CASEY (for shipping bill) with Mr. SCOTT of Pennsylvania (against).
Mr. DOREMUS (for shipping bill) with Mr. SMITH of Michigan (against).
Mr. GODWIN of North Carolina (for shipping bill) with Mr. GARDNER (against).
Mr. HENRY (for shipping bill) with Mr. BENNET (against).
Mr. ADAIR (for shipping bill) with Mr. WOOD of Indiana (against).
Mr. LEWIS (for shipping bill) with Mr. OAKEY (against).
Mr. SMITH of Michigan. Mr. Speaker, I wish to change my vote from "nay" to "present."
Mr. LANGLEY. I voted "nay," but I am paired with my colleague, Mr. CANTRILL, and I desire to withdraw my vote and to answer "present."
Mr. GARDNER. I voted "nay," but I am paired with the gentleman from North Carolina, Mr. GODWIN, who did not vote. I withdraw my vote and answer "present."
Mr. MADDEN. I voted "nay," but I am paired with the gentleman from Kentucky, Mr. ROUSE, who did not vote. I withdraw my vote and answer "present."
Mr. STEPHENS of Mississippi. I voted "yea." I desire to withdraw that vote and to answer "present," as I am paired with the gentleman from New York, Mr. SWIFT.
Mr. DEWALT. I voted "yea," but I am paired with the gentleman from Pennsylvania, Mr. MCFADDEN, and I desire to withdraw that vote and to answer "present."
The result of the vote was announced as above recorded.
The SPEAKER. A quorum is present. The doorkeeper will unlock the doors.
On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE TO EXTEND REMARKS.

Mr. GREENE of Massachusetts. Mr. Speaker, I desire to extend my remarks on the bill just passed.
The SPEAKER. The gentleman from Massachusetts asks leave to extend his remarks on the bill just passed. Is there objection?
There was no objection.
Mr. BORLAND. Mr. Speaker, I ask leave to extend my remarks in the RECORD.
Mr. ASWELL. Mr. Speaker, I make the same request.
Mr. OLIVER. Mr. Speaker, I make the same request.
The SPEAKER. Everybody has leave to extend remarks on the bill just passed. That leave was granted long ago.

THE MILITARY ESTABLISHMENT.

Mr. HAY. Mr. Speaker, I call up the conference report on the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States; and I ask unanimous consent that the statement be read in lieu of the report.
The SPEAKER. The gentleman from Virginia calls up the conference report on the Army reorganization bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?
There was no objection.
The conference report is as follows:

CONFERENCE REPORT (NO. 695).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:
That the House recede from its disagreement to the amendment to the title of the bill and agree to the same.
That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows: In lieu of the matter proposed by the amendment of the Senate insert the following:
"That the Army of the United States shall consist of the Regular Army, the Volunteer Army, the Officers' Reserve Corps, the Enlisted Reserve Corps, the National Guard while in the service of the United States, and such other land forces as are now or may hereafter be authorized by law.
"SEC. 2. Composition of the Regular Army: The Regular Army of the United States, including the existing organizations, shall consist of 64 regiments of Infantry, 25 regiments of Cavalry, 21 regiments of Field Artillery, a Coast Artillery Corps, the brigade, division, army corps, and army headquarters, with their detachments and troops, a General Staff Corps, an Adjutant General's Department, an Inspector General's Department, a Judge Advocate General's Department, a Quartermaster Corps, a Medical Department, a Corps of Engineers, an Ordnance Department, a Signal Corps, the officers of the Bureau of Insular Affairs, the Militia Bureau, the detached officers, the detached noncommissioned officers, the chaplains, the Regular Army Reserve, all organized as hereinafter provided, and the following as now authorized by law: The officers and enlisted men on the retired list; the additional officers; the professors, the Corps of Cadets, the general Army service detachment, and detachments of Cavalry, Field Artillery, and Engineers, and the band of the United States Military Academy; the post noncommissioned staff officers; the recruiting parties, the recruit depot detachments, and unassigned recruits; the service school detachments; the disciplinary guards; the disciplinary organizations; the Indian Scouts; and such other officers and enlisted men as are now or may be hereafter provided for: *Provided*, That hereafter the enlisted personnel of all organizations of the Regular Army shall at all times be maintained at a strength not below the minimum strength fixed by law: *Provided further*, That the total enlisted force of the line of the Regular Army, excluding the Philippine Scouts and the enlisted men of the Quartermaster Corps, of the Medical Department, and of the Signal Corps, and the unassigned recruits, shall not at any one time, except in the event of actual or threatened war or similar emergency in which the public safety demands it, exceed 175,000 men: *Provided further*, That the unassigned recruits at depots or elsewhere shall at no time, except in time of war, exceed by more than 7 per cent the total authorized enlisted strength.
"SEC. 3. Composition of brigades, divisions, etc.: The mobile troops of the Regular Army of the United States shall be organized, as far as practicable, into brigades and divisions. The President is authorized, in time of actual or threatened hostilities, or when in his opinion the interests of the public service demand it, to organize the brigades and divisions into such army corps or armies as may be necessary. The typical Infantry brigade shall consist of a headquarters and three regiments of Infantry. The typical Cavalry brigade shall consist of a headquarters and three regiments of Cavalry. The typical Field Artillery brigade shall consist of a headquarters and three regiments of Field Artillery. The typical Infantry division shall consist of a headquarters, three Infantry brigades, one regiment of Cavalry, one Field Artillery brigade, one regiment of Engineers, one field signal battalion, one aero squadron, one ammunition train, one supply train, one engineer train, and one sanitary train. The typical Cavalry division shall consist of a headquarters, three Cavalry brigades, one regiment of Field Artillery (horse), one battalion of mounted Engineers, one field signal battalion (mounted), one aero squadron, one ammunition train, one supply train, one engineer train, and one sanitary train. The typical army corps shall consist of a headquarters, two or more Infantry divisions, one or more Cavalry brigades or a Cavalry division, one Field Artillery brigade, one telegraph battalion, and one field signal battalion, and such ammunition, supply, engineer, and sanitary trains as the President may deem necessary. A brigade, a division, an army corps, and an army headquarters shall consist of such officers, enlisted men, and civilians as the President may prescribe. Each supply train, ammunition train, sanitary train, and engineer train shall consist of such officers and enlisted men and shall be organized as the President may prescribe, the line officers necessary therewith to be detailed under the provisions of sections 26 and 27, act of Congress approved February 2, 1901. Nothing herein contained, however, shall prevent the President from increasing or

decreasing the number of organizations prescribed for the typical brigades, divisions, and army corps, or from prescribing new and different organizations and personnel as the efficiency of the service may require.

"SEC. 4. General officers of the line: Officers commissioned to and holding in the Army the office of a general officer shall hereafter be known as general officers of the line; officers commissioned to and holding in the Army an office other than that of a general officer, but to which the rank of a general officer is attached, shall be known as general officers of the staff. The number of general officers of the line now authorized by law is hereby increased by four major generals and 19 brigadier generals: *Provided*, That hereafter in time of peace major generals of the line shall be appointed from officers of the grade of brigadier general of the line, and brigadier generals of the line shall be appointed from officers of the grade of colonel of the line of the Regular Army.

"SEC. 5. The General Staff Corps: The General Staff Corps shall consist of 1 Chief of Staff, detailed in time of peace from major generals of the line; 2 assistants to the Chief of Staff, who shall be general officers of the line, one of whom, not above the grade of brigadier general, shall be the president of the Army War College; 10 colonels; 10 lieutenant colonels; 15 majors; and 17 captains, to be detailed from corresponding grades in the Army, as in this section hereinafter provided. All officers detailed in the General Staff Corps shall be detailed therein for periods of four years, unless sooner relieved. While serving in the General Staff Corps officers may be temporarily assigned to duty with any branch of the Army. Upon being relieved from duty in the General Staff Corps officers shall return to the branch of the Army in which they hold permanent commissions, and no officer shall be eligible to a further detail in the General Staff Corps until he shall have served two years with the branch of the Army in which commissioned, except in time of actual or threatened hostilities. Section 27 of the act of Congress approved February 2, 1901, shall apply to each position vacated by officers below the grade of general officer detailed in the General Staff Corps.

"Not more than one-half of all of the officers detailed in said corps shall at any time be stationed, or assigned to or employed upon any duty, in or near the District of Columbia. All officers detailed in said corps shall be exclusively employed in the study of military problems, the preparation of plans for the national defense and the utilization of the military forces in time of war, in investigating and reporting upon the efficiency and state of preparedness of such forces for service in peace or war, or on appropriate general staff duties in connection with troops, including the National Guard, or as military attachés in foreign countries, or on other duties, not of an administrative nature, on which they can be lawfully and properly employed: *Provided*, That no officer shall be detailed as a member of the General Staff Corps, other than the Chief of Staff and the general officers herein provided for as assistants to the Chief of Staff, except upon the recommendation of a board of five officers not below the rank of colonel, who shall be selected by the President or the Secretary of War, and neither the Chief of Staff nor more than two other members of the General Staff Corps, nor any officer not a member of said corps, who shall have been stationed or employed on any duty in or near the District of Columbia within one year prior to the date of convening of any such board, shall be detailed as a member thereof. No recommendation made by any such board shall, for more than one year after the making of such recommendation or at any time after the convening of another such board, unless again recommended by the new board, be valid as a basis for the detail of any officer as a member of the General Staff Corps; and no alteration whatever shall be made in any report or recommendation of any such board, either with or without the consent of members thereof, after the board shall have submitted such report or recommendation and shall have adjourned sine die: *Provided further*, That the War College shall remain fully subject to the supervising, coordinating, and informing powers conferred by law upon members of the General Staff Corps, and officers for duty as instructors or students in or as attachés of said college may be selected and detailed freely from among members of said corps, but any officer so selected and detailed other than one director shall thereupon cease to be a member of said corps and shall not be eligible for redetail therein so long as he shall remain on said duty; and no officer on the active list of the Army shall, for more than 30 days in any calendar year, be attached to or assigned to duty in the War College in any capacity other than that of president, director, instructor, or student, nor, unless a member of the General Staff Corps, be attached to or employed in the office of the Chief of Staff: *Provided further*, That the organizations heretofore existing in or in connection with the office of the Chief of Staff under the designations of the mobile army division and the Coast Artillery division be, and they are hereby, abolished and shall not be reestablished. The business heretofore transacted in said divisions, except such as comes clearly within the general powers specified in and conferred upon members of the General Staff Corps by the organic act of Congress approved February 14, 1903, is hereby transferred as follows, to wit, to the office of the Chief of Coast Artillery, all business apportioned to that office by law or Army Regulations at the time of the creation of the Coast Artillery division of the office of the Chief of Staff; to the office of The Adjutant General or other bureau or bureaus concerned, all other business; and, subject to the exercise of the supervising, coordinating, and informing powers conferred upon members of the General Staff Corps by the act of Congress last hereinbefore cited, the business transferred by this proviso to certain bureaus or offices shall hereafter be transacted exclusively by or under the direction of the respective heads thereof; and the Chief of Coast Artillery shall be an additional member of the General Staff Corps and shall also be adviser to and informant of the Chief of Staff in respect to the business under his charge: *Provided further*, That hereafter members of the General Staff Corps shall be confined strictly to the discharge of the duties of the general nature of those specified for them in this section and in the organic act of Congress last hereinbefore cited, and they shall not be permitted to assume or engage in work of an administrative nature that pertains to established bureaus or offices of the War Department, or that, being assumed or engaged in by members of the General Staff Corps, would involve impairment of the responsibility or initiative of such bureaus or offices, or would cause injurious or unnecessary duplication of or delay in the work thereof: *Provided further*, That all pay and allowances shall be forfeited by any superior for any period during which, by his order or his permission, or by reason of his neglect, any subordinate shall violate any of the foregoing provisions of this section: *Provided further*, That if any officer detailed in the General Staff Corps, or as an officer of any staff corps or department of the Army, shall be promoted to the next higher grade while so serving he may be permitted to serve out the period of his detail, and the number of officers in the organization in which he shall be serving and in the grade to which he shall have been promoted shall be increased by one for such time as he shall be an additional number in said organization and grade; but the whole number of officers detailed to said organization shall at no time exceed the aggregate of the numbers allowed to the several grades thereof by law other than this proviso.

"SEC. 6. The Adjutant General's Department: The Adjutant General's Department shall consist of The Adjutant General with the rank of brigadier general; 7 adjutants general with the rank of colonel; 13 adjutants general with the rank of lieutenant colonel; and 30 adjutants general with the rank of major.

"SEC. 7. The Inspector General's Department: The Inspector General's Department shall consist of 1 Inspector General with the rank of brigadier general; 4 inspectors general with the rank of colonel; 8 inspectors general with the rank of lieutenant colonel; and 16 inspectors general with the rank of major.

"SEC. 8. The Judge Advocate General's Department: The Judge Advocate General's Department shall consist of 1 Judge Advocate General with the rank of brigadier general; 4 judge advocates with the rank of colonel; 7 judge advocates with the rank of lieutenant colonel; and 20 judge advocates with the rank of major: *Provided*, That acting judge advocates may be detailed under the provisions of existing law for separate brigades and for separate general court-martial jurisdictions, and when not immediately required for service with a geographical department, tactical division, separate brigade, or other separate general court-martial jurisdiction, acting judge advocates may be assigned to such other legal duty as the exigencies of the service may require: *Provided further*, That, of the vacancies created in the Judge Advocate General's Department by this Act, one such vacancy, not below the grade of major, shall be filled by the appointment of a person from civil life, not less than 45 nor more than 50 years of age, who shall have been for 10 years a judge of the Supreme Court of the Philippine Islands, shall have served for two years as a captain in the Regular or Volunteer Army, and shall be proficient in the Spanish language and laws: *Provided further*, That so much of the act of Congress approved August 24, 1912, as relates to the detachment or detail of officers for duty in the Judge Advocate General's Department shall hereafter be held to apply only to the acting judge advocates authorized by law; and hereafter no officer shall be or remain detached from any

command or assigned to any duty or station with intent to enable or aid him to pursue the study of law: *And provided further*, That no officer of the Judge Advocate General's Department below the rank of colonel shall be promoted therein until he shall have successfully passed a written examination before a board consisting of not less than two officers of the Judge Advocate General's Department, to be designated by the Secretary of War, such examination to be prescribed by the Secretary of War and to be held at such time anterior to the accruing of the right to promotion as may be for the best interests of the service: *Provided*, That should any officer in the grade of major of the Judge Advocate General's Department fail in his physical examination and be found incapacitated for service by reason of physical disability contracted in the line of duty, he shall be retired with the rank to which his seniority entitled him to be promoted; but if he should be found disqualified for promotion for any other reason, a second examination shall not be allowed, but the Secretary of War shall appoint a board of review to consist of two officers of the Judge Advocate General's Department superior in rank to the officer examined, none of whom shall have served as a member of the board which examined him. If the unfavorable finding of the examining board is concurred in by the board of review, the officer reported disqualified for promotion shall be honorably discharged from the service with one year's pay. If the action of the examining board is disapproved by the board of review, the officer shall be considered qualified and shall be promoted: *Provided further*, That any lieutenant colonel of the Judge Advocate General's Department who, at his first examination for promotion to the grade of colonel, has been found disqualified for such promotion for any reason other than physical disability incurred in the line of duty shall be suspended from promotion and his right thereto shall pass successively to such officers next below him in rank as are or may become eligible to promotion under existing law during the period of his suspension; and any such officer suspended from promotion shall be reexamined as soon as practicable after the expiration of one year from the date of the completion of the examination that resulted in his suspension; and if on such reexamination he is found qualified for promotion, he shall again become eligible thereto; but if he is found disqualified by reason of physical disability incurred in line of duty in either examination, he shall be retired, with the rank to which his seniority entitled him to be promoted; and if he is not found disqualified by reason of such physical disability, but is found disqualified for promotion for any other reason in the second examination, he shall be retired without promotion.

"SEC. 9. The Quartermaster Corps: The Quartermaster Corps shall consist of 1 Quartermaster General with the rank of major general; 2 assistants to the Quartermaster General with the rank of brigadier general; 21 colonels; 24 lieutenant colonels; 68 majors; 180 captains; and the pay clerks now in active service, who shall hereafter have the rank, pay, and allowances of a second lieutenant, and the President is hereby authorized to appoint and commission them, by and with the advice and consent of the Senate, second lieutenants in the Quartermaster Corps, United States Army. The total enlisted strength of the Quartermaster Corps and the number in each grade shall be limited and fixed from time to time by the President in accordance with the needs of the Army, and shall consist of quartermaster sergeants, senior grade; quartermaster sergeants; sergeants, first class; sergeants; corporals; cooks; privates, first class; and privates. The number in the various grades shall not exceed the following percentages of the total authorized enlisted strength of the Quartermaster Corps, namely: Quartermaster sergeants, senior grade, five-tenths of 1 per cent; quartermaster sergeants, 6 per cent; sergeants, first class, 2⅝ per cent; sergeants, 25 per cent; corporals, 10 per cent; privates, first class, 45 per cent; privates, 9 per cent; cooks, 2 per cent: *Provided*, That the master electricians now authorized by law for the Quartermaster Corps shall hereafter be known as quartermaster sergeants, senior grade, and shall be included in the number of quartermaster sergeants, senior grade, herein authorized: *And provided further*, That all work pertaining to construction and repair that has heretofore been done by or under the direction of officers of the Quartermaster Corps shall, except as otherwise now provided by laws or regulations, hereafter be done by or under the direction of officers of said corps.

"SEC. 10. The Medical Department: The Medical Department shall consist of one Surgeon General, with the rank of major general during the active service of the present incumbent of that office, and thereafter with the rank of brigadier general, who shall be chief of said department, a Medical Corps, a Medical Reserve Corps within the limit of time fixed by this act, a Dental Corps, a Veterinary Corps, an enlisted force, the Nurse Corps and contract surgeons as now authorized by law, the commissioned officers of which shall be citizens of the United States.

"The Medical Corps shall consist of commissioned officers below the grade of brigadier general, proportionally distributed among the several grades as in the Medical Corps now established by law. The total number of such officers shall approximately be equal to, but not exceed, except as hereinafter provided, 7 for every 1,000 of the total enlisted strength of the Regular Army authorized from time to time by law: *Provided*, That if by reason of a reduction by law in the authorized enlisted strength of the Army aforesaid the total number of officers in the Medical Corps commissioned previously to such reduction shall for the time being exceed the equivalent of 7 to 1,000 of such reduced enlisted strength no original appointment to commissioned rank in said corps shall be made until the total number of commissioned officers thereof shall have been reduced below the equivalent of 7 to the thousand of the said reduced enlisted strength, nor thereafter so as to make the total number of commissioned officers thereof in excess of the equivalent of 7 to the thousand of said reduced enlisted strength; and no promotion shall be made above the grade of captain in said corps until the number of officers in the grade above that of captain to which the promotion is due shall have been reduced below the proportional number authorized for such grade on the basis of the reduced enlisted strength, nor thereafter so as to make the number of officers in such grade in excess of the proportional number authorized on the basis of said reduced enlisted strength: *Provided further*, That when in time of war the Regular Army shall have been increased by virtue of the provisions of this or any other Act, the medical officers appointed to meet such increase shall be honorably discharged from the service of the United States when the reduction of the enlisted strength of the Army shall take place: *Provided further*, That persons hereafter commissioned in the Medical Corps shall be citizens of the United States between the ages of 22 and 30 years and shall be promoted to the grade of captain upon the completion of five years' service in the Medical Corps and upon passing the examinations prescribed by the President for promotion to the grade of captain in the Medical Corps: *Provided further*, That relative rank among captains in the Medical Corps, who have or shall have attained that rank by operation of law after a period of service fixed thereby, shall be determined by counting all the service rendered by them as officers in said corps and as assistant surgeons in the Regular Army, subject, however, to loss of files by reason of sentence of court-martial or by reason of failure to pass examination for promotion: *Provided further*, That hereafter the President shall be authorized to detail not to exceed five officers of the Medical Department of the Army for duty with the military relief division of the American National Red Cross.

"The enlisted force of the Medical Department shall consist of the following personnel, who shall not be included in the effective strength of the Army nor counted as a part of the enlisted force provided by law: Master hospital sergeants, hospital sergeants, sergeants (first class), sergeants, corporals, cooks, horseshoers, saddlers, farriers, mechanics, privates (first class), and privates: *Provided*, That master hospital sergeants shall be appointed by the Secretary of War, but no person shall be appointed master hospital sergeant until he shall have passed a satisfactory examination under such regulations as the Secretary of War may prescribe before a board of one or more medical officers as to his qualifications for the position, including knowledge of pharmacy, and demonstrated his fitness therefor by service of not less than 12 months as hospital sergeant or sergeant, first class, Medical Department, or as sergeant, first class, in the Hospital Corps now established by law; and no person shall be designated for such examination except by written authority of the Surgeon General: *Provided further*, That original enlistments for the Medical Department shall be made in the grade of private, and reenlistments and promotions of enlisted men therein, except as hereinbefore prescribed, and transfers thereto from the enlisted force of the line or other staff departments and corps of the Army shall be governed by such regulations as the Secretary of War may prescribe: *Provided further*, That the enlisted men of the Hospital Corps who are in active service at the time of the approval of this Act are hereby transferred to the corresponding grades of the Medical Department established by this Act: *Provided further*, That the total number of enlisted men in the Medical Department shall be approximately equal to, but not exceed, except as hereinafter provided, the equivalent of 5 per cent of the total enlisted strength of the Army authorized from time to time by law: *Provided further*, That in time of actual or threatened hostilities, the Secretary of War is hereby authorized to enlist or cause to be enlisted in the Medical Department such additional number of men as the service may require:

Provided further, That the number of enlisted men in each of the several grades designated below shall not exceed, except as hereinafter provided, the following percentages of the total authorized enlisted strength of the Medical Department, to wit: Master hospital sergeants, one-half of 1 per cent; hospital sergeants, one-half of 1 per cent; sergeants, first class, 7 per cent; sergeants, 11 per cent; corporals, 5 per cent; and cooks, 6 per cent: *Provided further*, That the number of horseshoers, saddlers, farriers, and mechanics in the Medical Department shall not exceed one each to each authorized ambulance company or like organization: *Provided further*, That in said department the number of privates, first class, shall not exceed 25 per cent of the number of privates: *Provided further*, That if by reason of a reduction by operation of law in the authorized enlisted strength of the Army aforesaid the number of noncommissioned officers of any grade in the Medical Department whose warrants were issued previously to such reductions shall for the time being exceed the percentage hereinabove specified for such grade, no promotion to such grade shall be made until the percentage of noncommissioned officers therein shall have been reduced below that authorized for such grade on the basis of the said reduced enlisted strength, nor thereafter so as to make the percentage of noncommissioned officers therein in excess of the percentage authorized on the basis of the said reduced enlisted strength; but noncommissioned officers may be reenlisted in the grades held by them previously to such reduction regardless of the percentages aforesaid; and when under this provision the number of noncommissioned officers of any grade exceeds the percentage specified, any noncommissioned officer thereof, not under charges, may be discharged on his own application: *Provided further*, That privates, first class, of the Medical Department shall be eligible for ratings for additional pay as follows: As dispensary assistant, $2 a month; as nurse, $3 a month; as surgical assistant, $5 a month: *Provided further*, That no enlisted man shall receive more than one rating for additional pay under the provisions of this section, nor shall any enlisted man receive any additional pay under such rating unless he shall have actually performed the duties for which he shall be rated.

"The President is hereby authorized to appoint and commission, by and with the advice and consent of the Senate, dental surgeons, who are citizens of the United States between the ages of 21 and 27 years, at the rate of 1 for each 1,000 enlisted men in the line of the Army. Dental surgeons shall have the rank, pay, and allowances of first lieutenants until they have completed eight years' service. Dental surgeons of more than 8 but less than 24 years' service shall, subject to such examination as the President may prescribe, have the rank, pay, and allowances of captains. Dental surgeons of more than 24 years' service shall, subject to such examination as the President may prescribe, have the rank, pay, and allowances of major: *Provided*, That the total number of dental surgeons with rank, pay, and allowances of major shall not at any time exceed 15: *And provided further*, That all laws relating to the examination of officers of the Medical Corps for promotion shall be applicable to dental surgeons.

"Authority is hereby given to the Secretary of War to grant permission, by revocable license, to the American National Red Cross to erect and maintain on any military reservations within the jurisdiction of the United States buildings suitable for the storage of supplies, or to occupy for that purpose buildings erected by the United States, under such regulations as the Secretary of War may prescribe, such supplies to be available for the aid of the civilian population in case of serious national disaster.

"SEC. 11. Corps of Engineers: The Corps of Engineers shall consist of 1 Chief of Engineers, with the rank of brigadier general; 23 colonels; 30 lieutenant colonels; 72 majors; 152 captains; 148 first lieutenants; 79 second lieutenants; and the enlisted men hereinafter enumerated. The Engineers troops of the Corps of Engineers shall consist of 1 band, 7 regiments, and 2 mounted battalions.

"Each regiment of Engineers shall consist of 1 colonel; 1 lieutenant colonel; 2 majors; 11 captains; 12 first lieutenants; 6 second lieutenants; 2 master engineers, senior grade; 1 regimental sergeant major; 2 regimental supply sergeants; 2 color sergeants; 1 sergeant bugler; 1 cook; 1 wagoner for each authorized wagon of the field and combat train, and 2 battalions.

"Each battalion of a regiment of Engineers shall consist of 1 major, 1 captain, 1 battalion sergeant major; 3 master engineers, junior grade; and 3 companies. Each Engineer company (regimental) shall consist of 1 captain; 2 first lieutenants; 1 second lieutenant; 1 first sergeant; 3 sergeants, first class; 1 mess sergeant; 1 supply sergeant; 1 stable sergeant; 6 sergeants; 12 corporals; 1 horseshoer; 2 buglers; 1 saddler; 2 cooks; 19 privates, first class; and 59 privates; *Provided*, That the President may, in his discretion, increase a regiment of Engineers by 2 master engineers, senior grade, and 2 sergeants; each battalion of a regiment of Engineers by 3 master engineers, junior grade; and each Engineer company (regimental) by 2 sergeants, 6 corporals, 1 cook, 12 privates, first class, and 34 privates.

"The Engineer band shall consist of 1 band leader; 1 assistant band leader; 1 first sergeant; 2 band sergeants; 4 band corporals; 2 musicians, first class; 4 musicians, second class; 13 musicians, third class; and 2 cooks.

"Each battalion of mounted Engineers shall consist of 1 major; 5 captains; 7 first lieutenants; 3 second lieutenants; 1 master engineer, senior grade; 1 battalion sergeant major; 1 battalion supply sergeant; 3 master engineers, junior grade; 1 corporal; 1 wagoner for each authorized wagon of the field and combat train; and 3 mounted companies. Each mounted Engineer company shall consist of 1 captain; 2 first lieutenants; 1 second lieutenant; 1 first sergeant; 2 sergeants, first class; 1 mess sergeant; 1 supply sergeant; 1 stable sergeant; 4 sergeants; 8 corporals; 2 horseshoers; 1 saddler; 2 cooks; 2 buglers; 12 privates, first class; and 37 privates: *Provided*, That the President may, in his discretion, increase the battalions of mounted Engineers by 1 master engineer, senior grade; 2 sergeants; and 3 master engineers, junior grade; and a mounted Engineer company by 2 sergeants; 3 corporals; 8 privates, first class; and 24 privates: *Provided further*, That appropriate officers to command the regiments, battalions, and companies herein authorized and for duty with and as staff officers of such organizations shall be detailed from the Corps of Engineers, and shall not be in excess of the numbers in each grade enumerated in this section. The enlisted force of the Corps of Engineers and the officers serving therewith shall constitute a part of the line of the Army.

"SEC. 12. The Ordnance Department: The Ordnance Department shall consist of 1 Chief of Ordnance, with the rank of brigadier general; 10 colonels; 15 lieutenant colonels; 32 majors; 42 captains; 42 first lieutenants; the ordnance sergeants, as now authorized by law, and such other enlisted men of grades now authorized by law as the President may direct: *Provided*, That ordnance sergeants shall be selected by the Secretary of War from the sergeants of the line or Ordnance Department who shall have served faithfully for eight years, including four years in the grade of noncommissioned officer: *Provided further*, That vacancies which may occur in the commissioned personnel of the Ordnance Department shall be subject to the provisions of sections 26 and 27 of the act approved February 2, 1901, the acts approved June 25, 1906, and February 24, 1915, and acts amendatory thereof relating to the Ordnance Department: *Provided further*, That hereafter the Secretary of War is authorized to detail not to exceed 30 lieutenants from the Army at large for duty as student officers in the establishment of the Ordnance Department for a period of two years; and the completion of the prescribed course of instruction shall constitute the examination for detail in the Ordnance Department.

"SEC. 13. The Signal Corps: The Signal Corps shall consist of 1 Chief Signal Officer, with the rank of brigadier general; 3 colonels; 8 lieutenant colonels; 10 majors; 30 captains; 75 first lieutenants; and the aviation section, which shall consist of 1 colonel; 1 lieutenant colonel; 8 majors; 24 captains; and 114 first lieutenants, who shall be selected from among officers of the Army at large of corresponding grades or from among officers of the grade below, exclusive of those serving by detail in staff corps or departments, who are qualified as military aviators, and shall be detailed to serve as aviation officers for periods of four years unless sooner relieved; and the provisions of section 27 of the act of Congress approved February 2, 1901, are hereby extended to apply to said aviation officers and to vacancies created in any arm, corps, or department of the Army by the detail of said officers therefrom; but nothing in said act or in any other law now in force shall be held to prevent the detail or redetail at any time, to fill a vacancy among the aviation officers authorized by this act, of any officer who, during prior service as an aviation officer of the aviation section, shall have become proficient in military aviation.

"Aviation officers may, when qualified therefor, be rated as junior military aviators or as military aviators, but no person shall be so rated until there shall have been issued to him a certificate to the effect that he is qualified for the rating, and no certificate shall be issued to any person until an aviation examining board, which shall be composed of three officers of experience in the Aviation Service and two medical officers, shall have examined him, under general regulations to be prescribed by the Secretary of War and published to the Army by the War Depart-

ment, and shall have reported him to be qualified for the rating. No person shall receive the rating of military aviator until he shall have served creditably for three years as an aviation officer with the rating of a junior military aviator.

"Each aviation officer authorized by this act shall, while on duty that requires him to participate regularly and frequently in aerial flights, receive an increase of 25 per cent in the pay of his grade and length of service under his commission. Each duly qualified junior military aviator shall, whole so serving, have the rank, pay, and allowances of one grade higher than that held by him under his commission if his rank under said commission be not higher than that of captain, and while on duty requiring him to participate regularly and frequently in aerial flights he shall receive in addition an increase of 50 per cent in the pay of his grade and length of service under his commission. Each military aviator shall, whole so serving, have the rank, pay, and allowances of one grade higher than that held by him under his commission if his rank under said commission be not higher than that of captain, and while on duty requiring him to participate regularly and frequently in aerial flights he shall receive in addition an increase of 75 per cent of the pay of his grade and length of service under his commission: *Provided further*, That the provisions of the act of March 2, 1913, allowing increase of pay and allowances to officers detailed by the Secretary of War on aviation duty are hereby repealed: *Provided further*, That hereafter married officers of the line of the Army shall be eligible equally with unmarried officers, and subject to the same conditions, for detail to aviation duty; and the Secretary of War shall have authority to cause as many enlisted men of the aviation section to be instructed in the art of flying as he may deem necessary: *Provided further*, That hereafter the age of officers shall not be a bar to their first detail in the aviation section of the Signal Corps, and neither their age nor their rank shall be a bar to their subsequent details in said section: *Provided further*, That when it shall be impracticable to obtain from the Army officers suitable for the aviation section of the Signal Corps in the number allowed by law the difference between that number and the number of suitable officers actually available for duty in said section may be made up by appointments in the grade of aviator, Signal Corps, and that grade is hereby created. The personnel for said grade shall be obtained from especially qualified civilians who shall be appointed and commissioned in said grade: *Provided further*, That whenever any aviator shall have become unsatisfactory he shall be discharged from the Army as such aviator. The base pay of an aviator, Signal Corps, shall be $150 per month, and he shall have the allowances of a master signal electrician and the same percentage of increase in pay for length of service as is allowed to a master signal electrician.

"The total enlisted strength of the Signal Corps shall be limited and fixed from time to time by the President in accordance with the needs of the Army, and shall consist of master signal electricians; sergeants, first class; sergeants; corporals; cooks; horseshoers; private, first class; and privates; the number in each grade being fixed from time to time by the President. The numbers in the various grades shall not exceed the following percentages of the total authorized enlisted strength of the Signal Corps, namely: Master signal electricians, 2 per cent; sergeants, first class, 7 per cent; sergeants, 10 per cent; corporals, 20 per cent. The number of privates, first class, shall not exceed 25 per cent of the number of privates. Authority is hereby given the President to organize, in his discretion, such part of the commissioned and enlisted personnel of the Signal Corps into such number of companies, battalions, and aero squadrons as the necessities of the service may demand.

"SEC. 14. Bureau of Insular Affairs of the War Department: Nothing in this act shall be construed to repeal existing laws relating to the organization of the Bureau of Insular Affairs of the War Department.

"SEC. 15. Chaplains: The President is authorized to appoint, by and with the advice and consent of the Senate, chaplains in the Army at the rate of not to exceed, including chaplains now in service, 1 for each regiment of Cavalry, Infantry, Field Artillery, and Engineers, and 1 for each 1,200 officers and men of the Coast Artillery Corps, with rank, pay, and allowances as now authorized by law: *Provided*, That in the appointments of chaplains in the Regular Army, preference and priority shall be given to applicant veterans, if otherwise duly qualified and who shall not have passed the age of 41 years at the time of application, who have rendered honorable war service in the Army of the United States or who have been honorably discharged from such Army.

"SEC. 16. Veterinarians: The President is hereby authorized, by and with the advice and consent of the Senate, to appoint veterinarians and assistant veterinarians in the Army, not to exceed, including veterinarians now in service, 2 such officers for each regiment of Cavalry, 1 for every three batteries of Field Artillery, 1 for each mounted battalion of Engineers, 17 as inspectors of horses and mules and as veterinarians in the Quartermaster Corps, and 7 as inspectors of meats for the Quartermaster Corps; and said veterinarians and assistant veterinarians shall be citizens of the United States and shall constitute the Veterinary Corps and shall be a part of the Medical Department of the Army.

"Hereafter a candidate for appointment as assistant veterinarian must be a citizen of the United States, between the ages of 21 and 27 years, a graduate of a recognized veterinary college or university, and shall not be appointed until he shall have passed a satisfactory examination as to character, physical condition, general education, and professional qualifications.

"An assistant veterinarian appointed under this act shall, for the first 5 years of service as such, have the rank, pay, and allowances of second lieutenant; that after 5 years of service he shall have the rank, pay, and allowances of first lieutenant; that after 15 years of service he shall be promoted to be a veterinarian with the rank, pay, and allowances of captain, and that after 20 years' service he shall have the rank, pay, and allowances of a major: *Provided*, That any assistant veterinarian, in order to be promoted as hereinbefore provided, must first pass a satisfactory examination, under such rules as the President may prescribe, as to professional qualifications and adaptability for the military service; and if such assistant veterinarian shall be found deficient at such examination he shall be discharged from the Army with one year's pay.

"The veterinarians of Cavalry and Field Artillery now in the Army, together with such veterinarians of the Quartermaster Corps as are now employed in said corps, who at the date of the approval of this act shall have had less than 5 years' governmental service, may be appointed in the Veterinary Corps as assistant veterinarians with the rank, pay, and allowances of second lieutenant; those who shall have had over 5 years of such service may be appointed in said corps as assistant veterinarians with the rank, pay, and allowances of first lieutenant; and those who shall have had over 15 years of such service may be appointed in said corps as veterinarians with the rank, pay, and allowances of captain: *Provided*, That no such appointment of any veterinarian shall be made unless he shall first pass satisfactorily a practical professional and physical examination as to his fitness for the military service: *Provided further*, That veterinarians now in the Army or in the employ of the Quartermaster Corps who shall fail to pass the prescribed physical examination because of disability incident to the service and sufficient to prevent them from the performance of duty valuable to the Government shall be placed upon the retired list of the Army with 75 per cent of the pay to which they would have been entitled if appointed in the Veterinary Corps as hereinbefore prescribed.

"The Secretary of War, upon recommendation of the Surgeon General of the Army, may appoint in the Veterinary Corps, for such time as their services may be required, such number of reserve veterinarians as may be necessary to attend public animals pertaining to the Quartermaster Corps. Reserve veterinarians so employed shall have the pay and allowances of second lieutenant during such employment and no longer: *Provided*, That such reserve veterinarians shall be graduates of a recognized veterinary college or university and shall pass a satisfactory examination as to character, physical condition, general education, and professional qualifications in like manner as hereinbefore required of assistant veterinarians; such reserve veterinarians shall constitute a list of eligibles for appointment as assistant veterinarians, subject to all the conditions hereinbefore prescribed for the appointment of assistant veterinarians.

"Within a limit of time to be fixed by the Secretary of War, candidates for appointment as assistant veterinarians who shall have passed satisfactorily the examinations prescribed for that grade by this act shall be appointed, in the order of merit in which they shall have passed such examination, to vacancies as they occur, such appointments to be for a probationary period of two years, after which time, if the services of the probationers shall have been satisfactory, they shall be permanently appointed with rank to date from the dates of rank of their probationary appointments. Probationary veterinarians whose services are found unsatisfactory shall be discharged at any time during the probationary period, or at the end thereof, and shall have no further claims against the Government on account of their probationary service.

"The Secretary of War shall from time to time appoint boards of examiners to conduct the veterinary examinations herein-

before prescribed, each of said boards to consist of three medical officers and two veterinarians.

"SEC. 17. Composition of Infantry units: Each regiment of Infantry shall consist of 1 colonel, 1 lieutenant colonel, 3 majors, 15 captains, 16 first lieutenants, 15 second lieutenants, 1 headquarters company, 1 machine-gun company, 1 supply company, and 12 Infantry companies organized into 3 battalions of 4 companies each.

"Each battalion shall consist of 1 major, 1 first lieutenant, mounted (battalion adjutant), and 4 companies. Each Infantry company in battalion shall consist of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 mess sergeant, 1 supply sergeant, 6 sergeants, 11 corporals, 2 cooks, 2 buglers, 1 mechanic, 19 privates (first class), and 56 privates.

"Each Infantry headquarters company shall consist of 1 captain, mounted (regimental adjutant); 1 regimental sergeant major, mounted; 3 battalion sergeants major, mounted; 1 first sergeant (drum major); 2 color sergeants; 1 mess sergeant; 1 supply sergeant; 1 stable sergeant; 1 sergeant; 2 cooks; 1 horseshoer; 1 band leader; 1 assistant band leader; 1 sergeant bugler; 2 band sergeants; 4 band corporals; 2 musicians, first class; 4 musicians, second class; 13 musicians, third class; 4 privates, first class, mounted; and 12 privates, mounted.

"Each Infantry machine-gun company shall consist of 1 captain, mounted; 1 first lieutenant, mounted; 2 second lieutenants, mounted; 1 first sergeant, mounted; 1 mess sergeant; 1 supply sergeant, mounted; 1 stable sergeant, mounted; 1 horseshoer; 5 sergeants; 6 corporals; 2 cooks; 2 buglers; 1 mechanic; 8 privates, first class; and 24 privates.

"Each Infantry supply company shall consist of 1 captain, mounted; 1 second lieutenant, mounted; 3 regimental supply sergeants, mounted; 1 first sergeant, mounted; 1 mess sergeant; 1 stable sergeant; 1 corporal, mounted; 1 cook; 1 saddler; 1 horseshoer; and 1 wagoner for each authorized wagon of the field and combat train: *Provided*, That the President may in his discretion increase a company of Infantry by 2 sergeants, 6 corporals, 1 cook, 1 mechanic, 9 privates (first class), and 31 privates; an Infantry machine-gun company by 2 sergeants, 2 corporals, 1 mechanic, 4 privates, first class, and 12 privates.

"The commissioned officers required for the Infantry headquarters, supply, and machine-gun companies and for the companies organized into battalions shall be assigned from those hereinbefore authorized.

"SEC. 18. Composition of Cavalry units: Each regiment of Cavalry shall consist of 1 colonel, 1 lieutenant colonel, 3 majors, 15 captains, 16 first lieutenants, 16 second lieutenants, 1 headquarters troop, 1 machine-gun troop, 1 supply troop, and 12 troops organized into 3 squadrons of 4 troops each.

"Each squadron shall consist of 1 major, 1 first lieutenant (squadron adjutant), and 4 troops. Each troop in squadron shall consist of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 5 sergeants, 8 corporals, 2 cooks, 2 horseshoers, 1 saddler, 2 buglers, 10 privates (first class), and 36 privates.

"Each headquarters troop shall consist of 1 captain (regimental adjutant), 1 regimental sergeant major, 3 squadron sergeants major, 1 first sergeant (drum major), 2 color sergeants, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 1 sergeant, 2 cooks, 1 horseshoer, 1 saddler, 2 privates (first class), and 9 privates, 1 band leader, 1 assistant band leader, 1 sergeant bugler, 2 band sergeants, 4 band corporals, 2 musicians (first class), 4 musicians (second class), and 13 musicians (third class).

"Each machine-gun troop shall consist of 1 captain, 1 first lieutenant, 2 second lieutenants, 1 first sergeant, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 2 horseshoers, 5 sergeants, 6 corporals, 2 cooks, 1 mechanic, 1 saddler, 2 buglers, 12 privates (first class), and 35 privates.

"Each supply troop shall consist of 1 captain (regimental supply officer), 2 second lieutenants, 3 regimental supply sergeants, 1 first sergeant, 1 mess sergeant, 1 stable sergeant, 1 corporal, 1 cook, 1 horseshoer, 1 saddler, and 1 wagoner for each authorized wagon of the field and combat train: *Provided*, That the President may, in his discretion, increase each troop of Cavalry by 10 privates (first class) and 25 privates; the headquarters troop by 2 sergeants, 5 corporals, 1 horseshoer, 5 privates (first class), and 18 privates; each machine-gun troop by 3 sergeants, 2 corporals, 1 mechanic, 1 private (first class), and 14 privates; each supply troop by 1 corporal, 1 cook, 1 saddler, and 1 horseshoer.

"The commissioned officers required for the Cavalry headquarters, supply, and machine-gun troops, and for the troops organized into squadrons, shall be assigned from those hereinbefore authorized.

"SEC. 19. Composition of Field Artillery units: The Field Artillery, including mountain artillery, light artillery, horse artillery, heavy artillery (field and siege types), shall consist of 126 gun or howitzer batteries organized into 21 regiments.

"In time of actual or threatened hostilities the President is authorized to organize such number of ammunition batteries and battalions, depot batteries and battalions, and such artillery parks with such numbers and grades of personnel and such organizations as he may deem necessary. The officers necessary for such organization shall be supplied from the Officers' Reserve Corps provided by this act and by temporary appointment as authorized by section 8 of the act of Congress approved April 25, 1914. The enlisted men necessary for such organizations shall be supplied from the Regular Army reserve provided by this act or from the Regular Army.

"Each regiment of Field Artillery shall consist of 1 colonel, 1 lieutenant colonel, 1 captain, 1 headquarters company, 1 supply company, and such number of gun and howitzer battalions as the President may direct. Nothing shall prevent the assembling, in the same regiment, of gun and howitzer battalions of different calibers and classes.

"Each gun or howitzer battery shall consist of 1 captain, 2 first lieutenants, 2 second lieutenants, 1 first sergeant, 1 supply sergeant, 1 stable sergeant, 1 mess sergeant, 6 sergeants, 13 corporals, 1 chief mechanic, 1 saddler, 2 horseshoers, 1 mechanic, 2 buglers, 3 cooks, 22 privates (first class), and 71 privates. When no enlisted men of the Quartermaster Corps are attached for such positions there shall be added to each battery of mountain artillery 1 packmaster (sergeant, first class), 1 assistant packmaster (sergeant), and 1 cargador (corporal).

"Each headquarters company of a regiment of two battalions shall consist of 1 captain, 1 first lieutenant, 1 regimental sergeant major, 2 battalion sergeants major, 1 first sergeant, 2 color sergeants, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 2 sergeants, 9 corporals, 1 horseshoer, 1 saddler, 1 mechanic, 3 buglers, 2 cooks, 5 privates (first class), 15 privates, 1 band leader, 1 assistant band leader, 1 sergeant bugler, 2 band sergeants, 4 band corporals, 2 musicians (first class), 4 musicians (second class), and 13 musicians (third class). That when a regiment consists of three battalions there shall be added to the headquarters company 1 battalion sergeant major, 1 sergeant, 3 corporals, 1 bugler, 1 private (first class), and 5 privates. When no enlisted men of the Quartermaster Corps are attached for such positions there shall be added to each mountain artillery headquarters company 1 packmaster (sergeant, first class), 1 assistant packmaster (sergeant), and 1 cargador (corporal).

"Each supply company of a regiment of two battalions shall consist of 1 captain, 1 first lieutenant, 2 regimental supply sergeants, 1 first sergeant, 1 mess sergeant, 1 corporal, 1 cook, 1 horseshoer, 1 saddler, 2 privates, and 1 wagoner for each authorized wagon of the field train. When a regiment consists of three battalions there shall be added to the supply company 1 second lieutenant, 1 regimental supply sergeant, 1 private, and 1 wagoner for each additional authorized wagon of the field train.

"Each gun or howitzer battalion shall consist of 1 major, 1 captain, and batteries as follows: Mountain artillery battalions and light artillery gun or howitzer battalions serving with the field artillery of Infantry divisions shall contain three batteries; horse artillery battalions and heavy field artillery gun or howitzer battalions shall contain two batteries: *Provided*, That the President may, in his discretion, increase the headquarters company of a regiment of two battalions by 2 sergeants, 5 corporals, 1 horseshoer, 1 mechanic, 1 private (first class), and 6 privates; the headquarters company of a regiment of three battalions by 1 sergeant, 7 corporals, 1 horseshoer, 1 mechanic, 2 cooks, 2 privates (first class), and 7 privates; the supply company of a regiment of two battalions by 1 corporal, 1 cook, 1 horseshoer, and 1 saddler; the supply company for a regiment of three battalions by 1 corporal, 1 cook, 1 horseshoer, and 1 saddler; a gun or howitzer battery by 3 sergeants, 7 corporals, 1 horseshoer, 2 mechanics, 1 bugler, 13 privates (first class), and 37 privates.

"SEC. 20. Coast Artillery Corps: The Coast Artillery Corps shall consist of 1 Chief of Coast Artillery, with the rank of brigadier general; 24 colonels; 24 lieutenant colonels; 72 majors; 360 captains; 360 first lieutenants; 360 second lieutenants; 31 sergeants major, senior grade; 64 sergeants major, junior grade; 41 master electricians; 72 engineers; 99 electrician sergeants, first class; 275 assistant engineers; 99 electrician sergeants, second class; 106 firemen; 93 radio sergeants; 62 master gunners; 263 first sergeants; 263 supply sergeants; 263 mess sergeants; 2,104 sergeants; 3,156 corporals; 526 cooks; 526

mechanics; 526 buglers; 5,225 privates, first class; 15,675 privates; and 18 bands, organized as hereinbefore provided for the Engineer band. The rated men of the Coast Artillery Corps shall consist of casemate electricians; observers, first class; plotters; chief planters; coxswains; chief loaders; observers, second class; gun commanders and gun pointers. The total number of rated men shall not exceed 1,784. Coxswains shall receive $9 per month in addition to the pay of their grade.

"SEC. 21. Porto Rico Regiment of Infantry: The Porto Rico Regiment of Infantry of the United States Army shall hereafter have the same organization, and the same grades and numbers of commissioned officers and enlisted men, as are by this act or shall hereafter be prescribed by law for other regiments of Infantry of the Army. All vacancies created by this act or occurring hereafter in commissioned offices of said regiment above the grade of second lieutenant and below the grade of colonel shall, except as hereinafter provided to the contrary, be filled by promotion according to seniority in the several grades and within the regiment, subject to the examination prescribed by section 3 of the act of Congress approved October 1, 1890, and said section is hereby extended so as to apply in the cases of all officers below the grade of lieutenant colonel, who shall hereafter be examined for promotion in the Porto Rico Regiment of Infantry, except that the President may prescribe such a system of examination for the promotion of officers of said regiment as he may deem advisable.

"The colonel of said regiment shall be detailed by the President, from among officers of Infantry of the Army not below the grade of lieutenant colonel, for a period of four years unless sooner relieved. Vacancies created by this act in the grades of lieutenant colonel and major in said regiment shall be filled by appointments from the senior captains in regimental rank of the Porto Rico regiment mentioned in the act of March 4, 1915; and captains and lieutenants of said regiment shall also be eligible for such detached service, transfer, or assignment to duty with other organizations as may be approved by the Secretary of War; but vacancies created by such detachment of officers shall not be filled by promotions or appointments.

"All men hereafter enlisting in said regiment shall be natives of Porto Rico. All enlistments in the regiment shall hereafter be the same as is provided herein for the Regular Army, and the regiment, or any part thereof, may be ordered for service outside the island of Porto Rico. The pay and allowances of members of said regiment shall be the same as provided by law for officers and enlisted men of like grades in the Regular Army.

"Vacancies created by this act or occurring hereafter in the grade of second lieutenant in said regiment shall be filled during any calendar year by the appointment by the President, by and with the advice and consent of the Senate, of any native of Porto Rico graduated from the United States Military Academy, and, after such appointment shall have been made or provided for, by like appointment of native citizens of Porto Rico between 21 and 27 years of age.

"*Provided*, That officers of the Porto Rico Regiment of Infantry, United States Army, who held commissions in the Porto Rico Provisional Regiment of Infantry on June 30, 1908, shall now and hereafter take rank in their grades in the same relative order held by them in said Porto Rico Provisional Regiment of Infantry on June 30, 1908, subject to any loss in rank due to failure to pass examinations for promotion or to sentence of court-martial.

"SEC. 22. All existing laws pertaining to or affecting the United States Military Academy and civilian or military personnel on duty thereat in any capacity whatever, the officers and enlisted men on the retired list, the detached and additional officers under the act of Congress approved March 3, 1911, recruiting parties, recruit depots and unassigned recruits, service-school detachments, United States disciplinary barracks guards, disciplinary organizations, the Philippine Scouts, and Indian scouts shall continue and remain in force except as herein specifically provided otherwise.

"SEC. 23. Original appointments to be provisional: Hereafter all appointments of persons other than graduates of the United States Military Academy to the grade of second lieutenant in the Regular Army shall be provisional for a period of two years, at the close of which period such appointments shall be made permanent if the appointees shall have demonstrated, under such regulations as the President may prescribe, their suitability and moral, professional, and physical fitness for such permanent appointment, but should any appointee fail so to demonstrate his suitability and fitness, his appointment shall terminate; and should any officer become eligible for promotion to a vacancy in a higher grade and qualify therefor before the expiration of two years from the date of his original appointment, he shall receive a provisional appointment in such higher grade, which appointment shall be made permanent when he shall have qualified for permanent appointment upon the expiration of two years from the date of his original appointment, or shall terminate if he shall fail so to qualify.

"SEC. 24. Increase to be made in five increments: Except as otherwise specifically provided by this act, the increases in the commissioned and enlisted personnel of the Regular Army provided by this act shall be made in five annual increments, each of which shall be, in each grade of each arm, corps, and department, as nearly as practicable, one-fifth of the total increase authorized for each arm, corps, and department. Officers promoted to vacancies created or caused by the addition of the first increment shall be promoted to rank from July 1, 1916, and those promoted to vacancies created or caused by the second increment shall be promoted to rank from July 1, 1917; those promoted to vacancies created or caused by the addition of the third increment shall be promoted to rank from July 1, 1918; those promoted to vacancies created or caused by the addition of the fourth increment shall be promoted to rank from July 1, 1919; and those promoted to vacancies created or caused by the addition of the fifth increment shall be promoted to rank from July 1, 1920: *Provided*, That in the event of actual or threatened war or similar emergency in which the public safety demands it the President is authorized to immediately organize the entire increase authorized by this act, or so much thereof as he may deem necessary, and when, in the judgment of the President, war becomes imminent, all of said organizations that shall then be below the maximum enlisted strength authorized by law shall be raised forthwith to that strength, and shall be maintained as nearly as possible thereat so long as war, or the imminence of war, shall continue.

"Vacancies in the grade of second lieutenant, created or caused by the increases due to this act, in any fiscal year shall be filled by appointment in the following order: (1) Of cadets graduated from the United States Military Academy during the preceding fiscal year for whom vacancies did not become available during the fiscal year in which they were graduated; (2) under the provisions of existing law, of enlisted men, including officers of the Philippine Scouts, whose fitness for promotion shall have been determined by competitive examination; (3) of members of the Officers' Reserve Corps between the ages of 21 and 27 years; (4) of commissioned officers of the National Guard between the ages of 21 and 27 years; (5) of such honor graduates, between the ages of 21 and 27 years, of distinguished colleges as are now or may hereafter be entitled to preference by general orders of the War Department; and (6) of candidates from civil life between the ages of 21 and 27 years; and the President is authorized to make the necessary rules and regulations to carry these provisions into effect: *Provided*, That any such original vacancies not so filled, and remaining at the time of graduation of any class at the United States Military Academy, may be filled by the appointment of members of that class; and all vacancies in the grade of second lieutenant not created or caused by the increases due to this act shall be filled as provided in the act making appropriation for the support of the Army, approved March 3, 1911: *Provided further*, That enlisted men of the Regular Army who have completed one year's service with an organization may become candidates for vacancies in the grade of second lieutenant created or caused by the increases due to the operation of this act: *Provided further*, That appointments to the grade of second lieutenant in the Corps of Engineers, including those created by this act, shall continue to be made as now provided by law, but that officers of the Army or Navy of the United States may become candidates for said appointments under the provisions of section 5 of the act of Congress approved February 27, 1911, without previously vacating their commissions as officers and that the Secretary of War may, in his discretion, allow persons to become candidates without previously establishing eligibility for appointment as junior engineer under the Engineer Bureau of the War Department: *Provided further*, That officers appointed to original vacancies in the grade of second lieutenant created or caused by this act shall take lineal and relative rank according to dates of appointment, and the lineal and relative rank of second lieutenants appointed on the same date shall be determined under such regulations as the Secretary of War may prescribe: *Provided further*, That the President may recommission persons who have heretofore held commissions in the Regular Army and have left the service honorably, after ascertaining that they are qualified for service physically, morally, and as to age and military fitness; such recommissioned officers shall take rank at the foot of the respective grades which they held at the time of their separation from the Army: *Provided further*, That the provisions of existing law requiring examinations to determine fitness for promotion of

officers of the Army are hereby extended to include promotions to all grades below that of brigadier general: *Provided further*, That examinations of officers in the grades of major and lieutenant colonel shall be confined to problems involving the higher functions of staff duties and command: *And provided further*, That in time of war retired officers of the Army may be employed on active duty, in the discretion of the President, and when so employed they shall receive the full pay and allowances of their grade: *And provided further*, That hereafter any retired officer, who has been or shall be detailed on active duty, shall receive the rank, pay, and allowances of the grade, not above that of major, that he would have attained in due course of promotion if he had remained on the active list for a period beyond the date of his retirement equal to the total amount of time during which he has been detailed on active duty since his retirement.

"SEC. 25. The detached officers: That on July 1, 1916, the line of the Army shall be increased by 822 extra officers of the Cavalry, Field Artillery, Coast Artillery Corps, and Infantry arms of the service of grades from first lieutenant to colonel, inclusive, lawfully available for detachment from their proper arms for duty with the National Guard, or other duty, the usual period of which exceeds one year. Said extra officers, together with the 200 detached officers provided for by the act of Congress approved March 3, 1911, shall, on and after July 1, 1916, constitute the detached officers' list, and all positions vacated by officers assigned to said list, and the officers so assigned, shall be subject to the provisions of section 27 of the act of Congress approved February 2, 1901, with reference to details to the staff corps. The total number of officers hereby authorized for each grade on said list entire shall be in proportion to the total number of officers of the corresponding grade now authorized by law other than this act for all of the said four arms combined, exclusive of second lieutenants and of the 200 extra officers authorized by the act of Congress approved March 3, 1911, and exclusive also of the additional officers authorized by the act to restore lineal rank lost through the system of regimental promotion formerly in force; and the total number of officers hereby authorized for each grade in each of said arms on said list shall be in the proportion borne by the number of officers now authorized by law other than this act for such grade and arm to the total number of officers now authorized by law other than this act for the corresponding grade in all of the said four arms combined, exclusive of the extra and additional officers last hereinbefore specified and excluded: *Provided*, That all vacancies created or caused by the foregoing provisions of this section in grades above that of second lieutenant shall be filled by promotion according to law existing on and before the date of approval of this act, and subject to the examinations prescribed by existing law. As soon as practicable after such promotions shall have been made, there shall be detached from each arm and assigned to the Detached Officers' List a number of officers of each grade equal to the number of officers of said grade by which said arm shall have been increased by the foregoing provisions of this section; and thereafter any vacancy created or caused in any of the said arms of the service by the assignment of an officer of any grade to said Detached Officers' List shall be filled, subject to such examination as is now or may hereafter be prescribed by law, by the promotion of the officer who shall be the senior in length of commissioned service of those eligible to promotion in the next lower grade in the arm in which such vacancy shall occur: *Provided further*, That no officer of any of said arms of the service shall be permitted to remain on said Detached Officers' List for more than 45 days unless he shall have been actually present for duty for at least two years out of the last preceding six years with an organization composed of one or more statutory units, or the equivalent thereof, of the arm to which he shall belong. Any vacancy created in said list by the removal of any officer therefrom because he shall not have been present for duty as before prescribed in this proviso shall be filled by the transfer to said list of an officer having the same grade and belonging to the same arm as the officer whose removal from said list shall have created said vacancy; but, except as before prescribed in this proviso, all officers who shall have been assigned to said list shall remain thereon for not less than four years from the respective dates of their assignment thereto, unless in the meantime they shall have been separated entirely from the Army, or shall have been promoted or appointed to higher offices, or shall have been retired from active service: *Provided further*, That after the apportionment of officers to said Detached Officers' List shall have been made as authorized by this Act, whenever any vacancy shall have been caused in said list by the separation of an officer of any grade therefrom, such vacancy shall, except as prescribed in the last preceding proviso, be filled by the detail and assignment to said list of an officer of the corresponding grade in that arm in which there shall be found the officer of the next lower grade who at that time shall be the senior in length of commissioned service of all the officers of the said lower grade in all of the four arms hereinbefore specified; if two or more officers of different arms shall be found to have equal seniority in length of commissioned service in said lower grade, the question of seniority shall be decided by their relative standing on the list of the commissioned officers of the Army: *Provided further*, That, with a view further to equalize inequalities in past promotions of officers of the line of the Army, on July 1, 1916, the Cavalry shall be increased by 17 colonels and the Infantry by 4 colonels, all of whom shall be additional officers in that grade, and shall not bar nor retard the promotion to which any officer would be entitled if the appointment of the said additional officers had never been authorized; and after July 1, 1919, no vacancies occurring among the said additional officers shall be filled, and the offices so vacated shall cease and determine: *And provided further*, That for the purpose of lessening as much as possible inequalities of promotion due to the increase in the number of officers of the line of the Army under the provisions of this act any vacancies created or caused by this act in commissioned grades below that of lieutenant colonel in any arm of said line may, in the discretion of the President and under such regulations as he may prescribe in furtherance of the purpose stated in this proviso, be filled by the promotion or transfer without promotion of officers of other branches of the line of the Army; but no such promotion or transfer shall be made in the case of any officer unless it shall have been recommended by an examining board composed of five officers, senior in rank to such officer, and of the arm to which the promotion or transfer of such officer shall have been proposed, who, after having made a personal examination of such officer and of his official record, shall have reported him qualified for service in said arm in the grade to which his promotion or transfer shall have been proposed.

"SEC. 26. Retirement of officers of Philippine Scouts: Captains and lieutenants of Philippine Scouts who are citizens of the United States shall hereafter be entitled to retirement under the laws governing the retirement of enlisted men of the Regular Army, except that they shall be retired in the grade held by them at the date of retirement, shall be entitled to retirement for disability under the same conditions as officers of the Regular Army, and that they shall receive, as retired pay, the amounts allowed by law, as retired pay and allowances, of master signal electricians of the United States Army, and no more: *Provided*, That double time for service beyond the continental limits of the United States shall not be counted for the purposes of this section so as to reduce the actual period of service below 20 years: *Provided*, That former officers of the Philippine Scouts who, because of disability occasioned by wounds received in action, have resigned or been discharged from the service, or who have heretofore served as such for a period of more than five years and have been retired as enlisted men, shall be placed upon the retired list as officers of Philippine Scouts and thereafter receive the retired pay and allowances provided by this section for other officers of Philippine Scouts: *And provided further*, That any former officer of Philippine Scouts who vacated his office in the Philippine Scouts by discharge or resignation on account of disability contracted in the line of duty and who was subsequently retired as an enlisted man, except any former officer of Philippine Scouts who has been retired as an enlisted man by special act of Congress, shall be transferred to the retired list created by this section and shall thereafter receive the retired pay and allowances authorized by this section, and no more. Officers of Philippine Scouts retired under the provisions of this section shall not form part of the limited retired list now authorized by law.

"SEC. 27. Enlistments in the Regular Army: On and after the 1st day of November, 1916, all enlistments in the Regular Army shall be for a term of seven years, the first three years to be in the active service with the organizations of which those enlisted form a part and, except as otherwise provided herein, the last four years in the Regular Army Reserve hereinafter provided for: *Provided*, That at the expiration of three years' continuous service with such organizations, either under a first or any subsequent enlistment, any soldier may be reenlisted for another period of seven years, as above provided for, in which event he shall receive his final discharge from his prior enlistment: *Provided further*, That after the expiration of one year's honorable service any enlisted man serving within the continental limits of the United States whose company, troop, battery, or detachment commander shall report him as proficient and sufficiently trained

may, in the discretion of the Secretary of War, be furloughed to the Regular Army Reserve under such regulations as the Secretary of War may prescribe, but no man furloughed to the reserve shall be eligible to reenlist in the service until the expiration of his term of seven years: *Provided further*, That in all enlistments hereafter accomplished under the provisions of this act three years shall be counted as an enlistment period in computing continuous-service pay: *Provided further*, That any noncommissioned officer discharged with an excellent character shall be permitted, at the expiration of three years in the active service, to reenlist in the organization from which discharged with the rank and grade held by him at the time of his discharge if he reenlists within 20 days after the date of such discharge: *Provided further*, That no person under the age of 18 years shall be enlisted or mustered into the military service of the United States without the written consent of his parents or guardians, provided that such minor has such parents or guardians entitled to his custody and control: *And provided further*, That the President is authorized in his discretion to utilize the services of postmasters of the second, third, and fourth classes in procuring the enlistment of recruits for the Army, and for each recruit accepted for enlistment in the Army the postmaster procuring his enlistment shall receive the sum of $5.

"In addition to military training, soldiers while in the active service shall hereafter be given the opportunity to study and receive instruction upon educational lines of such character as to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations. Civilian teachers may be employed to aid the Army officers in giving such instruction, and part of this instruction may consist of vocational education either in agriculture or the mechanic arts. The Secretary of War, with the approval of the President, shall prescribe rules and regulations for conducting the instruction herein provided for, and the Secretary of War shall have the power at all times to suspend, increase, or decrease the amount of such instruction offered as may in his judgment be consistent with the requirements of military instruction and service of the soldiers.

"SEC. 28. Pay of certain enlisted men: Hereafter the monthly pay of enlisted men of certain grades of the Army created in this act shall be as follows, namely: Quartermaster sergeant, senior grade, Quartermaster Corps; master hospital sergeant, Medical Department; master engineer, senior grade, Corps of Engineers; and band leader, Infantry, Cavalry, Artillery, and Corps of Engineers, $75; hospital sergeant, Medical Department; and master engineer, junior grade, Corps of Engineers, $65; sergeant, first class, Medical Department, $50; sergeant, first class, Corps of Engineers; regimental supply sergeant, Infantry, Cavalry, Field Artillery, and Corps of Engineers; battalion supply sergeant, Corps of Engineers; and assistant engineer, Coast Artillery Corps, $45; assistant band leader, Infantry, Cavalry, Artillery, and Corps of Engineers; and sergeant bugler, Infantry, Cavalry, Artillery, and Corps of Engineers, $40; musician, first class, Infantry, Cavalry, Artillery, and Corps of Engineers; supply sergeant, mess sergeant, and stable sergeant, Corps of Engineers; sergeant Medical Department, $36; supply sergeant, Infantry, Cavalry, and Artillery; mess sergeant, Infantry, Cavalry, and Artillery; cook, Medical Department; horseshoer, Infantry, Cavalry, Artillery, Corps of Engineers, Signal Corps, and Medical Department; stable sergeant, Infantry and Cavalry; radio sergeant, Coast Artillery Corps; and musicians, second class, Infantry, Cavalry, Artillery, and Corps of Engineers, $30; musician, third class, Infantry, Cavalry, Artillery, and Corps of Engineers; corporal, Medical Department, $24; saddler, Infantry, Cavalry, Field Artillery, Corps of Engineers, and Medical Department; mechanic, Infantry, Cavalry, and Field Artillery, and Medical Department; farrier, Medical Department; and wagoner, Infantry, Field Artillery, and Corps of Engineers, $21; private, first class, Infantry, Cavalry, Artillery, and Medical Department, $18; private, Medical Department, and bugler, $15. Nothing herein contained shall operate to reduce the pay or allowances now authorized by law for any grade of enlisted men of the Army.

"SEC. 29. Final discharge of enlisted men: No enlisted man in the Regular Army shall receive his final discharge until the termination of his seven-year term of enlistment except upon reenlistment as provided for in this act or as provided by law for discharge prior to expiration of term of enlistment, but when an enlisted man is furloughed to the Regular Army Reserve his account shall be closed and he shall be paid in full to the date such furlough becomes effective, including allowances provided by law for discharged soldiers: *Provided*, That when by reason of death or disability of a member of the family of an enlisted man occurring after his enlistment members of his family become dependent upon him for support, he may, in the discretion of the Secretary of War, be discharged from the service of the United States or be furloughed to the Regular Army Reserve, upon due proof being made of such condition: *Provided further*, That when an enlisted man is discharged by purchase while in active service he shall be furloughed to the Regular Army Reserve, unless, in the discretion of the Secretary of War, he is given a final discharge from the Army.

"SEC. 30. Composition of the Regular Army Reserve: The Regular Army Reserve shall consist of, first, all enlisted men now in the Army Reserve or who shall hereafter become members of the Army Reserve under the provisions of existing law; second, all enlisted men furloughed to or enlisted in the Regular Army Reserve under the provisions of this act; and, third, any person holding an honorable discharge from the Regular Army with character reported at least good who is physically qualified for the duties of a soldier and not over forty-five years of age who enlists in the Regular Army Reserve for a period of four years.

"SEC. 31. The President is authorized to assign members of the Regular Army Reserve as reserves to particular organizations of the Regular Army, or to organize the Regular Army Reserve, or any part thereof, into units or detachments of any arm, corps, or department in such manner as he may prescribe, and to assign to such units and detachments officers of the Regular Army or of the Officers' Reserve Corps herein provided for; and he may summon the Regular Army Reserve, or any part thereof, for field training for a period not exceeding 15 days in each year, the reservists to receive travel expenses and pay at the rate of their respective grades in the Regular Army during such periods of training; and in the event of actual or threatened hostilities he may mobilize the Regular Army Reserve in such manner as he may determine, and thereafter retain it, or any part thereof, in active service for such period as he may determine the conditions demand: *Provided*, That all enlistments in the Regular Army, including those in the Regular Army Reserve, which are in force on the date of the outbreak of war shall continue in force for one year, unless sooner terminated by order of the Secretary of War, but nothing herein shall be construed to shorten the time of enlistment prescribed: *Provided further*, That subject to such regulations as the President may prescribe for their proper identification, and location, and physical condition, the members of the Regular Army Reserve shall be paid semiannually at the rate of $24 a year while in the reserve.

"SEC. 32. Regular Army Reserve in time of war: When mobilized by order of the President, the members of the Regular Army Reserve shall, so long as they may remain in active service, receive the pay and allowances of enlisted men of the Regular Army of like grades: *Provided*, That any enlisted man who shall have reenlisted in the Regular Army Reserve shall receive during such active service the additional pay now provided by law for enlisted men in his arm of the service in the second enlistment period: *Provided further*, That upon reporting for duty, and being found physically fit for service, members of the Regular Army Reserve shall receive a sum equal to $3 per month for each month during which they shall have belonged to the reserve, as well as the actual necessary cost of transportation and subsistence from their homes to the places at which they may be ordered to report for duty under such summons: *And provided further*, That service in the Regular Army Reserve shall confer no right to retirement or retired pay, and members of the Regular Army Reserve shall become entitled to pension only through disability incurred while on active duty in the service of the United States.

"SEC. 33. Use of other departments of the Government: The President may, subject to such rules and regulations as in his judgment may be necessary, utilize the services of members and employees of all departments of the Government of the United States, without expense to the individual reservist, for keeping in touch with, paying, and mobilizing the Regular Army Reserve, the Enlisted Reserve Corps, and other reserve organizations.

"SEC. 34. Reenlistment in time of war: For the purpose of utilizing as an auxiliary to the Regular Army Reserve the services of men who have had experience and training in the Regular Army or in the United States Volunteers outside of the continental limits of the United States, in time of actual or threatened hostilities, and after the President shall, by proclamation, have called upon honorably discharged soldiers of the Regular Army to present themselves for reenlistment therein within a specified period, subject to such conditions as may be prescribed, any person who shall have been discharged honorably from said Army, with character reported as at least good, and who, having been found physically qualified for the duties of a soldier, if not over 50 years of age, shall reenlist

in the line of said Army, or in the Signal, Quartermaster, or Medical Department thereof, within the period that shall be specified in said proclamation, shall receive on so reenlisting a bounty which shall be computed at the rate of $8 for each month for the first year of the period that shall have elapsed since his last discharge from the Regular Army and the date of his reenlistment therein under the terms of said proclamation; at the rate of $6 per month for the second year of such period; at the rate of $4 per month for the third year of such period; and at the rate of $2 per month for any subsequent year of such period; but no bounty in excess of $300 shall be paid to any person under the terms of this section.

"SEC. 35. Enlisted men prohibited from civil employment: Hereafter no enlisted man in the active service of the United States in the Army, Navy, and Marine Corps, respectively, whether a noncommissioned officer, musician, or private, shall be detailed, ordered, or permitted to leave his post to engage in any pursuit, business, or performance in civil life, for emolument, hire, or otherwise, when the same shall interfere with the customary employment and regular engagement of local civilians in the respective arts, trades, or professions.

"SEC. 36. Sergeants for duty with the National Guard: For the purpose of assisting in the instruction of the personnel and care of property in the hands of the National Guard the Secretary of War is authorized to detail from the Infantry, Cavalry, Field Artillery, Corps of Engineers, Coast Artillery Corps, Medical Department, and Signal Corps of the Regular Army not to exceed one thousand sergeants for duty with corresponding organizations of the National Guard and not to exceed one hundred sergeants for duty with the disciplinary organizations at the United States Disciplinary Barracks, who shall be additional to the sergeants authorized by this Act for the corps, companies, troops, batteries, and detachments from which they may be detailed.

"SEC. 37. The Officers' Reserve Corps: For the purpose of securing a reserve of officers available for service as temporary officers in the Regular Army, as provided for in this act and in section 8 of the act approved April 25, 1914, as officers of the Quartermaster Corps and other staff corps and departments, as officers for recruit rendezvous and depots, and as officers of Volunteers, there shall be organized, under such rules and regulations as the President may prescribe not inconsistent with the provisions of this act, an Officers' Reserve Corps of the Regular Army. Said corps shall consist of sections corresponding to the various arms, staff corps, and departments of the Regular Army. Except as otherwise herein provided, a member of the Officers' Reserve Corps shall not be subject to call for service in time of peace, and whenever called upon for service shall not, without his consent be so called in a lower grade than that held by him in said reserve corps.

"The President alone shall be authorized to appoint and commission as reserve officers in the various sections of the Officers' Reserve Corps, in all grades up to and including that of major, such citizens as, upon examination prescribed by the President, shall be found physically, mentally, and morally qualified to hold such commissions: *Provided*, That the proportion of officers in any section of the Officers' Reserve Corps shall not exceed the proportion for the same grade in the corresponding arm, corps, or department of the Regular Army, except that the number commissioned in the lowest authorized grade in any section of the Officers' Reserve Corps shall not be limited.

"That all persons now carried as duly qualified and registered pursuant to section 23 of the act of Congress approved January 21, 1903, shall, for a period of three years after the passage of this act, be eligible for appointment in the Officers' Reserve Corps in the section corresponding to the arm, corps, or department for which they have been found qualified, without further examination, except a physical examination, and subject to the limitations as to age and rank herein prescribed: *Provided*, That any person carried as qualified and registered in the grade of colonel or lieutenant colonel pursuant to the provisions of said act on the date when this act becomes effective may be commissioned and recommissioned in the Officers' Reserve Corps with the rank for which he has been found qualified and registered, but when such person thereafter shall become separated from the Officers' Reserve Corps for any reason the vacancy so caused shall not be filled, and such office shall cease and determine.

"No person shall, except as hereinafter provided, be appointed or reappointed a second lieutenant in the Officers' Reserve Corps after he shall have reached the age of 32 years, a first lieutenant after he shall have reached the age of 36 years, a captain after he shall have reached the age of 40 years, or a major after he shall have reached the age of 45 years. When an officer of the Reserve Corps shall reach the age limit fixed for appointment or reappointment in the grade in which commissioned he shall be honorably discharged from the service of the United States, and be entitled to retain his official title and, on occasions of ceremony, to wear the uniform of the highest grade he shall have held in the Officers' Reserve Corps: *Provided*, That nothing in the foregoing provisions as to the ages of officers shall apply to the appointment or reappointment of officers of the Quartermaster, Engineer, Ordnance, Signal, Judge Advocate, and Medical sections of said Reserve Corps.

"One year after the passage of this act the Medical Reserve Corps, as now constituted by law, shall cease to exist. Members thereof may be commissioned in the Officers' Reserve Corps, subject to the provisions of this Act, or may be honorably discharged from the service. The Secretary of War may, in time of peace, order first lieutenants of the medical section of the Officers' Reserve Corps, with their consent, to active duty in the service of the United States in such numbers as the public interests may require and the funds appropriated may permit, and may relieve them from such duty when their services are no longer necessary. While on such duty they shall receive the pay and allowances, including pay for periods of sickness and leaves of absence, of officers of corresponding rank and length of active service in the Regular Army.

"The commissions of all officers of the Officers' Reserve Corps shall be in force for a period of five years unless sooner terminated in the discretion of the President. Such officers may be recommissioned, either in the same or higher grades, for successive periods of five years, subject to such examinations and qualifications as the President may prescribe and to the age limits prescribed herein: *Provided*, That officers of the Officers' Reserve Corps shall have rank therein in the various sections of said Reserve Corps according to grades and to length of service in their grades.

"SEC. 38. The Officers' Reserve Corps in war: In time of actual or threatened hostilities the President may order officers of the Officers' Reserve Corps, subject to such subsequent physical examinations as he may prescribe, to temporary duty with the Regular Army in grades thereof which can not, for the time being, be filled by promotion, or as officers in volunteer or other organizations that may be authorized by law, or as officers at recruit rendezvous and depots, or on such other duty as the President may prescribe. While such reserve officers are on such service they shall, by virtue of their commissions as reserve officers, exercise command appropriate to their grade and rank in the organizations to which they may be assigned, and shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of active service, as allowed by law for officers of the Regular Army, from the date upon which they shall be required by the terms of their orders to obey the same: *Provided*, That officers so ordered to active service shall take temporary rank among themselves, and in their grades in the organizations to which assigned, according to the dates of orders placing them on active service; and they may be promoted, in accordance with such rank, to vacancies in volunteer organizations or to temporary vacancies in the Regular Army thereafter occurring in the organizations in which they shall be serving: *Provided further*, That officers of the Officers' Reserve Corps shall not be entitled to retirement or retired pay, and shall be entitled to pension only for disability incurred in the line of duty and while in active service.

"Any officer who, while holding a commission in the Officers' Reserve Corps, shall be ordered to active service by the Secretary of War shall, from the time he shall be required by the terms of his order to obey the same, be subject to the laws and regulations for the government of the Army of the United States, in so far as they are applicable to officers whose permanent retention in the military service is not contemplated.

"SEC. 39. Instruction of officers of the Officers' Reserve Corps: To the extent provided for from time to time by appropriations for this specific purpose, the Secretary of War is authorized to order reserve officers to duty with troops or at field exercises, or for instruction, for periods not to exceed fifteen days in any one calendar year, and while so serving such officers shall receive the pay and allowances of their respective grades in the Regular Army: *Provided*, That, with the consent of the reserve officers concerned, and within the limit of funds available for the purpose, such periods of duty may be extended for reserve officers as the Secretary of War may direct: *Provided further*, That in time of actual or threatened hostilities, after all available officers of any section of the Officers' Reserve Corps corresponding to any arm, corps, or department of the Regular Army shall have been ordered into active service, officers of Volunteers may be appointed in such arm, corps, or

department as may be authorized by law: *Provided further*, That nothing herein shall operate to prevent the appointment of any officer of the Regular Army as an officer of Volunteers before all the officers of the Officers' Reserve Corps or any section thereof shall have been ordered into active service: *And provided further*, That in determining the relative rank and the right to retirement of an officer of the Regular Army, active duty performed by him while serving in the Officers' Reserve Corps shall not be reckoned.

"SEC. 40. The Reserve Officers' Training Corps: The President is hereby authorized to establish and maintain in civil educational institutions a Reserve Officers' Training Corps, which shall consist of a senior division organized at universities and colleges requiring four years of collegiate study for a degree, including State universities and those State institutions that are required to provide instruction in military tactics under the provisions of the act of Congress of July 2, 1862, donating lands for the establishment of colleges where the leading object shall be practical instruction in agriculture and the mechanic arts, including military tactics, and a junior division organized at all other public or private educational institutions, except that units of the senior division may be organized at those essentially military schools which do not confer an academic degree but which, as a result of the annual inspection of such institutions by the War Department, are specially designated by the Secretary of War as qualified for units of the senior division, and each division shall consist of units of the several arms or corps in such number and of such strength as the President may prescribe.

"SEC. 41. The President may, upon the application of any State institution described in section 40 of this act, establish and maintain at such institution one or more units of the Reserve Officers' Training Corps: *Provided*, That no such unit shall be established or maintained at any such institution until an officer of the Army shall have been detailed as professor of military science and tactics, nor until such institution shall maintain under military instruction at least 100 physically fit male students.

"SEC. 42. The President may, upon the application of any established educational institution in the United States other than a State institution described in section 40 of this act, the authorities of which agree to establish and maintain a two years' elective or compulsory course of military training as a minimum for its physically fit male students, which course when entered upon by any student shall, as regards such student, be a prerequisite for graduation, establish and maintain at such institution one or more units of the Reserve Officers' Training Corps: *Provided*, That no such unit shall be established or maintained at any such institution until an officer of the Army shall have been detailed as professor of military science and tactics, nor until such institution shall maintain under military instruction at least 100 physically fit male students.

"SEC. 43. The Secretary of War is hereby authorized to prescribe standard courses of theoretical and practical military training for units of the Reserve Officers' Training Corps, and no unit of the senior division shall be organized or maintained at any educational institution the authorities of which fail or neglect to adopt into their curriculum the prescribed courses of military training for the senior division or to devote at least an average of three hours per week per academic year to such military training; and no unit of the junior division shall be organized or maintained at any educational institution the authorities of which fail or neglect to adopt into their curriculum the prescribed courses of military training for the junior division, or to devote at least an average of three hours per week per academic year to such military training.

"SEC. 44. Eligibility to membership in the Reserve Officers' Training Corps shall be limited to students of institutions in which units of such corps may be established who are citizens of the United States, who are not less than 14 years of age, and whose bodily condition indicates that they are physically fit to perform military duty, or will be so upon arrival at military age.

"SEC. 45. The President is hereby authorized to detail such numbers of officers of the Army, either active or retired, not above the grade of colonel, as may be necessary, for duty as professors and assistant professors of military science and tactics at institutions where one or more units of the Reserve Officers' Training Corps are maintained; but the total number of active officers so detailed at educational institutions shall not exceed 300, and no active officer shall be so detailed who has not had five years' commissioned service in the Army. In time of peace retired officers shall not be detailed under the provisions of this section without their consent. Retired officers below the grade of lieutenant colonel so detailed shall receive the full pay and allowances of their grade, and retired officers above the grade of major so detailed shall receive the same pay and allowances as a retired major would receive under a like detail. No detail of officers on the active list of the Regular Army under the provisions of this section shall extend for more than four years.

"SEC. 46. The President is hereby authorized to detail for duty at institutions where one or more units of the Reserve Officers' Training Corps are maintained such number of enlisted men, either active or retired or of the Regular Army Reserve, as he may deem necessary, but the number of active noncommissioned officers so detailed shall not exceed 500, and all active noncommissioned officers so detailed shall be additional in their respective grades to those otherwise authorized for the Army. Retired enlisted men or members of the Regular Army Reserve shall not be detailed under the provisions of this section without their consent. While so detailed they shall receive active pay and allowances.

"SEC. 47. The Secretary of War, under such regulations as he may prescribe, is hereby authorized to issue to institutions at which one or more units of the Reserve Officers' Training Corps are maintained such public animals, arms, uniforms, equipment, and means of transportation as he may deem necessary, and to forage at the expense of the United States public animals so issued. He shall require from each institution to which property of the United States is issued a bond in the value of the property issued for the care and safe-keeping thereof, and for its return when required.

"SEC. 48. The Secretary of War is hereby authorized to maintain camps for the further practical instruction of the members of the Reserve Officers' Training Corps, no such camps to be maintained for a period longer than six weeks in any one year, except in time of actual or threatened hostilities; to transport members of such corps to and from such camps at the expense of the United States so far as appropriations will permit; to subsist them at the expense of the United States while traveling to and from such camps and while remaining therein so far as appropriations will permit; to use the Regular Army, such other military forces as Congress from time to time authorizes, and such Government property as he may deem necessary for the military training of the members of such corps while in attendance at such camps; to prescribe regulations for the government of such corps; and to authorize, in his discretion, the formation of company units thereof into battalion and regimental units.

"SEC. 49. The President alone, under such regulations as he may prescribe, is hereby authorized to appoint in the Officers' Reserve Corps any graduate of the senior division of the Reserve Officers' Training Corps who shall have satisfactorily completed the further training provided for in section 50 of this act, or any graduate of the junior division who shall have satisfactorily completed the courses of military training prescribed for the senior division and the further training provided for in section 50 of this act, and shall have participated in such practical instruction subsequent to graduation as the Secretary of War shall prescribe, who shall have arrived at the age of 21 years and who shall agree, under oath in writing, to serve the United States in the capacity of a reserve officer of the Army during a period of at least 10 years from the date of his appointment as such reserve officer, unless sooner discharged by proper authority; but the total number of reserve officers so appointed shall not exceed 50,000: *Provided*, That any graduate qualified under the provisions of this section undergoing a postgraduate course at any institution shall not be eligible for appointment as a reserve officer while undergoing such postgraduate course, but his ultimate eligibility upon completion of such postgraduate course for such appointment shall not be affected because of his having undergone such postgraduate course.

"SEC. 50. When any member of the senior division of the reserve Officers' Training Corps has completed two academic years of service in that division, and has been selected for further training by the president of the institution and by its professor of military science and tactics, and has agreed in writing to continue in the Reserve Officers' Training Corps for the remainder of his course in the institution, devoting five hours per week to the military training prescribed by the Secretary of War, and has agreed in writing to pursue the courses in camp training prescribed by the Secretary of War, he may be furnished, at the expense of the United States, with commutation of subsistence at such rate, not exceeding the cost of the garrison ration prescribed for the Army, as may be fixed by the Secretary of War, during the remainder of his service in the Reserve Officers' Training Corps.

"SEC. 51. Any physically fit male citizen of the United States, between the ages of 21 and 27 years, who shall have

graduated prior to the date of this act from any educational institution at which an officer of the Army was detailed as professor of military science and tactics, and who, while a student at such institution, completed courses of military training under the direction of such professor of military science and tactics substantially equivalent to those prescribed pursuant to this act for the senior division, shall, after satisfactorily completing such additional practical military training as the Secretary of War shall prescribe, be eligible for appointment to the Officers' Reserve Corps and as a temporary additional second lieutenant in accordance with the terms of this act.

"SEC. 52. The President alone is hereby authorized to appoint and commission as a temporary second lieutenant of the Regular Army in time of peace for purposes of instruction, for a period not exceeding six months, with the allowances now provided by law for that grade, but with pay at the rate of $100 per month, any reserve officer appointed pursuant to sections 49 and 51 of this act and to attach him to a unit of the Regular Army for duty and training during the period covered by his appointment as such temporary second lieutenant, and upon the expiration of such service with the Regular Army such officer shall revert to his status as a reserve officer.

"SEC. 53. No reserve officer or temporary second lieutenant appointed pursuant to this act shall be entitled to retirement or to retired pay and shall be eligible for pension only for disability incurred in line of duty in active service or while serving with the Regular Army pursuant to the provisions of this act: *Provided*, That in time of war the President may order reserve officers appointed under the provisions of this act to active duty with any of the military forces of the United States in any grades not below that of second lieutenant, and while on such active duty they shall be subject to the Rules and Articles of War: *And provided further*, That The Adjutant General of the Army shall, under the direction and supervision of the Secretary of War, obtain, compile, and keep continually up to date all obtainable information as to the names, ages, addresses, occupations, and qualifications for appointment as commissioned officers of the Army, in time of war or other emergency, of men of suitable ages who, by reason of having received military training in civilian educational institutions or elsewhere, may be regarded as qualified and available for appointment as such commissioned officers.

"SEC. 54. Training camps: The Secretary of War is hereby authorized to maintain, upon military reservations or elsewhere, camps for the military instruction and training of such citizens as may be selected for such instruction and training, upon their application and under such terms of enlistment and regulations as may be prescribed by the Secretary of War; to use, for the purpose of maintaining said camps and imparting military instruction and training thereat, such arms, ammunition, accouterments, equipments, tentage, field equipage, and transportation belonging to the United States as he may deem necessary; to furnish, at the expense of the United States, uniforms, subsistence, transportation by the most usual and direct route within such limits as to territory as the Secretary of War may prescribe, and medical supplies to persons receiving instruction at said camps during the period of their attendance thereat, to authorize such expenditures, from proper Army appropriations, as he may deem necessary for water, fuel, light, temporary structures, not including quarters for officers nor barracks for men, screening, and damages resulting from field exercises, and other expenses incidental to the maintenance of said camps, and the theoretical winter instruction in connection therewith; and to sell to persons receiving instruction at said camps, for cash and at cost price plus 10 per cent, quartermaster and ordnance property, the amount of such property sold to any one person to be limited to that which is required for his proper equipment. All moneys arising from such sales shall remain available throughout the fiscal year following that in which the sales are made, for the purpose of that appropriation from which the property sold was authorized to be supplied at the time of the sale. The Secretary of War is authorized further to prescribe the courses of theoretical and practical instruction to be pursued by persons attending the camps authorized by this section; to fix the periods during which such camps shall be maintained; to prescribe rules and regulations for the government thereof; and to employ thereat officers and enlisted men of the Regular Army in such numbers and upon such duties as he may designate.

"SEC. 55. The Enlisted Reserve Corps: For the purpose of securing an additional reserve of enlisted men for military service with the Engineer, Signal, and Quartermaster Corps and the Ordnance and Medical Departments of the Regular Army, an Enlisted Reserve Corps, to consist of such number of enlisted men of such grade or grades as may be designated by the President from time to time, is hereby authorized, such authorization to be effective on and after the 1st day of July, 1916.

"There may be enlisted in the grade or grades hereinbefore specified, for a period of four years, under such rules as may be prescribed by the President, citizens of the United States, or persons who have declared their intentions to become citizens of the United States, subject to such physical, educational, and practical examination as may be prescribed in said rules. For men enlisting in said grade or grades certificates of enlistment in the Enlisted Reserve Corps shall be issued by The Adjutant General of the Army, but no such man shall be enlisted in said corps unless he shall be found physically, mentally, and morally qualified to hold such certificate and unless he shall be between the ages of 18 and 45 years. The certificates so given shall confer upon the holders when called into active service or for purposes of instruction and training, and during the period of such active service, instruction, or training, all the authority, rights, and privileges of like grades of the Regular Army. Enlisted men of the Enlisted Reserve Corps shall take precedence in said corps according to the dates of their certificates of enlistment therein and when called into active service or when called out for purposes of instruction or training shall take precedence next below all other enlisted men of like grades in the Regular Army. And the Secretary of War is hereby authorized to issue to members of the Enlisted Reserve Corps and to persons who have participated in at least one encampment for the military instruction of citizens, conducted under the auspices of the War Department, distinctive rosettes or knots designed for wear with civilian clothing, and whenever a rosette or knot issued under the provisions of this section shall have been lost, destroyed, or rendered unfit for use without fault or neglect upon the part of the person to whom it was issued, the Secretary of War shall cause a new rosette or knot to be issued to such person without charge therefor. Any person who is not an enlisted man of the Enlisted Reserve Corps and shall not have participated in at least one encampment for the military instruction of citizens, conducted under the auspices of the War Department, and who shall wear such rosette or knot shall be guilty of misdemeanor punishable by a fine of not exceeding $300, or imprisonment not exceeding six months, or both.

"The President is authorized to assign members of the Enlisted Reserve Corps as reserves to particular organizations of the Regular Army, or to organize the Enlisted Reserve Corps, or any part thereof, into units or detachments of any arm, corps, or department in such manner as he may prescribe, and to assign to such units and detachments officers of the Regular Army or of the Officers' Reserve Corps, herein provided for.

"To the extent provided from time to time by appropriations the Secretary of War may order enlisted men of the Enlisted Reserve Corps to active service for purposes of instruction or training for periods not to exceed 15 days in any one calendar year: *Provided*, That, with the consent of such enlisted men and within the limits of funds available for such purposes, such periods of active service may be extended for such number of enlisted men as may be deemed necessary.

"Enlisted men of the Enlisted Reserve Corps shall receive the pay and allowances of their respective grades, but only when ordered into active service, including the time required for actual travel from their homes to the places to which ordered and return to their homes: *Provided*, That said enlisted men shall not be entitled to retirement or retirement pay, nor shall they be entitled to pensions except for physical disability incurred in line of duty while in active service or while traveling under orders of competent authority to or from designated places of duty.

"The uniform to be worn by enlisted men of the Enlisted Reserve Corps, except corps insignia, shall be the same as prescribed for enlisted men of the Regular Army Reserve, and that in lieu of any money allowance for clothing there shall be issued to each enlisted man of the Enlisted Reserve Corps in time of peace such articles of clothing and equipment as the President may direct: *Provided*, That any clothing or other equipment issued to any enlisted man of the said corps shall remain the property of the United States, and in case of loss or destruction of any article, the article so lost or destroyed shall be replaced by issue to the enlisted man and the value thereof deducted from any pay due or to become due him, unless it shall be made to appear that such loss or destruction was not due to neglect or other fault on his part: *Provided further*, That any clothing or other equipment issued to enlisted men of the Enlisted Reserve Corps which shall have become unserviceable through ordinary wear and tear in the

service of the United States shall be received back by the United States and serviceable like articles issued in lieu thereof: *Provided further*, That when enlisted men of the Enlisted Reserve Corps shall be discharged or otherwise separated from the service, all arms, equipage, clothing, and other property issued to them shall be accounted for under such regulations as may be prescribed by the Secretary of War.

"Any enlisted man of the Enlisted Reserve Corps ordered to active service or for purposes of instruction or training shall, from the time he is required by the terms of the order to obey the same, be subject to the laws and regulations for the government of the Army of the United States.

"The Secretary of War is hereby authorized to discharge any enlisted member of the Enlisted Reserve Corps when his services shall be no longer required, or when he shall have by misconduct unfitted himself for further service in the said corps: *Provided*, That any enlisted man of said corps who shall be ordered upon active duty as herein provided and who shall willfully fail to comply with the terms of the order so given him shall, in addition to any other penalty to which he may be subject, forfeit his certificate of enlistment.

"In time of actual or threatened hostilities the President may order the Enlisted Reserve Corps, in such numbers and at such times as may be considered necessary, to active service with the Regular Army, and while on such service members of said corps shall exercise command appropriate to their several grades and rank in the organizations to which they shall be assigned and shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of service as now allowed by law for the Regular Army: *Provided*, That upon a call by the President for a volunteer force the members of the Enlisted Reserve Corps may be mustered into the service of the United States as volunteers for duty with the Army in the grades held by them in the said corps, and shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of service, as now provided by law for the Regular Army: *And provided further*, That enlisted men of the Enlisted Reserve Corps shall not acquire by virtue of issuance of certificates of enlistment to them a vested right to be mustered into the volunteer service of the United States.

"SEC. 56. Military equipment and instructors at other schools and colleges: Such arms, tentage, and equipment as the Secretary of War shall deem necessary for proper military training shall be supplied by the Government to schools and colleges, other than those provided for in section 47 of this act, having a course of military training prescribed by the Secretary of War and having not less than 100 physically fit male students above the age of 14 years, under such rules and regulations as he may prescribe; and the Secretary of War is hereby authorized to detail such commissioned and noncommissioned officers of the Army to said schools and colleges, other than those provided for in sections 45 and 46 of this act, detailing not less than 1 such officer or noncommissioned officer to each 500 students under military instruction.

"SEC. 57. Composition of the militia: The militia of the United States shall consist of all able-bodied male citizens of the United States and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, who shall be more than 18 years of age and, except as hereinafter provided, not more than 45 years of age, and said militia shall be divided into three classes, the National Guard, the Naval Militia, and the Unorganized Militia.

"SEC. 58. Composition of the National Guard: The National Guard shall consist of the regularly enlisted militia between the ages of 18 and 45 years organized, armed, and equipped as hereinafter provided, and of commissioned officers between the ages of 21 and 64 years.

"SEC. 59. Exemptions from militia duty: The Vice President of the United States; the officers, judicial and executive, of the Government of the United States and of the several States and Territories; persons in the military or naval service of the United States; customhouse clerks; persons employed by the United States in the transmission of the mail; artificers and workmen employed in the armories, arsenals, and navy yards of the United States; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States, shall be exempt from militia duty without regard to age, and all persons who because of religious belief shall claim exemption from military service, if the conscientious holding of such belief by such persons shall be established under such regulations as the President shall prescribe, shall be exempted from militia service in a combatant capacity; but no person so exempted shall be exempt from militia service in any capacity that the President shall declare to be noncombatant.

"SEC. 60. Organization of National Guard units: Except as otherwise specifically provided herein, the organization of the National Guard, including the composition of all units thereof, shall be the same as that which is or may hereafter be prescribed for the Regular Army, subject in time of peace to such general exceptions as may be authorized by the Secretary of War. And the President may prescribe the particular unit or units, as to branch or arm of service, to be maintained in each State, Territory, or the District of Columbia in order to secure a force which, when combined, shall form complete higher tactical units.

"SEC. 61. Maintenance of other troops by the States: No State shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed under this act: *Provided*, That nothing contained in this act shall be construed as limiting the rights of the States and Territories in the use of the National Guard within their respective borders in time of peace: *Provided further*, That nothing contained in this act shall prevent the organization and maintenance of State police or constabulary.

"SEC. 62. Number of the National Guard: The number of enlisted men of the National Guard to be organized under this act within one year from its passage shall be for each State in the proportion of 200 such men for each Senator and Representative in Congress from such State, and a number to be determined by the President for each Territory and the District of Columbia, and shall be increased each year thereafter in the proportion of not less than 50 per cent until a total peace strength of not less than 800 enlisted men for each Senator and Representative in Congress shall have been reached: *Provided*, That in States which have but one Representative in Congress such increase shall be at the discretion of the President: *Provided further*, That this shall not be construed to prevent any State, Territory, or the District of Columbia from organizing the full number of troops required under this section in less time than is specified in this section, or from mantaining existing organizations if they shall conform to such rules and regulations regarding organization, strength, and armament as the President may prescribe: *And provided further*, That nothing in this act shall be construed to prevent any State with but one Representative in Congress from organizing one or more regiments of troops, with such auxiliary troops as the President may prescribe; such organizations and members of such organizations to receive all the benefits accruing under this act under the conditions set forth herein: *Provided further*, That the word Territory as used in this act and in all laws relating to the land militia and National Guard shall include and apply to Hawaii, Alaska, Porto Rico, and the Canal Zone, and the militia of the Canal Zone shall be organized under such rules and regulations, not in conflict with the provisions of this act, as the President may prescribe.

"SEC. 63. Any corps of Artillery, Cavalry, or Infantry existing in any of the States on the passage of the Act of May 8, 1792, which by the laws, customs, or usages of said State has been in continuous existence since the passage of said act, under its provisions and under the provisions of section 232 and sections 1625 to 1660, both inclusive, of title 16 of the Revised Statutes of 1873, and the act of January 21, 1903, relating to the militia, shall be allowed to retain its ancient privileges, subject, nevertheless, to all duties required by law of militia: *Provided*, That said organizations may be a part of the National Guard and entitled to all the privileges of this Act, and shall conform in all respects to the organization, discipline, and training of the National Guard in time of war: *Provided further*, That for purposes of training and when on active duty in the service of the United States they may be assigned to higher units, as the President may direct, and shall be subject to the orders of officers under whom they shall be serving.

"SEC. 64. Assignment of National Guard to brigades and divisions: For the purpose of maintaining appropriate organization and to assist in instruction and training, the President may assign the National Guard of the several States and Territories and the District of Columbia to divisions, brigades, and other tactical units, and may detail officers either from the National Guard or the Regular Army to command such units: *Provided*, That where complete units are organized within a State, Territory, or the District of Columbia the commanding officers thereof shall not be displaced under the provisions of this section.

"SEC. 65. Chiefs of staff of National Guard divisions: The President may detail one officer of the Regular Army as

chief of staff and one officer of the Regular Army or the National Guard as assistant to the chief of staff of any division of the National Guard in the service of the United States as a National Guard organization: *Provided*, That in order to insure the prompt mobilization of the National Guard in time of war or other emergency, the President may, in time of peace, detail an officer of the Regular Army to perform the duties of chief of staff for each fully organized tactical division of the National Guard.

"SEC. 66. Adjutants general of States, etc.: The adjutants general of the States, Territories, and the District of Columbia and the officers of the National Guard shall make such returns and reports to the Secretary of War, or to such officers as he may designate, at such times and in such form as the Secretary of War may from time to time prescribe: *Provided*, That the adjutants general of the Territories and of the District of Columbia shall be appointed by the President with such rank and qualifications as he may prescribe, and each adjutant general for a Territory shall be a citizen of the Territory for which he is appointed.

"SEC. 67. Appropriation, apportionment, and disbursement of funds for the National Guard: A sum of money shall hereafter be appropriated annually, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the National Guard, including the expense of providing arms, ordnance stores, quartermaster stores, and camp equipage, and all other military supplies for issue to the National Guard, and such other expenses pertaining to said guard as are now or may hereafter be authorized by law.

"The appropriation provided for in this section shall be apportioned among the several States and Territories under just and equitable procedure to be prescribed by the Secretary of War and in direct ratio to the number of enlisted men in active service in the National Guard existing in such States and Territories at the date of apportionment of said appropriation, and to the District of Columbia, under such regulations as the President may prescribe: *Provided*, That the sum so apportioned among the several States, Territories, and the District of Columbia, shall be available under such rules as may be prescribed by the Secretary of War for the actual and necessary expenses incurred by officers and enlisted men of the Regular Army when traveling on duty in connection with the National Guard; for the transportation of supplies furnished to the National Guard for the permanent equipment thereof; for office rent and necessary office expenses of officers of the Regular Army on duty with the National Guard; for the expenses of the Militia Bureau, including clerical services, now authorized for the Division of Militia Affairs; for expenses of enlisted men of the Regular Army on duty with the National Guard, including quarters, fuel, light, medicines, and medical attendance; and such expenses shall constitute a charge against the whole sum annually appropriated for the support of the National Guard, and shall be paid therefrom and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries and suitable target ranges; for the hiring of horses and draft animals for the use of mounted troops, batteries, and wagons; for forage for the same; and for such other incidental expenses in connection with lawfully authorized encampments, maneuvers, and field instruction as the Secretary of War may deem necessary, and for such other expenses pertaining to the National Guard as are now or may hereafter be authorized by law.

"The governor of each State and Territory and the commanding general of the National Guard of the District of Columbia shall appoint, designate, or detail, subject to the approval of the Secretary of War, an officer of the National Guard of the State, Territory, or District of Columbia who shall be regarded as property and disbursing officer for the United States. He shall receipt and account for all funds and property belonging to the United States in possession of the National Guard of his State, Territory, or District, and shall make such returns and reports concerning the same as may be required by the Secretary of War. The Secretary of War is authorized, on the requisition of the governor of a State or Territory or the commanding general of the National Guard of the District of Columbia, to pay to the property and disbursing officer thereof so much of its allotment out of the annual appropriation for the support of the National Guard as shall, in the judgment of the Secretary of War, be necessary for the purposes enumerated therein. He shall render, through the War Department, such accounts of Federal funds intrusted to him for disbursement as may be required by the Treasury Department. Before entering upon the performance of his duties as property and disbursing officer he shall be required to give good and sufficient bond to the United States, the amount thereof to be determined by the Secretary of War, for the faithful performance of his duties and for the safe-keeping and proper disposition of the Federal property and funds intrusted to his care. He shall, after having qualified as property and disbursing officer, receive pay for his services at a rate to be fixed by the Secretary of War, and such compensation shall be a charge against the whole sum annually appropriated for the support of the National Guard: *Provided*, That when traveling in the performance of his official duties under orders issued by the proper authorities he shall be reimbursed for his actual necessary traveling expenses, the sum to be made a charge against the allotment of the State, Territory, or District of Columbia: *Provided further*, That the Secretary of War shall cause an inspection of the accounts and records of the property and disbursing officer to be made by an inspector general of the Army at least once each year: *And provided further*, That the Secretary of War is empowered to make all rules and regulations necessary to carry into effect the provisions of this section.

"SEC. 68. Location of units: The States and Territories shall have the right to determine and fix the location of the units and headquarters of the National Guard within their respective borders: *Provided*, That no organization of the National Guard, members of which shall be entitled to and shall have received compensation under the provisions of this act, shall be disbanded without the consent of the President, nor, without such consent, shall the commissioned or enlisted strength of any such organization be reduced below the minimum that shall be prescribed therefor by the President.

"SEC. 69. Enlistments in the National Guard: Hereafter the period of enlistment in the National Guard shall be for six years, the first three years of which shall be in an active organization and the remaining three years in the National Guard Reserve, hereinafter provided for, and the qualifications for enlistment shall be the same as those prescribed for admission to the Regular Army: *Provided*, That in the National Guard the privilege of continuing in active service during the whole of an enlistment period and of reenlisting in said service shall not be denied by reason of anything contained in this act.

"SEC. 70. Federal enlistment contract: Enlisted men in the National Guard of the several States, Territories, and the District of Columbia now serving under enlistment contracts which contain an obligation to defend the Constitution of the United States and to obey the orders of the President of the United States shall be recognized as members of the National Guard under the provisions of this act for the unexpired portion of their present enlistment contracts. When any such enlistment contract does not contain such obligation, the enlisted man shall not be recognized as a member of the National Guard until he shall have signed an enlistment contract and taken and subscribed to the following oath of enlistment, upon signing which credit shall be given for the period already served under the old enlistment contract: 'I hereby acknowledge to have voluntarily enlisted this —— day of ————, 19—, as a soldier in the National Guard of the United States and of the State of ————, for the period of three years in service and three years in the reserve, under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of ————, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and of the governor of the State of ————, and of the officers appointed over me according to law and the rules and articles of war.'

"SEC. 71. Hereafter all men enlisting for service in the National Guard shall sign an enlistment contract and take and subscribe to the oath prescribed in the preceding section of this act.

"SEC. 72. Discharge of enlisted men from the National Guard: An enlisted man discharged from service in the National Guard shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the President may prescribe.

"SEC. 73. Federal oath for National Guard officers: Commissioned officers of the National Guard of the several States, Territories, and the District of Columbia now serving under commissions regularly issued shall continue in office, as officers of the National Guard, without the issuance of new commissions: *Provided*, That said officers have taken, or shall take and subscribe to the following oath of office: 'I,———, do solemnly swear that I will support and defend the Constitution of the United States and the constitution of the State of ———, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the

President of the United States and of the governor of the State of ———; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of ——— in the National Guard of the United States and of the State of ——— upon which I am about to enter, so help me God.'

"SEC. 74. Qualifications for National Guard officers: Persons hereafter commissioned as officers of the National Guard shall not be recognized as such under any of the provisions of this act unless they shall have been selected from the following classes and shall have taken and subscribed to the oath of office prescribed in the preceding section of this act: Officers or enlisted men of the National Guard; officers on the reserve or unassigned list of the National Guard; officers, active or retired, and former officers of the United States Army, Navy, and Marine Corps; graduates of the United States Military and Naval Academies and graduates of schools, colleges, and universities where military science is taught under the supervision of an officer of the Regular Army, and, for the technical branches and staff corps or departments, such other civilians as may be specially qualified for duty therein.

"SEC. 75. The provisions of this act shall not apply to any person hereafter appointed an officer of the National Guard unless he first shall have successfully passed such tests as to his physical, moral, and professional fitness as the President shall prescribe. The examination to determine such qualifications for commission shall be conducted by a board of three commissioned officers appointed by the Secretary of War from the Regular Army or the National Guard, or both.

"SEC. 76. Filling of vacancies when drafted into Federal service: All vacancies occurring in any grade of commissioned officers in any organization in the military service of the United States and composed of persons drafted from the National Guard under the provisions of this act shall be filled by the President, as far as practicable, by the appointment of persons similarly taken from said guard, and in the manner prescribed by law for filling similar vacancies occurring in the volunteer forces.

"SEC. 77. Elimination and disposition of officers: At any time the moral character, capacity, and general fitness for the service of any National Guard officer may be determined by an efficiency board of three commissioned officers, senior in rank to the officer whose fitness for service shall be under investigation, and if the findings of such board be unfavorable to such officer and be approved by the official authorized to appoint such an officer, he shall be discharged. Commissions of officers of the National Guard may be vacated upon resignation, absence without leave for three months, upon the recommendation of an efficiency board, or pursuant to sentence of a court-martial. Officers of said guard rendered surplus by the disbandment of their organizations shall be placed in the National Guard Reserve. Officers may, upon their own application, be placed in the said reserve.

"SEC. 78. The National Guard Reserve: Subject to such rules and regulations as the President may prescribe, a National Guard Reserve shall be organized in each State, Territory, and the District of Columbia, and shall consist of such organizations, officers, and enlisted men as the President may prescribe, or members thereof may be assigned as reserves to an active organization of the National Guard: *Provided*, That members of said reserve, when engaged in field or coast-defense training with the active National Guard, shall receive the same Federal pay and allowances as enlisted men of like grade on the active list of said guard when likewise engaged: *Provided further*, That, except as otherwise specifically provided in this act, no commissioned or enlisted reservist shall receive any pay or allowances out of any appropriation made by Congress for National Guard purposes.

"SEC. 79. Reserve battalions for recruit training: When members of the National Guard and the enlisted reserve thereof of any State, Territory, or the District of Columbia shall have been brought into the service of the United States in time of war, there shall be immediately organized, either from such enlisted reserve or from the unorganized militia, in such State, Territory, or District, 1 reserve battalion for each regiment of Infantry or Cavalry, or each 9 batteries of Field Artillery, or each 12 companies of Coast Artillery, brought into the service of the United States, and such reserve battalion shall constitute the fourth battalion of any such regiment or 12 companies of Coast Artillery. Reserve battalions shall consist of four companies of such strength as may be prescribed by the President of the United States. When the members of three or more regiments of the National Guard of any State, Territory, or District shall have been brought into the service of the United States, the reserve battalions of such regiments may be organized into provisional regiments and higher units. If for any reason there shall not be enough voluntary enlistments to keep the reserve battalions at the prescribed strength, a sufficient number of the unorganized militia shall be drafted into the service of the United States to maintain each of such battalions at the proper strength. As vacancies occur from death or other causes in any organization in the service of the United States and composed of men taken from the National Guard, men shall be transferred from the reserve battalions to the organizations in the field so that such organizations may be maintained at war strength. Officers for the reserve battalions provided for herein shall be drafted from the National Guard Reserve or Coast Artillery companies of the National Guard or the Officers' Reserve Corps, such officers to be taken, if practicable, from the States, respectively, in which the battalions shall be organized. Officers and noncommissioned officers returned to their home stations because of their inability to perform active field service may be assigned to reserve battalions for duty, and all soldiers invalided home shall be assigned to and carried on the rolls of reserve battalions until returned to duty or until discharged.

"SEC. 80. Leaves of absence for certain Government employees: All officers and employees of the United States and of the District of Columbia who shall be members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating, on all days during which they shall be engaged in field or coast-defense training ordered or authorized under the provisions of this act.

"SEC. 81. Militia Bureau of the War Department: The National Militia Board created by section 11 of the act of May 27, 1908, amending section 20 of the act of January 21, 1903, shall, from the date of the approval of this act, be abolished. The Militia Division now existing in the War Department shall hereafter be known as the Militia Bureau of said department, shall, like other bureaus of said department, be under the immediate supervision of the Secretary of War, and shall not form a part of any other bureau, office, or other organization, but the Chief of the Militia Bureau shall be ex officio a member of the General Staff Corps: *Provided*, That the President may, in his discretion, assign to duty in the Militia Bureau as assistants to the chief thereof not to exceed one colonel and one lieutenant colonel of the National Guard, for terms of four years, and any such officer while so assigned shall, subject to such regulations as the President may prescribe, receive out of the whole fund appropriated for the support of the militia the pay and allowances of a Regular Army officer having the same rank and length of service as said National Guard officer, whose prior service in the Organized Militia shall be counted in ascertaining his rights under this proviso.

"SEC. 82. Armament, equipment, and uniform of the National Guard: The National Guard of the United States shall, as far as practicable, be uniformed, armed, and equipped with the same type of uniforms, arms, and equipments as are or shall be provided for the Regular Army.

"SEC. 83. The Secretary of War is hereby authorized to procure, under such regulations as the President may prescribe, by purchase or manufacture, within the limits of available appropriations made by Congress, and to issue from time to time to the National Guard, upon requisition of the governors of the several States and Territories or the commanding general of the National Guard of the District of Columbia, such number of United States service arms, with all accessories, field-artillery matériel, engineer, coast artillery, signal, and sanitary matériel, accouterments, field uniforms, clothing, equipage, publications, and military stores of all kinds, including public animals, as are necessary to arm, uniform, and equip for field service the National Guard in the several States, Territories, and the District of Columbia: *Provided*, That as a condition precedent to the issue of any property as provided for by this act, the State, Territory, or the District of Columbia desiring such issue shall make adequate provision, to the satisfaction of the Secretary of War, for the protection and care of such property: *Provided further*, That whenever it shall be shown to the satisfaction of the Secretary of War that the National Guard of any State, Territory, or the District of Columbia, is properly organized, armed, and equipped for field service, funds allotted to that State, Territory, or District for the support of its National Guard may be used for the purchase, from the War Department, of any article issued by any of the supply departments of the Army.

"SEC. 84. Under such regulations as the President may prescribe, whenever a new type of equipment, small arm, or field gun shall have been issued to the National Guard of the several States, Territories, and the District of Columbia, such equip-

ment, small arms, and field guns, including all accessories, shall be furnished without charging the cost or value thereof or any expense connected therewith against the appropriations provided for the support of the National Guard.

"SEC. 85. Each State, Territory, and the District of Columbia shall, on the receipt of new property issued to replace obsolete or condemned prior issues, turn in to the War Department or otherwise dispose of, in accordance with the directions of the Secretary of War, all property so replaced or condemned, and shall not receive any money credit therefor.

"SEC. 86. Any State, Territory, or the District of Columbia may, with the approval of the Secretary of War, purchase for cash from the War Department for the use of the National Guard, including the officers thereof, any stores, supplies, material of war, and military publications furnished to the Army, in addition to those issued under the provisions of this act, at the price at which they shall be listed to the Army, with cost of transportation added. The funds received from such sale shall be credited to the appropriation to which they shall belong, shall not be covered into the Treasury, and shall be available until expended to replace therewith the supplies sold to the States in the manner herein authorized: *Provided*, That stores, supplies, and matériel of war so purchased by a State, Territory, or the District of Columbia may, in time of actual or threatened war, be requisitioned by the United States for use in the military service thereof, and when so requisitioned by the United States and delivered credit for the ultimate return of such property in kind shall be allowed to such State, Territory, or the District of Columbia.

"SEC. 87. Disposition and replacement or damaged property, etc.: All military property issued to the National Guard as herein provided shall remain the property of the United States. Whenever any such property issued to the National Guard in any State or Territory or the District of Columbia shall have been lost, damaged, or destroyed, or become unserviceable or unsuitable by use in service or from any other cause, it shall be examined by a disinterested surveying officer of the Regular Army or the National Guard, detailed by the Secretary of War, and the report of such surveying officer shall be forwarded to the Secretary of War, or to such officer as he shall designate to receive such reports; and if it shall appear to the Secretary of War from the record of survey that the property was lost, damaged, or destroyed through unavoidable causes, he is hereby authorized to relieve the State or Territory or the District of Columbia from further accountability therefor. If it shall appear that the loss, damage, or destruction of property was due to carelessness or neglect, or that its loss, damage, or destruction could have been avoided by the exercise of reasonable care, the money value of such property shall be charged to the accountable State, Territory, or District of Columbia, to be paid from State, Territory, or District funds, or any funds other than Federal. If the articles so surveyed are found to be unserviceable or unsuitable, the Secretary of War shall direct what disposition, by sale or otherwise, shall be made of them; and if sold, the proceeds of such sale, as well as stoppages against officers and enlisted men, and the net proceeds of collections made from any person or from any State, Territory, or District to reimburse the Government for the loss, damage, or destruction of any property, shall be deposited in the Treasury of the United States as a credit to said State, Territory, or the District of Columbia, accountable for said property, and as a part of and in addition to that portion of its allotment set aside for the purchase of similar supplies, stores, or material of war: *Provided further*, That if any State, Territory, or the District of Columbia by the Secretary of War pay, or to cause to be paid, the money equivalent of any loss, damage, or destruction of property charged against such State, Territory, or the District of Columbia by the Secretary of War after survey by a disinterested officer appointed as hereinbefore provided, the Secretary of War is hereby authorized to debar such State, Territory, or the District of Columbia from further participation in any and all appropriations for the National Guard until such payment shall have been made.

"SEC. 88. The net proceeds of the sale of condemned stores issued to the National Guard and not charged to State allotments shall be covered into the Treasury of the United States, as shall also stoppages against officers and enlisted men, and the net proceeds of collections made from any person to reimburse the Government for the loss, damage, or destruction of said property not charged against the State allotment issued for the use of the National Guard.

"SEC. 89. Horses for Cavalry and Field Artillery of National Guard: Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase, under such regulations as the Secretary of War may prescribe, of horses conforming to the Regular Army standards for the use of Field Artillery and Cavalry of the National Guard, said horses to remain the propery of the United States and to be used solely for military purposes.

"Horses so purchased may be issued not to exceed 32 to any one battery or troop, under such regulations as the Secretary of War may prescribe; and the Secretary of War is further authorized to issue, in lieu of purchase, for the use of such organizations, condemned Army horses which are no longer fit for service, but which may be suitable for the purposes of instruction, such horses to be sold as now provided by law when said purposes shall have been served.

"SEC. 90. Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government horses issued to any battery or troop, and for the compensation of competent help for the care of the material, animals, and equipment thereof, under such regulations as the Secretary of War may prescribe: *Provided*, That the men to be compensated, not to exceed five for each battery or troop, shall be duly enlisted therein and shall be detailed by the battery or troop commander, under such regulations as the Secretary of War may prescribe, and shall be paid by the United States disbursing officer in each State, Territory, and the District of Columbia.

"SEC. 91. Discipline to conform to that of Regular Army: The discipline (which includes training) of the National Guard shall conform to the system which is now or may hereafter be prescribed for the Regular Army, and the training shall be carried out by the several States, Territories, and the District of Columbia so as to conform to the provisions of this Act.

"SEC. 92. Training of the National Guard: Each company, troop, battery, and detachment in the National Guard shall assemble for drill and instruction, including indoor target practice, not less than 48 times each year, and shall, in addition thereto, participate in encampments, maneuvers, or other exercises, including outdoor target practice, at least 15 days in training each year, including target practice, unless such company, troop, battery, or detachment shall have been excused from participation in any part thereof by the Secretary of War: *Provided*, That credit for an assembly for drill or for indoor target practice shall not be given unless the number of officers and enlisted men present for duty at such assembly shall equal or exceed a minimum to be prescribed by the President, nor unless the period of actual military duty and instruction participated in by each officer and enlisted man at each such assembly at which he shall be credited as having been present shall be of at least one and one-half hours' duration and the character of training such as may be prescribed by the Secretary of War.

"SEC. 93. Inspections of the National Guard: The Secretary of War shall cause an inspection to be made at least once each year by inspectors general, and if necessary by other officers, of the Regular Army, detailed by him for that purpose, to determine whether the amount and condition of the property in the hands of the National Guard is satisfactory; whether the National Guard is organized as hereinbefore prescribed; whether the officers and enlisted men possess the physical and other qualifications prescribed; whether the organization and the officers and enlisted men thereof are sufficiently armed, uniformed, equipped, and being trained and instructed for active duty in the field or coast defense; and whether the records are being kept in accordance with the requirements of this act. The reports of such inspections shall serve as the basis for deciding as to the issue to and retention by the National Guard of the military property provided for by this act, and for determining what organizations and individuals shall be considered as constituting parts of the National Guard within the meaning of this act.

"SEC. 94. Encampments and maneuvers: Under such regulations as the President may prescribe, the Secretary of War is authorized to provide for the participation of the whole or any part of the National Guard in encampments, maneuvers, or other exercises, including outdoor-target practice, for field or coast-defense instruction, either independently or in conjunction with any part of the Regular Army, and there may be set aside from the funds appropriated for that purpose and allotted to any State, Territory, or the District of Columbia, such portion of said funds as may be necessary for the payment, subsistence, transportation, and other proper expenses of such portion of the National Guard of such State, Territory, or the District of Columbia as shall participate in such encampments, maneuvers, or other exercises, including outdoor-target practice, for field and coast-defense instruction; and the officers and enlisted men of such National Guard while so engaged shall be

entitled to the same pay, subsistence, and transportation as officers and enlisted men of corresponding grades of the Regular Army are or hereafter may be entitled by law.

"SEC. 95. When any part of the National Guard participates in encampments, maneuvers, or other exercises, including outdoor-target practice, for field or coast-defense instruction at a United States military post, or reservation, or elsewhere, if in conjunction with troops of the United States, the command of such military post or reservation and of the officers and troops of the United States on duty there or elsewhere shall remain with the commander of the United States troops without regard to the rank of the commanding or other officer of the National Guard temporarily engaged in the encampments, maneuvers, or other exercises.

"SEC. 96. Use of Regular Army personnel: The Secretary of War may detail one or more officers and enlisted men of the Regular Army to attend any encampment, maneuver, or other exercise for field or coast-defense instruction of the National Guard, who shall give such instruction and information to the officers and men assembled for such encampment, maneuver, or other exercise as may be directed by the Secretary of War or requested by the governor or by the commanding officer of the National Guard there on duty.

"SEC. 97. Under such regulations as the President may prescribe the Secretary of War may provide camps for the instruction of officers and enlisted men of the National Guard. Such camps shall be conducted by officers of the Regular Army detailed by the Secretary of War for that purpose, and may be located either within or without the State, Territory, or District of Columbia to which the members of the National Guard designated to attend said camps shall belong. Officers and enlisted men attending such camps shall be entitled to pay and transportation, and enlisted men to subsistence in addition, at the same rates as for encampments or maneuvers for field or coast-defense instruction.

"SEC. 98. When any portion of the National Guard shall participate in encampments, maneuvers, or other exercises, including outdoor target practice, for field or coast-defense instruction, under the provisions of this Act, it may, after being duly mustered, be paid at any time after such muster for the period from the date of leaving the home rendezvous to date of return thereto as determined in advance, both dates inclusive; and such payment, if otherwise correct, shall pass to the credit of the disbursing officer making the same.

"SEC. 99. National Guard officers and men at service schools, etc.: Under such regulations as the President may prescribe, the Secretary of War may, upon the recommendation of the governor of any State or Territory or the commanding general of the National Guard of the District of Columbia, authorize a limited number of selected officers or enlisted men of the National Guard to attend and pursue a regular course of study at any military service school of the United States, except the United States Military Academy; or to be attached to an orgnization of the same arm, corps, or department to which such officer or enlisted man shall belong, for routine practical instruction at or near an Army post during a period of field training or other outdoor exercises; and such officer or enlisted man shall receive, out of any National Guard allotment of funds available for the purpose, the same travel allowances and quarters, or commutation of quarters, and the same pay, allowances, and subsistence to which an officer or enlisted man of the Regular Army would be entitled for attending such school, college, or practical course of instruction under orders from proper military authority, while in actual attendance at such school, college, or practical course of instruction: *Provided*, That in no case shall the pay and allowances authorized by this section exceed those of a captain.

"SEC. 100. Detail of officers of Regular Army to duty with the National Guard: The Secretary of War shall detail officers of the active list of the Army to duty with the National Guard in each State, Territory, or District of Columbia, and officers so detailed may accept commissions in the National Guard, with the permission of the President and terminable in his discretion, without vacating their commissions in the Regular Army or being prejudiced in their relative or lineal standing therein. The Secretary of War may, upon like application, detail one or more enlisted men of the Regular Army with each State, Territory, or District of Columbia for duty in connection with the National Guard. But nothing in this section shall be so construed as to prevent the detail of retired officers as now provided by law.

"SEC. 101. National Guard, when subject to laws governing Regular Army: The National Guard when called as such into the service of the United States shall, from the time they are required by the terms of the call to respond thereto, be subject to the laws and regulations governing the Regular Army, so far as such laws and regulations are applicable to officers and enlisted men whose permanent retention in the military service, either on the active list or on the retired list, is not contemplated by existing law.

"SEC. 102. System of courts-martial for National Guard: Except in organizations in the service of the United States, court-martial in the National Guard shall be of three kinds, namely, general courts-martial, special courts-martial, and summary courts-martial. They shall be constituted like, and have cognizance of the same subjects, and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations governing the Army of the United States, and the proceedings of courts-martial of the National Guard shall follow the forms and modes of procedure prescribed for said similar courts.

"SEC. 103. General courts-martial of the National Guard not in the service of the United States may be convened by orders of the President, or of the governors of the respective States and Territories, or by the commanding general of the National Guard of the District of Columbia, and such courts shall have the power to impose fines not exceeding $200; to sentence to forfeiture of pay and allowances; to a reprimand; to dismissal or dishonorable discharge from the service; to reduction of noncommissioned officers to the ranks; or any two or more of such punishments may be combined in the sentences imposed by such courts.

"SEC. 104. In the National Guard, not in the service of the United States, the commanding officer of each garrison, fort, post, camp, or other place, brigade, regiment, detached battalion, or other detached command, may appoint special courts-martial for his command; but such special courts-martial may in any case be appointed by superior authority when by the latter deemed desirable. Special courts-martial shall have power to try any person subject to military law, except a commissioned officer, for any crime or offense made punishable by the military laws of the United States, and such special courts-martial shall have the same powers of punishment as do general courts-martial, except that fines imposed by such courts shall not exceed $100.

"SEC. 105. In the National Guard, not in the service of the United States, the commanding officer of each garrison, fort, post, or other place, regiment or corps, detached battalion, company, or other detachment of the National Guard may appoint for such place or command a summary court to consist of one officer, who shall have power to administer oaths and to try the enlisted men of such place or command for breaches of discipline and violations of laws governing such organizations; and said court, when satisfied of the guilt of such soldier, may impose fines not exceeding $25 for any single offense; may sentence noncommissioned officer to reduction to the ranks; may sentence to forfeiture of pay and allowances. The proceedings of such court shall be informal, and the minutes thereof shall be the same as prescribed for summary courts of the Army of the United States.

"SEC. 106. All courts-martial of the National Guard, not in the service of the United States, including summary courts, shall have power to sentence to confinement in lieu of fines authorized to be imposed: *Provided*, That such sentences of confinement shall not exceed one day for each dollar of fine authorized.

"SEC. 107. No sentence of dismissal from the service or dishonorable discharge, imposed by a National Guard court-martial, not in the service of the United States, shall be executed until approved by the governor of the State or Territory concerned, or by the commanding general of the National Guard of the District of Columbia.

"SEC. 108. In the National Guard, not in the service of the United States, presidents of courts-martial and summary court officers shall have power to issue warrants to arrest accused persons and to bring them before the court for trial whenever such persons shall have disobeyed an order in writing from the convening authority to appear before such court, a copy of the charge or charges having been delivered to the accused with such order, and to issue subpœnas and subpœnas duces tecum and to enforce by attachment attendance of witnesses and the production of books and papers, and to sentence for a refusal to be sworn or to answer as provided in actions before civil courts.

"All processes and sentences of said courts shall be executed by such civil officers as may be prescribed by the laws of the several States and Territories, and in any State where no provision shall have been made for such action, and in the Territories and the District of Columbia, such processes and sentences shall be executed by a United States marshal or his duly appointed deputy, and it shall be the duty of any United States

marshal to execute all such processes and sentences and make return thereof to the officer issuing or imposing the same.

"SEC. 109. Pay for National Guard officers: Certain commissioned officers on the active list belonging to organizations of the National Guard of each State, Territory, and the District of Columbia participating in the apportionment of the annual appropriation for the support of the National Guard shall receive compensation for their services, except during periods of service for which they may become lawfully entitled to the same pay as officers of corresponding grades of the Regular Army, as follows, not to include longevity pay: A captain $500 per year and the same pay shall be paid to every officer of higher rank than that of captain, a first lieutenant $240 per year, and a second lieutenant $200 per year. Regulations to be prescribed by the Secretary of War shall determine the amount and character of service that must be rendered by officers to entitle them to the whole or specific parts of the maximum pay hereinbefore authorized: *Provided*, That all staff officers, aids-de-camp, and chaplains shall receive not to exceed one-half of the pay of a captain, except that regimental adjutants, and majors and captains in command of machine-gun companies, ambulance companies, field hospital companies, or sanitary troops shall receive the pay hereinbefore authorized for a captain.

"SEC. 110. Pay for National Guard enlisted men: Each enlisted man on the active list belonging to an organization of the National Guard of a State, Territory, or the District of Columbia, participating in the apportionment of the annual appropriation for the support of the National Guard, shall receive compensation for his services, except during periods of service for which he may become lawfully entitled to the same pay as an enlisted man of corresponding grade in the Regular Army, at a rate equal to 25 per cent of the initial pay now provided by law for enlisted men of corresponding grades of the Regular Army: *Provided*, That such enlisted man shall receive the compensation herein provided if he shall have attended not less than 48 regular drills during any one year, and a proportionate amount for attendance upon a lesser number of such drills, not less than 24; and no such enlisted man shall receive any part of said compensation except as authorized by this proviso and the three provisos next following: *Provided further*, That the compensation provided herein shall be computed for semiannual periods, beginning the 1st day of January and the 1st day of July of each year, in proportion to the number of drills attended; and no compensation shall be paid to any enlisted man for the first semiannual period of any year unless he shall have attended during said period at least 24 drills, but any lesser number of drills attended during said period shall be reckoned with the drills attended during the second semiannual period in computing the compensation, if any, due him for that year: *Provided further*, That when any man enters into an enlistment other than an immediate reenlistment he shall be entitled to proportional compensation for that year if during the remainder of the year he shall attend a number of drills whose ratio to 24 is not less than the ratio of the part of the year so served to the whole year; and when any man's enlistment shall expire the compensation, if any, to which he may be entitled shall be determined in like manner: *Provided further*, That periods of any actual military duty equivalent to the drills herein prescribed (except those periods of service for which members of the National Guard may become lawfully entitled to the same pay as officers and enlisted men of the corresponding grades in the Regular Army) may be accepted as service in lieu of such drills when so provided by the Secretary of War.

"All amounts appropriated for the purpose of this and the last preceding section shall be disbursed and accounted for by the officers and agents of the Quartermaster Corps of the Army, and all disbursements under the foregoing provisions of this section shall be made as soon as practicable after the 31st day of December and the 30th day of June of each year upon pay rolls prepared and authenticated in the manner to be prescribed by the Secretary of War: *Provided*, That stoppages may be made against the compensation payable to any officer or enlisted man hereunder to cover the cost of public property lost or destroyed by and chargeable to such officer or enlisted man.

"Except as otherwise specifically provided herein, no money appropriated under the provisions of this or the last preceding section shall be paid to any person not on the active list, nor to any person over 64 years of age, nor to any person who shall fail to qualify as to fitness for military service under such regulations as the Secretary of War shall prescribe, nor to any State, Territory, or District, or officer or enlisted man in the National Guard thereof, unless and until such State, Territory, or District provides by law that staff officers, including officers of the Pay, Inspection, Subsistence, and Medical Departments, hereafter appointed shall have had previous military experience and shall hold their positions until they shall have reached the age of 64 years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and that vacancies among said officers shall be filled by appointment from the officers of the militia of such State, Territory, or District: *Provided further*, That the preceding proviso shall not apply to any State, Territory, or District until 60 days next after the adjournment of the next session of its legislature held after the approval of this act.

"SEC. 111. National Guard when drafted into Federal service: When Congress shall have authorized the use of the armed land forces of the United States, for any purpose requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations, including such physical examination as he may prescribe, draft into the military service of the United States, to serve therein for the period of the war unless sooner discharged, any or all members of the National Guard and of the National Guard Reserve. All persons so drafted shall, from the date of their draft, stand discharged from the militia, and shall from said date be subject to such laws and regulations for the government of the Army of the United States as may be applicable to members of the Volunteer Army, and shall be embodied in organizations corresponding as far as practicable to those of the Regular Army or shall be otherwise assigned as the President may direct. The commissioned officers of said organizations shall be appointed from among the members thereof, officers with rank not above that of colonel to be appointed by the President alone, and all other officers to be appointed by the President by and with the advice and consent of the Senate. Officers and enlisted men in the service of the United States under the terms of this section shall have the same pay and allowances as officers and enlisted men of the Regular Army of the same grades and the same prior service.

"SEC. 112. Rights to pensions: When any officer or enlisted man of the National Guard drafted into the service of the United States in time of war is disabled by reason of wounds or disability received or incurred while in the active service of the United States in time of war, he shall be entitled to all the benefits of the pension laws existing at the time of his service, and in case such officer or enlisted man dies in the active service of the United States in time of war or in returning to his place of residence after being mustered out of such service, or at any other time in consequence of wounds or disabilities received in such active service, his widow and children, if any, shall be entitled to all the benefits of such pension laws.

"SEC. 113. Encouragement of rifle practice: The Secretary of War shall annually submit to Congress recommendations and estimates for the establishment and maintenance of indoor and outdoor rifle ranges, under such a comprehensive plan as will ultimately result in providing adequate facilities for rifle practice in all sections of the country. And that all ranges so established and all ranges which may have already been constructed, in whole or in part, with funds provided by Congress shall be open for use by those in any branch of the military or naval service of the United States and by all able-bodied males capable of bearing arms, under reasonable regulations to be prescribed by the controlling authorities and approved by the Secretary of War. That the President may detail capable officers and noncommissioned officers of the Regular Army and National Guard to duty at such ranges as instructors for the purpose of training the citizenry in the use of the military arm. Where rifle ranges shall have been so established and instructors assigned to duty thereat, the Secretary of War shall be authorized to provide for the issue of a reasonable number of standard military rifles and such quantities of ammunition as may be available for use in conducting such rifle practice.

"Sec. 114. Temporary vacancies in Regular Army due to details to the National Guard: In time of war the temporary vacancies created in any grade not above that of colonel among the commissioned personnel of any arm, staff corps, or department of the Regular Army, through appointments of officers thereof to higher rank in organizations composed of members taken from the National Guard, shall be filled by temporary promotions according to seniority in rank from officers holding commissions in the next lower grade in said arm, staff corps, or department, and all vacancies created in any grade by such temporary promotions shall be in like manner filled from, and thus create temporary vacancies in, the next lower grade, and the vacancies that shall remain thereafter in said arm, staff corps, or department and that can not be filled by temporary promotions, as prescribed in this section, may be filled

by the temporary appointment of officers of such number and grade or grades as shall maintain said arm, corps, or department at the full commissioned strength authorized by law: *Provided*, That in the staff corps and departments subject to the provisions of sections 26 and 27 of the act of February 2, 1901, and acts amendatory thereof, temporary vacancies that can not be filled by temporary promotions as hereinbefore prescribed shall be filled by temporary details in the manner prescribed in said sections 26 and 27, and acts amendatory thereof, and the resulting temporary vacancies in the branches of the Army from which the details shall be so made shall be filled as hereinbefore in this section prescribed: *Provided further*, That officers temporarily promoted or appointed under the terms of this section shall be promoted or appointed by the President, by and with the advice and consent of the Senate, for terms that shall not extend beyond the war or the passing of the emergency for which additional forces were brought into the military service of the United States, and at the termination of the war or the passing of the emergency said officers shall be discharged from the positions held by them under their temporary commissions or appointments, and officers detailed as herein authorized shall be relieved from their temporary details: *And provided further*, That officers temporarily promoted under the provisions of this section shall not vacate their permanent commissions nor be prejudiced in their relative or lineal standing in the Regular Army.

"SEC. 115. Physical examination: Every officer and enlisted man of the National Guard who shall be called into the service of the United States as such shall be examined as to his physical fitness under such regulations as the President may prescribe without further commission or enlistment: *Provided*, That immediately preceding the muster out of an officer or enlisted man called into the active service of the United States he shall be physically examined under rules prescribed by the President of the United States, and the record thereof shall be filed and kept in the War Department.

"SEC. 116. Noncompliance with Federal act: Whenever any State shall, within a limit of time to be fixed by the President, have failed or refused to comply with or enforce any requirement of this act, or any regulation promulgated thereunder and in aid thereof by the President or the Secretary of War, the National Guard of such State shall be debarred, wholly or in part, as the President may direct, from receiving from the United States any pecuniary or other aid, benefit, or privilege authorized or provided by this act or any other law.

"SEC. 117. Applicable to land forces only: The provisions of this act in respect to the militia shall be applicable to militia organized as a land force and not to the Naval Militia, which shall consist of such part of the militia as may be prescribed by the President for each State, Territory, or District: *Provided*, That each State, Territory, or District maintaining a Naval Militia as herein prescribed may be credited to the extent of the number thereof in the quota that would otherwise be required by section 62 of this act.

"SEC. 118. Necessary rules and regulations: The President shall make all necessary rules and regulations and issue such orders as may be necessary for the thorough organization, discipline, and government of the militia provided for in this act.

"SEC. 119. Annual estimates required: The Secretary of War shall cause to be estimated annually the amount necessary for carrying out the provisions of so much of this act as relates to the militia, and no money shall be expended under said provisions except as shall from time to time be appropriated for carrying them out.

"SEC. 120. Purchase or procurement of military supplies in time of actual or imminent war: The President, in time of war or when war is imminent, is empowered, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual, firm, company, association, corporation, or organized manufacturing industry.

"Compliance with all such orders for products or material shall be obligatory on any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof and shall take precedence over all other orders and contracts theretofore placed with such individual, firm, company, association, corporation, or organized manufacturing industry, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any plant equipped for the manufacture of arms or ammunition, or parts of ammunition, or any necessary supplies or equipment for the Army, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any manufacturing plant, which, in the opinion of the Secretary of War, shall be capable of being readily transformed into a plant for the manufacture of arms or ammunition, or parts thereof, or other necessary supplies or equipment, who shall refuse to give to the United States such preference in the matter of the execution of orders, or who shall refuse to manufacture the kind, quantity, or quality of arms or ammunition, or the parts thereof, or any necessary supplies or equipment, as ordered by the Secretary of War, or who shall refuse to furnish such arms, ammunitions, or parts of ammunition, or other supplies or equipment, at a reasonable price as determined by the Secretary of War, then, and in either such case, the President, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement herein provided for, is hereby authorized to take immediate possession of any such plant or plants, and, through the Ordnance Department of the United States Army, to manufacture therein in time of war, or when war shall be imminent, such product or material as may be required, and any individual, firm, company, association, or corporation, or organized manufacturing industry or the responsible head or heads thereof failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding $50,000.

"The compensation to be paid to any individual, firm, company, association, corporation, or organized manufacturing industry for its products or material, or as rental for use of any manufacturing plant while used by the United States, shall be fair and just.

"The Secretary of War shall also make, or cause to be made, a complete list of all privately owned plants in the United States equipped to manufacture arms or ammunition, or the component parts thereof. He shall obtain full and complete information regarding the kind of arms or ammunition, or the component parts thereof, manufactured or that can be manufactured by each such plant, the equipment in each plant, and the maximum capacity thereof. He shall also prepare, or cause to be prepared, a list of privately owned manufacturing plants in the United States capable of being readily transformed into ammunition factories, where the capacity of the plant is sufficient to warrant transforming such plant or plants into ammunition factories in time of war or when war shall be imminent; and as to all such plants the Secretary of War shall obtain full and complete information as to the equipment of each such plant, and he shall prepare comprehensive plans for transforming each such plant into an ammunition factory, or a factory in which to manufacture such parts of ammunition as in the opinion of the Secretary of War such plant is best adapted.

"The President is hereby authorized, in his discretion, to appoint a board on mobilization of industries essential for military preparedness, nonpartisan in character, and to take all necessary steps to provide for such clerical assistance as he may deem necessary to organize and coordinate the work hereinbefore described.

"SEC. 121. Investigation as to Government manufacture of arms, etc.: The Secretary of War is hereby authorized to appoint a board of five citizens, two of whom shall be civilians and three of whom shall be officers of the Army, to investigate and report to him the feasibility, desirability, and practicability of the Government manufacturing arms, munitions, and equipment, showing in said report the comparative prices of the arms, munitions, and equipment manufactured in Government plants and those manufactured in private plants, the amount of money necessary to build and operate Government plants for the manufacture of arms, munitions, and equipment; showing also what the Government plants and arsenals are now doing in the way of manufacturing arms, munitions, and equipment, and what saving has accrued to the Government by reason of its having manufactured a large part of its own arms, munitions, and equipment for the last four years. And the Secretary of War is hereby directed to transmit said report to Congress on or before January 1, 1917.

"SEC. 122. Investigation concerning medals of honor: A board to consist of five general officers on the retired list of the Army shall be convened by the Secretary of War, within 60 days after the approval of this act, for the purpose of investigating and reporting upon past awards or issues of the so-called congressional medal of honor by or through the War Department; this with a view to ascertain what medals of honor, if any, have been awarded or issued for any cause other than distinguished conduct by an officer or enlisted man in action in-

volving actual conflict with an enemy by such officer or enlisted man or by troops with which he was serving at the time of such action. And in any case in which said board shall find and report that said medal was issued for any cause other than that hereinbefore specified the name of the recipient of the medal so issued shall be stricken permanently from the official medal of honor list. It shall be a misdemeanor for him to wear or publicly display said medal, and, if he shall still be in the Army, he shall be required to return said medal to the War Department for cancellation. Said board shall have full and free access to and use of all records pertaining to the award or issue of medals of honor by or through the War Department. The actual and necessary expenses of said board and its members shall be paid out of any appropriations available for contingent expenses of the Army of the War Department.

"SEC. 123. Procurement of gauges, dies, jigs, etc., necessary for manufacture of arms, etc.: The Secretary of War be, and he is hereby, authorized to prepare or cause to be prepared, to purchase or otherwise procure, such gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings, as may be necessary for the immediate manufacture, by the Government and by private manufacturers, of arms, ammunition, and special equipment necessary to arm and equip the land forces likely to be required by the United States in time of war: *Provided*, That in the expenditure of any sums appropriated to carry out the purposes of this section the existing laws prescribing competition in the procurement of supplies by purchase shall not govern, whenever in the opinion of the Secretary of War such action will be for the best interest of the public service.

"SEC. 124. Nitrate supply: The President of the United States is hereby authorized and empowered to make, or cause to be made, such investigation as in his judgment is necessary to determine the best, cheapest, and most available means for the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products by water power or any other power as in his judgment is the best and cheapest to use; and is also hereby authorized and empowered to designate for the exclusive use of the United States, if in his judgment such means is best and cheapest, such site or sites, upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this act; and is further authorized to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

"The President is authorized to lease, purchase, or acquire, by condemnation, gift, grant, or devise, such lands and rights of way as may be necessary for the construction and operation of such plants, and to take from any lands of the United States, or to purchase or acquire by condemnation materials, minerals, and processes, patented or otherwise, necessary for the construction and operation of such plants and for the manufacture of such products.

"The products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall determine is not required shall be sold and disposed of by him under such regulations as he may prescribe.

"The President is hereby authorized and empowered to employ such officers, agents, or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified, and to authorize and require such officers, agents, or agencies to perform any and all of the duties imposed upon him by the provisions hereof.

"The sum of $20,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, to enable the President of the United States to carry out the purposes herein provided for.

"The plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

"In order to raise the money appropriated by this act and necessary to carry its provisions into effect, the Secretary of the Treasury, upon the request of the President of the United States, may issue and sell, or use for such purpose or construction hereinabove authorized, any of the bonds of the United States now available in the Treasury of the United States under the act of August 5, 1909, the act of February 4, 1910, and the act of March 2, 1911, relating to the issue of bonds for the construction of the Panama Canal, to a total amount not to exceed $20,000,000: *Provided*, That any Panama Canal bonds issued and sold or used under the provisions of this section may be made payable at such time after issue as the Secretary of the Treasury, in his discretion, may deem advisable, and fix, instead of 50 years after date of issue, as in said act of August 5, 1909, not exceeding 50 years.

"SEC. 125. Protection of the uniform: It shall be unlawful for any person not an officer or enlisted man of the United States Army, Navy, or Marine Corps, to wear the duly prescribed uniform of the United States Army, Navy, or Marine Corps, or any distinctive part of such uniform, or a uniform any part of which is similar to a distinctive part of the duly prescribed uniform of the United States Army, Navy, or Marine Corps: *Provided*, That the foregoing provision shall not be construed so as to prevent officers or enlisted men of the National Guard from wearing, in pursuance of law and regulations, the uniform lawfully prescribed to be worn by such officers or enlisted men of the National Guard; nor to prevent members of the organization known as the Boy Scouts of America, or the Naval Militia, or such other organizations as the Secretary of War may designate, from wearing their prescribed uniforms; nor to prevent persons who in time of war have served honorably as officers of the United States Army, Navy, or Marine Corps, Regular or Volunteer, and whose most recent service was terminated by an honorable discharge, muster out, or resignation, from wearing, upon occasions of ceremony, the uniform of the highest grade they have held by brevet or other commission in such Regular or Volunteer service; nor to prevent any person who has been honorably discharged from the United States Army, Navy, or Marine Corps, Regular or Volunteer, from wearing his uniform from the place of his discharge to his home, within three months after the date of such discharge; nor to prevent the members of military societies composed entirely of honorably discharged officers or enlisted men, or both, of the United States Army, Navy, or Marine Corps, Regular or Volunteer, from wearing, upon occasions of ceremony, the uniform duly prescribed by such societies to be worn by the members thereof; nor to prevent the instructors and members of the duly organized cadet corps of a State university, State college, or public high school offering a regular course in military instruction from wearing the uniform duly prescribed by the authorities of such university, college, or public high school for wear by the instructors and members of such cadet corps; nor to prevent the instructors and members of the duly organized cadet corps of any other institution of learning offering a regular course in military instruction, and at which an officer or enlisted man of the United States Army, Navy, or Marine Corps is lawfully detailed for duty as instructor in military science and tactics, from wearing the uniform duly prescribed by the authorities of such institution of learning for wear by the instructors and members of such cadet corps; nor to prevent civilians attendant upon a course of military or naval instruction authorized and conducted by the military or naval authorities of the United States from wearing, while in attendance upon such course of instruction, the uniform authorized and prescribed by such military or naval authorities for wear during such course of instruction; nor to prevent any person from wearing the uniform of the United States Army, Navy, or Marine Corps in any playhouse or theater or in moving-picture films while actually engaged in representing therein a military or naval character not tending to bring discredit or reproach upon the United States Army, Navy, or Marine Corps: *Provided further*, That the uniforms worn by officers or enlisted men of the National Guard, or by the members of the military societies or the instructors and members of the cadet corps referred to in the preceding proviso shall include some distinctive mark or insignia to be prescribed by the Secretary of War to distinguish such uniforms from the uniforms of the United States Army, Navy, and Marine Corps: *And provided further*, That the members of the military societies and the instructors and members of the cadet corps hereinbefore mentioned shall not wear the insignia of rank prescribed to be worn by officers of the United States Army, Navy, or Marine Corps, or any insignia of rank similar thereto.

"Any person who offends against the provisions of this section shall, on conviction, be punished by a fine not exceeding $300, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

"SEC. 126. On and after July 1, 1916, an enlisted man when discharged from the service, except by way of punishment for an offense, shall receive 3½ cents per mile from the place of his discharge to the place of his acceptance for enlistment, enrollment, or original muster into the service, at his option: *Provided*,

That for sea travel on discharge transportation and subsistence only shall be furnished to enlisted men.

"SEC. 127. Nothing in this act shall be held or construed so as to discharge any officer from the Regular Army or to deprive him of the commission which he now holds therein.

"SEC. 128. All laws and parts of laws in so far as they are inconsistent with this act are hereby repealed."

And the Senate agree to the same.

JAMES HAY,
S. H. DENT, Jr.,
JULIUS KAHN,
Managers on the part of the House.

GEO. E. CHAMBERLAIN,
J. C. W. BECKHAM,
R. F. BROUSSARD,
H. A. DU PONT,
F. E. WARREN,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House on the disagreeing votes of the two Houses on H. R. 12766, a bill to increase the efficiency of the Military Establishment of the United States, make the following statement:

The differences between the two Houses were so wide that the conferees were compelled to rewrite in a great many particulars the bill of the House and the Senate amendment thereto.

The bill, as agreed upon by the conferees, provides for a standing Army in time of peace of 175,000 enlisted men of the line, in addition to which are to be added the enlisted men of the Hospital Corps, the Quartermaster Corps, the Signal Corps, and the Philippine Scouts.

The section of the Senate amendment providing for a Volunteer Army was stricken from the Senate amendment, as was also the provision providing for a reserve army through training in schools, known as the Hardwick amendment.

The provision in the Senate amendment providing for vocational training of enlisted men of the Regular Army was modified so as to give to the Secretary of War full discretion as to the hours of instruction and training.

The organizations provided for in the Senate amendment were accepted by the House.

The increase of officers and organizations are to be made in five annual increments. The General Staff Corps, the Adjutant General's Department, the Inspector General's Department, the Judge Advocate General's Department, and the Quartermaster Corps are all adequately provided for to meet the increase in the Army. The Senate accepted the provision of the House bill with regard to the Medical Corps, which provided for 7 medical officers for every 1,000 of the enlisted strength of the Army.

The Ordnance Department is provided for as in the House bill.

The Signal Corps is increased and the aviation section of the corps is also increased.

The Senate accepted the House provision as to veterinarians.

The Senate accepted the House provision as to Porto Rico Regiment of Infantry.

The House accepted the number of detached officers provided for in the Senate amendment for duty with the National Guard and other detached duty. The House accepted the provision for the retirement of the officers of the Philippine Scouts.

Enlishment in the Regular Army is provided for as follows: A term of seven years, three years with the colors and four in the reserve, and the further provision that an enlisted man serving in continental limits of the United States after one year's honorable service may be furloughed to the reserve upon the recommendation of his company, troop, battery, or detachment commander, in the discretion of the Secretary of War.

Provision is also made for reenlistment.

Provision is made for an Army reserve and also for an Enlisted Reserve Corps.

Provision is also made for an Officers' Reserve Corps, both for the Regular Army and the National Guard.

The Reserve Officers' Training Corps, which the President is authorized to establish and maintain in civil educational institutions, is retained in the bill as it appeared both in the House bill and the Senate amendment, and is known as the Pomerene guard provision.

The Senate accepted the House provision as to the organization and federalization of the National Guard, with the exception that the oath of commissioned officers and enlisted men of the National Guard is the same as is provided for in the Senate amendment and the section of the Senate amendment with regard to the adjutant generals of the States is incorporated in the bill.

The nitrate proposition as it passed the House was agreed to by the Senate, no change having been made in the House provision.

There is retained in the bill the House provision for the utilization and mobilization of the industries of the country in time of war, and also the House provision providing for a board of five citizens to investigate and report upon the practicability of the Government manufacturing arms, munitions, and equipment.

Also the provision authorizing the Secretary of War to purchase or otherwise procure gauges, dies, tools, and fixtures known as the Tilson amendment.

The bill also provides for summer training camps.

JAMES HAY,
S. H. DENT, Jr.,
JULIUS KAHN,
Managers on the part of the House.

Mr. HAY. Mr. Speaker, I ask unanimous consent that there may be two hours' debate on this conference report, at the end of which time the previous question shall be considered as ordered, one half the time to be controlled by the gentleman from California [Mr. KAHN] and the other half by myself.

The SPEAKER. The gentleman from Virginia asks unanimous consent that debate on this conference report be limited to two hours, one hour to be controlled by himself and the other by the gentleman from California [Mr. KAHN], and that at the end of that time the previous question shall be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The House will be in order. The Sergeant at Arms will clear the aisles and keep them cleared until we get through with the consideration of this Army reorganization bill. If gentlemen wish to converse or carry on private debate with one another, the Chair wishes they would leave the Hall. Gentlemen will take their seats. The Chair wants to remark that the pair clerk's desk is not a joke exchange; and when gentlemen come down there to arrange pairs they will please do it as quietly as possible; and while there is a full attendance the Chair wants to repeat a remark that he made the other day, that when the roll is being called Members have no business to cluster around the Clerk's desk. It disturbs the clerks, and it raises a suspicion in the minds of men that the roll call is not fair. The clerks have no right to change votes, and they ought not to be asked to do it. [Applause.]

Mr. HAY. Mr. Speaker, does the gentleman from California desire to go ahead now?

Mr. KAHN. No.

Mr. HAY. Then, Mr. Speaker, I will take the floor. [Applause.]

This conference report embodies the compromise reached on the part of the conferees of the House and Senate on what is known as the Army reorganization bill.

The bill as it passed the House provided for 140,000 men of the line—that is, men who fight. The bill as it was amended by the Senate provided for 250,000 fighting men, and the bill as agreed upon by the conferees provides for 175,000 fighting men.

It has been stated that this bill carries an enlisted force of 206,000 men, and the inference has been drawn that they are all to be put in the Army at once. As a matter of fact, the increase over the number of men now in the Army is to be provided for in five annual increments; and the increase in the officers, with the exception of those officers who are to be used for the purpose of training the National Guard and teaching in military schools, are also to be added in five annual increments. So, as a matter of fact, this bill provides for the next fiscal year an increase of about 12,000 enlisted men and between 3,000 and 4,000 officers. It is entirely within the discretion of Congress, without infringing upon the rights of any officer or man, to cut off next year the increments which are provided for in this bill.

Mr. GARDNER. Will the gentleman yield?

Mr. HAY. I will.

Mr. GARDNER. Do I understand the gentleman to say that this bill only increases the enlisted force of the Army 12,000 men up to the 1st of July, 1917?

Mr. HAY. About that; yes.

Mr. GARDNER. Twelve thousand are the most we can expect up to the 1st of July, 1917?

Mr. HAY. Plus the 20,000 that were authorized in the joint resolution.

Mr. GARDNER. The filling up to about 109,000.

Mr. HAY. One hundred and nineteen thousand.

Mr. GARDNER. I think not.

Mr. HAY. Well, the gentleman probably knows better than anybody else.

These increments are wholly within the discretion of Congress in the next five years. When this war in Europe is over, "when the war drums beat no longer and the battle flags are furled," when the hysteria which has been pervading the atmosphere of the country has died away, when the shouting and the tumult are no more, then Congress can cut off these increments and make the standing army of the United States any number it pleases. [Applause.]

Certain people in the other body were amazed at the attitude of the House of Representatives, and I am amazed at some of the Senators who are trying to couple this legislation with a possible emergency which may exist to-morrow, next week, or next month. This is not an emergency bill. It is not intended as an emergency bill; it is not intended to raise an Army for the purpose of possible war with Mexico or any other power. It is intended as a peace proposition, as I have often said on this floor, and no man who understands the bill or the situation can couple with it what it must be necessary to do in the event of war breaking out in the next few months.

We have already on the statute books, placed there two years ago, a bill known as the volunteer army bill, which would enable the President, when authorized by Congress, to raise as large an Army as he wants if we should be so unfortunate as to go to war. It is useless to try and enlighten these densely ignorant newspaper editors [laughter and applause] who have been undertaking to write about this legislation without knowing anything about it and who have been slandering the Congress of the United States without taking the trouble to find out what Congress was doing or had done. [Applause.]

I beg gentlemen to carry that distinction in their minds that this is not an emergency bill but a bill for future preparedness, and it does that. This bill provides a standing army as large as can be recruited in this country under the volunteer system. It provides a larger number of men than I believe the recruiting officers think they can get. It provides an organization which in time of war can be increased to an army of 216,000 men.

It provides for training young men as officers; it provides for an officers' reserve corps; it provides for a Regular Army reserve of enlisted men; it provides for an enlisted reserve corps of men from civil life; it provides for a nitrate plant to manufacture powder; it provides for the utilization and mobilization of industries in time of war; it provides for purchasing gauges, dies, tools, and fixtures for the purpose of equipping manufacturing plants to be used in time of war—all of these provisions were original House provisions and originated here. [Applause.]

It provides for the development of the National Guard, the only volunteer force in this country which is in existence and with which we could work. It provides for their development, and since this law has passed the House it has developed the National Guard to the extent that at least 40,000 new men have applied for membership in the National Guard. [Applause.] That carries out the assertion made that if the National Guard was put on a proper basis we would have at least the number provided for in this bill in a few years—425,000 men as a reserve. It is purely a preparedness measure. It meets the best thought of the two bodies and, in my judgment, merits the support of every man on this floor.

Mr. MADDEN. Will the gentleman yield?

Mr. HAY. Yes.

Mr. MADDEN. What would be the probable annual expenditure for the National Guard under the provisions of this bill, and would it be effective all at once or does it come annually?

Mr. HAY. It is effective all at once. Of course the annual expenditures depends upon the number of men in the National Guard.

Mr. MADDEN. Assuming the full strength is provided.

Mr. HAY. It would be about a hundred million dollars a year.

Mr. SHERWOOD. Will the gentleman yield?

Mr. HAY. Yes.

Mr. SHERWOOD. If the 63 recruiting officers of the United States failed to get the volunteers, does the bill still provide for an increase of officers?

Mr. HAY. It does not. The bill provides for five annual increments both of commissioned officers and enlisted men, so that, as I said, it is within the power of Congress to cut off the increments if they desire without in any way invading the right of any officer or any man. Therefore, the standing army being in the discretion of Congress, it is for them to say what number they will have when the war is over and when the hysteria passes away.

Mr. Speaker, if there is any gentleman who has a question to ask, I would be glad to answer it. The subject has been so much debated that I do not think it is necessary for me to take up the time of the House.

Mr. HELGESEN. What does the bill provide as to service with the colors?

Mr. HAY. Three years with the colors and four years with the reserve.

Mr. THOMPSON. How much would this bill increase the expenditure for the Army?

Mr. HAY. I will say that this bill, as far as the personnel is concerned, would increase the expense of the Army about $25,000,000. But the gentleman must remember that we are being asked to provide a large reserve of ordnance, guns, ammunition, machine guns, and everything of that sort, and therefore the Army bill will be very largely increased by reason of making provision for the reserve supplies asked for.

Mr. THOMPSON. How much?

Mr. HAY. I can not say; but I think the Army bill will be about $150,000,000 this year.

Mr. THOMPSON. One hundred and fifty million dollars increase?

Mr. HAY. Oh, no; $50,000,000 increase.

Mr. BARNHART. Does the bill carry a provision for vocational training?

Mr. HAY. Yes.

Mr. BARNHART. What is the provision as to profits?

Mr. HAY. That is left to the discretion of the Secretary of War.

Mr. MADDEN. How many men of all classes will it be possible to employ or enlist under the terms of this bill—I do not mean the fighting line?

Mr. HAY. The gentleman means outside of the reserve?

Mr. MADDEN. Everything.

Mr. HAY. Why, it is possible to enlist large numbers. It is impossible to tell how many, but any man who wants to go into the enlisted reserve corps provided for in this bill who is a chauffeur or mechanician of any kind, can do so, and any man who can qualify can go in the officers' reserve corps. Of course, these corps do not cost anything except in time of war when their members will be called into active service.

Mr. MADDEN. Assuming we had the maximum number of men provided for in this bill in the line, how many will there be in the whole service?

Mr. HAY. One hundred and seventy-five thousand.

Mr. MADDEN. How many men would that increase the Army including quartermasters and all other branches of the service?

Mr. HAY. The gentleman means the Quartermaster Corps, Hospital Corps, untrained recruits; about 31,000.

Mr. MADDEN. In addition to the 175,000.

Mr. HAY. The gentleman understands they are noncombatants.

Mr. STAFFORD. Will the gentleman yield?

Mr. HAY. I will.

Mr. STAFFORD. When the Regular Army is up to its full fighting strength of 175,000 and the militia or National Guard is up to its full maximum strength and all the other forces as provided for in this bill are in service, what does the gentleman estimate will be the total national expense for maintenance yearly?

Mr. HAY. Well, I have not figured that that would take place in the near future.

Mr. STAFFORD. The gentleman can count on our having these annual increments of 12,000 men and additional officers will be required each year?

Mr. HAY. I assume an army of 175,000 men would cost about $200,000,000 a year.

Mr. STAFFORD. That, together with $100,000,000 for the National Guard, would be an annual cost of $300,000,000.

Mr. HAY. Yes.

Mr. STAFFORD. In that particular I wish to inquire how much will the States be relieved of the burden of supporting the National Guard by the provisions as carried in this bill?

Mr. HAY. That is up to the States. They can do as they please about it. We can not control the State appropriations and do not undertake to do it in this bill.

Mr. STAFFORD. The gentleman knows, however, the National Government provides the camps and all the munitions, matériel, and so forth?

Mr. HAY. We do that now. The Government does that now under the present law.

Mr. STAFFORD. Not to the extent of paying officers or men.

Mr. HAY. Not to the extent of pay; but we provide everything else but the pay now.

Mr. STAFFORD. It is only an annual expenditure of something like $8,000,000, whereas this will provide an expenditure of $100,000,000.

Mr. HAY. Oh, no.

Mr. STAFFORD. Not for the same number of men, but with the force allowed it will be $100,000,000.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HAY. I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. In going over the conference report I notice, page 5, under the head of the "Judge Advocate General's Department," a proviso which contains a description of a judge advocate general that is rather unusual. It provides that he shall have been a judge of the Supreme Court of the Philippine Islands for a period of 10 years. Is it the idea that there shall be a judge advocate general located in the Philippine Islands?

Mr. HAY. No; but there is one located there. I will say to the gentleman, that provision was put in at my request, if that is what the gentleman desires to know.

Mr. MOORE of Pennsylvania. I wanted to know if this was not an unusual designation?

Mr. HAY. Not at all. A large number of the officers in the Judge Advocate General's office were civilians, and were appointed from civil life.

Mr. MOORE of Pennsylvania. He is to have been a judge of the supreme court——

Mr. HAY. And also in the Volunteer Army.

Mr. MOORE of Pennsylvania. I inquired to find out if it was the intention to locate one of those judge advocate generals specially in the islands?

Mr. HAY. There is a judge advocate in the islands always.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. HAY. I will.

Mr. GREEN of Iowa. I understood the gentleman, in reply to a question from the gentleman from Massachusetts [Mr. GARDNER], to name the number of enlisted men who would be added by the bill. I assume that in giving that number the gentleman meant that was in addition to the 20,000 we provided for a short time ago. Am I correct in that?

Mr. HAY. Yes, if we ever get them.

Mr. GREEN of Iowa. If we ever get them.

Mr. TRIBBLE. Will the gentleman yield?

Mr. HAY. I will.

Mr. TRIBBLE. I would like to have a little more information with reference to the National Guard and the Regular Army in time of peace. In other words, what benefits the National Guard get from this bill that they have not had heretofore?

Mr. HAY. They get pay.

Mr. TRIBBLE. What pay do they get?

Mr. HAY. Captain and officers above the rank of captain get $500 a year, and enlisted men get one-fourth of the pay of the Regular Army.

Mr. SMITH of Michigan. Does anybody who enlists in the National Guard at the present time get pay?

Mr. HAY. They do not.

Mr. SMITH of Michigan. You spoke something of the difficulty of recruiting the Army to its full strength. I would like to inquire whether or not now the Army is not being recruited to its full strength for volunteers, and what progress is being made—whether or not they are joining freely?

Mr. HAY. I will state to the gentleman that they are not joining freely. We passed that resolution in March, over two months ago, and they have succeeded in getting only 6,000 men, and that number will about take the place of the number going out at the expiration of their term of enlistment.

Mr. SMITH of Michigan. How many stations are recruiting?

Mr. HAY. I understand there are 253, although I am not certain about the number.

Mr. GUERNSEY. As I understand, the added expense of the bill is $100,000,000, on account of the National Guard?

Mr. HAY. The bill does not do that unless the National Guard is recruited up to 425,000 men.

Mr. GUERNSEY. What is the estimated expense of the first year on account of the National Guard?

Mr. HAY. About $27,000,000.

Mr. GILLETT. Will the gentleman tell us, if the Army is recruited up to its full strength of 175,000, how large a mobile army it would leave?

Mr. HAY. We would have 175,000 men.

Mr. GILLETT. Does not the gentleman include the coast defenses?

Mr. HAY. Yes.

Mr. GILLETT. How many would that take?

Mr. HAY. That would take 30,000.

Mr. GILLETT. Is that the only reduction?

Mr. HAY. Yes; that is all.

Mr. MEEKER. Has the gentleman received the report of the enlistments to the Regular Army from Boston of about five weeks?

Mr. HAY. I heard that they got one recruit there. I do not know whether that is true or not. [Laughter.]

Mr. KAHN. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker, I shall vote for this conference report [applause], but not, I confess, with undiluted enthusiasm. It is an improvement, though, over the bill as it passed the House in many respects, and while it falls far short of meeting the exigencies of the times as I see them, it is at least a considerable step in the right direction.

There is one provision in this report, however, that I regard as possibly the most obnoxious and unjustified piece of legislation that has passed Congress in my experience. I mean the so-called Government nitrate plant. [Applause.] Unfortunately the parliamentary situation is such that we must vote the whole report up or we must vote it down. We must take the bitter with the sweet, if we are to get any of the sweet, and I am compelled, therefore, at the risk of the permanent impairment of my digestion, to stomach this nitrate proposition, but not without voicing, if a useless, at least an emphatic, protest. [Applause.]

What is this so-called nitrate proposition? It is a scheme to spend $20,000,000 of the people's money absolutely uselessly, so far as they are concerned, and the inherent vice of it all is that this money is being taken from them under false pretenses. In the name of national preparedness we are going to spend $20,000,000, and this is but an entering wedge, for eventually it will cost millions more if carried out upon a scheme which has nothing whatever to do with national preparedness, upon a scheme which, when advocated on its real merits, has been repeatedly repudiated by Congress.

Whether or not this scheme can be justified upon any other grounds—and in my judgment it can not be—my proposition now is that it is wholly unjustifiable on the ground of national preparedness and therefore has no proper place in this bill. The "preparedness" cloak is falsely used in this wise: It is argued that if this country were at war and we should have lost control of the sea and be deprived consequently of the use of Chile saltpeter, then we would have to obtain the nitrogen necessary for explosives from the air, and that this can only be done by the use of water power.

Now, the assumption that water power is necessary for the fixation of nitrogen is false, and I challenge, as I have repeatedly challenged, contradiction of that statement. I have on a number of occasions during this session, in speeches and by insertion of documents in the RECORD, shown on unimpeachable authority that there are a number of methods, some in use and some in process of development, in this and other countries for the fixation of nitrogen which are better and cheaper than water power. I have pointed out, by way of illustration, that German interests which owned the control of the water-power company in Norway, where formerly nitrogen was produced by the use of the best and cheapest water power in the world, disposed of their control in that company for the avowed reason that nitrogen could be better and more cheaply obtained at home where there is no water power.

It is useless now to discuss these methods or deal in technicalities, but I want once more to submit this proposition to those who, on the plea of preparedness have forced the inclusion of this item in this bill.

If it be necessary as a preparedness measure to spend $20,000,000 to develop water power to make nitrogen, how is it that Germany, concededly the best prepared and most efficient military power in the world's history who has found herself for a year and a half in the exact situation we are now seeking to guard against—how is it that Germany is daily turning out nitrogen and high explosives in unlimited quantities without the use of an ounce of water power?

I shall not pause for an answer, because there is no answer. [Applause.]

There is one regrettable and distinctly unpleasant feature about this whole business. From the outset there has been a determined and continued effort on the part of somebody or other to keep the real facts from the public. A short time ago there was sent to the newspapers by the Smithsonian Institution for release on the 6th of this month an interesting and elaborate treatise on the various methods of securing nitrogen by other than the use of water power. A few days before its publication, however, it was ordered withdrawn and killed.

This document is to be found on page 7606 of the RECORD, included in the remarks of the gentleman from Wisconsin [Mr. LENROOT]. There is only one possible explanation of this remarkable incident, and that is that some one interested and highly influential found the information published therein embarrassing to the success of this water-power project.

Mr. MANN. Will the gentleman yield?

Mr. LONGWORTH. For a very brief question.

Mr. MANN. Does the gentleman know that shortly after the vote taken in the House on the nitrate proposition the same thing was again furnished in practically the same form and published?

Mr. LONGWORTH. I was not aware of that, but I have no doubt that the gentleman is right. It was a question of the psychological moment in that case.

I have heard it said that the administration insisted that this scheme should be included in the bill. If that be true, it was due, I am sure, either to ignorance of the facts or else to misrepresentation of the facts by those directly interested.

I do not assert that history is repeating itself. I merely mention in passing that it was said of a former President not many years ago by certain of his opponents that he too good-naturedly gave ear to "gentlemen who know exactly what they want." This water-power nitrate scheme, I repeat, is not a preparedness measure and has no place in this bill. I will go even further. Without posing as a prophet or the son of a prophet, I venture this prediction, that not a pound of nitrogen will ever be made at this plant for the use of the Government in time of war. It is obsolete for war purposes before it is built. As a weapon of defense in time of peril to the Nation it will be about as useful as one of the old monitors that are to-day used as targets for our own guns. [Applause.]

The American people will not benefit by this scheme. Not a soul will benefit except a few highly efficient captains of industry, who "know exactly what they want" and who at this moment are doubtless laughing in their sleeves at the ease with which they have pulled the wool over the eyes of a docile Congress.

This incident is not closed, gentlemen. It will rise to plague in the not far-distant future. The people are going to demand an accounting for this and other reckless drafts upon their Treasury. Be well assured that the "pork barrel" will not smell sweeter because of the admixture of its contents with fertilizer. [Applause.]

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Speaker, I take this occasion simply to put myself on record again in favor of the general policy, and, so far as I may subscribe thereto, to the details embodied in the conference report now before the House for its consideration. As a member of the House Committee on Military Affairs, and as one who for one reason or another for a number of years has endeavored to give some study to the general proposition of national defense and the Military Establishment of the country, I have made up my mind that notwithstanding some of the ideals of a better systematized and more extensive preparation for national defense that I had entertained, this is the best thing I can hope to have an opportunity to vote for under the circumstances.

I am a Vermont Yankee, and it is said to be somewhat characteristic of our people that we know something about how to make a trade. The underlying philosophy of that characteristic is to walk away with all you can honestly get. But I ask you to notice that, as a part of the definition, we are to "walk away," and when we have got all we can get it is time to walk away. I believe we have got all we can get in the present temper of the Congress and with the present organization of this House, and this is the psychological moment, to use a hackneyed phrase, for us to take what we can get and walk away. [Applause.]

I believe that the present Military Establishment is, and has long been, altogether inadequate for the purpose for which it should be designed, and I believe that the coming years will demonstrate even more emphatically than the years of the past have done that we shall need a first-class scheme of national defense if we are to hope to maintain our place among the nations or at least to preserve our own self-respect.

It does not make any difference about the dreams of the millennium. It does not make any difference about the dreams of the pacifists, or of all those who expect that at some time or other in the near future nations are going to beat their swords into plowshares and their spears into pruning hooks. In the language of a former Democratic President, "It is a condition, and not a theory, that confronts us"; and if we want any demonstration of that at all, we have to cast our eyes no farther than the Rio Grande at this very moment. We are not prepared to maintain our self-respect before the nations of the world, under present conditions, with our present Military Establishment.

But I am not one who joins in the idea that all these preparations for national defense should be made in the excitement of immediate and temporary hysteria. I do not believe, myself, there is anywhere near the probability that we shall be engaged in the present war in Europe or that its immediate consequences will be brought home to our doors at once. That might at one time not long ago have appeared likely; but I do believe that the greatest danger of war will threaten this country of ours when the European conflict is over, perhaps some years after it is over, when the great nations now fighting each other will be struggling to regain their share of the world's trade and the world's money to recoup the tremendous losses they are now undergoing. Then will come the inevitable jealousies and frictions that experience shows under one pretext or another all too often lead to war. And the United States, the one great Nation on the globe that actually made a vast money profit while its neighbors were well-nigh bankrupting themselves in war, in its enviable prosperity and riches will be the most conspicuous target of the competition of the great industrial powers of the world. I believe this proposed law, while not all that I desire, is a long step toward the Military Establishment I hope some day to see provided, and I am convinced that it is all that we can possibly expect to get in the way of a greater and better Military Establishment at this time.

The SPEAKER. The time of the gentleman from Vermont has expired.

Mr. GREENE of Vermont. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Vermont asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MCKENZIE].

The SPEAKER. The gentleman from Illinois [Mr. MCKENZIE] is recognized for five minutes.

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman.

The SPEAKER. The gentleman from Illinois is recognized for 10 minutes.

Mr. MCKENZIE. Mr. Speaker and gentlemen of the House, I do not know that I shall require 10 minutes to say what I desire to say. In the first place, I simply wish to say that I am going to support this conference report, not that it suits me entirely, because if I had had my way about it I would have left out a few brigadiers and the fertilizer plant and made it a defense bill pure and simple.

But, gentlemen of the House, all matters of this kind are more or less of a compromise, and they ought to be. If we were to be guided by the extreme pacifists in this country, our Nation would be as defenseless as China; and, on the other hand, if we were to be guided by the extreme radical militarists of our country they would saddle onto us a military despotism that would make the militarism of Russia and Germany look like the girls' camp out at Chevy Chase. [Laughter and applause.] But on a great question like this men should be reasonable. They should endeavor to give to the people that character of legislation that is practical and that can be worked out under existing law and under existing circumstances. This bill takes care of the Regular Army in an organization formulated, as I am told, by experts from the Army. It takes care of the National Guard, and combines these two elements of national defense.

The National Guard is now on trial. It remains to be seen whether or not it will give to our country that element of defense which we expect of it. If it does not, then it must step out, and we will have to take up some other plan for training the boys of our country.

I believe that this bill will demonstrate a number of things. It will demonstrate, as I have said, whether or not we can depend upon the National Guard for our reserve. It will determine another question, and that is whether or not the American boy will enter the Regular Army for $15 a month, and if so, it will be an easy matter to extend the Regular Army if the people of this country desire so to do.

Personally I am opposed to a large standing army in time of peace. But that is my individual opinion. If the people of the country want it and the boys will enlist in the Regular Army, all well and good. But if they will not, it will be demonstrated that in order to have a Regular Army we must have conscription, and I am not one of those who believe that the American people are yet ready to have their boys taken in time of

peace and put into the Regular Army to serve for three years. [Applause.]

Ex-President Roosevelt said, if war should come, he and his four sons and his two sons-in-law, or at least one of them, would enlist and rally to the colors. [Applause.] I have no doubt about it, and especially I have no doubt about his distinguished son-in-law, who is an honored Member of this body, going to the colors. [Applause.] Why, of course, they would. I do not doubt the ex-President's word. If ever a foreign power attempted to lay hands on that grand old flag the boys would come from all over this country, as Mr. Bryan says, "a million men springing to arms overnight." [Applause.] Yes; they would come as they did in the years gone by, when they came singing that old song, "We are coming, Father Abraham, 100,000 strong."

But, gentlemen of this House, that is not preparedness. I believe in that character of preparedness that will have something for these boys to take into their hands when they spring to the defense of the flag, and that they will know how to take care of themselves.

And, after all, I want to say once more that, in my judgment, the Regular Army should not be our main thought as a means of national defense. Let us protect our harbors, let us protect our coast line, let us build up our Navy, so that if war ever comes it will do the fighting and prevent the enemy landing on our shores. And the time is coming and is not far distant when we will be called on to vote on the matter of a great navy.

Mr. FERRIS. Will the gentleman from Illinois yield for a question?

Mr. McKENZIE. If I have the time.

Mr. FERRIS. I notice that on the call for 4,000 of the National Guard in the State of Texas only 55 failed to respond. I wonder if that is not typical of the way in which the men of our country will respond when they are needed?

Mr. McKENZIE. That is the history of our National Guard through all the history of our country, and I am proud of it. [Applause.]

Mr. KAHN. Will the gentleman yield for another question?

Mr. McKENZIE. If I have the time. How much time have I?

The SPEAKER. The gentleman has three minutes?

Mr. KAHN. Did the gentleman also read in this morning's paper that the National Guard of Arizona and New Mexico are so badly equipped that they have not been able to mobilize yet?

Mr. McKENZIE. Yes; and I think there is probably something in that, and I will vote to give them the necessary equipment. I think that is the thing we want to look out for—to equip and take care of the boys when they are called into the service of the Government.

Now, gentlemen of the House, I want to say just one word more. It has been said of me and of some others in this fight which we have made in this House, and it has been said in the editorial columns of one of the great newspapers of the world, that we were in favor of leaving this Nation defenseless, and that we were impelled in that by a desire for "pork" or because of sheer cowardice. I want to say to you, gentlemen of this House, that I believe every man here has endeavored to do his patriotic duty. But when a great conflict like this is on, when the waves of passion and emotion are driving men from their steady, stable courses, I think it is the time when a man can show his greatest courage by standing up for what he believes to be right and for the best interests of his country as he sees it and refusing to be driven as a coward from his position because some one criticizes him. [Applause.] I have done in this matter what I believed to be for the interest of my country and my flag, and I have no apology to make to any editorial writer or to the people of the country. [Applause.] I have done my duty, as I think every man here has done his duty as he saw it, and I thank God that we have reached a reasonable, sane compromise, which means reasonable preparedness for our country in time of peace. [Applause.]

I yield back any time that I have remaining.

The SPEAKER. The gentleman yields back one-half minute to the gentleman from California [Mr. KAHN] and one-half minute to the gentleman from Virginia [Mr. HAY].

Mr. KAHN. I yield 10 minutes to the gentleman from Massachusetts [Mr. GARDNER].

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] is recognized for 10 minutes. [Applause.]

Mr. GARDNER. Mr. Speaker, the gentleman from Ohio (Mr. LONGWORTH) is wrong in supposing that voting down this conference report defeats the bill. If you vote down this conference report you open up the whole question, so that you can strike out the provision for that nitrate plant if you want to, if you have the votes to do it, and you can put some real things into the bill. The bill as it now stands will be voted for by practically every pacifist in this House and will be praised by every little Army man in the country. Now, what does the bill do? The chairman of the committee (Mr. HAY) has told us that the most it does by way of increasing the enlisted line of the Army is to add some 12,000 men between the present time and the 1st of July, 1917, over a year from now. On the 1st of July, 1917, almost three years after the European war started, we shall have 12,000 more men in the Regular Army, and that is all we will have. That is true, is it not?

Mr. HAY. Plus 20,000.

Mr. GARDNER. Plus whatever we have been able to get under the recent joint resolution.

Mr. HAY. That is the point, you know. Why did you not propose something like compulsory military service, if you believe in it?

Mr. GARDNER. I am in favor of compulsory military training for every man in the United States.

Mr. HAY. Why did not you offer that amendment to the bill? [Applause on the Democratic side.]

Mr. GARDNER. Does the gentleman think I failed to offer that amendment because I was afraid of stating my position?

Mr. HAY. Not at all.

Mr. GARDNER. Mr. Speaker, the gentleman is quite mistaken as to the size of the Regular Army which is at present authorized by law. I have just telephoned down to The Adjutant General's department, and I find that the full authorized enlisted strength of the Army is very much nearer what I said than what the gentleman said. I shall have complete figures in a few minutes. Here are the facts with regard to the number of enlisted men of the line now authorized by law for the Army: Up to a few days ago the complete strength authorized for the United States Army was 100,000 enlisted men of the line. Since then we passed a joint resolution permitting recruitment of the Army up to war strength, which I figure to be about 109,000 men. Now, this pending bill proposes to give us 175,000 enlisted men of the line. It proposes to pay men for serving in the State militia. It provides for camps of the Plattsburg type, and that is all it does.

The Senate provided 250,000 enlisted men of the line. The House rejected that proposition. We were told that we can not enlist so many men. Of course, as matters stand at present you can not get men enough to enlist. It is a surprise to me that we get so many men as we do to give away their services to Uncle Sam in time of peace for 50 cents a day. That is the wage of the Regular Army man—50 cents a day. Of course, we can not get enough enlistments. If we want men we must go out in the labor market and get them. That is the only way we shall ever get them in time of peace.

Mr. QUIN. Will the gentleman yield there?

Mr. GARDNER. Yes.

Mr. QUIN. How much would the gentleman pay?

Mr. GARDNER. I offered an amendment which the gentleman voted against——

Mr. QUIN. And I will vote against everything you favor increasing this Army bill, I will tell you that.

The SPEAKER. When a gentleman asks the Member who has the floor a question he ought to give him a chance to answer.

Mr. QUIN. I want to know how much you will pay them.

Mr. GARDNER. When the bill was up I offered an amendment providing $20 a month for the lowest-rank enlisted men, and increasing all the rest along the line.

Now, Mr. Speaker, these 65,000 men—and it is only 65,000 new men which are authorized—I will tell you what they can do. They can man a trench which extends one-sixth of the distance around the city of New York, and that is all they can do, the whole 65,000 men, if you ever get them, and you do not undertake to get them for five years. You do not propose to get them except one-fifth each year, so that it will be five years before you get them. But you are not going to get them at the present wage. You are not going to get 250,000 men who are willing to go out and obey your officers and sleep in cactus bushes along the border unless you pay them as much as a 16-year-old girl can get in a sweated industry.

Mr. SABATH. Will the gentleman yield?

Mr. GARDNER. Yes.

Mr. SABATH. Does the gentleman believe that by increasing the pay 15 cents a day, from 50 cents to 65 cents per day, that that will secure a larger enlistment?

Mr. GARDNER. Yes; that is the evidence of the officers who testified before the Committee on Military Affairs. I do believe it, because when we raised the pay $2 a month enlistments shot right up.

Mr. SABATH. Is the gentleman willing to pay them 65 cents a day?

Mr. GARDNER. I am willing to pay the men any amount to get men in the labor market, if it is a dollar a day and everything found.

Mr. ANTHONY. Will the gentleman yield?

Mr. GARDNER. Yes.

Mr. ANTHONY. Is it fair to say that these men get 50 cents a day when they really get an equivalent of $40 or $50 a month?

Mr. GARDNER. Yes; that is a fact; they get the 50 cents a day and keep, which some people claim is equivalent to $40 or $50 a month.

Now, Mr. Speaker, the two great jokes of the century have been perpetrated within the last 12 months. One was when Bryan resigned from the Cabinet because Wilson was too much of a Hotspur. The second joke was when we sent the whole Army of the United States to catch one murderer and a parcel of ragamuffins. [Laughter and applause.]

The fact of the matter is that no one has given a single good reason why we should not have an Army of 250,000 men, except that some people want our militiamen on the first line of defense. I do not want them in the first line. I have been in the militia; I have seen them break down in marches in the hot sun in the Spanish War; I have seen them go all to pieces. I have seen their health break down; they are not trained, not hardened, not to be depended upon for the first line; in spite of anything you pay them they are not going to be dependable for the first line. Civilians can not give the time to military matters requisite to fit them for service in the first line at the outbreak of war.

Everybody agrees that in case of a war with a strong power we are going to need 500,000 thoroughly trained men to stop the first rush while the Volunteers are being trained for service. Of course this is based on the assumption that our Navy has lost control of the seas. That figure is agreed on by pretty much everybody, only the authorities disagree as to how we should raise those 500,000 men. The War College says that we ought to have a Regular Army of 250,000 and a regular reserve—that is, a reserve of men who have been Regulars—so that when the war breaks out we shall have available half a million fully trained men who have not grown too old or too fat or too proud to fight. This is the principle the War College lays down: A first line of 500,000 men, exclusively Regulars and former Regulars.

The proposition laid down both by the Chamberlain and by the Hay bills is a first line of 500,000 men partly Regulars and the rest militia men.

My friends, I say to you that that is unsafe.

Do not make a farce of the whole question of preparedness. It is as though we had not learned anything from the war in Europe. You had much better leave the whole matter alone than make a pretense of preparedness. [Applause.]

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I shall vote against the conference report. [Applause.] As a primary proposition I voted for the bill when it passed the House, because that was the only way we could have the bill make any progress or send it to the Senate for consideration there. But if we should defeat the conference report now, the gentleman from Virginia, who is opposed to the increase that I want, would lose control of the bill. We would send the bill back with new conferees who might agree on proper provisions for the increase of the Army as an emergency proposition.

I like the gentleman from Virginia; he is a fighter. If we could pick an army out anywhere in the world composed of such fighters as Mr. HAY, that army could lick any other army that could be made up. [Laughter and applause.] But he is frank with the House; he does not endeavor to deceive the House. He says that this is purely a peace proposition; that it is not an emergency proposition. He says there is no emergency which this bill is designed to take care of. He frankly states that to the House.

I think there is an emergency in the world. The emergency exists now. It is an emergency which we ought to look forward to and prepare against. The emergency is now. We are not engaged in war now, we do not expect to be engaged in war, but we may be. It is our duty to prepare now for the emergency which now exists, and it is not preparing by saying that we will add 12,000 men to the Army inside of the next 13 months.

The President of the United States could have his way if he would say so. He could tell the Democrats in this House what to do and they would do it. The President of the United States traveled around the country and said, "The sparks are flying everywhere. They may set our house on fire. We should be prepared against that contingency." And lo and behold, he now is indorsing a bill which, with the sparks flying all around, with the danger of our house being set on fire, would not do as much as a pail of water a mile away. Twelve thousand more men in 13 months! We can afford to spend the money preparing against the possibility, knowing that the danger now exists. We will be thankful, if we should prepare now, that we escape with so little loss of money, but if we fail to make preparation now for an emergency that now exists and war should come, history will never tire of telling of the faithlessness of those who supported this proposition. [Applause.]

Mr. KAHN. Will the gentleman from Virginia use some of his time?

Mr. HAY. Yes. I yield five minutes to the gentleman from New York [Mr. CALDWELL]. [Applause.]

Mr. CALDWELL. Mr. Speaker, I am a new member of the Committee on Military Affairs, a big Army man, and I am in favor of this bill because it provides what in my opinion is a big Army, the biggest Army that the United States can hope to get at this time without absolute universal service throughout the country. It provides for a Regular Army as large as can be procured under our system of pay, according to the testimony of Adjt. Gen. McCain, whom I regard as the best posted man in America on this subject. He said that a slight increase of pay would not, in his opinion, based upon his experience, materially increase enlistment, so therefore no increase was provided by the Committee on Military Affairs in its proposed bill. Now, on the question of the organization of the citizen soldiery of this country, I desire to call the attention of this House to the provision of the bill known as section 62. Under that bill the minimum is all that is prescribed. There is no maximum fixed for the citizen soldiery of America and there should not be a maximum, because every citizen of America is ready to be a soldier whenever he is needed.

Mr. DAVIS of Texas. Amen!

Mr. CALDWELL. I would remind the gentleman from Texas that we are in the Halls of Congress, not in a church.

Now, under this bill there can be no soldiery except that which is prescribed by the bill and authorized in accordance with the plan laid down. In the State of New York, the State of Massachusetts, the State of Connecticut, the State of New Jersey, and the State of Pennsylvania, which have already shown that they are prepared to vote universal service, or universal training, as the gentleman from Massachusetts would say—if they pass such statutes as that, every man of the organization becomes a part of the National Guard, and immediately after enacting such statute we will have under arms in the United States more than 3,000,000 men ready, able, and willing to go to the defense of this country. What more do you want? As to the men in the Middle West or central parts of the United States who are against preparedness, I say to you that this bill is good because your people can stay at home if you want them to and our people who desire to train for the defense of their country can organize under this bill and learn how to defend the country when called.

In conclusion, gentlemen, I want to say that in my opinion you who oppose this bill, now that it has come here from the conferees, formed and framed as it is, and with the compromises made, remind me very much of the young, overgrown boy who attempts to cover up his chin and exposes his feet. [Applause.]

Mr. HAY. Will the gentleman from California use some of his time?

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. ANTHONY]. [Applause.]

Mr. ANTHONY. Mr. Speaker and gentlemen of the House, I believe that every Member of this House, if he should perform the duty that he owes to himself and the country, should cast his vote for this bill to-day. [Applause.]

The bill carries more than any of the gentlemen who have yet spoken against it realize. It carries a great deal more of preparedness than the country to-day realizes. While it is true that the bill provides that the increases made in the Regular Army shall be in five annual increments, yet the authority is conferred by this bill upon the President of the United States that upon the outbreak of war, or even with the imminence of war, whenever he believes it necessary, he can instantly set the machinery in motion and increase the Regular Army to the maximum of practically 300,000 men. That is what this bill does; and yet they speak of it as a "little Army" bill. In addition to that, the National Guard is to be increased 50 per cent of the 427,000 authorized the first year, over 200,000 men, and the President is also empowered to at once increase the guard to its maximum of 427,000 men, if he deems it necessary. In addition to that, means have been provided, and ample funds will be given in the

appropriation bill, by which every powder factory, every munition plant, every arsenal for the manufacture of guns, large and small, will be kept going day and night if necessary to put this country in a proper condition of preparedness. All that is needed, gentlemen, is for the press of this country—the big city papers are the greatest sinners in this respect—to tell the truth about the legislation that the Committee on Military Affairs of the House and Senate and the action which the House and Senate will have placed on the statute books to-day, that proper provision has been made in these matters, and the country will be satisfied with this bill.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. SMITH of Michigan. I understood from the gentleman's remark that the President now has authority to increase the present Army up to 300,000 men?

Mr. ANTHONY. Up to practically 300,000 men, in this bill.

Mr. SMITH of Michigan. Could he on the day after this bill passes this House make an order that would be followed by that increase in the number?

Mr. ANTHONY. If he still believed that "sparks are flying and that our house is liable to burn" he can to-morrow instantly set in motion the machinery to give us a Regular Army of 300,000 men. [Applause.]

And if such conditions prevail, gentlemen, there will be no trouble in increasing even the Regular Army to that amount. Now, I can cheerfully support this bill, because it happens that the increase of organizations, of men, and of officers which have been made, practically coincide with the ideas that I originally advanced in the committee and on the floor of this House. I believe the conferees have done their work well. They have given the country what it needs in the way of a Regular Army. They have given the War Department all it can well digest in the next few years, and if it succeeds in getting the number of officers, even, that we have provided for, in the next year, it will be mighty lucky.

Mr. SABATH. I know the gentleman is posted as well as any Member of this House, and therefore I am going to take the liberty of asking the question whether any provisions have been made in this bill as to the increase of our munitions and arms?

Mr. ANTHONY. There have been no direct provisions made in this bill, but the proper appropriations will be made in the bills which will follow, and adequate provision, in my opinion.

Mr. TILSON. There are provisions in this bill. In fact, there is one which I had the honor of proposing to this House, and which went through, authorizing an appropriation for matériel. Is that right?

Mr. ANTHONY. That is true.

Mr. GUERNSEY. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. GUERNSEY. Did the gentleman consider the proposition of establishing a Government munitions plant in the interior of the country?

Mr. ANTHONY. Let me say that provision is going to be made so that every plant now possessed by the Government will be run to its full capacity, perhaps, for years to come.

Mr. GUERNSEY. Is there any provision for a new plant?

Mr. ANTHONY. Perhaps other committees which have jurisdiction intend such action.

Mr. SMITH of Minnesota. What provision has been made for new factories?

Mr. ANTHONY. As the gentleman from Connecticut has said, a reserve supply of machinery, tools, jigs, and dies for manufacturing arms will probably be provided by the War Department under the provisions of this bill.

In closing, let me say to the House that I do not believe the emergency which has been spoken of by the gentleman from Illinois [Mr. MANN] exists to-day; but if it should exist, I believe, with the great number of men that we could instantly bring to arms and train before our Navy was wiped off the map, we would have adequate time to raise the army of reserves and volunteers needed for any such emergency, with the Regular Army of 200,000 peace strength and a federalized National Guard of 427,000 peace strength, which this bill creates, to compose our first line of defense, will be adequate, in my opinion, for such purpose. [Applause.]

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, 4 major generals, 19 brigadiers, a large and juicy assortment of dental and commissary colonels, and $20,000,000 of nitrate "pork" are some of the outstanding and interesting features of this conference report; and, judging by the energy and enthusiasm with which certain newspapers and certain people elsewhere than in this body have advocated and insisted upon these things, you might imagine that these are what they really have in mind when with unction they talk about patriotism and preparedness.

And yet I shall vote for the conference report, because if it is defeated the nitrate "pork" will not go out; the brigadiers and major generals and the dental colonels will not be eliminated; but the general establishment will, I fear, be considerably increased.

Mr. KAHN. The gentleman does not want to deceive the House. There are no dental colonels provided.

Mr. MONDELL. It is possible the dental colonels are only majors.

The bill provides for a peace maximum of 175,000 troops of the line, to be secured in five annual increments, as large a Regular Establishment as we can secure under voluntary enlistment in time of peace, and it is a peace bill. If I believed that the sparks were really dangerously flying and that there was immediate danger to the country, I should not advocate further increases of the Regular Establishment, but the calling to the colors at once of half a million of volunteers [applause], because those are the forces on which we must depend in time of real war. Within the week we have seen the pictures down here at the Belasco Theater showing what the people of England have done since war was declared, and by voluntary enlistment, in arming and equipping 4,000,000 effective troops. That is the best lesson the world has had in a good long time of what a free people can do after the sparks have settled and ignited, and without conscription.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. MONDELL. I should like to, but have not time. I have only five minutes. This bill will increase under the expected increments the cost of the Military Establishment, as I figure, about $40,000,000 to $50,000,000 a year for five years, and would eventually increase the total cost of the Regular Army and the militia from $200,000,000 to $250,000,000 above the present cost.

But the best provision in the bill is section 24, under which, after the present excitement has subsided and the people are in a normal and reasonable frame of mind, we can cut off unnecessary increments of units of the establishment and keep the Regular Establishment, both as to men and officers, to a size needed and men for garrisons at home and abroad in time of peace and as a nucleus in time of war. [Applause.] While the establishment provided for, if fully organized, is, in my opinion, rather more than we need in time of peace—certainly more in officers—it is large enough, and provision is so made that in time of necessity, if sparks shall threaten or bring the fires of war, the President can, without any further authority, provide in this first line of defense for upward of 300,000 men. Behind that force stands the militia, largely benefited by this bill, and finally the stalwart citizenry of this country, the boys that, if they can not be made soldiers overnight, can be made splendid and effective defenders of their country in a comparatively few days. It is that citizenship, fine, patriotic, sturdy, that any power contemplating an attack would consider more than any military forces we are likely to organize, for all the world knows that temporary or local advantage by a possible enemy would simply serve to augment the tremendous forces that would be hurled at the invader. [Applause.]

Mr. KAHN. Mr. Speaker, I yield the half minute which the gentleman from Massachusetts yielded back to me to that gentleman.

Mr. GARDNER. Mr. Speaker, I accept that half minute for the purpose of inserting in the RECORD the true strength of the line of the Army as authorized in the joint resolution the other day. I said, during the remarks of the gentleman from Virginia [Mr. HAY], that it was 109,000. It happens to be 109,027. The full enlisted war strength of the Army as prescribed by law is 103,294; Philippine Scouts, 5,733. Therefore on the passage of that joint resolution it became possible to recruit the Army up to 109,027, according to information just obtained from The Adjutant General's office.

Mr. HAY. Well, I will say to the gentleman, it does not make any difference to me who said it. I know that when the organizations that now exist are recruited up to their full strength it is 119,000 men and a few hundred, The Adjutant General to the contrary notwithstanding.

Mr. Speaker, I yield three minutes to the gentleman from Oklahoma [Mr. FERRIS].

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] is recognized for three minutes.

Mr. FERRIS. Mr. Speaker, I am not in favor of a big Army in time of peace, and I do not believe that this bill will get a big Army in time of peace. That is the reason why I intend to vote for it.

I am not in favor of compulsory service, now or next year, although the gentleman from Massachusetts [Mr. GARDNER] and the gentleman from Illinois [Mr. MANN], with their pugnacious dispositions, may desire and emphatically demand it. This bill carries no compulsory service, and if it did I would not vote for it. I am in favor of the Government munition plant carried in this bill, the gentleman from Ohio [Mr. LONGWORTH] to the contrary notwithstanding, and the people of this country are in favor of it. It is a step forward toward legislating profit out of war and war matériel. They may roll that around under their tongue and say there is a comeback upon it, but I am willing to stand on any comeback there may be about it. It is what the people desire, and I congratulate the committee for putting it in.

The results of the response to the call to service in the State of Texas ought to be very gratifying to the Texas delegation and ought to and will make every Texan very proud. Out of 4,000 militiamen in the State of Texas, if the morning Post tells the truth, only 55 failed to respond. Some of them were rejected.

Mr. GARDNER rose.

Mr. FERRIS. The gentleman from Massachusetts [Mr. GARDNER] need not rise. I know what he has in mind. He is going to read the article down below, showing how the Arizona and New Mexico militiamen did not so readily respond and say that 3,000 have not yet responded, for the purpose of overturning my statement. But the fact is that only 55 of those accepted for service failed to respond. True, some were rejected. I repeat that I am proud of Texas and of Texans, and every Texan ought to rise in his place to-day with considerable pride. I am wondering whether the gentleman from Massachusetts [Mr. GARDNER] can rise in his place with the same amount of enthusiasm for that one man who has enlisted up in his State. [Laughter.]

Something has been said regarding the chairman of the committee, Mr. HAY, as a fighter. I never before was so proud of a fighter as I am proud of him. I wish he could have won all of his fights in conference. His view is the correct one. [Applause.] He has earned and he enjoys the respect and the affection of this House, and he has exacted common decency and common respect and common fairness and common courtesy out of the other end of the Capitol—something that does not happen every day. [Applause on the Democratic side.] If the gentleman from Virginia [Mr. HAY] had won all his fights, we would have had a better bill, because it would have been a smaller bill than it is.

This bill does not please the extremists. They will applaud it neither here nor elsewhere. The gentleman from Illinois [Mr. MANN] and the gentleman from Massachusetts [Mr. GARDNER], on the one hand, will say it is a driveling effort at preparedness. On the other hand, I presume the gentleman from New York [Mr. LONDON] will say it is the most preposterous and outrageous and enormous preparedness program ever heard of in the history of the world. It will not please either one of those extremes. It will not please Henry Ford, on the one hand; neither will it please Theodore, on the other. [Laughter.]

But I am in hopes, Mr. Speaker, that it will please the great body of the American people, 100,000,000 in number, and I hope and believe it will please the Democratic Party, which in this time of excitement and fervor takes the common-sense view, which it ought to do, and adopts a reasonable program, as it has done in this case. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. KAHN. Mr. Speaker, how much time have I remaining?

The SPEAKER. Eighteen minutes.

Mr. KAHN. Mr. Speaker, will the gentleman yield me five minutes?

Mr. HAY. I yield the gentleman five minutes.

The SPEAKER. The gentleman is recognized for 23 minutes.

Mr. KAHN. Mr. Speaker, as one of the managers on the part of the House on the military preparedness bill, I shall support the conference report.

It does not wholly express my personal views. I think we should have a larger Army in time of peace than the bill provides for. I think 220,000 men should have been the minimum figure that we should have had for the line of the Army in times of peace. As I have frequently stated on the floor of the House, that would not necessarily mean that we must enlist them immediately; but, having the authorization for them, we could gradually build up the Army as necessities arise to that full minimum strength. There should be such an authorization. As you all know, I strongly urged an authorization, first, for 220,000 and later for 250,000 men for the line of the Army as a minimum peace strength.

But when these matters came up on the floor of the House recently, and the House expressed its judgment through the recorded yea-and-nay votes that were given on the various questions that were submitted at that time, I felt that it became my duty as a manager on the part of the House to follow the instructions of the House, and I believe that this conference report does meet the views of the majority of the House, as expressed here a number of times on record votes.

This bill provides 175,000 men as an enlisted force in the line of the Army in time of peace. As a matter of fact, if all of the organizations which are included in the bill are enlisted to their full peace strength, and the auxiliaries provided for in the bill are also enlisted to their peace strength, it will give us an Army of a trifle over 210,000 men. If the organizations provided in the bill are enlisted to their full war or statutory strength, they will provide 232,495 enlisted men, exclusive of the auxiliaries. By auxiliaries I mean the enlisted men of the Quartermaster's Corps, the Hospital Corps, and the Signal Corps. Adding the full strength of these corps to the men in the line of the Army, there would be a total enlisted strength of 282,461 men; these, plus 12,000 Philippine Scouts, will give us a total under this bill of 294,461 men—the largest Regular Army force that this Government ever has had occasion or opportunity to put in the field in case of national danger.

Mr. QUIN. The National Guard added to that will make how much?

Mr. KAHN. I disagree with my colleague on the committee [Mr. QUIN] that the National Guard can be enlisted to the extent of 425,000 men. The provisions of this bill create a National Guard of such a minimum strength; not of a maximum strength, mark you, but a minimum strength of 425,000 men. As I have repeatedly pointed out on this floor we will never get them. If we get 200,000 or 250,000 men in the National Guard we will be doing all that the country can hope for under this legislation.

I believe, however, that many of the provisions regarding the National Guard embodied in this bill are splendid provisions. I believe that we will federalize them to an extent that those who have been criticizing the bill do not realize.

During the discussion on this conference report this afternoon reference has been made to the mobilization of the militia of the States of Arizona, New Mexico, and Texas. The experience of the War Department since the order calling out the militia of those three States has been anything but encouraging. The following extract from the Washington Times of this date is, in fact, exceedingly discouraging. The article says:

MILITIA HAS FAILED, IS FUNSTON'S REPORT.

The National Guard has failed utterly to meet the emergency for which it was called to the Mexican border, according to official reports to the War Department from Gen. Funston.

Although ordered to the border May 9—11 days ago—not a single militia organization is ready for duty, Gen. Funston reports.

Gen. Funston telegraphed he has been compelled to withdraw the Sixth Cavalry from Gen. Pershing's column to do work of border patrol, for which the National Guard was called out.

Some of the factors causing the delay in mobilizing the militia, as outlined in Gen. Funston's report, are as follows:

CAUSES FOR DELAY.

Shortage of men in skeleton organizations reporting for border duty. Where the paper strength called for 4,000 men in the three State militias there will be less than 3,000 available for duty.

Shortage of equipment for men reporting with militia. Although the War Department furnished Texas, Arizona, and New Mexico with full equipment for 65 men to a company, much of this equipment was missing when the men reported.

Failure of the militiamen to pass the physical examination required before they could be taken into the service of the United States. It was necessary to relax the severity of the regulations to avoid rejection of a large percentage of militiamen.

Refusal of militiamen to take the oath of allegiance in the Regular Establishment when told they would be required to serve if needed for the full period of their enlistment.

Conflict between the Federal Government and States because the uniforms and equipment, although furnished by the War Department, are the property of the States and compensation must be fixed for them before their transfer is effected.

The necessity of filling up the gaps in military units, already skeletonized, to make up for guardsmen rejected as physically unfit or who refuse to take the oath.

MAY BE READY NEXT WEEK.

Gen. Funston believes that the work of mobilizing the three Texas brigades will be completed by the middle of the week. It is not certain whether the Arizona and New Mexico regiments will be ready then or not.

At the earliest, however, it will be 15 days after the troops were called out before they will be available for service. In addition to this the governors of the three States had 10 days' notice to prepare for a call, and for months previously the militia organizations were under orders to be ready for service when called.

Army officers said to-day that at the slow rate of mobilization for the three militia organizations on the border it would take one month to two months to get any large body of militia from the Northern or Eastern States mobilized for the Mexican campaign.

In a speech I delivered on this floor recently in defense of the Volunteer Army provision of the Senate bill, I pointed out that even under the federalized National Guard provisions of the

conference report there must inevitably be delay in mobilizing the forces of the guard, for some of the very reasons given in the newspaper article as being responsible for the slowness of mobilization under existing law. But the conference report does contain many excellent and desirable provisions that will make the National Guard organizations infinitely better than they have been heretofore. One of these provisions relates to the commissioned personnel of these organizations. The officers of the National Guard hereafter will be compelled to pass examinations provided by a board of officers selected by the Secretary of War. The haphazard way of appointing officers for the National Guard, either by political preferment or by election of their officers by the members of the guard themselves, can no longer continue under this proposed law. Every man who hereafter receives a commission as an officer must pass an examination showing that he is capable of commanding men. In that respect a great advance has been made over the legislation of the past.

But, Mr. Speaker, aside from the number of enlisted men in the Regular Army, aside from the strength of the National Guard, there are many things in the bill that should commend it to the membership of the House. In the first place the conference report provides for the organization contained in the Senate bill. Under the bill recommended by the conferees the Army of the United States will be properly divided into tactical units. Heretofore we have had no real legislation on our statute books regarding the organization of the Army in brigades, divisions, Army corps, and armies. The conference report provides that hereafter all this shall be done in organizing the Army of the United States. Every military officer will commend these provisions of the bill.

We have increased the regiments of Infantry from 30 to 65, including the Porto Rico regiment of Infantry. We have increased the regiments of Cavalry from 15 to 25. We have increased the regiments of Field Artillery from 6 to 21, and we have practically doubled the Coast Artillery forces. All of these things should commend this bill to the membership of the House.

We have provided that hereafter in the Judge Advocate General's Department men must take examinations for promotion just as they do in the Medical Department. The officers of the Judge Advocate General's Department are lawyers. They look after the legal affairs of the Army, and it is necessary that they should be up constantly with the legal decisions appertaining to the Army. Hereafter no man in that department can be promoted unless he shall have passed an examination to show his capability as a lawyer so far as the Military Establishment of the Government may be concerned.

The Senate retains the House provision regarding the Medical Corps in this conference report. The House fixed the strength of the Medical Corps so that there shall be 7 medical officers to every 1,000 enlisted men in the Army. That was done after we had had most interesting hearings. We had several medical officers before us who had come but recently from the trenches in Europe, and after listening to them and after realizing the necessity for preparedness in that direction, the House committee provided for 7 medical officers to every 1,000 men. In all our past wars we have lost great numbers of men on account of the inadequacy of our Medical Department. We felt that the people of the United States would never tolerate a recurrence of such unpreparedness in that department. And the Senate accepted the provisions of the House bill.

We have given rank, pay, and allowances to dental surgeons up to the grade of major. We did this advisedly. The dentists on the fields of Europe are working in harmony with the medical surgeons; they are showing their worth on those fields and are doing wonders in their line in restoring the jaws and teeth of desperately wounded men so that they can still remain useful members of society.

We have provided a splendid veterinarian corps. The Senate accepted the House provision in this regard. This corps is also demonstrating its thorough usefulness on the battle fields of Europe.

We have created a new grade in the aviation section of the Signal Corps—that of aviator. If it is impossible to secure the requisite number of Army fliers, the Secretary of War is authorized, even in time of peace, to enlist or, rather, to commission, civilians as aviators in the aviation forces of the United States Army. He can make contracts with civilian fliers and so build up an excellent aviation section for the Army of the United States.

The Coast Artillery has been increased so that we will have 363 companies, exclusive of the 18 bands that are allotted to that branch of the Army. It gives us a total of 30,006 men in the Coast Artillery. That is about one-half the number of men required to man the guns that have been emplaced heretofore.

The States were to furnish the other 30,000 enlisted men, through Coast Artillery militia organizations; but, unfortunately, we have not been able to get those men from the States. Frequently when the Regular Army officers went to the States and asked that they organize the necessary number of Coast Artillery companies for the defense of the Union they were met with the question, "What has the Federal Government done to supply its quota to man the seacoast defense guns?" And heretofore they have had to reply that as yet the Federal Government has not provided the proper number of men. This bill does make provision for the full number of men required for that purpose on the part of the Federal Government. Under the provisions of the bill the coast defenses should in a comparatively short time be infinitely better than most of us hoped for at the time the Hay bill passed this House.

The Porto Rico Regiment—which is called a regiment, but which hereteofore has been a regiment of only two battalions—is created a full regiment by this legislation, and it is now liable to service in any part of the territory of the United States. In other words, if the President should determine that that regiment would be useful on the Isthmus of Panama to defend the Panama Canal, the President of the United States under this legislation would have the right to order the Porto Rico Regiment to Panama, or he would have the right to order them to Hawaii or to the Philippines or anywhere else where he deemed that the exigencies of the case might require their presence.

A very important feature of this bill, in my judgment, is that which provides as to original appointments in the commissioned strength of the Army, except in the case where the appointees are graduates from West Point—that the commissions shall be for a temporary period of two years, within which time the commissioned officer must demonstrate his worth and ability as an officer of the United States Army. If, after the lapse of two years, it be determined that he is not qualified to command troops in the Army of the United States, he is given an honorable discharge from the Army. I believe a great step in advance has been made in that one particular.

The matter of vocational training for enlisted men assumes considerable importance in this bill. It provides that hereafter enlistments in the Army may be made from boys 18 years of age or over without the consent of their parents. Anyone over 16 who wants to enlist may do so with the consent of his parents or guardian. That simply applies to the Army what we have been doing in the Navy for many years. In our Navy boys from 16 to 18 years of age can enlist with the consent of their parents or guardians, but after they have attained the age of 18 it does not require the consent of anyone. This bill follows those provisions.

Under this bill the young man can receive vocational training at the hands of civilian instructors or such other instructors as the Secretary of War may determine to be necessary. In my opinion that provision will bring many young men into the Army who will take advantage of the military training, and who will also be glad to get the vocational training provided by this bill. I firmly believe it will also have a great effect in increasing the number of enlistments for the Regular Army.

There was a provision in the Senate bill which the House conferees insisted should be stricken out. That was the provision known as the Hardwick amendment. It attempted to take into an Army reserve boys 15, 16, 17, and 18 years of age. They were to go into an encampment every year, and while in the encampment those boys were to receive the same pay and allowances that the enlisted men and officers of similar grades in the Regular Army receive, and yet they were not to be utilized, in case we should get into trouble, until they were 18 years of age. That provision was put in on the floor of the Senate. The House conferees insisted that it should go out, and it went out; as did also the provision giving preferences in the civil service of the United States to discharged men of the Regular Army.

Mr. Speaker, in my opinion, the Regular Army reserve will add very materially to the strength of our Army. A great deal of humor was developed by the gentleman from Massachusetts [Mr. GARDNER] a year or two ago over the fact that there were but 16 reserves in our entire Army. As a matter of fact, the reserve section of the existing law had not had an opportunity to go into full effect, nor is it in full effect to-day. But we have now about 4,000 men in the Regular Army reserve, and we feel confident that when the full seven-year period of the law elapses we will have fully 50,000 men in the reserve, ready to

go to the front immediately upon the call of the President to take up the defense of their country.

The enlisted Reserve Corps, in addition to the Regular Army reserve, is a very important feature of this legislation. The men who are chauffeurs, who are telegraph and telephone linemen, who are railroad trainmen, who are fliers, who are working in the factories where flying machines are being constructed, or in locomotive shops, or ammunition factories, or automobile factories, or hospitals, or drug stores, or the one hundred and one different industries where men become skilled in duties that will be of inestimable service to their country in time of national danger will be enrolled under this bill as auxiliary forces. They are to be called out, if the President deems it advisable, for 15 days' training at any time in any one year, and while so training they receive pay and allowances given to men in the Regular Army. It is the purpose to drill these auxiliary forces so that if we ever get into a war we will have men in the Engineer, the Quartermaster, and the Signal Corps, and in the Medical and Ordnance Departments that will enable this Government to perform its work in these various corps and departments as we never at any time in our history have been able to do it heretofore. These men will be encouraged in every way under this bill to become a part of the auxiliary forces of the United States, to be called on in case of national emergency.

I understand that in one section of the country, in Michigan, recently an officer of a railroad company pledged nearly all of his employees in every branch of service of his company to enlist in this enlisted reserve corps. [Applause.] And that is in the State of the great pacifist, Mr. Henry Ford.

Mr. Speaker, there is a provision in the Regular Army reserve that is not unlike the system that prevails in Australia and Switzerland, of which we hear so much in these days. These reserves can be called out for additional training at any time for 15 days in any one year by the President of the United States. That will keep these men in the Regular Army reserve in constant touch with preparedness. In my judgment, it is an excellent provision.

We also allow in this bill the reenlistment of men who have heretofore received honorable discharge from the Regular Army of the United States, provided they are under 50 years of age. It has been estimated before our committee that there are probably as many as 120,000 of these men. I have always questioned the reliability of those figures. I believe there are 40,000 or possibly 50,000 of these men. The bill holds out inducements to them to come back to the colors of the United States in the case of emergency so that they can give to their country the benefit of their previous training.

In addition to that, the men of the Volunteer forces of the United States—in other words, the men of the Spanish-American War who served in the Philippines, or in Hawaii, or Porto Rico, or Cuba are entitled, under that provision, to come back to the colors when they are needed. There is a small payment by way of bounty for their services, so that if they have married since their discharge, and have families dependent upon them, the family will receive a bounty not to exceed $300 when the husband goes to the front. With that sum as payment in the nature of a bounty they will not be altogether helpless. I think that is an excellent provision of the bill.

The bill provides for summer training camps. Under section 54, students and others are invited to the training camps for military instruction. These camps, which were inaugurated last year, have become known as the Plattsburg idea. I believe that that section of the bill is so framed that it will enable the Secretary of War under such terms of enlistment and regulations as he may prescribe practically to create a volunteer army out of these men. [Applause.]

The Officers' Reserve Corps is a splendid provision of the bill. The struggle in Europe has demonstrated beyond question that one of the greatest necessities toward thorough preparedness is a trained force of officers. The so-called Gard amendment, which was adopted by this House when the bill was before it for consideration last March, has been retained in the conference report. No doubt it will furnish the country a large force of additional officers to meet the requirements of the service in case we should ever become involved in war.

Another splendid provision which refers to the National Guard sections of the bill is that which requires the organization of reserve battalions in every State that sends its National Guard to the front when the President drafts them into service. During the Civil War it was the custom for some ambitious civilian or a commissioned officer of one of the lower grades to raise a new regiment of volunteers with himself as colonel in order that the new regiment might go to the front and give him an opportunity to show his ability as a military commander. This will be impossible under the pending legislation. The reserve battalions enlisted in the States to which the respective regiments that go to the front belong will be able to fill up the wastage resulting from disease, death, or any other cause, and will thus constantly maintain the regiments in the field at full war strength.

There is also a provision that the officers and men in the National Guard will be compelled to pass a physical examination when they are drafted into the service of the United States. They must also pass a physical examination at the time they are mustered out, and a record of such physical examination must be filed in the records of the War Department. In the years to come that provision will save a great deal of difficulty regarding pensions.

The bill provides for the purchase by the Government of military supplies of every character in time of war. It compels any individual, firm, company, association, corporation, or organized manufacturing industry to furnish such arms and ammunition, or parts of ammunition, or other supplies and equipments, at a reasonable price to the Government of the United States, and imposes a penalty on any individual, firm, or the responsible head or heads of any company, association, or corporation or organized manufacturing industry for refusing to comply with the provisions of that section of the bill. It provides, however, that compensation to any of those manufacturers of products or material necessary for the defense of the United States shall be fair and just.

The bill provides for a census of all privately owned plants in the United States equipped to manufacture arms or ammunition or the component parts thereof. To insure a prompt mobilization of these various industries a nonpartisan board on mobilization of industries essential for military preparedness is provided for. There is also a provision for the investigation by two civilians and three Army officers as to the Government's manufacture of arms, ammunition, and equipment. The War Department for the past four years has been manufacturing practically all of the arms, ammunition, and equipment which it requires, and yet thousands of men and women throughout the Union have been led to believe that the department purchases all its powder and ammunition from private concerns. These private concerns are charged with being responsible for the demand for preparedness in the United States. In view of the fact that they have not been selling their products to the War Department, I do not see what authority those who are opposed to preparedness can have for their assertions that the ammunition manufacturers are responsible for the demand for a larger military force.

The bill provides for the protection of the uniform of officers or enlisted men of the United States Army, Navy, or Marine Corps. Exception is made, however, in favor of the organization known as the Boy Scouts of America, the Naval Militia, or such other organizations as the Secretary of War may designate for wearing their prescribed uniforms. This will enable such organizations as have been in existence in many of the States and whose uniforms are very similar to the uniforms worn by some units of the Army, Navy, or Marine Corps, to preserve their uniforms through the permission of the Secretary of War.

The bill also provides for the procurement of gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings as may be necessary for the immediate manufacture, by the Government or private concerns, of arms, ammunition, and equipment for our military forces. That provision I consider to be a great step in the path of military preparedness.

Mr. Speaker, there are many other admirable provisions in this bill. I admit it is not a perfect piece of legislation. It has some weak spots. Perhaps many weak spots. But it is infinitely better than any Army legislation we have had heretofore. It is a decided step toward military preparedness. I hope the conference report will be adopted.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that the gentleman have one minute more in order that I may ask him a question.

Mr. HAY. I will yield to the gentleman one minute more.

Mr. DENISON. I would like to ask the gentleman if there is any way that we can get rid of this nitrate proposition.

Mr. KAHN. If you vote down the conference report and send it back to conference, you might. That matter of the nitrate plant was submitted to the House recently and the House voted for it, and I felt, therefore, as a conferee on the part of the House that I was instructed to stand by the House provision.

In conclusion, Mr. Speaker, I desire to insert a statement showing the minimum and possible maximum commissioned and enlisted strength of the Regular Army under the provisions of the bill recommended in the conference report. It is as follows:

TABLE I.—*Statement showing the commissioned strength of the Regular Army provided by conference committee report on H. R. 12766, Sixty-fourth Congress, first session.*

[This strength will be authorized only after all increments provided for shall have become effective.]

Corps or arm.	Major generals.	Brigadier generals.	Colonels.	Lieutenant colonels.	Majors.	Captains.	First lieutenants.	Second lieutenants.	Dental surgeons.	Veterinarians.	Total.
General officers of the line	[1] 11	[2] 36									47
General Staff	[3] 1	[3] 2	10	10	15	17					[4] 52
Adjutant General's Department		1	7	13	30						51
Inspector General's Department		1	4	8	16						29
Judge Advocate General's Department		1	4	7	20						32
Quartermaster Corps	1	2	21	24	68	180		[5] 73			369
Medical Department	[6] 1		47	80	350	[7] 1,000	([7])		[8] 175	[9] 118	[7] 1,771
Corps of Engineers		1	23	30	72	152	148	79			505
Ordnance Department		1	10	15	32	42	42				142
Signal Corps [10]		1	4	9	18	54	189				[10] 275
Bureau of Insular Affairs		1	1		1						3
Chaplains						[11] 143					[11] 143
Cavalry			25	25	75	375	400	400			1,300
Field Artillery			21	21	[12] 47	[12] 236	294	[12] 257			[12] 876
Coast Artillery Corps		1	24	24	72	360	360	360			1,201
Infantry			64	64	192	960	1,024	960			3,264
Porto Rico Regiment				1	3	15	16	15			50
Detached officers [13]			[13] 33	[13] 34	[13] 92	[13] 431	[13] 432				1,022
Additional officers			[14] 45	1		1					[15] 47
Military Academy			4	3							7
Total	13	46	347	369	1,103	3,966	2,905	2,144	175	118	11,186
Philippine Scouts						52	65	65			182
Total Regular Army	13	4	347	369	1,103	4,018	2,970	2,209	175	118	11,368

[1] Including 1 major general, appointed under act of Mar. 4, 1915. Not a permanent grade.
[2] Including 2 brigadier generals, appointed under act of Mar. 4, 1915. Not a permanent grade.
[3] These may be 2 major generals and 1 brigadier general, but included in "general officers of the line" and not in addition thereto.
[4] Does not include 3 general officers of the line as accounted for above.
[5] This number reported by Office of the Quartermaster General as "now in active service," as pay clerks.
[6] Brigadier general, after present incumbent.
[7] Assuming line 175,000; Quartermaster Corps, 6,403 (present law); Signal Corps, 3,387 (Rept. 263 on S. 4840); Medical Corps (5 per cent), 10,500; Ordnance Department, 1,115; recruits (7 per cent of all above), 14,700=211,112. At 7 per 1,000 men=1,477 officers Medical Corps (1,000 captains and first lieutenants) exclusive of Surgeon General. This is only approximate, not accurate, since enlisted strength depends, in three corps, upon executive action.
[8] 1 for each 1,000 of 175,000 in line of Army; majors, captains, and first lieutenants. Not included in 7 per cent Medical Corps, but in total strength of Medical Department.
[9] Veterinarians and assistant veterinarians (captains, first lieutenants and second lieutenants, according to service).
[10] Includes Aviation Section (1 colonel, 1 lieutenant colonel, 8 majors, 24 captains, 114 first lieutenants).
[11] Cavalry, 25; Infantry, 65; Field Artillery, 21; Engineers, 7; Coast Artillery Corps, 25. Rank according to service. Shown as captains, but not actually such. Not to exceed 15 majors.
[12] Assuming 5 regiments organized in 3 battalions (2 horse and 3 heavy).
[13] Including 200 under act of Mar. 3, 1911, in grades as authorized by that act. These numbers in grade will be changed if the 1,022 are all to be assigned to grades by ratio shown in sec. 25. If the 822 added by bill are assigned by such ratio and the 200 now authorized are left as assigned in 1911, the figures are approximately correct.
[14] Including 17 colonels, Cavalry, 4 colonels, Infantry, made "additionals" by sec. 25.
[15] Including those "additional" by act of Mar. 3, 1911; this is subject to increase by transfer of retired officers to active list under act of Mar. 4, 1915. Several nominations are now pending.

TABLE II.—*Statement showing the minimum and maximum enlisted strength of the Regular Army provided by conference committee report on H. R. 12766, Sixty-fourth Congress, first session, and also maximum "except in event of actual or threatened war" (sec. 2 of act).*

Corps or arm.	Minimum strength.	Maximum strength.
Cavalry, 25 regiments (minimum strength, 999; maximum strength, 1,475)	24,975	36,775
Field Artillery, 16 regiments of 2 battalions (minimum strength, 859; maximum strength, 1,263)	13,744	20,208
Field Artillery, 5 regiments of 3 battalions (minimum strength, 873; maximum strength, 1,282)	4,365	6,410
Field Artillery added to headquarters companies (2) of Mountain regiments when Quartermaster Corps not available	6	6
Field Artillery ammunition batteries, depot batteries, and battalions and Artillery parks, supplied from Regular Army Reserve or Regular Army. Organization fixed by President		
Coast Artillery Corps, 263 companies and noncommissioned staff	29,469	29,469
Coast Artillery Corps, 18 bands of 30 men	540	540
Infantry, 64 regiments (minimum strength, 1,336; maximum strength, 1,964)	85,504	125,696
Porto Rico regiment of Infantry	1,336	1,964
Corps of Engineers, 7 regiments of 2 battalions of 3 companies each (minimum strength, 696; maximum strength, 1,036)	4,872	7,252
Corps of Engineers, 2 battalions Mounted Engineers (3 companies each) (minimum strength, 244; maximum strength, 371)	488	742
Corps of Engineers, 1 band	30	30
Military Academy detachment. See sections 2 and 22	632	632
Service school detachments. See sections 2 and 22	746	746
United States disciplinary barracks guards. See sections 2 and 22	350	350
With disciplinary organizations (sergeants). See section 36	100	100
With organizations of the National Guard (sergeants). See section 36	1,000	1,000
With units of Reserve Officers' Training Corps (noncommissioned officers). See section 46	500	500
Indian Scouts. See sections 2 and 22	75	75
Line of the Army, exclusive of unassigned recruits	168,732	232,495
Maximum line of Army "except in event of actual or threatened war." See section 2	175,000	

TABLE II.—*Statement showing the minimum and maximum enlisted strength of the Regular Army, etc.*—Continued.

Corps or arm.	Minimum strength.	Maximum strength.
Quartermaster Corps, strength to be fixed by President (present law as to minimum and double that for maximum strength) [1]	6,403	12,806
Signal Corps, strength to be fixed by President (strength of, Senate bill 4840) [1]	3,387	4,338
Ordnance Department, strength to be fixed by President (present authority for minimum and double for maximum strength) [1]	1,115	2,230
Medical Corps, 5 per cent of maximum peace (175,000)+Quartermaster Corps, Signal Corps, Ordnance Department, and recruits for minimum	10,500	14,100
5 per cent of above at maximum +232,495, and of recruits for maximum.		
Unassigned recruits, 7 per cent of total enlisted strength	13,700	16,500
Total, excluding Philippine Scouts	210,105	282,461
Philippine Scouts (present law). See section 22	5,733	12,000
Aggregate, Regular Army (including Philippine Scouts) [2]	215,838	296,461

[1] As the enlisted strength of the Quartermaster Corps, Signal Corps, and Ordnance Department are such as may be prescribed by the President, until Executive orders are issued, it is impracticable to ascertain the strength of the Medical Corps and unassigned recruits which are 5 and 7 per cent, respectively, of total enlisted strength. Figures above are based upon assumptions which seem reasonable. But any other estimate may be equally correct, if assumptions as to Executive action be changed.
[2] For present authorized commissioned and enlisted strength, see Army List and Directory, April 20, 1916.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore (Mr. HARDY). The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Speaker, I ask to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BUCHANAN of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an

article written by John J. Walt, an ironworker, and printed in the Bridgeman's Magazine.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GALLIVAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address of Edward N. Hurley, vice chairman of the Federal Trade Commission, before the Boston Commercial Club, March 28, 1916.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts.

There was no objection.

Mr. HAY. Mr. Speaker, I ask unanimous consent that all gentlemen may have five legislative days after the passage of the bill to extend remarks on the bill.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent that all gentlemen have five legislative days after the passage of the bill to extend remarks on the bill. Is there objection?

There was no objection.

Mr. HAY. Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. HAY. Mr. Speaker, I make the point of no quorum.

The SPEAKER pro tempore. The gentleman from Virginia makes the point that no quorum is present. Evidently there is not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 351, nays 25, answered "present" 3, not voting 55, as follows:

YEAS—351.

Abercrombie	Curry	Gregg	Linthicum
Adamson	Dale, N. Y.	Griffin	Littlepage
Aiken	Dale, Vt.	Hamill	Lloyd
Alexander	Dallinger	Hamilton, Mich.	Lobeck
Allen	Danforth	Hamilton, N. Y.	Longworth
Almon	Darrow	Hamlin	Loud
Anderson	Davenport	Hardy	McAndrews
Anthony	Davis, Minn.	Haskell	McArthur
Ashbrook	Davis, Tex.	Hastings	McClintic
Aswell	Decker	Haugen	McCracken
Austin	Dempsey	Hawley	McCulloch
Ayres	Denison	Hay	McDermott
Bacharach	Dent	Hayden	McGillicuddy
Bailey	Dickinson	Heaton	McKellar
Barkley	Dies	Heflin	McKenzie
Barnhart	Dill	Helgesen	McKinley
Beakes	Dillon	Helm	McLemore
Beales	Dixon	Helvering	Madden
Bell	Dooling	Hensley	Magee
Bennet	Doolittle	Hernandez	Maher
Black	Doughton	Hicks	Mapes
Blackmon	Dowell	Hill	Martin
Booher	Drukker	Hilliard	Matthews
Borland	Dunn	Hinds	Mays
Bowers	Dupré	Holland	Meeker
Britt	Eagan	Hood	Miller, Pa.
Browne	Eagle	Hopwood	Mondell
Browning	Edmonds	Houston	Moon
Bruckner	Edwards	Howard	Moore, Pa.
Brumbaugh	Ellsworth	Howell	Moss, Ind.
Buchanan, Tex.	Elston	Huddleston	Moss, W. Va.
Burgess	Esch	Hughes	Mott
Burke	Estopinal	Hulbert	Mudd
Burnett	Fairchild	Hull, Iowa	Murray
Byrnes, S. C.	Farley	Hull, Tenn.	Neely
Byrns, Tenn.	Farr	Humphreys, Miss.	Nicholls, S. C.
Caldwell	Ferris	Hutchinson	Nichols, Mich.
Callaway	Fess	Igoe	Nolan
Campbell	Fields	Jacoway	North
Candler, Miss.	Finley	James	Norton
Cannon	Fitzgerald	Jones	Oglesby
Capstick	Flood	Kahn	Oldfield
Caraway	Flynn	Kearns	Oliver
Carew	Focht	Keating	Olney
Carlin	Fordney	Keister	O'Shaunessy
Carter, Mass.	Foss	Kelley	Overmyer
Carter, Okla.	Foster	Kennedy, Iowa	Padgett
Cary	Frear	Kennedy, R. I.	Page, N. C.
Chandler, N. Y.	Freeman	Kent	Paige, Mass.
Charles	Gallagher	Kettner	Park
Church	Gallivan	Key, Ohio	Parker, N. J.
Cline	Gandy	Kiess, Pa.	Parker, N. Y.
Coady	Gard	Kincheloe	Patten
Coleman	Garland	King	Phelan
Collier	Garner	Kinkaid	Porter
Connelly	Garrett	Kitchin	Pou
Cooper, Ohio	Glynn	Konop	Powers
Cooper, W. Va.	Good.	Kreider	Price
Cooper, Wis.	Goodwin, Ark.	Lafean	Quin
Copley	Gordon	La Follette	Ragsdale
Costello	Gould	Langley	Rainey
Cox	Gray, Ala.	Lazaro	Raker
Crago	Gray, Ind.	Lee	Ramseyer
Cramton	Gray, N. J.	Lenroot	Rauch
Crisp	Green, Iowa	Lesher	Rayburn
Crosser	Greene, Mass.	Lever	Reavis
Cullop	Greene, Vt.	Lieb	Reilly
Ricketts	Sinnott	Sterling	Vinson
Riordan	Sisson	Stiness	Volstead
Roberts, Mass.	Slayden	Stone	Walker
Roberts, Nev.	Slemp	Stout	Ward
Rodenberg	Sloan	Sullaway	Wason
Rowe	Smith, Idaho	Sumners	Watson, Pa.
Rubey	Smith, Mich.	Sweet	Watson, Va.
Rucker	Smith, Minn.	Switzer	Whaley
Russell, Mo.	Smith, N. Y.	Taggart	Williams, T. S.
Russell, Ohio	Smith, Tex.	Tague	Williams, W. E.
Sabath	Sneil	Taylor, Ark.	Williams, Ohio
Saunders	Snyder	Taylor, Colo.	Wilson, Fla.
Scott, Mich.	Sparkman	Temple	Wilson, Ill.
Sells	Stafford	Thompson	Wilson, La.
Shackleford	Stedman	Tillman	Wingo
Shallenberger	Steele, Iowa	Tilson	Wise
Sherley	Steenerson	Timberlake	Wood, Ind.
Sherwood	Stephens, Cal.	Towner	Woods, Iowa
Shouse	Stephens, Miss.	Tribble	Young, N. Dak.
Siegel	Stephens, Nebr.	Van Dyke	Young, Tex.
Sims	Stephens, Tex.	Venable	

NAYS—25.

Britten	Husted	Nelson	Thomas
Buchanan, Ill.	Johnson, Ky.	Platt	Tinkham
Gardner	Johnson, Wash.	Randall	Walsh
Gillett	London	Rogers	Wheeler
Guernsey	Mann	Sanford	
Hadley	Moores, Ind.	Schall	
Humphrey, Wash.	Morgan, Okla.	Tavenner	

ANSWERED "PRESENT"—3.

Butler	Miller, Del.	Treadway

NOT VOTING—55.

Adair	Glass	Loft	Scott, Pa.
Barchfeld	Godwin, N. C.	McFadden	Scully
Cantrill	Graham	McLaughlin	Sears
Casey	Griest	Miller, Minn.	Small
Chiperfield	Harrison	Montague	Steagall
Clark, Fla.	Hart	Mooney	Steele, Pa.
Conry	Hayes	Morgan, La.	Sutherland
Dewalt	Henry	Morin	Swift
Doremus	Hollingsworth	Morrison	Talbott
Driscoll	Johnson, S. Dak.	Oakey	Vare
Dyer	Lehlbach	Peters	Watkins
Emerson	Lewis	Pratt	Webb
Evans	Liebel	Rouse	Winslow
Fuller	Lindbergh	Rowland	

So the conference report was agreed to.

The Clerk announced the following additional pairs:

For the session:

Mr. DEWALT with Mr. MCFADDEN.

Until further notice:

Mr. WATKINS with Mr. MORIN.

Mr. GODWIN of North Carolina with Mr. VARE.

Mr. STEELE of Pennsylvania with Mr. EMERSON.

Mr. LEWIS with Mr. OAKEY.

Mr. HENRY with Mr. MILLER of Minnesota.

Mr. DOREMUS with Mr. BARCHFELD.

Mr. EVANS with Mr. JOHNSON of South Dakota.

Mr. STEAGALL with Mr. HOLLINGSWORTH.

Mr. SEARS with Mr. PETERS.

Mr. WEBB with Mr. DYER.

Mr. CASEY with Mr. SCOTT of Pennsylvania.

Mr. MONTAGUE with Mr. MILLER of Delaware.

Mr. TALBOTT with Mr. BUTLER.

Mr. ADAIR with Mr. LEHLBACH.

Mr. ROUSE with Mr. MCLAUGHLIN.

Mr. MORGAN of Louisiana with Mr. GRAHAM.

Mr. SCULLY with Mr. MOONEY.

Mr. MORRISON with Mr. SWIFT.

Mr. HART with Mr. GRIEST.

Mr. CLARK of Florida with Mr. FULLER.

Mr. CONRY with Mr. PRATT.

Mr. DRISCOLL with Mr. HAYES.

Mr. HARRISON with Mr. CHIPERFIELD.

Mr. LIEBEL with Mr. ROWLAND.

Mr. GLASS with Mr. WINSLOW.

Mr. SMALL with Mr. TREADWAY.

Mr. LANGLEY with Mr. CANTRILL.

Mr. TREADWAY. Mr. Speaker, I voted "aye." I have a pair with the gentleman from North Carolina, Mr. SMALL, and I desire to withdraw my vote and answer "present." He would vote "aye" also if he were here.

The name of Mr. TREADWAY was called, and he answered "Present."

Mr. LANGLEY. Mr. Speaker, I am paired with my colleague, Mr. CANTRILL. I know that he is for this conference report, and I therefore voted "aye." I believe it is all right to let my vote stand.

The result of the vote was announced as above recorded.

On motion of Mr. HAY, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.

EXTENSION OF REMARKS.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the conference report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Was not general leave given?

Mr. LANGLEY. Mr. Speaker, I make the same request.

Mr. FARR. Mr. Speaker, I desire to extend my remarks on the shipping bill.

The SPEAKER. There is general leave; everybody can extend their remarks on the shipping bill and on the conference report, too, but they have to stick to the bill, however, in extensions.

FRAUDULENT ADVERTISING, DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the conference report on the bill H. R. 10490.

Mr. ADAMSON. Mr. Speaker, will my amiable friend from Kentucky listen to me for one minute? I have a plea for a minute's time, and I know the gentleman will yield it. My colleague from Georgia has a little emergency bill, and he wants to go home on the next train, and I therefore ask unanimous consent to consider his little bridge bill. It will take but a minute, and I promise the gentleman——

The SPEAKER. What does the gentleman from Kentucky say?

Mr. JOHNSON of Kentucky. Mr. Speaker, I will have to insist on my motion.

I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I have not examined it. Does the statement give information so that we can tell?

Mr. JOHNSON of Kentucky. I think so. That is the intention.

The SPEAKER. Is there objection?

Mr. MANN. We have just had one statement read that did not give any information.

The SPEAKER. Does the gentleman from Illinois object?

Mr. MANN. I do not.

The conference report is as follows:

CONFERENCE REPORT (NO. 712).

The conference committee on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10490) entitled "An act to prevent fraudulent advertising in the District of Columbia," having met, after a full and free conference, have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its disagreement to the Senate amendment numbered 1 and agree to the same with an amendment by also striking out the article "a" at the end of line 13, page 1, so that instead of only striking out the word "fraudulent" the part stricken out should be "a fraudulent."

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same with an amendment. The Senate amendment numbered 2 adds the following language to the bill: "purchase any goods, wares, or merchandise, or anything of value, or to."

That amendment numbered 2 is amended by striking out the word "purchase" therefrom and inserting in lieu thereof the words "sell, barter, or exchange."

That the House recede from its disagreement to the amendments of the Senate numbered 3 and 4.

That the Senate recede from its amendment numbered 5.

BEN JOHNSON,
CARL. VINSON,
WILLIAM J. CARY,
Managers on the part of the House.

JOHN WALTER SMITH,
ATLEE POMERENE,
WILLIAM P. DILLINGHAM,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House relative to the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10490) entitled "An act to prevent fraudulent advertising in the District of Columbia," herewith submit the following statement concerning the result of the conference:

Relative to amendment numbered 1 the managers on the part of the House have to state that the said bill passed the House containing the language "a fraudulent intent to deceive, mislead, etc." The Senate struck out the word "fraudulent," being of the opinion that the words "deceive, mislead, etc." were sufficient. The managers on the part of the House agreed to that amendment, but called attention to the fact that the article "a" which immediately precedes the word "fraudulent" should also be stricken out. The reason for striking out the article "a" is quite apparent upon reading the bill.

The original draft of the bill contained a clause relating to the "sale of goods, wares, or merchandise" as the result of fraudulent advertising. However, just before the bill was introduced some of its friends struck out that clause and the bill was introduced without it. When the bill was under consideration by the House it was conceded that the language should be restored, but at the moment when attention was called to this omission the section which should have contained it had been passed. It was then deemed advisable to permit the bill to pass in its then present shape and let the correction be made by the Senate. The attention of the Senate was duly invited to the omission referred to; but by inadvertency the word "purchased" was used instead of the word "sell." Then in conference it was deemed best not only to use the word "sell," but to use the three words "sell, barter, or exchange"; so that the bill when thus amended reads "with intent to sell, barter, or exchange any goods, wares, or merchandise, or anything of value, or to deceive, mislead, etc."

Amendment numbered 3 is the striking out of the second use of the word "fraudulent," the words "to deceive, mislead," and so forth, again being deemed sufficient.

Amendment numbered 4 is exactly similar to amendment numbered 3 and the word "fraudulent" was again stricken from the bill.

Senate amendment numbered 5 strikes from the House bill the words "for a valuable consideration." However, the Senate receded, and that language is restored.

That part of section 1 after the semicolon in line 9, page 2, wherein appear the words "for a valuable consideration" undertakes to create an offense where three persons figure in the transaction.

The first of the three is the one who makes the misrepresentations for another, and not for himself.

The second of the three is the one to whom the misrepresentations are made.

The third of the three is the one for whose advantage the misrepresentations are made by the first of the three.

If the first of the three, by use of any of the means set out in the act, should induce the second of the three to use the services of the third and pay a fee or give a valuable consideration for those services, then the offense would be complete; but, upon the other hand, if no fee were charged or paid, or no valuable consideration passed, then there would be no offense, as the second party of the three would have suffered no wrong.

It is the intention of this provision in the bill to punish the act only in event some one is injured.

It is also sought to differentiate between the "capper" or "booster" for a falsely advertised business or alleged profession upon the one hand and the overzealous man or woman upon the other hand who, for instance, innocently writes a letter or, in good faith, gives a testimonial commending the "incorporated dental parlor" which claims that its employees, without the use of a drug, can painlessly extract teeth. Neither is it intended to punish the admiring, overconfident, and gullible friend of the "quack" who claims to be able to permanently cure all human ailments out of the same bottle or with the same pill.

However, it is hoped that the bogus claim agent and patent attorney, of whom there are many in Washington, may be compelled not only to stop his extravagant and untruthful advertising, but, at the same time, become unable to find "boosters" for his cheating game. Also, the "ambulance chaser" for some of the legal fraternity may find his occupation neither profitable nor agreeable if this bill becomes law.

BEN JOHNSON,
CARL VINSON,
WILLIAM J. CARY,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 72. Joint resolution to provide for holding the Texas Bicentennial and Pan American Exposition in 1918.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3101. An act authorizing the Secretary of War to extend the lease issued under the act of August 23, 1912, entitled "An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material"; to the Committee on Military Affairs.

BRIDGE ACROSS THE ST. MARYS RIVER, GA. AND FLA.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of H. R. 14771, because it is an emergency.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent for the present consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 14771) granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across St. Marys River, to be known as the Dixie Highway Bridge.

The SPEAKER. Is there objection?

Mr. JONES. Reserving the right to object, I would like to ask the gentleman from Georgia if there is a unanimous-consent report on this bill?

Mr. ADAMSON. It is entirely unanimous. Everybody is crying for it.

The SPEAKER. The Chair hears no objection. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the commissioners of Charlton County, Ga., and Nassau County, Fla., and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the St. Marys River, at a point suitable to the interests of navigation, at or near a point known as Calico Hill, to be known as the Dixie Highway Bridge, in the county of Charlton, in the State of Georgia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Also the following committee amendment was read:

Page 1, lines 8, 9, and 10, strike out the words "to be known as the Dixie Highway Bridge, in the county of Charlton, in the State of Georgia."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River."

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

PENSIONS.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask to call up the conference report on the bill H. R. 12027.

The SPEAKER. The gentleman from Missouri calls up the conference report on the bill H. R. 12027, of which the Clerk will report the title.

The Clerk read as follows:

H. R. 12027. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of certain soldiers and sailors of said war.

The SPEAKER. The Clerk will read the report.

The conference report was read as follows:

CONFERENCE REPORT (NO 719).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12027) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 9.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, and 14 and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: On page 29, line 1, strike out "$30" and insert in lieu thereof "$24"; and the Senate agree to the same.

JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
CHAS. E. FULLER,
Managers on the part of the House.

CHARLES F. JOHNSON,
WM. HUGHES,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing vote of the two Houses on certain amendments of the Senate to the bill (H. R. 12027) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, viz:

Amendment No. 1: House recedes. Proof submitted justifies increase.

Amendment No. 2: House recedes. Proof submitted justifies increase.

Amendment No. 3: House recedes. Correction in phraseology.

Amendment No. 4: House recedes. Rules provide for a maximum rate of $50.

Amendment No. 5: House recedes. As the soldier did not hold the rank of captain or above, $20 is the limit.

Amendment No. 6: House recedes. Proof submitted justifies proposed increase.

Amendment No. 7: House recedes. Proof submitted justifies proposed increase.

Amendment No. 8: House recedes. As soldier did not hold rank of captain or better, $20 is the limit.

Amendment No. 9: Senate recedes. Proof submitted justifies pension of $12.

Amendment No. 10: House recedes. Correction of service.

Amendment No. 11: House recedes. Correction of service.

Amendment No. 12: House recedes. Proof submitted justifies proposed increase.

Amendment No. 13: House recedes. As soldier did not hold rank of captain or better, $20 is the limit.

Amendment No. 14: House recedes. Correction of service.

Amendment No. 15: House recedes from its disagreement to the amendment of the Senate, and agrees to the same with an amendment in accordance with the evidence submitted; and the Senate agree to the same.

JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
CHAS. E. FULLER,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

Mr. RUSSELL of Missouri. Mr. Speaker, I also call up the conference report on the bill H. R. 12843.

The SPEAKER. The gentleman from Missouri calls up the conference report on the bill H. R. 12843, which the Clerk will report by title.

The Clerk read as follows:

H. R. 12843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of certain soldiers and sailors of said war.

The conference report was read as follows:

CONFERENCE REPORT (NO. 720).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12843) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain

widows and dependent children of soldiers and sailors of said war," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, 7, 9, 11, and 16.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 8, 10, 12, 13, 14, 15, 18, and 19, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: On page 4, line 5, strike out amount named and insert in lieu thereof "$24"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: On page 25, line 21, strike out amount named and insert in lieu thereof "$36"; and the Senate agree to the same.

JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
CHAS. E. FULLER,
Managers on the part of the House.

CHARLES F. JOHNSON,
WM. HUGHES,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes on certain amendments of the Senate to the bill (H. R. 12843) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submit in the accompanying conference report as to each of the said amendments, viz:

Amendment No. 1: House recedes from its disagreement to the amendment of the Senate and agrees to the same with an amendment making the usual allowance for a widow of a captain.

Amendment No. 2: Senate recedes. Proofs submitted justify the proposed increase.

Amendment No. 3: House recedes. Evidence on file does not justify a higher rate than allowed by Senate amendment.

Amendment No. 4: Senate recedes. Claimant is the widow of a captain and under the rules is entitled to a higher rate of pension.

Amendment No. 5: House recedes. Proof submitted does not justify a higher rate.

Amendment No. 6: House recedes. Claimant is the widow of an officer and under the rules she is entitled to a higher rate of pension.

Amendment No. 7: Senate recedes. Proof submitted justifies the proposed pension.

Amendment No. 8: House recedes. Proof submitted does not warrant any increase.

Amendment No. 9: Senate recedes. Proof submitted justifies proposed pension.

Amendment No. 10: House recedes. A correction of service.

Amendment No. 11: Senate recedes. Evidence submitted justifies proposed pension.

Amendment No. 12: House recedes. Bill for claimant was passed by the Senate April 10.

Amendment No. 13: House recedes. Under the rules claimant is entitled to proposed increase.

Amendment No. 14: House recedes. Proof submitted does not justify a higher rate.

Amendment No. 15: House recedes. Soldier's rank does not warrant a higher rate.

Amendment No. 16: Senate recedes. Evidence submitted justifies proposed pension.

Amendment No. 17: House recedes from its disagreement to the amendment of the Senate and agrees to the same with an amendment in accordance with the proof submitted.

Amendment No. 18: House recedes. Claimant is an officer's widow and under the rules entitled to proposed pension.

Amendment No. 19: House recedes. Proof submitted does not justify higher rate.

JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
CHAS. E. FULLER,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

PORTO RICO.

Mr. JONES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9533.

The SPEAKER. The gentleman from Virginia moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Porto Rican bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9533, with Mr. FERRIS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9533, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes.

The CHAIRMAN. There is an amendment pending, offered by the gentleman from Oklahoma [Mr. MURRAY]. The gentleman from Virginia [Mr. JONES] is recognized.

Mr. JONES. Mr. Chairman——

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the amendment may be again reported.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the amendment may be again reported. Is there objection?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. MURRAY: Page 3, line 24, after the word "allowed," insert the words "and that no political or religious test shall ever be required for the exercise of civil or political rights."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. KEATING. Mr. Chairman, before we leave that paragraph, I desire to offer this amendment on page 4, line 8.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KEATING: Insert as a new paragraph, on page 4, after line 8, the following:

"That the right of workers to organize for the purpose of securing better wages, shorter hours, and improved working conditions shall never be questioned."

Mr. KEATING. Mr. Chairman, I can not conceive of any reason why the committee should not accept this amendment. I am prompted to offer it by reason of certain events which transpired in Porto Rico two or three years ago and which were called to the attention of the Committee on Labor.

Mr. DAVENPORT. Mr. Chairman, will the gentleman yield to a question in order that I may understand the amendment?

Mr. KEATING. Yes.

Mr. DAVENPORT. Did the gentleman from Colorado use the words "rights of workers" or "rights of laborers"?

Mr. KEATING. I used the words "rights of workers."

Mr. DAVENPORT. It occurred to me that "workers" is rather an indefinite word there, and I thought perhaps the gentleman had used it inadvertently.

Mr. KEATING. I think the term "workers" is really a broader term than "laborers," and therefore I used the word "workers." I am not particularly concerned about the occupation they are engaged in, but I want men who work and who organize to better their condition to be distinctly recognized in the terms of this act.

It is alleged by the workers of Porto Rico that they have been denied that right. I hold in my hands a petition, prepared by the workers of Porto Rico and forwarded to the Committee on Labor of this House, in which they allege that their right to organize, their right to strike, in order to insure shorter hours, increased wages, and improved conditions, has been denied in Porto Rico.

Now, I would not undertake to say that all the statements set out in this petition are true; but, whether they are true or not, the matter has been called to the attention of this House, and we know officially that, in the judgment of the workers of Porto Rico, they are being denied the right to organize. So I offer this amendment in order that it may be distinctly understood that in Porto Rico hereafter the right of workers to organize shall never be questioned.

Mr. YOUNG of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. KEATING. Yes.

Mr. YOUNG of North Dakota. For purposes of information only, I would like to know who denied to them that right? Was it officers of the Porto Rican government or the governor, or who was it that denied to these people the right to organize?

Mr. KEATING. I hold in my hand a report prepared for the American Federation of Labor, and I find the following in that report, which has been made a part of the petition to the Committee on Labor of this House. It says:

PORTO RICO.

Mr. Santiago Iglesias, president of the Federacion Libre de los Trabajadores de Puerto Rico, makes the following report of the year's work in Porto Rico and other Spanish-American countries:

The invasion of Porto Rico by Americans and the infusion of the principles of the American Federation of Labor into the life of the workers have led to considerable change in the attitude of the people toward work and toward the workers. The American Federation of Labor has tended to strengthen in many ways the position of the laborers.

The forces of reaction and greed of employers have shown great aggressiveness during the last year. All that could be done to destroy existing labor organizations and to prevent the organization of new ones in the island has been done.

In spite of that, during the year past the toilers have advanced along the road of progress toward the achievement of a better social, economical, and political independence by means of a methodical and persistent labor fight, both collectively and individually. The effects of this effort will prove in the near future to be highly beneficial to the producing people of the island at large, and specially to the agricultural laborers so much exploited in this country.

The efforts of the American Federation of Labor are being antagonized by those who have interests in keeping this island as a large factory worked by slaves.

On the other hand, the workers are realizing that only by an active, economic organization and a persistent effort the social and economic progress could reach the masses of the workers in the agricultural fields where the crops are collected, and those of the industrial pursuits where they are suffering an intolerable economic exploitation. Certainly they are striving to sweep out the old form of Spanish peonage now aggravated with the American form of plutocracy in its new form of feudalism.

It is true at this time that the landholding conditions involved in most of the agricultural districts of the island have enabled the employers to keep what amounts to a feudal system for the operation of the sugar as well as the tobacco fields and manufactures.

The most important event during the past year brought about by the labor movement was the greatest strike of agricultural workers that ever occurred in this island.

STRIKE OF AGRICULTURAL WORKERS.

About 40,000 agricultural workers of the sugar-cane fields and from some of the mills, men, women, and children went on strike during the early days of February of this year. The bulk of them lack necessary resources for striking. However, it was the most favorable occasion we had to teach the peasants the principles and the aims of trade-unionism and the best way to create the most powerful organization of the agricultural workers.

After taking into consideration the deplorable conditions prevailing in the country, the low wages and long hours, and taking into consideration also the high prices for sugar which the companies obtained at that time in the American market, it seemed to us that no better opportunity would present itself to advance and strengthen the position of the workers getting for them better wages, shorter hours of labor, and the right to organize themselves.

But the old, old story that happens in this island when workingmen entertain any plan for freedom was repeated over again. As soon as the bosses realized that the labor movement afforded an opportunity to be heard and the chance to create a powerful organization, repressive measures were undertaken and a rule of terrorism inaugurated among the working people by the police authorities, by the mayors, judges, and other officials of the government. In time of strikes the masters assumed the power of police in many ways to force the poor laborers to go back to work on the terms of the employers. Of course, real freedom under such conditions is impossible and industrial tyranny prevailed.

The labor men were prosecuted, jailed, wounded, and killed in the streets and highways, with the purpose of stopping the advancement of the labor movement, and of cutting in the bud the aspiration of the peasant folk for freedom, who produce the wealth of the island.

According to the old policy of tyranny the government supported the employers and the privileged, the police force were put at their disposal to force the agricultural workers to return to work, or to compel them to leave the houses where they were living, if they would not go to work under the old conditions. All the public police force, under the pretense of keeping order and guaranteeing the properties, was in the service of the private corporations, landlords, and capitalists to break the strike, to force men to work while they enjoy their banquets and drinks. In almost all the towns where the workingmen were on strike the local headquarters of the police force were installed within the sugar mills or under their premises, the men of the force were fed by the plantations' owners, and the horses and automobiles used by the police to hunt the strikers were also furnished by the bosses.

The governor turned over to the police the whole rural region, and these in their turn had forbidden that there should be any public meeting, gatherings, parades, and groups of not even 10 persons should gather on the highways and barriers of the whole island, though it were shown that such gatherings were of an orderly and peaceful character. So practically a species of martial law was declared by the police, and attacks upon strikers were very common. It was very common to force the labor speakers down from the stands and afterwards to disperse the meetings, the workers being brutally attacked with revolvers, carbines, and clubs.

Thus it is that the wish of the employers was secured by the police force, namely, that of breaking the strike of the poor country workers through fear and intimidation, through persecution, and murder.

Upon request from every union of Porto Rico, we asked President Gompers to help the workers of this country. The American Federation of Labor, after being informed of the many sad incidents of the agricultural strike in which poor laborers had been killed and many others imprisoned and clubbed, asked for and obtained that the Federal Commission on Industrial Relations would investigate the labor troubles of Porto Rico. In pursuance of advices from President Gompers, Mr. Rivera Martinez, president-organizer of the Cigarmakers' Unions of this island, and I went to Washington to be heard before the commission. This hearing took place about May 26–27 of this year. The insular government sent also two representatives to appear before the commission to defend the government officials. Mr. Martin Travieso, secretary of Porto Rico, and Mr. Bills, of the bureau of labor, represented the government.

In summarizing the matters presented before the Commission on Industrial Relations by the labor representatives I desire to mention those of more importance.

Our island of Porto Rico is one of the West Indies which occupies an important place as to agricultural production. It had been a possession of the Spanish monarchy for more than 400 years and had a governmental régime brutalizing in its results, and the régime of this Government was deeply rooted in Porto Rico. The island has about 1,200,000 inhabitants—25,000 industrial workers and about 600,000 agricultural laborers.

From and after 1898 Porto Rico became a possession of the United States of America. It has progressed in many ways. It is true that the conditions of the toilers have improved somewhat, relatively speaking, though not in proportion to the vast wealth that this same class has produced, and much less in comparison with the great improvements made by the monopolists of commerce, industry, the political power, the financial power, and the possessors of privileges and franchises.

Some of the deplorable conditions of the peasant of Porto Rico are the following:

Men working in the sugar and tobacco plantations, engaged in cutting cane, labor an average of 12 hours a day for the wage of 45 to 55 cents.

The system of paying the men with checks is much in vogue. The check system, operated in conjunction with the "pluck-me" stores, enables the company or the tools of the company to gather in all the money paid. Checks are, of course, redeemable only at "pluck-me" stores, or like stores.

Woman labor is even more exploited than that of the men. Women and girls work, as a rule, from 10 to 12 hours a day in sugar fields or selecting tobacco or coffee in the large houses, for which they make an average of 30 to 40 cents a day. Other laborers can not make more than 30 to 40 cents a day for 12 and 14 hours' labor.

Housing conditions are almost indescribable. Families of 10 and 12 live in one room, and a small room at that. This is the rule rather than the exception. It can be found in thousands of cases. Lucky are the families that boast of having a two-room shack. Few, indeed, have three rooms.

The houses in the suburbs are, as a rule, built on hills. As they are difficult to construct, they are built as small as possible. Thus an entire family has to dwell in a small shack measuring 10 by 12 feet in width and less than 8 feet in height.

Now, in the early days of February more than 40,000 of these poor workers went to strike, demanding a flat scale of pay of $1 for an eight-hour workday.

At several points—Fajardo, Juncos, Humancao, and other places—agreements involving 9,000 laborers had been closed with the employers, resulting in the winning of important advantages to the men. But when the police of Porto Rico were placed at the disposal of the corporations, then not only did the corporations give up the idea of reaching terms of agreement with the laborers, but the corporation which had already signed and made peace with its workers broke the agreements and entered fiercely into the contest to establish the old conditions of wages, etc.

At a meeting of the Sugar Producers' Association, held in San Juan, representatives from most of the large sugar interests all over the island discussed means of handling the situation, and finally requested the enlistment of at least 200 more insular police. At this conference Gov. Yager was told that in various sections cane fires had followed meeting of strikers, at which threats were made by strikers against the property of cane men. Most of those who attended the meetings were inclined to oppose a basis of settlement which the Fajardo Co. had reached with its laborers, which provided for a sliding scale of wages to be based on the price of sugar. Since this agreement was entered into it was found unsatisfactory by the laborers, and after a trial of but two days it was dropped, in so far as the field laborers were concerned.

The bureau of labor was helping the employers in breaking the agreements. The following telegram was signed by chief of the bureau of labor:

DOMINGO SANTOS,
Fajardo, P. R.:

Mr. Bird, manager of the Fajardo Sugar Co., has officially informed the government that workingmen are not fulfilling their part of the contract, which makes it therefore neutral. I trust all differences will work out regardless of strike.

(Signed) BILLS.

This telegram was sent after the Sugar Growers' Association and corporations had agreed not to sign any terms of agreements with the workers and not to agree upon any wage scale. More than 1,000 country workers in Fajardo filed complaints duly sworn to before a judge protesting against the attitude of the chief of the labor bureau, and the same thing happened at Juncos, Humacao, and other places. Since the Sugar Growers' Association refused to sign any terms of agreement with the agricultural workers, police violence commenced all over the island to break the strike, as has been proved by many exhibits.

Some of them are as follows:

Exhibit No. 1: Contained the casualties of Juncos, where a parade of strikers was violently dispersed with shots by the police, and the men were beaten.

It was generally known that the man who started the attack against a peaceful parade of agricultural workers at Juncos was an officer of the Sugar Central, who, with a revolver, had been trying to intimidate and violently disperse the assembly of the workers, and, notwithstanding (12 peasants having been injured by the police and the officers of the Sugar Central), no arrest was ordered against the officer of the sugar company, nevertheless the workers were sentenced to six months in the municipal court, and how they were acquitted by the district court,

where they filed an appeal. While this trial was in progress in the district court, the justice had to call attention to one of the corporals and to two of the guardsmen on account of their perjury before the court.

These men of Juncos who were released on the appeal had been put in jeopardy by preferring charges against them for the same crime and with the same evidence. The flags which the strikers carried in the procession, even the American flag, were torn by the police from the hands of those who bore them.

Exhibit No. 2: Contains several documents regarding the deplorable incidents which occurred on the island of Vieques, where a parade of strikers was violently dispersed and five men killed and others wounded; a legal report of the attorneys for the strikers, and some affidavits. It was demonstrated by those documents how some of the men were sentenced by the judge in the local headquarters of the police, which was not a legally constituted court. The writs for imprisonment were amended, some of them were originally used, charging the men with assault and battery, with intent to deprive other persons of life, and in order to deprive them of jury trial these writs were amended and the cases were brought before the municipal court in which a severe penalty was imposed upon them. The dates of the sentences of some of the men were illegally amended to prevent the appeals to the superior courts. The so-called concealed weapons and arms of the laborers were sticks at the ends of which were flags. The same exhibit contains the manner in which the offices of the federation were closed by the police and how the meetings were prohibited; how the liberty of these men was jeopardized by denial of habeas corpus. When the workers protested against those actions they were brutally wounded, jailed, and killed. Three laborers defending themselves wounded two policemen with their machetes. More than 100 arrests followed. In the town the police scattered the people with shots and blows. There was a great dread in the town.

Exhibit No. 3: Contains an affidavit sworn to and signed by about 300 persons, stating that the one responsible for the occurrences that took place in Ponce was only the captain of police, Ramon Fernandez Nater, and those guardsmen under his command, who without cause insulted the people and disbanded a meeting of strikers without cause, which was being held near the market. The meeting was opened in the evening at half past 7, by the members of the organized labor movement. After I had spoken for about an hour, and was making the statement that the police could not be placed on an impartial and independent position while having their quarters in the premises of the sugar mills and plantations, while eating and drinking with the bosses, while using the horses of the sugar-mill owners under the pretense of guaranteeing the properties, I was brutally ordered to leave the tribune, while the captain of police, Fernandez Nater, cried: "This meeting has finished."

Then the police were ordered to dissolve the meeting; the workers were shot and clubbed. The result of this social crime committed against the people was a man dead and several wounded. Organizer Rivera Martinez, myself, and all my fellows from San Juan in the commission were arrested and placed under bail of $2,000.

Ultimately the district court of Ponce, where our trial took place, released my colleagues and me of the charges preferred by the captain of the police against us.

In an affidavit signed by Juan Cruz Piris, secretary of the Free Federation of Workingmen, who after the meeting disbanded came near the headquarters of the police to offer his service to us, and he was beaten by Captain of Police Fernandez Nater and some of the guardsmen; he was then taken to the prosecuting attorney. The prosecuting attorney asked the captain of police why he had beaten Mr. Piris, and the captain of police answered that he had beaten him by mistake. Some of the police without any warrant entered the offices of the federation at Ponce, broke up some of the desks, and took with them some of the documents and papers of the strikers' committee.

Exhibit No. 4: Contains 14 affidavits intended to prove how Policeman Quiles illegally killed the workman named Robledo at the meeting in Ponce, and how the man was killed while he was running, and how captain of police is also responsible for this crime. Policeman Quiles was set free on bail, and he is as yet in active service, not having been suspended as policeman or from payment. He is serving duty and as a man he has the confidence of his chiefs. The commission of the police has just demonstrated its good feelings in regard to Policeman Quiles by voting an appropriation of $100 of the funds of the same force to defend him, and also have requested some of the local headquarters to help this policeman in his defense before the court. This initiative is due to the activity of the chief of police of Ponce, Fernandez Nater. This same police commission granted gold medals to those who killed the strikers of Vieques.

Exhibit No. 5: Contains 14 affidavits to prove how the right of meeting, no matter how peaceful, was absolutely denied by chief of police, who exceeded the order received from the Governor of Porto Rico. The right of meeting in Arecibo was denied to all of the representatives of the American Federation of Labor in or outside of the urban zone.

Contains 7 affidavits signed by several persons to prove assaults, abuses, and searches by the police in the town of Arecibo, and to prove the number of men who were wounded by the police, and how the people were terrorized. To prove how 19 workingmen were held for trial and how they were sentenced to 30 days by the municipal court without being given the necessary time to speak to their lawyers and to produce evidence in their favor. These 19 persons were acquitted on the appeal that they filed in the district court and no further action taken.

Exhibit No. 6: Is an affidavit signed by Mr. Andres Orellano, of the Bakers' International Union, stating how he was thrown from the platform while addressing a meeting in the town of Barceloneta. Charges were preferred against him by the police before the municipal court and he was released He was compelled to leave the town and prohibited from speaking within the jurisdiction of that municipality.

Exhibit No. 7: This is in regard to the unbecoming conduct of the captain of police in Cayey, and the persecutions of the labor press. On March 20 the police violently disbanded a meeting, clubbing the people. A local representative of the federation was arrested after being taken down while he was speaking. The annual labor convention which was in session at the Baptist Church was closely watched and disturbed by police. The labor press men were also arrested for protesting against the brutality of the police officials The same kind of brutalities of the police and violent dispersion of labor meetings occurred at Anasco, San Lorenzo, Bayamon, Humacao, and other places. Public roads were illegally closed to the agricultural strikers in order to prevent them from going from their homes to towns and vice versa. Contains the original letters and telegrams of mayors, prohibiting the free exercise of the right of meeting.

Exhibit No. 8: Is to prove the conspiracy of the employers trying to destroy the American Federation of Labor in Porto Rico, and how to place discredit upon this labor organization.

The Sugar Growers' Association has issued a circular relative to the creation of funds with which to form an association against strikes with the purpose to destroy the Free Federation of the Workingmen of Porto Rico which is the State branch of the American Federation of Labor. The sugar men solicited checks of $15 to be contributed by each member of the Sugar Growers' Association, and at the same time recommended the so-called "Liga Obrera" and "Federation Regional" as sister organizations to counteract the strikes brought on by the "Free Federation," and in order to carry on this work money is urgently requested of each member.

In another circular, pecuniary assistance is also asked of the rich merchants of the island, possibly with the same purpose of working against the American Federation of Labor.

The whole island was placed in the hands of the police and there occurred many dispersions of meetings, speakers taken down from stands, and the entire sugar and tobacco fields were terrorized and workingmen practically forced to go back to work.

The martial law was declared by the police, and attacks upon the people were accumulating rapidly to the discredit of the police who kept on terrorizing the country people.

When the house of delegates was informed by one of its members that a meeting had been disbanded by the insular police in Ponce while I was addressing the gathering, the matter was in the first moment discussed, and one of the members of the house moved that a special committee be appointed to investigate the facts and inform the house of the truth, because one man who had been present in the meeting had been killed by the bullets of the police and some more seriously wounded. A resolution presented was as follows:

"Be it enacted, That the most energetic protest of the house be brought to bear against the violation of the law of defending the rights of the people committed at Ponce by members of the insular police, while they caused a man to come down from the speaker's stand or rostrum while he was in the full exercise of his rights of censure."

When President Gompers received the news by cable in regard to the strikers' conflict and the killing of men he called these matters to the attention of Gen. McIntyre, Chief of the Bureau of Insular Affairs, and asked for information. He was informed that no information as to the killing or wounding of anyone or that the constitutional rights of the people were invaded had been received. Then President Gompers requested Gen. McIntyre to send a cable under his name to Iglesias, Porto Rico, when McIntyre said he would take pleasure in doing it. Mr. Gompers could not get my answer because the Government declared it was not in strict accord with the facts.

Gov. Yager was requested to appoint a commission to investigate the incidents of the strike. All we wanted was an opportunity to present publicly and impartially the facts. The reasons we had for insisting upon the appointment of this commission was that we were firmly convinced that in no other way could the Government obtain the absolute truth of the deplorable facts of tyranny and oppression brought about by the public officials of the Government during the strike.

After our appearance before the Commission on Industrial Relations, upon our request, President Gompers and Secretary Morrison introduced us at the White House, helping the people of Porto Rico by handing to President Wilson, through the courtesy of Secretary Tumulty, the memorial which we had prepared portraying the deplorable situation as it exists in Porto Rico.

CONGRESSIONAL INVESTIGATION.

At the convention of the American Federation of Labor, held in Philadelphia, Pa., was adopted the following resolution:

"Resolved by this convention of the American Federation of Labor assembled, That the President of the American Federation of Labor be earnestly recommended to request the President of the United States or the Congress, or both, to appoint a commission as soon as possible with authority to investigate the deplorable industrial conditions, as well as the general governmental affairs of the island, especially in the questions affecting education, health, and sanitation, economic and living conditions of the working masses of Porto Rico, and land and financial resources, and to ascertain if it is true that the Federal, as well as the organic law, has been continually violated by the big corporations which exploit the people of the island."

It is the earnest wish of the Free Federation of Workingmen of Porto Rico that such commission may visit our island to make a thorough investigation, as the resolution urges; that the commission may be composed of men who will not, as several commissions in the past have done, accept mere courtesies and official declarations as sufficient evidence upon which to base their attitude, but that the commission be composed of men who will go to the heart of things to get the real points and views of men of labor, of business, who know, who feel, who understand.

ORGANIC LAW AND CITIZENSHIP.

That a new organic act or constitution for Porto Rico is necessary all Porto Ricans agree, and all who studied the subject recommend. It is therefore respectfully urged that a new organic act or constitution for the government of Porto Rico should be recommended to Congress and enacted, and it is urged that whatever form the new organic act should take great consideration should be given regarding the power, the influence, and the capacity of which the working people of the island are capable. The existing political vices, the pernicious effect of false system of education by which the children of the poor are impressed with the idea that they occupy an inferior position in society, and the overt conduct of employers should be considered, and indeed under every circumstance the almost defenseless position in which the laborers of Porto Rico are now placed should be regarded as a feature for the consideration and protection of the law and its administrators. The workers should be given the fullest assurance and guarantee of protection in the enjoyment and exercise of constitutional rights equal with those of other citizens of Porto Rico.

At present the people of Porto Rico occupy an anomalous position. We belong to the United States and yet are not citizens of the United States. We are a people belonging to the island of Porto Rico, part of the United States, and yet are a people without a country. Citizenship should be conferred upon the people of Porto Rico, not individually but en bloc, collectively, and thus make for a more complete Americanization of the people of Porto Rico, in full touch, sympathy, and cooperation with the people of the United States. The possessors of capital should be obliged to pay their full share for what the government needs for public education, for sanitation, for roads, and for improvements on the island, as well as the security of justice for all.

This report so impressed the delegates to that national convention that they adopted a resolution calling upon Congress to appoint a committee to investigate conditions in Port Rico.

Congress did not see fit to act upon that suggestion. The matter was never formally brought before this House. I think now it is too late to appoint such a committee.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. KEATING. Mr. Chairman, I ask for five minutes more.

Mr. DAVENPORT. Mr. Chairman, I ask unanimous consent that the gentleman be given five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. JONES. Mr. Chairman, was the Chair putting the question?

The CHAIRMAN. Yes.

Mr. JONES. I desire to be heard on that for a moment.

Mr. KEATING. No; the Chair was not putting the question on the amendment, but simply my request to proceed for five minutes more.

Mr. JONES. All right.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. YOUNG of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. KEATING. Yes; I yield to the gentleman from North Dakota.

Mr. YOUNG of North Dakota. Does the gentleman believe that if this amendment were adopted it would prevent the repressive measures he speaks of?

Mr. KEATING. It may not prevent those repressive measures, but it would be a recognition in the organic law that the workers have the right to organize, and to that extent it would exercise a restraining influence upon public officials.

Now, as I said before, I have no desire to present an indictment to this House against the officials of Porto Rico. I have no desire to say that these charges are true or untrue. That is not material for the purposes of the present discussion. It should be sufficient, so far as this House is concerned, to know that as responsible a body as the American Federation of Labor has taken cognizance of these charges, that the workers themselves have made the charges, to justify this House in taking action, especially when the only action asked is that this inherent right shall be recognized. The right should be recognized without question wherever the American flag flies—the right of workers to organize for the purpose of improving their condition.

I trust the amendment will be adopted, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Colorado [Mr. KEATING].

Mr. JONES. Mr. Chairman, I can not quite agree with my friend [Mr. KEATING] that this amendment ought to be adopted, if for no other reason, because it is essentially right. I do not think we ought, even if it be admitted that the proposition embodied in his amendment is in itself good, to incorporate it in this bill. He ought not to and we can not put everything in this bill that is essentially right. I do not know what took place before the Committee on Labor nor have I any knowledge as to the character of any petitions which may have been presented to that committee from Porto Rico. I do know that this bill was under consideration in committee for a long time and that no such statement as that just made was made to the Committee on Insular Affairs. I do know, too, that when the Porto Rican bill, which was reported to this House in the Sixty-third Congress, was under consideration in committee no such representations as are now made were then made. I am informed, too, by the Delegate from Porto Rico that the gentleman is mistaken. The people who sent him the information upon which he bases his statement are mistaken in saying that the laborers of Porto Rico have ever been denied the right to strike. I never heard of it, and I have been somewhat familiar with Porto Rican matters for the last 14 or 16 years.

Mr. KEATING. Will the gentleman yield?

Mr. JONES. I will.

Mr. KEATING. The gentleman does not question the right of workers under the American flag, either in Porto Rico or elsewhere, to organize?

Mr. JONES. Certainly not.

Mr. KEATING. And the gentleman believes that it would be quite proper to recognize that right in the fundamental law?

Mr. JONES. Yes; but I can not believe this right has ever been denied, and therefore I see no reason for the adoption of this amendment.

It is doubtless true that some irresponsible persons, some self-constituted, so-called representatives of labor in Porto Rico, have made such representations as these, but I can not believe for a moment that the laboring people of Porto Rico have ever been denied the right to strike. The statement read by the gentleman is most general in its terms. Those who make these charges should be able to point to some specific instance when this right was denied. They should state who denied this right to the laboring people of Porto Rico.

Mr. KEATING. Will the gentleman yield?

Mr. JONES. I will.

Mr. KEATING. If the gentleman will give me time, I will read the complete statement, which gives the date and the names of the public officials, when this instance occurred, and all that. The only reason I did not read the entire statement was because of lack of time. If the committee will grant me permission, I will put the complete statement in the RECORD, so that the gentleman and every one else may know, not only that these events did occur, but who was responsible for them.

Mr. JONES. I have no objection to its going into the RECORD, but I have such absolute confidence in the administration in Porto Rico, especially in Gov. Yager, that I do not believe he would countenance any effort on the part of policemen or other Government officials to prevent labor from organizing.

I desire that the gentleman from Porto Rico [Mr. RIVERA], who knows more about this than anyone else here, may be recognized so that he may state what he knows about this matter.

Mr. RIVERA. Mr. Chairman, I will not oppose this amendment. I consider it very just, although not very important, because the local laws of Porto Rico provide sufficient guaranties for the laboring classes in the island to organize themselves into unions and to declare and maintain strikes. They never were interfered with in the exercise of this right. They do declare strikes. They are organized. The American Federation of Labor has a branch in Porto Rico. This branch has been in existence for more than 12 years. In no instance have the officials of Porto Rico opposed the organization of the laboring classes. The only fact is that at some times laborers and certain of their leaders have during strikes disturbed the public order and the public peace, and the Governor of Porto Rico has been obliged to compel them to respect order. Among the duties of the Governor of Porto Rico is the duty of maintaining peace and good order, and he has always done so effectively. This is the only instance of which I know. Never has the right to organize or to peacefully strike been denied to the laborers of Porto Rico.

Mr. LONDON. Mr. Chairman, in supporting the amendment that the right of workers to organize shall not be abridged I desire to urge that in framing a new fundamental law, a new charter of rights, we must consider modern conditions. At the time the amendments to the Constitution, which we now usually refer to as the Bill of Rights were drafted, the modern struggle between the industrial working class and large employers of labor was unknown. It could not be foreseen. The men who drafted the Declaration of Independence, the men who a few years later presented to the world the Bill of Rights, knew only such conditions as were prevalent in their day, knew only of such struggles as preceded their generation. They could not foresee the modern, gigantic, bitter conflict between capital and labor. You are now framing a fundamental law for Porto Rico and as part of it a bill of rights. The right of workers to organize has been questioned in many States, has been questioned both by legislatures and by the courts. Within recent times in the State of New York they were compelled to pass a special law—I think it is section 170 of the Penal Code, which provides that the organization of workers for the purpose of obtaining an advance in the rate of wages, and so forth, shall not be held a conspiracy. That was done in order to meet the difficulty presented by the common law under which such an organization was held to be an unlawful body. Now, why not say in clear, unequivocal and specific terms that the right of the workers to organize for the improvement of their condition shall not be questioned? It can certainly do no harm, and it may do a great deal of good. By adopting this amendment you will lay down a moral code for the guidance of those who will be engaged in industrial conflicts. This struggle between poor and rich, between those who have and those who have not, between the man who has property and the man who has no property, will go on for many years; and unless you provide a civilized form for the contest, an outlet for a peaceful method of conducting this warfare, unless you by law provide that those who temporarily enjoy the power of making laws shall not utilize that power in order to oppress the masses, you will do a great deal of harm to the people of Porto Rico. Therefore I ask the chairman of the Committee on Insular Affairs not to interpose any objection to the proposed amendment.

Mr. DAVENPORT. Mr. Chairman, I do not think there is a Member of the House who is more strongly in favor of labor having the right to assemble peaceably and to organize for its

own protection and for the purpose of seeing that it gets better wages than I am, but I candidly believe that all the guaranties that are necessary are provided for in the bill of rights for this temporary government of Porto Rico. If they are not, I say frankly that I am in favor of putting in those guaranties. Yet in providing a bill of rights for a temporary and limited government of Porto Rico, which we are now providing, I do not believe it is necessary to write into that bill of rights all the provisions necessary in a statute. I believe we have written into this bill of rights a sufficient guaranty to the laborers of Porto Rico, if they desire to organize and peaceably assemble for the purpose of presenting their grievances against those for whom they are laboring, to protect their rights. To-day is the first time since we began considering this bill—the provisions of which began to be considered more than four years ago—that I ever heard that laborers had been denied the right in Porto Rico to organize. I know at one time that Mr. Gompers was before our committee and spent quite a lot of time, and later on one of the natives of Porto Rico was before us, and if either one of these gentlemen mentioned the fact that any laborers had been denied the right to organize, either by the court or the Government officers, I have no recollection of it, and I can not find it in the report of the hearings.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. KEATING) there were 14 ayes and 19 noes.

Mr. KEATING. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Colorado demands tellers. All those in favor of ordering tellers will rise and stand until they are counted. Sixteen gentlemen have risen, not a sufficient number and tellers are refused.

Mr. KEATING. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. Evidently there is not a quorum.

Mr. FESS. Mr. Chairman, I move that the committee do now rise.

Mr. JONES. Mr. Chairman, the Chair has directed that the roll be called, and it does seem to me that this is not the proper time to move that the committee rise after it has developed that there is no quorum.

The CHAIRMAN. The Chair at first was of the opinion that it was not, but the Chair thinks it is and the question is on the motion of the gentleman from Ohio that the committee rise.

The question was taken; and there were 24 ayes and 32 noes.

Mr. FESS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed the gentleman from Ohio [Mr. FESS] and the gentleman from Virginia [Mr. JONES] as tellers.

The committee again divided, and the tellers reported that there were 1 aye and 100 noes.

So the committee refused to rise.

Mr. COOPER of Wisconsin. Mr. Chairman, I offer the following amendment.

Mr. KEATING. Mr. Chairman, before I made the point of no quorum I made the demand for tellers. The Chair decided that there was not a sufficient number present to order tellers, and I submit that the Chair should now submit my demand for tellers.

The CHAIRMAN. The vote by tellers has disclosed that a quorum was present. The Chair has no way of knowing whether there was a lack of a quorum before or not.

Mr. KEATING. When the Chairman decided that there was not a sufficient number present to order tellers the Chair counted the number present.

Mr. MURRAY. Mr. Chairman, the gentleman from Colorado desires that his request for a vote by tellers be put, and he is entitled to it, because it has developed that a quorum has come in since he made the point.

The CHAIRMAN. The Chair thinks that this is the situation: The gentleman from Colorado offered an amendment, and the vote was taken, and the amendment was disagreed to. Then the gentleman from Colorado demanded tellers, and tellers were refused. Then the gentleman from Colorado made the point of no quorum.

Mr. KEATING. I made the point of no quorum, and the fact that there was not a quorum in the House prevented the House from giving me tellers.

Mr. JONES. But it has since developed that there was a quorum.

Mr. SABATH. Mr. Chairman, the Chair can not deny the gentleman from Colorado tellers. When the request for tellers was made the Chair ascertained that there was no quorum. We could not have proceeded in order without a quorum, and the request of the gentleman is still pending. The vote that has just been taken was whether the committee should rise, and the committee refused to rise, and the request of the gentleman from Colorado was in order and he is entitled to tellers.

Mr. JONES. May I ask the gentleman from Illinois a question?

Mr. SABATH. Yes.

Mr. JONES. It is admitted that the gentleman from Colorado made the point that there was no quorum, but it has since developed by tellers that there was a quorum, and before that the gentleman's request for tellers had been denied. Then he raised the point that there was no quorum, and therefore he has now nothing to complain of.

Mr. SABATH. If there is a quorum, we can proceed to do business and his request for tellers is in order. The Chair can not deprive him of the right to have tellers.

The CHAIRMAN. The Chair is ready to rule.

Mr. MURRAY. If the Chair had not announced the absence of a quorum the gentleman's contention would not be correct, but after it developed that a quorum was present the gentleman's request for tellers is still pending.

The CHAIRMAN. The Chair thinks that the gentleman's request for tellers was put and denied. After that he made the point of no quorum.

Mr. MURRAY. But it was developed on another question.

The CHAIRMAN. That is true; but the Chair thinks the matter is settled. The gentleman from Wisconsin offers the amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. COOPER of Wisconsin: On page 3, strike out all of paragraph beginning with line 13 and ending with line 15, inclusive, and in lieu thereof insert the following: "That slavery shall not exist in Porto Rico. That involuntary servitude except as a punishment for crime whereof the party shall have been duly convicted, shall not exist in Porto Rico."

Mr. COOPER of Wisconsin. Mr. Chairman, I call the attention of the committee to the fact that as the paragraph is punctuated on page 3 it would permit slavery in Porto Rico as a punishment for crime. It reads:

That neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in Porto Rico.

Under that language and punctuation either slavery or involuntary servitude could exist in Porto Rico as a punishment for crime. I have drawn the amendment so that there shall be left no opportunity for mistake because of punctuation. I think that there can be no objection to the amendment.

Mr. MONDELL. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. MONDELL. Would not the gentleman accomplish the same result by placing the comma that is after the word "servitude" after the word "slavery"?

Mr. COOPER of Wisconsin. In my judgment any law which so vitally affects human rights ought not to depend upon punctuation for its proper construction. We ought to put it beyond the possibility of misconstruction, and we can easily do so.

Mr. TOWNER rose.

The CHAIRMAN. Does the gentleman yield?

Mr. COOPER of Wisconsin. I do.

Mr. TOWNER. Mr. Chairman, I was just going to ask for the floor in my own right. I am in favor of the amendment. I think, Mr. Chairman, that the language that is suggested by the gentleman from Wisconsin is preferable to the language used in the bill, not only because it is clearer, but because of the fact that the exception refers not to slavery but to involuntary servitude, and in every respect the language suggested is better, and I hope the chairman of the committee will accept the amendment.

Mr. DAVENPORT. I will say there is no objection whatever to the language used, and so far as the committee is concerned it has no objection and we will accept the amendment offered.

Mr. MONDELL. Mr. Chairman, I do not rise to oppose the amendment, but simply to call attention to the fact that the language in the bill is the language of the Constitution of the United States. The only difference is that the comma is in the wrong place.

Mr. COOPER of Wisconsin. Mr. Chairman, I called attention to the fact that exactly similar language in another measure was the language of the Constitution of the United States when the bill for the Philippines was up a year or more ago. I then had before me a copy of the Constitution of the United States, and the comma in that copy was in precisely the same place as is the comma in this paragraph of the pending bill. The comma is in the wrong place in the thirteenth amendment to the Constitution, and, strictly speaking, the letter of the Constitution would permit slavery in the United States as a punishment for crime, whereof the party shall have been duly con-

victed. As I said, anything in the nature of an organic act, and especially anything which so vitally affects human rights as does the pending paragraph, ought not in the slightest degree to depend for its proper construction upon punctuation.

Mr. DAVENPORT. We have agreed to accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MURRAY. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MURRAY: Page 3, line 2, insert:

"Private property shall not be taken or damaged for public use without just compensation. Until the compensation shall be paid to the owner, or into court for the owner, the property shall not be disturbed, or the property rights of the owner divested. When possession is taken of property condemned for any private or public use the owner shall be entitled to the immediate receipt of the compensation awarded, without prejudice to the right of either party to prosecute further proceedings for the judicial determination of the sufficiency or insufficiency of such compensation.

"In all cases of condemnation of private property for public or private use the determination of the character of the use shall be a judicial question."

Mr. MURRAY. Mr. Chairman, will the committee accept that amendment? If not, I would like to have 10 minutes on this amendment.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. DAVENPORT. Mr. Chairman, I suggest that my colleague proceed for five minutes, and then if he desires further time——

Mr. MURRAY. Mr. Chairman, I do not want to set a speech for 10 minutes and quit at the end of 5. If I have to set the speech for 5 minutes, I want to know in advance.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MURRAY. Mr. Chairman, this section is in the nature of a bill of rights. I do not understand the idea that the committee has when they put into a bill of rights provisions in the Federal Constitution prohibiting a State or a Territory from doing things and at the same time there is not put in measures not prohibited to the States. The Constitution of the United States, in Article I, has numerous limitations, but the most of them are limitations on Congress, not against the States or Territories.

For instance, it says that no preference shall be given for regulation of commerce. No tax or duty shall be laid on articles from any State, and so forth, but the limitation against the right of a State or a legislature are found in section 10, which reads as follows:

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

Now, these gentlemen have recited these provisions when they were unnecessary. No State or Territory can do that now, but it is fundamental in a sovereignty that the sovereignty has the right to take private property for public use, and that makes it necessary for the States to put in a limitation that it must be paid for, and that is all this does. Now, there is some wording in this in addition to the ordinary State constitutions, in this, that it provides that before, for instance, a railroad can take the property of a citizen they must pay the citizen or deposit the money in the court for the citizen, wherever the Federal court has had jurisdiction. It was true in the Indian country; it is true everywhere, wherever they have jurisdiction. They appoint appraisers and the appraisers assess the damage to the property, and they say to the landowner, "Take this or go to the court." If he does not accept it, they take his property. They litigate him for 5 or 10 years about the value of his land. What is the result? He is denied the right to his property. Nobody who believes in the right of property and the protection of property would insist for a moment that in the exercise of public domain or any kind of public use that a private citizen's private property should be taken until he receives the money or the money is deposited in the court for his benefit. And that is all this provision provides. This provision is found in the Oklahoma constitution and will guarantee to the landowner, to the holder of the property, the value of his property the moment it is taken by a corporation or for any kind of public use.

I am really astonished that the gentleman does not accept it. They put in the provisions prohibited to the State legislature, and leave out the provisions that ought to go in and upon which a Territorial or State legislature can make enactment unless they are limited. Now, I do not object, of course, to the provision prohibiting slavery—although they could not do it under the Federal Constitution or the other provisions they have put in—as an example to the Porto Rican people; but certainly, whenever you exercise a power provided in this amendment of eminent domain by taking property, the real right of the man, whether a large or a small owner, ought to entitle him to the compensation the moment he is divested of the use of that property. And this is all this amendment does.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Oklahoma.

Mr. JONES. I would not object to the first sentence in this amendment, that which declares that private property shall not be taken or damaged for public use without just compensation, but I do very seriously object to the remainder of it.

Mr. MURRAY. I am willing to divide the question and vote on those paragraphs separately.

Mr. JONES. I hope the gentleman will offer his propositions as separate amendments.

Mr. CANNON. Will the gentleman allow me?

Mr. JONES. Certainly.

Mr. CANNON. Section 2, "that no law shall be enacted in Porto Rico which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws," seems to cover everything.

Mr. MURRAY. No, sir; it does not.

Mr. JONES. It seems to me that covers it sufficiently, and that was the idea of the committee. But in order to make it perfectly clear that property can not be taken without just compensation, I would not object to that much of the amendment. I do object to general legislation in a bill of rights.

Mr. MURRAY. Mr. Chairman, I will agree to call for a division of the question and vote by paragraphs.

Mr. CANNON. I think the gentleman is entirely correct, and it could not be broader than it is succintly stated and carried in the constitutions of all the States.

Mr. MURRAY. Not all of them.

Mr. CANNON. After all, it is in the Federal Constitution. I will read it again:

That no law shall be enacted in Porto Rico which shall deprive any person of life, liberty, or property without due process of law.

That covers everything from the birth of Christ to the end of the world, touching life, liberty, and property.

Mr. MURRAY. The gentleman from Illinois would not claim "compensation" and "due process of law" mean the same?

Mr. JONES. Mr. Chairman, all this is in my time. I just wish to add that I agree with the gentleman from Illinois [Mr. CANNON] that no addition to the language of the bill is necessary. But, inasmuch as the gentleman from Oklahoma thinks "due process of law" and "compensation" might not mean the same thing, I am willing that this bill of rights shall specifically state that private property shall not be taken without due compensation. I am not willing to go further and state just how that compensation shall be ascertained. That is a purely legislative matter and should have no place in a bill of rights. It is a matter of detail and not one of principle. The legislature created in this bill will deal with all purely legislative matters.

Mr. MURRAY. Will the gentleman agree to vote on each paragraph separately? Will he agree to that?

Mr. JONES. I will agree to this, that the gentleman withdraw his amendment and offer the first part of it as a separate and independent proposition.

Mr. MURRAY. I want to consume the balance of my 10 minutes.

Mr. JONES. Mr. Chairman, I thought I had been recognized.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. JONES] has expired.

Mr. JONES. The chairman had asked for a vote when I asked to be recognized. The gentleman had concluded his remarks when I was recognized.

Mr. MURRAY. I asked for 10 minutes a while ago.

Mr. BURNETT. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BURNETT. Has not the chairman of the committee a right to conclude debate?

The CHAIRMAN. He has.

Mr. BURNETT. And had not the gentleman concluded his time and yielded?

Mr. JONES. The gentleman had yielded the floor.

Mr. MURRAY. I call for a vote on the three separate paragraphs of that amendment.

The CHAIRMAN. The gentleman asks unanimous consent——

Mr. MURRAY. I am entitled to a division of the question.
Mr. JONES. I do not know about that, Mr. Chairman.
Mr. TOWNER. Mr. Chairman, a parliamentary inquiry.
The CHAIRMAN. The gentleman will state it.
Mr. TOWNER. The gentleman has no right to demand that his amendment shall be separated.
Mr. DAVENPORT. Not a bit.
The CHAIRMAN. He has the right to offer it in three parts.
Mr. TOWNER. He has the right to withdraw his amendment, and I hope will withdraw the subsequent parts of the amendment. I agree to that.
Mr. DAVENPORT. Mr. Chairman, permit me to say the parliamentary situation is such and his amendment is so offered that he can not ask for a separate vote on the amendment as offered.
Mr. MURRAY. Mr. Chairman, it is set out in three separate paragraphs.
Mr. DAVENPORT. I submit, Mr. Chairman, it is all in one amendment, and he can not compel this committee to vote upon them separately.
Mr. MURRAY. Does not the gentleman know that it is susceptible of division and separation?
Mr. DAVENPORT. Well, I will say to my colleague that I, too, have exercised a speakership at one time, as the gentleman did, and I think I know as much about parliamentary law as the gentleman does, although I do not parade it all over the country as he does [laughter]; and I say that he can not separate, under parliamentary usage, an amendment into its separate parts after he has offered it in its entirety. He can not then ask that it shall be separated into its parts and voted upon as he wishes.
Mr. FINLEY. Mr. Chairman, if the gentleman from Oklahoma [Mr. MURRAY] will offer his amendment in such form as to secure or cover the right of eminent domain exercised by Porto Rico, I think there will be no objection in the committee here to placing that provision in the bill.
Mr. MURRAY. I will ask the gentleman what objection there is, when this is written in three distinct and separate sentences, to separating them?
Mr. FINLEY. I think that before the gentleman can get a vote in that way he will have to ask unanimous consent of the Committee of the Whole.
Mr. MURRAY. Then, Mr. Chairman, I will ask that.
The CHAIRMAN. What is the gentleman's request?
Mr. MURRAY. That these three sentences be divided and voted upon as separate questions.
The CHAIRMAN. The Chair thinks that as offered this is one combined amendment. The Chair thinks that if the gentleman wants to divide it, he should offer just the part he desires to offer at this point, and the Chair so rules. Will the gentleman indicate what part he wishes to submit?
Mr. MURRAY. Mr. Chairman, will the Chair submit my request for unanimous consent?
The CHAIRMAN. The gentleman from Oklahoma [Mr. MURRAY] asks unanimous consent that the amendment be divided into three parts and voted on separately. Is there objection?
Mr. JONES. I shall have to object, Mr. Chairman.
The CHAIRMAN. Objection is made.
Mr. MURRAY. All right. If the gentleman wants to vote against property rights of individuals, go ahead and vote it down. I will vote for it just as it stands.
The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Oklahoma [Mr. MURRAY].
The question was taken, and the Chairman announced that the "noes" seemed to have it.
Mr. MURRAY. A division, Mr. Chairman.
The CHAIRMAN. A division is demanded.
The committee divided; and there were—ayes 1, noes 26.
So the amendment was rejected.
Mr. BORLAND. Mr. Chairman, I offer an amendment at that point:

Private property shall not be taken or damaged for public use, except upon just compensation, which shall be provided by law.

That is a new paragraph.
The CHAIRMAN. Will the gentleman send up his amendment?
Mr. BORLAND. I will withdraw it for a moment, Mr. Chairman.
The CHAIRMAN. Without objection, the amendment will be withdrawn.
There was no objection.
Mr. SANFORD. Mr. Chairman, I offer an amendment.
The CHAIRMAN. The gentleman from New York [Mr. SANFORD] offers an amendment, which the Clerk will report.
The Clerk read as follows:

Amendment offered by Mr. SANFORD: Strike out all after line 3, page 2, and ending with line 8, and insert:
"That in all criminal prosecutions the accused shall enjoy the right to have the assistance of counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. SANFORD].
Mr. SANFORD. Mr. Chairman, I hope I may have the attention of the chairman of the committee. I would be pleased if he would accept the amendment I have offered.
Mr. JONES. If the gentleman will explain wherein his amendment differs in substance from the provision of the bill, I will be glad.
Mr. SANFORD. I will explain.
Mr. FESS. Mr. Chairman, will the gentleman yield there?
Mr. SANFORD. Yes.
Mr. FESS. I was wondering whether the gentleman's amendment was not the provision contained in the Federal Bill of Rights?
Mr. SANFORD. Yes. I was about to say that the language is an exact copy of section 6 of the Bill of Rights.
The chairman of the committee wants to know how it differs from the bill. I think I can make it clear to you if I remind you that since the Bill of Rights was written there have been I do not know how many volumes of opinions of judges of our courts written defining those words.
The words embodied in the bill are,

The accused shall have the right to meet the witnesses face to face.

What does it mean? Does it mean to meet the witnesses in a dark alley or in a dark cellar face to face? It seems to me absurd now to present that as a proper interpretation of the words of the committee, and yet some court somewhere might so hold.
Mr. DAVENPORT. Does not that semicolon relate back to the subject of trial, giving a fair trial?
Mr. SANFORD. What it means to meet the witnesses face to face I do not know, and yet I have practiced in the criminal courts as a prosecutor for six years. But under the law of this country and in the definitions that the courts have laid down you find the definitions of human liberty in criminal cases the like of which the world has never seen anywhere.
It is perhaps impossible for us to impose upon those people of Porto Rico our conception of what constitutes our rights and what we mean by individual liberty, but we are not doubtful as to what words do define our idea of individual liberty in this country.
Take another illustration. You say under your bill of rights that you are creating in this committee that a man shall be heard and shall have the benefit of counsel. What does it mean? We have splendid definitions of what it means:

To have the assistance of counsel for his defense—

But what does it mean?—

To be heard.

Perhaps the courts of Porto Rico will construe that to mean that he shall have the right to stand up and say "Present," or that his counsel shall say "Present" for him, that that is being "heard." What I want is that we may offer to these people the same guaranties of the right of defendants in criminal prosecutions that after over 100 years of experience in this country have had their meaning definitely fixed. If we love these things ourselves, and are proud of these combinations of words that mean so much to us, it is our duty at least to offer them in this bill of rights. I do not want to say that the words you have presented here are unscientific, but they certainly are not so precise as the words of our Bill of Rights.
Our courts have interpreted the language of our Constitution, every sentence of it, and I do not think we are called upon to write these strange combinations of words anew here to-day through this committee. If the committee have any reason for throwing aside the Bill of Rights with which we are familiar, if they can give us any reason for these strange combinations of words that they have here, I do not want to make any point of it.
The CHAIRMAN. The time of the gentleman has expired.
Mr. YOUNG of North Dakota. Mr. Chairman, I think the gentleman from New York [Mr. SANFORD] has called attention to a portion of this bill which is very much in need of amendment. As he stated, the Constitution of the United States has been construed and passed upon by the courts so often during the past century it would seem to be very unwise to adopt other words, even if the chairman of the committee may think they are just as good. It seems to me unwise to substitute other

words that have never yet been construed by any court. In addition to what the gentleman from New York has said in calling attention to the wording of this paragraph, I want to call attention particularly to the words in line 4:

He shall have the right to demand the nature and cause of the accusation against him.

Now, of what good is that to a defendant in court, simply to have the right to "demand" it? A man may "demand" anything in a court. He may "demand" his release. He may "demand" every conceivable thing, but the question is whether he has got a right to it.

Now, the words used in the Constitution of the United States are that he shall have the right—

to be informed of the nature and cause of the accusation.

Instead of that we substitute the word "demand," which, so far as I can see, gives him no right at all.

Mr. BORLAND. Will the gentleman yield?

Mr. YOUNG of North Dakota. Certainly.

Mr. BORLAND. I call attention to the fact that it says:

To have a copy thereof—

Meaning a copy of the accusation against him, the bill of indictment, or the information, as the case may be.

Mr. YOUNG of North Dakota. Then in that case I submit to the gentleman, Why change the wording? Why not leave it as we have it in the State constitutions and in the Constitution of the United States?

Mr. BORLAND. I do not know. I simply call the attention of the gentleman to the fact that the accused is entitled to a copy of the instrument to which he is called upon to plead.

Mr. SANFORD. This language says:

To demand the nature of the accusation against him.

Our Constitution says:

The nature and cause of the accusation.

Now, he may be indicted with half a dozen other men. I can conceive that there might be a great deal of difference between having the accusation against himself and having a copy of "the accusation." The difference of opinion here merely illustrates the opportunity for more litigation on such an uncertain subject.

Mr. YOUNG of North Dakota. It seems to me to illustrate the complications and difficulties that would arise if the change were made as proposed in this bill.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. YOUNG of North Dakota. I yield to the gentleman.

Mr. GREENE of Vermont. If this bill is undertaking to establish a greater degree of liberty for the people of Porto Rico, is it not evident from this discussion that before they can arrive at any practical realization of that liberty the words and terms by which it is conferred must be defined and test cases will arise?

Mr. YOUNG of North Dakota. I think the question may well be raised as to whether we are capable of self-government, if we adopt a crude, ill-constructed section like this. [Laughter.]

Mr. GREENE of Vermont. In the first place, the courts must define the terms in which this supposed liberty is granted.

Mr. YOUNG of North Dakota. Certainly.

Mr. GREENE of Vermont. Whereas the terms of our own Constitution are all construed and have a fixed and definite meaning.

Mr. YOUNG of North Dakota. Yes; certainly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. Mr. Chairman, this language that is used in the bill of rights, as we call it, is the language that has been suggested by the Bureau of Insular Affairs, who have had intimate knowledge with regard to conditions in the island for a great many years. It is in substance the language that is used in the Constitution of the United States. I am frank to say that I see no objection whatever to accepting the substitute offered by the gentleman from New York [Mr. SANFORD]. In fact, I think there is one reason why it should be adopted, and I hope that the chairman of the committee [Mr. JONES] will agree with me and accept it, because it is only a question of form after all. That reason is this, that in the interpretation of this provision of the bill of rights in Porto Rico the courts there would have the assistance of the decisions of the courts of the United States upon the language which is used in the Constitution of the United States. Therefore, as it is only a question of phraseology, I see no real ground or reason why we should not accept the amendment offered, if it is considered to be vital.

Mr. JONES. Mr. Chairman, I fully agree with the gentleman from Iowa [Mr. TOWNER] that there is nothing vital, nothing of substance, involved in this amendment. It is substantially what the bill already contains, and the only thing that can be said in its favor is that it is the language of the Constitution of the United States. If the exact language of the bill is not to be found in the Constitution of the United States, it may be found in the constitution of some of the States of the Union. It is unquestionably substantially the language of the Constitution of the United States. I can not see, therefore, that the language which the gentleman would substitute for that of the bill would in any respect improve matters. I can not agree with the logic of the gentleman from New York [Mr. SANFORD] when he says that the expression that witnesses shall meet the accused face to face is indefinite inasmuch as it is not said where the meeting is to take place. The entire language of the paragraph must, of course, be taken together. Provision is made for a speedy and public trial, and it is at that public trial that the accused must be confronted with his accusers. Still, I agree with the gentleman from Iowa [Mr. TOWNER] that inasmuch as the amendment makes no real change in the language of the bill, it may as well be accepted if for no other reason than to save time.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York [Mr. SANFORD].

The amendment was agreed to.

Mr. HASTINGS. Mr. Chairman, we are considering this afternoon a bill to give a civil government to Porto Rico and to give to the people of Porto Rico a larger measure of self-government, or, in other words, to give them a bill of rights. I thought it might not be inappropriate to call attention to the fact that we have a largely similar condition of people in the United States to whom a larger measure of local authority ought to be given. I refer to the Five Civilized Tribes.

Mr. Chairman, on December 6, 1915, the day Congress convened, I introduced as my first bill H. R. 108, to confer upon the Superintendent for the Five Civilized Tribes in Oklahoma the authority now conferred by law upon the Commissioner of Indian Affairs and the Secretary of the Interior respecting lands allotted to the enrolled restricted members of the Five Civilized Tribes and their individual moneys.

I want to make it clear at the outset that this bill only deals with the lands and moneys of individual restricted Indians and has nothing whatever to do with the tribal property of the Five Civilized Tribes.

In order that the purposes of the bill may be better understood, permit me to state that the eastern half of Oklahoma prior to statehood was known as the Indian Territory and was occupied by the Five Civilized Tribes—Cherokee, Creek, Seminole, Choctaw, and Chickasaw. In the early part of the last century these tribes moved under treaties made with the Government of the United States from the Southern States to the Indian Territory. Each tribe maintained a government of its own, separate and distinct from the other tribes, as much so as one State of the Union is separate and distinct from another State. Each tribe had its own executive head, its legislature, and its judiciary. They enacted their own laws without any supervision whatever from the Federal Government and they executed them. Their lawsuits were tried in their own tribal courts, presided over by judges elected by them and without any appeal to a Federal court.

The difficulty in presenting this question to Congress lies in the fact that but few Members of Congress not on the Indian Committee are acquainted with the situation. They do not distinguish between a member of the Five Civilized Tribes and a reservation Indian. To them the word Indian means a blanket Indian and not a progressive, Christian, civilized Indian citizen of the United States.

For the past 100 years these tribes have intermarried with white people who came among them. Schools and churches were established, and the members of the tribes were recognized as being on an equal plane of intelligence with citizens of the surrounding States. White people settled in their country, railroads were built, cities were established, and finally Congress, by the act of March 3, 1893 (27 Stats., 612), created the Dawes Commission and sent it to the Indian Territory to make treaties with the tribes, with a view of having their lands individualized, their tribal funds paid out per capita, and their territory admitted as a State of the Union.

Under various treaties and acts of Congress, provision was made for the allotment of their lands. The final enrollment showed 101,521 allottees, to whom 19,526,966 acres of land belonged. All the lands agreed to be allotted by the various treaties and acts of Congress have been individualized and patents issued therefor and delivered. The unallotted lands are known as tribal lands.

Let me repeat that this bill only affects the lands allotted and patented to the individual restricted Indian and the moneys deposited with the Government to the credit of the individual Indian. It does not affect any tribal lands or tribal money.

RESTRICTED INDIAN DEFINED—DEGREE OF BLOOD, NOT COMPETENCY, THE TEST.

Under various agreements and acts of Congress under which the lands were allotted, provisions were inserted restricting the sale of their lands for certain periods of time. Part of these restrictions were removed by the act of April 21, 1904 (33 Stats., 189), and by the terms of the acts of April 26, 1906 (34 Stats., 137), and May 27, 1908 (35 Stats., 312), all the homestead land of an enrolled member of one-half Indian blood was restricted from alienation and all the surplus land of an Indian enrolled as of three-fourths or more Indian blood. His business qualifications are determined by his degree of Indian blood, not by his competency. Lawyers admitted to practice in the Supreme Court of the United States, professional men of all classes, officials, members of the legislature, college graduates, and many of the best business men are restricted. (Hearings, pp. 55–56.)

No restricted member of the tribes can lease his land for oil or gas, nor can he make an agricultural lease upon his homestead for more than one year, without the approval of the Secretary of the Interior. In brief, a "restricted Indian" has become a very well-defined term in Oklahoma. It means an Indian, who, under the law, is not permitted to manage his own affairs. In other words, he can not lease, encumber, or sell his land, or handle his own individual money without the approval of the Secretary of the Interior 1,500 miles distant.

Of the 101,521 members of the Five Civilized Tribes, there were, in round numbers, about 75,000 of Indian blood, and of this number 37,182 were restricted. The records show that restrictions have been removed from about 8,000 of these Indians, and about one-third of the Indians remaining have died since their enrollment. Hence the number of Indians within the restricted class in eastern Oklahoma is estimated approximately to be 20,000. Formerly two officials in Oklahoma looked after the affairs of the tribes—one the Commissioner to the Five Civilized Tribes, who succeeded the Dawes Commission, and the other the United States Indian agent. One looked after the tribal property and the other after the individual property of the restricted members of the Five Civilized Tribes. Would any Member of Congress from California, Texas, or any other State want the guardianship of his child's property supervised from Washington?

By the act of August 1, 1914 (38 Stats., 582), Congress consolidated these offices, and the Superintendent for the Five Civilized Tribes was appointed. He was nominated by the President and confirmed by the Senate. Theretofore the officers had been appointed by the Secretary of the Interior. The combined office was considered of more importance, and it was expected greater power would be conferred upon him. The salary was fixed at $5,000 per annum, the same amount the Commissioner of Indian Affairs receives.

PURPOSES OF THE BILL.

This statement is preliminary to what I wish to say regarding the purposes of this bill.

At present a restricted Indian has no control whatsoever over his allotted land, or his share of the tribal moneys, without the supervision of a clerk in the office of the Commissioner of Indian Affairs or the Secretary of the Interior, fifteen hundred miles away. He can not, as above stated, make an agricultural lease or an oil lease upon his land. He can not sell any part of his restricted land, nor can he pay a dollar upon an honest debt which he owes without the approval of the Secretary of the Interior or a clerk or inferior officer under him. It is the purpose of this bill to confer this authority upon the Superintendent for the Five Civilized Tribes at Muskogee, Okla.

SUPERVISION TRANSFERRED.

You will note that the bill does not take away any supervision whatever, but it transfers supervision from Washington to Muskogee. To illustrate: If a restricted Indian wants to make an agricultural lease upon his land, he goes before the local field clerk in Oklahoma, who is under the civil service. (Hearings, p. 59.) He examines the Indian and the lease, and transmits the lease to the Superintendent for the Five Civilized Tribes, who has it sent through the files in the proper division; thence it goes to the Commissioner of Indian Affairs, where it is referred to some clerk; and thence it is sent to the Secretary of the Interior, where it is referred to another clerk and final action is had upon it. It is returned the same way, and the Indian and the tenant are finally notified of the result two or three months thereafter.

Our contention is:

First. That final authority should be given to the Superintendent at Muskogee to approve these agricultural leases, as he understands local conditions.

Second. If a restricted Indian wants to make an oil lease, regular blank forms have been prepared, with rules and regulations understood by everybody, and the Superintendent at Muskogee has local men at convenient points throughout eastern Oklahoma who can supply detailed information. He is more competent, with all this information, to approve these leases than anyone else, and can be as safely trusted to supervise and approve them as any man at the head of a bureau in the office of the Commissioner of Indian Affairs or the clerk in the office of the Secretary of the Interior. The truth is that the Commissioner of Indian Affairs does not personally superintend these matters, nor does the Secretary of the Interior, but some clerk, paid $1,800 or $2,000 per annum 1,500 miles away, supervises the action of the Superintendent for the Five Civilized Tribes, a man upon the ground, appointed by the President and confirmed by the Senate, who is paid a salary of $5,000 per annum.

Third. If a claim is presented against an Indian who is within the restricted class, unless authority is first obtained, it has to go through the same routine that an agricultural lease or an oil lease does. This method results in tedious delays, which the bill introduced by me is intended to correct.

Fourth. If a restricted Indian wants to make application to remove the restrictions upon the sale of his land, it goes through the same channel—through the local field clerk, thence the Superintendent for the Five Civilized Tribes, thence through the bureau under the Commissioner of Indian Affairs, and finally over the desk of some clerk in the Department of the Interior. The Indian may be old and decrepit or sick, or there may be other reasons for urgent action being taken upon his application. Our contention is that all matters affecting the individual Indian—his allotted land and individual money—should be supervised by an honest, trustworthy, competent official, the Superintendent for the Five Civilized Tribes, at Muskogee, Okla. He has a large number of law clerks, stenographers, appraisers, oil inspectors, field clerks, and other clerical help to investigate thoroughly every matter at first hand which may be submitted to him for supervision and approval.

THE QUESTION INVOLVED.

There is but one question involved in this bill, and that is whether Congress favors conferring authority upon a competent, trustworthy Federal official in the State of Oklahoma to supervise the land and money of each individual Indian, or whether that can best be done by a clerk or minor official in the office of the Commissioner of Indian Affairs or the Secretary of the Interior, 1,500 miles away, who knows nothing whatever about the Indian personally or local conditions in Oklahoma, but who acts on no other information than that contained in the typewritten report transmitted.

For more than 100 years the individual members of the Five Civilized Tribes were free to do as they pleased with their individual property. They bought and sold it. They contracted debts and paid them without any supervision whatsoever. By the act of March 3, 1901 (31 Stat., 1447), they were made citizens of the United States. There was no supervision whatever exercised by any officer of the United States until their lands were allotted some 15 years ago.

The present Indian appropriation bill carries an appropriation of $185,000.

We claim that all these matters can be safely trusted to the local man, and that the interests of the individual Indian will be scrupulously guarded, action upon the various transactions expedited, and their rights better protected if this bill becomes a law. There can be no legitimate argument against it.

EVERY DEPARTMENT JEALOUS OF JURISDICTION.

It is the history of every department in Washington that none ever wants to give up any jurisdiction. They all want it centered in Washington. They want to retain all supervision here. No bureau wants to give up any of its authority. Every official at the head of a department clings with great tenacity to all the authority given him.

A representative of the Indian Office appeared before the committee, and, in our judgment, presented an argument wholly foreign to the issues involved in this bill. Among other things:

First. He referred to the necessity for supervision of probate matters in Oklahoma, and invited attention to some cases tried there a few years ago, just after statehood. This has nothing to do with the merits of the bill, because the present Indian appropriation bill carries $85,000 for probate attorneys in Oklahoma. The bill under discussion does not take away any of that supervision, and we respectfully submit that the introduction of these matters is only intended to encumber the record and confuse the issue. Let us not dodge the issue by attempting to distract attention.

Second. He advocated a change of the law providing for more supervision in the approval of agricultural leases. This is wholly foreign to a discussion of this bill. The bill retains all the supervision with reference to the approval of agricultural

leases now provided by law. The only thing this bill seeks to do is to transfer this supervision to a local man in Oklahoma. The issue should not be confused. It should be met squarely. Is it better for this supervision to be made by a competent, trustworthy man in Oklahoma than to transmit all matters by mail 1,500 miles to a clerk at the head of some bureau? This is the point.

Third. It is recommended that the law with reference to the approval of wills be changed. This is also foreign to the subject, as the bill does not seek to change the law in this respect.

Fourth. It is charged that the Superintendent for the Five Civilized Tribes is a political office. It was created by the act of August 1, 1914. The present incumbent, Gabe E. Parker, was nominated by the President and confirmed by the Senate. The hearings (p. 63) show that he was not recommended by any of the members of the Oklahoma delegation and by no person in Oklahoma, that he was the personal selection of the Commissioner of Indian Affairs, and that he was selected solely upon merit. Hence, I submit that such an argument is wholly unjustified.

Mr. Parker is an educated, competent, high-class man. There has not been so much as a breath of suspicion against him, and no insinuation that he is incompetent. He was formerly at the head of one of the schools of Oklahoma. He is a member of the Choctaw Tribe of Indians and thoroughly familiar with conditions in Oklahoma. He is in deep sympathy with the Indians of that State. He was a member of the constitutional convention of Oklahoma and later appointed by the President and confirmed by the Senate as Register of the Treasury. He was finally selected for his present responsible position upon the recommendation of the present Commissioner of Indian Affairs.

These facts are not known to many associations, newspapers, and philanthropic citizens of the United States who have the interest of the Indian at heart. They are led to believe that this bill turns over the supervision of the affairs of the Indians to a local official elected by the citizens of Oklahoma and who would, therefore, be influenced by the people who elect him. This is not true, as the Superintendent for the Five Civilized Tribes is a Federal official. The Commissioner of Indian Affairs, the Assistant Commissioner of Indian Affairs, and the Secretary of the Interior are nominated by the President and confirmed by the Senate. They are Federal officials, as is the Superintendent for the Five Civilized Tribes.

These hearings show (pages 59 and 161) that neither the Secretary of the Interior nor the Commissioner of Indian Affairs passes upon any of the matters affected by this bill. On the other hand, the hearings show that when they come through the mail they are referred to some clerk of a bureau paid $1,800 or $2,000 per annum, who, in effect, sits in judgment upon the acts of the Superintendent for the Five Civilized Tribes. Let us not confuse the issue. What this bill seeks to do is to have final supervision lodged in the Superintendent for the Five Civilized Tribes.

Fifth. The Kagama case (118 U. S., 375) is quoted from. This was a case certified up from the circuit court of appeals in 1886 and is a criminal case involving the constitutional question as to whether or not Congress can confer jurisdiction upon a Federal court in criminal matters over a crime committed by one Indian upon another in a reservation within a State. In it the court took occasion to remark that oftentimes there was prejudice against the Indian in the State in which a reservation was located. This is not a happy argument against the pending bill for many reasons.

The Indians in the Kagama case were reservation Indians. Their lands had not been allotted and they were not citizens of the United States. They had never been made citizens of the United States, as in the case of members of the Five Civilized Tribes, who were made citizens by the act of March 3, 1901. The Five Civilized Tribes have had governments of their own for the past 100 years, and they take part in the local affairs of Oklahoma as actively as white men. The truth is the history of that State for the past few years completely refutes the charge that there is any race prejudice. More than 2,000,000 people are now living in Oklahoma; over one-half dwell in the eastern part, which was formerly occupied by the Five Civilized Tribes. There were enrolled, of all classes, 101,521 members, one-third of whom are now dead. Hence it will be seen that more than 100 white persons live in eastern Oklahoma to each member of the Five Civilized Tribes. Notwithstanding this, a large number of enrolled Indians were elected as delegates to the constitutional convention which framed the organic law of the State. Riley Copeland, A. S. Wyly, J. T. Edmondson, C. O. Frye, O. H. P. Brewer were all Cherokees; W. N. Littlejohn was an enrolled intermarried citizen of the Cherokee Nation; Gabe E. Parker was a Choctaw; and Henry Cloud was a Cherokee. Many others, whom I do not now recall, were elected members of the constitutional convention. The president of that convention was Congressman MURRAY, an intermarried Chickasaw citizen. Will anyone say the above showing indicates prejudice on the part of the people of Oklahoma against the enrolled members of the Five Civilized Tribes.

Let us investigate a little further. Hon. R. L. OWEN was elected one of our first Senators, and Hon. C. D. CARTER, a member of the Indian Committee, was elected a Member of Congress. Both are enrolled citizens. Hon. J. S. DAVENPORT is an intermarried Cherokee citizen and a Member of Congress. Hon. W. H. MURRAY is a Member of Congress and a member of the Indian Committee. The author of this bill is an enrolled Cherokee citizen. Certainly the reasoning by the court in the Kagama case would not apply to Oklahoma.

I might add in this connection that a very large number of the county officers in Oklahoma and members of the State legislature are members of the Five Civilized Tribes. Many of these are restricted Indians. Everyone in Oklahoma knows that there is no prejudice against a member of these tribes. His race is not inquired into. All officers are nominated at a primary and are elected at a general election. Hence we insist that the reference to the Kagama case is not a happy one.

Sixth. It is argued that local pressure may be brought to bear upon the Superintendent, and, of course, it carries with it the insinuation that he may be weak enough to yield to it. This argument is puerile. It is an argument against local self-government everywhere. If this argument be sound, no citizen of Oklahoma should be appointed to the Government service within the State, because he might yield to local influences. This would apply to all tribal and probate attorneys. I am impatient with this suggestion. It is based on distrust and not confidence in officials of the Government. It assumes weakness and not strength of character. It is not justified by the record of the present Superintendent or any of his predecessors. We decided against "long-distance government" in 1776. Every Territory in the United States was persistent in urging admission to statehood in order to bring the Government as near the people as possible.

The hearings (page 15) show that 7,650 letters were forwarded to the Department of the Interior last year by the Superintendent for the Five Civilized Tribes and that 7,694 letters were received by him from the department. Excluding Sundays, the Superintendent signed and forwarded more than 25 letters and reports each day to the department and received as many from Washington.

Our contention is that the making of reports and the reading of letters to and from the department take up practically all of his time and leave but little time in which he can give attention to the important duties of his office. If the bill is enacted into law, all this would be corrected.

In addition, 116,570—page 15—miscellaneous letters were received in the office of the Superintendent for the Five Civilized Tribes and 144,402 miscellaneous letters sent out. If matters brought to his attention could be acted upon in Muskogee expeditiously and not sent to Washington, untold thousands of these letters would never be written. A great deal of the stenographic and clerical help could be dispensed with and the salaries paid them could be used in paying expert farmers, placed in convenient localities among the restricted members of the tribe, who could give them personal attention, aid, and encourage them in improving their homes and farms, and be of much more substantial benefit to the real Indian. At present, so far as I am advised, there is not an expert farmer doing exclusive farm work. It is true that some employees are carried upon the pay roll as expert farmers, but practically all of them are doing administrative work. Very few, if any, are doing expert farm work exclusively. The hope of the Indian needing assistance lies in teaching him farming and stock raising. Instead of doing this, the Government is expending $185,000 annually for clearical help, mostly in a forwarding office at Muskogee, and is not spending money on men to go among the Indians and render them encouraging assistance in their daily tasks.

SAVING TO THE GOVERNMENT.

Our contention is, further, that there would be a great saving of clerical help in the office of Commissioner of Indian Affairs and the Secretary of the Interior if these matters were not forwarded here. (Hearings, p. 156.)

Instead of spending money for the pay of officials, including stenographic and clerical help, we submit that it could be more advantageously spent upon men in the field to look after the Indians themselves.

COMMISSIONER OF INDIAN AFFAIRS SHOULD LOOK AFTER TRIBAL AFFAIRS AND NOT DETAILS OF INDIVIDUAL INDIANS.

The Commissioner of Indian Affairs should look after the broader questions affecting Indians, should shape the policy of the Government as to them, and should be glad to be rid of the numerous little details incident to this work. No business man at the head of a great institution attempts to give attention to minor details. That responsibility is given to others. Congress intended to confer larger authority upon the Superintendent of the Five Civilized Tribes by the act of August 1, 1914, just as this bill does.

The members of the Five Civilized Tribes want their tribal affairs wound up. The Choctaws and Chickasaws want their coal and asphalt lands sold, as well as the remainder of their unallotted lands, including surface and timber lands, and the proceeds divided among them. No representative of the department has asked to appear in person before the Indian Committee to urge action upon these matters. The members of the other tribes are equally anxious to have their affairs wound up as expeditiously as possible.

The Dawes Commission was created by the act of March 3, 1893, 23 years ago. More than one-third of the enrolled members of the tribes are dead, and yet the affairs of some of the tribes, particularly Choctaws and Chickasaws, will not be wound up for years.

We insist that the time of the Commissioner of Indian Affairs should be devoted to the larger tribal questions, so that their settlement may be expedited rather than to the affairs of the individual Indian.

It was conceded by the representative of the Indian Office before the committee (hearings, p. 160): (a) That the approval of all agricultural leases might be safely left to the Superintendent for the Five Civilized Tribes; (b) that perhaps 95 per cent of the oil leases were uncontested (hearings, p. 160) and that these uncontested matters might be safely left to the Superintendent at Muskogee (hearings, p. 153); (c) that he might safely be clothed with authority to finally supervise the investment of money of restricted Indians when the amount did not exceed $2,500 (hearings, p. 160). We insist that this would cover 95 per cent of all investments, would correct 95 per cent of the delays, and practically concedes our contention.

If the Superintendent could be safely trusted with this authority, we see no reason why he should not be allowed to supervise and approve the sale of 10 acres of restricted land, or any amount of less value than $2,500.

EVERY INDIAN IN OKLAHOMA FAVORS THIS BILL.

Every Indian in Oklahoma favors this bill. At least, not one has lodged a protest against it. These hearings indicate that the Five Civilized Tribes have had schools of their own—common schools, high schools, and boarding schools—for 100 years. Many of their members are graduates of the various colleges and institutions of learning in the United States. Many other members are leading lawyers, doctors, farmers, bankers, and business men of every kind. This bill was introduced on the first day Congress convened, December 6, 1915, and has been extensively commented on in the press throughout Oklahoma, and yet no protest has been filed on behalf of a single Indian.

ALL OTHER CITIZENS APPROVE IT.

Every white man who is a citizen of Oklahoma and who is not in the employ of the Indian Office, so far as the hearings show, favors the passage of this bill.

THE PRESS UNANIMOUSLY INDORSES IT.

The hearings (pp. 175–184) show that this bill has been favorably commented upon and analyzed by a large number of newspapers throughout Oklahoma. A number of the clippings have been filed with these hearings. It has not been unfavorably criticized by any newspaper.

OKLAHOMA DELEGATION FAVORS BILL.

Practically all the members of the Oklahoma delegation favor the bill. Senator OWEN has introduced a similar bill in the Senate.

The State Senate of Oklahoma unanimously passed a resolution favoring the bill. The resolution was introduced by a restricted Cherokee Indian—George W. Fields.

PRESENT SYSTEM OCCASIONS DELAYS.

It can not be controverted but what the sending of all these matters through, first, the local field clerk; second, the Superintendent for the Five Civilized Tribes; third, the Commissioner of Indian Affairs; and, fourth, the Secretary of the Interior—shown by the hearings (p. 60) to pass through eight different hands—must occasion delays and criticism against the department and militates against the Indian; and the system has unquestionably aroused more prejudice against the Indian and occasioned more insistent demands for the repeal of all legislation for the supervising of the affairs of individual Indians than anything else. Unless changed it will ultimately destroy the Indian.

LOCAL SYMPATHY AND COOPERATION NECESSARY TO PROTECT INDIAN.

The interests of the restricted Indian can best be subserved by inviting the cooperation of the local officers and the citizens of Oklahoma and not by wholesale criticism of them. A representative of the department can not have any influence with a court or jury, and can not, therefore, protect the restricted Indian unless he invites their cooperation and assistance.

As in all new States, when Oklahoma was first organized some injustices were done the Indian, but when public attention was called to them a splendid citizenship was aroused and the unworthy officials were driven from their places of trust. Juries unhesitatingly convicted those who sought to despoil the Indian.

The report of the Secretary of the Interior shows that the Supreme Court of Oklahoma has promulgated rules for the guidance of the probate courts of the State and that all the courts through the State are now working in harmony with the probate attorneys there.

The Secretary of the Interior, on page 63 of his last annual report, says:

> The State authorities have shown a disposition to cooperate in every way possible with the department, and the Supreme Court of the State of Oklahoma has provided uniform rules of procedure in probate matters, at the suggestion of the Commissioner of Indian Affairs, after his conference with county judges, county attorneys, and tribal attorneys in January, 1914.

It served no good purpose, however, for the representative of the Indian Office to refer to this matter before the Indian Committee for two reasons: First, because the things criticized happened while the department had supervision, and, second, the bill under discussion does not do away with the probate attorneys.

The department has seen fit to file certain letters and circulars from people throughout the East, who are not acquainted with local conditions in Oklahoma, but who get their information solely through the department. Inasmuch as the same references and arguments are used in all of them, we may reasonably infer how they originated.

These good people really believe that they are serving the Indian. They see no difference between an Indian in Oklahoma and an Indian on a reservation. Every Indian to them is a blanket Indian. They do not know that the members of the Five Civilized Tribes had a constitution and a regular form of government for more than 100 years. The reservation Indians do not have. The members of the Five Civilized Tribes have been citizens of the United States since March 3, 1901, and take an active part in the local affairs of Oklahoma. Our eastern friends do not know that many of them are lawyers, doctors, teachers, ministers, bankers, and industrious citizens, competing in every activity with their white neighbors. Our eastern friends insist on one policy for all Indians, and they argue that the policy adapted to reservation Indians should be applied to people who have governed themselves for a century.

Surely a tribe of Indians that gave to the country the great Sequoyah, the inventor of the Cherokee alphabet, the Cadmus of his race, whose statue is soon to be placed in Statuary Hall as one of Oklahoma's distinguished sons; a tribe whose rolls contain the name of Alex Posey, the Creek bard and philosopher; a tribe that produced Green McCurtain, the chief executive of the Choctaws for years; the tribe that produced such distinguished men as Overton Love and George W. Harkins, who so ably and effectively represented the Chickasaws; and the tribe that gave to the country Osceola, the noted Seminole warrior, is not to be compared with the unlettered tribes of reservation Indians of the West.

CONCLUSION.

Finally, permit us to say that this bill affects Oklahoma only, and we desire to repeat that every Indian there, as well as every white man, the two United States Senators, every Member of Congress representing Oklahoma, every newspaper in Oklahoma, and the State Senate of Oklahoma, after the fullest discussion and closest analysis of this bill, all favor its enactment. Can it be that they are all in error? Certainly, if this were not a meritorious bill, after all the discussions which the hearings show have been had upon it in the press throughout Oklahoma, some person, Indian or white, residing in that State would be found to protest against it. We submit that this bill should be promptly enacted into law. Sending all matters to Washington for approval delays the development of the Indian's property. Preparation can not be made to begin work on an agricultural lease until it is approved and returned, and contracts can not

be let to drill oil leases until the action of the authorities at Washington is known. In order to expedite consideration of matters transmitted here for approval a large number of lessees come to the department, either in person or by attorney, and all these delays and expenses could be avoided if final action were had at Muskogee.

The insinuations and criticisms expressed and implied by the representative of the Indian Office in the hearings before the committee against the people of Oklahoma can not be but detrimental to the restricted members of the Five Civilized Tribes. They are residents and citizens of that State, vote and hold office there, attend the public schools, and receive the protection of the State's laws. Under existing legislation, within a few years all of their restrictions will be removed, when they will need the sympathetic cooperation and not the antagonism of the splendid citizenship of which they are a part and among whom they dwell.

I am a member of the Cherokee Tribe. I was reared among the Cherokees and spent my whole life there, attended their public schools, taught in them; was for 4 years attorney general of the tribe, for about 20 years practiced law in the Cherokee tribal courts, and represented them frequently as delegate to Washington, D. C., since 1892. As one of their attorneys I represented the Cherokee Nation before the Commission to the Five Civilized Tribes in making the final roll of citizens of the tribe from 1896 until they were closed March 4, 1907, and I was national attorney for the tribe under contracts approved by the President from January, 1906, to June 30, 1914, assisting in the trial of all important lawsuits before all the courts of the country, including the Supreme Court of the United States. The affairs of the Cherokee Tribe have been completely wound up.

I have made this personal reference to indicate the opportunities I have had to study these people, as well as my great indebtedness to them, my deep affection for them, and my earnest desire to secure the enactment of such legislation as will develop the individual Indian through giving him greater responsibility into a useful productive citizen.

THE ISSUE.

I am determined that the issue presented by this bill shall not be confused. It is this: Does Congress favor the supervision of individual affairs of the restricted members of the Five Civilized Tribes by a competent, trustworthy, and efficient Federal official in Oklahoma, known as the Superintendent of the Five Civilized Tribes, nominated by the President and confirmed by the Senate, with a salary of $5,000 per annum, or does Congress favor supervision by a clerk or inferior official in the office of the Commissioner of Indian Affairs or Secretary of the Interior, located in Washington?

Mr. JONES. Mr. Chairman, I would like to ask if all debate has not been exhausted on this amendment.

The CHAIRMAN. It has.

Mr. MURRAY. Mr. Chairman, I want to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 3, before the beginning of the line insert "That no private property shall be taken or damaged for private use, with or without compensation, unless by consent of the owner, except for private ways of necessity, or for drains and ditches across lands of others for agricultural, mining, or sanitary purposes, in such manner as may be prescribed by law."

Mr. MURRAY. Mr. Chairman, the first part of that provision is in the bill of rights. My purpose for introducing it was to create an exception for agricultural and mining purposes. There are two States that have this provision; Missouri was the first to adopt it. I do it because many times drainage districts are organized in many States where you can not prove any public benefit and if you can not prove a public benefit the district fails. You find it also in the development of mining. There are only two States in the Union where you can take private property for private use without consent of the owner—Missouri and Oklahoma—unless they have changed these provisions since 1906. This was introduced in the interest of progress. They have many difficulties in the State of Iowa and other States where they have drainage laws and where they can not prove "public benefit."

Mr. SANFORD. Will the gentleman yield?

Mr. MURRAY. Yes.

Mr. SANFORD. Does the gentleman know that this provision in the bill of rights was held in New York and some other States to prevent the passage of a workmen's compensation act?

Mr. MURRAY. I do not know it.

Mr. SANFORD. It was so held, and several workmen's compensation acts were defeated by this section in the bill of rights, and so we have amended the constitution of New York by another provision permitting the passage of workmen-liability acts.

Mr. MURRAY. The provision that I offer is that in the bill.

Mr. SANFORD. But I call attention to the fact that under the laws of New York, which might also be held under the laws of Porto Rico, it made unconstitutional the compensation act.

Mr. MURRAY. But the constitution of New York does not contain the exception. I introduced it so as to create the exception.

Mr. SANFORD. My conclusion is that if this provision goes in that there should be a further exception permitting the enactment of proper compensation law. I have such a provision taken from the New York constitution, if the gentleman wants it.

Mr. MURRAY. I say in such a way "as the law may provide."

Mr. MONDELL. Will the gentleman yield?

Mr. MURRAY. Yes.

Mr. MONDELL. Does the gentleman say that only two States in the Union have laws which will permit private property to be taken for private use?

Mr. MURRAY. I stated that all the States in the Union prohibited, or did up to 1906, the taking of private property for private use without the consent of the owner except two, and these allowed an exception for agriculture and mining.

Mr. MONDELL. The gentleman has overlooked or forgotten all of the irrigation States. In irrigation there is a taking of private property for private use.

Mr. MURRAY. But you have to prove that it is for the public benefit, and that is eliminated in my amendment.

Mr. MONDELL. We proceed on the theory that irrigation is a public benefit.

Mr. MURRAY. But if it was disputed in the courts you would have to prove it.

Mr. MONDELL. It is never questioned.

Mr. MURRAY. In most places they do question it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. MURRAY].

The question was taken, and the amendment was rejected.

Mr. BORLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment by Mr. BORLAND: Page 3, at the end of line 2, insert: "Private property shall not be taken or damaged for public use except on payment of just compensation ascertained in the manner provided by law."

Mr. BORLAND. Mr. Chairman, I think that covers the main point of the gentleman from Oklahoma. I do not think the provision in the first paragraph of section 2, which prohibits the taking of life, liberty, and property without due process of law, is coextensive with this amendment. Due process of law means the summons by which a man is brought into court, by which he obtains his day in court. Due process of law is some method of summoning him to appear in the action. It has nothing to do with compensation for private property taken for public purposes. So the amendment is necessary also in addition to the provision occurring in the first sentence of this section.

Now, this amendment I have offered is substantially in the words of the Missouri provision of the constitution, which says that private property shall not be taken or damaged for public use without due process of law.

Mr. TOWNER. Mr. Chairman, as far as I am concerned, and I think as far as the chairman of the committee is concerned, there is no objection to it.

Mr. BORLAND. Mr. Chairman, I do not care to discuss it further, except to say that the decisions in some States have been that "damage" is not the same as "taken." Property may be damaged by the overflowing of a stream or may be damaged by having something cast upon it, as an embankment, and not a natural damage, so I think that if property is damaged for public use it should be compensated for.

Mr. FESS. Will the gentleman yield?

Mr. BORLAND. I will.

Mr. FESS. I notice the Federal Constitution says, "Nor shall private property be taken for public use without just compensation," and I do not know why we omitted that in this bill of rights, so the gentleman's amendment will apply——

Mr. BORLAND. My amendment applies, and if there is any objection on the part of the committee——

Mr. JONES. I do not know of any objection.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following amendment, and this amendment is to come in after the amendment just adopted.

The Clerk read as follows:

Page 3, at the end of the Borland amendment, insert:

"Nothing contained in this act shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees; or for the payment, either by employers, or by employers and employees or otherwise, either directly or through a State or other system of insurance or otherwise, of compensation for injuries to employees or for death of employees resulting from such injuries without regard to fault as a cause thereof, except where the injury is occasioned by the willful intention of the injured employee to bring about the injury or death of himself or of another, or where the injury results solely from the intoxication of the injured employee while on duty; or for the adjustment, determination, and settlement, with or without trial by jury, of issues which may arise under such legislation; or to provide that the right of such compensation and the remedy therefor shall be exclusive of all other rights and remedies for injuries to employees or for death resulting from such injuries; or to provide that the amount of such compensation for death shall not exceed a fixed or determinable sum: *Provided*, That all moneys paid by an employer to his employees or their legal representatives, by reason of the enactment of any of the laws herein authorized, shall be held to be a proper charge in the cost of operating the business of the employer."

Mr. BENNET. Mr. Chairman, that language may seem a trifle long, but it has been taken verbatim from the constitution of the State of New York as amended in 1915, and the reasons for that amendment were these: At the legislative session of 1911, I think it was, we passed a workman's compensation act by a unanimous vote of both branches of the legislature. It was construed by the courts, and our highest court, by unanimous vote, declared the law unconstitutional because it violated the constitutional provisions which we have in our Constitution against the taking of private property for public use without just compensation, so that the two successive legislatures of 1912 and 1913 passed this provision and the people ratified it at the polls by about 30,000 majority, and we now have a splendid workman's compensation act, under which we are settling, out of court, something like 30,000 cases a year, to the great benefit of everybody.

Mr. FESS. Will the gentleman yield?

Mr. BENNET. I will.

Mr. FESS. Do I understand this is part of the constitution or is it a legislative enactment?

Mr. BENNET. It is part of the constitution, that which was put in the constitution of the State of New York in order to make the law we knew we could pass constitutional, and as soon as we got this into the constitution we passed a statute, and that statute has been declared constitutional and is one of the most beneficial statutes we have on the statute books. My idea is that we ought to give Porto Rico in this bill of rights every right that any State has, and we ought not to subject it to chance if it happens to pass a workman's compensation act—and my judgment is that every State ought to have a workman's compensation act—we ought not to give any chance of having such an act declared unconstitutional.

Mr. FESS. I think so far as those on this side regard such a provision there would be no objection unless this is writing legislation by an act——

Mr. BENNET. No, sir; it does not write anything legislative; the provision is entirely constitutional.

Mr. FESS. I think the gentleman would realize that the tendency of the time is to put legislation in organic acts.

Mr. BENNET. Yes, sir.

Mr. FESS. And I think they are unwise.

Mr. BENNET. We have resisted that in the State of New York wonderfully up to date.

Mr. BORLAND. Will the gentleman yield?

Mr. BENNET. I will.

Mr. BORLAND. Do I understand that your workman's compensation law, enacted since the adoption of this constitutional amendment, has been sustained?

Mr. BENNET. It has been declared constitutional.

Mr. BORLAND. It was enacted under this particular constitutional amendment?

Mr. BENNET. Yes.

Mr. BORLAND. And it has passed the highest court of the gentleman's State?

Mr. BENNET. It has passed the highest court of our State and has been held constitutional.

Mr. SANFORD. And the United States Supreme Court recently declared it constitutional.

Mr. BENNET. And the United States Supreme Court also, and therefore it seems to me in enacting this new charter for Porto Rico we ought to give them the benefit of something that has been tried and approved not only by the highest court of the State of New York, but, as my colleague [Mr. SANFORD], than whom there is no better lawyer in that State, informs me, has been held constitutional by the Supreme Court of the United States.

Mr. MURRAY. Do I understand that is the verbatim language of the constitution of New York?

Mr. BENNET. Verbatim.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES. Mr. Chairman, I confess, for one, that this amendment is so long and seeks to accomplish so many different objects that I am unable to fully grasp its meaning and purpose. For this reason, if for no other, I feel constrained to oppose its adoption. Nothing should be put into a bill of rights that has not been very carefully considered, and certainly there is no opportunity now to consider carefully all that is involved in an amendment of this character and importance.

I much deprecate the habit gentlemen seem to have fallen into of endeavoring to have incorporated into the bill of rights of Porto Rico the various new and novel provisions of the constitutions of their own States. Doubtless they may serve a good purpose in their States, but if we undertake to put into this bill of rights all the progressive and modern ideas that are to be found in the constitutions of the various States of our Union a hundred pages will not suffice to contain the Porto Rican bill of rights.

If this amendment was confined to these words—

Nothing contained in this act shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees—

I would see no objection to it; but I can not agree to accept all that follows these words simply because, as the gentleman says, it has been adopted by the State of New York. I imagine that the gentleman did not approve the action of the voters of his State when they recently rejected a constitution submitted to them for their ratification by a convention presided over by that distinguished New Yorker, the Hon. Elihu Root. Why, then, should he think that the fact that the amendment he offers was ratified by the people of New York is an all-sufficient reason for inserting it in the Porto Rican bill of rights? This argument does not appeal very strongly to me.

I think, Mr. Chairman, that some better argument should be offered for the adoption of this amendment than that there is a similar provision in the constitution of New York. I am not willing to impose upon the people of Porto Rico a constitutional provision the terms of which I have not had the opportunity to examine and carefully study. I hope the amendment will be voted down.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. BENNET].

Mr. KITCHIN. Why could not the gentleman from New York [Mr. BENNET] and the gentleman from Virginia [Mr. JONES] get together on this?

Mr. BENNET. I am willing to accept his modification, and I thought if I could get unanimous consent I would modify my amendment in the manner suggested by the gentleman from Virginia.

Mr. JONES. So that it will be in this language. I will mark it and send it down to the Clerk's desk.

The CHAIRMAN. The gentleman from New York asks unanimous consent to modify his amendment. The Clerk will report the modified form.

The Clerk read as follows:

Nothing contained in this act shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees.

Mr. CANNON. One further word. Read the balance of his proposed amendment.

The CHAIRMAN. The Clerk will report the entire amendment as amended.

Mr. CANNON. I want to hear that which is to be dropped out and see what that says.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent that the amendment as originally offered be again reported.

Mr. CANNON. That part of it that is proposed to be eliminated. I want to see how it qualifies the other, if at all.

The CHAIRMAN. Without objection, the Clerk will again report it.

The Clerk read as follows:

Nothing contained in this act shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees; or for the payment, either by employers or by employers and employees or otherwise, either directly or through a State or other system of insurance or otherwise, of compensation for injuries to employees or for death of employees resulting from such injuries without regard to fault as a cause thereof, except where the injury is occasioned by the willful intention of the injured employee to bring about the injury or death of himself or of another, or where the injury results solely from the intoxication of the injured employee while on duty; or for the adjustment, determination, and settlement, with or without trial by jury, of issues which may arise under such legislation; or to provide that the right of such compensation and the remedy therefor shall be exclusive of all other rights and remedies for injuries to employees or for death resulting from such injuries; or to provide that the amount of such compensation for death shall not

exceed a fixed or determinable sum: *Provided*, That all moneys paid by an employer to his employees or their legal representatives, by reason of the enactment of any of the laws herein authorized, shall be held to be a proper charge in the cost of operating the business of the employer.

Mr. CANNON. Mr. Chairman, I suggest to the gentleman that he chops out very important exceptions.

Mr. BENNET. I realize that, but the gentleman has been here a good deal longer than I have, and knows sometimes that if we can get only a little bit we had better take it.

Mr. CANNON. That is a good deal of a bit. It is two bits, or eight bits, for that matter. There is a question of contributory negligence, and a question of where the injury results from intoxication. That is all cut out.

Mr. BENNET. But it is cut out in connection with the giving of the remedy.

Mr. CANNON. You could under that, I take it, empower the legislature to enact a law providing that, where a man is injured, being an employee, without regard to any condition connected with the injury, the employer could be taxed by virtue of that legislation.

Mr. BENNET. I realize that. I realize it is giving a pretty broad power.

Mr. CANNON. It seems to me, if I may be allowed to suggest, as this bill will not be completed to-day—as is perfectly evident—that by unanimous consent this amendment could go over for further consideration, so that it may be returned to later on if desired by the mover thereof or the chairman of the committee—either one, or both.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent——

Mr. JONES. Mr. Chairman, I am in favor of that, if the gentleman offering it desires it to go over.

Mr. CANNON. He says he will not object to it if you desire it to go over, with leave to return to it later.

The CHAIRMAN. Does the gentleman ask that under unanimous consent?

Mr. BENNET. I think that is only fair. I am inclined to say this, that if we put it over, the whole thing may go in.

Mr. CANNON. I think possibly it ought to do so.

The CHAIRMAN. The gentleman from New York [Mr. BENNET] asks unanimous consent that this may go over and be returned to at a later time. Is there objection? [After a pause.] The Chair hears none.

Mr. MURRAY. Mr. Chairman, I offer an amendment here, and I will say to the chairman that this is taken verbatim from a provision of the Filipino bill.

The Clerk read as follows:

Amendment offered by Mr. MURRAY: Page 4, line 2, after the end of the line add the following: "That no public money or property shall ever be appropriated, applied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion; or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such. The contraction of bigamous or plural marriages hereafter is prohibited."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LONDON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York [Mr. LONDON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONDON: Page 4, line 14, strike out lines 14 and 15 and insert the words "16 years in any occupation is hereby prohibited," so that the subdivision will read, "That the employment of children under the age of 16 years in any occupation is hereby prohibited."

Mr. LONDON. Mr. Chairman, the way the subdivision reads now it is absolutely worthless. It provides that "the employment of children under the age of 14 years in any occupation injurious to health or morals or hazardous to life or limb is hereby prohibited." Now, if you had at least said "the employment of children under the age of 14 years is prohibited," you would limit the hours of labor for children; but you do not do that. You qualify the prohibition. You limit the limitation, and you say "the employment of children under the age of 14 years in such occupations as are injurious to health or morals or hazardous to life or limb is prohibited." You are giving to Porto Rico child-labor laws less progressive than you have in some of the States.

It is evident that the committee have had in mind in drafting a bill of rights the new conditions which have arisen because of the great industrial changes from which——

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. BORLAND. The gentleman can shorten his argument if he would realize that Porto Rico has not an industrial population. If the gentleman had ever been in Porto Rico he would know that. It is an agricultural population, and the whole island there is devoted to agriculture; and these children work in agriculture, where they ought to work.

Mr. LONDON. I was going to refer to that. I know that one-half of the population of Porto Rico are workers; that they have an agricultural class of 600,000 and an industrial class of only 25,000. Nevertheless, the employment of children at a very young age is bound to have a deteriorating effect on the rising generation.

Mr. BORLAND. Is not the gentleman's amendment perfectly sweeping? Does it not prevent their employment in agricultural pursuits up to 16 years of age?

Mr. LONDON. It prevents their employment for pay.

Mr. BORLAND. Is not that an outrageous provision, to prevent their employment in agricultural pursuits?

Mr. LONDON. I would prevent the employment of children for wages; not the employment of a child by its parents. There is the difference. No matter how hard a child may work under the loving care and supervision of a parent, the child will never be exploited as much as when it works under the cruel supervision of a foreman or an employer.

Mr. GARRETT. Mr. Chairman, will the gentleman yield for a suggestion?

Mr. LONDON. Yes.

Mr. GARRETT. The gentleman fixes the age at 16. Has the gentleman considered the fact that in Porto Rico, as in all tropical or semitropical countries, children reach maturity much earlier than they do in the Temperate Zone?

Mr. LONDON. I do not know. What I have in mind is this: The probabilities are that these children will be exploited by capital. These children will be exploited by a growing industrial class, by capitalists that will come from America, who will have no compunction about utilizing the labor of young children. That is what I have in mind. If you consider this amendment too sweeping, why not offer amendments that would make it more adaptable? But do not insist on a provision which as it stands has absolutely no meaning, but adds to its other vices the vice of hypocrisy, because it proposes to limit——

Mr. DAVENPORT. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. DAVENPORT. I want to understand if the gentleman's contention is that young children under the age of 16 years, irrespective of whether or not they have a father or mother living, shall not be permitted to work on a farm or in any other occupation that is not hazardous or injurious to their health or morals?

Mr. LONDON. Oh, that orphan-and-widow argument has been worked to death for the last 100 years. I saw it in the report of a British commission which examined into the condition of children way back in 1817.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DAVENPORT. Mr. Chairman, I wanted to ask the gentleman a question as to whether or not that is his contention. I ask unanimous consent that he may have one minute more in order that he may have the opportunity to answer the question I addressed to him.

The CHAIRMAN. The gentleman from Oklahoma [Mr. DAVENPORT] asks unanimous consent that the gentleman from New York [Mr. LONDON] may proceed for one minute more. Is there objection?

There was no objection.

Mr. DAVENPORT. I made that request, Mr. Chairman, in order to be informed as to whether or not it was the gentleman's contention that children under the age of 16 years should not be permitted to be hired for farm labor or for any other kind of labor for wages?

Mr. LONDON. An orphan child?

Mr. DAVENPORT. An orphan child, or a child that has parents.

Mr. LONDON. Civilized States are beginning to learn how to take care of the orphaned by establishing widows' pension funds. We have such a fund, the beginning of such a fund, in New York. It is the only way to save the orphan child, to prevent it from being exploited in infancy. I would permit a child to be employed by its own parents, but I would not permit a child under the age of 16 to be exploited, because the child can not take care of itself.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. LONDON. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LONDON. This leave, Mr. Chairman, applies to some former remarks I made on another amendment, does it not?

The CHAIRMAN. Yes; it does.

Mr. MURRAY. Mr. Chairman, this brings up two views with reference to the rearing of children. There are a bunch of mollycoddles in the country who believe that children ought not to be permitted to work until they reach a certain age. As a matter of truth, unless you make them work they will be shiftless in after life. I believe there ought to be a few speeches made here on the subject of the "evils of child idleness." Now, suppose we adopt the most restricted definition that the gentleman could give it—that is, "paid for their work." Here is a widow with one boy. She is washing for a living. Under that provision that boy could not aid her by carrying the clothes back and forth. Away with such a proposition! As a matter of truth, the boy who starts to study a trade and goes up the line from the bottom will in the end make the most thrifty man. [Applause.] That is the reason why the poor men of the country rear boys who can succeed in life, and that is the reason why the wealthy, who give their children all they want, satisfying all their appetites and passions, keeping them from any kind of labor, rear a lot of boys for the dramshops, the gambling dens, and the poorhouse. I would not want my boys to be reared otherwise than to work. When I came to Washington, finding that there was no employment in the summer months when school ended, I said to my boys, "What are you going to do? Are you going to lie around here on the streets playing and learning meanness?" They finally said they would be willing to sell newspapers; and since we have been in Washington they have sold newspapers on the street, and last summer earned $12 a month each, and while doing so bettering their opportunities for success in life. [Applause.]

The Government ought not to attempt to go further than to prevent the child from working in places harmful to the child's life, health, and morals. Granting that most men do not and can not rear their children in an ideal way, nevertheless the man who works day in and day out and year in and year out to feed and clothe and support his children will in the end do far better toward those children than to attempt to follow the doctrine that would be laid down by the gentleman from New York [Mr. LONDON] to rear and educate them "according to law."

Mr. LONDON. Will the gentleman yield one moment?

Mr. MURRAY. Yes.

Mr. LONDON. Does the gentleman disapprove of child-labor legislation?

Mr. MURRAY. I am opposed to any child-labor legislation that goes further than to take children from places injurious to their morals, their health, or their lives, or that tries to prohibit their learning to work. I believe that after all you must leave with the parents the greatest responsibility, however poor the parents may be, to teach the children their morals and their training. Otherwise, or if you follow the doctrine of the gentleman from New York [Mr. LONDON], it would mean that children must be reared according to law in a public nursery, and I do not believe that any rearing of children according to the rules of law will be as good as letting the parent who strives day after day and year after year give them the proper training.

Mr. LONDON. Will the gentleman yield?

Mr. MURRAY. Yes.

Mr. LONDON. Has any suggestion been made by me which would indicate that I want children to be trained in a public nursery at public expense?

Mr. MURRAY. No; but the gentleman represents a doctrine that does favor it, and in the first Oklahoma Legislature they came there urging it, and that is why I know the doctrine that the gentleman refers to. Better to have societies organized to prevent child idleness and to keep them employed, for "an idle brain is the devil's workshop."

Mr. LONDON. Have not a majority of the States of the Union adopted child-labor laws?

Mr. MURRAY. I am not acquainted with a majority of the States, but I am acquainted with what ought to be done. I say to you that the boy who starts at the ground and goes up with the business will be a boy who can take care of that business and himself in after life and will not become a vagabond and a burden upon society. Why do Jews prove thrifty? Because every Jew boy must hustle—must get up and do. You must restrain a boy in his appetites and passions if you expect to make a man out of him. [Applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. LONDON].

The amendment was rejected.

The CHAIRMAN. Are there any further amendments to this section? If not, the Clerk will read.

The Clerk read as follows:

Page 4, line 18, section 3——

Mr. TOWNER. Mr. Chairman, I have an amendment.

The CHAIRMAN. Will the gentleman allow the Clerk to finish the reading of the section?

Mr. TOWNER. This is an amendment to section 2.

The CHAIRMAN. We have passed section 2.

Mr. TOWNER. I was on my feet, Mr. Chairman.

The CHAIRMAN. The Chair failed to hear the gentleman. The Chair asked if there were any further amendments to this section, and no one offered anything.

Mr. TOWNER. I was on my feet, Mr. Chairman.

The CHAIRMAN. The section has been passed. It will require unanimous consent.

Mr. DAVENPORT. The gentleman is a member of the committee.

Mr. BENNET. I ask unanimous consent that the gentleman from Iowa may offer his amendment.

Mr. GARRETT. Is this the amendment of the gentleman from Iowa [Mr. TOWNER]?

The CHAIRMAN. Yes.

Mr. GARRETT. He is a member of the committee. I ask unanimous consent to return to section 2.

The CHAIRMAN. Is there objection? No objection is heard, and the Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. TOWNER: Page 3, line 4, strike out the word "in" and insert in lieu thereof the words "under the government of."

Mr. TOWNER. Mr. Chairman, this is just simply a verbal change that I think ought to be made in the language, so that it will read:

Hold any office of profit or trust under the government of Porto Rico.

I think it is necessary in order to make it clear.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa [Mr. TOWNER].

The amendment was agreed to.

Mr. TOWNER. Another amendment: On page 4, in line 2, after the word "under," insert the words "the government of."

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 2, after the word "under," insert the words "the government of."

The amendment was agreed to.

Mr. TOWNER. Another amendment: In line 16, on page 4, after the word "action," I move to insert the words "now existing."

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 16, after the word "action," insert the words "now existing."

Mr. GARRETT. Mr. Chairman, just a moment, if the gentleman will permit, before that is voted on. The bill provides—

That the right of action to recover damages for injuries resulting in death shall never be abrogated.

If you insert the words "now existing," it might possibly be construed to exclude subsequent rights of action that might arise. I suggest to the gentleman that this language is broader than the language that he offers.

Mr. TOWNER. I do not know whether the right to recover for death losses exists under the laws of Porto Rico or not.

Mr. BENNET. It does not exist under the civil law. In our State of New York we found that we had to insist on these words, there being no right at common law, nor under the Roman or civil law, and unless you preserve some right of action you have nothing.

Mr. GARRETT. The point I am making is that the language of the gentleman from Iowa would limit it to the right now existing, and might by construction exclude all rights that might arise in the future.

Mr. BENNET. It says that the right shall not be abrogated.

Mr. GARRETT. If no right exists, if it is true that under the Roman law no right exists, it would not add anything to it.

Mr. BENNET. There may be a right of action under some statute that we passed.

Mr. GARRETT. If so, it will be continued.

Mr. DAVENPORT. My recollection is that we extended the statutes over Porto Rico which gives them that right.

Mr. TOWNER. Mr. Chairman, I do not insist on this amendment, and I ask unanimous consent to return to it if necessary.

The CHAIRMAN (Mr. FOSTER). Without objection, the amendment is withdrawn.

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 3. That no export duties shall be levied or collected on exports from Porto Rico, but taxes and assessments on property, internal revenue, and license fees, and royalties for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by the Legislature of Porto Rico; and when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Porto Rico or any municipal government therein as may be provided by law, and to protect the public credit: *Provided, however*, That no public indebtedness of Porto Rico or of any municipality thereof shall be authorized or allowed in excess of 7 per cent of the aggregate tax valuation of its property, and all bonds issued by the government of Porto Rico, or by its authority, shall be exempt from taxation by the Government of the United States, or by the government of Porto Rico or of any political or municipal subdivision thereof, or by any State, or by any county, municipality, or other municipal subdivision of any State or Territory of the United States, or by the District of Columbia. In computing the indebtedness of the people of Porto Rico bonds issued by the people of Porto Rico secured by an equivalent amount of bonds of municipal corporations or school boards of Porto Rico shall not be counted.

Mr. BORLAND. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Page 5, line 5, strike out the words "authorized or allowed" and insert the word "valid."

Mr. BORLAND. Mr. Chairman, these bonds are either valid or invalid, for in this act there is no provision for some higher body to authorize the issuance of a bond. There is no provision in this bill to permit anybody to authorize the bonds. I think the word used here ought to be "valid," and if the committee concurs in it, I will not take the further time of the committee.

Mr. JONES. I call the gentleman's attention to the language of the bill. This is the language he desires to have amended:

That no public indebtedness of Porto Rico or of any municipality thereof shall be authorized or allowed in excess of 7 per cent of the aggregate tax valuation of its property.

The very section in which this language is found also provides for the creation of a public indebtedness, but such public indebtedness shall not be authorized in excess of 7 per cent of the taxable value of all property in Porto Rico. If his amendment is adopted the bill will read "that no public indebtedness of Porto Rico or of any municipality thereof shall be valid in excess of 7 per cent," and so forth. It may be that same municipality has now a bonded indebtedness in excess of 7 per cent. If so, the effect of this amendment would be to make that indebtedness invalid. The language of the bill, in my opinion, fully accomplishes the purpose for which it was intended. I can not see how you can make it any plainer.

Mr. BORLAND. I will explain. If there are issues of bonds in Porto Rico, and the chairman of the committee, I suppose, would be familiar with the issues of those bonds——

Mr. JONES. I am not saying that there are any.

Mr. BORLAND. Then an exception should be made; but I contend that this language is necessary. If a municipality in Porto Rico undertakes to issue bonds in excess of its power under the organic law, the validity of these bonds as a burden on the property owners comes before the courts. The question before the court is, Are these bonds that were issued valid or invalid under the organic act? If the organic act provides for some authorization like Congress or by the governor or some other person, then they might be shown to be valid by showing that they were authorized; but the purpose here is to restrain the issuance by a municipality or corporation beyond 7 per cent. That must be obtained by making the overissue invalid.

Mr. BRUMBAUGH. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. BRUMBAUGH. May not the word "valid" have a meaning or construction different from what the gentleman intends it to have? Who would decide as to the validity? Would not the court decide it?

Mr. BORLAND. Precisely.

Mr. BRUMBAUGH. Before they could go ahead with the issue of the bonds they would have to be submitted to the court.

Mr. BORLAND. Not necessarily. If nobody attacked the bonds, there is no case for the court; but if the property owner attacks the bonds as being an overissue the question is whether they were issued in accordance with the provisions of the organic act, namely, whether they exceeded 7 per cent valuation. All these provisions are to restrain parties from issuing an excessive amount of bonds and indebtedness.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES. I ask unanimous consent that the gentleman may have one minute more in order that he may answer a question I desire to ask him.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JONES. If bonds not authorized by this law should be issued, would they not be invalid?

Mr. BORLAND. Let me ask the gentleman a question. What does the words "authorized or allowed" mean?

Mr. JONES. In this connection it means that the Porto Rican Government created under this bill shall not authorize the creation of the public indebtedness contemplated in the bill to an amount that will be in excess of 7 per cent of tax values.

Mr. BORLAND. Well, I see the gentleman's point, and I will answer. If we were to strike out the words "or allowed" and insert before the word "authorized" the word "hereby," that language would be absolutely in accordance with his meaning now. If we were to say "it is hereby authorized in excess of 7 per cent," that would be satisfactory to the position the gentleman has stated, but it says "authorized or allowed."

Mr. JONES. I do not see how the insertion of the word "hereby" would improve matters.

Mr. BORLAND. It says "authorized or allowed," which implies there is a power resident somewhere outside of this act to authorize or allow.

Mr. JONES. I think not; I think that is a strained construction.

Mr. TILSON. Mr. Chairman, I rise in opposition to the gentleman's motion. Is not the trouble with my friend from Missouri the fact that he interprets this to mean an authorization of bonds or other forms of indebtedness, whereas, as a matter of fact, it is a limitation upon the legislative body of Porto Rico? It says to the legislative body of Porto Rico, or any municipality thereof, "You shall not authorize bonds in excess of 7 per cent." That is what it says. Now, as a matter of fact, if in violation of this organic act the legislative body itself should authorize or by legislative act allow some municipality to authorize bonds in excess of 7 per cent, then they would be invalid. This, however, is not an authorization for bonds, but it is a limitation upon the authority of bodies which may authorize bonds. Therefore it seems to me it is correct as it stands. Certainly it would be entirely incorrect and not convey the proper meaning if the word "authorized" were stricken out and the word "valid" inserted.

Mr. BORLAND. I want to call the attention of the gentleman before he sits down to the effect of this language:

And when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Porto Rico or any other municipal government therein as provided by law—

There is direct authority in your organic law to issue bonds. Now, so far it is unlimited. It goes on to say:

and protect the public credit.

Then it goes on and attempts to limit that authority to 7 per cent of the tax valuation of its property. My contention is that limitation intends to say that an overissue is invalid.

Mr. TILSON. I do not understand there is any authorization of bonds made here at all.

Mr. BORLAND. The gentleman can read it.

Mr. TILSON. This says they shall not issue bonds in excess of a certain amount.

Mr. BORLAND. The words here give power to issue bonds, and if the gentleman will read it, he will see it.

Mr. TILSON. That gives authority to the legislative assembly, or whatever it may be, to authorize bonds; but it states that it shall not authorize them beyond a certain amount. No specific bonds are authorized, and it does not attempt to say that certain bonds are valid and certain invalid, but says——

Mr. BORLAND. The gentleman has not read that carefully. It says:

And when necessary to anticipate taxes and revenue, bonds and other obligations may be issued by Porto Rico or any other municipal government therein.

There is direct authority—"may be issued."

Mr. TILSON. There is a limitation upon that.

Mr. BORLAND. It is unlimited. Then you come to the words:

And no public indebtedness of Porto Rico or of any municipality thereof shall be authorized or allowed—

By whom?—

in excess of 7 per cent.

Now, my amendment is—

Shall be valid in excess of 7 per cent.

Mr. TILSON. No; it should stand as it is as a limitation upon what may be authorized by the legislative body or any municipality thereof.

Mr. MADDEN. Mr. Chairman, I make the point of order there is no quorum present. This is Saturday night, and we have worked very hard all the week.

Mr. JONES. Mr. Chairman, I hope the gentleman will wait until we get through with this section. It is not 5 o'clock yet.

The CHAIRMAN. The gentleman from Illinois makes the point of order there is no quorum present.

Mr. JONES. Mr. Chairman, I hope the gentleman will withdraw it.

Mr. MADDEN. Mr. Chairman, I make the point of order of no quorum.

Mr. JONES. I will ask the gentleman from Illinois to withhold his point until we complete this section. I do not think it will take many minutes.

Mr. MADDEN. I withdraw the point for the present, Mr. Chairman.

Mr. YOUNG of North Dakota. Mr. Chairman——

The CHAIRMAN. There is an amendment pending now. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

Mr. YOUNG of North Dakota. Mr. Chairman, this section states that the bonded indebtedness shall be limited to 7 per cent of the assessed valuation, which is ordinarily considered quite high. It would seem to me that the language is sufficiently broad to permit a limit of 7 per cent for the municipal indebtedness, also 7 per cent for school indebtedness on top of 7 per cent for the island government. If so, that would make in some portions of the island indebtedness as high as 21 per cent of the assessed valuation. Should not the wording be changed? Should there not be a limit much under 21 per cent for all kinds of public indebtedness?

I would like to ask the chairman of the committee as to his idea of the meaning of these lines 4 and 5.

Mr. JONES. Well, I will say that the government of Porto Rico could not issue bonds and sell them in excess of 7 per cent of the taxable value. It expressly says, "Of any municipality." It does not speak of any other subdivision.

Mr. YOUNG of North Dakota. It says, "Or any municipality thereof." Is not a school district a municipality?

Mr. JONES. I will say, if the government of Porto Rico could incur indebtedness not exceeding 7 per cent the city of San Juan could do the same thing.

Mr. YOUNG of North Dakota. How about the school district?

Mr. JONES. There is no authority here. There is nothing here on the subject of school districts.

Mr. YOUNG of North Dakota. Does not the gentleman think that the limit would be rather high at 14 per cent?

Mr. JONES. I do not think so. I think property values there are very small.

The CHAIRMAN. The Clerk will read.

Mr. BORLAND. Mr. Chairman, I offer an amendment to section 3, page 5, line 5, after the word "be," insert the word "hereby."

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, line 5, after the word "be," insert the word "hereby."

Mr. BORLAND. So that the language will read.

The Clerk read as follows:

Shall be hereby authorized or allowed in excess of 7 per cent.

Mr. BORLAND. If this authorization and allowance is meant the authorization and allowance given by this particular act, it ought to so state. If it is an authorization or allowance by somebody else, the committee would be opposed to its insertion at all.

Mr. GARRETT. Will the gentleman permit. If that language should be inserted which the gentleman suggests, it would mean that they could not authorize anything more, but it would mean the Porto Rican Legislature, of course, could authorize it. The purpose is to put a limitation on the Porto Rican government itself and the municipality. If the gentleman puts in his language, the limitation would not be any limitation at all.

Mr. BORLAND. I offered it a little while ago, and the chairman said the authorization and allowance was in this act. I did not agree with him.

Mr. JONES. I call for a vote, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BORLAND].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. That the capital of Porto Rico shall be at the city of San Juan, and the seat of government shall be maintained there.

Mr. MADDEN. Mr. Chairman, I renew the point of order.

Mr. JONES. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9533, the Porto Rican bill, and had come to no resolution thereon.

PENSIONS.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask to call up the bill S. 4856 for the purpose of agreeing to a conference report. It will take only a moment.

The CHAIRMAN. The Clerk will report the title.

The Clerk read as follows:

An act (S. 4856) granting pensions and increase of pensions to soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the report as follows:

CONFERENCE REPORT (NO. 727).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4856) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 3, 9, 11, 12, 13, 14, 15, 18, and 19.

That the Senate recede from its disagreements to the amendments of the House numbered 5, 7, 8, 10, 16, 17, and 20, and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the amount named insert "$36"; and the House agree to the same.

Amendment numbered 4: That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the amount named insert "$36"; and the House agree to the same.

Amendment numbered 6: That the Senate recede from its disagrement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: In lieu of the amount named insert "$36"; and the House agree to the same.

JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
CHAS. E. FULLER,
Managers on the part of the House.

CHARLES F. JOHNSON,
WM. HUGHES,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

Amendment No. 1: Reinstates the provision for increase of pension for Moses Green as proposed by the Senate.

Amendment No. 2: Grants a pension of $36 instead of $40 as proposed by the House and $30 as proposed by the Senate.

Amendment No. 3: Reinstates the provision for increase of pension to Justine M. Thrift as proposed by the Senate.

Amendment No. 4: Grants a pension of $36 instead of $40 as proposed by the House and $30 as proposed by the Senate.

Amendment No. 5: Grants a pension of $40 as proposed by the House.

Amendment No. 6: Grants a pension of $36 instead of $40 as proposed by the House and $30 as proposed by the Senate.

Amendment No. 7: Strikes out the provision for pension for James H. Moser.

Amendment No. 8: Grants a pension of $24 as proposed by the House.

Amendment No. 9: Grants a pension of $30 as proposed by the Senate.

Amendment No. 10: Grants a pension of $24 as proposed by the House.

Amendment No. 11: Reinstates the provision for pension for increase of pension to John S. Allison as proposed by the Senate.

Amendment No. 12: Reinstates the provision for pension for increase of pension to George W. Doyle as proposed by the Senate.

Amendment No. 13: Reinstates the provision for pension for increase of pension to Harvey D. Plummer, alias Harvey D. Picknell, as proposed by the Senate.

Amendment No. 14: Reinstates the provision for pension for increase of pension to Benjamin H. Whipple as proposed by the Senate.

Amendment No. 15: Reinstates the provision for pension for increase of pension to Julia C. Bradley as proposed by the Senate.

Amendment No. 16: Grants increase of pension to $24 as proposed by the House.

Amendment No. 17: Grants increase of pension to $24 as proposed by the House.

Amendment No. 18: Grants increase of pension to $25 as proposed by the Senate.

Amendment No. 19: Reinstates the provision for pension for increase of pension to Louis Badger as proposed by the Senate.

Amendment No. 20: Makes provision for additional pension on account of soldier's helpless child as proposed by the House.

JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
CHAS. E. FULLER,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

HOUR OF MEETING MONDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. on Monday next.

The SPEAKER. The gentleman asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. on Monday next. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. KEATING. Mr. Speaker, I ask unanimous consent to extend my remarks upon the Porto Rican bill.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 53 minutes p. m.) the House adjourned until Monday, May 22, 1916, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TILLMAN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 6876) to amend an act entitled "An act to amend an act entitled 'An act to provide for the adjudication and payment of claims arising from Indian depredations,' approved March 3, 1891," approved January 11, 1915, reported the same without amendment, accompanied by a report (No. 736), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NORTON, from the Committee on Indian Affairs, to which was referred the bill (H. R. 12030) to amend an act entitled "An act to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak.," approved August 3, 1914, reported the same without amendment, accompanied by a report (No. 737), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FLYNN, from the Committee on Claims, to which was referred the bill (H. R. 8010) making an appropriation to pay the legal representatives of the estate of John H. Christy, deceased, to wit, E. J. Christy and others, heirs at law of John H. Christy, late of the State of Georgia, in full for any claim for salary and allowance made by reason of the election of the said John H. Christy to the Thirty-ninth Congress and his services therein, reported the same with amendment, accompanied by a report (No. 738), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 1106) for the relief of C. E. Moore; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 2597) for the relief of E. B. Huntley, Noah Harper, and S. Hoagland, sureties on the bond of Mrs. Jewell B. Hope, postmaster at Astor Park, Fla.; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 2742) to reimburse Isaiah Stephens, postmaster of McMechen, Marshall County, W. Va., for money and postage stamps stolen; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 4416) to reimburse L. W. Dragoo, formerly postmaster at Smithfield, Wetzel County, W. Va., for money, money orders, and postage stamps stolen; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 5849) granting a pension to Cornelius J. Hurley; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10810) granting a pension to Louis F. Pampe; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5882) to defray expenses of L. K. Meldrim in certain litigation; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 5990) to remiburse S. S. Buzzerd, postmaster of Berkeley Springs, Morgan County, W. Va., for cash stolen; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 6267) to reimburse Tennie A. Anderson, postmaster at Maplewood, Fayette County, W. Va., for money, money orders, and postage stamps stolen; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 10015) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue in use in the Postal Service Marcus P. Norton's combined postmarking and stamp-canceling hand-stamp patents, or otherwise; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 10792) for the relief of George F. Nicholson; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 12725) for the settlement of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue to use in the Postal Service Marcus P. Norton's combined postmarking and stamp-canceling hand-stamp patents, and directing him to determine upon a fair, just, and equitable compensation for the use of said inventions; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 14345) to reimburse J. B. Patterson, postmaster of Lacon, Morgan County, Ala., for certain postage stamps stolen; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 14568) granting a pension to Benjamin Burkett, Rural Retreat, Va.; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14989) granting a pension to Nina H. Love; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. McGILLICUDDY: A bill (H. R. 15839) to regulate the importation into the United States of halibut or salmon taken in the North Pacific Ocean or its tributary waters; to the Committee on Ways and Means.

By Mr. HULBERT: A bill (H. R. 15840) for the purchase of certain lands in the District of Columbia for a public park; to the Committee on Public Buildings and Grounds.

By Mr. LONDON: A bill (H. R. 15841) to amend section 17 and section 64 of the bankruptcy act; to the Committee on the Judiciary.

By Mr. RUCKER: A bill (H. R. 15842) to revise, amend, and codify the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Senator and Representative in the Congress of the United States, extending the same to candidates for nomination and election to the offices of President and Vice President of the United States, limiting the amount which may be expended, providing for the publicity of campaign expenses, and for other purposes; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. CARTER of Oklahoma: A bill (H. R. 15843) to establish the southern district of the United States court in the State of Oklahoma, and for other purposes; to the Committee on the Judiciary.

By Mr. HULBERT: Resolution (H. Res. 245) relative to summary execution of Irish prisoners; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 15844) granting an increase of pension to Norman Gregory; to the Committee on Invalid Pensions.

By Mr. BEALES: A bill (H. R. 15845) granting an increase of pension to Daniel Deitrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15846) granting an increase of pension to George M. Jacobs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15847) granting an increase of pension to Elizabeth Spangler; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 15848) to remove disabilities of Edward R. Schauffler; to the Committee on Military Affairs.

By Mr. BYRNES of South Carolina: A bill (H. R. 15849) granting a pension to William E. Keels; to the Committee on Pensions.

Also, a bill (H. R. 15850) granting a pension to Robert Wilks; to the Committee on Pensions.

By Mr. COLEMAN: A bill (H. R. 15851) for the relief of William H. Watt; to the Committee on Claims.

By Mr. CRAGO: A bill (H. R. 15852) for the relief of Allen Hyatt; to the Committee on Military Affairs.

By Mr. DECKER: A bill (H. R. 15853) granting an increase of pension to John K. Miller; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 15854) granting an increase of pension to John Johnson; to the Committee on Pensions.

By Mr. GARRETT: A bill (H. R. 15855) granting an increase of pension to Edward C. Eubanks; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 15856) granting an increase of pension to Catharine Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15857) for the relief of George Moran; to the Committee on Military Affairs.

By Mr. HOWARD: A bill (H. R. 15858) granting an increase of pension to Mary J. Peirce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15859) granting an increase of pension to Frank R. Barfoot; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 15860) granting an increase of pension to Catharine Shirkey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15861) granting an increase of pension to Laura S. Pritchard; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 15862) granting an increase of pension to Caroline Rively; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15863) granting an increase of pension to Euphenia Spangler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15864) granting an increase of pension to Anna Helfrich; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 15865) granting an increase of pension to Eda M. McCammon; to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 15866) granting a pension to Cora G. Baber; to the Committee on Pensions.

By Mr. PARKER of New York: A bill (H. R. 15867) granting an increase of pension to William Holley; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 15868) granting an increase of pension to Amanda Adams Hammond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15869) granting an increase of pension to Julia V. White; to the Committee on Invalid Pensions.

By Mr. WASON: A bill (H. R. 15870) granting a pension to Eva S. Lamson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BACHARACH: Memorial of Convention of Mental Hygiene Societies of the United States, favoring bill for division of mental hygiene in United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. BUCHANAN of Illinois: Petition of 187 citizens of Chicago, Ill., favoring House bill 127, relative to shipment of milk; to the Committee on Foreign Affairs.

By Mr. CAREW: Petition of Philadelphia Chamber of Commerce, in re Senate bill 19; to the Committee on Interstate and Foreign Commerce.

By Mr. CLINE: Petition of Mary Stirk and 70 others, members of the Ladies of the Grand Army of the Republic of Fort Wayne, Ind., favoring increase of widows' pensions; to the Committee on Invalid Pensions.

By Mr. DALE of New York: Petition of Louise M. Tyler, of Denver, Colo., favoring woman-suffrage amendment; to the Committee on the Judiciary.

Also, memorial of the Convention of Mental Hygiene Societies of the United States, favoring bill for division of mental hygiene in the United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of P. A. Casberg and 15 others, of La Crosse, Wis., favoring bill to prohibit Taylor system in Government shops; to the Committee on Labor.

By Mr. GALLIVAN: Memorial of Convention of Mental Hygiene Societies, favoring bill relative to division of mental hygiene in the United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Boston Retail Grocers' Association, against bill for compulsory use of the metric system in the United States; to the Committee on Coinage, Weights, and Measures.

By Mr. KELLEY: Petition of eight retail jewelry firms of Pontiac, Mich., favoring Stephens price-maintenance bill; to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Rhode Island: Memorial of Phobie L. Cargill Technical High School, of Providence, R. I., in favor of Senate bill 4874; to the Committee on Military Affairs.

By Mr. LAFEAN: Petition of American Union Against Militarism, against proposed subsidy to National Guard; to the Committee on Military Affairs.

By Mr. LINTHICUM: Petition of Cantelou Bros., factors, of Montgomery, Ala., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Qui Vive Club, Mrs. Eugene Henry, Birmingham, Ala., indorsing House resolution 137; to the Committee on Rules.

Also, petition of United Mine Workers of America, Local Union No. 1912, Hartford, Ark., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Dr. M. E. Jaffa, consulting nutrition expert, Berkeley, Cal., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Mr. F. M. Andreasen, secretary State dairy bureau of California, San Francisco, Cal., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Woman's Club, Virginia Barlett, secretary, Paso Robles, Cal., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Browning Club, Mrs. Caroline O. Bradley, secretary, Los Angeles, Cal., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Woman's Bindery Union, Local No. 42, International Brotherhood of Bookbinders, Miss Flora C. Plumb, secretary, Washington, D. C., indorsing House resolution 127; to the Committee on Rules.

Also, petition of Woman's Civic League, Miss A. O. Plaisted, president, Winter Haven, Fla., indorsing House resolution 137; to the Committee on Rules.

Also, petition of United Commercial Travelers of America, H. M. Ashe, secretary, Atlanta, Ga., indorsing House resolution 137; to the Committee on Rules.

Also, petition of the Order of Railroad Telegraphers, Mr. C. A. Pye, secretary, Oglethorpe, Ga., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Dr. H. Louis Jackson, State chemist, board of health, Boise, Idaho, indorsing House resolution 137; to the Committee on Rules.

Also, petition of Consumers' Cotton Oil Mills, F. W. Dewson, Chicago, Ill., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Dr. John D. Robertson, commissioner of health, Chicago, Ill., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Mr. A. W. Currin, Chicago, Ill., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Mr. John B. Newman, assistant commissioner, State food department, Chicago, Ill., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Ladies' Athaneum, Miss Emma J. Imig, secretary, Minier, Ill., indorsing House resolution 137; to the Committee on Rules.

Also, petition of the Illinois League for Nursing Education, Miss Elsie L. Burks, secretary, Chicago, Ill., indorsing House resolution 137; to the Committee on Rules.

Also, petition of E. Re Nata Club, Mrs. F. C. Arthur, Streator, Ill., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Indiana Division, Travelers' Protective Association, Mr. Charles M. Zink, of Indianapolis, Ind., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Fort Wayne Antituberculosis League, Miss Irene Byron, secretary, of Fort Wayne, Ind., indorsing House resolution 137; to the Committee on Rules.

Also, petition of United Mine Workers, Local No. 942, J. Frank Sherum, of Montgomery, Ind., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Woman's Club, Mrs. I. W. Douglass, of Maxwell, Iowa, indorsing House resolution 137; to the Committee on Rules.

Also, petition of Kansas State Agricultural College, Dr. J. T. Willard, of Manhattan, Kans., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Gove City Chapter of the Utopian Club, Mrs. Claude Thomas, of Gove City, Kans., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Croweberg Local Union, No. 1896, Mr. Frank Eber, of Croweberg, Kans., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Kansas State Federation of Labor, Charles Hamlin, secretary, of Leavenworth, Kans., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Current Events Club, Mrs. Daniel B. Weeks, of Augusta, Me., indorsing House resolution 137; to the Committee on Rules.

Also, petition of chief, bureau of bacteriology, department of health, Dr. William Royal Stokes, of Baltimore, Md., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Mr. Henry M. Walker, of Baltimore, Md., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Harvard Medical School, Dr. M. J. Rosehau, of Boston, Mass., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Medical Woman's Club, Margaret Kock, M. D., president, of Minneapolis, Minn., indorsing House resolution 137; to the Committee on Rules.

Also, petition of State Chemist Dr. W. F. Hand, of Agricultural College, Miss., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Stove Mounters' International Union, Local No. 34, E. W. Kaiser, secretary, of St. Louis, Mo., indorsing House resolution 137; to the Committee on Rules.

Also, petition of United Mine Workers of America, Local No. 858, B. D. Chesney, of Bearcreek, Mont., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Woman's Club, Ellen Stewart Griffin, president, of Franklin, N. H., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Barbers' Union, James McAdams, of Watervliet, N. Y., indorsing House resolution 137; to the Committee on Rules.

Also, petition of North Carolina Cotton Seed Crushers' Association, H. A. White, secretary, of Greenville, N. C., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Order of Railroad Telegraphers, J. H. Williams, of Wilson, N. C., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Granite Cutters' International Association, J. O. Belton, secretary, of Mount Airy, N. C., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Newbern Cotton Oil & Fertilizer Mills, C. L. Ives, president, of Newbern, N. C., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Women's Club, Mrs. George Dial, president, of Springfield, Ohio, indorsing House resolution 137; to the Committee on Rules.

Also, petition of Sorosis Club, Mrs. George Lee Miller, president, of Canton, Ohio, indorsing House resolution 137; to the Committee on Rules.

Also, petition of superintendent, Cincinnati Antituberculosis League, Dr. Courtenay Dinwiddie, of Cincinnati, Ohio, indorsing House resolution 137; to the Committee on Rules.

Also, petition of grand counselor, United Commercial Travelers, Mr. Louis Wirth, of Dayton, Ohio, indorsing House resolution 137; to the Committee on Rules.

Also, petition of Laundry Workers' Local No. 28, of Chickasha, Okla., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Portland Railroad Woman's Club, Miss Emma I. Holmes, secretary, of Portland, Oreg., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Woman's Civic Club, of Lebanon, Oreg., indorsing House resolution 137; to the Committee on Rules.

Also, petition of United Mine Workers of America, W. A. Kelley, secretary, South Fork, Pa., indorsing House resolution 137; to the Committee on Rules.

Also, petition of United Mine Workers of America, Local 2179, John Andrews, secretary, Lilly, Pa., indorsing House resolution 137; to the Committee on Rules.

Also, petition of department of biology, Lafayette College, Prof. William F. Foster, Easton, Pa., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Civic League and Housewives' Club, Mrs. J. L. Barringer, president, Florence, S. C., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Memphis Bag Co., William Borwork, manager, Memphis, Tenn., indorsing House resolution 137; to the Committee on Rules.

Also, petition of United Mine Workers of America, John J. Boise, secretary, Soddy, Tenn., indorsing House resolution 137; to the Committee on Rules.

Also, petition of P. I. Fletcher, Texline, Tex., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Dallas Oil & Refining Co., J. S. Le Clerco, manager, Dallas, Tex., indorsing House resolution 137; to the Committee on Rules.

Also, petition of W. S. Forbes & Co., S. C. Ewing, Richmond, Va., indorsing House resolution 137; to the Committee on Rules.

Also, petition of polishers' branch of the International Association of Granite Cutters, Mr. Arthur H. Pine, Barre, Vt., indorsing House resolution 137; to the Committee on Rules.

Also, petition of United Mine Workers of America, J. S. Johnson, secretary, Carbonado, Wash., indorsing House resolution 137; to the Committee on Rules.

Also, petition of United Mine Workers of America, Local 2586, D. T. Rayford, Mahon, W. Va., indorsing House resolution 137; to the Committee on Rules.

Also, petition of Boiler Makers' Brotherhood, Mr. F. G. Maybury, Elkins, W. Va., indorsing House resolution 137; to the Committee on Rules.

Also, petition of United Mine Workers of America, Local No. 2293, Port. J. Ward, Rock Springs, Wyo., indorsing House resolution 137; to the Committee on Rules.

By Mr. MEEKER: Memorial of Rising Sun Council, No. 52, of Luxemburg, Mo., against bill to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. OAKEY (by request): Memorial of Sunday school of Fourth Church, of Hartford, Conn., favoring bill for Federal censorship of motion pictures; to the Committee on Education.

By Mr. O'SHAUNESSY: Memorial of Wood & Skilton, of Philadelphia, Pa., in re House bill 165; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Providence Central Federated Union, of Providence, R. I., and the Rhode Island State Branch of the American Federation of Labor in re House bill 8828 and Senate bill 3457; to the Committee on Appropriations.

Also, memorial of American Association for Labor Legislation in re House bill 15376; to the Committee on Labor.

Also, memorial of the national committee for mental hygiene in re House bill 721; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Newport Central Labor Union, favoring investigation of dairy conditions in the United States; to the Committee on Rules.

Also, memorial of the Franklin Typothetæ, of Chicago, in favor of the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of one hundredth meeting of the National Association of Cotton Manufacturers, favoring preparedness; to the Committee on Military Affairs.

Also, petition of American Women's German Aid Society, of Saylesville, R. I., in re foreign conditions; to the Committee on Foreign Affairs.

Also, memorial of Jenckes Spinning Co., of Pawtucket, R. I., in re House bills 8665 and 8677; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: Memorial of Manufacturers' Association of Texas, favoring the Shields water-power bill; to the Committee on Rivers and Harbors.

By Mr. STINESS: Petition of Jenckes Spinning Co., of Pawtucket, R. I., against bills to prohibit Taylor system in Government shops; to the Committee on Labor.

By Mr. TAGUE: Memorial of Central Council of Irish County Associations of Massachusetts, relative to treatment of Irish prisoners by England; to the Committee on Foreign Affairs.

SENATE.

MONDAY, *May 22, 1916.*

(Legislative day of Thursday, May 18, 1916.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment of the Committee on Commerce, page 25, line 5, after the word "including," to strike out the word "works" and insert "bank protection"; in line 6, after the words "Pine Bluff and," to insert "Little Rock and vicinity and"; and, in line 7, after the word "plant," to strike out "$209,700" and insert "$234,700," so as to make the clause read:

Arkansas River, Ark. and Okla.: For maintenance of improvement, including bank protection at Pine Bluff and Little Rock and vicinity and the operation of dredging plant, $234,700.

Mr. CLARKE of Arkansas. Mr. President, a parliamentary inquiry. On last Saturday the pending item in the bill was submitted to a yea-and-nay vote, and the vote on this particular proposition disclosed the absence of a quorum. What is the ruling of the Chair as to whether the names of the absentees shall be called or that the vote be declared void, to be taken over?

The VICE PRESIDENT. The opinion of the Chair is that the roll call developing a quorum—the taking of the yeas and nays on the amendment is the pending question; that the roll call must be proceeded with and a quorum developed.

Mr. CLARKE of Arkansas. De novo, overlooking the former call?

The VICE PRESIDENT. De novo.

Mr. CLARKE of Arkansas. I have no objection.

Mr. KENYON. Then the order of business is merely to proceed with the roll call.

Mr. BRANDEGEE. Did the Secretary call the roll to develop the presence of a quorum?

The VICE PRESIDENT. The Chair was not here, but the Chair understands that a quorum was developed.

Mr. BRANDEGEE. I did not understand that a quorum had been developed.

The VICE PRESIDENT. A quorum was developed.

Mr. CLARKE of Arkansas. A quorum was not developed on the vote upon the item, but it was developed upon the suggestion of the absence of a quorum. Whatever the ruling is it will be agreeable and we will conform to it.

The VICE PRESIDENT. The yeas and nays no doubt will develop a quorum this morning. The Secretary will call the roll on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT]. I see that he is not in the Chamber, and I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. WALSH (when his name was called). I inquire if the Senator from Rhode Island [Mr. LIPPITT] has voted?

The VICE PRESIDENT. He has not.

Mr. WALSH. I have a pair with that Senator and withhold my vote.

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Illinois [Mr. LEWIS], I vote "yea."

The roll call was concluded.

Mr. SAULSBURY. I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. MYERS (after having voted in the affirmative). Has the Senator from Connecticut [Mr. MCLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I transfer my pair with that Senator to the Senator from Maryland [Mr. LEE] and allow my vote to stand.

Mr. OVERMAN. I am paired with the junior Senator from Wyoming [Mr. WARREN]. I transfer my pair to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. CHILTON. I am paired with the Senator from New Mexico [Mr. FALL], but if present he would vote as I am about to do. I vote "yea."

Mr. GALLINGER (after having voted in the affirmative). I have voted, but I have a pair with the senior Senator from New York [Mr. O'GORMAN], who is absent. I transfer that pair to the Senator from Idaho [Mr. BRADY] and allow my vote to stand.

Mr. DILLINGHAM. Owing to the absence of the senior Senator from Maryland [Mr. SMITH], with whom I have a pair, I withhold my vote.

Mr. WEEKS. I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. In the absence of that Senator I withhold my vote.

Mr. CHILTON. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness, and also the unavoidable absence of the senior Senator from Indiana [Mr. KERN].

Mr. OWEN. I wish to ask if the Senator from New Mexico [Mr. CATRON] has voted?

The VICE PRESIDENT. He has not.

Mr. OWEN. I withhold my vote.

Mr. UNDERWOOD (after having voted in the affirmative). I am paired with the junior Senator from Ohio [Mr. HARDING]. I transfer that pair to the senior Senator from Virginia [Mr. MARTIN] and allow my vote to stand.

Mr. MARTINE of New Jersey. I wish to announce the absence of the Senator from Oregon [Mr. CHAMBERLAIN] on official business.

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. CATRON] to my colleague [Mr. GORE] and vote "yea."

Mr. SHERMAN (after having voted in the negative). I wish to inquire if the Senator from Kansas [Mr. THOMPSON] has voted?

The VICE PRESIDENT. He has not.

Mr. SHERMAN. I have a pair with that Senator and withdraw my vote.

Mr. TILLMAN. I am paired with the Senator from West Virginia [Mr. GOFF] and withhold my vote.

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Kansas [Mr. CURTIS] with the Senator from Georgia [Mr. HARDWICK];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from Pennsylvania [Mr. OLIVER] with the Senator from Oregon [Mr. CHAMBERLAIN]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN].

The yeas and nays resulted—yeas 34, nays 14, as follows:

YEAS—34.

Bankhead	Hitchcock	Overman	Sheppard
Brandegee	Hollis	Owen	Simmons
Chilton	Hughes	Phelan	Smith, Ga.
Clapp	Jones	Pittman	Stone
Clark, Wyo.	Lea, Tenn.	Poindexter	Underwood
Clarke, Ark.	Lodge	Ransdell	Vardaman
Culberson	Martine, N. J.	Reed	Williams
Fletcher	Myers	Saulsbury	
Gallinger	Nelson	Shafroth	

NAYS—14.

Ashurst	La Follette	Smoot	Wadsworth
Husting	Norris	Sterling	Works
Johnson, S. Dak.	Page	Sutherland	
Kenyon	Pomerene	Taggart	

NOT VOTING—48.

Beckham	du Pont	Lewis	Smith, Ariz.
Borah	Fall	Lippitt	Smith, Md.
Brady	Goff	McCumber	Smith, Mich.
Broussard	Gore	McLean	Smith, S. C.
Bryan	Gronna	Martin, Va.	Swanson
Burleigh	Harding	Newlands	Thomas
Catron	Hardwick	O'Gorman	Thompson
Chamberlain	James	Oliver	Tillman
Colt	Johnson, Me.	Penrose	Townsend
Cummins	Kern	Robinson	Walsh
Curtis	Lane	Sherman	Warren
Dillingham	Lee, Md.	Shields	Weeks

The VICE PRESIDENT. The Senator from Illinois [Mr. SHERMAN] and the Senator from South Carolina [Mr. TILLMAN] are present in the Chamber, and if voting in the negative would not change the result. So the Chair declares the amendment of the committee carried. The next amendment of the committee will be stated.

Mr. CLARKE of Arkansas. We passed over the amendment embraced in lines 4, 5, 6, and 7, on page 11, to await the presence of the Senator from Delaware [Mr. SAULSBURY]. I ask that that amendment may be taken up.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. The committee reports to insert, after line 3, on page 7, the following:

Maintenance and repair of the Government iron pier, Harbor of Lewes, Del., hereafter, under regulations prescribed by the Secretary of War, to be opened to public use, $10,000.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. SMOOT. Mr. President, this is one of the items in the bill that I think, if we take the record into consideration, there is no justification for. I wish to call the attention of the Senate to a few of the things that I find in the report as given by the engineers and found in the committee report. Speaking of previous projects, it says:

A wooden-pile landing pier, about 1,200 feet long and 20 feet wide, terminating in 8 feet of water at the pierhead, was constructed in 1837 (act of Mar. 3, 1837), for use of vessels in communicating with the shore, so that provisions and supplies could be obtained, and also to give access to lines of travel and afford mail accommodations. This structure was guarded by a series of six ice-breaker piers on the seaward side and a like series on the inner side, placed 100 to 150 feet apart at distances of 75 feet from the landing pier. This structure cost about $60,000, and endured about 12 years. Its failure was caused by a vessel which broke through it after the piles had been honeycombed by boring worms. For scope of previous projects, see Appendix, page 1783.

Present project: The river and harbor act of July 15, 1870, adopted a project and appropriated $225,000 for the construction of "a good and substantial pier of stone or iron in the Delaware Bay, at or near Lewes, in Sussex County, in the State of Delaware," for the benefit of commerce that was expected to develop at this locality, but which has failed to materialize.

Operations and results prior to the fiscal year: Work was commenced April 15, 1871, and completed in 1882, except as to superstructure, at a cost of $353,546.41, and resulted in the construction of 1,155 linear feet of pier having a width of 21 feet, and 546 linear feet having a width of 42 feet, or a total length of 1,701 feet, with a depth of water at the pierhead of about 21 feet at mean low water. At the date of completion of the substructure, the superstructure of the inner section, which had been completed in accordance with the original plan, required complete rebuilding on account of decay. Between 1882 and June 30, 1890, the work was directed toward maintenance and practically carried to completion the superstructure of the pier. The amount expended for maintenance of the pier since completion is $34,292.99, making a total of $387,839.40 expended on the work up to the close of the previous fiscal year. The Junction & Breakwater Railroad, since absorbed by the Pennsylvania Railroad Co., was authorized by the act of July 15, 1870, to extend their railway upon and over the said pier, but this right has never been, and doubtless never will be, exercised, as the pier is not sufficiently strong to support the weight of a modern locomotive. The sundry civil act of March 3, 1891, authorized the Marine Hospital Service to occupy a portion of the pier.

The engineers proceed to tell us what the effect of the improvement has been. They say:

Effect of improvement: The pier has never been used to any extent for the interchange of commerce. It has been used occasionally as a landing place for vessels reporting at Lewes. The United States Lighthouse Establishment uses the pier as a place for the storage of buoys, the United States Life-Saving Service has a boathouse at a point about midway of the pier, and the United States Quarantine Service uses it occasionally for landing passengers. The pier was also used to some extent by the Engineer Department during the construction of the harbor of refuge in Delaware Bay from 1897 to 1901, but has not been used by this department to any extent since that time.

Mr. President, there was no appropriation made for this improvement for the years 1913, 1914, and 1915. When lump-sum appropriations were made in the last two river and harbor bills, and the division of that money was left in the hands of the Army engineers, not one cent was appropriated for this pier; in other words, for the last five fiscal years there has been nothing appropriated for this pier. The last appropriation made for its improvement was on February 27, 1911, and there was a thousand dollars appropriated at that time to make some repairs upon the pier.

There are no commercial statistics given by the engineers, and I suppose there is no commerce affected by it. I judge so from the report made by the engineers themselves.

Therefore, Mr. President, it seems to me that this proposed appropriation would be an absolute waste of money. While the Government of the United States has already spent upon this pier $387,839.40, I believe the first loss is the best loss, and that we might just as well take that loss now and put no more money into this pier, which does not in any way benefit commerce, so far as I can see from any report which I have examined.

Mr. President, it is just such items as this, it seems to me, that ought to be stricken from the bill. This whole question was considered by the other House, and the House did not appropriate a dollar for this pier. It was considered by the committee in the House and they refused to insert an appropriation for it. When we consider the other items in this bill that were inserted by the House committee, items that ought never to be in a river and harbor appropriation bill, it seems to me that it is absolutely inexcusable to have this item included in the bill and the amount appropriated.

Mr. President, I expect the Senator from Delaware [Mr. SAULSBURY] to give his reasons why this item should be in the bill, but as soon as those reasons are given I hope that the Senate will vote to disagree to the amendment reported by the committee of the Senate.

Mr. SAULSBURY. Mr. President, the statement of the Senator from Utah [Mr. SMOOT] shows how true is the saying that a little knowledge is a dangerous thing. The distinguished Senator from Utah has taken a bit from the report of the committee, which shows quite a different state of facts, as he interprets that report, from the facts which anyone familiar with the ground and anyone familiar with the reports in the Engineer's Office of the War Department, from which I have to-day come, would consider the real condition.

I do not want this Congress to appropriate a single dollar for any purpose in the State which I in part represent unless such appropriation addresses itself to the good judgment of the Members of this body. The Senate, I think, will hear a considerable amount more about the harbor at Lewes, Del., before this session terminates than it has heretofore, and I shall hope to make Congress somewhat familiar with the conditions.

The harbor of Lewes, Del., is a fine harbor, 120 miles from New York, 114 miles from the Capes of the Chesapeake, 101 miles from the city of Philadelphia, a little over 100 miles from this city—possibly it may be as far as 150 miles. That harbor is absolutely without any defenses, though it is known by the War Department, from official reports in its possession, to be the most vulnerable portion of our Atlantic seaboard. The War College have recommended, in a letter to the Military Committee of this body, the fortification of that harbor, and for a long period of time this Government has made improvements in that harbor, chiefly as a harbor of refuge for vessels engaged in the Atlantic seaboard trade, this being the only harbor between New York and the Capes of the Chesapeake which can be so used. The Government has spent at that point, in making that harbor of refuge, over two and one-quarter million dollars, as is shown by the schedule of expenditures at page 11 of the schedule which the committee submits.

This iron pier, which is in this harbor of refuge and which was built for the purpose of being used in the interchange of commerce at that point between boats and the shore, was built at an original expense of about $360,000, as I remember it, and the cost of maintenance brings the whole amount up to $387,839.

From the report from which the Senator from Utah read it would seem that there is no commerce in the port of Lewes. As a matter of fact there are several piers there, which have been erected by private parties and by subscription, where boats do land. There had been a large trade at Lewes, to my personal knowledge, until the small railroad referred to in this report as the Junction & Breakwater Road was purchased by the Penn-

sylvania Railroad Co. and added to its system. Then, after having purchased the railroad from the Old Dominion Steamship Co., the boats to New York, which ran daily, were discontinued, and the trade and traffic of that whole southern peninsula was diverted over the rails to Philadelphia and to New York rather than making the short trip by water from this point.

There have been from time to time lines of steamships plying to this port from Philadelphia, as well as from New York, but the superstructure of this pier has been allowed to fall into decay, simply because the people there could not use it, or they believed that they could not use it. So far as the development of commerce over that pier is concerned, the statement made in this report which the Senator from Utah read would remind me of a man who built a house and then walled up all the doors and windows with masonry, and when the roof had rotted off said it was not worth while to renew the roof because the house had never been used. That is practically the condition into which that pier has fallen at Lewes. When it was completed in the eighties and the request was made to use it for railroad purposes, for the interchange of traffic, it was found that the superstructure was too light to sustain the weight of a locomotive, and it is to-day too light to sustain the weight of a locomotive; but that does not mean that that pier can not be used for the interchange of ordinary traffic through light shifting engines or something of that kind.

Here is $380,000 worth of Government property which could be used by people who want to use it. They never have had the right to use it, as they supposed, and I can not find that any regulations have ever been promulgated for the use of that pier. The pier has just been allowed to go to pieces, so far as the superstructure is concerned, and that superstructure has now rotted.

Mr. KENYON and Mr. GALLINGER addressed the Chair.

Mr. SAULSBURY. I yield to the Senator from Iowa, who first rose, I think.

Mr. KENYON. I will yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, the inquiry I wish to make is this: Is it contemplated by this appropriation to strengthen the pier so that a modern locomotive could pass over it?

Mr. SAULSBURY. I do not think the $10,000 will place the pier in that condition. I think the $10,000 will renew the superstructure so that it can be used for ordinary traffic purposes, but not for trains.

Mr. KENYON. Mr. President——

Mr. SAULSBURY. I yield to the Senator from Iowa.

Mr. KENYON. I should like to inquire of the Senator why the pier has never been used? I have not heard any explanation of that.

Mr. SAULSBURY. The reason the pier has never been used, as I am informed, is that the people there have never thought they had the right to use it.

Mr. KENYON. Why have they thought that they did not have the right to use it?

Mr. SAULSBURY. Because, for example, here is a statement which I see in the report of the committee to the effect that an amendment was placed on the sundry civil bill authorizing the Marine Hospital Service to use the pier. I do not know whether they would have been permitted to use it or not; but this morning I stopped at the War Department and in talking with Col. Taylor in regard to it he said that they could have used it if they had asked permission to use it. Now they are asking permission to use it. I do not know how many times they have asked it heretofore, or whether they have ever done so, but evidently the pier has not for years been in a condition to be used.

Mr. KENYON. We have spent $387,000 on the pier, and that did not put it in condition for use.

Mr. NELSON. Mr. President, will the Senator from Delaware allow me?

Mr. SAULSBURY. Certainly.

Mr. NELSON. I want to suggest to the Senator this fact—and I think it ought to be decisive of the case—that the Government has spent over $350,000 in the construction of this pier, and it is now a question of whether the pier should be preserved or go to decay and destruction. I read from the report of the Chief of Engineers as follows:

> It will require the expenditure of about $10,000 to place the pier in a reasonable state of repair.

We have invested a large sum of money in that pier, and it would be a shame if, for the lack of $10,000, we allowed it to go to decay and destruction. The previous expenditure would be an absolute waste. Waiving all other considerations, I think this is perfectly decisive of the case.

Mr. SAULSBURY. I thank the Senator. I was going to call attention to that recommendation.

Mr. SMOOT. Let me read the complete sentence from the report to which the Senator from Minnesota has just called the attention of the Senate. The engineers say:

> It will require the expenditure of about $10,000 to place the pier in a reasonable state of repair, but for the reason that the pier is used so little no work of maintenance is proposed at this time.

That is the complete recommendation of the Army engineers.

Mr. SAULSBURY. Mr. President, I will call the attention of the Senator in a moment to what is the very latest recommendation of the Army engineers with regard to this pier. I was trying to get along toward that. I have read the reports of the Army engineers in regard to this pier and also the correspondence which I have had with a former Chief of Engineers. They seemed to be without information or, at least, unable to arrive at any recommendation regarding this pier.

I propose, Mr. President, to ask the Senate to increase this amount from $10,000 to $78,000, in accordance with the recommendation which is now just being printed and which I have seen this morning at the War Department. The Chief of Engineers, Gen. Black, who is probably well known to all of us, makes that recommendation in connection with various uses that the Government can make of the pier; and I should like, if the Senate can place such an amendment to this bill, to have that done for the purpose of referring this amendment to the conference committee when it is appointed, and let them determine this whole matter as to whether they would follow the recommendation of the War Department, which will be available to every Member of the Senate in the course of a day or two. I have merely seen the proof sheets of this recommendation.

I want to say, Mr. President, that, in my judgment, it is very important that that particular portion of our seaboard shall be carefully looked after, if we are going to have any real preparedness and any real defense along sensible and coherent lines of our eastern seaboard. That particular point, as I have said, is declared in official reports to the War Department to be the most vulnerable point on the Atlantic seaboard, and the report now in hand and approved by the Chief of Engineers declares that this pier should be placed in a condition of good repair, at an expenditure of $78,000, for the uses of the War Department. I have just read that report, and I have made a memorandum of it, and I may have in the course of a half hour or so a copy of that report, which is only in the proof sheets, as I have said.

The other day, when I had a few words to say on this subject in reply to the Senator from Iowa, the official report made me say that I knew my way to the Willard Hotel. I do not know that that will be particularly charming to some of my prohibition friends in my State; but what I said was that I personally knew this location as well as I know my way from this Capitol up Pennsylvania Avenue to the Willard Hotel.

The idea that there is no commerce in that harbor is entirely wrong. There are two piers within a few hundred feet of this Government pier used by commercial houses and fish-fertilizer factories, and there are other piers which also exist there.

Mr. CLARKE of Arkansas. Mr. President, will the Senator from Delaware permit me to say that the representation made to the Committee on Commerce which was most influential in causing that committee to include this item in the bill was that a certain canal was about completed to divert commerce to the point at which this pier is located. It was originally built to accommodate certain railroad terminals in connection with shipping which assembled at that point, but the railroad company thought proper to move their terminals to another point, which, in a way, caused this pier to fall into disuse. If it were not for the showing made that commerce would seek that point by reason of the completion of the canal, with the name of which the Senator from Delaware is perfectly familiar, the committee would not have given the item the attention they did. They believe it meritorious and think the amendment ought to be made.

Mr. SAULSBURY. Precisely; and at that time, Mr. President, I may say that I did not know that this recommendation would be coming in from the War Department. I knew that it ought to come in; I knew that this vast amount of Government property at that point would be useless for commerce; I knew that the pier would be of very great advantage, but I could not find any justification myself for asking for an appropriation of that kind unless it had been considered. Now, I hope, Mr. President——

Mr. SMOOT. Mr. President, will the Senator allow me to interrupt him?

Mr. SAULSBURY. Yes.

Mr. SMOOT. Can the Senator state what has happened between the time of the report of the Army engineers in 1915 and the report to which the Senator now refers as having been made by the Army engineers upon the same project? Has anything happened to change the opinion of the engineers?

Mr. SAULSBURY. Mr. President, I can not answer that fully. I can guess as to some matters which have happened to change the condition. It was a surprise to me to find this report ready to be presented, and a copy of the rough proof has been given to the House committee, and I have been hoping that that would be delivered at my desk so that I could inform the Senate more fully. But this is one thing that has happened:

A bill has been introduced and has been referred to the Military Affairs Committee of this body, authorizing an appropriation for the purpose of defending this harbor, and if this harbor is defended this pier will be of very great use to the War Department. The War Department has recommended that this harbor be defended. The matter is now in the hands of the Military Affairs Committee of this body, which increased the amount asked for for the defense of the harbor, a bill concerning which I introduced, and asked for $480,000. The War Department recommend that $700,000 be appropriated, and they say they have the guns which they could put at this point, and they hope the harbor will be defended.

That is one of the things that has happened. It is merely a fuller understanding that has come to the War Department regarding this particular locality, more than the trifling questions of who has used this particular pier and how much it has been used. I do not think I would be justified in asking the Senate to do this as a positive and conclusive matter at this stage, but I suggest to the chairman of the Commerce Committee and to the Senate that I would very much like the Senate to change this amendment to read $78,000 instead of $10,000, and let the conferees have the benefit of all the information that can come to them from the War Department in regard to this matter, stating that I am entirely satisfied with any result that they may reach.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER (Mr. PHELAN in the chair). Does the Senator from Delaware yield to the Senator from Colorado?

Mr. SAULSBURY. Gladly.

Mr. THOMAS. I should like to inquire of the Senator, who has referrred to that project as one which the War Department is considering in connection with the subject of preparedness, what the high-water and low-water depth of the harbor is?

Mr. SAULSBURY. The harbor would hold a fleet of warships. I suppose the depth of water in the harbor runs possibly as high as 100 feet. I do not undertake to state accurately.

Mr. THOMAS. Is that true with regard to the end of the pier?

Mr. SAULSBURY. I think the reports show that the water at the pier has a depth of 21 feet.

Mr. President, under such conditions as these, I sincerely hope the Senate will agree to increase the amount of the amendment. My original amendment was for $75,000, which I put in my proposal because of letters which I had from the former Chief of Engineers, Gen. Kingman. That, on the basis of the report made to the Board of Engineers, was reduced to $10,000, which, in view of the report, was reasonable. But, from the information that I give the Senate to-day, it seems to me that the request I make is reasonable, to increase the amount to $78,000.

As I say, I merely wish the matter to be properly considered by the committees of the two Houses when they meet in conference on this bill; and if there is not a dollar appropriated for this project after they have duly considered it, I shall not be dissatisfied. I do not want a single dollar appropriated for anything which is going to be wasted.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from South Dakota?

Mr. SAULSBURY. I yield.

Mr. STERLING. Do I understand the Senator from Delaware to say that the report in course of preparation by the War Department has reference to this particular pier?

Mr. SAULSBURY. Yes.

Mr. STERLING. I confess that in view of the report of the committee, which I understand is based upon the report of the Board of Army Engineers, I was not very favorably impressed with this appropriation, because the report is to the effect that "it will require the expenditure of about $10,000 to place the pier in a reasonable state of repair, but for the reason that the pier is used so little no work of maintenance is proposed at this time." Yet, in view of what the Senator from Delaware says in regard to the recommendation to be made by the War Department, I for one should like to consider that recommendation. I thought it might be proper to suggest to the chairman of the committee that this proposed amendment be passed over for the time, until that recommendation can be laid before the Senate, as I understand the Senator from Delaware to say that it will be here before long.

Mr. CLARKE of Arkansas. Mr. President, it is not at all necessary that the amount carried by the item shall be increased to $78,000 in order to give the conference committee jurisdiction of it. The adoption of the amendment in the present form would carry the matter before the conference committee, and that conference committee can either increase or diminish the amount or leave it out, just accordingly as the showing then made will justify its action. It is not at all necessary that it shall be increased at this time in order that the conference committee may have jurisdiction of the matter.

Mr. GALLINGER. Mr. President, inasmuch as there is no appropriation for this purpose in the bill as it comes to us, and we have placed $10,000 in the bill, does the Senator think that the conference committee could increase that amount?

Mr. CLARKE of Arkansas. If the House should insist upon the Senate amendment with an increase of it, I think we would have that right; yes. We probably would not have the right to originate an increase of the amount.

Mr. GALLINGER. I have had a contrary opinion, but perhaps I am wrong.

Mr. CLARKE of Arkansas. The Senator has an idea that the House could not insist upon the increase?

Mr. GALLINGER. My notion has been that the only thing the House could do would be to consider the difference between the amount of the House and the amount of the Senate.

Mr. CLARKE of Arkansas. It is not a House item. It is a new item added in the Senate. It has never been before the House. It is not in the House bill.

Mr. GALLINGER. I have not thought it could be increased, but I may be wrong.

Mr. SAULSBURY. That was my idea.

Mr. GALLINGER. I was about to suggest to the Senator from Delaware precisely what the Senator from South Dakota has suggested—that I apprehend, from appearances, that we are not going to pass this bill to-day, and why not let this item be passed over, with a view to receiving the report to which the Senator calls attention?

Mr. SAULSBURY. That would be most agreeable to me.

Mr. CLARKE of Arkansas. Oh, yes; that is all right.

Mr. SAULSBURY. I shall be very glad to have that done, and I expect that report to be on my desk at any moment.

Mr. CLARKE of Arkansas. Very well.

The PRESIDING OFFICER. Without objection, the item will be passed over.

The next amendment was, on page 25, line 8, after the word "maintenance," to strike out "$30,500" and insert "and for preventing cut-off at De Valls Bluff, in accordance with House Document No. 1259, Sixty-second Congress, third session, $30,700. In addition thereto the sum of $8,000, appropriated by the river and harbor act approved March 4, 1914, is made available unconditionally," so as to make the clause read:

White River, Ark.: For maintenance, and for preventing cut-off at De Valls Bluff, in accordance with House Document No. 1259, Sixty-second Congress, third session, $30,700. In addition thereto the sum of $8,000, appropriated by the river and harbor act approved March 4, 1914, is made available unconditionally.

The amendment was agreed to.

The next amendment was, on page 25, line 15, to strike out "Cache River, Ark.: For maintenance, $3,000," and insert:

Cache River, in Arkansas: That the Cache River in the State of Arkansas be, and the same is hereby, declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States. This provision shall become void after one year from the date of the approval of this act unless within said period the Legislature of Arkansas shall pass an act expressly approving this declaration. The right of the Congress to alter, amend, or repeal this paragraph is hereby expressly reserved.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. NORRIS. Mr. President, this amendment seems to be a departure. I should like to have the chairman of the committee, or some other member of the committee, explain why line 15 is stricken out and the amendment proposed inserted?

Mr. CLARKE of Arkansas. Mr. President, the principal reason for it is that the Cache River is not much of a river. On page 286 of the report, it says:

The river is not navigable at low water, the controlling channel depths over the shoals being from 6 to 8 inches. The total expenditure for maintenance under the present project to June 30, 1915, is $27,419.58.

This is a river wholly within the State of Arkansas, if it can be called a river at all. It is a very shallow and tortuous stream, probably 150 miles in length. It runs from northeast to southwest. The levees on the White River, into which it empties, coming in the direction I indicate, have been put up to an extent that keeps out of the river a certain amount of water that formerly went into it. It never was a navigable stream in the sense that it was regularly navigated by any craft. For a time there was considerable timber found upon its banks. The land has now become valuable for farming. As long as it is nominally or technically navigable, the bridges constructed across it must be swing bridges, or such bridges as can be opened to permit boats to pass through. Those bridges cost a vast amount of money. They are wholly useless there. The citizenship in that locality are unanimously in favor of doing away with the technical navigability of the river, when it is not navigable, as a matter of fact.

This amendment, however, does not assume to dispose of that matter finally. It gives the consent of the National Government to the declaration of nonnavigability, provided the Arkansas Legislature at its next session ratifies that consent. It did that for the purpose of giving the persons interested in the matter generally an opportunity to apply to a local tribunal for the purpose of having their protests, if there be any, heard and disposed of. We went further than that, and included a provision that "the right of the Congress to alter, amend, or repeal this paragraph is hereby expressly reserved," so that if at any time it might become important that the legal navigability of the river should be restored, the right to do so should be reserved.

Mr. NORRIS. Mr. President, I am not, of course, opposed to the amendment. I do not understand why the limitation should be put on; but, at least, the amendment, it seems to me, ought to appeal to those who are opposing—as, to a limited extent, I have—some of the provisions of this and other river and harbor bills. But I wanted to call attention to it, because it seems to me that it illustrates a practice that has been pursued by Congress in the past, and is still pursued in this bill, of using Federal funds for the purpose of improving rivers that, as a matter of fact, are not navigable and for practical purposes can not be made navigable; and that, in the end, does not bring any good returns to the localities in which the streams are located.

Here is a stream for which Congress has in the past appropriated a great deal of money, comparatively speaking. I notice from the report that back as far as 1894 provision was made in the river and harbor bill for the improvement of this river. I judge from what the chairman of the committee says, together with what I learn from the report, that the country through which the river ran was not then settled. It was perhaps a timbered country, and they were getting saw logs out of the country and settling it up. Now, as the chairman says, the country has been settled up; and since Congress has been improving the river for navigation, it follows that when the settlers in the community want to build a bridge across this river they have to come to Congress to get consent. So they prefer, I presume, to have Congress declare that this river is nonnavigable—something that, I presume, is apparent to anybody who will look at it—and thus enable them to build bridges, when the country settles up, for the purpose of travel and of commerce.

I believe there are a good many other streams where Congress has been doing the same kind of work, where money is appropriated and streams developed when there is nothing there but forest, and we spend a great deal of the Federal funds for the purpose of improving streams on which the commerce is continually declining.

Here is a stream that from the report of the committee itself we find is not in fact navigable, although we have been appropriating money to improve it ever since 1894, the controlling depths over the shoals at low water being from 6 to 8 inches. So that since 1894 we have been digging and snagging and spending money in this stream, and after all these years we have from 6 to 8 inches of water in it.

Mr. KENYON. Mr. President——

Mr. NORRIS. I yield to the Senator from Iowa.

Mr. KENYON. I will inquire of the Senator if he knows the depth of the stream before we commenced doing all this work—whether the work has deepened it or not?

Mr. NORRIS. I am not informed as to that, but it would be interesting to know whether there was at low water more than 6 or 8 inches of water in 1894.

The total expenditure for maintenance under the present project to June 30, 1915, is $27,419.58. To-day we had the case of a pier that was not much used, and the argument was made that we had spent such a vast amount of money there that now we certainly could not quit. Here would be another instance, if the committee were inclined to take that view of it; and I presume they would if it were not for the fact that the people living along the stream, the farmers, who want to build some bridges across this little creek, are opposed to having it developed any further on a scheme of navigation. So they say: "If we want to put a couple of logs across this stream of water and put down some planks, so that we can drive across it, we do not want to go to Congress to get that permission, as we will have to do as long as it is in theory a navigable stream of water."

I presume, although there is nothing here to show it, that the bed of the creek is quicksand, or something of that kind, because if it were not something like that they would not need a bridge. They could drive across it; and, in fact, if the bottom were solid, it would be a good place, unless the water goes down lower than the report shows, to wet up the horses' hoofs and to swell the fellies on the wagon wheels so that the tires would not come off. So I take it, since they want to bridge this stream and only have 6 inches of water to begin with, that it is a dangerous stream to ford. With all this improvement that Congress has made during all these years, it seems to me that the engineers, if they had had their eyes open to their duty and had done it properly, might have built fords at various places with this money and put in stone and gravel, so that the farmers of the community could have forded the stream, rather than to go to the expense, since lumber is so high, of building bridges.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. VARDAMAN. I ask the Senator from Nebraska is he opposed to this amendment?

Mr. NORRIS. I said I was not. I am trying to offer words of praise to the committee for the recommendation they have made to abandon this stream.

Mr. VARDAMAN. It seems that I was not present when the Senator expressed his approval of the action of the committee. Judging from what the Senator has said since I entered the Chamber, it is a question of the committee, in the Senator's estimation, of being "damned if you do and damned if you don't." The committee is trying to stop an outlay of money, which the Senator condemns. It is receiving at his hands no very kindly censure for what, it seems, he approves.

Mr. NORRIS. The Senator does not exercise his usual shrewd perception, or he would discover from the very able argument that I am making that I have been condemning what has been going on in the past and finding fault, perhaps, because the same favorable recommendation in regard to this stream is not made in reference to some other streams that are in the bill.

Mr. VARDAMAN. The Senator does not hope to accomplish any special good by dwelling upon what has happened and the mistakes Congress has made in the past, for which this Congress is in no way responsible?

Mr. NORRIS. Yes; the Senator hopes to be able to do that, and I presume after I have finished my argument all these other bad creeks and mud holes in this bill will immediately by unanimous consent be stricken out of the bill, because I will illustrate what happened in these streams when we, for 10, 15, or 20 years, continued to appropriate money, and they are condemned in the end by the local community, who, I presume, originally were anxious to have Federal money expended in their immediate vicinity.

Mr. VARDAMAN. I do not think it sounds very well for the Senator to impute to Representatives in Congress the motives which he has imputed to the men who constructed this bill. I trust the Senator does not maintain that he has a corner on all the political morality and all the wisdom that is possessed by this body. The Senators and Representatives who have constructed this bill are charged with the same duties to the public, inspired, I apprehend, I am willing to concede to them, by the same patriotic motives that inspire the Senator from Nebraska in the performance of his duty, and I do not think it is in good form that the Senator should impute to his colleagues motives of that character.

Mr. NORRIS. Mr. President, I have not been aware that I have imputed any dishonorable motives to the committee or to my colleagues. If it be true that in this bill or any other a committee, after it has made a favorable report——

Mr. CLARKE of Arkansas. Mr. President, will the Senator yield?

Mr. NORRIS. In just a moment I will yield to the Senator. If it be true that in that case, when anyone opposes what has been done in the past and uses a very apt illustration before the Senate to show that the same procedure ought to be extended to other cases, he is guilty of discourtesy, then it must follow that when a bill is reported here by a committee it be-

comes the duty of every Member of the Senate to stand by it or else he might be liable to the charge that he is impugning somebody's motives. I yield to the Senator from Arkansas.

Mr. CLARKE of Arkansas. I fear that I shall not be able to interest the Senator as I thought I might a moment ago. I wanted to exonerate him from any charge of making an unfair reflection upon the committee. I am sure he did not do it. I think he is just exercising his privilege, as he has a right to do, just as any orator from the Platte might do. That river is said to be 900 miles long, 200 feet wide, and 6 inches deep. Generally orators coming from that section assimilate their remarks somewhat to the aqueous example which confronts them.

Mr. VARDAMAN. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. VARDAMAN. If the Senator's remarks go to prove that these appropriations were made for improvements in the rivers in order that the money might be expended in the communities in which the rivers happened to be located, it is, I submit, an implied charge of infidelity to duty, and I can scarcely conceive that a man who has any right to occupy a place on this floor would vote for any such measure or prostitute the functions of his place for such a purpose.

Mr. NORRIS. I agree with the Senator. I can not conceive that anyone would do that. I have not said that anyone would.

Mr. President, I presume there is not a stream or a harbor in this bill where provision is made for the expenditure of public money in its improvement but that has almost the unanimous support of the local community, and they are anxious to have streams in their community improved. They are anxious to have public money expended in their vicinity. I am not saying that that is a dishonorable feeling to have; I am not going to be kept from voting for a provision or for a bill because any Senator, even though I respect him as highly as I do the Senator from Mississippi, tries to say that because I am opposed to a practice that has gone on in the past, and I am illustrating it by actual facts that the committee admits to be true. I am not going to be bound, even though I incur the censure of all the friends I have here or elsewhere. I take it I am within my province when I direct the attention of the Senate to the fact that here is a stream that we have been appropriating money for since 1894 that now is abandoned by the committee. I commend them for abandoning it, but I call attention to the fact that the same thing that has been done during all these years with regard to this stream is being done now with regard to other streams that are contained in this bill.

Mr. VARDAMAN. Mr. President——

Mr. NORRIS. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I am sure I would not in any way proscribe or circumscribe the Senator's conduct in this Chamber. I am sure the Senator is going to vote for the things that his judgment and his conscience approve, and I would not have the great admiration for him that I now have if I did not believe he was going to oppose the things that he believes to be wrong and favor the things he believes to be right. It is proper for him to do that and I honor him for it; but he can do that, he can exercise untrammeled his judgment, without imputing improper motives to others.

So far as the communities or the localities taking great interest in the development of their waterways, that is perfectly natural. I do not know what the people of California or Oregon need in their waterways. I have not had the pleasure of visiting that favored part of our country and, of course, neither I nor my constituents have an intelligent personal interest in it. It is that spirit of altruistic selfishness which moves all patriotic men in the performance of a duty like that, and it is perfectly proper. If they did not present their enterprises to the Congress and give the Congress information regarding them of course nobody else would. I commend them for doing that. It is prudent; it is proper that they should. But because it is to their interest, because they may reap some pecuniary advantage from it, I am not going to say that the motives behind it or that move them are not proper or that they are for the purpose of plundering the Treasury.

Mr. NORRIS. Neither am I, Mr. President. I am not only not going to do that but I have not done it as a fact in the past. I believe in the brief time I have been a Member of this body I have been as free from impugning motives as anyone; and never before to my knowledge has anybody intimated that I was impugning a motive to somebody else that was not proper.

But because those people favor the development of streams that in my judgment ought not to be developed, because they favor the improvement of streams that I believe are nothing more than ordinary creeks, some of them hardly entitled to that designation, I know no reason why I should favor them because some one else who lives in the community does favor them. If that is the duty of a Member of Congress, then we might just as well abandon Congress and let the local communities send in a statement as to how much they want for every stream and every harbor, and put it in the bill. I am not finding fault with the man who defends it; I am not questioning his honesty, and he is entitled to the same privilege to defend them and to show that they are good as I am to show that they are bad, but if I believe they are bad I am going to say so.

Now, Mr. President, on this improvement the report says, referring to the expenditure of $27,419.58 during the past year on this stream:

> This improvement has no effect on freight rates. The benefit is confined to that of giving outlet for its timber to an isolated, limited territory. * * * Practically all commerce is confined to forest products, less than 1 per cent originating agriculturally or otherwise, and 82 per cent consisting of rafted saw logs.

Mr. President, if this stream or any other stream must be developed by Federal funds under the clause of the Constitution that provides for navigation, in order to let local parties float saw logs down the stream, then this appropriation is justifiable; otherwise it is not. I take it the committee feel that they were not justifiable in expending public funds for that purpose, and they have abandoned it in this particular case.

Mr. LANE. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. LANE. I think it is just as important to the community, if their main product is saw logs, to get them to market as any other community has to get its products to market.

Mr. NORRIS. What product?

Mr. LANE. Saw logs. It is just as important to the community that they should get that main product and that resource, if it is lumber and saw logs, to market as it is to another community to get potatoes, cotton, wheat, or anything else to market.

Mr. NORRIS. Yes.

Mr. LANE. Of course it is.

Mr. NORRIS. But does the Senator believe it is necessary to develop our rivers and streams in order to float saw logs down the streams?

Mr. LANE. It is just as important as it would be to transport wheat, corn, cattle, potatoes, or anything else, if that is the main product of that section of the country.

Mr. NORRIS. If the Senator thinks that way—that they are justifiable, as I said awhile ago, in developing streams, digging out the channel in order that people living along the banks may float saw logs down those streams——

Mr. LANE. Yes; if that is the only way you can get the saw logs to market and the country is heavily timbered, as it is out on the Pacific coast. That is their principal asset, and it is our duty to help them just as much as it is your duty to open a river for any other purpose of navigation.

Mr. NORRIS. Now, the Senator feeling that way, he is perfectly justified, if he believes that we ought to develop these streams for the purpose, in voting for an appropriation of this kind. I do not believe it myself.

Mr. LANE. I do not see wherein the distinction is made or why you should make a classification which eliminates important products from getting an outlet. It should apply to anything that is useful. People use lumber. They have to build houses. They can not eat it, to be sure; neither can they eat cotton and a hundred other things that go to market. You can not justly make such a distinction.

Mr. KENYON. Mr. President——

Mr. NORRIS. Just a moment, and then I will yield to the Senator from Iowa. In my judgment, we have no right to expend—perhaps I ought to modify that; we have a right, but we are not justified in expending public funds for the purpose of digging channels in order that people may float saw logs down the channel; neither are we justified in digging channels to float corn or oats or people down. It is a matter of commerce that we ought to develop. There should be a stream developed where commerce will go up the stream and down the stream, something that will carry produce. In other words, we are confining it in this case to one product. If we had a stream that we could develop by improvement so that boats could go up and down and carry the commerce of the country up and down, saw logs could float down. There is no objection to saw logs going down, but to develop a stream that has no other commerce than saw logs going down is a waste of public funds. In the first place, it does not help to take the saw logs down. In 99 times out of 100 they will go down just as well without it and lots of times better than where they build a dam across that would interfere with the saw logs going down. I yield to the Senator from Iowa.

Mr. KENYON. I was going to ask a question. The floating of logs on streams does not require, as I understand it, the same amount of water and the same amount of work to formulate and develop the channel that are required for boats to carry general merchandise and freight. The logs float along without much water, do they not?

Mr. LANE. Certainly, but I understood the appropriation was made to improve the stream to the extent that it would permit the transportation of logs. I will say that in certain portions of the country 85 per cent of the produce is lumber or logs, and that it is just as important to get those to market that the people may have cheap lumber at the other end of the line as it is to get any other article of commerce such as steel, iron, lime, and a hundred other articles. It is just as important, and more important, to that community. Also it requires less money in expenditure, as the Senator from Iowa has suggested. It does not require the development of the channel and it is not necessary to have a deep channel so that a steamboat can go back up, for the products of that country do not go up the stream but mostly go down it. In going into the interior you reach the mountainous country, where a steamboat can not navigate the stream. It takes years and years, after the logs have been cut off and the stumps have been cleared out, before you can cultivate the land to any extent. You can not develop the country at all unless you get their product out, which is logs. If it is necessary to straighten the channel or dredge it or to pull out obstructions, the Government ought to do that work as cheerfully for that section as it will do the same work for another section of the country on other streams for other products. The Government can not better expend its money and do its duty by the people any more equitably than to do that with regard to all people, provided it does it economically and within the limit to which the commerce is entitled. If it expends enough money to float products, such as logs, out of a section of the country without spending more than is necessary, that item will, in my opinion, be absolutely all right. It is just as necessary to the people on the Pacific coast as it is to the people on the lower Mississippi or the Ohio or upon any other stream for other commerce.

Mr. NORRIS. If the Senator feels that way about it, he will certainly oppose the amendment of the committee, because the committee propose to stop in this particular case. The farmers want to build some bridges across the stream and they are opposed to this development because they do not want to come to Congress to get permission to build a bridge, so that we will have to say to the farmers of the locality, "There is a fellow farther upstream who has a few saw logs he wants to float down here, and you can not build a bridge, or when you do build a bridge you will have to get the consent of the War Department, and you will have to build the bridge high enough so that the saw logs can float under the bridge." I presume a good-sized saw log could not get through if bridges should be constructed on streams like this.

Mr. LANE. Mr. President, it is quite evident that the Senator from Nebraska does not know much about saw logs and has not had much experience with bridges. It would be a foolish undertaking for anyone to build a bridge so low that a saw log could not float under it. The largest saw log that floats is 8 or 10 feet through in our section of the country; it will float half under water, and therefore the bridge would only have to be 4 feet high. If you build a bridge with 6 or 8 feet clear way the logs can get through. So that argument will not stand.

Mr. NORRIS. But, Mr. President, the Senator could not float one of his saw logs down this stream with 6 inches of water. A saw log 6 feet through would not be able to get any distance. It would tear the bridges out from one end to the other of the stream.

Mr. LANE. No; it would not float in that depth of water.

Mr. NORRIS. In fact, when he went to the Secretary of War to get permission to place across the stream a couple of logs on which to lay some planks the Secretary of War would refer him to the Corps of Engineers, and they would refer the matter to the district engineer, and the district engineer would refer it to some one else, who would go out and make a survey, and who might find, perhaps, that at that place it was not desirable to have a bridge. So the farmers of the community who wanted to get to town to sell their wheat or corn or to ship it out of the country would not be able to get the bridge, and they could not cross the stream because the bed of the stream might be too soft or muddy.

Mr. LANE. But I understand the Board of Engineers have nothing to do with bridges on nonnavigable streams.

Mr. NORRIS. But we are providing only for navigable streams in this bill. If the Senator will read the amendment, it shows on its face that at the present time this is a navigable stream; and any citizen of the United States who would want to build a bridge across it would have to come to Washington and get the permission of the Secretary of War to do so. Not only that, but he would, perhaps, have to secure the passage of an act of Congress before he could build a bridge across the stream. This is a navigable stream; but we are going to make it unnavigable by the adoption of this amendment. That seems like a queer proposition, but it is true. The stream is navigable now; but as soon as this bill becomes a law it will then be nonnavigable, because we will have said so in black and white. That ought to satisfy anybody. That is what this amendment is and nothing else. It is a declaration that this stream is not navigable, and everybody will have to take notice of that fact after we have passed the law.

The only objection I have to the amendment is that it provides that the Legislature of Arkansas must take a hand in it. This is the proviso which is added:

> This provision shall become void after one year from the date of the approval of this act unless within said period the Legislature of Arkansas shall pass an act expressly approving this declaration.

So here is a case where we are going to pass a law of Congress and get the approval of the State legislature. Otherwise it will become void one year afterwards. The stream is now navigable, but we will pass a bill, and as soon as it becomes a law the stream becomes nonnavigable; and in one year from that time, unless the Legislature of Arkansas declares by solemn statute that it is nonnavigable, it will again become navigable. This river is now a navigable stream; we pass a law and it becomes nonnavigable; and all commerce ceases; everything is on a dead quiet; the Legislature of Arkansas meets in solemn conclave and says that this stream is navigable, and then it becomes again navigable. Now you have it and now you do not have it.

So the farmer who wants to get across this creek to town with a load of corn or oats or wheat will have to look at the calendar before he starts, for he would not dare even to put a temporary structure across that stream; he would not dare impede that river in any way by dropping a load of rocks into it, in order to make the foundation solid, so that he might drive across, unless he got the permission of the authorities here in Washington to do so.

Mr. President, it seems to me that this only illustrates what I pointed out the other day, that Congress is undertaking, in bills of this kind, to do something that it can not satisfactorily do. It is not the right way for us to legislate. We have been doing it a great many years, and, of course, as has already been pointed out here, a Senator is liable to have his motives impugned if he dares suggest that it is not the right way. After 10 years of development of this stream we have but 6 inches of water in it; and it seems to me that as to other streams provided for in this bill, just as bad as this one, in my humble judgment, where we are appropriating money for maintenance and the continuance of the work, we ought to take the same action that we take here.

Mr. NEWLANDS. Mr. President, I understand the Senator from Nebraska [Mr. NORRIS] is critical of this amendment which is offered by the committee regarding the Cache River, in Arkansas. This amendment involves an abandonment of the proposed appropriation contained in the House bill of $3,000 for the maintenance of the Cache River. I understand that many of the critics of this bill have been opposing it on the ground that numerous unknown rivers and creeks are receiving appropriations ostensibly in the interest of navigation, and the Senator from Nebraska himself indulges in a somewhat dual argument regarding this item.

The Senator from Nebraska condemns this amendment because it condemns the Cache River to nonnavigability and in the same breath he insists that numerous other items in this bill ought to be treated in the same way; that instead of having appropriations made for their improvement, many other rivers should be abandoned by the Government.

Mr. President, the difficulty with the whole bill is the system under which we are operating. Congress will never be satisfied with it; the country is not satisfied with it; these long and protracted debates indicate that the Senate is not satisfied with it; the failure of two river and harbor appropriation bills indicates that, and yet every public man will concede that it is essential to improve the waterways of the country; that it is essential to develop and control them for every useful purpose, not only for navigation but for the reclamation of arid lands, the development of water power, the reclamation of swamp

lands, and for the other beneficial uses and controls that come from river regulation. It must be true that we are dissatisfied with the system when so much criticism is given to bills of this kind.

I only intend to say a few words, simply to point the argument of the Senator from Nebraska, and those words shall be confined simply to the system itself.

The difficulty is that we are treating each one of these little rivers and inlets and waterways as a separate unit, and we are not considering them all with a view to having a connected and continuous system of waterways which will be perfected instrumentalities for navigation.

I have no doubt that many of the little rivers which are included in this bill would be valuable parts in a continuous and connected system, whilst they are subject to criticism, and to severe criticism, when each one is considered as a separate unit; and yet, under our system with reference to these projects, as the initiative lies in the individual Congressmen and not in some organization charged with the direction of a great public policy, we must have a bill composed of individual projects, appealing to the interests of the individual Representative or Senator and considered without relation to a perfected system of waterway transportation. We have been improving these rivers now for generations and have not yet perfected a single river in the United States—not one. That is a sorry showing for the present system.

Some of us have been urging a policy for years through different bills, among them a bill which I have been urging for many years and which bears the name of the Senator from Louisiana [Mr. BROUSSARD] and myself, calling for a comprehensive policy regarding our waterways, providing for coordination of the scientific services which are engaged in detached studies throughout the country of various parts of these waterways, calling for the cooperation of the States with the Nation, calling for an ample fund which will secure continuous work and which will give us a system of 25,000 miles of waterways and afford as perfect a system of transportation as our 250,000 miles of railways, a system which will carry more tonnage and commerce than the miles of railway in the country, for the waterways will carry the bulky and the cheap objects of transportation.

Mr. President, I do not intend to take up the time of the Senate. I have recently addressed a circular letter to each Senator calling attention to the fact that I have a motion pending here to refer the flood-control bill, known as the Humphreys bill, and the so-called Newlands bill, both of which lie on the table, to the Interstate Commerce Committee of the Senate, and I ask leave to insert that letter in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Mr. SMITH of Michigan. Mr. President, let me ask the Senator from Nevada, does he think that under the rules of the Senate the Interstate Commerce Committee have jurisdiction of the subject matter, or does he ask this as a favor and courtesy from his colleagues?

Mr. NEWLANDS. I think the Interstate Commerce Committee has jurisdiction of that subject, but it has never yet asserted it, and I will give my reasons. The older committee is the Commerce Committee. The jurisdiction of that committee covered both interstate and foreign commerce.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada to have inserted in the RECORD the circular letter referred to by him?

Mr. SMITH of Michigan. No; I shall not object, because I think it is a good letter and does the Senator from Nevada credit; but I was really a little in doubt after I had read it whether the Senator was asking a courtesy from his colleagues or a right for his committee. My own impression is that the Committee on Commerce have jurisdiction over that subject, and that it ought not to be deprived of that jurisdiction without good reason.

The PRESIDING OFFICER. In the absence of objection, the letter referred to by the Senator from Nevada will be printed in the RECORD.

The letter is as follows:

UNITED STATES SENATE,
Washington, D. C., May 19, 1916.

MY DEAR SENATOR: I have a motion pending to refer the so-called flood-control bill and the Newlands river-regulation bill to the Interstate Commerce Committee, instead of the Commerce Committee, and I am inclosing you my remarks upon the question of committee jurisdiction as well as copies of these bill. This question will be disposed of shortly, either during or after consideration of the river and harbor bill.

Is not the primary and basic reason for river regulation the need of the country—not for mere river channels without commerce, but for a great system of inland waterways, like that of Germany, crowded with actual water-borne commerce, thereby relieving congested railway traffic, reducing transportation costs, and rendering unnecessary huge additional burdens on the people for new railroads and enormously expensive railroad terminals?

Have not our efforts to establish such a system been a failure? Have we not thus far made progress backwards, in our attempt to upbuild inland-waterway commerce?

The answer to all these questions must be "yes."

And is not the reason for the steady deterioration in our waterway commerce the fact that we have assumed, up to this time, that all that was needed to develop water-borne commerce was "river improvement" as heretofore made, through the river and harbor bill, under the jurisdiction of the Senate Commerce Committee and the House Rivers and Harbors Committee?

That is the reason. That is why we have failed. A revival of waterways will be brought about only by coordinating rail and water routes and rates of transportation, and providing adequate transfer facilities and waterway terminals. That can not be done through any other committee than the Interstate Commerce Committee.

I have given this subject much thought and am profoundly convinced that until the jurisdiction over inland waterways, including river regulation, is vested in the Interstate Commerce Committee, our efforts to establish waterway commerce will continue fruitless and we will continue to waste millions upon the improvement of rivers that carry no commerce justifying the expenditure.

Flood control is a mere incident of river regulation or waterway development. The constitutional authority for flood control lies primarily and principally in the power to aid interstate commerce by promoting waterway development. Any other source of power is incidental. If I am right in these views, and it seems to me they are incontrovertible, is it not clear that the river-regulation bill, introduced by me in the Senate, and the flood-control bill, recently passed by the House, should be referred to the Interstate Commerce Committee?

I hope you will concur with me in this view. No question has arisen in many years of more vital importance to the country than the benefits that will result from this new and broader treatment of our problem of waterway development, contemplating, as it does, not only the carrying of interstate commerce but the creation of interstate commerce by such beneficial use of the water as will prevent the formation of floods in the lower reaches of the rivers.

If we now inaugurate the policy I am urging, in a very few years the Mississippi, the Missouri, the Ohio, and all other rivers reaching far inland from the bays and harbors on the Atlantic, Pacific, and Gulf coasts will be crowded with commerce, and the saving to our people in the cost of transportation will be so vast as to be almost beyond calculation.

Very truly, yours, FRANCIS G. NEWLANDS.

Mr. NEWLANDS. Mr. President, I have great respect for the Committee on Commerce, and my suggestion involves no lack of confidence whatever in that committee; but I think that every subject ought to go to a committee having jurisdiction. I was about to show that originally the Commerce Committee was the only committee having power to deal with these subjects, and that its jurisdiction included both interstate and foreign commerce. Later on, the attention of the country being called to the necessity of regulating interstate commerce, a committee was organized called the Interstate Commerce Committee, and the assumption of that committee of jurisdiction over interstate commerce has been a very gradual one, but a very progressive one.

In the first place, that committee took jurisdiction only over the railroads. Then it extended its jurisdiction to express companies, to telegraph companies, to pipe-line companies, and other instrumentalities of interstate commerce; thus, by gradual process, not enlarging its jurisdiction, but assuming jurisdiction over a subject which the very character of the committee and its organization entitled it to.

Only recently has the question of waterway transportation come up as a vital question affecting the prosperity of the country in the future. The question of coordinating the waterways with the railways has only come up within late years. The attention of the country has been called to the absolute necessity of developing its rivers, not only for navigation, but for all incidental purposes, and attention has also been called to the fact that the elaboration and development of the incidental uses of these rivers will go far toward justifying the very large expenditure necessary for the development of rivers for navigation; so that, by teamwork between the users, great work can be acomplished in the development of these rivers, which will make them not only a source of wealth, whereas at present they are destroyers of wealth, but will make them great and beneficial instrumentalities for the promotion of the transportation of the country, and in such a way as to aid the railroads and not to injure them, for we are beginning to realize that we are about reaching the limit of the capacity of our railway transportation. The freight congestion all over the country is calling our attention to that fact, and we are told that it will take an expenditure of $5,000,000,000 upon the railroads in the near future in order to meet the demands of transportation. If we can by an expenditure of $1,000,000,000 in the development of these 25,000 miles of waterways in the country do away with the necessity of an expenditure of a large portion of that $5,000,000,000 which in the near future must otherwise be expended upon the railways, we will be doing the country a great benefit in the line of economy as well as efficiency.

So, too, as the telegraph lines and the express companies and other instrumentalities have gradually come within the jurisdiction of the Interstate Commerce Committee—not by usurpation, but by right—why is it not time now logically to conclude that waterway transportation should come up for action by that committee? The most important part of waterway transportation is the perfection of the rivers themselves for commerce, and a most important part of that development will be legislation which will prevent the rail carriers from destroying the water carriers, as they have in the past, by lowering the rates during the navigable season so that transportation will not be profitable to the water carriers and then raising the rates during the season when the rivers are not navigable either as the result of drought or ice. There must be also a system of teamwork that is absolutely essential.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Washington?

Mr. NEWLANDS. Yes.

Mr. JONES. I just wanted to ask the Senator if there is not a provision in the law now under which, if a railroad lowers its rates as the Senator has suggested, they can not be raised again without making a showing to the Interstate Commerce Commission?

Mr. NEWLANDS. I do not recall the exact legislation upon this subject. There has been some.

Mr. JONES. That is my recollection—that there is such a provision in the law.

Mr. NEWLANDS. There has been some legislation upon the subject, but the question has never been taken up seriously by the Interstate Commerce Committee. It ought to be, and the whole question ought to be taken up, it seems to me, by that committee.

In the friendliest spirit to the Commerce Committee, and without any disposition whatever to invade its jurisdiction, I simply say that it seems to me that the time has come when the Interstate Commerce Committee, organized to take charge of interstate commerce, should assume the jurisdiction which was originally granted to it when the committee itself was created, and that this is not a usurpation of authority, but is simply the exercise of a right which has existed but has not been used.

I do not want to delay the consideration of this bill. I say it would be a great mistake if the numerous rivers included in this bill which are regarded as small and inferior were suddenly declared to be nonnavigable. I yield to the wisdom of the Senator from Arkansas with reference to this particular river. I have no doubt his judgment is right regarding this river, and I concur in the amendment which he has offered, that it should be declared to be nonnavigable. But I object to the suggestion of the Senator from Nebraska [Mr. NORRIS] that all the obscure little rivers included in this bill should be declared nonnavigable, for I think it would be a blow aimed at the future development of the great waterway transportation system of the country, which will involve not only the development of the existing rivers and their tributaries but their connection by artificial canals in such a way as to make it possible to move from one part of the country to another entirely by water, as they do in Germany and in France.

Mr. SMITH of Michigan. Mr. President, the Senator from Nevada [Mr. NEWLANDS] has for years pressed upon the committee his views regarding the coordination of the various departments in his general plan, but I think never until now has he disclosed any selfish purpose to do the whole thing himself. For one, I must say that I can not agree with the Senator that the Committee on Interstate Commerce is the appropriate committee to take charge of the legislation as he suggests.

I want to say further—and I am sorry the Senator from Nebraska [Mr. NORRIS] is not here—that a great deal has been said against this bill. We can judge this bill somewhat by the various items affecting our own States. There is not an item in this bill affecting the State of Michigan that I would not be willing to leave to the Senator from Nebraska on its merit. That is the test of these items. There is only one river in Michigan provided for in this bill by affirmative appropriation, and that is the St. Clair River. This came too late to include in the House bill. The present channel in the St. Clair River accommodates 78,800,000 tons of freight annually. The commerce in this river last year amounted to $855,800,000. All of that commerce must be carried through a channel on the Canadian side of the St. Clair River, and it is so tortuous and irregular that it exposes vessels going up the river to violent and dangerous contact with those going down. I do not know of a project in this bill that has more merit than that, and yet that is the only Michigan river provided for in this bill.

I am going to repeat that last year the tonnage on that river amounted to 78,800,000. There is no traffic so great on any similar waterway in the world. I asked that an item of $83,000 be put in to cut another channel, in order that the vessels coming down would not be obliged to go over onto the Canadian side, and navigate a channel that is in itself very insufficient to accommodate the traffic.

This item is a belated item. It came over here because the Chief of Engineers did not get his report in until after the bill had passed the House. Not to put it in would be the grossest kind of neglect.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee on page 25.

The amendment was agreed to.

Mr. CLARKE of Arkansas. Mr. President, there is a formal amendment to be made in line 14, page 26. The word "Church" should be stricken out and the word "Clinch" inserted.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out the word "Church" where it occurs in line 14, page 26, and to insert in lieu thereof the word "Clinch."

The amendment was agreed to.

The next amendment was, on page 26, line 25, after "$500,000," to strike out "*Provided*, That no contract shall be entered into for the construction thereof until the local interests shall assume and pay all claims for flowage damage or arrange to do so in manner satisfactory to the Secretary of War," so as to make the clause read:

Tennessee River, Tenn., Ala., and Ky.: For maintenance and continuing improvement by open-channel work above Chattanooga, Tenn., $300,000, and of this amount not to exceed $5,000 may be expended, in the discretion of the Chief of Engineers and Secretary of War, for the maintenance of the Clinch and Holston Rivers at or near the mouth of said rivers; for maintenance and continuing improvement by open-channel work between Florence and Riverton, Ala., $120,000; for continuing improvement by the construction of locks and dams between Chattanooga, Tenn., and Browns Island, Ala., in accordance with the report submitted in House Document No. 360, Sixty-second Congress, second session, as modified by the report of the Board of Engineers for Rivers and Harbors printed in Rivers and Harbors Committee Document No. 1, Sixty-fourth Congress, first session, $500,000: *Provided further*, That one high dam or two low dams may be constructed according as the local interests may contribute the cost of all claims for flowage damage arising from either type of dams, respectively: *And provided further*, That the Secretary of War shall ultimately determine the type of dams to be constructed; for continuing improvement and for maintenance below Riverton, Ala., $24,000; in all, $944,000.

Mr. KENYON. Mr. President, I think we should have some information as to why this proviso is proposed to be stricken out, and some information as to why it was originally put in. I assume that the Army engineers asked for it. This bill carries $944,000 for the Tennessee River. We have spent something like $10,000,000 on it out of the Federal Treasury, and its commerce, deducting sand, gravel, and timber, does not require any more water than it did 50 years ago. Now, we come along with this proposition, which in itself, as to the amounts appropriated for, ought to be reduced, and at the proper time I shall move to reduce them. The only proviso here that seems to be for the protection of the Federal Treasury is stricken out, and the Government will be compelled under this amendment to pay all claims for flowage damage if this proviso is stricken out.

After this great expenditure of money on this river, running into the millions, and the appropriation in this bill with this proviso assumedly put in by request of the Army engineers, just why it should be stricken out, and the Public Treasury compelled to stand this flowage damage, is more than I can understand.

I shall ask for a vote on this proposition, Mr. President, if it comes to a vote now without explanation. I ask for the yeas and nays on this proposition.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the roll on the motion to strike out.

Mr. CLARKE of Arkansas. Mr. President, the Senator from Alabama [Mr. BANKHEAD] desires to be recognized.

Mr. BANKHEAD. Mr. President, I desire to say a word with reference to the motion to strike out this proviso. It will be observed that the bill provides for the construction of a dam in the Tennessee River——

Mr. CLARKE of Arkansas. Mr. President, as the matter is one of some importance, I think Senators ought to hear what the Senator from Alabama has to say about it, because when they vote on it they ought to know what they are voting about. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Nelson	Smith, Ariz.
Bankhead	Hughes	Norris	Smith, Mich.
Brady	Husting	Oliver	Smoot
Brandegee	Jones	Page	Sterling
Broussard	Kenyon	Phelan	Stone
Chilton	Kern	Pittman	Sutherland
Clapp	La Follette	Poindexter	Swanson
Clark, Wyo.	Lane	Ransdell	Taggart
Clarke, Ark.	Lewis	Reed	Underwood
Curtis	Lippitt	Saulsbury	Vardaman
Dillingham	Lodge	Shafroth	Wadsworth
Fall	Martin, Va.	Sheppard	Walsh
Gallinger	Martine, N. J.	Sherman	Williams
Hitchcock	Myers	Simmons	

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is unavoidably absent on account of illness in his family. He is paired with the junior Senator from Florida [Mr. BRYAN]. I desire the announcement to stand for the day.

Mr. CURTIS. I desire to announce that the junior Senator from Georgia [Mr. HARDWICK] is absent on account of illness. I have a pair with that Senator. I will let this announcement stand for the day.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. There is a quorum present. The question is on the amendment of the committee on page 27, to strike out the proviso, upon which the yeas and nays have been ordered.

Mr. BANKHEAD. Mr. President, the pending motion is to strike out the proviso on page 27, beginning on line 4. An examination of the bill as reported by the committee discloses the fact that there were two provisos with reference to this item. The committee struck out the first proviso. I thought the motion included both, but it appears that as the bill is printed only the first proviso was affected.

Now what are the facts? The bill contains an item for the construction of a lock and dam on the Tennessee River between Hales Bar and Decatur. Hales Bar is 35 miles below Chattanooga and was constructed by private capital exclusively. It improved the navigability of the river up to and above Chattanooga.

This proviso, Mr. President, contemplates that the farmers—the owners of land along the river where the lock is to be constructed—shall pay all the damage, the flowage damage, as it is commonly called by the engineers.

There is no town anywhere along there. Nobody lives on that stretch of the river except the farmers along the river for 50 or 75 miles. If these landowners who own small tracts of land along that river that would be subjected to overflow are compelled to pay for that flowage before this work can be constructed, it simply means, Mr. President, that the lock and dam so much needed will never be built.

If this situation was at a considerable port of commerce, a place like Chattanooga or even at Decatur, there would be, perhaps, some justice in saying that the local interests that are to be so greatly benefited by this construction should pay at least a part of the flowage damage. But we should not require it to be paid by these farmers, all of whom are, as I said, small landowners, and that portion of their lands that would be overflowed by this construction is the most valuable part of their holdings.

This proviso is much worse than the one stricken out, because the one stricken out by the committee contemplated the building of one dam—one low dam—as it is expressed. The proviso that we are now considering provides that one high dam may be built, I presume for the purpose of creating a power situation, if that should appear to be advisable, and in that case the flowage damage would exceed $100,000.

Now, why should these people be called upon to pay that? There is no justice in it. There is no fairness in it. No board of engineers, so far as I know, have suggested or recommended it, and how it got into this bill I do not quite understand. It came over, however, from the House of Representatives. As I stated, it was my impression when the committee acted upon the bill that both these provisos were included in the motion I made and that both were stricken out. There is some misunderstanding about it, either in the printing or in the construction put upon the motion I made, by the Committee on Commerce when the bill was being considered.

That is all there is in this case, and I hope the Senate will recognize the injustice of the unusual demand that is being made—the requirement that would be made of people on this stretch of the river owning small tracts of land. The most valuable of their land would be destroyed by the construction of this dam, and then in the face of that it has been proposed that they shall be required to pay the flowage damage.

The PRESIDING OFFICER. The question is on the amendment of the committee, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Georgia [Mr. HARDWICK], who is absent on account of illness, and I withhold my vote.

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from New York [Mr. O'GORMAN], who is absent, and I withhold my vote.

Mr. OVERMAN (when his name was called). I again announce my pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. SAULSBURY (when his name was called). In accordance with my previous announcement of a general pair I withhold my vote.

Mr. SHERMAN (when his name was called). I am paired with the Senator from Kansas [Mr. THOMPSON]. I transfer that pair to the Senator from Iowa [Mr. CUMMINS] and vote "nay."

The roll call was concluded.

Mr. DILLINGHAM. I have a general pair with the senior Senator from Maryland [Mr. SMITH], who is absent for the day. For that reason I withhold my vote. I will let this announcement stand in relation to all votes during the afternoon.

Mr. UNDERWOOD (after having voted in the affirmative). I am paired with the junior Senator from Ohio [Mr. HARDING]. I transfer that pair to the Senator from Tennessee [Mr. LEA] and let my vote stand.

Mr. MYERS. I will ask if the Senator from Connecticut [Mr. MCLEAN] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. MYERS. I have a pair with that Senator. I transfer my pair to the Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. WILLIAMS. I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I understand that if he were present he would vote as I am about to vote. I therefore regard myself as released from the pair. I vote "yea."

Mr. TILLMAN. In the absence of my pair, the Senator from West Virginia [Mr. GOFF], I withhold my vote.

Mr. OLIVER (after having voted in the affirmative). I understand that the senior Senator from Oregon [Mr. CHAMBERLAIN] with whom I have a pair is not present. I will therefore transfer my pair to my colleague [Mr. PENROSE] and allow my vote to stand.

The result was announced—yeas 35, nays 17, as follows:

YEAS—35.

Bankhead	Lippitt	Phelan	Smith, Mich.
Borah	Lodge	Pittman	Stone
Broussard	Martin, Va.	Poindexter	Swanson
Chilton	Martine, N. J.	Ransdell	Underwood
Clapp	Myers	Reed	Vardaman
Clark, Wyo.	Nelson	Sheppard	Wadsworth
Clarke, Ark.	Oliver	Simmons	Walsh
Fall	Overman	Smith, Ariz.	Williams
Hughes	Page	Smith, Ga.	

NAYS—17.

Ashurst	Husting	Lane	Sutherland
Brady	Johnson, S. Dak.	Norris	Taggart
Brandegee	Jones	Sherman	
Hitchcock	Kenyon	Smoot	
Hollis	La Follette	Sterling	

NOT VOTING—44.

Beckham	Fletcher	Lee, Md.	Shafroth
Bryan	Gallinger	Lewis	Shields
Burleigh	Goff	McCumber	Smith, Md.
Catron	Gore	McLean	Smith, S. C.
Chamberlain	Gronna	Newlands	Thomas
Colt	Harding	O'Gorman	Thompson
Culberson	Hardwick	Owen	Tillman
Cummins	James	Penrose	Townsend
Curtis	Johnson, Me.	Pomerene	Warren
Dillingham	Kern	Robinson	Weeks
du Pont	Lea, Tenn.	Saulsbury	Works

So the amendment of the committee was agreed to.

Mr. CLARKE of Arkansas. The logic of that is to make it necessary to strike out the other proviso in the bill, and I move, beginning with the word "*further*," in line 4, that the matter between that point and the word "That," in line 8, be stricken out; in other words, that the second proviso be stricken out.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out the following words:

Provided further, That one high dam or two low dams may be constructed according as the local interests may contribute the cost of all claims for flowage damage arising from either type of dams, respectively: *And provided further.*

Mr. WALSH. Will the chairman of the committee give us some information as to why these provisions were put in the bill originally?

Mr. CLARKE of Arkansas. They were put in in the House. The committee did not go very elaborately into the investigation before the amendment suggested by the Senator from Alabama [Mr. BANKHEAD] was adopted, because they felt satisfied that even if the Senate committee should agree with the Senator from Alabama the matter would not pass entirely beyond the control of the conference because it would come up again in conference. It was the purpose of the committee at that time to look into the general question as to whether or not the words "local interests" really meant the farmers of the locality or whether it meant certain other interests interested in the construction of that particular dam. In other words, the committee felt that a full opportunity would be left to determine the justice and propriety of the provision by striking it out. Assuming that the House had some particular reason for including it, we did not make a very full examination of the report of the Board of Engineers. We just assumed that it was such an unusual provision to be in the bill that it was worthy of further investigation.

Mr. WALSH. I will say that I was investigating the report accompanying the bill and I find in it no explanation whatever of the significance or import of the original provision and no explanation whatever of the action recommended by the committee, namely, striking out the first proviso, and no explanation whatever in the report as to why, if the first proviso was stricken out, the second proviso was not likewise stricken out.

Mr. CLARKE of Arkansas. If the words "local interests" be confined to landowners, farmers along the route owning that part of the land adjacent to the river which will be subject to overflow in the event the dam is constructed, there is no justice in making those persons pay the flowage damage.

Mr. WALSH. I agree with the Senator.

Mr. CLARKE of Arkansas. They are victims, not beneficiaries, in a large degree.

Mr. WALSH. I agree with the Senator completely that there is no semblance of justice in that, and I assume that that was not what was meant at all. Of course, we all understand that there are immense power possibilities in that portion of the Alabama River. I assumed that this meant that those parties who desired to develop power on the river might be induced to enter into some arrangement with the Government by which the expense of the work would be divided between them and the Government. Am I correct?

Mr. CLARKE of Arkansas. The term "local interests" in its primary meaning would not include an arrangement like that, but it might be made in this particular instance to mean it. If upon further investigation that turns out to be the fact, I assume that the amendment will not remain out of the bill, although we might strike it out here now. If there are interests other than those of the farmers and the landowners along the stream interested sufficiently to make it just to contract with them, that will be demanded before the matter is finally disposed of.

Mr. WALSH. With the enlightenment I have, I do not know really how to vote on this question.

Mr. NELSON. Will the Senator from Montana allow me? I wish to say to him that this is a dam to be constructed by the Government, not by private parties; and, of course, if there is any surplus power for the Government to lease, it would get a profit out of it. It is not like a private dam.

Mr. JONES. Mr. President, I merely wish to call the attention of the Senator from Montana to the fact that the engineers recommend that the flowage rights should be taken care of by the State, counties, and municipalities, and other local interests before the Government goes into the expenditure of this money.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas.

The amendment was agreed to.

The next amendment was, on page 27, after line 18, to insert "*Provided also*, That the pierhead for marking the east end of the east breakwater extension and provided for in the existing approved project shall be located at the east extremity of the breakater as now built, the structure to be built with funds previously appropriated for that purpose," so as to read:

Harbor at Cleveland, Ohio: For maintenance, $65,000: *Provided also*, That the pierhead for marking, etc.

Mr. SMOOT. Mr. President, in the first place, I wish to suggest that the word "also" ought to be stricken out.

Mr. CLARKE of Arkansas. Yes.

Mr. POMERENE. There is no objection to that.

Mr. SMOOT. If there is no objection to that, I wish to ask the Senator from Ohio to explain this amendment.

The PRESIDING OFFICER. Is there objection to the amendment offered by the Senator from Utah that the word "also" be stricken out? The Chair hears none, and it is so ordered.

Mr. POMERENE. Mr. President, I do not have with me the correspondence which I had on this subject. I offered this amendment at the instance of the Cleveland Chamber of Commerce. There have been some changes in the harbor there, and it seems provision was made for the construction of this pierhead under some previous action of Congress at a given place, as I understand it.

Mr. CLARKE of Arkansas. May I interrupt the Senator?

Mr. POMERENE. Certainly.

Mr. CLARKE of Arkansas. During the consideration of this item the matter was referred to the junior Senator from Ohio [Mr. HARDING], who was directed to make the necessary investigation and report to the committee. He reported that the amendment was entirely proper and was much needed, and supported the report with some communications from persons who were anxious to be heard. The effect of it was that it satisfied the committee absolutely that it was an entirely proper amendment. It does not cost the Government anything and makes more convenient the general improvement contemplated by the appropriation.

Mr. POMERENE. I may say also that I had some letters from certain shipping interests, working in harmony with the chamber of commerce, and they were to the effect that this provision should be in the bill.

Mr. SMOOT. The object I had in asking the question was to know from the Senator from Ohio whether, if the change was made, it would cost more than the original plan?

Mr. CLARKE of Arkansas. My understanding is that the junior Senator from Ohio reported that it would not; that it was merely a convenience in providing the improvement.

Mr. SMOOT. As far as dollars and cents are concerned, there is no change made by a change of the plan.

Mr. CLARKE of Arkansas. No.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 28, after line 7, to insert:

Arcadia Harbor, Mich.: For improvement and rebuilding old piers, $25,000.

Mr. KENYON. Mr. President, I only wish to suggest about Arcadia that, as I understand the report of the Chief of Engineers and the Board of Army Engineers, this is a project that has been condemned twice. Of course, I realize that that makes no difference. We have appropriated, according to the report, $63,000 for Arcadia Harbor. The commerce is practically nothing. What there has been has been forest products. I wish to read into the RECORD a part of the report of the Chief of Engineers, dated February 8, 1916:

Arcadia Harbor is on the east shore of Lake Michigan, 17 miles north of Manistee Harbor and 10 miles south of Frankfort Harbor. The harbor was constructed by private parties to afford facilities for the shipment of lumber. The river and harbor act approved March 3, 1905, adopted a project for the maintenance of the entrance channel by dredging not less than 50 feet wide and 12 feet deep below low water, at an annual cost of $3,000, the work to continue for a period of five years. Since the expiration of that period several reports have been submitted under congressional authorization recommending the discontinuance of improvement by the United States. The district officer is of opinion that the present and prospective commerce is too small to justify the necessary expenditure for the maintenance of this harbor and he recommends that the improvement be abandoned by the United States. The division engineer and the Board of Engineers for Rivers and Harbors concur in this opinion.

After due consideration of the above-mentioned reports, I concur in the views of the district officer, the division engineer, and the Board of Engineers for Rivers and Harbors, and therefore recommend legislation authorizing the discontinuance of the work of maintaining this harbor.

Notwithstanding that, Mr. President, Arcadia is in this bill for $25,000. I dislike to object to it on account of the distinguished Senator from Michigan [Mr. SMITH]. That is always the hard part of any of these matters, because Senators seem to have certain projects which they regard as personal to themselves, and when any criticism or objection is raised we are met with the charge that we assume that all morality and honesty is with us. But here is the direct issue again, just as it was on the Arkansas River, of a project condemned by the Army engineers, of whose infallibility we have heard so much, and it will be for the Senate again to go on record as to whether it will simply stand by the Army engineers when they report favorably to their projects and reverse them when they report otherwise.

Mr. SMITH of Michigan. Mr. President, I do not know that I care to say anything. Almost everyone in the Senate is

familiar with Arcadia. This little rural community on Lake Michigan built this harbor at their own expense, at a cost of $75,000, which was a great deal for a small community like that. The Government engineer went up there and investigated the matter and concluded that to rebuild these piers would require an expenditure of $140,000. The people there took up the matter, and more than half rebuilt the piers at an expense of $15,000. It will take $25,000 to complete the project. This rural community has no other way of getting its products to market, except through this harbor, to Milwaukee and Chicago.

Mr. SMOOT. Mr. President, I simply wish to add a few words to what the Senator from Iowa [Mr. KENYON] stated in relation to this project. All the commerce at this harbor, as reported by the Chief of Engineers, amounts to but 21,525 short tons. That was in the year 1914. The amount is growing less each year. Ninety-five per cent of the commerce is in forest products alone. It is entirely a local business. There is but one railroad that reaches the little town, known as the Arcadia & Betsie River Railroad.

Mr. SMITH of Michigan. I will say to the Senator from Utah, if he will permit me, that that railroad does not do the town any good; it was never intended as a commercial highway.

Mr. SMOOT. I am not speaking against the town; I am speaking against the appropriation of $25,000. I was simply calling attention to the fact that there was a railroad that reached the little town; and I was going to say that it does not do an interstate business.

Mr. SMITH of Michigan. Probably not.

Mr. SMOOT. Mr. President, the engineers report as to the "proposed operations" as follows:

Proposed operations: The funds available for maintenance will be exhausted June 30, 1916. No recommendation is made for appropriation for fiscal year ending June 30, 1917. Maintenance for the year would require about $4,000 for dredging, engineering, and contingencies.

The engineers have reported against the project; but if there is to be an appropriation made, they say that $4,000 is all that is necessary, yet we find an amendment in the bill providing for an expenditure of $25,000.

Mr. SMITH of Michigan. The Senator from Utah does not think that that money would be wasted by the engineers, does he?

Mr. SMOOT. Mr. President, I can not say what the engineers would do with the money.

Mr. SMITH of Michigan. Does the Senator believe the money would be wasted?

Mr. SMOOT. I am afraid a great deal of it will be.

Mr. SMITH of Michigan. Not on this little project.

Mr. SMOOT. In fact, I think that nearly half of all the money that has been appropriated in the past 50 years, amounting in the total to $850,000,000, has been wasted, so far as any benefit to the commerce of the country is concerned.

Mr. SMITH of Michigan. This would not pay the interest on that amount of money for 30 seconds.

Mr. SMOOT. That is true; but this is only one of the items in the bill which never ought to be in it, in my opinion.

Mr. SMITH of Michigan. If the Senator from Utah speaks much longer, the interest will amount to more than the appropriation.

Mr. SMOOT. Mr. President, I know there is little use in calling the attention of the Senate to any of these unwarranted appropriations, and I have become discouraged in doing so; perhaps it will be just as well to let the bill pass; but I do know that if the people of the country understood that appropriations were being made by Congress for this character of work it would not meet their approval. I know this proposed appropriation is small compared to other great items in the bill; but $25,000 for this project and $25,000 for another project, and $12,000 for this and $10,000 for that, will soon run up into the millions of dollars, as every Senator must understand.

There are some 270 items or projects appropriated for in the bill, and I can not see what justification a Senator can offer for voting an appropriation of $25,000 for a project which the Army engineers say should be abandoned, and as to which they also further state that if it is to be maintained, and if the Government of the United States is to make further appropriations for its maintenance, $4,000 will be ample for the dredging, for the engineering, and for all contingencies; yet we find an amendment to the bill carrying $25,000 for the purpose.

Mr. President, I am not going to say any more upon this item; but it seems to me that it can not be defended; and I do not believe that the Senate of the United States ought to throw this money away, for that is exactly what it means if the amendment is agreed to.

Far be it from me to cast a vote that would harm any of the people in the little town which this project is supposed to assist; if I thought, Mr. President, that it would assist them in any way, I would never vote against it; but here we find that 95 per cent of all the commerce consists of saw logs, that can be floated without the expenditure of a single cent by the Government for dredging. Therefore, Mr. President, I shall be content to allow Senators to vote for this appropriation if they desire to do so; but I do not believe that any Senator can justify his vote for it.

The PRESIDING OFFICER (Mr. WALSH in the chair). The question is on the amendment reported by the Committee on Commerce.

Mr. KENYON. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CHILTON. What is the pending question?

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The SECRETARY. On page 28, after line 7, it is proposed by the Committee on Commerce to insert the following item:

Arcadia Harbor, Mich.: For improvement and rebuilding old piers, $25,000.

The Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. Being advised, however, that if present the Senator from North Carolina would vote as I shall vote, I vote "yea."

Mr. CURTIS (when his name was called). Again announcing my pair with the junior Senator from Georgia [Mr. HARDWICK], I withhold my vote.

Mr. MYERS (when his name was called). I make the same announcement as to my pair and its transfer which I made on the last vote and vote "nay."

Mr. SAULSBURY (when his name was called). Repeating the same announcement as to my pair that I made on the previous roll call, I withhold my vote.

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. That Senator being absent, I withhold my vote. I will ask that this announcement stand for the day.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Tennessee [Mr. LEA] and vote "nay."

The roll call was concluded.

Mr. STONE. I have been requested to announce that the Senator from South Carolina [Mr. TILLMAN] is paired with the Senator from West Virginia [Mr. GOFF].

Mr. GALLINGER. I announce my pair with the senior Senator from New York [Mr. O'GORMAN], who is absent to-day. For that reason I withhold my vote.

Mr. LEA of Tennessee. The transfer of a pair having been made to me, I desire to transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and will vote "yea."

Mr. THOMAS. I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER], which I transfer to the junior Senator from South Dakota [Mr. JOHNSON] and vote "nay."

Mr. CATRON (after having voted in the affirmative). I have a pair with the Senator from Oklahoma [Mr. OWEN], who has not voted. I therefore ask to withdraw my vote.

Mr. CURTIS. Mr. President, I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from Rhode Island [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN]; and

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH].

The result was announced—yeas 27, nays 22, as follows:

YEAS—27.

Broussard	Lea, Tenn.	Pittman	Smith, Ariz.
Chilton	Martin, Va.	Poindexter	Smith, Mich.
Clapp	Martine, N. J.	Ransdell	Stone
Clarke, Ark.	Nelson	Reed	Swanson
Fall	Oliver	Shafroth	Vardaman
Fletcher	Page	Sheppard	Wadsworth
Hollis	Phelan	Simmons	

NAYS—22.

Ashurst	Husting	Sherman	Thompson
Borah	Jones	Smoot	Walsh
Brady	Kenyon	Sterling	Williams
Brandegee	Lane	Sutherland	Works
Gore	Myers	Taggart	
Hughes	Pomerene	Thomas	

NOT VOTING—47.

Bankhead	du Pont	Lee, Md.	Robinson
Beckham	Gallinger	Lewis	Saulsbury
Bryan	Goff	Lippitt	Shields
Burleigh	Gronna	Lodge	Smith, Ga.
Catron	Harding	McCumber	Smith, Md.
Chamberlain	Hardwick	McLean	Smith, S. C.
Clark, Wyo.	Hitchcock	Newlands	Tillman
Colt	James	Norris	Townsend
Culberson	Johnson, Me.	O'Gorman	Underwood
Cummins	Johnson, S. Dak.	Overman	Warren
Curtis	Kern	Owen	Weeks
Dillingham	La Follette	Penrose	

So the amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 28, after line 13, to insert:

For dredging above Ogden Street Bridge, Menominee River, $16,000.

Mr. KENYON. Mr. President, I am not rising to object to that item, but I should like to have some explanation of it in the RECORD. I think there was nothing concerning it before the committee.

Mr. SMITH of Michigan. Mr. President, it is perfectly simple. This bridge runs across the center of the city of Menominee. The appropriations hitherto have been expended only south of the bridge, and this amendment authorizes an expenditure of $16,000 north of the bridge, which is necessary. Menominee is a thriving city, and this stream is an important highway of commerce.

Mr. KENYON. I should like to ask the Senator if there is any recommendation by the Board of Army Engineers in regard to this item?

Mr. SMITH of Michigan. In the last river and harbor bill we provided for an appropriation for use south of this bridge. In the bill prior to that I think the same thing was done, and, without authority to dredge north of that bridge none of this money, $16,000, can be spent there. I have nothing more to say about it. I think the item ought to go in.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 28, after line 19, to insert:

Saugatuck Harbor and Kalamazoo River, Mich.: For maintenance, $10,000.

Mr. KENYON. Mr. President, notwithstanding this is a small item and there seems to be some irritation when we ask about small items, I should like to inquire if a resurvey of this project was not ordered at the last session of Congress and whether or not there has been any report on it? There was nothing before the committee, as I remember, about this item. Of course, I suppose it does not make much difference whether we know anything about it or not, but I should like to secure what information I can.

Mr. SMITH of Michigan. Mr. President, I know something about it. I know about the traffic there. There is a very large traffic at Saugatuck, which is an important harbor on Lake Michigan. The harbor has been completed. No money was provided for maintenance. The harbor will not maintain itself. It is left to Congress to say whether that harbor shall be maintained; and we put this item of $10,000 in the bill to maintain it. If the engineers do not spend it for that purpose it will be left in the Treasury.

Mr. SMOOT. Has there been an appropriation heretofore for this specific project?

Mr. SMITH of Michigan. This harbor has been practically completed, and now it has got to be maintained, just as other items provide for maintenance for the harbor at Charlevoix, at Frankfort, and other places.

The money, as I have said, can only be used for maintenance; if it is not necessary, it will not be expended; but if it is necessary, its expenditure must be authorized in order to enable the engineers to protect the work already done.

The PRESIDING OFFICER. The question is on the adoption of the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 29, after line 15, to insert:

St. Clair River, Mich., with a view to securing a channel along the water front of Port Huron 21 feet deep at low water and 400 feet wide, according to the report of the Chief of Engineers in House Document No. 782, first session Sixty-fourth Congress, $88,325.

Mr. SMITH of Michigan. Mr. President, the report referred to in the amendment did not reach the House before the bill was completed. The item provides an additional channel in the St. Clair River. Through the St. Clair River passed last year 78,800,000 tons of freight, valued at $855,500,000. That channel is very congested, tortuous, and unsafe to navigate; we want another channel along the Port Huron water front, which will make it more safe for vessels than otherwise. No waterway in the world accommodates the amount of traffic that is borne on the St. Clair River. This amendment ought to be agreed to. It was put in by the committee on my motion, and I have no doubt that it will be approved by the Senate.

Mr. SHERMAN. Mr. President, I want to inquire of the Senator in connection with this proposed amendment if he intends to offer any objection to the adoption of the amendment to which I will call his attention on page 31, beginning in line 24 and extending over to page 32? I ask that question in view of a communication from certain manufacturers and harbor authorities presented some days since and incorporated in the CONGRESSIONAL RECORD. It referred to the alleged lowering of the lake levels, especially in the upper lake regions, because of the diversion of water through the sanitary district channel of Chicago. Does the Senator intend to offer any objection to the amendment to which I have referred?

Mr. SMITH of Michigan. Mr. President, I do not know just why the Senator from Illinois should ask that question. Does the Senator mean to argue that the construction of another channel through the St. Clair River would divert the waters of Lake St. Clair and Lake Huron?

Mr. SHERMAN. Yes, sir.

Mr. SMITH of Michigan. Not at all.

Mr. SHERMAN. That is the point.

Mr. SMITH of Michigan. This channel is not long and only 400 feet wide.

Mr. SHERMAN. It is the bone of contention, Mr. President.

Mr. SMITH of Michigan. It is a very different thing from an artificial waterway that takes water out of Lake Michigan and puts it into the Gulf of Mexico.

Mr. SHERMAN. Before the vote, in order that I may vote as intelligently as I am able to do, I should like to state that the St. Clair River, which connects the waters of the two lakes, Huron and Erie, is directly connected with the question of lake levels. As I remember now—and I can turn to the document later—the original natural depth of the St. Clair River at or about the point covered by this amendment was about 8 feet. There were a number of channels in its natural state, making what might be called flats, as I remember the report of the engineers on it. The channel has now been changed until the present depth is about 20 feet, and it is contemplated by this amendment that the depth would be increased to about 21 feet. The original width of this channel was much less than is now proposed. I do not know what it was, but it is now proposed in this amendment to make the width some 400 feet.

Mr. SMITH of Michigan. Yes.

Mr. SHERMAN. I call the Senator's attention to the physical condition not only of the upper lake region that is connected with the subject of levels, but the increasing of the width and depth of the connecting waters between the lakes, which comprise what is called the lower lake region. The greater these connecting waters are increased in depth or width the greater the flow of water. It facilitates the passage of water even between so large bodies as the lakes.

The reason why I make this inquiry is that if any objection shall be made to the proposed amendment on the ground that it diverts a certain amount of water from Lake Michigan, I wish to state now that these improvements of waterways like the St. Clair River facilitate the flow of water from Lake Huron into Lake Erie, and so from Lake Michigan and Lake Superior. This one, standing by itself, would be insignificant; but this question has been raised and argued at great length, and many engineers of two nations have reported at various intervals, and have arrived at widely different conclusions. The claim is, on petition filed by the Senator some days ago, that so much water has been diverted from the territory of these petitioners that it interferes with navigation, and has very materially affected the ability to receive and transmit water-borne freight from certain points.

I wish to call the Senator's attention to this matter, and to inquire if he knows about how much of this change in the lake levels is to be attributed to increasing the depth and width of the natural outlet of the lakes, the connecting waters, like the St. Clair River. I will confine it for the present to that point. It is contended by Canada, in numerous reports of their engineers and by their representative, who has been a number of times in consultation with the Chicago authorities, that they have not materially contributed to this. I wish to say, however, to generalize, without going into details at this time, that the increase in the depth and width of the connecting waters between the Great Lakes, whether in the upper or lower lake region, increasing very materially the flow, has contributed

vastly more to the lowering or change of the lake levels—without conceding that it is such as to interfere with commerce in any material degree—than all the waters diverted, even though the maximum amount permitted by the War Department should be diverted, at Lake Michigan to the Chicago River and the sanitary district. It has never exceeded 10,000 cubic feet per second, and even that has been cut down of late. That is how this amendment here, which contemplates a change by increasing the depth 1 foot and by increasing the width from 300 feet to 400 feet, which will make a greater outlet for the water and thereby facilitate the flow to an extent that might interfere with the lake levels above, was complained of and charged to the account of the sanitary district.

Mr. SMITH of Michigan. Of course, Mr. President, it would be useless to argue the proposition that to deepen the river would cause the concentration of water to be greater at this point than otherwise; and the engineers have stated that deepening a channel like this to which I have referred would have a tendency, but to what extent I am not able to say, to reduce the lake level. That is one of the reasons why they have been so jealous in protecting the diversion through the Sanitary Canal and the Illinois River on the proposed Lakes-to-the-Gulf plan. But we have reached the point when commerce is seriously congested and the danger to shipping has become very great because of the incapacity of the channel in the St. Clair River, which must, as I said a few moments ago, accommodate 78,800,000 tons of freight a year. There is no waterway like it. There are no figures like these that I know anything about. The value of that commerce aggregates $855,800,000 per year. They can not safely operate those ships through that single channel along the Canadian shore. Many accidents occur. I venture the assertion that a million dollars' worth of damage has been done to vessels as they attempted to pass through this narrow strip, the St. Clair River.

This is vital to the safety of our commerce on the Lakes, and the engineers recommended it. Their recommendation came too late to get it into the House bill. I have taken the liberty of putting it into the Senate bill. It ought to pass. I have no doubt but that it will pass; and the work of making a new channel to accommodate this commerce should not be longer delayed. The expense is not great, and it has most unusual merit. When we reach the item referred to by the Senator from Illinois I may have something to say about it. A great many people are seriously exercised about it in my State. They think that the diversion of water through that canal would be a serious thing to them and to the shipping upon the Lakes; but this item ought not to be confused with that.

Mr. CLAPP. Mr. President, can the Senator tell us the difference in altitude, if any, between Lake Huron and Lake Erie?

Mr. SMITH of Michigan. No; I can not tell the Senator. The engineers have considered that matter and recommend this plan.

Mr. CLAPP. Is it not so much that in order to maintain this channel you have got to go on and deepen it still farther?

Mr. SMITH of Michigan. No; I do not think so.

Mr. CLAPP. But if the mean level of Lake Huron is above the mean level of Lake Erie, in proportion as you deepen the channel of course it will naturally reduce the mean level in the upper lake and require another deepening of the channel, I should think.

Mr. SMITH of Michigan. The engineers say that it is entirely feasible, and that it is very inexpensive. It takes all the shipping from the Northwest.

Mr. CLAPP. It might be inexpensive and it might be feasible. I was just thinking of the ultimate; that is all. I am not opposed to the item at all.

Mr. SMITH of Michigan. I do not know, Mr. President, but that I ought to put into the RECORD a statement of the number of vessels that have been injured at that point and their cost. It is a very large item. I think it will go very close to a million dollars. I do not think, however, that I will encumber the RECORD with it. There can not be any opposition to this item.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the committee.

The amendment was agreed to.

The next amendment was, on page 31, line 23, after "$55,000," to insert "and the improvement of navigation of the Illinois River, authorized by an act of the Illinois General Assembly providing for an expenditure of $5,000,000 therefor by the State of Illinois, be, and is hereby, authorized in accordance with said act," so as to make the clause read:

Illinois River, Ill.: Continuing improvement and for maintenance below Copperas Creek, $55,000; and the improvement of navigation of the Illinois River, authorized by an act of the Illinois General Assembly providing for an expenditure of $5,000,000 therefor by the State of Illinois, be, and is hereby, authorized in accordance with said act.

Mr. LEWIS. Mr. President, in this connection, as explanation of that matter—if explanation is at all needed—I beg to yield to my colleague [Mr. SHERMAN], who is a member of the committee, that he may make an explanation now; and if there is any desire that it shall be followed with anything, I will take the liberty of doing so.

[Mr. SHERMAN addressed the Senate. See Appendix.]

The PRESIDING OFFICER. Does the Senator from Illinois offer the amendment he has read as an amendment to the one proposed by the committee?

Mr. SHERMAN. Yes, sir. It has been printed.

The PRESIDING OFFICER. It will be read.

Mr. CLARKE of Arkansas. Let the amendment be read as it will be when amended as suggested by the Senator from Illinois.

Mr. SHERMAN. All right.

The PRESIDING OFFICER. The Secretary will read the amendment as proposed to be amended.

The SECRETARY. On page 31, line 25, after the word "Assembly," insert the words "approved June 18, 1915," and, on page 32, line 2, following the word "act," insert "the Interstate Commerce Commission is hereby given power to fix reasonable charges and tolls for the use of and navigation upon the waterway created under said act of the general assembly of said State in all interstate transportation," so that if amended it will read:

Illinois River, Ill.: Continuing improvement and for maintenance below Copperas Creek, $55,000; and the improvement of navigation of the Illinois River, authorized by an act of the Illinois General Assembly, approved June 18, 1915, providing for an expenditure of $5,000,000 therefor by the State of Illinois, be and is hereby authorized in accordance with said act.

The Interstate Commerce Commission is hereby given power to fix reasonable charges and tolls for the use of and navigation upon the waterway created under said act of the general assembly of said State in all interstate transportation.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. CLARKE of Arkansas. Mr. President, the committee has no objection to the amendment of the committee being amended as indicated by the amendment offered by the Senator from Illinois.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to. The question is on agreeing to the amendment of the committee as amended.

Mr. LEWIS. Mr. President, I do not know that what I shall say is at all required, and I may impose upon the indulgence of the Senate merely to make clear what might otherwise be presumed to be doubtful.

We have all listened to my colleague [Mr. SHERMAN] in his exposition of the mechanical and engineering surroundings of this project. Without repeating those matters and saving the Senate the burden of its duplication, I desire to say that my position can be expressed by an incident which is reported at the time Edmund Burke ran for the third time for Parliament for Bristol. There was elected with Mr. Burke a colleague by the name of Lauderdale. Lauderdale was a dry-goods merchant. He affected in no wise statesmanship. He knew little of governmental affairs. He knew much of bookkeeping and accounts touching the dry-goods business. After Edmund Burke had rendered a very clear exposition upon governmental questions Mr. Lauderdale rose and responded as follows: "Gentlemen, I say ditto to Mr. Burke; I say ditto." [Laughter.] My position can be best expressed in those exact terms. I say ditto to my colleague. I give my approval to his position. I support his contention. I have personal knowledge of the matters to which he refers.

Mr. President, the Legislature of the State of Illinois, Republican by majority, supported this measure under the suggestion of a Democratic governor. My colleague and myself went over the State of Illinois in different parts presenting from time to time the virtues of this project, getting the people of our State to vote the $5,000,000 bonds indebtedness which is contemplated in the enterprise.

The Committee on Commerce has courteously considered the whole project, and, as I feel, very patriotically given its approval to this extent, that it allows the State of Illinois to make the expenditure under the supervision of the Federal Government, that the expenditures might cooperate with such methods as the Federal Government now inaugurate and give effect to touching the streams for interstate commerce.

Mr. President, there are but two allusions I shall make, and this shall dispose of anything I shall say upon the project. The able Senator from Michigan [Mr. SMITH] a few moments ago addressed the Senate very capably respecting an amendment touching Michigan, and but for his very able utterance would

hardly have overcome the formidable opposition we saw addressed toward it; but in this observation of his he expressed some doubt as to whether the Illinois project would exhaust the water of the Lakes, or at least so separate this water as to create some little complication upon the surrounding States.

I desire to say to the able Senator that this matter has been seriously investigated and reported upon by the engineering department of the Federal Government; and I wish to offer him the suggestion that if there should be danger in prospect that this waterway could in any wise flood by surplus water the lands of any State, any arrangement by locks suggested by the Federal Government, I am sure, would overcome that. So, therefore, we have at the outset an engineering project and an engineering proposition which would overcome the difficulties of my learned friend from Michigan, if he voiced generally the objections which might come from other sources.

Mr. President, I beg to allude to two other things. If the War Department has objected—that is, if the Chief of Engineers of the War Department has objected—upon the ground that the provisions of the act of the Illinois Legislature, which I tendered to the Senator from Minnesota [Mr. CLAPP], who asked for it, would permit unfair or unreasonable charges for commerce, I have this reply to make: Within the State of Illinois there is a public utilities commission, and within that State these rates will be regulated by that public utilities commission to the same extent that they regulate all other rates purely intrastate. In matters interstate, as affecting Illinois and the other States, the Interstate Commerce Commission, by an opinion of the Supreme Court of the United States lately rendered, has complete jurisdiction. Therefore, to the extent of interstate rates, the Interstate Commerce Commission has full jurisdiction. No imposition therefore seems likely or possible.

For the reasons urged by my eminent colleague [Mr. SHERMAN] in the lucid explanation he has made, I respectfully submit to the Senate that the project is a very worthy one. We are supporting it with our money, the money of Illinois, and asking nothing of the Federal Government but its supervision and that it treat this project as it treats other projects instigated by the War Department and sustained by the Federal Government.

I ask for a vote on the amendment.

Mr. SMITH of Michigan. Just one word, Mr. President. I filed the other day with the Secretary of the Senate a protest from shippers on the Lakes addressed to the Chief of Engineers of the War Department, a copy of which they gave to me. They say:

> Each and all of us emphatically protest against any additional water being given to said canal, and respectfully urge that the amount be cut down to not to exceed 250,000 cubic feet per minute during a day of 24 hours.

These people—and their judgment has been reinforced by expert engineering opinion—hold that a diversion of the waters of Lake Michigan into this canal to the extent proposed would reduce the lake levels by an additional 8 or 10 inches. Of course, this is very serious. I do not pretend to give that as my judgment, but I will say that our committee has frequently had this matter up for investigation. Such eminent engineers as Mr. Cooley and Mr. Noble have reported upon it. It is a serious question whether these waters can be diverted through that river and the lake levels be maintained.

I do not desire to impede or to thwart a proposition of such vital importance as that suggested by the Senators from Illinois; but the War Department have this matter now under advisement. The governor of the State of Illinois appeared before the Secretary of War the other day, and in his statement he said to the Secretary of War that he did not desire to reduce the water of Lake Michigan at all; that he thought their plan would not do it. They are asking for a more liberal maximum than has heretofore been granted; and until the War Department have passed upon the question, it seems to me it should not be hastily decided.

I am aware of the large expenditure and its purpose by the State of Illinois, all of which is very commendable; but it can not be said that if the waters of the lake are reduced it will involve no additional expenditure on the part of the Government, for if the levels of Lake Michigan and the other inland lakes are reduced, then we must spend millions and millions of dollars to afford sufficient depth of water in the harbors in order to make them properly navigable. It is just possible that this great expense that the State of Illinois is incurring may have to be compensated by an equal expenditure by the General Government in order that the damage to the lake levels may be rectified.

I simply desire to reaffirm what has been stated in this protest made to the Chief of Engineers. I think the matter ought to be taken up with the engineering department of the Government before decisive action is taken. I think that the engineers should be asked whether or not the lakes can stand this increased diversion of their waters. If the engineers say that they can not, why, then, the authorization ought not to be made.

As I said a moment ago, I do not care to go further into the matter. If it proceeds very far and it becomes evident that injury will be done, the project may be halted. The Government may find it necessary to halt it. Congress may have to reconsider the passage of this section at some future time. I hope that may not be the case; but people doing business on Lake Michigan and Lake Superior and the other lakes are entitled to be heard.

Illinois is almost as vitally interested as is my own State. The maintenance of the present volume of water in the harbor at Chicago is a very important thing to Chicago; I do not disguise that at all; but it seems to me that there is enough to this proposition to warrant its reference to the War Department and to take the judgment of the Chief of Engineers and his advice before we get into a situation from which it may be most difficult to extricate ourselves.

Mr. SHERMAN. Mr. President, before the Senator from Michigan concludes I will ask him if he knows that the War Department, acting through its engineers, has made no objection on the question of lowering the Lake levels; that their objection, speaking through the Chief of Engineers, was entirely on the question of the possibility of the State imposing an excessive freight charge, or toll, and on the ownership of the hydroelectric power to be developed by the waterfall? The objection was based on those considerations and not on the question of Lake levels. They have not raised that question.

Mr. SMITH of Michigan. Oh, yes, Mr. President; this question was raised.

Mr. SHERMAN. They have not raised that question so as to make it a part of their present objection. I take it for granted, I may say to the Senator, that they have passed on that in previous years.

Mr. SMITH of Michigan. This question was raised, I will say to my friend from Illinois, the other day. Four or five days ago at the hearing attended by Gov. Dunne, he said—at least it was so reported to me—that they did not seek to take a cupful of water through the Illinois River in addition to what they are now taking. The Senator and his colleague—both of whom I respect very highly, of course—desire only to do what is practicable and proper. Illinois would suffer if the Lake levels were to be reduced, just as Michigan, Wisconsin, and Minnesota would suffer. If by reason of authorizing the expenditure of $5,000,000 in that improvement by the State of Illinois the levels of the Lakes were to be reduced so that there must be expended an additional $5,000,000 or more by the General Government for dredging we shall not have acted wisely.

Mr. SHERMAN. Mr. President, may I ask the Senator again if he realizes that not one gallon of water additional will be taken out by the improvement contemplated? There was a maximum flow permitted by the War Department of 10,000 cubic feet per second; that was the maximum which was allowed. That was reduced by the War Department several years ago, and I think the present cubic feet per second flow is 4,167 cubic feet. The engineers in the War Department having charge of the lake question report that this improvement contemplating an 8-foot channel would not require, if that were the only question—for there are many other questions connected with this diversion of water—a maximum of 10,000 cubic feet per second through the controlling works; that, if the question of navigation alone were to be considered, the diversion of 1,000 cubic feet per second for a 24-hour day would be all that would be required to provide the depth contemplated by the improvement.

Mr. SMITH of Michigan. I understand that that was the argument made by the delegation from Illinois the other day. I am sorry, however, that the Secretary of War has not been able to reach a conclusion upon that hearing. I have just telephoned to the Chief of Engineers to see if a conclusion had been finally reached, and I have ascertained that it has not been. The Senator contends that this will not divert any additional water into the Illinois River, does he not?

Mr. SHERMAN. Yes, sir.

Mr. SMITH of Michigan. And I believe that that is the contention of the Senator's colleague? Am I right about that?

Mr. LEWIS. The Senator is.

Mr. SMITH of Michigan. If that is true, of course, any argument that might be attempted against this provision in the bill would be unnecessary and puerile; but if it should turn out that this would reduce the levels of the Lakes, it would be an exceedingly serious matter. For that reason I have felt called upon to present this memorial and to invite the attention of Senators to the question. I should like very much if we were able to get the judgment of the Engineering Corps of the Army before this provision becomes a law.

Mr. SHERMAN. Mr. President, there will not be a particle of danger. If you put the $5,000,000 paid by the sanitary district taxpayers into the hands of the Army engineers or the Board of Engineers, it would not be 24 hours until there would be a favorable decision. They have an idea that nobody but themselves ought to spend any money.

Mr. SMITH of Michigan. I do not know about that. They were quite in accord with the recommendations of the National Waterways Commission that the respective communities should spend at least half the amount necessary to put their harbors and their rivers in proper shape. I know they badgered that Waterways Commission, for I was a member of that commission and heard their arguments; but I do not care to say any more about it. It is an important matter, in my opinion, and the Senators from Minnesota and the Senators from Wisconsin are all interested in the matter and will be heard before the bill passes the Senate.

Mr. SHERMAN. Mr. President, may I correct a statement made by me? I referred to the Board of Engineers. The Board of Engineers is favorable to this project. I meant to refer to the Chief of Engineers. It would not be fair to say what I did about the Board of Engineers. It is the Chief of Engineers who made the objection.

Mr. LEWIS. Mr. President, let me observe that if any of the objections of the Senator from Michigan shall ever arise and shall ever have existence, such will be plain to the engineers. The Government engineers, cooperating with those from the State of Illinois having charge of this matter, will necessarily observe the amount of water coming forth and report at any time when it could and should be curtailed, and I assure the Senator from Michigan that then Illinois will obey any injunction looking to the protection of her neighboring States which the Board of Engineers recommend.

Mr. CLAPP. Mr. President, I have not gone over carefully the act of the Illinois Legislature referred to in the proposed amendment. It is referred to in the amendment as follows:

> And the improvement of navigation of the Illinois River, authorized by an act of the Illinois General Assembly providing for an expenditure of $5,000,000 therefor by the State of Illinois, be, and is hereby, authorized in accordance with said act.

That is a Federal authorization to proceed under the State law; and, while probably the Federal Government could, as a matter of abstract right, regulate that permission, or, at least, modify the terms of its exercise as expressed in the State law, yet if the State should go on and make a large expenditure on the strength of the authorization by the Federal Government of the proceeding under the State act, would it not place the Federal Government in a position where the State might justly say afterwards "you have authorized this expenditure, business has been adjusted to it, and it is hardly fair for you now to withdraw it or to withdraw any portion of it"? Would not that situation arise if later it was found that the use of the water, as contemplated by the State act, was seriously affecting the Lakes?

Mr. LEWIS. Mr. President, I reply to the Senator from Minnesota by saying that the State of Illinois anticipated that and has practically indicated to the Government that it accepts the permission granted upon such conditions as the Government tenders, and accepts it subject to having the whole project interdicted if at any time it shall develop that it is harmful to any part of the country. For that reason I say to the able Senator that the State of Illinois has anticipated the situation which he supposes might arise, and could not complain in equity——

Mr. CLAPP. The State would be estopped from making complaint.

Mr. LEWIS. The State would be estopped from entering complaint, inasmuch as she sets forth that she accepts the permission under these conditions.

Mr. CLAPP. Mr. President, I realize, of course, the importance of this matter to the State represented by the two Senators from Illinois, and hardly know just what plan to adopt as to voting for a matter of this great importance. I will ask the Senator if the subject was ever considered in the committee?

Mr. SHERMAN. Yes, sir. I offered the amendment in the committee and it was adopted there. Although there was no debate on it, no objection was made. I stated the purpose of the provision.

Mr. CLAPP. Were the engineers brought before the committee?

Mr. SHERMAN. No, sir. The Board of Engineers favored granting the permission, but the Chief of Engineers made objection, not upon the question of navigation or because of engineering problems or that any obstruction to navigation might ensue, but on the two questions which I mentioned a while ago—one that the State ought not to claim the water power and the other that it might charge excessive freights or tolls. The freight or toll question is covered in the amendment which is printed and is pending.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 32, after line 2, to insert:

> Mississippi River: Government dike, in Illinois, directly opposite the city of Louisiana, Mo., for raising dike at least 7 feet, $15,000, or as much thereof as may be necessary.

Mr. CLARKE of Arkansas. Mr. President, the junior Senator from Missouri [Mr. REED] has charge of that amendment. He is not now in the Chamber, and I ask that it may be passed over for a few moments. An amendment relative to the Government pier at Lewes, Del., on page 11, which was passed over, might be disposed of at this time. I refer to the item on lines 4, 5, 6, and 7, page 11.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 11, after line 3, it is proposed to insert:

> Maintenance and repair of the Government iron pier, harbor of Lewes, Del., hereafter, under regulations prescribed by the Secretary of War, to be opened to public use, $10,000.

Mr. SAULSBURY. Mr. President, I referred this morning to a report from the Chief of Engineers in regard to the iron pier at Lewes, Del., of which I had seen an advance copy. I have received from the Committee on Rivers and Harbors of the House a copy of that report, which I send to the desk, and ask the Secretary to read paragraph 4 on the second page, which gives the meat of the whole matter.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

> After due consideration of the above-mentioned reports, I concur with the Board of Engineers for Rivers and Harbors in the opinion that the repair and maintenance by the United States of the iron pier in Delaware Bay, near Lewes, Del., is not justified solely in the interests of commerce and navigation; in view, however, of the fact that this pier is used by several branches of the Government service and might be important in connection with military-defense operations, I believe that it should be placed in suitable condition for governmental and commercial use. While the act of March 3, 1891, authorized the transfer of the pier to the Treasury Department, it is not apparent that such transfer would be advisable at the present time, as the pier is of value not only to that department but is continuously used and occupied by the Department of Commerce, and with the strengthening proposed by the district officer it will be suitable for commercial purposes and for certain needs of the War Department. It is therefore recommended that an appropriation of $78,000 be made for repairing this pier, and that the provision of the act of March 3, 1891, authorizing the transfer of the pier to the Treasury Department be repealed.
>
> W. M. BLACK,
> *Chief of Engineers, United States Army.*

Mr. SAULSBURY. Mr. President, that gives the statement of the case as I know it. Connected with the paragraph of the report which has been read is a complete history of this whole matter, showing when the pier was built, the circumstances, in so far as the War Department knows, of how it has been used and how it is used now. My object in having this read is to put the committee in possession of such facts as I have. That report is now in the possession of the Committee on Rivers and Harbors of the other House. I want this amendment to go in the bill, and I have no objection, under the circumstances, to accepting the amendment as the committee has proposed it for only $10,000, with the understanding, as expressed by the chairman of the committee, that they may change it to such an amount as the report convinces them should be allowed.

Mr. SMOOT. Mr. President, I think the Senator ought to be advised that, in the opinion of a great many Senators, conferees have no power to increase the maximum amount put in a bill by either House. Whatever amount is provided in this amendment can not be increased in conference, but it may be decreased. In other words, the House having appropriated nothing and the Senate having appropriated $10,000, the conferees will have power to fix an amount between nothing and $10,000, but the conferees will have no power to increase the appropria-

tion over the amount fixed by the Senate, there having been no appropriations provided in the bill by the House.

Mr. SAULSBURY. Mr. President, I find there is a difference between two of the oldest Members of this body as to whether such action can be taken. I confess that I am not sufficiently familiar with the proceedings of conference committees or with the action this body and the other have taken in connection with such matters to express an opinion. It seems to me that the suggestion of the chairman of the committee in charge of this bill is a reasonable one, that where the Senate has incorporated in the bill a new amendment carrying an appropriation, if the conferees find that that amount is not sufficient, but they favor the amendment, the appropriation might be increased to carry out the evident purpose for which the appropriation is intended.

Mr. SMOOT. I will say to the Senator that that has not been the practice of the Senate; and I believe if the conferees will look up the precedents established by the conferees of both Houses for years and years back they will find that wherever there is an amendment added to a bill by either House inserting a new item of appropriation the amount of that item can not be increased in conference. It can be, as I have stated, decreased between the amount which the House provided and the amount provided by the Senate, but it can not be increased over and above the maximum amount proposed to be appropriated by the House which incorporated the amendment in the bill.

Mr. CLARKE of Arkansas. Mr. President, that rule would put limitations upon the legislative power of the two Houses which I do not think is justified by the Constitution. If the Senate should insert in the bill this item appropriating $10,000, the House might conclude that the amendment was a proper one, but that $10,000 was not sufficient to supply the facilities which the adoption of the project was intended to furnish, and they might insist that sufficient money should be appropriated to do effectively what we are attempting to do. There never can be any such limitation as that. The Senate conferees would be in no position to insist that the amount should be increased; I agree to that; but if the House agrees to the purpose of the provision, then they have a right to exercise their judgment as to how much money it requires to effectuate it.

Mr. SMOOT. But the Senate conferees must agree before a report can be made to either House.

Mr. CLARKE of Arkansas. If the Senate conferees were convinced that it was the proper thing to do, it would be their duty to accede to it.

Mr. SMOOT. I have been on a great many conference committees; but I will say to the Senator that if it happens that this amount is increased in conference, being a committee amendment inserted in the Senate, there having been no action taken on it by the House, it will be the first time that I have ever seen such an increase made since I have been in the Senate.

Mr. CLARKE of Arkansas. Therefore the most expeditious way to treat the matter is to increase the amount here to $78,000. Then, I presume, the Senate conferees can agree to its reduction if the necessity exists.

Mr. SMOOT. There is no doubt about that.

Mr. CLARKE of Arkansas. Let that be the course, then.

Mr. SAULSBURY. May I ask the Senator in charge of the bill if he is willing to accept an amendment increasing the amount to $78,000, stating at the same time——

Mr. CLARKE of Arkansas. I think that might be submitted to the Senate. I am not going to vote against it. It is a matter now that is under the jurisdiction of the Senate.

Mr. SAULSBURY. I only state that I shall be very glad to have the conference committee thoroughly examine this question, in view of the recent report from the War Department, and determine it. What their conclusion is will be entirely agreeable to me. I think this is a sufficiently important matter to place it within the consideration of that committee; and I hope there will be no objection to increasing the amount in this amendment, then, to $78,000 and letting it go to the conference committee. With that understanding, I move that the $10,000 be stricken out and $78,000 inserted. I move that the amendment of the committee be amended in that fashion.

Mr. SMOOT. Mr. President, upon that I desire to say just a few words.

It seems to me this is a most extraordinary course for the engineers to pursue. This river and harbor bill was based upon and made in large part from last fall's report of the engineers just a few months ago. This is an item placed in the bill by the Senate committee for a certain project that a few months ago the Army engineers rejected and advised against. In the supplemental report just read there is no new information. It does say if certain things are done, then a certain amount should be appropriated. We had better wait and see if those certain things are done.

I want to call the attention of the Senate to the regular report of the engineers and the conclusions then reached by the engineers, and let Senators judge for themselves whether there has been any additional light given to the Senate as to why this appropriation should be made.

Mr. KENYON. Mr. President, does not the Senator think that, perhaps, in the interest of economy, it would be well to accept this amendment, because if the debate runs on a few days more the Army engineers may raise this amount another $75,000 or $80,000?

Mr. SMOOT. They may do it, particularly if there is an urgent request from some Senator for an additional report as a basis for an increase.

Mr. SAULSBURY. Mr. President, as I am somewhat interested in this discussion, I wish the Senators would not have a conversation between themselves, but would speak loud enough so that we may hear them on this side of the Chamber.

Mr. SMOOT. I shall try to do so, Mr. President. I thought I was speaking loud enough to be heard all over the Chamber.

I will read a part of the engineers' report, and I want the Senators to follow it and see how closely it accords with the report that has been read from the desk to-day:

> The pier has never been used to any extent for the interchange of commerce. It has been used occasionally as a landing place for vessels reporting at Lewes. The United States Lighthouse Establishment uses the pier as a place for the storage of buoys; the United States Life-Saving Service has a boathouse at a point about midway of the pier; and the United States Quarantine Service uses it occasionally for landing passengers. The pier was also used to some extent by the Engineer Department during the construction of the harbor of refuge in Delaware Bay from 1897 to 1901, but has not been used by this department to any extent since that time.

That is about the statement that was made in this additional report to-day. The engineers, when they made this report a few months ago, knew the conditions just as they existed and just as they are stated in this report, and this is their conclusion then:

> It will require the expenditure of about $10,000 to place the pier in a reasonable state of repair, but, for the reason that the pier is used so little, no work of maintenance is proposed at this time.

Now, Mr. President, we are not only asked to appropriate $10,000 for this purpose, but that it be increased to $78,000.

Mr. STERLING. Mr. President, does not the Senator from Utah think, in view of the further uses to which this pier may be put, as shown by the later report just read from the desk a while ago, that we would be justified at least in appropriating $10,000 to keep the pier in reasonable repair?

I will say to the Senator that that is what appeals to me. Standing alone, and without this further report, I would have voted against this proposed appropriation of $10,000; but in view of what is stated in this report as to the uses to which the pier may be put I believe that the pier should be kept in repair and an appropriation of $10,000 made for it.

Mr. SMOOT. Mr. President, I can not agree with the Senator from South Dakota in his conclusion. The Army engineers, when the report was made a few months ago, knew the conditions and knew what this pier was to be used for just as much as they know to-day. There is some reason for this supplemental report. It is dated yesterday, a few days after the item was questioned on the floor of the Senate. It does seem to me that it is an absolute waste of public money. I am not going to say anything more about it. If the Senate wants to put in $78,000 or $178,000, or a million dollars, I know the opponents of this bill are powerless to prevent it.

Mr. CLARKE of Arkansas. Mr. President, in making the suggestion I did I thought that would reduce the question to be submitted to the Senate to the one question of adoping the amendment.

Mr. SMOOT. That is true.

Mr. CLARKE of Arkansas. I did not know that there would be any controversy as between the two amounts.

Mr. SMOOT. What the Senator says is true, that there will be no controversy then; but it will be in the power of the conferees to make an appropriation of $78,000, and if we put it at $10,000 we will certainly limit it to that amount.

Mr. CLARKE of Arkansas. I do not agree with the Senator about that; so I suggest to the Senator from Delaware that he withdraw his amendment for $78,000, which provoked the controversy, and let us vote on the item for $10,000. We will run the risk.

Mr. SAULSBURY. I shall be very glad to withdraw that amendment.

I want to say one more word in regard to this matter. Evidently the Senator from Utah is under the impression that there is no commerce at that pier. I was not sure as to how

many piers were in use in that harbor; but since the discussion this morning I wired a friend of mine, who is a prominent business man, inquiring how many piers there are in use at that harbor in addition to this iron pier, which is practically unused except by the Government. I have received from him this reply:

Three fish-house piers, one railroad, one iron.

Making altogether four piers in use in this harbor besides this iron pier, of which this iron pier can be made, at very small expense, the very best of all of them.

That may, I think, convey to the Senator from Utah some information as to some commerce going on there.

Mr. SMOOT. Oh, Mr. President, if the Senator thought I stated there was no commerce there, I think he is mistaken. I know that there are some fish piers there. The engineers' report calls attention to them. In fact, one of them adjoins this iron pier, so the report says. I simply say that if the iron pier were destroyed to-morrow morning, swept into the bay, it would make no difference to the commerce now there.

Mr. SAULSBURY. It is not used for commerce.

Mr. SMOOT. That is what I stated.

Mr. SAULSBURY. We are trying to get it in a position where it can be so used.

I think it is quite profitless to continue the discussion, so I think we might as well determine the question of the insertion of the amendment or leaving it out.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. SMOOT. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Georgia [Mr. HARDWICK], and therefore withhold my vote.

Mr. MYERS (when his name was called). Announcing the same transfer of my pair with the junior Senator from Connecticut [Mr. MCLEAN] that I announced on the last roll call, I vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my general pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Maryland [Mr. LEE] and will vote. I vote "yea."

Mr. THOMAS (when his name was called). I transfer my pair with the senior Senator from North Dakota [Mr. MCCUMBER] to the junior Senator from South Dakota [Mr. JOHNSON] and will vote. I vote "nay."

Mr. TILLMAN (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote on this question, I withhold my vote. I will let this announcement stand for the day.

Mr. WARREN (when his name was called). I have a pair with the junior Senator from North Carolina [Mr. OVERMAN]. As he is not present, I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE], but I have been informed that if present he would vote as I intend to vote. I therefore feel at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. BECKHAM. Has the senior Senator from Delaware [Mr. DU PONT] voted?

The VICE PRESIDENT. He has not.

Mr. BECKHAM. I have a general pair with him and withhold my vote.

Mr. GALLINGER. I am paired with the senior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the junior Senator from Idaho [Mr. BRADY] and vote "yea."

Mr. CLARK of Wyoming. I desire to ask if the senior Senator from Missouri [Mr. STONE] has voted?

The VICE PRESIDENT. He has not.

Mr. CLARK of Wyoming. I have a general pair with that Senator, and therefore withhold my vote.

Mr. CURTIS. Mr. President, if there is not a quorum present, I should like to be counted as present to help make a quorum.

Mr. CLARKE of Arkansas. I suggest that the Secretary call the names of absentees.

Mr. SMOOT. The result has not yet been announced.

The roll call resulted—yeas 33, nays 11, as follows:

YEAS—33.

Ashurst	Culberson	Hollis	Martine, N. J.
Bankhead	Fall	Lea, Tenn.	Myers
Brandegee	Fletcher	Lewis	Nelson
Chilton	Gallinger	Lodge	Oliver
Clarke, Ark.	Hitchcock	Martin, Va.	Phelan
Pittman	Saulsbury	Smith, Mich.	Williams
Poindexter	Sheppard	Sterling	
Pomerene	Simmons	Swanson	
Ransdell	Smith, Ariz.	Vardaman	

NAYS—11.

Husting	La Follette	Sherman	Thomas
Jones	Norris	Smoot	Works
Kenyon	Page	Taggart	

NOT VOTING—52.

Beckham	Dillingham	Lee, Md.	Smith, Ga.
Borah	du Pont	Lippitt	Smith, Md.
Brady	Goff	McCumber	Smith, S. C.
Broussard	Gore	McLean	Stone
Bryan	Gronna	Newlands	Sutherland
Burleigh	Harding	O'Gorman	Thompson
Catron	Hardwick	Overman	Tillman
Chamberlain	Hughes	Owens	Townsend
Clapp	James	Penrose	Underwood
Clark, Wyo.	Johnson, Me.	Reed	Wadsworth
Colt	Johnson, S. Dak.	Robinson	Walsh
Cummins	Kern	Shafroth	Warren
Curtis	Lane	Shields	Weeks

The VICE PRESIDENT. On the amendment of the committee the yeas are 33, the nays are 11. There are three Senators present and not voting. There is not a quorum present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Norris	Smoot
Bankhead	Hitchcock	Oliver	Sterling
Brandegee	Hollis	Owen	Taggart
Catron	Husting	Page	Thomas
Chilton	Jones	Pomerene	Tillman
Clapp	Kenyon	Ransdell	Vardaman
Clark, Wyo.	La Follette	Saulsbury	Warren
Clarke, Ark.	Lea, Tenn.	Sheppard	Weeks
Culberson	Lippitt	Simmons	Works
Curtis	Lodge	Smith, Ariz.	
Fall	Nelson	Smith, Mich.	

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present.

Mr. CLARKE of Arkansas. I move that the Sergeant at Arms be directed to notify the absentees and to request their attendance. I understand that the Committee on Agriculture and Forestry is in session; and I move that the Sergeant at Arms be especially directed to notify the Senators present there that the Senate is in session, and that they are expected to give some attention to service here.

The VICE PRESIDENT. The question is on the motion of the Senator from Arkansas.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. LEWIS, Mr. MARTIN of Virginia, Mr. FLETCHER, Mr. SWANSON, Mr. PHELAN, Mr. JOHNSON of South Dakota, Mr. MYERS, Mr. KERN, and Mr. WADSWORTH entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present.

Mr. CLARKE of Arkansas. I move that the order directing the Sergeant at Arms to request the attendance of absent Senators be vacated.

The motion was agreed to.

The VICE PRESIDENT. The Secretary will proceed with the calling of the roll on the amendment of the committee.

The Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "yea."

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote.

Mr. CURTIS (when his name was called). Repeating the announcement that I made before, I withhold my vote.

Mr. GALLINGER (when his name was called). Repeating the transfer that I made on the last roll call, I vote "yea."

Mr. MYERS (when his name was called). Announcing the same transfer of my pair as heretofore to-day, I vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "yea."

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote.

Mr. WILLIAMS (when his name was called). Repeating my announcement on the previous roll call, I vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN. My pair having returned to the Chamber, I desire to vote. I vote "yea."

Mr. OWEN. Has the junior Senator from New Mexico [Mr. CATRON] voted?

The VICE PRESIDENT. He has not.

Mr. OWEN. I withhold my vote.

Mr. DILLINGHAM. Owing to the absence of the senior Senator from Maryland [Mr. SMITH], with whom I have a pair, I withhold my vote.

The result was announced—yeas 44, nays 10, as follows:

YEAS—44.

Ashurst	Gallinger	Myers	Sheppard
Bankhead	Hitchcock	Nelson	Simmons
Beckham	Hollis	Newlands	Smith, Ariz.
Brandegee	Johnson, S. Dak.	Oliver	Smith, Ga.
Chamberlain	Lane	Overman	Smith, Mich.
Chilton	Lea, Tenn.	Page	Sterling
Clapp	Lee, Md.	Phelan	Thompson
Clarke, Ark.	Lippitt	Pittman	Vardaman
Culberson	Lodge	Pomerene	Walsh
Fall	Martin, Va.	Ransdell	Warren
Fletcher	Martine, N. J.	Saulsbury	Williams

NAYS—10.

Borah	Kenyon	Sherman	Works
Husting	La Follette	Smoot	
Jones	Norris	Wadsworth	

NOT VOTING—42.

Brady	Goff	McLean	Stone
Broussard	Gore	O'Gorman	Sutherland
Bryan	Gronna	Owen	Swanson
Burleigh	Harding	Penrose	Taggart
Catron	Hardwick	Poindexter	Thomas
Clark, Wyo.	Hughes	Reed	Tillman
Colt	James	Robinson	Townsend
Cummins	Johnson, Me.	Shafroth	Underwood
Curtis	Kern	Shields	Weeks
Dillingham	Lewis	Smith, Md.	
du Pont	McCumber	Smith, S. C.	

So the amendment of the committee was agreed to.

Mr. POMERENE. Mr. President, I wish to submit a conference report.

Mr. CLARKE of Arkansas. I can not consent to displacing the pending bill without the deliberate action of the Senate.

Mr. POMERENE. It is in order at any time.

Mr. CLARKE of Arkansas. It is in order at any time to present it, but not at any time to consider it.

Mr. POMERENE. If there is any discussion upon the report I will not press it.

Mr. CLARKE of Arkansas. With that understanding, I will not object.

FRAUDULENT ADVERTISING IN THE DISTRICT OF COLUMBIA.

Mr. POMERENE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10490) entitled "An act to prevent fraudulent advertising in the District of Columbia," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment numbered 1 and agree to the same with an amendment by also striking out the article "a" at the end of line 13, page 1, so that instead of only striking out the word "fraudulent" the part stricken out should be "a fraudulent."

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same with an amendment. The Senate amendment numbered 2 adds the following language to the bill "purchase any goods, wares, or merchandise or anything of value or to."

That amendment (No. 2) is amended by striking the word "purchase" therefrom and inserting in lieu thereof the words "sell, barter, or exchange."

That the House recede from its disagreement to the amendments of the Senate numbered 3 and 4.

That Senate recede from its amendment numbered 5.

JOHN WALTER SMITH,
ATLEE POMERENE,
W. P. DILLINGHAM,
Managers on the part of the Senate.

BEN JOHNSON,
CARL VINSON,
W. J. CARY,
Managers on the part of the House.

The report was agreed to.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. CLARKE of Arkansas. Mr. President, the next amendment is one offered by the junior Senator from Missouri [Mr. REED]. I do not see him in his seat. I will not undertake to dispose of it in his absence unless we get through with the committee amendments. I ask that that amendment be passed over for the present.

Mr. SMOOT. It is on page 32.

Mr. CLARKE of Arkansas. Inserting lines 3, 4, 5, and 6, on page 32. I ask that all the matter in italics in the paragraph beginning on page 33, line 6, down to the end of the paragraph may be read. That is a single amendment

The VICE PRESIDENT. The amendment of the committee will be read.

The SECRETARY. On page 33, after the word "Mississippi," at the end of line 5, insert "and the Ohio River from its mouth to the mouth of the Cache River"; in line 7, after the word "which," to strike out "is" and insert "are"; and in line 16, after the word "action," insert "*Provided further*, That no part of the improvement of the Ohio River, with a view to the construction of locks and dams, shall be considered as transferred to or placed under the control and jurisdiction of the Mississippi River Commission: *Provided further*, That a survey, with a report, shall be made by the Mississippi River Commission of the Atchafalaya River in accordance with the general plan of said commission for the improvement of the Mississippi River, and in making such survey and report, if in their opinion the improvement of the Atchafalaya is desirable, consideration shall be given and recommendation made as to any plans for cooperation on the part of local interests," so as to make the clause read:

Mississippi River from Head of Passes to the mouth of the Ohio River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement with a view to securing a permanent channel depth of 9 feet, $6,000,000, which sum shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the general improvement of the river, for the building of levees, and which may be done, in the discretion of the Secretary of War, by hired labor or otherwise, between Head of Passes and Cape Girardeau, Mo., and for surveys, including the survey from Head of Passes to the headwaters of the river, in such manner as in their opinion shall best improve navigation and promote the interests of commerce at all stages of the river: *Provided*, That of the money hereby appropriated so much as may be necessary shall be expended in the construction of suitable and necessary dredge boats and other devices and appliances and in the maintenance and operation of the same: *Provided further*, That the watercourses connected with said river and the harbors upon it, now under the control of the Mississippi River Commission and under improvement, together with the harbor at Vicksburg, Miss., and the Ohio River from its mouth to the mouth of the Cache River, which are hereby transferred to and placed under the control and jurisdiction of such commission, may, in the discretion of said commission, upon approval by the Chief of Engineers, receive allotments for improvements now under way or hereafter to be undertaken, to be paid for from the amount herein appropriated: *Provided further*, That the report of the Mississippi River Commission, contained in House Document No. 667, Sixty-third Congress, second session, shall not be construed as a project requiring special congressional action: *Provided further*, That no part of the improvement of the Ohio River, with a view to the construction of locks and dams, shall be considered as transferred to or placed under the control and jurisdiction of the Mississippi River Commission: *Provided further*, That a survey with a report shall be made by the Mississippi River Commission of the Atchafalaya River in accordance with the general plan of said commission for the improvement of the Mississippi River, and in making such survey and report, if in their opinion the improvement of the Atchafalaya is desirable, considerations shall be given and recomendation made as to any plans for cooperation on the part of local interests.

Mr. CLARKE of Arkansas. The paragraph ends there. The latter part of the amendment is simply for a survey. I did not notice that it was there. I take it for granted that there will be no objection to it, however.

The principal part of the amendment has for its purpose the extension of the jurisdiction of the Mississippi River Commission up to the mouth of what is known as Cache River, on the Ohio River. It seemed that the proximity of that locality to the Mississippi River in a way involves the levee system and bank protection that the Government has heretofore committed itself to, and that this is the most rational way in which to deal with the situation. The Chief of Engineers has now recommended that the jurisdiction of the commission be extended to that point.

I send to the desk his letter on that subject, which is self-explanatory. Let the Secretary read the letter.

The Secretary read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, May 4, 1916.

Hon. JAMES P. CLARKE,
Chairman Committee on Commerce, United States Senate.

SIR: 1. Replying to your letter of the 3d instant, asking that I furnish for the use of your committee at its meeting this morning such information as my office may possess relative to the necessity for work to protect the levees between Cairo and Mound City, Ill., on the Ohio River, I have the honor to inclose herewith copies of reports received this morning from the district officer, Maj. George R. Spalding, Corps of Engineers, which contain the only information available.

2. With regard to Maj. Spalding's suggestion that the lower Ohio River be placed under the supervision of the Mississippi River Commission, I beg to say that I fully concur in this suggestion, with the understanding that it applies to levee and bank protection work only. To carry out this suggestion it would only be necessary to make the following changes in the pending river and harbor bill as it passed the House of Representatives.

On page 29, at the end of line 1, add "and the Ohio River from its mouth to the mouth of the Cache River"; in line 2 substitute the word "are" for the word "is"; and at the end of line 11 add "*Provided further*, That no part of the improvement of the Ohio River with a view to the construction of locks and dams shall be considered as transferred to or placed under the control and jurisdiction of the Mississippi River Commission."

If the matter is thus placed under the control of the Mississippi River Commission, the commission could make proper investigations and take such steps as may be necessary and proper to protect the levees. From Maj. Spalding's reports it does not appear that the matter is especially urgent—at least, that the entire work is not especially urgent—and if this is the case, the commission could allot to it as much of the funds appropriated as might be necessary, and this could probably be done without serious interference with the other work assigned to the commission.

Very respectfully,

W. M. BLACK,
Chief of Engineers United States Army.

Mr. CLARKE of Arkansas. There are two other letters relating to the details of the project. It is not necessary to have them read, but I ask that they be printed in the RECORD in connection with this item.

The VICE PRESIDENT. Without objection, it is so ordered.

The letters referred to are as follows:

WAR DEPARTMENT,
UNITED STATES ENGINEER OFFICE,
Cincinnati, Ohio, May 2, 1916.

From: The District Engineer Officer, First District, Cincinnati, Ohio.
To: The Chief of Engineers, United States Army, Washington, D. C.
Subject: Levees at Cairo, Ill.

1. The following copies of telegrams are furnished for the information of the Chief of Engineers:

"WASHINGTON, D. C., *May 2, 1916.*

"Kindly advise me by wire my expense, Cochran Hotel, if you consider immediate revetment work on Ohio River bank between Cache River and North Levee necessary to save levee embankment. If so, can you give approximate estimate of cost?

"GEORGE PARSONS."

"CINCINNATI, OHIO, *May 2, 1916.*

"Regret can make no report Cairo levee work except on direct orders from Chief of Engineers.

"SPALDING."

2. Mr. Parsons is president of the Cairo Trust, which owns or controls the drainage district at Cairo. See map opposite page 2733, Report of Chief of Engineers for 1914. The Ohio River levee (8 on plat shown) was built by the drainage district.

3. While I have made no examination of conditions referred to by Mr. Parsons, at my last visit to Cairo he expressed anxiety as to this levee from erosion, and later wired me asking if I could not use some emergency funds to protect the bank. I replied that there were no funds available, and, in my opinion, congressional enactment would be necessary if the War Department was to do any work. There is no question but that bank protection would be a good thing, and is probably advisable. Whether it is in the interest of navigation is another matter. In this connection attention is invited to report of Col. Lydecker, dated December 7, 1903, printed as House Document No. 308, Fifty-eighth Congress, second session.

4. This information is furnished, as it is thought Mr. Parsons may visit the office of the Chief of Engineers in reference to the matter.

GEO. R. SPALDING,
Major, Corps of Engineers,
United States Army.

CINCINNATI, OHIO, *May 3, 1916.*

CHIEF OF ENGINEERS,
Washington, D. C.:

Erosion of bank will in time, unless arrested, destroy Big Four Railroad embankment, which is part of drainage district levees. Bank protection desirable. Would cost couple hundred thousand. Might divert current for less. Examination at low water needed for proper report. Property to be protected is railroad and 7,000 acres farm land. Do not believe Cairo city or Mound City levees endangered, nor is danger to railroad embankment imminent. Advisability of placing these lower Ohio levees under supervision Mississippi River Commission is suggested. Hasty letter mailed last night.

SPALDING.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. REED. Mr. President——

Mr. CLARKE of Arkansas. The next amendment is associated with the same matter, and we will then go to the matter for which the Senator from Missouri rose.

The VICE PRESIDENT. The next amendment of the committee will be stated.

The next amendment was, on page 34, after line 3, to insert:

The jurisdiction of the Mississippi River Commission is hereby extended so as to include that part of the Arkansas River between its mouth and the intersection thereof with the division line between Lincoln and Jefferson Counties, and any funds which are herein or may be hereafter appropriated by Congress for improving the Mississippi River between Head of Passes and the mouth of the Ohio River, and which may be allotted to levees and bank revetment, may be expended under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, and upon like terms and conditions for levees and bank revetment upon any part of the Mississippi River now under the jurisdiction of said commission, and in such manner as will best promote and accomplish the purposes for which commission was created, in so far as the territory hereby added to its said jurisdiction may be involved.

Mr. CLARKE of Arkansas. Mr. President, this amendment does not call for any additional appropriation. It simply extends the jurisdiction of the Mississippi River Commission so as to make it coextensive with the damage to be remedied by the creation of the commission. The levee in this locality extends from the mouth of the Arkansas River to the Red River. The flood line on the Mississippi River has increased in the last 10 years probably 6 or 7 feet. The levees on the Arkansas River will take care of an elevation of about 49 or 50 feet. The levees on the Mississippi River are designed to take care of the water up to the present high-water level, which is about 57 feet. The result is that the waters of the Mississippi River back up the Arkansas in times of overflow and come down behind the Mississippi front levee and overflows the vast section of the country in Arkansas and Louisiana. In addition, this backwater flow weakens the Mississippi River levee by saturating both sides of it, which is recognized as a great evil in levee maintenance.

The jurisdiction of the commission now extends up the Arkansas River to Red Fork. I am not entirely familiar with the exact number of miles. The purpose is to extend the jurisdiction several miles farther up the river, so as to make the zone of protection the same as that of the injury to be guarded against.

It was disclosed during the last high water, which was the highest in the history of the Arkansas Valley, that when the Mississippi River is at flood tide and the Arkansas River is also at its highest, that the water enters the basin south of the Arkansas several miles—I do not know the exact number—further up the Arkansas River than it was originally calculated it would do. The purpose of this amendment is to extend the jurisdiction of the commission so as to include that newly established limit of damage. It does not involve any new appropriation.

Mr. SMOOT. How many miles does it extend the jurisdiction of the Mississippi River Commission?

Mr. CLARKE of Arkansas. It would be a guess on my part to say, but I express the opinion that the added distance is not many miles beyond what is now under the jurisdiction of the commission. The commission when it comes to act will determine the exact boundary where its intervention is actively necessary.

Mr. SMOOT. That is, the Mississippi River Commission today has jurisdiction over a portion of the Arkansas River?

Mr. CLARKE of Arkansas. A very small part of it—up to what is called Red Fork, one of the landing places on the river by which the distances are designated.

Mr. SMOOT. It simply extends the jurisdiction of the commission to the point where the waters of the Mississippi do not get behind the levees on the Arkansas.

Mr. CLARKE of Arkansas. Substantially, yes. The commission always exercise a discretion in all matters coming before it. They do not expend money unless they find it necessary, and it is generally in cooperation with the local community. I repeat the pending amendment does not call for any additional appropriation.

The amendment was agreed to.

Mr. CLARKE of Arkansas. The Senator from Missouri [Mr. REED] has an amendment. It appears at page 32, lines 3, 4, 5, and 6, which he doubtless will explain to the satisfaction of the Senate.

Mr. REED. Mr. President, I think the best statement I can make of the facts is in a letter written by Mr. Glenn, who is himself a member of the Mississippi River Commission. I will read the letter. I will say in advance it will be noticed this item is only $15,000. Mr. Glenn says:

LOUISIANA, MO., *May 12, 1916.*

Senator JAMES A. REED,
Washington, D. C.

DEAR SENATOR: In reference to matter of raising dike in the Mississippi River opposite Louisiana, Mo., the facts are as follows:

Some years ago the Government permitted the Chicago & Alton Railroad Co. to build an approach for a bridge from the Illinois side of the river below Louisiana, Mo., about 1,500 feet or more in length out into the river. A little later it permitted the railroad company to put in a large dike about 2,500 feet north of this approach above mentioned, extending into the river, for the purpose of throwing the current to the Missouri side to create deep water at the draw of bridge. Later the Government built a large dike 2,000 or 3,000 feet north of first-mentioned dike for this same purpose. The railroad approach and these dikes have caused the river on the Illinois side from the embankment north to fill with sand bars for 2 miles. The ferry for a number of years has been landing at the end of last-mentioned dike in low water. The Government extended and raised this dike for this purpose once, but the dike settled, and now when the stage of water reaches 7½ feet above low water (as per Government gauge at Chicago & Alton bridge) the ferry can not land on this dike, but must get into the shore through narrow chutes, and at last land against a

railroad embankment, which is extremely dangerous, and the landing is only made with much difficulty. This is a great highway for interstate automobiles and wagon traffic. From talks and correspondence it seems those in authority think the law which says that money appropriated "shall be used in aid of navigation," etc., means exclusively up and down stream, and not across the stream. The Government's action, stated before, caused this condition, and in justice should give some relief.

Yours, truly, ED. A. GLENN.

I desire to present in this connection a letter from Speaker CLARK. Louisiana, Mo., is in Speaker CLARK'S home county, and I read it not because of his importance as an individual but because he writes with a full knowledge of the facts.

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 13, 1916.

Hon. JAMES A. REED,
United States Senate Chamber.

MY DEAR SENATOR: In connection with, or indorsement of, the letter from Col. Glenn, of the Mississippi River Commission, I hope it will be possible for the Senate to adopt an amendment to the river and harbor bill for raising a Government dike opposite Louisiana, Mo., in order to afford a suitable ferry landing.

There was originally an excellent ferry landing at all seasons of the year. About 40 years ago, however, the Chicago & Alton Railroad Co. was allowed to build an embankment on the Illinois shore in connection with their bridge across the Mississippi River at that point. Later the United States Government put in a big dike just above the railroad embankment straight out into the river.

The result of these dikes has been the practical destruction of the ferry landing at that point by the formation of continuous sand bars. When the river rises so as to make it impossible for the ferryboat to land at the end of the Government dike, it prevents the running of the ferryboat, which, at this point, is practically the only means of communication between Missouri and Illinois for miles up or down the river.

Farmers from a large section of Illinois find it necessary to go to Louisiana on business and the ferryboat is a real necessity to a great many.

An appropriation to raise the dike at this point so as to make a ferry landing possible would be a real and genuine aid to navigation, and would be a great convenience to a great many people on both sides of the river.

With kindest regards, I am your friend,

CHAMP CLARK.

Mr. President, those are the facts very briefly. The Government made this condition by virtue of having built or permitted the building of various dikes out in the river. This simply proposes to raise the Government dike so that it comes above the high-water mark. It is a very small appropriation and I hope it will be accepted.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 35, line 12, after the word "maintenance," to strike out "$1,200,000" and insert "$1,500,000," so as to make the clause read:

Mississippi River from the mouth of the Missouri River to Minneapolis, Minn.: Continuing improvement and for maintenance, $1,500,000.

Mr. KENYON. Mr. President, I hope before that amendment is agreed to that we may have some explanation of it. Of course it is a very small matter—only $200,000; very trivial—but the bill carries for the Mississippi River from the mouth of the Missouri to Minneapolis as it came from the House $1,200,000. That part of the river was allotted last year by the Army engineers $1,000,000; in 1914 it was allotted $800,000.

I realize, Mr. President, that the Mississippi River ought to be a great channel of commerce. It is the river that flows the entire length of my State, and I have received a great many letters condemning my attitude as to this bill from people along the Mississippi River in my State. I do not propose, as far as I am concerned, to vote for appropriations for the Mississippi River in order to get what my people may think they ought to have along there in a bill that carries with it so many other propositions that seem to me to be very indefensible. It does seem that at this time in the condition of our national finances, instead of increasing the appropriation for the Mississippi River from the mouth of the Missouri River to Minneapolis, it ought to be cut down at least to the amount which was proportioned last year and which seems to have carried on the work.

The Mississippi River has lost 90 per cent of its commerce in the last 40 years. We have expended approximately $150,000,000 on the Mississippi River. There have been certain lands reclaimed. The expenditure has probably had an effect upon freight rates. If there is any channel in this country that could be developed for commerce, it would seem to be the Mississippi River. What are the cold facts about the commerce of that river? I want to put them into the RECORD as showing that the commerce on the Mississippi River has simply been running down; and while the commerce, according to the figures of the Army engineers, appears to be large, yet, when analyzed, when the brush is taken out, and the gravel and the sand and the logs and the lumber and the animals and the automobiles ferried across the river are taken out, it is rather a small commerce on which to have expended this tremendous amount of money.

From the mouth of the Ohio to the mouth of the Missouri the bill carries $350,000. We have heretofore appropriated $17,351,469.85. The freight traffic for the year 1914 on that part of the river was 204,118 short tons. Of that, 6,079 short tons were transported 5 miles; of that, lumber comprises 5,683 short tons; logs, 46,202 short tons; coal, 2,780 tons, transported 5 miles.

As to the commerce from the mouth of the Missouri River to Minneapolis—and I want to refer just briefly to that commerce, for it would be expected, and it would seem, that there would be a large commerce on that part of the river—on page 2767 of the Army engineers report for 1915, it is stated:

Lumber: The lumber business, formerly of great magnitude on the river as connected with the movement of logs and lumber, has, owing to the destruction of the forests in Wisconsin contiguous to the Mississippi River and tributaries, dwindled so that in 1914 there was only a comparatively small quantity of lumber and lath floated from St. Croix River to Guttenberg and other points. The lumber cut at Minneapolis during 1914 was 89,873,200 feet b. m., but none of this product was floated on the river below the falls of St. Anthony, although it is believed that on completion of Lock No. 1 a large part of this product will find its way down river.

In 1914 on that portion of the river the traffic was as follows:

Upper Mississippi River freight statement for 1914.

Designation.	Short tons.	Ton-miles.	Valuation.
Rafted lumber and lath	13,211	4,482,868	$169,114
Miscellaneous freight	1,132,574	15,472,577	40,900,063
United States material	281,185	2,115,662	254,864
Total	1,426,970	22,071,107	41,324,041

That would seem to be a large commerce, but on that same page of the Engineer's report there is classified this nearly a million and a half short tons of commerce. I ask to have that classified freight-traffic table inserted in my remarks, without taking the time of the Senate to read it.

The VICE PRESIDENT. Without objection, permission to do so is granted.

The table referred to is as follows:

Classified freight traffic, 1914.

Articles.	Amount.		Valuation.	Average haul.	Ton-miles.
	In customary units.	In short tons.			
				Miles.	
Brick	488,650 pieces	1,475	$4,216	10.2	15,059
Brush	295,427 cubic yards	37,002	98,423	18.1	670,594
Cement	2,474 tons	2,474	24,413	7.6	18,752
Coal	18,678 tons	18,678	62,271	11.8	219,956
Corn	170,706 bushels	4,797	113,070	4.7	22,318
Farm produce	3,344 tons	3,344	100,335	6.0	20,110
Fish	6,783 tons	6,783	629,401	5.97	40,500
Gravel	116,745 cubic yards	178,017	88,624	11.5	2,024,850
Hay	1,641 tons	1,641	29,515	3.4	5,583
Lath	7,356,850 pieces	2,552	27,447	140.7	359,038
Live stock	61,803 head	21,502	4,234,927	1.2	25,786
Logs	2,627,221 feet b. m.	8,853	64,296	22.5	199,073
Lumber	17,197,826 feet b. m.	28,247	419,625	160.0	4,265,265
Merchandise	87,404 tons	87,404	24,672,790	67.8	5,926,745
Oats	59,845 bushels	959	85,490	1.4	1,397
Rock	194,791 cubic yards	261,805	182,656	8.9	2,339,702
Sand	403,257 cubic yards	599,558	195,102	4.4	2,623,769
Shells	10,186 tons	10,186	195,431	39.4	401,356
Shingles	550,000 pieces	56	1,665	4.1	231
Teams	20,240	30,201	5,206,900	1.0	30,752
Wheat	64,535 bushels	1,936	65,272	2.5	4,922
Wood	25,991 cords	41,885	121,888	16.1	673,312
Miscellaneous	77,615 tons	77,615	4,700,284	28.1	2,182,037
Total		1,426,970	41,324,041	15.5	22,071,107

Mr. KENYON. I wish, however, to call attention to the fact that of that traffic brush comprises 37,002 short tons, the average haul being 18.1 miles; coal, 18,678 tons, the average haul, 11.8 miles; cement, 2,474 tons, average haul, 7.6 miles; gravel, 178,017 tons, average haul 11.5 miles; live stock, 21,502 tons, average haul, 1.2 miles. Apparently the traffic is all across the river. Logs, 8,853 short tons, average haul, 22.5 miles; lumber, 28,247 tons, with a very much longer haul, 160 miles; rock, 261,805 tons, with a haul of 8.9 miles; oats, 959 tons, with an average haul of 1.4 miles; shingles, 56 tons, average haul, 4.1 miles; teams, 30,201 tons, with an average haul of 1 mile. And so on it goes.

For the year before the commerce on that portion of the river mounted to, logs, short tons, 64,489; rafted lumber, 13,570 tons;

miscellaneous freight, 1,294,864 tons; United States material, 772,392 tons; making a total of 2,145,315 short tons.

That seems to be a very large commerce, but when analyzed we find that of that commerce brush for river construction work constituted 82,450 tons; gravel dredged from the river, 398,179 tons; rock for river work, 708,066 tons; sand dredged from the river, 562,040 tons; logs, that are floated on the river and have been all these years, 98,268 tons; lumber and wood barged, 64,408 tons; animals ferried across the river, 55,322 tons; automobiles ferried across the river, which are put in as "commerce" by the Army engineers, 6,034 tons, making a total of that class of freight of 1,974,980 tons that could be floated in 3 or 4 feet of water and which was actually so floated, leaving less than 200,000 tons of commerce, which was hauled on an average not over a distance of 34 miles.

I merely put these figures into the RECORD. I do not know what is the matter with the commerce on the Mississippi River. There ought to be a great commerce there. We have spent enough on the Mississippi River, if we were doing this as a proposition for regulating railroad rates, to build a railroad on each side of that river, and that would be just as good a way to regulate the railroad rates.

Mr. SHAFROTH. Mr. President, will the Senator from Iowa yield for a question?

Mr. KENYON. Yes.

Mr. SHAFROTH. I should like to know whether or not there are discriminatory rates made by the railroad companies? There has been considerable agitation for a good many years about requiring railroad companies to charge no more for a short haul over the same line than for a long haul. I have always thought, especially as to the Mississippi River, that the lack of commerce upon our waterways was due very largely to the fact that the railroads charge such low rates to terminal points or to places near terminal points that they would sometimes transport freight almost at a loss and make it up by charging high rates to intermediate points. That condition, I can readily see, would hurt commerce very much upon any river; and it seems to me that there ought to be incorporated in this bill a provision to the effect that no charge shall be made by a railroad for a short haul greater than for a long haul over the same line of road. If that were the case, the railroads could not make up the losses which they sustain on the through freight by charging it up to the intermediate points, and thereby a river which is susceptible of navigation and of carrying a considerable commerce between the larger cities or towns would no doubt have a better chance to survive. I should like to ask the Senator whether or not he has examined that matter so as to see whether any of the appropriations in this bill are influenced by that consideration?

Mr. KENYON. Mr. President, I have given a good deal of thought, of course, to that subject. There is not any doubt about what the Senator says. In my judgment, it has much weight; and the truth is the railroads have done that very thing.

Mr. SHAFROTH. Then, why would it not be wise to put a provision in this bill to the effect that that practice may not be continued and prohibiting the Interstate Commerce Commission from allowing a charge for a short haul to be greater than for a long haul over the same line in the same direction?

Mr. KENYON. The Interstate Commerce Commission has that power now.

Mr. SHAFROTH. The Interstate Commerce Commission has it now; but if you make the law absolute, so that the railroads can not depart from it for the purpose of meeting competition or anything else, it seems to me it would be wise to do so. If that were done we would have river navigation and river traffic to a large extent in this country. I believe that is one of the things that has prevented the development of traffic on the rivers of the United States.

Mr. KENYON. I think that is true.

Mr. SMOOT. Mr. President——

Mr. KENYON. I yield to the Senator from Utah.

Mr. SMOOT. I desire to suggest to the Senator from Colorado that, in my opinion, the commerce on the Mississippi River will never grow much greater than it is to-day until there is freight in sufficient quantities up the river as well as down the river. It is impossible to make traffic profitable by river transportation or any other kind of transportation where there is freight only one way.

Mr. SHAFROTH. I should like to ask the Senator how it is that the railroads succeed in securing freight both ways and make great profits? Is it possible that steamboats can not secure the same kind of business?

Mr. SMOOT. It is possible, and it is a fact that they do not have it. The railroads traverse the settled portions of the country, either by the main line of the road or side lines, and reach every hamlet in the country.

There is an immense amount of freight upon the railroads, both going and coming, but upon the Mississippi River the freight obtained is that taken at the large centers of commerce in the Northern States and transported to the South, and there is little in the South to be transported up the river to be distributed at the points at which the down-river freight is loaded. It is impossible to make water transportation profitable under those conditions, and no matter how much money the Government of the United States spends on the Mississippi River it will never be a success, so far as transportation and commerce are concerned, until freight can be shipped both ways on the river.

Mr. SHAFROTH. Mr. President, if the Senator from Iowa will permit me, we have a number of railroads, for instance, the Illinois Central, which pretty nearly parallels the Mississippi River, and which extends in all directions on the line of that river from New Orleans to St. Louis and Chicago and clear up to Minnesota; and it seems to me that, if that road, with its numerous trains each day, gets sufficient traffic to make it pay each way, steamboats, with the natural advantages which they have, would of necessity be a paying proposition.

I believe that this is one of the important factors to be determined as to whether we can ever make the Mississippi River a successful highway of commerce. I want to call the attention of the Senator from Utah to the fact that we have had the same trouble out West. Our freight rates were such at one time that on shipments from New York to Grand Junction it was advisable to ship via San Francisco and back to Grand Junction. Even in recent years shipments have been made from New York to Salt Lake City and back to Grand Junction in order to get a lower freight rate than from New York to Grand Junction. It seems to me when those conditions exist and we have an opportunity in a bill to put in a provision that the railroads shall not be permitted to charge a higher rate for a short haul than for a long haul over the same line—and nobody, it seems to me, can contend that such a system is equitable—that we ought to do it, and I believe it will make our rivers carry a great deal more commerce than they do now.

Mr. SMOOT. Mr. President——

Mr. KENYON. I yield to the Senator.

Mr. SMOOT. I simply want to emphasize what the Senator from Colorado [Mr. SHAFROTH] has said in relation to the unjust freight rates charged to intermountain points by the railroads as compared with the freight rates to the Pacific coast, we will say. Years ago I had occasion to go to San Francisco to buy a few carloads of wool. I purchased the wool and went into the railroad company's office and asked what the freight rate was that day. I was told 75 cents a hundred. I said, "I have two or three carloads which I desire to ship." The railroad official asked, "Where do you want to ship them—to Boston or Philadelphia?" I said, "To neither place; I want to ship them to Provo, Utah." "Oh," said he, "the rate to Provo is $2.25 a hundred." The distance from San Francisco to Provo, Utah, was not one-third of the distance from San Francisco to Boston, and yet the freight rate from San Francisco to Boston was 75 cents and the freight rate from San Francisco to Provo was $2.25—two-thirds of the distance and three times the amount. That is only a sample of what we had to contend with for years and years in the intermountain country.

Mr. REED. Mr. President, will the Senator from Iowa permit me to say a word?

Mr. KENYON. I was about through, but I will yield to the Senator.

Mr. REED. On this particular point, I called the attention of the Senate several days ago not only to the inequalities of these rates, but to the fact that since the Panama Canal had been opened the roads have been allowed to readjust their rates to and from points where it is claimed the railroads come in competition with the water rates through the Panama Canal, with the result that a readjustment of rates is going on of such a nature that the discrimination against the interior parts of the country, to which the Senator from Utah [Mr. SMOOT] and the Senator from Colorado [Mr. SHAFROTH] have both adverted, is now pressed upon us in an aggravated form.

I repeat what I then said—that the early business of Congress must be to meet this situation. There are two ways to meet it, probably—one by the creation of water competition, which would result in a readjustment of rates based upon the new water competition; the other by legislative enactment, which may or may not be an easy task to accomplish. I say now that I intend in the very near future to introduce a bill affecting the long and short haul clause; but, so far as this bill

is concerned, I do most earnestly call the attention of the Senator from Iowa to the fact that whenever there is a river transportation, however small it may be, it affords a basis for adjustment of railroad rates upon the basis of water competition so that you may actually have a condition of substantially little river transportation, and yet that little river transportation may result in the making of railroad rates so that the general benefit to commerce is almost inestimable. And at this particular time, when the great central part of this country, in which the Senator's own magnificent State lies, is confronted by not only a potential or prospective but by an absolute discrimination and disadvantage because it is alleged to be without water competition, every man ought to give himself pause who represents that part of the country and who does anything to prevent the creation of a water competition.

I have taken longer than I intended, but I want to add one word. I want to illustrate the situation.

Since the Panama Canal has been opened, the railroads having their termini on the Pacific coast at harbors touched by boats have claimed that the long-and-short haul clause of the interstate-commerce act should be set aside as to those points because of this competition by water, and the Interstate Commerce Commission in several cases has ruled with the contention of the roads, the result being that goods can now be shipped from the Atlantic coast to the Pacific, then into the interior, and I believe I speak by the card when I say farther into the interior than the State of Utah, represented by the Senator who has just spoken [Mr. SMOOT], even on almost to the Mississippi River, cheaper than those goods can be shipped directly across the continent to the same point. That would not be true to so great an extent if the representatives of that territory could go before the Interstate Commerce Commission and show a water competition at that point, and insist upon rates being based upon the water competition.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Colorado?

Mr. REED. I do.

Mr. THOMAS. I merely wish to remind the Senator that the condition he describes is not something that has occurred since the opening of the Panama Canal. That situation the people of my section of the country have been suffering from for over a quarter of a century. It is not due to any new condition created by the completion of the Panama Canal. It is an old sore, and is getting worse, instead of better.

Mr. REED. But, Mr. President, if the Senator will pardon me, I think he did not hear all of my statement.

Mr. THOMAS. Yes; I heard it all. I may have misunderstood it.

Mr. REED. The condition to which the Senator refers has existed for many years. In order to meet that condition, there was placed in the interstate-commerce law a provision that more should not be charged for a short haul than for a long haul; but at the same time the power was vested in the Interstate Commerce Commission, whenever it found as a fact that there were competitive conditions rendering it desirable or necessary—I do not quote the exact language, but my recollection of it—the Interstate Commerce Commission could set aside the long-and-short haul clause.

What I am calling the attention of the Senate to is this: Since the building of the Panama Canal, the railroads in a number of cases have obtained rulings from the commission to the effect that ports on the Pacific coast where steamships also run are these competitive points within the meaning of that act, and they have set aside the long-and-short haul clause by a direct order; so that the condition to which the Senator from Colorado adverts is being aggravated, and the necessity for some action is manifest.

I say to the Senate that under those conditions I think we ought to be trying to build up a commerce on these rivers. Even if the commerce on the rivers be not so great as apparently to pay for the investment, yet, in estimating the real benefit, you must take into consideration the fact that railroad rates to points where there is water competition are cut enormously; so that the right estimate and the just estimate is not dependent merely upon the commerce upon the river but upon the saving upon all of the commerce to and from the points in question.

I say to the Senator now that the business upon the Missouri River which has sprung up there in the last few years has had the effect of reducing railroad rates and of enabling escape from raises of railroad rates. Always we are able to claim and to show an actual river competition. And now I say again to the Senator from Iowa, whom I regard as one of my best friends, and whom I also regard as one of the best men in the Senate, that if he will but put his shoulder to the wheel and help us, we can place the upper Missouri as far at least as Sioux City in such condition that his great State will receive the benefit of railroad rates based upon this water competition.

Mr. KENYON. Mr. President, the discussion, of course, is interesting. We have been discussing this matter off and on here for a number of days. My State, I think, has been a sufferer from discriminatory railroad rates perhaps as much as any State in the Union. We have the Mississippi on one side of us, and that is made a basic point. We have the Missouri on the other, and that has been a basic point also to some extent. But now take just what the Senator says: Are we not down to the question of regulating railroad rates (1) by water competition, or (2) by proper legislation?

I am willing to join the Senator in any effort to get legislation; or, if the other is the only way, and I should want to think a good while about that, because of the great expense attached to it, I might join him along that line. I do not agree it is the only way. If we say we must have water competition to regulate railroad rates, then do we not confess Congress to be incompetent to formulate laws which will regulate them?

When I first came to the Senate I introduced a bill to give the Interstate Commerce Commission power to fix a minimum rate. It seemed to me the commission should have that power. They could determine then that railroads should not make less than a certain rate, and thus prevent them from reducing their rates in order to drive out water competition.

There is another view that comes to my mind from the suggestion of the Senator. Along the Missouri River and along the Mississippi River, with those as basic points, the rates are reduced, and the people along those rivers get the benefit of those rates. The railroads, I assume, under the law are entitled to earn a reasonable return upon the investment. Now, if the rates are made to the people along these rivers for this lesser amount, somebody has to make up that. The people in the interior, who can not have the river transportation, must pay this additional amount to make up what the river points are gaining.

It has always seemed to me that there was an element of injustice in that. Just as in the Panama situation, which the Senator cites, the people in the interior must pay to make up for the reduction in the rates granted to the ports along the ocean by reason of the Panama Canal. All the people are compelled to contribute to dredge or canalize rivers, and then the people along the rivers get the benefit of rates brought about by the contributions of all the people. We may well ask ourselves if that is fair.

So the whole subject is one of such seriousness that I have doubted if we were ever going to solve it until the Government was compelled, possibly, to take over the railroads. I am not ready as yet, however, to accept that as the only alternative. If we had a situation like Germany, the problem would be a different one. They have handled it because they compel the railroads to cooperate with the waterways, and they do not permit them to make rates that will drive the commerce off of their streams. The Government owns both railways and waterways.

Mr. SHAFROTH. Mr. President, does not the greatest evil that exists in this matter arise from the fact that the railroad companies, when there is any movement in the way of forming companies for navigation on these rivers, make the rate at these terminal points or at these large points so low that when the navigation company examines into it its officials conclude that they can not make any money at that rate, and consequently they do not build their steamboats to go on the rivers? The result of it is, that after that occurs and the movement has subsided, then the railroad companies, to a large extent, reestablish the higher rates.

There is something very peculiar about this interstate commerce law. I do not know whether Senators have ever examined the wording of it or not; but the wording of it is that no higher charge shall be made for a short haul than for a long haul over the same line, in the same direction, for persons and other like property.

Mr. KENYON. Under the same circumstances.

Mr. SHAFROTH. Yes; but the language is, "persons and other like property." What does that mean? What is "like property" to persons? Of course it would be impossible to charge a person going to a given place a higher rate for a short haul than for a long one, because he would get off the car. Since they have put in those words, "persons and other like property," I believe there would be a great contest as to whether there is anything whatever of a restriction upon the railroad

companies to keep them from charging a greater sum for a short haul than for a long one.

If the railroad companies lose money by coming into competition with rivers and harbors, then it seems to me they have no right to make it up from the people living in the interior. Besides that, it seems to me that when they attempt to control that traffic in that manner it has an effect that is exceedingly bad on the interior of the country and upon these intermediate points.

There is no reason why the railroads should run in competition with boats on rivers any more than what is reasonable. The idea that discrimination should be given to the railroads to the extent of permitting them to lose money in order to get freight at a certain point where there is river competition is untenable. The river boats have to live and should be permitted to live; and you are not going to have fair traffic conditions on the rivers unless you permit them to live by a law that will compel the railroad companies to charge no more for a short haul than for a long haul over the same line.

Mr. WILLIAMS. Mr. President, when the interstate-commerce act originally passed the House of Representatives, and was called then by the name of a distinguished Senator from the South, it conveyed a provision, absolute and unconditional, that under no circumstances should more be charged for a short haul than for a long haul. It reached the Senate of the United States, and when it came here the seemingly very innocent words "under similar conditions" or "under similar circumstances"—I have forgotten which; "similar conditions," I believe, was the language—were introduced. That language was then construed to give a discretion, and that discretion was exercised in this way: It was decided that when a railroad was subjected to water competition it had a right to meet that competition by lowering its rates to the river or lake or seacoast point to the rate at which it could get its share of the traffic.

Now, "its share of the traffic" meant nothing. That meant the point at which it could get the traffic, because if a railroad can give you the same rate that a watercourse can, the railroad has the advantage of delivering the product very much more quickly. So "at the same rate" it has an advantage, and the shipper, of course, took the railroad rather than the watercourse.

Mr. President, that law was afterward changed, and was expressed as the Senator from Colorado [Mr. SHAFROTH] a moment ago quoted it. It became still more vague, still more indefinite, and added, if anything, still more discretion to the rate-fixing power.

I have said once before upon the floor of the Senate and I have said several times at the other wing of the Capitol that you will never under the sun escape the evil of sacrificing freight rates at all the interior points to seaports and termini rates until you go back to the original idea that under no circumstances must railroads ever charge more for a short haul than for a long haul, except on goods billed for export and not subject to stop in transitu.

The result of the present law is that you sacrifice all interior commerce—you make the rates that the railroads charge in competition with watercourses less than the cost of the service—and the railroads must necessarily recoup their losses on long hauls by charging an increased price for interior traffic. The consequence of the discretion lodged with the Interstate Commerce Commission has been that the entire commerce of the Mississippi and Ohio Valleys and the Rocky Mountain States of the country has been sacrificed to the building up of New York, Baltimore, Philadelphia, Norfolk, Savannah, Charleston, New Orleans, San Francisco, and whatsoever ultimate destinations of commerce there may be. While the railroads carry for cost or for less than cost their freight between New York and San Francisco they must make it up by an increased cost from San Francisco to Denver and from New York to Denver, and while they carry it for less than cost from New York to New Orleans to meet the freight rates around Cape Hatteras, and even around Florida, which ordinarily would be cheaper by water rate than they are, they make up by the freight rates which they charge from Crystal Springs or some other place along the road to some other equally unrecognized point intermediate and not final.

There are places in the State of Mississippi, or there were a few years ago, and I suppose are yet, where you could carry a bale of cotton for $1.25 to New Orleans because it was a river course, although the bale of cotton was not carried on the river but was carried on the railroad, and where 12 miles out a shorter distance, 50 miles out a shorter distance, 75 miles out a shorter distance, the freight rates were greater because the point of departure was off a watercourse. Twelve miles out from the river it was $3.50 instead of $1.25.

That has been the system. In other words, you have chosen deliberately to sacrifice the interior commerce of the United States to the commerce between the termini. You have done that deliberately. The law does it.

Now, what is the consequence? The railroads are congested. They can not carry the freight. Their charges from terminus to terminus are very cheap as compared with all European countries. So that half of the argument that our railroad men make over here in behalf of our system as against those abroad are based upon these reductions of averages that come from rates from water terminus to water terminus. But if you take the interior commerce, 100 miles, 200 miles, 500 miles from places which have no water competition, you have the highest freight rates in the world. The average is false if by it is meant to be spelled the general welfare and the price of transportation of the goods of the people. You are sacrificing the people who live in the interior of the country to the people who live upon the seacoast, or else you are sacrificing the people who live in the Middle West off of the river courses to those who live upon the rivers and the lakes.

Thus you not only have created a congestion of the freight business for the railroads, but you have created a vacuum of freight business for the river. Why? Because you permit that railroad, regardless of what it has to recoup upon intermediate points, to make its freight rate from water terminus to water terminus so cheap that a man dares not build a river boat and put it in the business, for if the railroads temporarily lower their freight rates, which they can not do now overnight as they used to, but which they can still do after notice, the boat goes out of business. Then if a man attempts to build a boat to put in the trade he has not been in a week or two before, the railroad can go to the Interstate Commerce Commission and get permission under this discretion granted to meet the boat rate, and the minute it meets it equally the boat can not compete, because the boat can not deliver as quickly.

I have heard a lot said here about the German efficiency, and a lot of it has disgusted me, because there is no peculiar German efficiency over and above ours or over and above that of other countries. There is a very efficient class in Germany, and that is the governing class. The masses of Germany are less well prepared than we, or the English even, are to meet the problems of the world. The élite, the people who do the thinking, the professors, the men who do the leading, and the German at the moment of his birth is seeking a leader, while the American at the moment of his birth is seeking to be a leader—the men who do the leading are very much more efficient than we are. The Government as a government is more efficient. The people as individuals are less so. We are their superiors in enterprise and in courage and in intellect; but, notwithstanding that, there are some things about the German Government in connection with this question that appealed to me as a matter of opinion.

Mr. SHAFROTH. Mr. President——

Mr. WILLIAMS. Wait a minute. Under the "iron-and-blood" rule of Bismarck and the men who followed him when they came to building up the commerce of Germany, they laid down the iron-clad rule that under no circumstances should the charge made for a short haul exceed that made for a long haul going on the same line and in the same direction.

Mr. SMOOT. Unless for exportation.

Mr. WILLIAMS. Unless for exportation; the Senator is right; but that has nothing to do with this particular question. That is a matter relating to foreign relations, and I have acquired the habit of driving directly at the point, and I frequently forget to condition things so as to include everything or to include the branches that grow out of the tree when I am talking about the trunk.

They made the ironclad rule that under no circumstances should the charge made for a short haul in the same direction on the same line exceed that for a long haul. What is the consequence? When I was a boy in Germany, the Rhine carried steamers like the Hudson now carries tourists and passengers from New York to Albany. The Rhine carried up steamers from Cologne to Coblenz to Mainz and all the way as far as navigation went, to Mannheim, and somewhat beyond. Mannheim was a little, sleepy village; it amounted to nothing. I do not remember it except for the fact that we went down there once to hear some magnificent Wagner opera. That is about all it then amounted to. Mannheim to-day is one of the chief commercial cities of Germany. The entire Rhine is lined from way above Mannheim, mighty near to Schaffhausen, clear down to Rotterdam beyond the German boundaries with freight ships, doing what? Carrying lumber, iron ore, the heavy products concerning which the matter of expedition of freight is a secondary consideration, while the railroads on both sides of the Rhine, on the left and on the right, are full of the other sorts

of freight that are carried. The railroads are never congested, because when it comes to the coal and the iron and the lumber and the locomotives and the harvesting machines and the great, heavy slow freight the river carries them.

Now, here in the United States is the great Mississippi River. The Rhine is a mere pigmy in comparison with it. If you look at two drawings on the same scale and the Mississippi was that big [indicating], you could not see the Rhine at all in breadth and you could hardly see it in length. From St. Paul down to New Orleans if there is a through freight boat I do not know it. There are boats from Cairo to St. Louis. There are boats from Memphis down to the mouth of the St. Francis, the White, and the Arkansas. There are boats from New Orleans up the Red River and running out; but there are no through freights on the Mississippi River any more. Why? Because if you had $5,000,000 and wanted to put it into those boats the railroads, under the permission given by law, would bankrupt you in six months, and if you had any sense you would not enter the arena. If you have not much sense, and generally in that case you have not much money, either, you build one or two boats and you undertake the venture, and at the end of a week or two you are out of the business.

I have known in my experience not less than 12 boat lines originating from the tributaries of the Mississippi organized to travel up to St. Louis and down to New Orleans which have been bankrupted in less than a year. Now and then I have seen the merchants of a neighborhood gather together and say, "These railroad rates are extortionate; we want river transportation." Then after a little while the P Line, as my friend from Arkansas remembers, or some other line of these I remember, has gone out of business. It has to go out of business.

Senators, I do not care whether you dig a channel 14 feet deep from the Lakes to the Mississippi or not; unless you change this law you will never have commerce upon the river. That does not mean that equipping the river for carrying cheap commerce does not benefit the people. It benefits the people by making the railroads at all river points, at any rate, reduce their freight rates. But you never will get rid of the great evil of a congestion of freight upon the railroad and paucity of freight upon the river unless you go back to the present German principle and the original American Regan principle, which is an ironclad rule that under no circumstances shall the freight for a short haul exceed that for a long haul.

Mr. SHAFROTH. Mr. President——

Mr. WILLIAMS. One minute. I have been told, though I have not examined it, that the ordinary freight rate from New York to Denver—I was told the other day—is the ordinary freight rate from New York to San Francisco plus the rate from San Francisco back to Denver. Is that so?

Mr. SHAFROTH. No; I do not think it is that much. There was a time when Grand Junction, in our State, was the point; but I do not think that that is the case now.

Mr. WILLIAMS. The Senator says it is not quite true now. It is approximately true, is it not?

Mr. THOMAS. It is very much more than the through rate to the coast.

Mr. WILLIAMS. So it is approximately true.

Mr. President, then, under the present system none of our work in improving watercourses can do any good except to prepare a passageway for freight when we have sense enough to change the law. I am in favor of this provision because I am in favor of preparing the passageway beforehand.

Mr. THOMAS rose.

Mr. WILLIAMS. Now, if the Senator from Colorado will pardon me——

Mr. THOMAS. I was going to remind the Senator that the mere imposition by the German Government of a rule prohibiting the railroads from making discrimination between a long and a short haul does not meet the difficulty. The Senator overlooks the fact, for the moment, of course, that in Germany the Empire owns the railroads and fixes a price for heavy freight that is practically prohibitive, thus forcing that class of transportation upon the river.

It also, being the owner of the railroads, builds great terminal facilities, so that railroads and the water lines can interchange their traffic. In other words, the Government, through Government ownership, requires and carries out a policy whereby land transportation and water transportation are correlative; they do not compete together; they form a great system.

I am sure the Senator will have to go further than the mere prohibition of a difference between the long and the short haul before he can bring about the result which we all desire so much; in other words, until we practically control by some means the system of land transportation, and by our control compel them to cooperate with instead of opposing our lines of rivers and harbors. Until that is done we are never going to have any water traffic to amount to anything.

Mr. WILLIAMS. I think the Senator from Colorado is in error. The rate fixed upon the railroads and the rate fixed upon the watercourses determine the division of the freight regardless of the ownership of either. While our Government does not own the railroads it has reserved the power to fix the rates through the Interstate Commerce Commission, and if it will fix the rates so that they shall be fair and nondiscriminative—they are discriminating now in favor of the seaport and lake and river termini—then necessarily it will follow that watercourses will carry the heavy freight where time is not the essence of the contract and the railroads will carry everything else.

Now, as to joint freight between the two, where it is necessary to change from a railroad to a watercourse and from a watercourse to a railroad, whatever troubles we have with that proposition now are not troubles with regard to watercourses which are intervening, but troubles with regard to railroad freight rates, which I discussed. In Germany while the German Government owns the railroads it does not own the boats upon the Rhine; it never has owned one. The trouble is demonstrated to be with the railroads and not with the boats.

Mr. CLARKE of Arkansas. May I ask the Senator from Mississippi whether it would suit him to resume his remarks to-morrow and let us take a recess now?

Mr. WILLIAMS. I am through and have been for some minutes.

Mr. CLARKE of Arkansas. I am not complaining at all.

Mr. WILLIAMS. I understand. I know the Senator from Arkansas is too polite to complain unless he had a real grievance.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 72) to provide for holding the Texas Bicentennial and Pan American Exposition in 1918.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10490) to prevent fraudulent advertising in the District of Columbia.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message further announced that the House had passed a bill (H. R. 14771) granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. JONES presented petitions of sundry citizens of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. TAGGART presented the memorial of Joe R. Ray and 39 other citizens of Indianapolis, Ind., remonstrating against appropriations for sectarian purposes, which was ordered to lie on the table.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Dallas, Oreg., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Hood River County, Oreg., praying for an investigation into the price of

sugar, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. WARREN presented a petition of the Uinta County (Wyo.) Branch of the Congressional Union for Woman Suffrage, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. OLIVER presented a petition of sundry citizens of Allegheny County, Pa., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the passage of the so-called ship-purchase bill, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 1936, United Mine Workers of America, of Branchdale, Pa., praying for an investigation into conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

Mr. PHELAN. I beg to present to the Senate a telegram and correspondence in the nature of a memorial by the most representative American Irish society of San Francisco, which carries on the traditions of such societies as the Friendly Sons of St. Patrick, organized in Revolutionary days, of which George Washington himself was an honorary member. I have received many communications on the subject, but I have singled this one out with my reply, as indicating the condition of public sentiment, so far as these societies and our fellow citizens of Irish extraction are concerned. I consider their plea worthy the attention of the Senate of the United States. I ask that this correspondence may be printed in the RECORD and referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[Telegram.]

SAN FRANCISCO, CAL., *May 19, 1916.*

Hon. JAMES D. PHELAN,
United States Senate:

We have sent the following telegram to President Wilson. Will you, as a fellow member of the Knights of St. Patrick, kindly request him to give it early consideration:

"The Knights of St. Patrick of San Francisco, an organization composed of American citizens, now in the forty-second year of its existence, respectfully requests that you request the British Government to exercise all possible clemency in behalf of Irish prisoners who are now or who may hereafter be under arrest in connection with the recent uprising in Ireland to the end that secret trials and secret executions and severe sentences of imprisonment may cease. This request is made on behalf of numberless American citizens whose ancestry, like your own, is Irish. In behalf of American friends and relatives of those concerned in the Irish uprising and as Secretary of State, John Sherman, in the protest of the United States to Spain against reconcentration in Cuba in 1897, said: 'In the name of common humanity.' As precedents which justify your friendly interposition in the present emergency, we would cite the letter of Thomas Jefferson, Secretary of State, to Gouverneur Morris, minister to France, in 1793, requesting the release of Gen. Lafayette from imprisonment; the action of President Fillmore in 1851 in conveying Kossuth in an American war vessel from Turkey to the United States; the communication of Secretary of State Seward, in 1867, to Mexico, in behalf of clemency for Maximilian; the communication of Secretary of State Fish, in 1872, to Spain, protesting against the death penalty being inflicted upon Cuban insurgents; the action of President Grant, in 1867, in obtaining a mitigation of the capital punishments of those convicted in the Canadian courts in connection with the Fenian uprising; the representations made by President Grant to England, in 1867, in behalf of the Irish prisoners in the Manchester case; and the numberless requests made by various Presidents of the United States to Russia for clemency in behalf of her Jewish subjects. The only offense of the Irish revolutionists was the same aspiration for liberty which inspired Washington in the American Revolution. The extreme and unusual severity of their secret executions and imprisonments has deeply stirred and saddened the millions of American citizens who are proud of their Irish blood and who sympathize with every nation which strikes for liberty."

ROBERT P. TROY,
President Knights of St. Patrick.
RICHARD C. O'CONNOR,
Chairman Board of Trustees.
JOHN MULHERN,
Corresponding Secretary.

MAY 22, 1916.

Mr. ROBERT P. TROY,
President Knights of St. Patrick,
703 Market, San Francisco.

MY DEAR MR. TROY: Your telegram of May 19, concerning presidential protest to England in behalf of Ireland, is received.

I desire to say I am in full sympathy with your action, and have already communicated with the President. Protests have been made in several cases where the lives of American citizens of Irish birth have been in peril. Last Thursday night the President sent such a protest in the case of Lynch, a citizen of New York, at the instance of Senator O'GORMAN, and the day before I had a personal interview with Hon. Robert Lansing, Secretary of State, and Hon. Frank L. Polk, the counselor of the Department of State, urging that representations be made on the general subject.

Majority leader, Senator JOHN W. KERN, introduced a resolution in the Senate which I am supporting, requesting the State Department to formally act.

I am sure that the administration will do everything in its power to carry out the wishes of the Knights of St. Patrick.

Very truly yours,

JAMES D. PHELAN.

MAY 22, 1916.

To the PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: I have received a telegram from the Knights of St. Patrick, of San Francisco, communicating the one that they sent to you. They request me as follows:

"Will you, as a fellow member of the Knights of St. Patrick, kindly request the President to give early consideration to the telegram which we have sent him?"

It is requested that this Government make representations to the British Government to the end that it shall exercise all possible clemency in behalf of Irish prisoners, to stop secret trials and secret executions, and to resort to the courts of law to determine the guilt or innocence of the parties and the measure and nature of the punishment, if any is decreed.

American citizens of Irish birth have been arrested and held without trial; and there are reports that one such citizen has been condemned by court-martial to capital punishment. In reenforcing the sentiments of the Knights of St. Patrick I can not too strongly urge that you comply with their request.

You have in the name of humanity protested to other foreign Governments against the recklessness of power. "The divine right of revolution" is inherent in every people; our independence was won under the leadership of that "immortal rebel," George Washington. It is true that those who fail in such an enterprise expose themselves to trial for treason. The Revolutionary fathers were all traitors in the eyes of the English law, but patriots in the eyes of the world.

"No treason succeeds, and what is the reason?
For when it succeeds, who dare call it treason?"

There is no excuse for treason in America, because the people are the sovereign and under the Constitution have a lawful and effective means of expressing their views. This is the right for which the unconquerable spirit of the Irish people has contended for centuries. It was conceded by Mr. Gladstone and recently by the present ministry of England. Its accomplishment was met with armed resistance on the part of the people of the north, by mutiny among the troops and insubordination among the officers of the British Army. This doubtless led to the futile attempt to accomplish by force what Parliament and the ministry had abjectly failed to establish by law. Well might the Irish patriots, having but the single and sincere purpose to redeem their country, come to the conclusion that there was no remedy which did not involve the employment of force.

The poets, who have been described as the "unauthorized legislators of the world," had long taught them "Hereditary bondsmen, know ye not who would be free themselves must strike the blow."

I personally felt the same emotion when I read of the shooting of Pearce and his brave and patriotic associates that I experienced when I read of the secret execution of Ferrer, the Spanish patriot, who had conspired in some way against the King. Patriots are killed because they have no means within the constitution to remedy intolerable conditions, and hence they are compelled to resort to conspiracies and overt acts. It is not a matter of choice. If constitutional rights are accorded them, there will be no need of violence.

We can not as Americans look with indifference upon these events, because if our emotions do not respond under such circumstances our own liberties and independence are in danger. We will have failed of our appreciation of those things for which our American revolutionists died.

Therefore, I repeat, in the name of humanity and liberty you should protest against these practices which all history, modern enlightenment, as well as political sagacity, condemn. From whatever point of view they are regarded, these executions can only be classified as crimes or as blunders. I am,

Respectfully, yours, JAMES D. PHELAN.

Mr. PHELAN presented a memorial of sundry citizens of Sawtelle, Cal., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Calistoga, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the Ladies' Auxiliary, Ancient Order of Hibernians, of Los Angeles, Cal., and a memorial of the County Clare Association of California, of San Francisco, Cal., remonstrating against the execution of Irishmen connected with the recent revolt in Ireland, which were referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. NORRIS, from the Committee on Public Lands, to which was referred the bill (S. 1792) for the relief of settlers on unsurveyed railroad lands, reported it with amendments and submitted a report (No. 470) thereon.

Mr. JOHNSON of Maine, from the Committee on Pensions, to which was referred the bill (H. R. 15048) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 471) thereon.

He also, from the same committee, to which was referred the bill (H. R. 14576) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 472) thereon.

Mr. GORE, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes, reported it with amendments and submitted a report (No. 473) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TAGGART:

A bill (S. 6088) granting an increase of pension to George D. Mitchell (with accompanying papers);

A bill (S. 6089) granting an increase of pension to Jesse O. Banion (with accompanying papers);

A bill (S. 6090) granting an increase of pension to Noah Sage (with accompanying papers);

A bill (S. 6091) granting an increase of pension to George Yeager (with accompanying papers);

A bill (S. 6092) granting an increase of pension to James M. Beeber (with accompanying papers);

A bill (S. 6093) granting an increase of pension to Jacob A. Stewart (with accompanying papers);

A bill (S. 6094) granting an increase of pension to Pollard McKenney (with accompanying papers);

A bill (S. 6095) granting an increase of pension to Francis M. Pierce (with accompanying papers);

A bill (S. 6096) granting an increase of pension to Hymelius Mendenhall (with accompanying papers);

A bill (S. 6097) granting an increase of pension to Elzira Vanhoy (with accompanying papers);

A bill (S. 6098) granting an increase of pension to Alfred McFeely (with accompanying papers);

A bill (S. 6099) granting an increase of pension to Elijah Kessler (with accompanying papers);

A bill (S. 6100) granting an increase of pension to Charles Wilkinson (with accompanying papers);

A bill (S. 6101) granting a pension to James M. Brown; and

A bill (S. 6102) granting an increase of pension to Theodore Luther; to the Committee on Pensions.

By Mr. LANE:

A bill (S. 6103) granting a pension to Charles E. Wilber (with accompanying papers); and

A bill (S. 6104) granting an increase of pension to Theodore Hansen (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 6105) granting an increase of pension to James H. Kneeland (with accompanying papers);

A bill (S. 6106) granting a pension to Leonora V. Lunt (with accompanying papers);

A bill (S. 6107) granting an increase of pension to Thaddeus Cross (with accompanying papers);

A bill (S. 6108) granting an increase of pension to Charles E. Cook (with accompanying papers);

A bill (S. 6109) granting an increase of pension to Florence M. Moore (with accompanying papers);

A bill (S. 6110) granting an increase of pension to Horatio N. Lowell (with accompanying papers);

A bill (S. 6111) granting an increase of pension to Truman F. Maxim (with accompanying papers);

A bill (S. 6112) granting a pension to Fred S. Knight (with accompanying papers);

A bill (S. 6113) granting a pension to Alden Turner (with accompanying papers); and

A bill (S. 6114) granting an increase of pension to Almon G. Warren (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 6115) for the relief of the heirs at law of the late Duncan H. Campbell; to the Committee on Patents.

AMENDMENT TO DISTRICT APPROPRIATION BILL.

Mr. BANKHEAD submitted an amendment proposing to appropriate $4,140 to pay Thomas W. and Alice N. Keller for ground taken and damages on account of condemnation proceedings in square No. 2838, in the city of Washington, etc., intended to be proposed by him to the District of Columbia appropriation bill (H. R. 15774), which was referred to the Committee on the District of Columbia and ordered to be printed.

COAST AND GEODETIC SURVEY.

Mr. JOHNSON of Maine. I submit an amendment intended to be proposed by me to the sundry civil appropriation bill (H. R. 15836) relative to an additional appropriation for the United States Coast and Geodetic Survey. I ask that the amendment be printed and referred to the Committee on Appropriations.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. JOHNSON of Maine. I also submit a letter from the Superintendent of the United States Coast and Geodetic Survey stating the reasons for the necessity for the appropriation, which I ask may be printed in the RECORD and referred to the Committee on Appropriations to accompany the amendment.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

DEPARTMENT OF COMMERCE,
UNITED STATES COAST AND GEODETIC SURVEY,
Washington, May 22, 1916.

Hon. CHARLES F. JOHNSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR JOHNSON: In accordance with your request that I set forth reasons for the necessity for the introduction of an amendment to H. R. 15836 in the Senate of the United States to provide funds which the United States Coast and Geodetic Survey requires in addition to those contained in the sundry civil bill just reported, I submit the following:

The sundry civil bill as reported to the House of Representatives does not make provision for some help and materials, etc., that this bureau must have to continue issuing its charts throughout the coming fiscal year. I tried to impress the Appropriations Committee of the House with the gravity of the situation, but apparently failed to make them comprehend the seriousness of the facts. I am therefore glad for the opportunity afforded by your kind request.

I enumerate our needs in the order of their importance.

First, in regard to the production and output of charts: I need not detail how rapidly information comes in requiring changes in the nearly 700 charts covering our 103,000 miles of coast line; but there are in this office to-day reported dangers in the way of submerged rocks and shoals found and other dangers to navigation, and changes in aids to navigation that make it absolutely necessary to reprint 135 of our charts with the least possible delay.

Nor shall I burden you with the details of how this information must be examined, verified, drafted, engraved, or lithographed before it finally filters through the office and goes on the printed chart so that it is absolutely correct and reliable when the chart is sent to the merchant mariner or to our Navy Department for the use of the Navy vessels.

The point is that requests come to us daily for some of these 135 charts that are out of print, and vessels are delayed in their sailings because they can not be supplied with our charts.

We have at this writing a request from a vessel that is leaving New York for 223 of our charts, of which 64 can not be supplied, because they are out of print; nor can we give any definite promise when they can be furnished. Another shipowner wishes 27 different charts, of which 17 can not be supplied; and still another has ordered 27, of which 18 are out of print; and there are many other such orders.

We have made a careful canvass of the situation, and have no hesitancy in saying that the extra help requested in this amendment will no more than meet the situation.

Should it be thought that a remedy could be had in overtime work, the answer is that we have resorted to this means continually. The inevitable result must be, if this is made a permanent practice, that the better class of our employees will be driven to other branches of the Government service where overtime work is not continually required, or to positions outside the Government service. We would then be in a worse situation than now, because the number of persons skilled in the technical qualifications required is limited, and it takes time for a person having the technical qualifications to further acquire the exact knowledge needed to carry on our work.

The above applies to skilled help. Now, in regard to chart paper and other supplies:

During the current fiscal year 75,949 pounds of chart paper were purchased at a cost of $12,151.80. More than this was needed and would have been purchased had the current appropriations been adequate. One of the necessary elements, with reference to chart paper, is that it be well seasoned before printing. If charts are printed on "green" paper, the paper in seasoning distorts the chart so that the distances represented thereon are misleading to a mariner, and the chart is a menace rather than a guide.

Only a certain grade and quality of paper can be used for chart-making purposes, and this kind of paper is not carried in stock by the paper mills. It therefore follows that when this bureau places an order for chart paper, that paper is made on the receipt of the order, and we receive "green" paper. To meet this condition, it has been our custom to keep a supply of chart paper on hand; but owing to the increased demand for charts, with no increase in funds, this stock has been from year to year encroached upon until it is practically exhausted.

We are now facing an unprecedented demand for charts, with no reserve stock of seasoned paper to draw upon. With the cost of paper advanced some 50 per cent, owing to a rag famine resulting from foreign embargoes, it is absolutely necessary that additional funds be provided for the purchase of chart paper, unless we are to stop work.

The primary cause of this increase of demand can be attributed to the increased activity in shipping, and to the increased demands of our Navy Department. In figures, which fail to convey any notion of the work involved, this increase during the present year has been 30,000 charts.

Our resources are strained almost to the breaking point, and with the growing demand which is more apparent each day we shall shortly be absolutely swamped unless Congress at an early day provides adequate funds.

Money appropriated for chart paper in reality takes little, if anything, out of the Treasury, for the reason that the printed charts are sold for the cost of paper and printing, and the money from these sales reverts to the Treasury each month.

While we must have the funds for the skilled help and the chart paper referred to above, it is also necessary, if our work is to go on, that money be provided for the two chart presses. Without going into

detail I may say that the presses now in use are antiquated, and require a maximum of hand labor with the minimum of production, and are insufficient for our present demands.

LAUNCHES FOR WIRE-DRAG WORK, ETC.

Under existing appropriations for wire-drag work there has never been sufficient money to purchase launches for this work. The result is that each year we hire the necessary launches under competitive bids.

While we make the best selection possible for launches for this work, these two results follow:

First. The type of launch needed for wire-drag work is the type used by fishermen, and we are in the market for them at the very time of the year when they are needed by the fishermen. From this it follows that, though the launches are hired under competitive bids, the amount of rental paid is out of proportion to the value of the launch.

Second. In nearly every instance, though the specifications call for launches suited as closely as possible to our needs, we often have to replace the entire superstructure to adapt them to our needs. When the season is over, the rigging we have placed on them must be removed and the launches placed in their former condition to be returned to the owners.

The result is that we are, in rentals and adjustments, paying over and over again the value of these launches, while if money were available to build launches exactly suited to our needs there would not be this extravagant yearly outlay. Then, too, the time of our parties in securing these bids and making these changes each season would be saved.

AS TO MONEY FOR A NEW VESSEL.

The Federal Government has appropriated $35,000,000 for a new railroad in Alaska and is making many other wise expenditures there, and as the only way to reach the ports of that country is by water, it follows logically that, with the 23,000 miles of shore line yet to be surveyed, we must have vessels and appropriations to carry on the work.

Meanwhile, I have figures from what I consider reliable sources showing that the losses in Alaskan waters for the past 10 years in vessels valued at $20,000 and upward have averaged $490,300 each year, or more than twice the amount of money this bureau has available yearly for surveys of all kinds on the coasts of Alaska.

The Coast and Geodetic Survey vessel *Gedney*, 41 years old, was sold last fall, after being condemned by the Steamboat-Inspection Service. We have nothing to take her place. Without a new vessel the condition will be most unfortunate. The supply must be increased not decreased. I am,

Respectfully, yours, E. LESTER JONES,
Superintendent.

HOUSE BILL REFERRED.

H. R. 14771. An act granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River was read twice by its title and referred to the Committee on Commerce.

RECESS.

Mr. CLARKE of Arkansas. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m., Monday, May 22, 1916) the Senate took a recess until to-morrow, Tuesday, May 23, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 22, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Teach us, O God, the meaning of life. We are profoundly impressed with the vast and countless variety displayed in Thy creative acts. Every thing in nature bears its peculiarity, and when we reach man the differences are more clearly defined. Each is cast in a different mold and stamped with a personality all his own, and can fulfill his particular place better than another. Help us, therefore, until we find our sphere to do what we find to do with earnestness, patience, persistence, and courage, that we may be prepared for the work Thou hast called us to do.

And only the Master shall praise us,
And only the Master shall blame;
And no one shall work for money,
And no one shall work for fame;
But each for the joy of the working,
And each in his separate star,
Shall draw the thing as he sees it,
For the God of things as they are!

Amen.

The Journal of the proceedings of Saturday, May 20, 1916, was read and approved.

CHANGE OF REFERENCE.

Mr. COX rose.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. COX. To prefer a unanimous-consent request; to ask that two bills now pending before the Committee on the Post Office and Post Roads, of which I do not think that committee has jurisdiction, be referred to the Committee on Reform in the Civil Service.

The SPEAKER. What are the bills about?

Mr. COX. One is H. R. 6915 and the other is H. R. 10130.

The SPEAKER. What are they about?

Mr. COX. They relate exclusively to civil-service pensions.

The SPEAKER. Without objection, the reference will be made.

There was no objection.

EXTENSION OF REMARKS.

Mr. DALE of Vermont. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the rural-credits bill.

The SPEAKER. The gentleman from Vermont [Mr. DALE] asks unanimous consent to extend his remarks on the rural-credits bill. Is there objection?

There was no objection.

TEXAS BICENTENNIAL AND PAN AMERICAN EXPOSITION.

Mr. SLAYDEN. Mr. Speaker, I would like to have taken off the Speaker's table and have considered Senate joint resolution 72.

The SPEAKER. The Chair lays before the House Senate joint resolution 72, which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. J. Res. 72) to provide for holding the Texas Bicentennial and Pan American Exposition in 1918.

Resolved, etc., That whenever it shall be shown to the satisfaction of the President of the United States that a suitable site has been selected and that adequate provision has been made for buildings and grounds that will enable the Texas Bicentennial and Pan American Exposition to inaugurate, carry forward, and hold an exposition at the city of San Antonio, Tex., on or about the 1st day of November, 1918, to celebrate the two hundredth anniversary of the settlement of San Antonio, the President of the United States be, and he hereby is, authorized and requested to invite Spain and all the Pan American countries and nations to such proposed exposition, with a request that they participate therein.

The SPEAKER. There is a House resolution of similar tenor on the calendar.

Mr. SLAYDEN. Yes; precisely the same.

Mr. GARNER. With a unanimous report from the committee.

Mr. MANN. I believe it requires unanimous consent, nevertheless. Did the gentleman from Texas ask unanimous consent?

Mr. SLAYDEN. No; I asked that the bill be laid before the House.

Mr. MANN. I suggest that the gentleman ask unanimous consent.

Mr. SLAYDEN. I ask unanimous consent, then, Mr. Speaker, that the Senate bill be considered in lieu of the House bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Now, Mr. Speaker, I would like to ask the gentleman a question. Recollecting the attitude of many very distinguished gentlemen from Texas on the floor of the House in reference to expositions in the past, is it the expectation or intention to ask for any Government appropriation in aid of this exposition, except possibly a Government exhibit?

Mr. SLAYDEN. No; Mr. Speaker, there is no such intention, and the officers of this exposition association, as I suppose you would call it, have filed with the Committee on Industrial Arts and Expositions over their signatures a pledge that they would not do so.

Mr. MANN. Well, I remember, in reference to the California exposition, that we had the same statement from Members of the House from California in reference to that exposition; and they carried it out. They never asked for any aid, but somebody else did—the President did—and we had a very determined contest over it. Is the same procedure likely to happen in reference to this exposition? Of course the gentleman can not speak for the next President. I understand that.

Mr. SLAYDEN. No; but I assure the gentleman that it is not the intention of any Member of the Texas delegation to do so, and these gentlemen from Texas were told that fact with a frankness which I think some of them thought was almost brutal.

Mr. MANN. Of course I understand that would not prevent, so far as I know, a Senate amendment on the sundry civil bill or on the deficiency bill carrying an appropriation that would have to be voted on in the House.

Mr. GARNER. May I say to the gentleman from Illinois that both the Senators from Texas have taken the same position as the House Members, that they will not ask for money to defray the expenses of the exposition or money to defray a deficiency in the expenses of the exposition? At least one of the Senators will be here, and probably the other.

Mr. MANN. Personally I may say that I think the Government ought to make an appropriation in aid of this exposition.

Mr. GARNER. But the Texas delegation do not feel that way about it, and they are not willing to support one.

Mr. SLAYDEN. Question, Mr. Speaker.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the House resolution of similar tenor will be laid on the table.

There was no objection.

On motion of Mr. SLAYDEN, a motion to reconsider the vote whereby Senate joint resolution 72 was passed was laid on the table.

PORTO RICO.

Mr. GARRETT. Mr. Speaker, I desire to prefer a request for unanimous consent touching the Porto Rican bill.

The SPEAKER. The gentleman will proceed.

Mr. GARRETT. I ask unanimous consent, Mr. Speaker, that the House may resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Porto Rican bill; that the Clerk shall immediately proceed to read the bill without interruption; that during the reading amendments may be offered; that at the conclusion of the reading the amendments may be read in the order in which they are offered, and that at not later than 4 o'clock the committee shall proceed to vote upon the amendments offered, and so perfect the bill, and upon its perfection the committee shall rise and report the bill to the House, the previous question shall be considered as ordered on the bill and all amendments thereto to final passage, except one motion to recommit.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] asks unanimous consent that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Porto Rican bill; that the Clerk shall read the bill without interruption until the reading has been concluded, whereupon any amendments that may be offered shall be read in the order in which they are sent to the Clerk's desk; thereupon the committee shall rise and report the bill to the House, the previous question shall be considered as ordered, and without intervening motion except one motion to recommit the House shall vote on the bill. This shall happen before 4 o'clock——

Mr. GARRETT. Not later than 4 o'clock.

The SPEAKER. Not later than 4 o'clock. Is there objection?

Mr. MANN. Reserving the right to object, the gentleman from Tennessee [Mr. GARRETT] is one of the best legislators in this House. If he were not, I would say that that proposition was fit to come from a set of lunatics, but not from sane men. I do not think that that is a proper way to legislate, and I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. JONES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Porto Rico bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, with Mr. FOSTER in the chair.

The Clerk read as follows:

SEC. 5. That all citizens of Porto Rico, as defined by section 7 of the act of April 12, 1900, "temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," and all natives of Porto Rico who were temporarily absent from that island on April 11, 1899, and have since returned and are permanently residing in that island, and are not citizens of any foreign country, are hereby declared, and shall be deemed and held to be, citizens of the United States: *Provided*, That any person hereinbefore described may retain his present political status by making a declaration, under oath, of his decision to do so within six months of the taking effect of this act before the district court in the district in which he resides, the declaration to be in form as follows:

"I, ———, being duly sworn, hereby declare my intention not to become a citizen of the United States as provided in the act of Congress conferring United States citizenship upon citizens of Porto Rico and certain natives permanently residing in said island."

In the case of any such person who may be absent from the island during said six months the term of this proviso may be availed of by transmitting a declaration, under oath, in the form herein provided within six months of the taking effect of this act to the executive secretary of Porto Rico: *And provided further*, That any person who is born in Porto Rico of an alien parent and is permanently residing in that island may, if of full age, within six months of the taking effect of this act, or if a minor upon reaching his majority or within one year thereafter, make a sworn declaration of allegiance to the United States before the United States District Court for Porto Rico, setting forth therein all the facts connected with his or her birth and residence in Porto Rico and accompanying due proof thereof, and from and after the making of such declaration shall be considered to be a citizen of the United States.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I think there was some discussion in general debate in reference to this section, as the gentleman will doubtless recall.

Mr. JONES. The gentleman from New York [Mr. BENNET] suggested that there should be an amendment to this section in order that certain Porto Ricans who are resident in New York and who were absent from the island at the date mentioned in this section might be included in this provision. It was stated at the time that there was no provision of general law upon the subject of naturalization which would permit them to become citizens of the United States. Since that time the general laws upon the subject have been examined; I have conferred with Mr. BENNET, and he is perfectly satisfied, not only that they can become naturalized under the general law but that a number have already been so naturalized, and he therefore does not desire any amendment, but thinks that the law is sufficiently broad.

Mr. MANN. That statement is satisfactory. I remember seeing in the newspapers at one time the statement that some of these people were refused naturalization. Whether the statement was correct or not, I do not know. The gentleman says they have been naturalized?

Mr. JONES. So I am informed by the Insular Affairs Bureau, and the gentleman from New York [Mr. BENNET] is satisfied of that fact.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 19. That the commissioner of health shall have general charge of all matters relating to public health, sanitation, and charities, and shall perform such other duties as may be prescribed by law.

Mr. JONES. Mr. Chairman, I desire to offer an amendment. On page 16, line 14, after the word "charities," insert "except such as relate to the conduct of maritime quarantine."

The CHAIRMAN. The gentleman will please send the amendment to the desk so that the Clerk can get it. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES: Amend, on page 16, line 14, after the word "charities," by inserting the following: "except such as relate to the conduct of maritime quarantine."

Mr. JONES. I will state, Mr. Chairman, that this amendment was suggested by the Treasury Department. The Treasury Department seemed to think that this duty could be better performed by officials of the United States.

Mr. CANNON. Will the gentleman allow me?

Mr. JONES. Certainly.

Mr. CANNON. Is that all the explanation?

Mr. JONES. I will say to the gentleman, if he desires a further explanation, that the section as framed placed these matters under officials appointed by the Governor of Porto Rico. The Treasury Department, having the machinery to perform these duties, thought there would be some confusion if they were turned over to the Porto Rican government and that it would be better to have them conducted as they now are, under Federal authority.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. JONES].

The amendment was agreed to.

The Clerk read as follows:

SEC. 20. That there shall be appointed by the President an auditor, at an annual salary of $6,500, for a term of four years and until his successor is appointed and qualified, who shall examine, audit, and settle all accounts pertaining to the revenues and receipts, from whatever source, of the government of Porto Rico and of the municipal governments of Porto Rico, including public trust funds and funds derived from bond issues; and audit, in accordance with law and administrative regulations, all expenditures of funds or property pertaining to or held in trust by the government of Porto Rico or the municipalities or dependencies thereof. He shall perform a like duty with respect to all government branches.

He shall keep the general accounts of the government and preserve the vouchers pertaining thereto.

It shall be the duty of the auditor to bring to the attention of the proper administrative officer expenditures of funds or property which, in his opinion, are irregular, unnecessary, excessive, or extravagant.

In case of vacancy or of the absence from duty, from any cause, of the auditor, the Governor of Porto Rico may designate an assistant, who shall have charge of the office.

The jurisdiction of the auditor over accounts, whether of funds or property, and all vouchers and records pertaining thereto, shall be exclusive. With the approval of the governor, he shall from time to time make and promulgate general or special rules and regulations not inconsistent with law covering the methods of accounting for public funds and property, and funds and property held in trust by the government or any of its branches: *Provided*, That any officer accountable for public funds or property may require such additional reports or returns from his subordinates or others as he may deem necessary for his own information and protection.

The decisions of the auditor shall be final, except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within one year, in the manner hereinafter prescribed. The auditor shall, except as hereinafter provided, have like authority as that conferred by the law upon the several auditors of the United States and the Comptroller of the United States Treasury, and is authorized to communicate directly with any person having claims

before him for settlement, or with any department, officer, or person having official relations with his office.

As soon after the close of each fiscal year as the accounts of said year may be examined and adjusted the auditor shall submit to the governor an annual report of the fiscal concerns of the government, showing the receipts and disbursements of the various departments and bureaus of the government and of the various municipalities, and make such other reports as may be required of him by the governor or the head of the executive department of the Government of the United States, to be designated by the President as herein provided.

In the execution of his duties the auditor is authorized to summon witnesses, administer oaths, and to take evidence, and in the pursuance of these provisions may issue subpœnas and enforce the attendance of witnesses.

The office of the auditor shall be under the general supervision of the governor and shall consist of the auditor and deputy auditor and such necessary assistants as may be prescribed by law.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word, largely for the purpose of inquiring the viewpoint of the committee as to this supervisory control of the auditor over the revenues of Porto Rico. I understood from reading the report of the chairman of the committee that it was the policy of the committee to give complete control to these islanders in the management of their internal affairs. Yet we have here a provision for the appointment of an auditor by the President, who will virtually exercise supervisory authority over the control of the revenues. If these Porto Ricans are to be vested with full authority in the management of their internal affairs, why should you withhold from them this authority in the management of their own revenues?

Mr. JONES. Mr. Chairman, I will say to the gentleman from Wisconsin that he is not quite correct in assuming that this bill is intended to give the Porto Ricans full and complete authority over all of their domestic matters. It is intended, however, to give them the fullest measure of self-government that, in the opinion of the committee, ought to be bestowed upon them, taking into consideration the interests of the United States. For instance, the President appoints the attorney general under this bill, under a section that has already been read, and the President appoints the commissioner of education, while the governor appoints the other four heads of departments.

There were various reasons for thinking that would be better. For instance, as to the department of education, if the Porto Rican government had complete control over that subject there might be some question as to whether English would be taught in the schools or whether Spanish would be substituted therefor. The committee thought it would be better to have that matter under the control of a commissioner of education appointed by the President, so as to insure the continued teaching of English in the public schools. I mention that simply as one of the exceptions to the rule which the gentleman thinks the committee desires to lay down.

Now, as to this specific question as to the auditor, I will say that my recollection is that as the bill was originally drawn there was no provision such as this, but some of the members of the committee, some of the minority members especially, thought there ought to be that provision. I think the gentleman from Iowa [Mr. TOWNER], the ranking minority member of the committee, was very earnest in the belief that there should be an auditor. I think the gentleman will admit that it is a wise provision.

Mr. STAFFORD. If the gentleman will allow me, an auditor is in the nature of a comptroller, an administrative official purely; and in my viewpoint, if we are going to vest these islanders with control over the administration of their own affairs, certainly the governor should have the right to appoint a purely administrative official like the auditor, rather than to vest that authority in the President to appoint some person who might not be in harmony or personally acquainted with the business affairs of the island.

Mr. JONES. I will be frank enough to say to the gentleman that I rather inclined to that view myself at the time, and when the bill was first drawn this provision was not in it, but other members of the committee desired this change.

Mr. STAFFORD. What was the motive that impelled the gentleman to withdraw from his logical position of having this official appointed by the governor rather than by the President?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that my time be extended five minutes, in order that the gentleman from Virginia may finish his explanation.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JONES. In the first place, I will say to the gentleman that this bill does not propose to confer full and complete self-government upon the people of Porto Rico. For instance, we retain the veto power in the President. The Porto Ricans would confer only a qualified veto power on the governor. The committee deemed it wise to lodge absolute veto power in the hands of the President. It was the opinion of the committee that this position of auditor should be created. My friend from Iowa, Judge TOWNER, who took great interest in the framing of this bill, was particularly anxious that an auditor should be provided for.

Mr. STAFFORD. Oh, there can be no objection from one standpoint that all the officials should be appointed by the President, but if we proceed along the line of giving the auditor the full authority as consistent with their own government, the management of their own affairs, I can see why the auditor should be appointed by the governor. As to the commissioner of education and the attorney general I can see a potency in the reasons advanced by the gentleman from Virginia as to why the President should have the authority to appoint them. But here is a purely administrative official taken out of the hands of the local authorities and placed in the hands of the President, who knows nothing about the local conditions.

Mr. JONES. I realize that there is a good deal in what the gentleman says, but the committee concluded, after full discussion, that this position should be created.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I wish I had the time to go into this matter as I would have under general debate. It seems to me that this and the other provisions which propose to make it a half-and-half government in Porto Rico is a confession that the whole bill should fail. If they be ripe for self-government, if they should be clothed with citizenship, if there is a public sentiment and manhood there to enable them to elect both branches of their legislature and to have citizenship, not thrust upon them by compulsion, they ought to have it in full measure, but this half-and-half plan, to my mind, is a confession that the bill ought to fail.

Now, I have not anything but the kindliest feelings for the Porto Ricans. I have a kindly feeling toward every human being on earth. I am for this provision in the bill if it is to pass; but experience has shown us that in the West Indies under the French, the British, the Spanish, or American control, that they are not competent for self-government. Oh, there are some that are competent, and if you give them enough power their competency would make them oppressors perhaps for the great benefit or the great harm of the most of the population.

I want to say here and now that I have been in Porto Rico many times. I have been in Cuba many times; I have been in Jamaica many times; and, as I said on a former occasion, there are 30 per cent pure African and enough to make 75 per cent who are not Caucasion or Spanish, but mixed. We are in Hayti now, and we are liable to be called to Cuba under a provision in their constitution which we made them adopt. We are responsible for them. Bless my soul, under 200 or 300 years of English domination in Jamaica they are not yet ready for self-government.

Now, it is not just to the Porto Ricans; it is not just to us that this bill should pass. But, if it must pass, this section and other provisions in it should remain, although it gives them privileges that Territories do not ordinarily have. That is all I want to say, and I say it as a final protest. I shall vote against this bill.

Competent for self-government? I want to say that we have 10,000,000 people, lately enslaved, who have made very great progress, but they are in contact with 90,000,000 of people who have proved their competency for self-government of the Caucasion race; and with the fullness of time, with this great disparity in population, I believe as generations come and go we will work out our salvation in this country, but down in Porto Rico I am not so optimistic. [Applause.]

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 21. That any person aggrieved by the action or decision of the auditor in the settlement of his account or claim may, within one year, take an appeal in writing to the governor, which appeal shall specifically set forth the particular action of the auditor to which exception is taken, with the reason and authorities relied on for reversing such decision. The decision of the governor in such case shall be final and conclusive.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The office of auditor ought never to be a political office. I very much approve of the provision of the preceding section for the appointment of an auditor by the President of the United States, so that that officer will not be involved in local politics. I question somewhat the desirability of this section providing for an appeal from the auditor to the governor. You might just about as well let the governor appoint the auditor, direct him how he shall make his findings, as to let an appeal be taken from the auditor to the governor.

I think on the whole we have a very good system in the United States in reference to the auditing of claims or bills against the United States. They first go through the departments. They go to the auditor for the different departments; that official being an official of the Treasury Department. Then an appeal can be taken from the auditor to the comptroller. It is supposed, and I think correctly, that the Comptroller of the Treasury is an official who is not reached by clamor or influence. His term of office is not coincident with that of the President of the United States. He invariably holds over beyond the term of the President, and while new comptrollers are appointed from time to time the decision of the comptroller is believed to be absolutely on the square, apart from any political influence.

Well, the governor will be influenced more or less by popular clamor in Porto Rico. If he is a good governor he will try to make himself popular, and the auditor, the man who determines whether a bill shall be paid, ought to decide in accordance with the law and absolutely regardless of public opinion. I do not think myself it is good judgment to allow an appeal from the auditor to the governor. The auditor, appointed as he is, is there merely to construe the law. The governor, appointed as he is, both being appointed by the same official, wants not only to construe the law but he wants to make himself popular with the people of Porto Rico, and it will occasionally arise that there will be popularity on the one side in favor of the payment of a bill, and the law on the other side. I think we always ought to hew to the line of the law in the payment of bills against the Government.

Mr. JONES. Mr. Chairman, it seems to me this is a very wholesome and salutary provision. I can not quite agree with my friend from Illinois [Mr. MANN] that the governor would be any more apt to be influenced by popular clamor than the auditor would be. They are both appointed by the President of the United States, and the governor holds his office at the pleasure of the President of the United States, and I think there ought to be some right of appeal somewhere. If not to the governor, it ought to be to the President of the United States. Surely you would not wish to burden the President of the United States with a matter of detail such as this; and even if you did, the President would refer it to the governor and, in all probability, would follow the advice of the governor. The auditor should not be clothed with autocratic power. He ought not to be vested with a power that can not be reviewed by anybody; and that being true, I know of no official other than the governor to whom the appeal should be taken. The governor, as I have said, and as the gentleman knows, as well as the auditor, is appointed by the President of the United States and is removable at the pleasure of the President. His appointment must also be confirmed by the Senate of the United States.

Mr. MANN. Mr. Chairman, just a word. Mr. Chairman, I think somebody has to be an autocrat about the payment of bills. The Comptroller of the Treasury in our country is an autocrat. There is no appeal from his decision unless you have a legal claim where you can go to the Court of Claims. I do not see any great difference between making the governor an autocrat and the auditor an autocrat, except that the auditor will know a great deal more about the subject than the governor, necessarily. That is his business. It is an incident with the governor; it is the business of the auditor. The gentleman says the auditor ought not to be an autocrat. Well, it would be well, possibly, if we could prevent anybody from being an autocrat, but in this case the governor will be an autocrat. He can overrule the auditor, and the decision of the governor is final, and very likely, if many appeals are taken, the decision of the governor will be rendered without the same scrutiny and care which will be given to the subject by the auditor. That is the whole business of the auditor; it is the mere incident to the duties of the governor.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 25. That all local legislative power in Porto Rico, except as herein otherwise provided, shall be vested in a legislature, which shall consist of two houses, one the senate and the other the house of representatives, and the two houses shall be designated "the Legislature of Porto Rico."

Mr. PARKER of New Jersey. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I propose to offer an amendment to section 37, which defines the local legislative power that is granted by this section; but, lest I should be held to waive my right and my amendment should be held to involve something of a general legislative effect, I say a few words just now. When we are dealing with an island like this we must reverse the old motto "Be good, and you will be happy." If we make them happy they will be good. If the United States will give prosperity to an island of this sort, they will be bound by ties of affection to the United States, and if they do not have prosperity there is certain to be a revolution some day. Now, there is no doubt that the exports from Porto Rico to the United States of sugar, coffee, and so forth, have grown wonderfully; but I want to point out to the committee that the growth of exports and imports does not always indicate real prosperity. Jamaica in ancient days made enormous exports of sugar, but it was grown by slave labor. They have less imports and exports now, but, on the whole, the people are happier than they were then, though they might have more employment and be more prosperous. It just happens. During many years I have studied from time to time the affairs of Porto Rico; I have had some rather recent information from people who have been there. A young naval officer lately wrote me that sugar plantations were very prosperous in Porto Rico, but that the plain people were not doing well. The population has increased greatly because of the abolition of disease. The United States have not given them profitable employment. Another gentleman whom I know well—I do not mention names—told me that he was down on a plantation in Porto Rico quite recently; that the head of that big sugar company told him that he had made 60 per cent profit during last year, and at the same time he learned that the men who were loading at the wharves at the shipping towns in Porto Rico were getting 5 cents, and sometimes a little more, per hour for loading. My friend told me that this sugar plantation had 10 or 15 square miles of territory, and that he had heard that they had gotten rid of small farms that used to be on that area by rather arbitrary methods.

On my suggestion that he did not get that from the headman he said, "No; but his foreman suggested it to me." To the inquiry, "Was it by tax sale?" he said he did not know. I remember that my friend Larrinaga, the former Commissioner, told me that the poorer people of Porto Rico did not understand how to deal with taxes on land and were sold out. I understand my friend the present Commissioner to say that they are not sold out now. I remember that there were many tax sales, and I regretted them. The people of Porto Rico should know how to settle their own form of taxation. They will be ready to submit, as they did in olden times, to the old provision that put into the Porto Rican treasury a duty on goods coming to and fro from the United States which amounted to one-fourth of the duty charged on goods from outside. That gave the government something to live on.

Unfortunately in the year 1900 we passed an act, on April 12, chapter 191, page 77, which has reduced those duties from 25 to 15 per cent, which was to go into the Porto Rican treasury, and then provided that as soon as the United States was convinced that they had a system of local taxation which made them independent of those duties the duty should be abolished, and that, at any rate, all duties should be abolished in 1902. They are gone.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. PARKER of New Jersey. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. PARKER of New Jersey. They are gone. By this act we establish a great many officers. I notice one is to be paid $4,000. That does not mean pesos, but dollars, each of which is $2 and more than that to them. We have given them a central government that costs money. It is imposing license taxes, and every municipality does the same. Those people do not usually speak English. They can not get into the labor market in this country and get something to do, as our people can. They ought to have an opportunity to build up their own industries. And as a believer in the prosperity of every bit of the land that belongs to the United States, I urge, and shall urge when we get to section 37, that there should be given to their legislature such powers as Canada has against England, and as Australia has, and as New Zealand has, and as every happy and loyal colony of Great Britain has—the power to lay a tariff against their home country, the United States—which tariff, however, should be preferential and should not exceed a certain proportion of the United States tariff on goods that come from elsewhere. Unless you give to this legislature, to a certain extent—not altogether, but within reasonable bounds—the power of the purse and the power of regulating their commerce within reasonable limits, they are not free; they will not be prosperous; they will not be happy, and if they are not happy they will not be loyal. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 26. That the senate of Porto Rico shall consist of 19 members elected for terms of four years by the qualified electors of Porto Rico. Each of the seven senatorial districts defined as hereinafter provided shall have the right to elect two senators, and in addition thereto there shall be elected five senators at large. No person shall be a member of the senate of Porto Rico who is not over 30 years of age, and who is not able to read and write either the Spanish or English language, and who has not been a resident of Porto Rico for at least two consecutive years, and, except in the case of senators at large, an actual resident of the senatorial district from which chosen for a period of at least one year prior to his election, and who does not own in his individual right taxable property in Porto Rico to the value of not less than $1,000. Except as herein otherwise provided, the senate of Porto Rico shall exercise all of the purely legislative powers and functions heretofore exercised by the executive council, including confirmation of appointments; but appointments made while the senate is not in session shall be effective either until disapproved or until the next adjournment of the senate. In electing the five senators at large each elector shall be permitted to vote for but one candidate, and the five candidates receiving the largest number of votes shall be elected.

Mr. LONDON and Mr. MANN rose.

The CHAIRMAN. The gentleman from New York [Mr. LONDON] is recognized.

Mr. LONDON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 21, line 13, after the word "election," in line 13, strike out all that follows in line 13, and all in line 14, and the words "less than $1,000," in line 15.

Mr. LONDON. Mr. Chairman, the amendment is very simple. If the people of Porto Rico are qualified to take care of their own affairs, why should we impose a property qualification on members of the senate. It is a dangerous thing to do. You are giving to the propertied class the right to rule the country. You are drawing distinctions which should not exist. You are separating the people. You authorize one portion of the community to rule over the other portion of Porto Rico. It is a dangerous thing, and I do not believe that you should embody it in the law of Porto Rico as reflecting the best judgment of Congress in the year 1916. We can not go back to the theories of those legislators of 100 years ago who did try to create special distinctions for the propertied class. You know that the Senate of the United States was only a short time ago called "the Millionaires' Club." When you study the minutes of the Constitutional Convention of 1787, you will find that the authors of the Constitution feared the masses; they feared the crowd. I do not recall who it was who said it, but I believe it was Morris, that it was "necessary to create a legislature which should be independent of the whims and caprices of the people." Now, there is no reason in the world why we should now in drafting a law for Porto Rico embody every reactionary principle, every conservative principle in the old constitutions, principles that have been repudiated by the progressive part of America. Why should you now in the year 1916 go back to reactionary principles, to reactionary theories, to theories that have been exploded, to theories which will place property above men? That is where the vice of this thing lies.

In this section you have another obnoxious provision to which I want to call your attention:

No person shall be a member of the senate * * * who has not been a resident of Porto Rico for at least two consecutive years.

Mind you, when it comes to residence you permit a man to become a member of the Senate who has been a resident of Porto Rico for two years, but when it comes to property, then the native must own at least a thousand dollars worth of property. In other words, a rich man, a well-to-do man, who will come to Porto Rico and will have been a resident for two years only will have a right to sit in the upper house of Porto Rico and to govern Porto Rico. But a man who has been a resident of Porto Rico for 20 years, or who is a native of Porto Rico, a man of education, a man of intelligence, who does not possess a thousand dollars' worth of property, will be disqualified from contributing his judgment and his voice to the shaping of the laws for his own people.

I do not understand the operations of the minds of the members of the committee. I do not understand what they are after, unless it is their object to give to property the right to rule over the people of Porto Rico. A government of the people of Porto Rico by the Porto Ricans is inconceivable under the proposed bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. LONDON].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. LONDON. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 4, noes 42.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. This section provides that the senators shall be elected by the qualified electors of Porto Rico. Section 35 provides that the qualified electors of Porto Rico "shall consist of those citizens that will be hereafter registered in accordance with the terms of this act and of the laws of Porto Rico hereafter enacted." Is there any provision in this bill in reference to the registration of the electors of Porto Rico?

Mr. JONES. There is not, I will say to the gentleman; but I desire also to say to him in this connection that that section has been redrafted—the thirty-fifth section. The gentleman from Iowa [Mr. TOWNER] and myself, it was understood, were to redraft it, and I shall present a new section for this thirty-fifth section when we reach it.

The CHAIRMAN (Mr. CROSSER). Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 30. That the terms of office of senators and representatives shall be four years from the 1st of January following their election. In case of vacancy among the members of the senate or in the house of representatives, special elections may be held in the districts wherein such vacancy occurred, under such regulations as may be prescribed by law, but senators or representatives elected in such cases shall hold office only for the unexpired portion of the term wherein the vacancy occurred.

Mr. CANNON. Mr. Chairman, I notice that the senators and representatives are to be elected at the same time, and that the tenure of office is four years in each case. Am I correct in that?

Mr. RIVERA. Yes; you are correct.

Mr. CANNON. Why should not the senators serve a longer term than the representatives, or why should not the representatives serve a longer term than the senators?

They are elected at the same time. If you were to have hysteria in the island, you would have a complete absence of check by this arrangement. We get hysteria in the United States sometimes. The Senate is elected with a tenure of six years, one-third going out every two years. In theory, and I must confess in practice, according to my observation for a considerable number of years, the Senate does not as promptly reflect the popular judgment, or hysteria, as the case might be, as the House does. Many a time I have thought that the Senate did not perhaps perform its function. At times it has been uncomfortable. But after all, a majority of that Senate, two-thirds of it, lasts for four years, one-third of it for six years, and one-third of it for two years, and it gives an opportunity for a sober second thought, inasmuch as both Houses must concur in legislation. That has been exceedingly useful.

Now, they might have a storm, or a "brain storm," in Porto Rico; and with an election once in four years, the only check would be the veto of the governor.

The CHAIRMAN. The Clerk will read.

Mr. CANNON. I would be glad to know the views of the Committee on Insular Affairs. Of course, the gentleman in charge of the bill may have the power to proceed. I did not quite consume my five minutes. He will have the power to read along, and everything will go; but if there is some reason why both these houses should be elected at the same time and have the same tenure I think it would be well to give the House information, if there is any.

Mr. JONES. I shall be glad to give the best reason I can. I certainly did not intend to be discourteous to the gentleman. I did not understand that he had offered any amendment. He asked whether or not the two houses were to be elected at the same time and whether they were to have the same terms, and I indicated that that was the case. I did not know that the gentleman desired any further explanation.

In the first place I want to say that the reason of economy—the frequency of elections—had more or less to do with this provision than any other consideration. The only practical solution of the question other than that which we adopted would have been to have elected senators for four years and representatives for two years, or representatives for three years and senators for six years. That idea was suggested some two years ago during the consideration of the Philippine bill, and objection was made to it on the floor, and the bill was amended. The idea is to reduce the number of elections as much as possible.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. TOWNER. That last remark that the gentleman made was what I was going to call attention to. I think we all understand the common ground upon which the objection of the gentleman from Illinois [Mr. CANNON] was based. However, on consultation with the Insular Department, that has had charge of these matters for a good many years, and with the people of Porto Rico, through their Representative, Mr. RIVERA——

Mr. JONES. And I would add the Governor of Porto Rico, who came here——

Mr. TOWNER. Yes; and considering the present condition of the finances, taking into consideration all those things, it was thought best to place these terms as they are in the bill.

Mr. CANNON. In other words, it is popular government; they are to govern themselves. But this is another argument against any legislation.

Mr. TOWNER. I do not altogether agree with the gentleman from Illinois, I will say.

Mr. MONTAGUE. I would like to ask the gentleman from Iowa a question.

Mr. TOWNER. The gentleman from Virginia [Mr. JONES] has the floor.

Mr. MONTAGUE. Do I understand from the gentleman from Virginia and the gentleman from Iowa that the only argument for this uniformity of term of the House and Senate is the one of economy?

Mr. TOWNER. It is not the only argument.

Mr. MONTAGUE. That is the only one that has been given.

Mr. TOWNER. That is the principal argument.

Mr. MONTAGUE. If that is the principal argument, would you not accomplish the object aimed at by abolishing one or the other branch of the Congress?

Mr. JONES. I do not think that that is a fair deduction at all.

Mr. MONTAGUE. I deduce that from the principle presented. If you are going to have a bicameral body, you ought to have a varying term, according to the development and usages of our legislative institutions.

Mr. JONES. And you ought to have some regard for the people as to the cost of elections and the frequency of elections.

Mr. MONTAGUE. I think that is right.

Mr. JONES. This recommendation was made by gentlemen who are more familiar with local conditions than members of the committee. It was made by the Chief of the Bureau of Insular Affairs and by Gov. Yager, who came on here, and the committee, considering all things—the matter of expense and the matter of the frequency of elections—concluded that this was the better proposition.

Mr. RIVERA. Mr. Chairman, there are other reasons aside from that of economy in favor of this provision of the bill. In my judgment, the principal and paramount reason is not only economy, but it is a social and political reason. The people of Porto Rico are easily excited by an electoral contest, and it is better for them to have elections once in four years rather than once in two years, because if elections are to be held every two years there will be an enormous loss of time.

Mr. KEATING. Will the gentleman yield?

Mr. RIVERA. Certainly.

Mr. KEATING. How do your citizens manifest this excitement?

Mr. RIVERA. In different ways.

Mr. KEATING. Do they commit acts of violence?

Mr. RIVERA. Oh, no; they never manifest their excitement by unlawful means.

Mr. KEATING. You mean that they take an interest in the elections. Is that the idea?

Mr. RIVERA. They take a great interest; yes.

Mr. KEATING. Is it not true that in this country prior to an election the citizens take a great deal of interest in the election?

Mr. RIVERA. The people of the United States have different characteristics than the people of the Latin countries. In the Latin countries eight months before the election the people are very much occupied in election matters.

Mr. KEATING. The gentleman does not mean to convey the impression to this House that elections in Porto Rico are marked by acts of violence, does he?

Mr. RIVERA. No; not at all. There is no violence.

Mr. KEATING. By "excitement" the gentleman means that the people of Porto Rico are interested in their elections?

Mr. RIVERA. Yes; they are warmly interested in the elections.

Mr. KEATING. That they discuss the questions at issue?

Mr. RIVERA. Yes.

Mr. KEATING. And discuss the candidates?

Mr. RIVERA. Yes.

Mr. KEATING. But no violence is committed?

Mr. RIVERA. We think it is better that the elections in Porto Rico should be held once in four years, because of the saving in the people's time, and also for the reason of economy. The distinguished gentleman from Iowa [Mr. TOWNER] has explained this point clearly.

Mr. KINKAID. Will the gentleman yield for a question?

Mr. RIVERA. Yes.

Mr. KINKAID. How many months before the election are the candidates brought out?

Mr. RIVERA. Eight months.

Mr. KINKAID. Do the voters become so much interested in the campaign that they devote most of that eight months to having public meetings and electioneering for their candidates and working against those whom they oppose?

Mr. RIVERA. Yes.

Mr. KINKAID. And during that time do they neglect their work?

Mr. RIVERA. To some extent.

Mr. KEATING. I do not want to assume the responsibility for defending the gentleman's constituents, but I would suggest to him that he should not permit the impression to be given to this House that the people of his country are so utterly lacking in qualifications for self-government that for eight months prior to an election they neglect their business and devote all their attention to politics.

Mr. RIVERA. That is not exactly my affirmation. I have not stated that. The people of my country, enthusiastic as are all the peoples of the Latin race, do not limit their activity to casting their votes, but they frequent clubs, attend political meetings, discuss political issues, and sometimes carry their generosity to the point of neglecting their profitable business for the sake of their principles and ideals. This is the only meaning of my remarks, which the gentleman from Colorado has attempted to criticize.

Mr. KINKAID. Will the gentleman yield further?

Mr. RIVERA. With pleasure.

Mr. KINKAID. Does the gentleman mean that the people of Porto Rico can not afford to devote eight months to a campaign every two years?

Mr. RIVERA. That is what I mean.

Mr. KINKAID. And it would be more economical to have an eight months' campaign only once in four years, which would amount to two months for each year?

Mr. RIVERA. Certainly.

Mr. KINKAID. I think that that is a sensible proposition.

Mr. KEATING. If the gentleman will yield, I want to clear up this point. It is a serious matter. There are a million people in Porto Rico who are seeking self-government. Their Representative is here. He has not, as I understand it, stated that his people neglect their work? I am sure he does not desire to convey that impression to the House.

Mr. RIVERA. They do not completely neglect their other occupations, but they do so in part.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Does the gentleman from Porto Rico desire more time?

Mr. RIVERA. Yes; I do.

Mr. STAFFORD. I ask unanimous consent that the gentleman may have five minutes more.

Mr. JONES. I ask unanimous consent that the debate on this amendment conclude in five minutes.

Mr. CANNON. Oh, I think we ought not to do that. I take it there will not be a protracted debate.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. CANNON. A little later the gentleman may present his proposition and I shall not object. I have no desire for a long debate.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] asks unanimous consent that the time of the gentleman from Porto Rico be extended five minutes. Is there objection?

There was no objection.

Mr. RIVERA. I think it is a matter of economy, not only for the government of Porto Rico but also for the private citizens of Porto Rico, to have the elections every four years and not every two years, because at election time the enthusiasm there is very ardent, and frequently produces a great deal of public effervescence.

In elections for officials of the municipality the people are used to spending very much money. Sometimes in a little town of 10,000 inhabitants they spend more than $10,000 in one election. That is too expensive. According to the report the expenses of an election, referring to private expenses and not public expenses of the Government, are about $200,000 for each election,

and it seems to me that it would be a very good thing to save this large amount of money.

Mr. TILSON. Will the gentleman yield?

Mr. RIVERA. I will.

Mr. TILSON. Does not the gentleman take into consideration the matter of experience—that if the official will receive four years service it will be of much benefit to him as compared to two years or a shorter service?

Mr. RIVERA. Yes; that is another powerful reason. The gentleman from Illinois [Mr. CANNON] said that it was difficult for him to understand the different conditions between members of the house and members of the senate in Porto Rico, because the members of both houses are elected for four years; but the difference is that the members of the house will be elected by a single legislative district and the members of the senate will be elected by five districts. In this manner if a member of the house is given 20,000 votes, the member of the senate will receive 100,000 votes. That is the distinction between the members of the two bodies. Senators will have more representation and responsibility.

Mr. CANNON. Will the gentleman yield.

Mr. RIVERA. I will.

Mr. CANNON. In the whole island you elect 20?

Mr. RIVERA. Thirty members of the house and 19 senators.

Mr. CANNON. A portion of them from the island at large that everybody votes for.

Mr. RIVERA. Yes, sir.

Mr. CANNON. The others are elected by districts.

Mr. RIVERA. Exactly. Fourteen senators are elected by seven districts.

Mr. CANNON. Will the gentleman answer a further question? In the United States, here and there, we have bribery at elections. Fortunately, so far, taking the whole electorate, the rule is not bribery but honest voting upon the judgment of the electors. How is it in Porto Rico? The gentleman spoke of large expenditures; is there any bribery there?

Mr. RIVERA. Nothing of the kind. The elections are completely honest. The large expense that I spoke of is on account of the propaganda.

Mr. CANNON. There is no bribery, the gentleman says, direct or indirect, of the individual voter?

Mr. RIVERA. No bribery at all. Or, perhaps, in a very small number of cases; but not to any dangerous extent.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. RIVERA. I will.

Mr. SMITH of Michigan. How does it take so much money, then, to elect a senator or representative?

Mr. RIVERA. It takes no money at all.

Mr. SMITH of Michigan. He does not pay anything?

Mr. RIVERA. Nothing. I have been elected to represent the people of Porto Rico in this House for three terms, and I did not spend one cent in my elections. [Applause.]

Mr. KINKAID. Did any person run against the gentleman for the office; was there any opposition?

Mr. RIVERA. Oh, yes.

Mr. KINKAID. Every time?

Mr. RIVERA. Yes. I belong to the Union Party in Porto Rico, and there is another party, called the Republican Party, which has no connection with the Republican Party in the United States; it is a local party. But every time that I was a candidate the Republican Party has also presented its candidate, and I have had a great opposition.

Mr. KINKAID. Mr. Chairman, I am heartily in favor of the provision of the bill under consideration; that is, I think few elections are preferable to frequent elections in Porto Rico. I favor fewer elections rather than frequent elections in the United States. I think in several of the States of the Union general elections come too often. Several of the old States, including Massachusetts and Rhode Island, elect a governor every year. That seems to me to be useless and very uneconomical. As I view it, too much time and too much money, honestly expended, is lost in holding general State elections annually. Neither can a fair trial be given an administration in one year.

The State of Nebraska has recently changed its constitution so that it does not require a general State election every year. A general election is now required but once in two years. This year will be the first year to vote under the new system and elect all of the officers that heretofore have been elected by two elections, held a year apart. I think we ought to go still further and elect both State and county officials for four instead of two years. Mr. Chairman, it is significant that while old constitutions are being amended to make official terms longer no changes are being made to shorten terms, hence progress is in the direction of longer terms in office. I think the general trend is for fewer elections, with correspondingly longer terms in office. At any rate, I have stood consistently for such change for years.

Mr. Chairman, I am indeed very much pleased to know that the able gentleman from Porto Rico gives his unqualified approval of the provisions contained in the bill for the election of the members of the house as well as the members of the senate for a term of four years. I can readily understand why this may be appropriate for Porto Rico, but not desirable for the States of the Union. The stand taken by the gentleman from Porto Rico, in my estimation, reflects very favorably upon himself and his constituents. The reasons, in substance, given by the able gentleman from Porto Rico in favor of infrequent rather than frequent elections for his people, as I understand him, though he has not expressly so stated himself, is that their enthusiasm, stimulated and awakened by the exercise of the right of suffrage, comparatively new to them, leads them to devote too much time to political campaigns to the neglect of their usual vocations, thus tending to impoverish individuals and cause loss to the local public generally. The reason, therefore, is an economic and laudable one.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. HELM. Mr. Chairman, I move to strike out the last two words. Ever since I have been a member of the Insular Affairs Committee I have felt a very keen and lively interest in the people of Porto Rico. They are indeed the wards of this Government. One of the features of this situation to which I have alluded on every occasion similar to this is the possibility of the enormous trade looming up, the commerce of South America looming up as a possibility for this country, and inasmuch as this bill now makes the Porto Ricans citizens of the United States, we ought to take advantage of every possibility to select from the Porto Ricans the representatives for the Consular Service especially, and send as many of them as possible into the countries of South America as representatives of this Government. They have a kindred language, they are a kindred race, and they know the manners and customs of the people of South America. They would make the most serviceable representatives in a business way that this Government could have.

I hope that the department will, as far as it can, take notice of this situation and carry it into execution as far as it is possible to do so.

Another thing I could never understand and that is why, since the construction of the Panama Canal, we have not employed Porto Ricans when we have been going through the south islands to secure labor of all kinds in the construction of the canal.

I am informed that labor there is at a discount, that there is not enough employment in the island of Porto Rico for the Porto Ricans. Why our Government from the start has not been going to the island of Porto Rico to get labor to take down to the canal to help construct it I do not know.

Mr. MADDEN. Will the gentleman yield?

Mr. HELM. I will.

Mr. MADDEN. Does the gentleman know that the Canal Commission organized a board of civilians to go all over the world to find men to go and dig the canal, and they had to take them where they could get them?

Mr. HELM. I think if we could get laborers on the islands of the South Seas in the same latitude as Porto Rico it could have been possible to have obtained them in Porto Rico. On my trip to the Canal Zone I saw Jamaicans and laborers from several of the islands in the South Sea who were doing the manual labor in the Canal Zone, and why we have not had our people—citizens of our colonial possessions, if you may so term them—at work there instead of these English citizens is something I can not understand. I can not yield further.

Mr. YOUNG of North Dakota. Will the gentleman yield?

Mr. HELM. I only have five minutes. Now, this situation has arisen: There is a great scarcity of labor in this country now. Labor is at an enormous premium in the United States; there is a good paying job for every person willing to work. People are offering $3 a day for the commonest kind of work, and this bill makes the Porto Ricans citizens of the United States, and why we could not, why we should not, undertake in every possible way to get labor from Porto Rican Islands into the United States to take the place of this labor that has gone back to Europe——

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALMON. Mr. Chairman, I see no objection to the text of the bill providing that the senators and representatives in the Porto Rican Legislature shall both be elected for a term of four years. It is true, as has been stated by some, that it has been the practice in many of the States of the Union to elect the members of the State senate for a term of four years and the members

of the house for two years. Such was the case in Alabama until 1901. Since then, in accordance with the provisions of the constitution of 1901, we have elected our State officers and the members in both branches of the legislature at the same time for a term of four years. This new plan has given satisfaction and, we believe, is in the interest of good government. If this be true as to one State it would no doubt be true as to others. If it works well in the States it would, no doubt, in Porto Rico.

When the question of terms of the President of the United States, Senators, and Members of the House was under consideration in the convention which prepared the Constitution of the United States there was wide difference of opinion as to what should be the length of the term of these various officers, and it is said that giving the United States Senators six years, the President four years, and the Members of the House two years was the result of compromise. It was then provided that the Senators should be elected by the legislatures of the various States. That has been changed so that they are now elected directly by the people.

There is a strong sentiment in this country to-day for the election of the Members of this House for four years, and if it could be left to a vote of the people of the Nation I believe it would carry by an overwhelming majority. I hope the committee to which the resolution providing for an amendment to the Constitution providing for the election of the Members of Congress for four years was referred will grant hearings and report the resolution, in order that it may come before Congress and that we may have an expression on the subject. [Applause.]

Mr. FESS. Mr. Chairman, I simply want to remind the committee that there was no controversy as to whether this should be a bicameral system of the two houses, but there was a question as to whether the tenure should be the same in both houses. However, the committee came to the conclusion, and it was a unanimous vote, ultimately, that instead of lessening the time of members of the house from four to two years, or extending the time of the members of the senate from four to eight years, it was better to make the tenure of the members of the two houses the same, four years. That similarity of tenure does not destroy the bicameral system at all. The facts are, we provide for 35 districts and four members at large for the house, and we have 7 districts with two members from each and five members at large in the senate, their duties and powers while legislative are not entirely similar, and therefore there is a difference in the two houses which makes it a bicameral system instead of a unicameral system, but the only similarity is in the tenure. We agreed that two years in the house is too short and eight years in the senate is too long, and a compromise is reached to make them both four years. It does not destroy the bicameral system at all. The functions of the two houses are preserved, as they are recognized in the States. The only bit of difference from what we have in the several States and in the Federal Government is the similarity of tenure, and that is why the committee came to that conclusion.

Mr. JONES. Mr. Chairman, there is no amendment offered.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 32. That the senate and house of representatives, respectively, shall be the sole judges of the elections, returns, and qualifications of their members, and they shall have and exercise all the powers with respect to the conduct of their proceedings that usually pertain to parliamentary legislative bodies. Both houses shall convene at the capital on the second Monday in February following the next election, and organize by the election of a speaker or a presiding officer, a clerk, and a sergeant at arms for each house, and such other officers and assistants as may be required.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill, does this provide for the length of sessions for the senate and house?

Mr. JONES. I think it does in the subsequent section:

But no regular session shall continue longer than 90 days, not including Sundays, holidays, or days during which both houses may by concurrent resolution and with the approval of the governor have agreed to a recess.

The Clerk read as follows:

SEC. 34. That the enacting clause of the laws shall be as to acts, "Be it enacted by the Legislature of Porto Rico," and as to joint resolutions, "Be it resolved by the Legislature of Porto Rico." Bills and joint resolutions may originate in either house. The governor shall submit at the opening of each regular session of the legislature a budget of receipts and expenditures, which shall be the basis of the ensuing biennial appropriation bill. No bill shall become a law until it be passed in each house by a majority vote of all of the members belonging to such house and be approved by the governor within 10 days thereafter. If, when a bill that has been passed is presented to the governor for his signature he approves the same, he shall sign it; or if not, he shall return it, with his objections, to that house in which it originated, which house shall enter his objections at large on its journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members of that house shall agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members of that house it shall be sent to the governor, who, in case he shall then not approve, shall transmit the same to the President of the United States. The vote of each house shall be by yeas and nays, and the names of the members voting for and against shall be entered on the journal. If the President of the United States approve the same, he shall sign it and it shall become a law. If he shall not approve same, he shall return it to the governor, so stating, and it shall not become a law. If any bill presented to the governor contains several items of appropriation of money, he may object to one or more of such items while approving of the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the appropriation so objected to shall not take effect. If any bill shall not be returned by the governor within 10 days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the governor within 10 days after receipt by him; otherwise it shall not be a law. All laws enacted by the Legislature of Porto Rico shall be reported to the Congress of the United States, as provided in section 23 of this act, which hereby reserves the power and authority to annul the same. If at the termination of any fiscal year the appropriations necessary for the support of the government for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated item by item; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent that the committee return to page 25, section 33.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return to page 25, section 33. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I want to ask a question of the gentleman in charge of the bill. Beginning with line 18, the gentleman will observe that the governor may call "special sessions of the legislature or of the senate"; that is, he may call a special session of either the legislature or of the senate alone at any time. Then, in lines 20, 21, and 22, is a provision that the governor—

shall call the senate in session at least once each year on the second Monday in February of those years in which a regular session of the legislature is not provided for.

That amounts to a regular session of the senate. The bill is mandatory that the senate shall convene on that day—the second Monday of February—in certain designated years. These would not be special sessions of the senate. They are to be fixed by law. Then follows the language in line 23:

But no special session shall continue longer than 10 days.

Now, that applies only to any special session of either the legislature or of the senate. But how about the sessions of the senate which the law in mandatory fashion requires shall convene regularly on the second Monday in certain Februarys? How long are these to continue?

Mr. FESS. There is no limit.

Mr. COOPER of Wisconsin. If they are to draw $7 per day, ought there not to be some limitation upon the length of time in which the senate shall remain in session in these particular February sessions?

Mr. GARRETT. Will the gentleman permit? The criticism of the gentleman from Wisconsin may possibly be well taken, but, in the contemplation of the committee, this session of the senate was regarded as a special session, because it was provided that the governor should call it.

Mr. COOPER of Wisconsin. But strictly speaking, taking these two provisions of the paragraph together, it is not, because there is in the same clause a provision for the calling of special sessions of the senate. These are specifically called special sessions. But the other provision is mandatory that the senate shall convene on the second day of February in certain years. That is, convene regularly in these years.

Mr. MANN. It is on the call of the governor.

Mr. COOPER of Wisconsin. It is not a special session, because just before that there is a provision for special sessions of the senate to be called by the Governor to convene at any time.

Mr. GARRETT. I see the point the gentleman makes. But still it does not mean by direction of the law. It means by the call of the governor. That, I think, makes it a special session.

Mr. TILSON. Will the gentleman yield?

Mr. GARRETT. Mr. Chairman, if the gentleman will permit a minute, in order to clear up any doubt that may be in the mind of anyone concerning this, I think I could suggest an amendment, after the word "in," in line 21, by inserting the word "special."

Mr. TILSON. I was just going to suggest that to the gentleman from Wisconsin.

Mr. GARRETT. I think that would bring it within the terms of the bill.

Mr. COOPER of Wisconsin. It ought to be there if that is the meaning, and then these February sessions can not last longer than 10 days.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 25, line 21, after the word "in," insert the word "special."

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. SAUNDERS having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives, by Mr. Sharkey, one of his secretaries.

PORTO RICO.

The committee resumed its session.

The Clerk read as follows:

SEC. 35. That the qualified electors of Porto Rico, for any election whatsoever, shall consist of those citizens that will be hereafter registered in accordance with the terms of this act and of the laws of Porto Rico hereafter enacted. That no person shall be allowed to register as a voter or to vote in Porto Rico who is not a citizen of the United States, over 21 years of age, and who is not able to read and write, or who is not a bona fide taxpayer in his own name in an amount of not less than $3 per annum.

Mr. JONES. Mr. Chairman, I move to strike out all of section 35 and insert in lieu thereof the following, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman sends the following amendment to the Clerk's desk, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. JONES for the committee: Strike out all of section 35 and insert in lieu thereof the following:

"SEC. 35. That the qualified electors of Porto Rico shall consist of all male citizens of the United States 21 years of age or over (except insane or feeble-minded persons and those convicted in a court of competent jurisdiction of an infamous offense since the 13th of August, 1898) who are able to read or write either the Spanish or English language, and who shall be bona fide taxpayers in their own name and in an amount not less than $3 per annum. No person shall be allowed to vote at any election whatsoever who shall not be registered as a qualified elector, and no person shall be registered as a qualified elector unless he shall have the qualifications herein specified and shall further comply with such regulations as may be hereafter enacted by the Legislature of Porto Rico."

Mr. JONES. Mr. Chairman, I merely wish to state that during the general debate upon this bill it was developed that this section was defective in some respects, and the gentleman from Iowa [Mr. TOWNER], the ranking member of the minority of the committee, and I undertook to redraft it. The amendment which I send to the desk is intended to cure the defects that we then discovered in the section. For instance, the section as it appears in the bill would require that the voter must be able to read and write and also must be a taxpayer to an amount not less than $3 per annum. That was not the intention of the committee in drafting the bill. The intention was to make the provision in the disjunctive and not in the conjunctive. It was not the purpose of the committee to add a property qualification to an educational one. A voter possessing either qualification should be permitted to vote. As the language is written in the bill, he would have to possess both the property and the educational qualifications.

Mr. TILSON. As I heard the gentleman's amendment, it did not seem to me it provided for any residence in Porto Rico at all. Did it not simply say that any citizen of the United States should be an elector? Should it not provide that he should reside in Porto Rico?

Mr. JONES. It provides that the qualified electors of Porto Rico shall consist of those citizens that will be hereafter registered in accordance with the terms of this act and of the laws to be hereafter enacted.

Mr. TILSON. Should it not say something about residence in Porto Rico?

Mr. JONES. There is nothing said as to residence in this bill.

Mr. TILSON. Was it not the intention to make it so?

Mr. JONES. I will say to the gentleman that all voters have to be registered, and the power and authority is conferred upon the legislature to provide for their registration. This bill simply undertakes to provide for the qualifications of voters, and the legislature has conferred upon it the authority to provide for registration, and so forth.

Mr. MANN. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the amendment offered by Mr. MANN: After the word "citizens," insert the words "without regard to sex"; and before the word "citizens" strike out the word "male."

Mr. MANN. Mr. Chairman, I offer an amendment to perfect the text of the bill.

The CHAIRMAN (Mr. FOSTER). The gentleman from Illinois offers an amendment to perfect the text. The Clerk will report it.

Mr. JONES. Mr. Chairman, does the gentleman offer two amendments?

Mr. MANN. One is an amendment to the amendment and one is to perfect the text of the bill.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois to perfect the text of the bill.

The Clerk read as follows:

Amendment offered by Mr. MANN: On page 28, line 12, after the word "enacted," insert the words "and no discrimination shall be made as to sex."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. STAFFORD. Mr. Chairman, I wish to be heard before that very important amendment shall be put to a vote.

Mr. KEATING. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KEATING. The vote will come, first, on the amendment to perfect the text, and after that is voted on an opportunity will be afforded to vote on another amendment to perfect the text, will it not?

The CHAIRMAN. The vote will first come on the amendment to the amendment.

Mr. MANN. No; the first will come on the amendment to perfect the text.

The CHAIRMAN. The first will come on the amendment offered by the gentleman from Illinois.

Mr. JONES. The first vote will come on his amendment to perfect the text.

Mr. MANN. That is the rule.

The CHAIRMAN. Yes; that is correct.

Mr. LONDON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONDON. May I offer in the form of a substitute an amendment?

The CHAIRMAN. To what?

Mr. LONDON. To retain section 35 as it appears in the original bill, and to strike out that part of section 35 which begins on line 14 with the word "age," and then strike out lines 15 and 16 of section 35.

The CHAIRMAN. It will be in order for the gentleman from New York to offer an amendment after the amendment of the gentleman from Illinois has been disposed of.

Mr. LONDON. It will not be in order to offer it at this time?

The CHAIRMAN. Not at this time.

Mr. JONES. Mr. Chairman, does the gentleman from Illinois [Mr. MANN] desire any prolonged discussion of these amendments?

Mr. MANN. No. I am willing to vote right now.

Mr. JONES. I will ask, Mr. Chairman, that by a unanimous-consent agreement the debate on these amendments be closed in 10 minutes.

Mr. MANN. Very well.

Mr. KEATING. Reserving the right to object, Mr. Chairman, that would not close debate on other amendments to the section?

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the debate on these two amendments be closed in 10 minutes.

Mr. MANN. The debate on my amendments, not on that of the gentleman from Virginia.

Mr. KEATING. To close debate, as far as the amendments of the gentleman from Illinois are concerned, but that would not apply to the right of the gentleman from New York [Mr. LONDON] to offer his amendment?

Mr. MANN. That would not affect his right to offer further amendments.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JONES. I suppose the gentleman from Illinois wants to use his time. I would like to close the debate on this proposition.

The CHAIRMAN. There seems to be no one on the other side asking for recognition.

Mr. JONES. The gentleman from Wisconsin [Mr. STAFFORD] asked for time.

Mr. KEATING. Mr. Chairman, this is too important a question to be disposed of without some debate.

The CHAIRMAN. Unless some one wants to occupy the floor, the Chair will put the question.

Mr. KEATING. I am enthusiastically for it.

Mr. MANN. Mr. Chairman, I do not particularly desire to take the time to discuss the woman-suffrage amendment, the equal-suffrage amendment, which I offered. It has been discussed all over the country. If there is anyone in this House who is not familiar with it, he ought not to be here. [Laughter.] Ten minutes' discussion on the subject amounts to nothing. I think everyone is prepared to vote on the subject. That is what it is—an equal-suffrage amendment. [Cries of "Vote!" "Vote!"]

Mr. JONES. Mr. Chairman, I want to say just a word. I shall not undertake in five minutes to discuss this question of woman suffrage, but I do wish to say that I hope this committee will not undertake to force woman suffrage upon the people of Porto Rico.

As I understand it, there is no desire for it in the island. Nobody has appeared before the Committee on Insular Affairs asking for it. I do hope that the Congress of the United States will not undertake to force woman suffrage upon the people of Porto Rico, and that Representatives upon this floor, simply because they have woman suffrage in their own States, will not undertake to fasten it upon a people who do not desire it, who have never asked for it, and who have never shown any disposition to have it.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. JONES. I certainly will.

Mr. KEATING. I wanted to ask the gentleman if he consulted with the people of Porto Rico, or if the committee consulted with the people of Porto Rico, before they inserted in this section a provision which will disfranchise 60 per cent of the voters of Porto Rico?

Mr. JONES. This subject was somewhat discussed by Porto Ricans who appeared before our committee, most of whom, I think, favored some restrictions upon the suffrage.

Mr. KEATING. The gentleman does not pretend, though, that the 160,000 men disfranchised have been consulted?

Mr. JONES. I will say to the gentleman that, so far as I know, only one or two persons who claimed to represent them have protested against it. But I was not discussing that proposition at this time. That is not the matter upon which the committee is called upon to vote now. I am simply saying that so far as the committee is aware there is not a single human soul, male or female, in Porto Rico demanding equal suffrage, and therefore it seems to me that the Congress of the United States ought not to undertake to force equal suffrage upon that people.

Mr. Chairman, I reserve the rest of my time.

Mr. MANN. Mr. Chairman, this bill provides that the people shall not be qualified to vote unless they can read and write or pay taxes to the extent of $3 a year. I think that the woman in Porto Rico who can read and write or the woman who is a taxpayer there ought to have the privilege of voting. [Applause.] If all the men and all the women qualified to vote in Porto Rico under the terms of this bill do vote, the electorate there will be a smaller percentage of the population than there is now in any State in the Union; and when you attempt to cut down the electorate all along the line, and give the franchise only, as you say, to intelligence or property, then beyond all question you ought to give it to women. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken; and on a division (demanded by Mr. JONES) there were—ayes 63, noes 33.

Mr. JONES. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. JONES and Mr. MANN.

The committee again divided; and the tellers reported—ayes 60, noes 37.

Accordingly the amendment was agreed to.

The announcement of the result was received with applause.

The CHAIRMAN. The vote now comes on the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, debate is limited on these two amendments.

Mr. JONES. Mr. Chairman, I understand that this is the amendment offered by the gentleman from Illinois.

Mr. LONDON. Mr. Chairman, I have an amendment to the text.

Mr. MANN. I hope the gentleman from New York will reserve it until this amendment is disposed of. It will be in order after my amendment is voted on.

Mr. GARRETT. Let us see about that. What is the amendment?

Mr. MANN. His amendment will be in order after this amendment is disposed of.

Mr. GARRETT. I do not know whether it will or not. I have not heard the amendment read.

Mr. MANN. I know it will.

Mr. GARRETT. Well, let us hear it read. We will see about that.

The CHAIRMAN. Does the gentleman from New York [Mr. LONDON] offer an amendment to perfect the text of the bill as now printed?

Mr. LONDON. Yes.

Mr. MANN. We had a unanimous-consent agreement to close debate on these two amendments.

Mr. GARRETT. That is quite correct; but, Mr. Chairman——

The CHAIRMAN. As the Chair understands it, the gentleman from New York offers an amendment to the substitute offered by the gentleman from Virginia.

Mr. MANN. But the gentleman from New York will be entitled to offer an amendment to perfect the text after my amendment is disposed of.

Mr. GARRETT. Mr. Chairman, an amendment to perfect the text takes precedence.

Mr. MANN. It certainly takes precedence except for the unanimous-consent agreement. If there is debate, after you have made this agreement, you certainly will not get any more agreements.

Mr. GARRETT. The only unanimous-consent agreement was to close debate.

Mr. MANN. The gentleman's amendment will be in order after this amendment is disposed of.

Mr. LONDON. I will offer it as soon as the amendment of the gentleman from Illinois is disposed of.

The CHAIRMAN. The question is on the amendment to the substitute offered by the gentleman from Virginia.

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Wyoming rise?

Mr. MONDELL. I desire to offer an amendment perfecting the text of the amendment offered by the gentleman from Virginia [Mr. JONES]. I desire to know whether such an amendment is now in order.

The CHAIRMAN. It is not.

Mr. MONDELL. Will such an amendment be in order later?

The CHAIRMAN. It will be in order. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN] to the substitute offered by the gentleman from Virginia [Mr. JONES].

Mr. STAFFORD. May we have that amendment reported again?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "citizens," in the amendment offered by Mr. JONES, insert the words "without regard to sex"; and before the word "citizens" strike out the word "male."

The CHAIRMAN. The question is on the amendment just reported.

The question being taken, on a division (demanded by Mr. JONES) there were—ayes 51, noes 36.

Accordingly the amendment was agreed to.

The announcement of the result was received with applause.

Mr. JONES. Now, Mr. Chairman, I suppose the vote comes on my amendment as amended.

Mr. MANN. The amendment of the gentleman from New York [Mr. LONDON] is now in order.

Mr. LONDON. Mr. Chairman, I ask that my amendment be read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. LONDON].

The Clerk read as follows:

Amendment offered by Mr. LONDON: Page 28, line 14, strike out the words "and who is not," and also strike out all of lines 15 and 16.

Mr. LONDON. Mr. Chairman, this opens up again the question whether the unit of society is the human being or property. If you adopt the amendment which I now propose, you will eliminate the most objectionable feature of the bill. If you permit it to stand as recommended by the committee, you will disfranchise three out of every four voters in Porto Rico.

The people of Porto Rico have been exercising the franchise for 14 years. We are not called upon to confer a new right or a new privilege. We are asked to take away a right that people have enjoyed for 14 years. You have heard from the representative of Porto Rico that his people take an intense interest in elections, that for months prior to an election they debate and discuss and analyze the issues involved in the campaigns, and now you attempt to separate the Porto Rican people into two classes. One class is to make the law and the other class is to obey it. One class is to rule, the other class is to be

ruled. According to the testimony of every man who appeared before the Committee on Insular Affairs, a tax of $3 will disfranchise 165,000 people out of a total of 205,000 voters. I can not understand on what principle you defend the action of the committee. I presented the subject to you before, and I ask you to think twice before you put yourselves down as reactionaries and as willing to bring back to life the principle that property and not man shall rule.

The bill is both unwise and reactionary. It is unwise because it forces upon the Porto Ricans United States citizenship, when almost all the Porto Ricans, with the exception, as I am informed, of a small labor and Socialist group, crave Porto Rican citizenship under the protection of the United States. It is not for us to say whether the Porto Ricans are foolish or wise in their preference for Porto Rican sovereignty. In dealing with national aspirations you deal with matters of the heart, which do not lend themselves to calculating logic.

It is more than probable that if no attempt is made to graft upon them American citizenship that in the very logic of events and by the very force of its own growth and development Porto Rico will consider it a privilege to become an integral part of the United States. The wisest course, then, would be to give them the greatest possible measure of self-government consistent with the exercise of protection by an elder brother over a younger one. They would then become the makers of their own fate. The inexorable law of life would lead them to merge into the people of the United States.

We do not only impose upon them American citizenship but we force upon them theories of government which have long ago been repudiated by the progressive forces of American democracy.

The bill provides that no person shall be a member of the Senate of Porto Rico unless (among other qualifications) he owns in his individual right taxable property in Porto Rico to the value of not less than a thousand dollars. In other words, the upper legislative body is made accessible only to the very richest. A thousand dollars is a fabulously large sum of money for Porto Rico.

Under Spanish rule the Porto Ricans were governed by the aristocracy of birth. We are imposing upon them the most despicable kind of an aristocracy, the aristocracy of pelf. No matter how cultured or educated a man may be, unless he has accumulated taxable property of the value of at least $1,000 the proposed law will exclude him from representing the people of Porto Rico in their highest legislative body.

In some European countries, where the form of constitutional monarchy prevails and where the franchise has not yet been extended so as to cover every citizen, along with special privileges enjoyed by the man of property, homage is paid to the intellectual elements by giving representation to universities or by exempting college graduates from property qualifications.

I am pointing out this merely to show that we are less progressive in this matter than are some constitutional monarchies.

But the limit of iniquity is reached in the proposed act by the provision that no person "who is not able to read and write or who is not a bona fide taxpayer in his own name in an amount of not less than $3 per annum" shall be allowed to exercise the franchise. According to the unanimous testimony of all who appeared during the hearings, the sum of $3 is so onerous a tax that it will disqualify 165,000 out of 205,000 voters who participated in the last election. The present minimum tax is 3 cents.

When one but considers the miserable economic conditions prevailing in Porto Rico, where 5 cents an hour is considered a generous wage, there will be no difficulty in reaching the conclusion that the suggested tax has for its object the disfranchisement of the great majority of the working people of Porto Rico. One need but read the report of the last strike of the agricultural workers on the island—and there are 600,000 of them—to realize how utterly helpless the great masses will be when, in addition to the disadvantage of poverty, they will be deprived of the opportunity to assert their rights through the means of the ballot.

It may be worth while to quote here from the report of the United States Commission on Industrial Relations that: "As a result of the low-wage standard, the diet of the laborers, consisting chiefly of rice, beans, codfish, and plaintains, is so miserably inadequate that the worker not only is rendered inefficient but to a large extent undernourished;" that "there are nearly 200,000 children for whose education no provision has been made"; that "the great majority of the Porto Ricans are landless, the land being owned by corporations, wealthy landlords, and the colonial government and municipalities."

How big a sum a $3 tax is in Porto Rico one can appreciate only when he reads that "A majority of the rural workers live in huts which do not cost more than $10 to build."

For more than 50 years after the adoption of the Federal Constitution, the various States of the Union struggled to rid themselves of the antiquated property qualifications which hampered the growth of democracy. Dorr's Rebellion in Rhode Island in 1842 resulted in abolishing a system of voting which limited the franchise to landlords and to their first-born sons. Manhood suffrage is at least theoretically recognized as the very foundation of democracy. Many States of the Union and several European nations have extended the franchise to woman. Universal suffrage is inevitable.

You seek to reverse the law of progress, so far as Porto Rico is concerned. What the American States have freed themselves from, after long and painful effort, you now seek to foist upon Porto Rico. As it is, wealth has a tremendous advantage over poverty. You make the wealthy class so much stronger by conferring upon them the exclusive power of making the law of the land. By law you divide the Porto Ricans into classes. One class is to make the law, the other is to obey. The few are to command; the many are to serve. Such are the principles which the Congress of the United States promulgates in the year 1916. What a strange sort of democracy! What a peculiar kind of republicanism!

I challenge your right to endow property with the franchise which you deny to man.

Mr. AUSTIN. Mr. Chairman, this bill comes here with the unanimous approval of the Committee on Insular Affairs—Democrats and Republican alike. It has the support, the cordial support, of the Representative of the people of Porto Rico in this House. If it is satisfactory to the citizens and the Representative of the Porto Rican people, the gentleman who represents the East Side of New York ought to hold his peace.

Mr. LONDON. Mr. Chairman, I ask that the expression "from the East Side" be stricken out. It is as if I said "the gentleman from the mountainous regions of Tennessee." I am a Representative from New York.

Mr. KEATING. Mr. Chairman, I ask that the gentleman's remarks be taken down. He said the gentleman who misrepresents the East Side. The gentleman from Tennessee is so punctilious himself and so often instructs the House——

The CHAIRMAN. The gentleman from Colorado can not proceed after he has demanded that the remarks be taken down.

Mr. BURNETT. Mr. Chairman, does the gentleman mean to say that it is a disgrace to represent the East Side?

Mr. KEATING. I will withdrawn the request, Mr. Chairman; I will permit the gentleman to proceed.

Mr. AUSTIN. I do not ask the gentleman from Colorado to permit me to proceed.

The CHAIRMAN. The gentleman from Colorado withdraws his request, and the gentleman from Tennessee will proceed.

Mr. AUSTIN. I supposed that the gentleman from New York [Mr. LONDON] represented an East Side district of New York City. If he has not that honor——

Mr. BURNETT. Mr. Chairman, I think there was a misapprehension. The gentleman from Colorado understood the gentleman from Tennessee to say "misrepresents."

Mr. AUSTIN. That is a question for the people of that district to pass upon, and I take it they will do it next November. [Laughter.]

Mr. KEATING. I want to say, Mr. Chairman, that I did understand the gentleman to say that Mr. LONDON misrepresented that district. The reporter's notes will show whether I was in error or not.

Mr. AUSTIN. In the first statement I made I did not use the word misrepresent. Later on I may have used it.

Mr. KEATING. The gentleman did use it in his first statement.

Mr. AUSTIN. I did not.

Mr. LONDON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman can not make a parliamentary inquiry while the gentleman from Tennessee has the floor.

Mr. AUSTIN. Mr. Chairman, universal suffrage has been tried in Porto Rico for 14 years and has been unsatisfactory to the people of the island. They have made such representations to us, and the committee thought it was our duty to correct it. If the gentleman from New York wants to put ignorance above education, that is his right. There are 60 per cent of the people of Porto Rico of the voting age who are illiterate. There are no harsher conditions in relation to the payment of taxes in this bill than in the State of Tennessee or a large number of States of the Union, the New England States especially. By and by,

with free educational advantages in Porto Rico, they will have a great majority of the people who are going to vote who will be able to read their tickets. We do not permit ignorance to rule in the Southern States, and yet the gentleman from New York is for universal suffrage in Porto Rico regardless of the ability to read or the payment of taxes. And yet he would not dare to stand on the floor of this House and favor universal suffrage and the right of illiterates to control in South Carolina or Louisiana.

Many of the cities, counties, and congressional districts in the United States do not have universal suffrage, and yet he will advocate here, as the gentleman from Colorado proposed, universal suffrage, regardless of their ability to read and write or the payment of taxes. No man in Porto Rico who does not qualify himself to read and write and has not industry and patriotism enough to save and contribute $3 toward the running expenses of the government ought to be placed in the position to dictate the form of government and the manner in which the goverment should be run.

Mr. REILLY. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. REILLY. Does this require two qualifications, or only one?

Mr. AUSTIN. He must either be able to read and write or pay taxes to the amount of not less than $3.

Mr. REILLY. Why would not one be sufficient to protect the government?

Mr. AUSTIN. One is sufficient. He can vote if he pays taxes to the amount of $3, or he can vote if he can read and write.

Mr. JONES. At the present time the people control only one branch of the legislature. This bill confers upon them the right to elect both branches, and we thought that when we have extended them that right we ought to put these reasonable restrictions in.

Mr. AUSTIN. I thank the chairman of the committee for his statement. This is a forward and advanced step in giving the people of Porto Rico the right to manage their local affairs, and it should receive the undivided support of this House. It is a piece of splendid constructive legislation and is a credit and an honor to the distinguished gentleman from Virginia who reports the bill. It does not lie in the mouth of the gentleman from New York [Mr. LONDON] or the gentleman from Colorado [Mr. KEATING] to question the wisdom, the justice, or the patriotism of this measure, which bears the impress of this splendid man's work, the dean of this House, the gentleman from Virginia, Mr. JONES. [Applause.]

Mr. KEATING. Mr. Chairman, I am sure I have no disposition to question the patriotism or the ability of the gentleman from Virginia, the chairman of the committee. But I do not understand that when we offer amendments to this bill we are questioning the ability or the patriotism of the gentlemen who compose the Committee on Insular Affairs. A few moments ago an amendment was adopted, largely by votes on the other side of the House, led by the distinguished gentleman from Illinois, the minority leader, and I am sure he would be the last man in this House to question the ability or the patriotism of the distinguished and well-beloved chairman of the Committee on Insular Affairs.

But, Mr. Chairman, this is a fundamental question. For years the people of Porto Rico have been permitted to vote without an educational or a property qualification; and it is estimated that if the proposed restrictions are thrown about the franchise 60 per cent of the men who now vote will be deprived of the ballot. The gentleman from Tennessee [Mr. AUSTIN] states that this 60 per cent have not demonstrated their capacity to use the franchise. But I submit to this House—and I think the distinguished gentleman from Virginia, the chairman of the committee, will bear me out, and I am sure that the distinguished representative from Porto Rico will sustain me—that there is not a scintilla of evidence to sustain that assertion.

Why, one of the most distinguished residents of Porto Rico, a former Member of this House, testifying before a committee of the Senate, submitted this amazing instance to show the capacity of the people of Porto Rico for self-government: He said that in one instance 5,000 votes had been cast in a municipal election, and the result had been determined by a majority of 7 votes; and those who lost—and I think he represented the losing side—instituted a contest and expended a very considerable amount of money; and he called the attention of the committee to the fact that after weeks of endeavor they had been unable to find among those 5,000 votes 7 tainted votes. I want to submit in all candor to the members of this committee that a better record could not be made in any American municipality.

Now, my friends, most of these men whom you will disfranchise—if you adopt the provisions of this bill or if you adopt the substitute offered by the gentleman from Virginia—are the toilers of Porto Rico. This weapon, the ballot, is the only weapon they have with which they may protect their interests, and I appeal to the Members of the American House of Representatives, without regard to party affiliations, not to take away from these men the measure of self-government which was granted them even by their Spanish rulers.

Mr. AUSTIN. Will the gentleman yield for a question?

Mr. KEATING. I wish the American people to be quite as generous in their dealing with these Porto Ricans as were the Spaniards who preceded them. I am delighted to yield to the gentleman.

Mr. AUSTIN. Why did not the gentleman favor universal suffrage in the Philippine Islands and offer an amendment to the Philippine bill to that effect?

Mr. KEATING. Mr. Chairman, if I neglected to offer such an amendment, if I voted for any restriction upon suffrage in the Philippine Islands, I did it unconsciously, because I not only believe in permitting the Filipinos to vote without regard to property qualifications or educational qualifications, but I favor giving them their independence, and I would vote that way to-day, and if I had an opportunity this moment to give the people of the Philippines complete independence I would deem it a very high privilege.

Mr. AUSTIN. If the gentleman was a citizen of the South, say in Mississippi, would he favor universal suffrage there?

Mr. KEATING. Mr. Chairman, I do not propose to raise the color question here at this time [laughter on the Republican side], but I will say that the gentleman from Tennessee sits on the Republican side of the House and represents the party which wrote into the Constitution the declaration that the black man should be protected in his rights. It is rather strange to hear a Republican enunciate such a doctrine, and I do not think it will meet with any vast amount of applause or approval on that side of the aisle.

Mr. AUSTIN. I beg the gentleman's pardon; I never enunciated any doctrine, but I asked the gentleman a straightforward question and he dodged the answer.

Mr. DAVENPORT. Ask him whether he did——

Mr. KEATING. No; I will not ask the gentleman any question relating to his views on the color question. I want to confine my remarks to the pending measure. I hope no restriction will be placed on the Porto Ricans' right to vote.

Mr. JONES. Mr. Chairman, I desire to say a word or two before this amendment is voted on. This question was very carefully considered by the Committee on Insular Affairs, and while I greatly appreciate the kindly things the gentleman from Tennessee [Mr. AUSTIN] has said in regard to myself, I do not and can not take credit for the insertion in this bill of the provision to which he calls attention. It was very carefully considered by the whole committee. As gentlemen know, different views are entertained as to the question of the capacity of the people of Porto Rico for self-government. The people of Porto Rico only elect one branch of their legislature at this time. The legislature to-day consists of an executive council of 11 members and of a house of delegates. The executive council is appointed by the President of the United States, and, of course, the house of delegates can not enact any law without the concurrence of the executive council.

Mr. REILLY. Will the gentleman yield?

Mr. JONES. In just one moment I will. Now, when the proposition was made to give the people of Porto Rico control of both branches of their legislature by allowing them to elect a senate as well as a house of representatives a number of Members of this House thought that was going too far. I was one of those who advocated giving them control of both branches of their legislature; other gentlemen were not willing to go so far unless a veto power was lodged somewhere, either in the governor or the President. Most of them insisted that if the people of Porto Rico were permitted to elect both branches of their legislature that certain restrictions should be placed upon the exercise of the right of suffrage. So this was a matter of compromise, so to speak. The people of Porto Rico desire more than anything else to be given the right to elect both branches of their legislature. We give them that right in this bill, but in doing so it has seemed to us that reasonable restrictions should be placed upon the exercise of the suffrage. I now yield to the gentleman.

Mr. REILLY. The gentleman states that at the present time they elect by universal suffrage one house?

Mr. JONES. I would not say universal suffrage. I had not desired to discuss that matter, but I may say here that the gentleman from Colorado [Mr. KEATING] was mistaken in saying that the people of Porto Rico enjoyed universal suffrage under Spanish sovereignty.

Mr. REILLY. What were the qualifications when we took over the island from the Spaniards?

Mr. JONES. I can not answer that question from memory. The present organic law says:

At such elections all citizens of Porto Rico shall be allowed to vote who have been bona fide residents for one year and who possess the other qualifications of voters under the laws and military orders in force on the 1st day of March, 1900, subject to such modifications and additional qualifications and such regulations and restrictions as to registration as may be prescribed by the Executive Council.

Mr. REILLY. Now, will the gentleman yield?

Mr. JONES. That has been declared to be manhood suffrage, but it is not what is generally understood to be manhood suffrage.

Mr. REILLY. What, if anything, has occurred in the exercise of the right to vote, as read by the gentleman, that would indicate the wisdom of restricting the right to vote in Porto Rico?

Mr. JONES. As I have already said, the people of Porto Rico now vote only for the members of their house of delegates.

Mr. REILLY. Have they elected good delegates?

Mr. JONES. I think in the main they have.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONDON. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for two minutes. I want to ask him a question.

The CHAIRMAN. The gentleman from New York [Mr. LONDON] asks unanimous consent that the time of the gentleman from Virginia be extended two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LONDON. May I ask whether an ignorant person who can not read and write will become intelligent if he pays $3 taxes?

Mr. JONES. I will say to the gentleman that if a man is sufficiently thrifty and has the business capacity to accumulate property sufficient to pay a tax of $3, I think he has a sufficient stake in the land to permit him to vote. That is what I think.

Mr. LONDON. It is not a question of intelligence.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LONDON].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. LONDON. Division, Mr. Chairman.

Mr. COOPER of Wisconsin. May I ask to have the amendment read?

The CHAIRMAN. The amendment will be again read.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LONDON].

On a division (requested by Mr. LONDON) there were—ayes 9, noes 59.

So the amendment was rejected.

Mr. KEATING. Mr. Chairman, I desire to offer an amendment to perfect the text.

Mr. MONDELL. Mr. Chairman, I thought I had an amendment pending.

The CHAIRMAN. The gentleman has an amendment to the substitute, and this is to perfect the text. The gentleman will be recognized in time. The Clerk will report the amendment of the gentleman from Colorado [Mr. KEATING].

The Clerk read as follows:

Page 28, line 15, after the word "write," strike out the remainder of the section.

Mr. GARRETT. Mr. Chairman, that has been stricken out.

Mr. KEATING. Mr. Chairman, this amendment if adopted will strike out the property qualification. The amendment of the gentleman from New York [Mr. LONDON] struck out both the educational and the property qualification. My amendment will merely strike out the property qualification.

Mr. MANN. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. MANN. Under the bill, a man who can not read or write, but pays taxes, votes. The gentleman seeks to strike that privilege out. I think the gentleman offers his amendment under a misapprehension.

Mr. KEATING. I am perfecting the original text of the bill.

Mr. MANN. I am referring to the original text of the bill—who is not able to read and write, or who is not a bona fide taxpayer. That is the original bill. The gentleman is seeking to strike that out. I know the gentleman does not desire to do it.

Mr. KEATING. The gentleman is quite right when he says I do not desire to restrict the franchise. I withdraw the amendment.

Mr. MONDELL. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The CHAIRMAN. The gentleman from Wyoming offers an amendment to the substitute. Are there any more amendments to perfect the text?

Mr. LONDON. Will it be in order to offer an amendment to section 35 in the following form:

At the end of section 35 add the words "or who is not the head of a family."

The CHAIRMAN. It is in order to offer such an amendment. Does the gentleman offer the amendment?

Mr. LONDON. I do offer that amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Mr. JONES. Has the amendment of the gentleman from Wyoming [Mr. MONDELL] been reported?

The CHAIRMAN. The gentleman from New York offers an amendment to perfect the text of the section, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONDON: Page 28, line 16, at the end of the section add the words "who is not the head of a family."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. MANN. I would just like to ask the gentleman from New York, for information, if, in view of the amendment just agreed to, whether he would always be able to determine the head of the family or not? [Laughter.]

Mr. LONDON. I think the gentleman from Illinois has put a very embarrassing question, and has put the whole House in an embarrassing position with his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LONDON].

Mr. DAVIS of Texas. Mr. Chairman, I do not want to let this whole discussion go without saying something. In the committee the matter that presented itself seriously to me was the question that we were not only regulating a right to vote, while we enlarged the scope of the representation in legislative matters, our proscription as to the vote would necessarily disfranchise a large element of the population that is now voting. I realize that that is a dangerous proposition to a people that you are governing at long distance. And so I offered practically in committee the amendment of the gentleman from New York [Mr. LONDON], defining what qualifications for voting should be; that he could vote when he paid taxes to the amount of $3, or could read and write, either the English or the Spanish language, or was the head of a family, a householder, under the rules and customs of the country. That is practically the qualification for a juror in my State. The State of Texas in qualifying a juror asks him if he can read and write, or if he is a householder, the head of a family; and if he is the head of a family, whether he can read or write or not, he is qualified as a juror. And so I undertook to put that qualification to the voters in this bill, but the Committee on Insular Affairs disagreed with me and unanimously agreed on the measure as it is. I just wanted to make my position clear, so that it would be understood.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. LONDON].

The question was taken, and the amendment was rejected.

Mr. JONES. Now, Mr. Chairman, if all the amendments to the text have been disposed of——

The CHAIRMAN. They have been——

Mr. JONES. Inasmuch as the amendment offered by the gentleman from Illinois [Mr. MANN] on the subject of woman suffrage has been added to the text, I would like to withdraw my amendment.

Mr. MANN. It has been added to both.

Mr. JONES. Yes. I suppose the object the gentleman had in view has been subserved by putting it in the text, and I suppose he has accomplished what he wants; and I ask unanimous consent to withdraw the amendment.

Mr. MANN. I probably will not object. The gentleman from Virginia offered an amendment because he thought there ought to be some change, so far as woman suffrage is concerned; it is in both alike.

Mr. JONES. Yes.

Mr. MANN. If there was any reason for offering the substitute before, that reason still exists. Of course if there was no reason for it——

Mr. JONES. There was a reason for it, but I do not think it exists now, inasmuch as the text has been perfected by the gentleman from Illinois.

Mr. MANN. Both the text and the amendment have been perfected. If there was any reason for offering the substitute that reason still exists. I can see but one reason why the gentleman wants to withdraw it. He would not want a roll call in the House to vote against his own amendment. There is no other reason.

Mr. JONES. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to withdraw his amendment. It can only be withdrawn by unanimous consent. Is there objection?

Mr. MANN. I object.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Amendment offered by Mr. MONDELL to the amendment offered by Mr. JONES: Amend the amendment offered by the gentleman from Virginia [Mr. JONES] by adding at the end thereof the following: "*Provided*, That nothing herein contained shall be held to deprive any person of the right to register and vote who has heretofore legally exercised those rights under the laws of Porto Rico."

Mr. JONES. Mr. Chairman, a point of order. I would like to ask if this amendment is in order. The amendment offered by the gentleman from New York [Mr. LONDON] was not in this language, but it was substantially this amendment, and it was designed to accomplish exactly the same purpose. I had not supposed the gentleman would want to offer this after the House had——

Mr. MANN. Even supposing that to be true, one amendment was an amendment to the text of the bill and the other was to the substitute.

The CHAIRMAN. The Chair thinks this amendment is clearly in order. The gentleman from Wyoming [Mr. MONDELL] is recognized.

Mr. MONDELL. Mr. Chairman, I hope the committee will accept my amendment. I am in favor of the educational qualification which the committee provides for, both in the original text of the bill and in the substitute offered by the gentleman from Virginia [Mr. JONES]. I think that under existing conditions in Porto Rico that is a very excellent provision.

But here is the question we are confronted with: Right or wrong, a number of years ago we granted to the people of Porto Rico universal male suffrage, and under that provision of law those people have been voting for a considerable number of years. Now, granting for the sake of argument that in proposing to turn over to them a complete control of their affairs we are wise in the view that it is necessary somewhat to limit the right of franchise, should we in so doing disfranchise those who have already exercised that right?

I am one of those who hold perhaps an extreme view with regard to these matters of the franchise. I doubt if under a republican form of government in a representative government there resides anywhere authority to take the right of franchise from those to whom it has once been granted, except as a punishment for crime. You may modify conditions of franchise with regard to the new voter. We did that in my State when we adopted our State constitution. We provided the qualifications for the elector of the future, but we made no effort to disfranchise those who had been voting up to that time.

Now, gentlemen will say that it is important that we should modify the qualifications for the franchise in Porto Rico even to an extent and in a way that will disfranchise about 30 to 35 per cent of the people, now that we are giving them virtually self-government. Does the fact that the committee has agreed to such a provision indicate the necessity of it to the extent of disfranchising many voters? Not necessarily. It does indicate a view on the part of the committee that in the running of years that shall come the qualifications they propose should govern, but there has been no evidence before the committee to the effect that those people, even the illiterates, have not reasonably discharged their duty as electors, and my amendment simply provides that, retaining all the qualifications proposed by the committee for the future, we shall still not disfranchise the man who has had the right to vote in the past. I do not believe we have any authority to do it. But whether we have or not it is not necessary to do it. The number of these illiterates or nonproperty-holding electors will decrease very rapidly.

I well remember when we adopted an educational qualification in my State. The number of illiterate voters was very small, to begin with, not over 2½ per cent; but the number of those illiterates who had been voters and had continued to exercise the right under our constitutional provision decreased rapidly, and they became at once a marked set of voters, different from the others, separate and apart, and they hesitated somewhat about offering their ballot under those circumstances.

So that while we had a small per cent of illiterate voters prior to the adoption of that amendment, and those men were still qualified to vote, the number of those illiterates who did vote decreased in the first election, and in a very short time practically none of those illiterate voters attempted to exercise the right of the franchise. But we did save ourselves from the charge that we had attempted to take away from a voter a right which had been at one time granted, and we passed to the new order of things without resentment on the part of anyone, for we took no right from anyone, we made the change without criticism of the new provision because it wronged no one. We did justice, and we secured the conditions that we desired. Let us do the same in Porto Rico. In providing new qualifications for voters let us refrain from doing injustice and wrong to a large body of those now exercising the right of franchise.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I should like to ask the gentleman from Virginia if there is any provision in this bill concerning elections, how they are to be regulated, and so forth?

Mr. JONES. Matters of registration and everything pertaining to the conduct of elections are left to the Legislature of Porto Rico.

Mr. COOPER of Wisconsin. In my judgment, we ought to provide in this law that elections in Porto Rico shall be by ballot. Experience has taught me, and what I have read has confirmed the teachings of experience, that we ought to put a stop to voting by voting machines. I think the gentleman from Illinois [Mr. MADDEN] can tell what they have learned about such voting in the city of Chicago, after awarding a million dollar contract for machines.

Mr. MADDEN. Does this bill provide for voting by machines?

Mr. COOPER of Wisconsin. No; but it would permit that method of voting.

Mr. MADDEN. It ought to prohibit it.

Mr. MONDELL. The amendment has no relation to the matter of voting by machines.

Mr. MADDEN. If the gentleman will allow me, I will say that the election commissioners of the city of Chicago contracted for a million dollars worth of voting machines, and they put them into operation in some of the wards in the city, and upon investigation it was proved beyond any doubt that if anyone wished to reverse the will of a voter and to cause his vote to be recorded against the man whom he supposed he was voting for all it was necessary to do was to have some one put a thin slip of paper behind one of the keys, and when the voter pressed the key to vote for the candidate for whom he intended to vote his vote would be registered against that candidate, and so do exactly the reverse of the thing that the voter wanted to do and that he was expecting to do. The result was that upon the investigation of the question by the legislature of our State the board of election commissioners of Chicago were compelled to throw this $1,000,000 worth of voting machines into the junk heap so that the people of our city might have a right to vote according to the way they believed they were voting.

Mr. COOPER of Wisconsin. In line with what the gentleman from Illinois [Mr. MADDEN] has said, a former Member of this House told me that his own defeat was due to the fact that there was what he denominated crooked work in the manipulation of voting machines at the election. He was beaten by a very small majority, only one vote, I think. He said there was no question whatever that in certain wards the machines were fixed to defeat him, possibly in the manner just indicated by the gentleman from Illinois [Mr. MADDEN].

And, Mr. Chairman, in this connection there is this other thing to which I wish to call attention. You have voted and I have voted by pulling the lever of a machine, and yet neither you nor I could make an affidavit as to whom we voted for nor as to whether we had voted at all.

Mr. MADDEN. You could not see.

Mr. COOPER of Wisconsin. When you mark a ballot with a pencil, hand your ballot to an election official, and see him deposit it in the box you know for whom you have voted. But when you vote by pulling the lever of a machine you see no record made nor can you tell for whom you have voted, nor, as I have said, whether you have voted at all. You trust it all to a machine made by some other man, a machine which has been

in the possession of other people all of the time and about the workings of which you know nothing. As has just been narrated by the gentleman from Illinois [Mr. MADDEN], the city of Chicago canceled a contract for $1,000,000 worth of voting machines because, after a thorough test, it was found that by inserting pieces of paper in the machines they could be used absolutely to defeat the will of the voters.

This is not a trifling matter. On the contrary, it is of very great importance. We should not permit the Legislature of Porto Rico to enact a law that would allow the use of voting machines in the island.

Mr. TEMPLE. Why would it not be as easy to protect the machines against improper manipulation as it would be to protect the count of the ballots? It is not the machine that ought to be thrown away, but the man who manipulated it so as to produce a false result ought to be locked up.

Mr. COOPER of Wisconsin. I do not know how the gentleman from Pennsylvania feels about it, but when I mark a ballot and hand it to the election official, and see him put it into the box I know that, so far as I am concerned, I have voted for the candidate of my choice; but when I pull the lever of a machine, I see no record made and do not know for whom I have voted. I could not make an affidavit that I had actually voted for any person.

Mr. KING. Will the gentleman permit a suggestion?

Mr. COOPER of Wisconsin. Yes.

Mr. KING. I want to state for the information of gentlemen that I happened to be a member of the committee of the Illinois Legislature that investigated that subject. It was proven there beyond question that those machines could be manipulated, that they could be arranged so that at least 10 votes could be added for a particular candidate before the voters started to vote in the morning, and in that way favor the candidates whom those manipulating the machines desired to see elected.

Mr. MADDEN. Not only that, but they could manipulate the machines so as to defeat the will of the voter and make his vote be registered for the opponent of the man whom he desired to support.

Mr. KING. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. MONDELL. I am not going to object to the gentleman from Wisconsin discussing something that is not before the House, but I have an amendment pending, and I am afraid Members will conclude that my amendment has something to do with voting machines. It has not; it has something to do with disfranchisement. I do not want my amendment to get mixed up with the voting machines, and I would like to have the gentleman from Wisconsin say something in favor of my amendment.

Mr. COOPER of Wisconsin. I had intended to reach that later in the discussion. [Laughter.] Mr. Chairman, the statements of the two gentlemen from Illinois, Mr. KING and Mr. MADDEN, are of extreme importance. I repeat that it is most important to the people of Porto Rico that these crooked machines shall not be installed for voting purposes in that island. We can make a sufficient educational test if we require that the vote shall be by the Australian ballot and prohibit the giving of assistance to voters in marking their ballots. That would constitute an excellent educational test.

Mr. MONDELL. If you adopt the educational test you would not disfranchise those who have already been voting?

Mr. COOPER of Wisconsin. Oh, no. The people there are civilized, so civilized, I will say to the gentleman from Wyoming, that in the island of Porto Rico years ago, when they bought and sold slaves, they voluntarily taxed themselves, raised money to the aggregate of $16,000,000, paid for all of the slaves, and made them free. That is better, far better, than we did in the United States, for we killed hundreds of thousands of our own people before we could free the slaves.

In Porto Rico the population is homogeneous; the island is in size only about 90 miles by 40 miles; it is close to our shores, and when the Panama Canal is opened is going to be made a very busy spot by the shipping of the world, which will stop there on its way to and from that great waterway. The people of Porto Rico are abundantly able to elect their legislature in both branches, but I am in favor of prohibiting them from voting by machinery and of requiring them to use the Australian ballot.

Mr. HOWARD. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. HOWARD. I have enjoyed the gentleman's dissertation on inanimate machines. The gentleman does not have any reference to the human machine which is built up all over the country?

Mr. COOPER of Wisconsin. No; you do not work the human machine with a lever; you do that with the pocketbook. [Laughter.]

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that my amendment may be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again reported the amendment as follows:

Amend the amendment of the gentleman from Virginia [Mr. JONES] by adding at the end the following: "*Provided*, That nothing herein contained shall be held to deprive any person of the right to register his vote who has heretofore legally exercised this right under the laws of Porto Rico."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken; and on a division (demanded by Mr. MONDELL) there were 27 ayes and 51 noes.

So the amendment was lost.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word.

Mr. JONES. Mr. Chairman, I ask that all debate on this amendment and amendments to the amendment close in five minutes.

Mr. HUDDLESTON. I will say that it is my intention to offer an amendment later, so that I shall feel obliged to object to the request.

Mr. JONES. The gentleman will be recognized. How much time does the gentleman want?

Mr. HUDDLESTON. I want five minutes now and five minutes on my amendment when I offer it. I suggest to the gentleman that we let the amendment be offered at the proper time and then make an agreement.

The CHAIRMAN. Has the gentleman from Alabama an amendment to offer?

Mr. HUDDLESTON. I now move to strike out the last word, and I will offer an amendment later.

The CHAIRMAN. The gentleman will proceed.

Mr. HUDDLESTON. Mr. Chairman, it seems to me the fundamental mistake we are making this afternoon is in undertaking to dictate to the people of Porto Rico who shall vote and who shall not vote in those islands. Many of us have never been in Porto Rico, many of us have never seen a Porto Rican except the distinguished Porto Rican Commissioner who is here this afternoon, and practically none of us have any knowledge of the conditions that exist in that island. How, then, can we assume the knowledge that will enable us to say for that people who shall and who shall not vote? I assert that the whole proceeding is undemocratic and, even more, it is un-American.

It is fundamental in this country that just governments derive their powers from the consent of the governed. It is just as fundamental that you have no right to interfere with the right of the people to local self-government unless it is absolutely necessary for the good of the whole people of the Nation.

Now I ask, Is it necessary for the good of the whole of the people of the United States that we shall dictate to the people of Porto Rico as to which of them may vote? I assert that there is nothing of the kind, no such condition as this. In your State, Mr. Chairman, in the State of every gentleman here, the people would resent bitterly any attempt on the part of the Congress to prescribe the qualification of voters. In my section of the country the right of the people of the separate States to fix such qualifications is regarded as sacred, as the ark of our liberties; and any man who would lay his hand on the right of Alabama to govern itself, anybody who would assume to dictate to Alabama what part of her citizenship should vote and what part should not vote would, if we had our will, meet the fate of the man of old when he laid his hand upon the ark of the covenant. I am willing to concede to the people of Porto Rico the same rights that I claim for my own people. I am even willing to insist that they shall have exactly the same measure of political freedom, the same right of self-government that the people of Alabama have, and I say that to the people of Porto Rico should be left the question as to who shall enjoy the right of franchise. I insist that we ought to give to the people of Porto Rico who now have the right to vote the right in some fair and proper way to meet together and fix the qualifications of voters. Unless we do so, we will betray the fundamental principles of Americanism; we will betray the real democracy.

Mr. MONTAGUE. Will the gentleman yield for a question?

Mr. HUDDLESTON. I will.

Mr. MONTAGUE. I desire to ask the gentleman if we have not uniformly fixed the right of suffrage in the Territories of America?

Mr. HUDDLESTON. I am not able to say; but I am able to tell the gentleman that never have we undertaken to say to the

people of any Territory of the United States that they should not have in future, when they become a State, the right to fix the qualifications of voters.

Mr. MONTAGUE. Will the gentleman permit me another question?

Mr. HUDDLESTON. In just a moment.

Mr. MONTAGUE. I think the gentleman misapprehended my question.

Mr. HUDDLESTON. I do not think I did. We do not contemplate that Porto Rico shall become a State of this Union. There is not a gentleman here who has any such idea in his mind. The organization of a Territory is a temporary thing. It is intended merely to give the people a form of government until the time shall come when they shall have the population to organize as a State and to legislate for themselves. Nothing of the kind is contemplated here. We are passing an organic act, we are fixing a permanent form of government for the people of those islands, and I insist that they shall be allowed, that they themselves shall be allowed, to say who shall take part in that government.

Mr. LLOYD. Is it not true we have provided the form of government in Alaska, that we have provided a different one in Hawaii, and have not we provided a different one still in the Philippine Islands, and is it not true that in Porto Rico there is a different condition existing than in any of these other places?

Mr. HUDDLESTON. I think so.

Mr. LLOYD. And this Government——

Mr. HUDDLESTON. But I think entirely different conditions obtain in Porto Rico than those which obtain in the Philippines. The people of Porto Rico are of our race, they are people who inherit an old civilization—a civilization which may be fairly compared to our own.

Mr. LLOYD. In every Territory of the United States, the United States Government has fixed the qualifications of voters.

Mr. HUDDLESTON. Mr. Chairman, the gentleman by his question evades the proposition I lay down.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUDDLESTON. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Wyoming in the way of a substitute to section 35.

Mr. HUDDLESTON. Mr. Chairman, I ask that the amendment be again reported.

The amendment was again reported.

Mr. MANN. Mr. Chairman, I move to strike out the last word. In view of the statement of the gentleman from Alabama that the State of Alabama would not permit the gentleman's government in any way even to influence the right of the State of Alabama to determine who shall vote in that State, I suggest that he would read the fifteenth amendment to the Constitution of the United States:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous conditions of servitude.

I am inclined to think they do not know there is such a provision in the Constitution.

Mr. HUDDLESTON. Does the gentleman mean to say that provision of the Constitution of the United States is acceptable to the people of Alabama?

Mr. MANN. I mean to say that the United States have imposed that provision on the State of Alabama; and does the gentleman mean to say that the State of Alabama and its citizens refuse to obey the Constitution of the United States in its entirety?

Mr. HUDDLESTON. I say that we obey that provision with extreme reluctance. I say, furthermore, that never in the history of this country, with the consent of the people of Alabama, will any amendment to the National Constitution similar to that read by the gentleman be adopted.

Mr. MANN. With the consent of Alabama. This bill may not be adopted with the consent of Alabama. Well, the Government will run.

Mr. JONES. Has all debate on this been exhausted?

The CHAIRMAN. The debate has been exhausted.

Mr. COOPER of Wisconsin. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The question is on the substitute of the gentleman from Virginia.

Mr. COOPER of Wisconsin. I do not understand——

The CHAIRMAN. The parliamentary situation is this——

Mr. COOPER of Wisconsin. I desire to perfect the text in the original——

The CHAIRMAN. By unanimous consent amendments were offered to the text and exhausted, and then the question of a substitute was under consideration, and one amendment has been offered to that. Now, the question under consideration is the substitute as offered by the gentleman from Virginia, as amended.

Mr. COOPER of Wisconsin. Then I offer it as an amendment at the end of the substitute proposed by the gentleman from Virginia.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the substitute insert the following: "All elections under the provisions of this act and of laws enacted in pursuance thereof shall be by ballot."

Mr. COOPER of Wisconsin. Mr. Chairman, I think there can be no objection to that amendment.

Mr. JONES. Mr. Chairman, if I had my way about it I would much prefer having it written in the organic law that all voting should be by a viva voce vote. I should much prefer that to the ballot, but I think that is a matter that ought to be left to the people of Porto Rico.

We have not undertaken in this bill to go into matters of detail as to registration, as to whether they shall have the ballot, or whether, if they have it, it shall be provided by the state or the candidates, and all that sort of thing. We think the Porto Ricans, as the gentleman does, have sufficient intelligence to decide for themselves whether the voting shall be viva voce or whether it shall be by ballot, or how it is to be done. I have no doubt in my own mind but that it will be done by ballot. I prefer, however, the viva voce system of voting.

Mr. COOPER of Wisconsin. I am surprised to hear the gentleman from Virginia suggest the possibility of viva voce voting. A man that runs a great plantation in Porto Rico could vote every one of the employees on that plantation. All he would have to do would be to stand around and indicate to them how he desired them to vote and they would vote that way, not vote at all, or not work on his plantation.

Mr. JONES. May I ask the gentleman a question?

Mr. COOPER of Wisconsin. Yes.

Mr. JONES. I will ask the gentleman if he does not remember a contested-election case before this House some years ago—he was here at the time—when the evidence showed that the representatives of certain great packing houses stood near the ballot boxes and handed ballots out to the voters, to the number of several hundred in one single precinct? The voters were unable to read the English language, and they accepted their ballots from the agents of their employers.

Mr. COOPER of Wisconsin. Yes, Mr. Chairman. I do not remember that particular instance, but I know of such cases having happened many years ago; but, fortunately, throughout the whole North they are impossible now. The secret-ballot system has done away with that. If I may, in this connection, be permitted to do so, in reply to the gentleman from Virginia, I will narrate a little personal experience.

On an election day in the afternoon I was seated in my office drawing a complaint when in came a man and his wife. I had been his attorney in a suit that he had thought of some importance. He said, "Hal, I am sorry I can not vote for you." I replied, "That is all right whether you can or not. Vote as you please." "Oh, no," he said, "I want to vote for you, but I can not get near the polls without showing my ballot. Three or four heelers are there, and everybody who comes up has to show his ballot." I went with him to his precinct. There was a long line of voters waiting for an opportunity to vote, with heelers at intervals on each side. One of the largest of these stood there, and as the men came up shouted, "Make them show their ballots. Make them show their ballots." Other heelers would make them show their ballots. Many of the voters dropped out one by one. It happened that I was elected to the State senate that year, and as soon as possible I went to work to devise an election law to stop that sort of thing. So I drafted and introduced the bill which became a law and first established the secret-ballot system in Wisconsin, and since then we have never had that sort of abuse at elections. What the gentleman from Virginia [Mr. JONES] said was true everywhere before we had the secret-ballot system, but it is true no more. If you revive the viva voce system you restore those abuses and a thousand others still more aggravated. You will have intimidation. You will have the man with a mortgage on another's place watching the mortgagor as he votes. An employer who happens to be tyrannical in his disposition—not all employers are that way—will see to it when his employees vote viva voce that they vote as he wants them to vote or that they shall not work for him. Secret voting must be maintained

in the United States of America if this Republic is to endure. Let the men who would corruptly use money buy or try to buy voters. The voters will have the secret ballot and the would-be buyer can not see the vote delivered. Therein we are safe. But the minute you do away with ballots and have a lot of poor men stand up and say "I vote this way," and another man has it in his power to say "You vote the other way or you get your pay check and quit to-morrow," you restore the system that never ought to have been even suggested by the gentleman from Virginia. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin to the substitute offered by the gentleman from Virginia [Mr. JONES].

The question was taken, and the chairman announced that the "noes" seemed to have it.

Mr. COOPER of Wisconsin. A division, Mr. Chairman.

The committee divided, and there were—ayes 27, noes 42.

So the amendment was rejected.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Virginia [Mr. JONES].

Mr. HUDDLESTON. Mr. Chairman, I would like to have that reported.

The CHAIRMAN. The Clerk will report the substitute.

The substitute was again read.

Mr. COOPER of Wisconsin. A parliamentary inquiry. If it requires another amendment to strike out section 35, it will be in order after the substitute is acted on?

The CHAIRMAN. The committee closed the consideration of section 35 to perfect it, and then the question came up on the substitute.

Mr. COOPER of Wisconsin. I desire to offer an amendment now.

The CHAIRMAN. To the substitute?

Mr. COOPER of Wisconsin. To the section.

The CHAIRMAN. It is not in order to offer an amendment to the section.

Mr. HUDDLESTON. Mr. Chairman, I desire to offer an amendment to the substitute.

The CHAIRMAN. The gentleman will send it to the Clerk's desk.

The Clerk read as follows:

Page 28, line 12, after the word "enact," strike out all of the remainder of section 35.

Mr. HUDDLESTON. I have not the substitute before me, Mr. Chairman. I want to strike out the portion that describes the qualifications of voters.

The CHAIRMAN. There is apparently no place in the substitute where this amendment would apply.

Mr. HUDDLESTON. The portion of the substitute prescribing the qualifications of voters is the one I wish to strike out.

Mr. DAVENPORT. Evidently it is desired to strike out all after the word "enacted" on line 12.

The CHAIRMAN. The Chair will state that the gentleman's amendment, so far as the Chair is able to understand it, can not be inserted in the substitute at an appropriate place.

Mr. HUDDLESTON. I have not the substitute before me.

Mr. MANN. Oh, we shall never finish the bill at this rate. I ask for the regular order, Mr. Chairman.

The CHAIRMAN. The regular order is the amendment offered by the gentleman from Alabama [Mr. HUDDLESTON], which the Clerk will report.

The Clerk read as follows:

Amend the substitute by striking out all after the words "per annum."

Mr. JONES. Mr. Chairman, will the Clerk report the words to be stricken out?

The CHAIRMAN. The Clerk will report the words to be stricken out.

The Clerk read as follows:

No person shall be allowed to vote at any election whatsoever who shall not be registered as a qualified elector, and no person shall be registered as a qualified elector unless he shall have the qualifications herein specified, and shall further comply with such regulations as may be hereafter enacted by the Legislature of Porto Rico.

Mr. CANNON. Mr. Chairman, is that an amendment or an amendment to the substitute?

The CHAIRMAN. An amendment to the substitute.

Mr. CANNON. So that it would read, if it were adpoted, how?

Mr. HUDDLESTON. Mr. Chairman, is this taken out of my time?

Mr. CANNON. Oh, not at all.

The CHAIRMAN. The Clerk will report it as it would read if it were adopted.

The Clerk read as follows:

SEC. 35. That the qualified electors of Porto Rico shall consist of all citizens without regard to sex, of the United States, 21 years of age or over (except insane or feeble-minded persons and those convicted in a court of competent jurisdiction of an infamous offense since the 13th of August, 1898), who are able to read and write either the Spanish or English language, or who shall be bona fide taxpayers in their own name in an amount not less than $3 per annum.

Mr. CANNON. That is the way it would read if the amendment were adopted?

Mr. HUDDLESTON. My amendment was not inserted in the proper place, Mr. Chairman. It is the part relating to qualifications, being able to read and write or being taxpayers. I made a mistake in writing my amendment. I ask unanimous consent to correct my amendment.

The CHAIRMAN. The gentleman from Alabama [Mr. HUDDLESTON] asks unanimous consent to correct his amendment. Is there objection?

There was no objection.

Mr. JONES. Regular order, Mr. Chairman.

Mr. MANN. Reserving the right to object, Mr. Chairman, how soon will we get it closed up?

The CHAIRMAN. The Chair can not answer that question.

Mr. CANNON. Now, Mr. Chairman, let the Clerk read the substitute as it would read if the amendment of the gentleman from Alabama were adopted.

The CHAIRMAN. The Clerk will report the substitute as it would read if the amendment of the gentleman from Alabama were adopted.

The Clerk read as follows:

SEC. 35. That the qualified electors of Porto Rico shall consist of all citizens, without regard to sex, of the United States, 21 years of age or over (except insane or feeble-minded persons and those convicted in a court of competent jurisdiction of an infamous offense since the 13th of August, 1898).

Mr. HUDDLESTON. Mr. Chairman, I have endeavored in making this amendment, which, I fear, is a little crude, to leave it to the people of Porto Rico to say who shall vote. That is the purpose of my amendment, and I trust that purpose is effected by it.

The argument implied by the questions which were asked me a few minutes ago, that we should afford to the people of Porto Rico the same treatment with reference to fixing the qualifications of voters that we give to those citizens of the United States living in the Territories which we organize, is not a fair argument. It is necessary in organizing a Territory of the United States to start out with some plan or form of government. In order to do that we have to make some provision as to who shall vote. We have to have something to start out on. Prior to their organization there is no provision of law as to who shall vote in the Territories. There is nobody qualified to vote. There is an absence of law on the subject. This is true of the Territories, of Hawaii, and also of the Philippines. It is not true of Porto Rico. In Porto Rico we have now laws which provide who shall vote. There are persons in Porto Rico who now exercise the franchise.

Mr. JONES. Does the gentleman mean to say that we have not got a law in the Philippines as to who shall vote?

Mr. HUDDLESTON. We did not have until Congress passed one, and therefore it was proper to put into that law some provision as to voting.

Mr. JONES. We did not have it in Porto Rico until we put it there.

Mr. HUDDLESTON. How can the gentleman justify himself in putting in the organic act that is to outline the government of Porto Rico a provision that would cut off the right of a large part of the people of Porto Rico to vote? Is the gentleman putting that provision in for the benefit of the Porto Ricans themselves? Does the gentleman know more about what the people of Porto Rico want than they know? Is he better qualified to pass upon the qualifications of voters and the qualities that fit the people of Porto Rico for self-government than the Porto Ricans themselves? If the gentleman does not claim for himself that knowledge of Porto Rico, he has no right to undertake to dictate to them on the subject.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. JONES. I understand the gentleman from Alabama bases his remarks upon the theory that the people of Porto Rico ought to be permitted to fix their own qualifications for voting.

Mr. HUDDLESTON. I base my argument on the theory that this is the United States of America, and supposed to be a free country, and that the people have the right to rule it. Our ancestors said in effect that no just government can exist against the will of the people. If the gentleman knows of a higher political principle, I will be glad to have him state it.

Mr. JONES. I am not questioning the gentleman's position at all, but——

Mr. HUDDLESTON. The gentleman is in effect repealing the Constitution of the United States when he attempts to put in this provision of law.

Mr. JONES. I started out simply by saying what I thought was the gentleman's position, but I wanted to ask this question: Will this amendment that the gentleman has offered accomplish what he states he wanted to do?

Mr. HUDDLESTON. I hope it will. If not, then I hope the gentleman will put the measure in such shape that it will.

Mr. JONES. That is the reason why I wanted to call the gentleman's attention to it.

Mr. HUDDLESTON. I think it will.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. HUDDLESTON].

The amendment was rejected.

The CHAIRMAN. The question is on the substitute of the gentleman from Virginia [Mr. JONES] as amended.

Mr. CULLOP. Mr. Chairman, may that amendment be reported again?

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the amendment be again reported. Is there objection?

A MEMBER. Regular order!

The CHAIRMAN. The regular order is demanded, which is equivalent to an objection. The question is on the amendment offered by the gentleman from Virginia [Mr. JONES] as amended.

The question was taken; and on a division (demanded by Mr. JONES) there were—ayes 38, noes 49.

Accordingly the substitute was rejected.

The Clerk read as follows:

SEC. 37. That the legislative authority herein provided shall extend to all matters of a legislative character not locally inapplicable, including power to create, consolidate, and reorganize the municipalities so far as may be necessary, and to provide and repeal laws and ordinances therefor; also the power to alter, amend, modify, and repeal any and all laws and ordinances of every character now in force in Porto Rico or any municipality or district thereof not inconsistent with the provisions of this act.

No executive department not provided for in this act shall be created by the legislature.

Mr. PARKER of New Jersey. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PARKER of New Jersey: Page 30, line 2, in section 37, after the word "act," strike out the period and insert in lieu thereof the following: " ; also the power to impose, levy, and collect duties upon merchandise going to the United States from Porto Rico and coming into Porto Rico from the United States, which duties shall not exceed 25 per cent of the duties which are required to be levied upon like articles of merchandise imported from foreign countries."

Mr. PARKER of New Jersey. Mr. Chairman, I have spoken twice on this subject and would like to say only a word more on one or two matters that have not been touched upon.

My amendment proposes to reenact the law that prevailed when we first took Porto Rico. We did not then leave it to the Porto Rico Legislature to say how much of the 25 per cent should be collected, but we ordered 25 per cent of the United States duties collected on goods from Porto Rico, which when collected were remitted to them, and 25 per cent of the like duties were collected on articles sent from the United States to their shores, and that amount was given to them, and the United States kept their government provided with sufficient revenue instead of taxing the people out of existence.

Afterwards Congress abolished that, and the present arrangement is a sham. The law says that they shall have United States duties on goods that go into Porto Rico from foreign countries; but the steamship lines run to New York, and the duties are paid there and go into the United States Treasury, and then those same goods are sent to Porto Rico, but the people of Porto Rico get no benefit from the foreign tariff unless the ship goes from the foreign country to Porto Rico. The only way to see that they will get any benefit is to make it more profitable to send the goods to Porto Rico direct from the foreign country than to send them via New York.

Outside of that the United States, with its great manufacturing power, is supplying everything those poor people want, and so they get little or no revenue from the tariff. Our factories are driving their shoemakers out of existence with American shoes. They are driving the carpenters who made their furniture out of their trade. They are driving their blacksmiths who made their locks and their hinges out of their trade. They have done that to our small trades here, but our people can go into a mill and get along. There they have no mills, and they are left in the same condition as India and Ireland were left.

Do we realize that the free-trade policy of Great Britain sent calicoes into India which drove their cotton manufactures almost out of existence. Sheffield sent tools there which drove Indian-made tools—the best handmade tools in the world—out of existence. English machine-made carpets and shawls made the woolen productions of India something to be had only by the very rich who could pay for their art designs. Do we realize that between the great home country and the little colony, with a different language, and different traditions, which has not the freedom to go to the home country and get the benefit of its business, this is destruction to the small country, such as has changed India from one of the richest countries in the world to one of the poorest (although it has been given good government), because its people have to pay taxes upon their trades and upon their lands, as we are forcing Porto Rico and the Philippines to do? England has learned better as to her recent colonies. They demanded the right of self-government. The United States should profit by that example and see that that right of self-government, which involves the power of the purse, shall be given under proper restrictions and preferences not to the United States but to these poor people. [Applause.]

Mr. MANN. Mr. Chairman, those who have been in the House a long time remember the trouble in reference to the tariff laws in Porto Rico when we passed the law providing for a tariff on goods entering Porto Rico from the United States and on goods coming from Porto Rico to the United States. Then we changed that law and provided for the free entrance of goods between Porto Rico and the United States.

I am unable to agree with the distinguished gentleman from New Jersey [Mr. PARKER], in the belief that it will be wise to have goods going from the United States into Porto Rico pay a tariff there and have the goods coming from Porto Rico into the United States pay a tariff here. We are probably destined to possess Porto Rico as a part of us forever, as we use the term "forever." Since the construction of the Panama Canal it is quite essential that the United States shall have command of the Caribbean Sea. I think we should bring ourselves as closely as possible in touch with Porto Rico and the Porto Ricans. I have no doubt that the privileges and rights which we accord to them now will in the future be increased, and I am not in favor of building up any kind of wall over which commerce must jump between Porto Rico and the United States. The closer we are in touch with them the better. I do not think we ought to provide any tariff wall now.

Mr. GARRETT. Mr. Chairman, that is what the amendment proposed by the gentleman from New Jersey would do, or, at least, it would give the possibility to the Legislature of Porto Rico to do it.

Mr. MANN. That is the reason I am opposing it.

Mr. JONES. Will the gentleman permit a suggestion?

Mr. MANN. Certainly.

Mr. JONES. The laws of the United States now provide for free trade between Porto Rico and the United States.

Mr. MANN. I am well aware of that fact.

Mr. JONES. And this bill provides that the laws of the United States that are not locally inapplicable shall be applicable in Porto Rico, so that we provide in it that the United States shall legislate on the tariff question, and the proposition of the gentleman from New Jersey [Mr. PARKER] is to take it away from the Congress and to confer it upon the Legislature of Porto Rico.

Mr. MANN. The distinguished gentlemen from Virginia and Tennessee do not accord me any sense or knowledge at all. Having discussed for some time the question, both gentlemen now tell me that we have free trade with the island and that the gentleman from New Jersey proposes a method by which it shall be changed. That is the reason I am on the floor. I did not require to be told that. Of course that is the case. I am opposed to giving any opportunity to building up any tariff wall between Porto Rico and the United States.

Mr. AUSTIN. Mr. Chairman, I want to call attention to a statement made by Gen. McIntyre when we had him before the committee in the preparation and consideration of this bill. I asked him what the trade was between the United States and Porto Rico under the Spanish Government, and he said practically nothing, but that last year it amounted to $30,000,000. We have built up and increased our trade in Porto Rico on account of the tariff laws. It was a tariff which gave us an advantage over our competitors. We have as a result built up our annual trade with Porto Rico from nothing to $30,000,000.

Mr. PARKER of New Jersey. Will the gentleman permit a question?

Mr. AUSTIN. Yes.

Mr. PARKER of New Jersey. The gentleman recognizes that I leave 75 per cent still of preference?

Mr. AUSTIN. That is true, but we want absolute free trade between our country and its colonial possessions, as we have between the different States. We sold $7,500,000 to the Philippines, Porto Rico, and the Hawaiian Islands under foreign flags, and last year under our flag we sold $85,000,000, because of our tariff laws, which gave us an opportunity to go in without paying custom duties. Our competitors were compelled to pay custom duties. It gave us a preference, and that preference resulted in an increased trade of from $7,500,000 to $85,000,000 annually. So we ought to be exceedingly careful about placing a duty on the importation of goods into Porto Rico or our insular possessions, because it may rob us of the absolute and necessary preference we ought to have covering the difference in the cost of production here and abroad.

Mr. FOCHT. How much were the imports to Porto Rico and what benefit was it to us?

Mr. FESS. The combined exports and imports was $83,000,000.

Mr. AUSTIN. The gentleman from Ohio says the combined exports and imports were $83,000,000. The imports into Porto Rico from the United States last year were $30,929,831, and the exports to the United States were $42,311,920. Porto Rico will never be anything but an agricultural country. It has no mineral resources, no manufacturing industries, and for the most depends upon its tropical fruits, coffee, sugar, pineapples, and, as the Democratic governor of the island said in the hearing before the committee, free trade in sugar would ruin that country, whereas the protective tariff would help it—make it prosperous.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 38. That all grants of franchises, rights, and privileges of a public or quasi public nature shall be made by a public-service commission, consisting of the heads of executive departments, the auditor, and two commissioners to be elected by the qualified voters at the first general election to be held under this act and quadrennially thereafter. The terms of said elective commissioners shall commence on the 1st of January following their election, and they shall serve for four years and until their successors are elected and qualified. Their compensation shall be $8 for each day's attendance on the sessions of the commission, but in no case shall they receive more than $400 during any one year. The said commission is also empowered and directed to discharge all the executive functions relating to public-service corporations heretofore conferred by law upon the executive council. Franchises, rights, and privileges granted by the said commission shall not be effective until approved by the governor, and shall be reported to Congress, which hereby reserves the power to annul or modify the same.

Mr. JONES. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Add to section 38 the following clause:

"The interstate-commerce act and the several amendments made or to be made thereto, the safety-appliance act and the several amendments made or to be made thereto, and the act of Congress entitled 'An act to amend an act entitled "An act to regulate commerce, approved February 4, 1887," and all acts amendatory thereof by providing for valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities, approved March 1, 1913, shall not apply to Porto Rico. The Legislative Assembly of Porto Rico is hereby authorized to enact laws relating to the regulation of the rates, tariff, and services of public carriers by rail in Porto Rico; the public-service commission hereby created shall have power to enforce that law under proper regulation."

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Virginia about a matter in the preceding section where I think there ought to be a change of phraseology, although I have no change to suggest. The last clause at the bottom of page 29 reads:

SEC. 37. That the legislative authority herein provided shall extend to all matters of a legislative character not locally inapplicable, including power to create, consolidate, and reorganize the municipalities so far as may be necessary, and to provide and repeal laws and ordinances therefor; also the power to alter, amend, modify, and repeal any and all laws and ordinances of every character now in force in Porto Rico or any municipality or district thereof not inconsistent with the provisions of this act.

Whoever drew that, I think, had in mind that if there was an alteration or modification of the law that the new law should not be inconsistent with this act, but that is not what it says. It says they shall have power to alter, amend, modify, and repeal any existing law not inconsistent with this act. Or, leaving out the two negatives, they have the power to alter or amend any law which is now consistent with this act. That, plainly, was not the intention.

Mr. JONES. The purpose of it was to confer on the legislature authority to alter, amend, modify, or repeal any or all laws, ordnances, and so forth, not inconsistent with the provisions of this act.

Mr. MANN. To amend any law not inconsistent with this act.

Mr. JONES. They could not enact any legislation that was inconsistent with this act.

Mr. MANN. That is different. I take it that what was intended was that they could not enact new legislation in repealing or modifying a law inconsistent with this act.

Mr. JONES. That is the purpose.

Mr. MANN. That is not what it says. The word "inconsistent" that this act refers to is existing law. I simply call the attention of the gentleman from Virginia to it for his consideration. I am not offering any amendment.

Mr. JONES. What amendment would the gentleman suggest to carry out his idea?

Mr. MANN. I have no amendment to offer.

Mr. JONES. I will ask permission to return to this section later on.

Mr. MANN. I am not asking for that, although I am perfectly willing. I called it to the attention of the gentleman, for I wanted to be sure that my point was right. The gentleman will have a chance to have it corrected.

Mr. JONES. Mr. Chairman, I ask to return to the section if, on examination, it would seem that it needs correction.

Mr. LONGWORTH. Will the gentleman yield?

Mr. JONES. I will.

Mr. LONGWORTH. Does not the gentleman think that the salary of $400 a year is pretty small for men who occupy such an important position as commissioners with power to grant franchises, and so forth?

Mr. JONES. We thought not. There were a number of the members of the committee who thought that was too much, and we spent a good deal of time over this question of salaries, conferred with the Commissioner, who is a member of the committee, and concluded that would be proper.

Mr. LONGWORTH. Does the Resident Commissioner think that salary is sufficient?

Mr. JONES. Yes; we all substantially agreed as to the proposition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

Mr. STAFFORD. Mr. Chairman, as to the amendment, I move to strike out the last word. I would like to inquire of the gentleman from Virginia why the gentleman restricted the power of the public service commission to merely rail lines and did not extend it to water lines that cover the local interisland services of Porto Rico?

Mr. JONES. I will say to the gentleman and to the committee that under recent decisions of the Supreme Court of the United States in cases appealed from Porto Rico it has been held that there are in force in that island the acts of Congress known as the safety-appliance acts and the Federal employer's liability act. The effect of these decisions is to apply to Porto Rico all of the Federal legislation affecting the regulation of rates and service by common carriers by rail.

This carries with it the jurisdiction of the Interstate Commerce Commission of the United States, in so far as it is vested with power to control such matters.

By reason of the peculiar conditions existing in Porto Rico and the modest character of the railroads in operation there it has been found that the application of the Federal laws above referred to presents a matter of the gravest difficulty. The bulk of the traffic by railroads in Porto Rico consists of sugar cane transported from the fields to central sugar factories. This traffic exists but five or six months in the year and requires a special character of car and service. The only railroad in the island worthy of the name is a narrow-gauge road, whose principal business is that of cane transportation, as above stated.

Mr. STAFFORD. The gentleman is giving a justification of his proposed amendment, but he is not answering the question which I propounded to him.

Mr. JONES. I thought the gentleman desired me to explain the reasons——

Mr. STAFFORD. I wished to ascertain why the gentleman excluded water lines from the provision of his amendment and only extended the power of the public service commission to the rail lines.

Mr. JONES. There are no water lines.

Mr. STAFFORD. I assume there is some communication by water around the island.

Mr. JONES. From the United States to Porto Rico?

Mr. STAFFORD. No; I mean from different ports about the island.

Mr. JONES. Well, perhaps so.

Mr. STAFFORD. That is not covered by the amendment of the gentleman.

Mr. JONES. The reason is this: The conditions that relate to the railroads are very peculiar, just as I attempted to state to the committee, and I have not heard of any reasons why the water transportation should be exempt. There is but one railroad that can be called a railroad in the island, and that is a narrow-gauge road that is engaged for five or six months in the year in hauling cane, and if these acts to which I have referred are to be applied through the Interstate Commerce Commission to these roads it will produce a very great hardship. This amendment is suggested by the department having charge of the matter. I have never had my attention called to the water transportation by any complaint in regard to it.

Mr. STAFFORD. The other day the shipping bill provided various regulatory provisions for controlling water traffic. The gentleman is creating a public-service commission which has jurisdiction over public-service affairs in Porto Rico. Why should not it extend also to the water lines?

Mr. JONES. Well, I will say to the gentleman that this amendment is the result of an opinion written by a member of the Interstate Commerce Commission, which I have in my hand. If the gentleman cares to have it read for the information of the gentlemen in the committee, I can do it.

Mr. STAFFORD. I can understand the reason for the exemption of the interstate-commerce laws from application on the island——

Mr. JONES. Well, I have not looked into the steamboat question, nor has any member of the committee, as far as I know.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

Mr. TOWNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 30, line 16, after the figures "$400," insert the word "each."

Mr. TOWNER. Mr. Chairman, this is offered——

Mr. JONES. Will the gentleman explain his amendment?

Mr. TOWNER. The gentleman will notice in line 16 it says, "but in no case shall they receive more than $400 during any one year." Of course it may be implied that that meant $400 for the commission. I just simply inserted the word "each" for the purpose of making it clear.

Mr. JONES. The words "each member"?

Mr. TOWNER. No; just simply "each"; that will be sufficient.

Mr. MANN. Mr. Chairman, just a moment. Does the gentleman want to insert "each" or "each commissioner"?

Mr. TOWNER. Well, "each commissioner." I have no objection.

Mr. MANN. There are two. It is not intended to pay anybody but the elective commission, is it?

Mr. TOWNER. No, sir; but you will notice this is part of one sentence, and it says "their compensation shall be $8 for each day's attendance on the sessions of the commission, and in no case shall they receive more than $400 during any one year." This means "$400 each" and not $400 for the entire commission.

Mr. MANN. Well, I presume it would refer back to the elective commission.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. TOWNER].

The amendment was agreed to.

The Clerk read as follows:

SEC. 39. That all grants of franchises and privileges under the section last preceding shall provide that the same shall be subject to amendment, alteration, or repeal, and shall forbid the issue of stocks or bonds except in exchange for actual cash or property at a fair valuation equal in amount to the par value of the stocks or bonds issued, and shall forbid the declaring of stock or bond dividends, and in the case of public-service corporations shall provide for the effective regulation of charges thereof and for the purchase or taking of their property by the authorities at a fair and reasonable valuation.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I shall not offer any amendment in regard to this, though I think it is unfortunate that the bill provides that there shall be no issue of stock or bonds except in exchange for actual cash and property at a fair valuation, and so forth. I think promotion charges, and charges of organization, are legitimate charges in organizing a corporation and getting the money with which to finance a great enterprise. It is very seldom that such things are successful without the payment of such charges. My recollection is that in the water power bill which we passed we recognized the right to pay for promotion and organization expenses. I am not sure what the language was. Then, I doubt, also, the desirability of saying that there never shall be a stock or bond dividend. In my judgment a corporation just organized may well be advised that instead of paying dividends from the start to build up a surplus, so that they have cash on hand as working capital, and then after a while pay a stock dividend instead of paying dividends from the start, and always have a working capital.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 40. That the execution of the laws of the United States relating to immigration, to tariffs, customs, and duties on importations into the United States and the regulations made pursuant thereto shall be effected in Porto Rico through officials appointed by the Governor of Porto Rico: *Provided*, That the exemption of aliens arriving in Porto Rico from the payment of the head tax provided by section 1 of the act of Congress of February 20, 1907, is hereby repealed.

Mr. JONES. Mr. Chairman, I move to amend section 40 by striking out all the words beginning on line 12, as follows:

That the execution of the laws of the United States relating to immigration, to tariffs, customs, and duties on importations into the United States and the regulations made pursuant thereto shall be effected in Porto Rico through officials appointed by the governor of Porto Rico: *Provided*,

So as to leave these subjects in the hands of officials appointed by the United States Government. I offer this amendment at the suggestion of the officials of the Treasury Department, who think that confusion would result from any change in present conditions.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 31, by striking out, in line 12, after the figures "40," the remainder of the line down to and including the word "*Provided*," in line 17.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. STAFFORD. Is it not the purpose of the committee to have officials of the Treasury Department give consideration to the importance of these respective matters rather than to have local officials look after the enforcement of these affairs?

Mr. JONES. That is the purpose of this amendment. It is believed that if the change contemplated in the bill is made it will result in confusion, which should be avoided. Hence I am offering this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. JONES].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 42. That Porto Rico shall constitute a judicial district to be called "the district of Porto Rico." The President, by and with the advice and consent of the Senate, shall appoint one district judge, who shall serve for a term of four years and until his successor is appointed and qualified, and whose salary shall be $5,000 per annum. There shall be appointed in like manner a district attorney, whose salary shall be $4,000 per annum, and a marshal for said district, whose salary shall be $3,500 per annum, each for a term of four years, unless sooner removed by the President. The district court for said district shall be called "the District Court of the United States for Porto Rico," and shall have power to appoint all necessary officials and assistants, including the clerk, interpreter, and such commissioners as may be necessary, who shall be entitled to the same fees and have like powers and duties as are exercised and performed by United States commissioners. Such district court shall have jurisdiction of all cases cognizable in the district courts of the United States, and shall proceed in the same manner. In addition said district court shall have jurisdiction for the naturalization of aliens, and for this purpose residence in Porto Rico shall be counted in the same manner as residence elsewhere in the United States: *Provided, however*, That no person who declares his intention not to become a citizen of the United States in accordance with the provisions of section 5 of this act may thereafter be naturalized. Said district court shall have jurisdiction of all controversies where all of the parties on either side of the controversy are citizens or subjects of a foreign State or States, or citizens of a State, Territory, or District of the United States not domiciled in Porto Rico, wherein the matter in dispute exceeds, exclusive of interest or cost, the sum or value of $2,000, and of all controversies in which there is a separable controversy involving such jurisdictional amount and in which all of the parties on either side of such separable controversy are citizens or subjects of the character aforesaid: *Provided*, That nothing in this act shall be deemed to impair the jurisdiction of the District Court of the United States for Porto Rico to hear and determine all controversies pending in said court at the date of the approval of this act. Upon the taking effect of this act the salaries of the judge and officials of the District Court of the United States for Porto Rico, together with the court expenses, shall be paid from the United States revenues in the same manner as in other United States district courts. In case of vacancy or of the death, absence, or other legal disability on the part of the judge of the said District Court of the United States for Porto Rico, the President of the United States is authorized to designate one of the judges of the Supreme Court of Porto Rico to discharge the duties of judge of said court until such absence or disability shall be removed, and thereupon such judge so designated for said service shall be fully authorized and empowered to perform the duties of said office during such absence or disability of such regular judge, and to sign all necessary papers and records as the acting judge of said court, without extra compensation.

Mr. MANN. Mr. Chairman, I move to amend page 33, line 16, by striking out "$2,000" and inserting "$3,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, on page 33, in line 16, by striking out "$2,000" and inserting "$3,000."

Mr. CULLOP. That makes it conform to the law here in the United States.

Mr. MANN. I think so. That was what was in the bill before. If I had my own way about it, I would make it $5,000. I do not think there is any reason for letting everybody go into the United States courts when they have their own courts there.

Mr. GARRETT. The only reason I can give so far as I am personally concerned——

Mr. MANN. Has the gentleman the same notion about this that I have?

Mr. GARRETT. The only reason, I will say to the gentleman, that the committee had in fixing this at $2,000 was that the values are much less down there than they are here.

Mr. MANN. The local courts in the main are to be fully trusted everywhere. I think we confer altogether too much jurisdiction upon the Federal courts here. We have too small an amount here. And so I think we can increase it. I do not see why we can not increase the amount down there.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. There is one provision here that rather struck me as being somewhat harsh to these present residents of Porto Rico who decline the summary process of this bill by refusing to become citizens in six months—that they shall not be allowed later to become naturalized. I can not understand why we should mandatorily in the proviso as found on page 33—and I would like to have the attention of the chairman—expressly prohibit those residents of Porto Rico who decline for some good reason to become citizens of the United States within six months of the enactment of this law from at any time in the future availing themselves of the privilege of naturalization and becoming citizens. It seems to me that those residents who may take the oath and decline to become citizens of the United States within the six months after the passage of this act may change their minds thereafter, and should be given the full privilege of coming under the fold of citizenship of the United States.

Mr. JONES. What section is the gentleman discussing now?

Mr. STAFFORD. I am referring to the proviso on page 33, which reads as follows:

Provided, however, That no person who declares his intention not to become a citizen of the United States in accordance with the provisions in section 5 of this act may hereafter be naturalized.

I can not appreciate the reason for such an arbitrary provision as that. I can not understand the purpose of the committee trying to force or include all the residents of Porto Rico into citizenship and requiring, as stated in section 5, that they shall be so considered unless they take the oath that they do not intend to become citizens. But I can also appreciate how large numbers who may to-day decline to become citizens should still be privileged to become citizens thereafter. Before moving to strike out that proviso, I wish to inquire of some member of the committee what was the real reason for placing that arbitrary prohibition against these residents who might not wish to become citizens to-day from ever becoming citizens. They may move to the United States. I question whether they would even be privileged to avail themselves of citizenship in this country if they came here after they had once taken the oath not to become citizens under section 5.

Mr. JONES. Mr. Chairman, in reply to what has been stated by the gentleman from Wisconsin [Mr. STAFFORD], I wish to say that the committee thought the provisions of section 5 were as liberal as they ought to be made. Six months is given those people, who otherwise would be made collectively citizens of the United States, in which to go into the courts and declare that they do not desire to be so made.

If they are out of Porto Rico they do not even have to go there in person to make this declaration; they can transmit such declaration under oath. When those who do not desire to become citizens of the United States have deliberately so declared in court, that action on their part should end the matter so far as they are concerned.

Mr. STAFFORD. If those people some time within six months say they do not want to avail themselves of citizenship, and then, after seeing the workings of the government, desire to have citizenship, I think they ought to be granted that right and not be barred.

Mr. JONES. I can only say to the gentleman that it was the consensus of opinion of the Committee on Insular Affairs that when a Porto Rican deliberately renounced his United States citizenship he should not be permitted thereafter to change his mind.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment and move to strike out the clause on page 33, beginning on line 7 with the word "provided" and ending with the word "naturalized," on line 10.

The CHAIRMAN (Mr. CRISP). The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 33, by striking out the clause beginning with the word "provided," on line 7, down to and including the word "naturalized," on line 10.

Mr. STAFFORD. Mr. Chairman, I think the provisions under section 5 are very harsh and mandatory, whereby you compel every resident virtually to become a citizen of the United States unless within six months after the passage of this act he takes an oath that he does not wish to be so included.

I think you go very far in your arbitrary legislation, in the provision which I here seek to strike out, in providing that these persons who for some reason or other may not now desire to become citizens of the United States shall not have the privilege forever after of becoming naturalized. You are driving them virtually under the cover of citizenship in the provisions of section 5, and you are enforcing it still more by saying, "If you do not accept citizenship now, you may never be privileged to have it."

That certainly is not consistent with the ideas of citizenship which rests upon the volition of the individual. Never before in the history of our Government have we passed any such restrictive prohibition as that.

Mr. YOUNG of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. YOUNG of North Dakota. Are there not a large number of people living in Porto Rico who, under the provisions of this proposed bill, if they were denied the privilege of citizenship, as provided in the clause that the gentleman proposes to strike out, would not be citizens of any country at all?

Mr. STAFFORD. Why, certainly.

Mr. YOUNG of North Dakota. They would not be citizens of the United States or any other country.

Mr. STAFFORD. They are to-day subjects of the United States. We have thrown the protecting arm about them. They are not citizens of Spain, and they can not be. You are proposing to create by this provision two different classes in Porto Rico—native Porto Ricans who within six months accept the privileges of the Government and do not take an oath that they do not want to come under these provisions, and those who decline and will be forever debarred from becoming citizens of the United States. You say you wish to bring these residents into the fold of the United States and give them as full liberties as possible, and yet after they see the beneficent workings of the government that you are here attempting to establish by this proviso, you say, "You will not be privileged to have in the future those privileges, and you will be forever barred from citizenship or of exercising the privileges of government thereunder."

Mr. JONES. Vote, Mr. Chairman.

Mr. STAFFORD. I think the proviso should certainly be stricken from the bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. STAFFORD. I ask for a division.

The committee divided; and there were—ayes 23, noes 35.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 44. That writs of error and appeals from the final judgments and decrees of the Supreme Court of Porto Rico may be taken and prosecuted to the Supreme Court of the United States in any case wherein is involved the validity of any copyright, or in which is drawn in question the validity of a treaty or statute of, or authority exercised under, the United States, or wherein the Constitution of the United States, or a treaty thereof, or an act of Congress is brought in question and the right claimed thereunder is denied, without regard to the sum or value of the matter in dispute, and in all other cases in which the sum or value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds the sum or value of $5,000. Such writs of error and appeals shall be taken within the same time, in the same manner, and under the same regulations as writs of error and appeals are taken to the Supreme Court of the United States from the district courts.

Mr. STAFFORD. Mr. Chairman, I move to strike out, in lines 15 and 16, the words "Supreme Court of the United

States," and insert in lieu thereof "the Fifth Circuit Court of the United States."

The CHAIRMAN. Will the gentleman from Wisconsin please restate his amendment? What page?

Mr. STAFFORD. Page 35. Strike out, from lines 15 and 16, the words "Supreme Court of the United States," and insert in lieu thereof the words "the Circuit Court of Appeals of the Fifth Circuit of the United States."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The Clerk read as follows:

Amend, page 35, by striking out, in lines 15 and 16, the words "Supreme Court of the United States," and inserting in lieu thereof the words "Circuit Court of Appeals of the Fifth Circuit of the United States."

Mr. STAFFORD. Mr. Chairman, I will ask unanimous consent to modify the amendment by substituting the "First" instead of the "Fifth" circuit.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to modify his amendment by substituting the "First" instead of the "Fifth" circuit.

Mr. CULLOP. Mr. Chairman, if that were done, it would provide for two appeals instead of one. The appeal would be taken from the Supreme Court of the District of Porto Rico to the Court of Appeals, and then from the Court of Appeals to the Supreme Court of the United States, and it would be multiplying litigation and multiplying the cost instead of reducing the same.

Mr. STAFFORD. I ask for recognition, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. STAFFORD. If my amendment is adopted, I will follow it with another amendment, striking out the last sentence of the section on page 36 and incorporating the same phraseology as we find in the Panama Canal government act. I would not submit this proposed amendment to the attention of the committee were it not that this very question was considered some years back, when the Committee on Interstate and Foreign Commerce was considering the question of appeals from the district courts of the Canal Zone.

At that time the committee thought that the Supreme Court of the United States was too burdened with litigation to have any appeals from the district court direct, and in the Panama Canal government act reported from the committee in 1910, and again in 1912, which became a law, the appellate jurisdiction was conferred upon the Circuit Court of Appeals. Now, the Supreme Court of the United States is back in its consideration of pending cases more than one year. So far as cases arising from the Supreme Court of Porto Rico are concerned, we ought not to burden the Supreme Court of the United States more than is necessary.

Mr. CULLOP. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Indiana.

Mr. CULLOP. There is a wide difference between the Panama act and this one. Appeals from Panama are from the district court of the United States just the same as in the United States. Now, the appeal from the Supreme Court of Porto Rico is the same as an appeal from the supreme court of any State in this country. It goes direct to the Supreme Court of the United States, and the autonomy in the practice ought to be kept in this instance just the same as it is in cases appealed from the various State supreme courts in the United States; whereas, if the gentleman's amendment was adopted, it would be an exception to the method of appeal from other State supreme courts in this country.

Mr. STAFFORD. Will the gentleman recognize that, so far as cases arising in the Canal Zone are concerned, there is no authority for direct appeal in any case to the Supreme Court of the United States? The Interstate and Foreign Commerce Commitee of the House had this very question under consideration, and for the reason that we did not wish to burden the Supreme Court with appellate jurisdiction from these minor courts, we provided that those appeal cases should be sent to the circuit court of appeals. I am attempting to accomplish the same purpose in the amendment which I am submitting to the attention of the committee.

Mr. DAVENPORT. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Oklahoma.

Mr. DAVENPORT. Is it not a fact that when a question is raised in any district court of the United States to-day involving a treaty or a constitutional provision the appeal is taken directly from that district court to the Supreme Court of the United States?

Mr. STAFFORD. The preceding section that we have just passed provided for that very case. That section provides for appellate jurisdiction in all those cases arising in the district court of Porto Rico first going to the circuit court of appeals, and then, if a case involves a constitutional question, being referred to the Supreme Court upon certification.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. DAVENPORT. Mr. Chairman, my contention is that this section is drawn as it should be drawn. It simply provides for appealing cases from the Supreme Court of Porto Rico to the Supreme Court of the United States where a treaty of the United States or the Constitution of the United States is involved or a treaty or an act of Congress brought into question in the trial of the case; and so far as I have been able to observe in the last 25 years in the district courts and circuit courts as we once had them in the United States, now all merged into the district courts, where questions of that character were involved those cases were appealed directly to the Supreme Court of the United States in order to get them settled. And that is the way you would bring a case on appeal if you were coming from the supreme court of a State to the Supreme Court of the United States in order to get those constitutional or treaty questions settled. It is not an unusual thing to do, and I do not believe the amendment should prevail, because questions will arise in the Supreme Court of Porto Rico that ought to be brought direct to the Supreme Court of the United States and settled finally, and the burden of appealing to the district court and then from the district court to the Supreme Court of the United States ought not to be imposed upon litigants who are as far away as these people are from the court to which they would have to bring the case.

Mr. JONES. Will the gentleman let me suggest to him that the present organic law provides for an appeal to the Supreme Court of the United States, and there has never been any question raised as to burdening the Supreme Court with these appeals.

Mr. DAVENPORT. This provision has never been called in question before when questions designated as they are designated in this act have been involved, and never will be, in my judgment, because it is not right to compel them to go such a circuitous route as they would have to go by appealing to the circuit court of appeals and then to the Supreme Court in order to get them to the court of last resort, the only court where you can finally get the questions definitely settled.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The amendment was rejected.

The Clerk read as follows:

SEC. 57. That this act shall take effect upon approval, but until its provisions shall severally become operative, as hereinbefore provided, the corresponding legislative and executive functions of the government in Porto Rico shall continue to be exercised and in full force and operation as now provided by law; and the Executive Council shall, until the assembly and organization of the Legislature of Porto Rico as herein provided, consist of the attorney general, the treasurer, the commissioner of the interior, the commissioner of education, the commissioner of health, and the commissioner of agriculture and labor, and the five additional members as now provided by law. And any functions assigned to the Senate of Porto Rico by the provisions of this act shall, until this said senate has assembled and organized as herein provided, be exercised by the Executive Council as thus constituted.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I wish the gentleman from Virginia would tell us briefly just what this section means. Of course I know generally what it means. It says—

But until its provisions shall severally become operative, as hereinbefore provided.

There will be some delay on account of an election down there. I do not know just what it will be. When does it take effect?

Mr. JONES. I do not know whether there will be any delay or not; but until the election does take place, and the senate provided for in the act is elected, I understand that the Executive Council provided for in this bill will exercise the powers conferred upon the senate. The Executive Council in Porto Rico now is the senate, and this is to prevent any hiatus, as I understand it. It is provided that the duties that are devolved upon the senate shall be discharged by this Executive Council until the senate has been elected and organized.

Mr. MANN. Under the terms of this act the Legislature of Porto Rico in some way has to provide a qualification of voters. They could not have an election there until you do that, or can you?

Mr. JONES. This act provides the qualification of voters.

Mr. MANN. This is what section 35 provides:

That the qualified electors of Porto Rico, for any election whatsoever, shall consist of those citizens that will be hereafter registered in accordance with the terms of this act and of the laws of Porto Rico hereafter enacted.

You can not have an election until you fix the qualification of voters. You can not fix the qualification of voters until you enact hereafter a law of Porto Rico; you can not have a meeting of the legislature. Does the executive council have authority to pass a law for Porto Rico?

Mr. JONES. No; the legislature now consists of the house of delegates and the executive council, and this legislation will have to provide for the registration of the voters who are qualified as provided in this act.

Mr. MANN. When does the legislature meet again?

Mr. JONES. I can not state what day the legislature meets; I do not recall it; but the governor can call the legislature in extra session if it is desirable to do so. This section simply provides that any duties that devolve upon the senate shall be performed by the executive council until this legislature is elected. They have a legislature there now, but we abolish the present executive council, and therefore we substitute this council in the place of that council, which is abolished for the purpose of enacting the legislation which the gentleman thinks is necessary and in which I entirely agree with him is necessary.

Mr. MANN. This bill says:

That this act shall take effect upon approval, but until its provisions shall severally become operative, as hereinbefore provided, the corresponding legislative and executive functions of the government in Porto Rico shall continue to be exercised and in full force and operation as now provided by law; and the executive council shall—

Of course it would be a violent assumption to assume that the governor of Porto Rico would not think it necessary to call an extra session of the legislature, which he is not required to do; but if he does not, the law would not go into effect, or a large share of it would not go into effect.

Mr. JONES. The gentleman from Porto Rico [Mr. RIVERA] tells me that the legislature will not meet again until February unless the governor convenes it under the power which he has under the present law.

Mr. MANN. I am inclined to think that it would be wise to have in here a provision for a special session of the legislature, because you provide for elections in November and fix the status as of November for a four-years' term.

Mr. JONES. I do not think we are taking any risk on that, because the governor of Porto Rico is more anxious to pass this law as soon as possible than any Member of Congress, and so are all the people down there. The governor is very anxious to see this bill passed, and he can be relied upon to do everything in his power to organize the legislature provided for.

Mr. MANN. And still, an act of this sort ought not depend on the whim or act of any one man.

The Clerk read as follows:

SEC. 58. That the laws and ordinances of Porto Rico now in force shall continue in force and effect, except as altered, amended, or modified herein, until altered, amended, or repealed by the legislative authority herein provided for Porto Rico or by act of Congress of the United States; and such legislative authority shall have power, when not inconsistent with this act, by due enactment to amend, alter, modify, or repeal any law or ordinance, civil or criminal, continued in force by this act as it may from time to time see fit.

Mr. BAILEY. Mr. Chairman, I ask unanimous consent to return to page 29 for the purpose of correcting the text, and I offer an amendment for that purpose.

Mr. JONES. Consent was given, Mr. Chairman, to return to this paragraph.

Mr. MANN. When was consent given?

Mr. JONES. The gentleman from Illinois [Mr. MANN] raised a question about the language, and I asked unanimous consent to return to it if necessary.

The Clerk read as follows:

Page 29, line 23, after the word "therefor," strike out the remainder of the paragraph and insert in lieu thereof the following: "Also the power to alter, amend, modify, or repeal any and all laws and ordinances of every character now in force in Porto Rico, or any municipality or district thereof, in so far as such alterations, amendments, or modifications or repeal may be consistent with the provisions of this act."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 59. That all laws or parts of laws applicable to Porto Rico not in conflict with any of the provisions of this act, including the laws relating to tariffs, customs, and duties on importations into Porto Rico prescribed by the act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, are hereby continued in effect, and all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Mr. DUPRÉ. Mr. Chairman, I move to strike out the last word. What adjustment was made, if any, of the question raised by the gentleman from New York [Mr. BENNET] about the citizenship of Porto Ricans now in America?

Mr. JONES. The gentleman from New York [Mr. BENNET] discovered on examination of the general laws relating to naturalization that there was no difficulty in the way of the persons to whom he referred becoming naturalized.

Mr. STAFFORD. Mr. Chairman, I wish to direct the attention of the gentleman from Virginia to an amendment offered by the gentleman from New York [Mr. BENNET] providing for incorporation of a provision that would permit a workman's compensation act. That was passed over for subsequent consideration. The gentleman from Virginia had no objection to the incorporation of the first clause of that amendment. I suggest that we return to that section, and if no other amendment is offered, incorporate the first part of that in the bill of rights.

Mr. JONES. I will say to the gentleman from Wisconsin that the gentleman from New York, although he did not specifically refer to this, came to me and said that he had no further amendments to offer.

The CHAIRMAN. The Chair begs to state this amendment, offered by the gentleman from New York [Mr. BENNET], was passed temporarily at the suggestion, as the Chair remembers, of the gentleman from Illinois [Mr. CANNON] and was to be recurred to later. Unless the chairman of the committee has the authority of the gentleman from New York to withdraw it, or it is thought best to do so at this time—the Chair understands the gentleman from New York is not here at this time.

Mr. GARRETT. Does anyone desire to insist upon that amendment?

Mr. STAFFORD. I believe the gentleman from Virginia said that he had no objection to the first part of the amendment.

Mr. JONES. I did not think there was any necessity for it, but I had no objection to it. I did object to the rest of it, but it went over with the understanding that the matter was to be taken up, but, as I said, the gentleman from New York came to me and told me of his satisfaction with the section relating to citizenship, and that he had no further suggestion or amendments to offer; and while he did not give me specific authority to withdraw it——

Mr. MANN. Let us get at it. I ask to have the amendment reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Modification of the amendment offered by Mr. BENNET: On page 3, to follow the amendment already adopted as a new paragraph, insert the following:

"Nothing contained in this act shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York just read.

The question was taken, and the amendment was agreed to.

Mr. JONES. Mr. Chairman, I move that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9533, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. JONES. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. JONES. I demand a vote on the amendment to section 35.

The SPEAKER. Is a separate vote demanded on any other amendment; if not, the Chair will put them in gross.

Mr. GARNER. Is that the so-called suffrage amendment?

Mr. MANN. Mr. Speaker, reserving the right to ask for a separate vote, my understanding is the previous question being ordered the other amendments are agreed to, and we will not have a vote on the suffrage amendment to-night.

Mr. JONES. That is the understanding, I think.

Mr. KITCHIN. With the further understanding we will take up the District resolution and discuss it after this.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the other amendments be considered as agreed to, and that the vote upon the amendment to section 35 and the final passage of the bill go over until to-morrow morning.

Mr. KITCHIN. And that we meet at 11 o'clock to-morrow.

Mr. MANN. I am perfectly willing.

Mr. KITCHIN. And that we meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that all amendments, except the one to section 35, be considered as agreed to, that the vote on that amendment and the bill go over until to-morrow, and that the House meet at 11 o'clock to-morrow. Is there objection? [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. MADDEN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. MADDEN. Mr. Speaker, I rise for the purpose of entering a motion to reconsider the vote by which the House on the unanimous-consent motion of the gentleman from Indiana [Mr. COX] had the bills H. R. 6915 and H. R. 10130 transferred from the Committee on the Post Office and Post Roads to the Committee on Reform in the Civil Service. I do that for the reason that there is a large majority of the Committee on the Post Office and Post Roads in favor of those bills. They have had them under consideration, and on last Wednesday they passed a motion to take those bills up for consideration again on next Wednesday and consider them until final conclusion.

Mr. GARRETT. When was that order made?

Mr. MADDEN. That was this morning.

Mr. KITCHIN. By unanimous consent?

The SPEAKER. It was a unanimous-consent order.

Mr. MADDEN. It was on motion of the gentleman from Indiana.

Mr. GARNER. Mr. Speaker, if it was by unanimous consent, the gentleman, under the rules, would not have the right to make a motion to undo what has been done by unanimous consent unless he can get it done by unanimous consent.

Mr. MADDEN. I think I have under the rules of the House.

Mr. FOSTER. Will not the gentleman let it go over until the gentleman from Indiana is here?

Mr. MADDEN. It was done when I was not here.

The SPEAKER. The Chair wishes the gentleman would bring it up in the morning.

Mr. MANN. I suggest that the gentleman enter the motion to reconsider.

Mr. MADDEN. I have entered the motion to reconsider.

Mr. GARNER. Has the gentleman a right to enter a motion to reconsider when it is given by unanimous consent? I reserve a point of order against the gentleman's motion.

The SPEAKER. Anyhow, the RECORD will show the gentleman reserved the point of order. The Chair was under the impression from what the gentleman from Indiana stated that the committee wanted it done.

Mr. MADDEN. Not at all; two-thirds of the committee did not want it done.

Mr. GARNER. Mr. Speaker, just a moment. May I say that if the House has done a thing by unanimous consent——

The SPEAKER. There is no use to argue that now.

Mr. MANN. For the benefit of the gentleman let me suggest that the Journal of this proceeding will show that by unanimous consent the gentleman from Indiana moved to do so-and-so. That is the record of it.

The SPEAKER. The Chair will investigate all that.

Mr. MADDEN. I enter the motion, Mr. Speaker.

Mr. GARNER. I reserve a point of order.

The SPEAKER. Both things will be done in the morning and decided.

SAMUEL SCHWARZ (H. DOC. NO. 1153).

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying documents, was referred to the Committee on Foreign Affairs and ordered printed:

To the House of Representatives:

In response to the resolution of the House of Representatives dated May 13, 1916, and reading as follows:

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interests, to furnish the House of Representatives with a statement of what he has done under the provisions of section 2001 of the Revised Statutes to secure the release of Samuel Schwarz, an American citizen alleged to be unjustly deprived of his liberty by or under the authority of the Government of Great Britain.

I transmit herewith a report from the Acting Secretary of State, furnishing a summary of the correspondence on file in the Department of State relating to the case of Samuel Schwarz.

WOODROW WILSON.

THE WHITE HOUSE,
Washington, May 22, 1916.

DISTRICT OF COLUMBIA.

Mr. POU. Mr. Speaker, I offer the following privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 240 (H. Rept. 740).

Resolved, That during the consideration of the bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes, it shall be in order to consider the following items (the general rules of the House notwithstanding):

"Hereafter all appropriations made for the support of the government of the District of Columbia, including all sums appropriated in any general appropriation act indicated to be paid out of the District of Columbia revenues and amounts to pay the interest and sinking fund on the funded debt of said District, shall be paid out of the revenues of the District of Columbia to the extent that the same shall be sufficient therefor and the remainder out of any money in the Treasury not otherwise appropriated."

On pages 73, 74, and 75:

"Upon the passage of this act the terms of the members of the present board of directors shall terminate, and thereafter the board shall consist of the Surgeon General of the Army, the Surgeon General of the Navy, the Surgeon General of the Public Health Service and one Senator and two Representatives in Congress, to be appointed by the Vice President and the Speaker of the House of Representatives, respectively, each for the term of a single Congress and be eligible for reappointment, and five members, who shall be residents of the District of Columbia, to be appointed by the commissioners. Of the number of directors appointed by the commissioners first after the passage of this act, one shall serve for one year, two for two years, and two for three years; all subsequent appointees of said commissioners shall serve for three years, except that appointments to fill vacancies occurring during a term shall be for the unexpired term. The said board shall have full power to appoint all officers and employees of said hospital, including the medical staff, subject to the approval of the commissioners. There shall always be at least three members of each sex upon said board. The said hospital shall continue to operate as a hospital (and dispensary) for the treatment of diseases peculiar to women and lying-in asylum, and shall continue to furnish board, lodging, medicine, and medical attendance gratuitously to those unable to pay therefor, when so duly certified by the Board of Charities of the District. It shall also receive patients who are willing to pay their expenses, and all money received from said patients shall be paid daily to the collector of taxes of the District, to be deposited by him to the credit and to constitute a part of the annual appropriation for support and maintenance of said hospital, which money, together with all appropriations made for said hospital, shall be expended under the direction of the board of directors of the hospital and the supervision and control of the commissioners."

On pages 83, 84, and 85:

"That whenever any person has been convicted of crime in any court in the District of Columbia and sentenced to imprisonment for more than one year by the court, the imprisonment during the term for which he may have been sentenced or during the residue of said term may be in some suitable jail or penitentiary or in the reformatory of the District of Columbia, above referred to; and it shall be sufficient for the court to sentence the defendant to imprisonment in the penitentiary without specifying the particular prison or the reformatory of the District of Columbia and the imprisonment shall be in such penitentiary, jail, or the reformatory of the District of Columbia as the Attorney General shall from time to time designate: *Provided further*, That the commissioners are vested with jurisdiction over such male and female prisoners as may be designated by the Attorney General for confinement in the reformatory of the District of Columbia from the time they are delivered into their custody or into the custody of their authorized superintendent, deputy, or deputies, and until such prisoners are released or discharged under due process of law: *And provided further*, That the residue of the term of imprisonment of any person who has heretofore been convicted of crime in any court in the District of Columbia and sentenced to imprisonment for more than one year by the court may be in the reformatory of the District of Columbia instead of the penitentiary where such person may be confined when this paragraph takes effect, and the Attorney General, when so requested by the Commissioners of the District of Columbia, is authorized to and he shall deliver into the custody of the superintendent of said reformatory or his deputy or deputies any such person confined in any penitentiary in pursuance of any judgment of conviction in and sentence by any court in the District of Columbia, and the Commissioners of the District of Columbia are vested with jurisdiction over such prisoners from the time they are delivered into the custody of said superintendent or his duly authorized deputy or deputies, including the time when they are in transit between such penitentiary and the reformatory of the District of Columbia and during the period they are in such reformatory until they are released or discharged under due process of law. The Attorney General shall pay the cost of the maintenance of said prisoners so transferred, said payment to be made from appropriations for support of convicts, District of Columbia, in like manner as payments are now made for the support of District convicts in Federal penitentiaries. Nothing herein contained shall be construed as applying to the National Training School for Boys or the National Training School for Girls. The provisions of this paragraph shall take effect on and after July 1, 1916."

On pages 95 and 96:

"SEC. 6. That hereafter no part of any money appropriated by this or any other act shall be used for the payment to the Washington Gas Light Co. or the Georgetown Gas Light Co. for any gas furnished by said companies for use in any of the public buildings of the United States or the District of Columbia at a rate in excess of 70 cents per 1,000 cubic feet."

On page 96:

"SEC. 7. That all fees, assessments, rents, and all other receipts now required when collected to be paid into the Treasury, one-half to the credit of the District of Columbia and one-half to the credit of the United States, shall hereafter when collected be paid into the Treasury and credited wholly to the revenues of the District of Columbia.

"SEC. 8. That hereafter the Commissioners of the District of Columbia are authorized and directed to assess and collect rent from all users of space occupied under the sidewalks and streets in the District of Columbia, which said space is occupied or used in connection with the business of said users."

On pages 97 and 98:

"SEC. 10. That hereafter the half cost of the paving or repaving of a roadway between the side thereof and the center thereof with sheet asphalt, asphalt block, granite block, vitrified block, cement concrete, bituminous concrete, macadam, or other form of pavement shall be assessed against the property abutting the side of the street so improved, such assessments to be levied and collected as now provided as to alleys and sidewalks: *Provided*, That the advertisement by publication of the commissioners' intention to do such work and the formal hearing in respect thereto required by law as to alley and sidewalk improvements shall not be required as to roadway improvements.

"There shall be included in the area the cost of which is assessable hereunder only the roadway area abutting the property between lines normally projected from the building line of the street being improved at the points of intersection with the building lines of intersecting streets.

"There shall be excluded from the cost of the roadway work to be assessed hereunder:

"First. The cost of all such work beyond a line 20 feet from the side thereof.

"Second. The cost of all such work within the space within which street railway companies are required to pave by law, and nothing herein contained shall be construed as relieving street railway companies from bearing all the expenses of paving and repairing streets and avenues between lines 2 feet exterior to the outer rails of their tracks, as required by section 5 of the act providing a permanent form of government for the District of Columbia, approved June 11, 1878."

On pages 98 and 99:

"SEC. 11. That for the protection of streams flowing through United States Government parks and reservations in the District of Columbia from pollution by sewage discharged therein from sewerage systems of Maryland towns and villages bordering said District, the commissioners are authorized to enter into an agreement with the proper authorities of the State of Maryland for the drainage of such sewerage systems into and through the sewerage system of the District of Columbia; and the said commissioners are further authorized to permit connections of Maryland sewers with the District of Columbia sewerage system at or near the District line whenever, in their judgment, the sanitary conditions of streams flowing into and through such United States Government parks and reservations in the District of Columbia are such as to demand the elimination of such pollution: *Provided*, That all cost of construction of such sewers to and connection with the sewerage system of the District of Columbia shall be paid by the proper authorities of the State of Maryland, and that said State shall enter into such agreement with the commissioners and shall guarantee the protection of the District of Columbia sewerage system from unauthorized connections thereto, and shall reimburse the District of Columbia for the actual cost of pumping and handling such sewage by annual payments for such service, as determined by the commissioners in such agreement; all such sums collected therefor to be paid into the Treasury of the United States through the collector of taxes to the credit of the District of Columbia."

Mr. POU. Mr. Speaker, I ask unanimous consent that there be not exceeding an hour's debate on the rule, and that at the end of that time the previous question be considered as ordered; that one half the hour be controlled by myself and the other half by the gentleman from Kansas [Mr. CAMPBELL].

The SPEAKER. The gentleman from North Carolina [Mr. POU] asks unanimous consent that the debate on this rule shall not exceed an hour, one half of the time to be controlled by himself and the other half by the gentleman from Kansas [Mr. CAMPBELL], and that at the end of that time the previous question shall be considered as ordered.

Mr. CAMPBELL. Reserving the right to object, is it the intention of the gentleman from North Carolina to conclude debate on the rule to-night?

Mr. POU. That is our very earnest desire.

Mr. CAMPBELL. Is it the intention to ask for a vote on the rule to-night?

Mr. POU. That is our purpose. I would like very much to get the rule adopted if we can.

Mr. MANN. There was an understanding there would be no record vote on the rule to-night, I will say to the gentleman. I do not think the gentleman ought to ask us to agree to the previous question. He can move the previous question.

Mr. POU. I shall do everything I can to carry out any agreement that may have been made.

Mr. PAGE of North Carolina. The gentleman would have no objection to the previous question being considered as ordered at the end of the hour's debate if the vote goes over until to-morrow?

Mr. MANN. I have no objection to moving the previous question.

Mr. CANNON. May I make one suggestion? What is the use of debate to empty seats on an important rule of this kind. You might just as well vote at once unless you are going to get gentlemen here.

Mr. MANN. I think the gentlemen who are not here, if the vote goes over until to-morrow, will read all the debate in the RECORD. [Laughter.]

The SPEAKER. Is there objection?

Mr. GARRETT. Mr. Speaker, do I understand the gentleman from Illinois [Mr. MANN] to state that there was an agreement that there would be no vote on this this evening?

Mr. MANN. That was the agreement, yes; with the majority leader.

Mr. CAMPBELL. I have a demand for much more than 30 minutes' time, I will say to the gentleman from North Carolina [Mr. POU]. I do not know whether the gentlemen who asked for time would want to talk to empty seats here or not.

Mr. POU. Surely an hour ought to be sufficient. It seems to me we could have an agreement to go on for an hour this afternoon.

Mr. PAGE of North Carolina. Question, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. MANN. As the request is put, I shall have to object.

The SPEAKER. The gentleman from North Carolina [Mr. POU] asks unanimous consent that debate on this rule shall proceed for not more than an hour, half of the time to be controlled by himself and half by the gentleman from Kansas [Mr. CAMPBELL]. Is there objection? [After a pause.] The Chair hears none.

The gentleman from North Carolina is recognized for 30 minutes.

Mr. POU. Mr. Speaker, this resolution makes in order legislation which has had long and serious consideration by the great Committee on Appropriations of this House and by other committees as well. In view of the fact that there has been this consideration given to this legislation, the Committee on Rules has felt justified in giving the House an opportunity to vote upon this legislation.

I reserve the balance of my time.

Mr. CAMPBELL. Mr. Speaker, after I have occupied 10 minutes I desire to have my attention called to it.

The SPEAKER. Very well.

Mr. CAMPBELL. Mr. Speaker, there have been a great many rules brought in from the Committee on Rules making legislation in order on appropriation bills during this session of Congress. Heretofore the legislation that has been in order on appropriation bills has been such legislation as the committee bringing it in had jurisdiction of. In this case five substantive legislative provisions are made in order on an appropriation bill of which the Committee on Appropriations, which reports the bill, does not have jurisdiction.

These matters of legislation, or most of them, are now under consideration before the Committee on the District of Columbia, a committee made up of able Representatives, who give serious consideration to the matters referred to that committee. All those important matters of legislation are taken away from the Committee on the District of Columbia and jurisdiction is assumed by the Committee on Appropriations, and the Committee on Rules is asked to make all those matters of legislation in order on this appropriation bill.

The matters to be considered by the House are of the greatest possible importance to the country and to the District of Columbia. It is proposed by one provision that is made in order by this rule to repeal or set aside a provision in the charter or the fundamental law of the District of Columbia by a rider on an appropriation bill brought in by a committee that has not jurisdiction of the subject. I refer to that provision under which the expenses of the District government have been paid since 1878.

In 1874 the Congress of the United States took up for serious consideration, by the appointment of a commission or a committee, the regulation of the expenses of the District of Columbia and apportioning that expense between the General Government and the District. The result was that after four years of labor, under the leadership of Senator J. C. S. Blackburn, of Kentucky; Senator Allen G. Thurman, of Ohio; and Senator Edmonds, of Vermont, a charter or fundamental law was solemnly enacted by the Congress of the United States to be known from that time on as the charter or fundamental law of the District of Columbia. It is now proposed to change that fundamental law by this rider on an appropriation bill.

Now, if this House wants to take that responsibility, if this House wants to undo in a few moments what it took four years of consideration to enact, the responsible majority is assuming a great responsibility.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield for a question?

Mr. CAMPBELL. Yes.

Mr. LONGWORTH. Would it not be possible to consider this matter in the regular course on a District day?

Mr. CAMPBELL. There is no doubt of it.

Mr. LONGWORTH. There is no necessity for bringing it up in this way, is there?

Mr. CAMPBELL. Absolutely none, except to get it through on a rider. The bill must go through, and the only excuse for placing this fundamental legislation, this repeal of the fundamental law of the District of Columbia, on an appropriation bill is to have it go through as a rider on an appropriation bill.

Now a year ago a joint commission was appointed, consisting of Senators and Representatives, made up of the ablest

Members of the Senate and of this House. That commission took time to seriously consider the question that is proposed to be reported here. Two large volumes of testimony were taken. A report was made by that commission, and, strangely enough, the report was not referred to the Committee on Appropriations, but was referred to the Committee on the District of Columbia.

That report is totally ignored by the Committee on Appropriations, in that the investigating committee found that Congress was solemnly bound to provide by appropriations for the payment of 50 per cent of the interest and the sinking fund upon the funded debt of the District. One of the very first provisions made in order by this rule is in violation of that finding, and the recommendation that that condition be carried out by the Congress of the United States is set aside by one of the first provisions of this rule. The Committee on Appropriations totally ignores the recommendations of the commission that was appointed by the last Congress to consider this very subject, and Members of Congress are asked, under a possible 10 minutes of time for consideration, to vote upon a question that in the first instance had consideration for four years, and that in the last Congress was deemed to be of sufficient importance to justify the appointment of a joint commission, and that commission deemed the subject of sufficient importance to take testimony for weeks. They took testimony, as I stated, consisting of two volumes, and made a report. All this matter is ignored, and this House is asked to make in order on an appropriation bill legislation that should be considered by and reported out of the Committee on the District of Columbia.

Mr. Speaker, I do not desire to go into the probable effects of this law if it is enacted. These matters have been discussed here from time to time for years. The danger of the enactment of this first provision, repealing the organic law of the District of Columbia, is that the city of Washington will begin at once to deteriorate into the old conditions in which it was found in 1874, when the matter of considering the question of paying the expenses of the District was taken up. That was a third of a century ago. I sincerely hope, in the interest of the country and in the interest of the pride which every citizen of the Republic has in the Capital of the Nation, that no step will be taken that will result in the Capital going backward.

The SPEAKER. The gentleman has used 10 minutes.

Mr. FOSTER. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. PAGE].

The SPEAKER. The gentleman from North Carolina [Mr. PAGE] is recognized for five minutes.

Mr. PAGE of North Carolina. Mr. Speaker, I have repeatedly said that on general principles—and being a member of the Committee on Appropriations and knowing thoroughly the rules as they apply to legislation on an appropriation bill—I do not believe that it is good legislative policy to legislate on appropriation bills. But there are exceptions to all rules, and the committee formulating this bill, after very mature consideration, and not only that but after consultation with some of our colleagues who serve upon the legislative committee of the District of Columbia, decided that it was——

Mr. MEEKER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from North Carolina yield to the gentleman from Missouri?

Mr. PAGE of North Carolina. Yes.

Mr. MEEKER. Has it not been the exception this year not to legislate upon appropriation bills?

Mr. PAGE of North Carolina. Oh, no; not this year. I will remind the gentleman that at this session of Congress there have been rules making in order on the Post Office appropriation bill a great mass of legislation. Only two weeks ago there was a rule that made in order on the Agricultural bill a great deal of legislative matter.

Mr. MEEKER. I say that an appropriation bill which does not contain legislation is the exception this year.

Mr. PAGE of North Carolina. It has been the exception in every Congress in which I have served, and this is the seventh. As far as that goes, the law creating the Public Utilities Commission for the District of Columbia and the excise law for the District of Columbia were passed on District appropriation bills. If that side of the House was in control at this time, and they could not find another place, they would not hesitate to bring in a rule to pass a tariff bill on the District of Columbia appropriation bill. [Applause and laughter.] This whole question about the propriety of passing legislation by a rider on an appropriation bill is altogether a matter of whether you favor legislation or are opposed to it. Why, the Evening Star of this city, which has criticized this rider because it was carried on an appropriation bill, has criticized the subcommittee of the Committee on Appropriations because it did not bring out legislation on the same bill establishing a garbage plant for the District of Columbia—because that paper wants a garbage plant and it does not want the other. The same is true with every individual here.

This matter of the fiscal relations of the District of Columbia was discussed at great length in the first session of the Sixty-third Congress, because of section 8 that was carried in the District appropriation bill. Section 8 passed this House by a decided majority. It was in practical effect just exactly this legislation. In the last session of Congress what was known as section 15 passed this House on a record vote by nearly 100 majority. Since the Senate would not accept that, there was, on motion of the gentleman from Alabama [Mr. UNDERWOOD], a resolution agreed to in this House which appointed a select special committee to take under consideration this whole matter of the fiscal policy of the District of Columbia, between it and the United States Treasury. As the gentleman from Kansas [Mr. CAMPBELL] has said, that committee sat for nearly two months, and took testimony that filled two volumes, and made a recommendation.

The gentleman from Kansas says that this provision does not carry out that recommendation in one minor detail. With that exception it does carry it out. That exception is as to the bonded debt of the District of Columbia. That debt up to date has been paid in accordance with the act of 1878. It was more than $30,000,000. It has been paid, until now the amount is less than $6,000,000. This very bill carries $975,000 for interest and sinking fund of the bonded debt of the District of Columbia. By the year 1923 that bonded debt will have been retired. That is a mere temporary matter. This other, which is included in the first section of this bill and the first section of this rule, is permanent legislation.

The gentleman from Kansas referred to the former distinguished Senator from Kentucky, Senator Blackburn, who, in 1874, as a Members of this House, was chairman of the committee that for four years investigated and made a report upon which was based the legislation of 1878. If the gentleman from Kansas had taken the time to read the testimony before this select committee sitting last fall he would have found that that same ex-Senator Blackburn appeared before that committee and gave unmistakably his testimony and his judgment that the time had arrived when that law was no longer equitable and that the very provision that is in this bill should be enacted into law. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FOSTER. I yield to the gentleman from Mississippi [Mr. SISSON] five minutes.

Mr. SISSON. Mr. Speaker, it was my pleasure to serve on the District subcommittee that made the two recommendations referred to by the gentleman from North Carolina [Mr. PAGE] a moment ago. In the last several years there has been no justification for the arbitrary half-and-half plan which has prevailed in the District of Columbia. When I first went upon the Committee on Appropriations I insisted that the only just and equitable plan was that all the property in the District of Columbia should be assessed at a reasonable value and that a reasonable tax rate should be levied against that property; that that money should be collected, and whatever other money was needed to run the District government should be paid out of the Federal Treasury, and that Congress should assume that responsibility on behalf of the people of the United States.

Mr. LONGWORTH. Will the gentleman yield?

Mr. SISSON. I yield to the gentleman from Ohio.

Mr. LONGWORTH. What does the gentleman estimate will be paid as a matter of fact by the District of Columbia and what portion by the Government?

Mr. SISSON. At the present assessment and the present valuation, in round numbers, about $8,000,000 will be paid by the District of Columbia.

Mr. LONGWORTH. At the present rate of taxation?

Mr. SISSON. Yes. Now, those are round figures. I could tell the gentleman exactly by looking at the District appropriation bill, which has just been reported to the House.

Mr. TILSON. Expressed in terms of percentages?

Mr. SISSON. About 60–40, or about 61 per cent to 39 per cent.

Mr. LLOYD. It will be about 69 per cent to 31 per cent, I think; but that has nothing to do with the principle.

Mr. SISSON. Not a thing.

Mr. LLOYD. Is it not true that next year the figures might be reversed, according to this rule?

Mr. SISSON. If Congress saw fit and proper to appropriate vast sums of money, that would be true.

Mr. LLOYD. That is the point I am making, but the thing that is fixed is the amount that the District shall pay.

Mr. SISSON. That is it exactly. In other words, under this law and under section 8, which was awkwardly drawn, but did just exactly, in substance, what this does, the amount that the District should pay was fixed. But last year we put almost this exact language into the appropriation bill and thrashed it out on the floor of the House at length, and by a vote of 2 to 1 the House of Representatives passed this provision. It went over to the Senate, and for the first time in the history of the Senate for thirty-odd years the provision was championed by a Senator, Senator KENYON of Iowa, and one-third of the Senate voted for it. Then the bill came back to the House, after a disagreement, and the House, by more than 2 to 1, stood by the House conferees, and then the bill went back to the Senate. Certain influences were brought to bear here, and then the gentleman from Alabama [Mr. UNDERWOOD] offered the proposition that was carried, by a small majority of 14, to have this joint commission appointed. The men appointed on that commission were not wedded to this proposition. They were absolutely fair, and the three Senators appointed were Senators who, so far as the record shows, had been on the other side of this proposition. Yet, after two months of taking testimony, all three of the members of the House commission and all three of the members of the Senate commission made a unanimous report as to this provision that is in this bill. The only difference between their recommendation and this bill was in reference to the bonded debt of the District of Columbia.

Mr. CAMPBELL. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, ever since I have been a member of the Committee on Rules I have tried to pursue a consistent policy with reference to legislative riders on appropriation bills. I have always been opposed to such riders except in two classes of cases—one where the legislation proposed was so intimately connected with appropriations that they ought to be considered together, and the other an emergency that called for an exception to the rule.

If this rule that is now proposed was confined in its provisions of those two classes of cases I should gladly support it. I want to frankly say that in my judgment the provision known as the half-and-half provision does come within that rule. It is intimately connected with the appropriations and does affect the appropriations that may be made.

But, Mr. Speaker, there are other provisions in this bill that have no connection whatever with appropriations, and I can not understand upon what theory the Committee on Appropriations, which is not a legislative committee at all, has incorporated them into the bill—one, for instance, in reference to the organization of a hospital here, another with reference to the amendment of the Criminal Code of the District of Columbia, and there are other provisions.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. LENROOT. For a brief question.

Mr. PAGE of North Carolina. The gentleman mentioned the hospital; the hospital is very intimately connected with the appropriations, and that is the reason of its being in here.

Mr. LENROOT. Yes; but I can not assume that the Appropriation Committee will make the appropriations greater or less because of the legislation included in this bill. I would assume that the Committee on Appropriations would make such appropriations for running the hospital as in its judgment was necessary for that purpose, and the matter of administration of that hospital lies not with the committee, but with the Committee on the District of Columbia, so far as the legislation of the House is concerned.

So, Mr. Speaker, the rule in its present form can not receive my support, although there are some provisions that I believe should be made in order.

The House will observe that there is no limit to debate for the consideration of this bill provided for in this rule. I am not complaining of that, but I do want to draw the contrast between this rule and the rule adopted the other day on the shipping bill, a bill carrying $50,000,000, a bill containing new subjects of legislation that have never been considered by either House of Congress. Under that rule adopted by the Democratic majority consideration under the five-minute rule was limited to less than two days, and we witnessed at 4 o'clock last Friday one of the greatest farces ever perpetrated on this House. We had over 100 amendments, many of them important amendments, many of them amendments that the majority members of the Committee on the Merchant Marine and Fisheries agreed ought to be adopted to this bill, and yet every one of them was voted down just as fast as they were read from the Clerk's desk.

I said at that time that while the Democratic majority would make a claim that they shut off debate on that bill because they needed to expedite business and hurry along the business of the House—I prophesied then that upon the District of Columbia bill, that carrying an appropriation of $11,000,000, there would be no effort to shut off debate; that debate would be unlimited as far as the rule was concerned. It will take at least a week to consider it, and a little later on, as we get into the consideration of the bill, we can fairly expect that we will have a debate of an hour or more on such important items as to whether or not the secretary of the automobile board shall have $300 or $350 a year. [Laughter.] And so on with other items, ample debate, ample opportunity to debate little infinitesimal items on this bill, but no opportunity to debate great questions of public policy and expenditure of millions of dollars of public money on the shipping bill.

Again I want to call the attention of the House that although the Democratic majority did not have time on the shipping bill to afford the minority an opportunity for fair consideration of that bill, they had plenty of time on the Porto Rican bill, to which there was no opposition and as to which there was a unanimous report from both sides of the House. We have been on that bill two days, we have been considering that bill to-day, and just finished the consideration of it a few minutes ago. If the Democratic side was sincere in their rule on the shipping bill, why have they not been anxious to expedite business on other bills? The answer is that their claim with reference to the shipping bill was a pure piece of hypocrisy on the part of the Democratic majority.

Mr. GORDON. Will the gentleman yield?

Mr. LENROOT. Briefly.

Mr. GORDON. Does not the gentleman think that there is an important principle involved in the payment by the people of the United States for one-half of the taxes of the District of Columbia, one-half of the sewer assessments and one-half of the sidewalk assessment?

Mr. LENROOT. I do, and I want full debate and full consideration; but I say to my friend that it is not more important than the creation of a shipping board, spending $50,000,000 of the Government money and the matter of the regulation of the shipping of the United States and of the world that has never been before considered. If the gentleman from Ohio thinks that this now requires full debate and consideration, why did not he vote for full debate and consideration on the shipping bill? Is it the gentleman's idea that the half-and-half question in Washington is more important than the other great questions? Evidently the gentleman thinks so, and if he thinks so he is justified in voting as he did against every amendment from the minority, only inquiring, "How does my chairman stand, and I will vote the way he does whether he is right or whether he is wrong?"

Mr. GORDON. Does the gentleman want an answer?

Mr. LENROOT. Yes.

Mr. GORDON. I voted against those amendments because I thought that they were offered as a filibuster and not offered in good faith.

Mr. LENROOT. Does the gentleman want an answer to that?

Mr. GORDON. Why, most of the men that offered them did not stay here until they were voted on.

Mr. LENROOT. The chairman of the committee—and it is no breach of confidence for me to state this, for it was stated in the presence of several persons—said while some of the amendments were being voted on, and he voted against them, that many of them he thought ought to be adopted. Does that answer the gentleman's question? The gentleman was content to vote against the amendments because they came from this side of the aisle.

Mr. GORDON. No, no.

Mr. LENROOT. It was not necessary to inquire whether an amendment was a good amendment or whether it was a bad amendment. He took the position, "I am a Democrat, and this side of the House and my leader is against it, and so I will follow my leader." But, Mr. Speaker, I hope the time will come when this House will not legislate in this manner.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. HUMPHREY of Washington. I want to ask the gentleman whether there had been any intimation from the President that this District bill must pass before the Democratic convention meets?

Mr. LENROOT. I judge not, because if there was there would be a rule on this bill like there was on the shipping bill. [Laughter on the Republican side.]

The SPEAKER. The gentleman from Wisconsin yields back one minute.

Mr. FOSTER. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Speaker, I am in accord with the general principle that legislation should not be embodied as riders upon appropriation bills except it be intimately related thereto, and the subject upon which I desire to give the Members of the House some information is, I think, intimately related to the subject of these appropriations. That is the first part of the bill making in order the question of appropriation for the payment of interest and the principal of the funded debt and for the expenses of the District of Columbia. I first want to say that it is my idea that the language which is carried in the bill providing for the payment of interest and sinking fund of the District of Columbia out of the revenues of the District is not a proper recommendation to this House. The finding of the select committee, which was a unanimous finding of three United States Senators and three Members of this House of Representatives, was to the effect that the inception of this bond legislation, the rulings of all the departments, and indeed the very highest sense of justice between the bondholders, the citizens of the District, and the citizens of the General Government, ought to be to the effect that these bonds, having been issued under a particular law, should be by that particular law paid; and therefore I believe, Mr. Speaker, that this bill should be so amended, and I refer, with the permission of the chairman of the Subcommittee on Appropriations, to line 6 of page 1, where I think the word "and" should be stricken out and the word "except" be incorporated.

Mr. PAGE of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. GARD. Yes.

Mr. PAGE of North Carolina. In order that this matter may be cleared, I want to say to the gentleman, and through him to the committee, that the committee reporting this bill will not only consider that amendment, but has no particular antipathy to the views as expressed by the gentleman from Ohio when we come to take up the bill.

Mr. GARD. It would seem to me that by the striking out of the word "and" and inserting the word "except" this can be made to read:

> That all appropriations for the support of the District of Columbia except the interest on the funded debt of the District shall be paid from the revenues of the District to the extent that the same shall be sufficient therefor, and the remainder out of any money in the Treasury not otherwise appropriated.

And for the information of gentlemen who may desire it, I say this, further. I may say that this provision is carried on page 66 for the payment of interest and the sinking fund on this funded debt, and that can be very easily amended, in line 18, so as to provide for the findings of the select committee, which findings, I believe, are authorized by law.

This funded debt is not a large debt. The city of Washington is indeed unique in not having a large public debt. There remains about $6,000,000, I think, of the debt; and in the ordinary course of events that will be paid off in 1923 or possibly in 1922, and after that time the city of Washington will have no funded debt. The larger part for the consideration of the House will be the question as to how the expenses of the District of Columbia shall be paid. Now, the findings of the select committee, in brief, upon that is that there is not and should not be any arbitrary rule, but that the responsibility of the residents of the District of Columbia should be the payment of a fixed and reasonable amount assessed as proper taxation.

The SPEAKER. The time of the gentleman has expired.

Mr. FOSTER. Will the gentleman use some of his time?

Mr. LENROOT. Mr. Speaker, I yield seven minutes to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Mr. Speaker, before protesting against this rule, to which I am much opposed, I desire to ask the honorable Representative from North Carolina, who has charge of the bill, whether he has ever heard of any appropriation bill which carried eight separate and diverse pieces of legislation? I ask him if he has ever heard of an appropriation bill which carried a provision in reference to such an important matter as the fiscal relations between the Federal Government and the District of Columbia; the appointment of trustees to a hospital board; the terms and transfers of prisoners and the power of parole; the price of electric service to be paid by the Government; the creation of a trust fund for money for the great District of Columbia; the taxing of vacant spaces under the streets in the District of Columbia; a law concerning the paving of streets, and an authorization for an agreement between the Commonwealth of Maryland and the District of Columbia in reference to sewers?

Mr. PAGE of North Carolina. Mr. Speaker, the gentleman has addressed a very long series of questions to me. I was going to ask him if he would give me time to answer them, and if he wants me to answer them now or at some later time.

Mr. TINKHAM. Mr. Speaker, the question is extremely simple. I asked the gentleman if he has ever known an appropriation bill in his term of service which has carried so many diverse pieces of legislation, utterly ungermane to the subject of the provisions of the bill and not properly before the Appropriations Committee. The gentleman can say yes or no.

Mr. PAGE of North Carolina. Mr. Speaker, I prefer to make my own answer and not answer as the gentleman tells me. I do not admit, in the first place, his premise that these various items are correlated to the appropriations. On the other hand, more than half of them, in fact a majority of them, are directly related to the appropriations, and I have seen on a number of appropriation bills more legislative provisions not related to the appropriations than are on this bill.

Mr. TINKHAM. Mr. Speaker, in view of the fact that the honorable Representative from North Carolina was not responsive to my last question, I ask him in all courtesy to be responsive to my next question. Was any public hearing given on any of these pieces of legislation, either by the Appropriations Committee or by the subcommittee of the Appropriations Committee? I mean public hearings?

Mr. PAGE of North Carolina. Mr. Speaker, in answer to the gentleman's question, if he will give himself the time to read the hearings before the subcommittee of the Appropriations Committee formulating this bill, he will find that there is a very considerable amount of testimony relating to each of the items contained in this rule. That item does not hold public hearings, but the hearings are as voluminous, possibly, as if they had been public, and the gentleman has access to them.

Mr. TINKHAM. Mr. Speaker, the answer of the honorable gentleman is that there were not any public hearings given.

Mr. PAGE of North Carolina. That is my answer, Mr. Speaker. Will the gentleman yield further?

Mr. TINKHAM. I will.

Mr. PAGE of North Carolina. Will the gentleman allow me to interrogate him? Has the gentleman taken the pains to read the hearings before the subcommittee of the Appropriations Committee having charge of this bill at this session of Congress?

Mr. TINKHAM. Not very closely.

Mr. PAGE of North Carolina. Will the gentleman submit to another interrogation?

Mr. TINKHAM. I will.

Mr. PAGE of North Carolina. Has the gentleman taken the time and the pains to read the testimony given before the select committee sitting last fall and having been commissioned to take testimony in relation to the fiscal relations of the District of Columbia?

Mr. TINKHAM. I have read about 800 pages.

Mr. PAGE of North Carolina. The gentleman has done very well.

Mr. TINKHAM. Now, Mr. Speaker, I want to protest against this rule, first, because it is arbitrary, and that which is arbitrary should not be done in the popular house of a great democracy unless there is great and compelling necessity, and there is no great and compelling necessity for arbitrary action in these matters. Next, I want to protest against this rule because it is unnecessary that it should pass. Every piece of legislation proposed, with two exceptions, and they are of minor importance, are before the Committee on the District of Columbia.

Mr. PAGE of North Carolina. Will the gentleman yield to a further question?

Mr. TINKHAM. I will.

Mr. PAGE of North Carolina. The gentleman, I believe, is a member of the legislative Committee on the District of Columbia?

Mr. TINKHAM. I am.

Mr. PAGE of North Carolina. Has the gentleman used due diligence in having this legislation reported to the House of Representatives and put on the Calendar?

Mr. TINKHAM. I have done everything that is possible, Mr. Speaker.

Mr. PAGE of North Carolina. Has the gentleman introduced any bill on any of these subjects in which he is so much interested?

Mr. TINKHAM. I have not. There was no necessity for my doing so, because the bills were before the Committee on the District of Columbia.

Next, I protest against this rule because you are asking for legislation for the District of Columbia, 350,000 people, American citizens, without any public hearing. The first recommenda-

tion for legislation affects vitally what is the most important part of the charter or organic act of the District of Columbia.

The SPEAKER. The time of the gentleman has expired.

Mr. FOSTER. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. RAINEY].

Mr. LENROOT. I yield to the gentleman from Massachusetts [Mr. TINKHAM] one minute more.

Mr. TINKHAM. I think there is no necessity for it.

Mr. RAINEY. Mr. Speaker, the people of the District of Columbia were given most extensive hearings on this subject in which they are so vitally interested before the joint committee of the House and Senate having this matter in charge for purposes of investigation. We for nearly 60 days' time listened to the representatives of various civic organizations here in the city. We heard everybody who wanted to be heard. Citizens of Washington are not complaining about taxation. They are not insisting that they are assessed too high, and yet under the present assessments they will contribute more for public purposes than ever before—nearly $2,000,000 more.

That contribution will occur during the fiscal year 1917. They will contribute during that year over $8,000,000 for public purposes. Now, if the Government of the United States matched dollar for dollar this year the contributions made by the people of Washington it would make a total of over $16,000,000 to be expended here in this Capital City, over $1,000,000 more than the commissioners submitted estimates for. Now, what other course can be pursued under these circumstances than to abandon the half-and-half system of contributions which has prevailed in the management of District affairs from 1878 down to the present time?

This bill appropriates about as much for the District of Columbia as the last bill appropriated. This bill appropriates $11,631,000 and the last bill appropriated $11,662,000. It is going to cost just as much to run the District of Columbia during the next fiscal year as it has cost during the present fiscal year, except that the people who live here contribute more. Now, that situation of affairs may be reversed under the present system at any time.

Mr. LLOYD. They do not contribute more, in fact. They contribute more in proportion to what the National Government contributes.

Mr. RAINEY. They will contribute over $8,000,000.

Mr. LLOYD. If the United States Government paid one-half the expense, they would still have to pay $8,000,000.

Mr. RAINEY. If the United States should contribute $8,000,000, that would be $16,000,000, and that is $7,000,000 more than needed.

Mr. LLOYD. What I am trying to express is, that the District of Columbia is paying just the same as it would pay if the half-and-half principle were carried out, because the tax is levied, and the amount that is collected under the law at the present time would be paid in taxation.

Mr. RAINEY. Yes; but the fact remains that next year—during the year 1917—the citizens will pay $8,000,000.

Mr. LLOYD. Certainly.

Mr. RAINEY. If the Federal Government contributes as much as they contribute—and they are not complaining any about that—it would make a total of $16,000,000.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. CRISP. The gentleman from Missouri [Mr. LLOYD], as I understood it, means that the taxpayers will pay under this new plan just what they would pay under the other; that the individual payment of the taxpayer in the District is not increased any. Is not that it?

Mr. LLOYD. Yes. The only people who will benefit by this bill is the General Government.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. FOSTER. Mr. Speaker, will the gentleman from Wisconsin [Mr. LENROOT] use some of his time?

Mr. LENROOT. How much time have we remaining on this side, Mr. Speaker?

The SPEAKER. Four minutes.

Mr. LENROOT. I yield that time to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER. The gentleman from Wyoming is recognized for four minutes.

Mr. MONDELL. Mr. Speaker, the unwisdom and viciousness of legislation upon an appropriation bill is universally recognized. It is prohibited by the rules, and the situation is made no better by the fact that such legislation is made in order by a special rule. As a matter of fact, to the extent that such action inclines Members of the majority to accept the legislation as being approved by their side, it renders the situation even more dangerous, and we are even more likely to legislate unwisely when legislation is thus made in order than we would be otherwise.

As a member of the Committee on Appropriations, it might be assumed that I would be in favor of extending the jurisdiction of the committee in this way. But the practice is vicious, and I am as much opposed to it when it is offered by a committee of which I am a member as when it is offered by any other committee.

Further than that, not only has the Committee on Appropriations assumed the right to legislate, but in a very important matter, to wit, in regard to the half-and-half plan, it has not proposed legislation in harmony with either the letter or the spirit of the findings of the joint committee which the House and Senate appointed for the purpose of investigating these matters.

First, it has proposed legislation contrary to the letter of the recommendation made by the joint committee relating to the funded debt and the interest thereon; and, second, it has proposed legislation not calculated to carry out the recommendation of the joint committee to the effect "that the Congress should pursue a definite policy of regular and liberal appropriations, having in view not only the permanent moral and physical advancement of the city but also its permanent and growing grandeur as a municipal expression of the Nations' home and the people's pride." Who is there on either side of the House who will suggest that the meager appropriations made in this bill for our great Capital City in any way carry out that declaration of our joint committee as to what our legislation should accomplish touching the Capital of the Nation?

Mr. PAGE of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. PAGE of North Carolina. Is there anything to prevent a majority of this House increasing it to any amount?

Mr. MONDELL. There is nothing to prevent the majority, but the gentleman will see to it that there is not a majority favorable to increases. He has, or believes he has, a majority on his side already bound against liberal appropriations, contrary to the recommendations of the joint committee, for which that side is largely responsible. First, the commissioners were influenced to make low estimates, and, second, you have reduced the estimates they have made by two and one-half million dollars.

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. FOSTER. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. JOHNSON] the remainder of my time, except one minute.

The SPEAKER. The gentleman from Kentucky is recognized for five minutes.

Mr. JOHNSON of Kentucky. Mr. Speaker, as a general proposition, I am not in favor of "riders" upon appropriation bills. However, I am very much in favor of this amendment, call it "rider," if you please, being placed on this appropriation bill in order to do away with the old half-and-half arrangement.

It has been insisted here by the gentleman from Kansas [Mr. CAMPBELL] and by my good friend from Massachusetts [Mr. TINKHAM] that this matter ought to come from the Committee on the District of Columbia. Those for whom they speak have not heretofore taken this position. During the last Congress when I prepared an amendment similar to this one and got it upon the District appropriation bill those who now proclaim the loudest against this measure going upon the appropriation bill said that the Committee on the District of Columbia was not qualified to determine the matter and that a special committee should be created to consider it.

At last they succeeded in getting the Senate to defeat my amendment which went on the District appropriation bill by which the half-and-half was abolished and themselves put a "rider" on the appropriation bill providing for a special joint committee. That special joint committee, which has gone into this subject, was created, I say, by a "rider" upon an appropriation bill, and it was put there by those who now decry this rider. At this time it is the report of that special committee which is placed upon this appropriation bill, and to that they object and call it a "rider" and unfair.

Every District appropriation bill for years has commenced with language similar to this: "That there is hereby appropriated one-half out of the revenues of the District of Columbia and one-half out of the Federal Treasury such sums as are herein appropriated."

Now, if this amendment is adopted that language will be changed in substance to this: "That hereafter the expenses of the District of Columbia shall be paid from its own revenues if

sufficient, and if not sufficient then the remainder shall be paid from the Federal Treasury."

What can be fairer? The gentleman from Wyoming [Mr. MONDELL] just spoke of the "miserable, meager amount" to be contributed by the United States. That "miserable, meager amount" that he speaks of, if I am correctly advised, amounts to $3,500,000 in this bill.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. MONDELL. The gentleman misunderstood me. The adjective that I used had reference not to the amount of the national contribution, but to the character of the appropriations made for the District in the bill.

Mr. JOHNSON of Kentucky. Under the present tax rate the District of Columbia is raising about $8,000,000 annually. Regardless of whether or not it is necessary to spend double that amount, it is insisted by some that the United States Government shall still put up $8,000,000 to carry out the half-and-half arrangement. That would make $16,000,000; and even the Commissioners of the District of Columbia do not claim that $16,000,000 are needed. Therefore, why should the United States put up $8,000,000 when nobody claims that amount is needed.

Now, the gentleman from Kansas [Mr. CAMPBELL] and the gentleman from Massachusetts [Mr. TINKHAM] both say that these matters ought to come from the District of Columbia Committee. Is it not a fact that those who represent the District—in other words, the Commissioners of the District of Columbia themselves—have gone before the Appropriations Committee and asked them to include in their appropriations several of the very items against which some of these gentlemen complain of being in this appropriation bill?

To resume, this amendment comes properly before the Appropriations Committee because the Appropriations Committee is endeavoring to carry out the findings of the special committee which was appointed in compliance with a rider on the District of Columbia appropriation bill in the last Congress.

The special joint committee was created by the friends of the half-and-half plan by means of a rider on the District appropriation bill, and they should not now object to the finding of that special committee being enacted into law through the same committee and upon the same bill which created the commission.

It is well for members to constantly bear in mind that no member of the special joint committee, either Senator or Representative, ever cast a vote against the half-and-half, and that it is their report which it is now proposed to put upon the appropriation bill for the District of Columbia.

The SPEAKER. The time of the gentleman has expired.

Mr. FOSTER. I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is——

Mr. MANN. No.

Mr. FOSTER. The understanding was that the matter should go over until to-morrow. I move that the House do now adjourn.

ADJOURNMENT.

The motion of Mr. FOSTER was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 23, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on reexamination of Buffalo Harbor, N. Y. (H. Doc. No. 1139); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Leonidas M. Jewett *v.* The United States (H. Doc. No. 1140); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of H. Walter Nichols *v.* The United States (H. Doc. No. 1141); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Posey Buckley *v.* The United States (H. Doc. No. 1142); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ebenezer Knight *v.* The United States (H. Doc. No. 1143); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Edward G. Mathey *v.* The United States (H. Doc. No. 1144); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Theodore L. Minier *v.* The United States (H. Doc. No. 1145); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Cary W. Moore *v.* The United States (H. Doc. No. 1146); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims, transmitting a list of cases referred to the court by the House of Representatives, which cases were dismissed by the court under section 5 of the act of March 4, 1915, commonly known as the Crawford amendment (H. Doc. No. 1147); to the Committee on War Claims and ordered to be printed.

10. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting an estimate of deficiency in the appropriation for contingent expenses, Post Office Department, fiscal year ending June 30, 1916 (H. Doc. No. 1148); to the Committee on Appropriations and ordered to be printed.

11. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting an estimate of appropriation for publication of the Official Postal Guide for the fiscal year ending June 30, 1917, being additional to the sum provided for by the legislative, executive, and judicial act for the same year (H. Doc. No. 1149); to the Committee on Appropriations and ordered to be printed.

12. A letter from the Secretary of the Treasury, transmitting a communication from the Secretary of Commerce submitting a supplemental estimate of appropriation, "Salaries and wages of officers and crews of lighthouse vessels and lighthouse tenders, including temporary employment when necessary, for the fiscal year ending June 30, 1917 (H. Doc. No. 1150); to the Committee on Appropriations and ordered to be printed.

13. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting urgent estimates of deficiencies required for the service of the War Department in consequence of recent operations upon the border and in Mexico (H. Doc. No. 1151); to the Committee on Appropriations and ordered to be printed.

14. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting supplemental estimates of appropriations covering urgently needed buildings and other construction in connection with the proposed ordnance depot in the Canal Zone (H. Doc. No. 1152); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DILL, from the Committee on the Public Lands, to which was referred the bill (S. 3928) to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes, reported the same without amendment, accompanied by a report (No. 739), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9619) granting a pension to Eliza J. St. Clair; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5521) granting a pension to James H. Buckner; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills were introduced and severally referred as follows:

By Mr. BYRNES of South Carolina: A bill (H. R. 15871) authorizing the purchase of a site for a public building at Bamberg, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. DOOLITTLE: A bill (H. R. 15872) to establish a Government bureau to loan money on agricultural lands as security; to the Committee on Banking and Currency.

By Mr. WISE: A bill (H. R. 15873) providing for a site and public building for a post office at Thomaston, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15874) providing for a site and public building for a post office at Jackson, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. KONOP: A bill (H. R. 15875) to incorporate the Kee-too-wah Band of Cherokee Indians in Oklahoma, otherwise known as the Night Hawks, into an industrial community for their mutual benefit and protection and the promotion of education, self-government, self-control, and industry among them, and for other purposes; to the Committee on Indian Affairs.

By Mr. KIESS of Pennsylvania: A bill (H. R. 15876) to enlarge and extend the post-office building at Williamsport, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. GLASS: A bill (H. R. 15877) to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 2, 1911; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BURKE: A bill (H. R. 15878) granting an increase of pension to Catherine Assenmacher; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 15879) for the reinstatement of Commander James H. Reid in the United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 15880) granting a pension to Mary E. Sanborn; to the Committee on Pensions.

By Mr. CARY: A bill (H. R. 15881) for the relief of Lloyd D. Pocock; to the Committee on Military Affairs.

By Mr. DILL: A bill (H. R. 15882) granting an increase of pension to Mrs. Mary Eaton; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 15883) granting an increase of pension to George P. Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15884) granting an increase of pension to Rowland Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15885) granting an increase of pension to Frank Niegenargend, alias Frantz Mier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15886) granting an increase of pension to Wilkerson E. Grubbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15887) granting an increase of pension to Jacob Stevens; to the Committee on Pensions.

By Mr. GOOD: A bill (H. R. 15888) granting an increase of pension to Orrel Tucker; to the Committee on Pensions.

Also, a bill (H. R. 15889) granting an increase of pension to Lydia W. Nott; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 15890) granting an increase of pension to Louisa Mawhinney; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 15891) granting an increase of pension to John C. Young; to the Committee on Invalid Pensions.

By Mr. HILLIARD: A bill (H. R. 15892) granting an increase of pension to Samuel E. Palmer; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 15893) granting a pension to Loue Thompson; to the Committee on Pensions.

Also, a bill (H. R. 15894) granting a pension to John F. Mulhall; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 15895) for the relief of the Royal Savings & Loan Co., of Portsmouth, Ohio; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 15896) to correct the military record of Jefferson Mullins; to the Committee on Military Affairs.

Also, a bill (H. R. 15897) to correct the military record of Benjamin F. States; to the Committee on Military Affairs.

By Mr. TAGUE: A bill (H. R. 15898) for the relief of Louis A. Berretta; to the Committee on Claims.

By Mr. MOSS of Indiana: A bill (H. R. 15899) granting an increase of pension to Lemon McGrew; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 15900) for the relief of John Hill; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 15901) granting an increase of pension to Leo V. Burchetts; to the Committee on Pensions.

Also, a bill (H. R. 15902) to remove the charge of desertion from the military record of Preston B. Stanfill; to the Committee on Military Affairs.

By Mr. QUIN: A bill (H. R. 15903) for the relief of the Bluff City Railway Co., a corporation domiciled and doing business at Natchez, in the State of Mississippi, by requiring the Chief of Engineers to cause an examination to be made into the facts attending a collision between a barge being towed by the tug *Marengo* on the Mississippi River and a wharf house belonging to said Bluff City Railway Co. and situated on the river in front of said city of Natchez, and, subject to the approval of the Secretary of War, to adjust and settle all claims for damages sustained by said Bluff City Railway Co. in a sum not to exceed $5,000, and report same to Congress; to the Committee on the Judiciary.

By Mr. RAKER: A bill (H. R. 15904) for the relief of Thomas A. Winn; to the Committee on the Public Lands.

Also, a bill (H. R. 15905) granting an increase of pension to Daniel Stevenson; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 15906) granting an increase of pension to Harvey Enyart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15907) granting an increase of pension to James E. Houghland; to the Committee on Invalid Pensions.

By Mr. RAYBURN: A bill (H. R. 15908) for the relief of Ed. D. Steger and J. E. Labatt; to the Committee on War Claims.

By Mr. ROWLAND: A bill (H. R. 15909) granting an increase of pension to Theodore Sinzig; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 15910) granting a pension to George M. Woodard; to the Committee on Pensions.

By Mr. VINSON: A bill (H. R. 15911) granting a pension to Victor Lewis; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Elizabeth Decherd Woman's Missionary Society, of Mount Air Church, Curryville, Mo., against sale, etc., of liquors in Porto Rico; to the Committee on Insular Affairs.

By Mr. BAILEY: Petition of H. O. Snively, D. T. Ketring, A. D. Schmucker, F. R. Schmucker, H. R. Allender, R. H. Justice, W. W. Woods, W. M. Eicholtz, J. G. Metz, B. E. Marty, Rhule & Acker, H. H. Patterson, and Estep & Flaig, all of Williamsburg, Pa., in favor of a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. CAREW: Memorial of American Union against militarism in re military bill; to the Committee on Military Affairs.

By Mr. DALE of New York: Petition of Bakery and Confectionery Workers' International Union of America, favoring passage of workmen's compensation act in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Lora C. Little, of Portland, Oreg., and Adelaide Short, of Lowden, Wash., favoring woman suffrage amendment; to the Committee on the Judiciary.

By Mr. DAVIS of Texas: Papers to accompany House bill 14549, granting a pension to John I. Temple; to the Committee on Pensions.

Also, petition of J. O. Cary, Waco, Tex., favoring bill for Federal control of the National Guard; to the Committee on Military Affairs.

By Mr. DYER: Memorial of the National Committee for Mental Hygiene favoring House bill 721, for division of mental hygiene in the United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Missouri State Dairy Association, relative to dairy conditions in the State of Missouri; to the Committee on Agriculture.

By Mr. EAGAN: Memorial of Gadsden (Ala.) Chamber of Commerce, favoring Shields water-power bill; to the Committee on Rivers and Harbors.

Also, petition of the National Committee for Mental Hygiene, favoring House bill 721, for division of mental hygiene in

United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Memorial of Merchants' Association, of New York, favoring the maintenance and proper extension of pneumatic-tube service in connection with the transportation of mail; to the Committee on the Post Office and Post Roads.

Also, memorial of United Brotherhood of Carpenters and Joiners of America of the District Council of Greater New York, urging the prevention of the reduction of wages or depriving workmen of requisites, now employees in the Canal Zone; to the Committee on Insular Affairs.

Also, memorial of Common Council of Nome, Alaska, unreservedly commending the work of the Alaska Road Commission on the peninsula and earnestly urging the Government and the road commission to extend the road so begun with all possible dispatch; to the Committee on Insular Affairs.

Also, memorial of board of governors of India House (Inc.), urging Congress to appropriate sufficient funds to carry out such a program of preparedness, particularly with respect to the defense of our Atlantic, Gulf, and Pacific coasts; to the Committee on Military Affairs.

Also, memorial of men of the Bushwick Avenue Congregational Church, urging Congress to take immediate action that will result in carrying out the recommendations of the General Board of the Army and the General Board of the Navy in the program for adequate defense preparedness of the United States; to the Committee on Military Affairs.

Also, memorial of executive committee of the Society of Chagres, favoring Senate bill 3457 and House bill 8828; to the Committee on Appropriations.

Also, memorial of 11 citizens and others of New York, urging adequate military and naval preparedness of the United States; to the Committee on Military Affairs.

Also, memorial of Central Memorial Committee, Sons of Veterans, of Brooklyn and Long Island Division of New York, approving the adoption by the Congress and the constituted authorities of the United States of such a wise policy of preparedness as shall fully and adequately provide for the effective defense of our country; to the Committee on Military Affairs.

By Mr. GALLIVAN: Memorial of Central Council of Irish County Associations, relative to England's treatment of Irish prisoners; to the Committee on Foreign Affairs.

By Mr. HOLLINGSWORTH: Papers to accompany House bill 15633 to pension Douglas D. Powell; to the Committee on Pensions.

By Mr. HUMPHREY of Washington: Petition of sundry citizens of the State of Washington, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. IGOE: Memorial of Missouri State Dairy Association, relative to condition of dairies in State of Missouri; to the Committee on Agriculture.

Also, memorial of Medical Society of City Hospital Alumni, St. Louis, Mo., against resolution relative to physicians in Government connected with private health institutions; to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN: Petition of sundry citizens of the State of Louisiana, favoring bills taxing mail-order houses; to the Committee on Ways and Means.

By Mr. MATTHEWS: Evidence supporting House bill 15791, granting a pension to Herman H. Jahn, alias Herman Martin; to the Committee on Pensions.

By Mr. OAKEY (by request): Memorial of executive board of Woman's Suffrage Association of Connecticut, relative to two women commissioners for Federal censorship of motion pictures; to the Committee on Education.

By Mr. O'SHAUNESSY: Petitions of Christian Rudolph, jr., and Otto Rudolph, of Providence, R. I., in re shipment of hospital supplies by the Red Cross to the central powers; to the Committee on Foreign Affairs.

Also, petition of Louise P. Chance, of Providence, R. I., favoring the Gallinger amendment to the Agricultural appropriation bill; to the Committee on Agriculture.

Also, petition of Phobie L. Cargill, of Providence, R. I., in favor of Senate bill 4874; to the Committee on Education.

By Mr. PATTEN: Memorial of the Merchants' Association of New York, favoring Senate joint resolution 60 and opposing House bill 563 and similar bills; to the Committee on Interstate and Foreign Commerce.

By Mr. PRATT: Petition of Elmira (N. Y.) Local Union, No. 57, of Metal Polishers, Buffers, and Silver Platers, Brass Workers' Union of North America, A. J. Miller, president, and Charles Cordier, recording secretary, favoring inspection of dairy products; to the Committee on Agriculture.

Also, petition of Mrs. Mary E. Parsons, R. A. Parsons, and Samuel E. Blinn, all of Candor, N. Y., opposing the passage of House bills 491 and 6468, to amend the postal laws, and House bill 13048, known as the juvenile-court bill; to the Committee on the Post Office and Post Roads.

By Mr. ROWE: Petition of members of the Holy Name Society of the Church of Our Lady of Victory, Brooklyn, N. Y., favoring bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of the Plattsduetscher Volksfest-Verein, of New York, against war with Germany; to the Committee on Foreign Affairs.

Also, memorial of Chamber of Commerce of the State of New York, against bills to prohibit the Taylor system in Government shops; to the Committee on Labor.

By Mr. SMITH of Michigan: Petition of M. E. Miller and 22 citizens of Diamondale and vicinity, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Minnesota: Memorial of Trades Assembly of Minneapolis and Hennepin County, Minn., against the Federal reserve bank; to the Committee on Banking and Currency.

By Mr. STINESS: Petition of Robert W. Adams, C. E., of Providence, R. I., favoring passage of the Shields water-power bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Rhode Island State Branch of American Federation of Labor and Providence (R. I.) Building Trades Council, favoring House bill 8828, relative to wages, etc., of employees on Panama Canal; to the Committee on Appropriations.

Also, petition of Rhode Island Chiropodists' Society, favoring passage of bill regulating practice of chiropody in the District of Columbia; to the Committee on the District of Columbia.

By Mr. TIMBERLAKE: Petition of citizens of Boulder County, Colo., against Sunday observance bill in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of citizens of Boulder County, Colo., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. TINKHAM: Memorial of Central Council of Irish County Clubs of Massachusetts, denouncing Britain for brutal inhumanity; to the Committee on Foreign Affairs.

SENATE.

TUESDAY, *May 23, 1916.*

(Legislative day of Thursday, May 18, 1916.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

The Vice President being absent, the President pro tempore took the chair.

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Iowa suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Norris	Smith, Mich.
Bankhead	Hardwick	Oliver	Smoot
Brady	Hitchcock	Overman	Sterling
Brandegee	Husting	Page	Sutherland
Burleigh	Johnson, S. Dak.	Penrose	Taggart
Catron	Kenyon	Pittman	Thomas
Chamberlain	La Follette	Pomerene	Tillman
Chilton	Lane	Ransdell	Townsend
Clapp	Lea, Tenn.	Reed	Vardaman
Clarke, Ark.	Lee, Md.	Saulsbury	Warren
Colt	Martin, Va.	Shafroth	Williams
Curtis	Martine, N. J.	Sheppard	Works
Dillingham	Myers	Sherman	
Fletcher	Nelson	Simmons	

Mr. CHILTON. I wish to announce for the day the absence of my colleague [Mr. GOFF] on account of illness.

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Fifty-four Senators have responded to their names. There is a quorum present.

Mr. SHEPPARD. Out of order I ask unanimous consent to report two bridge bills from the Committee on Commerce, and I direct the attention of the Senator from Mississippi [Mr. VARDAMAN] and the Senator from Georgia [Mr. HARDWICK] to the bills.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent to report two bridge bills. Is there objection?

Mr. GALLINGER. Mr. President, I do not object if I may be permitted to introduce a bill which is important.

Mr. CLARKE of Arkansas. I have not any objection to devoting some reasonable time this morning to current business

provided it does not displace the river and harbor bill. With that understanding I have no objection.

Mr. VARDAMAN. There will be no controversy over this bridge bill. It is a bill authorizing the citizens of Pascagoula, Miss., to build a bridge over the Pascagoula River.

Mr. GALLINGER. There is no objection to it.

Mr. VARDAMAN. It is very desirable that action be taken immediately. The department has approved it.

PASCAGOULA RIVER BRIDGE, MISSISSIPPI.

Mr. SHEPPARD. From the Committee on Commerce, to which was referred the bill (S. 6041) granting the consent of Congress to Jackson County, Miss., to construct a bridge across West Pascagoula River at or near Pascagoula, Miss., I report it favorably without amendment, and I submit a report (No. 475) thereon.

Mr. VARDAMAN. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ST. MARYS RIVER BRIDGE, FLORIDA.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 14771) granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River, and I submit a report (No. 474) thereon.

Mr. HARDWICK. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. POMERENE. I introduce a bill.

Mr. SMITH of Michigan. Mr. President, are we proceeding by unanimous consent?

The PRESIDING OFFICER. We are.

Mr. SMITH of Michigan. I object.

Mr. CLARKE of Arkansas. I assume the Senator from Michigan did not hear the announcement made some minutes ago. It is perfectly evident that in consequence of the numerous recesses we have had the volume of current morning business has been accumulating, and I believed it would be in the interest of speeding up the consideration of the river and harbor bill to permit that to be done at one time instead of scattering it through the day. I still think that is a better policy.

Mr. SMITH of Michigan. If it will speed the passage of the bill, I withdraw the objection.

TRAINING OF ORGANIZED MILITIA AND NATIONAL GUARD.

Mr. CHAMBERLAIN. There is one bill to the consideration of which I hope the Senator from Michigan will not object, and that is the bill which passed the House to appropriate $200,000 for training the Organized Militia of any State, Territory, or of the District of Columbia this summer. If it is not passed now, it will be too late to avail the Secretary of War, and, on his request, on reporting it back I shall ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the reception of the report? The Chair hears none.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably with amendments the bill (H. R. 15005) to appropriate $200,000 for training the Organized Militia of any State, Territory, or of the District of Columbia, and I submit a report (No. 476) thereon. I ask for unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 1, line 3, after the word "Militia," to insert "or National Guard"; on page 1, line 11, after the word "purposes," to insert "as amended, or as may hereafter be authorized by law"; and on page 2, line 5, after the words "Organized Militia," to insert "or National Guard," so as to make the bill read:

Be it enacted, etc., That for paying the expenses of the Organized Militia or National Guard of any State, Territory, or of the District of Columbia, which may be authorized by the Secretary of War to participate in such encampments as may be established for the field instructions of the troops of the Regular Army, as provided by sections 15 and 21 of the act of January 21, 1903, entitled "An act to promote the efficiency of the militia, and for other purposes," as amended, or as may hereafter be authorized by law, to be immediately available and to remain available until the end of the fiscal year 1917, $200,000 is hereby appropriated: *Provided*, That when it is not practicable to obtain the presence of regular troops for a joint encampment, the funds herein appropriated shall be available for such encampments, maneuvers, and field instruction for the Organized Militia or National Guard as the Secretary of War may prescribe.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to appropriate $200,000 for training the Organized Militia or National Guard of any State, Territory, or of the District of Columbia."

Mr. CHAMBERLAIN. I desire to have the letter of the Secretary of War, which is embodied in the report of the committee, printed in the RECORD in connection with the bill, so that the reasons for its passage may be given.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

The letter referred to is as follows:

WAR DEPARTMENT,
Washington, May 5, 1916.

Hon. GEORGE E. CHAMBERLAIN,
Chairman Committee on Military Affairs,
United States Senate.

DEAR SIR: I see by the CONGRESSIONAL RECORD of May 4, 1916, page 8490, that H. R. No. 15005, appropriating $200,000 for training the Organized Militia has passed the House, and I request that if possible, endeavor be made to obtain the passage of this bill in the Senate as promptly as possible in order that camps of instruction determined upon for the instruction of troops of the auxiliary arms of the Organized Militia prior to June 30, 1916, may be carried out.

In order to afford the Field Artillery and sanitary troops of the Organized Militia an opportunity to attend camps for field training, it is necessary that the camps shall be established early in June and continue until October. Twenty-two batteries, seven field hospitals, and six ambulance companies must attend before June 30. The camps will be occupied to their full capacity by other organizations after June 30 and until the end of the season in which men can attend. Unless, therefore, the organizations scheduled for the periods prior to June 30 are permitted to go at the times designated, they will be deprived of all field training this year. Nine batteries are composed wholly or in part of students of universities, who can not attend camps except immediately after the end of the college year. In addition to the above it will be necessary to have 22 companies of Coast Artillery attend camp July 2, and preparations must be completed prior to June 30. Before the movements can be ordered, funds must be available for the preliminary preparation of the camps, for ammunition, and for the expenses of the troops. The States have been authorized to have all of the foregoing organizations participate in the camps, and the troops have made plans accordingly.

It was expected by the War Department that the money for which estimates have been submitted for these camps would be appropriated in time to give the States authority for participation. It is now evident that there will be delay in the passage of the appropriation bill for the fiscal year 1917 and if the holding of these camps is prevented now, the effect will be harmful upon the morale and the efficiency of the militia for whom they are intended.

It is therefore requested that in order to insure the training of these organizations the necessary action be taken to assure the prompt passage of H. R. No. 15005 by the Senate to meet such expenditures that must be obligated for the camps prior to June 30, 1916, if these camps are to be held. A memorandum showing how it is contemplated that the $200,000 appropriated by the House bill is to be spent is inclosed for your information.

Very truly, yours,

NEWTON D. BAKER, *Secretary of War.*

ESTATE OF DAVID B. LANDIS.

Mr. OLIVER. On the 5th of January I introduced the bill (S. 2998) for the relief of the estate of David B. Landis, deceased, and the estate of Jacob F. Sheaffer, deceased, and it was referred to the Committee on Claims. It is a matter that involves revenue and it should have gone to the Committee on Finance. I ask that the Committee on Claims be discharged from the further consideration of the bill and that it be referred to the Committee on Finance.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

COMMITTEE ON CIVIL SERVICE AND RETRENCHMENT.

Mr. LEA of Tennessee. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back sundry resolutions, and as the Senators who submitted the resolutions say they are urgent I ask unanimous consent for their present consideration.

The PRESIDING OFFICER. The Chair hears no objection, and the reports will be received.

Mr. LEA of Tennessee, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 199, submitted by Mr. POMERENE on the 20th instant, reported it favorably with an amendment (S. Rept. 477), and the Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in lines 3 and 4, to strike out the words "to send for persons, books, and papers," so as to make the resolution read:

Resolved, That the Committee on Civil Service and Retrenchment, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fourth Congress, to administer oaths, and to employ a stenog-

rapher, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

Mr. SMITH of Michigan. I should like to ask the Senator from Ohio a question. Is it the purpose of the Senator from Ohio to go into the question of the violation of the civil-service law by the present administration? Is the Senator to take up in this investigation the question of the discharge and hiring of employees of the Government in open and flagrant violation of the civil-service rules? If it is to be a mere recapitulation of the virtues of civil-service reform and not of its present practical workings, I shall object.

Mr. POMERENE. Mr. President, I am very sorry the Senator from Michigan is so disturbed.

Mr. CLARKE of Arkansas. It was implied in the agreement that nothing would be considered which would provoke controversy.

Mr. SMITH of Michigan. I object.

Mr. POMERENE. I hope the Senator from Arkansas will permit the resolution to be considered.

Mr. CLARKE of Arkansas. There is a controversy as to whether or not there is objection, and the Senator from Michigan has objected.

Mr. POMERENE. I hope the Senator from Michigan will withdraw his objection after I shall have made a brief statement.

The PRESIDING OFFICER. The Senator from Michigan objects, and the resolution will go to the calendar.

COMMITTEE ON TERRITORIES.

Mr. LEA of Tennessee. I report back favorably with an amendment, from the Committee to Audit and Control the Contingent Expenses of the Senate, Senate resolution 192, submitted by Mr. PITTMAN on the 13th instant, and I ask for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in lines 3 and 4, to strike out the words "to send for persons, books, and papers," so as to make the resolution read:

Resolved, That the Committee on Territories or any subcommittee thereof be, and hereby is, authorized during the Sixty-fourth Congress to administer oaths and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as have been had or may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee or any subcommittee thereof may sit during the sessions or recess of the Senate.

Mr. SMOOT. I wish to ask the Senator from Tennessee if the Committee on Territories have any idea of sending for persons outside of Washington?

Mr. LEA of Tennessee. There is an amendment striking out that provision.

Mr. SMOOT. That is stricken out?

Mr. LEA of Tennessee. The resolution as amended provides only for the administration of oaths and the holding of hearings.

Mr. SMOOT. There was so much confusion in the Senate I did not hear the amendment stated.

The amendment was agreed to.

The resolution as amended was agreed to.

COMMITTEE ON PUBLIC HEALTH AND NATIONAL QUARANTINE.

Mr. LEA of Tennessee. I ask unanimous consent for the present consideration of Senate resolution 114, being Order of Business No. 388, authorizing the Committee on Public Health and National Quarantine, or any subcommittee thereof, to employ a stenographer and to send for persons, books, and papers, and so forth.

Mr. CLARKE of Arkansas. I can only consent to have matters considered that are of an urgent character. Otherwise we will be put to a disadvantage if the consideration of the river and harbor bill is longer delayed.

Mr. LEA of Tennessee. The Senator from Louisiana [Mr. RANSDELL] requested me to ask for the immediate consideration of the resolution.

Mr. CLARKE of Arkansas. I shall object. I will explain why to the Senator from Louisiana when he comes in.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a petition of Corning Grange, No. 632, Patrons of Husbandry, of Lansing, Minn., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. THOMAS presented a petition of sundry citizens of Fort Collins, Colo., praying that the United States remain at peace, which was referred to the Committee on Foreign Relations.

Mr. SUTHERLAND. I present resolutions adopted at a meeting of the Daughters of the Utah Indian War Veterans, held May 6, 1916, at Salt Lake City, Utah, protesting against the action of the Judiciary Committee of the House of Representatives in failing to report the Susan B. Anthony amendment. I ask that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

SALT LAKE CITY, UTAH, *May 10, 1916.*

Senator GEORGE SUTHERLAND,
Washington, D. C.

DEAR SIR: At a regular meeting of the Daughters of the Utah Indian War Veterans, held May 6, 1916, at Salt Lake City, Utah, the following resolution was passed:

"*Resolved*, That the Daughters of the Utah Indian War Veterans protest against the action of the Judiciary Committee in failing to report the Susan B. Anthony amendment to the House; and

"*Resolved*, That we request immediate action from this committee, and that our Representatives to Congress may be allowed to vote on this measure; and

"*Resolved*, That we request and favor the passage of this measure through Congress; and

"*Resolved further*, That a copy of this resolution be sent to the President of the United States and to all the national administration leaders, with instructions that they be read into the CONGRESSIONAL RECORD."

Miss EMMA E. LINDSEY,
State Regent, Daughters of the Utah Indian War Veterans.
Mrs. LILY CLAYTON WALSTENHOLME,
State First Vice Regent, Daughters of the Utah Indian War Veterans.

Mr. SUTHERLAND. I present resolutions adopted by the envoys of the Congressional Union at Hotel Utah, Salt Lake City, May 11, 1916, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution passed at a breakfast given the envoys of the Congressional Union, at the Hotel Utah, Salt Lake City, Utah, May 11, 1916.

Whereas there can be no finer use of political power than to wield it to win freedom for our countrywomen, politically less fortunate than ourselves: Be it

Resolved, That we call upon the administration to put its party strength behind the passage of the Susan B. Anthony Federal suffrage amendment, so that it may be passed on without delay to the State legislatures for their ratification, and that we hold the administration responsible for its passage; be it further

Resolved, That a copy of this resolution be sent the leaders of the administration, the Judiciary Committee of the House of Representatives, and the Utah congressional delegation, with the request that it be read into the CONGRESSIONAL RECORD by Senator SUTHERLAND and Congressman MAY.

MARGARET ZANE W. CHERDRON,
Chairman.

Mr. SUTHERLAND. I present resolutions adopted at the Woman Voters' Conference, assembled in Salt Lake City, Utah, May 11–13, 1916, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Whereas the women voters of the United States, now numbering over 4,000,000, desire the immediate enfranchisement of women throughout the Nation; and

Whereas they wish their own voting and citizenship rights guaranteed by the United States Constitution; and

Whereas the Democratic Party is to-day responsible for the passage of the national suffrage amendment through Congress: Be it

Resolved, That we call upon the Democratic Party to pass this national suffrage amendment on to the State legislatures for ratification, and we hereby determine to organize our political strength in support of this measure, for use if necessary, in the next national election without considering the interest of any national political party; and be it further

Resolved, That these resolutions be intrusted by the members of the Woman Voters' Conference assembled in Salt Lake City on May 11 and 12, 1916, to its duly elected representatives of the 12 free States to be presented in person to the President and Congress of the United States.

MARGARET ZANE CHERDRON,
General Chairman Woman Voters' Conference.

Mr. JOHNSON of South Dakota presented a memorial of the trustees of the German Presbyterian Church of Avon, S. Dak., remonstrating against the severance of diplomatic relations between the United States and Germany, which was referred to the Committee on Foreign Relations.

Mr. POINDEXTER presented a petition of Aeneas Lake Grange, No. 423, Patrons of Husbandry, of Tonasket, Wash., praying that the Government take over the sugar industry and sell sugar direct to the consumers, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of D. H. Feddersen and sundry other citizens of Freeland, Wash., remonstrating against any change being made in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Puget Sound quarterly meeting of Friends, held at Tacoma, and a petition of Gerhard

Kolligs and sundry other citizens of Port Angeles, Wash., praying that the United States remain at peace, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Commercial Club of Seattle, Wash., praying for the enactment of legislation to protect the halibut industry, which was ordered to lie on the table.

Mr. PHELAN presented a petition of the Vocational Guidance Society, of San Francisco, Cal., praying for Federal aid for vocational education, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Sacramento, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Sawtelle, Cal., remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEE ON CONTINGENT EXPENSES.

Mr. LEA of Tennessee, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 121 authorizing the Secretary of the Senate to pay to Caroline L. Rifenberg, widow of Sherman Rifenberg, late a laborer in heating department of the United States Senate, a sum equal to six months' salary at the rate he was receiving at the date of his death, reported it without amendment.

He also, from the same committee, to which was referred Senate resolution 136, to authorize the Secretary of the Senate to pay Clara M. Curran, widow of John W. Curran, late a laborer of the United States Senate, a sum equal to six months' salary, etc., reported it without amendment.

He also, from the same committee, to which was referred Senate resolution 190, authorizing an additional clerk to the Committee on Public Lands until the end of the present session of the Sixty-fourth Congress, reported it without amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HITCHCOCK:

A bill (S. 6116) providing for the taxation of the lands of the Winnebago Indians and the Omaha Indians in the State of Nebraska; to the Committee on Indian Affairs.

By Mr. MYERS:

A bill (S. 6117) to establish a horse-breeding station in the State of Montana; to the Committee on Agriculture and Forestry.

By Mr. GALLINGER:

A bill (S. 6118) for the national defense and the general welfare, to regulate commerce between the United States and foreign countries, and to restore and maintain American ships in foreign trade; to the Committee on Commerce.

A bill (S. 6119) granting an increase of pension to Horatio P. Abbott (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 6120) for the relief of the Central Building Loan & Savings Co., Columbus, Ohio; to the Committee on Claims.

A bill (S. 6121) granting a pension to Alma Frambes (with accompanying papers); and

A bill (S. 6122) granting an increase of pension to Henry T. Hertslet (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 6123) for the relief of John D. McNeel, collector of internal revenue, district of Alabama; to the Committee on Claims.

By Mr. THOMAS:

A bill (S. 6124) granting a pension to Matilda J. Wilson; to the Committee on Pensions.

By Mr. TAGGART:

A bill (S. 6125) granting an increase of pension to John S. Kephart;

A bill (S. 6126) granting an increase of pension to Edward Foster;

A bill (S. 6127) granting a pension to Thomas R. Poole;

A bill (S. 6128) granting an increase of pension to David F. Boyer;

A bill (S. 6129) granting an increase of pension to Sarah I. Tammadge; and

A bill (S. 6130) granting a pension to Leo J. Emery; to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 6131) granting an increase of pension to Patrick A. Stack (with accompanying papers); and

A bill (S. 6132) granting an increase of pension to John Ferguson (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 6133) authorizing the Secretary of War to grant to John D. Sherwood, of Spokane, Wash., the right to overflow certain lands on the Fort George Wright Military Reservation, at Spokane, Wash., and to accept the conveyance to the United States of other lands to be designated by the Secretary of War and suitable for a rifle range in exchange for the land so overflowed; to the Committee on Military Affairs.

A bill (S. 6134) granting an increase of pension to Stephen O. Meyers (with accompanying papers); and

A bill (S. 6135) granting a pension to Sarah Compton (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 6136) to restore First Lieut. Archibald Grymes Hutchinson, resigned, to the active list of the Army; to the Committee on Military Affairs.

AMENDMENT TO SUNDRY CIVIL BILL.

Mr. MYERS submitted an amendment proposing to appropriate $5,000 for a fish-cultural station at Bozeman, Mont., intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was referred to the Committee on Appropriations and ordered to be printed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. HUGHES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4856) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 3, 9, 11, 12, 13, 14, 15, 18, 19.

That the Senate recede from its disagreement to the amendments of the House numbered 5, 7, 8, 10, 16, 17, 20, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the amount named insert "$36"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the amount named insert "$36"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: In lieu of the amount named insert "$36"; and the House agree to the same.

CHARLES F. JOHNSON,
WILLIAM HUGHES,
REED SMOOT,
Managers on the part of the Senate.

JOE J. RUSSELL,
WILLIAM A. ASHBROOK,
CHARLES E. FULLER,
Managers on the part of the House.

The report was agreed to.

RIVER AND HARBOR APPROPRIATIONS—STATUE OF LIBERTY, NEW YORK HARBOR.

Mr. CLARKE of Arkansas. I offer an amendment to the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and ask that it be printed and printed in the RECORD and that there also be printed in the RECORD the public document accompanying it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment proposes to add as an additional section to the bill the following:

SEC. —. That the Secretary of War be, and he is hereby, authorized to accept for and on behalf of the United States, with thanks to the donors, funds raised or to be raised by the New York World by popular subscription for the construction of an electric-lighting plant adequate for the illumination of the Statue of Liberty, on Bedloes Island, New York Harbor, with the understanding that the funds will be applied to

the purpose for which donated and that the lighting plant after construction will be maintained at the expense of the United States.

[House of Representatives, Document No. 496, Sixty-fourth Congress, first session.]

NEW LIGHTING PLANT FOR STATUE OF LIBERTY, NEW YORK HARBOR.

LETTER FROM THE ACTING SECRETARY OF WAR, TRANSMITTING COPY OF A JOINT RESOLUTION AUTHORIZING THE SECRETARY OF WAR TO ACCEPT, ON BEHALF OF THE UNITED STATES, FUNDS FOR THE CONSTRUCTION OF A LIGHTING PLANT FOR THE ILLUMINATION OF THE STATUE OF LIBERTY ON BEDLOES ISLAND.

WAR DEPARTMENT,
Washington, January 3, 1916.

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES:

SIR: I have the honor to inclose herewith, for submission to Congress, copy of a joint resolution authorizing the Secretary of War to accept, on behalf of the United States, funds for the construction of a lighting plant for the illumination of the Statute of Liberty, on Bedloes Island, New York Harbor.

The reasons for this action are set forth in copies of correspondence accompanying.

The plans and specifications in the premises have been retained in the files of the office of the Quartermaster General.

Respectfully,

HENRY BRECKINRIDGE,
Acting Secretary of War.

—

NEW YORK WORLD,
Washington Bureau, October 27, 1915.

Col. ISAAC W. LITTELL,
Quartermaster Corps, Local.

DEAR SIR: Attached you will find detailed plans for the night illumination by electricity of the Statue of Liberty on Bedloes Island, about which a representative of the World talked with you and Capt. Robinson some time ago. At that time you suggested that a proposition be submitted in concrete form, the plans being worked out by an engineer. You will note that the accompanying plans were worked out by Mr. George Williams, of Henry L. Doherty & Co., 60 Wall Street, New York.

In brief, the proposition is that the World by popular subscription raise $20,000 to install the new lighting plant, the Federal Government to appropriate annually thereafter approximately $4,000 for maintenance.

The publishers of the World are anxious to learn whether the proposition as outlined is acceptable to the Government. No steps can be taken toward raising the funds for the initial cost until this question is determined. The World is quite anxious to go ahead with the proposition if it is acceptable, or to receive any suggestions looking to modifications which the Army experts may deem wise.

In general, the plan provides for the illumination of the entire statue, increasing the power of the present light only enough to meet the light thrown on the statue proper. You will recall that our representative discussed the effect of an illumination of the entire statue, making it stand out in bold relief. This character of illumination, Capt. Robinson suggested, would make a beautiful sight without interfering with other aids to navigation.

We would appreciate a report on the acceptability of the proposition at your early convenience.

Respectfully, yours, CHARLES S. ALBERT.

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DEPARTMENT OF COMMERCE,
LIGHTHOUSE SERVICE, GENERAL DEPOT,
OFFICE OF INSPECTOR, THIRD DISTRICT,
Tompkinsville, N. Y., November 18, 1915.

HEADQUARTERS, EASTERN DEPARTMENT,
OFFICE OF QUARTERMASTER,
Governors Island, N. Y.

SIR: Referring to your letter of November 10, 1915, File No. 619.1, concerning the new lighting plans for the Statue of Liberty.

You are advised that this service has no objections to the installation as described by the plans and specifications received with your letter of November 10, which plans and specifications are herewith returned.

In the absence and by direction of the inspector.

Respectfully,

RAYMOND HASKELL,
Superintendent.

—

WAR DEPARTMENT,
OFFICE OF THE SUPERVISOR OF NEW YORK HARBOR,
ARMY BUILDING, 39 WHITEHALL STREET,
New York City, November 22, 1915.

From: Supervisor of New York Harbor.
To: Chief Quartermaster, Eastern Department, Governors Island, N. Y.
Subject: New lighting plant for Statue of Liberty.
Reference: Q. M. letter No. 619.1 of November 19, 1915.
Inclosure: Plans and specifications for illuminating Statue of Liberty.

1. Replying to reference I do not find any objections to the plant proposed. The matter is not under the cognizance of this office, and I am not prepared to comment on the technical features involved.

ROY C. SMITH,
Captain, United States Navy.

—

Joint resolution authorizing the Secretary of War to accept, on behalf of the United States, funds for the construction of a lighting plant for the illumination of the Statue of Liberty, on Bedloes Island, New York Harbor.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to accept for and on behalf of the United States, with thanks to the donors, funds raised or to be raised by the New York World by popular subscription for the construction of an electric-lighting plant, adequate for the illumination of the Statue of Liberty, on Bedloes Island, New York Harbor, with the understanding that the funds will be applied to the purpose for which donated, and that the lighting plant, after construction, will be maintained at the expense of the United States.

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WAR DEPARTMENT,
OFFICE QUARTERMASTER GENERAL OF THE ARMY,
Washington, November 3, 1915.

From: Quartermaster General.
To: The Adjutant General of the Army.
Subject: New lighting plant for Statue of Liberty, New York Harbor.

1. Herewith are detailed plans for the night illumination by electricity of the Statue of Liberty at Fort Wood, New York Harbor. These plans were submitted to this office by the New York World, of New York City. There is also inclosed a letter from the New York representative of the World, briefly describing the proposition of that paper, which is, that the World shall arrange for the installation of the necessary apparatus for this illumination, while the Government shall provide for its maintenance.

2. It is recommended that this matter be referred to the commanding general, Eastern Department, for his remarks and recommendations. In connection with this case the department commander should ascertain whether the New York Harbor and lighthouse authorities would make any objection to this installation on the grounds of interfering in any way with navigation.

HENRY G. SHARPE,
Acting Quartermaster General,
By I. W. LITTELL,
Colonel, Quartermaster Corps.

—

[First indorsement.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
November 5, 1915.

To the commanding general, Eastern Department, for action as recommended herein.

By order of the Secretary of War.

W. M. WRIGHT,
Adjutant General.

—

[Second indorsement.]

HEADQUARTERS EASTERN DEPARTMENT,
November 26, 1915.

To THE ADJUTANT GENERAL OF THE ARMY:

1. It is recommended that the inclosed plans for lighting the Statue of Liberty be approved.

2. Attention is invited to inclosed letters from the Department of Commerce, Lighthouse Service, and Supervisor of New York Harbor.

LEONARD WOOD,
Major General, Commanding.

—

[Third indorsement.]

ADJUTANT GENERAL'S OFFICE,
November 30, 1915.

To the Quartermaster General.

—

[Fourth indorsement.]

OFFICE QUARTERMASTER GENERAL,
December 1, 1915.

To THE ADJUTANT GENERAL OF THE ARMY:

1. Returned. It would seem proper to present the project covered in these papers to the Judge Advocate General of the Army for an expression of opinion by him as to the acceptance of the proposed donation from the New York World, especially with reference to representing the matter to Congress for acceptance and future maintenance, and such action is recommended.

C. A. DEVOL,
Acting Quartermaster General.
By I. W. LITTELL,
Colonel, Quartermaster Corps.

—

[Fifth Indorsement.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
December 2, 1915.

To the Judge Advocate General, for an expression of opinion as recommended in the preceding indorsement hereon. The return of these papers is desired.

By order of the Secretary of War.

G. W. READ,
Adjutant General.

—

[Sixth indorsement.]

WAR DEPARTMENT,
JUDGE ADVOCATE GENERAL'S OFFICE,
December 7, 1915.

To THE ADJUTANT GENERAL:

1. The views of this office are desired with reference to the acceptance of the proposed donation by popular subscription to be raised by the New York World of a new lighting plant, to cost about $20,000, for the "illumination by electricity of the Statue of Liberty on Bedloes Island," the purpose being to add to the present lighting plant so as to provide "for the illumination of the entire statue." The offer is made on the understanding that the Federal Government will maintain the lighting plant at an annual expense of about $4,000.

2. In opinions of this office dated November 17, 1911, respecting the authority of the War Department to accept the donation of six horses from a private owner, and of November 22, 1911, upon an offer of the county commissioners of Galveston County, Tex., to donate shell to join the brick roads along the east wall at Fort Crockett, Tex., by two loops around the batteries, it was held that in the absence of restriction imposed by law, such as are imposed with respect to the acceptance of land or of voluntary services, there would be no legal objection to the acceptance of the proposed donations, the view being that where the donations are not accompanied by any burden upon the United States the acceptance by the proper executive officers would not be illegal (Dig. Op., J. A. G., 910–G). In the present case, the acceptance of the proposed donation would include an undertaking in the part of the Government to assume the maintenance of the new lighting plant at an annual expense of about $4,000, and I am clearly of opinion that

the proposed donation, to be made with the understanding that the Government shall assume this increased burden, can not legally be accepted without authority of Congress.

E. H. CROWDER,
Judge Advocate General.

[Seventh indorsement.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
December 9, 1915.

Through the Judge Advocate General, to the Quartermaster General, the preceding indorsement hereon being approved by the Secretary of War.

W. M. WRIGHT,
Adjutant General.

[Eighth indorsement.]

WAR DEPARTMENT,
JUDGE ADVOCATE GENERAL'S OFFICE,
December 10, 1915.

To the Quartermaster General, noted.

[Ninth indorsement.]

OFFICE QUARTERMASTER GENERAL,
December 13, 1915.

TO THE ADJUTANT GENERAL OF THE ARMY:

1. Returned. Sixth indorsement of the Judge Advocate General, page 4 hereon, in which he gives his opinion that the donation of a lighting plant for the Statue of Liberty in New York Harbor can not legally be accepted without the authority of Congress, has been noted.

2. Attention is invited to paragraph 3 of the letter of the New York World, dated October 27 1915, in which it is stated that the publishers are anxious to learn whether the proposition as outlined is acceptable to the Government, as they desire to go ahead in the matter of raising funds therefor. The question of acceptability appears to have been determined favorably in the second indorsement, page 2, with its inclosures.

3. It is, therefore, recommended that the New York World be informed that the installation they propose is acceptable to the Government but that the authority of Congress is necessary before it can be accepted and they may take the necessary measures for introducing a bill in Congress for this purpose, or, if considered more desirable by the Secretary of War, a bill may be drafted by the Judge Advocate General and duly submitted, the New York World being informed of such action being taken by the War Department.

HENRY G. SHARPE,
Acting Quartermaster General.
By I. W. LITTELL,
Colonel, Qaurtermaster Corps.

[Tenth indorsement.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
December 22, 1915.

Through the Quartermaster General, to the Judge Advocate General, inviting attention the preceding indorsement hereon, with request that the Judge Advocate General draft the necessary bill for presentation to Congress covering this matter.

It is desired that the Quartermaster General advise the New York World accordingly.

By order of the Secretary of War:

W. M. WRIGHT,
Adjutant General.

[Eleventh indorsement.]

OFFICE QUARTERMASTER GENERAL,
December 22, 1915.

To the JUDGE ADVOCATE GENERAL OF THE ARMY:

1. Forwarded, inviting attention to the ninth and tenth indorsements hereon, pages 5 and 6, and to the request contained in the latter indorsement that your office draft the necessary bill for presentation to Congress covering the donation by the New York World of a lighting plant for the Statue of Liberty in New York Harbor.

2. This office has advised the above newspaper of the proposed action in submitting the matter to Congress.

HENRY G. SHARPE,
Acting Quartermaster General.
By I. W. LITTELL,
Colonel, Quartermaster Corps.

[Twelfth indorsement.]

WAR DEPARTMENT,
JUDGE ADVOCATE GENERAL'S OFFICE,
December 23, 1915.

TO THE ADJUTANT GENERAL:

1. Returned, inclosing draft of a joint resolution for "authorizing the Secretary of War to accept, for the United States, funds for the construction of a lighting plant for the illumination of the Statue of Liberty, on Bedices Island, New York Harbor." It is believed that the draft submitted will be sufficient for the purpose in view.

W. A. BETHEL,
Acting Judge Advocate General.

[Thirteenth indorsement.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
December 29, 1915.

To the Quartermaster General, for preparation of draft of letters for the signature of the Secretary of War presenting this matter to Congress for its consideration.

By order of the Secretary of War.

W. M. WRIGHT,
Assistant Adjutant General.

RIVER AND HARBOR APPROPRIATIONS.

Mr. CLARKE of Arkansas. I move that the Senate proceed to the consideration of House bill 12193.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER. The pending amendment will be stated.

The SECRETARY. On page 35 in the item relative to the Mississippi River from the mouth of the Missouri River to Minneapolis, Minn., continuing improvement and for maintenance, the committee proposes in line 12 to strike out "$1,200,000" and to insert in lieu "$1,500,000."

Mr. NELSON. Mr. President, it was not my purpose to have taken up the time of the Senate in discussing any part of this river and harbor bill; but, in view of some remarks that were made last evening in reference to this amendment, I ask the indulgence of the Senate for a few minutes.

The amendment relates to that reach of the Mississippi River extending from the mouth of the Missouri River to Minneapolis, a distance of some 660 miles. The present project for the improvement of that river was adopted by Congress by the act of March 2, 1907, and it contemplated the improvement of the river by removing sand bars and improvement at rapids and by wing dams and other works in order to promote the navigation of the river.

The river before that was in normal times of only about 4 feet depth; in some places hardly that. The present project contemplates the improvement of the river so as to make it navigable at a low-water depth of 6 feet. A large share of the work has gone on under the river and harbor act of June 25, 1910, and provision was made in connection with the improvement with a view of completing it within 12 years.

It is estimated that the whole project would cost upward of $20,000,000; and on the basis of completing it in 12 years, it would have involved an appropriation of something over a million and a half dollars a year. The last regular annual appropriation made for this work was in 1913, when we had a full river and harbor bill, and it amounted to a million and a half dollars—exactly the same as the appropriation contained in this bill.

The engineers recommend in reference to this improvement an expenditure of $1,900,000. When the bill was before the committee I, in the first instance, asked the committee to allow the entire recommendation of the engineers and to make the appropriation $1,900,000. The committee agreed to that; but afterwards, for the purpose of framing the bill as economically and as reasonably as possible, I consented to a reduction of that sum to $1,500,000; in other words, to a reduction of $400,000 below the estimates of the Government engineers.

I may as well read at this point from the Report of the Chief of Engineers what is stated regarding this project:

> Present project: The present project was adopted by Congress in the river and harbor act of March 2, 1907, and is given in full with detailed estimate in House Document No. 341, Fifty-ninth Congress, second session. This project provides for obtaining a channel depth of 6 feet, with width varying from 300 feet at St. Paul to 1,400 feet between the Illinois and Missouri Rivers; the channel to be obtained by means of contraction works consisting of wing or spur dams for narrowing the main channel of the river and closing dams for closing side chutes, by rock excavation and by auxiliary dredging and repairs to work constructed under previous projects; the Rock Island Rapids to be surmounted by two locks, each having a length of 350 feet between miter sills, 80 feet clear width, and a depth of 6 feet on the miter sills at low water. The additional work contemplated at the Des Moines Rapids Canal, as also the improvement of the river from Montrose to Burlington, Iowa, about 31 miles, has been made unnecessary by the dam of the Mississippi River Power Co. at Keokuk, Iowa. The upper limit of the project named in House Document No. 341, Fifty-ninth Congress, second session, was the Omaha Bridge at St Paul, but by the river and harbor act of March 2, 1907, which adopted the project the upper limit was fixed at Minneapolis. Estimated cost for completing the project is $20,000,000, with $300,000 per annum for maintenance after completion. The river and harbor act of June 25, 1910, made an appropriation for this improvement "with a view to completing said improvement within a period of 12 years."

The commerce on this river, like the commerce on all of our rivers, has not been extensive, but I think I may truthfully say that the commerce on this reach of the river has been about as great as it has been on the lower reaches of the river. As a matter of fact, it has been slightly on the increase. We have been handicapped by the fact that most of our transcontinental railroads run from east to west and there has been a purpose to divert the traffic of the Northwest from going down to the Gulf and to bring it over to the Atlantic seaboard. We are now very much interested in the navigation of this river be-

cause of the opening of the Panama Canal. We hope we will be able to send our commerce from the upper Mississippi down the length of that river and by water either to Europe or to the Central American or to the South American States, through the Panama Canal.

I wish to quote further from the last report of the Chief of Engineers. After describing the improvement which has been carried on—and I will not weary the patience of the Senate by quoting the description in detail—the report adds:

Effect of improvement: The usual reduction in freight rates due to water competition is experienced, but comparatively little benefit is expected until transfer and terminal facilities are provided at the various cities, plans for which, in some cases, are now being carried out. Some increase in commercial water-borne freight is noted.

I wish also to call attention to the commercial statistics. In 1912 the value of the commerce was $26,677,651, in 1913 it was $32,705,137, and in 1914 it was $41,324,041. While the tonnage in 1914 diminished because the Government failed to do the usual river and harbor work and failed to carry the amount of supplies usually carried in river and harbor improvements, yet a footnote to these figures states:

NOTE.—The loss in total tonnage of 1914 as compared with 1913 is due to the decrease in United States material on account of a short season and the abandonment of the sand and gravel plant at Hannibal. From this latter cause the commercial tonnage fell off 250,000 tons, but in other commodities increased over 50,000 tons.

For the information of the Senate I submit and call attention to this comparative statement:

Comparative statement.

Calendar year—	Total.	Commercial.	United States material.	Valuation.
	Short tons.	*Short tons.*	*Short tons.*	
1912	1,830,294	1,358,983	471,311	$26,677,651
1913	2,145,315	1,372,923	772,392	32,705,137
1914	1,426,970	1,145,785	281,185	41,324,041

The engineers make this further statement:

Amount that can be profitably expended in fiscal year ending June 30, 1917, for works of improvement and for maintenance, $1,900,000.

While a good deal of money has been spent on this reach of the river from first to last, I find by looking over the reports of the Department of Commerce that a great deal of it has been spent in the lower reaches of this portion of the river in so-called harbor improvements. I find various cities in Iowa, in Illinois, and all along up to the borders of Minnesota have from time to time had extensive improvements made to their harbors, as they are called, but they were really made to afford facilities of access to steamboats and to prevent the caving of the banks, and in some instances appropriations have been made for levees to prevent the overflow of the lowlands along the river. I am not finding fault with these appropriations, but I point them out to show that they have swollen the aggregate amount that has been appropriated for the river.

Years ago there was a good deal of commerce on this river, and there is still considerable commerce on it. Now, with the construction of the Panama Canal, we hope that the commerce will increase by great bounds. There has been difficulty in securing the proper kind of boats for the commerce of the Mississippi River. The wholesale merchants of St. Paul and Minneapolis are now engaged in securing boats of the same character as those which have been adopted in the State of Alabama and in other places, under the leadership of a gentleman by the name of Bernhard. They hope, when they get those boats of a peculiar kind, that they will be able to divert a great deal of the freight and commerce down the course of the Mississippi River.

The soft coal of Iowa and Illinois ought to come up the Mississippi River, and our wheat for foreign shipment ought to go down the Mississippi River, for both of those commodities are a species of freight which is heavy and coarse and which can hardly bear expensive railroad transportation. Cheap water transportation will be much more beneficial.

Mr. President, as I said a moment ago, I do not know of any rivers in this country that have been improved where there is, in proportion to distance and everything else, as much commerce as there is on this stretch of the Mississippi River. The statistics which I have before me do not show the amount of the traffic for the year 1915, they only give the traffic for the year 1914; but I am informed by the Boards of Trade of Minneapolis and St. Paul that that commerce has been increasing and that it was much greater in 1915 than it was in 1914. I have not, however, the exact statistics at hand, nor are they now available.

As I have stated, this amendment proposes to increase the appropriation of the other House by $300,000, which is $400,000 less than the Government engineers have recommended for this improvement.

I am unwilling to take up the time of the Senate further in this matter. There is much more, however, which might well be said in favor of the proposition. I have, I think, however, said enough to convince the Senate of the absolute justification for this proposed increase.

Mr. TAGGART. Mr. President, in a general way I am in favor of improving the rivers and harbors of our Nation; particularly am I in favor of improving the rivers on which we have a real and substantial commerce, such as the Mississippi and its tributaries, the Ohio and the Missouri, and I am equally in favor of improving all of our main harbors where vessels of deep draft load and unload their commerce; indeed, as I look at it, our large harbors need improvement much more than do our small rivers. While I am in favor of going this far, I am unalterably opposed to the improvement of every little creek, bay, inlet, sound, and river at the expense of the United States Treasury.

From my viewpoint, I believe that every dollar of the public's money expended in river and harbor projects should give to the people 100 cents on the dollar in return, and it can only return to the people value received by giving cheap transportation rates.

Mr. President, I have read the bill under consideration, together with the majority and minority reports. When this bill left the House it carried an appropriation of $39,770,760. As reported to the Senate by the Committee on Commerce it carried an appropriation of $40,899,935. With the bill in its present shape I do not see how I can give it my support. I do not consider it my duty to vote for every measure that is presented to the Senate. I conceive it to be my duty to vote only for those measures which, when enacted into law, will give to the people benefits at least equal to the cost of procuring such benefits. This bill has many worthy projects in it which commend themselves to me, but it has many items which do not.

It is generally understood that water transportation, for various reasons, has rapidly declined in the past quarter of a century, and this notwithstanding the fact that we have expended upon our rivers and harbors in the United States more than $800,000,000. I will not stop at this time to inquire as to the reason of the decline of river transportation. Certainly it has not been due to a lack of appropriations made by Congress for their improvement. If under an expenditure of over $800,000,000 river transportation has rapidly declined, will any Senator contend for a moment that if during the same period of time the Government had expended double the amount it has already expended on improvements our rivers would to-day be carrying a single ton of freight more than they are now carrying? Having tried the experiment of generously appropriating for the improvement of rivers with a view of reclaiming freight traffic thereon, and with facts demonstrating to a certainty that this system is a failure, is it not time for Congress to call a halt in this lavish expenditure of money?

As above stated, I am in favor of improving the great water thoroughfares of our Nation, the natural arteries of river commerce, together with such other rivers as can fairly and definitely be shown to have in sight an actual tangible commerce.

I read in the bill an item relating to the Tombigbee River:

For maintenance of improvement from the mouth to Demopolis, $25,000; and from Demopolis, Ala., to Walkers Bridge, Miss., $10,000; in all $35,000.

The honorable Mr. FREAR, a Member of the House, says, in speaking of the expenditures for the improvement of this river, that—

The Government has expended $9,901,295. The total cost of the improvement and betterment of this river has been about $12,000,000.

During the year 56,000 tons of commerce was averaged at the 17 locks on this river, at a cost of about $12 per ton; and in his statement he says 95 per cent of this was coal, stone, and floatable timber.

I also find in the bill the following item:

Arkansas River, Ark. and Okla.: For maintenance of improvement * * * $234,700.

Over $3,500,000 has been expended on this river, and the actual commerce in 1913, including floatable timber and sand, amounted to less than 10,000 tons. The Government engineers recommended its abandonment in 1915. This appropriation for an utterly useless project, condemned by the Army engineers, seems to me to be absolutely indefensible.

I also find in the bill the item "Red River, Ark. and Tex." The bill as it left the House contained the following language:

Continuing improvement and for maintenance between Fulton, Ark., and Washita River, Tex., $25,000.

This item has been amended by including the "repair of levees destroyed by overflows in 1915 and 1916" and increasing the appropriation from $25,000 to $50,000. In 1913, after deducting the floatable timber, the tonnage on the river was 16,094 tons, and the Government has heretofore expended $3,000,000 in appropriations on this river. It is estimated that the commerce on the river costs the Government $80 to $100 per ton, counting interest on the investment and maintenance charges.

Mr. President, I could go through this bill and the various reports and select many items on a parity with those I have mentioned. I do not believe the people who pay the taxes would approve of appropriating money for these purposes if they knew it. They would hold Congress responsible for this reckless extravagance. I do not believe in taxing the people to improve rivers and harbors where the cost of hauling the freight in many cases ranges from $11 to $80 per ton. It seems to me absurd, almost unbelievable; yet these are the facts, undenied and undisputed. River transportation can not compete with railroad transportation when the average cost of railway transportation is only about 7 mills per ton per mile. To undertake to tax the people to hold up a losing and discredited system of transportation is undemocratic and unbusinesslike.

Mr. President, I thoroughly agree with the distinguished Senator from South Carolina [Mr. TILLMAN], who on last Saturday said that to pass this bill in its present shape is little less than criminal. When money is needed for so many more necessary projects, particularly to place our Nation in a condition of preparedness, in my judgment it is wrong to spend the money for these unmeritorious projects.

Mr. President, we should not deceive ourselves. Let us look the situation squarely in the face. We are going to have a hard time to raise the money to meet the additional necessary burdens imposed upon us by conditions not of our own choosing. Although a new Member of this body, I refuse to send or be a party to sending the Treasury of the United States to the "scrap heap" so that every little river from Raccoon Creek, N. J., to Kissimmee River, Fla., shall be improved; and unless a large number of these seemingly useless items are eliminated from this bill I shall be compelled to vote against it.

Mr. President, I do not like to oppose this measure, but looking at this bill as it now stands, as a business proposition, I can not see my way clear to support it, and I do not believe that the taxpayers who live in my own State expect me to stand here and vote for every measure reported by any committee unless I believe that the things represented in the measure will redound to the benefit of all the people in general. Mr. President, I hope that this bill will be amended in such a manner that at least a saving can be made of $15,000,000 or $20,000,000 to help defray some of the necessary expenses to which the Government will be put in the near future.

Mr. RANSDELL. Mr. President, I heard yesterday evening what seemed to me to be a remarkable statement made by the Senator from Utah [Mr. SMOOT], which I can not allow to pass without at least a little explanation. He said there was no commerce for the boats which pass down the Mississippi River to bring back with them to the North and West; that while boats might get freight downstream they could not get cargoes upstream. The Senator surely did not give the question very serious consideration before making that statement.

The States of Arkansas, Louisiana, and Mississippi, which border that stream, produce an immense amount of lumber and cotton. Lumber is a low-class heavy article, which is peculiarly adaptable to transportation by boat. Louisiana is the second lumber-producing State in the Union. It also produces quantities of sugar, rice, molasses, and articles of that kind, which are sold in the North and West and which furnish admirable cargoes for boats. They are all heavy, low-class commodities. There is also in process of development a very large business between the Tropics and the city of New Orleans, and that business might well be carried by boat.

I shall not take the time of the Senate to go into an elaborate discussion of the matter, but I wish to remind this body that within the last few weeks a boat line has been started between the city of St. Louis and the city of New Orleans. I have before me a letter from the manager of that boat line, Mr. J. H. Bernhard, president of the Inland Navigation Co., from which I should like to read a very brief extract. The letter is dated May 8 and is addressed to Mr. S. A. Thompson, secretary-treasurer of the National Rivers and Harbors Congress, of this city. It says:

Inco No. 1 has proved a complete success so far, and has been so much faster than anticipated that we have changed our schedule and now accept freight at the municipal dock at St. Louis on Saturday, leaving St. Louis at 5 p. m., delivering it at Memphis the following Monday morning and at New Orleans the following Wednesday evening. In this manner we give a faster service than rail for less money—

I hope some of the Senators who have been talking so much about railroads will listen to this statement—

We give a faster service than rail for less money. We handle almost exclusively first-class freight alone.

I hope they will pay attention to that statement. They have been saying we can not carry anything but heavy, low-class commodities. Listen now to what he has been carrying on that boat:

For instance, on its next downward trip, May 13, the barge will carry a carload of roofing material, 30 tons of paper bags, 1 carload of tinware, a carload of wrapping paper, a carload of tin plate, 45 tons of glucose, 3 carloads of oxygen gas, 2 carloads of porcelain insulators, 1 carload of filter iron, 2 carloads of building paper, 2 carloads of linoleum, 8 tons of shoes, 1 carload of furniture, 2 carloads of asphalt shingles, 1 carload of soap, 3 carloads of automobiles, 2 carloads of bottles, 1 carload of washboards, 100 bales of cotton, 2 carloads of plug tobacco, 1 carload of heaters, 1 carload of prepared mustard—

Nearly all high-grade articles.

On the upstream trip—

This is a trip from New Orleans north—from that section where the Senator from Utah said we had no commerce.

On the upstream trip we carried sugar, molasses, coffee, glassware, olive oil, wine, cigars, 12 tons of Panama hats, scrap tin, and rice.

Mr. President, I will ask permission to put into the RECORD letters which I have received from this gentleman and to which I shall refer later.

The PRESIDING OFFICER. If there is no objection, the request of the Senator from Louisiana will be granted.

The matter referred to is as follows:

NEW ORLEANS, *April 27, 1916.*

Mr. THOMPSON,
Rivers and Harbors Congress, Washington, D. C.

DEAR SIR: The barge *Inco No. 1* is now about to depart on her upstream trip to St. Louis, after having made a remarkably successful downstream trip to New Orleans carrying a full cargo.

In this connection I would like to call your attention to the attitude of several of the railroads.

All during the time the barge was lying at St. Louis being loaded, the Illinois Central and Louisville & Nashville Railroads particularly had men on the dock checking every ton of freight put on the barge. They even went so far as to stop the drays and ask the teamsters to show their dray tickets, acting as though they were employees of the Inland Navigation Co.

The same railroads were conspicuous for similar actions while the barge has been in New Orleans, the same course having been pursued here.

I thought this information would be of value to you, and I would like to know what could be done to assist us in overcoming this unfair competition. We have already lost four customers, whose loss I charge against the railroads having influenced them to stay away from the Inland Navigation Co.

Very truly, yours,

INLAND NAVIGATION CO. (INC.),
JOHN H. BERNHARD, *President*

—

MAY 11, 1916.

Senator JOS. E. RANSDELL,
Washington, D. C.:

Barge lying at St. Louis now being loaded. John Hays, of Louisville & Nashville, and James Reardon, of Illinois Central Railroads, are again checking carefully all freight received. Can not you assist me in breaking this unfair competition?

JOHN H. BERNHARD,
President Inland Navigation Co.

—

MAY 12, 1916.

Senator JOS. E. RANSDELL,
Washington, D. C.:

Notwithstanding my past attempts to get presidents of Illinois Central and Louisville & Nashville Railroads to stop unfair competition practiced by their agents, not the slightest change is noticed. Yesterday being harassed by their representatives, I wired Markham and Smith, presidents of above railroads, to call off their men without any result, since to-day men are again on ground.

JOHN H. BERNHARD,
President Inland Navigation Co.

—

MAY 13, 1916.

Senator JOS. E. RANSDELL,
Rivers and Harbors Congress, Washington, D. C.:

Interference of Louisville & Nashville and Illinois Central Railroads is increasing. To-day their men are jumping on drays, getting teamsters to give complete details, as if they were employees of this company. Yesterday I telephoned F. H. Law, assistant general freight agent of the Illinois Central, who admitted he had received word from office of their president that my letter was received. His continuing said malpractice is proof to me that it has sanction of Illinois Central Railroad. However, Law promised yesterday to discontinue this practice. Notwithstanding this, men are to-day on the ground. I further communicated with local representatives of Louisville & Nashville Railroad, who admitted he had received word from President Smith regarding my letter,

and stated that he would continue this practice as long as it suited him. Will you, as president of Rivers and Harbors Congress, assist me if I take matters in my own hands and use force to stop this unfair competition of rail against water and archaic cutthroat methods?

JOHN H. BERNHARD,
President Inland Navigation Co.

—

ST. LOUIS, MO., *May 11, 1916.*

Senator JOSEPH E. RANSDELL,
Rivers and Harbors Congress, Washington, D. C.

DEAR SIR: I have wired you to-day as follows:

"Barge lying at St. Louis now being loaded. John Hays, of Louisville & Nashville Railroad, and James Reardon, of Illinois Central Railroad, are again checking carefully all freight received. Can not you assist me in breaking this unfair competition?"

This on account of your previous wire, asking whether I would see any objection to having the data contained in my letter of April 27 to Mr. S. A. Thompson used by you on the floor of the Senate.

In reply to this I will gladly say that it would be very much appreciated by me if you would do so.

The barge having arrived at St. Louis and lying at the dock loading and unloading, we are to-day favored again by the continuous presence of two railroad men—one from the Illinois Central and one from the Louisville & Nashville—namely, James Reardon and John Hays.

It seems there should be some protection in the United States against such unfair competition. Why water transportion should be open to any attack a railroad feels willing to make upon it is beyond my comprehension. Should the Standard Oil Co. follow such practices with its competitors a big howl would go up of unfair competition. All the same, thanks to effective press publications, the railroads are now looked upon by the public as being overlegislated, when the reverse is true.

I have given instructions to have the facts contained in my letter of the 27th ultimo and in this letter put in the form of an affidavit, to be properly sworn to and sent to you; and I beg of you all the cooperation you can give me to stop this archaic, cutthroat business.

Very truly, yours,

INLAND NAVIGATION CO. (INC.),
JOHN H. BERNHARD, *President.*

—

MAY 13, 1916.

Mr. F. B. BOWES,
Vice President Illinois Central Railroad Co.,
Chicago, Ill.

DEAR SIR: I have your letter of the 12th, in which you state that as long as you interfere in an orderly way with our business there should be no cause for complaint on our side.

This looks to me very much like the attitude of a man who spits across a lady's face for a couple of hours but never hits her and always spits in a spittoon, and claims as long as he does this in an orderly way she should not object. I trust you will pardon my comely comparison, but I can not offhand think of anything better. It would be anybody's perfect right to move his hands in the air as much as he pleased as long as he did it in an orderly way, but if some one persisted, while you and your wife were dining out, in moving his hand up and down just a few inches in front of your nose as if he were catching flies I wonder how long it would take you to get rid of this nuisance.

Is the valley not large enough and is there not enough freight for the Illinois Central Railroad that it is forced to spend its money in keeping track of all the freight that is moved via the Inland Navigation Co.? Is not the attitude of your railroad very much like that of the big child who has been crying to its parents (Congress) that it is overpunished (overlegislated), and no sooner is a baby brother born to it than it snatches away or attempts to snatch away its milk bottle?

Up until now you have had a man at New Orleans and St. Louis checking all freight going to and from the barge of the Inland Navigation Co. These men have not hesitated, weeks after I wrote to the president of your road and complained about it, to stop teamsters bringing freight to our barge and, acting as employees of the Inland Navigation Co., ask them to show their dray tickets.

It is very evident from facts in the case that these circumstances are thoroughly known to the highest officials of the Illinois Central Railroad, and apparently meet with their approval. It surprises me to have you fearlessly state that your traffic department only expects to get information of its competitors' business in an orderly way. My idea of fair business is to get it on the merits of my own work, not by watching my competitor. That is unfair in principle alone and not in line with upright business methods—certainly not modern methods—that the railroads will be forced to accept until the public is willing to believe they are overlegislated.

I can not appreciate, as you state, that a large railroad like yours must have some system and organization to keep posted as to what your competitors are doing. That is not what your words imply. I, too, read technical papers and traffic papers to keep posted and abreast with the world, but I hope I will never be responsible for having a man check carefully what business my competitor does. It reminds me too much of the scavenging hyena. It is not my style of doing business, and I sincerely hope the Illinois Central Railroad will at least recognize the wisdom of letting my company alone.

If this letter should in any way impress you as unduly harsh, please accept, first, my word that it is not meant as such; and, secondly, that it is my opinion that our difference in looking upon the ethics of business may, in your eyes, give harshness to this letter which I can not find in it.

Far-sighted business must impress any thorough and capable student of transportation that the development of freight traffic upon the Mississippi River must benefit the Illinois Central Railroad. It is the flow of traffic that is increasing with cheaper and better service, and an increase of flow of traffic must be beneficial to paralleling lines.

Very truly, yours,

INLAND NAVIGATION CO. (INC.),
JOHN H. BERNHARD, *President.*

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Michigan?

Mr. RANSDELL. I do.

Mr. SMITH of Michigan. Did the Senator say "12 tons of Panama hats"?

Mr. RANSDELL. "Twelve tons of Panama hats" is what he says.

I wish to call attention now to a very remarkable statement made by Mr. Bernhard in his letter to Mr. Thompson, dated April 27, 1916. He says:

The *Inco No. 1* is now about to depart on her upstream trip to St. Louis, after having made a remarkably successful downstream trip to New Orleans, carrying a full cargo. In this connection I should like to call your attention to the attitude of several of the railroads—

I hope I may have the attention of Senators to this statement—

All during the time the barge was lying at St. Louis being loaded the Illinois Central and Louisville & Nashville Railroads, particularly, had men on the dock checking every ton of freight put on the barge. They even went so far as to stop the drays and ask the teamsters to show their dray tickets, acting as though they were employees of the Inland Navigation Co. The same railroads were conspicuous for similar actions while the barge has been in New Orleans, the same course having been pursued here.

The telegrams and letters to which I have referred, and which I insert in the RECORD as a part of these remarks, show that the railroads have done their utmost to interfere with this barge line, which, Mr. Bernhard says, is carrying the freight quicker than they. It is a new line, just started, and started under splendid conditions. It has its wireless-telegraph service, so that you can communicate with the boat at any point. It is a strictly modern barge, which can carry freight in very large quantities, and it bids fair to reopen boat commerce on the river.

Just a word more. There was much said here yesterday about the freight charges on the river as compared with those by rail. I hold in my hand a compilation made by me some months ago giving the actual rates on sugar in carload lots by rail between New Orleans and certain points. For instance, from New Orleans to Bayou Sara, La., on the river, the freight on the Yazoo & Mississippi Valley Railroad is 7½ cents on sugar in carload lots for 125 miles. To Lindsay, La., on the same railroad, for 113 miles, the rate is 17 cents. Now, this is a very striking case, as the distance to Lindsay is 12 miles less than to Bayou Sara, La., although the rate per hundred pounds in carload lots is two and two-tenths times greater than to Bayou Sara.

To Memphis, Tenn., the distance is 455 miles, and the rate in carload lots is 12½ cents, while to Darling, Miss., a distance of 400 miles the rate is 34 cents. Memphis, of course, is on the river, but Darling is in the interior. Twelve and one-half cents to go 455 miles to a river point, 34 cents to go 400 miles to an interior point!

I will not quote all these other rates in my remarks at this time, but ask permission to insert them in the RECORD.

The PRESIDING OFFICER. If there is no objection, the request will be granted.

The matter referred to is as follows:

Comparison of rates on sugar from New Orleans, La., and points taking same rates to Ohio River crossings, Memphis, Tenn., St. Louis, Mo., and intermediate points:

Rates on sugar and distances from New Orleans via the Yazoo & Mississippi Valley R. R.

From New Orleans to—	Distance.	Rate, carload.
	Miles.	*Cents.*
Bayou Sara, La.	125	7½
Lindsay, La.	113	17

This is a very striking case, as Lindsay, La., is 12 miles less than the distance to Bayou Sara, La., although the rate per 100 pounds per carload is 2.20 times greater than Bayou Sara, which is 7½ cents.

From New Orleans to—	Distance.	Rate, carload.
	Miles.	*Cents.*
Memphis, Tenn.	455	12
Darling, Miss.	400	34

Darling, Miss., is an inland town and the haul is 55 miles shorter, and its rate per 100 pounds is almost three times as great as the rate to Memphis.

From New Orleans to—	Distance.	Rate, carload.
	Miles.	*Cents.*
Anguilla, Miss.	284	31
Helena, Ark.	409	12

Helena, Ark., is 125 miles farther north than Anguilla and enjoys a much cheaper rate of 19 cents less than said place, or 2.5 times as great, covering a much greater distance.

Rates on sugar and distances from New Orleans via the Illinois Central R. R. to different points.

From New Orleans to—	Distance.	Rate, carload.
	Miles.	*Cents.*
Hammond, La.	53	12½
Memphis, Tenn.	395	12

This is very striking, as the Memphis haul is 342 miles longer than to Hammond, La., with a lesser freight rate of one-half of a cent.

From New Orleans to—	Distance.	Rate, carload.
	Miles.	*Cents.*
Ponchatoula, La.	48	17
Cairo, Ill.	554	17

This seems ridiculous. Ponchatoula is almost a suburb of New Orleans, yet the rate is the same as to Cairo, in the State of Illinois.

This is a very striking instance of the effect of waterway competition on railroad rates. Cairo is situated on a navigable stream, whereas Ponchatoula is inland. This is a remarkable contrast between these two points as to both mileage and rate, the difference in mileage being 506 miles.

From New Orleans to—	Distance.	Rate, carload.
	Miles.	*Cents.*
Winona, Miss.	272	22
Hopkinsville, Ky.	629	22

This is extremely remarkable, as the rates are the same, and Hopkinsville, Ky., is 357 miles, as a difference between the two points.

Rates on sugar and distances from New Orleans via the Louisville & Nashville Railroad are as follows:

From New Orleans to—	Distance.	Rate, carload.
	Miles.	*Cents.*
Cincinnati, Ohio.	919	18½
Cave City, Ky.	724	47

This is a remarkable instance, as the rate, 47 cents per carload per 100 pounds, is 28 cents greater, with 195 less mileage than to Cincinnati, Ohio, which only has a rate of 18½ cents.

From New Orleans to—	Distance.	Rate, carload.
	Miles.	*Cents.*
Gentilly, La.	4	7
Mobile, Ala.	139	12

Mobile is 139 miles farther from New Orleans, and the difference in mileage is 135 miles, compared with that of 4 miles at 7 cents.

From New Orleans to—	Distance.	Rate, carload.
	Miles.	*Cents.*
Athens, Ala.	515	34
Nashville, Tenn.	622	17

From New Orleans to Nashville, Tenn., is a distance of 622 miles, with a rate of 17 cents per carload, or one-half the rate to Athens, Ala., a distance of 515 miles, or 107 miles less than to Nashville, although with a rate of 34 cents, or twice the rate to Nashville.

Cincinnati, it is alleged, has long been the pivotal point, from a market standing, between New Orleans and the East, and while the rates from the East and from New Orleans to Cincinnati have not always been the same, those rates have closely approximated each other. At the present time the rail-and-water rate on sugar from Philadelphia to Cincinnati is 18 cents, as against a rate of 18½ cents from New Orleans to Cincinnati.

Mr. RANSDELL. Let me call your attention to one of the most striking of these discriminations. Situated on the Illinois Central Railroad, Ponchatoula, La., is 48 miles from the city of New Orleans, and the rate on sugar in carload lots is 17 cents. That same railroad, the Illinois Central Railroad, which had spies checking up Mr. Bernhard's freight when he was putting it on the boats at St. Louis, charges exactly 17 cents to carry sugar 554 miles to the city of Cairo, Ill. Think of that, Senators! The Illinois Central Railroad charges 17 cents to Ponchatoula, 48 miles, for 100 pounds of sugar, in carload lots, and 17 cents to Cairo, 554 miles, for 100 pounds of sugar in carload lots! Where does the distinction come in? What is the difference? Why, Ponchatoula is in the interior, where there is no possible water competition, and Cairo is on the river, both on the Ohio and on the Mississippi, where there is some actual and unlimited potential competition.

I sincerely hope the amendment of the Senator from Minnesota [Mr. NELSON] will be adopted. It will be a wonderful thing for the valley if we can have the Mississippi properly improved, and can reasonably protect men like Mr. Bernhard and others who are establishing boat lines. If that be done, we will have actual as well as potential commerce on the river. He is now carrying freight, according to his letter, quicker than it can be carried by rail, and he is carrying it cheaper than it can be carried by rail.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Florida?

Mr. RANSDELL. I do.

Mr. FLETCHER. I should like to ask the Senator if these barges are self-propelling barges or what is the motive power?

Mr. RANSDELL. They are self-propelling barges. They are large barges, self-propelled, and have every modern appliance. They have a wonderful machine for loading the freight and for taking off the freight—a great crane that runs on tracks from one end to the other, and swings the freight over on the shore or takes it from the shore to the boat. There is an exceedingly interesting description of the barge in the Engineering News of May 4, 1916, page 864, and I ask permission to put this description in the RECORD along with my remarks.

The PRESIDING OFFICER. If there is no objection, the request will be granted.

The matter referred to is as follows:

OIL-ENGINE-DRIVEN STEEL BARGE FOR RIVER FREIGHT TRAFFIC.

A novel type of vessel for freight traffic on the Mississippi began running between St. Louis and New Orleans on April 15, and has aroused great interest among those who look for a revival of traffic on the River.

The new vessel is the *Inco No. 1*, built and owned by the Inland Transportation Co., of 52 Broadway, New York, and St. Louis. The president of the company and the moving spirit in developing this new craft and putting it into service is John H. Bernhard, associate member American Society Civil Engineers. Mr. Bernhard was also chiefly responsible for the design and construction of the steel barges, propelled by gas engines using gas from producers, which have been running for the past year between the Warrior River, in Alabama, and New Orleans. These barges are operated by the Alabama & New Orleans Transportation Co., and were described in Engineering News of December 4, 1913.

In the new venture in Mississippi River traffic, however, Mr. Bernhard is aiming to carry not the cheapest class of bulk freight, like coal, on which rates are very low, but high-class merchandise freight. The rail rate on this traffic is very much higher than on low-class bulk freight, and the boat line can make a strong appeal for such freight, not only on the ground of lower rates but of quicker delivery.

Of course, at times of car shortage like the present, shippers are eager to send goods by the boat line; but even under ordinary conditions the delays at railway terminals are such that a boat shipment from one city on the river to another will usually reach its destination in half or a third the time it would if sent by rail.

Merchandise shipments have been sent by rail instead of by boat, however, because the old river craft still in service are irregular and unreliable. Goods are roughly handled and poorly protected from the weather, from thieves, and from fire, and in case of loss recovery by the owners of the goods is more or less doubtful. All these conditions Mr. Bernhard hopes to change in his new type of boats, which are to run with regularity and are so designed as to reduce as much as possible the liability to accident, and thus to popularize his service.

The new type of boat is a steel barge, with flat bottom. It is 240 feet long, 43 feet wide, and with a draft of 3½ feet will carry 500 tons. At 7½-foot draft it will carry 1,600 tons. The barge is covered with a steel-plate deck, protected by a wooden floor. The cargo is carried on this deck, nothing whatever being carried in the 6-foot high space between the barge's bottom and this deck. This space contains steel posts, which support the deck beams and at the same time form the verticals for five lines of longitudinal trusses. These posts also support transverse water-tight bulkheads which divide the hull into five separate compartments.

The advantages of carrying the cargo on the deck instead of in the hold are the much greater convenience of loading and unloading and the lessened liability to damage in case of leaks. Further, the longitudinal trusses previously referred to and the transverse bulkheads give the hull a strength and stiffness far beyond that of ordinary river craft.

To protect the cargo from the weather the cargo deck has permanent sides, with 10 openings on each side, closed by rolling steel doors, and a roof that is made in sections, so that any section can be lifted off when it is desired to handle the cargo from the top.

Probably the most striking feature of the boat in its external appearance is a traveling bridge crane, which runs on rails that extend along each side of the deck outside the deckhouse. A telescoping boom on this crane may be extended out on either side of the boat to a distance of 68 feet, and will carry a load of 3 tons.

The old-time Mississippi River steamboat carries a long, heavy gangplank swung from a spar at its bow, and as there are few river towns along the Mississippi that have any wharves, this long gangplank is necessary to reach from the steamer to the river bank where a landing is made. The traveling crane on the *Inco No. 1* takes the place of the gangplank. It can hoist any section of the roof, lift the cargo from the section beneath, and transport it to the shore. It can also be used instead of davits for lowering boats. For handling cargo on and off the boats an electric truck is carried on board, and other trucks are to be available at the landings. Electric endless-belt conveyors are also to be used to transport freight on and off the boat.

The barge is propelled by four 80-horsepower Fairbanks-Morse oil engines, burning a petroleum distillate of 29° Baumé gravity. Each engine has four cylinders, operates on the four-stroke cycle, and drives a screw propeller 51 inches in diameter. The propeller has four blades

bolted on a central hub. There are trapdoors in the floor of the barge over the propellers. Through these doors the propellers can be reached and a broken blade removed and replaced with a new one as quickly as one could change an automobile tire. In tests blades have been changed in 9½ minutes.

The engine room is at the stern and the cook's galley is at the bow. When the boat is running without load the extra weight of the engines in the stern increases the draft aft and reduces the draft forward, so that the propeller immersion is about the same with the boat light and loaded.

The engines are started by compressed air stored in tanks at 150 pounds pressure. An electric generator driven by silent chain from one of the engines furnishes current for lighting the boat and also for operating a dozen or more electric motors used for various purposes on board. When the boat is stationary and it is desired to operate the generator to furnish current—for handling cargo, for example—a clutch on the propeller shaft is opened and the engine runs without driving the propeller. Electric current is used for all heating and cooking, and no fire whatever is allowed on board.

The barge is still further equipped with three powerful searchlights—one at the bow, one at the pilot house, and one at the stern; each of them can be operated from the pilot house. The combined power is 18,000 candlepower.

The boat has four balanced rudders aft of the propellers. In maneuvering one side engine can run ahead while the one on the opposite side is backing. Further, to assist in swinging the bow, as in coming alongside or leaving a pier, there is an electric motor-driven rotary pump at the bow under control of the pilot, which can draw water from either side and deliver an 8-inch stream on the side opposite; the reaction of this jet exerts a strong force against the bow.

The boat is operated by a captain, mate, 2 engineers, 2 oilers, 4 deckhands, cook, helper, and 2 wireless operators, who act also as freight clerks, a total of 14 for a double watch. Instead of carrying its own gang of roustabouts for cargo handling reliance is placed on the freight-handling force at the wharves where the boat will land.

There is a refrigeration plant on board capable of cooling a chamber of 6,000 cubic feet capacity to a temperature of 31° when the temperature outside is 95°. The refrigeration plant is designed not merely to maintain a low temperature in the storeroom adjacent to the cook's galley, but enables the boat to handle butter, eggs, and similar freight which requires refrigeration.

Appliances for protecting the boat against accident are especially complete. As already explained, the 6-foot high space between the deck and the bottom of the barge is divided into four water-tight compartments, which can also be made air-tight, so that water could not enter the hull faster than it could force out the air contained, and by the provision of a small air compressor on board it would be easy to expel water if it gained an entrance. There are also connected with the water-tight compartments three powerful electric bilge pumps, which may be put in operation by a switch in the pilot house, and which are capable of discharging 8,000 gallons per minute. Mississippi River boats frequently get out of the channel and run aground. The *Inco No. 1* carries 2,000-pound anchors at bow and stern, and by aid of powerful electric winches these can be made use of to haul the boat off if she runs aground. Another most unusual device for a Mississippi River boat is a gun similar to those used in the Life-Saving Service for sending a line on board a wrecked vessel. The gun can shoot a line 1,750 feet. The barge carries two boats—a 20-foot power launch, capable of 22-mile speed, which can be put into the water by the traveling crane in two minutes, also an ordinary rowboat. In the swift currents of the Mississippi it is often a difficult matter to carry a heavy line to shore for use in hauling the boat off a bar. With the life-saving gun, however, a line can be shot to shore and a boat's crew sent ashore to haul it in and draw a cable after it.

At each end of the barge is a telescopic wireless mast, which can be quickly lowered when passing under bridges. The barge carries two wireless operators, so that it can be communicated with at any time from the offices in St. Louis and New Orleans. The captain regularly reports to these offices his position, speed, the weather, etc., and can promptly summon help in case of need. In addition, the accounting department is informed of the freight on board the boat before its arrival, and the time of arrival can be so closely gauged that a force of roustabouts to handle the freight can be on hand as soon as the boat arrives, without wasting time waiting for it.

The *Inco No. 1* surpassed the expectations of its designers in the speed which it made on its initial trip from St. Louis to New Orleans. The river was in flood, and the boat had the aid of the current, but an average speed of 16 miles per hour was attained.

Three additional barges are under construction, and will be placed in service this summer. The company plans to have 36 barges in service by the spring of 1918.

The PRESIDING OFFICER. The question is on the amendment of the committee.

Mr. KENYON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. FALL], but I am informed by him that he would vote as I am about to vote; so I vote "yea."

Mr. DILLINGHAM (when his name was called). In the absence of the senior Senator from Maryland [Mr. SMITH], with whom I have a general pair, I withhold my vote.

Mr. SAULSBURY (when his name was called). I transfer my general pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER] which I transfer to the junior Senator from South Dakota [Mr. JOHNSON] and will vote. I vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina], who is absent, and will vote. I vote "nay."

The roll call was concluded.

Mr. MYERS. I have a pair with the junior Senator from Connecticut [Mr. McLEAN]. He being absent, I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "yea."

Mr. GALLINGER. I have a general pair with the senior Senator from New York [Mr. O'GORMAN], who is absent from the Chamber. For that reason I withhold my vote.

Mr. CATRON. I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. He not having voted, I withhold my vote.

Mr. FALL. I inquire whether the senior Senator from West Virginia [Mr. CHILTON] has voted?

The PRESIDING OFFICER. He has voted.

Mr. FALL. I vote "yea."

The result was announced—yeas 48, nays 15, as follows:

YEAS—48.

Bankhead	Harding	Myers	Saulsbury
Brandegee	Hardwick	Nelson	Sheppard
Broussard	Hitchcock	Oliver	Simmons
Chamberlain	Hollis	Overman	Smith, Ariz.
Chilton	Hughes	Page	Smith, Mich.
Clapp	Kern	Penrose	Sterling
Clark, Wyo.	Lea, Tenn.	Phelan	Stone
Clarke, Ark.	Lee, Md.	Pittman	Swanson
Culberson	Lewis	Poindexter	Underwood
Fall	Lodge	Pomerene	Wadsworth
Fletcher	Martin, Va.	Ransdell	Warren
Gore	Martine, N. J.	Reed	Williams

NAYS—15.

Ashurst	Lane	Smoot	Thompson
Curtis	Norris	Sutherland	Tillman
Husting	Shafroth	Taggart	Walsh
Kenyon	Sherman	Thomas	

NOT VOTING—33.

Beckham	du Pont	Lippitt	Smith, Md.
Borah	Gallinger	McCumber	Smith, S. C.
Brady	Goff	McLean	Townsend
Bryan	Gronna	Newlands	Vardaman
Burleigh	James	O'Gorman	Weeks
Catron	Johnson, Me.	Owen	Works
Colt	Johnson, S. Dak.	Robinson	
Cummins	Jones	Shields	
Dillingham	La Follette	Smith, Ga.	

So the amendment of the committee was agreed to.

The next amendment was, on page 36, after line 14, to insert:

Reservoirs at headwaters of Mississippi River: That so much of the adopted project for the construction of a low reservoir dam at Gull Lake, Minn., as provides for the digging of ditches between Gull Lake and Round Lake and between Round Lake and Long Lake, is hereby abandoned; and the Secretary of War is hereby authorized to surrender to the parties entitled thereto the flowage rights on Long Lake and Round Lake heretofore granted the United States for the aforesaid work.

The amendment was agreed to.

The next amendment was, on page 37, line 11, after the words "Fort Benton," to strike out "$125,000" and insert "$150,000"; in line 12, after the words "at least," to strike out "$50,000" and insert "$75,000"; and in line 15, after the words "in all," to strike out "$175,000" and insert "$200,000," so as to make the clause read:

Missouri River: For improvement and maintenance from Kansas City to Sioux City, $50,000, of which amount at least $25,000 may be expended for such bank revetment as in the judgment of the Chief of Engineers may be in the interest of navigation; continuing improvement and for maintenance from Sioux City to Fort Benton, $150,000, of which amount at least $75,000 may be expended for such bank revetment as in the judgment of the Chief of Engineers may be in the interest of navigation; in all, $200,000.

Mr. KENYON. I should like to inquire if this matter was presented to the committee by the Senator from South Dakota [Mr. STERLING]?

Mr. STERLING. I will state for the information of the Senator from Iowa that I did not present this distinct matter to the committee. I presented another matter to the committee, and it may be that in view of what I then said the committee recommended this increase of $25,000.

Mr. KENYON. I was trying to find out the reason for the increase.

Mr. STERLING. I will say to the Senator from Iowa that there is a very good reason, I think, for this increase. I thought when I saw the increase that, like all other small favors, it should be "thankfully received."

I will say to the Senator that the revetment work provided for in this paragraph, amounting to $75,000, covers that full stretch of the Missouri River from Sioux City to Fort Benton, a distance of 1,477 miles. There are three or four places within 50 miles of Sioux City where every dollar of this appropriation could be profitably expended, not to say anything of the revetment work that may be required above the city of Yankton, S. Dak. So there is need not only for this $75,000, but need for very much more than that sum.

I have in mind the introduction of an amendment to the bill providing for a larger appropriation than even this for

revetment work or other improvement that will prevent the erosion of the banks of the Missouri River. That is very much needed, and is at just one place on the Missouri River. The amendment I shall offer will provide for a contribution on the part of the city, the county, or other agencies interested in the improvement; but this amount, independently of anything I shall offer, is needed, as I said, between Sioux City and Yankton, S. Dak.

I will state further, Mr. President, that the amendment agrees exactly with the report of the Board of Engineers. On page 364 of the committee report, in giving the estimate of the work between Sioux City and Fort Benton, there is this item, taken from the report of the Board of Engineers:

Systematic works of improvement: Standard revetment, $75,000.

So the amendment of the committee just brings the amount up to what has been proposed by the Army engineers to be expended in the long distance between Sioux City and Fort Benton in improvement of this kind.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 37, line 23, after the word "appropriated," to insert:

Provided, That the amount required to be paid by the city of St. Joseph or other agency shall not be in excess of two-fifths of the total amount expended, and in no event to exceed $50,000.

So as to make the clause read:

Missouri River at St. Joseph, Mo.: For improvement, $75,000: *Provided*, That no part of this amount shall be expended until the city of St. Joseph or other agency shall have deposited to the credit of the Secretary of War in some duly recognized depositary of the United States to be designated by him such sum as may be satisfactory to him to be expended together with an equal amount of the funds herein appropriated: *Provided*, That the amount required to be paid by the city of St. Joseph or other agency shall not be in excess of two-fifths of the total amount expended and in no event to exceed $50,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 5, to insert:

For the building of a diverting dam in the Los Angeles and Long Beach Harbors, Cal., and their tributary waters with a view to their protection from the deposit of silt in said harbors, in accordance with House Document No. 462, Sixty-fourth Congress, first session, $1,080,000: *Provided*, That before any work is undertaken by the United States assurances satisfactory to the Secretary of War shall be given that the city or county of Los Angeles or other agencies will provide the right of way, defray the cost of the necessary roads and bridges, adjust all damage claims, and maintain all improvements after its completion, $500,000 of said amount to be immediately available.

Mr. SMITH of Arizona. Mr. President, I do not want to lose my right to offer an amendment to the text of the bill. I understand that we are now considering only the Senate committee amendments.

The PRESIDING OFFICER. That is the order.

Mr. SMITH of Arizona. After those amendments have been considered, the bill will be open to amendment by any individual Senator?

The PRESIDING OFFICER. That will be the order.

Mr. CLARKE of Arkansas. Mr. President, let me modify that statement somewhat. Amendments to the House text either to strike out or insert will be in order. Then, as the third order of business, new amendments offered by individual Senators to the bill will be in order.

Mr. SMITH of Arizona. If that be true, an amendment to the text of the bill as passed by the House, on page 38, line 5, the item of $3,000 for maintenance of Colorado River, Ariz., by repair of the levee on the Gila River near its junction with the Colorado at Yuma will be in order. If I wish to amend that, now will be the proper time?

Mr. CLARKE of Arkansas. No; that will come after we get through with the committee amendments.

Mr. SMITH of Arizona. All right, then, I will wait.

Mr. KENYON. Mr. President, I suppose there will be some explanation of this item. It may be that it is so small an amount, being such a trifle—$1,000,000—that we will not have an explanation of it. I think, before voting on a proposition which involves $1,000,000, we ought to have some explanation of it from some one.

Mr. WORKS. Mr. President, I think I can explain the objects and purposes of the appropriation. It is for the construction of what is called a diverting dam. The object of it is to prevent the inflow into Los Angeles and Long Beach Harbor of silt and débris of various kinds that periodically fill up the channel to the harbor. It has been estimated that where the storms that we have in that section occur once in five years it costs the Government about $100,000 a year to dredge out the deposits that come in in that way.

The intention of this is to construct a dam running between two of the hills jutting out into the coast, a distance of something like 3 miles, simply a low dam, for the purpose of preventing the inflow of the débris and silt into the channel of the harbor.

In connection with this improvement the county of Los Angeles has inaugurated a project to prevent the effect that followed from the heavy rainstorms on which they are proposing to expend about $15,000,000, which is directly beneficial and prevents the inflow into the harbor. That project has gone so far that they have commenced now to build one of the reservoirs that is intended to prevent a sudden flow of the stream.

In addition to that, in connection with the dam which I mentioned, the county expects to create a new channel that will conduct the waters away from the harbor. This dam is simply a part of that project. The Government is proposing to expend $1,080,000 upon it. The county of Los Angeles expects to expend $15,000,000 partly for that purpose and partly for the protection of the land intervening between the mountain and the bay.

In addition to that the county of Los Angeles is required under this amendment to provide the rights of way, the approaches, and the various other things that are necessary to protect the Government from damages, which, as estimated by the Board of Engineers, will amount to something like $900,000.

This improvement is absolutely necessary for the protection of the harbor in the way I have mentioned. It is a saving of expense to the Government in the long run besides the fact that it keeps the harbor in good and serviceable condition.

I think I need not take up the time of the Senate in an attempt to show the importance of that harbor. It is a subject that has been before the Senate many times. It is one of the important harbors of the country, and one upon which the Government has expended considerable money in the past in order to make it a safe harbor.

I regard this as a meritorious improvement in the interests of the Government. I think that for that reason it should be adopted.

Mr. KENYON. May I ask the Senator a question?

Mr. WORKS. I yield.

Mr. KENYON. I would simply like to inquire of the Senator if in his judgment the proposition of the committee is of pressing importance, or would any injury result from a delay of a year or so?

Mr. WORKS. Yes, Mr. President; there is always danger of injury by delay, for the reason I have stated. When these thunderstorms come they do a great deal of damage to the harbor. We have had two of those severe storms within two years. Usually they are not expected to occur more than once in five years, but last year we had one of the most damaging floods and storms we have had in the history of that section of the country. It is a matter of urgency. Only $500,000 of the amount is made available at the present time, and, in view of what is being done by the county of Los Angeles, that has already been commenced, I think it is quite important that this work should be done in that connection.

Mr. KENYON. It has all been recommended by the Army engineers?

Mr. WORKS. It has been very thoroughly examined into by the Board of Army Engineers on the ground, besides the report made by the local engineers.

Mr. KENYON. Is it in the nature of a cooperative project?

Mr. WORKS. It is.

Mr. KENYON. The Government does not bear the entire expense?

Mr. WORKS. No; on the contrary, the county of Los Angeles in the long run will bear more than one-half of it.

Mr. SMITH of Michigan. The question of the Senator from Iowa whether this is an emergency matter or a matter that could not wait a year has been answered with great modesty by my friend from California. There is another reason, however, why it should not wait a year. If it waits a year the Senator from California will not be here.

Mr. KENYON. How do you know?

Mr. SMITH of Michigan. Because he has already given notice of his retirement, and what more appropriate time to do it than now when he will appreciate it?

Mr. NELSON. Nevertheless, the people may elect the Senator from California.

Mr. SMITH of Michigan. I think that this is an emergency matter.

The PRESIDING OFFICER. The question is on the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 38, after line 21, to insert:

San Diego Harbor, Cal.: For improvement and maintenance, $220,000, in accordance with House Document No. 648, Sixty-fourth Congress,

first session: *Provided*, That the city of San Diego donates to the United States Government 500 acres of tide lands known as Dutch Flats.

Mr. WORKS. Mr. President, that is another appropriation in which I am interested, and as the Senator from Iowa seemed to desire an explanation of the other item I think one is due in this case also. This is a proposition to widen the channel of the harbor. The city of San Diego has itself already expended $300,000 upon this project without calling upon the Government; but the channel is still too narrow. It has been cut straight down so that as the steamers come in they have a tendency to wash the sides of the channel into the channel itself, and is in that way obstructing it, and there is necessity for immediate action in regard to it.

I wish to read just a little from the report of the Army engineers that will explain, I think, what is the purpose. I read on the San Diego Harbor from the report signed by the Chief of Engineers of the United States Army, as follows:

For reasons stated the board believes that no further deepening of area B is required at this time, and that there is no pressing need for dredging area A. It is of opinion, however, that the United States should undertake the maintenance of area B and should dredge area C to a corresponding depth of 32 feet, at an estimated cost of $220,000, the latter work being necessary to give adequate approach to the channel provided by the city along the municipal pier and wharves.

That is the matter which is covered by this amendment.

After due consideration of the above-mentioned reports, I concur in the views of the Board of Engineers for Rivers and Harbors, and therefore report that the further improvement by the United States of San Diego Harbor, Cal., is deemed advisable to the extent of dredging area C, indicated on accompanying map, to a depth of 32 feet below mean lower low water, at an estimated cost of $220,000, and maintaining this area and area B to similar depth. The entire amount of the estimate should be made available in one appropriation. There are no data regarding the cost of maintenance, but it is believed that this will be moderate. The above recommendations cover only such further work as is deemed necessary in the interests of commerce and navigation. The needs of the Navy, as stated by that department, are indicated above in second paragraph.

Then, it is pointed out, Mr. President, by the Board of Army Engineers, in the report signed by W. M. Black, colonel, Corps of Engineers, senior member of the board, as follows:

The commerce of the harbor for 1914, as given in the report of the district officer, amounted to 654,087 tons, having a value of $60,184,675.

Again:

The improvement contemplated by "widening the main channel at the Government coaling station" is apparently in the interests of the Navy Department, as the present facilities are ample for general commerce and navigation in that vicinity. The accompanying correspondence with the Navy Department indicates that its requirements are in effect practically those indicated on the map in the report printed in House Document No. 1309, Sixty-second Congress, third session, as plan C for the middle ground, and plan B for outer bar. The improvement desired by the city of San Diego is additional dredging to a depth of 35 feet in the vicinity of the new municipal dock, and is described by the district officer and shown on the accompanying map under three separate items pertaining respectively to the areas A, B, and C.

This appropriation is recommended, as you will see, Mr. President, in the interest of navigation and commerce, and also in the interest of the Navy Department. The condition is imposed upon the city of San Diego that it shall convey to the Government a certain tract of land bordering upon this improvement, known as Dutch Flat. The amount of land is 500 acres, being in the immediate vicinity of the dredging that is required to be done. The material taken out can be dumped upon this piece of land and will make it an extremely valuable piece of property. It is estimated by those who claim to know that the property will be worth at least $2,000,000. By others it is estimated much higher than that. It is slightly under water, and by the dredging out of the channel it can be elevated above the water. It will make an excellent training ground and may be used for other purposes.

As showing something about the value of the property, I want to read a letter to Mr. WILLIAM KETTNER, the Member of Congress from that district, from Mr. Will M. Parry, who is now one of the trade commissioners. He says in that letter:

Replying to your letter of May 9, I desire to say that for 16 years and up to the time that I became a member of the Federal Trade Commission I was the president and manager of a corporation engaged in reclaiming tidelands in the harbor of Seattle, and have made a particular study on the subject of reclamation of land suitable for industrial purposes. As a part of that study I looked into the tideland situation in the city of San Diego, and am familiar with the tract of land referred to in your letter, and known as Dutch Flats.

You ask me to give my estimate of the value of the tidelands known as Dutch Flats after those lands are filled to the height required to make them commercial property. It is my opinion that if these lands are filled to a height of, say, 2 feet above extreme high tide, and suitable provision is made for platting the same, with proper streets for giving access to industrial sites, that the land so created would be worth, for industrial purposes, an average of 30 cents per square foot. This estimate is based upon the present population and commercial situation of San Diego, and does not take into account its great potentialities as an industrial and commercial center.

It is my opinion, as one who has been engaged in dredging operations for many years, that the lands can be very cheaply filled by depositing thereon the silt, which should be removed in order to widen the channel to the new municipal wharf. Unfortunately, the present channel is too narrow for navigation for very large ships, and the material removed in widening the channel should be deposited upon the tract of land to which you refer, thereby increasing its value to an amount equal to the cost of the dredging.

So, Mr. President, in this case the city of San Diego is a good deal more than paying the amount of money that is to be appropriated by the Government; it is paying three or four times as much. This tract of land has been approved by captains of ships that enter as affording an excellent place for training ground, one of the best in the country when this filling-in process shall have been completed. So, really, the making of this appropriation with the condition attached is a making of money—not only an economy, but the actual making of money—by the Government. Therefore, it seems to me, there is no question about the merits of the appropriation.

Mr. SMOOT. Mr. President, I understood the Senator from California to say that the appropriation was for the widening of the channel?

Mr. WORKS. Yes.

Mr. SMOOT. I listened attentively to the reading of the report by the Senator, and from that report I gathered the impression that it referred to the deepening of the channel.

Mr. WORKS. It is for both purposes; it has both effects; it is to widen as well as to deepen the channel.

Mr. SMOOT. Mr. President, I will say that this is one of the items in this appropriation bill which has merit. The appropriation ought to be made. Last June I visited San Diego and had the pleasure of taking an aeroplane trip over the bay. I saw a large boat coming up the channel, and I noticed that the channel was so narrow that it was a revelation to me how a boat could be so skillfully handled as to pass through it. I wanted to see the channel, and thought the best way to see it was to take a trip in an aeroplane. I followed the channel from the landing wharf out to the ocean, and could see its width and every curve in it.

I am positive, Mr. President, that this money ought to be expended for the widening of the channel in that harbor. The Dutch Flats, I believe, when filled 2 feet above the extreme high level of the ocean, can be sold for enough money to not only pay the expenses incurred by the appropriation, but many times over. Those flats are very close to the city; in fact, they can be used either for residential purposes or for drilling grounds, if the Government so desires.

This is one of the items in this river and harbor bill which appeals to me, and should appeal to anyone who is interested in the development of the waterways of our country. I expect to see San Diego at some day a great port of entry. It is splendidly located; it has a fine citizenship, composed of business men of the very highest type, and they are all most active and enterprising. I certainly shall be more than pleased to have an opportunity to vote for this item in the bill.

Mr. PHELAN. Mr. President, I had expected to address the Senate on the subject now before this body, but finding such unanimity in favor of the committee amendment, and not desiring to obstruct the progress of the debate on the river and harbor bill, I shall confine my remarks simply to a rebuke of the city of San Diego, because, if I were in the confidence of the municipal authorities of that city, I should have endeavored to restrain their impetuosity when, in order to receive Federal aid for their harbor, which was badly in need of it, they offered as a consideration to the Federal Government 500 acres of tide lands, which Mr. W. H. Parry, of the Federal Trade Commission, who is an expert in such matters, estimates to be worth in the neighborhood of five or six million dollars, on a basis of 30 cents per square foot.

It is very pleasing to hear the Senator from Utah [Mr. SMOOT] agree with the absolute justice of this item; but there is even more than that involved. While it may be an act of justice on the part of the Government, it is an act of generosity on the part of the municipality. As I have said, however, there is no need of persuading an already convinced Senate; and so I shall limit my remarks to what I have said.

Mr. SMITH of Michigan. Mr. President, I want to commend this San Diego project, and, while I can add nothing to what has been said by the Senators from California and the Senator from Utah, nevertheless I regard this harbor improvement as much more than a mere question of local interest. San Diego Harbor is a proper rendezvous for the ships passing through the Panama Canal; it is the most southerly American port on the Pacific; and it has never been treated with the generosity or the consideration which it deserves.

The Government coal wharves, referred to by the Senator from California [Mr. WORKS], are a standing criticism of the policy of the Government of the United States. They have never been completed. They are splendidly located; they are vitally important; and yet the money that has been necessary to complete those coal docks for the Government has been very ungenerously withheld. I should like to see a Secretary of the Navy sometime with pride enough in that great southern Pacific port to complete the work long ago undertaken and which is so vital to our Government.

I am very familiar with that harbor; indeed I was aboard the first battle cruiser that ever entered the harbor of San Diego, and I know the difficulties encountered in getting into the harbor and the necessity for this appropriation in order to make the harbor practical and feasible and give it the place which it is entitled to occupy in the commerce and the navigation of our country.

I am glad to hear my friend from Utah [Mr. SMOOT] speak in praise of the harbor of San Diego. He has evidently been to San Diego. He has not been to Arcadia. If he had been to Arcadia perhaps his vision would have likewise broadened. He is looking at San Diego through a field glass from a commanding height, while he is observing other meritorious items in the bill from the valley with a microscope. He ought, at least, add to his equipment a field glass that will extend northward as well as westward.

Mr. KENYON. We may reconsider that action.

Mr. SMITH of Michigan. Very well; reconsider it. It should stand on its merits, as this project does. But I do not want to confuse that item of unusual merit, which the Senate has already adopted, with this southernmost California harbor, and I rejoice that both Los Angeles Harbor and San Diego Harbor have been treated appropriately by the Committee on Commerce and appropriately by the Senate.

The PRESIDING OFFICER (Mr. WALSH in the chair). The question is on the adoption of the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 41, line 1, after the word "maintenance," to insert "of the channel from Bay City to Tillamook City," so as to make the clause read:

Tillamook Bay and Bar, Oreg.: For maintenance of the channel from Bay City to Tillamook City, $5,000.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The next amendment was, on page 41, after line 23, to insert:

Willapa Harbor and River, Wash.: For improvement in accordance with the report submitted in House Document No. 706, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $100,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $247,950, exclusive of the amount herein and heretofore appropriated.

Mr. KENYON. Mr. President, if it is not out of order to make an inquiry as to this item, I should like to have some explanation for the RECORD of this appropriation. I believe there was nothing in relation to it presented to the committee.

Mr. RANSDELL. Mr. President, I ask unanimous consent that that item be passed over until the Senator from Washington [Mr. JONES] shall return to the Chamber, as he is especially interested in it.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 42, after line 19, to insert:

And for the construction of the west breakwater, Kahului Harbor, in accordance with the report published in House Document No. 1330, Sixty-second Congress, third session, $100,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $150,000, exclusive of the amount herein and heretofore appropriated.

Mr. KENYON. Mr. President, I should like to make the same inquiry, if it is not out of order, with respect to this item. I should like to find out something about this item of $150,000. I believe nothing was presented to the committee in regard to it.

Mr. SMITH of Michigan. There is a favorable report on the project from the engineers.

Mr. CHAMBERLAIN. Mr. President, in answer to the Senator, permit me to say that if the Senator will examine Document No. 1330 of the Sixty-second Congress, third session, he will find the whole subject discussed. It is discussed further in the report of the committee at page 411. I introduced this proposed amendment at the request of representative citizens from that section.

Mr. KENYON. Mr. President, I should like to inquire if the Senator considers the improvement a military or naval necessity?

Mr. CHAMBERLAIN. I can not undertake to put it on that ground, Mr. President, although I will say that, as a general proposition, the deepening of all harbors along the coast, if they are large enough for the admission of naval vessels at all, is something that may be considered to be along the line of preparation for defense. However, I would not claim that for this harbor. It is a much-needed improvement; the Government has already spent a good deal of money on the harbor, and the appropriation is for the purpose of redredging and deepening it.

Mr. SMOOT. Mr. President, when I first read the item I thought that it was for a harbor located on the island of Oahu; but I see it is on the north coast of the island of Maui, about 110 miles by water from Honolulu. I have been all over the island of Maui, and it may be that this improvement is necessary, but I should like to have some little explanation of it. Will the Senator allow it to go over until I can look up the report?

Mr. CHAMBERLAIN. I have no objection to that course being taken.

Mr. SMOOT. I rather think it is all right, but I should like to look at the report.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was in section 2, page 43, line 9, after the words "the sum of," to strike out "$250,000" and insert $350,000," so as to read:

SEC. 2. That for examinations, surveys, and contingencies for rivers and harbors for which there may be no special appropriation, the sum of $350,000 is hereby appropriated: *Provided*, That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior act or joint resolution shall be made.

Mr. KENYON. Mr. President, at the risk of marring the delightful harmony of this occasion and the smoothness with which all these appropriations are passed along, I want to place in the RECORD something from the different reports and some observations about this increase of $100,000.

We have now reached the point in this bill where we have before us the consolation prizes. The bill as it came from the House contained $250,000 for these surveys. A number of new surveys are put in the bill, and the amount is increased to $350,000. Of course I realize that as items are put in this bill this is a very small and trivial sum. We are so accustomed to thinking about millions in connection with these bills that anyone who objects to a $100,000 item is supposedly engaged in very small and discreditable business.

These surveys are laying the foundation for unlimited appropriations from the Public Treasury; while as it now stands, and if the surveys are made, money is not appropriated without further action of Congress. yet the very fact that the survey has been made and favorable reports have been secured thereon is the first peg on which to hang the appropriations that are sure to follow.

All through these 15 pages of surveys are entered new surveys by the committee under a system which the committee has, as I understand—and if I am wrong about it, the members of the committee can correct me—that any Senator who wants a survey for any project merely presents that matter to the committee and it goes in as a matter of course. It is needless to say that any members of the committee who desire any number of surveys can insert them as a matter of course, because we were told that the surveys did not cost much of anything. But it seems that the new surveys placed in this bill are to cost $100,000, making $350,000 altogether.

I want to call attention to a few of these, and see if the Senate is practically willing to commit itself to some of these propositions.

On page 49 of the bill, lines 7, 8, and 9, I find this item:

Waterway between Sarasota Bay, near Venice, and Miakka River, Fla., with a view to giving such channel dimensions as commerce may demand.

One would imagine from reading that that there was some great necessity to have a waterway for the commerce of Sarasota Bay. Let us see what that commerce is.

We have appropriated $125,042.75 for that bay. According to the engineers' reports for 1915, the commerce for the year 1914 amounted to 10,574 short tons, of which over 1,000 tons was fish. The Miakka River was provided for in the river and harbor acts of July 26, 1912, March 4, 1913, and March 4, 1915, for a preliminary examination and survey. That river has had

nothing at all done with it. The commerce of this bay amounts to 10,000 tons. We now practically commit ourselves to the proposition of eventually constructing a waterway between those points.

On page 50 we have provision for an instrumental survey of the Brazos River and the Colorado River in Texas. That is a new item.

On page 51 we have another survey of the Brazos River. I do not know how many surveys we need of the Brazos River or how many different kinds of surveys can be made. We have ordered a reexamination of the Brazos River. That report has not as yet been submitted to Congress; and yet we go ahead in this bill and appropriate either $200,000 or $250,000 for the Brazos River. Not only that, but we go ahead in the surveys and provide for two more surveys—one of them an instrumental survey. What is that? It sounds like a musical survey, possibly to see whether there is any music in the babbling waters of the Brazos; and there are two surveys of the Brazos River.

On page 50 there is an item providing for another survey of the Trinity River. A few years ago Congress ordered a resurvey of the Trinity River. That is being made. We can not wait for the Army engineers' reports on the Trinity River to put in this bill $250,000 for that river—a proposition of 37 locks and dams that are going to cost the people of this country at least $10,000,000.

Then we come on with our surveys, and authorize another survey of the Trinity River near Liberty, Tex.

The Sulphur River in Texas and Arkansas: There is one of the prizes. We have had surveys of the Sulphur River. We have expended considerable sums of money on the Sulphur River with no results. I want to put in the RECORD, as bearing on this matter, portions from volume 1 of the Army engineers' report for 1915, page 950. They say:

For the first 18 miles above the mouth the average width of the river at low water is about 75 feet, the depth a few inches only, and the fall about 10½ feet. Thence to a point about 51 miles above the mouth there is a pool with average width of 125 feet, a minimum depth of at least 5 feet, and a fall of only 1 foot. Above this point the depth and width decrease rapidly.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. KENYON. I do.

Mr. NORRIS. From the name of that river I gather the idea that probably it is not water they are after. How about the sulphur?

Mr. KENYON. There is nothing on that point in the record; but I suppose that with these few inches of water they will be able to get the sulphur out of the bottom. It may be a sulphuric proposition.

Prior to improvement the river was badly obstructed by snags, logs, and overhanging trees—

The same old story—

Navigation of the lower 17 miles has never been possible at low stages. Rafting was carried on in the pool for about 55 miles.

We have had a previous project for this river; but they are so tenacious, when there is once a pull out of the Federal Treasury, that they are unwilling to give it up.

Under the original project adopted by the river and harbor act of August 18, 1894, $2,488.99 was expended.

* * * * * *

The present project was adopted by the river and harbor act of March 2, 1907, and provides for the improvement of the lower 150 miles by snagging and a small amount of dredging.

* * * * * * *

About one-third of the work contemplated by the project has been completed and maintained. The river above the lower 51 miles is badly obstructed, and that portion of the project has been reported as unworthy of further improvement.

This, I assume, is to reverse the action that already has been taken, finding this stream unworthy of further improvement.

I will put in the RECORD a little more from the report:

Below that point some obstructions have accumulated since the last work was done, in January, 1913, but these are not sufficient to make navigation impracticable. A depth of at least 5 feet at low water is available in the pool from about 18 miles to 51 miles from the mouth. Below that point navigation is possible only at high water. The total expenditures under the existing project were $43,500.

With that kind of a stream, why not let it alone? Why do any more surveying? There has been no commerce of any value on this river, and the improvement has had no effect on rail freight rates. So we have expended $45,988.99, and the engineers say, on page 952, that there was no commerce reported on this river during the calendar years 1912 and 1914.

What is the use of putting a proposition like that in this bill? But it is apparently violative of senatorial courtesy to object, or even to question, any of these matters. Senatorial courtesy in voting on appropriations is getting about the same as senatorial courtesy in voting on nominations; and men in this Chamber are voting on many of these things because "it is Senator So-and-so's proposition or harbor," and so forth. I can not believe that any Senator ought to find fault with a colleague who votes against a proposition in which he may be interested and honestly believes is right, if his colleagues honestly believe it may not be right; but it seems that that is the custom we are getting into.

It is not enough to have simply a survey of Sulphur River, but another survey is authorized of Sulphur River and Days Creek in Texas and Arkansas, and then a survey of the St. Francis River through the "sunk lands."

There is a most remarkable river—a river as to which the testimony in the House shows that you could cross it at the "sunk lands" and not know when you had crossed the river. I glory in the courage of the Senator from South Carolina [Mr. TILLMAN] and the Senator from Indiana [Mr. TAGGART] in standing up here and denouncing this bill. They show long-headedness in doing it, too—political long-headedness for their own party—because, while it is not a party matter, our Democratic friends will have to answer to the country for these expenditures.

On page 51 a survey is provided for the St. Francis River. I want to call attention to what a witness said in the House hearings about that river. I read from page 7 of the hearings in the House of Representatives on the St. Francis River, Ark. and Mo.:

Through the sunk lands, in some places, it has a well-defined bank on one side, but on the other the average above low water, I should think, was not over 18 inches, and it may be less than that. In fact, when you approach it at many places you will not know when you reach the river, and the channel winds around through logs and growth and this smartweed, as we call it, and you can actually cross the river and never know it. As I said, where they have built the railroad bridge and wagon bridge at Lake City, and where I have seen steamboats at least 30 or 40 feet in length, there are willows growing up, in some places coming through the flooring of the bridges.

At another place in this hearing there is a statement of what it is going to cost to canalize this weedy river, for which we are providing a survey in this bill. On page 4 of that document is Mr. Whittemore's statement. He went over the river in conformity with the provisions of the last river and harbor bill. He was under the direction of the engineer in charge at Little Rock, but is now at Humboldt Bay, in California. He made the survey and wrote a letter in which he set forth his findings, which letter is inserted, at least in part, in these hearings. He says:

With reference to your inquiry concerning my estimates of canalizing through the sunken lands, I have to report that the cost would be about $610,000 for a canal with a top width of channel of 130 feet, bottom width of 85 feet, and mean depth of 15 feet below low water.

What is the particular use of the survey, when already the investigation has been made, and it will only cost the trivial sum of $610,000 to put a canal along through this river grown over with weeds?

Mr. President, that is not to regulate freight rates, which we have heard so much about. That is just a wasteful, useless expenditure of public funds, if we are going to do it.

Mr. CLARKE of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Arkansas?

Mr. KENYON. Certainly.

Mr. CLARKE of Arkansas. I have not felt justified in trespassing upon the time of the Senator to refer to these matters——

Mr. KENYON. I will say to the Senator that I am only going to take a very few minutes.

Mr. CLARKE of Arkansas. But a very simple explanation would be sufficient there.

About 1823 there occurred what is now known as the New Madrid earthquake, which caused quite a body of land—say, 30 or 40 miles in width, and 15 or 20 miles in length—to sink down some 17 feet. Its course lay right across the channel of the St. Francis River. Little River, which is one of the branches of the St. Francis River, was included also. The river above and below there is a perfectly well-defined stream; but through that sunken portion of it, of course, being lower than the banks above and below, the water necessarily spreads over the sunken area. The proposition here is to delineate a channel, and, by constructing a levee on each side of it, to reclaim all that land, subject it to the uses of the people, and make the stream navigable up to its capacity, as it was before that occurred, up into Missouri.

The proposition, however, has not been to impose the cost on the United States Government. It is thought that the land which is reclaimed from that swamp—it is Government land—will be sufficient, when disposed of, to pay the entire cost of the project; and the purpose of this survey is to determine whether or not it will.

Mr. KENYON. That being true, Mr. President, it throws a very different light on the subject. I am glad to have that information, because it seemed a most preposterous proposition; but the explanation of the Senator from Arkansas, of course, changes that situation.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Texas?

Mr. KENYON. Yes.

Mr. SHEPPARD. Let me say to the Senator that since the unfavorable report to which he refers was made on the Sulphur River immense iron-ore deposits have been definitely blocked out in Cass County near the river; and it was in order to see if the river could be improved, with a view to establishing a channel for the transportation of that ore to the Gulf, that I asked for another survey. If the survey shows that the iron-ore deposits are not of sufficient value to justify an improvement, then that will be the end of it.

Another proposition, in connection with Days Creek, is to establish a canal from a point on the Sulphur to the city of Texarkana, an important city of some 20,000 people, which channel, in connection with the Sulphur River and the Red River, into which the Sulphur flows, will give a navigable waterway from Texarkana to New Orleans, the Gulf of Mexico, and the markets of the world. It was in order to have these questions decided that I asked for these two surveys. Texarkana is only 8 miles from the nearest point on Sulphur River, and even without the canalization of Days Creek would, in my opinion, benefit immensely by the improvement of the Sulphur.

Mr. KENYON. Yes, Mr. President; whenever any new survey or new appropriation is to be made there is always something just going to be discovered that will be great for commerce or there is a new barge line just being organized somewhere generally just before the river and harbor appropriation bill comes along. That has grown very customary. We have here a survey for the Arkansas River from Little Rock to its mouth. That is an instrumental survey. I am not going to say anything more about the Arkansas River.

Mr. CLARKE of Arkansas. If the Senator will permit me, I will say a few words about it.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Arkansas?

Mr. KENYON. I do.

Mr. CLARKE of Arkansas. I desire to have that survey made for the purpose of putting Congress in the possession of a reliable statement of the actual conditions on that river from Little Rock to the mouth. We believe it is an excellent river—one of the principal rivers of the country. The surveys that have heretofore been made establish that fact. But the recent report—not survey, but report—to which the Senator from Iowa attaches so much importance, has rather thrown some doubt upon it. We wish a more detailed and accurate survey in order to disclose the fact whether it is one of the rivers of the country worthy of appropriations by the Government, so that we shall have a more tangible basis than we ever had on which to deal with it further.

Mr. KENYON. I pass from that, Mr. President. The Cache River we have heard much about. There was a survey provided for the Cache River. That the committee has eliminated. Another one of the items is Thunder Bay River, Mich., with a view to improving its mouth. The Black Lake Harbor, Mich., item is one of the committee amendments. There are items for the floods in the State of Kansas, and other propositions in Oregon, Virgin River, Nev., Tolovano River, Alaska. There are some 15 of those surveys in all, which of course practically means the commencement of further great expenditures.

I have called attention to these matters, Mr. President, simply because I desire that we shall have a vote on this proposition and not for the purpose in any way of delaying the proceeding. There are very few Senators here. There are only nine Senators in the Chamber. I should like to have a yea-and-nay vote and let that go as a quorum call.

Mr. CLARKE of Arkansas. If the Senator will permit me to make a short statement concerning that particular item, possibly it will not be necessary to have formal action by calling the yeas and nays. The proposed increase in amount from $250,000 to $350,000 was made by the committee principally upon the information contained in this communication, which is a letter from the Chief of Engineers dated May 3, 1916, addressed to the chairman of the committee. It says:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, May 3, 1916.

Hon. JAMES P. CLARKE,
Chairman Committee on Commerce, United States Senate.

SIR: 1. Referring to section 2 of the pending river and harbor bill, which authorizes certain preliminary examinations and surveys and appropriates the sum of $250,000 for payment of the expenses incurred in connection therewith, I have the honor to say that a rough calculation of the cost of the work involved by these examinations and surveys indicates that the appropriation is insufficient to complete all of the investigations authorized, and that it should be increased by $100,000, or to $350,000.

2. It may be proper to add that not only are the expenses incurred in connection with the specific examinations and surveys authorized in this section borne by this appropriation, but also certain other expenses, particularly the cost of printing the annual report of the Chief of Engineers, which amounts to about $25,000; the cost of printing the congressional documents in which the reports of the preliminary examinations and surveys are printed for distribution, which for the past year has amounted to about $15,000; the pay of certain civilian employees in the Office of the Chief of Engineers amounting to about $40,000; and the expenses of the civilian employees and other expenses in connection with the Board of Engineers for Rivers and Harbors, amounting to approximately $15,000; making a total of $95,000, in addition to the expenses incurred for the specific examinations and surveys authorized.

3. Should additional preliminary examinations and surveys be incorporated in the bill by your committee, it would, of course, be advisable to increase the amount carried in this section proportionally.

Very respectfully,

H. TAYLOR,
Colonel, Corps of Engineers,
Acting Chief of Engineers, United States Army.

It seems that the total appropriation of $350,000 included and covered a variety of expenses, the making of surveys being the principal item; but $100,000 was required for service and printing other than making surveys. It will not do to unduly restrict the right of having surveys made, because what little information we have about these different projects comes to Congress in a reliable form through the reports made by the engineers. A community or a delegation from a State in Congress think that a certain enterprise is worthy. There is no way preliminarily to dispose of it except by examinations made by the responsible officers of the Government.

I am inclined to believe that the engineers have been altogether too liberal in their reports heretofore. I think I discover a purpose to radically change the policy, for we find them now frequently reversing what former engineers have done. It is the best thing we have at hand. The ingenuity and ability of the Senator from Iowa may devise a better plan. I hope he will devote himself to it, for I am one of those who believe that the time has arrived when substantial modifications of the existing plan should be made. I do not believe we will make much progress in that direction by denying a fair supply of public funds to discharge the duties now imposed upon these officers. I think the amendment is amply justified by the information given by the communication from the Chief of Engineers. The committee agreed with me, and we have accordingly put that amendment in the bill.

Mr. WORKS. Mr. President, my own impression is that most of the money that is expended for these surveys is money thrown away. Yet there are occasions where I think it is entirely proper that surveys should be made if it is done in good faith for the purpose of determining whether further improvement should be made or not.

I was struck by what was said by the chairman of the committee respecting the Arkansas River. There is a controversy here in good faith as to whether upon that river further money should be expended. The Senator says the object of this survey is to determine that question. If that be so, it is a perfectly legitimate appropriation, but I think most of them are not in that class. I voted against the appropriation for the Arkansas River because from the best information I could get at the time I thought it was not a case where the Government should make the appropriation. On the other hand, I do not think an appropriation ought to be denied to any river or harbor where it is for the public interest that the improvement should be made. Whenever a survey is ordered to develop the real facts as to whether an appropriation ought to be made or not I think it is a perfectly legitimate expenditure of public money and it ought to be allowed.

Of course, I do not know anything about the merits of these different cases where a survey has been provided for. Judging from what the Senator from Iowa says as to a good many of them it seems that no appropriation should be made or at least it would be a waste of public money. If we could only sort out the legitimate and worthy appropriations and only appropriate for what is in the public interest it would relieve us of a great

deal of trouble and responsibility. One of the great difficulties is to determine what kind of examination we can make of this question, and for a man to determine to his own satisfaction what appropriations ought and what ought not to be made. It is a matter that has troubled me ever since I have had to deal with these questions, and I have no doubt it does every other Member of this body.

Mr. NELSON. Mr. President, I merely wish to add a word of explanation. It is not possible for us to go and examine all the cases where Senators and Representatives think that improvements are desirable. We can only do it through the Engineer Department. The Engineer Department under the law make first a preliminary reconnoissance. They send out a local engineer to look over the ground and if he thinks it is not worthy of improvement he so reports. It is referred to the division engineer, who generally concurs with him, and then it goes to the board of review, and that is the end of the matter. That is all the expense. If, however, after such a preliminary reconnoissance the local engineer comes to the conclusion that the matter ought to be further investigated and gives his reasons for it, then it is again sent up to the division engineer, and through the division engineer up to the board of review to determine whether there should be an exact and careful survey.

So there really is no expense incurred of any account except in those cases where they deem it of sufficient importance to make a thorough survey, and those surveys are only made in those cases where the Engineer Department are convinced that there ought to be an improvement. In those cases they not only make a survey but they plan the work, suggest the manner in which it is to be done, and make an estimate of the cost of it.

In recent years, and I have kept somewhat track of it, in the case of a large number of surveys put in the bill there is nothing done with them. There is a preliminary report made, but the local engineer does not deem it worthy of improvement, and as a consequence nothing further is done in the bulk of these cases.

Now, as to the good cases, I can not conceive of any other body that could report upon them and furnish information except the Engineer Department. As I said at the outset, how could we do it? We must have some body of men trained to furnish us the information, and this is the only tribunal we have for that purpose.

Mr. KENYON. On the question of increasing the appropriation for examinations, surveys, and contingencies from $250,000 to $350,000 I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MYERS (when his name was called). Announcing the same transfer of my pair which I announced on the last vote, I vote "yea."

Mr. THOMAS (when his name was called). Announcing the same transfer as heretofore, I vote "nay."

Mr. UNDERWOOD (when his name was called). I desire to inquire whether the junior Senator from Ohio [Mr. HARDING] has voted?

The PRESIDING OFFICER. The junior Senator from Ohio has not voted.

Mr. UNDERWOOD. I am paired with the junior Senator from Ohio and withhold my vote.

The roll call was concluded.

Mr. GALLINGER. I will again announce my pair with the senior Senator from New York [Mr. O'GORMAN], who is absent. For that reason I withhold my vote.

Mr. DILLINGHAM. I withhold my vote, having a general pair with the senior Senator from Maryland [Mr. SMITH].

Mr. STONE. Has the Senator from Wyoming [Mr. CLARK] voted?

The PRESIDING OFFICER. He has not.

Mr. STONE. I have a pair with that Senator. If he were present and I could vote, I would vote "yea."

Mr. CHILTON. Making the same announcement that I did on the former roll call, I vote "yea."

Mr. UNDERWOOD. I transfer my pair with the junior Senator from Ohio [Mr. HARDING] to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. STONE. I transfer my pair with the senior Senator from Wyoming [Mr. CLARK] to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. SIMMONS (after having voted in the affirmative). I wish to inquire whether the junior Senator from Minnesota [Mr. CLAPP] has voted?

The PRESIDING OFFICER. He has not.

Mr. SIMMONS. I have a general pair with that Senator. I transfer my pair to the Senator from Illinois [Mr. LEWIS] and let my vote stand.

The result was announced—yeas 34, nays 15, as follows:

YEAS—34.

Bankhead	Hollis	Nelson	Smith, Ariz.
Brandegee	Hughes	Oliver	Smith, Mich.
Chamberlain	Jones	Overman	Sterling
Chilton	Lane	Page	Stone
Clarke, Ark.	Lea, Tenn.	Poindexter	Underwood
Curtis	Lippitt	Ransdell	Warren
Fall	Lodge	Reed	Williams
Fletcher	Martine, N. J.	Sheppard	
Hardwick	Myers	Simmons	

NAYS—15.

Borah	La Follette	Smoot	Wadsworth
Brady	Norris	Sutherland	Walsh
Husting	Pomerene	Thomas	Works
Kenyon	Sherman	Thompson	

NOT VOTING—47.

Ashurst	du Pont	Lewis	Shafroth
Beckham	Gallinger	McCumber	Shields
Broussard	Goff	McLean	Smith, Ga.
Bryan	Gore	Martin, Va.	Smith, Md.
Burleigh	Gronna	Newlands	Smith, S. C.
Catron	Harding	O'Gorman	Swanson
Clapp	Hitchcock	Owen	Taggart
Clark, Wyo.	James	Penrose	Tillman
Colt	Johnson, Me.	Phelan	Townsend
Culberson	Johnson, S. Dak.	Pittman	Vardaman
Cummins	Kern	Robinson	Weeks
Dillingham	Lee, Md.	Saulsbury	

So the amendment of the committee was agreed to.

Mr. CLARKE of Arkansas. The amendment of the committee appearing at page 41, beginning at line 24, and continuing to line 8, page 42, was passed over until the Senator from Washington [Mr. JONES] could be present. That Senator is now present, and I ask that we take up that amendment for consideration.

Mr. JONES. Mr. President, I am sorry that I had to be away, but I had a matter in one of the departments and could not get back sooner. This item carries an appropriation for the improvement of Willapa Harbor and River, Wash. It is one of the new items in the bill, and provides for an improvement to give 24 feet in the channel of this harbor.

I think, of course, that this is a very meritorious item, and I desire just to present briefly the facts which I think warranted the committee in putting the item in the bill. This item was in each of the two preceding river and harbor bills which failed of passage. The Government has completed one project there giving 18 feet depth, and I think the engineers say with reference to this project what they have said about very few other projects. I want to read just a word from the report. It is said:

> Advantage has been taken of the increased depth given, but it has been found inadequate to permit vessels to move freely from mill to mill, as they are required to do in loading, except on the tides.

Now, as showing the importance of this harbor, I want to call attention to the fact that in 1905 the tonnage, exports and imports, was 76,713 tons. In 1910 the tonnage was 486,516 tons. It got up to 766,416 tons in 1912. We have had, according to the engineers' report, and it is something we all know, considerable depression in our part of the country during the last two or three years. Notwithstanding that, the imports and exports for 1914 amounted to 669,619 tons.

The engineers say in another part of the report that the vessels that come in have to load partially now on account of the depth of 18 feet and then go to other harbors to complete their loading, and if we get a 24-foot depth the vessels can load to the full limit. This is not domestic commerce, but largely foreign commerce, imports and exports, so that whatever benefits come from it are benefits to the foreign commerce, benefiting all the country.

I wish to say that in the preceding project the people of the city of South Bend contributed over $125,000 toward this improvement on an expenditure by the Government of $230,000. Under the project we propose here the people have to make a further contribution of $143,000. So those people are doing their part.

Without taking the time of the Senate further, unless some one asks a question, I am willing to submit this item on this statement of facts. It seems to me that what we have heretofore done fully justified the expenditures we have made, and that the prospects for the future justify this expenditure, and that the contribution on the part of those people entitle them to the favorable consideration of Congress.

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). The question is on agreeing to the amendment of the committee inserting the matter from line 24, on page 41, to line 8, on page 42, the appropriation for Willapa Harbor and River, Wash.

The amendment was agreed to.

Mr. CLARKE of Arkansas. The amendment beginning at line 20, on page 42, was also passed over. The Senator from Washington [Mr. JONES] desires to be heard on that question.

Mr. JONES. Mr. President, this is the item with reference to Kahului Harbor on the island of Maui, in the Sandwich Islands, an item in which the Senator from Oregon [Mr. CHAMBERLAIN], too, is very much interested; but I know he is detained by business of the Senate. So I want to present just briefly the facts.

Of course this Territory has no representative in the Senate, and I feel justified on that account in presenting the matter here. Kahului Harbor is the harbor of the island of Maui, and the only harbor on that island, and the only way of getting products from the island, of course, as we know, is by ships. The Government has expended some money there in the construction of a breakwater. The expenditures have up to June 30, 1915, amounted to $390,000 and a little over. This is page 1591 of volume 1 of the engineers' reports.

When this project was adopted it was adopted subject to the condition that the Kahului Railway Co. should cede to the United States free of cost its property there. The report shows that they have expended for wharves and docks and on the breakwater and harbor improvement some $304,784. The commerce increased at this port from $1,800,000 in 1908 to a little over $13,000,000 in 1914.

In reporting on the new project, the Board of Engineers say in their report of this new project, on page 3:

> The district officer reports that the partially constructed breakwater has greatly facilitated the handling of freight, and greater protection is expected through the completion of the dredging provided for by the existing project. He finds that the harbor is subject to considerable shoaling, the cause of which he traces to sediment from the Iao River carried into the harbor by the littoral currents. He estimates the amount of shoaling at 33,000 cubic yards per annum, that it will cost at least $15,000 to remove it, and that it seems possible that if the harbor is enlarged the cost of maintenance will be increased. He states that a breakwater as proposed—

That is the one carried in the item in the bill—

> would prevent the littoral current entering the harbor, and would therefore check the deposit of material therein. He estimates the cost of the breakwater, including engineering, inspection, and contingencies at $250,000.

So we will save by the construction of this breakwater nearly $15,000 a year in the matter of maintenance. The district officer says he thinks that that saving will justify this cost.

> From the facts presented it appears that the construction of the west breakwater would be of some benefit in reducing wave action in the harbor and would be of material advantage in reducing the cost of maintenance.

The board therefore concur in the recommendation of the district officer.

I will say that I was talking with one of the commanders or captains of a vessel a short time ago that goes in and out of this harbor. He stated that with the breakwater constructed out as it is, the storms that sometimes come there very greatly endanger vessels in the harbor, because there is a sweep in one direction through which the winds can come right into the harbor. I do not know exactly the direction, whether it is east or west, but he said his vessel was almost driven from its moorings and he had to get out into the ocean in order to save the ship. The construction of this breakwater will very largely do away with that difficulty and that danger.

Furthermore, it seems that with these storms coming this one breakwater, running out into the ocean, causes a sort of eddy or current around the shore, which makes it also very dangerous for the vessels that are at anchor there. With this breakwater constructed as proposed, that danger will be very largely done away with. For these reasons I think that this provision ought to be made.

I have here also a letter addressed to me by the secretary of the Delegate from Hawaii, in which he gives the reasons which appealed to him in reference to the desirability of this improvement, which I ask may be put into the RECORD without reading.

The PRESIDING OFFICER. If there is no objection, the request will be granted. The Chair hears none.

The letter referred to is as follows:

> HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
> *Washington, D. C., May 8, 1916.*
>
> Hon. WESLEY L. JONES,
> *United States Senate.*
>
> MY DEAR SENATOR: Referring to our conversation concerning the Kahului Harbor, Hawaii—West Breakwater, line 20, page 42 of the river and harbor bill.
>
> There are five chief reasons why this improvement should be immediately provided for:
>
> The first is that the West Breakwater is required in connection with the existing structure in order to make a safely protected harbor. Capt. Hall, of the American-Hawaiian Steamship Co., has personally told you of his perilous experience there last January.
>
> The deep-sea commerce of Kahului includes steamers from 10,000 to 18,000 tons register, and single cargoes sometimes represent over $1,000,000 in value. Such commerce is entitled to reasonable safety and protection. Under present conditions all the commerce with the mainland from that island is sometimes cut off for a week at a time, with great loss both to shippers and vessel owners.
>
> The second reason is that this improvement is a provision for commerce already existing, and not merely in prospect. In 1915 there were 562 vessels entered and cleared out of the port of Kahului, with the registered tonnage of 835,330. The actual freight handled was over a quarter of a million tons. The increase in freight handled annually at Kahului Harbor during the five years since the Government began its improvement is over 78 per cent.
>
> The third reason is that there is no alternative of rail shipment for this commerce. The entire island of Maui is dependent on this single port for the handling of all its commerce with the United States.
>
> The fourth reason is that the people of the island of Maui have themselves spent the sum of $304,784 in improving Kahului Harbor, and are therefore entitled to the just and prompt cooperation of the United States toward completing that harbor.
>
> The fifth consideration is that during the past nine years Hawaii has paid into the Federal Treasury a sum averaging over $1,683,000 per year. Deducting all Federal appropriations for Territorial purposes, the net payments to the United States Treasury have been over one and a quarter millions of dollars per year.
>
> With these facts before you, we appeal to the sense of justice and fair play in Congress to enable us to carry on our commerce and develop our islands.
>
> Respectfully, yours, GEO. MCK. MCCLELLAN,
> *For the Delegate from Hawaii.*

Mr. MARTINE of New Jersey. Mr. President, these harbors are so far away from us that we pay but little attention to them. It was my good fortune during the past summer to visit the island referred to in the Hawaiian group, and I was very much impressed with the trade and commerce of those ports on five of the principal islands there, and particularly of the harbor mentioned in the bill. It was my privilege to visit whilst there and to confer with shipping men and men interested in mercantile matters.

The breakwater, as the Senator from Washington [Mr. JONES] says, is not far enough extended. It is far enough out for an ordinary and placid sea; then, however, we really need none; but in case of a storm, it is very much needed. It was demonstrated to me in a very practical way that the breakwater should be very considerably extended in order to secure the ships and craft that would come in there seeking anchorage for the purpose of discharging their freight. The amount of business which is done in these ports is marvelous, as are the general thrift and enterprise that exist in those tropic islands. I was very much won to their suggestion, and I feel that it would be a manifest wrong upon the part of the United States Government if we should fail to adopt this provision which is embodied in the bill. I trust that it may pass.

There are other instances of a similar character in those islands, and I feel, considering their splendid loyalty, their marvelous business, and the wonderful climatic conditions that exist there, the Government of the United States should endeavor to make possible a tide of trade and commerce there that will eventually be colossal. I feel that it is our duty to do what we can to make safer and better the great shipping interests of those islands—the gems of the sea.

Mr. SMOOT. Mr. President, when I questioned this item a few moments ago I did so because I knew that there was a breakwater near where the one proposed is to be located. I have been on the island of Maui many times. It is the greatest agricultural island among the Hawaiian group of islands. I think it produces the largest and best pineapples in the world. It produces a great deal of sugar. It is true that they ought to have the very best harbor possible for the transportation of their commerce, which, I will say, is very rapidly growing every year.

After further examination of the report, I find that this is not for the repair or the rebuilding of the present breakwater but for an extension, which will be known as the west breakwater for the harbor. I have no objection to an appropriation for this purpose. I recognize that they have some very severe storms around the islands, and, perhaps, with the length of the breakwater as at present constructed, it would not afford ample protection to large vessels that may be loading or unloading in the harbor. Therefore, I believe that the amendment is a proper one, and that the money expended will indeed help the commerce of those islands, particularly the island of Maui. I do not believe that I care to say anything further in regard to the item, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 44, after line 6, to insert:

Kennebec River, Me., Parker Head Harbor and Channel.

The amendment was agreed to.

The next amendment was, on page 44, after line 18, to insert:

A preliminary examination, report, and estimate for a landing place in the Point Judith Harbor of Refuge, R. I.

The amendment was agreed to.

The next amendment was, on page 44, after line 21, to insert:

Preliminary examination, report, and estimate for the removal of shoal spots in the westerly entrance of the Point Judith Harbor of Refuge, R. I., and in the harbor itself.

The amendment was agreed to.

The next amendment was, on page 45, after line 2, to insert:

New York Harbor, N. Y., with a view to securing an increase in depth up to 40 feet and suitable widths in the North or Hudson River Channel from deep water in the upper bay as far north as Spuyten Duyvil Creek.

The amendment was agreed to.

The next amendment was, on page 46, after line 2, to insert:

Greenwood Lake, N. J., survey with a view to dredging channel at the southern end.

The amendment was agreed to.

The next amendment was, on page 46, after line 7, to insert:

Hackensack River, N. J., with a view of obtaining a depth of 16 feet up to the Central Railroad Co. of New Jersey bridge.

The amendment was agreed to.

The next amendment was, on page 48, after line 5, to insert:

Front River, Ga.: For survey near Clark's Dock, Sapelo Harbor.

The amendment was agreed to.

The next amendment was, on page 48, after line 16, to insert:

Northwest Channel, Key West, Fla., with a view to securing a channel 30 feet in depth and of sufficient width from the harbor to deep water in the Gulf of Mexico.

The amendment was agreed to.

The next amendment was, at the top of page 49, to insert:

Ship channel from the docks at Apalachicola, Fla., through St. Georges Sound to the Gulf of Mexico, on such route as may be most desirable for the demands of commerce.

The amendment was agreed to.

The next amendment was, on page 49, after line 6, to insert:

Waterway between Sarasota Bay, near Venice, and Miakka River, Fla., with a view to giving such channel dimensions as commerce may demand.

The amendment was agreed to.

The next amendment was, on page 50, after line 9, to insert:

An instrumental survey of the Brazos River and of the Colorado River in Texas.

The amendment was agreed to.

The next amendment was, on page 50, after line 23, to insert:

Trinity River, near Liberty, Tex.

The amendment was agreed to.

The next amendment was, at the top of page 51, to insert:

Texas City Harbor, Tex., with a view to enlargement and protection.

The amendment was agreed to.

The next amendment was, on page 51, after line 2, to insert:

Brazos River, San Antonio River, Colorado River, Trinity River, and the tributaries of these rivers, all in Texas; Red River and its tributaries, Texas, Arkansas, Oklahoma, and Louisiana, with a view to devising plans for flood protection and determining the extent to which the United States should cooperate with the States and other communities and interests in carrying out such plans, its share being based on the value of protection to navigation.

The amendment was agreed to.

The next amendment was, on page 51, after line 10, to insert:

Sulphur River, Tex. and Ark.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. SMOOT. Mr. President, I should like to have the Senator from Texas explain why these surveys are really needed. Appropriations, for instance, for the Trinity River are being made every year. This bill provides for a survey of "Trinity River, near Liberty, Tex.," and also for a survey of "Brazos River, San Antonio River, Colorado River, Trinity River, and the tributaries of these rivers, all in Texas; Red River and its tributaries," and also of "Sulphur River, Tex. and Ark."

I should like to ask the Senator from Texas what is the real object of these surveys? Are they resurveys, or are they surveys ordered with the hope that a favorable report may be received, so as to expend money further up those rivers or more money than we are now annually appropriating on those so-called navigable rivers?

Mr. SHEPPARD. Mr. President, I will say to the Senator from Utah that the survey of the Trinity River near Liberty, Tex., is for the purpose of examining into a caving bank that is threatening the railroad bridge and a bridge that has been constructed by the county, to determine whether or not that is a proper charge in connection with the development of the river. In the immediate section near Liberty, Tex., the project as originally outlined included only snagging and open-channel work; but this proposed survey is to determine whether the protection of that caving bank can be properly undertaken by the Federal Government.

Mr. SMOOT. Then, it is for the Government to undertake to improve the bank so that it will protect the railroad bridge?

Mr. SHEPPARD. No; but to determine whether the damage resulting to the bridge is such an injury to navigation as will justify the undertaking of the work by the Federal Government.

Mr. SMOOT. Has there been any work heretofore done on the Trinity River near Liberty?

Mr. SHEPPARD. There has been no bank work done.

Mr. SMOOT. Has there been any dredging done?

Mr. SHEPPARD. There has been no dredging done.

Let me say to the Senator that the survey of Texas City Harbor, Tex., is to determine whether that harbor should be enlarged in order to accommodate ships of 400 feet in length. At present ships 300 feet in length can use the channel, but the larger ships have difficulty in using the harbor. It is to determine that particular point that that survey is undertaken.

Mr. SMOOT. How as to the Brazos River?

Mr. SHEPPARD. The next paragraph relative to surveys all relates to the question of flood protection in cooperation with the State and in relation to navigation.

Mr. SMOOT. That is something new for the Government to undertake, is it not?

Mr. SHEPPARD. No, sir. The language in the bill follows a similar clause, which was in the last river and harbor appropriation bill, in relation to some rivers in Ohio.

Mr. SMOOT. Is the Government now, under that provision, undertaking to control the waters tributary to the Ohio?

Mr. SHEPPARD. Of rivers in the State of Ohio. I have not seen the report.

Mr. SMOOT. Of different rivers?

Mr. SHEPPARD. It is simply for the purpose of developing a plan for flood protection in connection with navigation.

Mr. SMOOT. Mr. President, we will have a bill from the House now in a day or so at least appropriating over $50,000,000 for flood protection.

Mr. SHEPPARD. That bill relates only to the Mississippi and Sacramento Rivers.

Mr. SMOOT. I am aware that that bill relates only to the Mississippi River and to one river in California, but it seems to me that this item ought to be left to be dealt with when the flood bill is before us. If we are going to enter upon the subject of the control of flood waters, let us enter upon it properly; let it apply all over the country rather than simply to one river of the country.

Mr. SHEPPARD. It has not been determined yet, Mr. President, as to what the scope of the work of the new Flood Control Committee will be, and, inasmuch as this examination is desired during the coming year, it seemed that the only practical method to bring it about was to have the item inserted in this bill.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. Certainly.

Mr. THOMAS. Mr. President, if one may judge from its name and from the bill which is its first production, it is a committee whose measures will soon overwhelm the Treasury of the United States.

Mr. SMOOT. I merely refer to two items in the bill, which we know is going to pass the House and which I am fearful is going to pass the Senate.

Mr. CLARKE of Arkansas. It has passed the House; and there were only 29 votes against it.

Mr. SMOOT. It does seem to me, Mr. President, that if we are going into the question of controlling flood waters it should not be on the river and harbor bill, but it ought to be on the flood-control bill, which will be before the Senate in a short time.

Mr. CLARKE of Arkansas. Mr. President, may I say a word to the Senator?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. SMOOT. Certainly.

Mr. CLARKE of Arkansas. Of course all provisions for flood control will be preceded by a professional engineering examination. The flood-control bill provides that all those examinations shall be made by the engineering force of the War Department. If a survey should be directed in a bill coming from that com-

mittee, it would take the same course as the surveys proposed in this bill will take and would be made by the same officials.

Mr. SMOOT. If history is to repeat itself in relation to the flood-control bill, as it has in relation to the improvement of a lot of creeks in this country, I have no doubt that the report from the engineers will be most favorable. This plan will extend their work and give them a greater opportunity for spending Government money than they have to-day, and, God knows, they have enough power now in expending money appropriated by the Government of the United States.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. Yes.

Mr. THOMAS. Before the Senator takes his seat, I want to call his attention to the phraseology of the amendment about which he is making inquiry. The Government officials are required, under the provisions of the bill, to make inquiry not only as to the rivers named but as to their tributaries. Of course, the tributaries are very considerable in number and very extensive in their range throughout the neighboring domain of these streams.

Mr. SMOOT. There are four rivers mentioned in the amendment.

Mr. THOMAS. This is an amendment to a river and harbor bill, the theory upon which such bills are founded being the control of the General Government over navigable streams. Such amendments as this, if they are properly included within the purview of a river and harbor bill, only serve to extend the jurisdiction of the National Government over streams which are not navigable, which can not be made navigable, and which can not be considered for the purposes of navigation at all, except as they may affect the volume of water in the streams of which they are tributaries and which are actually serviceable for purposes of navigation.

We are experiencing in the arid regions of the country some of the expensive consequences of extending the jurisdiction of the War Department over these streams. This jurisdiction finds its support and its excuse only in such amendments as this, which appear, as the Senator from Texas says, not only at present, but have appeared heretofore in previous river and harbor bills. That, to my mind, is an exceedingly sinister feature of these measures, because we know by experience what the control over the waters of these tributaries by so many of the different departments means to our people.

It is impossible nowadays for a modest locator of a homestead to secure a recognition of his appropriation from some tributary of water enough to cultivate his land and make a living upon it. He has to come to Washington or send down here and apply successively to the Interior Department, the Agricultural Department, and the War Department, and, if the tributary happens to be a tributary of an international boundary stream, to the State Department, before he can secure the right to use sufficient water to support himself and his family.

Mr. SMOOT. The Senator must not forget the Geological Survey. That bureau has also to pass upon the applications.

Mr. THOMAS. That bureau is a branch of the Interior Department. Of course if I enumerated the various bureaus through which his devious and tortuous way is directed before he reaches a conclusion, I would take up too much of the time of the Senate; but I want to protest, although I know it may be useless, against the inclusion in these bills of items which have reference to flood control or any other object except purposes of navigation. It is of very serious consequence to the arid regions of the country. While it is true that the share of the Government is being based upon the value of protection to navigation, everybody knows—and it is unnecessary to do more than state the fact—that the tendency is more and more to throw this burden upon the Treasury of the General Government, and these items being based upon the value of protection to navigation, ultimately means the imposition of the entire cost upon the National Treasury. That is incidental, however, to the consequences involved in the continued expansion of the jurisdiction of the Department of War over all the little streams and rivulets of the country.

Mr. SHEPPARD. Mr. President, may I say to the Senator from Utah that the last river and harbor act, passed in the Sixty-third Congress, approved March 4, 1915, contains the following clause:

Cheat River in Pennsylvania and West Virginia; Tygarts River, West Fork River, Kanawha River and its tributaries, all in West Virginia; Muskingum River and its tributaries, Scioto River and its tributaries, Miami River and its tributaries, all in the State of Ohio; Maumee River and its tributaries, Ohio and Indiana; Kankakee River, and the Wabash River and its tributaries, Illinois and Indiana, with a view to devising plans for flood protection and determining the extent to which the United States should cooperate with the States and other communities and interests in carrying out such plans, its share being based upon the value of protection to navigation.

Mr. SMOOT. That only goes to show that provisions of a wide, sweeping nature are placed on appropriation bills and passed without due consideration on the part of the Senate.

Mr. SHEPPARD. Let me say to the Senator that it was at the request of the Senator from Ohio, Mr. Burton, that the Ohio rivers were included in this clause, if I remember correctly.

Mr. SMOOT. I do not care what Senator requested it and I do not care how many times it has been done in the past; it is wrong in principle; and this item is not germane to the river and harbor bill.

Now, Mr. President, turn to page 50 of the bill and you will find an item—and I did not make any objection to it—which reads as follows:

An instrumental survey of the Brazos River and of the Colorado River in Texas.

There is at present a survey of the Brazos River and a survey of the Colorado River in Texas authorized. On the very next page an amendment is found authorizing another survey of the Brazos River, the Colorado River, and the Trinity River in Texas "with a view to devising plans for flood protection." How many surveys do we want of those rivers?

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Certainly.

Mr. KENYON. And the Senator knows, does he not, that we are now making a survey of the Brazos River under a previous act of Congress, and we are also making a survey of the Trinity River? We might be able to see why there should be three surveys of the Trinity River, but why there should be three surveys of the Brazos River is beyond comprehension.

Mr. SMOOT. Mr. President, I think we ought to have a hundred surveys of the Trinity River, and perhaps of some of the other rivers, if thereby we could secure an increased flow of water; but, unfortunately, if we had a survey every day it would not increase the flow of water in these so-called navigable rivers. I would rather designate them as creeks than rivers.

If there is any justification for an amendment of this kind to this bill I should like to know what it is; particularly, Mr. President, when these rivers are now being surveyed, and when also as to two of these rivers there is an instrumental survey provided for. I will ask the Senator from Texas what he expects from the instrumental survey of these two rivers that is provided for in the amendment on page 50 of this bill?

Mr. SHEPPARD. An instrumental survey of the Brazos River is not now in progress. The examination now in progress is what is known as a preliminary examination and is not a technical inspection, such as would be called for by the words "instrumental survey."

Now, as to the Colorado River, the object of the instrumental survey is to have the river examined and technically surveyed at the same time.

Mr. SMOOT. I do not want to take any more of the time of the Senate; but I want a vote of the Senate upon the amendment.

Mr. CLARKE of Arkansas. Mr. President, I think the Senator from Utah has magnified the importance and extent of the scope of this amendment in order that he might condemn it. It is nothing more nor less——

Mr. SMOOT. I will say to the Senator that I had no such object.

Mr. CLARKE of Arkansas. Well, I will modify that by saying that the Senator misunderstands the scope of it, if I understand it.

Mr. SMOOT. That is better.

Mr. CLARKE of Arkansas. The purpose of it is simply to have made a preliminary examination of the territory described with a view of determining whether or not a comprehensive plan for protection against floods can be suggested to the local communities, and to determine the additional fact as to whether or not the situation developed by the examination is such that the United States would be justified in contributing to the expense of inaugurating the plan proposed. It is nothing more nor less than furnishing the community with the plans and the specifications as to how that particular difficulty may be overcome. It very frequently happens that the Public Roads Bureau of the Agricultural Department surveys a road for a community, makes an estimate of cost, and does a great many things that might be done by private investment, but which in these days are not done by private investment.

No one can enter any navigable river for the purpose of doing anything to it without the permission of the United States Government; and, because of that and other circumstances, it was thought proper to invite the National Government to make this survey, with a view of determining whether or not any scheme of reclamation of that kind was practicable.

Mr. SMOOT. Mr. President, the tributaries to these rivers are not navigable, and they are all, no doubt, within the State of Texas. If there is any method by which floods can be controlled in the State of Texas, the State of Texas ought to develop the method and ought to take care of those floods, just as the Western States take care of their flood waters. Texas has no greater floods than we have in the West.

Mr. CLARKE of Arkansas. There is nothing in this amendment that makes the United States pay the expense of installing the additional protection that this particular survey might suggest.

Mr. SMOOT. But the object of the amendment is to make the survey with a view of the Government of the United States cooperating with the State in controlling the flood waters.

Mr. CLARKE of Arkansas. If, under all the circumstances, that is deemed to be equitable, yes; otherwise, no.

Mr. SMOOT. I can not see why——

Mr. SHEPPARD. Cooperation is sought as to flood waters, provided the streams are navigable.

Mr. SMOOT. Does the Senator mean provided that the tributaries are navigable?

Mr. SHEPPARD. Provided they are navigable. The engineers will not make a recommendation for any work at all on a tributary unless there is a navigation interest to be subserved.

Mr. SMOOT. I should like to know from the Senator now, what, in his opinion, constitutes a navigable stream? How many inches of water must there be in a river to make it navigable?

Mr. SHEPPARD. I think a river may be navigable with a depth of 2 feet, or even a foot and a half, as a minimum.

Mr. SMOOT. There are many rivers provided for in this bill through which for eight months of the year a person can walk over and never know there is a river there.

Mr. SHEPPARD. Of course, the Senator makes that statement——

Mr. SMOOT. I make it upon the basis of a report made to Congress, and I make it upon the statement of men who know the facts and have stated them not once but more than once on the floor of the Senate. I used to think, of course, that a navigable river was one that had water sufficient at least to float a boat, even though it were only a duck boat, but that idea has gone glimmering long, long ago, and what I am fearful of, Mr. President, is that this is the beginning of another plan of making the Government of the United States pay for the control of waters within a State which the State itself ought to take care of. I might just as well come here and ask for an amendment to this bill for the deepening and the widening of the Jordan River between Utah Lake and Salt Lake, in my State. There would be more commerce carried on between those two lakes, if that river were dredged to a sufficient depth and were made wide enough so that boats could go on it, than there is—I was going to say on 15 per cent of the projects provided for in this bill. But, Mr. President, Utah is situated in the tops of the mountains, and we are a thousand miles from the ocean. We never expect to see a battleship anywhere near the borders of our State, but that does not deter me from being in favor of the improvement of our rivers, and especially of our harbors. I am perfectly willing to admit that in this bill there are items that I would gladly vote to increase, because I should like to see the work go on faster than it is going on or has been going on in the past. But this amendment will provide another plan of trying to throw onto the Government of the United States the responsibility of the State to control its flood waters in creeks that never in the world will be navigable. Therefore, Mr. President, I do not believe it ought to be passed.

Favorable reports are very easily obtained, considering the reports that have already been made on a number of projects in this bill, and it is only on that fact that I base the statement I have just made. Now, in all fairness to the Government of the United States, I want to ask the Senator from Texas if he does not think this amendment is carrying the thing too far?

Mr. SHEPPARD. I do not. I think the position of the Senator from Utah is entirely without justification, and entirely unfair.

Mr. SMOOT. All I want is a vote of the Senate. I want the Senate to say whether they think this plan of entering upon a new survey of rivers, with a view of devising plans for flood control, should be undertaken at this time.

I ask for the yeas and nays on the amendment.

Mr. SHEPPARD. Before we take the vote, let me say that unless the element of flood control is found to be related necessarily and fundamentally to the element of navigation, the result of this examination will be unfavorable, and the clause is so worded as to make the interest of navigation a necessary one. No such reason as that alluded to by the Senator from Utah has actuated me in offering this amendment.

Mr. SMOOT. I want to say to the Senator that if I really believed there could be an adverse report made upon a project I should be almost tempted to vote the money asked for. I want the Senate to vote upon it.

Mr. SHEPPARD. Very well, Mr. President. I am willing to leave the matter to the vote of the Senate.

The PRESIDING OFFICER. The Chair will remind the Senator of the fact that this amendment has been adopted. It is necessary to make a motion to reconsider the vote.

Mr. SMOOT. I was on my feet at the time, but I will admit that the Chair is correct. I tried to get the attention of the Chair before the announcement was made. I do not think there will be any objection at all to reconsidering the vote.

Mr. CLARKE of Arkansas. Mr. President, I move that the vote by which the amendment was adopted be reconsidered.

The motion to reconsider was agreed to.

Mr. SMOOT. Now I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will state the amendment which is to be voted on.

The SECRETARY. On page 51, after line 2, it is proposed to insert the following:

Brazos River, San Antonio River, Colorado River, Trinity River, and the tributaries of these rivers, all in Texas; Red River and its tributaries, Texas, Arkansas, Oklahoma, and Louisiana, with a view to devising plans for flood protection and determining the extent to which the United States should cooperate with the States and other communities and interests in carrying out such plans, its share being based on the value of protection to navigation.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], and therefore withhold my vote.

Mr. MYERS (when his name was called). Making the same announcement as heretofore of the transfer of my pair, I vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence, I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. TOWNSEND (when his name was called). I have a general pair with the junior Senator from Florida [Mr. BRYAN]. Not knowing how he would vote, I withhold my vote. If at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. CLARK of Wyoming. I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator, I withhold my vote.

Mr. GALLINGER. I have a general pair with the senior Senator from New York [Mr. O'GORMAN], who is absent. For that reason, I withhold my vote.

Mr. OVERMAN. I inquire whether the junior Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDING OFFICER. He has not.

Mr. OVERMAN. I have a general pair with that Senator, and withhold my vote.

Mr. SHEPPARD. I desire to state that the junior Senator from Kentucky [Mr. BECKHAM] and the junior Senator from Mississippi [Mr. VARDAMAN] are detained on business of the Senate.

Mr. SAULSBURY. I transfer my pair to the junior Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. SIMMONS (after having voted in the affirmative). I wish to inquire whether the junior Senator from Minnesota [Mr. CLAPP] has voted?

The PRESIDING OFFICER. He has not.

Mr. SIMMONS. I have a pair with that Senator. I transfer that pair to the junior Senator from Mississippi [Mr. VARDAMAN] and will allow my vote to stand.

Mr. CHILTON. Has the senior Senator from New Mexico [Mr. FALL] voted?

The PRESIDING OFFICER. He has not.

Mr. CHILTON. I have a pair with that Senator. I desire to be counted as present to make a quorum, however.

Mr. DU PONT (after having voted in the negative). I ask whether the junior Senator from Kentucky [Mr. BECKHAM] has voted?

The PRESIDING OFFICER. He has not.

Mr. DU PONT. I did not observe that he was absent from the Chamber. As I have a geenral pair with him, I withdraw my vote.

The roll call resulted—yeas 31, nays 14, as follows:

YEAS—31.

Bankhead	Hardwick	Myers	Simmons
Brandegee	Johnson, S. Dak.	Nelson	Smith, Ariz.
Broussard	Jones	Phelan	Smith, Mich.
Chamberlain	Lea, Tenn.	Poindexter	Sterling
Clarke, Ark.	Lee, Md.	Ransdell	Swanson
Culberson	Lewis	Reed	Underwood
Curtis	Martin, Va.	Saulsbury	Williams
Fletcher	Martine, N. J.	Sheppard	

NAYS—14.

Ashurst	La Follette	Page	Smoot
Gore	Lane	Penrose	Wadsworth
Harding	Lippitt	Shafroth	
Kenyon	Norris	Sherman	

NOT VOTING—51.

Beckham	Fall	McLean	Stone
Borah	Gallinger	Newlands	Sutherland
Brady	Goff	O'Gorman	Taggart
Bryan	Gronna	Oliver	Thomas
Burleigh	Hitchcock	Overman	Thompson
Catron	Hollis	Owen	Tillman
Chilton	Hughes	Pittman	Townsend
Clapp	Husting	Pomerene	Vardaman
Clark, Wyo.	James	Robinson	Walsh
Colt	Johnson, Me.	Shields	Warren
Cummins	Kern	Smith, Ga.	Weeks
Dillingham	Lodge	Smith, Md.	Works
du Pont	McCumber	Smith, S. C.	

The PRESIDING OFFICER. On the question of the adoption of the committee amendment the yeas are 31, the nays are 14. The Chair notes the presence of the following Senators who have not voted: The Senator from Vermont [Mr. DILLINGHAM], the Senator from Colorado [Mr. THOMAS], the Senator from New Hampshire [Mr. GALLINGER], the Senator from Michigan [Mr. TOWNSEND], the Senator from Wyoming [Mr. CLARK], the Senator from North Carolina [Mr. OVERMAN], the Senator from West Virginia [Mr. CHILTON], and the Senator from Delaware [Mr. DU PONT].

Mr. GALLINGER. Mr. President, in making the declaration I think the Chair ought to say, "who have not voted in consequence of being paired."

The PRESIDING OFFICER. Yes; probably the Chair had better say that in consequence of being paired they have not voted. The amendment is agreed to. The Secretary will resume the reading of the bill.

The reading of the bill was resumed.

The next amendment was, on page 51, after line 11, to insert:

Sulphur River and Days Creek, Tex. and Ark.

Mr. KENYON. Mr. President, I shall not call for the yeas and nays on that amendment, I think. I simply do not want it adopted without objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. REED. Mr. President, out of order, I ask leave to——

Mr. CLARKE of Arkansas. I object, Mr. President. We are about to get through with the amendments of the committee, and I hope that no member of the committee, at least, will obstruct us when we are so near reaching a climax in the bill. We have to close the consideration of it at 3.30.

Mr. REED. I simply wanted to read a telegram, Mr. President.

Mr. CLARKE of Arkansas. I object to that.

Mr. REED. Of course, I could not do it unless I spoke on the bill. I could do that, but I will not do it.

The reading of the bill was resumed.

The next amendment was, on page 51, after line 12, to insert:

San Antonio River.

The amendment was agreed to.

The next amendment was, on page 52, after line 2, to insert:

Arkansas River, from Little Rock to its mouth, an instrumental survey with a view to determining if a minimum depth at all seasons of 4½ feet can be maintained; and if so, a detailed estimate of the cost thereof.

The amendment was agreed to.

The next amendment was, on page 52, after line 9, to strike out:

Cache River from its mouth to Algoa, Jackson County, Ark.

The amendment was agreed to.

The next amendment was, on page 52, after line 20, to insert:

Thunder Bay River, Mich., with a view to improving the mouth.

The amendment was agreed to.

The next amendment was, on page 53, after line 6, to insert:

Black Lake Harbor, on Macatawa Bay, Mich., from piers to point 200 feet east of Graham & Morton dock, 16 feet, with a view to establishing car-service ferry.

The amendment was agreed to.

The next amendment was, at the top of page 54, to insert:

Traverse and Big Stone Lakes, on the boundary between Minnesota and South Dakota, with a view to connecting and extending navigation on and between said lakes.

The amendment was agreed to.

The next amendment was, on page 54, after line 6, to insert:

State of Kansas, floods in: Investigate the flood periods of the waters of the State of Kansas by an examination of the territory and from data already gathered by governmental, State, and private efforts by the Board of Engineers of the War Department, and to devise some general plan which will best guard against the recurrence of such floods and diminish their damaging effects upon the lower valleys of the Kansas, Arkansas, Missouri, and the Mississippi Rivers.

The amendment was agreed to.

The next amendment was, on page 54, after line 20, to insert:

Umpqua River bar and entrance, Oreg.

The amendment was agreed to.

The next amendment was, at the top of page 55, to insert:

Yaquina Bay and Harbor, Oreg., including consideration of any proposition for cooperation of local interests.

The amendment was agreed to.

The next amendment was, on page 55, after line 13, to insert:

Channel of Youngs Bay from the main ship channel of the Columbia River to a point 1 mile above County Road Bridge.

The amendment was agreed to.

The next amendment was, on page 55, after line 17, to insert:

That a survey of the Columbia River from the mouth of the Snake to Priest Rapids is hereby ordered to be made with a view to improving open-river navigation.

The amendment was agreed to.

The next amendment was, on page 56, after line 5, to insert:

That the Secretary of War be, and he is hereby, authorized and directed to cause preliminary examination and survey to be made and a report to be made thereon to Congress of the intervening territory between Puget Sound and the Columbia River, with a view to determining the advisability of constructing a canal connecting Puget Sound with Grays Harbor, Willapa Harbor, and the Columbia River.

The amendment was agreed to.

The next amendment was, on page 56, after line 13, to insert:

Virgin River, Nev., between its intersection with the east line of the State of Nevada and the Colorado River, with a view to confining such river within its channel and the protecting of the banks against erosion.

The amendment was agreed to.

The next amendment was, on page 57, after line 15, to insert as a new section, the following:

SEC. 5. That the St. Johns River south of Salt Run, in the State of Florida, is hereby declared to be not a navigable water of the United States within the meaning of the laws enacted by Congress for the preservation and protection of such waters, and that the provisions of river and harbor acts heretofore enacted providing for the prosecution of work upon that portion of the said St. Johns River, are hereby repealed.

Mr. FLETCHER. Mr. President, I submit to the chairman of the Commerce Committee whether or not that amendment should be insisted upon. It was proposed, I believe——

Mr. CLARKE of Arkansas. I will say to the Senator from Florida that, of course, it will not be insisted upon, and that any suggestions he makes in connection with it will be very cheerfully adopted by the chairman of the committee. The Senator was not present when it was inserted in the bill, else his judgment about the matter would have been taken at that time.

Mr. FLETCHER. I am obliged to the chairman of the committee.

I will simply say, in that connection, that I think the purpose of the amendment was, without doing any real harm to the navigation of the river, to promote the improvement of a large area of land lying in what is going to be a drainage district of the headwaters of the St. Johns. There was a difference between the engineers of the drainage district and the Army engineers as to the plans for promoting that drainage, and it was supposed that difficulties might be overcome by declaring that portion of the upper river nonnavigable.

I have a letter from the Chief of Engineers of the War Department to the effect that that purpose would not be accomplished by the amendment. I have consulted my colleague [Mr. BRYAN] on the subject. He leaves it to my judgment to insist or not upon the amendment. I am quite sure that if he were acquainted with all the facts he would himself favor not insisting upon the amendment.

Mr. SMOOT. Will the Senator have the letter read?

Mr. FLETCHER. I ask that the letter from the War Department on this subject be inserted in the RECORD, and I ask that the amendment be rejected.

Mr. SMOOT. I ask that the letter may be read, because no doubt the letter explains the item.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read the letter.

The Secretary read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, May 13, 1916.

Hon. DUNCAN U. FLETCHER,
United States Senate.

SIR: 1. In reply to your letter of the 12th instant, relative to amendment to the river and harbor bill declaring the St. Johns River beyond Salt Run nonnavigable, I have the honor to inform you that it does not appear to me that this amendment will accomplish the purpose for which it was intended. The existing laws for the protection of navigable waters impose upon the War Department the duty of exercising jurisdiction on the nonnavigable portions of a stream to the extent of preventing any operations thereon from affecting the navigable capacity of the navigable portion of the stream below.

2. The reason a permit was not granted to the upper St. Johns drainage district was that the plan proposed would divert the water from the upper St. Johns River Basin in such a way as to affect adversely the navigable capacity of both the St. Johns and Indian Rivers. Declaring the upper St. Johns River nonnavigable would not relieve the department from the duty of interfering should this project be started in accordance with the present plans of the drainage district.

3. The department is fully cognizant of the desirability of carrying out some plan for the drainage of the upper St. Johns River district and is prepared to lend whatever assistance it can to bring about a satisfactory solution of the problem.

4. The papers in the case were returned some days ago to the district officer at Jacksonville, Fla., and both he and Col. Langfitt, the division engineer, were instructed to render any assistance practicable to the drainage district in revising the plans so as to remove the objections which have been found in them.

Very respectfully,
H. TAYLOR,
Colonel, Corps of Engineers,
Acting Chief of Engineers, United States Army.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment was, on page 58, line 1, to change the number of the section from "5" to "6."

The amendment was agreed to.

Mr. SMOOT. The last amendment should not have been agreed to, because section 5 has now been stricken from the bill.

Mr. CLARKE of Arkansas. Yes.

Mr. SMOOT. Therefore the old number should be retained.

Mr. CLARKE of Arkansas. The Senator is right about that. That, however, is a formal matter that can be attended to later.

The PRESIDING OFFICER. Very well.

Mr. CLARKE of Arkansas. Mr. President, I wish to inquire whether or not any amendments have been reserved that have not been disposed of.

The PRESIDING OFFICER. No; that disposes of the committee amendments. The bill is still in Committee of the Whole and open to amendment.

Mr. CLARKE of Arkansas. I will say to the Senator from Missouri [Mr. REED] that if he desires to have read the telegram to which he referred there will be an opportunity to do so at this time.

Mr. LODGE. Mr. President, if the committee amendments have been disposed of, I desire to offer an amendment introduced by my colleague [Mr. WEEKS].

Mr. CLARKE of Arkansas. At this stage, when the Senator from Missouri has disposed of the matter he desires to present, I wish to make a statement as to the order of business.

NATIONAL DEFENSE.

Mr. REED. Mr. President, whether founded upon facts or upon some misapprehension I do not know, but the papers have recently announced that there has been trouble about the mobilization of the National Guard in three States from which they were called—trouble about their taking oath of enlistment. Frequently it has been stated in the press that the National Guard have "fallen down." The impression seems to exist that the National Guard will not fulfill their duty if called upon in the Mexican embroglio.

In view of that condition I wired the commanding general of the National Guard of Missouri asking him what the situation was with reference to the Missouri National Guard, and I desire to read this telegram. I will say that the commanding general, Gen. Clark, is one of the most responsible gentlemen in my State—a man who does not talk unless he knows what he is saying. The telegram is addressed to me, and reads as follows:

If called upon the Missouri Guard will promptly respond, take oath, and meet every expectation. In anticipation of call we have carefully canvassed the matter in all organizations, and our officers are absolutely confident. All arrangements for quick mobilization have been quietly made, and you will be proud of the showing made by our guard if the call comes.

Our troops have had same physical examination required for Regular Army, and requirements have been rigidly enforced. The oath prescribed by the statute law requires support of Constitution and laws of the United States, and men understand they are obligated to go, and expect to do so. Conditions are very different here from the Texas and Arizona cases mentioned. We are having the additional oath prescribed in the new law printed, and when the President signs the bill it will be taken immediately.

H. C. CLARK.

Mr. MARTINE of New Jersey. Mr. President, if I may, I will state in that connection that within the past two days I have received a letter from Gen. Wilbur Sadler, of the National Guard of New Jersey, in which he asserts that there need be no fear so far as the New Jersey troops are concerned. When the hour demands them, the New Jersey National Guard will be in line and ready for the Government's defense.

Mr. REED. Mr. President, if I may say one word further, I have not yielded the floor.

Mr. MARTINE of New Jersey. I beg the Senator's pardon. I thought he had yielded it.

Mr. REED. The Senator from New Jersey is always welcome to a part of my time.

I only put this telegram in the RECORD in order that whether the assertions which are being made regarding the failure of the guard to respond are well-founded or otherwise, whatever that fact may be, the country may understand that there is no occasion for the people of the country to lose confidence in the National Guard. I think that fact ought to be plainly made known.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. CLARKE of Arkansas. Mr. President, we have now reached the stage where the committee amendments have been disposed of. With reference to the further progress of the bill, I ask permission to read, in the few minutes at our disposal, what took place when the order of business was established.

I read from page 8677 of the RECORD of May 9. At that time this occurred:

Mr. CLARKE of Arkansas. Mr. President, I move that the formal reading of the bill be dispensed with and that the Senate proceed to consider first the Senate amendments, second the amendments to strike out the text of the House bill or to amend the same, and third the amendments offered by individual Senators. * * *

Mr. GALLINGER. Will the Senator from Arkansas kindly repeat the order?

Mr. CLARKE of Arkansas. That the formal reading of the bill be dispensed with, and that the Senate proceed to consider first the committee amendments, second the amendments to strike out the House text or to amend it, and third the amendments offered by individual Senators.

The order of business under that arrangement, which met with the unanimous consent of the Senate, will be to offer amendments to strike out the text of the House bill or to amend it. Under that order of business some very important amendments will be offered, as I am advised; and I suggest to such Senators as feel an interest in the ultimate passage of the bill that from this time forward I think their attendance in larger numbers than heretofore would be advisable.

There is so little time left this afternoon for the consideration of any further matter that I ask——

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Massachusetts?

Mr. CLARKE of Arkansas. I am very glad to yield to the Senator.

Mr. LODGE. I supposed that the order had been reached for introducing individual amendments, and I sent one to the desk; but I understand now that that order has not yet been reached.

Mr. CLARKE of Arkansas. No; it has not.

I therefore ask that the bill be laid aside until to-morrow morning at 11 o'clock; and I move that when the Senate takes a recess this afternoon it will be until 11 o'clock to-morrow.

The PRESIDING OFFICER. The Senator from Arkansas moves that when the Senate takes a recess to-day it be until 11 o'clock to-morrow morning.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. NEWLANDS. I move that the Senate proceed to the consideration of executive business.

Mr. CURTIS. By unanimous consent, the Senate was to go into executive session at 3.30 o'clock.

The PRESIDING OFFICER. That hour has not quite arrived. There are one or two minutes left. The Senator from Nevada moves that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 2 hours and 15 minutes spent in executive session the doors were reopened.

NOMINATION OF GEORGE RUBLEE.

The injunction of secrecy was removed from the following proceeding in executive session:

Vote on motion to reconsider the vote by which, on the 15th instant, the Senate refused to advise and consent to the appointment of George Rublee to be a Federal Trade Commissioner:

YEAS—38.

Ashurst	Kenyon	Owen	Stone
Chilton	Kern	Phelan	Swanson
Clapp	La Follette	Pittman	Taggart
Culberson	Lane	Poindexter	Thomas
Fletcher	Lea, Tenn.	Pomerene	Thompson
Hitchcock	Lee, Md.	Ransdell	Tillman
Hollis	Lewis	Shafroth	Walsh
Hughes	Newlands	Sheppard	Williams
Husting	Norris	Simmons	
Johnson, S. Dak.	Overman	Smith, Ariz.	

NAYS—38.

Bankhead	Dillingham	Martine, N. J.	Smoot
Borah	Fall	Nelson	Sterling
Brady	Gallinger	O'Gorman	Sutherland
Brandegee	Goff	Oliver	Underwood
Broussard	Harding	Page	Wadsworth
Catron	Hardwick	Penrose	Warren
Clark, Wyo.	Jones	Saulsbury	Weeks
Clarke, Ark.	Lippitt	Sherman	Works
Colt	Lodge	Smith, Ga.	
Curtis	Martin, Va.	Smith, Mich.	

The following pairs were announced:

The VICE PRESIDENT with Mr. REED.

Mr. BURLEIGH with Mr. ROBINSON.

Mr. CUMMINS with Mr. VARDAMAN.

Mr. DU PONT with Mr. BECKHAM.

Mr. GRONNA with Mr. JOHNSON of Maine.

Mr. MCCUMBER with Mr. GORE.

Mr. MCLEAN with Mr. MYERS.

Mr. TOWNSEND with Mr. BRYAN.

Mr. JAMES with Mr. SHIELDS.

Mr. MYERS. I am paired with the junior Senator from Connecticut [Mr. MCLEAN]. If he were present he would vote "nay" and if I were at liberty to vote I would vote "yea."

RECESS.

Mr. CLARKE of Arkansas. I move that the Senate take a recess.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m., Tuesday, May 23, 1916) the Senate took a recess, the recess being, under the order previously made, until to-morrow, Wednesday, May 24, 1916, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 23 (legislative day of May 18), 1916.

REGISTERS OF LAND OFFICE.

M. C. Warrington, of Mason City, Nebr., to be register of the land office at Broken Bow, Nebr., vice John Reese, term expired.

John P. Golden, of O'Neill, Nebr., to be register of the land office at O'Neill, Nebr., vice Brantley E. Sturdevant, term expired.

APPRAISER OF MERCHANDISE.

James Houlihan, of Pittsburgh, Pa., to be appraiser of merchandise in customs collection district No. 12, with headquarters at Pittsburgh, Pa., in place of Bernard B. McGinnis, resigned.

COLLECTOR OF INTERNAL REVENUE.

Benjamin F. Davis, of Lancaster, Pa., to be collector of internal revenue for the ninth district of Pennsylvania in place of Fred C. Kirkendall, transferred to the twelfth district.

Mr. Davis is now serving under a temporary commission issued during the recess of the Senate.

POSTMASTERS.

DELAWARE.

A. J. McCabe to be postmaster at Frankford, Del., in place of A. J. McCabe. Office became presidential April 1, 1916.

INDIANA.

Walter J. Rierden to be postmaster at Montezuma, Ind., in place of Emma G. Powell. Incumbent's commission expires June 14, 1916.

George W. Roy to be postmaster at Wolcottville, Ind., in place of Emery A. Metz, resigned.

Edward H. Taylor to be postmaster at Knox, Ind., in place of W. P. McCormick. Incumbent's commission expires June 12, 1916.

IOWA.

E. F. Main to be postmaster at Hopkinton, Iowa, in place of F. B. Tibbitts. Incumbent's commission expired March 13, 1916.

MASSACHUSETTS.

William J. Young to be postmaster at Woburn, Mass., in place of Edwin F. Wyer. Incumbent's commission expired December 20, 1915.

MICHIGAN.

Henry J. Lynch to be postmaster at Mayville, Mich., in place of James Garnsey. Incumbent's commission expires June 14, 1916.

MINNESOTA.

E. J. McGuiggan to be postmaster at Winnebago, Minn., in place of Charles Canfield. Incumbent's commission expires June 12, 1916.

MISSISSIPPI.

Arthur E. Bergold to be postmaster at Osyka, Miss., in place of Mae Wright. Incumbent's commission expires June 12, 1916.

NEBRASKA.

L. G. Lowe to be postmaster at Sidney, Nebr., in place of J. T. McIntosh. Incumbent's commission expired December 12, 1915.

W. E. Roudebush to be postmaster at Chappell, Nebr., in place of G. C. Neumann. Office became presidential January 1, 1916.

NEW YORK.

Archie Goodfellow to be postmaster at Jamesville, N. Y., in place of H. P. Cross. Office became presidential October 1, 1915.

PENNSYLVANIA.

L. J. Casey to be postmaster at Wilkes-Barre, Pa., in place of T. F. Heffernan. Incumbent's commission expired December 20, 1915.

VERMONT.

William H. Finn to be postmaster at St. Albans, Vt., in place of C. S. Forbes. Incumbent's commission expires June 5, 1916.

WEST VIRGINIA.

Richard C. Cooper to be postmaster at Farmington, W. Va., in place of W. H. Veach. Incumbent's commission expired March 13, 1916.

WISCONSIN.

Myra W. Blanding to be postmaster at St. Croix Falls, Wis., in place of Myra W. Blanding. Incumbent's commission expired January 16, 1916.

R. E. Bundy to be postmaster at Menomonie, Wis., in place of Egbert Marks. Incumbent's commission expired August 21, 1915.

Alexander G. Krembs to be postmaster at Stevens Point, Wis., in place of D. E. Frost. Incumbent's commission expired January 16, 1916.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 23, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Spirit, who hast spoken to Thy children of every age out of the great book of nature and hast spoken to the world out of the mouth of prophets and seers, and especially out of the mind and heart of Thy Son Jesus Christ, the express image of Thy glory, give to us, we beseech Thee, the hearing ear, the sensitive heart, that we may hear Thy word and obey, feel Thy loving presence to cheer and comfort, so that when we shall be called upon to pass from the endearing scenes of this beautiful world and our loved ones to go out into the great unknown we may pass serenely on with faith and confidence in Thee who doeth all things well. Hear us and thus bless us, in the name of the Master of all good works. Amen.

The Journal of the proceedings of yesterday was read and approved.

PORTO RICO.

The SPEAKER. When the House adjourned yesterday there were two matters on which the previous question had been ordered. The first one was the Porto Rican bill (H. R. 9533), and the first vote is on an amendment offered by the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I ask that the amendment be reported.

The SPEAKER. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Page 28, line 12, after the word "enacted," insert "and no discrimination shall be made as to sex."

The SPEAKER. The question is on the amendment just read.

The question was taken; and on a division (demanded by Mr. MANN) there were 43 ayes and 67 noes.

Mr. MANN. Mr. Speaker, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers the gentleman from Virginia [Mr. JONES] and the gentleman from Illinois [Mr. MANN].

The House again divided, and the tellers reported that there were 59 ayes and 80 noes.

So the amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JONES, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10490) to prevent fraudulent advertising in the District of Columbia.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The SPEAKER. The question now is on the rule reported by the Committee on Rules with reference to the District of Columbia appropriation bill. (H. Res. 240.)

The question was taken; and on a division (demanded by Mr. CAMPBELL) there were 91 ayes and 71 noes.

Mr. CAMPBELL. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Kansas makes the point that no quorum is present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 178, nays 136, answered "present" 8, not voting 112, as follows:

YEAS—178.

Abercrombie	Dickinson	Keating	Rucker
Adamson	Dies	Kettner	Saunders
Aiken	Dill	Key, Ohio	Shackleford
Alexander	Dixon	Kitchin	Shallenberger
Allen	Doolittle	Konop	Sherwood
Almon	Doughton	Lazaro	Shouse
Ashbrook	Dupré	Lee	Sims
Aswell	Edwards	Lesher	Sisson
Ayres	Estopinal	Lever	Slayden
Bailey	Evans	Lieb	Slemp
Barnhart	Farley	Linthicum	Small
Beakes	Ferris	Lloyd	Smith, N. Y.
Bell	Fields	Lobeck	Smith, Tex.
Black	Flood	London	Sparkman
Blackmon	Foster	McAndrews	Stafford
Booher	Gandy	McClintic	Steele, Iowa
Borland	Gard	McDermott	Steele, Pa.
Britt	Garner	McGillicuddy	Stephens, Miss.
Brumbaugh	Garrett	McKellar	Stephens, Nebr.
Buchanan, Ill.	Goodwin, Ark.	Mapes	Stephens, Tex.
Burgess	Gordon	Mays	Stone
Burke	Gray, Ala.	Moon	Stout
Burnett	Gray, Ind.	Moss, Ind.	Sumners
Byrnes, S. C.	Gregg	Murray	Taggart
Byrns, Tenn.	Hamlin	Neely	Talbott
Callaway	Hardy	Nicholls, S. C.	Tavenner
Candler, Miss.	Hastings	Nichols, Mich.	Taylor, Colo.
Caraway	Hay	Oldfield	Thomas
Carter, Okla.	Hayden	Oliver	Thompson
Cary	Helm	Olney	Tillman
Church	Helvering	Overmyer	Tribble
Cline	Hensley	Padgett	Van Dyke
Collier	Hilliard	Page, N. C.	Venable
Connelly	Holland	Park	Vinson
Cox	Hood	Phelan	Watkins
Cramton	Houston	Price	Watson, Va.
Crisp	Howard	Quin	Webb
Crosser	Huddleston	Ragsdale	Whaley
Cullop	Hughes	Rainey	Williams, W. E.
Davenport	Hull, Tenn.	Raker	Wilson, Fla.
Davis, Minn.	Igoe	Randall	Wingo
Davis, Tex.	Jacoway	Rauch	Wise
Decker	James	Rayburn	Young, Tex.
Dent	Johnson, Ky.	Reilly	
Dewalt	Jones	Rubey	

NAYS—136.

Anderson	Browne	Carter, Mass.	Cooper, W. Va.
Austin	Browning	Chandler, N. Y.	Cooper, Wis.
Barchfeld	Butler	Charles	Copley
Bowers	Campbell	Coady	Crago
Britten	Cannon	Cooper, Ohio	Curry
Dale, Vt.	Hamilton, Mich.	McKinley	Russell, Ohio
Dallinger	Hamilton, N. Y.	Magee	Sanford
Danforth	Haskell	Mann	Schall
Darrow	Haugen	Martin	Scott, Mich.
Dempsey	Hawley	Matthews	Sells
Denison	Hayes	Miller, Pa.	Sinnott
Dillon	Helgesen	Mondell	Sloan
Dowell	Hernandez	Moores, Ind.	Smith, Idaho
Dunn	Hicks	Morgan, Okla.	Smith, Mich.
Dyer	Hinds	Mott	Snyder
Ellsworth	Hollingsworth	Mudd	Steenerson
Elston	Hopwood	Nelson	Stephens, Cal.
Esch	Howell	Nolan	Sterling
Farr	Hull, Iowa	North	Stiness
Fess	Hutchinson	Norton	Sulloway
Fordney	Johnson, Wash.	Oakey	Sweet
Foss	Kahn	Parker, N. J.	Swift
Frear	Kelley	Parker, N. Y.	Temple
Freeman	Kennedy, Iowa	Platt	Tilson
Gardner	Kiess, Pa.	Porter	Timberlake
Garland	King	Powers	Tinkham
Gillett	Kinkaid	Pratt	Towner
Glynn	La Follette	Ramseyer	Treadway
Gould	Lenroot	Reavis	Volstead
Graham	Loud	Ricketts	Wason
Green, Iowa	McArthur	Roberts, Mass.	Williams, Ohio
Greene, Mass.	McCracken	Roberts, Nev.	Wilson, Ill.
Greene, Vt.	McCulloch	Rowe	Woods, Iowa
Hadley	McKenzie	Rowland	Young, N. Dak.

ANSWERED "PRESENT"—8.

Harrison	Kennedy, R. I.	Madden	Ward
Humphrey, Wash.	Longworth	Meeker	Wheeler

NOT VOTING—112.

Adair	Fairchild	Kincheloe	Pou
Anthony	Finley	Kreider	Riordan
Bacharach	Fitzgerald	Lafean	Rodenberg
Barkley	Flynn	Langley	Rogers
Beales	Focht	Lehlbach	Rouse
Bennet	Fuller	Lewis	Russell, Mo.
Bruckner	Gallagher	Liebel	Sabath
Buchanan, Tex.	Gallivan	Lindbergh	Scott, Pa.
Caldwell	Glass	Littlepage	Scully
Cantrill	Godwin, N. C.	Loft	Sears
Capstick	Good	McFadden	Sherley
Carew	Gray, N. J.	McLaughlin	Siegel
Carlin	Griest	McLemore	Smith, Minn
Casey	Griffin	Maher	Snell
Chiperfield	Guernsey	Miller, Del.	Steagall
Clark, Fla.	Hamill	Miller, Minn.	Stedman
Coleman	Hart	Montague	Sutherland
Conry	Heaton	Mooney	Switzer
Costello	Heflin	Moore, Pa.	Tague
Dale, N. Y.	Henry	Morgan, La.	Taylor, Ark.
Dooling	Hill	Morin	Vare
Doremus	Hulbert	Morrison	Walker
Driscoll	Humphreys, Miss.	Moss, W. Va.	Walsh
Drukker	Husted	Oglesby	Watson, Pa.
Eagan	Johnson, S. Dak.	O'Shaunessy	Williams, T. S.
Eagle	Kearns	Paige, Mass.	Wilson, La.
Edmonds	Keister	Patten	Winslow
Emerson	Kent	Peters	Wood, Ind.

So the resolution was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. MORRISON with Mr. HUMPHREY of Washington.

Mr. EAGLE with Mr. SMITH of Minnesota.

Mr. HUMPHREYS of Mississippi with Mr. WOOD of Indiana.

Mr. KINCHELOE with Mr. WHEELER.

Mr. ROUSE with Mr. MADDEN.

Mr. CASEY with Mr. SCOTT of Pennsylvania.

Mr. GALLAGHER with Mr. WINSLOW (ending May 27, inclusive).

Mr. SHERLEY with Mr. LONGWORTH (ending May 29).

Mr. CLARK of Florida with Mr. FULLER.

Mr. BRUCKNER with Mr. BENNET (ending June 20).

Mr. CANTRILL with Mr. LANGLEY.

Mr. SCULLY with Mr. MOONEY.

Mr. DRISCOLL with Mr. PAIGE of Massachusetts.

Mr. FITZGERALD with Mr. MOORE of Pennsylvania.

Mr. DOREMUS with Mr. FAIRCHILD.

Mr. DALE of New York with Mr. KEISTER.

Mr. ADAIR with Mr. COLEMAN.

Mr. HAMILL with Mr. GUERNSEY.

Mr. EAGAN with Mr. FOCHT.

Mr. DOOLING with Mr. ANTHONY.

Mr. CALDWELL with Mr. EDMONDS.

Mr. GLASS with Mr. HILL.

Mr. LEWIS with Mr. KREIDER.

Mr. CONRY with Mr. EMERSON.

Mr. MAHER with Mr. HUSTED.

Mr. LIEBEL with Mr. MCFADDEN.

Mr. CAREW with Mr. GOOD.

Mr. FINLEY with Mr. HEATON.

Mr. HULBERT with Mr. KEARNS.

Mr. WALKER with Mr. MORIN.

Mr. RUSSELL of Missouri with Mr. VARE.

Mr. SEARS with Mr. PETERS.

Mr. OGLESBY with Mr. MOSS of West Virginia.

Mr. FLYNN with Mr. GRIEST.

Mr. GODWIN of North Carolina with Mr. MCLAUGHLIN.

Mr. LITTLEPAGE with Mr. MILLER of Minnesota.
Mr. HART with Mr. CAPSTICK.
Mr. PATTEN with Mr. SNELL.
Mr. MORGAN of Louisiana with Mr. BRITT.
Mr. STEAGALL with Mr. BEALES.
Mr. POU with Mr. SUTHERLAND.
Mr. HENRY with Mr. GRAY of New Jersey.
Mr. BRUCKNER with Mr. COSTELLO.
Mr. GRIFFIN with Mr. LAFEAN.
Mr. SABATH with Mr. DRUKKER.
Mr. LOFT with Mr. WATSON of Pennsylvania.
Mr. MCLEMORE with Mr. BACHARACH.
On the vote:
Mr. RIORDAN (for rule) with Mr. WARD (against).
Mr. HEFLIN (for rule) with Mr. THOMAS S. WILLIAMS (against).
Mr. TAYLOR of Arkansas (for rule) with Mr. MILLER of Delaware (against).
Mr. STEDMAN (for rule) with Mr. ROGERS (against).
Mr. TAGUE (for rule) with Mr. KENNEDY of Rhode Island (against).
Mr. MONTAGUE (for rule) with Mr. SIEGEL (against).
Mr. WILSON of Louisiana (for rule) with Mr. LEHLBACH (against).
Mr. BARKLEY (for rule) with Mr. WALSH (against).
Mr. CARLIN (for rule) with Mr. MEEKER (against.
Mr. BUCHANAN of Texas (for rule) with Mr. RODENBERG (against).
Mr. GALLIVAN (for rule) with Mr. JOHNSON of South Dakota (against).
Mr. O'SHAUNESSY (for rule) with Mr. SWITZER (against).
Mr. HARRISON (for rule) with Mr. CHIPERFIELD (against).
Mr. KENNEDY of Rhode Island. Mr. Speaker, I am paired with the gentleman from Massachusetts [Mr. TAGUE]. I voted "no." I desire to withdraw that vote and answer "present."
The name of Mr. KENNEDY of Rhode Island was called, and he answered "Present."
Mr. MADDEN. Mr. Speaker, I voted "no." I am paired with the gentleman from Kentucky [Mr. ROUSE], and I desire to withdraw my vote and answer "present."
The name of Mr. MADDEN was called, and he answered "Present."
Mr. HUMPHREY of Washington. Mr. Speaker, I am paired with the gentleman from Indiana [Mr. MORRISON]. I desire to withdraw my vote "no" and answer "present."
The name of Mr. HUMPHREY of Washington was called, and he answered "Present."
The result of the vote was announced as above recorded.
The SPEAKER. A quorum is present; the Doorkeeper will unlock the doors.

AMENDING AUTHORIZATION OF FLEET SUBMARINES.

Mr. PADGETT. Mr. Speaker——
The SPEAKER. For what purpose does the gentleman from Tennessee rise?
Mr. PADGETT. Mr. Speaker, I rise to ask unanimous consent for the present consideration of the bill (H. R. 13670) to amend a provision in reference to a couple of submarines authorized in the bill of a year ago.
The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of the bill which the Clerk will report.
The Clerk read as follows:

A bill (H. R. 13670) amending an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes, relating to the authorization of fleet submarines."

The SPEAKER. Is there objection?
Mr. MANN. Mr. Speaker, reserving the right to object, I would like to have the bill reported and then to have the gentleman state the necessity for it.
The SPEAKER. The Clerk will report the bill.
The Clerk read as follows:

Be it enacted, etc., That the provisions of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," which reads as follows: "Two submarines, to be of seagoing type, to have a surface speed of 25 knots or more if possible, but not less than 20 knots, to cost, exclusive of armor and armament, not exceeding $1,500,000 each," is hereby amended to read as follows: "Two submarines, to be of seagoing type, to have a surface speed of 25 knots or more if possible, but not less than 19 knots, to cost, exclusive of armor and armament, not exceeding $1,500,000 each."

The committee amendment was reported, as follows:

Page 1, line 3, strike out the word "provisions" and insert "provision."

The SPEAKER. Is there objection?
Mr. MANN. Mr. Speaker, reserving the right to object, let the gentleman make a statement about the bill.
Mr. PADGETT. Mr. Speaker, the appropriation act of last year authorized two fleet-going submarines, specifying that the minimum speed should be not less than 20 knots. The Secretary of the Navy advertised, as provided by law, for bids, and only received one bid, and that provided a guaranty of a minimum speed of 19 knots, and he was unable to get any company to bid for a speed guaranteed above 19 knots. They think they can get 20 knots, but they will not undertake or guarantee it, and the committee bring in this bill to amend it so they can proceed with the construction of these two submarines after advertising, if they get bids.
Mr. MANN. Mr. Speaker, may I ask the gentleman when were these submarines authorized?
Mr. PADGETT. In the appropriation bill of last year. The bill was passed, I believe, the 3d of March.
Mr. MANN. All of them were passed on March 3. When were they advertised for?
Mr. PADGETT. The designs were finally completed on December 11, 1915, and the department called for bids on February 16, 1916.
Mr. MANN. That was in February?
Mr. PADGETT. Yes, sir; that the bids were opened.
Mr. MANN. When did the Secretary make the request?
Mr. PADGETT. To the committee?
Mr. MANN. Well, to anybody. I do not know to whom he made it, but I suppose to Congress, not to the committee.
Mr. PADGETT. He addressed a letter to me March 3, 1916, and I introduced the bill March 24, and the committee reported it April 4.
Mr. MANN. Well, I am not going to object to this, but if we have equal speed all along the route these vessels may be constructed some time during the next century.
Mr. MADDEN. Mr. Speaker, reserving the right to object, I would like to make another suggestion.
Mr. MANN. I would like to make this suggestion: The Republican convention is going to be held in Chicago to nominate the next President of the United States week after next. [Applause on the Republican side.] I have so far been unable to get any understanding with that side of the House as to what the program of the House should be during the time of the convention. Quite a number of gentlemen on this side of the House are delegates to the convention and quite a number of others desire to attend the convention. I do not yet know whether it is the purpose of the majority to take up and consider matters of importance during the week of the convention or not. It is highly desirable that gentlemen who wish to attend the convention may know at an early date what is to be the program. While I shall not object to this request unless we can have some understanding, I will have to object hereafter to any unanimous-consent requests until the matter of the convention is disposed of or settled.
Mr. BUTLER. Reserving the right to object, let me ask the chairman of the committee what his purpose may be regarding the consideration of the naval appropriation bill?
Mr. PADGETT. I understand it is the expectation to bring in a rule to take it up either next Monday or next Tuesday.
Mr. BUTLER. Does the gentleman then propose to complete the consideration of that bill, which has very many new features in it, and which involves the Public Treasury to the extent of $361,000,000, during that week?
Mr. PADGETT. I understand it is the purpose to pass that bill not later than Saturday.
Mr. BUTLER. Can the gentleman give me some idea of how much general debate will be afforded the committee on this bill?
Mr. PADGETT. I understand it is the purpose to have one day devoted to general debate.
Mr. BUTLER. And then how many days to consider this important bill?
Mr. PADGETT. That would leave three.
Mr. BUTLER. Is it the purpose of the gentleman to conclude his bill by Friday of next week?
Mr. PADGETT. If we get it on Monday, it is hoped to conclude it on Friday; if we do not take it up until Tuesday, to pass the bill on Saturday.
Mr. BUTLER. If the gentleman will permit me to say to him, there are a good many gentlemen on this side of the House who desire to go away next week. Who created the impression I do not know, who was authorized to create it I do not know, but it has been well understood on this side that this bill would not be considered until after these two conventions had met and had concluded their proceedings. Many of the gentlemen on this side have made their arrangements to go away. It does not affect me personally, because I am going to stay here; and if there is any attempt to crowd the measure, I shall make it a business to see that every gentleman is in his seat. Gen-

tlemen who have understood they were to have the privilege of going away at the end of the week ought to have that privilege accorded to them.

Mr. PADGETT. I understand it is the purpose to pass the bill not later than Saturday of next week.

Mr. MADDEN. Most of the gentlemen going will leave here on Saturday morning and will not have opportunity to vote on the bill, and they ought to have that opportunity.

Mr. KITCHIN. It is our intention to get through with this District bill Friday, if possible, and take up on Saturday or Monday the naval bill, and to come here early in the morning and stay late in the evening, so that we can finish it by Friday night week, or Saturday at the outside. This will enable the gentlemen on that side who desire to vote on the bill to vote and attend the convention. I am sure that if we begin the naval bill on Monday and meet here at 11 o'clock or 10.30 a. m., and on one or two evenings sit until 10 or 11 o'clock, we can finish it by Friday night. We all know the points in controversy, and the questions that will arise under the bill have been debated and discussed for years and years, and there is no reason why we should take over three or four days under the five-minute rule.

Mr. BRITTEN. Does the gentleman really think that the House can consider the naval bill at the rate of $100,000,000 a day and do that subject justice?

Mr. KITCHIN. It does not make any difference as to what the amount is, or whether $1,000,000, or $2,000,000, or $100,000,000 may be in controversy if we know and understand thoroughly the entire matter. Some may want two battleships and some may want three battleships and some more or less. It is a matter that can be easily ended in a short time.

Mr. BRITTEN. This bill will take a lot of time to consider, and should be given a lot of time.

Mr. KITCHIN. We are willing to stay here until 10 or 11 o'clock every night, which will make it a week or more in time.

Mr. BRITTEN. I have no objection to rushing this bill, Mr. Speaker, but every item in the bill is of very great importance, and should be thoroughly considered, and I am sure you can not get proper consideration of the bill by 10 or 12 Members sitting around and listening to Members over here reading their manuscript.

Mr. BUTLER. I will say that if we begin Monday, we will have Monday, Tuesday, Thursday, Friday, and Saturday, and, if you desire it, have three hours in the evening. Will the gentlemen all be present if we sit in the evening? I understand how to keep them here, and I will try it, too.

Mr. KITCHIN. Another thing, if we can have unanimous consent to give Calendar Wednesday to this, I shall be glad to ask it, and I hope it will be granted. Now, I will ask the gentleman from Pennsylvania [Mr. BUTLER] if the gentleman does not think if we can begin Monday and the evening sessions, and if we can do away with Calendar Wednesday and give it to this, that we will have ample time for discussion by Friday night?

Mr. BUTLER. Mr. Speaker, it is a pleasure to endeavor to answer the gentleman's question.

Mr. KITCHIN. What do you think about it?

Mr. BUTLER. I do not. This is the twentieth naval appropriation bill that has been considered in the House since I have been here, and it is the first time it has ever been asked that we should dispose of it in three or four days.

Mr. KITCHIN. I do not desire to rush it through.

Mr. BUTLER. I am ready to take the morning session, but that time is not sufficient. I do not think you should require us to sit here in the nighttime to consider a bill of this importance. I think it ought to be considered in the daytime. I do not think we should be required to sit here at night.

Mr. COOPER of Wisconsin. Will the gentleman allow me to ask him a question?

Mr. PADGETT. With pleasure.

Mr. COOPER of Wisconsin. How many weeks or months has the Naval Committee been considering this bill?

Mr. PADGETT. December, January, February, March, April, and part of May, and not yet reported to the House.

Mr. COOPER of Wisconsin. So that the proposition now before the House is that a bill which it took this committee five months to consider the House should decide upon and vote to appropriate $360,000,000 in three days.

Mr. MANN. The gentleman is in error. We do not decide upon it. The President has already told them how to do it. [Applause.]

Mr. COOPER of Wisconsin. I accept the amendment.

Mr. BUTLER. The evidence submitted to this committee is very valuable and will help us for years to come. The chairman of the committee, with great patience, took this evidence, so that the House might have it and consider it, and it was never supposed by any of us that we would not have the opportunity to consider this bill as it should be considered, and with the country demanding that it should have consideration, within three weeks' time.

Mr. KITCHIN. I would like to say to the gentleman from Wisconsin [Mr. COOPER] that it has taken the Committee on Appropriations, having jurisdiction of the District of Columbia bill, four or five or six months, with night and day work, to get the District appropriation bill and the Appropriation Committee to get the sundry civil appropriation bill prepared, but we do not expect to take any such time as that in putting them through the House.

Mr. COOPER of Wisconsin. I hope the gentleman from North Carolina will not suggest that there is any resemblance between the District of Columbia appropriation bill and this bill.

Mr. MANN. The gentleman from North Carolina is in error as to the facts.

Mr. KITCHIN. No; I am not. Personally I am willing to give, so far as I am concerned, all the discussion you want on the bill. I am willing to have two weeks or three weeks devoted to it. But if the majority of this House will stand with me, we are going to begin the consideration of the naval bill on Monday, and not later than Tuesday.

Now, I wanted to hurry this matter up just to accommodate Members on that side, because Members had told me that they wanted to go to the Chicago convention and leave on Friday or Saturday. In order to accommodate them, I wanted to take this up on Monday and spend all the week till Friday night on it, and have evening sessions on it and get through in time for them to vote Friday and leave for the convention Friday night or Saturday morning.

Mr. MADDEN. Why not substitute it for this bill? Then you would have done something.

Mr. KITCHIN. And, to be candid with the gentleman, too, my present intention is to ask for a rule to take this up on Monday, or possibly Saturday if we can conclude the District appropriation bill by Friday night; and we are going through with that bill without interruption. I will ask unanimous consent for Wednesday, so that we may have Tuesday, Wednesday, Thursday, and Friday under the five-minute debate rule, giving full opportunity for discussion of all points at issue——

Mr. SMITH of Michigan. How many pages are there in the bill——

Mr. KITCHIN. And we can consider all the points in controversy.

Mr. BUTLER. Does the gentleman propose to have night sessions to consider the District appropriation bill?

Mr. KITCHIN. Yes.

Mr. PAGE of North Carolina. We will do that if we can.

Mr. KITCHIN. I will say, Mr. Speaker, that I have discussed it with the gentleman from Pennsylvania [Mr. BUTLER] and other members of the committee, and several Members on that side, and I did not perceive when we were discussing it privately so much opposition to this proposition from them as now appears in public. We all pretty much agreed upon that course, and while naturally you gentlemen would have to vote against any rule, yet from my conversation with you gentlemen I took it and understood that some of you would be very glad for us to run that rule over you. [Laughter.]

Mr. BUTLER. Mr. Speaker, I will say I voted in committee for this legislation, and I voted to put the legislation in the bill, and I should certainly vote for nothing to defeat it; but a good many gentlemen over here desire to discuss this bill. It is an absolute beginning of a new life for this country.

Mr. KITCHIN. Yes; and we ought to begin that life as soon as possible, if you consider it a good one.

Mr. PADGETT. And I hope we can take up and consider this submarine bill now.

Mr. BUTLER. Some people think it is not a good life.

Mr. BRITTEN. Would it be possible to substitute the naval bill for consideration on Thursday of this week?

Mr. KITCHIN. We can possibly get to it by next Saturday morning.

Mr. MANN. Mr. Speaker, I hope somebody will indulge me. We have been in session since the 1st of December, a period of nearly six months, and during that time we have passed, I believe, four of the regular appropriation bills, which are proceeding somewhat leisurely. Now, right upon the verge of the Republican national convention, where there is a contest in the convention of great interest to the Republican Members of the House, many of whom are delegates, the majority proposes to indulge in a trick to force their measures through hurriedly, without consideration, or to endeavor to force the Republican Members to stay away from the Republican convention. Such a

thing has never been done before. It is not generous, fair, or decent. [Applause on the Republican side.]

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. PADGETT]?

Mr. BUTLER. Reserving the right to object, Mr. Speaker—and I am not going to object—let me say to the gentleman that he may have great difficulty in passing this naval bill next week, even if you have from 20 to 30 majority on it.

Mr. KITCHIN. Reserving the right to object, Mr. Speaker, I want to say to the gentleman from Illinois [Mr. MANN], the minority leader, that he knows that it is neither unfair nor is it a trick that we are trying to play upon that side of the House.

Mr. ADAMSON. Nor indecent.

Mr. KITCHIN. No; nor indecent; and I am really surprised that a man who usually keeps his head should lose it in this manner. Now, the fact is that I discussed the matter with the gentleman from Illinois, and with the gentleman from Massachusetts [Mr. ROBERTS], and with the ranking member of the committee from Pennsylvania [Mr. BUTLER] a few days ago, and told them that we would have to get this naval bill out before the convention, and thought we ought to do it, and of the method of procedure that I intended to take to pass the bill by Friday or Saturday week. I saw no real objection to it on their part, and the gentleman from Illinois thought we could get through it at this time if we would hold it down to the very merits of the question and the points in controversy and come here regularly and keep a quorum here. I do not think the gentleman really meant to say we were trying to trick them, because I was telling him all the time what we hoped to do.

Mr. MANN. Mr. Speaker, I myself never refer to private conversations with the gentleman from North Carolina, and the conversation which the gentleman says took place he states erroneously. What the gentleman said to me was, and he did say to me, that the President had directed him to pass the naval appropriation bill before the Republican convention. There was no discussion about it at all.

Mr. KITCHIN. No; I did not use any such language. Here is what I said. I believe I can jog the gentleman's memory.

Mr. MANN. My memory is very clear.

Mr. KITCHIN. Mr. ROBERTS and Mr. BUTLER were there, right by that desk, and I laughingly said, "Why, MANN, you know we have to pass this bill next week as a matter of policy. We have to pass this before the Republican convention"—not what the President said, but I said—"we have to pass this before the Republican convention, because you folks are 'mean' enough to denounce us for having been in session all this time and not having done anything for the Navy if we do not pass it before your convention meets."

Mr. MANN. That conversation never took place.

Mr. KITCHIN. Mr. ROBERTS said, "I don't know that that would give time," and the gentleman from Illinois said, "ROBERTS, they are in a position where perhaps they will have to do it"—substantially that.

Mr. MANN. The gentleman is now drawing on his imagination. I made no such statement.

Mr. KITCHIN. The gentleman said, "Well, I reckon we will denounce you, whether you pass it before our convention or afterwards." Did not you say that, now; honor bright? Did not you say that?

Mr. MANN. What I said was that we would denounce your naval policy, whether you passed the bill before the convention or not.

Mr. KITCHIN. No——

Mr. BUTLER. Mr. Speaker——

SEVERAL MEMBERS. Regular order!

The SPEAKER. The regular order is demanded.

Mr. BUTLER. I ask unanimous consent for two minutes to answer the gentleman from North Carolina.

The SPEAKER. There is one request for unanimous consent pending already. The gentleman from Pennsylvania asks for two minutes. Is there objection?

There was no objection.

Mr. BUTLER. Mr. Speaker, it is true I went to the gentleman from North Carolina, as I have frequently done, and as I expect frequently to do again. My purpose in going to him this time was to learn the sort of a bed he proposed to put me in. He did not consult me and I gave him no advice. I did not dissent, because he told me what he had concluded to do. I am prepared to lie still where he places me, but others upon this side of the House are not so content. I do not know whether the President asked that this bill be passed before our convention or not. I know that the country has demanded that there be some preparation made.

Mr. KITCHIN. And the country demands that you shall not filibuster to prevent the passage of this bill.

Mr. BUTLER. I understand that the country expects more of you than it will get.

Mr. GARNER. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. GARNER. The controversy here seems to be whether or not the President suggested that this bill pass before the convention.

Mr. BUTLER. I never heard anything about that.

Mr. GARNER. Does not the President have the right to suggest the policy of the party? He is the head of the party.

Mr. BUTLER. No doubt he has that right.

Mr. MANN. He has the right to tell you what to do, and you do it. [Cries of "Regular order!"]

The SPEAKER. The regular order has been called for, and the question is, Is there objection to the request of the gentleman from Tennessee?

Mr. KAHN. Reserving the right to object, I would like some information in regard to the bill.

The SPEAKER. The regular order has been demanded, and the question is, Is there objection?

Mr. HUMPHREY of Washington. Reserving the right to object, I would like to ask the gentleman——

The SPEAKER. That is not in order. The question is, Is there objection?

Mr. HUMPHREY of Washington. I object.

CIVIL PENSIONS—POST OFFICE DEPARTMENT.

Mr. MADDEN. Mr. Speaker, I desire to call up the motion to reconsider the motion of the gentleman from Indiana [Mr. Cox], by which the House gave unanimous consent to send the bills H. R. 6915 and H. R. 10130 from the Post Office Committee to the Committee on Reform in the Civil Service.

Mr. COX. Mr. Speaker, I do not believe the point of order has been reserved, but I will make the point of order.

Mr. MADDEN. I hope the gentleman will reserve it.

Mr. COX. I will reserve the point of order for a reasonable time.

The SPEAKER. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. MADDEN. The gentleman from Indiana has reserved it.

Mr. COX. I will make the point of order.

Mr. MADDEN. Now, Mr. Speaker, the Post Office Committee of the House of Representatives is organized for the purpose of taking jurisdiction of post-office matters, including appropriations for the men who are employed in that service. It is given jurisdiction over the Railway Mail Service, the Foreign Mail Service, the postal savings bank, and all matters pertaining to post-office service, and anything that pertains to greater efficiency in the service I maintain comes within the jurisdiction of the committee. Frequently the committee has reported legislation to the House to do first one thing and then another with the end in view of creating a greater efficiency in the department. One piece of legislation reported by this committee and enacted by Congress was the classification act, by means of which the men in the service were given the right of promotion from grade to grade automatically from one year to another, which created an expense in connection with the conduct of the department. Nobody will contend that it did not also create greater efficiency in the department.

Not long since the committee had referred to it a bill providing for the enactment of a law to pay compensation for injury to men in the service while on duty. The committee took jurisdiction of that and reported the bill. Under that law a man in the Postal Service now injured in the line of duty is entitled to full pay for one year's disability and half pay for the second year, and the family receives $2,000 in case of death, if it is the result of the injury. I might enumerate many other salutary recommendations for the improvement of the department ratified by the Congress.

Nobody will claim that in the conduct of the great Postal Service of the United States the committee having jurisdiction over postal affairs has no right to recommend improvements in the service. Not long since bills were introduced and referred to the Post Office Committee providing for superannuation of men grown old in the service. What was the purpose of that? Only one, and that purpose was to retire men who had grown old in the service in order that young men might take their places and greater efficiency result from the enactment of the law.

The bill was under consideration by the committee. The question of order was raised as to the jurisdiction of the committee by the gentleman from Indiana, and a majority of the

Committee on the Post Office and Post Roads overruled the question of order raised by him.

The SPEAKER. Has the gentleman from Illinois anything to say as to whether this motion is in order?

Mr. MADDEN. I maintain that where a Member of the House makes a motion to reconsider any motion which the House acts upon it is in order.

The SPEAKER. He did not make any motion.

Mr. MADDEN. The Journal says that he did.

The SPEAKER. It does not make any difference what the Journal says; the RECORD shows what took place.

Mr. MANN. Oh, yes, Mr. Speaker; the Journal has been approved.

The SPEAKER. If the gentleman from Illinois has anything to say as to why the motion is in order, the Chair will hear him.

Mr. MADDEN. My contention is that the motion to reconsider as used in the Continental Congress and in the House since its first organization was made the subject of a rule adopted in 1802, and it has been the universal practice that where a motion has been made and carried by the House that it is in order to move a reconsideration and that any Member of the House can make the motion unless there was a roll call showing who was on one side and who was on the other. I maintain that there having been no roll call on the motion of the gentleman from Indiana that any Member now on the floor of the House can rise in his place and make a motion to reconsider under the rules of the House, and that it is in order and that it is the duty of the Chair to state the question to the House and give the House an opportunity to vote upon it. The bills taken from the Post Office Committee and referred to the Committee on Reform in the Civil Service, by unanimous consent, on the motion of the gentleman from Indiana [Mr. Cox] were under consideration in the Committee on the Post Office and Post Roads. Hearings had been held on the Griffin bill, and more than 100 Members of the House testified before the subcommittee in favor of that bill. The subcommittee had reported the bill favorably to the full committee. The full committee at its meeting on May 20 voted to take it up for further consideration on Wednesday the 24th of May, and yesterday morning when the House met at 11 o'clock, there being not more than 25 Members present, unanimous consent was granted to take the bills from the committee on the motion of the gentleman from Indiana [Mr. Cox] without knowing the facts and without knowledge of the effect of such action. I insist that the jurisdiction of the subject of the bills lies in the committee. That the gentleman's motion was not warranted without the consent of the committee and that a motion made by unanimous consent is no different than any other motion and under the rules a motion to reconsider will lie as in the case of action by the House of a motion made under any other circumstances.

Mr. GARRETT. If the Chair desires to hear——

The SPEAKER. The Chair will be glad to hear the gentleman.

Mr. GARRETT. Mr. Speaker, I direct the attention of the Chair to section 832, paragraph 3, of Rule XXII. Speaking of the matter of the reference of public bills and their rereference, in the latter part of the rule this language is used:

> And corrections in case of error of reference may be made by the House without debate in accordance with Rule XI on any day immediately after the reading of the Journal.

"By unanimous consent," that is one way. "On motion of the committee claiming jurisdiction," that is the second way. "On the report of the committee to which the bill has been erroneously referred," that is the third way.

Now, the use of the expression "by unanimous consent," when construed in connection with the other parts of the section, necessarily, it seems to me, implies that the ordinary rule does not apply to this particular case, and where a reference has been made by unanimous consent that it may not be reconsidered in the manner in which the gentleman from Illinois is attempting to reconsider it. It is not made upon motion, because there is no provision made as to how it shall be made on motion.

Mr. MADDEN. Will the gentleman yield?

Mr. GARRETT. Yes.

Mr. MADDEN. Why does the Journal say that it was made on motion?

Mr. GARRETT. I did not hear the Journal read, and if the Journal says that, it is erroneous; the rule, of course, controls.

Mr. FITZGERALD. Can anything be done in the House except on somebody's motion? How can it be done by unanimous consent except on somebody's motion?

Mr. GARRETT. Peculiarly enough this particular rule provides—and this is the only exception in all the general rules of the House—that by unanimous consent a proposition may be agreed to without a formal motion being made.

Mr. FITZGERALD. Oh, the rule uses an expression understood in parliamentary law. It uses the expression that by unanimous consent, but it must be upon somebody's motion. It can not be done by anyone without somebody suggesting or moving it. It must be by motion, and the rule was written by men who understood the meaning of an expression used in a parliamentary sense.

Mr. MANN. Mr. Speaker, while the rule provides that a change of reference can be made by unanimous consent, as suggested by the gentleman from New York [Mr. FITZGERALD], wherever unanimous consent is granted the Journal of the proceedings has always shown that the motion is made by unanimous consent, and in this case while the Speaker awhile ago intimated, without, I think, full consideration, that it made no difference what the Journal showed, still I think upon reflection the Speaker will find reason that the Journal of the proceedings, when they have been agreed to, tells what took place, no matter what really took place. And the Journal of this proceeding shows, as has been always the custom, that on motion of Mr. Cox, by unanimous consent, this order of transfer was made to discharge the Committee on the Post Office and Post Roads and referring these bills to the Committee on Reform in the Civil Service. That was a motion made, probably agreed to by unanimous consent. Now, the rule in reference to consideration says:

> When a motion has been made and carried or lost it shall be in order to move to reconsider.

I do not think that means there has to be a vote upon the motion. The Speaker frequently states: "Without objection, the amendment is agreed to; without objection, the bill is passed."

I do not think that the Speaker can hold, then, that because there has been no actual vote that a motion to reconsider does not lie. On the other hand, the Speaker frequently puts the question in reference to the passage of a bill, "Without objection, the bill is engrossed, read the third time, and passed," and subsequently the motion is made, usually is made, to reconsider and to lay that motion upon the table. That is the practice of the House. So that it does not require an actual vote, viva voce or otherwise, though the rule says when a motion has been made and carried or lost. It is made, it is carried when it is made by unanimous consent, and carried by unanimous consent, but it is still a motion, and when it is a motion it is in order to move to reconsider that motion.

Mr. COX. Mr. Speaker, I do not desire to burden the Chair with unnecessary argument, but the question before the House this moment is a question of procedure. It is not a question whether at this time, and so far as the decision the Chair is called upon to make, it is not a question whether or not the Committee on the Post Office and Post Roads, as I view it, has jurisdiction of these two bills, but it is a question of construing the rules of the House and whether or not the Speaker was operating within the rules of the House yesterday when he referred these bills from the Committee on the Post Office and Post Roads to the Committee on Reform in the Civil Service.

Now, as to what I did yesterday the RECORD shows I asked unanimous consent to refer these two bills from the Committee on the Post Office and Post Roads to the Committee on Reform in the Civil Service. If that should be treated tantamount to a motion upon my part, then the gentleman from Illinois is not within the rules of the House because he is not moving this morning, nor did he move yesterday, to ask unanimous consent of the House to reconsider the vote by which the question was carried yesterday.

Mr. STEENERSON. Will the gentleman yield?

Mr. COX. Not just at this minute. I read from page 9582 of the RECORD when this motion was made by the gentleman from Illinois [Mr. MADDEN] yesterday, and it is the motion that is pending before the House now:

> Mr. Speaker, I rise for the purpose of entering a motion to reconsider the vote by which the House on unanimous-consent motion of the gentleman from Indiana—

And so forth. That does not ask or does not move for leave or permission to ask unanimous consent to refer those two bills back to the Committee on the Post Office and Post Roads, nor does he ask or move for unanimous consent to ask reconsideration of the vote on yesterday when those two bills were referred by unanimous consent.

Mr. MADDEN. Will the gentleman yield?

Mr. COX. In a minute I will yield.

Mr. MADDEN. Does the gentleman contend that I would have to ask unanimous consent to make a motion to reconsider?

Mr. COX. No, sir; I do not contend that at all. Now, as to the point I made a moment ago. There are two motions I

made yesterday, and, treating it as tantamount to a motion, the motion I made treated in that light was to ask unanimous consent that those two bills be referred from the Committee on the Post Office and Post Roads to the Committee on Reform in the Civil Service. That is where my motion yesterday comes squarely within clause 3 of Rule XXII; and when the Chair reads the motion made by the gentleman from Illinois, as reported in the RECORD this morning, in the light of clause 3 of Rule XXII, it does not square itself at all. There are only three ways, as the gentleman from Tennessee well said, whereby public bills can be referred where the reference was originally erroneous. One is by unanimous consent; and I do not care whether the Journal shows unanimous consent was granted in the first instance or whether unanimous consent was granted for the purpose of permitting some Member of the House to make a motion to ask unanimous consent, the effect is just the same. There is not any difference whatever. The next way whereby public bills can be properly referred is a motion of the committee claiming jurisdiction. The gentleman from Illinois does not come within that reservation in the rule at all.

Mr. MADDEN. Will the gentleman yield?

Mr. COX. In just a minute I will. The next is on the report of the committee to which a bill has been erroneously referred. The motion of the gentleman from Illinois does not bring him within that part of clause 3 of Rule XXII.

Mr. MADDEN. The gentleman from Indiana will not contend or does not claim jurisdiction in the face of the fact that the gentleman raised the question of jurisdiction in the committee and a large majority of the committee overruled his contention.

Mr. COX. But the committee claiming jurisdiction is one thing, and the House, when the question comes squarely before it for decision on the question of jurisdiction, is a totally different proposition.

Mr. STEENERSON. Does the gentleman contend that the Committee on the Post Office and Post Roads have authorized or directed him to make the motion he made?

Mr. COX. No; I was proceeding under my own initiative when I asked unanimous consent to make the motion to refer, as the Journal shows. I would suggest to the Chair—probably the Chair has read it—Hinds' Precedents, volume 4, section 4665, a decision rendered by Speaker Crisp. It does not throw very much light upon the subject, but it is a construction of this rule.

The SPEAKER. Both the gentleman from Illinois [Mr. MADDEN] and the gentleman from Indiana [Mr. Cox] are disposed to be technical. The gentleman from Indiana insists that the motion of the gentleman from Illinois is not sufficient. The motion is good enough; that is, as far as the shape of it is concerned.

If the Chair was disposed to be technical, which he is not, the gentleman from Illinois [Mr. MADDEN] did not have a right to make the motion at all, because he was not here when the gentleman from Indiana [Mr. Cox] secured the rereference of the two bills. The Chair knows, because the gentleman from Illinois [Mr. MADDEN] stated on the floor of the House that he was not here.

Mr. MANN. That is not official to the Chair.

The SPEAKER. If it is not official to the Chair, I do not know what would be. The Chair takes it that the gentleman from Illinois [Mr. MADDEN] is a man of veracity. The only question involved in this thing is this, whether a motion to reconsider applies to the rereference of a bill by unanimous consent. This is the only rule the Chair knows of that specifically provides for a request for unanimous consent. This is subdivision 3 of Rule XXIII, at the last end of the subdivision:

> Corrections in case of error of reference may be made by the House without debate and in accordance with Rule XI on any day immediately after the reading of the Journal in three ways: By unanimous consent—

That is what has happened in this case—

> on motion of a committee claiming jurisdiction, or on the report of a committee to which the bill has been erroneously referred.

In this case it is the Committee on the Post Office and Post Roads which claims jurisdiction, and, without knowing, the Chair supposes that the Committee on the Civil Service Reform would fight its claim.

The gentleman from New York [Mr. FITZGERALD] used the exact words that ought to be used. It was a suggestion for unanimous consent. That seems to be the only way they can journalize a unanimous-consent request. The gentleman from New York said, "on a motion or suggestion." Now, the word "suggestion" is precisely the word that applies to the situation.

Mr. FITZGERALD. Mr. Speaker, the Speaker is bound by the Journal of the House, and can not go beyond it. The Journal has been approved. The Journal says, "By motion." The Speaker can not ignore the Journal of the House.

The SPEAKER. The Speaker is not deaf and blind, and knows exactly what happened here.

Mr. FITZGERALD. But the official record of the House of Representatives is the Journal, by which the Speaker is controlled.

The SPEAKER. The point of order made by the gentleman from Indiana [Mr. Cox] is sustained. The gentleman from Illinois [Mr. MADDEN] has a remedy. If he does not like the decision of the Chair, he can get his committee to come in here and move to refer this bill to the Committee on the Post Office and Post Roads.

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Can he do that when the House itself has changed the reference once?

The SPEAKER. The Chair thinks he could.

Mr. MADDEN. I will take advantage of that situation. We will have the committee gotten together, and we will come to the House as a committee and ask for rereference of this bill.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15774, a bill making appropriations for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes; and pending that, Mr. Speaker, I would like to see if we can reach unanimous consent as to the time for general debate with the gentleman from Minnesota [Mr. DAVIS].

Mr. DAVIS of Minnesota. Mr. Speaker, I would like to agree upon some time. I will say that I have requests for over three hours on this side.

Mr. PAGE of North Carolina. Mr. Speaker, there have also been numerous demands on this side for time, but I would like to suggest to the gentleman that in view of the conversation that went on in the House a little while ago relative to taking up of another appropriation bill after this one, it seems to me that this is not an opportune time to spend very much time in general debate. We ought to pass this bill as quickly as possible.

Mr. DAVIS of Minnesota. I agree with the gentleman, except in this particular: The general debate in this matter, while it may not be confined exclusively to the items of the bill, yet I am inclined to believe will, in the few hours which we agreed to, be confined to the so-called half-and-half plan. So that when that section of the bill is reached it will have been pretty generally debated under the general debate, and then the chairman of the subcommittee, the gentleman from North Carolina, will perhaps be justified in curtailing all matters of that kind. Now, I simply suggest that. I rather insist, if possible, that we have those three hours and a half upon this side.

Mr. PAGE of North Carolina. Mr. Speaker, that would mean seven hours' debate. In my judgment, that is too much. That would mean the remainder of the legislative day; and while the gentleman suggests that the debate might be confined to the first section of the bill——

Mr. DAVIS of Minnesota. I do not say it would be.

Mr. PAGE of North Carolina. He has no way of guaranteeing that. Neither has he any way of cutting off debate on that section when we reach it under the five-minute rule. I will say to the gentleman that we will be willing to suggest general debate on this side for three hours.

Mr. DAVIS of Minnesota. Under the conditions I do not see how I can agree to that.

Mr. PAGE of North Carolina. Mr. Speaker, if we can not get a unanimous-consent agreement for three hours—one hour and a half on a side—one half to be controlled by the gentleman from Minnesota [Mr. DAVIS] and the other half by myself, I shall proceed to an explanation of the bill. I move to go into the Committee of the Whole House on the state of the Union.

The SPEAKER. The question is on the motion of the gentleman from North Carolina.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes, with Mr. FERRIS in the chair.

Mr. PAGE of North Carolina. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. PAGE of North Carolina. Mr. Chairman, the bill under consideration making appropriations for the expenses of the District of Columbia for the fiscal year ending June 30, 1917, carries appropriations aggregating, exclusive of the water revenues, $11,631,907.34. The estimates submitted to the Congress in the Book of Estimates aggregated $15,182,196.34. The amount carried by the bill, therefore, is $3,550,298 less than the estimates.

The gentleman from Wyoming [Mr. MONDELL], in his remarks upon the rule for making in order certain legislative provisions contained in the bill, on yesterday made the statement that in this bill, not to use his own words, that we had so cut the estimates submitted to the committee that it did not provide for the necessities of the District of Columbia, and I merely want to say to the members of the committee in the consideration of the various items that go to make up the total of this bill that the subcommittee formulating it did not consider a single item with reference to what the total of the bill would be, but that every one of the many hundreds of items that go to make up the aggregate was considered by that committee on its merits and without regard to what the total of the bill should be.

Now, inferences might be drawn from the statements already made that it was extremely unusual for a bill to be brought in from the committee making appropriations for the District of Columbia as much as $3,000,000 less than the estimates submitted by the commissioners. The statement was also made, I believe, that this bill was less in amount than former bills reported to this House in prior years, providing for the expenses of the District of Columbia. I want at this place to put into the RECORD the fact that the bill now under consideration carries $591,689.11 more than the bill reported to the House a year ago by the same committee. In other words, it exceeds by nearly $600,000 the amount in the bill reported a year ago.

These are the figures:

District of Columbia appropriation bills, fiscal years 1908 to 1912, inclusive.

Year.	Estimates.	Reported to House.	Reduction.
1908	$11,598,222.00	$10,112,234.63	$1,485,987.37
1909	13,798,126.35	9,561,449.35	4,236,677.00
1910	16,176,355.52	9,961,418.52	6,214,937.00
1911	11,180,628.49	10,285,907.99	894,720.50
1912	12,872,985.90	11,498,371.50	1,374,614.40
Total	65,626,318.26	51,419,381.99	14,205,936.27

NOTE.—The total reduction of $14,206,936.27 of the District of Columbia bills, as reported to the House for the five fiscal years 1908 to 1912, inclusive, under the total amount of the estimates submitted by the commissioners for that period, is 21.6 plus per cent.

District of Columbia appropriation bills, fiscal years 1913 to 1917, inclusive.

Year.	Estimates.	Reported to House.	Reduction.
1913	$12,954,720.50	$10,302,208.00	$2,652,512.50
1914	12,874,297.60	11,221,964.00	1,652,333.60
1915	14,491,614.49	11,465,480.49	3,026,134.00
1916	12,909,434.23	11,303,048.23	1,606,386.00
1917	15,473,676.34	11,894,737.34	3,578,939.00
Total	68,703,743.16	56,187,438.06	12,516,305.10

NOTE.—The total reduction of $12,516,305.10 of the District of Columbia bills for the last five fiscal years, as reported to the House under the total amount of the estimates submitted by the commissioners for that period, is 18.1 plus per cent.

In 1915 the reduction, when the bill was reported to the House, is shown to have been $3,026,134 less than the estimates. In the year 1913 the amount reported to the House in the bill was $1,652,000 less than the estimates.

Going back prior to the present administration, in 1908—in the bill for 1909—the estimates submitted to that Congress were $13,798,126.35, and the appropriations reported to the House were $9,561,449, or $4,236,677 less than the estimates. For the fiscal year 1910 the estimates submitted to the Congress were $16,176,355, and the appropriations were $9,961,418, or $6,214,937 less than the estimates. In fact, the estimates submitted to this Congress, with only one exception, were larger than any that had been previously submitted to the Congress for the expenses of the District of Columbia, and the cut is very much less than it has been in recent prior years when the estimates were not so great.

Mr. TILSON. Mr. Chairman, will the gentleman yield for a question before he leaves that point?

Mr. PAGE of North Carolina. Yes; I yield to the gentleman.

Mr. TILSON. In general, what are the major items in which the cut was made below the estimates?

Mr. PAGE of North Carolina. I can cite to the gentleman in two or three items the major cuts that were made; items that were not reported in this bill, but which were in the estimates.

Mr. TILSON. That is, of the larger items?

Mr. PAGE of North Carolina. Yes; of the larger items. There was an estimate submitted for the purchase of a park in the northwest, for which $624,000 was asked. There was also an estimate for a park known as the Patterson Park, in the northeast, carrying several hundred thousand dollars—the amount I do not just now remember exactly. There was also an estimate submitted asking for an appropriation for the building of a municipal garbage-disposal plant that carried several hundred thousand dollars. These are the three largest items that suggest themselves to my mind at this time.

Now, I want to say in this connection that the appropriation carried in this bill for the improvement of the streets within the city is a larger appropriation than has been carried in any bill, to my knowledge, at any time. The appropriation for the schools in the District is not quite so large as last year, for the reason that last year we were carrying final appropriations, several hundred thousand dollars, for the completion of the new high schools. They were completed, and, of course, there was no estimate at this time.

Mr. AYRES. In reducing the items for the school facilities, did that in any way reduce the salaries of the teachers?

Mr. PAGE of North Carolina. Not in any way. The amounts carried in this bill for the pay of teachers and the organization of schools in the city of Washington does not cut one iota from the estimates submitted by the school board, and there were increases this year, not only in the number of employments but some increases of salary. There are always increases of salaries of teachers, because they automatically advance.

Mr. SMITH of Michigan. What is the amount in the bill for the schools?

Mr. PAGE of North Carolina. Something over $3,000,000. I will give the gentleman the exact amount if he will indulge me for just a moment. It is distributed in a number of amounts in the copy of the bill reported to the House, and I have not the amounts, but it is considerably over $3,000,000.

Mr. SMITH of Michigan. That is one-half of the amount necessary to carry on the schools?

Mr. PAGE of North Carolina. No; that is the total amount, because we do not segregate in the bill the part that is being paid by the District and the part that is being paid by the Treasury. We do not make those distinctions, but the total shows the total for the object to which the money is devoted.

Mr. SMITH of Michigan. Are there any figures showing how that amount compares with the expenditures of other cities of similar population for school purposes?

Mr. PAGE of North Carolina. I do not know that any evidence was elicited in the hearings taken as to the comparative cost of schools in Washington and other cities this year, but we have investigated it at other times, and I think it is higher than in any city comparable in size in the United States.

Mr. GARD. Mr. Chairman, will the gentleman pardon an interruption?

Mr. PAGE of North Carolina. Yes.

Mr. GARD. For the information of the gentlemen on the other side I will say that the report of the auditor of the District of Columbia, made in October, 1915, shows that for education in the public schools and special education in public libraries the appropriation was $3,164,308.17.

Mr. FESS. On page 41 of the bill, line 5, the item in all for teachers is $1,438,200.

Mr. PAGE of North Carolina. That is for teachers only. That, of course, does not include the other expenses in connection with the schools.

Mr. FESS. I thought the inquiry was as to teachers.

Mr. PAGE of North Carolina. No. I find on reference to the report that the total amount carried for the schools in this bill—and that includes new construction and all the expenses of the schools—is $2,801,780, which was very nearly $3,000,000.

Now, I do not care at this time to make any reference to the legislative provisions that are in this bill. In spite of the fact that it was said yesterday by certain gentlemen that the first legislative provision which changes the fiscal policy as between the Treasury and the District of Columbia has not been discussed, that hearings had not been had, I am sure that gentlemen who made those statements did not make them seriously, or they themselves had not taken advantage of the opportunity

to inform themselves, because there has been during the last two sessions of Congress, and there was during the last Congress particularly, a great deal of discussion on the floor of the House relative to this subject, which led to the passing of a resolution and the appointment of a special committee to take testimony and report to this House their conclusions as to what was the proper fiscal relation to be adopted between the Government and the District of Columbia.

That report has been made. These gentlemen spent practically two months in taking voluminous testimony, which is now in the hands of the Congress in two volumes.

In passing I might say that certainly seven-tenths, if not more, of the evidence taken by this committee was from people who are in favor of the old half-and-half plan, or opposed to any change. Yet after hearing these people patiently and at length this committee reported in favor of the abolition of the half and half. That has been embodied in this first legislative provision in the resolution adopted this morning, and the gentleman from Ohio [Mr. GARD], who was a member of that select committee, having the floor yesterday, made the statement that with one exception the language carried in this bill is in accord with the report made by that special committee, which was a unanimous report, signed by the three Senators and the three Representatives who composed it. I intimated to him then on the floor of the House, and I want to say now, that when we begin the reading of this bill under the five-minute rule I shall offer an amendment that meets the view of the gentleman from Ohio [Mr. GARD], which will except from this provision the funded debt of the District; and so long as that debt remains, which will be only a few years, will carry in this bill in connection with that particular item the specific language that one-half of this amount shall be paid from District revenues and one-half from any money in the Treasury not otherwise appropriated. I think that meets absolutely and fully not only in spirit but actually the recommendation contained in the report made by this joint committee. Now I yield to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Does the honorable Representative from North Carolina think the following words, which are the only words in the report of the joint select committee that have any reference to the abolition of the so-called half-and-half plan, recommend that it be abolished? The words in the report are as follows, on page 11:

> But we think that the conditions of to-day and of the few years last passed are so different from the conditions of 1878 that this arbitrary rule, a rule of time seeming necessity, need no longer be applied to the District appropriations.

Mr. PAGE of North Carolina. Oh, certainly; and I can take one verse from Holy Writ and prove anything. In the full report of this committee they do recommend specifically that the taxes collected in the District of Columbia be expended for the expenses of the District of Columbia, and supplemented by the Congress in such amount as may be necessary for the expenses of the District.

Mr. TINKHAM. Will the honorable Representative yield?

Mr. PAGE of North Carolina. I yield to the gentleman from Massachusetts.

Mr. TINKHAM. I desire to bring the attention of the honorable Representative to the final recommendation in the report of the joint select committee:

> Our unanimous conclusion is that the rate of taxation in the District should be fixed and certain; that the Congress should pursue a definite policy of regular and liberal appropriations.

Mr. PAGE of North Carolina. In reply to that I will say, Mr. Chairman, that there is nothing in this provision or in this bill that refers directly, indirectly, or remotely to any subject of taxation in the District of Columbia, and this committee does not propose to take it under consideration.

Now I will yield to the gentleman from Missouri [Mr. LLOYD].

Mr. LLOYD. Is it not true that there are a number of items that are carried in the sundry civil bill, where the bill provides for distribution between the District of Columbia and the National Government, and that in order to make to the country a proper statement of the distribution of this fund between the General Government and the District of Columbia those items ought to be included?

Mr. PAGE of North Carolina. They certainly ought. There are a number of them.

Mr. LLOYD. Is it not true that every one of those items in the sundry civil bill will be paid out of the Treasury of the United States?

Mr. PAGE of North Carolina. No; that is not true, because it is specified in many of them that they shall be paid half from the revenues of the District of Columbia and half from the Federal Treasury.

Mr. LLOYD. But you have provided that the full $8,000,000 which will be received from taxation in the District shall be paid toward the expenses of the District. According to this bill there will be a little over $3,000,000 paid out of the Treasury of the General Government and $8,000,000 from taxation in the District of Columbia. Now, when you add that which belongs to the District which is found in the sundry civil bill, then the amount that is to be paid by the General Government will be not $3,000,000 but nearly $5,000,000.

Mr. PAGE of North Carolina. Of course. It will be this amount plus the amounts carried in the sundry civil bill for the District, whatever those amounts may be.

Mr. LLOYD. The gentleman catches my point.

Mr. PAGE of North Carolina. I do.

Mr. LLOYD. That at the present time, according to the report, there is a slightly misleading statement——

Mr. PAGE of North Carolina. I see the gentleman's point. It was an amount that was indeterminate when this report was written, because we had no knowledge, and neither had the gentleman or the House, as to what amounts would be carried in the sundry civil bill.

Mr. LLOYD. And it is also true that while the sundry civil bill will provide that one-half shall be paid out of the District funds and one-half shall be paid out of the Treasury, the effect will be, notwithstanding that provision, that the full amount will come out of the Federal Government, because the full $8,000,000 will have been absorbed in paying the expenses provided for in the District of Columbia appropriation bill.

Mr. PAGE of North Carolina. Why, certainly, because there will be no District revenues out of which to pay the sums carried in the sundry civil bill.

Mr. TINKHAM. Will the honorable Representative yield for a question?

Mr. PAGE of North Carolina. I yield to the gentleman.

Mr. TINKHAM. The Committee on Appropriations this year recommended the construction of a new bridge across the Potomac and provided that the proportion to be paid by the District of Columbia should be 50 per cent, and the appropriation to be paid by the Federal Government should be 50 per cent. I desire to ask the honorable Representative from North Carolina why that percentage was fixed on a basis of half and half?

Mr. PAGE of North Carolina. Simply because that is the law until this provision is adopted in this bill, and it was fixed on the basis of the then law. I want to say further to the gentleman, in line with the remarks made by the gentleman from Missouri [Mr. LLOYD], that necessarily the entire amount for the construction of this bridge, chargeable to the District of Columbia under the half-and-half provision, will be paid from the Treasury of the United States and none of it from District revenues, because the District revenues will be exhausted, and that is plus the amount paid by the National Treasury, as shown in this bill.

Mr. TINKHAM. When the Appropriations Committee reported the bill for the new bridge it could have fixed the proportion to be paid by the District of Columbia or the Federal Government—that is, the fair proportion—could it not, notwithstanding any previous appropriations?

Mr. PAGE of North Carolina. The gentleman should inform himself. The Appropriations Committee did not report that bill for the building of the bridge. We had nothing to do with it. It came from the Committee on Interstate and Foreign Commerce, and was considered by the same committee in the Senate. It did not come from the Appropriations Committee at all. I want to submit to the gentleman that the members of the Appropriations Committee of the House do not have jurisdiction over matters in the Committee on Interstate and Foreign Commerce.

Mr. TINKHAM. When the Committee on Interstate and Foreign Commerce, if it was the Committee on Interstate and Foreign Commerce that reported the bill for the construction of the new bridge, and reported that it should be paid for half from the funds from the District of Columbia and half from the funds of the Federal Government, did the honorable Representative from North Carolina protest that this proportion and plan of payment was unfair or inequitable?

Mr. JOHNSON of Kentucky. If the gentleman from North Carolina will permit me, I will suggest to the gentleman that the District people caused that bridge bill to be introduced, and in it they required the United States to pay for all of it, but the Committee on Interstate and Foreign Commerce changed the conditions of payment and compelled the District to pay one-half of it.

Mr. PAGE of North Carolina. Mr. Chairman, I move the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. FOSTER having taken the chair as Speaker pro tempore, Mr. FERRIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15774, the District of Columbia appropriation bill, and had come to no resolution thereon.

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15774, the District appropriation bill, and pending that, I move that all general debate on the bill be concluded at 3 o'clock and 30 minutes this afternoon, and on that I move the previous question.

The SPEAKER pro tempore. The gentleman from North Carolina moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the District appropriation bill, and pending that he moves that general debate on the bill shall be closed at 3.30 o'clock this afternoon, and upon that he moves the previous question.

Mr. DAVIS of Minnesota. Mr. Speaker, I would like to ask the gentleman if we can not agree to have general debate close at 4 o'clock?

Mr. PAGE of North Carolina. I will agree to that; the gentleman knows that I am reasonable, but I did not want general debate to occupy the whole legislative day. I will withdraw my motion, Mr. Speaker, and ask unanimous consent that debate be closed at 4 o'clock, one-half the time to be controlled by the gentleman from Minnesota and one-half by myself.

Mr. HUMPHREY of Washington. The gentleman has already occupied some time.

Mr. MANN. They want to hog the whole of it.

Mr. PAGE of North Carolina. Now, the gentleman need not have made that remark. I was going to ask how much time I had consumed.

The SPEAKER pro tempore. The gentleman has consumed 22 minutes.

Mr. PAGE of North Carolina. Mr. Speaker, I ask unanimous consent that general debate on the bill close at 4 o'clock this afternoon, one-half of the time to be controlled by myself and one-half of the time by the gentleman from Minnesota [Mr. DAVIS], and that the 22 minutes already consumed by me be charged to me.

The SPEAKER pro tempore. The gentleman from North Carolina withdraws his motion to close debate and asks unanimous consent that general debate shall close at 4 o'clock p. m., one half to be controlled by himself and the other half by the gentleman from Minnesota [Mr. DAVIS], and that the 22 minutes occupied by the gentleman from North Carolina shall be deducted from his time. Is there objection?

Mr. MANN. Reserving the right to object, suppose somebody should make a point of no quorum?

Mr. PAGE of North Carolina. That is taken out of the time.

Mr. MANN. Is that a fair proposition?

Mr. PAGE of North Carolina. I am not going to make any such point.

Mr. MANN. Nobody knows; how can you distribute the time?

Mr. PAGE of North Carolina. This request was made by the gentleman from Minnesota, and I agreed to it in perfect good faith. As far as I can, and as far as my influence will go, I shall keep it.

Mr. MANN. I do not doubt that; but it is bad practice, because anybody in the House can make the point of no quorum.

Mr. PAGE of North Carolina. I can say to the gentleman from Illinois that I am sure it will not be made on this side of the House.

Mr. MANN. And I do not think it will be made on this side; but no one can tell.

Mr. PAGE of North Carolina. If it is made on this side of the House I will take it out of the time.

Mr. MANN. Instead of fixing the exact hour, why not fix the length of time?

Mr. PAGE of North Carolina. I am not willing to do that, because that would be a bid for somebody to have a call of the House.

Mr. MANN. Very well; I shall not object, although I think it is ungenerous and unfair.

Mr. PAGE of North Carolina. And I think that is gratuitous on the part of the gentleman from Illinois.

Mr. MANN. It is true just the same, and I will get even with it in some other way.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina.

There was no objection.

The SPEAKER pro tempore. The question now is on the motion of the gentleman from North Carolina that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FERRIS in the chair.

Mr. DAVIS of Minnesota. Mr. Chairman, I yield 25 minutes to the gentleman from Minnesota [Mr. SCHALL].

Mr. SCHALL. Mr. Chairman, one of the two most important issues that has been before this House was recently passed, the Army bill. The other is the Navy bill, which, I understand, is reported, or is to be immediately reported, out and will next be before us.

In speaking upon the question of adequate preparedness, it is fitting that I place upon record the opinions of those in my district interested in the question. They are by counties, as follows:

Shall the Navy be increased?

Counties.	Yes.	No.	No vote.
Wright	390	206	19
Pine	345	296	31
Mille Lacs	291	179	46
Kanabec	162	353	10
Isanti	339	173	22
Chisago	339	113	19
Anoka	447	248	121
Hennepin[1]	3,300	1,451	568
Total	5,613	3,019	839

[1] Hennepin County includes all rural part, third, fourth, and tenth wards of the city of Minneapolis.

Yes	5,613
No	3,019
No vote	839
Total	9,468

Shall the Army be increased?

Counties.	Yes.	No.	No vote.
Wright	366	239	19
Pine	291	350	31
Mille Lacs	279	185	52
Kanabec	162	326	37
Isanti	333	179	22
Chisago	279	173	19
Anoka	414	281	121
Hennepin	2,862	1,919	538
Total	4,986	3,543	839

Yes	4,986
No	3,543
No vote	839
Total	9,468

Mr. Chairman, when the Army bill was first under discussion our respected leader, conservative, far-sighted, seasoned statesman, equipped and in a position to read the signs of the times, told us that we were sitting on the top of a volcano that was liable to erupt at any moment, and from the depths of his patriotic soul urged us to expend American dollars now for peace as an insurance against war, instead of oceans of American blood later. And last Saturday he pleaded with us as our last chance to vote against the conference Army report, so that we might put preparedness men in the saddle and secure adequate preparedness now, not a year from now. The Army bill provides for an increase to our standing army of 12,000 men by July 1, 1917. Two years and 11 months from the time the war broke in Europe we have magnificently prepared by adding 12,000 men to our Army, a corporal's guard, a patch of tin, when we need a panoply of steel.

When Mrs. Schall read to me the other day a statement made to an American audience by no less a person than William Lyon Phelps, of Yale, I felt impelled to resent it and to add what little I could to public opinion upon the important and vital question of adequate preparedness. He said, "The American flag and patriotism are an illusion." I thank him for that word "illusion." Only an illusionist without the pulse of patriotism, disordered in his understanding of what the flag really means, could have honestly made such a statement. All the devoted lives, all the patriots whose blood has consecrated our soil, the

shades of Washington, Jefferson, Lincoln, must cry out against such utterances. What, gentlemen, are the facts that face us? What are the conditions that surround us? Who are the nations we must abide with? We are living in the most vital crisis the world has ever known, an era of warriors, a snarling, fighting, lawless, war-torn world, built from top to bottom—armies, business, churches, homes, individual rights—on fighting, competition. In animal and in vegetable life alike, it is the survival of the fittest. The community of grass kills the community of brush. The high plant kills the low plant. The mistletoe battles with its supporting oak. The strong prey upon the weak. Sir Edwin Arnold observed:

> How lizard fed on ant, and snake on him,
> And kite on both; and how the fish hawk robbed
> The fish tiger of that which it had seized,
> The shrike chasing the bulbul, which did hunt
> The jeweled butterflies; till everywhere
> Each slew a slayer and in turn was slain;
> Life living upon death. So the fair show
> Veiled one vast, savage, grim conspiracy
> Of mutual murder, from the worm to man
> Who himself kills his fellow.

Gentlemen, the whole social fabric of the world rests upon the fighting power of man. Do men no longer wish to fight for their homes, their country, their loved ones? Any man worth the name of man would rather die for a right cause if need be than live ignominiously. If not to fight, means that America shall go down before the ambition of any foreign nation, shall bend her neck to the command of any foreign power, or suffer disgrace and shame in silence, then who is so ignoble as to prefer to sacrifice future interests for the comforts of a present peace? [Applause.] Shall we be a nation of men capable of protecting our rights at home and abroad or shall we be fat oxen waiting for the butcher's knife? Unpreparedness offered up the gentle peace-loving Incas to be crushed under the heel of the invading Spaniard. Unpreparedness has shackled China and rendered her subservient to any power that cares to dictate. Belgium and Greece were neutral, had justice on their side and all the brotherly love argument, when they asserted they were nations and not highways, but preparedness soon demonstrated that they were only military roads. To advocate unpreparedness as a means of keeping out of war that nation that was born and cradled in war, nurtured and reared to manhood in war, held together by war, is the height of fatuity. [Applause.]

It is no guaranty, gentlemen, that we are peaceful, that our policy is not one of aggression, that we want nothing but to be let alone, to be allowed to go our own way. Belgium did not want anything but to be let alone, and yet the attack on France was made through Belgium, because she furnished the way of least resistance. Poland has not wanted anything but to be let alone, yet for a century she has been the shambles of Europe. Unpreparedness, gentlemen, will sacrifice any nation or any individual. Men easily believe that which they desire. We have listened to the siren song of peace so long that we are like to be sunk in the Lethe of our prosperity. Two years ago it was easy to believe that science, with its terrible engines of destruction, had rendered war impossible. We all hoped that the brotherhood of man was near at hand when all international questions could be settled in open court. But the chaos of to-day shows war yet a grim reality and vain the 50-year long dream for the brotherhood of man. It is pathetic to hear pacifists declare that after the war the European nations will be too exhausted to fight.

Nothing so well prepares a nation for war as war. England, Germany, France, Russia, Italy, Japan, Austria, Bulgaria, Turkey are better prepared to-day than they were at the beginning of the war. It is not what they have, it is what they can get along without. They have learned to live in terms of war instead of peace. A great readjustment has taken place. A mighty unselfishness has been bred. It will not help to stick our head in the sand like the ostrich. England, basking in the security of her ocean fortifications, failed to prepare and she is to-day paying dearly the penalty. Our preparedness in no way compares with that of England, for she being a sea-going nation had the greatest navy in the world, and it is due entirely to her navy that she is to-day a nation. We should profit from the lessons of experience written in the blood of patriots across the sea. Europe slept in her fancied security. She awoke not to a nightmare but to a grim reality, a hideous leering monster of war that will find the sea no barrier to batter us defenseless when he has finished over there. In fact, the sea to-day offers less resistance than entrenched ground. It is too late, gentlemen, to install a fire department when the great buildings in your town are burning. It is too late to put an insurance policy on your house after it is destroyed.

We can not expect to be weak to-day in preparedness and hope to be strong to-morrow when the enemy lurks at our door. Adequate preparedness is an insurance policy against war and a vast saving in the ghastly consequences. We can not have peace just by wishing for it. We must be strong enough to demand it. "No war is inevitable until it occurs." If we can gain time, we can gain peace; but you can not gain time without adequate preparedness, moral and material, to make the proposed enemy hesitate before they strike against such formidable odds. War is the last protest in a series of ineffectual protests. The might of war is the only legal international tender of to-day. [Applause.] Why prepare? Our neighbor to the north is involved in war. Our warring neighbor to the south is more than friendly to our warring neighbor far to the west. Our President tells us that we are liable to be attacked simultaneously on both coasts. Gentlemen, to stand unarmed in the midst of armies is childlike simplicity.

What was the impelling cause that made the President in the early days of his diplomatic experience, in opposition to his own party, the Progressive Party, and the Republican Party, urge Congress to reverse itself and repeal the Panama free-toll act, and, that if they did not, he hardly knew how to handle the delicate diplomatic situation that might arise. What was back of the fiasco at Vera Cruz, when after demanding a salute of 21 guns, we slunk home, hooted by the picayunish nation as Gringoes, forced to be content with a salute of 5 guns. No man, and especially the President, could have thought it was weak, anarchistic Mexico that made us do that.

There was no motive in the Western Hemisphere, but from the East and from the West there came suggestions; and should he not take kindly to these suggestions, an eloquent finger pointed to a mighty array of preparedness. Had the President been as able in international questions as he undoubtedly is in economic ones he would have known earlier that whether we will or no our path inevitably converges to those of other nations. He would have known where the Mexican situation was leading. He would have known, as all other nations knew, that all that protects the Isthmus of Panama, Alaska, the Philippine Islands, Hawaii, and our protectorate over Haiti and Nicaragua is our potential, not our actual, power; and he would undoubtedly have taken the people into his confidence and told them the situation instead of telling them that there was no need of preparing. With the highest motives, hoping for the best, doubtless thinking that he could in some way handle the situation, he procrastinated in warning the people. Had he even warned them when a war broke in Europe we would to-day be in a position to maintain our neutrality, and his belated and frantic efforts for preparedness would be unnecessary. What was it that suddenly caused him to plead for preparedness? Gentlemen, it was the ghost that stalks abroad in Mexico and will not down, which, as President of the United States, had he been the leader he should have been, he should have known would not down when he was forced to humble the honor and pride of the United States by withdrawing from Vera Cruz.

The President stated in Kansas City on February 2, 1916: "I have not enough men to guard the Mexican border. I have not enough men to keep bandits from raiding our territory. The whole world is on fire." This was nothing new. It had been on fire a year and a half at that time, and apparently he had just discovered it. "If these flames," he continues, "creep in upon the United States, they may creep in on both coasts." And then he says, "You know that great sweep from the Isthmus of Panama to Alaska and that great distance from the Gulf of Mexico to the River St. Lawrence. There are many harbors and many cities open to attack"; and then he adds, "Do you think a Navy that ranks fourth is enough to guard that long expanse of coast?" That long, expansive coast was no longer February 2, 1916, than it was on April 21, 1914 (Vera Cruz fiasco), or in August, 1914 (outbreak of European war). The eleventh-hour warning of this once "too-proud-to-fight" but now "willing-to-knock-them-down-for-moral-influence" President exclusively in possession of all the facts that peril menances our western coast should give us pause, and tend to explain his sudden grasping of the submarine situation in order to crystallize the people's attention, eradicate from their minds the lessons of nonpreparedness he has been teaching them, while he secures belated preparedness in order that there may be some guaranty that at the close of the European war they will not turn loose their armies and navies on us.

If we have anything that Europe wants she will take it, unless we develop sufficient resistance to prevent her. The instrument will be ready, and ever in the background is an excuse in the Monroe doctrine by which we are irreparably bound to resist foreign aggression in the Western Hemisphere. To stand unarmed among the impoverished and hungry, but at the same

time highly prepared nations of Europe after the war is to invite spoliation. We have the wealth, they will have the armies and the navies, and it is folly to think they will not avail themselves of this opportunity. It is our duty as citizens in the present crisis, no matter how we got there or whose fault it is that we are there, to stand unflinchingly for the future safety of America. And I believe it the patriotic duty of the people's representatives, the crew of the ship of state, no matter how many and numerous protests come from the passengers, to steer that ship of state from the dangerous maelstrom of nonpreparedness. The 100,000,000 passengers, though now unconscious of the danger that lurks, but trustful of our seamanship, will not hold us guiltless when the time comes and, through nonpreparedness, the great suction of the vortex of war has gained control of our ship. The people's representatives should know the threatening clouds that round us hang, and they should move forward fearlessly in that course which judgment and honor prescribe. The people will approve when they understand the situation. The people's representatives should have vision, patriotism big enough and broad enough to give the country what it needs, regardless of whether it loses votes or not. They should go before and beckon. Given a starting point, it should be their business to reason to a conclusion. They should be driving into the minds of the people the situation as it is, not as we wish it were.

We are unprepared, gentlemen, not because we have no facilities but because we have no organization of those facilities. We have organizations of capital, we have organizations of labor, we have organizations of business men, but each are organized for selfish purposes. We have been wasteful, prodigal with our vast resources, and our thriftlessness has endangered the nobility of the Nation's soul. Our Army and Navy have been costly, extravagant, inefficient. We have spent more than any nation on the face of the earth but one, yet are worse prepared.

In the Spanish War we lacked enough colliers to escort our Navy. We lacked transports. We lacked even the most essential minor details of tents and uniforms and guns. Our present brush with a single Mexican bandit shows us, what has been perfectly well known to all our possible opponents, that our condition is one of hideous insecurity. We can not even have honest aeroplanes or honest submarines. Armor plate that costs the United States $616 was laid down in Russia in 1893 for $249. To cheat Uncle Sam is to cheat a gullible stranger, a ludicrous caricature, in nowise related to ourselves. To squander the public money is a crime only if it is discovered. But all this can to-day be no argument against our adequately preparing for imminent danger. If through adequate preparedness we could disarm the world, we would be willing to throw it all into the scrap heap and count the money well spent.

We are a great, spoiled, undisciplined, destructive Nation. A discontented and oppressed laboring class, an opulent profligate upper class, a universal distrust of class toward class, and of the individuals within that class, where the greed of envy is pitted against the greed of arrogance. On the one hand an unlawful property destruction, on the other commercial tyranny. The problem of to-day's preparedness is the amalgamation of our divergent forces into one spirit of patriotic defense of their common country. The loyalty of our citizens in a crisis has never been found wanting. Under the stern call of duty, in the school of sacrifice, patriotism and devotion flourish, but the warfare of to-day is waged with scientific engines of destruction, and in order to be prepared we must have in readiness these engines of war before the day of storm and shock. There will be no lack of men. The brain, the brawn of the Nation we can count upon by the millions. They will gladly come to the defense of their homes and country. All they ask is to be assured that our policy is one of defense not of aggression, and that their guns will not be turned upon their own class; that the expense of preparedness will be borne in proportion to the income of the individual or corporation; that military service will be an equal burden on rich as well as poor, and that it will not mean a military system that makes a lord of the officer and a slave of the private. Democracy and constitutional government is their slogan.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MEEKER. Mr. Chairman, I ask that the gentleman may have three minutes more.

The CHAIRMAN. The time can not be extended by unanimous consent.

Mr. STAFFORD. How much time does the gentleman desire?

Mr. SCHALL. I do not want to monopolize more than my share of the time, but there are many things that ought to be said.

Mr. STAFFORD. The time is limited, but I will yield to the gentleman five minutes.

The CHAIRMAN. The gentleman from Minnesota is recognized for five minutes more.

Mr. SCHALL. I thank you. Those who fear militarism through preparedness are incontrovertibly refuted by the disbanding of the great Union Army. That great Army, made up of the best stuff in the country, from all walks of life, conscious of the power they held within themselves, marched, with battered arms, torn flags, and faded uniforms, regiment by regiment through the streets of our capital, past the reviewing stand, and impatiently awaiting their discharge eagerly hurried back to their homes, leaving thoughts of war forever behind. An army of freemen fighting for their liberties can not be a menace to the Republic. The Navy can never menace its country. It can never be used save as defense. The fact that it is responsible to the people's representatives for its maintenance removes the idea of militarism. Our aim should be the best Navy we can get. Where there is no supremacy there is no glory, nor is there security, when the nation with the superior navy is using it to flout and humiliate us. One hundred years ago England was pursuing exactly the same tactics of insufferable presumption. She boarded our vessels, she removed our sailors, she disregarded our protests, till the United States was forced to go to war. To-day that same issue looms threateningly. Our trade is being filched from us by pilfered mails, by infamous orders in council, each more humiliating and exacting than the last. She invades the territory of our merchant and transport ships, while we sit impotent and baffled, unable and unready to defend our rights. Notes and protests only make us ridiculous unless we have the power to back them up. [Applause.] Shall our beautiful Capitol again go down in ruin as it did in 1814? Our Navy is the only argument that will avail, now or at the end of the war, to get us respectful hearing. To-day all over the world our policy is derided, and we are laughed at as a nation of women. If the first arm of defense is powerful we shall not have to humbly implore nor suffer humiliation in silence. If we are to guard within our thousands of miles of coasts, our priceless inheritance, the third of the wealth of the world, we must do something besides talk. Talk will not cut down any of the years it takes to build a Navy. They talked and talked and talked before the Revolutionary War, but there came a time when all talk culminated, and it took George Washington and his brave army of farmers seven years to put us in a position where we were able to talk with effect and say that taxation without representation is tyranny. We talked and talked and talked before the Civil War. But there came a time when talk would no longer avail. For four long years the red tide of carnage swayed to and fro, brother against brother, friend against friend. But the end came at last, when Gen. Grant extended his hand to Gen. Lee and said, "Let us have peace." Then and not till then were we able to talk and say that a State shall not wreck a Union. And war became a Pentecost from which a national spirit descended upon us.

We should be more than human if in the life of our Nation there did not come times when talk and treaties would not suffice. We should be prepared to guard American lives and American rights everywhere, during the war and at the close of the war we should be in a position to advance the American ideal—ideals that can not be purchased in the market place. [Applause.]

Our pressing duty is to organize our undisciplined democracy, our reserve strength, to preserve our security and honor. Why should we be penny-wise and dollar foolish over preparedness? What shall it profit a nation to gain the wealth of the world and lose her own soul? The antithesis of freedom, as we understand it, will prevail in Europe, whoever wins. The question is, Can we organize our undisciplined democracy to match the discipline of absolutism? Brotherly thoughts and good intentions in a mob will not avail against organization. Defeat is inevitable, everything else being equal, when the undisciplined nation is pitted against the disciplined. Warfare of to-day is a fight between the resources of nations, from top to bottom, from the mightiest manufacturer to the least considered atom of economic resource, it is the struggle between the organized genius of combating nations. This must be our lesson from the war. If we fail to learn it, even the preserved from warfare, we shall cheat ourselves of this mightiest lesson of the twentieth century. And we must inevitably perish as a democracy before that nation which having best learned its lesson shall prevail. Individuals can not save us, nor individual unselfish-

ness. The reaction must go to the very essence of our Nation. It must work through and transform the whole mass. We are individually patriotic, but we are not collectively patriotic. We must have one thought, one soul, one heart for America and the ideals she represents.

New dangers, new problems, confront us. They must be met by a close-knit, high, and true devotion to duty and to humanity. The bristling dangers that surround us should inspire a national soul of patriotism and quicken our national life to something more than lukewarm insipidity, half selfish, half indifferent. Words oft mouthed till they mean nothing must be flamed into life again till no man can say "my country" and "my flag" without a thrill of loyalty to that flag and that country which means all there is of human freedom, human equality. [Prolonged applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. SCHALL. I ask permission, Mr. Chairman, to extend and revise my remarks.

The CHAIRMAN. The gentleman asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SHACKLEFORD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4856) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors."

The message also announced that the Senate had passed without amendment bill of the following title:

An act (H. R. 14771) granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

Mr. HOWARD. Mr. Chairman, I yield 15 minutes to my colleague from Georgia [Mr. CRISP].

The CHAIRMAN. The gentleman from Georgia [Mr. CRISP] is recognized for 15 minutes.

Mr. CRISP. Mr. Chairman, I am going to do the unusual thing in general debate, to really discuss the measure before the House. [Applause.]

I do not arrogate to myself the ability to change the opinion of any of the old Members of this House on this much-discussed half-and-half question, for they are thoroughly familiar with it. They will recall how the Washington press during the last Congress abused, reviled, and ridiculed me because I had the temerity to introduce a bill to repeal this half-and-half proposition, for I believed then, as I do now, that it is unfair to the people of the United States. They will remember how intemperate the local taxpayers were toward those Congressmen who favored the repeal of this law and that their attitude became so intolerant that Congressman Prouty, of Iowa, on December 22, 1913, introduced House resolution 358, providing for an investigation of their conduct, claiming their attitude was an attempt to intimidate Members of Congress, to prevent them from performing their public duty. The preamble of said resolution read as follows:

Whereas on Saturday, December 20, 1913, there appeared in the Washington Times, a paper published in the city of Washington, and having a very large circulation throughout the United States, in an article headed in large type clear across the front page, the following:

"NATION-WIDE FIGHT ON CRISP BILL BACKERS—DISTRICT CHAMPIONS UNITE IN EFFORT TO PREVENT REELECTION.

"Plans for a concerted fight against the reelection of the Members who voted for the measure are already under way. Their respective districts will be flooded with letters protesting against their unpatriotic stand toward the National Capital. Voters throughout the country will be appealed to in the hope that Congressmen will be urged to take the welfare of the District at heart and aid in making the Capital City of the United States the queen metropolis of the world. Members of the executive committee of the joint committee of Chamber of Commerce, the Board of Trade, and the Retail Merchants' Association have been notified by Chairman William H. Singleton, of the committee, that they must be ready at a moment's notice to answer a call to meet and determine on some concerted action immediately."

The resolution was by a vote of the House referred to the Committee on Rules and no further action taken on it. On the floor of the House I asked that no investigation be made, stating I could take care of myself, and the threats of the local people would not deter me from doing my duty as I saw it.

The repeal of this act of 1878 was discussed at length in the last Congress, and I have found, during my short experience here, that when a Member has made up his mind on a legislative proposition it is generally like the law of the Medes and Persians, which changeth not. Therefore in debating this measure I am directing my remarks to my new colleagues, and I hope I may be able to throw some light on it, so as to help them in arriving at a conclusion as to how they should vote. It is not my purpose or intention in this speech to speak for home consumption. It is with the sincere desire to try to convey to my colleagues some information, hoping that they will see the matter as I see it, and vote to repeal this half-and-half proposition, which, to my mind, is utterly unjustifiable, and entails inequitable tax burdens on your constituents and mine.

Now, if we believe the Washington papers, this half-and-half proposition is a holy of holies. It is more sacred than the Declaration of Independence, the Bill of Rights, or Magna Charta itself, and I am sure my new colleagues, even before they came to Washington and took the oath of office as Congressmen, very frequently received the Washington Star, full of the beauties of the half and half, arguing why it should not be repealed, for the local people will do all in their power to retain this law.

Mr. Chairman, it is plain why the property owners of Washington are so anxious to prevent the repeal of the half and half, for they are perfectly willing, aye, even quite anxious, for the people of the United States to bear half their tax burden, which they will be forced to do as long as the half-and-half act remains the law. I earnestly favor repealing this inequitable and unfair law, and I am confident this Congress will repeal it.

Now, what are the facts as to the government of the city of Washington? The National Government acquired the District of Columbia in 1800, and from 1802 to 1871 the affairs of this city were managed by a mayor and aldermen, just as the municipal affairs of Baltimore or New York or any other city in the United States are managed, and the Supreme Court of the United States, in the case of the Metropolitan Railroad Co. against The District of Columbia, expressly stated that the Government of the United States exercised no authority or control over the internal affairs of the District of Columbia.

We read in Holy Writ that Esau sold his birthright for a mess of pottage, and I have often thought history repeated itself when the citizens of Washington gave up their inalienable birthright as American citizens, to manage and control their own local affairs, for a mess of pottage, getting the Federal Treasury to pay part of the taxes for the maintenance of the District of Columbia. I am willing as a Member of Congress to vote to allow the people of the District to pay their own bills, manage their own affairs, and to give them representation in the Halls of Congress.

In 1874 Congress was told that the tax rate on the property owners of Washington was exorbitant and confiscatory, and that the city was bankrupt, and that, as it was the National Capital, Congress should come to its relief. Permit me to say in passing that from 1802 until 1874 Congress yearly appropriated millions of dollars to the District of Columbia; but there was no fixed law requiring it to pay any particular proportion of the expenses, but Congress was liberal in its appropriations. Since the act of 1878 Congress has donated to the city government of the District of Columbia over $110,000,000, besides the many millions spent by the Government in the District erecting and maintaining Government buildings. In 1878 Congress passed what is called and known as the organic act for the District of Columbia, and under that act the Federal Government was to pay half the expenses of the maintenance and operation of the government of the city of Washington. Congress passed this act because Congress was of the opinion that the taxable property in the District of Columbia at that time was not sufficient to run the affairs of the government without inflicting undue hardships or burdens upon the taxpayers.

When the act of 1878 was passed Washington consisted of 6,110 acres, 3,606 of it already laid out in streets and mostly paved, and the Government only owned 1,523 acres of the 6,110, the Government land being practically all in parks, and the citizens of Washington derived the greatest benefit from Government parks. Now, under the terms of the act of 1878 the people of the United States are being made to bear half the expense of developing and caring for 44,316 acres of land, of which the Government owns but 5,550 acres, practically all of this being in parks. It is a very different proposition, making the people of the United States bear half the burden of maintaining Washington in 1878 to caring for and developing the whole of the District, which they are now required to do.

In 1878 Washington had about 150,000 people; now it is a city of 350,000 people, and the taxable property is many millions more than it was in 1878. In 1878 the city had a bonded indebtedness of many millions; now its bonded indebtedness is about six millions, less than the bonded indebtedness of any city in the

United States anywhere near its size. Conditions now are very different to what they were in 1878, and Washington citizens and property owners are fully able to pay the expenses of the maintenance of their city government without being taxed higher than the citizens of other cities, and it is nothing but equitable and right that they should do so. It is unjust that the citizens of other States should be taxed to maintain their own cities and then pay an additional tax to lessen the tax burden on the favored property owners of the Capital City. When the act of 1878 was passed it provided that all property in the District of Columbia, real estate and tangible and intangible personal property, should be taxed at the rate of $1.50 per hundred. You have heard much of the crime of attempting to repeal, modify, or change this sacred organic act. Some of my colleagues may be surprised to know that in 1902 Congress passed a law, and passed it on the District appropriation bill, modifying and changing this sacred organic act by providing that real estate should be taxed at only two-thirds of its value instead of its full value, and intangible personal property and articles of personal adornment should be absolutely exempt from all taxation; and I will venture my head that you did not hear any cry or complaint from the Washington papers or the Washington people about changing the sacred organic act in that respect, for it again lessened their taxes.

Mr. TINKHAM. Mr. Chairman——

Mr. CRISP. Mr. Chairman, I must decline to yield until I finish what I desire to say. Then, if I have any time left, I will be glad to answer the gentleman or any other gentleman to the very best of my ability. My friend the gentleman from Kansas [Mr. CAMPBELL] spoke about legislating on an appropriation bill, and how outrageous it was to interfere with or change this sacred organic act by legislation on an appropriation bill. It may interest some of my colleagues to know that they will find in volume 32 of the Statutes at Large the District of Columbia appropriation bill, approved July 1, 1902, about 14 pages of legislation relating to taxation of real estate—reducing the assessment to two-thirds valuation—in the District, dealing with the taxation of personal property and exempting intangible personal property from all taxation, and providing sundry other tax exemptions. You will find the legislation deals with the whole system of license taxes in the District and with many other subjects foreign to an appropriation bill. But that legislation was, in the main, favorable to the taxpayers of the District, and you heard no complaint.

Now, Mr. Chairman, when the sacred organic act was passed a tax was levied on real estate and on tangible and intangible personal property, but as time went on and the taxable property grew larger and larger, even at this low rate of taxation, the taxes collected from the District of Columbia, plus an equal amount to be contributed by the Federal Government, aggregated more than could be expended. I must compliment the owners of the Washington papers and the real estate speculators for being shrewd and far-seeing men. They knew that if this condition continued the people of the United States would not stand for being annually forced to pay many millions of dollars for the maintenance of the city government of Washington when the amount raised from local property owners in the District at a low rate amounted to more than they could use and allowing the surplus of the District half to pile up in the Treasury to the credit of the District, so something had to be done. In my judgment, this was a good time for Congress to have legislated in the interest of all the people of the United States by reducing the proportion of expense the people of the United States should pay for the maintenance of the affairs of this District; but instead of doing this Congress further favored the property owners of Washington rather than the toiling tax bearers of our country, for by the act of July 1, 1902, the sacred organic act of June 11, 1878, was amended by providing that real estate should be taxed at 66⅔ per cent of its value instead of its full value and that intangible personal property, such as money, notes, mortgages, and so forth, should not be taxed at all, thus largely reducing the amount of taxes to be collected from Washington property owners. This reduction of taxes to the local people in no way curtailed the expenditures of the government of the District, for the Federal Treasury supplied an annual donation sufficiently large to meet all requirements.

Gentlemen of the committee, you will bear in mind that in Washington there is only one tax levied, which is the city tax. They have no State and county taxes, as we have in all States of the Union. So when they pay one tax that is the only tax they do pay. I have some figures that were furnished me by the United States Census Office, which I used in a speech here about two years ago; I do not think there has been any change since then, and I will take the liberty of calling the attention of my colleagues to these comparative figures, showing what taxes the citizens of the United States pay in cities of approximately the size of the city of Washington:

	Nominal tax rates.			Total.	Reported basis assessment.	Reported true tax rates.	Rate per hundred.
	City.	County.	State.				
					Per cent.		
Detroit	$19,832	$1,454	$2,204	$23,580	100	$23,580	$2.35
Milwaukee	11,468	3,425	985	15,878	90	14,290	1.42
Cincinnati	11,430	2,959	451	14,840	100	14,840	1.48
Newark	13,760	4,076	2,564	20,400	100	20,400	2.04
New Orleans	22,000	.....	6,450	28,450	75	21,338	2.13
Washington	15,000	.....	.....	15,000	66⅔	10,000	1.00
Minneapolis	23,460	2,950	3,580	29,990	50	14,995	1.49
Jersey City	13,860	5,550	2,590	22,000	100	22,000	2.20
Indianapolis	15,900	2,615	3,185	21,900	60	13,140	1.31
Louisville	17,900	2,800	5,000	25,700	70	17,990	1.79
Atlanta	12,500	.....	5,000	.....	60	.....	.....

Mr. SISSON. Mr. Chairman, does the gentleman object to an interruption?

Mr. CRISP. I stated that I preferred not to be interrupted.

Mr. SISSON. I only wanted to ask this question, to make it more clear to myself and other Members: Does the gentleman include in that rate the State and county taxes?

Mr. CRISP. I do.

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. SMITH of Minnesota. The gentleman says the Minneapolis rate is 1.49 on the 50 per cent valuation?

Mr. CRISP. Yes, sir.

Mr. SMITH of Minnesota. The Minneapolis rate, including county and State taxes, is 3.6.

Mr. CRISP. Mr. Chairman, you will see from a comparison of these figures that the property owners of the city of Washington have a smaller tax rate on their real estate and tangible personal property—intangible personal property bears no tax, as it does in about all the States—than any other city of approximately its size, and that the property owners in the city of Washington are of all these cities the most favored.

Mr. LLOYD. Mr. Chairman——

Mr. CRISP. Mr. Chairman, I shall have to decline to yield until I complete my statement.

Mr. LLOYD. The tax in the District of Columbia is $1.50, is it not?

Mr. CRISP. The tax rate is $1.50, but under the law I have just quoted real estate is assessed at only 66⅔ per cent of its true value, which makes the tax rate but $1 on the actual value. I have stated that the figures I quoted, giving the tax rate of other cities, showed the rate of tax on the full value of the property, so the Washington rate is only $1 on the hundred.

Mr. Chairman, when it was first suggested that the half-and-half act should be repealed the advocates of the law contended that the tax rate of Washington was confiscatory and greater than that of the taxpayers of other cities. This claim has been overwhelmingly disproved; therefore the beneficiaries of the bounty from the Federal Treasury residing in the District were driven to the extremity of seeking some other reason why the act of 1878 should remain. They then contended that a per capita tax on the property owners of Washington was larger than any other city. I take the liberty of quoting some figures on the subject used in a speech on the floor by Congressman BEN JOHNSON of Kentucky, which are as follows:

Per capita expenditures.

CITY.

GROUP II.

Milwaukee	$25.38
Cincinnati	37.47
Newark, N. J	36.80
New Orleans	24.94
Washington, D. C.	35.45
From local revenues	18.79
From Federal subsidy	16.66

GROUP III.

Minneapolis	33.50
Seattle	44.83
Jersey City	22.33
Kansas City, Mo	41.48
All nine cities	33.33
All cities over 30,000	32.59
Cities of Group I	37.56
Cities of Group II	39.99
Cities of Group III	28.92
Cities of Group IV	24.15
Cities of Group V	22.87

Mr. LONGWORTH. That is the per capita tax?

Mr. JOHNSON of Kentucky. That is the per capita tax. Now, your city of Cincinnati pays per capita $37.47. Washington has a per capita tax from its local revenue of only $18.79.

These figures show that while the per capita tax in the District of Columbia, according to expenditures, approximates that

of other cities in the same group with it, the burden borne by the citizens of the city of Washington is just about half of the per capita tax of other cities, for the Federal Government pays half of the per capita tax in Washington, so this claim fails.

Mr. Chairman, I will not argue this phase of the question longer, but if anyone cares to pursue it further, if they will do me the honor to read a speech I made in the House on December 16, 1913, on this question, they will see that the repeal of the half-and-half act will work no hardship or injustice upon the property owners of Washington, but its repeal will be doing justice to the citizens of the United States and relieve them from a tax burden which they ought not in good conscience to be forced to bear.

In the last Congress I introduced House bill 9417, entitled "A bill to repeal the act of June 11, 1878, known as the half-and-half act." The Committee on the District of Columbia reported the bill favorably, whereupon for days all four of the Washington papers ridiculed me, and mass meetings were held over the city denouncing me, and Congress was urged to retain the half-and-half act. When the District appropriation bill was before the House for consideration an amendment was offered repealing the half-and-half act, and after debate the House, by a vote of 186 to 100, favored the repeal of the act. (See CONGRESSIONAL RECORD of Dec. 14, 1914, p. 178). The Senate refused to concur in the amendment, though twenty-odd Senators favored the repeal, and when the bill came back to the House I urged the House to remain firm and let the bill fail, rather than to recede from our position repealing this act. In a few days Congress was to adjourn, for it expired by law on March 4, and our leaders urged that a compromise be made, that a commission be appointed to investigate the fiscal relations between the District and the United States, and to report to this Congress. The leaders of the respective parties in the House, Messrs. UNDERWOOD, FITZGERALD, MANN, and others, urged that this compromise commission be accepted, and finally, by a vote of 165 to 151 (see CONGRESSIONAL RECORD of Feb. 27, 1915, p. 4865), Congress appointed the joint commission. This commission consisted of Senators CHILTON, SAULSBURY, and WORKS, and Congressmen RAINEY, GARD, and COOPER. Certainly, Mr. Chairman, this commission was impartial, for an examination of the votes on the half-and-half proposition will disclose the fact that neither of them ever voted to repeal the half-and-half act. This commission was composed of patriotic, able, learned Members of Congress, and they entered upon the duty assigned them with a determination to do equity and justice to the people of the District and of the United States. They had hearings for 60 days, and after careful consideration of the testimony, unanimously reported to Congress that the half-and-half provision, or the sacred organic act of June 11, 1878, should be repealed. The bill before the House carries into effect the recommendation of this joint committee to repeal the act of 1878, and, Mr. Chairman, it is with great satisfaction that I realize that this Congress will repeal this act of 1878, and thus correct a wrong that has existed for many years, and relieve your constituents and mine from an unjust tax burden, and at the same time inflict no hardship upon the local property owners.

Mr. Chairman, the local people say because the Government owns property here they should pay half the taxes, and I am thoroughly persuaded they are quite willing for your constituents and mine to pay all of their tax burdens. Addressing my colleagues from the Western States, let me ask how can you justify to your constituents burdening them to pay half the taxes of the District of Columbia, because the Government owns a small amount of property here, when the Government owns millions of acres of land in your States and does not pay 1 cent to your States, counties, or cities as taxes. How can my colleagues from any of the States justify such a thing, when you know the Government pays not 1 cent of tax on the valuable public buildings and other property in your State or mine? It may interest you, my colleagues, to know that practically none of the foreign Governments of the world pay any taxes to the municipality of their capital city on account of property owned therein. This statement may be verified by reference to Senate document 163, Sixty-third Congress, third session, which is a report from the various United States ambassadors and ministers to foreign countries, advising our State Department regarding this identical subject. No State in the Union contributes from its treasury the people's money toward maintaining the city government of its capital city because the State owns property therein, and to my mind no equitable reason exists why the Nation should do so. Gentlemen from prohibition constituencies, do you know when you vote for the half-and-half act you are giving the District of Columbia a premium of $1,500 out of the Treasury of the United States for every barroom established within the District? Such is the case, for the whisky license here is $1,500, and whenever the District sells a license $1,500 is raised in revenue, and under the half-and-half act the Federal Treasury must contribute a like amount to the District, so each whisky license sold in the District yields to the municipal government $3,000, fifteen hundred contributed by the owner of the bar and fifteen hundred by our constituents, and the United States gets for the license only $25.

I must bring these remarks to a close. But for the selfishness of it, it would be pathetic the way the Washington press and property owners are begging for the retention of the half-and-half act. A few days ago there appeared in the Washington Post an editorial, calling upon the President to veto the Army preparedness bill because it had a provision in it to spend $20,000,000 outside of the District of Columbia to erect a nitrate plant, to extract nitrogen from the air, to be used by the Government in the manufacture of powder, and the surplus nitrate to be sold to the great producing classes of our country for fertilizers. From a Washington viewpoint this expenditure is outrageous, while I consider it one of the best provisions of the bill, for it will aid our farmers by giving them cheaper fertilizers.

Let me again contrast the Washington viewpoint. Mr. HULBERT, of New York, introduced a bill to take from the people's Treasury one and a half million dollars to improve Potomac Flats by building a stadium for the college athletes to hold revelry, run foot races, and engage in athletic sports, and the Washington papers and Washington people urge its passage, and I will guarantee that any Congressman who will vote for the bill will be heralded in the Washington papers as a statesman, broad visaged and patriotic; if any Congressman has the temerity to oppose the expenditures of any money from the Federal Treasury for any object to be created in the District of Columbia he is proclaimed provincial, narrow minded, and unpatriotic.

A few days ago our beloved Speaker, Hon. CHAMP CLARK, stated in substance on the floor in discussing the flood-control bill:

> If you will spend every dollar in the Treasury of the United States in the District of Columbia the local press and people will approve it, but if you seek to authorize the erection of public buildings in your district or mine, or try to improve the navigable streams of our country, or seek to lessen the cost of transportation from the farms to the towns by building good roads, the local press will cry out "Pork-barrel statesman."

Mr. Chairman, I would not do the citizens of Washington an injustice. I do not want to inflict upon them any unjust or harsh taxes. They are citizens of our beloved country and are entitled to the same rights and privileges that the citizens of your State and mine are entitled to, and they should receive from the Government exact and impartial justice—no more and no less. I believe the Federal Government should compensate the District of Columbia for all benefits it receives from it, and under the bill before the House it will amply do so.

I have done all I could, in my humble way, to bring about the repeal of this so-called sacred half-and-half act because I believe it unjust to the people of the United States and confers special privileges on the citizens of the District. It is with gratification that I find myself vindicated by the able joint commission, and it is to me a source of happiness that this Congress will repeal the act of 1878. I am pleased. For by its repeal no injustice is done the local property owners, and justice, though tardy, will at last be done your constituents and mine.

Mr. PAGE of North Carolina. Mr. Chairman, I yield to the gentleman from Texas [Mr. DIES].

Mr. DIES. Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PAGE of North Carolina. I yield to the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, in the absence of the gentleman from Minnesota, I yield 25 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, for a number of years past there has been a considerable amount of discussion relative to the wisdom of the arrangement under which the Federal Government has since the seventies paid one-half of the expenses of the District of Columbia. So much opposition developed in Congress to what is known as the half-and-half plan that on March 3, 1915, a joint select committee was appointed with duties and responsibilities as follows:

> That a joint select committee shall be appointed consisting of three Senators to be named by the Presiding Officer of the Senate and three Members of the House to be named by the Speaker of the House of Representatives, whose duty it shall be to prepare and submit to Con-

gress a statement of the proper proportion of the expenses of the government of the District of Columbia or any branch thereof, including interest on the funded debt, which shall be borne by said District and the United States, respectively, together with the reasons upon which their conclusions may be based.

The report of that committee made some time ago is very definite in two essential features. One with regard to the payment of the interest on the funded debt of the District of Columbia, and the other a recommendation as to the attitude that Congress should assume toward the District in the future.

The Committee on Appropriations has seen fit to bring into the House legislation in connection with the District bill which the majority of the members of the committee claim or assume, carries out the recommendation of the joint committee.

In the first place, the bringing of legislation of this importance into the House on an appropriation bill is a very questionable procedure. There is a committee directly charged with responsibility in matters of this kind, presided over by the able and amiable gentleman from Kentucky, composed of Members of the House selected on account of familiarity with municipal matters, and certainly thoroughly able and qualified to legislate or at least to advise the House.

I do not think the Committee on Appropriations is altogether to blame for bringing in this legislation. The Committee on the District of Columbia, in my opinion, should have very promptly, after the submission of the report of the joint select committee, busied itself with legislation proposed and intended to carry out, if in the wisdom of the committee they should be carried out, the findings and conclusions of the joint committee.

The Committee on the District of Columbia, so far as I know, has not, up to this time, taken up that matter systematically with a view of bringing in legislation. At least they have presented nothing to the House, although several months have elapsed since the report was made, and the time has come to make up the District appropriation bill. The Appropriations Committee was confronted with this situation—the view expressed in the House by at least a large minority if not a majority was that the old fiscal relations were not satisfactory or at least were not wise under present conditions.

The first question naturally was, How were the bills to be paid? Were we to continue under the old system, when a joint committee of the House and Senate had recommended a modification; and if not, what was to be done? Under these circumstances it will be urged that the Committee on Appropriations can be very greatly blamed for assuming responsibility for legislating, although even under those circumstances the bringing in this important legislation by the Committee on Appropriations is not, in my opinion, fully justified. Having assumed responsibility for this legislation, the committee brought in legislation which does not, in my opinion, harmonize with either the letter or the spirit of the report of the joint commission. Certainly it does not harmonize with the spirit of that report when you view the legislation in conjunction with the items of the bill and the appropriations which it carries. So far as the interest on the bonded debt is concerned, this legislation flies squarely in the face of the report of the joint commission. The Committee on Appropriations has assumed to know more about that than the joint committee did.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. COOPER of Wisconsin. It also flies squarely in the face or two decisions of Comptroller Downey, of the Treasury Department, on that exact proposition.

Mr. MONDELL. That is undoubtedly true.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. PAGE of North Carolina. Neither the gentleman from Wyoming or the gentleman from Wisconsin were present during the brief remarks I made on the bill this morning. At least I assume they were not, because I stated emphatically that when we reached the sinking-fund item I should introduce an amendment, already prepared, stating directly that one-half of this amount should be paid from the District revenues and one-half from the money in the Treasury not otherwise appropriated. I also stated that in the first provision of the bill on the first page where the exception is made in line 11 I proposed to strike out the word "and" and insert the word "except."

Mr. MONDELL. I did not hear the gentleman's statement, but I am glad to know that he contemplates offering the amendment he now suggests. The very fact that such an amendment is now offered, before we begin the consideration of the bill, radically changing and modifying the legislation which the subcommittee presented to the committee and the committee to the House is proof sufficient, it seems to me, that the committee did not give the matter proper consideration at the time it took it up.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. MONDELL. In just a moment. I know that the subcommittee is qualified, I know that the full committee is qualified, to legislate on this or other subjects, therefore when a committee makes such a blunder as to bring in a proposition which it proposes to amend before it is presented, it is proof certainly not of a lack of capacity on the part of the committee, but of a lack of consideration of the subject.

Mr. PAGE of North Carolina. Will the gentleman yield for one moment?

Mr. MONDELL. I do.

Mr. PAGE of North Carolina. I want to say in that connection that the view of the subcommittee in framing this paragraph was that it is merely a bookkeeping matter, and I think, if I were to take the gentleman from Wyoming or the gentleman from Ohio or the gentleman from Wisconsin into the committee room, I could convince him in 15 minutes that is true; but I want to confess that I despair of convincing the House in the brief time given in this discussion that it is a mere bookkeeping matter, and to remedy the objection in the minds of gentlemen I now say I will offer this amendment.

Mr. MONDELL. Well, some very extraordinary things have been done in the world as a matter of bookkeeping. We have had a beautiful, illuminating illustration of that, or had some time ago, in the methods of bookeeping by the Secretary of the Treasury, where by the application of peculiar bookkeeping he added some forty or fifty million dollars to the net reserves of the Federal Government, made the Federal Government richer by fifty or sixty million dollars, as I recollect, by the legerdemain of fancy bookkeeping. Still to the average man, the ordinary individual, it may seem more than a matter of bookkeeping to decide whether or not one party has to pay all of $6,000,000 debt, and the interest thereon, or whether it is to be divided between two parties. While to the ordinary individual it may be more than a matter of bookkeeping, I will grant you that a gentleman who can accept as a matter of bookkeeping forty, fifty, or sixty million dollars added to the sum in the Federal Treasury is peculiar in his views, and he can accept almost anything as a matter of bookkeeping. Most of us look upon it as more than a matter of bookkeeping. However, the committee has seen the error of its ways even before it reached the discussion of the legislation, and now proceeds to attempt to square itself by an amendment, which does, as a matter of fact, meet with the approval of all of us.

But that is only one feature of the report of the committee. The very important feature—but before I go to that I want to make this suggestion with regard to legislation on an appropriation bill. It is a most objectionable and dangerous way to legislate, as we all know, as those who have written the rules know, and therefore prohibited it. Such legislation becomes particularly objectionable presented under a special rule. Dangerous as such legislation is, when it is enacted, as it frequently is practically by unanimous consent, it is even more dangerous when made in order by a rule. The fact that the majority of the Committee on Rules favor making the legislation in order, the fact that in the vote on the rule the support of the rule in itself carries to a certain extent an approval of the legislation, you bring about a situation under which at least the majority side is practically pledged to the legislation before it has been discussed at all. Under conditions that exist here all Members do not hear the discussion of measures and a man may become pledged to a piece of legislation through a vote to make it in order and never thereafter discover the error of his judgment, because he does not hear the discussion of the matter. He simply follows the lead that is thus given him before he understands anything about the virtue or the lack of virtue of the proposition thus made in order.

Now, a very important part of the report of this joint committee is the last paragraph of its report. Personally I have regretted somewhat that the committee, composed of able men, could not have found some basis for a definite determination of the percentages of the cost of the District to be borne by the District and by the Federal Treasury, respectively. But personally I am anxious to follow that committee so far as I can in good conscience and this legislation taken in connection with and interpreted by the bill, of which it is a part, does not carry out the spirit of that joint report which is set forth in the last paragraph as follows:

> Our unanimous conclusion is that the rate of taxation in the District should be fixed and certain; that the Congress should pursue a definite policy of regular and liberal appropriations, having in view not only the permanent moral and physical advancement of the city, but also its preeminent beauty and grandeur as the municipal expression of the Nation's home and its peoples' pride.

Now, I leave it to any Member of the House on either side if this bill, reducing as it does the estimates submitted by

the commissioners by over two and one-half million dollars, leaving out as it does many items urgently urged by the commissioners, trimming many other items to the bone, if this bill thus put together and presented to the House in anywise expresses the view of the joint committee "that Congress should pursue a definite policy of regular and liberal appropriations having in view not only the permanent moral and physical advancement of the city but also its permanent grandeur as a municipal expression of the Nation's home and the people's pride." This, the first bill presented under the new plan proposed by the joint commission, as interpreted by the majority of the Committee on Appropriations, realizes what some of us have feared would happen when we depart from a definite provision as to the respective share of appropriations to be paid by the District on the one hand and the Federal Government on the other. What we feared was this: That first an agitation would be started for increasing the revenues of the District in an unreasonable and in an unwarranted way. The gentleman from Georgia has just voiced that idea. The very first argument made here on the bill is to the effect that the District does not pay taxes enough; that the people of the District are tax dodgers and are escaping the payment of such sums as they should pay toward the maintenance of the government. This in face of the fact that the joint committee expresses its opinion in the paragraph that I have just quoted to this effect:

Our unanimous conclusion is that the rate of taxation in the District should be fixed and certain.

And further in other parts of the report they express the opinion that the people of the District have been paying reasonable sums for the maintenance of the District government.

Mr. PAGE of North Carolina. Mr. Chairman, of course the gentleman realizes that there is nothing in this bill affecting either the assessment or the rate of taxation?

Mr. MONDELL. I realize that. I have not suggested that there was.

Mr. PAGE of North Carolina. Now I will ask a question in order to furnish the gentleman information, namely, if he knew this bill carried $591,000 more than the bill as reported to this House from the Committee on Appropriations last year, in view of his statement as to its illiberality?

Mr. MONDELL. What the gentleman states may be true, but, if the gentleman will recall, I expressed the same opinion with regard to the bill of last year that I am expressing with regard to the bill now before us. It was illiberal to the last degree. It neglected important improvements and betterments which this city needs. It refused betterments and improvements that the city of Washington should have if it were not the Capital of the Nation, and improvements and betterments the importance of which were emphasized by the fact that Washington is the Capital of the Nation. That was my first fear, that if we departed from the rule of a definite apportionment there would be a constant and never-ending insistence upon an increase of tax burdens. I do not say, because I am not sufficiently informed to say, that the present tax rate and the present tax levy is just what it ought to be in the District, but certain I am that you could not greatly increase the assessment and the levy in the District of Columbia without doing injustice to its people.

Now, second, what I have feared and what has been demonstrated in this bill is that if we depart from a fixed rule of apportionment of expenditures, the Appropriations Committee will be constantly tempted, as this committee has been, to keep the expenditures just as low as possible, without much reference to the real needs of the city and the District. In other words, I fear that without a fixed rule of apportionment of expenditures as between the city and the Federal Government, we will fail to obtain that "definite policy of regular and liberal appropriations" which the joint committee laid down as the first essential of satisfactory conditions in the District. In the time that I have it will be entirely impossible for me to go over in detail the items of the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVIS of Minnesota. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. I shall not have time to go over in detail the items estimated for by the District Commissioners that have been entirely eliminated, or the numerous items in the bill in which the estimates have been, I was going to say, scandalously scaled; but I will say unjustifiably scaled.

There are a number of improvements badly needed which the people of the District have been asking for for years. The city needs, and needs badly, a better and systematic improvement of the water front of this city. We need that improvement for the benefit of the people of Maryland and Virginia, on the Potomac and Chesapeake, who so largely contribute their produce to feed the people of this District. It is needed on behalf of the people of the District in order that the cost of living may be reduced by making it cheaper and easier to discharge the produce of the neighboring States and have it cared for until transported to the markets of the District.

A bill that reduces by half a million dollars the estimate for school buildings in a city like this can not be justified unless the committee brings in an indictment against the District Commissioners to the effect that they are extravagant in their estimates beyond all conscience. If the District Commissioners so poorly understand and so misinterpret the needs of this District for schools that they bring in estimates of $500,000 in advance of the needs of the District, some one ought to start an inquiry relative to their capacity. As a matter of fact, I assume the estimates were not too high. In my opinion, they included very few items that should not have been provided for.

This city needs a city hospital. It needs a new municipal lodging house, and needs it badly, as everyone knows who has visited the small, inadequate building which is now used.

The city needs more playgrounds. It needs, above all things, public bathing facilities for the young people and the children of the District. There are few cities of its size in the Union that have such meager and limited public bathing facilities as has the District of Columbia. We need appropriations for vacation schools and care of playgrounds. I have four children in the public schools, and they have been importuned constantly for the last month to make contributions, to sell tickets, and to do all sorts of things to raise money to provide for the vacation schools and the playgrounds, and yet this committee refuses a single, solitary penny for those things, though the people of the District are anxious to provide for them.

Mr. PAGE of North Carolina. Is there anything in the estimate as to these items?

Mr. MONDELL. There is a $7,000 estimate for this purpose. The committee did not only not provide for it, but entirely overlooked it, evidently.

Mr. PAGE of North Carolina. Mr. Chairman, I yield one minute to the gentleman from Tennessee [Mr. SIMS].

Mr. DAVIS of Minnesota. Mr. Chairman, I yield four minutes, in addition, to the gentleman.

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS] is recognized for five minutes.

Mr. SIMS. Mr. Chairman, on April 13, 1910, I delivered a speech in the House which I will now read, if the House will be patient and bear with me:

"Mr. Chairman, on February 20, 1901, more than nine years ago, as a supplement to some observations I had made on the rules of the House, I read an article from the Kansas City Times, the same being by Mr. H. J. Groves, at that time the staff correspondent of that paper. I now read enough of the article I then read to give the House an idea of what it was:

NEW ENGLAND INFLUENCE IN AMERICAN POLITICS.

"'WASHINGTON, D. C., *February 4, 1901.*

"'In his great ship-subsidy speech in the Senate Mr. Vest called attention to the domination of New England in American politics. The Senator said:

"'"New England is rich and powerful. Her people have made money in every contingency and in every era in the history of our country.

"'"I admire them; I admire their courage, their sagacity, their aggressiveness. With a sterile soil and an inhospitable climate, they control the politics and the policy of the United States. They send their ablest men to both branches of Congress and keep them here as long as they can preserve the material interests of that section. It makes no difference how much these Representatives and Senators may differ with the people as to matters of sentiment and abstraction, if they are true to the material interests of New England, that is enough. The two Senators from Maine differ as widely as the North and South Poles upon the foreign policy of the United States, but they are both here to-day by the unanimous vote of the Legislature of Maine. The two Senators from Massachusetts are equally diverse in their opinion as to the Philippine question and the Philippine war, but the people of Massachusetts send them both here because they know their ability and recognize their usefulness.

"'"New England, six small States, a majority of them not as large as counties in Missouri, controls the politics of the whole United States. There is no measure before the Senate or the other branch of Congress in which New England does not receive the largest share of Government bounty."'

"'In these few words Senator Vest told a story known to every student of public men and affairs. The six little States which form the New England group have figured prominently in the settlement of every question that has been presented to the Republic. The West and South have sacrificed prestige in Washington by changing the Representative every time an ambition was born in the imagination of some bright young lawyer. The reason these sections have not exerted more influence in national legislation is because they have left but few of their Representatives here long enough to ripen into usefulness.

"'But few men who are sent here leave an impress upon the legislators of the country. Those who do either possess commanding and unusual ability or else secure prestige by continued service and consequent familiarity with the needs of the country.

"'Senator Vest is not mistaken about New England. He told the gospel truth, and the West and South should study what he said.

"'The people of the West and South should not overlook or pass unnoticed the statement made by Senator George G. Vest that New England has dominated the politics and legislation of the Republic. He is not a word dealer or phrase coiner. He means what he says and always has the proof to substantiate his statements. This condition has existed, and every student of public affairs knows it. Senator Vest graphically stated the fact. He casually told the reason: "They keep their men here."

"'I would not advocate the changing of the congressional tenure of office. The people should have an opportunity to pass on the congressional record often, at least every two years; but if the record is a good and growing one, it should be indorsed. There are many who give to Congressmen two terms, no more. These districts are never influentially represented.

"'Thus you have the story of influence in Congress. It is the story of long service.

"'H. J. GROVES.'

"It will be seen that the article consisted of a liberal extract from a speech of the late Senator George G. Vest, of Missouri, then serving his last term in the Senate of the United States, with a very forceful comment by Mr. Groves, who was a brilliant and able newspaper man then residing in Washington. As is well known to all intelligent men, Senator Vest was one of the greatest statesmen this country ever produced—that for learning, wisdom, and oratory he had few equals and no superiors.

"It matters not what a Member's educational qualifications may be, it matters not how great an intellect he may possess, nothing can fully equip him for the most effective service here except continued service. As bearing directly upon this point, I now read from a speech of President Taft, made in this city several years ago. He said:

"'There is only one thing I want to say about Ohio that has a political tinge, and that is that I think a mistake has been made of recent years in Ohio in failing to continue as our representatives the same people term after term. I do not need to tell a Washington audience, among whom there are certainly some who have been interested in legislation, that length of service in the House and in the Senate is what gives influence. And, therefore, that rotation in office, while it may satisfy the different counties and keep them from a county internecine war, very much interferes with the State of Ohio exercising that influence that it ought to exercise in the Senate and in the House. I am in favor, therefore, of continuing the representation as we have it, so that our representatives shall be the foremost in both Halls of the Legislature.

INFLUENCE OF SMALL STATES.

"'Why is it that the small States of the East exercise so much power in Congress? It is not because an eastern man has any more capacity in the matter of legislation than a western man—certainly not more than an Ohio man. It is because when they get a good representative they keep him as long as he lives, and then he has the influence that vastly exceeds the more numerical representation of population. I do not know whether this is quite germane to the subject, but it occurred to me to say this because I feel as if we were all interested in having Ohio well represented and in having Ohio make herself felt in the legislation of this country by adopting a system that will certainly bring about the weight she is entitled to.'

"Mr. Chairman, who knew better the value of long and continuous service in Congress than President Taft? He could have had no other motive in asking his own State to continue their representatives in Congress than the desire that his State have the weight and influence in this body that can come in no other way than by continuously returning the same men.

"I now beg the indulgence of the House to read an editorial from the Washington Post, of this city, on the above extract from that speech:

ROTATION IN OFFICE.

"'There is a truth as profound as political experience can make it in the following passage from the speech of President Taft before the Ohio Society of Washington:

"'"Why is it that the small States of the East exercise so much power in Congress? It isn't because an eastern man has any more capacity in the matter of legislation than a western man—certainly not more than an Ohio man. It is because, when they get a good Representative, they keep him as long as he lives, and then he has the influence that vastly exceeds the more numerical representation of population."

"'Though a man were Hazlitt and Macaulay combined, he would not be a great writer unless he had been of the guild a while. We are told by Edmund Burke himself that it was by slow degrees and constant discussion that Charles James Fox became the greatest parliamentary debater the world ever saw. Fox entered the British Commons before he was 20 years old. He remained a member of that body till his death, at the age of 57. In opposition he did as much to advance the cause of good government as Pitt did in power, for he kept Pitt not only on the alert but on his good behavior.

"'Had Fox been an American and a Member of our Congress, he would have been fortunate if he had been chosen to and served in 10 Congresses—20 years. Sam Randall was not bred a statesman, but he became one of our great parliamentary leaders by reason of his long service. Had John G. Carlisle been English born, he would have served in the House of Commons at the least 50 years. Gladstone was in the Commons 60 years. Had he been an American, it is doubtful if the whim of a single constituency would have allowed him 12 Congresses.

"'Matt Carpenter was a more powerful intellect than William B. Allison, but Allison exercised an infinitely more powerful influence on our parliamentary policies than Carpenter. One served less than 12 years, the other more than 30.'

"Mr. Chairman, as corroborative and cumulative testimony on this very important question of length of service in this body, I now read from the address of the Hon. CHAMP CLARK, the present Democratic leader in this House, and who, in all human probability, will be its next Speaker if the Democrats return to power, delivered on the 9th day of April, 1910, on the life, character, and public services of the late Hon. David A. De Armond, of Missouri, as follows:

"'That he stood among the highest here and was recognized as a force to be taken into account at all times and under all circumstances was a fact known to all of us. Why did he so rank? First, because of his native ability, his accurate information, his clear, incisive style of speaking, his fidelity to principle, and his flawless integrity. Secondly, by reason of his long service and by his constant attendance on the sittings of the House.

"'He died near the end of his nineteenth year in Congress. Of all the Missourians who have been Members of the House, one only exceeded him in length of service—the sterling and well-beloved Richard Parks Bland, who died in the early part of his twenty-fifth year of service, possessing an international reputation. The Missourian next to him in point of service in the House was Gov. John S. Phelps, who served 18 years and rose to be chairman of the Committee on Ways and Means, the first chairman of that committee from the sunset side of the great river. Roger Q. Mills, of Texas, is the only other trans-Mississippian to achieve that greatly coveted honor. The high places to which Phelps, Bland, and De Armond rose in both the House and the country is another illustration of the value of long service—value not only to themselves but to their constituencies and to the entire Republic.

"'Men should not be sent hither simply to gratify their own personal ambitions, but because they can be of service, and having proved that they are of service, wisdom dictates that they should be kept here so long as they continue to be of service; and it may be confidently asserted that the value of the services of a man of capacity, character, industry, and good habits increases in exact proportion to his length of service. New England understands this thoroughly. So do the cities of Philadelphia and Pittsburgh. When a Representative from any of those places demonstrates his fitness here he is retained until he retires, dies, or is promoted. Five times in succession Philadelphia has had the distinguished honor of furnishing the "father of the House"—Kelley, Randall, O'Neal, Harmer, and Bingham. Should Gen. Bingham, the present "father of the House," for any reason cease to be a Member, the title of "father of the House" would pass to still another Pennsylvanian, my friend the Hon.

John Dalzell. These facts should furnish much food for thought to every constituency in the land.'"

Mr. Chairman, it now appears that when I said in my speech delivered in this place in 1910 that in all human probability the Hon. CHAMP CLARK would be the next Speaker of the House of Representatives I was more of a prophet than I could lay claim to at that time, for since that prophecy was made Hon. CHAMP CLARK has been three times elected Speaker of the House, without a dissenting vote in his own party, either in caucus or in the House, which can be said of no other man in our history.

Party changes may come and go in this body, but the effect of long and continuous service on the strength and usefulness of its membership remains incontrovertible.

When my speech of April 13, 1910, was delivered the House was Republican, and I then gave a statement as to the length of service of the chairmen and ranking members on 18 of the more important committees of the House as it was at that time constituted, which proved conclusively that my contention as to the value of long service was true.

The House of Representatives is now Democratic, and I give the names and length of service of the chairmen and ranking majority and minority members of each of 12 committees, as follows:

AGRICULTURE.

A. S. LEVER, chairman; length of service, 16 years.

GORDON LEE, ranking majority member; length of service, 12 years.

GILBERT N. HAUGEN, ranking minority member; length of service, 18 years.

APPROPRIATIONS.

JOHN J. FITZGERALD, chairman; length of service, 18 years.

SWAGAR SHERLEY, ranking majority member; length of service, 14 years.

F. H. GILLETT, ranking minority member; length of service, 24 years.

FOREIGN AFFAIRS.

H. D. FLOOD, chairman; length of service, 16 years.

CYRUS CLINE, ranking majority member; length of service, 8 years.

HENRY A. COOPER, ranking minority member; length of service, 24 years.

INSULAR AFFAIRS.

W. A. JONES, chairman; length of service, 26 years.

FINIS GARRETT, ranking majority member; length of service, 12 years.

HORACE M. TOWNER, ranking minority member; length of service, 6 years.

INTERSTATE AND FOREIGN COMMERCE.

W. C. ADAMSON, chairman; length of service, 20 years.

T. W. SIMS, ranking majority member; length of service, 20 years.

JOHN J. ESCH, ranking minority member; length of service, 18 years.

JUDICIARY.

EDWIN Y. WEBB, chairman; length of service, 14 years.

C. C. CARLIN, ranking majority member; length of service, 10 years.

ANDREW J. VOLSTEAD, ranking minority member; length of service, 14 years.

MILITARY AFFAIRS.

JAMES HAY, chairman; length of service, 20 years.

S. HUBERT DENT, ranking majority member; length of service, 6 years.

JULIUS KAHN, ranking minority member; length of service, 14 years.

NAVAL AFFAIRS.

LEMUEL P. PADGETT, chairman; length of service, 16 years.

J. FRED TALBOTT, ranking majority member; length of service, 22 years.

THOMAS S. BUTLER, ranking minority member; length of service, 20 years.

POST OFFICE AND POST ROADS.

JOHN A. MOON, chairman; length of service, 20 years.

DAVID E. FINLEY, ranking majority member; length of service, 18 years.

HALVOR STEENERSON, ranking minority member; length of service, 14 years.

WAYS AND MEANS.

CLAUDE KITCHIN, chairman; length of service, 16 years.

HENRY T. RAINEY, ranking majority member; length of service, 14 years.

JOSEPH W. FORDNEY, ranking minority member; length of service, 18 years.

BANKING AND CURRENCY.

CARTER GLASS, chairman; length of service, 16 years.

EVERIS A. HAYS, ranking minority member; length of service, 12 years.

RULES.

ROBERT L. HENRY, chairman; length of service, 20 years.

EDWARD W. POU, ranking majority member; length of service, 16 years.

PHILLIP P. CAMPBELL, ranking minority member; length of service, 14 years.

In this list I have given the names and length of service of all chairmen of the 12 committees, and also of all the ranking majority members, except in the case of the Banking and Currency Committee, for the reason that the ranking majority member, as the committee was made up at the beginning of this Congress, has recently died. I have given all the names of the ranking minority members and length of service of all. These 12 committees are the most important committees of the House.

As a general rule, the chairman and ranking majority with the ranking minority members of all committees are appointed on conference committees of the two Houses on all bills where differences arise between the House and Senate in order to adjust such differences and by reason of being so appointed on conference committees, they perform the most important legislative service that can be performed, as reports of conference committees must be accepted or rejected as a whole. On this account the three House members on a conference committee represent the whole membership of the House.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. DAVIS of Minnesota. Mr. Chairman, if the gentleman desires five minutes more I shall be glad to yield it to him.

Mr. SIMS. I would be glad to have it.

The CHAIRMAN. The gentleman from Tennessee is recognized for five minutes more.

Mr. SIMS. In case of a change in party control, the ranking minority members, as a general rule, become chairmen of their respective committees, and the chairmen of the committees of the party losing control become ranking minority members of the same committees and as such continue to go on conference committees, notwithstanding a change in party control of the House. It therefore follows that a study of the length of service of the chairman, ranking majority, and ranking minority members of these 12 committees I have named will shed much light on the importance and value of long and continued service in this great legislative body. I find that the combined service of the 12 chairmen and 11 ranking majority members, 23 in all, amounts to 370 years, making the average service for each member to be a fraction over 16 years. I find that the combined length of service of the 12 ranking minority members to be 196 years, or an average of 16⅓ years for each minority ranking member. I find that the combined length of service of the 35 members I have just named to be 566 years, or as near as I can express it numerically, an average length of service of each of the 35 members of 16⅛ years.

These facts and figures demonstrate beyond any sort of doubt the wisdom of returning Members to this body continuously as long as they retain the mental and physical vigor necessary to enable them to effectively discharge their official duties.

Mr. Speaker, I hope I may be pardoned if I now give a somewhat detailed statement of the record of the Tennessee delegation in the House of Representatives as to length of service and character of same and as to committee assignments.

RECORD OF TENNESSEE MEMBERS OF SIXTY-FOURTH CONGRESS.

SAM R. SELLS, of the first district, is ranking minority member of the Committee on Pensions and is also a member of the Committee on Roads. His length of service is 6 years.

RICHARD W. AUSTIN, of the second district, is ranking minority member of the Committee on Public Buildings and Grounds, and is also a member of the Committee on Insular Affairs. His length of service is 8 years.

JOHN A. MOON, of the third district, is chairman of the Committee on the Post Office and Post Roads. His length of service is 20 years.

CORDELL HULL, of the fourth district, is a member of the Committee on Ways and Means. His length of service is 10 years.

W. C. HOUSTON, of the fifth district, is chairman of the Committee on Territories, and is also a member of the Committees on the Census, Labor, and War Claims. His length of service is 12 years.

JOSEPH W. BYRNS, of the sixth district, is a member of the Committee on Appropriations, and is chairman of the subcom-

mittee of that committee which makes up the legislative appropriation bill. His length of service is 8 years.

LEMUEL P. PADGETT, of the seventh district, is chairman of the Committee on Naval Affairs. His length of service is 16 years.

T. W. SIMS, of the eighth district, is ranking majority member of the Committee on Interstate and Foreign Commerce. His length of service is 20 years.

FINIS J. GARRETT, of the ninth district, is the ranking majority member of the Committee on Insular Affairs, and is also a member of the Committees on Rules, Expenditures on Public Buildings, and Flood Prevention. His length of service is 12 years.

K. D. MCKELLAR, of the tenth district, is a member of the Committee on Military Affairs. His length of service is 6 years.

It will thus be observed that the 10 Members constituting the Tennessee delegation have membership on the important committees of Pensions, Roads, Public Buildings and Grounds, Insular Affairs, Post Office and Post Roads, Ways and Means, Rules, Census, Labor, War Claims, Appropriations, Naval Affairs, Military Affairs, Interstate and Foreign Commerce, and Territories.

I know of no other 10 Members of this House from any other State that have an equal number of committee assignments on so large a number of the greatest and most important committees of the House as does the Tennessee delegation, and the reason for such fortunate committee assignments is apparent to all who will study the facts I have just detailed. The combined length of service of the Tennessee Members of this House is 118 years, and the average length of service of each Member is 11⅘ years. Length of service tells the whole story. It will be observed that Messrs. MOON, HULL, BYRNS, PADGETT, SIMS, and MCKELLAR are all members of committees which, under the rule adopted by the Democratic caucus on organization of this House, bars them from membership on any other committee.

Service on the great Committees on Interstate and Foreign Commerce, Ways and Means, Appropriations, Naval Affairs, Military Affairs, and Post Office and Post Roads was regarded by the caucus as being of such preponderating importance, both to the House and to the Nation, as to require all the time of their Members.

Barring the application to myself of what I am just about to say, I think any citizen of Tennessee, regardless of politics, may well be proud of the record of its delegation in the House of Representatives of the Congress of the United States. But the making of such a record would have been impossible without the long and continuous service with which the people of the State of Tennessee have honored its Representatives in this body. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. SIMS. Mr. Chairman, I ask unanimous consent to include in my remarks, in the proper place, parts of my address to the House delivered April 13, 1910.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. PAGE of North Carolina. Mr. Chairman, I yield 20 minutes to the gentleman from Kentucky [Mr. JOHNSON].

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON] is recognized for 20 minutes.

Mr. JOHNSON of Kentucky. Mr. Chairman: During the last few years much has been said and printed concerning the half-and-half relations existing between the Federal Government and the District of Columbia. There is published in Washington a magazine known as the National Geographic Magazine. I have in my hand a copy of that magazine for March, 1915, in which appears an article by ex-President Taft relative to the National Capital. That article has been very elaborately illustrated for the purpose, no doubt, of conveying to its readers the impression that the District of Columbia is asked by some people to bear all the burden of Capital building. One illustration in that article appears on page 227, and is a picture of one end of the Capitol Building, the Senate end.

I wish to take these illustrations one after another and see to what extent the property in the District of Columbia is taxed for the purpose of building a National Capital. The picture to which I just referred, on page 227 of the magazine, shows property built entirely out of Federal funds, and property in the District of Columbia was not taxed at all to build it.

The next illustration is on page 229, which shows the south wing of the Capitol Building. That, too, was built entirely out of public funds, and the property in the District of Columbia was not taxed at all to help build it. The next illustration is on page 230, and shows a part of the building of the Daughters of the American Revolution. Property in the District of Columbia was not taxed to help build that.

Another of the illustrations is shown on page 231, which is a front view of the United States Treasury Building. Property in the District of Columbia was not taxed to help build that. The next two illustrations are shown on pages 232 and 233, and both show the Washington Monument. The property in the District of Columbia was not taxed to help build that. The next illustration is on page 234, and shows the statues in Lafayette Square. The property in the District of Columbia has not been taxed to help build them. On page 235 is shown a rear view of the White House. The property in the District of Columbia has not been taxed to help build that.

The next view is of the Connecticut Avenue Bridge. The property in the District of Columbia was, however, taxed to pay half of that.

The next illustration is a view of a building on New Hampshire Avenue. The property of the District of Columbia has not been taxed to help build that. The view on page 239 of the magazine is of the Chesapeake & Ohio Canal. The District was originally taxed way back yonder to help build this canal, but the bonds and stocks which the old cities of Georgetown and Washington took in that canal were unloaded on the United States Government, and those stocks are now held by the United States Government and are not worth the paper on which they were printed.

On page 240 we have the Arlington Memorial Amphitheater, a most elaborate thing. That is being paid for out of the Federal Treasury, and the property in the District of Columbia is not taxed to build that. Then, on page 241, we have an illustration of the cemetery at Arlington. That was purchased and paid for out of the Federal funds, and the property in the District of Columbia was not taxed to pay for that. Then, on page 242, is a picture of the proposed homes of four of the great departments of the Federal Government. When they are built the property in the District of Columbia will not have been taxed to build them.

On page 244 we have a picture of the dome of the Capitol and the front of the Capitol. The property in the District of Columbia has not been taxed to help build that.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. NORTON. Does the gentleman maintain that the property of the District of Columbia should be taxed to pay for improvements of that kind?

Mr. JOHNSON of Kentucky. I do not; but I am answering the often-made statement that the people of the District of Columbia have imposed upon them the onerous task of building a beautiful National Capital. I am showing now that out of fifty pictures of buildings used to illustrate the Taft magazine article only one of them was built partly out of funds raised by taxing the property of the District of Columbia, and that is the Municipal Building.

Mr. FOCHT. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. FOCHT. Does not the gentleman think it is the desire of the people of this Republic—and that they are willing to pay—that the Government beautify and make this the most beautiful city in the world?

Mr. JOHNSON of Kentucky. I am fully in accord with the gentleman in his views. I have stated on many occasions, and now repeat, that the United States Government ought to erect all the buildings it needs; that it ought to quit renting, and that it ought to construct elaborate buildings. But I do oppose the public and new Members of Congress being imposed upon by just such stuff as this and made to believe that property in the District of Columbia is taxed to erect all these buildings, when they do not pay a farthing for the purpose.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. LONGWORTH. Can the gentleman say how the tax rate of Washington compares with the tax rate of other cities?

Mr. JOHNSON of Kentucky. I am coming to that later on.

Mr. LONGWORTH. I just thought I would suggest that.

Mr. JOHNSON of Kentucky. I now wish to resume my comment on Mr. Taft's magazine article and the illustrations which accompany it.

On page 247 of the magazine already referred to I find a view from Arlington Cemetery of the Lincoln Memorial. Recently Congress has appropriated more than $2,600,000 for the Lincoln Memorial, and property in the District of Columbia has not been taxed a cent for the purpose of paying for this memorial. However, the Taft article as illustrated conveys to the mind of the uninformed reader that this is one of the great projects toward

capital building for which the District of Columbia is called upon to pay.

On page 250 is another view of the magnificent Lincoln Memorial, to which I just referred. This additional view is, no doubt, added to the number of illustrations for the purpose of impressing the implication that property in the District of Columbia is taxed to help build it.

On page 251 is a picture of the "basin" in Potomac Park. This basin is one of the adornments and places of pleasure in the District of Columbia. A picture of it is, no doubt, used in the Taft article so that the uninformed reader may again draw the conclusion that property in the District of Columbia has been taxed to build it. However, it was paid for entirely out of the United States Treasury.

On page 252 is a picture of the Army War College and on page 253 is a picture of the Bureau of Engraving and Printing. It is but reasonable to infer that these, too, have been used to illustrate the Taft article so that the uninformed reader may be left to believe that property in the District of Columbia has been taxed to help build them, while the fact is that they were paid for entirely by the United States.

On page 254 we find the Taft article further illustrated by pictures of the new Union Station and the new Post Office Building. The property in the District of Columbia was not taxed to help pay for either of these. The general supposition is that the Pennsylvania Railroad Co. and the Baltimore & Ohio Railroad Co. bore the burden of the cost of the Union Station. That supposition, however, is incorrect. The act of Congress provided that the station should not cost less than $4,000,000. In money and land the United States contributed something like $8,000,000 toward the railroad terminals, improvements, and changes made necessary by the erecting of the Union Station and elimination of grade crossings. In 1903, I believe it was, Congress made the Baltimore & Ohio Railroad Co. a present of a million five hundred thousand dollars toward these improvements. About the same time a present of a similar amount was made to a subsidiary of the Pennsylvania Railroad Co. by the United States. The new Post Office Building, which is shown in the same illustration, was paid for entirely out of funds of the United States. The District of Columbia paid nothing toward its erection.

On page 255 is a beautiful illustration of the United States Treasury Building. The Federal Treasury paid for the erection of this building, and property in the District of Columbia was not taxed to help build it.

On page 256 is a picture of the Red Cross Building. Property in the District of Columbia was not taxed to help build that.

On page 257 is a picture of the New National Museum, just south of Pennsylvania Avenue. Property in the District of Columbia was not taxed to help build that.

On page 258 is a picture of the Von Steuben Monument in Lafayette Square. Property in the District of Columbia was not taxed to help pay for that.

On page 259 is a beautiful colored picture of Lincoln Park and the Thomas Ball monument to Abraham Lincoln. Property in the District of Columbia was not taxed either for the purpose of purchasing this park or erecting this handsome Lincoln Statue.

On page 260 is shown the beautiful fountain in the rear of the White House. Property in the District of Columbia was not taxed to pay for the construction of this.

On page 261 is a picture of the White House with the Army and Navy Building in the distance. Property in the District of Columbia was not taxed to pay any part of this.

On page 262 is a picture of the building of the National Geographic Society. Property in the District of Columbia was not taxed to pay for any part of this.

On page 263 is a picture of the United States Patent Office. Property in the District of Columbia was not taxed to pay for any part of this.

On page 264 is a picture of the Pan American Union Building. The property in the District of Columbia was not taxed to pay any part of the cost of that.

On page 265 is a picture of the Continental Hall of the Daughters of the American Revolution. Property in the District of Columbia was not taxed for the purpose of erecting this magnificent building.

On page 266 is a picture of the Public Library of the District of Columbia. The District of Columbia paid no part of the cost of its construction.

On page 267 is a picture of the Millet-Butt Memorial Fountain. The property in the District of Columbia was not taxed to pay any part of the cost of that.

On page 268 is a picture of the accepted design for the George Washington Memorial Hall, which is to cost about $2,000,000. The property in the District of Columbia will not be taxed to erect that.

On page 269 we have a picture of the Municipal Building. The property in the District of Columbia was taxed to pay one-half the cost of this building and the United States paid the other one-half.

On the same page is a picture of the Carnegie Institution of Washington. Property in the District of Columbia was not taxed to pay any part of the cost of that.

On page 270 is a picture of a residence on Massachusetts Avenue covered with wistaria. Property in the District of Columbia was not taxed to build it.

On page 271 is a picture of a beautiful rose garden. The property in the District of Columbia was not taxed to create it.

On page 272 is a picture of the House Office Building. Property in the District of Columbia was not taxed to build it.

On page 273 is a picture of the Library of Congress, perhaps the most beautiful building in the world. The property in the District of Columbia was not taxed to help build it. The Federal Government built it at its own expense.

On page 274 is a picture of the National Capitol, showing both the Senate and House wings. Property in the District of Columbia was not taxed to help build that.

On page 275 is another picture of the National Capitol, inserted in the Taft article, no doubt, for the purpose of impressing upon the minds of the uninformed the enormous cost of Capital building, and for the further purpose, perhaps, of leaving the uninformed to infer that property in the District of Columbia had been taxed to help build it, when such was not the case.

On page 276 is shown a picture of the Temple of Scottish Rite, built at a cost of a million and a half dollars. The property in the District of Columbia was not taxed to help build that.

On page 279 is a view of one of the roads through Rock Creek Park. The property in the District of Columbia was taxed to pay for one-half of that.

On page 281 is a picture of the Volta Bureau. Property in the District of Columbia was not taxed to help pay for that.

On page 284 is a picture of the Smithsonian Institution. Property in the District of Columbia was not taxed to help pay for that.

On page 286 is a picture of the Roosevelt group of lions, and on page 287 is a picture of the Roosevelt rhino group in the National Museum. Property in the District of Columbia was not taxed to help pay for them.

Although not shown in the illustrations, there is the Senate Office Building, one of the costly structures of the National Capital, but property in the District of Columbia has not been taxed to help pay for that.

Then there is the beautiful and costly Potomac Park, upon which it is now proposed to erect a stadium to cost a million and a half dollars. This park has been made at the cost of the United States Government, and property in the District of Columbia has not been taxed to help create it.

It is also proposed to erect an armory for the District Guard at a cost of $2,500,000. The authorities of the District of Columbia do not contemplate paying any part of this. The fact is that the wirepullers in the District of Columbia are not so anxious to secure an armory as they are to have the United States build a convention hall under the guise of building an armory, so that the hotels and boarding houses in the District of Columbia may use it as an argument as to why conventions should come to Washington.

It is contemplated to build a memorial bridge between the Lincoln Memorial at Arlington. If this bridge is built according to present designs, it will cost something like twelve million or fifteen million dollars. No one anticipates that property in the District of Columbia will be taxed to help build that.

Out of the 50 or more pictures illustrating Mr. Taft's article it is not certain that property in the District of Columbia has been taxed to help pay for more than two of them, yet they have all been used in connection with this magazine article for the purpose of showing to the country the great cost of National Capital building without being frank enough to say in so many words that nearly all of the cost was paid by the Federal Government and but an insignificant part of it paid by the District of Columbia.

The great cost of Capital building and Capital beautification has been paid and is being paid by the National Government and but little by the District of Columbia.

Mr. Taft commences his magazine article by saying:

I have been deeply interested in the development of Washington ever since as Solicitor General I looked out of the windows of the clerk's office of the Supreme Court, at the Capitol, and stood awe-struck by the beauty of that sweep from the Capitol down to the Monument,

thence to the shining bosom of the Potomac beyond, and across to the Arlington hills. * * *

When I left Washington on the 4th of March, 1913, the last view that my eye lovingly rested upon was that other axis, at right angles with the first, from the south windows of the White House across the White House Grounds and the White Lot to the Monument, thence to the Potomac Park and the majestic river, with the far hills of Anacostia to the left and a distant suggestion of Alexandria on the right.

For the creation of nothing within that sentimental description was property in the District of Columbia taxed.

Further along in the article Mr. Taft, in advocating a condemnation of the Palisades and the country back of it in Virginia, says:

In this way the limits of Washington may be extended across the Potomac and brought within the improving influence of the Government Treasury.

Even he does not thereby intimate that it is to be brought within the improving influence of the treasury of the District of Columbia.

Again, further along in the article, Mr. Taft says:

While they (the people of the District of Columbia) have to pay but half of the expense of the city government, that half is greater than most cities of Washington's class impose upon their people. There are two reasons for this. The first of these is that no other city of its class has so many unusual expenses to meet. For instance, no other city of its size has as many square feet of street surface to maintain, etc. * * *.

Only Pennsylvania Avenue and three or four squares of Louisiana Avenue are in reality much broader than the streets of other cities. They are broader upon paper, but are not broader in reality. Take Sixteenth Street, for instance; from curb to curb it is but a street of average width the country over. However, at least 35 feet on each side of the sidewalks are given to making front yards for the residents along that street. Those who own homes on Sixteenth Street, on K Street, and on practically all of the other streets throughout the District of Columbia have the free use of front yards in which they have no money invested and for which they pay no rents. Yards in front of residences in all other cities of this country are the property of the home owners. In those yards the owners have their money invested, but they derive no more pleasure from those yards for which they are compelled to pay than the residents of the District of Columbia derive from their front yards, for which they do not have to pay.

On page 289 of the magazine article Mr. Taft says:

When the question of finding a fair basis for the financial resolutions between the United States Government and the District of Columbia was pending in Congress during the middle seventies a report favorable to the half-and-half plan was made by the Judiciary Committee of the House. Among other striking statements in that instrument was one which shows how the lawmakers of that period viewed the subject. It is as follows: "There is something revolting to a proper sense of justice in the idea that the United States should hold free from taxation more than half of the area of the Capital City and should be required to maintain a city upon an unusually expensive scale, from which the ordinary revenues derived from commerce and manufactures are excluded; that in such a case the burden of maintaining the expenses of the Capital City should fall entirely upon the resident population."

How absurd and misleading it is for a man of Mr. Taft's prominence to include such a statement in his magazine article. When he refers to the legislation of the "middle seventies" he no doubt refers to the act of June 20, 1874, and the act of June 11, 1878. By the first of these acts the temporary commission form of government was established, and by the second the permanent commission form of government was established.

Mr. Taft should have known that by the act of February 21, 1871, the charters of the old cities of Washington and Georgetown were repealed, and that the one municipality of the District of Columbia was created and the entire District of Columbia made the Capital City. Therefore, when he used the quotation above referred to, he should have known that "more than half of the area of the Capital City" was not withheld from taxation. The original city of Washington comprised only about 6,000 acres. The District of Columbia, which is now the Capital City, is made up of approximately 45,000 acres; and such has been the case since the act of February 21, 1871.

The United States Government owns Potomac Park, but it is not used exclusively for governmental purposes. Instead, it is used as a pleasure ground for the people of the Capital City. The United States Government owns the great park around the Capitol. That is not used exclusively for governmental purposes, but is also used as a pleasure ground for the people of the Capital City. The United States Government owns Lafayette Park, Franklin Square, Lincoln Park, and a number of other parks, but none of them is used for governmental purposes, but all are given up as pleasure resorts to the people of the Capital City. Therefore the people of the Capital City can not complain that these parks are held free from taxation. The streets of the Capital City do not belong to the Government, except for public use. It has been held by the Supreme Court of the United States, in the case of Smith *v.* The Corporation of Washington (20 How.), that the United States only exercises sovereignty over the streets and holds them only in trust for the people.

Every day we see something in one or the other of the Washington papers asserting that if the half-and-half arrangement is done away with that those who would do away with it suggest nothing to take its place. This assertion is really silly, because there is something substantial proposed to take its place, and that something is the proposition that the United States shall not be committed to the payment of any definite proportion of the expenses of the District of Columbia, but that property in the District of Columbia shall continue to be taxed as it is now taxed, and the proceeds from that taxation used for municipal purposes; and if the amount be not sufficient to fully meet all of the municipal functions, then the United States Government is to make up the difference.

Again, the Washington papers day after day say that the proposition which is now before the House does not fix a permanent rate of taxation. There is already a permanent rate of taxation in the District of Columbia, and thus far nobody has proposed to change it. That rate is as definite and certain as Congress can make it. It can not be made more definite and certain without an amendment to the Constitution of the United States fixing the rate of taxation at a certain figure and providing that thereafter it can not be changed.

They say that the present rate of taxation is "flexible." If it is flexible its flexibility has never been used to increase the rate but always to lessen it. Since the adoption of the act of June 11, 1878, known as the "organic act," the rate of taxation has several times been changed, but every time it has been changed it has been made less and less. In its flexibility it has always "flexed" downward. It has never "flexed" upward. The Republicans revised the tariff upward, but they have always "flexed" the rate of taxation in the District of Columbia downward.

The gentleman from Kansas [Mr. CAMPBELL] and the Washington papers continue to assert that the present half-and-half arrangement was the result of four years' study and labor. They say that it took from 1874 to 1878 to construct the policy of the half and half. In this they are all mistaken. The truth of it is that it took four years of expensive lobbying upon the part of the "Committee of One Hundred" to induce Congress to enter into that arrangement.

The friends of the half and half insist that the amendment to the appropriation bill doing away with the half and half has been hastily drawn. In this also they are mistaken. When those who have been in Congress for long years have heard this question discussed year after year and have finally reached the conclusion that the half and half should be done away with, then the friends of the half and half say that their action is hasty. But, when other Members, like the gentleman from Massachusetts [Mr. TINKHAM], for instance, arrive in Washington one day and the next day arrive at the conclusion that the half and half is the proper thing, then the friends of the half and half do not charge them with hasty action, but they laud their judgment to the skies.

When the select joint committee was appointed a little more than a year ago to have hearings upon this subject and then report their findings to Congress, the Washington papers and the other friends of the half and half announced that they would be satisfied with the findings of that select joint committee. They all gave credit to the intelligence and good judgment and integrity of purpose and fairness of the members of the select joint committee, and indicated quite clearly that they would abide by their finding. They received the appointment of the members upon this select joint committee with delight. No doubt much of this came from the fact that no one of the six of this joint select committee had ever cast a vote against the half-and-half arrangement. It is reasonable to presume that the friends of the half and half were surprised when this joint select committee reported that the half and half should be repealed.

The defenders of the half and half one year ago indicated quite clearly, as I have said, that they would abide by the decision of the joint select committee. That committee has made a unanimous report. The substance of that report is embodied in the present District of Columbia appropriation bill. I insist that the defenders of the half and half show their good faith, acquiesce in that report, and support the section in the District appropriation bill which does away with the half and half.

The Washington papers and the Washington lobbies at first insisted that the rate of taxation in the District of Columbia was as much as that in any other city in the United States of

comparable size. They have been driven from that false position by an exposition of the facts. Then they resorted to another comparison by which they undertook to show that their per capita tax was greater than that of other comparable cities in the United States. They seem to forget that persons are not taxed, but that property is. In consequence the argument of a per capita tax can not possibly answer their purpose. But for the sake of argument let us accept the proposition that it does answer the purpose. I think I will show in my remarks of to-day that the per capita tax of the residents of the District of Columbia is far less than the per capita tax of the residents of any other city of comparable size in the United States.

There are a number of citizens' associations in Washington which, with the chamber of commerce and the board of trade, are constantly petitioning Congress for the expenditure of greater and greater sums of money in the District of Columbia, without ever intimating that they are willing for any increase in the rate of taxation in order that their unreasonable requests may be granted.

I have before me a communication dated April 29, 1916, addressed to me by the Board of Trade of the District of Columbia. In this communication they ask for a great many things, as follows:

First. That public-comfort stations be provided as follows: At the northeast corner of Ninth and F Streets NW.; at or near the corner of Thirty-second and M Streets NW.; at or near Fourteenth Street and Park Road NW.

Second. An additional shelter at the Farmers' Produce Market, at Twelfth and B Streets NW., to be built on the B Street side.

Third. A central heating plant for the group of school buildings at Seventh and O Streets NW.

Fourth. A new modern fireproof building to replace the present municipal lodging house.

Fifth. A new Eastern High School, large enough to accommodate 1,500 pupils.

Sixth. A graded school building with an assembly hall on site owned by District to accommodate the Woodridge, Langdon, and East Brookland sections.

Seventh. A fireproof storage building for the safe and economical keeping of supplies.

Eighth. Provision for a suitable armory building.

Ninth. New buildings to replace the present first, fourth, seventh, and harbor precinct stations.

Tenth. That cells and cell corridors in precinct stations 2, 7, and 9 be reconstructed, modernized, and made sanitary.

Eleventh. A new municipal hospital, but not on the site proposed at Fourteenth and Upshur Streets NW.

Twelfth. Larger appropriations for salary increases, for the employment of additional assistants, and for equipment, especially for a greater number of books at the Public Library of the District of Columbia, totaling more than $100,000.

Thirteenth. That a ship canal of ample size connecting the Eastern Branch with Chesapeake Bay be constructed by the United States Government.

Fourteenth. That the channel of the Potomac River, from its mouth to Washington and Georgetown Harbors, should be dredged to the depth of 28 feet, width of 400 feet.

Fifteenth. That the channel of the Anacostia River, from its mouth to the Navy Yard Bridge, should be dredged to a depth of 28 feet, preferably 400 feet wide.

Sixteenth. The Anacostia River should be made navigable from its mouth to Bennings Bridge.

Seventeenth. The United States should acquire all lands on both banks of the Anacostia River now owned by private parties.

Eighteenth. The United States to inaugurate a system of permanent dock improvements, and so forth, from the mouth of the Anacostia River to Bennings Bridge.

Nineteenth. That appropriation be made for the construction of a new fire and ice boat, with hinged smokestacks, to be located in Georgetown.

The above communication is but one sample of their extravagant and unreasonable demands of Congress.

Something has been said here to-day about the decision rendered by the Comptroller of the Treasury (Judge Downey) relative to the interest on the 3.65 bonds of the District of Columbia which, in the District appropriation bill is always referred to as the "interest and sinking fund."

The Comptroller of the Treasury, in writing that opinion, laid erroneous premises upon which to base his opinion. Even after he had laid erroneous premises for it he labored throughout that opinion to make good his position. I have long ago accepted that opinion as final, and it is not my purpose now to offer any further or additional argument in support of my original contention relative to the payment of the principal and interest of the 3.65 bonds. While I now decline to make any argument in favor of the position which I took relative to this subjct I feel it not at all out of place that I say something in criticism of that opinion.

The comptroller, in that opinion, makes the act of June 11, 1878, retrospective when it is entirely prospective in its nature.

It relates to future expenses of the District of Columbia and not past expenses. It relates to future and not past relations beween the United States and the District of Columbia. While, no doubt, some unpaid expenses of former years have been paid since June 11, 1878, on the half-and-half plan, this has been done by virtue of express provisions of appropriation acts and not by virtue of the half-and-half clause of the organic act. Indeed, the half-and-half clause is not a self-executing provision. It is a mere pledge as to future appropriations. No payment has been made or could be made under authority of the organic act itself. Nor is there anything in this act which authorizes any release of any obligation of the District to the United States or anyone else. If any such release was then contemplated it was evidently intended by Congress that it should be effected through subsequent legislation. But the fact that no subsequent legislation has authorized any release, at least as to interest advanced during the fiscal years 1877 and 1878, is strong evidence that no such release was ever contemplated by Congress.

The precise question here involved is whether the half-and-half clause of the organic act is retrospective as to payments of interest during the fiscal years of 1877 and 1878. The general rule is that an act is to be construed as prospective only, unless the language employed can not be reconciled with such a construction. Here, however, the language employed admits of no retrospective construction. It is provided—

> To the extent to which Congress shall approve of said estimates, Congress shall appropriate the amount of 50 per cent theerof; and the remaining 50 per cent of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and the District of Columbia.

The use of the future tense is conclusive of the question of whether the half-and-half clause was intended to be retrospective in its operations. The subject matter of this legislation is future estimates, future appropriations, and future levying of taxes upon District property and privileges.

The comptroller refers to the provision of the act of June 20, 1874, which contemplates proportional appropriations by the United States and the District of Columbia toward the payment of interest on the bonds, and it is decided by the comptroller that the organic act "fixed the respective proportional payments of the United States and the District at 50 per cent each." But if the organic act is prospective and not retrospective in its operations, such fixing related only to years subsequent to 1878. Before 1878 the 3.65 bondholders had no right to complain if determination of what should be the proportion of the payments to be made by the United States and the District of Columbia was deferred for several years, provided the obligation to make proportional payments was recognized and provision was made by Congress for the payment of current interest. Such provision was made by congressional legislation, and this legislation not only satisfied the legal demands of the bondholders but also fixed the obligations of the District with respect of these payments. Congress certainly had power to place upon the District such obligation or liability as to the interest payments for the years 1874 to 1878, or for any other period as seemed just to Congress. Congress was empowered to fix one proportion for the years 1874 to 1878 and another proportion for subsequent years. This, in effect, was what was done.

In determining the amount of the indebtedness of the District of Columbia to the United States the comptroller undertakes to make an adjustment of interest payments between 1874 and 1878 on the half-and-half plan. It is not claimed that Congress has expressly authorized any such adjustment. The acts of July 31, 1876, and March 3, 1877 (19 Stats., 106, 346), expressly provided for a reimbursement by the District of Columbia to the United States, and it is frankly conceded by the comptroller that if this question be viewed from the standpoint of these two acts alone the District owes the United States a million dollars. But inasmuch as the two acts are congressional enactments, it would seem that Congress alone could release the liability created by them. It would also seem that any such release would have been expressed by Congress in language at least as plain as that which was employed to create the liability. It should also be borne in mind that whenever Congress has intended that there should be an adjustment of accounts between the District of Columbia and the

United States such adjustment has been provided for by express enactment.

Referring to the acts of July 31, 1876, and March 3, 1877, the comptroller says:

> These statutes were purely provisional and designed to meet the exigencies of the situation by providing a means of payment of the interest on these bonds which fell due before the enactment of a permanent provision for its payment, and payments under them were subject to future proportional adjustment of accounts.

Of course, Congress had power to make such release or adjustment, as between the United States and the District of Columbia, as seemed just and proper to Congress; but the error of the comptroller is in assuming in this part of the opinion that Congress has authorized a "proportional adjustment of accounts," which, in fact, has not been done.

Construing the acts of July 31, 1876, and March 3, 1878, the comptroller says:

> If we isolate and consider alone the legislation of the two fiscal years 1877 and 1878 there can be no doubt that, under the specific requirement of the statutes under which money to pay the interest on these bonds for these years was advanced by the United States, the District was indebted to the United States under the terms of the statutes at the close of the fiscal year 1878 in the amount of $1,003,257.24, and as limited by the submission this is the question which I am called upon to decide.

The comptroller then decides that the organic act of June 11, 1878, fixed "absolutely and finally the respective obligations of the United States and the District with reference to these interest payments from the first interest accruing on the bonds until the last interest payments shall have been made."

The comptroller, therefore, decided that although at the close of the fiscal year 1878 the District was indebted to the United States on account of interest payments in the sum of $1,000,000, the organic act of June 11, 1878, had the effect of releasing a part of this indebtedness or of equalizing all interest payments, past and future, of the United States and the District of Columbia. It will readily be conceded, however, that there is no language in the organic act which expressly authorizes any such adjustment. But was there any such implication? As the District owed the United States $1,000,000 at the close of the fiscal year 1878, any adjustment of this indebtedness by the organic act which reduced the indebtedness would in reality be a partial release of the indebtedness. The comptroller, however, expressly decided that the organic act did not release any part of the preexisting indebtedness, this language being used:

> There is nothing in the organic act which expressly or by sufficiently founded implication remits or cancels any part of the then existent indebtedness of the District either to the United States or to others.

And again the comptroller says:

> The organic act took no account of and made no provision for the payment of any indebtedness growing out of the transactions of the preceding four years between the Government and the District and that condition was permitted to continue for 35 years.

We find, therefore,, that neither in the organic act nor in any subsequent legislation has there been a releasing of any part of the indebtedness of the District to the United States existing at the end of the fiscal year 1878. But if there has been no such release and payment has not been made, which is conceded by the comptroller, how can we escape the conclusion that the indebtedness existing at the close of the fiscal year 1878 is still existent? Congress alone would have the right to release an indebtedness of this sort, and the comptroller concedes that Congress has not done so.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield there?

Mr. JOHNSON of Kentucky. I will.

Mr. TRIBBLE. Does the District of Columbia pay for any of the upkeep of these buildings, or part of them?

Mr. JOHNSON of Kentucky. Only to a very limited extent when all are considered.

Mr. TRIBBLE. The Government pays all that?

Mr. JOHNSON of Kentucky. Yes; the Federal Government pays it. The Federal Government paid for and owns LaFayette Park, opposite the White House, and paid for and owns Franklin Square, and paid for and owns Lincoln Park and a number of other parks that I could recount, if I had the time, and for the purchase of which property in the District of Columbia has not been taxed a penny.

Now, answering the question of the gentleman from Ohio [Mr. LONGWORTH], who asked me a question a few moments ago as to the rate of taxation in the District of Columbia, I will say that in a speech which I made in the last Congress I named forty cities in the United States, and set opposite the names of each one of them its rate of taxation. I wish now to reinsert that list in the RECORD, and in connection with it I wish to say that the rate of taxation in Washington is the lowest of them all. Opposite the name of each city I will put its rate of taxation, beginning with the city which has the smallest rate, and go down the list, naming the cities in order as the rate of taxation increases, as follows:

Washington, on the $100	$1.00
Philadelphia, on the $100	1.50
St. Louis, on the $100	1.51
Pittsburgh, on the $100	1.53
Cincinnati, on the $100	1.56
Bridgeport, on the $100	1.65
Chicago, on the $100	1.71
Boston, on the $100	1.72
New Orleans, on the $100	1.72
Milwaukee, on the $100	1.76
St. Paul, on the $100	1.76
Minneapolis, on the $100	1.79
Lawrence, on the $100	1.80
New York, on the $100	1.82
Springfield, on the $100	1.82
Brooklyn, on the $100	1.85
Cleveland, on the $100	1.88
New Haven, on the $100	1.90
Rochester, on the $100	1.93
Lowell, on the $100	1.94
Lincoln (Nebr.), on the $100	1.97
Baltimore, on the $100	1.98
Detroit, on the $100	1.99
Camden, on the $100	2.00
Syracuse, on the $100	2.00
Trenton, on the $100	2.00
Lynn (Mass.), on the $100	2.00
New Bedford, on the $100	2.02
Newark, on the $100	2.02
Fall River, on the $100	2.03
Cambridge, on the $100	2.04
Providence, on the $100	2.05
Jersey City, on the $100	2.12
Grand Rapids, on the $100	2.14
Tacoma, on the $100	2.17
Utica, on the $100	2.20
Des Moines, on the $100	2.22
Buffalo, on the $100	2.29
Charleston (S. C.), on the $100	2.50

And yet, after a showing of that kind, which places Washington as the least taxed of them all, there come those here to-day and defend Washington's millionaires from paying tax on their wealth.

The general average paid by the forty cities which I have just named is $1.90 on each $100 worth of property, yet Washington complains of being overtaxed when she pays only a dollar on the hundred.

The special joint committee had a hearing upon that subject. And I wish to have this to say upon that subject:

"The report of the Joint Select Committee on the Fiscal Relations between the United States and the District of Columbia" contains—beginning on page 186, volume 1, Exhibit No. 38—an analysis of municipal taxation of various cities of over 100,000 in comparison with the District of Columbia. This exhibit was prepared under the supervision of a so-called "Citizens Committee" in support of the half-and-half plan of appropriation.

An examination of this exhibit No. 38 shows an ignoring, if not a specific denial, of the self-evident fact that the District of Columbia combines in its government the functions elsewhere separated into State, county, and municipal administrations and receives the same benefits. Thus ignored or denied, the document excludes from the municipal taxes of the cities embraced in its tabulations certain items of contributions to county and State support for the specific purpose of maintaining its argument that the District of Columbia bears a heavy tax in the aggregate and per capita in comparison with the other cities named therein.

Therefore it excludes county expenditures, as follows:

"1. Municipal taxation for general government expense of counties in which the cities are located (p. 192).

"2. Municipal taxation for conservation of health and sanitation of the counties in which the cities are located (p. 193).

"3. Municipal taxation for highways in the counties in which the cities are located (p. 193).

"4. Municipal taxation for interest on the debt of the counties in which the cities are located (p. 194).

"5. Municipal taxation for county outlays of the counties in which the cities are located" (p. 195).

For the same purpose it further excludes State expenditures, as follows:

"6. Taxation for the expenses of the general State government (p. 196).

"7. Taxation for State conservation of health and sanitation (p. 196).

"8. Taxation for State highways (p. 197).

"9. Taxation for apportionment of 'all other' State expenditures to counties and other civil divisions, principally for highways (p. 198).

"10. Taxation for interest on State debts and outlays" (p. 198).

With these exclusions the tabulations are easily manipulated to make a showing favorable to the contention that Washington pays a per capita tax comparable with the average of cities of over 100,000 population.

"But, strangely, the citizens' committee omitted any presentation of the expenditures of cities, particularly of census Group II, in which Washington is included, until their attention was forcibly directed thereto during the hearings. Whereupon, they promised to supply the omission, and did furnish a tabulation near the close of their argument, too late to permit an examination of their presentation by its opponents. (Vol. 2, facing p. 1636.) This tabulation was not of the cities of Group II, but the five cities of Group II, including Washington, and four cities of Group III.

These nine cities, including Washington, with their per capita expenditures, set forth in census bulletin No. 126, for the year 1913, are as follows:

Per capita expenditures.

CITY.	
GROUP II.	
Milwaukee	$25.38
Cincinnati	37.47
Newark, N. J.	36.80
New Orleans	24.94
Washington, D. C.	35.45
From local revenues	18.79
From Federal subsidy	16.66
GROUP III.	
Minneapolis	$33.50
Seattle	44.83
Jersey City	22.33
Kansas City, Mo.	41.48
All nine cities	33.33
All cities over 30,000	32.59
Cities of Group I	37.56
Cities of Group II	39.99
Cities of Group III	28.92
Cities of Group IV	24.15
Cities of Group V	22.87

Mr. LONGWORTH. That is the per capita tax?

Mr. JOHNSON of Kentucky. That is the per capita tax. Now, your city of Cincinnati pays per capita $37.47. Washington has a per capita tax from its local revenue of only $18.79.

Actually, then, the citizens of Washington make less expenditures per capita out of their own pockets than the citizens of any city named by the advocates of the half-and-half subsidy, and less than the average of any group of cities set forth in Census Bulletin No. 126.

So this is the argument and the order which comes to Congress from the advocates and local beneficiaries of the half-and-half subsidy:

You Congressmen from New York City, according to Census Bulletin No. 126, your constituents raised $39.52 per capita in taxes in 1913. You are asked to vote a subsidy so that Washington need raise only $18.79 per capita.

You Congressmen from Chicago, your constituents raised $31.91 per capita in taxes. You are now asked to tax them some more that Washington need raise only $18.79 per capita.

You Congressmen from Philadelphia, your toiling taxpayers raised $24.94 per capita. You are now asked to add to their burden that Washington may escape with only $18.79 per capita.

You Congressmen from St. Louis, your population were taxed $29.86 per capita in 1913. Now, let them pay some more that Washington taxpayers may escape with only $18.79 per capita.

You Congressmen from Boston, Cradle of Liberty and the Boston Tea Party, your sturdy citizens contributed for local taxes $47.10 per capita. Surely they will not mind a little extra taxation that the citizens of Washington may escape with only $18.79 per capita.

Mr. MANN. What figures did the gentleman give as to Washington?

Mr. JOHNSON of Kentucky. I will repeat what I said. A moment ago I said concerning Chicago:

They raised $31.91 per capita in taxes. Now, tax them some more that Washington need raise only $18.79 per capita.

Mr. MANN. I should have to challenge the gentleman's figures. I do not know where he got them.

Mr. JOHNSON of Kentucky. The gentleman will do nothing more than challenge them. He will not disprove them.

Mr. MANN. I know they are not correct.

Mr. JOHNSON of Kentucky. The gentleman is mistaken. They are correct if the census is correct.

You Representatives from Cleveland: Your taxpayers raised only $24.34 per capita. Surely you will not object to helping Washington out with her taxes at $18.79 per capita.

Baltimore with $24.68 per capita, Pittsburgh $38.26, and Detroit with $28.29. How can your Congressmen refuse to aid Washington taxpayers with a little subsidy to keep their burden down to $18.79 per capita?

Those are all Group I cities. Now, dear Congressmen from Group II cities—Buffalo, San Francisco, Los Angeles, Milwaukee, Cincinnati, Newark, N. J., New Orleans, and Minneapolis—your cities averaged only $39.99 in expenditures per capita. Washington has a champagne appetite and a beer income. It raises only $18.79 per capita and wants to expend $35.45 per capita. You vote in favor of having your constituents help make up the $16.66 deficit. You will be highly rewarded. Your names will appear often in the society columns of the Washington papers.

Or the case can be presented in a comparison of municipal indebtedness in 1913:

New York City	$1,177,321,916
Chicago	95,344,355
Philadelphia	117,386,321
St. Louis	25,034,860
Boston	118,666,742
Cleveland	53,027,487
Baltimore	71,410,448
Pittsburgh	61,423,379
Detroit	17,348,286
Buffalo	33,654,772
San Francisco	35,064,936
Los Angeles	43,444,330
Milwaukee	14,252,888
Cincinnati	66,376,079
Newark, N. J.	44,308,700
New Orleans	44,167,875
Minneapolis	23,199,804
Seattle	34,785,209
Jersey City	29,887,847
Kansas City	11,448,915
Washington	9,566,137

At this time the funded debt of Washington is only about $6,000,000.

Now, good Congressmen from all these cities: Your constituents have mortgaged their present and their future and their children's future for the great public improvements which were secured by these enormous bonded indebtednesses. You are now asked to add to their tax burdens whatever is necessary that Washington may be spared the same necessity.

Yet there is a rule of common sense and common justice: A country, a State, or a city is entitled to have expended for its own benefit just what it is willing to raise in taxes or to incur in public indebtedness, and not another dollar, not another cent. If Washington insists on eating nothing but cake, it should be permitted to raise the dough. [Applause.]

Mr. PAGE of North Carolina. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. SLAYDEN], and I understand the gentleman from Minnesota [Mr. DAVIS] also yields to him five minutes.

Mr. DAVIS of Minnesota. I yield to the gentleman from Texas five minutes.

The CHAIRMAN. The gentleman from Texas [Mr. SLAYDEN] is recognized for 10 minutes.

Mr. SLAYDEN. Mr. Chairman, I regret very much that I can not have more time to speak about the matter to which I am going to invite the attention of this large and interested audience of Members. While I am not going to speak about the bill which is under consideration, I shall talk about a matter that I think most Members are interested in, because I am going to undertake very briefly—courteously, I hope, but firmly—to resent some slanders that have been uttered against the Texas National Guard.

An editorial that appeared in a Washington paper last Sunday had as its heading, "Poor Showing of the National Guard." I shall not concern myself with that part of it which refers to the National Guard of New Mexico and of Arizona. Concerning those two divisions of this military body now on the border I am not informed.

But I have kept myself reasonably well informed about the Texas National Guard, because their rendezvous is in my home town of San Antonio. But "A poor showing of the National Guard," accompanied by a general attack on the character of these people as soldiers and on their qualities as men is, at least, a fair inference from the remarks that have been made, and these remarks have not been confined to papers in Washington, but have been a conspicuous feature of a number of papers all over the country. There seems to have been a concerted and untruthful attack upon the National Guard or Organized Militia of the States. Now, I would like to ask, in what way has there been a poor showing? And in order that I may answer that question with accuracy, I have jotted down some few things that I have learned from the War Department and from other sources of information.

The testimony of Gen. Albert L. Mills, who is the head of the Militia Division in the War Department, given before the House Committee on Military Affairs when the Army reorganization bill recently enacted was under consideration, disclosed the fact that at the 1915 inspection of the National Guard of the State of Texas there were only 2,236 officers and men in that organization; but less than a year later, Mr. Chairman, approximately 4,000 responded to the President's call. Of this number less than 3 per cent were not inclined to agree to serve in the Army for an indefinite period. Now, let it be remembered in behalf of these men that they have wives and children dependent on their earnings. Many of them have meager earnings at best, and when the head of the family quits working, the bread supply of the family is in actual danger. The people of my State are not paupers, but they are not rich. They nearly all have to work for a living. We have few idlers, few men of leisure in the State.

Now, without knowing the conditions in each case, the peculiar obligations of each man, you and I, Mr. Chairman, and the Members of this House are not in a position to judge of that matter. Let us be charitable, and let us keep our minds on the fact that the whole of the Texas National Guard did assemble on the call of the President, and with a promptness that has caused Gen. Funston, their commander in chief at this time, to speak of them in words of the strongest commendation of their soldierly qualities, their general alertness, and their willingness to do service for their country and to obey the orders of their superior officers. [Applause.] I have here a report from the San Antonio Express of last Saturday of the militia activities of the previous day. It is a satisfactory answer of these critics of the Texas troops:

"The question whether the National Guard of the country can be depended on when needed"—

I am quoting now—

"has been finally and eloquently answered, as far as the Texas troops are concerned," remarked one regimental officer. "There has been a lot of talk that the National Guard could not be depended on in case of war. We have been told in the Halls of Congress and in the newspapers that the men would not volunteer and that there was no way to compel them; that the money and time spent training them had all been wasted. The men of Texas were not compelled to enlist in the United States service, and they did not enlist not knowing what they were doing. The effect of signing the muster roll was explained to each man and all entered the service with full knowledge of what it means."

Gen. Frederick Funston yesterday referred to this fact and said that it was a remarkable showing. The general seemed much pleased with the result of the muster.

FEW FAILED EXAMINATIONS.

The medical officers took charge of the men as soon as they were out of the hands of the mustering officers, and examinations were begun. The surgeons were pleased with the high standard of the men, and said that very few would be rejected. All of the companies have been carefully "weeded" of men who were physically unfit at their home stations, and the few rejections resulting from examinations were for diseases contracted since the previous inspection.

The entire brigade was inoculated with typhoid serum yesterday. Several surgeons were detailed for the work, and it was quickly done.

The Adjutant General of the Army, H. P. McCain, told me to-day that he had a telegram in his office from Funston's headquarters, saying that 3,354 men had been mustered into the service up to the hour at which that telegram was dispatched. [Applause.] I think that is doing very well considering that less than a year ago the whole Texas Guard had only 2,236 men in it.

In passing I will say, Mr. Chairman, that after the 1915 inspection the impression spread throughout the State that the services of the guard might be needed, and in a few months it was increased by more than 50 per cent. Does that show any disposition to hang back? Does that show any inclination to dodge a situation that might have some danger in it? Fifty per cent increase! No; that does not show any inclination on the part of these Texans to shirk any duty that may be expected from them, as some of these slanderous newspapers have persistently said.

Now a word as to delay. Some of these Texas guardsmen had to travel 24 hours on fast trains to reach the rendezvous at Fort Sam Houston. Naturally they needed a day or so at home to adjust their personal affairs, and then remember the distance they had to travel. Keep in mind that they are citizens not professional soldiers, and were engaged in all sorts of work and had business ties that could not be broken in five minutes, except in newspaper offices.

The mobilization was ordered on the 9th of May, and on Friday the 20th of May, 11 days later, 3,354 of these citizen soldiers of Texas had been examined by the medical officers and passed, had signed the roll, and then mustered into the service. Any hanging back there as has been untruthfully charged? The transfer of Texas troops commanded by Gov. Fergusson to service with the United States under the command of Woodrow Wilson involved a lot of clerical work which can not be done in a minute, except in some newspaper offices. The enlistment of the physically unfit must be prevented for the general good of the service and for the protection of the Treasury through the needless growth of the pension list.

Mr. LONGWORTH. Will the gentleman yield?

Mr. SLAYDEN. My time is very brief.

Mr. LONGWORTH. I wanted to ask if there is any connection between the Texas Rangers and the National Guard?

Mr. SLAYDEN. Not at all.

Compare this rapid growth of the little Texas army with the vain efforts to enlist 20,000 men for the Regular Army. In about 90 days, with the most extraordinary efforts to get recruits, less than 7,000 men were enlisted for the United States Army under what would almost be considered an emergency call.

Reference was made last Sunday in the newspapers from which I have quoted to some alleged remarks of governors of Texas that if the United States would stand aside and let Texas undertake the job she could handle the border situation. It may be that they did say something like that, Mr. Chairman, but they were individual not official utterances. They spoke for themselves and not for the State.

I am not inclined to boast, but I will venture the statement that if circumstances required it Texas could do so. [Applause.] She does not invite nor does she expect to be given the task. The border is a national as well as a State boundary and the question is international.

Texas will do her duty fully to the satisfaction of the country in the settlement of this question, but she does not expect to prevent raids into the United States with three or four thousand troops, when more than 19,800 Regulars that were on the border on March 9 failed to prevent it on that day at Columbus, N. Mex. There are more than 2,000 miles of border from the Pacific to the Gulf and occasional raids of thieves and murderers have always occurred, and always will, I suppose, as long as the border exists.

A handful of Texans, Mr. Chairman, defeated the Mexicans at San Jacinto and made a great republic out of a Mexican province that had a glorious national existence for nine years and then came into the United States, not as a conquered territory but by courtship, coming in through honorable wedlock and receiving her dower, which is very different from conquest. [Applause.]

Texans distinguished themselves in Mexico in the War of 1845. They made themselves immortal by service with Hood, Terry, and Ross in the Civil War, and I beg to assure you, now that divisions between us no longer exist, you may rely upon them as staunch, loyal, valiant defenders of the Union. [Applause.]

Mr. DAVIS of Minnesota. Mr. Chairman, I yield 35 minutes to the gentleman from Massachusetts [Mr. TINKHAM]. And I want to caution the gentleman to bring himself within the 25 minutes, for I have no further time to yield.

Mr. TINKHAM. Mr. Chairman, I shall not only endeavor to confine myself in debate to 25 minutes of time, but also to the real question before the committee. The question before the committee is the District appropriation bill, with various proposed measures of legislation, and I am here to speak and protest against that measure of legislation which repeals what has been the law since 1878, concerning the fiscal relations of the District of Columbia and the Federal Government, the law which has required that in all appropriation bills since that date the Federal Government should pay half and the District of Columbia should pay half.

Mr. Chairman, the vision in the eyes of Washington, the founder of this city; the vision in the eyes of L'Enfant, the planner of this city, was not the same as that of the joint select committee when it drew its report; nor was it the same as the vision of the honorable Representative from Georgia, who has spoken in support of its report; nor that of the honorable Representative from Kentucky, who has spoken to the same effect, and who desire to see the wise fiscal provisions now obtaining in the District of Columbia abolished, for the abolition of the present equitable arrangement between the District of Columbia and the Federal Government must inevitably lead to a lesser Washington rather than a greater Washington; to a less worthy and magnificent Capital for this great Nation. Had the vision in the eyes of Washington and of L'Enfant been such as the vision of this joint select committee and these honorable Representatives, then Washington would not be here, and if Washington were here it would not be the imperial city that it is to-day.

Mr. Chairman, in discussing the issue now before the committee and the legislation proposed in the appropriation bill, which is based upon the report of the joint select committee, I desire to bring your attention closely to the report. It is one of the most curious and extraordinary legislative reports that

has ever been brought to my surprised attention. The joint select committee was directed by the Sixty-third Congress what it should do in the following language:

To submit to Congress a statement of the proper proportion of the expenses of the government of the District of Columbia, or any branch thereof, including interest on the funded debt, which shall be borne by the said District and the United States, respectively, together with the reasons upon which their conclusions may be based.

The joint select committee was directed specifically to report the proportion of the division of the expenses between the District of Columbia and the Federal Government. This was their sole function and only direction. It has not reported any proportion, as directed. It has merely reported in doubtful language that there seemed no longer any need of the so-called half-and-half plan. I therefore submit to the committee that the joint select committee has not conformed to the directions of the Sixty-third Congress. When, in 1878, a somewhat similar committee was appointed to fix the fiscal relations between the District of Columbia and the Federal Government the very same directory words were used as were used by the Sixty-third Congress—in fact, the exact words—and this committee in 1878 did as it was directed, and, as it should, found the proportion. Now, I submit, Mr. Chairman, that the joint select committee has not done what it was directed to do, nor has it done what, by precedent, its predecessors did. In discussing the joint select committee's report I do not challenge any of its findings of fact, but I do maintain, first, that it did not do as directed by the Sixty-third Congress, and, second, that the reasons given in its report are inconclusive and, in fact, would support the maintenance of the present half-and-half plan rather than its abolition.

The committee finds, on page 14 of its report, that the assessment of the property in Washington is fair and the rate of taxation is reasonable, and that, therefore, the Nation is not being asked for an unfair contribution under the present law. This important finding of fact needs comment, as it completely refutes the statements made in the Sixty-third Congress which brought about the appointment of the joint select committee, which, in turn, has led to the change in fiscal relations recommended in the present appropriation bill. Sensational claims were made that property was undervalued and that the tax rate was not fair. Had these claims been known to be untrue, the joint select committee would never have been appointed and there would have been no proposal to change the equitable relations now maintained between the District of Columbia and the Federal Government. This committee should take into consideration this important finding of fact in their deliberations, for if it finds that the very basis for the appointment of the committee has been destroyed, it means that the very reasons for the proposed abolition of the half-and-half plan were unfounded and the committee should seriously hesitate to adopt a new, indefinite plan of appropriations, which many believe will be destructive to the development of Washington along the lines it has developed in the past—grandly, graciously, and wonderfully.

Mr. Chairman, on page 11 of the committee's report the committee finds that more and more land is being acquired by the Federal Government and that more and more land in the District of Columbia will be acquired for the Federal Government in the future. They also find specifically that the so-called half-and-half plan has been fair both to the Federal Government and the District of Columbia in the past. If this plan has been fair in the past and more and more property is being exempt from taxation by being taken by the Government, then how can it be claimed that now or in the immediate future the half-and-half plan will be unfair, except that the District of Columbia will be called upon for a greater proportion than is its fair share? Is it not rather possible that the half-and-half plan to-day is unfair and that the Federal Government should contribute more rather than less, not only now but in the future? In any event, the half-and-half plan is not unfair to the Federal Government, and should be maintained, as is the wish of the residents of the District of Columbia.

At the conclusion of the report of the joint select committee, on page 15, it says "that Congress shall pursue a definite policy of regular and liberal appropriations." If the legislation in the appropriation bill is adopted, this committee will be adopting an indefinite policy in place of a definite policy. The present measure calls for a definite contribution from the District of Columbia, with a certain tax rate, but the contribution of the Federal Government is left uncertain. I ask that the recommendations of the committee be ignored and that the half-and-half plan be maintained as definite and the proposed legislation be defeated as indefinite. Under the half-and-half plan the appropriations are regular; under the plan proposed in the appropriation bill appropriations will be irregular.

So far as liberality is concerned, the very first application of this new indefinite policy shows that it will result in illiberality and parsimony.

Mr. RAINEY. Mr. Chairman——

Mr. TINKHAM. I must decline to yield, as I have but a short time to say what I desire. Under the operation of the proposed new indefinite system as opposed to the definite system of the half-and-half law now maintaining, we have before us a bill which is less in amount than a number of the other District appropriation bills of the past. The largest appropriation bill in the past was made in 1915, when the appropriations were $12,252,000; the next largest was made in 1912, when the appropriation bill was $12,061,000; the third largest appropriation bill was in 1916, when the amount appropriated was $11,949,000. All of these appropriation bills were passed under the half-and-half plan. The present bill calls for an amount less than either of these, and is the first production of the new proposed policy. Is there wonder that those who believe in liberal appropriations for the National Capital and a magnificent future for it should feel that an unsound course is being pursued in the abolition of the present beneficent and fair adjustment between the obligations of the Federal Government and the District of Columbia. It may be said that the bill is not finished, and that there will be material additions to its appropriations, but the naked fact is that there is not going to be as liberal appropriations as there were in some of the bills in the past, and therefore that the final conclusions of the joint select committee are not being carried out by adopting the proposed plan.

I want to bring the attention of this committee to the fact that in the very language of the report of the joint select committee it is left in much doubt whether it really intends to recommend finally and conclusively the abolition of the half-and-half plan. The report says, on page 11, "but we think." That is not a word of assertion or an imperative word. "We think"—meaning, perhaps, that they may be in doubt "conditions of to-day and of the few years last passed are so different from the conditions of 1878 that this arbitrary rule, a rule at that time of seeming necessity, need no longer be applied to District appropriations." The committee merely makes a suggestion that it may not be needed; that perhaps it is not needed. If it had desired to recommend the abolition of this so-called arbitrary rule it could and should have used the word "should" in place of "need;" but they did not. This statement leaves Congress without the guidance of the joint select committee to determine whether it is well or not to abolish the half-and-half plan. Its recommendation can only be said to squint in the direction of its abolition. This should be taken into serious consideration by those who may be doubtful as to the advisability of the proposed drastic action.

Mr. Chairman, commenting upon the first product of the proposed new system, let us look again to the present bill. It calls for an appropriation from the District of Columbia of 70 per cent and 30 per cent from the Federal Government. I ask you whether that is fair? I ask you if the Federal Government has not at least a half interest in the District of Columbia? Is there an honorable Representative upon this floor who desires to say to his constituents or to the Nation, that the United States has less than 50 per cent, less than a half interest in the District of Columbia?

Mr. Chairman, on the question at issue I want for a moment to invoke the history of the past, and I believe that the past is the best guide for the future. There was once an indefinite plan of appropriations for the District of Columbia, just such a plan as is now proposed, and that indefinite plan called upon the District to appropriate what it could and the Federal Government would make up the deficit. That plan was in operation from 1800 to 1878. The result of that plan, which plan was similar to the plan herein proposed, was a bankrupt city; a city of which all Americans were ashamed, and a situation which was such a scandal that Congress was called upon by the Nation to apply a cure. As a result, after great deliberation, in 1878 a definite plan for regular and liberal appropriations was evolved, which plan is the plan known as the half-and-half plan, and which is yet the law. If the past can give any guidance for the future, then this committee should not adopt the proposed indefinite plan, but should maintain the present definite and fixed one. The fundamental and vital trouble with the report of the joint select committee, one that can be seen from its language and its reasoning is that the committee takes the view that Washington is first an American city and afterwards the Capital of the United States. It therefore gives its attention, first, to what Washington shall contribute and then what the Federal Government shall contribute. This process of reasoning is narrow, wrong, parochial, and unpatriotic. The committee should first have considered Washington as the National Capital and

then as an American city, and have asked the question, first, What shall the Federal Government contribute? and then, What shall the District of Columbia contribute? I ask the honorable Representatives who strongly oppose the half-and-half plan how they explain the fact that this very Congress has already made an appropriation for a bridge across the Potomac, half of which is to be paid for by the Federal Government and half to be paid for by the District of Columbia. Why was that proportion fixed, if it was not fair, if it was not just?

The only answer can be that it was the sense of this Congress that the proportion was fair and equitable. If this proportion was fair and just in relation to a bridge, why should it not be fair in relation to the maintenance of a street, the building of a school, or the construction of a fire house? Why should this proportion not be fair in relation to other expenses of the District of Columbia. The chairman of the Appropriations Committee has just assented to an amendment to the bill by which the interest and sinking fund of the debt of the District of Columbia should be paid in a proportion of half by the District of Columbia and half by the Federal Government. If he feels that this is a fair proportion to pay upon the debt, why not upon the general expenses for the maintenance of the District? Every American city makes an appropriation for the interest and sinking fund upon its debt, and it is made upon the same basis that all of its appropriations are made for general maintenance. When you say that the debt of the District of Columbia shall be paid for, 50 per cent by the Federal Government and 50 per cent by the District of Columbia, you are asserting beyond denial that the principle of half payment by the Federal Government and half payment by the District of Columbia is right, but you refuse to apply the principle further than the debt. This is a complete contradiction in terms and in principle. An honest search shows the absurdity of the committee's reasoning and its confusion of ideas and its confusion of sound with unsound principles.

Mr. PAGE of North Carolina. Mr. Chairman——

Mr. TINKHAM. Mr. Chairman, I can not be interrupted.

The CHAIRMAN. The gentleman declines to yield.

Mr. TINKHAM. Let us reason this question from a different point of view and with more philosophy. The fundamental difference between Washington and any other city of the United States is, first, that Washington does not tax itself or make its own appropriations, but that those are imposed by Congress; and, second, that Washington is a capital city with all that that implies—broad streets and avenues, much property dedicated to public uses all withdrawn from taxation, and laws prohibitive to the development of manufacturing establishments. From these facts must inevitably follow a different treatment of fiscal policies to the treatment of such questions in any other city of the United States. No fiscal system should allow of any uncertainty, or at least the uncertainty should be reduced to a minimum. Appropriations from year to year should be systematic and orderly. In the District of Columbia, as the appropriations come not only from the National Treasury but from the tax revenue of the District of Columbia, it is necessary in order that the progress of the Capital may continue in an orderly and systematic manner that there shall be a definite apportionment between the contribution of the National Government and the contribution of the District of Columbia, so as to insure a sufficient amount of money for public purposes without inflicting unjust taxation upon the people of the District of Columbia, and to that end a definite apportionment should be made. In practice the so-called half-and-half plan, although arbitrary, has worked well.

Where two people are to make a contribution for certain continuing purposes and the one's contribution is fixed and the other may give from time to time what his whim and caprice may allow, the inevitable result is trouble, injustice, and inequity. To obviate any such difficulties mathematics, as part of human machinery, is invoked and some definite proportion settles the problem. This should be done in settling the fiscal relations of the District of Columbia to the Federal Government. It might well be said that Congress should set a standard and safeguard for itself so as to put a restraint upon undue economy or undue extravagance. The theory upon which the Capital was founded was that all expenditures would be for the benefit of the whole people, that the District of Columbia was the child of the Nation, the creation of the Union for its own purposes, and that Congress in making laws for the District of Columbia was a body acting for all the people of the Nation. Washington should be protected against arbitrary rule, and it has been said by one of our greatest modern statesmen that the half-and-half plan was a protection for the District of Columbia against the abitrary rule of Congress, no matter how well Congress might be disposed toward the District of Columbia.

A beautiful Washington spreads its splendor before an admiring Nation. Its beauty and its grandeur are the result of wise and beneficent laws, and those laws should not be changed without convincing proof and without irresistible evidence that Washington will be made a greater and more worthy Capital of this great Union of States. The joint select committee has not adduced this proof, nor has this evidence been submitted in this debate. [Applause.]

Mr. DAVIS of Minnesota. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Chairman, within the five minutes which I have been given to discuss this question, and one that has commanded the attention of every Congress since I have been here, I will not be able to give all the thought I have to it; but I want to say that I am in hearty accord with the gentleman from Massachusetts [Mr. TINKHAM], and I am glad to say that my home State of Pennsylvania is in full alignment with the idea of public development and improvement that Massachusetts has always been.

Now, what is Washington? We saw yesterday the distinguished leader of the Republican side propose that we should grant franchise to the colored women of Porto Rico. No franchise is given to even the males of Washington, yet the National Government has control of all the property. It can preempt every avenue and every alley. It has full charge and full control and direction of the entire District of Columbia, and yet none are allowed to vote, and I understand now it is proposed to tax them 70 per cent of the total levy within the District.

My friends, it is a matter of common decency and patriotism that since we are to consider and undertake to follow out the designs of George Washington and his French engineer and make this the show place, not only of the country but of the Western Hemisphere and the world, the Government should at least largely share in the outlay and burden of support.

But we find it is proposed by this committee that the residents of the District of Columbia shall pay the greater share of the expense of governing the Capital City. The residents of the District of Columbia comprise whom? Largely shopkeepers, boardinghouse keepers, clothiers, tobacconists, and barbers, and a few in many instances poorly paid Government employees, and these people are called upon to help make this the world's most beautiful city and support it for the pleasure of winter visitors and transient Congressmen.

It is true, as alleged, that there have been land sharks here. Yes. We could even point to former Presidents who have been in land speculations and to Congressmen and to other public officials, so that if land sharks have come here, it is probably due to the example set them by men in the official life of the Federal Government.

But my surprise was greatest when at a hearing it was stated by people competent to know that in this great National Capital the children of some of the schools do not have free school books. I was further surprised when I saw the arrangement of some of the schoolhouses which I visited. I was more than ever astounded when I was told that much of this was due to the inefficiency and incompetency of those who undertake to direct the city affairs, and who in large part have charge of the construction of some of these buildings. And to-day we have the admission that hospitals are not ample to accommodate the sick of the District.

Think of that for a minute! In the National Capital of a Government like this, a Nation that has the revenues of any half dozen empires of the world, and yet is so parsimonious as not to take care of the school children and the feeble and the ill of the District.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. FOCHT. No, sir; not now; in five minutes.

I sincerely trust, Mr. Chairman, that there will be a broader and more magnanimous spirit exhibited toward this city. If there are any sharks, as alleged, wipe them out, and when you wipe out the land shark, wipe out also the illegal loan shark, and for the credit of the Nation, for the credit of this committee and of Congress, also wipe out the Chinese and other cheap joints which decorate the Avenue right before the Goddess of Liberty. [Applause.] Until we do that, my friends, it will not be for us to legislate and extend the franchise to Porto Rico and the Philippine Islands. We have plenty to do within a square of this great Capitol of our country. And so let us, from the North and the South, from the East and the West, feel that this is the great Capital City of our great country. Let us realize that the people of the country differentiate between a great Capital City of

beauty and convenience as against great commercial and industrial cities like Philadelphia, Pittsburgh, and New York, where wealth abounds and property values have no limit. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. PAGE of North Carolina. Mr. Chairman, I yield one minute to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PAGE of North Carolina. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. GARD].

The CHAIRMAN. The gentleman from Ohio [Mr. GARD] is recognized for 15 minutes.

Mr. GARD. Mr. Chairman, as a member of the joint select committee which took up the question of the fiscal relations between the District of Columbia and the General Government, I desire to reply more immediately to the prepared and contributed remarks of the gentleman from Massachusetts [Mr. TINKHAM].

Certain complaints are found with the report of the Committee on Fiscal Relations, and these I shall discuss. In the first place, it is said that the committee has not done that which the House intrusted it with doing; in other words, that it has not found a proportion of definite contribution.

Gentlemen of the committee, in the consideration of the trust which was given to this joint select committee by the Senate and by the House of Representatives, there were two things which we considered. The first was the payment of the interest and the principal upon the funded debt. The second was the question of the proportion to be paid for the expenses within the District of Columbia by the residents thereof.

The committee made a finding that under the existing law, the law which authorized the issuance of the so-called 3.65 bonds which constitute the whole of the funded debt of the District of Columbia, under the continued practice of the years, under the rulings of at least two different Comptrollers of the Treasury, and in full justice to the holders of the bonds, the residents of the District of Columbia and the residents of the General Government outside of the District of Columbia, that the proportion of half and half should obtain.

Therefore, I suggested on yesterday to the chairman of the subcommittee of the Committee on Appropriations in charge of the District of Columbia appropriation bill that the language of the pending bill was not in accord with the finding of the Joint Select Committee. The chairman of the subcommittee has accepted my suggestion and will incorporate an exception, paying "half and half" the funded debt of the District of Columbia. This is because, as I said, an existing law authorized the issuance of the bonds, has carried them down through the years, and that existing and particular law should continue until the payment of those bonds. The city of Washington, I think, is most fortunate in this respect, for of these 3.65 bonds, which compose its entire debt, only about $6,000,000 remain unpaid, and this is to be paid at the rate of about $975,000 per year, so that in 1922 or 1923 the city of Washington will have no debt of any kind, no funded debt or any other sort of debt, but will be a municipality free from any and all indebtedness.

Now, in the consideration of the other question referred, the committee found that there was no necessity of determining any proportionate contribution between the residents of the District of Columbia and the residents of the United States outside of the District of Columbia, but did find that the responsibility of the residents of the District of Columbia should be fixed definitely and absolutely; therefore it was the finding that, just as the residents of New Orleans and just as the residents of New York and of Boston and of Cincinnati and other cities do, so the residents of the city of Washington or of the District of Columbia should return a fair and reasonable amount in taxation, and that that should be their contribution to the government of this city and of this District, and that with that contribution their responsibility should end.

I do not know that the language in the bill is most happily chosen with regard to the finding of the joint select committee, since the finding in effect was this, that the residents of Washington should pay a reasonable amount of taxes into the Treasury of the United States, that this entire amount should remain in the Treasury of the United States as a credit to a special District fund, and that this fund should be used for the maintenance of the government in the District of Columbia, and for no other purpose.

With that idea in mind, it followed that there was suggested a definite and fixed responsibility and that in so far as the residents of this District were concerned there could be no greater apportionment of municipal expense against them. Their responsibility was fixed, was definite, and was certain. That was in the minds of the committee, because the committee not alone found it impossible to determine any positive proportion, but under their thought it was unnecessary, as is stated in the language of the report:

> In seeking to apportion benefits resulting to the General Government and to the citizens and residents of the District of Columbia, it is manifest that no line or rule of distinction can be found.
>
> The expenditures of the District of Columbia are for police and fire protection, education, sanitation and health, charities, correction and reform, the care of the insane and the poor, and in each and every one of these specific items of expense both the General Government and the District of Columbia are benefited, but the ratio of benefit is impossible to determine and, under our thought, unnecessary.

There can be no doubt, gentleman of this committee, that the power conferred upon this select committee to determine the proportionate amount of contribution contained the general power of informing the House whether or not any proportionate contribution could be authorized by the evidence. This committee was in session for two months, and we heard very carefully every one who presented himself to give information as to the state of affairs within the city of Washington and the District of Columbia. I am very happy to say that a great contribution of information was afforded by the representatives of the citizens' committee of the city of Washington. They had a very carefully prepared brief which was filed with the committee, and which the committee studied, and they had the information from the most representative men in the city of Washington, touching the question of the contribution, if any, which was to be made by the residents of Washington and the General Government. We approached this question with a full realization that the city of Washington is the capital of the greatest Nation on earth, and for one I believe that the city of Washington should be maintained in all its departments as the model municipality of the world. The city of Washington is to-day one of the most beautiful cities in the world, and it should be made increasingly beautiful. Therefore it was the idea of this committee that the appropriations, which necessarily are yearly, should be regular, should be systematic, and all operate toward the end that the city of Washington should become the model of all municipalities of the United States of America.

It is indeed unfortunate that the gentleman from Massachusetts [Mr. TINKHAM] has chosen to say in his speech that the action of the Subcommittee on Appropriations is in direct violation of that which the select committee has found, when he seeks to convey to the House his idea that in this bill there is a relative contribution of 70 per cent by the residents of the District of Columbia and 30 per cent by the General Government.

In addition to the amounts which are carried in this appropriation bill, the gentleman from Missouri [Mr. LLOYD] this morning very aptly gave the information that in the sundry civil bill are carried $2,000,000 additional; so, instead of $3,000,000 being contributed, somewhat over $5,000,000 are now being contributed by the General Government to the maintenance of municipal affairs within the District of Columbia. But, independently of that, it was not the idea of the select committee, nor is it the idea of this subcommittee, to report any authorized proportion, either 50-50 or 60-40 or 70-30, but only to find, as the select committee has found, that the only contribution which the residents of the District of Columbia should be called upon to make is a fair, reasonable, and honest response to taxation; that when they have made that response then their duty and their responsibility as residents of this District must cease, and that whatever is necessary for the continuation of the activities of this Capital, the carrying on of all its municipal expenses, shall devolve upon the General Government whose Capital it is. So that it is not now for the Members of this House to be assailed with the expressed idea that the 50-50 contribution has been abandoned and in its place has been substituted a 70-30 per cent contribution.

Mr. TINKHAM. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Massachusetts?

Mr. GARD. Very gladly.

Mr. TINKHAM. I desire to ask the honorable Representative from Ohio if, in explicit language, the committee were not requested to find a proper proportion, and I desire to ask if they have found any proportion?

Mr. GARD. I explained that just a moment ago. If the gentleman had been in the Hall, doubtless he would have heard my explanation. I read from the report of the select committee that the committee found that all of the assembled things

which are necessary to carry on a city and necessary to carry on the city of Washington and the District of Columbia were impossible to be apportioned between the citizens of the District and those of the General Government, and therefore we found that the only responsibility which these people of this District should have was a fixed and certain responsibility in taxation.

I am of those who believe in the continuation of improvement of Washington as a typical modern city, as the model city of the world, and I therefore believe in all necessary playgrounds and parks. I believe, as does the gentleman from Wyoming [Mr. MONDELL], in the beautification and improvement of the river front. I believe, too, in the authorization of money for the building or improvement of a municipal hospital. I believe in all of these things, because they mean the development of Washington as a truly capital city, as the representative city of this great Government. But in every respect I think that the residents of Washington may fully rely upon this Congress and succeeding Congresses of the United States to maintain Washington as a city beautiful in every way as should be maintained the Capital of our Nation. [Applause.]

The CHAIRMAN. Debate having expired, under the unanimous-consent order the Clerk will read the bill under the five-minute rule for amendment.

The Clerk read as follows:

Be it enacted, etc., That hereafter all appropriations made for the support of the government of the District of Columbia, including all sums appropriated in any general appropriation act indicated to be paid out of the District of Columbia revenues and amounts to pay the interest and sinking fund on the funded debt of said District, shall be paid out of the revenues of the District of Columbia to the extent that the same shall be sufficient therefor and the remainder out of any money in the Treasury not otherwise appropriated.

Mr. PAGE of North Carolina. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PAGE of North Carolina: Page 1, line 6, strike out the word "and" and insert the word "except."

Mr. PAGE of North Carolina. I merely want to say for the benefit of gentlemen who were not in the House when I mentioned it earlier this morning that this amendment is in order to except from the provision of this paragraph the sinking fund and bonded debt and interest thereon, and in another place in the bill I shall offer another amendment to make it payable half from the revenue of the District and half from the Federal Treasury.

Mr. MANN. Mr. Chairman, it has been a good while since I have read the report of the joint commission, and I do not know that I have ever read it very carefully, but my recollection is, refreshed from what I have heard to-day, that the commission recommended that the funded debt be paid half and half, the proportions otherwise being paid first out of the District revenues and the balance out of the National Treasury.

Mr. PAGE of North Carolina. That is my understanding of it.

Mr. MANN. Am I correct, I will ask the gentleman from Ohio?

Mr. GARD. As expressed possibly not exactly correct, but the substance of it is true.

Mr. MANN. As the gentleman from North Carolina said this morning, it was a mere matter of bookkeeping. Of course, it is absolutely immaterial what fund the funded debt is paid out of, after you provide that the District revenues shall be wholly absorbed in some other way, the balance is to be paid out of the Federal Treasury. I am very much surprised that such a distinguished joint commission as was appointed should have made a distinction between the method of paying the interest and principal of the funded debt and the other expenditures of the District, because in the end it does not make one cent's worth of difference. It will add a little to the bookkeeping cost to accept this amendment. The District revenues will all be expended in some way, and the balance will be paid out of the General Treasury. To say that a particular item shall be paid one-half out of the Treasury and one-half out of the District revenues is only to add to the expense of somebody. How a joint commission composed of such eminent gentlemen could have brought in a report making this distinction, which an ordinary bookkeeper, getting $75 a month, or even $50 a month, would have known better, really beats me.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was agreed to.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. I have not taken any time in general debate on this bill, although I have been very much interested in the subject of fiscal relations of the District since my first service on the District Committee eight years ago. I became convinced then that the half-and-half plan had been outgrown; not only that, but actually became an evil both to the Government and to the District.

At the time the half-and-half plan was adopted in 1878, the District, in common with many other American municipalities, following the era of extravagance after the Civil War, had become enormously involved in debt and was totally bankrupt. It was necessary for the Federal Government to maintain a Capital here and conduct the operations of the city government. The cost was not material at that time for it was less than half a million dollars. So that the fact that the Federal Government contributed 50 per cent and 50 per cent was raised by taxation in the District was a mere hasty and arbitrary division of the expense. But since that time, under the fostering care of the Federal Government, the value and amount of private property of the District has increased enormously, until to-day, with only 15 mills on the dollar taxation, the District raises $8,000,000.

If the arbitrary requirements of law compelled the Federal Government to contribute dollar for dollar we would have to contribute $8,000,000, making a total of $16,000,000 for governing the District, which is more than is needed. Therefore the time has come when the half-and-half principle has broken down of its own weight.

This proposition simply is that the private property in the District pay 15 mills on the dollar, which no man will contend is an excessive amount for city property, and that this shall first be applied to its own local purposes. If that is not a fair business proposition, I would like to see one. Then we go further and say that, regarding this as the National Capital, if Congress imposes a higher cost of administration than the city needs the Federal Government shall meet the excess. In addition to that, there are a great many other things which in other cities the cities would have to provide—like the park system, the monuments—the great deal which goes to the beautification and attractiveness of the city, is supplied by the Federal Government without expense to private property.

No man will contend that private property here ought to pay a less rate of tax than private property in other cities. I do not think it can be contended that 15 mills is an excessive rate of taxation for a city of this size and governed as it is.

But the worst feature of the half-and-half principle is that it has become the shelter of tax dodgers. It is impossible, as long as this half-and-half principle exists and the 15 mills real estate tax will raise $8,000,000, to increase the tax burden of the District. You can not raise a saloon license in the District of Columbia without taxing the Federal Treasury an equal amount. That is a plain absurdity.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BORLAND. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BORLAND. There is another disagreeable feature about this thing which lurks behind the demand for the repeal of the half-and-half clause. Under the present fiscal system no taxes are levied on intangible wealth, and thus this city has become the center of intangible fortunes. All you have to do is to go to the probate records and find them. This man Post, who manufactures the breakfast foods, or did until he committed suicide, was a legal resident of the District of Columbia. Why? Because he had $31,000,000 intangible property and $240,000 real estate. On his $31,000,000 he did not pay a penny to the District of Columbia; he did not pay anything, because no law provided for it. And to the State of Michigan he did not pay a dollar, because he was not a resident of that State. I could name 100 such cases. We can not tax intangible property while the half-and-half plan is in existence, because if we raise $8,000,000 under the present plan, $16,000,000 is more than we need, and if we tax intangible wealth and raise $3,000,000 or $5,000,000 more, making a total of $13,000,000 raised in the District, we would have to double that and make it $26,000,000 out of the Federal Treasury.

We need not increase the taxes on the small home owner or the small merchant, who pays the bulk of the taxes now. But there is a vast amount of untaxed wealth in the District that knows it may be taxed if the half-and-half plan is abolished.

So you see it operates as an automatic check upon the taxation of intangible property or accumulated wealth in the District of Columbia. Now that is the whole secret; that is the whole story in opposition to the repeal of the half-and-half.

Mr. FESS. Will the gentleman yield?

Mr. BORLAND. In just a minute. I desire to present one more point. Not only that, but there is no law in the District of Columbia for the taxation of inheritance, and yet there is a

law in New York and almost every other State in the Union. A man who comes here finds that his fortune is exempted from inheritance tax.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. BORLAND. In a moment.

Mr. COOPER of Wisconsin. And yet a special committee wrote it in its report.

Mr. BORLAND. Of which I think the distinguished gentleman was a member. An inheritance tax ought to be levied here. If it produces three or four million dollars, as it certainly would, that would tax the American people three or four million dollars under this arbitrary system of the half-and-half plan. So before you can abolish tax dodging in the District of Columbia, which certainly is enjoyed here, and no man has lived here any length of time without seeing it, you must provide that the taxes raised in the District of Columbia shall first be applied to local purposes. Now if there is anything unfair in that proposition that the taxes upon private property in the District shall first be applied as far as they may be to the local government of the District, I am utterly unable to see it.

If we were to provide that the taxes should be raised until they absorbed the running expenses of the Government, there might be some objection that we were unfairly taxing the property here in the District of Columbia, and yet I am not at all sure, with the enormous accumulation of private wealth in the District, drawn here by the police protection, the beautification, and the other advantages of the city, I am not sure but what the private property here ought to contribute a higher rate of taxation than it does contribute at the present time. But no such proposition is involved here. The rate of assessment remains the same, 15 mills on the dollar on real estate and tangible personality.

Mr. FESS. Will the gentleman yield?

Mr. BORLAND. I do.

Mr. FESS. Under what authority is this estimate for 1917 made?

Mr. BORLAND. Under what authority?

Mr. FESS. Yes. Is that Congress——

Mr. BORLAND. No; it is made up by the District Commissioners.

Mr. FESS. And the District Commissioners are subject to whom?

Mr. BORLAND. The District Commissioners are appointed by the President of the United States, one of whom must be an Engineer officer of the Army.

Mr. FESS. Subject to the Federal Government.

Mr. BORLAND. Subject to the Federal Government.

Mr. PAGE of North Carolina. I understood the gentleman from Ohio to ask how the estimates were made up. The commissioners submit the estimates to the Secretary of the Treasury as are all other estimates.

Mr. FESS. The allowance or recommendation is three and one-half million dollars less than they estimate?

Mr. BORLAND. Yes.

Mr. FESS. Now, the only question with me is whether the authority making up the estimates and the authority acting upon the recommendation might not, in order to relieve the Federal Government of certain expenses, cut down the recommendation so as to relieve it of this burden and still not harm——

Mr. BORLAND. I see the point the gentleman has in his mind. I want to say to the gentleman that my experience——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. Mr. Chairman, I ask unanimous consent that the gentleman have at least one minute or two minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from Missouri may proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. BORLAND. I have believed, I want to say to the gentleman from Ohio, that the half-and-half plan has had the effect of raising a great deal more revenue by doubling the amount of the District revenue out of the Federal Treasury, and the commissioners in times past made estimates a great deal more expansive than they would have made if they were expending simply the money of the District.

Mr. FITZGERALD. I will say at times they made estimates sufficient to absorb all the estimated revenues of the District regardless of the necessity.

Mr. BORLAND. I think that is true, as the chairman of the Committee on Appropriations says. That is the natural desire, but irrespective of that we always take the estimate simply as a basis for the hearings, and if we find the estimates are not justified on the facts stated we cut them down, and that is true. I think, concerning all the estimates of the other departments of the Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAINEY. Mr. Chairman——

Mr. PAGE of North Carolina. Mr. Chairman, before the gentleman from Illinois proceeds I would like to find out if we can not reach an agreement as to time of debate on this particular section. I ask unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes.

Mr. MANN. Mr. Chairman, I am perfectly willing if the gentleman wants to postpone consideration of this and preceding paragraphs until to-morrow and that we go ahead and read the bill; otherwise I would not be willing to close debate without letting the Members of the House know about this being under consideration. Why not put this over?

Mr. PAGE of North Carolina. Mr. Chairman, I do not know; I think the Members of the House were rather put on warning this morning, and I do not see why we should not dispose of these matters as we go along.

Mr. MANN. I am only making the suggestion; it is immaterial to me.

Mr. PAGE of North Carolina. I have no desire to unduly cut off time.

Mr. MANN. Otherwise I will try to get a quorum of the committee here.

Mr. PAGE of North Carolina. Mr. Chairman, was my request objected to?

The CHAIRMAN. The Chair has not yet put the request. The request of the gentleman from North Carolina is that all debate close on this paragraph and all amendments thereto in 10 minutes. Is there objection?

Mr. MANN. I object.

Mr. DAVIS of Minnesota. Mr. Chairman, I object also because the gentleman from Massachusetts is preparing an amendment in effect striking out the first two sections of the bill and substituting the old law. Hence 10 minutes' discussion seems to me to be rather limited.

Mr. PAGE of North Carolina. Has the gentleman any suggestion as to how long we shall spend in debate on this paragraph? I would like to reach an agreement.

Mr. MANN. The gentleman knows perfectly well a vote on this will not be had without having more Members here. Why does not the gentleman go ahead with other matters in the bill and let this go over? There will certainly be more Members here. I will not be satisfied for a vote without getting a quorum.

It would save time, in my judgment, for it to go over.

Mr. PAGE of North Carolina. Mr. Chairman, I ask unanimous consent that this first paragraph of the bill——

Mr. MANN. The two paragraphs. They are both involved.

Mr. PAGE of North Carolina. All affecting this one subject—down to and including line 10, on page 2—may go over until Thursday morning, to be taken up the first thing at that time. I ask unanimous consent that that be done.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that further consideration of the first two paragraphs, running down to and including line 10 on page 2, be postponed until Thursday morning after the convening of the House. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

Office of corporation counsel: Corporation counsel, $4,500; assistants—first $2,500, second $2,000, third $1,800, fourth $1,500, fifth $1,500; stenographers—one $1,200, one $840, one $720; clerk, $720; in all, $17,280.

Mr. JOHNSON of Kentucky. Mr. Chairman, reserving a point of order, I would like to ask the gentleman from North Carolina, who has the bill in charge, what increases of salary there are in this section?

Mr. PAGE of North Carolina. We increased the second corporation counsel from $1,800 to $2,000, the third assistant from $1,600 to $1,800, and there is one new employment of a clerk at $720.

Mr. JOHNSON of Kentucky. Still reserving the point of order, I would like to ask the gentleman if he does not think it would be best—in fact, if it is not necessary—to amend this paragraph of the bill, to make provision against the corporation counsel or any of his assistants taking as an addition to their compensation part of the costs which are taxed in a suit. For instance, I now hold in my hand a check by which a litigant with the District of Columbia paid the costs. Part of the costs taxed in the suit amounted to $10 for attorney's fee. One of the assistant corporation counsel appropriated that fee to himself, and I am advised that that is done constantly notwithstanding that it is contrary to law so to do.

Mr. PAGE of North Carolina. I was going to ask the gentleman if there is any provision of law by which this corporation counsel is not guilty in such a case as that?

Mr. JOHNSON of Kentucky. No; but I believe if this paragraph were amended to prohibit them from appropriating this part of the funds it would prevent their doing so in the future.

Mr. PAGE of North Carolina. Does not the gentleman think it would possibly be better to put in a provision here specifically saying that they should not have the fees, in face of the fact that it is compensation under the law and they have no right to collect the fees; that he might put the evidence, if not before the corporation counsel, if they are guilty, but some other official of the District of Columbia under the law as it now exists?

Mr. JOHNSON of Kentucky. I believe the simplest way would be to put the amendment here providing that they should not appropriate any part of the cost taxed. If the gentleman will agree that this paragraph be passed, so that I may have a little time in which to prepare an amendment, I will do so. I would like to reserve my point of order, so that if we do not get a satisfactory amendment I can make a point of order to it.

Mr. PAGE of North Carolina. I ask unanimous consent that this paragraph be passed over for a few moments and that we may revert to it later on.

The CHAIRMAN. The gentleman from North Carolina [Mr. PAGE] asks unanimous consent that the paragraph be passed over for a few moments so that the gentleman from Kentucky may prepare an amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

Municipal architect's office: Municipal architect, $3,600; engineering assistant, $2,400; superintendent of construction, $2,000; chief draftsman, $1,800; draftsmen—one $1,400, one $1,300; heating, ventilating, and sanitary engineer, $2,000; superintendent of repairs, $1,800; assistant superintendent of repairs, $1,200; boss carpenter, boss tinner, boss painter, boss plumber, boss steam fitter, five in all, at $1,200 each; boss grader, $1,000; machinist, $1,200; clerks—one $1,200 (including one now paid from lump-sum appropriations), one $1,050, one (office of superintendent of repairs) $1,000 (now paid from lump-sum appropriation), one $720; copyist, $840; driver, $600; in all, $31,110.

Mr. COX. Mr. Chairman, I reserve a point of order on the salary of the chief draftsman, $1,800. Is not that an increase?

Mr. PAGE of North Carolina. Yes; it is an increase from $1,700 to $1,800.

Mr. COX. That is what I thought. I am going to make a point of order on that right now.

Mr. PAGE of North Carolina. Will the gentleman reserve the point of order?

Mr. COX. I reserve it.

Mr. PAGE of North Carolina. I believe I can convince him that he does not want to do that. I want to say to the gentleman that as a result of the lack of sufficient help in this architect's office it has been necessary in a number of instances to have outside architects to prepare plans for certain buildings in the District, at a very considerable increased cost over the increase we have given in this item.

Mr. COX. You have provided for a new engineer and assistant here at $2,400.

Mr. PAGE of North Carolina. That is in order that the architect may spend his time in the office.

Mr. COX. It is a new place?

Mr. PAGE of North Carolina. It is a new place.

Mr. COX. How many more new places are there in this paragraph?

Mr. PAGE of North Carolina. That is all.

Mr. COX. There is a new place here provided at $2,400, and an increase to $1,800 for another man.

Now, you say that for lack of proper help this work is going to be done by outside persons?

Mr. PAGE of North Carolina. Yes; at the usual architect prices of 6 per cent.

Mr. COX. I recall that a few years ago there was considerable discussion on the floor of the House that a fellow who did this work went out and did outside work.

Mr. PAGE of North Carolina. I will say to the gentleman that they can not do it now.

Mr. COX. Is this permanent law?

Mr. PAGE of North Carolina. Law issued by the commission.

Mr. COX. They are not doing it?

Mr. PAGE of North Carolina. They are not doing it. In fact, they have not time to do the work to be done now.

Mr. COX. Well, Mr. Chairman, it is a pretty hard job for me to let these increases of salaries go through, especially where they are all drawing a salary of $1,700.

Mr. PAGE of North Carolina. Mr. Chairman, I am sure that the gentleman from Indiana is an economist. I have served with him here long enough to know that, and I think he will give me credit for not wanting to pay any more than is necessary to get the service properly performed in these offices, and I want to assure him here and now that these increases that we have made here from the viewpoint not only of myself, but the members of the subcommittee preparing the bill, were made in order that we might save money in the preparation of plans instead of employing outside architects.

Mr. COX. I will make a point of order on any increase of salary over $1,200 a year, but inasmuch as the gentleman makes a strong case in behalf of this item, I will withdraw my point of order and trust to his judgment.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

Public Utilities Commission: For salaries (including inspector of gas and meters, $2,000; assistant inspectors of gas and meters—1, $1,000; 2 at $900 each; messenger, $600, transferred from engineer commissioner's office); in all, $30,000.

Mr. TILSON. Mr. Chairman, I move to strike out the last word, in order to ask the gentleman in charge of the bill just how he gets the amount of increase from $25,000 plus to $30,000? Is that a lump-sum appropriation, "For salaries (including inspector of gas meters, $2,000; assistant inspectors of gas and meters—1, $1,000; 2 at $900 each; messenger, $600, transferred from engineer commissioner's office); in all, $30,000"?

Mr. PAGE of North Carolina. Well, I will say to the gentleman that that is really a lump-sum appropriation that is paid out to the various employees under this bureau, a scheduled list of whom is submitted to the committee by the commission each year.

Mr. TILSON. I observe that the employees named here are not increased either in number or amount of salary, and yet the total is increased by nearly $5,000.

Mr. PAGE of North Carolina. I will say to the gentleman that, of course, these people are not put on the permanent roll because they are not permanent employees. There are inspectors of gas and inspectors of meters and other inspectors, a messenger, and several statisticians and engineers. A number of employees who are paid from this item, and who are not carried on the rolls, are specified because of the fact that they are not permanent employees and we can drop them at any time.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Department of insurance: Superintendent of insurance, $3,700; deputy and examiner, $2,000; statistician, $1,700; clerk, $1,200; stenographer, $840; temporary clerk hire, $1,200; in all, $10,440.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the increased salary in that paragraph.

The CHAIRMAN. Will the gentleman indicate it?

Mr. PAGE of North Carolina. It is an increase from $1,700 to $2,000.

Mr. JOHNSON of Kentucky. Page 11, line 12.

Mr. PAGE of North Carolina. Does the gentleman make the point of order or reserve it?

Mr. JOHNSON of Kentucky. I make the point of order.

Mr. PAGE of North Carolina. Unquestionably it is subject to a point of order. If I had the opportunity, I might persuade the gentleman that he is wrong.

Mr. JOHNSON of Kentucky. I reserve a point of order, then.

Mr. PAGE of North Carolina. I can at least give my friend from Kentucky the reasons which prompted the members of the subcommittee in increasing the salary of this particular man. The superintendent of insurance is paid $3,500 under the law, and this man, his deputy and examiner, acts in the absence of the superintendent of insurance. This man, who now receives a salary of only $1,700, is charged with the responsibility of acting in his place as insurance superintendent, and because of the responsibilities that necessarily devolve upon this man at times as the head of this office, we thought his salary should be increased. He is an expert accountant and necessarily examines the books of insurance companies, and an underpaid man, in our judgment, could not fill this position satisfactorily, and therefore we increased the salary.

Mr. JOHNSON of Kentucky. Mr. Chairman, I think it would be far better for the people of the District of Columbia if the present superintendent of insurance should go away and stay away. Partly through his connivance the rates of insurance in the District of Columbia have been increased from 50 per cent to 150 per cent and more, and I feel absolutely certain in my own judgment when I say that it has been with his connivance and with his approval.

I did not expect that this item would be reached this afternoon. I have some figures that I would like to submit to the House relative to what is going on in insurance circles in the District of Columbia. I believe I can establish the fact that the present superintendent of insurance is a mere tool behind

the insurance companies, undertaking to put up insurance rates on the people of the District of Columbia.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. In a moment. During the last year, if I am correctly advised, on account of the increased rate the amount of insurance written in the District of Columbia fell off $7,000,000 and the losses fell off $200,000, and notwithstanding that the premiums collected by the fire insurance companies in the District of Columbia from those who continued to carry their insurance was increased about $123,000.

Now I yield to the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Chairman, I wish to inquire what is the tenure of this official and by whose grace does he retain his position?

Mr. JOHNSON of Kentucky. This official is appointed by the Commissioners of the District of Columbia, and I think that he serves at their pleasure. When this gentleman was about to be appointed I believed that I knew then that he would not work in behalf of property owners in the District of Columbia, but that he would use his office in behalf of the insurance companies doing business here. I then protested to the Commissioners of the District against his appointment, and each of the two then civilian commissioners assured me that he would not be appointed, but, notwithstanding their assurance to that effect, he was appointed.

Mr. STAFFORD. Has any charge been lodged with the present commissioners as to the conduct of this man?

Mr. JOHNSON of Kentucky. I do not know; but they must know of my speech concerning him during the last Congress. He was appointed when the board was made up of Mr. Newman, Mr. Siddons—now Mr. Justice Siddons—and the engineer commissioner. I forget who he was at that time.

Mr. STAFFORD. I assume from the statement of the gentleman that there is no hope of any relief until the commissioners are changed?

Mr. JOHNSON of Kentucky. I am constrained to accept that belief.

Mr. TILSON. Will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. I do.

Mr. TILSON. The gentleman has made a speech, which, if correctly interpreted, would mean, it seems to me, that we ought to move to strike out the whole or at any rate part of the salary of the superintendent of insurance, but really he has not said anything in support of his point of order that would strike out the proposed salary of the deputy examiner, or reduce it from $2,000 to $1,700.

Mr. JOHNSON of Kentucky. I am not in favor of paying any additional compensation to a servant of the District of Columbia who is working against the interests of the people of the District of Columbia.

Mr. TILSON. It is in order to move to reduce the superintendent's salary, is it not? And ought not the gentleman do that rather than aim a blow at the man who is receiving only $1,700?

Mr. PAGE of North Carolina. Mr. Chairman, if the gentleman will yield, I was just going to make the same suggestion that my friend from Connecticut [Mr. TILSON] has made, that because of information which the gentleman from Kentucky has relative to the superintendent of insurance I hardly see why this examiner, who is really doing expert work in this office, and who is not guilty of any of these things that he even charges against this other man, should be made the object of the gentleman's point of order instead of offering an amendment to reduce the salary of the superintendent of insurance.

Mr. JOHNSON of Kentucky. I do it for the reason that I do not believe he would be retained in the office by the present superintendent of insurance unless he was doing the will of the superintendent of insurance.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. JOHNSON of Kentucky. I do.

The CHAIRMAN. The Chair sustains the point of order.

Mr. JOHNSON of Kentucky. In addition to that, I move to strike out the salary of $3,500 of the superintendent of insurance, in line 12, page 11.

The CHAIRMAN. The gentleman from Kentucky moves to strike out the salary of $3,500, in line 12, page 11.

Mr. LLOYD. Mr. Chairman, I hope the gentleman will state what the particular thing is that the superintendent of insurance has done to increase the insurance rates.

Mr. JOHNSON of Kentucky. During the last session of Congress I stated on the floor of the House here that the present superintendent of insurance had been the moving spirit behind the formation of an insurance trust in the District of Columbia. I gave the names and instances of when and where he had gone out of his way not only to induce but to coerce the officials of independent insurance companies to join and become a part of this trust, which has put up the rates of insurance in the District of Columbia in the last two years from 50 to 250 per cent, I believe.

Mr. LLOYD. Does the gentleman think he is responsible for the increase?

Mr. JOHNSON of Kentucky. I think he could have defeated it if he had been willing to do so; but instead of being disposed to defeat it he has been an instrument in the hands of these people to multiply the rates of insurance upon the people in the District of Columbia.

Mr. LLOYD. What proof has the gentleman of that fact?

Mr. JOHNSON of Kentucky. In my former speech I stated the proof, and I gave the names of the men to whom he had gone and asked them to join the trust, and had practically threatened to drive them out of business if they did not go into the trust. Mr. Chairman, I believe that for the welfare and in the interest of the people of the District of Columbia this salary should be stricken out. When a man is working for the insurance companies and against the interests of the people whom he is supposed to represent, if the Commissioners of the District of Columbia do not remove him, Congress ought to remove the salary. The people in the District ought not to be taxed and thereby be compelled to pay the salary of an officer who is working against the interest of the people of the District who pay him.

Mr. STEPHENS of Texas. If this trust exists in violation of the Sherman antitrust law, as a combination of that kind would be, why is it not prosecuted?

Mr. JOHNSON of Kentucky. I do not know anything more than the gentleman from Texas does about why it is not prosecuted.

Mr. STEPHENS of Texas. Why not call the attention of the Department of Justice to it?

Mr. JOHNSON of Kentucky. But I think the people of the District of Columbia ought not be compelled to pay this salary when the man who draws the salary is working directly and constantly against their interests. I move to strike out the $3,500 in line 12 on page 11.

Mr. PAGE of North Carolina. Mr. Chairman, I rise in opposition to this amendment offered by the gentleman from Kentucky. I am sure that this committee can not take the responsibility of abolishing the commissioner of insurance of the District of Columbia. If the things that the gentleman from Kentucky has said about the conduct of this office are true there is another method by which it can be reached, a perfectly proper and orderly method. If this man can not be reached through the appointing power of the commissioners, if he is guilty of half that the gentleman from Kentucky has charged here, he can be removed very easily through the courts, and I hope that the amendment will not be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. JOHNSON].

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) there were—ayes 15, noes 33.

Accordingly the amendment was rejected.

The Clerk read as follows:

Employment of females: To carry out the act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia, approved February 24, 1914, namely: For 3 inspectors (2 of whom shall be women), at $1,200 each; stenographer and clerk, $900; in all, $4,500.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MONDELL: Page 12, after line 9, insert as a new paragraph the following:

"Child-labor law: For the enforcement of the provisions of the act 'to regulate the employment of child labor in the District of Columbia,' approved May 28, 1908, namely: For 2 inspectors, at $1,200 each, $2,400: *Provided*, That the existing provision of law requiring the detail of two privates of the Metropolitan police force for the enforcement of said act is repealed."

Mr. PAGE of North Carolina. Mr. Chairman, I make the point of order against the amendment. I will say to the gentleman from Wyoming that exactly what he asks is provided for in the bill in another place. These two policemen are relieved and these two inspectors are appointed.

Mr. MONDELL. Is the provision made specifically for the enforcement of this law?

Mr. PAGE of North Carolina. It is, by the withdrawal of the policemen and the appointment of the inspectors, almost in the language of the gentleman's amendment.

Mr. MONDELL. And in their appointment is it specified that it is for the enforcement of this law?

Mr. PAGE of North Carolina. It is, in that connection.

Mr. MONDELL. In view of the statement of the gentleman from North Carolina I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. If there be no objection, the amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Free Public Library, including Takoma Park branch: Librarian, $4,000; assistant librarian, $1,800; chief circulating department, $1,500; director of children's work, $1,500; children's librarian, $1,000; assistant in charge of school work, $1,000; librarian's secretary, $1,000; Takoma Park branch librarian, $1,000; reference librarian, $1,000; assistants—1 $1,000, 1 in charge of periodicals, $1,000, 1 $900, 6 at $840 each, 6 (including 1 for the Takoma Park branch) at $720 each, 3 at $600 each, 3 (including 1 for Takoma Park branch) at $540 each; copyist, $540; classifier, $900; cataloguers—1 $840, 1 $720, 2 at $600 each; stenographer and typewriter, $720; attendants—1 $720, 6 at $600 each, 5 at $540 each; collator, $540; 3 messengers, at $600 each; 10 pages, at $420 each; 3 janitors, at $480 each, 1 of whom shall act as night watchman; janitor of Takoma Park branch, $360; engineer, $1,200; fireman, $720; workman, $600; library guard, $720; 2 cloakroom attendants, at $360 each; 6 charwomen, at $240 each; in all, $55,160.

Mr. COX. Mr. Chairman, I make a point of order on the increase of salaries to the librarian, $4,000; assistant librarian, $1,800; the chief of the circulating department, $1,500.

Mr. PAGE of North Carolina. In the first item that the gentleman mentions I think there is an increase; the other two items I do not think are changed.

Mr. COX. As I compared it, the assistant librarian last year was $1,500 and the chief of the circulating department was $1,200.

Mr. PAGE of North Carolina. On reflection, I think the gentleman is right. I hope he will reserve his point of order.

Mr. COX. I will reserve it on the last two.

Mr. PAGE of North Carolina. There is probably no institution for which this bill provides where the amount of work has increased as it has in the public library in the city of Washington. The increase in the number of volumes circulating and the amount of work that has been consequently involved is great. That, together with the fact that these people are not getting excessive salaries, led us to make the increases. I will say to the gentleman that the librarian has been for a number of years librarian of the city library and had numerous offers at a very large increase of salary in other cities, and has only been kept here by the insistence of certain influential people—for instance, the Librarian of the Library of Congress, and various other people—because of the excellent work that this man is doing here. Personally I know nothing about him. This committee a year ago on these representations increased the salary to $4,000 and it went out on a point of order. I can only say that if it goes out on a point of order this time I believe the city will lose the services of this very valuable man, who has trained a force there and is worth $4,000, and more than anybody he will get there. But it is with the gentleman from Indiana, and he must assume the responsibility.

Mr. COX. I have supreme confidence, Mr. Chairman, in the gentleman who has charge of the bill, as well as the entire committee. I recall that six or eight years ago Members on this side of the House were charging day in and day out Members on that side of the House with the constant and continuous increase of salaries, and I think many Members on this side promised that when we got control of the House we would stop increasing salaries. This man may be worth $4,000, as the gentleman from North Carolina says, I will concede everything he says about him. I will concede all he says about the other men, but all through this bill are large increases of salaries. I do not believe that a salary of $1,200 is excessive, but I made up my mind to make a point of order to all increases of salary over $1,200. The gentleman has begged me not to carry that out as to one or two salaries, but I am going to stand hitched on this, and I make the point of order on all three of them.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PAGE of North Carolina. Mr. Chairman, I offer an amendment as follows:

On line 11, after the word "librarian," where it first occurs, insert $3,500. After the word librarian," in the same line where it occurs the second time, I move to insert $1,500; and on line 12, after the word "department" insert "$1,200."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, insert in line 11, after the word "librarian," where it occurs, "$3,500"; after the word "librarian," where it occurs the second time, insert "$1,500"; after the word "department," in line 12, insert "$1,200."

The amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I think there is some obvious incongruity if you pay the chief of the circulating department of this library $1,200 and pay the new director of children's work $1,500. It does not seem to be in harmony with the recommendations of the committee, and everyone who has the faintest knowledge of library work must know that the superintendent of the circulating department is a much more important position than the director of children's work.

Mr. COX. The director of children's work is a new place.

Mr. STAFFORD. I hope the gentleman will withdraw his objection.

Mr. PAGE of North Carolina. Not only was $1,500 inserted in connection with this employment, but it was in harmony with the views of the committee. I believe that the director of children's work is possibly the most responsible position in the library.

Mr. STAFFORD. The gentleman recognizes that the director of children's work will not have near the number of employees under his charge that the superintendent of the circulating department has. I assume this library is similar to the library in my own city, with which I am somewhat acquainted. The superintendent of the circulating department there receives, I believe, something in the neighborhood of $2,000, and he has numerous employees under his charge, whereas the director of children's work only has three or four, so I really believe the superintendent of the circulating department has a much more responsible place than that of director of children's work.

Mr. PAGE of North Carolina. I will say to the gentleman I do not think that disparity exists in the employment here, because under this director of children's work she has a certain amount of circulating work under her, as well as the other, and quite a number of employees.

Mr. STAFFORD. Three or four, whereas the superintendent of the circulating department has some ten or a dozen.

Mr. PAGE of North Carolina. I do not know the number, and I do not think the gentleman knows how many there are.

Mr. STAFFORD. I do know that in my home city, and I am comparing the institutions because the sizes are about the same. I simply rose to impress on the gentleman from Indiana the incongruity of voting one person $1,200 where there is more responsible work and allowing the other for less responsible work $1,500.

Mr. PAGE of North Carolina. In other words, the gentleman from Wisconsin was inviting the gentleman from Indiana to make his point of order against this, too?

Mr. STAFFORD. I beg the gentleman's pardon. We have passed the question of making a point of order. I take issue with the gentleman from North Carolina on that point. I was simply trying to call the attention of the committee to the incongruous position in which the gentleman's point of order placed the committee.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment of the gentleman from North Carolina.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Appropriations in this act shall not be expended for the purchase or maintenance of horses or horse-drawn vehicles for the use of the commissioners, or for the purchase or maintenance of horses or horse-drawn vehicles for inspection or other purposes for those officials or employees provided with motor vehicles.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, line 8, as a new paragraph, insert:
"For the purchase or condemnation of a site and the erection thereon of a central garage, $35,000."

Mr. PAGE of North Carolina. Mr. Chairman, I make a point of order against the amendment.

Mr. MONDELL. Will the gentleman reserve the point of order?

Mr. PAGE of North Carolina. I will reserve the point of order.

Mr. MONDELL. Mr. Chairman, I offer this amendment not that I claim to be fully informed as to the necessity for this central garage but because it is one of the items estimated for by the Commissioners of the District and because of the very convincing statement which was made regarding it in the hearing before the committee. It was stated by the engineer commissioner:

Col. KUTZ. When our subordinates presented their tentative estimates to the commissioners there was hardly a department that did not ask for one or more additional passenger-carrying vehicles, and the same thought occurred to the commissioners that has occurred to Mr. Howard in connection with the use of passenger vehicles. We felt that the present system, whereby such vehicles were assigned to separate departments, was uneconomical. These vehicles are housed in different parts of the city and there is no way, without a central garage, by

which we can unify the use of these machines, so we have had inquiries made, and an estimate prepared, based on the assessed value, as to the cost of acquiring a small tract of land in the rear of the District Building, with the expectation of putting up on it a $10,000 building and using it for housing and caring for all of our passenger-carrying vehicles, which number about 15 now.

If we can get such a central garage it is our purpose to put it in charge of a single individual, have every passenger automobile housed there, and nothing taken out except on a specific requisition and on a certificate showing that the use of the machine is for official business. We feel that such a garage would greatly increase the usefulness of the machines that we now have, and it was with the expectation that you would look at the matter in the same light and authorize such a garage that we asked for no more machines in the engineer department, though I believe the need is greater than the need of a year ago, as our work is increasing every year.

It seems to me that the reasons given by the engineer commissioner for this central garage are strong and convincing that the expenditures would be in the interest of economy. If such a central garage were built, it would, I am sure, reduce the complaints that have been made, and the more or less scandal there has been, not in this office, but elsewhere in the Government service, as to the use of official vehicles for private or social use. It occurs to me that the building of such a garage would be a matter of economy, of good governmental procedure, and the estimate is certainly in line with the recommendation of the joint select committee that the appropriations for the District of Columbia should be regular and liberal and in keeping with the needs of the District.

Mr. PAGE of North Carolina. Mr. Chairman, in view of the fact that the gentleman from Wyoming is so much opposed to legislating on appropriation bills, I must insist on my point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Work on streets and avenues: For work on streets and avenues named in Appendix L, Book of Estimates, 1917, $186,600, to be expended in the discretion of the commissioners upon streets and avenues specified in the schedules named in said appendix and in the aggregate for each schedule as stated herein, namely:

Mr. JOHNSON of Kentucky. Mr. Chairman, I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Kentucky. Does the paragraph end with line 24, "namely," or does it go along until all of the enumerations have been made subsequent to that?

The CHAIRMAN. The Chair thinks that while the Clerk is reading by paragraphs this paragraph would run down to the end of line 11, page 22.

The Clerk read as follows:

Provided, That streets and avenues named in said schedules already paved with Belgian block or granite shall not be paved or otherwise improved under this appropriation, and the remaining streets and avenues, except as herein specified, shall be contracted for in the order in which they appear in said schedules, and be completed in such order as nearly as practicable, and shall be paved, in the discretion of the commissioners, instead of being graded and regulated.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against the item on page 21, line 25, the northwest section schedule, $34,300.

Mr. PAGE of North Carolina. Will the gentleman state on what ground he makes his point of order?

Mr. JOHNSON of Kentucky. Yes; because it is not authorized by law. Under the act approved March 2, 1893, there is this language:

No expense for the improvement of any street, circle, reservation, or avenue made under the provisions of this act outside of the cities of Washington and Georgetown shall be chargeable to the Treasury of the United States, but such expense shall be paid solely out of the revenues of the District of Columbia.

Mr. PAGE of North Carolina. I beg to say to the gentleman that none of these streets are outside of the city of Washington.

Mr. JOHNSON of Kentucky. Some of them, if I am correctly advised, are beyond the original boundaries of the city of Washington.

Mr. PAGE of North Carolina. I will say to the gentleman that the schedule that makes up this amount contains Twenty-sixth Street from K to Virginia Avenue, Twenty-seventh Street from I to K, Twenty-third Street, B to E, W and Florida Avenue to Eleventh, making $34,300, all within the limits of Georgetown, or what is termed the city of Washington.

Mr. JOHNSON of Kentucky. Well, it is the first one of those items to which I make the point of order—Twenty-sixth Street from K to Virginia Avenue.

Mr. PAGE of North Carolina. Mr. Chairman, I submit that item does not appear in the bill.

Mr. JOHNSON of Kentucky. Mr. Chairman, the rule is this, that those who contend for the correctness of a proposition have to sustain it. I make the point of order against it upon the authority which I just read. Now, the burden is upon the gentleman from North Carolina to show that it was within the old city of Washington, and that is a physical impossibility for him to do.

The CHAIRMAN. The Chair will hear the gentleman [Mr. PAGE].

Mr. PAGE of North Carolina. Mr. Chairman, I confess I can not, to save my life, say to the gentleman just exactly where Virginia Avenue is located, and I do not think he knows.

Mr. JOHNSON of Kentucky. The gentleman knows that Virginia Avenue is not in the old city of Washington.

Mr. PAGE of North Carolina. Well, I did not know that. I do not recall that that is true. I think it is up to the gentleman to convince the Chairman of this committee that it is not.

Mr. JOHNSON of Kentucky. No; it is up to the gentleman from North Carolina to show to the Chair that it is in the old city of Washington. That is a well-established rule.

Mr. PAGE of North Carolina. Mr. Chairman, if the Chairman of this committee is depending upon "the gentleman from North Carolina," who has charge of this bill, to convince him that Virginia Avenue is or is not inside the limits of what is known legally as the city of Washington, he will have to call in another witness, because I can not say, and I think he ought to be convinced by some authority that it is not before he sustains the point of order made by the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. The burden is upon the gentleman from North Carolina to show that Virginia Avenue is within the old city of Washington.

Mr. PAGE of North Carolina. I want to submit these schedules. These items now being considered were submitted to the committee as being within the city of Washington. Immediately following this is another item for the construction of a suburban road that includes all this street north of Florida Avenue and outside of the legal limits as read by the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. To all of which I expect to make a point of order, Mr. Chairman.

Mr. HOWARD. Mr. Chairman, I desire to submit this proposition to the committee. The act of 1893 that the gentleman has read from is specifically repealed by the act of 1895, which the gentleman will find in the same volume. The act of 1895 specifically repeals the act of 1893 so far as the boundary limits of the city of Washington are concerned.

Mr. JOHNSON of Kentucky. The gentleman is mistaken. But the act of March 3, 1909, Statutes at Large, volume 35, page 728, has this provision, which I will send to the Chair:

The cost of acquisition of land for street extensions, and all advancements heretofore or hereafter made for this purpose by the Secretary of the Treasury shall be repaid in full from the revenues of the District of Columbia.

That is but in keeping with the act I have just read.

Mr. MANN. Mr. Chairman, may I ask the gentleman from North Carolina if the money is not to be paid out of the revenues of the District of Columbia, anyhow?

Mr. PAGE of North Carolina. Certainly; for this purpose. If the gentlemen who are opposed to the first section of this bill will withdraw this objection, I think the point of order made by the gentleman from Kentucky would go by the board even though it would hold otherwise.

Mr. MANN. Up to date there is no appropriation made except as made out of the revenues of the District of Columbia. The revenues of the District of Columbia are much more than sufficient to pay for this item. It does not seem to me it makes any difference whether the statute says it is to be paid out of the revenues of the District of Columbia or not.

The CHAIRMAN. The first section has been agreed to.

Mr. JOHNSON of Kentucky. It has not become law.

Mr. MANN. That is the way it stands so far as the bill is concerned now.

Mr. GARD. May I ask what was the gentleman's inquiry? I was out and did not hear it.

Mr. MANN. I was asking whether it made any difference whether this was to be paid out of the revenues of the District of Columbia, as the gentleman says the law provided, because this was to be paid out of the revenues of the District?

Mr. HOWARD. If the gentleman will permit me, the gentleman from Kentucky has cited the act, but it has been repealed, and I have cited the Chair to the act of 1895 that specifically repeals it, and the point of order made under the act of 1893 would be good if the act of 1895 did not repeal it. It has been specifically repealed, and the gentleman has got the law in his hands.

Mr. JOHNSON of Kentucky. I believe the gentleman from Georgia [Mr. HOWARD] is correct about it. There is a repeal hid away here in the law which I failed to notice. I withdraw the point of order.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to return to line 14, page 21, to offer an amendment.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to return to page 31, line 14, for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 14, insert as a new item the following:
"For improvement at Eastern and Western Markets and Farmers' Produce Market, $23,000."

Mr. MONDELL. Mr. Chairman, these are items estimated for by the District Commissioners and urged very earnestly by them. The improvements for the eastern and western markets are for painting, for toilets, for retaining walls, and pavements, and the improvement they desire at the Farmers' Produce Market is a new shelter. They call attention to the importance of these improvements in order to keep the markets in condition, and particularly the new shelter at the Farmers' Produce Market, in order to shelter the farmers who come there in inclement weather to sell their produce. I fail to understand on what theory the committee declines to appropriate for these very worthy public betterments.

Mr. PAGE of North Carolina. Mr. Chairman, I am thoroughly satisfied that if the gentleman from Wyoming would go down to the foot of Tenth Street and see how much space there is under these sheds that we have already constructed, and would also take into consideration the fact that one of the greatest and most frequently visited buildings in the city of Washington—the National Museum—is located near by, he would realize that the construction of the sheds is merely another one within the shadow of that great building.

Mr. MONDELL. I will agree with my friend that that is not the place for a permanent market.

Mr. PAGE of North Carolina. I was going to say that we have already a number of sheds there, and I think we have gone further already than we should have gone in constructing these market sheds at this place, and your committee did not feel like spending money to extend what possibly some day—not very far in the future—might become objectionable, and we might make an appropriation to remove them.

Mr. MONDELL. I think they are somewhat objectionable now, but so long as we are using that place as a market we should shelter those farmers that come there with their produce. I will say to my friend that I frequently go to that market. I find it necessary in these days of high cost of living under a Democratic administration to economize, and I go down to the market early in the morning to buy of the farmers my little basket of produce for my family in order to secure some relief from these Democratic conditions of high cost of living. [Laughter.] I agree with the gentleman, that we may not always keep a market there, but I frequently have gone down there when there were insufficient shelters for the farmers, and so long as we have the market we should have shelters, should we not?

Mr. PAGE of North Carolina. If there is an hour or two perhaps at certain seasons of the year when there is not sufficient shelter to take care of all the farmers that come in, it is to be regretted, but that is an exception to the rule.

Mr. MONDELL. A farmer can get very wet in an hour, and so can a customer who is bargaining with a farmer for sweet corn and peas and radishes, and one thing and another.

Mr. PAGE of North Carolina. I imagine that the gentleman, when he goes down there, is very well protected in his automobile, and does not get rained on.

Mr. MONDELL. Not this year. What with the Democratic high cost of living and gasoline, I can not afford an automobile. How about the other markets?

Mr. PAGE of North Carolina. A majority of the subcommittee preparing this bill went in person to examine the proposed repairs at both these markets. I do not mind saying that two of them were on the gentleman's side of the House, and the chairman of the committee happened to be on the subcommittee that visited these markets.

Mr. MONDELL. And he hypnotized the other two.

Mr. PAGE of North Carolina. No; they hypnotized me; and they came to the unanimous conclusion that it would be a waste of money to spend more money on those markets.

Mr. MONDELL. It was a pure matter of hypnotism. [Laughter.]

Mr. PAGE of North Carolina. No. I am sure that the gentleman from Wyoming, if he were a member of that subcommittee, or if he were to go down there now, would reach the same conclusion, that to spend the money as provided for in his amendment would be to waste the money. I am sure he would not undertake if it he knew what he was doing.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

Mr. CANNON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. CANNON. Do I understand the gentleman to say, touching this market, whose location I am not clear about, that is near the National Museum?

Mr. MONDELL. It is almost directly in front of the National Museum. It is the farmers' produce market, where there are sheds, under which the produce is assembled—sheds under which the farmers can shelter their produce.

Mr. CANNON. Now, the gentleman claims that for the comfort of the living these repairs ought to be made or extensions made, notwithstanding that it might perhaps disturb the beautiful repose of the dead over in the Museum? [Laughter.]

Mr. MONDELL. Well, I think some day we will remove that market. We have erected a very beautiful monumental building there as a museum; and while personally I enjoy a produce market and find it a very interesting place, and like to commune with my farmer friends there in the morning as I buy their produce, still I think it is not exactly the place to permanently retain an institution of that kind. But we have the market. We have these steel shelters recently erected. We shall not tear them down, and we should have enough of them to protect the farmers produce and their customers.

Mr. PAGE of North Carolina. Mr. Chairman, was a vote taken on the amendment?

The CHAIRMAN. No; it was not taken. The gentleman from Illinois [Mr. CANNON] intervened. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

Mr. PAGE of North Carolina. Now, Mr. Chairman, I ask unanimous consent that the committee may return to the item to which the gentleman from Kentucky [Mr. JOHNSON] desired to offer an amendment, on page 6, line 15.

The CHAIRMAN. Is there objection to the gentleman's request, that the committee return to page 6, line 15?

There was no objection.

Mr. JOHNSON of Kentucky. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Kentucky: Page 6, at the end of line 15, after the figures "$17,280," add the following: "*Provided*, That hereafter no attorney for the District of Columbia shall be entitled to or receive any attorney's fees taxed as costs in any litigation to which the District of Columbia is a party."

Mr. MANN. Mr. Chairman, I supposed the gentleman wanted to have that turned into the Treasury.

Mr. JOHNSON of Kentucky. Well, it would go like the rest of the costs go if these attorneys did not take it out. They have been taking out this part of the costs.

Mr. MANN. Then I should think it might be construed that there should be no attorney's fees taxed as costs.

Mr. JOHNSON of Kentucky. That is not my construction. Let us have it read again, Mr. Chairman.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. MANN. Clearly I think the court would say the law forbids the taxing of attorney's fees.

Mr. JOHNSON of Kentucky. No; the attorney's fee is $10.

Mr. MANN. This says he should not receive it.

Mr. JOHNSON of Kentucky. Yes; he should not receive it.

Mr. MANN. He should receive it, but not retain it.

Mr. JOHNSON of Kentucky. No; it should not be paid to the attorney at all. What does the gentleman suggest?

Mr. MANN. I first thought of suggesting the word "retain," but I am not sure. I suppose when you tax an attorney's fee the attorney must receive it, but he ought to turn it over.

Mr. JOHNSON of Kentucky. I do not think that in the routine of business he ever touches the rest of the costs, and he should not touch this; but I am anxious to have suggestions to fix it so that it will be properly fixed, and I have no objection to striking out the word of the amendment "receive" and put in there the word "retain" in lieu of it. I am quite sure, on reflection, that would make it plainer.

Mr. PAGE of North Carolina. Mr. Chairman, I suggest to the gentleman from Kentucky that he add to his amendment the words "as a part of his compensation."

Mr. JOHNSON of Kentucky. I believe the amendment suggested by the gentleman from Illinois is better. I ask unan-

imous consent to modify my amendment by striking out the words "entitled to or receive" and put in lieu thereof the word "retain."

The CHAIRMAN. Is there objection to the modification of the amendment suggested by the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Provided, That hereafter no attorney for the District of Columbia shall retain any attorney fee taxed as costs in any litigation in which the District of Columbia is a party.

The amendment was considered and agreed to.

Mr. PAGE of North Carolina. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FERRIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15774, the District of Columbia appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BURKE, after to-day, for eight legislative days, on account of sickness in his family.

To. Mr. HULBERT, for three days, on account of illness in his family.

To Mr. MCFADDEN, indefinitely, on account of sickness.

To Mr. LITTLEPAGE, indefinitely, on account of illness.

To Mr. WILSON of Louisiana, indefinitely, on account of official business.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave to withdraw papers from the files of the House without leaving copies, no adverse report having been made thereon, was granted as follows:

To Mr. LANGLEY, from the Committee on Pensions, papers in the case of Henry Fields, H. R. 8298, and William Winn, H. R. 8565, Sixty-fourth Congress.

To Mr. DYER, papers in the case of Peter Mathews, H. R. 17708, Sixty-third Congress.

Also, papers in the case of Herman J. Wacker, H. R. 804, Sixty-third Congress.

EXTENSION OF REMARKS.

Mr. HELVERING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the shipping bill.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on agriculture.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 12027. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14771. An act granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River;

H. R. 12766. An act for making further and more effectual provision for the national defense, and for other purposes; and

H. R. 10490. An act to prevent fraudulent advertising in the District of Columbia.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 72. Joint resolution to provide for holding the Texas Bicentennial and Pan American Exposition in 1918.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 24, 1916, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BURGESS, from the Committee on Rivers and Harbors, to which was referred the bill (H. R. 12455) authorizing and directing the Secretary of War to lease to Charleston-Dunbar Traction Co. a certain strip or piece of land owned by the United States Government on the Great Kanawha River in West Virginia, reported the same with amendment, accompanied by a report (No. 741), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NOLAN, from the Committee on Labor, to which was referred the bill (H. R. 11876) to fix the compensation of certain employees of the United States, reported the same with amendment, accompanied by a report (No. 742), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15796) granting an increase of pension to Isaac W. Nutting; Committee on Military Affairs discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15053) granting a pension to John Richstein; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. GARD: A bill (H. R. 15912) to purchase a cyclorama in oil of the Battle of Gettysburg; to the Committee on the Library.

By Mr. LEVER: A bill (H. R. 15913) to authorize the Secretary of Agriculture to establish uniform standards of classification for cotton; to provide for the application, enforcement, and use of such standards in transactions in interstate and foreign commerce; to prevent deception therein; and for other purposes; to the Committee on Agriculture.

By Mr. STEELE of Iowa: A bill (H. R. 15914) to authorize the Secretary of Agriculture to license establishments for and to regulate the preparation of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, and for other purposes; to the Committee on Agriculture.

By Mr. LLOYD: A bill (H. R. 15915) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls; to the Committee on Military Affairs.

By Mr. GOOD: A resolution (H. Res. 246) directing an inquiry relative to the organization of a post-office lobby; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. DALLINGER: A bill (H. R. 15916) granting a pension to John A. White; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 15917) granting an increase of pension to Andrew J. Molder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15918) granting an increase of pension to Fannie Dunnigan; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 15919) granting an increase of pension to William C. Barnett; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 15920) granting a pension to Wiley Lawson; to the Committee on Pensions.

By Mr. GLYNN: A bill (H. R. 15921) granting an increase of pension to Lucia Barber Thorpe; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 15922) granting an increase of pension to Idella White; to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 15923) granting a pension to Edward V. Andrews; to the Committee on Pensions.

By Mr. HILL: A bill (H. R. 15924) for the relief of George Rutherford; to the Committee on Military Affairs.

By Mr. HILLIARD: A bill (H. R. 15925) granting an increase of pension to Harvey Sallade; to the Committee on Invalid Pensions.

By Mr. KINCHELOE: A bill (H. R. 15926) granting an increase of pension to Catharine May; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 15927) for the relief of the Commercial Bank of Gibbon, Nebr.; to the Committee on Claims.

By Mr. LAFEAN: A bill (H. R. 15928) granting an increase of pension to William H. Wilhelm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15929) granting an increase of pension to Rebecca Poff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15930) granting an increase of pension to Mercy K. Monroe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15931) granting an increase of pension to Rebecca B. Diehl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15932) granting an increase of pension to S. Caroline Gemmill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15933) granting an increase of pension to Mary Jane Brooks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15934) granting an increase of pension to Eleanor E. Butcher; to the Committee on Invalid Pensions.

By Mr. LENROOT: A bill (H. R. 15935) granting a pension to Josephine Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15936) granting a pension to Mary Baxter; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 15937) granting an increase of pension to William E. Cornwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15938) granting an increase of pension to George W. Hall; to the Committee on Invalid Pensions.

By Mr. OAKEY: A bill (H. R. 15939) granting a pension to Nellie Hanlon Bush; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 15940) granting an increase of pension to Thomas J. Harbaugh; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 15941) authorizing certain exchange of lands between the United States and the heirs of S. G. Little; to the Committee on the Public Lands.

By Mr. TEMPLE: A bill (H. R. 15942) granting an increase of pension to Lewis O. Barnes; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 15943) granting an increase of pension to Edward Looby; to the Committee on Pensions.

Also, a bill (H. R. 15944) granting a pension to Annie S. Blanchard; to the Committee on Pensions.

By Mr. STINESS: A bill (H. R. 15945) granting an increase of pension to William R. Smith; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 15946) granting an increase of pension to Margaret Hagerman; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of board of supervisors of city and county of Honolulu, relative to right to make changes in existing roads in county of Honolulu; to the Committee on Military Affairs.

By Mr. ASHBROOK: Petition of merchants of Shiloh, Ostrander, Centerburg, Utica, Lexington, Fredericktown, Brink Haven, Buckeye City, Danville, Howard, Perrysville, Plymouth, Loudonville, Ashley, Shelby, Mansfield, and Ashland, all of the seventeenth Ohio district, asking that concerns who sell goods by mail be compelled to contribute their share of municipal, county, and State taxes; to the Committee on Ways and Means.

By Mr. BAILEY: Petition of P. B. Baker, Frank Glessner, the Diamond Hardware Co., George W. Wilharm, C. E. Reed, F. J. Fay, T. H. Meckling, W. P. McKillip, T. B. McFarland, C. B. Jacobs' Son & Co., T. W. Snyder, Claude L. Pruyn, L. Leedom & Son, and Walter H. Leedom, all of Hollidaysburg, Pa., for the passage of a measure placing a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. BURKE: Memorial of Good Roads Association of Wisconsin, at a meeting held at Milwaukee, Wis., May 18, 1916, urging Congress to designate and construct and maintain a system of highways; to the Committee on Roads.

By Mr. CAREW: Memorial of Convention of Mental Hygiene Societies of the United States, favoring bill for division of mental hygiene in United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAMTON: Petition of Fred Poppeck, Albert Breining, August Teschendorf, Fred Dargatz, August Lomitzke, Ernest Adler, C. H. Pawliz, Louis Poppeck, Fred Finkel, Emil Marquardt, all of Port Hope, Mich., for an embargo on the shipment of munitions to belligerent nations; to the Committee on Foreign Affairs.

Also, resolutions of Local Union No. 97, of the National Brotherhood of Operative Potters of Mount Clemens, Mich., protesting against radical increase in appropriations for Army and Navy; to the Committee on Military Affairs.

Also, petition of Frank G. Jayne and 110 other business firms of the seventh congressional district, in support of bill proposing tax on mail-order houses; to the Committee on Ways and Means.

Also, petition of Wales Grange, No. 450, protesting against legislation which would prevent sale of products made in whole or in part by prison labor; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. J. A. King and 13 others, of Almont and Imlay City, Mich., protesting against passage of bill closing barber shops in the District of Columbia on Sunday as a law enforcing the observance of certain religious views; to the Committee on the District of Columbia.

Also, petition of Rev. C. Binhammer and 24 others and A. A. Martini and 44 others, of Sebewaing, Mich., protesting against any restrictions placed upon the work of the American Red Cross by nations engaged in the European war that prevent impartial aid to all such belligerents alike; to the Committee on Foreign Affairs.

Also, petition of Mrs. G. C. Gregg and 40 others, of Memphis, Mich., asking passage of the Susan B. Anthony suffrage amendment; to the Committee on the Judiciary.

Also, petitions of the Congregational Sunday School at Utica; Wesley Methodist Episcopal Church, of Colfax Township; Mount Pleasant Sunday School at Wales; Cole Sunday School and Church at Yale; Methodist Episcopal Church at Caseville; Sunday School of First Congregational Church, at Carsonville; Pentecostal Church of the Nazarene, at Mayfield; the congregation and Sunday School of Methodist Episcopal Church at Algonac; First Baptist Church, at Vassar; Baptist Church at Bad Axe; Methodist Episcopal Church and Sunday School at Lawrence; Evangelical Church and Sunday School at Elkton; Trinity Evangelical Church, at Snover; Sunday School of Trinity Evangelical Church, of Snover; the Methodist Episcopal Church and Sunday School of Shabbona; First Congregational Church, of St. Clair; Second Presbyterian Church, of Marlette; Methodist Episcopal Sunday School at Carsonville; Methodist Episcopal Church of Carsonville; Methodist Episcopal Church at Decker; Methodist Episcopal Church at Elkton; Methodist Episcopal Sabbath School at Metamora; the people of the Methodist Protestant Church of Lum; 22 citizens of North Street and Atkins; church people at Peck; J. D. Bradshaw and 25 others, of Yale; Andrew J. Niles and 53 others, of Carsonville; Owen Smith and 21 others, of Sanilac County; C. C. Kemp and 25 others, of Bad Axe; Charles Blank and 46 others, of Snover; Solomon Eidt and 25 others, of Elkton; Oliver M. Wood and 24 others, of Marlette; William Jones and 45 others, of Atkins, Blaine, and North Street; Mrs. Sarah Hascall and 24 others, of Vassar; George Day and 59 others, of Algonac; R. C. Moore and 23 others, of Lum; John McCrudy and 12 others, of Fairgrove; J. S. Hossler and 23 others, of Metamora; Earl C. McCarty and 18 others, of Colfax Township, Huron County; J. S. Hoffman and 18 others, of Elkton; Joseph Tomlinson and 65 others, of Port Austin; Fred D. Walker and 22 others, of Lum; Sidney J. Powers and 46 others, of Caseville; George E. E. Evans and 31 others, of Brockway Township; Thomas Mollan and 23 others, of Wales; Hugh Hodgins and 25 others, of Brockway Township; George W. Howe and 16 others, of Port Huron; E. L. Bates and 25 others, of Waldron; J. G. Haller and 26 others, of Lapeer; Ira G. Chapman and 5 others, of Utica; Bruce C. Adam and 45 others, of Lamatte, all in the State of Michigan, in support of the Webb-Smith national prohibition resolution, proposing an amendment to the Constitution of the United States for national prohibition; to the Committee on the Judiciary.

Also, petition of Frederick Kaufmann and 50 others; Frank Meissner and 74 others; Evangelical Zion's Church, of Mount Clemens; J. W. Leipprandt and 134 others, of Pigon; Charles Brandt and 38 others; Ernest R. Wolf and 19 others; Henry Graichen and 4 others; Charles J. Wolf and 36 others; George Schroeder and 5 others; also telegrams from J. Murray, H. H. Powers, E. J. Smith, F. J. Wargowsky, Clarence Kellogg, Dr. C. R. Osius, and Rev. Rausch, all of Port Huron; the three Evangelical Lutheran congregations of the township of Sebewaing; C. C. Haag, pastor of St. John's Church, of Port Huron; Citizens' League of Richville; the Hemmeter Cigar Co., of Detroit; Citizens' League of Reese; St. John's Church, of Pigeon, all in the State of Michigan, protesting against the United States becoming a party to the Europeon war; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Petition of Charles K. Blatchly, employment secretary, the Prison Association of New York, favoring Senate bill 1092 and House bill 42; to the Committee on the Judiciary.

Also, petitions of Clarence M. Smith, of New York, and Lucy Loud Ellis, of Pendleton, Oreg., favoring the Susan B. Anthony amendment; to the Committee on the Judiciary.

By Mr. DYER: Memorial of St. Louis Medical Society, opposing Senate joint resolution 120; to the Committee on Appropriations.

Also, memorial of Rising Sun Council, No. 52, Luxemburg, Mo., opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. ELSTON: Petition of R. A. Craig and 110 other citizens of Alameda County, against House bill 13048, to create a juvenile court in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of R. A. Craig and 42 other citizens of Alameda County, protesting against House bill 652, to provide for the closing of barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

By Mr. ESCH: Memorial of Good Roads Association of Wisconsin, urging the necessity of the early designation, construction, and maintenance of a system of national highways to be built and maintained by the National Government; to the Committee on Roads.

By Mr. FITZGERALD: Memorial of automobile manufacturers of New York, protesting against the enactment of the Tavenner bill, House bill 8665, or any similar measure; to the Committee on Labor.

By Mr. GALLIVAN: Memorial of the Lithuanians of Greater Boston, condemning certain acts of Great Britain; to the Committee on Foreign Affairs.

By Mr. GLYNN: Memorial of sundry citizens of Waterbury, Conn., favoring permanent international tribunal; to the Committee on Foreign Affairs.

By Mr. GOOD: Memorial of board of directors of the Marshallton Club, indorsing House resolution 175; to the Committee on Mines and Mining.

By Mr. GOODWIN of Arkansas: Papers to accompany House bill 13738, for relief of Robert W. Johnson; to the Committee on Invalid Pensions.

By Mr. HAMLIN: Papers to accompany House bill 15890, to increase the pension of Louise Mawluing; to the Committee on Invalid Pensions.

By Mr. HILL: Papers in the case of George Rutherford; to the Committee on Military Affairs.

By Mr. HUDDLESTON: Petition of E. H. Parker and others of Birmingham, Ala., in re House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of Will D. Root and others of Birmingham, Ala., in re Senate bill 645; to the Committee on the District of Columbia.

Also, petition of Rev. H. Reuter and others, of Birmingham, Ala., in re House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. KELLEY: Petition of 15 citizens of Clio, Mich., against certain amendments to the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. LINTHICUM: Memorial of the Maryland Antivivisection Society of Baltimore, Md., favoring House bill 11079; to the Committee on Agriculture.

By Mr. LOUD: Petition of D. E. Wade and 51 other citizens of McLure and Wagerville Townships, Gladwin County, Mich., for passage of House joint resolutions 84 and 85; to the Committee on the Judiciary.

By Mr. McDERMOTT: Petition of Messrs. William Stemrick, N. Murray, C. Lyons, C. F. Kemney, and others, all of Chicago, Ill., favoring the passage of the Lobeck classification bill; to the Committee on Agriculture.

By Mr. MAGEE (by request): Petition of citizens of Syracuse, N. Y., opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Memorials of sundry citizens and organizations of the State of California, favoring the reporting out of the Susan B. Anthony suffrage amendment from the Judiciary Committee; to the Committee on the Judiciary.

By Mr. ROWE: Memorial of Protestant Churches Association of Greater New York City, opposing war with Germany; to the Committee on Foreign Affairs.

Also, memorial of Chamber of Commerce of the State of New York, report on pneumatic-tube main service; to the Committee on the Post Office and Post Roads.

Also, memorial of National Automobile Chamber of Commerce, opposing the Tavenner or similar bills; to the Committee on Interstate and Foreign Commerce.

By Mr. STINESS: Petition of James S. McCabe, of Providence, R. I., favoring the resolution requesting the President to designate a day on which funds may be raised for the relief of the Armenians; to the Committee on Foreign Affairs.

Also, petition of Phoebie L. Cargill, of Providence, R. I., favoring Senate bill 4874; to the Committee on Agriculture.

By Mr. SULLOWAY: Petition of citizens of first congressional district of New Hampshire, favoring Senate concurrent resolution No. 12, granting relief to suffering citizens of Armenia; to the Committee on Foreign Affairs.

By Mr. TAYLOR of Colorado: Petition of sundry citizens of Grand Junction, Colo., favoring the passage of House bill 8665, to regulate working conditions for skilled labor in Government service; to the Committee on Labor.

Also, petition of citizens of Grand Junction, Colo., protesting against passage of bills to amend the postal laws in relation to religion; to the Committee on the Post Office and Post Roads.

By Mr. TEMPLE: Petition of Piper & Fullerton Co., Beaver Falls, Pa., favoring House bill 13916, laying an embargo upon crude petroleum; to the Committee on Interstate and Foreign Commerce.

Also, petition of A. Chattaway, of Hazzard, Pa., favoring increase of compensation for fourth-class postmasters; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of John Connell and 22 others, of Meriden, Conn., urging Congress to pass House bill 8665, to prevent the introduction of efficiency systems in Government workshops; to the Committee on Labor.

SENATE.

WEDNESDAY, *May 24, 1916.*

(Legislative day of Thursday, May 18, 1916.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

The VICE PRESIDENT resumed the chair.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Myers	Smoot
Bankhead	Gallinger	Nelson	Sterling
Borah	Hardwick	Norris	Sutherland
Brandegee	Hollis	O'Gorman	Swanson
Broussard	Husting	Overman	Taggart
Chamberlain	Johnson, S. Dak.	Poindexter	Thomas
Chilton	Jones	Ransdell	Thompson
Clapp	Kenyon	Shafroth	Tillman
Clark, Wyo.	Kern	Sheppard	Vardaman
Clarke, Ark.	La Follette	Sherman	Wadsworth
Culberson	Lane	Simmons	Warren
Curtis	Lea, Tenn.	Smith, Ariz.	
Dillingham	Martine, N. J.	Smith, Ga.	

Mr. CHILTON. My colleague [Mr. GOFF] is absent unavoidably to-day.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. WADSWORTH. Out of order I ask unanimous consent to submit a favorable report from the Committee on Claims.

The VICE PRESIDENT. Without objection, the report will be received.

M. A. SWEENEY SHIPYARDS & FOUNDRY CO.

Mr. WADSWORTH, from the Committee on Claims, to which was referred the bill (H. R. 13064) for the relief of the M. A. Sweeney Shipyards & Foundry Co., reported it without amendment and submitted a report (No. 478) thereon.

FOREIGN-BUILT DREDGES.

Mr. RANSDELL. Out of order I ask leave to submit a report from the Committee on Commerce.

The VICE PRESIDENT. The Chair hears no objection, and the report will be received.

Mr. RANSDELL. I am directed by the Committee on Commerce, to which was referred the bill (S. 4797) to amend an act entitled "An act concerning foreign-built dredges," approved May 28, 1906, to report it favorably without amendment, and I submit a report (No. 479) thereon.

Mr. O'GORMAN. Mr. President, I ask unanimous consent for the immediate consideration of the bill just reported from the Commitee on Commerce. It is to permit an American contractor to bring in two dredges which he had occasion to use on some work in Canada. All the material used in the construction of the dredges was produced in the United States. The assembling of the material was done in Canada. The bill gives the Secretary of Commerce discretion as to the imposition of terms and conditions on which the dredges may be brought into this country.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole. It proposes to amend the act entitled "An act concerning foreign-built dredges," approved May 28, 1906, by adding, at the end of section 1, the following words: "or unless permitted by the Secretary of the Department of Commerce, on such terms and conditions as he may impose."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WOMAN SUFFRAGE IN COLORADO.

Mr. SHAFROTH. Mr. President, various statements have been made by individuals and reported in the press concerning the financial condition of the State of Colorado and the city of Denver, which condition, it was claimed, has been produced by woman suffrage. I have a statement here signed by 70 of the prominent business men of the city of Denver, and I ask unanimous consent that it be inserted in the RECORD without reading.

Mr. SMOOT. The Senator does not want to have the 70 names printed in the RECORD?

Mr. SHAFROTH. Yes; they are very prominent men, comprising the bankers, the wholesale merchants, bond brokers, and other business men. Their very names will produce conviction as to the absolute verity of their statement. The charge was made that the credit of the State of Colorado was impaired, which is an absolute falsehood. Then leading men have taken the trouble to get up a statement of this kind, which shows that the standing of the city of Denver and the State of Colorado in finances is as good as that of any city or State in the Union. Their bonded indebtedness is insignificant compared to the wealth of that city and State. It would be well for States having only manhood suffrage to take notice of this condition in an equal-suffrage State. I should like very much to have the statement inserted, with the names of the signers.

Mr. SMOOT. I have no objection to the insertion of the statement, but I thought the statement of the Senator was sufficient to describe the character of the signers, and that it would be useless to take up that much space in the RECORD.

Mr. SHAFROTH. It is very short—all on one page. The statement is signed by men well known throughout the United States.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE TRUTH ABOUT COLORADO.

Because various irresponsible persons, in no way representing the real spirit of Colorado, have circulated statements defamatory to the credit of the State and its womanhood, we believe the time has come when all such silly and slanderous stories should be repudiated by the intelligent and public-spirited men of the State of Colorado.

The demand for Colorado bonds is far greater than the supply. In per capita wealth, in expenditures for education, in the percentage of homes without encumbrance, in public improvements in all matters affecting social welfare and the humane side of legislation, Colorado stands well to the front, as may easily be verified by the reports of the United States Government

In all efforts that have served to forward the health and prosperity of the State the women of Colorado have done their share. The enfranchisement of women is no longer a question here. Equal suffrage was granted by popular vote in 1893 and incorporated in the constitution 10 years later by a majority three times the size of that given the original referendum.

H. J. Alexander, president First National Bank; J. A. Thatcher, president Denver National Bank; George B. Berger, president Colorado National Bank; Godfrey Schirmer, president German-American Trust Co.; W. J. Galligan, president City Bank & Trust Co.; John Evans, president International Trust Co.; James C. Burger, president Hamilton National Bank; Frank N. Briggs, president Interstate Trust Co.; James H. Causey, banker and investment bonds; Gordon Jones, United States National Bank; C. B. Whitehead, bonds and investments; Persifor M. Cooke, banking; E. J. Weckbach, banking; Hume Lewis, of Boettcher, Porter & Co., bond dealers; C. K. Boettcher, Boettcher, Porter & Co.; John H. Porter, Boettcher, Porter & Co.; M. C. Harrington, president Hibernia Bank; W. M. Marshall, president Central Savings Bank & Trust Co.; C. MacA. Willcox, vice president Daniels & Fisher Stores Co.; W. R. Owen, vice president the Denver Dry Goods Co.; H. M. Stoll, the Joslin Dry Goods Co.; A. D. Lewis, the A. T. Lewis & Son Dry Goods Co.; Meyer Neusteter, the Neusteter Co.; Frederick W. Hedgcock, president Hedgcock & Jones Specialty Store Co.; Wm. I. Mead, manager the May Co.; A. Giesecke, president Denver Music Co.; V. G. Campbell, the Knight-Campbell Music Co.; H. M. Williamson, president Davis Chemical Co.; Alfred T. Bowen, Davis Chemical Co.; George E. Turner, Turner Moving & Storage Co.; C. A. Kendrick, president Kendrick-Bellamy Co., stationers; A. J. Spengel, president Spengel House Furnishing Co.; W. H. Kistler, president W. H. Kistler Stationery Co.; E. L. Scholtz, the Scholtz Drug Co.; O. L. Smith, jr., vice president Smith-Brooks Printing Co.; Jesse W. Wheelock, general manager Northwestern Mutual Life Insurance Co.; Henry Van Kleeck, mortgages and investments; Zeph Charles Felt, real estate; George S. Van Law, real estate and loans; E. W. Merritt, real estate and loans; Cass E. Herrington, legal department Colorado Fuel & Iron Co.; O. E. Lefevre, ex-district judge, retired capitalist; Charles D. Hayt, attorney, ex-judge supreme court; Charles M. Deardorff, attorney; J. B. Grant, attorney; Henry May, attorney; Frank E. Gove, attorney; A. N. Patton, attorney; Alva A. Swain, Pueblo Chieftain and Grand Junction News; Carlos M. Cole, superintendent public schools; William H. Smiley, supervisor high schools; J. M. Downen, Clayton School for Boys; John B. Garvin, instructor East Denver High School; C. A. Brooks, past national patriotic instructor, Grand Army of the Republic; S. A. Ritter Brown, author and capitalist; James A. Beebe, president Iliff School of Theology; S. B. Longacre, dean Iliff School of Theology; Borden P. Kessler, instructor Iliff School of Theology; Charles O. Thibodeau, pastor Grace Methodist Episcopal Church; T. E. McGuire, pastor Park Hill Methodist Episcopal Church; James Thomas, pastor Grant Avenue Methodist Episcopal Church; Orrin W. Auman, district superintendent Denver District Methodist Episcopal Churches; H. R. A. O'Malley, rector St. Stephen's Church; S. R. S. Gray, vicar West Denver; James Rae Arneill, M. D.; O. D. Wescott, M. D.; Edw. Wm. Lazell, M. D.; the City Federation (a delegate organization of the Associated Charities, Ministerial Alliance, and nearly 50 other societies of Denver, instructed its president and secretary to sign the foregoing statement), by Dr. Clinton G. Hickey, president, and Walter C. Heckendorf, secretary.

DENVER, COLO., *May 10, 1916.*

RIVER AND HARBOR APPROPRIATIONS.

Mr. CLARKE of Arkansas. I ask that the river and harbor bill may be laid before the Senate and proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. HUSTING. Mr. President, I rise this morning for the purpose of addressing the Senate on the so-called river and harbor bill, and I expect at the end of my remarks to offer a motion to recommit the bill to the committee with instructions to report out a bill in a sum not exceeding $20,000,000. In support of that motion which I propose to make I now address myself.

Mr. NELSON. Will the Senator from Wisconsin yield to me?

Mr. HUSTING. Certainly.

Mr. NELSON. Do I understand that the Senator is moving to recommit the bill?

Mr. HUSTING. I shall move to recommit the bill at the end of my remarks.

Mr. NELSON. I was going to suggest to the Senator that there are a few more amendments to be offered, and we had better complete the bill before a motion is made to recommit it. I would ask the Senator to postpone the motion until we have finished the bill, and then his motion to recommit would be more appropriate.

Mr. HUSTING. Perhaps the Senator is right from his point of view, but from mine I think this is the appropriate time. That is my humble judgment.

Mr. CLARKE of Arkansas. I quite agree with the Senator from Wisconsin that if the bill is going to be recommitted it had better be recommitted at this point.

Mr. HUSTING. I was going to say in explanation of that that if the bill is going to be recommitted it had better, it seems to me, be recommitted before we spend any further time in the consideration of the bill. All the committee amendments are now in, and the Senate is informed of the type of bill which the committee proposes to pass.

Mr. President, in opposing this bill I should like to be understood as not opposing any particular appropriation in the bill or of commending any particular appropriation in the bill, because I am opposing this sort of a bill in its entirety. There may be and undoubtedly are very meritorious projects in the bill. I do not think there is any doubt that there are a great many projects in the bill that have little or no merit whatever, and that the Government is spending its money in a wasteful and extravagant manner in carrying all the projects which are proposed in the bill.

In a matter of this kind, although Wisconsin in a measure is interested primarily, I have voted in at least one instance against a proposal to increase the appropriation for the Mississippi River from $1,250,000 to $1,500,000. I voted that way because I do not know whether it is needed or is to be wisely expended. If it is a good thing I am sure that standing alone those favoring it will be able to vindicate that appropriation. If we spend money only to aid in meritorious projects merit will get a better hearing when standing alone, and the project will get more money when standing alone than it can possibly get if we are going to divide the funds which ought to be expended for meritorious projects among a great many others of little or no merit whatever. I, for one, am willing to let the Wisconsin projects or those affecting Wisconsin stand on their own legs. If there is any project which concerns Wisconsin immediately I am willing to have that particular measure stand or fall on its own merits.

I am sure that whatever is to be expended here in the improvement of harbors along Lake Michigan is good and will stand alone, and not only that but I believe that those harbors are worthy of a greater expenditure of money than has heretofore been made on them. As a matter of self-enlightened interest for Wisconsin and Wisconsin projects I say I want to disapprove any bill which uses any meritorious scheme in which Wisconsin may be interested as a stalking horse or a bait for any other project which has no merit.

I am sorry to hold the opinion that it has been the practice in the past—I guess that is not seriously disputed; in fact, some of the things that have arisen in the discussion of the pending bill warrant me, I think, in believing it—that sometimes meritorious measures are left out of the bill in order to coerce, or rather to persuade, those particularly interested in such projects in voting for some other project that has no merit whatever, in order to secure its own just demands. That is a practice that is not only bad, but which leads to extravagance and to the expenditure of money for many improper projects. So, I say, in discussing this matter I want to object chiefly to the system that is in operation here, to the method used in attempting to pass a river and harbor appropriation bill.

There has been expended, I am informed, $850,000,000 on river and harbor projects. It has been, as has already been stated here and as everybody knows, a hit-and-miss proposition. It is a sum here and a sum there and a sum some other place of so many million dollars a year, so that altogether a grand total of $850,000,000 has been reached in river and harbor projects; certainly a most stupendous sum, and a sum which, if it had been properly expended, should show results somewhat commensurate with the immense sum of money which has been expended. I repeat, it has been a hit-or-miss proposition.

A great deal of criticism that can be directed against our whole waterways proposition—or rather lack of one—can be directed against a river and harbor scheme of this kind. It gets us nowhere; it never will get us anywhere; it accomplishes nothing, except to take money out of the Treasury and to squander it for a great many unworthy purposes.

This is not a party question. The parties ought not to divide upon this proposition, and I, for one, would like to discuss it from a nonpartisan standpoint. Our friends on the other side have insisted all along that it is a nonpartisan question and that they propose to discuss it from a nonpartisan standpoint, although the record will show that not all of the Senators, yet a number of them, have injected into their remarks speeches of a highly partisan nature. They have taken occasion to call into this discussion the Mexican question, the European question, and a great many other questions.

Before proceeding any further I want to say a few words about that. The trouble with a great many of the appropriations which a Democratic Congress has been obliged to make is that they have been made necessary to carry out a great many of the extravagant measures instituted by a Republican administration. The consequence of extravagant appropriations does not always stop with the administration that is responsible for them, but it continues on and on for a great many years. Projects are started, first, in a river and harbor bill calling for an immediate small appropriation, but the project involves a possible expenditure, as I think the record will show and as I think I can show a little later on, of hundreds of millions of dollars. So projects have been started under former administrations carrying with them appropriations for the immediate needs of a project which has been started, but which, in the end, is going to involve the expenditure of hundreds of millions of dollars. That is not our fault, but it is the fault of those who started the project. Of course the argument now is that, having put in ten or twenty or thirty or forty or fifty million dollars, it is the duty of a Democratic administration to continue the appropriation.

If our friends on the other side wanted to be fair about it, they would at least acknowledge the corn, and say "We want you to continue these things, but we admit that we are responsible for them." But what do they do? They hold up before our eyes the threat that if we pass the appropriations they are going to charge us with extravagance, and if we abandon them they are going to charge us with "scuttling the ship." They have done that in reference to the Philippine question, which is something that we have inherited from a Republican administration. They foisted onto our necks something that is costing us I do not know how many hundreds of millions of dollars—I believe about $300,000,000—but when we are trying to separate ourselves from what has proven to be an incubus, we are charged with scuttling the ship. If we continue to pay the money that the Philippines cost us, they are charging that up as a part of Democratic extravagance.

I might cite the Mexican question, another thing that we have inherited from our Republican friends. It is a matter that they did not settle, but which they handed down as a legacy from their administration. In this debate Senators on the other side have been talking about the cowardice of a Democratic administration, and have complained that we have not gone to war with Mexico; that we have not intervened; that we have not sent down 250,000 men to invade Mexico. If we had taken their advice and taken care of the situation in the manner in which they have suggested, our appropriations would have sprung up to a great many hundreds of millions more than they are already amounting to. If we had taken their advice and gone into and invaded Mexico and expended a half billion dollars, they would charge that up to Democratic extravagance. If we do not do it, we are charged with cowardice, and with a failure to do our duty. If we do what they deem to be our duty and spend the money, then we are extravagant, they say.

In this connection, I might say that our Republican friends have not hesitated to inject into this debate the European question.

Others on the other side contend that we should have gone to war with Germany in defense of Belgium's neutrality. If we had done that, the sum total of the appropriation bills would amount to billions of dollars and the bills which we shall pass this session would "look like 30 cents."

I am not going into a discussion of that any further than to show the bearing that this charge of extravagance, coming from the Republican side of the Chamber, has on the necessities of the country. In short, the criticisms which have been made amount to this: That if we do not do a certain thing, we are this, that, or some other thing, and if we do what they suggest we ought to do, then we are guilty of unwarrantable extravagance; in other words, we will be "damned if we do and be damned if we don't." So it seems to me that it will be impossible for us to satisfy the Senators on the other side, or at least some of them, and consequently I presume the only thing that is left for us to do is to try to satisfy the people of this country, which is, of course, of the first importance and the other only of secondary or more remote importance. Therefore I want to speak with regard to this bill from the standpoint of what I conceive to be the interest of the people, disassociated from any possible partisan tinge, for, in a large way, it is nonpartisan. Those supporting this bill are nonpartisan except in the sense that in this bill and bills of like nature their interests, or what they conceive to be their interests, are tied up together and party lines are not drawn, nor are sectional lines.

A great deal of time has been consumed in the discussion of this bill and a great deal of information has been put into the RECORD. I do not think that anyone can have listened to the indictments against this bill or the facts as portrayed here without feeling that this bill in its entirety ought not to pass. I do not think that this Government at this time, when it is engaged, and must continue to be engaged for some time at least, in extraordinary expenditures for preparedness, both in the way of defense and also in an industrial way, in the way of spreading our commerce to the four corners of the globe and providing for contingencies of a grave and great nature which

now confront us, ought to expend money that is going to be needed so badly elsewhere in the development of small or insignificant creeks or rivers.

I think, in consonance with the general purpose of this Congress, that every river and harbor project ought to be made a part of a harmonious whole from a military and commercial standpoint and ought to be made to harmonize with the general spirit of preparedness in the way of preparing this country to compete with the world, either in a contest of arms, if it should come, or in a contest of commerce when it shall come, as it is bound to come. Everything else ought to be stricken out of this bill, ought to be sidetracked for the moment, or entirely abandoned; and I would say the same thing even in regard to those projects which have some merit. They do not all have to be completed at this time. Rome was not built in a day, and neither must every small stream or creek or river be developed in a day. There are appropriate times for things, and I think the appropriate thing at this time is to swing our resources back of this country in its program of preparedness, as I have said, both in a military and naval sense and also in a commercial sense.

Referring to extraordinary expenditures, I want to add to what I said awhile ago that the country is asking us to prepare, and we have already passed a bill, which, I think, has become or will soon become a law through the President's signature, which will raise the military expenditures of this country something like $150,000,000 or $200,000,000 annually. We are soon to enter upon the development of our Navy, and I understand the naval appropriation bill will reach a total of something like $250,000,000 or $300,000,000. A shipping bill has reached the Senate, calling for something like $50,000,000. These matters have got to be attended to, because the people as a whole demand that they shall be taken care of; and, of course, the people know that when they make that demand they have got to pay the bills. These things do not come like nitrates from the sky, but have to come about by the expenditure of money from the Treasury. While they know that, and while they are willing to pay the bill for these purposes, even if they increase the expenditures of this Government several hundred millions of dollars annually, I think they do expect, on the other hand, that things which are not of such moment shall either be cut out or deferred or abandoned for the time being.

Our friends on the other side are crowding this Congress for increased preparedness. I know a great many on this side also favor adequate preparedness, and now if that is brought about in accordance with the universal demand or the nonpartisan or bipartisan demand and money is voted for that purpose, it will not lie in the mouths of our Republican friends in the next campaign to charge us with extravagance, because it is not extravagance to put our house in order and to put ourselves in such shape as we ought to put ourselves in to meet exigencies that are now confronting or soon will confront us. And it will not become a Republican to criticize as extravagance something done which they had demanded and costing money for the appropriation of which they are in part responsible. However, even though our friends on the other side are demanding a correction of an evil for which they are responsible in the instance of the river and harbor system—if they call such a thing a system—I feel we ought to feel no resentment, but ought to feel grateful to them for pointing out the evils of their system and for offering to help us cure the evil. I also think we should take in the proper spirit the warning held out to us by them, accompanied as it is with an admission that this and other extravagances on their part while in power in part were responsible for their party's downfall. I hope we will profit by their warnings and their experiences.

Now, in discussing the bill I am not going to go over the old ground that has already been covered, but I have selected three rivers which are to be improved under this bill, and, instead of selecting the worst, I presume everyone will agree that I have selected the best.

You have heard a great deal about some of the rivers and creeks that are to be improved under this bill. Senators have shown the worst projects covered by this bill; they have shown that streams and creeks which carry only a foot and a half of water sometimes are to be improved, and hundreds of thousands, if not millions, of dollars expended upon them. I do not think there is any question about those projects being bad. I think the question was asked a Senator who was discussing one of these creeks where there was little water whether they wanted to supply more water in the creek. It occurred to me that perhaps the reason why a great many of these creeks and rivers are to be improved is because there is too much earth and ground in the bottom of the creeks and rivers, and they want to dig out mother earth itself; they want to turn something from a purpose to which it is adapted to some purpose to which it is not adapted. We can not change the face of this hemisphere, but we can do certain things to advantage. For instance, in the discussion of the East River project here the other day, which was left out of this bill when it was originally reported to the Senate, it was shown that a certain ridge in the river separated deep basins on either side, and that by the expenditure of a couple of hundred thousand dollars this ridge or bar could be removed, and our dreadnaughts could enter from the sea into the Brooklyn Navy Yard, where during stress of war or battle they might be obliged to go.

That is a project that no two men can disagree upon. It is perfectly obvious that that bar has got to be removed, because it is necessary to have it removed. But that is a far different project from turning a stream having a foot and a half of water into a stream that is navigable for its entire length by means of excavation throughout its entire length, because the more you excavate the lower the water drops. That does not increase your volume of water at all. If you take any given stream with a certain limited supply of water and gouge it out for its entire length, you will have the same result when you finish that you had when you started. You will still have too much ground at the bottom of your river; and you can keep on until you get down to the hot place and it will not do you any good. There is another way, and oftentimes the better or only way, in which water can be put on top of land, and that is by means of dams and reservoirs; but that is another story. What I was going to say is that these creeks a foot and a half in depth their entire length can never be made into rivers that will carry ocean-going steamers. You are just expending your money for the purpose of giving exercise to some men that you like to see exercise. It is merely a little game, that is all—a little play. What I mean to say is that you are paying your money for a useless purpose to keep men out of mischief or to keep them going. That is the effect of it. I do not say that that is the purpose, but that is the effect of it, and it does not get you anywhere.

But that kind of streams I do not care to talk about; but I do want to take what I consider the three most plausible projects we are expending our money on. I think it will be agreed that if the three best that we have do not warrant the expenditures we are making, as we are now making them, then, of course, the worst can not be good enough to spend any money on. I have reference to the Mississippi River, the Missouri River, and the Ohio River.

I have gathered some data here—not through my own industry, but through the industry of others—bearing upon the expenditure of money on these three rivers. I have given some study to the subject and looked over some of the tables, and in a general way know a little about the subject. I hope to know more in the course of years. But, from the showing that is made here, I can not see where we get anything out of even the improvement of these rivers under the present method of expenditure of money. I am going to take up a little of the time of the Senate to discuss these rivers and the money expended on these rivers, and I trust I may be pardoned for reading part of this, because I have not the figures in mind.

Under the present bill we are to expend for these three streams $15,500,000; and the bill contemplates the expenditure of over $20,000,000 on 11 streams, or a grand total of over $40,800,000. I believe the Senate committee has raised it to something like $43,000,000. I am going to ask to have the table that I have here included in the RECORD if not already printed in some other speeches. I should like to have it looked at. It shows how this money is to be apportioned. I am going to dwell on the Missouri River first.

That river takes $1,750,000. Of this, $1,500,000 is appropriated for 400 miles of river which lie between Kansas City and St. Louis. When the project of the whole river shall have been completed it will have cost the Government the sum of $34,000,000. Nearly $20,000,000 has already been expended, and an expenditure of $14,000,000 is contemplated. Before the era of railroads this river bore a great carrying trade. To-day it has dwindled down to almost nothing; and, as I shall show you shortly, the greater part of the so-called commerce of the Missouri consists of the transportation in barges of the sand and stone and gravel which the Government itself is using in the improvement of this highway of commerce.

Since the opening of the Sixty-fourth Congress two tables showing the plans in favor of reinstating the Missouri River project have been placed in my possession. There is reported, based on the report of 1914, a loss of commerce as follows:

Tons of commerce reported in 1905, 343,435; in 1913, 347,235; in 1914, 240,550. That is a loss of 30 per cent of the commerce on the Missouri River.

After making the deductions of gravel and stone used by the Government itself in these improvements, and the logs and material that could be floated down without any improvement, the actual commerce is as I shall state a little further on. This feature of the commerce, or this distinction between the commerce, I believe, has been discussed here in the Senate; but it seems that these reports are made up with a great deal of duplication, and include commerce carried on by the Government in its execution of the work. Of course it is manifest that when they stop their work this part of the river commerce will cease, and consequently it is not a proper item to be charged up as a part of the general commerce. Therefore it is deducted; and of course on these rivers where logs and lumber can be floated without any improvements, it is clear, it seems to me, that a project should not be credited with a certain amount of commerce that it would have received anyway without the improvements in the river. Of course, too, when a stream can carry logs and timber and things of that kind without any improvement and continues to carry them with the improvement, that part of the commerce is not to be credited to the improvement, but is to be credited to the river in its original state; and therefore it should be deducted.

On the Missouri the actual commerce in 1905 was 18,182; in 1913, 24,000; and in 1914, 19,000, a loss of 30 per cent also for 1914 over 1913.

Mr. STERLING. Mr. President, I should like to ask the Senator if he means by the commerce on the Missouri River the commerce through the entire extent of what is known as the navigable Missouri River, from Fort Benton to the mouth of the Missouri, near St. Louis, or does he just refer to particular stretches of the river, as from St. Louis to Kansas City and from Kansas City to Sioux City, Iowa?

Mr. HUSTING. I should have to refer to the reports to get that information. I think the Deakyne report will show that. I am coming to that in a little while. Perhaps I have that information here. My understanding is that that is the entire river, or so much thereof, at least, as is credited to the part over which the improvement has been made for which this appropriation is asked.

Mr. STERLING. I am not sure whether the figures given by the Senator referred to the tons of commerce or to the value of the commerce.

Mr. HUSTING. Those are the tons of commerce. I want to say to the Senator from South Dakota, or any other Senator present, that I should like to be corrected in case I make mistakes in the figures presented. I have confessed that I am not as well grounded in this matter as I should be; but I am taking this from what I consider reliable reports, and I should like to be corrected if I make any misstatement. To my mind, these figures never have been contradicted or challenged.

Take, for instance, the conditions on the Missouri River in 1913. The report shows—and this will be found in Mr. FREAR'S minority report—a table which purports to give the freight traffic on the Missouri River. The total valuation of the commerce is $3,929,212.32 and a tonnage of about 347,235. Of this, 309,577 tons was sand and gravel hauled 1 mile.

Nine-tenths of the traffic was barged 1 mile; showing that while the figures are somewhat imposing, yet, getting down to brass tacks, there is not very much left in the way of any substantial commerce. Of the above, 309,577 tons consisted of sand and gravel carried 1 mile, probably in the Government's own construction work—a good deal of it, at least. Somebody in the neighborhood of Kansas City hauled 2,513 tons of sand 9 miles, and 10,312 tons of railroad ties were hauled 14 miles. This makes a total of 322,402 tons of these freight items, and the average haul was about 2 miles. The balance consists of a little bit of grain, logs, and wood, chiefly material which could be floated down any unimproved river. The total of this amount is 24,833 tons and the average haul less than 100 miles.

Lieut. Col. Herbert Deakyne, of the Corps of Engineers, who was sent to reexamine the Missouri River, reported on April 15 that this project should be abandoned. I am going to take the time of the Senate to read his report in full:

REEXAMINATION OF MISSOURI RIVER FROM KANSAS CITY, MO., TO THE MOUTH.

WAR DEPARTMENT,
UNITED STATES ENGINEER OFFICE,
Kansas City, Mo., April 22, 1915.

From: The District Engineer Officer.
To: The Chief of Engineers, United States Army
(Through the Division Engineer).
Subject: Reexamination of project, Missouri River, Kansas City to mouth.

1. In compliance with instructions contained in department letter dated March 18, 1915, I submit the following report giving my general views on the question of the modification or abandonment of the project for the improvement of the Missouri River from Kansas City to the mouth. This report is called for by section 14 of the river and harbor act approved March 4, 1915.

2. The project for this improvement was adopted by Congress July 25, 1912, in the following language:

"Improving Missouri River with a view to securing a permanent 6-foot channel between Kansas City and the mouth of the River, in accordance with the report submitted in House Document No. 1287, Sixty-first Congress, third session, and with a view to the completion of such improvement within a period of 10 years, $800,000: *Provided*, That cooperation from the localities benefited may be required in the prosecution of the said project in case any comprehensive plan is hereafter adopted by Congress for an apportionment of expense generally applicable to river and other projects in which any improvement now or hereafter adopted confers special or exceptional benefit upon the localities affected: *Provided further*, That nothing herein contained shall postpone the expenditure of the amount hereby appropriated or any further appropriation for said project without action by Congress."

However, the first appropriation for the work was made June 25, 1910, in the following language:

"Improving Missouri River, with a view to securing a permanent 6-foot channel between Kansas City and the mouth of the river, $1,000,000: *Provided*, That the Secretary of War shall appoint a board of three officers to further consider and report upon the most economical and desirable plan of securing such channel, in which report consideration will be given to the subject of cooperation on the part of local interests in the work of said improvement: *Provided further*, That the report hereby authorized shall be submitted to Congress on or before the opening of its next regular session."

3. The appropriations and allotments made for this project are as follows:

June 25, 1910	$1,000,000
Feb. 27, 1911, authorized Aug. 24, 1912, appropriated	600,000
July 25, 1912	800,000
Mar. 4, 1913	2,000,000
Oct. 2, 1914	850,000
Mar. 4, 1915	1,000,000
Total of 6 appropriations	6,250,000

It will be noted that the appropriations have been made at about half the rate mentioned in the act adopting the project.

4. The expenditures to March 4, 1915, were $3,577,290.85, consisting of $3,286,082.59 for improvement and $291,208.26 for maintenance. It is estimated that the project is about 9 per cent completed. There have been large expenditures for plant since the inception of the project, and for that reason and on account of the lack of appropriations at the proper rate, the amount expended and the percentage completed appear out of proportion. But it has been demonstrated that the work can be done within the estimated unit cost, and it is my opinion that with appropriations at the rate of $2,000,000 per year for improvement and sufficient funds for maintenance the project could be completed within the total estimated cost.

5. The cost of maintenance after completion of the project is estimated at $500,000 per year. The maintenance work, including snagging, is now costing about $100,000 per year. It will gradually increase as the work progresses. If appropriations are continued at the rate of about $1,000,000 per year, and the maintenance increases from $100,000 to $500,000 per year, averaging $300,000 per year during the execution of the work, it is plain that over 20 years from this time will be required to complete the project.

6. I consider that the question of modifying or abandoning the project is one to be decided by a comparison of the cost involved with the benefits derived. Assuming the money of the Government to be worth 3 per cent interest, the total estimated cost of the project represents $600,000 per year interest. Adding the maintenance cost of $500,000 per year gives $1,100,000 per year as the permanent charge to the Government resulting from the execution and maintenance of this project.

7. The benefits derived are represented by the increased facilities for navigation. There are other incidental benefits, such as the protection of lands from erosion and the amelioration of flood conditions, but these have not been recognized as proper objects of Government expenditure on the Missouri River and are therefore not considered in the analysis.

8. The commerce to be considered is present and prospective, and the advantages that commerce will obtain from the improvement are the actual saving in freight charges by the use of the river and the effect on railroad freight rates produced by the possibility of water transportation.

The commerce for the calendar year 1914 is not fully tabulated.

Then follows the total I have just read. I want to say that is in Deakyne's report, and that is my authority for the statement.

Mr. STERLING. I ask the Senator if he can refer again without much trouble to the figures he gave of the tonnage on the Missouri River from Kansas City to the mouth?

Mr. HUSTING. This is the total, but I think that is filed with the Deakyne report. I will give you the figures found in his report and that is my authority for these distances concerning which he proposes to cover. He does not say what part of the stream it is in, but I assume it is for that part affected by this money, whether the whole or a part of it.

Mr. STERLING. I refer to the figures given by the Senator.

Mr. HUSTING. This is the same table.

Mr. STERLING. May I call the attention of the Senator for the purpose of the RECORD to the statement given in the report of the Committee on Commerce? As I remember the figures given earlier in the Senator's address, he gave the tonnage as something like 18,000 or 19,000 tons.

Mr. HUSTING.. No; the total tonnage was 347,235.

Mr. STERLING. For 1913?

Mr. HUSTING. For 1913; and I deducted from that the gravel. I am coming to that now, and I will give them over again if you desire.

Mr. STERLING. I do not care to have the Senator repeat it, but I call the Senator's attention also to the value of that tonnage during the three years 1912, 1913, and 1914, showing a constantly increasing value of the tonnage during those three years.

Mr. HUSTING. Please give me the page of the report.

Mr. STERLING. Page 365 of the report. I suppose that is taken from the report of the Board of Army Engineers.

Mr. HUSTING. These figures are taken from the Deakyne report and I assume that they are correct. I say personally I do not know whether they are or not.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. HUSTING. Certainly.

Mr. REED. I ask the Senator if he does not know that that report was absolutely turned down by a full board, who sat on it and repudiated it——

Mr. HUSTING. What board?

Mr. REED. The board of appeal that was appointed, at the head of which was Col. Black, now Gen. Black; and that after a full hearing this report was not only repudiated, but after the hearing placed Deakyne in a position that I will not say was discreditable but, at least, it was extremely pitiable.

Mr. HUSTING. I am sorry if I shall be quoting anybody who has been discredited by any subsequent investigation, but I do not understand from the Senator that his figures were challenged.

Mr. REED. There were many other figures given, and the fact that his figures were inapplicable and unjust was made clearly manifest.

Mr. HUSTING. That is a matter of argument.

Mr. REED. No; it is not a matter of argument, because the board of appeal found against him, consisting, I think, of nine officers who came there and had a hearing lasting for several days. At the head of that board was then Col. Black, who is now Gen. Black, Chief of Engineers. The fullest hearing was had, and I say without desiring to reflect upon Col. Deakyne that I never saw a man in a much more pitiable condition than he was after that hearing had proceeded a few days.

The fact is Col. Deakyne did not understand the Missouri River or know what he was trying to do. It had been a pretty complete failure all the time he was out there; and his report is discredited and discarded and in the waste basket of forgetfulness, except that the Senator has reached down and shaken the dust off of it and brought it in here before the Senate.

Mr. HUSTING. I will say to the Senator that I do not understand whether the Senator is stating these things as his opinion or whether he is stating his opinion as to the pitiable condition of the engineer at the time he appeared before the board. I will state to the Senator that I shall take occasion to look up this conference of these governors or the report of this committee and see whether they have denounced him as severely as the Senator has done.

Mr. REED. They did not denounce him. They simply reported against everything that he reported in favor of, that is all.

Mr. HUSTING. I would consider that as a matter not in any way reflecting on the figures and facts given by the engineer.

Mr. REED. I have already said there were at this hearing facts and figures produced which showed that the figures of Col. Deakyne were inadequate, were not complete, and that new facts and new figures and new evidence throw added light on the whole proposition and entirely destroy the effect of these figures. The Senator will be so kind as to permit me to observe at this point one trouble with Col. Deakyne's figures, and it goes to the Senator's argument. I do not know whether the Senator has ever seen the Missouri River or not.

Mr. HUSTING. Yes; I have seen it.

Mr. REED. I suppose he has seen it. That is probably about all.

Mr. HUSTING. I have not seen it as often as the Senator has.

Mr. REED. No. One trouble is that Col. Deakyne's figures were based upon tonnage upon a river which everybody admits until it is improved is only navigable at certain periods of the year and by boats of certain special build and limited capacity. The effect of the Senator's argument is and the effect of Col. Deakyne's report was that it was a fair test of the value of the river. In other words, a river is unnavigable because of certain bars across it. Therefore these gentlemen say, not being navigated to any great extent, it is unfit for navigation, and they proceed to prove that by the fact that there is no navigation, and that navigation is practically impossible, when the proposition is to cut through those obstructions and to place the river in a condition to be navigated.

Mr. HUSTING. How many miles, I should like to know, have to be excavated and how much money has to be expended before the improvement of the Mississippi River can be made.

Mr. REED. The amount that is estimated for the completed project is $20,000,000.

Mr. HUSTING. And $14,000,000 more.

Mr. REED. No; about $14,000,000 to cover the entire river.

Mr. HUSTING. For 400 miles.

Mr. REED. From Kansas City to St. Louis, a distance of about 420 miles, I think, though I have not the figures in my mind. Now, I want to get——

Mr. HUSTING. Before the Senator leaves that, as I understand it his reflection on this engineer is that his idea of what is going to happen after the river is improved differs from the opinon of the corps of engneers who examined it.

Mr. REED. No; the point I am making now is that no man with good judgment and with a reasonable degree of fairness wants to attack a thing simply for the sake of attacking it.

Mr. HUSTING. I should like to ask the Senator a question in order to get this position clearly before the Senate, if he will. The point, then, is that the figures are not disputed, but that the appropriation rests on the future commerce and the possibilities of future commerce, and not on what has already been engaged.

Mr. REED. There are some of the figures that the engineer gave that are accurate. Many of them, however, are not complete.

Mr. HUSTING. Will the Senator point out those not complete.

Mr. REED. I will at the proper time. I could not do it out of mind. I have not the report before me. I can bring the figures here, however. This is what I want to get into the Senator's mind, and I am presenting it to him as a fair man. Assume the case of a good highway built up to a river bank and a good highway upon the other side of the river, an impassable river, and no bridge. Now, it is proposed to appropriate some money to build a bridge, and the report is there has never been any traffic across that river, and therefore, because there has never been any traffic across the river, except perhaps by some ford that could only be used one month in a year, the bridge should not be built. Now, that has been the line of reasoning followed by every man who has opposed this project.

Mr. HUSTING. That will not be the line I am going to follow.

Mr. REED. That was Deakyne's plan. He said, "Here is a river. How much business have you upon this river now?" In the face of the fact that he knew and that everybody else knew who knew anything about it that the reason why the traffic was not on the river was because in moving their boats up and down at every season of the year except in high water there were certain shallows and certain bars that made it impossible to move their boats. The project is to remove those obstructions. Therefore the question is not how much there has been but how much there will be in traffic upon that stream.

Now, that is to be settled. It is upon the basis that the river has been made navigable, which all engineers, five or six boards sitting at different times, have agreed is entirely feasible and practical. The further question is, Is there business? Is there traffic along this river which at prices that it can be hauled for will go to the river?

The answer to that is that there is no territory west of the Mississippi River that will afford an equal amount of traffic. That is shown by population, shown by the great wealth and resources of the country, by the enormous production, by the thick population, and by the fact that the boat line already operating under these almost impossible conditions has been able to operate and pay its expenses with a cut in freight rates on the average of 20 per cent. Now, if you——

Mr. HUSTING. If the Senator please, I should like to resume my argument.

Mr. REED. Let me just finish this sentence. When you remove the obstructions so that the river can be fully employed, the evidence that was taken before the board of appeals overwhelmingly shows that the river would carry upon its bosom an enormous commerce which would result in a reduction of freight rates to all of that great State and to the territory that is tributary to it, the Dakotas, and even Oklahoma, and that the resultant benefit to the public would be almost incalculable. Yet in face of that showing we are asked to consider Mr. Deakyne's report based upon the unimproved condition of the river. I am obliged to the Senator.

Mr. HUSTING. The Senator talks of the future. It is impossible to show the future. I do not care what any corps of engineers may venture to predict as to what is going to happen in the future, the future can be better judged from the past than it can by the prognostications of a board of engineers. I believe—I have been so informed, and I feel that I am fairly safe in making the statement—that the figures all go to show that river transportation has decreased over those parts of rivers that have been improved, or, in other words, that it has decreased whether it has been improved or not.

Mr. REED. On the Missouri River?

Mr. HUSTING. Yes. I will take it not for a couple of years, but take it ever since the river has been improved, and there has been a decrease in proportion to the total transportation, if not a literal decrease in transportation, in the amount of transportation.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. SIMMONS in the chair). Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. HUSTING. For a question.

Mr. REED. The Senator certainly wants to get his figures right.

Mr. HUSTING. Yes.

Mr. REED. There was a time many years ago when there were no railroads and when the traffic there had to be upon the river, when there was a very considerable tonnage upon the Missouri River and upon many little rivers that we would not consider navigable.

Mr. HUSTING. I have already shown by this table that the tonnage on the Missouri River has decreased from 343,435 tons in 1905 to 240,550 tons in 1912, the total commerce. It is true that before the advent of the railroad west of the Mississippi the river tonnage was high, but it has steadily been declining ever since, at least proportionately if not literally.

Mr. REED. There are no such figures, in fact.

Mr. HUSTING. The Senator——

Mr. REED. I want to get the Senator right. My word on this is almost as good and important as an Army engineer's. They are not infallible. I say to the Senator that the figures absolutely show that since the present boat line was put on—now some four or five years back—there has been a steady, constant, and rapid increase in traffic upon that river; and anybody who says to the contrary—I do not care whether he is an Army engineer or whether he is a Hottentot—is not stating what is the fact.

Mr. STERLING. I should like to say, in all fairness, I think the Senator from Wisconsin ought to include in his table the value of this commerce, as it has increased in the last three years. It runs thus—that is, between Kansas City and the mouth of the Missouri: In 1912 it was $3,149,870.

Mr. HUSTING. The Senator is now speaking of the value of the commerce.

Mr. STERLING. Of the value. Just let me complete this statement. In 1913 it was $3,929,212, and in 1914, $4,677,207, making a total for those three years on that stretch of the Missouri River of $11,756,289.

Now, the Senator from Wisconsin does not consider that as inconsiderable commerce; but if there was that commerce with the then condition of the river and it can be increased by the improvement of the river, would not the Senator be in favor of making the improvement?

Mr. HUSTING. I will ask the Senator whether he is giving the value of the cargo. I should like to have the Senator give, if he can, the tonnage.

Mr. STERLING. I can give the Senator the tonnage.

Mr. HUSTING. It may be different from the figures I gave.

Mr. STERLING. The tonnage in 1912 was 185,110; in 1913, 347,235; and in 1914 the tonnage was as the Senator stated—240,550—but now the value of that tonnage has exceeded the value of the tonnage in either of the other years by considerably over a million dollars.

Mr. HUSTING. I do not see that the value of the cargo throws any light on this question at all. It does not as far as I am concerned, or as far as my understanding of the problem is concerned.

Mr. STERLING. It seems to me that the important element in it is the value of the commerce.

Mr. HUSTING. Not of the commerce carried to show the saving in the carrying of that commerce.

Mr. STERLING. Now——

Mr. HUSTING. Just a moment. If you transport commerce in gold coin of the value of $1,000,000,000 down a river and get $500 worth of revenue out of it for the carrying of it, and the Government spends $10,000,000 to transport that billion dollars of gold down the river 5 miles, I do not see that that is a help to the transportation problem.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. HUSTING. Certainly.

Mr. KENYON. In the figures suggested by the Senator from South Dakota, if he will analyze them he will find, for instance, 211,000 tons worth of sand and gravel barged a mile and sand and gravel again barged for 9 miles.

Mr. STERLING. I will ask the Senator from Iowa for what year was there tonnage of that kind?

Mr. KENYON. In the report of 1915.

Mr. STERLING. In the report for 1915?

Mr. KENYON. No; the year 1914.

Mr. STERLING. Will the Senator state the total tonnage and the value of the total tonnage for 1915?

Mr. KENYON. I have it not for 1915. I have it for 1914. It is in the 1915 report. I have it also for 1913. There were 309,000 tons of sand and gravel barged 1 mile.

Mr. HUSTING. I will say to the Senator that Engineer Deakyne analyzed those figures. I may as well here ask what are we spending money for in the way of improving water transportation? Is it for the purpose of hauling down the stream goods of great money value, or is it for the purpose of serving the people and saving them money on transportation?

That brings me to the proposition of the Senator from South Dakota. I say it does not make any difference what the value of the cargo is that goes down the river as between a railroad and the waterway. It seems to me that the figures throwing light on the amount of revenue derived by the transportation companies and the amount of tariff or toll that the public has to pay and the difference or the saving between those two either directly or indirectly by reason of the river improvement is the test whether we are spending our money for a useful purpose or not. In other words, taking the question of convenience into consideration, would we, as a business proposition, vote $10,000,000 or $20,000,000, with $14,000,000 more, or a total of $34,000,000, to carry, as the Senator admits his own figures show, a few hundred thousand tons of commerce, where we know that the public will save only about $10,000 per annum?

Mr. STERLING rose.

Mr. HUSTING. Just pardon me a moment. The Senator from South Dakota gave some figures here as to the tonnage, which entirely coincide with the figures that I have given. So these figures are not challenged; they are corroborated by the report of the committee.

Mr. STERLING. Will the Senator permit me to make a suggestion right there?

Mr. HUSTING. Certainly.

Mr. STERLING. The Senator speaks of an expenditure of $20,000,000 on the Missouri River. Now, may I ask to what reach or stretch of the river he has reference?

Mr. HUSTING. I refer to the portion of the river through which this tonnage is carried.

Mr. STERLING. Does the Senator mean, now, from Kansas City to the mouth of the river?

Mr. HUSTING. I refer to any tonnage that goes on the river.

Mr. STERLING. Does the Senator mean the whole river?

Mr. HUSTING. I mean that part of the river on which this $34,000,000 was expended, or an expenditure which has been made on this particular stretch of the river. If I am wrong, I should like to be corrected.

What is the standard here? What is the compass with which we are going to steer this business? Is it by a view of the good the expenditure does the people and the amount it saves them on transportation charges, or is it going to be without any regard to return for the money expended? Is it merely going to be just for no particular purpose, except to spend the money in certain States because Senators or Representatives want it spent there?

Take the Missouri River. I say it is one of the best, and I have singled it out, and I want to tell the Senator from Missouri [Mr. REED], who was not here at the time that I singled it out, that I am singling this out as one of the three most promising enterprises of the lot—not as the worst, but as one of the best. The worst have been pointed out by the Senators who have spoken before me; but the purpose of my argument, in so far as I can make it clear, is to show that even as the best, taking the best project into consideration, under the present system——

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. HUSTING. Just a moment. We are expending our money uselessly and extravagantly without getting just returns for the expenditure.

Mr. STERLING. Mr. President, it seems to me that the Senator from Wisconsin will have to revise his figures in regard to the amount expended on the Missouri River from Kansas City to the mouth. I have here a statement under the head of "Financial summary" of the amount expended on all projects to June 30, 1915, which shows the expenditure to have been $10,475,618.90. I understood the Senator to say that $34,000,000 had been expended for that purpose.

Mr. HUSTING. No; I said $20,000,000 and $14,000,000 more——

Mr. STERLING. Then it seems to have been just about half the amount which the Senator stated.

Mr. REED. Mr. President, the Senator is talking manifestly with perfect fairness; that is, he intends to be fair——

Mr. HUSTING. I intend to be fair.

Mr. REED. But I suggest to him that, if he thinks there has been any such sum of money as that expended on the stretch of the Missouri River from Kansas City to St. Louis, he had better discontinue his speech, and get somewhere within eight or ten million dollars of the facts.

Mr. HUSTING. I will let the Senator from Missouri get close to the facts. I am stating my authority. I have already made the statement that I have no personal knowledge of this matter, but I am taking my figures from reports that purport to be true. I shall be glad to be corrected by any Senator who finds anything to the contrary.

Here in this summary I find, on looking at it, that the appropriation for the general improvement has been $15,451,432, and from the mouth of the river to Kansas City it is $2,250,000, making a total of nearly $18,000,000. What part of that has been expended I will let the Senator explain, and I hope he will; but, taking the statement that $10,000,000 have been expended as true, the same argument obtains, and with $14,000,000 more of expenditure it makes a total of $24,000,000. If my figures are not correct, let us take the Senator's own figures.

Mr. REED. I did not give those figures. I said that the Senator was off over $10,000,000. Now, he has got it up to $24,000,000 as the amount which will be ultimately expended.

Mr. HUSTING. There is $14,000,000 more to be expended. The Senator himself said that a little while ago.

Mr. REED. I said approximately, but I did not say $10,000,000 had been expended. The total that was contemplated to be appropriated was $20,000,000. So the Senator will have to cut off 4,000,000 more cats to get down to the number that are in the back yard.

Mr. HUSTING. I said that if there were only ten millions appropriated, the same argument will hold good, and the Senator admits that the amount will be $21,000,000.

Mr. REED. No; I admitted it to be $20,000,000.

Mr. HUSTING. Well, the Senator admits it to be $20,000,000. I will not haggle with him about millions; five or six million dollars, more or less, in a matter like this, according to past practices, does not change the proposition in the least. Let us say that $20,000,000 will be expended on this proposition.

I say the test is whether we are warranted in expending that $20,000,000 when we could take every ounce of commerce that has been floated down there, pay the expense of transportation on the railroads, and have almost our $20,000,000 left in the Treasury.

Mr. STERLING. Mr. President, as I understand, the commerce for three years——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. HUSTING. Yes.

Mr. STERLING. The commerce for the three years 1912, 1913, and 1914 amounts to more than has been expended up to this date.

Mr. HUSTING. But the Senator from South Dakota misunderstands me. I did not mean to pay for the cargoes. I meant to pay for the transportation charges on those cargoes.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. HUSTING. Certainly; for a question.

Mr. REED. If the result of the river transportation has been to reduce railroad rates generally to all that vast territory, would the Senator from Wisconsin regard that as a fact that might be considered?

Mr. HUSTING. That is a fact that certainly should be taken into consideration as a factor in the question; but I am coming to that a little later. I am now talking about the saving in the transportation charges.

Let us take these figures. I again want to say that I do not propose that the United States shall buy the cargo and pay the $10,000,000 for the cargo itself; but I am speaking as to the saving in the transportation charges on this cargo. This cargo, as I understand, in 1914 amounted to 240,550 tons. I do not understand that that part of it was carried a considerable distance. The total tonnage carried between these points amounted in 1913 to 347,235 tons.

Of that gravel, logs, and lumber rafted amounted to 309,684 tons, which leaves a difference of 37,551 tons of genuine commerce; that is, commerce in the sense that it would be transported regardless of whether or not this improvement was going on.

I do not know just what transportation per ton might be worth. Let us say that it is worth $5 a ton, which is a pretty fair charge, I think, for 50 cents a hundred is a pretty fair charge.

Mr. REED. Fifty cents a hundred would be $10 a ton.

Mr. HUSTING. Very true; 50 cents a hundred would be $10 a ton. Let us say $10 a ton. You would have for this 37,551 tons $370,000 for the total freight charges of that commerce. Now, let us say you save 20 per cent by sending it by water. That would make $60,000 saving to the people in the carrying of that cargo; but you are going to pay out when it is all done a total expenditure of $20,000,000. The interest on that at 3 per cent represents an annual interest charge of $600,000. Add a maintenance cost of $100,000 or $200,000 or $300,000 a year, and you are paying practically a million dollars per year to save somebody $60,000 in freight charges. Those are merely arbitrary figures. You can double them or you can divide them or you can multiply them by three or four, and the showing will be the same, except in the matter of degree. Does it pay to do that? That is the question. Is there not some other way, some better way, to arrive at this thing and make it pay?

I want to say that I am not in favor of permanently abandoning the waterways of this country. I favor a complete and harmonious development of the Mississippi River watershed from the Great Lakes down to the Gulf. What I am complaining of is that we are proceeding in a way that is wasteful and extravagant and does not get us anywhere.

Proceeding with the reading of this report—and I want to say in behalf of Col. Deakyne that, without a further showing at least, I do not subscribe ipso facto to the declarations made by the other board; in fact, it has been one of the peculiar things in all this river and harbor appropriation business that inquiries are made by Congress; an engineer is sent to the ground to look it over; he comes back and makes a good, honest report, and after he has made a report that is adverse, and that turns down the project, the engineer is browbeaten; he is coerced; and he is discredited because he has dared to go in and independently to tell the truth and make a fair and honest report.

Mr. REED. Mr. President——

Mr. HUSTING. I am going to presume that this man made an honest report until I hear some facts which convince me to the contrary.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. HUSTING. Yes; for a question.

Mr. REED. What reason has the Senator to think that Col. Deakyne is any more honest than the board of eight or nine men who were sent there to examine this project?

Mr. HUSTING. I do not say he is any more honest. I say he is as honest, presumptively.

Mr. REED. But the Senator complains that an engineer goes out and makes an honest report, and then is turned down by some board, the intimation being that the men composing the board were dishonest, and he was honest.

Mr. HUSTING. I do not know anything about that. I will say, in reply to the Senator, that here is a man who goes and gets the facts; he is on the ground, and presumably he knows the facts; but when he gets back here his findings are overturned by others who are not acquainted with the facts and who in fact invested him with the authority to go and get them.

Mr. REED. Why, Mr. President——

Mr. HUSTING. The presumption in my mind is in favor of this engineer's report, unless some presumption is raised against his honesty and integrity; and when the Senator sees fit to impugn bad motives to the colonel, I am going in my humble way, at least for the present, to state why I think the colonel is all right.

Mr. REED. Mr. President, the trouble with the Senator is, that when a report is made by an officer condemning a project that appeals to the Senator's mind that man immediately is honest; but when anybody reports the other way, that being in

opposition to the Senator's own preconceived notions, he regards the other man as dishonest. Now——

Mr. HUSTING. Wait a moment.

Mr. REED. I did not reflect upon Col. Deakyne's honesty; I simply said he had made a report that was literally torn to pieces upon a full hearing. Now, I say to the Senator——

Mr. HUSTING. Who tore it to pieces, I should like to ask the Senator?

Mr. REED. It was torn to pieces by the testimony of witnesses, by an elaborate statement of facts by witnesses who testified that they were on the ground and knew all about the conditions. Now, I call the Senator's attention to the fact that the board of appeal did not sit here in Washington; the board of appeal went out on the river and examined the project, and it had upon it men who were familiar with river improvement in the country and who were familiar with the history of the Missouri River improvement. Therefore it was not any star-chamber examination by men who had never been on the ground.

Mr. HUSTING. Was Col. Townsend one of these men?

Mr. REED. I think not; I do not recall his name. I am not good at remembering names.

Mr. HUSTING. Has the Senator finished?

Mr. REED. Yes.

Mr. HUSTING. The Senator says that Col. Deakyne's report was all torn to pieces. I should like to have the Senator, if he will be kind enough, to call my attention to the place where these facts were challenged or produce figures with which to disprove these facts. Opinions and insinuations merely that this man is not all right do not dispute the facts.

Here are the facts which the colonel has given, and he has given his reasons. I think his reasons are good; I think they are sound; I think his whole analysis of the question is sound; and if anybody has any fault to find with the Deakyne report, it would seem that either his reasoning or his facts or something else of material interest and value to this discussion should be disproven.

Of course, this Deakyne report, discrediting in a way, or at least advocating the abandonment of this project, certainly, standing for its face value, is an indictment against the project; and, of course, if this report and its author can be discredited, it certainly relieves the situation quite a bit, so far as that project is concerned.

I do not want to stand here and defend Col. Deakyne if he is indefensible, but I should like to know whether the facts are wrong or whether his reasoning is wrong or whether his premises are wrong. Now——

Mr. REED. Mr. President——

Mr. HUSTING. If they are, I should like to have the Senator, not during my time, but I should like him to be kind enough during his own time to put them in the RECORD, so that it will disprove this without going into a discussion of it. The facts, if they are facts, will show that it is all wrong if that is really the case.

Mr. REED. I want to put them in now——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. REED. Because the Senator ought to get right. I think the Senator can be convinced, although, perhaps, not here in public.

Mr. HUSTING. I would be willing to take it up with the Senator at some other time.

Mr. REED. Of course, the Senator would hardly get up and read to the Senate the findings of fact and conclusions of law of a nisi prius court if he knew that that decision, upon an appeal, had been completely reversed. He would regard the decision on appeal, and not the nisi pirus decision, as the authority.

Mr. HUSTING. Let me ask the Senator a question.

Mr. REED. Now——

Mr. HUSTING. Wait just a moment. I should like to have the privilege of asking the Senator a question on my time.

Mr. REED. I wanted to make my statement of fact; that was all.

Mr. HUSTING. The Senator does not dispute the amount of tonnage that has been carried on the river in these years, does he?

Mr. REED. I have already said that it was inaccurate in that it did not include a great many items that ought to have been included, and that it was not brought down to date.

Mr. HUSTING. The Senator from South Dakota [Mr. STERLING] shows that it agrees with the tonnage reported by the committee, so that Col. Deakyne's report is verified by the figures given by the committee. The Senator also admits, as I understand, that at least $21,000,000 is to be devoted to this project.

Mr. REED. No; the Senator still is bound to swell it one million.

Mr. HUSTING. I beg the Senator's pardon; I mean twenty million.

Mr. REED. Yes. The Senator never makes any mistakes the other way. Go ahead, however.

Mr. HUSTING. Well, I do not think the Senator from Missouri will make a mistake the other way on his figures. The question that is vital, to my mind, here is whether we are warranted in expending $20,000,000 to carry about 37,551 tons of commerce annually.

Mr. REED. The Senator addresses that inquiry to me. I have already pointed out to the Senator that this river, with these bars and obstructions in it, can only be navigated under great difficulty, and at certain seasons of the year not at all, but that every engineer who has ever reported upon the project has said that it is absolutely feasible to remove these bars and obstructions. The question, then, is not How much have you carried over impassable obstructions? but How much can you carry with the obstructions removed? The Senator refuses absolutely to bring his mind to the consideration of that question.

Mr. HUSTING. If the Senator will not interrupt me any further, I will try to bring my mind to that question.

Mr. REED. Will the Senator let me conclude? A while ago I asked the Senator, who stands here reading the report of Col. Deakyne, if he would think of reading to the Senate as an authority the finding of fact and conclusion of law of a nisi prius court when he knew that that finding of fact and all the conclusions of law had been overturned by the appellate court. I now want to say to him that Col. Deakyne made this report. The law provides for a board of appeals which consists, I think, of nine—I am not sure, although I sat for days before the board—of from seven to nine Army engineers. At the head of that board was Col. Black, who is now the Chief of Engineers of the Army.

Mr. HUSTING. When did that board sit?

Mr. REED. It sat here last fall—last December. And I read to the Senator the concluding paragraph of that report.

Mr. HUSTING. By whom was it signed?

Mr. REED. It is signed by William M. Black, senior member of the board, for the board, of course.

A review of the entire situation indicates that the present grounds for continuance of this project are stronger than those which led to its adoption. The board therefore concludes that it is advisable for the United States to continue the improvement of the Missouri River between Kansas City and the mouth in accordance with the existing project.

I have only read the concluding paragraph; but there is nothing in the whole report reflecting upon Col. Deakyne. Nobody is charging him with bad faith, but there is a complete turn-down of his entire conclusion. Now, I ask the Senator, knowing that fact, knowing that this report is turned down by a board duly constituted for that purpose, turned down unanimously, if he thinks he ought to stand here before the Senate and read Col. Deakyne's report as the correct finding of fact?

Mr. HUSTING. I presume we are here for the purpose of considering the facts. If the board's report forecloses the Senate from going into the question, then the discussion might as well end right here; but I for one understand that that is merely advisory to the Senate, the same as Col. Deakyne's report is advisory to the Senate; and I for one reserve to myself the right of seeing whose judgment and whose reasoning is the best, so that I may form my own opinion on the subject and so that I may vote intelligently on the subject.

Mr. REED. Mr. President, has the Senator read the report of this board of review?

Mr. HUSTING. No; but I have given the facts here.

Mr. REED. If the Senator has not read the report of the board of review, and, in fact, did not know such a report had ever been made until I told him so a few moments ago, and says that he reserves to himself the right to examine the facts, I want to ask if he does not think he had better read that report before he assumes as a fact things that have already been condemned?

Mr. HUSTING. Why, Mr. President, the Senator says "things have been condemned." I do not understand that any things have been condemned. It is a matter of judgment between the board and the colonel on facts that are not disputed.

Mr. REED. The facts are in dispute.

Mr. HUSTING. The Senator makes the statement that because the report differs from Col. Deakyne, therefore his findings of fact are challenged and discredited. Why, of course I know that Col. Deakyne's report was overturned; otherwise we would not be here discussing this item. It would not be in the bill. I know it was overturned, but I want to know why

it was overturned and whether or not they were warranted in overturning it.

Mr. REED. Then why does not the Senator read the "whys" that are set forth in this report before he undertakes to enlighten the Senate about something he has never seen? If he wants to know the "whys," why does he not go and look at them?

Mr. HUSTING. The Senator has outlined what they have found—that they think they are going to have a great deal of commerce in the future. I have the facts here, which I do not think the Senator will dispute; that instead of the board being warranted in the belief that the transportation is going to be increased in the future all the facts of the past negative that presumption, and that as a matter of fact the probabilities are that the transportation will decrease instead of increase. So, I say it is not a question of whose report is right; and I am not citing the Deakyne report as to what he thinks, but I am merely citing it because of the facts that he adduces here, and which throw light on this question. I say again that the questions recur whether we want to spend $20,000,000 to preserve a commerce of 37,000 tons annually. That is the question, and it is from that point of view that I am going to argue this matter or try to argue it, at least.

Now, I will go ahead with the reading of the Deakyne report.

A table is given here for 1913 which shows the grain and the hay and the feed and the flour and the oil, and so forth, amounting in all to 347,235 tons.

The items that are not benefited by improvement of the river are the sand and gravel barged and the logs and lumber rafted.

Now, why is that? That is because they do not have to improve a river to float down barges or logs and lumber. The river is good enough for that without improvement. So if you are going to put $20,000,000 into that river, you have got to show that they are going to haul something besides that which they can already float down the river without spending the $20,000,000.

Eliminating the logs and the sand and gravel barged, the remaining traffic is 37,551 tons, divided into classes which are carried over average distances of from 8 to 291 miles. The total freight charge on this traffic was about $41,000. The Kansas City-Missouri River Navigation Co., the only through line on the river, operating between Kansas City and St. Louis, charges 80 per cent of the railroad freight rates. Assuming this to be the relation between the rail and water rates for the entire traffic, the saving to shippers by the use of the river in 1913 was about $10,000.

The interesting question is, Are those figures correct? That is to say, that the shippers were saved $10,000 by the expenditure of something like $10,000,000, and in which we are asked to invest another $10,000,000, or $20,000,000 in all. In other words, is it a good business proposition to expend $20,000,000 to save $10,000 annually?

It is evident that this saving is entirely inadequate to warrant the serious consideration of an expenditure by the Government of $1,100,000 per year in interest and maintenance.

The colonel here, with all the disgrace that he is said to have suffered by the adverse report of the Board of Engineers covering his recommendations, not the facts, is a mathematician, at least. He figures out, by what we have already spent—that is, the interest on the money that we have already spent and the maintenance charges, that it will cost the Government to maintain this project $1,100,000 a year. Now, the Colonel wants to know whether we want to spend $1,100,000 a year in perpetuity to save somebody $10,000 annually.

With all due regard for the board that turned down Col. Deakyne, I should like to have them explain why they think it is wise for the Government to spend $1,100,000 a year to save $10,000. I should like to have them explain why it would not be better to give a bounty of $10,000 to these shippers and pay the difference in the freight rates for them and save $1,990,000 a year. I say, with all due respect for them, that I stand for the colonel as against the board.

I think his reasoning is a great deal better than the board's reasoning, and if the facts are correct, I should like to have the Senator from Missouri give his opinion as to what he thinks about that as a business proposition.

Mr. REED rose.

Mr. HUSTING. I do not mean at this time, I will say to the Senator.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. HUSTING. Yes.

Mr. REED. I have already tried to make plain to the Senator that a man can not test his ability to cook victuals until he has fuel to put in his stove; that you can not test the ability to carry traffic upon a stream by what is carried when you have no channel through which a boat can run; and that any man who uses the amount of traffic which is carried on a nonnavigable stream to test what will be carried upon that stream when it is made navigable is not proceeding in accordance with ordinary common sense and reason.

I want to say to the Senator further that he is in that class of individuals to which the old lady belonged who said to her daughter, when she asked: "Mother, may I go out to swim?" "Yes, my darling daughter; hang your clothes on a hickory limb, but don't go near the water." The girl was expected to swim without going into the water. The Senator expects transportation upon a stream that the Government admits and everybody admits has bars and shallows in it that prohibit successful transportation; and then, under those conditions, he stands and lustily shouts, "Why don't you show us that you have carried enough traffic to pay the interest on the investment?"

You might just as well say to a man who had not yet built his house, "Show us the rents you have received from your house." The wise man would say, "How much rent will I get when the house is built?" not "How much have I received before it is built?"

Mr. HUSTING. Let me ask the Senator whether he does not think a wise man would find out what other people were getting for like houses in the way of rent?

Mr. REED. Yes; and you would find out how many people there were in a community, and what the rents were, and then you would estimate. So this board has found out here what the population is; that at one end of this stretch of the river is a city of 750,000 people; and that at the other end of the stretch are nearly 500,000 people.

Mr. HUSTING. Just a moment. Does the Senator know of any river that has been improved that would warrant him in believing that this $10,000 in saving is going to be stretched into anything near——

Mr. REED. Now the Senator talks about $10,000 in saving. Indeed, I think it is pretty nearly useless for the Senator and me to debate.

Mr. HUSTING. Then I hope the Senator will let me proceed.

Mr. REED. When the Senator admits, as he has admitted, that if the lowering of the rates upon the river resulted in a general lowering of freight rates, that fact ought to be considered, and then utterly ignores the fact that the river traffic has kept down railroad rates, and proceeds to talk about $10,000 saving——

Mr. HUSTING. I want to say to the Senator that he does not give me an opportunity to get to that. I will try to get to it a little later.

Mr. REED (continuing). It looks to me as though he was more interested in attacking the project than in ascertaining the facts.

Mr. HUSTING. The Senator does me an injustice. I want to say that this is the trouble with the Senator's position about this young lady who wanted to go out and swim: The mother in his case would say, "No; my darling daughter; we have no river around here, but I will go and dig one for you, and then, after we get it dug, I will let you go in and swim."

Mr. REED. No; what she would say, if she had any sense, would be: "If you want to learn to swim, go down to the river and learn to swim."

Mr. HUSTING. Well, she would say: "It is not deep enough, my daughter, so I will go and dig a few million dollars' worth of ground out of it."

Mr. REED. That would be a good thing if there was great necessity for a bath.

Mr. HUSTING. To be sure; and if that was the only place to bathe it would be all right to go and dig a hole for the young lady to go in swimming. But here the Senator wants to ignore all the lakes and the oceans we have around here, and go and dig some rivers purely for the purpose of giving some young lady an opportunity to take a swim. I will ask him whether, in that case, he would want to expend $1,100,000 a year in order to give the ladies of the country $10,000 worth of bathing.

That is the way I look at this situation. I say that it is a business proposition, that it is a matter of public policy, and I again say that I stand for Col. Deakyne as against the board in his saying that he does not believe in a project on which in order to save somebody $10,000 they want to spend $1,100,000 a year.

Mr. REED. Will the Senator let me enlighten him on the situation with reference to the difficulties of navigation and the absolute unfairness of testing this matter by the present navigation?

Mr. HUSTING. Yes; although I should like to proceed.

Mr. REED. Here is a report. There are between Kansas City and St. Louis some 11 shallows. The report of the Kansas City (Mo.) Navigation Co.—which was put in at this hearing, and which was very accurately kept—shows that on one bar, the Baltimore bar, their boats were obstructed 85 times in the season of 1914–15; the Glasgow bar, 154 times; the Saline City bar, 165 times; the Plow Boy bar, 210 times; the Stanley Island bar, 230 times; the Isbell bar, 258 times; the Chamois bar, 266 times; the Klondyke bar, 334 times; the St. Albans bar, 337 times; the St. Charles bar, 363 times; the Pelican Island bar, 377 times.

Those were the obstructions that these boats suffered. Nevertheless, in the face of all that, they practically managed to pay expenses, with a cut in freight rates of 20 per cent. On the other stretches of the river, with these bars out, these boats could ply up and down there carrying any amount of commerce. What this bill proposes to do is to cut out these bars and shallows and to remove these obstructions.

In view of the figures I have given, does the Senator think that the navigation, in the face of these obstructions, is a fair test of what can be done with the obstructions removed? I should like to have the Senator answer that question fairly. Does he think it is a fair test?

Mr. HUSTING. I do not quite understand the Senator's question as to what is a fair test.

Mr. REED. I could not make it plainer.

Mr. HUSTING. I ought to say that one illustration does not make a fact any more than one swallow makes a summer. This thing has got to be looked upon in its entirety.

I have already said that I can conceive that in the East River of New York, where there is an obstruction and a bar surrounded by water on both sides, the removal of the bar will make the entire river navigable. A hill now and then will warrant that it ought to be removed, and the railroad considers it good business policy to remove it and even up their grade, but they could not shovel away the whole Rocky Mountains any more than you can excavate the bottom of the whole river and make it something that nature did not intend it to be. It is not to be done by digging out the bottom. You can put water on top of it and increase your depth of water in an intelligent way, but when that river is only a 2-foot river you can not make it a 10-foot river. No matter how much you dig, when you dig all along the bed the water settles down in its bed, and you have still only 2 feet; you have a big ditch, but you have not any more water in it. So a project to be a feasible project, and I do not claim to know very much about engineering, does seem to me to promise some success, first, in the way of deepening the channel and have it remain permanently deepened, and, secondly, in inviting commerce.

The Senator from Missouri says something about building a bridge across a river. I would say that I would vote to build a bridge across a river where it was necessary to transport stuff from one side to the other, but I would not spend $1,100,000 for a bridge across any river if you can get your stuff across another bridge for $10,000 a year. I would not believe in covering the entire river with bridges when one bridge would do the work.

The Senator says that they anticipate an increase of commerce. I think the figures have been pointed out here, and I do not think anybody will dispute it or show figures to the contrary, that the water-carrying freight has decreased and decreased until it is almost a nullity on rivers that used to carry heavy commerce.

I think the time is coming back, however, and is not very far distant, when our rivers shall have been properly developed, that we may have a carrying trade in the way of small launches and small craft that will make these waterways and these lakes very valuable. I think our mails will be carried that way, and I think things will be transported that way and without the necessity of much excavation, but rather by means of dams and reservoirs; but as to expending the amount of money in this bill without getting any returns, I can not see the sense of it.

The Senator says another thing. He says that this matter is being argued upon the theory that the traffic will never be increased.

I say, in answer to that, the facts show that the traffic is not increasing, but decreasing instead, where it has already been developed and where money has been expended. I want to ask whether it is fair to assume that when rivers have been improved and millions of dollars have been put into these things or taken out of it, whichever way you put it, and no increase in traffic has resulted on those stretches that have been improved, but, on the contrary, the traffic has decreased, have we got to take the board's word for it that in their judgment it is going to increase. That is something entirely beyond the province of a board to say or even to know.

It is a matter that lies within the knowledge of any Senator or for that matter within the knowledge of any citizen, at least his guess is as good as another's; and I will take the judgment of no head of the Board of Engineers on that proposition when experience negatives the conclusion. If a man has only a little common sense—I do not care what his learning is—and will look up the statistics and base his idea upon them, he will find that notwithstanding $850,000,000 have been poured into these things, the traffic on rivers has decreased instead of increased.

I have a good deal of respect for a man's opinion when he says he does not believe it will increase when we have put the last million dollars into it. I should like to ask the Senator from Missouri whether he expects me or any other Senator to take the board's word for it? We can not expect to get any return until $20,000,000 have been put into it, until the matter is absolutely completed, and then the harvest is going to come all at once, and in the meantime we must put our faith in the board's judgment and must close our eyes to the facts and the experience of the past.

I have heard a great many stories of that kind told about other enterprises when the thing did not begin to pan out, and you were told just to keep on paying in your assessments, and when the thing is completed it surely would hand you a gold brick, or something equivalent in value to it.

Now, proceeding with Col. Deakyne's report, he said:

> 12. The reduction in rail rates resulting from the possibility of water transportation is not a simple subject. There is no question that towns having water transportation are for that reason favored with lower rates than other places having no water transportation and requiring equal rail haul. It is my understanding that this condition is recognized by the Interstate Commerce Commission. It is frequently argued that if the improvement of a river gives lower rail rates, such improvement is justified even if the river never carries a ton of freight. This might be true if there were no other method of controlling rail rates, but in these days when the railroads claim that they are being regulated too much, there appears to be no lack of governmental machinery for controlling them, and it does not seem necessary to spend $20,000,000 to bring about a proper rail rate between Kansas City and St. Louis.

That is pretty good sense. We have got an Interstate Commerce Commission and we have a railroad commission in my State, and I presume they have them in other States, and we have intrusted to them the duties of rate making. I do not share the belief that a great many entertain that the railroad commissions are perfect and that they are regulating rates in such way that they go up or down, according to the increase or decrease in expense and the amount of business—the tonnage. It is a very inelastic system. The pressure is put on the commission when business is poor to raise their rates, and complacent commissions oftentimes raise them; and after having raised them, when business has increased like it has done at the present time, for instance, we hear no more about lowering them back to where they were before they were raised. Some time ago the railroads made a great outcry that they were not paying expenses, and the matter was investigated. The rates were raised. Now, business has come with a rush, and I understand they are hard-set to carry the transportation of the country. The high rate sticks, nevertheless, and I do not believe it will ever be pulled down, at least not on the initiative of any board, and hardly on the initiative of the railroads.

So I say I do not share in the belief that the rates are always just as they should be, but the power is always there, and I do not assume that a rate commission would find a justification for lowering the rates or keeping them high merely because of water competition. I do not think that is a sound proposition. I know it has been contended by the railroads that they are justified in lowering their rates and charging for a long haul less than for a shorter haul where they are met with water competition, but I do not think that is sound. I do not think that the railroad commission is going to hold that way.

I think it is immaterial what competition they have. The question is, Are they earning a reasonable return on their investment? If they are, it does not make any difference what their competition is or whether it subjects them to the competition of lower rates, they are held to a fair and reasonable rate, nevertheless.

There is another answer to that proposition, and perhaps a better one. Now, we have an illustration out where I live. I know in the little town I live in we are paying, or used to pay, 25 cents more per ton for coal than was paid for a ton in a city 22 miles farther on. The railroad said that they made that rate because of the competition on Winnebago Lake and Fox River. The tonnage on that is quite small, indeed, and I presume that the railroads just put that as an excuse for hitting our people

for 25 cents a ton more than they did the people of the city 22 miles farther on. But assuming it to be sound in the sense that they should have the right to lower rates as against the public, yet, as a matter of fairness to those living inland, is it just and right that they should charge less for a greater service than for a lesser one and make somebody else pay for it?

The trouble with this argument is that if a town is on a river that has a potential carrying capacity and a railroad lowers rates from that place, they think they must raise it somewhere else; and they come to the commission and have it raised because they are not earning enough on their investment.

Is it a justification for the voting of money out of the Public Treasury to lower somebody else's transportation rates in a city on a river when it is known that it will correspondingly increase the rates of those off the river? In other words, are they justified in taxing you to help some purely local interests?

Perhaps that argument might be extended, and you may say, Well, what is the use of expending public moneys for harbors or Lake ports and sea ports? The answer to that is that it helps the whole country, and everybody is benefited by a general lowering of rates. But that argument will not hold good on river transportation where there are railroads running close by and where water transportation can lower rates only locally. Thus, people away from the river will not load their stuff into a railroad car 8 or 10 miles away from the river and run to the river and pay the cost of unloading and putting it on board and pay for retransporting it when it gets to its destination at another point 8 or 10 miles out, because of the 20 per cent saving. That would be swallowed up and more, and they would get no benefit out of it. So the benefit is purely local.

So I say that appeals to me as being a pretty good statement by the colonel, and I will proceed now with the further reading of his report.

13. In some cases the improvement of a stream is justified, even at high expense, where the absence of rail transportation leaves the territory along the stream entirely dependent on water transportation.

That is a fair statement. Our people have got to have a way to get out their stuff, and it is entirely justifiable for the Government to help them if they can, because they are entitled to some service.

Now, he goes on and says:

This is not the case with the Missouri River between Kansas City and the mouth. Over a great part of the distance the river is paralleled with railroads on both banks, and there are few localities that have no railroad within easy reach.

14. There remains to be considered the question of prospective commerce, and in my opinion the improvement must stand or fall by this criterion.

Coming to the point now made by the Senator from Missouri:

In the survey report upon which the present project is based the prospective commerce was given by the president of the Missouri Valley River Improvement Association as 1,000,000 tons. (See p. 45 of H. Doc. No. 1120, 60th Cong., 2d sess.) That estimate was based upon a 10-foot channel, with six or seven boats especially adapted to the navigation of the Missouri River, handling cargoes of 2,000 tons each, and making one round trip per week during a navigation season of 10 months. The fact is that anyone can make almost any estimate he sees fit as to the prospective commerce. I think a better way to approach the subject is by inquiry concerning a river that has been improved.

I should like to know whether that is not a rather sensible suggestion? He says anybody can make a guess as to what is going to happen, and then he asks whether the better way is not to inquire what has happened on the streams that have been improved. That is just the suggestion I made a little while ago. Also it seems to me to be an entirely proper one.

An example is the Mississippi between the mouth of the Ohio and the mouth of the Missouri.

That is just above the point in question.

In the annual reports of the Chief of Engineers this stretch of river is reported as having a navigable depth of 6 feet or more during the entire navigation season of recent years. The commerce for the calendar year 1913 was 258,709 short tons, not including sand and gravel or ferry traffic. It should be noted that this stretch of river is so situated as to draw commerce from the improved stretches of the Mississippi above and below it, as well as from the Ohio and the Missouri. If the Mississippi under these conditions and with a 6-foot channel carries 258,000 tons, it seems to me doubtful whether the Missouri with the same depth will carry any more. The Missouri River traffic would have to increase sevenfold to equal that on the above section of the Mississippi and would have to increase a hundredfold to reach a figure commensurate with the cost of the work.

I wonder whether anybody is so enthusiastic as to contend that if this additional $10,000,000 is spent, or $20,000,000 in all, traffic on the Missouri is going to increase a hundredfold in order to reach a figure commensurate with the cost of the work. I do not know whether I need to dwell on that. I do not think anyone with the wildest imagination possible can figure out that it will ever increase a hundredfold. I do not think the Board of Engineers would say that or have said it, and yet it appears that that is the figure necessary to be reached to be "commensurate with the cost of the work."

15. From the foregoing considerations I am of the opinion that the present and reasonably prospective commerce on the Missouri River between Kansas City and the mouth is not sufficient to warrant the continuance of the present project. I think the snagging should be continued, so that commerce may have the advantage of the natural depth of the river and the river shall not be allowed to become entirely obstructed. Any attempt at partial improvement seems futile, because the draft of boats, and therefore their cargoes, will be determined by the least existing depth. If the river is improved at all, the work should be complete as to protection of banks and control of channel. For the same reason it seems to me injudicious to spend any money in keeping up the works already built. If in another generation the improvement of the river becomes advisable, the present works will be of little value, and in the meantime the channel depth in the portions that have been improved are not likely to be less than in the portions wholly unimproved.

16. It is to be noted that these views agree in many respects with the previous attitude of the Engineer Department, as expressed by the Board of Engineers for Rivers and Harbors June 8, 1908, and by the Chief of Engineers December 2, 1908, in action on survey report published in House Document No. 1120, Sixtieth Congress, second session.

Now, we have, it seems, two boards who have approved these views, and so I do not see why our friend, Col. Deakyne, should have been so terribly humiliated when another board with a new Chief of Engineers differed from him and went and overturned all the precedents of his predecessors in office before he got there. By the way, this same Gen. Black has only been chief, I think, since December; at least it is less than a year since his predecessor went out. So here comes a new chief, Gen. Black, according to the statement of the Senator from Missouri, and overturns the reports not only of Col. Deakyne but of boards who have also looked into this project.

The views of the board as to the futility of partial improvement and the wastefulness of inadequate and irregular appropriations are of particular interest. The Missouri River Commission in its final report also expressed the opinion that there was no middle course between mere snagging and through systematic improvement.

17. I recommend that the present project be modified so as to provide for snagging alone at an estimated cost of $40,000 per year and that all other work be stopped.

HERBERT DEAKYNE,
Lieutenant Colonel, Corps of Engineers.

I desire to have printed here the report of Col. Herbert Deakyne in full.

REEXAMINATION OF MISSOURI RIVER FROM KANSAS CITY, MO., TO THE MOUTH.

WAR DEPARTMENT,
UNITED STATES ENGINEER OFFICE,
Kansas City, Mo., April 22, 1915.

From: The District Engineer Officer.
To: The Chief of Engineers, United States Army
(Through the Division Engineer).
Subject: Reexamination of project, Missouri River, Kansas City to mouth.

1. In compliance with instructions contained in department letter dated March 18, 1915, I submit the following report giving my general views on the question of the modification or abandonment of the project for the improvement of the Missouri River from Kansas City to the mouth. This report is called for by section 14 of the river and harbor act approved March 4, 1915.

2. The project for this improvement was adopted by Congress July 25, 1912, in the following language:

"Improving Missouri River, with a view to securing a permanent six-foot channel between Kansas City and the mouth of the river, in accordance with the report submitted in House Document Numbered Twelve hundred and eighty-seven, Sixty-first Congress, third session, and with a view to the completion of such improvement within a period of ten years, eight hundred thousand dollars: *Provided*, That cooperation from the localities benefited may be required in the prosecution of the said project in case any comprehensive plan is hereafter adopted by Congress for an apportionment of expense generally applicable to river and other projects in which any improvement now or hereafter adopted confers special or exceptional benefit upon the localities affected: *Provided further*, That nothing herein contained shall postpone the expenditure of the amount hereby appropriated or any further appropriation for said project without action by Congress."

However, the first appropriation for the work was made June 25, 1910, in the following language:

"Improving Missouri River, with a view to securing a permanent six-foot channel between Kansas City and the mouth of the river, one million dollars: *Provided*, That the Secretary of War shall appoint a board of three officers to further consider and report upon the most economical and desirable plan of securing such channel, in which report consideration will be given to the subject of cooperation on the part of local interests in the work of said improvement: *Provided further*, That the report hereby authorized shall be submitted to Congress on or before the opening of its next regular session."

3. The appropriations and allotments made for this project are as follows:

June 25, 1910	$1,000,000
Feb. 27, 1911, authorized Aug. 24, 1912, appropriated	600,000
July 25, 1912	800,000
Mar. 4, 1913	2,000,000
Oct. 2, 1914	850,000
Mar. 4, 1915	1,000,000
Total of 6 appropriations	6,250,000

It will be noted that the appropriations have been made at about half the rate mentioned in the act adopting the project.

4. The expenditures to March 4, 1915, were $3,577,290.85, consisting of $3,286,082.59 for improvement and $291,208.26 for maintenance. It is estimated that the project is about 9 per cent completed. There have been large expenditures for plant since the inception of the project, and for that reason and on account of the lack of appropriations at the proper rate, the amount expended and the percentage completed appear out of proportion. But it has been demonstrated that the work can be done within the estimated unit cost, and it is my opinion that with appropriations at the rate of $2,000,000 per year for improvement and sufficient funds for maintenance the project could be completed within the total estimated cost.

5. The cost of maintenance after completion of the project is estimated at $500,000 per year. The maintenance work, including snagging, is now costing about $100,000 per year. It will gradually increase as the work progresses. If appropriations are continued at the rate of about $1,000,000 per year, and the maintenance increases from $100,000 to $500,000 per year, averaging $300,000 per year during the execution of the work, it is plain that over 20 years from this time will be required to complete the project.

6. I consider that the question of modifying or abandoning the project is one to be decided by a comparison of the cost involved with the benefits derived. Assuming the money of the Government to be worth 3 per cent interest, the total estimated cost of the project represents $600,000 per year interest. Adding the maintenance cost of $500,000 per year gives $1,100,000 per year as the permanent charge to the Government resulting from the execution and maintenance of this project.

7. The benefits derived are represented by the increased facilities for navigation. There are other incidental benefits, such as the protection of lands from erosion and the amelioration of flood conditions, but these have not been recognized as proper objects of Government expenditure on the Missouri River and are therefore not considered in the analysis.

8. The commerce to be considered is present and prospective, and the advantages that commerce will obtain from the improvement are the actual saving in freight charges by the use of the river and the effect on railroad freight rates produced by the possibility of water transportation.

9. The commerce for the calendar year 1914 is not yet fully tabulated. For 1913 it was as follows:

Articles.	Amount.		Valuation.	Average haul.	Rate per ton-mile.
	Customary units.	Short tons.			
				Miles.	
Grain	253,940 bushels	6,701	$195,303.38	123	$0.0091
Hay		114	2,049.66	106	.0153
Feed and flour		334	9,538.88	8	.0670
Oil	46 barrels	12	345.00	8	.0483
Manufactured iron and steel		1,655	897,790.50	291	.0089
Live stock	4,800 head	945	137,039.20	31	.0403
Salt	148 barrels	22	259.00	9	.0510
Sand and gravel	1,735 cubic yards	2,513	1,646.00	9	.0557
Brick	4,800	16	56.90	9	.0349
Cement	534 barrels	107	1,152.90	26	.0346
Lumber	75,360 feet b. m.	183	2,976.60	13	.0333
Other building material		15	1,088.00	10	.0415
Railroad ties	128,908	10,312	62,697.50	14	.0085
Produce		196	22,370.40	125	.0114
Wood	531 cords	847	2,135.60	9	.1002
Miscellaneous		13,579	2,520,734.80	237	.0093
Logs and lumber rafted	43,000 feet b. m.	107	473.00	150	(1)
Sand and gravel barged	233,133 cubic yards	309,577	71,555.00	1	(1)
Total		347,235	3,929,212.32		

[1] Owner.

10. The items that are not benefited by improvement of the river are the sand and gravel barged and the logs and lumber rafted. They amount to 309,684 tons. Ferry traffic is not counted in reporting the commerce on the Missouri River.

11. Eliminating the logs and the sand and gravel barged, the remaining traffic is 37,551 tons, divided into classes which are carried over average distances of from 8 to 291 miles. The total freight charge on this traffic was about $41,000. The Kansas City-Missouri River Navigation Co., the only through line on the river, operating between Kansas City and St. Louis, charges 80 per cent of the railroad freight rates. Assuming this to be the relation between the rail and water rates for the entire traffic, the saving to shippers by the use of the river in 1913 was about $10,000. It is evident that this saving is entirely inadequate to warrant the serious consideration of an expenditure by the Government of $1,100,000 per year in interest and maintenance.

12. The reduction in rail rates resulting from the possibility of water transportation is not a simple subject. There is no question that towns having water transportation are for that reason favored with lower rates than other places having no water transportation and requiring equal rail haul. It is my understanding that this condition is recognized by the Interstate Commerce Commission. It is frequently argued that if the improvement of a river gives lower rail rates, such improvement is justified even if the river never carries a ton of freight. This might be true if there were no other method of controlling rail rates, but in these days when the railroads claim that they are being regulated too much, there appears to be no lack of governmental machinery for controlling them, and it does not seem necessary to spend $20,000,000 to bring about a proper rail rate between Kansas City and St. Louis

13. In some cases the improvement of a stream is justified, even at high expense, where the absence of rail transportation leaves the territory along the stream entirely dependent on water transportation. This is not the case with the Missouri River between Kansas City and the mouth. Over a great part of the distance the river is paralleled with railroads on both banks, and there are few localities that have no railroad within easy reach.

14. There remains to be considered the question of prospective commerce, and in my opinion the improvement must stand or fall by this criterion. In the survey report upon which the present project is based, the prospective commerce was given by the president of the Missouri Valley River Improvement Association as 1,000,000 tons. See page 45 of House Document No. 1120, Sixtieth Congress, second session. That estimate was based upon a 10-foot channel, with six or seven boats especially adapted to the navigation of the Missouri River, handling cargoes of 2,000 tons each, and making one round trip per week during a navigation season of 10 months. The fact is that anyone can make almost any estimate he sees fit as to the prospective commerce. I thing a better way to approach the subject is by inquiry concerning a river that has been improved. An example is the Mississippi between the mouth of the Ohio and the mouth of the Missouri. In the annual reports of the Chief of Engineers this stretch of river is reported as having a navigable depth of 6 feet or more during the entire navigation season of recent years. The commerce for the calendar year 1913 was 258,709 short tons, not including sand and gravel or ferry traffic. It should be noted that this stretch of river is so situated as to draw commerce from the improved stretches of the Mississippi above and below it as well as from the Ohio and the Missouri. If the Mississippi under these conditions and with a 6-foot channel carries 258,000 tons, it seems to me doubtful whether the Missouri with the same depth will carry any more. The Missouri River traffic would have to increase sevenfold to equal that on the above section of the Mississippi, and would have to increase a hundredfold to reach a figure commensurate with the cost of the work.

15. From the foregoing considerations I am of the opinion that the present and reasonably prospective commerce on the Missouri River between Kansas City and the mouth is not sufficient to warrant the continuance of the present project. I think the snagging should be continued, so that commerce may have the advantage of the natural depth of the river and the river shall not be allowed to become entirely obstructed. Any attempt at partial improvement seems futile, because the draft of boats, and therefore their cargoes, will be determined by the least existing depth. If the river is improved at all, the work should be complete as to protection of banks and control of channel. For the same reason it seems to me injudicious to spend any money in keeping up the works already built. If in another generation the improvement of the river becomes advisable, the present works will be of little value, and in the meantime the channel depth in the portions that have been improved are not likely to be less than in the portions wholly unimproved.

16. It is to be noted that these views agree in many respects with the previous attitude of the Engineer Department, as expressed by the Board of Engineers for Rivers and Harbors June 8, 1908, and by the Chief of Engineers December 2, 1908, in action on survey report published in House Document No. 1120, Sixtieth Congress, second session. The views of the board as to the futility of partial improvement and the wastefulness of inadequate and irregular appropriations, are of particular interest. The Missouri River Commission in its final report also expressed the opinion that there was no middle course between mere snagging and thorough systematic improvement.

17. I recommend that the present project be modified so as to provide for snagging alone at an estimated cost of $40,000 per year, and that all other work be stopped.

HERBERT DEAKYNE,
Lieutenant Colonel, Corps of Engineers.

That is not all. There was another report made by C. McD. Townsend, colonel, Corps of Engineers:

[First indorsement.]

OFFICE DIVISION ENGINEER, WESTERN DIVISION,
St. Louis, Mo., May 22, 1915.

Just a year ago—

To the CHIEF OF ENGINEERS, UNITED STATES ARMY:

1. Forwarded, concurring in the opinion of the district officer that the existing river commerce is not sufficient to justify the permanent improvement of the Missouri River from Kansas City to its mouth, but not approving the recommendation that the work should be entirely abandoned.

2. It is believed that there is still opportunity for the revival of western river commerce, but that it should first be sought not in the tributaries but in the main river. There is neither the density of population nor of material seeking shipment on the tributaries of the Mississippi, with the exception of the Ohio, to cause such a revival which will be in the nature of a revolution of the existing methods of transportation and will naturally originate at large centers of population, such as Chicago, Pittsburgh, St. Louis, and New Orleans, where large amounts of manufactured products are seeking shipment. The agricultural products originating on a river bank are not sufficient to justify a large expenditure for the improvement of the river channel. With a revival of commerce on the main stream its extension to the tributaries will gradually follow.

3. The fact, however, that there has been a failure to properly utilize the improved channel that has been maintained during the past 10 years from St. Louis to New Orleans should cause Congress to hesitate before continuing the large appropriations it is making for the western rivers.

4. In the opinion of the division engineer the problem of developing our western rivers should be treated as a single one. Instead of scattering appropriations over the entire western territory, a channel of 8 or 9 feet depth should first be provided from Chicago to New Orleans, and the offer of assistance in the construction of a canal along the Des Plaines River from the State of Illinois accepted. An opportunity should then be afforded the American people to determine whether they want waterways, not by rhetorical efforts in river conventions, but by a practical utilization of the channel thus afforded. Until such revival occurs appropriations on the tributaries should be confined to maintaining the existing status. The existing works should not be allowed to deteriorate. At present an annual appropriation of $150,000 for snagging and the maintenance of existing works is therefore recommended.

C. McD. TOWNSEND,
Colonel, Corps of Engineers.

So that here the colonel of the Corps of Engineers—the head of the division—approves Col. Deakyne's report with the exception that he does not favor the abandonment of the present project, but believes Congress should continue to appropriate $150,000 a year.

That is what the men on the ground thought of this proposition. I submit in all fairness to the Senate whether their facts which are practically admitted to be true and the inferences

they have drawn from those facts and the reasons given by them are not far superior to any which the Board of Engineers has given.

I should like to have this report printed in connection with my remarks.

The PRESIDING OFFICER. If there be no objection, it will be so ordered.

Mr. HUSTING. Let us dig into this proposition and see whether or not in its essence it is merely a commercial waterway scheme. In the report of the Board of Engineers for Rivers and Harbors in House Document 463, page 7, there appears the following:

15. It has been estimated that, with the channel held by revetted banks, there would be available for agricultural purposes in the bottom land along the river between Kansas City and St. Louis, 500,000 acres, the greater part of which would be less than a mile distant from the river, and a considerable portion of which is now necessarily nonproducing. It is claimed that this area would contribute very substantially to the river traffic.

Page 210, report of 1914 of Chief Kingman, shows also the situation:

WHERE THE MONEY GOES.

To show specifically why $1,552,650 was recommended by Col. Deakyne for land-reclamation purposes in 1915, and $1,000,000 paid by Chief Kingman, I quote from page 2510, report 1914, on this 400 miles of the Missouri, along which Army engineers estimate 500,000 acres will be saved, valued at $100 to $125 per acre—land belonging to private interests deeply interested in this $20,000,000 project:

During the coming fiscal year it is proposed to carry on work with the funds for which allotments have been approved in the completion of contracts now in force and in work by day labor and Government plant, as follows:

97,500 linear feet standard revetment, at $10	$975,000
11,000 linear feet concrete revetment, at $10	110,000
21,950 linear feet 3-row standard dike, at $15	329,250
Maintenance of improvement	25,000
New plant	13,400
Snagging and repairs to plant	50,000
Surveys and superintendence	50,000

Other work will be done if appropriations are made.

This work is expected to result in greater permanence and depth of channel in the improved sections and greater ease of navigation.

APPROPRIATIONS AND ALLOTMENTS (ON THIS PRESENT PROJECT).

June 25, 1910	$1,000,000
July 25, 1912	800,000
Aug. 24, 1912	600,000
Mar. 4, 1913	2,000,000
Oct. 2, 1914	850,000
Total of appropriations	5,250,000

A $60,000,000 LAND RECLAMATION PROJECT.

One million four hundred thousand dollars was demanded for 25 miles of revetment and diking in 1915.

It appears from this that these men who speculated in these swamp-river bottoms along the banks of the Missouri are reaping the advantages of the work of the Government. It is a reclamation scheme pure and simple. The only difference is that in most reclamation projects the Government makes the project pay for itself either because of increased price for Government lands or some other device. Here the Government steps in and disburses millions, and as far as I know never receives anything in return.

The figures above show that 90 to 95 per cent of the money expended is going to reclaim the lands of the owners of these 500,000 acres. It appears as though somebody were getting rich off of the charity of the United States.

16. Interested parties invite attention to the readjustment of transcontinental railway rates that is being made as a result of traffic through the Panama Canal. The effect of these changes is to give pronounced advantage to Eastern seaboard industries for the Pacific coast trade, and thus to handicap the interior manufacturers, and it is claimed that their only hope of retaining a competitive position is in having the benefit of cheap water routes to the sea. An improved channel in the Missouri would connect with the effective channel already provided in the Mississippi and give such a route from Kansas City to the Gulf of Mexico.

Hon. JAMES A. FREAR said, in the House on January 10, page 1115, RECORD:

INFLUENCE ON FREIGHT RATES—STONE-AGE STATESMEN.

Any attempt to sift worthless projects from waterway bills is hooted down by a few stone-age statesmen and lobby agents who affect to believe that millions of dollars in Government money now annually thrown away on private-land reclamation, private water powers, and deserted rivers, in some indefinite way will serve to reduce freight rates for the public at large; that those who oppose wasteful waterway bills are thereby preventing a reduction in railway tariffs. No well-informed man will so argue to an intelligent audience, and it is significant that railways now contribute liberally to waterway lobbies to secure Government-built railway, water terminals, and other private privileges. Under existing law any undue loss in income on one branch of the railroad must be made up on the rest of the system to secure reasonable rates guaranteed under the Constitution, and yet the Government is asked to waste millions on favored communities to be paid out of taxes contributed by other communities.

Men who oppose waterway waste are among those who have demanded strict railway regulation.

Speaking personally, as before stated, with my colleague [Mr. LENROOT] and other State legislators I was identified with the passage of railway-regulation laws which were secured in Wisconsin after a lively fight lasting several years. Having the greatest waterway commerce of any State in the country, with one exception, and with the two greatest lakes and greatest river in the world washing its borders, Wisconsin is profoundly interested in genuine waterway development, but she will never come to the Government Treasury under the pretense that railway freight rates are to be lowered by such means.

Her railway commission and the Interstate Commerce Commission have abundant powers to control such rates and have exercised those powers effectually. The same situation is true in practically every State that cares to use the constitutional rights it possesses.

If the railroads must reduce rates to meet the competition of water at points along the Missouri River or any other river they will raise the rates at some inland point to make up the difference, or they will be forced to raise the rates on commodities that can not by their nature be the subject of river traffic.

What shippers and growers and manufacturers want is to get their products to the market as quickly as possible. Therein lies the primary reason for the triumph of railroads and electric roads over that branch of the traffic which takes the slower water route. The more money that is lavished on the rivers of this country the less grows the commerce that exists upon the particular streams. They seem to be shifting in adverse proportion.

I have some more figures here which I do not feel as though I want to take up the time of the Senate to read, but I should like to have them included also in my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUSTING. I have some figures here on the Ohio River which have been presented to the Senate at former sessions, and I think also at this session and in my opinion in this debate. It would be only duplicating what I have said to read these figures. I think it is a fair statement to say that the figures concerning the Ohio River show the same state of affairs.

The Ohio River gets, under this bill, an appropriation of $5,509,000. Congress has already appropriated $53,000,000 for this purpose, and to complete the locks and dams it will take $38,601,488 more. That makes a total of something like $91,000,000 for this project.

The figures in connection with the Ohio River improvement and the rates of traffic going through different locks when analyzed, as they have been in this printed statement which I am going to put in in connection with my remarks, and which I do not care to go over and discuss at this time, show that, when the figures are analyzed right down to the bone, the traffic carried on is entirely incommensurate with the expenditures, and that if it is merely to figure out the saving of the 20 per cent, not only as to the traffic which is actually carried on the river, but that which is tributary to it, there can not be any doubt in anybody's mind that it would well pay the Government to pay out as a bonus the actual amount of freight charges paid by shippers on the actual amount of saving made by them, and it would not make a dent in the appropriation.

I am going to have this also printed in connection with my remarks.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, July 27, 1914.

Hon. S. M. SPARKMAN,
Chairman Committee on Rivers and Harbors,
United States House of Representatives.

SIR: 1. Referring to the statement of the commercial statistics of the Ohio River, telephoned to you some time since, I have the honor to inform you that a report just received from the district officer states that the commercial statistics which he reported by telegraph have been found upon careful check to have contained some duplication. A corrected tabular statement of the statistics is herewith.

2. As to the reason for reporting the statistics at only six locks, it may be stated that the particular locks were selected with a view to obtaining as complete statistics as possible, and at the same time to eliminate duplication as much as practicable. Boats with through tows are required to report only at the first lock through which they pass. The item for open-river commerce is the local commerce carried on between the various locks and dams.

Very respectfully,

DAN C. KINGMAN,
Chief of Engineers, United States Army.

Ohio River tonnage, calendar year 1913.

[Through lock and open river.]

	Tonnage.	Valuation.	Passengers.
Lock No. 1	1,982,257.5	$3,720,794.36	86,518
Lock No. 8	224,080.5	1,095,666.92	5,005
Lock No. 18	374,945.0	2,336,645.31	9,421
Lock No. 26	796,629.0	2,926,918.65	17,266
Lock No. 37	1,988,434.0	9,953,466.24	104,078
Lock No. 41	1,537,146.5	6,318,567.53	11,767
Open river	1,503,111.5	14,088,452.70	1,086,897
Ferries	1,401,519.5	36,085,390.07	2,949,834
Total	9,814,123.3	77,026,901.78	4,270,785

A corrected statement of average freight floated on the Ohio, based upon official lock reports, is now presented over Chief Kingman's signature, and invites scrutiny.

OHIO RIVER TRAFFIC AT LOCK 1.

Lock 1 is given 1,982,257 tons. But page 2711 says that is commerce which passed through the lock—"and open river"—at that point. The table further shows that of the impressive tonnage reported, including duplications, 1,946,119 tons consisted of soft coal, sand, and gravel that was always floated down the "open river," leaving a commerce of 36,135 tons, including 11,240 tons of floatable logs and ties, or less than 25,000 tons, that may or may not have required the services of this $100,000,000 lock system.

OHIO RIVER TRAFFIC AT LOCK 8.

Lock 8 and "open river" is given 224,080 tons by Chief Kingman, page 2712. Of that traffic, so reported, soft coal and railroad ties, that for a half century were floated down the open river, reached 207,429 tons, leaving 16,651 tons of cement and other reported freight at that point for which a $100,000,000 lock system is being built under the recommendation of Army engineers.

OHIO RIVER TRAFFIC AT LOCK 18.

Other lock statistics are of the same character. For fear this statement may not be accepted, as based on investigation, I will take the next lock. Chief Kingman's next lock, 18, and "open river" statistics are found on page 2713. He reports a total "commerce" of 374,945 tons, whereas out of an even 50 items reported, 2 items of soft coal and logs reached 342,836 tons. Just what method was taken for shipping some 7,000 tons of oil and 2,500 tons of lumber, found in the remaining 48 items, the report fails to disclose. One thing is certain amid all this attempt to impress Congress with inflated statistics of open-river and lock traffic, the Government is annually paying bills reaching, with the regular and sundry civil bills, from $5,000,000 to $8,000,000 for the Ohio River alone, for a comparatively insignificant commerce average along the river, apart from soft coal, sand, and gravel, of less than 50,000 tons at given points, as shown by the official reports.

The same is true of the Mississippi River. I have only taken the Missouri River because I have had it more in detail, but what I have said in regard to the Missouri River is largely, if not entirely, true with regard to the Mississippi proposition.

A large part of the 600 miles between St. Louis and Minneapolis borders on the boundaries of my State. It is proposed to spend this year the sum of $1,200,000 on this project. According to the plans it is proposed to complete the entire Mississippi project at a cost of $166,000,000. All this $20,000,000 either is going or has gone on that part of the river which lies between St. Louis and Minneapolis. Does the traffic warrant it?

I say that the analysis that I have here, which I have taken from the CONGRESSIONAL RECORD, contains tables—which I believe to be true, but if they are not correct I should like to have them corrected—to show that it is entirely disproportionate to the amount of money expended under the present system and in the manner it has been done, and that it is impossible for anybody to sit down and figure out where the United States Government could be justified in expending that tremendous amount of money, judging by the returns that we have from this expenditure.

Upper Mississippi River freight statement for 1913.

Designation.	Short tons.	Ton-miles.	Valuation.
Logs	64,489	30,245,340	$315,271
Rafted lumber, shingles, etc	13,570	4,400,147	190,001
Miscellaneous freight	1,294,864	12,229,310	31,417,968
United States material	772,392	9,445,576	781,897
Total	2,145,315	56,320,373	32,705,137

Classified freight traffic, 1913.

Articles.	Amount.		Valuation.	Average haul.	Ton-miles.
	Customary units.	Short tons.			
				Miles.	
Apples	160,090 barrels	11,505	$200,218	34.4	395,959
Automobiles	5,703	6,034	9,545,950	3.8	23,014
Brick	192,190 pieces	981	3,052	7.3	7,157
Brush	656,644 cubic yards	82,450	170,191	20.6	1,700,694
Cement	4,305 tons	4,305	34,378	9.9	425,790
Coal	26,236 tons	26,236	90,400	13.5	354,401
Corn	119,090 bushels	3,463	77,431	6.4	22,144
Farm produce	13,565 tons	13,565	359,319	23.5	318,900
Fish	6,539 tons	6,539	666,600	9.8	62,486
Gravel	268,103 cubic yards	398,179	195,242	9.1	3,621,435
Hay	2,615 tons	2,615	44,269	5.4	14,122
Lath	3,056,000 pieces	1,018	10,575	317.2	322,989
Live stock	58,954 head	28,713	5,218,730	6.6	190,202
Logs	8,904,380 feet b. m	98,268	463,631	316.2	31,074,221
Lumber	19,167,689 feet b. m	30,408	467,775	138.0	4,195,827
Merchandise	17,101 tons	17,101	2,107,830	126.9	217,089
Oats	3,550 bushels	55	1,775	1.0	55
Rock	535,143 cubic yards	708,066	562,077	11.3	7,976,674
Sand	430,173 cubic yards	562,040	209,143	4.7	2,653,545
Shells	11,428 tons	11,428	246,229	42.9	490,801
Shingles	622,000 pieces	65	1,866	1.3	85
Teams	23,501	26,609	6,540,900	1.7	46,537
Wheat	11,500 bushels	382	12,347	7.9	3,015
Wood	21,847 cords	34,248	108,213	16.4	560,865
Miscellaneous	71,042 tons	71,042	5,366,996	231.0	1,642,366
Total		2,145,315	32,705,137	26.2	56,322,373

A comparative statement of upper-river commerce is also offered by years, during which period between $20,000,000 and $25,000,000 have been expended by the Government on the advice of Army engineers. While the 1913 commerce was only about 35 per cent of that floated in 1885, it will be ascertained upon analysis that over nine-tenths of the 35 per cent floated in 1913 is bogus commerce, or, assuming the 1885 commerce reported to have been legitimate, in 28 years river freight fell approximately 96 per cent.

Mississippi River: Mouth of the Missouri to St. Paul, Minn.

[From reports of the Chief of Engineers, War Department.]

	Tonnage.
1885	5,607,196
1886	3,200,000
1887	3,500,000
1888	3,750,000
1889	3,500,000
1890	4,200,000
1891	3,300,000
1892	3,750,000
1893	3,200,000
1894	2,975,000
1895	3,000,000
1896	2,250,000
1897	3,200,000
1898	2,800,000
1899	2,900,000
1900	2,400,000
1901	2,125,000
1902	1,900,000
1903	4,545,129
1904	4,534,539
1905	4,089,318
1906	3,847,319
1908	2,581,857
1909	1,916,114
1910	1,836,035
1911	2,081,566
1912	1,830,294
1913	2,145,315

[From reports of the Chief of Engineers, War Department, 1904, vol 2, p. 2157, and 1913, vol. 2, p. 2385.]

	Tonnage.
Average tonnage for years 1877 to 1903, inclusive	4,615,376
Tonnage in 1912	1,830,294
Decrease	2,785,082

ENGINEER'S STATISTICS OF COMMERCE (?).

"Commerce" reached 2,145,315 tons in 1913, so the Chief of Engineers reports. Tons of what? Let us see:

	Tons.
Brush for river construction work	82,450
Gravel dredged from river	398,178
Rock for river work	708,000
Sand dredged from river	562,000
Logs that have floated for 50 years	98,268
Lumber and wood barged	64,408
Animal ferried across river	55,322
Automobiles ferried across river	6,034
	1,974,980

This quotation from a St. Paul paper shows what is thought of the project by those who are supposed to be interested in this improvement. Here is what the St. Paul Dispatch says:

[From the St. Paul Dispatch, Aug. 12, 1915.]

DEMAND IS SLIGHT FOR RIVER SHIPPING—ASSOCIATION OF COMMERCE COMMITTEE FINDS 20 FIRMS USING WATER FREIGHT.

A report made to-day by a special committee of the association of commerce shows little demand at this time for river transportation. An estimated tonnage of 10,464 inbound and 2,472 outbound for one year was made to the committee by 20 out of 64 business firms.

THIRTY-SIX DO NO RIVER BUSINESS.

Thirty-six of the 64 firms said they could do no business by river transportation.

Eight shippers said they may be able to use the river, but were unable to make any definite statement. Several of the largest firms did not reply to the communication sent to them by the committee.

REPORT FOR A YEAR.

The tabulated report for a year showed from foreign ports by way of New Orleans 1,124 tons of freight would come in and only 7 tons go out. From Pacific and Atlantic ports, by way of New Orleans, 4,200 tons will come in and 1,715 go out.

Along the Mississippi River 2,704 tons could be picked up and 165 tons sent to the way points. From St. Louis to St. Paul the inbound is estimated at 606 tons and the outbound at 360. Pittsburgh and other points on the Ohio would send 1,830 and take 225 tons from St. Paul.

TOTAL TONNAGE 12,936.

The total tonnage is estimated by the 20 concerns at 12,936. This is the estimated amount of the business, and not an estimate of all St. Paul firms.

For October 160 tons can be brought in by river and only 3 tons sent out.

The committee which made the investigation is composed of H. T. Quinlan, J. W. Cooper, C. E. Tuttle, C. H. Bigelow, C. J. McConville, Charles Patterson, H. S. Sommers, J. A. Seeger, J. A. Gregg, and J. Clair Stone.

Can anything be added to this tragic statement of a $20,000,000 expenditure for a waterway that will float about 12,000 tons of commerce for St. Paul annually out of a hundred million tons and over handled by the Twin Cities? Some open-river expenditures ought to be made to provide for the small existing local freight, but $2,000 per mile annually is a notorious waste of money directly chargeable to the Chief of Engineers.

Yet from his reports we are told, according to a contributed manuscript which will later be considered—

As I say, I have taken probably three of the most promising projects, so far as rivers are concerned, as examples to show the benefits of these river and harbor appropriations. Surely if money could be well expended, or if, what is more to the point, money were being expended to advantage anywhere, it would be upon these streams; but the figures and the facts show that the people are not getting their money's worth from these appropriations. If it is true that even in those instances—and those instances where one would naturally suppose we would get the greatest benefit—those expenditures are not bringing adequate returns, then I should like to know where on earth we could expect any returns from the hundred or more that are incorporated in this bill—items in regard to the improvement of certain creeks and rivers which seem upon their face to be of absolutely no value whatever to anybody?

Another thing. I find here, for instance, that as to the Mississippi River, only yesterday we agreed to abandon a project, which is found on page 36 of the bill, as follows:

Reservoirs at headwaters of Mississippi River: That so much of the adopted project for the construction of a low reservoir dam at Gull Lake, Minn. as provides for the digging of ditches between Gull Lake and Round Lake and between Round Lake and Long Lake is hereby abandoned; and the Secretary of War is hereby authorized to surrender to the parties entitled thereto the flowage rights on Long Lake and Round Lake heretofore granted the United States for the aforesaid work.

I do not know just how much money has been expended on that particular reservoir, but I merely took the opportunity to look up and to see what was done on that sort of work on the Mississippi River. I find that on reservoirs and headwaters $1,648,354 has been expended. This bill has been amended by abandoning a part of this project. It may be a small portion of it; I do not know; but it is some portion of it. Not only that, but it is a portion of it in which lie the headwaters of the Mississippi. What is the object of having us vote a million and a half dollars to improve reservoirs on the headwaters of our great streams, which at some time in the future we are going to use as reservoirs, to put in money and actually develop them, and then come here before Congress and in a bill appropriating other moneys for the development of other reservoirs withdraw that appropriation and turn the flowage rights back to the men from whom we secured them? What is the purpose of that?

I find other items here. I found an item which, however, the Senator from Florida [Mr. FLETCHER] did not insist upon, but a bill was introduced by one of the Senators providing that a part of St. John's River should be abandoned above a certain point—a river on which has been expended several million dollars.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Wisconsin yield to the Senator from Florida?

Mr. HUSTING. Yes, sir.

Mr. FLETCHER. I will say to the Senator from Wisconsin that that portion of the river never has been improved at all by the Government.

Mr. HUSTING. That may be, if the Senator please. I am not saying anything about that, but here below on the river we are spending millions of dollars to keep it navigable, and a part of the navigability depends upon the headwaters of streams if you want to control the river and to control navigation. So in a bill improving other streams and voting hundreds of millions of dollars we are withdrawing some of them as they become improved from the general jurisdiction of the United States and putting the matter out of the hands of the United States; in other words, we are building up something at a cost of millions of dollars, and then at a sacrifice of thousands and thousands of dollars we are abandoning these things and destroying them. We are spending millions in attempting to build up and then tear down as fast as some of it is built.

There is another thing in this bill, I think, or there is at least another bill here which proposes to surrender the jurisdiction of the Illinois River into the hands of the State of Illinois. What is the object of that?

I think that is a fine illustration, if the Senate will permit me to point it out, of the cross purposes at which we are working. Here we are expending hundreds of thousands and millions of dollars to improve the navigation on Lake Michigan, Lake Superior, and other lakes. We are digging out the bottoms of the lakes and improving our harbors. Then, again, I understand there is a bill coming over here carrying $45,000,000 to build levees and dikes down in the south end of the Mississippi River. What have we done and what are we doing and what are we going to do?

I am sorry the Senators from Illinois are not here, for I do not want to say anything against something that I know is dear to their hearts, and rightfully so, for it means a good deal to the city of Chicago, but I can not help pointing out the senseless action of the United States in connection with these propositions. I ask what have we done? We have permitted the State of Illinois to turn a river that formerly flowed into Lake Michigan and to throw its waters down into the Mississippi Valley. By doing that we have taken water from where it is needed, beneficial, and handed it to a section of country where it is not wanted and where it is destructive. Now a movement is on foot to give the State of Illinois further jurisdiction over that river; to expend further millions of dollars to deepen that waterway, and to still further tap the navigable waters of the Great Lakes and take greater quantities of water from them.

What is the consequence and what is going to be the consequence? The consequence is that we are going to lower the water and to have lower levels in the Great Lakes. Having lowered the levels of the Great Lakes at great expense to the State of Illinois, we are going to spend millions of dollars to dig out the bottoms of the Lakes for harbor improvement to make up for the lowering of the water caused by the tapping of those Lakes by the Illinois River.

That is not all. Then we are going to vote millions of dollars, to be expended down in Louisiana, to build dikes, so that these waters which have been withdrawn and are destroying our navigability on the Lakes are going to overflow and destroy their property down there. Money is being spent to lower our Lakes, then money must be spent to deepen our harbors because of the lowering of the Lakes, and then money is to be spent to protect property from floods caused by the spending of money in the lowering of our Lakes. It is a waste all around to spend money to no purpose. What kind of a proposition is that? Is that good business sense? Yet those are the things that are going on all the time.

Here in a report that I have is a list of abandoned canals. Of canals, we have abandoned in this country 2,444 miles, which cost us in the neighborhood of $81,171,374; canals that we have built with public money, but which we have abandoned. What is the use of digging canals if we do not want them? But if we have to finance them, what is the use of throwing them back and giving them away? I say, what is the use of giving the State of Illinois, great though her needs may be, the possibilities of destroying the commerce on the Great Lakes by making it necessary for us to appropriate moneys to dig out our harbors and then turn around and because of what we have done, at least in part, because of the additional waters that have been thrown into the Mississippi Valley, we have to vote additional millions to put up dikes to keep those waters which have been thrown away, or which have been withdrawn from beneficial use and which turned into a destructive force, from destroying the lives and property of our citizens in the South?

Not only that, but I understand that almost all of these great waterway schemes involve revetting, which only can be defended upon the theory that it is to drain land, to reclaim land, which is something that has no part in a river and harbor bill. That is another question and another story; and they can not justify that expenditure on the ground that it is going to reclaim certain lands on the banks of the Missouri or on the banks of the Mississippi or on the banks of the Ohio. That is not a part of a proper waterway scheme. That is a reclamation scheme, not a scheme of navigation.

But, aside from that, what are we doing? We are also discharging water through those lands with greater rapidity, with the result of making greater floods down in the Mississippi Valley. The States are permitting the citizens to straighten out the streams, to reclaim the swamp lands; we are permitting them to cut down the forests, destroy the swamps, destroy the springs, all with the result that the water is being hurried down the Mississippi Valley just as fast as we can get it there. Then, when we do that, and it causes floods down in Louisiana, they want us to expend $45,000,000 to take care of those floods.

There was a time when nature took care of the floods. There is not any question in my mind that the Mississippi River Valley, or those flood areas or those parts of the river and lands adjacent thereto, were naturally subject to periodical floods; but it is going to be worse and worse, unless we find some way to correct it. It is true they can not help it down there; but they ought not to aid in doing certain things, and the people of those States ought to aid in doing certain things that are going to ameliorate and correct the condition caused by those floods.

I say nature took care of the flood proposition in early times. We had forests. Snows would fall upon the forests, and they would not thaw until along some time in May or June. We had marshes to hold the waters like sponges, which gradually released them during the summer months. We had springs that were located in these forests that let the accumulated waters out gradually. So we had an even flow of water throughout the whole year; but now every improvement, every advance in civilization which has resulted in the cutting down of our forests, the draining of our swamp lands, and the straightening of our rivers, all lead to one thing, and that is to hurry the water off of our territory just as fast as we can get it off and to put it onto the territory of those below us. We are expending money and voting money for those things. Then when the floods come, because of the very thing happening that was bound to happen, we have to go into the other pocket to make good for our errors in the first instance. So it is costing us money coming and it is costing us money going. So the thing comes right down to this point, with me, at least, that I think before we go on expending any more hundreds of millions of dollars we ought to know in advance what we are going to do, what is our objective, and at what we are driving. For instance, the voting of $45,000,000 for the purpose of building dikes or levees for flood protection amounts in the end to little if anything beneficial; that does not get us anywhere. The flood is a symptom of mismanagement in the handling of our waterways; it is a disease. It is a disease caused by a surplusage of energy which has been forced down into the rivers through our own unwise and thoughtless action. The very fact of the building of the Chicago Drainage Canal shows that we have not any well-defined ideas, because, as I have pointed out before, we are spending money to create a condition which creates the disease, and then we spend millions more to cure the disease of our own making.

So it is with the floods. They have floods down the Mississippi Valley, and it need not be a matter of surprise that those floods occur, for where else should the waters go if they could not go down the Mississippi Valley? Where do we expect those floods to go? The great volumes of water that are gathering throughout this immense territory have to find an outlet. They all head down to the same place, and, under present conditions, they can not go out in an orderly manner any more than you could cry fire in a crowded theater and expect all of the people to get out of the same door at the same time without a panic or without injury to life and limb. A flood is an absolutely inevitable consequence of the thing for which we are at least in part responsible. If we want to expend this money in this way, why not do it so as to bring important and good results at some time?

This is a matter in which I take a great deal of interest. I am not going to tire the Senate with talking about it again; but I do say that, if you want to cure the flood evil, all you have to do is to regulate the stream flow in every river and stream in that watershed, and then you will have the flood evil cured. Not only that, but then you will have permitted the waters to go out in an orderly manner and take their exit, in the way nature intended they should, to the sea, by providing an even flow of water; by making a beneficial use of something, that, unchecked, would be destructive; by providing in advance that this thing that is of such great value to us in the use of water power and irrigation and navigation be so treated as to conserve it and to save it, and by thus treating and conserving it take away a destructive power. We should make it our servant instead of our master. Then you will turn a murderous and destructive agency into something that is a factor for the upbuilding of wealth. It will be a wealth producer, and not a wealth destroyer, if you treat the question right; and, in order to treat it right, do not go down where these rivers overflow their banks and empty into the sea, but go up the streams and hold them where they belong, in a way which can be arranged absolutely and scientifically by a competent corps of engineers.

There is no question that this problem could be solved if this matter were placed in the hands of a competent body of engineers taken not only from the military, but from hydraulic and civil fields of activity—men who know their business as well as the men knew their business who constructed the Panama Canal. All you have to do is to find another colonel like the colonel who built the Panama Canal; let another Col. Goethals—or perhaps that great constructor himself—figure out some waterway scheme embracing the country from coast to coast and he will tell you just how much water has to go down through the several creeks and rivers and waterways of the country; he will tell you approximately just how many cubic feet of water have to force their way through the Mississippi River bottoms in a given time and at a certain time; and he will tell you how to check them and how to use them. He will tell you where to use them, where you should put up your dams for storage reservoirs and for water-power purposes. He will tell you how to regulate them and how to regulate their stream flow so that when your system is perfect and built from above down—from the source of the stream down—in the course of time and with a minimum expenditure of money, if the matter is wisely administered, it will take care of every problem which we have in the way of rivers and harbors and waterways construction, in the way of irrigation, in the way of navigation, and, lastly, in the way of flood control, because you will stop the floods when you harness the waters and stop the waters from running away from you. There is not any question about that. It is a matter susceptible of easy regulation and at a minimum of expenditure; and I say that, if the thing is properly administered, it will pay for itself by way of returns that can be exacted from those given privileges to use this water to enrich themselves.

I feel that the way to go would be first to settle upon a plan and then to go ahead only with those things which are absolutely necessary, which we do not want to abandon, and which we can not abandon at this time. When the plan has been evolved by a corps of engineers, by men who know their business, it should be adopted and prosecuted to a conclusion. We legislators can not expect to know, and do not know, how this can be done, except in a general way; but if it can be shown—and I am sure it can be shown as a matter of scientific demonstration—to be practicable, to be profitable and beneficial, by men who are making a study of this subject, then we can go ahead and spend our money in a wise way.

Suppose we had now $850,000,000 to set out on a big, broad, comprehensive scheme to take care of our waterways and our harbors, we would at the time of completion of the whole system have money in the Treasury, besides having a completed waterway system. It is not a matter which can be built in a day or a year or, perhaps, in a score of years; but in the course of time we could have a system every angle and every element of which would be doing good and helping the country at large. All we have to do is to do it, in my humble judgment, by eliminating the present system and adopting a wise and proper plan.

My friend from Missouri a few minutes ago talked about building a house. I wonder what kind of houses we would have in this country if a lot of carpenters and masons set to work to build houses, without knowing what kind they were going to build and without a plan. We would have a fine hodge-podge proposition all over the country if we started to do that. I wonder what kind of railroads we would have in this country if every railroad went to work without consulting engineers, and started up in a haphazard hodge-podge way to build railroads all over the country, a mile here and a mile there. We have an illustration of that in the good-roads proposition, that ought to be corrected. In my State every county is building its own highways, and every town is determining where the road should be built for the money that comes to their town. In the course of time, if the money is expended, we will get something out of it, but anybody must know that, if a plan were arranged in advance, scientifically arranged in an orderly manner, with brains back of it and intelligence back of it, we would get $5 for $1 which we are expending now; and why should we not go ahead and do it?

It lies within our power here to do just as we want to do if we can get a majority to agree; and when a thing seems so perfectly obvious as this would appear to be, why not proceed in that way and conduct this kind of business in a proper manner?

I say we ought to stop, except as to those improvements which are absolutely necessary, and then we ought to look about and see what we can do in the way of getting some big, broad, comprehensive scheme to take care of all these questions either by way of a bureau or a department or perhaps through the instrumentalities which we have already established; but in some way that is dependent upon good reasons, scientific reasons, and not in part or in whole dependent upon this system, that "I will give you this if you will give me that," or "I will do this if you will do that," or "we will build this if you will build that"; not dependent upon anything that in particular benefits the whole country, but possibly benefiting only a few sections, where the representative people perhaps are zealous and want to get it for their appropriation; want to get an appropriation as a warrior of old wanted to get a scalp so he could wear it in his belt and boast about it.

We have our problems in Wisconsin, as I said at the outset. We would like to have our harbors improved as well as anybody else, but if there is any one of them which we can not show to Congress is important and worthy of the money being spent upon it I am not going to defend it, and I do not want to see it adopted. Neither do I want to see anything passed

that is going to put money into any other State unless it appears that not only the purpose of it, but the effect of it, is to give benefits to the country at large, or at least to a great portion of our inhabitants, commensurate with the moneys expended.

I feel as though this bill ought to be recommitted with instructions to the committee to report a bill out for what has heretofore been thought sufficient, namely, $20,000,000, for the purpose of carrying on such projects as seem to be proper and most necessary. I have tried to show that even the best of these projects, so far as the appropriations relating to streams are concerned, do not appear to have brought in returns such as we have a right to expect and ought to expect from the investment of governmental funds. Yet there may be such; but I think enough has been shown, and it appears sufficiently clear from the facts adduced here, that Congress ought not to appropriate $43,000,000 for things which at least, appear dubious and not deserving, and many of which are practically without merit. When so recommitted, meritorious provisions may be brought forward and taken care of pending some sort of united action on the part of Congress to go at this matter in a scientific way. I think that if that is done something could be worked out here in the next two years. The present system has gone on for over a century in the old way; another year or two will not make so much difference; but the policy ought to be changed at once, and we ought to go at this thing in a different and, if I may be pardoned for saying so, in a more comprehensive way, with some idea of what it is going to lead to and where it is going to land us.

At the outset I made a statement that I was not here to oppose any of the particular projects; that I was here to try to discuss the system. This is not a system that ought to make Americans feel proud of their country or of their efficiency. I do not think a system of that kind is good enough for the United States; I do not think it reflects credit on the United States or makes anybody feel proud of it. I venture to say that the people of the United States, so far as I have any idea of their sentiment, favor a complete change of this system. It has been shown that our people are not afraid to appropriate money for some worthy cause, even though it costs a great deal. Not a grumble has been heard about the digging of the Panama Canal, and not a word of complaint has been heard about the additional expense occasioned by reason of certain cavings or slides, and that we have not yet got, because of that fact, the canal into its highest state of efficiency; but they have all backed the idea, without grumbling or without talking about the cost; they have all indorsed the idea of the Panama Canal, and they will indorse any kind of a proposition, no matter how much money it costs, if the ordinary man can be shown that for the dollar he has to produce from his pocket he is getting a dollar's worth of benefit somewhere in some way. He wants to feel that his affairs are being administered in a way that is going to bring benefit to the country and that it is not being thrown away or wasted.

When matters are discussed here about economy, we do not talk just the same as we do when we are talking about this question of raising the taxes from somebody.

I remember here when the water-power bills were up there was a proposition of raising some little revenue from the water-power privileges; but it was said "We will not need that money; the Nation does not want to exact tribute from its people." That is all very good, but you have to get your money somewhere, and if you do not get it from the fellow who is getting benefits from you you have to get it from the fellow who is not getting any benefits from you. If you are not going to tax the man who is being given special privileges, then you have to tax the man who is not being given special privileges. The Lord knows that a lot of men in this country when tax-paying time comes around are hard-set to get the money to pay their taxes; but after all they are good Americans, and the least grumbling comes from those who are least able to bear the tax. However, the average man likes to see at least one thing, and that is to see his money wisely expended. He would like to see the country of which he is a citizen administer his affairs for his benefit and the benefit of his fellow citizens, and even if the taxes are high, and even if he thinks sometimes that there is injustice he does not care really if he knows that back of the dollar he has had to contribute and which is being spent some good scheme is being pressed forward which is going to bring material returns in the way of benefits to all of the citizens of the country. That is what he would like to see in the expenditure of money on rivers and harbors. If you are going to tax him and going to take his money away from him he does not want you to toss it away on unworthy projects. He wants you and me and all of us to see that the money he has earned by the sweat of his brow is invested in a way that is going to benefit him and his fellow citizens.

I do not honestly think that he will feel that the method under which $850,000,000 of this money has been expended has been one that he can sanction or approve. He will never propose three cheers and wax enthusiastic over this proposition. I do not think that any Senator in this Chamber deep down in his heart thinks so himself. I have never heard anybody boast about the blessings secured from this expenditure. I have only heard them on the defensive, explaining, if not apologizing for, what has been done. I have never heard them parading around before the voters in campaigns the benefits and blessings which we have derived from river and harbor appropriations. One thing upon which all parties are agreed is that the least said about it the better. That is a fair test whether we ourselves think it is a good thing. We like to talk about the things that we think are beneficial, and the things that are not beneficial which we have no reason to be proud of we like to forget.

Applying that test or any other test, it seems to me that the expenditure of this money in this way any longer is beyond judgment or excuse, and therefore I move that the bill be recommitted to the committee with instructions to bring out a bill appropriating a sum not exceeding $20,000,000.

Mr. TOWNSEND. Mr. President, will the Senator allow me?

Mr. HUSTING. I yield the floor.

Mr. TOWNSEND. I wanted to ask the Senator if he did not think it would be better to withhold his motion to recommit until the efforts to perfect the bill have been completed? There are many Senators who feel somewhat as does the Senator from Wisconsin, but who are, however, very much in favor of a proper river and harbor bill, who believe that there are many items in this bill which should be passed; and who, if the bill could not be changed, would be inclined to vote with the Senator, but who would not do that at this time. I was wondering if his purpose would not be served as well by withholding his motion to recommit until the efforts to perfect this bill have been completed.

Mr. HUSTING. I will say to the Senator——

Mr. TOWNSEND. I take it that what the Senator wants is to have the bill recommitted. He certainly must recognize the fact that there will be a better opportunity to recommit it if it can not be amended so as to suit the ideas of Senators of what a proper bill should be than there is now, before all efforts to amend the bill have been exhausted.

Mr. HUSTING. I will say to the Senator that, of course, it is my hope and purpose that the bill may be recommitted. I am sure I do not know whether this is a proper time or not, but I am willing to adopt the Senator's suggestion.

Mr. TOWNSEND. I am going to vote for the Senator's suggestion if the present bill is not materially amended, and I know that there are several other Senators who feel as I do. I do not care to interfere with the Senator's plan as to what he wishes, but it seems to me that in behalf of an effort to get the best bill possible it might be better to withhold his motion until later along in the consideration of the bill.

Mr. HUSTING. I will take the Senator's suggestion and will be glad to withhold the motion to recommit the bill until some time further on.

Mr. CLARKE of Arkansas. Mr. President, I ask that that motion be reduced to writing.

Mr. HUSTING. I thought I had it here, but I have not been able to find it.

Mr. KENYON. Mr. President, I now move to strike from the bill, on page 23, lines 21, 22, and 23.

Mr. CLARKE of Arkansas. What item is that?

Mr. KENYON. That is the Brazos River item. I think the Senator from Texas will be here in a moment.

Mr. CLARKE of Arkansas. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Nelson	Smith, Md.
Bankhead	Hardwick	Newlands	Smith, Mich.
Brady	Hitchcock	Norris	Smoot
Brandegee	Hollis	O'Gorman	Sterling
Broussard	Hughes	Oliver	Stone
Catron	Husting	Owen	Sutherland
Chamberlain	Johnson, S. Dak.	Pittman	Taggart
Clapp	Jones	Poindexter	Thomas
Clark, Wyo.	Kenyon	Pomerene	Thompson
Clarke, Ark.	Kern	Ransdell	Tillman
Culberson	Lane	Reed	Townsend
Cummins	Lea, Tenn.	Shafroth	Underwood
Dillingham	Lewis	Sheppard	Vardaman
du Pont	Lippitt	Sherman	Wadsworth
Fall	Lodge	Simmons	
Fletcher	Martine, N. J.	Smith, Ariz.	
Gallinger	Myers	Smith, Ga.	

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present.

Mr. KENYON. Mr. President, I wish to say a word about this amendment before it is voted on, if I can have the attention of the Senate. The amendment is to strike out on page 23 the words:

Continuing improvement from Old Washington to Waco by the construction of locks and dams heretofore authorized, $200,000.

We voted yesterday for a survey of the Brazos River. The bill carries another survey. At a former session of Congress we voted for a resurvey and a reexamination of this project, the report of which has never been as yet presented to Congress. We are now called upon to vote $200,000 on this Brazos proposition before the report of the engineers is received here and considered.

I wish to call attention to this proposition in a general way. We have appropriated somewhere around two and a half million dollars on the Brazos. There is no commerce that can be called commerce on the stream. The cost to the mouth is something like $10,000,000. Two hundred thousand dollars was allotted under the act of 1914 and there was $200,000 in the allotment of 1915.

The Brazos project is divided into two parts, from Velasco to Old Washington and from Old Washington to Waco. The former project carries in the bill for open-channel work $15,000. I think probably there will be no objection made to that item. The commercial statistics as to that part of the stream should be very interesting.

On page 913 of volume 1 of the Engineer's Report for 1915 we find this interesting proposition:

Commercial statistics: No record of commerce could be obtained for 1914. The record for 1913 shows 1,080 short tons, valued at $81,000. No record of commerce had been obtained for 1912. One boat makes weekly trips from Galveston to Columbia, but no record could be obtained.

We have spent on that part something like $399,000. Then, on the part where the locks and dams are to be constructed we appropriated up to the end of the last fiscal year $993,689.34. There was allotted under the act of 1914, $200,000, and under the act of 1915 the allotment for the Army engineers was $200,000, making a total of $1,393,689.

That is the proposition that the last Congress decided should be resurveyed and reexamined, and that report has not as yet come to Congress. Is it not a fairly reasonable proposition now to wait until that report gets here?

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. KENYON. I yield.

Mr. NEWLANDS. Are we to understand that an appropriation is made in this bill for a project with reference to which a resurvey and a report and investigation have been ordered by Congress?

Mr. KENYON. Yes; and no report has yet been made. That need not shock the Senator.

Mr. NEWLANDS. On what theory, after Congress has determined that a matter shall be resurveyed and a reinvestigation made, is an actual appropriation made in this bill?

Mr. KENYON. If the Senator will explain to me the theory under which we have been voting propositions into this bill where reexaminations have been ordered and where the engineers had reported against the proposition, I might be able to explain this to him.

Mr. NEWLANDS. With reference to what proposition does the Senator speak?

Mr. KENYON. Arcadia, Mich., and the Arkansas River.

Mr. SMOOT. I wish to say that the following projects are included:

Inland waterway from Norfolk to Beaufort Inlet, N. C.
Coosa River, Ga. and Ala.
St. Lucia Inlet, Fla.
Brazos River, Tex., from Old Washington to Waco.
Red River, La., Ark., Tex., and Okla.
Ouachita River, Ark. and Okla.
Arkansas River, Ark.
Tennessee River, Tenn., Ala., and Ky.
Fox River, Wis.
Missouri River, Mo.

And there are a number of others.

Mr. FLETCHER. May I ask the Senator from Utah——

Mr. KENYON. This project is to consist of eight locks and dams.

Mr. FLETCHER. I understood the Senator from Utah to refer to some river in Florida.

Mr. SMOOT. I did—St. Lucia Inlet, Fla. The engineers were instructed in the act of March, 1915, to make a resurvey of that inlet. I will say to the Senator——

Mr. FLETCHER. No; the appropriation was made and the Board of Engineers approved it. That is the work going on now. The resurvey proposition has not yet come up because it has not been acted upon by Congress, but the improvement of the river is based on the favorable report of the district engineer, the Board of Engineers for Rivers and Harbors, and the Chief of Engineers.

Mr. SMOOT. In the act of March 4, 1915, section 15, it appears——

Mr. FLETCHER. That report has not yet been presented to Congress.

Mr. SMOOT. That is exactly what the Senator from Iowa says.

Mr. FLETCHER. That report does not exclude the improvement. It contemplates a more ambitious improvement of the project than ever before.

Mr. KENYON. They are all ambitious.

Mr. SMOOT. They are all that way. I am not disputing that at all. That is why the resurveys are made.

Mr. FLETCHER. The appropriation, the Senator will see, is not based on that. Nobody is asking that the action of Congress shall be based on that report, because it has not been made.

Mr. SMOOT. But the appropriations go right on.

Mr. FLETCHER. Where does the Senator see that in the bill?

Mr. SMOOT. I simply stated in answer to the question asked of the Senator from Iowa, the rivers included in the request made of the engineers for resurveys, and among them was the St. Lucia Inlet, Fla. That is what I meant.

Mr. FLETCHER. The inquiry was directed as to projects in this bill that did not meet the approval of the Board of Engineers. There is no provision in the bill for St. Lucia Inlet at all.

Mr. SMOOT. Does the Senator say that St. Lucia Inlet, Fla., is not a questionable project?

Mr. FLETCHER. I say there is no provision in this bill, and we will deal with that when we get to it. We are talking about a concrete proposition before the Senate, and St. Lucia Inlet is not in the bill. It makes no difference whether it is a meritorious project or not, we are not passing upon it.

Mr. KENYON. I think the Senator from Utah is out of order in claiming that there is any project that is questionable in the bill.

Mr. FLETCHER. Why not be reasonable about it? What is the use of discussing something that is not in the bill? We are talking about the bill that is before the Senate. There is no use in saying that the bill contains items that are unworthy, that have not been favored by the engineers at all, and then point to the St. Lucia Inlet as one of the items when it is not in the bill at all. That is the kind of argument we have been hearing all the way through this discussion.

Mr. NEWLANDS. Mr. President——

Mr. KENYON. I yield to the Senator from Nevada.

Mr. NEWLANDS. May I inquire from the Senator from Iowa whether the St. Lucia Inlet, Fla., referred to, is a project for which appropriations have heretofore been made?

Mr. KENYON. I think there is no question of that.

Mr. NEWLANDS. Then I should like to ask the chairman of the committee if continuing appropriations on the St. Lucia Inlet, Fla., should for the time being be abandoned in order to await the report upon the reexamination authorized by the last river and harbor act, why the same course has not been pursued with reference to all the items and all the projects with reference to which reexaminations were ordered? If the order of Congress that a reexamination should take place with reference to the Florida project has been made so effective as to exclude that project from the present appropriations, why should not the same rule be applied with reference to all other projects that were ordered to be reexamined by Congress, and why should the committee report to us appropriations upon such projects which were ordered to be reexamined?

Mr. CLARKE of Arkansas. Mr. President, will the Senator from Iowa yield to me for just a moment?

Mr. KENYON. Certainly.

Mr. CLARKE of Arkansas. I am not entirely familiar with the history of the St. Lucia Inlet provision, but my recollection is that there has been no appropriation made to begin work there for the reason that the last two or three river and harbor bills failed. The pending bill was largely made up in the House of Representatives. Such items as were eligible to admission there under the theory of being old projects were included in it there. We did not go over the whole field to determine whether or not something that ought to be in the bill was left out, because we had before us projects amounting to about $125,000,000, and we were compelled to select as between many meritorious proj-

ects in order to bring the bill within the limits of the possibility of the Government to provide for them. The Senator from Florida is more familiar with the situation at St. Lucia Inlet, and I am sure if the Senator from Iowa will permit him he will gladly state the position there.

Mr. KENYON. St. Lucia Inlet is not in this bill. I think we had better, perhaps, take up something that is in the bill.

Mr. SMOOT. I notice also that the Chief of Engineers reports that on July 1, 1914, there was an unexpended balance of $99,927.08; that June 30, 1916, the amount expended during the fiscal year for the work of improvement was $13.05; and that on July 1, 1915, there was an unexpended balance of $99,414.03. That is the history of the financial summary as given by the Chief of Engineers in relation to St. Lucia Inlet, Fla.

Mr. FLETCHER. There was a project adopted for St. Lucia Inlet by Congress on the favorable report of the district engineer and the favorable report of the Board of Engineers and the Chief of Engineers, and an appropriation of $100,000 was made to begin that work. That was in 1913. The engineers were under the impression that a dredge could be built that would excavate the rock at the entrance without blasting. They thought that such a dredge could be brought from Panama, and there was some effort to do that. Gen. Goethals was on the stand, and testified before the Commerce Committee that there was a dredge at Panama which could take out this rock, which is not very hard rock. It is a coral formation under water and is hardened upon exposure. The engineers supposed that could be done, and for a long while they expected that they would get the dredge from Panama. But there were subsequent troubles, as Senators know, down there, and the material at Panama was needed there, so the dredge was not forthcoming.

That is the reason why, as the Senator has suggested, only some $13 was spent of that money for a period of time covering one year. That was spent in calling for bids for the work. The bids were rejected because they were regarded as too high. The Government engineers thought they could do the work cheaper than they could get it done by contract, and they rejected the bids. Nothing was done, and so time has gone on, and no part of the appropriation has been used.

As the present contracts have been let, the work is going on, or will shortly be begun. Contracts have been entered into. When the Government found they could not get the dredge which they supposed they could use they made a contract at a figure which they believe is reasonable, much less than the former figures were. The contract is, as I said, actually closed, and the contractors are soon to begin work, if they have not already begun work within the last few days.

So there was no need for any reconsideration of the St. Lucia project, because there is enough money on hand to accomplish what had been authorized by Congress.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. KENYON. I do, if he will get through in a moment or two.

Mr. NEWLANDS. I merely wish to ask the Senator from Florida whether the contract for the St. Lucia Inlet has been let since the time when Congress ordered a reexamination of the project?

Mr. FLETCHER. I think it has.

Mr. NEWLANDS. March 4, 1915.

Mr. FLETCHER. They were authorized to go on under the original act and do that work.

Mr. NEWLANDS. Does not the Senator assume that Congress intended, with reference to the projects that were intended to be reexamined, that no such important step should be taken in the work as letting a contract until the report upon the reexamination was submitted to Congress?

Mr. FLETCHER. The engineers had full power and authority to proceed with the project, which had been approved by Congress. A reexamination might lead to the enlargement of the project or a change of the project to some extent.

Mr. NEWLANDS. Or perhaps to an abandonment?

Mr. FLETCHER. No; it could not possibly lead to an abandonment. I think nobody suggests that. There is need of that improvement there, and the question is as to the extent of it.

Mr. NEWLANDS. The act itself says "with a view to their abandonment."

Mr. FLETCHER. It has never been recommended that it be abandoned by any board or any engineer.

Mr. KENYON. I will say to the Senator from Nevada, he will also find that a resurvey was ordered for Trinity River some years ago. It is going on now. The bill carries $250,000 for Trinity River. The Senator will also find that the engineers just a few days ago reported against the James River proposition, that has been running for some 20 years, and is destined to run, probably, for all eternity. They reported against that just a few days ago. The bill carries $190,000 for the James River.

But I want to get back to the Brazos. It is set forth on page 914 of the Engineers' Report that this project has not been adopted as a whole by Congress. We have gone along appropriating for different locks and dams in a scheme that requires eight locks and dams and 103 miles of open channel work, at an estimated cost of $2,915,000. It seems strange that Congress should go ahead year by year and appropriate these large sums of money while the project as a whole, according to the Army engineers, has never been adopted.

I am not quite certain from these reports whether any of the locks and dams have been completed. They state on the same page that Lock No. 1 has been brought to 98 per cent of completion, and that Lock No. 8 was 75 per cent completed. A total of $853,052.11 has been expended, of which $441,564.63 was expended at Lock No. 1. Here is the statement about the commerce:

> Commercial statistics: No freight is now carried on this section of the river, nor can be economically until the improvement is completed.

Of course the answer to that is, as it is to all these other projects, you can not have your commerce until the project is completed; but what I am insisting on is that a project of this character, involving millions, where Congress has ordered a resurvey and a reexamination, ought not to have another dollar appropriated until we get the result of that examination.

Mr. NEWLANDS. I should like to ask the Senator how many projects which have been ordered to be reexamined by Congress are included within the appropriations made by this bill?

Mr. KENYON. I can not tell the Senator exactly. I think I am safe in saying that there are seven or eight. If the Senator had lent his genial presence to us yesterday and the day before he would have known that the Senate has voted in the bill projects that were condemned by the Army engineers under a reexamination ordered by Congress. While we can not do anything here, I hope that somewhere inquiries are going to be made of the Senators who have voted those things as to why it was done. Of course, the Senator knows we have had practically no attendance here, and there has been no attention given to the discussion of this bill. Senators rush in from the cloakrooms when the yeas and nays are taken and ask "What is the committee amendment?" or "What is it that we are to vote on?" I suppose that always will be true, but it has been especially true in the consideration of this bill. I kept an account one day when we were discussing the East River project, New York, of the attendance. At 25 minutes after 1 there were 7 Republicans in the Chamber and 12 Democrats. At 45 minutes after 1 there were 11 Republicans and 12 Democrats. The Democrats seem to have done better than the Republicans.

Mr. GALLINGER. There are more of them.

Mr. KENYON. At 5 minutes after 2 there were 11 Republicans and 14 Democrats in the Chamber. At 25 minutes after 2 there were 11 Republicans and 12 Democrats. At 45 minutes after 2 there were 14 Republicans and 10 Democrats, the only time when the Republicans had more here than the Democrats.

Mr. BORAH. May I ask the Senator whether it was the same 11 who were here or was that the average?

Mr. KENYON. I think perhaps some went to lunch; I do not know where the others went. It simply illustrates the kind of consideration that has been given to this bill.

Mr. CLARKE of Arkansas. The Senator will bear witness to the fact that I have been here all the time.

Mr. KENYON. The Senator from Arkansas has been here every moment.

Mr. President, I think I have said all I want to say about the Brazos River. If the Senate wants to vote these kind of matters into the bill, of course that is its privilege.

Mr. THOMAS. Before the Senator takes his seat I should like to ask him a question. The Senator said, if I understood him correctly, that the bill carries an item for James River, Va., for a project which has been condemned by the Army engineers. Does the Senator refer to the item at the top of page 12?—

> James River, Va.: Continuing improvement and for maintenance, $190,000.

Mr. KENYON. I referred to that item. I want to qualify what I said in this way: The project calls for many millions of dollars. It is a project, I think, for a 22-foot depth. The Army engineers report against that. I have here the advance sheets of their report.

Mr. THOMAS. When was that report made?

Mr. KENYON. That report was made the 13th day of May.

Mr. THOMAS. Since this bill came over from the House?

Mr. KENYON. Since we have been discussing it. They report in favor of an 18-foot depth to the river and a turning basin at Richmond to cost $450,000, and recommend that that appropriation be divided into two parts, that they be made two annual appropriations; $190,000 is provided for here and $190,000 is appropriated on the theory of the old plan.

Mr. THOMAS. With the abandonment of the old project?

Mr. KENYON. The modification.

Mr. THOMAS. A modified project?

Mr. KENYON. A modification of the project from 22 feet to 18 feet. The district officer says it can be completed for $2,588,636.79. They have there an 18-foot channel and they recommend abandoning that project in favor of simply constructing a turning basin to cost $450,000 and maintaining the river at 18 feet. I think we will hear more about that river before we are through with the bill.

Mr. THOMAS. Then I will content myself by waiting until the subject comes directly before the Senate.

Mr. KENYON. I shall not raise any more question about it, but I imagine the Senators from Virginia will.

Mr. THOMAS. Let me ask one other question, then. Assuming that the bill passes in its present form and the $190,000 appropriation becomes effective and is expended upon the prevailing project, what effect will that have upon the recommendations last made by the Board of Engineers?

Mr. KENYON. I assume it will be that much money wasted, because it goes on the old project and will not be used for what the engineers recommend.

Mr. THOMAS. So, notwithstanding the present recommendation, if this item becomes a law it will be expended upon the existing project, and then we will have to spend just as much more upon the new project as though this appropriation had failed?

Mr. KENYON. Unless the bill is changed and the $190,000 provided for is to be used for the turning basin.

Mr. POMERENE. May I ask the Senator a question?

Mr. KENYON. I yield.

Mr. POMERENE. A moment ago the Senator from Iowa said there were seven or eight projects provided for in the bill on which resurveys had been ordered. Can the Senator state what would be the cost of those projects which are provided for in the bill?

Mr. KENYON. Does the Senator mean the amount of money that is carried in the bill for those projects?

Mr. POMERENE. The amount of money that is carried in the bill for those seven or eight projects.

Mr. KENYON. No; I can not. There is $250,000 carried for the Trinity; $200,000 for the Brazos; $25,000 for Arcadia.

Mr. SMOOT. How much for the Missouri?

Mr. KENYON. The Missouri was condemned by only two of the engineers. There is a million and a half carried for the Missouri which is condemned by the district engineer and the division engineer but not by the Board of Engineers. Then there is the Arkansas River.

Mr. POMERENE. What is the amount for the Missouri?

Mr. KENYON. A million and a half. For the Arkansas River I think the appropriation is $234,000.

Mr. SHEPPARD. If the Senator from Ohio will allow me, I will say to the Senator from Iowa——

Mr. POMERENE. I will be very glad to allow the Senator.

Mr. SHEPPARD. No resurvey of the Trinity River was ordered in the last river and harbor act, and the instrumental survey now in progress on the Trinity was not ordered with a view to determine whether the project should be retained or abandoned, but in order to determine exactly how many locks and dams would be required under the existing project.

Mr. KENYON. Does the Senator say that under the last act or the previous act there was not a resurvey or reexamination of the Brazos ordered?

Mr. SHEPPARD. I am referring to the Trinity.

Mr. KENYON. Oh.

Mr. SHEPPARD. The Senator said a resurvey had been ordered of the Trinity to determine whether the project should be retained or abandoned.

Mr. KENYON. I did not say, however, that a resurvey had been ordered of the Trinity in the last act. I knew that that was not so. It was ordered some years ago and a survey is now in progress of the Trinity. Is not that true?

Mr. SHEPPARD. But it is an instrumental survey to determine the exact number of locks and dams necessary for the project. This resurvey was not ordered for the purpose of determining whether the project should be continued or discontinued.

Mr. KENYON. The Senator may be correct; I do not know. He knows more about the Trinity than I do.

Mr. POMERENE. The Senator from Iowa also made the further statement that there are other projects provided in the bill which have been rejected by the Board of Engineers. Can the Senator state what would be the cost of those items?

Mr. KENYON. As to the Arkansas River, to which the Senate added another $25,000, I can give the Senator the exact figures. The amount is $234,700, where the engineers recommended $35,000. Then there is the Wichita, on which I expect to show a little later the Army engineers recommended $234,000 and the bill carries $470,000. That is one of the projects resurveyed. The Arcadia, which is the proposition of the distinguished senior Senator from Michigan [Mr. SMITH], carries $25,000, a small amount. That was condemned by the Army engineers and it is placed in the bill by a committee amendment.

Mr. President, that is all I care to say about the Brazos River.

Mr. NEWLANDS. Mr. President, this discussion simply illustrates how hopeless the present system of conducting river development is. We find it universally admitted that although the United States Government has been employed for over a hundred years in working upon our rivers river commerce has steadily declined; that on the whole the rivers are not so well adapted to navigation as they once were.

Now, where does the fault lie? Does it lie with the Board of Engineers who are charged with the work of developing these rivers? Does it lie with Congress, or does it lie with and is it inherent in the general system, or rather no system, that exists for comprehensive river development? Has Congress been at fault? What general legislation has it ever adopted with a view to the complete regulation of our rivers as instrumentalities of commerce? Have we ever proposed or adopted with reference to river development and regulation such a full and comprehensive measure as we adopted for the commencement and the completion of the Panama Canal? Have we ever proposed or adopted such a full and complete system of legislation as we adopted with reference to irrigation and reclamation of arid lands in 17 States?

Have the engineers been incompetent or has Congress been incompetent? The engineers demonstrated their competency in the completion of the Panama Canal, costing over $400,000,000. The engineers have demonstrated their capacity in 23 irrigation projects in 17 States, costing nearly $80,000,000, and embracing problems in engineering and in hydraulics far surpassing in difficulty those attendant upon the building of the Panama Canal. Almost all of those projects have been completed within a period of 12 years.

Here we have, then, a competent Engineer Corps of the Army, their competency demonstrated at Panama, and a competent corps of civil engineers in the Reclamation Service whose competency has been demonstrated in 23 projects either finished or nearing completion within a period of 12 years.

Mr. SMITH of Arizona. I do not wish to interrupt the Senator, but I should like to suggest a word rather than to be foreclosed by the statement the Senator just made in reference to some matters that may subsequently arise as to irrigation projects. I shall say no more to the Senator than that, while the greatest possible intelligence has been shown by the engineers, some very grave mistakes have been made by them. Rather than to let it go as an absolute piece of certainty without a reservation in the RECORD, I wish to accompany the Senator's remarks with the statement that there have been grave mistakes made, and they naturally would be made in any enterprise as large as that.

Mr. NEWLANDS. Yes, Mr. President, mistakes have been made, and mistakes always are made in great works. A mistake was made in the original estimate of the cost of the Panama Canal. It was estimated at $150,000,000, the actual completion costing more than $400,000,000. Mistakes were made in the estimates regarding the irrigation works; estimates largely increased by the unprecedented rise within the period of 10 years of the cost of labor and of supplies. But the fact remains that these great monumental works have been undertaken and have been completed within a period of 12 years. So I say the fault does not lie with the engineers. Where does it lie?

Oh, you may say commerce has declined upon these rivers because the railroads have taken the place of the rivers as instrumentalities of commerce. Yes, they have taken the place, but how has that place been taken? By the cruel and brutal competition of the rail carriers with the water carriers, which resulted in the destruction of the latter, and Congress has been impotent to stay the ruthless hand of the rail carriers.

Is river regulation and river navigation a failure elsewhere in the civilized world? Is not river transportation employed side by side with rail transportation in every civilized country

in the world that has rivers? Can you point me to one that has not fully developed its rivers or is not now engaged in the work of developing its rivers? Their work is not to reclaim swamp lands but to promote commerce.

We have Germany, we have France, we have Austria, we have Russia, all of which countries either have developed or are in the work of developing their rivers to their full capacity for transportation, even going to the extreme of connecting those rivers at their headwaters and at other places with each other in such a way that they have a perfect network of waterways, consisting of natural and artificial waterways, just as complete a network as the railways themselves. There it is well understood that the rivers are to be used for cheap and bulky products, far exceeding in tonnage the valuable products, and whose cheap transportation is absolutely essential to cheap living among the people and to cheap production and manufacture everywhere.

In this country the railroads, eager to absorb the entire tonnage, have upon these products received rates that are hardly compensatory, because the products will not stand high rates of transportation, and we are constantly increasing the capitalization of the railways of the country to meet the demand of bulky transportation, which could be much more economically made by the cheaper development of our rivers for transportation. But in all those foreign and highly civilized countries we find the water carrier coordinating with the rail carrier and not sandbagged by the rail carrier, and both of them coordinating with the ocean carriers in the development of a scientific system of transportation. If the development of our rivers has failed, why has it failed? Because our engineers are incompetent? No; because Congress has been incompetent.

Mr. SHERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Illinois?

Mr. NEWLANDS. Certainly.

Mr. SHERMAN. Will the Senator, for my information, name a single inland waterway in the United States that carries any commerce of any consequence at this time?

Mr. NEWLANDS. I do not know of any except perhaps the Ohio; and this reduction of water-borne commerce has been the result of the system which has been pursued by Congress. What has that system been? The system of individual initiative by Members of Congress, under which an individual Senator or an individual Representative presents a measure that relates to his particular locality, and which has the virtue perhaps of aiding commerce in some degree, but in a very large degree of expending money in the locality from which the Representative hails.

Mr. SHERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield further to the Senator from Illinois?

Mr. NEWLANDS. Certainly.

Mr. SHERMAN. May I inquire, then, whether this whole river and harbor bill is not in fact what Hancock said the tariff was, a local issue?

Mr. NEWLANDS. Well, it looks so; and we find Members of the House and of the Senate seeking positions upon committees having jurisdiction of this subject, not so much with a view of building up a great comprehensive, useful system, which will embrace the development of the commerce of the country, but with a view to the benefit of a particular section or locality which they represent; and then the temptation is presented of a union of support in favor of individual projects, otherwise indefensible, with a view of carrying them all through in the pending bill.

And how was this system further strengthened? The engineers were useful, it is true. Upon them Congress relied for the ultimate work. But instead of giving the engineers a free hand and enabling them to report their suggestions with reference to full and comprehensive legislation upon this subject Congress in its very river and harbor bills put shackles upon its engineers, put them in chains, and forbade them to make a suggestion beyond the proposal made to them by the initiative of an individual Congressman, approved by Congress. You will find in two or three cases in the legislation of Congress, as it progressed, an absolute instruction and a veto upon the action of the engineers with reference to any suggestion beyond the matter in hand. The engineers have never yet been called upon to present a full and comprehensive scheme for the development of our rivers as instrumentalities of commerce.

I do not know how many hundred millions have been spent, and yet commerce has declined; and what remedy is now proposed by the action of the House of Representatives? The organization of a Committee on Flood Control; not the organization of a committee to create navigable rivers, not the organization of a committee to promote commerce, but to control floods; and those floods, according to its action, are to be controlled only upon the lower reaches of the Mississippi River. They invite the waters in this vast watershed, embracing one-half of the United States, to flow down to them without embarrassment or obstruction. They say to us, "Hurry them on; drain your lands; reclaim your swamp lands; let all the waters hurry down to the lower Mississippi River, and then we will take care of them." And how do they propose to take care of them?

By building levees mountain high on either side of the Mississippi River in order to prevent the overflow. And when we suggest that a policy may be pursued in the upper reaches of these rivers, in the great intermountain region which is the source of many rivers, in the Great Lakes region, in the great regions of the Ohio and the Tennessee and the Cumberland and the upper Mississippi, that developments may be made there by which the flow of the water may be so obstructed as to prolong the length of the high-water season below, so that its flood height will be only one-half of the accustomed height, we are told that we are visionary; that nothing should be done in the way of obstructing or slowing up the progress of these waters; that nothing should be done in the shape of turning these waters into a national asset, into creators of wealth; but we should permit them to mass together for destruction below; and then a cry of distress comes up from our southern friends: "The waters coming from your region are destroying us. Give us $6,000,000 a year with which to put up mountains on each side of this great river to prevent these waters from overflowing our lands and from destroying our cities." And when we tell them that there are four departments of the Government that are engaged in the great work of water conservation and water study—the Department of Commerce, the Department of the Interior, and the Department of Agriculture, in addition to the Department of War—and that each one of these departments has two or three scientific services that are engaged not only in studies, in scientific research with reference to this matter, but in actual engineering work, and that these departments ought to be brought into coordination with the War Department in plans and in works, the reply is made to us: "No; we prefer that this entire work shall remain as it has been, in the hands of but one of these departments—the War Department—and that the engineers of the Army shall alone attend to this work," without the aid of the accumulated experience and knowledge of these scientific services, many of which for over 50 years have been serving their country faithfully and well, not only in the matter of research but in the matter of actual engineering work.

I have no words of criticism for the Engineer Corps of the Army. There is nothing that can be said in commendation of the integrity of that corps which I would not indorse; but I have the same words of commendation with reference to the integrity and the efficiency of the engineering corps of the Reclamation Service, composed of civil engineers. I assert without fear of contradiction that that engineer corps has solved more difficult problems with reference to hydraulics than have ever been considered by the Engineer Corps of the Army; and yet our southern friends say that these men shall not be brought into collaboration; that you will drain the whole Union for money with which to take care of the floods in the southern reaches of this river, and you will not apply a dollar to the obstruction of these waters on their way to the lower flood reaches of the river and the application of these waters to beneficial purposes, such as making the arid lands blossom, such as the creation of water power, the development of electrical energy—entering more vitally into the lives of our people than any other agency, advancing their comfort and their convenience and diminishing their physical effort—the restoration of our forests, where vast masses of trees will drink up this moisture which otherwise would go into the streams and rivers, and develop it into fiber useful to man; and, above all, or equally with these other uses, involving the scientific control of water in such a way as to promote the reclamation and use of swamp lands as well; so that all of these uses and controls of water, creating wealth, can be developed by the very method employed for slowing up the progress of these waters falling from the heavens on the various watersheds of the country from their sources to the gulfs and oceans.

We have in the West 17 arid and semiarid States, with 34 votes in this body—States which occupy for the most part the elevated region of the country, where men have vision, where there are men who can see things beyond the boundaries of their own States, and who are capable of conceiving of great engineering works that will benefit not only them but the entire country. Are we going to participate longer in the piecemeal legislation which has thus far characterized Congress? Are we

going to encourage the committees which have fallen into bad habits of division of projects and silence, which are intent upon what has been designated by the country as a spoils system? Or are we going to give a committee jurisdiction of this subject whose very name indicates its purpose?

What was the basis for the proposition upon which the Interstate Commerce Committee was organized? It was the promotion of interstate commerce. Prior to that time, the Commerce Committee of the Senate was the only committee on commerce having jurisdiction both of foreign and of interstate commerce. What did the Senate mean when it created the Committee on Interstate Commerce? Why, it meant that it intended to segregate that entire subject from the jurisdiction of the Commerce Committee, and give it to the new committee.

What has that new committee done? Why, it advanced gradually and progressively toward complete jurisdiction of the subject, and wisely so. The first question which it took up was the question of rail transportation, for that was the vital question of the time—the regulation of these giant carriers that had constructed a network of rails over the entire country, and were controlling political organizations and legislatures and administrative officers. After a long struggle, as the result of the recommendations of that committee, legislation was enacted under which public regulation was developed, and it is now about to enter upon an inquiry which embraces not only the perfection of that regulation but the study of a possible Government ownership.

Then it took up the question of the control of telegraph companies, and then of express companies, and then of oil carriers; and now it finds before it the vital question of the development of our water transportation, the promotion of water carriage, and its regulation and control in such a way as to protect it from the rail carriers, who have been the destroyers of the water carriers, and the development of both as coordinate instrumentalities for the service of the public.

Mr. President, the traditions of the committees of the House and the Senate—the Rivers and Harbors Committee of the House and the Commerce Committee of the Senate—are such as to give no indication that they will take up this question in a full and comprehensive way, and it does not fall within their jurisdiction. That jurisdiction has been exercised there by sufferance and not as a matter of right; and yet, when we seek to have bills for the regulation of commerce between the States by the instrumentality of water carriers referred to the Interstate Commerce Committee, whose jurisdiction upon those subjects is a matter of right, we are met by the objection that the practice has been to the contrary, and that as a matter of tradition the Commerce Committee has control of this subject.

Mr. President, I have talked with individual members of the Commerce Committee, which is composed of men of the highest distinction and the highest character in this body. I know how individuals on that committee have felt with reference to the lameness and the impotency of this development. They are embarrassed by the practices of the past, by the traditions of the past. They are embarrassed by the necessity of immediate action with reference to the localities which they represent; and it is much easier to pursue the beaten path of legislation than to indulge in revolution which may temporarily disturb the progress essential in their judgment to the prosperity of the communities which they represent.

I make no attack on that committee or its membership. I was once a member of that committee myself. I sat upon it for several years. My purpose in going upon the committee was to secure the consideration of some big measure that would correct the practices of the past. I found that committee so overloaded with work—not simply with work relating to the river and harbor bill, but with work relating to other departments and bureaus of the Government—that they had not the time to take up such a consideration; and whilst I was persistent and insistent I could never get patient consideration for a broad and comprehensive measure. So, having failed there, I went off the committee; and ever since I have been off the committee I have been pressing this matter upon the floor, in the hope that I could arrive at some accommodation. I have even gone so far as to suggest that we should organize a new committee in the Senate as they organized it in the House—a committee of 15, of which one-third should be taken from the Committee on Commerce one-third from the Committee on Interstate Commerce, and one-third from the Committee on Irrigation and Reclamation of Arid Lands. I have not been able to make any headway with that proposal. Such a committee would not resemble the committee that has been organized in another body, whose jurisdiction seems to be only over flood control and whose jurisdiction seems to be exercised simply in taking care of the floods after they have been massed, instead of preventing them from massing. It would be a committee composed of experienced men on all three of these committees, embracing Senators representing every section of the country, with a view to framing not simply a measure for the flood control of the lower reaches of the rivers but with a view to controlling those waters from the time they fall from the heavens upon the earth, God's benefaction to men, and putting every drop of that water to beneficial use before it finally mingles with the waters of the ocean.

Whilst this bill has progressed I have not been disposed to intrude my views very much regarding it. For instance, I did not know until to-day that this bill embraced seven or eight projects with reference to which Congress at the last session, during the consideration of the last river and harbor bill, ordered a reexamination to be made. Why did Congress order that reexamination? Because it had doubts as to the feasibility and value of the projects. Does not good faith require that Congress should wait until these examinations and reports are made to Congress, so that it can form its judgment? Yet these appropriations are placed in this bill, doubtless as the result of the settled convictions of the Senators or Representatives representing the districts to which they belong of their feasibility and their value; but the judgment of Congress was that their feasibility and value was in such doubt as to require a reexamination, and those reports have not been made. How are the items in this bill? They are in this bill as a part of this very system which I criticize, whereby, in order to get the support of all the members of the committee for a bill and to present an undivided front either in the House or in the Senate, it is necessary to include measures concerning which there is doubt, but concerning which certain members of that committee have no doubt. So they are included, and thus the judgment of two or three or four or five or six men backing these projects, which have been declared by Congress to be of doubtful value, is forced upon the judgment of the Senate and the House of Representatives, and we are called upon either to defeat the entire bill or to let these appropriations go through.

I wish to say that, with reference to the flood-control bills coming from the House of Representatives, I claim that there has been—I will not go so far as to say a lack of good faith, but I do claim that there has been a lack of consideration. The city of New Orleans was in danger, was fearing another flood. The Reclamation Association of New Orleans and the Chamber of Commerce of New Orleans have declared in favor of a bill which I have been urging for years, known as the Newlands-Broussard river-regulation bill, differing in their judgment, perhaps, from the rest of the lower Mississippi Valley, the people of which seem attached to the present system of river development and river appropriation.

The city of New Orleans, as the result of that system of inviting the waters of this great watershed to rush down the Mississippi River, by the very doors of New Orleans, has seen the flood level constantly rising in height and threatening the destruction of the city, and so the people of that city have been compelled to build their levees higher and stronger. The entire city may yet, at some time, be the victim of some failure of or defect in its levee system through a crevasse or otherwise. So, being apprehensive, as they saw the policy being carried out of building these levees higher and higher in order to prevent the waters from going over their accustomed area of overflow and thereby lowering the height of the flood below, observing that their flood level was constantly increasing in height, they sent a telegram to the Secretary of Commerce calling attention to this important question. That communication was laid before the Cabinet, and as a result of that the interdepartmental committee of Cabinet officers, appointed three years ago to consider this river-regulation bill, as a result three-fourths of them declaring in favor of it and the other one-fourth, the Secretary of War, not opposed to it but not enthusiastic about it, that interdepartmental Cabinet committee was called togeher, and what did they do? The first thing they did was to send for those who were responsible for the Newlands-Broussard bill and for the Ransdell-Humphreys bill, assuming that these two bills covered all the proposals that could be made upon the subject. As a result of this inquiry, these gentlemen, this Cabinet committee, made a unanimous report to the President, recommending substantially the organization which has been urged by the bill which bears my name. They recommended coordination of services by the appointment of a departmental council, consisting of the Secretaries of War, of the Interior, of Commerce, and of Agriculture, with the President at its head, and authorizing that commission to bring the various services into coordination, and providing the other machinery for full and comprehensive consideration of all the problems that relate to water, including cooperation with the States.

It was supposed, inasmuch as the Senator from Louisiana [Mr. RANSDELL] assented to those recommendations, his assent would carry the support of his associate in that bill, Mr. HUMPHREYS, of the House, but it did not.

Mr. RANSDELL. Mr. President, may I interrupt the Senator?

Mr. NEWLANDS. Yes.

Mr. RANSDELL. I should like to ask the Senator if, when he invited me to that conference, I did not insist that he wait until Mr. HUMPHREYS returned?

Mr. NEWLANDS. The Senator did.

Mr. RANSDELL. And told him that I had no authority to speak for Mr. HUMPHREYS?

Mr. NEWLANDS. That is right.

Mr. RANSDELL. Then, why does the Senator try to insist on my binding Mr. HUMPHREYS? He has done that about three or four times on this floor. I told the Senator that I could not bind Mr. HUMPHREYS; that I could not bind the other House; that I was willing to stand by what the interdepartmental conference did; and I urged Mr. HUMPHREYS and several of his most influential associates to create some kind of commission which would carry out the ideas of the Senator from Nevada; but they refused to do it. I am willing now—and I said so the other day on this floor—to create a commission to work out some kind of control of the waters from the time they fall from the clouds until they get into the ocean.

I can not control this matter, however. I have presented the interdepartmental plan for a national waterways commission to a number of Senators, asking them if they would stand for such a commission; and I have not found one who would agree to anything of the kind. I am tired of having my name brought in so often, I will say to the Senator, in connection with this by innuendo or otherwise. I want the Senator to confine himself absolutely to a plain statement of the actual facts of the case. I tried to get Mr. HUMPHREYS there; I tried to get the Senator to wait until he came, but he would not do it.

The Senator insisted on holding the conference, and at the meeting I said that I had no objection to the general plan which the departmental committee desired. I am willing to have it, so far as I am concerned. I am so anxious to get legislation for the lower Mississippi that if Congress will legislate for it and relieve my people from the awful suffering and sorrow that they have had to undergo from the waters of 31 States since the beginning of this Republic, I shall make no objection to investigating other projects; but I insist on this, and this alone: That no money be appropriated for anything until it has been thoroughly and carefully investigated and reports thereon have been made to Congress. The Senator will remember that I said that, and I am willing now to have a commission created that will study water for the purposes of irrigation and navigation, porosity and absorbent qualities of the soil, about which the Senator is so anxious, drainage, flood control, and every use of water; but I do not think that it really would be quite dignified to ask the President of the United States and four of his Cabinet officers to form such a commission.

It seems to me that, if we wish to get something practical, we should create a commission of seven or nine of the ablest men in the United States, of the ablest engineers, men of the caliber, for instance, of George W. Goethals, the Panama Canal builder. We might create a commission of that kind and put Goethals or some other able man like him at its head, and say to them, "Gentlemen, we are not altogether satisfied with the present system of spending money on drainage, navigation, irrigation, flood control, the use of water in connection with forestry, and all the uses of water. Work out something better if you can, gentlemen of this commission, and submit it to us, and let us see if we can devise wiser methods than those now in use." I have no objection to that kind of a commission. I have said that here; I said it to the Senator from Nevada [Mr. NEWLANDS] first, and then I said it to many others. I am entirely willing to have that kind of commission, but I do not wish to be placed in a false position, and I do not think the Senator from Nevada means to misrepresent me; I hope he does not; but I am bound to state exactly what happened at that meeting and to set myself right.

I had no power to control the other House, but I did confer with Mr. HUMPHREYS and some of his associates and try to get them to have a much broader commission than their bill provides. I discussed all these questions with Mr. HUMPHREYS, Dr. FOSTER, and Mr. R. J. WILSON, and they will tell the Senator so. I urged that on them strongly.

Mr. NEWLANDS. Mr. President, I am very glad to hear the views of the Senator from Louisiana, though they have been expressed with unnecessary heat. I am glad also to know that he favors substantially the recommendation by this departmental commission.

I did not misrepresent the Senator from Louisiana. I stated the facts—the fact that the junior Senator from Louisiana [Mr. BROUSSARD], the senior Senator from Louisiana [Mr. RANSDELL], and myself consulted with this Cabinet committee, and that it was assumed by us that his colleague in the Ransdell-Humphreys bill would follow those recommendations. That assumption proved to be incorrect; but the statement that the assumption existed and it was incorrect is no reflection upon the Senator from Louisiana.

I wish, however, to state that I have now learned for the first time that the Senator from Louisiana is prepared to accept the recommendations of this Cabinet committee; I mean for the first time recently, but since the bill was introduced and reported by the Flood Control Committee of the other House, I assumed that the Senator from Louisiana had practically abandoned that recommendation, for I understood—and in that I may be inaccurate—that the Senator from Louisiana introduced in the Senate the same bill that was introduced by Mr. HUMPHREYS in the other House. Is not that correct?

Mr. RANSDELL. I did so because I believed it was the very best that we could get.

Mr. NEWLANDS. I assume from that that the Senator was disposed to support that bill, and I am opposed to that bill.

Mr. RANSDELL. I am disposed to support the bill, Mr. President.

Mr. NEWLANDS. I am going to fight against that bill because of the abandonment of the most essential recommendations of this cabinet committee, which is a coordination of the various scientific services of the country in this great work of comprehensive river development, the basic thing upon which the other sections of the country rely. I am willing to give Louisiana the money; but what I insist upon is that the bill that carries the money should also carry the organization that will be of advantage to sections of the country other than the lower reaches of this river. I am more intent upon a perfected organization that will give us a perfect plan than I am upon immediate appropriations. I am perfectly willing to sacrifice any appropriations called for by the bill which I have supported, and am perfectly willing to give the South the appropriations that they insist upon; but their policy seems to be to insist that we should shove the waters continually down upon them so that they levee against them, and spend money in leveeing against them, whilst we say we want to retain these waters within our own boundaries as the sources of untold wealth. That bill unfortunately——

Mr. RANSDELL. Will the Senator permit a brief interruption?

Mr. NEWLANDS. Yes.

Mr. RANSDELL. I want to ask the Senator if he recalls that in March, 1909, a National Waterways Commission was created by act of Congress, with the following membership: Theodore E. Burton, of Ohio, chairman; Jacob H. Gallinger, of New Hampshire, vice chairman; Samuel H. Piles, of Washington; William Alden Smith, of Michigan; F. M. Simmons, of North Carolina; James P. Clarke, of Arkansas; and William Lorimer, of Illinois, on the part of the Senate; and on the part of the House, D. S. Alexander, of New York; Frederick C. Stevens, of Minnesota; Irving P. Wanger, of Pennsylvania; Stephen M. Sparkman, of Florida; and John A. Moon, of Tennessee?

That commission made a report in March, 1912, which shows that they had examined the waterways practically all over this country and Europe. I shall not take the time of the Senate by reading it. But on page 65 of their final report they say that they thoroughly examined the Mississippi River from St. Paul to New Orleans, that they had inspected the Missouri River from Kansas City to its mouth and the Illinois River from the lower portion to the head of navigation. They had the assistance of a great many very able engineers and experts. I desire to read merely a brief sentence from the report, as follows:

> Numerous propositions have been made for the creation of a board of public works or other body which shall decide upon the feasibility and desirability of propositions for expenditures on rivers and harbors. The commission is unwilling to recommend a change of this kind, and points to the fact that the past recommendations of the Engineer Corps have been carefully prepared and with a degree of expert knowledge and comprehension of the commercial needs of the country which could not well be supplied by any other body or organization. The advantages which attach to the Engineer Corps are obvious. The members are in the permanent service of the Government and are free from those influences which would inevitably be brought to bear upon men in civil life. Those engineers now engaged in the work are carefully trained in the planning and execution of these improvements and have special qualifications for judging the feasibility and the cost of proposed river and harbor projects. They also have a good general knowledge on the

probable commercial results which would accrue, though on this point their opinions have not been regarded as conclusive.

That commission was created for the purpose of investigating questions pertaining to water transportation and the improvement of waterways and to make recommendations to Congress. It was certainly composed of a number of the very ablest men in the Congress at that time, and it recommended leaving waterway matters in the hands of Congress and the Engineer Corps of the Army. I do not know that we can act in any wiser way than that, though, as I have said, I am willing to have another commission created to make a study similar to that made by the National Waterways Commission and with enlarged powers, as I have indicated, to see if any better plans can be worked out.

Mr. CLARKE of Arkansas. Mr. President, I want to say that, whilst I was a member of that commission, I was not able to devote any attention to its work.

Mr. NEWLANDS. Mr. President, I will state that that commission, called the National Waterways Commission, was organized some two or three years after the Inland Waterways Commission had made its report. Mr. Burton was the chairman of both of those commissions. The National Waterways Commission, the last one appointed, was composed entirely of Members of the Senate and of the House, selected from the Commerce Committee of the Senate and from the Rivers and Harbors Committee of the other body. Those committees were practically wedded to the system which has existed so long. The Inland Waterways Commission was a commission appointed by President Roosevelt and composed of two Senators, two Representatives, and the chiefs of the various scientific services, including the Chief of Engineers of the Army, the Chief of the Reclamation Service, the Chief of the Forestry Service, the Chief of the Geological Survey, and some others.

That first commission, the Inland Waterways Commission, after a thorough survey of the entire subject, visiting every part of the country, made a report recommending practically the organization covered by the bill which I had the honor to introduce and the organization recommended by the present Cabinet committee. Mr. Burton signed that report as the chairman of that commission.

Now, I wish to say that, whilst Mr. Burton knew more about the waterways and the harbors of this country than anybody else, Mr. Burton was never an active advocate of the development of our rivers. Instead of being the engine that propelled this movement he was always the brake upon the movement. Brakes, as well as engines, have their use. So far as I am concerned I prefer to belong to the motive power rather than to the braking and obstructing power. But you can review Mr. Burton's entire connection with the river development of this country, and you will not find that driving energy, that faith and confidence that are essential to carry through a great movement; but throughout, so far as river regulation is concerned, Mr. Burton has been an obstructor, a brake upon the movement, rather than a motive power.

I make no reflection upon Mr. Burton when I state that. He will probably state that to be his own position. He signed the Inland Waterways Commission report, however, providing practically for the very organization for which I am now contending.

Why was that second commission organized? I asserted at the time that that commission was organized because it was felt by the opponents of river development, of real, genuine river development, that the recommendations of the Inland Waterways Commission, urged by Mr. Roosevelt and urged by Mr. Taft in a report when Secretary of War, were about to ripen into legislation, and so the expedient was resorted to of getting a new investigating commission.

I protested against it at the time. I wanted no more investigations; I wanted work; and I wanted a commission organized to commence work and not simply to study the subject; and that commission was not organized in such a way as to develop a vital energy in this movement.

So I expected that a commission composed entirely of members of the Rivers and Harbors Committee of the other House and of the Commerce Committee of the Senate, who had been accustomed for years to regard the Engineering Corps of the Army with the highest confidence and esteem, and to question whether there was wisdom anywhere else than in that corps—I expected that they would make a report practically insisting that the work should continue as heretofore, entirely under the control of the Engineer Corps.

Recollect, that I do not propose to deprive the Engineer Corps of one iota of jurisdiction which they have had in the past. I simply propose to add to their knowledge and their information and their work the knowledge and the information and the work of other scientific services of the Government; but I regret to say that the Engineer Corps of the Army, exclusive, as it always has been, by reason of its military organization, does not look with favor upon a cooperation or coordination of powers; and that is the one criticism that I have to address to that corps. I have no hostility to that corps; on the contrary, the great bulk of the work done under this proposed new system of organization will be done by the Engineer Corps of the Army, and their work will be enlarged instead of diminished; but it seems perfectly obvious that when different forces and boards and bureaus and services are at work upon the elusive waters of these great river systems—in Montana to-day, in Missouri to-morrow, and in the Gulf of Mexico the day after that—the cooperating, coordinating powers of all these services should be employed by the Government, not only in plans but also in work.

So, as against Mr. Burton as chairman of the National Waterways Commission, composed simply of members of the Commerce Committee of the Senate and of the Rivers and Harbors Committee of the other body, I appeal to the judgment of Mr. Burton, as chairman of the Inland Waterways Commission, composed not only of Senators and Representatives, but of the chiefs of the scientific services of the Government, and by reason of that fact, it seems to me, taking a broader view of the subject.

If you will refer to the report of the Inland Waterways Commission, you will find that that commission regards as essential the coordination of these scientific services, the cooperation of the Nation with the States in the proper and proportionate development of the rivers of the country.

Mr. President, I will say that I do not think the members of the Commerce Committee of the Senate and of the Rivers and Harbors Committee in the other House are quite satisfied as individuals with the system which has been pursued; but they find themselves under the restraint of yielding their individual opinions here and there in order to get what they need, or what they think they need, for their constituencies. It seems to me, therefore, that the Senate of the United States might well turn over this subject matter of the development of our rivers to the committee which is organized for the development of interstate commerce and declare now that, inasmuch as the subjects relating to interstate commerce have constantly increased, coming under the jurisdiction of this committee, this subject shall also be added.

What I fear is that, if we permit, against the individual judgment of the Members of this body, a big measure like this, with many defects, to pass upon the assumption that it has in it more of good than of bad, we will lose the opportunity of broad, comprehensive legislation upon this subject, which can be spurred on only by necessity. If those interested in the various projects realize that they can get only what they want by the perfection of the system, they will hurry to perfect the system.

I am very unwilling myself to take any obstructive attitude with reference to any legislation; but if ever there was a condition that warranted it it is now. For two sessions river and harbor bills—I think for two sessions—have been rejected by Congress, and we have been compelled to resort to lump-sum appropriations. That very condition shows that the system is at fault and that there is a widespread dissatisfaction with it, which is reflected not only here but throughout the country; and it seems to me that Senators may well now consider whether this is not the time to seize for appropriate work and whether if this opportunity is lost it can be recovered in the future.

Mr. VARDAMAN. Mr. President, I would commend to Congress the wise advice given by one of the world's great thinkers:

> Be wise to-day; 'tis madness to defer;
> Next day the fatal precedent will plead;
> Thus on, till wisdom is push'd out of life.

The discussion of this bill has been of peculiar interest to me. The variety of views expressed and the multiplicity of plans proposed reveal the marvelous mechanism and the winding ways of man's mentality. The different viewpoints, the angles at which the question is seen, and the conclusions reached afford an interesting study in psychology.

My good friend the learned and patriotic junior Senator from Iowa [Mr. KENYON] finds little good in the measure, and with tears in his voice he solemnly assures the Senate that his sense of duty is so outraged by this legislative enormity that he is utterly helpless from any point of consideration to square an act in support of this bill as consonant with his sense of obligation to his constituents. Therefore he is compelled to maintain an attitude of relentless antagonism to it. In this determination he is very ably assisted by the erudite, persistent, and patriotic Senators from Nebraska and Wisconsin. Notwithstanding the fact that the system of river and harbor improve-

ment is of long standing and the policy an ancient one, if such a term may be used with reference to anything in America, which has repeatedly received the unqualified approval of the American people in their national political platforms and at the polls, viewed through the glasses used by these able Senators and measured by the standard employed by them it is a veritable thing from Nazareth, out of which no good could possibly come.

Mr. President, there is not anything conceived in the brain or constructed by the hand of finite, fallible man that is perfect. One who recognizes man's mental and moral limitations, and the great variety of interests to be subserved, would not expect this measure, or any other measure, that might originate with this body to be free of all objectionable features. Certainly the proponents of this bill do not claim for it perfection, or in very large degree the elements of inerrancy. But it is as good as its predecessors. It is as good as the men who framed it, and the men who framed it are as good as any other men who occupy places in this Chamber or hold membership in the Congress.

Now, let us see how this bill was created, the multiplicity of interests it is intended to serve, and the various sections of our common country where these interests are located. From the east to the west, the north to the south, contributions are made to this proposed piece of legislation. It is intended to take care of the waterways of New England, down our eastern coast to Florida, from Florida around the continent to San Francisco, and from San Francisco to Alaska, and from Alaska back to the Northeast. It also serves the Middle and Western States, and the Northern, Southern, and Eastern States. There is scarcely a place an inch square on a map of America of ordinary size that does not mark the location of some interest treated by the bill. It was constructed by the Representatives in Congress of the American people from every section of the Republic—men who are here for the purpose, not of promoting personal interests, but rather of serving the interests of all the men and women who pay the taxes and bear the burdens of government. The bill is altruistic in its purposes, boldly patriotic in its design, and intended solely for the public good.

If this were a new project or an untried scheme, there might be some justification for the wholesale abuse, the conscienceless lambasting, and the cruel excoriation which this measure has received at the hands of certain honorable Members of this body. But it is not new. It is pretty nearly as old as the Republic itself.

And, as I stated a moment ago, it has received the unqualified indorsement and approval of all the important political parties in America. The great seminal idea or principle running through this bill underlies the prodigious conservation schemes which have been adopted by this Government and put into operation in the semiarid West. Its benign purpose is to facilitate commerce between the sections by deepening the channel of the great waterways, the effect of which will be to lower the freight rates and save to the people the profits which otherwise would go to the owners of the railroads and the common carriers.

Now, I am not at all wedded to the policy of digging canals or canalizing rivers for the sole purpose of controlling freight rates on railroads. That strikes me as rather an expensive expedient or policy. If I had my way about such matters, I should insist upon the Governments, State and National, regulating railroad rates, and thereby save to the taxpayers the cost of constructing waterways. But, Mr. President, I can not have my way about these things. My judgment will not be taken by all the Members of Congress and the American people on this or any other question. No man can hope to have that degree of consideration given his views. There is no infalliby wise, benevolent despot in this country to whom these matters may be referred for prudent and perfect arrangement. So I shall do that which every rational and patriotic servant of the people in the legislative department of the Government ought to do. I shall take the next best thing. I am not going to say, because the Senator differs with me, that the scheme he proposes is a dishonest scheme, designed to rob and plunder the Treasury, and to misuse the money collected from the people by taxation. If I had had my way in framing this bill, very probably I should have eliminated some of the old projects that are scarcely worth the money spent upon them, and put in their stead new and more meritorious projects. But I did not have my way and I can not have my way. Now, because I can not have my way, I am not willing to destroy the whole system—a system that has been employed not only in America but in every civilized country beneath the stars, both in ancient and modern times, with the net result of positive good to the people of the respective countries where it has been tried.

Mr. President, I have not reached that point yet—and God forbid that I may ever reach it—where I shall feel that I have a corner on all the patriotism and wisdom in the Congress of the United States. It may be uncharitable on my part, but I can not refrain from a sneaking suspicion that every man who admits his own infallibility is not the true glitter that comes from the genuine gold. I am willing to join with my colleagues in an effort to work out, develop, and perfect, as nearly as we can, this bill. If I should conclude after the work is finished that the bad outweighs the good, then I shall do what I concede it to be the right of every other Senator to do—vote against the measure. But, after all, it is a matter of judgment rather than a question of moral turpitude.

Mr. President, I was very much impressed a few days ago with an address delivered in this Chamber by the venerable and honorable Senator from South Carolina [Mr. TILLMAN]. His long service in this body and his well-known devotion to the interests of the common people of America entitle anything that he might say to serious and respectful consideration. Senator TILLMAN has said a great many good things on the floor of the Senate in days gone by which challenged my admiration and commanded my highest approval. He said those things when it required courage to say them, and he did many things which it required the highest order of patriotic courage to do. For that reason I confess to a degree of disappointment when I heard him utter these words:

> We need the money so much for more important things that it is criminal, to my mind, to hesitate for one moment or discuss this bill at all. Think of it! Forty million dollars to be wasted and taxes to be heavily increased. That forty millions would build two battle cruisers. No one knows how many submarines it would build, and I can only guess how many airships and other things of that sort we could buy with it.

Mr. President, the Senator from South Carolina can not be more solicitous about the future welfare of this great Republic than I am. I yield to no man in my love of country and willingness to make a sacrifice in its interest. He and I may differ as to the methods, the extent, the time, and the occasion for preparation for defense; but about the ends to be served, I dare say, there is very little difference between us. I want an adequate navy, one capable of defending the rights of the American people against any power that may dare to violate those rights. And I think we have such a navy. Love for this Republic and patriotic concern for its future are not new impulses or novel passions. It is the common attribute of the American citizen, and has been from the formation of the Government to the present day. "Preparedness" has become a fad, and the much talk about it is rather a cheap method of advertisement. It is heard more from the lips of that character of our citizenship who in the past have shown less patriotism in thoughts and less altruism in action than any other class of our people.

Of course, I will not question the purposes or the loftiness of their motives; but the fact remains that many of this vociferous, opulent breed of militant patriots, famed for their much speaking, will be pecuniarily benefited by carrying out their suggested plans for "preparedness." Of course, it may be that pelf and patriotism, profits and "preparedness" are mere coincidents. It is not my province to judge. But if we are to prepare for war—which I myself do not think at all imminent—that fact will in no wise justify this Congress in failing to carry out the promises made to the people of America in our platform with reference to waterway improvements by cleaning out the streams, leveeing the rivers, and deepening the harbors.

I believe that a platform promise imposes an obligation that can not lightly be thrown aside, and I have never regarded a platform promise as molasses with which to catch flies or for the purpose of getting votes.

It is my good fortune, Mr. President, to represent in part in this Chamber a people who are vitally interested in the passage of this bill. There are several streams of minor importance within the limits of the State of Mississippi. The harbors on the Gulf coast afford access to the ships from every land, which come to our coast to bear away great cargoes of freight to the world's market. But the great item—the project of paramount importance to them in this bill—is the Mississippi River and the protection of the great Mississippi Delta, the most fertile section of our common country, inhabited by hundreds of thousands of patriotic, enterprising, happy people—people living behind the levee—and the preservation of whose homes depend upon the passage of this bill.

It has been said that the Mississippi River is the "drainage ditch" for more than one-half of this Republic in North America. The water that falls on 32 States finds its way to the sea through the channel of this wonderful stream. Of course, the people on the bank of the lower Mississippi can not afford—it is

a physical and financial impossibility—the expense of deepening the channel and leveeing its banks so as to hold this vast volume of water within the channel without Government aid. Mr. President, the Government of the United States alone is capable of solving that problem, and a failure on the part of the Congress at this session to take such action as the exigency and the magnitude of the problem demand will involve a betrayal of a sacred trust.

The residents of the great Delta of the Mississippi Valley, I am sure, Mr. President, will not listen with very much patience or approval to the suggestion made by the senior Senator from South Carolina [Mr. TILLMAN] when he suggests that it is of more importance that the money proposed to be appropriated by this bill be used for the protection of their homes and firesides from the devastation of the floods, should go to build battleships and other instruments of death, which, I know, are not needed now. With all due respect to the venerable and highly honored Senator, I think the suggestion is a little short of monstrous. It only shows to what extremes man may go when obsessed with some vague and indescribable apprehension of impending disaster. It is the effect of the policies of falsehood injected into the veins of the body politic by the wild advocates of preparedness. Since the days of John Law, with his Mississippi Bubble, I do not think a more palpable fraud has ever been attempted to be perpetrated upon a patriotic, intelligent people than is being attempted at this time by the interested advocates of "preparedness."

Mr. President, in my support of the measure before the Senate I trust I shall be able to rise above all sectional considerations, that the egotistical element may be wholly lacking in my conduct. I sincerely hope that I may be able to demean myself as an American Senator should act charged with the responsibility and the duty of conserving the interests of the Nation. While I know that I am not wholly free or exempt from the influences, environment, and the considerations of personal, selfish interests, I am going to try in this instance, as I have universally endeavored to do since I became a Member of this body, to rise above those distorting and warping influences and to live and act that broad, selfish altruism, which, to my mind, is the highest evidence of man's fitness for legislative duties. In being true to myself and the best and higher interest of my immediate constituents I can not be false to my colleagues and untrue to my country.

The time has arrived, I think, when the Senate should take action in this matter. Free and full discussion, exhaustive discussion, has been had; and now we owe it to the American people, our masters, to take definite and certain action.

But there is another snag in the stream that we have encountered, which I shall notice briefly. The erudite, far-seeing senior Senator from Nevada [Mr. NEWLANDS] has a scheme of marvelous magnitude, which he has, with the pertinacity of purpose that characterized the elder Cato in his antagonism to Carthage, urged upon the attention of the Senate of the United States. I trust, Mr. President, that I may at this juncture be permitted to pay to the honorable Senator the tribute of my respect and admiration. He is one of those splendid dreamers whose vision permits him to stand within the shadow of the night and look beyond it toward the coming light and see, far off, with trance-prophetic eye, the consummation of the centuries. Maybe he is just a little bit ahead of his time. I know that the American people can not afford or expect his wonderful plan, so marvelous in its conception, intricate in its details, and, to my mind, well nigh impossible of operation, to be put into effect at this time. So far-reaching, vast, and comprehensive is the system offered by the able Senator that he proposes by "cooperation and coordination" of some sort to take possession of the water from the time the mist in the heaven is condensed into the drop of rain, conduct it to the earth, harness it, control it, and direct its course until it becomes a part of the great restless, rolling sea.

He would extract the fertilizing qualities from the drop of rain and with it enrich the earth. He would use the kindly moisture to encourage the growth of the young and tender plants. He would hang the dewdrop upon the flower, and through the reflected rays of the sun study the colors of the rainbow with all its neutral tints. He would control the waterways of the land by impounding the rainfall, create the power that would generate the electricity to light the world, and turn the wheels of industry; he would direct the current and control the flow of the streams upon whose placid bosom the commerce of the nation might float; he would follow the water into the sea, and after he had directed it through all of its meanderings, he could then withdraw himself from the "madding crowd's ignoble strife," seek seclusion upon some tropical Morro, where he might sit with the tragic poet of old, and "listen to the multitudinous laughter of the sea," and peacefully, with infinite pride, contemplate the marvelous work of his wonderful scheme. A more ambitious undertaking never stirred the brain of man, and, I might add, no such scheme was ever accomplished.

Mr. President, nothing short of Omnipotence could carry out this scheme. The despot who built the Pyramids accomplished an inconsequential undertaking compared with the magnitude of this stupendous project. If some modern Sesostris wielded the scepter of absolute authority at Washington, and all the American people were his slaves, and that great ruler should be possessed of the vision of all the poets, the combined wisdom of all the philosophers, and the tested skill of all the engineers of ancient and modern times, I am persuaded that probably in the course of a century he might be able to carry out the tremendous undertaking proposed by the senior Senator from Nevada.

Of course, I am not entirely sure about the length of time it might require, but I am sure it would take at least a century to accomplish what the Senator from Nevada has in his mind. Not having in hand all of those influences and forces to employ, it seems to me, Mr. President, an unwarranted prodigality of time to consider further the Senator's pet project.

Let us pass this bill and conserve the lands of the great delta which are liable to destruction by devastating floods. Let us deepen the harbors, that the products of our fields, forests, and factories may be floated out to sea and carried to the peoples of the world who need them. Let us deepen the channels of the rivers, that our domestic commerce may be facilitated; that the consumer may be given cheaper freight rates; and the interests of the toilers of all America be promoted. I will go further: I shall be glad to cooperate with the Senators from the great West in carrying out the plans already inaugurated for the reclamation of the arid lands of the West that happy homes may be made for the homeless and that prosperity and abundance may be vouchsafed to our people.

The future of America is in the keeping of the country home. Free institutions find their enduring foundation upon the home, away from the congested centers—with that class of our people who live close to nature and nature's God, whose labor is remunerative, healthful, and inspiring. In the heart of the American farmer burns the unquenchable fire of patriotism which shall save this Republic from the corroding influences of sordid materialism which is eating out the hearts of the money lovers and stifling the speechless, longings of the heart of the indigent unfortunates who live in the congested districts.

Mr. SHEPPARD. Mr. President, before the vote is taken on the motion of the Senator from Iowa regarding the Brazos River, I think it proper that a brief answer should be made to his allegations.

I desire to direct the attention of the Senate to the recommendations of the engineer who examined the Brazos River, and on whose report the present project is based.

The examining engineer was Capt.—now Col.—Edgar Jadwin, one of the ablest members of the Engineer Corps. His report was practically a continuation of a report by Col. C. S. Riché, who initiated the preliminary examination, and who is one of the most brilliant members of the corps. Jadwin said:

> Having in mind the existing development of the valley, the fact that it lies in the center of the State, is traversed by three railroads, produces about one-third of the cotton crop of the State, and probably half the crop of the State passes through it now by rail; that Texas is the principal cotton State, producing an average of about 2,500,000 bales, worth about $50 per bale—

That was some 10 years ago. The cotton production of Texas is now somewhere between four and five million bales, worth about $50 a bale—

> that there is no water transportation in the section from Washington to Waco; that this improvement will put the section in water communication with the largest cotton port in the United States; the results obtained elsewhere where water competition has been afforded, the possibility of an extension of the improvement farther inland above Waco, if required, and the relatively low cost and the quickness with which the result can, with adequate appropriations, be obtained to Waco, it is evident that the proposed improvement is especially meritorious, and that the basic conditions show it to be a project worthy to be undertaken by the United States.

On the strength of that report, Congress inaugurated the present project, and provided for the erection of two locks and dams—two of the eight locks and dams which Capt. Jadwin said would be necessary in order to complete the project.

The territory tributary to the Brazos contains about 31,084 square miles, a territory nearly as large as Indiana, larger than South Carolina or West Virginia, and within 1,000 square miles of being the size of Massachusetts, Rhode Island, Connecticut, New Jersey, and Maryland combined. While this section is only about one-eighth of the entire area of Texas, it has more than a third of the population of the State, and produces one and

one-half million bales of cotton, which is more than one-third of the cotton crop of Texas, and nearly one-tenth of the cotton crop of the entire world.

Of course, Mr. President, no commerce of any respectable size can possibly develop on the river until the entire project has been completed, until the eight locks and dams have been constructed between the mouth of the Brazos and Waco, the head of navigation. Waco is a city of some 40,000 people. It has seven railroad trunk lines. Within a few months the interurban railway has been completed from the Red River section and Dallas. A pipe line for natural gas from the Mexia field has been constructed. Waco does $70,000,000 worth of wholesale business annually. It is the center of the most thoroughly populated section of Texas, and it is the largest inland cotton market in the world.

At the mouth of the Brazos, Mr. President, a deep-water port has already been established—a port that now has a minimum depth of 18 feet, and one of the largest fuel-oil concerns in the world is establishing extensive warehouses there. This concern has indicated its intention of barging its oil to Waco as soon as the river has been improved, and of building at Waco a storage plant with a capacity of 600,000 barrels. One of the largest sulphur deposits in the world is being developed near Freeport. The tonnage transported from that port to the markets of the world amounted to 53,133 tons in 1913, 104,281 tons in 1914, and 152,945 tons in 1915. Three steamships make regular calls at Freeport, at the mouth of the Brazos, each month, and do a large business. I shall give the Senate the names of some of the boats that are now operating between the mouth of the Brazos and the ports of the world.

They are the *Kennebec*, the *Honduras*, the *Algiers*, the *Frederick Luckenbach*, the *Wilhelmina*, the *Wm. P. Palmer*, the *Carolina*, the *Francis Hanify*, and so forth. Now, the improvement of the Brazos River will connect this important port with a large part of the interior of Texas and will put that important territory in touch with the markets of the world. I know of no waterway proposition that has greater possibilities than this Brazos River project.

Mr. THOMAS. Mr. President, may I ask the Senator if the town of Freeport, at the mouth of the Brazos River, has railway connections?

Mr. SHEPPARD. It has. The Missouri, Kansas & Texas Railroad, one of the large trunk systems of the Southwest, now has railroad connection with Freeport, and the other principal trunk lines of our section are preparing to make similar connection.

Let me say one other thing. The Senator criticized the fact that there was to be a depth of only 3½ or 4 feet from the mouth of the Brazos to Waco. That is an entirely sufficient depth for an extensive barge service. Why, Mr. President, on the Rhone in France, from Le Parc, near the Swiss boundary, to Lyon, a section 95 miles long, the navigable draft is only 1.3 feet, and yet the traffic on that section in 1905 was 160,000 tons. On the Rhone, from Lyon to Arles, a distance of 178 miles, the navigable draft is 3.3 feet; and boats of this draft on the Rhone to-day carry 400 to 500 tons and are from 400 to 430 feet long. The traffic on this section in 1905 amounted to 750,000 tons.

More than that, the Oder is one of the principal rivers of western Germany. It has six divisions: First, from its junction with the Neisse to Breslau, 46 miles, with a depth at mean low water of from 2.6 to 3 feet; second, from Breslau to Furstenburg, 185 miles, with a depth at mean low water of 3 feet; third, from Furstenburg to Kustrin, 38 miles, with a depth at mean low water of 3.3 feet; fourth, from Kustrin to the junction with the Finow Canal, 31 miles, with a depth at mean low water of 4.2 feet; fifth, from the Finow Canal to Stettin, 49 miles, with a depth at mean low water of from 5 to 8.7 feet; sixth, from Stettin to the sea, an estuary of 20 miles; total, 349 miles. The traffic on this river in 1905 was 4,200,000 tons; and of that amount, Mr. President, 1,107,000 tons were received and dispatched at Breslau, where the river in one direction has a depth of from 2.6 to 3 feet and in another direction of only 3 feet.

In order to show the possibilities of shallow-draft navigation, let me say, further, that of the 22,238 boats on German waters in 1905, 10,443 were boats carrying from 10 to 150 tons. It is evident that an inland barge traffic could be established on the Brazos with the greatest ease, and an inland waterway of tremendous benefit not only to Texas but to the entire Southwest developed.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Colorado?

Mr. SHEPPARD. Yes, sir.

Mr. THOMAS. I should like to ask the Senator if he really believes that the business upon the waterways of France and Germany can be duplicated on the Brazos or any other river until the present methods of those countries in land transportation and the control of railways are established in this country?

Mr. SHEPPARD. I think so.

Mr. THOMAS. Does not the Senator know that if we should expend enough money on the Brazos to give it a depth of 10 feet, with the opposition of the railways to the waterways of the country, it would not get the traffic, and could not hold it if it did, and that any attempt to establish it to any serious degree would result not only in railway competition but in the practical destruction by the railways even of its potential business?

Mr. SHEPPARD. I do not think so, Mr. President.

Mr. THOMAS. Can the Senator name any stream, in Texas or elsewhere, on which there is a substantial and continued increase of water traffic where there is railroad competition?

Mr. SHEPPARD. Oh, yes; the waterway from Duluth to New York.

Mr. THOMAS. Oh, I said any small watercourse. I admit, of course, that the instance to which the Senator refers is one in which there is an increase in traffic; but the Senator knows that it is not necessary there to spend millions to get 2 or 3 feet of water. He also knows that there is communication from the upper regions of Lake Superior clear to the seaboard.

Mr. SHEPPARD. Not originally. They had to construct a part of that waterway through dry land. They had to connect Lake Ontario with the Hudson River by constructing a canal through the soil.

Mr. THOMAS. Yes; and also the Welland Canal through the soil, capable of accommodating enormous boats. The Senator knows that that is a part of a waterway which is substantial and which connects great bodies of water with each other and is not the expenditure of money upon a stream which leads into the interior part of the country where the railways dominate the traffic and where they always will dominate it until the Government shall reach out its strong hand and compel them to cooperate, just as they are required to cooperate in France and in Germany. It seems to me we are beginning this whole subject wrong side to. Let us get control of the railways and then, by virtue of that control, we will be enabled to make the same arrangement with reference to boat traffic and general traffic that is made in the case to which the Senator calls attention.

Mr. SHEPPARD. Why, Mr. President, the railroads will never dominate the traffic of the country if waterways are properly managed, because the railroads have not sufficient capacity to carry the traffic which this country is capable of developing. I would never advocate the improvement of waterways merely on the ground of its influence on railroad rates. I advocate the improvement of waterways primarily because they establish new and additional systems of transportation. Mr. James J. Hill said some years ago that it would require an expenditure of $5,000,000,000 a year for the next 5 or 10 years in order to enable the railroads to keep pace with the material development of which the country was capable.

Mr. President, in that fact may be found the prime necessity for waterways. We need the additional facilities of transportation afforded by water routes in order that the country may have its highest development and growth, a development and growth which can not materialize as long as transportation is confined to railroads with their limited capacity.

Mr. JONES. Mr. President, I hate to oppose any proposition in which my friend from Texas [Mr. SHEPPARD] is interested, but it does seem to me that this is one item in this bill that we can very well cut out at this time, at any rate.

I want to call attention to what the Senator from Iowa [Mr. KENYON] said, merely by way of emphasis.

We are not dealing in this amendment with the mouth of the Brazos River. We are not dealing with the situation that will be created when the project that was recommended by the engineers is completed. What we are dealing with is the improvement of the river from Old Washington to Waco.

Mr. SHEPPARD. Mr. President, I endeavored to show the desirability of connecting the port at the mouth of the Brazos with Waco by a barge line, and of enabling the interior of the State to utilize that port by means of the improvement of the Brazos River.

Mr. JONES. Oh, yes; I understood the purpose of the Senator. But, Mr. President, this appropriation will not make any connection that will be available for navigation. As a matter of fact, Congress has not yet approved or adopted the project that was recommended by the engineers. The engineers said that to get this depth of 3½ feet at certain times of the year

from Old Washington to Waco would require the building of eight locks and dams. It is expressly stated in the Engineers' report that Congress has never adopted this project. We have provided, however, for the construction of four locks and dams, and we have expended toward their completion something over a million dollars; and this appropriation is to be applied only upon the locks and dams that we have heretofore commenced constructing. They are not to begin upon any new locks and dams. So that even if the locks and dams which we have already commenced are finally completed, unless we take up the other four we will not have any navigation. We will not have any water-borne commerce.

Mr. SHEPPARD. Mr. President, I know the Senator would not intentionally misinform the Senate.

Mr. JONES. No; I would not. I just want the facts.

Mr. SHEPPARD. The examining engineer said that it would require eight locks and dams to secure this navigation from the mouth of the Brazos to Waco.

Mr. JONES. Oh, no; from Old Washington.

Mr. SHEPPARD. Well, from Old Washington to Waco.

Mr. JONES. Is that the mouth of the river?

Mr. SHEPPARD. That gives Waco connection with the mouth. The river is easily navigable from the mouth to Old Washington. No locks and dams are necessary between the mouth and Old Washington.

Mr. JONES. Oh, I understand that.

Mr. SHEPPARD. The river and harbor act of 1909 provided for a survey for the selection of sites for the additional locks and dams between Old Washington and Waco. At that time the work on Lock and Dam No. 1 had been begun. The survey was made, and the river and harbor act of 1910 carried an initial appropriation of $75,000 for Lock and Dam No. 8.

Mr. JONES. Yes.

Mr. SHEPPARD. If Congress provided for Lock and Dam No. 1 and Lock and Dam No. 8, and also provided for a survey to locate the intervening locks and dams, it certainly adopted the project.

Mr. JONES. Mr. President, the basis of my statement was this: In the report on the river and harbor bill in the House, submitted by Mr. SPARKMAN, it is said:

> This project has not been adopted as a whole——

Mr. SHEPPARD. That statement is evidently erroneous.

Mr. JONES. It goes on to say:

> But Lock and Dam No. 1 at Hidalgo Falls was authorized by the river and harbor act approved March 2, 1907; Lock and Dam No. 8 by the act approved June 25, 1910; and Locks and Dams Nos. 3 and 6 by the act approved July 25, 1912.

In other words, Congress has simply been making appropriations for different locks and dams within the limits of the project recommended by the engineers, but Congress itself has never yet finally adopted the entire project. Now, what the special reason was for adopting Lock No. 8, and beginning its construction before beginning the construction of Lock No. 6 or the other locks, I do not know; but the situation is just that way.

Mr. SHEPPARD. Mr. President, when the former Senator from Ohio, Mr. Burton, was conducting his famous filibuster against the river and harbor bill two years ago, he prepared a substitute containing those projects which evidently he deemed worthy, or he would not have included them in the substitute, and that substitute contained the following language:

> Improving Brazos River, Tex.: Continuing improvement from Old Washington to Waco by the construction of locks and dams heretofore authorized, $200,000.

The language of this clause shows that the project for locks and dams as outlined in the survey authorized in 1909 had been adopted, in the opinion of Mr. Burton. Furthermore, the fact that this clause was inserted by Mr. Burton shows that he considered the project worthy of prosecution. As a matter of fact, the present bill merely provides for beginning construction work on Locks and Dams Nos. 3 and 6, approved and authorized by the act of July 25, 1912, as quoted by the Senator from Washington [Mr. JONES].

Mr. JONES. While I have very great respect for the opinion of former Senator Burton, yet I take it that his judgment is not conclusive in matters of this character.

Mr. THOMAS. Mr. President, let me ask the Senator if his contention is not borne out by the fact that this bill makes provision for an instrumental survey of the Brazos River, and also for another survey, on pages 50 and 51, and whether that provision would have been made for a project which had been actually adopted by Congress?

Mr. JONES. I think that is true; and, as I understand from the Senator from Iowa [Mr. KENYON], provision was made in preceding bills for a resurvey of this river, the report upon which has not yet been submitted to Congress. If that is the case, then it seems to me that it is an added reason why we should leave out this appropriation.

We talk about the need for money and the need for economizing and the need for saving money. Here is an appropriation that will not accomplish anything unless this entire project is completed. We have directed a survey for the purpose of eliciting a further report to Congress. Why can we not very well just leave out this appropriation until we get the report on this survey, and then determine whether or not we are going to complete the project?

I do not say that this project ought not to be completed. I am not opposing the entire proposition. I am simply presenting the question upon the facts as they are now, as to whether or not we ought to put this item in the bill. The putting in of all of these eight locks may be a splendid thing, and I may be for it when the time comes to do that; but I do say that if we are going to do it, then we ought to do it just as quickly as possible. We have spent now over a million dollars on this project and it has not brought us one cent's worth of benefit.

Mr. SHEPPARD. It can not bring any benefit until the project is completed.

Mr. JONES. That is exactly it. If we are going to complete the project, we ought to provide for its completion, and instead of appropriating $200,000 here we ought to appropriate over a million dollars, which is necessary to put in every lock and dam that will make it available for navigation.

Mr. SHEPPARD. Then every other project the completion of which has not been provided for in this bill ought to go out also?

Mr. JONES. Yes; every one similarly situated, with the conditions the same as this, ought either to go out or provision ought to be made for its completion, one or the other. I am not saying that it ought to go out for the best interests of the Government, but it ought to go out or it ought to be completed, one or the other.

One of the sources of great waste in connection with river and harbor bills is that we commence a project which will cost a million or two million or three million dollars, and we dribble along year after year—I was going to say almost century after century—without appropriating the money that is necessary to complete it. The result is that it costs three or four times what it really would have cost had we in the beginning provided for it as we ought to have done.

That is the situation with reference to this proposition. If when the report on the survey comes in the engineers say that this project ought not to be completed, that it ought to be stopped, that the results will not be good, and Congress should accept that decision, then we will have wasted this $200,000 appropriation. If the report comes in and says it will be a good thing and we ought to do it, then we will have lost nothing. We can then make the appropriation, and, in my judgment, we should make an appropriation sufficient to complete the project, and complete it quickly.

We can lose nothing by cutting out this item. We may lose it all by leaving it in. It will not bring any good to commerce, becaused they say here, and the Senator has said, that there can be no commerce until the whole project recommended by the engineers is completed. Unless we are determined, notwithstanding any report that may come in on this new survey, that we are going to go on and complete this project, I say we ought to stop now and wait and see what that report is; and if we are determined to finish the work, let us appropriate whatever amount is necessary to construct every dam and get the commerce which will be developed from that project.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Iowa.

Mr. KENYON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SHEPPARD. Mr. President, I do not think the exact form of the question is understood.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa [Mr. KENYON] to strike out, on page 23, after line 20, the following words:

> Brazos River, Tex.: Continuing improvement from Old Washington to Waco by the construction of locks and dams heretofore authorized, $200,000.

The Secretary proceeded to call the roll.

Mr. DU PONT (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM]. In his absence, and not knowing how he would vote, I withhold my vote.

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT]

to the junior Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence, I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence, I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. UNDERWOOD (when his name was called). I have a pair with the junior Senator from Ohio [Mr. HARDING]. He is absent, so I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE], but I understand that I am at liberty to vote upon this particular amendment, and I vote "nay."

The roll call was concluded.

Mr. HITCHCOCK. On this vote I am paired with the Senator from New York [Mr. O'GORMAN]. If I were permitted to vote, I should vote "yea" and he would vote "nay."

Mr. UNDERWOOD. I transfer my pair with the junior Senator from Ohio [Mr. HARDING] to the junior Senator from California [Mr. PHELAN] and vote "nay."

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. MCLEAN] which, in his absence, I transfer to the Senator from Maryland [Mr. LEE], and vote "nay."

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and vote "nay."

Mr. LIPPITT. I inquire if the Senator from Montana [Mr. WALSH] has voted?

The VICE PRESIDENT. He has not.

Mr. LIPPITT. As I have a pair with that Senator, I will withhold my vote.

Mr. SAULSBURY (after having voted in the negative). I transferred my pair with the Senator from Rhode Island [Mr. COLT] to the junior Senator from Tennessee [Mr. SHIELDS], who has since entered the Chamber and voted. I now transfer my pair to the junior Senator from New Jersey [Mr. HUGHES] and will allow my vote to stand.

Mr. TOWNSEND (after having voted in the affirmative). I have a pair with the junior Senator from Florida [Mr. BRYAN], but notwithstanding that I have voted because of an arrangement or understanding I had with him which permits me to do so.

Mr. HARDWICK (after having voted in the negative). I inquire if the Senator from Kansas [Mr. CURTIS] has voted?

The VICE PRESIDENT. He has not.

Mr. HARDWICK. I transfer my pair with the Senator from Kansas to the Senator from Arizona [Mr. SMITH] and will allow my vote in the negative to stand.

Mr. ASHURST. I rise to announce that my colleague [Mr. SMITH of Arizona] is unavoidably detained. He has been called to one of the departments on an important matter.

Mr. SMITH of Maryland. I transfer my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON]; and

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES].

The result was announced—yeas 28, nays 33, as follows:

YEAS—28.

Ashurst	Cummins	Kenyon	Smoot
Borah	Fall	Kern	Sterling
Brady	Gallinger	La Follette	Sutherland
Brandegee	Gore	Lodge	Taggart
Catron	Husting	Norris	Thompson
Clapp	Johnson, S. Dak.	Oliver	Townsend
Clark, Wyo.	Jones	Sherman	Wadsworth

NAYS—33.

Bankhead	Lea, Tenn.	Ransdell	Stone
Broussard	Lewis	Reed	Swanson
Chamberlain	Martin, Va.	Saulsbury	Tillman
Chilton	Martine, N. J.	Sheppard	Underwood
Clarke, Ark.	Myers	Shields	Vardaman
Culberson	Nelson	Simmons	Williams
Fletcher	Overman	Smith, Ga.	
Hardwick	Owen	Smith, Md.	
Lane	Poindexter	Smith, Mich.	

NOT VOTING—35.

Beckham	Dillingham	Hitchcock	Lee, Md.
Bryan	du Pont	Hollis	Lippitt
Burleigh	Goff	Hughes	McCumber
Colt	Gronna	James	McLean
Curtis	Harding	Johnson, Me.	Newlands
O'Gorman	Pittman	Smith, Ariz.	Warren
Page	Pomerene	Smith, S. C.	Weeks
Penrose	Robinson	Thomas	Works
Phelan	Shafroth	Walsh	

So Mr. KENYON's amendment was rejected.

Mr. CLARKE of Arkansas. Mr. President, I desire to say that it will be impossible to dispose of any other item in the bill this afternoon, and I ask that it be laid aside until 12 o'clock to-morrow.

I move that when the Senate takes a recess this afternoon it be until 12 o'clock to-morrow. There will be a meeting of the Committee on Commerce to-morrow morning, and that is the reason why I make the request.

The VICE PRESIDENT. Is there objection to the motion of the Senator from Arkansas? The Chair hears none, and it is agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 10490. An act to prevent fraudulent advertising in the District of Columbia;

H. R. 12027. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 12766. An act for making further and more effectual provision for the national defense, and for other purposes;

H. R. 14771. An act granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River; and

S. J. Res. 72. Joint resolution to provide for holding the Texas Bicentennial and Pan American Exposition in 1918.

PETITIONS AND MEMORIALS.

Mr. PHELAN presented a petition of the Brotherhood of St. Andrew of Los Angeles, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Sawtelle, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. COLT presented a petition of sundry citizens of Warren, R. I., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. DU PONT presented petitions of sundry citizens of Wyoming, Harrington, and Port Penn, all in the State of Delaware, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. GALLINGER presented a petition of the Chamber of Commerce of Boston, Mass., praying for the enactment of legislation to provide for the grading of grain, which was ordered to lie on the table.

Mr. WADSWORTH presented a memorial of sundry citizens of Buffalo, N. Y., remonstrating against sectarian appropriations, which was ordered to lie on the table.

He also presented memorials of sundry citizens of New York, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. MYERS presented a petition of the Montana Branch of the Parent-Teacher Association, praying for the enactment of legislation to provide expeditious adjudication of pending State selections of school lands, which was referred to the Committee on Public Lands.

He also presented a petition of the Commercial Club of Terry, Mont., praying for the settlement of disputes between railroads and their employees by arbitration, which was referred to the Committee on Interstate Commerce.

Mr. THOMPSON presented a petition of the Commercial Club of Manhattan, Kans., praying for the establishment of engineering experiment stations in connection with land-grant colleges, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Emporia, Kans., remonstrating against any further appropriations for the enforcement of the migratory-bird law, which was ordered to lie on the table.

He also presented a petition of the Rotary Club of Leavenworth, Kans., praying for the passage of the so-called Shields water-power bill, which was ordered to lie on the table.

Mr. TOWNSEND presented memorials of 960 farmers of Michigan, remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Jackson, Mich., remonstrating against the enactment of legislation to limit the freedom of the press, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Sebewaing, Mich., remonstrating against the action of Great Britain in prohibiting the sending of Red Cross supplies to Germany, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Board of Commerce of Detroit, Mich., remonstrating against the enactment of legislation to prohibit the use of stop-watch and labor-measuring devices in Government arsenals, which was referred to the Committee on Military Affairs.

Mr. LIPPITT presented a petition of 22 citizens of Providence, R. I., praying for national prohibition, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. SMITH of Maryland, from the Committee on the District of Columbia, to which was referred the bill (S. 5344) for the regulation of the practice of podiatry in the District of Columbia and for the protection of the people from empiricism in relation thereto, reported it without amendment and submitted a report (No. 480) thereon.

Mr. OWEN, from the Committee on Banking and Currency, to which was referred the bill (H. R. 13391) to amend the act approved December 23, 1913, known as the Federal reserve act by adding a new section, reported it with amendments and submitted a report (No. 481) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. COLT:

A bill (S. 6137) granting a pension to Mary E. Gilbert; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 6138) granting an increase of pension to Hugh O. Neville;

A bill (S. 6139) granting an increase of pension to Charles Apple;

A bill (S. 6140) granting an increase of pension to Adolphus B. Capron; and

A bill (S. 6141) granting an increase of pension to Madeline A. Rowell (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 6142) granting an increase of pension to Eliza M. Flint (with accompanying papers); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 6143) granting a pension to David Noe; to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 6144) granting an increase of pension to Lydia C. Stevenson;

A bill (S. 6145) granting an increase of pension to Alexander Farris, jr.; and

A bill (S. 6146) granting an increase of pension to George L. Wait Wiltbank, alias George L. Wait; to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 6147) fixing the compensation of inspectors of customs, and for other purposes; to the Committee on Finance.

By Mr. GALLINGER:

A bill (S. 6148) to establish a horse-breeding station in the State of New Hampshire; to the Committee on Agriculture and Forestry.

By Mr. OLIVER:

A bill (S. 6149) for the relief of the McClintic-Marshall Construction Co.; to the Committee on Claims.

By Mr. KENYON:

A bill (S. 6150) granting an increase of pension to Daniel A. Ray;

A bill (S. 6151) granting an increase of pension to George Ellars; and

A bill (S. 6152) granting an increase of pension to Charles Blitz (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A joint resolution (S. J. Res. 134) requesting the President to invite the Governments of Japan and China to join in the formation of an international commission to study the questions at issue between the Orient and the United States; to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FLETCHER submitted an amendment proposing to investigate the grading, weighing, handling, and transportation of naval stores, the preparation of definite type samples thereof, and for the demonstration of improved methods or processes of preparing naval stores, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

Mr. ASHURST submitted an amendment proposing to appropriate $100,000 for the elimination and eradication of the purple loco weed, the white loco weed, and other poisonous leguminous weeds in Arizona, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

Mr. LODGE submitted an amendment proposing to appropriate $15,000 to enable the Secretary of Agriculture to cooperate with and make an exhibit at the next annual meeting of the National Dairy Show Association to be held at Springfield, Mass., during the fiscal year ending June 30, 1917, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

Mr. SMITH of Maryland submitted an amendment proposing to appropriate $16,000 for the improvement of New Hampshire Avenue NW., from Grant Circle to Oregon Avenue, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 15774), which was referred to the Committee on Appropriations and ordered to be printed.

THE COLUMBIA RIVER HIGHWAY.

Mr. CHAMBERLAIN. Mr. President, through the enterprise of the people of Oregon a magnificent scenic highway has been constructed along the south bank of the Columbia River from Astoria to The Dalles, a distance of more than 200 miles. The construction of this highway has involved an immense expenditure, contributed by the State and its citizens. World travelers declare this to be the greatest road ever built to meet the conditions of modern traffic. Gen. George W. Goethals, in speaking of it, said: "It is a splendid job of engineering and absolutely without equal for scenic interest in America." Other distinguished engineers have spoken of this great highway in the same complimentary terms.

Many thousands of our citizens will visit the Pacific coast during the present season as a part of their vacation and will have an opportunity to pass over and along one of the most beautiful rivers of the country. The changes which have come to the West since President Thomas Jefferson sent his confidential message to Congress that resulted in the sending of Lewis and Clark into the unexplored regions beyond the Rocky Mountains and down the Columbia River to the Pacific is truly wonderful; the land which President Jefferson spoke of as "That vast and fertile country which their sons are determined to fill with arts, with science, with freedom, and with happiness."

The governor of the State has set apart Wednesday, June 7, 1916, as a day for celebrating the formal opening of the Columbia River Highway, and the people of the State of Oregon are anxious to have an invitation extended to those mentioned in the resolution which I send to the desk and for which I ask that unanimous consent be given for its present consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 200) was read, as follows:

Whereas the people of Oregon have constructed a great highway, which extends from the wheat fields of eastern Oregon, "the Inland Empire," to the Pacific coast, passing through the Cascade Range and the Gorge of the Columbia; and

Whereas the Columbia River Highway is declared by world travelers to be the greatest road ever built to meet the conditions of modern traffic; and

Whereas the governor of the State of Oregon has declared Wednesday, June 7, to be the day set aside for celebrating its formal opening: Therefore be it

Resolved, That the President of the United States be, and he is hereby, authorized and respectfully requested, in such manner as he may deem proper, to invite the diplomatic representatives of foreign Governments with embassies or legations in Washington, D. C., to participate in celebrating this historic event.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

MR. SMOOT'S SUPPLEMENTAL RESOLUTION.

Mr. SMOOT. In order that there may be no question regarding appropriations to be made hereafter to pay the expenses of delegates to this celebration, I submit the following, and ask for its adoption.

The Secretary read the resolution (S. Res. 201) as follows:

Resolved, That no appropriation shall be granted at any time hereafter in connection with the celebration of the formal opening of the Columbia River Highway, to be held Wednesday, June 7, 1916.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolution is agreed to.

THE COASTWISE TRADE.

Mr. NEWLANDS. I ask to have printed as a public document the report of the Interstate Commerce Commission relative to corporate interests of railroads in vessels or steamship lines engaged in transporting freight between Atlantic and Pacific ports and in the coastwise trade of the United States. The cost, I will say, will be $92.26, according to the estimate of the Public Printer.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nevada?

Mr. SMOOT. I object.

Mr. NEWLANDS. Then, I ask that the document be referred to the Committee on Printing, with a view to its publication.

The VICE PRESIDENT. Without objection, it is so ordered.

EXPERIMENT STATIONS IN ENGINEERING (S. DOC. NO. 446).

Mr. NEWLANDS. I ask unanimous consent to have printed as a public document certain correspondence, being a letter from Dr. W. R. Whitney, chairman of the committee on chemistry and physics of the United States Naval Consulting Board, and a circular letter dated April 29, 1916, written by Dr. Whitney, to various citizens throughout the country, extracts from replies of these gentlemen to Dr. Whitney, together with certain other matter relative to Senate bill 4874, proposing to establish experiment stations in engineering in State colleges of agriculture and the mechanic arts. The document will comprise about 40 pages and the cost will not be very much.

The VICE PRESIDENT. Without objection, it is so ordered.

RURAL CREDITS.

Mr. OWEN. I find that five conferees have been appointed on the part of the House on the rural-credits bill (S. 2986), and I ask that there may be added to the Senate conferees the Senator from North Dakota [Mr. GRONNA] and the Senator from Florida [Mr. FLETCHER].

The VICE PRESIDENT. Without objection, it is so ordered.

HOUSE BILL REFERRED.

H. R. 9533. An act to provide a civil government for Porto Rico, and for other purposes, was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 27 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m., Wednesday, May 24, 1916) the Senate took a recess until to-morrow, Thursday, May 25, 1916, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 24 (legislative day of May 18), 1916.

PROMOTION IN THE ARMY.

MEDICAL CORPS.

Maj. William O. Owen, retired, to the grade of colonel in the Medical Corps, with rank from April 12, 1912.

JUDGE CIRCUIT COURT OF HAWAII.

James Wesley Thompson to be judge of the Circuit Court of the Third Circuit of the Territory of Hawaii.

POSTMASTERS.

CALIFORNIA.

Charles F. Evers, Fortuna.

KENTUCKY.

Nannie E. Butler, Elkton.
John R. White, Irvine.

LOUISIANA.

Albert Nunez, Arabi.
Lou E. Russell, West Monroe.

MISSOURI.

Thomas F. Benson, Sturgeon.
Hevner F. Hoover, Hardin.

NEW YORK.

Richard F. Hayes, Ticonderoga.
Florence L. Johnson, Elmsford.
John Lemmon, Churchville.
Timothy D. Mulcahy, Lawrence.
Benjamin B. Tooker, Center Moriches.
Wilber W. Wilcox, Lacona.

SOUTH DAKOTA.

D. C. Campbell, Wolsey.
G. A. Miller, Conde.
Frank E. Riley, Dupree.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 24, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

With profound faith and confidence in Thee, O God our heavenly Father, as the most potent factor in the affairs of men and of nations, we come to Thee in the fervency of prayer that we may feel sweeping through our souls Thy holy influence to guide us in all our transactions, that we may think well, act well our part in the affairs of life, and pass on our way rejoicing as integral parts of the great eternal plan; and Thine be the praise, through Him who taught us faith, hope, love. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO EXTEND REMARKS.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the oil and gasoline situation.

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] asks unanimous consent to extend his remarks in the RECORD on the subject of gasoline, and so forth. Is there objection?

There was no objection.

NAVAL APPROPRIATIONS.

Mr. PADGETT, from the Committee on Naval Affairs, reported the bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 743), ordered to be printed.

Mr. BUTLER. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Pennsylvania reserves all points of order.

Mr. PADGETT. Mr. Speaker, at the request of the minority I ask that they have until to-morrow to submit their views.

Mr. BUTLER. Until 12 o'clock.

Mr. PADGETT. You may have all day.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the minority have until to-morrow night to file their views. Is there objection?

There was no objection.

OREGON & CALIFORNIA RAILROAD LAND GRANT.

The SPEAKER. There is a special order for to-day, the California-Oregon Railroad land bill, H. R. 14864.

Mr. FERRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 14864; and pending that I want to see if we can agree with the gentleman from Wisconsin [Mr. LENROOT] for time. Would two hours be agreeable for general debate?

Mr. LENROOT. I have applications for two hours on this side without using any time myself. I had hoped we might agree upon two hours on a side.

Mr. MANN. Why does not the gentleman let it run along? Both sides want to finish the bill to-day. I do not think there will be any difficulty about it.

Mr. FERRIS. I have no desire to cut anyone off. I know the Members from Oregon want to speak on this. It is a matter that is very vital to them. Of course, the gentleman from Wisconsin and the gentlemen from Oregon know that we practically must get through with this bill to-day. It is wedged in here between appropriation bills, and I think we ought to finish it.

Mr. MANN. I ask unanimous consent that the time for general debate be equally divided between the two gentlemen.

Mr. LENROOT. May I suggest to the gentleman from Oklahoma that we agree on not exceeding three hours. We will cut it down as much as possible.

Mr. FERRIS. I accept that suggestion. There is a disposition on the part of all of us to get this bill through. It is absolutely essential that we do so.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the general debate be confined to not exceeding three hours—one-half the time to be controlled by himself and one-half by the gentleman from Wisconsin [Mr. LENROOT]. Is there objection?

There was no objection.

The motion of Mr. FERRIS was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes, with Mr. GARD in the chair.

Mr. FERRIS. Mr. Chairman and gentlemen, I shall make only a short statement concerning this bill, expecting to consider it more in detail under the five-minute rule, where legislation of this kind is usually perfected and made. I think it is very proper and very necessary, however, that the House know something about what we are doing and something about what this bill is and what we propose to do.

By the acts of 1866, 1869, and 1870 Congress granted about 3,200,000 acres of land to the Oregon & California Railroad Co. upon five conditions. I will strip it of all details and get right down to the heart of the matter. The conditions were (1) that they should build the railroad, (2) that they should carry the Federal troops without charge, (3) that they should sell the land for a price not greater than $2.50 an acre, (4) to actual settlers, (5) in 160-acre tracts.

This occurred about 50 years ago. The act of 1866 was passed just 50 years ago, but there were two acts passed later, in 1869 and 1870, extending the time to build the railroad.

Mr. McCRACKEN. Within what limit of time was the railroad to be constructed?

Mr. FERRIS. There were two or three different lines. One was from Portland south to the California line, and one was from Portland or Astoria to McMinnville. In all, there were two or three different lines to be built. The latter road was not built.

Mr. McCRACKEN. Were those lines specified in the grants?

Mr. FERRIS. They were specified, where the road was to be built, and there was a grant of alternate sections for 20 miles on either side of the proposed railroads.

Mr. CANNON. All in Oregon?

Mr. FERRIS. A little of the land is in Washington, but practically all in Oregon, a very small part in Washington. I think only 150 acres.

The railroads were transferred from one concern to another, but finally they were built; not all of them, but where the railroads were not built the land was not granted. As time went along the railway people came before the Interior Department and got patents to the land, for these alternate sections, the patents, of course, containing these conditions, limitations, and restrictions.

For a time the railroad sold these lands at two and a half dollars an acre to actual settlers and in tracts of 160 acres in compliance with the grant; this was only covering a period of a few years. Then they totally abandoned these three conditions, paying no attention to them whatever. For example, they would sell 40,000 acres to a single lumber concern or to a citizen for a price of forty or fifty or sixty dollars an acre or any amount that they could get for the land. This went along in that way until 1908. In 1908 the Department of Justice, through a Mr. Townsend, who then had charge of this matter, began to complain that the railroad was not complying with the terms of the grant; that it was not selling the land for $2.50 an acre; that it was not selling the land to actual settlers or in tracts of 160 acres; and, in fact, was not selling it at all, but was holding it for speculation. The gentleman from Wyoming [Mr. MONDELL] was then the chairman of the Committee on the Public Lands. I was a member of the committee at that time. We reported and passed a joint resolution in 1908 in response to that appeal from the Oregon people authorizing and directing the Department of Justice to bring suit and cancel this land grant because of breach of the conditions of the grant itself. The Attorney General did bring suit, tried it, and carried it to the Supreme Court of the United States. A decision was entered December 9, 1915, granting an injunction for six months and virtually passing the whole matter up to Congress for appropriate action and disposition. That occasioned this bill and its presentation here to-day. The lower court, the trial court, Judge Wolverton, held a complete forfeiture of these lands to the Government by reason of the breach. On appeal the Supreme Court did not in all things affirm that decision, but did this: They granted an injunction for six months, a temporary injunction, during which time they passed the proposition up to Congress for Congress to take such action as it saw fitting. I think that is the language they used. The Department of Justice, acting in conjunction with Senator CHAMBERLAIN at the other end of the Capitol, drafted a bill dealing with this matter.

Mr. ALEXANDER. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. ALEXANDER. What did the Supreme Court hold with reference to these lands?

Mr. FERRIS. It is a very long decision and a very unique one, but in substance the Supreme Court held that these lands as they were being operated tended more to speculation than to settlement, and for that reason they granted an injunction against the sale or disposition of any of the lands or timber for six months, during which time Congress should take such action as it saw fit, further saying that we should give the railroad company, now the Southern Pacific, all that they were entitled to under the grant, intimating that that was $2.50 an acre. The Department of Justice and your committee so interpreted it and do so interpret it.

Mr. McARTHUR. Mr. Chairman, will not the gentleman explain to the members of the committee about this being an enforceable covenant?

Mr. FERRIS. I have just stated that the court did not hold a complete forfeiture, but said that the procedure under which the lands were being disposed of tended more to speculation than to settlement, and they therefore granted a temporary injunction for six months, during which time Congress should take such action as it saw fit.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. BUTLER. How much land was conveyed by the Government to this railroad company?

Mr. FERRIS. Three million two hundred thousand acres.

Mr. BUTLER. How much land was disposed of?

Mr. FERRIS. About 800,000 acres was sold by the railway company, most of which in total violation of the terms of the grant.

Mr. BUTLER. And the balance of the land remains in the possession of the railroad company?

Mr. FERRIS. That is true; and we are seeking to recover it for the Government.

Mr. BORLAND. Do I understand that the decision of the Supreme Court leaves the title still in the railroad company?

Mr. FERRIS. Yes; it does not decree a complete forfeiture, but it authorizes Congress to deal with it as they shall determine proper under the circumstances.

Mr. BORLAND. How can Congress, by legislation, divest that title if it is still in the railroad?

Mr. FERRIS. The Supreme Court holds that Congress has authority to dispose of it, and therefore it has the power to resume title and appropriately deal with the matter. It should be remembered that the right of Congress to alter, amend, or repeal this act is also reserved in the law.

Mr. BORLAND. Will the gentleman put in the RECORD the Supreme Court decision?

Mr. FERRIS. I have it here. It is a part of the report.

Mr. BUTLER. Was it held to be a condition between the railroad company and the Government?

Mr. FERRIS. No; it does not hold that. It held that the title vested, but it is held to be an enforceable covenant, to which

the railroad company did not adhere. After stating the facts at great length, this is what the court said:

This, then, being the situation resulting from conditions now existing, incident, it may be, to the prolonged disregard of the covenants by the railroad company, the lands invite now more to speculation than to settlement, and we think, therefore, that the railroad company should not only be enjoined from sales in violation of the covenants but enjoined from any disposition of them whatever or of the timber thereon, and from cutting or authorizing the cutting or removal of any of the timber thereon, until Congress shall have a reasonable opportunity to provide by legislation for their disposition in accordance with such policy as it may deem fitting under the circumstances and at the same time secure to the defendants all the value the granting acts conferred upon the railroads.

If Congress does not make such provision, the defendants may apply to the district court within a reasonable time, not less than six months from the entry of the decree herein—

I might pause long enough here to say that that decree was entered December 9 last, and that the six months' period expires the coming 9th of June—

for a modification of so much of the injunction herein ordered as enjoins any disposition of the lands and timber until Congress shall act, and the court in its discretion may modify the decree accordingly.

Mr. BOOHER. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. BOOHER. The opinion of the court held that the conditions attaching to that grant were not a part of the grant, did it not?

Mr. FERRIS. I think not. Oh, no; the gentleman is in error about that. That was the contention of the railway and also some of the claimants, but the court held no such thing.

Mr. BOOHER. Did it not hold that it was simply an agreement on the part of the railroad company to do certain things?

Mr. FERRIS. No. That is the contention of certain gentlemen; but that is not a fair construction of the decision, nor is that the construction placed upon it by the Department of Justice.

Mr. BOOHER. I call the gentleman's attention to that because I saw a full-page advertisement in the newspapers stating that.

Mr. FERRIS. That is true; and I may say to the gentleman that that eleventh page in the Post was put in by one S. A. D. Puter, who had gone about the country selling these lands, that never belonged to him and for which numerous prosecutions have already been had and indictments and sentence served by quite a number of them.

Mr. BUTLER. Mr. Chairman, I will ask the gentleman what this land is worth on an average?

Mr. FERRIS. I think I can answer the gentleman fairly well. A stipulation was filed by the parties to the suit, agreeing to certain facts, in the Supreme Court, by the Department of Justice on one side and the Southern Pacific on the other, to the effect that the lands were worth upward of $30,000,000—that is, the timber and the land.

That has been corroborated by the Agricultural Department which sent cruisers out who say it is worth $50,000,000. The Department of Justice also made some extended investigation of the lands to ascertain their value.

Mr. BUTLER. And we propose to pay a million and a half for it?

Mr. FERRIS. We propose to give the railroad what the Supreme Court says we have to give them, which I think will be $2.50 per acre, of course, claiming an offset for the some $5,000,000 they have already had.

Mr. BUTLER. The Government gets back at least a million and a half?

Mr. CANNON. It is $2.50 an acre?

Mr. FERRIS. $2.50——

Mr. FESS. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. FESS. I am trying to get information about it. I understand the company was to build a railroad. Was that railroad built?

Mr. FERRIS. Most of it. I think they provided one line of it.

Mr. FESS. The conditions upon which it was to be built have not been abided by?

Mr. FERRIS. They have not adhered to them and that was tried out in the Supreme Court.

Mr. MEEKER. Mr. Chairman, might I inquire what question the gentleman asked?

The CHAIRMAN. Will the gentleman kindly repeat his answer?

Mr. FOSTER. Will the gentleman yield?

Mr. FERRIS. I yield to the gentleman from Illinois.

Mr. FOSTER. As I understand from this bill, it provides 40 per cent shall go to the reclamation fund——

Mr. FERRIS. That is true.

Mr. FOSTER. And 20 per cent to schools and 30 per cent to building roads.

Mr. FERRIS. That is true.

Mr. FOSTER. So I understand from this bill that at least 10 per cent is supposed to go into the Federal Treasury after the Government has paid all these expenses.

Mr. FERRIS. Yes; but that does not quite state it all. Of course the 40 per cent that goes to the reclamation fund finally comes back to the Treasury. It is a revolving fund, and is only loaned to the settlers to irrigate with. That is not lost to the Government. If it was public land, under the law it would all go to the reclamation fund.

Mr. FOSTER. That is, it theoretically comes back.

Mr. FERRIS. Under the law it does come back. There is no theory about that. The Government takes mortgages on the land, which will enforce the repayment of this and all other funds.

Mr. FOSTER. Theoretically it does. Now, the Government practically gets nothing out of this.

Mr. FERRIS. Yes; 10 per cent on $30,000,000 is $3,000,000, and 10 per cent on $50,000,000 would be $5,000,000, so there would go into the Treasury at once, if the land is worth $50,000,000, $5,000,000.

Mr. FOSTER. But the Government under this bill has to pay back to the State of Oregon——

Mr. FESS. But all of that is taken out of the lump sum. The Government gets 10 per cent of the net after the Government has in all things been reimbursed.

Mr. FOSTER. How do they sell this land?

Mr. FERRIS. It provides it shall be sold immediately either for cash or in 10 installments, so they will have the money in 10 years.

Mr. FOSTER. Then it is the intention of the Government to immediately sell the timber?

Mr. FERRIS. The bill provides it shall be done.

Mr. FOSTER. Does the gentleman think that is a good policy for the Government to pursue right at this time?

Mr. FERRIS. Yes; I do, for this reason: In the first place, there is the contention made that seems to have considerable color, and appealed to the committee and to the Department of Justice a good deal, and that is that the railroad is entitled to have these lands settled within a reasonable time, and it was our thought that if we put these lands in forest reserves or made them anything like a Federal reserve, then that might involve the Government's rights, in the face of the Supreme Court decision. You see, the decision provides the railway is entitled to all the benefits of the grant, and we wanted to keep clearly within the decision.

Mr. FOSTER. How much timber is estimated to be on these lands?

Mr. FERRIS. The stipulation filed in the Supreme Court by the litigant parties was that there were upward of $30,000,000. The Department of Agriculture——

Mr. FOSTER. I asked how much timber.

Mr. FERRIS. I am speaking of the timber; and the Department of Agriculture estimates it to be worth $50,000,000.

Mr. LENROOT. It is about 40,000,000,000 feet.

Mr. FERRIS. Oh, the gentleman meant feet. About 40,000,000,000 feet. I thought the gentleman from Illinois wanted it in dollars.

Mr. FOSTER. So this bill will compel the Government to sell this 40,000,000,000 feet of lumber immediately?

Mr. FERRIS. Well, it is well safeguarded. It has the rights of the Government hedged about in every way. Nothing can be lost.

Mr. FOSTER. Does not the gentleman think to force a sale of 40,000,000,000 feet of lumber is not a good thing?

Mr. LENROOT. Will the gentleman yield?

Mr. FERRIS. I yield to the gentleman.

Mr. LENROOT. The gentleman will remember that there is a provision in the bill providing that this timber shall be sold as rapidly as reasonable prices can be obtained, based upon normal conditions.

Mr. FERRIS. We do not dump it on the market, but we authorize the Secretary to reject any bid that may come, and we make a provision for the appraisement and classification of these lands before they are sold at all, and we provide for a reclassification in the event one is needed.

Mr. BUTLER. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. BUTLER. It has been 50 years since this grant was made?

Mr. FERRIS. Yes.

Mr. BUTLER. When did the railroad company cease to sell these lands, except in large pieces, of which the gentleman has spoken?

Mr. FERRIS. They have been selling them right up until recently. Of course, they have sold none since the decision, for it specifically enjoins any disposition of them.

Mr. BUTLER. Tell me whose effort is this; is it by the Government?

Mr. FERRIS. The gentleman did not hear my first statement.

Mr. BUTLER. I am very sorry. I was called to the door. I am always glad to hear the gentleman.

Mr. FERRIS. It was alleged that some of this land was being sold in total disregard of these conditions, and citizens of Oregon and the Department of Justice came before the Committee on the Public Lands in 1908 and, in response to the request of the Department of Justice, we passed a joint resolution, which I have in my hand, providing, authorizing, and directing the Department of Justice immediately to institute proceedings to recoup these lands and recover by reason of a breach of the terms of the grant.

Mr. BUTLER. Really, the State of Oregon initiated this?

Mr. FERRIS. The State of Oregon and the Department of Justice together. They came before us, too.

Mr. STAFFORD. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. STAFFORD. Does this bill clear up all litigated questions concerning the land involved in the original land grant?

Mr. FERRIS. We authorize a suit to be brought for an accounting cleaning up all differences, which we think will bring that about.

Mr. STAFFORD. Are there not some lands that will still be in dispute that will not be adjudicated under this bill or the provisions of this bill?

Mr. FERRIS. That may be. We only deal with the unsold land. There are some 15,000 people who have been duped and gold-bricked all over the United States. And the Supreme Court held they had no right. But there are certain other people who have bought lands in violation of the grant. We thought if we got back $40,000,000 or $50,000,000 worth of timber for the Government on unsold land that was probably as big a job as we ought to tackle at one time here. There will probably be some additional requests from the so-called executory contract class, but they are not on all fours with this class and do not really belong on this bill.

Mr. STAFFORD. There has been considerable mention in the public press about the interests of a former member of this House, a former governor of the State of Minnesota, who had large interests involved. I wish to know whether any provision in this bill covers those lands in which he is interested?

Mr. FERRIS. There is not.

Mr. STAFFORD. They are still in dispute?

Mr. FERRIS. Unless they can be settled in this provision in this bill for an accounting in this bill that we are presenting. We do not deal with that in this bill. We leave that question alone for the present. I do not think it belongs here at all.

Mr. STAFFORD. Will that be a matter for subsequent legislation?

Mr. FERRIS. It may be, or a matter for subsequent litigation. I do not know which. I will say to the gentleman from Wisconsin that when we tried to put this bill through everybody came in with every claim they ever had. They wanted everything adjusted on this bill. I wanted to bring to this House something that was easy to understand, something that was easy to accomplish. We have a bill here that is easy to understand, and by which it is easy to tell what we are trying to do with this 2,300,000 acres of land. The House can readily understand the numerous complications that would come in as to land that had been sold even outside of the terms of the grant. It is also true that most of them are confirmed by an act of Congress, anyway, passed in 1912. We are now dealing with the lands that are unsold. Gov. Lind came before the committee in a very frank and honest way, urging the committee to deal with his proposition. I do not say it is not sound, but I do say that this bill shall not be made a vehicle for everybody's scheme and everybody's trouble that happens to come along. If we had brought it in here cumbered by a lot of details, the House would probably have gone off debating some side issue and let the real prize of 2,300,000 acres get away.

Mr. BUTLER. What will become of the titles granted to purchasers prior to the institutions of proceedings in the court to restrain the company? The company was authorized to sell the land?

Mr. FERRIS. But on condition. They did not adhere to the conditions. Some of the lands had been conferred by special act of Congress passed in 1912.

Mr. BUTLER. The railroad company did not adhere to the conditions?

Mr. FERRIS. They totally ignored them.

Mr. BUTLER. I heard the conditions which the gentleman stated, coupled with this grant. Which of those conditions would involve the title?

Mr. FERRIS. The Supreme Court has just held——

Mr. BUTLER. I have not read the decision of the Supreme Court. You can not read everything. We depend on gentlemen like yourself, gentlemen who are well informed——

Mr. FERRIS. That is very good of the gentleman to say that. We are trying to do our best in this matter.

Mr. BUTLER. If I did not have to vote on the bill, I would not ask that question.

Mr. FERRIS. I am glad the gentleman asked the question.

Mr. STEPHENS of Texas. If this bill is passed, how much land becomes taxable to the State of Oregon? What benefit will it be to the State of Oregon? A complaint that has been made is this, that the land has been locked up and is not taxable, and it makes a great burden on the people of the State. I want to know if it will release that land so that it will become taxable for the benefit of the State?

Mr. FERRIS. Of course, the citizens of Oregon have been taxing this land while it was in the hands of the railways, and have been receiving taxes for it; so that there is a view in Oregon that these lands ought not to be taken back by the Government, because they will lose the taxes. I feel that is hardly a sound theory, because if the Government has the right under the Supreme Court decision to take $50,000,000 worth of property, it is easy to dispose of the land so that some community can tax it. This bill authorizes the timber to be sold and get all that we can for it. It then automatically authorizes the land, after the timber is cut and removed, to be homesteaded and passed on to the tax rolls and into private ownership along the line of the suggestion of the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. As I understand, under the present homestead laws of the United States.

Mr. FERRIS. With some modification.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. JOHNSON of Washington. The timber on the land is to be sold in large quantities?

Mr. FERRIS. In 40-acre tracts or multiples thereof.

Mr. JOHNSON of Washington. In large quantities?

Mr. FERRIS. Within the discretion of the two departments, the Department of Agriculture and the Department of the Interior.

Mr. JOHNSON of Washington. And the cut-over land is to be offered to homesteaders?

Mr. FERRIS. That is true. The land that is not timbered can be homesteaded now at $2.50 an acre.

Mr. JOHNSON of Washington. The gentleman stated that the people of Oregon have been homesteading the land, but the county had been receiving no taxes since this litigation commenced?

Mr. FERRIS. That is true.

Mr. BUTLER. Is the railroad company resisting this effort on the part of the Government to recover this land? Because, according to the gentleman's statement, this land is worth $50,000,000. It seems to me like a good deal of money.

Mr. FERRIS. Yes; and the railroad is resisting it. It contends that the conditions and covenants are *not binding*.

Mr. McARTHUR. Does not the railroad claim that it has the right to take the timber?

Mr. FERRIS. They claim they have the right to cut the timber. No member of the committee agrees to any such contention. It was also presented to the Supreme Court and they did not agree, but on the contrary enjoined them from disposing of any of it.

Mr. WINGO. I understood the gentleman to say that the only land that will be open to homestead will be the cut-over land.

Mr. FERRIS. No; the gentleman did not say that. Let me make that clear. The lands are divided by this bill into three classifications. First, water-power sites; second, timberlands; third, agricultural lands. Now, I will tell the gentleman how it was. The nontimbered lands are subject to homestead entry. Now, by the payment of $2.50 an acre—and they are worth it—in the timberlands we provide for the sale of the timber, and as soon as the timber is removed automatically they go to

homestead without $2.50 an acre. It was brought to our attention that it was very expensive to get the stumps out of the cut-over land, and we thought they ought not to be charged that much.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. WINGO. The tracts that contain 300,000 feet of standing timber are classed as "timbered land." If a tract has 290,000 feet of board measure that is classed as "nontimbered land" and may therefore be homesteaded?

Mr. FERRIS. That is true, if the gentleman's figures are right. Of course, that is 300,000 feet for each 40-acre tract, which would make 1,200,000 feet for a full 160 acres.

Mr. WINGO. If a tract has 350,000 feet of board measure that is called "timberland" and can not be homesteaded until the timber is cut?

Mr. FERRIS. That is true.

Mr. WINGO. To what extent does the cutting of timber go? Does that mean all merchantable timber in the opinion of the buyer?

Mr. FERRIS. Not at all. The Secretary of the Interior, acting in conjunction with the Department of Agriculture—and it is necessary to have both, because the Secretary of Agriculture has cruisers whom he may employ—authorize the sale by competitive bidding or otherwise, as they may deem proper, and the lands are not automatically subject to homesteading until the Secretary of the Interior causes a public proclamation to be issued to the effect that the merchantable timber is all removed. We think that is safeguarded pretty well.

Mr. WINGO. There is no provision made in the bill or under existing regulations that have been made, is there, by which a homesteader may homestead the land and pay an agreed price for the timber?

Mr. FERRIS. There is no provision of that sort, but we thought it was not practicable, and for this reason: The ordinary homesteader is not in any sense a lumberman, and the man who goes out to live on one of those claims would be ordinarily a poor man and he could not buy timber in quantities for logging purposes.

Mr. WINGO. The land has been denuded of its timber, and can not be homesteaded for timber because there is no timber on it; but the gentleman knows that in an ordinary country the homesteader needs some timber on the land for his farming purposes. Should there not be a provision somewhere in the bill by which the homesteader could obtain some timber? Who is responsible for that arbitrary classification of 350,000 feet being "timberland"? In other words, that lands having less than 350,000 feet of board measure are not "timberlands" and lands having 350,000 feet and over are "timberland." Who was it that set that standard?

Mr. FERRIS. Well, the gentleman knows that there can be a good deal of difference of opinion about any effective dividing line with respect either to timber or anything else. I will say to the gentleman that that was a compromise, based on the combined judgment of the Department of Agriculture, the Department of the Interior, and the Department of Justice and of every expert from whom we could get an opinion. The Department of Agriculture wanted that 250,000 feet to the 40 acres instead of 300,000. This seemed to us the just amount.

Mr. WINGO. Here is the thing I wanted to call the gentleman's attention to: "Merchantable" timber is the thing that should be considered, but in the bill the expression used is "growth of timber." I am sure, from the gentleman's knowledge of timberlands, and I think any man familiar with the subject knows, that the classification of land as "timberland" does not absolutely depend upon the stumpage in feet, but it is controlled largely, as well, by the character of the timber, and to a timberman such a classification as this is ridiculous on its face, because there might be a growth of 500,000 feet on a tract which still would not be called "timberland," because it is not merchantable timber.

Mr. FERRIS. Well, the gentleman may have a better idea of timber than I. I have lived in a country where, in many places, they have not sufficient timber from which to cut a switch to whip the children with.

Mr. WINGO. Yes; but the doubt I have in mind is that there will not be enough timber on these homesteads to whip a child with.

Mr. FERRIS. The gentleman may be entirely right about that. This bill is open to amendment, and when the time comes we will present the facts that were adduced in the hearings upon this bill, and it can be determined in accordance with the facts. I do not know whether this is the correct amount, but it is the best we could do with the combined judgment that we had.

Mr. BOOHER. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. BOOHER. Does not the gentleman know that it would be better to say "merchantable timber" rather than "growth of timber"?

Mr. FERRIS. Well, "growth" is restrictive, and it prevents the Government from being skinned. Now, the two gentlemen who are talking about timber are both practical men, and I will add my judgment to the two, making that of three practical men. The Government does not generally get its full dues on a timber proposition. It generally gets peeled. Those people out there, it may be depended upon, will get all that is coming to them.

Mr. BOOHER. Why would not the words "merchantable timber" be better to use as a term than the words "growth of timber"?

Mr. FERRIS. Well, the word "merchantable" is a word on which you can play back and forth, and with it probably weave the Government out of its money. We are spending a good deal of money and using a good deal of Government machinery to get this land back. What I am trying to do is not to give it all away; some one should look after the Government interests. I am trying to help the Government to get this land back, and I do not want to use loose terms, so that this land or timber can be frittered away.

Mr. BOOHER. Does not the gentleman think he ought to look somewhat, too, after the interests of the homesteader, the one who wants to go out there?

Mr. FERRIS. Yes. I have been a homesteader myself since the time when the gentleman from Missouri has, and I have proved up a claim in the last 15 years, and my heart goes out to the homesteader generally, who, I may say, does not have much music playing in his home during his meals.

Mr. BOOHER. But I do not want him to get more than is coming to him.

Mr. FERRIS. I lived in the gentleman's State for 23 years, and——

Mr. WINGO. Mr. Chairman, I, like the gentleman, want to protest against a loose expression. The gentleman is clearly in error, though, when he says "merchantable timber" is a loose expression. The term "growth of timber" is in fact a loose expression. My suggestion is that we protect the Government, not by loose expressions but by expressions that have a clearly defined and well understood meaning. To protect the Government and the homesteader who may enter the "cut-over" lands, the cutting of timber should be limited to "merchantable" timber.

Mr. FERRIS. If the gentleman thinks I have used a term that is not applicable I want to withdraw it. I do not pretend to know all about timber. We are presenting our best judgment with the facts we had.

Mr. RAKER. The question of merchantable timber was not involved; but in the testimony of experts before the committee the expression 300,000 feet board measure meant that they would investigate and that there should be at least 300,000 feet of timber on that land that could be used for sawing purposes, excluding pole timber, post timber, and such like as that, so that the homesteader would get the benefit of that; and this expression was the best that the committee could get from the experience of the men before the committee.

Mr. WINGO. May I ask the gentleman what the committee understand is meant by the words "board measure"?

Mr. RAKER. Timber that will be used by a sawmill.

Mr. WINGO. A sawmill may cut timber that is not merchantable.

Mr. RAKER. Anything that can be sawed up into merchantable timber.

Mr. WINGO. That is all I want to ask. We know what is meant by merchantable timber.

Mr. FERRIS. Now, Mr. Chairman, I do not wish to take any more time in a general statement. Does any member of the committee want to ask me anything?

Mr. COOPER of Wisconsin. I notice in the Washington Post of this morning a full-page advertisement signed by Mr. S. A. D. Puter. Who is Mr. Puter, and what does he represent?

Mr. BUTLER. Tell us that story again.

Mr. COOPER of Wisconsin. If the gentleman has already stated it, I do not ask him to repeat it.

Mr. FERRIS. I have a letter from the Department of Justice telling all about Mr. Puter. It is a photographic copy that was sent to me, telling me about those who operated with Mr. Puter. It is a very sad tale, which involves Mr. Puter and his connection with about 10 of his cohorts, some of whom were put in the penitentiary, some now refugees from justice, some now on trial,

and many of the cases are now pending. Some of the men are in Canada.

Mr. COOPER of Wisconsin. I think that is about all the information I require as to Mr. Puter.

Mr. BUTLER. Is Mr. Puter a State boarder at this time?

Mr. FERRIS. No! I think he is away from home at present, engaged in passing the Washington Post through the House Office Building filled with full-page advertisements against this bill.

Mr. ELSTON. Do the remarks that the gentleman has made concerning Mr. Puter relate to the methods that he and his associates have adopted with regard to putting in applications for the purchase of the lands or do they refer to previous transactions?

Mr. FERRIS. If I had the time I would like to read this letter from the Department of Justice. It will probably creep in here, I presume, before we get through. It begins as follows:

In re the Oregon and California land-grant frauds I have read the testimony given by Mr. S. A. D. Puter before the House Committee on Public Lands.

It goes on and tells about the transactions, a number of them. A number of Mr. Puter's associates are in Canada. They are indicted, and the department is trying to get them. A lot of them are being tried in San Francisco this month; nine of them have served terms in the penitentiary, and some of them are still there. They have sold lands all over the United States to innocent purchasers, lands that they did not own, lands to which they had no title, lands to which they never can acquire title; and the Department of Justice says that these men have collected about $2,000,000 from unsuspecting people and that they have about a million dollars of it now; and some of that money was spent to buy a page in the Washington Post this morning.

Mr. BUTLER. The railroad has nothing to do with Mr. Puter.

Mr. FERRIS. No; and I did not say it had.

Mr. BUTLER. Mr. Puter might assume to own anybody's land.

Mr. FERRIS. Yes; and these locators are selling or pretending to locate people on these lands to which they have no more right than they would have to go out and offer for sale stock in the House Office Building.

Now, Mr. Chairman, how much time have I occupied?

The CHAIRMAN. The gentleman has used 38 minutes.

Mr. FERRIS. I did not intend to use that much time, because the gentlemen from Oregon are vitally concerned in this bill and they want to speak. I did not want to curtail their time, neither did I want to consume but little time in debate. I reserve the remainder of my time.

Mr. LENROOT. I yield 45 minutes to the gentleman from Oregon [Mr. SINNOTT]. [Applause.]

Mr. SINNOTT. Mr. Chairman, I would like to have my attention called when I have occupied 30 minutes.

Mr. Chairman and gentlemen, it is my intention to discuss this bill only as it relates to and affects my State. But before going into that matter I desire to say that the general policy of the committee is approved in the State of Oregon. However, I will say that the people of Oregon are sorely disappointed in the details of this bill and in the manner in which it will affect the State.

Mr. Chairman, it is suggested in the report on this bill that the division of the proceeds "may seem exceedingly liberal to the State of Oregon." I am gratified to note that the sagacious chairman of the committee has sought to forestall any such inference.

It is generally thought that the State of Oregon is to receive 50 per cent of the proceeds of the sales under this bill. If the most cursory reading of the bill so hoodwinks anyone pretending to be at all familiar with the subject, then his knowledge of the bill is most superficial or the bill—

Is like a villain with a smiling cheek,
A goodly apple rotten at the heart.

The report of the chairman further states:

It must be remembered that the lands in question are now, and have been, subject to State taxation, but with the passage of this bill will be exempt from such taxation until disposed of by the Government.

This is indeed a most scant and deficient justification of Oregon's righteous claim. I am not criticizing the genial and accommodating chairman of the Public Lands Committee for not elaborating in his report on Oregon's claims and the great and incalculable damage my State has suffered on account of the railroad company's contemptuous disregard of the provisions of the granting acts; nor do I wish to complain because he has not set out in detail how the passage of this bill will further jeopardize the State's welfare. Our lovable chairman is a very busy man. I know his anxiety to get this bill before the House and to secure early consideration so that the six months' period fixed by the Supreme Court for action by Congress may not lapse. I realize the short time he had between the final action of the committee and the filing of his report—too short indeed to cover any but the legal features of the bill—so I do not complain. Doubtless the chairman felt that the members of the Oregon delegation would, to some extent, on the floor discuss the manner in which the State has been affected by the railroad grant and will be affected by the passage of this bill. For this reason I feel it incumbent on me to discuss these matters and to allay any apprehension that Oregon is too liberally treated.

By the granting act of 1866 every alternate section of land in a strip 40 miles wide and about 350 miles long was granted the railroad company. The amendatory act of 1869 provided that the granted lands should be sold to actual settlers in quantities not greater than 160 acres to each purchaser and for a price not exceeding $2.50 per acre. This provision was practically ignored by the railroad company. This grant was tantamount to a grant of a solid body of land 20 miles wide and 350 miles long. It lay across the most fertile part of the State of Oregon.

The area in gross of the grant was over 4,000,000 acres, an area one-third again as large as the State of Connecticut, which has an area of 3,084,800 acres; twice as large as the combined area of Delaware and Rhode Island, which together have 1,940,480 acres. The net grant which the railroad company was able to obtain was 3,207,356.73 acres, according to its own figures, an area still larger than the area of Connecticut.

Of this enormous area the railroad company prior to 1887 sold only 163,430.28 acres to actual settlers. All told to date, about 800,000 acres have been sold, the greater portion to timber interests. Of this amount over 370,000 acres sold to the large timber interests in violation of the settlers' clause of the granting acts were involved in the compromise suits under the 1912 compromise act.

By the granting acts this enormous area was withdrawn from the operation of the preemption and homestead laws. While similar lands in other public-land States were open to entry and settlement—were made productive, helped to add to the population, wealth, and development of the States in which they were situated—Oregon's wealth, development, and population were retarded by the railroad company's disregard and defiance of the terms of the act. All the while the administrative officers of the Government were apathetic spectators of the violation of the terms of the act.

A fertile area larger than the State of Connecticut withheld from settlement for the period of 50 years! Who can estimate the loss to my State? What monetary consideration can recompense us for the past mischief and damage? Further loss confronts us with the passage of this bill in lands withdrawn from taxation and settlement. The insinuation of something "extremely liberal" for Oregon in the division of the proceeds is dispelled when the situation and this bill are dissected.

Secretary Lane in his report, speaking of the settlers' provision, says:

The failure of the company to carry into execution this special provision of the grant was considered inimical to the interest of the settlers, the State, and the Nation, debarring one from valuable opportunities for the acquisition of a home and retarding the development of the other.

The Supreme Court, in its decision of the land-grant case, quotes with approval:

* * * Indeed, the very fact that injury is of public character and such that no damage could be calculated is an added reason for the intervention of equity.

And I say that the injury to my State by the loss of homes, of schools, and development is an injury that is incalculable. It has run on for 50 years; it can not be measured or be recompensed by any disposition of the granted lands. The loss and injury to Oregon is irreparable. Remember that the granted lands were dedicated to the settlement, to the progress, and development of Oregon. This purpose was frustrated.

Mr. STAFFORD. Will the gentleman yield?

Mr. SINNOTT. For a brief question.

Mr. STAFFORD. Can the gentleman give the committee information as to the proposition of these 2,300,000 acres that are agricultural lands suitable for homesteading, and how much is timberland and mineral land?

Mr. SINNOTT. The Commissioner of the General Land Office, Mr. Tallman, told the committee that 75 per cent of the lands were suitable for ultimate cultivation. My colleague Mr. HAWLEY, in whose district these lands are, told the committee that the major part could eventually be cultivated. He is very familiar with these lands, having surveyed a part of them, also having hunted over them.

Mr. JOHNSON of Washington. Does not the gentleman want the House to understand that if these lands had been in prog-

ress of settlement; that is, if they had gone to actual settlers during the last 50 years, the timber would have been cut off, the stumps pulled, and the land now the same as other magnificent agricultural land in Oregon and Washington?

Mr. SINNOTT. Certainly. I do not care to digress too much from my remarks at this time, but I will say that the Commissioner of the General Land Office informed the committee that 75 per cent of these lands were suitable and adapted for ultimate cultivation. Why, in the great Hood River Valley in my district, when I was a boy I saw quarter sections containing from 6,000,000 to 10,000,000 feet of timber, which quarter sections are now the orchard lands in the world-famous Hood River valley.

Mr. RAKER. Will the gentleman yield?

Mr. SINNOTT. Very briefly.

Mr. RAKER. The gentleman is now discussing the conditions that existed before the Supreme Court decision and before the action of the committee on these land grants.

Mr. SINNOTT. Certainly.

Mr. RAKER. I understand the gentleman's statement. His contention is that the only thing involved in the gentleman's complaint is that the committee has not gone far enough in the amount provided that should go to the State for roads and school purposes.

Mr. SINNOTT. That is one thing we complain of, and we also complain of the line of demarcation between the timber and the agricultural land, and a few other features that I expect to cover.

At the time of the grants both the even sections and the odd sections within the limits of the grant were open to preemption settlement at $1.25 per acre. The railroad company was given the odd sections, the Government retained the even sections. The granting act provided that the even-numbered sections should be raised in price from $1.25 an acre to $2.50 an acre. Thus the Government provided for its reimbursement for the grant. Again the Government recovered in the compromise suits, under the act of 1912, nearly $1,000,000, every dollar of which has gone into the Treasury of the United States. In free transportation for its troops and property the Government has received over $2,000,000.

The Government will receive many million dollars more under the provisions of this bill, all for lands which were devoted to the development of my State. This development has been defeated. The Government parted with its title to the grant lands, never expecting another dollar therefrom. The Supreme Court held that, with the exception of the settlers' clause, the grant was "unqualified." The court held, "There was a complete and absolute grant to the railroad company, with power to sell, limited only as prescribed." Had the Government not permitted the settlement clause to be ignored for years with impunity, the development of that section of the State would present a vastly different picture from what it does to-day. We in Oregon feel it is only equitable that, inasmuch as the Government has parted with its title to these lands to effect the settlement and development of Oregon—this object having been defeated—the proceeds of the lands should now be pursued and devoted to the original purpose of the granting acts; the progress and development of the State to the remedying, as far as mere money can remedy, a loss that can not be reckoned, that can not be recompensed.

My State has borne the entire loss and burden of the violated grant, the adverse conditions thereby entailed. Our industrial loss easily amounts to more than the entire value of the granted lands.

Mr. McCRACKEN. Will the gentleman yield?

Mr. SINNOTT. With pleasure.

Mr. McCRACKEN. The gentleman attributes the wrongs done to Oregon to the negligence of the Interior Department?

Mr. SINNOTT. The Interior Department has, to use the vernacular, "passed the buck" to the Attorney General's office, saying that it was not in their jurisdiction.

Mr. McCRACKEN. The fact remains, however, that it was within the province of the Interior Department, and had it given diligent attention to its duty the wrong done the State of Oregon would not have happened.

Mr. SINNOTT. I will state that Mr. Townsend, the attorney who tried the case for the Government, testified that he had consulted all the attorneys in the Interior Department, some 14 or 15, and they said that they had forgotten all about the terms of the grant.

Mr. LENROOT. Will the gentleman yield?

Mr. SINNOTT. Briefly.

Mr. LENROOT. Is it not a fact that the first action taken by the State of Oregon was a memorial to Congress in 1907, and within 12 months thereafter Congress did act?

Mr. SINNOTT. I am not prepared to answer that wholly in the affirmative. It would take me some time to explain this in detail and I expect to do it before we are through with the bill to-day. I will state this, however, by way of digression, that there was a resolution in Congress in 1886 to have these lands declared forfeited at the southern end of the grant, and Congress, although the Public Lands Committee reported favorably on that resolution, refused to act.

How does this bill purpose to right these wrongs? What reparation does it offer for arrested development in a strip of land 20 miles wide and 350 miles long, held in idleness in a wilderness for 50 years—held at prices that prevented the settlement and the peopling of Oregon?

The lands are now on the tax rolls paying a yearly tax of about $450,000. It is purposed to revest in the Government title to these lands to withdraw them all from the tax rolls, subject a small part of them to settlement, and in the far distant future sell the timber, and, after deducting several million dollars from the proceeds, give the counties for roads 30 per cent and the State for schools 20 per cent of the balance. The remaining 50 per cent is to go, 40 per cent to the reclamation fund and 10 per cent to the Treasury.

Mind you, on the passage of this bill $450,000 of yearly taxes will be lost. The time when we are to be recompensed for lost taxes alone is a matter of the greatest conjecture. If the theories of the administrative officers are given full scope it will be many decades before Oregon's proportion of the proceeds are returned to the State.

The timber is to be sold by the Secretary of the Interior and the Secretary of Agriculture, which means the Forestry Department. They are given practically carte blanche, their own sweet will, as to the time when they shall sell the timber.

The so-called regulations as to when the timber shall be sold are equivalent to leaving the matter to their discretion. What are their views, their theories about selling timber. I am going to get them from the record—from the officials who will have the matter in charge. Their views will afford us little approximation of how long a time the $450,000 yearly taxes will be withheld.

I am not quarreling with their views, but only calling them to your attention to show how long it may be before this matter is closed up and the State repaid for its lost taxes alone, not to mention any recompense contemplated for arrested development to the State.

Mr. Greeley, the assistant forester, who appeared before the committee, testified that 40,000,000,000 feet was a conservative estimate of the timber on the grant.

In his report on this bill the Secretary of the Interior says:

> The discretion given to the Secretary by this section to sell, for cash or on deferred payments, the timber on these lands, at such time and in such quantities as may seem best to him, is deemed by me absolutely essential to an effective discharge of the duty imposed by the bill. To order the immediate sale of such a vast quantity of valuable timber without any consideration as to the demands or needs of the market would, in all probability, not only result in a sacrifice of these particular lands of great value, but would disastrously affect the Government's disposition of matured timber in forest reservations, and very likely result in a demoralization of the lumber market. On the other hand, the requirement made in the proviso "that said timber shall be sold as rapidly as reasonable prices can be secured therefor in a normal market," is in harmony with the general scheme of the proposed legislation, viz, to subject the timber to taxation and the land to settlement as promptly as conditions will warrant. These conditions, however, can not be foreseen with sufficient accuracy to fix them in the shape of hard and fast statutory requirements.

The Secretary of Agriculture in his report to the chairman of the Senate committee on the original Chamberlain bill writes:

> The timber in private ownership in Oregon west of the Cascade Mountains is estimated, in the published reports of the Bureau of Corporations, at 348.5 billion feet. Privately owned timber in western Washington totals 270.5 billion feet. The aggregate in private ownership west of the Cascades in the two States is thus 619 billion, aside from 156 billion feet in the national forests.
>
> Although the lumber cut in the Northwest may increase rapidly, it is apparent that the great demand for immediate consumption will not strike this region until supplies of timber more accessible to the great centers of consumption are more easily exhausted. In addition, western Oregon is placed in an extremely unfavorable market condition owing to the fact that her present outlet by rail to the East is either north through or past the heavily timbered regions of Washington, or south through the almost equally well-timbered region of California. In consequence, the production of lumber in Oregon for a number of years has been practically at a standstill, and, while the rate of cutting will doubtless be materially increased as time goes on, it is obvious that vast quantities of privately owned timber must be held for many decades before it can be marketed as lumber.

The Secretary calls to our attention that it will be many decades before the now privately owned timber can be marketed as lumber. Further on in this report he states:

> Specifically, it is believed very strongly that the 40 or 50 billion feet of timber on the Oregon and California grant lands should not be sold except as is desired for immediate manufacture.

Assistant Forester Greeley testified before the committee:

Now, if the Oregon and California grant timber is to realize the value which has been placed upon it by the Department of Justice, it must, in my judgment, be sold under substantially the same requirements; that is, for immediate manufacture rather than for holding or speculation.

He further stated that—

the lumber industry out there now owns all the stumpage which it is able to carry

Mr. Greeley told us that the—

Secretary's recommendation is that the timber be sold as there is a demand for it for manufacture.

Again quoting Mr. Greeley:

Bringing this all down to the point, it is our suggestion that the timber on the Oregon and California lands be sold whenever there is a real demand for it for manufacturing purposes. Particularly, timber on agricultural lands ought to be disposed of as rapidly as that can be done.

There are now, as the Secretary of Agriculture informed us, 619,000,000,000 feet of timber in western Oregon and Washington and 128,000,000,000 feet in the Oregon national forests, a total of 747,000,000,000 feet. Mr. Greeley told the committee that this timber is being cut at a rate which has never exceeded 6,000,000,000 feet a year, and that the industry is carrying all the raw material which it can afford to carry. While I do not assent to these views, it makes no difference, for they will control the disposition of the timber.

Applying these economic theories announced by the two secretaries to the sale of timber, namely, considering the needs of the market, an industry now carrying all the timber it is able to carry—619,000,000,000 feet of privately owned timber, which the Secretary of Agriculture tells us "must be held many decades before it can be marketed as lumber," the greatest cut of any one year 6,000,000,000 feet—156,000,000,000 feet in the national forests, 40,000,000,000 feet on the grant lands, to be sold in a normal market, such as may not "disastrously affect the Government's disposition of matured timber in forest reservations," or to demoralize the lumber market. Sales of timber compatible with these views offer little hope that the present generation in Oregon will be made whole for the loss of $450,000 of yearly taxes, not to mention what we have already lost from the refusal to permit settlement. "Generations yet unborn" may see the final division of the proceeds; the present will not. We feel like exclaiming:

Keep not your kisses for my dead, cold brow,
The way is lonely, let me feel them now!

In Oregon we believe that the original bill, introduced by Senator CHAMBERLAIN, providing 40 per cent for the counties and 40 per cent for the State for public-school purposes is not more than the State is entitled to; that it will inadequately repay the State for arrested development and lessened population. I intend to offer an amendment for this 40–40 division.

Such a division can only partly atone for past injustice to Oregon on account of the illicit administration of the land grant.

Oregon is now the Nation's wood lot, with 13,148,941 acres of forest withdrawn from taxation. From this great untaxable area last year the State received the munificent sum of $49,000.

This bill puts 40 per cent of the proceeds of the land and timber into the general reclamation fund.

Oregon, with over 1,000,000 acres of arid land susceptible of irrigation, according to the reconnoissance of the Reclamation Service, has up to June 30, 1915, enriched the reclamation fund over $10,000,000 and has had returned but $3,758,812.32. Now, when we see further funds diverted to other States we are prone to cry out:

Quosque tandem, Catilena, nostra patentia abutere?
How long, O Catiline, wilt thou abuse our patience?

There are many features of the bill which I should like to comment on, but the limited time allotted to general debate does not permit. I shall try to discuss them when amendments are in order under the five-minute rule. A few features, particularly, I shall call to your attention now.

The State will never get more than one year's taxes from all this timber. It is doubtful if the State will even get that. The timber may be sold with payment in 10 annual installments. The bill provides for that, and that is most likely the way in which it will be sold. It is not to be taxed until patent is issued for the timber; patent is to be issued only on payment of the full purchase price, but patent may be issued on any legal subdivision when the full purchase price of the timber on such subdivision is paid. It will result from this that the purchaser, when he is ready to cut the timber from any particular subdivision, will pay the price of the timber on that subdivision and the same year will remove the timber. Assessments in Oregon are made as of March 1 of each year. A patent may be issued after March 1, and before the next March 1 comes all the timber could be cut.

The report of the Attorney General shows that the railroad company has received on account of the grant lands $3,500,000 in excess of what it is entitled to. If this claim of the Attorney General is found correct in the accounting suit provided for in section 7, this amount will be retained by the Government when it settles with the railroad company under the provisions of section 10. This amount will be treated as money already had and received by the railroad company.

Three million five hundred thousand dollars is equivalent to the payment for 1,400,000 acres at $2.50 an acre. The railroad company will not again be paid this amount. This $3,500,000 is retained in the Treasury of the United States. It is not treated as a part of the fund to be divided. The payment for 1,400,000 acres to the railroad company will not have to be made again. Yet section 10 of the bill takes no account of this fact, for it requires that before the proceeds of the sales are divided there shall be deducted therefrom $2.50 an acre for each acre of land revested. This deduction of $2.50 an acre is obviously made to enable the Government to settle with the railroad company. But why deduct $2.50 an acre for these 1,400,000 acres, or $3,500,000? The Government will not have to pay this sum to the railroad company. The railroad company has already received this amount. It has it in the $3,500,000 in excess of legal profits, and will be treated in the suit as money had and received by the railroad company. The Government will not have to pay it to the railroad company when settlement is made, so why take it out of the fund which is to be divided between the State of Oregon, the reclamation fund, and the Government?

We find the same incongruity in the matter of taxes. Under section 7 the taxes which should in law have been paid by the railroad company and which are to be advanced by the Government are to be treated as money had and received by the railroad company. The back taxes now amount to $1,565,458.88 (Mar. 1, 1916). Now, under the provisions of section 10, when settlement is had with the railroad company, this sum of $1,565,458.88, if found legally assessed, is to be retained by the Government. Yet section 10 also requires the deduction of these taxes from the proceeds of the sale before any division is made with the State and counties. The amount of these taxes withheld before division is to become the property of the Government. Thus the Government will be making a profit of 100 per cent for all it advances for taxes.

These two items, the excess of $3,500,000 and the taxes, amount to over $5,000,000, nearly 10 per cent of the highest valuation ever suggested for the grant lands.

By order of court, timber sales amounting to $190,000, payable in installments, were made. There are on deposit at Portland, Oreg., $90,000 from these sales and from condemnation suits. This amount and future payments by section 8 are vested in the United States.

This manipulation makes the 50 per cent division a delusion and a snare, for, instead of the State getting 50 per cent of the proceeds, the reclamation fund 40 per cent, and the Government 10 per cent, this division is not to be made until after the Government first gets a "rake-off" of over $5,000,000, not to count the $920,000 already received in the compromise suits.

Oregon's loss in settlement and population certainly is the Government's gain, to the tune of nearly $6,000,000, with a further 50 per cent division when the lands and timber are sold, amounting to an additional ten or fifteen million dollars.

No one need have any nightmare or apprehension over any "extremely liberal" consideration for Oregon in this bill. It falls far short of doing justice to the State. In equity and justice we are entitled to the full 40 per cent to the counties and 40 per cent to the school fund, as provided for in the Chamberlain bill, and that will not repay us for lands held in idleness for 50 years and now to be withdrawn from taxation for an indefinite period.

Our school fund is an irreducible fund. It is loaned on farm property; it in effect is a rural-credit fund. Every dollar allotted to the State is placed in this fund. The principal can not be drawn on; only the interest may be used for school purposes.

Some of these withdrawn lands are within port districts—municipal corporations organized under the laws of the State to improve ports and harbors. These port districts are improving the harbors on the Oregon coast in cooperation with the Government. They have put up dollar for dollar with the Government for that purpose. In all, these port districts have put up $2,000,000. They have bonded their lands to pay that sum. Their limit of indebtedness is 10 per cent of the assessed value of the property in the port district. Fifty per cent of the area

of Siuslaw and Umpqua port districts are in the area to be revested in the Government and withdrawn from taxation.

Many settlers settled on these lands thinking that the actual settlers' clause meant just what it said. A technicality, the lack of the definition of an actual settler in the granting act, the omission of proper regulations in the granting act exclude these settlers from any rights, although the Supreme Court says that their claims are supported by "appealing considerations." If worry and delay have not driven these settlers from the land since December 1, 1913, they may hold their lands if they do not contain more than 1,200,000 feet of lumber to the one-quarter section. If more, then they can only hold the 40-acre tract upon which their house or improvements are located. There was no timber restriction when they settled on the land; there should be none now if they are found to be settlers in good faith.

In homesteading these lands the bill fixes 300,000 feet of timber to the 40 acres as the line of demarcation between agricultural and timber land.

This would be fatal to the settlement of some of the best agricultural land in southern Oregon, according to the statement of the county court of Josephine County. M. J. Anderson, of Grants Pass, whom I have known nearly all my life, a man of intelligence and integrity, formerly a forest supervisor in Oregon, wrote to me. You will find his letter on page 537 of the hearings. He says, referring to a 1,000,000-foot timber classification, that "one ordinary Oregon tree per acre would throw the land out of agricultural class; six small 24-inch trees scattered about an acre, or such average over the 160 acres," would take the land out of the agricultural class.

I do not see how anyone knowing the facts in this matter, the past treatment, and what the future has in store for Oregon under this bill can reconcile them with the suggestion that the division of proceeds "may seem exceedingly liberal to Oregon." He can not do it unless he possesses somewhat the temperament of Warren Hastings, who, after listening to Burke's impeachment of the spoliation of India, said that when he considered his opportunities he was astonished or marveled at his own moderation.

Mr. Chairman, the adjustment of a land grant is ordinarily a prosaic subject with little sentiment in it; but, Mr. Chairman, when I am seeking justice for my State in this matter I can not suppress the sentiments surging in me when I think that these very lands were won and presented to the Government by the Oregon pioneers without any assistance from the General Government, but in the face of every discouragement and rebuff.

The Oregon country originally embraced with other lands the territory now in the States of Oregon, Washington, Idaho, and parts of Wyoming and Montana. The story of how the early Oregon pioneer saved for the United States this area is a thrilling tale full of romance and fascination. It is as the historian, Schafer, says, "A record of pathos, tragedy, and achievement not surpassed in any annals of our country." In the time at my disposal I can only give a bare outline.

By the treaty of 1818 the Oregon country was held in joint occupancy by England and the United States, free and open to the citizens of both countries. The powerful Hudson Bay Co. was England's representative in the Oregon country. A few intrepid American trappers, home builders, and missionaries were the sole guardians of our interests. The future ownership and control of this mighty empire was at stake—on the one side the colossal forces of the opulent and energetic Hudson Bay Co., backed by the wealth and encouragement of the British Empire; on the other the trapper, the pioneer home builder, and missionary, whose welfare gave our Government and foremost statesmen little concern.

Webster said in 1840:

> The ownership of Oregon is likely to follow the greater settlement, the larger amount of population.

Another statesman said:

> The ridge of the Rocky Mountains may be named as a convenient, natural, and everlasting boundary. Along this ridge the western limit of the Republic should be drawn and the statue of the fabled god Terminus should be erected on its highest peak, never to be thrown down.

Dayton is quoted as saying:

> God forbid that the time should ever come when a State on the shores of the Pacific, with interests and tendencies of trade all looking toward the Asiatic nations of the East, shall add its jarring claims to our distracted and already overburdened confederacy.

The Oregon pioneer despite this dismal foreboding determined to form a State on the shores of the Pacific. Our Government was reluctant to bring to an issue its claim of sovereignty. Another treaty of occupancy was entered into, again leaving the future dominion over the Oregon country to be decided by the settlement and occupation of the frontiersman and hardy pioneer.

The Hudson Bay Co. enforced the laws of England on all its agents and employees. The Oregon pioneers were in reality without a flag, a country, or laws which they could invoke for their own protection. They sent repeated petitions to Congress urging in most eloquent language that our Government take speedy and formal possession of the Oregon country. They called attention to the richness, the resources, and the extent of the territory. They wrote, "we flatter ourselves that we are the germ of a great State, that the territory will be populated, that Congress must say by whom." Their petitions were ignored or lightly considered.

George Himes, the historian, says, "Had Congress been relied on, Oregon would inevitably have become a dependency of Great Britain." Their petitions to Congress availed nothing. So the intrepid pioneers proposed to form a government of their own. They were importuned by the Hudson Bay Co. and English influences to form an independent government. Had they done this Oregon soon would have been an English colony, and the boys from Oregon, Washington, Idaho, and parts of Wyoming and Montana would now be fighting in the bloodstained trenches of France.

Or perhaps Oregon would have been taken into the Union as Texas was, reserving the public lands for the State, but their love for the Stars and Stripes was too intense. Instead of organizing an independent government they organized, by the bare majority of two votes over the English vote, a provisional government until such a time as the United States should extend its jurisdiction over them.

The provisional government at first was ignored and defied by the Hudson Bay Co. The numbers of Oregon pioneers were weak. They wrote and sent speakers to their friends, neighbors, and relatives in the States urging them to cross the plains and settle in Oregon to save the Oregon territory for the United States. The Hudson Bay Co. and the English interests did likewise for their Government, writing to their friends in Canada and England, urging the peopling of the Oregon territory by the Canadians and English.

The race for Oregon was on. The emigration of 1843, which Horace Greeley said "wore an aspect of insanity," on account of its seeming foolhardiness, and that of 1844, across the dreary plains "with sickness and death their traveling companions," brought an overwhelming number of American settlers into the Oregon country. The provisional government was perfected and made secure and the mighty power of the "mistress of the sea" was compelled to recognize our supremacy and sovereignty over the greater part of the Oregon territory. And thus, as Fred Holman, the president of the Oregon Historical Society, tells us—

> Without the aid, assistance, or protection of the United States, their daring patriotism in effect won an empire in extent for their country.

When we meditate, Mr. Chairman, upon the trials and sufferings of the Oregon pioneers, their virtues and achievements, we must conclude that the pioneers who won and conquered the Oregon country deserve to have their names inscribed on history's indelible scroll with the Pilgrim Fathers—the pioneers immortal. [Applause.]

Their children's children, not as mendicants asking alms, but as rightful heirs, demand that their heritage be administered in the fullest measure to upbuild their State and to promote their public schools.

For this reason, Mr. Chairman, all the granges, commercial bodies, and school districts in the State of Oregon have petitioned Congress that 40 per cent of the proceeds be allotted to the counties for roads and 40 per cent to the State for our public-school system. Thus and only thus will the purpose which the Supreme Court said Congress had in mind when passing the granting acts be fulfilled. [Applause.]

Mr. FERRIS. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman and gentlemen of the committee, I am going to yield enough of my time to ask the gentleman from Oregon a question, if he will tell the committee how he would dispose of these lands that are to be revested in the United States.

Mr. SINNOTT. I am not objecting to the disposition of the lands.

Mr. RAKER. That is what I am asking the gentleman; the only objection, then, the gentleman has to the bill is as to the disposition of the fund.

Mr. SINNOTT. If the gentleman had listened to my remarks he would know——

Mr. RAKER. I did, but the gentleman did not refer to that.

Mr. SINNOTT. I mentioned the division of the proceeds, I mentioned the timber classification, I mentioned the fact that there are certain settlers on the lands referred to by the Supreme Court which said that their arguments and claims presented "appealing considerations," and yet this bill absolutely ignores the great number of these people. They have but limited rights under the bill.

Mr. RAKER. I hope the gentleman will not take all my time. [Laughter.] Has he no further objection?

Mr. SINNOTT. If the gentleman will yield me an hour or so, I will mention several other objections. [Laughter.] There is another thing. You take out of the pot $3,500,000, and in addition to that you take $1,500,000 on the pretense that you are going to pay it to the railroad company, when you are not going to pay it to the railroad company, because that is to be deducted.

Mr. RAKER. Now, I can not yield any further. The gentleman is using up all of my time. [Laughter.]

Mr. SINNOTT. Does the gentleman want to ask me another question?

Mr. RAKER. Yes; but instead of answering the question, the gentleman is repeating his argument just made. [Laughter.]

I ask the gentleman what disposition he would make of the land, but he does not tell us, and still the arguments go back solely and entirely to the disposition of the fund. The committee, after extended hearings on this bill as well as by subcommittee, with the assistance of the Department of the Interior, the Department of Agriculture, and Attorney General's office, tried to do three things. First, prepare a bill so that the title might be revested in the United States; second, that they might dispose of the lands; third, that the accounts or the money due by the railroad company as well as that which is due them under the Supreme Court's decision might be adjusted. I also might incidentally say fourth, providing for the very thing the gentleman from Oregon refers to the settlers on the lands.

The bill provides for the revesting of the title, for the disposition of the lands, and it seems to me in the best method it could, not only for the Government but for the State of Oregon and the citizens who desire to obtain the lands; and further, it provides for free actual homesteaders that might have a claim on the land.

Mr. DUPRÉ. Mr. Chairman, will the gentleman yield.

Mr. RAKER. Yes.

Mr. DUPRÉ. Does it give them preferential treatment?

Mr. RAKER. Yes; it gives preferential treatment to those who have actually settled on the land, but there are 15,000 pretended claimants to the land, some of them living in Canada, some living in the Eastern and Western and in the Southern States, none of them ever having seen the State of Oregon, or been upon the land, who desire now to be recognized and have rights granted to timberland that is worth a great deal of money.

Mr. ELSTON. It is claimed by a good many that the title is already in the railroad, that this clause is in the nature of a covenant and not a forfeiture. What are the provisions of the bill respecting that?

Mr. RAKER. The railroad company is entitled to $2.50 an acre for the land, and is entitled to further consideration in that the land be disposed of. The Government revests the title and then pays the railroad company $2.50 an acre, to which it is entitled, and the land is then disposed of to the end that it may be put upon the market and used, all of it. The record shows from the Southern Pacific land agent, Mr. McAllister, who is familiar with the land, that 41 per cent of it has been cruised and the balance of it gone over casually; that only 15 per cent of this land can be used for agricultural purposes at the present time and that the rest is heavily timbered land. The same appears from the statement of the Forestry Service that practically 15 per cent is agricultural land and the rest of it is heavily timbered land, running from 5,000,000 to 20,000,000 board-feet measure per 160 acres of land. The committee, after providing for the disposition of the land, specifies the three clauses—power sites, timberland, which is then designated, if it does not contain over 300,000 board-feet measure, and the balance to be classified as agricultural land, and in that is the mineral land. The gentleman complained that the State of Orgeon will not get any consideration. The taxes up to the present time have been in the neighborhood of $1,500,000, paid to the State of Oregon by the railroad company. There are about $1,500,000 of taxes due to these counties, and the bill provides for the payment and the appropriation of money, to the end that the title may be clear and that the Government in handling it may not have any trouble with it. The homesteader who goes on the land pays $2.50 an acre, agricultural land, and he may enter the land as other public land is entered and it will be subject to taxation. All of the timber is placed in shape that it can be disposed of to the best interest of the Government and to the best interest to the State of Oregon, leaving only that which the gentleman from Oregon [Mr. SINNOTT] insisted upon should be retained in the bill and not disposed of for two years, namely, some 2,000 acres, or a particular water or dam site, or watershed to the city of Portland. All of the land and all of the timber will be placed under taxation as soon as it can be sold. The State and the counties will then receive their proportion of the taxes, and as the timber is sold it will be the same, and the land is placed back on the market for the purpose of permitting it to be homesteaded so that as rapidly as possible the land may be disposed of. The bill then provides that the Attorney General shall commence an action against the company and all of those who claim any interest in it, to adjust the matter between the railroad company, the lien holders, and the Government, so as to give them $2.50 an acre, their interest in this land for the entire tract of land, charging them up with the excess that has been paid for the sale of the land.

Something has been said and will be in regard to the resolution of 1912. The first one of 1908 authorized the Attorney General to proceed. He did proceed. Then there was a question as to whether or not he had power to dispose of the entire matter. In 1912 the Attorney General with his assistant appeared before the Committee on Public Lands urging the adoption of the resolution of 1912, permitting that department to compromise some 46 suits that had been begun against parties who were grantees of the railroad company, by their paying to the Government $2.50 an acre. The Attorney General stated before the committee that there might be with their influence and with the general feeling a question of losing the case. That was compromised. It was then provided that within a year where no suits were brought, as to those who had bought from the railroad company tracts of a thousand acres or under the statute of limitations would apply, and therefore it cleared the title to something like 400,000 acres of land in about 4,000 people. The bill as reported by the committee has covered the entire subject and should pass without opposition.

The CHAIRMAN. The time of the gentleman from California has expired.

[By unanimous consent, Mr. RAKER was granted leave to extend his remarks in the RECORD.]

Mr. LENROOT. Mr. Chairman, I yield 40 minutes to the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. Mr. Chairman, on May 2, 1916, the Committee on the Public Lands of the House of Representatives reported favorably to the House H. R. 14864, relating to the Oregon and California land grant, commonly known as the Ferris-Chamberlain bill, for the disposition of certain large areas of land granted to certain railroads to aid them in the construction of roads in Oregon. The bill so reported becomes, of course, the basis for the action of this House to-day. I regret to say that the bill in its present form is a disappointment to our people and greatly defeats their reasonable expectation. Under the five-minute rule, when the bill is read for amendment, I expect to offer some amendments and to advance arguments in support of them, trusting that the House will, in its wisdom and its kindly consideration for our disadvantageous situation, modify some of the provisions of the bill materially in our favor. It is my intention at this time to state for the information of the House the essential facts in the case and the conditions that have arisen by reason of the grant, as well as to explain the reasons and purposes that moved Congress in the first instance to make the grant. I wish also to present for your consideration certain problems that our people will have to face under the proposed bill and the difficulties in which it places them, especially the people of the counties in which these lands are situated. This bill deals with the disposition of some 2,300,000 acres of lands. It faces the direct possibility of being rejected by the courts. It handicaps the development of a number of counties by largely reducing their tax rolls. I respectfully urge that it merits the careful and patient consideration of this great body of men.

Almost all of the lands in these grants are included in the district I have the honor to represent.

Any legislation should carefully provide against fraud or other improper practices, and I would not support this or any other legislation under which objectionable methods or corrupt practices may be possible.

I submit below the resolutions adopted by a most representative conference of citizens of Oregon. Delegates to this con-

ference were chosen by the county courts, commercial and agricultural organizations, by the governor, and otherwise:

Resolutions adopted by the Oregon State Land Grant Conference, State Capitol, Salem, Oreg., September 16–17, 1915.

Whereas the people of the State of Oregon, by their representatives, duly assembled at Salem, Oreg., September 16 and 17, 1915, have been brought together by a common inspiration to consider the material welfare of Oregon made imperative by the rendition of the opinion of the Supreme Court of the United States in the case of the Oregon-California Railroad Co. et al. v. The United States, popularly known as the land-grant case; and

Whereas in said case the Supreme Court has construed the acts of Congress of the United States approved July 25, 1866, as amended by the acts approved June 25, 1868, and April 10, 1869, and the act of May 4, 1870, to be not only laws but enforceable and continuing covenants; and

Whereas said acts contain conditions for the sale of the lands granted thereunder, requiring the said lands to be sold to actual settlers in quantities not greater than 160 acres and for sums not exceeding $2.50 per acre; and

Whereas the said conditions plainly imply an obligation upon the grantees in said land to sell said lands to actual settlers who comply with the conditions of said grant, and bring themselves within the conditions of said grant as actual settlers; and

Whereas it is apparent that the grantees in said grant by the acceptance of said grant plainly agreed to convey the said lands according to the terms of said grant to such settlers upon the payment of the amount specified in said grant, and to make such conveyance upon the full performance of the terms of said grant by said actual settlers; and

Whereas the Supreme Court in its opinion of June 25, 1915, held that Congress should have a reasonable opportunity to provide by legislation for the disposition of said lands in accordance with such policy as it might deem fitting under the circumstances and at the same time secure to the defendants in said cause all the value the granting acts conferred upon the said defendants, at all times keeping in view the policy which will insure actual settlement of the lands rather than speculation; and

Whereas the United States Government has heretofore created national forests within the State of Oregon, occupying approximately one-third of the area of the State of Oregon, and thereby militating greatly against the growth and development of the State of Oregon: Therefore be it

Resolved, That it is the sense of this conference that the Congress of the United States should enact laws defining and settling who shall be considered an actual settler under the terms of said acts, and what shall be considered an actual settlement, and requiring the grantees under said acts to perform the terms and conditions of said acts, and sell and dispose of said lands according to the true intent and purpose of said acts to such actual settlers; and be it further

Resolved, That we are unalterably opposed to any further increase of forest reserves in the State of Oregon; and lastly be it

Resolved, That we urge upon Congress the enactment of legislation which shall provide for the immediate sale of said grant lands in quantities of not greater than 160 acres to any one person and to actual settlers at a price not in excess of $2.50 per acre, and to provide against all fraud in the settlement and disposition of said lands.

Adopted September 17, 1915.

WM. I. VAWTER, *Chairman*.
C. C. CHAPMAN, *Secretary*.

OREGON & CALIFORNIA RAILROAD LAND GRANT.

Congress, by an act approved July 25, 1866, as amended by the acts approved June 25, 1868, and April 10, 1869, granted certain lands in Oregon as an aid in the construction of a railroad that was constructed from Portland south through the Willamette Valley on the east side of the Willamette River, through the Umpqua Valley and the Rogue River Valley to the southern boundary of the State. For each mile of construction the grantees were to receive the odd-numbered sections within place limits of 20 miles on either side of the road, or 12,800 acres for each mile of road constructed, in accordance with the terms of the grant. For lands lost to the grantees by reason of appropriation by others prior to the attaching of their right to any lands within the place limits they were given the right to select lieu lands within an indemnity limit of 10 miles on both sides of the place limits. Under this grant the grantees earned 3,821,901.8 acres.

Congress, by an act approved May 4, 1870, granted certain lands, under similar terms, as an aid in the construction of a railroad from Portland to Astoria and McMinnville, on the west side of the Willamette River. Under this grant 397,602.16 acres were earned.

Telegraph lines were to be built in connection with both roads.

The Southern Pacific Co. subsequently acquired both roads, and now owns and operates them. The granted lands were transferred to this company with the roads. The granting acts passed the title to the lands out of the Government, and nearly all the lands earned were patented to the grantees, to the amount of 2,894,295.23 acres. There are approximately 250,000 acres selected by the railroad not yet patented to it. The patented lands have been taxed for many years at an assessed valuation of both land and timber for county and State purposes. Under date of April 26, 1916, the Commissioner of the General Land Office advised me as follows by letter:

In reply you are advised that the estimated area of the land grant to the Oregon & California Railroad Co. under the act of July 25, 1866 (14 Stat., 239), commonly called the East Side Grant, is 3,821,901.8 acres, and that the estimated area of the grant to the Oregon & California Railroad Co. as successor to the Oregon Central Railroad Co. under the grant by the act of May 4, 1870 (16 Stat., 94), commonly called the West Side Grant, opposite the constructed portion of the road, is 397,602.16 acres, or a total of 4,219,503.96 acres. Patents have been issued to the company under said grants for 2,894,295.23 acres, leaving due to the company 1,325,208.73 acres. There are pending selections of the company amounting to approximately 250,000 acres.

THE PROVISOS.

While the granting acts gave the title to earned lands to the grantees, that title was not a fee simple of all the value of the land and its appurtenances, but appears to have been limited to a maximum interest of $2.50 for any acre, so far as any direct interest in the land is concerned. There is a further limitation also upon the power of alienation, set forth with great exactness of language.

The proviso in the act of April 10, 1869, reads as follows:

And provided further, That the lands granted by the act aforesaid (act of 1866) shall be sold to actual settlers only, in quantities not greater than one quarter section to one purchaser, and for a price not exceeding $2.50 per acre.

A proviso of similar import was included in the act of May 4, 1870.

By reason of the violation of the terms of these provisos by the railroad company in making sales and its refusal to make sales in accordance with their terms, and a decision of the Supreme Court of the United States upon these matters on June 21, 1915 (see 238 U. S. Repts., 393), the matter of these grants is now before Congress that Congress may make such disposition of them as the terms of the granting acts, the rights and interests of all parties concerned, and the decision above referred to will justify. And it is my belief that this Congress in enacting any legislation upon this subject, so vital to the welfare of the State, counties, and people of Oregon, should give force and effect to the intent of the former Congresses which passed the granting acts; that Congress at this late date should not deprive us of the value of a grant once made in good faith.

Prior to these grants, many grants were made by Congress to aid in railroad construction by which an unqualified title was given and no restrictions upon alienation imposed. The Supreme Court in its opinion, after referring to the grants made without restrictions and quoting from the record certain phrases characterizing the evils arising from such methods of making grants, says:

Informed by such experience, in substance is the contention, and solicited by petition and moved by the reasoning of some of its members, Congress changed its policy of unqualified bounty, and, while not refusing to contribute to the aid of great enterprises, sought to prevent the perversion of such aid to selfish and personal ends, and to promote the development of the country by the disposition of the lands to actual settlers.

And in making the grants now in question, Congress adopted the latter policy. The title passed to the grantees, with power to sell the lands under certain conditions at a maximum price of $2.50 for any acre; the proceeds were to be retained by the grantees and were in the nature of a bonus, which amounts to $32,000 for each mile of road constructed.

The purpose of this policy was twofold—to aid in the construction of railroads which would become parts of a great transcontinental system and to people of the country by requiring the lands to be sold to actual settlers only. The settlement and subsequent development of the lands was intended to be an aid to the railroads in providing traffic in passengers and freight, and to the State by peopling the new country and increasing the taxable area, from which both State and counties derive that financial resource which enable them to undertake and carry out their benificent purposes. Taking into consideration all the debates had when the grants were made by Congress, it is clear that both purposes were of equal importance and to be equally subserved. The Supreme Court recognizes these two purposes in its decision (416–417). The State of Oregon, and the counties in which these lands are situated especially, depending upon the good faith of the railroads and of the Government in carrying out the purposes of the grants, are more or less largely dependent upon the taxes derived from these lands for the maintenance of the common schools, the construction of roads, and the support of their other institutions. Congress divested the Government of all title to these lands, and they have been on the tax rolls for many years, paying State and county taxes upon their assessed valuations.

FAILURE OF THE RAILROAD TO COMPLY WITH THE PROVISOS.

The lands patented under the grants amount to some 2,900,000 acres, and the lands claimed as earned by the grantees but not patented to 250,000 acres, in round numbers. Prior to the institution of the Government's suit in 1908, some 820,000 acres had been sold by the grantees, of which 296,000 acres were sold in general conformity with the restrictive provisions and 524,000 acres without reference to them. Some 4,930 sales

were made for quantities not exceeding 160 acres, and 376 sales for quantities exceeding 160 acres, to one purchaser. The Supreme Court says that prior to May 12, 1887, 163,430.28 acres were sold to actual settlers in small quantities at prices slightly in excess of $2.50 per acre. The Attorney General states that prior to 1894 few sales were made in quantities greater than 160 acres to one purchaser. From the dates mentioned until 1903 no special attention was paid to the terms of the provisos, but lands were sold as purchasers appeared and in such quantities and at such prices as were agreed upon. The lands were withdrawn from market in 1903.

Two things resulted. The railroad company had made itself obnoxious to the law by its violations of the provisos prior to 1903, and after that date by its refusal to sell it obstructed the settlement and development of the lands and aroused the people of the State to demand that it obey the terms of the provisos. This demand had gained considerable strength in 1906, so that the Legislative Assembly of Oregon in 1907 memorialized Congress on the subject. There was also a constant and growing demand on the part of purchasers for the lands.

CONGRESS ACTS.

When the matter was submitted to Congress, Congress, deeming itself not prepared to pass upon the rights of the parties, gave them their day in court by the adoption, on April 30, 1908, of a joint resolution authorizing and directing the Attorney General of the United States to institute and prosecute any and all suits in equity, actions at law, or other proceedings to enforce any rights or remedies of the United States arising and growing out of the granting acts. Proceedings were brought in the United States District Court for the District of Oregon. This court held the lands for forfeiture to the United States. (See 186 Fed., 861–910.)

ACT OF AUGUST 20, 1912.

During the progress of the suit in the district court and pending action thereon it developed that in some patents issued to the grantees by the General Land Office the restrictive provisos were omitted. What proportion of the lands were so patented I can not now say. Purchasers of lands under patents issued without the restrictive provisos were not put on notice. Although everyone is supposed to know the law, the omission by a public official of an important provision from so formal a public document as a patent raised the question whether innocent purchasers were not relieved by the omission. Other patents recited the provisos or referred to them. Large areas of the lands, bought without reference to the restrictive provisos, were being productively used and considerable capital had been employed in their development. Reputable attorneys had passed favorably upon the abstracts of title.

It was the intention of the Department of Justice at first to ask for forfeiture of the lands sold in violation of the provisos as well as for forfeiture of the lands still unsold. A more careful examination, however, caused the department to suggest a different procedure. There were equities in its opinion in favor of the purchasers that did not exist in behalf of the railroad. Joining both parties in the suit for forfeiture might therefore have endangered the whole suit. The proposal was to proceed with the suit for forfeiture against the railroad, but to deal with the purchasers by legislation. Under the legislation the purchasers were divided into two classes—those who had purchased less than a thousand acres, against whom proceedings were not intended because of the great numbers of them, the difficulty in ascertaining their addresses, the expense, and the length of time it would take to try them, and after two years their title was to be incontestable; the second class consisted of those who had bought more than a thousand acres, who were to be allowed to come into court, confess judgment of forfeiture, and receive a patent upon payment to the Government of $2.50 per acre. The result of this legislation was to leave a clear-cut issue with the railroad over the provisos.

The Government has received nearly a million dollars from purchasers who confessed forfeiture and repurchased the lands under the conditions above stated.

BEFORE THE SUPREME COURT OF THE UNITED STATES.

The case was appealed by the railroad company to the Supreme Court of the United States. Decision was rendered by that body on June 21, 1915, which decision is reported in Two hundred and thirty-eighth United States Reports, page 393. The four parties which had appeared in the district court appeared before the Supreme Court. These were the railroad company, the Government, the cross-complainants, and the intervenors. The attorney general of Oregon appeared also in behalf of the interests of that Commonwealth. The cross-complainants were persons who had gone on the lands as actual settlers, each offering to pay to the railroad company $2.50 per acre for a quarter section of land. The intervenors were persons who had offered to purchase quarter sections at $2.50 per acre, without having become actual settlers on the lands. Sales were refused to both cross-complainants and intervenors.

The Government contended that the provisos were conditions subsequent, and that the railroad's disregard for and violation of them operated to work the forfeiture asked by the Government. The railroad maintained that the provisos were restrictive and unforceable covenants. The cross-complainants urged that the provisos created a trust for actual settlers and asked an enforcement of the trust. The intervenors gave the trust contended for a wider scope, so as to include all persons who desired to make actual settlement upon the lands. The attorney general of Oregon declared it to be to the interest of the State that the lands shall be "subject to settlement and improvement, as contemplated by the provisions of the grant, in order not only that those vast areas of the State may be improved, but also that the lands may not be withdrawn from taxation, thus depriving the State, and especially the 18 counties in which they are situated, of a large proportion of their resources from direct taxation."

The decision of the court is long and in many respects disappointing. Possibly it could not have been otherwise. While there were a number of issues involved, three stand out from a practical standpoint:

First. What were the provisos in effect?

Second. What was the extent of the railroad's interest in the lands under the grant?

Third. What was necessary to be done to secure the enforcement of the grant?

The court decided that the provisos were not conditions subsequent, as claimed by the Government, and, therefore, the forfeiture asked for was refused, but that they were covenants and enforceable, thus denying the railroad's contention. The court denied the claims of the cross-complainants and intervenors, with tears in its eyes, apparently upon the theory that the Government only could ask for the enforcement of the terms of the grant. In holding that the provisos constituted enforceable covenants, the court did not say whether or not they could be enforced by the courts, except by possible inference, but referred the matter to Congress for such action as it may be possible for Congress to take, without indicating what that action should be, except in an indefinite reference to the public interests.

The court enjoined the railroad company from selling any of the lands or timber thereon, and from the cutting and removal of any timber for a period of six months from the date of the entry of the decree by the district court, but after that date the company may apply for a modification of the decree so as to permit it to dispose of the lands and timber according to the terms of the provisos. With this application the court can deal as it thinks wise.

The decision does not determine what the total interest of the railroad is in the grant; it confirms the interest of $2.50 per acre for the land, but whether that is its entire interest is not stated; and in its reference of the matter to Congress it enjoins that "all the value the granting acts conferred upon the railroads" be secured to them. A more indecisive phrase than "all the value" could hardly have been chosen.

The court does not indicate what action Congress can take. What can be done is to be inferred or deduced from the decision and limited by whatever rights the railroads have acquired and can not be divested of. It is important that whatever legislation is enacted be valid in the courts. Litigation over the question of forfeiture by the courts occupied some seven years. Legislation enacted at this time, unless clearly within the power of Congress and properly providing for the rights of the grantees and their transferees, will be attacked by them. Their claim is substantially that they own the land, timber, and so forth, and can use or lease them, and are limited by the provisos only when they may at any time conclude to sell a tract of land. Their representatives appeared before the Committee on the Public Lands with a proposal to compromise for the sum of $10,000,000 additional to that already received by them from the grant from various sources. Legislation now enacted which would be contested in the courts over another period of years would be a disaster to us.

Referring again to the phrase used by the Supreme Court consisting of the words "all the value the granting acts conferred upon the railroads," their indeterminate and indecisive character is emphasized by the fact that the United States Court of Appeals at San Francisco, Cal., has within a few days certified

a list of questions to the Supreme Court, all of which I give below, but from which I now quote question 4:

Is the expression "all the value the granting acts conferred upon the grantees" or anything else in the decision of the Supreme Court contained to be taken as meaning that said grantees and their successors in interest have only an equity in the proceeds of the sales of the lands in question to the extent of the statutory selling price thereof?

Which is $2.50 per acre. These questions indicate the uncertainty in the minds of the appellate judges as to what the rights of the parties are under the decision. If the above question is to be answered in the affirmative, the legislation proposed in the pending bill has no ground to stand on.

QUESTIONS OF LAW CONCERNING WHICH THE COURT OF APPEALS DESIRES INSTRUCTIONS OF THE SUPREME COURT FOR ITS PROPER DECISION.

1. Was the decree of the District court of December 9, 1915, in accordance with the opinion of the Supreme Court?

2. If not, should the District court have made and entered its decree in the manner and form as proposed to it by the defendants in the decree submitted by them and set forth in the approved statement of facts?

3. During the continuance of the estate granted by the acts of Congress mentioned in the opinion of the Supreme Court, and while the grantees thereof and their successors in interest retain the same, have such grantees or their successors in interest, within the decision of the Supreme Court, the right to cut or remove or to authorize the cutting and removal of the timber thereon, or to remove or authorize the removal of mineral or other deposits therein or to sell the timber thereon or the mineral or other deposits therein, apart from the sale of the land bearing the timber or containing the mineral or other deposits, except as such right is suspended pending the congressional action referred to in the decision?

4. Is the expression "all the value the granting acts conferred upon the grantees" or anything else in the decision of the Supreme Court contained to be taken as meaning that said grantees and their successors in interest have only an equity in the proceeds of the sales of the lands in question to the extent of the statutory selling price thereof?

5. Does the decree of the district court conform to the mandate of the Supreme Court in the insertion in the second paragraph of such decree of the following: "And from selling any of the timber on said lands, or any mineral or other deposits therein, except as part of and in conjunction with the land on which the timber stands or in which the mineral or other deposits are found, and from cutting or removing or authorizing the cutting or removal of any timber thereon, or from removing or authorizing the removal of any mineral or other deposits therein, except in conjunction with the sale of the land bearing the timber or containing the mineral or other deposits"?

6. Does the decree of the district court conform to the mandate of the Supreme Court in failing to make provision for the termination of the injunction contained in the decree in the event that Congress shall make provision as therein provided?

SAN FRANCISCO, CAL., *May 12, 1916.*

STATEMENT OF PRESIDENT SPROULE.

In order that the House may have a statement of the position of the Southern Pacific Co. and the nature of the claim made by that company as the present owner of the grant, I submit a statement issued by President Sproule. This statement has been printed in circular form and also printed in the news columns of a number of papers. While I have had no communication with the company during the progress of this case, I presume the statement is authentic. I submit it simply for the information of the House:

The United States Supreme Court held that the company is the owner of the lands under the grant, with absolute title, subject only to the restriction that when it chooses to sell these lands it shall sell them only to actual settlers in parcels not exceeding 160 acres and at a price not exceeding $2.50 per acre. It reversed Judge Wolverton, who had held that because the company had sold these lands with the timber thereon in larger parcels than 160 acres and to persons not actual settlers and at prices exceeding $2.50 an acre the company forfeited its title to all the land unsold.

After receiving the grant the company offered the lands for sale in accordance with these restrictions, and in early times sold substantially all the lands that were suitable for settlement at prices not exceeding $2.50 an acre. But as the remaining lands were of a character not suitable for actual settlement, being timberlands in the mountains, it could not dispose of such lands by selling to actual settlers only, no such settlement being practicable.

Thereafter the company did make sale of timberlands in larger tracts than 160 acres to persons other than actual settlers and at prices exceeding $2.50 an acre. It was these sales that were made the foundation of a claim on the part of the Government that the company had forfeited its title to all the lands unsold, which claim was rejected by the United States Supreme Court.

In view of the decision of the Supreme Court, the company insists that being the owner of these timberlands, and under no obligation to sell them, and, in fact, it being impossible to sell them under the restrictions of the grant, it has the right of any other owner to dispose of the timber on those lands, just as it would dispose of any other crop produced by the land, at the same time admitting that when it comes to sell the land itself it must do so under the terms of the grant. The cutting of the timber from these lands is in fact a step toward making them fit for settlement, so they may be disposed of under the terms of the grant.

But the Government contends that the company shall not be allowed to realize more than $2.50 an acre for any of these lands, even though they may be worth many times that amount because of the timber thereon, and that, therefore, the company has not the right to dispose of the timber growing upon these lands. It is strange indeed that the Government should now maintain that the company has no right to the timber upon these lands, because for many years before coal was used as fuel it used this timber as fuel, without question, and the right to do this is clear, because the act of Congress granted the lands "to secure safe and speedy transportation of mails, troops, munitions of war, and public stores over the line of said railroad." Of course such object could not be accomplished without fuel to produce motive power.

And, further, this provision of the law implies that the road shall be maintained, and certainly the use of this timber for ties and lumber to be used in the construction and maintenance of the road would seem to be a matter beyond doubt.

Further, the Government, in the third section of the act, expressly granted the company the right to take timber from the Government sections of land adjacent to the line of road, and under section 10 it allowed the taking of timber from lands excepted from the grant by reason of being mineral. In view of this express grant to take timber from lands owned by the Government and not included in the grant, upon what pretext can the Government deny the company the right to take timber from the land granted to the company?

The facts show that the position of the Government, if carried out, would force upon the company a large financial loss; in other words, while the grant was one to aid the construction of a railroad, it would turn out to be, if the position of the Government is correct, the means only of producing a deficit for the grantee, and this appears from the following facts, stating in round figures:

Expense to the company of administering this grant	$1,372,000
It has paid taxes on these lands aggregating	2,758,000
Making total expense and taxes	4,130,000
The company's total cash receipts from all sources under this grant, including sales of lands, amount to	5,345,000.00
This leaves the company a net revenue from past transactions of	1,215,000.00
The lands of this grant heretofore sold aggregate (acres)	804,637.75
Which have yielded the company therefor an average net revenue for the lands sold per acre of	1.51

And further, this grant required the company to carry free for the United States its mails, troops, munitions of war, and public stores over this railroad without limit as to time. The value of this free transportation at regular rates which have been furnished the Government equals $2,084,467, which amount exceeds the receipts of the company under the grant by $868,641. It embraces the service between Portland and Roseville Junction, 664 miles.

From the experience of the past we may be certain that the company will be called upon to furnish the Government free transportation of the value of $75,000 per annum, and this is a perpetual obligation. Now, if we could sell every acre of the land at present unsold, viz, 2,400,000 acres, at the price of $2.50 per acre, this would yield $6,000,000, which would be used up in 80 years by the free transportation which we are bound to furnish the Government, leaving the company thereafter—for all the time—to furnish transportation to the Government without compensation.

But there is a considerable quantity of this land, at least 400,000 acres, which can not be sold at any price, hence the amount that could be realized by sales would be something like $3,000,000 or $4,000,000 at the utmost, from which expenses of administration and taxes must be deducted.

The company therefore insists upon its legal rights as the owner of these lands to dispose of the timber thereon; and any fair adjustment of this matter with the Government, considering all the facts, would not deny to the company this right—a right which in a similar transaction between private individuals would not be questioned for a moment.

THE INTEREST OF OREGON AND HER PEOPLE.

Prior to 1840 there had been some settlement in western Oregon, which, though not large in numbers, was excellent in character. After that date the call of the Great West was heard in all parts of the United States and elsewhere, and the numbers so increased that Congress admitted the State into the Union in 1859. The general character of its citizenship has always been of the highest quality. Its early communication with the world was by the long and dangerous roads across what was then known as the Great Desert and by the rivers to the sea. The territory was of great extent. The land was rich, fertile, and capable of sustaining a numerous people. All crops that flourish in the Temperate Zone thrive and produce abundantly. Congress made these grants to provide better means of transportation and to promote settlement. One road was to provide an outlet to the ocean at the mouth of the Columbia River, the other to connect with the great transcontinental railroads then being built from California to the East. There is no doubt but that Congress intended that these lands should pass into private ownership for purposes of development and to become a part of the taxable area for the support of the institutions of the State and its municipal subdivisions. We can see no reason now for changing the destination of the lands. We believe we are entitled to the full value of the grant as Congress intended to the same extent, for instance, as in grants of lands for school purposes. It makes no difference whether that value is of one kind or another, Congress granted to us whatever it contained to promote settlement and development after the railroad's claim had been satisfied. Eighteen counties in western Oregon have portions of these lands in them. They form a considerable proportion of the taxable area in several of them.

The table given below shows first the acreage of the grant lands in each county; then the total acreage of other lands taxed for county and State purposes; next the lands in forest reserves, as given by the Forest Service, and the lands in Indian reservations, as stated by the Indian Office; the fourth column gives the acreage of public lands under control of the General Land Office, which are additional to those in the preceding column; and the last column gives the total acreage, as given by the Oregon Blue Book, an official State publication. The acreage included in the brackets was obtained from a source other than the assessor's statement.

The withdrawal from taxation of the grant lands in these counties will be a serious matter for all of them. It is of especial concern to several which have very large acreages of the grant within their boundaries. The percentage of acreage that will be lost to taxation in five counties is as follows:

	Per cent loss.
Josephine	52.0
Jackson	36.6
Douglas	31.2
Lane	18.3
Coos	12.4

These serious reductions in the taxable area, with the consequent annual loss of taxes incident thereto, strongly support our contention for a more generous proportion of the proceeds derived from the proposed sales of the grant lands and timber than the pending bill provides.

County.	Oregon & California Railroad land according to county assessor.	Other taxed land according to assessor.	Reserved land as given by Forest Service and Indian Office.	Public land by General Land Office.	Total land by Oregon Blue Book.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Benton	53,627	413,798	640	5,835	440,320
Clackamas	98,206	520,844	528,127	9,285	1,192,960
Columbia	18,000	.....	.....	.....	423,680
Coos	121,045	853,605	89,930	16,901	1,041,920
Curry	23,400	.....	596,176	40,398	958,720
Douglas	650,418	1,406,253	985,677	39,631	3,150,455
Jackson	464,560	803,546	397,494	57,145	1,815,040
Josephine	303,768	280,172	390,720	41,155	1,120,640
Klamath[1]	42,983	652,800	922,089	900,776	3,839,360
Lane	300,110	(1,261,241)	1,361,243	29,086	2,951,680
Lincoln[2]	16,000	422,885	116,229	5,074	645,120
Linn	62,870	933,582	435,902	1,874	1,435,520
Marion	33,062	507,406	193,114	126	764,160
Multnomah	9,369	163,369	57,442	1,360	288,640
Polk	37,000	.....	2,695	600	453,760
Tillamook	30,000	680,000	62,231	21,042	720,000
Washington	17,932	401,241	.....	320	467,840
Yamhill	28,655	389,697	23,237	370	456,960

[1] Indian lands, 817,896 acres. [2] Indian lands, 37,000 acres.

These lands, being the odd-numbered sections, are checkerboarded in with the even-numbered sections. This increases the cost and difficulty in constructing roads, maintaining schools, and other forms of development. Adding to this the great areas in forest reserves and other reserved lands, the difficulty is further increased. The forest lands are, of course, untaxed. The grant lands are now taxable, but settlement and development would increase their taxable value.

What I am insisting upon is this: The taxable status of these lands should not be changed to an untaxable status for any period whatever. As above shown, the counties have only a portion of their superficial area available for purposes of taxation. A certain and regular income from taxation is essential to their progress, and it might be said in the case of some of them, to their existence. To deprive them of this would be inimical to their welfare. In other words, by appropriate legislation enforce the terms of the grant.

It appears to me that if the policy of enforcing the terms of the grant were adopted, it would be possible, without encountering as many difficulties as will be involved in the adoption of any other policy, to provide for the disposition of these lands in accordance with the decision of the Supreme Court and conserve all legitimate interests in a proper way; that by so doing further litigation might be avoided; that the work of the counties would not be hindered, interrupted, and embarrassed, nor the lives of our citizens be embittered by the addition of unnecessary burdens of taxation.

There are scores of rural schools in these counties. The removal of the grant lands from the tax rolls will reduce the funds available for their support and impair seriously the educational advantages of thousands of children.

Congress made this grant to promote the settlement and development of a new and great Commonwealth on the Pacific coast, making it in such terms and under such conditions that it must inevitably become a part of the taxable area and the scenes of the operations of that great army of civilization and soldiers of the common good—the home builders who tame for the habitations of men the wild and vast unoccupied spaces of the primeval earth. This transformation is taking place. [Applause.]

Now, if another Congress, a half century later, because of no fault of Oregon or her people, but because the intermediate beneficiary—the railroad—has acted wrongfully, proposes to resume the grant and dispose of the same by sales, it should, acting as if for us, after discharging the claim of the grantees and reserving sufficient to reimburse the Government for the costs of administering upon the grant, deliver the remainder to us for our public uses, at least to the extent originally provided in the bill. We have done no wrong, been in no default, violated no law or condition, have proceeded as we ought to have proceeded, and ought not to be made to suffer.

Oregon and her people were the ultimate beneficiaries under the original grant, the railroad only an intermediate beneficiary with a limited interest. There is reason for proceeding against the intermediate beneficiary, yet under the decision of the Supreme Court it must be paid the full value of its interest. There is no reason for proceeding against the ultimate beneficiaries or depriving them of the proceeds of the grant further than to pay the claims above stated. We should receive full value also, and all that is done should be for our benefit and in our interest. Since it is now proposed to change the form of the grant its value should be paid to us, as above indicated.

Moreover Congress, when making the grant, took care of the interest of the Government. Prior to the grant these lands were for sale at $1.25 per acre. The act, while granting the odd-numbered sections, reserved the even-numbered sections, and provided that the price per acre for the latter should be not less than $2.50. This meant that the Government was to receive for the even-numbered sections under the grant as much as it would have received from all if the grant had not been made, and such additional amounts as the building of the railroad, the settlement of the country, and the establishment and maintenance of a civilized government in that section would add to the value of the even-numbered sections.

The conclusion is that since it is now proposed to change the arrangement, Congress ought to provide that the proceeds of the grant, after paying the charges above indicated, shall be paid to the State for its common-school fund, to the land-grant counties, and to the ports in proper proportions, at least according to the terms of the bill as originally drawn.

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. SINNOTT. I do not know whether the gentleman is going into the subject, but I understand he has been over these lands repeatedly, hunting and surveying, and that he knows more about the agricultural nature of the lands probably than anyone here. Does the gentleman intend to go into that matter?

Mr. HAWLEY. I will say in reply to the gentleman's question that in my judgment, having lived in that country all of my life, born there, large areas of this land involved in this suit are immediately capable of cultivation and settlement, and there are other large areas that can be added to them. What proportion that will be finally I can not tell, but it will be more than a moiety by a great deal, in my judgment.

Mr. SLOAN. Will the gentleman yield?

Mr. HAWLEY. I will yield to the gentleman for a question.

Mr. SLOAN. Will the gentleman state briefly what the present value of these unoccupied lands is, concerning which he has spoken as being fit for cultivation?

Mr. HAWLEY. The gentleman means the value per acre?

Mr. SLOAN. Yes, sir.

Mr. HAWLEY. It would altogether depend upon the character of the soil and location of the land, how close to market or other enterprises, how close to schools, and so many other conditions are involved that it would be almost impossible to tell. I can tell the general value of particular areas, but it would be difficult to fix a price per acre for land so widely scattered.

Mr. SLOAN. It would be greater approximately than $2.50 an acre?

Mr. HAWLEY. Yes. On the timber there is an assessed valuation of about $22,000,000, so I am informed by the tax officers. This is probably the value for market purposes at this time.

Mr. RAKER. Does the gentleman think the statement of McAllister——

Mr. HAWLEY. I did not hear the McAllister statement and consequently can not properly express an opinion upon that——

Mr. RAKER. Where it was said about 15 per cent of these lands was capable of being cultivated at the present time?

Mr. HAWLEY. The gentleman knows from his own experience that people go out on the public lands and find homes on lands that the railroad might not esteem fit for that purpose.

Mr. SINNOTT. Will the gentleman yield for a statement in answer——

Mr. HAWLEY. Yes.

Mr. SINNOTT. That 75 per cent of the land was susceptible of cultivation? That was the statement of the Commissioner of the General Land Office, and he got that information from the agent who went out and examined the land.

HARBOR IMPROVEMENT DISTRICTS.

Mr. HAWLEY. An illustration of the injury resulting from the removal of the lands from the tax rolls is found in the situation of districts organized under State law for the purpose of aiding the Government in the improvement of the waterways within the districts. These port districts are public corporations, with the taxing power and the authority to sell bonds. The ports have incurred a bonded indebtedness of over $2,000,000. Under authority of Congress, the War Department has received this money and has been and is using it in the construction of works of improvement duly adopted by Congress. These waterways will, of course, be open to the use of navigation generally, and the benefits arising from the improvements will not be confined to the localities which have contributed one-half to their cost.

There are a number of port districts in Oregon, but the following are specially interested in the pending legislation by reason of their including considerable areas of the grant lands in their districts—the ports of Nehalem, Tillamook, Siuslaw, Umpqua, Coos Bay, and Coquille. The ports did not anticipate the removal of these lands from the tax rolls. Such reduction will result in increasing the rate of taxation on the remaining lands. For instance, the port of Siuslaw has an assessed valuation of taxable property within its boundaries of $4,500,000, of which $1,408,685 consists of the valuation of grant lands, or over 30 per cent. Other ports will be similarly affected. I have here a statement which gives the details, and under the five-minute rule it is my intention to ask that the bill be amended to provide for the relief of the ports and will at that time explain their situation more fully.

It would be a travesty of justice if enterprising people who have undertaken to burden themselves for the public good should not be equitably provided for in the pending bill.

In the map on the easel the green represents the forest reserve in that portion of Oregon west from the backbone of the Cascade Mountains and on the Coast Range on the Pacific side. The red-checked spots represent the granted lands.

The CHAIRMAN. The Chair desires to inform the gentleman he has used 35 minutes.

Mr. HAWLEY. Very well. The white are either the lands in private ownership or public lands of the Government not yet appropriated.

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. HAWLEY. I will.

Mr. JOHNSON of Washington. Has any real progress been made toward classification of the land on the large tract shown as forest reserves?

Mr. HAWLEY. Well, there has been some progress, but it seems to us to be slow.

Mr. JOHNSON of Washington. Not so as to invite any real settlement?

Mr. HAWLEY. Only settlement to a limited extent. The port of Siuslaw includes the land within the yellow lines here. I take this port because it will very clearly explain the situation. In this area there are $4,500,000 of assessed valuation. From the red-checked spots you can see the proportion of the grant lands within the port's boundaries. When that port was organized many years ago the land grants were being taxed under the county and State authority, and that port district was organized before there was any question of revesting title in the Government. The port had a right to expect that the grant lands would continue to bear a portion of the tax burden. The port has contributed to the improvement of the public harbor at Siuslaw about $325,000.

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. HAWLEY. I will.

Mr. LA FOLLETTE. There is a railroad running out of that grant land down to the——

Mr. HAWLEY. From Eugene to the city of Marshfield—just recently constructed.

Mr. LA FOLLETTE. That gives two outlets instead of one for their products.

Mr. HAWLEY. Now, if compensation in this bill is not made to this port, which has contributed $325,000 for the improvement of a public harbor of the United States, expecting to pay the bonds issued to get this money from the proceeds of taxation of property within the port limits—if no provision is made for the relief of this port, the time will come in a few years when they will need to pay their bonds and the burden of taxes to accomplish that purpose will be very great. There is another reason. You see within these lines this area of green. That is a forest reserve—valuable timber which had no way of moving out to the markets of the world and consequently had practically no market prior to the improvement which is now approaching its completion.

There has been added to the value of these most favorably located forest lands an immense value by reason of the improvement of the waterway. They not only have rendered a public service in opening a waterway, to which they have contributed one-third of a million dollars, but have greatly increased the value of the property of the United States. At the proper time I propose to offer an amendment, which I trust this committee will approve.

Mr. MILLER of Pennsylvania. Will the gentleman indicate the lands in dispute?

Mr. HAWLEY. The red-checked ones.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. HAWLEY. For a question.

Mr. JOHNSON of Washington. Now, since this timber in the forest reserve near the port of Siuslaw is greatly increased in value through the development of that port, will not the placing in the market of a great quantity of timber right around the forest-reserve timber reduce the value of both and destroy the value of the forest reserves and keep all out of taxation?

Mr. HAWLEY. I have an answer to that which I have written out.

ACCRUED TAXES.

The bill proposes that there shall be advanced from the Treasury of the United States a sum sufficient to pay the taxes levied by the taxing powers in the counties in which the grant lands are situated, and which have now accrued and are liens upon the lands. For the years 1913, 1914, and 1915 such taxes are reported to aggregate over $1,300,000. These taxes are to be paid in order that the United States may obtain, and so be able to give to purchasers, an unencumbered title to the land and timber thereon. Nearly all the lands involved in this legislation have been patented to the railroad company and are clearly subject to taxation. The accrued taxes are a burden upon the lands and the title thereto and will so remain until paid. Resumption of title by the Government will not divest others of rights in the lands legally accruing and attaching thereto prior to the taking effect of the actual act of resumption. Whether the bill authorizes the payment of interest and the penalties fixed by law upon taxes that have become delinquent is not clear.

SETTLEMENT ON THE LANDS.

It was the intention of Congress when making the grant that the lands should pass as soon as possible into the possession of actual settlers. Congress has held the public land in trust for the people and has made the lands available for settlement and development. As a result, in every generation indomitable men and women have left the settled sections of the country, seeking homes on the frontier. The pioneers have been and are the advance guard of an ever-victorious army of civilization. Their willingness to undergo the privations, dangers, and hardships incident to the making of homes in a new country gradually but irresistibly extended our borders. That our country extends from sea to sea we owe to them. The pioneer spirit has been one of the most valuable characteristics of our people. Recognizing this fact, Congress devoted the lands in this grant to the settler, who has everywhere laid the foundations of the Republic. These lands should still be devoted to settlement. A family on every habitable portion of our land is the best guaranty of our future security and prosperity. Any tract of fertile and cultivable land will in a score of years or less be worth more and produce more than it will in a hundred or hundreds of years if left in a state of nature. While I do not think the bounties of nature should be wasted, I am for men, women, and children. [Applause.]

The bill does not provide for settlers who went on the lands in good faith and, after having spent considerable sums and time in making improvements temporarily, left them to earn more money for their improvement. Their absence is due to the refusal of the railroad to sell and the long continuance of the litigation. The date of settlement of those now on the lands should be fixed at a later date than the one given in the bill. Preference rights should be given to both these classes.

The chief purpose of the provisos was to provide for settlement upon the lands granted. The refusal of the railroad company to sell to the actual settlers is a material portion of the basis of the action against it. The actual settlers have a very strong case and claim for favorable consideration.

THE PROPOSED SETTLEMENT.

From the methods of disposing of this grant, the Committee on the Public Lands have chosen that of revesting title to the lands in the Government. This will operate to abrogate

the exclusive right of Oregon and her people. It provides for their sale, in part, and the division of the proceeds with others—strangers to the original grant. It risks prolonged litigation.

But I must not forget to state that the proposed legislation evidently proceeds upon the theory that the railroad company by reason of many acts in violation and in noncompliance with the terms of the grant has forfeited its right to manage the grant in its own interest and as the intermediary or agent for its disposal to those for whom it was originally ultimately intended. The refusal of the railroad to comply with the terms of the grant lies at the base of all the proceedings that have been had in reference to the grant—former proceedings as well as these.

That this matter is pending before Congress at all is due to the action of the people of Oregon. They waited many years and used all proper means to induce the railroad to comply with the terms of the grant. This being refused, they demanded the enforcement of the grant and their rights thereunder.

I earnestly call the attention of the Congress to the fact that when proceedings were instituted under the act of April 30, 1908, the Department of Justice made the demand for forfeiture the relief first asked for, contrary to the wish of the people of Oregon, who had caused the suit to be brought. The Supreme Court totally denied forfeiture as a judicial remedy. Whether it will uphold the relief asked for by the pending bill, of a related nature, is a very grave question.

The settlement proposed by the bill is to take the lands from the railroad and pay them $2.50 per acre for the lands still undisposed of. Whether this amount of $2.50 per acre is all the value that the railroad company has in the grant will still be left for the courts to determine. If the railroad's interest in the grant can be thus eliminated, the lands thus returned to the Government will be divided into three classes and disposed of as follows:

1. Power-site lands, withdrawn and held under conditions that amount to a permanent withdrawal, and their value is lost to the State, counties, and people of Oregon.
2. Timberlands, which is to include lands having a growth of timber of 300,000 board feet or over for each 40-acre subdivision, as estimated by the Government.
3. Agricultural lands, which consist of all lands not included in the previous classes.
4. Mineral entry, exploration, and disposition can be made on the timber and agricultural lands.
5. Any of the lands, however first classified, can be reclassified by the Secretary of the Interior whenever and as many times as he may desire.
6. Rights of way of all kinds for the removal of timber and for any length of time the Secretary of the Interior may fix are reserved over all classes of these lands when patented to purchasers or settlers.
7. When the merchantable timber on the lands in class 2—that is, the timberlands—has been removed the lands thus cut over will become subject to homestead entry without the payment of $2.50 per acre.

The timber on the lands classed as timberlands is to be sold by the Secretary of the Interior when in his judgment "reasonable prices can be secured therefor in a normal market," whatever that may mean, upon public competitive bids, to be paid for in cash or upon 10 yearly payments, in such quantities as the Secretary may think proper to offer. He can reject all bids. Large tracts of land may be divided into their smallest legal subdivisions at the request of purchasers which may result in the segregation of exceptional stands in such tracts for speculative purposes.

Buyers of timber receive a patent for the timber only, which must be removed within a specified term of years, and if any timber is not removed during the period specified the buyer loses it. It is proposed to make the timber so sold, separate from the land, taxable under the laws of the State.

The agricultural lands can be homesteaded by actual settlers who must pay $2.50 per acre for the lands; 50 cents to be paid when entry is allowed and $2 when final proof is made. Residence and cultivation for a period of five years is required. Final proof must be made within seven years from date of entry.

There are now upon the lands a considerable number of actual settlers, many of whom have been maintaining themselves upon the land for a considerable period and the others for a lesser time, but all of whom so far as my information extends are and have been acting in good faith. Under certain restrictions, such settlers as have resided upon the land since December 1, 1913, and have improved and cultivated it are given a preference right in making entry. I regret a more liberal provision was not made for the actual settlers. They have proven not only their own good faith, but also the agricultural character of the lands. It seems to me that in the case of no actual settler would justice be done, if he were dispossessed and another given the benefit of his toil and improvement, even if the date of his entry upon the land was later than that given in the bill, and I hope Congress will grant a more liberal provision for the settlers.

The last proviso in section 5 withholds from all forms of disposition for a period of two years relatively limited areas upon watersheds from which the cities of Portland, Oregon City, and Corvallis derive their municipal water supplies.

DISPOSITION OF THE FUNDS.

The moneys obtained from the sales of timber and of the agricultural lands are to be deposited in the Treasury of the United States and kept separate in a fund to be known as the "Oregon and California land-grant fund." The moneys so deposited shall be distributed as follows:

1. The railroad company shall be paid from this fund such a sum of money which added to that already received by it from previous sales shall together equal $2.50 per acre for every acre earned under the grant. How much this will be will require the suit provided in the bill to determine, but it will probably exceed $3,500,000. If land and timber have not been sold in sufficient amounts to provide this sum, or whatever sum may be found due the railroad company, at the end of 10 years the balance due shall be paid out of the Treasury of the United States and the Treasury reimbursed out of the first moneys received from the sales of lands or timber.
2. After the claim of the railroad has been paid, then the Treasury of the United States shall be reimbursed for the moneys advanced to pay the taxes accrued, as before explained.
3. When sales have been made in sufficient quantities to discharge the above two preferred claims, moneys thereafter received shall be divided as follows, yearly:
(a) Thirty per cent shall be paid to the treasurer of each county in which any of the grant lands lie for roads, highways, and bridges.
(b) Twenty per cent shall be paid into the common-school fund of the State.
(c) Forty per cent shall be paid into the general reclamation fund, and available for use anywhere in the United States.
(d) Ten per cent shall be paid into the general fund in the United States Treasury.

That is, one-half of the proceeds derived from the sale of the lands and timber on the grant after deducting the preferred claims shall be returned to the people of Oregon, and one-half taken elsewhere.

Before any county can receive any part of the funds in the yearly distribution, there must have been sold previously in such county enough land and timber of the grant both to pay $2.50 per acre for each acre resumed under this act by the Government and also to pay the accrued taxes as above explained.

In counties where sales are slow they will wait long for any returns into their treasuries. In counties where sales are made more rapidly they will share earlier. And the question of vital interest, especially to the counties which have any considerable bodies of these lands within their boundaries, is how long a period of years will elapse before they receive any appreciable amount from the division proposed above, and also how long it will be before they will be receiving from such division and from taxes on land and timber patented and returned to the tax rolls an amount equal to what they have been receiving from taxes. Good business policy requires a steady income for carrying on the business of the county. It seems to me that these lands should have been left on the tax rolls and that it was perfectly feasible to have worked out an effective and safe plan for the solution of the grant question on such a basis. Under the theory of this bill the grant lands become public property and the exclusive claim of Oregon is obliterated. Under the revestment theory Congress has a free hand and can do whatever it sees fit to do, now or at any time before the lands are sold.

Under no circumstances whatever should any of these lands be included in the forest reserves. There are now in the forest reserves in Oregon over 13,000,000 acres of land, or more than 20 per cent of the entire area of the State. The withdrawal of these vast areas is a great handicap in road building, in settlement and the education of the young, and upon our development generally. If for any reason, such as that of consolidation of areas, any of these lands are ever to be included in the forest reserves, it should not be done unless at the same time there should be returned to settlement and taxation an area equal in value and acreage.

There is held up before us a parade of certain sums that we may receive at some future time. But there will be an annual loss of taxes that to some of the counties at least will be very burdensome and for a period that will seem very long. Such loss of taxes will amount to millions under the most favorable view that can be taken of the working out of the method proposed in this bill.

The agricultural land will remain off the tax rolls for six years, at least, and probably for eight years, even if they were to be all taken at once. No one can tell how long the timber will remain unsold. There are no large mills operating south of Lane County east of the Coast Range of Mountains. The great body of the land lies south of this county. The sales of timber farther south in any considerable quantities will depend upon the future establishment of mills.

From over 13,000,000 acres of forest-reserve lands in Oregon the Forest Service sold some $200,000 worth of products, or

sales were made aggregating an average of about 1½ cents per acre during the last fiscal year. If this can be considered any criterion, even taking into consideration that the grant lands are somewhat more accessible, it will be a quarter of a century before enough has been received from them to discharge the preferred claims. The counties are now receiving some $435,000 from them yearly in taxes. The timber on these lands must be sold in competition with the hundreds of billions of feet of other timber on lands adjacent to these.

And some of the great departments which will have a voice in making sales have expressed the opinion that sales should proceed with great deliberation.

However, since the Committee on the Public Lands has reported this bill and it is now the basis of action for the House, I intend to offer some amendments to the bill when it is being considered under the five-minute rule and to support them by arguments, in the hope that the House in its wisdom may be induced to grant to the people of Oregon terms more favorable than those contained in the bill. The division proposed originally by the Department of Justice was that the counties should receive 40 per cent and the school fund of the State 40 per cent. This is a fairer division and, considering the great burdens placed upon the counties by this bill, a juster compensation. The 40 per cent for the common-school fund will increase a fund to which it has been the time-honored policy of our Government to contribute by grants of lands, and which increase is greatly needed.

If this legislation stands the test of the courts, it will give the Government a very great power over the welfare of a large portion of the State, and, in a measure, over the whole State. I earnestly urge that advantage should be taken of this opportunity to promote our welfare in the spirit of that former Congress, whose wisdom sought to make of Oregon, then far distant in time and space, a prosperous and populous State.

[Editorial from the Portland (Oreg.) Oregonian, Apr. 3.]

HOCUS-POCUS.

Let us examine once more the land-grant bill as prepared by the House Committee on Public Lands.

In determining the amount due the railroad it first provides for computing the gross acreage that inured to the railroad company under the terms of the grant. This is 3,182,169 acres, according to figures printed in the Supreme Court decision. To this acreage the $2.50 value due the railroad is to be applied. The result is $8,000,000 in round numbers.

From this are to be deducted amounts received through sale and various uses to which the grant was put by the railroad company. Such receipts net, according to the Supreme Court decision, were $2,495,094, or, say, $2,500,000, to preserve the round numbers.

There is also to be deducted approximately $1,000,000 in taxes, which will be advanced by the Government.

The net sum due the railroad company will therefore be about $4,500,000.

But all of the three million-odd acres is not to be put on sale. Title to that which has already been sold is apparently to be confirmed in the private holders. Lands unpatented to which the railroad company is entitled under the terms of the grant are not affected by the sale terms of the bill. Instead of three million-odd acres offered to settlement and industrial use the acreage will be only 2,075,616, not deducting water-power sites, which are subject to withdrawal. The probable offering will be about 2,000,000 acres.

The estimated value of this 2,000,000 acres as printed in the records in the case taken to the Supreme Court is $30,000,000. This is the sum that is to be subject to division among State, counties, reclamation fund, and Federal Treasury. Before distribution is made $2.50 per acre, or $5,000,000, is to be retained to pay the railroad company. Approximately $1,000,000 is to be deducted for taxes advanced by the Government and already taken out of the railroad's share. There will therefore be $24,000,000 to divide, of which the State school fund and the various counties will receive a total of $12,000,000.

The sum is well worth having, although the time of its full payment is bound to be remote. But observe what the Government gets. It charges the settlers $5,000,000 and pays the railroad company only $4,500,000. To the Government revert nearly 285,000 acres of unpatented land that would otherwise have gone to the railroad but which will become a part of the forest reserves or public domain. If these unpatented lands are worth the same as the remainder of the grant their value is $4,275,000. It also receives $12,000,000 as its share of the net receipts on lands sold.

It thus appears that the Government's profit on the land-grant transaction will be $16,775,000 and the State's $12,000,000. The bill purports to be a fifty-fifty division. It is hocus-pocus.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more, not to be taken out of the allotted time.

Mr. FERRIS. Mr. Chairman, I object. We have to finish this bill to-day.

Mr. JOHNSON of Washington. There are not many Members present, and those who are present are interested, and the gentleman from Oregon is vitally interested.

Mr. FERRIS. Let me say to the gentleman I am giving away all of my time.

Mr. JOHNSON of Washington. I wanted some time on this bill. I do not think we will lose any time by letting the gentleman have the additional time.

Mr. FERRIS. The gentleman is not a member of the committee——

Mr. JOHNSON of Washington. Mr. Chairman, I withdraw the request.

Mr. FERRIS. I do not think the gentleman from Oregon [Mr. HAWLEY] will ask for additional time.

Mr. YOUNG of North Dakota. Mr. Chairman, I renew the request.

Mr. HAWLEY. Mr. Chairman, I appreciate the courtesy, but I think we ought to go on under the original arrangement.

Mr. LENROOT. Mr. Chairman, I yield such time as I have left to the gentleman from Oregon [Mr. MCARTHUR].

The CHAIRMAN. The gentleman yields 20 minutes to the gentleman from Oregon.

Mr. FERRIS. And I yield eight minutes to him.

The CHAIRMAN. The gentleman from Oregon [Mr. MCARTHUR] is recognized for 20 minutes.

Mr. MCARTHUR. Mr. Chairman, this bill is of great importance to the State of Oregon, as it provides for the disposition of 2,300,000 acres of land embraced in what is known as the Oregon & California Railroad Co. land grant. The general provisions of the bill have been fully explained by other speakers, but there are some points which I desire to discuss briefly. The original granting act and acts amendatory thereto provided that the railroad company should dispose of these lands to actual settlers in tracts not larger than 160 acres and at a price not to exceed $2.50 per acre. The original act was passed on July 25, 1866—nearly 50 years ago—and it was the intention of the Congress that the land embraced within the grant should go to the railroad company as an inducement to the construction of a railroad from California to the northern boundary of Oregon, and that the lands in question should be sold within a reasonable time and at a low cost as an inducement to settlement and development of the country.

It is fair to say that had the terms of the granting act been complied with by the railroad company within a reasonable time, the company's profits would not have been unusually large. The railroad company did, however, sell approximately 800,000 acres of the land in violation of the terms of the grant, but it has tenaciously held onto the remaining 2,300,000 acres and has thereby greatly retarded the development of western Oregon. During all the years up to 1908 the Federal Government took no definite action toward compelling the railroad company to live up to the terms of the grant, and all the while the land was becoming more valuable by reason of the development of the surrounding country and the growth and increasing value of the timber.

Inasmuch as the grant in question is now a highly valuable property, and inasmuch as the railroad company, according to the decision of the Supreme Court, has an equity of only $2.50 per acre in said grant, the following question naturally suggests itself: Who shall profit by this great increase in value? The Supreme Court has defined the railroad companys' equity. What are the rights of settlers of the State of Oregon and of the Federal Government in the premises? There is a great demand for the lands from persons who style themselves as "settlers," but is it fair to assume that Congress intended that these lands should be held for 50 years until they had greatly increased in value and then turned over to settlers for the paltry sum of $2.50 per acre? I, for one, do not believe that Congress ever intended that the railroad company should hold this land for such a long period of time or that quarter sections that have grown to the value of $15,000 to $20,000 should be sold at the figure named in the granting acts. A disposition of the lands in accordance with the terms of the original grant would doubtless be the means of enriching a large number of individuals—a few of them bona fide settlers, but a much larger number of them speculators. These speculators would follow the usual practice of the old days in the West and, after a brief residence and the securing of a patent, would sell the lands to other speculators or to large timber concerns. These speculators have been in league with shyster lawyers, demagogues, and candidates for public office, and many of them have been beguiled into putting up coin of the realm to pay the expenses of useless lawsuits and campaigns.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. MCARTHUR. I yield.

Mr. JOHNSON of Washington. That situation is going on in Oregon at this very day, is it not?

Mr. MCARTHUR. I believe it was last week. [Laughter.] I was born and reared in the West, in the State in which this

land grant is located, and I have seen the public domain looted by land thieves, timber thieves, and other parasites until the birthright of the people has passed from their control. I have seen the ruins of many a squatter's cabin—memories of the perjury and dishonesty of its former owner, who acquired and sold lands purely for speculative purposes. I have no quarrel with the bona fide settler, for it was he who made the great West and laid the foundations of a mighty empire. I would not by word or deed place a straw in the way of the honest homesteader or settler who is animated by a desire to have a home and to become a landowner. There is a wide difference, however, between the settler and the speculator. The one builds up the country, the other tears it down. The one leaves behind him a family, a home, schools, churches, villages, cities, institutions; the other leaves deserted cabins and burned stumps. I feel that the bill before us is designed to protect my native State from fraud and speculation, and for this, if for no other reason, I must support it. There are differences of opinion—honest differences—as to the power of Congress to pass legislation of this character, as it is ably contended by gentlemen of high standing and integrity that Congress has no power to alter the terms of the original granting act in respect to the disposition of these lands. I must, however, dissent from these views, and in so doing beg to refer to the language of the granting acts and to one of the concluding paragraphs of the decision of the Supreme Court of the United States in land-grant case (Oregon & California Railroad Co. *v.* United States, 238 U. S., 393), wherein the court said:

> This, then, being the situation resulting from conditions now existing, incident, it may be, to the prolonged disregard of the covenants by the railroad company, the lands invite now more to speculation than to settlement; and we think, therefore, that the railroad company should not only be enjoined from sales in violation of the covenants but enjoined from any disposition of them whatever, or of the timber therein, and from cutting or authorizing the cutting or removal of any of the timber thereon, until Congress shall have a reasonable opportunity to provide by legislation for their disposition in accordance with such policy as it may deem fitting under the circumstances and at the same time secure to the defendants all the value the granting acts conferred upon the railroads.

I therefore do not believe that it can be successfully argued that Congress can not legislate as to the disposition of these lands or that the courts will not uphold any proper act that may be passed.

We are here to legislate for the public weal—not for individuals or classes. The people of Oregon have large rights at stake in the matter before us. Our State has been hampered in its growth and development by the refusal of the railroad company to comply with the terms of the grant. An area larger than some of the Eastern States is to-day a howling wilderness as the result of the company's policy—a policy for which the Federal Government is responsible, because the proper officials failed to compel the railroad company to live up to the terms of the grant. In some of the southern Oregon counties the percentage of lands embraced within this grant is so large that development has been retarded. In some counties large areas are already withdrawn from the tax rolls by reason of being in forest reserves and, as a consequence, the burden of maintaining schools and roads and supporting the local government has fallen upon the shoulders of a few. To make matters worse, the railroad company has refused to pay its taxes on the grant lands since the forfeiture decree of the district court of the United States for the district of Oregon (reversed by the Supreme Court of the United States).

Mr. FERRIS. Mr. Chairman, will the gentleman yield for a question?

Mr. McARTHUR. I will.

Mr. FERRIS. I notice that there is a statement of facts before the Supreme Court that the lands are worth upward of $30,000,000. Is that a fair estimate?

Mr. McARTHUR. That is a pretty hard question to answer, Mr. Chairman, but a great deal depends upon the general conditions throughout the country and particular conditions affecting the timber market. Just now the timber situation is not what it should be, and the value of these lands is probably not as great as it would be if there were a greater demand for timber and greater activity in logging.

Mr. FERRIS. If the bill was enacted as it now stands, the State would get 50 per cent of the proceeds direct, would it not?

Mr. McARTHUR. It would get 50 per cent after certain deductions had been made.

Mr. FERRIS. It would get 50 per cent of the net?

Mr. McARTHUR. Yes.

Mr. FERRIS. The gentleman knows that there are a number of bills pending that propose to give land to the settlers, and under that the counties would not get a cent?

Mr. McARTHUR. The only people who would profit by these bills would be the speculators and the so-called settlers, who would get the land at comparatively small prices and sell it at high prices.

Mr. FERRIS. Does not the gentleman think that in adopting the views and policies of the bill that it would accomplish more for Oregon than anything else?

Mr. McARTHUR. My idea is that the bill follows the correct theory and presents a correct solution of the entire question.

In some of the counties along the coast the situation is even more serious, because large sections of the grant lie within the boundaries of certain port districts, which have been created by virtue of a general law of Oregon, and which have cooperated with the Federal Government in river and harbor development. The withdrawal of these grant lands from the taxing power of the port districts has been a serious blow to plans for river and harbor improvements; and unless this bill is amended to the end that a percentage of the proceeds be turned over to the port districts, the consequences will be serious. In fact, the validity of the outstanding bonds of certain port districts will be seriously imperiled by the removal of these lands from the taxing power of the districts, unless some provision is made for participation in the proceeds. Many of these ports have spent dollar for dollar with the Federal Government in river and harbor improvements, and have thereby made easier the facilities for commerce.

The pending bill provides that 30 per cent of the proceeds from the sale of these lands and their timber shall go to the counties in which the lands are located, to be used for the construction of roads, highways, and bridges; 20 per cent to the common-school fund of the State; 40 per cent to the reclamation fund, and 10 per cent to the general fund in the Treasury of the United States. I regret that the percentages allowed the county and State are not larger, for their growth and development have been arrested by the failure of the Federal Government to make the company live up to the terms of the grant. It is true that 40 per cent of the proceeds will go to the reclamation fund, but there is little prospect of this money being spent in Oregon. It has been suggested that, inasmuch as the land embraced within the grant originally belonged to the Federal Government, the State of Oregon should not be considered in the distribution; but in this connection permit me to say that the Federal Government never paid a dollar for the Oregon country, but acquired it by virtue of discovery and settlement; so when Oregon was admitted to the Union she turned over millions of acres of public domain to the Federal Government absolutely without cost.

The administration of this public domain, not only in Oregon but in the entire West, has until quite recently been fraught with much dishonesty. I mention all these matters not for the purpose of opposing the pending bill, but to emphasize the obligation that the Federal Government owes to Oregon and her people in connection with this entire question. For 42 years, from the passage of the original granting act, the Federal Government made no genuine attempt to compel the railroad company to live up to its agreement. Finally a suit was commenced and carried through to the Supreme Court of the United States, and now, 50 years after the passage of the original granting act, Congress is about to take over unsold lands and dispose of them in a manner that I for one believe to be proper. I approve of the theory of the bill before us and of the motives of the men who introduced it.

The Federal Government undoubtedly has the legal right to pay the railroad company its $2.50 per acre and take over the unsold portion of the grant, disposing of it or including it in a forest reserve. But has it the moral right to do so? Is it not true that the various counties and port districts have enjoyed the right to tax these lands, and would not their indefinite removal from the tax rolls become a serious burden to struggling communities? Would it be just and equitable to emasculate these communities in this manner? Some gentlemen will undoubtedly argue that Oregon is being overgenerously treated in this matter; but knowing, as I do, the heavy burden that many counties of the State have carried by reason of the land grant, I can not concur in these views. In fact, I feel that it will be many years before all the timber and land passes into private ownership, and it is safe to predict that some of the smaller counties are going to encounter more hardships.

Mr. FERRIS. Mr. Chairman, will the gentleman yield at that point?

Mr. McARTHUR. I will.

Mr. FERRIS. The Wolverton decision, which was in 1913, did designate a complete forfeiture, did it not?

Mr. McARTHUR. Yes.

Mr. FERRIS. And at that time the railroad quits paying taxes, and this bill proposes that the railroad pay those taxes up to date until it can be reimbursed by the sale of timber?

Mr. McARTHUR. That treats the counties fairly up to date; but what I am emphasizing is that they are going to have very hard times struggling along between the passage of the bill and until the land goes on the tax rolls.

I am sincerely hopeful that the timber and land will be disposed of with reasonable rapidity and that the county will be allowed to develop. Some of the land is fit for agriculture, and the bill provides that it shall forthwith become available for entry under the general provisions of the homestead laws. Other lands can be homesteaded after the timber is removed. The general character of the land is, however, nonagricultural. Much of it is heavily timbered, and there is a good amount of grazing or pasture land. There is room for the honest homesteader, and an opportunity for him and those who were on the land as homesteaders in good faith prior to December 1, 1913, will not lose their rights. The bill contains no comforting assurances for the speculator or professional land or timber locator, and the committee is wise in its decision that the proceeds over and above the railroad company's equity shall go to different public funds rather than into the pockets of parasites.

Demagogues and self-seekers have told the people of Oregon that they are being robbed of their birthright by the passage of this bill, and that the land and timber will go to the trusts and big corporations. These charges have been made solely for political effect and are thoroughly dishonest. The bill provides that the timber shall be sold by competitive bid and that the Secretary of the Interior shall have the right to reject any and all bids where he has reason to believe that the price is inadequate. It is inconceivable that the Secretary of the Interior would connive at the sale of lands for less than their value, and any suggestion to that effect is the product of a dishonest intellect.

The bill makes provision for protecting the water supply of Portland and other cities by providing that certain lands on the watersheds of streams, from whence came the water consumed by these cities, be withheld from entry for two years. This arrangement will give Congress ample opportunity to legislate for the further protection of the water supply of these cities. The subject can hardly be covered in the pending bill, although there are 11,360 acres of the grant lands in the Bull Run Forest Reserve—the source of Portland's splendid water supply.

In conclusion, Mr. Chairman, permit me to say that I am in favor of this bill because it authorizes the sale of this timber to the highest bidder under competitive bid; because it permits acquisition of agricultural lands at $2.50 per acre by actual settlers; because it protects the actual settlers who are now on the land in good faith; because it provides for early payment of the back taxes due the several counties in which the grants are located; because it does not contemplate the inclusion of this land in any national forest reserve; because it does equity to the railroad company by providing that the company shall receive $2.50 per acre, the amount specified in the grant; because it will safeguard the public interest against speculation and fraud; because it will put money into public roads and other improvements in the counties in which the grant lands are located; because it will put several millions of dollars into the irreducible school fund of the State, and, in brief, because it will protect the common interests of the great body of the people as against the selfish interests of a few hundred land and timber grabbers and professional locators. I must confess my dislike for some features of the bill, but I can not permit these objections to overcome my approval of the general plan of the measure and the public interests which will be conserved by its passage. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. What is the status of the time, Mr. Chairman?

The CHAIRMAN. The time allowed to the gentleman from Wisconsin [Mr. LENROOT] has expired, and the gentleman from Oklahoma [Mr. FERRIS] has 35 minutes remaining.

Mr. FERRIS. Mr. Chairman, I yield to the gentleman from Utah [Mr. MAYS] 10 minutes, or so much thereof as he may require.

Mr. MAYS. Mr. Chairman, an hour and 45 minutes have been occupied by the gentlemen from Oregon, and I believe we have received considerable information from their speeches. Unfortunately, however, no one of the three gentlemen has agreed with any other as to the proper policy that should be pursued in this bill. The gentleman from Oregon [Mr. SINNOTT] said that this bill was rotten at the heart. He seems to believe that things should be left as they were, unless his State gets all the proceeds. Throughout all of this time he has never brought in a bill that has sought to solve this problem that confronts us, and that the Supreme Court has said should be given legislative attention. The gentleman from Oregon [Mr. HAWLEY] has offered a bill which would not give the State of Oregon or the counties of Oregon one cent. It would all go, as the other gentleman from Oregon [Mr. McARTHUR] has stated, to speculators, who would buy this land at $2.50 an acre.

Mr. HAWLEY. Will the gentleman yield?

Mr. MAYS. I have only 10 minutes, but I will be glad to yield, however.

Mr. HAWLEY. The gentleman will remember that in the discussion before the committee, in answer to questions directly asked me, that was shown not to be the intention or the result.

Mr. MAYS. The gentleman did not speak loud enough so that I could hear what he said, but I have not time enough to yield further. I shall quote from the Supreme Court decision, which emphasizes the necessity for legislation here at this time. It says:

> If Congress does not make such provision—

That is, for the revestment of title and the disposition of these lands—

> the defendants may apply to the district court within a reasonable time, not less than six months from the entry of this decree herein, for a modification of so much of the injunction herein ordered as enjoins any disposition of the lands and timber until Congress shall act, and the court, in its discretion, may modify the decree accordingly.

Congress was given six months from the 9th day of December to act. That six months will expire on the 9th day of June next, and the Department of Justice has stated that unless Congress should act, undoubtedly the railroad company would apply for relief to the end that the decree be set aside and the injunction be dissolved, and in that case they say the Government would lose, at the agreed price that has been generally stipulated, the sum of more than $23,000,000. Many others have stated that this land was worth at least $60,000,000, on account of the timber upon it. The railroad company, of course, would like to keep it.

The gentleman from Oregon [Mr. HAWLEY] seems to believe that the railroad company ought to retain this land and do as they have done in the past—refuse to sell a single acre of it for years, and when they did sell any of it they did so in violation of the agreement or the provisions of the grant, under which they received the land, in parcels of as much as 40,000 acres to one lumber company, and the gentleman from Oregon would permit that kind of a system to continue to exist. I am glad to notice that the other gentleman from Oregon [Mr. McARTHUR] takes a fair and proper view of this matter. He believes that the State of Oregon should receive all that it is entitled to receive out of this bill. I believe that the chief objection that will be made to his bill will be that the State of Oregon and the counties of that State will receive more than they should receive. This bill as it is drawn first pays the back taxes of $1,500,000, then gives to the counties 30 per cent of this entire fund, 20 per cent to the State, and 40 per cent to the reclamation fund, which is a western proposition, of which Oregon in time will get its proper share, and 10 per cent will be turned over to the Public Treasury. Now, in all the other States whose public lands have been sold some 95 per cent, I believe, as a rule, has gone into the General Treasury and 5 per cent to the State. This, I believe, is more than fair treatment to the State of Oregon.

Something has been said here with reference to the executory contracts and the like. Claimants for 16,000 acres are here—their representatives are in the gallery now. They would like to get an amendment inserted in this bill to give these claimants preferred rights. But the Supreme Court has decided the question. The executory contracts that were entered into present a different proposition.

Mention was made a little while ago of Mr. John Lind, a former governor of Minnesota. I will give his experience in order to show something of the value of the land. Mr. Lind stated to our committee that in 1905 he purchased about 2,200 acres of timberland in that country for which he paid $10 an acre. He kept that land until 1910, and he sold it for $100,000 to the C. A. Smith Lumber Co. The C. A. Smith Lumber Co. gave him notes for $100,000, of which $40,000 was paid in cash, and $60,000 which he still holds for the 2,200 acres of land, the price being nearly $50 an acre. In answer to a question he stated that he did not receive enough for his land from the C. A. Smith Lumber Co. He has already received for his 2,200 acres $40,000 in money, and he has received interest since 1910 on $60,000. Yet he asks that the title to the 7,000 acres of land which the C. A. Smith Lumber Co. has assigned to him as security be guaranteed under this bill in order that he might have that much more value. It would be unfair to give to John Lind

or anyone else such a graft as that, and we have left that for future adjudication.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. MAYS. Yes.

Mr. JOHNSON of Washington. Will the gentleman state whether it is also unfair to pass the land or the so-called title to the land to the C. A. Smith Lumber Co. either?

Mr. MAYS. I admit that; but two wrongs would not make a right. Some 40 individuals and corporations secured 400,000 acres of this land by special act of this Congress.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman permit another question?

Mr. MAYS. Yes.

Mr. JOHNSON of Washington. Had it not been for these interveners who are to be shut out of any prospect of getting any piece of this land, would not the 3,000,000 acres have gone to the C. A. Smith Lumber Co.?

Mr. MAYS. No. The gentleman from Oregon [Mr. SINNOTT] stated that the Federal Government stood idly by and let the railroad company violate all these covenants without protest. What did the State of Oregon do through all this time, through all those 40 years? Senator CHAMBERLAIN stated before our committee that it was first called to the attention of the country in 1907 at a meeting over which he presided, when the president of the Southern Pacific Railroad Co., Mr. E. H. Harriman, stated that they intended to hold this land permanently—not to open it up for settlement or to sell it to settlers, but that they would need it in the future to make ties, and the like, and he would keep it. That was in 1907. That stirred up the matter. Through all the time the State of Oregon could be considered as guilty of laches in not bringing this to the attention of the Government.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. MAYS. Yes.

Mr. CRAMTON. Is it not a fact, in the event that further legislation is not enacted subsequent to this bill to take care of contracts like the Lind contract, that Mr. Lind will have a contract pending yet with the railroad company which will insure him the title eventually to that land, and with no further payment to the Government?

Mr. MAYS. Mr. Lind has been guilty of violating the covenant. I can not say what the courts will decide in the future.

Mr. CRAMTON. He has a good contract with the railroad, and if the railroad retains the title to the land, then the railroad will be obliged to give him that land under the contract, and no payment will be made to the Government at all.

Mr. MAYS. That is the gentleman's own conclusion. I do not believe that the courts would so decided. But John Lind, when he bought, or the C. A. Smith Lumber Co., when they bought, 27,000 acres of land in violation of this grant, violated the covenant here under which the railroads secured the land, and I doubt whether any court would hold that that was a valid contract.

Mr. CRAMTON. But is it not a fact that the only thing that to-day prevents the railroad from performing its contract with John Lind is the injunction now pending and in force, and that in the absence of legislation by Congress within a reasonable time the court can dissolve that injunction, and when it is dissolved the company can proceed to perform its contract?

Mr. MAYS. There are entirely too many "ifs" in that proposition; any one of the "ifs" might defeat the gentleman's contention. However, the committee had this in mind, first of all, to revest title of 2,300,000 acres of this land unsold about which there was no dispute and to let these other little matters be settled in due course of time. If they want to bring suit, they may do so, and the Government will probably bring suit for an accounting with the railroad company. The railroad company by its own figures has received $5,600,000. They would like to receive the entire value of the timber. They urged the contention before us that the timber was separate and should be considered as separate and that they should be permitted to sell it and appropriate the proceeds to their treasury.

The CHAIRMAN. The time of the gentleman from Utah has expired.

[Mr. MAYS had leave to extend his remarks in the RECORD.]

Mr. FERRIS. Mr. Chairman, I yield 20 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, I had hoped in general debate to discuss somewhat the very interesting proposition of the legal theory upon which this bill is based, but I can not do that and also discuss the only controverted proposition there is in the bill. I therefore shall reserve that discussion until we reach the section of the bill revesting the title in the United States. I want to address myself in the time I have to the contention made by the Representatives from the State of Oregon that this bill deals unfairly with them in the division of the proceeds that is provided in the bill.

I want to say at the very outset that the only criticism that can properly be held against the Committee on Public Lands in this respect is that it has been too liberal to the State of Oregon. [Applause.] I want to very freely confess that I think that extreme liberality has been due to the very persuasive arguments of the gentleman from Oregon [Mr. SINNOTT], a member of the committee, and the gentleman from Oregon [Mr. MCARTHUR]. The bill of Mr. HAWLEY proceeds upon an entirely different theory, and possibly the arguments of those gentlemen did make the Committee on Public Lands lean over a little too much in favor of the State of Oregon.

Now, the gentleman from Oregon [Mr. SINNOTT], in the speech that he has made this morning, speaks of the Government standing by as an apathetic spectator, permitting the railroad company to violate the terms of the grant.

Mr. Chairman, if there has been an apathetic spectator in this case that is subject to criticism it is the State of Oregon and not the Government of the United States. In 1907, for the first time, the State of Oregon officially took cognizance of the violation of the grant by the railroad company and sent a memorial to Congress, and within a few months thereafter Congress passed the act of 1908 directing the Department of Justice to bring an action in equity against the railroad company to forfeit the grant or secure compliance with its provisions.

There has not been an hour of delay on the part of the United States Government from the time that the State of Oregon asked the Government to proceed.

Further than that, he said that it was the duty of the Department of Justice to have proceeded in these matters. Now, in 1872, shortly after these grants were made, a trust company sought information from the then Secretary of the Department of the Interior as to the construction of the terms of these provisos—whether or not the railroad company would or could be permitted to sell these lands in quantities in excess of 160 acres to purchasers and at prices in excess of $2.50 an acre. The then Secretary of the Interior, Mr. Delano, replied that they could not do so, and that the Government in its construction of that act held that that was not permitted.

Again, in 1907, the matter came before the Department of the Interior, and Mr. Ballinger, then Commissioner of the Land Office, in a communication to a Member of the House of Representatives, expressed the view that "as soon as the title vested in the company (and it was his view that it had vested by the construction of the railroad), jurisdiction over the lands passed from the executive branch of the Government, and the enforcement of the provision (the sale of lands to actual settlers) rests with the courts, through appropriate action by either the settlers entitled to purchase or by the Government, acting through the Department of Justice."

He there holds that it was equally the duty of the State of Oregon and those interested in these grants to proceed in the courts as it was of the Department of Justice, and the most that the gentleman can say is that if there be dereliction, the dereliction is no more on the part of the Government than it is on the part of the State of Oregon. [Applause.]

Another contention made is that the State of Oregon has lost large sums of money in the development of the State through the failure on the part of the railroad company to live up to the terms of the grant. Now, Mr. Chairman, we had evidence before the committee in the hearings had upon this bill as to the character of the even-numbered sections of the lands which did go to patent and private ownership. You know that the odd-numbered sections were to go to the railroad and the even-numbered sections should be open to entry under the land laws at double the minimum price. If these lands would have built up the State, we would have a right to expect that the even-numbered sections would be devoted to agriculture and highly developed. But the testimony was that only a small percentage of the lands in private ownership has been developed; the timber has been cut off and they lie there waste, and the fact is that when we give it 50 per cent we give twice the sum more than they would have received if the land had been sold and the timber cut off and the land remained.

Now, what does the bill do for the State of Oregon? It gives Oregon, after paying off the railroad company and the taxes that are to be advanced out of the Federal Treasury, 50 per cent of the remainder, 30 per cent to go to the county for the construction of roads and bridges and 20 per cent to the State for common schools. In addition to that, we advance in this bill

$1,565,458 to the State of Oregon, or the counties in it, to pay off existing taxes, and that amount is at least double the amount that the State of Oregon is entitled to, and yet we are giving it to them here. These lands have been taxed by the State. There are three years' delinquent taxes; some of these lands have been assessed as high as $40 an acre, but the average is $8 or $10 an acre, when all the interest that the railroad company had in these lands, as admitted by everybody, was $2.50 an acre.

All that the State could equitably tax against the railroad company or against these lands was upon a valuation of $2.50 per acre, whereas the taxes that have been levied against them were three or four times that sum, and if these counties were getting what they were equitably entitled to, instead of $1,565,000 it would be less than $500,000.

Mr. SINNOTT rose.

Mr. LENROOT. I can not yield. We are making the State a clear gift in taxes of something like $1,000,000. What else do we do? We provide, then, that 50 per cent of the proceeds of these lands, after paying the full $2.50 an acre and reimbursing the Government for these taxes, shall be paid 50 per cent to the State of Oregon, 20 per cent to the school fund, and 30 per cent to the counties in which the timber is located. Now, what will that amount to? It was stipulated in the case in the Supreme Court that the value of this grant was upward of $30,000,000. The State forester of Oregon has estimated that there are 40,000,000,000 feet of merchantable timber upon these lands. The testimony is that that timber to-day is worth from 50 cents to $1.75 a thousand feet. Assuming that it is worth $1 a thousand, that is $40,000,000 for the timber alone, to say nothing of the value of the land. But assuming that we receive only $30,000,000 out of this grant, then what will Oregon receive? The counties will receive upon that basis $7,275,000, the State school fund of Oregon will receive $4,850,000, and the total to the State of Oregon on a $30,000,000 basis will be $12,125,000. Assuming that the grant is worth $50,000,000, upon that basis the counties in Oregon under this bill will receive $13,275,000, and the State will receive for its school fund $8,850,000, or a total of $22,125,000.

Now, what is the State of Oregon equitably entitled to receive from the Government out of the proceeds of this grant? The question is simple. The State of Oregon is entitled to receive only such sum as it will lose by the fact that the revested title to these lands is in the Government, and so long as the title remains in the Government these lands will not be subject to taxation. That is all the State is entitled to. But in this bill we provide that these lands, immediately as fast as this timber can be sold at reasonable prices upon a normal market, shall again go back into taxation. We provide that when the timber is sold and paid for the timber shall be taxed by the State of Oregon apart and separate from the land. So that all the State is entitled to receive is such sum as it will lose in taxes during this interim between the revesting of title and the going back of these lands again into private ownership.

Mr. MONDELL rose.

Mr. LENROOT. I can not yield. Now, what has the State of Oregon received in taxes during the past 40 years? That is a fair inquiry in determining whether this 50 per cent is an equitable division or not.

Up to and including 1912 the total taxes levied by the State of Oregon and all of its municipalities against all of the lands in this grant, including those sold and unsold while they were in the ownership of the Southern Pacific, was $2,752,599.31. We propose to pay them in this bill $1,565,458, making a total of $4,318,057, based upon the amount due March 1 last. In over 40 years Oregon has received in taxes, or has assessed as taxes against these lands, only $4,300,000. Under this bill, on a basis of $30,000,000 in value, it will receive over $12,000,000, and on a basis of $50,000,000 value it will receive over $22,000,000, or five times more than the taxes assessed against these very lands for over 40 years. And a considerable portion of these lands will at once become taxable again by the State of Oregon. I undertake to say that so far as loss of taxes is concerned, the division in this bill is twice too high instead of being too little.

Now, I want to say, too, that the division that we have provided for in this bill was a division over the protest of the Department of the Interior and the Department of Agriculture. The Department of Agriculture reported to our committee upon the first bill introduced that in its opinion there should be no division of the proceeds at this time, and none provided for until the claims of the railroad company and the taxes had been fully met. And the Department of the Interior in its report used this language:

> The timber as well as the lands will be subject to local and State taxation upon their disposition, and I do not know of any reason why the State and counties should receive such a large proportion of the proceeds of such sales.

I will say that the bill then provided for a division of 80 per cent to the State and counties, and 20 per cent to the Government.

Mr. SINNOTT. Will the gentleman yield?

Mr. LENROOT. Not now. The report of the Secretary of the Interior proceeds:

> The withdrawal of the lands from taxation will be to a large extent temporary, and while I have no objections to a provision that will fairly compensate the State and counties for losses incurred by reason of such temporary withdrawal of the lands from taxation, I can not approve of such a large donation of the proceeds.

Now—

> In any event, the amount that should go to the State and counties should be reduced by half; that is, should not exceed 20 per cent to the State and 20 per cent to the respective counties, under the conditions set forth in the bill.

In other words, the Secretary of the Interior recommends that a 40 per cent division to the State and counties would be a liberal one, while this bill which the gentlemen from Oregon criticize provides for a 50 per cent division.

Now, the gentleman from Oregon [Mr. HAWLEY] and the other gentlemen have complained because there are certain port taxes that are not taken care of in this bill. I want to say to the gentleman from Oregon that if he desires to offer an amendment that will provide for paying these port taxes out of the 30 per cent that we provide shall go to the counties, I do not believe the committee will have any very serious objection to it. This 30 per cent more than takes care of the port taxes and all other taxes that have been imposed or will be imposed, three times over, and it is most inequitable upon the part of these gentlemen to make any such complaints as they are making before this committee.

Mr. Chairman, as I said in the beginning, the only criticism that can be fairly lodged against this committee upon this question of the division of the proceeds is that the committee has been too liberal to the State of Oregon. The gentleman from Oregon [Mr. HAWLEY] in his speech talked about this grant "to us," implying the grant of these lands to the State of Oregon in comparing it to the grant of school sections. This grant was never to the State of Oregon. The State of Oregon never had a penny of interest in it, as it does in the grant of school lands or other grants, and if this grant had been disposed of under the terms of the proviso originally the State of Oregon would never have gotten a penny of this division, and the State of Oregon would never have gotten one tithe of what it has received in the past and what it will receive in the future under the terms of the bill. [Applause.]

Mr. FERRIS. Mr. Chairman, I feel just a little grieved to think that the gentleman from Oregon [Mr. SINNOTT], a man who had introduced no bill on the subject himself, a Member who had remained absolutely silent as to any initiative on the proposition of getting this land back, or his State anything, should—after the committee had agreed to pay deferred taxes to the amount of $1,500,000 and to grant to his State 50 per cent of the proceeds, over their own best judgment—come here and viciously criticize and attack the committee. In consequence of his actions here to-day, I feel some question as to his good judgment, for if his pro rata share of the funds are lost to-day it will be by reason of his lack of judgment. The gentleman from Oregon [Mr. HAWLEY] has introduced a bill which, if enacted into law, would not give the State of Oregon a penny, would not give the Government a penny, but would enable a lot of people out there who squatted on the land, and those who want to squat upon it, to get away with a lot of valuable timberland without paying anything for it. Some of this land has timber on it to the value of $20,000 to the quarter section. The gentleman from Oregon [Mr. HAWLEY] would, by his bill, have that homesteaded, and without one cent to the State or the Government. This is the sort of diligence two of the gentlemen have been exercising. They now come here to-day and assault the laches of the Government.

The gentleman from Oregon [Mr. MCARTHUR] has in good faith and earnestly tried to help the committee in the House and in the committee room in getting a bill through here that will do common justice to Oregon, or probably more than justice, and at least have some regard for the Government of the United States. The gentleman from Oregon [Mr. SINNOTT], I think, improperly assailed the Government of the United States for its alleged great laches and delays. What are the facts? Nothing could be more erroneous concerning the Government than a statement of that kind. The Government acted as soon as it was called to its attention—acted more expeditiously than anyone could properly expect it to act under the

circumstances—and it has recovered the land; and now comes the State of Oregon and wants practically all of the money.

The gentleman from Wisconsin [Mr. LENROOT] stated exactly what was in my mind and, I think, what was in the mind of nearly all of the committee. If the committee is subject to any criticism at all it is because we have been overgenerous to Oregon. The people of Oregon seem to think that this is their land. They seem to think that because the Federal Government comes in here and appropriates millions out of its pocket and sets the machinery of the Department of Justice in motion to recover this land, that it is parsimonious if it asserts any claim to the land at all.

Mr. GORDON. Why give all this land away to the State of Oregon? The gentleman is not here apologizing for this bill, is he?

Mr. FERRIS. Oh, I only have a minute or two, and I can not yield.

Mr. McARTHUR. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. I only have a minute or two, but I will yield to the gentleman from Oregon.

Mr. McARTHUR. Never mind; I will withdraw my request.

Mr. FERRIS. I did not know the bill was going to be attacked broadside. The real truth is that in less than a month from now the six months' period will expire, and if Congress does not make a showing of diligence the Government may lose $25,000,000 or $30,000,000. What has the gentleman from Oregon [Mr. SINNOTT] done about it? He is a good deal like the old maid who waited 25 years to be kissed. Finally the hired man threw her down and kissed her, and she said, "Thank God, it came at last, and without sinning." [Laughter.]

The gentleman from Oregon would like to lie around here and get twenty-five or thirty million dollars for his State against great protest on his part, and then blandly say I fought for more. Such procedure is hardly in keeping with the gentleman's usual good judgment. I do not think it just fair to the committee that was so generous to him. I do not dare say all of the things that ought to be said about what Oregon is getting out of this. If we did, they would throw Oregon down and take away what it is getting, and perhaps they will do it anyway. There are plenty of answers to everything that has been said here, and the committee hopes it will not have to make answers to all of it. There are plenty of answers to this page in the Washington Post, and we do not want to have to answer that. There are plenty of answers to bills introduced here which the Members themselves have withdrawn, and we do not want to answer them. Three great departments of the Government—the Department of Justice, the Department of Agriculture, and the Department of the Interior—are all behind the bill, and they think we are within the law and doing right. The Supreme Court decision authorizes us to do what we are doing. No minority report has been filed against what we are doing from a committee of 22 good men.

Mr. MADDEN. What about the old maid? Did she not file a protest?

Mr. FERRIS. Thank God, she found it without sinning, and that is what the gentleman from Oregon wants to do.

Mr. MOORE of Pennsylvania. Did the gentleman say "without sinning" or "without SINNOTT"? [Laughter.]

Mr. FERRIS. Oh, I said "without sinning." Mr. Chairman, I ask for the reading of the bill under the five-minute rule.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the title to so much of the lands granted by the act of July 25, 1866, entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad in California to Portland, in Oregon," as amended by the acts of 1868 and 1869, for which patents have been issued by the United States, or for which the grantee is entitled to receive patents under said grant, and to so much of the lands granted by the act of May 4, 1870, entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," for which patents have been issued by the United States, or for which the grantee is entitled to receive patents under said grant, as had not been sold by the Oregon & California Railroad Co. prior to July 1, 1913, be, and the same is hereby, revested in the United States: *Provided*, That the provisions of this act shall not apply to the right of way to the extent of 100 feet in width on each side of the railroad and all lands in actual use by said railroad company on December 9, 1915, for depots, sidetracks, wood yards, and standing grounds.

Mr. LENROOT. Mr. Chairman, I move to strike out the last word. This is the section that proposes to revest title in the Government to the unsold lands of this grant, and during the general debate a number of gentlemen made inquiries as to the theory upon which the bill was based. It was stated in response that it was based upon the direction of the Supreme Court in the decision rendered in the land-grant case last year, and it is in this language:

> This, then, being the situation resulting from conditions now existing, incident, it may be, to the prolonged disregard of the covenants by the railroad company, the lands invite now more to speculation than to settlement; and we think, therefore, that the railroad company should not only be enjoined from sales in violation of the covenants but enjoined from any disposition of them whatever or of the timber thereon, and from cutting or authorizing the cutting or removal of any of the timber thereon, until Congress shall have a reasonable opportunity to provide by legislation for their disposition in accordance with such policy as it may deem fitting under the circumstances and at the same time secure to the defendants all the value the granting acts conferred upon the railroads.

That is a clear expression of the Supreme Court of the power of Congress to revest in the United States the title to these lands; but Congress, of course, can not receive any power from the Supreme Court. All of the power that Congress gets over this or any other subject is from the Constitution itself.

And while the Supreme Court has made this broad general statement it must be assumed, of course, that in making it they had in mind some principle of law that would uphold the right of Congress to so revest title under the Constitution, and that is what I want to discuss for a moment.

Now, as has been said, there were two different grants, one in 1866, amended by the act of 1869, and the other by the act of 1870, to two different railroads but both of them finally merging into the Oregon & California Railroad Co., now owned by the Southern Pacific.

Out of these 2,300,000 acres all but 58,000 acres was granted by the act of 1866 and only 58,000 granted by the act of 1870. Now, the act of 1866 contained a section reserving to Congress the right to alter, amend, or repeal the act, and the act of 1869, which was amendatory of it, of course, carried with it that same power, but the act of 1870 had no such reserving clause in it.

Now, as to our power. So far as these lands are concerned that were granted under the act of 1866, which comprise all but 58,000 of the 2,300,000 acres, unquestionably under our right to alter, amend, or repeal we have the right to revest in the United States the title to those lands upon giving to the railroad company the full value of the grant, as the Supreme Court has said we must do in providing for their disposition. That we do in this act. So that as to all lands granted by the act of 1866, as we have provided for full compensation to the railroad, it seems to me there can be no question but that under the right to alter, amend, or repeal we have the power to do what is proposed to be done in this bill. As to the act of 1870, however, it did not contain the clause reserving the right to alter, amend, or repeal, and a different question arises.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. Mr. Chairman, I would ask for five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none, and the gentleman is recognized for five additional minutes.

Mr. LENROOT. But there is another theory upon which this bill can be sustained, applied both to the act of 1870 and the act of 1866. The Supreme Court in its opinion several times referred to the fact that this grant, while it was a grant upon the part of the United States acting as a proprietor disposing of the public domain, it was also a law of Congress acting in its sovereign capacity as well as proprietor, and that law has been violated by the railroad company. The Supreme Court has said that there were two great purposes to be subserved by the grant—one to aid in the construction of the railroad, which was a great public benefit, and the proviso in relation to the sale of land to actual settlers not to exceed 160 acres and not to exceed $2.50 an acre was a provision in the public interest and a matter of public policy to secure the development and settlement of that great area of country. Now, it is clear as to that proviso that that was inserted to serve a public purpose. They have failed to comply with that, and therefore the public interest to be subserved by the proviso has failed, because the railroad company refused to carry it out. That public purpose then having failed, it is competent for Congress to accomplish that same public purpose in another way, and we propose to do it by retaking this title to these lands and giving to the railroad company the full value of the grant and securing the development and settlement of this country in the method that we provide in this bill. It is a public purpose to retake these lands under these circumstances, paying the railroad company for them, and then providing for the settlement of the country, as we do provide in the bill. And so, as to the land grant by the act of 1866 this bill can be sustained upon two theories—

the right to alter, amend, or repeal and the right to retake the land and paying the railroad for the full value for a public purpose. And as to the 58,000 acres of land granted under the act of 1870, it can be sustained by the latter proposition alone. [Applause.]

Mr. LA FOLLETTE. Mr. Chairman, I want to be heard in opposition to the pro forma amendment. Mr. Chairman, I have asked for this time for the purpose of making a few remarks in regard to what I consider to be an unwarranted attack by the chairman of the committee on a member of this committee, Mr. SINNOTT, of Oregon.

The gentleman from Oklahoma [Mr. FERRIS] seems to think Mr. SINNOTT was derelict in his duty because he did not introduce a bill on the California land-grant matter. His colleague from Oregon [Mr. HAWLEY], who represents the district, introduced a bill in the House, and his colleague from Oregon, Senator CHAMBERLAIN, introduced a bill in the Senate. Then why was it necessary for the gentleman from Oregon [Mr. SINNOTT] to introduce a bill to show he was interested in the Oregon land-grant matter? I think the records of our committee will show Mr. SINNOTT gave the matter as close attention as any other member of the committee, and was not in any way, shape, form, or manner derelict in his duty to his State or to his country. [Applause.] Mr. SINNOTT has the right to his opinion and has the right to express it in any fair way to the committee, and I can not help but think that when the gentleman from Oklahoma considers this matter he will expunge the remarks he made from the RECORD, and I think in a spirit of fairness he should do so.

Mr. FERRIS. Mr. Chairman, the gentleman from Oregon [Mr. SINNOTT] needs no defense at the hands of the gentleman from Washington [Mr. LA FOLLETTE]. No one here is more fond of the gentleman from Oregon than myself. I merely met argument with argument, and his argument was that the Government has been very derelict in its duty; and in my reply that the Government was not derelict—that if there be any dereliction at all it was himself, because he had introduced no bill at all on the subject—I merely stated the fact, which no one will or can deny. I did not intend to and was not, in stating plain facts, indecent or unfair, as suggested by the gentleman from Washington [Mr. LA FOLLETTE]. The gentleman and myself are on the same committee, and he knows that neither then nor now am I unfair to anybody.

The gentleman from Oregon [Mr. SINNOTT], after sitting all through the committee deliberations, after serving on the subcommittee that helped digest this bill, got up and said that the bill was rotten to the core, and did not back up his judgment by filing minority views. The gentleman from Oregon [Mr. SINNOTT] has been very solicitous and even very boisterous about getting a very large amount of this money for his State. Somebody here must at least see that the Government is not mistreated. It is not a pleasant task to defend the Government, but is certainly a very necessary one on this occasion.

The Government first gave the land to help Oregon get railroads. Now that a breach occurs and the Government must take it back, the State insists on all the proceeds.

Mr. RAKER. Mr. Chairman, the only reason why I rise at this time is to refer to the Attorney General's statement as to the power of Congress to act, which I will read later.

I want to say it seems that this little matter has risen, which it ought not to have done. The gentleman from Oregon [Mr. SINNOTT] is a lovable fellow, and for 10 days he was on the subcommittee having charge of this bill, which consisted of the distinguished gentleman from Wisconsin [Mr. LENROOT], the gentleman from Utah [Mr. MAYS], the gentleman from Washington [Mr. LA FOLLETTE], the gentleman from Oregon [Mr. SINNOTT], and myself. In addition to the work of the general committee, we gave 10 days of actual service, as much as we could, sometimes practically all day, with the various departments before us, and I was a little bit pained and a little disappointed at the gentleman from Oregon [Mr. SINNOTT] that he did not file minority views. As a matter of fact, the objection he has to the bill is as to the question of the amount of money that should go to the State. That is all. He did not mean—I know that he did not—that the bill is rotten to the core, because he made no offer of an amendment that would cover that, either in the committee or in the subcommittee. The districts of the gentleman from Oregon and mine join, and we reach hands across the border there, and I would not want to meet him out in the mountains for anything on earth and have him feel that we are trying to treat him otherwise than the best. I think the committee did go to its very utmost to assist the Oregon people because of the lovable character of our friend from Oregon. But still, you know, sometimes in consideration of a bill your overstep your bounds, and I am afraid that my friend from Oregon did that to-day, although he did not mean it.

Mr. BUTLER. I did not know that the gentleman charged indolence. He charged greediness.

Mr. RAKER. He said that the bill was rotten to the core. He did not mean that.

Now, in referring to the opinion of the Attorney General as to the power of Congress to act in this matter, it is stated in a few words. It says:

> The act of 1866, as we have seen, provides that Congress may at any time, having due regard for the rights of the railroad company, "add to, alter, amend, or repeal the act." This act affects the greater part of the lands involved. By the decision of the Supreme Court the rights of the railroad company are fixed at a sum not to exceed $2.50 per acre. Therefore Congress has the power to amend this act, provided it secures to the railroad company $2.50 per acre, that being the measure of its rights in the land.
>
> But, apart from this, the fact that the Supreme Court has referred the subject to Congress necessarily implies the power of Congress to deal with it along the lines of the court's opinion.

This bill accomplishes the disposition of the title by revesting it in the United States. The balance of the bill simply relates to the disposition of the land now or as early as it can be under the enactment of the law, and provides that if the railroad company is not satisfied by an agreement that can be had with the Attorney General they may go into a court of equity, and the Attorney General is directed, for the purpose of having the court fix and determine, so that the Government must pay the amount remaining up to the limit of $2.50 an acre for this land.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of 30 minutes—25 minutes to be used on that side and 5 minutes to be used by some member of the committee—all debate on this section and all amendments thereto be closed.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the time be extended 30 minutes—25 minutes to be used by the gentleman from Wisconsin [Mr. LENROOT] and 5 minutes by the gentleman from Oklahoma [Mr. FERRIS]—and that at the end thereof all debate shall be finished to this section.

Mr. FERRIS. That will fix them all up over there.

Mr. LENROOT. Mr. Chairman, I yield five minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman, some of the lands involved are in the district which I have the honor to represent. My interest in the quick settlement of the Oregon-California land grant, however, lies in the fact that I am Oregon's neighbor and well-wisher and because I want to see the lands in question disposed of as quickly as possible to small holders, and with the lands I would include the timber. I oppose this bill—all the sections of it. I can readily understand why the Members from Oregon do not stand against the bill in its entirety, a bill upon which the Public Lands Committee has labored hard and earnestly. The Oregon Members must know that if they develop much opposition the next move will be to throw this great tract of land into the forestry reserves, where it will be of even less value to the State than it is now. In my opinion the lands will be found in the forest reserve sooner or later anyway. Even if this bill passes, I doubt if we are going to see the astonishing spectacle of the Secretary of the Interior selling timber at wholesale in Oregon, stripping the land clean, and at his side the Secretary of Agriculture withholding timber from sale in the name of conservation. It is a fact that this land grant lies alongside a lot of forest-reserve land. For that matter, a lot of the granted land lies within the forest reserve.

I believe it will be a long, long time before the Government receives any $40,000,000 or $50,000,000 for the timber on these lands and before these counties come into any money from taxation. It will be a long, long time, too, before the stripped and denuded lands are occupied by homesteaders. The matter will go into the courts once more, and goodness knows when it will come out. What timber is sold will go to big timbermen.

Mr. Chairman, in this connection I desire to read from the twenty-fifth chapter of Matthew, as follows:

> A certain nobleman went into a far country to receive for himself a kingdom, and to return.
>
> And he called his servants and delivered unto each of them a talent, and said unto them, Occupy until I come.
>
> And it came to pass that when he was returned, having received the kingdom, then he commanded these servants to be called unto him that he might know how much every man had gained by trading.
>
> Then came the first, saying, Lord, thy talent hath gained ten talents.
>
> And he said unto him, Well done, good and faithful servant; because thou hast been faithful in a very little, I will make thee ruler over much.
>
> And the second came, saying, Lord, thy talent hath gained five talents.
>
> And he said likewise to him, Well, thou good servant, thou hast been faithful in a few things, therefore have thou authority over many things.

And another came, saying, Lord, behold, here is thy talent, which I have kept laid up in a napkin.

His Lord answered, and said unto him, Thou wicked and slothful servant, thou oughtest to have put my money to the exchangers, and then at my coming I should have received my own with interest.

Take thou, therefore, the talent from him and give it unto him which hath ten talents. For unto everyone that hath shall be given, and he shall have abundance; but unto him that hath not shall be taken away, even that which he hath.

That is a good parable to have in mind during eastern consideration of western development problems. In this particular case the railroad has been busy for 30 years kicking would-be settlers off of these lands. The timbermen, who secured large tracts from the railroad, when small settlers could not get a "hundred and sixty," have also kicked off all of the settlers or squatters they could find, either on the disputed sections or on some of the free sections, and now the Government—Congress, if you please—proposes with this bill to step in, kick the remainder off, and arrange things so that few others will get on that land within the lifetime of most of us here present.

The bill is going through, apparently. Desirable amendments will be voted down. Why? Because the Public Lands Committee has spoken? Because three great departments have decided what they think ought to be done. When they decide, this Congress acts.

Mr. SLOAN. What departments have told Congress what to do?

Mr. JOHNSON of Washington. This matter has been before the Agricultural Department, the Interior Department, and also the Department of Justice. All have reported, although the Agricultural Department falls into line rather reluctantly. It would like to take over the lands and the timber and conserve both for our children's children's grandchildren.

Mr. SLOAN. Does the gentleman mean to say that Congress will accept that mandate?

Mr. MONDELL. I feel quite sure that it will.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. RAKER. Is not the gentleman sort of fearful over a thing that can never happen if the provisions of this bill are carried out and all the timber is sold as the bill directs?

Mr. JOHNSON of Washington. There are no "ifs" about it. The United States Government will be in the place of the railroad companies sooner or later, when this legislation goes through. But the matter will stay in the courts for years, in my opinion. There will be no taxes, and the dispute will go on and on, so that the land and the timber on it will finally wind up in the forest reserves.

To a considerable extent this is Oregon's affair; and yet the Oregon men are sharply criticized on this floor for doing and trying to take part in what will affect the future welfare of that State a great deal more than many of those who will vote on this measure can realize.

Mr. RAKER. Can the gentleman inform the House what kind of a bill can be passed to avoid any litigation and enable the Government to get what belongs to it?

Mr. JOHNSON of Washington. Yes; I think so, but not in 5 or 10 minutes. A few years ago land-hungry people were permitted to stampede into what was then the Indian Territory and grab lands free of charge. The pioneers of Oklahoma got their start that way, many of them. Other people will march into the Rosebud Indian Reservation in Montana this summer and get land. Still others will go to the Colville Indian Reservation in the State of Washington to get homestead land or to take their chances on getting some. This Oregon land was ceded away on certain terms. It was intended for settlers—homesteaders. They have not got it, nor will they. In my opinion they should have a real chance to get it.

Mr. RAKER. The gentleman would not propose that when they can not get enough land to build their cabins on.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD at a later date.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I shall not consume the time allotted to me as gentlemen on both sides have done in contributing to the campaign of the gentleman from Oregon [Mr. SINNOTT] by emphasizing his splendid and successful work on behalf of his State. I think they have clearly assured the gentleman from Oregon of reelection. He is entitled to it. I leave the matter right there.

I will, however, discuss some of the provisions of the bill. There are quite a number of us still here who were here on April 30, 1908, and remember the very pretty fight we had on that day, or a few days before that, in the passage of the resolution which became a law on that date, under which the Federal Government proceeded to seek a forfeiture of the Oregon and California land grants. Those of us who were then here, and particularly those of us who participated in that discussion, are, of course, more or less familiar with this general situation. The lower court found for the Federal Government, and, as I recall, brought in a decision forfeiting the grant. That decision was modified by the Supreme Court by a decision which, to my mind, speaking now as a layman and not as a lawyer, is not as clear and definite as it might be or as we hoped it would be.

The committee, which has proceeded under this decision of the Supreme Court to the consideration of the legislation now before us, has given a very great deal of time and attention to the matter, has called to its assistance the officials of the various Government departments that have to do with or have knowledge of these matters, and have brought in a bill which, after a very thorough and conscientious study, they believe is in accord with the decision of the Supreme Court and will best meet the situation and the conditions surrounding the lands of this grant.

I have some mental reservations with regard to the legislation. I am not altogether certain that under the decision of the Supreme Court it will be possible to revest the Federal Government in its title to these lands. I hope that it will be possible. The gentleman from Wisconsin [Mr. LENROOT], who is a very good lawyer—and I am no lawyer at all—smiles; he smiles in his confidence, but I have known very good lawyers before now who smiled and were certain, and yet did not find that the courts agreed with them. I hope that the legislation will stand the scrutiny of the courts. My regret with regard to it—and I am sure that it is the regret of all those who labored on the bill—is that it has not seemed possible to the committee to bring out legislation which would settle these questions without further litigation. I say this because I assume it is admitted by all who are familiar with the subject that we are simply providing for disposition of these lands after further and prolonged litigation. Beyond all question or controversy I assume the railroad company will contest the provisions of this bill. I am informed that the State of Oregon is also likely to contest the provisions of the bill.

Mr. LA FOLLETTE. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LA FOLLETTE. Can the gentleman conceive of any legislation that would have been reported out by this committee that would have been acceptable to the railroads and that would not have led to litigation, unless we had given them everything they wanted?

Mr. MONDELL. I want to say to my friend that I am not criticizing the committee. Personally I think I should have suggested legislation different from this, but I am going to support the legislation, brought in by the committee in good faith after consideration—after much more consideration than I have been able to give the matter since the Supreme Court decision.

But it is unfortunate that we must leave the matter, if we must, where it will take its long and tedious course through the courts before any conclusion is reached. Answering the question of my friend from Washington further, I wish to say I think it might have been possible to have brought in legislation without conceding everything that the railroad company demanded, without conceding anything improper or unwise, that would have settled the main questions involved without further litigation.

I am not entirely certain that such legislation as I have in mind would have been in all respects as satisfactory as the procedure that we now hope to follow under this bill will be if the matter is not too long delayed. There is a question, however, as to whether it might not have been better to have conceded some things to any early settlement of the matter rather than to have made provisions which are likely to prolong the agony for a good many years before we shall have a final settlement. This is particularly true in view of the fact that at the end of long and costly and tedious litigation we may find we have made no progress whatever. However, I make these statements not as a criticism, but simply as a suggestion of other ways in which the matter might have been approached.

Mr. LA FOLLETTE. Mr. Chairman, will the gentleman again yield?

Mr. MONDELL. Yes.

Mr. LA FOLLETTE. Does not the gentleman think, in view of the fact that this question is up to the Supreme Court itself, it would not be as long as it would be if it had to work itself up through the district court and then up to the Supreme Court at last?

Mr. MONDELL. I presume that the tests as to the provisions of this law will be brought, will be had in the local courts, and however the local courts deside the cases will undoubtedly be carried to the court of last resort. And it will take more than one suit, as the gentleman knows. It will take a variety of suits, because, as I understand it, the committee in bringing in this bill, in using the word "sold" in this section, does not intend to include the lands that were contracted for. Is that understanding correct?

Mr. LA FOLLETTE. Yes.

Mr. MONDELL. There must follow therefore the suits that will be brought in order to determine the rights and interests and equities of those who are interested in the 16,000 acres or more of land under contract. That could not perhaps have been avoided without provisions which would perhaps have been of doubtful wisdom; at least it would have subjected the committee to criticism. I beg to suggest, however, that I think the committee might have brought in a provision with regard to these contract lands which would not have been equitable, and which would have settled the matter much earlier than it will be settled under the conditions which will exist if this legislation is enacted. I realize, however, that that was not an easy matter to adjust.

Mr. LA FOLLETTE. Will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. LA FOLLETTE. Does the gentleman think the suit that would be brought to settle the question as to those lands that have already been contracted for and are in controversy would have anything to do with the main question and the recovery of the unsold lands? It would only be incidental to the main purpose anyhow, and consequently I think that the decision to leave it out was wise.

Mr. MONDELL. Perhaps a suit of that sort was inevitable in any event, though I am not altogether certain as to that.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. LENROOT. I yield five minutes to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Chairman, I do not want to enter into any controversy with any gentleman, but I desire to make some suggestions in connection with this first section. It seems to me to be very doubtful that we have the power to reinvest in the Government the title to this land. The reasons suggested why we may do so are not persuasive. There are two provisions of our Constitution that may apply to this matter. One is the right to take property for public use. That right rests on necessity. I doubt very much that this is a public necessity in this case, and even if there is I do not believe that we comply with the necessary requirements in cases of that kind. We take it now, take it immediately. We pay for it 10 years hence. Is that a compliance with the Constitution, which requires that property shall only be taken upon compensation being paid therefor?

Then there is another constitutional provision which requires that this land must be taken under due process of law. Is it due process of law for us to act as judges in our own case and determine this whole matter by this act? In the lower court it was held that we had no right to demand a forfeiture. In effect you declare a forfeiture when you say that this land shall immediately revert to the Government. That land has vested in the railroad company. If this forfeiture is valid, what becomes of the railway mortgages? You can not forfeit the railway company's title without forfeiting these mortgages. You make no provision for their payment. Upon what theory can this be sustained? There are many questions still to be litigated. You proceed as though everything was plain, as if the railway company had forfeited the land. Why is not the company entitled to its day in court upon its right to have this land settled and upon the terms and conditions of sale?

Mr. LENROOT. I want to suggest that there is no forfeiture involved in this bill.

Mr. VOLSTEAD. My contention is that it is the same thing in effect, and that you can not avoid it by calling it a different thing. The company's interest is forfeited, though you make some provision for payment in part, a provision that the railway company has no power to enforce. I do not believe there is any necessity for reinvesting the Government with this title.

I believe that other means could have been provided that would have been strictly within the ordinary proceedings in law. We could have provided, for instance, that a receiver should hold and dispose of these lands or we might have provided machinery under which the railroad company could have been compelled to deed this land upon the happening of certain conditions that would have carried out the purpose of the grant. It seems to me it is unwise to take this extreme position. I am in thorough sympathy with this legislation. I think something of the kind ought to pass; but I feel that we ought to proceed along what we all recognize as safe and conservative lines, so that we will have as little litigation as possible. This bill will certainly invite a great deal of litigation, litigation that may make it necessary in years to come to pass further legislation in regard to it. If it does, settlement will be delayed, and those for whom the legislation is passed will suffer in the meantime. I am simply anxious to pass laws that we can sustain in the courts, laws that will be of advantage to the country and will carry out the views and purposes we have in mind. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. LENROOT. I yield five minutes to the gentleman from Oregon [Mr. SINNOTT].

Mr. SINNOTT. Mr. Chairman, a moment ago some captious criticism was directed against me for not having introduced a bill and also against the State of Oregon for not having obtruded itself into the department of government and put in motion the machinery to adjust this grant. As to the criticism of myself, I will not answer it. I hardly think the chairman of the committee meant that criticism in the way it sounded, and I do not propose to reply to it more than to say that a small part of these lands are in my district; that my colleague [Mr. HAWLEY] introduced a bill in the House and Senator Chamberlain introduced one in the Senate, and that I have been for the Chamberlain bill from first to last; that I have made no different fight on this floor to-day that I have been making continually in the committee, trying to represent my State and the views of the people of my State relative to this division. [Applause.] As to the criticism upon the State for not going into this matter sooner, I will say to you, Mr. Chairman, that the facts as to the violation of this grant were in the possession of the Government from the very day of the first violation up to the day of the last violation. These facts were not in possession of the State of Oregon, but the Government did know of these violations and did apathetically let them go on.

Mr. QUIN. When was the first violation?

Mr. SINNOTT. I will explain that. In 1872 the Secretary of the Interior rendered an opinion to the Attorney General, informing him that the position taken by the railroad company was erroneous. The Attorney General at that time tried to have that opinion suppressed. The records in the case show that the reports of all these sales were made by the railroad companies to the Secretary of the Interior. They show repeated violations beginning about the year 1892. Prior to 1892 there was no affirmative violation of the settlers' laws. That is, the railroad companies did not sell to anyone in quantities greater than 160 acres, but there were negative violations of that grant—that is, the railroad company refused to sell to actual settlers. The people of the State of Oregon were not aware of that fact. Evidence of those negative violations was not produced before the court deciding this matter. We only learned of that accidentally. The gentleman from Washington, sitting on my left [Mr. LA FOLLETTE], endeavored to buy some of these grant lands in the year 1878, and then the railroad company asked him $10 an acre for those lands. It was not until after 1892 that the sales to any great extent were made in quantities of over 160 years. We did not know of those sales in Oregon, but the department here in Washington knew of those sales and paid no attention to them. Indeed, the Forestry Department made an exchange for these same lands after 1897.

Mr. QUIN. Why did not they pay attention to it?

Mr. SINNOTT. It was not until 1897 that one of these deeds that conveyed a large amount of property was placed on record in Oregon. About that time the agitation commenced. Of course, the people are slow to act in such matters.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. FERRIS. I have five minutes remaining, and I will yield the gentleman three minutes of it.

Mr. SINNOTT. The records before the Supreme Court show that the railroad company endeavored to suppress the information about these violations concerning the settlers' clause. Here is an extract from a letter from Charles W. Eberlein, the acting land agent of the railroad company dated February 19, 1904, to their chief counsel, Mr. Herrin in San Francisco. I will read one clause:

> I realize the necessity of not calling any more attention than is absolutely necessary to the provisions in our grant which are already giving us trouble.

That was the position of the railroad company, endeavoring to cover up this entire matter. We did not have the information in Oregon, but the information was on the departmental records here in Washington. When we did know it we acted with great diligence. We passed this resolution in 1907, and it is not until 1916, nine years after the passage of the resolution, that we get this matter adjusted.

I reiterate that it was not the duty of the State of Oregon, it was the duty of the Government of the United States to see that there was no violation of the grant.

The CHAIRMAN. All time for debate having expired on this section, the Clerk will read.

The Clerk read as follows:

SEC. 2. That the Secretary of the Interior, in cooperation with the Secretary of Agriculture or otherwise, is hereby authorized and directed, after due examination in the field, to classify said lands by the smallest legal subdivisions thereof into three classes, as follows:

Class 1. Power-site lands, which shall include only such lands as are chiefly valuable for water-power sites, which lands shall be subject to withdrawal and such use and disposition as has been or may be provided by law for other public lands of like character.

Class 2. Timberlands, which shall include lands bearing a growth of timber not less than 300,000 feet board measure on each 40-acre subdivision.

Class 3. Agricultural lands, which shall include all lands not falling within either of the two other classes:

Provided, That any of said lands, however classified, may be reclassified, if, because of a change of conditions or other reasons, such action is required to denote properly the true character and class of such lands: *Provided further*, That all the general laws of the United States now existing or hereafter enacted relating to the granting of rights of way over [illegible] permits for the use of public lands shall be applicable to all lands title to which is revested in the United States under the provisions of this act. All lands disposed of under the provisions of this act shall be subject to all rights of way which the Secretary of the Interior shall at any time deem necessary for the removal of the timber from any lands of class 2.

Mr. SINNOTT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. SINNOTT: Line 24, page 4, amend by inserting after the word "of" the word "merchantable."

Mr. BOOHER. Will the gentleman permit me? If you will add the word "saw," you will perfect it. Unless you do that, you will include other things, like telephone poles and such.

Mr. SINNOTT. I will state that the term "merchantable timber" is very well known in the State. It is a term that the department has used.

Mr. BOOHER. Telephone poles are merchantable timber.

Mr. SINNOTT. Telephone poles are included in merchantable timber.

Mr. BOOHER. Then the gentleman wants to include that kind of timber under his amendment?

Mr. SINNOTT. Yes.

Mr. BOOHER. Has the department sold telephone poles as merchantable timber?

Mr. SINNOTT. I think they have been in the habit of selling telephone poles as merchantable timber.

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the amendment. In the presentation of the case this morning the chairman of the committee said that there was some difference of opinion between the various departments as to the amount of timber that should be the basis of determination, whether it should be considered agricultural or timber land. I would like to press the gentleman a little further as to what was the minimum amount recommended by the department and what was the maximum amount, and particularly whether the department recommended limiting the character of the timber as merchantable.

Mr. LENROOT. The amount recommended by the department was 1,000,000 feet and another department recommended a greater amount, but the committee after hearing all the testimony and being extremely liberal to the State of Oregon, increased it to the amount named in the bill, 1,200,000 feet.

Mr. STAFFORD. The gentleman is speaking of a quarter section.

Mr. LENROOT. Two hundred and fifty thousand feet to a quarter was recommended by the department.

Mr. STAFFORD. And limited the timber to merchantable timber.

Mr. LENROOT. Yes; as we have it.

Mr. STAFFORD. But by this amendment you are making it more liberal to the people who wish to locate on the land.

Mr. LENROOT. Possibly.

Mr. LA FOLLETTE. The idea of making it 300,000 feet was to give greater opportunities to the farmer, the agriculturist. It only takes a few trees, in many cases, of the character of the trees in that section, that large timber, to make 300,000 feet. You can readily see that it would take a large lot of agricultural land away from settlement if the limit of timber per 40 is made too low, and it is to give more opportunity for homes that it was made a little more liberal than the 250,000 feet.

Mr. STAFFORD. How many feet of boards are in one of these trees?

Mr. LA FOLLETTE. I have seen any amount of trees that would make 30,000 or 40,000 feet.

Mr. STAFFORD. That is not the general character of timber I saw when I was in the Northwest last summer.

Mr. QUIN. How many trees are there on an acre?

Mr. LA FOLLETTE. It does not take many trees to make 1,000,000 feet in some localities.

Mr. STAFFORD. I do not think we should liberalize the provision made by the committee. The committee has gone beyond the recommendation of the department in increasing the amount of standing timber to determine whether it should be passed as agricultural or timber land. I think one criticism of this bill is, as has been stated by the gentleman from Oklahoma and by my colleague from Wisconsin, that it is too liberal to the people of Oregon and too little consideration of the welfare of the country at large.

Mr. LA FOLLETTE. This is not so much liberality to the people of Oregon as to the people of the entire country, the men who desire to get homes. They can get a homestead more advantageously if they have a larger amount of timber allowed on each 40-acre tract. There is any amount of these lands which are valuable agricultural lands. I think the utmost liberality should be allowed in providing that as much of this land can go into settlement and the making of homes as possible.

Mr. STAFFORD. Mr. Chairman, I have not much knowledge of western forest lands, but I have sufficient to know that these lands will be valuable for timber purposes, and when they are valuable for timber purposes they should be classified as timberlands and the rights of the Government protected along those lines. In this amendment you are going contrary to the recommendations of the Department of Agriculture and the Interior Department. You are taking away the benefits that will accrue to the Government by classifying these lands as merchantable timberlands. We have gone to the extent of 200,000 additional board feet to the quarter section by increasing the basis of classification as timberlands, and I do not think we should go any further. I can conceive of growing timber on these 40 acres which in a few years will be valuable as matured timber, and yet when you put in there the word "merchantable" you are virtually going to give to some of these settlers valuable timber rights not available to the public generally.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BOOHER. The gentleman then objects to giving the settler on these lands anything but the bare rocks and the hills that are there?

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

Mr. FERRIS. Mr. Chairman, reserving the right to object, I ask unanimous consent that debate on this section and all amendments thereto close at the expiration of 20 minutes.

The CHAIRMAN. Is there objection?

Mr. MONDELL. Does that mean the section?

Mr. FERRIS. Yes.

Mr. DAVENPORT. I desire to have five minutes to offer an amendment.

Mr. FERRIS. I counted the gentleman in.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Chair desires to ascertain how the time is to be apportioned?

Mr. FERRIS. Five minutes to the gentleman from Oklahoma [Mr. DAVENPORT], five minutes to the gentleman from Missouri [Mr. BOOHER], five minutes to the gentleman from Mississippi [Mr. QUIN], one minute to the gentleman from Washington [Mr. LA FOLLETTE], and two minutes to the gentleman from Wisconsin. Does the gentleman from Wyoming desire time?

Mr. MONDELL. I do not desire to have any time.

Mr. FERRIS. And two minutes to the gentleman from California [Mr. RAKER].

Mr. STAFFORD. Mr. Chairman, in reply to the gentleman from Missouri [Mr. BOOHER] I desire to state that I am just as considerate of the welfare of the settler as anyone, but I do not believe that we should give to the settler timberlands under the guise of giving him agricultural lands. There is only one rule that this committee can consistently follow as to the determination of what are agricultural lands and what are timberlands, and that is the recommendations of the heads of the respective departments that have these matters in charge. The

departments say that they should be classified as timberlands with not less than 250,000 standing feet to the 40 acres, and yet the committee recommended 300,000 feet, and now you are going to go still further at the behest of these local people, and I am not blaming them for endeavoring to get all they can. I believe in conservation of our natural resources. I believe these timberlands should have a different rule applied to them from what is applied to agricultural lands; and who knows better about that, the head of the Forestry Service or we? I am willing to take the judgment of the Forestry Service in that regard, and not allow persons out there, under the guise of getting agricultural lands, to come in and locate virtually on timberlands.

Mr. LA FOLLETTE. Mr. Chairman, I simply want to say that in raising this amount from 250,000 to 300,000 the committee went upon the principle that the committees of the House and the Members of Congress should have some little initiative and not leave everything to the departments of the Government. [Applause.] We are having a little too much bureaucratic control in this Government at the present time; and I also want to say that I can not blame the gentleman from Wisconsin [Mr. STAFFORD] for taking the view of timberlands that he does. There is a vast difference between the toothpicks of Wisconsin and the mammoth trees of Oregon.

Mr. BOOHER. Mr. Chairman, I desire to offer an amendment to the amendment of the gentleman from Oregon [Mr. SINNOTT] by adding the word "saw" after the word "merchantable."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by adding, after the word "merchantable," the word "saw."

Mr. BOOHER. Mr. Chairman, I do not understand the argument of the gentleman from Wisconsin [Mr. STAFFORD]. He said that he was in favor of conservation, and yet he is in favor of a provision in this bill that would cut a whipstock off this land and sell it. He wants to sell the whole thing. I want this bill to give something to the settler who goes on the land. I want something left for the homesteader. I do not believe it is the object of this bill or the policy of this committee to sell all of the timber on the land. The departments have never indulged in it. They have always measured it as lumber, and they sell it board measure. This amendment is more restrictive. It is not as liberal to the timber purchaser as the gentleman wants to be. It restricts what may be cut off this land. It is a conservation measure. It leaves the timber that will not be saw timber standing on the land, so that the man who comes there and buys it from the Government or homesteads it may have some timber on his land. The gentleman says that timber may grow up and become valuable. Why not let the homesteader have it, then? The Government sells the saw timber in the first instance and gets all it is worth. It is paid for and the man comes there to make a home and he leaves a patch of this timber, and why should he not have a right to it?

Mr. LENROOT. Does the gentleman think that 160 acres having a stand of piling timber and telegraph poles worth $15,000 should be open to homestead?

Mr. BOOHER. Piling would be saw timber. You can not take a simple telephone pole or fence post and make saw timber of it. They do not use that kind of timber for piling in my country.

Now, I think this amendment I offer ought to be adopted. I believe the timber to be sold ought to be defined. I believe that the sale of that timber ought to be restricted instead of enlarged, and instead of making it merchantable timber make it merchantable saw timber, so there may be something left on the land for the people who hereafter may desire to homestead it. [Applause.]

Mr. RAKER. Mr. Chairman, I trust the amendment offered by the gentleman will not be allowed. It is intended to define as timberland where there is less than 300,000 feet of timber, board measure, per 40-acre tract. This is intended to mean that there is timber that will be cut according to the custom of the country for sawmill purposes, and when that amount of timber is estimated by the inspector on the ground to be less than the amount named then it is agricultural land. If it is more, it is timber land. The gentleman from Missouri [Mr. BOOHER] has put an amendment in here that will defeat the homesteader, of whom I am in favor, believing that he ought to have the telegraph poles, believing that he ought to have the piling, that he ought to have the timber that will make posts, whereas the amendment of the gentleman from Missouri will classify all of that kind of timber as merchantable saw timber, which they can do, and it will probably strip the land from the homesteader, whereas under the wording of the bill he can take the piling and the telegraph and telephone poles and the posts and clear the land and make it agricultural, and when he cuts these poles from the land he will get a revenue that will assist him in developing the land. That is what we want. I trust the committee will vote down the gentleman's amendment, because it is against the homesteader.

Mr. DAVENPORT. Mr. Chairman, I desire to offer an amendment on page 4, in line 14, after——

Mr. LENROOT. There is an amendment pending now.

Mr. DAVENPORT. But the time has been fixed. After the comma, following the word "agriculture," in line 14, page 4, I want to strike out the two words "or otherwise."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 14, after the word "agriculture," strike out the words "or otherwise."

Mr. DAVENPORT. Now, Mr. Chairman, after the other amendment has been disposed of, I desire to address the committee.

Mr. QUIN. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Missouri [Mr. BOOHER]. It strikes me that Congress certainly ought to get as much out of it as we can for the Government and at the same time leave this land in shape for the man who wants to homestead. I think this Congress is indeed fortunate to be able to vote for this bill. Out of 4,000,000 acres of land given to the Southern Pacific Railroad by Congress in 1866, land which belonged to all of the people of this Nation, all of which should still belong to the American people, there are about 2,000,000 acres in the State of Oregon which we are trying to get back, and it seems to me it matters little whether Oregon gets it all so that the United States Government gets enough to pay the expenses. Of all the fraudulent schemes that have ever been perpetrated I think the act of Congress that granted away all of these millions of acres of land—timber, oil, gold, and silver—to this railroad corporation heads the list. The Southern Pacific Railroad Co. has sold 800,000 acres of the land for over $5,000,000.

Under the Supreme Court decision we now have the opportunity to save the other 3,200,000 acres of land which, I think, was wrongfully granted to the railroad company. The evidence shows this land is worth $50,000,000. Some of it $200 per acre.

Think of it! Four million acres of land given to one railroad company, and we are now working around and squabbling over $2.50 an acre, and whether a whipstock or riding switch shall be cut off these acres of land which some homesteader may want. We are leaving the sublime and coming to the ridiculous. Let us pass this bill. If we do not get it through by the 9th day of June the railroad holds all the land. I do not care if the Government can not get it, let the State of Oregon get it. Let us be honest and let some part of the people of this Republic get this land. What is the use of quibbling around here about a telephone pole, about a whipstock, some $2 proposition, when we have only 15 days' time under the courts' decision to save 3,200,000 acres of land for the people? The Southern Pacific is not asleep. This bill has to pass the Senate after it leaves the House. Let us pass the bill and let the Government dispose of this timber so that the people can settle upon the land and build homes.

Why, if there is 40,000 feet of timber in one tree, as the gentleman from Oregon states, the Government ought to get this land and sell that timber and let it be manufactured into lumber to build up that country and let a lot of people who say they can not get enough to eat in the cities in these times of prosperity go to Oregon and go to work and raise products and feed the people. [Applause.]

I am not opposed to their having plenty of timber to build their fences with; whether the trees are a foot through or half a foot through or an inch through, we do not care. That is all right; whether one of these big trees makes 40,000 feet of lumber or whether it is a little tree that can be made into a post, I am in favor of the farmer who wants a homestead. [Applause.] If he can get a farm at 50 cents an acre paid down and $2 when final proof is made, it is a boon to him and the country. That is what the public domain is intended for—bona fide homesteaders. I have always condemned the acts of Congress in bygone years which granted all of these public lands to a few fellows who had a railroad charter.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. QUIN. I have not time to yield. It seems to me that enough of these farmers could go out there and soon have more than my friends SINNOTT and HAWLEY, from that State as Representatives in Congress, if we pass this bill and give the people a chance to go there under the bill as drawn here. I do not want to see the State of Oregon get all of this money, but let us pass this bill as the committee has brought it here and get it through to the President to sign before the 9th day of

June [applause], so that the American Government can get what is coming to it.

After this case has gone all the way to the Supreme Court of the United States, has run the gauntlet, and obtained the information suppressed by the railroad company showing that fraud had been practiced and the grants of Congress violated, which the gentleman from Orgeon says was done by the railroad company in all these years—and I do not doubt that, for I know the methods of railroad corporations in dealing with the Government after the agents and servants of the people give them, through solemn acts of Congress, virtually all of the public domain in many of the States of this Republic, I am not surprised at the statement the gentleman makes when he said that this railroad company had violated the land-grant contract, which Congress had foolishly granted to the railroad company, in order to maintain this great landed right by suppressing information and keeping it from the Land Department, from the attorney general of the State of Oregon, and the Attorney General and the Secretary of the Interior of the United States. [Applause.]

It takes work to protect the interest of the people. The sharpers are always active and on the alert. There was some smooth work done when Congress was induced in 1866 to give all of those millions of acres of land to that railroad company. Let us work with all of our vigor to get as much as possible restored to the people.

Gentlemen, we now have the chance to get back 3,200,000 acres of fine land from one railroad company. Let us do our full duty by staying on guard day and night till this bill becomes a law. Future generations will rise up and bless the memories of the Congressmen who are now fighting the battle of the people in passing this measure. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVENPORT. Mr. Chairman, the amendment that I offer is a proposition as to who shall classify these lands as timber, agricultural, or mineral lands. The first part of the section provides that the Secretary of the Interior, in cooperation with the Secretary of Agriculture, shall do this, and then the words "or otherwise" are thrown in. Now, I confess that if this land is as valuable as it has been represented to be, the departments having to do with the rights can cooperate in making these appraisements. The words "or otherwise" ought not to be in that provision, because it ought to be mandatory that the Department of Agriculture and the Interior Department, cooperating together, shall make that valuation and classification. I know, unless it is different from what it is in any other State of the Union where Government timberland is involved, there is going to be an effort made to have a lot of it classified as timberland, and I know that those interested in timber are going to do everything they can to have that classified for those who expect to bid on the timber. I believe the words "or otherwise" ought to be stricken out of this bill, and let it read that the Secretary of the Interior, cooperating with the Secretary of Agriculture, shall make this classification, and then have the two cooperating together make the classification. Then there can be no complaint made either by the State of Oregon or by the Government representatives if it is not properly done. I care not so much who buys this timber if it is possible to get it out of the hands of those who have been holding it for years, and who have been improperly holding it, as the court has decided. If you give half or more of it to the State of Oregon and the people, where they may get the benefit, I do not care for that. But I do say this, that if you are going to give any of that land to the homestead settler, where he may be permitted to make a home, there ought to be some restriction on the class of the timber to be taken from the land, and there ought to be something more than the bare ground left to him where he makes his homestead.

I lived for a time in a section of the South where they had iron works, and they went out in the forest and cut all the timber off the land in order to make charcoal. You could not get any settler to take that land, because it was barren and there was no timber to make improvements. And there ought to be some restriction as to the size of timber or the kind of timber that is to be taken off of this land. I think that could be easily remedied. Whether the timber shall be classed as telephone-pole timber, that will be a matter to be settled by the Government when they go on the land. If they do not, no man can tell who will classify it or know what the words "or otherwise" means.

Mr. FERRIS. Mr. Chairman, I yield three minutes to the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Mr. Chairman, I think to amend those class 2 lands would be a serious mistake. The language in the bill as it is proposed is too broad. If you have the words "saw timber or merchantable timber" inserted, merchantable timber would include everything on the land.

Now, it is provided in class 2 lands, where the timber does not exceed 300,000 feet to the 40 acres; that is, 1,200,000 feet to the quarter section—I venture to say that one-half of the land of that grant will not cut more than 1,200,000 feet of saw timber per quarter section.

Mr. COX. Would that be heavy timber?

Mr. FORDNEY. It would be heavy timber in the mountains.

Mr. COX. Would that be a heavily timbered tract?

Mr. FORDNEY. Yes. I will say that not more than half the lands would cut that much of timber per quarter section, unless you make it merchantable, so as to include fence posts and telegraph poles, and so forth. But merchantable saw logs on the Columbia River are limited to 16 inches at the top end of the log. Any log below that in diameter is not a merchantable log and is not supposed to be scaled, and the logger will get nothing for it. But as to fence posts or telephone poles or any other use you can put them to, it would make them merchantable. A great portion of those lands contain nothing but very large timber, and no small timber at all; and therefore, if you include the words "saw timber," you are going to take all the timber away from the homesteader and he will get nothing. I think it would be a great mistake to amend by either inserting "merchantable timber" or "merchantable saw timber." The language as it is seems to be correct.

Mr. FERRIS. Mr. Chairman, there are three amendments pending. I hope they will all be voted down, and I think the departments which have gone over this so carefully and spent so much time on it have reached a just conclusion about it. We had all of them with us in considering this bill, and they have had experience in lumber propositions and experience in formulating language, and I think if we put language in this bill with which we are not familiar it will harm the bill rather than do it good. My colleague [Mr. DAVENPORT] asks to strike out the words "or otherwise." I hope the amendment will not prevail, for these reasons: There are times when it would be a ponderous, cumbersome procedure, and would always force the two departments to act in the premises before any action can be taken. I hope they will be voted down.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri [Mr. BOOHER] to the amendment of the gentleman from Oregon, which the Clerk will report.

The Clerk read as follows:

After the word "merchantable," insert the word "saw," so that the words will read, "merchantable saw timber."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Missouri to the amendment of the gentleman from Oregon.

The amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Oregon.

The amendment was rejected.

The CHAIRMAN. The question is now on the amendment proposed by the gentleman from Oklahoma [Mr. DAVENPORT], which the Clerk will read.

The Clerk read as follows:

Page 4, line 14, after the word "Agriculture," strike out the words "or otherwise."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. SINNOTT. Mr. Chairman, I have another amendment to section 2.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oregon [Mr. SINNOTT].

The Clerk read as follows:

Amendment offered by Mr. SINNOTT: Amend, line 24, on page 4, by striking out the words "three hundred" and inserting in lieu thereof the words "five hundred."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That the classification provided for by the preceding section shall not operate to exclude from exploration, entry, and disposition, under the mineral-land laws of the United States, any of said lands, except power sites, which are chiefly valuable for the mineral deposits contained therein, and the general mineral laws are hereby extended to all of said lands, except power sites: *Provided*, That any person entering mineral lands of class 2 shall not acquire title to the timber thereon, which shall be sold as hereinafter provided in section 4, but he shall have the right to use so much of the timber thereon as may be necessary in the development and operation of his mine until such time as such timber is sold by the United States.

Mr. SINNOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oregon [Mr. SINNOTT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SINNOTT: Amend line 3, on page 6, by adding, after the word "States," the following:

"*Provided, however*, That the Secretary of the Interior may reserve before sale for the operation of mines such timber as he may deem necessary."

Mr. SINNOTT. Mr. Chairman, the object of this amendment is to enable the Secretary of the Interior, in his discretion, to reserve timber that may be needed in small quantities for the operation of mines.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oregon.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. That nonmineral lands of class 2 shall not be disposed of until the Secretary of the Interior has determined and announced that the merchantable timber thereon has been removed, and thereupon said lands shall fall into class 3 and be disposed of in the manner hereinafter provided for the disposal of lands of that class.

The timber on lands of class 2 shall be sold by the Secretary of the Interior, in cooperation with the Secretary of Agriculture, or otherwise, to citizens of the United States, associations of such citizens, and corporations organized under the laws of the United States, or any State, Territory, or District thereof, for cash or payment in not exceeding 10 equal annual installments with interest on such deferred payments as the Secretary of the Interior may prescribe, not to exceed 6 per cent per annum, at such times, in such quantities, and under such plan of public competitive bidding as in the judgment of the Secretary of the Interior may produce the best results: *Provided*, That said Secretary shall have the right to reject any bid where he has reason to believe that the price offered is inadequate, and may reoffer the timber until a satisfactory bid is received: *Provided further*, That upon application of a qualified purchaser that any legal subdivision shall be separately offered for sale such subdivision shall be separately offered before being included in any offer of a larger unit, if such application be filed within 90 days prior to such offer: *And provided further*, That said timber shall be sold as rapidly as reasonable prices can be secured therefor in a normal market.

Persons purchasing under the provisions of this section shall be given patents when the purchase price is fully paid conveying to them the timber and expressly reserving the land to the United States. The timber thus purchased may be cut and removed by the purchaser, his heirs or assigns, within such period as may be fixed by the Secretary of the Interior, which period shall be designated in the patent; all rights under said patent shall cease and terminate at the expiration of said period: *Provided*, That in the event the timber is removed prior to the expiration of said period the Secretary of the Interior shall make due announcement thereof, whereupon all rights under the patent shall cease.

No timber shall be removed until the issuance of patent therefore, but the Secretary of the Interior may, in his discretion, issue patents from time to time on any legal subdivision whenever the amount received on any bid is sufficient to pay the full purchase price of the timber on such subdivision.

All timber sold under this act shall be subject to the taxing power of the States apart from the land as soon as patents are issued as provided for herein.

Mr. LENROOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: On page 7, line 23, after the words "from time to time," insert the words "for the timber."

Mr. LENROOT. Mr. Chairman, this is simply designed to correct an omission which was called to the attention of the committee, but which was not corrected.

Mr. FERRIS. We accept it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The amendment was agreed to.

Mr. BOOHER. Mr. Chairman, I desire to call the attention of the committee to line 6 on page 6. It says "and announced that the merchantable timber thereon has been removed." If that word "merchantable" remains in and it accomplishes the thing that the gentleman from California [Mr. RAKER] and the gentleman from Michigan [Mr. FORDNEY] say it will do, and if we put it in in another place it certainly should be stricken out here. According to the statement of the gentlemen and their arguments on the other motion to amend, that if the word "merchantable" be put in the bill, it would enable the department to sell everything on the land, and they could sell it all off and strip everything off the land.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. BOOHER. Yes.

Mr. RAKER. This comes now after the timber has been classified and put under the class of timberland and the man has cut off the timber that has been scaled to him, and the Government is then offering the land for homesteading.

Mr. BOOHER. I am not talking about time when it takes place or anything like that. I am talking about the word "merchantable," which, as these gentlemen have argued before, will take everything off the land and will not leave anything on the land for the homesteader. I move that the word "merchantable" be stricken out. I do that for the purpose of testing the gentlemen on that subject.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri [Mr. BOOHER].

The Clerk read as follows:

Amend, page 6, line 6, by striking out the word "merchantable."

Mr. LENROOT. Mr. Chairman, if the amendment of the gentleman from Missouri [Mr. BOOHER] should prevail he will accomplish the very thing he seeks to avoid. As the language now stands, when the timber has been removed by the purchaser and the patent has expired there will still be timber remaining on the land. Then, although there is still timber remaining on the land, it will fall within class 3, providing the merchantable timber is removed. If not removed, it would not be open to homesteading if a stick of timber were left on the land.

Mr. BOOHER. Mr. Chairman, I am inclined to think that the argument of the gentleman from Wisconsin is right. That is the position the gentleman from Washington and myself took on the other amendment exactly, but the committee did not agree with us and did agree with the gentleman from Michigan and the gentleman from California when we undertook to put in the word "merchantable." Now, I think the word is right, but it is not right and proper to be there if we are to be governed by the vote of the committee on the prior amendment, the amendment to insert the word "merchantable," in line 24, on page 4.

Mr. STAFFORD. Mr. Chairman, I desire to be heard on this amendment.

Mr. Chairman, the phraseology of the bill is entirely in harmony with the idea of conserving the best interests of the Government and the best interests of the settler. It is not purposed to have timberland entirely denuded of all timber before it can be opened to entry after the timber has been once removed. The very purpose is that only after the merchantable timber has been removed, then and thereupon it becomes of that character whereby it is subject to entry under the homestead law. This is a conservation provision, and the amendment of the gentleman from Missouri [Mr. BOOHER] would really cause all the small growing timber to be stripped from the land before the timberland could be opened to settlement as agricultural land.

Mr. DAVENPORT. I should like to ask the gentleman from Wisconsin if he does not think we can choose a better word than "merchantable," if it is intended to be a definitive word, when the Secretary of the Interior has determined and announced that all timber heretofore sold has been removed from the land?

Mr. STAFFORD. Oh, no; I think the word "merchantable" is a proper one in this particular; and after listening to the timber expert of this House, the man who has more knowledge about timber than any other person in this body, the gentleman from Michigan [Mr. FORDNEY], I must say I think we are entirely too liberal in fixing the amount as 300,000 feet per 40 acres as the limit of timber on land opened to settlement as agricultural land. The gentleman from Michigan stated here, of his own knowledge, that one-half of the lands in this district would be included as agricultural lands; that valuable timberland will be open to homestead entry; and the rights of the Government will in no wise be conserved.

Mr. DAVENPORT. In the section classifying this land there is no definitive word saying what kind of timber shall be sold——

Mr. STAFFORD. I will answer the gentleman, because I anticipate his point. Every person who is acquainted with the operation of timberlands knows that the timber people do not cut down the small nonmerchantable timber, but leave that standing, and they cut down only that which is profitable or merchantable; and so when they proceed under this law they will go ahead and cut down the merchantable timber, leaving small trees standing, which will make it available for homestead entry as agricultural land.

Mr. DAVENPORT. Mr. Chairman, I desire recognition.

The CHAIRMAN. Does the gentleman desire to be heard on the amendment?

Mr. DAVENPORT. Yes; I am in favor of the amendment.

Mr. FERRIS. How much time is desired on the other side?

Mr. JOHNSON of Washington. I should like two minutes.

Mr. MONDELL. I desire to offer a substitute for the amendment.

Mr. FERRIS. Will five minutes be enough for the gentleman?

Mr. MONDELL. Yes.

Mr. FERRIS. I ask unanimous consent that at the end of 15 minutes debate on this section and all amendments thereto close.

Mr. LENROOT. We will not get through if the gentleman makes the time as long as that?

Mr. FERRIS. This is quite a long section, and I make the request on the section.

Mr. MONDELL. The gentleman does not mean to close debate on the entire section in 15 minutes?

Mr. FERRIS. Yes. We have got to finish this bill to-day.

Mr. MONDELL. That is, we have got to finish the bill to-day if we have time to discuss it.

Mr. LENROOT. The gentleman from Wyoming evidently is not aware of the fact that there was an understanding that the bill was to be finished to-day.

Mr. MONDELL. The gentleman from Wyoming is not going to stand in the way of doing anything in due and proper time, but the gentleman from Wyoming does not propose to be hurried along when there are matters here that need discussion.

Mr. FERRIS. We will give the gentleman time enough. I ask unanimous consent that all debate on this section and all amendments thereto close in 15 minutes. We will give the gentleman from Wyoming five minutes.

Mr. MONDELL. I have another amendment to offer to this section beside the amendment that I now propose to offer, and I should like to have five minutes on that.

Mr. FERRIS. Ten minutes on the two?

Mr. JOHNSON of Washington. I will give the gentleman two minutes.

Mr. DAVENPORT. I will give the gentleman two minutes of my time.

Mr. STAFFORD. I suggest to the gentleman from Oklahoma that he make it 20 minutes.

Mr. FERRIS. I ask unanimous consent that debate on this section and all amendments thereto be closed in 20 minutes.

The CHAIRMAN. The gentleman asks unanimous consent that at the end of 20 minutes' debate on this section and all amendments thereto be closed. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Chairman, I want only one or two minutes, to call attention to a difficulty that I think the two departments will get into. The Agricultural Department has a great selling service already organized in the Division of Forestry for the sale of timber. This bill provides for the sale of class 2 timber by the Department of the Interior. The ranking Republican member of the committee, Mr. LENROOT, tells me it will be sold in that way. My impression is that it should be sold by the Forest Service. I am not offering any amendments, because I do not think any of it will be sold for many years. I will take no more time.

Mr. DAVENPORT. Mr. Chairman, I still believe that the word "merchantable" in section 4 should not remain there, and that some other word or phrase defining the class of timber when it is announced that the class which has been sold has been removed should be incorporated. However, I do not expect to have anything to do with putting into effect that provision up there, and for that reason I am not going to insist, except to say to my friend the gentleman from Wisconsin [Mr. STAFFORD] that I do not know how they operate in the Northwestern States when they go to sell timber, but my experience has been that when they sell the poplar, white oak, walnut, or other timber in the South they cut everything from 6 inches up; and I think the same thing will be done there if you do not put in a limitation as to the size of the timber that they *shall* take from the land. I believe any man engaged in the lumber business, if there is not something to define to him what class of trees or saplings, to use the common expression, he shall take off the land, he will take everything that will make a fence post, as the gentleman from Michigan [Mr. FORDNEY] said, or anything that will make a fishing rod or anything else, if there is money in it for him to put it on the market. Therefore some kind of a definitive word should be used clearly to define the intent and what the Interior Department or the Forestry Department, whichever exercises the control, sells to him when he contracts for the timber, and not leave it to an indefinite decision, so that there shall be a lot of lawsuits and arrests and countercharges, such as have been going on for years and years in the timbered regions of the country.

Mr. COOPER of Wisconsin. Why not fix the size of the tree that may be cut?

Mr. DAVENPORT. That is what I suggest, that there ought to be some definitive word to fix either the size of the tree or the class of timber that shall be taken from the land.

Mr. MONDELL. Mr. Chairman, I think the views of the gentleman from Oklahoma are sound, and I propose to offer an amendment which I believe will meet his view of the matter, and remove from the bill a serious objection as the matter now stands. The provision of this section is that the land shall be disposed of when the Secretary has determined and announced that the merchantable timber thereon has been removed. Now, we give a good long time to purchasers to pay for this timber—10 years. We leave it entirely to the Secretary of the Interior to say how long a time they shall have for cutting the timber, and in the meantime the timber is growing. Who is to determine when the time comes that the timber which was sold is cut and the land ready to be entered under the law? It is very easy to remedy that. Strike out, in line 6, the word "merchantable," and in line 7 the word "thereon," and insert the words "sold as provided herein," so that the bill will read:

SEC. 4. That nonmineral lands of class 2 shall not be disposed of until the Secretary of the Interior has determined and announced that the timber sold as provided herein has been removed, and thereupon said lands shall fall into class 3 and be disposed of in the manner hereinafter provided for the disposal of lands of that class.

This will define definitely the timber that is to be removed before the land is open to homestead settlement.

Mr. COOPER of Wisconsin. How does it fix it definitely?

Mr. MONDELL. The balance of the section gives the Secretary authority to fix conditions under which the timber is to be sold, which would authorize him to describe, or even mark, the timber he actually does sell, and when that timber is cut the lands can be sold. If you leave the matter as it is now there is no way that the Secretary could determine when the time came that the timber he actually sold had been removed.

Mr. JOHNSON of Washington. It says, in line 11:

The timber thus purchased may be cut and removed by the purchaser, his heirs or assigns, within such period as may be fixed by the Secretary of the Interior, which period shall—

Is not that going to put the timber from the forest reserve to be sold by the Department of Agriculture in competition with the timber sold by the Department of the Interior under different conditions?

Mr. MONDELL. I do not know. I presume that is so, and it presents another troublesome question; but we are discussing an entirely different matter now. We are discussing a provision as to when land may be subject to homestead settlement.

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. For a question.

Mr. RAKER. I take it for granted that, although the gentleman is familiar with the cutting of timber, he is not familiar with the character of timber involved in this bill.

Mr. MONDELL. I think I am; I have been through this region somewhat. I have traveled somewhat over the land referred to here, and I have listened to a great deal of testimony on the subject.

Mr. RAKER. What I meant to say was that after the logging company has been over the land once, they do not go over it again, as they do in the East and the Southern States.

Mr. MONDELL. Unless you amend the bill, that is what they can do.

Mr. RAKER. It would not justify them.

Mr. MONDELL. Years after they have logged it off for the saw timber they might find it paid to go over it again for other classes of timber or material.

Mr. LENROOT. When the patent expires the right to the timber is then gone.

Mr. MONDELL. When the patent expires; but that is left to the discretion of the Secretary of the Interior, and the Secretary may make the period as long as he sees fit. Now, Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amendment by Mr. MONDELL: Page 6, lines 6 and 7, strike out the word "merchantable" in line 6 and the word "thereon" in line 7 and insert in lieu thereof the words "sold as provided herein."

The CHAIRMAN. The question is as to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Missouri [Mr. BOOHER], which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BOOHER: Page 6, line 6, strike out the word "merchantable."

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I gave notice I would offer two amendments to this section, but in the place of the second one I move to strike out the last word. I have come to the conclusion that the committee does not intend to allow the bill to be amended, no matter how fair, reasonable, wise, or proper the amendments may be.

This section is one that ought to be carefully considered. In my opinion it is a section very much more in the interest of the timber companies than in the interest of either the public, the State, or the settlers. I endeavored to get the committee to accept an amendment which would make it reasonably certain that when the timber which was actually sold was cut the settlers could obtain these lands; but the committee refused to accept it. The matter is left entirely with the Secretary of the Interior to say in what quantities the timber shall be sold, and he can sell all the timber to one individual if his bid or bids are the best offered. He can give a timber company just as long as he sees fit in which to cut the timber. The purchaser may apply his first or any deferred payment on a particular tract or subdivision of his purchase, so that he need make payments only on the particular tract or tracts of land which he proposes to cut from.

The purchaser can secure a patent to a particular tract by applying every payment that may be made to that particular tract, and, having done that, proceed to cut the timber on the tract, holding in reserve in the meantime all of the other tracts without cost or investment. I take it that the committee has given very careful consideration to the matter and has felt justified in bringing in legislation as liberal as this is to the timber owners and the timber cutters. It strikes me, however, as being very questionable. The communities have ground for complaint in that the timber may be used for years, at little cost to the purchasers from taxation. The time is left very uncertain except by expiration of the patent, when the lands may be made subject to homestead settlement.

In the last paragraph of page 7 of the bill it is proposed to issue patents to the timber. I intended to offer an amendment striking out the word "patent" wherever it appears and inserting the words "certificate of purchase," but I have come to the conclusion that it is idle to offer any amendments to the bill. This is the first instance, as far as I know, in American legislation where the word "patent" has been applied to anything except the transfer of a permanent right, title, or easement to land. I do not pretend to say that the issuance of a patent such as is proposed would cast a cloud on the title to the land, although I think that is altogether possible.

But I do not see why the committee saw fit to use the word "patent" when the words "certificate of purchase" is the phrase that would describe the transaction that takes place. I have been told that the committee wanted to be sure that the timber would be taxable. It is no more taxable when the title to the timber is conveyed under the word "patent" than it would be if conveyed under a proper designation. The word "patent" has heretofore in our legislation referred exclusively to either a fee title to land or a proprietary limited fee with a reservation of some mineral contained in the land. It never has been and, in my opinion, can not properly be applied to a transfer of timber.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. TAYLOR of Colorado. I think the idea in using the word "patent" was that the land might be taxable. The people out there are especially desirous of having this timber taxable, and I think that puts it in better shape.

Mr. MONDELL. The issuance of a patent to the timber would not make the land taxable. I can not believe the committee thought it would.

Mr. TAYLOR of Colorado. I am talking about the timber.

Mr. MONDELL. I said that was the argument, as I understood it, but it seems to me there is nothing to it. You do not make timber any more taxable than it would otherwise be by conveying it under a title and designation which does not properly apply to it. Timber will be just as taxable if sold under a certificate of sale as it would be under any other designation.

I have looked at all of the definitions of the word "patent" that I can find in the dictionaries. How that word can properly be applied to timber which it is proposed to cut down and take away I do not understand, but I shall not offer the amendment I intended because I do not think it is worth while. Let me make this further suggestion in the hope that elsewhere and before this bill becomes a law it may be considered.

The people of Oregon desire to tax this timber, the committee is anxious to assist in bringing about that desirable consummation. That could be promptly accomplished by issuing a certificate of sale when the sale is made and the first installment paid; such a transaction would pass title to the timber and render it taxable. Under the plan proposed by the committee, however, it is not contemplated that any evidence of title shall be issued until the so-called patent is granted. Under this plan purchasers for speculation could hold for 10 years by making deferred payments without paying taxes. That would be fine for the speculators but hard on the communities. If on the other hand the purchaser of a large area desired to cut timber but avoid taxes, he could apply his payments to one or more tracts and thus secure the so-called patent to those tracts, and proceed to cut from them, meanwhile hold the remainder without cost of investment or payment of taxes. All this is, of course, very fine for intending purchasers but it certainly is not good for the State and its communities. If the plan was devised to enable the State and its communities to secure taxes from the timber, it will certainly defeat its purpose.

It may be that these very liberal provisions for timber purchasers are deemed necessary in order to secure the best prices for the timber. If so, the committee should so state. That they have not is perhaps only another evidence of the fact that this measure is being hurried along too rapidly to have proper consideration or explanation.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FERRIS. Mr. Chairman, what is the status of the time?

The CHAIRMAN. There still remains seven minutes of the time.

Mr. FERRIS. Mr. Chairman, I desire to consume only a couple of minutes. The gentleman from Wyoming [Mr. MONDELL] has long been a Member of the House, and for a long time was chairman of the Committee on the Public Lands. He knows a great deal about public-land legislation, and he can help us a great deal, and, of course, I know he wants to help us. However, I doubt if his construction of the sections is made in the light of the facts out there. This tract of land is not a bald, prairie homestead proposition. Some of these quarter sections of land have $20,000 worth of timber on a single quarter section. This land has been reserved and held from homestead for 50 years. It is not a proposition like going out into Wyoming and taking up a quarter section of land worth 25 cents an acre or possibly nothing. Safeguards, limitations, and restrictions have to be drawn around the opening of valuable timberland like this in order to avoid confusion, mistakes, errors, and I might also say graft.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. I can not yield. The gentleman has consumed 12 or 15 minutes of the 20 minutes allotted time. The gentleman complains that this is harshly dealing with the homesteader. It is not a homestead proposition. I have photographs of little shanties that they have put up, worth ten or twelve dollars apiece, where they have hardly cleared off enough land to set the shanty on. They are trying to acquire title to this valuable timberland by fraud, by deception, and with nothing but speculation in mind. This is no homesteader proposition.

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. I can not yield. I am trying to present the views of the committee. The gentlemen can disagree with me; that is their right. The proposition is to dispose of this timber and get all we can out of it for the Government and for Oregon, in spite of the gentlemen from that State, and then let the land go to the homesteader. This is the proper way to proceed with it, I am sure.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. COOPER of Wisconsin. Instead of the word "merchantable" why could you not define the diameter of the tree and the distance above the ground?

Mr. FERRIS. I think that would require too technical an examination. It would cost too much to make such a critical examination. It would consume the value of the land.

Mr. COOPER of Wisconsin. There is nothing technical about that. It is the simplest sort of a thing. The other way you leave it to a man to get anything he can, to make a dollar out of it if he can, and that is what he will say "merchantable" means.

Mr. FERRIS. Let us see what we do on that proposition. We first provide that two of the great departments of the Government shall carefully classify this land to determine what is timber and what is agricultural land, and then what? They sell it, and then there is a homestead proclamation issued by the Secretary of the Interior and another finding that all of the merchantable timber so sold is removed and then that land automatically goes into the agricultural class for homesteading. That is double protection for the Government, and I know those who believe that this land ought to be homesteaded; I know that those who believe that land worth $20,000 a quarter section ought to go to the homesteader, timber and all, do not agree with this proposition, but I do not agree with them on

any such course as that; I would not support a bill to carry on any such farce as that; that has been going on too long already.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MONDELL. The gentleman used language as to what would be done which is just exactly the language in the amendment that I offered which he declined to approve. He says that the Secretary is to certify when the timber so sold has been removed.

Mr. FERRIS. Yes.

Mr. MONDELL. That is what I wanted to define in the bill.

Mr. FERRIS. We have that.

Mr. MONDELL. The gentleman has not defined it.

Mr. FERRIS. We have.

Mr. MONDELL. He says when the merchantable timber is disposed of.

Mr. FERRIS. When the merchantable timber is disposed of the Secretary shall issue a proclamation. I know that we could weave in language here undigested; I know that we could change words here and there that would probably give away this timber, but I say to you that after the departments have put in months and months of consideration and after hearings when there were experts before us, we have concluded that it is dangerous to take words here and there and put in language that the department and the committee have rewritten and digested, making it so that it will not let anything get away from the Government.

Mr. COOPER of Wisconsin. May I ask the gentleman one question?

Mr. FERRIS. I yield to the gentleman.

Mr. COOPER of Wisconsin. It strikes me as a rather novel proposition to say it is dangerous for the Congress of the United States to add by way of an amendment anything to a bill that a committee and gentlemen at the head of bureaus of the departments have fixed upon.

Mr. FERRIS. Oh, no; the gentleman knows——

Mr. COOPER of Wisconsin. That is exactly what the gentleman said.

Mr. FERRIS. If I said that I was in error, because no gentleman here can believe any such thing as that. The gentleman has been so long a legislator, and such a useful one, I know he would rather risk a mature judgment on a technical question than a judgment that has not been carefully weighed. I know the gentleman believes that as a general proposition. It, of course, is not my purpose to set the committee up as infallible, but on technical matters that have received such unusual and such extended consideration I thought under those conditions I presented the correct method of procedure.

Mr. LENROOT. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] is very much aggrieved because the committee does not see fit to accept an amendment that he offers. The gentleman ought to remember that this committee has spent weeks in the consideration of this bill and has gone over the language of this bill time and time again. That does not mean that this committee is infallible; that does not mean that this committee is not wrong; but it does mean that the committee has given careful consideration to every phrase that is put into this bill. With reference to his criticism, if the gentleman's amendment had been adopted let us see where we would have been with respect to this situation. The gentleman provided that when the merchantable timber had been sold——

Mr. MONDELL. I did not have the word "merchantable."

Mr. LENROOT. That when the timber sold had been removed that then there should be a homestead entry.

Mr. MONDELL. That is it.

Mr. LENROOT. Now, then, the timber is sold under the provisions of this bill; the purchaser may not remove all of that timber. There may be some of that remaining upon the land that was sold to him, and yet if the gentleman's amendment had been adopted after the patent had expired, not 1 acre of that could have been open to homestead entry and could have been put in class 3 so long as there was a tree remaining upon the land sold and included in the original patent to which title had gone and the expiration of the time of the patent came.

Mr. MONDELL. The gentleman knows perfectly well that the argument he now makes applies to the language as it stands in the bill just as much as it would to the language I propose.

Mr. LENROOT. The gentleman does not know that.

Mr. SLOAN. Will the gentleman yield for just a moment?

Mr. LENROOT. I do.

Mr. SLOAN. Would not this be a proper amendment: To add to line 9, on page 6: "*Provided*, That no timber shall be considered as merchantable timber where the tree diameter at 2 feet above the ground is less than 10 inches," or whatever the committee would think would be proper?

Mr. RAKER. Nine inches.

Mr. STAFFORD. Eight inches.

Mr. LENROOT. Possibly so, and yet at the same time even then if you put in a provision that it should not be considered unless it was nine inches in diameter, if there was timber upon it that was in excess of that and a few trees left upon it, yet we could not place that land in class 3 if there were a dozen trees left upon the quarter section in excess of nine inches in diameter at the bottom.

Mr. Chairman, the language in the bill, which merely provides when this land in class 2 shall fall into class 3, is proper as it stands notwithstanding the suggestion of the gentleman from Wyoming. The gentleman from Wyoming probably picked up this bill yesterday, has given it very slight attention to-day, and sitting here at his desk to-day offers amendments that he thinks are perfect. It may be so, but it ought not to be assumed that because he offers them that they are.

The CHAIRMAN. The time limit agreed upon has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The time for debate upon this amendment has expired. The pro forma amendment will be considered as withdrawn.

There was no objection.

Mr. SINNOTT. Mr. Chairman, I have an amendment which I desire to offer to this section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out of line 18, page 6, the words "at such," and strike out of line 19, page 6, the word "times," and insert in lieu thereof the words "as soon as practicable."

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 5 That nonmineral lands of class 3 shall be subject to entry under the general provisions of the homestead laws of the United States, except as modified herein, and opened to entry in accordance with the provisions of the act of September 30, 1913 (38 Stat. L., p. 113). Fifty cents per acre shall be paid at the time the original entry is allowed and $2 per acre when final proof is made. The provisions of section 2301, Revised Statutes, shall not apply to any entry hereunder and no patent shall issue until the entryman has resided upon and cultivated the land for a period of five years, proof of which shall be made at any time within seven years from date of entry. The area cultivated shall be such as to satisfy the Secretary of the Interior that the entry is made in good faith for the purpose of settlement and not for speculation: *Provided*, That the payment of $2.50 per acre shall not be required from homestead entrymen upon lands of class 2 when the same shall become subject to entry as agricultural lands in class 3: *Provided further*, That during the period fixed by the Secretary of the Interior for the submission of applications to make entry under this section any person duly qualified to enter such lands who has resided thereon, to the same extent and in the same manner as is required under the homestead laws, since the 1st day of December, 1913, and who has improved the land and devoted some portion thereof to agricultural use, and who shall have maintained his residence to the date of such application, shall have the preferred right to enter the quarter section upon which he was so residing where such quarter section does not contain more than 1,200,000 feet board measure of timber, and where the quarter section contains more than the said quantity of timber such person may enter the 40-acre tract, or lot or lots containing approximately 40 acres, upon which his improvements, or the greater part thereof, are situated: *Provided further*, That a prior exercise of the homestead right by any such person shall not be a bar to the exercise of such preference rights: *And provided further*, That all of the following-described lands which may become revested in the United States by operation of this act, to wit: Township 1 south, range 5 east, sections 23 and 35; township 1 south, range 6 east, sections 3, 5, 7, 9, 17, 19, 29, 31, and 33; township 2 south, range 5 east, sections 1 and 3; township 2 south, range 6 east, sections 1, 3, 5, 7, 9, and 11; township 2 south, range 7 east, section 7; township 3 south, range 3 east, section 15; township 4 south, range 4 east, sections 11 and 13; township 4 south, range 5 east, sections 19 and 29; and township 12 south, range 7 west, sections 15, 21, 23, 27, 33, and 35, Willamette meridian and base, State of Oregon, shall be withheld from entry or other disposition for a period of two years after the approval hereof.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 18, after the word "situated," insert "and such other contiguous subdivisions of said quarter section as are classified as lands of class 3."

Mr. MONDELL. Mr. Chairman, the section provides, on page 9, that any person duly qualified to enter these lands who has resided upon them shall have a preference right to entry on the quarter section he occupies, providing it does not contain more than 1,200,000 feet board measure of timber, and where the quarter section contains more than the said quantity of timber he may enter the 40-acre tract or lands containing approximately 40 acres upon which his improvements, or the greater part thereof, are situated.

It will be noted from the reading of this provision that if the quarter section exceeds the rate of 300,000 feet to the 40, or 7,500 feet to the acre, by a single foot board measure, the entryman is cut down from 160 to 40 acres. I do not think that is what the committee intended, and certainly is not fair. If you leave the language of the bill as it stands, providing that in such case the entryman may have the forty on which his improvements are situated and in addition to that other contiguous forties, provided they are classed as agricultural lands, you will do justice to the settler without allowing him timber in excess of the maximum.

I do not think that the committee intended to deprive such a settler of such of his lands as were of a character that would allow their entry as a homestead.

Mr. LENROOT. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. The gentleman's amendment appears to be very reasonable, except for one thing, in this, that he may not have to be a qualified entryman.

Mr. MONDELL. The entire provision is liberal in that respect. The gentleman knows that to be necessary, because in some cases people have settled on these lands who were not qualified entrymen. Let me make this suggestion: You have concluded to be liberal to all these people. Now, it is not fair to provide that some of these people must drop down to a single forty, provided some of the other forties are lands they could as entrymen select. Now, my amendment does not fly in the face of the provision of the committee limiting the amount of timber which a man may take; it simply provides a method by which if a settler be limited by the terms of the bill to the forty on which his improvements are situated and there are agricultural forties contiguous, he may also take them. That will allow those people who would be limited by the terms of the bill to 40 acres to secure in some cases 80 and in some cases 120 acres; otherwise you would reduce a man to 40 acres if by a single foot board measure his entire 160 acres exceeded the maximum of timber. It does not seem to me a fair proposition.

Mr. RAKER. As to the contention of the gentleman there will possibly be no objection; but really, as a matter of fact, under the law and under the language of the bill as it now stands the homesteader would have no right except upon the one forty, except as to the amount of time he has resided on it, because he has no claim to the balance if he has not resided on it; and if those three forties are in excess, so far as the time is concerned, and on the other side of his forty and the two forties and three forties are contiguous, then he could take that one forty and the other land beside that.

Mr. MONDELL. That condition may not exist. The entrymen may have settled upon the only tract in the locality that is only partially timbered, but the whole 160 acres may contain timber somewhat in excess of your maximum allowance. Now, that being the case, the provisions of the bill reduce him not merely within the limit of tolerance but reduce him to 40 acres, which is not a reasonable thing to do. It is all right to say, as the committee has, that in any event he shall have the 40 on which his buildings are situated, but he should also be allowed to have the other tracts if they are what we class as agricultural lands.

Mr. RAKER. The proposition is this: If there is an actual residence under the bill provided, he can make a claim, and he can run it beyond 160 acres, because he has a right to run it otherwise and there is no law to fix the boundary. But he is beyond the 40-acre tract which does contain 350,000 feet board measurement, and he can get that 40 acres anyhow, and if on the other side there is land that contains only 350,000 feet board measurement, he can take that, under the law, unless there is a prior claim to his land.

Mr. MONDELL. Will the gentleman yield?

Mr. RAKER. For a question.

Mr. MONDELL. The gentleman says if the settler was reduced down to the 40-acre tract he could, if there was agricultural land adjacent to him, take it as a homestead settler outside of this provision in this section. If you are willing to allow him to do that, why not allow him to do the same thing within the tract that he has originally selected? Furthermore, no one knows how these lands are to be opened to entry, and if you take from a settler his preference right he may never get an opportunity at that particular tract.

Mr. RAKER. The bill provides for it now. If land is in 40-acre lots contiguous to his original entry, he can, under this law, get them beyond question.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to close debate, and I ask for a vote.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MONDELL. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 10, noes 17.

So the amendment was rejected.

Mr. HAWLEY. Mr. Chairman, I desire to offer an amendment.

Mr. FERRIS. How much time do you want?

Mr. HAWLEY. Three minutes.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of five minutes, three minutes to be used by the gentleman from Oregon and two by the committee, that debate close on this amendment.

The CHAIRMAN. The gentleman from Oregon [Mr. HAWLEY] offers an amendment, which the Clerk will report. And pending that the gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that debate on this section and on this amendment close in five minutes, three to be used by the gentleman from Oregon [Mr. HAWLEY] and two by the committee.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of 15 minutes, 5 to be used by the gentleman from Oregon [Mr. SINNOTT], 5 by the gentleman from Wyoming [Mr. MONDELL], and 3 by the gentleman from Oregon [Mr. HAWLEY] and 2 by myself, that all debate close on this section and amendments thereto.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oregon [Mr. HAWLEY].

The Clerk read as follows:

Page 9, line 1, after the word "further" in line 1, strike out the remainder of the line, and all of lines 2, 3, 4, 5, 6, 7, 8, 9, and the first three words in line 10, and insert in lieu thereof the following: "That, first, any person actually residing in good faith on not exceeding one-quarter section of such land prior to December 1, 1915, who has cultivated and improved the same upon his making application therefor within six months from the date of the passage of this act; and, second, any person who shall have made settlement in good faith upon not exceeding one-quarter section of such land at any time, cultivated and improved the same, and made application to purchase the same under the terms of the provisos in the granting acts prior to December 1, 1915, upon his resettling upon and asking application therefor within six months after the date of the passage of this act."

Mr. HAWLEY. Mr. Chairman, the purpose of this amendment is to accomplish two things. It changes the date from that given on line 7, page 9, to the date that I understand has been agreed on in another body, and which I think is fairer to the settler.

In the second place, it allows those who have made settlement on the land and made improvements, and have gone temporarily off by reason of lack of funds to seek employment, or discouragement because the suit continued seven years when they thought it would be a much shorter period, to return upon the land.

The general purpose of it is to let the man who has made the settlement, who has made the improvement, who has done the clearing, and built the houses and barns, and who has broken the soil and prepared it for cultivation, to have the benefit of his work rather than let somebody else have it. It seems to me the amendment is a reasonable one.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. RAKER. Then, I would take it for granted from the gentleman's amendment, judging from some of these pictures here, where the land is worth $20,000, that those people could return and come in under this amendment?

Mr. HAWLEY. No. The gentleman is in error, because this settlement can only be made under the preceding portions of the bill, which limit the settlement to agricultural lands provided in the bill. They can only make settlements of the agricultural lands provided in the bill, just as was provided by the committee.

Mr. RAKER. If a man went there and built a cabin and stayed one day, and then went to Canada and returned, he could take out a homestead?

Mr. HAWLEY. I do not think it would be construed that that would mean cultivation and improvement.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. LENROOT. Did not the act of 1912 expressly provide that no rights should be initiated by anybody on these lands?

Mr. HAWLEY. I will say to the gentleman that whatever was done by one Congress can be changed by a succeeding Congress.

Mr. LENROOT. But those people had no equities, because they had notice that no rights would be recognized.

Mr. HAWLEY. It seems to me it would be justice that the man who has made improvements, cultivation, expended his money and his labor should have the benefit of it rather than some other person.

Mr. FERRIS. Mr. Chairman, I hope no one will be misled by the language of that amendment. That would open up a lot of things that I thought every one wanted to avoid. That would let in a lot of people that the Supreme Court has decided have no rights. I have not read it carefully, but I think it contains the elements of more mischief than appears on the face of it. Any amendment looking to a step of this kind would be harmful.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. HAWLEY. Absolutely none of those people that the gentleman refers to would be able to take advantage of this.

Mr. FERRIS. I have pictures here of houses that did not cost $12 to build, on a little clearing on these timberlands out there, where the timber is worth $20,000, and they are trying by a fictitious and spurious settlement to get hold of a lot of this timberland.

No one need be mistaken as to what they are trying to do or as to what they will do if such amendments as this are to be adopted.

Mr. HAWLEY. I do not think anything like that would be counted as settlement and cultivation. But if any one has settled on that land since December 1, 1913, he would come under this.

Mr. FERRIS. I think it will be worth while for gentlemen here to look at these pictures of these pretended settlements. The whole thing is pure fiction. This is not a common homestead proposition at all.

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes; I yield to the gentleman.

Mr. SINNOTT. Is that a record of the pictures taken from the Supreme Court case?

Mr. FERRIS. Yes; that is it.

Mr. SINNOTT. Those, the gentleman will understand, were exhibits introduced by the railroad company to show that this land was not agricultural land.

Mr. FERRIS. They show the fictitious character of the proposition. Mr. Chairman, they are photographs. They are a part of the record. They show for themselves and they prove what I am saying. I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oregon [Mr. HAWLEY].

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MONDELL: Page 8, lines 13 and 14, after the word "and," strike out "$2 per acre when final proof is made" and insert "50 cents per acre per annum."

Mr. MONDELL. Mr. Chairman, this is an amendment that I assume no one will vote for, and yet every one should vote for it. The gentlemen of the committee will not want to vote for it, because it modifies their bill. The gentlemen from Oregon will not want to vote for it, because it requires the homestead settlers to continue to make payments yearly, instead of allowing them to wait seven years after they make entry, to make payment upon their lands. I think it would be very much better, both for the State of Oregon and its settlers—I am sure it would be better—if this provision were adopted. It is a very great mistake, as has been proven a multitude of times, to leave the major portion of the payment for homestead land until final proof is made. The settler, instead of becoming thoroughly and earnestly interested in his land as he makes small payments year by year, is very much inclined to hold his land in a speculative way, hoping to sell it to some one before he makes final proof or when he makes final proof, allowing the purchaser to pay the purchase price. We allow these settlers when they make entry to pay 50 cents an acre, and then allow them to live on their land seven years before making final proof and payment. It would be very much better to require them to make payments of 50 cents per acre per annum, in which event the place would be paid for at the end of five years. Now, Mr. Chairman, so much for that. This is an amendment that I do not expect will be adopted, although it ought to be.

But I want to take the minute or two that I have left to refer back to the last section, which really ought to have been discussed much more than it was. I have no doubt that the committee did the very best they could. I am sure the committee did not desire, in adopting the provisions of that section, to do an injustice to the State of Oregon in retarding settlement, or to be improperly liberal to the timber companies; but I am sure that the timber companies of the west coast, all of them, approve of every provision in this section, because it leaves with the Secretary of the Interior the question as to how much of this timber one individual or one company may buy and the time they shall have in which to cut the timber. All of the timber on all of these lands might be purchased by one individual or one corporation, and the Secretary of the Interior is left with carte blanche to decide how long the purchaser shall have in which to cut off the timber, and when the land shall be restored to entry.

Mr. RAKER. The gentleman does not want to misstate something that is provided for in the bill. On page 9 every piece of this land can be sold in tracts of 40 acres to whomever wants to buy it, and the Secretary of the Interior must sell it to men having small amounts of money, in tracts of 40 acres, if they want it.

Mr. MONDELL. I am not talking about the land. I am talking about the timber; and, furthermore, there is no such provision as the gentleman refers to on page 9 in regard to either land or timber.

Mr. RAKER. I mean the timber.

Mr. MONDELL. That is not true, so far as the timber is concerned, any more than it is true in regard to the land. Evidently the gentleman has not read the bill, because the provisions relative to the sale of timber are on pages 6 and 7 and provide that the Secretary may sell it at such times, in such quantities, and under such plans of bidding as he may in his judgment prescribe; and in the next section it provides that he shall fix the time for the running of the patent, shall determine how long these people are to have within which they may cut the timber. It may not be too liberal a provision, but it certainly is a very liberal provision, and if we should get a Secretary who was not entirely dependable we might regret it. It is true that on page 7 there is a proviso to the effect that under certain conditions the Secretary shall on application first offer any single subdivision applied for, but that does not essentially affect the situation.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Wyoming [Mr. MONDELL].

The amendment was rejected.

Mr. SINNOTT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SINNOTT: Amend, page 9, line 1, by inserting after the word "three," *"Provided further,* That any purchaser of timber being a qualified homestead entryman, or his assignee, being a qualified homestead entryman, on the issuance of a patent for the timber on any quarter section, or smaller legal subdivision of nonmineral land may, in the discretion of the Secretary of the Interior, enter said quarter section, or smaller legal subdivision thereof, in like manner as lands of class 2 are entered after the removal of the timber."

Mr. SINNOTT. Mr. Chairman, the object of this amendment is to enable a homestead entry to be made on timberland as soon as the timber is paid for and the patent is issued for the timber. Otherwise the land can not be entered until the timber is all cut and removed from the land. The object of this amendment is to enable anyone who is a qualified homestead entryman to enter 160 acres of timber and not be compelled to wait until the timber is removed. I have spoken to some members of the committee about it, but have not heard any objection to this amendment.

Mr. MONDELL. Mr. Chairman, I do not desire to take up the time of the committee in discussing this amendment unless the committee proposes to oppose it. I supposed the committee would accept it.

This amendment in effect authorizes a homesteader to also become the owner of the timber which is on his homestead by paying for it. Of course it is an amendment that is not in the interest of the timber companies; it has none of the elements of liberality to the great timber companies contained in the former section.

Mr. MCARTHUR. And will it not have the effect of getting the man onto the homestead quicker than the provisions in the bill?

Mr. MONDELL. Of course. This amendment is in favor of everybody except the timber companies. Without this the timber companies may hold the lands so long a time as may be fixed by the Secretary of the Interior.

Mr. COOPER of Wisconsin. Would the bill as now drawn permit the Secretary of the Interior and the Secretary of

Agriculture to sell all these lands to one or two great timber companies?

Mr. MONDELL. It would authorize them to sell all the timber on all the lands to one person or one company and to give them as long a period of time in which to cut the timber as the Secretary saw fit. I should be much afraid of such provisions, and if I were a member of the committee I would not approve of them.

Mr. FERRIS. The gentleman ought to state in response to the gentleman from Wisconsin that it is made compulsory on the part of the Secretary of the Interior to offer these lands in 40-acre tracts, so that the humblest citizen may bid and buy a tract as small as 40 acres.

Mr. COOPER of Wisconsin. And they are to be sold to the highest bidder?

Mr. FERRIS. Yes; certainly.

Mr. MONDELL. It is true that on page 7 there is a provision under which before offering the land in large units the Secretary shall on application offer separately the timber on any legal subdivision; but this would not prevent the selling of all the timber to one party if he was the highest bidder, and this provision is hedged about by a curious provision that the application for the small sale shall be made 90 days before an offer by the Secretary of the land in a larger unit. On page 6 of the bill it provides that the timber on the land can be sold by the Secretary of the Interior—

at such times, in such quantities, and under such plan of public competitive bidding as in the judgment of the Secretary may produce the best results.

Under those provisions the Secretary can sell the timber on every acre on all these lands to one individual or company, if that individual or company is the best bidder. The small man may bid, it is true, on the timber on a small tract, if he is alert and active enough to file his application 90 days before the tract is included in a large unit. Whether the small man would consider it worth his while to watch his chance to get in an application before the timber he desired was included in an offer of a large tract and bid against the large purchaser is a question.

The CHAIRMAN. The time has expired, and the question is on the amendment offered by the gentleman from Oregon.

The question was taken; and on a division (demanded by Mr. SINNOTT) there were 20 ayes and 30 noes.

So the amendment was rejected.

The Clerk read as follows:

SEC. 10. That all moneys received from or on account of said lands and timber under the provisions of this act shall be deposited in the Treasury of the United States in a special fund, to be designated "The Oregon and California land-grant fund," which fund shall be disposed of in the following manner: The Secretary of the Interior shall ascertain as soon as may be the exact number of acres of said lands, sold or unsold, patented to the Oregon & California Railroad Co., or its predecessors, and the number of acres of unpatented lands which said railroad company is entitled to receive under the terms of said grants and the value of said lands at $2.50 per acre. From the sum thus ascertained he shall deduct the amount already received by the said railroad company and its predecessors in interest on account of said lands as determined under section 7 of this act; and a sum equal to the balance thus resulting shall be paid, as herein provided, to the said railroad company, its successors or assigns, and to those having liens on the land, as their respective interests may appear. The amount due lien holders shall be evidenced either by the consent, in writing, of the railroad company or by a judgment of a court of competent jurisdiction in a suit to which the railroad company and the lien holders are parties. Payments shall be made from time to time, as the fund accumulates, by the Treasurer of the United States upon the order of the Secretary of the Interior: *Provided, however,* That if, upon the expiration of 10 years from the approval of this act, the proceeds derived from the sale of lands and timber are not sufficient to pay the full amount which the said railroad company, its successors or assigns, are entitled to receive, the balance due shall be paid from the general funds in the Treasury of the United States, and an appropriation shall be made therefor. After the said railroad company, its successors or assigns, and the lien holders shall have been paid the amount to which they are entitled, as provided herein, an amount equal to that paid for accumulated taxes, as provided in section 9 hereof, shall be deposited in the Treasury to the credit of the United States.

A separate account shall be kept in the General Land Office of the sales of land and timber within each county in which any of said lands are situated, and, after deducting from the amount of the proceeds arising from such sales in each county a sum equal to that applied to pay the accrued taxes in that county and a sum equal to $2.50 per acre for each acre of such land therein title to which is revested in the United States under this act, 30 per cent of the remainder shall be paid to the treasurer of the county for the construction of roads, highways, and bridges; 20 per cent shall be paid to the State in which the county is located for the establishment and support of common schools; 40 per cent shall be paid into, reserved, and appropriated as a part of the fund created by the act of Congress approved June 17, 1902, known as the reclamation act; and the balance remaining in said Oregon-California land-grant fund shall become a part of the general fund in the Treasury of the United States. The payments herein authorized shall be made to the treasurers of the States and counties, respectively, by the Treasurer of the United States, upon the order of the Secretary of the Interior, as soon as may be after the close of each fiscal year during which the moneys were received.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 13, line 5, after the word "lands," insert the words "which should be charged against it."

Mr. LENROOT. Mr. Chairman, a word of explanation with reference to the amendment. Section 7 directs the Attorney General to bring an action against the railroad company for an accounting, and to determine the moneys received by the railroad company from sales heretofore made, and also what portion should be charged against the railroad company as a part of the full value of the grant. This section provides for the payment to the railroad company but omits the expression "which should be charged against it." It reads:

From the sum thus ascertained he shall deduct the amount already received by the said railroad company and its predecessors in interest on account of said lands as determined under section 7 of this act; and a sum equal to the balance thus resulting.

In order to harmonize it this amendment should be inserted.

Mr. FERRIS. We accept the amendment.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. LENROOT. I have a further amendment, Mr. Chairman.

The Clerk read as follows:

Page 14, line 21, after the word "Oregon," insert the word "and."

Mr. LENROOT. This is to harmonize the expression "Oregon and California."

Mr. FERRIS. We accept the amendment.

The question was taken, and the amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I also offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 15, line 3, after the word "received," insert:

"*Provided*, That none of the payments to the States and counties and to the reclamation fund herein provided for shall be made until the amount due the Oregon & California Railroad Co., its successors or assigns, has been fully paid and the Treasury reimbursed for all taxes paid pursuant to the provisions of section 9 of this act."

Mr. FERRIS. Mr. Chairman, there is no opposition on the part of the committee to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FOSTER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 14, line 12, at the end of the line, strike out the word "thirty" and insert the word "twenty."

Mr. FOSTER. Mr. Chairman, under the provisions of this bill the Government advances the money to pay the taxes which have been accumulating since suit was started upon these lands and which were not paid by the railroad company. Then it also provides that when all this is taken out of the expenses and everything else, 30 per cent shall go to the treasurers of the counties for construction of roads, bridges, and so forth, and 20 per cent to the State for schools. What I am getting at is that the United States Government, the Federal Treasury, shall have 20 per cent of the money—not more than that; but that instead of giving 50 per cent to the State, that we shall give 40 per cent to the State, 40 to the reclamation fund, and 20 per cent to the United States Treasury. I think it is nothing but fair that the Federal Treasury should get something out of the property it owns in the State of Oregon, and I submit that is a fair proposition. I think the people of the State of Oregon ought to be willing to accept that kind of a proposition. The Federal Treasury ought to get a little something from the proceeds of the sale of its own property.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division, at the suggestion of the Chair, there were—ayes 29, noes 24.

Mr. MONDELL. Mr. Chairman, I regret to call the attention of the Chair to the fact that there is no quorum present.

The CHAIRMAN. The Chair will count.

Mr. MONDELL. If the committee is not going to stand by the bill, we will have to have a quorum present.

Mr. RAKER. Oh, the members of the committee stood by the bill, and there is no need of any such criticism.

Mr. MONDELL. The committee, on the one hand, stands against any sort of an amendment to the bill, and, on the other hand, whenever an amendment is offered that appeals to gentlemen on the committee they desert their own work.

Mr. RAKER. I do not think the committee is subject to that criticism.

Mr. ADAMSON. Mr. Chairman, I make the point that the gentleman from Wyoming did not make the point of order that there was no quorum present. I voted with him. He merely called the attention of the Chair to the fact that there might not be a quorum present.

The CHAIRMAN. The Chair understood that the gentleman did make the point of order that there is no quorum present.

Mr. MONDELL. Has the Chair announced the vote?

The CHAIRMAN. The Chair did not announce the count.

Mr. MONDELL. I am going to make the point.

Mr. FERRIS. I wish the gentleman would let us go through with the bill.

Mr. ADAMSON. I suggest that the gentleman ask for tellers.

Mr. MONDELL. Has the Chair yet announced the count?

The CHAIRMAN. The Chair has not yet begun to count. The Chair will ask the gentleman if he makes the point of order of no quorum?

Mr. MONDELL. Not as yet.

Mr. ADAMSON. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The Chair will state that the Chair has announced the vote.

Mr. ADAMSON. Is it too late to demand tellers?

Mr. MONDELL. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. FOSTER and Mr. MONDELL to act as tellers.

The committee again divided——

Mr. COX. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COX. What are we voting on here?

The CHAIRMAN. Voting upon the amendment offered by the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. To give the Government 10 per cent more money; that is all.

The tellers reported there were—ayes 33, noes 32.

Mr. MONDELL. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman makes the point of order there is no quorum present. The Chair will count. [After counting.] One hundred and one Members are present, a quorum.

So the amendment was agreed to.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 17, after the word "schools," strike out the semicolon of line 17 and all of lines 18, 19, and all of line 20, down to the word "act" in said line.

Mr. CANNON. That strikes out all of line 17 after the word "schools." Now, Mr. Chairman, I am not going to take much time in discussing this amendment. As I understand it the lands that are to come back to the Government are worth all the way from $30,000,000 to $250,000,000, just according to the guess that the man makes, and some guess $5,000,000, and possibly the last guess is the best guess. We have had all kinds of guesses. There is evidently a very considerable amount of land in Oregon that was granted to this railroad company under the conditions of the act, and it seems that as the railroad is to get $2.50 per acre for lands not sold that no one will be hurt.

Now, the effect of this amendment is, to see my colleague and go him better, this amendment strikes out these words:

Forty per centum shall be paid into, reserved, and appropriated as a part of the fund created by the act of Congress approved June 17, 1902, known as the reclamation act.

If this amendment should prevail, this would read, in line 21:

And the balance remaining in said Oregon-California land grant fund shall become a part of the general fund in the Treasury of the United States

If this amendment prevails, instead of 10 per cent being paid to the general fund of the United States, it will be 50 per cent. Now, it is true that under the reclamation act the proceeds of public lands as they were sold went into the reclamation fund on the theory that there would be a "round robin" going round and round and round. Suffice it to say, that it has not gone round sufficiently. [Laughter.] We have made a loan to the reclamation fund of $20,000,000. I have my views about when that will be paid back, but then if it only was $50,000,000—I believe I am conservative—which is it?

Mr. FERRIS. Thirty million to fifty million.

Mr. CANNON. Well, now, if this amendment is adopted, we will put $25,000,000 in the Treasury of the United States, and God knows we will need it by that time. [Laughter.] I mean exactly what I say; this amendment is not for buncombe. Well, but does that violate the spirit of the reclamation act? Nay, nay; for the reason that when the reclamation act was passed—and I recollect very well when it was passed—there was something of contest about it. The present Senator from Nevada [Mr. NEWLANDS] was in the House at that time, and he was a leader, very enthusiastic, and it was passed. I had the honor of being one who voted against it and was confronted with it many, many times. I have always been willing, if I had it to do over again, under all the conditions, I should vote against it again. But, outside of that, this land, claimed to be worth $50,000,000, was not in the mind of Congress when the reclamation act was passed. It was supposed to belong to—I do not know what the name of the railroad was—the California & Oregon. Well, there was a railroad there that was built, and the land was granted. What for? Just as under the leadership of Stephen A. Douglas, a great Senator from Illinois, in 1850, when the first land grant was made that ever was made in aid of railway construction of alternate sections for 6 miles on each side the track from Chicago to Cairo and Centralia to Dunleith.

Those lands were being located at that time with 70-cent military land warrants. The Government reserved the alternate sections as fast as that road was located and the alternate sections were gathered up at $2.60 per acre. Because while the country was largely unsettled, it was known that the lands were good and it was a question of markets. It was a question of population. Since that time Chicago has grown in population from less than 50,000 people to 2,500,000. Now, upon the theory that a railroad would develop the country this land grant was made. It had the restrictions referred to in the bill and report and provision. The railroad people did not comply. I shall certainly vote for the bill. It now not being within the sphere of the United States and not belonging to it at that time—nobody ever dreamed of it belonging to the United States—I think it is folly that after the United States has borne the burden and is still to pay money before this is settled, with perhaps a company or, I was going to say, a regiment in the employ of the Government, I think it is proper that this $25,000,000 should go into the United States Treasury. [Applause.]

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to close debate on this amendment and all amendments to the paragraph in 25 minutes, 5 to be controlled by the gentleman from Colorado [Mr. TAYLOR], 5 by the gentleman from Wyoming [Mr. MONDELL], 5 by the gentleman from Oregon [Mr. HAWLEY], 5 by the gentleman from Oregon [Mr. MCARTHUR], and 5 by the committee.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the end of 25 minutes all debate on this paragraph and amendments thereto be closed. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of Colorado. Mr. Chairman, in my judgment the committee made a very grave error in adopting the last amendment. I feel that that was an outrage upon the State of Oregon. The State is entitled to every dollar that this bill gives it. Now, if the House should adopt the amendment of the gentleman from Illinois [Mr. CANNON], we might about as well throw this bill into the wastebasket. If you are starting out to try to repeal the reclamation law, by violating not only the spirit of that law, but the entire course of legislation of Congress from 1902 down to this time, we of the West are in honor to our States bound to resist it in every way we can.

The Government of the United States has authorized the construction of some 32 Government reclamation projects. They now cover some 3,000,000 acres of irrigable land. There are, or will be, some 60,000 homes upon these projects. The conservationists of this country, of whom my friend from Illinois who sits at my right [Mr. FOSTER] is one, have succeeded in having withdrawn from settlement some 185,000,000 acres of the United States in forest reserves; something like 30,000,000 acres of supposed coal lands, and Heaven only knows how much more in power sites, oil lands, and otherwise, so the receipts from sales of public lands have been rapidly diminishing during recent years. Our receipts from the public domain have dwindled from about $10,000,000 down to about $3,000,000 a year. Now, if you take away the only means we have of completing those irrigation projects, you will commit one of the most outrageous wrongs and hardships that Congress has ever inflicted upon any people or any State. There is no semblance of justice in an amendment that would take away from the completion of these projects their only source of supply.

It is true we extended the period of payment from 10 to 20 years. We did that because the receipts were not sufficient to complete them sooner, and also because the people could not any sooner pay the enormous price they are compelled to pay for these lands. But that money is coming back. There is not a single project in the United States that has ever repudiated its obligation.

Mr. MADDEN. Will the gentleman yield?

Mr. TAYLOR of Colorado. I will.

Mr. MADDEN. Whatever would become of the reclamation revenues of this land if they came into the possession of the Government of the United States?

Mr. TAYLOR of Colorado. If the Government appropriated to itself and kept all the receipts from the sale of these lands, then, of course, we would not get any of that money. And if the Government kept the land and did not sell it we would get nothing. But, as a matter of fact, it is sheer nonsense to talk about $200,000,000. As a matter of fact, I think the most conservative and best estimates we have had made on that land is from $10,000,000 to $20,000,000.

Mr. TILSON. What is the difference between giving this number of millions, whatever it may be, and making a direct appropriation out of the Treasury? Why should we not appropriate just so many million dollars out of the Treasury to the reclamation projects?

Mr. TAYLOR of Colorado. The laws now set apart the proceeds from the sales of the public lands, and put them into that reclamation fund, and after they have been used once in that way they are all to be paid back into the Federal Treasury by the settlers upon the lands under these reclamation projects. The lands under these projects are utterly worthless without irrigation, and the Government is trying to bring about their irrigation and settlement for the development of the West. It requires an enormous amount of money to build those irrigation works, and they can only be built from the proceeds of the sale of the public lands, and that fund is getting smaller all the time.

Mr. TILSON. What connection has this land with the reclamation subject at all?

Mr. TAYLOR of Colorado. Well, after it is taken back from the railroad it becomes a part of the public land of the United States. If we declare it to be public land, the proceeds derived from its disposition go into the reclamation fund under the existing law, and thereafter they are paid back into the Treasury. It is being paid back now by some of the projects, and in a few years all of them will be paying back this money.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. CARAWAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The gentleman's time has expired.

Mr. CARAWAY. I just wanted to know if a dollar of it would ever get back; that is all.

Mr. MONDELL. Mr. Chairman, the gentleman from Illinois [Mr. CANNON] proposes to repeal what is known as the reclamation law and deplete the reclamation fund, in so far as it applies or shall apply to the sums that may be received from the sale of these lands and this timber. I had the honor of presenting the reclamation bill to the House and of making the motion on which it passed the House.

The gentleman from Illinois says he did not vote for it. I want to say for the gentleman from Illinois that, as Speaker, he did use his influence to make it possible for us to consider the bill, so that whether he voted for it or not, he is entitled to great credit by reason of the fact that he did afford an opportunity for the consideration of the bill while he was Speaker of the House.

Mr. CANNON. Mr. Chairman, will the gentleman allow me?

Mr. MONDELL. I will.

Mr. CANNON. The majority always had the right to proceed in the House, and it was no part of my business to defeat it. [Applause.]

Mr. MONDELL. Well, in this particular case we never came to that test. The gentleman from Illinois, as Speaker, smoothed the way and made it possible to have the bill considered, and it became a law. It is working well. Under that law all the proceeds of the sale and disposition of the public lands flow into the reclamation fund. This bill modifies that provision somewhat by retaining for the State 50 per cent of these particular funds, and for the Federal Government 10 per cent, giving the reclamation fund only 40 per cent, where it would receive, except for this particular legislation, the entire proceeds.

The sum to be received from these sources will never mount up into the millions that have been mentioned by the gentleman from Illinois and others. By the time we shall have paid the State of Oregon the taxes due her and shall have paid the railway company the amount which is coming to the company on the basis of $2.50 an acre, and when we shall have provided for the care, sale, and disposition of the lands, the net sums received will be far below the juicy sums referred to. But whatever they are, it is right and proper that they should flow, as the receipts of other classes of public lands flow, into the reclamation fund.

Let me call the attention of the House to this fact: That if it had not been for the very earnest efforts of some of us here we would have never had these sums. The lands from which they are to be derived would be the property of the Oregon & California Railway Co., except for the efforts made by some of us to pass the resolution under which forfeiture suits were brought. I well remember how earnestly we were contested when we brought in a resolution authorizing the Federal Government to begin the suit that led to the situation which is now before us. There were a number of gentlemen who did not want that suit instituted. There were some who were perfectly willing that the railroad company should retain these values. We insisted that they were values that belonged to a certain extent to the people of the Union, and we pressed that resolution, which led to the Supreme Court decision under which we are now proposing to dispose of these lands. If we have secured by that action funds which otherwise would have flowed into the treasury of this great railway corporation, is that any reason why those funds should be diverted from the very meritorious uses which we have provided for such funds?

We are reclaiming and developing great areas of the West under the reclamation law, and if gentlemen will only be patient we shall have a return to the reclamation fund of the great bulk of the sums now invested in irrigation works. This year there has been returned to the fund over a million dollars, and in the year we are about to enter upon more than $2,000,000 will come into the fund from repayments. A great work is being carried on with a large measure of success.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FERRIS. Mr. Chairman, how much time remains?

The CHAIRMAN. Fifteen minutes remain.

Mr. FERRIS. Mr. Chairman, I ask for a vote. Does the gentleman from Oregon [Mr HAWLEY] want any time on this?

Mr. HAWLEY. No; I do not want any time.

Mr. FERRIS. Then just a word, Mr. Chairman. I hope the amendment of the gentleman from Illinois [Mr. CANNON] will not be adopted. As the law now stands all of the proceeds of the sale of public lands go into the reclamation fund, to be loaned to farmers for the purpose of converting the arid West into habitable homes for the people. This bill puts only 40 per cent of the proceeds of this sale into the reclamation fund. The reclamation fund needs this amount. The different projects now under progress need it. If the amendment of the gentleman from Illinois [Mr. CANNON] prevails, nothing goes into this fund. It is an effort to strike down the irrigation law, and it should not be agreed to. I am sorry the distinguished ex-Speaker would want to strike down so useful and wholesome a law.

Mr. HILL. Will the gentleman yield for a question for information?

Mr. FERRIS. I yield to the gentleman from Connecticut.

Mr. HILL. In whom was the title to this land at the time the reclamation act was passed?

Mr. FERRIS. It was in the railroad, with some limitations and restrictive covenants that ran with the land.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. CANNON].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. CANNON. I think I will just ask for a rising vote.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 18, noes 49.

Accordingly the amendment was rejected.

Mr. HAWLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oregon [Mr. HAWLEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAWLEY: Page 14, line 12, strike out the word "thirty," in line 12, and the remainder of the paragraph down to the period in line 23 and insert in lieu thereof the following: "Ten per cent of the remainder shall be paid into, reserved, and appropriated as a part of the fund created by the act of Congress approved June 17, 1902, known as the reclamation act; 30 per cent of said remainder of the proceeds arising from the sales of land and timber in the counties of Coos, Douglas, Lane, Tillamook, and Multnomah, in the State of Oregon, shall be paid to the treasurers of the said respective counties for the construction of roads, highways, and bridges, and for such other public purposes as the county authorities may direct, and 20 per cent thereof shall be paid to the proper officer of the respective port districts within the counties named, for the purpose of reducing the bonded indebtedness of such districts and for general harbor improvement, and, where there are more than one port district in any county, the county court of such county shall determine what portion of the fund shall be credited to the several port districts therein; 30 per cent of said remainder of the proceeds arising from the sale of lands and timber in the said named counties shall be paid to the State of Oregon for the establishment and support of common schools; 35 per cent of said remainder of the proceeds arising from the sale of lands and timber within counties other than the counties

of Coos, Douglas, Lane, Tillamook, and Multnomah shall be paid to the treasurers of the respective counties for the construction of roads, highways, and bridges, and for such other public purposes as the county court may direct, and 45 per cent thereof shall be paid to the State in which the respective counties are situated, for the establishment and support of common schools, and the entire balance remaining in said Oregon and California land-grant fund shall become a part of the general fund in the Treasury of the United States."

Mr. FOSTER. I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Mr. HAWLEY. When the bills were originally introduced in the House and Senate——

Mr. FERRIS. Mr. Chairman, is not debate closed?

The CHAIRMAN. No; there still remain 15 minutes.

Mr. FERRIS. Oh, no; I asked if anyone desired to use any time, and then I took a moment to close debate, and no one elected to use the remaining time.

Mr. HAWLEY. The gentleman from Oklahoma will recollect that I asked for five minutes when he asked to close debate on the pending amendment and paragraph.

Mr. FERRIS. That is true.

Mr. HAWLEY. And I did not want to take my five minutes on the other amendment. I wanted it on this one.

The CHAIRMAN. The Chair will recognize the gentleman from Oregon.

Mr. HAWLEY. Mr. Chairman, when the bills were introduced originally in the House and Senate, as drafted by the Department of Justice, in cooperation with some gentlemen of the two bodies, they provided 40 per cent for common schools and 40 per cent for the counties. I offer this amendment because of what virtually amounts to a universal demand from the people of the State of Oregon. They have felt that this proposed original division of 40 per cent for school purposes, which this will average up, and 40 per cent for the purposes of the political or municipal subdivisions, is a fair and just division, under the theory of this bill, and I would be derelict in my duty if I did not offer, even after the action already taken by the House, this amendment for your judgment, and ask you that, even after the extreme measure which you have taken—I speak it respectfully, but from our standpoint you will appreciate, of course, that it is rather extreme and unexpected—you will now take a different attitude and agree to the amendment I have just offered.

We have submitted, as fully as the time at our disposal would permit, our claims upon the proceeds to be derived from the disposition of the lands under the pending bill. Had greater opportunity been given for the consideration of the measure, we could have more fully elaborated the nature and justice of our claims.

The amendment I have just offered provides for the distribution of the funds as follows:

In counties in which there are no ports.	Per cent.
For the State school fund	45
For the counties	35
For the reclamation fund	10
For the Government	10

In counties in which there are ports.	Per cent.
For the State school fund	30
For the port districts	20
For the counties	30
For the reclamation fund	10
For the Government	10

This arrangement will give the State school fund on the whole practically 40 per cent. The Government has already received about $1,000,000 from the settlement under the act of 1912. Under this bill the Government will become a residual legatee and will receive a definite portion of the proceeds also, which, altogether combined, will give to the Treasury several millions of dollars. The reclamation fund will also receive under the amendment several millions. Our school fund is irreducible as to its principal sum, the interest only being used. I do not need to argue to this intelligent body of men the importance of public education. Since so great a portion of the State is Government land of different kinds, our power to raise money is greatly diminished in comparison with that of States whose whole areas are taxable.

The division we now ask would be a generous exhibition of a kindly interest in our welfare, and recognize what seems to me to be an indisputable and just right on our part. The ports have an exceptional status. Organized under State law, they have sold bonds, based upon the taxable area within their respective boundaries, and have paid the moneys received therefrom to the War Department, to assist the Government in the construction of works of river and harbor improvement on projects regularly adopted and approved by Congress. To reduce the taxable area at this time without making compensation in the bill would greatly increase the burden assumed by them and in a wholly unexpected manner. And by assisting in the construction of waterway improvements they have added a great deal to the value of the large areas of timber held by the Government and made accessible to market many billions of feet of the timber on them. By this the Government has received all that it ought reasonably to expect from the sales of land and timber on the grant within the port districts. As to the reclamation fund, Oregon has never received the apportionment of funds for the construction of reclamation projects within her boundaries we were entitled to under the law. An additional great contribution to that fund at this time, to be derived in the manner proposed in the bill, ought not to be made at our expense. The adoption of this amendment would do more substantial justice. Reclamation work is a national undertaking and should be supported from the general revenues. We are distant from the seat of government and have at present only a moderate population, but right and justice should not be made an attribute of time and numbers.

In the days before our flag had an undisputed right to float over the Oregon country stout-hearted American men and women, taking their goods in wagons and their lives in their hands, braved the continuous danger from hunger and thirst, desert and Indian, to establish homes in its vast unpeopled spaces. They carried with them the loves of men and women for homes and families, the fear of God, and the border of the Republic. Too far distant to expect protection from the Government, they provided for their own protection, made hospitable homes in growing neighborhoods, constructed churches, built schools, established justice, and by the bloodless contests of a better civilization won for the United States the Oregon country against the claims of the English Government. To them it is due that to-day the hem of Columbia's robe flows in the western winds coterminous with the boundary of the continent. But with others the contests were not bloodless. Some Indian tribes were insistent and dangerous enemies. No road was too long, hungry, or thirsty, or place too remote for the pioneers when the cry for rescue came to the scattered settlements. There was mounting in hot haste, shouted farewells, and men went to the front. During the Civil War period, at the request of President Lincoln and the Secretary of War, the State of Oregon undertook to maintain order and safety over an area of some 300,000 square miles. And maintain them we did. We raised troops from our scant population, sold bonds and equipped them out of our poverty, rescued wagon trains, protected the Government mails, saved Government property, and guarded settlements. This and others of our just claims have never been paid. Is there reluctance to-day in giving us a little of the value of the land that the courage and endurance of our pioneer men and women won and the blood of their brave sons preserved? What we have asked in the name of the people of Oregon to-day the history of the case and the merits of their cause amply justify. [Applause.]

Mr. FOSTER. I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order which he reserved. The question is on the amendment offered by the gentleman from Oregon [Mr. HAWLEY].

The amendment was rejected.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAWLEY: Page 14, line 17, strike out the word "forty" and insert in lieu thereof the word "thirty," and, after the semicolon in line 20, page 14, insert the following: "10 per cent of said proceeds shall be paid to the State treasurer of the State of Oregon for the use of and to be apportioned between the now duly organized port district in which any of said lands are located in proportion to the assessed value of said lands within the respective port districts as shown by the 1915 assessment rolls, to be used by the port district authorities for the purpose of reducing the bonded indebtedness of the respective port districts and for general harbor improvement therein."

Mr. RAKER. Mr. Chairman, I reserve a point of order against the amendment.

Mr. HAWLEY. Mr. Chairman, how much of my five minutes remain?

The CHAIRMAN. Two minutes.

Mr. HAWLEY. Mr. Chairman, during the general debate the three Members from the State of Oregon presented the claims of the port. The lands in green [pointing to the map] indicate the forest reserve. The boundaries of the port districts are indicated by the yellow line. The grant lands are indicated by the red squares on the map, which also show the proportion the grant lands bear toward the total areas of the port districts. These districts were organized under State law. They have issued bonds and paid the money received from sales of bonds over to

the War Department, in accordance with existing law, for the improvement of waterways which had been adopted by Congress. For instance, the port of Siuslaw bonded itself for $325,000. One-third of the taxable area of that port will be taken by this bill from the taxable property of the port and will leave them only two-thirds of the present taxable area. They had a right to depend on it all remaining on the rolls, when they undertook their cooperative work with the United States, to aid in paying the interest and the bonds when they mature. Removing these lands from the tax rolls will increase the tax 50 per cent on the remaining land and make the burden very hard to be borne. It seems to me that these people who bonded themselves, denied themselves, put money into the Treasury of the United States for waterway improvement, should receive the favorable consideration of the House for their practical exhibition of public spirit, and that that consideration should be evinced by granting relief to the several port districts, based upon the taxable area lost to each port. This is what the pending amendment seeks to do. I offered a moment ago an amendment which reduced the payment to the reclamation fund to 10 per cent. That amendment was rejected. This amendment will give the reclamation fund 30 per cent and the port districts 10 per cent, and certainly the claims of the port districts are infinitely stronger and juster than any claim that can be advanced in behalf of the reclamation fund for any portion of the proceeds of the grant.

Under this amendment the division of the proceeds will be the same as that provided in the bill, with the exception that instead of 40 per cent being paid into the reclamation fund that 40 per cent will be divided into two parts and 30 per cent will go to the reclamation fund and 10 per cent to the ports.

The assessed valuation of the grant lands within the counties in which are port districts	$11,085,095
The assessed valuation of the grant lands in counties having no port districts	11,469,175
Total assessed value of the grant lands in the 18 counties	22,554,270
Deducting from this total the amount estimated as yet due the railroad company and the amount due the counties as accrued taxes	6,668,622
There will be left to be distributed proceeds to the amount of	15,775,648

On the basis of the figures furnished me and on the further assumption that the assessed valuation under the Oregon law, which requires assessment on the basis of the cash value, is the present selling value of the property, the amounts apportioned to the several funds, then, will be—

For the counties, 30 per cent	$4,732,694
For the State school fund, 20 per cent	3,155,129
For the port districts, 10 per cent	1,577,564
For the reclamation fund, 30 per cent	4,732,694
For the Federal Treasury, 10 per cent	1,577,564

If the grant should sell for more than is above made the basis of calculation, the items will be proportionately increased; and I wish to call to the attention of the House that it will be a long time before any considerable part of the funds estimated to be received by these several funds will be credited to them. If the grant contains 40,000,000,000 feet of timber, that timber must be sold in competition not only with the more than 500,000,000,000 feet of other timber in Oregon in public and private ownership, but in competition also with many hundreds of billions of feet of other timber on the Pacific coast.

Mr. RAKER. Mr. Chairman, I withdraw the point of order.

Mr. McARTHUR. Mr. Chairman, I agree with everything that my colleague [Mr. HAWLEY] has said about the port districts and the equity and justice of the present amendment which he has offered. The port districts were created by general law of the State of Oregon. Now we are coming along with this bill which proposes to remove a large area of the taxable property. It is like cutting off a man's leg and expecting him to go through life plowing and doing manual work. It is a hard proposition. Just a few moments ago the House struck down the provision for supporting the roads and bridges in counties from 30 to 20 per cent. I can hardly believe that the House acted with full knowledge of the situation. I hope the House will restore the original figures when it comes back for final action.

In the district of the port of Siuslaw—40 per cent of that particular district is covered by forest reserve on which the authorities of the county have no right to collect any taxes—we are now taking out of the area of this port district all the Oregon & California grant lands. For a great many years these lands will be under the ownership of the United States Government and not subject to local taxation. There is a very small part of the territory that is allowed to be taxed, and the port districts are going to suffer and be handicapped.

Mr. MEEKER. Will the gentleman yield?

Mr. McARTHUR. Certainly.

Mr. MEEKER. I did not understand the gentleman. Did he say "port" or "pork"? [Laughter.]

Mr. McARTHUR. There is no "pork" about the river and harbor propositions in the Northwest. They all went through the House without discussion. [Applause.]

Mr. FERRIS. Mr. Chairman, I was somewhat in error about the time; but now that these amendments have come in, I ask unanimous consent for one minute.

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. FERRIS. Mr. Chairman, this bill provides for the payment of the delinquent taxes for Oregon. They have given them 40 per cent, after the amendment of the gentleman from Illinois was adopted, for the improvement of roads, schools, and bridges. Now come these two industrious Representatives from Oregon and out of this fund want to improve the rivers and harbors and ports. I do not know just where the demand on this fund is going to stop. I can not conceive where anybody in Oregon could have the courage to ask that a part of the proceeds of these lands be used for the improvement of rivers and harbors. I can not conceive of a constituency so ravenous as to ask for it, and I am sure the House will take little or no part in granting such a request. I know of no such generosity ever practiced by Congress upon any State, and there seems to be no end of the efforts that are being made to get the rest of it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 11. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect; and any person, applicant, purchaser, entryman, or witness who will swear falsely in any affidavit or proceeding required hereunder or under the regulations issued by the Secretary of the Interior shall be guilty of perjury and liable to the penalties prescribed therefor.

* * * * * * *

Mr. SINNOTT. Mr. Chairman, I have an amendment I wish to offer.

The Clerk read as follows:

Amend, line 4, page 14, by inserting after the word "States" the following:

"The balance shall be paid to the distributees hereinafter mentioned, in the proportions hereinafter set forth and for the purposes hereinafter set forth: the amounts to be paid to the counties shall be divided among the counties in proportion to the present assessed valuation of the grant lands in each county."

Mr. SINNOTT. Mr. Chairman, it is generally supposed that this bill in its present form provides that the State will get 40 per cent. This is not correct. After paying the railroad company there will be a balance left of some $5,000,000 which goes into the Treasury of the United States. The State ought to be entitled to a share in whatever fund is left over after paying the railroad company and the taxes. Otherwise we do not get 40 per cent of the proceeds.

The CHAIRMAN. The time for debate on this section has expired, and the question is on the amendment offered by the gentleman from Oregon [Mr. SINNOTT].

The question was taken, and the amendment was rejected.

Mr. SINNOTT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 14, line 17, after the word "centum," insert "to be expended in Oregon."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 14, line 17, strike out the words "forty per cent" and insert the words "the balance remaining," and also strike out all after the word "act," in line 20, down to and including the word "States," in line 23.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, I would like to have one minute in which to explain the amendment.

The CHAIRMAN. All time has expired.

Mr. MONDELL. The amendment provides that the remainder, after paying the State of Oregon, shall go into the reclamation fund.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

SEC. 11. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect; and any person, applicant, purchaser, entryman, or witness who shall swear falsely in any affidavit or proceeding required hereunder or under the regulations issued by the Secretary of the Interior shall be guilty of perjury and liable to the penalties prescribed therefor.

Mr. NORTON. Mr. Chairman, I move to strike out the last word. What protection, if any, is provided in the bill in case the United States Supreme Court should hold that the railroad company had the right to take the timber off the land? Would the United States, under the terms of this bill, still be required to pay the railroad company $2.50 an acre for the land without the timber?

Mr. FERRIS. Not at all. The Supreme Court has passed on that proposition. That was urged in the trial before the court. They made that contention both in their pleading and in their argument.

Mr. NORTON. I do not understand that the Supreme Court has held squarely upon that question.

Mr. FERRIS. I think so by inference. They wound up by saying that they granted an injunction for six months, during which time Congress could do anything with these lands that it wanted to, so long as it gave the railroad the benefit of the granting act.

Mr. LENROOT. May I suggest that in the event the Supreme Court should hold as the gentleman suggests this entire bill then falls?

Mr. NORTON. There will be no obligation on the part of the United States to pay the railroad company anything then under the terms of this bill?

Mr. LENROOT. No.

Mr. FERRIS. Not alone that, but in response to that contention the court specifically granted an injunction against selling and cutting.

Mr. NORTON. Granting an injunction would not mean for a certainty that the court would hold that the railroad company does not have the right to the timber on the land.

Mr. FERRIS. The injunction standing alone would not, but the language used in connection with it passed it up to Congress for Congress to act upon.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 12. That the sum of $100,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the Secretary of the Interior, in cooperation with the Secretary of Agriculture, or otherwise, to complete the classification of the lands as herein provided, which amount shall be immediately available and shall remain available until such classification shall have been completed.

Mr. SINNOTT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. SINNOTT: Amend, page 15, by inserting, after line 21, a new paragraph as follows:

"Nothing in this act shall be construed as affecting the right of the State of Oregon to tax said lands."

Mr. SINNOTT. Mr. Chairman, I think the true theory of this bill ought to be, and also a correct interpretation of the decision of the Supreme Court is, that the Government may dispose of these lands; that the Government in so doing in a sense acts as the attorney—in fact, the agent—for the disposal of these lands; that the Government has no right to step in and revest in itself the absolute title to these lands, when in a sense it has only a temporary title for the purpose of conveyance, it may have the custody of these lands which the Government under this bill assumes, and not the actual title to the land which would enable the Government to withhold them from taxation. I do not believe it rests in the power of Congress to step into my State and withdraw lands from taxation in this manner. Congress may dispose of the lands because the railroad company has refused to do it, but Congress can not revest in the Government the absolute title to these lands, thus withdrawing them from taxation. This amendment which I have offered covers that idea.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that debate end in four minutes, and of that time I desire that I have two minutes and the gentleman from Wisconsin [Mr. LENROOT] two minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that debate close in four minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LENROOT. Mr. Chairman, if this amendment should be adopted upon the theory that the State of Oregon is entitled to continue to tax this land, then we should strike out of the bill entirely the provision giving to the State of Oregon 50 per cent of the proceeds of those lands. They are not entitled to both, certainly. If they are entitled to tax, they are not entitled to the proceeds, and the proceeds are given to the State of Oregon to take the place of taxes, so there is no equity or justice in the contention made by the gentleman from Oregon.

Mr. MONDELL. Mr. Chairman——

Mr. FERRIS. Mr. Chairman, the gentleman from Wyoming has not any time. Debate was closed by unanimous consent at the end of four minutes—two minutes to be given to the gentleman from Wisconsin and two to myself. If the gentleman wants one minute of my time, I will give that to him.

Mr. MONDELL. I did not understand that debate was limited.

Mr. FERRIS. Debate was to be closed in four minutes—two to the gentleman from Wisconsin and two to myself.

The CHAIRMAN. By unanimous agreement, all debate was to close in four minutes.

Mr. FERRIS. Mr. Chairman, I only want to consume a moment's time. The gentleman from Oregon [Mr. SINNOTT]—this is just another effort to reach his hand into the crib and get all of this proposition, and, not content with that, he contends the Government has not the right to take back its own property, and he had advanced the novel theory here that the State of Oregon shall begin to tax Government property. No such proposition is known to the law or the Constitution; no such proposition can be recognized. They first secure a portion of the proceeds to compensate them for loss of taxes; they now come and want to tax Government land. Where will these requests end? I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

The question was taken, and the amendment was rejected.

Mr. FERRIS. Mr. Chairman, I ask that the preamble be read.

The preamble was read, as follows:

Whereas by the acts of Congress approved April 10, 1869 (14 Stat. L., p. 239), and May 4, 1870 (16 Stat. L., p. 94), it was provided that the lands granted to aid in the construction of certain railroads from Portland, in the State of Oregon, to the northern boundary of the State of California, and from Portland to Astoria and McMinnville, in the State of Oregon, should be sold to actual settlers only, in quantities not exceeding 160 acres to each person and at prices not greater than $2.50 per acre; and

Whereas the Oregon & California Railroad Co., beneficiary of said acts, has violated the terms under which the said lands were granted by selling certain of said lands to persons other than actual settlers, by selling in quantities of more than one-quarter section to each person, by selling at prices in excess of $2.50 per acre, and by refusing to sell any further portions of such lands to actual settlers at any price, and in so doing has willfully violated the terms of the statutes by which the said lands were granted; and

Whereas in the suit instituted by the Attorney General of the United States, pursuant to the authority and direction contained in the joint resolution of April 30, 1908 (35 Stat. L., p. 571), the Supreme Court of the United States, in its decision rendered June 21, 1915 (238 U. S., p. 393), ordered that the Oregon & California Railroad Co. be enjoined from making further sales of lands in violation of the law, and that the said railroad company be further enjoined from making any sales whatever of either the land or the timber thereon until Congress should have a reasonable opportunity to provide for the disposition of said lands in accordance with such policy as Congress might deem fitting under the circumstances and at the same time secure to the railroad company all the value conferred by the granting acts; and

Whereas it was expressly provided by section 12 of the act of July 25, 1866 (14 Stat. L., p. 239), that Congress might at any time, having due regard for the rights of the grantee railroad company, add to, alter, amend, or repeal the act making the grant; and

Whereas the Oregon & California Railroad Co. and its predecessors in interest received a large sum of money from sales of said land for prices in excess of $2.50 per acre, and from leases, interest on contracts, etc.; and

Whereas the aforesaid granting acts conferred upon the said railroad company the right to receive not more than $2.50 per acre for each acre of land so granted: Therefore

Mr. FERRIS. Mr. Chairman, I move that the preamble be adopted.

The question was taken, and the preamble was adopted.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise and report the bill H. R. 14864 to the House with recommendation that the amendments be agreed to and that the bill as amended, with the preamble adopted, be passed.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14864 and had directed him to report the same back to the House with sundry amendments and a preamble, with the recommendation that the amendments be agreed to, that the preamble be adopted, and that the bill as amended, with the preamble, be passed.

Mr. FERRIS. Mr. Speaker, I move the previous question on the bill, preamble, and amendments to final passage.

Mr. McARTHUR. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McARTHUR. Does this shut off a demand for a separate vote?

The SPEAKER. Oh, no; the Chair will put that at the right time.

The previous question was ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 15005. An act to appropriate $200,000 for training the Organized Militia of any State, Territory, or of the District of Columbia.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6041. An act granting the consent of Congress to Jackson County, Miss., to construct a bridge across West Pascagoula River at or near Pascagoula, Miss.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 12766. An act for making further and more effectual provision for the national defense, and for other purposes;

H. R. 12027. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 10490. An act to prevent fraudulent advertising in the District of Columbia; and

H. R. 14771. An act granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River.

HOUR OF MEETING TO-MORROW.

Mr. PAGE of North Carolina. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection? [After a pause.] The Chair hears none.

OREGON & CALIFORNIA RAILROAD LAND GRANT.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. SINNOTT. Mr. Speaker, I demand a separate vote on what is known as the Foster amendment in section 10, whereby the amount was cut from 30 to 20.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en grosse.

The question was taken, and the other amendments were agreed to.

The SPEAKER. The question is on the amendment suggested by the gentleman from Oregon [Mr. SINNOTT].

The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 12, strike out the word "thirty" and insert in lieu thereof the word "twenty."

The SPEAKER. The question is on agreeing to the Foster amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. SINNOTT. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 53, noes 60.

Mr. FOSTER. Mr. Speaker, I ask for tellers.

Tellers were refused.

Mr. FOSTER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and thirty-five Members are present, not a quorum.

Mr. PAGE of North Carolina. Mr. Speaker, I move a call of the House.

Mr. MANN. Oh, no. Move to adjourn.

The SPEAKER. The gentleman from North Carolina [Mr. PAGE] moves a call of the House.

Mr. CANNON. Mr. Speaker, it comes automatically.

The SPEAKER. That is exactly correct. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Thursday, May 25, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Pocomoke River, Md. (H. Doc. No. 1165); was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 5841) to authorize the Perdido Bay Bridge & Ferry Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across Perdido Bay from Lillian, Baldwin County, Ala., to Cummings Point, Escambia County, Fla., reported the same without amendment, accompanied by a report (No. 744), which said bill and report were referred to the House Calendar.

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 15322) granting the consent of Congress to the board of county commissioners of Traill County, N. Dak., to construct a bridge across the Red River of the North, reported the same with amendment, accompanied by a report (No. 745), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 15318) granting the consent of Congress to the village and township of Hendrum, Norman County, Minn., and the township of Elm River, Traill County, N. Dak., to construct a bridge across the Red River of the North on the boundary line between said States, reported the same without amendment, accompanied by a report (No. 746), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 15682) granting the consent of Congress to Jackson County, Miss., to construct a bridge across West Pascagoula River at or near Pascagoula, Miss., reported the same without amendment, accompanied by a report (No. 747), which said bill and report were referred to the House Calendar.

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 5310) to authorize the county commissioners of Walla Walla and Franklin Counties, Wash., to construct a bridge across the Snake River between Pasco and Burbank, reported the same without amendment, accompanied by a report (No. 748), which said bill and report were referred to the House Calendar.

Mr. RUCKER, from the Committee on the Election of President, Vice President, and Representatives in Congress, to which was referred the bill (H. R. 15842) to revise, amend, and codify the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Senator and Representative in the Congress of the United States, extending the same to candidates for nomination and election to the offices of President and Vice President of the United States, limiting the amount which may be expended, providing for the publicity of campaign expenses, and for other purposes, reported the same without amendment, accompanied by a report (No. 765), which said bill and report were referred to the House Calendar.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 348) to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains in the State of California, and for other purposes, reported the same with amendment, accompanied by a report (No. 749), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. O'SHAUNESSY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 5910) authorizing the sale of the lighthouse reservation at Scituate, Mass., reported the same without amendment, accompanied by a report (No. 750), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHALLENBERGER, from the Committee on Military Affairs, to which was referred the bill (S. 3101) authorizing the Secretary of War to extend the lease issued under the act of August 23, 1912, entitled "An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material, reported the same without amendment, accompanied by a report (No. 751), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARK, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5839) to repeal paragraph 4 of section 21 of the public buildings act, approved March 4, 1913, providing for the construction of a national archives building, reported the same without amendment, accompanied by a report (No. 753), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (S. 138) for the relief of the Ottawa Indian Tribe of Blanchards Fork and Roche de Boeuf, reported the same without amendment, accompanied by a report (No. 754), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 4371) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims, reported the same without amendment, accompanied by a report (No. 755), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 13637) for the relief of T. J. Ball, reported the same with amendment, accompanied by a report (No. 752), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 3257) for the relief of Johnston-McCubbins Investment Co., reported the same without amendment, accompanied by a report (No. 756), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 8624) for the relief of Mary Bailey Pratt, reported the same with amendment, accompanied by a report (No. 757), which said bill and report were referred to the Private Calendar.

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 13785) for the relief of Sarah S. Plank, reported the same with amendment, accompanied by a report (No. 758), which said bill and report were referred to the Private Calendar.

Mr. LINTHICUM, from the Committee on Pensions, to which was referred the bill (H. R. 15957) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 764), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 14345) to reimburse J. B. Patterson, postmaster at Lacon, Morgan County, Ala., for certain postage stamps stolen, reported the same adversely, accompanied by a report (No. 759), which said bill and report were laid on the table.

Mr. FOSTER, from the Committee on Claims, to which was referred the bill (H. R. 12433) for the relief of W. H. Cleere, reported the same adversely, accompanied by a report (No. 760), which said bill and report were laid on the table.

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 1960) for the relief of Bybee & Beard, of Lander, Wyo., reported the same adversely, accompanied by a report (No. 761), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 10737) for the relief of Eli Pettijohn, reported the same adversely, accompanied by a report (No. 762), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 12022) for the relief of the estate of Moses M. Bane, reported the same adversely, accompanied by a report (No. 763), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6950) granting a pension to Anna R. Burket; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 7675) granting a pension to Sara Gates; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. PADGETT: A bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. HAY: A bill (H. R. 15948) to provide for the creation of a Council of Executive Information for the Coordination of Industries and Resources for the National Security and Welfare and for other purposes; to the Committee on Military Affairs.

By Mr. SIMS (by request): A bill (H. R. 15949) to prevent the nullification of State antigambling laws by international or interstate transmission of race-gambling bets or racing odds; to the Committee on Interstate and Foreign Commerce.

By Mr. STERLING: A bill (H. R. 15950) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911; to the Committee on Interstate and Foreign Commerce.

By Mr. TEMPLE: A bill (H. R. 15951) to provide for the purchase of additional ground and for erecting an addition to and making alterations in the Federal building at Beaver Falls, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15952) to provide for the purchase of additional ground and for erecting an addition to and making alterations in the Federal building at Washington, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. KIESS of Pennsylvania: A bill (H. R. 15953) authorizing the Secretary of War to donate one condemned cannon to the cemetery at Ulysses, Pa.; to the Committee on Military Affairs.

By Mr. SAUNDERS: A bill (H. R. 15954) to establish an experimental station in the State of Maryland or Virginia for the study of fish diseases and problems in the propagation of fish; to the Committee on the Merchant Marine and Fisheries.

By Mr. ADAMSON: A bill (H. R. 15955) extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVENPORT: A bill (H. R. 15956) to repeal section 3 of the act of Congress, approved May 4, 1916, providing for an increase of the Corps of Cadets at the United States Military Academy at West Point; to the Committee on Military Affairs.

By Mr. SMITH of Idaho: A bill (H. R. 15958) to amend an act providing for the withdrawal from public entry of lands needed for town sites in connection with irrigation projects; to the Committee on Irrigation of Arid Lands.

By Mr. FARLEY: Joint resolution (H. J. Res. 227) authorizing the Secretary of War to accept on behalf of the United States funds for the construction of a lighting plant for the illumination of the Statue of Liberty, on Bedloes Island, New York Harbor; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of New York: Joint resolution (H. J. Res. 228) in relation to the International Bridge in Niagara River; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. LINTHICUM: A bill (H. R. 15957) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. AIKEN: A bill (H. R. 15959) for the relief of J. Richard Earle; to the Committee on War Claims.

By Mr. BAILEY: A bill (H. R. 15960) granting an increase of pension to Harmon Blackburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15961) for the relief of Harrison Defibaugh; to the Committee on Military Affairs.

By Mr. BRITT: A bill (H. R. 15962) for the relief of J. C. Smathers; to the Committee on War Claims.

Also, a bill (H. R. 15963) granting an increase of pension to Wiley S. Roberts; to the Committee on Pensions.

By Mr. BRITTEN: A bill (H. R. 15964) for the relief of Frank Kinsey Hill, captain on the retired list of the United States Navy; to the Committee on Naval Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 15965) granting an increase of pension to Emily F. Belden; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 15966) granting an increase of pension to Clifford Jones; to the Committee on Pensions.

By Mr. DUPRÉ: A bill (H. R. 15967) granting a pension to Wiley Lawson; to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 15968) granting a pension to Honor K. Forman; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 15969) granting a pension to Mary M. Gardner; to the Committee on Invalid Pensions.

By Mr. GRAY of Indiana: A bill (H. R. 15970) granting an increase of pension to John L. Swain; to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 15971) granting a pension to Esther Penick; to the Committee on Invalid Pensions.

By Mr. HOOD: A bill (H. R. 15972) granting a pension to Christopher M. Saunders; to the Committee on Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 15973) granting an increase of pension to Simeon L. Coen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15974) granting an increase of pension to Myra Church; to the Committee on Pensions.

By Mr. KINKAID: A bill (H. R. 15975) granting an increase of pension to William Cassman; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 15976) granting an increase of pension to Casandra M. Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15977) granting an increase of pension to Margaret E. Feiser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15978) granting an increase of pension to Elizabeth Bose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15979) granting an increase of pension to Ellen Kipp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15980) granting an increase of pension to Mary A. Garrety; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15981) granting an increase of pension to George Horn; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 15982) for the relief of Edward F. Dunne, jr.; to the Committee on Appropriations.

By Mr. McCLINTIC: A bill (H. R. 15983) granting a pension to John Smith; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN: A bill (H. R. 15984) granting an increase of pension to Elgar W. Rose; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 15985) granting an increase of pension to Charles Hoff; to the Committee on Invalid Pensions.

By Mr. MOONEY: A bill (H. R. 15986) granting an increase of pension to Alexander Clark; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 15987) granting an increase of pension to Olive J. Boylan; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 15988) granting an increase of pension to William H. Topp; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 15989) granting an increase of pension to Henry M. Means; to the Committee on Invalid Pensions.

By Mr. OAKEY: A bill (H. R. 15990) granting an increase of pension to George Newschafer; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 15991) granting an increase in pension to Mathew Kerwin; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 15992) granting an increase of pension to Adam Funk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15993) granting an increase of pension to Thomas J. Gafford; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 15994) for the relief of Sam H. McCain; to the Committee on Claims.

By Mr. SMITH of New York: A bill (H. R. 15995) granting a pension to Wilhelmina Rohe; to the Committee on Pensions.

By Mr. TAGUE: A bill (H. R. 15996) granting a pension to James D. Winslow; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of St. Louis (Mo.) Medical Society, against Senate joint resolution 120, relative to members of Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Evidence to accompany House bill 13055, for the relief of George W. Statler; to the Committee on Invalid Pensions.

By Mr. BAILEY: Petitions of James M. McGee, Duquesne Oil & Supply Co., and W. F. Weppner, all of Pittsburgh, Pa.; Mrs. Henry Villard, of New York City; Marine Manufacturing & Supply Co., of Pittsburgh, Pa.; Acheson Manufacturing Co. and F. W. Robertshaw, both of Rankin, Pa.; J. H. Niebman, J. B. Booth & Co., A. W. Corut, Louis Muerich, Campbell & Horigan, I. L. Scheriman Co., John Eichenlaub, Net Cabinet & Folder Co., Rasner & Dinger Co., Pennsylvania Door & Sash Co., Weber-Erickson-Bunting Co., M. M. McKinney, J. J. McKinney, H. B. McKinney, S. Keighley, and Charles R. Bryan, all of Pittsburgh, Pa.; Cornelius Donovan, Charles E. Buckley, Wilheim J. Donovan, Jay E. Whiting, Peter W. Valelaose, and A. H. Loeberman, all of New York, N. Y.; Heppenstall Forge & Knife Co. and Tranter Manufacturing Co., both of Pittsburgh, Pa.; John K. Thompson, Fred H. Briggs, Louis des Fuller, J. M. Moorehead, A. J. Nol, Julius Brill, R. M. Stoker, H. Woodmead, and A. W. Lake, all of Kansas City, Mo.; C. P. Powell, Thomas Powell, M. D., L. A. Wilkinson, A. T. Belchin, Mrs. Nora V. Dillavou, Le Roy Henry, M. D., E. E. Sherman, E. L. Horton, M. D., and Lewis Evans, all of Los Angeles, Cal., asking for the speedy passage of House bill 13281, which provides for amending the tariff so as to admit free the products of any American country which will admit our products free; to the Committee on Ways and Means.

Also, petition of J. E. Dilling, R. S. Isenberger & Son, Eichelberger, Earlenburgh & Co., J. P. Rearick, A. N. Johnson, L. C. Hansacker & Son, and W. O. Shubert, all of Martinsburg, Pa., for the passage of a bill imposing a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. CAREW: Petition of Chamber of Commerce of Milwaukee, Wis., favoring Pomerene bill-of-lading bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Petition of John M. Nichols, of Ogdensburg, N. Y., favoring House bill 42, to establish probation system in Federal courts; to the Committee on the Judiciary.

Also, memorial of Congressional Union for Woman Suffrage, favoring woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. DOOLING: Petition of convention of Mental Hygiene Societies of United States, favoring bill for division of mental hygiene in United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Papers to accompany a bill granting a pension to Mary M. Gardner; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: Papers to accompany House bill 15922, for relief of Idella White; to the Committee on Invalid Pensions.

By Mr. HELM (by request): Petition of citizens and members of Kentucky Quarterly Conference, Methodist Episcopal Church South, asking for enactment of temperance legislation; to the Committee on the Judiciary.

By Mr. HOOD: Petitions of sundry citizens of North Carolina, favoring amending the rural-credit bill; to the Committee on Banking and Currency.

By Mr. IGOE: Memorial of St. Louis (Mo.) Medical Society, against Senate joint resolution 120, relative to members of Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: Petition of 47 citizens of Clarke County, Wash., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY of Rhode Island: Memorial of the Newport Humane Club, indorsing House resolution 137; to the Committee on Rules.

Also, memorial of Providence (R. I.) Chamber of Commerce, in favor of House bill 650; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Providence (R. I.) Chamber of Commerce, in favor of Senate resolution 173; to the Committee on Naval Affairs.

By Mr. KETTNER: Petition of Mrs. W. L. Keeney, corresponding secretary La Mesa Woman's Club, San Diego, and Fred Moore, secretary Cooks, Waiters, and Waitresses Union, Local 402, San Diego, Cal., favoring House resolution 137, investigation of dairies; to the Committee on Rules.

Also, petition of E. L. Burroughs and 14 others of Niland, Cal., and L. R. Shutt, of Thermal, Cal., favoring House bill 9162, providing for 8-hour working day for railroad agents and telegraphers; to the Committee on Labor.

Also, petition of Trinity Lutheran Church, Otto C. A. Pautz, secretary, Santa Ana, Cal., and E. R. Wilson, Los Angeles, Cal., and one other, opposing war with Germany; to the Committee on Foreign Affairs.

Also, petition of Charles H. Stone, Ramona, Cal., and two others, protesting against increase in Army and Navy; to the Committee on Military Affairs.

Also, petition of E. S. Crumley, National City, Cal., protesting against House bills 6468, 491, and 8348; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of Clara A. Osburn and members of the Union Literary Club, of Big Rapids, Mich., indorsing House resolution 137, referring to the manufacture and distribution of dairy products; to the Committee on Rules.

By Mr. MANN: Petition of citizens of Chicago, Ill., favoring passage of House bill 5792; to the Committee on Agriculture.

By Mr. NORTH: Petition of 19 voting citizens of Templeton, Pa., and of Methodist Episcopal Sunday School of Templeton, Pa., praying for nation-wide prohibition; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Memorial of Rhode Island Branch of the Woman's Auxiliary to the Board of Missions of the Episcopal Church, against certain bills relative to some Indian tribes; to the Committee on Indian Affairs.

Also, memorial of Providence (R. I.) section, Council of Jewish Women, favoring investigation of dairy products; to the Committee on Agriculture.

By Mr. ROWLAND: Petitions of sundry citizens of the twenty-first district of Pennsylvania, favoring House bills 270 and 712; to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Memorial of Brotherhood of Texas Locomotive Firemen and Engineers, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. STINESS: Papers to accompany House bill 15945, granting an increase of pension to William R. Smith; to the Committee on Invalid Pensions.

Also, petition of Providence (R. I.) Chamber of Commerce, favoring House bill 651, prescribing certain duties for carriers, subject to the act to regulate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of Providence (R. I.) Chamber of Commerce, favoring Senate resolution 173, providing plans for the improvement of certain harbors for coast defense; to the Committee on Rivers and Harbors.

Also, petition of executive committee of the Rhode Island branch of the Woman's Auxiliary to the Board of Missions, opposing certain proposed Indian legislation; to the Committee on Indian Affairs.

Also, petititon of Newport (R. I.) Humane Club, favoring the appointment of Federal and State inspectors of food-producing animals and their products; to the Committee on Rules.

Also, petition of 21 voters of Providence, R. I., for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of William H. Weitz, of Providence, R. I., favoring the passage of House bill 8828; to the Committee on Appropriations.

By Mr. SULLOWAY: Petition of Merrimack Lodge, International Order of Good Templars, of Manchester, N. H., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Twenty-nine petitions from members of churches and other organizations in Pennsylvania, favoring an antipolygamy amendment to the Constitution of the United States; to the Committee on the Judiciary.

SENATE.

THURSDAY, *May 25, 1916.*

(Legislative day of Thursday, May 18, 1916.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. KENYON. Mr. President, I offer the following amendment, and on the amendment I ask for the yeas and nays, which will answer the purpose of a quorum call.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 23, at the end of line 25, in the item for Brazos River, Tex., insert the following proviso:

Provided, That no part of the said appropriation of $200,000 shall be expended until the report of the Army engineers upon the reexamination of said project, as provided for by the last Congress, shall have been reported to Congress; and if said report shall be unfavorable to the further progress of said project, then no part of said $200,000 shall be expended thereon.

Mr. KENYON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. TILLMAN (when his name was called). I have a pair with the Senator from West Virginia [Mr. GOFF]. In his absence I withhold my vote. I make this announcement for the day.

The roll call was concluded.

Mr. WILLIAMS. Feeling at liberty to vote on this item, regardless of my pair, I vote "nay."

Mr. CATRON. I am paired with the Senator from Oklahoma [Mr. OWEN]. I transfer my pair to the Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. SMITH of Georgia (after having voted in the negative). I have a pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the junior Senator from Illinois [Mr. LEWIS] and let my vote stand.

Mr. STONE (after having voted in the negative). I have a pair with the Senator from Wyoming [Mr. CLARK]. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and let my vote stand.

Mr. THOMPSON. I am paired with the senior Senator from Illinois [Mr. SHERMAN]. I understand that he would vote the same way that I would on this question. I therefore feel at liberty to vote. I vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS];

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES];

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM]; and

The Senator from Rhode Island [Mr. LIPPITT] with the Senator from Montana [Mr. WALSH].

The result was announced—yeas 31, nays 28, as follows:

YEAS—31.

Ashurst	Dillingham	Kern	Sterling
Brady	Fall	La Follette	Sutherland
Brandegee	Gallinger	Lane	Taggart
Catron	Harding	Martine, N. J.	Thompson
Clapp	Hitchcock	Norris	Townsend
Colt	Johnson, S. Dak.	Oliver	Warren
Cummins	Jones	Pomerene	Works
Curtis	Kenyon	Smoot	

NAYS—28.

Bankhead	Lea, Tenn.	Saulsbury	Smith, Md.
Chamberlain	Martin, Va.	Shafroth	Smith, Mich.
Chilton	Nelson	Sheppard	Stone
Clarke, Ark.	Overman	Shields	Swanson
Culberson	Poindexter	Simmons	Underwood
Fletcher	Ransdell	Smith, Ariz.	Vardaman
Hardwick	Reed	Smith, Ga.	Williams

NOT VOTING—37.

Beckham	Hollis	McLean	Sherman
Borah	Hughes	Myers	Smith, S. C.
Broussard	Husting	Newlands	Thomas
Bryan	James	O'Gorman	Tillman
Burleigh	Johnson, Me.	Owen	Wadsworth
Clark, Wyo.	Lee, Md.	Page	Walsh
du Pont	Lewis	Penrose	Weeks
Goff	Lippitt	Phelan	
Gore	Lodge	Pittman	
Gronna	McCumber	Robinson	

So Mr. KENYON's amendment was agreed to.

Mr. MARTINE of New Jersey subsequently said: Mr. President, on the vote upon the amendment of the Senator from Iowa [Mr. KENYON] I voted "nay." It was my desire to vote "yea." The result has been announced, but I ask unanimous consent that I may change my vote from "nay" to "yea."

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARKE of Arkansas. Mr. President, a parliamentary inquiry. What becomes of the amendment offered by the Senator from Iowa in view of the fact that the vote of the Senator from New Jersey has been changed?

The VICE PRESIDENT. It did not change the result. It increased the majority.

Mr. KENYON. It doubled it.

The VICE PRESIDENT. It doubled it.

Mr. MARTINE of New Jersey. I was only anxious to square myself on the matter.

Mr. REED. I offer the following amendment.

The SECRETARY. At the top of page 37, at the end of line 2, in the item for the Gasconade River, Mo., insert the following proviso:

Provided, That the dam near Heckmans Mill, at Pryors Bend, and any other obstruction to the flow of water at or near that point, shall be immediately removed, and so much of this appropriation as necessary may be expended for that purpose.

Mr. REED. Mr. President, that does not increase the appropriation at all, but it makes it available for a purpose for which it might not be available except for the amendment. The appropriation is not increased, and the work is at the same place. I have consulted with my colleague, and both of us hope that this amendment will be accepted.

Mr. TOWNSEND. Let the amendment be read again. I have not yet understood what the amendment is.

The Secretary again read the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. REED].

The amendment was agreed to.

Mr. CLARKE of Arkansas. I ask unanimous consent that in the further consideration of the bill debate shall be limited to 10 minutes and shall be confined to real amendments that are offered in good faith and not mere technical amendments sometimes offered for the purpose of prolonging the period.

Mr. SMOOT. I wish to say to the Senator that I believe the Senator from Colorado [Mr. THOMAS] wishes to speak on the question of the recommittal of the bill.

Mr. CLARKE of Arkansas. We will make an exception in his favor.

Mr. SMOOT. Making an exception on the question of the motion to recommit, I have no objection to at all.

Mr. CLARKE of Arkansas. Very well.

Mr. POMERENE. The request of the Senator from Arkansas, I understand, is that debate be limited to 10 minutes. Does the Senator mean that debate upon each question shall be limited to 10 minutes or that each speaker may have 10 minutes?

Mr. CLARKE of Arkansas. No; that each speaker may have 10 minutes on each amendment. Let the Chair submit the request which I made to the Senate.

The VICE PRESIDENT. Is there objection to the request that from this time forward——

Mr. BRANDEGEE. Mr. President, I am in hearty sympathy with the Senator from Arkansas as to limiting debate as far as possible, but I have an amendment to offer which is an important one to my State. I think I could state the argument in favor of it in 10 minutes, but if other Senators should take my time, then I might have to answer them.

Mr. CLARKE of Arkansas. Each Senator is entitled to 10 minutes.

Mr. BRANDEGEE. If I use up my 10 minutes, and other Senators talked on the other side——

Mr. CLARKE of Arkansas. I suppose that in an exceptional case another unanimous-consent agreement might be granted.

Mr. BRANDEGEE. I will not object. I will throw myself upon the indulgence of the Senate in that case.

The VICE PRESIDENT. The proposed unanimous-consent agreement is that from this time forward speeches upon amendments shall be limited to 10 minutes save in the case of the motion to recommit.

Mr. SMOOT. No; just confine it to a limit of 10 minutes upon speeches on amendments that may be offered.

Mr. CLARKE of Arkansas. That is all right.

Mr. SIMMONS. Mr. President, there is one item in the bill which will be objected to, and I am afraid I will not be able to make the statement I desire to make in 10 minutes. I ask the Senator——

Mr. CLARKE of Arkansas. Then I withdraw the request. If the members of the committee do not sustain the chairman in his effort to facilitate the passage of the bill I will withdraw the request.

Mr. SIMMONS. If the chairman of the committee insists upon the request, I shall not oppose it. I was simply making a suggestion to him. Of course, if he wishes to withdraw the request——

Mr. CLARKE of Arkansas. I withdraw the request.

Mr. BRANDEGEE. Is it in order now to offer an amendment?

The VICE PRESIDENT. The bill is as in Committee of the Whole and open to amendment.

Mr. KENYON. Under the unanimous-consent order amendments are first to be offered to the text of the bill.

Mr. BRANDEGEE. I know that, but I saw that the Senator from Missouri [Mr. REED] offered an amendment, and I supposed the bill was open to amendment.

Mr. KENYON. We have not passed on amendments to the text as yet.

Mr. BRANDEGEE. I am perfectly willing to wait. I asked if it was in order and I was informed that it was. Are there yet amendments to the text of the bill to be offered?

Mr. KENYON. There are.

Mr. BRANDEGEE. I withdraw it, then, for the present.

Mr. SHAFROTH. I desire to offer an amendment.

The VICE PRESIDENT. That is not yet in order.

Mr. SHAFROTH. Very well, then, I will withhold it. The clerks can just keep it at the desk.

Mr. KENYON. Mr. President, I move to strike out, on page 24, the language beginning with the word "for," on line 11, the remainder of line 11, and all of lines 12, 13, 14, 15, and 16, down to and including the word "improvement."

The VICE PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 24, beginning in line 11, it is proposed to strike out the following:

For improvement by the construction of Locks and Dams Nos. 3 and 5, $250,000: *Provided*, That no part of the latter amount shall be expended until the city of Dallas or other local interests shall have contributed the sum of $50,000 toward the improvement.

Mr. KENYON. Mr. President, that is a motion to strike out the provision for the appropriation of $250,000 for locks and dams. I want to place in the RECORD, for reflection by those who in the future may want to study the Trinity River, two or three observations of the Army engineers. I will say, before passing to that, that this is a project for 37 locks and dams, at a cost running into many millions of dollars—I think it is safe to say $10,000,000—and that we have already spent over $2,000,000 on this stream. On page 938 of their report the Army engineers say:

The river above tidal action is a narrow stream with a low-water depth insufficient for even light-draft navigation.

And, on page 939, they say:

From the manner in which appropriations have been made for the improvement of the Trinity River, it has been held that the entire project outlined in House Document No. 409, Fifty-sixth Congress, first session, has never been adopted in its entirety by Congress, but that only such locks and dams have been authorized as have been specifically appropriated for. The report in question contemplated the construction of 37 locks and dams with incidental dredging and other open-channel work, at an estimated cost for a 6-foot navigation of $4,650,000 and $280,000 annually for maintenance after completion.

Five of these locks have been completed, but others have been specifically appropriated for, and two others have been authorized.

Mr. CLAPP. Will the Senator pardon an inquiry?

Mr. KENYON. The Senator from Minnesota objected a little while ago that we were not getting along fast enough.

Mr. CLAPP. But we are now dealing with the bill. We were then dealing with a question of unanimous consent, which usually takes much longer to decide.

What I want to ask the Senator is, what relation this proposed appropriation bears to the utility, present or prospective, of the work that has been accomplished by the money already expended?

Mr. KENYON. I will explain that from the engineers' report as I go along. I will quote from that.

Mr. LODGE. Let me ask the Senator from Iowa, before he begins on that, whether this is the river on which some years ago it was recommended that there should be artesian wells dug in order to supply a flow of water?

Mr. KENYON. I understand this is the river on which Col. Riché recommended the sinking of artesian wells in order to get water; and from the dryness of this stream, I think the Senator will see that perhaps that would be a wise thing to do. I hope, however, that my argument will not be interrupted hereafter by any such interrogations.

The engineers say:

The amount expended on this project to the end of the fiscal year was $2,062,262.42, of which $1,823,595.06 was for original work and $238,667.36 for maintenance.

The engineers further say:

Effect of improvement: Owing to the fact that the river is not yet navigable to Dallas, the only place at which it can come into active competition with the railroads, no effect on freight rates has been produced.

The commercial statistics of this wonderful stream are as follows:

Commercial statistics: The commerce transported during the calendar year 1914 consisted mainly of logs in rafts and of merchantable timber, with a small amount of cotton and other farm products.

Amounting in 1914 to the stupendous sum of 12,610 tons on an investment of over $2,000,000! The Army engineers further observe:

All of the above tonnage, except the rafting of logs, originated at or below Liberty, Tex. In addition, during the calendar year 1914, 20 bales of cotton and 300 passengers were carried by the light-draft gasoline boat *Commodore Duncan* between Dallas and Lock and Dam No. 2.

As to one of the locks, the engineers' report, on page 944, says:

The only lockages made during the year were 4 at Lock and Dam No. 1. The only navigation in this section was that by the small gasoline tug *Commodore Duncan*, which made a few trips, carrying 300 passengers and 20 bales of cotton, between Dallas and Locks and Dams Nos. 1 and 2.

Mr. President, that is a fine proposition upon which to be voting away money out of the Public Treasury, especially in view of the fact that a survey is now being made on this river. It is true, it is an instrumental survey, as the Senator from Texas [Mr. SHEPPARD] has observed, which is for the purpose of finding out the exact number of locks and dams that are necessary to carry the mighty commerce of this river.

In volume 2 of the engineers' report, on page 2684, is an analysis of this commerce, which shows that of the 12,610 tons of commerce, 4,804 were saw logs by raft, 5,700 were lumber, and 1,000 tons were cordwood. But progress may be observed, as the engineers state, on page 2685 of volume 2, and they then say:

A maneuver boat was constructed for the dam, paving was placed behind the land wall of the lock, a portion of an old cofferdam was removed, a boundary fence was constructed on the lock side of the river, the reservation was graded and cleared, and the lock tender's house ceiled. At Lock and Dam No. 4 a barn and chicken house were built and a well dug.

These are the kind of serious reports that we get on a proposition on which we have spent over $2,000,000—that there is no commerce—and on which we are in the future to spend a great deal more. Mr. President, it seems to me, in view of the suggestion we have heard——

Mr. NORRIS. Does the Senator say that part of the improvement was the digging of a well?

Mr. KENYON. It was the digging of a well, but not an artesian well.

Mr. NORRIS. How deep was the well dug?

Mr. KENYON. The report of the engineers does not state.

Mr. NORRIS. What was the object of digging the well?

Mr. KENYON. I am not prepared to state. I suppose it was for the lock tender.

Mr. SUTHERLAND. For what was the well dug—to furnish water for the project or for the chickens?

Mr. SMITH of Michigan. Or was it in order to reach a subterranean stream?

Mr. KENYON. I regret that these facetious interruptions should occur in such a very solemn matter as this. This river, it was stated at the last election in Texas between the "wets" and the "drys," was the only thing that went dry in Texas. [Laughter.]

Mr. NORRIS. Was the well dug in the stream proper or at some place adjacent thereto?

Mr. KENYON. I shall have to refer the Senator from Nebraska to the engineer's report. I really do not want to dwell on that any longer than necessary. I merely want to suggest at this point that the Trinity River seems almost like a description that Zimmern has given in The Greek Commonwealth as to some of the rivers of Greece. He states:

If rain falls in this torrential manner, its effect must naturally be marked in the behavior of springs and rivers. Indeed, it is due to this that Greece possesses practically no rivers, in our sense of the word, at all. As the Admiralty Pilot remarks, with ill-concealed irony, "The rivers that empty into the Ægean Sea are more deserving of notice from their classical associations than from their commercial importance."

That may be true likewise of the Trinity River.

In winter Greece has torrents; in summer, dry stony beds, with perhaps a trickle in the middle; but rivers such as we know, which flow, in the Greek phrase, "equal themselves with themselves," all the year round, are unknown. Some of the larger streams are deep enough to bathe in during the summer, but the majority could be mistaken by the unwary traveler for an unusually rough road or sometimes, when there are oleanders in blossom there, for a very neglected garden. One of the lawsuits in Demosthenes turns upon the question whether a certain piece of ground was a watercourse, a public highway, or a private garden.

That is equaled only by some streams that we have been hearing about in this debate.

Mr. President, I have not been facetious about this matter; I have tried to be very serious. It seems a good place to stop here and save a little money by letting this matter wait at least until the surveys are completed by the engineers. I do not care to take any more time on it. I will simply ask for a vote.

Mr. LANE. Mr. President, I should like to ask the Senator, if he will allow me, what is the total cost contemplated, if this project is completed?

Mr. KENYON. I am not prepared to say that an estimate has been made, although, likely, there has been. It is a project that never has been adopted in its entirety by Congress. We simply appropriate year by year for different locks and dams, and we have appropriated now over $2,000,000.

Mr. LANE. Have the engineers made an estimate of the total cost?

Mr. KENYON. I think they have. Their estimate is $4,650,000.

Mr. LANE. Has anybody estimated as to what amount of commerce or tonnage this river would open up if the improvements were completed?

Mr. KENYON. The Senator will find that as to all of these projects there is just about to be discovered some great mine, or large factories are about to be started, so that the commerce is to be perfectly tremendous.

Mr. LANE. Mr. President, this is the joke item in the bill; it sort of hits the Senate on its funny bone when it is mentioned, and yet at the same time there may be some reason in it. If, by completing the project, a large commerce could be opened up, it might prove to be a justifiable expenditure. I have not heard that side of the question argued. I know that Texas is a very rich country.

Out in Oregon there is a stream, for opening the mouth of which to the ocean Congress has appropriated money so that vessels may come in and go out of it. Vessels do come in and go out; yet between the upper and lower harbors there is a sand bar, forming an obstruction which should be removed, and until it is removed no commerce can be developed above that obstruction. There are millions of feet of the finest timber we have on the Pacific coast in that neighborhood which can not get to the sea on account of it.

It is not a matter to laugh about; it is a serious question to the people who live there, who are denied access to the ocean by an obstruction which, if removed, would allow them to market their products. I am wondering if back of this item, after all, there may not be some merit. It is made fun of. I have spoken of it to the people, and yet we have in Oregon one stream that is in pretty much the same condition, and we can not get the obstruction removed, for the reason that no commerce has ever gone below it. Neither steamers nor sailboats can get over the obstruction. They could climb a tree as quickly. It is unjust to those people in Oregon that that condition should be allowed to continue; and I was wondering

if there were not, aside from the funny part of this item and the facetious aspect of it, back of it and behind it a kernel of truth and justice. If there is, we ought to take cognizance of it.

That is the reason why I asked the questions of the Senator from Iowa. It may be that ultimately this improvement would bring about a saving of money, if a commerce can be opened by an expenditure not in excess of a proper amount. If that is the case, the subject ought to be given some serious consideration, and I bespeak that for it.

Mr. SHEPPARD obtained the floor.

Mr. JONES. Mr. President, if the Senator from Texas will allow me, I desire to occupy a few moments and to make a few suggestions which the Senator might wish to answer. I will therefore, with the Senator's permission, say a word or two now.

Mr. SHEPPARD. Very well.

Mr. JONES. The pending amendment provides:

For improvement by the construction of Locks and Dams Nos. 3 and 5, $250,000.

That looks as if the locks would be completed with this appropriation, but they will not be. We are not appropriating more than about half enough to complete these locks. If we are going to complete them, we ought to appropriate the money that is necessary to do the work; otherwise, we are not only going to make the cost greater but we may waste all of the appropriation.

This is what the engineers of the War Department say about what we ought to do, if we do anything. I quote from page 941 of their report:

If the project is to be continued, Locks and Dams Nos. 3 and 5 are the logical ones to be next undertaken—

That is what we are undertaking—

They are estimated to cost $300,000 each. It is very desirable that, when authorized, provision should be made for their entire completion.

Mr. CLAPP. Mr. President, will the Senator pardon a question?

Mr. JONES. Certainly.

Mr. CLAPP. It strikes me that we ought to have some light on this subject if it is obtainable, and so I should like to know what relation the proposed expenditure bears to the question whether there is salvage left in the expenditures we have already made? I do not know whether the engineers report shows that or whether the Senator is in a position to state it; but it does seem to me that we ought to take into account the money we have put into this project and the question of whether it will be wasted if no more is expended, and then the question of whether it will be a profitable enterprise to go on and put enough more in to make that which we have put in of some value.

Mr. JONES. Mr. President, as bearing on that, I want to read a little bit more from the report. On page 939 the engineers say that the original project as reported upon contemplated the construction of 37 locks and dams at a cost which is estimated at $4,650,000 and $280,000 annually for maintenance after completion. They make the statement that Congress has never formally adopted the full project, but has simply authorized from time to time the construction of locks. Referring to the work which has already been done, they say this:

In the original report it was planned that five locks and dams should be located in section 1, but as a result of further investigation it has been found necessary to increase the number to six, with an auxiliary dam at Parsons Slough, about 22 miles below Dallas.

I call the attention of the Senate now to this:

During the course of construction it has also been found that the original estimate of cost was inadequate, and that on account of the manner in which the appropriations have been made, the inaccessibility of certain of the localities at which work has been directed by Congress, and the general increase in prices, it is now known that the ultimate cost of the entire project will be largely increased.

In other words, if we continue this project to completion, as recommended in the early report, it will cost largely more than $4,650,000; but they say——

Mr. CLAPP. As I understand, we have already put about $2,000,000 into this project. That is what I understood from the Senator from Iowa.

Mr. JONES. That is correct; we have put in up to June 30, 1915, on new work $1,830,595.06, and for maintenance $238,067.36. Here is a comparative statement of the commerce——

Mr. CLAPP. I do not think the commerce is a fair argument.

Mr. JONES. I thought the Senator wanted some information as to that feature.

Mr. CLAPP. No; what I want to know is—and that is where these reports seem to me to be so often defective—what relation the proposed continued expenditure bears to that which we have already made, and whether what we have made will be lost if we do not go on, and whether, in view of the entire cost, it is wiser to lose what we have put in, or to try and save that by spending more. These reports, it seems to me—and I am not criticizing the reports—do not throw much light upon that inquiry.

Mr. JONES. I will say to the Senator that there is not very much information here along that line.

Mr. CLAPP. No.

Mr. JONES. But I think this is significant, and I think this ought to be taken into account in determining whether we are going to go on with this work now or wait just a little while. We have provided for another survey of this stretch of the river, so as to get possibly the very information that the Senator is anxious to have; and here is what the engineers say in the report:

The report, in accordance with which the work authorized is being done, was based upon a survey authorized in the river and harbor act of March 3, 1899, for which purpose only $7,000 was appropriated. In view of the fact that it was necessary to carry this survey over more than 500 miles of river, it is apparent that the work could not be done with sufficient thoroughness to enable an accurate estimate to be made. To remedy this defect the river and harbor act approved July 25, 1912, authorized the making of an accurate instrumental survey of Trinity River, following the recommendation of the Chief of Engineers in his annual report for the fiscal year ending June 30, 1911. This survey is nearly completed, but no estimate of cost of the completion of the entire plan of improvement has yet been made.

It seems to me that we could very wisely withhold this appropriation for the building of these new locks until that report comes in. It will not only give us a detailed and more accurate estimate, a more reliable estimate of what the cost will be, but it will very likely furnish information meeting the suggestions to which the Senator has just referred.

Mr. CLAPP. Yes, Mr. President; I think myself that while it throws no light presently upon the inquiry, it may in the end answer the inquiry. It strikes me that there is a great deal of force in the Senator's suggestion that that is the true way to get the answer to the inquiry—first to get this additional survey.

Mr. JONES. It seems that way to me, and that is the only reason why I am led to vote against this amendment now. Just as in the case of the item yesterday, I may be in favor of the proposition in the end. I may think it is a good thing. There may be facts disclosed, such as the Senator from Oregon referred to, showing that this project, even if it does cost four, five, or six million dollars, is a good one and a wise one from a governmental standpoint. But here we are confronted with this situation: We have authorized a survey. There is almost ready a report that will give us what ought to be reliable information, not only with reference to the cost of it but with reference to the benefits that will come from it; and, furthermore, the appropriation we make in this bill will not complete what we propose to do. It only provides for one-half of what these two locks and dams will cost. If we are going to provide for Locks 3 and 5, we ought to provide the entire amount necessary to construct them; otherwise, they are going to cost more than they ought to cost.

The engineers do say in their report that if we only provide for one year's work, then we should provide $150,000 for each lock and dam that is appropriated for. In this bill we provide that no part of this $250,000 shall be expended until the city of Dallas shall have contributed $50,000. That makes $300,000. It makes $150,000 for each of these locks. They will cost $600,000; and the engineers say that they consider it very desirable that the whole amount necessary to complete these locks shall be appropriated if we decide to build them at all.

It seems to me that for those two reasons it would be the wise thing to leave this item out of this bill at this time. As I said, I do not take my position because of opposition to the project generally. I want to consider the project when the estimates come in. All these suggestions about the dryness of the river, and all that sort of thing, have no weight with me in the consideration of this matter; but I do think that in the interest of economy it would be wise action by Congress now to leave this item out of the bill.

Mr. LANE. Mr. President, I think the amendment offered by the Senator should go further. It should amend the item so as to call for a showing to the Senate and to the Congress as to the economic conditions of the surrounding country, and whether or not the expenditure will be ultimately beneficial and worth the cost. That should accompany it. They come in here, with the most meager information, with an appropriation to remedy a condition which proves nothing to us, and gives us no facts—just a mere appropriation.

It might be that a full showing of conditions surrounding the project might make it a justifiable and a meritorious appropriation; but we do not have the information, and it becomes a joke, and maybe it is a joke.

It may be that facts can be shown and made of record which will justify it. No commerce can develop upon a stream that is obstructed, or has obstructions in it over which navigation can

not pass either up or down the river. I know that. Everybody knows it. Everybody that has ever cleaned out a ditch knows that you must remove the obstruction, or you can not get drainage or irrigate your land. It applies to rivers in the same way, and there will be and can be no commerce until the obstructions are removed, although there may be none afterwards; but it ought to be and should be shown to the Senate that the chances or the facts are that the commerce is there after the expenditure of the people's money has been made for opening up the channel.

I think that is due the Senate, and with me it is a matter of experience. I know streams which have no traffic and have plenty of water both below and above an obstruction, and there never will be any commerce until that obstruction is removed. There can not be. It is a physical impossibility; and because there is no commerce the stream is condemned, and unjustly condemned. That is not a fair way of reasoning upon it. But if the traffic is behind the obstruction, and the commerce is there awaiting an outlet, then it is justifiable to make a reasonable expenditure, and it is not a laughing matter. It may be a most serious matter for the people who live above the obstruction in the stream.

As I say, I have laughed about this item many times, too, and the joke about their having to dig artesian wells; but we have one such stream in my own State that I know of personally, and that is no laughing matter, when the truth is known. I do not think it is fair, and I do not think it should be urged that because no commerce has passed up and down this stream on account of this obstruction, none ever will.

Mr. SHEPPARD. Mr. President, the preliminary report of the engineer, on the basis of which the first appropriation for the Trinity River was included in a rivers and harbors act, concluded by saying that the engineer considered 4-foot navigation of the Trinity River from Dallas to the mouth to be not only advisable but urgently necessary, and that it would accomplish much good for many people. It was shown in that report that there were approximately 10,000,000 acres of timber along the Trinity, comprising oak, ash, cottonwood, cedar, elm, bois d'arc, walnut, pecan, hickory, pine, and cypress, whose value was estimated at $50,000,000 whenever river transportation should be established. It was also shown that there were extensive deposits of coal, iron, and clays along the river or within easy reach, and also that there were extensive deposits of building material, such as stone, gravel, and so forth. A statement from the Weather Bureau was quoted to the effect that the territory tributary to the Trinity River had a rainfall about the same as Massachusetts, New York, New Jersey, Connecticut, Missouri, Wisconsin, Michigan, and Ohio. It was also shown by that report that the 15 counties bordering on the river on each side—namely, Dallas, Kaufman, Ellis, Henderson, Navarro, Anderson, Freestone, Leon, Houston, Madison, Trinity, Walker, San Jacinto, Polk, and Liberty—had an area of 8,813,440 acres, of which over 1,200,000 were already in cultivation in 1900, and a population of about half a million. It was also shown that at least 75 per cent of these lands was capable of a high state of cultivation, and could produce a million and a half bales of cotton, 750,000 tons of cotton seed, 70,000,000 bushels of corn, 10,000,000 bushels of oats, 3,000,000 bushels of wheat, and other products in proportion.

The commercial importance of Dallas, the city at the head of navigation on the Trinity, was demonstrated by figures of a most convincing nature. The population of Dallas at that time was 65,000, and its volume of wholesale trade was about $30,000,000 in value. To-day the estimated population of Dallas is over 130,000, and its volume of trade $211,000,000 in value. A million and a half bales of spot cotton are now handled in the Dallas market. Dallas has 9 railways and 5 interurban railways radiating in 18 different directions, with 85 passenger trains and 10 gas-electric motors in and out daily, and with 156 daily interurban trains carrying 4,000,000 passengers annually.

On the basis of that report, Congress made the initial appropriation for the Trinity River. The bill in which that appropriation was embodied failed in the Senate on account of the speech of the Senator from Montana, Mr. Carter, which will be recalled by many Senators here to-day, I am sure.

In the next river and harbor bill an appropriation for the Trinity was again made, and when the matter came up for discussion in the House Mr. Burton, of Ohio, the chairman of the committee, delivered the following remarks in reference to the Trinity:

> We have not included in the bill any new projects for locks and dams except the Trinity River, in the State of Texas, where we have appropriated or authorized $750,000, part for general improvements and part for the construction of locks and dams. I am frank to say to the committee that on first examining this project I did not think favorably of it, but I gave it a good deal of consideration. The committee called before them the engineers having the improvement in charge, and it seemed to us that an expenditure of this amount was justified. The river is easily capable of improvement. It has stable banks, and the construction of locks and dams is a comparatively easy problem. There is a great amount of traffic in prospect both from the source to the mouth and from the mouth toward the source. In this particular it differs from many other rivers, where the bulk of the traffic must necessarily be one way. Great quantities of cotton and grain will be carried toward the mouth, and from the mouth toward the source timber and building material for the large expanse of prairie tributary to Dallas toward the north.

In that bill, Mr. President, provision was made for another examination of the first section of the Trinity River—the section near Dallas—with a view to determining specifically whether there was a sufficient water supply. The engineer who made the preliminary examination authorized in 1899 had made some reference to the advisability or possibility of using artesian wells along the banks of the first section as an aid to navigation. It was partly on account of this statement that in the bill of 1901 provision was made for another examination by a special board of engineers to determine this particular question of a sufficient water supply, and the report of the special board was favorable to the continuance of improvement on the first section. The board held that navigation of from six to seven months' duration could be obtained on section 1 with six locks and dams, at an expense of $918,000, and that in some years there might be eight months' navigation.

I shall state that it was developed at the hearings in the House in connection with the present measure that another investigation was recently made of this section, that observations were taken of weather conditions at stated periods; and that the result of the investigation was that there were sufficient rainfall and sufficient water supply in section 1. There has never been any question as to sufficient rainfall or sufficient water supply below section 1, for the reason that an important tributary of the Trinity joins the river about 60 miles below Dallas—that is, below section 1.

The people of Dallas themselves have expended over a million dollars, directly and indirectly, in connection with this project while it has been in progress. I want to quote here from a letter sent me by the secretary of the Dallas Chamber of Commerce on June 25, 1914:

> DEAR SIR: We are sending you to-day by special delivery a separate package containing data with reference to the Trinity River gauge readings. Take those with the explanations and the first 18 pages of Duncan & Cowart's argument, and it will enable you to substantiate all that is stated therein.
>
> We desire, however, if necessary, to have you impress upon the Senate and the conference committee that the people of Dallas, in their anxiety to improve the river so that they may have navigation, have not hesitated to open their pocketbooks and aid in the great enterprise. By public subscription their first paid $66,000 to the Government, which was expended by direction of the Government's engineers on Lock and Dam No. 2 and on Parsons Slough. They have also paid for the sites for nine locks and dams more than $20,000—in round numbers about $90,000. The people of Dallas and Dallas County have spent by bond issues more than $800,000 for the purpose of building two high bridges or viaducts and constructing four steel turn bridges, so that boats can readily pass up and down the river without obstruction or delay. They have secured about 30 acres of land on the river front in the city of Dallas for wharves, etc., the value of which is some $60,000 or $70,000. They have also voted an indebtedness of some $700,000 for diverting the sewage from the river, so that sewage disposal will not interfere with any kind of river navigation. Work is already commenced on the same and will be completed within the next two years. The people have also subscribed a fund of $50,000 for the purchase of boats and barges; one boat has already been bought and another will be secured as soon as possible. So it will be seen that the people of Dallas, in their eagerness and enthusiasm to secure the navigation of the Trinity, have already spent and are spending $1,800,000, which is more than the appropriations that have been made by Congress for the improvement of the river. We believe the amount appropriated by Congress to date is about $1,700,000.
>
> That there will be a great commerce on the river can not for a moment be denied. The wholesale trade of Dallas has increased from $40,550,000 in 1900 to $211,458,000 in 1913. The number of loaded cars of freight handled in Dallas are more than 220,000 annually, or more than 600 every day.

Mr. President, it will be observed that the appropriation carried in the present bill is conditioned on a contribution by the people of Dallas of $50,000. Let me say further that the people of Dallas have also made a proposition to Congress that they will contribute $3,000,000 if the Government will agree to complete the project. Certainly, gentlemen, a project in which the people near the river have such confidence is entitled to the serious consideration of Congress.

Let me say further that the locks and dams provided for in this bill are Nos. 3 and 5 on the first section. Locks and Dams Nos. 1, 2, 4, 6, and 7 have already been constructed. The construction of these two locks and dams is necessary to the completion of the first section. Without them the six locks and dams already in existence there are absolutely useless. It would indeed be a great waste of money to cause the project to stop here when the first section has been so nearly completed. The

first section is the most difficult section from the standpoint of navigation.

Mr. GALLINGER. Will the Senator permit me?

Mr. SHEPPARD. Certainly.

Mr. GALLINGER. At some previous time when this matter was under discussion my attention was called to the fact that the locks had not been constructed consecutively, that No. 1 and then perhaps No. 3 had been constructed. I think the Senator himself just stated that they are not consecutively constructed.

Mr. SHEPPARD. Almost consecutively. I have just said to the Senate that of the nine locks and dams on the river seven have been constructed on the stretch between Dallas and a point on the river some 50 or 60 miles below Dallas. The locks and dams provided for in this bill are needed to complete that particular section. Locks 1, 2, 4, 6, and 7 have been practically finished. Locks 3 and 5 are provided in this bill.

Mr. GALLINGER. Ordinarily would not Locks 3 and 5 have been built before 6 and 7 had been built? Why was it that they skipped, that they built a lock and then left a place for the construction of a lock at some other time lower in its order than those that were constructed?

Mr. SHEPPARD. I am unable to inform the Senator. I think perhaps it was due to the fact that the engineers thought the locks and dams at first constructed would probably be sufficient.

Mr. GALLINGER. That would be an explanation if that had been in the mind of the engineers.

Mr. SHEPPARD. Most of these locks and dams are in the same congressional district. There could be no question of their distribution simply to accommodate different congressional districts, as has been suggested by the Senator from Iowa [Mr. KENYON] heretofore.

Mr. GALLINGER. I asked the question, the Senator will understand, for information. I have no personal knowledge and I have no engineering skill, but it did strike me when it was presented at some previous time as being rather singular that the locks had not been built consecutively; that is all.

Mr. RANSDELL. Mr. President, in order to have the record clear in this case in regard to the artesian wells which have been alluded to several times, I should like to read very briefly from the report of Capt. C. S. Riché, now Col. Riché, made to Gen. Wilson, then Chief of Engineers, December 23, 1899. I think we ought to know exactly what was said about these artesian wells. It is right interesting reading. He makes a very favorable report, let me say, upon the improvement of the Trinity River, and that report was transmitted to Congress by Gen. Wilson, with a favorable report recommending that the work be done. I quote from page 4 of this document, House Document No. 409, Fifty-sixth Congress, first session. He says:

Periods of drought, however, would interfere with navigation to such an extent as to prevent the river from becoming a commercial factor of much importance unless such additional measures were adopted as would secure a navigation which would be practically continuous during all seasons of the year. For this purpose it will be necessary to canalize the river by means of locks and dams, which, by holding the water in a series of steps or pools, would greatly prolong the period of navigation. With the addition of an artificial water supply in the upper reaches of the river, to be obtained by storing surplus water during the wet season—

That is one method. Now let me call the attention of the Senator from Iowa to that—

or by sinking additional artesian wells, or by a combination of the two methods, it will be possible to obtain a navigation which will be continuous at all seasons, except possibly for a short period during years of excessive drought.

The character of Trinity River and its geographical location will permit an improvement, as above outlined, to be made without excessive cost. The river for the greater part of its length is narrow, its banks are generally high, and, except in the lower reaches, remarkably stable and free from erosion. Good foundations exist also at all the sites where locks and dams are likely to be needed. The cost of these locks and dams, therefore, will be less than on many other streams where such favorable conditions do not exist.

Mr. POMERENE. Mr. President——

Mr. RANSDELL. Will the Senator kindly let me read the extract, and then I will yield in just a moment?

Mr. POMERENE. Certainly.

Mr. RANSDELL (reading)—

Again, the question of a special artificial water supply for navigation purposes is not of such supreme importance as might at first be supposed. In the watershed of the river numbers of artesian wells have already been driven, and many more are being driven every year. These wells furnish a steady supply of water for the river, irrespective of weather conditions, and the time is not remote when they will supply enough water to permit navigation by means of a system of locks and dams to continue through an extended drought.

Now, I ask the especial attention of the Senate to this clause:

Taking one year with another, however, the dry season is generally in the summer, when the movement of crops is not in progress, and the wet season generally begins in the fall and continues until late in the spring, covering the months of the year when transportation facilities are most needed. Ice will interrupt navigation only during exceptional temperature conditions, which are very rare indeed, and which will never be other than of brief duration.

I now yield to the Senator from Ohio.

Mr. POMERENE. It occurred to me that that portion of the report of the engineers which the Senator has read is rather indefinite in this, that it does not state how many artesian wells have been drilled or how many would be required in order to provide the necessary flow; neither does it show to what extent the flow has already been increased by the artesian wells that have already been sunk, nor the extent to which it could be increased by the sinking of other artesian wells. I wondered if the Senator had any more explicit information upon that subject.

Mr. RANSDELL. I do not understand that this report says that the artesian wells are absolutely necessary. It says that water might be stored during the wet season, or you might get a supply from artesian wells. I will state to the Senator that I understand since this report was made, in 1899, a special board has made an examination of the subject and has determined that there is plenty of water from the usual rainfall to fill the pools in the wet season so full as to maintain a reasonable supply of water during the dry season.

I wish to make this observation also. Senators, in speaking about the low-water period on the southern rivers we must not forget that on the northern rivers and on the Great Lakes, for instance, there is a long period of ice. The Great Lakes, which have the greatest commerce in this country, are closed for navigation from four to four and a half months of every year by being frozen over—at least the harbors are frozen. We have only from seven and one-half to eight months' navigation on the Great Lakes and on the rivers in the northern portion of the country. And on the Erie Canal in the State of New York, where they are now spending $150,000,000 to perfect their canal system, they have navigation for only about eight months.

The low-water period on the southern rivers does not last more than three or four months. So, Senators, let me remind you that even if we did have a low-water period of about four or five months, when we could not do any transportation of goods, we would be in no worse fix than our friends in the northern portion of this country. No one contends that the low-water period on the Trinity River would last more than four to five months out of any year.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. CHILTON in the chair). Does the Senator from Louisiana yield to the Senator from Ohio?

Mr. RANSDELL. I gladly yield.

Mr. POMERENE. There is, of course, a good deal of force in what the Senator says in regard to the obstruction of navigation during the freezing period in the North, but I have been particularly interested in the suggestions which have been made with regard to artesian wells. Can the Senator state to what extent artesian wells have been resorted to in order to furnish the necessary flow to make rivers navigable?

Mr. RANSDELL. Not a gallon of water has ever been obtained from an artesian well in any of the waterway projects of our country that I have ever heard about.

Mr. POMERENE. Is that true elsewhere?

Mr. RANSDELL. I have never heard of it in other countries. It may be true elsewhere, but I have never heard of it. It certainly is not true in the United States, so far as I know. It was stated incidentally by Capt. Riché as one means of getting additional water for the Trinity if it was desired, and I thought that the Senate was entitled to know exactly what had been said on the subject, because it is much misunderstood. Lots of the trouble we have had in this world comes from ignorance. We do not understand the proposition before us, and, not understanding it, we get a wrong idea about it.

Mr. POMERENE. That being so, does it not occur to the Senator that when an engineer has resorted to the extreme suggestion of saying that the navigability of the river could be increased by sinking artesian wells it rather reflects upon the wisdom of large expenditures along the river under those circumstances?

Mr. RANSDELL. I think, if the Senator please, that this engineer was referring to only a very low-water period of the river. He was only saying that if it was desired to make assurance doubly sure and prevent any interference with navigation on the river even in time of extreme drought so that the river could certainly and surely be navigated for 365 days out of every year, possibly it would be well to put in artesian wells.

But he did not advocate putting them in. He simply said that it might possibly be done.

Now, here is a more recent report, which I should like to read from very briefly:

On December 8, 1903, Brig. Gen. Gillespie, Chief of Engineers, submitted with his concurrence the report of the Board of Engineers authorized by act of June 13, 1902, to examine into the advisability of attempting to secure eight months' navigation on section 1—

That is section 1 of the Trinity River—

with an expenditure of $550,000. The board held that navigation of from six to seven months' duration could be obtained on section 1 with six locks and dams, at an expense of $918,000, and that in some years of unusual rainfall this might give eight months' navigation.

As I understand it, there was not a word said in that report about artesian wells.

Now, I wish to read just a very little more from the report of this engineer, Capt. Riché, the man who spoke about artesian wells, to show you how he feels in regard to this project. I imagine that he is entitled to have his conclusions read as long as the things he said are criticized. He states on page 7:

I am convinced, therefore, that the existence of Trinity River in navigable condition from Dallas to its mouth, even for but 8 or 10 months in the year, would radically reduce present railway rates in all the northern and eastern portions of Texas, and that this reduction of rates would be effected to a gradually diminishing degree for long distances in all directions. The Commercial Club of Dallas, in their statement, estimate that the annual saving to the people consequent upon the improvement of the river would be $9,830,000. Even if the saving should be but one-tenth of that sum the improvement would be eminently advisable.

Then he goes on to discuss it. I will ask to insert it all without reading

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

The reduction of freight rates would mean that the railways would, as at present, carry the bulk of the traffic, and that but a relatively small portion of it would actually be transported on the river, but the improvement of the river would accomplish its main purpose when the railway rates were lowered, and the ever-present possibility of serious water competition would be an automatic check upon excessive charges.

Competition among the various railway companies may be said to have ceased, so far as its effect in reducing rates is concerned. Tariff agreements prevent any serious rate cutting, and water competition appears to afford the only available relief.

Mr. RANSDELL. Capt. Riché says in conclusion:

All things considered, therefore, and in view of the fact that south and west of Red River the railways in the interior are at present entirely unchecked by water competition, I am of opinion that the improvement of Trinity River for a 4-foot navigation from Dallas to its mouth is not only advisable, but urgently necessary, and that it will accomplish much good for many people.

Very respectfully, your obedient servant,

C. S. RICHÉ,
Captain, Corps of Engineers.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Ohio?

Mr. RANSDELL. I would be glad to yield.

Mr. POMERENE. When the Senator speaks of the effect water navigation has upon traffic rates it interests me very much. The next question that occurs to me is to what extent this may influence the rates and whether or not rates could be reduced in other ways. As a student of the commerce of the country, I have always referred to Texas with a great deal of pride in the effort that she made to control railroad rates. I recall that Texas was, I think, the pioneer State when it came to railroad-rate regulation in this country. If the commission in Texas has the power to control these rates, assuming for the sake of argument that the railroad rates are exorbitant, why could not the commission so regulate those rates as to bring them within reasonable bounds?

Mr. RANSDELL. I will answer that by reading another extract from the report of the same Capt. Riché, page 8:

It is claimed in some quarters, however, that railway rates can be reduced in other ways than by water competition and that national or State railway commissions can force rates down whether water competition exists or not. That this state of affairs does not obtain at present can be seen by reference to the statement of the Dallas Commercial Club to the effect that twice in recent years has the Texas Railway Commission been successfully enjoined in the United States courts from attempting a reduction of a small per cent of the railway tariffs, the railways establishing in the litigation that any reduction was confiscatory, the original and accrued cost of the railways, as represented by their stock and indebtedness, and not their present value, apparently being the basis from which is computed the reasonable profit of which they can not legally be deprived by national or State railway commissions.

Failing efficient regulation of rates by railway commissions, it is sometimes suggested that a solution of the problem can often better be obtained by the construction of a Government railway rather than a Government waterway, and the subsequent hauling on this railway of freight and passengers by the Government at cost or less than cost price. As an abstract problem in dollars and cents, this may frequently be the case, but the consideration of such a proposition opens up such an array of possible consequences that the time does not seem ripe, and perhaps never will be ripe, for the Government to undertake this method of controlling rates.

Water competition, therefore, appears to be the only practicable way of reducing and controlling freight rates in this section of the country, and the improvement of Trinity River will effect this result to a large degree. Nor will the consequent reduction of rates be in any way disastrous to the railways; on the contrary, its ultimate effect will benefit them greatly. Reduced rates mean new industries, additional land under cultivation, and great increase in population. As a result, the passenger and freight traffic of the railways will be so greatly increased in volume that their profits will be steadier and more certain. As a general proposition, the railways which are financially the most stable come well within the zone of influence of the rate-regulating effect of efficient waterways.

Mr. POMERENE. Mr. President, assuming the soundness of the logic of the engineers, then it must follow as a consequence that if you had the greatly reduced rates due to river navigation you are going to destroy these railroads.

Mr. RANSDELL. I do not know that that would follow at all. It would perhaps so develop the country that the railroads might carry high-class freights. I will state that on and adjacent to the Erie Canal, in New York, there are six railroads paralleling the canal, and that is the most prosperous part of the State. It is said that 90 per cent of the population and 85 per cent of the wealth of the State of New York lie in an area 5 miles on either side of the Erie Canal—a great waterway which was completed in 1825 and which has been operating ever since. It is a well-known fact——

Mr. THOMAS rose.

Mr. RANSDELL. Let me complete my statement, and then I shall be glad to yield to the Senator.

It is a well-known fact that the greater the competition the better and more prosperous are the railways. Mr. President, there is no portion of this country where the railways are more prosperous than along the Hudson River, along Long Island Sound, and along the Great Lakes. There they have the keenest water competition. The water rates are very low, the railroad rates are low; and there has been a tremendous growth of populous, wealthy cities on the Lakes—they have grown by leaps and bounds, very much more rapidly than cities like Cincinnati and St. Louis, which are located on unimproved rivers. On the Hudson, likewise, they have grown in the same way as they have on Long Island Sound. There has been such a rapid development of commerce of every kind, both of merchandise and of passenger freight, that not only have the people of those favored localities got the benefit of the cheaper rates, but the railroads also have prospered greatly. So, if the Trinity River had been improved and there had been great prosperity resulting from the cheap rates there, the railroads would have derived some of the benefit.

In connection with my remarks about the Trinity River—and I then shall yield to the Senator from Colorado [Mr. THOMAS]—I wish to introduce here a letter from Mr. J. R. Babcock, who is the assistant to the president of the Chamber of Commerce of the city of Dallas, Tex. It is dated February 19, 1916, and is addressed to Mr. S. A. Thompson, secretary-treasurer of the National Rivers and Harbors Congress. I quote an extract from it, and I ask especially the attention of Senators to this letter. It is from Dallas, and it is very recent, Senators. Mr. Babcock says:

Your favor of February 9 arrived while I was in Washington appearing before the Rivers and Harbors Committee. In consequence of that visit, the Rivers and Harbors Committee has recommended $50,000 for open-channel work and $250,000 for Locks and Dams Nos. 3 and 5, we proposing to put up $50,000 in cash for this portion of the work.

We made a further proposition that, if Congress would appropriate $3,000,000, we would raise $3,000,000; this $6,000,000 to complete the canalization of the Trinity River forever and all time to come, placing the Trinity on its proper basis.

Senators, does any reasonable man believe that those wise, far-seeing business men of Dallas, the queen city of Texas, one of the most enterprising cities of this Nation, after expending, as I will show later in this letter, something like $1,681,000 to develop their water front and to assist in developing their river, would spend another $3,000,000 of their own money if it was going to be thrown away? Would they throw away something like $5,000,000? Oh, no; that is unreasonable. Those people have faith in the improvement, and it would do great good if we should make it.

Mr. Babcock further says:

Answering your particular questions, Dallas has paid for the sites of nine locks and dams $20,000; gave $66,000 in cash to start the work; has bought 32 acres of river front for wharfage; has built two high bridges and four steel turn bridges so that boats can pass, $800,000; has spent $25,000 in the purchase of tow boats, and built two 100-ton barges; is spending $700,000 to make same navigable by sewage diversion, etc., making a total of $1,681,000. If we are able to reduce rates by way of the river to the Gulf as much as 5 cents per hundred pounds, it will mean a saving to the city of Dallas of $9,000 per day.

Now I ask your attention to this statement:

We have on file a list of 44 steamboats which operated on the Trinity River from 1865 to 1878, the smallest tonnage of any one of

them being 65 tons, the largest being 480 tons. At that time the water rate on cotton was $1 a bale to Galveston; it is now $2.75 per bale.

Think of that! In the days when there were very few, if any, railroads I presume there was water enough then to operate boats for a number of months in each year, and the rate on cotton was a dollar a bale. Now, with nine railroads running in there, with every boat driven off the river, the people of that section—and Dallas is the basic point for fully a million bales of cotton—the people there pay $2.75 per bale.

What did the famous Texas Railroad Commission do for them? It reduced the rate 25 cents a bale. The former railroad rate was $3, and the Texas commission was only able to reduce it 25 cents per bale.

Senators, if we improve this river properly and make it navigable for 8 or 9 months in each year those people will again get their cotton carried at $1 per bale.

Mr. JONES. Mr. President, I wish to ask the Senator from Texas [Mr. SHEPPARD] a question. It may be that he answered it awhile ago when I happened to be out of the Chamber. If he has done so, I shall not ask him to go over the matter further. I merely want to ask, If these two locks and dams were completed and the rest of the project were not taken up, what would be the benefit to navigation?

Mr. SHEPPARD. It would give us several months' navigation on the river in each year.

Mr. JONES. Would that be of great benefit to commerce?

Mr. SHEPPARD. Undoubtedly it would be a benefit to commerce. It would enable boats to operate from Dallas to the Gulf.

Mr. JONES. And they would operate?

Mr. SHEPPARD. They would operate, as I imagine from the statement which has been read here.

Mr. THOMAS. Mr. President, I merely wish to inquire of the Senator from Louisiana [Mr. RANSDELL] what has become of that wonderful traffic existing some forty-odd years ago upon this river, before any improvements were put in by Congress?

Mr. RANSDELL. I presume it is now carried on the nine railroads that run into Dallas; but they are carrying cotton now. I will say to the Senator, at $2.75 a bale, while when the boats used to carry the cotton they carried it at a dollar per bale. That is the evidence. Personally I know nothing about it.

Mr. THOMAS. Is there not just as much water in the river now as there was then?

Mr. RANSDELL. But the boats were driven off, I may say to the Senator, by railroad competition at certain points. After driving the boats off the river, the railroads put up their rates.

Mr. THOMAS. Let me ask the Senator from Louisiana if we can drive the boats back by improving the river without destroying the railroads?

Mr. RANSDELL. I think that can be done; I think we ought to regulate those railroads somewhat; and I want the Senator from Colorado to help pass laws to regulate them.

Mr. SHEPPARD. Mr. President, let me state also that before the advent of the railroads the periods of high water were uncertain. The uncertainty of those periods, however, did not interfere with navigation. Since the advent of the railroads certainty is demanded more than ever; that is an element demanded now that was not demanded at that time. In consequence, the people, not knowing when the river would be navigable, preferred to use the railroads.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Iowa [Mr. KENYON].

Mr. KENYON. On that I ask for the yeas and nays.

Mr. SHEPPARD. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Fall	Lodge	Smith, Mich.
Borah	Fletcher	Martin, Va.	Smoot
Brady	Gallinger	Martine, N. J.	Sterling
Brandegee	Hardwick	Myers	Swanson
Broussard	Hitchcock	Newlands	Taggart
Chamberlain	Hollis	Norris	Thomas
Chilton	Hughes	Poindexter	Tillman
Clapp	Johnson, S. Dak.	Ransdell	Townsend
Clark, Wyo.	Jones	Saulsbury	Underwood
Clarke, Ark.	Kenyon	Shafroth	Vardaman
Culberson	La Follette	Sheppard	Walsh
Cummins	Lane	Shields	Warren
Curtis	Lea, Tenn.	Simmons	Williams
Dillingham	Lewis	Smith, Ariz.	
du Pont	Lippitt	Smith, Md.	

The PRESIDING OFFICER (Mr. CHILTON). I make the same announcement in regard to the absence of my colleague [Mr. GOFF] as on the last roll call.

The PRESIDING OFFICER (Mr. LEWIS in the chair). Fifty-eight Senators having answered to their names, a quorum of the Senate is present.

Mr. KENYON. Mr. President, I had asked for the yeas and nays when the absence of a quorum was suggested. I do not know whether the Chair announced that the yeas and nays were ordered. If not, I renew my request for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays having been demanded by the Senator from Iowa, is the demand seconded?

The yeas and nays were ordered.

Mr. LODGE. I inquire what is the question? Is it on a motion to strike out?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. KENYON], which the Secretary will state.

The SECRETARY. On page 24, line 11, after the numerals "$50,000," it is proposed to strike out the following:

For improvement by the construction of Locks and Dams Nos. 3 and 5, $250,000: *Provided*, That no part of the latter amount shall be expended until the city of Dallas or other local interests shall have contributed the sum of $50,000 toward the improvement.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. MYERS (when his name was called). I transfer my pair with the Senator from Connecticut [Mr. MCLEAN], in his absence, to the Senator from Maryland [Mr. LEE] and vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I transfer that pair to the junior Senator from Wisconsin [Mr. HUSTING] and vote "yea."

Mr. TILLMAN (when his name was called). I am paired with the Senator from West Virginia [Mr. GOFF], and therefore withhold my vote.

Mr. LODGE (when the name of Mr. WEEKS was called). I desire to announce that my colleague [Mr. WEEKS] is absent from the city and is paired with the Senator from Kentucky [Mr. JAMES].

Mr. WILLIAMS (when his name was called). In view of my pair with the senior Senator from Pennsylvania [Mr. PENROSE] and in view of the fact that I do not know just how he feels about this particular item I will withhold my vote.

The roll call was concluded.

Mr. CLARK of Wyoming. I have a general pair with the senior Senator from Missouri [Mr. STONE], who has been called from the Chamber. I transfer that pair to the Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. DU PONT. I have a general pair with the Senator from Kentucky [Mr. BECKHAM]. As he is absent and as I do not know how he stands on this question I will withhold my vote.

The PRESIDING OFFICER. Will the Senate indulge the Chair to say that he is requested by his colleague [Mr. SHERMAN] to announce that he has been called from the Chamber upon necessary business, and is paired?

Mr. LODGE (after having voted in the affirmative). I notice that my pair the senior Senator from Georgia [Mr. SMITH], is absent. I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and will let my vote stand.

Mr. GALLINGER. The Senator from Maine [Mr. BURLEIGH] is detained on account of illness. He is paired with the Senator from Arkansas [Mr. ROBINSON]. I ask that this announcement stand for the day.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hempshire [Mr. HOLLIS]; and

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 29, nays 31, as follows:

YEAS—29.

Borah	Gallinger	Martine, N. J.	Thomas
Brady	Gore	Norris	Thompson
Clapp	Harding	Oliver	Townsend
Clark, Wyo.	Jones	Overman	Walsh
Cummins	Kenyon	Smoot	Warren
Curtis	La Follette	Sterling	
Dillingham	Lippitt	Sutherland	
Fall	Lodge	Taggart	

NAYS—31.

Ashurst	Hardwick	Nelson	Simmons
Bankhead	Hitchcock	Pittman	Smith, Ariz.
Brandegee	Hughes	Poindexter	Smith, Md.
Broussard	Lane	Ransdell	Smith, Mich.
Chamberlain	Lea, Tenn.	Reed	Swanson
Clarke, Ark.	Lewis	Shafroth	Underwood
Culberson	Martin, Va.	Sheppard	Vardaman
Fletcher	Myers	Shields	

NOT VOTING—36.

Beckham	Hollis	Newlands	Sherman
Bryan	Husting	O'Gorman	Smith, Ga.
Burleigh	James	Owen	Smith, S. C.
Catron	Johnson, Me.	Page	Stone
Chilton	Johnson, S. Dak.	Penrose	Tillman
Colt	Kern	Phelan	Wadsworth
du Pont	Lee, Md.	Pomerene	Weeks
Goff	McCumber	Robinson	Williams
Gronna	McLean	Saulsbury	Works

So Mr. KENYON's amendment was rejected.

Mr. KENYON. Mr. President, on page 25, line 1, I move to strike out "$474,000" and insert "$259,000." On line 3, I move to strike out "$499,000" and insert "$284,000"; and I wish to indulge in a word of explanation.

This is the proposition of the Ouachita River, to which I have heretofore referred. This bill carries $499,000 for this river. The part of that for open-channel work up to Camden is $25,000. My motion does not go to that part of the bill, but to the part reading:

Continuing improvement by the construction of locks and dams heretofore authorized, $474,000.

I am aware that the Army engineers in their report for 1915, which I think was made up some time in September, did state that the sum of $474,000 could be expended; but in a report subsequent to that time they suggested an appropriation of $234,000. My amendment is to carry out that suggestion, adding thereto the $25,000 for the open-channel work which the Army engineers have recommended.

Of course we have voted into this bill projects that were condemned by the Army engineers. This is one of the projects resurveyed under the act of last Congress, and it can not be said, I think, that the Army engineers' reports are for a condemnation of the project; but they are for this apparent modification, at least, in the amount of money. We have spent upon this stream approximately $2,700,000. Deducting sand, gravel, and logs for the year 1914, the commerce will not amount to over 32,000 or 33,000 tons.

This is a river which is perhaps somewhat distinguished because the able senior Senator from Louisiana [Mr. RANSDELL] was born along the banks of this river somewhere; and in a statement before the House committee on the 2d of February, 1916, he said—no; I am wrong about that. The Senator was born on the banks of the Red River, he states.

Mr. RANSDELL. Yes.

Mr. KENYON. But this river, being near the Red River, shares in that fame and distinction.

The Senator from Louisiana, in his argument before the House committee, said:

This report of the engineers shows we receive no benefit whatsoever from what has been done, because the chain has not been completed; there are intervening links, and we have only about 8 or 9 inches of dependable depths of water in the river.

Here is a project on which we have expended $2,700,000 and are going on with more locks and dams in a project that will involve millions more; and the Senator who is the great authority in this country on rivers and harbors says that we have only about 8 or 9 inches of dependable depths of water in the river.

Let me put in the RECORD one or two other things from the Army engineers' reports.

We have had previous projects on this river running back into the seventies, and under those projects we have expended $614,802.19, as appears from page 956, volume 1, of the Army engineers' reports. It is there said:

The present project is based on plan contained in House Document No. 448, Fifty-seventh Congress, first session, which proposes to obtain a navigable depth of 6½ feet at low water from the mouth of Black River, La., to a point about 10 miles above Camden, Ark., a distance of 360 miles, by the construction of nine locks and movable dams * * * at an estimated cost of $4,876,654.35.

I wish the Senators who are going to vote on this proposition would observe this fact. The Army engineers say, on the same page:

From the manner in which the appropriations have been made for this improvement it has been held that the project has never been adopted in its entirety by Congress.

This is the third item "hand running" this afternoon involving the expenditure of millions of dollars on projects that have not been adopted in their entirety by Congress. Of course that does not make any difference. This delightful throwing away of public money is to continue.

Locks 2, 4, 6, and 8 have been authorized; in the case of Nos. 3 and 7 the sites have been acquired, and there remain unprovided for Locks and Dams 1, 5, and 9.

I also desire to place in the RECORD the following on page 957 of the Engineer's reports:

The amount expended on the existing project prior to the beginning of the fiscal year was for original work $2,279,021.33 and for maintenance $251,562.14, a total of $2,530,583.47.

What is the condition at the end of the fiscal year, after the expenditure of these moneys?

The project for constructing locks and dams—

The engineers say—

is 46¾ per cent completed. Maintenance by snagging work will have to be continued indefinitely. Locks and Dams Nos. 4, 6, and 8 have been completed and are in operation, but as the pools are not continuous, little benefit has been obtained. The maximum draft that can be carried at low water over the shoalest part of the section under improvement is 8 inches. The total expended under the existing project to the end of the fiscal year was $2,447,936.32 for new work and $267,121.67 for maintenance, a total of $2,715,057.99.

And 8 inches of water! It is fine business, Mr. President. Anybody objecting to this kind of a proposition wants to go in the crank class at once and join the "uplifters"!

On page 958 of volume 1 of the engineers' reports I find the following, under the head of "Commercial statistics":

These statistics were compiled for the fiscal instead of the calendar year, because the former more nearly coincides with the commercial year, and the period of navigation ordinarily closes in June.

In 1913 the commerce was 48,222 tons; in 1914, 64,874 tons; in 1915, 70,619 tons.

The freight carried during the last fiscal year consisted of lumber and logs, farm products, and general merchandise.

I propose to show, further on in the engineers' reports, that, taking out the sand and the gravel and the logs and the lumber, the commerce will not exceed 32,000 or 33,000 tons.

Further, the engineers say in volume 2, page 2693:

The U. S. snag boat *Jos. E. Ransdell* began work at Jonesville, La., October 22, 1914, and continued snagging in these streams until February 16, 1915, after which operations were suspended on account of high water.

And here is the great work that this snag boat did:

Snags pulled	1,711
Stumps pulled and destroyed	830
Leaning trees cut	2,151

That seems to have been from Camden to the mouth of the Black River, a distance of 350 miles. Then snagging operations were suspended, and they began work again and continued operations to Jonesville, a distance of 83.9 miles, and they did work as follows along there:

Snags cut and destroyed	715
Shore snags cut	1,871
Logs removed from channel	378
Leaning trees cut	4,540
Trees girdled	69

On page 2699 of volume 2 of the engineers' report is a statement of the commerce on this stretch, which I will ask to have inserted as a part of my remarks, if there be no objection.

The PRESIDING OFFICER. The Chair hearing no objection, there is none.

The matter referred to is as follows:

Freight traffic.

Articles.	Amount. In customary units.	Amount. In short tons.	Valuation.	Average haul or distance freight was carried.	Rate per ton-mile.
				Miles.	*Cents.*
Cotton	9,776 bales	2,934	$469,443	177	1.41
Cotton seed	93,929 sacks	7,046	197,288	177	.83
Grain	21,694 sacks	1,551	62,040	177	.53
Provisions	125,069 packages	6,213	931,950	177	1.40
Hides	122 bundles	9	4,117	183	2.06
Cattle	847 head	338	54,080	183	2.63
Hogs	6,158 head	616	98,560	183	1.34
Staves	326,000	4,655	37,240	219	.54
Lumber	225,000 feet b. m.	509	8,907	177	.70
Timber rafted	2,503,000 feet b. m.	7,515	37,595	100	(1)
Timber barged	4,739,000 feet b. m.	18,956	37,912	60	1.01
Crossties	42,673	3,444	20,484	100	.33
Shingles	1,771 bundles	65	2,620	177	1.05
Sand and gravel	7,190 cubic yards	8,768	1,078	4	(1)
Lime and cement	3,376 barrels	337	6,752	50	1.00
Hay	5,963 bales	446	5,352	183	.99
Poultry	728 coops	55	16,500	183	1.83
Machinery		145	30,000	70	4.61
Miscellaneous	70,174 packages	7,017	1,032,550	183	2.34
Total		70,619	3,074,465		

[1] No rate given.

Mr. KENYON. Of the short tons for the year—70,619—it appears that 4,655 are staves, 509 lumber, 7,515 timber rafted, 18,956 tons timber barged, 3,444 tons crossties, and 7,017 tons packages of various kinds. Deducting, as I have said, those matters which do not require great depth or great channels to float them, it leaves a commerce of about 30,216 tons.

Under the act of the last Congress the Army engineers made a reexamination of this stream and filed their report April 1, 1916. It is an illuminating document. I am not going to take

the time to read it all or many parts of it. I just wish to refer here and there to parts of this document. It seems that there were two projects, according to the report of Col. Black, set forth on page 2 of this document. I will say that the document is House Document No. 979.

One provides in part for the construction of eight locks and dams with a view to securing a channel 6½ feet deep from the mouth of Black River to a point 10 miles above Camden, Ark., while the other provides for removing snags, leaning trees, and other obstructions between Camden and Arkadelphia. In addition, the removal of obstructions below Camden is continued under an earlier project. Locks and Dams Nos. 4, 6, and 8 have been completed and are in operation; Nos. 2 and 3 are under construction. * * * Funds on hand are sufficient to complete No. 2, but it is estimated that an additional amount of $234,000 will be required to complete No. 3, and $1,804,000 to complete Nos. 5, 7, and 9. The district officer is of opinion that the resources of the adjacent country are sufficient to justify further work on the lock and dam project to and including Lock and Dam No. 8, but that the building of No. 9 should be postponed until the development of traffic on the canalized river indicates the necessity of its construction, * * * and that the project for open-channel improvement above Camden should be abandoned.

Col. Black says:

After due consideration of the above-mentioned reports, I concur in the views of the division engineer and the Board of Engineers for Rivers and Harbors, and therefore report that it is deemed advisable to discontinue the project for improvement of Ouachita River between Camden and Arkadelphia, and to modify the project for improvement below Camden to provide for the completion of Locks and Dams Nos. 2 and 3, and their operation when completed, and continuing the operation of Nos. 4, 6, and 8, together with such snagging as may be necessary to facilitate navigation up to Camden. An appropriation of $234,000 should be provided in one sum for completion of Lock and Dam No. 3.

They recommend the completion of Locks and Dams Nos. 2 and 3. They say they have money on hand for the completion of Lock No. 2 and that $234,000 is necessary for the completion of Lock and Dam No. 3. My amendment adds to that $25,000 for the open-channel work, which they have recommended.

This is the last report of the Army engineers on this subject, coming very late in the time of the present Secretary of War. I have heretofore referred to the situation above Camden. I am not going to spend any time on that.

I think, Mr. President, this is all I have to say about the Ouachita River.

Mr. RANSDELL. Mr. President, I am somewhat interested in the Ouachita River project, and I am glad to explain to the Senate something about it. The project was begun in 1902 after a very elaborate survey extending over a period of several years. The original document is No. 448, Fifty-seventh Congress, first session. I read from that report, on page 3:

By following the construction of Nos. 4 and 6 by the construction of Nos. 2, 3, and 8 the navigation would be improved so as to give between 3 and 4 feet all the way up to Camden, and the ultimate depth of 6½ feet could then be secured by building Nos. 1, 5, 7, and 9.

In 1902 the project was adopted and Locks 4 and 6 were provided for and appropriation made for them. In the act of March 2, 1907, Locks 2 and 8 were provided for. The act of June 25, 1910, provided for the acquisition of sites for Locks and Dams Nos. 3 and 7, and in the act of July 25, 1912, provision was made for the construction of Locks and Dams Nos. 3 and 7.

The original project, Mr. President, called for nine locks and dams to give a minimum depth of 6½ feet at low water from the mouth of the river to the city of Camden, a distance of about 360 miles. A subsequent change in the plans did away with the necessity of Lock No. 1, so we are not to consider it. Provision has already been made for carrying on the work on six of the remaining locks and dams. Locks 2, 4, 6, and 8 have been completed. Locks 2 and 4 are below the city of Monroe, La.; 6 and 8 are north of that city and in the State of Arkansas; 7 and 9 are also in the State of Arkansas. Lock No. 5 is in Louisiana.

The locks already provided for by Congress are 2, 3, 4, 6, 7, and 8. Four of those have been completed. One, No. 3, is very nearly completed, and the site has been acquired for Lock No. 7, and work authorized to proceed thereon.

The project for Lock No. 7 has been formally adopted. The controversy at this time is only in regard to Locks 5, 7, and 8, because the engineers themselves insist that the work should go on below the city of Monroe to complete Lock 3, which will give a completed river up to that city.

In the stretch between Monroe and Camden, Locks 6 and 8, let me repeat, have already been finished and are of practically little or no value until the other three, 5, 7, and 9, are finished.

The proposition in this last report of the engineers is to make no provision for 5 and 9 and to abandon or rather discontinue any work on Lock 7, which was formally adopted in the act of 1912, which authorized work to proceed thereon, and made appropriation therefor.

This is an entirely different proposition from recommending against a project which Congress has never adopted. This has been adopted, let me repeat, at least as to Locks and Dams 6, 7, and 8, and a great portion of the work actually finished on that stretch of the river, 6 and 8 being already completed, and 7 actually authorized. The site of No. 7, as I understand it, has been acquired. I believe the site has been acquired; I am not positive.

Now, they say after spending upward of a million dollars to finish 6 and 8, and after Congress having in the most formal manner authorized the work on 7, it is inadvisable at this time to continue the work on that stretch of the river between Monroe and Camden.

Mr. President, I can not understand that kind of reasoning. I admit that Congress has never at any time formally adopted the whole project for eight locks and dams between Camden and the mouth of the Ouachita, but in three separate acts, aye, in four separate acts, it has adopted in the most formal manner and provided for six of these locks and dams, and five of them are practically completed, four actually completed, and one very nearly finished.

Mr. BRANDEGEE. Mr. President——

Mr. RANSDELL. Now the engineers propose to have us abandon the work north of Monroe.

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Connecticut?

Mr. RANSDELL. I will very gladly yield.

Mr. BRANDEGEE. Suppose all nine locks are completed, what is the estimated depth of water that it is expected to get in the river?

Mr. RANSDELL. Six and a half at minimum low water. There are many stages of the river when it is very much more than that, but that will be the minimum at extreme low water.

Mr. BRANDEGEE. In brief, what reason does the engineer give for recommending that further development be abandoned there?

Mr. RANSDELL. It is not at all satisfactory to me. I will have to read it to you to tell you just what they do recommend.

Mr. BRANDEGEE. I do not want the Senator to devote a lot of time to reading the entire report unless he wants to do it. I did not know but that he could tell me whether they recommended the abandonment of it because they did not think the commercial advantage would be commensurate with the outlay.

Mr. RANSDELL. As I gather from the report, the Senator has correctly stated that at this time it would not be justified by the possible commercial benefits to continue the work up to the city of Camden.

Mr. CLARKE of Arkansas. If the Senator will permit me, let me read a single paragraph, a short one, to show just what the report is based on, found on page 11 of the report on new surveys. It is an excerpt from the report of Col. Townsend, whose headquarters are at St. Louis, known as the division engineer. He designates by numerals his different proposals. When he comes to this particular matter he says as follows:

5. Above Monroe work has not been begun on three of the dams.

Two of them have been completed on that stretch of the river. It contemplates in all five dams and two of them have been completed.

5. Above Monroe work has not been begun on three of the dams, whose estimated cost is $1,804,000, and as it is considered doubtful if any material shipment of sawed lumber would be brought about by the canalization of this portion of the river, it is recommended that their construction be deferred until the influence of the improvement below Monroe has been determined, work being confined to operating the existing locks and dams and snagging.

It is a political recommendation. It is not based on actual conditions. He says, "Let us try out those that are below Monroe and two above that place." We will then let the river go along, gapped up by these dams and narrow and shoaly stretches, absolutely useless. It would isolate the whole country above that.

Mr. BRANDEGEE. Will the Senator state about what total sum has been expended on that entire project?

Mr. RANSDELL. Something like $2,700,000.

Mr. BRANDEGEE. That is the estimate of the entire project if completed?

Mr. RANSDELL. A little over $2,000,000 additional is required to finish it.

Mr. CLARKE of Arkansas. One million six hundred and fifteen thousand dollars is the estimate, in addition to the $500,000 which this bill carries.

Mr. RANSDELL. I should like to say, Mr. President, that as a general proposition I do not favor the adoption by Congress of any project which has not been reported upon favorably by the

Engineer Corps. If this were before us as an original proposition and we had never acted upon it I would not stand here advocating it. But the measure was favorably reported a great many years ago. In February, 1902, a favorable report was made on this project; and Congress, as I said, has from time to time adopted and made provision for extending the work on several of these locks and dams—six in all.

Now, the Senator from Iowa says we have never adopted it formally; we never adopted it as a whole. I do not understand that we have adopted as a whole any of the big waterway projects of the country, except those where we make provision for the completion at one time, and that would be the wise plan. But we certainly have adopted three locks north of Monroe; we certainly have completed two locks north of Monroe. We could not have done it more completely.

As was so well said by the able Senator from Washington [Mr. JONES] two or three days ago, there is a vast distinction between making an appropriation for a project which has never met the approval of the Engineer Corps and refusing to follow the advice of the Engineer Corps when they recommend the abandonment of a project that was formally adopted years ago and is in process of construction. It is a very different thing; and that is what they are recommending now as to that part of the Ouachita improvement north of Monroe.

After adopting Lock No. 7 in 1910 and readopting it in 1912, work has been delayed on it for some reason, and no money seems to have been spent on it; but after it has been adopted for six years the engineers now say let us stop it, do not go on with it at all, and allow Locks 6 and 8, which have cost over a million dollars, to remain unused and go to ruin.

Is it any wonder that we do not get good results from our waterways system, Mr. President, when we carry on the work in such a desultory way? This project was begun, let me repeat, in 1902—14 years ago—and it is not quite half finished yet. What business man could avoid having his friends send him to an insane asylum if he proceeded with his ordinary business in that manner? And yet that is the way Congress has done not only in regard to the Ouachita, but in regard to many other waterway projects throughout the Nation. We began the improvement of the Ohio River in 1876 with a project to give it 6 feet at minimum low water. About 12 or 14 years ago we changed that to 9 feet, and it is nothing like half finished yet. More than a third of a century has passed and the Ohio River project is not one-half complete.

I do not know why that has been our policy, but I want to call the attention of the United States Senate to this remarkable fact: Wherever there has been a harbor on the Lakes, on the Gulf, or on any of the oceans it has been put under a continuing contract and promptly finished. Harbors are railroad terminals. Railroads run up alongside the wharves and docks in the harbors and discharge their cargo into the boats in the harbor, and the boats in turn transfer their cargo to the railroads. Harbors are complements of railroads. They are adjuncts to railroads; they are the supplements and helpers to railroads. The harbors, let me repeat, have been promptly finished in the very best way. I always gave my vote in favor of them, because I know it has been beneficial to the commerce of the country to have great, deep harbors like that at Boston, for instance. I was in Congress when we changed that project from 30 to 35 feet. Evidence was produced subsequently showing that as a result of that improvement there had been a reduction of nearly 50 per cent in the ocean freight rates because of the greater size and depth and carrying capacity of the vessels which used a 35-foot harbor. I felt as a representative of the South that my people were going to get the benefit of cheapened ocean freight rates for their cotton because of this deepened harbor. I felt that the grain grower on the distant plains of Dakota would get a like benefit from the deepening of that harbor. I have nothing to say against it; on the contrary, I approve it heartily.

But, I repeat, whenever harbors were under consideration we gave them all that was needed, on the Great Lakes, on the ocean, and on the Gulf, and they are adjuncts to railroads. Wherever waterways became the competitor, the rival of the railway, which a river like the Ohio is, which a river like the Missouri is, which a river like the upper Mississippi and the lower Mississippi is, like the Ouachita is, the Red is, the Arkansas is, the Tennessee is, and a number of other rivers—when it comes to that kind of a proposition we have pursued a piecemeal policy. We have kept the work going on forever and ever and ever, never completing, never finishing it. I do not know the influences back of this policy, but I state facts. If there is any doubt about them, I will lay the cases before you.

Again, referring to the wonderful Ohio River, having its head at Pittsburgh, whose commerce equals the combined commerce of the five great cities of New York, London, Liverpool, Antwerp, and Hongkong, the greatest freight-producing center on the globe, it is a river which, even in its present bad condition, carries over 13,000,000 tons of freight annually. That river has been under improvement for more than a third of a century, and it is not half finished. If we are going to have the policy which some men are advocating here I doubt if it ever will be finished.

Senators, if you are in favor of legitimate river and harbor improvements, then let us place great projects like the Ohio, the upper Mississippi, the Missouri, the Tennessee, and the Ouachita on the continuing-contract plan and see what benefits we will get therefrom.

Mr. BRANDEGEE. Mr. President——

Mr. RANSDELL. Just one word, please, then I will gladly yield. The only river I know of of any significance that has been completely improved in this country is the Black Warrior-Tombigbee system, which was improved by means of locks and dams, the work extending over a period of more than 22 years. It was completed last spring, and already there has been an enormous increase in the freight carried thereon, and the railroad rates on pig iron from Birmingham to Mobile have already been reduced from $2.75 to $1.75 per ton as a result of that improvement. Here is a river which has been really improved. Now, what is going to be the result? We can not tell yet, but the increase in river freight has already been material, and railroad rates in adjacent territory have been reduced very much.

I now yield to the Senator from Connecticut.

Mr. BRANDEGEE. I think there is a good deal of ground for the criticism made by the Senator as to the wavering policy of Congress about these matters, but why does not the committee put a provision in the bill that a river improvement shall be carried on by continuing contract, as the Senator says the harbor improvements are carried on?

Mr. RANSDELL. It is right hard to answer that question. The gentleman who made such a desperate attack on this bill two years ago, ex-Senator Burton, from Ohio, was for many years chairman of the Rivers and Harbors Committee of the House, and more responsible during the 10-year period when he was chairman than any other Member of the American Congress for the present policy of river and harbor improvements. During his incumbency it seemed impossible ever to get a continuing contract for a river. We got a number of continuing contracts for harbors. In the act of 1907, as I recall, we gave the Great Lakes, the Sault Ste. Marie, and the Detroit River, which are the connecting links between the Great Lakes about $13,000,000 in one contract. We placed a number of big harbors under the continuing-contract system. Senator Burton said that that was the greatest river and harbor bill ever passed by the American Congress. I believe he is pretty nearly right. It was a good one. I had a very humble part in making it, and I claim no credit whatsoever for it; but it was impossible to put the Ohio, or any other river which competed with railroads, on a continuing contract. I was very glad to get a provision for two little locks and dams on the project for the Ouachita. Here is the provision for the Ouachita in that nearly perfect act of 1907:

> Improving Ouachita and Black Rivers, La. and Ark.: Continuing improvement by the construction of Lock and Dam No. 2, near Catahoula Shoals, La., and Lock and Dam No. 8, near Franklin Shoals, Ark., in accordance with the plan in House Document No. 448, Fifty-seventh Congress, first session, and for maintenance, $200,780.

There was a continuing contract authorized for $368,823 to prosecute work on the Ouachita.

Let me say to the Senator from Connecticut in further answer to his statement that when Mr. ALEXANDER, of New York, became chairman of the Rivers and Harbors Committee we adopted the plan of annual river and harbor bills. We used to have them every three years. We tried to adopt, in a formal manner, some of our great river projects with the understanding that appropriations would be made for them every year. The exigencies of the Treasury seemed to be such that we could not very well in one bill take on $20,000,000 for the Missouri, $63,000,000 for the Ohio, and large sums for many other rivers. The size of the projects seemed to preclude that, but it would have been the wise plan, and I should like to see such a plan adopted and would gladly vote for it. I should like to pick out several of the most important of our great rivers and put them under the continuing contract.

Mr. BRANDEGEE. I was going to suggest that the former Senator from Ohio is no longer a member of the Committee on Commerce and the Senator from Louisiana is. If the Senator would like to see this done, I wonder whether he has made any terrific effort in committee to get it done.

Mr. RANSDELL. I have attempted for years, I will say to the Senator, to get such a policy as that adopted. I have talked with the different chairmen of the Rivers and Harbors Committee. The Senator knows that river and harbor bills originate in the House and how hard it is for us to make any very material changes in the bills that come from the House. I have never known just how this could be done; the condition of the Treasury, I say, has always prevented it, but I should like to see some such plan adopted.

Mr. President, I do not wish to take up more of the time of the Senate. I want again to call the attention of this body to the unwisdom of beginning a work like that on the Ouachita and carrying it on for many years and then abandoning it, and I certainly hope that no such policy in regard to this project will be adopted.

Mr. CLARKE of Arkansas. Mr. President, it is quite unfortunate that a matter of this magnitude must be debated and its fate determined when there are just a handful of Senators here; less than a dozen. In looking around I find while there are but few here they are among the most intelligent and high-minded Members of this body, and I shall therefore venture to make a few words of explanation of this item, because I think the Senators now here are a fair sample of the fairness and intelligence of the Senate.

As has been said this project was adopted in 1902. Congress has in the intervening years appropriated all the money that has been recommended for it. Just why that comparatively small project has not been completed is a matter that never has been explained, and upon its face it fairly discredits the officers in charge of the matter. It has been permitted to drag along without any official explanation. The only explanation I have received when personal application was made to at least one officer in charge was to the effect that the water was too high, that they could not work to the best advantage at times.

The matter went along as one of the recognized and adopted projects of the Government until the passage of a river and harbor act under circumstances fully known to every Senator here in which a provision was incorporated that directed the reexamination of certain projects and in doing so the following language was employed in this act, approved March 4, 1915:

SEC. 14. That the following projects now under improvement shall be reexamined, in accordance with the law for the original examination of rivers and harbors—

Bear that in mind—

with a view to obtaining reports whether the adopted projects shall be modified or the improvement abandoned.

The statement has been made here that the project was not adopted. It is declared to be adopted by the act of Congress of 1915.

Among the streams mentioned in the list which follows is the Ouachita River. The matter was referred to the district engineer, Capt. Harold C. Fiske, and he recommended that there was nothing the matter with the project except that Lock No. 9, which is in the vicinity of Camden, might be omitted for the present; but he recommended the continuation of the project, including every one of the locks provided for except No. 9, which he said might be postponed to a later day. That report went to St. Louis, to the division engineer's office, when it was considered by Col. Townsend, the same officer who made these recommendations in the Arkansas River case. He did not pretend to go into details nor to make any recommendation to Congress that was based upon specific objections to that particular route, but he did as he did in the Arkansas River case. He undertook to become the adviser of Congress. He did not survey the project or examine it as an original project would have been examined, but ventured to express an opinion that it ought to be abandoned until there had been a trial made of the lock and dam south of Monroe, La. Congress invited no such opinion from him. He was not expected to constitute himself the adviser of Congress in matters of policy. He was asked to state what the condition of these projects was with reference to whether or not they should be continued.

Now, take this particular project. It calls for nine locks. Six of them have been completed—four of them down the stream or to the east of Monroe, La., and two between Camden and Monroe. The two above Monroe are so related as to become absolute obstructions in the stream. They are not connected with anything. If a boat adapted to the natural capacity of the river were to undertake to pass down that river, it must be burdened with the task of going through those two locks, thus delaying the trip and adding to the expense of it without doing any possible good. Why that particular method of construction was adopted is one of the things, I think, which would be involved in a full explanation of the situation.

Capt. Fiske's recommendation was a very favorable one for the project. He is the local engineer who examined it in person and who has charge of it as part of his daily work. His report is comprehensive and is unconditionally favorable to the continuation of the work, except as to Lock No. 9, which is in the immediate vicinity of Camden, Ark. When his report went before Col. Townsend, in St. Louis, that officer said:

However, below Monroe the construction of the locks and dams has progressed to such an extent that they can not be abandoned without the works already built causing serious obstructions to navigation.

If the four locks below Monroe constitute serious obstructions to navigation, why would not the two between Camden and Monroe likewise constitute serious obstructions to navigation there?

As the district officer estimates that they can be completed for an additional appropriation of $234,000, and the commerce which does not consist of timber products is generally confined to the lower portions of the river, the completion of Dams Nos. 2 and 3 is recommended.

Well, the colonel is a very eminent man in his profession. He is a growing man. His importance in connection with these waterway problems is growing all the time; and he has come to a place now where he feels that his advice is worth something to the people, notwithstanding the fact that he may go outside of his professional obligations and his professional employment.

Another reason why there is no commerce between Camden and Monroe is that the river is obstructed with two unnecessary dams. If the others are never to be built, the two that are there now should be torn away.

Then comes the fifth clause of his schedule of recommendations, which reads as follows:

Above Monroe work has not been begun on three of the dams, whose estimated cost is $1,804,000, and as it is considered doubtful if any material shipment of sawed lumber would be brought about by the canalization of this portion of the river it is recommended—

What?

That their construction be deferred until the influence of the improvement below Monroe has been determined—

That is exactly the thing that Congress determined when it adopted the project; in other words, the proposition submitted to Congress was not merely to provide for the canalization of the river from Monroe out to the mouth. That is a mere stretch of it that does not reach into the most populous part of the region served by that river.

It is recommended that their construction be deferred until the influence of the improvement below Monroe has been determined, work being confined to operating the existing locks and dams and snagging.

I submit in fairness that Col. Townsend was not asked for any such opinion as that. The project was adopted to consist of nine locks. It was intended to provide river connection with Camden, Ark., which is a railroad center. To stop the project where it is now would be not only an absolute waste of money, but it would be a destruction of the utility of the entire project.

There is nothing new brought out in his report; there is nothing based upon personal information; it is altogether a question of opinion as to the policy that should be adopted. It is not a recommendation in the technical sense of the term, because he was not commanded to make such examination as he would make if the project had originally been sent to him.

Let us suppose that when a new project had been remitted to the engineers' office he had sent back a report consisting of nothing more than the statement contained in clause 5 of his communication. How little attention Congress would have paid to it is a matter within the knowledge of all of us. I do not think he ought to have any more right to destroy an existing project by the mere expression of an opinion than he would to install one that he happened to be favorable to. The reason of things, the facts upon which the improvement is based, are submitted to Congress, and whatever questions of wisdom or policy are involved Congress itself must pass upon.

To show that this Board of Engineers, when they came to make their estimates, had no particular confidence in that report, or that Congress would share his view about it, they recommended the $474,000, which this bill carries.

On page 282 of the report of the committee, in giving the estimate for the year, it is stated:

Amount recommended by department for improvement and maintenance, 1917, $499,000.

Now we are confronted with a case where a project which has been under way for 14 years has reached a point where, instead of being of any benefit to navigation, it is absolutely an obstruction. Then, upon the mere waving of an officer's hand, we are to abandon the whole thing and leave the river in a worse condition than that in which it was originally found. I do not believe Congress is going to do any such thing. The Committee on Rivers and Harbors of the House did not take that view; the House of Representatives did not take that view; the Committee on Commerce of the Senate did not take that view;

and I have every reason to believe that the Senate will not take that view.

Mr. KENYON. Mr. President, may I ask the Senator what the amount above the $234,000 and the $25,000 additional for open-channel work is to be used for?

Mr. CLARKE of Arkansas. I beg the Senator's pardon; I did not hear him.

Mr. KENYON. The engineers in their last report recommend an appropriation of $234,000 to complete Lock and Dam No. 3. They also recommend, in a previous report, in September, 1915, $25,000 for open-channel work. When you add those two together, what is the difference between the resulting sum and the amount named in the bill to be used for?

Mr. CLARKE of Arkansas. That is the amount necessary to complete the other two locks.

Mr. KENYON. The engineers do not recommend the completion of the other two locks.

Mr. CLARKE of Arkansas. Locks 5 and 7. Col. Townsend recommends the continuance of locks 2 and 3. The only difference between his comment and the actual report of Capt. Fiske is that Capt. Fiske says that they ought to go on with all four of them.

Mr. RANSDELL. Mr. President, may I interrupt the Senator to say that it is not meant to complete them all? It is stated on page 958 of the report of the Chief of Engineers:

Lock and dam construction, continuing construction of Locks and Dams Nos. 3 and 7—

It is not designed really to complete them.

Mr. KENYON. I have been basing my remarks on the report of last March, and it seems to me from the report dated March 31, 1916, that there was very clearly a recommendation for $234,000 to complete Lock and Dam No. 3. They had on hand enough money to complete No. 2. Does the Senator from Arkansas understand that there are other locks and dams which would be taken care of by this extra amount?

Mr. CLARKE of Arkansas. Yes; two additional locks provided for, namely, Locks 5 and 7. It is perfectly obvious that the river is in such condition that it can not be abandoned without a complete acknowledgment of the fact that the engineers in recommending the improvement in the first place were absolutely profligate and without any justification whatever.

It might be well to say just a word about the action of the engineers in continually reversing themselves in recent times in reference to the recommendations to Congress. It may be that they were too liberal in the beginning; it may be that they did not know what they were talking about when they recommended things that would not stand the test of practical experience; but, no matter what the cause may be, they are practically running amuck on all the projects which they have ever recommended in the South and West. No reason is given for it, except that the western rivers are no longer useful for commerce and that not one of them ought to be improved until the Mississippi River is actually used for commerce. There is a better boating stage of water on the Mississippi River now than it ever enjoyed in its past existence, but they point to it, and they say when the boats run up and down that river it will be time enough to talk about improving these other rivers. Why did they not say that to start with, and stop all this business? If they had brains enough to comprehend a broad system with its necessary connections, why did they not say so? They have gone along and expended millions of dollars in partially completed projects, and now, to cover their retreat and to justify a different condition that has come about under their very liberal system of making recommendations, they propose things to Congress which the conscience and intelligence of Congress will not permit it to do.

It may be that there never was any reason why this Ouachita project should be adopted. Many years were devoted to its examination, to a history of the country, the possible outcome, and to the sources of tonnage that might be produced. All that was gone into for years. It was a locality where river improvements were peculiarly adapted to the situation. The river runs east and west from about the center of the State of Arkansas. There were no railroads in the vicinity, and the river was the chief artery of commerce. It was patronized every day in the year. In the meantime several systems of railroads have crossed the river at right angles and divided it up into reaches, one terminating at Monroe, and another at Camden, Ark. There is not any reason now why that river should not be completed so as to make it a part of the transportation system that grows out of the splendid facilities of the railroad at Camden. The Ouachita River should be improved to that point.

I find in this bill many things that I would not put there, but Ouachita River is not one of them. This lock and dam system ought to be extended up to Camden. That is at the end of another reach of the river. Then, whether it should be carried west of there is another question. No money has been expended; no work has been done. It might be tested out with reference to those two units to determine whether or not the Government is called upon to make further expenditure of its money in that locality; but there can be no difference of opinion amongst people who will look the whole situation over as to the propriety of retaining the particular appropriation provided for in this bill.

Mr. KENYON. Mr. President——

Mr. RANSDELL. Mr. President, may I be allowed just one word before the Senator from Iowa begins? I understood the Senator to say that a considerable portion of the commerce on that river was sand and gravel. I have an itemized statement of the commerce, which appears on page 2699 of the report of the Chief of Engineers for December last. I will not attempt to read it, but I should like to put it in the RECORD. It consists of cotton, cotton seed, grain, provisions, hides, cattle, hogs, staves, lumber, timber rafted, timber barged, crossties, shingles, sand and gravel, lime and cement, hay, poultry, machinery, and miscellaneous, a total of 70,619 tons, valued at $3,074,465—a very considerable commerce on a river the improvement of which is not half finished.

Mr. KENYON. Mr. President, I have no quarrel with that statement. My suggestion was that staves, lumber, timber rafted, timber barged, and sand and gravel hauled about 4 miles, comprise 40,403 tons of the 70,619 tons. I do not care to take any more time; but I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER (Mr. CATRON in the chair). The question is on the amendment proposed by the Senator from Iowa [Mr. KENYON], on which he demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MYERS (when his name was called). Announcing the same transfer of my pair as heretofore, I vote "nay."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. He is absent, but, under an arrangement with him, I am permitted to vote on this item of the bill, and I vote "nay."

Mr. THOMAS (when his name was called). Announcing the same pair and transfer as heretofore, I vote "yea."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. In his absence, I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I am informed that, if he were present, he would vote for the bill and with the committee upon all of the committee amendments. I therefore feel myself absolved from the pair when I vote the same way as the Senator from Pennsylvania would vote if present. I ask that this announcement may stand for the remainder of the day without my repeating it. On this amendment I vote "nay."

The roll call was concluded.

Mr. UNDERWOOD. I transfer my pair with the Senator from Ohio [Mr. HARDING] to the Senator from Indiana [Mr. KERN] and vote "nay."

Mr. MYERS (after voting in the negative). The Senator from Maryland [Mr. LEE], to whom I transferred my pair, having entered the Chamber, I now transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from Nevada [Mr. PITTMAN] and will allow my vote to stand.

Mr. STONE. I inquire if the Senator from Wyoming [Mr. CLARK] has voted?

The PRESIDING OFFICER. He has not.

Mr. STONE. I transfer my pair with that Senator to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. DU PONT. I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM]. As he is absent from the Chamber, I will withhold my vote.

Mr. SMITH of Maryland. I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

The roll call resulted—yeas 13, nays 34, as follows:

YEAS—13.

Borah	La Follette	Smoot	Warren
Cummins	Lane	Sutherland	
Gore	Norris	Thomas	
Kenyon	Pomerene	Thompson	

NAYS—34.

Bankhead	Clarke, Ark.	Jones	Lodge
Brandegee	Culberson	Lea, Tenn.	Martin, Va.
Broussard	Fletcher	Lee, Md.	Myers
Chamberlain	Hughes	Lippitt	Nelson

Oliver	Shafroth	Smith, Ga.	Underwood
Overman	Sheppard	Smith, Mich.	Vardaman
Poindexter	Shields	Stone	Williams
Ransdell	Simmons	Swanson	
Reed	Smith, Ariz.	Taggart	

NOT VOTING—49.

Ashurst	Fall	Lewis	Sherman
Beckham	Gallinger	McCumber	Smith, Md.
Brady	Goff	McLean	Smith, S. C.
Bryan	Gronna	Martine, N. J.	Sterling
Burleigh	Harding	Newlands	Tillman
Catron	Hardwick	O'Gorman	Townsend
Chilton	Hitchcock	Owen	Wadsworth
Clapp	Hollis	Page	Walsh
Clark, Wyo.	Husting	Penrose	Weeks
Colt	James	Phelan	Works
Curtis	Johnson, Me.	Pittman	
Dillingham	Johnson, S. Dak.	Robinson	
du Pont	Kern	Saulsbury	

The PRESIDING OFFICER. On the question of the amendment offered by the Senator from Iowa [Mr. KENYON] the yeas are 13, the nays are 34. The following Senators are present but have not voted: The Senator from Maryland [Mr. SMITH], the Senator from Delaware [Mr. DU PONT], and the Senator from New Mexico [Mr. CATRON]. The amendment is rejected.

Mr. KENYON. On page 12, line 6, I move to strike out "$1,000,000" and insert "$200,000." This is in the item for the improvement of the inland waterway from Norfolk to Beaufort Inlet. I only want to say about this project that it seems to be the heart or one link of a great intercoastal waterway from Boston down to the neighborhood of Mexico City. It is a proposition involving altogether an expenditure of about $5,400,000. Under the apportionment provision of the act of the last session of Congress $400,000 was allotted to this project. The Government has been making excavations with its own plant, and it has also been having excavations made by contractors. It has always seemed to me that this is one of the most indefensible propositions in the whole bill. There were originally, as I understand, two canals. The Government purchased this bankrupt canal for $500,000.

The commerce, as appears from the Engineer's report, on page 2329, of volume 2, amounted in the year 1914 to 229,047 tons. Of that logs constituted 48,900 tons; lumber, 34,178 tons; piling, 44,000 tons; wood, 29,252 tons; ties, 1,347 tons; staves, 3,369 tons; and one other item of that nature of 2,045 tons, making a total of 163,091 tons of that class of traffic. Deducting that from the total traffic, 229,047 tons, leaves 65,956 tons as about the traffic through this waterway of materials that need extra work on the waterway in order that they may be carried.

The Engineer's report, volume 1, page 486, shows that—

> The average cost of the work with Government plant was $0.043 per cubic yard, place measurement. The average contract price was $0.0752 per cubic yard, place measurement.

So the contract price was nearly double the price it has cost the Government to do the work itself. I read from the views of the minority of the House Committee on Rivers and Harbors on page 12, as follows:

> Col. Taylor stated to the committee that private contractors charge nearly double the cost for Government dredging. He further stated that $200,000 would keep the Government dredging crews busy during the year.

My proposition is to strike out "$1,000,000" and insert "$200,000," which is the amount Col. Taylor says can be used by the Government in doing the work itself for the coming year. I am not going to move to strike out the whole item, because I realize that such a motion would be absolutely impossible of success. I assume also that the motion I now make will probably be unsuccessful, but there ought to be more of a chance to cut this appropriation to $200,000, which is sufficient to carry on the work of the Government, and not leave it at $1,000,000, a large part of the money to be expended under private contract.

Mr. SIMMONS. Mr. President, this is, in my judgment, one of the most important items in this bill, and one of the most meritorious items. It is an item in which, in a local way, one-third of the people of my State are interested. In a general way all of the people of my State are interested; but it is not a local or State matter alone, it is an interstate matter, and every great commercial port, from Boston to Jacksonville, Fla., is deeply interested in this particular item.

I do not think there is anywhere in this country, outside of the Great Lakes, a finer system of waterways than are to be found in the eastern Carolinas, lying between Norfolk and Beaufort. This system comprises a considerable number of connecting sounds. The surface area of all of those sounds constitutes a body of water of something over 3,100 square miles, and emptying into this magnificent system of connecting sounds, skirting the Atlantic Ocean but separated from it by a narrow sand bank, there are 10 or 12 rivers. Some of these rivers are very large streams. The largest one, I believe, is the Neuse River, which runs by the town in which I live. That stream is 350 miles in length. It flows by the capital of the State. It flows by the important cities of Goldsboro, Kinston, and the town in which I live, Newbern. Where I live the river is about a mile and a half wide. That is about 35 miles from its mouth. It stretches out until it is 7 or 8 miles in width.

The Roanoke River, a famous river in this country, rising in the State of Virginia and flowing through North Carolina, also empties into these sounds; the Tar, the Pamlico, the Pasquotank, the Chowan, and, as I say, a number of other important rivers.

This whole system of waterways comprises 2,500 miles of navigable water. I wish I could have the attention of the Senator from Iowa to this statement. This whole system of inland waterways, covering an area of 3,100 square miles, to say nothing about the tributary rivers, comprises 2,500 miles of navigable waterways; and until recently that system was landlocked, except through two privately owned canals that I shall hereafter mention, and could be used only for the purpose of accommodating purely local traffic.

In 1907 Congress appropriated $550,000 to connect the southern end of this system of sounds with Beaufort Inlet. That canal has been constructed. It is now completed. It is 10 feet in depth and 90 feet in width. That canal has afforded the people along those rivers and along those sounds an outlet to the ocean south of Hatteras; but that is not the direction in which their commerce goes, and the outlet, while of local value, is chiefly valuable as a connecting link in the complete inland route from Norfolk to Beaufort. There was no outlet whatever northward except two privately owned, shallow and narrow canals, one of them about 9 feet in depth, and the other 8 feet in depth. It was through those canals, and only through those canals, until this outlet to Beaufort was completed, that the commerce of this 2,500 miles of navigable inland water could reach the ocean. It is through those two canals, and only through those two canals to-day, that the commerce of this magnificent inland system of waterways can reach the ocean to the north.

In 1912, carrying out the project for an inland waterway from Beaufort to Norfolk, the southern end of that route having been completed by the digging of a canal costing $550,000, Congress decided to purchase one of these privately owned canals, and to deepen it and widen it so as to make it of sufficient size to accommodate economical vessels of commerce, especially barges. Up to that time the commerce going through these canals had annually paid in tolls something over $100,000, and last year the commerce that went through those canals paid in tolls something over $100,000.

The Senator from Iowa says that there is very little commerce upon the canal which the Government has purchased and is now improving and constructing. As the Senator says, there was last year only 229,000 tons, as against a very much smaller tonnage in 1912. The commerce has really very much increased in that canal since 1912. In 1912 there were only 90,000 tons going through that canal. With the slight improvement that the Government has made, in 1914, 229,000 tons went through that canal; but the Senator overlooks the fact that during these years, 1913 and 1914, the Government was actively engaged in work upon this canal, the Government dredge at one section of the canal and the privately owned dredges at another section of the canal, thus obstructing it and making it difficult of passage. The Senator further overlooks the fact, as stated in the reports, that the governing depth of that canal was only about 8 feet, while it was 9 feet in the other canal.

The commerce that went through the other canal, the toll canal, in 1914, amounted to 347,000 tons. Every dollar's worth of that would have gone through the Government-owned canal if it had been in a state of completion, or in a state sufficiently complete to accommodate it adequately and safely.

Mr. KENYON. Mr. President, I should like to ask the Senator if it is not true that there was a great deal more commerce in the canals 20 years ago than there is now?

Mr. SIMMONS. In those two canals?

Mr. KENYON. Yes.

Mr. SIMMONS. Twenty years ago?

Mr. KENYON. Twenty years ago.

Mr. SIMMONS. I am not able to answer the Senator with respect to that inquiry.

Mr. KENYON. I think that is the fact.

Mr. SIMMONS. But I can say to the Senator that I know as a matter of personal knowledge that the commerce upon those inland waterways has enormously increased, and the boat traffic upon those inland waterways has enormously increased in recent years. Now, the fact is—and I am intimately ac-

quainted with these facts—that only a part of the commerce of those waters has ever gone through either one of these canals, and that is because they were toll canals. In recent years a railroad has been constructed from Norfolk, Va., to Beaufort Harbor, running through many of the important towns lying along the streams that empty into these sounds, and I know as a fact that boats are loaded upon these rivers and taken to these large towns and the freight transshipped by rail to Norfolk, traveling a distance over the water that would be nearly as great as if they had gone directly to Norfolk, the northern market of that section of the country. I think I can say to the Senator that with a free canal, the local traffic through the canal will be doubled.

Mr. KENYON. But, as I have the figures, in 1909 the Report of the Chief of Engineers shows that through the Dismal Swamp Canal there went something like 400,000 tons, and through the other some 200,000 tons. I do not quote the figures exactly, but about that.

Mr. SIMMONS. The tonnage through both of the canals in 1914 was 603,000 tons.

Mr. KENYON. How does the Senator account for the tremendous decrease in the commerce since that time?

Mr. SIMMONS. I have just stated to the Senator that there has recently been constructed a railroad that runs from Norfolk to Beaufort, and the commerce of this country goes to Norfolk. That is the northern market for it; and that road being completed, instead of carrying it to Norfolk by boat, they take it to these towns and there deliver to the railroads. But I said to the Senator that the haul they have to make to reach these towns in some instances is nearly as great as the haul to Norfolk by boat, and they would go to Norfolk directly by boat if it were not for the fact that when they get to the strip of land through which these canals are cut they have to pay tolls.

The engineers have made it perfectly plain, and others who have written to me upon the subject—large mill owners, large transporters of commodities—have written me that they can not use this canal in its present condition, although free, and they prefer to pay tolls and do pay tolls on the other canal rather than to take the risk of long delays and of the difficulties of operating vessels through a narrow canal where there are two sections of it under improvement and obstructed by dredges and other boats incident to that kind of work.

Mr. HARDWICK. Mr. President, if the Senator from North Carolina will permit me, I should like to say to the Senator from Iowa that many of the most prominent business men in Savannah, Ga., are wiring me that their freight rates, present and future, and the arrangements that they are making to transport heavy freights from the eastern ports down to Savannah, and even ports below that, are entirely dependent upon this project, and that it is an absolute necessity to carry on this project and to carry it to its completion if they are to get reasonable freight rates on that kind of products.

Mr. SIMMONS. The Senator is right. I have a great many telegrams on the subject myself, some of which I will read into the RECORD. All the commercial cities along our eastern coast are deeply interested in this inland route; and why are they deeply interested in it?

Let me call the attention of the Senator from Iowa to the fact that the most profitable and economical way of transporting or carrying freight known to man is by the barge system. There is a tremendous barge commerce north of Chesapeake Bay all the way up the Atlantic coast. There is, however, no barge commerce between the northern Atlantic ports and the southern Atlantic ports below Norfolk, because when they reach Norfolk and start down the coast right abreast of this system of sound waters that I have described they encounter the dangerous capes of Hatteras and Lookout, recognized as the graveyards of the Atlantic coast, one of them being admittedly the most dangerous point upon the Atlantic coast, making it necessary for vessels to go out to sea probably 50 or 75 miles from shore in order to avoid its dangers.

On account of that I say that there is not now any traffic from the North Atlantic ports to the South Atlantic ports by barges, the cheapest method of transportation, and the one now largely used for coastwise trade of our northern seaboard.

This route, when finished, will constitute an inland route from Chesapeake Bay to Beaufort Inlet, passing inland both Cape Hatteras and Cape Lookout, and making barge transportation between the North and the South Atlantic seaports perfectly feasible. The only coastwise trade between the northern ports and the southern ports south of Norfolk is now carried on in large steamers. It has to be carried on in large steamers. It can be carried on neither in barges nor in small steamers. Of course, the Senator will readily see that there will be a vast difference if we can introduce this barge method of transportation between the south and the northern ports of our seaboard, not only because it is cheaper but because the rates of insurance are much less.

Mr. President, the Congressman from the first congressional district of North Carolina, Mr. SMALL, who is a member of the Committee on Rivers and Harbors of the House, caused the clerk of that committee to make a thorough investigation with a view to ascertaining what was the joint commerce carried over these two canals, and he reported the items. He reported that the joint commerce carried over those two canals in 1914 was of a value of $603,000. Now, I want to call the attention of the Senator from Iowa to the fact—and I want him to listen to this—that $603,000 is no index of what the commerce through those canals, even in their present condition, would be in a normal year. If the Senator will examine all the rivers in North Carolina and in the South, he will find that in 1914 there was a tremendous dropping off in the commerce of those rivers; but there was no greater falling off in the water commerce in 1914 in the South than there was in the railroad commerce in that section of the South during that year. It is a well-known fact that nearly every railroad running through the South, especially the through lines, had a most remarkable decline in its tonnage and in its passenger traffic during 1914. Why? Simply because the South happens to be, unfortunately, largely a one-crop country. We raise chiefly cotton, and we rely chiefly upon cotton. In 1914 the price of cotton went down to 5 and 6 cents a pound; and while, of course, the amount of cotton produced was approximately the same, the result of the decline in price was a general demoralization of the whole business of that section, resulting in the most tremendous contraction in the commerce of that section that we have ever known and I hope ever will know.

But, Mr. President, I am not here insisting upon this inland waterway system as a purely local institution. It did not have its inception as a local institution, although our people bore the burden—and it was a burden—of $100,000 a year tolls in order to get the products along this 2,500 miles of navigable water to the sea for years and years. It has risen above the dignity of a local matter and it has become a part of a nation-wide system.

The commerce I have been talking about up to this time was the local commerce. It was purely local up to 1915. In 1915 a barge traffic from Philadelphia and from Baltimore and from Norfolk—chiefly from Philadelphia, however—began in that section. How did that begin? I have a letter here from Mr. Frye, written to Congressman SMALL, which I will put into the RECORD. I will not read it. I believe he is the treasurer or the president of the Southern Transportation Co., of Philadelphia. He went down to the ports south of Beaufort and entered into arrangements with the shippers of that section to put on a line of barges to be operated through this inland canal. He put them on and started to work. That was in 1915.

Here is a telegram that I have from him, received yesterday. I had seen in the papers and I had read in Mr. Frye's letter the statement that he had made that arrangement with the shippers south of Beaufort Inlet, and that he had started in 1915 this barge line, but that he expected at the time he started it that in a short time this Chesapeake & Albemarle Canal would be so far completed that his barges could use it.

Mr. SMALL, the Congressman from the first district, where these waters chiefly lie, got into communication with Mr. Frye yesterday and told him I wished to know how many barges he was operating now. In reply to Mr. SMALL's talk with him over the telephone, Mr. Frye sent me last night this telegram from Philadelphia, Pa.:

F. M. SIMMONS,
United States Senate, Washington, D. C.:

Please give your active support to the item of appropriation of $1,000,000 toward the further construction of the Norfolk to Beaufort Inlet waterway as now carried in the river and harbor bill. Of our fleet of nearly 100 barges, we are now operating about 45 barges to North Carolina points, using the Lake Drummond Canal.

This is the Dismal Swamp Canal—

Paying a high rate of toll, our boats not being able to carry full cargoes on account of the limited draft of 9 feet of water. We understand the million-dollar appropriation will complete the Government free waterway between Norfolk and Albemarle Sound this year, giving early relief to the North Carolina shippers at much lower rates of freight, and, consequently, a larger volume of business to us. We can not now use the Government canal, and the North Carolina shippers can not get any benefit whatever from it until this link, Norfolk to Albemarle Sound, is fully completed.

Mr. President, I wish to put in the RECORD the whole of the letter to which I have heretofore referred, written by Mr. Frye, for the Southern Transportation Co., to Hon. JOHN H. SMALL,

House of Representatives, on March 27, 1915. I want to read just a little portion of it:

We are now very much handicapped in carrying commerce between the North and the South, as we are obliged to pay canal tolls to the Lake Drummond Canal & Water Co. for all of the cargoes passing through the canal, and all of our barges are limited to a 9-foot draft in passing through the canal. We have persistently tried to develop this barge traffic under the adverse conditions which we must at present encounter in using the inland waterway Norfolk to Beaufort, eliminating Hatteras, only because we have been anticipating the early completion of the Norfolk and Beaufort waterway. We do not receive a fair profit—

And so forth. I will not read that part of it.

We are now operating a fleet of 95 barges, 15 steam tugs, and more than half of the barges are equipped for sea service. We wish to state emphatically that unless we can see early relief in the way of the completion of the Norfolk-Beaufort Inlet waterway, enabling our barges to use the free waterway with a draft of 11 or 12 feet we must withdraw our boats from the South Atlantic trade.

Mr. President, bear in mind that the distance between Norfolk and Beaufort is 186 miles by this inland route. It is over 300 miles around the coast. There is already a 10-foot depth from Beaufort Inlet to the southern terminus of the canal the Government is now improving and for which this appropriation is desired. That is to say, for a distance of one hundred and thirty-odd miles on this route there is now a 10-foot canal; and if this link is finished—and the engineers say it can be finished for a million dollars—we will then have a free waterway, without the expenditure of any more money whatsoever, of 10 feet depth from Norfolk to Beaufort.

Of course to make it 12-foot depth throughout will require an additional amount. As soon as this link is completed it will cost only $1,000,000, and we will have 10 feet of free waterway from Norfolk to Beaufort, making it possible to carry on a barge and other commerce, avoiding the dangers of Hatteras.

Now, Mr. President, there is one other thing I wish to say, and then I will conclude. I have thought it proper, and I believe now it was proper, for me to make a somewhat detailed explanation of this matter. The Senator says it will cost less for the Government to do this work. In making the estimate of what it costs the Government, they do not include anything either for interest or depreciation of plant and equipment. It is just as if some one presented a contractor with a dredge and its equipment and all its subsidiary and auxiliary tubs and boats. If the Senator will take the statement of the engineers—and I have it and I will put it in the RECORD if you desire—he will find that were all these items of cost included the average cost to the Government of dredging would be about 8 cents per cubic yard. That is the general average cost, calculated upon the same basis of cost as is calculated by private contractors.

But the Senator wishes to reduce this appropriation to $200,000 because that is the amount which would be required to operate the Government plant. He does not wish any part of this work done by private contract. If the Senator has his way about this matter it will take about 10 or 12 years to finish up the work, as against three years by the usual method. I thought the Senator had always been an enemy of dribbling appropriations. I thought the Senator had stood here on the floor and championed the making of appropriations sufficiently large to complete meritorious works as quickly as possible in order that the public might get the benefit of the work speedily. Here is a work of national importance, and yet the Senator wants that work to be spread out over about 10 years, when it might be completed in two or two and a half years.

Mr. KENYON. I should like to ask the Senator if an appropriation of $1,000,000 will not complete the work?

Mr. SIMMONS. Yes; $1,000,000 will complete the work on this link and immediately give a free waterway 10 feet deep between, connecting Chesapeake Bay and Beaufort Inlet.

Mr. RANSDELL. Mr. President, I wish to submit a few remarks on this subject in a general way. I wish to call attention to the fact that there seems to be the same kind of opposition to the improvement of this intercoastal canal that there is to the improvement of the rivers of this country *which are the competitors of railroads*. I do not know whether or not there is anything peculiar in that, but the same kind of opposition has developed to this intercoastal canal. I have been up and down the proposed intercoastal canal in person and I was very much impressed by it.

I wish to call attention to a report of the Committee on the Merchant Marine and Fisheries of the House on the investigation of shipping combinations (under House resolution 587, 62d Cong., 2d sess., vol. 4, p. 483), in which it is stated that—

In the entire Atlantic and Gulf coastwise trade (exclusive of all inland waterway and purely local carriers) 28 lines, representing 235 steamers, of 549,821 gross tons, furnish the line service. Of this number of lines 10 are railroad owned and represent 128 steamers, of 340,084 gross tons, or 54.5 per cent of the total number of steamers in the trade and 61.9 per cent of the tonnage. Seven lines, operating 71 steamers, of 175,971 gross tons, in the coastwise trade, belong to the Eastern Steamship Corporation and the Atlantic, Gulf & West Indies Steamship Lines, and represent in the aggregate nearly 30 per cent of the total number of steamers and 32 per cent of the tonnage. Combining the two interests, it appears that the railroads and two Atlantic-coast shipping consolidations control nearly 85 per cent of the steamers and nearly 94 per cent of the gross tonnage engaged in the entire Atlantic and Gulf coastwise trade. Attention may be called again to the fact that very few of the routes between any two ports on the entire Atlantic and Gulf coasts are served by more than one line.

Mr. President, this report shows that a very considerable percentage of the coastwise vessels plying on the Atlantic coast are railroad owned or practically railroad controlled.

This canal, if it is constructed, Mr. President and Senators, will come into competition with railroads on the land and with railroad ships on the sea. It will have railroads on the east and railroads on the west, and who will be the beneficiary if construction on this intercoastal canal is stopped? Will it be the American people who are going to get the benefit of cheaper water transportation? Will it be the farmers on the little streams along the Atlantic coast, for there are many of them where small boats can run and get into that canal, or will it be the railroads who own these Atlantic coastwise boats, which, if there be no intercoastal canal, would carry the commerce on their own rail and water lines? It is unnecessary for me to answer that question.

I wish to read just a very brief extract from a speech delivered by a disinterested party—ex-Chief of Engineers William H. Bixby—before the National Rivers and Harbors Congress, December 9 to December 11, 1914. He is one of the ablest men in the United States. I think his original home was somewhere in New England. He certainly does not belong to the southern intercoastal canal section of the Union. This is what he says, speaking of the merits of waterways in general:

The waterway is a great developer of the country. When I was on duty on the south Atlantic coast from 1884 to 1891 there were some 12 or 15 little rivers down there that were being improved, and some of the newspapers attempted to ridicule many of these rivers by calling them creeks.

We hear that same old song now; these rivers are called creeks to this day by the critics of this bill both in and out of Congress. Gen. Bixby continues:

We took out their snags and sunken trees so that the boats could ascend these little rivers freely in springtime when the farmers wanted to bring fertilizer up into the country, and in the fall when the farmers wanted to get their goods to market.

I suppose some of those rivers did not have more than 8 or 10 inches of water in the summer season. I have no doubt that was the minimum on some of them, but Gen. Bixby said they furnished good boating in spring when the farmers wanted to carry out their fertilizers and in the fall when they wished to carry their produce to market. He continues:

At the time we started that improvement there had been very little farming and town development in that part of the country. When the waterway improvement was ended there it was found that for every thousand dollars that Uncle Sam had expended on these streams there was a new development of $20,000 worth of goods annually carried on those streams for every $1,000 once spent upon them.

That looks like a pretty good investment, Mr. President.

The new commerce thus developed was commerce between that country and northern coast cities, extending also to Milwaukee, Chicago, Duluth, St. Louis, and even to towns in Iowa—

The State of the Senator who is trying so hard to kill this bill—

and all these cities and towns and the surrounding country were benefited by the opening up of those little waterways. The annual profits on this new tonnage of manufactured and transported articles was 100 per cent of the total cost of the waterway improvements.

That is no waterway booster, Mr. President. It is the ex-Chief of Engineers, who has no interest to misrepresent things, even if you assume, as I think some of the speakers have assumed, that Senators here are endeavoring to misrepresent facts in favor of their own projects. Let me repeat:

The annual profits on this new tonnage of manufactured and transported articles was 100 per cent of the total cost of the waterway improvements. Wherever the United States can make 100 per cent a year for 10 years by taking hold of such improvements, as was secured in this particular case, I hold that we are idiots if we do not find some way of getting the money to carry them on.

The same is true about a great many of the other projects.

Just a word now about the waterway that runs out into the State of the Senator from Iowa. I wish to read very briefly a paragraph from the recent report of the Board of Engineers for Rivers and Harbors on their reexamination of the Missouri River. It speaks of the establishment of a boat line between Kansas City and St. Louis. Then it goes on:

10. The company has taken steps to remedy certain conditions that have contributed largely to the decline of river transportation. It has secured the establishment of terminal facilities at Kansas City and at East St. Louis, having rail connection at both places and mechanical devices for the transfer of freight. It has entered into joint traffic

arrangements for the interchange of freight with connecting carriers, both rail and water, and is now handling commerce on through bills of lading.

Yes; Mr. President and Senators, that boat line on the Missouri River can give shippers a through bill of lading from all that western country to any point on the Atlantic seaboard, or anywhere in the United States. Listen to the reduction in rail rates. I will come to that in a moment:

It receives and delivers goods in cars on shippers' sidings, paying switching charges within certain limits, transferring to and from the boat, assuming carriers' risk in lieu of marine insurance, and transporting between terminals, all at a rate of 80 per cent of the corresponding rail rate.

That reduction affects the enormous commerce between the Mississippi River and the western section of this country. There is a colossal commerce in the vicinity both of St. Louis and Kansas City. If boats are carrying freight at 80 per cent of the railroad rate on the Missouri River in its present undeveloped condition, where there are snags, sand bars, and many obstructions to impede commerce, what will that river do when it is completed under the existing project? Yet, I understand that that river is to be taken out of the bill if votes enough can be had to do it.

Again let me ask, Mr. President and Senators, who will be the beneficiary if we cease to improve the Missouri River? Will it be the people of Missouri, Kansas, Nebraska, Iowa, and all that splended western section who now get the benefit of having their freights carried at 20 per cent less than the railroad rate, or will it be the railroads that will immediately put up their rates 20 per cent higher if we cease to improve the Missouri?

Mr. SMOOT. Mr. President, I have listened to the remarks made by the Senator from Louisiana [Mr. RANSDELL] and the Senator from North Carolina [Mr. SIMMONS] upon this project in hopes that I could learn something that would justify me in voting for the million dollars provided for the project in the bill. But I have not heard anything that would change my view in the matter, nor has there been anything said that would change in any way the report that has been made by the engineer upon this project, and upon that report I base my opinion.

I have no desire to strike from the bill a single cent of an appropriation where upon the showing of the engineers it is necessary and would be of profit to the commerce of the country in which the river or canal is located. The Senator from Louisiana in this particular case refers to railroad competition, and says that on account of improvements upon inland waterways railroad rates are kept down, and even though the rates have been reduced, the water rate is at present 20 per cent less than the rail rate. If that is true and are the actual conditions existing, I can not for the life of me see why it is that commerce upon this canal has decreased so rapidly in the last 20 years.

I notice in a statement which was made by Senator Burton in the Senate debates found in the RECORD of September 3, 1914, on page 16015, he said:

Twenty-four years ago, when your channels were shallow, when your tolls were imposed, the traffic on these two routes—

The Beaufort and the Dismal Swamp—

was more than four times as much as it was in 1912. It is flying to a refuge which is not safe, it is leaning on a broken reed, to say that it is because a railroad was built there or some boats were bought off. If the traffic was shifted to the railroads, it was because that was the more convenient and economical way of carrying the freight; and no removal of tolls on canals, no enlargement from 9 or 10 feet to 12 feet in depth, no expenditure of $5,400,000, is ever going to bring back what has been lost to those channels. It is a chimera, it is a waste of public moneys, to attempt it.

This project, Mr. President, calls for $5,400,000. In fact, I may say that it is a part of an inland waterway scheme and we can not tell how much the cost will be. We may spend the $5,400,000 and then find ourselves with a project only half completed.

The Senator from North Carolina tried to make it appear that it is wasteful to expend the amount of money required for a project extended over a long term of years. I grant that, Mr. President. That is one thing in the river and harbor bills we pass which is most objectionable to me. I would very much prefer to see the rivers and harbors of our country improved and completed the same as they are in Germany, and the expenditure required not spread over a long series of years. Our practice is to spend a little this year, then an interval of one year in which nothing is done, and then the following year a little more is appropriated, and many times the money so appropriated is required to place the river in the same shape it was the year before, and such appropriations are absolutely wasted. It is a waste of money and it is not a proper way to improve our rivers and harbors. I believe it would be better for this country to adopt projects that we absolutely know will increase the commerce of the country and complete them just as soon as money will do it rather than to try to spread the money that we appropriate all over the country with little result to any project.

I notice in regard to this project that the commerce for 1914 was 229,047 tons. But included in that tonnage we find: Logs, 46,900; lumber, 34,176 tons; piling, 44,000 tons; staves, 3,369 tons; ties, 1,252 tons; wood, 31,297 tons; or a total of 162,996 tons of floating commerce. Apart from these there were only 66,061 tons of commerce.

Mr. SIMMONS. If the Senator will pardon me, during that year the Government-owned canal was obstructed by the construction work going on there, and it could only be used for that kind of commerce. The other kinds of commerce went chiefly by the parallel tolls canal.

Mr. SMOOT. I do not want to take the time of the Senate to go back into the years preceding 1914, but I want to say to the Senator that there would be very little difference in the amount of commerce upon the river in 1913. I think in that year it was a little more than in 1914.

Mr. SIMMONS. I did not catch the point of the Senator's statement.

Mr. SMOOT. I accept the last statement of the Senator as being true; but I am speaking of the project as a whole and not for any one year. The amount of commerce that is carried has never justified the amount of money expended upon the project.

I wish to say to the Senator, if ex-Senator Burton was correct in his statement, that during the year 1912 the commerce was only one-fourth of what it was 20 years before on this very project.

Mr. SIMMONS. Certainly the Senator did not hear the statement I made. Ex-Senator Burton referred to a period when that section had to rely very largely upon water transportation. Since then railroads have been constructed.

Mr. SMOOT. I recognize why the commerce has decreased. I recognize it is caused by railroad competition, and we go right along appropriating large sums of money for maintaining projects, for deepening a channel, and for widening the same, and we know before we appropriate the money that it is impossible to increase the commerce. We must recognize that railroads are going to take the business as long as our laws are the same as they are to-day. The railroads, before regulation, drove commerce from the rivers in Germany; the railroads can and do it in every country until the law regulates what class of commerce shall be carried by water and what class shall be carried by rail.

Mr. OVERMAN. That will apply to every other proposition in the bill.

Mr. SMOOT. Certainly. I called the attention of the Senate to that before. I do not criticize this item particularly upon that basis any more than I criticize the other items I have spoken of.

Mr. BRANDEGEE. The Senator, then, will vote, I assume, against any river improvement anywhere in the country.

Mr. SMOOT. No. The Senator is wrong in assuming that. The Senator from Louisiana quoted from Brig. Gen. William H. Bixby as being the highest authority upon the improvement of our rivers and harbors. Let me quote what he said in his address delivered before the National Rivers and Harbors Congress, Washington, D. C., December 7, 1911, and I approve of what Gen. Bixby says in this statement:

If the United States shall establish a good standard line of water communication between all the States along the coast and through the Great Lakes and up the interstate rivers, it would seem as if it would be nothing more than fair for each individual State to assume to itself the responsibility of the extension of this general system to all connecting waterways and smaller tributaries so far as they may lie within the individual State.

Mr. President, if we confined ourselves to that class of improvement of harbors and rivers I would not object, but we go away beyond that.

Mr. BRANDEGEE. I have myself some doubt as to the merit of the policy of the internal-waterway development. The country has been heretofore committed to it. If what the Senator from Utah says is correct, to wit, that after you develop these waterways the railroads are still going to keep the business, it is perfectly evident that there are many projects where every dollar put in is utterly thrown away. Is that not so, I ask the Senator from Utah?

Mr. SMOOT. Of course it is so, and particularly on what may be called the smaller streams in a State; but I will say to the Senator that, taking rivers that reach the ocean, rivers that are navigable, there is an advantage to the Government of the United States in improving those and keeping them open to navigation, because of the fact that the United States Government itself may want to use those rivers in case of war.

Mr. BRANDEGEE. I know that; but I mean from the standpoint of reaching the object desired by the Senator from Nevada [Mr. NEWLANDS], for instance, which he so eloquently

described in his speech on his project the other day on the floor here, to wit, that these inland streams will teem with commerce and that they will get their share of the business, even competing against the railroads. That is the theory on which I supposed we were appropriating for the development of these rivers. The Senator from Utah, if I understand his position, thinks that is a waste of money; that these internal waterways can never be made to compete with the railroad systems.

Mr. SMOOT. That is my belief, Mr. President; but I want to say, in behalf of the Senator from Nevada, that is not his position, as I understand it. The Senator from Nevada, however, is now here and can explain his own position.

Mr. NEWLANDS. Mr. President, if the Senator from Utah will permit me, I will say that I regard the moneys that are now being spent upon the small streams under the present system as practically wasted.

Mr. SMOOT. That is what I understood the Senator to say.

Mr. NEWLANDS. But I favor a system that will involve a study and investigation of all the waterways of the country, including not only the navigable portions, but the source streams, the tributaries, with a view of artificializing them all so as to make them useful for commerce. If that scheme is carried out, and if a plan and system such as has been carried out in France, in Germany, in Austria, and in Russia is pursued we shall be amazed at the extent to which these small streams can be utilized for commerce itself; but unless we determine to enter upon this plan of operation in a big and comprehensive way I regard the present system of detached work here and there, without a general plan, as an absolute waste of money.

Mr. SMOOT. That is what I understood the Senator to say in his speech yesterday.

Mr. President, I am not going to say very much more upon this project, and shall then leave it for the Senate to decide. I take it for granted, though, in reading the report of the engineers that they almost looked with a microscope to find some reason why the Government of the United States should continue to spend money upon this project. I find in House Document 591, Sixty-second Congress, second session, on page 27, a dissertation on the military value of this 12-foot canal along the sands. Col. Black, the present Chief of Engineers, on page 27, says:

> For the movement of troops water transportation affords many advantages over rail. * * * To move a division of troops it will take 12 ships of 20-foot draft or 22 ships of 16-foot draft.

Well, Mr. President, I wondered how it was possible to have ships with a draft of 20 feet to move troops, or even ships with a draft of 16 feet, in a canal that is only 12 feet deep. I can not for the life of me see why that should be considered as a reason for appropriating money for its improvement.

Mr. GALLINGER. The ships would have to be on rollers, of course.

Mr. SMOOT. There is no proposition to deepen this canal to 20 feet nor even to 16 feet. Why the question of transporting troops in ships of a draft of 20 feet or 16 feet is considered, I can not conceive.

Mr. SIMMONS. Mr. President, will the Senator from Utah permit me to interrupt him?

Mr. SMOOT. Certainly.

Mr. SIMMONS. In the final report signed by Black, Abbot, Sanford, Patrick, and Raymond, they say:

> The military importance of such a waterway likewise has been the subject of numerous reports—

That is, a 12-foot project—

> It will furnish a ready means for the transport of troops and supplies along a portion of the seacoast and a sheltered interior route for torpedo boats, destroyers, and submarines.

Of course, such a waterway would have to be over 12 feet in depth to accommodate larger vessels.

Mr. SMOOT. Not only that, but it seems to me that it would be out of the question to try to transfer troops over this canal, because they could be moved very much more quickly over the railroads, and besides there is no particular place on the canal for them to land. I will say to the Senator that from the report it looks to me as though this is a far-fetched proposition, trying to make it appear that this improvement would be of any advantage to the Government of the United States for the transportation of troops.

Mr. SIMMONS. I want to ask the Senator this question: Does his argument, made a little while ago in favor of the railroads against waterways, apply to coastwise trade, or does it apply to interior trade?

Mr. SMOOT. It does not apply to the coastwise trade, Mr. President, because of the fact that seagoing ships, long hauls, cheaper maintenance, and operation are involved in our coastwise trade.

Mr. SIMMONS. Then the Senator from Utah, regarding this as a purely local project, has overlooked the fact that the main reason for the project is that it will furnish a link in our coastwise trade, which will afford protection against Hatteras and Lookout. Will the Senator let me read just a little paragraph or two from the report of Gen. Black and these four other eminent Army officers about this matter?

Mr. SMOOT. I have no objection to the Senator doing that, Mr. President.

Mr. SIMMONS. This report says:

> While the opening of the Norfolk-Beaufort link in the inland waterway would no doubt result in a very substantial saving in freight charges, just what would be the amount of such saving it is not so easy to predict. The board has examined with care all the statements heretofore submitted by commercial bodies and others and has checked the figures given therein as thoroughly as possible. After a study of these statistics the 1902 board—

That was the first board. This project has not been examined by one engineer, but it has always been examined by boards of engineers—

> The 1902 board estimated that the annual saving in freight charges on "through" freight which would be carried between the termini of this portion of the waterway would probably not be less than $600,000. In view of the possible development of free inland waterways north and south of the Norfolk-Beaufort section, the board believes this estimate of the probable saving to be a conservative one.

A little further on it is stated:

> It has been shown above that the existing commerce, although handicapped by the small depth in the canals south of Norfolk, actually pays in tolls to the owners of these canals no less than $100,000 annually. Making free the waterway between Norfolk and Albemarle Sound will result in saving this sum at once, while if this free waterway is given the dimensions recommended herein, there seems to be no doubt that there will be a substantial increase in this commerce and that the actual saving may be, at the least calculation, twice the amount now paid in tolls, or some $200,000.
>
> An annual saving of this sum capitalized at 3 per cent would amount to over $6,000,000, about twice the estimated cost of constructing that portion of the waterway which will connect the Elizabeth River at Norfolk with Albemarle Sound and considerably more than the estimated cost of the entire waterway from Norfolk to Beaufort.
>
> Add to this—

That is the local—

> almost certain annual saving any saving which might be effected on through freight which would follow this route in preference to taking the outside passage around the Capes and also any saving on the local traffic which would be developed along the waterway south of Albemarle Sound, and it seems certain that the resulting total benefit to commerce will be enough to warrant the statement that as a mere business proposition the construction of the inland waterway from Norfolk to Beaufort is fully justified.

Mr. SMOOT. Mr. President, perhaps I had better answer that quotation by referring to another positive estimate made by the engineers on another project as to the amount of commerce that could be developed if certain improvements were made. I refer to the Rehoboth waterway of Delaware. In House Document No. 823, Sixtieth Congress, first session, on page 5, Gen. Smith reports upon this project. In the same document, on page 9, Maj. Flagler, an Army engineer, estimated that $4,500,000 in commerce would follow the canal, and that "the amount would be doubled within 10 years"; in other words, this is the major's conclusion.

> I believe the above statements to be fairly accurate in quantities, but somewhat inflated in values, which are throughout the highest market rate. I think it safe to say that the region affected by the Lewes Canal has a present commerce, import and export, of $9,000,000 per year; that half of this would follow the canal, and that the amount would be doubled within 10 years.

Yet, Mr. President, what do we find? We find that after the lapse of seven years from the date of that report the commerce has reached the enormous quantity of 4,928 tons, with a value of $67,122, or less than 2 per cent of the estimate.

Mr. THOMAS. Is the project completed?

Mr. SMOOT. The project is completed so far as the money that was appropriated could bring its completion about.

Mr. RANSDELL. Will not the Senator be kind enough to state when that project was completed? I am under the impression that it is not completed yet, though I am not positive. That, however, is my impression.

Mr. SMOOT. I will say to the Senator that they are spending money on the project now for maintenance. I will also say to the Senator that it is hard to say when any project will ever be completed, because of the fact that the appropriations continue year after year. It is almost the same as a provision which, when it once appears in an appropriation bill, never gets out.

Mr. RANSDELL. If I am correctly informed——

Mr. THOMAS rose.

Mr. RANSDELL. Will the Senator permit me to conclude?

Mr. THOMAS. Certainly.

Mr. RANSDELL. If I am correctly informed, there is a railroad bridge on that canal beyond which boats can not pass. They can come up to the bridge, but never have been able to

get past it. Hence the canal has never been used except up to this bridge. Perhaps I am confused on that, but that is my recollection. If the Senator from Delaware is here I hope he will correct me if I am wrong; but I do not think I am.

Mr. SMOOT. There is no such thing as that in the report; and I will say to the Senator from Louisiana that this is the first time I ever heard of it. I really believe the Senator is confused on the project.

Mr. RANSDELL. Perhaps I am mistaken, but I will look it up and see. I think there is a bridge there, beyond which the canal can not be used.

Mr. SMOOT. That may be true——

Mr. THOMAS. Mr. President, I should like to ask the Senator from Utah how much more it will be necessary to appropriate for the completion of that canal and entirely wipe out this small, insignificant remaining tonnage?

Mr. SMOOT. Mr. President, I profess to understand mathematics fairly well, but really the question of the Senator from Colorado is one greater than I can solve either by arithmetic, algebra, or geometry.

Mr. THOMAS. Does not the Senator think there would be the inevitable consequence of continued appropriations, if one may judge by results attending previous ones?

Mr. SMOOT. Of course, if we are to judge by the commerce which is carried on rivers mentioned in the bill, not only this project but 50 others, the more money we appropriate for them the less commerce there is upon them. Therefore, Mr. President, whenever there is a project of this kind, I believe it is the part of wisdom to stop appropriating public money for what may be termed improvements upon it. The argument has been made several times to-day, now that we have started upon a project and have spent a million dollars or $500,000 upon it, it would be a total waste of money if we did not continue to spend more money on it. It has always been a rule of mine in life that where I have made a bad investment I will take my first loss and quit rather than to send good money after bad. I think that principle ought to apply in a great many of the rivers for which we keep on appropriating and which have a commerce which is growing less and less every year.

Furthermore, if there was any advantage to the Government in any way in improving these creeks there would be some justification for continuing the appropriation, but the Government of the United States will never have a boat within hundreds of miles of many of these creeks at any time in its history, and there is no advantage to commerce in any way nor to the Government of the United States in continuing the waste of money on them. To keep appropriating money for projects of this kind, it seems to me, is almost criminal; it is certainly a waste of public funds, and I certainly hope that the amendment offered by the Senator from Iowa will prevail.

Mr. KENYON. Mr. President, on that amendment I ask for the yeas and nays, if there is to be no further discussion upon it.

Mr. LODGE. I desire to ask the Senator from Utah, before he takes his seat, where the troops that are to be carried over this improved waterway will start from and where they will go?

Mr. SMOOT. In the engineers' report there is no definite statement as to that; but I referred to the fact that I did not know where they would start from or where they would land.

Mr. LODGE. Where do they begin?

Mr. SMOOT. Well, they would have to be brought on a railroad from some point, transferred to tugs or light boats, and landed somewhere—the Lord only knows where. I can not conceive of any such argument as that ever being made to bolster up a project of any kind.

Mr. KENYON. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARDWICK (when his name was called). I transfer my pair with the junior Senator from Kansas [Mr. CURTIS] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM], but I have his permission to vote on this bill, and I vote "nay."

Mr. THOMAS (when his name was called). I transfer my pair with the senior Senator from North Dakota [Mr. MCCUMBER] to the junior Senator from South Dakota [Mr. JOHNSON] and vote "yea."

Mr. UNDERWOOD. I transfer my pair with the junior Senator from Ohio [Mr. HARDING] to the Senator from South Carolina [Mr. SMITH] and vote "nay."

The roll call was concluded.

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. CLARK of Wyoming (after having voted in the affirmative). I inquire if the senior Senator from Missouri [Mr. STONE] has voted?

The VICE PRESIDENT. He has not.

Mr. CLARK of Wyoming. I have a general pair with that Senator, which I will transfer to the Senator from Vermont [Mr. PAGE] and allow my vote to stand.

Mr. CATRON. I inquire if the Senator from Oklahoma [Mr. OWEN] has voted?

The VICE PRESIDENT. He has not.

Mr. CATRON. I have a general pair with that Senator, and therefore withhold my vote.

Mr. SMITH of Georgia (after having voted in the negative). I am informed that the senior Senator from Massachusetts [Mr. LODGE] has not voted. I transfer my pair with him to the junior Senator from California [Mr. PHELAN] and will let my vote stand.

The result was announced—yeas 20, nays 35, as follows:

YEAS—20.

Borah	Gore	Norris	Taggart
Brandegee	Husting	Pomerene	Thomas
Clark, Wyo.	Kenyon	Shafroth	Thompson
Cummins	La Follette	Smoot	Walsh
Gallinger	Lane	Sutherland	Warren

NAYS—35.

Ashurst	Hardwick	Nelson	Smith, Ariz.
Bankhead	Jones	Oliver	Smith, Ga.
Broussard	Lea, Tenn.	Overman	Smith, Md.
Chamberlain	Lee, Md.	Poindexter	Smith, Mich.
Chilton	Lewis	Ransdell	Sterling
Clarke, Ark.	Lippitt	Reed	Swanson
Culberson	Martin, Va.	Sheppard	Underwood
Fall	Martine, N. J.	Shields	Vardaman
Fletcher	Myers	Simmons	

NOT VOTING—41.

Beckham	Gronna	McLean	Smith, S. C.
Brady	Harding	Newlands	Stone
Bryan	Hitchcock	O'Gorman	Tillman
Burleigh	Hollis	Owen	Townsend
Catron	Hughes	Page	Wadsworth
Clapp	James	Penrose	Weeks
Colt	Johnson, Me.	Phelan	Williams
Curtis	Johnson, S. Dak.	Pittman	Works
Dillingham	Kern	Robinson	
du Pont	Lodge	Saulsbury	
Goff	McCumber	Sherman	

So. Mr. KENYON's amendment was rejected.

Mr. HUSTING. Mr. President, I stated yesterday that I would move to recommit this bill to the Committee on Commerce, with instructions. I was asked to defer that motion until it could be ascertained what shape the bill would assume. It appears now that the motions to strike out are defeated, and consequently there is every indication that the bill as now recommended by the committee will be the bill upon which the Senate will vote. For that reason, I consider this a proper time to make the motion to recommit the bill.

Mr. BRANDEGEE. Mr. President——

Mr. SHAFROTH. Mr. President, there are other amendments to be offered to the bill. I have one which I think ought to be adopted, and if adopted it seems to me Senators ought to vote for the bill. That is a provision that 20 per cent shall be contributed by each one of these localities in order to have the appropriation take effect; and I should like to have that voted upon before the Senator moves a substitute for the bill.

Mr. HUSTING. With all deference to the Senator, I feel that this is a good time to offer the motion to recommit.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. HUSTING. I do.

Mr. BRANDEGEE. I simply wanted to state to the Senator that this morning I offered an amendment, and then withdrew it to allow the House text to be voted upon; and I expect to offer that amendment. I do not wish to make any suggestions to the Senator about when he shall make his motion, that is his affair; but if the Senator cared to defer his motion until a vote had been taken upon my amendment, I wanted to let him know that I was going to offer it. I can offer it just as well after his motion has been voted on, however, if he prefers to make his motion now.

SEVERAL SENATORS. Suppose the bill is recommitted.

Mr. BRANDEGEE. If it is recommitted, I do not care anything further about the bill.

Mr. RANSDELL. Let us have a vote on it now.

Mr. HUSTING. I shall submit the motion now, and leave it to the Senate, at the proper time, to vote on it.

Mr. BRANDEGEE. I did not understand what the Senator said.

Mr. HUSTING. I say, I will submit the motion now, and leave it to the Senate, if it desires, to vote upon it.

Mr. VARDAMAN. I move to lay the motion to recommit on the table.

Mr. SHAFROTH. I hope the Senator will not ask for a vote until these other amendments are disposed of.

Mr. VARDAMAN. Mr. President, I move to lay the motion to recommit the bill on the table.

The VICE PRESIDENT. The Senator from Wisconsin offers a motion which will be stated by the Secretary.

The SECRETARY. That the pending bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, be recommitted to the Committee on Commerce, with instructions to report back a bill appropriating not to exceed the sum of $20,000,000.

The VICE PRESIDENT. The Senator from Mississippi [Mr. VARDAMAN] has moved to lay this motion on the table.

Mr. CLARKE of Arkansas. Mr. President, I should like to address an inquiry to the Senator from Mississippi. We have been proceeding here along a line that permitted reasonable debate on all propositions presented. If any Senator desires to debate the motion to recommit, I think the motion to lay it on the table ought to be withdrawn.

Mr. VARDAMAN. If any Senator wants to debate it, I shall very cheerfully withdraw my motion. My understanding was that no Senator desired to debate it.

Mr. CLARKE of Arkansas. Let us have a vote directly on the motion to recommit.

Mr. THOMAS. Mr. President, I desire to be heard on the motion to recommit.

Mr. VARDAMAN. I withdraw the motion to lay it on the table, then.

AMENDMENT REQUIRING 20 PER CENT CONTRIBUTION.

Mr. SHAFROTH. Mr. President, I want to say to the Senator from Wisconsin that I believe the amendment which I propose to offer has a virtue in it that ought to determine to a large extent whether or not this bill should pass. This amendment provides for adding to the bill a new section, to read as follows:

That each of the appropriations herein made shall become available only in the event States, counties, cities, or individuals shall pay into the Treasury as part of the same 20 per cent of the amount thereof: *Provided, however,* That the provisions of this section shall not apply to those items requiring contributions from other sources.

Mr. President, we have had a discussion of this bill extending over many days. I have found rising upon one side Senators of the highest integrity, asserting that the project under discussion is an unworthy one and should not be approved. Yet, when called upon, the Senator from the State where the improvement is to be made emphatically states that it is one of the best provisions in the entire bill. We who are not members of the committee find it impossible to go into these matters from the standpoint of full information by reading the evidence taken with relation to these items; consequently it seems to me that we ought to put each project to a test as to whether or not these enterprises are meritorious. If we provide that there shall be a contribution in behalf of each of these improvements to the extent of 20 per cent of the amount appropriated before the appropriation shall become available, that will work a determination as to whether there is any "pork-barrel" appropriations in this bill. The acid test is when the pocketbooks of individuals are touched. If they respond, the appropriation is meritorious. If not, it is generally unworthy.

Mr. MARTINE of New Jersey and Mr. CHAMBERLAIN addressed the Chair.

Mr. SHAFROTH. If they are willing to subscribe, then it seems to me my judgment as to the character of the improvement should be set aside, because I believe that when men will go into their own pockets, or counties will go into their own treasuries, or cities will go into their own treasuries for the purpose of putting up a substantial amount for the project, it means that there is merit in the enterprise, and consequently it ought to be adopted.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Oregon?

Mr. SHAFROTH. I yield to the Senator.

Mr. CHAMBERLAIN. I want to ask the Senator if he will not go a step further and refund to the States that have paid dollar for dollar for all Government appropriations the amount that they have contributed?

Mr. SHAFROTH. No; I will not.

Mr. CHAMBERLAIN. Oregon has paid dollar for dollar for nearly every improvement the Government has made.

Mr. SHAFROTH. Yes; that is true, and that is unfortunate; but the difficulty is that unless you have some provision of this kind which puts the enterprises upon a different basis it is not fair——

Mr. MARTINE of New Jersey. Mr. President——

Mr. HARDWICK. Mr. President, may I make a suggestion to the Senator?

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. SHAFROTH. I do.

Mr. HARDWICK. There is a good deal of merit, I think, in the Senator's suggestion in a general way, but how in the world is he going to work it out? How wide is the territory on each side of a river that would be called on to contribute? Where does the line of contribution end and where does it begin? The Senator would have to work that out; and it is a pretty difficult question, it seems to me.

Mr. SHAFROTH. Oh, Mr. President, that is no difficulty whatever, because the amendment does not limit contributions to owners of land on the borders of the river. There is no provision as to who shall contribute. People who are interested may contribute. Cities that are interested may contribute. Individuals may contribute. It is not to be an assessment upon the land abutting on the stream. Nothing of that kind is intended by this amendment; but it is provided that those people who say that an enterprise is a good one and is going to be of some value to the people of the United States, and particularly of advantage to their section, must raise a certain percentage of this money in order to get the Government to expend this large appropriation on the enterprise.

Mr. President, we are doing that directly in the case of the good-roads measure. Nobody has suggested that the United States Government should build these roads altogether out of its own treasury. We say that we will build the roads, provided the States, the counties, and the individuals combined contribute at least an equal amount. It might be that it would be proper even to increase the amount specified in this amendment from 20 to 50 per cent; but it seems to me that there ought to be an effort to make communities, people, and cities specially benefited contribute something out of their own moneys, thereby showing their good faith in the assertion that these improvements that are specified here are worthy objects.

Mr. BRANDEGEE, Mr. SMITH of Michigan, and Mr. MARTINE of New Jersey addressed the Chair.

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. SHAFROTH. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from Colorado who would pay this 20 per cent in a situation such as this:

The St. Clair River, which runs along the Canadian and the Michigan line, with a commerce of $885,000,000 a year, asks for an additional channel because the present channel can not accommodate the traffic. It is dangerous. There is an estimate of $83,000 in this bill for that extra channel. It is a channel that is as important to Minnesota, Wisconsin, and the Northwest as it is to Michigan, and I was almost going to say that it is as important to Canada as it is to us. On what theory would that 20 per cent be levied? Certainly not against the city of Port Huron, along whose water front this channel must be built. The Senator is running into great difficulty with his proposition, and I am afraid has not given his usual care and thought to the suggestion which he makes.

Mr. SHAFROTH. I see no difficulty in that case—none whatever.

Mr. SMITH of Michigan. Where would the Senator put it?

Mr. SHAFROTH. I will explain to the Senator just where I think it ought to be put. This is an open contribution. The benefit is to the ships that go through there, and these ship companies can contribute to that measly $83,000. The persons who make the shipments also can contribute with relation to it. Wherever there is a benefit there ought to be a contribution; and the measly sum of $83,000 would not be wanting long in contributions by persons who are interested in getting the channel there if it is a meritorious enterprise.

Mr. SMITH of Michigan. Then the Senator would pass the hat among all the shippers and the shipowners to pay for great national improvements, as vital to the consumers as well as the

producers and the carriers, who in most instances are entirely unrelated to this waterway?

Mr. SHAFROTH. No; I would not. I would simply say: "Gentlemen, you can get this if you will contribute 20 per cent; but if you do not believe in it yourselves to the extent of making a contribution to that extent, why, then, we will decline to make the appropriation."

Mr. SMITH of Michigan. Yes; but the whole country is interested in that waterway.

Mr. SHAFROTH. That is the reason why it should be so much easier to do it. Where you have such great resources, such great capital, it ought to be a very easy matter.

Mr. SMITH of Michigan. The entire country is interested in it. Is the Government to plead poverty and lack of interest in a great improvement of that character in order to establish the virtue of the project?

Mr. SHAFROTH. No, sir; it is not pleading poverty. It is just testing the question as to whether or not you people believe that these enterprises which you are undertaking are worthy; and it makes the acid test, as it were, when it comes to the question of going down into the pockets of the companies, individuals, or persons who are benefited by the commerce.

Mr. MARTINE of New Jersey and Mr. WILLIAMS addressed the Chair.

Mr. SMITH of Michigan. There is one more question I should like to ask the Senator. Take the case of the improvement of the East River in New York: Upon whom would the 20 per cent be levied, when it appears here that the Navy and the Government are to be benefited more than any individual or municipality? An injury to one battleship passing from the Brooklyn Navy Yard through the East River between Governors Island and the Battery would cost the Government more money than that entire improvement would involve. The test proposed by the Senator from Colorado would be very difficult of execution and is inequitable when applied to many of these projects. The two instances which I have cited are not exceptional; there are many others in the bill of similar character, and unless the Senate proposes to abandon all river and harbor improvements this amendment ought not to be adopted. There are undoubtedly many appropriations which could with propriety be based upon local contributions for a fair share of the cost, but in the very nature of things such a rule can not be applied indiscriminately.

Mr. SHAFROTH. The Government would contribute 80 per cent of it for that benefit, and consequently there would be no trouble. The Government would be paying an undue proportion even then; but you can not fail to get a contribution of that kind from the great city of New York and by other persons who may be interested. It seems to me that it is a very easy way of testing the question as to whether or not these enterprises are meritorious.

Mr. WILLIAMS. Mr. President——

Mr. GALLINGER. Mr. President, I rise to a point of order.

Mr. SHAFROTH. I yield to the Senator from Mississippi.

Mr. GALLINGER. I rise to a question of order.

The VICE PRESIDENT. The Senator from New Hampshire will state the question of order.

Mr. GALLINGER. There is so much confusion that we can not understand what is going on, and I think the Senator from New Jersey [Mr. MARTINE] ought to be granted permission to explain this matter.

Mr. WILLIAMS. Am I recognized?

Mr. SHAFROTH. I yield to the Senator from New Jersey.

Mr. WILLIAMS. I thought the Senator yielded to me.

Mr. SHAFROTH. I will yield to the Senator from Mississippi in a minute. The Senator from New Jersey rose first.

Mr. MARTINE of New Jersey. Mr. President, I want to hold up to the Senator from Colorado and to the Senate of the United States the glorious example of the little Commonwealth of New Jersey. We are asking for some little appropriations in this bill for some great rivers and for some other streams that are only dignified by the name of creeks. The New Jersey Legislature have passed a resolution insisting that they would ask for no appropriations for the rivers or harbors of New Jersey unless the cities and the contiguous territory should pay at least 50 per cent, so we go you 30 per cent better than your 20 per cent.

Mr. SHAFROTH. I am very glad of the example of New Jersey.

Mr. MARTINE of New Jersey. We believe that the rivers and harbors are one of the great blessings of the great Jehovah to our country, and we believe it is our duty and the duty of the Government of the United States to maintain and preserve and improve these things, and as an evidence of the faith that is in us we have passed the resolution that I have mentioned.

Mr. SHAFROTH. The legislature of the Senator's State has simply recognized the fact that that State gets a direct benefit, and for that reason his people are willing to contribute their share.

Mr. MARTINE of New Jersey. We get not only a direct benefit, but we feel that we get an indirect benefit. The city of Elizabeth, if you choose, or Jersey City, or Newark, or Paterson, or Passaic, may get a direct benefit; but the hills of Sussex, clear up and far beyond, reap the splendid prosperity and the glorious hope that we all do in the prosperity of our little Commonwealth.

Mr. WILLIAMS. Now, Mr. President——

Mr. SHAFROTH. I yield to the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, I am not so much interested in the proposition that the locale should pay 20 per cent as I am interested in the question as to who shall pay back the surplusage over 20 per cent that the locale has already contributed. Upon the Mississippi River we have contributed about $4 from the beginning of the improvements down to now for every dollar that the United States Government has contributed. I have paid a great deal of that in taxes myself in the Yazoo Delta. Does the Senator's proposition involve paying back the difference between the 80 per cent that we paid and the 20 per cent the Senator thinks we ought to have paid?

Mr. SHAFROTH. Oh, no; but we think the rule ought to be different. Instead of relying, as heretofore, upon voluntary contributions, it ought to be a condition as to whether or not you can avail yourselves of the provisions of the bill; and it seems to me that that will constitute a test as to whether or not it is a meritorious measure.

Mr. WILLIAMS. Mr. President, if we are to be subjected to an acid test, and that is to be a test of equity, anybody coming into a court of equity must bring equity with him; and if the Senator makes the demand that the locality must pay 20 per cent, then those localities that have paid 80 per cent ought to have 60 per cent refunded to them.

Mr. SHAFROTH. No; because they did it voluntarily, without any imposition or requirement upon the part of the United States Government; and the Senator knows very well that whenever taxes are paid without protest you can never recover them back.

Mr. NEWLANDS. Mr. President——

Mr. WILLIAMS. They did not pay it voluntarily. They paid it because, if they had not paid, they would have been destroyed by the great national river. It was just as much compulsion as anything in the world ever was.

Mr. SHAFROTH. There is no compulsion upon the part of the United States Government. Consequently there is no moral obligation upon the part of the United States Government to refund that money.

Mr. NEWLANDS. Mr. President——

Mr. WILLIAMS. There may or may not be. I do not think there is any moral obligation upon the part of the locality to pay 20 per cent; but if there be, then there is also the reciprocal moral obligation upon the part of the United States to reduce it to 20 per cent, and keep it down to that figure.

So far as I am concerned, if you adopt the 20 per cent proposition the people of the Mississippi Valley will be delighted, provided you make the United States pay back the 80 per cent while you are making our people pay the 20 per cent.

Mr. NEWLANDS. Mr. President——

Mr. SHAFROTH. Let me answer the statement of the Senator from Mississippi. He thinks that there ought to be a refund upon the part of the Government of the United States. This contribution which has been made by the States bordering upon the Mississippi Valley has been a voluntary contribution upon their part, prompted no doubt by benefits received, and consequently there is no obligation whatever upon the part of the Government to make a refund. But here comes a line of action to be applied to all of the appropriations; and by reason of its being applied to all of the appropriations you will find that it not only cuts the amount which the United States Government must appropriate under this act to the extent of $8,000,000 or $10,000,000, but it will also be a guarantee that every project that is entered upon as the result of putting up that 20 per cent will be a genuine enterprise.

Mr. WILLIAMS. Mr. President, for the sake of the argument I am willing to "let the dead past bury its dead" if the Senator will put his proposition in such shape as that all appropriations for the Mississippi River shall be paid 80 per cent by the United States Government and 20 per cent by the local authorities for all time hereafter to come.

Mr. SHAFROTH. No, Mr. President; that is not involved. Each individual appropriation will arise, and the question will

naturally present itself to every Senator here, "Is this a meritorious enterprise that is presented?"

Mr. NEWLANDS. Mr. President, will the Senator let me make a suggestion?

Mr. SHAFROTH. Yes, sir; I will let the Senator make a suggestion, although it breaks the continuity of my argument.

Mr. NEWLANDS. The suggestion is this: That the project to which the Senator from Mississippi refers is one for the reclamation of swamp lands through the construction of levees, and not a proposition relating to the development of commerce; and that in such a case it is obvious that the entire cost of the reclamation ought to be levied upon the lands, as it is with reference to the arid lands of the West, where every dollar expended is recovered from the land itself; and that this case does not come within the class of projects for the promotion and development of commerce.

Mr. WILLIAMS. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Mississippi.

Mr. WILLIAMS. First, all the engineers agree that levees improve navigation; secondly—just one moment more. I hate to disturb the Senator from Colorado; but does the Senator from Nevada really intend to convey to the country the idea that the West is paying the irrigation tax and that anybody with common sense ever expects the Government to get it back?

Mr. NEWLANDS. Why, of course, we are paying it, and we expect to pay it back, and the law requires the payment back of every dollar.

Mr. WILLIAMS. Oh, yes; but how much has been paid back? Moreover, you want the balance of us to pay in advance.

Mr. NEWLANDS. Then I maintain, Mr. President, that commerce on the lower Mississippi would be better off without levee building than with it.

Mr. WILLIAMS. In that opinion you differ with the Mississippi River Commission and all the distinguished engineers of America. Now, Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado further yield to the Senator from Mississippi?

Mr. SHAFROTH. I yield to the Senator from Mississippi.

Mr. WILLIAMS. If the Senator from Nevada will agree, now, that the locality shall be subjected to even 20 per cent of the cost of irrigation in the West, now, beforehand—not ultimately and doubtfully and certainly never to pay—I imagine that nearly everybody from the Mississippi Valley who has ever voted for an irrigation project would be ready to close with his proposition. Nobody except the Senator from Nevada really expects that there ever will be paid back into the United States Treasury the immense amount of money that the United State Government has devoted to irrigation in the West; and if it ever comes to the point where the law is sought to be enforced there will be a bill here, possibly offered by him, releasing settlers from their payments. I think the Senator from Nevada knows that as well as I, or better than I. But if it is agreed that in all these irrigation projects in the West the community must put up 20 per cent before the United States Government advances the balance of it, that will be a new doctrine sounding from the West, and will be very welcome to a great many of us who want to "get in on the ground floor."

I voted for these irrigation projects in the West. I have not voted for them upon the narrow ground that is now being presented, both by me and by the Senator from Colorado and by the Senator from Nevada, but I have voted for them upon the broad national ground that under modern circumstances of civilization there is a degree of collectivism that must be carried through in order to give efficient Government to all parts of the Union. That collectivism applies in a tenfold degree to the great national river, or as Calhoun, strictest of strict constructionist, called it, the great American inland sea. I dare say that in the very next bill carrying an irrigation project, if it is proposed that no money shall be spent by the United States Government until after the locality has put up 20 per cent, the Senator from Nevada will be found opposing it.

Mr. NEWLANDS. Mr. President——

Mr. SHAFROTH. Mr. President, the Senator has said that I will have to look up a precedent somewhere else. I want to call his attention to the fact that there is precedent after precedent in this very bill, and I will read him one:

Provided, That no part of the latter amount shall be expended until the city of Dallas or other local interests shall have contributed the sum of $50,000 toward the improvement.

There is a direct requirement of contribution upon the part of the city of Dallas before a single dollar of the appropriation which is provided here can be obtained. Not only that, but there are 8 or 10 similar provisions in this bill. One of them provides that they shall pay into the Treasury a certain large amount, and, unless they do so, that the improvement shall not be started. Eight or nine provisions make that condition; and in my amendment, after requiring this 20 per cent contribution, I make this proviso:

Provided, however, That the provisions of this section shall not apply to those items requiring contributions from other sources.

Mr. LEWIS. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Illinois.

Mr. LEWIS. I should like to ask the Senator from Colorado if his amendment contemplates that each State through which an enterprise goes shall pay 20 per cent? Or does the Senator assume that in the case of enterprises passing through four or five States 20 per cent shall be gathered from all the States through which the enterprise goes?

Mr. SHAFROTH. Oh, Mr. President, I provide that the contribution shall be made, and we are not particular as to where it comes from. They will find the way. The city of Chicago has done this very same thing.

Mr. LEWIS. Then, I call the attention of the Senator, if he will permit me, to the fact that as the amendment now stands the Missouri River or the Mississippi River passing through five States, each paying 20 per cent, all would pay 100 per cent, and there would not be a cent then left for the Federal Government to pay at all.

Mr. SHAFROTH. Oh, no; that does not apply. It is a question of 20 per cent of the entire appropriation made. Consequently, if there are 10 States, it is only 2 per cent, as a matter of fact, against each State, if it is levied in that way.

Mr. LEWIS. I wanted to catch the Senator's idea as to how he expected to apply his amendment.

Mr. SHAFROTH. Mr. President, we can not help but realize the fact that there are appropriations made in every——

Mr. OLIVER. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Pennsylvania will state it.

Mr. OLIVER. What is the proposition before the Senate at the present time?

The VICE PRESIDENT. The motion of the Senator from Wisconsin [Mr. HUSTING] to recommit the bill to the Committee on Commerce.

Mr. OLIVER. Then I make the point of order that this discussion at this time is out of order.

Mr. THOMAS. Mr. President, I understood——

The VICE PRESIDENT. The point of order will have to be overruled. The Senate of the United States rarely discusses the question.

Mr. CLARKE of Arkansas. Mr. President, if the Senator from Colorado will yield to me at this time, I ask that the bill may be temporarily laid aside, in order that we may arrange for a recess. I understand that it is the purpose to hold an executive session at 5 o'clock, and that hour has about arrived.

Mr. SHAFROTH. I yield for that purpose.

The VICE PRESIDENT. Without objection, the bill will be temporarily laid aside.

EXECUTIVE SESSION.

Mr. STONE. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented the petition of A. H. Overman, of Westmoreland Depot, N. H., praying for the enactment of legislation to provide for the grading of grain, which was ordered to lie on the table.

Mr. SMITH of Michigan presented a memorial of the ministers of the Lutheran South Michigan Conference, held at Detroit, Mich., remonstrating against the severance of diplomatic relations between the United States and Germany, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Flint, Mich., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Flint, Mich., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 6153) for the relief of Frank A. Kopp; to the Committee on Claims.

By Mr. CHILTON:

A bill (S. 6154) for the relief of Dr. Charles Lee Baker; to the Committee on Military Affairs.

By Mr. BRANDEGEE:

A bill (S. 6155) granting an increase of pension to Alma I. Austin (with accompanying papers);

A bill (S. 6156) granting an increase of pension to Annie Jain Bump (with accompanying papers);

A bill (S. 6157) granting an increase of pension to Mary E. Button (with accompanying papers);

A bill (S. 6158) granting an increase of pension to Catherine L. Commerford (with accompanying papers);

A bill (S. 6159) granting an increase of pension to Anna M. De La Forgue (with accompanying papers);

A bill (S. 6160) granting an increase of pension to Ellen Hopper (with accompanying papers);

A bill (S. 6161) granting an increase of pension to Annie K. Lamphere (with accompanying papers);

A bill (S. 6162) granting a pension to Hannah C. Leary (with accompanying papers);

A bill (S. 6163) granting a pension to Mary J. Lynch (with accompanying papers);

A bill (S. 6164) granting an increase of pension to Mary A. Marble (with accompanying papers);

A bill (S. 6165) granting an increase of pension to Charles H. Minson (with accompanying papers);

A bill (S. 6166) granting a pension to Annie L. Kelly Nichols (with accompanying papers);

A bill (S. 6167) granting an increase of pension to Caroline M. Osborn (with accompanying papers);

A bill (S. 6168) granting an increase of pension to Sarah E. Parrott (with accompanying papers);

A bill (S. 6169) granting an increase of pension to Charles A. Potter (with accompanying papers);

A bill (S. 6170) granting an increase of pension to Ada Roberts (with accompanying papers);

A bill (S. 6171) granting an increase of pension to Edwin D. Sweet (with accompanying papers);

A bill (S. 6172) granting an increase of pension to Adelaide F. Thomas (with accompanying papers); and

A bill (S. 6173) granting an increase of pension to George O. Whitman (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 6174) granting a pension to Alexander Farris, jr.; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 6175) granting an increase of pension to Thomas B. Williams (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 6176) granting an increase of pension to James E. Bresett (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 6177) for the relief of Frank Kinsey Hill; to the Committee on Naval Affairs.

A bill (S. 6178) to exempt from taxation certain property of the Congressional Club in Washington, D. C.; to the Committee on the District of Columbia.

By Mr. NEWLANDS:

A joint resolution (S. J. Res. 135) to create a commission to investigate the standardization of time in the United States and its territorial possessions; to the Committee on Interstate Commerce.

RESTORATION OF PEACE.

Mr. LEWIS. Mr. President, I submit a resolution and ask that it may lie on the table.

The resolution (S. Res. 202) was ordered to lie on the table and to be printed, as follows:

Whereas the present war involving Europe has, up to the present time, sacrificed to death, disaster, or general destruction 10,000,000 human beings and has forced an outlay and expenditure of money exceeding $20,000,000,000, all to the desolation of countries and to the destruction of civilization; and

Whereas the conflict at this time gives no promise of absolute victory or absolute defeat to either of the forces engaged in the combat, and each of the principal combatants having indicated desire for peace; and

Whereas it is necessary for the best uses of the world that peace be had among the contending forces at the earliest possible moment and upon terms that may make for permanent peace, and which shall remove the possibility of revival or renewal of conflict born of any sense of disappointment or defeat upon the part of either or any one of the combatants: Therefore be it

Resolved, That the President of the United States is requested—unless to him such appears incompatible with the public interests of the United States—that he suggest through proper channels that the United States mediate between the combatants by tendering the proposition that the combatants at the earliest moment convenient to the situation in which they are placed declare a truce and either withdraw the armies from the field or hold the same in nonaction, and in the meantime each of the countries engaged in the combat choose a neutral country as its representative, thus creating a board of arbitration made up of the chosen neutral countries; the said board to have a member for each of the countries engaged in the conflict, with the President of the United States, or a representative of such chosen by him, to serve as referee. That this board be the tribunal before which the combatants shall at a time appropriate to their immediate necessities, present the demands or the claims which each regards as necessary to the acceptance of peace. That the said commission or arbitration board shall after the said propositions have been submitted settle upon such terms as in all the circumstances would appear equitable to all parties, leaving to the future the remedying of any omission which might be endured or accepted by any one of the combatants in the general solution presented by the commission; be it further

Resolved, That the said proposition is suggested by the Senate to the President of the United States to present to the combatants as an expression of the desire of the United States for world peace, and not as any expression of favoritism or partiality to any one of the combatants engaged at present in the European conflict.

FOREIGN-BUILT DREDGES.

Mr. LIPPITT. Mr. President, I enter a motion to reconsider the vote by which the Senate on yesterday passed the bill (S. 4797) to amend an act entitled "An act concerning foreign-built dredges," approved May 28, 1906, and I ask that the House of Representatives be requested to return the bill to the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

RAILROAD EMPLOYEES.

Mr. NEWLANDS. Mr. President, I desire to have printed as a public document the report of the United States Board of Mediation and Conciliation on the effects of arbitration proceedings upon rates of pay and working conditions of railroad employees. The estimated cost for printing the report will be $3,529.91. I ask that the report be referred to the Committee on Printing for action.

The VICE PRESIDENT. Without objection, it is so ordered.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on this day approved and signed the following act:

S. 5221. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

RECESS.

Mr. STONE. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m., Thursday, May 25, 1916) the Senate took a recess until to-morrow, Friday, May 26, 1916, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 25 (legislative day of May 18), 1916.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Lieut. Col. Henry S. T. Harris, Medical Corps, to be colonel from May 23, 1916, vice Col. John L. Phillips, who died May 22, 1916.

Maj. James M. Kennedy, Medical Corps, to be lieutenant colonel from May 23, 1916, vice Lieut. Col. Henry S. T. Harris, promoted.

Capt. William H. Moncrief, Medical Corps, to be major from May 23, 1916, vice Maj. James M. Kennedy, promoted.

CAVALRY ARM.

First Lieut. George A. F. Trumbo, Cavalry, unassigned, to be captain from May 21, 1916, vice Capt. Wallace M. Craigie, Thirteenth Cavalry, retired from active service May 20, 1916.

Second Lieut. George S. Patton, jr., Eighth Cavalry, to be first lieutenant from May 23, 1916, vice First Lieut. Albert H. Mueller, Tenth Cavalry, detached from his proper command.

COAST ARTILLERY CORPS.

First Lieut. Henry T. Burgin, Coast Artillery Corps, to be captain from May 21, 1916, vice Capt. Charles L. J. Frohwitter, retired from active service May 20, 1916.

First Lieut. Nathan Horowitz, Coast Artillery Corps, to be captain from May 21, 1916, vice Capt. James Totten, detached from his proper command.

Second Lieut. George W. Easterday, Coast Artillery Corps, to be first lieutenant from May 21, 1916, vice First Lieut. Henry T. Burgin, promoted.

Second Lieut. George B. Gorham, Coast Artillery Corps, to be first lieutenant from May 21, 1916, vice First Lieut. Nathan Horowitz, promoted.

INFANTRY ARM.

First Lieut. Robert G. Peck, Seventh Infantry, to be captain from May 24, 1916, vice Capt. Frederick W. Benteen, Twelfth Infantry, retired from active service May 23, 1916.

Second Lieut. Robert Coker, Third Infantry, to be first lieutenant from May 16, 1916, vice First Lieut. John F. Curry, Fifth Infantry, detailed in the Aviation Section, Signal Corps.

Second Lieut. William F. Hoey, jr., Twelfth Infantry, to be first lieutenant from May 20, 1916, vice First Lieut. Henry H. Arnold, Third Infantry, detailed in the Aviation Section, Signal Corps.

Second Lieut. John H. Stutesman, Twenty-third Infantry, to be first lieutenant from May 24, 1916, vice First Lieut. Robert G. Peck, Seventh Infantry, promoted.

MEDICAL CORPS.

The first lieutenants of the Medical Reserve Corps herein named for appointment as first lieutenants of the Medical Corps, United States Army, each to rank from the date set opposite his name:

William Frederick Rice, May 8, 1916, vice First Lieut. George G. Divins, Medical Corps, honorably discharged March 25, 1914.

Edward Allen Noyes, May 9, 1916, vice First Lieut. Bert R. Huntington, Medical Corps, honorably discharged March 27, 1914.

Charles Woodward Riley, May 10, 1916, vice Capt. George D. Heath, jr., Medical Corps, retired from active service April 15, 1914.

Charles George Sinclair, May 11, 1916, vice Capt. John L. Shepard, Medical Corps, promoted April 23, 1914.

Charles George Hutter, May 12, 1916, vice Capt. Edwin D. Kilbourne, Medical Corps, resigned May 22, 1914.

Frederick Hensel Petters, May 13, 1916, vice Capt. Joseph O. Walkup, Medical Corps who died June 1, 1914.

Clarence Searle Ketcham, May 14, 1916, vice First Lieut. Charles R. Castlen, Medical Corps, resigned July 1, 1914.

Robert Parvin Williams, May 15, 1916, vice Capt. William L. Keller, Medical Corps, promoted July 4, 1914.

Edwin Brooks Maynard, May 16, 1916, vice First Lieut. Howard L. Hull, Medical Corps, resigned February 5, 1915.

Harvard Clayton Moore, May 17, 1916, vice Capt. Charles C. Billingslea, Medical Corps, promoted May 9, 1915.

Arden Freer, May 18, 1916, vice Capt. Harry S. Purnell, Medical Corps, resigned June 1, 1915.

Paul Adolph Schule, May 19, 1916, vice First Lieut. John S. C. Fielden, jr., Medical Corps, resigned September 1, 1915.

John Stuart Gaul, May 20, 1916, vice Capt. Henry L. Brown, Medical Corps, who died April 14, 1916.

APPOINTMENT AND PROMOTIONS IN THE NAVY.

Hubert A. Royster, a citizen of North Carolina, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 15th day of May, 1916.

Boatswain Gregory Cullen to be a chief boatswain in the Navy from the 9th day of January, 1915.

Machinist Charles F. Beecher to be a chief machinist in the Navy from the 30th day of December, 1915.

Pay Clerk Andrew J. McMullen to be a chief pay clerk in the Navy from the 7th day of August, 1915.

Pay Clerk Alvah B. Canham to be a chief pay clerk in the Navy from the 16th day of August, 1915.

Pay Clerk Noble R. Wade to be a chief pay clerk in the Navy from the 18th day of October, 1915.

Pay Clerk Ross B. Deming to be a chief pay clerk in the Navy from the 10th day of December, 1915.

Pay Clerk Effinger E. Hartline to be a chief pay clerk in the Navy from the 30th day of January, 1916.

Chaplain James D. MacNair, with rank of lieutenant (junior grade), to be a chaplain in the Navy, with rank of lieutenant, from the 20th day of May, 1916.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 25 (legislative day of May 18), 1916.

INTERNAL-REVENUE COLLECTOR.

George L. Loomis to be collector of internal revenue for the district of Nebraska.

REGISTERS OF THE LAND OFFICE.

M. C. Warrington to be register of the land office at Broken Bow, Nebr.

John P. Golden to be register of the land office at O'Neill, Nebr.

APPOINTMENTS IN THE ARMY.

Rev. John Granville Breden to be chaplain with the rank of first lieutenant.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Zabdiel Boylston Adams.
Herbert Merton Greene.
James Earle Ash.
Astley Paston Cooper Ashhurst.
James Harold Austin.
Louis de Keyser Belden.
Bernard Johan Beuker.
John Welch Boyce.
Claude Lee Bradford.
Harry Francis Byrnes.
George Fitzpatrick Adair.
Richard Travis Atkins.
Julius Benjamin Boehm.
Walter Whitney Boardman.
Ward Brinton.
Bert Wilmer Caldwell.
Williams Biddle Cadwalader.
Donald William Cameron.
Benjamin Van Campen.
Brewster Clarke Doust.
Ambrose Francis Dowd.
Blake Ferguson Donaldson.
William Darrach.
Charles Dudley Eldred.
Thomson Edwards.
Eldridge Lyon Eliason.
Daniel Wadsworth Frye.
Isaac Samuel Gellert.
Curtenius Gillette.
Thomas E. Gutch.
Edward L. Hanes.
Walter Coit Hill.
Daniel Mansfield Hoyt.
Reid Hunt.
Henry Barr Ingle.
Frank Hussy Jackson.
Floyd Elwood Keene.
Elmer Alexander Klein.
Edward Bell Krumbhaar.
Peirce Henry Leavitt.
Burton James Lee.
Hanson Thomas Asbury Lemon.
John Borneman Ludy.
William Sharp McCann.
Archibald Alexander MacLachlan.
Thomas William Maloney.
Harrison Stanford Martland.
Alvah Strong Miller.
Alfred Meyer.
Alfred James Ostheimer.
William Barclay Parsons, jr.
George Morris Piersol.
Thomas Christian Peightal.
Edmund Brown Piper.
Martin William Reddan.
Nathaniel Fulford Rodman.
George Malcolm Laws.
Daniel Augustus Shea.
Andrew Watson Sellards.
Henry Larned Keith Shaw.
Richmond Stephens.
Henry Joseph Fitz Simmons.
John Reid Simpson.
Frederick Jennings Smith.
Joseph Wheeler Smith, jr.
William Johnson Taylor.
Royden Mandeville Vose.
John William Warner.
James Homer Wright.
Herbert Maxwell Nash Wynne.
John Edward Williams.
William Whitridge Williams.
Warren Wooden.

John Archibald Campbell Colston.
Victor Francis Cullen.
Paul Wiswall Clough.
Arthur Bliss Dayton.
John Howland.
John Theodore King, jr.
Winford Henry Smith.
Arthur Charles Stokes.
Thomas Linville.
James Lee Funkhouser.
Clarence Linwood Scamman.
James Lona Stewart.
Lincoln Davis.
Edward Lorraine, Young, jr.
John Aloysius McKenna.
Henry Lee Smith.
William Hayes Mitchell.
Philip Levey.
Paul Regan Howard.
William Alexander Fisher, jr.
Reuben Spencer Simpson.
James Torrance Rugh.
Otto Lowy.
Roger Kinnicutt.
Custis Lee Hall.
George Adams Leland, jr.
Walter James Dodd.
Charles Galloupe Mixter.
William Thomas Fitzsimons.
Carl Henry Davis.
Harvey Heber Martin.
Beth Vincent.
Charles Ira Redfield.
Charles Andrew Fife.
Malcolm Eadie Smith.
Arthur Ellison Midgley.
Albert David Kaiser.
Charles Chester Benedict.
Arthur Wilburn Allen.
Robert Williamson Lovett.
Joshua Clapp Hubbard.
Isedor Mack Unger.
Charles Henry MacFarland.
Andrew Smith Robinson.
George Washington Wales Brewster.
Michael Joseph Sheahan.
Theodore Foster Riggs.
George Noble Kreider.
John Carl Arpad Gerster.
Montrose Thomas Burrows.
Verne Rheem Mason.
Charles Alexander Waters.
Homer Graham Duncan.
Robert Davies Rhein.
Harry Carl William Schultz-de Brun.
Clinton Ephraim Harris.
Robert Coalter Bryan.
Charles Christian Wolferth.
Truman Gross Schnabel.
Rutherford Lewis John.
Jacob Leon Herman.
Edward Harris Goodman.
John Dibble.
Emory Graham Alexander.
Bruce Gretton Phillips.
Philip Edward Rossiter.
Chester Field Smith Whitney.
William Ropes May.
Everett Garnsey Brownell.
Brooks Hughes Wells.
Francis Stuart Matthews.
Lawrence James Nacey.
John Rochester Booth.
Harry Rubin.

DENTAL CORPS.

Acting Dental Surg. Harry Morton Deiber to be dental surgeon with the rank of first lieutenant.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Capt. Edward C. Carey to be major.
First Lieut. Guy E. Bucker to be captain.
Second Lieut. Oral E. Clark to be first lieutenant.
First Lieut. David A. Henkes to be captain.
Second Lieut. James W. Peyton to be first lieutenant.
Lieut. Col. William P. Burnham to be colonel.
Maj. Arthur Johnson to be lieutenant colonel.
Capt. George H. Jamerson to be major.
First Lieut. Wallace McNamara to be captain.
Second Lieut. William B. Loughborough to be first lieutenant.

FIELD ARTILLERY ARM.

Second Lieut. Lucien H. Taliaferro to be first lieutenant.
Second Lieut. Harold H. Bateman to be first lieutenant.

TRANSFER TO ACTIVE LIST.

CAVALRY ARM.

Capt. Ben H. Dorcy, United States Army, retired, to the Cavalry Arm.
Second Lieut. Joseph I. McMullen, United States Army, retired, to the grade of first lieutenant.

INFANTRY ARM.

Capt. Robert C. Williams, United States Army, retired, to the grade of lieutenant colonel.
Capt. Harold L. Jackson, United States Army, retired, to the grade of major.

POSTMASTERS.

COLORADO.

Jerry F. Halloran, Victor.

ILLINOIS.

N. J. Highsmith, Robinson.

MINNESOTA.

John Engebretson, Elbow Lake.
Edward L. Wurst, Richmond.

MISSISSIPPI.

Arthur E. Bergold, Osyka.

NEW MEXICO.

Joseph C. Swain, Wagon Mound.

PENNSYLVANIA.

Henry M. Good, New Castle.

WASHINGTON.

Eli P. Marsolais, Sultan.

WEST VIRGINIA.

Stanhope McClelland Scott, Terra Alta.

WISCONSIN.

Christian F. A. Mau, West Salem.
Frank E. Poll, Almond.
Henry B. Taylor, Iola.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 25, 1916.*

The House met at 11 a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father who art in heaven, have mercy, we beseech Thee, upon us, and forgive our transgressions; create within us clean hearts and renew a right spirit within, that with unbiased judgment and a broader sweep of vision we may see clearly the way and walk with unfaltering footsteps therein; that we may satisfy our own longings and strive to measure up our lives to the life of the world's great Exemplar, that Thy kingdom may come and Thy will be done in all our hearts. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4797. An act to amend an act entitled "An act concerning foreign-built dredges," approved May 28, 1906.

The message also announced that the Senate had passed the following order:

Ordered, That Mr. FLETCHER and Mr. GRONNA be added to the conferees on the part of the Senate on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 2986) entitled "An act to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositories and financial agents for the United States, and for other purposes."

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 12843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4797. An act to amend an act entitled "An act concerning foreign-built dredges," approved May 28, 1906; to the Committee on the Merchant Marine and Fisheries.

LEAVE TO PRINT.

Mr. DYER. Mr. Speaker, I ask unanimous consent to print in the RECORD a petition addressed to the Speaker and signed by a number of Members of this House with reference to House resolution 235.

The SPEAKER. The gentleman from Missouri [Mr. DYER] asks unanimous consent to have printed in the RECORD a petition signed by certain Members.

Mr. DYER. It is very short, Mr. Speaker, and it is in support of House resolution 235, which asks Great Britain to use humane and present-day civilization treatment in dealing with the revolution in Ireland.

Mr. FOSTER. I suggest to the gentleman that he put it through the basket.

Mr. FITZGERALD. What is the request, Mr. Speaker?

Mr. DYER. The petition is addressed to the Speaker of the House, and——

Mr. FITZGERALD. I object, whatever it is.

The SPEAKER. The gentleman from New York objects.

Mr. BUCHANAN of Illinois. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a resolution unanimously indorsed by the Chicago Federation of Labor in regard to the parade in Chicago to be held on the 3d of June.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by printing a set of resolutions from the Federation of Labor in Chicago——

Mr. BUCHANAN of Illinois. And by inserting an article and editorial from the Chicago Day Book.

The SPEAKER. And by inserting an article and editorial from the Chicago Day Book. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may have inserted in the RECORD two short resolutions.

Mr. COX. What do they relate to?

Mr. RAKER. One is by the Oleta Suffrage Club, of California, and the other is by the Women Voters' Conference.

Mr. COX. I have no objection.

Mr. FITZGERALD. Mr. Speaker, I do not believe we should get into the practice of printing in the RECORD the resolutions of all these very desirable organizations.

Mr. MANN. Considering the fact that the gentleman from California [Mr. RAKER] was absent when we had a vote on the subject the other day, I think he ought to be permitted to square himself this morning. [Laughter.]

Mr. RAKER. Oh, no; I was not absent.

The SPEAKER. Is there objection?

Mr. CANNON. Mr. Speaker, pending the request, I want just half a minute.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks unanimous consent to proceed for half a minute. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, I hope that the House—if necessary, by a concurrent or joint resolution—will take into consideration this matter of printing in the RECORD. The RECORD ought to record what happens in the House in a space where it can be found, and if we are to print speeches and resolutions not directly related to the proceedings of the House they ought to be printed separate and apart from the CONGRESSIONAL RECORD. I have not anybody in mind in particular when I say that, and I do not mean to reflect upon anybody. I have not asked permission myself to print things of that kind. [Applause.]

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may proceed for one minute.

The SPEAKER. Is there objection to the request of the gentleman from California to proceed for one minute?

Mr. MADDEN. Reserving the right to object, Mr. Speaker——

Mr. DYER. I object.

The SPEAKER. Objection is made. Is there objection to the request of the gentleman from California to extend his remarks in the RECORD?

Mr. MADDEN. Reserving the right to object, I would like to ask the gentleman a question.

Mr. DYER. I object.

The SPEAKER. The gentleman from Missouri [Mr. DYER] objects.

BUREAU OF ENGRAVING AND PRINTING.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to have considered House joint resolution 214, to enable the Bureau of Engraving and Printing to do certain work that is very imperative.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 214) increasing the number of sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing during the fiscal year 1916.

The SPEAKER. Is there objection to the present consideration of that resolution? [After a pause.] The Chair hears none. The Clerk will report it.

The Clerk read as follows:

Resolved, etc., That the limitation in the sundry civil appropriation act for the fiscal year 1916 as to the number of delivered sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing is increased from 239,000 and 1,600,500 to 289,000 and 2,101,000, respectively.

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the House joint resolution was passed was laid on the table.

AUTHORIZATION OF FLEET SUBMARINES.

Mr. PADGETT. Mr. Speaker, I wish to ask unanimous consent for the present consideration of the bill H. R. 13670, the submarine bill that I had up the other day.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks for the present consideration of the bill of which the Clerk will report the title:

The Clerk read as follows:

A bill (H. R. 13670) amending an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," relating to the authorization of fleet submarines.

The SPEAKER. Is there objection?

Mr. MADDEN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Tennessee how long has it been since these submarines were authorized?

Mr. PADGETT. They were authorized last March.

Mr. MADDEN. They were authorized last March by the Congress?

Mr. PADGETT. Yes, sir.

Mr. MADDEN. Is the contract about to be awarded?

Mr. PADGETT. It was advertised for, and they could not get any bids under the limitations imposed by the act.

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object——

Mr. PADGETT. I promised the gentleman in charge of the District appropriation bill that we would not interfere with them.

Mr. MADDEN. I will ask the gentleman from Tennessee, Was this last March or a year ago last March?

Mr. PADGETT. Last March a year ago.

Mr. MADDEN. A year ago last March?

Mr. PADGETT. Yes.

Mr. MOORE of Pennsylvania. Will the gentleman explain the purpose of this bill?

Mr. PADGETT. The naval appropriation bill required that these submarines should be of 25 knots speed if possible, but with a minimum of 20 knots. They advertised for bids and could not get a guaranty above 19 knots, and this is to make the minimum 19, and 25 if possible. That is all there is in it.

The SPEAKER. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Speaker, there is a correction of a word, in line 3, "provision" instead of "provisions."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 3, strike out the word "provisions" and insert the word "provision."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. PADGETT, a motion to reconsider the last vote was laid on the table.

OREGON & CALIFORNIA RAILROAD LAND GRANT.

Mr. PAGE of North Carolina. Mr. Speaker, a parliamentary inquiry. Is the amendment to the bill in charge of the gentleman from Oklahoma (H. R. 14864) now pending as unfinished business?

Mr. WINGO. It is, with the previous question ordered.

The SPEAKER. That is correct. When the House broke up last night there was an amendment pending, offered by the gentleman from Illinois [Mr. FOSTER] to the California-Oregon Railroad bill, on which the previous question had been ordered.

Accordingly the House resumed consideration of the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes.

The SPEAKER. The Clerk will report the pending amendment offered by the gentleman from Illinois [Mr. FOSTER].

The Clerk read as follows:

Page 14, in line 12, strike out the word "thirty" and insert "twenty."

The SPEAKER. The question is on agreeing to the amendment just read.

The question was taken; and on a division (demanded by Mr. FOSTER) there were—ayes 60, noes 72.

Mr. FOSTER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is none. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 128, nays 167, answered "present" 10, not voting 129, as follows:

YEAS—128.

Abercrombie	Dies	Houston	Rubey
Aiken	Dixon	Howard	Rucker
Allen	Doolittle	Huddleston	Saunders
Almon	Doremus	Hull, Tenn.	Shackleford
Ashbrook	Doughton	Jacoway	Shallenberger
Ayres	Eagan	Johnson, Ky.	Sherwood
Bailey	Edwards	Key, Ohio	Shouse
Barnhart	Fields	Kitchin	Sims
Beakes	Finley	Lazaro	Sisson
Bell	Fitzgerald	Lee	Slayden
Black	Flood	Lesher	Small
Borland	Foster	Lloyd	Smith, N. Y.
Brumbaugh	Gard	McAndrews	Smith, Tex.
Buchanan, Ill.	Garner	McClintic	Stafford
Burgess	Goodwin, Ark.	McKellar	Steele, Iowa
Burnett	Gordon	Mann	Steele, Pa.
Byrnes, S. C.	Gray, Ala.	Mays	Stephens, Nebr.
Byrns, Tenn.	Gray, Ind.	Montague	Stone
Caldwell	Griffin	Moon	Sumners
Callaway	Hamlin	Neely	Talbott
Caraway	Hardy	Oldfield	Tavenner
Carlin	Harrison	Oliver	Taylor, Ark.
Cline	Hastings	Olney	Thompson
Connelly	Haugen	Padgett	Tillman
Cox	Hay	Page, N. C.	Tribble
Crisp	Heflin	Park	Van Dyke
Crosser	Helm	Phelan	Vinson
Cullop	Helvering	Quin	Watkins
Davenport	Hensley	Ragsdale	Webb
Davis, Tex.	Hilliard	Rainey	Wilson, Ill.
Dewalt	Holland	Rauch	Wise
Dickinson	Hood	Rayburn	Young, Tex.

NAYS—167.

Adamson	Church	Dunn	Good
Alexander	Coleman	Dupré	Graham
Anderson	Cooper, Ohio	Dyer	Green, Iowa
Aswell	Cooper, W. Va.	Edmonds	Greene, Mass.
Bacharach	Cooper, Wis.	Ellsworth	Gregg
Blackmon	Costello	Elston	Hadley
Booher	Crago	Esch	Hamilton, Mich.
Britt	Cramton	Estopinal	Hamilton, N. Y.
Britten	Curry	Evans	Hawley
Browne	Dallinger	Farr	Hayden
Butler	Danforth	Ferris	Hayes
Campbell	Darrow	Fess	Heaton
Cannon	Davis, Minn.	Fordney	Helgesen
Capstick	Decker	Foss	Hernandez
Carter, Mass.	Denison	Freeman	Hill
Carter, Okla.	Dent	Garland	Hinds
Cary	Dill	Garrett	Hollingsworth
Charles	Dowell	Glynn	Hopwood
Howell	McDermott	Paige, Mass.	Stephens, Tex.
Hughes	McKenzie	Parker, N. Y.	Sterling
Hull, Iowa	McKinley	Platt	Stiness
Igoe	McLaughlin	Porter	Stout
James	Magee	Powers	Sulloway
Johnson, Wash.	Mapes	Raker	Sweet
Kahn	Martin	Ramseyer	Taggart
Keating	Matthews	Randall	Tague
Kelley	Meeker	Reavis	Taylor, Colo.
Kennedy, Iowa	Miller, Del.	Reilly	Temple
Kennedy, R. I.	Miller, Pa.	Ricketts	Tilson
Kettner	Mondell	Roberts, Mass.	Timberlake
Kinkaid	Moore, Pa.	Roberts, Nev.	Tinkham
Konop	Moores, Ind.	Rogers	Towner
Lafean	Morgan, Okla.	Russell, Ohio	Venable
La Follette	Moss, Ind.	Sanford	Volstead
Lenroot	Mott	Schall	Wason
Lever	Murray	Scott, Mich.	Watson, Pa.
Lieb	Nelson	Sinnott	Watson, Va.
Linthicum	Nicholls, S. C.	Sloan	Wilson, Fla.
Lobeck	Nolan	Smith, Idaho	Wingo
Loud	North	Smith, Mich.	Woods, Iowa
McArthur	Norton	Steagall	Young, N. Dak.
McCracken	Oakey	Stephens, Cal.	

ANSWERED "PRESENT"—10.

Browning	Langley	Madden	Wheeler
Candler, Miss.	London	Overmyer	
Humphrey, Wash.	Longworth	Price	

NOT VOTING—129.

Adair	Focht	Lehlbach	Scott, Pa.
Anthony	Frear	Lewis	Scully
Austin	Fuller	Liebel	Sears
Barchfeld	Gallagher	Lindbergh	Sells
Barkley	Gallivan	Littlepage	Sherley
Beales	Gandy	Loft	Siegel
Bennet	Gardner	McCulloch	Slemp
Bowers	Gillett	McFadden	Smith, Minn.
Bruckner	Glass	McGillicuddy	Snell
Buchanan, Tex.	Godwin, N. C.	McLemore	Snyder
Burke	Gould	Maher	Sparkman
Cantrill	Gray, N. J.	Miller, Minn.	Stedman
Carew	Greene, Vt.	Mooney	Steenerson
Casey	Griest	Morgan, La.	Stephens, Miss.
Chandler, N. Y.	Guernsey	Morin	Sutherland
Chiperfield	Hamill	Morrison	Swift
Clark, Fla.	Hart	Moss, W. Va.	Switzer
Coady	Haskell	Mudd	Thomas
Collier	Henry	Nichols, Mich.	Treadway
Conry	Hicks	Oglesby	Vare
Copley	Hulbert	O'Shaunessy	Walker
Dale, N. Y.	Humphreys, Miss.	Parker, N. J.	Walsh
Dale, Vt.	Husted	Patten	Ward
Dempsey	Hutchinson	Peters	Whaley
Dillon	Johnson, S. Dak.	Pou	Williams, T. S.
Dooling	Jones	Pratt	Williams, W. E.
Driscoll	Kearns	Riordan	Williams, Ohio
Drukker	Keister	Rodenberg	Wilson, La.
Eagle	Kent	Rouse	Winslow
Emerson	Kiess, Pa.	Rowe	Wood, Ind.
Fairchild	Kincheloe	Rowland	
Farley	King	Russell, Mo.	
Flynn	Kreider	Sabath	

So the amendment was rejected.

The following pairs were announced:

For the session:

Mr. SCULLY with Mr. BROWNING.

Mr. LIEBEL with Mr. ROWLAND.

Until further notice:

Mr. STEVENS of Minnesota with Mr. SWIFT.

Mr. MORRISON with Mr. HUMPHREY of Washington.

Mr. HULBERT with Mr. SIEGEL.

Mr. THOMAS with Mr. DEMPSEY.

Mr. KINCHELOE with Mr. WHEELER.

Mr. ROUSE with Mr. MADDEN.

Mr. CANTRILL with Mr. LANGLEY.

Mr. CONRY with Mr. EMERSON.

Mr. MAHER with Mr. HUSTED.

Mr. FLYNN with Mr. GRIEST.

Mr. PATTEN with Mr. SNELL.

Mr. DALE of New York with Mr. HASKELL.

Mr. HENRY with Mr. JOHNSON of South Dakota.

Mr. COADY with Mr. WALSH.

Mr. DOOLING with Mr. DALE of Vermont.

Mr. FARLEY with Mr. MCCULLOCH.

Mr. MCGILLICUDDY with Mr. MORIN.

Mr. CAREW with Mr. MUDD.

Mr. CANDLER of Mississippi with Mr. FAIRCHILD.

Mr. EAGLE with Mr. SMITH of Minnesota.

Mr. HUMPHREYS of Mississippi with Mr. WOOD of Indiana.

Mr. HAMILL with Mr. WILLIAMS of Ohio.

Mr. SEARS with Mr. KIESS of Pennsylvania.

Mr. WALKER with Mr. PETERS.

Mr. LOFT with Mr. SNYDER.

Mr. GLASS with Mr. SLEMP.

Mr. LITTLEPAGE with Mr. SUTHERLAND.

Mr. POU with Mr. TREADWAY.

Mr. ADAIR with Mr. PRATT.

Mr. GANDY with Mr. RODENBERG.

Mr. COLLIER with Mr. MOONEY.

Mr. BARKLEY with Mr. DRUKKER.
Mr. GALLIVAN with Mr. ANTHONY.
Mr. WILSON of Louisiana with Mr. MILLER of Minnesota.
Mr. STEDMAN with Mr. HUTCHINSON.
Mr. SABATH with Mr. LEHLBACH.
Mr. OGLESBY with Mr. GRAY of New Jersey.
Mr. JONES with Mr. GILLETT.
Mr. BUCHANAN of Texas with Mr. FOCHT.
Mr. HART with Mr. COPLEY.
Mr. MORGAN of Louisiana with Mr. GOULD.
Mr. RUSSELL of Missouri with Mr. GARDNER.
Mr. O'SHAUNESSY with Mr. HICKS.
Mr. CASEY with Mr. GUERNSEY.
Mr. LEWIS with Mr. MCFADDEN.
Mr. WHALEY with Mr. CHIPERFIELD.
Mr. GODWIN of North Carolina with Mr. AUSTIN.
Mr. DRISCOLL with Mr. CHANDLER of New York.
Mr. MCLEMORE with Mr. KEARNS.
Mr. RIORDAN (for rule on District of Columbia bill) with Mr. WARD (against).
Mr. GALLAGHER with Mr. WINSLOW (commencing May 22, ending May 27, inclusive).
Mr. BRUCKNER with Mr. BENNET (ending June 20, 1916).
Mr. CLARK of Florida with Mr. FULLER (commencing May 8, until further notice).
Mr. SHERLEY with Mr. LONGWORTH (ending May 29).
Mr. BURKE with Mr. GREENE of Vermont (ending June 2).
Mr. WM. ELZA WILLIAMS with Mr. KING (commencing May 24, ending May 27, 1916).
Mr. SPARKMAN with Mr. BARCHFELD (commencing May 24, ending June 10).

Mr. BROWNING. Mr. Speaker, I voted "no." I am paired with the gentleman from New Jersey, Mr. SCULLY. I therefore withdraw my vote and answer "present."

Mr. LANGLEY. Mr. Speaker, I voted "no," but I have a general pair with my colleague, Mr. CANTRILL, and I withdraw that vote and answer "present."

Mr. HUMPHREY of Washington. Mr. Speaker, I have a pair with the gentleman from Indiana, Mr. MORRISON. I voted "no." I withdraw that vote and answer "present."

Mr. SLOAN. Mr. Speaker, inadvertently I answered the call of the name of the gentleman from New York, Mr. ROWE.

The SPEAKER. Does the gentleman know that Mr. ROWE is not here?

Mr. SLOAN. I do not; but I do not want my answer to stand for him.

The result of the vote was then announced as above recorded.

The SPEAKER. A quorum is present, the Doorkeeper will open the doors. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. MANN. Mr. Speaker, I ask that that be taken by a rising vote.

The question was taken by a rising vote, and the Speaker announced that there were 186 ayes and 6 noes.

So the bill was passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15774, the District of Columbia appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FERRIS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes.

Mr. PAGE of North Carolina. Mr. Chairman, when the House rose at the time it last had the bill under consideration there was a unanimous-consent agreement that when the House met this morning we would revert to the first section of the bill. Under that agreement, I ask that the Clerk read the first section.

The Clerk read as follows:

Be it enacted, etc., That hereafter all appropriations made for the support of the government of the District of Columbia, including all sums appropriated in any general appropriation act indicated to be paid out of the District of Columbia revenues and amounts to pay the interest and sinking fund on the funded debt of said District, shall be paid out of the revenues of the District of Columbia to the extent that the same shall be sufficient therefor and the remainder out of any money in the Treasury not otherwise appropriated.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

Mr. PAGE of North Carolina. Before the gentleman proceeds under his pro forma amendment, it is evident that we shall have some discussion on these two paragraphs, and I would like to arrange for the time under the five-minute rule.

Mr. MANN. I moved to strike out the last word because the Clerk was going to read the second paragraph, which would have prevented amendment to the first paragraph. The gentleman from Massachusetts [Mr. TINKHAM] intended to offer an amendment.

Mr. TINKHAM rose.

Mr. MANN. I withdraw my pro forma amendment.

Mr. TINKHAM. I offer the following amendment: Strike out the entire paragraph after the enacting clause, from line 3 to line 8, inclusive, on page 1, and from line 1 to line 3, on page 2.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the enacting clause, including line 3, page 1, to line 3, on page 2.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, I move to strike out the last word of the amendment.

Mr. PAGE of North Carolina. Mr. Chairman, at this stage of the proceeding, I would like to arrange with the gentleman on the other side as to how much time shall be consumed in debate on these two paragraphs with all amendments thereto. I suggest to gentlemen that we have had a great deal of debate on this subject.

Mr. MANN. Let us have the debate on this first paragraph first.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. PAGE of North Carolina. I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Has the gentleman from North Carolina offered his amendment as to the funded debt?

Mr. PAGE of North Carolina. Yes; I offered it as it applied to this section, and I shall offer it at another place to perfect it.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. HUMPHREY of Washington. I wish the gentleman would explain in a word or two just what this amendment does.

Mr. PAGE of North Carolina. That will be explained when we get into the discussion; I am trying to fix the time for debate.

Mr. DAVIS of Minnesota. Mr. Chairman, it has been suggested by the chairman of the committee that we consume one hour in the discussion of the amendment and the principle contained in the first paragraph—that is, the first paragraph of the first section of the bill. The second paragraph has not been read. I was very favorable to this proposition, because I know that considerable discussion has already been had on this proposition for the last 10 years. I do not think that anything new can be said. However, I will consent to 1 hour and 10 minutes' debate on this paragraph.

Mr. PAGE of North Carolina. That is agreeable to me. How does the gentleman want the time divided?

Mr. DAVIS of Minnesota. Half of the time to be controlled by the gentleman from North Carolina and the other half by myself.

Mr. PAGE of North Carolina. Mr. Chairman, I will make that request for unanimous consent that all debate on the first paragraph of the bill and all amendments thereto be closed in 1 hour and 10 minutes—one half of the time to be controlled by myself and the other half by the gentleman from Minnesota [Mr. DAVIS].

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that debate on this first paragraph be confined to 1 hour and 10 minutes—one half of the time to be controlled by the gentleman from North Carolina [Mr. PAGE] and the other half by the gentleman from Minnesota [Mr. DAVIS]. Is there objection?

Mr. SMALL. Mr. Chairman, reserving the right to object, I would like to know if I can have a little time?

Mr. PAGE of North Carolina. Mr. Chairman, I will try to accommodate the gentleman and do my best. I have 35 min-

utes at my disposal. I shall do the best I can; and, of course, I shall be disposed to give my colleague time.

Mr. SMALL. Unless I can get some time I shall have to object.

Mr. PAGE of North Carolina. Then, Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 1 hour and 10 minutes.

Mr. SMALL. Mr. Chairman, in lieu of that motion I ask unanimous consent that there be 1 hour and 20 minutes of debate.

The CHAIRMAN. Does the gentleman from North Carolina accept that proposition?

Mr. PAGE of North Carolina. Mr. Chairman, I have made the agreement with the other side. I will do the best I can to accommodate the gentleman, but I insist upon my motion.

The CHAIRMAN. The question is on the motion of the gentleman from North Carolina that all debate on this paragraph and all amendments thereto close in 1 hour and 10 minutes.

The motion was agreed to.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the time be equally divided between the gentleman from North Carolina [Mr. PAGE] and the gentleman from Minnesota [Mr. DAVIS].

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PAGE of North Carolina. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Chiarman, when this paragraph was under consideration on Wednesday last, in commenting upon the amendment proposed by the chairman of the committee my colleague from Illinois [Mr. MANN], usually so accurate in his figures and in his conclusions, expressed surprise that the joint committee investigating the fiscal relations between the District of Columbia and the Federal Government should have made a distinction between paying the interest and the principal of the funded debt and other expenditures of the District, and he insisted that the matter was a mere matter of bookkeeping which a $50-a-month clerk ought to understand. The gentleman is absolutely correct so far as this bill is concerned and so far as all appropriation bills are concerned where the Government's contribution amounts to at least one-half of $975,000 and half of the interest on the funded debt.

If it should ever happen that the Government's contribution should be less than this, the Government would be in the position of repudiating its obligations if the method suggested by the gentleman from Illinois were adopted. This debt accrued between 1871 and 1874, and long before the organic act of 1878 the half-and-half principle as to the payment of the funded debt and the interest upon it was recognized by the Congress. In a long series of appropriation bills it was recognized; in messages submitted to Congress by Presidents of the United States it was recognized. Finally, in 1914, the Comptroller of the Treasury in an exhaustive opinion assembling all of these facts reached the conclusion that the Federal Government had agreed and stood obligated to pay one-half of the funded debt and one-half of the interest upon those bonds as they accrued. The contribution of the Government to-day in this bill is apparently smaller than it has been in recent years. Suppose a tax upon intangibles should be imposed here in the District in the future, and an inheritance tax; suppose the contribution of the people who live here should exceed eleven or twelve million dollars in any one year, should amount to as much as Congress felt like appropriating for District expenditures, should amount to as much as the commissioners recommended and submitted estimates for. In that event the Federal Government would not be compelled, if we repealed entirely the act of 1878 and the obligations, written and unwritten, which the Federal Government has assumed, to pay one-half of the funded debt and one-half of the interest on the funded debt. I am not discussing the proposition as a question of abstract right; but if the Federal contribution should ever be less during the next six or seven years than $975,000 and half the interest upon the public debt, the Federal Government would be in the position of having repudiated to that extent its obligations, and, therefore, this is not merely a matter of bookkeeping; it may not be a matter of bookkeeping.

We can not tell what Congress hereafter may do, but the gentleman from Massachusetts [Mr. TINKHAM], who has been arguing this matter upon the floor here and in the newspapers, insists that without the amendment offered by the committee the Government would be in the position, might be in the position some time in the future, of repudiating its obligations, and the gentleman from Wyoming [Mr. MONDELL] takes the same position, and as lawmakers, protecting the obligations of this Government, especially when it undertakes to pay a part of the amount due upon issues of bonds and interest thereon, it is necessary for us——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PAGE of North Carolina. Mr. Chairman, I yield the gentleman more time.

Mr. MANN. Mr. Chairman, would the gentleman have time to yield for a question?

Mr. RAINEY. Yes; I will be glad to yield.

Mr. MANN. Does the gentleman refer to the obligation of the Government to the bondholders or the obligation of the Government to the District of Columbia?

Mr. RAINEY. I am referring to the amendment the committee made, which my colleague insisted was not necessary at all, was a mere matter of bookkeeping, and it may be a matter of bookkeeping as long as the Government's contribution is as much as it is in this bill, and it will be of course in the future as long as the Government contributes more than the amount I have indicated.

Mr. MANN. The gentleman spoke about repudiating obligations of the Government. Does he mean obligations to the District or obligations to the bondholder?

Mr. RAINEY. The obligation that the Government has assumed to pay one-half of these bonds out of the National Treasury.

Mr. MANN. Obligations to whom—the bondholders or to the District?

Mr. RAINEY. Obligations to whoever owns these bonds and presents them for payment.

Mr. MANN. They are not interested if they are paid. They do not care where the money comes from if the bonds are paid.

Mr. RAINEY. But the citizens of the District are interested, and the Government has assumed obligations to them in this connection. The people who live in the United States are interested. The citizens of the District want to keep their contracts, and the United States Government ought to keep its contracts, and we have made this amendment in order that the United States Government may keep its contracts.

Mr. MANN. Is not the same obligation in the act in reference to the bonded indebtedness also in reference to the current expenses? Does not the same act provide that the Government shall pay half?

Mr. RAINEY. The conclusion the committee reached in that particular was that the citizens who live here ought to pay as much for public purposes as they would pay if they lived in any other comparable city; the conclusion we reached in our report was that they ought not to pay any more, but they ought to pay as much.

LIBERAL APPROPRIATIONS FOR THE NATIONAL CAPITAL.

The gentleman from Massachusetts [Mr. TINKHAM] and other gentlemen on both sides of the House insist that there ought to be liberal appropriations for the National Capital, and for that reason they support the half-and-half plan of contribution—the Government to pay half of the expenses of conducting the District of Columbia, the people who live here to pay the other half. Liberal appropriations for the National Capital do not mean necessarily that the half-and-half plan of contribution should be continued. If we matched dollars in this bill, the bill would carry a million dollars more than the amount of the estimates submitted by the commissioners. This state of affairs is brought about by the fact that during the next fiscal year there will be collected from the citizens of the District more money in taxes than ever collected before, over $8,000,000. We could not use $16,000,000 this year, or anything like that amount, without making most extravagant, unnecessary, and indefensible appropriations. The bill we are considering now already carries $600,000 more than any other bill ever reported out by the committee. At this stage the bill is larger than it ever has been. Every amendment which adds an appropriation will be added to the sum the General Government appropriates. When it comes to a matter of liberal appropriations for the National Capital this bill, as far as it has gone, is the most liberal bill ever suggested by any committee of the House. It is hardly possible that any newspaper in the District of Columbia will call attention to this fact. The people who live here would be happier and the matter would be better presented by the newspapers if this phase of the situation were fairly presented.

PEOPLE WHO LIVE HERE NOT TAX DODGERS.

According to the best available data, the people who live here are not tax dodgers, as has been intimated more than once on this floor, and they are at the present time contributing their full share toward the payment of the expenses of the District of Columbia; they are contributing, according to the best available data, substantially what they would contribute if they lived in

any other city of comparable size. The unusually large amount that will be contributed next year by the people who live here is due to the fact that under the present administration the assessed value of real estate in the business section of Washington and in the more important residence sections has been materially increased, and more taxes will be collected from personal property than ever before. The assessment now in progress has not reached the small-homes sections of the city. It may be that the assessed value of real estate in the small-homes sections will be substantially diminished or it may remain substantially as it is.

There is no complaint with reference to the new assessment in Washington so far as it has gone. The taxpayers will willingly and readily pay the amount the assessment will require them to pay.

CITIZENS PAY FAIR SHARE OF MUNICIPAL EXPENSES.

The gentleman from Kentucky [Mr. JOHNSON] called attention to Bulletin No. 126 issued by the Bureau of the Census in an effort to show that the citizens of Washington were greatly favored over the citizens of other cities, and were contributing for public purposes out of their pockets only about half as much as the citizens of other cities.

Bulletin No. 126 will not, in my judgment, sustain the position taken by the gentleman from Kentucky. The best way to arrive, from this bulletin, at the contribution of the citizens who live here for public purposes is to examine the item "General property taxes," contained in table No. 1, which will show that citizens who live in Washington contributed in 1913 for public purposes over $5,000,000. In this table are grouped 19 cities of comparable size, containing from 300,000 to 500,000 inhabitants. In 1913, when these figures were made up, the citizens of Washington contributed in gross more than the citizens of any of these cities contributed except six, and of these six every one of them contained a much larger population than Washington except Minneapolis, and the contribution, however, of the citizens of Minneapolis in general property taxes was, in 1913, only slightly larger than the contribution made by the citizens of Washington. This same table shows that the per capita levy of property taxes in Washington was $16; it will be larger next year. Eight of these nineteen cities had in that year per capita levies of between $14 and $18, and the per capita levy in Washington seems to have been in 1913 a fair average per capita levy for a city in this group of comparable cities. Of course the levies in San Francisco and Los Angeles were much larger, but in those cities, in all probability in that year, payments were being made for municipal improvements unusually extensive.

THE NEGRO POPULATION.

In estimating the burdens placed upon the taxpayers of Washington there ought to be taken into consideration the fact that more negroes live here than in any other city in the United States. Ninety-four thousand four hundred and forty-six negroes live here, 28½ per cent of the total population. New York comes next, with a little over 91,000, and Baltimore next, with a little over 84,000, but New York and Baltimore are not comparable in size with Washington. The negro population in a city is not regarded as a tax-paying proposition. Their holdings upon which taxes can be assessed are small, indeed. This situation therefore increases far beyond $16 the per capita contribution of the white citizens of Washington who pay taxes. I therefore submit that the statistics contained in Bulletin No. 126, upon which the gentleman from Kentucky relies, show that the people who live here contribute substantially as much for public purposes as they would contribute if they lived in some other city comparable in size to Washington.

As far back as 1835 Senator Southard, of New Jersey, chairman of a joint committee to investigate this very subject, reported in effect that Washington was being developed as a Nation's capital on a most stupendous scale, and that the people who live here ought not to be compelled and could not be expected to pay the expenses of maintaining in a proper scale of magnificence the Capital City. The attempt of the District of Columbia from 1871 to 1874 to level the hills, lift the city out of the mud, and pave the streets resulted in the tremendous indebtedness of which the Government agreed to pay half. The Government is paying half of the bonds as they fall due to this day. The amount remaining of the original indebtedness of $30,000,000 is small, and Washington carries the smallest debt of any city at all approaching it in size in the United States, the indebtedness here now being only about $6,000,000. At the present rate of payment—$975,000 per year—in a comparatively few years the debt will be entirely wiped out.

The time will, in my judgment, never come when the District of Columbia will be self-sustaining. It ought not to be self-sustaining. The people of the United States expect it to be maintained as at present, the most magnificent and most beautiful capital in all the world.

WASHINGTON COMPARED WITH BALTIMORE.

In this connection it may be interesting to compare the city of Washington with the nearby city of Baltimore. Washington had a population in 1913 of 348,000; Baltimore had a population in that year of 572,000. The streets and avenues in Washington have now been practically extended to the District boundary, and there is embraced in the city of Washington 60 square miles, while in the city of Baltimore with its 234,000 more population there are only 30 square miles of territory. There are in Washington substantially as many square yards of pavement as there are in the much larger city of Baltimore. The best type of pavement is the asphalt pavement, and there is in Washington 3,964,000 square yards of asphalt pavement; in Baltimore there are only 750,000 square yards of asphalt pavement. In Washington there are 543 miles of sewers; in Baltimore there are only 77 miles of sewers.

The situation therefore is this: If the people who live in Washington were compelled to pay for building and maintaining the pavements here as they are compelled to pay for building and maintaining the pavements in Baltimore, the citizens of Washington would be charged with building and maintaining 21.41 square yards of paved streets per capita, while the citizens of Baltimore would be compelled to build and maintain only 12.80 square yards of paved streets per capita. For each 100,000 of population in Washington there would be charged 166.12 miles of sewers; for each 100,000 of the population of the much larger city of Baltimore there would be charged only 13.82 square miles. All this is due to the magnificent distances which prevail here, the parking spaces, the tremendously large and magnificent public buildings and the grounds which surround them. The population per square mile of territory in Baltimore is 17,000; in Washington the population per square mile is only 5,801.

A brief examination of such comparisons as these indicates the reason for the Government's contribution. The citizens of Washington ought not to be expected and never will be expected under these circumstances to pay the entire expenses of maintaining this magnificent Capital City. Every citizen of the United States has an interest here. Citizens come here from all parts of the Union and throng the streets of Washington every day in the year. I have never seen one of them who did not experience a feeling of pride in the beauty and grandeur of the Capital of the wealthiest Nation in all the world. [Applause.]

Mr. DAVIS of Minnesota. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Chairman, I will answer the gentleman from Illinois [Mr. MANN] by quoting from the opinion of Comptroller Downey, of the Treasury, on the exact point raised by the gentleman's question. On page 344 of the first volume of the hearings of the Joint Select Committee on Fiscal Relations I find this excerpt from the comptroller's opinion:

"2. To restore the credit of the District of Columbia, make acceptable to creditors of the District 3.65 bonds by a guaranty of payment, and assume the to-be-determined equitable proportion to be contributed by the United States toward the expenses of the District, the United States covenanted with the holders of these bonds that it would provide, by taxation on the property within the District, a portion of the revenues necessary to pay the interest on and principal of these bonds, and that it would provide the other portion, to be determined, by appropriation out of the revenues of the United States."

Later he said:

"As to one half of this debt, the United States undertook with the bondholders, in effect, that the District would pay it out of its revenues from taxation, and as to the other half, it promised the bondholders that it would appropriate it out of the Treasury. The original pledging clause did not make certain these proportions. They might ultimately be seven-eighths out of the District revenues and one-eighth out of the revenues of the United States. So far as the bondholders were concerned, it was the pledge of the United States to provide the necessary revenues, which was effective, and, so far as they were concerned, an undertaking on the part of the United States that it would provide all the funds necessary out of District revenues derived from taxation would have been equally effective. In other words, the United States as guarantor, in terms, for the payment of all of this debt would have been just as acceptable to the bondholders as the United States as guarantor of an unascertained part and as a promisor to pay of the other part. If, then, that was all the United States was to be as to all the debt, either to the bondholders or as between it and the District, why might it not as easily and effectively have been so stated?"

* * * * * * *

"The United States undoubtedly assumed, so far as the bondholders were concerned, that it would pay one-half of this debt."

Now, in January, 1876, two years before the enactment of the act of 1878, which established the half-and-half plan, Senator Thurman, of Ohio, one of the country's great lawyers, said in the Senate:

"This act contemplated that the General Government should pay a proportional part of the expenses of government within this District and that proportional part of it was supposed would be ascertained by the joint committee that was to frame a permanent form of government for the District; and here is a pledge that the Government of the United States will pay that proportional part. What it should be was not determined by this act; it was to be the subject of investigation; but whenever found, here is the pledge that the Government would, by payments out of the Public Treasury of its proportional part of the expenses of government in this District, contribute to pay the interest on these 3.65 bonds and provide a sinking fund for the liquidation of the principal."

Now the proportional part to be paid by the National Government, to quote the language of former Senator Thurman, was not determined by the act to which he was making specific reference, but two years later, in June, 1878, Congress enacted the half-and-half law, and fixed the proportion of the District funded debt to be paid by the Government at 50 per cent thereof. The joint select committee of the two Houses of the present Congress, of which committee the gentleman from Illinois [Mr. RAINEY], the gentleman from Ohio [Mr. GARD], and I were members, reached the same conclusion as did the comptroller concerning the payment of the funded debt. But the joint select committee also found that as a matter of logical reasoning it is impossible to reach a conclusion that all of the other expenditures for District purposes should be in accordance with the so-called half-and-half plan. We declared in our report that when the residents of this District are taxed as their fellow citizens in other cities with which Washington is fairly comparable, are taxed, they pay all that they ought to pay to the United States, and that the United States ought in justice to pay all of the balance necessary to properly develop and maintain this Capital City of a great Nation. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAGE of North Carolina. Mr. Chairman, I yield five minutes to my colleague from North Carolina Mr. SMALL.

Mr. SMALL. Mr. Chairman, I hesitate to disagree with the committee, which evidently have given consideration and study to the matter of fiscal relations between the United States and the District of Columbia. We all agree that Congress has exclusive jurisdiction of the District of Columbia. Congress, in exercising that jurisdiction, ought to be governed by the same motives as if it were legislating about matters in which their particular States or districts are concerned. To my mind, I would not be willing to impose such an indefinite method of raising revenues upon my State in the matter of local taxes as is proposed by this paragraph.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. SMALL. I will.

Mr. PAGE of North Carolina. Simply for a question. Is there any question of taxation involved in this paragraph? I claim that there is not.

Mr. SMALL. This paragraph, it is true, does not purport to amend existing law as to the rate or subject of taxation or as to the machinery for its collection. To come to the point, Mr. Chairman, that I had in mind: Under existing law the United States and the District each pay one-half of the appropriations for the maintenance of the District government. It is proposed in this bill to pay all appropriations out of the District revenues until they are exhausted and to pay the deficiency out of the Federal Treasury. If assurance could be given of the stability of the law fixing the subjects and rate of taxation in the District, much of the objection to this new plan would be removed; but there can be no such assurance. I do not wish to disparage the temper, the intelligence, or the motives of Congress, but my observation, I think, justifies the statement that this House does not always give that deliberation and consideration to affairs in the District here as they do to general legislation affecting the country as a whole. The District would become an experiment station, as it were, for every variety of theory of fiscal government. Year after year, at each recurring session, every impracticable theorist will be free to offer a new experiment in taxation. Different subjects and methods of taxation will be attempted to be introduced. The machinery for the collection of taxes will be changed.

This is becoming a great municipality. It is true that the fathers intended it for the seat of government and to retain control over it, but at the same time it is a great city and ought to be treated as a city. Men have investments here. We encourage business of various kinds here; and yet what sort of invitation do we offer? The possibility at each session of Congress of a change in the rate and subjects of taxation and the proportion which is to be paid by the people of the United States and by the people of the District.

Everyone agrees that the United States should contribute toward the revenues of the District, and I do not concede that it is impossible to lay down a fixed proportion. If one-half is too much, make it less. Why, according to this proposition——

Mr. GARD. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. GARD. Has the gentleman any information to give to the House as to what the proportion should be?

Mr. SMALL. The gentleman was a member of the joint commission to consider this subject and, I have no doubt, industriously studied the evidence submitted to them. If that evidence was not sufficient, they should have sought evidence that would have been sufficient to have fixed upon a definite proportion; and because they failed to comply with the direction of Congress in this respect, I do not approve their report or conclusions.

Permit me to summarize the contentions I have endeavored to present. It is admitted that the Federal Government should contribute a fair proportion toward the revenues of the District for the maintenance of its government and to meet the annual appropriations made by Congress. I contend that it is of the very essence of fairness that this proportion should be fixed and definite. Neither the joint commission appointed at the last session of Congress to consider this subject nor the Committee on Appropriations in this bill have met this condition. The paragraph under consideration in this bill does not in express terms repeal the half-and-half law of 1878, but seeks to accomplish its repeal by inference. It provides that appropriations made by Congress for the District shall be paid out of the revenues of the District until they are exhausted, and that the deficit shall be paid out of the Federal Treasury. Let us anticipate the future and observe how this plan will work. It must be remembered that Congress alone has the power to fix the subjects of taxation and the rate of taxes. Doubtless there will be Members of Congress at each session who will contend that the District is not raising sufficient revenue, and there will be constant agitation for adding to the subjects of taxation. At the same time others will doubtless seek to increase the rate. While it is now admitted that the Federal Treasury should bear a proportion of the revenues for the District, there will doubtless be some who will contend either that this contribution should be decreased or reduced to a minimum. We have had many illustrations in the past of Members from villages or rural sections seeking to apply their own provincial theories of government in the administration of the affairs of the District. While the joint commission enjoin generous appropriations and emphasize the necessity of making the seat of Government one of the beautiful capitals of the world, their fine words will soon be forgotten under the exigencies of practical and provincial politics. We are simply paving the way for making our National Capital the football of provincial and impracticable theorizers in municipal government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVIS of Minnesota. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, just a word on this subject. My colleague says that unless we continue to pay one-half of the funded debt out of the General Treasury we will be repudiating our obligations. I ask him to whom he made the obligations. The bondholders do not care where the money comes from. We are not repudiating any obligation to the bondholder if his bonds and interest are paid. He can not complain. And if it be said that we are repudiating our obligation to the District—and I think we are—it equally applies to the payment of the expenditures for current expenses. Because in the same law is the obligation fixed that the Government pays one-half of the running expenses out of the General Treasury and one-half of the funded debt and interest out of the General Treasury.

I think we have the right and the power at any time to change our fiscal relations with the District of Columbia as we please. I think we ought to treat them fairly. I am opposed to the repeal of the half-and-half proposition. I believe it is wiser and better for us to say that on account of this being the Capital of the country, on account of the great number of buildings and public lands which the Government owns in the District of Columbia, in order that we may continue to be proud of the Capital of the country, we may well say we will pay one-half of the expenditures in the District out of the General Treasury. But the gentlemen say that will raise too much money. That does not frighten me. I think we can expend it very profitably.

It has been cited here, for instance, that tax levies in various cities are over $2 a hundred on the actual valuation and only $1 a hundred on the actual valuation here. If that be the case, we ought to continue our present system as an example. There is not another city in the country that is as well taken care of, as well cleaned, that has as good streets, that has as good municipal government as the District of Columbia. And gentlemen say that it costs less per capita here and less in actual taxation here than it does in other cities, even if you combine what the District contributes and what the General Government contributes. I would take the extra money which is not now appropriated, and I would buy new parks. I would provide for the future. I would develop the park system that we have now. I would make a place where the people could meet and enjoy themselves. They do not have much opportunity for that now. Why, even in the city of Chicago, which is new, and more or less an over-grown village, we would be ashamed if in our park system we did not better provide for the people in the parks than they do in Washington. I would finish up the improvements along the Anacostia River, make drives and places where the people could go. I would develop the new park over here east of the railroad tracks into a great gathering place for the people. I would add to Rock Creek Park. I would add to the "Zoo" in Rock Creek Park, where the people of the whole country go. There are many, many things where we can profitably expend money for years to come. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAGE of North Carolina. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. Chairman and gentlemen of the committee, I know that the section under discussion does not deal with the tax rate, and yet all here so treated it, and so will I. I spent two years as a member of the Committee on the District of Columbia. I heard nothing but complaints and pleas for special privileges by the citizens who came before that committee while I was a member of it. There are a good many confusing laws with reference to taxation in the District. In the first place, real estate within the city proper is taxed on two-thirds of its real value, at $1.50, or, really, a dollar rate. The part of the District outside the city is taxed $1 on two-thirds of its value, or two-thirds of a dollar. This is all the burden of taxation that is borne by the residents of the District of Columbia for all purposes. In return they get a magnificent park system; they get, according to the statement of the gentleman from Illinois [Mr. MANN], the best-kept and best-lighted and cleanest city in the world. All these at a tax rate less than one-half of the property tax on the property of the constituents of any Member who has a seat in this House. All intangible personal property is wholly exempt.

And there is another rather unique scheme that I have seen availed of on several occasions here and that is on your tangible personal property a mortgage is placed, and to the extent of this mortgage it is exempt from all taxes.

I recall one rather wealthy citizen of this District—in fact, an extremely rich man—who was getting ready to go to Paris with a string of race horses, placed a mortgage of $40,000 on his household furniture. The only object was to exempt $40,000 worth of his property from taxation. It worked, and he went happily. That is not all. Let us take, for instance, the people who live along these broad streets. They tell you that the burden of caring for the streets is heavy because the streets are so broad. They get a compensation for this. Everybody's front yard—that is, with but a few exceptions—is not his property at all.

There are streets in this town where the average width of the property between the building line and the sidewalk line is from 20 to 25 feet. If it is 25 or 30 feet, and the lots are 20 feet in width the man has from 500 to 600 square feet of property that belongs to the Government, yet he is permitted to fence it in and exercise exclusive ownership of it. It did not cost him a cent. It is exempted from taxation. He pays nothing for it, nor does he pay tax on it, as you and I must do if our children have a front yard in which to play. In the street where I now live the average width of the lot is 20 feet; the depth from sidewalk to building line is 30 feet, so each owner has 600 square feet, so far as the use of it is concerned, that never costs him a cent, and it is not assessed for taxes against him. At the back of their lot they have 200 square feet which they are permitted to use in the same way, so that every man's lot has 800 square feet of land, worth at least $1.50 a square foot, over which he exercises exclusive ownership, but which never costs him anything and on which he pays no taxes. It belongs to the Government, yet the lot owner has an exclusive use of it, free both of cost and taxes. Yet they tell you they are overtaxed, and want your people and mine to bear a heavier burden that they may bear none at all.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. DAVIS of Minnesota. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. LONGWORTH].

The CHAIRMAN. The gentleman from Ohio [Mr. LONGWORTH] is recognized for five minutes.

Mr. LONGWORTH. Mr. Chairman, for a good many years I have heard this proposition debated pro and con, and I have given particular attention to this debate. I have tried to weigh as judicially as I could the various arguments in favor of the abolition of the so-called half-and-half plan, but I can not come to any other conclusion than that by so doing we would not be taking a step in advance, but, on the contrary, would be taking a step backward.

Since 1878 it has been the policy of this Government to divide equally with the District of Columbia the cost of its maintenance, and during that time and under that method Washington has developed from comparative insignificance into one of the most beautiful, one of the most dignified, capitals in the world. Its progress has been noteworthy. But I do not believe our ambitions as legislators should stop at that. We should aim, as I believe is the desire of the people we represent, to stop at nothing short of making Washington the capital of capitals, the fitting majestic seat of government of the greatest of the Nations.

The method pursued for the last 40 years, nearly, has gone far in that direction. Why should we change it now? It has been said in this debate that the people of our districts are being overtaxed for the development and upkeep of the National Capital. It is proposed in this bill to reduce their share of the expense from 50 to 30 per cent, to reduce it in actual cash from about $6,000,000 to about $3,500,000. That is a saving, if you please. But to me it is too insignificant to talk about. If you divided it up among all the people of this country, it would amount to about 2½ cents apiece, and I do not believe that the American people will begrudge this pittance to the beautification and the upkeep of the Capital of the United States.

Our duty in reference to matters concerning the government of the District of Columbia is exceptional, because it is twofold in its nature. We must represent not only the people of the States and the districts that send us here but we must also represent the people who live here, and from whom, because of the fact that they can not speak for themselves, there can be no comeback. It is therefore peculiarly our duty to be scrupulously careful lest, merely because we have a giant's strength, we shall use it like a giant. Statesmen are often too prone, I think, to use Washington as a legislative experiment station. They are too often prone, I think, to attempt to impose upon this particular portion of the American people, and against their protest, laws which they would hesitate to impose upon another portion endowed with the power to translate a protest into retribution. The Capital of the Nation is the last place in the country which should be selected by any legislator to "try it on the dog."

It can not in the long run accomplish any useful purpose to hamper, as I fear that this proposition will at least tend to hamper, the development of Washington. Money spent here is well spent. I can not think that the American people are disposed to haggle over the amount. On the contrary, I believe that posterity will be satisfied with nothing less than that Washington shall be, not in size, perhaps, but in the beauty of its parks and public places and in the dignity of its monuments and buildings, the most impressive and majestic capital that the world has ever known.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. LONGWORTH. I will ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DAVIS of Minnesota. Mr. Chairman, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming is recognized for five minutes.

Mr. MONDELL. Mr. Chairman, the act of June 11, 1878, provided for what is known as the half-and-half plan between the District of Columbia and the Federal Government. There has been more or less dissatisfaction with regard to that plan for a number of years past, culminating in the appointment of the Joint Select Committee whose recommendation was made

to the House and Senate a short time ago—several months ago, in fact.

In the ordinary course of legislative business it would have been the duty of the Committee on the District of Columbia to take cognizance of that report and bring in legislation in harmony with that report, in so far as the findings of the report met their judgment. That committee did not do so, and the Committee on Appropriations, in making up its bill, concluded that it was its duty to legislate in the matter.

There are a number of objections to that form of procedure: First, the Committee on Appropriations has no jurisdiction over legislation of this character. It could not, in the nature of things, give the matter the consideration to which it is entitled. Furthermore, the Committee on Appropriations did not bring in legislation in harmony with the report of the Joint Select Committee. It simply provided that in the future the District revenues should be used, and whatever was necessary over and above that to meet the expenses of the District should be paid out of the Federal Treasury.

This is not the time, this is not the place, to amend the half-and-half plan, either in accordance with the report of the joint select committee or in any other way. It is the duty of the Committee on Appropriations to provide for the expenditures of the District, to bring in its bill, and to bring in the bill in accordance with the law as the committee finds it. Therefore I am against this provision, not that I am unalterably opposed to any change of the half-and-half plan. I think it is possible that we may work out a change from that plan. But I am opposed to a provision such as is contained in this bill, which does not settle the matter, because it does not settle it wisely. It does not legislate upon it in detail, does not follow the plans outlined by the joint select committee, and in my opinion it does not or ought not to meet with the judgment or approval of the membership of the House.

In due time, if this provision goes out of the bill and the bill is otherwise amended, this bill will be in accordance with the existing law relative to the fiscal relations between the District and the Federal Government, and in due course of time the District Committee can bring in a bill modifying those relations as it sees fit. The House can then pass upon that question in a fair, orderly way. It occurs to me that, of all people, the members of the joint committee, whose recommendation is not fairly carried out by this legislation, should oppose it, and that we should all of us oppose it, on the ground that it has not had fair consideration, is not presented to the House by the committee having jurisdiction over the subject, and is not a wise or definite settlement of the question.

Mr. PAGE of North Carolina. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, those who are opposed to changing the fiscal relations between the District of Columbia and the United States will oppose this provision in the bill. Those who believe that there should be a change in the fiscal relations will favor it. It is idle to talk about modifying the present fiscal arrangements by the consideration of a separate bill. Whoever has been in Washington long enough to find his way from one end of Pennsylvania Avenue to the other knows that such a bill has not the slightest chance of being considered in one body of the Congress.

What is proposed here is very simple. It contemplates that under a fair system of taxation, with a very considerable volume of taxable, intangible property eliminated from taxation, revenue shall be raised in the District of Columbia; that the sum raised each year shall be appropriated to the payment of the sums necessary to maintain the District government in a suitable manner; and that if any additional sums be required they shall be paid out of the general funds of the Treasury of the United States. That is the whole proposition.

Some objection is made to it because the joint commission in its report said that there should be adopted a definite policy of liberal appropriations. That can not be done simply by a resolution to that effect. The definite policy of liberal appropriations is expressed in the annual appropriation bill, and if the Congress be dissatisfied with the recommendations for appropriations, if the Congress believes the appropriations recommended are too great or too small, this is the time to make the changes necessary in the amounts to be appropriated.

Mr. TINKHAM. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. FITZGERALD. For a question. I have not much time.

Mr. TINKHAM. Does not the abolition of the half-and-half plan leave each District appropriation bill in succeeding Congresses at the mercy and the caprice of each Congress, thereby making the appropriations for the District less definite and less regular than under the half-and-half plan?

Mr. FITZGERALD. Oh, no; there is nothing to that contention. If it were not that I do not want to be discourteous I would say that it was just balderdash. Every appropriation bill is at the mercy and caprice of Congress. Regardless of the amount of revenue raised in the District of Columbia, Congress can appropriate what it sees fit. For years during my service in the House of Representatives, when the District of Columbia was unable to raise a sum sufficient to equal one-half of the money that Congress determined should necessarily be expended for the support and in the improvement of the District of Columbia, Congress advanced out of the Federal Treasury, as a loan to the District, money in excess of the revenues raised by the District. But the appropriations can not be at the caprice of Congress. There are certain fixed and definite charges in the conduct of a municipality which can not be lessened in any substantial way. The police department, the fire department, the school system, the park system, the upkeep of streets, the extensions of sewers and streets, all must be carried on and will be carried on regardless of what the revenues of the District may be.

This is an equitable provision. It does justice to the residents of the District, so far as the taxing laws at present permit, and does justice to the people of the United States. If all of the available property that ought to be taxed were brought within the taxing system the Federal Treasury would be called upon for very little contribution, and even then no injustice would be done to the residents of the District of Columbia. [Applause.]

Mr. PAGE of North Carolina. Will the gentleman from Minnesota use some of his time?

Mr. DAVIS of Minnesota. I yield five minutes to the gentleman from Connecticut [Mr. OAKEY].

Mr. OAKEY. Mr. Chairman, if all of the taxable property in all of the communities of the United States were equitably reached by the taxgatherer the burdens of the people would be very much less than they are at present. However, from some considerable experience in tax levying, I am inclined to think that the taxpayers of the District of Columbia are, indeed, let off easily. I can see no extreme tax burden from a levy of what in our country we call 15 mills, or $1.50 a hundred, with an assessment on a two-thirds valuation of tangible property.

However, this city is just a little different in regard to taxation and its fiscal considerations than most cities, because of the fact that it is a capital city, that it is filled with exempted property, and that certain kinds of industry and business are at least prevented from coming here.

Mr. Chairman, I am one of those who believe in a liberality in regard to District appropriations. I am one of those who believe that the residents of this city ought to be enfranchised. I believe they ought to be represented in this body and the one across the way. I like what has been said here about the future home of our Capital City. I believe the American people will be more inclined to be liberal, to be generous with the appropriations that we may make, to make this our municipal national home as beautiful, as picturesque, and as artistic as possible. I like what is said about the improvement of our beautiful parks, our great buildings, and our memorials. I want to see them extended and beautified, so that this will become indeed the most beautiful city in the world. I want to see that bridge that I have heard so much about, from the Imperial Capital City to the silent city of our heroic dead; that this city indeed, bearing the honored name of Washington, occupying such a beautiful place as it does, shall become the pride of all our people. And I think, Mr. Chairman and my colleagues, in conclusion, that these matters pertaining to our interest should be considered in the open forum of the Committee on the District of Columbia. I think that is the place where these things should be considered and presented to this body, rather than through the doubtful, the mysterious, and I am afraid dangerous policy of an appropriation rider. [Applause.]

Mr. PAGE of North Carolina. Mr. Chairman, will the gentleman from Minnesota [Mr. DAVIS] consume the remainder of his time? There will be only one more speech on this side.

Mr. DAVIS of Minnesota. How much time have I remaining?

The CHAIRMAN. The gentleman has 10 minutes.

Mr. DAVIS of Minnesota. I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, my interest in this particular item is not because I am temporarily a resident of the Capital City, but rather because as a citizen of the State of Ohio I am

interested in the Capital City never becoming less in its importance or in its beauty than it now is. I feel that at times we approach this subject with too much regard to the city itself without reference to its being the Capital. I frequently hear mention of the low taxation rates here. I think that all of us will agree that we must not think of this city just as we would of the city in which we live.

Mr. GORDON. Just why; that is what I would like to know.

Mr. FESS. The reason I have is that the Capital City should be a model city in every feature that pertains to a modern city. We ought to have a model school system that would serve as an example for all the schools in the United States. It ought to have a model street system as an object lesson for all the cities in the United States. It ought to have a model hospital system of a municipal character to serve as a standard for all the hospitals found in any city in the United States. We ought to strive to make this city an object lesson to the country in all the things that stand for efficiency in administration, beauty in street, in park, in all that serves the artistic taste of our people.

Mr. FITZGERALD. Does the gentleman think that the city in which we live ought not to have a model system?

Mr. FESS. I do not mean that they ought not to have a model system, but I am sure that the Capital City is the place necessarily where we ought to expect to find the highest reach of efficiency and achievement of any place in the world.

Mr. FITZGERALD. How will that be affected by people who have not a model system contributing to a reasonable extent in the upkeep of the city?

Mr. FESS. I am not married to any particular plan of half and half other than I want to be assured that a system that has continued for 30 years upon a certain plan of expenditure outlined by the authority of the Government will not be interrupted. We are not going to stop that plan, I trust; but it looks as though we are going to refuse to bear our share of the burden and place it on the District. That is, if we continue the plan that is in view—and I hope we will not only continue it but improve upon it—we should be free to bear the additional burden. I think the park system should be improved far beyond what it now is. The city of Boston has a more beautiful park system than we have here. There are many other cities which have a more ambitious system than in the Capital City. I do not think that ought to be. I think the highest reach in art of every sort ought to be in this city, if for no other reason than that it is the model city of the world, and if we are going to continue supreme authority of Congress in the Capital City we ought to realize that we ought not to put an additional burden on the people here, who do not have any voice in what they are to bear.

Mr. HOWARD. Will the gentleman yield?

Mr. FESS. Yes.

Mr. HOWARD. Does not the gentleman think that in addition to all the model things, we ought to have here the most model system of taxation as to equity and justice and the manner of collecting it?

Mr. FESS. In other words, you would say that if there is a city somewhere in the country that has a lower rate of taxation than this city we ought to have it here.

Mr. HOWARD. I do not. I am talking about the system.

Mr. FESS. What I am talking about is that if this is the Federal Government system we must not be niggardly about it; we must be benevolent, not only to the people of the city but in a degree that this is our Capital City, and we want to make it the most beautiful place in the world. [Applause.]

Mr. DAVIS of Minnesota. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, the only thing I have to say in concluding what is to be said in behalf of the plan that has been in vogue here since 1878 is that the commission found that we were obligated to the bondholders because we entered into a contract with them that we would pay one-half and the District one-half of the District debt and that we should continue it.

The House will to-day say we must keep our contract with the bondholders, and properly so, on recommendation of the commission. But, upon the other hand, under the organic act we have undertaken to carry out a plan for a great city, with schools, hospitals, parks, streets, sidewalks, sewer system, water system, health department, inspections and regulations of every character. We have builded a Capital City upon an extensive plan, and we have paid half of that expense out of the Public Treasury. After we have laid out the plan for expenditures it is now proposed that the Government of the United States withdraw from the contract and no longer pay its share, its half of maintaining the expenses of the Capital of the Nation. The people of the District of Columbia must tax themselves to keep up the Nation's Capital on the plan on which we have started it. We say to the District people: "We legislate for you, but you will pay the burden of the expense. Of course if you are unable to tax yourselves to pay all, we will make up the difference." Mr. Chairman, we start in on this plan by paying about one-third and the District two-thirds. It is stated that there are $8,000,000 in revenue raised by the District this year. Every dollar should be expended, and we should cover every dollar of it in additions to the parks and streets and schools and hospitals. We should pave Pennsylvania Avenue from here to the White House, so that a man who rode over it in an automobile would not think he was riding on a rough sea.

Mr. FITZGERALD. It has only been paved within a year.

Mr. CAMPBELL. Then the paving contractor ought to make his work good.

Mr. FITZGERALD. We can not pave the street every year.

Mr. CAMPBELL. It ought to have been better paved, so that would not be necessary. Then, too, there are many streets in the city not properly lighted.

Mr. FITZGERALD. Where?

Mr. CAMPBELL. Nineteenth Street from Pennsylvania Avenue north and south and Twentieth Street from Pennsylvania Avenue north and south. There are 100 blocks in this city where people live and pay taxes where the streets are not properly lighted. There are many things the Capital of the Nation requires that may not be required in other cities.

Mr. GORDON. Name some of those cities; name one.

Mr. CAMPBELL. The standard of streets and parks and of beauty required by your people when they come here. They are disappointed when they come here and do not find what they saw when they were in Berlin, Paris, or Petrograd. They expect to find in the Capital of their country better streets, better parks, better surroundings than in any capital of any nation on earth, and they have a right to. The people of the country are not penurious about these matters. It is only their Representatives here who make a show of economy by lack of proper appropriations for the Nation's Capital. [Applause.]

Mr. PAGE of North Carolina. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Chairman, that which is before this committee now is simply a plain business proposition. We have heard a great deal about the so-called organic act and about the development of the city of Washington. Concerning the development and continuance of the city of Washington as a beautiful city and as a city fit in every way to be the Capital of this great Nation, I am sure everyone here is in accord, but there is a great deal of noise made about this so-called organic act which has no basis in merit. The truth of the matter is this, that that which is called the organic act, the act of 1878, was simply passed because of a then existing necessity. At about that time the city of Washington had many civic improvements. The streets were being rebuilt and paved, sewers and water extensions were being put in, and the city of Washington was being transformed from a town into a city. Naturally a great expense attached thereto, and the city at that time found itself unable to cope with this additional expense, whereupon the act of 1878, this so-called half-and-half contribution, was suggested as a temporary expediency in order to help the District of Columbia and more particularly help the city of Washington.

As time has gone on, as the city of Washington has developed from a town into a city, as the taxable assets have increased, as the population has increased, there no longer exists any reason for the continuance of this half-and-half contribution. There is absolutely no reason why the Government should contribute dollar for dollar to the expenses of maintaining the municipal government in the city of Washington and in the District of Columbia.

Mr. TINKHAM. Mr. Chairman, will the gentleman yield?

Mr. GARD. For a question.

Mr. TINKHAM. Are not the taxable assets being reduced each year by the Federal Government taking property, are not the streets being increased, and are they not having much more money spent upon them because of their breadth, because this is the National Capital, and is not this Congress passing legislation continually to prevent industrial establishments coming here?

Mr. GARD. Mr. Chairman, I decline longer to yield. A time may come when additional space will be needed by the General Government, and if such time does come then the General Government is still in a position through its acts of Congress to afford all necessary relief to the District of Columbia and the city of Washington. I will say that this is the only town in the United States, necessarily the only town, where any sum of

money is contributed from national finances toward carrying on the expenses of the municipal government. This is the plain business proposition: The tax rate here is fixed and it is certain, and that is all that is asked from the residents of the District. The Federal appropriation for local expenses is $3,600,000 in this bill, over $2,000,000 in another bill, in all over $5,500,000, and now if the half-and-half plan is continued as some gentlemen want, it would mean that the Government contribute under this bill, instead of $3,600,000, $8,300,000, which nobody says they have any need for and nobody wants. That is the plain business proposition. There can be no defense in the system of taxation of piling up unnecessarily at the expense of all of the people of the United States a sum of money which is not needed and not even asked for by those who have knowledge of municipal needs. [Applause.]

Mr. PAGE of North Carolina. Mr. Chairman, without any criticism and with great commendation for the members of the special committee investigating the fiscal relations between the United States Treasury and the District of Columbia, had I been a member of that commission I should have reached a slightly different conclusion from that reached by them.

There is no other spot, large or small, within the boundary of the United States bearing the same relationship to the Nation as does the District of Columbia, set aside by mandate of the Constitution as the seat of government, to be directly and immediately under the control of the Congress, in order that there might be no conflict of authority.

The city population and private ownership of property are merely incidental and in no degree change the national character of the District nor the national obligation to maintain and control it. The very fact that it is a national city, the Capital of a great Republic, makes it an attractive place of residence. It does not follow, however, that the person whose necessity or preference brings him here should be exempted from the usual and ordinary obligations of citizenship, nor should he be penalized by being required, because of his residence, to contribute more largely to the support of the Government than do those citizens living elsewhere under the flag.

In my judgment much confusion exists in the minds of Members of Congress attempting to deal with this question, for the reason that they think of Washington as a municipality and undertake to compare it with other cities incorporated under States laws and constituting a part of the State in which they are located.

This same thought is uppermost in the minds of those who reside here, ignoring or forgetting the peculiar relationship to the Nation of that territory embraced within the District of Columbia.

There is nothing local about it. It is the one national city.

The resident property owner is not a citizen of Washington or the District of Columbia in the same sense that I am a citizen of North Carolina. By choice he relinquishes his rights of municipal or State citizenship when he elects to permanently reside within the District and becomes a citizen of the Nation exclusively.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. FESS. Is there not a little difference there? The residents of Baltimore, for example, have some voice in the Government.

Mr. PAGE of North Carolina. It was intended that the residents of this District should never have a voice or a vote.

Mr. FESS. And for that reason should the tax rate be as high as where the resident does have a voice and a vote?

Mr. PAGE of North Carolina. I do not think that we compensate any of those people from whom we take the franchise anywhere else by lowering the rate of taxation.

Mr. FESS. I am assuming that we will not give the franchise. I am not in favor of that, but I am in favor of taking more of the burden ourselves.

Mr. PAGE of North Carolina. He enjoys the same right of protection to his person and property, the same advantages of schools, hospitals, and other conveniences that people living elsewhere enjoy, and should make his contribution to the general fund that other people must contribute to obtain these advantages—this and nothing more.

Therefore I believe that an assessment and tax levy should be made upon privately owned property within the District of Columbia in like amount and at a like rate as is placed upon the property of people living in other places enjoying like benefits, and every dollar so collected should be paid, not into a supposed municipal treasury but into the Treasury of the United States to the credit of "miscellaneous receipts."

Then the first paragraph of this bill should read: "The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes."

No divided obligation or responsibility, no quarreling over percentages, but a National Capital supported, enlarged, beautified by the whole people from the Common Treasury, the pride of the Nation, in time the marvel of the world, and a constant joy to all those who reside in it.

I believe that this paragraph should be adopted, and that the man who votes to have this old, inadequate fiscal policy continued is voting against the interest, and the best interest, of the Capital of his Nation. [Applause on the Democratic side.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. TINKHAM].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. TINKHAM. Mr. Chairman, I demand tellers.

The CHAIRMAN. Those in favor of ordering tellers will rise and stand until counted. [After counting.] Seventeen; not a sufficient number, and tellers are refused.

So the amendment was rejected.

The Clerk read as follows:

The following sums are appropriated out of the revenues of the District of Columbia to the extent that they are sufficient therefor and the remainder out of any money in the Treasury not otherwise appropriated in full for the following expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, namely:

Mr. MONDELL. Mr. Chairman, I make the point of order against this paragraph that it is a change of existing law, not made in order by the special rule, and does not come within any of the exceptions to the general prohibition against legislation on all appropriation bills laid down in Rule XXI.

Mr. PAGE of North Carolina. Mr. Chairman, the first paragraph of the bill having been made in order and having been adopted by the committee, it seems to me that it necessarily follows that the language contained in the second paragraph, to make the application of the first paragraph, is in order. I frankly confess that had I considered this question, to make assurance doubly sure, I might have included it within the rule. I do not think that the gentleman's point of order is well taken.

Mr. MONDELL. Mr. Chairman, the gentleman in charge of the bill, who is a good parliamentarian, does not deny the force of the point of order, but he presents for the consideration of the Chair a new, novel, and curious theory, unknown heretofore to parliamentary law, to wit, that a rule having made one part of a section in order, the balance of the section is made in order by reason of the adoption of that rule. Now, I submit to the Chair that is not sound reasoning. The question as to whether or not this paragraph is subject to a point of order depends solely and wholly on the paragraph itself, unaffected by anything that precedes or follows it. Now, if the Chair will indulge me, I want to make this observation: If the gentleman in charge of the bill had insisted that this paragraph was in order under the Holman rule, he might at least have had some excuse for that argument. It is not, however, in order under the Holman rule, as the Chair, who, I have no doubt, is familiar with the rule, very well knows. The Holman rule is as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for public work and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Now, this paragraph does not accomplish any of those objects. It does not, therefore, come within the provisions of the Holman rule. There is, it is true, a proviso to the Holman rule which provides that upon the report of a committee or a joint commission authorized by law, or the House, or the House Members of any such commission, having jurisdiction of the subject matter an amendment germane to the subject matter of the bill which shall retrench expenditures is in order. But this is not presented by a committee having jurisdiction of the subject matter. It was presented by the Committee on Appropriations that has no legislative jurisdiction in this regard.

Now, to come back to the genesis of the thing. Let me call the attention of the Chair to the fact that the act of 1878 very clearly and definitely provided for the payment of these appropriations, one-half out of the District treasury and one-half out of the Treasury of the United States. That is the law; it has never been superseded, modified, or amended. Now, it is proposed in an appropriation bill, presented by a committee having no jurisdiction over the legislation, to modify and change that

provision of law. It can not be done in this way, Mr. Chairman.

Mr. CRISP. Mr. Chairman, I desire to present this thought to the Chair in passing upon the point of order, and it seems to me the point of order is not well taken. It is a rule of this House—and if the Chair desires it I can cite several authorities on this subject—that where a provision is in an appropriation bill, and that provision itself is not in order, it is in order to further amend that proposition by other germane legislation—legislation that as an original proposition would itself be out of order. Now, the House has refused to strike out of this bill the first section, which repeals the act of June 11, 1878, and provides that the revenues raised from the District of Columbia shall first be used. Now, the paragraph of the bill to which the gentleman from Wyoming lodges a point of order is the natural logical sequence of the first paragraph of the bill, which is in order under the special rule. It seems to me that the paragraph in question is germane, relates to and necessarily follows the first paragraph, and therefore is in order.

Mr. MONDELL. Mr. Chairman, I am very much surprised at the line of argument made by the gentleman from Georgia [Mr. CRISP], who is a splendid parliamentarian. We all know that a provision not in order under the rules, if not objected to or if made in order by a special rule, may be further amended. That is true; there is no question about that. But that is not the situation at this time. While the first paragraph was under discussion, made in order by the special rule, it would have been entirely in order to have offered this paragraph as an amendment, as a proviso. It certainly would have been in order to have amended that paragraph with any amendment that was germane to it, but nothing of the sort was done. That paragraph was disposed of. The House has acted upon that matter; it is out of the way; it is no longer before us; and we are now on an entirely different and distinct proposition. It seems to me it is not necessary to argue this further point with the Chair, but, if the Chair will allow me, let me illustrate how illogical the argument of the gentleman from Georgia is. These two paragraphs do not, as a matter of fact, relate to the same matter. One is a change in existing law for all future time. The other, the one now before us, is a provision relative to the appropriations contained in this bill.

Mr. PAGE of North Carolina. Will the gentleman allow me an interruption?

Mr. MONDELL. Certainly.

Mr. PAGE of North Carolina. The gentleman's last statement is unquestionably true and showing its close relationship to the paragraph already accepted by the House and made in order it uses the same language as to how the money shall be expended.

Mr. MONDELL. But surely my friend will not contend—I am sure he will not contend—that the matter having been made in order by a special rule and disposed of, you can thereafter bring in other matters that are subject to a point of order on the theory that they have some relation to what has already been disposed of by the House.

Mr. HOWARD. Mr. Chairman——

Mr. MONDELL. Just let me suggest to the gentleman what that would lead him to. Under that theory we could continue to the end of the bill and add all sorts of amendments on the theory that one paragraph in the bill having been made in order and disposed of another paragraph germane to the subject matter of the paragraph thus made in order is in order thereafter simply because it relates in a way to the same general subject. It is a most extraordinary theory that making one paragraph in order by a special rule makes in order thereafter every proposal of legislation that in the remotest way relates to the same general subject.

Mr. HOWARD. Mr. Chairman, if the Chair will bear with a parliamentary tenderfoot for a moment, I have one suggestion I desire to offer. The point of order raised by the gentleman from Wyoming [Mr. MONDELL], in my judgment, is not good for this reason, that the second paragraph, and its relation to the first paragraph, made in order by the rule, simply does this. It simply carries into effect, so far as the provisions of the first paragraph are concerned, the provisions of the first paragraph as applicable to the appropriations in this bill. They are inseparable for this reason, that the first paragraph abolishes what is now known as the half-and-half plan. It says how the revenues of the District of Columbia shall be applied, how much shall be paid out of the Treasury, and the second paragraph says that the application of the first paragraph to the appropriations carried in this bill shall be done in like manner.

In other words, it would be the height of legislative folly to hold the first paragraph in order and to hold the second paragraph out of order, because the law contained in the first paragraph could not possibly be administered without the following paragraph that is incorporated on page 2 of the bill. Therefore they are inseparable. One is obliged to follow, as the gentleman from Georgia [Mr. CRISP] says, as a sequence to the other.

Mr. MONDELL. I appeal to the gentleman's own excellent judgment to show how illogical his proposition is. He is assuming that the first paragraph, having been made in order and having received an affirmative vote, is law. It is not anything of the kind. It is simply an expression of opinion on the part of the committee. The law still stands and will stand until both bodies of Congress and the President have, acting together under the Constitution, changed it, and it does not change the situation because a certain thing was made in order under the rule.

Mr. HOWARD. Will the gentleman state how this second paragraph, then, will be in any different situation than the first paragraph if we do the same thing to the second paragraph that we did to the first paragraph, namely, express an opinion about it? They are on all fours.

Mr. MONDELL. The difference between the two paragraphs, I will say to my friend, is that the Committee on Rules, or whoever it was made up the rule, "slipped a cog," if I may use that expression. They should have covered both paragraphs by the rule. They failed to do it. That is not my fault. I am taking advantage of the fact that they did not provide in their rule to accomplish that which they sought to accomplish, and they can not come in here now and plead the "baby act" that, having brought in a certain provision which otherwise would have been out of order, thereafter they may propose and have considered all sorts of propositions out of order if they tend to relate to the same general subject.

The CHAIRMAN. The gentleman from Wyoming makes a point of order on the language on page 2, from line 4 to 10, inclusive, asserting it to be a change of existing law, and asserting it not to be one of the exceptions made by the Holman rule or any other exception in the rule; also asserting that it is not made in order by the special rule. Of course an examination of the special rule discloses that it is not made in order by reason of the special rule. The Chair thinks, however, that inasmuch as the paragraph against which the point of order is lodged merely contains a repetition of the language in the first paragraph plus the necessary words "of appropriation," necessarily appropriating the money to carry that into effect——

Mr. MONDELL. Before the Chair goes further, will he allow me just a moment? I do not want to see the Chair go wrong on as important a matter as that. The Chair seems to have it in mind that this paragraph simply follows the former paragraph and really is surplusage. That is not true. The first paragraph provides that "hereafter all appropriations made for the support of the government of the District of Columbia," and so forth, and this paragraph provides that "the following sums are appropriated out of the revenues of the District of Columbia." They are two very different and distinct matters. It might be held that if this item went out entirely the former paragraph would accomplish what is sought to be accomplished in this paragraph. I do not think it would. The two things are entirely dissimilar in their character and in what they seek to accomplish.

The CHAIRMAN. The Chair thinks that the language on page 4 just referred to merely consists of a repetition of words already made in order and the necessary language carrying into effect and appropriating money provided for in the first paragraph. While the Chair does not claim to be infallible, neither does he think that he is the last word on the subject of rules; he does think the paragraph under discussion to be ancillary and a necessary incident thereto. The Chair thinks there is no question that it would be in order as an amendment to the former paragraph, having in mind that the first paragraph was made in order by the special rule. Hence the Chair overrules the point of order.

Mr. SMALL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

Mr. PAGE of North Carolina. Mr. Chairman, I call the attention of the Chair to the fact that the bill has been read down to and including line 11 on page 22.

The CHAIRMAN. The gentleman is right about that. The Clerk will read.

The Clerk read as follows:

Repave with asphalt the roadway of Fourteenth Street NW., from Pennsylvania Avenue to F Street, 70 feet wide, $7,500.

Mr. TINKHAM. Mr. Chairman, I desire to make a point of order against the appropriation in lines 8 to 10.

The CHAIRMAN. On what page?

Mr. TINKHAM. On page 23, just read. Under Rule XXI, section 2, it says:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

As I understand the law, no street can be widened without authority of Congress. If that is so, then this appropriation is subject to a point of order, as it is an expenditure not previously authorized by law.

Mr. HOWARD. Mr. Chairman, I do not think the point of order made by the gentleman from Massachusetts is well taken for this reason. Under the existing law, as found in section 77 of the District Revised Statutes, with which I presume the gentleman is not familiar, or he would not have made this point of order, the commissioners are given this power. I do not think this has ever been repealed, except possibly there has been a limitation and restriction placed upon it. But this is the general fundamental law that has been under the revision of the courts of the District of Columbia:

The board of public works shall have entire control of and make all regulations which they shall deem necessary for keeping in repair the streets, avenues, alleys, and sewers of the city, and all other works which may be intrusted to their charge by the legislative assembly or Congress.

Now, in the appropriation bill of 1907 this provision is contained:

For work on streets and avenues in Appendix A—

And so forth, which I will not read, and then they go on and name some streets, and continue:

Provided, That hereafter no street or avenue in the District of Columbia shall be paved less in width than the width now provided by law, except upon express authority of Congress, upon estimates to be submitted to Congress by the Commissioners of the District of Columbia.

Now, there is absolutely no inhibition on widening streets, but the inhibition in the statute, which is the existing law, is that they can not make them narrower.

Now, here is the proposition on Fourteenth Street, from Pennsylvania Avenue to F Street, as contained in the present bill: The sidewalk on the west side—and that is what the gentleman from Massachusetts [Mr. TINKHAM] is probably trying to protect here from disturbance—is alongside the hotel property. They have a sidewalk there 36 feet wide, and they occupy all that space under the sidewalk, which is very valuable to them, under this street, and they do not want their permissions disturbed. The roadway on Fourteenth Street from F Street to G Street is 70 feet wide, and by some hook or crook this particular privileged character in the District of Columbia has gone out on the west side of this street, from Pennsylvania Avenue up to F Street, and taken in 36 feet of sidewalk. The commissioners, in an attempt to straighten Fourteenth Street, to make the roadway the same width all the way up from Pennsylvania Avenue, have asked an appropriation for restoring this street along that block to its proper width; they have asked so much money to make this street 70 feet wide.

Now, the point of order made by the gentleman from Massachusetts [Mr. TINKHAM] is that there is no legislative authority for it. The legislative authority distinctly says that these commissioners can not make a street narrower. Now, they have the authority to do the reverse of it, to wit, to widen a street; and here is the law. I would like to have the gentleman answer that.

Mr. JOHNSON of Kentucky. Will the gentleman yield there?

Mr. HOWARD. Yes.

Mr. JOHNSON of Kentucky. Is this one of the wide streets that is a burden to them?

Mr. HOWARD. Yes; I suppose this is one of the wide streets that is a burden to them.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there for a question?

Mr. HOWARD. Yes.

Mr. MADDEN. What is the ordinary sidewalk width along Fourteenth Street in other places?

Mr. HOWARD. I can only give the gentleman information as to the other side of the street.

Mr. MADDEN. I suppose they have a uniform width, except at that place?

Mr. HOWARD. Yes; 70 feet is the usual width of the roadway.

Mr. MADDEN. There must be a uniformity of width in the sidewalk everywhere?

Mr. PAGE of North Carolina. No; there is not everywhere. It varies on different streets.

Mr. MADDEN. On that particular street?

Mr. PAGE of North Carolina. Without attempting to be absolutely correct, I think on most of the streets it is about 12 feet.

Mr. MADDEN. Then I suppose all above 12 feet is an encroachment on the street?

Mr. PAGE of North Carolina. Yes.

Mr. HOWARD. I will say to the gentleman that the sidewalk on that street, on the west side, where the roadway of Fourteenth Street runs into the sidewalk, is 36 feet wide. Now, that is the widest sidewalk of which I have any knowledge in the District of Columbia.

Mr. MADDEN. What I was trying to get information on is what is the width of the sidewalk at every place else except at this place?

Mr. HOWARD. It is 20 feet.

Mr. MADDEN. Then they are 20 feet in excess?

Mr. HOWARD. Yes; they are 20 feet in excess. The committee wanted to straighten Fourteenth Street by taking off that width from this sidewalk.

Mr. EVANS. Mr. Chairman, may I ask the gentleman a question?

Mr. HOWARD. With pleasure, sir.

Mr. EVANS. Is it not a fact that about all of Fourteenth Street, along there, that is not occupied by the sidewalk is occupied by taxicabs?

Mr. HOWARD. Yes. That is the very reason why the commissioners want to straighten that funnel down to the Avenue for traffic. Of course, that applies to the merits of it. I would like to defend the committee's action in the matter and commend the good judgment of the District Commissioners, but that does not apply to the parliamentary situation.

Mr. MADDEN. The commissioners are not seeking to widen the street, but are simply seeking to widen the roadbed?

Mr. HOWARD. Yes; to widen the roadbed. They are not going to tear down anybody's playhouse.

The CHAIRMAN. The gentleman from Massachusetts [Mr. TINKHAM] makes a point of order against the language on page 23, lines 8 to 10, inclusive, on the ground that it is legislation added on an appropriation bill in contravention of paragraph 2 of Rule XXI. The gentleman from Georgia [Mr. HOWARD] presents a law here in which there is an inhibition against narrowing streets. The Chair thinks he would have to go a long way to prove that that would authorize the widening of the street, and the Chair is inclined to sustain the point of order, and does sustain it.

Mr. JOHNSON of Kentucky. It is not a proposition to widen the street. It is a proposition to widen the roadbed to the extent that they have legally the right to widen it.

Mr. HOWARD. Mr. Chairman, it is an incident. It does not change the width of the street. From building line to building line across that street the distance is not changed an atom, but by this provision we simply desire to cut off some of the sidewalk and restore it to the street or roadway where it is now being usurped by a certain concern, which makes the roadway along this particular block 20 feet narrower than the roadway along the rest of the street. We simply want to lower the sidewalk to the roadbed. That is all. It is not narrowing; it is not widening. It is doing nothing but lowering the sidewalk and making a roadway for vehicles instead of a sidewalk for pedestrians.

Mr. TINKHAM. Mr. Chairman, there is no such explanation in the bill.

Mr. HOWARD. In other words, if we had asked for the removal of an obstruction out of the street, which we have specific authority here to do under the law, we would probably have reached this matter in another way, because of the fact that the street in this block—that is, the roadway——

The CHAIRMAN. If any property owner transgresses upon or extends his private holdings out upon the public thoroughfare, is there not a criminal statute under which he can be proceeded against for obstructing the street?

Mr. HOWARD. I do not know about that; and I will admit that if we wanted to go in and tear down a wall or encroach upon private property for the purpose of widening this street, the point of order of the gentleman from Massachusetts [Mr. TINKHAM] would be good.

Mr. JOHNSON of Kentucky. But we do not want to go beyond our own property.

Mr. HOWARD. But under the law of the land the streets from building line to building line are the property of the United States Government. In the Van Ness case (4 Pet., 232) the United States Supreme Court squarely decided, in an opinion by Justice Story, that the United States had "an absolute, unconditional fee simple" in the streets and public squares of the city under the conveyance by the original proprietors.

There was elaborate argument by eminent counsel, including Taney, afterwards Chief Justice of the United States, for Van Ness, and Daniel Webster and William Wirt and Attorney General Berrien on the other side.

The case of Smith *v.* Washington (28 How., 135), decided in 1857, which has been quoted as modifying the opinion in the Van Ness case, did not pass upon the Van Ness case or the question involved in it; and the Supreme Court, since the Smith case, has repeatedly approved the Van Ness case. (See Steamboat Co. case, 109 U. S., 672, and Morris *v.* United States, 174 U. S., 196.)

Under the Van Ness decision the United States could close or sell any of the streets and reservations in the original city of Washington. As Representative Garfield said in the House June 19, 1876:

> They (the fathers) went even further. They went so far as to arrange that the fee simple of the streets of the Federal city should be exclusively and only in the Government; and, so far as I know, it is the only city on the globe that owns the fee simple to every foot of the streets in it. We could build a block of buildings all the way from the western front of our Capitol to the Treasury, filling Pennsylvania Avenue from side to side, if we chose to do so, because we own every foot of the ground

Now, we do not want to encroach on the rights of anybody. We want to do a certain thing with our own property—to widen the roadway 20 feet to make it conform with the width of the street so far as that street runs through the city.

Mr. JOHNSON of Kentucky. And we ask for nothing but the money to do it with.

Mr. HOWARD. The street is 70 feet wide, except upon this particular block; and on account of the congestion of the traffic the commissioners wish to change this width, to take 20 feet of sidewalk and apply that 20 feet of sidewalk to 20 feet of roadway. That is the simple proposition.

Mr. JOHNSON of Kentucky. Mr. Chairman, if you will permit me to say it, no authority is asked to change a law or to make a law. They are asking for $7,500 to do work upon a roadway that belongs to the Federal Government, established long ago. In the beginning the lawmakers chose to make the roadway narrower. Now they ask for the money—and for nothing else except the money—to build the roadway upon property which has already been set aside for street purposes.

The CHAIRMAN. The Chair will ask the gentleman if this requires the purchase of any new property at all?

Mr. JOHNSON of Kentucky. None at all.

The CHAIRMAN. The property that is proposed to be paved already belongs to the Federal Government?

Mr. JOHNSON of Kentucky. Absolutely.

The CHAIRMAN. Who occupies it now?

Mr. PAGE of North Carolina. It is occupied by the sidewalk. When they originally paved the roadway of Fourteenth Street in this block between Pennsylvania Avenue and F Street, instead of paving it to the full width of 70 feet, as they did north and south of it, the commissioners paved it 50 feet wide, and made the sidewalk wider. We merely propose, by widening the pavement, to take the city's property that is now used as a sidewalk with which to widen the roadway and make it conform to the width of the roadway both north and south of this block.

Mr. JOHNSON of Kentucky. Just to transfer from sidewalk to driveway; that is the only difference.

The CHAIRMAN. What does the gentleman from Massachusetts [Mr. TINKHAM] say about that?

Mr. TINKHAM. Mr. Chairman, I say that the condition of the street as it now exists is in accordance with law, and that no change can be made in that street without new legislative action, and that this is legislative action which is asked, and therefore is subject to a point of order.

Mr. HOWARD. Will the gentleman from Massachusetts yield for a question?

The CHAIRMAN. The Chair wishes to ask the gentleman from Massachusetts where is the authority that authorizes these sidewalks to be laid by private parties upon Government property? Has the gentleman that authority?

Mr. TINKHAM. I have not the authority right in hand, but I understand the sidewalks are properly there by permission of the District government, and that is not denied.

Mr. HOWARD. I will say to the gentleman that there never was any such permit.

Mr. JOHNSON of Kentucky. If there was, it was illegally done.

Mr. HOWARD. If there was any such permit, it was void, because they had no authority to grant it. I want to say that I have diligently investigated this matter for three weeks, and I have all the law there is upon it, and that there is no such provision in existence as the gentleman from Massachusetts states.

Mr. MADDEN. Mr. Chairman, I have no interest in this thing, except to see the tangle straightened out. I think it is within the power of the committee to decide whether the roadway on a given street shall be a certain width or some other width. If the commissioners decide that it is wise to create a uniform width of roadway upon a given street, it is within their power to do that. I assume that they have granted permits to the owners of certain property to encroach upon the roadway of the street within this block; but such permits when granted, as they frequently are in all cities, are granted on condition that they are revocable at the pleasure of those who granted them. There is no doubt about that, and when the person to whom the permit is granted accepts the privilege and acts under it, he acts with the distinct understanding that he is doing it at the pleasure of those who granted the permit.

Now, it can not be said that it is not within the power of the District of Columbia to pave a street to a width of 30 feet or 40 feet or 50 feet or 60 feet, or whatever width they may choose to pave it. It frequently happens that they make a very narrow roadway, and the reason why they do it is because they want to economize. They do not want to impose upon the Treasury the immense burden that would be required by the paving of a wide roadway. On residential streets, for example, it frequently happens that the roadway is only 25 or 30 feet wide, while on business streets it is 50, 60, 70, or 80 feet wide, depending on the width of the street, and it is nearly always uniform on a particular street.

Mr. BUTLER. What is the width of that street, may I ask the gentleman?

Mr. MADDEN. I understand the width of the roadway is 70 feet, except at this point.

Mr. HOWARD. And 50 feet at this point.

Mr. MADDEN. And 50 feet at this point.

Mr. HOWARD. Between Pennsylvania Avenue and F Street it is 50 feet wide, and all the rest of the way it is 70 feet wide.

Mr. MADDEN. I do not think we are doing anything in this provision except to appropriate the money to do that which we already have the authority to do.

The CHAIRMAN. The Chair is ready to rule. A moment ago, when the Chair started to sustain the point of order, he was under the impression that this necessitated the acquirement of new land and the doing of something other than the paving of land that now belongs to the Government. As I now understand the situation, however, it seems to be uncontroverted either by word of mouth or by the existing law that this amendment only authorizes the pavement of a street that now belongs to the Government. It seems to be true part of the street is not at this time used by the Government as a roadway, and it is apparently true that some sort of a permit has heretofore been issued, although nothing definite is here presented to so show. Either that or else a trespass is being committed by the private owners who have built the sidewalk out into the street and are temporarily occupying the same. But, be that as it may, such permit if any there be, even if acted upon, does not rise to the dignity of law; hence this provision repeals no law and therefore does not bring this provision within the rule. The Chair therefore overrules the point of order. The Clerk will read.

The Clerk read as follows:

> For repaving the roadway of B Street NW., from Seventh Street to Ninth Street, on plans to be approved by the commissioners: *Provided*, That the one-half cost of paving said roadway between the north side thereof and a line 20 feet therefrom and parallel thereto between the west building line of Seventh Street and the east building line of Ninth Street shall be assessed against the Washington Market Co. and collected as provided herein for assessments for paving roadways on streets herein authorized to be paved or repaved, $22,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last word for the purpose of saying that the history of the Washington Market Co. is very wonderful. It had its origin in one of the most monumental pieces of graft that ever went out of the American Congress. That bill was lobbied through Congress by the then Sergeant at Arms of the House. The bill is singularly peculiar in its very first words of the charter, which incorporated a lot of people who never did and never expected to put the charter into effect. They never intended to put into execution the charter, but they did intend and it followed that it was put into execution by Members of Congress, represented by Mr. Ordway, the then Sergeant at Arms of this body. The capital stock was subscribed largely by Members of Congress and those who were then in control of the government of the District of Columbia.

At that time the stockholders in the Washington Market Co. were the very highest officers in the District of Columbia, and they made a trade between the District of Columbia and the Washington Market Co. by which the District of Columbia was discriminated against and the stockholders of the Washington Market Co. were benefited. The trail of this corporation through its early existence was marked by corruption and fraud, by the destruction of private property of the poor. It has been marked by the torch of the incendiary, and it has been further marked by the destruction of human life.

Mr. Chairman, I ask unanimous consent to extend my remarks upon this subject.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read as follows:

The Secretary of the Interior is authorized and directed to transfer to the commissioners for use as a public highway so much of the United States reservation on Nichols Avenue, and designated as parcel 243, one, as may be necessary to open Nichols Avenue with a width of 110 feet from its westerly line as now established.

Mr. JOHNSON of Kentucky. Mr. Chairman, I reserve a point of order against the paragraph.

Mr. PAGE of North Carolina. Mr. Chairman, I can not controvert the point of order that this is not authorized by existing law; but when I drew the rule making certain provisions in order on the bill I did not think this of enough importance to include it. I want to say to my friend that before we allowed this item to go into the bill the subcommittee went out and made a personal examination of this situation with a view of making the avenue meet the purposes for which it was laid out, and this item seemed necessary. We were assured that it was not resented, but acquiesced in, by the National Government. It will be a considerable hardship to the people living in this section if the item goes out, and since it does not meet any opposition from the National Government, the owner of the land, I hope the gentleman will withdraw his point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, in view of the explanation made by the gentleman from North Carolina, I withdraw the point of order.

The CHAIRMAN. The Chair desires to call the attention of the gentleman from North Carolina to the word "one," in line 19, page 24. Is that correct?

Mr. PAGE of North Carolina. Yes, Mr. Chairman; that is the description given as it relates to this plot.

The Clerk read as follows:

Northwest. Thirteenth Street, Florida Avenue to Clifton Street, pave, $6,700.

Mr. PAGE of North Carolina. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Committee amendment: Line 10, page 25, insert "Northwest. Champlain Street, Florida Avenue to Kalorama Road, pave, $10,500."

Mr. MONDELL. Mr. Chairman, I shall not oppose the amendment, but I rise to express the hope that before we get through with these appropriations the chairman of the subcommittee will offer many amendments of this sort, taking care of the roadways that are not provided for in the bill. The District Commissioners, in my opinion, and I have given some little attention to their estimates, were careful in making up their estimates for the coming fiscal year, were anxious to provide only for those roads that required immediate care and attention, and my opinion is that they did not estimate for anything that is not needed. And yet in this matter of suburban roads the committee has reduced their estimate from $284,000 in round numbers to $174,000, or $110,000. It is true this amount is an increase over the amount appropriated last year, but that is true because the amount appropriated last year was scandalously inadequate. This year the committee seems to have been fearful that it would depart too radically from its too parsimonious attitude last year. As I understand it, these roads are improved out of the revenues of the District and not charged against the abutting proprietors. Is that true?

Mr. PAGE of North Carolina. They are charged against the abutting proprietors under what is known as the Borland amendment.

Mr. MONDELL. Yes; if it is a permanent roadway.

Mr. PAGE of North Carolina. If it is asphalt.

Mr. MONDELL. But they are not in most cases permanent roads.

Mr. PAGE of North Carolina. No.

Mr. MONDELL. Is it not true that a considerable portion of these roads will be improved out of funds of the District?

Mr. PAGE of North Carolina. They will not if the gentleman from Wyoming and other gentlemen will support the provision made in order on this bill under the rule to include not only asphalt but macadam and all permanent pavements under the provision of the Borland amendment.

Mr. MONDELL. Let me call my friend's attention to the lack of logic in his attitude.

Mr. PAGE of North Carolina. The gentleman from North Carolina makes no special pretense of being logical.

Mr. MONDELL. Or consistent.

Mr. PAGE of North Carolina. Not always.

Mr. MONDELL. He being a member of the Democratic Party, which he honors, I think that is a true confession. [Laughter.] If the amendment which the gentleman refers to is not adopted, and it is not yet, these suburban roads would mostly be built out of public revenues not chargeable to abutting proprietors, and it seems to me it is the wise and proper way to build suburban roads.

Mr. PAGE of North Carolina. Under that provision, if we confine the part payment to abutting property owners on suburban roads, the very street which my amendment provides for, if the amendment be adopted, which will be paved with asphalt running due north from Florida Avenue, would be classed as a suburban road, and the property in the middle of the city enjoying all the benefits of property on the one side of Florida Avenue would be exempt from any participation in the payment and that on the other side would have to participate. Is that logical?

Mr. MONDELL. Mr. Chairman, I admit that there are exceptions to all good rules. It takes exceptions to really prove a rule, it is said, but in the main it is not fair to charge a suburban holder with a road built past his property intended not so much for his use as for the use of the general public in getting from the city out onto the main roads in the country. That is the purpose of these suburban roads in the main; many of them do not add materially to the value of the property. But that was not what I was intending to discuss, but rather this proposition, that under the law as it now exists these roads would largely be built out of the revenues of the District. If the committee is endeavoring to bring itself in line with its new theory of cutting down expenditures so that the Federal Government will pay as little as possible, then the reduction of this estimate might be logical, but if the gentleman expects his amendment to become law and the property owners are to be called upon to pay for this improvement, then why should not we provide for all of these improvements? If the people are to pay for them, as the gentleman thinks they should, why did you not approve them if they are really needed? Why cut out a number of these roads when it is to be assumed the property owner is in favor of the improvement, and the property owner, if the amendment prevails, pays? It seems to me that is not a logical position for the gentleman to take, if he expects the amendment to be adopted, so that the property owners will pay for the work. Why not have the work done? It is not going to cost the Government anything in the long run.

Mr. PAGE of North Carolina. Mr. Chairman, in reply to the gentleman's criticism of the committee as to the meagerness of this appropriation, let me say that last year we appropriated $118,700 for the suburban roads in the District of Columbia. The present bill carries $284,450, or an increase of more than 120 per cent. I do not think that is very slow progress.

In answer to the gentleman's other inquiry as to why, if we expect the amendment in this bill requiring the abutting property owners to pay a certain part for the paving of these suburban roads to be adopted, we do not include the whole amount as estimated by the commissioners, the gentleman and the committee must remember that there is a limitation upon the ability of the organization to accomplish within a year more than a certain amount of work, and your committee thought that if we gave them twice as much work to do during the next fiscal year and twice as much money with which to do it they would probably accomplish it within the life of the appropriation, while if we gave them more they would not. That is all I have to say about the proposition.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Northeast. Ord Street, Kenilworth Road to Forty-fourth Street, grade and improve, $2,900.

Mr. PAGE of North Carolina. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After line 4, on page 26, insert:
Southeast. Portland Street, Nichols Avenue to Fourth Street, grade, $10,500.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the passage of this act, the commissioners are authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Seventeenth Street NW., from Kenyon Street to Irving Street, with a width of 90 feet, said extension to be in direct line with Seventeenth Street as it now exists north of Kenyon Street: *Provided, however,* That the entire amount found to be due and awarded by a jury in said proceedings as damages for and in respect of the land to be condemned for said extension, plus the costs and expenses of the proceeding hereunder, shall be assessed by the jury as benefits;

There is appropriated out of the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the condemnation proceeding taken pursuant hereto and for the payment of the amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia;

Mr. MONDELL. Mr. Chairman, I want to ask the chairman of the committee with regard to this paragraph relative to the widening of Seventeenth Street, from Kenyon to Irving, to 90 feet. Did the committee feel that it was necessary, in widening that street, to widen it to the extent of 90 feet? That will be a very expensive procedure, it seems to me.

Mr. PAGE of North Carolina. If the gentleman is acquainted with the locality, and I think he is——

Mr. MONDELL. I am familiar with it.

Mr. PAGE of North Carolina. The representation to your committee was that this street should be widened at this place into Irving Street to the full width as provided on the highway plan. The gentleman understands that this includes not the roadway, but the sidewalks as well—that it is from building line to building line, as it is laid out on Seventeenth Street.

Mr. MONDELL. The street is now very narrow?

Mr. PAGE of North Carolina. Yes.

Mr. MONDELL. It ought to be widened?

Mr. PAGE of North Carolina. I think so.

Mr. MONDELL. But is there not an apartment house on one side? If the street is to be widened in line with the extension of Seventeenth Street, it would cut into that apartment house, would it not?

Mr. PAGE of North Carolina. No. I am assured by the engineer commissioner that it will not interfere with any property now constructed or any building line that has been established, and the apartment to which the gentleman refers is farther up on Seventeenth Street than this particular part. There is not a building on either side of this proposed extension of Seventeenth Street from Kenyon to Irving Street. That is over what was a few years ago a very deep ravine, which has been filled up by a dump. This fill is still extending down toward Rock Creek Park, and a communication into Irving Street can now be made over the dump.

The Clerk read as follows:

In all, $174,950.

Mr. PAGE of North Carolina. Mr. Chairman, I ask unanimous consent that the Clerk may be given permission by the committee to correct this total and other totals affected by amendments offered.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the Clerk be given authority to correct totals. Is there objection?

There was no objection.

The Clerk read as follows:

To carry out the provisions contained in the District of Columbia appropriation act for the fiscal year 1914, which authorizes the commissioners to open, extend, or widen any street, avenue, road, or highway to conform with the plan of the permanent system of highways in that portion of the District of Columbia outside of the cities of Washington and Georgetown, there is appropriated, payable entirely from the revenues of the District of Columbia, such sum as is necessary for said purpose during the fiscal year 1917.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the subcommittee just what necessity there is for the last sentence of this paragraph, "payable entirely from the revenues of the District of Columbia," in view of the provisions of the first section of the bill? These sums are all to be paid out of the revenues of the District of Columbia, and I assume that this is simply a relic of the former fiscal plan.

Mr. PAGE of North Carolina. Mr. Chairman, we left this language in because the first section of this bill was not at that time adopted by the committee. If this bill is enacted into law as it now stands, I agree with him that this should be stricken out, and if the gentleman cares to offer an amendment to that effect——

Mr. MONDELL. Oh, no.

Mr. PAGE of North Carolina. I do not think we ought to strike it out now, and I merely want to give the gentleman the assurance that before the bill does become a law, providing the first section is kept in, we will endeavor to make this language in each instance conform to the first section of the bill.

The Clerk read as follows:

The authority given the commissioners in the District of Columbia appropriation act approved March 2, 1907, to make such changes in the lines of the curb of Pennsylvania Avenue and its intersecting streets in connection with their resurfacing as they may consider necessary and advisable is made applicable to such other streets and avenues as may be improved under appropriations contained in this act: *Provided,* That no such change shall be made unless there shall result therefrom a decrease in the cost of the improvement.

Mr. TINKHAM. Mr. Chairman, I desire to make a point of order against the section, lines 24 and 25, page 29, and lines 1 to 8, page 30, just read, as being new legislation not authorized in the special rule.

The CHAIRMAN. What has the gentleman from North Carolina to say about that?

Mr. PAGE of North Carolina. Mr. Chairman, this provision has been carried in several appropriation bills in this same language. I do not know, in fact I am inclined to think that does not make it in order simply because it has been carried year after year in appropriation bills, but this is not new to this appropriation bill. It has been carried in others, and no objection has been raised to it. The gentleman from Massachusetts in making the point of order will not effect the purpose that he had in view when he made the other point of order. It does not change any existing law, however, that I know anything about. I know of no law contrary to the provisions of this bill.

The CHAIRMAN. Does the gentleman from Massachusetts insist upon his point of order?

Mr. TINKHAM. No; Mr. Chairman, I do not.

The CHAIRMAN. The gentleman withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

Repairs to suburban roads: For current work of repairs to suburban roads and suburban streets, including the purchase of four motor cycles, and one truck at a price not exceeding $1,000, in lieu of four motor cycles and one truck to be exchanged, and including maintenance of motor vehicles, $150,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I shall not offer an amendment increasing this item to the amount of the estimate of the District Commissioners, but I simply rise to suggest that even though we do halt the work of new surfacing, we should at least give what the District Commissioners ask for the purpose of keeping the suburban roads in condition. I am not one of those lucky people who own an automobile, or at least not one of those who have one at this time, but I am told by my friends who have that the suburban roads of the city are not in good condition at this time, and I am of the opinion that all of this money is needed. I am sorry the committee did not see fit to allow the full estimate.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For painting the ironwork and repairing the fenders of the bridge, $10,000.

Mr. MONDELL. Mr. Chairman, I offer an amendment as a new paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 13, on page 31, insert the following as a new paragraph: "For preparation of plans for the construction of a bridge to take the place of the existing Calvert Street Bridge, $10,000."

Mr. PAGE of North Carolina. Mr. Chairman, I make a point of order against the amendment. I will reserve it if the gentleman wishes me to do so.

Mr. MONDELL. Mr. Chairman, the item is subject to a point of order. However, I rise to ask the chairman of the subcommittee why the committee did not allow this item? I understand that a new bridge at Calvert Street is very badly needed. I am told that the old bridge is dangerous. I know that several years ago the District Commissioners issued orders which were in force for some time very greatly restricting traffic across that bridge. It is not safe and very unsightly, and it seems to me we ought to begin to make preparations for a new bridge there.

Mr. PAGE of North Carolina. Mr. Chairman, in answer to the gentleman's question as to why the subcommittee did not allow this item for plans for the construction of a new bridge at Calvert Street, I will say that the knowledge of the members of the subcommittee and the knowledge of other Members of the House is to the effect that a very few years ago we built a very expensive, very handsome bridge over Rock Creek Park on the line of Connecticut Avenue——

Mr. MANN. Rock Creek.

Mr. PAGE of North Carolina. Rock Creek, soon to be part of Rock Creek Park, and those two bridges on the northerly end are almost exactly at the same place. The present bridge at Calvert Street was constructed, not by the city but by the street railway company, entirely for the use of the car line out to Chevy Chase some years ago. It was never intended that that bridge should be a highway for traffic, and there is a very grave question in the minds of the gentlemen who compose this subcommittee as to whether or not we should build another expensive bridge so near to the million-dollar Connecticut Avenue Bridge, and whether the matter of traffic warrants the expenditure at that place. My own judgment is that at this time it does not; that the street-car company having constructed this bridge, using it almost exclusively, if it is a little weak or a little unsafe they might repair it, it being used for street car purposes, and so we do not think it is wise to expend this money at this place.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. PAGE of North Carolina. I yield to the gentleman.

Mr. MADDEN. Does the gentleman think it never would be wise to build it?

Mr. PAGE of North Carolina. I think possibly at some time it would be wise; yes. I think with the increase of traffic going in that direction it is possible that at some time there should be a bridge at Calvert Street.

Mr. MADDEN. I understand there is in contemplation the extension of Calvert Street to the west of Connecticut Avenue.

Mr. PAGE of North Carolina. Yes; I think if it was opened up that would increase the necessity for this bridge at this point. But it has not been opened up. And there is, as the gentleman knows, a constant development of that section of the city, and when it becomes popular enough and a sufficient amount of traffic I think the time will come for the building of a bridge.

Mr. MADDEN. If you take Sundays and holidays now, the traffic to Chevy Chase Lake is very heavy.

Mr. PAGE of North Carolina. Very recently, as the gentleman knows, the Connecticut Avenue Bridge has been closed for repairs.

Mr. MADDEN. The stoppage of the other bridge on account of repairs is only temporary and only for three or four weeks.

Mr. PAGE of North Carolina. I insist on the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Rock Creek main interceptor: For completing construction of the Rock Creek main interceptor from P Street to Military Road, $50,000.

Mr. MONDELL. Mr. Chairman, I intended to offer quite a number of amendments to the bill covering items that were estimated for by the commissioners and not allowed by the committee, but I have no desire to take up the time of the committee unnecessarily and will not do so further than to call attention to these items as we reach them. The District Commissioners estimated $30,000 for land for sewage-treatment work, and called attention to the fact that it was important and in their opinion essential that the city should begin the development of a sewage-treatment plant, and that we should at least make a beginning this year by purchasing this land.

I am sure the committee gave attention to this matter, but they do not seem to have considered it of sufficient importance to have allowed it. I would like to have the view of the chairman of the subcommittee on that point. The engineer commissioner made a pretty strong statement in regard to it. If the committee really had any reason for disallowing this item further than that they were trying to economize, I would be glad to know it. The argument as made before the committee was very strong, and, it seems to me, convincing, that this amount was needed for the establishment of this sewage-treatment plant.

Mr. PAGE of North Carolina. Mr. Chairman, there was no probability of the beginning of the construction of this sewage-treatment plant at any time in the near future, because of the building of the mains that we are providing in this bill. There is not the slightest probability in the world that the lands that they need will increase in value. The probability is, judging by some real estate I have known in the District of Columbia, by deferring this we can buy cheaper than we can now. It was not a pressing necessity at all, and I want to say to the gentleman from Wyoming [Mr. MONDELL] that this subcommittee—and I can speak for myself—still has a slight regard for the Treasury of the United States, and I did not see any necessity for appropriating money for a project that was not at this time a necessity and that we would not lose money on by deferring.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Dust prevention, cleaning, and snow removal: For dust prevention, sweeping, and cleaning streets, avenues, alleys, and suburban streets, under the immediate direction of the commissioners, and for cleaning snow and ice from streets, sidewalks, crosswalks, and gutters, in the discretion of the commissioners, including services and purchase and maintenance of equipment, rent of storage rooms; maintenance and repairs of stables; hire, purchase, and maintenance of horses; hire, purchase, maintenance, and repair of wagons, harness, and other equipment; allowance to inspectors and foremen for maintenance of horses and vehicles or motor vehicles used in the performance of official duties, not to exceed for each inspector or foreman $20 per month for a horse-drawn vehicle, $25 per month for an automobile, and $12 per month for a motor cycle; purchase, maintenance, and repair of motor-propelled vehicles necessary in cleaning streets; purchase, maintenance, and repair of bicycles; and necessary incidental expenses, $290,000, and the commissioners shall so apportion this appropriation as to prevent a deficiency therein.

Mr. LIEB. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 33, line 3, strike out the figures "$20" and insert in lieu thereof "$25."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. PAGE of North Carolina. Mr. Chairman, I want to say to my friend from Indiana and to the committee that running through this bill for prior years there have been diverse amounts appropriated in various departments for the upkeep of motor cycles, horses and buggies, and motor-driven vehicles furnished by the employees, running in this instance all the way, I believe, from $20 to $30 a month as applied to horses and vehicles. The commissioners recommended to the committee in their estimates at this session of Congress that these prices be made uniform through all the various departments of the District of Columbia, and we have made them uniform, recommending in every single department, even with the superintendent of schools, that he should be allowed the same as one of these inspectors, for a horse and buggy, $20 a month. The evidence before the committee was to the effect that they could maintain a horse for this price, and I do not think that one exception should be made in one section of the bill, applying to one department, whereas to the other departments no amendment has been offered, and likely will not be offered, and destroy the uniformity running all through the bill.

Mr. STAFFORD. As I understand the policy of the committee in making the recommendations, it is to have a uniform allowance made to all of the users of these motor vehicles, and not keep an account of their individual items of expenditure?

Mr. PAGE of North Carolina. That is done in every department of the District government. It is made uniform in this bill as applying to all the departments of the Government and all employees of the Government who furnish their own means of transportation, whether it is a motorcycle or a horse and buggy or an automobile.

Mr. STAFFORD. Do I understand you extend it to others than are provided for in this bill?

Mr. PAGE of North Carolina. We have not extended it at all. We have made it uniform to those who formerly had it.

Mr. LIEB. Mr. Chairman, the amount heretofore paid is $27.50, and it has been reduced in this item to $20, while on the other hand with the motor vehicles it is $25, and they should let these men have the same. Now, I have evidence here that the horse hire amounts to $27.50. They can not afford to keep a horse at any less than that amount and keep up a buggy, too, and I believe that my amendment should prevail and make it uniform at $25, the same as given to the owners of the motors. I think it is unjust to put these men at $27.50.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MAPES. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last word.

Mr. MAPES. Mr. Chairman, I would like to ask the chairman of the committee if this is the item from which the commissioners get their allowance for the pay of the men who clean the streets?

Mr. PAGE of North Carolina. Yes, sir; this is the item.

Mr. MAPES. What compensation do they receive?

Mr. PAGE of North Carolina. I think the compensation of the men on the streets now runs from $1.50 a day—none of them less than that—up to $1.75, and some of them $2 a day.

Mr. MAPES. There has been some complaint, I think, about the little pay which they receive, and the answer of the commissioners, as I understand it, has been that the lump-sum appropriation which they receive for that purpose did not allow them to pay any more than they were paying.

I have heard it rumored that the committee was going to report an item which would allow the commissioners to increase the pay of these street cleaners. Is that correct?

Mr. PAGE of North Carolina. I will say, Mr. Chairman, in reply to the gentleman, that the subcommittee, after investigating this matter, found that these people were paid just as much here for like service rendered as they were paid in any other similar city, although a few of the larger cities had a scale of wages averaging perhaps a little higher, but that these people were paid here for this service on a par with cities elsewhere of like size. If the gentleman will keep his eyes open and observe, he will notice that these people do not overwork themselves.

Mr. MAPES. The committee has not recommended any increase?

Mr. PAGE of North Carolina. No; the committee has not recommended any increase, so far as it would allow them to pay an additional scale of wages all the way through. No; we have not. We have increased the amount $10,000 over the appropriation for the current year. We do not direct, of course, how the commissioners shall spend this money. They could increase the wages of some of these lower priced men under this lump-sum appropriation. We have increased it $10,000.

Mr. MAPES. Is it true that these men receive on an average less than $1 a day?

Mr. PAGE of North Carolina. I have no information as to that. Under the schedule furnished us by the Commissioners of the District of Columbia, $1.50 is the minimum wage of these men. There is no wage less than $1.50.

Mr. MAPES. Does the gentleman know whether or not they lose a great deal of time on account of bad weather and other things.

Mr. PAGE of North Carolina. I am not informed as to the number of days they are able to make in a week, but I should say that from the climate we have in Washington from March until December they are not forced to lose any time on account of weather conditions any more than similar employees are in other cities forced to lose time.

Mr. MAPES. Does the gentleman think these men would come under the Nolan bill, requiring that all Government employees receive $3 a day?

Mr. PAGE of North Carolina. I think it would be an outrage on the Treasury of the United States to be obliged to pay these men $3 a day for the work they perform.

Mr. MONDELL. Mr. Chairman, the question of increasing the compensation of the lowest paid employees of the District government and of the Gevernment generally is one that has been considered very carefully by the subcommittees of the Committee on Appropriations this year. There is no question but that the Federal Government is paying less for certain classes of work than some of the States, municipalities, or private employers are paying. That is true, not in all cases; but it is true in quite a number of cases, particularly in the case of laborers or mechanics.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes

Mr. COX. Will the gentleman put in the RECORD what class of employees the Government is underpaying, as compared with States and municipalities, and where?

Mr. MONDELL. Well, I do not know that I will have time to do that, but I will say to my friend that there are quite a number of such cases in the Government service, by and large, although generally I think the Government pays quite as well as private employers do for the same class of work.

Mr. DENISON. Mr. Chairman, if the gentleman will yield, I will answer the question which the gentleman from Indiana has asked. Will the gentleman yield for a moment?

Mr. MONDELL. Yes.

Mr. DENISON. The custodians of some of the Government buildings and the elevator men and the watchmen in a number of different places in the Government service are paid less than those who are engaged in similar service for private people.

Mr. PAGE of North Carolina. Mr. Chairman, in reply to the gentleman who has just made that observation, he no doubt realizes that this bill does not appropriate for any of the employees of the Government of the United States in the District of Columbia, but only for employees in the service of the government of the District of Columbia, and there are only a few of these buildings to which these appropriations apply.

Mr. COX. I suppose the gentleman takes into consideration, does he not, the fact that Government employees do not work by far the number of days in the year that private citizens in other municipalities work? For instance, they have a Saturday afternoon during three or four months each summer and they have 30 days' leave of absence and 30 days' sick leave, and all the holidays. They work only about 247 days in a year, and they work the enormous length of time of six and one-half hours a day.

Mr. MONDELL. It is true, Mr. Chairman, that Government employees mostly do have vacations with pay, which employees of private individuals and corporations do not have in all cases; but it is also true, as has just been stated by the gentleman from Illinois [Mr. DENISON], that certain classes of employees of the Federal Government, and among them notably those having charge of public buildings, are paid less than men doing the same class of work and working the same number of hours employed by municipalities and by private employers in many cities of the country. There is no question about that. That matter was developed in the hearings had before the Committee on Appropriations, and particularly before the subcommittee having charge of the sundry civil bill.

There is another matter that has been brought to our attention and that renders important this matter of increasing the pay of these low-paid employees of the Federal Government, and that is the continual increase in the price of living.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. MONDELL. A great deal was said about the high cost of living several years ago. It was quite a campaign slogan, and certain gentlemen on the other side of the aisle had those words constantly on their lips and rolled them as a delicious morsel under their tongues, and projected them upon all of the audiences they could get before them. But they have entirely forgotten that there is such a thing as the high cost of living, although it is a fact that the cost of living has increased more in the last two years than it did in the 12 or 15 years preceding, and that it is higher now; not only actually higher, but higher in proportion to salaries and wages than it ever has been in the history of the country. Now I yield to the gentleman from Texas.

Mr. DAVIS of Texas. If the gentleman will allow me, I just want to suggest that hereafter under Democratic prosperity we are going to reverse the expression, and to say not the high cost of living, but the cost of high living.

Mr. MONDELL. Whenever Democratic prosperity is ushered in—we have heard a great deal about it, but most of us have not seen much of it—whenever that time comes it may be all right to reverse the statement, but in the meantime it is a very serious matter. Now, I am not charging, as our friends on the other side charged two years ago, that their party is responsible for the very great increase in the cost of living within the last two years. They have sins enough to answer for, Heaven knows, without being charged up with that. But it does present a very serious situation when we take into consideration the large number of people employed by the Federal Government who receive less than $1,000 a year, less than $900 a year, from $540 to $1,000 a year. Personally, I should have been very glad indeed if we could have brought in, on all of our appropriation bills, appropriations that would have authorized increases of all of these low wages and salaries, at least everything below $1,000 a year. We do not know how long this condition of the high cost of living is going to continue. We all feel it, and it is particularly hard on those people who are receiving small salaries and small incomes, not only in private employment, but under the Federal Government. This is certain, that if the present cost of living proves to be permanent, then within a very short time we must increase the salaries and wages of a very large number of people employed by the Federal Government in order to make it possible for them to live decently.

Mr. DENISON. I will state in this connection that the Committee on Labor, of which I happen to be a member, has reported to the House favorably a bill fixing the minimum wage for all employees of the Government and of the District of Columbia at $3 per day. That bill has been reported to the House, and the

gentleman from Wyoming [Mr. MONDELL], as well as other Members, will have a chance to express their views on that question when that bill reaches the House, which we hope will be at this session.

Mr. MONDELL. I do not care to express any opinion with regard to that at this time. I do not think we ought to be extravagant with the public money or to pay larger salaries and wages in Government employment than are paid in well-paid private employments. But the cost of living in a decent way has so advanced as to render it necessary, if we are going to do justice by these people employed by the Federal Government, to increase their salaries and their pay very considerably. Everybody feels it, but those who are hardest hit and entitled to first consideration are the humble but faithful folks receiving the very lowest salaries and wages.

Mr. BUCHANAN of Illinois. Mr. Chairman, I ask unanimous consent to proceed for two minutes out of order.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for two minutes out of order. Is there objection?

There was no objection.

Mr. BUCHANAN of Illinois. Mr. Chairman, I feel called upon to express my appreciation and gratitude for the confidence and respect that have been shown to me by my colleagues in the House, in spite of the erroneous, libelous statements in the big daily newspapers of the country and the fraudulent indictment in the southern district of New York, and I propose now to show the illegal and fraudulent character of that indictment against me and others, for the benefit of Members of this House. Therefore I ask unanimous consent to extend my remarks in the RECORD by inserting a brief compiled by Hon. H. Robert Fowler, a former Member of the House, who was a most faithful servant of the common people in the House. I believe the Members of the House ought to know something about the fraud that is being practiced by men holding Federal office at the present time.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by printing a certain brief. Is there objection?

There was no objection.

The brief referred to is as follows:

ARGUMENT BY HON. H. ROBERT FOWLER.

In the Supreme Court of the District of Columbia, Justice Ashley M. Gould, presiding.

Henry B. Martin et al. v. Maurice Splain, United States marshal. Habeas Corpus.

A REMOVAL PROCEEDING IS JUDICIAL AND NOT MINISTERIAL.

It is now well settled that, in passing upon an application for removal, the court must determine (1) whether the indictment charges an offense against the United States, (2) whether there is probable cause for believing the accused guilty of the offense charged, (3) whether the court to which the accused is sought to be removed has jurisdiction of the same. A careful examination of the indictment will enable the court to determine the first of these requirements, but additional testimony may be required to enable him to settle the other two.

The power and duty of preliminary courts in removal proceedings under section 1014, Revised Statutes of the United States, have been often misconstrued by such courts as conferring upon them a ministerial duty instead of the exercise of an important judicial function. It is ordinarily said that the indictment furnishes prima facie evidence of probable cause, and in one case—Tinsley *v.* Treat (205 U. S.)—the lower court held the indictment conclusive evidence; but this holding, however, was reversed by the Supreme Court in a well-considered opinion by Chief Justice Fuller. At page 29 of the above case he said:

> It has been repeatedly held that in such cases the judge exercises something more than a mere ministerial function, involving no judicial discretion. He must look into the indictment and ascertain whether an offense against the United States is charged, find whether there was probable cause, and determine whether the court to which the accused is sought to be removed has jurisdiction of the same. The liberty of the citizen and his general right to be tried in a tribunal or forum of his domicil imposes upon the judge the duty of considering and passing upon these questions.

While it has been frequently held that the indictment need not be judged with technical precision and nicety, yet in every case in which the question has arisen it has been definitely held that the finding that an offense against the United States is properly charged in the indictment is an absolute essential.

This is illustrated in the case of Haas *v.* Hinkel (216 U. S., 462), wherein the court stated the objection that the indictment thereunder mentioned did not charge an offense against the United States, and said, at page 479, "Do the counts which charge a conspiracy to defraud the United States charge any offense?" And in the case of Pereless *v.* Weil (157 Fed. Rep., 419), we find a comprehensive statement of the law upon the subject, as follows:

> In the proceeding it is necessary to determine whether the offense against the United States has been committed and whether there is probable cause to believe the defendant guilty. * * * Under the sixth amendment to the Constitution there is also a question whether the petitioning defendants shall be removed for trial to the district in which the indictment was found and whether the district court of that district has jurisdiction of the offense charged in the indictment.

Upon consideration the court found that the indictment did not charge an offense against the United States, so the defendants were discharged. In the case of United States *v.* Greene (137 Fed. Rep., 618), at page 660, the court says:

> A void indictment—that is, one void on its face for the reason it does not charge the commission of a crime—is not prima facie evidence to an intelligent court or charge of anything except that the person who directed and the grand jury that found it made a mistake. It will be a sad day for the cause of justice when it is decreed by Congress or the courts that a citizen may be removed from Maine to California for trial on a void indictment. That question may be determined by the court where the arrest is made, for it is jurisdictional.

Section 761 of the Federal Revised Statutes, dealing with habeas corpus questions, provides as follows:

> The court or justice shall proceed in a summary way to determine the facts in the case by hearing the testimony and argument and thereupon to dispose of the party as law and justice require.

In passing upon this statute, the Supreme Court, in the case of In re Neagle (135 U. S., 1), said:

> This, of course, means that if he is held in custody in violation of the Constitution or law of the United States, or for any act done or omitted in pursuance of law of the United States, he must be discharged.

Bailey on Habeas Corpus, page 66, lays down the same doctrine.

In the case of Henry *v.* Henkel (235 U. S., 219), which was a habeas decision, the court said:

> No hard and fast rule has been announced as to how far the court can go in passing upon the questions raised in a habeas corpus proceeding.

In the case of Brown *v.* Henkel (194 U. S., 73) Justice Brown, in an able opinion on extradition, said:

> It may be considered that no such removal should be summarily and arbitrarily made. There are risks and burdens attending it which ought not to be needlessly cast upon any individual. These may not be serious in a removal from New York to Brooklyn, but might be if the removal was from San Francisco to New York. And statutory provisions must be interpreted in the light of all that may be done under them. We must never forget that in all controversies, civil or criminal, between the Government and the individual the latter is entitled to reasonable protection. Such seems to have been the purpose of Congress in enacting section 1014, Revised Statutes, which requires that the orders of removal be issued by the judge of the district in which the defendant is arrested. In other words, the removal is made a judicial rather than a ministerial act.

In the case of Tillinghast *v.* Richards (225 Fed. Rep., 234), decided July 27, 1915, the commissioner held the defendant for removal, but he was discharged by the court in a habeas corpus proceeding, in which the court said:

> If a rule of pleading is adopted which permits a constructive presence to be alleged in the same terms as an actual presence, and this upon a foundation of a bare allegation that an act apparently isolated was done in pursuance of a plan with which it has no apparent connection, then the prima facie effect of an indictment as evidence of probable cause is entirely destroyed. * * * A pleader should not be permitted to allege isolated acts, and the court required, upon his mere allegation that they were done pursuant to the conspiracy, and without the slightest idea whether this is true or not, to take the pleader's word instead of himself seeing whether the act alleged was relevant or not. * * * He must find in the facts alleged and not in the pleader's conclusions as to logical construction of facts.

From this opinion, which is one of the very latest on this subject, and the other opinions above cited, and still others of a like character which might be cited, we are forced to the conclusion that before the indictment will be held as prima facie evidence for removal it must follow the common-law rule—that the substance, nature, and manner of the crime must be laid positively and not by way of recital. Recitals and conclusions of the pleader will not be accepted as true by the court. The court must find in the facts alleged and not in the pleader's conclusions as to the merits of the indictment as evidence of prima facie cause for granting removal.

In habeas corpus proceedings for removal the decisions of the Federal and Supreme Courts are not harmonious as to what the indictment must contain in order to furnish evidence of probable cause; yet the latest decisions of the Supreme Court furnish us a reasonably safe guide. In the case of Pierce *v.* Creecy (210 U. S., 400) Justice Moody, in delivering the opinion of the court, laid down the rule that the indictment, in order to constitute a sufficient charge of crime to warrant extradition, must show that the accused has been substantially charged with crime.

In the case of Henry against Henkel, Two hundred and thirty-fifth United States, page 230, Justice Lamar delivered the opinion of the court. George G. Henry, a member of the bank-

ing firm of Solomon & Co., of New York, had been called before the congressional Committee on Banking and Currency, in pursuance of a resolution to investigate and report upon the financial affairs and activities of the national banks, in which he testified that his bank had paid $8,215,262 for $22,500,000 worth of preferred and common stock of a California oil company. After detailing the manner of allotting the stock among a group of four New York banks, consisting of his bank, Lewisohn Bros., Hallgarten & Co., and another bank not named, he said that 12½ per cent of this oil stock had been allotted to persons whose names he refused to disclose. He was indicted in the District of Columbia for contempt of Congress. Removal proceedings were instituted in New York City to bring him to the District of Columbia, which resulted in a habeas corpus proceeding finally reaching the Supreme Court. After citing several important cases, Justice Lamar concluded by saying:

These cases do not, of course, lead to the conclusion that a citizen can be held in custody or removed for trial where there was no provision of the common law or statute making an offense of the case charged. In such cases the commitment court would have no jurisdiction, the person would be in custody without warrant of law, and therefore entitled to his discharge.

Citing Greene against Henkel, 142 United States, page 249.

These two decisions disclose the fact that the Supreme Court makes it obligatory upon the pleader to set out the offense against some statute before extradition will be granted. If, upon a careful examination of the indictment, it is found that any essential element necessary to constitute the offense sought to be alleged is omitted, the court will discharge the prisoner.

In the Tillinghast case, supra, the defendants were indicted for a conspiracy to defraud the United States by omitting to place on colored oleomargarine the statutory required stamp of 10 cents a pound. The indictment was returned in the southern district of New York and charged the defendants with being engaged in the manufacture of oleomargarine at Providence, R. I.; numerous overt acts were charged in the indictment as to secret purchases in New York City of many of the ingredients used in the manufacture of oleomargarine. It was also charged that these secret purchases were followed up by secret shipments and secret manufacture of said product, but the omission of the required revenue stamp is charged to have taken place at Providence, R. I. On application for removal at Providence, R. I., after hearing much evidence the commissioner held the defendants for removal. On a writ of habeas corpus District Judge Brown, in a lengthy opinion, held that the defendants were entitled to their discharge for the reason that the indictment did not charge that the offense was committed in the southern district of New York. One of the ingredients purchased in New York was palm oil. In passing upon the sufficiency of the venue the court said:

The purchase of palm oil, its shipment, payment for it, etc., may be acts to effect the object of manufacturing colored oleomargarine; but they can not possibly affect the removal of oleomargarine without payment of the tax, unless by some connection which does not appear and which is not inferable from what is alleged. These are, for all that appears, nonculpable acts, from which no intent to defraud can be inferred, and which can not support a finding of probable cause.

From the consideration of this matter it clearly appears that in removal proceedings it is a prime essential that the indictment on which the removal is asked be sufficient on its face to show that an offense against the United States has been committed, and it follows as of course that unless the commissioner who is charged with the duty of inquiry in that behalf is advised of an offense against the United States, sufficiently charged on the face of the indictment, he has no alternative to discharging the defendant.

THE INDICTMENT IN THE CASE AT BAR DOES NOT CHARGE AN OFFENSE AGAINST THE UNITED STATES.

It is the policy of the law to surround the accused with the highest degree of caution and circumspection, so that the innocent may escape the punishment sought to be inflicted by wrongful accusation. One of the wisest of these safeguards is found in the fifth amendment to the Constitution, which provides that:

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury * * *.

The indictment grew up with the civilization of England, and is a milestone in the history of the development and growth of the common-law jurisprudence of that country.

The injunction placed on the common-law indictment requires that every element necessary to constitute the offense must be charged in the indictment with that degree of clearness, positiveness, and certainty as to enable the court to see, from the face of the indictment, that if the elements charged in the indictment were proven to be true as charged in the indictment the offense charged would inevitably follow. This is the yardstick of measurement for every Federal indictment which finds its way into the courts of the United States. In the case of Pettibone *v.* United States (148 U. S., 202), in an able opinion Chief Justice Fuller said:

The general rule in reference to an indictment is that all material facts and circumstances embraced in the description of the offense must be stated, and that if any essential element of the crime is omitted, such omission can not be supplied by intendment or implication or by way of recital. * * * This indictment does not in terms aver that it was the purpose of the conspiracy to violate the injunction referred to, or to impede or obstruct the due administration of justice in the circuit court; but it states as a conclusion from the previous allegation that the defendants had conspired, by intimidation, to compel the officers of the mining company to discharge their employees, and the employees to leave the service of the company, a conspiracy which was not an offense against the United States.

In the case of the United States *v.* McAndrews & Forbes Co. (149 Fed. Rep., 630) the court there said as to an indictment for a conspiracy:

An indictment for conspiracy should describe something that amounts to a conspiracy conformable to the rule of the common law as, perhaps, modified by general Federal statute.

Let us compare the rule of common-law pleading as laid down by one of the eminent English writers with the requirement set forth in the above able opinions. From Hakwins's "The Pleas of the Crown," fourth edition, 1762, book 2, chapter 25, of indictments, section 59, page 226, we quote the following:

That regularly every indictment must either charge a man with some particular offense or else with several such offenses, particularly and certainly expressed, and not with being an offender in general, for no one can well know what defense to make to a charge so uncertain or to plead it either in bar or abatement of a subsequent prosecution; neither can it appear that the facts given in evidence against the defendant on such general accusation are the same of which the indictors have accused him; neither can it judicially appear to the court what punishment is proper for an offense so loosely expressed. And upon this ground it hath been adjudged that an indictment is insufficient which only charges a man in general with having spoken divers false and scandalous words against J. S., being mayor of such a place, or with being a common defamer, vexer, and oppressor of many men, * * * or with being a common deceiver of the king's people, or with being a common publisher of the king's secrets, or with being a common evildoer, or with being a common conspirator and such like. It is holden in a note in Fitzherbert's Abridgment that an indictment for conspiracy in general is good, but this is made quaere by the reporter of the yearbook, from which the said note in Fitzherbert's is taken, and is denied to be the law both by Brook and Rolle, nor do I anywhere find the least reason offered to distinguish this from other cases above mentioned. Also it is holden by Sir Edward Coke that the ancient form of indictment charging men with having, as heretics and traitors and infestors of the highways, conspired and conferedated, etc., to destroy the Catholic faith, and having daily published false and seditious writings, etc., were utterly insufficient, and yet such indictments seem to have been frequent, as were also indictments charging men in general, as insidiatores viarum and depopulatores agrorum, which words took the benefit of clergy from the persons indicted before the statutes of Fourth H., 4, 2, by which it is enacted that these words shall no more be put into indictments, nor if they be shall have such effect as to take from the persons indicted the benefit of clergy; and this statute in this respect seems to be an affirmance of the common law, which seems generally to disallow such uncertain indictments, as appears from the reasons and authorities set forth.

SEC. 60. That the charges must be laid positively, and not by way of recital, and that the want of a direct allegation of anything material in the description of the substance, nature, or manner of the crime can not be supplied by any intendment or implication whatever.

By a few quotations from some of the other leading cases dealing with the sufficiency of the charges in the indictment it will be seen that this English author laid down the rule now followed by both the Federal and Supreme Courts of the United States, and that all indictments which do not conform to these rules are fatally defective and are not sufficient to require the defendant to be placed on trial.

The following is taken from the opinion of Foster *v.* United States (178 Fed. Rep., 165):

An indictment is fatally defective if an essential element of the crime intended to be charged is omitted.

In the case of United States *v.* Post (133 Fed. Rep., 852) the following rule is laid down:

All indictments require direct, positive, and affirmative allegations of every point necessary to be proven.

The Federal court holds, in the case of John Reardon & Sons (191 Fed. Rep., 454), that—

It is never sufficient to charge in an indictment that an act is illegal, but something must be alleged which the court can see on the face of the indictment is illegal if the facts are proven.

The common-law rule for indictment for conspiracy does not require an overt act to support a conviction. The Federal statute, section 5440, changed this rule, by requiring an overt act to be charged in the indictment and proven. As the Sherman law omits the requirement of such overt act and fails to define what is required to constitute a conspiracy under its provisions we are compelled to go back to the requirements of an indictment for a common-law conspiracy, and as it was not a crime to restrain trade and commerce at common law we must resort to the common law applicable to other conspiracies made criminal at common law for a guide in passing upon the sufficiency of

an indictment under this antitrust law. Section 60, quoted from Hawkins, supra, appears to lay down the correct rule as to what an indictment at common law for a conspiracy must contain, which is quoted again:

The charge must be laid positively, and not by way of recital, and that the want of a direct allegation of anything material in the description of the substance, nature, and manner of the crime can not be supplied by any intendment or implication whatever.

We must conclude from the decisions above quoted, and from the various decisions, both of the Federal and Supreme Courts of the United States, dealing with indictments for conspiracy under the Sherman Act, that the common-law rules governing the sufficiency of such indictments must be invoked in determining the sufficiency of all indictments for conspiracy under the Sherman Act.

THE INDICTMENT.

Now let us turn to the indictment in this case and apply these well-known and highly established rules as a test of its merits as evidence in this case. All that part of the indictment down to the words "and the grand jurors aforesaid, upon their oath aforesaid, do further present that upon the 1st day of May," and so forth, is a mere recital, not of facts but of things supposed to exist, without being able to give the name of a single person, copartnership, association, or corporation in the business recited, to wit, the manufacture and transportation of munitions, or to locate either definitely or indefinitely the location of a single manufacturing plant so engaged, or transportation line, either by rail or water, so engaged, either in intrastate, interstate, or foreign trade or commerce, but, on the other hand, the pleader winds up this recital with a frank confession that the grand jury does not know the names of the supposed manufacturers of munitions, nor the names or locations of their supposed manufacturing plants, nor the names of the supposed shippers of munitions, nor the names of the supposed transportation lines and the names of the routes of the supposed shipments, nor the kind of commodities supposed to have been shipped, nor the amount of any supposed shipment, nor the point of origin or of destination. If the grand jury failed in procuring evidence of the existence, location, or transportation of such commerce, how was it possible for them to learn that there had been a conspiracy to restrain such unknown commerce?

The question naturally arises, how could the grand jury know that any person, copartnership, association, or corporation had been engaged in the manufacture of munitions during the time indicated in the indictment, or that munitions had been sold or delivered to any point in America and shipped to any port in any foreign country without having had some person who, under oath, was able to and did testify of his own knowledge, giving names of the persons, firms, companies, and corporations, with the names and locations of the manufacturing plants, and the names of the interstate transportation lines, the routes taken, the commodities transported, the States crossed, and the destination ports reached, together with the names of the companies engaged at this end of the line in the supposed foreign commerce, and the ocean transportation lines engaged in the supposed foreign commerce. Without such evidence it is impossible for the grand jury to say upon their oath that any foreign trade and commerce had been carried on during the time, or any portion of the time, attempted to be charged in this indictment. Hence it follows that it was impossible for them to know of any alleged conspiracy for the restraint of such commerce.

Certainly the pleader can not expect the court to believe that such trade and commerce existed during the time set out in the indictment, first, because the grand jury frankly says it did not know of any such commerce at the time of their return of the indictment; secondly, there is nothing in that part of the indictment from which the court may determine the truth of such recitals, all of which have been condemned by both the Federal and Supreme Courts of the United States, and the recent decision in the Tillinghast case, supra, repudiated such recitals, declaring that they were not worthy of consideration as evidence.

The right of the grand jury to use the term "To the grand jurors unknown" is a privilege and arises from the necessity of the case and should never be abused. In the case of United States *v.* John Doe (122 Fed., 964) the grand jury indicted a Chinese in this language: "John Doe, a Chinese person whose true name is to the grand jurors aforesaid unknown," charging him with the offense of aiding the illegal landing of Chinese persons in the United States. The court held that the indictment, on its face, showed that the name "John Doe" was fictitious only, and that the grand jury did not know and were unable to identify the person they were indicting, and held the indictment void for insufficiency of description.

In the case of United States *v.* Rhodes (212 Fed., 517) the grand jury indicted Rhodes for concealing "goods, wares, and merchandise," alleging that the "character, kind, and particular description of which is to the grand jurors unknown." The court held that such language is permissible only when the grand jury can not obtain a knowledge of the facts. On the hearing the evidence showed that the grand jury did know the character and kind of goods concealed, so the court discharged the defendant. The case of Naftzger *v.* United States (200 Fed. Rep., 494) upholds this rule.

Immediately following the language, "are not known to the grand jurors aforesaid," we find the following remarkable statement: "And are so numerous as to preclude their enumeration in this indictment." A most astounding disclosure, a flat contradiction of a want of knowledge on the part of the grand jury, for how could the grand jury know that the number of the manufacturing plants of munitions and their names and locations, and the transporation companies, the names thereof, the names of the owners and operators thereof, the character and quantity of the commodities shipped in foreign commerce were "so numerous as to preclude their enumeration in the indictment, without first having had some reliable evidence before them upon which to base such a statement"? This is impossible; and when compared with the statement disclaiming a want of knowledge of such things, a statement made under oath, it is patent on its face that the indictment is a snare and a delusion, stamping it as a miserable fraud, unworthy of belief. It is a desecration of the sanctity of an oath, and a brazen invasion of the dignity of a high court of justice. Under the rules of pleading, this part of the indictment is good for nothing, except to expose the lack of good faith, necessary in the presentation of every indictment in a court of record.

We now reach what is known as the charging part of the indictment, which states, after naming the defendants:

Each of whom well knew the facts as to said foreign commerce hereinbefore stated and alleged.

Then after stating the situs of the supposed offense the indictment continues as follows:

Unlawfully did knowingly and willfully engage in a conspiracy to restrain the aforesaid foreign trade and commerce * * * and to prevent the transportation of said articles in said foreign trade and commerce.

This part of the indictment fails to charge any offense, for the reason that it does not charge that an offense has been committed, to wit, a conspiracy to restrain foreign trade and commerce. It attempts to appropriate what appeared in the former recitals, all of which failed to state facts from which the court could see from the face of the indictment that there was any such foreign trade and commerce in existence at the time named in the indictment or at any time within the last three years. "The said foreign commerce," the "aforesaid foreign trade and commerce," "the said foreign trade and commerce" are the terms in this part of the indictment which the pleader relies upon as a compliance with the rules of pleading. The pleader is required to state distinctly and definitely some specific trade and commerce against which the conspiracy was directed, and in the light of that part of the former recital, which declared under the oath of the grand jury that they did not know the name and location of any munition plant engaged in manufacturing munitions for foreign trade and commerce and that they did not know the name of any transportation company engaged in foreign trade and commerce nor the transportation routes used for foreign trade and commerce, how can the court say that the statements in the charging part are any more definite and clear than those to which it would refer in the former recitals? This part of the indictment, the chief and all-important part, is required by all the rules of common-law pleading to set out in clear and unmistakable terms every element and ingredient of which the offense is composed, which embraces the substance, nature, and manner of the crime.

In the case of United States *v.* Cruikshank (92 U. S., 542) the indictment sought to charge the defendants with conspiring to deprive colored citizens of certain legal and constitutional rights, and in the charging part it was charged that the defendants conspired to hinder and prevent certain-named colored citizens in the free exercise and enjoyment of "every, each, all, and singular the rights granted them by the Federal Constitution," without specifying any particular right. In passing upon the indictment the court said, this—

is too vague and general to charge an offense under the act of May 31, 1870, section 6, making criminal the banding or conspiring together with intent to hinder or prevent the enjoyment or exercise of a right or privilege granted or secured by the Federal Constitution or laws.

The statute referred to in this case is very similar to the conspiracy clause in the Sherman Act in that neither requires an overt act to complete a right of action. If the one requires the indictment to state definitely and distinctly the name of a specific right against which the conspiracy was directed in order to

constitute a charge of conspiracy, it would seem that equal particularity should be required in stating the names of the munition, manufacturing, and transportation companies in this indictment. Suppose the names of the colored citizens had been omitted instead of the particular right, and it had been charged generally that a large number of colored citizens, somewhere located in the United States, had been hindered from exercising the right of franchise at an election for a Member of Congress at a place certain on a day certain, would anyone contend for a moment that the last indictment charged an offense any more definitely and clearly than the indictment condemned by the Supreme Court in the above case?

The next six or eight lines of the indictment contain a statement that the quantity sought to be restrained, the time, place, and number of articles was to be no more than the defendants "might thereafter be able to do"; and then follows a statement that the restraint of the manufacture of munitions was directed against "such of said articles and in such ways and at such times and places as they might be able so to do." All of which is a mere conclusion of the pleader and has no more weight in the indictment than if it had been omitted entirely.

The next paragraph is among the most novel in the history of criminal pleading. What shall we think of an indictment which begins by trying to charge a conspiracy to restrain foreign commerce at a particular time in munitions of war, and after blundering along like a lost man in a forest, it suddenly breaks off by saying that the "conspiracy was not confined to any particular articles, times, places, ways, and means," but it was "intended at any time or place, and by any ways and means, some of which were not definitely determined upon," all of which indicates a most wonderful accumulation of information, the possession of much of which could be had only by the unlocking of the secret chambers of the minds of the defendants, and then success would depend upon whether the defendants were in possession of such knowledge.

"Not confined to any particular articles" is broad enough to include all the articles in the world. "Not confined to any particular time or place" includes all time and all places in the world. There seems to be no limitation. But the real ludicrous portion of the composition, after assuming such a wide range of definite and general knowledge, is found in the following extract from the indictment:

> And the particular articles, times, places, and means determined upon by the defendants are not known to the grand juror aforesaid.

Yet, just a few lines above this statement, the grand jury, upon its oath, was able to inform the court and the defendants that some of the ways and means were not determined upon, indicating that some others had, but when all this is followed by a disclaimer under oath we reach a climax in doubt and wonder. Yet in the next sentence we are informed by the grand jury, under oath, that divers means and methods were intended to be used by the defendants, and our wonder deepens, and we are at a loss to know how it is that the grand jury was able to emerge so suddenly from total darkness, as to the ways and means, into the clear sunlight of knowledge, sufficient to inform us that divers ways and methods were intended to be used, and then following up this statement with six specific ways and means which it had learned so suddenly. But this is in keeping with the whole indictment. It violates more rules of pleading than any indictment I ever saw, and what I have said as to the conclusions of the pleader's vague and misty statements "to the grand jurors aforesaid unknown" heretofore, I now urge against this portion of the indictment and insist that it is good for nothing except to show a lack of good faith in the presentation of the indictment. It bristles with inconsistencies from the beginning, sufficient to destroy it, but it is further loaded down by recitals of indefinite matter, having no logical connection, all of which are vague conclusions of the pleader.

I now come to the consideration of the six ways and means which are recited in the indictment to effect the supposed conspiracy, the first five of which deal with strikes and walkouts in the supposed munition plants and transportation lines supposed to be engaged in foreign commerce. The third and fourth embrace all that is in the first and second, but go further by reciting the supposed means agreed upon by the defendants for carrying into effect strikes and walkouts in the supposed munition plants and transportation lines. Number five differs only in that the heads of labor organizations were to be appealed to as a means of creating strikes and walkouts.

Bearing in mind the well-accepted doctrine that the statute does not apply unless the restraint complained of produced a direct effect on the foreign commerce and not merely indirect, which doctrine is laid down in one of the most recent cases for conspiracy under the Sherman Act (United States *v.* Patten, 225 U. S., 542), I think we can dispose of this part of the indictment with clearness and certainty. Summing up these charges and taking them in their fullness, they amount to no more than this: That the defendants agree to inaugurate an educational campaign for the purpose of crystallizing public sentiment against the manufacture and shipment of war materials to foreign belligerent countries, hoping thereby that those engaged in such business would quit, and that the means agreed upon were the following: Inducing by solicitation, persuasion, and exhortation, and by circulating through the mails, through the public press, and by distribution of literature, such as telegrams, circulars, pamphlets, letters, and newspaper articles. No matter from what angle we examine the language used in reciting the ways and means, it can amount to no more than what is indicated above.

To hold to the contrary would be an invasion of three of the most important, original, and superlative rights of men, none of which depend upon any law made by man, and all of which antedate all human law. The freedom of speech, the freedom of the press, and the right to assemble peaceably are fixed rights, coextensive with human civilization, and as enduring as the mountains or stars. To deny workingmen the privilege of quitting their jobs at will would destroy the force and effect of the thirteenth amendment to the Constitution and revive the ante bellum practice of involuntary servitude. Voluntary servitude is the universal rule in America, and the obligation to work for others depends, as a rule, upon contract; and a termination of such contract, even before the terms of the contract have been complied with, has never been held to be a violation of the antitrust law; neither has it ever been held that peaceable persuasion by word or by writing has been a violation of this act.

The first amendment to the Constitution provides that—

> Congress shall make no laws abridging the freedom of speech or of the press or the right of the people peaceably to assemble and petition the Government for a redress of grievances.

All of the means specified in the six paragraphs of this indictment are invulnerable and immune from assaults or abridgment by legislative enactment or decisions of the courts. They were bulwarks of freedom long before the Sherman law was born.

To hold that it is a conspiracy under the Sherman Act for two or more to agree to try to induce workmen to quit their work in munition plants or transportation lines engaged in moving munitions in foreign trade and commerce by exhortation, persuasion, and solicitation, or to agree to do the same by means of newspaper articles, telegrams, letters, pamphlets, and circulars, would be to hold that Congress has a right to pass a law abridging the freedom of speech and the freedom of the press, and also to abridge the right of people to peaceably assemble for the purpose indicated in the indictment, and it is upon such allegations that the Government relies as evidence to support their claim for removal, which is wholly insufficient.

There is nothing in the indictment, from which the court can see for himself that if all the workmen in munition plants and munition transportation business, located in the United States and elsewhere, should have been moved by the agencies enumerated to quit in a body that the result of such action would in any way restrain foreign commerce at all. So far as the allegations in this indictment are concerned the places of all such workmen might have been readily filled without any restraint whatever to the production or transportation in foreign commerce of all the munitions referred to in the indictment.

This is well supported by the law as is evidenced by a late decision in the case of United States against North Pacific Wharves & Trading Co., Fourth Alaska, page 583, which was an indictment for a conspiracy to monopolize the trade in coal at Skagway, Alaska.

Lyons, district judge, delivered the opinion, saying:

> The indictment charges the North Pacific Wharves & Trading Co. was the owner of all the wharves in Skagway, excepting the Pacific coast wharf, which was owned by the Pacific Coast Co.; that the North Pacific Wharves & Trading Co. entered into an agreement with the Pacific Coast Co. whereby the latter agreed to close its wharf as a public wharf and to permit only the North Pacific Wharves & Trading Co., E. E. Billinghurst, and E. J. Shaw to use the same for storing purposes. In consideration whereof the North Pacific Wharves & Trading Co. agreed to pay the Pacific Coast Co. 25 cents per ton wharfage on all coal passing over the wharf owned by the North Pacific Wharves & Trading Co., and further agreed to ship all of its coal to or through Skagway on boats owned by the North Coast Steamship Co., which is alleged to be a subsidiary corporation of the Pacific Coast Co.

The reasoning of the court was based upon the failure of the indictment to charge that the wharf business was sufficient to support more than one wharf or that the conditions were such that no other person or company could engage in the wharf business at Skagway.

The court also says:

The facts charged in the indictment do not warrant an inference that the carrying out of the alleged agreement in the indictment would in any way restrain trade. * * * The indictment should state facts, from which it must be inferred trade will be restrained or competition stifled. If every fact charged in the indictment were proved to a mathematical certainty, no jury or court would be warranted in saying that such a conspiracy would substantially restrain trade or would result in a monopolization of any particular business.

Before the court can say that foreign commerce in munitions would have been restrained if the things recited in the indictment should happen, he must be compelled to reach such conclusion from the matters and things recited in the charging part of the indictment, for, under the decision of the case of Tillinghast against Richards, supra, of July 27, 1915, the court is compelled to "find in the facts alleged and not in the pleader's conclusion as to the logical construction of facts." If the courts were compelled to rely upon the truth of the matter recited in the indictment by the pleader, and accept his conclusions as true, the habeas corpus proceedings would be a mere matter of form, and amount to no more than the exercise of a ministerial act.

Under such practice any old indictment, although it might amount to no more than a scrap of paper, would be accepted as prima facie evidence, on an application for removal to any court in which the indictment was returned, regardless of its distance away from the home of the defendant. Thanks to the courts that such is not the practice. They have declared repeatedly that such proceedings contemplate the exercise of a high judicial function on the part of the court, wherein evidence may be heard to aid the court in determining the questions raised by the pleadings so that justice may be dealt out the same as in other cases.

We now come to the consideration of No. 6 of the specific ways and means attempted to be charged in the indictment which recites "that divers other means and methods not specifically determined upon by the defendants" were agreed upon for the purpose of carrying into effect the supposed conspiracy. This would not only be a very uncommon thing to do, but when supplemented by the words "to be decided upon by them as occasion might arise" justifies us in concluding that the grand jury had before it no evidence on which to base this charge.

The grand jury was unable to learn any of the names of the unknown means and methods, not determined upon by the defendants, but it did learn that the defendants were to decide upon these unknown "means and methods" * * * "as occasion might arise," and that all of them were "calculated in furtherance of and to effectuate the object of the supposed conspiracy."

It is difficult to say how the grand jury were able to say upon their oath that there were unknown "divers other means and methods not specifically determined upon," and that they were to be decided upon at some unknown time and under some unknown circumstances, and that they were all "calculated" to consummate the "object of said conspiracy." As a rule such a statement in an indictment is worthless, but in this indictment it is very valuable, for it indicates a total want of information on the part of the pleader, and discloses a mechanical effect on his part to construct the indictment without evidence, and at the same time to conceal from the court and the defendants the real conditions under which he labored. Were it perfect in every other respect the use of the word "calculated" would destroy it as an element of pleading, for the courts have often condemned the use of such words and styled them as conclusions of the pleader. In the case of United States *v.* Patten (187 Fed., 664); same (U. S., 226, 525), this word was used in an indictment for conspiracy and was condemned as a mere conclusion of the pleader, and when considered with the other parts of the sentence it is evident that the pleader could not possibly have arrived at any intelligent conclusion.

I pass the concluding paragraph of the indictment for the reason that if the charging part fails to charge an offense against the United States it can not draw any aid or support from the closing part.

To sum up the important defects in this indictment is now the object of counsel. What are the defects which cause it to sink below the level of prima facie evidence of probable cause? When stripped of the recitals and conclusions of the pleader, we have left the charging part only, which, after setting out the names of the defendants, the time and the place, continue as follows:

Unlawfully did knowingly and willfully engage in a conspiracy to restrain the aforesaid foreign trade and commerce.

Is this language sufficient to charge a conspiracy under the Sherman Act? If not, then the defendants should be discharged. Let us put it to the test of the decision of the Supreme Court in the case of United States against Cruikshank, in 92 United States, page 542. We have seen that Cruikshank and others were indicted for a conspiracy to prevent negro citizens from the free exercise and enjoyment of "ever, each, all and singular, the rights granted them by the Federal Constitution," without specifying any particular right. In passing upon the question as to whether the indictment contained any charge for such conspiracy, Chief Justice Waite, in delivering the opinion of the court, said that the charge—

Is too vague and general to charge an offense under the act of May 31, 1870, section 6, making criminal the banding or conspiring together with the intent to hinder or prevent the enjoyment or exercise of a right or privilege secured or granted by the Federal Constitution or laws.

The failure of the Cruikshank indictment to charge an offense against the Federal statute was its failure to charge the specific right against which the conspiracy was directed. The names of the parties, to wit, the negroes who were entitled to the specific right, were properly set out, but the Chief Justice held the indictment void and discharged the defendants because it failed to set forth the specific right necessary to constitute the offense.

But the indictment now before the court is doubly defective, because it fails to set out in proper terms the names of the parties and the specific right they were entitled to under the law.

In other words, it is a general rule that the name of the thing against which the conspiracy is directed must be set out specifically and accurately in the charging part of the indictment. This is not done in this indictment.

The specific location of the munition plants and the names of the owners thereof, the specific commerce, with the names of the specific owners and the names of the specific transportation lines used in facilitating such commerce, and the names of the specific companies owning or operating the same are entirely absent from the indictment, which reveals a total failure to charge the offense of a conspiracy under the Sherman law.

Recalling the case of United States against McAndrews & Forbes Co., supra, which lays down the doctrine that—

The Sherman Act is not directed against an abstraction. * * * Its prohibition is not directed against a state of mind, but against a state of facts. * * * An indictment for conspiracy should describe something that amounts to a conspiracy, conformable to the rules of pleading at common law.

A doctrine uniformly adhered to by both the Federal and Supreme Courts of the United States in passing upon indictments for conspiracy in habeas corpus proceedings. Measured by this rule the indictment before us sinks far below the level of prima facie evidence of probable cause.

In support of this doctrine we also cite the following cases:

In re Neagel, 135 U. S., 1 supra; Pettibone *v.* United States, 148 U. S., 202, supra; Tillinghast *v.* Richards, 225 Fed., 234, supra.

The indictments in the above cases were much less defective in substance than the present indictment, and yet the defendants were discharged by the courts in habeas corpus proceedings.

The statute of Illinois, section 659, provides that "any two or more persons who shall conspire or agree falsely and maliciously to charge or indict, or cause to procure to be indicted, any person for a criminal offense shall be fined not exceeding $1,000 and confined in the county jail not exceeding one year."

Who would contend that the offense of such conspiracy was charged in an indictment which alleges that A and B, on a day certain, at a time certain, unlawfully and willfully conspired to falsely and maliciously charge a person of a criminal offense without stating the specific name of the party against whom the conspiracy was directed and the character of the crime said to be charged against him?

Under the United States Criminal Code, section 37, formerly section 5440, the Joplin Mercantile Co. et al. were indicted for conspiracy substantially as follows:

The defendants (naming them) did unlawfully conspire together to commit an offense against the United States of America, to wit, to unlawfully, knowingly, and feloniously to introduce, and attempt to introduce, malt, vinous, spirituous, and other intoxicating liquor into the Indian country, which was formerly the Indian country and now is included in a portion of the State of Oklahoma, and into the city of Tulsa, Tulsa County, Okla., which was formerly within and now a part of what is known as the Indian country and into other parts and portions of that part of Oklahoma which lies within the Indian country.

Then followed the allegation of overt acts of delivering intoxicating liquor to the express company at Joplin, Mo., to be shipped to Tulsa, Okla.

Justice Pitney, in this case—226 United States, page 535—in delivering the opinion of the court said:

The clause of the indictment which sets forth the conspiracy does not in terms allege, as a part of it, that the liquor was to be brought from without the State of Oklahoma, nor does this clause refer, for light upon its meaning, to the clause that sets forth the overt act; we do not

think the latter clause can be resorted to in aid of the averments of the former * * * for this reason, among others, it seems to us, as here, the averment respecting the formation of the conspiracy refers to no other clause for certainty of its meaning—it should be interpreted as it stands. We therefore think the court of appeals properly treated this indictment as not charging that the liquor was to be introduced from without the State and correctly assumed in favor of the accused that the design attributed to them looked only to intrastate commerce in intoxicants.

Citing Britton *v.* United States (108 U. S., 199), in which latter case the court held that the indictment did not charge any offense.

There were two Federal statutes prohibiting the shipment of intoxicating liquor into the Indian country, one of which prohibits the shipments from points within the State of Oklahoma into the Indian country, while the other prohibited the shipment of such liquor from without the State of Oklahoma and into the Indian country. Now had there been but one statute on this subject, to wit, the statute prohibiting the shipment of intoxicating liquor without the State of Oklahoma into the Indian country, this indictment would not have charged any offense against the defendants for the reason that it omitted one of the essential elements to constitute the offense, to wit, a charge of the shipment of intoxicating liquor named in the indictment from without the State of Oklahoma into the said State and into the Indian country.

The defendants in an indictment for a conspiracy to restrain interstate or foreign commerce can be convicted only for a conspiracy to restrain such business of the party or parties specifically named in the indictment. And if the indictment charges a generic conspiracy to restrain such commerce without setting out specifically the names of the person or persons owning and conducting such commerce, it fails to charge a conspiracy and is therefore void.

The above proposition is well supported by the authorities. In the Cash Register case, Patterson against United States, 26 Federal Reporter, page 616, 30 defendants, owners and directors of the National Cash Register Co., were indicted in three counts, one of which was for a conspiracy to restrain the interstate commerce in cash registers of 32 cash register companies specifically set out in the indictment by the names and location of each of said companies. The indictment specifically set out 11 separate paragraphs of distinct and unlawful ways and means by which the conspiracy was to be carried into effect. Judge Cochran, in the United States Circuit Court of Appeals for the Sixth Circuit, March 13, 1915, in passing upon the sufficiency of the conspiracy count in the indictment, said:

> As we have seen, the charge of the count is of a conspiracy against the competitors who are named and is limited thereto, its underlying thought is that there was a generic conspiracy against all competitors and that this conspiracy took specific direction against the competitors named as they came into existence, and continued against them as long as they remained in existence. In the second item of the introductory statement, where those competitors are named, it is alleged that they are all the competitors known to the grand jurors, which as much as says that if the others had been known they would have been named also. This could only have been on the basis that there was a generic conspiracy against all competitors. The effect of this consideration is merely to relieve the court of any claim of duplicity. It is the tie that binds. It did not render the defendants subject to conviction on the generic conspiracy so presupposed. In spite of it, they were only subject to conviction for the conspiracy against the competitors named.

The indictment must set out definitely the names of the party or parties against whose business the conspiracy is directed, otherwise it is void.

Patterson against United States, 222 Federal Reporter, page 623, says:

> When, however, we turn to the first count we do not find any of the competitors named therein as having carried on business during the three years preceding the indictment * * * the competitor, then, whose business it is alleged the defendants secured by the use of these means are incapable of identification. It is not those who in fact carried on the business during the three years, but those which the first count mentioned as then carrying on the business, and it does not mention which of them so did. We see no escaping from the conclusion that the count on this ground is void for uncertainty.

Where an indictment mentions several whose business has been restrained, but fails to single out those whose business was restrained during the three years next prior to the finding of the indictment it is bad.

Ibid., 624, says:

> The first count no more mentions which of them carried on business before the three years than it does those which did so during the three years. On this ground the count is bad.

THE WAYS AND MEANS CHARGED IN THE INDICTMENT ARE NONCULPABLE AND SANCTIONED BY LAW.

So far we have considered the indictment as to its sufficiency from a standpoint of pleading, and we have discussed its weakness with reference to the material allegations necessary to constitute a charge of an offense against the statute. Now we come to the consideration of its sufficiency from an entirely different standpoint.

CLAYTON ACT.

On October 15, 1914, what is known as the Clayton Act became a Federal law, section 6 of which declared—

> That the labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof, nor shall such organizations, or members thereof, be held or be construed to be illegal combination or conspiracies in restraint of trade, under the antitrust laws.

For all intents and purposes this is an amendment to sections 1 and 2 of the Sherman law, and acts as an exemption of farmer and labor organizations and the members thereof from its operations. If such exemptions had appeared in the original Sherman Act, there is no doubt but what this indictment would be fatally defective on account of its failure to set up such exceptions. It will be noted that the indictment failed to reveal the special business or organization to which all these defendants belonged, to wit, Labor's National Peace Council. Had it done so, as it should in fairness to the defendants, it would have enabled the court to see from the face of the indictment that the defendants were exempt under the provisions of section 6 of the Clayton Act.

The effect of section 6 of the Clayton Act is to define the Sherman law as applied to farm and labor organizations. This being true, the jurisdiction of the court for the southern district of New York is raised as completely by the pleading in this case as though the Clayton Act had repealed the Sherman law in toto. However, it may be claimed by some that this part of the Clayton Act is unconstitutional in the light of the case of Connolly *v.* Union Sewer Pipe Co. (184 U. S., 540), which declared unconstitutional an antitrust act of the State of Illinois. This statute sought to exempt all farm products, including live stock, in the hands of the producers from the operation of its provisions. It also provided for the repudiation of contracts in violation of its terms. The suit arose over the collection of a note claimed to have been executed in violation of the terms of the act. The Supreme Court held the Illinois statute unconstitutional for the main reason that it violated section 1 of the fourteenth amendment to the Constitution, which provides that—

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

It will be remembered that the State of Illinois in passing this act was hedged about by the above constitutional limitations, which, if exceeded, would subject the law to be dealt with by the courts in harmony with such constitutional provision.

It will also be remembered that the income-tax law of 1894 was declared unconstitutional by the Supreme Court because it violated paragraph 4, section 9, of Article I of the Constitution, which requires that—

> No capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken.

But after the passage of the sixteenth amendment, giving Congress unlimited power to levy an income tax, the Underwood law of 1913 imposed a graded income system, which made discriminations clearly and unmistakably, leaving all incomes of $3,000 of unmarried people and all incomes of $4,000 of the heads of families free and exempt from such taxation, yet the Supreme Court in a recent decision upheld its constitutionality.

Now, when we examine the constitutional power which gives Congress the right "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes," we find that it is without limitation, which distinguishes the Clayton Act entirely from the antitrust law of Illinois in that the one, the Clayton law, is a Federal act passed by Congress under a constitutional power without limitation, while the Illinois act was passed by the Legislature of Illinois under a constitutional limitation.

Who will say that in exempting labor, agricultural and horticultural organizations from the operation of the antitrust laws, including the Sherman law, is any greater discrimination than the new income-tax law exempting all incomes below a certain amount from any taxation whatever? Both of these laws were passed by Congress under constitutional powers similar, to wit, without limitation.

In the case of Loewe *v.* Lawler (208 U. S., 224) Chief Justice Fuller, in delivering the opinion of the court, said, among other things:

> Records of Congress show that several efforts were made to exempt by legislation organizations of farmers and laborers from the operation of the act, and that all these efforts failed, so that the act remained as we have it before us.

It seems reasonable that a fair construction of this language of the Chief Justice indicates that Congress might, by appropriate act, exempt such organizations from the operation of the Sherman law, without violence to any constitutional provision. However this may be, it remains that section 6 of the Clayton Act is the law of the land until it has been repealed by either an act of Congress or by a decision of the Supreme Court in a direct proceeding to test the question of its constitutionality, and the courts of the land in the discharge of their official duties will take judicial notice of such law.

By a further examination of the Clayton Act we find that the last paragraph of section 20 directly sanctions all the ways and means enumerated in this indictment. That paragraph reads as follows:

> And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relations of employment, or from ceasing to perform any work or labor, or from commending, advising, or persuading others by peaceful means to do so; or from attending any place where any such person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information, or from peacefully persuading any person to work or abstain from work, or from ceasing to patronize or employ any party to such dispute, or from recommending, advising, or persuading others by peaceful and lawful means so to do. Or from paying or giving to, or withholding from any person engaged in such dispute, any strike benefits or other moneys or things of value, or from peaceably assembling in a lawful manner and for lawful purposes, or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held to be violations of any law in the United States.

This list of exceptions include every ways and means recited in the indictment and charged to have been agreed upon by the defendants to aid them in carrying into effect the supposed conspiracy, and the last clause of this paragraph declares emphatically that the doing of all the acts and things enumerated in the indictment shall not be held to be violations of any of the laws of the United States.

This provision of the Clayton Act is universal in its application, and makes no exemption whatever, dealing with all alike and giving all like and equal opportunities under its provisions, and it can not be held to come within that class of laws which are passed under constitutional limitations and which make exemptions contrary to such limitations. Such as are dealt with by the Supreme Court in the Connolly case, supra, and the decision of the Supreme Court holding the old income-tax law of 1894 unconstitutional.

Applying the doctrine that courts will take judicial notice of all Federal statutes, it is to be presumed that in passing upon these questions the courts will not only take into consideration the provision above referred to in the Clayton Act, but that they will also take into consideration the doctrine laid down in the case of In re Neagle (135 U. S., 1) supra, wherein it was decided in construing section 761 of the Federal statute dealing with writs for habeas corpus, that—

> This, of course, means that if he (meaning the defendant) is held in custody in violation of the Constitution or of a law of the United States, or for any act done or omitted in pursuance of the law of the United States, he must be discharged.

After a careful examination of the different parts of this indictment we are driven to the conclusion that its author undertook to set up a wholly imaginary case. The entire absence of the names of those corporations who are engaged in the manufacturing and transportation of munitions of war for foreign belligerent countries emphasize this idea to the point of certainty. This entire trade is confined to a very few giant concerns under the control of J. P. Morgan & Co. as the agent of such foreign traffic, which can be enumerated on the fingers of one hand, to wit, the United States Steel Corporation, the Armor Trust, the Bethlehem Steel Co., the Du Pont Powder Trust, the Remington Arms Co., now owned by the Midvale Steel Co., and the transportation is controlled by the Joint Traffic Association—official classification committee—and the Ocean Steamship Pool.

If the business of any of these companies had been threatened or interfered with by the defendants, it would have been very easy for the pleader to have presented such evidence to the grand jury, as the chief offices of all these corporations are located in the city of New York, within gunshot distance of the United States attorney's office. If he was unable to secure such evidence, so vital to the validity of the indictment, how was it possible for him to secure any real evidence of the alleged conspiracy to restrain either the manufacture or transportation of the products of these great concerns?

Labor's National Peace Council was in touch with 6,000,000 men, yet it will be remembered that not one single overt act is charged in the indictment as a means to effect the supposed conspiracy. It is reasonable to conclude that if such acts had been known to the pleader he would have inserted them in the indictment. We must therefore conclude that the grand jury was unable to learn of any such acts during the entire four months of its sitting. We are driven to the further conclusion that the conspiracy must have been a very weak and harmless one if, during the entire eight months it was alleged to have been in operation, it was unable to do any single overt act to accomplish its supposed purpose. As we have already clearly shown that the ways and means enumerated in the indictment are wholly nonculpable in character and expressly sanctioned by the highest law of the land, how can anyone doubt that these defendants and their organization, Labor's National Peace Council, as its name indicates, was anything but a lawful and peaceable educational propaganda to aid in keeping this country out of war?

The fact that a charge of impeachment had been made in Congress against the United States attorney two weeks before this indictment was returned must have acted as a high incentive to prompt him to extraordinary efforts for revenge; and as the former United States district attorney, Henry A. Wise, of the southern district of New York, has recently testified that the grand jury of this district is nothing but a "rubber stamp" in the hand of the United States district attorney, it was all the more easy for him to secure the return of this fraudulent indictment without evidence.

All citizens of the United States have a right to oppose any act, deed, trade, profession, or business illegal in character or affecting the public morals, especially if they menace the general welfare of the country. If foreign commerce in munitions was being conducted in violation of the Federal statutes or international law, such as shipping high explosives on vessels carrying passengers, or lending money by the Government to belligerent countries to be used against any country or countries with which we are at peace, in order to promote such foreign commerce, then the American people, either singly or collective, had a right to protest against such business by any and all of the ways and means set up in this indictment.

If the substance of the speeches and writings recited in the indictment had been disclosed by the pleader, as was done in the Cash Register case, supra, it would have revealed that they were directed to the various branches of the executive department and to Congress in the interest of preserving "a friendly and impartial neutrality," to keep this country out of war, and to prevent the violation of Federal statutes and international law, and that in all cases in which they were used with labor and farmer organizations that each was done as an appeal for assistance in this peace propaganda in which Labor's National Peace Council was interested.

To extend the operation of the Sherman Act to the activities of such organizations as are enumerated in the indictment would be to establish a rule so universal and dangerous in its operation that it would destroy the collective energies of all benevolent and educational organizations which are directed against vicious and immoral habits and customs. Churches, temperance unions, and other moral organizations have been making for more than a half century an active campaign against the use of intoxicating liquor as a beverage, and no one will contend but what they have been successful and have materially restrained both the manufacture and interstate and foreign commerce of such liquors. In many instances their use has been entirely blotted out.

Yet, it would be a crime against civilization were such organizations even checked in their operations in the interest of humanity. An effort to extend the operations of the Sherman law for this purpose would meet with the universal condemnation of the public, and justly so, because it is well known that the excessive use of intoxicating liquor materially affects the general welfare of the Republic. What is true with reference to the activities of temperance organizations in the interest of man is true with reference to many other organizations which seek to elevate the standing of public morals.

This leads us back to the doctrine which has been universally adhered to by the courts, that the restraint of the interstate or foreign commerce must be direct and not indirect. There is scarcely any business, trade, or occupation which, if checked or stopped, would not in a measure lessen the production of either the crude or finished product and indirectly affect the interstate or foreign commerce flowing therefrom. The refusal of the farmer to produce farm products or lessen the acreage in any commodity, or the failure of any workman on the farm to execute, in a skillful way, the cultivation of the crop or crops, would, in a measure, affect the quantity of the farm products, and thereby lessen the interstate and foreign commerce in such products. We can readily see that the framers of the Sherman Act had in mind one great object, and that was to enact a law to prevent the direct restraint of interstate and foreign commerce and not to impede the activities of the citizen

in his daily work or the activities of organizations in the interest of mankind.

The following is the indictment:

DISTRICT COURT OF THE UNITED STATES OF AMERICA FOR THE SOUTHERN DISTRICT OF NEW YORK.

"At a stated term of the district court of the United States of America for the Southern District of New York, begun and held in the city and county of New York within and for the district aforesaid, on the first Tuesday of September, in the year of our Lord 1915, and continued by orders of the said court dated, respectively, the 2d day of October, 1915, the 28th day of October and the 1st day of December, 1915, and by adjournment to and including the 28th day of December, 1915.

"SOUTHERN DISTRICT OF NEW YORK, *ss:*

"The grand jurors of the United States of America within and for the district aforesaid, on their oath present that heretofore, to wit, during the year 1915, and for some time prior thereto, and up to and including the date of the filing of this indictment, a large number of individuals, copartnerships, and corporations, hereinafter called 'manufacturers' were engaged in various States in the United States in the producing and manufacture of munitions of war, and of military and naval stores, and of rifles, cannon, and other weapons of war and parts thereof and appliances used in connection therewith; shells, cartridges, projectiles, gunpowder, and other explosives and other ammunition, parts thereof, materials used in the manufacture of and appliances used in connection therewith; locomotives, cars, automobiles, aeroplanes, and other vehicles of transportation, parts thereof, and appliances used in connection therewith; building and railroad materials and other articles of many kinds, all of which were of a character adapted for use in war on land or at sea; that the said manufacturers so produced and manufactured said articles for the sole purpose of immediate sale and shipment in trade and commerce with Great Britain, France, Russia, Italy, and other foreign nations; that the said manufacturers were engaged in the business of delivering and shipping said articles to persons, partnerships, corporations, and organized bodies of men from the State in which they were so produced or manufactured to and through the port of New York and other ports of the United States and thence to said foreign countries; and that divers persons, partnerships, corporations, and organized bodies of men other than said manufacturers were also engaged in so delivering, shipping, and transporting such articles from States of the United States to said foreign countries; that the said manufacturers and other persons, partnerships, corporations, and organized bodies of men so engaged in foreign trade and commerce, as aforesaid, employed large numbers of men both in the producing and manufacture of said articles and in the selling, shipping, and transporting of them in the aforesaid foreign trade and commerce and said articles were continuously moved in said foreign trade and commerce; that the said articles, when it was necessary or convenient so to do in order to bring them to a suitable port for shipment, were continuously moved from one State of the United States to other States; that all of the names and localities of said manufacturers and said other parties so engaged in foreign trade and commerce, as aforesaid, and the times, amounts, and routes of such shipments and transportations are not known to the grand jurors aforesaid and are so numerous as to preclude their enumeration in this indictment.

"And the grand jurors aforesaid, upon their oath aforesaid, do further present that on the 1st day of May, in the year 1915, and continuously thereafter, until and including the date of the filing of this indictment, Franz Rintelen, alias Fred Hansen, alias Miller, alias Muller, alias Edward V. Gasche, alias Edward V. Gates; David Lamar, alias Lanauer, alias David H. Lewis; Frank Buchanan; Jacob C. Taylor; H. Robert Fowler; Frank S. Monnett; Herman Schulteis; and Henry B. Martin, hereinafter called the 'defendants,' and divers others persons, whose names are to the grand jurors unknown, each of whom well knew the facts as to said foreign commerce hereinbefore stated and alleged, at and within the said southern district of New York and within the jurisdiction of this court, unlawfully did knowingly and willfully engage in a conspiracy to restrain the aforesaid foreign trade and commerce and to restrain, hinder, and prevent the transportation of said articles in said foreign trade and commerce so far as, and at such times, places, and as to such of said articles and in such ways as they might thereafter be able so to do, and to restrain, prevent, and hinder the producing or manufacture of said articles for the sole purpose of restraining, preventing, and hindering the shipment and transporting in foreign trade and commerce of such of said articles and in such ways and at such times and places as they might be able so to do; that the purpose and object of said conspiracy was not confined to any particular articles, times, places, ways, and means, but the said defendants conspired and intended, at any time or place, and by any ways or means (some of which were not definitely determined upon by said defendants) to restrain, prevent, and hinder such shipments in foreign trade and commerce; and the particular articles, times, places, ways, and means determined upon by said defendants are not known to the grand jurors aforesaid; that among the divers means and methods by which the objects of said conspiracy were intended by the defendants to be accomplished were the following:

"1. Instigating and causing strikes and walkouts among the workmen employed at the plants and factories of the aforesaid manufacturers, so as to prevent and hinder the aforesaid manufacture, and thereby to restrain the shipping and transportation of said articles in said foreign trade and commerce.

"2. Instigating and causing strikes and walkouts among workmen and employees of said persons, partnerships, corporations, and organized bodies of men other than said manufacturers engaged in foreign trade and commerce as aforesaid employed in the shipping and transporting of said articles, so as to restrain the said shipping and transporting thereof in said foreign trade and commerce.

"3. Inducing by solicitation, persuasion, and exhortation, and by the preparation, sending, mailing, and distribution of circulars, pamphlets, letters, telegrams, newspaper articles, and other printed and written matter the aforesaid workmen to quit the employment of the aforesaid manufacturers, and thereby to restrain, hinder, and prevent in whole or in part the operation of said plants for the purpose of restraining the shipment and transportation of said articles in said foreign trade and commerce.

"4. Inducing by solicitation, persuasion, and exhortation, and by preparation, sending, mailing, and distribution of circulars, pamphlets, letters, telegrams, newspaper articles, and other printed and written matter the aforesaid workmen to leave the employ of the aforesaid persons, partnerships, corporations, and organized bodies of men other than said manufacturers engaged in said foreign trade and commerce as aforesaid for the purpose of restraining, hindering, and preventing in whole or in part the shipping and transporting of said articles in the aforesaid foreign trade and commerce.

"5. Bribing and distributing money among divers officers and persons in charge and control of various labor organizations to induce the said officers and persons in charge and control of said labor organizations to cause the members of said organizations who were or might be employed by the said manufacturers or by the said other persons, partnerships, corporations, and organized bodies of men engaged in foreign trade and commerce as aforesaid to leave their employment and to bring about strikes and walkouts among the said members of the said labor organizations, and thereby to restrain, prevent, and hinder, in whole or in part, the producing and manufacture and the expected shipment and transportation in said foreign trade and commerce of said articles.

"6. By divers other means and methods not specifically determined upon by said defendants, but to be decided upon by them as occasion might arise, all calculated in furtherance of and to effectuate the object of said conspiracy.

"And so the grand jurors aforesaid, upon their oath aforesaid, do say and present that the said defendants, Franz Rintelen, alias Fred Hansen, alias Miller, alias Muller, alias Edward V. Gasche, alias Edward V. Gates; David Lamar, alias Lanauer, alias David H. Lewis; Frank Buchanan; Jacob C. Taylor; H. Robert Fowler; Frank S. Monnett; Herman Schulteis; and Henry B. Martin, and said divers other persons whose names are to the grand jurors unknown, on the said 1st day of May, in the year 1915, and continuously thereafter to and including the date of the filing of this indictment, at and within the southern district of New York and within the jurisdiction of this court, in the manner and form aforesaid set forth, unlawfully did knowingly and willfully engage in a conspiracy in restraint of the aforesaid trade and commerce with the aforesaid foreign nations, against the peace of the United States and their dignity, and contrary to the form of the statute of the United States in such case made and provided. (Act of July 2, 1890, 26 Stat., 209.)

"H. SNOWDEN MARSHALL,
"*United States Attorney.*"

(Indorsed:) 8-295. United States district court. The United States *v.* Franz Rintelen, alias Fred Hansen, alias Miller, alias Muller, alias Edward V. Gasche, alias Edward V. Gates; David Lamar, alias Lanauer, alias David H. Lewis; Frank Buchanan; Jacob C. Taylor; H. Robert Fowler; Frank S. Monnett; Herman

Schulteis; and Henry B. Martin. Indictment. Conspiracy in restraint of foreign commerce. Act of July 2, 1890 (26 Stat., 209). H. Snowden Marshall, United States attorney. A true bill, Albert J. Daly, foreman. United States District Court for the Southern District of New York. Filed December 28, 1915.

December 29, 1915, David Lamar pleads not guilty; bail, $5,000.

December 29, 1915, Jacob C. Taylor pleads not guilty; bail, $5,000.

December 29, 1915, Frank S. Monnett pleads not guilty; bail, $5,000. Fourteen days to withdraw.

January 4, 1916, Buchanan pleads not guilty; bail, $5,000. January 20 to withdraw.

January 11, 1916, filed motion to make more definite and certain, etc. Quash as to Monnett.

January 12, 1916, filed demurrer of Lamar. Plea of not guilty withdrawn.

Mr. TAGUE. Mr. Chairman, I should like to ask the chairman of the committee or some member of the committee whether I understood him correctly when he said that the laborers in the street department of this city are paid on an average less than $1.50 a day or $1.50 a day.

Mr. HOWARD. The minimum wage scale is $1.50 a day. That is one grade. Then there is a grade of $1.75 a day, and a certain portion of these laborers are paid as high as $2 a day. I will say to the gentleman that this conforms favorably to the salaries paid all over the United States in the street-cleaning departments by the different municipalities. Hardly any cities pay any higher wage than that.

Mr. TAGUE. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TAGUE: At the end of line 10, on page 33, insert the following:

"*Provided*, That the pay of laborers in the street department shall be not less than $2 per day of eight hours."

Mr. HOWARD. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. The gentleman from Georgia makes a point of order.

Mr. HOWARD. I will reserve it if the gentleman from Massachusetts desires to be heard.

Mr. TAGUE. Mr. Chairman, I was rather surprised when I learned that the city of Washington was paying to the men in its street department $1.50 per day, a rate of wage that, to my mind, is not at all in keeping with the standards of living of this day. Mr. Chairman, in every city that I have had anything to do with, and in my own State, the street laborers are paid more than $2 per day for eight hours' labor, and especially the city I have the honor in part to represent, we pay our street laborers not less than $2.50 a day for eight hours' work, give them Saturday afternoon holiday and a vacation during the summer time. When I hear on this floor that men in this city are compelled to work for $1.50 a day, with wet days taken out of their wage, making their wage a great deal less, I think it is time for this Congress to make some provision for a fair wage for these men in order that they and their families may live. I do not believe that $1.50 a day is a living wage. I do not believe that we have any right as legislators in this Congress to ask men to work on highways for such a wage or to work for wages that will not permit them to bring up their families in a proper manner and give them sustenance and a livelihood. With that idea I have offered this amendment. I am sorry the point of order is raised here, because, when sustained, the men will not get the benefit of my amendment. Before the bill is passed I am going to put in an amendment somewhere in this bill that will bring about a fair rate of wage for these workingmen in the employ of the Government of the United States. I believe it is an indictment against the United States to think that a man would be asked to work for the meager wage of $1.50 a day; that does not permit him to provide in a proper manner a living for himself and his family.

Mr. REAVIS. Mr. Chairman, I sincerely trust that the point of order against the amendment offered by the gentleman from Massachusetts will not be insisted upon. The statement made by the chairman of the committee that these laborers upon the streets were paid in accordance with the average wage which prevails in other cities scarcely meets the situation, to my mind. It is not a question of whether other cities pay a like wage, but it is a question as to whether or not we pay a living wage. It seems to me that in the city of Washington an intermittent employment—not an everyday employment, because there are days when by reason of the inclemency of the weather they can not work—an employment at $1.50 a day is not a fair compensation to a sober and industrious man. It seems to me, in this day and age, if this Congress is going to act in harmony with humanitarian principles, principles of fair play that are obtaining more and more throughout the world, it at least ought to be willing and able to pay these men enough for their labor to keep them and their families in comparative comfort. I have just as much regard for the Treasury of the United States as any other Member on the floor, but I have too much regard for this Congress and this country to be willing to pay a man a wage which is insufficient to support his family and educate his children. That can not be done on $1.50 a day in this city.

I think the time has come when those who by accident of birth or by environment have a little the best of it in life's battle ought to be willing to assume a little of the burden and help in some measure to care for the more unfortunate of their brothers. It seems to me that this Government can not afford to be so niggardly with its money, can not afford to guard the Treasury of the United States to an extent that will deprive sober and industrious laborers of the opportunity to labor at a wage that will support their families in some sort of decency and comfort. I sincerely hope that the point of order will be withdrawn.

Mr. DENISON. Mr. Chairman, I will state that an investigation of the time that these men actually work on the streets and reported to the Committee on Labor shows that they make an average through the year of just 98 cents a day for the time they are working. Investigation further shows that the men who work on the streets, many of them, have to partly depend for a living on the labor of their wives, who go out and perform other classes of labor to help the family. Many of them have to depend on charity to help get clothes for their families. That evidence has been submitted to the committee at this session. I think that the gentleman from Georgia, who usually claims to be a friend of the laboring men, ought not to make the point of order. The committee could not do a better thing than to accept the amendment offered by the gentleman from Massachusetts.

Mr. HOWARD. Mr. Chairman, before renewing the point of order I want to say that the policy of the committee is to make these bills as economical as we can in view of the circumstances. There is one phase of this case that I want to state before renewing my point of order. I reiterate that the salaries paid to the street-cleaning force of the city of Washington is as high as the salary paid for the same manner of work in all of the large cities of the United States.

Mr. MADDEN. I beg the gentleman's pardon, but that is not true of Chicago, where the wages are $2.25 and the highest is $2.75.

Mr. JOHNSON of Kentucky. And the highest here is $4.

Mr. MADDEN. But that is not for laborers.

Mr. HOWARD. The wage scale is stated by the commissioners to run from $4 down to $1.50 a day. Now, let us see what class of laborers are getting $1.50 a day. There is not a Member on the floor of this House that has not noticed these old fellows around town, men 65 to 75 years of age, hobbling around the streets picking up paper, or with a little broom pushing a little cart.

The Government of the United States, through the commissioners, give preference to these old fellows that are liable to become chargeable to the District, at $1.50 a day. The higher class of workmen get $2 a day, 86 of them, and 312 of them get $1.75 a day. I can show you an old man at the foot of the Capitol, an old Confederate soldier, 75 years of age, on the pay roll of the District, and he could not make 50 cents a day in any place on earth.

Now, the arms of the Government have been opened, and these old men have been taken in and given a position that pays $1.50 a day and keeps them out of the poorhouse. If you increase the wages what will be the result? There will be 150 or 200 strong bucks that will come in here and jostle these old fellows out of their jobs. They can not retain the positions at those wages. I am in favor of as high a wage scale as the gentleman from Nebraska or the gentleman from Illinois or anybody else. But the taxpayers of the District of Columbia must be taken into consideration. The Government of the United States does not contribute all of this money, and we must look upon this District government here as at least a quasi municipality.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. HOWARD. Mr. Chairman, I renew the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 33, line 10, at the end of the paragraph insert the following:

"*Provided*, That no part of this appropriation shall be paid to any laborer engaged in street-cleaning work at less than $2 a day for not more than eight hours work."

Mr. PAGE of North Carolina. Mr. Chairman, I make the point of order against that.

Mr. STAFFORD. Mr. Chairman, it is well known that in the consideration of appropriation bills limitations on appropriations are always in order, and it is always within the authority of the House to restrict and limit the scope of an appropriation. Otherwise Congress would not have that control over appropriations which is its right. The amendment proposed is a pure limitation upon the expenditure of this appropriation, namely, that the executive officials are not authorized to expend any of this fund for this designated character of work——

Mr. PAGE of North Carolina. Mr. Chairman, will the gentleman allow me to make a suggestion to him and to the Chair? Under the guise of a limitation you can not change the law any more than you can in any other way under the rules of the House.

Mr. STAFFORD. But there is no law to-day limiting the scale of wages to be paid to these men.

Mr. PAGE of North Carolina. No; but there is a lump-sum appropriation——

Mr. STAFFORD. Ah, the gentleman admits away his case. If there had been a law limiting the wages to be paid to these men, then there might be some basis for the gentleman's contention, but he admits that there is no law except this lump-sum appropriation. I go back to my original premise and state that Congress has the right to determine how this fund shall be utilized. We can say that it shall not be utilized in the payment of the laborer unless he receives $2 for not more than eight hours' work.

Mr. PAGE of North Carolina. Mr. Chairman, I beg to submit that this is not a limitation within the rules of the House. It is a direction and not a limitation, and it does not decrease the appropriation and therefore can not come within the rules of the House as a limitation upon an appropriation bill. So far as I am concerned, I am ready to have the Chair rule.

The CHAIRMAN. The Chair is ready to rule. In order to come within the Holman rule, the Chair thinks that it would have to show upon its face a reduction, and the Chair thinks it does not do that.

Mr. STAFFORD. But, if the Chair will permit me, it is not the purpose to bring this within the Holman rule. Long before that rule was established the rule of limiting an appropriation was well recognized. There is precedent after precedent recognizing the right of the House to put a limitation upon an appropriation.

Mr. MEEKER. Would it be a limitation the way that is stated—to pay not less than $2 for more than eight hours' work?

Mr. MADDEN. That would be the condition under which they are allowed to expend the money.

The CHAIRMAN. The Chair thinks this is a proposition creating a new law and a new scale of wages, not permissible on an appropriation bill, and the Chair therefore sustains the point of order.

Mr. STAFFORD. Mr. Chairman, I move to increase the amount carried in the bill from $290,000 to $310,000, and I ask to be recognized on that proposition.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 33, line 8, strike out "$290,000" and insert "$310,000."

Mr. STAFFORD. Mr. Chairman, in the last year's appropriation act we appropriated in this item $280,000. The commissioners recommended an increase of $42,000 for the sole purpose of increasing the wages of these poorly paid street laborers from $1.50 to $1.75 and of those receiving $1.75 to $2 a day. What has the committee done toward carrying out that beneficent and humanitarian recommendation? It has brought in here a meager recommendation of $10,000, which will permit of no increase substantially in the wages of these laborers. What kind of a government are we going to have in the District when the members of the legislating committee decline to consider the recommendations of the commissioners that have this matter in hand, who recognize the need of increasing the wages of these men? It is no wonder that we have the Committee on Labor coming in here with an omnibus bill seeking to increase the salaries of all employees to a minimum of $3 per day. I say that anyone who wishes to see a fair living wage paid will vote for this amendment, though I think you can hardly consider that a living wage when you provide for an increase of wages of street laborers from $1.50 to $1.75 and from $1.75 to $2. I challenge the statement of the gentleman from Georgia [Mr. HOWARD] when he says that in other cities of like size the minimum wage is the same as is paid in this city. I can not speak for other municipalities, but we have heard here instances cited by the gentleman from Massachusetts [Mr. TAGUE] where, in Boston, the wage is $2.50 a day; by the gentleman from Illinois [Mr. MADDEN], where the minimum wage in Chicago is $2.25 and runs up to $2.75. In my home city the minimum wage, according to an ordinance passed some years ago, is $2. Why should we be niggardly toward these men? It was the policy of the subcommittee in the preparation of the legislative, executive, and judicial appropriation bill to raise the pay of most of those who receive $600, $700, $800, and $900 so that they could provide adequately for their families. I am not rising here to make any demagogic appeal, but I think we should, regardless of the recommendations of the committee, provide funds whereby the commissioners can carry out what everybody must admit is only a fair proposal of increase, namely, to increase the wages of those receiving $1.50 a day to $1.75 a day and those receiving $1.75 to $2 a day.

Mr. HOWARD. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. HOWARD. Does the gentleman insist that the minimum wage here of the class of people I have specified as employed under this provision is not adequate pay?

Mr. STAFFORD. Yes; the commissioner himself, in testifying before your committee, stated that he wants to increase these men from $1.50 to $1.75.

Mr. HOWARD. I just want to ask the gentleman this question: If the gentleman believes that, and he has always believed it, and kept on believing it, why, in the name of common sense, did the gentleman and the gentlemen on that side want to heap all of these increases on Democratic appropriation bills when you had 16 years in which you did nothing in this regard?

Mr. STAFFORD. In answer to that statement I want to say to the gentleman that, so far as my conduct has been concerned on the legislative committee, I was not in favor of increasing salaries if they were above $1,200 a year, and I voted consistently here in the House to sustain the chairman of the committee against those increases, but on those below $1,200, where the salaries were not sufficient to provide for a man to support a home, I voted consistently to raise those salaries. My position is entirely consistent.

Mr. TAGUE. Mr. Chairman, I hope the amendment of the gentleman [Mr. STAFFORD], who has just spoken, will pass. Mr. Chairman, we sit here as Members of this Congress and say we are appropriating a sum sufficient to keep life and limb together of the poor old laborer who works around the Capital. In this great country of ours we read in the papers daily of our great wealth and how rich we are, and yet we are telling these men——

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. TAGUE. In just a minute—we are telling these men, faithful servants, veterans of the Army, who it has been said are unfit to earn more than 50 cents a day, that that is all they can have. Why, Mr. Chairman, at this time and in this Congress, I believe, it is the duty of every Member of Congress to see to it that some provision is made to provide for these men. I said in my city we give $2.50 for eight hours' labor. We give them Saturday afternoons. We give them two weeks' vacation in the summer, and when they get old and are unable to perform their duties my city pensions them at a dollar a day. [Applause.]

Mr. BUCHANAN of Illinois. Will the gentleman yield right there?

Mr. TAGUE. I will.

Mr. BUCHANAN of Illinois. Our friend from Georgia [Mr. HOWARD], who has always been in sympathy with the laboring people, opposes this on the ground that there are some old men working. That does not apply about other cities. I know in the city of Chicago, where the wages of the common laborer are $2.25 to $2.75, there are old men there who perform work, efficiently able men, just the same as there are here, so that is no argument against giving a living wage scale.

Mr. HOWARD. If the gentleman will permit, what I wanted to convey by that statement was this, that those who get this minimum wage scale are a class of people, old men, who can not readily find employment on account of some decrepitude or age, who come in contact with the high class of laborer who gets $2 a day.

Mr. BUCHANAN of Illinois. The idea I want to convey is that the same thing applies to the other cities where they pay more for the common labor, $2.50 a minimum wage for the same kind of labor the gentleman speaks of.

Mr. TAGUE. Mr. Chairman, I realize the gentleman from Georgia and all of the Members of this House want to give the men in the employ of the city a fair compensation for their labor, and here is our opportunity. Let us raise this appropriation; let us give them something that is fair. One dollar and fifty cents a day! No man can live on that at this time and take care of himself and family. It is all right to say they perform no labor; but they do, and they must live. They must live as well as any of us. I believe $2 a day is little enough and too little to supply the wants of life for these men. I said at the beginning I was surprised to think that such a condition could prevail in this country and in this city, and if it is the condition, then the sooner this Congress and the Nation can get down to the question and take care of them in their old age by appropriating money that will provide for them, the sooner this country will be better off. If we are going to have good citizens, we must give men a living wage. If they are going to bring up families to amount to anything in the future, we must provide them with a wage sufficiently large to enable them to secure the necessities of life. One dollar and fifty cents a day, or, as one Member said, 98 cents a day, paid to some men in this department, is not sufficient. I believe, Mr. Chairman, it is a disgrace and a blot upon the good name of this country, and I for one, as a Member of this House, want to see this rectified. I hope the chairman of this committee will accept this amendment and let the men in the street department in the city of Washington, whether it is governed and controlled by two distinct factions or satisfies the wishes of two distinct factions, so that it will become the law and give these men what they should get and rightfully deserve. [Applause.]

Mr. MEEKER. Some one has well said:

> Methods are many; principles are few.
> Methods often vary; principles never do.

We are discussing here a method of paying men who are employed to do a certain line of work at a reasonable, decent wage. Because of storm and rain there are many days when these men can not work, and we "take it out" on them. We want men to do this work and we offer them the munificent (?) salary of $1.50 a day on nice days, but when it rains they are losers and not Uncle Sam.

I really think I have never felt so ashamed of the policy of our Government as when I had my attention called a few months ago, out in my home city, to the fact that men and women out there were working for this Government at the rate of less than 98 cents a day. And yet we are passing laws to force corporations and employers of labor into all sorts of terms. The old-age pension system and the compensation laws that we are passing are forced upon employers of labor, but as to ourselves, when we come to where we can do as we please as employers of labor in the name of the Government, we dodge the responsibility. I do not see how any man could oppose a wage scale of $2 a day, when the weather permits employment, when we make the laborers stand the loss when it rains. I think a principle is involved here, and it is simply this: Can we look the men of this country squarely in the face when we say that we are giving $1.50 a day if it does not rain. Back in Indiana on the farm I knew a man, who was a sort of a skinflint, who used to say to his boys, "It is too wet to work on the farm to-day and so we will grease the harness." Uncle Sam says here in the District of Columbia, "It is too wet to work on the streets and you will go without your pay."

Now, gentlemen, let us be ordinarily, decently fair. If these men are old men, if they have people dependent upon them so that they can not work elsewhere at odd jobs, so much the more should we manifest some generosity, but I can not be persuaded that $2 a day is a generous wage when a man stands the loss because of bad weather. We have voted millions away here this year, and the men who voted them away will have to do more explaining than those who voted against doing so. When we get down to the man on the street we become "economical."

I hope this amendment will pass.

Mr. PAGE of North Carolina. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that at the expiration of 10 minutes all debate on all amendments to this paragraph be closed. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Chairman, this reminds me of the many other times during my service here when this subject, or a similar one, has been before the House. I say now, substantially, what I have said on other occasions, that it is altogether wrong for the United States Government, the richest Government in the world to-day, the richest Government the world has ever seen, to force people who work for it to indulge in cutthroat competition in order to get a job. Of course it has the power to say, "You work for 98 cents a day or for $1.50 a day or we will get somebody else to work for us." And the poor man takes the starvation wage. But the Government ought not to use such a power. One dollar and fifty cents a day in Washington in these times of extraordinarily high prices does not enable a man to pay running expenses, clothe himself and his family, feed them, keep them warm in winter, and pay the doctor.

It is the duty of the United States Government to say "We will pay to every man who works for this Government a living wage. We can afford to do it, and in honor we ought to do it." That is the attitude the United States Government should take. Any other attitude is wholly unbecoming. It would be unbecoming for a very rich private corporation or a very rich employer to say to a poor man applying for work, "We can get somebody else to work for 90 cents a day," and then on the man replying "I have a wife and children to support; I must take that or starve, and I will work for 85 cents a day, though it will hardly keep body and soul together," for the corporation or other employer to say, "All right; you get the job." As the gentleman from Missouri [Mr. MEEKER] suggested, the Government says, "We will give you 98 cents a day while it is pleasant weather." Last year it rained in southeastern Wisconsin practically all of the time for six or seven weeks. It was the longest rainy season that I remember. If some such downpour as that should occur where these miserably paid, fair-weather men with families to support are employed by the Government it would leave them to starve.

The United States Government ought to be a model employer. It ought to pay a living wage. It can afford to pay, and is in honor bound always to pay, a living wage.

Mr. PAGE of North Carolina. Mr. Chairman, I am not opposing this amendment as one who is opposed to paying a living wage for the rendering of a service. I know that I agree with my colleague on the committee [Mr. HOWARD] in the statement he made earlier in this discussion, that a great many of these people who are employed in the street-cleaning department of the city of Washington, for which they receive a compensation of $1.50 a day, would not likely receive this employment if the wage were made higher. They are not vigorous, able-bodied men, able to go out in the competitive labor market of this city or any other and make a living for themselves. They are given an opportunity by the governing board of this city to earn $1.50 a day at light, easy work, with short hours of labor, and have the satisfaction of knowing that they are sustaining themselves, without placing themselves upon the charity of this city. Now, these gentlemen who want to put this wage at $2 a day, or at some other price higher than the present wage, if they succeed in voting this amendment onto this bill, will in all probability put half of those old men who are now employed, largely as charity, rendering some service, light as it is, upon the cold charity of this city, without possibly ample opportunity to take care of them by the appropriations made and the facilities afforded.

I am not going to be placed in the position of opposing the man who is a wage earner. I was once a wage earner myself. I started as a boy working for a wage, and I know what the man who has to work for a living has to endure. But I stand and maintain here that it is infinitely better for a large class of these people to be given an opportunity to retain their self-respect by their own labor to make their own living, than to be thrown upon charity. Many of them would have their hearts broken if they were thrown upon the charity of this city or upon any other charity. I am not here saying that every man should not receive all the wages he deserves. I am not opposed to any man receiving all the wage he can get, provided he gives in return for that wage an equivalent in work. But I believe in this instance, instead of helping the wage earner who is employed in the street-cleaning department of this city, if you vote this amendment in the bill, in all probability, as I honestly believe, instead of rendering him a service, you will do him a hurt.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. DENISON. Can the gentleman state when there has been an advance in the District here in the wages of the men who clean the streets?

Mr. PAGE of North Carolina. I can not answer that. I am not pretending to say.

Mr. DENISON. Can the gentleman state when he has been in favor or when he ever will be in favor of increasing the wages of these people?

Mr. PAGE of North Carolina. If the gentleman will put it on the basis of an able-bodied man doing the work of an able-

bodied man, I would do it now. But I am not willing to throw out of employment a large number of men of the particular class who, by my own observation and experience, I know happen to be employed in the service.

Mr. DENISON. Mr. Chairman, will the gentleman yield further?

Mr. PAGE of North Carolina. Yes.

Mr. DENISON. If the reason the gentleman has given is good for not increasing the wages of these people now, is that a good reason for not ever increasing their wages?

Mr. PAGE of North Carolina. Yes.

Mr. DENISON. What is the reason?

Mr. PAGE of North Carolina. I will say now that this city has not made sufficient provision for taking care of that class of people that live in it, and I am one of those who believe that it ought to make provision for taking care of its old and feeble and sick and decrepit. I hope the day will come very soon when it will do that.

Mr. BAILEY. Mr. Chairman, will the gentleman yield for a question?

Mr. PAGE of North Carolina. Yes.

Mr. BAILEY. Are these particular laborers themselves asking for an increase?

Mr. PAGE of North Carolina. I can not answer as to that. I have no information on that.

Mr. DENISON. I will answer that question, if the gentleman will permit. Some of these men have been before the Committee on Labor, and they have told pitiful stories of the small wages they are receiving.

Mr. PAGE of North Carolina. I can not mention anybody who is receiving a salary, from the humblest laborer up to the gentleman who is receiving on this floor $7,500, who does not want that amount increased. Mr. Chairman, I call for a vote.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. REAVIS. Mr. Chairman, did the gentleman from Wisconsin [Mr. STAFFORD] consume all of his time?

The CHAIRMAN. The gentleman from Wisconsin and the gentleman from North Carolina [Mr. PAGE] consumed 10 minutes.

Mr. REAVIS. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. REAVIS. Mr. Chairman, I do not know the character of the men who are employed on this street work at $1.50 a day. I do not know whether they are old, crippled, sick, and objects of charity or not. But I do know this, that this Government can not afford to take the labor of any man at a price that will not permit him to keep soul and body together. [Applause.] I do know this——

Mr. PAGE of North Carolina. Mr. Chairman——

Mr. REAVIS. I can not yield; I have but three minutes.

Mr. PAGE of North Carolina. I gave time to the gentleman because I refrained from objecting to his request for unanimous consent.

Mr. REAVIS. I yield to the gentleman.

Mr. PAGE of North Carolina. I wanted to ask the gentleman if he knew anybody whose soul and body had parted because of this wage?

Mr. REAVIS. I do know this, and the chairman of the committee knows it, that there is no man at this day and age and under existing circumstances who can support himself and his family in the city of Washington by intermittent labor at $1.50 a day; and this Government can not afford, I care not how old its employees may be, to hold them down to a wage that will not permit them to support their families.

Mr. GARRETT. Mr. Chairman, will the gentleman yield?

Mr. REAVIS. Yes.

Mr. GARRETT. What has the gentleman to say with reference to the suggestion made by the gentleman from North Carolina [Mr. PAGE] and the gentleman from Georgia [Mr. HOWARD], to the effect that if these wages are increased, many of these men who are now working will be thrown out of employment, and therefore it would be an unkindness to them rather than a kindness to increase the wage?

Mr. REAVIS. Whether or not these men are thrown out of employment is dependent entirely upon the sense of justice of the commissioners who employ them, and the commissioners who are charitable enough to give employment to these old men surely would not be brutal enough to throw them out of employment when their wage was increased to a living wage. I do not believe that that condition would obtain. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The question was taken, and the chairman announced that the "noes" appeared to have it.

Mr. STAFFORD. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 26, noes 27.

Mr. STAFFORD. Tellers, Mr. Chairman.

Tellers were ordered; and the chairman appointed Mr. PAGE of North Carolina and Mr. STAFFORD to act as tellers.

The committee again divided; and the tellers reported—ayes 33, noes 25.

So the amendment was agreed to.

Mr. EVANS. Mr. Chairman, I ask unanimous consent that I may extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. TAGUE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts [Mr. TAGUE] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Disposal of city refuse: For collection and disposal of garbage and dead animals; miscellaneous refuse and ashes from private residences in the city of Washington and the more densely populated suburbs; collection and disposal of night soil in the District of Columbia; payment of necessary inspection, allowance to inspectors for maintenance of horses and vehicles or motor vehicles used in the performance of official duties, not to exceed $20 per month for each inspector for horse-drawn vehicles, $25 per month for automobiles, and $12 per month for motor cycles; fencing of public and private property designated by the commissioners as public dumps, and incidental expenses, $179,945.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wyoming, a member of the committee, offers an amendment, which the Clerk will report.

Mr. MONDELL. I offer an amendment as a separate paragraph.

The Clerk read as follows:

Amendment offered by Mr. MONDELL: On page 33, insert at the end of line 25 the following as a separate paragraph:

"Garbage reduction plant: The commissioners are authorized to acquire by purchase or condemnation a site or sites, and to use any land belonging to the District of Columbia which is suitable, in the discretion of the said commissioners, to enter into contracts for the construction of the necessary buildings thereon, to purchase the necessary machinery, tools, equipment, including motor and other vehicles, horses, supplies, personal services, and incidentals, required for municipal collection and disposal of city refuse, in general accordance with plans and specifications prepared under the authority contained in the District appropriation act for the fiscal year 1915, all of which shall be ready for operation on or before July 1, 1918, at a total cost not to exceed $885,900, of which $300,000 is appropriated and made immediately available.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against that amendment.

Mr. MONDELL. Will the gentleman withhold his point of order just a moment?

Mr. JOHNSON of Kentucky. Yes; I will withhold it.

Mr. MONDELL. Mr. Chairman, the Engineer commissioner of the District called attention to the importance of this item at this time in these words:

There is this reason for the initial appropriation at this time: If we do not get it this year we will have to look forward to a postponement of possibly three years, for the reason that our existing contract began on the 1st of July, 1915, and will expire on the 1st of July, 1918. Now, we deliberately made a three-year contract, because we knew it would require that time for the completion of this report and the construction of the municipal plant.

Municipal garbage plants are coming to be quite common in the country, and it seems to me that there are many arguments in favor of such a plant in the District of Columbia. It is true that no legislative provision has been made for such a plant as this, and in making the point of order I hope the chairman of the District Committee will promise us that very soon that commitee will bring in the necessary legislation.

Mr. JOHNSON of Kentucky. Mr. Chairman, I am not in the frame of mind now to make such a promise, and am entirely satisfied I will not be in that frame of mind later on, for the reason that I recently saw in a New York newspaper that that city now proposed to sell its garbage and make a profit out of it without handling it at all; and I have seen other articles

more recently, copied in the papers from other parts of the country, showing that this subject is now being investigated, and it is believed by many that municipally owned garbage plants will not be needed at all, that the soap manufacturers and the fertilizer manufacturers will buy all this stuff and pay a profit for it. Therefore, Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MADDEN. I move to strike out the last word. I should like to ask the gentleman from North Carolina a question. I notice that in this paragraph of the bill provision is made for payment for the removal of dead animals. In all large cities of the country they get paid for the privilege of removing dead animals. Why do we not do that way?

Mr. PAGE of North Carolina. I think the number of dead animals here is very small, and the subject has not been of enough importance for anyone to make a bid to take those dead animals away. I believe they are not removed by the same people who have charge of the city pound.

Mr. MADDEN. They get paid for doing it, however.

Mr. PAGE of North Carolina. Yes; they are paid for the service.

Mr. MADDEN. In all other large cities in the United States they pay the municipality for the privilege of doing it.

Mr. PAGE of North Carolina. I think so, and I think the time may come very soon when there will possibly be dead animals enough here to make it worth while.

Mr. MADDEN. Yes; to make soap and glue.

Mr. PAGE of North Carolina. I do not know of any soap or glue factory in this vicinity.

Mr. JOHNSON of Kentucky. I can not understand why this has not been done long ago. If I remember correctly, the Commissioners of the District of Columbia have been offered $3 apiece for dead horses, while they pay $2 apiece for having them hauled away.

Mr. MADDEN. The usual price paid for the privilege of removing a dead horse is $5 a head; and if the commissioners have been offered $3 a head, I see no reason why they should pay $2. Those who made the offer of $3 must have had some means of disposing of them at a profit or they would not have offered the $3.

Mr. JOHNSON of Kentucky. A good horse hide is worth $3 anywhere on the market.

Mr. MADDEN. Surely, Mr. Chairman, it seems to me there ought to be a provision made in this section of the bill requiring the commissioners to sell the privilege of removing dead animals, instead of paying some one for removing them. I just want to call attention to this.

Mr. CAMPBELL. May I inquire of the gentleman from North Carolina or the gentleman from Kentucky where the soap factory is that could take these animals?

Mr. PAGE of North Carolina. I said I did not know of any.

Mr. CAMPBELL. I was just wondering where these dead animals could be sold.

Mr. MADDEN. They can be made into glue.

Mr. CAMPBELL. Where is the glue factory?

Mr. MADDEN. They can soon fix one. It does not require much money.

Mr. CAMPBELL. The policy of the city of Washington is to prevent the establishment of soap factories and glue factories.

Mr. MADDEN. They could go across the river into Virginia or out here into Maryland. It does not take much capital to start one.

Mr. CAMPBELL. There are no soap factories here now.

Mr. JOHNSON of Kentucky. One will be built if we change this policy.

Mr. PAGE of North Carolina. Mr. Chairman, I want to say that my only personal experience with a dead animal was a dog that weighed possibly a pound and a half, and if I had paid 5 cents for each time that I used the telephone in an effort to have the dog carried off I would have paid $5 in getting him removed.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Bathing beach: Superintendent, $600; two watchmen at $480 each; temporary services, supplies, and maintenance, $2,250; for repairs to buildings, pools, and upkeep of grounds, $1,400 to be immediately available; in all, $5,210.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order as to the new office created—two watchmen for bathing beach, $480.

Mr. PAGE of North Carolina. It is clearly subject to a point of order. I do not know that I can induce the gentleman to withdraw it. He says I can not.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PAGE of North Carolina. I offer the following amendment.

The Clerk read as follows:

Amend, on page 34, line 6, by striking out the word "two" and inserting the word "one."

The amendment was agreed to.

Mr. PAGE of North Carolina. Now, Mr. Chairman, the word "watchmen" should be changed to "watchman," and the word "each," in line 7, be stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 6 change "watchmen" to "watchman," and in line 7 strike out the word "each."

The amendment was agreed to.

The Clerk read as follows:

For construction of two swimming pools, shower baths, appurtenances, and equipment on sites to be selected by the commissioners, $7,500.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The committee has done fairly well in the matter of the playgrounds and swimming pools considering the estimates of the commissioners, although the committee allowed $7,000 less than the estimates. My opinion is that the commissioners were themselves rather too modest and moderate in their estimates, and certainly everything they estimated for should have been allowed. This city needs more playgrounds; it needs better care of playgrounds; and above all things it needs more public swimming pools.

I have stated here a number of times that this city has less provision for swimming pools than any city in the United States of its size, and that is true. The Capital of the United States ought to set an example to the balance of the country in this regard. And yet we have practically nothing in the way of public swimming pools except a makeshift affair down here in Potomac Park, where the boys in the swimming time are thick as mosquitoes in Jersey. The numbers there are so great that it is impossible for them to enjoy the facilities as they should, and it is practically impossible for a boy to learn to swim for there is not room enough. The city is hot and uncomfortable in the summer time, and we ought to provide for bathing and swimming facilities in abundance. We have not even made provision along the Potomac for bathing facilities. There is not a point along the Potomac River anywhere within reachable distance of the city where a boy can go in and bathe without being arrested and carried off to the station house. Recently the officer in charge of public buildings and grounds has tried to provide for the boys by opening some pools up in Rock Creek Park. That is the best we have at this time.

Mr. FESS. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. FESS. Last year some of the playgrounds had to be closed because there were not facilities to keep them open.

Mr. MONDELL. That is true, we have been niggardly in the extreme in the appropriations for the care of playgrounds and for public bathing beaches and pools in the city.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Public convenience stations: For maintenance of public convenience stations, including compensation of necessary employees, $13,000.

Mr. MONDELL. Mr. Chairman, I offer the following amendment as a new paragraph.

The Clerk read as follows:

New public convenience stations: F, G, and Ninth Streets NW., $20,000; Wisconsin Avenue and M Street NW., $18,000; Fifteenth Street and New York Avenue, $25,000.

Mr. PAGE of North Carolina. To that, Mr. Chairman, I make a point of order.

Mr. MONDELL. Will the gentleman reserve the point of order for just a moment?

Mr. PAGE of North Carolina. Well, since the gentleman from Wyoming has not said anything, I will reserve it.

Mr. MONDELL. Mr. Chairman, I want to ask my genial friend why he did not allow the estimates of the commissioners?

Mr. PAGE of North Carolina. I can explain it. One item which has been estimated for, also estimated for in former estimates, at Ninth and F Streets, is very seriously objected to, and if I had known that the gentleman was going to offer this amendment I would have brought the letter from the Secretary of the Interior opposing it. The fact is that that is a very crowded intersection of streets. The streets themselves are narrow and the Patent Office employees are immediately connected with the place that was sought to be used, and your committee does not believe that that is a proper place for a station. The same thing applies exactly to the proposed station at New York Avenue and Fifteenth Street. If the gentle-

man knows any more crowded district in the city of Washington than that, I would like to have him mention it. The Treasury Department protested just as vigorously against it as did the Secretary of the Interior against the other, and while there may be some need from a public standpoint of a station somewhere in these localities, certainly these are not the places, in the judgment of the committee.

Mr. MONDELL. The gentleman agrees with the commissioners that these are localities where stations are needed, and if the station should not be located just at the particular point suggested by the commissisoners it should be located somewhere in the immediate vicinity. It seems to me that we do not get anywhere by simply declining to make any appropriation for the stations because some one occupying a public building does not feel disposed to approve of it. The stations are needed somewhere in these locations.

Mr. PAGE of North Carolina. Let me remind the gentleman that there was a location made two or three years ago for the establishment of a station at Ninth and F, and we repealed it because it was not a practical place for it there, in the judgment of Congress itself.

I think there is a solution of this problem, and I have personally talked this over with the engineer commissioner. In the narrow streets and the crowded intersections like these proposed it seems to me it would be impossible to place these stations underground even, without seriously interfering with the traffic. I think a plan can be worked out and will be worked out to take care of the situation.

Mr. MONDELL. I am simply calling attention to these matters in the hope that a plan will be worked out. We have been agitating them for years. The necessity for them is apparent to all, and we should not delay forever because there is some slight disagreement as between the commissioners and those in the departments.

Mr. PAGE of North Carolina. I agree with the gentleman, and I think it will be worked out.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

ELECTRICAL DEPARTMENT.

Electrical engineer, $3,000; assistant electrical engineer, $2,000; inspectors—1 $1,000, 4 at $900 each; electrician, $1,200; 2 draftsmen, at $1,000 each; 3 telegraph operators, at $1,000 each; repairmen—expert $1,200, 3 at $900 each; telephone operators—3 at $720 each, 5 at $540 each, 1 $450; electrical inspectors—1 $2,000, 1 $1,800, 1 $1,350, 4 at $1,200 each; cable splicer, $1,200; clerks—1 $1,400, 1 $1,200, 2 at $1,125 each, 1 $1,050, 1 $750; assistant repairmen—2 at $620 each, 2 at $540 each; laborers—1 $630, 3 at $600 each, 2 at $540 each; storekeeper, $875; in all, $49,515.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against the increase in the salary in line 24, page 38, where the salary is increased from $2,500 to $3,000.

Mr. PAGE of North Carolina. Mr. Chairman, it is clearly subject to the point of order. If he will withhold it for a moment——

Mr. JOHNSON of Kentucky. I withhold the point of order.

Mr. PAGE of North Carolina. We had quite a discussion a while ago in reference to the wages paid to these more or less infirm and old and decrepit men who work on the streets of the city of Washington. The subcommittee having this bill in charge does not believe that an electrical engineer competent to take charge of the electrical department of the municipality of the District of Columbia can be employed or one that is being employed in a position of like responsibility, requiring the skillfulness, anywhere else that I know of at a salary of $2,500. Believing that skilled men in this position should be paid this amount, the committee increased it from $2,500 to $3,000.

Mr. JOHNSON of Kentucky. My objection is that this particular individual is entirely too "skillful."

Mr. PAGE of North Carolina. If the gentleman will allow me. I want, in justice to the members of this committee and to myself and for the members of the subcommittee, to say that this subcommittee has not appropriated for any individual. I have not the slightest idea of the name of the man, or his age, or where he came from, or who he is. That has nothing to do with the increase in the appropriation.

Mr. JOHNSON of Kentucky. I have that information, Mr. Chairman. During the last Congress Senator SMITH of Maryland brought complaint to the House District Committee which at that time was investigating and inquiring into the official conduct of some of the officers of the District of Columbia, and a clear case was made out, where this gentleman had prepared some specifications so artistically that it became necessary to accept the highest bid instead of the lowest for the lamp posts now on Pennsylvania Avenue from the Peace Monument to the Treasury Building; and, because of that artfulness, he compelled the District of Columbia and the United States Government, upon the half-and-half plan, to pay, if I remember correctly, something like five or six dollars difference for every post that was purchased. I do not believe, in view of that kind of thing, that the salary of this individual ought to be increased.

Mr. PAGE of North Carolina. Mr. Chairman, I would like to ask the gentleman if he communicated this information to the Commissioners of the District of Columbia, who have charge of the employment of this man?

Mr. JOHNSON of Kentucky. I did, and I am sorry to say that they did not take any action concerning him that I now recall. They held up the contract pending the inquiry of the House District Committee, and they were fully conversant with the inquiry that was going on, and I can positively state that they know absolutely and certainly that this contract was drawn—that the bids were asked in such a "skillful" manner that the contract as they construed it was awarded to the highest bidder instead of the lowest.

Mr. DUPRÉ. Does the gentleman think that because certain Representatives may be delinquent in the discharge of their duties that the salaries for those particular districts should be abolished?

Mr. JOHNSON of Kentucky. Yes; I favor that proposition, and that is the law right now. I now make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PAGE of North Carolina. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 35, line 24, strike out "$3,000" and insert "$2,500."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Assistant directors of music, drawing, physical culture, domestic science, domestic art, kindergartens, and penmanship, seven, at $1,300 each: *Provided*, That the assistant director of penmanship, who shall be an instructor in the normal school and an assistant director in the grades, shall be placed at a basic salary of $1,300 per annum and shall be entitled to an increase of $50 per annum for five years.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 40, by inserting after line 10 the following as a new paragraph:

"Vacation schools and playgrounds. For the proper care, instruction, and supervision of children in the vacation schools and playgrounds, and directors, supervisors, teachers, and janitors of vacation schools and playgrounds may also be directors, supervisors, teachers, and janitors of day schools, $7,000."

Mr. HOWARD. Mr. Chairman, I make the point of order against that.

Mr. MONDELL. Mr. Chairman, the item is not subject to the point of order, as the gentleman very well knows. I hope that the committee will accept this item. I think the committee overlooked the item. The gentleman from North Carolina [Mr. PAGE] thought there was not any such item in the estimates.

Mr. HOWARD. It certainly would not be in order, if it was in order at all, at this particular point, because this is for the salary of school-teachers. The whole paragraph is devoted to that. If it be in order at all, it would be in order at the end of line 5 on page 41.

Mr. MONDELL. I would just as soon offer it at some other point.

Mr. HOWARD. I hope the gentleman will withdraw and offer it at some other point.

Mr. MONDELL. I do not know that it makes any difference if it is going into the bill, however.

Mr. HOWARD. It comes now right in the very middle of the classification of these teachers.

Mr. MONDELL. I am willing to withdraw it for the time being.

The CHAIRMAN. The gentleman withdraws the amendment, and the Clerk will read.

The Clerk read as follows:

Hereafter in assigning salaries to teachers of public schools in the District of Columbia no discrimination shall be made between male and female teachers employed in the same grade and performing a like class of duties; nor shall it be lawful to pay, or authorize or require to be paid, from any of the salaries of such teachers any portion or percentage thereof for the purpose of adding to salaries of higher or lower grades; and no such teacher shall be employed as, or required to discharge the duties of, a clerk or librarian.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. ABERCROMBIE. Mr. Chairman, I desire to offer an amendment.

Mr. HOWARD. Mr. Chairman, I would like for the Chair to dispose of the point of order.

Mr. STAFFORD. I wish to inquire what was the purpose of the committee in making this paragraph permanent legislation?

Mr. HOWARD. The purpose was to avoid repeating it year after year. It has been carried in the current bill for several years.

Mr. STAFFORD. I wish to inquire whether it is the established policy of the committee to have the same salaries paid to teachers here in the District of Columbia, regardless of sex, for performing the same grade of work?

Mr. HOWARD. That is the policy and that is the provision in this law.

Mr. STAFFORD. I know it is the provision. I assume that in some cities male teachers receive a higher salary than those paid to females, and I question whether sufficient consideration has been given to that phase of the subject so as to make it permanent law by the addition of the word "hereafter."

Mr. HOWARD. The gentleman is probably familiar with the classification of the different grades in which teachers are put here and the different processes through which they go in reaching certain grades and salaries, and in the grouping of the teachers the committee has put them in a certain classification, starting with the lowest and going to the highest. There is no distinction made between the salaries of male and female teachers. Female teachers of one grade get as much as a male teacher in the same grade.

Mr. STAFFORD. Was it the purpose of the committee in putting in this mandatory provision that there should not be any distinction in pay?

Mr. HOWARD. I can only say to the gentleman that that is the identical language that has been carried in current bills for the last 5 or 6 years—well, more than 10 years. I will state to the gentleman this is for the purpose of saving printer's ink and printing and repetition. We just simply put the language in and make it permanent law.

Mr. STAFFORD. There has been no question in the committee as to the wisdom of having the same salary paid to teachers regardless of sex? I will withdraw the point of order.

Mr. HOWARD. As far as I am concerned, I believe that a woman who is as capable a teacher as a man ought to get the same money; and the committee feels the same way.

Mr. STAFFORD. That is the general principle; but we all know that male teachers have families dependent upon them, and it is necessary to pay them a higher salary than is paid to females.

Mr. HOWARD. Salaries in this day and generation are not based on that proposition at all.

Mr. STAFFORD. That is the rule obtaining in private business establishments as well as in municipalities in the employment of teachers and in other grades of work.

Mr. Chairman, as this has been carried for 10 years, I will not press the point of order on the word "hereafter," and withdraw it.

Mr. HOWARD. I thank the gentleman.

The CHAIRMAN. The point of order is withdrawn.

Mr. ABERCROMBIE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 42, line 19, after the word "librarian," insert the following as a new paragraph:

"Interchange of teachers: That the superintendent of schools of the District of Columbia is authorized, with the approval of the board of education of said District, to provide for the interchange of efficient teachers with other school systems for periods not exceeding one year in each case: *Provided*, That not exceeding 20 teachers shall be on interchange service at one time: *And provided further*, That each teacher so interchanged shall be paid her regular salary by the school system in which she is teaching at the time the interchange is arranged: *And provided further*, That service of teachers of the public schools of the District of Columbia under this provision shall count as regular service in the District of Columbia."

Mr. HOWARD. Mr. Chairman, I reserve a point of order against the amendment.

[Mr. ABERCROMBIE addressed the committee. See Appendix.]

Mr. HOWARD. Mr. Chairman, in the temporary absence of the chairman of the subcommittee, I will be obliged to insist on the point of order.

The CHAIRMAN (Mr. FOSTER). The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

Miscellaneous: For rent of school buildings, repair shop, storage and stock rooms, $15,000.

Mr. MONDELL. Mr. Chairman, I offer the amendment which I withdrew a moment ago and which is at the Clerk's desk—an amendment for an appropriation for vacation schools.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MONDELL: Page 47, after line 2, insert as a new paragraph the following:

"Vacation schools and playgrounds: For the proper care, instruction, and supervision of children in the vacation schools and playgrounds, and directors, supervisors, teachers, and janitors of vacation schools and playgrounds may also be directors, supervisors, teachers, and janitors of day schools, $7,000."

Mr. HOWARD. Mr. Chairman, I make a point of order against the amendment.

Mr. MONDELL. Mr. Chairman, the amendment is not subject to the point of order.

Mr. HOWARD. I will make this statement to the gentleman, that there is no provision of law for vacation schools. This creates new law.

Mr. MONDELL. There is no provision of law for any particular kind of schools. There is a provision of law for schools. Some of the schools are held in the daytime and some at night, and these particular schools happen to be held during the time when the other schools are in vacation. If the gentleman will withhold his point of order for just a moment——

Mr. HOWARD. I withhold the point of order.

Mr. MONDELL. I would like to explain this matter to him and the committee. It is a matter that we ought to have cared for long ago in the District. Some years ago those in charge of the District school system realized the necessity for summer or vacation schools for the purpose of helping those students who for one reason or another needed a little help in order to keep them in their grades. President Blair, of the school board, said, in regard to this matter, in the hearing before the subcommittee:

Mr. PAGE, that is to get away from the provisions that have to be made now of raising money to support that summer playground work through the contributions of outside people and to keep away from the provision of the law which prevented any improper use of the schools. The amount of that work is growing. We are now giving instruction in the summer time, so that children who are back in one, two, or even more subjects which prevents their promotion from one grade to another, but who ought to go on because of their age or ambition, can be given some special instruction in the summer time. We are taking care of that kind of children by looking after them, giving them instruction, and preparing them to go on in the fall on the certificate of these teachers, and then it is also playground work. Mr. Thurston, have you a detailed statement of that?

Mr. THURSTON. I have not here, but the sum we are asking for is approximately the sum spent last year from private contributions. There were between five and six thousand children accommodated on the different playgrounds, both for industrial work and study and for organized play.

Sometimes children are inevitably absent owing to their own illness or on account of illness in the family. Some children are slow in some one study or another. Those children need help in vacation time so that they may not lose the entire year.

We have been doing this work in years past by voluntary subscription. It so happens we have in our family four "hostages to fortune" who are attending the schools here. This is what occurred: In order to keep these vacation schools going—and all the teachers and many of the scholars are interested in them—they make all sorts and kinds of efforts to collect money through the children. My youngsters have been selling tickets to picture shows. They have been importuned and invited to bring contributions, to do various things, in order to make a little money to help raise this $7,000 for these vacation schools and for the care of the playgrounds.

The gentleman from Georgia [Mr. HOWARD] is going to say that what is now being done in this respect, in soliciting contributions in the schools, is contrary to law.

Mr. HOWARD. I was not going to say that.

Mr. MONDELL. He might have said that.

Mr. HOWARD. I did not have it back in my head, because I knew it was contrary to law.

Mr. MONDELL. It is contrary to law. I am not complaining of the teachers. My children have been glad to make their small contributions, but there are many children who are attending the public schools who can not afford to do it, just as it was stated here at the time we prohibited that sort of thing. We do not want to embarrass children who can not afford to contribute, and yet there is such value in these schools that people are anxious to contribute. Let me ask my friend whether or no he thinks that in this Capital City of the Nation we should go on asking the children of the public schools to collect pennies and earn dimes in one way or another in order to keep this very useful branch of the public-school service going?

Mr. HOWARD. Does not the gentleman think this, that if they would teach during the teaching period instead of on

Wednesday morning allowing all the children to go to the moving-picture shows and distracting their attention for the whole day from their studies, that there would be no necessity for these vacation schools, and that they could use that period for developing their physical condition?

Mr. MONDELL. The gentlemen could easily get a rise out of me on that question of improper dismissal and adjournment of public schools, but that is aside the mark. Say that they do sometimes dismiss the schools without sufficient reason.

Mr. HOWARD. They do it.

Mr. MONDELL. For insufficient and for very flimsy reasons and for no good reason at all. If that be so, the occasions are not frequent enough to make any particular difference in the scholarship of the pupil and his ability to keep up with his classes.

These vacation schools have come to be recognized as an important part of the school systems everywhere; not only here, but elsewhere, and they will be kept up. The question is whether they are to be kept up by penny contributions of the children and by all these various and sundry questionable devices that have been resorted to, or whether we shall appropriate for them.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MONDELL. There is a very important part of this work that my friend from Georgia [Mr. HOWARD] will appreciate. I think he thoroughly appreciates all the purposes of the vacation schools, but the part of these expenditures that is used for the purpose of promoting industrial education and industrial exhibits in the playgrounds in the summer time is especially important. In fact, nothing more important can be provided for under our school system. It is a small sum, and it is a sum that will be expended for a good and worthy purpose. We ought to provide for it instead of continuing, as we have done for years in this unjustifiable way, to compel the people of the District to support it more or less by voluntary contributions.

Mr. FESS. Mr. Chairman, would the gentleman from Georgia withhold his point of order?

Mr. HOWARD. Yes; with pleasure.

Mr. FESS. I think there is a feature in the vacation school that ought not to be lost sight of. Our exacting courses of study throughout all the school systems of the country, and especially here, require a certain standard in order to get into the high school, and then a certain standard is required in the freshman year to get into the sophomore year, and then in the junior year, and then in the senior year for graduation; and if because of some lapse, either in study or circumstances that can not be controlled a pupil falls out, there is danger that unless the pupil can make up on the work on which he fell short during the year he will not be able to go on and reach graduation.

I have realized that for years. A parent's chief desire is to keep his child in school rather than have him drop out in the early stage. If for any reason not under his control he drops out and finds no way to go on with his own class, he will almost certainly drop clear out. This common occurrence grows out of the exacting character of our courses of study, and none of us would change them, but frequently it is very hard upon the individual pupil. I do not refer to the indolent or constitutionally careless pupil, but to the delinquent, whose lapse may not be his fault. The vacation school would offer a splendid opportunity to cure that feature.

Then, it seems to me that every father and mother are up against the situation that for three months in the year the children have nothing to do, and those three months are the times of idleness—a situation bad enough for adults, but especially important to a child when considered in its possibilities, since somebody has said, "When one is idle there is work for the evil one"; and it seems to me that there ought to be some way by which those who are worthy and unable to remain in the school regularly ought to be able to find the time during vacation to do the work in which they are deficient. This is only one of the important items of the proposed amendment of the gentleman from Wyoming.

Mr. HOWARD. Mr. Chairman, will the gentleman yield right there?

Mr. FESS. Yes.

Mr. HOWARD. Of course, the gentleman is aware of the fact that the teachers of the District of Columbia are paid by the year and not by the term. Therefore, without the expenditure of any money, this situation could be met very easily by simply increasing the school term and requiring the teachers to remain here on their jobs and earn a year's pay by teaching the vacation schools. That would be one way to meet the situation, would it not?

Mr. FESS. That would be one way, but it would hardly be fair to the teacher to do that, and I would not favor putting the suggestion into operation.

Mr. HOWARD. It would be as fair for the teacher as for the child.

Mr. FESS. Of course, it is for the benefit of the child that we want to keep the school open at all.

Mr. HOWARD. It would be as much benefit to the child to continue at school during the vacation as it would be to let the child enjoy a vacation.

Mr. FESS. I believe that three months of idleness in any instance is not a desirable thing for the child. I hope that some time in our system of education we shall not have that waste of time.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. COX. The gentleman is a great educator, and I think he is the father of several children. I undertake to say that after the gentleman's children arrive at a reasonable age they do not know what a vacation is, and the gentleman finds some desirable employment for his children. Is not that true?

Mr. FESS. I will say to the gentleman that personally I know not what a vacation is. I have always been employed in some way during the summer season, and was never hurt by the necessity of such employment. As for children, the average family in our smaller as well as larger towns find it very hard to employ their children's time in the summer. It would be very much better could we have vacation schools. For myself I aim to see that my children are in the summer school. However, it is not so easy with the family not identified with educational work.

Mr. COX. Some people have told me that during vacations they have employed teachers to continue the instruction of their children.

Mr. FESS. That is the case in a very great number of instances.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DUPRÉ. Mr. Chairman, I would like to have the gentleman from Georgia [Mr. HOWARD] indicate in a word how many unauthorized items are appropriated in this bill?

Mr. HOWARD. I will refer the gentleman to the gentleman from North Carolina [Mr. PAGE] who is in charge of this bill.

Mr. DUPRÉ. Then I will ask the gentleman from North Carolina. Approximately how many unauthorized items are appropriated for in this bill?

Mr. PAGE of North Carolina. I could not answer that question offhand, but there are not a great many.

Mr. DUPRÉ. A hundred?

Mr. PAGE of North Carolina. I could not say.

Mr. DUPRÉ. Four or five hundred?

Mr. PAGE of North Carolina. I should say not more than a hundred.

Mr. REILLY. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. REILLY. Has there been any request from the educational authorities of the District for appropriations for vacational schools?

Mr. HOWARD. I do not recall. This was included in the estimates, but there was no insistence upon it on the part of the authorities when this provision was discussed in the hearing before the subcommittee.

Mr. REILLY. There are vacational schools now conducted in the city by means of contributions as outlined by the gentleman from Wyoming [Mr. MONDELL]?

Mr. HOWARD. Yes; and the teachers are being paid for those months out of public funds.

Mr. REILLY. The fact of the matter is the teachers everywhere have a certain school year, and you would not expect the teachers to give their time for the whole school year unless they were paid for it.

Mr. HOWARD. The uniform system is that the teachers are paid by the month, and when vacation comes they lose their salaries. I want to say this to the gentleman, that from my investigation of the schools in the District of Columbia the teachers in Washington are paid the best salaries in the specific grades of any teachers in the United States except in one city. The children in the District of Columbia are taught under the most favorable conditions that I know anything about. The cost

of constructing school buildings is $10,000 a room, and that is more, I know, than in any city in the country.

Mr. FESS. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. FESS. I think the whole country would commend the movement that made it possible here for teachers to be paid for the 12 months; there are not many places where that is done.

Mr. HOWARD. I have no objection to that. Now, in regard to the playgrounds proposition. I have some views about the playground situation here, and I think it is an opportune time to express them. I realize that children in the congested city centers should have some place to play, but I believe they have got more ground for play in the city of Washington to the square foot than any other city in the country. They have hundreds of acres in Rock Creek Park, the Mall, and all the squares for playgrounds. I believe the playground system costs the parents of these children $150,000 direct taxes, in doctors' bills, because if there ever was a source of spreading contagious diseases, like measles, scarlet fever, and diphtheria, and every other disease of childhood on earth, it is letting the children congregate around a little cement wash hole that has 10 gallons of water pouring into it a minute and 10 gallons running out, where they all jump into it and swim at one time. If one has the measles or scarlet fever they all get it.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. PAGE of North Carolina. Has the gentleman heard of the German invasion—that the German measles has actually broken out in the camp at Chevy Chase?

Mr. HOWARD. Yes; I heard it this afternoon, and that they were going to break up the sanitation camp. I could have broken it up long ago if I had had a peck of healthy mice and let them go out there about half past 7 in the evening. [Laughter.] But now, talking about these playgrounds. They are a magnificent depository for these gadabout mothers that associate with their children only when they are in bed. When they want to go off to spend the day, if they want to go to whist parties, they bundle up the kids and send them to the playgrounds, and there they find a stalwart matron, who will take care of them while their mammas go to the movies. [Laughter.] The result and the practical effect of it is that it is unwholesome.

Mr. CALDWELL. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. CALDWELL. Does not the gentleman think that the ladies have the hardest end of the game anyhow, no matter how you fix it up?

Mr. HOWARD. Well, I used to think so.

Mr. FESS. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. FESS. Does the gentleman think we had better stop the schools?

Mr. HOWARD. No; but I do think that the parental influence ought to be thrown around the children some time during the day. I make the point of order.

Mr. MONDELL. Mr. Chairman, I would like to be heard on the point of order. This committee is clearly authorized to appropriate for schools in the District. There is no law on the statute book fixing the hours or the terms of the school. The time of terms or sessions can be changed any time by the board of education. Under these items the board can provide that the school term shall begin earlier, or extend later, as they see fit. There is no law on the subject, and we are making no law on the subject. We are not changing existing law and not providing new law. If this appropriation is granted it would make it possible to continue the schools, some of them, for a month or so longer than they would otherwise be in session. It would also keep certain playgrounds open a few weeks longer than they are now kept open, and during that time they would make exhibits of the industrial work of the children.

This is an appropriation for a work in progress, a work under the supervision and jurisdiction of this committee. It is not a change of existing law, because there is no law on the subject as to the time when the schools shall be in session. It is not new legislation, because it does not definitely fix a time for session of the schools. Therefore it is in order.

Mr. PAGE of North Carolina. I was going to call attention to the fact that there is no authority of law for vacational schools, or schools of this character contemplated in the amendment.

The CHAIRMAN (Mr. FOSTER). The Chair is ready to rule. The Chair thinks there is no law now fixing what are called vacation schools. If that were the only provision it would be sufficient; but this also provides for playgrounds, and that, too, is subject to a point of order.

Mr. MONDELL. On what ground?

The CHAIRMAN. There is no law providing for playgrounds, as the Chair understands.

Mr. MONDELL. Oh, certainly; there is an appropriation for playgrounds in this very bill.

The CHAIRMAN. If there is any law, the Chair will be glad to have it shown to him.

Mr. MONDELL. The bill contains appropriations for playgrounds.

The CHAIRMAN. The Chair understands that, but there is no law, as the Chair understands it, providing for the establishment of playgrounds and the employment of these teachers.

Mr. JOHNSON of Kentucky. Mr. Chairman, I think I can throw a little light on this subject. For a great many years I made a point of order against the playgrounds, as I am sure my friend in the chair will remember. Finally a compromise was reached by which the playgrounds were to be paid for out of the District revenues, and during the past few years the matter has been allowed to drift along in that way, without any law whatever on the subject.

The CHAIRMAN. The Chair remembers that very distinctly, and for that reason he believes the amendment to be out of order. If there is any law authorizing it, the Chair will be glad to have it called to his attention.

Mr. MONDELL. Mr. Chairman, I offer an amendment in lieu of the amendment that I previously offered. I offer an amendment, "For maintenance of vacation schools, $7,000."

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 47, in line 2, by adding the following:
"For maintenance of vacation schools, $7,000."

Mr. PAGE of North Carolina. I make a point of order against the amendment.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For purchase of United States flags, $800.

Mr. MONDELL. Mr. Chairman, I desire to ask unanimous consent to offer at this point an item providing for the enforcement of the child-labor law.

The CHAIRMAN (Mr. FERRIS). What is the gentleman's request?

Mr. PAGE of North Carolina. The gentleman from Wyoming asks unanimous consent to offer the amendment at this place, and I do not object to his offering it.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MONDELL: Amend, on page 49, line 3, by inserting the following as a new paragraph:
"Child-labor law: For the enforcement of the provisions of the act 'To regulate the employment of child labor in the District of Columbia,' approved May 28, 1908, namely, for two inspectors, at $1,200 each, $2,400: *Provided*, That the existing provision of law requiring the detail of two privates of the Metropolitan police force for the enforcement of said act is repealed."

Mr. PAGE of North Carolina. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from North Carolina reserves a point of order.

Mr. MONDELL. Mr. Chairman, I do not think the item is subject to a point of order.

Mr. PAGE of North Carolina. I am sure that the gentleman, with his excellent knowledge of parliamentary law, knows that it is subject to a point of order.

Mr. MONDELL. What is the point of order, Mr. Chairman?

Mr. PAGE of North Carolina. The point of order is that the gentleman's amendment creates an employment that is not provided by law—two inspectors. The law now expressly provides that two police officers shall fill these positions.

Mr. MONDELL. Mr. Chairman, the act of May 28, 1908, to regulate the employment of child labor in the District of Columbia provides that no child under 14 years of age shall be employed or permitted to work in the District of Columbia in any factory, workshop, mercantile establishment, and so forth, and goes into considerable detail in regard to the employment of children in the District of Columbia. I do not understand what further legislation than that would be required to make it in order for the Appropriation Committee to appropriate to carry out the law by providing the proper officers.

Mr. COX. Does that act require the detailing of two policemen to enforce it?

Mr. MONDELL. No; that act does not require the detailing of two policemen. If the point of order is with respect to the

detailing of two policemen, I will drop that part of my amendment.

Mr. PAGE of North Carolina. Not only the detailing of two policemen, but the gentleman's amendment carries a provision for new employments that are not authorized by law, because the law specifies these two policemen shall be detailed for this service.

Mr. MONDELL. Let me make this suggestion to my friend. I do not think the item is subject to the point of order, but I want to remind the gentleman that it was his impression that this item was in the bill.

Mr. PAGE of North Carolina. It was, and I was going to make that explanation.

Mr. MONDELL. He is in favor of it personally.

Mr. PAGE of North Carolina. I might be induced to be in favor of it. I want at this point to say what I said privately to the gentleman from Wyoming yesterday, when he offered this amendment. I assured him that the item was in the bill and that was my impression. The truth is, that a man's memory is a pretty good one that can lay a bill of this size, and with as many items, aside for two months before it is called up on the floor of the House after having been completed in subcommittee and trust his memory at all; but after having made that statement my attention was called to the fact and an examination showed that my memory was at fault. I hastened to say so to the gentleman from Wyoming. One of the things that made me think so was that at one time during the hearings I was personally favorably impressed, but the subcommittee did not include the item.

Mr. MONDELL. Mr. Chairman, the District Commissioners made a very strong plea for this item. They called attention to the fact that an ordinary policeman is not particularly qualified to perform this sort of duty. What they need is some one, preferably in civilian costume, to go about where children are or are likely to be employed, and keep track of matters of employment and enforce this statute.

As a matter of fact, the statute has not been properly enforced. These officers can not properly enforce the statute. The commissioners realize that. They need these two men on the force; they need them for other work; and, in addition to that, they need people to enforce this law who are specially trained for that sort of thing. Why agonize over a child-labor law, get all worked up with regard to the matter, take the time of the House to pass the bill, and have impassioned speeches made on both sides relative to the importance of legislation of this kind, call attention to the pitfalls and snares constantly before the youthful worker and to the infinite harm that is done physically and morally by the employment of young people, and then fail, decline, or refuse to provide reasonable means and forces for the enforcement of the law?

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. PAGE of North Carolina. Mr. Chairman, I request time in order that I may ask the gentleman from Wyoming if he has any evidence that the child-labor law in the District of Columbia is not being enforced?

Mr. MONDELL. I think the statement made before the committee is very excellent evidence. The men who have been detailed to enforce the law have done the best they could. Attention was called to the fact that it was difficult, well-nigh impossible, for these men to properly enforce the law.

Mr. PAGE of North Carolina. Mr. Chairman, I think that if the gentleman would read carefully the hearings on this item he would discover that the chief incentive behind those making the recommendation was that they wanted these two policemen released from this employment in order that they might be assigned somewhere else. There certainly was no evidence before the committee that the law was not being enforced.

Mr. MONDELL. Mr. Chairman, if I had the time—and I have not—to read this statement by Commissioner Brownlow, I would do so; but I shall put it in the RECORD. I think it will show that the commissioner does not believe it is possible to properly enforce the law and properly safeguard the children with the help that they now have. He suggests the importance of putting this law on the same plane as the eight-hour law with respect to females.

Mr. PAGE of North Carolina. Mr. Chairman, I would suggest to the gentleman from Wyoming that the commissioner whose testimony he has quoted, and for whom I have the highest regard and closest friendship, is the one who is in charge of the detailing of the Metropolitan police. Naturally enough, he wants his policemen somewhere else and engaged otherwise than in enforcing the child-labor law, and I must insist on my point of order.

Mr. MONDELL. Mr. Chairman, the statement of Commissioner Brownlow in regard to the child-labor law, to which I have referred, is as follows:

CHILD-LABOR LAW.

Mr. PAGE. Mr. Brownlow, if these inspectors under the eight-hour law were to observe a violation of the child-labor law under present conditions, would they take cognizance of it, or do they confine themselves entirely to their own work?

Mr. BROWNLOW. I think they are looking after the women very largely, and in most of the places where they are operating there are not any such violations. The inspection as to the child-labor law, of course, is very rigid on the part of these two men, in conjunction with the people with whom they work at the board of education, who give out the permits to children. In connection with the child-labor law the law says that so far as theatrical employments are concerned any one commissioner can issue a permit. So that that law has been honored more in the breach than in the observance—I mean, so far as the spirit of the law is concerned—although the exceptions were perfectly legal and people who wanted permits for a child to appear in a theatrical performance simply came to one of the commissioners and got a permit, and sometimes those applications were for children as young as 2 or 3 years. We turned them down in cases like that, but it is a common thing to have applications for children 4 or 5 years old.

As long as the children who were performing here as actors only came to the vaudeville theaters or with an occasional play like the Blue Bird, or something like that, it did not amount to much. But of late, in the last eight or nine months, there have sprung up in these 5 and 10 cent moving-picture houses all over the District and in the outlying eastern and southern parts, especially, Friday night amateur nights and Charlie Chaplin contests and any number of things in which these children were given tickets. Sometimes they were paid by being given so many tickets so they could come back every night for the rest of the week. I heard of several cases of little children who were hanging around where some man who was the ticket agent was getting them to take part, or some fellow playing the piano at one of these places would make the request, and I heard a great many complaints, and it got so that these requests for these children under age which came to the commissioners, instead of being two or three a month, as it used to be when they came to the regular theaters, began coming in at the rate, especially on Fridays, of sometimes as high as 10 a day, and one day I believe I had nearly 20. The commissioners then passed a resolution of the board that after January 1, 1916, giving two months' notice, such permission would not be granted to any child under 14 years of age.

Mr. PAGE. In the general enforcement of the laws of the District by the members of the Metropolitan police force, is there any effort made by them when on duty to enforce this law?

Mr. BROWNLOW. The child-labor law?

Mr. PAGE. Yes.

Mr. BROWNLOW. The two officers who have this work have the cooperation of the police force, and Maj. Pullman has called the attention of the captains and lieutenants to it and urged them to aid in the work in every way. However, their work is outside. The policeman does not go inside of the establishments, as a rule, unless he is called in.

Mr. NEWMAN. That is, a policeman in uniform?

Mr. BROWNLOW. Yes; a patrolman is an outside man. He is going along the streets and it is not his business to do that; in fact, if he goes into a place and stays very long we discipline him for it.

Mr. PAGE. In the event this item you are asking for here were granted and sufficient inspectors were appointed to enforce this law, would they have the active cooperation of the Metropolitan police force?

Mr. BROWNLOW. They would, indeed, just as we give these female-labor law inspectors cooperation in every way they ask for it, by assistance in watching, and so forth, at such times as they can.

Mr. SLEMP. Are there any so-called sweatshops at all around the city of Washington?

Mr. BROWNLOW. Not in the generally accepted sense, to amount to anything.

Mr. SLEMP. I mean are there a lot of factories making shirts and clothing, and so forth?

Mr. BROWNLOW. Not in the sense of clothes making or artificial flower making, which are the things we usually talk about when we talk about sweatshops. There are some paper-box factories where wages are far below what any minimum wage law would fix, I have understood. I have not looked into that very closely.

Mr. SLEMP. They come under the general system of inspection?

Mr. BROWNLOW. Yes; and of course the eight-hour law is enforced and they do not employ children. The effect of this child-labor law has been largely to eliminate that trouble here. Of course, the school authorities have been quite liberal in granting permits to newsboys, which they can do. I mean, they have done it where the requirements were lived up to and the child was in school. But we believe that with sufficient inspectors who can go in and stay and who will not have other duties, they would be better than policemen. Of course, these policemen have no duties connected with the police force. They do all the clerical work and they do nothing but this work.

Mr. PAGE. Do they wear the regular uniform?

Mr. BROWNLOW. They do not wear any uniform and they have an office and do the clerical work and also this inspection work. They have no connection with the police force whatsoever, except they are paid through it, and they are members who can not be dismissed except by the trial board and have all of the advantages of policemen, but perform none of the duties of policemen.

Mr. SLEMP. I doubt if you have enough force to take care of this situation.

Mr. BROWNLOW. You mean with two inspectors?

Mr. SLEMP. Yes.

Mr. BROWNLOW. I think in a town of this kind, where the industries are not so very many and where they are easily spotted, I think two would be enough. They are doing good work, but I would prefer to have civilians, and frankly, I would prefer to have somebody who had a little different social point of view from that of a man who has come up from the police force; a man who would not only enforce the law, but would have a sympathetic understanding of what we are trying to do and would enforce the law and at the same time would take into consideration the interests of the children.

Mr. PAGE. Mr. Brownlow, this is a change of existing law and is one of those items we have gone into very fully because of the interest we take in it, but it will be subject to a point of order.

Mr. BROWNLOW. Yes.

The CHAIRMAN. The Chair thinks very clearly it is subject to the point of order for two causes: First, it creates a new position and new legislation, and, secondly, it seems to repeal existing law. Therefore the Chair sustains the point of order.

The Clerk read as follows:

Buildings and grounds: For an eight-room addition, including an assembly hall, to the Elizabeth V. Brown School (Chevy Chase), $80,000.

Mr. TILSON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 50, after line 14, insert:
"For an eight-room building on the site purchased for the purpose between Eighteenth and Twentieth Streets and Monroe and Newton Streets NE., said building to be so constructed as to make it easily possible to extend the same to a 16-room building, $90,000."

Mr. PAGE of North Carolina. Mr. Chairman, I reserve a point of order against the amendment.

Mr. TILSON. Mr. Chairman, as the father of a growing family, both in size and numbers, it is quite natural that I should feel a deep interest in the matter of sufficient school buildings. Every progressive city is careful to see that the growth of its school buildings keeps pace with the growth of the city or the number of children to be accommodated in its schools. Cities that have not done this have found themselves in the situation of not being able to take care of their children in the schools or of having to increase their indebtedness largely at one time in order to catch up with what they have lost by their failure to build as they went along.

Now, there has been some regular and systematic building in this city. Last year the amount appropriated for school buildings and grounds amounted to, as I remember, $766,000, and the estimates this year amount to almost that amount—$738,000, I believe—and yet only a little over $200,000 was brought in by this committee.

If we do not face the situation squarely and appropriate an adequate amount each year, we shall fail to keep up with the procession. We shall find ourselves a little later on in the position of having to authorize a great many school buildings at one time or be unable to take care of the children. It seems to me that we ought to build such a number of schoolhouses each year and acquire such a number of sites as will keep pace with the increasing needs of the city. I have proposed one additional building in the amendment I have offered. This particular building has been recommended by the commissioners and included in their estimate made to the Committee on Appropriations.

Mr. CHAIRMAN. Does the gentleman from North Carolina insist on his point of order?

Mr. PAGE of North Carolina. Mr. Chairman, since the gentleman has discussed this question in connection with this particular item, I will say that it was included in the estimate submitted by the school board, through the commissioners.

There is a question in my mind, and a very serious question in the minds of the subcommittee who visited this location, as they did every other proposed construction in the District of Columbia, so that at first hand we might have the information upon which to act intelligently. The site has been purchased on this location, and at some time, unquestionably, it will be necessary to construct a building somewhere in this suburb of the District of Columbia. At the present time your subcommittee did not think the need was sufficient, nor was there any danger of such a growth in the number of children in this locality as to make the committee do what my friend has suggested, get behind in the construction of these buildings. So far as I am personally concerned, rather than construct this building I would very much rather have made an appropriation for the construction of a new building, a wooden building, not very far removed from this, with about 100 pupils in it. I think that a very much more crying necessity than this. Your committee has tried, and I think that the bill for the current year and the bill for the preceding year, made up by practically this same subcommittee, will bear evidence of the fact that they have taken ample care of the expansion of the educational system in the construction of buildings in the District of Columbia.

It is not worth while, my friend, to spend the money to build a house to stand out in a section where—I can say to my friend not very far removed when this new school building shall be upon it; not so large as this—the population did not meet the expectation of those who appropriated for this building. This is in advance of the population of the section in which it is proposed to be built.

Mr. TILSON. The commissioners seem to think it was not in advance.

Mr. PAGE of North Carolina. I know the commissioners were particularly obsessed with this one particular building, because they have got a magnificent lot in area and they want to build on it; but the committee was not so impressed with the necessity at this time for the construction of this building.

Mr. TILSON. Will the gentleman yield to me a moment?

Mr. PAGE of North Carolina. I will.

Mr. TILSON. I have already introduced another amendment for the purchase of a site. I think we ought not to let that matter drop.

Mr. PAGE of North Carolina. We have a site.

Mr. TILSON. This was in the northwest, one that was recommended, between Tenth and Eleventh Streets; the purchase of a site somewhere in that locality.

Mr. PAGE of North Carolina. When we reach that I will take it up and discuss it with the gentleman.

Mr. TILSON. It is not in this bill. We can not take it up now.

Mr. PAGE of North Carolina. I insist on my point of order, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

The total cost of the sites and of the several and respective buildings herein provided for, when completed upon plans and specifications to be previously made and approved, shall not exceed the several and respective sums of money herein respectively appropriated or authorized for such purposes.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

I desire to call attention to the fact that the committee has reduced the estimate of the commissioners for school buildings about $500,000. I shall not offer amendments covering the differences, or any part of it, because I am not altogether certain that all the buildings and grounds estimated for are needed. I am not thoroughly informed as to the relative necessity or urgency of the various projects. But this certainly can be said well within the truth, that the District Commissioners either fail to understand the District, over which they preside, and are woefully and criminally ignorant of its needs—they are criminally wasteful in their recommendations with reference to the people's money—or the District Committee has failed to do its duty in making appropriations.

I desire to say that I believe the commissioners do understand thoroughly the needs of the District. I believe they were careful and reasonable and conservative in their estimates. That being true, the District Committee certainly does not appear to have performed its duty to the District when it has reduced this item by about half a million dollars.

Mr. PAGE of North Carolina. Mr. Chairman, in reply to the gentleman's criticism, I want to call his attention to the fact that one of the largest items submitted was in connection with the new Eastern High School that is authorized in this bill and the reappropriation made of the unexpended balance for the purchase of the site. They estimated an appropriation of $150,000. After consultation with the commissioners it was perfectly apparent if we appropriated the money that they could not expend it for the fiscal year for which it was appropriated, and we merely reappropriated the unexpended balance of the last year for the purchase of the site, which amounts somewhere to between $30,000 and $40,000, and which will enable them to begin the work on the building.

Mr. MONDELL. How about the $350,000?

Mr. PAGE of North Carolina. There is this school building, carrying somewhere in the neighborhood of $100,000 to-day, in this section, where the subcommittee did not believe the time had come to construct a building. I do not recall the item, but there were some others, not for a building, I think, but for the purchase of grounds. These items omitted were for the purchase of grounds in connection with the buildings already constructed in the district where in the estimation of the commissioners there was not sufficient room around the school buildings, and those items make up a considerable amount. The only school building I recall is the one for which the gentleman offered an amendment a moment ago. That was the only one we omitted. The other was for grounds adjacent to the building, and the other for $150,000 not appropriated, as an additional appropriation.

Mr. MONDELL. Was there not an estimate for an additional amount for the Powell School?

Mr. PAGE of North Carolina. It was not estimated for. That is my recollection. It has already been done. We have appropriated, and that building is going up now. There was a defi-

ciency appropriation carried in one of the urgent deficiency bills.

Mr. MONDELL. Let me ask the gentleman a question. Does he think the commissioners were reckless in their estimates?

Mr. PAGE of North Carolina. Oh, no. I think they were mistaken, that is all, as to when they needed this money. They certainly did not need the $150,000 for the Eastern High School for the fiscal year to which this bill applied. Now, the only real question of difference between the estimates of the commissioners and this committee reporting the bill is the building out at Eighteenth and Monroe Streets in the northeast in the suburb covered by the amendment just offered by the gentleman from Connecticut, to which I made the point of order. The other is for ground and the items I have mentioned.

Mr. MONDELL. Of course, not subject to the point of order, but the gentleman made it.

Mr. PAGE of North Carolina. The gentleman has chided me, or rather complimented me, by referring to my knowledge of parliamentary law. I have always regarded the gentleman from Wyoming as being somewhat of a "parliamentary shark." I could cite the gentleman to numerous decisions of this House in which a building of any character is subject to a point of order unless it is authorized by law.

Mr. MONDELL. At any rate, the Chair ruled that way.

Mr. PAGE of North Carolina. He did, and he ruled properly.

The CHAIRMAN. The Clerk will read.

Mr. FESS. Mr. Chairman, I wish to inquire of the gentleman in charge of the bill, what is the status of the Central School building—the big high school?

Mr. PAGE of North Carolina. The final appropriation has been made, the building is practically completed, and it will be opened at the fall session in September.

Mr. FESS. Mr. Chairman, I would like to say a word of compliment for the manner in which the schools are cared for in this District.

Mr. PAGE of North Carolina. So far as it applies to me, I appreciate it.

Mr. FESS. It applies to this committee and those who are supporting the gentleman and his committee. I know that the schools of Washington are pointed to throughout all the country as of very high grade from every standpoint. So far as the rating of salaries is concerned, while I do not think it is as high as it ought to be, it is a very good rating in comparison with salaries in other places; and in regard to the manner of payment of those salaries, looking to an employment for a period of 12 months instead of 9 months, or, if preferred, the school period paid in 12 equal payments, it is an unusually wise and judicious arrangement.

Mr. PAGE of North Carolina. It is certainly liberal.

Mr. FESS. Yes; liberal, if you want to put it that way. However, the sum total for the year may not be much greater than if paid for the lesser period. In that respect it is not a case of liberality. It is wrong to have a system where any group of people are employed only nine months in a year, with three months of the year not occupied and subjecting the persons employed to an expense of such a character that it is usually greater when not employed than when employed. I want to compliment the committee on the schools, and particularly on that feature which eventually, I think, will be followed throughout the country. Then there are other features which do not seem to be popular here, but which, I think, are very valuable, such as the longevity method of paying the teachers. I think that is a well-recognized principle.

I wanted to say that much because it seems that much that has been said has been in opposition. I wanted to say this, the opposition that comes to many items which are at times strenuously contested may not be necessary, and at times seems unwarranted, but it is made because we want to get better results. Of the various buildings already erected and now building, many of them are such in character of architecture and equipment as befits this great Capital.

The organization of the school system is designed to secure the very best results. The entire divorcement of the system from party or municipal politics is the one crowning and commendable feature which distinguishes these schools from many in the country, and is a guaranty of a high degree of efficiency.

The hearty response of Congress to all the needs of the most modern features of the most modern school system, from the kindergarten to the normal school, including all the intermediary adjuncts, making provision for all the various demands of modern high-school education, properly places these schools on a high plane.

The provision for the night schools, which in a degree answers the call for the part-time vocational school, is another valuable step. The playground feature and the vacation school must be better cared for.

Mr. PAGE of North Carolina. I am very much obliged to the gentleman, and I hope the gentleman from Wyoming [Mr. MONDELL] will read those remarks in the RECORD, as the gentleman did not listen to them during their delivery.

Mr. FESS. If in the future the playgrounds are a little better cared for, I think the country will compliment those in authority who are responsible for them. I desire to repeat what I said earlier in the day, that this city must be so up-to-date in every line of achievement that the citizenry of the Nation, as it visits the Capital, can see here the best example of what ought to obtain in a city of any place in the world.

It is not the residents of the District that I have in mind, but the people of our Nation.

It ought to be so that any man or group of persons desiring to visit the most up-to-date modern school of the world would immediately think of Washington as the place to find it. This should be true in every phase of education.

It should be so in all expert work in every line of human endeavor, whether of architecture, of art, of science, of landscape gardening, of city beautifying, of administrative efficiency—here is the one place where the country has a right to turn for its model. This is why I am opposed most strenuously to the change this bill proposes. This is a national object and must be kept so and must not be saddled upon the District.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Appropriations in this act shall not be paid to any person employed under or in connection with the public schools of the District of Columbia who shall solicit or receive, or permit to be solicited or received, on any public-school premises, any subscription or donation of money or other thing of value from pupils enrolled in such public schools for presentation of testimonials or for any purposes other than for the promotion of school athletics, including school playgrounds, school gardens, school publications, and commencement exercises of high schools.

Mr. MONDELL. Mr. Chairman, I desire to amend, on line 23, after the word "playgrounds," by inserting the words "vacation schools."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Amend, on page 51, line 23, by inserting after the word "playgrounds" the words "vacation schools."

Mr. PAGE of North Carolina. Mr. Chairman, I reserve a point of order. I do not know that I shall make it, however.

Mr. MONDELL. Mr. Chairman, I submit this amendment in order that the school-teachers of the District shall not be compelled to continue to break the law. They do ask contributions for these vacation schools, and so long as the committee does not see proper to appropriate for the vacation schools we ought not to make them lawbreakers every time they do solicit subscriptions.

Mr. PAGE of North Carolina. Mr. Chairman, I shall not insist on the point of order.

The CHAIRMAN. The point of order is withdrawn. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FIRE DEPARTMENT.

Chief engineer, $3,500; deputy chief engineer, $2,500; 4 battalion chief engineers, at $2,000 each; fire marshal, $2,000; deputy fire marshal, $1,400; 2 inspectors, at $1,080 each; chief clerk, $1,800; clerk, $1,200; 38 captains, at $1,400 each; 40 lieutenants, at $1,200 each; superintendent of machinery, $2,000; assistant superintendent of machinery, $1,200; 27 engineers, at $1,200 each; 27 assistant engineers, at $1,100 each; 2 pilots, at $1,150 each; 2 marine engineers, at $1,200 each; 2 assistant marine engineers, at $1,100 each; 2 marine firemen, at $720 each; 40 drivers, at $1,150 each; 40 assistant drivers, at $1,100 each; 223 privates of class 2, at $1,080 each; 44 privates of class 1, at $960 each; hostler, $600; laborer, $600; in all, $571,680.

Mr. CALDWELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. CALDWELL].

The Clerk read as follows:

Amendment by Mr. CALDWELL: On page 57, after line 16, insert as a new paragraph the following:

"*Provided*, That no member of the uniformed force of the fire department shall be required to remain on duty more than 14 hours in any one day, except in case of an emergency, and except upon one day in each two weeks when there shall be a shift of platoons."

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against that amendment.

Mr. CALDWELL. Will the gentleman withhold his point of order?

Mr. JOHNSON of Kentucky. I will say to the gentleman that there is a bill before the Committee on the District of

Columbia now that is likely to be reported out soon, covering this question.

Mr. CALDWELL. Will the gentleman withhold his point of order a moment?

Mr. JOHNSON of Kentucky. Yes; I will withhold it.

Mr. CALDWELL. Mr. Chairman, I have been looking into this question for some years. It is a very vital question in the city of New York, and we have had it under discussion many times. I do not care to take up the time of the committee at this time, but I would like to extend my remarks by putting in the RECORD an argument that I made upon this subject the last time it was presented in New York.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DILL. Mr. Chairman, I did not know that this amendment was to be proposed, and I recognize that the point of order made by the gentleman from Kentucky [Mr. JOHNSON] will be sustained. However, I desire to take this opportunity to declare myself in favor of the double-platoon fire system for the firemen of the District of Columbia. I understand this question is now pending before the committee, and I most earnestly hope a bill providing for the double-platoon system will be favorably reported to the House. [Applause.]

Some of our western cities have tried this double-platoon system and it has worked well. It has made it possible for firemen to live like other men. It has enabled him to be at home with his family sufficiently long for his children to become acquainted with him. He finds himself a man among men, and not merely a part of a fire machine which is kept in a fire station practically all of the time.

In my home town of Spokane I had a part in establishing the system, and it worked well for one year, but in a wave of taxation retrenchment the people voted it down by a small majority. The net result is, though, that our firemen have days off more frequently than formerly; and I feel certain when the question is again voted upon by the people they will decide in favor of the double platoon. I shall not take further time of the committee now, but will have more to say when the bill for the change of system comes before the House. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Chairman, I renew the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For repairs to apparatus and motor vehicles and other motor-driven apparatus, and for new apparatus, new motor vehicles, new appliances, employment of mechanics, helpers, and laborers in the fire-department repair shop, and for the purchase of necessary supplies, materials, equipment, and tools: *Provided*, That hereafter the commissioners are authorized, in their discretion, to build or construct, in whole or in part, fire-fighting apparatus in the fire-department repair shop, $15,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I reserve a point of order on the paragraph, for the purpose of getting an explanation of it. I am apprehensive that that is the beginning of a factory.

Mr. PAGE of North Carolina. Mr. Chairman, the evidence before the subcommittee preparing this bill was to the effect that with the constant addition of motor-driven fire-fighting apparatus there were necessarily a number of men employed to keep this apparatus in repair; that if these men were to be kept employed it would be necessary that this authority be enlarged to the extent that they might put together some of these appliances and to reconstruct apparatus that has been worn; that would hardly be covered by the word "repair." There is no increase of employment, and it is merely an effort to keep employed these men who must be kept there. I hope the gentleman will not make his point of order.

Mr. JOHNSON of Kentucky. I should like to ask the gentleman from North Carolina if he will agree to take out the word "hereafter" at the bottom of page 57?

Mr. PAGE of North Carolina. Mr. Chairman, that was put in, as the gentleman knows, for the reason that we do not care to carry these paragraphs in the bill every year. I see the gentleman's point, that if this does not meet expectations it might go out more easily if the word "hereafter" is stricken out. I am sure it will not do any harm, and I will agree to the amendment if the gentleman will withdraw his point of order.

I move to amend by striking out the word "hereafter" in line 24, page 57.

The CHAIRMAN. The gentleman from North Carolina moves to strike out the word "hereafter" in line 24, page 57.

The amendment was agreed to.

Mr. JOHNSON of Kentucky. I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws his point of order, and the Clerk will read.

The Clerk read as follows:

Health officer, $4,000; assistant health officer, $2,500; chief clerk and deputy health officer, $2,500; clerks—1 $1,400; 5 at $1,200 each, 4 at $1,000 each, 1 $720; sanitary inspectors—chief, $1,800, 8 at $1,200 each, 2 at $1,000 each, 2 at $900 each; food inspectors—chief, $1,600, 5 at $1,200 each, 6 at $1,000 each, 5 at $900 each; chemist, $2,000; assistant chemist, $1,200; assistant bacteriologist, $1,200; skilled laborers—1 $720, 1 $600, messenger and janitor, $600; driver, $600; poundmaster, $1,400; laborers, at not exceeding $50 per month each, $2,400; in all, $65,140.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the increase of the salary for the poundmaster. He has a sinecure down there anyhow, and to pay him more than $1,200 is an imposition on the taxpayers of the District.

Mr. PAGE of North Carolina. Mr. Chairman, I concede that it is clearly subject to a point of order. We increased it because up to a few years ago the poundmaster was paid $1,500.

Mr. JOHNSON of Kentucky. In my judgment he ought not to be paid more than $600.

The CHAIRMAN. The point of order is sustained.

Mr. PAGE of North Carolina. Mr. Chairman, I offer an amendment to insert $1,200 in the place of the $1,400 stricken out.

The amendment was agreed to.

The Clerk read as follows:

Probation system: Probation officer, supreme court, $2,000; assistant probation officer, $1,200; stenographer and typewriter and assistant, $800; police court—probation officer, $1,500; assistant probation officer, $1,200; contingent expenses, $500; in all, $7,200.

Mr. COX. Mr. Chairman, I reserve a point of order on that paragraph. This is a new position, "assistant probation officer."

Mr. PAGE of North Carolina. There is one new one. It is an absolute necessity. The number of children that are turned loose on probation has reached a point where it needs an additional probation officer. If this is not agreed to, you might as well turn them loose without any supervision.

Mr. COX. How many probation officers are there?

Mr. PAGE of North Carolina. I understand there are about 50 children to one officer.

Mr. COX. How many probation officers are there?

Mr. PAGE of North Carolina. This is for the court, and not for the juvenile court. There is only one, and we give him an assistant.

Mr. JOHNSON of Kentucky. It developed in the juvenile-court bill that every child required about seven officers.

Mr. PAGE of North Carolina. That was in connection with the house of detention, and that statement would not bear examination.

Mr. JOHNSON of Kentucky. I think the statement was correct.

Mr. PAGE of North Carolina. I can produce evidence to the gentleman that it was not correct.

Mr. COX. Mr. Chairman, I think the gentleman from North Carolina has made out a good case, and I withdraw the point of order.

Mr. ABERCROMBIE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. PAGE of North Carolina. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FERRIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15774, the District of Columbia appropriation bill, and had come to no resolution thereon.

HOUR OF MEETING TO-MORROW.

Mr. PAGE of North Carolina. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

ADJOURNMENT.

Thereupon, on motion of Mr. PAGE of North Carolina (at 5 o'clock and 59 minutes p. m.), the House adjourned until to-morrow, Friday, May 26, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the

Acting Secretary of the Navy, reporting that the Navy Department has considered, ascertained, adjusted, and determined that the sum of $5 is due Maximiliano Trompez, of Macoris, Dominican Republic, for damages for which a vessel of the United States Navy was responsible (H. Doc. No. 1166); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TILLMAN, from the Committee on the Public Lands, to which was referred the bill (H. R. 15117) for the relief of John Steagall, reported the same with amendment, accompanied by a report (No. 766), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 1586) granting a pension to William L. Brown, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, resolutions were introduced and severally referred as follows:

By Mr. TAGUE: Resolution (H. Res. 247) authorizing the transportation of mails on naval vessels; to the Committee on Foreign Affairs.

By Mr. SHACKLEFORD: Resolution (H. Res. 248) providing for the consideration of H. R. 7617; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BELL: A bill (H. R. 15997) granting an increase of pension to Samuel M. Higgins; to the Committee on Pensions.

By Mr. CALDWELL: A bill (H. R. 15998) granting an increase of pension to Friederika Serini; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 15999)) to correct the military record of Asbury Scrivener; to the Committee on Military Affairs.

By Mr. COADY: A bill (H. R. 16000) granting an increase of pension to Charles B. Reed; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 16001) granting a pension to Orin Marshall; to the Committee on Pensions.

Also, a bill (H. R. 16002) granting an increase of pension to Jacob Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16003) for the relief of the heirs of David H. Fish, deceased; to the Committee on Claims.

By Mr. EAGAN: A bill (H. R. 16004) granting an increase of pension to Maria Murphy; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 16005) granting an increase of pension to John T. Wallin; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 16006) granting an increase of pension to Annie Wagner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16007) granting an increase of pension to Catharine Bupp; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 16008) to enroll Robert Underwood; to the Committee on Indian Affairs.

By Mr. NEELY: A bill (H. R. 16009) for the relief of Dr. Charles Lee Baker; to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 16010) for the relief of certain enlisted men of the United States Navy; to the Committee on Naval Affairs.

By Mr. PORTER: A bill (H. R. 16011) granting an increase of pension to Frank Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16012) granting an increase of pension to Eva E. Steele; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 16013) granting a pension to Louise Humphrey Thayer; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 16014) for the relief of Godfried Ziegler; to the Committee on War Claims.

By Mr. TAYLOR of Arkansas: A bill (H. R. 16015) granting a pension to Louisa Amanda Hays; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Petitions of V. G. Fullman, Miller Saw-Trimmer Co., William F. Blars, Gem Manufacturing Co., and Keystone Printing Co., all of Pittsburgh, Pa.; James M. Rea, Harry Brant, Kingsley Brant, J. F. Smith, and William Herdon, all of Savannah, Mo.; Standard Sanitary Manufacturing Co., Pittsburgh, Pa.; Frances M. Kane, Philadelphia, Pa.; B. B. & B. Trunk Co., Pittsburgh, Pa.; Charles F. Dole, Jamaica Plain, Mass.; C. F. Holdship, Pittsburgh, Pa.; Albert E. Jenkins, New York City; Alfred J. Walker and James J. Lyons, New Jersey; J. S. Manning, Elizabeth, N. J.; Graham McAdam, John Hartner, and Edward Green, all of New York City; Samuel Archer, J. W. Jansen, J. M. McCrawner, C. E. Beveridge, and Charles C. Ebert, all of Seattle, Wash.; E. D. Frohman, Pannier Bro. Stamp Co., Namsamn Bros. Co. (Max Namsamn, president), F. M. Namsamn, and American Steel Band Co., all of Pittsburgh, Pa.; Robertraw Manufacturing Co., Youngwood, Pa.; Vinnie MacLean, E. Albert Mass, John Carey, E. B. Goodrich, and Lulu Machschlemer, all of Los Angeles, Cal.; Calvin Tompkins, New York City; Earl H. Wells, B. J. Clark, George Cartwright, and Fred Schulder, all of Cleveland, Ohio; Horace Sague, Poughkeepsie, N. Y.; P. Duff & Sons, Raridan & East Brady Co., and W. B. Skelly Coal Co., all of Pittsburgh, Pa.; H. J. Graham, New York City; and C. E. A. Winslow, Connecticut, asking for the speedy passage of House bill 13281, which provides for amending the tariff so as to admit free the products of any American country which will admit our products free; to the Committee on Ways and Means.

By Mr. CANNON (by request): Petition of citizens of Cissna Park, Ill., in re migratory-bird law; to the Committee on Agriculture.

Also (by request), petition of citizens of Momence, Ill., favoring the Hulbert bill to make the Star Spangled Banner the national anthem of the United States; to the Committee on the Judiciary.

By Mr. CAREW: Memorial of Detroit Board of Commerce, opposing passage of the Tavenner bill; to the Committee on Labor.

By Mr. DALE of New York: Memorials of meeting of women of Cochise County and women voters of Greenlee County, Ariz.; the Uinta County Branch of the Congressional Union, at Evanston, Wyo.; the Massachusetts Branch of the Congressional Union for Woman Suffrage; and sundry citizens of New York, favoring the reporting out of the Susan B. Anthony suffrage amendment from the Judiciary Committee; to the Committee on the Judiciary.

Also, petition of William H. Morse, probation officer of Amsterdam, N. Y., and Arthur W. Tome, of Brooklyn, N. Y., indorsing the Owen-Hayden bill, Senate bill 1092 and House bill 42; to the Committee on the Judiciary.

By Mr. DILL: Petition of Mr. Conrad Bluhm and other residents of Spokane, Wash., urging the establishment of a Federal censorship of motion pictures in interstate commerce; to the Committee on Education.

Also, petition of Mr. Albert K. Arend and other residents of Spokane, Wash., urging passage of constitutional amendment forbidding all sectarian appropriations, also prohibition of same in Philippine and Porto Rico enabling acts; to the Committee on Insular Affairs.

By Mr. DYER: Memorial of 28 members of the United States House of Representatives, favoring action by the Committee on Foreign Affairs on House resolution 235; to the Committee on Foreign Affairs.

By Mr. EAGAN: Memorial of Board of Supervisors of Madera County, in re certain pending legislation; to the Committee on Military Affairs.

By Mr. FOCHT: Papers to accompany House bill 1463, for relief of David I. Hawk; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14551, for the relief of David H. Walker; to the Committee on Invalid Pensions.

By Mr. GARDNER: Petition of Pigeon Cove Woman's Club, of Pigeon Cove, Mass., favoring passage of a resolution by Congress designating the mountain laurel as the floral emblem of the United States; to the Committee on the Judiciary.

By Mr. HAMLIN: Papers to accompany House bill 15408, for relief of John E. Opedyke; to the Committee on Invalid Pensions.

By Mr. HASTINGS: Petitions of Sunday School of Methodist Episcopal Church South, of Boynton, Okla., for passage of House joint resolutions 84 and 85, for national prohibition; to the Committee on the Judiciary.

By Mr. HILL: Memorials of the Bricklayers' Union, No. 8, of Stamford, Conn., in favor of House bill 6915, for the retire-

ment of superannuated post-office employees; to the Committee on the Post Office and Post Roads.

Also, memorial of Common Council of the city of Stamford, Conn., in favor of House bill 6915, to retire superannuated postal employees; to the Committee on the Post Office and Post Roads.

By Mr. HUDDLESTON: Petition of W. B. Harrell and others, of Birmingham, Ala., in re House bill 652; to the Committee on the District of Columbia.

Also, petition of Frank Harwell and others in re House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Petitions of sundry citizens of Lake Linden, Mich., opposing the Madden rider, limiting the weight of parcel-post packages to 50 pounds; to the Committee on the Post Office and Post Roads.

By Mr. LINTHICUM: Memorial of Maryland State and District of Columbia Federation of Labor, indorsing House bill 652, providing for the Sunday closing of barber shops in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LONDON: Petition of 175 citizens of Port Angeles, Wash., demanding that Congress vote against "military preparedness, conscription of men, and war of any kind"; to the Committee on Military Affairs.

By Mr. MATTHEWS: Papers to accompany House bill 15985, for relief of Charles Hoff; to the Committee on Invalid Pensions.

By Mr. OAKEY (by request): Petition of Young People's Society of Christian Endeavor, of Somers, Conn., for national prohibition; to the Committee on the Judiciary.

Also (by request), memorial of executive committee of the Society of the Chagres, composed of American canal employees who completed six years' service prior to January 1, 1915, favoring the passage of Senate bill 3457 and House bill 8828, and protesting against the discrimination between civilian employees and Army, Navy, and Marine Hospital employees on the Canal Zone; to the Committee on Insular Affairs.

By Mr. O'SHAUNESSY: Memorial of the Providence Chamber of Commerce, favoring House bill 651; to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *May 26, 1916.*

(Legislative day of Thursday, May 18, 1916.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

CONCENTRATION AND MANEUVER CAMP IN WASHINGTON.

Mr. JONES. Mr. President, I have a resolution here calling for information—for copies of documents in the War Department. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolution will be read.

The Secretary read the resolution (S. Res. 203), as follows:

Resolved, That the Secretary of War be directed to transmit to the Senate as soon as possible copies of the following reports and memoranda with reference to the American lake concentration and maneuver camp in the State of Washington, to wit:

Report of Gen. Funston for the year 1903.
Report of Capt. S. A. Cloman in 1907.
Report of Col. Woodbury in 1907, about April 4.
Report of Lieut. A. M. Ferguson of August 1, 1907.
Reports from the Secretary of the Interior and the Acting Commissioner of Indian Affairs under date of May 27, 1907.
Report of board of Army officers composed of Gen. Murray, Gen. Maus, and Capt. Craig, March 4, 1912.
Memoranda submitted by Gen. Duval! May 10, June 8, and September 26, 1907.
Report of Gen. Randall.

The VICE PRESIDENT. Is there objection to the resolution? The Chair hears none, and it is agreed to.

Mr. HOLLIS. Mr. President, I think the resolution ought to go over under the rule, so that the facts——

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clarke, Ark.	Johnson, S. Dak.	Nelson
Bankhead	Culberson	Jones	Oliver
Brandegee	Dillingham	Kenyon	Overman
Broussard	Fletcher	La Follette	Pomerene
Catron	Gallinger	Lane	Ransdell
Chamberlain	Hardwick	Lea, Tenn.	Reed
Chilton	Hitchcock	Martin, Va.	Shafroth
Clapp	Hollis	Martine, N. J.	Sheppard
Clark, Wyo.	Husting	Myers	Simmons
Smith, Ariz.	Sutherland	Tillman	Warren
Smoot	Taggart	Townsend	Williams
Sterling	Thomas	Vardaman	
Stone	Thompson	Walsh	

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. MARTINE of New Jersey. Mr. President——

The VICE PRESIDENT. There was unanimous consent given to the Senator from Washington [Mr. JONES] for the consideration of a resolution. The Senator from New Hampshire [Mr. HOLLIS] subsequently, after it had been read, objected to it.

Mr. SHAFROTH. What is the resolution? I should like to have it read.

The VICE PRESIDENT. It is a resolution calling on the Secretary of War for certain information in regard to the American lake concentration and maneuver camp in Washington.

Mr. SMOOT. Let the resolution be read.

The VICE PRESIDENT. It will be read again.

The Secretary again read the resolution.

The VICE PRESIDENT. There seems to be an objection on the part of the Senator from New Hampshire [Mr. HOLLIS]. He wanted to have the resolution go over for a day.

Mr. JONES. When will it come up again?

The VICE PRESIDENT. The Chair is trying to find out what the situation of the resolution is, if possible. The Chair understood that unanimous consent was given for the consideration of the resolution, and the Chair announced that it had been adopted. Then the Senator from New Hampshire asked that it should go over for a day. Is there objection to its going over?

Mr. JONES. I understood that the resolution was passed; but, of course, if the Senator from New Hampshire thinks it ought to go over, I would not insist on a different course.

The VICE PRESIDENT. The resolution, then, will go over for a day.

STEAMSHIP "REPUBLIC."

Mr. REED. Mr. President, out of order, I ask to be permitted to submit a report from the Committee on Commerce.

The VICE PRESIDENT. Without objection, the report will be received.

Mr. REED, from the Committee on Commerce, to which was referred the bill (S. 5985) authorizing the Commissioner of Navigation to cause the steamship *Republic* to be enrolled and licensed as a vessel of the United States, reported it without amendment and submitted a report (No. 482) thereon.

MEMORIAL TO FRANCIS ASBURY.

Mr. OVERMAN. I ask unanimous consent to introduce a joint resolution and that it be referred to the Committee on the Library.

The joint resolution (S. J. Res. 136) authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial to Francis Asbury, was read twice by its title, and, with the accompanying paper, referred to the Committee on the Library.

LIFE JACKETS AND LIFE BUOYS.

Mr. FLETCHER. I ask unanimous consent to submit a favorable report from the Committee on Commerce.

The VICE PRESIDENT. The Chair hears no objection and the report will be received.

Mr. FLETCHER, from the Committee on Commerce, to which was referred the bill (H. R. 13112) to amend section 14 of the seamen's act of March 4, 1915, reported it without amendment and submitted a report (No. 483) thereon.

CENSORSHIP OF AMERICAN MAILS.

Mr. MARTINE of New Jersey. Mr. President, I have received a number of letters from constituents complaining of interference with their mails by the British authorities. I received one yesterday from a prominent gentleman in Newark, N. J., a man of large interests and large business, wherein he says:

> Within the past week I have received a number of letters from neutral countries. All of them had been opened by the English authorities and had been sealed by a label bearing the words "Passed by censor."

It seems to me that this is a manifest evil and injustice, and I am prompted to ask unanimous consent to submit the following resolution (S. Res. 204), which I will read with the permission of the Senate:

> Whereas the authorities of Great Britain have persistently rifled and violated the United States mail during the present war in Europe; Therefore be it
>
> *Resolved*, That the State Department of the United States be, and hereby is, requested to investigate this whole subject, with a view to putting a stop to this unlawful and outrageous practice.

I present the resolution and ask that it may be disposed of as the Senate may think proper.

Mr. STONE. What is the request?

Mr. MARTINE of New Jersey. My request is that the State Department be——

Mr. STONE. No; what is the request now in regard to the resolution?

Mr. MARTINE of New Jersey. I should like to have it acted on. I should like to take the sense of the Senate on it.

Mr. STONE. Mr. President——

Mr. MARTINE of New Jersey. I will be satisfied with any disposition the Chair may make of it.

Mr. STONE. Does the Senator wish to lay aside the unfinished business?

Mr. CLARKE of Arkansas. It has not been laid aside.

Mr. STONE. Then the resolution is not in order. Let it go over.

Mr. MARTINE of New Jersey. I am perfectly satisfied to have it referred.

Mr. STONE. Well, let it be referred to the committee.

The VICE PRESIDENT. The resolution will be referred to the Committee on Foreign Relations.

RIVER AND HARBOR APPROPRIATIONS.

Mr. NELSON. I ask unanimous consent to introduce the following resolution for reference to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CLARKE of Arkansas. The regular order!

The VICE PRESIDENT. The regular order is demanded, which is House bill 12193.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The VICE PRESIDENT. The pending question is on the motion of the Senator from Wisconsin [Mr. HUSTING] to rerefer the bill to the Committee on Commerce.

Mr. HUSTING. Mr. President, I understand there are two amendments to be offered, and I have been requested to withdraw the motion temporarily. I should like to accommodate Senators; and while I am anxious to have the motion brought to a speedy vote, I will ask leave to temporarily withdraw it until the amendments proposed by the Senator from Colorado [Mr. SHAFROTH] and the Senator from Connecticut [Mr. BRANDEGEE] have been presented and acted upon, and then I shall renew the motion.

Mr. SMITH of Arizona. Mr. President, I have also an amendment that I wish to have disposed of. It will take only 10 minutes at the outside, I think. I do not believe it is necessary to press the motion to recommit before the bill is perfected, if it can be perfected in the opinion of some.

Mr. SHAFROTH. I ask if my amendment will be in order now since the motion made by the Senator from Wisconsin is withdrawn?

The VICE PRESIDENT. The Chair does not know whether it is withdrawn.

Mr. SHAFROTH. I understand that it has been withdrawn so as to give an opportunity to vote on amendments to the text.

Mr. SMOOT. Mr. President——

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. Has not the Senator from Wisconsin a right to withdraw his motion if he desires to withdraw it?

The VICE PRESIDENT. The Chair was uncertain as to whether the Senator from Wisconsin had withdrawn it.

Mr. HUSTING. I ask leave to withdraw the motion.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. The Senator from Connecticut.

Mr. BRANDEGEE. I have offered a proposed amendment——

Mr. CLARKE of Arkansas. Mr. President, we have not reached the order of business where new amendments offered by individual Senators can be considered. We are still working on the text of the bill, either for the purpose of amending it or striking it out.

Mr. BRANDEGEE. I understood that there were no more amendments to the text of the bill.

Mr. CLARKE of Arkansas. The Senator from Arizona has just stated that he has such an amendment to offer.

Mr. BRANDEGEE. If that is correct, then, of course, I withhold my amendment.

Mr. LA FOLLETTE. Mr. President, if the motion to recommit is to be withdrawn very likely it will not come before the Senate for a day or two, if my colleague is going to wait for all the amendments to be disposed of that Senators have to offer. I suggest that we proceed to vote on the motion to recommit. If the bill is recommitted, Senators will have an opportunity to present to the committee the amendments which they would otherwise offer on the floor, and the time of the Senate can be saved by adopting the motion to recommit at once.

Mr. CLARKE of Arkansas. Mr. President, I quite agree with the senior Senator from Wisconsin that this would be a very appropriate time to dispose of any motion that goes to the life of the bill and that it is useless to consume any more time upon amendments before that motion is voted on.

Mr. BRANDEGEE. Mr. President, I should like to have the exclusive privilege of talking, if I have the floor.

The VICE PRESIDENT. The Senator from Connecticut has the floor.

Mr. BRANDEGEE. I asked the junior Senator from Wisconsin [Mr. HUSTING] if he would be kind enough to withdraw his motion to recommit so that I might offer an amendment before the motion to recommit is voted upon. He agreed to do it. If that course throws the bill open to all amendments to the text, which I supposed had been disposed of, as far as I am concerned I shall not ask the Senator from Wisconsin to withdraw the motion. Rather than go ahead and spend two or three days on the bill with new amendments, as the Senator from Wisconsin informs me that he desires to leave town shortly, I shall not ask him to delay his motion on my account.

Mr. SHAFROTH. Mr. President, it seems to me that the withdrawal of the motion by the Senator from Wisconsin ought to be adhered to, because if my amendment is adopted it is going to influence my vote as to whether I shall vote for the recommittal of the bill or not, and I think it will influence others, because if the communities that are to be benefited by these improvements are to pay 20 per cent of their cost, it is to my mind an indication that the measure is a meritorious one. For that reason it seems natural that this ought to be disposed of before the question is taken on the motion of the Senator from Wisconsin.

The VICE PRESIDENT. The Senator from Wisconsin has withdrawn his motion, and amendments with reference to the text of the bill as it came from the House of Representatives are in order.

Mr. SMITH of Arizona. Mr. President, if that be true, I desire to offer an amendment at this point. On page 38 I move to strike out the provision contained in lines 3, 4, and 5 and in lieu thereof to insert what I send to the desk.

The VICE PRESIDENT. The amendment of the Senator from Arizona will be stated.

The SECRETARY. On page 38 it is proposed to strike out all of lines 3, 4, and 5 and to insert in lieu thereof the following:

Colorado River, Ariz.: For improvement and maintenance by the repair, enlargement, and protection of the Government levee on the Gila River near its junction with the Colorado River at Yuma, $28,000.

Mr. SMITH of Arizona. Mr. President, this amendment embraces a subject which came before the Senate at the time that a flood devastated the section of country therein referred to. The Senate at that time passed a bill appropriating $50,000 for the relief of that condition. Since then a report has been received from the War Department showing the necessity for the appropriation of the additional amount which I have stated in my amendment, to wit, $28,000. On page 1508 of the CONGRESSIONAL RECORD of January 25 last appear the proceedings of that day, in which the legislation to which I have referred, appropriating $50,000, was passed. Since then investigation by the War Department has established that $28.000 is sufficient to accomplish the purpose of protecting the levees of that river at Yuma. I do not wish to detain the Senate about the matter, the legislation on the subject providing for $28,000 having already passed, but the bill as it came from the House provides for but $3,000. That sum would only be sufficient to stop a few gopher holes and small washouts, and that work has already been done by the citizens themselves. Without further argument on my part I ask for the adoption of the amendment.

Mr. WORKS. Mr. President, I understand that high water prevails in that section just now. Does the Senator from Arizona know what effect this last storm is having upon conditions at Yuma?

Mr. SMITH of Arizona. It has had no effect there, so far as I have ascertained. The people there apprehend great trouble, however, from about the 20th of June to the middle of July, when the vast snowsheds shall have emptied the melted snows into that river. Those snows are so heavy in the mountains this year that there is grave apprehension felt, not only for the irrigation system there, but for the banks of both the Gila and the Colorado Rivers.

Mr. WORKS. Has the Senator from Arizona noticed what has been reported in the newspapers about the present condition of high water there?

Mr. SMITH of Arizona. There is no trouble there yet, from anything that I have seen in the newspapers. If there is, I have had no report of it.

Mr. CLARKE of Arkansas. Mr. President, the proposition of the Senator from Arizona, as I understand, is to strike out "$3,000," and in lieu thereof to insert "$28,000," on page 38, beginning in line 3?

Mr. SMITH of Arizona. Yes, sir.

Mr. CLARKE of Arkansas. Well, Mr. President, I am not going to resist that amendment, although I must confess that there is but very slight foundation for it in the way of a formal recommendation in its favor. It probably possesses merit that will become more apparent upon the fuller examination that we expect to give the matter when we get into conference.

Mr. SMITH of Arizona. That is what I am perfectly willing to have the Senate do; to let the matter go into conference and ascertain all that is desired to be known about the proposition. This only carries out the recommendation of the War Department. I think there is an intimation that the work might possibly be done for $14,000; but that if they riprap it or protect it by stones, so as to prevent its washing away, it will require $28,000 to do the work. It is a question for the conferees.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Montana?

Mr. SMITH of Arizona. I do.

Mr. WALSH. I rose to inquire of the Senator from Arizona what relation this improvement bears to navigation?

Mr. SMITH of Arizona. This improvement bears no relation to navigation. This improvement was recommended by the Rivers and Harbors Committee of the other House many years ago when Yuma was threatened with destruction.

The Colorado River is considered a navigable stream; it has been so held by the War Department; and it was for that reason and to afford that protection that in the original instance probably the first dam was built. It was done on my motion years ago in the other House. That dam has stood until the last year, when it was washed away in part and flooded the whole city. The Senate passed a bill at that time appropriating $50,000 to save the city from destruction; and a permanent protected levee is now essential to its safety when the great flood comes again.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from California?

Mr. SMITH of Arizona. I do.

Mr. WORKS. I should like to ask the Senator from Arizona what relation, if any, this improvement has to the reclamation project at that point?

Mr. SMITH of Arizona. It has no relation to the reclamation project at that point, except as to the fact of the uncertainty of the action of the Gila River.

Further, I will say to the Senator that the people there have been taxed, I think, something like a million dollars on that irrigation project to protect the banks of the Colorado River, which, as I have said, is a navigable stream, according to the findings of the War Department. That amount was all charged to this irrigation work, and it stands a charge against those people to-day. This seems a very slight remuneration for saving the city from absolute destruction, those people having bound themselves, or, rather, this Government having bound them, to the payment of something like a million dollars to prevent the Colorado River from leaving its banks. This is not a fair charge against the project, and I purpose, with congressional help, to relieve these farmers from that unjust burden.

Mr. WORKS. As I have understood it, the people who have taken up land under that project have been assessed to raise the levee in and about Yuma for the protection of their land. Is not that so?

Mr. SMITH of Arizona. As I say, that is what they have done. The people there have been charged with something like a million dollars to protect the banks of the Colorado River, which should be borne by the General Government.

Mr. CLARKE of Arkansas. Is there a military reservation at Yuma?

Mr. SMITH of Arizona. No.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Arizona.

The amendment was agreed to.

Mr. BANKHEAD. I desire to offer an amendment on page 49, between lines 18 and 19. It simply provides for a survey.

Mr. CLARKE of Arkansas. We have not yet reached that order.

Mr. BANKHEAD. Very well, I withdraw the amendment for the present.

Mr. HARDWICK. Mr. President, I offer an amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 14, line 19, it is proposed to strike out "$53,000" and insert "$78,000," so as to read:

Altamaha, Oconee, and Ocmulgee Rivers, Ga.: Continuing improvement and for maintenance, $78,000.

Mr. HARDWICK. Mr. President, it will be seen that this is the Altamaha-Oconee-Ocmulgee improvement project. The three rivers—the Oconee, the Ocmulgee, and the Altamaha—have been linked together by the engineers. Those rivers aggregate a length of something over 600 miles below Macon to our coast cities in Georgia. They do not carry at present a great volume of commerce, although it amounts, I believe, to something like $5,000,000 a year.

The work contemplated under this improvement is a very modest one; and the project, as I expect to explain to the Senate, is a very meritorious one. It is not a question of digging out the rivers to make them navigable where they are not properly and naturally so, but a question of removing some sand bars and such obstructions as that in these rivers, which ought to be navigable and kept so; and which, if kept so, will be of the greatest benefit to more than a million people in Georgia.

The head of navigation of these rivers, Mr. President, is the city of Macon, in the very center of my State—a very prosperous city of about 50,000 population. The people at Macon are undertaking to operate steel barges down these rivers to Brunswick and to Savannah, the Georgia ports.

The amount estimated for by the engineers was $43,000, because there was considerable balance left over. The House Committee on Rivers and Harbors and the House of Representatives raised that amount to $53,000, and that is the amount carried in the bill. Since the bill passed the House of Representatives I have received a telegram to which I desire to invite the attention of the Senate. It is addressed to me, is dated Macon, Ga., May 18, 1916, and reads:

Fifty thousand dollars is hardly sufficient to remove snags and other obstacles from the channel of the three rivers. Our boat has lost five days on sand bars on lower Altamaha River. All Government data to us were that 3 feet was minimum low-water depth. We constructed the *Ocmulgee*—

That is the name of one of their barges—

to draw 30 inches to be safe We find only 26 inches on some crossings. Our investment is greatly handicapped unless funds are provided for jetties in places that hold the sand. I urge you on behalf of the people of Georgia to struggle for special appropriation of $25,000 to be used for jettying on the Altamaha system. I suggest communication with Col. Langfitt at Savannah.

Col. Langfitt is the local district engineer. Of course I did not communicate with him, because the proprieties would require that such communications should go through the Board of Engineers and the Chief of Engineers here; and there was not time for that.

The name of the gentleman who sent the telegram to me is Mr. A. J. Long, president of the Macon & Atlantic Navigation Co. That company has already constructed two steel barges, one of which is in actual operation on this river system and the other is about to be put into commission. I visited Macon not many weeks ago and saw these boats. They have adequate wharves at Macon, and they are really doing a great work to give the city of Macon excellent freight rates. The surrounding country also will be benefited by bringing goods from the Georgia coast up these rivers and by sending their goods down these rivers to Georgia ports, and then up the east coast.

In my opinion, there is no small project—and this is not a tiny project, for there are 600 miles of river involved in this improvement—that is more meritorious. In the absence of a special report from the engineers on this subject, I tried to get them to say whether or not the suggestion was meritorious. They simply say they do not know; that this has been suggested since they investigated the project. I think there ought to be some investigation; and in urging this increase of appropriation I am perfectly willing to accept it with the understanding that the conferees will have that question investigated and ascertain as to the accuracy of this gentleman's statement that the boats constructed by his company, 6 inches less than the draft which the Government stated the channels would carry, can not get along at all without some additional appropriation to get the snags and sand bars out of the way. I shall not expect the conferees on the part of the Senate, if this amendment is included in the bill, or accepted by the Senator from Arkansas, to insist upon it in conference, unless it shall appear that the facts as set forth are substantially true. I believe, under these circumstances, the increase should be allowed, on the understanding I have indicated.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. HARDWICK. Yes, sir.

Mr. NORRIS. I want to make an inquiry of the Senator regarding Col. Langfitt. Has he charge of this matter?

Mr. HARDWICK. He is district engineer; yes, sir.

Mr. NORRIS. How long has he been there?

Mr. HARDWICK. Not a great many years. Guessing, I should say three or four years; but I do not know with certainty.

Mr. NORRIS. Can the Senator give us any information as to any recommendation that Col. Langfitt has made in regard to these rivers as affecting this proposed increase?

Mr. HARDWICK. Yes. I understood that Col. Langfitt recommended the amount reported by the Board of Engineers.

Mr. NORRIS. What amount was that?

Mr. HARDWICK. That was $43,000, besides a balance standing over of some $50,000.

Mr. NORRIS. The amount contained in the bill would not interfere with the amount remaining unexpended, would it?

Mr. HARDWICK. Not at all.

Mr. NORRIS. That would be used anyway?

Mr. HARDWICK. Yes; I think so.

Mr. NORRIS. What I wanted to get at was, whether the amendment proposed either directly or indirectly had the approval of Col. Langfitt, and as to what he thought about it.

Mr. HARDWICK. I will say to the Senator, very frankly, that I can not say that it has. I did not think it was proper for me to communicate directly with the district engineer and ask him to send me a recommendation to be used here in Congress. There has not been time to get it through the ordinary departmental channels.

I hope that the Senator will put this amendment on the bill, because I believe it is as meritorious a proposition as ever was submitted to the consideration of this body, for I understand it will enable the people at Macon to operate the barges, which they have built at heavy cost, and possibly to add more of them. If so, I say to the Senate that it will be a great thing for freight rates as affecting the city of Macon and the business men of Macon. It is a very modest amount.

The gentleman whose telegram I have read says that the two boats they have constructed were constructed to draw 30 inches on the strength of the statement made in the Government report that there were 3 feet of water the year round in the river; but within the last few days—the telegram was sent to me on May 18—their boat was delayed for five days on account of snags and sand bars and other obstructions, and because there were only 26 inches of water in some parts of the channel. The company of which he is president tried to be very conservative and constructed their boats 6 inches less in draft than the Government said was the low-water mark; and yet it happens that in some places there are 4 inches less depth than their boats were constructed to draw. Mr. Long thinks that if Congress will give them this $25,000 extra these rivers will then bear the boats which they have already constructed for it, and that they will be able to continue this work.

Senators, the work in which Mr. Long and his associates are engaged is actually going on. The boats are there, but I am afraid that without some further improvement than is provided for they simply will not be able to operate. I do not think any of the objections of the character which have been urged as to other projects in this bill can possibly be made to apply to this item or to the amendment which I have proposed.

Mr. SMOOT. Mr. President, this is one of the items which I had intended at first to move to strike from the bill; but, after a more careful examination of the project, I have concluded that I would not ask that the amount provided for in the bill be stricken out, but let it go this year at $53,000. I really believe, however, the Senator from Georgia, when the facts as to the amount of commerce actually carried and what it cost per ton are taken into consideration, will agree with me that $53,000 is ample for the project.

Mr. HARDWICK. Mr. President, will the Senator allow me to interrupt him?

Mr. SMOOT. Certainly.

Mr. HARDWICK. I have some personal knowledge of the facts of this matter, and perhaps I can help the Senator to a better understanding of it. I am quite willing to agree to any statement he may make as to the years which have passed; but, as a matter of fact, right now and since any of these figures were obtained the Macon Navigation Co. is putting on new barges and new boats, and the Senator must not judge of the commerce on that river from the figures given in previous reports. I have been there within the past 30 days. I have seen their wharves and have actually seen with my own eyes the boats to which I have referred, one of which is launched and in operation and the other of which is on the ways waiting to be launched. So I ask the Senator not to pass too harsh judgment on this subject. Mr. Long, who sends to me the telegram which I have read to the Senate, is an upright, conscientious, progressive, forceful business man. He is not trying to take any advantage of the Government; he is not a politician, seeking an appropriation for political purposes; but he knows that these rivers, even with the appropriation carried by the bill, simply will not provide for the navigation of the boats which he has already bought. I appeal to the Senator to remember that this makes a little different condition from the one he has in mind.

Mr. SMOOT. Mr. President, I am perfectly willing that the Senate shall, without further discussion, vote upon this increase; but I will state to the Senate that deducting the blocks and the staves from the commerce upon the three rivers the $53,000 provided for in this appropriation means the Government paying on the commerce carried $1.50 a ton. There are other items which are so much worse than that that I concluded I should not ask that this be stricken from the bill; but now, to double it seems to me to be asking too much and out of all reason.

Mr. HARDWICK. It is not doubling it. It is adding 25 per cent to it.

Mr. SMOOT. I recognize what the Senator says in relation to the construction of boats, as the report calls attention to the fact that there was one boat being constructed. In the report I notice that the commerce on the Altamaha was 13,666 tons, and it was carried by one boat, making 65 trips. That is all the traffic upon the river; and of that, Mr. President, there was very little merchandise, as I have already stated, and the same is true not only upon this river but upon the other two.

I do not want to take the time of the Senate any more in discussing this item, Mr. President, but I really believe that the committees of both the House and the Senate, in granting the $53,000, have given all that should be given for those projects.

Mr. CLARKE of Arkansas. Mr. President, it is a practice easily abused to permit these amounts recommended by the committees to be increased upon the application of a Senator, which is usually based upon some communication from a source that he deems reliable. In this particular case, however, I do not see that any particular harm would come, for the reason that the District engineer has reported that the $50,000 coming over from the former appropriation and the amount provided for in the bill will be all the money that can be economically spent on the project during this year. So, if we should happen to appropriate a little more than the report called for, and he has made a report that he conscientiously believes to be proper, the money will not be spent, and therefore it will not be taken out of the Treasury.

I have concluded, as a policy, not to take up the time of the Senate in resisting these items where they are not to impose certainly a permanent and additional burden on the Treasury.

Mr. JOHNSON of South Dakota. Mr. President, if I voted upon the amendment under discussion, I admit that I would have to do so without knowledge of its real merits. I have no doubt the Senator from Georgia will give to this body his best efforts in the direction of meritorious measures of appropriation, and I admit that the same condition would exist with regard to many of the amendments to this bill, and the bill itself as various Members see it.

I had not intended to discuss the rivers and harbors bill pending before the Senate, and I shall only do so now in the briefest possible way.

It is with real regret that I can not see my way clear to vote with my friends and colleagues who have had this bill under consideration in the committee, and who, no doubt, have given it much thought and study. I find, however, that I am unable to do so for a number of reasons which I shall not attempt to go into in detail at this time, but shall merely confine myself to one or two thoughts that come to me.

In the first place, I am opposed to Federal appropriations upon matters of this kind unless the States, cities, or municipalities tributary to the rivers and harbors under consideration contribute their pro rata amount. In the building of docks, the improvement of harbors, and all other matters connected with water transportation, the tributary country receives largely the advantages derived from the project which do not accrue to the railroads and other transportation companies.

I have listened with much interest to the discussions of this measure by some of our very able Senators, who, I know, are sincere in their views and who have pointed out their various reasons for the passage of this bill; and yet the reasons given are not sufficient, as I look at it, to induce me to vote for the appropriations asked for.

Mr. President, there is another reason why I believe that this bill should not become a law. Our Government to-day is facing

serious problems. We are at this very time trying to devise ways and means for the collection of revenues to increase our income, so that we may be able to meet any possible demands that might be made upon us which are of the greatest importance to us as a people, demands that may insure the real safety of our country and the happiness of our homes, demands that are already incurred of an unusual kind. We should pause and take these things into consideration before we vote away millions of dollars more on what seem to me to be exceedingly extravagant measures and which may have a tendency to drain our Treasury at this time, when we should only look with favor upon those appropriations which we believe to be the most worthy and necessary, whether it be for the protection of our commerce, for the protection of our country, or for the protection of our homes.

Individually, in my own small way, there are times when investments in business matters would be favorably considered and, again, other times when the same investments, regardless of the probable profits, would not be considered and should not be.

This Government, Mr. President, is only a collective group of men, and Government business should be handled as nearly as possible along the lines on which an individual handles his own business, considering the great volume of business the Government carries on. I shall not to-day—and I hope I never shall while a Member of this body—cast my vote except in accordance with that idea, and in voting for any appropriation I shall first want to satisfy myself that it is able to stand on its own legs, subject to the closest scrutiny.

Mr. President, I want to read an editorial from one of our leading papers of the West, the Sioux City Tribune, of Sioux City, Iowa, under date of May 23, 1916, which was handed to me this morning, and which I desire to have embodied as a part of my remarks touching on river transportation:

After 20 years of "improving" the Missouri River, at a cost to the taxpayers of the Nation of many millions of dollars, it is announced in a dispatch from Omaha that the first cargo of general merchandise by river boat that has left that city in 35 years pulled out of there Sunday for Kansas City. For the same money the Federal Government has spent "improving" the Missouri River it could have paid the railroad freight on all the Omaha-Kansas City shipments during the past decade or it could have built a double-tracked railroad between the two cities and donated its use to merchants of those two cities.

I do not believe, Mr. President, that the subject of river transportation will ever be settled satisfactorily until our Interstate Commerce Commission more nearly adjusts rates for the benefit of the country as a whole than it has been able to do up to the present time. This will take a long time, but it is coming.

I have been told that the railroads are opposing this measure. I do not believe it and I do not believe the circumstances which I shall recite will warrant that belief by any Member of this body.

The Senator from Mississippi [Mr. WILLIAMS] the other day touched briefly upon this phase of the question and covered the question clearly for a reduction of long-haul rates and for an increase of short-haul rates.

Some time ago when the railroads petitioned for permission to reduce their coast-to-coast freight rates they did so, as I remember, upon the plea that water competition through the Panama Canal made it impossible to do business at the rates then in existence; and in order to reimburse themselves for the proposed reduction in coast-to-coast rates they later asked for an advance from either coast to points in the Mississippi Valley and the Mountain States, both of which requests were granted. This branch of the subject, however, has been dwelt upon, and I will not take any time upon it to-day further than to state what followed. Now, let us see what did really happen.

A recent report of the Interstate Commerce Commission shows that a large part of the water competition which the railroads complained of, and gave as their reason for lowering their rates on coast-to-coast freight traffic and raising their rates to interior points, was not competition at all, as most of the water freight lines were either owned or controlled by the railroads. They also own or control, Mr. President, most of the terminal shipping facilities and valuable water fronts at all of the important water terminals, making it very hard for private shippers to carry on business successfully and at competing prices, because they must necessarily seek locations for loading and unloading their freight at very disadvantageous localities.

Complaint has recently been filed, I understand, by the Baltimore & Carolina Steamship Co. with the Interstate Commerce Commission covering this question very fully in connection with the thought which I have given of private lines obtaining docking facilities for handling their traffic. This case, which I suppose is very familiar to all Senators here, refers to docks at Wilmington, N. C. Another case which I might touch upon in connection with this phase of the subject is the old case of the Flour City Steamship Co. in regard to docking facilities at Buffalo, which, as I remember, was before the commission for some time and was finally decided in favor of the steamship company.

It is not necessary, Mr. President, to consider this branch of the subject further, because I believe it to be a generally recognized fact that such is the case. Then, it would seem that complete governmental regulation of all water and rail transportation is the only real solution of the problem, and the only real way in which the water and rail facilities of this country can ever be controlled so as to serve the people as a whole equally throughout the United States.

Mr. President, I would not, if I had the power, assist in the passage of legislation that would cripple the railroads, because I know them to be, if properly regulated, one of the great blessings of our country. Neither would I assist in legislation, if possible, that would be to the detriment of the farmers and people generally of our country, for I recognize fully that they are entitled to much more consideration than they ever get from these great combinations of control; and it has been my observation through life that legislation—real, honest legislation—with its object for the betterment of the great masses of the people and for fairness to the great transportation lines has always resulted in the general round-up so that the transportation companies have received, to say the least, all and more than they were entitled to.

With regard to the rivers and harbors bill now under discussion, I do not favor the passage of this measure, because I have always been in favor of a lump-sum appropraition for matters of this kind, which seems to me more fair. I believe, Mr. President and Senators, that that is the only policy that can ever be carried out and give to all parts of the country and to all communities what they are justly entitled to. In operating under that system any part of the country which needs and deserves appropriations along the waterways can make its wants known to the Secretary of War, who, in a businesslike way, can authorize his engineers to go and make a complete investigation of the real needs of that locality, and in that way get the real facts connected with it, after a thorough investigation. The engineers can then make a very full and complete report, together with their recommendations, to that department, which, in turn, can be submitted by the Secretary of War to the Congress of the United States for its consideration and final determination.

When we reach matters of that kind from this standpoint we will then more fully understand the requirements of each locality with regard to its needs in this direction, and we may then vote for all appropriations which we believe are entitled to consideration with a more full knowledge of conditions.

Mr. President, I believe sincerely that a large amount of our appropriations, under the system under which this rivers and harbors bill is drawn, is each year voted away by Congress, and the people are needlessly burdened by taxation, without real knowledge on the part of the individual Members of either House as to the needs of the case. And if I were to vote to-day for this bill I would certainly be one of that number.

I do not believe there is any business in the world so large that it can not be systematically managed for the real benefit of the enterprise; and I am unable to see why the Government of the United States, with all of its known facilities, can not and does not handle its business as any other successful business is handled. I believe you will fully agree with me that this has never been done, and that it is not done to-day, although I firmly believe that we are gradually getting a more perfect system through the wise and patriotic guidance of our great President. Our prosperity and happiness in the future demand that we handle our affairs on a more economical system.

I received, the other day, a letter from Hon. A. O. Ringsrud, a prominent citizen and merchant of Elk Point, Union County, S. Dak., in which he advises me that a specific appropriation to repair and protect Government work already in at that point, for the protection of nearly 3 miles of revetment in that vicinity, is greatly needed, and I personally know that such is a fact. We have other places in our State where the Missouri River is cutting away valuable lands belonging to the farmers in the community; and yet we are told that under this bill, which provides for Missouri River points north of Sioux City in the amount of $150,000, it will be impossible to apply any of this sum to the work at these points, or at least only such a small amount that it would not be of much real benefit.

We have had some little river transportation on the Missouri in South Dakota above the city of Yankton, where I live. Boats at various times have been running on this river in competition with the railroads in a small way. It was only a short

time until the railroads or some one else bought the owners of boats out, and the benefit to the people from that was then taken away.

We do not blame the individuals for selling the boats because they were in business for profit, and were entitled to handle their own affairs according to their own ideas, but we know that freight traffic can be handled much more easily and much more quickly for the ordinary shipper by rail than it can by water, and it then only becomes necessary on competitive lines for the railroads to make a reduction of rates and in a short time its competitive boat line is out of business. Then the railroads, by making proper showing that they are losing money along the territory covered, may reasonably make a request to have their rates raised, which looks reasonable to everybody, under conditions existing at the time of request.

Mr. President, this bill carries appropriations amounting to $43,000,000, which must be paid by taxation. The State of South Dakota, which I have the honor in part to represent, has its proportion of these taxes to pay. I do not believe that its citizens will want me to vote for this measure and I shall not do so. I have voted for two or three amendments to the bill, and I shall no doubt vote for others, but I did so with the expectation that the bill would become a law, as bills of this kind usually do, and as I looked at it, it might be somewhat improved by those amendments; but at no time has there been any consideration on my part for voting for the bill as a whole.

So, Mr. President, in closing, permit me to say that I can not see any real benefit that this rivers and harbors bill would give to the people. Besides, I believe it is full of appropriations that no good business organization in the world would spend 25 cents on the dollar for the individual improvements proportional to the amount asked for under this proposed law if the improvements asked for were a part of that business organization's assets, and I hope that the motion of the Senator from Wisconsin to recommit the bill to the committee may carry and that a better bill as I look at it may be presented to this body for its consideration.

Mr. STERLING. I offer the following amendment.

The VICE PRESIDENT. There is a pending amendment.

Mr. STERLING. I beg pardon.

The VICE PRESIDENT. The question is on the amendment of the Senator from Georgia [Mr. HARDWICK].

Mr. KENYON. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I have a pair with the Senator from Oklahoma [Mr. OWEN] and withhold my vote in his absence.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS], who is absent, and I withhold my vote.

Mr. CUMMINS (when his name was called). I have a pair with the Senator from Mississippi [Mr. VARDAMAN]. I therefore withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER], who is absent, and I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. THOMPSON (when his name was called). I have a pair with the senior Senator from Illinois [Mr. SHERMAN], but on this question I am at liberty to vote. I vote "nay."

Mr. WILLIAMS (when his name was called). Under the permission I have to vote on certain questions upon the bill I vote "yea."

The roll call was concluded.

Mr. DU PONT. I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM]. In his absence I will withhold my vote.

Mr. CLARK of Wyoming. I have a general pair with the senior Senator from Missouri [Mr. STONE], and therefore I withhold my vote.

Mr. SAULSBURY. I transfer my general pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH]; and

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD].

The result was announced—yeas 33, nays 21, as follows:

YEAS—33.

Bankhead	Hardwick	Nelson	Shields
Brandegee	James	Newlands	Simmons
Broussard	Jones	Oliver	Smith, Ariz.
Chamberlain	Lee, Md.	Overman	Smith, Ga.
Chilton	Lewis	Poindexter	Sterling
Clarke, Ark.	Lippitt	Ransdell	Williams
Culberson	Lodge	Reed	
Curtis	Martin, Va.	Saulsbury	
Gallinger	Martine, N. J.	Sheppard	

NAYS—21.

Ashurst	Kenyon	Smoot	Warren
Borah	La Follette	Sutherland	Weeks
Fall	Lane	Taggart	Works
Gore	Phelan	Thompson	
Husting	Pomerene	Townsend	
Johnson, S. Dak.	Shafroth	Walsh	

NOT VOTING—42.

Beckham	Fletcher	McLean	Smith, Mich.
Brady	Goff	Myers	Smith, S. C.
Bryan	Gronna	Norris	Stone
Burleigh	Harding	O'Gorman	Swanson
Catron	Hitchcock	Owen	Thomas
Clapp	Hollis	Page	Tillman
Clark, Wyo.	Hughes	Penrose	Underwood
Colt	Johnson, Me.	Pittman	Vardaman
Cummins	Kern	Robinson	Wadsworth
Dillingham	Lea, Tenn.	Sherman	
du Pont	McCumber	Smith, Md.	

So Mr. HARDWICK's amendment was agreed to.

Mr. LEE of Maryland. Mr. President, I offer the following amendment.

The SECRETARY. On page 11, line 13, after the word "Rivers," insert "up to the Bridge Street Bridge, Elkton," and in the same line, after the word "for," insert "continuing project and for," so as to read:

Elk and Little Elk Rivers up to the Bridge Street Bridge, Elkton, Md.: For continuing project and for maintenance, $8,500.

Mr. LEE of Maryland. Mr. President, this amendment does not enlarge the amount appropriated in any sense. It simply makes the application of it a little more elastic. On the 23d I received a letter from the general passenger agent of the Baltimore & Philadelphia Steamboat Co., in which he said:

We have a new steamer which we expect to run daily from Baltimore to Betterton and Elkton, Md., and return (also connecting with the Pennsylvania Railroad to points along their line), starting about the middle of June, but as the water is so shallow in the Elk Rivers up to the bridge at Elkton, Md., we have asked for an amendment to this bill.

In another place he says this project "will open up a new territory in Maryland for thousands of passengers during the summer months."

I hardly think I need add to that suggestion except to state that this amendment probably contemplates some contribution by the steamboat company or some other effort on their part to make the money go a little further. The amendment simply permits the project to be extended to the limits of the old original project or survey which took it to this bridge in Elkton, the place where most of the business is done, and it can certainly not be otherwise than in the public interest.

Mr. JONES. Let me ask the Senator what is there in the language of the bill now which limits it? It seems to me the amendment the Senator seeks to put in would make it restrictive.

Mr. LEE of Maryland. There is evidently some limitation that prevents the improvement up to the Bridge Street Bridge in Elkton.

Mr. JONES. What is there in the language of the bill which does that?

Mr. LEE of Maryland. I presume the limitation is in this bill or elsewhere.

Mr. JONES. Then does the Senator propose to make a new project?

Mr. LEE of Maryland. This makes the project slightly more elastic and it may make a larger project. I do not see that it lies in the mouth of any representative of the Government to object to it, if a large result can be obtained with the same money, by private contribution or otherwise.

Mr. JONES. Yes; but the Senator makes a new project now and then hereafter he will come for more money.

Mr. LEE of Maryland. This is really the old original project or survey to take this proposition up to the bridge.

Mr. JONES. It seems to me the language of the bill is broader than what the Senator has proposed, unless he desires to require the appropriation to be spent at some particular point.

Mr. LEE of Maryland. For some reason the language of the bill limits this improvement to a shorter distance than the old original survey, which I have here and which I will show the Senator if he would like to look at it.

Mr. JONES. What I object to is that we provide in this language that it is to be spent here.

Mr. SMOOT. This project is completed. The engineers so state in the report on page 110, under the heading "Present project":

Present project: This project was adopted by the river and harbor act of July 25, 1912, and aims to secure a channel 7 feet deep and 80 feet wide from deep water to a point about 1,200 feet above Cedar Point in the Elk River and 2,000 feet up the Little Elk River, at an estimated cost of $6,060. No estimate for maintenance. (H. Doc. No. 770, 62d Cong., 2d sess.) The mean range of tide in both streams is 2 feet.

Condition at the end of fiscal year: The project is completed.

So state the engineers. Mr. President, by adding this amendment to the bill it simply undertakes to enlarge a project without being reported upon by the engineers, and next year if it is adopted there will be an additional appropriation asked for the extension of this project claiming it was authorized by Congress this year. We are acting here without a report from the engineers on the extension of work provided for in the amendment offered by the Senator from Maryland.

As far as I am concerned, Mr. President, the Senate can vote upon this amendment now, but whether it goes in or whether it goes out I am going to offer an amendment to strike this item from the bill, and I shall give my reasons when I offer that amendment.

Mr. LEE of Maryland. Mr. President, this amendment is offered in perfect good faith at the instance of the navigation company that wants to run a steamer on this river; and it is perfectly obvious that the place to run the steamer is where it connects with the main stem of the Pennsylvania Railroad for the purpose of transferring passengers to the boat line which will carry them across the bay to Betterton on the other side of the Chesapeake.

Mr. President, as I read the report upon this subject, whereas this has been a completed project, nevertheless it is a project that requires dredging to keep it in existence.

It has in time filled up, and the navigation has been hampered, but it is entirely proper in the interests of general transportation that these rivers should be enlarged and dredged out for the purpose of helping transportation not only of freight but of passengers.

Mr. SMOOT. Mr. President, the Army engineers report that there was an unexpended balance on July 1, 1915, of $5,000, and then they recommend for the maintenance of the Elk and Little Elk Rivers an amount of $2,500. We find here in the bill an amount of $8,500; and now, if the amendment offered by the Senator from Maryland shall be adopted, we shall have entered upon a new project, and there is no telling what it will cost and no telling when it will be completed. Furthermore, there is no report from the engineers regarding it. If the Senate wants to do that in this bill, I want them to vote for it.

Mr. CLARKE of Arkansas. Mr. President, the amendment of the Senator from Maryland is a very much more interesting affair than the Senator from Utah thinks it is. It is simply a limitation of the locality within which the maintenance item of $8,500 is to be expended. It is a mere direction to limit what would otherwise be unlimited; that is to say, under the terms of the amendment the amount might be spent at any point within the limits of the river wherever the engineer might choose to spend it. The purpose of the amendment is to limit its expenditure to the point indicated in the amendment offered by the Senator from Maryland. There is not any possible foundation for the assumption that it is the introduction of a new problem, or that it commits the Government to anything except the expenditure of $8,500.

Mr. SMOOT. I should like to have the amendment again stated.

The SECRETARY. On page 11, line 13, the item reads:

Elk and Little Elk Rivers, Md.: For maintenance, $8,500.

It is proposed to add an amendment, so that it will read:

Elk and Little Elk Rivers up to Bridge Street Bridge, Elkton, Md.: For continuing project and for maintenance, $8,500.

Mr. SMOOT. If what the Senator from Arkansas has said is true, then there is no necessity for that amendment; but I understood the Senator from Maryland to say that this was to extend the project to the bridge, so that passengers and freight could be landed at a certain landing of the Pennsylvania Railroad. If that is so, it is an increase of the present project, which the engineers say is completed.

Mr. CLARKE of Arkansas. Mr. President, a project, in the sense of our legislation here, is a recommendation of the Board of Engineers setting out in detail what is to be done, how much it will cost, and all those things, but this is a mere maintenance item; it picks out a section of the river and directs that the money shall be expended there, whereas, if that limitation were not contained in the bill, the engineers would have the discretion to spend it anywhere within the limits of the river. It is a mere direction as to spending the money at a given point, and to that extent it limits the discretion of the engineers.

Mr. SMOOT. That is not what the Senator from Maryland says.

Mr. CLARKE of Arkansas. I do not know what the Senator thinks it will do, but that is exactly what it will do if the amendment is adopted.

Mr. SMOOT. Well, I will ask the Senator from Maryland to restate what he understands this amendment will give the engineers authority to do? Why does the Senator want this amendment? I should like to have him restate it.

Mr. LEE of Maryland. The survey, which I hold here in my hand, under date of January 17, 1912, brings this improvement up to this particular bridge, and it seems obvious that the improvement should go to the bridge. That is where the mills and the fertilizer works are and it is relatively near the station on the main stem of the Pennsylvania Railroad.

As I understand, this is not a project, but it is merely a maintenance item. It is certainly, from the standpoint of new work, not a project, but it is for the maintenance of old work.

Mr. SMOOT. Mr. President, then, why does the Senator put in his amendment the words "for continuing project and for maintenance"?

Mr. LEE of Maryland. I prefer to leave that to the engineer office, with whom I have consulted, and who considered that this is not an objectionable amendment. It merely extends the discretion of the experts.

Mr. SMOOT. It is not an objectionable amendment if we are going to continue the project; but the engineers say that the project is completed, and yet the item in the bill as reported to the Senate is "for maintenance, $8,500." There is no limitation.

Mr. LEE of Maryland. The whole project was completed years ago, but it has partially filled up and shoaled.

Mr. SMOOT. The item now in the bill is for maintenance and does not extend the project.

Mr. LEE of Maryland. I will be glad to show the Senator the map, which seems to have the original project in it, and which brings it to the very point mentioned.

Mr. CLARKE of Arkansas. Mr. President, if the Senator from Utah will modify the particular language so as to express the idea which I have stated, I think it will be all right.

Mr. SMOOT. I would not object at all to making the amendment read in this way:

Elk and Little Elk Rivers, Md., up to the Bridge Street Bridge, Elkton, Md.: For maintenance, $8,500.

The amendment proposed by the Senator from Maryland uses the words "for continuing project and for maintenance."

Mr. CLARKE of Arkansas. "Maintenance" will be sufficient, in my opinion.

Mr. LEE of Maryland. That is acceptable to me.

Mr. SMOOT. Very well.

The VICE PRESIDENT. The Secretary will state the amendment as modified.

The SECRETARY. It is proposed to modify the amendment by striking out the portion which reads:

Continuing project and for.

The VICE PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. SMOOT. Mr. President, I now move to strike out lines 13 and 14 on page 11.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out lines 13 and 14 as amended, as follows:

Elk River and Little Elk River, up to the Bridge Street Bridge, Elkton, Md.: For maintenance, $8,500.

Mr. SMOOT. Mr. President, at the bottom of page 110 of the report of the engineers it will be found that the engineers estimate the amount required for the year 1917 to be $2,500. This project has cost $110,668. The commerce for the year 1914 was 44,111 tons, but included in that amount were pulp wood, 42,472 tons; fertilizer, 1,600 tons; and all other merchandise, 25 tons.

Mr. KENYON. To what river is the Senator referring, I should like to ask?

Mr. SMOOT. The Elk and the Little Elk Rivers. Mr. President, this improvement is to be made for the benefit of a pulp-wood factory. That is the only establishment to use it to amount to anything; and it seems to me the Government of the United States ought to stop spending money the advantage of which accrues mostly to one business concern.

Mr. BORAH. Mr. President, where is this river situated?

Mr. SMOOT. In Maryland.

Mr. BORAH. How much does the Senator say the tonnage was besides wood pulp?

Mr. SMOOT. Merchandise, 25 tons.

Mr. BORAH. This is the Moose and the Little Moose River, is it?

Mr. SMOOT. Yes; although their official names are the Elk and the Little Elk Rivers. Col. W. T. Rossell says, in House Document 770, Sixty-second Congress, page 9:

> Cost of maintenance is large, and river must be classed as unworthy of improvement.

And yet we are appropriating $8,500 in this bill—$6,000 more than the engineers could possibly see any use for—for the purpose of encouraging the commerce on a river which now amounts to 25 tons, outside of that carried for a wood-pulp factory, located upon the river, and a small amount of fertilizer. If it is good business for the Government of the United States to continue appropriating money for maintaining a waterway to be used almost exclusively by a pulp-wood factory, this is as good a time as any to vote for such continuance.

It is for that reason, Mr. President, that I have moved that this item be stricken from the bill, and upon that I ask for the yeas and nays.

Mr. LEE of Maryland. Mr. President, before the roll is called I should like to make a brief statement. The amendment which I have offered, and which has been adopted, was offered at the request of a steamboat company that actually wishes to go to that wharf and proposes to carry some thousands of passengers to another point farther down the Chesapeake Bay. It was a perfectly bona fide request at the instance of the traffic manager of this steamboat company.

Mr. SMOOT. Is it to take passengers to a summer resort?

Mr. LEE of Maryland. It is for the transportation of passengers, and it does not make any difference whether to a summer resort or not. They are passengers intending to go from one point to another.

Mr. SMOOT. Of course there is nothing in the report to show that, but I will take the Senator's word for it.

Mr. LEE of Maryland. I simply have it upon the statement of the traffic manager of the company. I think it is just as good as is any other information.

Mr. President, I hold here in my hand the report of the Secretary of War, made May 23, 1912, on this river. He states that the total ingoing tonnage was 158,000 tons and that the outgoing shipments were 23,000 tons. That statement is found on page 7 of House Document No. 770.

Mr. SMOOT. Then the traffic has decreased in two years about 60 per cent?

Mr. LEE of Maryland. It is quite natural for the traffic to decrease if the shoaling has been permitted to become so marked that the facilities for transportation may have been lessened. That is just exactly what we are complaining about; that is just exactly what we desire to have corrected. We desire to have the channel so improved that it can be used by commerce. It is a perfectly legitimate request, made in a very proper way, by the transportation company which proposes to use this river.

There has been a survey made since the original estimate was made, and upon this new survey and the recommendation of the Chief of Engineer's Office, the present item, $8,500, is based.

The VICE PRESIDENT. The Senator from Utah [Mr. SMOOT] calls for the yeas and nays on his amendment. Is the demand seconded?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. Observing that he is absent, I withhold my vote.

Mr. HARDWICK (when his name was called). I desire to transfer my pair with the junior Senator from Kansas [Mr. CURTIS] to the junior Senator from South Carolina [Mr. SMITH] and to vote. I vote "nay."

Mr. OVERMAN (when his name was called). I announce my pair with the junior Senator from Wyoming [Mr. WARREN] and withhold my vote.

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote. If at liberty to vote, I would vote "yea."

Mr. THOMPSON (when his name was called). I have a general pair with the Senator from Illinois [Mr. SHERMAN]. Not knowing how he would vote if present, I withhold my vote.

The roll call was concluded.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. CHAMBERLAIN. I transfer the pair which I have announced with the Senator from Pennsylvania [Mr. OLIVER] to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. CUMMINS. I inquire, has the Senator from Mississippi [Mr. VARDAMAN] voted?

The VICE PRESIDENT. He has not.

Mr. CUMMINS. I have a pair with that Senator, and therefore withhold my vote.

Mr. SAULSBURY. Repeating the same announcement as to my pair and its transfer as before, I vote "nay."

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS].

The result was announced—yeas 22, nays 34, as follows:

YEAS—22.

Borah	Husting	Norris	Townsend
Clark, Wyo.	Kenyon	Pomerene	Warren
Curtis	La Follette	Smoot	Weeks
Fall	Lane	Sterling	Works
Gallinger	Lippitt	Sutherland	
Gore	Lodge	Taggart	

NAYS—34.

Ashurst	Hardwick	Myers	Smith, Ariz.
Bankhead	Hitchcock	Nelson	Smith, Ga.
Brandegee	James	Oliver	Smith, Mich.
Broussard	Jones	Poindexter	Stone
Chamberlain	Lea, Tenn.	Ransdell	Swanson
Chilton	Lee, Md.	Saulsbury	Walsh
Clarke, Ark.	Lewis	Sheppard	Williams
Culberson	Martin, Va.	Shields	
Fletcher	Martine, N. J.	Simmons	

NOT VOTING—40.

Beckham	Goff	Newlands	Shafroth
Brady	Gronna	O'Gorman	Sherman
Bryan	Harding	Overman	Smith, Md.
Burleigh	Hollis	Owen	Smith, S. C.
Catron	Hughes	Page	Thomas
Clapp	Johnson, Me.	Penrose	Thompson
Colt	Johnson, S. Dak.	Phelan	Tillman
Cummins	Kern	Pittman	Underwood
Dillingham	McCumber	Reed	Vardaman
du Pont	McLean	Robinson	Wadsworth

So Mr. SMOOT's amendment was rejected.

Mr. STERLING. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 37, at the end of line 15, in the item relating to the Missouri River, it is proposed to insert the following:

> In view of the existing emergency and to prevent further loss and destruction of property, the sum of $100,000 for bank revetment work or other improvement at or near the city of Vermilion, Clay County, S. Dak.: *Provided, however*, That before any work is undertaken by the United States assurances satisfactory to the Secretary of War shall be given that the said city of Vermilion, or county of Clay, or other agencies, will provide and contribute in money, labor, or materials, an amount equal to 33⅓ per cent of the amount herein appropriated for such improvement.

Mr. CLARKE of Arkansas. Mr. President, that amendment adds a new item that was not estimated for by the department nor recommended by any standing committee, and I shall have to make a point of order against it.

The VICE PRESIDENT. Has it been referred to the committee?

Mr. CLARKE of Arkansas. It has not been recommended by any committee.

Mr. STERLING. Mr. President, I should like to be heard briefly in regard to this amendment.

Mr. CLARKE of Arkansas. I shall be glad to hear the Senator. I will withdraw the point of order for the present so that the Senator can be heard.

Mr. STERLING. I did not think for a moment that a point of order could be made against this amendment. I did not think it necessary that it should have been estimated for or that the identical resolution I offered should have been considered by the committee before it could be offered here as an amendment to this bill. It seems to me that the course of business during all the day up to this time has indicated otherwise, and amendments have been offered here adding to this bill items of appropriation that are altogether new and that, so far as I know and as I now believe, were never before the Committee on Commerce for consideration and were never estimated for.

I should like to say a few words in explanation of this amendment and the facts leading up to its introduction.

The amendment was first introduced as an emergency joint resolution because of the deplorable condition caused by the Missouri River at the town of Vermilion, S. Dak., my own home town. The resolution was referred to the Committee on Commerce. A subcommittee was appointed to consider it. That subcommittee made no report to the full committee. I appeared before the subcommittee and briefly discussed the resolution. The resolution as then introduced did not provide for any contribution by the county, the city, or any other agency toward this work. It was a resolution appropriating outright $100,000 for the improvement. In the discussion of the matter with the subcommittee, the question was raised as to whether the city of Vermilion or the county of Clay might not contribute something to the improvement. I had not been advised by the people of that locality as to whether or not they would feel able to contribute. I had some correspondence, however, in that regard. I suggested 50 per cent of the amount of the appropriation as an amount that they possibly might contribute to this improvement. I received in reply word to the effect that it would be almost impossible to have $50,000 contributed by the people there to that improvement. It is a small community, a town of 2,500 inhabitants. Its inhabitants are for the most part people of very moderate means, and so are the farmers in that vicinity, whose lands will be affected by this improvement if it is made, and whose farms are now being destroyed by the ravages of the Missouri River at that place and carried, one after another, into the Missouri River.

I did not correspond further, but I took the responsibility here of drawing an amendment to this bill, in which I provided that the city or the county or any other agency shall contribute 33⅓ per cent of the amount appropriated by the amendment. If they do not contribute or furnish satisfactory assurances to the Secretary of War that that amount, $33,333, will be contributed by the community in labor, in money, or in materials, then the Government is not out anything at all and this appropriation will not be available for use in that improvement.

Now, a word in regard to the exigencies of the case—and I should like to know in the outstart why this appropriation should be opposed, in view of what has been done in the improvement of the Missouri River at various points and places since 1879, and clear up to Fort Benton, the head of navigation, in the years past. I call attention to a brief summary of the expenditures for the various improvements.

At Fort Benton, the head of navigation, from 1900 to 1909, $8,750.

Judith, Mont., 1910, $8,000.

Williston, N. Dak., 1908–9, 1909–10, $22,122.

Expansion, N. Dak., 1910, $3,000.

Deapolis, N. Dak., 1910, $3,000.

Bismarck, N. Dak., from 1895 to 1908, a total of $116,464 spent in dike and revetment work at that one place; and in none of these instances, Mr. President, has there been a contribution upon the part of the locality of one dollar to the improvements I have mentioned here.

At Pierre, S. Dak., from 1896 to 1909, the sum of $86,712 has been expended. That is aside from repairs. Repairs on revetment work and dike work have been $14,800 at that place. Then, in addition to that, improvements to the extent of $20,000 were made by the Chicago & Northwestern Railway by the building of dikes in the river near its line at Pierre.

At Yankton, S. Dak., from 1897 to 1903, $42,041 has been expended. Not one cent has been contributed by the locality to the improvement. The city of Yankton is just 26 miles above Vermilion, my own home town, on the river. Elk Point is 15 miles below. I should like to call the attention of the Senate to some of the expenditures at Elk Point. They have ranged, as follows, for various years prior to 1911: $14,557, $18,556, $10,736, $11,169, making a total of $55,018. Then, in addition, $2,041 has been appropriated for repairs, making a total there of $57,059. But in addition to that is the appropriation in 1913 of $75,000 for improvement at this one place of Elk Point, 15 miles below my own home town, and the place for which I ask this appropriation. Seventy-five thousand dollars was spent there; and, Mr. President, the condition at Vermilion, as it has existed for the last three years, has been worse than at any place I have named here for which appropriations in large sums have been made. Never at Elk Point, where this grand total of $132,000 has been spent in revetment and in dike work, has there been a contribution of a single dollar. All of it has been done by the Government; and here, now, when I come asking for this, in comparison, modest appropriation of $100,000, with a contribution on the part of the people of my locality of one-third of that amount, I am met with the objection that there has been no estimate for it, and that it has not been considered by the committee.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Connecticut?

Mr. STERLING. I yield.

Mr. BRANDEGEE. I wanted to suggest to the Senator, right in connection with his reference to the point of order made by the Senator from Arkansas [Mr. CLARKE], that I do not think the point of order can be made to an item in the river and harbor bill on the ground stated, for the reason that clause 2 of Rule XVI, as will appear on page 18 of the Manual, after referring to general appropriation bills, provides:

> In like manner, amendments proposing new items of appropriation to river and harbor bills shall, before being considered, be referred to the Committee on Commerce.

Which contemplates a different method of procedure; and I do not think the rule as to estimates on general appropriation bills has any reference to a river and harbor bill. I think all that is necessary is that this amendment should have been referred to the committee, which, I understand, was done.

Mr. STERLING. I am much obliged to the Senator. That was the idea that I had myself, in view of the actual course of business here and the manner in which various amendments have been submitted to-day, rather than from any special knowledge of the rules. But I simply ask the question now, Mr. President, in view of what has transpired, and the relief that has been afforded to these other localities, whether I have not in this proposed amendment presented a just claim for the consideration of the Senate?

The Senator from Arkansas may ask the question why I ask for an appropriation of $100,000 with this additional amount to be contributed by the locality. A sentence from a letter written by the Secretary of War will show that. The resolution was referred to the Secretary of War. He reported adversely, I suppose after consultation with the Army engineers. This is what he says. I quote from his letter of March 25——

Mr. CLARKE of Arkansas. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Arkansas?

Mr. STERLING. I do.

Mr. CLARKE of Arkansas. I have expressed no opinion about the merits of the Senator's proposition, nor have I manifested any disposition to antagonize it. The rules of the Senate permit him to submit that matter in the form of a separate bill at any time he may see proper to do so. The rules for the preparation of appropriation bills contain certain limitations which are found to be necessary in order to keep the bills within any reasonable limits. In invoking them, we do not assume to pass upon the merits of the proposition; but, as the Senator suggests, they ought to be uniformly enforced if they are enforced at all, and that is always my habit. I made no exception in the case of the Georgia item, for the reason that it was a mere maintenance item, and there are no special limitations on items of that kind. The same thing is true of the Maryland item. But I am going to withdraw the point of order, and submit the matter to the Senate, so far as I am concerned; and if the Senate sees proper to add the item to the bill, it is entirely agreeable to me.

The committee had the matter under consideration and we thought the best disposition we could make of it would be to increase the lump-sum appropriation for that river and provide that an additional $25,000 might be expended for bank revetment. We did not overlook it, but we made the only disposition of it that we felt to be within our power.

I withdraw the point of order, Mr. President.

Mr. STERLING. As I had occasion to say the other day when discussing this committee amendment increasing the appropriation $25,000, it was a small favor to be thankfully received, but as I endeavored to point out there are at least three

other places within 50 miles of Sioux City where more than $75,000——

Mr. CLARKE of Arkansas. Because the committee has been liberal in appropriations at other points it does not follow that on every occasion when a Senator sees proper to make a request that it should be granted. We think we made ample provision for your locality.

Mr. STERLING. There has not been any ample provision made, as I will show by this quotation from the letter of the Secretary of War. They will need much of the amount of that increase at the town of Jefferson, about 25 miles southeast of Vermilion, and could use it now, or at the city of Elkpoint, 15 miles below Vermilion. There is $75,000 for revetment work for the whole stretch of the river from Sioux City to Fort Benton.

That is a distance of 1,477 miles. But this is from the letter of the Secretary. Referring to the situation at Vermilion he says:

> The protection of the bank in question would be of little, if any, benefit to navigation on the river, or to any other interest for which the Federal Government usually appropriates funds. The principal benefit would accrue to the private lands protected. It is probable that the amount carried by the joint resolution would not be more than half enough to do the work necessary for permanent relief.

The amount carried in the joint resolution was $100,000. I have added thirty-three and one-third thousand dollars as a contribution by the locality. I believe that $133,000 will do the work and make the permanent improvement that will afford protection.

Now, just a word to show the need. In 1881 there occurred what was called the great flood along the Missouri River, caused by an ice gorge below the city of Yankton, which flooded the whole valley from there to Sioux City. It practically destroyed the city of Vermilion, which was then all on the bottom land. The flood wrecked a very fine fleet of 12 steamboats at the wharves up at Yankton, 26 miles away. After the flood Vermilion was rebuilt, but instead of being rebuilt on bottom land as before the new city of Vermilion was built, for the most part, on the high plateau above, beyond the reach of river floods. It is all on the plateau save elevators, warehouses, the depot, and a few other buildings. There are no stores, however, and there are very few town residences on the bottom land near the station.

After the flood of 1881 instead of the channel of the Missouri River coming in right at Vermilion where the boats had formerly tied up at the town of Vermilion, it was 2½ or 3 miles away over against the Nebraska hills. That is where the channel then was, but that channel is now by erosion working its way back and is to-day within 300 feet of the old channel. When it works its way across that narrow neck of land we can imagine the havoc that will be created at high-water time in the destruction of railroad property and in the destruction of warehouse and elevator property at the city of Vermilion.

All this is supported by the affidavits of residents of the city of Vermilion by affidavits of farmers whose farms have been washed one after another into the river there—rich, alluvial land worth but for menace of the river $150 to $200 an acre—the finest farm land in South Dakota.

These facts were shown by the affidavits of the mayor of the town, two bankers of the town, and three or four farmers, showing that the channel now has worked its way back, destroying all this valuable land in its course, and is within the distance I have named of the old channel. So I felt justified in introducing this emergency amendment, and it ought to have been considered by the Senate before this time and adopted in order that we might have this necessary relief.

Mr. President, I have not tried to disguise this amendment by saying in the formal way used often in items of this kind that the Board of Engineers will expend the money as the engineers may see fit "in the interest of navigation." I have not used any such disguise in this amendment. Primarily I admit it is not in the interest of navigation, but it is for protection against the ravages of a great river, a navigable river of the United States forming the boundary between two great States of the Union at that place. That is what we are asking for. Has it any relation to navigation farther down the river? It is estimated that over 780,000,000 tons of sediment are carried into the Mississippi River from its upper waters and its various tributaries. Four hundred million tons of that sediment are emptied into the Mississippi by the Missouri River alone. What does it do? It obstructs the commerce to benefit which you are asking appropriations. It aggravates floods for the prevention of which you are making appropriations, and it vastly increases, of course, the aggregate of those appropriations. That tremendous amount of sediment which is carried down into the lower Mississippi River from the upper Missouri River impedes commerce, helps to swell the flood, and so in that regard this proposed improvement is in the interest of navigation. Every piece of successful revetment work along the banks of the upper Missouri River is to that extent in the interest of navigation between Sioux City and Kansas City and between Kansas City and the mouth of the Missouri, and even down to the mouth of the Mississippi. It is not remote at all from the general interest of navigation on these great water highways.

Mr. President, I think, in view of the history of the past in regard to these appropriations, in view of our actual deplorable condition to-day there at my own home city, and in view, too, of the fact that it is really in the interest of navigation this amendment ought to prevail.

Mr. THOMAS. Mr. President, in view of the fact that we shall be obliged to take care of the Elk River and the Little Elk River, in view of the fact that the Trinity River enterprise needs a great deal of money to make it perfect, in view of the number of other very important streams, not excepting the Ocmulgee and Oconee Rivers, I do not think that the Government can afford very well now to take care of the farmers of South Dakota, and consequently I am reluctantly compelled to renew the point of order that was made by the chairman of the committee against the amendment.

Mr. STERLING. Mr. President, of course I have nothing to say, but that I regret it, and I regard as absolutely uncalled for the position of the Senator from Colorado in view of the facts that I have presented.

Mr. THOMAS. The facts appeal very strongly to me, but we can have too many things, certainly many of the meritorious things, in this measure. So I must insist on the point of order.

The VICE PRESIDENT. The Chair has no doubt about the duty of the Chair to sustain the point of order.

Mr. POINDEXTER. I submit the following amendment: At the end of the bill insert——

Mr. CLARKE of Arkansas. Are we through with amendments to the House text? I think when we reach that point it ought to be announced, so that we shall not be compelled to go back.

Mr. SMOOT. I have an amendment to offer to the House text of the bill.

The VICE PRESIDENT. The Chair will state to the Senator from Washington [Mr. POINDEXTER] that his amendment is not yet in order.

Mr. SMOOT. On page 11 I move to strike out lines 15, 16, 17, and 18, in the following words:

> Nanticoke River, Del. and Md.: For maintenance of improvement of Nanticoke River and Northwest Fork of Nanticoke River (Marshy Hope Creek), Md., $5,000.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Utah.

Mr. SMOOT. Mr. President, this project is 2 miles long. The Army engineers report that it is completed, and that the 2 miles have cost the Government of the United States $21,216 up to date. The total appropriations for the preceding five years on this project have been only $1,806.19, and now we are asked to appropriate $5,000 to be expended upon this project for the coming year of 1917. Three times the amount that has been appropriated for the project during the last five years is to be expended upon this project, which is reported as completed.

The Army engineers admit that the improvement has had no effect upon water rates. They admit that the railroad rates and the water rates are exactly the same. It has not helped commerce one particle, if one can call the amount that is carried on the river "commerce."

I wish to say to the Senate now that this is a project to assist a canning factory located upon the river. The commerce for 1914 amounted to 13,039 tons, of which 4,335 tons were empty cans, while 1,136 tons were cordwood, and 1,867 tons were lumber.

This project has been consolidated with 5¼ miles of Marshy Hope Creek. Both projects combined have cost the Government of the United States $48,343.

If Congress is to appropriate money for the improvement and maintenance of this river, mainly, I will say at least for a canning factory, it seems to me the canning factory ought to cooperate with the Government in maintaining the stream.

I can not see any harm that will come to the commerce or to the Government of the United States or anybody else outside of the canning factory if we strike out the appropriation, and it is for that reason that I have moved that this item be stricken from the bill.

The PRESIDING OFFICER (Mr. POMERENE in the chair). The question is on agreeing to the amendment submitted by the Senator from Utah.

Mr. SMOOT. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SHEPPARD. Let the amendment be stated.

The SECRETARY. On page 11, strike out lines 15, 16, 17, and 18, in the following words:

Nanticoke River, Del. and Md.: For maintenance of improvement of Nanticoke River and Northwest Fork of Nanticoke River (Marshy Hope Creek), Md., $5,000.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Senator from Utah.

The Secretary proceeded to call the roll.

Mr. HARDWICK (when his name was called). I transfer my pair with the Senator from Kansas [Mr. CURTIS] to the Senator from South Carolina [Mr. SMITH] and vote. I vote "nay."

Mr. MYERS (when his name was called). Making the same announcement as heretofore of the transfer of my pair, I vote "nay."

Mr. SAULSBURY (when his name was called). I transfer my pair, as stated heretofore, to the junior Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. THOMAS (when his name was called). I transfer my pair with the senior Senator from North Dakota [Mr. MCCUMBER] to the junior Senator from South Dakota [Mr. JOHNSON] and vote "yea."

Mr. THOMPSON (when his name was called). I am paired with the Senator from Illinois [Mr. SHERMAN] and in his absence withhold my vote.

Mr. UNDERWOOD (when his name was called). I transfer my pair with the junior Senator from Ohio [Mr. HARDING] to the junior Senator from California [Mr. PHELAN] and vote "nay."

The roll call was concluded.

Mr. TILLMAN. I have a pair with the Senator from West Virginia [Mr. GOFF], and in his absence I withhold my vote. I wish this announcement to stand for the day.

Mr. CATRON. I am paired with the Senator from Oklahoma [Mr. OWEN]. In his absence I withhold my vote.

Mr. LODGE (after having voted in the affirmative). I observe that the Senator from Georgia [Mr. SMITH] has not voted.

The PRESIDING OFFICER. He has not voted.

Mr. LODGE. I have a pair with that Senator. I therefore withdraw my vote.

The result was announced—yeas 19, nays 31, as follows:

YEAS—19.

Ashurst	Gallinger	Lippitt	Thomas
Borah	Gore	Norris	Townsend
Brandegee	Husting	Smoot	Warren
Clark, Wyo.	Kenyon	Sterling	Weeks
Fall	Lane	Sutherland	

NAYS—31.

Bankhead	Lea, Tenn.	Pittman	Simmons
Broussard	Lewis	Poindexter	Smith, Ariz.
Chilton	Martin, Va.	Pomerene	Smith, Mich.
Clarke, Ark.	Martine, N. J.	Ransdell	Swanson
Culberson	Myers	Reed	Underwood
Hardwick	Nelson	Saulsbury	Walsh
James	Oliver	Sheppard	Williams
Jones	Overman	Shields	

NOT VOTING—46.

Beckham	Fletcher	Lodge	Smith, Ga.
Brady	Goff	McCumber	Smith, Md.
Bryan	Gronna	McLean	Smith, S. C.
Burleigh	Harding	Newlands	Stone
Catron	Hitchcock	O'Gorman	Taggart
Chamberlain	Hollis	Owen	Thompson
Clapp	Hughes	Page	Tillman
Colt	Johnson, Me.	Penrose	Vardaman
Cummins	Johnson, S. Dak.	Phelan	Wadsworth
Curtis	Kern	Robinson	Works
Dillingham	La Follette	Shafroth	
du Pont	Lee, Md.	Sherman	

So Mr. SMOOT's amendment was rejected.

Mr. SMOOT. It is quite evident to me, Mr. President, that it is impossible to secure a favorable vote from the Senate upon striking from the bill any item. The items that I have moved to strike out should, in my judgment, never have been in the bill. I do not see how they can be justified.

There are about 50 other projects in the bill that I have proposed to move to strike out, but it would take a great deal of time to discuss them. I have not any doubt but that the result of the vote would be about the same as the votes that have already been taken. I am not going to take the time of the Senate to offer any more amendments and ask for a yea-and-nay vote upon them. It is perfectly useless.

I will, however, simply for the RECORD, with no explanation, name some of the items that I intended to speak upon. They are such projects as the Sarasota Bay, St. Petersburg Harbor, Hillsboro Bay, Apalachicola Bay, St. Johns, St. Johns—Palatka to Lake Harney—Virginia waterway, Meherrin River, Fishing Creek, Bay River, Swift Creek. It would be rather interesting to the Senate, I think, if I would stop and refer to that project. I can assure you they are "going some" when they ask for an appropriation for Swift Creek. Other projects are Cape Fear above Wilmington, Cape Fear below Wilmington, Flint River, James River, Rehoboth Bay waterway, and there are a great many others.

As far as I am concerned I shall offer no more amendments to the text of the House bill. I shall wait until some future time to continue this fight against appropriating Government money for so-called navigable creeks in this reckless way. The end of such appropriations is in sight. The American people will not stand it.

Mr. CLARKE of Arkansas. Unless some other Senator has an amendment of that character to offer that order of business is closed.

Mr. KENYON. It is not closed just yet.

Mr. CLARKE of Arkansas. I said if no other Senator had an amendment to offer. I did not undertake to close it.

Mr. KENYON. Mr. President, I have a number of amendments, on which I shall not ask for any more votes by a roll call, because it is quite apparent what the sentiment of the Senate is as to individual projects in various parts of the country. But in trying a lawsuit I have always discovered that when you have a packed jury the only thing to do is to make a record for some other court, and I feel as a distinguished Congressman from Missouri once said in the House, that he would appeal the case to another forum. I am perfectly willing that these amendments that I have offered shall just be declared defeated, without any further time being taken.

I move to strike out, on page 15, beginning in line 6 with the word "completing," the following:

Completing construction of the lock in Dam No. 4 and completing construction of Dam No. 5, in the State of Alabama, $30,000.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The question is on agreeing to the amendment proposed by the Senator from Iowa.

The amendment was rejected.

Mr. KENYON. On page 14, line 8, in the item for the Santee, Wateree, and Congaree Rivers, S. C., I move to strike out "$55,000" and insert "$15,000."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa.

The amendment was rejected.

Mr. KENYON. On page 14, line 19, in the item for the Altamaha, Oconee, and Ocmulgee Rivers, Ga., I move to strike out "$53,000" and insert "$40,000," that being the amount the Army engineers allotted last year.

The PRESIDING OFFICER. The Chair is informed that that sum was increased to $78,000 by a vote of the Senate this morning.

Mr. KENYON. Only $78,000! I suppose my motion therefore is not in order——

Mr. CLARKE of Arkansas. No; it is not in order without a reconsideration of the former action of the Senate.

Mr. KENYON. Because instead of being reduced it has been increased.

Mr. SMOOT. I will state to the Senator that I moved to strike out the whole item, and I think the proposition to strike out received some twenty-odd votes.

Mr. KENYON. I withdraw that amendment.

The PRESIDING OFFICER. The Senator from Iowa withdraws the amendment.

Mr. KENYON. On page 28, I move to strike out the entire item providing $5,000,000 for the improvement of the Ohio River, which proposition has been discussed here. It is contained in lines 1, 2, and 3, on page 28.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa.

The amendment was rejected.

Mr. KENYON. At the close of line 3, on page 28, I offer the amendment which I send to the desk and ask that the Secretary read it.

The PRESIDING OFFICER. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 28, line 3, after the numerals "$5,000,000" and before the period, it is proposed to insert the following proviso:

Provided, That one-half of this appropriation shall be available whenever there shall be contributed by the State, county, cities, locality or localities interested, an amount equal to one-half of such appropriation, which amount when so raised shall be placed to the order of the Secretary of War, and shall be expended by him pursuant to the report of the United States engineers on such project: *Provided further*, That the remaining one-half of such appropriation shall be retained in the Treasury, subject to the order of the Secretary of War, and to be used by him whenever needed in the completion of the project for which such appropriation is made.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa.

The amendment was rejected.

Mr. KENYON. I am almost inclined to ask for the yeas and nays on the amendment, but I shall not do so. Now, on page 37, line 5, relating to the Missouri River, I move to strike out "$1,500,000" and to insert "$150,000."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Iowa.

The amendment was rejected.

Mr. KENYON. I offer an amendment to come in at the end of line 5, on page 37, which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 37, line 5, after the numerals "$1,500,000," and before the period, it is proposed to insert the following proviso:

Provided, That one-half of this appropriation shall be available whenever there shall be contributed by the State, county, cities, locality, or localities interested an amount equal to one-half of such appropriation, which amount, when so raised, shall be placed to the order of the Secretary of War and shall be expended by him pursuant to the report of the United States engineers on such project: *Provided further*, That the remaining one-half of such appropriation shall be retained in the Treasury, subject to the order of the Secretary of War, and to be used by him whenever needed in the completion of the project for which such appropriation is made.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Iowa.

The amendment was rejected.

Mr. KENYON. Mr. President, I desire to make a parliamentary inquiry. Will a substitute for the entire bill be in order after amendments proposed by individual Senators as to different provisions of the bill are disposed of, or must that substitute be offered at this time?

Mr. CLARKE of Arkansas. The substitute will be in order after the bill has been perfected as its friends desire that it shall be perfected.

The PRESIDING OFFICER. The bill is still before the Senate, as in Committee of the Whole, and open to amendment.

Mr. BRANDEGEE. Mr. President——

Mr. CLARKE of Arkansas. Mr. President, does that close all amendments to the House text that are proposed to be offered?

The PRESIDING OFFICER. The Chair so understands.

Mr. WEEKS obtained the floor.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Utah?

Mr. SMOOT. If the Senator will yield to me for a moment, in order to fulfill a promise I made when this stage of the bill was reached, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Martine, N. J.	Shields
Bankhead	Hitchcock	Myers	Simmons
Beckham	Hollis	Nelson	Smith, Ariz.
Borah	Hughes	Norris	Smoot
Brandegee	Husting	Overman	Taggart
Broussard	James	Phelan	Thomas
Chamberlain	Johnson, S. Dak.	Pittman	Thompson
Chilton	Jones	Poindexter	Underwood
Clapp	Kenyon	Pomerene	Walsh
Culberson	La Follette	Ransdell	Warren
Curtis	Lane	Saulsbury	Weeks
Fletcher	Lea, Tenn.	Shafroth	Williams
Gallinger	Lodge	Sheppard	

Mr. RANSDELL. I am requested to announce the unavoidable absence of the Senator from Mississippi [Mr. VARDAMAN] on departmental business.

The PRESIDING OFFICER. Fifty-one Senators have responded to the roll call. A quorum is present. The Senator from Massachusetts will proceed.

Mr. WEEKS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. After section 4 it is proposed to insert the following:

That the sum of $200,000 be, and is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be made immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the improvement of Weymouth Fore River, Mass., and the removal of the small shoal south of the west end of Peddocks Island, in accordance with the report submitted in Senate Committee Document No. 13, Sixty-third Congress, third session.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts [Mr. WEEKS].

Mr. CLARKE of Arkansas. Mr. President, I want to say a word about that amendment. The amendment was submitted in regular course to the Committee on Commerce, and its merits were somewhat thoroughly investigated. The technical steps necessary to render it eligible to be added to this bill have been taken. There is no objection, therefore, of a technical character to the amendment; nor is there an objection as to the merits of the proposition. The committee were deterred from adding the item to the bill because the bill had already grown to such proportions that we felt that we had passed the limit, or, certainly, had reached the limit where we thought we could take the responsibility of suggesting any further increases. We believed it to be the better policy to submit the matter to the Senate, and I do so now.

The only objection that I see to the amendment is that the bill is already large enough; but if the Senate shall take a different view of it, it will be within its province when it shall do so.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Massachusetts [Mr. WEEKS].

The amendment was agreed to.

Mr. BRANDEGEE and Mr. SHAFROTH addressed the Chair.

The PRESIDING OFFICER. The Chair will first recognize the Senator from Connecticut.

Mr. BRANDEGEE. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. On page 3, after line 16, it is proposed to insert the following:

For dredging an anchorage basin in the harbor of refuge at Duck Island, Conn., $71,000, in accordance with the provisions and recommendations contained in House Document No. 812, Sixty-fourth Congress, first session.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Connecticut.

The amendment was agreed to.

Mr. BRANDEGEE. Mr. President, in connection with that amendment, I should like to have printed in the RECORD a brief report of the Chief of Engineers explaining its merits. There are other reports in the document which I will send to the desk, but I only ask that the first report of the Chief of Engineers be printed.

The PRESIDING OFFICER. Without objection, that course will be pursued.

The report referred to is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 24, 1915.

From: The Chief of Engineers, United States Army.
To: The Secretary of War.
Subject: Preliminary examination and survey of Duck Island Harbor of Refuge, Conn.

1. There are submitted herewith, for transmission to Congress, reports dated May 17 and December 21, 1915, with map, by Maj. G. B. Pillsbury, Corps of Engineers, on preliminary examination and survey, respectively, authorized by the river and harbor act approved March 4, 1915, of harbor of refuge at Duck Island, Conn.

2. Duck Island Harbor is a small bay on the north side of Long Island Sound, nearly midway between New London and New Haven Harbors. The present project for the improvement of this locality, adopted in 1910, provides for the construction of three breakwaters, one extending northwardly from Duck Island 1,100 feet, one extending westwardly from Duck Island 2,697 feet, and one extending southwardly from Stone Island near Kelsey Point, 3,750 feet. The project has been completed. The total expenditure to June 30, 1915, amounts to $416,242.28. The original depth in the sheltered area behind Duck Island was 16 feet, but since the construction of the breakwaters this area has gradually shoaled, until the depth has been reduced to a minimum of 9 feet. The district officer submits estimates for restoring the original depth of 16 feet, amounting to $71,000, and also for providing a depth of 18 feet, amounting to $93,000. The harbor has been used extensively as a refuge, and at present about 1,000 vessels seek shelter there annually. The district officer is of opinion that the further improvement of the harbor is advisable to the extent of dredging and maintaining an anchorage basin 18 feet in depth, and the division engineer concurs in this opinion.

3. These reports have been referred, as required by law, to the Board of Engineers for Rivers and Harbors, and attention is invited to its report herewith dated January 19, 1916. The board concurs in general with the views of the district officer and division engineer, but for reasons stated recommends the lesser project of 16 feet at mean low water, at an estimated cost of $71,000.

4. After due consideration of the above-mentioned reports, I concur in the views of the Board of Engineers for Rivers and Harbors, and therefore report that the further improvement of Duck Island Harbor, Conn., is deemed advisable to the extent of providing a depth of 16 feet at mean low water, approximately as indicated on the accompanying map, at an estimated cost of $71,000 for first construction and $25,000 every five years for maintenance. The entire first cost of the improvement should be provided in one appropriation.

DAN C. KINGMAN,
Chief of Engineers, United States Army.

Mr. SHAFROTH. Mr. President, I desire to present an amendment.

Mr. CLARKE of Arkansas. Will the Senator from Colorado allow me to offer a few formal amendments before he proceeds?

Mr. SHAFROTH. Very well; I will withhold my amendment.

Mr. CLARKE of Arkansas. On page 32, as an additional proviso to the Illinois River item, I offer the amendment which I send to the desk. I will state, in that connection, that it is offered at the instance of the Chief of Engineers. The matter has been submitted to both Senators from the State of Illinois, and in its present form it is acceptable to them.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Following the amendment heretofore agreed to, on page 32, line 2, it is proposed to insert the following proviso:

Provided, That the improvement may be made in general accordance with the plans heretofore submitted to the Chief of Engineers and the Secretary of War, and subject to their approval, or on such modified plans as may be approved by the Chief of Engineers and the Secretary of War: *Provided further*, That the waterway shall be completed and open for navigation before any of the water now being, or hereafter to be, diverted from Lake Michigan shall be used for the development of power: *Provided further*, That the navigation features of the waterway and its appurtenances shall be operated and maintained in a manner satisfactory to the Chief of Engineers and the Secretary of War, and any repairs or maintenance work that may be directed by the Secretary of War on the recommendation of the Chief of Engineers shall be made within the time specified by him: *Provided further*, That when, under the terms of the act of the State of Illinois, the waterway shall be transferred to the United States for navigation purposes, the United States shall be given a clear title to such land as may be occupied or used in connection with the locks and various appurtenances necessary for the operation of the waterway for navigation, together with all structures thereon: *Provided further*, That nothing herein contained shall be held to prejudice or affect any rights the United States may have in the Illinois and Michigan Canal, or lands appurtenant thereto, or in any claims against the State of Illinois arising out of any failure upon the part of the State to maintain said canal as a navigable waterway.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CLARKE of Arkansas. I offer an additional amendment, which has passed through the regular stages to make it proper at this time, and when the Secretary reads it I shall make a very brief statement about it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add a new section, as follows:

SEC. —. That the Secretary of War be, and he is hereby, authorized to accept for and on behalf of the United States, with thanks to the donors, funds raised or to be raised by the New York World by popular subscription for the construction of an electric lighting plant adequate for the illumination of the Statue of Liberty on Bedloes Island, New York Harbor, with the understanding that the funds will be applied to the purpose for which donated, and that the lighting plant, after construction, will be maintained at the expense of the United States.

Mr. CLARKE of Arkansas. Mr. President, some years ago the people of France generously gave to the people of the United States what is known as Bartholdi's Statue, which was erected at the entrance of New York Harbor. It has become one of the conspicuous testimonials of our national pride and of our gratitude to a people whose kindred sympathies prompted them, as the people and not as the nation, to make so substantial a contribution to our national pride and patriotic spirit. The lighting of the monument at night is easily a patriotic, national duty and a fair expression of our appreciation of the remembrance. The New York World has now raised an additional subscription sufficient to erect the necessary electric-lighting plant, and the purpose of this amendment is to accept this additional donation, and to assume the further responsibility of defraying the expenses of properly lighting the monument, after the plant has been completed and turned over to the United States. It provides for no additional appropriation at this time, but leaves that for further legislative treatment, accordingly, as its extent may hereafter be found necessary. I think the amendment ought to be adopted.

Mr. JONES. Mr. President, I am in hearty accord with the amendment. Personally, I would prefer to see the Government put up the money itself to provide for the lighting plant, which is something that ought to be done; but if we have not seen fit to do it, I am glad that somebody has donated the plant to us. We certainly ought to maintain it after it is given to us.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

Mr. SHAFROTH obtained the floor.

Mr. RANSDELL. Mr. President, I will ask the Senator from Colorado to yield to me to offer a formal amendment before submitting the amendment which he intends to offer.

Mr. SHAFROTH. Does it have the concurrence of the committee?

Mr. RANSDELL. Yes, sir.

Mr. SHAFROTH. Very well.

Mr. RANSDELL. In behalf of the Senator from Maryland [Mr. SMITH], I introduce an amendment providing for a survey of the Elk River in Maryland.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 46, after line 22, it is proposed to insert:

Elk River, Md.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Louisiana.

Mr. THOMAS. Mr. President, I should like some information about the amendment which has just been offered.

Mr. RANSDELL. It provides for a survey of the Elk River in Maryland. I offer the amendment, as I have stated, on behalf of the Senator from Maryland [Mr. SMITH].

Mr. THOMAS. It relates to an item which was opposed by the Senator from Utah [Mr. SMOOT], and I ask to have it go over until the Senator from Utah returns to the Chamber.

Mr. CLARKE of Arkansas. Let me request of the Senator from Colorado not to insist upon that. It is simply to reinvestigate the very situation which has been pointed out by the Senator from Utah. It will not cost the Government a cent. There is a regular corps of officers engaged in this kind of work.

Mr. THOMAS. I have no interest in it one way or the other, but I think it is only fair to the Senator from Utah that he should be present when the amendment is considered.

Mr. CLARKE of Arkansas. Let it go in the bill, with the reservation that if the Senator from Utah comes in and objects to it we will take it up again.

Mr. THOMAS. Very well. With that understanding, I shall not object to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Louisiana [Mr. RANSDELL].

The amendment was agreed to.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. SHAFROTH. I will yield to the Senator if what he desires to offer leads to no debate.

Mr. NELSON. I offer an amendment relating to a survey of the upper Mississippi River.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 54, after line 3, it is proposed to insert the following:

Mississippi River, near Deer River, Minn., with a view to the construction of a new channel, beginning in or near lot 1 of section 24, township 144 north, range 25 west of fifth principal meridian, thence southerly and terminating in or near section 22, township 55 north, range 27 west of the fourth principal meridian, the termini and course of said channel to be determined with greater particularity by the Chief of Engineers, United States Army, the purpose of said new channel being to improve navigation, to enable a more perfect control of waters by Pokegama Dam.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota.

The amendment was agreed to.

Mr. CLAPP. Mr. President, will the Senator from Colorado yield to me to offer an amendment? It is a survey item.

Mr. SHAFROTH. I will yield to the Senator, if it leads to no discussion.

Mr. CLARKE of Arkansas. Mr. President, I will call the attention of the Senator from Washington [Mr. POINDEXTER] to the fact that the amendment, which I understand he intends to propose, might be offered as soon as the amendment which the Senator from Minnesota [Mr. CLAPP] desires to offer has been disposed of.

Mr. CLAPP. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 53, after line 26, it is proposed to insert:

St. Paul (Minn.) Harbor, with a view of determining whether the channel of the Mississippi River can be changed to or near the bluffs on the west side thereof.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from South Dakota?

Mr. SHAFROTH. I will yield if his amendment does not lead to debate.

Mr. STERLING. I merely want to suggest an amendment which, I think, will be agreeable to the chairman of the committee. It is an amendment to the committee amendment on page 54 under the head of "Surveys." On that page, in line 2,

after the word "to," I move to insert the words "flood control and to," so that it will read "with a view to flood control and to connecting and extending navigation."

Mr. CLARKE of Arkansas. There is no objection to that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Washington?

Mr. POINDEXTER. I desire to offer an amendment.

Mr. SHAFROTH. I will ask the Senator from Washington whether the amendment he intends to offer will lead to any debate?

Mr. POINDEXTER. I apprehend not, I will say to the Senator.

Mr. SHAFROTH. I will yield if it does not lead to debate, though I desire to get through with the amendment I wish to offer.

Mr. POINDEXTER. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to add the following:

There shall be appointed by the chairmen of the Committee on Rivers and Harbors of the House of Representatives and the Commerce Committee of the Senate an inspector of river and harbor works. He shall be a trained and experienced civil engineer, not connected in any way with the Army. It shall be the duty of said inspector to thoroughly examine the several river and harbor projects which have been adopted by Congress, with special regard to the question of whether the moneys appropriated by Congress for these works are being expended to the best advantage from a standpoint both of economy and efficiency. In making said examination said inspector shall inquire whether the best methods are being used in the prosecution of said works to accomplish the improvement contemplated thereby. Said inspector shall also examine into the question of the needs of commerce for said improvements, and the probable or prospective uses thereof in commerce, and the probable or prospective results thereof on freight rates on railroads through the competition of such waterways; and for that purpose said inspector may ascertain the effect upon such rates of waterways heretofore improved, and the uses that have been made of the same for purposes of transportation. Said inspector shall make, in writing, to Congress a full semiannual report of his observations and conclusions in the foregoing matters. He shall hold office at the pleasure of the committees above mentioned, and his successor shall be appointed as provided above. He shall be paid a salary of $10,000 a year and his necessary, actual expenses, and shall have such clerical and other assistance as may be necessary, to be approved by the chairmen of said committees.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CLARKE of Arkansas. Mr. President, I believe it to be a wise action for the Senate to let that amendment go into the bill, not necessarily because it will be adopted as the law, but because it is the germ of an idea that ought to be respected.

This debate for the past three weeks has brought out the fact that the public opinion of Congress is somewhat dissatisfied with the present method of making river and harbor appropriations; that there ought to be additional scrutiny provided; that it ought to extend to the method in which improvements heretofore ordered have been made; and that it ought to put Congress in possession of a fund of information that it does not now have, and that it ought to come from a source entirely dissociated from the Engineering Office, upon which we must now altogether rely for technical information.

Several projects covering the same general question will be offered. I think it policy to let them all go into the bill and be considered in conference, with a view to utilizing all that is good in them, to the end that we may evolve some supervisory tribunal or process by which better work can be done hereafter.

Mr. JONES. Mr. President——

Mr. THOMAS. Mr. President, may I ask the Senator in charge of the bill a question?

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Washington? He rose first.

Mr. CLARKE of Arkansas. I yield to the Senator from Colorado just now.

Mr. THOMAS. Let me ask if any estimate has been made for this added appropriation to the bill?

Mr. POINDEXTER. Mr. President, if the Senator will yield, I will say that the amendment is not subject to that point of order, because it does not carry an appropriation.

Mr. CLARKE of Arkansas. It does not provide for the appropriation of any money.

Mr. POINDEXTER. It simply provides for a salary of $10,000.

Mr. CLARKE of Arkansas. In the event it becomes an act of Congress.

Mr. POINDEXTER. It provides for the salary, but does not appropriate any money.

Mr. THOMAS. Then, when I am entitled to the floor, I shall oppose this amendment on another principle.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Washington?

Mr. CLARKE of Arkansas. I do.

Mr. JONES. I was just going to say that I would not oppose this amendment if the salary is cut to $7,000, but I object to an employee of the Senate getting more salary than we get ourselves.

Mr. CLARKE of Arkansas. I see no objection to striking out the salary entirely and leaving that to future legislation.

Mr. JONES. He ought to have some compensation, and I would have no objection to $7,000.

Mr. SHAFROTH. Mr. President, it is evident that this amendment is going to lead to some discussion, and if the Senator from Washington will take it up after the amendment which I have been trying to get up for some time is disposed of I shall be much obliged.

Mr. POINDEXTER. Mr. President, I should like to inquire of the Senator from Colorado what his amendment is?

Mr. SHAFROTH. My amendment is to require 20 per cent of the cost of each of the projects in this bill to be paid into the Treasury by the locality as a part of the appropriation which is made in the bill. The amendment has various phases which I wish to discuss for a few minutes.

Mr. KENYON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. SHAFROTH. I yield.

Mr. KENYON. I desire to ask the Senator from Washington [Mr. POINDEXTER] a question.

Mr. SHAFROTH. I will state to the Senator that I do not think my amendment is going to take a long while; but evidently I was entitled to recognition, and received recognition, and I yielded to various Senators on the assumption that the matters presented by them would not take any time or lead to much discussion.

Mr. NORRIS. Mr. President, will the Senator from Colorado yield to me?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. SHAFROTH. Yes; I yield to the Senator from Nebraska.

Mr. NORRIS. I want to say, out of justice to the Senator from Colorado, that he yielded to let the Senator from Washington offer his amendment, on the theory that it would take no time. Now, I expect to discuss—not at length, but for a few moments—the amendment offered by the Senator from Washington, and I wanted to tell the Senator from Colorado that that was the case.

Mr. SHAFROTH. My colleague [Mr. THOMAS] has indicated that he wants to discuss it, and so, evidently, it is going to take considerable time. I will ask that the Senator from Washington take it up immediately after my amendment is disposed of.

Mr. POINDEXTER. I think that is entirely reasonable. I should like to answer the question the Senator from Iowa was going to ask me, however.

Mr. KENYON. I was going to ask the Senator what salary is provided for by this amendment. Do I understand that it is $10,000 per annum?

Mr. POINDEXTER. That is the amount named in the amendment. That is only a tentative suggestion.

Mr. KENYON. It is not the duty of this expert to discover water in all of these streams, is it?

Mr. POINDEXTER. It is his duty to report whether or not there is any water there. If the Congress of the United States is appropriating money for streams that have no water in them, and no way of getting any water, I think it would be an act of economy to appoint a reliable man to investigate that proposition and report to us.

Mr. KENYON. I agree with the Senator. He ought to have a good salary for doing that, too.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to his colleague?

Mr. SHAFROTH. I yield to my colleague.

Mr. THOMAS. I merely want to say that, in view of the explanation of this matter just given me by the chairman of the committee, I shall make no further opposition to the amendment of the Senator from Washington.

Mr. UNDERWOOD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Alabama?

Mr. SHAFROTH. I yield to the Senator from Alabama.

Mr. UNDERWOOD. I desire to offer an amendment on page 49, after line 17.

The PRESIDING OFFICER. There is an amendment pending.

Mr. SHAFROTH. It is a mere formal amendment, as I understand, which will elicit no discussion.

The PRESIDING OFFICER. There is now an amendment pending.

Mr. CLARKE of Arkansas. I ask unanimous consent that the amendment offered by the Senator from Alabama may be considered without prejudice to the pending amendment.

The PRESIDING OFFICER. Without objection, that may be done.

Mr. UNDERWOOD. I send the amendment to the desk and ask to have it read. It is to come in on page 49, after line 17.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 49, after line 17, it is proposed to insert:

Mulberry Fork of the Warrior River above Sanders Shoals.

Mr. UNDERWOOD. Mr. President, this is merely a survey for a fork of the Warrior River, where the navigation is already completed, and it is to see whether a further survey for that river would be of any avail.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama.

The amendment was agreed to.

Mr. SHAFROTH. I ask that the Secretary may state the amendment offered by me.

Mr. CLARKE of Arkansas. Let me suggest to the Senator from Washington that he temporarily withdraw his amendment and let the Senator from Colorado proceed with the consideration of his amendment.

Mr. POINDEXTER. I accept the suggestion of the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Washington asks that his amendment be laid aside.

Mr. POINDEXTER. I ask that it be temporarily laid aside, pending the disposition of the amendment offered by the Senator from Colorado.

Mr. SHAFROTH. No; it seems to me the Senator ought to reoffer it. I yielded simply for the purpose of letting it be considered if it led to no debate.

Mr. CLARKE of Arkansas. The courses are equivalent. Either one will answer.

The PRESIDING OFFICER. The amendment offered by the Senator from Colorado will be stated.

The SECRETARY. It is proposed to insert in the bill a new section, as follows:

SEC. —. That each of the appropriations herein made shall become available only in the event States, counties, cities, or individuals shall pay into the Treasury as part of the same 20 per cent of the amount thereof: *Provided, however,* That the provisions of this section shall not apply to those items requiring contributions from other sources.

Mr. SHAFROTH. Mr. President, there are four good reasons why this amendment should be adopted by the Senate.

In the first place, the object and accomplishment of the amendment will be to eliminate from this bill all projects that are unworthy. We know that when it comes to attempting to get money for a project from individuals or counties or cities you have a local interest that is familiar with the enterprise, the appropriation for which is sought in the river and harbor bill. They know whether it is a wise measure, whether it is a good measure, and, consequently, their judgment is a check upon an unworthy project.

Mr. President, I have seen Senators of the highest integrity say in this Chamber that a certain project in the bill, specifying it, was unworthy of consideration; that it was something that never should be passed by Congress. On the other hand, I have seen men of equal integrity rise and say that the same appropriation was one of the best measures in the entire bill. So far as I am concerned, I have no light upon which to act. I can not read all the testimony that has been taken in relation to the project, and the result is that I am at a loss to know how to vote with respect to an appropriation so assailed and so defended. But, Mr. President, if the people of the community where that project is to be constructed say that they will contribute a fair percentage of the amount appropriated, it is a guaranty that it is a worthy project; they know what is best to be done; they know whether or not it is wise to have the improvement made; and consequently we can rely upon their judgment and thereby can vote for an appropriation of that kind with very little investigation and with very little taking of testimony.

Mr. President, that is the condition with relation to this bill. Probably 20 or 30 items have been assailed in that way, and probably 20 or 30 items have been defended in that way. I do not know how to vote upon them. But if the people will say, "We will contribute 20 per cent of the amount of this appropriation for this purpose," I can readily say that no matter what my opinion was I believe that their opinion is better than mine with relation to it.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. SHAFROTH. I yield.

Mr. HARDWICK. There are many attractive features to the Senator's idea, particularly if it were applied to items that were not purely an exercise of the commerce power; but we will take a case that is clearly an exercise of the commerce power. Take the great port of Savannah, for instance. The business of 11 States, at least, goes through that port. Would the Senator expect the people who reside right at the city to contribute that 20 per cent, or how many people would do it?

Mr. SHAFROTH. Whoever is interested; and if the benefits go up as far as New York those people would contribute.

Mr. HARDWICK. But if the Senator will pardon me, in the case I have in mind they would not do it, except at Savannah, and then in that case, in order to maintain a great port—the third largest exporting port in the United States—you put the burden on 50,000 or 75,000 people who live right at that city.

Mr. SHAFROTH. I do not propose to do anything of the kind, because they can get their contributions from the people who are benefited. I want to say, however, that this is not a new system. I have here a statement made in the CONGRESSIONAL RECORD of some years ago. The port of Antwerp is a great port. As a matter of fact, it gets commerce from all over the world. It cost $30,000,000 to improve the harbor at that port; but the city of Antwerp contributed two-fifths and the Kingdom of Belgium contributed three-fifths. That is twice as much a contribution as we are asking here. The object is not to burden those communities that have legitimate enterprises but to cut out those projects where there is no real foundation for appealing to the Congress of the United States for an appropriation.

Mr. President, each Senator sometimes gets requests to propose appropriations that are perfectly ridiculous. The applicants justify their request by saying: "Why, somebody else is getting such an appropriation; and if it does no other good whatever, it will result in spending the money in our community, and therefore we had better get it." Why, Mr. President, if you are going to take in projects that Members on the floor of the Senate will say are outrageous, the only test I can see that is fair will be as to whether the people will go down into their pockets and contribute something for the purpose.

Therefore, Mr. President, when we find some eight or ten of the provisions in this bill making this very requirement of contribution—in almost every instance for a greater amount than one-fifth, or 20 per cent—it seems to me that there ought to be very little objection to this amendment. In order to weed this bill of the projects that are called "pork-barrel" appropriations, in order to weed it of the unworthy projects, some kind of evidence of good faith should be presented on the part of the people who are urging such appropriations.

Now, Mr. President, I want to call attention to the first one—the item in regard to the Galveston sea wall. It is found on page 22. What is the provision there?

Provided, That no part of the amount herein appropriated shall be expended * * * until the said county or city of Galveston shall have obtained a right of way and made provision in a manner satisfactory to the Secretary of War for paying the cost of constructing at least 3,300 feet of similar sea-wall extension in addition to that herein appropriated for.

That requirement is a good deal more than any 20 per cent, and yet it is provided in this very bill. It is a good provision, because there is a local benefit to the city of Galveston by reason of that improvement and it ought to at least pay for a part of the benefit it receives.

I want to call attention to another one of these requirements claimed to be so unjust when applied to my amendment. On page 24 we find that there is, with relation to the Trinity River, a provision as follows:

Provided, That no part of the latter amount—

That is, the appropriation for that river of $250,000—

shall be expended until the city of Dallas or other local interests shall have contributed the sum of $50,000 toward the improvement.

In the case of the appropriation for the Illinois River, on page 31 of the bill, we find this provision:

Illinois River, Ill.: Continuing improvement and for maintenance below Copperas Creek, $55,000; and the improvement of navigation of the Illinois River, authorized by an act of the Illinois General Assembly providing for an expenditure of $5,000,000 therefor by the State of Illinois, be, and is hereby, authorized in accordance with said act.

Why, Mr. President, there the State of Illinois has contributed two, three, four, or five times as much as ever was contributed by the Government of the United States to that project. Is it fair to require of some that they shall contribute large amounts, and of others that they shall contribute nothing whatever?

It seems to me that the provisions that I am citing in this bill are ample and good precedents for the requirement in this amendment of the payment by those benefited of 20 per cent of these appropriations before any of them shall become effective.

I turn to the item with relation to St. Joseph, Mo., on page 37 of the bill. There is a requirement which is very plain and clear. It says:

Provided, That the amount required to be paid by the city of St. Joseph or other agency shall not be in excess of two-fifths of the total amount expended and in no event to exceed $50,000.

There St. Joseph has undertaken to put up two-fifths of the amount of the appropriation provided in this bill, and voluntarily does it; and that of itself shows that it is a worthy project. I do not have to inquire as to whether or not that is worthy, because, when I find that the local interests there are willing to put up two-fifths, or even one-fifth, I know that it is a project that is worthy of the approval of the Congress of the United States.

Now, Mr. President, we will take another item as to Los Angeles. There are various conditions imposed, but they are all bearing upon the question; and I believe in every instance the contribution is fully as much as the one-fifth that is required by this general amendment which I have offered. This item is in relation to Los Angeles and Long Beach Harbors:

Provided, That before any work is undertaken by the United States assurances satisfactory to the Secretary of War shall be given that the city or county of Los Angeles or other agencies will provide the right of way, defray the cost of the necessary roads and bridges, adjust all damage claims, and maintain all improvements after its completion.

Now, we have another one, as to San Diego, on page 39.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Washington?

Mr. SHAFROTH. I do.

Mr. JONES. I just want to suggest to the Senator that according to the reports of the engineers the amount which would have to be contributed by Los Angeles would be over $900,000.

Mr. SHAFROTH. I am glad to know that. I knew it must be substantial. Here is an appropriation, then, that would make that community put up almost dollar for dollar, because the appropriation is $1,080,000, and if the expenditure which is to be made is $900,000 it makes Los Angeles put up practically as much as the appropriation before it becomes available.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Florida?

Mr. SHAFROTH. I yield to the Senator.

Mr. FLETCHER. I want to say to the Senator from Colorado that his argument shows very clearly what is the fact—that the engineers now have the power and authority to base their recommendations upon the condition of local contribution, and in instances where conditions warrant it that practice is being pursued to-day. There is no need of any legislation to effect that, because that is the course that is taken now. Wherever the engineers feel that it is more a matter of local interest than of general public interest, they require that the local interests shall contribute in the way which they find to be proper and just.

Mr. SHAFROTH. Yes; but that becomes a subject of favoritism. That is the trouble about it. You let some people get around the engineers and talk with them about the matter—that it is impossible to raise the money—and they may waive it; and it puts it practically in the hands of the engineers, as to whom we have no relation whatever, as to whether a contribution shall be made or not.

Mr. REED. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Missouri.

Mr. REED. If the Senator would not leave it to the Government engineers because they are subject to influence, just whom would he leave it to?

Mr. SHAFROTH. Why, I do not leave it to anybody. The fact of putting up 20 per cent is what I leave it to. When people are willing to contribute I know that they think it is a meritorious enterprise. That is the test, and it is a test that will in every instance, in my judgment, determine whether a measure is meritorious or not.

Mr. REED. That would not be any test at all. There might be a lot of men whose heads were filled up with some impractical ideas or notions, who were incompetent to pass upon a question, but who were perfectly willing to put up one dollar if the Government would put up five; and yet the whole project might be utterly impracticable.

It seems to me that the Senator goes a long distance when he impugns the intelligence and honesty of all the Government engineers we have.

Mr. SHAFROTH. I do not impugn the honesty of the engineers.

Mr. REED. I understood the Senator to say they were subject to influence.

Mr. SHAFROTH. Why, everybody is subject more or less to favors and to the way in which a matter is presented—why, certainly.

Mr. REED. Does the Senator know of a single instance in which a Government engineer has been the subject of favors?

Mr. SHAFROTH. Oh, no. I was speaking generally. People, of course, by reason of large communities or by reason of persons presenting and urging things, naturally will be influenced by that fact. Why, you see it in this body. You find that a person who presses something very strongly and persistently wears the other Senator out, and he says, "Oh, let it go." That is often the case.

Mr. REED. Mr. President, I wonder if that would account for some of the speeches we have been hearing on this bill.

Mr. SHAFROTH. I do not know whether it would or not. But, Mr. President, there is no question but that a case might possibly arise such as the Senator from Missouri indicates, namely, that some big company or some special interest might advocate an enterprise that was not meritorious in order that the Government might put up 4 to 1. It would be 4 to 1 and not 5 to 1. It is not likely, however, that that would occur; but even if it did occur, the enterprise would be subject to the examination of the Senate and subject to the examination of these same engineers; and if the engineers were to turn it down, you would not have any difficulty in having it rejected, if there were good, substantial reasons for it.

Mr. President, the real thing, both in road building and in every other enterprise that calls for money from the United States Treasury, the thing that determines the merits of the appropriation more than any other one factor, is the question as to whether the people who are interested, the people who are going to get more benefit out of the project than anyone else, are willing to share some of the burdens of the appropriation.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. SHAFROTH. I yield to the Senator.

Mr. VARDAMAN. Unfortunately for me, Mr. President, I was detained from the Chamber during the early part of the Senator's very interesting discussion of this question; but I want to ask the Senator how he would treat a case like this. The best way to illustrate is to take some fact as it exists, or some example.

The little city of Gulfport, on the Gulf coast of Mississippi, is a prosperous little city of about five or six thousand people. It is one of the largest lumber-exporting ports in the United States. Those people have gone to very great expense in building up the town and the wharf and the pier and all that, and a channel has been cut from the harbor into the city. Now the entire country enjoys the advantages of that port. What has been done by Gulfport is a contribution to the world. Freight is shipped through that port from as far north as Denver, Colo. Now, how are you going to levy tribute upon that?

Mr. SHAFROTH. You do not levy tribute. The people who are interested in the lumber business will come and say to your city: "Why, we want this; it is important, it is absolutely necessary, and therefore we will share the expense with you."

Mr. VARDAMAN. Why, in some instances the lumber is bought three or four hundred miles away, by people living in South America or in Europe.

Mr. SHAFROTH. That may be; but if it is necessary for that lumber to go through that port, the people who are interested in the lumber will be benefited by it, and consequently they will be the ones who will contribute.

Mr. VARDAMAN. It is a very easy matter to solve the road question, because the people living on lands contiguous to the road, whose lands are improved in value, bear the burden of the expense.

Mr. SHAFROTH. Not necessarily. Towns contribute in our part of the country more than any other.

Mr. VARDAMAN. Certainly they do, because the roads bring trade to the towns. It is a good investment for the towns.

Mr. SHAFROTH. Yes.

Mr. VARDAMAN. But in the case I have just mentioned to the Senator it is absolutely impossible to distribute the expense proportionately with the advantages that will be enjoyed.

Mr. SHAFROTH. How much is the appropriation for this port?

Mr. VARDAMAN. I think probably $85,000.

Mr. SHAFROTH. Twenty per cent of that would be about $16,000. Now, to say that the lumber concerns that are so great, and to which the port is necessary, can not put up $16,000 shows that the lumber interest is not so great as the Senator thinks.

Mr. VARDAMAN. The people interested in lumber, Mr. President, would not ship the lumber through that port, probably. They would ship it down the Mississippi River or some other way. Does the Senator propose in this amendment that the ports that are to be opened up to the world, to which we invite ships from every part of the earth, must bear 20 per cent of the cost, and force the ships that come to the ports to bear a portion of the burden? Is that the hospitable treatment we are to accord the people who desire commercial relations with us?

Mr. SHAFROTH. Why, certainly; and that seems to me the only fair way. Take the illustration which I gave before the Senator came in. The people of Antwerp, in Belgium, have constructed a thirty-million-dollar improvement of their harbor. The city of Antwerp paid two-fifths and the Belgian Government paid three-fifths of the cost of that improvement.

Mr. JONES and Mr. REED addressed the Chair.

Mr. SHAFROTH. That is double the amount which is asked here. I have shown a number of instances in this bill where they are already contributing as much as 50 per cent of the amount of the improvement. It is not fair that one person or one community should be required to pay a half and another community a third. Of course, if they voluntarily do it, that is another matter.

Mr. VARDAMAN. The Senator's amendment would work very well and satisfactorily to the people of the Mississippi Valley. We would be very glad to have the General Government contribute 80 per cent for Mississippi River improvement and only levy a tax of 20 per cent upon the States bordering on the river; but I think in the matter of ports it would not work well at all.

Mr. SHAFROTH. Well, Mr. President, it has worked in nearly every country in the world. Take England, for instance She adopts the policy of letting the cities do it entirely and letting the city assess a dock tax upon the ships that come in there. Her policy goes upon the theory that the ships are benefited—that the commerce is benefited. A great canal called the Manchester Canal has been built and paid for entirely by the city of Manchester, and it derives a revenue therefrom by reason of having a dock charge to those who come in, on the theory that those who are benefited should pay at least a large part of the expense.

The PRESIDING OFFICER. Will the Senator from Colorado yield to the Senator from Washington?

Mr. SHAFROTH. I yield to the Senator from Washington.

Mr. JONES. While I am not inclined to vote for the amendment suggested by the Senator, I wish to call his attention to another item in the bill which he probably has not observed, which I think will meet to a certain extent the suggestion of the Senator from Mississippi as to voluntary contributions. It is the appropriation for Willapa Harbor, in the State of Washington. While it is not specified in the item itself that the local people have to contribute, it is in the recommendation of the report of the engineers, which we make a part of the provision, and it is set out that the local people must contribute $143,000 and a little over.

I wish to call the attention of the Senator to the fact that the amount of money the Government will appropriate for the project is $247,950, and before we begin any expenditure it is made a condition that somebody must put up over $143,000. It is largely for the improvement of the harbor that is largely engaged in foreign commerce, sending out exports and bringing in imports. Those people will raise that money all right. They have already contributed $125,000 on a previous project.

Mr. VARDAMAN. I wish to say to the Senator that the little city of Gulfport, to which I referred a moment ago, and the Gulf & Ship Island Railroad have contributed a million and a half dollars, I understand, to that harbor, and the whole world is using it. They can not afford to keep it up, and it is not fair to require them to do it.

Mr. SHAFROTH. If it has contributed already $1,500,000, it would not be very much to contribute $16,000 more.

Mr. VARDAMAN. It would not be very much, but it would be 20 per cent, and it might work a very serious hardship.

Mr. SHAFROTH. It would be 20 per cent, and at the same time they get 100 per cent worth of improvement for the harbor.

Mr. REED. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Missouri.

Mr. REED. The Senator from Colorado just made a remark that I think throws a flood of light on all his argument. His proposition is that these various improvements shall be treated as local improvements for local benefit.

Mr. SHAFROTH. No; only one-fifth local.

Mr. REED. Very well, one-fifth; and that, therefore, the community should contribute. And in support of that theory he carries us to Europe and tells us that the city of Manchester built works of enormous value at its own expense, but then proceeded to collect tolls from the commerce of Great Britain and the world to recompense itself, and that other European cities which he named have followed the same line of conduct.

Mr. SHAFROTH. I do not think Antwerp charges tolls. I think it is open and free.

Mr. REED. The Senator named a number, and he said that that was the general policy of England. These various localities will put up the money and then be permitted to charge tolls. In other words, the Senator wants to go back to the old toll-gate system.

Mr. SHAFROTH. No; I do not.

Mr. REED. The old tollgate system that has been condemned by modern intelligence for the last 50 years, and that was finally torn down by an indignant people. He would set up a tollgate system in the heart of a great country to collect tribute like Barbary pirates used to do before we taught them better—to collect tribute on the commerce of the world that comes here. At the same time we have inaugurated the policy of building at an expense of $400,000,000 a great canal, from which we never expect to get the money back, the tolls over which are purely nominal, and for the purpose of keeping up the expense of running it.

Mr. SHAFROTH. I am not advocating any tolls. I am expressly providing that there shall be contributed only one-fifth. Is it possible that the United States Treasury shall be drained and that money shall be taken for worthy and unworthy projects, and that for those unworthy projects not a dollar shall be paid by the locality?

Mr. REED. If it is an unworthy project, the Government ought not to put up $4 to $1 paid by the locality. No unworthy project should go into this bill. Whenever somebody stands here and demonstrates that a project is unworthy, I will vote to take it out.

Mr. SHAFROTH. We have seen the Senator from Iowa [Mr. KENYON] attempt to demonstrate, and he has made assertions and read testimony and authorities to show, that certain projects were not worthy. Yet have you voted to take them out?

Mr. REED. I have seen the Senator from Iowa and I have seen other Senators take this bill, and in every single instance where somebody who was posted on the subject matter rose to lay the real facts before the Senate, all those assertions vanished into nothing. The Senator from Wisconsin [Mr. HUSTING] the other day made an attack here that I did not see fit to reply to, but every single fact that he asserted was either a partial fact or it was something that had been utterly overthrown. The truth is he was talking about a subject he did not know anything of. He was honest in it, but he was only honest in his talk because he was utterly ignorant of the question he was discussing.

I have heard that sort of thing here on the floor of the Senate. I will not on the floor of the Senate vote $4 out of the Government Treasury if a dishonest man will put up a dishonest dollar for a dishonest proposition. No honest man ought to do it.

Mr. SHAFROTH. I have not any doubt the Senator would do just exactly what he says, but the difficulty is in determining the project that is unworthy. When we find one man saying it is unworthy and another man of equal integrity saying to the contrary how are you going to determine that matter? There is a test, however, that does determine it, and that is as to whether the community which will be benefited by the project will put up one-fifth of the amount and let the Government put up 80 per cent. It seems to me they ought to be glad to do it. There are very numerous instances, and I have cited them in this bill, showing that communities have been willing to put up more than one-fifth, to put up two-fifths and in some instances one-half, and that demonstrates, to my mind, that those enterprises, without even any inquiry, are worthy projects.

Mr. VARDAMAN. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Mississippi.

Mr. VARDAMAN. Is it not a fact that most of the enterprises appropriated for in the bill have received local assistance, and in many instances a great deal more money than the Government has spent?

Mr. SHAFROTH. I do not know whether they have or not.

Mr. VARDAMAN. We have spent $1.50 where the Government has spent a dollar on the Mississippi River.

Mr. SHAFROTH. If that is the case, the amendment is in the interest of weeding out bad appropriations, that they shall pay 20 per cent rather than that they shall get them without contributing anything.

Mr. VARDAMAN. Is it not a fact that the universal rule such as is prescribed in your amendment will not fit all cases?

Mr. SHAFROTH. I think it will fit every case.

Mr. VARDAMAN. The trouble about it is, and it is no reflection upon the Senator's intelligence nor is it an argument particularly against any specific measure, that he makes that statement. It is the way he views it. It is just his humor.

Mr. SHAFROTH. No, Mr. President. When we find that in the instance which the Senator has cited that little port in Mississippi has put up a million dollars for harbor improvements in aid of the lumber interests, it would not be crippled and hurt when it got an appropriation of $80,000, if it put up $16,000 more. Any community that has put up a million dollars would have no difficulty in raising $16,000 more in order to get the improvement completed.

The Senator from Missouri had said that I am trying to get back to the old system of tollgates and collecting tolls for the purpose of getting revenue to pay for harbor improvements or river improvements. Mr. President, there is nothing in the amendment which I have offered that squints at that. My object is absolutely to prevent that, although I must say that England, the greatest maritime nation on earth, does impose charges of that kind and thinks it does not hamper her commerce. But I do not want that to be established here. However, it seems to me that, in order to weed out unmeritorious projects in the bill and in every other river and harbor bill, a provision of this kind will do it, and that consequently it is of great aid to the Treasury of the United States. Nothing is here said with respect to dock fees or with respect to any kind of toll, and they never will be collected under a provision of this kind.

Since the Senator from Washington has referred to the fact that certain contributions have been made in the State of Washington to harbors I wish to call attention to another one which I overlooked, and that is in regard to the Sacramento and Feather Rivers of California. There is the following provision contained in the bill, which I want to read:

Provided, That no part of this sum shall be expended until the State of California shall have deposited with the Treasurer of the United States to the credit of the Secretary of War a sum which, together with that heretofore furnished by said State, shall equal the total amount appropriated by the United States for said work.

Is there any intention manifested by these measures that are in this very bill to go to the imposition of tolls? It is absurd to think that such an argument could be fairly deduced, either from this amendment or from the provisions contained in the bill itself.

Mr. President, whether we believe it or not, there are thousands of people in the United States who look upon every river and harbor bill as containing unworthy projects. There is no doubt of that. Then why not eliminate them by a simple process without having to use favoritism in turning down or accepting provisions in the bill? I want to say to you that when that is done you will not have as many people apply to Senators for appropriations for projects unless they are worthy. Whenever they know that they will have to put up 20 per cent of the amount they will not come here with petitions for you to appropriate a million dollars or one hundred thousand dollars for the improvement. That very thing will have a tendency to make the bill a cleaner bill and a better bill, a bill not controlled by the urgent demands of some Senators with respect to their particular localities.

You can not make an absolute equality in regard to appropriations of this nature. You will find that some, by pressing their claims or by able presentation or by other means, will get an enlarged appropriation where such an enlarged appropriation is not made for just as meritorious a project by not having a clear presentation made to the committee or to the Senate.

Mr. President, I find that the second point in favor of the adoption of this amendment is the fact that it will save in this bill some eight to ten million dollars, and yet if every one of these measures is meritorious the communities will get them. That being the case, it seems to me, from the standpoint of economy and making the appropriation go further in the interest of the public, that this is a good amendment.

There is another great saving, and, in my judgment, it will be the greatest saving. It is the saving that will result from the fact that those representing unworthy projects will not come here and apply for appropriations when they have got to put up one-fourth of the same. There will be a saving of several million dollars in the bill from that cause.

So, Mr. President, we have a test of money, which makes an automatic test, that does not require any investigation hardly, except in the case suggested by the Senator from Missouri, where somebody might be willing to put up one-fifth in order to get an improvement which was even unworthy, which is not likely ever to occur, but which then is checked by the Senate itself and by the committee and by the engineers. It seems to me that this test would act automatically and that people would not be hounding Senators and Representatives to present measures unless there was great merit and great worth in them.

So, Mr. President, I want to say that there is no trouble in regard to the collection of the amount. The persons benefited will readily do that which is to their interest.

Senators assert that a certain community has raised large sums of money, but fears it can not pay one-fifth of the appropriation for it in this bill. Is it possible, when it has raised so many thousands and hundreds of thousands of dollars, that it can not pay one-fifth of the appropriation which is made for one year in this bill?

Mr. President, the requirement of contribution applies to every one of them. It will work a change in the river and harbor bills. They will not contain such large appropriations. The appropriations will not be so great, except for meritorious projects, and everyone is willing that meritorious projects should be approved.

Mr. President, unquestionably every community that gets an appropriation gets a benefit. They got a benefit in the case of Antwerp, of two-fifths, or 40 per cent, instead of one-fifth; it is fair and right that such communities should pay for a part of the benefit which they are to receive. That was true in the case of our road bill. Nobody suggested that the Government should construct a road at its own expense. It is done by cooperation with the States and counties and individuals, and in that way it will work out and eliminate the "pork-barrel" element which is bound to enter into every such bill under present conditions.

Mr. President, it seems to me from these facts that nothing but good can arise from the adoption of this amendment. It will not stop any improvement except that which is a bad improvement and which has been condemned. If it is a good improvement there is no question but that the money will be forthcoming, and then there will be satisfaction upon the part of all the people of the United States in the fact that the people are getting something for their money.

Mr. President, these are the reasons for the adoption of this amendment: First, that it will cut out the unworthy appropriations; second, that it will save the National Treasury $8,000,000 in this bill; third, that it will save the Government a large amount of money by reason of the promotors of the unworthy projects in this bill not coming to the front and offering to pay their proportion and consequently the appropriation will fall; and fourth and lastly, it will prevent the continual solicitation of Senators and Representatives, urging them to present doubtful measures and to get as much as they can whether the project is worthy or unworthy.

Mr. President, it seems to me for these reasons that the amendment which I have offered should be adopted.

Mr. NEWLANDS. Mr. President, I think the Senator from Colorado [Mr. SHAFROTH] has hit upon a very happy device for diminishing possible improvidence in waterway and harbor projects. We have three forms of commerce, the foreign commerce, the interstate commerce, and the State commerce. All the improvements in our rivers and our harbors are intended to promote in some degree each of these forms of commerce.

It is right that the National Government should attend to that part of the expenditure which relates to foreign and interstate commerce, and it is quite right that the States should contribute to that part which relates to purely State commerce. In addition, if we refuse to put the entire burden of these developments and improvements upon the National Government and insist upon the contribution of a part by the States and communities we diminish to that extent the possibility of improvident enterprises being urged and finally entered upon. If you subject each State and community to a part of the expense, that State and community will be much more careful in

looking over the plans, in considering possible economies, and in determining the feasibility of the project itself.

We all know that even though a project be unfeasible and improvident the project is often viewed with favor in the community where it is located if the entire cost of it is to come out of the Federal Treasury.

Mr. HARDING. Mr. President——

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). Does the Senator from Nevada yield to the Senator from Ohio?

Mr. NEWLANDS. In a moment. The assumption in many of those cases is that the expenditure of Federal money in a particular locality, whether improvident or not, will put money in circulation and benefit that community. I am glad to yield to the Senator from Ohio.

Mr. HARDING. I wish to ask the Senator from Nevada what would be a practical plan in the operation he suggests? For instance, how would he deal upon this plan with the Ohio River, which borders six States and traverses the territory of none save a short distance in Pennsylvania?

Mr. NEWLANDS. I imagine that if a project involving the entire Ohio River is of such merit as to arouse the public sentiment of those six States in its favor, a method of cooperation will be worked out between those six States and the National Government under which the project will be entered upon. All we have to do is to provide the machinery, and that is what I have been attempting to do for many years. I have been insisting for years that there should be greater cooperation than there has been in the past between the Nation and the States with a view of the exercise of the functions of each sovereignty for the general good. For a century almost we have been engaged in a contest between the States on the one hand and the Nation on the other with reference to their respective powers and jurisdictions, and we have furnished an abundant opportunity for able and distinguished lawyers during that time to develop their views regarding constitutional law and for a century or more the functions of both the National Government and the State governments have been without use simply because they have been engaged in this eternal contest as to what belongs to the jurisdiction of the States and what belongs to the jurisdiction of the Nation, a contention never to be determined until after years of debate and legal controversy.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Michigan?

Mr. NEWLANDS. Certainly.

Mr. TOWNSEND. I have been wondering what effect the amendment of the Senator from Colorado would have upon the provisions, for instance, for "St. Marys River at the falls, Michigan: Continuing improvement by the construction of a fourth lock, $800,000." Would it be the thought of the Senator from Nevada that the State of Michigan should pay one-fourth of the cost of that lock and one-fourth of the cost of improving the Livingston Channel and the other channel connecting the Great Lakes in the course down to the St. Lawrence? Those locks are not constructed largely for Michigan's benefit. Michigan does not get any more out of them than all the Northwestern States, as far as that is concerned.

Mr. NEWLANDS. I assume under the theory of the Senator from Colorado there would be a movement upon the part of all the States benefited to raise the one-fourth that is required for the commencement of the project by the National Government.

Mr. SHAFROTH. If the Senator from Nevada will pardon me, my theory in regard to it is that when they find that one-fifth has got to be put up those who are in interest will naturally come together. It may be the lumber interest and the iron interest, but the various interests that find it necessary to use those locks will come together and be willing to put up their proportion, and perhaps not a dollar will be paid by the State. It may be that it will be done by the cooperation of the States. It is done continually by individuals. As I have shown in this bill there are 8 or 10 projects that require that there shall be not only 20 per cent but as high as 50 per cent contributed by the local authorities. The amendment says "States, counties, cities, or individuals." It is not limited.

Mr. TOWNSEND. What local authority in Michigan, for instance, would contribute to the construction of the two locks?

Mr. SHAFROTH. I should think very largely Chicago. The grain dealers of Chicago would say we must have that improvement, and consequently we will raise this money; we will combine with Minnesota Iron Co.——

Mr. TOWNSEND. The Senator's contention is that the people of the State will contribute.

Mr. SHAFROTH. States, counties, cities, or individuals—all four.

Mr. KENYON. Would the Senators exclude railroads owning the terminals?

Mr. SHAFROTH. No; anybody; the railroads, too. There would be no trouble about it. Whenever you want to have something done that is to the interest of everybody, and there is simply a condition put upon them that only one-fifth shall be contributed by them, you will find that they will get together very quickly by correspondence——

Mr. TOWNSEND. But——

Mr. NEWLANDS. Mr. President, I think I shall have to resume the floor.

The PRESIDING OFFICER. The Senator from Nevada declines to yield further.

Mr. SHAFROTH. Very well.

Mr. NEWLANDS. I think it is quite apparent, as the Senator from Colorado suggests, that the self-interest of the communities and of the cities and corporations and individuals affected will prompt them to find some way under which this contribution can be made. I was speaking of the fact that we have been engaged for a century in contentions as to the rights and powers and functions of the respective sovereignties, and we have only recently hit upon the idea of teamwork between the sovereignties instead of contention between them as to which will do a needed thing. I must admit that the machinery that is suggested is perhaps somewhat clumsy, and yet I am going to vote for it, because it has a vital principle in it which will work for good, and it will be the commencement of legislation that will work out gradually a proper distribution of burdens between the National Government and the States and communities.

I would much prefer that the system which I have been urging for years of cooperation between the Nation and the States with reference to the development of our waterways should be immediately adopted. That system involves, first, the creation of a national commission, which will work out the great problem of investigation and the feasibility of projects and the ascertainment of the distribution of burdens, and then there will be the practical negotiation of that commission with boards or commissions organized by the States and communities with reference to teamwork and the distribution of the burdens and the benefits. If that were done, we would not be confined to a cast-iron rule in every instance of a contribution by the State or locality of simply 20 per cent of the total cost. The proportion would vary according to the conditions and according to the benefit to the particular community or State, and, according to the obligation, as to whether it was a National or State obligation. But surely in these great works, involving not only foreign commerce and interstate commerce but State commerce, the energies and the intelligence and the thought of all the sovereigns affected should be united in teamwork. So whilst I regard this amendment as not a scientific one and as one that would be adopted under the plan that I suggest, yet as it presents itself in this shape I intend to vote for it.

Mr. BRANDEGEE. Mr. President, I will be very brief about this. It seems to me to be an utterly impracticable scheme. Every river and harbor bill contains all sorts of projects—projects varying from the revetment of the bank of a river to the building of locks and dams in rivers, that in many instances are of no particular benefit whatever to general commerce or to general navigation. I can not conceive how an improvement that happens to be located in one waterway, either a river or a harbor, which is of general benefit to navigation, could ever be paid for by a contribution solicited from the various people who might be benefited by it.

Mr. CLARKE of Arkansas. May I ask the Senator from Connecticut how funds were provided to supply the shipping facilities at New London?

Mr. BRANDEGEE. Yes; I was going to touch upon that slightly before I got through.

Mr. CLARKE of Arkansas. The sooner the Senator gets to it, the better.

Mr. BRANDEGEE. I know the Senator delights to hear me, but he does not delight to hear me too long, unless I speak to the specific object that he outlines; and I think that is quite a general feeling.

Mr. CLARKE of Arkansas. The Senator from Connecticut misunderstood me. I said the sooner he got to that item the sooner he could illustrate the strength of the argument of the Senator from Colorado. We are always delighted to hear the Senator. I have never done anything to curtail his rights as a debater.

Mr. BRANDEGEE. I was so afraid that if I alluded to my own little items the Senator might move to reconsider them and strike them out of the bill I was going to glide gently and rapidly by them; but, inasmuch as the Senator has referred

to that particular case, I will call the Senate's attention to what would happen there.

The appropriation for the improvement at New London is $170,000 toward dredging through Long Island Sound and a couple of miles up the Thames River to a great pier owned by the State of Connecticut, and which the State of Connecticut paid a million dollars to build. I can readily perceive, if that $170,000 was conditioned upon the precedent agreement of some parties unnamed in the bill, and it was made the duty of the public at large or of either counties or cities or States to get together in some way, by a process which is benevolently and euphemistically described as coordination, that probably before they had agreed upon their proportionate amount the fiscal year would have rolled its course and the money would still be in the United States Treasury.

Mr. NEWLANDS. Let me correct the Senator and say that the term he should apply to that process is "cooperation" and not "coordination."

Mr. BRANDEGEE. Of course, the Senator from Nevada does not hesitate to confess that whenever a Senator uses either one of those words it is a personal reference to himself.

Mr. NEWLANDS. Or an infringement of my copyright. [Laughter.]

Mr. BRANDEGEE. That it is an infringement of his copyright; but take it in this particular instance where, as I said, the State has spent its million dollars and has made the improvement. It would immediately be claimed, of course, by the State that it had done its part of this program for a joint railway, a marine project, on condition that the Government would do its share, and that the Government was now fulfilling the implied condition which the War Department had agreed upon and estimated for. We would be in a hopeless contention between my home city and my home State, and, in my opinion, under this appropriation the harbor would not be dredged.

Take another case, referring to another amendment, that the Senate or the Presiding Officer was kind enough to add to the bill this morning at my suggestion—an improvement involving some $71,000 for a harbor of refuge on the north shore of Long Island Sound, on the south shore of Connecticut, to improve the harbor of refuge known as Duck Island Harbor; which is a very important harbor of refuge. There is a tremendous commerce on Long Island Sound. This is a harbor of refuge located half way between the city of New London and the city of New Haven. That is of benefit to any vessel that may happen to get into a storm; it is of no particular benefit to Connecticut any more than it is to Massachusetts or to New York or to the growers of southern pine in Georgia or to the dealers in ice in Maine, or to the coal barges of West Virginia.

Mr. SHAFROTH. Does not the Senator think——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Colorado?

Mr. BRANDEGEE. I do. The Senator would take the floor any way; but I yield.

Mr. SHAFROTH. Does not the Senator from Connecticut think that when the Federal Government contributes 80 per cent toward an improvement, it is doing its full share, and even more?

Mr. BRANDEGEE. Mr. President, I am not expert at answering questions evolved from one's inner consciousness. I do not know what the full share of the Government is, but I do assume that, if the Government were justified under the commerce clause of the Constitution in deepening the channels of navigable rivers and of harbors, it would be justified on the ground that it was of benefit to the general commerce of the country, and not to develop particular little spots in particular rivers and bayous and remote places.

Mr. SHAFROTH. Taxes are levied over the entire United States, and some portions of the country are not in the slightest degree benefited by the improvement of a particular place.

Mr. BRANDEGEE. That is the very reason why the Government ought to pay the whole of it. The taxes are laid upon all the people, and ought, therefore, to be expended only for the general benefit, and not for local benefit.

Mr. SHAFROTH. But does not the Senator from Connecticut recognize that there are some appropriations in every river and harbor bill that are almost entirely and purely of a local nature?

Mr. BRANDEGEE. I do; and I think that is one of the worst vices in the river and harbor bill.

Mr. SHAFROTH. But for some reason we can not eliminate them.

Mr. BRANDEGEE. We can eliminate them whenever the Senate will return to the Constitution of the United States, and stop violating it. If we have any authority whatever to take the money collected from all the taxpayers of the country and to spend it on the bank of a particular river, not in order to promote commerce or to regulate commerce, but to save some land for some farmers who happen to live in that section—if we have any authority whatever constitutionally to do that, I have never been confronted with it.

I do not, however, want to get sidetracked into all these collateral questions, beneficial as that might be to Senators who have become so accustomed to straying from the Constitution that they do not know whether part of the time they are out of the cow pasture and many of them do not care.

What I say is that this prescribes no rule whatever, but leaves it to the judgment, quarrels, contentions, and rival schemes of a lot of conflicting localities and individuals—railroads, barge captains, and manufacturers—who in some way get together and flip a cent or get unanimous consent as to the exact proportion which each one shall pay. I say it will be utterly destructive of the whole bill, and I doubt if a penny could be spent——

Mr. SHAFROTH. Does not the Senator recognize that for years and years there was no such thing as an appropriation by the Federal Government for either a harbor or a river; that there were various persons who contended that there was no authority in the Constitution of the United States to appropriate a single dollar for such a purpose; that the first digression with relation to that was as to public highways; then it extended gradually, and, as one author states, not until 1883 were there substantial appropriations made for rivers and harbors?

How did the people improve the harbors at Boston, New York, Philadelphia, and other places during all of the century preceding that time? They raised the money by contributions, and they had good harbors.

Mr. BRANDEGEE. Mr. President, I can not yield further to the Senator from Colorado. I am willing he shall make a speech in his own time, if he so desires; but he has asked me several questions.

The PRESIDING OFFICER. The Senator from Connecticut declines to yield further.

Mr. BRANDEGEE. I simply say those States did it because they desired to do it. If it is so, that up to a certain period they thought it was not wise to stretch the Constitution, as it has since been stretched, that was their lookout. I am not saying that it is advisable to go any further.

The Senator from Colorado states that the people at one time built their own roads. I think they ought to have stuck to that business and not to have stuck it on to the National Government to do it. The Senator thinks otherwise; and he is one of the chief contributors in foisting the Government into the business of building rural roads, when, in my opinion, the Government has no constitutional authority whatever to do it; but the Senator can not bolster up one absurd and unworkable scheme by referring to a whole lot of unconstitutional activities or other fool schemes.

This proposition would absolutely prevent the expenditure of money on any project, except of the very simplest kind, that was absolutely limited to one locality, and not of benefit to others. If there is any such thing as that in the bill, it has no business to be there.

Mr. CLARKE of Arkansas. Mr. President, I can not permit this occasion to pass without saying a word about the idea involved in the amendment proposed by the Senator from Colorado [Mr. SHAFROTH]. It is one that has commended itself to me heretofore. It has much of force in it abstractly. The difficulty is in making a practical application of it. This will involve the invention of a system by which it can be made a rational limitation upon a wild demand for appropriations out of the National Treasury based on no other arguments than the fact that some similar appropriation has been made at some other locality at some other time. There comes to be a kind of rivalry between boards of trade in the local communities to have the same wasteful expenditure of public money made within the particular zone of their influence as takes place elsewhere.

In the beginning this demand for similar treatment, even where abuses are involved, manifested itself by a demand upon the individual Member of the Senate and of the other House of Congress, and this system of selection proceeded to a point of demoralization where the resulting bill that represented the aggregate of that sentiment was known as a "pork-barrel" bill. It thus grew into a positive abuse, measured by the then financial ability of the Government at that time. Its aggregate would be regarded now as a very moderate raid on the Treasury.

To protect the Treasury against that character of assault the method of submitting all projects to the scrutiny of a Board of Engineers was invented, and that has progressed until the pres-

ent day. It has eventuated in the approval of the projects involving an appropriation of the $43,000,000 contained in this bill plus about $150,000,000 more of approved projects ready to go into some other bill.

My experience in the last 12 years has satisfied me that that method has broken down just about as badly as the other, and that the time has now arrived when a move forward must be made and other safeguards invented and other plans of national defense of the Treasury supplied. In this respect another element of preparedness confronts us. I do not know of any test of sincerity and confidence to apply to an avaricious and aggressive people such as ours that is better than the financial test. Whenever you find an American citizen ready to invest his money in something you may be well assured he has some confidence in it and that he believes that in the end it will produce individual profits or advance national honor.

I believe that this idea of requiring a contribution where, in view of all the equities of the case, it is demanded ought in some fair way to be evolved and applied. This is the next step in the direction of properly safeguarding the Treasury. A blanket proposition such as my friend from Colorado has offered, now suddenly applied, will probably do more harm than good, because the communities have not been educated up to that standard nor been warned that existing projects were cast upon that basis.

Now, take the situation at New London. That, so far as the matter of financing it is concerned, is a composite proposition. The people of that community felt that they could enlarge its commerce there by diverting trade from other sections and converting their harbor into one of the workable ports of the Atlantic seacoast. The community had sufficient enterprise and foresight to agree to raise a million dollars for the purpose of building piers; but they built them into the shallow water, where they were of no value unless the National Government came to the rescue and provided a channel that would permit seagoing vessels to come up to that point and make an interchange of freight. Whether it was done by express stipulation or by common understanding, such an arrangement was made, it was mutually understood, and it is being enforced to-day.

We deal with the scope of the sentiment behind it when we come to a project. The zone of influence into which it reaches—everybody who expects to make money out of it—is included in its benefits, and financial matters have a way of adjusting their controversies. They can limit the zone of contribution to the zone of benefits whenever they want to do so. There is a way of doing it.

I do not intend to vote for this amendment, but I want to say that the thanks of the Senate are due to the Senator from Colorado for having presented it and enforced its plausibility and value by such a striking and forceful argument. The principle has come to stay, and, in my opinion, it is not going to be laughed out of court nor be otherwise flouted out of existence.

A few years ago we heard a good deal about the ingenuity of the lawmaker being matched against the ingenuity of the lawbreaker. We have reached a place in this river and harbor business, if the thing keeps up at the pace at which it is now going, when there will be a revulsion of sentiment in this country that will stop the whole business, and cut down and destroy the exercise of one of the most useful of the powers that this Government possesses.

I am not speaking of that in any selfish way, because down in the Mississippi Valley, where they make frequent demands upon the National Government—and I think they have peculiar reasons for doing so—the people have not stopped to discuss generalities or abstractions, but they have gone down into their pockets and put up every dollar they could raise and mortgaged the future for every dollar people were willing to trust them for. It is not a question of how much they will contribute, but what they have got to contribute out of. It exercises a very restraining influence, too, because it frequently occurs that much more extensive projects are projected than the community's funds will sustain, and that causes many projects to be recast and brought within more modest boundaries.

I merely wanted to put on record the fact that I think the suggestion of the Senator from Colorado is one worthy of further consideration, and to enter the domain of prophecy when I say that it will receive further attention from time to time as events like this occasion come about in the parliamentary history of the United States.

Mr. SUTHERLAND. Mr. President, the exercise of the power on the part of the General Government under the commerce clause of the Constitution to improve the rivers and harbors of the country in order to promote commerce among the States I think is one of the most beneficent powers which the General Government exercises; but I think all thoughtful observers of what has been going on during the last 20 years must agree that the appropriation of money for many of the projects is inexcusable and has become a great scandal and reproach. We are appropriating money ostensibly under this power to improve creeks and streams which when the improvement is made serves no useful purpose at all, much less a national purpose; but I fear that the amendment suggested by the Senator from Colorado would lead rather to an extension of the abuse than to a curtailment of it.

We all know how prone communities are to give a little money in order to invite a large expenditure. One example of that is in reference to the establishment of the so-called Carnegie libraries. Mr. Carnegie offers to give a certain sum of money to a municipality if the municipality will provide for maintaining the library throughout all time, or if the municipality will contribute a certain portion of the means to that end, or will do both. The result is that in some instances the community has taken upon itself a burden which it is now very often finding it difficult to meet. I think that that would be the result if this policy should be adopted. Here is a proposition that if the State or the community, or if individuals in the State or community, will contribute 20 per cent of the cost of a certain project the Government of the United States will pay 80 per cent.

Mr. BRANDEGEE. Mr. President, will the Senator permit a question there?

Mr. SUTHERLAND. Certainly.

Mr. BRANDEGEE. I do not think the Senator has stated the proposition. The proposition is that no money in this bill shall be expended unless the local authorities contribute 20 per cent of the total expenditure.

Mr. SUTHERLAND. Yes; I understand that the amendment is now confined to this bill; but, after all, it is the beginning of a policy. It is defended upon the ground that it is a good policy at any rate to inaugurate, and I am objecting to the policy.

Mr. BRANDEGEE. If the Senator will permit me again, as I understand the policy, it is not to bind the Government to a promise that whenever the local authorities will put up 20 per per cent the Government will put up the other 80.

Mr. SUTHERLAND. No; I quite understand that, but that is what it is going to result in in many instances if the policy is adopted in the future. Senators will be met and Representatives will be met with propositions to improve a river or a harbor or a creek in their particular localities upon the promise that the community will pay 20 per cent, and the Senate and the House will be beguiled into making the appropriation of 80 per cent upon that kind of a statement.

Mr. SHAFROTH. Mr. President, will the Senator yield for a question?

Mr. SUTHERLAND. Yes.

Mr. SHAFROTH. The Senator says that people will be prone to ask an appropriation when they have only a small amount, such as 20 per cent, to put up to the Government's 80 per cent. Are they not more prone to ask for appropriations when they do not have to put up anything themselves?

Mr. SUTHERLAND. They are prone to ask for but they are not so likely to get the appropriations. We have an illustration in our public-building system. A very bad practice has grown up of a town, through some committee which is appointed, coming to the appropriate committee of Congress, the Committee on Public Buildings and Grounds, and asking that a building be erected in that particular town, and they offer to contribute the site toward the cost of the building. Within my own experience—and I have been a member of that committee for some time—the committee has often yielded to suggestions of that sort and has provided for the erection of a building in a town because the community was contributing the site when very often it was a building that ought not to have been put up at all. So the tendency of a policy of this kind will be to encourage the same sort of thing with reference to appropriations for rivers and harbors.

As I look at it, the power to improve our rivers and harbors is a national power. The Constitution of the United States has very wisely conferred upon the Federal Government the power to regulate commerce. Notwithstanding the fact that in the earlier days there was considerable disagreement as to whether or not the improvement of rivers and harbors was an exercise of this power, it has come now to be universally recognized as a proper exercise of the power of the Federal Government to regulate commerce.

Mr. GALLINGER. Mr. President——

Mr. SUTHERLAND. Just a moment, if the Senator will allow me. That being a Federal power, it carries with it a Federal duty, that whenever an improvement of that kind is necessary the Federal Government ought to make it, and the

Federal Government ought to pay the entire expense of making it. If it is not a proper improvement from the national point of view, if it is purely a local improvement, then the National Government ought not to contribute 80 per cent or any per cent; it ought to contribute nothing to it; it ought not to embark on the enerprise at all. I now yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I was about to ask the Senator from Utah if my recollection is correct that in 1853, or thereabouts, President Franklin Pierce, who was a Democratic President from my little State, vetoed every appropriation presented to him for internal improvements, and Congress promptly passed the bills over his veto? I think since then the question as to national control of internal improvements has hardly been questioned; but it was seriously questioned at that time.

Mr. SUTHERLAND. It was seriously questioned up to that time. The Democratic Party, as I recall the history of the matter, up to that time and perhaps later, took the position that it was beyond the power of the Federal Government to expend money for internal improvements, because they construed the Constitution strictly and said that you must be able to put your finger upon the precise clause or phrase of the Constitution which conferred the power, and they did not exercise their intelligence sufficiently to see in the commerce clause the subsidiary power to improve rivers and harbors as a means of regulating commerce.

Mr. President, for the reasons that I have thus very briefly stated I can not see my way clear to vote for this amendment.

Mr. PHELAN. Mr. President, I should like to ask the Senator from Colorado the significance of the proviso in his amendment which reads:

> That the provisions of this section shall not apply to those items requiring contributions from other sources.

What does the Senator mean by "other sources"?

Mr. SHAFROTH. From other sources than the Federal Treasury. There are various projects in this bill—I think 8 or 10—in connection with which it is provided that the appropriation shall become available in the event that the localities contribute a certain amount. One is the Sacramento River, and there are two projects in southern California, one at San Diego and one at Los Angeles, toward both of which contributions are made. Such items are excepted from the operation of the amendment, because in those instances the localities have put up more than one-fifth of the expenditure. That is the object and the meaning of that proviso, namely, to except from this rule of requiring a contribution of one-fifth before the appropriation shall be made available, all of those projects as to which by this bill contributions are required by specific provision.

Mr. PHELAN. I thought it might refer to some source other than the municipality, State, or county. It appeared to me that it might permit of that construction. I am aware that the California projects all contribute, and contribute a share larger than 20 per cent.

I desire to say, following the remarks of the Senator from Arkansas [Mr. CLARKE], that I am disposed to agree to the principle embodied in the amendment. I believe it is necessary to provide some check upon the demands of local communities upon the Federal Treasury. If the engineers have failed—which I do not admit, not knowing such to be a fact—this seems to be a very easy way to determine the merit of a proposition originating at the locality where the direct benefits probably will accrue. Therefore I am disposed to support the amendment.

Mr. RANSDELL. Mr. President, I hope Senators before voting on this amendment will consider carefully its practical workings. The Senator from California [Mr. PHELAN] has just said that he is disposed to vote for it. I should like that Senator and other Senators to tell me, as a practical proposition, how they would arrange for the local contribution of 20 per cent on the mighty Columbia River, which empties into the Pacific Ocean and which carries the commerce certainly of three States—Washington, Oregon, and Idaho. It is true there is a larger city in Oregon adjacent to the Columbia than in Washington, but the Columbia River and the improvement at its mouth provides for the commerce of that whole western country. Now, where would your 20 per cent come from out there, as a practical proposition? We are supposed to be practical business men. I cite that as one case.

Let us take the Ohio River. We are giving in this bill five and a half million dollars for the Ohio River. It starts in the State of Pennsylvania and flows down between West Virginia, Ohio, Indiana, Illinois, and Kentucky. It borders on six States. Much commerce, perhaps, from other States would use the Ohio; but suppose we eliminate all but these six States. Tell me, Senators, how you will provide for the 20 per cent contribution on the Ohio River.

Let us take the upper Mississippi. I will say nothing about the lower Mississippi. That has been treated by several Senators. The upper Mississippi between St. Louis and St. Paul borders several States—Missouri, Illinois, Iowa, Wisconsin, and Minnesota—five States, each one of the five getting very great benefit from the $1,500,000 which we are appropriating in this bill. You could not possibly arrange for the distribution of that 20 per cent among the five States.

Take the $2,100,000 this bill gives for the Delaware River from Philadelphia to Delaware Bay. That surely is not a Philadelphia project. That benefits a vast portion of this Republic. The river passes down between Pennsylvania, New Jersey, and Delaware. You would have three States there if you were trying to localize it; but you could not possibly do it, Senators. It is impractical. And so I might extend the argument.

Let me suggest this: I have not heard others do it. We have already expended in the neighborhood of $800,000,000 on improving the waterways of this Republic. For many years we have been improving them. No such plan as this proposed 20 per cent local contribution was adopted in the past. Are you going to change it now and force projects in the future to contribute, when many of them have already been completed without making any local contribution?

Let us take the noted instance of the Great Lakes, where we have expended about $100,000,000 and have developed the most marvelous commerce anywhere on the globe. Eighty million tons of commerce now pass through the Sault Ste. Marie and the Detroit River. All of that is beneficial to the Nation. How would you get local contribution there if you wanted to build some additional locks at the Sault Ste. Marie or to enlarge the channel of the Detroit? We probably shall have to build additional locks soon.

Mr. REED. What does that commerce benefit—the locality or the Nation?

Mr. RANSDELL. It benefits the entire Republic. As far west as the Rocky Mountains, through the Dakotas, through all that western region, they get the benefit of cheap freight rates through those rivers and lakes. But here is my point: We have already improved those lakes and connecting channels to the extent of $100,000,000. We can not get any local contribution on that; and it seems to me to be a little unfair to go on in the future and expect people to contribute when many of our waterways have already been finished.

Mr. SHAFROTH. Mr. President, does not the Senator recognize that with such great interests as the iron interests, and such great interests as Chicago, with its wheat market, all the traffic of which has to go through the locks of that canal, only a fraction of 1 per cent would be all that would be required of any of them? In fact, one of the appropriations here is $83,000; and in that case it would be $17,000. Is it possible that the steamship companies, the companies that send through the canal the iron ore, the wheat, and other products, would not contribute? Then, again, there are the railroad companies that have to meet at the termini this freight and ship it for certain distances. They are interested in it. Is it possible that there is no means of letting them contribute and that they would not contribute?

Mr. RANSDELL. Mr. President, the Senator's question is all right, but he could not enforce a rule of that kind. You could impose this contribution, but how would you enforce it? If you had it all in one State the legislature of a State might say: "We are going to improve the Tombigbee-Black Warrior system of rivers in the State of Alabama," for instance. "We want the National Government to contribute $15,000,000, and the State of Alabama shall put up $5,000,000." That might possibly be done where it all lies in one State; but where it is on the Great Lakes, like the locks and dams at Sault Ste. Marie, or like the Detroit—connecting links between the Lakes which border on six States and the Dominion of Canada; or where it is on the Ohio, also bordering on six States—how in the name of common sense, as a practical proposition, could we get the cooperation of all of these States? It would mean the stoppage of the work.

Now Senators, just one more thought and I am through.

The navigable waterways of this Nation, by act of Congress passed in 1796, were declared the property of the Republic. The States have nothing to do with them. No State or municipality could spend a dollar on a navigable waterway without getting authority from Congress; and after spending the money the waterway could not be used, except for navigation, without authority from Congress. Navigable waters belong to the Nation, and it is the duty of the Nation to improve them.

Mr. SHAFROTH. Mr. President, I should like to remind the Senator of the fact that the Supreme Court of the United States has decided time and time again that these waters, even of navigable streams, belong to the States through which they run, and that the only power which the National Government has is to prevent obstructions to navigation. You can not put an improvement in any river without the consent of the State, either. The National Government has simply a negative power—a power to prevent—but the Supreme Court has held, time and again, that the waters of those streams, both navigable and non-navigable, belong to the States.

Mr. RANSDELL. Mr. President, those decisions only go to the extent of saying that the States can use the waters provided they do not interfere with navigation. For all purposes of navigation the waters belong to the Nation, and the Nation can put any kind of improvement it wishes to put in the bed of a navigable stream; but no individual citizen dares to do it without rendering himself liable to civil and criminal action.

Just one other thought. I wish to say that, in connection with these improvements, the States and the communities are obliged to do a great deal. Let me state what my own city of New Orleans has done in the way of public docks and warehouses. It has spent in the last few years $7,500,000. It has spent that amount to make the improved Mississippi valuable for commerce. All over this country the local communities are building terminals. There is a great movement toward terminals. I would be perfectly willing, Mr. President and Senators, to see an amendment inserted in this bill to the effect that until provision is made for terminals, so that when the waterways have been improved they can be properly used, the appropriation should not be available. I have advocated that for several years, and I should be glad to see such a provision put in the bill.

But if we adopt the 20 per cent proviso advocated by the Senator from Colorado [Mr. SHAFROTH] we certainly can not enforce it, and it will kill many of the most meritorious projects in the measure.

Mr. REED. Mr. President, I do not intend to take more than a moment of the time. I should like to put a question to the author of the amendment and to Senators who intend voting for it.

I will say by way of preliminary that the amendment is very broad and sweeping. It provides that none of the money to be appropriated under this bill shall be expended until the local interests have raised 20 per cent and deposited it for the benefit of the Government. Of course if the amendment is adopted, then all the work in every harbor and in every river of the United States, without a single exception, save in the few instances where already there is contribution, absolutely stops until the contribution is made.

There are some appropriations in this bill for the fixing of harbors, the improvement to be made especially for the purpose of enabling our war vessels to get in and out of those harbors. I ask Senators who propose to vote for this remarkable amendment if they are willing to write into the statute law of the United States a provision that the Government can not improve a harbor and make it deep enough for one of her dreadnaughts to enter unless the local community will first raise 20 per cent of the cost? And yet that is the broad and sweeping condition of this very unusual amendment.

Mr. SHAFROTH. Mr. President, there is not a single one of the projects here but that is intended for commerce, as well, perhaps, in one or two instances, as deepening the harbor, so that ships of the United States can get in; but in nine cases out of ten it is simply a project in behalf of commerce. It seems to me that when commerce gets nine-tenths of the benefit it ought not to ask the Government of the United States to pay for it all.

Mr. REED. The Senator thinks that commerce is something that belongs to some certain individual men. He overlooks the fact that commerce is the lifeblood of the Nation, and that works for the benefit of every man, woman, and child in the Nation; that it is the one thing in which every human being is interested; that whatever benefits commerce benefits all; that whatever injures commerce injures all.

Mr. SHAFROTH. And that is true, Mr. President, in the case of roads; and yet in the case of roads nobody has suggested that the United States Government should pay all the expense.

Mr. REED. Oh, Mr. President, whenever you drive the Senator out of one hole he dodges into another. He goes from the river to the roads, and from the roads to the river, and you wear yourself out chasing him from the one to the other. Now, let us stick to the text for a minute, let us consider this one proposition by itself.

If this amendment goes through, we will have absolutely provided that we can not improve a harbor, even though it may be vitally essential that the improvement be made in order that the harbor may be entered by our battleships, unless and until the local community shall first raise and pay to the Government 20 per cent of the entire cost. I am talking about the practical application of this amendment. If it is adopted, and it is necessary to remove an obstruction in the Great Lakes—and for the moment I am tracking the argument of the distinguished Senator from Louisiana [Mr. RANSDELL]—and a Government engineer is about to remove the obstruction, when he reads this strange, remarkable amendment he must say, "I can not do this work until the local community has contributed." Very likely the obstruction that is to be removed is about 75 or 80 miles from any shore. What local community, pray, is to contribute? Whom is the Government engineer going to assess?

Mr. SHAFROTH. Why, Mr. President, there is no assessment here.

Mr. REED. Who is the abutting property owner who is to pay the 20 per cent?

Mr. SHAFROTH. He will not assess anybody; but the ships that navigate that channel are the ones that are interested in it.

Mr. REED. But ships are not a local interest. Taking the Senator's present view, however, where does it come out? A Government engineer finds it necessary to remove this particular obstruction in order that commerce may move properly. He is to pass the hat, is he, to the shipowners—to the men who sail vessels upon the Great Lakes? The Senator says, "Collect it from commerce." How is that to be done? Is the engineer to visit the boards of trade, the corn and cotton exchanges and take up a collection, or is he to charge tolls?

Mr. SHAFROTH. Oh, no, Mr. President.

Mr. REED. "He can get it from the shippers themselves," says the Senator. Now, let us see where that brings us out.

Suppose there are some means devised to get it from the shippers themselves. Who are the shippers upon the Great Lakes? Who are the people whose goods are hauled upon the Great Lakes? Are they simply the iron and steel concerns? Why, the Great Lakes haul the grains of Colorado. The Great Lakes haul goods that are loaded upon the railroads and shipped to the Senator's own beautiful mountain State. The Great Lakes haul people from his State. The Great Lakes haul goods and passengers that go into every State of this Union. The Great Lakes are the vast distributing inland seas over which the commerce to all the great interior of this country, and on to the West, is moved. Every man, woman, and child is interested in them. They reduce the rates of transportation to Chicago. They reduce the rates of transportation to St. Louis. They reduce the rates of transportation to Omaha. They reduce the rates of transportation to Denver, Colo. If you place a burden in the shape of a tax or toll or assessment or contribution on the commerce of the Great Lakes the producers and consumers of the country must pay it.

The "local interests" should pay, says the Senator. There is not a single item in this bill that has any business here if it is an item of purely local interest. Local items have no business in a bill that is national in its aspect. If such items are in the bill, they should be stricken out of the bill. If I were the chairman of this committee I would never stand before Congress saying that my committee had come to a point where it could not limit the expenditures to just and proper improvements, and that therefore it has become necessary to substitute for the discretion and restraining influence of the committee the restraint of a local assessment.

But, sir, how is it possible to determine the merits of a proposed improvement by requiring local contributions? There are great ports of this country that are vital to the life of the Nation, vital to her commerce, vital to every part of the land. If the mighty ships that plow the deep could not run into New York Harbor, into Boston Harbor, into other great eastern harbors, and load goods directly from the wharves, if they had to be loaded by lighters far out in the sea what would be the result? Every lighterage charge would be levied on the goods that were shipped. Every farmer who shipped horses or mules or cattle, every mine that shipped ore, would be compelled to pay that tribute of lighterage. Our commerce, to that extent, would be injured and millions of dollars would be expended that could be saved by the expenditure of a few thousand dollars.

Mr. SHAFROTH. Mr. President——

Mr. REED. Just a moment. It is for that reason—because the improvements of the harbors of our great eastern coast are not local, but are national; are not confined to any single com-

munity, but distribute their benefits through the entire country—that we have voted the money of the entire country for improvements of the harbors of the East.

Mr. SHAFROTH. Mr. President——

Mr. REED. Let me conclude this thought. In like manner, when we come to the improvements of the harbors upon the western shores of our country, we have no right to vote one single dollar of the revenues if they are local improvements. But I take it, sir, that when we send our ships from the eastern shores of this country through the Panama Canal and up the Pacific coast we want some place for those ships to land, and land in safety. We do not expend this money to benefit Los Angeles or any other western city. We do it because this being one mighty country and commerce being the lifeblood of civilization and progress and advancement we propose to set its currents circulating to every part of our great land.

Again, when it is proposed to improve the Mississippi, the Ohio, the Missouri—those vast arteries that reach into some 30 States of the Union, that gather the waters from the snows of the Sierras and carry them down to the Gulf, that reach out their giant arms and embrace the richest and most fertile parts of the land—when we speak of improving these rivers, we do not do so because Squedunk or Podunk or some other village along their banks has a local interest. We proceed upon the theory that we are giving an impetus to commerce. We know that we are bringing the producer and the consumer nearer together; we are saving money to the farmer, to the merchant, to the mechanic, and to every class of our citizens.

If any of those projects are impractical, if any of those projects can not be carried out, then of course they should not be put in this bill. But if they are practical no one ought to talk about making public improvement in this country depend upon the willingness of some certain individual to contribute and say that this Nation shall halt, shall stand still, shall not move, unless the local people in every instance shall be willing to contribute. We should not make national progress dependent upon individual enterprise or individual liberality. Each proposition should be settled upon its merits. If it will benefit the commerce of the Nation, then the Nation should undertake its accomplishment, regardless of what any local community may or may not do.

Mr. SHAFROTH. Mr. President, in connection with the Senator's reference to New York and other ports, I should like to call his attention to the fact that everyone of those ports has contributed to these improvements.

Mr. REED. Exactly; and here is the Senator's logic: If it shall be found that in order to get an improvement before the Federal Government was willing or able to make it, local interests have dug down into their own pockets and have contributed to that local improvement, it follows that the Government should provide that it shall never enter upon an improvement except where the local people have originally put up money.

Mr. SHAFROTH. Oh, no.

Mr. REED. Mr. President, that argues nothing except that our Government has in some instances probably been too slow, too derelict. Because the town of A, desiring to have water facilities, may have contributed from its treasury, that does not prove that the Government of the United States should declare that it will never undertake an improvement unless it can first induce the local interests to contribute.

I have taken very much more time than I dreamed of taking. I want to say to the Senator from Colorado that he is reversing history. He thinks the improvement of the Mississippi and Missouri Rivers, to say nothing of the great harbors of this country, is a local question.

Mr. SHAFROTH. No; I do not.

Mr. REED. He makes their improvement dependent upon local liberality and enterprise and says the Government shall not move until the localities move. He does not quite agree with Thomas Jefferson; he does not quite agree with the founders of this Republic, who believed that whoever controlled the Mississippi River would control the destiny of this Republic; who believed that when they had acquired that mighty stream they had made this country infinitely stronger than it was before; who did not think that a river 3,000 miles long was a local enterprise. Rather, they thought it a beneficence of God Almighty, which might be enjoyed by all the people of the land.

Why, Mr. President, when you ask the Senator, "What are your local interests?" his reply is subject to the objection often made in court that "it is vague, indefinite, and uncertain." According to the Senator, the work upon the Lakes is to stop until local interests put up the money. You ask the Senator where he is going to get his money, and he proposes a sort of "roving commission." He suggests that you might get it "from the shippers," you might get it from the "shipowners," you might get it from the "commerce." Yea, verily, you might get it from the Salvation Army; but you are not going to get it from any of them, but you will stop the enterprise of the Nation.

Mr. SHAFROTH. Does not the Senator recognize the fact that for more than 75 years of this Government's existence the National Government did not appropriate for rivers and harbors?

Mr. REED. Yes, sir; and I recognize the fact that——

Mr. SHAFROTH. And that improvements were made at all of the great ports of the United States and that they collected the necessary money and expended it themselves?

Now, it seems that when we offer this proposition they will be coming to us; we will not have to be going to them. If we do not do that, there is no end to the extent to which our appropriations are going to grow. If we are going to continue to take money from the Federal Treasury at the instance of every person who wants something done, you are going to find that we will have a depleted Treasury.

Mr. REED. Mr. President, of course the Senator did not rise to ask me a question. He rose to open the safety valve, which it is a very necessary thing occasionally to do. Of course our Government did not for many years expend much money on river and harbor improvements, and of course the progress of the country was thereby retarded. If the Government had been willingly expending money to improve our waterways and harbors from the first the probabilities are that the country would have realized thousands of dollars of advantage for every dollar expended.

What did the Government permit when it failed to give its aid to that which was to be of general and universal use? It permitted the single strong community that had the money to make an improvement in its harbor to improve that harbor and thus to gather to itself a concentration of the wealth and industry of perhaps an entire section of country; whereas other harbors and other places, if they had been opened by the Federal Government promptly, might have been of greater general benefit to the country.

Mr. President, I am getting a little bit weary of the constant cry of pork, this constant cry that this bill is an unjust bill. I say that if you ask me what the remedy is for any of these alleged wrongs, if there be wrongs, the remedy is in the Senate and in the House of Representatives. If the Senate and House of Representatives can not handle measures of this kind upon their merits, passing upon them fairly and justly, then both these bodies ought to be abolished by an amendment to the Constitution of the United States. All the great problems affecting the national life are confined to the care and keeping of these two bodies of Congress. If we have degenerated to such a point that unjust and iniquitous measures are allowed to go into a bill, if it be true that there is a bold looting of the Treasury, if it be true that we have come to so disgraceful a condition that men here will vote for a dozen corrupt propositions advanced by a dozen other corrupt men in order that some pet corruption of their own shall be worked out into the statutes, then it is time to either abolish the body or to change the membership of the body.

I understand, of course, that in a great bill of this kind there are some questions where there is an honest division of opinion. I assert, further than that, notwithstanding all that has been said, when you get down to the merits of all these propositions, you will find none of them so one-sided as they have been presented. An understanding of all the facts will alter views based upon a partial or prejudiced statement of the facts.

I question whether there are any of these propositions that will not yield a dollar of benefits for each dollar expended, although there may be some of them that will never absolutely establish a paying commerce. But if my view is incorrect, if we have filled the bill with bad and wicked schemes, if we are a lot of corrupt scoundrels, bartering with each other, each man voting for a dozen rotten enterprises in order that he may get one even more corrupt, then this is a body that has no right to exist, or at least its present membership has no right to be here, saving, of course, the few lonely saints who oppose the measure.

I will tell you what I think about some of these claims. It is very popular to be an economist. It is very popular to say "I have been trying to save your money; I contended against these evils; I fought against this repetition of loot; I was the one watchdog standing guard over the Government Treasury. My bark was the only honest sound that broke the stillness of the night of crime. My hand alone was lifted for virtue. My warning was uttered, but it fell upon the deaf ears of the Adar." That sounds well, but when it is not in good faith, when it is not backed up by facts, it is mere demagoguery and the cheapest kind of politics.

I make no question of any man's right to rise in the Senate and call attention to an item in the bill and produce his argu-

ment against that item and try to have it stricken out. It is the duty of a Senator to do that; it is his right, and it is his duty; but the amendment of the Senator from Colorado is based upon the idea, and his argument was plainly to the intendment, that Congress was so bad or so unjust or so wicked or so lazy that it would not find out the merits of a proposition, and hence the only test to apply was whether the local community would put up some money. He applies the dollar test to be paid by the local community. That will not work. The local community might be perfectly willing to pay out 20 cents on the dollar to get a stream improved where there never could be any commerce.

Mr. President, I have given this bill such examination as I could with all the other duties that press constantly upon us. I believe if we have not been careful enough in the past we ought to grow more careful in the future. If we have not been diligent enough, we ought to cultivate diligence, so that if there be any waste in this bill it may be avoided. But that is not the question involved in the amendment of the Senator from Colorado. He simply proposes that the Government shall initiate nothing and shall do nothing until the local interest moves and puts up 20 per cent of the cost of a project.

I stand here this afternoon to make an appeal for a broader policy of internal improvement. I stand here to say to the Senate and, as far as my voice will go, to the country that the United States Government ought at this time to be entering upon the greatest scheme of internal development ever undertaken by any nation at any period of the world's history. We ought to connect all parts of our country by our waterways. We ought to accomplish in part, at least, what has been so magnificently achieved in France and in Germany. We ought to be carrying upon the bosom of our canals and our rivers and our lakes a mighty commerce that will benefit every part of the land. We ought unhesitatingly to vote the money for the accomplishment of that purpose. We ought just as unhesitatingly to see to it that the money is expended in the wisest way that can be devised by the greatest engineers of the world. That ought to be our policy.

We have found time and again here in the last two years a congestion upon our railroads. We found it only in a recent month. We know the day is arriving when many of the great lines throughout the Central West must be double-tracked. Money must be invested in that way, and we know that the railroads hesitate about investing it. Why not take advantage of the great waters God has given us? Why not utilize them? Why not go to the expense of pulling up a few stumps and digging out a few bars? Why not restore commerce to the bosom of these mighty arteries? Why not do everything we can to make the State of Maine near to the State of California, Minnesota nearer New Orleans? Why not knit our vast land together?

While we are talking about preparedness and are getting ready for the evil day which may come, why not take into consideration that the thing to-day that helps Germany move her troops and move her munitions and armaments is her great system of river and canal transportation? Why not take a leaf out of the patriotic story of France? Even during this present war, with her sons draining their veins upon the battle field and her people impoverishing themselves to purchase the implements of warfare, France, even at this bloody time, has gone on completing her system of internal waterways, never halting for a moment. Why not learn the truth, that if we are to have a great country we must have men with vision, who are willing to employ the energies and agencies of Government to develop the resources of the land?

Mr. President, we have debated this bill for two weeks. There has been offered here amendment after amendment. With one exception, I think they have been voted down. The temper of the Senate has been tested. The record of Senators has been suficiently made. If there is any man to be turned out because he voted for this bill, he has written his record long enough and indelibly enough to satisfy all people. If there is any man who is to have a benefit because his voice has rung out like a clarion on behalf of the people, then surely, after he has spoken for 5 or 10 days in opposition to the bill, his virtues must have been sufficiently recorded. The dog days are coming after a while; there is other business to transact in the Senate; and I am just wondering whether these gentlemen can not offer their amendments and let us have viva voce votes, and finally get to a vote on the bill.

Mr. SHAFROTH. Mr. President, the Senator has just consumed one-half hour.

Mr. REED. That is just about one-tenth of the time the Senator from Colorado has taken to-day, and I am sure I could not consume it in a more aggravating manner than he did.

Mr. SHAFROTH. This is practically the only amendment I have offered and the only amendment that I have spoken to except in a statement I made in a colloquy with another Senator with respect to interstate commerce.

The Senator from Missouri says the railroads ought to be double-tracked. Does the Senator want the National Government to pay for the extra track? Is he trying to impose upon the National Government all the expenditures that may be made in the improvement? Does he want the Government to countenance for a minute that the National Government shall pay for all that track? Yet that would be in line with the position which he has taken.

Cooperation with States and with counties and with individuals is the wise thing in the enocomy of public improvement. I want to call the attention of the Senate to the fact that there was appointed a commission entitled the National Waterways Commission consisting of 12 men—6 Senators and 6 Representatives—who made an exhaustive examination as to the manner in which harbors and rivers should be improved. I wish to read their conclusion because they expressly say that there should be cooperation; that there should be a division of expenditures between the States, and it is signed by everyone of the members of the National Waterways Commission. At the head of this commission were the chairman of the Committee on Rivers and Harbors of the House of Representatives, and the chairman of the Committee on Commerce of the Senate. After a thorough examination and an exhaustive review they concluded that it was not fair that the United States Government should contribute all the money for the purpose when there were people and when there were corporations and when there were cities and when there were States that were benefited by reason of the improvements. I want to read to the Senator the conclusion which they reached:

In passing from this subject the commission would recommend:

1. That in the improvement of rivers and harbors similarly situated, where equitable division is possible, uniform rules be observed for a proper division of cost between the Federal Government and minor political divisions.

That does not mean a measly one-fifth; it means more. And yet these distinguished men, after a most thorough examination, concluded that that was the proper course to pursue.

There is at present a lack of uniformity. One illustration of this is in the improvement of interior channels and harbors. In some cases the expense is borne exclusively by the Federal Government and in other cases by the municipalities interested—

That is not uniformity and it is not fair—

2. That participation in improvements by local communities be encouraged, always with due care to avoiding the adoption of projects which are unworthy of recognition by the Federal Government.

3. That improvements not essential to navigation should not be undertaken by the Federal Government.

4. That improvements in rivers and harbors be not made unless sufficient assurance is given that proper wharves, terminals, and other necessary adjuncts to navigation shall be furnished by municipal or private enterprise and that the charges for their use shall be reasonable.

Now, Mr. President, I want to call attention to the distinguished men who made that recommendation. They are the Hon. Theodore E. Burton, of Ohio, chairman of the National Waterways Commission; Hon. Jacob H. Gallinger, of New Hampshire, vice chairman of that commission; Senator Samuel H. Piles, of Washington; Senator William Alden Smith, of Michigan; Senator F. M. Simmons, of North Carolina; Senator James P. Clarke, of Arkansas; Senator William Lorimer, of Illinois; Representatives D. S. Alexander, Frederick C. Stevens, Irving P. Wanger, Stephen M. Sparkman, and John A. Moon, all distinguished men, men in the Senate and House of Representatives of the United States who have given study to this question, going into these matters, seeing the operations that have been proceeding in the way of appropriations, and coming to the conclusion that there should be a division. I ask for only 20 per cent, only one-fifth of the amount, the Government putting up 80 per cent, and that is drawing upon the Treasury a greater amount really than ought to be done.

Mr. SMOOT. Mr. President, this bill carries an appropriation of over $43,000,000. I state without hesitation that at least 33⅓ per cent of the appropriation ought to be eliminated from the bill. I have no desire to reduce appropriations for worthy projects, nor even the appropriations in the bill, if it must be done by adopting the amendment of the Senator from Colorado.

I take the position, Mr. President, if the project is a worthy one, if it is truly upon a navigable stream, if it is an actual harbor of a national character, the Government of the United States ought to appropriate money for the work and ought to pay all the expense, not 80 per cent of it.

On the other hand, Mr. President, there are projects in this bill that are indefensible, and I believe as much as I believe that I live that if we could have a full Senate to listen to the

facts as they exist respecting them, and have each proposition to vote separately upon, there could not be secured a majority vote in this body for them.

But I do not want, Mr. President, by a vote of mine to approve of the indefensible projects in any way, shape, or form. I would not want to vote for them if the people were to pay 80 per cent and the Government 20 per cent. If they are local projects, if they are of local interest only, 20 per cent is not enough for the local people to pay; they ought to pay it all.

In referring to the question of a navigable stream, Mr. President, I do not mean a little creek that is dry eight months in the year. I do not mean a little stream tributary to a so-called navigable river, a little stream that no ship or boat or skiff of any kind will ever be seen upon. I say this bill provides for taking care of just such streams, or perhaps I should have said creeks. It is such projects that we have been trying to eliminate from the bill, but we have failed in every case with the exception of one.

I am in full sympathy with the reductions requested by the opponents of the bill as reported, but I am fearful that the plan proposed in the amendment of the Senator from Colorado will not meet the object and purpose I have in view.

Therefore, Mr. President, I must vote against the amendment.

Mr. SHAFROTH. Does not the Senator think that if the people where the measures are totally void of merit have to put up 20 per cent they will not do it, and thereby the project will fail and the Treasury of the United States be saved that amount of money? To that extent is it not wise to adopt the amendment?

Mr. SMOOT. I think, Mr. President, that there might be a few of them—that the local people would not put up the 20 per cent; but I do not believe that many of them would fail because of a refusal to do so, for the people would feel that the money would be expended in the community; they would feel that it would be a local benefit; they, perhaps, would have some pride in being classed as a town upon a supposed navigable stream, and would improve the opportunity of advertising the town as such. Perhaps they would feel that the 20 per cent would be well spent as an advertisement scheme if for nothing else.

Mr. President, I do not want in any way, shape, or form to give the people of this country to understand that the Treasury of the United States has an open door for the demands of people for projects that have no merit whatever in them. I hope that before we conclude action upon the bill, the Senate will agree upon some plan whereby the indefensible projects in it may be stricken out. If we have not now the time nor the inclination to do it, or if we are not in a position to differentiate between the good and the bad, then I want to see the Chief of Engineers, under the direction of the Secretary of War, granted the power to say how this money shall be expended and how much shall be expended upon any one project; in other words, to leave it entirely in their judgment. That would be a thousand times better than to pass a bill such as is now before the body, including items that no Senator can justly defend, and for which the Government of the United States ought never to have appropriated one dollar. It seems to me that the very earliest time possible for the stopping of such appropriations is the best, and now is the time to do it by amending this bill.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. I yield to the Senator from Missouri.

Mr. STONE. Mr. President, the Senator from Utah [Mr. SMOOT] expresses his approval of the notion that a lump sum of money should be appropriated for river and harbor improvements, and then leave it to the Chief of Engineers or to some Government board to distribute the appropriation according to his or their judgment. In other words, the Senator would leave the rivers and harbors of the States having rivers and harbors worth while entirely under the control, and, in a way, at the mercy of a Federal board.

I have heard the Senator from Utah on several occasions declaim with great emphasis against a policy of that kind when applied to the lands and forests of the intermountain and arid sections of the country. There has been a great protest here against that, and that protest has been voiced by no Senator with greater emphasis than by my distinguished friend from Utah.

I wonder just where the difference is, where the line of division comes in, as to turning over the improvements and the control of the rivers of Missouri, for example, to a Federal board, while the Senator from Utah protests against turning over the control of the lands and forests of Utah to a Federal board.

I am in sympathy, and have been in sympathy, with the Senator's views as to the interests of his State, but he would subject the interests of my State to the very same thing against which he protests, and wisely protests, in his own State.

Mr. SMOOT. Mr. President, there is all the difference in the world. There is no comparison between the two cases. I have not the time this afternoon to state to the Senator from Missouri all the reasons why the rivers and harbors bill——

Mr. STONE. It will take longer than this afternoon, I think, to do so.

Mr. SMOOT. Well, it would not take longer than that if it were not so late in the day. I wish, however, to assure the Senator from Missouri that there is no similarity between the two cases. In the first place, the rule of the Committee on Commerce is, as has been stated so many times on this floor, that the projects that are provided for in the river and harbor appropriation bills must have been passed upon by the Board of Engineers before their adoption. That being the case, Mr. President, it is entirely a different proposition to submit the question of the distribution of the appropriations to that board, a body of engineers that has already passed upon the projects.

I want to say to the Senator from Missouri that I do not believe in lump-sum appropriations. He has heard me say time and time again that there has been more wicked waste through the expenditure of lump-sum appropriations than in any other appropriations made by Congress; but the Government of the United States is to furnish the money for the improvement of navigable streams upon the recommendation of the Board of Engineers. The Government of the United States does not claim to own the waters within the States, even if they form navigable streams. The United States claims the right to keep navigable streams free from any obstruction to navigation, and it has that right under the Constitution. Up to the year 1883 no appropriations were made by Congress for the improvement of rivers and harbors, and many people believe that the Constitution of the United States has been and is being violated in appropriating money for such a purpose; but the time for such a claim has passed and gone, for Congress has settled that by making repeated appropriations for the last 30 years.

Mr. LODGE. Mr. President, may I ask the Senator from Utah a question?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. LODGE. Is it not true that the forests and other lands are sources of revenue, and that this bill proposes an expenditure of revenue?

Mr. SMOOT. I was just going to come to that side of the question, Mr. President. The question asked by the Senator from Massachusetts shows in a very few words one of the differences between the control of the navigable rivers and harbors of the country by the Government and the control of the waters and forest reserves within a State by the Government—waters that are owned by the State, waters that never cross the State line, waters that never reach a navigable river or a so-called navigable river, waters that are granted to the State in its enabling act. The forest lands within a State, it is acknowledged, are held in trust by the Government of the United States for the people of the United States; but the Government charges for the grazing of every head of live stock, for every sheep that is grazed upon those reserves, it charges for every stick of timber that is cut from the forest, and it undertakes to make those forests a source of revenue to the Government, while every river and harbor project for which we appropriate money costs the Government the amount appropriated. Therefore, Mr. President, there is a great difference between the Government exercising a power which it does not possess over waters within a State, over streams that are not navigable, and the control of the navigable streams over which the Constitution gives the Government of the United States control as far as navigation is concerned. I must not spend more time upon this subject.

As I was saying, I should like if it were possible to reduce the excessive appropriations in this bill.

Mr. REED. Mr. President, will the Senator allow me to ask him a question?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. I yield to the Senator, although I will say to the Senator that I was about to conclude what I had to say on this pending amendment.

Mr. REED. I merely want to ask the Senator a question. Did the Senator vote for the river and harbor bill in 1912?

Mr. SMOOT. Mr. President, I do not know whether a yea-and-nay vote was taken on the river and harbor bill in 1912 or not, so I could not say positively, but I will say frankly to the

Senator that I have given more attention to river and harbor bills during the last three years than I did in all of my previous service in the Senate. I want frankly to say to the Senator that I always felt, and feel now, that there ought to be liberal appropriations for the improvement of our rivers and harbors, particularly our harbors, and I would have no objection at all to having the appropriations in this bill for some of the principal harbors in the country increased, particularly those where the great bulk of the commerce of the country enters. I would have no objection, I will say to the Senator from Missouri, to seeing some of the appropriations for navigable streams increased. Some of them ought to be increased, but what I object to is projects in the bill which I believe no one can justly defend. I want to say that much to the Senator, so that he may know my position. In 1912 I did not know there were projects in the river and harbor bill that could not be defended and justly defended. In the past I have left the consideration of river and harbor appropriations to others to examine into.

Mr. REED. Mr. President, I understand the Senator's position and I do not think anyone can quarrel with that statement; but I want to ask him if he did not vote for the river and harbor bill in 1912 and in 1910 and in the preceding years since he has been a Member of the Senate, and if it is not a fact that nearly all of the present bill relates to items which were approved by one or more of those previous Congresses and which are simply now being carried forward under this bill?

Mr. SMOOT. Mr. President, I would not say that I did not vote for the river and harbor bill in 1910 or in 1912. I may have voted for it in 1908; I may have voted for it in 1906; I may have voted for it in 1904; but I want to say now to the Senate that, as to every item of which I have complained in this bill and as to every item of which the Senator from Iowa [Mr. KENYON] has complained, I am quite sure the reports show a decrease of commerce upon the rivers now as compared with 1912 and 1910. All the money we have spent upon the rivers in the meantime has not increased their commerce, but, on the other hand, their commerce has decreased.

Mr. REED. Mr. President, my attention has been called to the fact by the Senator from Louisiana [Mr. RANSDELL], who, probably more than any other man in the Senate, has studied the question of rivers and harbors, that there are 280 items in the present bill, and that 210 of those items were in the bill of 1907 and have ever since been carried in the river and harbor appropriation bill, the work partially completed upon them; and since—and now I am not speaking by the authority of the Senator from Louisiana, but on my own responsibility—since 1907 and prior to the Congress of the year 1912 a number of other projects were duly approved by the Board of Engineers as permanent projects and carried in the bill. So that this bill, of which so much complaint is made, is nearly all devoted to carrying out projects which were approved when other Presidents than Mr. Wilson were in the White House and when the Senator's own party—the Republican Party—was in complete control of the situation, and even when we had the advice of Senator Burton. Indeed, I am informed that Senator Burton declared with reference to the bill of 1907, which carried 210 of the 280 items now in this bill and which appropriated, I believe, $85,000,000, that that bill was the most perfect river and harbor bill ever passed. Therefore it strikes me that if this bill is so wicked, and if the Democratic Party in submitting it have committed so great a crime, somebody other than the men who approved the projects which we now carry on ought to be heard clamoring against it.

Of course I concede to the Senator from Utah the right to change his mind. We all have that right, and we ought to change our minds if we are convinced; but it is a remarkable thing that since 1907, 210 of these projects have passed the muster of Congress, and that even prior to that many of them had been approved. It is somewhat remarkable that they have grown wicked and bad, villianous, damnable, execrable, infamous, and all the other things which have been said of them, just within the last few years, when the Democratic Party has been in power.

Mr. SMOOT. Mr. President, I wish to be perfectly frank in answering the statement of the Senator from Missouri. In the first place, I have never thought for a moment about politics or who was in power in considering this bill. Whoever the next President of the United States may be—and I expect him to be a Republican, as I expect also that there will be a Republican House and Republican Senate—I promise the Senator from Missouri now that he never will find me voting for items with which I have found fault in this appropriation bill.

Mr. REED. Mr. President——

Mr. SMOOT. If the Senator will allow me to finish, I will yield to any question he may ask. I never before looked into those items, I never gave any attention to them, until Senator Burton began to call the attention of the country to them; and I want to say to the Senate now, that while the opponents of these unjustifiable projects will not be successful this year, I know that they will ultimately be successful, and that such projects as have been complained of will not be approved in the future and appropriations will not be made for them. No matter who may be President, the people of the United States, their attention having been called to such unjustifiable items in the last two river and harbor bills, have become familiar, in part, with the question, and I believe that there is a feeling in the United States to-day that many of the projects found in this bill are indefensible, and that it is wrong for the Government's money to be wasted upon them. This is the last river and harbor bill made up in the form in which this bill is framed that will pass Congress. As long as the fight is kept up against the present wasteful system, I promise the Senate that each year the condemnation will be stronger, and it will not be longer than next year until the Senate of the United States and the Members of the House will vote to exclude such projects as have been objected to, in my opinion.

Mr. REED. Mr. President, if the Senator, on his latter statement, is as bad a prophet as he is on who is going to be President of the United States after the next election, I am afraid that the car of progress and reform will be eternally halted.

Mr. SMOOT. Mr. President, I only expressed my opinion, and I gave it as an opinion. It was not expressed as a prophecy.

Mr. POMERENE. Mr. President, as the Senator is indulging in prophecy, will he please tell the Senate who the President is going to be?

Mr. SMOOT. I do not know who he will be, but I believe with all my heart that he will be a Republican and whoever is nominated at Chicago next month.

Mr. THOMAS. Does the Senator think he is now in the Chamber?

Mr. SMOOT. Now, the Senator from Colorado is getting a little too personal. [Laughter.]

Mr. President, I simply rose to state the reasons why I could not vote for the amendment offered by the Senator from Colorado. I think I have done so, and I will say no more at present.

Mr. JONES. Mr. President, I am going to take just a minute or two—and I do so simply because of the situation in my State—to say why I can not vote for the amendment of the Senator from Colorado.

I believe in the proposition of contribution, and our State has done a great deal along that line in the development of river and harbor work. There is hardly an important project that has been undertaken in our State in the last 10 years toward which the locality has not made large contributions. The only item that we have put in this bill in the Senate for my State provides for a contribution of over 40 per cent.

I think this principle of contribution ought to be worked out to a greater extent than we work it out in the present bill. I do not believe, however, that the blanket proposition of the Senator from Colorado could be worked out very well; and this, in brief, is the reason why I propose to vote against it on this measure.

I hope the committee hereafter will give this proposition much more consideration than it has in the past. I think, however, we have more contribution projects in this bill than in almost any other bill in the past. I think we can well determine the contribution for each particular proposition upon the conditions surrounding it, and upon the importance of it, and upon the local benefits attached to it.

I am very glad, indeed, that this amendment has been presented, and that we have had the debate that we have had, so as to emphasize the importance of the principle, at any rate, that is involved. As I say, I hope it will be developed more in future bills than in this one.

Mr. FLETCHER. Mr. President, just one minute. Perhaps in reference to what the Senator from Utah has said, sounding somewhat, perhaps, a keynote, as it were, there ought to go in the RECORD at this point, by way of indicating the changed notions that have come over the spirit of the dreams of certain people, these figures:

The river and harbor bill of June 25, 1910, carried $51,945,843.

The river and harbor bill of February 27, 1911, carried $36,956,987.

The river and harbor bill of July 25, 1912, carried $33,259,370.

The river and harbor bill of March 4, 1913, carried $47,868,894.

The river and harbor bills of 1914 and 1915 carried, respectively, $20,000,000 and $25,000,000.

Mr. SMOOT. Mr. President, in that connection I simply want to say that when those appropriations were made in the

years named by the Senator from Florida the Republican Party were in power, and they had plenty of money in the Treasury of the United States to pay for those improvements. They were not going in debt to the extent of hundreds of millions of dollars, and they were not making extravagant appropriations, such as are being made to-day, which I shall at some time or other call to the Senate's attention.

That is all I care about saying.

Mr. RANSDELL. Mr. President, in connection with this discussion about waterways and rivers and harbors, I ask unanimous consent to have printed in the RECORD, without reading, a very able paper on "Rivers and railroads in the United States," by Mr. J. H. Bernhard, associate member of the American Society of Civil Engineers. This discussion was carried on between Mr. Bernhard and several other engineers, and is published in the March, 1915, proceedings of the American Society.

Mr. SMOOT. Mr. President, I will ask the Senator how long the article is. Is it very long?

Mr. RANSDELL. No, sir. I believe it is about 10 or 12 pages. I do not remember exactly how long. It is not very long.

Mr. SMOOT. The Senator does not mean 10 pages of the RECORD?

Mr. RANSDELL. No, sir; 10 or 12 pages of the document that I present.

Mr. SMOOT. I was simply going to say to the Senator that every page we print in the RECORD means an expenditure of about $41 by the Government, besides the postage upon it. I noticed here the other day that there was a little request made for printing in the RECORD something, the nature of which none of us knew, and I figured up the amount that it cost the Government, and it was over $400.

Mr. RANSDELL. I will say that this is a very able discussion of a very live subject, and one on which we want to get all the light that we possibly can. I hope there will be no objection to the request.

Mr. SMOOT. I will not object, if the Senator thinks it is necessary.

Mr. RANSDELL. I think it is.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

[American Society of Civil Engineers, instituted 1852.]

PAPERS AND DISCUSSIONS.

(This society is not responsible for any statement made or opinion expressed in its publications.)

RIVERS AND RAILROADS IN THE UNITED STATES.

(Discussion of the paper by William W. Harts, M. Am. Soc. C. E., continued from March, 1915, proceedings.)

[By J. H. Bernhard, Assoc. M. Am. Soc. C. E.]

"J. H. Bernhard (New York City), Assoc. M. Am. Soc. C. E. (by letter).—The author has given the typical viewpoint of the Army engineer on river improvements; and as Mr. Lavis has advanced the arguments generally given by the railroads, it may not be amiss to offer for consideration the observations of a water-transportation engineer on this subject.

"As the author claims that the river engineering of the United States is nowhere surpassed in its suitability for the work proposed, it may be justifiable to repeat a statement made by Charles S. Riché, M. Am. Soc. C. E., lieutenant colonel, Corps of Engineers, United States Army, who, in a little pamphlet published by him, and in an address delivered at the Intercoastal Canal League meeting in Orange, Tex., in 1912, pointed out that there are 43 different kinds of lock dimensions and 26 various channel dimensions in the United States. As stated by the writer, in an address before the River Terminal Conference in St. Louis, in April, 1914, 'God alone could build a boat that would meet economically such a variance in conditions.' The railroads, on the other hand, have a uniform track, and permit a uniform height, length, and width of car, so that a railroad car can go anywhere in the United States, Mexico, and Canada.

"The author, remarking that the traffic on the majority of our inland-water routes has decreased, states: 'It is apparent that the present condition of our water routes as to the depth and availability of their channels is in advance of the use being made of them.' Does this mean that in his estimation further improvement is not necessary? If this argument held true, the poorer the roadbed or the poorer the street, the less the reason for improvement. The author wishes us to believe such when he states in his next sentence:

"'Whenever streams do not show an increasing traffic which is at least approaching the increase in commerce in the region traversed, it shows that the usefulness of the stream in question is declining, and the necessity for continuing large expenditures is open to doubt.'

"The writer's contention is that the only result of such decline should be the immediate investigation of its cause.

"Although entirely in accord with Maj. Burgess, who places the cause of the decline on the railroad rate, the writer would like to add to this reason other equally important ones. Next to the rate anarchism, poor river terminals, obsolete boats, the absence of proper connecting links between existing routes, poor navigation laws and regulations, Government assistance, banking facilities, and insurance rates are equally important as causes for the decline of water transportation.

"The rate situation in the United States is a natural result of former railroad abuse. The rail rates form a most unnatural and impossible fabric, based on two faulty foundations: First, 'charge what the traffic will stand'; and second, 'any rate to meet water competition.'

"It is almost entirely correct to say that there is no rail rate in the United States based on cost plus profit, although the aggregate—the gross receipts of the railroad—is calculated in that way. In the preliminary report just published by the Interstate Commerce Commission for the fiscal year ending June 30, 1914, the average cost of operating for the railroads in the United States was given as 72.21 per cent of the gross receipts, and the average receipts were 0.733 cent per ton-mile. The rail distance between New Orleans and St. Louis is 700 miles, which would give, as the average charge, based on 0.733 cent per ton-mile, $5.13. With these facts at hand, examine some of the following rates in effect between New Orleans and St. Louis:

"The rate for bran is $2.10; beef, $5; beer, $4.20; bridge materials, $3.50; canned goods, $5.20; cement, $2.50; coffee, $4.60; condensed milk, $4.20; flour, $2.80; grain, $1.80; lumber, $4; molasses, $4.10; nails, $4.40; nitrate of soda, $3.40; paint, $4.60; rice, $4.80; salt, $4.30; soap, $4.60; sugar, $3.40; and vehicles, $5.

"As will be seen from the foregoing, all these charges are well below the average, but then there might be water service between New Orleans and St. Louis.

"Although rebates are forbidden by State or Federal statutes, railroads grant them quite as much to-day as at any time in the past, the only distinction being that formerly they were granted to individuals surreptitiously and now they are granted to cities and towns openly; the former became illegal, the latter is legalized. These rebates arise from the unjust practice of railroads in basing rates to river points on water competition.

"The railroads say they must be allowed to meet the competition of the boats, otherwise the boats will take their business between river points. The Interstate Commerce Commission admits this claim, and allows the railroads to haul freight to river points at a loss, and then recoup themselves for this loss by exorbitant charges to off-river points. From these facts, one of two things must be true; either the railroads lose money on all hauls to river points, or they get excessive returns on hauls to off-river points. It is plainly a rebate case—'robbing Peter to pay Paul.' The river towns are having their freight hauled at the expense of the off-river towns, and pay for this privilege with the loss of still lower rates by boats; and the public loses all around.

"Examples of actually existing rates will be illuminating: First-class freight is shipped from New Orleans to Memphis, 396 miles, for $9 per ton, or 22.8 mills per ton-mile. To ship the same commodities from New Orleans to Amite, La., 68 miles, the cost is $10.40 per ton, or 153 mills per ton-mile. The citizens of Amite pay more than six and one-half times as much per ton-mile for their freight charges as the more fortunately situated residents of Memphis. Suppose the Government should charge the Amite people 13 cents for postage on a letter, but those in Memphis only 2 cents!

"To ship a barrel of flour from New Orleans to Amite costs 34 cents, or 5 mills per barrel-mile; to ship one from New Orleans to Memphis costs 25 cents, or 0.63 mill per barrel-mile. For carrying a barrel of flour 1 mile, the cost to the consumer in Amite is eight times as much as to the consumer in Memphis. First-class freight from New Orleans to Memphis (396 miles) is 45 cents per 100 pounds; from New Orleans to Opelika, Ala. (386 miles), it is 99 cents per 100 pounds, more than twice as much, for a shorter distance, to the off-river point. These are rates from one place to another which can be reached by water, compared with rates from the same place to another which can only be reached by rail.

"Table 1 will illustrate the 'rate wall' that hinders the freight movement to the river.

"Although the distance from Birmingham to Tuscaloosa is about one-eighth of that from Birmingham to New Orleans, the average freight rate is about one-half of that to New Orleans; but Tuscaloosa is on a navigable water, by which New Orleans, Mobile, or other cities may be reached.

"As a third example, the variation in rates, over the same distance, and over the same road, will be shown. This is simply one example where hundreds could be given. Flour for domestic use moves from St. Paul to New Orleans for $5.50 per ton; from New Orleans to St. Paul (same routing), for $9.80 per ton; but one is downstream and the higher rates are upstream. 'No,' says the railroad, 'it is because the natural movement of flour is from St. Paul to New Orleans.' The latter is true, because the rates forbid any other movement, but great would be the tonnage of finer winter flour that would move upstream if the rates were not prohibitive. In any case, why should there be any difference in rates over the same distance and the same railroad? Did not Congress long ago rule that rates under the same conditions should be equal, regardless of the tonnage shipped by the individual shipper? Why is this not equally true for one community against another? Had this flour been moved by water, and had it been meant for export, it would have been more cheaply loaded from barge to ship than to warehouses in the cities, therefore the railroads have a third rate, which is the 'export rate.' On flour from St. Paul to New Orleans the rate is $3.90, or 2.6 mills, per ton-mile.

"TABLE 1.—*Comparison of freight rates from Birmingham to New Orleans and to Tuscaloosa.*

Commodity.	Rate from Birmingham—		Ratio 13½ per cent.
	To New Orleans (418 miles).	To Tuscaloosa (56 miles).	
Sugar	$3.40	$4.80	140
Coffee	7.00	3.00	43
Rice	5.00	3.90	78
Molasses	4.40	1.80	41
Dried fruit	11.00	1.60	17½
Peas and beans	11.00	1.50	13½
Hay	3.60	1.40	39
Grain	3.60	1.40	39
Flour	4.40	1.60	36½
Coal	1.25	.80	64
Coke	1.75	.80	46
Wire and nails	3.20	2.00	62½
Pig iron	3.00	1.00	33½
Steel rails	3.00	1.50	50
Cast-iron pipe	3.00	1.50	50
Machinery	5.40	3.90	72

"The foregoing cases could be multiplied indefinitely, as they are representative of thousands of others, all of which show the injustice suffered by land communities in the matter of freight rates.

"Though the paralleling railroads of our inland waterways are strained to their utmost to carry the freight offered at each crop-moving season, the waterways themselves are vast expanses of idleness.

"A mistake is made by the public in assuming that it is always the river channel that causes this idleness. Nothing could be further from the truth. To-day the Mississippi, from St. Louis to its mouth, affords a channel which is the best to be found on any stream in the world, unless one takes the Amazon or the Congo into account; and see its emptiness. An 8-foot channel is all that the most efficient service requires. The Government works unremittingly to develop waterways, only to see the water-borne traffic on inland rivers grow less as the years go by, not due chiefly to the inadequate depth of the channels but to this rate-making anarchism; and until the idea that the principal function of inland water channels is to regulate the rates for rail transportation has been untaught, or made unnecessary by just rates, we will not see great river traffic.

"Still the average 'riverman' will insist that the poor condition of the channels keeps our inland waters idle. This is preposterous; the Rhine could never compare with the Mississippi in its advantages for transportation; its channel is narrower and shallower, more changeable, the current is swifter, and ice is known in the winter over its entire navigable length to its very mouth, yet in 1913 more than 97,000 vessels passed the Dutch and German frontier on the Rhine, which means a vessel every 5 minutes for the entire year. In order to illustrate this point clearly, page 109 of the English translation of the Trade Report of the Rotterdam Chamber of Commerce for 1913 will be quoted:

"'We could almost suffice by referring to our review covering 1912, seeing the slight difference between 1913 and its predecessor.

"'Arrivals are plentiful till the autumn, and the water level was satisfactory during the whole year. During only nine days, from the 30th of October to the 7th of November, a short period of low water on the Rhine was witnessed when the water mark recorded a level of 1.20 meters (4 feet), and below that to 1.14 meters (3 feet 9 inches).

"'The not normalized lower part of the river was, as a channel, in a rather favorable condition, the occurring sand deposits were for the greater part removed by dredging operations, and by altering the fairway in the second half of the year a sufficient channel was maintained.

"'The normalized upper part was satisfactory as a fairway, although on several occasions dredging work had to be started near the entrance in order to maintain a sufficient channel from the regulated Maas to the upper Merwede.

"'The average Rhine freights were during the year 1913 for cargoes of 800 to 1,000 tons, including tonnage, or ores and other crude commodities to Ruhrort, Disburg, Hockfeld, Alsum, Walsum, or Rheinhausen, $0.26 per ton, or 1.2 mills per ton-mile. For ores (copper ore, phosphate, etc.) to the upper Rhine and Mainz stations, $0.56 per ton, or 1.1 mills per ton-mile.

"'On the whole the freights were rather satisfactory, as was also the water level, which only from the middle of October to the beginning of November was low. The total tonnage across the German-Netherland frontiers was:

Total tonnage—	1912	1913	Increase.
With Netherlands	25,619,771.0	27,941,378.0	2,321,607.0
With Belgium	8,523,472.0	9,073,140.5	549,668.5
Rhine sea traffic	485,117.5	514,634.5	29,517.0
Total	34,628,360.5	37,529,153.0	2,900,792.5

"Tables 2 and 3 give a comparison of the Rhine traffic during the last 10 years.

"TABLE 2.—*Rhine traffic.*

Year.	Rotterdam.	Amsterdam.	Belgium.
	Tons.	*Tons.*	*Tons.*
1904	10,684,261	428,589	4,104,306
1905	12,771,307	478,320	4,435,580
1906	13,357,575	538,945	4,821,229
1907	14,762,523	597,518	4,937,736
1908	12,938,898	716,035	5,013,609
1909	15,134,175	798,535	6,205,324
1910	17,663,521	990,927	7,727,219
1911	19,042,847	1,042,603	7,956,855
1912	20,818,991	1,360,280	8,523,472
1913	22,764,241	1,531,772	9,073,140

"TABLE 3.—*Number of vessels passing Lobith, to and from Germany.*

Year.	Vessels.	Number of these vessels under the Dutch flag.
1904	67,519	46,584
1905	72,029	48,941
1906	75,306	49,821
1907	79,640	52,508
1908	71,206	47,021
1909	77,909	50,692
1910	85,372	55,740
1911	90,129	59,122
1912	91,904	58,978
1913	96,768	62,249

"Compare the foregoing rates with the statement of Col. Harts to the effect that the average cost of moving a ton of freight a mile in the United States is 7.3 mills, and that some coal roads, having easy grades and flat curves, boast that their tonnage cost has been cut to 2.3 mills per ton-mile. Now, considering that the distance between Minneapolis and New Orleans by rail is 1,300 miles, this would mean that the average charge should be $9.50 per ton, and even when calculated at the lowest cost when moving coal, on the best roads, at 2.3 mills per ton-mile, it would be $3 per ton, though flour—which, as far as moving is concerned, is quite different from coal, being very susceptible to moisture and odors, and only handled in box cars—has a rate of $3.90 per ton from Minneapolis to New Orleans. That this rate is below cost will be clear. Somebody else pays for this loss; of course—the interior territories; but is it then just to say that the rivers have lost their usefulness? Would it not be more correct to state that, by reason of artificial barriers, transportation by water in the United States can not compete economically with the railroads? These artificial obstructions, however, devised by railroads and perpetuated by the Interstate Commerce Commission, do not mean economy to the country, but

the country at large, by excessive high inland rates, pays the penalty for the idleness of the water routes.

"Even railroad officials are ready now to admit that their rail rates are less than what they should be along the water routes; they also admit that their rates on bulk commodities are profitless.

"On April 3, Mr. W. M. Rhett, assistant freight traffic manager of the Illinois Central Railroad, testified at the Interstate Commerce Commission hearing on the 'Western Rate case' that his road was handling many commodities, such as potash, clay, glycerine, pig lead, linoleum, vegetable tallow, rice, sisal grass, earthenware, hemp, and manila at a profitless rate. He mentioned only a few commodities; the writer could have named many more, and far more important ones. Undoubtedly Mr. Rhett knows them but does not feel inclined to have the rate of these particular commodities increased because they would move quickly by water. He was asking for an increase ranging from 10 cents to $1 per ton. Only these proposed increases, according to him, would enable the roads to continue business in these commodities. Even to bulk-commodity rates, objections are raised. On the same day, April 3, Mr. B. J. Rowe, coal traffic manager of the Illinois Central Railroad, testified before the Interstate Commerce Commission, at the same hearing, that they would have to increase their rates at an average of 7.95 cents per ton in the western territories. All this came only shortly after the many 'convincing' arguments of the railroads as to why their rates should be reduced, which 'convincing' evidence moved the Interstate Commerce Commission to grant their request. (Intermountain case.) The railroads were permitted to decrease their rates to meet competition created by the Panama Canal, with the result that the rates from coast to coast were lowered; but the transcontinental schedule for interior points was maintained. It is a ridiculous argument, if carefully analyzed. Suppose a Standard Oil Trust came before the United States and asked permission to reduce its prices continually, even below the cost of production, merely to meet the competition of an independent firm. Why, it would be the clearest infringement of the antitrust law; yet the railroads, by permission of the Interstate Commerce Commission, are permitted to reduce their rates in order to offset canal competition, to create which the country has expended $400,000,000.

"Follow this argument to its rational conclusion. Suppose the railroads lowered their rates—which is clearly the aim—to such a point as would enable them to compete successfully with water transportation through the Panama Canal; then the freight would continue to move by rail from coast to coast, and the Panama Canal, so far as interior freight movement is concerned, would be idle. The railroads would either have made impossible profits before the opening of the Panama Canal—and their financial reports belie this—or they are now suffering heavy financial losses, on account of the lowering of these coast to coast rates. Therefore the natural and logical consequence of the ruling of the Interstate Commerce Commission is that the $400,000,000 for the Panama Canal is spent in vain, its only result being a heavy loss to our trunk lines. The writer goes a step farther and claims that, in consequence of the ruling of the Interstate Commerce Commission, a law should be made either forbidding the use of the Panama Canal to coastwise traffic or creating prohibitive tolls, thus permitting the railroads to do business on the old basis, as the United States can not afford to have railroad capital unprofitably invested.

"It is the opinion of the commission that, had the railroads been denied their request for permission to readjust rates to meet part way the lower charges via the canal, there was 'grave reason to think that the Atlantic seaboard is the future would have supplied by water the Pacific coast with the commodities in question, and that many industries in the neighborhood of Chicago would have either lost their Pacific coast customers or have been compelled to migrate nearer to the Atlantic seaboard'—or, the writer would add, be forced to use the Mississippi River.

"Under the original order of the Intermountain case, the carriers from the Missouri River westward were forbidden to charge more to an intermountain point than to a Pacific terminal. East of the Missouri River, the stringency of the rule was abated, so that from Chicago to intermountain points the excess charge permitted over the rate to the Pacific terminals was 7 per cent; from Pittsburgh, 15 per cent; and from the Atlantic seaboard, 25 per cent. The shrinkage of rates from New York to San Francisco by way of the canal put the transcontinental carriers in serious straits. On certain heavy commodities, moving largely by water, a serious loss in through earnings was inevitable, if the roads reduced their rates to the Pacific coast to compete with the lower water rates. In addition to this loss on through revenues, the commission points out, the carriers would have had to take a double loss in their revenues to intermountain points: First, because the intermountain rates would have to be lowered; and second, because the percentages over the terminal rates would have been calculated on a lower basis.

"Additional relief was sought by the carriers as to the rates on about 100-carload commodity items and about 50 less-than-carload items. These carload rates to the Pacific coast range from 55 to 95 cents per 100 pounds, and the less-than-carload commodity rates range from $1.10 to $1.75 per 100 pounds. These commodities are such as originate in large quantities at or near the Atlantic seaboard and are particularly adapted to water transportation, on which the rates are relatively low.

"On about 25 items which move in carloads from the Missouri River to the Pacific coast at rates of less than 75 cents per 100 pounds carriers are permitted to establish the rates proposed to the California terminals and to continue rates to intermediate points not higher than 75 cents per 100 pounds. On all other traffic rates from the Missouri River to the Pacific coast must be carried as maxima at intermediate points.

"From Chicago, Buffalo, and New York carriers are permitted to carry carload rates to intermediate points at 15, 25, and 35 cents, respectively, higher than from the Missouri River to the same destinations.

"Less than carload-commodity rates on articles classed as first or second class in western classification, which are less than $1.50 per 100 pounds from the Missouri River to the Pacific coast, may be exceeded at intermediate points, but the rates on such articles to such intermediate points must not exceed $1.50 per 100 pounds.

"Less than carload-commodity rates on articles classified as third class or lower in western classification, which are less than $1.25 per 100 pounds from the Missouri River to the Pacific coast, may be exceeded at intermediate points, but the rates on such articles to such intermediate points must not exceed $1.25 per 100 pounds.

"Less than carload-commodity rates from Chicago, Pittsburgh, and New York to intermediate points may exceed the rates from the Missouri River to the same destination by 25, 40, and 55 cents, respectively.

"Carload rates on coal and pig iron may be less to the Pacific coast than to intermediate points, but the rates on such articles to the higher rated intermediate points must not exceed 5 mills per ton-mile.

"A suggestion is made that rates to intermediate points near Pacific coast terminals may be made by adding to the rates to the terminals something less than the locals from terminals to destination or by making basing rates to the terminals less than the local rates to such points to be used in connection with the local rates from the terminals to destination in making through rates from eastern points to points intermediate to the terminals.

"The Pacific coast termiuals to which these rates will apply are the points at which the Atlantic-Pacific steamships deliver their freight.

"In December, 1914, Commissioner Harlan, in his dissenting opinion on the railroad rate increase, said:

"'I can not but think that a general increase in the standard rates of this country, while the rate structures of these carriers remain full of inconsistencies, discriminations, and wrongful practices that deplete their revenues, is morally wrong; that the placing of additional burden on the interstate commerce that is not also placed upon the State is also wrong; and that the course approved in the supplemental report will ultimately be as disastrous to the carriers themselves as it will be harmful to the general interest.'

"Commissioner Clements, in his dissenting opinion on the same question, said:

"'I can not but regard the action now taken by the commission as out of harmony with the spirit and purpose of the law and as taking a step that leads away from the sound principles necessary to conserve the ends of justice. If the legislative authority of the commission is as broad and unrestricted as this, then I must confess that I have gravely misunderstood the limitations upon our statutory authority as well as the constitutional power of Congress to delegate its legislative power. If now, to strengthen and maintain the credit of the carriers, regardless of the causes of its exhaustion or impairment and with the application of the usual tests of reasonableness, these increases are justified, then it seems to me that we are only at the beginning of what I fear will be a train of demoralized results, disappointing and embarrassing to all concerned. It is by no means certain that it would not in the long run be cheaper to

the public to guarantee the bonds of the weak roads unable to meet their obligations rather than for all to try to take care of them by increasing their rates, which inure to the strong roads as well as to the weaker.'

"The New York Times (Feb. 13, 1915, after the decision of the Interstate Commerce Commission became known) gave the railroad point of view in the following editorial, which, when read by engineers trained as such, will appear to them to be surcharged with inconsistencies and improbabilities:

"'The Interstate Commerce Commission has allowed the railways doing transcontinental business to modify the established rates in a manner to meet the competition by the canal route. The spokesman for the railways most concerned is pleased, but only moderately so. The railways would have liked a free hand to meet competition, without regard to other rates, whereas the commission still insists upon preserving a relation between the through rates and the intermediate rates. Moreover, only some 25 commodities are concerned in the decision. Its effect regarding earnings, therefore, is not so great as might be imagined, but the decision is important for another reason.

"'In principle it is the adoption of the railway theory of rate making over the ideal or commission theory upon some of the most contentious points in the long controversy. After a quarter of a century of regulation the commission finds itself under the compulsion of submitting to a control stronger than the law's. The economic consequences of its methods were so intolerable that it has been found necessary to defer to the methods which it was resolved to abolish. Having begun, it is difficult to say where the process of reconsideration will stop. The first step was the most difficult to take and the second step in longer than the first, with others just ahead.

"'Congress decreed that the railways should not charge more for a short haul than for a long haul which included the short haul. A higher charge for a shorter distance is indeed illogical, if there is nothing more to be considered. Congress, to provide for other conditions, gave the commission discretion to grant exceptions when conditions were unlike. The commission made a decision, which it now modifies. The length of the haul is subordinated to the necessities of competition by water, and the charge to intermediate points is to be calculated by adding to the through or competitive rate a charge for the "back haul"—that is, the haul back from the coast to the point passed on the way to the coast. The railways are not allowed to have an entirely free hand. The commission itself names rates not to be exceeded as a precaution against the railways raising the intermediate rates unreasonably in order to compensate for the reduction enforced by water competition. The main thing is that the earlier decision under the perplexing long-and-short-haul clause is set aside and that the effect of competition is recognized. It will be easier to break the rule on another occasion, and the tyranny of a theoretical relation of rates established by the commission itself is shaken.'

"The second reason given by the writer for the decline of water transportation in the United States is the obsoleteness of the river craft. In order that it may be clear how obsolete the present river boat is, there are submitted some comparative data between a modern self-propelled steel barge which operated on the Mississippi River between New Orleans and St. Paul, and the prevailing type of Mississippi River boat, the like of which, in one instance, constitutes the entire fleet of one of the least inefficient companies on the Mississippi River. The 1,000-ton, self-propelled, twin-screw, shallow-draft, steel barge, operated by two gas-producer engines, has been described in a recent technical paper (Engineering News, Dec. 4, 1913). The barge had a crew of seven men and a speed of 8 miles per hour when loaded with only 1,000 tons of cargo. It consumed fuel at the rate of 30 cents per hour, proceeding quietly, with the total absence of wave, so that a rowboat would hardly rock in its wake.

"The cost of this 1,000-ton barge complete, with all equipment, was $32,000. The average cost of a Mississippi River boat of like capacity is from $60,000 to $70,000. Such Mississippi River craft has an average crew of 54. Insurance on the barge was 4 per cent for fire and marine; on the steamboat it is 12 to 15 per cent; fuel consumption on the barge was 30 cents per hour, on the Mississippi River craft it is $4 per hour, both boats traveling at a speed of 8 miles per hour.

"The total cost of operation of the barge, including 6 per cent interest and all other charges (wages, fuel, supplies, subsistence, repairs, insurance, depreciation, etc.), was $2,100 per month; on the Mississippi River steamboat it is $8,100 per month.

"That these barges can be constructed strongly might be proved by the fact that the Lloyds Co. classified one of this type recently as 'A-1' for ocean travel. Compare with this the remarkable weakness of the present steamboat, which might easily be described as a raft consisting of several thousand dollars worth of junk; in fact, the prevailing Mississippi River steamboats are built of wood, tin, shingles, canvas, and twine.

"In addition to their weakness, these boats are distinguished by the frivolity of their management. In the past, races have been of frequent occurrence, and descriptions would be comical were they not pathetic sketches of the lack of efficiency caused by trifling with serious navigation.

"'No,' the riverman objects, 'our boats are not obsolete; we have kept pace with the times, and our boats are to-day a great improvement on those of the fifties.' The other day a captain said to the writer:

"'You are not familiar with the improvements we have brought about on our river craft; our steamers are now almost fireproof; we have patent tapered floors, balanced rudders, steel and asphalt decks; we have the improved tandem-compound or cross-compound piston-valve engine, steam capstan and steering machine, a locomotive type of boiler, wire railings and tiller ropes, electric lights, combined breeching shield and furnace damper, insulated pipe coverings, and many more important improvements that substantiate the statement that our present side and stern wheel steamers are the best type of boats for river craft in the world.'

"This enthusiastic description of the important improvements of the present Mississippi River boat, from one of its ardent champions, illustrates, better than anything the writer can say, their total obsolescence and inefficiency. However, this is not the only difficulty under which inland navigation in the United States is laboring at the present time. Added difficulties are the navigation laws and regulations. With a traffic of 50,000,000 tons on the Rhine, and a proportionately heavy traffic on the other inland waters of Holland, Germany, Belgium, and France, it has never been found necessary to make it compulsory to employ Government licensed labor; yet, with the small tonnage transported on the waters of the United States, the Government enforces the employment of licensed captains, pilots, and engineers, and now even of able-bodied sailors; and the latter licensed persons are permitted to form unions, and thereby create what might be the most absolute monopoly one can dream of. To this must be added the fact that, to all intents and purposes, there is a surplus of demand over supply of available labor in the market, so that one might frequently have to pay heavy traveling expenses to get a desirable crew together.

"Another trouble on our alluvial streams is the so-called 'Aids to Navigation.' Great difficulties are caused by the tardy adjustment of the Government channel lights, which adjustment, as a rule, is so much behind the actual changing of the channel, that the Government marks do not show where the channel is, but where it was. To offset this the Government from time to time publishes reports, of which the following are cited as fair examples:

"'Magnolia: From Crooks Lower Light to White Sand Depot Warehouse, until from the first big tree showing just under the head of Turkey Island, to the upper side of the upper bald rock on the lower side of Magnolia Hollow. (Channel depth, 12 feet both.) This is taking you out square under an upper reef. Over this way, until from the corner of the Willows opposite Crooks Lower Light to Magnolia Light (16½ feet channel depth).

"'Crooks: From the head of the big cotton woods on Establishment Island to the head of the Rip Rap shore above Crooks Upper Light, until from the Illinois point opposite Snells Point to straw stack nearest the river, showing half way between the two Crooks Lights, until from Fort Chartres Landing to head of Turkey Island (12 feet both). Going to the head of the big cotton woods on Establishment Island to foot of the first bunch of timber, about 300 yards above Crooks Upper Light, until from the Illinois point opposite Snells Point, to straw stack nearest the river, showing halfway between the two Crook Lights, until from Fort Chartres Landing to head of Turkey Island (12 feet both). Going to the head of the big cotton woods on Establishment Island to the foot of first bunch of timber, about 300 yards above Crooks Upper Light, until from the Illinois point opposite Snells Light to the same straw stack halfway between the two Crook points.

"'Montesano: From the field on the hill above Fines Fluff Light to Jim Smiths Upper Light (12 feet) until from the middle of the middle bar abreast of Fines Fluff to Waters Points Light. Down this way, passing the rock pile about 150 yards off, until from what shows the head of timber on the Illinois side above Jim Smiths rock light, to the first white house below foot of Montesano Light (no less than 10½ feet in the above marks).'

"In discussing this matter with George R. Putnam, M. Am. Soc. C. E., commissioner of lighthouses, the writer did not receive any other argument against the installation of the proper system than financial considerations.

"Now, considering the fact that approximately $100,000 is spent yearly on the channel lights of the lower Mississippi River alone, mostly showing where the channel was and not where it is, the writer asks: Is a slight increase, say of 15 or 20 per cent of the above cost, objectionable if it will secure a light system which shows always where the channel is, so that navigators may navigate on these lights instead of avoiding them? Is it just to criticize the navigators for a decline in their business under such conditions? What railroad could exist to-day if, instead of sending track walkers daily over the roadbed, it employed a number of high-salaried officials to go over the entire track once or twice a year with a special train and on returning home issue a report, after which another train would be sent out with the necessary crew and high officials to make repairs, as suggested by this report? Yet this is the very method adopted for channel lights on the Mississippi. Is the author correct in stating that the dwindling in traffic is proof that the availability of the channels is in advance of the use being made of them?

"Another obstruction to economical navigation is caused by the total absence of banking accommodations. Bills of lading are frequently considered as bank securities unless they happen to be for freight on inland water craft, and then the bank refuses them. With a blind mule or an automobile as security, one can get at least a certain percentage of its value as a loan, but with the cheapest tool of transportation—a river boat—one might well have to sift the entire United States in order to find a single man or bank willing to furnish reasonable banking accommodations.

"Yet the combined ship-mortgage banks in Holland, including all their losses, have made an average profit of 18 per cent per year during the last five years. In Holland, with a boat as collateral, one may obtain almost invariably up to two-thirds of its estimated value as a loan, at a rate which would show a total expense of 6½ per cent.

"Another important obstacle is the insurance rates. A barge carried from New Orleans to St. Paul, 1,921 miles, 90 tons of coffee, on which a freight rate of $4.25 per ton was paid. The insurance rate was 90 cents per $100 value, or $2.70 per ton, and the terminal charges were 0.43 cent, leaving a net total of $1.12 for carrying the ton 1,921 miles.

"This rate of insurance is actually several times larger than insurance on the same commodity from Brazil to St. Paul, provided it is moved by rail from New Orleans to St. Paul; and why is this?

"There are three reasons for this flagrant injustice: (a) The small inland water-borne traffic makes it no fair average risk; the laws of average are hardly applicable for this limited movement. (b) The insurance companies, like most of the people in the United States, do not take water transportation seriously; they are not willing to accept the movement as a growing one, as one with a bright future, and therefore they do not care to foster it, because they only see possible losses and not even the promise of a future. (c) Most of the insurance companies have invested their securities in railroad bonds, which circumstance seems to strengthen their belief that water transportation should not be taken seriously; at least they have no burning desire to foster it. Some may feel inclined to add a fourth reason by speaking of the 'river pool,' but the writer prefers to ignore this factor, as he has been successful, in his business, in doing without it, and therefore knows little about the working of this combine.

"The greatest obstacle and handicap to inland navigation in the United States to-day, however, is the absence of terminals. This is especially true of the Mississippi River, which is cited because its conditions are typical of the entire United States. On the Mississippi we are still living in the ante bellum days where the drowsy negro roustabouts draw the preposterous wages of from $80 to $100 per month, barring modern loading and unloading apparatus. We on the Mississippi are still content with mud levees, slippery and cumbersome, and feel fully compensated for economical inefficiency by the great smokestacks of our steamers belching forth clouds of smoke, in their large whistles which can be heard for miles, and in the wheels that beat the water up in waves higher than a man—steamboats having daily expenses which surpass the weekly expenses of more modern craft of larger capacity. So important is the terminal question that it may be said that the problem of inland transportation is more a shore than a water problem. Almost invariably the shore expenses are higher than the actual cost of transportation from harbor to harbor.

"With the present river terminals, the height of inefficiency seems to have been reached. The shipper must carry his freight by wagon over poor roads, move it somehow down a poorly paved and usually very steep bank, laboriously unload it by hand, roll it to the edge of a muddy levee, watch it until the steamboat may arrive, when it is carried piece by piece and stowed away under the towering superstructure of an American steamboat, amid a forest of deck supports; and the process must be reversed at the other end of the voyage. The only exception to these conditions is the city of New Orleans, where covered sheds are provided and where mechanical loading and unloading devices are now tried. Economical navigation of the stream or efficiency of the carrier are greatly handicapped under such conditions.

"The elimination of the steamboat gangplank, as the highway of water traffic, and the abolition of the roustabouts are necessary for the restoration of commercial activity on the river; and modern river terminals, constructed by the combined initiative of State and municipality, with a municipally owned belt railroad, are to take their place. The passing of the gangplank is to be marked by the construction of concrete walls, against which the craft may be moored for convenient loading and unloading by huge cranes.

"Instead of the droll chants of the indolent negro roustabouts, as they toil with the freight, we should hear the creak of machinery and the rattle of chains as the loads are hoisted from boat to warehouse. The old conditions along the levee must give way to immense warehouses and the mechanical handling of freight, if river transportation is to be revived.

"The present excessive terminal cost often offsets the advantage of the lower river rate as compared with the higher rate by rail. Without an exception there is no port in the Mississippi Valley at which freight can be transferred directly from car to boat, or vice versa, except with a heavy switching arbitrary, or by an added labor cost equal to from 10 to 50 cents per ton.

"For shipments originating or consigned locally, the drayage cost and the inconvenience of the present landings are such that each alone is sufficient to divert to rail routings a large volume of freight which otherwise would move by water at a distinct saving to the shipper, even under the other adverse conditions.

"Not only in quays and facilities for freight exchange between rail and water, or in loading or unloading devices, do these river terminals fall short, but even the most commonplace and every-day necessities have been denied to them in the United States in general, and to those in the Mississippi Valley in particular.

"Decent streets or trolley-car connections, even the telephone and telegraph, are strange and are improvements on the river banks. New Orleans, which is the best river terminal in the United States, can at least show sheds and a municipal belt railway (even if the latter is often expensive by being frequently far from the water). This city has only four trolley-car lines to a 9-mile harbor front, with an hour's walk between each; but what about all the other cities in the United States?

"St. Louis has no trolley car within four blocks of the used river front, four blocks which are paved with large, irregular cobblestones, with a slope on which it is difficult to walk, impossible to climb with horses, and dangerous to descend. Land anywhere on the river front of St. Louis and attempt to telephone, telegraph, or buy anything except beer and whisky, and one will notice the total absence of necessities for the serious-minded man on business bent. It is the same in St. Paul and all other large cities, and what is true of them is certainly true of all the smaller ones.

"These high terminal expenses are a serious menace to water transportation with the old-fashioned stern or side-wheeler, and are even more unproportionate and out of all reason where modern craft are used. The 1,000-ton, self-propelled barge that went to St. Paul from New Orleans in August, 1914, brought this forcibly to light. The most serious handicaps this barge encountered were terminals; in almost every instance it cost more to load and unload the cargo than to carry it to the place of destination.

"The New Orleans freight was received, watched, and loaded, including the receiving clerk's time, for a total of 26½ cents per ton. The time consumed for loading was 5 hours, or 46½ tons per hour, during which time the barge expenses increased at the rate of $3.86 per hour, or a total of $19.30.

"At Jeffries, La., 554.6 tons of lumber were received, being loaded and unloaded by the shipper. The loading took from Thursday at 3 p. m. until Monday at 10 a. m., working night and day and Sunday, a total of 91 hours, or 6.1 tons per hour. The loading cost the shipper 27 cents per ton. Loading the

lumber on the barge cost, in time loss, 91 hours, or $351.26. The entire cost of loading and unloading, to the shipper, was $245.72, and this, together with the time loss to the barge, expressed in dollars and cents, makes a grand total of $807.35, as compared with the transportation of the entire lumber cargo of 554.6 tons for $998.37, or $1.80 per ton to carry the lumber 1,000 miles, and $1.46 to carry it to and from the barge.

"With any proper semblance of an opportunity this lumber should have been loaded on the barge in 12 hours, causing a saving in this item alone of 79 hours, or $305, and it is safe to say that what now cost $807.35 to load and unload should not have cost more than $210 under fair conditions, permitting an increase or decrease in rate of 60 per cent.

"At Hannibal, Mo., 200 tons of cement were loaded at a total cost to the shipper of $73, or 36.5 cents per ton. This was done in 7 hours, or at the rate of 28½ tons per hour. As the best 'terminal facilities' were found here, a short description follows, the writer's criticisms being such as are justified by usual and average conditions in Europe.

"Hannibal is on the Mississippi, has a population of about 14,000, and has a fairly flat and low bank. The city seems to be prosperous and its streets are well paved and clean. The railroad station is practically on the river. The main line and some switch tracks of the Burlington Railroad are near the 'river terminal,' being about 80 feet from the water's edge. This is partly due to the fact that the river bank does not run in a straight line, but is irregular. From the switch track nearest to the water the bank has an easy slope to the river. The bank is paved with irregular cobblestones on which it is very difficult to walk, so that there is little wonder that the laborers who loaded the cement and crossed this path every minute for seven hours were far from efficient.

"The bank is approximately 4 feet above the water level, the side having an inclination of about 15° from the vertical. This bank is made up of stone blocks, which apparently were meant to be thrown neatly on top of each other and thus form a bank, but the work had been poorly done, for some of the stones were lying in the river in front of the wharf, and one could see the rock blocks on the bottom close to the bank, so that any barge coming near the bank and being gradually loaded would settle down on these sharp blocks to the great detriment of the barge bottom and preventing a quick departure after the boat was loaded.

"Just at what would be called the head of this 'river terminal' is the wharf shed of the Streckfus Line. This projects into the river about 25 or 30 feet, and in the angle formed between this wharf house and the quay there are some piles which are now rotten. To the south of this bank, about 150 feet from the Streckfus wharf, there is another wooden shed, but on the bank, and at that point the river terminal practically stops. A number of small and very frail motor craft and rowboats are anchored near by, the outermost one about 30 feet from the river bank.

"The writer desires to state that he is not exaggerating, but is really describing what he believes was the best landing place on the Mississippi River at that date, August, 1914, with the exception of New Orleans, and equal to those at St. Paul or St. Louis.

"On this bank the barge was to receive 200 tons of cement, at a rate of 50 cents per ton less than that by rail, or at two-thirds of the rail rate. It might be stated here that, besides the loss in time to the barge, the shipper, who saved $100 on his 200 tons by freight-rate differences, paid $103 for loading and unloading, causing in the final transaction a loss to him of $3, notwithstanding the fact that the rail rate for a distance of 400 miles was reduced 33 per cent by the barge.

"Owing to the slope of the wall and the visible rock at the bottom of the river, the barge was lying about 3 feet out from the bank; luckily, her bow happened to be at just about the same height as the river bank. The Atlas Cement Co., which was to load the cement, had arranged everything to the best of its ability. The cement was in eight box cars on the sidetracks. To bridge the 3-foot gap between the barge and the shore, a temporary platform was constructed.

"The contract of transportation made with the Atlas Cement Co. stipulated that the barge would carry no terminal facilities or any facilities whatsoever for the handling of freight, not even a gangplank, and that the loading and unloading was to be at the expense of shipper and consignee. The only gangplank on the barge was a 2 by 10 inch board for the crew.

"The cement was taken from the cars and placed on horse-drawn dump carts, which were then drawn across the 80 feet of bank to the platform, where they were dumped; there the bags of cement were loaded on hand trucks and rolled on deck to the place provided. This method of loading—at the best terminal on the Mississippi River except New Orleans—was the cheapest and occupied the least time.

"While the barge was being loaded a deck hand was kept busy sounding for rocks in order to prevent the barge from sticking on one of them.

"A switching engine was kept in waiting to move the box cars up to the place where they could be unloaded. The loading was done at the rate of 28 tons per hour. The wages of the engine driver and fireman amounted to, say, 84 cents per hour; or, only on their account, the cost of loading increased 3 cents per ton; or, on the tonnage moved in this instance alone, their idle time would have paid interest for the entire year on $100 worth of terminal equipment.

"Of the overhead charges of the barge, the book charges, hull insurance, and liability insurance, are affected directly by the time of loading. Indirectly, the traveling expenses and administration charges are increased; to this is to be added the proper proportion of wages, and fuel for light, subsistence, supplies, and tarpaulin hire, which give the amount to be used in calculating the money loss during the loading and unloading. For 54 days and 8 hours this gives:

Overhead book charge	$819.18
Hull insurance	221.68
Liability insurance	25.13
Wages	2,244.13
Traveling and administration expenses	1,017.52
Light	29.16
Subsistence	400.00
Deck supplies	270.72
	5,027.52

or $3.86 per hour.

"The total cost of loading and unloading the barge on this trip was $1,733.12, or 63 per cent of the gross freight receipts.

"As a final word about the problem of inland navigation the quarantine regulations which have to be contended with are worthy of a few remarks. Should there be bubonic plague in New Orleans and should a vessel leave for foreign harbors with a health and inspection certificate from the Federal health officers, then such vessel will see such certificate honored wherever it goes; but should the authorities in the first harbor it touches desire to have it go through certain formalities, then at least all subsequent harbors will not further bother the vessel regarding its stay in New Orleans; but should a craft turn its prow upstream and dare to remain within the jurisdiction of the United States officials, then any city or State health officer, regardless of any reasons to the contrary, and indifferent as to the number of former inspections and fumigations, may, on the boat's arrival within his 'sphere of influence,' stop, inspect, and fumigate to his heart's content; and so it came about that this steel barge, which was in New Orleans only six hours during the daytime, while the loading was in progress, and had been officially declared 'absolutely rat proof,' was frequently detained by the various health officials along the route until the very end of its journey. At St. Paul, 1,921 miles from New Orleans, 35 days after its departure, it received its last health inspection, although it had lain 5 days off Jeffries, 3 days at St. Louis, and shorter periods at various other places, had been officially fumigated, and had had hundreds of visitors. The writer firmly believes that it escaped more serious delay because many officials were puzzled as to how to fumigate such an air-tight, steel structure, which had an open engine room and pilot house, carried its freight out in the open on deck, had its hold sealed with water-tight bulkheads, and had a deck without hatches. It is possible that some of these inspections were due more to curiosity about the construction of the barge than to sanitary reasons.

"The barge left on July 6 at 4 p. m. and returned on August 29 at 2 p. m., a total of 54 days and 8 hours, including loading and unloading, and during that time covered 3,843 miles, spending 240 hours and 45 minutes in loading and unloading 1,182 tons. She lost 8 hours and 4 minutes on account of engine trouble, was grounded for 174 hours and 10 minutes, or waiting for the pilots to ascertain the location of the channel, notwithstanding the fact that at no time was a less depth than 6 feet found.

"The barge carried coffee, rice, sugar, cement, molasses, lumber, flour, paper, and chemicals. Out of the total of 1,921,000 upstream ton-miles capacity, it delivered 1,066,986 ton-miles, and of the 1,921,000 downstream ton-miles, it carried 183,181 ton-miles, or a total for the round trip of 32 per cent of the barge's capacity. The total gross receipts were $2,762.57, or 2.21 mills per ton-mile; the same freight moved by rail would have cost $4,932.98; thus the water rate caused a saving of $2,170.41, or 45 per cent of the rail rate, which was an average of 5.98 mills per ton-mile as against 2.21 mills per ton-mile by water or 4 mills per ton-mile over the same mileage—the rail distance being shorter than the water distance.

"The total expenses of the barge were high, and some items were out of all proportion on account of the lack of organization and other consequences of this 'isolated' trip—guests, extra crew, etc. For instance, the extra pilots, needed because the crew was totally unfamiliar with the route, received for this single trip in wages $1,014.13, or $18.67 per day, an item entirely in addition to the usual pay roll.

"Heavy expenses incurred through slow loading, etc., to a large extent caused by the fact that this was an isolated trip, all made the expenses extraordinarily high. Under usual conditions, with a regular service and more boats than one to carry all the overhead and administration charges, the total expenses would have been less than $3,500, but the total expenses for this 3,842-mile journey were $5,740.42.

"The overhead charges, including 6 per cent interest on investment, 6 per cent depreciation, one-half per cent for repairs not covered by insurance, harbor dues, taxes, traveling expenses, and traffic manager—who, on account of this trip, was six weeks on the road—his wages, advertisements, photographs, traveling expenses of general manager, office and administration expenses, telegrams, telephone, soliciting expenses, salary of clerks, etc., gives a total of $2,011.66.

"The following are the details of the cost of the trip:

Fuel	$261.37
Deck supplies	270.72
Subsistence	400.00
Engine-room supplies	140.00
Wages of crew, including supercargo at $150 per month	1,230.00
Extra pilots	1,014.13
Hull, liability, workmen's compensation, cargo and freight insurance	412.34
Overhead charges	2,011.66
	5,740.22

or a total of 1.65 mills per ton-mile of carrying capacity.

"Had the barge been fully loaded both ways, the gross receipts would have been $8,491, at the rate of 2.21 mills per ton-mile (the average of her freight charges), yielding a profit of $2,750.78, even under these adverse conditions, on this single trip, and this, notwithstanding the fact, that, in mills per ton-mile, the freight rate of the barge was 37 per cent of the rail rate, so that on the lumber alone the barge saved the shipper $1,300.52, making a rate of $998.65 as compared with a rail rate of $2,300.17, or $2,750.78 profit on a single trip, or 8½ per cent on the investment.

"The author argues that the United States is now in the second stage of waterway development. The writer might agree with Col. Harts if he would agree that we are now on the eve of the third stage and, as a matter of fact, going through the transformation stages.

"Conferences are frequently held between the various interested parties, shippers, navigators, and officials. Only recently a conference held in St. Louis resulted in a permanent organization for the creation of modern terminals in the Mississippi Valley. Various organizations have been formed, one of the most active being the Upper Mississippi River Improvement Association.

"Minneapolis is constructing a modern river terminal, well equipped with loading and unloading machinery, including a belt railway. St. Paul has similar work under consideration. Davenport has completed the first portion of her river terminal, Quincy has plans prepared, and St. Louis is making decided progress.

"New Orleans is spending $3,000,000 on river cotton warehouses, and the State of Louisiana has recently passed a constitutional amendment commanding the dock board to dig or acquire a canal from the Mississippi River to Lake Ponchartrain within the city limits, the canal to be used for river boats and the shores to be dedicated to private ownership, with warehouses suitable for river traffic. The writer believes that this canal will cost not less than $3,000,000. The Panama Canal has brought the two coasts together so that the Middle West can no longer compete with the Atlantic coast at the Pacific coast or with the Pacific coast at the Atlantic coast. A clear illustration may be given by citing a paper published by the Corn Exchange National Bank of Philadelphia on January 5, 1915, in which it is pointed out that since the opening of the Panama Canal general cargoes are being received at the Atlantic coast from the Pacific coast and transhipped by rail throughout 15 different States, including Kentucky, Tennessee, Indiana, Missouri, Illinois, Michigan, and Wisconsin. This means that the Atlantic coast warehouses and wholesale jobbers can undersell the Middle West houses in their own territory, and the only recourse the Middle West houses have is to establish warehouses at the Atlantic coast (which means becoming Atlantic firms), or to secure cheaper transportation to and from tidewaters than their rail rate is at present to the Atlantic or Gulf coasts.

"The writer has another reason for being confident that we are now approaching what Col. Harts calls the 'third stage.' During the past six months the writer has received more than 300 letters from substantial firms urging river transportation as a solution of their problems. In one city alone 181 firms have signed a binding pledge to ship all their freight by water provided the rates are less than those by rail and the freight moves faster than the average by rail. Many cities and commercial organizations have made public pledges supporting water transportation. One instance may be given: Hannibal, Mo., on March 18, 1915, made the following pledge:

"'We, the Hannibal Commercial Club, fully realizing the great necessity and advantages of an economical and efficient navigation upon the Mississippi River, hereby pledge ourselves on behalf of our members to patronize a Mississippi Navigation Co. through our members to the extent of 10,000 tons of freight outbound and 10,000 tons of freight inbound to Hannibal to be offered during the open season for navigation.

"'These 10,000 tons of freight every year to be evenly distributed from April 15 to October 15, providing that such navigation company that wishes to avail itself of this pledge maintains, at least, two sailings a week to and from Hannibal and eventually not less than three sailings a week; makes a rate of not more than 75 per cent of the current rail rate, which rate is to cover transportation from warehouse at point of origin to warehouse at place of destination, or to the bottom of the ocean carrier, and to absorb all the switching and transferring charges, provided the place of origin and place of destination are on the rail track, in lack of which the rate is to apply only from the dock or to the dock, as the case might be; provided further that such a navigation company include in its rate a blanket insurance against all damages and losses of whatsoever nature during the time that the cargo is in the possession of the navigation company.

"'*Provided further*, That such navigation company will only be considered to act as agent for the shipper or consignee where the freight is moved on through bills of lading over other carriers; and provided further, that such navigation company guarantees that the average time of transportation of cargo will not be less than an average of 100 miles per 24 hours from warehouse to warehouse.'

"Now, the question is, Can water transportation be cheaper and faster than rail transportation? The last contention will be discussed first. It is not generally known, but nevertheless it is a fact, that, with the exception of some through freight, transportation by water is faster than by rail. Freight from New York to New Orleans by water is delivered in five days. What time would be required by rail? The many carloads shipped from New York to the writer in Alabama rarely took less than 10 days, and more frequently 20 days. A barge entirely inadaptable for Mississippi River service, having only 150 horsepower for 1,000 tons carrying capacity, and spending 18 days for loading and unloading and other delays along the river, on account of the poor terminals and channel lights, averaged on its round trip 3 miles per hour, inclusive of all delay, which, however, is more than 72 miles per day. What railroads to-day can show such a speed in their average shipments?

"The writer does not want to use in this argument the oft-repeated statistics from the Interstate Commerce Commission 'that the average movement of a freight car in the United States is only 25 miles per 24 hours,' because the commission in reaching this figure has taken into consideration also the days that a car stands empty in the yards; but he affirms that no railroad in the United States can show an average movement of all its freight of more than 75 miles per 24 hours, and yet with a proper system it is very feasible to maintain on any water route an average speed of freight of 150 miles per 24 hours.

"Water shipments—even with the present-day obsolete steamers on the Mississippi River and its branches—are everywhere faster than the average rail movement, which, after all, is natural, considering the yard delays of the railroads. Anyone in doubt about these statements is cordially invited to make a trip with freight trains.

"The writer refers now to carload shipments, and a considerably stronger story is told if shipment is made in less than carloads.

"Many water transportation companies with which the writer has been identified have promised faster delivery than the railroads, except, of course, where they had to compete against milk or fruit trains—so-called fast or through freight-train service.

"For the foregoing reasons the writer reaches opposite conclusions when the author states that 'the usefulness of interior rivers as lines of communication has become much less important.' The great importance of these lines of communication is

just about dawning on the public. This, of course, is of value only if it can be shown that water transportation can be made cheaper than railroad transportation. That this is the case is quickly proved.

"Beginning with ocean rates: From the Pacific coast through the Panama Canal to the Atlantic coast, inclusive of canal tolls, the average rate is $6 per ton and the time of transport is 15 days. The average rail rate from coast to coast, in a more direct line, not paying canal tolls, is $22 per ton.

"On the Lakes: Nowhere in the world are coal and ore moved more cheaply than on the Great Lakes, where the average charge is 0.4 mill per ton-mile. Compare this with the ideal rate held up by the author when he states that 'some of the coal roads having easy grades and flat curves boast that their tonnage cost has been cut to 2.3 mills per ton-mile,' or approximately six times higher than the Lake charges.

"As to general package freight on the Great Lakes, this would still be handled at a great advantage over the rail rate were it not for the fact that water competition has been throttled by the railroads. To prove this the following is quoted from the Chicago Daily News of June 13, 1914:

"'On several occasions the Daily News has called attention to the throttling of water traffic between the Atlantic seaboard and western Lake ports. The Chicago Association of Commerce has been active in trying to protect the interests of shippers by keeping open the water route between this city and the East. *Through* its traffic expert, Henry C. Barlow, the association of commerce has made vigorous protests before the Interstate Commerce Commission against any further advance in lake and rail rates as a part of the present rate-raising move of the railroads.

"'New York City merchants are now beginning to wake up to the importance of the issues involved, though they are not meeting the situation with as practical suggestions as are offered by Chicago. In a recent report the Merchants' Association of New York calls attention to the facts brought out by the Committee on Merchant Marine and Fisheries of the National House of Representatives in that rail and lake and canal and lake rates have been advancing in recent years, while the all-rail rates have remained constant, with the result that shippers have found the water route less attractive.' (This is shown in Table 4.)

"'The recommendation of the Merchants' Association of New York is that the Interstate Commerce Commission requires the railroads to surrender all their boat holdings and leave the ownership and operation of boat lines on the Great Lakes to concerns independent of this recommendation. It fears the principal effect of it would be to diminish service. The Daily News has heretofore questioned the wisdom of this recommendation.

TABLE 4.—*Freight rates from New York to Chicago.*

Year.	Rate.	Classes.					
		1	2	3	4	5	6
1887	All rail	75	65	50	35	30	25
1887	Rail and lake	54	47	37	27	23	20
	Difference	21	18	13	8	7	5
1914	All rail	75	65	50	35	30	25
1914	Rail and lake	62	54	41	30	25	21
	Difference	13	11	9	5	5	4
1892	All rail	75	65	50	35	30	25
1892	Canal and lake	30	25	20	18	16	14
1913	Canal and lake	42	36	29	23	21	18
1913	All rail	75	65	50	35	30	25
1914	No canal and lake rates.						

"'The railroads now own all the boats in regular service between Buffalo and western lake ports. Driving those boats out of commission would do the public no good unless assurance could be given that others would be operated in their places. Independent lines do not develop quickly. The important thing is cooperation with the railroads so as to give satisfactory and cheap through service. Without that cooperation, independent boat lines would not help the public much.

"'The Chicago Association of Commerce made a more practical recommendation when it asked the Interstate Commerce Commission not to permit further advances in lake-and-rail rates between western ports and the Atlantic seaboard. The important thing is to establish rail-and-water rates that should be substantially lower than the all-rail rates, and thus afford to points on the Great Lakes the advantages to which their location on the water naturally entitles them.'

"As to rates on canals: Take the old Erie Canal as an example—a canal completed in the first quarter of last century, with practically no improvements since its construction, and which held its own until the latter years of the seventies—and to-day, with the old canal fallen into disuse, the average rail rate between Buffalo and New York paralleling this canal is $1.96, or 4½ mills per ton-mile, while the average cost in the United States is 7½ mills per ton-mile. Seventy per cent of the population of New York State is within 2 miles of this canal; 90 per cent within 9 miles. This old canal is hardly a ditch, permissible only to boats with a beam not wider than 18 feet and a length of 100 feet, entirely thrown into discard and not maintained in the last years on account of the new canal, yet to-day freight is moving through it, with the same old methods of a century ago, at a charge of 3 mills per ton-mile. Iron ore is to-day moved from Port Henry, Lake Champlain, through the Champlain branch of the Barge Canal and the Hudson River, to Kill von Kull, a distance of 260 miles, at a total charge of 80 cents per ton. So well is this canal thought of that New York State is expending $130,000,000 for a new canal constructed for more modern requirements.

"Through Lake Borgne Canal—8 miles in length, widened to 100 feet and deepened to 9 feet by the writer—freight has been moved at a charge of 0.4 mill per ton-mile.

"The New York State Barge Canal will reduce the cost of water transportation between Buffalo and New York considerably more, and reference is made to an article (International Marine Engineering, August, 1914) by the writer in which in detailed figures it is shown that the cost of transportation between New York and Buffalo can be reduced to 26 cents per ton for the basic ton—that is, a ton of 2,000 pounds and occupying a space of 40 cubic feet. Plans are now being carried out as suggested in a report made two years ago by the writer to a well-known steel corporation, by which it is expected to move iron ore through the canal at a cost of one-half mill per ton-mile.

"Can boats be built that will give as low rates on the rivers? Most decidedly, yes. The writer knows of no more difficult route in the United States than that from Tuscaloosa, Ala., to New Orleans, La. A description of the barges used on this route, with details of costs, etc., may be found in a recent technical publication (Engineering News, Dec. 4, 1913), to which the reader is referred.

"To-day these barges are moving coal at a cost of three-fourths mill per ton-mile over this route and returning empty. Just such a barge, entirely unfit for the Mississippi service, was used by the writer in August, 1914, in the trip from New Orleans to St. Paul and back.

"To illustrate how cheap and profitable inland navigation in general, and Mississippi navigation in particular, can be, the writer gives some figures which he compiled recently for a group of financiers, who, on the strength of them, have agreed to furnish the needed capital of $5,000,000 for the Inland Navigation Co.

"This company, by May, 1917, will place on the lower Mississippi, between New Orleans and St. Louis, five barges (one reserve barge), each of 3,000 tons carrying capacity and an upstream speed of 15 miles per hour, so that a schedule may be maintained of a 3,000-ton barge leaving New Orleans and St. Louis every Tuesday, Thursday, and Saturday.

"These barges will have a maximum draft of 7 feet, will carry 1,800 tons at 5 feet, their minimum draft, and will be propelled by four propellers. The power will be furnished by four gas-producer engines, with a total of 2,400 horsepower. The barges, entirely of steel, 310 feet long, 56 feet beam, and 9 feet depth, will have a weather-proof cargo box.

"Each barge will be equipped with wireless apparatus, motor launch, 15 water-tight bulkheads, three 9,000-candlepower searchlights, distant anchor placer—new patent—and many important factors of economy. Each will be manned by a captain, 3 mate pilots, 1 chief engineer, 3 assistant engineers, 2 oilers, 2 quartermasters, 4 deck hands, 2 clerk wireless operators, 1 cook, and 2 stewards, or a total of 21 men, with a combined monthly pay roll of $1,970.

"The complete cost of each barge will be $312,000. The estimated cost of operation is based on an open season of 8½ months to St. Louis, 9 months to Cairo, 10 months to Memphis, and 12 months to Vicksburg. During the winter freight will be received as during the open season, but will be transferred to railroads where necessary, and in the winter it is anticipated that operations, at least for the first years, will take place at an actual loss.

"The cost of operation of the barge is roughly as follows: Four per cent for marine, fire, public (property and life), liability, and cargo insurance; 6 per cent interest on investment; 1 per cent for repairs not covered by insurance; and 7 per cent depreciation (12 years life); a total of 18 per cent of $312,000, or $56,160 per year. For an every-other-day schedule, all fixed

charges, wages, crew's insurance, and subsistence are to be increased by 25 per cent to cover the reserve barge. Thus the total fixed charges are $280,800 per year. The working capital may be computed at the rate of $48,000 per barge, or $240,000; this makes a total needed capital of $1,800,000 for five barges. To this should be added auxiliaries, such as fast and powerful inspection tugs, each costing approximately $45,000, three of which are needed; two fast inspection launches for the management, at a total cost of $15,000; and a number of smaller launches stationed so that any stretch in the river may be reached within nine hours by any of these tugs or launches. There will be wireless stations at Memphis, St. Louis, and New Orleans, each having sufficient power to send messages a distance of at least 300 miles, the total cost of these stations to be $40,000. This, with $10,000 for office equipment and extras, makes $200,000 for extra equipment and shore installation, or a total of $2,000,000; 20 per cent over this capital as profit must, at least as a conservative estimate, be assured to justify capital to invest with safety in such a new enterprise to such an extent, which is $400,000 per year, or $100,000 per working barge, or $170,200 including fixed charges.

"In theory the barge will make the trip from New Orleans to St. Louis in 80 hours running time, but in practice, when fog, wind, engine troubles, and grounding play an important part, an upstream trip of 4½ days—which gives 35 per cent extra time—should be estimated.

"As explained later, the loading and unloading at each terminal should not take more than 12 hours, so that the round trip may safely be based on 9 days, estimating a speed for the downstream trip at an average of 17½ miles per hour, with 22 miles in theory. On this basis the 5 barges will make 187 trips per year, so that the fixed charges with the profits amount to a total of $3,640.60 per trip.

"The crews' wages are estimated on a full year's pay of 5 crews for 4 barges, with 300 effective working days.

"The wages per month are:

Captain (also pilot)	$200
3 mates (also pilots) combined salary, $160, $140, and $120	420
2 quartermasters	120
4 deck hands	180
Chief engineer	200
3 assistant engineers, $160, $140, and $120	420
2 oilers	120
2 clerk wireless operators	200
1 cook	40
2 stewards	70
Total per month	1,970

"Thus the total wages are $1,970×12×5=$118,200. The workmen's compensation and employers' liability insurance amount to $1.10 per $100 of pay roll, or $1,300.20 per year. Thus, the yearly charge for labor is $119,500, or $639 per trip. The subsistence, at 50 cents per head per day, 21 men per crew, and 5 crews per 365 days, is $19,162.50 per year, or $102.47 per trip.

"The fuel, estimating a total of 200 running hours per round trip, burning breeze coal, with 2,400-horsepower engines, amounts to $840 per trip. For each trip the supplies for deck and engine, including lubricating oil, will cost $400, and the extras and contingencies $250, so that each trip will cost:

Fixed charges, including interest and profits	$3,640.60
Wages, including insurance	639.00
Subsistence	102.47
Fuel	840.00
Supplies	400.00
Extras, at 3 per cent	291.00
Total	5,913.07

or, in round numbers, $6,000.

"With the barge fully loaded on each trip, freight could be moved from New Orleans to St. Louis for $1 per ton, which would give a yearly dividend of 26 per cent and establish a 100 per cent sinking fund within 12 years. In this the following factors make various changes: The protection against the yearly loss through part-rail movement in winter, the loading and unloading charges, switching charges, administration, soliciting, advertising, and the fact that the barge might not always be loaded to full capacity.

"Each barge has a total yearly capacity of 224,400 tons each way. It seems safe to estimate that the barges will soon be loaded to 80 per cent of their capacity, or 4,800 tons per round trip, or $1.25 per ton from New Orleans to St. Louis.

"The barges will make 140 trips to St. Louis between April and December, 8 trips to Cairo during the late spring and late fall, 12 trips to Memphis in early spring and early winter, and 27 trips to Vicksburg in middle winter.

"To St. Paul, for which services 1,000-ton barges, with four propellers and with a maximum draft of 4½ feet, will be used, it is estimated that there will be an open season of seven and one-half months.

"During the winter freight will be transferred to railroads at Cairo, Memphis, and Vicksburg.

"The rail rates are such that during the winter—until these rates are adjusted by the Interstate Commerce Commission—the company should be prepared to stand an estimated loss of $180,000, because in many cases the rail rate from Vicksburg, Memphis, or Cairo to St. Louis is more than the water rate from New Orleans to St. Louis. This $180,000 merely represents the final figure after having for one month moved freight to Cairo, transferred it to the railroads, and paid the rail rate from there to destination, and done the same thing for one month at Memphis and two months at Vicksburg. This makes a total additional charge of 17½ cents per ton over the entire year. The administration, soliciting, and advertising is estimated to be $70,000 per year, or about 7½ cents per ton. Thus, outside of loading and unloading or switching charges, the total rate per ton from New Orleans to St. Louis should be $1.50 per ton, and commands an investment of $2,000,000.

"There will also be needed some small repair stations along the route, because of the total absence of efficient shipyards, a floating dry dock at St. Louis, and a small sectional dock at Memphis. This entire equipment may be secured for $300,000; to this may be added about $100,000 for cost of organizing expenses and $50,000 for various shore equipments, so that the total capital necessary for this company is $2,500,000, of which $500,000 should be incorporated as a separate company—a shipbuilding company. Detailed estimates have satisfied the writer that such a shipbuilding company will be sufficiently profitable through outside work to be self-sustaining, and that it will be proper not to put this $500,000 burden on the earning power of the barges.

"The foregoing gives a fairly good idea of the operating conditions of the new Mississippi River Transportation Co., as far as the water transport is concerned.

"Relative to the shore expenses, there remains the cost of loading and unloading and the switching charges. The cost of loading and unloading includes only the removal of freight to and from the barge. The problem is to do this as economically as possible, with the greatest safety to the cargo, and with the greatest dispatch to the boat. It should not be forgotten that the value of the barge is $32.22 per hour; thus every hour's delay is equal to a tax of 1.34 cents per ton, so that economical transport with the greatest dispatch is of the utmost importance, because 12 hours for loading and unloading purposes means 16 cents per ton of the freight expenses, and somebody pays the bill.

"To accomplish this quick dispatch, it is the intent to make stops only at cities where there are proper modern terminal facilities, or which, either as a community or through individual shippers, have signed for sufficient freight to and from to justify the company in establishing its own river terminals at such cities.

"The loading and unloading, and, in fact, all shore charges, are to be taken care of by a separate company, which will be known as the River Terminal Co. This company will look after the loading and unloading of barges, the receipt of freight from shippers, and delivery to consignees.

"In order to give municipal enterprise ample opportunity to build its own terminals without finding the River Terminal Co. in its way at any time, and in order to keep before the public the fact that this River Terminal Co. is only a makeshift necessitated by the very poor river terminal conditions, the company will be ready at any time, if so desired, to exchange local property for municipal terminal bonds.

"In order to remain independent it is proposed to build some of these terminals as floating terminals, so that they may be removed. The deck of such a terminal can always be at the same height as that of the barge deck, and the terminal is to be connected by tracks, running over the roof of the terminal barge cargo box, over a hinged apron, to the belt railway, if there is such, or otherwise, to the various railroad tracks.

"This floating terminal collects and disburses the freight, and care will be taken that it is ready for loading on the arrival of the barge, and also that preparations are made to have the loading and unloading proceed simultaneously.

"Such a terminal will always have a little more than twice the capacity of the barge which it serves; in other words, for St. Louis—not, of course, the smaller places—the transfer barge will have a capacity of 6,100 tons.

"These terminals will be equipped with wireless apparatus, two 10-ton traveling cranes with 40-foot booms, and also telphers, conveyors, and electric trucks.

"The main deck of the terminal barge will connect directly with the street by a roadway 40 feet wide running through the center of the barge from end to end. At each end of the roadway there will be an automatic track scale where the driver will

receive a scale ticket giving the total weight of wagon and freight. On leaving he will pass over another scale at the other end of the barge, and on the same ticket the weight of the wagon will be recorded and subtracted automatically from the first weight, thus showing the total weight of the freight left behind or received while on the transfer barge. The freight will be unloaded, assorted, inspected, rated, stacked, and the results concisely marked on the weight ticket after the driver has passed the last scale. He will turn his ticket in at the office at the end of the barge and receive his bills of lading in return.

"The height of the transfer or terminal barge will be regulated by ballast water, pumped out or let in as necessary, so that the transfer and transportation barges will be always at the same height during the loading and unloading. The transfer barge will also be equipped with electric light and a lunch counter, which will facilitate day and night loading. As a barge will come and go every other day, and freight will be received or delivered every day, the crew of the barge will find steady employment. By having regular employment, these longshoremen will become efficient in receiving, loading, and unloading freight from the barges or transferring it to and from the railroad cars. The company will load and unload cars for local distribution, so that freight can be delivered to and from the warehouses in river towns or to the railroads for delivery in the interior.

"Three belt conveyors for general bagged, boxed, or barreled materials—such as coffee, rice, sugar, flour, cement, and so forth—and four telpher trains (four cars in each train) for smaller freight, like canned goods, will enable 75 men to handle this general merchandise at the rate of 500 tons per hour, thus completely unloading a barge in six hours. The loading can commence practically within an hour after the unloading is started, so that the total time required for loading and unloading should not exceed 7 hours. If it really requires 10 hours to unload and load the entire cargo, the time is still well within the 12-hour limit set for this work.

"It is assumed that the total crew on shore will consist of 75 laborers, 5 mechanics and electricians, 2 weighmasters, 2 wireless operators, 8 clerks, 10 receiving clerks, 1 dock captain, 1 supply agent, 2 policemen, 2 watchmen, 1 carpenter, 2 engineers, 3 messengers, 3 cashiers, and 5 bookkeepers, all at a combined yearly pay roll of $125,000, plus insurance, or about 14 cents per ton received or delivered. The cost of power is estimated at 1½ cents per ton received or delivered.

"The transfer barge, complete with all its machinery and mechanical appliances, power, and so forth, will cost $300,000; and interest, depreciation, insurance, repairs not covered by insurance, and harbor dues will amount to 15 per cent per year, or 4½ cents per ton.

"Thus the total shore expenses, outside of switching charges or car hire at each end, will be 20 cents per ton; estimating the profits at 20 per cent of the cost of the terminal barge, the charge would be 25 cents per ton.

"The switching charges will be from $2 to $10 per car, or from 5 to 30 cents per ton. The company's charges to the shipper will always read about like this:

"'Switching charges from your warehouse in your town to river, plus loading charges in your city, plus river transportation, plus loading at consignee's town, plus switching charges in his town, gives a total of ———.'

"Thus the total charges from New Orleans to St. Louis are: Ten cents for switching charge and car rental, 25 cents for loading, $1.50 for transportation, 25 cents for unloading, and 20 cents for car hire and switching charges in St. Louis, or $2.30 per ton. This charge will be reduced to $1.92 as soon as the Interstate Commerce Commission has readjusted (or rather corrected) the present switching and rate arbitraries. This rate covers receiving in cars at warehouse and delivery at warehouse of consumer (during both winter and summer), within a guaranteed time of eight days, except where rail movement is necessary, when the customary indefinite and greater time must be allowed, under full insurance against all damages; or at a rate of $2 when received and delivered at the river terminals, which charge will be reduced to $1.82 per ton when the rates are corrected; and if it is guaranteed that the barge will be loaded to full capacity, the charge will be reduced to $1.45 per ton. The latter should be the ultimate and total charge, and it is the aim of the Inland Navigation Co. to be able to make a rate of 1.2 mills, water distance, or 2 mills per ton-mile, rail distance.

"The barge line will be classified as a common carrier and will be controlled by a bill of lading which is now being drawn up by expert lawyers. This bill of lading will contain some very novel clauses; for instance, it will have one clause protecting the cargo against all damage or loss and another guaranteeing the time of delivery. It will be a through bill of lading and the rate will be scientifically based, as shown below, so that anyone knowing the rules may know what the freight charges will be for each commodity, in his case, without ever looking at the tariff sheets.

"Thus far the general cost of carrying the freight per ton was estimated without taking into account the variation in the character of the freight carried, which, of course, is essential. The ton was considered as 40 cubic feet bulk capacity, and not more than 20 feet in length, width, or height; not fragile or too weak to have a load placed on top of it, 10 feet in height and weighing not more than 50 pounds per cubic foot; not subject to damage on account of weather conditions; to the contained in individual packages weighing not more than 3 tons; without offensive odor or susceptible to odors; deviation from any one of these conditions will alter the charge. Taking the freight rate of $1.50 (or 1.2 mills) per ton-mile as a basis: For each cubic foot that the freight occupies in excess of the 40 cubic feet per ton, one-fortieth of this charge shall be added; for each fraction that the individual package is in excess of the 20-foot length, width, and height, the freight increases proportionately. Commodities in individual packages, which, when dropped from a height of 10 feet are subject to breakage, will have their freight cost increased at the rate of 0.02 mill for each inch this fall is shortened, so that for a commodity which might break at a drop of 1 inch, 2.4 mills per ton-mile are added to the basic rate.

"In addition, the freight will be subject to extra insurance on values greater than $100 per ton, so that for each dollar of additional value 2 mills will be added, regardless of distance; thus, if the commodity is worth $300 per ton, the additional cost for moving it will be 40 cents.

"A material which is too light in construction to have any cargo safely placed on top of it will be charged as if it occupied a height of 10 feet (the height of the cargo box). If any material has an odor (such as fertilizer) so that it might affect other commodities or attack quickly the odor of other commodities (such as flour), it will be subject to an increase of 0.2 mill per ton-mile. This is to protect against the extra cost of placing such cargo in special compartment. Cargo which is affected by temperature will have to pay for refrigerating or heating, as the case may be.

"Cargo which is excessive in weight is charged with an increase of 0.003 mill per ton-mile for each pound more than 50 pounds per cubic foot. Individual packages which weigh more than 2 tons will be subject to a charge of 2½ mills per additional pound. Thus, a 10-ton package (transported from New Orleans to St. Louis) will cost $44.60.

"Of course, it would hardly pay for the barge to stop at each landing as was heretofore customary. This makes the following rule necessary: The barge will not stop at any landing for less than $50, regardless of the quantity of freight offered. However, one might keep loading the barge for an hour (the freight charges being at the usual rate), with this understanding: That after so much freight had been put on the barge that its cost of transport reached the $50 mark, any additional cargo put on board within the first hour would be free up to $50. The same method will be true for the second hour, etc.; further, the rate will be subject to an increase according to the decrease in distance, so that the rate might be considered as a sliding scale of 5 mills per ton-mile for distances less than 10 miles; 4 mills per ton-mile for distances less than 100 and more than 10 miles; 3 mills per ton-mile for distances less then 150 or more than 100 miles; 2 mills per ton-mile for distances less than 200 and more than 150 miles; 1½ mills per ton-mile for distances less than 500 or more than 200 miles; 1.4 mills per ton-mile for distances less than 1,000 or more than 500 miles; 1.2 mills per ton-mile for distances less than 1,500 or more than 1,000 miles; 1.1 mills per ton-mile for distances less than 2,000 or more than 1,500 miles; with the understanding that a lower rate for longer distances should never result from this, in such cases the higher rate would always apply.

"For freight consigned to interior points, the lowest rail rate from the river to the town will be added, provided such lowest rate is from a place where the company has terminal facilities, or where good facilities can be acquired.

"Such freight as will take advantage of the clause of the bill of lading guaranteeing delivery in a specified time will be charged at the rate of 0.1 mill extra per ton-mile.

"The foregoing rates are compared with railroad rates in Table 5.

"It will be seen that a rate of 2 mills per ton-mile, water distance, including all expenses (such as delivery during the closed winter season, insurance, absorbing of switch and belt railroad charges, and the warehouse delivery), is profitable.

"Water transportation in the United States has dwindled to nothing on account of artificial conditions, but there is no reason on earth why our rivers should not be teeming with traffic, and there is every reason to suppose that at a date not

far distant such traffic will start. The usefulness of our rivers is becoming more and more apparent to the public, and at the present time it is also a dire necessity that the steamers be used. Foreign competition demands an early adjustment of the methods of interior transportation.

"The writer is in hearty accord with Mr. Lavis when he states that our interior lines of communication must be developed to carry our products from one part of the country to another at the lowest possible cost per ton-mile. In our competition for foreign trade we should look on the whole United States as one large factory competing in these foreign markets with other factories (such as the English, German, and French), and it is essential for such competition that we reach a high stage of efficiency in our factory; that we put to use the potential value of our waterways. The nonuse of these rivers and water routes constitutes a voluntary penalty and handicap under which we are placing ourselves in favor of foreign competitors, and our cry in the new battle for foreign trade should be, 'Back to the waters.'

"TABLE 5.—*Comparison of freight rates between New Orleans and St. Louis.*

Commodity.	Rail rate, per ton, for carload lots.	Rail rate, per ton, for less than carload lots.	Water rate per ton.
Baking powder	$7.50	.....	$3.20
Beef	5.00	.....	4.10
Beer	4.20	$5.20	2.30
Bridge material	3.50	5.40	3.25
Butter	18.00	.....	4.00
Canned goods	5.20	6.90	2.80
Cement	2.50	6.10	2.25
Chairs	19.50	.....	6.00
Cocoa	13.50	.....	5.40
Coffee	4.60	6.00	3.10
Condensed milk	4.20	8.70	3.15
Copper ingots	7.00	13.00	2.50
Copper castings	15.00	.....	4.00
Dry goods	13.00	18.00	4.50
Flour	2.80	5.20	2.50
Furniture	8.50	11.50	5.80
Glassware (bottles)	10.30	13.50	3.70
Guano	61.00	73.20	8.00
Hardware	6.00	.....	3.60
Liquors	8.00	.....	3.10
Lumber	4.00	.....	2.28
Molasses	4.10	.....	3.00
Nails	4.40	.....	2.80
Nitrate of soda	3.40	73.20	3.10
Paint	4.60	.....	2.60
Paper	5.60	10.00	2.50
Plumbing material	6.00	.....	3.40
Pickles	76.00	.....	2.40
Refrigerators	10.00	.....	2.90
Rice	4.80	.....	2.40
Rubber	18.00	.....	3.00
Salt	4.30	.....	2.95
Shoes	18.00	.....	6.00
Soap	4.60	.....	2.40
Stoves	7.00	.....	3.00
Sugar	3.40	4.80	2.70
Tin	10.00	15.00	3.80
Vehicles	5.00	.....	4.00

"The writer does not believe that we need to look forward to smaller expenditures on our waterways, but believes that saner methods of spending money on them are required. Instead of making yearly haphazard appropriations, each project in itself should be approved or condemned, and, if approved, authority should be given to carry out the work, a lump sum—based on the estimate of competent engineers—being set aside for the purpose, instead of as it is now done, on the installment plan, with frequent intervals of idleness on account of some filibuster or change in politics. How frequently has it happened that important work has been stopped, costly equipment set idle, and splendid organizations dispersed, because Congress did not that year appropriate the necessary money to continue. What sane business man or contractor would attempt to carry out work on such a basis?

"The author states:

"'Work on these canals and highways requires many engineers. Up to 1824 the Military Academy at West Point was the only school in the country which trained men as engineers, and for many years thereafter it was the principal school of this kind.'

"For that very reason we are still employing as engineers for our waterways the Army engineers of the Government, trained as Army engineers and not as water or transportation engineers. It is a high tribute to the efficiency of these men that the work has been carried out in such a splendid way; but is it right?

"In reference to this the writer calls attention to the Kingdom of the Netherlands, where the Government employs in a separate department—called the 'State of Waterways' (literally translated)—a corps of engineers, only and solely trained as water and transportation engineers. These men have been sent the world over to construct waterways. The Suez Canal is to-day maintained by Hollanders; Galveston, Valparaiso, Rio de Janeiro, Buenos Aires, Bahia, Hongkong, Santiago, Macassar, Macao, Santander, Bilbao, Hamburg, and many other harbors and waterways prove their efficiency. Holland's dredges, floating equipment, levees, locks, and canals are world famous.

"The writer agrees with Mr. Lavis that our Army engineers have given ample proof of their efficiency, but this is rather a tribute to their brains than to their training. Long ago there should have been in the United States a separate department (with a Cabinet minister at its head) for waterways. The success of foreign waterways (as stated by Mr. Lavis) is largely due to the fact that the matter of deciding on the project for which public moneys shall be spent has been left generally to a comparatively small body of men of training and experience in the particular class of work or problem involved, whereas in the United States this is usually decided by popular vote.

"Notwithstanding what has been said about the splendid work performed by the Army engineers, the writer claims that it is a decided error in judgment to have them pass upon the commercial value of a project presented for their consideration, and, as stated by Mr. Lavis, it is no wonder that 'their advice is frequently ignored,' as their training and experience do not make them proper judges of the commercial value of such projects. How frequently have they stated that certain needed links between waterways were of no commercial value because there was at that date no actual freight moving over that route?

"The writer has in mind one particular case—the canal from Stillwater, Wis., to Lake Superior. What greater need of a link between waterways could have been thought of in that State? Yet the engineer in charge stated that such a link would have no commercial value.

"The author, in order to cite the importance of our waterways from a financial point of view, points with pride to the fact that the work now yearly requires $40,000,000, or more than eightfold what it required 40 years ago.

"Table 6 gives an interesting comparison of how rivers and harbors have shared in Federal appropriations during the last 40 years.

"TABLE 6.—*Federal appropriations for Army, Navy, pensions, and rivers and harbors since 1875.*

Year.	Army.	Navy.	Pensions.	Rivers and harbors.
1875	$27,788,500.00	$20,813,946.20	$29,980,000.00	$5,218,000.00
1876	27,933,830.00	17,001,006.40	30,000,000.00	6,643,517.50
1877	27,621,867.90	12,742,155.40	29,533,500.00	5,015,000.00
1878	25,812,500.00	13,541,024.40	28,533,000.00	.....
1879	25,593,486.01	14,152,603.70	29,371,574.00	8,201,700.00
1800	26,797,300.00	14,029,968.95	56,233,200.00	7,846,600.00
1881	26,425,800.00	14,405,797.70	41,644,000.00	8,951,500.00
1882	26,687,800.00	14,566,037.55	68,282,306.68	11,441,300.00
1883	27,258,000.00	14,819,976.80	116,000,000.00	18,738,875.00
1884	24,681,250.00	15,894,434.23	86,575,000.00	.....
1885	24,454,450.00	14,980,472.59	20,810,000.00	13,949,200.00
1886	24,014,052.50	15,070,837.95	60,000,000.00	.....
1887	23,753,057.21	16,489,907.20	82,075,200.00	14,473,900.00
1888	23,724,718.69	25,767,348.19	82,152,500.00	.....
1889	24,471,300.00	19,942,835.35	85,258,700.00	22,397,616.19
1890	24,316,615.73	21,692,510.27	89,758,700.00	.....
1891	24,206,471.79	24,136,035.53	123,779,368.35	25,136,295.00
1892	24,613,529.19	32,541,654.78	164,550,383.34	2,951,200.00
1893	24,300,499.82	23,543,385.00	154,411,682.00	21,968,218.00
1894	24,225,639.78	22,104,061.38	180,681,074.85	14,166,153.00
1895	23,592,884.68	25,327,126.72	151,581,570.00	20,043,180.00
1896	23,252,608.09	29,416,245.31	141,381,570.00	11,462,115.00
1897	23,278,402.73	30,562,660.95	141,328,580.00	16,244,147.00
1898	23,129,344.30	33,003,234.19	141,263,880.00	20,832,412.91
1899	23,193,392.00	56,098,783.68	149,304,702.46	14,627,449.56
1900	80,430,204.06	48,099,969.58	145,233,830.00	25,110,038.94
1901	114,220,095.55	65,140,916.67	145,245,230.00	16,285,605.75
1902	115,734,049.10	78,101,791.00	145,245,230.00	7,046,623.00
1903	91,730,136.41	78,856,363.13	139,842,230.00	32,540,199.50
1904	77,888,752.83	81,876,791.43	139,847,600.00	20,233,150.00
1905	77,070,300.88	97,505,140.94	142,360,700.00	10,872,200.00
1906	70,396,631.64	100,336,679.94	142,750,100.00	28,726,007.41
1907	71,817,165.08	102,091,670.27	143,745,500.00	17,254,050.04
1908	78,634,582.75	98,958,507.50	147,143,000.00	43,500,813.00
1909	95,382,247.61	122,663,885.47	173,053,000.00	18,092,945.00
1910	101,195,883.34	136,935,199.05	160,908,000.00	29,190,264.00
1911	95,440,567.55	131,350,854.38	155,758,000.00	49,380,541.50
1912	93,374,755.97	126,478,338.24	156,182,000.00	30,883,419.00
1913	90,958,712.98	147,077,507.76	165,146,145.84	33,259,370.50
1914	94,416,145.51	162,097,167.53	180,300,000.00	47,868,894.00
Total	1,973,825,531.68	2,120,214,833.29	4,568,251,057.52	680,552,501.01
Yearly average for 40 years	49,345,638.29	53,005,370.83	114,206,276.44	17,013,812.53

"The total amount, $680,552,501, spent on rivers and harbors is only 4 per cent of the total amount spent on railroads, and less by far than the total value of land grants alone made to the railroads, amounting to 160,000,000 acres, larger than all that part of the United States east of the Ohio and north of Maryland; the total freight carried on these railroads in 1914 was 288,320,000,000 ton-miles; yet on the Great Lakes alone in that year the writer estimates that the freight was 30,000,000,000 ton-miles.

"This grand total of money spent on our waterways is smaller than the grand total spent on the waterways of Holland, a country one-two hundred and fiftieth in area with one-seventeenth of the population.

"Here the writer desires to point to what is apparently a discrepancy in the author's statement where he cites that Prussia spent, between 1813 and 1906, $129,000,000 for her waterways, and later he uses this in his comparison with Germany, as though this $129,000,000 spent by Prussia was all that the German Empire spent.

"The United States has not spent enough by far for waterways, and much more will have to be expended.

"Finally, the writer wishes to point out that practically not a dollar has been expended on our waterways without the approval of the Army engineers. All work must first pass their close examination, as to feasibility and need, and no project stands much chance to pass both House and Senate if not approved by them. Some small works may have passed, but certainly not costing more in total than one-half of 1 per cent of the money spent.

"In comparing rail rates with water rates, one must also take into consideration the large land grants, franchises, rights of way, and bonuses given to the railroads, in many instances representing fabulous wealth, and certainly in their present-day value far in excess of the total sum spent by the United States up to date on its waterways and harbors.

"Railroads often advance the argument given by Mr. Lavis, that, to estimate the actual cost of water transportation, the true expenses of maintenance, interest, and operation should be charged against the water traffic; but, granting that this is correct, which the writer is not at all inclined to do, would it not be equally just to demand of the railroads interest on the land grants and royalties on the minerals granted to them? If such argument held true, we should charge tolls on our streets and country roads; our waterways are just like them—free and open to all; anyone, from a rowboat capitalist to a trust magnate, may use them, just like our streets and roads. Why only charge for the use of the streets? Why not also charge for underground use, for the rail tunnels in New York City, Baltimore, Washington, and so forth? Such faulty arguments lead to ridiculous conclusions. Suppose we did not improve our rivers and just permitted them absolutely to pass away as useful channels of trade, then, of course, there would not be any charge to collect, and we would save the interest, depreciation, and operating expenses of our waterways; and does Mr. Lavis think that this would be very constructive to our prosperity and national wealth? If he does, the writer may cite for him a few instances where the river channels became useless and where rail rates jumped in leaps and bounds. If this argument held true, streets should be torn up in the cities and everybody forced to move by trolley car; buses should be forbidden by law; country roads should be made impassable; and it should become a criminal offense to walk instead of patronizing the railroads.

"Often the argument is advanced that our railroads move freight at grealty less charges than those of Europe. Mr. Lavis says:

"'It is probably true that in the development of inland waterways some of the European nations have attained a greater measure of success than we have, but in economic progress in the general realm of transportation, including that by railways, it is undeniable that we have far outdistanced the rest of the world.'

"He also says:

"'In comparison with the rates of wages, the cost of freight transportation on the railroads of this country is only from one-third to one-quarter as much as in Germany.'

"Now, this general assertion is incorrect. It is granted that the official figures show a higher cost per ton-mile for the freight carried in Germany, England, or other European countries than in the United States, but here is where statistics lie, because they are misrepresented.

"The low-class commodity and bulk freight in Germany, France, Belgium, and Holland moves by water, and in England, where the inland water system is killed by private ownership of railroads, it is chiefly hauled coastwise. If all such low commodities as move by water in these European countries, with their low rates, are eliminated from the figures for the United States, the general average cost of transportation would be considerably higher. In those territories of the United States which have no large tonnage of low-class, bulky, freight commodities the average per ton-mile is from 2 to 3 cents per ton, or considerably higher than the average in European countries.

"To get at a fair comparison between rates in America, Germany, France, Belgium, Holland, and England there should be omitted from the American figures all those pertaining to the movement of coal, ore, lumber, grain, oil, and steel. There would also have to be taken into consideration the fact that European railroads had no land grants, but very expensive rights of way, together with a vast number of terminals per mile or per ton carried.

"Another phase which must be taken into consideration is that, on account of the density of population in Europe, the demand for smaller cars is strongly felt, so that carload shipments there average from 10 to 15 tons, resulting again in the fact that the rolling stock per ton-mile is far greater than in the United States. Intershipment of freight between small communities has reached a greater percentage of efficiency because of these small cars than in the United States, where many good-sized shippers find that their requirements of space still fall short of the prescribed carload shipment, which means a higher rate and greater reduction in the speed of movement, as a natural consequence of mixed shipping in part carloads.

"When all these facts are taken into consideration it will be clear that an empty comparison between the published European rail cost per ton-mile and the average cost in America is an unjust basis on which to assume that the rail cost of transportation is cheaper.

"The author states:

"'It is a wise policy, amply justified by experience, to have harbor facilities always a little in advance of the immediate necessities, and many of our seaports have responded admirably to efforts in this direction.'

"In reference to this statement it may be proper to remark that there are no efficient harbors in the United States; even the best and cheapest of them compare very unfavorably with European or South American ports, with the possible exception of England, more especially London, where the harbors are noted for their expensiveness. The second harbor in the United States, which is also the cheapest, namely, New Orleans, up to a recent date, could not show a single crane, and in general this harbor would be considered far from being a model of efficiency. Anyone who has visited large modern foreign ports will remember their floating, stationary, and movable cranes, and other mechanical appliances for loading and unloading.

"This being a discussion of rivers and railroads, the writer will restrict himself to these general statements, although a comparison of the cost of handling freight to and from steamers in the harbors of the world would be interesting. It would bring out many a fact of which we would feel ashamed, though the cheapest methods of loading and unloading coal and ore are on the Great Lakes, where (thanks to private enterprise) they are handled with remarkable dispatch at a cost per ton never heard of in Europe.

"The author says:

"'A practical test, almost infallible in its application, that will show whether a waterway project can be economically considered for further improvement is a progressively increasing commerce, and the measure of saving in cost of transportation will always be a guide as to the extent of work that is justified.'

"The writer can not agree with this. Such a test can not be the right one. Decrease of traffic on a water route (or on any other route, as far as that goes) does not necessarily indicate the need of the stopping and abandoning of all further improvements; it merely indicates that there are causes which handicap the use of such routes, and it becomes necessary to find out what these causes are before further improvements are made or abandoned. After such investigation it may be clear that the absence of these very improvements brought about the decline in traffic.

"Mr. Lavis gives two arguments that influenced the people of the State of New York to authorize by vote the construction of the new canal; first, that by providing competition the canal would compel the railroad lines to keep freight rates down; and second, that the actual cost of transportation would be less by the canal than by railroad.

"That the water routes have kept the railroads down in the past has been proved so often that this does not need to be thrashed out again. That such should not be the case the writer has frequently contended. He is convinced that waterways built with the sole idea of bringing down rail rates, not of

using the routes, proves an error in judgment. A water route should be created only if wanted for its direct advantages, not because it becomes a club to beat down rail rates.

"Mr. Lavis agrees that the actual cost of transportation by canal is less than by rail, provided the interest on the investment and the cost of administration and maintenance of the canal are ignored. It is clear that his statement, that such overhead charges are about 8.6 mills per ton-mile, is only based on an estimated tonnage that would move through that canal; thus, with every ton in excess of Mr. Lavis's figures, this overhead charge of 8.6 mills per ton-mile decreases.

"The water distance between Buffalo and New York is approximately 500 miles, so that the overhead charge for this distance is 43 cents per ton. Now, it has been shown (International Marine Engineering, August, 1914) that the cost of transportation could be 26 cents per basic ton from New York to Buffalo, which makes a total of 69 cents per ton. Compare this with $1.96, the average railroad charge between Buffalo and New York, and $1.09, the lowest rate. It is clear that with an efficient service on this canal, and a rate which includes 22 per cent profit—is in fact 46 per cent of the rail rate—a very much larger tonnage would move through the canal than that on which Mr. Lavis has based his figures. This in turn would automatically decrease this 43 cents overhead charge.

"When Mr. Lavis states that the new canal cost considerably more per mile than the New York Central Railroad it must be remembered that the capacity of the canal is many times larger than that of the railroad.

"Mr. Lavis advances the argument that if the New York Central Railroad had been presented with, say, one-half the cost of the Barge Canal and one-half the estimated annual cost of administration and maintenance, it would have been glad to guarantee a freight rate of 2 mills per ton-mile on such items of bulk freight as may be expected to pass through the canal during the season when it is open. This sounds all right, theoretically, but it is very hard to agree as to what might move through the canal. In reports made by the writer to various individuals and corporations, and in his last report to one of the cities along the canal, he pointed out that undoubtedly a very large tonnage of general package freight and first and second class freight would move through this canal; and numerous are the instances that could be cited where water transportation companies handle first-class freight and package freight in preference to the railroads.

"Attention is invited to the Sacramento in California, the Trenton Transportation Co., of Trenton, N. J., or to the various transportation companies in Florida where, for instance, the Howard Transportation Co. handles fruit—especially citrus fruit—to the exclusion of the railroads, because it can forward it more rapidly and at a lower rate.

"Mr. Lavis contends that in the United States the railroad, as an efficient and cheap means of transport, has made possible the development of its principal industries where the soil, climate, and other conditions were best suited to them. Far greater credit is due to the waterways. Even to-day, at the ebb of water transportation in the United States, there is no city with a population of more than 250,000 which is not on a navigable waterway, and such States as lack the necessary water routes show, indeed, a very low stage of development when compared with those which are more favorably situated. The writer does not know of any city, in the entire history of the world, which has had more than 300,000 inhabitants, which was not situated on a navigable water route. Railroads alone have never been able to build a large city.

"Mr. Lavis also states that it is necessary for water transportation routes that business shall come to them, but why should not the railroads feed the water routes? Why should it not be said that water routes can reach the interior—through rail service—as it is now admitted that railroads reach the other side of the oceans—through water routes.

"The statement that some cargoes, notably coal and grain, deteriorate from wet and dampness when moved by water, and that there are other inherent difficulties in connection with inland water transportation—such as increased hazard and insurance rate—is contradicted by the statement of the Chamber of Commerce of Rotterdam that during 1913 more than 4,000,000 tons of grain and more than 6,000,000 tons of coal were moved on the Rhine to and from Germany.

"In connection with the experience of Mr. Lavis in Argentina, which is very hard to consider properly without all the facts in connection therewith, the writer wishes to mention Alberta and Saskatchewan, in Canada, where the rivers are developing the country and supporting the railroads. Only recently, in a report on the Peace River, running from British Columbia through Alberta to Great Slave Lake, and on the Athabaska, the writer claimed that these rivers alone could develop the country and that these water routes would never be fully supplanted by railroads.

"Because the Santa Fe, in Argentina, was accepted by Mr. Lavis as not able to solve the transportation problem of that country, it is just as little proved that all the waterways in the world are out of place, as the writer's opinion that the Peace River in Alberta will always remain a serious competitor of the railroads proves that all water routes of the world will supplant railroads.

"The great trouble with water transportation in the United States is its absence. Unknown makes unbeloved. There are very few people in the United States familiar with the problems of water transportation, and its almost total absence makes the number of its competent champions small. In lieu of these it has an army of politicians who fight for 'water improvement' for the sake of the spoils; a large number of well-meaning, poorly led, and frequently ill-advised citizens, and a considerable legion of highly trained and experienced transporters, who can only regard water transportation from their standpoint in life—that of railroad men.

"Inland water transportation is sadly needed, and the writer believes that it can be revived through the following measures:

"First. That waterways, harbors, bridges, and quarantine should be combined in a new department, with a Cabinet officer as head; this department should employ engineers specially educated for this at West Point. These engineers, though commissioned officers in the United States Army, should not be under direct charge of the Army officials during the time they are engaged in this waterways department.

"Second. That the decision which of the new waterways, if any, are a commercial necessity, should not be made by such engineers, but be considered by a group of transportation experts specially employed by the Government for such purpose.

"Third. That a definite, concise, uniform plan—a system of waterways improvement and development, etc.—should be prepared by this department for the entire United States, Congress to modify or improve this and appropriate a yearly lump sum to be spent in approaching this ideal of approved waterways.

"Fourth. That all States and communities are in duty bound to build inland water terminals, just as they now feel obligated to build sea terminals—harbors.

"Fifth. That an educational campaign in municipalities for the building of belt railroads, warehouses, and other facilities of communication to the harbor should be instituted.

"Sixth. That this measure shall provide for the public ownership of the river front. This, however, is not to be accepted as being antagonistic to private ownership, or at least to private leases ranging from periods not shorter than 20 years, unless so desired by the tenant.

"Seventh. That it is an absolute necessity that the abuse of the rail rate to meet water competition shall be stopped; that successful water transportation means rail rates tied down to fixed charges per ton-mile, plus terminal charges, and enforced exchange of freight between water and rail terminals.

"Eighth. That this measure is opposed to the licensing of pilots or to the compulsory employment of licensed officers.

"Ninth. That this measure provides for a uniform and Federal quarantine law.

"Tenth. That our waters and coasts should be open for navigation to any nationality or trade. It is necessary that the United States shall make use of all its waterways; this will bring work to our shipyards and supply houses, and employ, under the present laws, American labor. The stimulation of industries depending on water transportation brings life to it."

Mr. RANSDELL. I also ask permission to publish in the RECORD a very brief address delivered by Mr. Samuel A. Thompson, secretary and treasurer of the National Rivers and Harbors Congress, before the Third National Foreign Trade Convention at New Orleans, La., on January 29, 1916. It occupies 11 pages in this document, but it is printed in very narrow columns, as you see. The subject was the relation of improved waterways to foreign trade, and I hope every Senator will read it. It is a remarkably able discussion and a real contribution to the subject.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

THE RELATION OF IMPROVED WATERWAYS TO FOREIGN TRADE.

[An address by S. A. Thompson, secretary and treasurer of the National Rivers and Harbors Congress, before the Third National Foreign Trade Convention, New Orleans, La., Jan. 29, 1916.]

"Mr. Chairman and gentlemen, it may seem presumptuous for anyone, on this closing day of the convention, to attempt to add anything whatever to the able addresses and the interesting and enlightening discussions to which we have already listened. I crave your indulgence for a few minutes, however, while I

briefly discuss a factor which bears a fundamental relation to trade, both foreign and domestic, one which is of vital importance to commerce, both under the normal conditions of peace and in the emergencies produced by war. I refer to transportation.

"Transportation affects the price of everything bought or sold by any individual. It limits the territory tributary to the trade of any city. It determines the development of the resources of any State; and, far more than any other one thing, it fixes the share obtained by any nation in the commerce of the world.

"Unlike manufacture, which transforms crude materials into products adapted for human use, transportation changes the location of things without changing their character. The cost of transportation, therefore, is a tax, which must be paid either by the producer or the consumer, or, as is sometimes the case, divided between the two.

TRANSPORTATION AND OTHER TAXES.

"This transportation tax is by far the heaviest one we pay. Official figures for the year 1913 show that if to the total expenditures made by the National Government for all purposes we add all those made by the 48 States, by every county in all these States, and by every city, town, and incorporated village in the country with a population of 2,500 or over, the whole vast total sum could have been paid out of the gross earnings and income of our railways for the same year, and there would then have been left a surplus of $152,000,000.

"So, as you see, one form of transportation alone—the railway—collects from the average citizen of the United States more than he pays for the support of the Nation, the State, the county, and the city or village in which he lives. A little study of the cost of transportation by different methods may give us some light on the possibility of getting our transportation taxes reduced.

COMPARATIVE TRANSPORTATION COSTS.

"The experts of the Agricultural Department estimate the cost of transporting a ton of freight a distance of 1 mile by horse and wagon on the average road in the United States at 23 cents. In England, where the roads are much better than most of those in this country, and where much attention has been given to the development of what the English call a steam lorry and we would call a steam truck, it is said that goods can be carried for 5 cents per ton per mile.

"The average rate on all the railroads in the United States during the past few years has been about 7½ mills per ton per mile, but I can pick out a special group of roads upon which the average has been about 5 mills.

"On the Erie Canal in recent years the ton-mile rate has been about 3 mills, while on certain canals in Europe, which are deeper and wider and on which electric or other mechanical systems of haulage are used, the rate is 2 mills.

"The official records kept at the 'Soo' show that the average rate on the freight carried into and out of Lake Superior in 1913 was two-thirds of a mill per ton-mile; and while coal is habitually carried from Buffalo to Duluth, and I have the authority of the Pittsburgh Coal Exchange for the statement that it has often been carried from Pittsburgh to New Orleans, for one-third of a mill per ton per mile.

THE TON AND THE DOLLAR.

"These are microscopic figures. Let me translate them into something with which the average business man is more familiar. Here is something [holding up a dollar bill] with which I hope all of you are very much more familiar than I am. Suppose you have a ton of freight to ship and a dollar to spend in shipping it. How far will the dollar carry the ton by these different methods and at these different rates of transportation?

"By horse and wagon, a little over 4 miles; by English steam truck, 20 miles; by rail, at the average rate for United States railways, 133 miles; at the rate on the group of selected railways, 200 miles; on the Erie Canal, 333 miles; on the European canals, 500 miles; by lake, at the average rate through the 'Soo' Canal in 1913, 1,500 miles; while at the rate at which coal is carried both on the Great Lakes and on the Ohio and Mississippi Rivers, the ton of freight can be shipped 30 miles for a cent, 300 miles for a dime, 3,000 miles for a dollar.

"The difference in the rates of transportation by different methods seems to be sufficiently great to be worthy of serious consideration, but there is more in this matter than has yet been made apparent. Taking any point as a center—and naturally each one of you will think of your own city as a center—over how great a territory will a dollar carry a ton by these different methods and at these various rates of transportation?

"By horse and wagon, over a circle a little more than 8 miles in diameter; with the English steam truck on the English good road, the diameter of the circle becomes 40 miles; at the average railway rate in the United States, it expands to 266 miles; at the rate on the selected railways, to 400 miles; at the Erie Canal rate, to 666 miles; at the European canal rate, to 1,000 miles; at the 'Soo' Canal rate, to 3,000 miles; while at the coal rate which has been named, the dollar will carry the ton to the outer limits of a circle 6,000 miles in diameter.

A STRIKING ILLUSTRATION.

"Let me give you a concrete illustration of the difference in the cost of transportation by water and by rail. Through the 'Soo' Canal, at the outlet of Lake Superior, there were carried, in 1913, 79,718,344 tons of freight. This was carried an average distance of 820 miles at an average cost of two-thirds of 1 mill per ton per mile. If this same quantity of freight had been sent an equal distance by rail, at the average rate received by United States railways for that year, it would have cost $445,555,488—and 59 cents, if you want to be particular about it—more than was actually paid for its transportation by water.

"Let me hasten to add, however, that if Noah had prophesied a drought, instead of a flood, and had issued bonds to construct an irrigation system, instead of building an ark, he would have been a bright and shining example of business sagacity compared to a railway man who opposes the improvement of waterways. For, paradoxical as it may seem, the truth is that the best thing that can happen to a railway is to have a waterway paralleling every mile of its track. Indeed, I have never been able to find an instance where the improvement of an existing waterway, or the creation of a new one, has done anything else than to increase the business and the dividends of competing railways. Can any gentleman present tell me of a different result? [After a pause, no one replying.] I have been asking that question for 25 years, Mr. Chairman, and that is the same answer that I have always received.

CREATORS OF PROSPERITY.

"The reason that waterways benefit railways is also one of the fundamental reasons why improved waterways benefit foreign trade. It goes without saying that internal development must precede external commerce, and the more intensive the internal development the more extensive the external trade may be. Now, waterways have what may properly be termed a creative effect. If a whole mountain is full of valuable minerals only a small portion of the metal can be secured by a tunnel which enters the mountain near the top, but the lower the level at which a tunnel can be driven the greater the number of veins which can be tapped.

"A country may be full of natural resources, yet if none but a costly form of transportation is available few of them can be developed. Every decrease in cost of transportation, like the driving of a tunnel at a lower level, makes possible the utilization of additional resources.

"There are vast quantities of crude, raw materials which can only be profitably moved at a rate which is below the absolute cost of railway operation. But these crude materials, when moved by the cheap transportation which waterways can give, furnish the foundation for great industries, to the benefit both of the territory developed and of the railways by which it is served. Let me give you a concrete illustration.

WHAT HAPPENED TO FRANKFORT.

"The city of Frankfort, in Germany, is said to have been founded by the Romans about the year 150 A. D. Through the slow movement of the centuries Frankfort grew until, in 1881, it had a population of about 140,000. Something happened to change the rate of growth, for, in the 20 years following 1886, Frankfort grew more in industry, in commerce, in population, and in wealth than it had grown in all the previous seventeen hundred years. Just one thing was changed, and the conclusion is therefore irresistible that this one changed condition produced the results which have been stated.

"Frankfort is situated upon a little river, the original condition of which I have heard described as being 'too much dried up in summer, frozen up in winter, and flooded in the spring to be of any account for navigation.' However, a few small boats, drawn by horses, occasionally came up to the city. But in October, 1886, the river as far as Frankfort was given a dependable channel 8 feet 3 inches deep, and then things began to happen.

"The German Government, when it agrees to improve a waterway, compels the cities along that waterway to build harbors so that the channel can be used. Frankfort, from 1883 to 1886, spent $1,750,000 on a harbor, and one indication as to the effect of the improved river upon the city's growth is given by the fact that when the war broke out they were at work upon a new harbor, the estimated cost of which was nearly $18,000,000.

"Talking, some time ago, with a gentleman who was born on the banks of the Main, and who still has the accents of the Fatherland upon his tongue, he said to me, 'I make two visits, 12 years apart, one before, one after, the river was improved; und now my frendts think I lie ven I say dere are schmokestacks all der vay from Frankfort to der Rhine.' But he was telling the literal truth.

HOW THE RAILROADS FARED.

"There is a railroad running along each bank of the Main, all the way down to the Rhine. What happened to them? Did their business fall off? Did they go into the hands of receivers, or anything like that? On the contrary, their business began to grow by leaps and bounds, and at the time the war broke out they were handling almost four times as much tonnage as they hauled when they had a practical monopoly of the business of Frankfort.

"And that is not all; it is only the beginning. Formerly Frankfort had little to sell and much to buy. The cars, and such boats as came at all, came in loaded and went back empty. With the development of commerce and industry, Frankfort had also much to sell, and cars and boats went loaded in both directions. Thus the traffic was not only quadrupled in quantity but equalized in direction, and every traffic man present knows what an advantage that is.

"Nor is that all, or even the best of it. The traffic was not only increased in volume and equalized in direction, but it was raised in grade. It could afford to pay, and did pay, a very much higher rate, and, in addition to all else, with the growth of population and prosperity, there was a great increase in the passenger traffic. Following the improvement of the Main, the Prussian railway administration found it necessary to spend $11,000,000 for increased terminal facilities—in order to take care of the traffic which the river created and brought to the railway.

TRANSPORTATION VITALLY AFFECTS TRADE.

"A striking instance of the dominating influence which cost of transportation exercises over foreign trade is to be found in the report of the British Royal Commission on Waterways. The sworn testimony of a manufacturer in the Midland district of England, located only 85 miles from a first-class port and 105 miles from London by rail, declares that he has not only been beaten in the markets of the world, which he once dominated in his line, but actually driven from the capital of his own country by manufacturers in Frankfort and Mannheim in the heart of Germany, 500 miles farther away—but with water transportation available all the way.

A VALUABLE LESSON FROM MANCHESTER.

"Improved waterways tend to develop resources and industry widely throughout a country, while sole dependence upon a costlier form of transportation tends to concentrate manufacturing upon and near the seaboard. Manchester, England, in the early eighties was a dying city. Five thousand dwelling houses were tenantless; hundreds of warehouses were vacant, and factories by the score were closing their doors or moving to the coast. A dozen years later, a marvelous transformation had been wrought. The 5,000 dwelling houses had been reoccupied and 20,000 new ones had been built and were occupied; all the vacant warehouses and hundreds of new ones were teeming with business; and factories both old and new, some of the latter being among the largest in England, were humming with industry. The disease which was threatening to destroy the life of the city was costly transportation, and the remedy, which wrought the wonderful change that has been outlined, was the building of a ship canal.

"Liverpool and the railroads leading from that city to Manchester fought with the energy of despair against the building of this canal, thinking that their business would be destroyed, and it was eight years from the time the application was first made until the charter was granted. But what happened? Although Liverpool, in the effort to retain the business built up through generations of effort and the expenditure of vast sums of money, made repeated reductions in dock charges, the revenues of the Mersey Docks and Harbor Board increased five times as much during the 13 years following the opening of the canal as they had done during the same number of years before. The 7,000,000 tons of traffic developed at Manchester was not stolen from Liverpool, it was created anew. And incidentally every railroad leading to Manchester from Liverpool has had to increase its trackage and its terminals three and four times over in order to accommodate the enlarged traffic which the canal has produced.

IF FIFTY FAILED, CAN A THOUSAND WIN?

"If Manchester could not compete with Liverpool when it was only 50 miles from the sea, how in heaven's name can cities in the interior of the United States, a thousand miles or more from tide water, hope to develop a foreign trade or retain that which they may have now, in competition with cities on and near the coast? And if there be anyone here or elsewhere who thinks it might be well for the coast cities if manufacturers and population should move to them from the interior, let me ask him one question: Have New York, Boston, New Orleans, and the other cities on the coast grown rich and great in spite of the development of the interior, or because of it?

"It is my conviction that unless the waterways are improved and used the opening of the Panama Canal will be one of the greatest disasters that ever happened to the Mississippi Valley. And it is impossible that dry rot should disintegrate the industry and creeping paralysis destroy the commerce of the heart of the country, without working disaster to the port cities upon our seaboard.

COMPETITION TO BE INTENSIFIED.

"It is unsafe to go very far in prophesying how the present war will end or what its results will be. But one thing seems to me to be beyond all question, and that is that when peace comes again the competition for foreign trade will be far more intense than it has ever been before. It is true that many workers have been killed and disabled, but the warring countries have discovered that their women can do almost if not quite everything that their men have done. There will be, especially in Germany, a nationalization, perhaps even what might be called a militarization of industry. Possibly by the impulsion of patriotism, if necessary by the compulsion of governmental power, labor will accept the lowest living wage, the manufacturer the smallest possible profit, and in every way cost of production will be reduced to the lowest possible point, until the foreign markets, which are absolutely necessary to national rehabilitation, shall have been regained.

ALMOST UNBELIEVABLE, BUT ABSOLUTELY TRUE.

"In view of what is to come, it is important to consider what has already come to pass. In every one of the 20 years ending with 1913 the foreign commerce of Germany has exceeded that of the United States, and the excess has been steadily growing greater. Divide the 20 years into four periods of 5 years each. In the first 5 years the foreign commerce of Germany exceeded that of the United States by an average of $207,000,000 per year. In the second 5 the excess was $221,000,000. In the third it was $400,000,000. In the fourth, the average excess for each year was $712,000,000. For the single year 1912 it was $853,000,000. And for the whole 20 years it was $7,700,000,000.

"There is nothing in that record for the United States to be proud of, even if the two countries stood somewhere near on an equality. But we have an area more than seventeen times as great; we have 50 per cent more population; we have nearly three times the accumulated national wealth; and we have national resources greater by ten, possibly by twenty fold. If Mr. Farrell should ever find that a competing plant covering only 10 acres was doing far more business than one of the Steel Corporation which covered 175 acres, and that the difference was getting greater every year, I feel absolutely certain that he would not wait 20 years before he found out the reason or reasons for such an astounding discrepancy.

THE GERMAN TRANSPORTATION SYSTEM.

"Now, I frankly admit that I have 'water on the brain,' and I never expect to get over it, but I am not so completely a man of one idea that I attribute this startling difference solely to the transportation system of Germany, but I do attribute it mainly to that system. In 1905 Prussia passed a bill appropriating $80,500,000 for waterways. That German Kingdom had already spent $129,000,000 on waterways and had $2,225,000,000 invested in State-owned railways.

"These figures are not insignificant, even when standing alone, but their full significance must be shown by a comparison. And if the United States had already invested nearly $60,000,000,000 in State-owned railways and had spent $3,465,000,000 on waterways, and should then pass a single rivers and harbors bill appropriating $2,160,000,000 more, it would then occupy the same position in regard to transportation that Prussia had reached 11 years ago.

"What the Germans think of waterways, how absolutely vital they are regarded under all conditions, is shown by the fact that even in the midst of the greatest war in all history, when the Empire is fighting for its very life, they are not only maintaining and operating the waterways they already have but are actually building more. The great new waterway from the Oder to the Vistula, although not entirely finished, was opened to traffic in April of last year; the Rhine-Hanover Canal was finished in December; and Berlin, which had already spent $8,000,000 on a harbor in the eastern part of the city, has since the war began

started and almost completed a harbor on its western borders, at a cost of more than $9,000,000. And yet there are people in the United States who gravely tell us that all work upon waterways must be suspended in order that we may have money to make a needed increase in our Army and Navy.

OUR GREATEST ECONOMIC WASTE.

"The passage of time warns me that I must bring these remarks to a close. Improved waterways are of importance in connection with foreign trade, because they make possible the fullest development of natural resources; because they provide the cheapest form of transportation, both for the assemblage of raw materials and the shipment of finished products. I have given you an illustration of the tremendous difference in the cost of transportation by rail and by water, and it should be remembered that while money paid for a costly form of transportation when a cheaper form is available or can be made available undoubtedly benefits the transportation company to which it is paid, so far as the shipper is concerned it is just as much wasted as if it were burned up or thrown into the depths of the sea. On some of our largest rivers freight can be carried in fleets of barges at as low a cost as on the Great Lakes. It is interesting to note in passing that the greatest amount of cargo ever moved at one operation was not upon the Great Lakes, or even upon the high seas, but was on the Mississippi River when the towboat *Sprague* brought 56,000 tons of coal to New Orleans at one time.

"While the possible saving on smaller waterways is not as great as on the Lakes or our largest rivers, it is still vast in the aggregate. To my mind, the greatest economic waste in our country to-day and one of the greatest handicaps in the extension of our foreign trade, arises from the fact that we have failed to follow the example of Germany and develop and use our waterways. There is very little, if any, sentiment in trade; the buyer in South America, in China, or anywhere else, will always take the goods which are cheaper in price while equal in quality, and it matters little, or nothing at all, to him in what country they were made.

CUMULATIVE TRANSPORTATION COSTS.

"Sometimes figures are published to show how small a percentage of the selling price is due to transportation, but such figures as I have seen count only the freight on the finished product. This is a superficial view and leads to a false conclusion, for crude materials often go through many processes in different parts of the country. The finished product goes from factory to wholesaler, from wholesaler to jobber, and from jobber to retailer, before it reaches the consumer, and every time it moves from place to place it must bear a transportation cost. Besides, transportation affects the cost of the home in which the workman lives, of the food which he eats, and of the clothes which he wears; and what it costs the workman to live affects the wage which the manufacturer must pay, so the price of the finished *product* when it reaches the consumer's hands has been increased, not merely once but possibly a score of times, by the cost of transportation. It is evident, therefore, that the nation which has the lowest transportation cost has a tremendous advantage in the competition for foreign trade.

ENLIGHTENED PUBLIC OPINION NEEDED.

"As was well said by Mr. Vanderlip last evening, this body of men, and the business men of the country whom you represent, can control public opinion; and every consideration, from the loftiest patriotism to enlightened self-interest, demands that the business men of the United States should put their feet down hard on the senseless and slanderous charge of "pork barrel" and see to it that the Government of the United States immediately begins and continuously prosecutes the work of improving our rivers and harbors until we have a great, connected national system of waterways, working in complete harmony and cooperation with our splendid system of railways and the magnificent system of highways which is already begun.

NATIONAL PREPAREDNESS.

"Much is said in these days concerning national preparedness, and improved waterways promote national preparedness, either for peace or war, for sustained military efficiency and continued commercial supremacy are both founded upon industrial development; industrial development depends upon cheap transportation; and the cheapest of all transportation is water transportation."

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado [Mr. SHAFROTH].

Mr. CLARKE of Arkansas. Mr. President, it is perfectly evident that we shall not make much progress this afternoon, and I therefore ask that the bill be temporarily laid aside.

I move that when the Senate takes a recess this afternoon it be until 11 o'clock to-morrow.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 30 minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 13670. An act amending an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," relating to the authorization of fleet submarines;

H. R. 14864. An act to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes; and

H. J. Res. 214. Joint resolution increasing the number of sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing during the fiscal year 1916.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. TILLMAN presented memorials of sundry citizens of South Carolina, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. OLIVER presented a petition of the Chamber of Commerce of Harrisburg, Pa., praying for Federal aid for vocational education, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Harrisburg, Pa., praying for an investigation by the Interstate Commerce Commission into the differences between the railroads and their employees, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Washington County, Pa., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PHELAN presented a petition of Nelson A. Miles Camp, No. 10, United Spanish War Veterans, of San Francisco, Cal., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying that an appropriation be made for the construction of a road to the summit of Mount Whitney, which was referred to the Committee on Appropriations.

Mr. LIPPITT presented a petition of Local Lodge No. 850, Benevolent and Protective Order of Elks, of Woonsocket, R. I., praying that the United States remain at peace, which was referred to the Committee on Foreign Relations.

Mr. LODGE presented a petition of the congregation of the Congregational Church of Royalston, Mass., and a petition of sundry citizens of Newton, Mass., praying for national prohibition, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. BORAH, from the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (S. 5014) to amend section 1 of the act of August 9, 1912, providing for patents on reclamation entries, and for other purposes, reported it with amendments and submitted a report (No. 484) thereon.

Mr. THOMAS, from the Committee on Military Affairs, to which was referred the bill (S. 1584) for the relief of George M. Bryan, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 3479) for the relief of Sylvester Howe, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 5175) to remove the charge of desertion from the military record of Albert Tousley, reported adversely thereon, and the bill was postponed indefinitely.

ADJUDICATION OF PRIVATE CLAIMS.

Mr. LODGE. On March 22, 1916, I submitted amendments intended to be proposed by me to the bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, and they were referred to the Committee on Claims. I learn that the bill is before the Committee on the Judiciary. I ask that the Committee on Claims be discharged from the further consideration of the amendments and that they be referred to the Committee on the Judiciary.

The VICE PRESIDENT. Without objection, it is so ordered.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 6179) granting an increase of pension to Commodore P. White (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 6180) granting an increase of pension to Christopher C. Kelly (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 6181) for the relief of Wilson Warford (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 6182) granting an increase of pension to Dennis Willard;

A bill (S. 6183) granting a pension to Amanda M. Haner;

A bill (S. 6184) granting an increase of pension to Minerva Stevenson (with accompanying papers);

A bill (S. 6185) granting a pension to Sarah Smith (with accompanying papers);

A bill (S. 6186) granting an increase of pension to Martha E. Sims (with accompanying papers);

A bill (S. 6187) granting a pension to Julia Rumbley (with accompanying papers);

A bill (S. 6188) granting an increase of pension to Joseph H. Rowland (with accompanying papers);

A bill (S. 6189) granting an increase of pension to Sophronia A. McKenzie (with accompanying papers);

A bill (S. 6190) granting an increase of pension to John Mahafa (with accompanying papers);

A bill (S. 6191) granting an increase of pension to Henry D. Macomber (with accompanying papers);

A bill (S. 6192) granting an increase of pension to Stephen Lampman (with accompanying papers);

A bill (S. 6193) granting a pension to James F. Hargett (with accompanying papers);

A bill (S. 6194) granting an increase of pension to Robert P. Gailer (with accompanying papers);

A bill (S. 6195) granting a pension to Elizabeth Forsythe (with accompanying papers);

A bill (S. 6196) granting an increase of pension to Lemuel Evans (with accompanying papers);

A bill (S. 6197) granting an increase of pension to Thomas Edens (with accompanying papers);

A bill (S. 6198) granting an increase of pension to Arba Capron (with accompanying papers); and

A bill (S. 6199) granting an increase of pension to Mary S. Burnam (with accompanying papers); to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 6200) granting an increase of pension to John McGuire; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 6201) to restore to officers on the retired list of the Army the rank of which they were deprived by regimental promotion; to the Committee on Military Affairs.

By Mr. PHELAN:

A bill (S. 6202) for the relief of Augusta Reiter; to the Committee on Claims.

A bill (S. 6203) granting a pension to Martin Forrest (with accompanying papers); to the Committee on Pensions.

A bill (S. 6204) to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the several States; to the Committee on Public Lands.

A bill (S. 6205) to provide for the establishment of a national Employment Bureau in the Department of Labor; to the Committee on Education and Labor.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 6206) granting a pension to Carl Reed (with accompanying papers); to the Committee on Pensions.

RIVER AND HARBOR APPROPRIATIONS.

Mr. NEWLANDS submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was ordered to lie on the table and be printed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. HUGHES submitted the following concurrent resolution (S. Con. Res. 23), which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate be authorized, in the enrollment of the bill (S. 4856) "granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors," to change the word "Hentry" to "Henry," where it occurs in line 21, page 7, and to change the word "him" to "her," where it occurs in line 1, page 18.

EMPLOYMENT OF ADDITIONAL MESSENGER.

Mr. NELSON submitted the following resolution (S. Res. 205), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms of the Senate is hereby authorized and directed to place on the Senate rolls one additional messenger at the rate of $1,200 per annum, to be paid out of the contingent fund of the Senate until otherwise provided for by law.

NATIONAL DEFENSE (S. DOC. NO. 447).

Mr. CHAMBERLAIN. Mr. President, there has been a great deal of conflict of opinion as to what the Army reorganization act contains. I have submitted the bill to the Secretary of War, with the request that he analyze the law and transmit it to me, so that I might have it to lay before the Senate. I have received a communication from the Secretary of War, transmitting the analysis he makes of the bill, which I desire to ask to have printed as a public document.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

HOUSE BILLS REFERRED.

H. R. 13670. An act amending an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," relating to the authorization of fleet submarines, was read twice by its title and referred to the Committee on Naval Affairs.

H. R. 14864. An act to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes, was read twice by its title and referred to the Committee on Public Lands.

H. J. Res. 214. Joint resolution increasing the number of sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing during the fiscal year 1916 was read twice by its title and referred to the Committee on Appropriations.

RECESS.

Mr. STONE. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m., Friday, May 26, 1916) the Senate took a recess until to-morrow, Saturday, May 27, 1916, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 26 (legislative day of May 18), 1916.

POSTMASTERS.

ALABAMA.

W. H. Ballenger to be postmaster at Dora, Ala., in place of Noah S. Daniel. Incumbent's commission expired February 19, 1916.

John M. Graham to be postmaster at Stevenson, Ala., in place of R. L. Wilson. Incumbent's commission expires May 28, 1916.

ARIZONA.

Don C. Babbitt to be postmaster at Mesa, Ariz., in place of W. M. Newell. Incumbent's commission expires June 14, 1916.

John D. James to be postmaster at Metcalf, Ariz., in place of Charles E. Dermont, resigned.

CALIFORNIA.

Samuel T. Moore to be postmaster at Gilroy, Cal., in place of Catherine T. Ryan. Incumbent's commission expired December 18, 1915.

COLORADO.

Taylor B. Geer to be postmaster at Delta, Colo., in place of Ella New. Incumbent's commission expires June 7, 1916.

CONNECTICUT.

James E. Cuff to be postmaster at Danbury, Conn., in place of F. B. Croffutt. Incumbent's commission expires June 7, 1916.

Charles W. Leet to be postmaster at Chester, Conn., in place of R. C. Tyler. Incumbent's commission expires June 12, 1916.

ILLINOIS.

W. C. F. Albrecht to be postmaster at Dundee, Ill., in place of William Hawley. Incumbent's commission expired May 17, 1916.

John H. Daley to be postmaster at Tampico, Ill., in place of George Isherwood. Incumbent's commission expired April 9, 1916.

Hugh A. Mason to be postmaster at Mound City, Ill., in place of Alfred Schuler. Incumbent's commission expired May 10, 1916.

William H. Meyer to be postmaster at Lombard, Ill., in place of D. H. Fleege. Incumbent's commission expired April 24, 1916.

Alta A. Rose to be postmaster at Atwood, Ill., in place of C. C. Hamilton. Incumbent's commission expired April 24, 1916.

INDIANA.

Daily C. Beverly to be postmaster at Lynn, Ind., in place of Frank Daly. Incumbent's commission expires June 12, 1916.

Earl K. Shalley to be postmaster at Berne, Ind., in place of Anna Egly. Incumbent's commission expires June 14, 1916.

IOWA.

O. S. Barber to be postmaster at Creston, Iowa, in place of W. H. Robb, resigned.

Paul Krueger to be postmaster at Jesup, Iowa, in place of Fred S. Stoddard, resigned.

W. F. L. Merrill to be postmaster at Hazleton, Iowa, in place of Jacob Kiefer. Incumbent's commission expired May 17, 1916.

LOUISIANA.

Mrs. George H. De Clouet to be postmaster at La Fayette, La., in place of J. R. Domengeaux. Incumbent's commission expired March 21, 1916.

Teresa M. Stewart to be postmaster at Welsh, La., in place of W. M. Terry. Incumbent's commission expires June 12, 1916.

Alvyn L. Woods to be postmaster at Lutcher, La., in place of M. P. T. Prescott. Incumbent's commission expires June 12, 1916.

MARYLAND.

Alcenus E. Cooper to be postmaster at Denton, Md., in place of John T. Carter. Incumbent's commission expired May 24, 1916.

Raymond L. Westerfield to be postmaster at Port Deposit, Md., in place of Albert N. Vannort, resigned.

MICHIGAN.

Clara R. Howell to be postmaster at Caro, Mich., in place of O. S. Pattison. Incumbent's commission expired April 5, 1916.

MINNESOTA.

Earl Q. Stanley to be postmaster at Alden, Minn., in place of F. L. Walker. Incumbent's commission expired May 20, 1916.

MISSISSIPPI.

John A. Collier to be postmaster at Leland, Miss., in place of John B. Collier, deceased.

NEBRASKA.

J. C. Chatelain to be postmaster at Peru, Nebr., in place of J. D. Bishop, resigned.

NEW YORK.

Manly A. Aiken to be postmaster at Kenwood, N. Y., in place of Manly A. Aiken. Incumbent's commission expired January 22, 1916.

C. J. Carey to be postmaster at Saranac Lake, N. Y., in place of W. E. Johnson. Incumbent's commission expired January 25, 1916.

John Lenney to be postmaster at Potsdam, N. Y., in place of J. J. Keenan. Incumbent's commission expired April 11, 1916.

NORTH DAKOTA.

Thomas Rowan to be postmaster at Sherwood, N. Dak., in place of Edward L. Dougherty, removed.

OKLAHOMA.

D. W. LeCrone to be postmaster at Forgan, Okla., in place of Earl E. LeCrone, resigned.

OREGON.

John P. Houston to be postmaster at Vale, Oreg., in place of V. B. Staples. Incumbent's commission expired March 8, 1916.

PENNSYLVANIA.

Bert B. Bowen to be postmaster at Sheffield, Pa., in place of M. H. Shick. Incumbent's commission expired March 1, 1916.

John C. Bradley to be postmaster at Birdsboro, Pa., in place of H. E. Brinley. Incumbent's commission expired May 10, 1916.

Milo G. Coulin to be postmaster at Duquesne, Pa., in place of J. S. Edmundson. Incumbent's commission expires June 7, 1916.

Sorado Miller to be postmaster at Coopersburg, Pa., in place of Thomas Stephens. Incumbent's commission expired May 20, 1916.

Joseph Smith to be postmaster at Elkland, Pa., in place of J. H. Buckbee. Incumbent's commission expires May 31, 1916.

SOUTH CAROLINA.

Lawrence O. Harper to be postmaster at Honea Path, S. C., in place of Lawrence O. Harper. Incumbent's commission expired May 17, 1916.

Achilles W. Knight to be postmaster at Bamberg, S. C., in place of A. W. Knight. Incumbent's commission expires June 12, 1916.

TENNESSEE.

W. S. Regenold to be postmaster at McKenzie, Tenn., in place of W. A. Hill. Incumbent's commission expires May 31, 1916.

WEST VIRGINIA.

James J. Dunn to be postmaster at Rowlesburg, W. Va., in place of C. V. Hooton. Incumbent's commission expired December 14, 1914.

WISCONSIN.

Gilbert C. Roberts to be postmaster at La Farge, Wis., in place of Gilbert C. Roberts. Office became presidential January 1, 1916.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 26, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

For the joy of life and the fullness thereof we bless Thee, O God. For this day and the glory of it we bless Thee, O our Father. Strengthen us, we pray Thee, for each newborn duty. Fill our hearts with zeal and enthusiasm that we may follow in the wake of the world's great Exemplar, and thus fulfill to the uttermost our mission upon the earth, to the glory and honor of Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4797) entitled "An act to amend an act entitled 'An act concerning foreign-built dredges,' approved May 28, 1906."

The message also announced that the President had approved and signed on May 25, 1916, bill of the following title:

S. 5221. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15774, the District of Columbia appropriation bill.

Mr. MADDEN. Mr. Speaker, pending the consideration of the motion just made by the gentleman from North Carolina, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADDEN. The Post Office Committee agreed to ask for a rereference of two bills from the Committee on Reform in the Civil Service back to the Post Office Committee, and it was the understanding that this would be brought up at this hour, this being the time at which, under the rules, the motion should be made. If that motion be not made at this time, when the District of Columbia appropriation bill is completed will the Chair give recognition for the making of that motion?

The SPEAKER. The rule provides that the motion shall be made immediately after the reading of the Journal. That, however, has not been the practice, and under the circumstances in this case if the gentlemen interested in the motion are willing to have it go over to accommodate the Committee on Appropriations the Chair will feel that he ought to recognize them when they make the motion later.

Mr. MADDEN. That will be satisfactory to the committee, I think.

Mr. COX. Mr. Speaker, in response to the inquiry of the gentleman from Illinois [Mr. MADDEN], I desire to state that no member of the Committee on the Post Office and Post Roads who will oppose the motion to be made will raise the point of order upon the word "immediately" in the rule, which requires that it shall be done immediately after the reading of the Journal. We expect to make a point of order against the motion, but we will not press that point as to time.

Mr. MADDEN. It will be understood, then, that regardless of the rule we can have the matter considered later?

Mr. COX. Yes; reserving to us who oppose the motion the right to a point of order on other grounds.

The SPEAKER. The Chair will hold it in order, so far as time is concerned, if given the opportunity.

The question is on the motion of the gentleman from North Carolina that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill, with Mr. FERRIS in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Juvenile court: Judge, $3,600; clerk, $2,000; deputy clerk, who is authorized to act as clerk in the absence of that officer, $1,350; financial clerk, who is authorized to act as clerk in the absence of that officer, $1,200; stenographer and typewriter, who is authorized to act as a deputy clerk, $900; stenographer and typewriter for judge's work, and to aid in keeping records in clerk's office, $900; probation officers—chief, $1,800, assistant chief, who shall also be investigating officer for children's cases, $1,500; 2 at $1,200 each; 4 at $1,000 each; clerk for probation office, $900; 2 bailiffs, at $900 each; telephone operator, $600; janitor, $600; charwoman, $240; in all, $23,790.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 64, after line 10, insert as a new paragraph the following:
"For the payment of two inspectors to carry out the purposes of the act approved May 28, 1908, entitled 'An act to regulate the employment of child labor in the District of Columbia,' as provided by section 10 of said act, $2,400."

Mr. PAGE of North Carolina. Mr. Chairman, I make the point of order against the amendment.

Mr. MONDELL. Mr. Chairman, I desire to be heard on the point of order. The child-labor act provides for the regulation of child labor in the District of Columbia, and section 10 of that act is as follows:

That the Commissioners of the District of Columbia are hereby authorized to appoint two inspectors to carry out the purposes of this act, at a compensation not exceeding $1,200 each per annum.

The amendment which I have offered provides for the payment of those two inspectors.

The CHAIRMAN. Have these inspectors been appointed before?

Mr. MONDELL. The District Commissioners, acting under authority of this section, detailed two police officers to this work. It is not a matter of law; it is a matter of detail. If this amendment is adopted, that payment will either go to those two officers or the commissioners acting under their authority may detail other officers or appoint officers. At the present time they have simply detailed two police officers.

The CHAIRMAN. The Chair thinks the gentleman is right about that. Does the gentleman from North Carolina desire to be heard upon the point of order?

Mr. PAGE of North Carolina. Mr. Chairman, I have an impression that that provision of the child-labor law has been repealed or modified to the extent that would justify my point of order, and I will ask the gentleman from Wyoming if he will not permit this to be passed over for the present?

Mr. MONDELL. Certainly.

Mr. PAGE of North Carolina. And we will revert to it later.

The CHAIRMAN. Without objection, the Clerk will read, and unanimous consent is given to return to this point.

There was no objection.

The Clerk read as follows:

For rent of building at 203 I Street NW., $2,400.

Mr. PAGE of North Carolina. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 64, lines 12 and 13, strike out the words "of building at 203 I Street NW.," so that the paragraph will read:
"For rent, $2,400."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Municipal court: Five judges, at $3,000 each; clerk, $1,500; 3 assistant clerks, at $1,000 each; messenger, $600; janitor, $600; in all, $20,700.

Mr. MANN. Mr. Chairman, I reserve a point of order on this paragraph.

Mr. JOHNSON of Kentucky. Mr. Chairman, I was going to make the point myself, or at least reserve it.

Mr. PAGE of North Carolina. Mr. Chairman, I assume that the point of order is aimed at the increase in the salaries of the five judges. These judges are receiving $2,500 a year, and your committee has increased their compensation to $3,000. This matter has been presented to the subcommittee making up this bill since I have been a member of the Committee on Appropriations at each recurring session of Congress with very convincing reasons why the salaries for these judges should be increased to $3,000. In the paragraph just passed the judges of the police court are paid a salary of $3,600 a year, while the judges of this court have been paid $2,500 a year. This court has absolute and original jurisdiction in all civil cases where the amount involved does not exceed $500. It is the court of the great mass of litigants in the District of Columbia. I do not remember exactly, but to the best of my recollection from 75 to 80 per cent of the civil cases tried in the District of Columbia are tried before this court, and these judges have very much harder work than do the police court judges, if that is possible. Your committee believes that the compensation should be increased to that sum; and while, if the gentleman insists upon his point of order, of course, it will go out, I would like to call the attention of the committee to the fact that this is the only court in the District of Columbia whose receipts are $15,000 more than the cost of the entire court—the only court that turns into the Treasury more than is expended upon its maintenance. A special committee of the subcommittee framing this bill visited the court and are familiar with it; and I believe, Mr. Chairman, that the Committee of the Whole will make a mistake if it does not allow this increase of salary to the overworked judges upon this bench.

Mr. DAVIS of Minnesota. Mr. Chairman, I desire to say just a few words on this particular paragraph, especially upon the salary. It has been my occupation for quite a number of years—thirty-odd—to practice before the various courts of the United States—municipal, district, State, and others. I wish to say this: That if the judges of this court are qualified—and I must assume that they are, and they do a large amount of business—they must of necessity be good lawyers. They must of necessity be better lawyers than are required of any police judge. They must, and usually are, of greater ability than any juvenile court judge. The matters that come before them involve the whole gamut of law. They must be constitutional lawyers, because questions of that kind are submitted to them.

Mr. COX. Will the gentleman yield for a question?

Mr. DAVIS of Minnesota. Yes.

Mr. COX. Do they perform the duties now that formerly were performed by justices of the peace?

Mr. DAVIS of Minnesota. Yes; and all others except certain criminal jurisdiction in the District of Columbia which is apportioned to the police judges.

Mr. COX. And the District does not have any justices of the peace any more?

Mr. DAVIS of Minnesota. They do not.

Mr. COX. This court does all the work?

Mr. DAVIS of Minnesota. Yes; and in addition have jurisdiction up to the amount of $500 in civil cases.

Mr. COX. What criminal jurisdiction do they have?

Mr. DAVIS of Minnesota. They have none. I believe that is apportioned to the police court judges.

Mr. JOHNSON of Kentucky. Mr. Chairman, if the gentleman will permit an interruption, I think it is the intention in a bill now before the Committee on the Judiciary, in reference to the code of the District, to have the civil jurisdiction of these judges quite largely increased. I understand so.

Mr. DAVIS of Minnesota. I understand they are overworked now. They perform the work of practically all the civil cases in the District of Columbia.

Mr. JOHNSON of Kentucky. My attention was just called to that phase of it, and so far as I am concerned I am ready to withdraw my point of order.

Mr. DAVIS of Minnesota. A real lawyer, a real judge, who performs the duties of municipal judge, gets only $2,500, while a police judge gets $3,600 a year, and a juvenile court judge, who has to deal with greatly inferior matters from a legal standpoint, gets $3,600 a year. Two thousand five hundred dollars for a man capable of filling this position is an absurdity. I hope the gentleman will withdraw his point of order. It has been before the committee ever since I have had anything to do with it. I for one would put the salary slightly above any police judge or a juvenile court judge, whereas the difference is $1,100 in favor of the police and juvenile court judges. The receipts from the office more than balance all the expenses.

Mr. CARY. Is it not a fact there is $100,000 to the credit of this court now?

Mr. DAVIS of Minnesota. I think the gentleman is right.

Mr. MANN. Will the gentleman yield?

Mr. DAVIS of Minnesota. Yes.

Mr. MANN. How could they have a large sum to their credit?

Mr. DAVIS of Minnesota. The receipts have been $100,000 greater than the expenses.

Mr. MANN. Oh, I do not suppose they solicit business. They have nothing to do with that. You might as well apply that principle to our own salaries.

Mr. DAVIS of Minnesota. It shows—I have tried to show, at least—that their work is enormous, and it is of the best legal quality. They should receive a greater salary. The matter has been pending so long that it ought to receive favorable attention now.

Mr. JOHNSON of Kentucky. Mr. Chairman, one of the members of the Committee on the Judiciary has suggested that, if he remembers correctly, a bill is now pending before that committee relating to this subject, and in all probability it will be reported out, increasing the civil jurisdiction of this court to $1,000. In view of that, so far as I am concerned, I wish to withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

Writs of lunacy: For expenses attending the execution of writs de lunatico inquirendo and commitments thereunder in all cases of indigent insane persons committed or sought to be committed to the Government Hospital for the Insane by order of the executive authority of the District of Columbia under the provisions of existing law, including the employment of an alienist at not exceeding $1,500 per annum, and a clerk who shall be a stenographer and typewriter, $840, $4,840.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the increase of salary there, $1,500; and also for the extra clerk at $840.

Mr. HOWARD. Mr. Chairman, if the gentleman from Kentucky will reserve that point of order, I would like to make a statement.

Mr. JOHNSON of Kentucky. I will reserve it.

Mr. HOWARD. I want to say, Mr. Chairman, that the subcommittee, looking into this question of the alienist, found that the alienist who passes upon the mental condition of the people in the District here was receiving $1,000 a year.

Personally I have very little confidence in the opinion of a good many alienists that I have run across in my day and generation, and I have seen some that had the reputation of being great expert alienists, who received enormous fees for making examinations, and I did not have very much confidence in their diagnoses when made or in their reports. But the proposition here resolves itself into this: That if there is going to be any expert examination of these people at all, the examination ought to be conducted by a man who at least has some "smattering" of knowledge of mental disease.

The committee thought that the remuneration of $1,000 a year would not attract a man who was capable of making a proper diagnosis, and for that reason, at the earnest request of the Commissioners of the District of Columbia, who thought this salary was inadequate, we fixed the salary at $1,500 a year.

The report here shows that under the observation of this particular alienist there were 1,611 cases last year. We thought that, in view of the recommendation of the commissioners, who looked into this matter very carefully and who always make recommendations from the conservative standpoint, so far as the economic operation of the District affairs is concerned, we ought to adhere to their recommendation and increase the salary to $1,500 a year.

Of course, we realize that this is subject to a point of order. But those are the facts, and I think the members of the subcommittee on the other side will agree that we looked into the matter very carefully before we recommended the increase of this salary to $1,500 a year. We think that any man who properly performs his duty during the year should receive that amount.

My attention has been called to the fact that the alienist had under his supervision in the Washington Asylum and the juvenile court and all other courts in the District of Columbia 1,611 cases during the year 1915, so at that rate, even at the increased salary, this alienist, who is supposed to have expert knowledge, would have received less than $1 per case during the year 1915. We feel that any person taking this position will earn the salary, and I hope the gentleman from Kentucky will withdraw his point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, an alienist for the lunatic asylum has already been employed and paid $4,500 a year. This, perhaps, seeks the employment of another man to relieve the alienist of his work while he is testifying as an expert in other courts and in other cases.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. HOWARD. Does the gentleman mean to convey the idea that this office has any connection, directly or indirectly, with St. Elizabeth's?

Mr. JOHNSON of Kentucky. That is exactly what I mean; yes; it is under that head. This man is supposed to hang around the local courts down here as an alienist, while the superintendent of the asylum, who is acknowledged to be one of the best alienists in the country, holds his job at $4,500 a year because of his reputation as an alienist. I am not now in favor of employing somebody to do his work while he is testifying in other courts as an expert alienist, and, Mr. Chairman, I insist upon my point of order.

The CHAIRMAN. The point of order is sustained.

Mr. PAGE of North Carolina. Mr. Chairman, I offer the following amendment: In line 13, where the figures "$1,500" are stricken out, I offer "$1,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from North Carolina.

The Clerk read as follows:

Amend, page 56, line 13, by inserting "$1,000" in lieu of "$1,500."

Mr. JOHNSON of Kentucky. And with that, Mr. Chairman, also should go out the words "and a clerk, who shall be a stenographer and typewriter, $840."

Mr. PAGE of North Carolina. That went out on the point of order.

The CHAIRMAN. Yes; that went out on the point of order. The question is on agreeing to the amendment offered by the gentleman from North Carolina [Mr. PAGE].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For interest and sinking fund on the funded debt, which sum shall be paid out of funds and accounted for in accordance with the acts of Congress in relation thereto, $975,408.

Mr. PAGE of North Carolina. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Committee amendment: On page 66, strike out all of lines 18 and 19 and in lieu thereof insert the following: "payable one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Support of convicts: For support, maintenance, and transportation of convicts transferred from the District of Columbia; for expenses of shipping remains of deceased convicts to their homes in the United States, and for expenses of interment of unclaimed remains of deceased convicts; for expenses incurred in identifying and pursuing escaped convicts and for rewards for their recapture; to be expended under the direction of the Attorney General, $100,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. Mr. Chairman, the estimate under this item, if I am correct, is $165,000, and the expenditures for the current year are $150,000.

Mr. PAGE of North Carolina. I will say to the gentleman that there was an appropriation of $60,000 in one of the deficiency bills at this session in addition to the appropriation in the last act of $90,000, making in all $150,000. The amount in this bill, $100,000, is $10,000 more than the current law. This is in consonance with the provision carried further over in the bill that covers the reformatory for the District of Columbia and under which, during the life of this bill, the prisoners will be assigned to an institution here. That will save a great deal of the expense of caring for these District prisoners in United States penitentiaries.

Mr. MONDELL. That is the new institution at Occoquan?

Mr. PAGE of North Carolina. Yes; at Occoquan; and this has been done after full consultation with the authorities as to the amount.

Mr. MONDELL. Is the gentleman quite certain that that new institution will be ready for these people during the coming fiscal year?

Mr. PAGE of North Carolina. We are assured by the authorities that if the provision contained further on in this bill is enacted into law, they will be in a position, during the life of this bill, to take care of 300 of those prisoners at Occoquan, that being half the number now in Federal penitentiaries.

Mr. MONDELL. The intention, I understand, is to bring them up here and to quarter some of them at least temporarily while they are putting up the new buildings.

Mr. PAGE of North Carolina. That is the proposition; and this also provides that the court may sentence prisoners to this institution rather than to the Federal penitentiary.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Columbia Hospital for Women and Lying-in Asylum: For maintenance and operation, $20,000. Upon the passage of this act the terms of the members of the present board of directors shall terminate, and thereafter the board shall consist of the Surgeon General of the Army, the Surgeon General of the Navy, the Surgeon General of the Public Health Service, and one Senator and two Representatives in Congress, to be appointed by the Vice President and the Speaker of the House of Representatives, respectively, each for the term of a single Congress and be eligible for reappointment, and five members, who shall be residents of the District of Columbia, to be appointed by the commissioners. Of the number of directors appointed by the commissioners first after the passage of this act, one shall serve for one year, two for two years, and two for three years; all subsequent appointees of said commissioners shall serve for three years, except that appointments to fill vacancies occurring during a term shall be for the unexpired term. The said board shall have full power to appoint all officers and employees of said hospital, including the medical staff, subject to the approval of the commissioners. There shall always be at least three members of each sex upon said board. The said hospital shall continue to operate as a hospital (and dispensary) for the treatment of diseases peculiar to women and lying-in asylum, and shall continue to furnish board, lodging, medicine, and medical attendance gratuitously to those unable to pay therefor, when so duly certified by the Board of Charities of the District. It shall also receive patients who are willing to pay their expenses, and all money received from said patients shall be paid daily to the collector of taxes of the District, to be deposited by him to the credit and to constitute a part of the annual appropriation for support and maintenance of said hospital, which money, together with all appropriations made for said hospital, shall be expended under the direction of the board of directors of the hospital and the supervision and control of the commissioners.

Mr. MANN. Mr. Chairman——

Mr. PAGE of North Carolina. Mr. Chairman, if the gentleman will allow me, I have several amendments that I would like to offer to this section and to have them read from the Clerk's desk and considered. After consultation with various gentlemen interested, I think these amendments will make this satisfactory to the gentleman.

Mr. MANN. I hope the gentleman is proposing some amendments which I would have proposed.

The Clerk read as follows:

Committee amendment: On page 74, line 15, after the word "District," strike out the period and insert a comma and the following words——

Mr. MANN. There is no such word in that line.

Mr. CARLIN. That should be in line 22.

The CHAIRMAN. Without objection, the amendment will be considered as ordered after the word "District," in line 22.

The Clerk read as follows:

Page 74, line 22, after the word "District," strike out the period and insert a comma and the following words: "And to be paid for by the said Board of Charities."

The amendment was agreed to.

The CHAIRMAN. The gentleman from North Carolina offers a second amendment, which will be read by the Clerk.

The Clerk read as follows:

Committee amendment No. 2: On page 74, line 16, strike out the words "of each sex."

Mr. MANN. That would make the paragraph ridiculous.

Mr. CARLIN. There is another amendment there which provides for an insertion.

Mr. MANN. I do not know what they propose to insert.

Mr. PAGE of North Carolina. I ask unanimous consent that this section as to Columbia Hospital may be passed over temporarily and the amendments withdrawn, so that they may be offered properly.

Mr. FOSTER. If the gentleman will permit, I have a copy of the section here with the amendments written into it, and I think that will cover it.

Mr. PAGE of North Carolina. Then, Mr. Chairman, I ask unanimous consent to withdraw the amendment just read and the other amendments sent to the desk, and to offer an amendment in the way of a substitute for the section.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to withdraw the amendment just read and the other amendments sent to the desk, and that in lieu thereof a substitute be offered. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all after the word "necessary," in line 20, page 73, down to and including line 7, page 75, and insert the following:

"Columbia Hospital for Women and Lying-in Asylum: For maintenance and operation, $20,000. Upon the passage of this act the terms of the members of the present board of directors shall terminate, and thereafter the board shall consist of the Surgeon General of the Army, the Surgeon General of the Navy, the Surgeon General of the Public Health Service, and one Senator and two Representatives in Congress, to be appointed by the Vice President and the Speaker of the House of Representatives, respectively, each for the term of a single Congress and be eligible for reappointment, and five members, who shall be residents of the District of Columbia, to be appointed by the commissioners. Of the number of directors appointed by the commissioners first after the passage of this act, one shall serve for one year, two for two years, and two for three years; all subsequent appointees of said commissioners shall serve for three years, except that appointments to fill vacancies occurring during a term shall be for the unexpired term. The said board shall have full power to appoint all officers and employees of said hospital, including the medical staff. There shall always be two female members upon said board. The said hospital shall continue to operate as a hospital (and dispensary) for the treatment of diseases peculiar to women and lying-in asylum, and shall continue to furnish board, lodging, medicine, and medical attendance gratuitously to those unable to pay therefor, when so duly certified by the Board of Charities of the District, and to be paid for by the said Board of Charities. It shall also receive patients who are willing to pay their expenses, and all money received from said patients shall be paid daily to the collector of taxes of the District, to be deposited by him to the credit and to constitute a part of the annual appropriation for support and maintenance of said hospital, which money, together with all appropriations made for said hospital, shall be expended under the direction of the board of directors of the hospital. The Commissioners of the District of Columbia shall have supervision of said hospital and the board of directors thereof shall account for all receipts and expenditures of them, in such manner as they, the said commissioners, may prescribe, and all estimates for appropriations to be made by the Congress for the operation and other expenses of the hospital shall be submitted by the board of directors to the District Commissioners, and by them submitted to Congress in the same manner as all other estimates for the operation of the District government are now submitted."

The CHAIRMAN. The question is on agreeing to the substitute.

Mr. MANN. I should like to offer a verbal suggestion or two myself. I move to strike out of the substitute, in line 16, as it appears in the original bill, the word "always."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 16, page 74, strike out the word "always."

Mr. PAGE of North Carolina. We accept that amendment, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. I move to strike out, in line 24, page 74, the word "daily."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 74, by striking out, in line 24, the word "daily."

Mr. MANN. I do not suppose they receive very much money there, and to make a daily report will probably be more expensive than is worth while.

Mr. PAGE of North Carolina. The gentleman is mistaken. They receive quite a good deal of money there. They have an average of about 60 pay patients in the hospital, and the receipts are very considerable.

Mr. MANN. I doubt whether the daily receipts are very considerable. I move to strike out "daily" and leave it so that they will make the report. I have no doubt they will send in the money when they have it.

Mr. PAGE of North Carolina. Personally, I have no objection to that, but there is a good deal more money handled there than the gentleman from Illinois thinks.

Mr. MANN. I doubt if their daily receipts amount to much.

Mr. PAGE of North Carolina. Where there are $25,000 a year taken in, I imagine that every day the receipts are considerable.

Mr. FOSTER. I saw that in the amendment offered by the gentleman from North Carolina, and, as the gentleman from Illinois says, it seemed to me that for an institution which takes in probably on an average $4,000 or $5,000 a month when it is filled with patients, it would be considerable trouble to make the report daily, and what I wanted the gentleman from North Carolina to do was to permit them to report weekly or monthly.

Mr. PAGE of North Carolina. I will not in the slightest degree antagonize any amendment offered, but I can see no objection to reporting daily. If you strike out the word "daily" they might report but once a year.

Mr. MANN. They will have to turn it in before they can use it. The money goes into the Treasury and then comes back to them; they could not use it until after it was turned in.

Mr. PAGE of North Carolina. If the gentleman will strike out the word "daily" and substitute "monthly," I shall not object.

Mr. MANN. Very well, I will offer that amendment, Mr. Chairman.

The Clerk read as follows:

Page 74, line 24, strike out the word "daily" and insert the word "monthly."

The amendment was agreed to.

Mr. MANN. I would like to ask the gentleman from North Carolina how these estimates will be made—will they be made by the board?

Mr. PAGE of North Carolina. They will be made to the commissioners and transmitted by them in the regular way.

Mr. MANN. They have no authority to change them?

Mr. PAGE of North Carolina. No; except as they have the indirect control of certain appointees on the board. They have no more authority to change them than they have the estimates of the school board. They can change them as they can other estimates.

Mr. MANN. Most of the estimates they can change.

Mr. PAGE of North Carolina. The language is such that they could change them here, I will say to the gentleman.

Mr. MANN. I doubt it.

Mr. PAGE of North Carolina. If that is not so, they ought to have it.

The CHAIRMAN. The question is on agreeing to the substitute.

The question was taken, and the substitute was agreed to.

The Clerk read as follows:

For emergency care and treatment of, and free dispensary service to, indigent patients under a contract or agreement to be made with Central Dispensary and Emergency Hospital by the Board of Charities, $17,000.

Mr. CARLIN. Mr. Chairman, I would like to ask the gentleman from North Carolina if there is not a deficiency in the Emergency Hospital not provided for in the bill.

Mr. PAGE of North Carolina. No; there was no estimate made in connection with Emergency Hospital.

Mr. CARLIN. If it should turn out that there should be a deficit, it could be taken care of in the deficiency bill.

Mr. PAGE of North Carolina. That is the proper place to take care of all deficiencies.

The Clerk read as follows:

In all, Tuberculosis Hospital, $57,960.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The current District appropriation bill carries a provision for the preparation of plans for the construction of a municipal hospital. These plans have been prepared, as I understand it, and the District Commissioners sent in an estimate of $150,000, with a limitation of $500,000, as I recall it, for the beginning of the construction of a municipal hospital. I am not clear whether an item of that sort would be subject to a point of order or not.

Mr. FITZGERALD. I am.

Mr. MONDELL. I shall not offer it, because I realize that this is not the time and place to determine as to the construction of that hospital. But I think the House would like to understand the views of the subcommittee that has given a great deal of attention to the matter concerning the building of a municipal hospital. The matter has been agitated for a long time, many people are interested in it, and believe the hospital should be built, and the plans have been prepared. What are the views of the subcommittee upon the matter?

Mr. PAGE of North Carolina. I have no doubt of two things, Mr. Chairman—one is that the gentleman from Wyoming is absolutely certain that an amendment offered to the bill at this place for a municipal hospital would be subject to a point of order and would be so held. The other thing, of which I am equally certain, is that he reads the Washington newspapers, and he knows that there has been a great deal of agitation among the citizens of the District of Columbia relative to the location of this hospital. He has asked a question as to the attitude of the subcommittee making up this appropriation bill.

I think I am warranted in saying to the gentleman that every member of the subcommittee believes very thoroughly that there should be constructed in the city of Washington a new municipal hospital for the care of the class of patients that are now in that institution on Reservation 13, an old dilapidated building much overcrowded, where they can not be properly cared for.

The proposition submitted to the subcommittee was for the construction of this building on a piece of ground of 14 acres, belonging to the District of Columbia, and bought for that purpose 16 years ago. It is between Georgia Avenue and Fourteenth Street at Upshur Street, and is the same plot of ground on which is located the Tuberculosis Hospital. Evidently a number of residents in that section of the city were fearful that this was the disposition of the subcommittee, and every citizens' association, I think, and the chamber of commerce and the board of trade and almost every organization in this city rose en masse, protesting against the location of this institution at this place.

Mr. MONDELL. Was not this ground purchased with the understanding and with the idea that it would be used eventually not only for the location of the Tuberculosis Hospital but for a municipal hospital as well?

Mr. PAGE of North Carolina. Yes; it was so understood, and the language of the legislation so designated it; it was purchased for the construction of a hospital.

Mr. MONDELL. What is there about a hospital of this kind that need be objectionable to residents of that district, located, as it would be, in the interior of that considerable tract?

Mr. PAGE of North Carolina. My reply to the gentleman is that there is none. I think these people are unduly alarmed about the effect the construction of this hospital in the center of a 14-acre tract of land would have upon the value of their property.

Mr. MONDELL. Is the gentleman prepared to say that the failure to begin or to provide for the construction of a municipal hospital at this time is due very largely, if not entirely, to the attitude of the people of the locality referred to, supported, as it has been, by the business organizations of the city?

Mr. PAGE of North Carolina. Not only the people in that locality, but when it was suggested that it might be constructed on the present site of the Washington Asylum Hospital the people in that section of the city raised just as great a hue and cry as did those in the other sections of the city. It has resolved itself into this situation: The residents of the District of Columbia in no section seem willing that this institution should be constructed in the particular section in which they live. My office has been visited by individuals, committees, and delegations for two months, and I have said to them that their attitude meant that instead of providing for the care of these sick and indigent people in the District of Columbia no alternative was left but to either dump them into the Potomac River or send them outside of the District of Columbia and impose them upon some one else. With that feeling in the community, with the Members of this House being approached by individual friends, I felt and the committee felt that it was absolutely useless to project the construction of this hospital at this time in this bill. Personally I want to say that I believe now not only as firmly as I have in the past, but even more so, that it is not merely a necessity for the proper care of the indigent sick in the District of Columbia, but it is a crying disgrace that it is not consummated.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. PAGE of North Carolina. Certainly.

Mr. DYER. I want to ask the gentleman a question, and that is whether he does not think that the responsibility for this condition—which is deplorable, as the gentleman says, and as so many of us know who have visited it—is with the House and with the District Committee instead of with the people who are objecting to the various locations?

Mr. PAGE of North Carolina. I think the gentleman is entirely right—that it is a matter of the House—but I want to

say to him that I know personally the temper of this House, and that I feel the point of order would undoubtedly be made to an amendment offered now; but I can say to the gentleman from Missouri that there is absolutely not a scintilla of hope that this item could pass this House, and I was convinced of that.

Mr. DAVIS of Minnesota. What does the gentleman think about the other body in respect to this situation?

Mr. PAGE of North Carolina. I have not canvassed the other body.

Mr. DAVIS of Minnesota. Has not the gentleman had a little experience in that direction?

Mr. PAGE of North Carolina. Yes; I have had some experience, and I know the opposition there is just about the same.

Mr. GARD. Mr. Chairman, I desire to ask the gentleman if he does not think it is the duty of the committee to arrange for a place where this necessary hospital could be constructed?

Mr. PAGE of North Carolina. No. I would say that I do not think it is the business of the subcommittee taking up an appropriation bill to settle differences between a lot of citizens of the District of Columbia who are quarreling as between this site and the other site; that our action must necessarily be arbitrary if we take any action at all.

Mr. GARD. The gentleman, however, agrees that this hospital is highly necessary?

Mr. PAGE of North Carolina. Unquestionably. I would say to the gentleman that this institution now maintained in the eastern end of Washington, on reservation 13, in buildings wholly inadequate for the purpose of taking care of the sick and indigent at best, with an ordinary capacity of 125 patients, has to-day nearly 200 patients crowded into the corridors, many of them in the basement of the building; and I repeat what I said a while ago—that it is a crying shame that there is not some provision made; and yet I come before the House and in the face of conditions as at present existing I have not been able as chairman of this committee to point out a solution. It remains for this House to do at some time what should be done.

Mr. MONDELL. Mr. Chairman, I occupied but little of the five minutes that I was entitled to, and I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, while we are upon this subject I should like to locate the responsibility for this situation. This is an important matter and has been agitated for a long time. I feel as earnestly about it as does the chairman of the subcommittee who has just expressed himself. We all know that this whole matter could have been settled by the committee having legislative jurisdiction. They could have taken the question up, had hearings, and determined whether or not the protests of the citizens of the locality were well founded, and they could have provided for the erection of the building at that point or they could have selected some other point. Does the gentleman know why the District Committee has taken no action?

Mr. PAGE of North Carolina. I would say to the gentleman that I am not a member of the District Legislative Committee, and that I have had my hands full of District matters relating to appropriations and have not made any investigations along that line.

Mr. MONDELL. I realize that the Committee on Appropriations is not responsible for the present situation. That committee, or at least the subcommittee, would, however, have been willing to take the responsibility in the matter had it not been for the attitude of some people in the District.

Mr. PAGE of North Carolina. And some gentlemen in the House.

Mr. MONDELL. And some gentlemen in the House, unnamed and not to be named; but the responsibility was not with the Committee on Appropriations, it was with the District Committee, and as far as I know the District Committee has passed the matter over as though they had never heard of it, as though it had never been agitated and never discussed. I have never heard that the District Committee has given the slightest attention to this important matter. What is the District Committee doing? The matter is within its duties and responsibilities. The District Committee occasionally spends time on some trifling bill that few are interested in, as for instance a bill relative to the rate of interest in the District proposing to give the pawnbrokers an opportunity to squeeze a little more in the way of interest out of some poor unfortunate, but here is a great and important District matter—the building of a municipal hospital in the Capital of the Nation, practically the only great city in the Union that has not such a hospital—about which it does nothing.

The people have been demanding it for years; the interests of humanity require it, most of us are in favor of it, everybody is working for it and giving attention to it except the District Committee that is, under the rules of the House, charged with the duty and responsibility in the premises. I have never been able to understand what the District Committee was doing that it never got around to attend to matters of great importance that are being agitated and constantly pressed upon its attention.

Mr. FOSTER. Mr. Chairman, I do not want to delay the committee but a moment. The gentleman from Wyoming [Mr. MONDELL] seems to be finding very much fault because certain work has not been done. I want to say this: I have observed somewhat the hospitals of the District of Columbia, and while a great municipal hospital would probably be a very good thing in the District of Columbia and would be nice to talk about and one to begin to talk about when the people of the District of Columbia, especially if we are to believe the newspapers, are in favor of a hospital, but no one knows just where they want it. They do not seem to want it in the District of Columbia.

Mr. JOHNSON of Kentucky. They did not want any jail.

Mr. FOSTER. They wanted to move the jail out of the District of Columbia.

Mr. JOHNSON of Kentucky. And the cemeteries.

Mr. FOSTER. The cemeteries and everything else that seemed to meet with their fancied disapproval. Now, the Washington Asylum is not a good place. There is no question about that; everybody agrees to it who has been there and examined it. I have been there and examined it and do not approve of it, but taking it as a whole in the District of Columbia the indigent poor are pretty well taken care of. They are taken care of in the hospitals of the District, and the city of Washington has as good hospitals as anywhere. We have lately completed the Columbia Lying-in Hospital in which the indigent poor are also taken care of, and there is no finer hospital in the United States than exists out there on Pennsylvania Avenue. You take the Children's Hospital and the Providence Hospital and the Garfield Hospital, the Georgetown Hospital, and the other hospitals of the city, all of them first-class hospitals, and they take care of them and the District pays the expenses, and I submit that if you ask the medical men throughout the United States they will tell you that the indigent poor are well taken care of in the city of Washington. This charge the gentleman makes in reference to hospitals here does not have any foundation except that they should do better out at the Washington Asylum. Let me tell you what probably the gentleman does not know.

When the workhouse was moved from where the Washington Asylum and Jail is now located down into Virginia they left two large brick buildings, and I understand that they cost—I do not know—three to five hundred thousand dollars. They are now used for the purpose of storing models from the Patent Office. Estimates at one time were made, I remember, a few years ago, to do something for the condition out there to make it better, and we found this, that the people of the District, or at least some of them here, were opposed to having these buildings used for a hospital. They could have fitted up those buildings—those two large brick buildings—for a hospital which would accommodate 300 patients and taken care of all that were necessary. But that was not done. They did not want it done. I remember Elliott Wood, an architect who has done splendid work here in this Capitol, and a man who has built the buildings he had anything to do with within the appropriations—he estimated, as I remember, at that time we could have taken $40,000 and made all the room that was necessary——

Mr. FITZGERALD. Is not the matter of opposition to that that it would prevent the expenditure of a half a million dollars in a new building?

Mr. FOSTER. Certainly; it would prevent the expenditure of a half a million dollars. That is what they did not want. Why should not the Government do these things——

Mr. MONDELL. Will the gentleman yield?

Mr. FOSTER. I will yield.

Mr. MONDELL. Now, there is a committee of this House charged with the duty and responsibility in regard to just such matters as that. That committee could have made provision for such changes as were necessary in these buildings, and if they were fit for a hospital they ought to have attended to it.

Mr. FOSTER. That is possibly so; but the committee has not thought best to do it, and I want to submit to the gentleman from Wyoming that there were some kind of influences that went on here to prevent it.

Mr. HOWARD. Mr. Chairman, I desire just a word or two about this situation because of my knowledge of it since I have been a member of the subcommittee of the District of Columbia. The whole trouble about this thing is that it is just a cat and

dog fight among certain interests of the District of Columbia. First, the privately owned hospitals are very active in this matter. They do not want a municipal hospital begun for several reasons. That is one source of dissension. The next source—and I happened to see an exhibition of this one day down in the District Commissioners' office; that is to say, the assembly room down there. I happened to be down there, and I think there were more than a hundred citizens from up in this Upshur Street neighborhood who were protesting against the location of the municipal hospital.

Mr. FOSTER. Some who lived a mile and a half away.

Mr. HOWARD. Yes; some of them lived a mile or a mile and a half away. Now, let us see why they were protesting, and in the meantime I want to let you gentlemen understand that these poor unfortunates that are chargeable to the District of Columbia for medical attention—there are a thousand dogs in the city of Washington this minute that are cared for better than those poor unfortunates out there in this bare, old, dilapidated hospital they have got on this low ground.

Now, 16 years ago the Government of the United States acquired this property for a dual purpose—first, for a tuberculosis hospital, which it has built. None of the privately owned hospitals want tuberculosis patients because they would keep other patients from coming in, so they raised no objection to the erection of the tuberculosis hospital, and it is out there and full of tuberculosis patients.

Mr. MONDELL. Will the gentleman yield?

Mr. HOWARD. Just one moment more. I want to state this case just as it is, and nobody is going to dispute it. After the tuberculosis hospital was there, and it was known by these real estate promoters that the municipal hospital was going to be located there, the property sold for about 50 per cent of its original value in the immediate neighborhood. People bought it and built houses on it, knowing that this hospital was going to be located there. Now, the shrewdness of these people is this: They are there now, after having bought the property at 50 per cent of its value, because it was adjacent to the hospital and obnoxious to some people. Now, they are trying to make 50 per cent on their deal by raising this protest to the Members of Congress and to the committee and to the District Commissioners. The truth is, they have been bombarding every Member of Congress to keep this hospital from going out on that street. For what reason? It will not be located somewhere else. They have made a valuable investment in going out there and locating their homes. The people who sold the property sold it at a low figure, because they knew the Government had acquired that property for a hospital, and since the purchasers bought it they have moved every influence on the face of the green earth to keep this particular institution from being located where it was intended.

Mr. MONDELL. The gentleman is simply emphasizing my inquiry. Why under those circumstances does not the committee charged with the responsibility act?

Mr. HOWARD. Why can you not climb a greased pole with an armful of eels? Tell me. [Laughter.]

Mr. MONDELL. I am attempting to do it, although I am not accomplishing it. But I would start. This committee has never started.

Mr. HOWARD. Well, you and I and probably a dozen other men in this House would start, but there are a hundred others opposed to starting.

The CHAIRMAN (Mr. SAUNDERS). The time of the gentleman has expired.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HOWARD. Now it seems that ever since we have been trying to relieve this situation by the erection of this municipal hospital by going and occupying property that the Government of the United States bought for this specific purpose, every bit of the printer's ink that could be wielded against the Government going out there and building this hospital and relieving this congestion and this disgraceful situation down here at the municipal hospital has been used, and they have been bombarding Congress by saying it would be a disgrace to go out in a decent community and take a poor, sick man. Ah, the finger of greed is in this whole business. They do not look upon this as a humane and charitable act on the part of Congress.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. DYER. Does not the gentleman think it is the duty of Congress to act?

Mr. HOWARD. Of course, it is the duty of Congress to act, but now you try and get action. That is the trouble about this situation. Why not be plain about it? You are not going to have a municipal hospital erected in this town unless you erect it on its present site, and the commissioners and those who are directly interested in the matter, looking to the best interests of these poor unfortunates that will be placed in this hospital as the wards of the District of Columbia, have protested against the erection of this hospital on the present site. Why? It is not a healthful location. Now, what can we do?

Mr. MONDELL. Again I inquire, Why does not the District Committee act?

Mr. HOWARD. My friend does not impute to me that much wisdom that I can tell him why the District Committee does not act. As the gentleman says, it is not our business to go out and locate this municipal hospital.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. FITZGERALD. Mr. Chairman, there are some facts connected with the proposed municipal hospital of which I have knowledge and which may interest the House. The site that was purchased for the municipal hospital 16 years ago was not purchased because Congress desired at that time either to acquire a site or to build a municipal hospital. It was agreed to, after a great protest, as part of a compromise on a number of items in the District appropriation bill. At that time there was a plan to erect a municipal hospital, to cost $3,000,000, and to care for all of the indigent sick of the District of Columbia in a Government hospital and to care for none of them in the private hospitals in the city.

There are some in this House, and I am among them, who believe that the present system, quite prevalent in other cities of the United States, of taking advantage of private institutions for the care of public patients is the most humane and best system that can be devised. I am among those who have opposed the indefensible proposition to erect a $3,000,000 municipal hospital and to discard the opportunities that exist to take advantage of many of the facilities afforded by the privately owned institutions in the District.

It is not denied that the conditions at the Washington Asylum are not satisfactory, but there are two buildings there, or just adjacent, that, by a very moderate expenditure, can be fitted and made suitable for hospital purposes. The District officials have never, in my recollection, made any estimate of what it would cost to put those buildings in proper shape, nor suggested such a use, because during my experience in the House they have always been interested in a great municipal hospital, and the possible changes in these buildings would interfere with the scheme for a Government establishment. This site was not selected for the purpose of erecting a municipal hospital and tuberculosis hospital. Congress located the tuberculosis hospital on the site in the belief that it would end the agitation for a municipal hospital on the same site. The tuberculosis hospital was placed there because the private institutions could not set aside sufficient space to care for the large number of tubercular patients needing accommodations.

We have had experience in connection with the tubercular hospital managed by the municipal authorities. A committee of women, representing various organizations in the District, made an investigation of that hospital and found conditions there so scandalous and the patients treated so indecently that the indignation expressed in Congress resulted in a very marked change.

I believe in proper facilities for the care of the indigent sick in the District of Columbia, and in so far as it is necessary for the Government to erect institutions of its own, I am in favor of that being done; but I do not favor any plan which contemplates taking care of all the indigent sick in Government hospitals when there are facilities that can be availed of in privately owned and conducted institutions. The experience in cities like Chicago, New York, and other large municipalities is to the effect that better results are obtained by availing of the facilities of such institutions, to which a large number of disinterested persons give their time and efforts, than can be secured in purely Government institutions.

I hope that something may be done to relieve the conditions in the Washington Asylum. I do not believe that it can be done by the erection of the municipal institution originally planned and still in contemplation.

Mr. PAGE of North Carolina. Mr. Chairman, I would like to ask unanimous consent that all debate on this section be closed in five minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on this section close in five minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Kentucky. Mr. Chairman, at first I did not intend to pay any attention to the remarks made by the gentleman from Wyoming [Mr. MONDELL] in reflecting upon the Committee on the District of Columbia, but I am sure that if the gentleman had known the truth about the situation he would not have said what he has said. The truth is, as I was informed by the clerk of the District Committee over the telephone just a few moments ago, there is no such bill before the District of Columbia Committee.

The Board of Charities and the Commissioners of the District of Columbia, as I am informed by the gentleman from North Carolina [Mr. PAGE], have besieged the Appropriations Committee, of which the gentleman from Wyoming [Mr. MONDELL] is a member, asking that committee to take some action regarding this hospital matter. For some reason unknown to me that committee has not done so; but, speaking for myself, only 1 of the 21 members of the Committee on the District of Columbia, I can say that I am in favor of the erection of a municipal hospital. And then, speaking for the rest of the committee, I wish to say that I do not believe the gentleman from Wyoming should fall into the habit, long ago acquired by the newspapers of the city of Washington, of abusing the District Committee. I can say for them that I do not believe they should be censured and unwarrantedly criticized for not doing that which not even the gentleman from Wyoming himself, or the Board of Charities, or the Commissioners of the District of Columbia have asked them to do.

Mr. MONDELL. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I yield to the gentleman.

Mr. MONDELL. If the chairman of the committee having charge of these matters is favorable to this project, it will be a very simple matter for him to introduce a bill providing for this hospital. I have no responsibility in the matter. I am not on the committee.

Mr. JOHNSON of Kentucky. The gentleman seems to have assumed very great responsibility, and is so thoroughly familiar with the subject, and his interest is so intense, if we listen to him, that I can not understand why he himself has not introduced the bill.

Mr. MONDELL. I will do so immediately, if the gentleman will assure me that it will be considered.

Mr. JOHNSON of Kentucky. As chairman of the Committee on the District of Columbia, I can not only assure the gentleman from Wyoming, but all the House, that if it is possible for me to get the attention of the committee to the matter I shall be delighted to do so; but for the last few months it has been almost impossible to get the attention of that committee beyond the one question of pensioning the firemen and policemen. That subject arises at every meeting of the committee, to the detriment of all other business. And, even if a bill were before the committee and favorably reported, to provide for a new municipal hospital, the gentleman from Wyoming will bear testimony to the fact that there has been but one occasion during this session when District of Columbia legislation could be considered upon the floor of the House.

The CHAIRMAN (Mr. SAUNDERS). Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Hereafter the disbursing officer of the District of Columbia is authorized to advance to the agent of the Board of Children's Guardians, upon requisitions previously approved by the auditor of the District of Columbia and upon such security as may be required of said agent by the commissioners, sums of money not to exceed $200 at any one time, to be used for expenses in placing and visiting children, traveling on official business of the board, and for office and sundry expenses, all such expenditures to be accounted for to the accounting officers of the District of Columbia within one month on itemized vouchers properly approved.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the word "hereafter" at the beginning of line 21, page 77.

Mr. PAGE of North Carolina. I concede the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. PAGE of North Carolina. I offer an amendment substituting a capital T——

Mr. MANN. That will be done by the enrolling clerk.

The CHAIRMAN. Without objection, that will be done.

Mr. CARLIN. Mr. Chairman, I do not understand exactly the effect of the sustaining of the point of order against the word "hereafter."

Mr. PAGE of North Carolina. The effect of that point of order is to make this the law for one year, during the life of this appropriation, instead of making it permanent law.

Mr. CARLIN. Were there any hearings had before the committee as to the work of this Board of Children's Guardians?

Mr. PAGE of North Carolina. Nothing in detail, nothing more than routine. The hearings disclosed merely their evidence touching the appropriations which they ask.

Mr. CARLIN. I want to say to the gentleman that recently I had some experience with the agent of this board and some of the members of it, which impressed me very much with the idea that there is perhaps great need for an investigation and hearing. I do not want to take up the time of the House with it just now, but a little later I may bring it to the attention of the House.

Mr. PAGE of North Carolina. Is that in connection with appropriations or with administration?

Mr. CARLIN. It was in connection with the use of an appropriation, and also in the administration of the matter.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TEMPORARY HOMES.

Municipal lodging house and wood yard: Superintendent, $1,200; foreman, $480; cook, $360; night watchman for six months, at $25 per month, $150; maintenance, $2,000; in all, $4,190.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I shall not offer an amendment providing for an appropriation of $40,000 for a new municipal lodging house, because I fear the chairman of the committee would make the point of order and that the Chair might sustain it, but I do want again to emphasize the importance of a new municipal lodging house.

We have a municipal lodging house in the city of Washington that is excellently conducted and kept reasonably clean and sanitary. The people in charge do their duty in caring for the unfortunates who come to them, but the building is small and the rooms are scandalously overcrowded on those occasions when there are an unusual number of unfortunates applying for temporary care. The city has, as I understand it, a piece of ground well located for a municipal lodging house, and it is estimated that a good, comfortable, up-to-date municipal lodging house could be erected for about $40,000. I do not know whether the members of the subcommittee on appropriations have ever visited our present municipal lodging house or not, but I have. There are rooms in that lodging house with double tiers of narrow bunks, with very little space between them, rooms in which men are crowded in a way that would not be tolerated under any law that I know of on any statute books regulating the amount of air space required for human beings.

It is remarkable how clean and sanitary the place is, considering its frequently crowded condition. The wood yard is a little narrow space, difficult to get at, not so located as to make it convenient or economical either to receive or deliver the wood which these men saw as a part payment for their keep. The building is about everything that it should not be. It is as clean as it well can be kept; it is as sanitary as it is possible to keep it; it is well cared for; and that is all you can say for it. It is entirely too small; it is not well located; it can not possibly be made to care for all those who may desire temporary shelter in inclement weather and in Democratic hard times. If there is anything that we need in this city above other things it is a new municipal lodging house. Yet the committee which has charge of these affairs and is responsible to the people of this District, charged by the Congress with the responsibility, has not, so far as I know, considered the matter of a new municipal lodging house. The chairman of the committee may say that there has been no bill introduced on the subject. If that is true, and the chairman will promise that the committee will do its duty, I will introduce a bill to-day and get this thing started.

Mr. PAGE of North Carolina. Mr. Chairman, I have not visited the present municipal lodging house. The truth is I might be put to sawing wood if I went down there. I am not looking for that sort of a job. I know something about it, however, because various people have appeared before the committee in connection with the plan of building a new municipal lodging house. The present building used for that purpose was a gift to the city. At certain times it has been somewhat crowded, and I will admit that there has not been a suite of rooms and a bath for each one of the people who have been forced to spend the night there.

Mr. MONDELL. The gentleman from North Carolina does not want to make an unfair statement. The gentleman knows that there are bunks for something like 16 or 18 people in rooms that are certainly not over 14 feet square.

Mr. PAGE of North Carolina. I know; but it is a very rare occasion when anything like all of those bunks are full.

Mr. MONDELL. Yes; but it is a far cry from that to a suite of rooms and a bath.

Mr. PAGE of North Carolina. If the rooms are not filled, it does not require so much air, and they are not all occupied.

Mr. MONDELL. They are frequently all occupied.

Mr. PAGE of North Carolina. You can not say that they are frequently all occupied when you consider the 365 days in the year. Some time or other when the Republicans come into power and we have a lot of tramps and bums to take care of, when there is not plenty of work for everybody to do, the subcommittee may bring in a bill for a new municipal lodging house because we will need it, but at present under these prosperous times we do not need one.

Mr. HOWARD. If the gentleman will pardon me, we do not need any municipal lodging house. There is nobody to lodge; everybody has work.

Mr. MONDELL. My understanding is that there have been more admissions or more applications for admission under this Democratic administration than ever before.

Mr. PAGE of North Carolina. The gentleman should produce his evidence and not a mere statement of understanding. My understanding is that the very contrary of that is true.

Mr. HOWARD. The rule of law is that the uncorroborated testimony of one witness in a case of this sort is insufficient.

The Clerk read as follows:

In all, $129,000, which sum shall be expended under the direction of the commissioners.

Mr. DOWELL. Mr. Chairman, I reserve a point of order against the paragraph. I desire to make an inquiry of the committee in reference to the prisoners and what character of prisoners are to be placed in this reformatory.

Mr. PAGE of North Carolina. First of all, I want to say to the gentleman that his point of order comes too late, because the Clerk has read past the paragraph he wishes to make a point of order to, and read the next paragraph. I will also say to the gentleman that this paragraph, which ordinarily would be subject to a point of order, is included in the rule adopted before the bill was taken up making it in order. So it is not subject to his point of order.

Mr. DOWELL. Then I desire to make an inquiry relative to an amendment that may be offered. I desire to inquire the intent of the committee with reference to the character of prisoners who are to be assigned to this reformatory.

Mr. PAGE of North Carolina. At the present time the District of Columbia maintains what is designated as a workhouse, located on a tract of land 25 miles down the Potomac River, and to that institution, under the law, prisoners can not be sentenced for more than one year. Consequently, the courts of the District of Columbia, under the present law, have been sentencing the prisoners whose terms are longer than one year to the Federal penitentiary at Atlanta or Fort Leavenworth, and also to State institutions. The purpose of this legislation is to create a reformatory where the prisoners sentenced in the courts of the District of Columbia for a term exceeding one year will be taken to serve that term.

Mr. DOWELL. The understanding of the gentleman is that this includes all criminals convicted in the District of Columbia?

Mr. PAGE of North Carolina. Yes; and sentenced for more than one year.

Mr. DOWELL. A life prisoner, then, is sent to this reformatory?

Mr. PAGE of North Carolina. Yes; it is called a reformatory, but it is what is known in the gentleman's State as a penitentiary.

Mr. DOWELL. The bill provides for the transfer of all prisoners heretofore placed in the penitentiaries to the reformatory.

Mr. PAGE of North Carolina. Yes; as rapidly as the institution is ready to receive them.

Mr. DOWELL. I would like to inquire why this is called a reformatory.

Mr. PAGE of North Carolina. Because Congress named it a reformatory. The institution is exactly what the penitentiary is in the gentleman's State and in my State.

Mr. DOWELL. Then the purpose is to establish a penitentiary and not a reformatory?

Mr. PAGE of North Carolina. As the gentleman understands the terms, yes. The name was designated by Congress.

Mr. DOWELL. Have we not been making additions to the penitentiaries at Fort Leavenworth and also at Atlanta for the purpose of providing for prisoners?

Mr. PAGE of North Carolina. Yes; but not for prisoners from the District of Columbia, but for United States prisoners who are sentenced there.

Mr. DOWELL. Have these improvements been completed?

Mr. PAGE of North Carolina. They are in process of completion, and I think practically completed.

Mr. DOWELL. When they are completed there will be sufficient room for all prisoners.

Mr. PAGE of North Carolina. No; the gentleman is mistaken. If the District of Columbia prisoners in the future are sentenced to these institutions there will have to be other additions.

Mr. DOWELL. How many will the new additions provide for?

Mr. PAGE of North Carolina. I do not know. The gentleman may be surprised to know that at present there are 674 prisoners in the penitentiaries outside of the District of Columbia. There is another reason why the District of Columbia ought to establish this institution. The gentleman will readily see that the character of prisoners sentenced from the courts of the District of Columbia to the Federal penitentiary for offenses are not similar to those who are sentenced to the penitentiary from his State and mine. Those prisoners are sentenced for the infraction of some Federal law.

In the District of Columbia they are sentenced for the violation of any law, where the punishment exceeds one year—perjury, for instance, and various other crimes for which prisoners are tried—and the traveling expenses from here to Fort Leavenworth, from here to Atlanta, the railroad fare, is an item of very considerable expense to the District of Columbia. The District of Columbia is charged by the National Government with the total cost of maintenance of these prisoners, whereas, of course, their labor amounts to something, and the idea of the committee is that the District of Columbia ought to have the advantage of saving the transportation charges, to begin with, and also of getting the benefit of the labor of these people that are sentenced from the District.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. DOWELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DOWELL. I want to make a further inquiry. What is the estimated expense, so far as the officers are concerned, with reference to this new reformatory, per annum?

Mr. PAGE of North Carolina. I will say to the gentleman that at this time we have not reached a place where full estimates of cost can be made. This is to be located on a tract of land owned by the District, adjoining the now workhouse of the District, and the building will be constructed out of material produced in the District institution known as the workhouse, by the labor of the people who are assigned there, and it will be supervised, at least for the present, during this fiscal year by officials who now are in charge of the workhouse.

Mr. DOWELL. Is it the purpose of the committee to transfer all of the prisoners who are now in the penitentiaries from the District of Columbia to this institution?

Mr. PAGE of North Carolina. As soon as they can be cared for in this new institution; yes.

Mr. DOWELL. I withdraw the point of order.

Mr. CLINE. Mr. Chairman, I move to strike out the last word for the purpose of getting a little information from the chairman of the committee. I would like to ask whether a parole system is in effect with reference to prisoners that are now confined at Leavenworth and Atlanta?

Mr. PAGE of North Carolina. I think so; yes.

Mr. HOWARD. As the author of that measure, I will state that it applies to all United States prisoners.

Mr. CLINE. Does it apply to Occoquan?

Mr. PAGE of North Carolina. That is a workhouse, but I think they have a parole system there.

Mr. HOWARD. The Federal parole system applies only to Federal prisoners.

Mr. TILSON. May I ask the gentleman whether it applies to offenses against Federal laws only, or to offenses against such laws as in the States would be purely State laws?

Mr. HOWARD. So far as the District of Columbia is concerned, prisoners are sent from the District who commit any character of crime or such character of crime as in the States would be regarded as a State offense as distinguished from a Federal offense.

Mr. TILSON. In a State they would be purely State offenses?

Mr. HOWARD. Yes.

Mr. TILSON. Is it the intention here to segregate those who violate Federal laws, in the sense of laws enforced all over the United States, from those who violate laws which are purely District laws or which in the States would be State laws?

Mr. HOWARD. Let me explain. The object of this appropriation is this: The character of criminals that go from the District of Columbia to Leavenworth and Atlanta and other

Federal prisons are of a kind that are usually not found in Federal prisons.

Mr. TILSON. They are generally in the State prisons?

Mr. HOWARD. Yes. They would be sentenced under the State laws to the State prisons. Very few prisoners from the District commit a technical Federal offense, but if a Federal offense is committed the prisoner would go to the Federal prison.

Mr. TILSON. Such as an offense against the revenues or the post office?

Mr. HOWARD. Yes. Suppose a man committed forgery of a bank note, and he was tried in the District of Columbia and sentenced, my understanding is that he would still go to Atlanta or some other Federal prison. This is simply intended to take care of prisoners in the District of Columbia.

Mr. ANDERSON. Mr. Chairman, I move to strike out the two last words for the purpose of asking unanimous consent to extend my remarks in the RECORD by inserting an editorial which appeared in the Washington Post on Thursday, May 25, 1916, bearing upon the speech delivered by my colleague [Mr. SCHALL] on May 23, 1916, it being a leading editorial of that date.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD by inserting the article referred to. Is there objection?

There was no objection.

The editorial referred to is as follows:

A SPLENDID OPPORTUNITY FOR MEMBERS OF CONGRESS.

In a remarkable speech in the House this week Representative SCHALL, of Minnesota, likened Congress to the crew of the ship of state which carries 100,000,000 passengers. He held it to be the duty of the people's Representatives to "steer the ship from the dangerous maelstrom of nonpreparedness," no matter how many protests came from the passengers. "The people will approve when they understand the situation," he added. Therefore he urged the construction of "the best Navy we can get."

Now comes the House Committee on Naval Affairs with an apologetic and feeble pretense of response to the demand for preparedness on the sea. It reports a bill providing inadequately for the increase of the Navy, and couples with the appropriation a provision authorizing the President to suspend expenditures in case the nations of the world agree to establish an international peace tribunal and abandon competitive armaments.

Such is the lame and impotent conclusion of a majority of the committee, after months of consideration of a bill designed for the defense of the richest Nation on earth.

If the naval bill is not intended for national defense, what is its excuse? If it is intended to improve the naval defense, why is it whittled down and offered with apologies to the pacificos?

Few bills have ever been brought forth by a committee of Congress which exhibited plainer evidence of timidity and political cowardice. The bill is satisfactory neither to the advocates of adequate defense nor to pacificos, because it is neither one thing nor the other. It does not adequately build up the Navy, nor does it honestly abandon all pretense of preparing for defensive war.

The first, paramount, imperative duty of Members of Congress, without regard to party is to rip to pieces the makeshift offered by the majority of the committee and prepare forthwith a measure that will make the United States safe.

The country will never be safe so long as the oceans are an unguarded highway of attack by a foreign enemy. If guarded, the oceans are a strong factor of defense. If unguarded, they open the United States to the enemy. The House Committee on Naval Affairs has always the first opportunity and the duty to prepare for naval defense. It has failed to rise to its opportunity and failed to perform its duty.

Now that the matter is out of the committee's hands and in the House, the House should do the work which the committee failed to do. Surely there is patriotism, breadth of vision, and courage enough in the American House of Representatives to build up the Navy at this critical time. A splendid opportunity awaits the Representatives who will rise above section and party to perform the work demanded by the Nation. The people will take note of such service and will amply reward it.

The Clerk read as follows:

ANACOSTIA RIVER FLATS.

For continuing the reclamation and development of the Anacostia River and Flats from the Anacostia Bridge northeast to the District line, to be expended for the purposes and under the conditions specified in the item for this improvement contained in the "District of Columbia appropriation act for the fiscal year 1915," $200,000, including the amount authorized to be contracted for in the District appropriation act for the fiscal year 1916.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. The appropriation carried in this paragraph is $200,000. I think last year it was $100,000. Will the chairman of the committee kindly explain whether this improvement has anything to do with navigation?

Mr. PAGE of North Carolina. No; the improvement has absolutely nothing to do with navigation. I will not be quite so positive as to that, but I do not think it contemplates any navigable projects on the Anacostia River. It is the reclamation of certain lands lying along this stream.

Mr. MOORE of Pennsylvania. Dredging is being done?

Mr. PAGE of North Carolina. Yes; and the dirt that is being dredged is put out on this land to be reclaimed.

Mr. MANN. It is to build a wall.

Mr. PAGE of North Carolina. It is to build a wall, I will say to the gentleman, and eventually will build a parkway by this reclaimed land along the Anacostia River very much as has been done along the Potomac.

Mr. MOORE of Pennsylvania. Well, is it such an appropriation as should be taken care of in the river and harbor bill?

Mr. PAGE of North Carolina. I can not understand how it could possibly get into a river and harbor bill.

Mr. GOOD. Why not? Most everything got into the river and harbor bill this year.

Mr. PAGE of North Carolina. Almost anything can break into it, but there is no reason why this should.

Mr. MOORE of Pennsylvania. Everything but Cedar River, Iowa, got into the bill; but that may break in next year, if the Iowa delegation is alive to its importance.

Mr. PAGE of North Carolina. I do not believe this is a project which even the gentleman from Pennsylvania would consider as a navigation proposition.

Mr. MOORE of Pennsylvania. I would say that if they can ever get a favorable report from the engineers as to Cedar River, Iowa, it will be in the river and harbor bill, but the gentlemen from Iowa have not been able to get a favorable report yet.

Mr. PAGE of North Carolina. I understand there are a good many things in that bill that have not had a favorable report from the engineers. That is not requisite at all for getting into a river and harbor bill.

Mr. MOORE of Pennsylvania. Cedar Creek is not——

Mr. PAGE of North Carolina. It takes something else besides the report of the engineers.

Mr. MANN. No; it is necessary to have a report from the engineers——

Mr. GOOD. It is not necessary to have a report to continue an appropriation after the engineers have made report to the effect that a stream is nonnavigable and can not be made navigable by any amount of appropriation, but we still keep on putting into river and harbor bills appropriations for those streams.

Mr. MOORE of Pennsylvania. Let me say to the gentleman from Iowa that if he does not get Cedar River in a river and harbor bill he has a chance to get it in a flood-control bill.

The work here is very largely the work of reclamation?

Mr. PAGE of North Carolina. Oh, entirely; there is no navigation.

Mr. MOORE of Pennsylvania. The dirt is being thrown up on the banks, and the ground is being improved. What about the benefits arising from the improvements?

Mr. PAGE of North Carolina. Assessments are made for benefits in a provision carried in the current appropriation bill for the District of Columbia.

Mr. MOORE of Pennsylvania. Under court proceedings?

Mr. PAGE of North Carolina. Under court proceedings.

Mr. MOORE of Pennsylvania. Have we had any return from the courts yet?

Mr. PAGE of North Carolina. We have not.

Mr. MOORE of Pennsylvania. The plan contemplates an assessment of benefits upon the abutting property owners?

Mr. PAGE of North Carolina. And must be done under the law.

Mr. MOORE of Pennsylvania. So there will be cooperation or mutual participation in the expenditure?

Mr. PAGE of North Carolina. Yes. I will say to the gentleman that while appropriations have been carried in the District bill for several years in connection with the reclamation of Anacostia Flats, until the current District appropriation bill there was no provision for the assessment of benefits, but a provision was inserted in that for an assessment against the abutting property owners.

Mr. MOORE of Pennsylvania. Two hundred thousand dollars is in this bill, $100,000 in the bill of a year ago, making a total of $300,000 for two years. How much was the appropriation before last year?

Mr. PAGE of North Carolina. I think $100,000 had been appropriated in a prior bill.

Mr. MOORE of Pennsylvania. A total of about $400,000——

Mr. PAGE of North Carolina. Yes; has been so far appropriated in connection with this item.

Mr. MOORE of Pennsylvania. That is up to date?

Mr. PAGE of North Carolina. Up to date.

Mr. MOORE of Pennsylvania. Some of that is to come back by way of benefits?

Mr. PAGE of North Carolina. Whatever amount is assessed as a benefit will be paid back.

Mr. MANN. Mr. Chairman, the two gentlemen may know all there is to know about this subject——

Mr. PAGE of North Carolina. Mr. Chairman, I do not pretend to know it all.

Mr. MANN. I may be entirely mistaken, but I have not the same idea they have about the matter. What they are doing there is building a wall along toward the river side of the overflowed flats formerly overflowed by tide water, and having built that wall they are dredging with a pump dredge, excavating the channel of the stream and pumping it over onto the property which was before overflowed by the tide. I had supposed the Government owned that property.

Mr. PAGE of North Carolina. Not all of it.

Mr. MANN. They certainly claimed to own that overflowed land. It may be that there is some private property which will be benefited. If there is any private property that will be benefited it will be assessed. I think no assessment has been made yet, because the Government claims to own this land. They have already made a considerable amount of land right across in the direction in which I am pointing on the other side of the Anacostia River, which I had supposed would eventually be turned into a parkway, I do not know——

Mr. PAGE of North Carolina. I think that was the intention.

Mr. MANN. The Anacostia River, like the Potomac River, was overflowed by the tide. We have improved the Potomac River down here in Potomac Park largely by pumping out the river, not only improving the navigation, but there is not much navigation——

Mr. PAGE of North Carolina. There is a tidal flow.

Mr. MANN. Oh, yes; but there is not much navigation now in the Anacostia River. We are improving navigation and getting land the cheapest way it can be obtained; that is, by dredge pumping.

Mr. PAGE of North Carolina. In connection with the assessment for benefits, while the Government does own practically all of this land that is to be reclaimed, it does not own it all, because there is an item in the estimates for the purchase of some land and the assessment of benefits is intended to apply to the abutting land. Here is a lot of swamp land lying along the line of the Anacostia River. When it is reclaimed and made into a park the abutting property will be greatly benefited.

Mr. MANN. I doubt it.

Mr. PAGE of North Carolina. That is a matter for the jury to decide on when the assessment is made.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. TILSON. Does the gentleman claim that this land when reclaimed will be used for park purposes, or for commercial purposes or some purpose other than as a park?

Mr. MANN. I suppose that is a matter for the Government to determine. I should say there is just as little likelihood of that land being used for commercial purposes during the life of the gentleman and myself as there is of Potomac Park being utilized for commercial purposes. We have the power to do it, however.

Mr. PAGE of North Carolina. Mr. Chairman, in reply to the question asked by the gentleman from Pennsylvania [Mr. MOORE] as to the amount that has been expended, I want to say that this $200,000 will make a total of some $700,000. The clerk of the committee reminds me that $500,000 has already been appropriated.

Mr. MOORE of Pennsylvania. Five hundred thousand dollars in addition to what is carried in this bill?

Mr. PAGE of North Carolina. Yes.

Mr. MOORE of Pennsylvania. Mr. Chairman, has the gentleman's time expired?

The CHAIRMAN. It has not.

Mr. MOORE of Pennsylvania. I wish the gentleman from North Carolina to know that I was not criticizing this improvement on the Anacostia River—the clearing of those flats and the introduction of clear water. I think it is a good thing for everybody. In time it may be that that land will become one of the garden spots of this city, or it may be used for commercial purposes; but it certainly is an important improvement in the matter of sanitation for the benefit of the health of the people of this District. My inquiries were directed with respect to the jurisdiction of committees, and also as to the assessment of benefits, showing that the landowners will pay a proportion of the cost of the improvement.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PARKS.

For the condemnation of small park areas to be acquired in accordance with the provisions relating to small parks in the District of Columbia contained in the sundry civil appropriation act, approved August 1, 1914, $25,000.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Mr. MONDELL offers the following amendment as a separate paragraph, following line 16, on page 88:

"For acquisition for a public park of the tract of land known as the Patterson tract, assessed on the records of the assessor of the District of Columbia as parcel 129/2, lying north of Florida Avenue NE., and bounded on the east by the grounds of the Columbia Institute for the Deaf, on the west by New York Avenue and the tracks of the Baltimore & Ohio Railroad Co., and on the north by Fairview Avenue, containing 81 acres, more or less, $500,000, or so much thereof as may be necessary:"

Mr. PAGE of North Carolina. Mr. Chairman, I make a point of order on that.

The CHAIRMAN. The gentleman from North Carolina makes a point of order on the amendment. The Chair sustains the point of order.

Mr. MONDELL. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Mr. MONDELL offers an amendment as a separate paragraph on page 88, after line 16, as follows:

"For acquisition for a public park of the tract of land known as the Dean tract, assessed on the records of the assessor of the District of Columbia as lots A, 818 and 819, in square 2535, containing 400 and 4,425 square feet, more or less, $625,000, or so much thereof as may be necessary."

Mr. PAGE of North Carolina. Mr. Chairman, I make a point of order on the gentleman's amendment.

Mr. MONDELL. Mr. Chairman, will the gentleman reserve his point of order for a moment?

Mr. PAGE of North Carolina. I will reserve it, but I ask unanimous consent that all debate on this amendment may be closed in five minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on this amendment may be closed in five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, the two tracts proposed to be secured for park purposes under the two amendments that I have sent to the desk consist, first, of what is known as the Patterson tract, of about 85 acres in the northeast, which it is understood can be secured for about $7,000 per acre, and what is known as the Dean tract, cornering on Florida Avenue and Connecticut Avenue. I think the city should have both of these tracts. The Patterson tract will certainly be needed in the future, because there are no considerable parks in that section of the city and no tracts as available as this.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. FITZGERALD. Are there any other tracts of land in the District of Columbia whose owners are anxious to unload them on the Treasury that we might consider at the same time?

Mr. MONDELL. Well, I do not know as to that; but I will say, Mr. Chairman, that I do not know that the owners of these tracts are particularly anxious to sell them to the city. I have no information on that subject.

Mr. FITZGERALD. I understand that the owners of the tract mentioned in the amendment now pending are very anxious to get somebody to take it off their hands.

Mr. MANN. Where does the gentleman get his information?

Mr. FITZGERALD. I am not at liberty to disclose that, but I can give it to the gentleman privately.

Mr. MANN. I can give public information to the gentleman to the effect that it is not so.

Mr. FITZGERALD. I can give the information that they are anxious to unload it on the Government.

Mr. MANN. The heirs?

Mr. FITZGERALD. Yes; the heirs. It would be a good thing for them to unload it on the Government.

Mr. MONDELL. Mr. Chairman, considering the length of time that has been taken from me by the genial chairman of the Committee on Appropriations, I will ask for a moment or two in addition to what was allotted to me.

The gentleman now refers to the Dean tract. The Dean tract is the most beautiful tract of wooded land now remaining unimproved in the center of the city, or near the center of the city. It is a very beautiful tract of land. At one time it was suggested that that would be a good place to build a summer White House. I do not know but that we ought to purchase it and keep it with that object in view. At any rate it would be a public misfortune to have this tract cut up into building lots and built upon. It should be retained intact. It should be purchased, if its purchase is necessary, to prevent its being cut up into building lots and covered with apartment houses.

The price at which I understand it can be bought is certainly not excessive. I understand it is about $1.50 a foot. Those

who are at all acquainted with values in that section know that that is a low price for land in that vicinity. Within a block of the Dean tract lands have been sold, I am confident, for several times as much as that per square foot. Possibly it is not necessary to buy this year, but eventually this city should have the Dean tract; and the Dean tract can not, if this city is to grow, be cheaper in the years to come than it is now. It will enhance in value every day, every week, every month, and every year.

The Patterson tract is offered now at a low price. It will enhance in value rapidly as the years pass. We need it, because it is in a section of the city in which there are no considerable park areas. It can be bought cheaply, and ought to be acquired at this time.

Mr. MANN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I do not expect to take the five minutes. I am quite sure the gentleman from New York [Mr. FITZGERALD] is incorrect in thinking that the people who own the Dean tract have been making any effort to dispose of it to the Government. For years there has been talk about the Government buying the Dean tract. Some time last fall I had a conversation with young Mr. Dean, who certainly displayed to me no anxiety to have the Government purchase the property. On the contrary, he stated that if the Government wanted to buy it they would have to determine to do so very quickly, because the owners of the property had carried it and they were going to dispose of it, and they thought they could get a great deal more for it than the Government would be willing to pay for it. I believe they have had, through the District Commissioners or through the superintendent of public buildings and grounds, or somebody, a proposition to sell it to the Government at the assessed valuation.

That, however, is not what I am specially interested in. I look over this property every morning. I have looked at it for many years, going by it. There is not a morning now that I do not stand at my window and look at that piece of property. It is the handsomest piece of property that I ever saw in a city. I never have seen any other piece of property in any city as handsome as this. I do not know what the Government would do with it if it purchased it. I do not think there is great necessity for an additional park in that locality. But there is one oak tree on the Dean property that ought to be owned by the Government and surrounded, so that the people could go under it. It is many times older than the city of New York. There is no tree anywhere near New York City that is as old or as large as this old oak tree on the Dean place, which has a wider spread than any tree in any other city in the United States. They have a tree out in the Hawaiian Islands, planted by a man still living, that has a spread larger than this room; but I know of no place where they have as handsome an old oak tree as there is right by the Dean house, directly in front of the windows of my apartment. If I had the money I would buy the ground myself for the privilege of living under the shadow of that old oak tree. Of course, I do not expect that the Government will ever take any such delight in trees or beauty.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent for one minute.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I spoke somewhat advisedly in what I said about the owners of this property being anxious to dispose of it to the Government. The amendment now proposes a price of $625,000. A few years ago it was $1,250,000. The place has a very beautiful tree and it is a very beautiful tract of ground; but it seems to me that $625,000 is a great deal of money to pay to gratify the esthetic taste of the gentleman from Illinois and for one old tree. It would have to be a very old tree to justify paying so much money, and there is no need for a public park in that part of Washington.

Mr. MANN. If the gentleman will yield, some day I will invite him to come up and take dinner with me and see this piece of ground. He evidently does not know where it is.

Mr. FITZGERALD. Oh, I have walked past it very frequently and have walked through it once or twice without interference. I know that the gentlemen who have the privilege and opportunity of living where the gentleman from Illinois lives would regret very much to see this property built upon. It would spoil their view.

Mr. MANN. Oh, that is a mean little fling. I will be out of it long before that property is built upon.

Mr. FITZGERALD. But it is a pretty big price to pay to gratify those who wish to live in a particular part of Washington. The gentleman admits that there is no need for a park at that particular place, so the only purposes we would buy this ground for would be three: First, to accommodate those who own it and wish to sell it—the Government always is a desirable purchaser; second, to gratify those who live under the same roof with the distinguished gentleman from Illinois; and third, to buy the biggest, widest-spreading tree in any municipality in the United States. The price though is pretty large, even to accomplish those three ends.

Mr. MANN. Mr. Chairman, I ask for two minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. MANN. I did not advise anybody to buy this ground for the Government. I am not supporting the amendment. I did not say the amendment ought to be agreed to; but it is impossible for any gentleman on the floor of the House on this side to make a remark, even about an abstruse question, without some gentleman on the other side of the House indulging in personal abuse. The gentleman stated that I was supporting the amendment because I wanted to keep the view in front of my windows. That is just about up to the average intelligence of that side of the House. [Laughter.]

The CHAIRMAN. The question is on the amendment.

Mr. PAGE of North Carolina. I made a point of order against the amendment.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For distribution branch: Superintendent, $3,300; engineer, $2,400; assistant engineers—one $1,800, one $1,700; master mechanic, $2,000; foreman, $1,800; assistant foremen—one $1,275, one $1,200, one $1,125, one $900; steam engineers—chief $1,750; two at $1,100 each, three assistants at $1,000 each; chief inspector of valves, $1,600; leveler, $1,200; inspector, $1,200; draftsman, $1,505; clerks—one $1,800, one $1,500; four at $1,200 each, stores clerk $1,500, one $1,000, one $900; timekeeper, $900; two rodmen at $900 each; two chainmen at $675 each; four oilers at $610 each; three firemen at $875 each; janitor, $900; watchmen—one $875, one $700, one $610; drivers—one $700, one $630; two messengers, at $600 each; in all, $88,030.

Mr. COX. Mr. Chairman, I reserve a point of order on the figures "$1,800," in line 25, page 89. That is an increase of salary. There are two or three other increases of salary, but they are small, and I do not think I will make any point of order against them. But I make a point of order against that.

Mr. MANN. What is the point of order?

Mr. COX. That it is an increase of salary.

The CHAIRMAN. The gentleman from Indiana makes the point of order that this is an increase of salary.

Mr. PAGE of North Carolina. That salary is not fixed by statute; it is not subject to a point of order.

Mr. MANN. I think we are entitled to know what the point of order is.

Mr. COX. At the bottom of page 89, line 25, assistant engineer, one, $1,800. I make the point of order that that is an increase of salary.

Mr. MANN. But it is not an increase of salary.

Mr. COX. I thought so when I compared it with the bill of last year. What was his salary last year?

Mr. MANN. Eighteen hundred dollars.

Mr. PAGE of North Carolina. If that is the gentleman's point of order, the salary is the same as it is in the current law. There is no change.

Mr. COX. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

SEC. 9. That hereafter the half cost of the paving or repaving of a roadway between the side thereof and the center thereof with sheet asphalt, asphalt block, granite block, vitrified block, cement concrete, bituminous concrete, macadam, or other form of pavement shall be assessed against the property abutting the side of the street so improved, such assessments to be levied and collected as now provided as to alleys and sidewalks: *Provided*, That the advertisement by publication of the commissioners' intention to do such work and the formal hearing in respect thereto required by law as to alley and sidewalk improvements shall not be required as to roadway improvements.

Mr. MONDELL. Mr. Chairman, I will make a point of order against this paragraph unless it is included in the rule.

Mr. PAGE of North Carolina. It is included in the rule and is not subject to a point of order.

Mr. MONDELL. The only change made is that it includes macadam?

Mr. PAGE of North Carolina. Yes; the word "macadam" is added.

Mr. MONDELL. So that hereafter macadam pavements are charged up against the abutting property owner?

Mr. PAGE of North Carolina. Yes.

Mr. MONDELL. It has been the practice in the District, and particularly in the outlying sections of the District, to use what they term a water-bound macadam. This word "macadam" would include that also, I suppose?

Mr. PAGE of North Carolina. Yes; I think it would include that.

Mr. MONDELL. Let me make this suggestion: So far as roads in the suburbs are concerned, they are built not so much for the benefit of the abutting property owner as they are for the public convenience, to allow people to get from one part of the city to another part, or from one part of the city to the country. Does the gentleman think it is fair to charge up the building of these roads to the abutting property owners?

Mr. PAGE of North Carolina. I do. Take the part of the northwest in which the gentleman formerly lived, and in which I live at the present time, the paved macadam street is very much less expensive than the asphalt or other kind of pavement, but it is fully as beneficial in the degree of cost to the abutting property owners as the other pavement. I see no reason why a resident of the city should have a macadam roadway built in front of his property without being assessed for any part of the cost, while the man in the next street having a way built of asphalt and other material and costing more should be assessed. We put this in because we thought it equitable as between the various residents and the different kinds of pavement.

Mr. MONDELL. I think the gentleman's position is sound as applied to improved parts of the District, but when you come to the suburbs which are not so well built up as the section to which the gentleman has referred, there is not so much equity in it.

Mr. PAGE of North Carolina. The gentleman will admit that the building of a water-bound macadam road through a man's property which is not built up in the District of Columbia will greatly enhance the value of that property?

Mr. MONDELL. Yes; generally that is the case.

Mr. PAGE of North Carolina. Then there is in that class of property a very much larger area to assess.

Mr. MANN. Mr. Chairman, I move to strike out the last two words. This provision, as I understand it, is that half the cost of paving each side of the street or roadway 25 feet in width——

Mr. PAGE of North Carolina. Not more than 40 feet, 20 feet from each side.

Mr. MANN. It says the cost of all such work beyond a line 20 feet from the side thereof. But that is not what I wanted to get at. It contemplates that the cost of the paving on each side of the street will be charged to the property owner on that side of the street. Suppose you are paving a street 40 feet in width with this imaginary line through the center; are you going to keep a separate account of how much it costs on each side?

Mr. PAGE of North Carolina. No; that was put in to meet a condition that arose under a provision carried in the last bill.

Mr. MANN. I do not care about that, but this will require the gentleman making a different assessment for each side of the street, to raise the money from the property owners on each side, to keep a separate account of the cost of each side of the street.

Mr. PAGE of North Carolina. The gentleman is wrong in assuming that the assessment is made and the money used to put down the pavement. The appropriation is made for laying the pavement, and afterwards the assessment is made to cover the cost.

Mr. MANN. But you have to keep a separate account of each side of the street in order to know how much you are going to assess.

Mr. PAGE of North Carolina. Each abutting piece of property is assessed, of course.

Mr. MANN. Here is a roadway with an imaginary line running through the center of the street, and you provide on one side of that imaginary line that the cost of the paving on that side shall be assessed to the property owner and on the other side the cost on that side shall be assessed to the property owner. You have to keep a separate account in order to know how much each side shall be charged, and if you do not that would be a good defense in court.

Mr. PAGE of North Carolina. Then they will have to keep a separate account.

Mr. MANN. It is impossible to keep a separate account of the cost on each side of an imaginary line in that way.

Mr. PAGE of North Carolina. Mr. Chairman, I will say to the gentleman that most of the pavement that is laid in Washington is laid under contract at so much per yard, and there is no difficulty in calculating the number of yards or the frontage of a lot, and so many feet out into the street.

Mr. MANN. Yes; but in nearly every case, excepting streets already paved, there is additional cost for excavation and grading.

Mr. PAGE of North Carolina. That is not charged at all. It is only for the paving. The excavating and the grading are not included in this amendment.

Mr. MANN. And they are not a part of the pavement?

Mr. PAGE of North Carolina. Not a part of it at all. It has been suggested to me that they should be, but they are not, and this applies to the paving alone.

The CHAIRMAN. Does the Chair understand that the gentleman from Wyoming withdraws his point of order?

Mr. MONDELL. Yes.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. PAGE of North Carolina. Mr. Chairman, before taking up the amendment offered by the gentleman from Wyoming, to which a point of order is pending, I ask unanimous consent to return to page 11 of the bill, line 12, for the purpose of offering an amendment, to insert $1,700 in place of $2,000, which was stricken out on a point of order.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to recur to page 11 of the bill for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. PAGE of North Carolina. Mr. Chairman, I move to amend by inserting, in line 12, page 11, after the figures "$3,500," the words "examiner, $1,700."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, line 12, after the figures "$3,500," insert the words "examiner, $1,700."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PAGE of North Carolina. Mr. Chairman, as to the point of order which was pending to the amendment offered by the gentleman from Wyoming, on page 64, the gentleman from Georgia [Mr. HOWARD] desires to be heard.

Mr. HOWARD. Mr. Chairman, the point of order is directed against the particular item offered by the gentleman from Wyoming [Mr. MONDELL]. The gentleman cited the original law, the act approved May 28, 1908, section 10 of which provides that the Commissioners of the District of Columbia are hereby authorized to appoint two inspectors to carry out the purposes of the act, at a compensation not to exceed $1,200 each per annum. The District appropriation bill approved March 1, 1911, carries this provision:

The major and superintendent of police shall hereafter detail two privates of the Metropolitan force for the enforcement of the provisions of the act to regulate the employment of child labor in the District of Columbia, approved May 28, 1908.

Mr. MONDELL. What date is that?

Mr. HOWARD. May 2, 1911, was the date of the approval of the act. Section 10 of that act provides:

That all laws and parts of laws to the extent that they are inconsistent with this act are hereby repealed.

Therefore the existing law is in conformity with the provisions of the bill, and the point of order, therefore, would not lie against it.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. MANN. I did not hear all of the gentleman's statement. What was the item in that law? Was it merely for the current year?

Mr. HOWARD. No; it is "hereafter." It provided that hereafter the major and superintendent of the police force should designate two privates of the Metropolitan police force to perform the functions created by the act of 1908, and section 10 of that act repealed all laws in conflict with it.

Mr. MONDELL. Mr. Chairman, the amendment which I have offered provides for the pay of the inspectors required for the purpose of carrying out the provisions of the child-labor law. Admitting for the sake of argument that there is a provision of the law relative to the appointment of the inspectors, that has nothing to do with the amendment proposed which provides for pay for these inspectors. My amendment has no reference to the manner in which these people shall be appointed or detailed. It simply provides for their pay, and it is entirely in order to offer as an amendment to the District appropriation bill a provision for the payment of officers provided by law.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Wyoming offers as an amendment to the District of

Columbia appropriation bill, at page 64, as a special paragraph, immediately following the end of line 12, on that page, the following:

For the payment of two inspectors to carry out the purposes of the act approved May 28, 1908, entitled "An act to regulate the employment of child labor in the District of Columbia," as provided by section 10 of said act, $2,400.

An examination of the child-labor law shows that section 10 provides as follows:

That the Commissioners of the District of Columbia are hereby authorized to appoint two inspectors to carry out the purposes of this act at a compensation not exceeding $1,200 each.

Undoubtedly that is sufficient authority for the amendment of the gentleman from Wyoming. The gentleman from Georgia [Mr. HOWARD] in response to that cites a later District of Columbia appropriation bill carrying the following language:

The major and superintendent of police shall hereafter detail two privates of the Metropolitan police force for the enforcement of the provisions of the act to regulate the employment of child labor in the District of Columbia, approved May 28, 1908.

And he further cites the fact that the bill carries the repealing clause which would repeal this if it was in any way inconsistent with the original text. The Chair does not think that the language referred to is at all inconsistent with the language carried in section 10 of the child-labor law, and therefore overrules the point of order. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, the Commissioners of the District of Columbia have called attention to the fact that it is impossible for these two officers from the Metropolitan police force to properly and adequately enforce the child-labor law. They call attention to the fact that in order to have that law properly enforced it is necessary to have officers peculiarly qualified and trained for that kind of work. Let me call the attention of the committee to what Commissioner Brownlow said as to the present situation, or to a part of what he said, particularly relative to children who have taken part in theatrical performances:

As long as the children who were performing here as actors only came to the vaudeville theaters or with an occasional play like the Blue Bird, or something like that, it did not amount to much. But of late, in the last eight or nine months, there have sprung up in these 5 and 10 cent moving-picture houses all over the District and in the outlying eastern and southern parts, especially Friday night amateur nights and Charlie Chaplin contests and any number of things in which these children were given tickets. Sometimes they were paid by being given so many tickets, so they could come back every night for the rest of the week. I heard of several cases of little children who were hanging around where some man who was the ticket agent was getting them to take part, or some fellow playing the piano at one of these places would make the request, and I heard a great many complaints, and it got so that these requests for these children under age which came to the commissioners, instead of being two or three a month, as it used to be when they came to the regular theaters, began coming in at the rate, especially on Fridays, of sometimes as high as 10 a day, and one day I believe I had nearly 20.

The commissioner further called attention to the impossibility of regulating these things without having officials trained to that kind of work and familiar with the conditions. He refers to the newsboys and to the patent violation of the law in regard to the sale of newspapers and notions. We see boys under age right here in the Capitol and adjacent to it in the House Office Building engaged in selling newspapers every day.

That may not be so bad, but if the law is a wise one it should be enforced. These boys are employed in several classes of work, so the commissioners say, under age, and they have not been able to enforce the law, not because the men who are detailed are not good officers but because they are not trained for that kind of work. They desire to pay some one for this work who is trained for that class of work and who will see that this child-labor law is enforced.

Now, again I appeal to the gentlemen of the House. Do you or do you not believe in the enforcement of the child-labor law? Were you or were you not entirely honest when you helped pass that law? Do you believe in its enforcement, or are you like some legislators whom I have heard of who were for a law but "agin" its enforcement? Now, here is a proposition to provide for the enforcement of this wise, just, useful, and necessary statute. Let us provide for it as the commissioners ask us to do.

Mr. PAGE of North Carolina. Mr. Chairman, at the present time there are two police officers detailed from the Metropolitan police force to the enforcement of the child-labor law in the District of Columbia. They have had this assignment since the enactment of the law some five or six years ago. Those two men have been trained for six years to enforce this law, and they are the only ones in the District of Columbia who are. Now, the gentleman from Wyoming comes with an amendment and says that we ought to dispense with those two men who have had six years' training in the enforcement of this child-labor law and select two entirely new people who know nothing about it, who will have to be trained in order that the law may be properly enforced. In other words, he would throw away the experience of these two men who have had six years of this employment, turn them back into the Metropolitan police force, where they are not particularly needed, and in their places employ two inspectors who would take six years, presumably, to become as efficient in the enforcement of this work as those who are now enforcing it. That is the argument of the gentleman.

Mr. MADDEN. Will the gentleman yield?

Mr. PAGE of North Carolina. I will.

Mr. MADDEN. Does the law refer to the territory embraced around the Capitol here?

Mr. PAGE of North Carolina. I can not say to the gentleman, but I think it applies everywhere in the District of Columbia.

Mr. MADDEN. It would enforce the law around the Capitol Building?

Mr. PAGE of North Carolina. The gentleman is referring to the boys selling newspapers? There is a provision in that law by which they can get a permit, and I assume most of those boys have permits.

Mr. MADDEN. Boys as young as 8 years of age——

Mr. PAGE of North Carolina. That is a matter of administration, and certainly if they have not a permit they are violating the law, but there is a provision by which they can receive permits in the law. Mr. Chairman, that is about all I care to say about it. It is the employment of two new officials to take the place of two old officials in the enforcement of this child-labor law. I should think the experience of these two men should be utilized, and it is certainly worth something.

Mr. MONDELL. The commissioners have said they needed these two men for other work.

Mr. PAGE of North Carolina. If we complied with all the requests of the commissioners, they not only would have those two men but they would have a hundred more. That does not amount to anything.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. MONDELL) there were—ayes 34, noes 55.

So the amendment was rejected.

Mr. PAGE of North Carolina. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FERRIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15774, the District of Columbia appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. PAGE of North Carolina. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The bill was ordered to be engrossed and read the third time, and was read the third time.

Mr. MANN. Mr. Speaker, I move to recommit the bill to the Committee on Appropriations with directions to that committee to report the bill back forthwith with an amendment striking out all of the first section except the enacting clause.

The SPEAKER. The Clerk will report the instructions.

The Clerk read as follows:

Mr. MANN moves to recommit the bill to the Committee on Appropriations with instructions to report the same back forthwith with an amendment striking out all after the enacting clause, beginning line 3, page 1, down to and including line 3, on page 2.

Mr. PAGE of North Carolina. Mr. Speaker, on that I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit with instructions.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. MANN. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. Evidently there is no quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 111, nays 173, answered "present" 11, not voting 139, as follows:

YEAS—111.

Bacharach	Fess	Kinkaid	Roberts, Mass.
Barchfeld	Flood	Lazaro	Roberts, Nev.
Beakes	Focht	McArthur	Rogers
Blackmon	Fordney	McKenzie	Russell, Ohio
Bowers	Foss	McKinley	Schall
Britt	Garland	McLaughlin	Siegel
Britten	Gillett	Magee	Sloan
Browning	Glynn	Mann	Smith, Idaho
Campbell	Gould	Martin	Smith, Mich.
Cannon	Guernsey	Matthews	Smith, N. Y.
Carlin	Hadley	Meeker	Steenerson
Carter, Mass.	Hamilton, Mich.	Miller, Del.	Stephens, Cal.
Church	Haskell	Miller, Pa.	Sterling
Coleman	Hawley	Mondell	Stiness
Cooper, Ohio	Hay	Montague	Stone
Cooper, W. Va.	Hayes	Moore, Pa.	Sullowav
Curry	Hernandez	Moores, Ind.	Sweet
Dallinger	Hill	Morgan, Okla.	Swift
Danforth	Hinds	Mott	Tilson
Darrow	Holland	Mudd	Timberlake
Denison	Hollingsworth	Nichols, Mich.	Treadway
Dillon	Hopwood	North	Volstead
Dunn	Howell	Oakey	Watson, Va.
Dupré	Hull, Iowa	Parker, N. J.	Walsh
Ellsworth	Johnson, Wash.	Platt	Wason
Esch	Kelley	Powers	Wheeler
Estopinal	Kennedy, Iowa	Pratt	Woods, Iowa
Farr	Kennedy, R. I.	Raker	

NAYS—173.

Abercrombie	Eagle	Kettner	Rauch
Adamson	Elston	Key, Ohio	Rayburn
Aiken	Evans	Kincheloe	Reavis
Alexander	Farley	Kitchin	Reilly
Allen	Ferris	Konop	Ricketts
Almon	Fields	La Follette	Rubey
Anderson	Finley	Lee	Rucker
Ashbrook	Fitzgerald	Lenroot	Scott, Mich.
Aswell	Foster	Lesher	Shackleford
Bailey	Frear	Lever	Shallenberger
Barkley	Gandy	Lieb	Sherwood
Bell	Gard	Lloyd	Shouse
Booher	Garner	Lobeck	Sims
Burgess	Garrett	London	Slayden
Burnett	Glass	McAndrews	Slemp
Byrnes, S. C.	Good	McClintic	Smith, Tex.
Byrns, Tenn.	Goodwin, Ark.	McCracken	Stafford
Callaway	Gordon	McDermott	Steagall
Candler, Miss.	Gray, Ind.	McGillicuddy	Steele, Iowa
Caraway	Green, Iowa	McKellar	Stephens, Miss.
Carter, Okla.	Gregg	Mapes	Stephens, Nebr.
Cary	Griffin	Mays	Stephens, Tex.
Cline	Hardy	Moon	Stout
Connelly	Harrison	Morrison	Sumners
Cooper, Wis.	Hastings	Moss, Ind.	Taggart
Cox	Haugen	Murray	Tague
Cramton	Hayden	Neely	Tavenner
Crisp	Helgesen	Nicholls, S. C.	Taylor, Ark.
Cullop	Helm	Nolan	Thompson
Davenport	Hensley	Norton	Tillman
Davis, Minn.	Hilliard	Oldfield	Towner
Davis, Tex.	Hood	Oliver	Tribble
Decker	Houston	Overmyer	Venable
Dent	Howard	Padgett	Vinson
Dickinson	Huddleston	Page, N. C.	Watkins
Dies	Hughes	Park	Webb
Dill	Hulbert	Phelan	Wilson, Fla.
Dixon	Hull, Tenn.	Porter	Wingo
Dooling	Humphrey, Wash.	Pou	Wise
Doolittle	Igoe	Quin	Young, N. Dak.
Doremus	Jacoway	Ragsdale	Young, Tex.
Doughton	James	Rainey	
Dowell	Johnson, Ky.	Ramseyer	
Eagan	Keating	Randall	

ANSWERED "PRESENT"—11.

Bennet	King	Sisson	Whaley
Butler	Longworth	Small	Wilson, Ill.
Dyer	Madden	Thomas	

NOT VOTING—139.

Adair	Collier	Gray, Ala.	Kreider
Anthony	Conry	Gray, N. J.	Lafean
Austin	Copley	Greene, Mass.	Langley
Ayres	Costello	Greene, Vt.	Lehlbach
Barnhart	Crago	Griest	Lewis
Beales	Crosser	Hamill	Liebel
Black	Dale, N. Y.	Hamilton, N. Y.	Lindbergh
Borland	Dale, Vt.	Hamlin	Linthicum
Browne	Dempsey	Hart	Littlepage
Bruckner	Dewalt	Heaton	Loft
Brumbaugh	Driscoll	Heflin	Loud
Buchanan, Ill.	Drukker	Helvering	McCulloch
Buchanan, Tex.	Edmonds	Henry	McFadden
Burke	Edwards	Hicks	McLemore
Caldwell	Emerson	Humphreys, Miss.	Maher
Cantrill	Fairchild	Husted	Miller, Minn.
Capstick	Flynn	Hutchinson	Mooney
Carew	Freeman	Johnson, S. Dak.	Morgan, La.
Casey	Fuller	Jones	Morin
Chandler, N. Y.	Gallagher	Kahn	Moss, W. Va.
Charles	Gallivan	Kearns	Nelson
Chiperfield	Gardner	Keister	Oglesby
Clark, Fla.	Godwin, N. C.	Kent	Olney
Coady	Graham	Kiess, Pa.	O'Shaunessy
Paige, Mass.	Sabath	Snyder	Vare
Parker, N. Y.	Sanford	Sparkman	Walker
Patten	Saunders	Stedman	Ward
Peters	Scott, Pa.	Steele, Pa.	Watson, Pa.
Price	Scully	Sutherland	Williams, T. S.
Riordan	Sears	Switzer	Williams, W. E.
Rodenberg	Sells	Talbott	Williams, Ohio
Rouse	Sherley	Taylor, Colo.	Wilson, La.
Rowe	Sinnott	Temple	Winslow
Rowland	Smith, Minn.	Tinkham	Wood, Ind.
Russell, Mo.	Snell	Van Dyke	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. HEFLIN (against) with Mr. LINTHICUM (for).

Mr. SISSON (against) with Mr. WILSON of Illinois (for).

Mr. AUSTIN (for) with Mr. STEDMAN (against).

Mr. WHALEY (against) with Mr. COADY (for).

Mr. AYRES (against) with Mr. DYER (for).

For the session:

Mr. STEELE of Pennsylvania with Mr. GRAHAM.

Mr. DEWALT with Mr. MCFADDEN.

Mr. LIEBEL with Mr. ROWLAND.

Ending May 27:

Mr. WM. ELZA WILLIAMS with Mr. KING.

Mr. THOMAS with Mr. DEMPSEY.

Mr. GALLAGHER with Mr. WINSLOW.

Mr. TALBOTT with Mr. BUTLER.

Ending May 29:

Mr. SHERLEY with Mr. LONGWORTH.

Ending June 2:

Mr. BURKE with Mr. GREENE of Vermont.

Ending June 20:

Mr. BRUCKNER with Mr. BENNET.

Until further notice:

Mr. CLARK of Florida with Mr. FULLER.

Mr. ROUSE with Mr. MADDEN.

Mr. FLYNN with Mr. GRIEST.

Mr. PATTEN with Mr. SNELL.

Mr. HENRY with Mr. JOHNSON of South Dakota.

Mr. HUMPHREYS of Mississippi with Mr. WOOD of Indiana.

Mr. SEARS with Mr. KIESS of Pennsylvania.

Mr. WALKER with Mr. PETERS.

Mr. LITTLEPAGE with Mr. SUTHERLAND.

Mr. SABATH with Mr. LEHLBACH.

Mr. CANTRILL with Mr. LANGLEY.

Mr. JONES with Mr. KEARNS.

Mr. DALE of New York with Mr. EMERSON.

Mr. LEWIS with Mr. MCCULLOCH.

Mr. WILSON of Louisiana with Mr. SNYDER.

Mr. PRICE with Mr. MILLER of Minnesota.

Mr. BARNHART with Mr. CHANDLER of New York.

Mr. GALLIVAN with Mr. COSTELLO.

Mr. BLACK with Mr. GRAY of New Jersey.

Mr. HAMLIN with Mr. DALE of Vermont.

Mr. VAN DYKE with Mr. MOONEY.

Mr. SPARKMAN with Mr. RODENBERG.

Mr. OGLESBY with Mr. MORIN.

Mr. SAUNDERS with Mr. WILLIAMS of Ohio.

Mr. CALDWELL with Mr. EDMONDS.

Mr. HART with Mr. KAHN.

Mr. TAYLOR of Colorado with Mr. WATSON of Pennsylvania.

Mr. O'SHAUNESSY with Mr. PAIGE of Massachusetts.

Mr. MCLEMORE with Mr. TEMPLE.

Mr. GRAY of Alabama with Mr. HUTCHINSON.

Mr. COLLIER with Mr. HEATON.

Mr. EDWARDS with Mr. CAPSTICK.

Mr. GODWIN of North Carolina with Mr. ANTHONY.

Mr. BORLAND with Mr. FAIRCHILD.

Mr. CROSSER with Mr. DRUKKER.

Mr. BRUMBAUGH with Mr. CHARLES.

Mr. BUCHANAN of Illinois with Mr. HICKS.

Mr. RUSSELL of Missouri with Mr. TINKHAM.

Mr. OLNEY with Mr. ROWE.

Mr. MAHER with Mr. SWITZER.

Mr. LOFT with Mr. THOMAS S. WILLIAMS.

Mr. HELVERING with Mr. CHIPERFIELD.

Mr. BUCHANAN of Texas with Mr. HUSTED.

Mr. CAREW with Mr. CRAGO.

Mr. CASEY with Mr. GREENE of Massachusetts.

Mr. CONRY with Mr. SMITH of Minnesota.

Mr. MORGAN with Mr. SUTHERLAND.

Mr. HAMILL with Mr. SANFORD.

Mr. RIORDAN with Mr. WARD.

Mr. ADAIR with Mr. SCOTT of Pennsylvania.

Mr. LOUD with Mr. SCULLY.

Mr. DRISCOLL with Mr. LAFEAN.

Mr. MADDEN. Mr. Speaker, I voted "aye." I am paired with the gentleman from Kentucky, Mr. ROUSE. I wish to withdraw my vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. MADDEN, and he answered "Present."

Mr. BUTLER. Mr. Speaker, I find I am paired with the gentleman from Maryland, Mr. TALBOTT. Therefore I will have to withdraw my vote. I want to vote "present." I voted "aye."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. BUTLER, and he answered "Present."

Mr. SISSON. Mr. Speaker, I am recorded in the negative. I am paired with the gentleman from Illinois, Mr. WILSON, but he thinks I am out of the city. I had better withdraw my "nay" vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. SISSON, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. PAGE of North Carolina, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CHANGE OF REFERENCE.

Mr. BEAKES. Mr. Speaker, by direction of the Committee on the Post Office and Post Roads, claiming jurisdiction of House bill 6915 and House bill 10130, I move to discharge the Committee on Reform in the Civil Service from the consideration of House bill 6915 and House bill 10130, and that the same be referred to the Committee on the Post Office and Post Roads.

Mr. GARRETT rose.

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. GARRETT. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT. There are two reports on order of procedure from the Committee on Rules pending, under the rule which provides that it shall be in order at any time for the Committee on Rules to report on the order of procedure. I desire to submit the inquiry as to whether these motions would take precedence over the motion of the gentleman from Michigan [Mr. BEAKES]?

The SPEAKER. The rule that the gentleman from Tennessee cites is correct and well known, but the rule about this business is that immediately after the reading of the Journal motions of this kind are made, and one of them is just as binding as the other, the Chair thinks. But the Speaker is in this fix about it anyway: The gentleman rose this morning, or somebody for him, when he had the undoubted right to proceed, and the gentleman from North Carolina [Mr. PAGE] came to the Speaker and said that the Committee on Appropriations wanted to proceed with the District of Columbia appropriation bill, and the Chair recognized him. Then the gentleman from Illinois [Mr. MADDEN] propounded the inquiry whether that would cut out this motion of the Post Office Committee, and the Chair stated in the presence of the House that it could not cut it out; and under the circumstances I hope the gentlemen will defer their matter, because I do not think this will take very long.

Mr. FITZGERALD. There was an understanding about that.

Mr. PAGE of North Carolina. Certainly, Mr. Speaker, we defer to the suggestion of the Chair.

The SPEAKER. The Clerk will report this document.

The Clerk read as follows:

By direction of the Committee on the Post Office and Post Roads, claiming jurisdiction of H. R. 6915 and H. R. 10130, Mr. BEAKES moves to discharge the Committee on Reform in the Civil Service from consideration of H. R. 6915 and H. R. 10130, and that the same be referred to the Committee on the Post Office and Post Roads.

Mr. COX. Mr. Speaker, I make a point of order against the motion of the gentleman from Michigan.

The SPEAKER. What is the gentleman's point of order?

Mr. COX. The point of order is that the matter has been adjudicated by this House. On last Monday the House by motion referred these two bills to the Committee on Reform in the Civil Service, and having been determined and passed upon by the House, it is adjudicated and disposed of.

The SPEAKER. Does the gentleman from Illinois [Mr. MADDEN] want to be heard on the point of order?

Mr. MADDEN. Mr. Speaker, I maintain that the Committee on the Post Office and Post Roads is clearly within its rights when it comes before the House and asks for the reference of a bill which it believes has been erroneously referred; that it is strictly under the rules that it comes before the House with this motion, and that the Committee on the Post Office and Post Roads has jurisdiction over the legislation which is embodied within these bills.

The SPEAKER. What does the gentleman say to the point of order made by the gentleman from Indiana [Mr. Cox] that this matter is res judicata?

Mr. MADDEN. I think I have said what I think about that. Anyway, Mr. Speaker, if I may be permitted to wander just a little, I believe that when the House acted on the motion of the gentleman from Indiana [Mr. Cox] it was not advised of the facts in connection with the case upon which it acted, and that when the gentleman asked unanimous consent to transfer the bills, if the House had been advised it would not have taken the action that it did take. And because of the fact that the House did act without information and under a misapprehension of the facts in the case, I believe that now, when the House is advised, it ought to be given an opportunity to act with the information that will give it the opportunity of considering the question intelligently.

Besides that, Mr. Speaker, when this question was up for consideration on my motion to reconsider the vote by which the House did act, while the Speaker sustained the point of order as to the action the House did take, the Speaker himself said that the remedy was with the Committee on the Post Office and Post Roads, and advised the committee that the remedy was for that committee to meet, to act, and to come to the House with a recommendation from the committee as to what disposition should be made of these bills. Now, the committee has acted upon the advice of the Speaker, upon what we presumed in good faith to be a ruling by the Speaker, and we put the question now up to the Speaker as to whether or not we have acted in accordance with his very wise suggestion. [Laughter.] And we further wish to know from the Speaker whether he wants to put himself in the attitude of overruling himself? Of course it would be perfectly in order for him to do that, but we hope he will not so far forget himself as to disagree with himself and decide in favor of the point of order presented by the gentleman from Indiana [Mr. Cox].

Mr. ADAMSON. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. ADAMSON. I want to suggest to the gentleman that it requires the very biggest order of men to overrule themselves and to find that they have been mistaken. [Applause.]

Mr. MANN. Did the gentleman ever do that? [Laughter.]

Mr. MOON. Mr. Speaker, as chairman of the Committee on the Post Office and Post Roads, that is claiming jurisdiction of these bills, I would like to be heard for a few moments not only upon the point of order but upon the question itself. And yet I do not desire to do more than to state the facts upon which this motion on the part of the majority of the committee is predicated, as well as the views of the minority. The gentlemen of the Post Office Committee are divided on this question. A majority of the committee want to assume jurisdiction of these bills. The other part of the committee do not.

Mr. GRIFFIN. Will the gentleman yield?

Mr. MOON. Yes.

Mr. GRIFFIN. Will the gentleman state to the House what is the division in the committee?

Mr. MOON. Yes; I will state it to the House, if the gentleman thinks that will do any good. A large majority of the committee, two-thirds of it, want to take jurisdiction of these bills; but that is a matter of no consequence, as to how many men were for it or against it. This is a question of parliamentary law, to be determined under the rules of the House; and I want to say to gentlemen, before entering upon discussion of the point of order or a statement of the facts upon which the jurisdiction is claimed, that you are now proposing to determine a question the ultimate effect of which will give $200,000,000 annually within 25 years as civil pensions to the employees in the service of the United States. I will not now discuss the merits of the bills.

Mr. Speaker, in order that we may understand exactly the status of this question, it is proper that I state the facts. The bills to which this motion refers are for the purpose of giving pensions to superannuated employees of the Post Office Department. I need not read all of the provisions of the bills, because it is clear from a reading of some of them that a pension of $600 per annum is to be given to those who are adjudged to be superannuated under the provisions of the bills. Now, let us see where the jurisdiction lies under the rules of the House. The bills went to the Post Office Committee in the first place, not to the Committee on Reform in the Civil Service. They were being considered in that committee, when, on motion of the gentleman from Indiana [Mr. Cox], by unanimous consent the jurisdiction of the Committee on the Post Office and Post

Roads was taken away, and that jurisdiction conferred on the Committee on Reform in the Civil Service. Was that correct? The rules of the House require that all legislation be referred to one of the committees mentioned in Rule X. The subsection of that rule provides that all matters pertaining to the Post Office, the appropriations therefor, shall go to the Post Office Committee. By construction it has been held that that includes postal banks, telegraph matters, and all matters essentially affecting the operations of the department. There is nothing in this bill that affects the operation or work of the departments, or either of them.

But there is another rule that provides that all questions of civil-service reform shall be referred to the Committee on Reform in the Civil Service. Its jurisdiction is over matters affecting the Civil Service Commission, violation of the civil-service law, and, mark the language, of all questions affecting the civil-service status of employees, clerks, and officers in the classified service.

Mr. GRIFFIN. Will the gentleman yield?

Mr. MOON. I will, if the gentleman will not interrupt me any more.

Mr. GRIFFIN. Did not the Post Office Committee report the bill for the classification act of 1907 affecting the status of carriers and clerks, and also the railway mail classification of 1912 changing the status of railway mail clerks?

Mr. MOON. Yes; but they did not involve pensions.

Mr. GRIFFIN. But it was a change of status.

Mr. MOON. The gentleman from New York begs the question. If a tariff law was referred to the Post Office Committee and the committee passed upon it without any question of jurisdiction, the action would be lawful, and there was no question of jurisdiction made.

The SPEAKER. What does the gentleman from Tennessee say as to the action of the House settling the question of jurisdiction?

Mr. MOON. I am coming to that question in a moment. Now, Mr. Speaker, this rule as to the classified civil service determines where bills affecting the status of these people shall go. These bills under consideration do not affect the postal status of these men, but their civil-service status, inasmuch as it puts them in a classified service by which pensions shall be paid and not in a class by which the work is to be performed under the law. Unquestionably the action of the House in changing the jurisdiction of the bill from the Post Office Committee to the Commitee on Reform in the Civil Service was correct.

Now, what is the attitude of the House and what is the attitude of the bill? They are not before the Post Office Committee; they have by unanimous consent of this House been referred to the Committee on Reform in the Civil Service. That committee has jurisdiction of them. The Post Office Committee has come in with a resolution to take away the jurisdiction of that committee which was conferred upon it by the unanimous action of the House itself. How many motions can there be on this question?

Now, following in chronological order the history of the case, the gentleman from Illinois moved to reconsider the motion by which the House had unanimously taken jurisdiction from the Committee on the Post Office and Post Roads and conferred it on the Committee on Reform in the Civil Service, and the point of order was made against the motion to reconsider and the Chair sustained the point of order.

Now, what was the remedy then? My judgment is—and I will show in a few moments the reason for it—that the remedy was to pursue the course undertaken at that time under the motion—that is, to appeal from the judgment of the Chair to the judgment of the House—and then the question would have been conclusively settled. But they did not appeal, and therefore the action of the Chair itself became conclusive on the question. The remedy they had was not pursued and they have no other remedy.

Mr. MADDEN. Will the gentleman yield?

Mr. MOON. Not just now.

Mr. MADDEN. I want the gentleman to yield right at this point.

Mr. MOON. No; I will ask the gentleman to wait until I get to another point. The gentleman from Illinois begs the question. He says, "Why, Mr. Speaker, you intimated from the chair that we had another remedy, and that was to come here by a majority of the committee." He says that the Speaker decided it. The Speaker did not make any such decision. The Speaker simply said that he thought probably it might be so. But suppose the Speaker had said you have the right to have a majority of your committee bring a motion before the House, the Speaker would have been wrong, because the jurisdictional fact upon which he makes that decision was not existing; there was no motion from the committee upon which the Speaker could have predicated such action. There was only the question of unanimous consent and determining the jurisdiction under it. So, whatever the Speaker did say or did not say, if construed according to the gentleman's statement, would be simply obiter dictum. It would be an expression outside of the record.

Now, under the rules of the House of Representatives the question of jurisdiction under subsection 3, Rule XXII, is [reading from the rule]:

> And correction in case of error of reference may be made by the House, without debate, in accordance with Rule XI, on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.

On any day immediately after the reading of the Journal, by unanimous consent—that is one way—or on motion of a committee claiming jurisdiction, or under report of the committee to which the bill has been erroneously referred.

Now, if this section had said "and on motion and on report," then there might have still been some doubt whether the rule had provided that the test of jurisdiction could be made three times, if necessary. But it does not. The language is in the disjunctive. Whenever you invoke one method of determining a question of jurisdiction and have proceeded on that course to the end, the question of jurisdiction is finally and irrevocably settled.

There was some reason for this rule. Of course it would be idle to say that in a legislative body you could have three trials of the test of jurisdiction. Three methods might be provided by which it could be done; but if one is invoked and the jurisdictional question finally settled by that method, it is exclusive of the other two, under any judicial rulings ever made on any language on any rule. What was the sense of this rule? If you want to find out the meaning and purpose of anything you must test the reason for it. First, when a bill has been referred to a committee which seeks tenaciously to hold its jurisdiction, like this committee does, there ought to be some remedy somewhere for the Members of the House and the House itself to settle the question of jurisdiction, if the opinion is that it has been erroneously referred. Therefore it is provided that the Member, by unanimous consent, may move a change of reference. That is one method.

If the change of reference is made by unanimous consent and the motion to reconsider that is ruled out, and no appeal is taken, that is the end of the question, and the whole proposition of jurisdiction is settled upon that method. There is reason for the other method, too. It was intended to preserve the right of a committee whose jurisdiction had been invaded, that it might bring the question before the House. Therefore a majority of the committee whose jurisdiction has been ignored could bring the question before the House. Again, to preserve the rights of all committees, it was provided that the committee that had jurisdiction and that had exercised it up to a point of a report upon the bill might still be questioned as to its jurisdiction on the filing of that report, but it can not be held, it would be unwise to hold, that because the rule provided three methods of determining a question of jurisdiction it has to determine that question three times. Whenever once determined by either one of the tests applied under the rule, that is the end of the question. I insist, therefore, that one method having been adopted, it having been pursued to the point where the House could have obtained, if it desired, a vote upon it and did not do it, the question going out on a ruling of the Chair upon a point of order, that therefore the jurisdictional question was conclusively settled for all time, so far as that is concerned. I realize, we all know, that this House can at any time control its own action, but it must be according to the rules, and following that rule this question is res adjudicata. If you want to undo it, you have to bring in a special rule authorized by a vote of this body from the Committee on Rules to submit that question for further determination, otherwise it is a closed issue.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. MOON. Yes.

Mr. MADDEN. I wish to ask the gentleman from Tennessee what he has to say with reference to the ruling made by the Speaker of the House which included not only the question of sustaining the point of order made by the gentleman from Indiana, but the addition of the language embodied in the ruling that the remedy for the committee to apply was to meet and make a report to the House and present their case.

Mr. MOON. I have already said this upon that question, that the RECORD does not show that the Speaker advised any such thing. He said that it might be done, or he thought it might be done. I believe he said, "I think so" on the final question; but here is the point: The House was considering the question of

jurisdiction, according to the rule, and allowed it to be done by unanimous consent, and the motion to reconsider upon that question was disposed of. The Speaker decided but one question, and that was the one question before him. Any decision made on any other question would have been based on facts not there, and, therefore, obiter dicta. The Speaker held then and there that the motion to reconsider was not well taken. If the gentleman did not agree with the Speaker (and he was pursuing a fixed remedy under the law), all he had to do was to appeal; but he can not come here now and say that because the Speaker inadvertently made such a suggestion he ought, therefore, to give him another chance, in violation of the clear rule on the subject.

Mr. MANN. Mr. Speaker, we had before the House the other day a motion to reconsider the vote by which these bills were sent from one committee to the other, that change of reference having been made by unanimous consent. It was sharply contested whether a motion to reconsider could be made. The Speaker held in the end that the point of order against the motion to reconsider should be sustained, and this is what he said:

The SPEAKER. The point of order made by the gentleman from Indiana [Mr. COX] is sustained. The gentleman from Illinois [Mr. MADDEN] has a remedy. If he does not like the decision of the Chair, he can get his committee to come in here and move to refer this bill to the Committee on the Post Office and Post Roads.

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Can he do that when the House itself has changed the reference once?

The SPEAKER. The Chair thinks he could.

The question was before the Speaker whether the House had any remedy at all. My colleague from Illinois [Mr. MADDEN] made a motion to reconsider the vote and the Speaker held that the motion to reconsider was not in order because there was another remedy. While I thought then and I think now that the decision of the Speaker was erroneous in both particulars, they balanced each other, and it was a decision based upon a reason which preserved the rights of the House. After all, that is what good rulings endeavor to do.

There is, however, a remedy, I will say to the gentleman, that is very easily invoked. The introduction of a bill by one Member of this House does not prevent the introduction of a bill very similar in language and form by another Member of the House, and although the Speaker doubtless under the decision the other day, if a new bill be introduced, would refer it to the Committee on Reform in the Civil Service, where it does not properly belong, yet the Committee on the Post Office and Post Roads the next day can move to make the change of reference, and no point of order will lie against that motion to take it away from that committee and send it to the Committee on the Post Office and Post Roads.

Mr. FITZGERALD. Mr. Speaker, the other day when this question was up I contended that the gentleman from Indiana [Mr. Cox] had moved a change of reference of these bills by unanimous consent. The Speaker held that he had made no motion whatever, that he had suggested, and the suggestion was adopted by unanimous consent. The rule is well established, and I will read the parliamentary statement of it to the Chair:

A question once carried can not be questioned again at the same session, but must stand as the judgment of the House.

That is section 507 of the Manual, a quotation from Jefferson's Manual, and a note explains that that situation is guarded against in the House of Representatives by a motion to reconsider. But a motion to reconsider applies to a motion that has been made, and it is only when the question has been carried or lost—the converse is also true—that it can not be questioned.

Now, as to the question before the House. The Speaker has held that no motion was made; therefore no question was put and none was adopted or rejected. But there must be some time under the rule, because the rule so provides, when the House itself can determine to what particular committee these bills shall go. Now, I believe there is not any inconsistency in the entertainment of this motion by the Speaker now. His ruling the other day that no motion had been made necessarily implied that the statement he made to the gentleman from Illinois must be accurate, that there was a remedy in the House by which the House itself could pass upon the question. It seems to me that the very question raised the other day that a motion had been made and that denied by the gentlemen who now insist that the motion had been made, and the gentleman from Indiana and those siding with him, who insist there had been no motion, but that there had been a motion by unanimous consent.

Mr. COX. Mr. Speaker, I hope the gentleman will quote me correctly. I did not make that statement at all. I said treated by unanimous consent as being tantamount to a motion. I do not care whether treated by unanimous consent or considered as a motion.

Mr. FITZGERALD. Mr. Speaker, I think there is not anyone who will cogitate long about it who will not agree that this House does not and can not do anything unless somebody moves that the House act. It is a simple fundamental of parliamentary law that the House can not act unless somebody prefers a motion. A motion may be submitted by unanimous consent or it may be submitted in order under the rules, but it must be by motion. The Chair has held in this particular instance that there was no motion or that there was no motion at that time, and that is binding on the House, the House not appealing from the decision of the Speaker; the House acquiesced in the ruling of the Speaker that no motion has yet been made and determined regarding the reference of these bills; a motion must be in order at this time.

The SPEAKER. The Chair desires to ask the gentleman a question before he sits down. Does the gentleman regard a unanimous-consent change of bills from one committee to another, with a half a dozen Members present, or any small number, without any explanation or argument, as binding on the Speaker as it is if the House—now, for instance—expresses its opinion?

Mr. FITZGERALD. I think it is because of the assumption that a quorum is always present. The Speaker assumes a quorum is present, because the minute that question is raised and a quorum is ascertained not to be present one must be brought here.

The SPEAKER. Does the gentleman think that getting unanimous consent under circumstances similar to these, the way this was done, is of equal dignity with this motion which the gentleman from Michigan offers here now?

Mr. FITZGERALD. I am not criticizing the gentleman from Indiana for getting unanimous consent under those conditions, because it is probably the only situation under which he could get it. [Laughter.]

The SPEAKER. The Chair is not criticizing the gentleman from Indiana; he is putting to the gentleman from New York, who is an expert parliamentarian [applause], this question: Is the decision of the House, so called, under circumstances like that, that arise here at times, of equal dignity with the decision of the House now, for instance, if it is submitted to it?

Mr. FITZGERALD. I think it is, Mr. Speaker. We can not determine the relative attendance in the House, because if only 300 Members vote on a question some one might suggest that it was not as important as if every Member voted; but a remedy for that was provided in the rules by a motion to reconsider. Now, the Speaker having determined that this change of reference was not by motion, then under the rule that motion is some time in order. It was not by unanimous consent. If unanimous consent is refused to any Member, then the Chair must notice this distinction of the rule. These changes of reference can be made by unanimous consent. Anyone can make that motion by unanimous consent. If unanimous consent be denied, then there are two other opportunities to test the sense of the House. First, upon a motion of the committee which claims jurisdiction, but which does not have the bill, and the other is upon the motion of the committee which has the bill, but wishes to be relieved of it. In my experience a motion by a committee to be relieved of a bill in order to send it to some other committee has been defeated by a record vote in this House. But there are three opportunities. One is the opportunity afforded any Member of the House to move by unanimous consent. Another is the opportunity afforded to the committee possessing the bill to relieve itself of it. The other, the committee which claims it should have jurisdiction to obtain possession of the bill. Now, no motion has been made so far except the motion by the committee which now claims jurisdiction and believes that the bill should be sent to it. It seems to me, in view of what has happened, that the only thing that can be done is to submit this motion to the House and let the House determine the question.

The SPEAKER. The other day when this question came up the Chair held that the motion to reconsider was not in order. The gentleman from New York devoted a good deal of his remarks to that, but that question is not here now.

After the Chair decided that point he added the obiter dictum that if the gentleman from Illinois [Mr. MADDEN] was not satisfied he had a remedy, and suggested exactly what the gentleman from Michigan [Mr. BEAKES] is doing now.

Mr. MADDEN. Will the Speaker give me the privilege of a word there?

The SPEAKER. Yes.

Mr. MADDEN. Of course, when the Speaker made that statement he left a feeling of satisfaction in my heart that prevented me from taking the remedy which the gentleman from

Tennessee set out to apply, namely, appealing from the decision of the Chair.

The SPEAKER. That is neither here nor there. The gentleman did not pursue his remedy. The Chair does not know whether the RECORD shows it or not, but the gentleman from Illinois [Mr. MANN] said, sotto voce—so that the Chair could hear it, at least—that the Chair had made two erroneous decisions at one time. [Laughter.] The Chair does not know whether that statement is correct or not. It may be.

If the Chair thought that he was wrong the other day in saying what he did to the gentleman from Illinois [Mr. MADDEN], the Chair would not have a particle of hesitancy in changing his mind and in frankly saying so.

Some of the Speakers, notably Speaker Carlisle, on several occasions—and they were fresher in the mind of the Chair four or five years ago than they are now—made erroneous rulings when matters sprang up suddenly, and within two or three days afterwards, or something like that, he would write out an opinion, stating that he was wrong on the day before and that he did not want the ruling on the occasion he was naming to be taken as having any force or effect. Other Speakers have done it. The present occupant of the chair has done it once or twice himself. A man who is not willing to change his mind when the argument is sufficient or on new and sufficient information is not fit to be the Speaker of the House or a Member of it. [Applause.]

The Chair does not believe that the Chair was wrong when he made that suggestion to the gentleman from Illinois [Mr. MADDEN]. Whether he is wrong on the question of reconsideration, the Chair does not know. The Chair is going to study that out some time when he has leisure to see if he can get any information on it. The Chair does not believe that securing unanimous consent without Members understanding what they are doing is of equal dignity with the two other remedies which were read by the gentleman from Tennessee [Mr. MOON]. It seems to me that the more rational view is that really the rule provides in effect two methods of re-referring bills—one by unanimous consent, where no two committees are fighting for jurisdiction, the other where such contest is being waged and attracts the attention of the House, and that two variations of this more solemn and elaborate process are provided in the rule. Wrong references are frequently made in the rush of business, which are generally cured by unanimous consent. The contested references are treated more solemnly and elaborately.

If Members vote here to-day upon this proposition, after the lucid statement of the gentleman from Tennessee [Mr. MOON], they vote with their eyes wide open, and, of course, the Chair—this Speaker or any other—would follow the solemn decision of this House in preference to his own opinion or in preference to the opinion of any Speaker that ever sat in the chair, or all the Speakers put together, because the House is the court of last resort on parliamentary questions. As the gentleman from Illinois [Mr. MANN] suggested, in the event of the Chair sustaining the point of order the proponents of this motion can bring the matter before the House by introducing bills almost identical with these and when the new bills are referred beginning all over again.

The Chair overrules the point of order against this proposition of the report of the committee. The question is on the motion to change the reference of these bills from the Committee on Reform in the Civil Service back to the Committee on the Post Office and Post Roads. Those in favor of that motion will say "aye"; those opposed will say "no."

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. BEAKES and Mr. MADDEN demanded a division.

The SPEAKER. A division is demanded.

Mr. BEAKES and Mr. MADDEN demanded the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of taking these bills from the Committee on Reform in the Civil Service and referring them to the Committee on the Post Office and Post Roads will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 177, nays 112, answered "present" 9, not voting 136, as follows:

YEAS—177.

Allen	Britten	Cooper, Ohio	Davis, Minn.
Anderson	Browning	Cooper, W. Va.	Davis, Tex.
Ashbrook	Brumbaugh	Cooper, Wis.	Decker
Bacharach	Buchanan, Ill.	Cramton	Denison
Barchfeld	Carter, Mass.	Curry	Dill
Beakes	Cary	Dallinger	Dillon
Bennet	Charles	Danforth	Dooling
Bowers	Church	Darrow	Doolittle
Britt	Coleman	Davenport	Doremus
Dowell	Hilliard	Mays	Siegel
Dunn	Hinds	Meeker	Sinnott
Dupré	Holland	Miller, Del.	Slemp
Dyer	Hollingsworth	Miller, Pa.	Sloan
Eagan	Hopwood	Mondell	Smith, Idaho
Ellsworth	Howell	Moore, Pa.	Smith, Mich.
Elston	Huddleston	Moores, Ind.	Smith, N. Y.
Esch	Hulbert	Morgan, Okla.	Stafford
Estopinal	Hull, Iowa	Mott	Steele, Iowa
Evans	Humphrey, Wash.	Mudd	Steenerson
Farley	Igoe	Neely	Stephens, Cal.
Farr	Johnson, Wash.	Nichols, Mich.	Sterling
Ferris	Keating	Nolan	Stiness
Fess	Kelley	North	Stone
Fitzgerald	Kennedy, Iowa	Oakey	Sulloway
Focht	Kennedy, R. I.	Olney	Sweet
Fordney	Kiess, Pa.	Overmyer	Swift
Foss	Kinkaid	Parker, N. J.	Taggart
Frear	Konop	Parker, N. Y.	Tague
Gandy	La Follette	Phelan	Tavenner
Gard	Lenroot	Platt	Taylor, Colo.
Garland	Lobeck	Porter	Thompson
Glynn	London	Pratt	Tilson
Good	McAndrews	Raker	Timberlake
Gould	McArthur	Randall	Towner
Green, Iowa	McCracken	Reavis	Treadway
Griffin	McDermott	Reilly	Van Dyke
Guernsey	McGillicuddy	Ricketts	Volstead
Hadley	McKenzie	Roberts, Mass.	Walsh
Hamilton, Mich.	McKinley	Roberts, Nev.	Wason
Hamilton, N. Y.	McLaughlin	Rogers	Wheeler
Haskell	Magee	Russell, Ohio	Wilson, Ill.
Hawley	Mann	Schall	Woods, Iowa
Hayes	Mapes	Scott, Mich.	
Hernandez	Martin	Shallenberger	
Hill	Matthews	Shouse	

NAYS—112.

Abercrombie	Dickinson	Johnson, Ky.	Rauch
Adamson	Dies	Key, Ohio	Rayburn
Aiken	Dixon	Kincheloe	Rubey
Alexander	Eagle	Kitchin	Rucker
Almon	Fields	Langley	Saunders
Aswell	Finley	Lee	Shackleford
Bailey	Flood	Lesher	Sims
Barkley	Garner	Lever	Sisson
Bell	Garrett	Lloyd	Small
Black	Gillett	McClintic	Smith, Tex.
Blackmon	Glass	McKellar	Steagall
Booher	Goodwin, Ark.	Montague	Stephens, Miss.
Burgess	Gordon	Moon	Stephens, Nebr.
Burnett	Gray, Ind.	Morrison	Stephens, Tex.
Byrnes, S. C.	Gregg	Moss, Ind.	Sumners
Byrns, Tenn.	Hamlin	Murray	Taylor, Ark.
Callaway	Hardy	Nicholls, S. C.	Tillman
Campbell	Harrison	Norton	Tribble
Candler, Miss.	Hastings	Oldfield	Venable
Cannon	Hayden	Oliver	Vinson
Caraway	Helgesen	Padgett	Watkins
Carter, Okla.	Helm	Page, N. C.	Watson, Va.
Cline	Hensley	Park	Webb
Connelly	Houston	Pou	Whaley
Cox	Hughes	Powers	Wingo
Crisp	Hull, Tenn.	Quin	Wise
Cullop	Jacoway	Rainey	Young, N. Dak.
Dent	James	Ramseyer	Young, Tex.

ANSWERED "PRESENT"—9.

Butler	King	Longworth	Ragsdale
Foster	Lazaro	Madden	Thomas
Heflin			

NOT VOTING—136.

Adair	Edmonds	Keister	Rowland
Anthony	Edwards	Kent	Russell, Mo.
Austin	Emerson	Kettner	Sabath
Ayres	Fairchild	Kreider	Sanford
Barnhart	Flynn	Lafean	Scott, Pa.
Beales	Freeman	Lehlbach	Scully
Borland	Fuller	Lewis	Sears
Browne	Gallagher	Lieb	Sells
Bruckner	Gallivan	Liebel	Sherley
Buchanan, Tex.	Gardner	Lindbergh	Sherwood
Burke	Godwin, N. C.	Linthicum	Slayden
Caldwell	Graham	Littlepage	Smith, Minn.
Cantrill	Gray, Ala.	Loft	Snell
Capstick	Gray, N. J.	Loud	Snyder
Carew	Greene, Mass.	McCulloch	Sparkman
Carlin	Greene, Vt.	McFadden	Stedman
Casey	Griest	McLemore	Steele, Pa.
Chandler, N. Y.	Hamill	Maher	Stout
Chiperfield	Hart	Miller, Minn.	Sutherland
Clark, Fla.	Haugen	Mooney	Switzer
Coady	Hay	Morgan, La.	Talbott
Collier	Heaton	Morin	Temple
Conry	Heivering	Moss, W. Va.	Tinkham
Copley	Henry	Nelson	Vare
Costello	Hicks	Oglesby	Walker
Crago	Hood	O'Shaunessy	Ward
Crosser	Howard	Paige, Mass.	Watson, Pa.
Dale, N. Y.	Humphreys, Miss.	Patten	Williams, T. S.
Dale, Vt.	Husted	Peters	Williams, W. E.
Dempsey	Hutchinson	Price	Williams, Ohio
Dewalt	Johnson, S. Dak.	Riordan	Wilson, Fla.
Doughton	Jones	Rodenberg	Wilson, La.
Driscoll	Kahn	Rouse	Winslow
Drukker	Kearns	Rowe	Wood, Ind.

So the motion of Mr. BEAKES was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SLAYDEN with Mr. THOMAS S. WILLIAMS.

Mr. AYRES with Mr. MOONEY.

Mr. STOUT with Mr. WATSON of Pennsylvania.
Mr. SHERWOOD with Mr. ROWE.
Mr. LIEB with Mr. DALE of Vermont.
Mr. KETTNER with Mr. GRAY of New Jersey.
Mr. HOWARD with Mr. COPLEY.
Mr. HOOD with Mr. SNYDER.
Mr. HAY with Mr. EMERSON.
Mr. HAMILL with Mr. SMITH of Minnesota.
Mr. LINTHICUM with Mr. CRAGO.
Mr. WILSON of Florida with Mr. BEALES.
Mr. DOUGHTON with Mr. KREIDER.
Mr. CARLIN with Mr. GARDNER.
On this vote:
Mr. CAREW (for changing reference) with Mr. HEFLIN (against changing reference).
Mr. CONRY (for changing reference) with Mr. FOSTER (against changing reference).
Mr. DALE of New York (for changing reference) with Mr. RAGSDALE (against changing reference).
Mr. HICKS (for changing reference) with Mr. WILSON of Louisiana (against changing reference).
Mr. RAGSDALE. Mr. Speaker, I am recorded as voting "no." As I am paired with the gentleman from New York, Mr. DALE, I wish to withdraw that vote and to be recorded "present."
Mr. BENNET. I am paired with my colleague Mr. BRUCKNER, but I know that if he were present he would vote the same way as I have voted. Therefore I will let my vote stand.
Mr. MADDEN. I am paired with the gentleman from Kentucky, Mr. ROUSE. I voted "yea." I wish to withdraw my vote and vote "present." I do not know how the gentleman from Kentucky would vote if he were present.
Mr. LANGLEY. Mr. Speaker, did my colleague Mr. CANTRILL vote?
The SPEAKER. He did not.
Mr. LANGLEY. I voted "no," but I am paired with him. I do not know how he would vote if he were present, but I withdraw my vote and answer "present."
Mr. BUTLER. I voted "yea," but because of my pair with the gentleman from Maryland, Mr. TALBOTT, I desire to withdraw my vote and to answer "present."
The result of the vote was announced as above recorded.
The SPEAKER. The motion of the gentleman from Michigan [Mr. BEAKES] is agreed to, and the bills to which his motion refers will go back to the Committee on the Post Office and Post Roads.

GOOD ROADS.

Mr. HARRISON. Mr. Speaker, I desire to submit a privileged report from the Committee on Rules.
The SPEAKER. The Clerk will report it.
The Clerk read as follows:

House resolution 248 (H. Rept. No. 774.)

Resolved, That upon the adoption of this resolution H. R. 7617, a bill "to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, and postal matter," with the Senate amendments thereto, be taken from the calendar, the Senate amendments disagreed to by the House, and a conference asked of the Senate on the disagreeing votes of the two Houses on said bill; and the Speaker shall immediately appoint the managers on the part of the House without intervening motion, except one motion to recommit.

Mr. HARRISON. I will ask gentlemen on the other side if they desire any time on this?
Mr. CAMPBELL. I should like about 10 minutes.
Mr. HARRISON. I yield 10 minutes to the gentleman from Kansas [Mr. CAMPBELL].
Mr. CAMPBELL. I yield two minutes to the gentleman from New York [Mr. BENNET].
Mr. BENNET. Mr. Speaker, the House passed this bill originally by a vote of substantially 7 to 1. There are some reasons which could be given against this rule, but in contrast to what the Committee on Rules and the House have been doing in the recent past this is so mild that a discussion of it would be practically an anticlimax. I just want to mention the fact that we think it could be improved upon, and very possibly it could be gotten along without; but after all, as I say, in contrast to what the House has done, it really would be like soda water after brandy to say anything against this rule.
Mr. MOORE of Pennsylvania. Will the gentleman yield?
Mr. BENNET. I yield to the gentleman from Pennsylvania.
Mr. MOORE of Pennsylvania. Is this the bill that raises the good-roads appropriation from $25,000,000 to $75,000,000?
Mr. BENNET. This is a little bit of an $80,000,000 appropriation!
Mr. MOORE of Pennsylvania. And nobody had anything to say about it!
Mr. BENNET. I mentioned it.
Mr. HARRISON. I move the previous question.
The question was taken, and the Speaker announced that the ayes appeared to have it.
A MEMBER. Division!
The SPEAKER. Gentlemen must rise in their places when they demand a division. Who demanded the division? No gentleman rises to demand a division. The ayes have it, and the previous question is ordered. The question is on the adoption of the resolution.
The resolution was agreed to, and the Speaker appointed as conferees on the part of the House Mr. SHACKLEFORD, Mr. SAUNDERS, and Mr. DUNN.

NAVAL APPROPRIATIONS.

Mr. GARRETT. Mr. Speaker, I offer a privileged report from the Committee on Rules.
The SPEAKER. The Clerk will report the resolution.
The Clerk read as follows:

House resolution 249.

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 15947; that the first reading of the bill shall be dispensed with; that general debate shall continue on the bill until not later than Monday next, at 1.30 p. m., the time to be controlled, one-half by the gentleman from Tennessee [Mr. PADGETT] and one-half by the gentleman from Pennsylvania [Mr. BUTLER]; that all debate shall be confined to the subject matter of the bill; that while the bill is under consideration the House shall meet at 11 o'clock a. m.; that the bill shall be the order for all legislative days except Calendar Wednesday; that at the expiration of general debate the bill shall be read in full by the Clerk without interruption; that upon conclusion of the reading of the bill amendments may be offered to any paragraph of the bill and considered and disposed of under the five-minute rule until Friday next, at 2 p. m., when all pending amendments and amendments thereafter offered shall, without further debate, be voted on; that no matter or provision contained in the bill shall be subject to a point of order, any rule or rules of the House to the contrary notwithstanding; that it shall be in order to offer and consider as an amendment to the bill the provisions of S. 1417, to erect or purchase, or both, a factory for the manufacture of armor, now on the Union Calendar, No. 145, any rule or rules of the House to the contrary notwithstanding.
After all pending amendments shall be disposed of the committee shall rise and report to the House the bill and all amendments that shall have been recommended by the Committee of the Whole House on the state of the Union, whereupon the previous question shall be considered as ordered upon the bill and amendments to its final passage, and the House shall immediately proceed to vote on amendments, on engrossment, third reading, and final passage of the bill, without intervening motions, except one motion to recommit.

Mr. GARRETT. Mr. Speaker——
Mr. MANN. Will the gentleman yield to allow me to make a request for unanimous consent?
Mr. GARRETT. Certainly.
Mr. MANN. I ask unanimous consent that if the naval appropriation bill is under consideration next Tuesday, and its consideration is not then concluded, the order of business for Wednesday be dispensed with, and that the naval appropriation bill be in order on Wednesday, and that the House meet on that day at 11 o'clock.
The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the naval appropriation bill shall be in order on next Wednesday if the consideration of it extends that long, and that Calendar Wednesday business on next Wednesday be dispensed with if it is necessary to consider the naval bill, and that the House meet that day at 11 o'clock.
Mr. KITCHIN. Reserving the right to object, I should like to say that I hope there will be no objection to this request. I hope the House will give unanimous consent.
The SPEAKER. Is there objection?
There was no objection.
Mr. ROBERTS of Massachusetts. Will the gentleman from Tennessee yield for a question?
Mr. GARRETT. Yes.
Mr. ROBERTS of Massachusetts. The rule proposed provides that the so-called armor-plate factory bill shall be in order on the naval appropriation bill.
Mr. GARRETT. It provides that the provisions of the Senate bill dealing with the matter shall be in order, to be offered as an amendment and considered as such.
Mr. ROBERTS of Massachusetts. I want to see if we have the same understanding as the gentleman from Tennessee. If the armor-plate bill is incorporated in the naval bill, when we get into the House with the armor-plate factory bill included, can we call for a separate vote on that as an amendment to the naval bill?
Mr. GARRETT. Undoubtedly.
Mr. GARNER. And in case the committee decline to include the armor-plate bill in the naval bill can we get a separate vote in the House?

Mr. GARRETT. By a motion to recommit.

Mr. GARNER. Does not that give an advantage to the opponents of the armor-plate proposition?

Mr. MANN. If the gentleman will yield, that is an easy parliamentary proposition to get a separate vote on it.

Mr. GARNER. That is what I am trying to get from the gentleman from Tennessee. In answer to the gentleman from Massachusetts he stated that if the committee did put in the amendment of the armor-plate factory the opposition could get a separate vote. But if it failed to put it into the bill then those who advocate it could not get a separate vote, which is a little unfair to those who advocate the proposition. It occurs to me there ought to be an opportunity for those who advocate it to get a separate vote.

Mr. GARRETT. After the bill shall have passed from the Committee of the Whole House it will be considered under the general rules of the House, and therefore there can not be a demand for a separate vote on an amendment unless the amendment shall have been adopted in Committee of the Whole.

Mr. GARNER. Does your rule include the armor-plate factory in the naval bill?

Mr. GARRETT. It provides that it shall be in order to offer and consider it as an amendment to the bill.

Mr. ROBERTS of Massachusetts. Will the gentleman yield further?

Mr. GARRETT. Yes.

Mr. ROBERTS of Massachusetts. As the gentleman from Tennessee knows, the main question of contention in the naval bill comes in the concluding pages, in the last three or four pages, under the increase in the Navy. The rule that is proposed makes no provision whatever for any five-minute debate on that most important part of the bill unless in the ordinary course of affairs we reach that portion before 2 o'clock on Friday.

Mr. LENROOT. The bill is read through first.

Mr. ROBERTS of Massachusetts. You do not debate the amendment unless you reach that place in the bill.

Mr. MANN. A motion to amend the last line of the bill is in order.

Mr. GARRETT. Immediately after the reading of the bill.

Mr. ROBERTS of Massachusetts. Then an amendment may be offered no matter to what part of the bill, and the amendments will be considered in their order as offered?

Mr. GARRETT. My construction of the rule is that amendments will be considered and disposed of in the order in which they are offered without reference to the number of the section to which they are offered.

Mr. TILSON. If a man offers an amendment to the last paragraph of the bill immediately on the consideration being begun, it would be in order, and as soon as the 10 minutes expired, unless extended, a vote could be had on the last paragraph of the bill.

Mr. GARRETT. That is correct; but debate could not be extended beyond the hour of 2 p. m. on Friday.

Mr. ROBERTS of Massachusetts. One word further. I want to have a clear understanding of the purport of this rule in order that there may be no confusion when we reach the five-minute debate, and insure an opportunity for immediate action before 2 o'clock on Friday on the most important features of the bill which are in contention between the majority and the minority of the committee.

Mr. GARRETT. It does if the Chairman of the Committee of the Whole House on the state of the Union recognizes individuals to offer the amendments. It will depend upon recognition by the Chair.

Mr. GARNER. May I suggest in that connection to the gentleman from Massachusetts that undoubtedly under the custom prevailing in Committee of the Whole members of the committee will be given the first opportunity to offer these propositions in the form of amendments.

Mr. KITCHIN. I think that ought to be understood.

Mr. ROBERTS of Massachusetts. I simply wanted to have a clear understanding of the purport of the rule and have the House understand it.

Mr. STAFFORD. Will the gentleman yield?

Mr. GARRETT. Yes.

Mr. STAFFORD. So that the committee may have a clear understanding of the procedure under the rule, assuming that a member of the committee offers an amendment on Monday afternoon after 1.30 to the last paragraph of the bill, and it is discussed and pending, is it in order thereafter on Tuesday or Wednesday, before we finish the consideration of the bill, to take up other amendments on the same proposition involved in the amendment and have that nice medley going on until Friday?

Mr. GARRETT. If it were an amendment that involved the same principle as an amendment that had previously been voted upon, if I were in the chair I would hold it was not in order. If it involved a different principle I would hold it in order.

Mr. STAFFORD. Under this rule it is going to be a haphazard proceeding, depending on the order in which the amendments are offered.

Mr. GARRETT. The rule speaks for itself.

Mr. MANN. Will the gentleman yield?

Mr. GARRETT. Yes.

Mr. MANN. I do not see any difficulty about that part of the rule. Here is a case where practically the two sides of the House are contesting, represented upon the committee. If this side of the House wanted to fool away the time between now and Friday by offering foolish amendments and repeating them it would have the privilege, but I take it that we have too much sense to do that.

Mr. STAFFORD. It is not for the purpose of offering foolish amendments, but I can readily see and every Member can see that later in the consideration of this bill germane amendments that may not have been considered will be offered to that same section, after the section has been considered and virtually voted upon and the sense of the committee taken.

Mr. GARRETT. Mr. Speaker, I can only repeat what I said a moment ago, that if an amendment is offered and is voted upon before 2 o'clock next Friday, and then an amendment is offered subsequent to that time which involves the same principle, it will not, in my opinion, be in order; that if an amendment is offered that involves a different principle it will be in order. I yield now to the gentleman from Illinois [Mr. BUCHANAN].

Mr. BUCHANAN of Illinois. Mr. Speaker, I would like to ask the gentleman a question. The rule, I believe, provides for making in order on this bill an amendment to provide for the construction of an armor-plate factory?

Mr. GARRETT. It does.

Mr. BUCHANAN of Illinois. Would it be in order to offer an amendment to establish a factory for the manufacture of aeroplanes or any other equipment for the Army?

Mr. GARRETT. That is a question upon which the Chairman of the Committee of the Whole House on the state of the Union will have to pass. If the gentleman desires my individual view—well, I will not give it. [Laughter.]

Mr. BUCHANAN of Illinois. Mr. Speaker, if the gentleman will yield further, in my opinion the rule ought to make in order just such amendments. The Democratic caucus, for example, made known its position in regard to the matter of considering amendments providing for factories to manufacture supplies and materials for the Navy and the Army. If the Committee on Rules has not brought out a rule that makes such amendments in order, then it has not acted in accordance with the action of the Democratic caucus. I shall certainly oppose any rule that does not make that in order. I think the rule ought to be defeated if it is not in order to offer other amendments, not that I care to offer any, but if any rule does not provide for making in order amendments providing for plants to manufacture or providing for equipping yards to manufacture material for the Navy it ought to be defeated.

Mr. GARRETT. Mr. Speaker, no request came to the Committee on Rules from any source for a provision that would make in order such a proposition as the gentleman suggests. I am not certain but that it may be in order anyway. That remains to be determined.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. Certainly.

Mr. BUTLER. It was not the purpose of the Committee on Rules to destroy the book of rules of the House of Representatives, was it? The rules of the House will be in existence while we are discussing this bill?

Mr. GARRETT. To be sure.

Mr. BUTLER. And if an amendment is in order, it will be held to be in order and voted on?

Mr. GARRETT. Undoubtedly.

Mr. KEATING. Mr. Speaker, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. KEATING. The gentleman suggests that no request was presented to the committee to liberalize this rule so as to make in order the amendment suggested by the gentleman from Illinois [Mr. BUCHANAN]. It is a fact, however, that the caucus of the Democratic Members of the House suggested that the rule should be liberalized in that fashion.

Mr. GARRETT. Against which the gentleman voted.

Mr. KEATING. I beg the gentleman's pardon; I did not vote against it. On the contrary, I voted for it; and the gentleman himself, if I do not forget, is among those who voted against it. I am speaking of the action of the Democratic caucus.

Mr. GARRETT. Oh, I beg the gentleman's pardon.

Mr. KEATING. Making in order upon the Navy bill, the Army bill, and the fortification bill amendments to provide for the Government ownership of munition plants; and I am asking if the committee acted upon that suggestion?

Mr. GARRETT. The gentleman from Colorado has an incorrect recollection of the resolution which was passed at the caucus. The resolution passed at the caucus did not provide for the specific matters the gentleman suggests. Whether it would be in order to offer an amendment for the development of aeroplanes, I do not now care to discuss. That is a question upon which the Chairman of the Committee of the Whole House on the state of Union will have to pass.

Mr. KEATING. I ask the gentleman to give a little more definite decision on that point, if he will. Does the gentleman hold the action of the Democratic caucus did not instruct the Committee on Rules to give an opportunity to vote on Government ownership of munition plants?

Mr. PADGETT. Mr. Speaker, the bill carries a proposition for a projectile factory, and this rule provides for making in order the bill for an armor-plate factory. Those are all the munition factories that are provided or were before Congress. The aeroplane question is not a munition question at all; it is outside of munitions and is not a munition question.

Mr. KEATING. Does the chairman of the committee hold that an amendment having to do with the manufacture of other forms of munitions would be in order?

Mr. PADGETT. I think that the rule meets everything that the caucus authorized and that is before the Congress.

Mr. KEATING. The chairman of the committee has no doubt about the intent of the caucus.

Mr. PADGETT. I think we are meeting everything the caucus intended.

Mr. JOHNSON of Washington. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Washington. Do I understand we are now hearing the proceedings in the Democratic caucus?

The SPEAKER. That is not a parliamentary inquiry.

Mr. JOHNSON of Washington. Mr. Speaker, if they are giving us the proceedings of the Democratic caucus, I ask for order so that we can hear it.

Mr. GARRETT. Mr. Speaker, if I should move the previous question at this time——

Mr. MANN. Well, move it.

Mr. GARRETT (continuing). It would cut off all debate, and I have understood there are gentlemen on the Republican side who desire a few minutes, so I would like to agree on time, if I can. Does the gentleman from Kansas desire time?

Mr. CAMPBELL. No.

Mr. GARRETT. Then, Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. BUCHANAN of Illinois. Mr. Speaker, I demand a division.

The SPEAKER. Well, really it is too late, but, nevertheless—the gentleman from Illinois demands a division.

The House again divided; and there were—ayes 93, noes 37.

Mr. BUCHANAN of Illinois. Mr. Speaker, I make the point of order there is no quorum present.

Mr. GARRETT. Mr. Speaker, will the gentleman withhold that point for a moment? I would like to ask the gentleman from North Carolina [Mr. KITCHIN] was there an agreement that we should not vote upon this by roll call this afternoon?

Mr. KITCHIN. I think that was the understanding; yes; that we were not to have a vote on a roll call, because there are many gentlemen——

Mr. MANN. We are willing to have a vote.

Mr. KITCHIN. If the gentleman is willing to have a roll-call vote, that is all right.

The SPEAKER. The Chair will count. [After counting.] Two hundred and fifteen gentlemen are present—not a quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 158, nays 21, answered "present" 110, not voting 145, as follows:

YEAS—158.

Abercrombie	Dooling	Igoe	Ragsdale
Adamson	Doolittle	Jacoway	Rainey
Aiken	Doremus	James	Raker
Alexander	Doughton	Johnson, Ky.	Randall
Allen	Dupré	Kettner	Rauch
Almon	Eagan	Key, Ohio	Rayburn
Ashbrook	Eagle	Kincheloe	Reilly
Aswell	Edwards	Kitchin	Rubey
Ayres	Evans	Konop	Rucker
Bailey	Farley	Lazaro	Shackleford
Barkley	Ferris	Lee	Shallenberger
Beakes	Fields	Lesher	Shouse
Bell	Finley	Lever	Sims
Black	Flood	Lieb	Sisson
Blackmon	Foster	Lloyd	Smith, N. Y.
Bowers	Gandy	Lobeck	Smith, Tex.
Bruckner	Gard	McAndrews	Steagall
Burgess	Garner	McClintic	Steele, Iowa
Burnett	Garrett	McDermott	Stephens, Miss.
Byrnes, S. C.	Glass	McGillicuddy	Stephens, Nebr.
Byrns, Tenn.	Gordon	McKellar	Stone
Callaway	Gray, Ind.	Martin	Sumners
Candler, Miss.	Gregg	Mays	Taggart
Caraway	Griffin	Miller, Pa.	Tague
Carter, Okla.	Hamlin	Montague	Taylor, Ark.
Church	Hardy	Moon	Taylor, Colo.
Cline	Harrison	Moss, Ind.	Thompson
Connelly	Hastings	Murray	Tillman
Cox	Hayden	Neely	Tribble
Crisp	Heflin	Nicholls, S. C.	Van Dyke
Cullop	Helm	Oldfield	Venable
Curry	Helvering	Oliver	Vinson
Davenport	Hensley	Olney	Watkins
Davis, Tex.	Hilliard	Overmyer	Watson, Va.
Decker	Holland	Padgett	Webb
Dent	Hood	Page, N. C.	Whaley
Dickinson	Houston	Park	Wise
Dies	Huddleston	Phelan	Young, Tex.
Dill	Hughes	Pou	
Dixon	Hull, Tenn.	Quin	

NAYS—21.

Buchanan, Ill.	Hollingsworth	McCracken	Tavenner
Carter, Mass.	Humphrey, Wash.	Moores, Ind.	Wason
Cary	Johnson, Wash.	Morgan, Okla.	Wilson, Ill.
Dallinger	Keating	Nolan	
Hadley	La Follette	Powers	
Hamilton, Mich.	London	Pratt	

ANSWERED "PRESENT"—110.

Anderson	Esch	Kennedy, Iowa	Roberts, Nev.
Bacharach	Farr	Kennedy, R. I.	Rogers
Barchfeld	Fess	King	Russell, Ohio
Bennet	Focht	Kinkaid	Schall
Booher	Fordney	Langley	Siegel
Britt	Foss	Lenroot	Sinnott
Britten	Frear	McArthur	Sloan
Browne	Freeman	McKenzie	Smith, Idaho
Browning	Garland	McKinley	Smith, Mich.
Butler	Gillett	McLaughlin	Stafford
Campbell	Glynn	Madden	Steenerson
Cannon	Good	Magee	Stephens, Cal.
Charles	Gould	Mann	Sterling
Coleman	Green, Iowa	Mapes	Stiness
Cooper, Ohio	Guernsey	Matthews	Sulloway
Cooper, W. Va.	Hamilton, N. Y.	Meeker	Sweet
Cooper, Wis.	Haskell	Miller, Del.	Swift
Cramton	Haugen	Mondell	Thomas
Danforth	Hawley	Moore, Pa.	Tilson
Darrow	Hayes	Mott	Timberlake
Davis, Minn.	Helgesen	Nichols, Mich.	Towner
Denison	Hernandez	North	Volstead
Dillon	Hill	Oakey	Walsh
Dowell	Hopwood	Parker, N. Y.	Wheeler
Dunn	Howell	Platt	Woods, Iowa
Dyer	Hulbert	Ramseyer	Young, N. Dak.
Ellsworth	Hull, Iowa	Ricketts	
Elston	Kelley	Roberts, Mass.	

NOT VOTING—145.

Adair	Dewalt	Howard	Morgan, La.
Anthony	Driscoll	Humphreys, Miss.	Morin
Austin	Drukker	Husted	Morrison
Barnhart	Edmonds	Hutchinson	Moss, W. Va.
Beales	Emerson	Johnson, S. Dak.	Mudd
Borland	Estopinal	Jones	Nelson
Brumbaugh	Fairchild	Kahn	Norton
Buchanan, Tex.	Fitzgerald	Kearns	Oglesby
Burke	Flynn	Keister	O'Shaunessy
Caldwell	Fuller	Kent	Paige, Mass.
Cantrill	Gallagher	Kiess, Pa.	Parker, N. J.
Capstick	Gallivan	Kreider	Patten
Carew	Gardner	Lafean	Peters
Carlin	Godwin, N. C.	Lehlbach	Porter
Casey	Goodwin, Ark.	Lewis	Price
Chandler, N. Y.	Graham	Liebel	Reavis
Chiperfield	Gray, Ala.	Lindbergh	Riordan
Clark, Fla.	Gray, N. J.	Linthicum	Rodenberg
Coady	Greene, Mass.	Littlepage	Rouse
Collier	Greene, Vt.	Loft	Rowe
Conry	Griest	Longworth	Rowland
Copley	Hamill	Loud	Russell, Mo.
Costello	Hart	McCulloch	Sabath
Crago	Hay	McFadden	Sanford
Crosser	Heaton	McLemore	Saunders
Dale, N. Y.	Henry	Maher	Scott, Mich.
Dale, Vt.	Hicks	Miller, Minn.	Scott, Pa.
Dempsey	Hinds	Mooney	Scully

Sears	Snyder	Temple	Williams, Ohio
Sells	Sparkman	Tinkham	Wilson, Fla.
Sherley	Stedman	Treadway	Wilson, La.
Sherwood	Steele, Pa.	Vare	Wingo.
Slayden	Stephens, Tex.	Walker	Winslow
Slemp	Stout	Ward	Wood, Ind.
Small	Sutherland	Watson, Pa.	
Smith, Minn.	Switzer	Williams, T. S.	
Snell	Talbott	Williams, W. E.	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. COADY with Mr. MUDD.

Mr. COLLIER with Mr. FORDNEY.

Mr. BARNHART with Mr. SNELL.

Mr. HART with Mr. SANFORD.

Mr. SCULLY with Mr. GREENE of Massachusetts.

Mr. HAMILL with Mr. TINKHAM.

Mr. TILSON with Mr. WILSON of Louisiana.

Until further notice:

Mr. DRISCOLL with Mr. HICKS.

Mr. WINGO with Mr. SNYDER.

Mr. WILSON of Florida with Mr. SCOTT of Michigan.

Mr. STEPHENS of Texas with Mr. LAFEAN.

Mr. SMALL with Mr. KENNEDY of Rhode Island.

Mr. CASEY with Mr. KAHN.

Mr. ADAIR with Mr. CHANDLER of New York.

Mr. BRUMBAUGH with Mr. HEATON.

Mr. CAREW with Mr. SNYDER.

Mr. DALE of New York with Mr. SMITH of Minnesota.

Mr. CARLIN with Mr. LOUD.

Mr. CONRY with Mr. GRAY of New Jersey.

Mr. ESTOPINAL with Mr. DALE of Vermont.

Mr. FITZGERALD with Mr. MOONEY.

Mr. GOODWIN of Arkansas with Mr. BEALES.

Mr. MORRISON with Mr. GARDNER.

Mr. SAUNDERS with Mr. HINDS.

Until Wednesday, May 31, inclusive:

Mr. BOOHER with Mr. TREADWAY.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, the House goes into committee automatically for the consideration of the naval bill.

The SPEAKER. Yes; the House resolves itself into Committee of the Whole House on the state of the Union for the consideration of the naval bill. The Chair has made arrangements with the gentleman from New York [Mr. FITZGERALD] to preside over this committee, but he is not here, and the Chair will ask the gentleman from Georgia [Mr. ADAMSON] to act temporarily.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, with Mr. ADAMSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the naval bill, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes.

Mr. PADGETT. Mr. Chairman, it is not desired to enter into a discussion of this bill at length this afternoon, so I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ADAMSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was roquested:

Senate concurrent resolution 23.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate be authorized in the enrollment of the bill (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, to change the word "Hentry" to "Henry," where it occurs in line 21, page 7, and to change the word "him" to "her," where it occurs in line 1, page 18.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 12843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

PENSIONS.

Mr. KEY of Ohio. Mr. Speaker, this being the regular pension day, I call up the bill (H. R. 15957) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The Clerk read the title of the bill, as follows:

A bill (H. R. 15957) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. This bill is on the Union Calendar. The gentleman from Ohio [Mr. KEY] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. KEY of Ohio. I ask unanimous consent, Mr. Speaker, that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Frank O'Brien, late of Company E, One hundred and sixty-first Regiment Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Alice P. Knapp, dependent mother of Steth B. Knapp, alias Seth B. Knapp, late of Troop B, Fifth Regiment United States Cavalry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Charles E. Shermer, late of Company K, Thirty-fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Daniel Grubb, late of Company C, Thirty-seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of James J. McHale, late of Company M, Forty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Isaiah H. Hunnewell, late of Troop M, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Charles H. Lederer, late of Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Ca. Spradling, late of Company I, Fifth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Frank J. Carper, late of Company E, One hundred and fifty-seventh Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The name of Harry E. Brooks, late of Company F, First Regiment New Hampshire Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of George E. Grubbs, late of Company B, and Musician Band, Second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Ebbin A. Irvin, late of Company G, Second Regiment United States Infantry, Regular Establisment, and pay him a pension at the rate of $12 per month.

The name of William Andrews, late of Company L, Eleventh United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month

The name of George W. Pinion, late of Company L, Third Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Andrew Tanner, late of Company L, Second Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Albert L. Daniels, late of the One hundred and sixth Company United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Joseph Mitchell, late of Company H, Twenty-fourth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James F. Adams, late of Company H, One hundred and sixty-first Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Tennessee A. Blackburn, widow of Gideon H. Blackburn, late of Company K, Third Regiment Tennessee Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Patrick McCarthy, late of Company H, First Regiment New Hampshire Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Walter J. Frink, late of the United States Marine Corps, United States Army, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Tina Quinn, widow of John Quinn, late of Troop G, Eighth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $12 per month, and $2 additional per month on account of each of the two minor children of the said John Quinn until they reach the age of 16 years.

The name of Mary Jane Ragan, widow of David C. Ragan, late of Company A, Fourth Regiment Tennessee Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lucy W. Powell, widow of Owen C. Powell, late of Company A, First Regiment Texas Mounted Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Margaret English, widow of John E. English, late of Capt. Handley's company, First Regiment, Texas Mounted Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Edward S. Banister, late of Company L, Second Regiment Arkansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Margaret E. Canty, widow of Florence J. Canty, late of the U. S. S. *Wabash*, United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Oscar G. Rottman, late of Troop D, Twelfth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Morris E. Miller, late of Company H, Fifteenth Regiment Minnesota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of William C. Wittfelt, late of Company K, Fourteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Frank Klingler, late of Troop L, Second Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of August Gruenwald, late of Company F, Forty-fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Alexander A. Leishman, late of Company E, Thirty-second Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Clark E. Semark, late of Company C, Thirty-first Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of William W. Merriss, late of Troop L, Nineteenth Regiment Kansas Volunteer Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Frank A. Perry, late of Company G, Thirteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Howard G. Cleaveland, late of Company G, First Regiment Nebraska Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of William C. Johnson, late of Company D, Fourth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Willard L. Anthony, late of Company M, Fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John Blueford, late of Troop B, Ninth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Floyd T. Patterson, late of Batteries H and M, Sixth Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary McAlister, dependent mother of Francis J. McAlister, late of Company D, First Regiment California Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of John W. Lattimore, late of Company C, Ninth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Bruce, late of Company K, Second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Henry Ostman, late of Company B, Fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Daniel M. Moser, late of Company L, Sixteenth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary P. Byram, widow of Quincy Adams Byram, late of Capt. Keener's company, Alabama Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William McClaskey, late of U. S. S. *Dixie*, United States Navy, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John J. Harrington, dependent father of Lawrence J. Harrington, late of Company H, Forty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Minnie F. Zimmerman, widow of Henry Zimmerman, late of Company A, Fifteenth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the four minor children of said Henry Zimmerman until they reach the age of 16 years.

The name of Clarence E. Gleason, late of Company F, Sixth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of George L. Hollis, late of Troop F, Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Darling L. Peeples, late major and surgeon of the Second Texas Volunteer Infantry, War with Spain, and pay him a pension of $30 per month in lieu of that he is now receiving.

The name of Joseph Daley, late of Company L, Twenty-seventh Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Robert McLemore, late of Company H, Second Regiment Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Andrew Conley, late of U. S. S. *Baltimore*, United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Jacob Amberg, late of Troop D, United States Cavalry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph W. Hill, late of Company M, Third Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William C. Winslow, late of Company I, Second United States Volunteer Engineers, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James F. Cornman, late of Company D, First Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Adolphus J. Wacaster, late of the Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Carl W. Trott, late of Company L, Fiftieth Regiment Iowa Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Joshua Marland, late of Company I, First Regiment Rhode Island Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Patrick A. Galvin, late of Company C, First Regiment Maine Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of John Shannon, late of Troop B, Eighth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Gus Born, late of Company H, First Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of James G. Dunn, late of Company G, Fourth Regiment United States Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Thomas H. Ivers, late of Company B, Sixty-ninth Regiment, New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of William Alden, late of Company A, Ninth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Joseph L. Hall, late of Battery M, Third Regiment United States Artillery, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David W. Graves, late of the United States Marine Corps, United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Wilfred Murray, late of Company L, Thirty-fourth Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Fred Opperman, late of Company K, Sixth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Robert Trexler, late of Company K, Third Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Leverett O. Wilsey, late of Company C, Forty-first Regiment, United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Robert H. Roberts, late of Company L, Forty-fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William H. Lilly, late of Company L, Second Regiment Arkansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Isaac N. Walker (insane), late of Eighty-eighth Company United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $50 per month. Pay to the duly appointed guardian.

The name of Andrew Manuel, late of Company K, One hundred and sixty-first Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Rebecca Thatcher, widow of John P. Thatcher, late second lieutenant Company K, Third Kentucky Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lona B. Porter, late of the Coast Artillery School detachment, United States Army, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Edward M. Riley, late of Company M, Second Regiment Alabama Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Simeon D. Morrison, late of Company E, Seventh Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Roger G. Wearne, late of Company K, First South Dakota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Milford Lady, late of Company C, Fifth United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Charles F. Coe, late of Company A, Second Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Harvey J. Ruggles, late of Company K, Thirty-third Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Richard Thrash, late of Troop A, Second Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of William A. Buckley, late of Company M, Seventy-first Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Arthur Magoon, late of Company L, Eighth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of George F. Quinlan, late of Company B, Eighth Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The name of Mary C. Parsons, widow of Martin Parsons, late of Troop C, Fifth United States Cavalry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Charles H. Yeagle, late acting hospital steward, Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Frederick A. Greening, late of Company C, Thirty-third Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Effa M. Rule, widow of William H. Rule, formerly of Company I, Fifth Regiment Illinois Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Susan R. Freeman, widow of Thomas Freeman, late of Conner's Battalion of Texas Mounted Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles O. Hopping, late of Troop F, First Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James W. Beville, late of Company M, First Regiment Florida Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William F. Rowland, late of Company H, Second Regiment South Carolina Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Pierce L. Trible, late of Company H, Second Regiment South Carolina Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Reuben Solomon (insane), late of Company F, Fourth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month. Pay to duly appointed guardian.

The name of Daniel H. Gerald, late of Company L, Third Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Medicus F. Day, late of Company K, Second Regiment South Carolina Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles W. Reeves, late of Company I, One hundred and fifty-ninth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Sue E. Madden, widow of John W. Madden, late of Company G, Fourth Regiment Ohio Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of Thomas Madden, minor child of the said John W. Madden, until he shall reach the age of 16 years.

The name of John Buckelew, late of Company F, Twentieth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Charlotte M. Beckham, widow of Robert H. Beckham, deceased, late captain and commissary of subsistence, United States Volunteers, War with Spain, and pay her a pension at the rate of $20 per month and $2 per month additional on account of the minor child of the said Robert H. Beckham until she reaches the age of 16 years.

The name of Carrie A. Stillions, widow of Robert E. Stillions, late of Troop E, Sixth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each of the two minor children of the said Robert E. Stillions until they reach the age of 16 years.

The name of Margaret A. Osborn, widow of Charles E. Osborn, late of Company A, First Regiment Kentucky Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry C. Brant, late of Company M, Fifth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Thomas P. Pope, late of Company M, Twenty-seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Frank C. Andrews, late of the United States Marine Corps, United States Navy, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Corcoran, late of Company A, First Regiment Nebraska Volunteer Infantry, War with Spain, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The name of Louisa Fleming (incompetent), widow of James Fleming, alias James Hay, late of Company G, First Regiment United States Artillery, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving. Pay to duly appointed guardian.

The name of Emily Jane Hilton, widow of William F. Hilton, late of Troop B, First Regiment Kentucky Cavalry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Julia A. Ueltschy, widow of Albert Ueltschy, late of Company I, Eleventh Regiment United States Infantry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles Harris, late of Company B, Eleventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Melvina J. Jarvis, widow of William H. Jarvis, late of U. S. S. *Independence*, United States Navy, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lorenzo J. McEvoy, late of Company G, Thirty-fourth Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Lily D. Murphy, widow of Frank T. Murphy, late of Battery K, Third Regiment United States Artillery, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Clarence Matchett, alias Harry J. Reed, late of United States Marine Corps, United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Cordelia Mulford, widow of Capt. Jacob Mulford, late of Lindsley's company, New Jersey Militia, War of 1812, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Andy R. Fetter, late of Battery G, Fifth Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $17 per month.

The name of John T. Densmore, late of Company M, Fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Donald E. Graham, late of Company G, Third Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Narcissus New, widow of Jesse New, late of Company C, United States Voltigeurs, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary A. Scott, widow of Jeptha Scott, late of Capt. Grant's company, Georgia Volunteer Mounted Infantry, Florida Indian War, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The foregoing bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 1321. Frank O'Brien.
H. R. 1394. Alice P. Knapp.
H. R. 1638. Charles E. Shermer.
H. R. 1820. Daniel Grubb.
H. R. 1926. James J. McHale.
H. R. 2230. Isaiah H. Hunnewell.
H. R. 2624. Charles H. Lederer.
H. R. 2823. Ca. Spradling.
H. R. 2961. Frank J. Carper.
H. R. 2967. Harry E. Brooks.
H. R. 2993. George E. Grubbs.
H. R. 3001. Ebbin A. Irvin.
H. R. 3160. William Andrews.
H. R. 3304. George W. Pinion.
H. R. 3329. Andrew Tanner.
H. R. 3740. Albert L. Daniels.
H. R. 3909. Joseph Mitchell.
H. R. 3963. James F. Adams.
H. R. 4442. Tennessee A. Blackburn.
H. R. 4524. Patrick McCarthy.
H. R. 4867. Walter J. Frink.
H. R. 4892. Tina Quinn.
H. R. 5075. Mary Jane Ragan.
H. R. 5077. Lucy W. Powell.
H. R. 5078. Margaret English.
H. R. 5197. Edward S. Banister.
H. R. 5506. Margaret E. Canty.
H. R. 5545. Oscar G. Rottman.
H. R. 5736. Morris E. Miller.
H. R. 5809. William C. Wittfelt.
H. R. 5841. Frank Klingler.
H. R. 5901. August Gruenwald.
H. R. 5925. Alexander A. Leishman.
H. R. 5981. Clark E. Semark.
H. R. 6171. William W. Merriss.
H. R. 6562. Frank A. Perry.
H. R. 6664. Howard G. Cleaveland.
H. R. 6938. William C. Johnson.
H. R. 7103. Willard L. Anthony.
H. R. 7160. John Blueford.
H. R. 7180. Floyd T. Patterson.
H. R. 7208. Mary McAlister.
H. R. 7339. John W. Lattimore.
H. R. 7472. John W. Bruce.
H. R. 7936. Henry Ostman.
H. R. 7948. Daniel M. Moser.
H. R. 8014. Mary P. Byram.
H. R. 8382. William McClaskey.
H. R. 8615. John J. Harrington.
H. R. 8738. Minnie F. Zimmerman.
H. R. 8747. Clarence E. Gleason.
H. R. 8873. George L. Hollis.
H. R. 8965. Darling L. Peeples.
H. R. 9096. Joseph Daley.
H. R. 9111. Robert McLemore.
H. R. 9158. Andrew Conley.
H. R. 9204. Jacob Amberg.
H. R. 9516. Joseph W. Hill.
H. R. 9759. William C. Winslow.
H. R. 10001. James F. Cornman.
H. R. 10010. Adolphus J. Wacaster.
H. R. 10538. Carl W. Trott.
H. R. 10638. Joshua Marland.
H. R. 10881. Patrick A. Galvin.
H. R. 10902. John Shannon.
H. R. 10958. Gus Born.
H. R. 11347. James G. Dunn.
H. R. 11350. Thomas H. Ivers.
H. R. 11406. William Alden.
H. R. 11452. Joseph L. Hall.
H. R. 11461. David W. Graves.
H. R. 11569. Wilfred Murray.
H. R. 11571. Fred Opperman.
H. R. 11653. Robert Trexler.
H. R. 12087. Leverett O. Wilsey.
H. R. 12125. Robert H. Roberts.
H. R. 12172. William H. Lilly.
H. R. 12209. Isaac N. Walker.
H. R. 12307. Andrew Manuel.
H. R. 12385. Rebecca Thatcher.
H. R. 12671. Lona B. Porter.
H. R. 12709. Edward M. Riley.
H. R. 12744. Simeon D. Morrison.
H. R. 12763. Roger G. Wearne.
H. R. 12808. Milford Lady.
H. R. 12971. Charles F. Coe.
H. R. 13010. Harry J. Ruggles.
H. R. 13143. Richard Thrash.
H. R. 13170. William A. Buckley.
H. R. 13271. Arthur Magoon.
H. R. 13434. George F. Quinlan.
H. R. 13445. Mary C. Parsons.
H. R. 13643. Charles H. Yeagle.
H. R. 13702. Frederick A. Greening.
H. R. 13750. Effa M. Rule.
H. R. 13793. Susan R. Freeman.
H. R. 13806. Charles O. Hopping.
H. R. 13872. James W. Beville.
H. R. 13927. William F. Rowland.
H. R. 13928. Pierce L. Trible.
H. R. 13996. Reuben Solomon.
H. R. 14057. Daniel H. Gerald.
H. R. 14134. Medicus F. Day.
H. R. 14291. Charles W. Reeves.
H. R. 14313. Sue E. Madden.
H. R. 14404. John Buckelew.
H. R. 14438. Charlotte W. Beckham.
H. R. 14466. Carrie A. Stillions.
H. R. 14497. Margaret A. Osborn.
H. R. 14594. Henry C. Brant.
H. R. 14608. Thomas P. Pope.
H. R. 14643. Frank C. Andrews.
H. R. 14657. Daniel Corcoran.
H. R. 14662. Louisa Fleming.
H. R. 14930. Emily Jane Hilton.
H. R. 14942. Julia A. Ueltschy.
H. R. 15052. Charles Harris.
H. R. 15083. Melvina J. Jarvis.
H. R. 15144. Lorenzo J. McEvoy.
H. R. 15169. Lily D. Murphy.
H. R. 15224. Clarence Matchett.
H. R. 15248. Cordelia Mulford.
H. R. 15334. Andy R. Fetter.
H. R. 15412. John T. Densmore.
H. R. 15499. Donald E. Graham.
H. R. 15765. Narcissus New.
H. R. 15825. Mary A. Scott.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KEY of Ohio, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ADJOURNMENT.

Mr. KEY of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 22 minutes p. m.) the House adjourned until to-morrow, Saturday, May 27, 1916, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BURKE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 15617) to

establish fish-hatching and fish-cultural stations in the States of Alabama, Louisiana, Florida, Georgia, South Carolina or North Carolina, Maryland or Virginia, Oregon or Washington, Texas, Oklahoma, Illinois, Washington, Arizona, New Mexico, Michigan, Idaho, Missouri, Pennsylvania, Delaware or New Jersey, and Minnesota, reported the same without amendment, accompanied by a report (No. 767), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STERLING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 15950) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, reported the same without amendment, accompanied by a report (No. 768), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MURRAY, from the Committee on Indian Affairs, to which was referred the bill (H. R. 10230) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Iowa Tribe of Indians against the United States, reported the same without amendment, accompanied by a report (No. 769), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CANDLER of Mississippi, from the Committee on Agriculture, to which was referred the bill (H. R. 12885) to authorize the Secretary of Agriculture to permit the prospecting, development, and utilization of the mineral resources of certain national forests, reported the same without amendment, accompanied by a report (No. 772), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MURRAY, from the Committee on Indian Affairs, to which was referred the bill (H. R. 11685) for the relief of Ivy L. Merrill, reported the same with amendment, accompanied by a report (No. 770), which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 15949) to prevent the nullification of State antigambling laws by international or interstate transmission of race-gambling bets or of racing odds, reported the same without amendment, accompanied by a report (No. 773), which said bill and report were referred to the House Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII,

By Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 13786) for the relief of Jennie Davidson, reported the same adversely, accompanied by a report (No. 771), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6002) granting an increase of pension to Ernest J. Patton; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14916) granting an increase of pension to Benjamin R. Hubbell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 16016) allowing entries by former homesteaders within national forests; to the Committee on the Public Lands.

By Mr. SMITH of Idaho: A bill (H. R. 16017) to provide for the purchase of an addition to the site, and for the extension and enlargement of the Federal Building at Boise, Idaho; to the Committee on Appropriations.

By Mr. CHURCH: A bill (H. R. 16018) granting consent to the county of Madera, Cal., and its successors and assigns, the right to construct a dam across the San Joaquin, Fresno, and Chowchilla Rivers; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD: A bill (H. R. 16019) to authorize the Commissioners of the District of Columbia to collect an annual rental for vault privileges granted in public space; to the Committee on the District of Columbia.

By Mr. MADDEN: Joint resolution (H. J. Res. 229) to create a commission to investigate the standardization of time in the United States and its territorial possessions; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 16020) granting an increase of pension to De Witt C. Carpenter; to the Committee on Invalid Pensions.

By Mr. BAILEY: A bill (H. R. 16021) granting an increase of pension to Samuel Shoup; to the Committee on Invalid Pensions.

By Mr. CONNELLY: A bill (H. R. 16022) granting an increase of pension to William H. Cullins; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 16023) granting an increase of pension to Calvin Curler; to the Committee on Invalid Pensions.

By Mr. GLYNN: A bill (H. R. 16024) for the relief of Lawrence Fagan; to the Committee on Military Affairs.

By Mr. GOOD: A bill (H. R. 16025) granting an increase of pension to Norris C. Richmond; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 16026) granting an increase of pension to Charles E. Knox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16027) granting an increase of pension to Charles L. Bigelow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16028) granting a pension to Mrs. William Teal; to the Committee on Invalid Pensions.

By Mr. HASKELL: A bill (H. R. 16029) granting an increase of pension to Clara L. Presley; to the Committee on Invalid Pensions.

By Mr. HILLIARD: A bill (H. R. 16030) granting an increase of pension to Adolphus B. Capron; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 16031) granting an increase of pension to Ellen H. Cochran; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 16032) for the relief of Alfred Hardy; to the Committee on Claims.

By Mr. LAFEAN: A bill (H. R. 16033) granting an increase of pension to William A. Ruth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16034) granting an increase of pension to Elmira Ann La Motte; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16035) granting an increase of pension to Margaret G. Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16036) granting an increase of pension to Catharine Witmyer; to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 16037) granting an increase of pension to James A. Strange; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16038) granting an increase of pension to Robert P. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16039) granting an increase of pension to Sanford L. Holstine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16040) granting a pension to Schuyler A. McGinnis; to the Committee on Pensions.

Also, a bill (H. R. 16041) granting an increase of pension to Pleasant Foster; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 16042) granting a pension to John W. Howell; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 16043) granting an increase of pension to David Goodman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16044) granting an increase of pension to Adam Rearick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16045) granting an increase of pension to Winfield S. Port; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16046) granting an increase of pension to Rachel Stanley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16047) granting an increase of pension to Jonas J. Boal; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 16048) granting a pension to Amanda Martin; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 16049) granting an increase of pension to John S. Grosvenor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16050) granting an increase of pension to E. M. B. Scott; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 16051) granting an increase of pension to Richard C. James; to the Committee on Pensions.

Also, a bill (H. R. 16052) granting an increase of pension to Michael Brannan; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 16053) granting an increase of pension to Permelia Jane Isenhart; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 16054) for the relief of the owners of the steam lighter *J. W. Wanson;* to the Committee on Claims.

Also, a bill (H. R. 16055) for the relief of the owners of the New York Sanitary Utilization Co., scow *No. 14;* to the Committee on Claims.

By Mr. STERLING: A bill (H. R. 16056) granting a pension to Annie S. Blanchard; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 16057) granting an increase of pension to Andrew Kerr; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 16058) granting an increase of pension to Rosina E. Gallup; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 16059) granting an increase of pension to Belle P. Wolfe; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Petition of C. R. Jones & Co., Joseph Schmier, Albert P. Wyland, Walter J. Bearer, and L. Klafter, all of Spangler, Pa.; E. H. & B. Claar, Shaefer & King, H. C. Bruger, and J. E. Gonsman, all of East Freedom, Pa., in favor of a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. CAREW: Petition of Chamber of Commerce of the State of New York, in re pneumatic-tube mail service in New York City; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Memorial of National Probation Association, of Albany, N. Y.; B. J. Shove, justice, of Syracuse, N. Y.; the New York State Probation Commission and the city court, of Buffalo, N. Y., favoring the Owen-Hayden bill, Senate bill 1092 and House bill 42, to establish a probation system in the United States courts; to the Committee on the Judiciary.

Also, memorial of National Automobile Chamber of Commerce, of New York, favoring extendirg the usefulness of the Bureau of Mines; to the Committee on Mines and Mining.

Also, memorial of the Board of Supervisors of Madera County, Cal., in re legislation affecting an irrigation project in California; to the Committee on Military Affairs.

Also, petitions of sundry citizens and organizations favoring the adoption of the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, memorial of the board of directors of the Washington Chamber of Commerce, opposing repeal of the fiscal provision of the organic act of June 11, 1878; to the Committee on the District of Columbia.

By Mr. EAGAN: Memorial of board of directors of the Washington Chamber of Commerce, in re half-and-half plan; to the Committee on the District of Columbia.

Also, memorial of National Automobile Chamber of Commerce of New York, in re petroleum products; to the Committee on Mines and Mining.

By Mr. FLYNN: Memorial of National Automobile Chamber of Commerce of New York, in re petroleum; to the Committee on Mines and Mining.

By Mr. HASTINGS: Petition of Methodist Sunday School of Hanna, Okla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KELLEY: Petition of 30 citizens of Walled Lake, Mich., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Memorial of Amalgamated Lace Operatives of America, opposing House bill 14666; to the Committee on Patents.

Also, memorial of Rhode Island Antituberculosis Association, opposing Senate joint resolution 120; to the Committee on Agriculture.

Also, petition of citizens of Providence and vicinity, favoring national prohibition; to the Committee on the Judiciary.

Also, memoral of Woonsocket Lodge, No. 850, Benevolent and Protective Order of Elks, against embroiling the United States with friendly European powers; to the Committee on Foreign Affairs.

By Mr. LINTHICUM: Memorial of National Association of Letter Carriers of the United States of America, Oriole Branch, No. 176, of Baltimore, Md., indorsing House bill 8665 and the Nolan bill; to the Committee on Reform in the Civil Service.

Also, petition of John A. F. Medcalf, of Baltimore, Md., indorsing House bill 6915 and Senate bill 3081; to the Committee on Reform in the Civil Service.

By Mr. MOORE of Pennsylvania: Memorial of the Philadelphia (Pa.) Board of Trade, opposing a Government-owned armor-plate plant; to the Committee on Military Affairs.

By Mr. MORGAN of Oklahoma: Memorial of the First Methodist Episcopal Church of Laverne, Okla., on the 20th of April, 1916, in favor of the Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

By Mr. NOLAN: Resolutions of the County Clare Association of California, petitioning the Congress and the President of the United States that a demand be made on England to halt the inhuman murder of Irish patriots, and that England be required to accord the Irish soldiers the same privileges as the soldiers of Germany or other warring nations; to the Committee on Foreign Affairs.

Also, telegram from the Iroquois Club, composed of 400 men and women voters of San Francisco, Cal., unanimously indorsing the Nolan minimum-wage bill; to the Committee on Labor.

By Mr. NORTH: Memorial of mass meeting of citizens of Saltsburg, Pa., favoring the adoption of a constitutional amendment forbidding the practice of polygamy; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petition of Arthur B. Emmons, of Newport, R. I., favoring the Kern-McGillicuddy workmen's compensation bill; to the Committee on Labor.

Also, petition of Edgar J. Hadley, of Providence, R. I., favoring House bill 9216; to the Committee on Interstate and Foreign Commerce.

By Mr. SANFORD: Papers to accompany House bill 15604, for the relief of Peter T. Coons; to the Committee on Military Affairs.

By Mr. SWEET: Petitions of citizens of Dubuque, Iowa, in re migratory-bird law; to the Committee on Agriculture.

By Mr. WALSH: Petition of George W. Stetson and 64 other citizens of Middleborough, Mass., asking for speedy passage of Webb-Smith national prohibition resolutions (H. J. Res. 84 and 85); to the Committee on the Judiciary.

SENATE.

SATURDAY, *May 27, 1916.*

(Legislative day of Thursday, May 18, 1916.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Pittman	Sutherland
Bankhead	Husting	Poindexter	Taggart
Brady	James	Ransdell	Thomas
Brandegee	Jones	Saulsbury	Thompson
Catron	Kenyon	Shafroth	Tillman
Chamberlain	La Follette	Sheppard	Townsend
Clark, Wyo.	Lane	Simmons	Underwood
Clarke, Ark.	Lodge	Smith, Ariz.	Vardaman
Culberson	Martine, N. J.	Smith, Ga.	Wadsworth
Dillingham	Myers	Smith, Mich.	Walsh
Fletcher	Newlands	Smoot	Weeks
Gallinger	Norris	Sterling	Williams
Hardwick	Overman	Stone	

Mr. JAMES. I desire to announce that my colleague [Mr. BECKHAM] is absent on important business. He is paired with the senior Senator from Delaware [Mr. DU PONT]. This announcement may stand for the day.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present. The Senate resumes the consideration of the river and harbor bill, and the

pending question is on the amendment of the Senator from Colorado [Mr. SHAFROTH].

Mr. MYERS. I ask leave to present several reports from the Committee on Public Lands.

The VICE PRESIDENT. Without objection, the reports will be received.

REPORTS OF COMMITTEE ON PUBLIC LANDS.

Mr. MYERS, from the Committee on Public Lands, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 1740. A bill to repeal an act entitled "An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes," approved June 7, 1912, and to revoke the grant made thereby (Rept. No. 486); and

S. 5496. A bill to amend section 5 of an act entitled "An act to authorize the drainage of certain lands in the State of Minnesota," approved May 20, 1908 (Rept. No. 485).

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 1061. A bill to allow additional entries under the enlarged homestead act (Rept. No. 487); and

S. 2383. A bill to amend an act entitled "An act to amend sections 2291 and 2297 of the Revised Statutes of the United States, relating to homesteads" (Rept. No. 488).

REGULATION OF IMMIGRATION.

Mr. HARDWICK. For the junior Senator from South Carolina [Mr. SMITH], who is detained from the Senate, I ask for a reprint of the report (No. 352) to accompany the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States.

The VICE PRESIDENT. Without objection, it is so ordered.

OIL AND GAS LANDS.

Mr. PITTMAN. From the Committee on Public Lands I report additional amendments to the bill (H. R. 406) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, and I ask that the bill be reprinted showing the amendments I have just reported.

The VICE PRESIDENT. Without objection, it is so ordered.

CONCENTRATION AND MANEUVER CAMP IN WASHINGTON.

Mr. JONES. I should like to ask just what is the status of the resolution (S. Res. 203) which I had passed yesterday?

The VICE PRESIDENT. It went over under the rule. The Chair will state that yesterday is still to-day.

Mr. JONES. But I do not find in the RECORD a reconsideration of the action of the Senate in passing the resolution.

The VICE PRESIDENT. No; the Senator from Washington said he would not object to its going over.

Mr. JONES. I did not object to what was done at the time; that is, as to what was then before the Senate. There was not any question of a reconsideration before the Senate.

The VICE PRESIDENT. All that was done by the Chair was improperly done yesterday, but the Chair will ask the Senator from Washington to speak to the Senator from New Hampshire [Mr. HOLLIS] on the subject.

Mr. JONES. I do not think the Chair did anything improper. I think the Chair acted correctly.

COMMITTEE OF CIVIL SERVICE AND RETRENCHMENT.

Mr. POMERENE. I ask unanimous consent to call up Senate resolution 199, authorizing the Committee on Civil Service and Retrenchment to employ a stenographer. At the time the report was presented from the Committee to Audit and Control the Contingent Expenses of the Senate the Senator from Michigan [Mr. SMITH] interposed an objection. He has advised me since that he has no objection to the consideration of the resolution, and as we have already taken a part of the testimony, and expect to take more, I hope the Senate will consent to the adoption of the resolution.

Mr. CLARK of Wyoming. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. CLARK of Wyoming. If this is taken up, does it displace the pending business?

Mr. CLARKE of Arkansas. That shall not be done.

Mr. POMERENE. I certainly ask that it shall not be done.

Mr. CLARKE of Arkansas. I hope the request of the Senator from Ohio will be granted, in view of the fact that the investigation in which the stenographer is to be used is partially completed and the committee can proceed no further without this aid. I think thereby it is a case where we should render the assistance and that we can make the exception.

The VICE PRESIDENT. Is there objection to the consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, in line 3, after the word "Congress," to strike out the words "to send for persons, books, and papers," so as to make the resolution read:

Resolved, That the Committee on Civil Service and Retrenchment, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fourth Congress, to administer oaths and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

RIVER AND HARBOR BILL.

Mr. CLARKE of Arkansas. Regular order!

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment of Mr. SHAFROTH to insert the following as an additional section:

SEC. —. That each of the appropriations herein made shall become available only in the event States, counties, cities, or individuals shall pay into the Treasury as part of the same 20 per cent of the amount thereof: *Provided, however*, That the provisions of this section shall not apply to those items requiring contributions from other sources.

Mr. SMITH of Michigan. Mr. President, the suggestion of the Senator from Colorado [Mr. SHAFROTH] yesterday that the National Waterways Commission practically approved the proposition he now advocates prompts me to say that, as a member of that commission, I joined in the report and I believed in it thoroughly. I am in perfect accord with the report to which he has alluded now. It says:

In passing from this subject the commission would recommend:
1. That in the improvement of rivers and harbors similarly situated, where equitable division is possible, uniform rules be observed for a proper division of cost between the Federal Government and minor political divisions.

That there is a lack of uniformity, of course everybody admits, but a large part of the appropriations carried in this bill are old projects adopted at least 10 years ago, and to which the Government is committed. They are partially completed, and this spasm of virtue that seems to rise so high at this particular time should have been asserted here years ago when, under the leadership of the distinguished gentleman from Ohio, Mr. Burton, these projects were authorized.

Now, who is to say that they were improperly conceived, that they were not meritorious? They bear the approval of the Army Engineer Board, and we created in 1902 an intermediate board to which we might appeal for review in the event the district engineer failed to meet public expectations.

I do not mean to say that the Senator from Iowa [Mr. KENYON] is not animated by a high purpose, because I know he is; but those who were instrumental in starting the projects years ago, when they bore the stamp of public approval, can not say, as a matter of justice and fairness, that they should be stopped and the work arrested just because there is a lack of funds in the Treasury unless extraordinary taxation is imposed. That is due to a change in the political policy of the Government, not to the fact that these rivers are now running upstream where they formerly ran down.

The former Senator from Ohio, Mr. Burton, gave his approval to most of the projects in this bill when he was chairman of the House committee, and he is an honest man, an able man, and a conscientious man; and because there happened to be here and there in the bill a few items that did not meet with his approval is no reason why they should all be abandoned.

Mr. SIMMONS. Mr. President——

Mr. SMITH of Michigan. I simply want to say to the Senator from Colorado what the Senator from Arkansas has said, that he is on the right track, but unfortunately you can not apportion the expense of these projects equitably on cities or villages which will profit by them, regardless of the fact that they were in a sense local when begun and might have been assessed for a fair proportion of the cost at that time. The Government has initiated the work; in many instances it is nearly complete and can not now be abandoned without serious loss to the Government and to the territory to be benefited.

Mr. SUTHERLAND. Mr. President, may I ask the Senator from Michigan—

Mr. SMITH of Michigan. The Senator from North Carolina just made a request, and if the Senator will permit me I will yield to him.

Mr. SIMMONS. I wish to call the attention of the Senator to the fact that as the bill came to us from the House every item in it except one item had been appropriated for heretofore.

Mr. SMITH of Michigan. Yes; I know that is true.

Mr. SIMMONS. When I say heretofore, I mean before the beginning of the present administration, because there has been no general river and harbor bill passed since the present administration came into power.

I wish to call the attention of the Senator further to the fact that in referring to the last river and harbor bill enacted while the ex-Senator from Ohio, Mr. Burton, was chairman of the House committee, in 1907, I think, the Senator made a slight mistake. There are 280 projects asked in this bill, and 210 of those projects were in the 1907 bill, carrying $75,000,000, which Senator Burton declared in the Senate on more than one occasion was the most perfect bill that had ever been enacted.

Mr. SMITH of Michigan. I voted for it under his persuasive influence.

Mr. SIMMONS. If the Senator will permit me, I wish to read——

Mr. SMITH of Michigan. So did the Senator from Utah and most of the other Senators.

Mr. SIMMONS. If the Senator will permit me, I wish to read briefly what former Senator Burton said about this bill—at least, I assume he was speaking about this bill—in an address delivered to the National Rivers and Harbors Congress in 1909. That was two years after the 1907 river and harbor bill was enacted, which carried 210 of the 280 projects in this bill.

Mr. SMITH of Michigan. I heard that speech, and I thought it was a very masterful review of the work of Congress.

Mr. SIMMONS. It is a very illuminating speech in view of the criticisms that are now being made with respect to the 210 items in the pending bill——

Mr. SMITH of Michigan. I should like to hear that speech read.

Mr. SIMMONS. Items which are in this bill, but which were also in the bill to which Senator Burton was addressing himself.

Mr. SMITH of Michigan. I hope the Senator from North Carolina may have the undivided attention of the Senate while he reads this encomium.

Mr. SIMMONS. I read from the address of Senator Theodore E. Burton——

Mr. SMITH of Michigan. The Senator can not be heard.

Mr. SIMMONS. I will speak a little louder when I get to the address.

Mr. GALLINGER. Mr. President, this seems to be a mutual admiration society.

Mr. SIMMONS. I have known the Senator from New Hampshire to indulge in many of these admiration societies in this Chamber.

Mr. SMITH of Michigan. Oh, the Senator must be mistaken.

Mr. SIMMONS. This is an address delivered to the National Rivers and Harbors Congress, which was in session December 8, 9, and 10, in 1909. I do not know on what date Senator Burton spoke. He said in part:

> We have made large and liberal provisions for the harbor of Boston—

That is not the part of the speech which I desired to read. [A pause.]

Mr. SMITH of Michigan. While the Senator is finding the speech of Mr. Burton which I desire read——

Mr. SIMMONS. I want to find the right speech.

Mr. SUTHERLAND. Mr. President——

Mr. SMITH of Michigan. I will yield to the Senator from Utah for a moment.

Mr. SIMMONS. I shall find what I desire to read in a moment.

Mr. SMITH of Michigan. I will yield to the Senator from Utah until the Senator from North Carolina finds it. I think we shall make more progress in that way.

Mr. SIMMONS. I have it now, Mr. President.

Mr. SUTHERLAND. The Senator from North Carolina is having as much trouble in finding the speech which he desires to read as he will have in finding justification for some of the items in this bill.

Mr. SIMMONS. Mr. President, I have a speech here which was delivered by ex-President William Howard Taft, also marked, and I was about to read first from that. I will, however, now read from Mr. Burton's speech.

Mr. SMITH of Michigan. The Senator from Utah can learn something from that.

Mr. SIMMONS. Mr. President, former Senator Burton spoke as follows:

> I have found many observant and intelligent men who have an idea that a very large share of our appropriations go for insignificant creeks and streams. Now, perhaps I might point out the benefit of improving many of these minor streams, a benefit which proportionately is often greater than even in the case of large rivers; but I think there has never been a bill in which the amount appropriated for these objects aggregated one-sixtieth part of the whole.
>
> You have had to meet the idea that there is "pork barrel" somewhere.

I call the attention of the Senator from Iowa [Mr. KENYON] especially to this.

Mr. KENYON. Is the Senator from North Carolina reading from the three-day speech which Senator Burton delivered in the Senate?

Mr. SIMMONS. No; I am reading from a speech made some time during those three days when this congress was in session.

Mr. SMITH of Michigan. Will the Senator from North Carolina read that last sentence again?

Mr. SIMMONS. It is as follows:

> You have had to meet the idea that there is a "pork barrel" somewhere. Whenever there is a man of superficial information on this subject, or one who has had some project that has been turned down, and turned down hard because it had to be turned down, that man begins to talk about the "pork barrel." [Applause.]

Mr. SMOOT. Can the Senator tell us of any project that was ever turned down?

Mr. SIMMONS. Yes; I think I could if I were to stop and consume as much time on this bill as the Senator from Utah has consumed. I think in that case I might point out a great many.

Mr. SMOOT. I never heard of one.

Mr. SIMMONS. Particularly I want to call attention to this part of Senator Burton's speech:

> There has been no line of appropriations made by this Government more carefully guarded than appropriations for rivers and harbors. In the first place, before anything is undertaken, there is a preliminary examination which is ordered by legislation; there must be a preliminary examination. Then, if that is favorable, a more detailed examination. Before the project is presented to Congress it must pass before a so-called board of review. By the time it gets to Congress it has had to pass through a pretty long gantlet. Then, when it reaches the Rivers and Harbors Committee, it has a still more severe experience—perhaps some of you think so, anyhow. Thus when it passes in Congress it has been thoroughly and carefully considered. There may be a little bit of logrolling, but I challenge anyone to cite an instance where that bill—

Referring to the river and harbor bill—

> has ever been made up to gratify certain localities or to advance the interests of some Member of Congress in the House or Senate.

Mr. SMITH of Michigan. I hope the Senator will mark that page.

Mr. SIMMONS. I am going to turn that page down, so that I shall not lose it the next time I speak on the subject.

Mr. LA FOLLETTE. Will the Senator from North Carolina give us the date of that speech, though I think perhaps he previously stated it?

Mr. SIMMONS. I stated that the speech was delivered to the National Rivers and Harbors Congress, which held its sessions in Washington City on December 8, 9, and 10.

Mr. LA FOLLETTE. In what year?

Mr. SIMMONS. Nineteen hundred and nine. That was two years after the passage of the 1907 river and harbor bill, which carried an appropriation of $85,000,000, made up largely in the other House, and which Senator Burton had characterized as the best river and harbor bill that had ever been passed in this country.

Mr. LA FOLLETTE. And it was two years before Senator Burton on the floor of the Senate ever denounced the whole scheme of appropriations for rivers and harbors.

Mr. SIMMONS. Exactly.

Mr. SMITH of Michigan. It was two years before.

Mr. SIMMONS. I do not know that it is quite correct to say that Senator Burton denounced the whole system of river and harbor appropriations; but he did denounce many of the items.

Mr. SMITH of Michigan. I now yield to the Senator from Utah.

Mr. SUTHERLAND. Mr. President, this mutual and desperate attempt on the part of the Senator from North Carolina [Mr. SIMMONS] and the Senator from Michigan [Mr. SMITH] to find some justification for many of the items in the pending bill which are without justification has led us some distance from the point at which I desired to interrupt the Senator from Michigan and to interrogate him. I understood the Senator to say just before he was interrupted that there were many items in this bill that were distinctly local in character, and as to those items the Senator thought that the locality should contribute. Now, I ask the Senator from Michigan upon what theory he can justify a contribution of a single dollar on the part of the Federal Government for a project which is distinctly local in character?

Mr. SMITH of Michigan. On only one theory, and that is the horribly demoralized condition of the Federal Treasury.

Mr. SUTHERLAND. Of course, then, the Senator ought to agree with me that those items in the bill which are distinctly local in character, and which the Senator from Michigan admits to be so, should be stricken from the bill entirely.

Mr. SMITH of Michigan. Mr. President, those projects are in a partial stage of completion.

Mr. SUTHERLAND. Well, let the Senator from Michigan join with us and we will make the attempt.

Mr. SMITH of Michigan. If we join in that, we simply waste all that has been previously expended by the Government, which is about seven-tenths of this bill; we arrest projects of absolute merit while we impugn the character of the Engineer Boards who recommended these improvements. I am not going to set my judgment up against a court of final review such as the Engineer Corps of the Army, who have no motive but the public good.

Mr. SUTHERLAND. The Senator from Michigan speaks about the action of the Engineer Board. The Senator from Michigan certainly does not contend that it is within the competency of the Engineer Board to determine that Congress has power to appropriate money for these local projects, does he?

Mr. SMITH of Michigan. Oh, no; I will say that I have no quarrel with the view of the Senator from Utah regarding the duty and obligation of the Government itself to make these improvements, without any regard whatever to the local community, if it is to exercise the jurisdiction over these highways which the Constitution has conferred upon it.

Mr. SUTHERLAND. But my position about it is, if the Senator will bear with me for a moment, that the Federal Government ought to pay the entire expense——

Mr. SMITH of Michigan. I understand the Senator.

Mr. SUTHERLAND. So far as these projects are national in character; but to the extent that they are only local in character the Federal Government ought not to pay a cent.

Mr. SMITH of Michigan. Very well——

Mr. SUTHERLAND. And to my mind, if the Senator will permit me further, the fact, if it be a fact, that we have already expended some money upon a purely local project, and thereby departed from the power which is vested in us by the Constitution, is no excuse for continuing that unlawful appropriation.

Mr. SMITH of Michigan. Well, let us test the Senator's suggestion.

Mr. NELSON. Mr. President, will the Senator from Michigan allow me to interrupt him?

Mr. SMITH of Michigan. Certainly.

Mr. NELSON. I think there is a misapprehension as to the application of the term "local improvement." Take an improvement like that of the Mississippi River. It relates to the whole reaches of the river on both sides; it is a general improvement, and affects different localities. We use the term "local improvement" in the river and harbor bill as applied to a single harbor on the seacoast or the lakes. We call that a local improvement, because it is an improvement that pertains to just that one harbor, while the improvement of a river affects the whole country along the river.

In reference to the improvement of what I term a "local harbor," the circumstance sometimes arises that in dredging out a harbor either on the lakes or on the seacoast it is oftentimes desirable to dredge it far enough to reach some steamboat landing or some dock, a little beyond where the Government improvement has extended. Where such extension is needed in the harbor to reach a railroad dock or a steamboat dock and it will be of some advantage to the railroad company or to the steamboat company or to the city, in such peculiar cases—and we have some in the pending bill—we think it proper that local interests should contribute; but that only refers to isolated cases. We can not lay down any hard and fixed rule to govern the matter.

Mr. SUTHERLAND. Mr. President, will the Senator from Michigan permit me further?

Mr. SMITH of Michigan. Certainly.

Mr. SUTHERLAND. That is not what I mean by "local improvement." Of course, an improvement upon the Mississippi River, which is a great interstate stream, is not a local improvement; it is the improvement of a national highway, which permits boats to ply between and among several States. That is an interstate matter; that is a regulation of interstate commerce; but I am speaking of some of the creeks which in one season of the year are filled with water and in another season of the year are filled with dust; where the benefit is confined to localities within a State, if there be any benefit at all. Those are the things that I am complaining about. I do not complain about the improvement of one of the great harbors, because incidentally it operates to give a benefit to the locality where the harbor is situated or to the improvement of the great rivers. Those are not the things that I am speaking of as wrong.

Mr. SMITH of Michigan. Let me test out the Senator's view. Take the little harbor of Arcadia, which has been, I hope, indelibly impressed upon this bill. That is a little harbor on the east shore of Lake Michigan, which serves a country community. The products of that community are taken across the lake to Milwaukee and to Chicago. Is that a purely local affair, or does that harbor so relate itself to interstate commerce that it becomes an object of governmental solicitude?

Mr. SUTHERLAND. Mr. President, as the Senator from Michigan describes it, I would say that that is not a purely local matter.

Mr. SMITH of Michigan. No; I do not think it is; and yet there are people who say that it is. The community there has spent $80,000 in building that little harbor, while the Government has only spent $60,000; yet that is one of the things that is criticized in this bill, vital as it is to the farmers of that vicinity.

Mr. SUTHERLAND. Mr. President, if the Senator will permit me further—if it be true that the harbor at Arcadia is calculated to promote the transportation facilities between Michigan and Illinois or between Michigan and any other State, then it legitimately comes within the power of Congress to deal with it. That is aside from the question as to whether or not it is wise to make the appropriation for that purpose. I am speaking now simply of the power of Congress to deal with it.

Mr. SMITH of Michigan. We had in mind when we made this report to Congress that we would put this Government in the same relation to navigable waters of the country as are the navigable waters of the Old World related to their Governments. They have in most countries a system of contribution. Take the barge canal in New York, a tremendous enterprise, second only to the Panama Canal. The State of New York originally authorized an expenditure of $101,000,000 on it.

Mr. POINDEXTER. It has spent much more than that.

Mr. SMITH of Michigan. They were authorized by the State of New York, in the first instance, to spend $101,000,000.

Mr. POINDEXTER. That was for the enlargement of the canal. In addition to that, they spent the cost of the original construction.

Mr. SMITH of Michigan. I think they have; and if that work had been going on at any other time than in the year when the Panama Canal was being completed, it would have been regarded as a tremendous engineering achievement.

Illinois has voted $20,000,000 for a waterway from the Lakes to the Gulf. In the initiation of great enterprises of that character the expense might appropriately be distributed. I think the language of our report was very carefully chosen:

> That in the improvement of rivers and harbors similarly situated, where equitable division is possible, uniform rules be observed for a proper division of cost between the Federal Government and minor political divisions. There is at present a lack of uniformity. One illustration of this is in the improvement of interior channels and harbors. In some cases the expense is borne exclusively by the Federal Government, and in other cases by the municipalities interested.

Then, on the question of terminal facilities, wharves, and so forth, I think the commission were essentially and in fact wholly right, and I have not changed my view. Neither do I find especial fault with the purpose of the Senator from Colorado. But these projects now partially completed, numbering more than three-quarters of the projects in the bill, can not be based upon the proposition urged by the Senator from Colorado in equity or fairness or justice. Then, there are such projects as the one I illustrated the other day—the St. Clair River—which is related to the tremendous commerce that goes from the Northwest to the Atlantic seaboard and passes through this little river—the St. Clair River. Eight hundred and eighty-seven million dollars worth of commerce last year passed down that one little channel, which runs along the Canadian side, and which is wholly inadequate; and if there should be an accident to any of the great ships that navigate that river and the Lakes while in the river, much of the whole commerce of the Lakes would be tied up and unable to adjust itself until the damage was repaired.

Take the St. Marys River, with those locks and dams at the Soo. Certainly the Senator from Colorado has no thought of apportioning that expense, national in character, upon the abutting landowner or upon those ships that use the locks. That is a national affair; and the Government, in the interest of all the people who are benefited by it, must bear the cost of that improvement.

If the Senator's proposition were to the effect that hereafter in the authorization of improvements the Congress would set its face sternly against a local improvement until the locality should pay at least one-fifth of the cost, I would not have the slightest hesitation in voting for it. In fact, I think it would be a wholesome rule in the future in dealing with new projects.

Mr. SHAFROTH. Mr. President, is the appropriation in regard to the locks in this bill?

Mr. SMITH of Michigan. At the Soo?

Mr. SHAFROTH. Yes.

Mr. SMITH of Michigan. Yes; Lock No. 4 has $800,000 in this bill; other contracts will be provided for in the sundry civil bill.

Mr. SHAFROTH. And the appropriations for that purpose are here?

Mr. SMITH of Michigan. Yes; the one referred to.

Mr. SHAFROTH. It is in this bill?

Mr. SMITH of Michigan. Yes; and the St. Clair River is in this bill.

Mr. SHAFROTH. Yes; to the extent of $83,000.

Mr. SMITH of Michigan. And the East River is in this bill.

Mr. SHAFROTH. There is $83,000 in this bill for the St. Clair River; and all that you would have to put up would be $17,000.

Mr. SMITH of Michigan. But who would pay it?

Mr. SHAFROTH. Why, the Senator said the other day that 85,000,000 tons went through that canal. Is it possible that people who have such enormous interests can not raise $17,000, when they are delayed by reason of not having the improvement and they lose twenty times as much as that unless they do put up that amount?

Mr. SMITH of Michigan. Now, wait just a moment. All of that tonnage is as distinctly related to the consumer as it is to the producer. Are you going to put your $17,000 on the producer and the consumer? Are you going to put it upon the wheat fields of the West or are you going to put it upon the consumers at the seaboard? The truth is that you can not apportion that cost. You can not make it a charge against the city of Port Huron, and you certainly can not make it a charge against the Dominion of Canada; and yet both Canada and the United States use this waterway very freely.

Mr. SHAFROTH. Why, certainly you can not do it unless the persons are interested and want to have the improvement so badly that they will put it up, and then they will do it. This is a mere bagatelle that would not delay the matter 10 days, because they are great big ship companies and great big interests.

Mr. SMITH of Michigan. I am sorry that the Senator from Colorado persists in the idea that because he has a very sensible and fair proposition in the abstract he must make unwise and inexpedient and impracticable the application of his plan.

Mr. REED. Mr. President——

Mr. SMITH of Michigan. I yield to the Senator from Missouri.

Mr. REED. I agree with a good deal that the Senator has said. I disagree with some things he has said. The Senator speaks of local improvements. I want to ask the Senator if he thinks we have a right to take 80 per cent of the cost of what is a local improvement out of the Government Treasury at all?

Mr. SMITH of Michigan. No; I do not. I think it has been done.

Mr. REED. I find myself, therefore, in complete agreement with the Senator. It therefore follows that no local improvement should ever be made by the Government.

Mr. SMITH of Michigan. All right. I agree with that.

Mr. REED. Now, there may be cases—there are isolated cases—where the improvement is in aid of interstate commerce, and is therefore a perfectly proper point at which to expend the Government money; but there may also be a special and peculiar local benefit. In that case, treated by itself, the equities may be very justly taken into consideration, and that which is equitable and fair may be arrived at. But every case must be decided by itself and upon its merits.

Mr. SMITH of Michigan. Certainly. Let me say to the Senator that he is in perfect accord with our report, and the Senator from Colorado is out of accord with the second provision of our report:

> That participation in improvements by local communities be encouraged, always with due care to avoiding the adoption of projects which are unworthy of recognition by the Federal Government.

The plan proposed by the Senator from Colorado would encourage every project by a 20 per cent contribution. That would be the test of its virtue. But the Senator is upon good, substantial foundation in his desire to curtail the number of improvements, to which the Government shall commit itself. I think the Government has undertaken too much; there should be fewer projects and they should be completed, and I think we can appropriately circumscribe the work to be undertaken, but it is unfair to leave meritorious projects in a demoralized and uncompleted state.

Mr. REED. Mr. President, if the Senator will pardon a further interruption, because it is upon this particular theme, I think I can illustrate the whole question by two pointed instances.

Let us take the improvement of the Missouri River in general. The river is 3,000 miles long. At one time it carried commerce as far as Fort Benton. The railroads came along and put the boats out of business, and did it by cutting rates. It is now undertaken to restore that river, so that transportation can be had upon it on the stretch from Kansas City to St. Louis, which is approximately 400 miles by river. If that is carried out, the commerce from Kansas City will not only go to St. Louis, but, if the Mississippi River improvements are carried on, it will go to the Gulf, to New Orleans. Now, that is interstate commerce. That improvement is for the benefit of that entire stretch of country. Moreover, as that commerce increases, and as docking facilities are furnished, there is not a doubt in the minds of experts who have examined the question but that the commerce will become a vast and a mighty commerce.

The general improvement of the Missouri River, therefore, is a matter national in its importance, and should be paid for by the Government, and can be paid for in no other way, because there is nobody to assess. But come now to an improvement that is in this bill at St. Joseph, Mo. Here is the situation: The river is threatening to cut a short channel which will, if it is cut, destroy a large amount of valuable property. The engineers report that they do not think it will take the short channel, that it is unlikely, and yet there is a danger; but that if it does take the short channel it does not necessarily follow that there will be a tremendous injury to the stream from the standpoint of navigation. The Army Engineers said in that case that if the local people would contribute approximately two-fifths—they originally said one-half—of the cost, the Government could afford to put in the necessary revetment at St. Joseph and stop the river from making that cut-off, and that it would be equitable for the Government to pay half of that expense and equitable for the people to pay one-half.

There was a special and peculiar benefit. There was a reason for doing the work, because it would benefit property and at the same time benefit navigation; and there was the additional idea that if the Government did not enter upon this work navigation would not be injured more than at least one-half of this expense. Accordingly, that assessment was made. I do not think the Government engineers were right in their conclusion that if the river went through it would not greatly injure the river—that is, if the river made the cut-off. Nevertheless, that was their opinion, and the people accepted it. In cases of that kind, segregated and taken out by themselves, it is perfectly proper to require a local contribution.

Mr. SMITH of Michigan. I think so.

Mr. REED. But I affirm that no river should ever be improved for a purely local reason; no creek should ever be improved for a purely local reason; no harbor should ever be improved for a purely local reason; that always it must relate to interstate commerce; and that the only place where contribution ought to be applied is where there is a peculiar and special local benefit, separate and distinct from the general benefit; and that every one of those cases must be settled, not by a general rule but by the equities of the particular case.

If the Senator's amendment were to the effect that where there were special and distinct local benefits the amount of the benefits should be fairly ascertained and the contribution required, I would have no quarrel with it. Indeed, that is already the policy of the department. But since the Senator has been so kind, let me offer one further observation, and I beg his pardon for taking his time.

If this bill is passed in the present form, it means that not a single dollar can be expended on any of these improvements until the local interests have raised one-fifth of the cost. That means that every one of these improvements will stop right where it is, and some of them will not ever be resumed, and some of them will not be resumed for many years. I call the attention of the Senator from Colorado to the fact that in that half-completed condition, if the improvements are stopped, or not carried on from year to year, the work already done will be, to a very large extent, washed out and destroyed. There could scarcely be a greater disaster conceivable than to pass this amendment, halt this work, let all this revetment that is in and is only half protected at the present time be swept away, let all these

dikes that are in and that have not yet been properly protected be swept away, and the internal improvements of this country brought to a standstill, and worse than a standstill—brought to a position of definite and certain loss. Whatever there is of virtue in this idea ought to be worked out in a proper way.

Mr. SHAFROTH. Certainly; it ought to be made upon every improvement. If an improvement is large, its benefit must be large, and consequently the benefit to commerce must be large. Those people are not going to wait when they can get the improvement by the payment of one-fifth. The only improvements that will suffer, in my judgment, will be those improvements that are unworthy and that have been pointed out by the distinguished Senator from Iowa [Mr. KENYON]. Those are the ones, it seems to me, which will fail by reason of this provision. In the others the money will be put up by those who are specially interested in them, not necessarily the locality but the great interests that use them.

Mr. REED. It is easy enough for the Senator to say that in his opinion there will be no work destroyed except unworthy work. That is a mere assertion. What is his opinion based on? I can say to the Senator that there are millions of dollars' worth of work on these rivers that have been put in, and well put in, but in order to protect it it must be completed. Now, who is going to assess it?

Mr. SHAFROTH. We are going to assess nobody.

Mr. REED. Where are you going to get the money?

Mr. SHAFROTH. The people interested will come to the front.

Mr. REED. Who is interested? Every man, woman, and child in the United States is interested in interstate commerce. On these great rivers nobody has any special or particular interest. It is idle talk. Whom would you assess, for instance, on the Missouri River? Would you assess the farmers along the banks and collect this money from them? Would you get it from the city of St. Louis or from Kansas City? The business men of Kansas City have already raised a million and a quarter dollars to put boats on the river. After the Government had approved a permanent plan and had agreed as far as the Government can agree that it would carry out that plan, the citizens subscribed a million and a quarter dollars to put boats on the river. They taxed themselves to the utmost, to the last dollar, to have boats there, and they have more building, and the work is only one-half or one-third completed on the river; it is standing there in an exposed condition. Who is to put up the money? The Senator from Colorado might be justly asked to contribute, because the rates to Kansas City affects the rates to Denver.

Mr. SHAFROTH. Any organization or any set of people who are benefited are going to take advantage of the Government putting up 80 per cent, they putting up only one-fifth.

Mr. REED. That is mere assertion again. The Senator says any organization will do it. I say there is no organization in my State that will do it. I put my assertion, having some knowledge of the facts, against the assertion of the Senator who has no knowledge of the facts in that locality.

Mr. SHAFROTH. That assertion is just as good as the assertion saying all these things will stop.

Mr. REED. They must stop.

Mr. SHAFROTH. My judgment is that they will not stop. What is this Missouri River improvement? Two hundred thousand dollars. Forty thousand dollars will be all they will have to put up. If one company alone has put up $1,250,000, they will never stop their enterprise when they can get four-fifths more work done by the payment of $40,000.

Mr. REED. Let me correct the Senator. He is just as accurate in that statement as he has been in all of them. It is $2,000,000 instead of $200,000.

Mr. SHAFROTH. The amount that is carried here is $200,000.

Mr. REED. Two million dollars.

Mr. SHAFROTH. On the Missouri River.

Mr. REED. A million and a half dollars this year.

Mr. SHAFROTH. Then it is that much larger and they are getting that much more benefit.

Mr. President, I want to say, if the Senator from Michigan will pardon me, with relation to the Missouri River, I have lived along the Missouri; I was born there, and I know something of the conditions there. After the enterprise has started there of a permanent nature there are, I believe, hundreds of people willing to dig down into their own pockets and to put up substantially the amount which is imposed on them, and, so far as I am concerned, I am willing that they should have it under those circumstances.

Mr. REED. Does not the Senator think raising a million and a quarter dollars in Kansas City is some evidence of the good faith of those people?

Mr. SHAFROTH. Yes; but it is good faith in the boats which they make use of. If the navigation did not exist there they could put them somewhere else.

Mr. REED. They could not put them anywhere else. That would be an absolute impossibility.

Mr. SHAFROTH. They could put them on the Mississippi if they could not be used on the Missouri.

Mr. REED. They have to make special boats. They sent men clear to Germany to find out what kind of boats to use in shoally water. They experimented and they spent hundreds of thousands of dollars, and they finally developed boats which are admitted by Government experts to-day to be the best possible boats to employ on rivers where there are rapid currents and frequent shallows.

Mr. SHAFROTH. That is not the only river in the United States where they have shallows.

Mr. REED. It is for the benefit of the commerce of the whole country.

Mr. TAGGART. May I ask the Senator a question?

Mr. SHAFROTH. The Senator has referred to the Missouri River.

Mr. SMITH of Michigan. Mr. President——

Mr. SHAFROTH. Very well.

Mr. SMITH of Michigan. Now, I am going to yield to the Senator, if I may under the rule.

Mr. TAGGART. I simply wish to ask a question.

Mr. SMITH of Michigan. I am going to yield to the Senator, because I want to hear his last speech on this amendment.

Mr. SHAFROTH. I will reserve making any further statement.

Mr. TAGGART. I wish to ask the Senator in regard to the 20 per cent assessment, How it is to be assessed? Against abutting property?

Mr. SHAFROTH. No; anybody who wants to contribute, any person who is interested, will come in just like in these other projects. There are eight projects included in this bill where they are required to put up—not 20 per cent, but a good deal more than that—and if those people can do it, other people can.

Mr. TAGGART. If no individual will benefit, what provision is made for raising the money?

Mr. SHAFROTH. But there are individual benefits; otherwise the projects would not be in this bill at all. The steamship companies and the railroad companies are to be benefited. The people are generally benefited in lowering the rates. All those who are interested would come to the front and pay one-fifth in order to get the 80 per cent that the Government puts into the enterprise.

Mr. WORKS. Mr. President, the only doubt in my mind about the wisdom and justice of this sort of a provision is as to whether a fixed and determined amount should be named that shall be paid in all these improvements. There may be cases where it is entirely proper that even a larger sum than 20 per cent should be charged. In fact, out in our part of the country they usually compel us to pay one-half. It has been so in almost every instance. Also there are other cases where it would be unjust to charge even as much as 20 per cent.

So far as these improvements made by the Government are concerned, where they affect navigation it is the duty of Congress to make them; it rests in the Government, not upon private individuals. There has always been a question in my mind whether it is proper to compel private individuals or cities to contribute toward what the Government should provide, but that rule has been established in the department and it is generally required.

I think it is very doubtful, however, whether any fixed sum should be named in the statute.

Mr. SMITH of Michigan. Mr. President, I hope that the debate has finally been exhausted on this amendment, and with that idea I do not want to delay the Senate any longer.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. President, I want the yeas and nays on the amendment, and I wish to say just one word in answer to the Senator from Michigan with relation to these continuing projects. I want to say that those very provisions are in this bill, most of them requiring contributions for continuing appropriations on projects that have been existing. If it is wise to do it there, it seems to me it ought to be wise to do it in other instances. Is it possible because an enterprise had the benefit of the entire contribution from the Government for 10 years that therefore it should be exempted in the future? The fact that they have gotten the benefit for 10 years ought to make them that much more willing to contribute, and consequently it would be that much more of an equitable requirement in the bill.

I ask that my amendment may be read.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. —. That each of the appropriations herein made shall become available only in the event States, counties, cities, or individuals shall pay into the Treasury as part of the same 20 per cent of the amount thereof: *Provided, however,* That the provisions of this section shall not apply to those items requiring contributions from other sources.

Mr. SHAFROTH. I ask for the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER], which I transfer to the junior Senator from California [Mr. PHELAN] and vote "yea."

Mr. THOMPSON (when his name was called). I have a pair with the Senator from Illinois [Mr. SHERMAN], and in his absence I withhold my vote.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from West Virginia [Mr. GOFF]. In his absence I withhold my vote.

Mr. UNDERWOOD (when his name was called). I transfer my pair with the junior Senator from Ohio [Mr. HARDING] to the senior Senator from Indiana [Mr. KERN] and vote "nay."

Mr. WADSWORTH (when his name was called). Has the junior Senator from New Hampshire [Mr. HOLLIS] voted?

The VICE PRESIDENT. He has not.

Mr. WADSWORTH. I withhold my vote, having a pair with that Senator.

Mr. WALSH (when his name was called). I inquire if the Senator from Rhode Island [Mr. LIPPITT] has voted?

The VICE PRESIDENT. He has not.

Mr. WALSH. I am paired with that Senator and withhold my vote.

Mr. WILLIAMS (when his name was called). Repeating the announcement I made concerning my pair and vote upon yesterday and asking that it stand for the balance of the day, I vote "nay."

The roll call was concluded.

Mr. TAGGART. I wish to announce that the senior Senator from Indiana [Mr. KERN] is unavoidably absent and that if present he would vote "nay."

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. CHILTON. Has the Senator from New Mexico [Mr. FALL] voted?

The VICE PRESIDENT. He has not.

Mr. CHILTON. I have a pair with that Senator. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. CATRON. Has the Senator from Oklahoma [Mr. OWEN] voted?

The VICE PRESIDENT. He has not.

Mr. CATRON. I transfer my pair with the Senator from Oklahoma [Mr. OWEN] to the Senator from Idaho [Mr. BRADY] and vote "nay."

Mr. LODGE. I have a pair with the senior Senator from Georgia [Mr. SMITH]. I understand that he would vote as I intend to vote on this question, and therefore I will vote. I vote "nay."

Mr. DILLINGHAM (after having voted in the negative). I observe the senior Senator from Maryland [Mr. SMITH], with whom I have a pair, is absent from the Chamber. I will therefore transfer my pair to my colleague [Mr. PAGE] and allow my vote to stand.

Mr. TOWNSEND. I am paired with the junior Senator from Florida [Mr. BRYAN], but I feel at liberty to vote on this question. I vote "nay."

Mr. OVERMAN (after having voted in the negative). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the junior Senator from Maryland [Mr. LEE] and let my vote stand.

Mr. CHILTON. I wish to announce for the day the unavoidable absence of my colleague [Mr. GOFF].

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON]; and

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM].

The result was announced—yeas 11, nays 50, as follows:

YEAS—11.

Ashurst	Johnson, S. Dak.	Myers	Shafroth
Gore	Kenyon	Newlands	Thomas
Hitchcock	Martine, N. J.	Norris	

NAYS—50.

Bankhead	Fletcher	Overman	Sterling
Borah	Gallinger	Pittman	Stone
Broussard	Hardwick	Poindexter	Sutherland
Catron	Husting	Pomerene	Swanson
Chamberlain	James	Ransdell	Taggart
Chilton	Jones	Reed	Townsend
Clapp	La Follette	Saulsbury	Underwood
Clark, Wyo.	Lane	Sheppard	Vardaman
Clarke, Ark.	Lea, Tenn.	Shields	Weeks
Culberson	Lodge	Simmons	Williams
Cummins	Martin, Va.	Smith, Ariz.	Works
Curtis	Nelson	Smith, Mich.	
Dillingham	Oliver	Smoot	

NOT VOTING—35.

Beckham	Gronna	McCumber	Smith, Ga.
Brady	Harding	McLean	Smith, Md.
Brandegee	Hollis	O'Gorman	Smith, S. C.
Bryan	Hughes	Owen	Thompson
Burleigh	Johnson, Me.	Page	Tillman
Colt	Kern	Penrose	Wadsworth
du Pont	Lee, Md.	Phelan	Walsh
Fall	Lewis	Robinson	Warren
Goff	Lippitt	Sherman	

So Mr. SHAFROTH's amendment was rejected.

Mr. HUSTING, Mr. SHAFROTH, and Mr. NEWLANDS addressed the Chair.

The VICE PRESIDENT. The Senator from Wisconsin.

Mr. SHAFROTH. Mr. President, I desire to offer an amendment striking out the words "twenty per cent" and inserting the words "ten per cent." On that I ask for the yeas and nays.

The VICE PRESIDENT. But the Chair has recognized the Senator from Wisconsin.

Mr. HUSTING. Mr. President——

Mr. NEWLANDS. Mr. President, will the Senator from Wisconsin yield to me for a moment?

Mr. HUSTING. I shall do so if I do not thereby lose the floor.

The VICE PRESIDENT. The Chair makes no guarantee as to that.

Mr. NEWLANDS. I wish to offer the same amendment that was offered and put into the river and harbor bill some three years ago, regarding the creation of a river-regulation commission, with powers of coordination and cooperation.

Mr. HUSTING. Mr. President——

Mr. NEWLANDS. Mr. President, I wish to say to the Senator from Wisconsin that the chairman of the committee is willing that this amendment shall go into the bill; and I judge from its history, as it has already been acted upon by the President, that there will be no debate upon it. I should like this amendment to go into the bill now before the Senator from Wisconsin makes his motion to recommit.

Mr. HUSTING. Mr. President, I shall be very glad to accommodate the Senator from Nevada if I can do so without losing the floor.

Mr. CLARKE of Arkansas. Mr. President, let me make a suggestion to the Senator from Wisconsin. Of course, I would not want to deprive the Senator of the floor; but I trust he will permit the Senator from Nevada [Mr. NEWLANDS] to offer his amendment, and I trust that the Senate will permit the amendment to be adopted without comment. It relates to a subject that will be considered in conference, and its adoption by the Senate does not indicate with any degree of certainty that it will receive one treatment or the other; but it relates to a very important subject that will come up before the conference committee. I trust the Senator from Wisconsin will permit the consideration of the amendment at this time. I do not think it will provoke any debate.

Mr. LODGE. Mr. President, the amendment must be read, of course.

The VICE PRESIDENT. The Senator from Wisconsin has been recognized.

Mr. HUSTING. If the amendment will cause no discussion, I am willing to yield for the present.

The VICE PRESIDENT. Unfortunately, the Chair is not in position to give guaranties to Senators as to what will or what will not come about. Does the Senator from Wisconsin yield, or does he not?

Mr. NEWLANDS. If the amendment arouses debate, I shall withdraw it; I will leave it pending.

Mr. LODGE. Leave it pending now. The amendment must be read if it is going to be acted upon.

Mr. NEWLANDS. I ask that the amendment may be read.

The VICE PRESIDENT. The Chair understands that the Senator from Wisconsin has yielded the floor, and the Senator from Nevada offers an amendment, which will now be read.

Mr. HUSTING. I wish to qualify the statement of the Chair by saying that I should like to have the Senator from Nevada withdraw the amendment in case it provokes discussion. I shall ask the floor after the Senator concludes.

Mr. NEWLANDS. Mr. President, I ask to have the amendment read.

The VICE PRESIDENT. The amendment submitted by the Senator from Nevada will be read.

The SECRETARY. It is proposed to add the following to the bill:

SEC. —. That a commission, to be known as the River Regulation Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the chairman of the Commerce Committee of the Senate, the chairman of the Interstate Commerce Committee of the Senate, the chairman of the Rivers and Harbors Committee of the House of Representatives, and the chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives, is hereby created and authorized to bring into coordination and cooperation the Corps of Engineers of the Army and other scientific or constructive services of the United States that relate to the study, development, and control of waterways and water resources and subjects related thereto and to the development and regulation of interstate and foreign commerce, with a view to uniting such services through a board or boards in investigating questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, forestry, swamp-land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil waste, cooperation of railways and waterways, and promotion of transfer facilities and sites, and in forming comprehensive plans for the development of the waterways and water resources of the country for every useful purpose by cooperation between the United States and the several States, municipalities, communities, corporations, and individuals within the jurisdiction, powers, and rights of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce, and by reason of its proprietary interest in the public domain, and to the States, municipalities, communities, corporations, and individuals such portion as properly belongs to their jurisdiction, rights, and interests, and with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the highest development and utilization of the waterways and resources of the United States; and such river regulation commission is authorized to appoint as members of such board or boards such engineers, transportation experts, experts in water development and utilization, and constructors of eminence as it may deem advisable to employ in connection with such plans. And for the expenses of such organization, investigation, and plans the sum of $500,000 is hereby appropriated.

Mr. GALLINGER. Mr. President, I make the point of order against the amendment that it is general legislation on an appropriation bill.

Mr. NEWLANDS. Well, Mr. President, as I presume that will bring about discussion I withdraw the amendment.

The VICE PRESIDENT. The amendment is withdrawn. The Senator from Wisconsin is recognized.

Mr. HUSTING. Mr. President, I want to say just a word about my reasons for having voted against the amendment of the Senator from Colorado [Mr. SHAFROTH]. I think there is a very good idea contained in the amendment, but under the broad terms of the amendment it would have prevented the United States in the case of the East River, to take one instance, doing something that is an absolute matter of naval necessity, as I understand. Furthermore, it assumes that this bill is going to pass with the consent of the Senator from Colorado in case those directly concerned pay one-fifth of the cost of a proposed improvement. I am against the bill with or without that amendment, and consequently I voted against the amendment.

Before I resume my seat I am going to move for a recommitment of this bill to the committee.

Mr. STERLING. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. HUSTING. Yes.

Mr. STERLING. Will not the Senator from Wisconsin withhold his motion to recommit until other amendments are offered? I wish to offer an amendment, and I think it was the understanding yesterday that the motion to recommit would come after other amendments to the bill had been submitted.

Mr. HUSTING. I should like to accommodate the Senator, but I feel as though I ought to offer this motion at this time and let the Senate dispose of it as it may see fit to do. I must decline to defer the motion any longer.

Mr. STERLING. I will simply say to the Senator from Wisconsin that I was acting upon the assumption that while the motion would be made it would be withheld for other amendments. I think that was the statement made on yesterday.

Mr. HUSTING. I will state, for the Senator's information, that yesterday when I proposed this motion I said I would defer it until the amendment of the Senator from Colorado [Mr. SHAFROTH] and the amendment of the Senator from Connecticut [Mr. BRANDEGEE] were disposed of, and that I should then renew the motion. I repeat, I should like to accommodate the Senator from South Dakota, but I do not feel at this time that I can do as he suggests. So I shall, before resuming my seat, offer the motion that the pending bill be recommitted to the Committee on Commerce with instructions to report a substitute therefor, appropriating an amount not in excess of $20,000,000 for the maintenance of river and harbor projects adopted by Congress and now under improvement, and for the further prosecution of work on rivers and harbors heretofore adopted by Congress, provided that the amount of said maintenance and prosecution shall be apportioned by the Chief of Engineers under the direction of the Secretary of War.

I have modified my motion by adding the last proviso. I did not expect to again speak upon this bill or upon this motion, as I addressed the Senate at length a few days ago, but some things have been said here in connection with this debate which, in justice to myself and to the Senate, I feel make it necessary for me to submit a few additional observations.

The Senator from Missouri [Mr. REED] was kind enough to honor me with his attention during the remarks I made two days ago, and to acquit me of any intent to deceive. He was gracious enough only to accuse me of gross ignorance of the subject which I was discussing. I feel complimented that he did not ascribe my position to any other motive than ignorance. I should dislike very much to have been accused of a willful attempt to deceive the Senate or of being dishonest in my remarks, and consequently I say that I am under obligations to the Senator for charging me only with honest ignorance.

I want to say that I have never felt that it was profitable to discuss questions of importance by ignoring the real issues and indulging in personalities. I have always felt that the strength of an argument ought to depend on the argument itself. I do know that there are people who think otherwise. I know, for instance, there are some men who believe that an argument may be based upon facts fixated from the atmosphere and supported by statements of an atmospheric nature. Such arguments are sometimes accompanied with a good deal of thunder and a considerable agitation of the atmosphere, sometimes approaching, although not quite reaching, the violence of a tornado, resulting sometimes in taking a few shingles off the roof, blowing down a few trees, and disturbing the scenery to a certain extent, but in nowise impairing or destroying the permanent or substantial structure. I say that that is one way to debate a question.

Another way to debate a question—and that is the way I feel questions ought to be debated—is to turn to the facts in the case, then to draw inferences from those facts, and then rest your case upon them. Sometimes one may be ignorant of some things and yet perfectly accurate as to others. So, as I have said, I am grateful to the Senator from Missouri, for, after all, I really feel as though the facts in this matter ought to be debated, and let them stand for themselves and be taken for what they are worth. That is the way that I propose to proceed, if the Senate will permit me, for a little while, and see whether or not the facts as presented by me in connection with this matter are in accordance with the facts as proven. It will not do to apply epithets or to make assertions and expect to convince anybody unless the argument rests upon premises that are taken from the facts, as I have said, and not from the atmosphere.

The Senator from Missouri stated here before the Senate that a certain report which discredited this Missouri River project signed by Col. Deakyne was so grossly inaccurate and so manifestly unfair that the Senator felt the utmost sympathy for the degradation and humiliation of the colonel when he appeared before the board, and that the report of Col. Deakyne was utterly discredited. Inasmuch as the argument that I made rests for its foundation upon this report, it is important to determine in the consideration of this proposition whether or not the facts as adduced by Col. Deakyne are correct.

What was Col. Deakyne's report? Col. Deakyne's report was in a general sense to the effect that something like $6,250,000 had been expended, or, in order to be absolutely sure that I do not in any way misstate or color his report, that $20,000,000 was to be expended on the project. This project, in his judgment, was impracticable and profitless because only a certain

number of tons per year of actual commerce had been carried upon this river and that there were no prospects of greatly increased river traffic; and, according to his computations, the saving to the people on actual transportation charges was $10,000 a year. He said that, figuring the interest on the investment and figuring the charges of maintenance, it would cost the United States $1,100,000 a year in order to save somebody $10,000. I say—and I approve of what Col. Deakyne has said—that if that is true, and if that is all that appears to have been accomplished in the way of commerce on the Missouri River after the expenditure of about $6,000,000, and it has resulted in only a saving to the people of $10,000 a year, while it will cost the Government $1,100,000 a year to maintain it, including interest charges, that it is impracticable and should be abandoned, or at least not carried forward any further. It was that statement that brought from the Senator from Missouri the remark that Col. Deakyne's report was absolutely discredited.

I do not mention these matters because I think they will interest the Senate as bearing upon the personal opinion or judgment of Senators, but as the facts in the case. The Senator from Missouri denied these facts, or in effect denied them, but did not put the proof in the RECORD of the other reports to which he referred, notwithstanding his claim that the Kingman report and the Black report discredited the Deakyne report.

I am going to ask to have printed at this point in my remarks the following in full: The letter signed by Dan C. Kingman, Chief of Engineers, United States Army, dated Washington, December 17, 1915; also the report of the Board of Engineers for Rivers and Harbors, signed by W. M. Black, colonel Corps of Engineers, dated December 8, 1915; and in connection with that, in order to make it easy for purposes of comparison, I want to add the reexamination of the Missouri River from Kansas City, Mo., to the mouth by Lieut. Col. Deakyne, dated April 22, 1915, and the report of Col. C. McD. Townsend, colonel, Corps of Engineers, St. Louis, Mo., May 22, 1915.

The VICE PRESIDENT. In the absence of objection the matter referred to by the Senator from Wisconsin will be printed in the RECORD.

The matter referred to is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, December 17, 1915.

From: The Chief of Engineers, United States Army.
To: The Secretary of War.
Subject: Reexamination of the Missouri River, Kansas City to mouth.

1. There is submitted herewith for transmission to Congress report dated April 22, 1915, by Lieut. Col. Herbert Deakyne, Corps of Engineers, on reexamination of the project for improvement of Missouri River, Mo., mouth to Kansas City, directed by the river and harbor act approved March 4, 1915.

2. The existing project was formally adopted by the act of July 25, 1912, although the first appropriation was made by the act of June 25, 1910. The project provides for securing a permanent channel 6 feet deep between Kansas City and the mouth, at an estimated cost of $20,000,000, to be completed, except for maintenance, in 10 years. The work includes the removal of snags and the regulation and contraction of the channel by means of bank revetment and dikes. The estimated cost of maintenance of the completed project is $500,000 per year. There has been appropriated or allotted for this work a total of $6,250,000 in six years, or at the rate of a little more than $1,000,000 a year, while the project calls for $2,000,000 a year. The district officer analyzes the project on the basis of cost and benefits, and expresses the opinion that present and reasonably prospective commerce is not sufficient to warrant its continuance. He recommends that the present project be modified so as to provide for snagging alone, at an estimated cost of $40,000 per year, and that all other work be stopped. The division engineer concurs with the district officer as to the discontinuance of the present project for permanent work, but believes that the work already done should not be completely abandoned, and he recommends an annual appropriation of $150,000 for snagging and maintenance of existing work.

3. This report has been referred, as required by law, to the Board of Engineers for Rivers and Harbors, and attention is invited to its report herewith, dated December 8, 1915. On account of the importance of the subject, the board made a personal inspection of the river and held a public hearing at Kansas City on October 19 and 20, 1915. The board finds that the general method of improvement is well adapted to this stream and if systematically applied under adequate appropriations, will result in a permanent channel depth of 6 feet or more. The board suggests the temporary use of dredging at a few of the most obstructive crossings to facilitate low-water navigation while the permanent work is under construction. The board believes that if any improvement is undertaken aside from snagging it should be under the plan of complete improvement contemplated by the existing project.

4. At the time the adoption of the present project was under consideration, and with the understanding that improvement of the river would follow the establishment of actual navigation of a substantial character, a number of shippers and other business men of Kansas City organized a company for the purpose of operating a line of boats especially designed to meet the requirements of navigation on this river. The company has adopted the towboat and barge method of navigation and has taken steps to remedy certain conditions that have contributed largely to the decline of transportation on our western rivers. It uses terminal facilities at Kansas City and East St. Louis, having mechanical devices for transfer of freight, and these terminals have direct rail connections, thereby facilitating the transfer of freight from rail to boat or vice versa. It is handling commerce on through bills of lading under joint traffic arrangements with connecting rail and water carriers. It receives and delivers goods in cars on shippers' sidings, paying switching charges within certain limits, transferring to and from the boat, assuming carriers' risk in lieu of marine insurance and transporting between terminals, all at a rate of 80 per cent of the corresponding rail rate. It has been building up a traffic and operating at some loss upon a river that is largely unimproved, but it claims that the results already attained show that the traffic would be eminently successful upon an improved river.

5. Another change in commercial traditions since the adoption of this project, upon which considerable stress is laid, is found in the readjustment of transcontinental rail rates, resulting from traffic through the Panama Canal. It is claimed that this handicaps the manufacturers in the interior of the country and that they need the compensating advantage of cheap water routes to the sea.

6. The board states that a review of the entire situation indicates that the present grounds for continuance of this project are stronger than those which led to its adoption, and it therefore concludes that it is advisable for the United States to continue the improvement of the Missouri River between Kansas City and the mouth in accordance with the existing project.

7. After due consideration of the above-mentioned reports, I concur in the views of the Board of Engineers for Rivers and Harbors, and therefore report that it is not deemed advisable to abandon the existing project for improvement of Missouri River, Mo., mouth to Kansas City. The occasional use of dredging as suggested by the board is considered advisable, and it is therefore recommended that such work be authorized in connection with this project.

DAN C. KINGMAN,
Chief of Engineers, United States Army.

REPORT OF THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS.

[Third indorsement.]

BOARD OF ENGINEERS FOR RIVERS AND HARBORS,
December 8, 1915.

To the CHIEF OF ENGINEERS, UNITED STATES ARMY:

1. The following is the review of the district officer's report submitted under authority of section 14 of the river and harbor act of March 4, 1915, on reexamination of "Missouri River, mouth to Kansas City," with a view to determining whether the project shall be modified or the improvement abandoned.

2. The existing project was formally adopted by the act of July 25, 1912, although the first appropriation was made by the act of June 25, 1910, as explained by the district officer. The project provides for securing a permanent channel 6 feet deep between Kansas City and the mouth, at an estimated cost of $20,000,000, to be completed, except for maintenance, in 10 years. The work includes the removal of snags and the regulation and contraction of the channel by means of bank revetment and dikes. The estimated cost of the maintenance of the completed project is $500,000 per year.

3. There has been appropriated or allotted for this work a total of $6,250,000 in 6 years, or at the rate of a little more than $1,000,000 a year, while the project calls for $2,000,000 a year. The expenditures to March 4, 1915, were $2,577,290.85, of which sum $291,208.26 were applied to maintenance and about $597,000 were used in procuring suitable plant. Experience leads the district officer to believe that the project can be completed at the estimated cost, if appropriations are made at the rate of $2,000,000 a year for construction with sufficient amounts for maintenance, but that at the present rate it will require over 20 years to finish the work.

4. The commerce for 1913 is reported as amounting to 347,235 tons, of which 309,684 tons consisted of sand, gravel, and logs, reported as not being benefited by improvement, leaving 37,537 tons of waterborne commerce affected by the project.

5. The district officer analyzes the project on the basis of cost and benefit, and expresses the opinion that present and reasonably prospective commerce is not sufficient to warrant its continuance. He repeats what has been stated in former reports, that any attempt at partial improvement will be futile, and if the river is improved at all, the work should be complete as to the protection of banks and control of channel. He believes that snagging should be continued, and recommends that the present project be modified so as to provide for snagging alone, at an estimated cost of $40,000 per year, and that all other work be stopped.

6. The division engineer is in accord with the district officer as to the discontinuance of the present project for permanent work, but believes that the work already done should not be completely abandoned. He recommends an annual appropriation of $150,000 for snagging and the maintenance of existing works.

7. Interested parties were informed of the district officer's unfavorable report and were given an opportunity of submitting their views to the board. A number of communications were received, and request was made for a hearing, which was given by the board at Kansas City, on October 19 and 20, after personal examination of the river from Kansas City to Washington, a distance of about 320 miles. This hearing was attended by a large number of deeply interested persons, including representatives from Nebraska, Kansas, Missouri, Minnesota, Illinois, and Louisiana. A record of the hearing is appended hereto.

8. The method of improvement under the present project is the result of many years of experimental work at considerable cost. The simplest and most inexpensive structures were first tried and gradually through experience these were modified and strengthened, resulting finally in a standard form that with slight changes has been followed in recent years with a reasonable measure of success. It is believed that the systematic application, under adequate appropriations, of the general principles and methods followed under the existing project, with such modifications of detail as further experience may develop, will result in a continuous and permanent channel 6 feet or more in depth. It may be desirable from time to time not only to modify details of construction, but also possibly to supplement the permanent work while under construction by the temporary use of a shallow-draft dredge to cut through a few of the most obstructive crossing in order to facilitate low-water navigation. It is understood that the existing project is sufficiently elastic to permit such minor modifications with the approval of the Chief of Engineers. It has often been reported, and the board desires to repeat here, that any project of less scope would be inadequate to secure a permanent 6-foot channel, and if any improvement is undertaken, aside from snagging, it should be under the present plan of complete improvement, at a probable total cost of not less than $20,000,000.

9. A matter considered of great importance in connection with the present investigation is the existence of the recently organized Kansas City (Mo.) River Navigation Co. This company was incorporated in 1909 with a capital stock of $1,202,000, of which more than a million has been collected in cash. It is claimed by those interested that the incorporation and operations of this navigation company were

undertaken as the result of an understanding with the River and Harbor Committee of the House of Representatives that the project for the improvement of the Missouri River from Kansas City to the mouth would be adopted and vigorously prosecuted under adequate appropriations, provided the locality first show its faith in the importance and necessity for the improvement by the expenditure of its own funds in the actual establishment of commerce on the river. Navigation was commenced in 1911, with certain plant secured by purchase, and at the same time it was decided to investigate the types of boats best suited to successful and economical use on the Missouri River. The services of experts were secured and careful study of navigation on shallow-draft rivers was made, resulting in the adoption of the towboat and barge method of navigation with improved steel vessels of fireproof construction and suitable size, draft, and motive power for the Missouri River. These investigations have been carried on at considerable expense and have far more than local value, as they contribute very substantially to the solution of the important problems of economical transportation on this and other inland waters of the United States. The company is satisfied with the progress made, and it proposes to continue the investigations and study, with its increasing activities, and to utilize the results in the construction of additional plant from time to time. The results of these investigations are furnished without charge to other cities contemplating the establishment of transportation lines.

10. The company has taken steps to remedy certain conditions that have contributed largely to the decline of river transportation. It has secured the establishment of terminal facilities at Kansas City and at East St. Louis, having rail connection at both places and mechanical devices for the transfer of freight. It has entered into joint traffic arrangements for the interchange of freight with connecting carriers, both rail and water, and is now handling commerce on through bills of lading. It receives and delivers goods in cars on shippers' sidings, paying switching charges within certain limits, transferring to and from the boat, assuming carriers' risk in lieu of marine insurance, and transporting between terminals, all at a rate of 80 per cent of the corresponding rail rate. The present floating plant consists of 1 steel packet boat, 2 steel towboats, and 12 steel barges. These barges are of varying sizes, the larger ones, provided with steel fireproof, weatherproof, and locked deckhouses, being used for through commerce, and the smaller for either through or local business, in the latter case the barges being left at way landings for loading, and being picked up by the next boat up or down, depending upon the destination of the cargo. So far the traffic receipts of the company have not fully covered operating costs, but the company has been operating on an unimproved river and building up a traffic in face of considerable difficulties. It claims to have demonstrated that the traffic will be eminently successful on an improved river. This year, 1915, up to October 1, freights collected would have more than covered operating costs had not a barge been accidentally sunk at its East St. Louis wharf.

11. This company is making the most thorough attempt within the knowledge of the board to revive a river traffic that had disappeared under railway competition. It appears to be sparing no expense or effort that will contribute to the solution of this problem, and it claims as a result of its experience that success is attainable if a permanent 6-foot channel is provided. A continuance of the experiment under as favorable river conditions as can be secured is worth much to the United States, and should go far toward showing what are the real possibilities in this important field of the transportation problem in this country.

12. The commerce handled by this company is still comparatively small, but has been increasing rapidly since its organization. During the current year, up to October 1, it amounted to 27,306 tons, and it is expected that by the end of the navigation season it will be somewhat in excess of 33,000 tons, or about two and one-half times the amount in 1914. This does not include the traffic carried by local boat lines operating at different points along the river, independently of the Kansas City (Mo.) River Navigation Co., which amounted to about 27,000 tons in 1913.

13. It is difficult to determine what may be the future waterborne commerce of this river, and neither the past nor the present volume should in fairness be used as a measure of what to expect in the future. The improvement so far effected in the channel is sufficient to show what can be done by the engineering methods adopted, but, excepting in the removal of snags, it has not progressed far enough to afford a very material betterment of channel depths, excepting in disconnected improved sections. The boats can not be loaded to their full capacity, and even light find difficulty at many shoal crossings. Schedule time can not be made, and delays in delivery have tended to discourage shippers. Notwithstanding this, there is apparent an enthusiastic determination on the part of the navigation company and of the shippers to push their present endeavors to a successful conclusion, provided the United States continue the work of improvement under the existing project. Many individual shippers at Kansas City have given evidence that they intend to patronize the boat line as far as practicable, and that the extent of water-borne traffic will be in proportion to the amount of work done by the United States in the betterment of channel facilities. It is claimed that benefit has already been felt from the work done, and that each bend revetted adds to the safety and reliability of navigation. A number of individual shippers appearing at the hearing stated the amount of commerce that they would offer the boat line under improved river and transportation conditions. These were selected as representing different industries and lines of business, in which there are many other prospective shippers. Several of these shippers emphasized the fact that high-grade freight has been carried by the navigation company with less damage in transportation and handling and less loss from pilfering than they have experienced with rail shipments. The navigation company attributes these conditions to its fireproof and locked freight houses on the barges. It is claimed that with the improved methods of interchange of freight between rail and water, commerce originating west of Kansas City and destined for St. Louis or points still farther east, as well as that originating east of St. Louis and destined for Kansas City or points beyond, can be handled advantageously by the navigation company. Some business of this character has already been done, and the evidence points to its increase. The amount that may be handled in this way is purely conjectural, as the method is as yet experimental and in its infancy, but it is known that the total tonnage moving through this territory is very large.

14. There have been presented to the board statistics of production and consumption of the territory tributary to the commercial center formed by Kansas City to show that the existing means of rail transportation are already fully utilized and that in the near future they will be unable to meet traffic requirements, if such be not the case to-day. It is claimed that soon additional highways of commerce will be a necessity. The report submitted in Appendix A (see p. 147) shows that the cost of construction and maintenance of one additional single-track road is quite comparable with the estimated amount required to complete the present project and to maintain the improved channel, while manifestly the carrying capacity of the improved waterway is vastly greater.

15. It has been estimated that, with the channel held by revetted banks, there would be available for agricultural purposes in the bottom land along the river between Kansas City and St. Louis 500,000 acres, the greater part of which would be less than a mile distant from the river, and a considerable portion of which is now necessarily nonproducing. It is claimed that this area would contribute very substantially to the river traffic.

16. Interested parties invite attention to the readjustment of transcontinental railway rates that is being made as a result of traffic through the Panama Canal. The effect of these changes is to give pronounced advantage to Eastern seaboard industries for the Pacific coast trade, and thus to handicap the interior manufacturers, and it is claimed that their only hope of retaining a competitive position is in having the benefit of cheap water routes to the sea. An improved channel in the Missouri would connect with the effective channel already provided in the Mississippi and give such a route from Kansas City to the Gulf of Mexico.

17. Among the indirect benefits to be anticipated from the improvement of the Missouri River are: (1) The revetment of the caving banks will give security to adjacent lands, which can then be protected from overflow by the construction of levees, thus adding materially to the value of land and to the area of production, with a corresponding increase of commerce. Already in some of the protected territory local levee districts have been organized and are in successful operation. It has been stated that the general formation of levee districts is awaiting only the assurance that the improvement of the river will be continued. There is now a decided feeling of unrest and anxiety as a result of the present investigation. (2) The confinement of the river to a fixed channel as contemplated by the project results in the reclamation and upbuilding of new lands that within a few years will become available for agricultural purposes. This will further increase the amount and value of property adjacent to the river as well as the amount of prospective commerce. (3) It is well known that the Missouri River carries large quantities of silt into the Mississippi River, resulting in injury to the navigation of that stream. The silt comes largely from the caving banks. The revetment of these banks and the fixation of the channel will reduce the amount of this material.

18. The board agrees with the district officer that up to this time experience in the United States on some other improved rivers, and particularly on the Mississippi, has not been such as to encourage the expectation that a river traffic will develop commensurate with the large cost of improvement. It would be difficult indeed to find economic justification of the cost of the improvement of the Missouri River from past experience on other waterways in this country having similar conditions. There is now, however, a renewed interest in river transportation, and steps are being taken at a number of places on the Mississippi and its tributaries to provide terminal facilities and establish boat lines. The Government itself has undertaken an extensive program of improvement on the Ohio and Mississippi and on this section of the Missouri to develop the possibilities of such inland water transportation. The board believes that the commercial interests at stake and the benefits to be secured are sufficient to warrant the continuance of such work on those main streams as will afford a thorough opportunity to test their usefulness as transportation routes.

19. The United States embraces within its limits widely varying conditions of soil and climate, with farm, mine, and forest products of all kinds. Each section has some special advantage in the production of at least one of the articles required in civilized life. To attain the maximum benefit from these conditions it is essential that the means of intercommunication and distribution shall be fully developed, so that producers and consumers may be served at a minimum of cost. Both railways and waterways are needed. Each class of transportation has a sphere of its own. Destructive competition between them is uneconomical and wrong. In the more thickly settled parts of the country both now flourish even on parallel lines. It is uncertain whether this condition is as yet possible in the Missouri Valley. Its inhabitants claim that it is. This waterway lies in a direct path of traffic, and a well-organized freight-carrying line operates on it. When equally efficacious and up-to-date water transportation lines shall have been established on the Mississippi River it seems beyond reasonable doubt that the commercial possibilities of these streams will be utilized to advantage. The testimony given to the board and appearing in the record of the public hearing shows potent causes for the decline of river traffic entirely apart from the true relative costs of transportation by rail and water. Changes of law have eliminated some of these causes, and it is claimed that the operations of the Kansas City-Missouri River Transportation Co. give promise that the remainder will disappear and that through such agencies the much-to-be-desired problem of minimum cost of transportation by water and rail will receive a definite solution.

20. A review of the entire situation indicates that the present grounds for continuance of this project are stronger than those which led to its adoption. The board therefore concludes that it is advisable for the United States to continue the improvement of the Missouri River between Kansas City and the mounth in accordance with the existing project.

For the board.

W. M. BLACK,
Colonel Corps of Engineers,
Senior Member of the Board.

REEXAMINATION OF MISSOURI RIVER FROM KANSAS CITY, MO., TO THE MOUTH.

WAR DEPARTMENT,
UNITED STATES ENGINEER OFFICE,
Kansas City, Mo., April 22, 1915.

From: The District Engineer Officer.
To: The Chief of Engineers, United States Army
(Through the Division Engineer).
Subject: Reexamination of project, Missouri River, Kansas City to mouth.

1. In compliance with instructions contained in department letter dated March 18, 1915, I submit the following report, giving my general views on the question of the modification or abandonment of the project for the improvement of the Missouri River from Kansas City to

the mouth. This report is called for by section 14 of the river and harbor act approved March 4, 1915.

2. The project for this improvement was adopted by Congress July 25, 1912, in the following language:

"Improving Missouri River, with a view to securing a permanent 6-foot channel between Kansas City and the mouth of the river, in accordance with the report submitted in House Document No. 1287, Sixty-first Congress, third session, and with a view to the completion of such improvement within a period of 10 years, $800,000: *Provided*, That cooperation from the localities benefited may be required in the prosecution of the said project in case any comprehensive plan is hereafter adopted by Congress for an apportionment of expense generally applicable to river and other projects in which any improvement now or hereafter adopted confers special or exceptional benefit upon the localities affected: *Provided further*, That nothing herein contained shall postpone the expenditure of the amount hereby appropriated or any further appropriation for said project without action by Congress."

However, the first appropriation for the work was made June 25, 1910, in the following language:

"Improving Missouri River, with a view to securing a permanent 6-foot channel between Kansas City and the mouth of the river, $1,000,000: *Provided*, That the Secretary of War shall appoint a board of three officers to further consider and report upon the most economical and desirable plan of securing such channel, in which report consideration will be given to the subject of cooperation on the part of local interests in the work of said improvement: *Provided further*, That the report hereby authorized shall be submitted to Congress on or before the opening of its next regular session."

3. The appropriations and allotments made for this project are as follows:

June 25, 1910	$1,000,000
February 27, 1911, authorized Aug. 24, 1912, appropriated	600,000
July 25, 1912	800,000
Mar. 4, 1913	2,000,000
Oct. 2, 1914	850,000
Mar. 4, 1915	1,000,000
Total of six appropriations	6,250,000

It will be noted that the appropriations have been made at about half the rate mentioned in the act adopting the project.

4. The expenditures to March 4, 1915, were $3,577,290.85, consisting of $3,286,082.59 for improvement and $291,208.26 for maintenance. It is estimated that the project is about 9 per cent completed. There have been large expenditures for plant since the inception of the project, and for that reason and on account of the lack of appropriations at the proper rate, the amount expended and the percentage completed appear out of proportion. But it has been demonstrated that the work can be done within the estimated unit cost, and it is my opinion that with appropriations at the rate of $2,000,000 per year for improvement and sufficient funds for maintenance the project could be completed within the total estimated cost.

5. The cost of maintenance after completion of the project is estimated at $500,000 per year. The maintenance work, including snagging, is now costing about $100,000 per year. It will gradually increase as the work progresses. If appropriations are continued at the rate of about $1,000,000 per year, and the maintenance increases from $100,000 to $500,000 per year, averaging $300,000 per year during the execution of the work, it is plain that over 20 years from this time will be required to complete the project.

6. I consider that the question of modifying or abandoning the project is one to be decided by a comparison of the cost involved with the benefits derived. Assuming the money of the Government to be worth 3 per cent interest, the total estimated cost of the project represents $600,000 per year interest. Adding the maintenance cost of $500,000 per year gives $1,100,000 per year as the permanent charge to the Government resulting from the execution and maintenance of this project.

7. The benefits derived are represented by the increased facilities for navigation. There are other incidental benefits, such as the protection of lands from erosion and the amelioration of flood conditions, but these have not been recognized as proper objects of Government expenditure on the Missouri River and are therefore not considered in the analysis.

8. The commerce to be considered is present and prospective, and the advantages that commerce will obtain from the improvement are the actual saving in freight charges by the use of the river and the effect on railroad freight rates produced by the possibility of water transportation.

9. The commerce for the calendar year 1914 is not yet fully tabulated. For 1913 it was as follows:

Articles.	Amount. Customary units.	Amount. Short tons.	Valuation.	Average haul.	Rate per ton mile.
				Miles.	
Grain	253,940 bushels	6,701	$195,303.38	123	$0.0091
Hay		114	2,049.66	106	.0156
Feed and flour		334	9,538.88	8	.0670
Oil	46 barrels	12	345.00	8	.0483
Manufactured iron and steel		1,655	897,790.50	291	.0089
Live stock	4,800 head	945	137,039.20	31	.0403
Salt	148 barrels	22	259.00	9	.0510
Sand and gravel	1,735 cubic yards.	2,513	1,646.00	9	.0557
Brick	4,800	16	56.90	9	.0349
Cement	534 barrels	107	1,152.90	26	.0346
Lumber	75,360 feet b. m	183	2,976.60	13	.0333
Other building material		15	1,088.00	10	.0415
Railroad ties	128,908	10,312	62,697.50	14	.0085
Produce		196	22,370.40	125	.0114
Wood	591 cords	847	2,135.60	9	.1002
Miscellaneous		13,579	2,520,734.80	237	.0093
Logs and lumber rafted	43,000 feet b. m	107	473.00	150	(1)
Sand and gravel barged	238,136 cubic yards.	309,577	71,555.00	1	(1)
Total		347,235	3,929,212.32		

1 Owner.

10. The items that are not benefited by improvement of the river are the sand and gravel barged and the logs and lumber rafted. They amount to 309,684 tons. Ferry traffic is not counted in reporting the commerce on the Missouri River.

11. Eliminating the logs and the sand and gravel barged, the remaining traffic is 37,551 tons, divided into classes which are carried over average distances of from 8 to 291 miles. The total freight charge on this traffic was about $41,000. The Kansas City-Missouri River Navigattion Co., the only through line on the river, operating between Kansas City and St. Louis, charges 80 per cent of the railroad freight rates. Assuming this to be the relation between the rail and water rates for the entire traffic, the saving to shippers by the use of the river in 1913 was about $10,000. It is evident that this saving is entirely inadequate to warrant the serious consideration of an expenditure by the Government of $1,100,000 per year in interest and maintenance.

12. The reduction in rail rates resulting from the possibility of water transportation is not a simple subject. There is no question that towns having water transportation are for that reason favored with lower rates than other places having no water transportation and requiring equal rail haul. It is my understanding that this condition is recognized by the Interstate Commerce Commission. It is frequently argued that if the improvement of a river gives lower rail rates such improvement is justified even if the river never carries a ton of freight. This might be true if there were no other method of controlling rail rates, but in these days, when the railroads claim that they are being regulated too much, there appears to be no lack of governmental machinery for controlling them, and it does not seem necessary to spend $20,000,000 to bring about a proper rail rate between Kansas City and St. Louis.

13. In some cases the improvement of a stream is justified, even at high expense, where the absence of rail transportation leaves the territory along the stream entirely dependent on water transportation. This is not the case with the Missouri River between Kansas City and the mouth. Over a great part of the distance the river is paralleled with railroads on both banks, and there are few localities that have no railroad within easy reach.

14. There remains to be considered the question of prospective commerce, and in my opinion the improvement must stand or fall by this criterion. In the survey report upon which the present project is based, the prospective commerce was given by the president of the Missouri Valley River Improvement Association as 1,000,000 tons. (See H. Doc. No. 1120, 60th Cong., 2d sess., p. 45.) That estimate was based upon a 10-foot channel, with six or seven boats especially adapted to the navigation of the Missouri River, handling cargoes of 2,000 tons each, and making one round trip per week during a navigation season of 10 months. The fact is that anyone can make almost any estimate he sees fit as to the prospective commerce. I think a better way to approach the subject is by inquiry concerning a river that has been improved. An example is the Mississippi between the mouth of the Ohio and the mouth of the Missouri. In the annual reports of the Chief of Engineers this stretch of river is reported as having a navigable depth of 6 feet or more during the entire navigation season of recent years. The commerce for the calendar year 1913 was 258,709 short tons, not including sand and gravel or ferry traffic. It should be noted that this stretch of river is so situated as to draw commerce from the improved stretches of the Mississippi above and below it as well as from the Ohio and the Missouri. If the Mississippi under these conditions and with a 6-foot channel carries 258,000 tons, it seems to me doubtful whether the Missouri with the same depth will carry any more. The Missouri River traffic would have to increase sevenfold to equal that on the above section of the Mississippi, and would have to increase a hundredfold to reach a figure commensurate with the cost of the work.

15. From the foregoing considerations I am of the opinion that the present and reasonably prospective commerce on the Missouri River between Kansas City and the mouth is not sufficient to warrant the continuance of the present project. I think the snagging should be continued, so that commerce may have the advantage of the natural depth of the river and the river shall not be allowed to become entirely obstructed. Any attempt at partial improvement seems futile, because the draft of boats, and therefore their cargoes, will be determined by the least existing depth. If the river is improved at all, the work should be complete as to protection of banks and control of channel. For the same reason it seems to me injudicious to spend any money in keeping up the works already built. If in another generation the improvement of the river becomes advisable, the present works will be of little value, and in the meantime the channel depth in the portions that have been improved are not likely to be less than in the portions wholly unimproved.

16. It is to be noted that these views agree in many respects with the previous attitude of the Engineer Department, as expressed by the Board of Engineers for Rivers and Harbors June 8, 1908, and by the Chief of Engineers December 2, 1908, in action on survey report published in House Document No. 1120, Sixtieth Congress, second session. The views of the board as to the futility of partial improvement and the wastefulness of inadequate and irregular appropriations are of particular interest. The Missouri River Commission in its final report also expressed the opinion that there was no middle course between mere snagging and thorough systematic improvement.

17. I recommend that the present project be modified so as to provide for snagging alone at an estimated cost of $40,000 per year, and that all other work be stopped.

HERBERT DEAKYNE,
Lieutenant Colonel, Corps of Engineers.

[First indorsement.]

OFFICE DIVISION ENGINEER, WESTERN DIVISION,
St. Louis, Mo., May 22, 1915.

To the CHIEF OF ENGINEERS, UNITED STATES ARMY:

1. Forwarded, concurring in the opinion of the district officer that the existing river commerce is not sufficient to justify the permanent improvement of the Missouri River from Kansas City to its mouth, but not approving the recommendation that the work should be entirely abandoned.

2. It is believed that there is still opportunity for the revival of western river commerce, but that it should first be sought not in the tributaries but in the main river. There is neither the density of population nor of material seeking shipment on the tributaries of the Mississippi, with the exception of the Ohio, to cause such a revival which will be in the nature of a revolution of the existing methods of transportation and will naturally originate at large centers of population, such as Chicago, Pittsburgh, St. Louis, and New Orleans, where large amounts of manufactured products are seeking shipment.

The agricultural products originating on a river bank are not sufficient to justify a large expenditure for the improvement of the river channel. With a revival of commerce on the main stream its extension to the tributaries will gradually follow.

3. The fact, however, that there has been a failure to properly utilize the improved channel that has been maintained during the past 10 years from St. Louis to New Orleans should cause Congress to hesitate before continuing the large appropriations it is making for the western rivers.

4. In the opinion of the division engineer, the problem of developing our western rivers should be treated as a single one. Instead of scattering appropriations over the entire western territory a channel of 8 or 9 feet depth should first be provided from Chicago to New Orleans and the offer of assistance in the construction of a canal along the Des Plaines River from the State of Illinois accepted. An opportunity should then be afforded the American people to determine whether they want waterways not by rhetorical efforts in river conventions, but by a practical utilization of the channel thus afforded. Until such revival occurs appropriations on the tributaries should be confined to maintaining the existing status. The existing works should not be allowed to deteriorate. At present an annual appropriation of $150,000 for snagging and the maintenance of existing works is therefore recommended.

C. McD. TOWNSEND,
Colonel, Corps of Engineers.

Mr. HUSTING. I want to read and comment on these reports as I go along. I want to show, and I think I can, from these reports, from the admitted facts, that the statements made by Col. Deakyne are substantially correct and his conclusions and recommendations sound. I further want to show that in all respects incident to this controversy the reports of Gens. Black and Deakyne are in accord. They only differ as regards the conclusions drawn and recommendations made, and in this respect I believe all fair men will agree that the report of Col. Deakyne is correct and convincing and in accord with sound public policy. I want to submit his reasons and the reasons of the other colonels and generals in the premises, so that the Senate may decide which of the two findings is the sounder and more in consonance with the facts.

In order to know whom we are dealing with here, I have received the information from the War Department, in substance, as follows:

Lieut. Col. Deakyne spent three and a half years in charge of the work on the Missouri River. He went to Kansas City in the summer of 1912. His term of four years would have expired in the summer of 1916. March 15, 1915, he applied for a place in the War College. This was granted in April, 1915; and after he had taken a preparatory course it was expected that he would return to the Missouri River. In the meantime he made his adverse report on the Missouri River project, and then another man was sent who came home from the Philippines. This man, Col. Mackindoo, was put in his place upon the Missouri River project.

Col. Townsend, who indorsed Col. Deakyne's report, is the chief engineer in charge of the entire western division, which includes the Mississippi and all of its western tributaries. Col. Townsend first reported as chief engineer at St. Louis on October 1, 1912. He has been in charge of all of the works carried on on the rivers in the western division since that time, and he is still in charge. He has been in charge nearly four years.

Now come the two officers who had no experience on the Missouri River:

Gen. Kingman never worked on the Missouri River. His work on western rivers consisted of four or five years spent on the extreme lower Mississippi away back in the eighties. At that time he was stationed at New Orleans.

Gen. Black never worked on either the Mississippi or the Missouri River. All he ever had to do with this system was an instruction tour which he took down the Ohio River in 1881 immediately after his graduation. This was a tour principally to be instructed in engineering conditions given young engineers after completion of their college course. Gen. Black has done most of his work in the East, and his headquarters most of the time have been on the Atlantic seaboard.

So we find that the only two officers who have been upon the ground and know this river are Col. Deakyne and Col. Townsend, and Col. Townsend is still there, in charge of that division. Col. Deakyne has been removed from the scene of his activity, notwithstanding his three and a half years' experience on the Missouri River, and has given way to a man who came from the Philippines.

Gen. Kingman, who was Chief of Engineers before Gen. Black, has never worked on any of these rivers in that part of the country except on the Mississippi away back in the eighties, 30 years ago, and Gen. Black has never worked either on the Mississippi or on the Missouri. So, as to the condition of the river, I do not think anyone will dispute for a moment that Col. Deakyne and Col. Townsend know that project better than these other gentlemen who presume to overrule them.

It is true they did have a hearing. It is contained in this book, House Document No. 463, Sixty-fourth Congress, first session; but the hearing they had there was principally the hearing of members of societies, business men, and in particular the hearing of a certain transportation company that seems to be quite interested in this project. I guess there was some examination of the river made, but it must have been a purely superficial one, because there is no pretense that I know of that they spent any number of months or years in making this investigation which resulted in the turning down of Col. Deakyne's report.

What do these reports show? I will take up the principal one. That is the one signed by W. M. Black. That was approved by Dan C. Kingman, Chief of Engineers. Gen. Black was the man at the head of the Engineer Corps at this time. It is all printed. I may not read all of it, but I wish to read all that has any particular bearing on this proposition.

After stating that this was with a view to modifying or improving the project or abandoning it, the report goes on:

The existing project was formally adopted by the act of July 25, 1912, although the first appropriation was made by the act of June 25, 1910, as explained by the district officer. The project provides for securing a permanent channel 6 feet deep between Kansas City and the mouth, at an estimated cost of $20,000,000, to be completed, except for maintenance, in 10 years. The work includes the removal of snags and the regulation and contraction of the channel by means of bank revetment and dikes. The estimated cost of the maintenance of the completed project is $500,000 per year.

Five hundred thousand dollars at 3 per cent would be $5,000 more than the amount of saving on the commerce, as found by Col. Deakyne, and this is only for the cost of maintenance. This does not take into consideration the 3 per cent on the $20,000,000 that is going into this project.

I continue reading:

There has been appropriated or allotted for this work a total of $6,250,000 in six years, or at the rate of a little more than $1,000,000 a year, while the project calls for $2,000,000 a year. The expenditures to March 4, 1915, were $2,577,290.85, of which sum $291,208.26 were applied to maintenance and about $597,000 were used in procuring suitable plant. Experience leads the district officer to believe that the project can be completed at the estimated cost, if appropriations are made at the rate of $2,000,000 a year for construction with sufficient amounts for maintenance, but that at the present rate it will require over 20 years to finish the work.

Now, here come some facts, found in this report, which are the foundation of the report of Col. Deakyne; and I am going to read them to show that they are absolutely identical, although there is a mistake here in subtraction of a fraction of a thousand tons. This is what is said by Gen. Black, who was eulogized here by the Senator from Missouri [Mr. REED]:

The commerce for 1913 is reported as amounting to 347,235 tons, of which 309,684 tons consisted of sand, gravel, and logs, reported as not being benefited by improvement, leaving 37,537 tons of water-borne commerce affected by the project.

In this connection Lieut. Col. Deakyne said:

The items that are not benefited by the improvement of the river are the sand and gravel barged and the logs and lumber rafted. They amount to 309,684 tons. * * * Eliminating the logs and the sand and gravel barged, the remaining traffic is 37,551 tons.

Where is the discrepancy between those two reports on the facts? There is not only no discrepancy, but they both agree on the amount that should be deducted, and both agree that the balance is 37,537 tons of water-borne commerce affected by the project—exactly the figures arrived at by the much-abused Col. Deakyne and Col. Townsend—except that Col. Deakyne put it 14 tons more, so that instead of overstating it he understated it. That is to say, he gives them credit for more tons of commercial tonnage, by 14 tons, than Gen. Black did; but his figures are correct, because a mistake in subtraction was made by Gen Black, or at least that appears from the report.

Now we have that established. We have established that in 1913 there were only 37,551 tons of water-borne commerce affected by the project. We have the statement by Gen. Black that it is going to cost $20,000,000 to finally complete that project. We have the statement by Gen. Black that it is going to cost $500,000 a year to maintain it. Take 3 per cent interest on $20,000,000, and you have $600,000, to which you add the $500,000 which is the estimated annual cost of maintenance, and you have a project that is going to cost the United States $1,100,000 a year to save somebody $10,000 a year. That is all I asserted that the Deakyne report said or claimed; and here it is absolutely verified and substantiated by the Black report.

The district officer analyzes the project on the basis of cost and benefit, and expresses the opinion that present and reasonably prospective commerce is not sufficient to warrant its continuance. He repeats what has been stated in former reports, that any attempt at partial improvement will be futile, and if the river is improved at all, the work should be complete as to the protection of banks and control of channel. He believes that snagging should be continued, and recommends that the present project be modified so as to provide for snagging alone, at an estimated cost of $40,000 per year, and that all other work be stopped.

Gen. Black continues and says:

The division engineer— .

That is, Col. Townsend—

is in accord with the district officer as to the discontinuance of the present project for permanent work, but believes that the work already done should not be completely abandoned. He recommends an annual appropriation of $150,000 for snagging and the maintenance of existing works.

After stating that a number of communications were received, requests for hearings made, and a personal examination made from Kansas City to Washington, a distance of about 320 miles, and after stating that the hearing was attended by a large number of deeply interested persons, and that a record of the hearing is appended to the report, he goes on to say:

The method of improvement under the present project is the result of many years of experimental work at considerable cost. The simplest and most inexpensive structures were first tried and gradually, through experience, these were modified and strengthened, resulting finally in a standard form that with slight changes has been followed in recent years with a reasonable measure of success.

He states there that they started in wrong, and that they have finally gotten into something now which promises some success.

It is believed that the systematic application, under adequate appropriations, of the general principles and methods followed under the existing project, with such modifications of detail as further experience may develop will result in a continuous and permanent channel 6 feet or more in depth.

Well, Col. Deakyne never denied that they could dig that channel 6 feet deep all the way up. Of course, it can be done if they want to expend the money. Why not?

The report then goes on to say how a shallow-draft dredge may be used and that the existing project is sufficiently elastic to permit such minor modifications with the approval of the Chief of Engineers.

It has often been reported—and the board desires to repeat here—that any project of less scope would be inadequate to secure a permanent 6-foot channel, and if any improvement is undertaken, aside from snagging, it should be under the present plan of complete improvement, at a probable total cost of not less than $20,000,000.

Here it seems that they are not sure that that is all that it is going to cost. The report says that it will be completed at a cost of not less than twenty million. Where is the limit? That is only the minimum cost. For all that appears in this report the deep blue sky may be the limit in the game of improving this river.

Now, going on further, paragraph 9 says:

A matter considered of great importance in connection with the present investigation is the existence of the recently organized Kansas City (Mo.) River Navigation Co.

The representatives of this navigation company, as was perfectly natural, appeared before the Board of Engineers and were quite active in producing the facts as they saw them to the Board of Engineers. Now, I want to call the attention of the Senate to one peculiarity of this report, and that is that in stating the facts I do not believe you will find anywhere a statement of the facts on the part of the makers of these reports. Where they make any statements as to facts they quote somebody else or say "it is claimed" or "it is said." In reading this report I want to call attention to this proposition, to show that the Board of Engineers are not responsible even for some of the facts which they lend some color to by saying "it is claimed" or "it was said."

Here we start in:

It is claimed by those interested that the incorporation and operations of this navigation company were undertaken as the result of an understanding with the Rivers and Harbors Committee of the House of Representatives, that the project for the improvement of the Missouri River from Kansas City to the mouth would be adopted and vigorously prosecuted under adequate appropriations, provided the locality first show its faith in the importance and necessity for the improvement by the expenditure of its own funds in the actual establishment of commerce on the river. Navigation was commenced in 1911, with certain plant secured by purchase, and at the same time it was decided to investigate the types of boats best suited to successful and economical use on the Missouri River. The services of experts were secured and careful study of navigation on shallow-draft rivers was made, resulting in the adoption of the towboat and barge method of navigation with improved steel vessels of fireproof construction and suitable size, draft, and motive power for the Missouri River. These investigations have been carried on at considerable expense and have far more than local value, as they contribute very substantially to the solution of the important problems of economical transportation on this and other inland waters of the United States. The company is satisfied with the progress made, and it proposes to continue the investigations and study, with its increasing activities, and to utilize the results in the construcion of additional plant from time to time. The results of these investigations are furnished without charge to other cities contemplating the establishment of transportation lines.

The company has taken steps to remedy certain conditions that have contributed largely to the decline of river transportation. It has secured the establishment of terminal facilities at Kansas City and at East St. Louis, having rail connection at both places and mechanical devices for the transfer of freight. It has entered into joint traffic arrangements for the interchange of freight with connecting carriers, both rail and water, and is now handling commerce on through bills of lading. It receives and delivers goods in cars on shippers sidings, paying switching charges within certain limits, transferring to and from the boat, assuming carriers' risk in lieu of marine insurance, and transporting between terminals, all at a rate of 80 per cent of the corresponding rail rate.

It is a saving, as was shown by the Deakyne report, of 20 per cent.

The present floating plant consists of 1 steel packet boat, 2 steel towboats, and 12 steel barges. These barges are of varying sizes, the larger ones, provided with steel fireproof, weatherproof, and locked deckhouses, being used for through commerce, and the smaller for either through or local business, in the latter case the barges being left at way landings for loading, and being picked up by the next boat up or down, depending upon the destination of the cargo. So far the traffic receipts of the company have not fully covered operating costs, but the company has been operating on an unimproved river and building up a traffic in face of considerable difficulties. It claims to have demonstrated that the traffic will be eminently successful on an improved river.

I think that is pretty nearly all the evidence there is in this case showing that we are going to have improved commerce—that this transportation company claims to have demonstrated that the traffic will be eminently successful.

Gen. Black does not say, as was subsequently said, that it was shown to this board that commerce would be increased. He only claimed it to have been demonstrated, not to the satisfaction of a committee, but to the satisfaction of the transportation company itself, that the traffic is going to increase.

This year, 1915, up to October 1, freights collected would have more than covered operating costs had not a barge been accidently sunk at its East St. Louis wharf.

They would have done a successful business if they had not lost a barge. Certainly the profits of a great transportation company would not depend upon the loss of one barge. We do not know how big it was, we do not know how much it cost, but one barge went down, and they came out financially on the wrong side of the ledger because one of the barges went down.

This company is making the most thorough attempt within the knowledge of the board to revive a river traffic that had disappeared under railway competition. It appears to be sparing no expense or effort that will contribute to the solution of this problem, and it claims as a result of its experience that success is attainable if a permanent 6-foot channel is provided. A continuance of the experiment under as favorable river conditions as can be secured is worth much to the United States, and should go far toward showing what are the real possibilities in this important field of the transportation problem in this country.

Now listén to the commerce this great transportation company has done at the end, I think, of its third year's experience:

The commerce handled by this company is still comparatively small, but has been increasing rapidly since its organization. During the current year, up to October 1, it amounted to 27,306 tons, and it is expected that by the end of the navigation season it will be somewhat in excess of 33,000 tons, or about two and one-half times the amount in 1914.

If 33,000 tons is two and a half times the amount it was in 1915, then the amount in 1913 must have been about 12,000 tons—hardly enough to run a respectable train a week.

This does not include the traffic carried by local boat lines operating at different points along the river, independently of the Kansas City (Mo.) River Navigation Co., which amounted to about 27,000 tons in 1913.

I do not know what is the carrying capacity of a full train. I should say on a rough estimate, with the capacity per car at 40 tons, an average trainload is about 3,000 tons. So, for the whole traffic on the Missouri River, even with the aid and assistance of the Kansas City (Mo.) Transportation Co., the traffic would not, under their own figures, keep one train a day running for seven days in the year. In other words, it would not keep a railroad busy half a day to transport the entire commerce they have had down the river in an entire year.

Now, what effect can that have on railroad transportation when they can not consume a day on any railroad of respectable importance in the way of carrying their load? Now, it goes on:

It is difficult to determine what may be the future water-borne commerce of this river, and neither the past nor the present volume should in fairness be used as a measure of what to expect in the future. The improvement so far effected in the channel is sufficient to show what can be done by the engineering methods adopted, but, excepting in the removal of snags, it has not progressed far enough to afford a very material betterment of channel depths, excepting in disconnected improved sections.

We spent, I do not know how much—the Senator from Missouri said something like $6,000,000—and here they say, at the expense of some millions of money, it has only gone far enough to remove snags, and snags, I understand, are logs or something that projects above the waterline of the channel that may interfere with the passage of a boat.

But, excepting in the removal of snags, it has not progressed far enough to afford a very material betterment of channel depths, excepting in disconnected improved sections. The boats can not be loaded to their full capacity, and even light find difficulty at many shoal crossings. Schedule time can not be made and delays in delivery have tended to discourage shippers. Notwithstanding this, there is apparent an enthusiastic determination on the part of the navigation company and

of the shippers to push their present endeavors to a successful conclusion, provided the United States continue the work of improvement under the existing project. Many individual shippers at Kansas City have given evidence that they intend to patronize the boat line as far as practicable and that the extent of water-borne traffic will be in proportion to the amount of work done by the United States in the betterment of channel facilities.

What great assurance is that when they state that individual shippers say that they intend to patronize a boat line as far as practicable? That is what they are doing now; they are patronizing it as far as practicable now, and they promise to do no more and no less. In other words, if it can be shown to them later that they can move their material over that river better than they can on the railroads it is then practicable for them to give them some tonnage, but if not they will continue to use the railroads.

It is claimed that benefit has already been felt from the work done, and that each bend revetted adds to the safety and reliability of navigation.

A little while ago the report said that there was not enough done to show any substantial benefit. Here it is claimed that benefit has already accrued.

I was just calling attention to the words "it is claimed," because this Board of Engineers was assigned the duty of gathering facts, not words; not claims, but facts. Why do they come here and say it is claimed without assuming any responsibility for the truth of the statement?

A number of individual shippers appearing at the hearing stated the amount of commerce that they would offer the boat line under improved river and transportation conditions. These were selected as representing different industries and lines of business, in which there are many other prospective shippers. Several of these shippers emphasized the fact that high-grade freight has been carried by the navigation company with less damage in transportation and handling and less loss from pilfering than they have experienced with rail shipments. The navigation company attributes these conditions to its fireproof and locked freight houses on the barges. It is claimed that with the improved methods of interchange of freight between rail and water, commerce originating west of Kansas City and destined for St. Louis or points still farther east, as well as that originating east of St. Louis and destined for Kansas City or points beyond, can be handled advantageously by the navigation company. Some business of this character has already been done, and the evidence points to its increase. The amount that may be handled in this way is purely conjectural, as the method is as yet experimental and in its infancy.

After expending the sum of seven hundred and fifty or eight hundred million dollars in this country for river and harbor improvements the engineer says this "method is as yet experimental and in its infancy."

He says of the freight traffic between Kansas City and St. Louis:

But it is known that the total tonnage moving through this territory is very large.

I believe somewhere there appears in the record the amount of tonnage that passes between Kansas City and St. Louis on railroads that could not have cost anywhere near for that distance what has been already expended on and about the Mississippi and Missouri to help the river business along.

There have been presented to the board statistics of production and consumption of the territory tributary to the commercial center formed by Kansas City to show that the existing means of rail transportation are already fully utilized and that in the near future they will be unable to meet traffic requirements, if such be not the case to-day. It is claimed that soon additional highways of commerce will be a necessity. The report submitted * * * shows that the cost of construction and maintenance of one additional single-track road is quite comparable with the estimated amount required to complete the present project and to maintain the improved channel, while manifestly the carrying capacity of the improved waterway is vastly greater.

Now, let us consider this statement of Gen. Black. That report shows that a single track, as I understand it, from Kansas City and the maintenance of it will not cost any more than the improvement of the Missouri River. Their only argument is that they can carry more on the water than they can on this one track. It is not shown that they can carry it as cheap; they do not show that they can afford to do business as cheaply as the railroads.

Here is something that it seems to me is entirely aside from the main question:

It has been estimated that, with the channel held by revetted banks, there would be available for agricultural purposes in the bottom land along the river between Kansas City and St. Louis, 500,000 acres, the greater part of which would be less than a mile distant from the river, and a considerable portion of which is now necessarily nonproducing. It is claimed that this area would contribute very substantially to the river traffic.

Now, here is the milk in the coconut. About all that Gen. Black can see in this improvement that is going to cost us this $20,000,000 is that it is going to reclaim 500,000 acres of land. Here is the theory. There are 500,000 acres of land that are not producing. In fact some of the reports a little later on show that the river washes the ground away and destroys the land. There are 500,000 acres lying on the banks of the river not fit for anything. We have a river that we need for navigation.

In order to do that we are going to spend most of this money in revetting. It is to build revetment work along the bank to hold this land from washing away. Then, when we get the revetting done, we have confined the land so as to prevent it from floating away. It is going to turn it into farm lands, it is going to raise crops, and that is the material that is going to be shipped down the river. That is the reason why you want to spend $20,000,000. Of course incidentally the project will reclaim rich land—500,000 acres—for some thrifty souls living along the shores, for some persons interested in these lands financially.

Mr. President, this proposition has not any place in a river and harbor bill. This is not a reclamation bill. It is supposed to be a river bill for the benefit of navigation, not for the benefit of land, not for the purpose of increasing the value of land. That is another story and another proposition.

Interested parties invite attention to the readjustment of transcontinental railway rates that is being made as a result of traffic through the Panama Canal.

Is that to put us on our guard? Is it to show that the Board of Engineers had no faith in their statements that they did not adopt it as their own? They say:

Interested parties invite attention to the readjustment of transcontinental railway rates that is being made as a result of traffic through the Panama Canal. The effect of these changes is to give pronounced advantage to eastern seaboard industries for the Pacific coast trade, and thus to handicap the interior manufacturers, and it is claimed that their only hope of retaining a competitive position is in having the benefit of cheap water routes to the sea. An improved channel in the Missouri would connect with the effective channel already provided in the Mississippi and give such a route from Kansas City to the Gulf of Mexico.

That involves a fallacy, as I understand it. The Interstate Commerce Commission has not adopted the theory that railroads can charge as much for a longer haul as for a shorter haul just because it is going to compete with water transportation. We have an Interstate Commerce Commission that exists for the purpose of fixing rates. Here are people living in the Mississippi Valley who want to ship goods to the western seaboard. I do not think, if this Interstate Commerce Commission is the commission that it purports to be, that it is going to permit a carload to be shipped from New York City or Philadelphia or Boston or any of those places to San Francisco, and where the material goes through Kansas City and St. Louis, and permit a charge less per ton for that haul than it provides for the people of St. Louis and Kansas City, through whose cities the tonnage goes. I should think that they have an advantage over the eastern shipper when they are half way across the continent, or a third of the distance, at any rate, and they have the chance to ship their goods to the seaboard cheaper, if the Interstate Commerce Commission does its duty, than the men in the East.

Now we come to the supposed benefits stated by Gen Black:

Among the indirect benefits to be anticipated from the improvement of the Missouri River are: (1)—

Now, what do they place first as the first benefit?

The revetment of the caving banks will give security to adjacent lands, which can then be protected from overflow by the construction of levees, thus adding materially to the value of land and to the area of production with a corresponding increase of commerce.

The first benefit that we are going to get from this is the reclamation of some land, by revetting the banks and preventing them from washing away. Why do we want to save this land? Why do we want to reclaim this land? Why, to furnish commerce for the boats that are going to run on there after the land is saved; and for this revetment we are to expend $20,000,000. The first benefit we are getting is the reclamation of the land. Why is that the first, when we are talking about navigation?

So it appears from this report that this is a reclamation scheme, not a river and harbor bill. It appears that the first material benefit is to save these 500,000 acres of land.

Now, going further:

Already in some of the protected territory local levee districts have been organized and are in successful operation. It has been stated that the general formation of levee districts is awaiting only the assurance that the improvement of the river will be continued. There is now a decided feeling of unrest and anxiety as a result of the present investigation.

The people are growing restless there because they are afraid their lands are not to be reclaimed. He says:

Already in some of the protected territory local levee districts have been organized and are in successful operation.

Levee districts for what? Levee districts for the reclamation of lands. And the people are getting restless and uneasy because they are afraid that the appropriation is going to be cut off. They are not restless or anxious because they are afraid the navigation is going to be halted. They are not anxious and restless because they are afraid that they can not ship their

goods down the stream. No; they are anxious and restless because they are afraid their swamp lands are not going to be reclaimed and that their lands will not increase in price, lands the owners of which, if they are reclaimed, will go to some railroad station two miles from the banks of the river and ship their goods by railroad instead of shipping down the stream.

Have any bonds been given whereby the owners of these 500,000 acres of land are going to take their products down the stream after they get their lands improved? That is the first benefit to be derived, says Gen. Black.

Now, what is the next?

(2) The confinement of the river to a fixed channel as contemplated by the project results in the reclamation and upbuilding of new lands that, within a few years, will become available for agricultural purposes. This will further increase the amount and value of property adjacent to the river, as well as the amount of prospective commerce.

They first want to save the land. That is the first consideration. Now, the second consideration, having saved the land, is to make it produce, and the additional tonnage they get from the producing land is a mere incident to the second consideration. So the first consideration is the land proposition. The second consideration is an agricultural proposition. Now, what is the third and last?

(3) It is well known that the Missouri River carries large quantities of silt—

The Missouri does not appear to be famous for anything else except carrying silt down the stream; silt that pays no tonnage, silt that is not commerce in the real sense. That is what the Missouri River is noted for, the carrying of silt. Where? Down—

into the Mississippi River, resulting in injury to the navigation of that stream. The silt comes largely from the caving banks.

The banks of this river cave in all the time. Why has it not become an ocean or a lake?

Coming back to revetment again, now—

The revetment of these banks and the fixation of the channel will reduce the amount of this material.

Why is it that in spring or in times of great freshets with the silt coming down there 600 miles above Kansas City, Mo., in the same inevitable movement that is going on all the time, that silt will not wash into the Mississippi? By constructing a project up to Kansas City they are going to cut off even the carrying of the silt and they are going to harness the banks on the western shore so that the State does not float away.

Now, let us go a little further and come to the close of this report:

The board agrees with the district officer that up to this time experience in the United States on some other improved rivers, and particularly on the Mississippi, has not been such as to encourage the expectation that a river traffic will develop commensurate with the large cost of improvement.

Col. Deakyne said that just in those words, and yet Mr. Deakyne is the man who stood embarrassed and humiliated and discredited before this august board that overruled him and turned him down and moved even the Senator from Missouri to sympathy in thinking of the pitiable sight of Col. Deakyne standing before this Board of River and Harbor Engineers. This board says what? It says:

The board agrees with the district officer that up to this time experience in the United States on some other improved rivers, and particularly on the Mississippi, has not been such as to encourage the expectation that a river traffic will develop commensurate with the large cost of improvement—

Now just note—

as to encourage the expectation that a river traffic will develop commensurate with the large cost of improvement.

They said here a little while ago, in the report as I read it, that the experience on the Missouri River did not warrant any expectation in development, or, in other words, that experience had not shown any increase in water traffic on that river. Now, let us go on a little further. This same Col. Black says:

It would be difficult, indeed, to find economic justification of the cost of the improvement of the Missouri River from past experience on other waterways in this country having similar conditions.

Then, in Heaven's name, how will we justify it if there is no economic justification for it? Is it for the health of anybody living in that section of the country? Is it for the health of the owners of those 500,000 acres? Is it for the health of the transportation company? Those words are plain. Gen. Black says—and his is the opinion of the board—that it would be difficult, indeed, to find an economic justification of the cost of the improvement of the Missouri River from past experience on other waterways in this country having similar conditions.

In other words, we have had other rivers in this country having similar conditions as the Missouri and we have improved them; we know what they have cost, and from the experience that we have had this work is not justified. Now, this is not guessing; this is not just riding up into the empyreal blue and talking about the blessings of liberty, and everything of that kind, but, judging from our experience on other rivers of a similar class as the Missouri, there is nothing found to warrant or justify us in believing that the money we are expending on the Missouri River, or will expend, is justified.

The words I have quoted are not the words of Col. Deakyne, but they are the words of Gen. Black, and they are indorsed by the men who are supposed to have humiliated Col. Deakyne and showed his ignorance on this subject; and here they are taking not only the word but the spirit of his report.

It is perhaps possible that Gen. Black and others wanted to make it as plain as it could be done, reading between the lines, that they thought Col. Deakyne's report ought to be adopted, but they lacked the courage of the Colonel to come out and say so. Of course it is hard to be brave at times. It is hard to be brave in the presence sometimes of men who have the faculty of scaring people, bulldozing them, driving them into a position that they do not think they ought to take. I do not know whether that is the case here; but how can this matter be explained—that this very Board of River and Harbor Engineers that indorses this project makes two statements that our experience on other rivers has not been such as to encourage the expectations that a river traffic will develop commensurate with the large cost of the improvement? In other words, there is no reason to expect that we are going to have increased commerce; second, we can not justify on economic grounds the proposition to expend $14,100,000 more, judging by our experience on other rivers of a similar nature.

Are we to spend $20,000,000 when those who tell us we ought to spend it accompany their recommendation with the statement that they do not believe the expenditure would be justified on economic grounds? I do not know why they did not stop right there. Rather they went right ahead and at least tried to get away from the obvious facts.

These are the reasons why they claim that notwithstanding the fact that we can not expect an increase of commerce to justify the expenditure, that notwithstanding that we are not encouraged to believe from the experience we have had on other rivers of the same kind that there is any economic justification for this expenditure, that we should proceed with this adventure. They go on to say this—and it is the gist of their report, in so far as it differs from Col. Deakyne's.

The reasons that they are giving from now on—and they are very short—are the only things that could have humiliated and abashed Col. Deakyne. I want to leave it to the Senate and to the people of the country whether they think that Col. Deakyne had the right idea and made the right recommendation or whether they find that this board, at the head of which Gen. Black was sitting, was correct. Here is the statement of Gen. Black explaining his reasons for recommending the continuation of the project:

There is now, however, a renewed interest in river transportation, and steps are being taken at a number of places on the Mississippi and its tributaries to provide terminal facilities and establish boat lines. The Government itself—

This refers to us, the country at large—

has undertaken an expensive program of improvement on the Ohio and Mississippi and on this section of the Missouri to develop the possibilities of such inland water transportation. The board believes that the commercial interests at stake and the benefits to be secured are sufficient to warrant the continuance of such work on those main streams as will afford a thorough opportunity to test their usefulness as transportation routes.

What does this mean? I can not make anything out of it except that it means that we are spending money on the Ohio and Mississippi anyway; that we are going to spend $100,000,000, all told, on the Ohio; that we are going to spend on the Mississippi many hundreds of millions; and that we should spend $20,000,000 more or less to test the usefulness of transportation routes as an experiment. That is what we are told—to invest this money on an experiment, pure and simple. If this test were going to cost several thousand dollars or perhaps several hundred thousand dollars as an experiment, we might be justified; but here this board is asking the country and Congress to experiment by putting another $14,000,000 into the Missouri River because they are also putting money into the Ohio and the Mississippi Rivers.

Why do they not wait and see whether some of this money which they have already expended—several hundred millions or so—is going to bring results commensurate with the cost? But they say this about the test in the face of what they have just stated in the same paragraph; and that is, that it would be difficult to justify this expenditure upon economic grounds. Then, upon what grounds can they justify it, even as a test, as an experiment, when they themselves say that nothing in the past, neither money expended nor work done upon other streams

of like nature, indicates or gives out the expectation or even hope of being useful or good to us. They go and overturn Col. Deakyne's report, and say you ought to experiment on the Missouri River.

But there is another string to that. It was not within Gen. Black's province, as I understand, nor within the jurisdiction of the War Department, to say whether experiments ought to be made; that is a matter, it seems to me, for the judgment of the Senate and of the House of Representatives. If we want to vote money for experiments we do not need any suggestions from Gen. Black, I take it. When he tells us over his own signature that our experience has been such as not to encourage the expectation that river traffic will develop commensurate with the expense, and that it will be difficult and impossible to justify the cost upon economic grounds, I should like to know why does he then suggest an experiment? Why suggest or intimate to the Congress of the United States, "We know it is not going to work out; we know it is not any good; but we will just expend about $21,000,000 as an experiment"? If we had money only for experimental purposes on a new project that we knew nothing about, that would be one thing.

Here, however, is the conclusion:

The United States embraces within its limits widely varying conditions of soil and climate, with farm, mine, and forest products of all kinds. Each section has some special advantage in the production of at least one of the articles required in civilized life. To attain the maximum benefit from these conditions it is essential that the means of intercommunication and distribution shall be fully developed, so that producers and consumers may be served at a minimum of cost. Both railways and waterways are needed. Each class of transportation has a sphere of its own. Destructive competition between them is uneconomical and wrong. In the more thickly settled parts of the country both now flourish even on parallel lines. It is uncertain whether this condition is as yet possible in the Missouri Valley. Its inhabitants claim that it is. This waterway lies in a direct path of traffic, and a well-organized freight carrying line operates on it. When equally efficacious and up to date water transportation lines shall have been established on the Mississippi River, it seems beyond reasonable doubt that the commercial possibilities of these streams will be utilized to advantage.

Taking this all into consideration, as we have it here, the report does not sound like the report of a practical man sent out to ascertain the facts; it sounds more like a lecture of a professor on political economy, or like the utterance of an advocate or of an attorney, who is trying to win a bad case for a client. One that holds the opinions as expressed in the preceding paragraph, that he is unable to justify the expense and then tries to furnish some sort of a bridge, no matter how frail it is, for him to walk over and claim that the expenditure of $14,100,000 more on the Missouri would be wise. Such a man is not a man whose opinion, I think at least on that phase of the proposition, is very well worth considering. I think that Congress can very well consider the advisability of matters of policy. That is not in the province of the Board of Engineers, as I understand. Their duty is to find out whether a system is practicable and feasible. They should give us the facts concerning it, and let us draw the proper conclusions and inferences from those facts, instead of trying to direct Congress by an argument, not by facts and not by a report such as we have a right to expect, I take it, from a man in an engineering position. This report continues:

The testimony given to the board and appearing in the record of the public hearing shows potent causes for the decline of river traffic entirely apart from the true relative costs of transportation by rail and water. Changes of law have eliminated some of these causes, and it is claimed that the operations of the Kansas City-Missouri River Transportation Co. give promise—

Now, listen to this—

it is claimed that the operations of the Kansas City-Missouri River Transportation Co. give promise that the remainder will disappear, and that through such agencies the much-to-be-desired problem of minimum cost of transporation by water and rail will receive a definite solution.

That means that it is claimed by the Kansas City Co. that the operations of this company "give promise that the remainder will disappear, and that through such agencies, the much-desired problem of minimum cost of transporation by water and rail will receive a definite solution." So we tie our whole case on this proposition; and that gets us right down to the conclusion that it is claimed that "the Kansas City-Missouri River Transportation Co. gives promise that the remainder will disappear."

What remainder? The remainder of the causes for the decline of river traffic, as I understand; at least, something is going to disappear and solve this proposition. So we are going to hang a fourteen-million-dollar appropriation on a claim of a promise by the Kansas City-Missouri River Transportation Co., the party in interest on that stream. And on that promise it seems that Gen. Black affixed his signature and made this report, notwithstanding he had said "We can not find any economic justification for the expenditure," and the further statement that he did not believe that transportation could increase enough and in such quantity as would be commensurate with the amount expended. So the transportation company says, "We think this is going to happen," but we know and you know that it has not happened, and we do not believe that we can reasonably look forward to any increase in commerce that is going to make this expenditure justifiable. We know that we can not justify it on economic grounds; but with a transportation company telling us "we think, if you do this, we are going to have business enough, so that, even if one of our barges goes down, we are going to have a profit on our side of the ledger."

That is the report of Gen. Black. I have read it almost in full. It was approved by Gen. Kingman, humiliating or overturning, as the Senator from Missouri says, the report of Col. Deakyne.

I am willing to rest this whole argument on the Missouri River problem on those two statements—on the admission and declarations and statements made by these men themselves. I do not want to be considered a factor in the determination of it. They speak for themselves.

Col. Deakyne was the man there on the job for three and a half years; he had devoted his time and must have been interested in the improvement of the Missouri. He must have had a pride in obtaining success, must have wished that the enterprise would be successful. There was no reason in the world why he should cut from under his own feet a project which he was directing unless he thought as a patriotic officer it was his duty to do so. Can anybody figure it out on any other theory? He was there three and a half years; he was on the job; he was doing the work; he knew what it was costing; he knew about those floating bogs and these banks that were being cut off; he knew about the carriage of silt; he knew about the carriage of commerce. The officer who backed him up, Col. Townsend, is on the job to-day, and has been there about four years in active charge of that district.

Neither Gen. Kingman nor Gen. Black has ever been on the Missouri River doing any work. All of the records show that all Gen. Black ever saw of the Missouri River was on a trip of 300 miles on the Missouri River, when his Board of Engineers made this report—a trip up the river. He never did any work on the Missouri River; he never was near the Missouri River in his official capacity at any other time. Kingman, I believe, was on the Mississippi in the eighties, with headquarters at New Orleans, and the other officer, Gen. Black, has been in the East all his life, so far as this sort of activity is concerned.

I say that Col. Deakyne and Col. Townsend were both on the ground; both of them must have been interested in the work and would have been only too glad to help that project along, for of course their own handiwork was involved in it; and yet, notwithstanding their experience and the fact that they were on the ground and their honesty and integrity were unquestioned, the Board of Engineers turned down their reports. Gen. Black and Gen. Kingman, without any personal knowledge of the subject at all, and on the grounds that they have stated in their report, to which I have referred, admitting, as they have admitted, that the expenditure was without economic justification and without any reasonable expectation or hope of expectation of increased commerce warranting the outlay, reversed the findings made by the other officers.

Now, I wish to state what Col. Deakyne says, contrary to what was said against his findings and against the inferences drawn, and the recommendations made by these two generals, and see which is sound and which is unsound. I am going to read from paragraph 14 of Col. Deakyne's report:

There remains to be considered the question of prospective commerce, and in my opinion the improvement must stand or fall by this criterion. In the survey report upon which the present project is based the prospective commerce was given by the president of the Missouri Valley River Improvement Association as 1,000,000 tons. See page 45 of House Document No. 1120, Sixtieth Congress, second session. That estimate was based upon a 10-foot channel, with six or seven boats especially adapted to the navigation of the Missouri River, handling cargoes of 2,000 tons each and making one round trip per week during a navigation season of 10 months.

That was on a 10-foot depth and based upon a hypothetical case. Col. Deakyne continues:

The fact is that anyone can make almost any estimate he sees fit as to the prospective commerce.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. HUSTING. Certainly.

Mr. KENYON. I should like to ask the Senator what became of Col. Deakyne after he reported against this project?

Mr. HUSTING. Col. Deakyne asked to be sent temporarily to the War College for a few weeks' course, expecting to return and resume his work, but in the meantime his report had been filed, another engineer was appointed in his place, and Col. Deakyne never got back. I think he is at the War College yet, but I am not sure. I do not say that he was not sent back because of the report which he had filed, but the facts are there, and anybody can draw whatever inference he pleases from them. It is the same as where Col. Deakyne says:

Anyone can make almost any estimate he sees fit as to the prospective commerce.

That is a trite statement, and yet a very true one. It is a fact. Any Senator can get up on this floor and make any kind of a guess he wants to. I remember when this debate was going on there was something said about a young lady going out to swim, and I find in a speech made by the Senator from Missouri at Kansas City before Gen. Black's engineering board that he used the same illustration. Probably that helped to overcome the opposition of the other officers; but the Senator from Missouri used it to illustrate in this way, saying that we were basing our ideas on present conditions, whereas he was advocating that we do something, and then conditions would be vastly different. That is only a guess; it is worse than a guess, because it is an opinion given that is not based upon the facts; it is an opinion based upon everything except the facts. The facts are that this project does not pay, and can not pay, and that we have no reason to believe that it is going to pay. Therefore, when they tell us in advance, even men who, it is claimed, are favorable now to the project and men who reversed Col. Deakyne's report, that it can not be made to pay, then you have nothing left to base an opinion on. Your opinion, then, is a mere guess; it is a mere conjecture.

Should we spend money on a mere promise of that kind, a mere guess of a transportation company, that when this improvement is made they will increase their commerce and they will do a large amount of business and they will get us returns for a $20,000,000 investment? Is there any man in the Senate or in Congress or in any official capacity which brings him in a thousand dollars or more a year who would invest $20,000.000 on that kind of a layout? Would any man want to invest $20,000,000 to pull somebody's chestnuts out of the fire and take that company's word for what they think is going to happen? They only claim it is going to happen; they do not come here with contracts and say, "If you will dig us a 6-foot channel, we have got the contracts to show that certain manufacturers will ship their goods down the river." They do not come with bonds to show that they are going to do that; they do not even claim that they are sure it is going to be done. The shippers do not even claim that they are going to ship their material down the river. I ask is there any man in the world who would spend $20,000,000 on such a showing as that? I do not think so. At least I would not, and I do not claim to be very much of a business man either; but I do not believe that I would want to go into a $20,000,000 project and invest $20,000,000 hard, cold cash on a miserable showing of this kind. In fact, if I ever had an idea, if I ever approached the verge of lunacy even in considering such a proposition, after reading the affirmative report overturning the report of Col. Deakyne, I would change my mind and quit, and would not go into it. I challenge the Senator from Missouri to say that he would invest $20,000,000 in a proposition of that kind. I think he would be at least as prudent and as wise as the Senator whom he charged with such crass and gross ignorance on this proposition.

I have merely made this statement to show the facts. I did not start here originally to attack the Missouri River proposition. I have said here that I think the Missouri and the Ohio and the Mississippi are the streams in the United States where we would be justified in putting money, if we put it anywhere under the present system. I included the Missouri in that. What I have said is not aimed at the Missouri River or the Mississippi River or the Ohio or any other river in particular.

I only started to make an argument on the premises that if we select the best three river propositions which we can find and take the amount of money that we have already expended upon those rivers and figure out how much the people have saved by reason of the improvement—in other words, try to arrive to some extent at the value of the benefits in the way of returns that the people are getting out of these expenditures—it will be clearly apparent that even the three best propositions are unsound from an economic point of view, as Gen. Black says, from a business point of view, or from any other point of view. Then, I thought we had better not go any further with this kind of scheme, with this kind of a system, because if the best are not good enough, the Lord help us with the worst.

There is nobody making anything out of the improvement, not even the transportation company. If it could be shown that they were making something like a million dollars or so out of this improvement, one could find some reason for it, at least; but even the transportation companies are not making anything, because they are losing ground all the time. Such being the case, I think this bill ought to be recommitted. I think when we find out and come face to face with a situation that shows that we are going in the wrong direction, we at least ought to halt and come to the conclusion that we will not follow such a system any further than we have already gone, but will take the opportunity to look about and find out where we are and whether we are justified in putting any more millions of dollars or hundreds of millions of dollars into a proposition of this kind.

It seems to me that when this matter confronts us in this way, when there can not be any two sides to the proposition, when economically we have been shown that we have wasted our money, it ought not to require any great amount of argument to convince us that we had better get a new way of doing this kind of business.

There must be a good way to do this business which will bring us returns. Some way could be figured out not based upon the demands or clamors of a particular section or a particular river or a particular harbor, but based upon the needs of the country at large—an intelligent system, a system that means something, a system that we can respect, and that will make the people respect it and make them willing to put money into it. I do not believe there is a question in the mind of anybody but that the people look upon this whole proposition as but a division of the spoils.

It has been stated in jest—and perhaps there is some truth in the jest—that a man's usefulness in Congress depends upon his ability to get the biggest chunks of "pork." I have not used the word "pork" or "hog barrel" or anything of that kind in this debate, but it has been used by the Senator from Missouri and by those on the other side. I say that that is what many a man has been sent to Congress for—to get his share of the "pork." We like our "pork" in Wisconsin just as well as anybody else, I have found, providing we do not have to take it away from somebody else who is entitled to it. We do not want in Wisconsin anything to which we are not justly entitled; but if we are going to trade, if that is the game, I do not want to trade, and I would not feel justified in trading, under the conditions put down in this or any other river and harbor bill which has been placed on the statute books of the United States.

The water shipments in Wisconsin, including the Superior-Duluth Harbor and other Wisconsin ports on the Great Lakes, are the second largest of all the States in the United States. Upon some of the creeks, the ports of which do not appear upon the records or maps anywhere, millions of dollars are spent, when harbors, the finest in the world, are either being neglected or an insufficient amount of money is appropriated for them.

If there are any ports that ought to be developed in this broad land, they are the Lake ports. This great arm of the sea, which reaches a thousand miles into the interior and makes us on neighborly terms with the ocean itself, would give a possibility of ocean-going traffic with the expenditure of an amount, which would not be very much, that would connect us with all the ports of the world. Those are the kind of things that lead to the development of this country; and every dollar that goes into a port of Wisconsin on the Great Lakes is materially reflecting its benefits upon every community in the West and Northwest, and, for that matter, the entire country. But I would not come here and ask for any appropriation unless I was able to defend it, unless I was able to defend it without trading it and reflecting upon others who might differ from me in their opinion. I would not consider it a personal matter if somebody thought different than I thought as to something immediately affecting my State, because I admit that I could not be impartial in that matter. Claims for appropriations for harbors, in my opinion at least, ought to be based not upon what I want or upon what some other representative of Wisconsin wants, but upon what showing can be made for it. The correct principle should be: "You have got to show us before we appropriate any money for your State." Such appropriations ought to be on the basis of the good of the country at large, and it seems to me that, as a matter of enlightened self-interest, those who happen to live in States having meritorious projects, or, I should say, having rivers and harbors that are of vital necessity to the country, should recognize and act upon the fact that they would long ago have been improved and developed to their extremity if the surplus funds, or the funds

needed for these vital improvements, had not been dissipated and thrown away on a hundred or more unworthy schemes.

I did not get up here to attack the project of anybody in particular. I say again that it was my object, in selecting what I consider the best three of the projects, to show that the system was an unworthy one, and should be abolished, because if the best are not worthy then the worst certainly are still less worthy.

Therefore, when all is said and done, I feel that this matter ought to be referred back to the committee with instructions to report out a substitute for $20,000,000. I should like to have the Secretary read the substitute.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The Senator from Wisconsin offers a motion, which will be read by the Secretary.

The Secretary read as follows:

That the pending bill, H. R. 12193, be recommitted to the Committee on Commerce with instructions to report a substitute therefor appropriating an amount not in excess of $20,000,000 for the maintenance of the river and harbor projects adopted by Congress and now under improvement, and for the further prosecution of work on rivers and harbors heretofore adopted by Congress: *Provided*, That the amounts for such maintenance and prosecution shall be apportioned by the Chief of Engineers, under the direction of the Secretary of War.

Mr. POMERENE. Mr. President, I am not going to detain the Senate very long.

I am very much impressed with the merit of the motion offered by the Senator from Wisconsin [Mr. HUSTING]. I realize the dissatisfaction which exists throughout the country, as well as in the Senate Chamber, with this river and harbor bill. I am not here to contend that it is as bad as has been claimed by certain Senators, nor am I willing to admit, on the other hand, that it is as good as some Senators would have us believe.

I have been very much impressed, during my term in the Senate, with speeches which have been made against this and similar bills. My former distinguished colleague, Senator Burton, perhaps gave as much attention to this subject as any other Member of this body, and I think it is fair to him to say that his views on river improvements during his term in the Senate and his several terms in the House underwent a very radical change. Many of the projects at one time favored by him later met his disfavor.

The junior Senator from Iowa [Mr. KENYON], the senior Senator from Utah [Mr. SMOOT], and the junior Senator from Wisconsin [Mr. HUSTING] have each given very special attention to a number of items in this bill. If I had not been almost persuaded by the force of their logic and their statement of the facts as to the demerits of many of the provisions of this bill, I certainly would be convinced that there were many things in it which were not meritorious by the occasional admissions which have been made by those who represent the majority of this committee.

Let us see what this situation is. I am advised that the general policy of providing for the improvement of rivers and harbors by the National Government was first adopted in the year 1883. It is true, I think, that prior to that time there was legislation with respect to one project here and another project there; but the general policy of using national funds for the promotion of enterprises of this kind had its inception in 1883. Since that time the National Government has expended more than $850,000,000; and for what?

I realize that our harbors on our coasts, as well as upon the Great Lakes, have been vastly improved. I realize that many valuable improvements have been made on some of the great rivers, the internal waterways, and I think they were commendable. I am not willing now to say that the National Government can not appropriately take up this subject and deal with it. I think it should. But let us bear in mind the fact that under the policies which have prevailed heretofore we have expended $850,000,000, and then let us remember that Senators who have given to this subject very great study—and none of them, I dare say, greater or more intelligent study than the distinguished chairman of this committee—are not altogether in favor of a continuation of the present methods. The Senator from Arkansas, with that frankness of utterance which always characterizes him on the floor of the Senate, in substance says that he is not at all satisfied with the plans which have been adopted heretofore in legislation of this character. For fear I may perhaps not properly state his position—although I do not think it can be misunderstood—I recall that when the amendment which was offered by the Senator from Washington [Mr. POINDEXTER] was before the Senate, providing for the employment of a civil engineer as an inspector who was to report upon the character, the efficiency, and the general policy of the work, the distinguished Senator from Arkansas said that he was not willing to allow this matter to pass by without an observation, and this is what he said:

This debate for the past three weeks has brought out the fact that the public opinion of Congress is somewhat dissatisfied with the present methods of making river and harbor appropriations; that there ought to be additional scrutiny provided—

And so forth.

Again, when the amendment which was offered by the distinguished Senator from Colorado [Mr. SHAFROTH] was occupying the attention of the Senate, the distinguished chairman observed, with regard to that proposition—which, in substance, provided that 20 per cent of the fund to be expended upon any of the projects provided for in the bill should be raised by the local authorities or those more immediately interested in it:

It is one that has commended itself to me heretofore. It has much of force in it abstractly. The difficulty is in making a practical application of it.

And I agree with the Senator.

Now, what is the situation? With this vast sum expended, with the chairman of the committee himself impressed with the thought that the methods which we have heretofore adopted have not met with the approval either of himself or of the country at large, what is the duty of Congress? Are we to continue to appropriate in this bill, as we do, in round numbers, nearly $43,000,000 to continue a method of operation which does not appeal to his good judgment?

Mr. President, I realize, when I speak as I do, that there are perhaps many worthy projects in this bill. Those that I esteem the most worthy are perhaps first that with reference to the East River, because it is of peculiarly national importance; second in point of importance, in my judgment, is the harbor work along the Great Lakes; third, the Mississippi River, because it is the Father of Waters; and fourth, perhaps, the great Ohio River, which affects directly the industries of six great States, and indirectly the people of many other States. The Missouri River, I think, has much of merit in it, but with that project I am not so familiar.

Now, let us see what the situation is as applied to the Ohio River.

The report of the committee which was presented by the able chairman shows that the improvement of the Ohio River at public expense began in 1827. The plan then adopted was what is known as open-channel work. Up to date there has been expended in this open-channel work $7,919,117.20, for new work and for maintenance; but the plan which was adopted in 1827 was changed, and I think for the better, in 1910. Then the engineers devised a plan of constructing dams along the river—54 in number—at an estimated cost of $63,731,488. Later the number of dams was reduced to 53. The expense of maintenance is estimated at $810,000. Up to date, according to this report, there has been expended on the improvements provided for in the plans which were formed under the act of June 25, 1910, $17,220,690.88—a little less, perhaps, than one-third of the total estimated cost.

Under the plan adopted it was not contemplated that these improvements should be completed for a period of 12 years; so that if there should be an equal amount appropriated each year, it would require probably six or seven years yet before this improvement would be completed.

Mr. President, I am intensely interested in this proposition. I have repeatedly said that I hoped the day would soon be here when that project would be completed as originally contemplated, for two reasons: First, because many of the prominent men engaged in business along the Ohio River are very much interested from a personal standpoint; secondly, because if the plan of improving our rivers is to be continued in the future as it has been in the past, we will be able to demonstrate on the Ohio River whether or not this method of transportation is to be a success and to what extent.

Mr. President, we have expended upon this project something over $17,000,000. Congress has made its record with regard to river and harbor bills in the last two years. In 1914, when the river and harbor bill was before the Senate, after it had been most thoroughly discussed, the Senate adopted a motion in language almost identical with that of the motion which is presented now by the Senator from Wisconsin, and that motion was made by the senior Senator from Alabama [Mr. BANKHEAD]. The motion carried at that time; and the Congress of the United States, instead of enacting into law the bill which had been presented by the Commerce Committee, placed a limit upon the appropriations for that year amounting to $20,000,000.

A little over a year ago, in the second session of the last Congress, when there was before the Senate another river and harbor bill of the same kind, from the same committee, providing

for an expenditure of probably forty or fifty million dollars, again there was a compromise. After there had been a long, tedious debate, and after Senators had satisfied themselves that the original bill ought not to become a law, they reduced the appropriations to $25,000,000. Under the action of two years ago, with the appropriations limited to $20,000,000, the Board of Engineers, with the approval of the Secretary of War, applied toward the Ohio River project $19,000 for maintenance and $1,750,000 for the improvements under the plans made under the legislation of 1910. Last year, when the appropriations were limited to $25,000,000, again there was applied to this great improvement $310,000 for open-channel work and $3,605,000 for locks and dams.

Mr. President, I assume that if the Senate should sustain the motion made by the Senator from Wisconsin, and it should become the law as passed by Congress, there would be approximately two millions or perhaps three millions of this sum applied to this work in this great river. I understand that under the bill as it has already been approved by the Senate $509,000 are appropriated for the purpose of maintenance of this river and $5,000,000 for constructive work. If the motion of the Senator from Wisconsin prevails, it is going to cut down this appropriation for the Ohio River; but I want to submit this thought to the good judgment of the Senate:

No man, no matter what his importance may be to any community, has the right, in asking for legislation, to demand that the Congress of the United States shall look at the matter from his standpoint alone. We are here not to legislate for one locality in preference to another, but to do what is going to be for the common good of the whole people. Now, when there is so much dissatisfaction with the plans which are now adopted in doing this work, are we still to continue to throw away millions and millions of money on plans which do not have the approval of the Congress of the United States?

Mr. President, there is another thought which I wish to present to the Senate. Two years ago the river and harbor bill was taken up and finally disposed of just after the outbreak of the European war. It was, I believe, in September of that year; and one of the reasons which appealed much to Senators was that because of this great world conflict the industrial and commercial relations between the great countries of the world had been for the time being disturbed. None of us thought at that time that this war was going to last for nearly two years. We thought it would spend its force in a few months. We have been sadly disappointed. The revenues from customs duties fell off probably from eight to ten million dollars a month in 1914, and because our revenues then were being interfered with the Senate of the United States thought that it was but a matter of common sense that we should cut our garment according to the cloth; and instead of increasing expenditures, to be met by increased revenues, we decided to cut down the river and harbor appropriation to $20,000,000. Last year, while the war was still in progress, with no prospect of an end, with customs revenues continuing to drop off because of this world condition, Congress, in its wisdom, saw fit to reduce the appropriations for rivers and harbors to $25,000,000.

Now, Senators, if we were right in having regard to our revenues in 1914, when providing for expenditures, if we were right in having regard for our revenues in 1915 when providing for expenditures, we certainly ought not to be wrong now in attempting to limit expenditures wherever we can in view of the condition of the Treasury. If these reasons in 1914 and 1915 appealed to the Senate of the United States, they ought to appeal now in the year of our Lord 1916, because the same world-wide conditions prevail now that affected the commercial and industrial nations of the globe.

Mr. President, I have spoken of the world-wide conditions as affecting our revenues. There is another thought that we ought to bear in mind. Senators and Members of the House no doubt have varied views as to the extent to which we should go in so-called national preparedness. I have no quarrel with any man who may differ from me upon that subject; but I think even at this period in our congressional deliberations we all agree that when the end of the session appears there will be increased expenditures both for the Army and for the Navy. I hope so. I believe there is national necessity for it; and I am willing to strain a point so that we may become reasonably prepared, having a due regard to prevailing conditions. I believe that while we are considering the bill before us we can take it as an accepted fact that the appropriations for this year, due to the program of preparedness, will be in excess of what they were last year or the year before. But revenues are not going to increase materially, except as we have additional legislation along that line. In what position are Senators going to be before the country when we provide for these increased expenditures and yet continue what I believe to be extravagance along the line of the river and harbor bill?

If Senators were agreed, if the Congress generally were agreed, if the engineers were agreed, as to what were suitable projects to be the subjects of national expenditure, we might be able to take a different position. But now, with all the dissatisfaction which prevails almost everywhere, in almost every community, in every State, with the present plans, shall we continue to pour out our money at the same rate of expenditure as heretofore?

Mr. President, imagine, for the sake of argument, that we have a property owner, an architect, and a contractor who were putting up some vast structure of some kind, and a large sum had been expended upon it, covering a period of years, and finally the owner, the architect, and contractor decide that the plan which had theretofore been adopted was not the right kind of a plan; that the method of work should be changed; that perhaps different materials should be provided; what would they do under the circumstances? Would they say, "Oh, no; we will go on for another year or two. We will continue this proposition until our new plans are entirely materialized"? Or would they stop and change their plans, be sure of what they wanted to do, and then proceed with the increased expenditure?

Senators, the illustration I have used is not very far afield from the proposition which is now occupying the attention of the Senate. If we are not satisfied with present methods, now is the time to change them before we go on headlong with these great appropriations.

Mr. President, I am not unmindful of the fact that there is, and always will be, a necessity for great expenditures of money in our harbor improvements and our river improvements; and I believe national aid is here to stay in those projects. But with the vastness of the subject before us I feel that we are going just as far as Congress is justified in going if we expend this year $20,000,000 on the projects which are already provided for. This does not mean stopping of improvements. It only means that we shall have proper regard for our revenues and make our appropriations accordingly. I hope the motion of the Senator from Wisconsin will prevail.

Mr. THOMAS. Mr. President, I took occasion last Wednesday to interrupt the Senator from Texas [Mr. SHEPPARD] for the purpose of asking a question, and while stating the substance of my inquiry I overheard a side remark to the effect that I was one of the filibusterers against this measure. I want to assure the Senate that upon the assumption that the remark had any justification beyond the fact that I had spoken once before upon the bill, I am not to blame, because the opportunity exists for carrying on that method against any measure that may come before the Senate.

During the short time that I have been a Member of this body I have had occasion to express myself upon the nature and the defects of the Senate rules of procedure under which unlimited discussion or debate—if the latter be a more desirable term—can be had upon any and every subject whether important or unimportant in its nature.

I have taken the position, Mr. President, after some consideration of the subject, that this is the only deliberative assembly in the world, with the possible exception of the House of Commons of the Dominion of Canada, which is unable to reach a vote except by unanimous consent; that fact tends to encourage and prolong discussion, covering all fields of human knowledge, and that as the activities of Congress are multiplying with every session through the extension of Federal jurisdiction over matters which hitherto have been deemed entirely beyond and outside of it, we should change our rules by adopting some method of modified cloture.

My opinions upon that subject are not the opinions, however, of a majority of this body, although I indulge the hope that as time passes, and consequently becomes more valuable with the increasing pressure of public affairs upon the Senate, the common sense of the situation will prevail and some method of limiting debate will be adopted.

Hence, upon the assumption that the opinion entertained by the Senator making the remark that my purpose in speaking upon this bill was merely one of obstruction, the opportunity for continuing debate or discussion along obstructive lines is one for which I am not at all responsible and to correct which I would yield the floor on any occasion, however important, were the Senate to intimate such a purpose, to take up and change its rules with regard to debate.

But, Mr. President, I entertained then and entertain now no thought or intention of entering into a needless discussion of this measure. It may be that because this is not the first time I have availed myself to consider the measure, and that because the opposition to the bill has not yet resulted in any material ad-

vantage to those opposing it, further discussion is idle, and therefore useless.

But, Mr. President, I am so thoroughly convinced of the wisdom and utility of the motion of the junior Senator from Wisconsin, I am so thoroughly of opinion that the majority party in this body owes it to the organization which it represents, to its declared platform obligation, and to the financial condition of the country to minimize appropriations as much as possible that I feel entirely justified in giving as concisely and briefly as possible my reasons for supporting it.

I stated some days ago that I had no desire to institute invidious comparisons between some items of this bill and other items, nor to make any specific charge of their inutility, their needlessness, or their questionable character, if such there be.

But I think, Mr. President, in view of the fact that nothing which during the debate has been urged concerning a large number of the items by the Senator from Iowa [Mr. KENYON], who has given so much thought and so much investigation to them, and that nothing which he has read from the records has been seriously challenged, I am entirely justified in assuming their correctness. Upon that assumption I do not hesitate to affirm that there are millions involved in this aggregate appropriation of $43,000,000 the need for which, to put it mildly, is not exigent at this hour.

I might go further and say that they were unnecessary, either now or at any other time; but I content myself for the present by affirming that they are not demanded by that iron rule of necessity at this critical period in the history of the Nation when the drains upon the Treasury are becoming more excessive than ever before. Therefore, they should go out of the bill entirely.

Mr. President, let me refer for a moment to the principle involved in the amendment which my colleague [Mr. SHAFROTH] offered yesterday and which the Senate rejected this morning. That principle assumes, and I was delighted to hear its cordial acceptance by the chairman of the committee, that the test of the need, or the benefit, or both, of any given project should be the willingness of those locally and directly benefited to contribute to the expense of that project.

No test so far as my experience goes is so accurate with regard to the merits of any given proposition as the assumption of its financial responsibility by individuals, corporations, or communities, and if in these questionable schemes—and I use the expression in a perfectly legitimate and respectful sense—that test were invariably resorted to the Government would be justified by its result either in proceeding or in refusing to proceed with the enterprise.

I was struck this morning in running over the committee report with the confirmation given to that idea by a recital upon page 365 of the improvement of St. Joseph Harbor, Mo. I will read it, as it is very short:

ST. JOSEPH HARBOR, MO.

[Eng. Rept., 1915, pp. 1062–1069.]

The river and harbor act of June 25, 1910, adopted a project providing for the expenditure of $75,000 by the United States and an equal amount by the city of St. Joseph or other agency in the construction of 16,000 linear feet of standard revetment near Lake Contrary. As the parties concerned did not cooperate, the amount was transferred to other work in accordance with the act of March 4, 1915.

Who doubts, Mr. President, but that the failure of the people interested in that project to make the required contribution supplied an accurate and infallible test of its usefulness, its value, its desirability, or all these things? No doubt but without that condition not only would the sum of $75,000 appropriated in that particular bill for that particular purpose have been expended, but in all probability every successive bill would have contained appropriations for equal or similar amounts, the aggregate of which would perhaps be by this time four or five times the original appropriation.

I do not believe in the application of that principle to improvements of harbors, whether upon the coast or upon the Lakes, or with regard to those rivers whose navigability and whose commerce combined justify continued improvements; but when the harbor appropriations and appropriations for great streams like the Mississippi and Columbia Rivers are taken from this bill there remain many other items of appropriation for different parts of the country, not one-third of which would have ever found a place in this or in any other river and harbor bill had this been made the test of their efficacy.

Some days ago I learned that the State of Oregon recently enacted a law authorizing the residents along the Pacific coast whose water facilities justified the view that they could be improved and made valuable harbors, under which harbor districts, as they are called, were created, and upon the strength of the valuations of the district a proportionate amount of bonds could be issued, the proceeds to be devoted to the improvement of their respective localities.

Upon investigation I learned that under this law half a dozen, I think that was the number, districts had been formed, their bonds had been issued and sold, and the proceeds had been devoted to the development and improvement of their respective localities followed by an increase in business and in population.

There, Mr. President, was an actual practical test of the value of the project, finding proper and adequate response, and, in my judgment, justifying future national legislation under which the maintenance of these harbors shall at some time be taken over by the General Government.

There is a case of the people helping themselves, and if the States of the Union receiving the benefits of appropriations like this will follow the example of Oregon, as they have in other valuable particulars, the general benefit to their people as well as to the Federal Treasury would not only soon be apparent but the practice itself would be sanctioned by the benefits flowing from its operation.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Washington.

Mr. THOMAS. I yield.

Mr. JONES. I merely wish to suggest in connection with what the Senator has just said that in our State we have formed quite a number of districts. They are called port commissions and they contribute money raised by taxation for carrying on these projects.

Mr. THOMAS. I presume the Washington statutes upon the subject are similar to those of the neighboring States.

Mr. JONES. I think very similar.

Mr. THOMAS. Mr. President, such regulation as that is a welcome evidence of the continued existence in the great Northwest of that spirit of indomitable energy and self-resource which a few years ago characterized the people everywhere in this country, but which, I am sorry to say, in some sections is giving away to a continually enlarging dependence upon the local and upon the National Government to rectify all their ills, to repair all their misfortunes, and to undertake all their enterprises.

Mr. President, I want to say here that the one thing in the so-called Trinity River project which commends itself to my approbation is the contribution made to it by the great city of Dallas. The city has demonstrated its faith in the scheme. It may be of a speculative nature, it may be because of its benefits, it may simply be based upon the hope thar springs eternal in the human breast, but the fact remains that so far as that project is concerned Dallas has demonstrated her faith by her works.

My objection to the scheme is, among others, that the demonstrated inutility of the project justifies for the present the suspension of appropriations, either private or national, for its completion until our financial affairs are in a different condition and the great burden of expenditures with which we are now confronted shall have been borne and methods of raising revenue to enable us to do so shall have been determined and disposed of.

Mr. President, I now come to some of the reasons which are sincerely believed in and relied upon by some of the advocates of this measure and are the controlling reasons why our so-called system—because it is not a system in anything but the name—of harbor and watercourse development should for the time being at least be suspended.

The junior Senator from Texas in his very eloquent and persuasive defense of the Brazos and Trinity River projects has given us statistics regarding the vast expanse of territory drained by and therefore somewhat dependent upon these waterways, to the enormous and rapidly increasing and enterprising population in those sections of that mighty Commonwealth, and to the consequent need from the viewpoint of the development of these waterways, of the benefit to these populations, and a benefit not limited to them entirely but spreading in ever-decreasing proportions, like waves from a common center, all over the country. One not entirely familiar with the subject would conclude from the argument of the Senator from Texas that this mighty population and growth were due to previous expenditures under previous river and harbor bills; that they must either stagnate or decrease if the largess of the Government should for a single year be withdrawn.

If that were so, Mr. President, I would gladly vote for this measure, because the welfare of a great population so dependent, such as cluster in the valley of the Trinity and the valley of the Brazos, is far above and beyond any money valuation and is entitled under our scheme of government, independent of natural conditions, to the sustaining hand of Federal protection.

But, Mr. President, this unfortunately is not a case of cause and effect. I believe that the State of Texas is just as great

to-day from every standpoint as it would have been had there never been such a thing as river and harbor improvements by contributions from the national revenue. I believe that it would be as great to-day were these rivers blotted out of existence or transformed into mere waterways for the draining of the surface of the country, because the indomitable spirit of that mighty people, the resources of the soil, the splendor of the climate, and the beckoning call of nature from every quarter in that favored country are there as they are elsewhere, although not perhaps in so great a proportion, the prime and only causes of the industrial, commercial, and political development of that country and of its enormous and rapidly growing population.

In referring to these subjects, Mr. President, I pass by the discussion concerning artesian wells, because, after all, the existence of such methods or the resort to such methods of securing water for navigation, while amusing and at times humorous, might be suggested as aids to many others of these projects with as much as, if not more, propriety than this particular one.

But, Mr. President, the question with me, in view of the very large amount of money hitherto devoted to such projects, which are far from completion, in view of the fact that the amounts of money which this bill calls for for these projects are confessedly insufficient for their completion, in view of the fact that we are facing the mightiest appropriations ever demanded by a National Congress, in view of the fact that every dollar appropriated must be supplied by taxation, in view of the fact that legislation regarding supplies coupled with added taxation will necessarily be resisted and resented, in view of the added fact that the party in power must be responsible for such legislation and bear the burden of whatever public censure may be visited upon the Congress, is it wise, is it proper, is it desirable, at this juncture that we should continue, as we have in the past, to make these appropriations any larger than those of recent years, instead of cutting them off altogether, until a more appropriate time when, with more money in the Treasury, with no exigency, political or otherwise, confronting our immediate future, we can give due consideration to them and make the required expenditures accordingly. Under this bill, Mr. President, if my calculation is correct, the State of Texas will receive $2,763,000 of this money, much of it desirable I concede; much of it unnecessary at this time.

Mr. President, I would, if it were not for circumstances to which I will advert later, be justified in expressing some surprise that the junior Senator from Texas [Mr. SHEPPARD], of all men in this body, should advocate and announce his intention to vote for this bill and, of course, to vote against the pending motion. On the 11th day of January, 1916, at a time when the Senate was burdened with the forbidding prospect of increasing appropriations, when the whole country was apparently clamoring for preparation upon an enormous scale, and when our sources of revenue were not returning that constant and increasing stream of money necessary to run this Government; being at that time impressed with the spirit of genuine economy, the Senator from Texas introduced a bill in the Senate containing some preambles which have been already referred to, and which, at the risk of tedium, I will repeat:

> Whereas the war in Europe has caused a serious decrease in importations and a serious decline in the revenue ordinarily derived from importations; and
> Whereas these conditions are imposing an enormous strain on the Federal Treasury and have made it necessary to levy additional taxes on the people; and
> Whereas the present emergency calls for every legitimate measure tending—

I will read that again—

> Whereas the present emergency calls for every legitimate measure tending to relieve the Treasury and the people as far as possible: Therefore
> *Be it enacted*—

That certain percentages be deducted from salaries paid by the Government to all persons, I think, in excess of $1,200. So impressed was the Senator with the necessity of economy at that time that he provided by section 3 of the bill:

> That the reduction herein provided shall be effective for a term of one year from November 1, 1914.

In other words, the Senator proposed to go back to the commencement of the European war and to make this item of economy effective ex post facto. The next morning, doubtless after spending an anxious and troubled and sleepless night, the Senator offered an amendment to his bill—that is, to section 3—providing:

> That the reduction herein provided shall be effective for a term of two years from June 30, 1916, and the Secretary of the Treasury is hereby authorized and directed to make the deductions herein provided in making the payments of salaries for the period of one year from date hereof.

Mr. President, I do not know what amount of saving would be or could be effected by that bill if it should become a law. I do know that any man who is attempting to support a family upon $1,200 a year anywhere in this country, and particularly in the city of Washington, must be having a terrible hard time to make both ends meet in this era of high prices. I do know that things seem to be so formed here, either intuitively, fortuitously, or purposely, in the District of Columbia, that no man who receives salary from Uncle Sam's Treasury is allowed to get out of the District with any of it in his pocket. Consequently, while economy is essential, I, for one, have not felt that it should begin by such a system of cheeseparing, although, of course, I recognize and appreciate the motive which prompted the introduction of the measure.

Now, however, Mr. President, the Senator, the author of this economic scheme, proposes to vote for a bill taking $43,000,000 out of the Treasury, a very great proportion of which is to be devoted to projects not essential to improvement at this time, and a very large amount of which is to be expended in the State which he in part so ably represents in this body. Why? No man who knows the Senator will dispute the assertion that he is one of the most conscientious, faithful, capable, industrious, and valuable Members of this body. The answer is plain. He is yielding to local pressure; his people demand it.

That brings me, only for a brief moment, to a subject which I discussed the other day. It is that the population of every district and of every State in the Union are becoming more and more prone to rely upon the National Treasury either for subsistence, for support, or for benefit. While they are all in favor of economy, they want to "try it on the other dog," and they consequently insist that their Senators and their Representatives shall, in so far as the needs of the people they represent are concerned, exempt those needs from the general scheme of reduction and enforce rigidly every principle of frugality in other directions in the administration of public affairs; and since the Treasury is the common aim from every direction, and since this sentiment is identical as to the local needs, these omnibus bills were born and "pork" has become an epithet, coined and adopted by the people, as applicable to them, meaning, of course, that the Treasury is being utilized for schemes of local, and sometimes, it is insinuated, of personal benefit, contrary to law and good morals.

So the Senator from Texas, straining at the gnat of smaller salaries, will swallow the camel of larger rivers and harbors appropriations. This is pathetic but true. Indeed, the Senator's position reminds me very much of a story I heard some time ago, of a graduate from Harvard who had had a pretty hard time in the world. He finally landed in Chicago. Passing a window, the curtain of which was up, in the residence part of the town, when cold and tired and hungry, he saw in the room an old classmate, evidently wealthy and enjoying the luxury of a good fire and a comfortable dwelling. So he rang the bell and was admitted. At first he was welcomed. Thereupon he made an appeal for aid. He described his hardships and his misfortune; his loss of position here and his loss of position there; his failing health, his illness, the impossibility of keeping up in any direction, and, finally, his necessary relapse into the army of tramps. About this time the owner of the house, with his eyes filled with tears, rang the bell, and when the butler appeared he said, with a sob, "Kick this man out; he is breaking my heart." [Laughter.]

Mr. President, I asked the Senator from Texas for an instance of traffic growth as the result of appropriations for river improvement, and he referred me to the Great Lakes—a reference which I have noticed to be constant as an answer to that question when propounded to different advocates of this bill. I then said, Mr. President—and it is true, I think—that that is the only instance, the only conspicuous instance, at least, where water traffic increases in proportion to appropriations for improvements, the reasons for which are so obvious that a discussion of them seems to be almost unnecessary. One of them was given by Gen. Bixby, and can be found on page 27 of the pamphlet which was laid upon our desks the other morning. Gen. Bixby says:

> Not in any part of the United States, nor in any part of the world, can water transportation be made profitable unless it is possible to have at one end of the route natural products which can be bought cheaply, and at the other end of the route markets for their consumption where goods can be sold at a high enough rate to pay for the cost of transportation between the two terminals.
>
> It is mainly due to this latter condition, rather than to the depth of the waterway, that we have seen such an enormous development of commerce of the Great Lakes. On the borders of Lake Superior are enormous volumes of iron ore which are needed in the East; and around Ohio and Pennsylvania are enormous beds of coal which are needed in the West, so that boats plying between these two places can carry full loads each way during the entire length of the navigation season.

I do not agree, Mr. President, that that is the main reason, although it is unquestionably one of the principal reasons for the growth of traffic upon the Great Lakes. Other reasons equally apparent occur to any thoughtful man. Those Lakes are great inland seas. They lie in one of the most fruitful and productive regions in the world; they serve an enormous, teeming, wealthy, and growing population. The city of Duluth is or will soon become the head of ocean navigation and ocean steamship traffic. Enormous cities have grown up on the borders of those Lakes and on the navigable rivers to which they are tributary. They are an arm of the sea in every respect, except in the character of the waters which they contain. They are a part of the great scheme of international commerce; they contribute enormously to that commerce. More traffic passes through the Sault Ste. Marie Canal at any given period, except when closed by ice, than passes through the Suez Canal and the Panama Canal combined. And it is remarkable, Mr. President, that gentlemen do not see that this exception proves the rule, and that they are forced to refer to that system of Lakes and the commerce upon them as the only instance when these millions upon millions of expenditures have brought any kind of return to the Government or to the people.

The other day, I think it was the Senator from Texas [Mr. SHEPPARD] or perhaps the Senator from Louisiana [Mr. RANSDELL], read an article showing the amount of commerce upon the Trinity River forty-odd years ago, and it was very considerable. I asked what had become of that commerce. His reply—and it was a truthful one—was that it had been swept from the river by the competition of the railways; it had gone, but by expending millions upon the river, by canalizing it and securing a certain average depth of water at all times, the commerce would return. I wish it were so, Mr. President, but I am unable to perceive how, if the cause of the disappearance of the early commerce is not removed, it can possible be revived.

Such is the history of those mighty streams of this Nation about whose navigation there can be no question and upon whose bosoms at one time the great bulk of our inland commerce was carried. It has gone. There is not a river in the country, with the single exception, perhaps, of the Hudson and some shorter routes upon the large New England and eastern rivers, not one, to my recollection, that has not suffered similarly. "Ichabod" is written over them all. We may take all of the money raised by taxation every year, and, without deducting a cent for any purpose, dump it into these watercourses and projects and make every one available for craft of all sizes, and they will do no more business than they do to-day; they will not be permitted to do it, because the transportation of the country everywhere, naturally contributary to a water-carriage system, will be withheld from it by the combined power, with the millions upon millions of capital of the country behind them, represented in our system of land transportation.

Mr. President, the Senator from Louisiana [Mr. RANSDELL], in a speech made on the 23d of the present month, gave a series of statistics concerning freight rates, the object of which, I presume, was to demonstrate the benefit to the country of river and harbor improvements by forcing freight reductions. Every item which he mentioned only served, in my judgment, to demonstrate the value and confirm the argument of the opposition to this bill. I turn to the RECORD, at page 9621, so that I will not misquote the Senator, and read in part what he then said:

> There was much said here yesterday about the freight charges on the river as compared with those by rail. I hold in my hand a compilation made by me some months ago giving the actual rates on sugar in carload lots by rail between New Orleans and certain points. For instance, from New Orleans to Bayou Sara, La., on the river, the freight on the Yazoo & Mississippi Valley Railroad is 7½ cents on sugar in carload lots for 125 miles.

That is between river points—

> To Lindsay, La., on the same railroad, for 113 miles, the rate is 17 cents. Now, this is a very striking case, as the distance to Lindsay is 12 miles less than to Bayou Sara, La., although the rate per hundred pounds in carload lots is two and two-tenths times greater than to Bayou Sara.
>
> To Memphis, Tenn., the distance is 455 miles, and the rate in carload lots is 12½ cents, while to Darling, Miss., a distance of 400 miles the rate is 34 cents. Memphis, of course, is on the river, but Darling is in the interior. Twelve and one-half cents to go 455 miles to a river point, 34 cents to go 400 miles to an interior point!

In the next column the Senator says:

> Let me call your attention to one of the most striking of these discriminations. Situated on the Illinois Central Railroad, Ponchatoula, La., is 48 miles from the city of New Orleans, and the rate on sugar in carload lots is 17 cents. That same railroad, the Illinois Central Railroad, which had spies checking up Mr. Bernhard's freight when he was putting it on the boats at St. Louis—

A most significant statement—"spies checking up" the river traffic. For what purpose, if not to acquire information essential to crush it out of existence?—

> charges exactly 17 cents to carry sugar 554 miles to the city of Cairo, Ill. Think of that, Senators! The Illinois Central Railroad charges 17 cents to Ponchatoula, 48 miles, for 100 pounds of sugar, in carload lots, and 17 cents to Cairo, 554 miles, for 100 pounds of sugar in carload lots! Where does the distinction come in? What is the difference? Why, Ponchatoula is in the interior, where there is no possible water competition, and Cairo is on the river, both on the Ohio and on the Mississippi, where there is some actual and unlimited potential competition.

Mr. President, the Senator might have duplicated that statement wherever any contrast was sought to be drawn between railway competition and water competition on river points and inland points.

I concede that there is some benefit, as I did the other day, to points upon the rivers, potential water competition thus being possible, which forces railway rates between those points down to a very small percentage and keeps them there until the competition, if actual, disappears or, if potential, is discredited; but how is it compensated for? The Senator shows upon his own statement that the railroads compensate themselves for these diminutions of rates on river points by robbing his own constituents only 20 or 30 miles from the line of the river. They do it everywhere.

The junior Senator from Missouri [Mr. REED] said the other day that these river and harbor improvements benefited the entire country, their effect in lowering rates reaching out as far as the Rocky Mountains and benefiting, among others, the city in which I reside. I want to say, Mr. President, that no man in this body, in my judgment, outside of some common points where there are no rivers, can cite a single instance in which the railroad rate for local traffic has been benefited by river or lake competition, either actual or potential. On the contrary, it is used—and the Interstate Commerce Commission of the country has permitted the railroads to use those circumstances and conditions—as a justification for actually raising their rates where this competition does not exist. There is not a little crossroads community in the Union, whether within 5 miles of the Mississippi River or 500 miles from it, where the railroad does not, because of that so-called competition, increase its rates to an extortionate degree, and the people of these crossroads communities are made to pay, not the difference, but quadruple that difference, making it all that the traffic will bear.

When the Senator talks about the improvement in rates to my section of the country because of these appropriations, it becomes apparent that he has not familiarized himself with our conditions. The freight rates from New York to San Francisco are very much less than the rates upon the same goods from New York to the city of Denver or to the city of Salt Lake; and the reason why this outrage is permitted is the ability of the railroads to show that potential ocean competition makes these favored rates necessary.

The Senator from Mississippi [Mr. WILLIAMS] a few days ago declared that the abolition of the long and short haul clause would cure the difficulty. I hope he is right. My impression, Mr. President, is that it is merely one step toward its rectification. There is, in my judgment, but one cure for it, and that is the absolute control, to the extent of ownership if necessary, of every mile of railroad in the United States.

Mr. STONE. Including the water power?

Mr. THOMAS. Yes; include the water power, if you please, if the water power is to be developed on the theory that the Government owns the water because it controls navigation. I am discussing a subject which I think involves public franchises and public utilities, of which water power and hydroelectric power are undoubtedly parts; and if the Senator heard the first speech I had the honor to make upon the floor of the Senate, in the Connecticut River dam case, he will recall that the solution which I suggested then, and suggest now, for the water-power difficulty is the turning over of all the water-power sites and water powers to the States, with the understanding and condition that they shall make them public utilities and develop them at the public expense for the public needs.

If the railroads could be turned over to the States and thus solve this difficulty, I would not make the assertion I did with regard to national public control, but the difficulty is that no railroads that I know of—certainly no railroads of any consequence—are entirely confined to the boundaries of a single Commonwealth, and, of course, a vastly disproportionate percentage of their business is interstate.

There is another reason, Mr. President, why these things are so, why the grip of the railroads, yielding only at this point or that point to actual or potential water competition, becomes the more fixed upon the throats of shippers everywhere else. It is that, foreseeing these attempts at competition they have either purchased or they control an enormous disproportionate percentage of the wharves and the river fronts and shore fronts

of the harbors, bottling up river and harbor transportation to the extent of such ownership and control.

I read some time ago that the great State of Washington, I think in the late nineties, in obedience to the seductive and insidious influences of the Northern Pacific Railway, conveyed to that great corporation the State's title to the land below tide-water mark at Seattle and other important points, thus surrendering not only an ownership that was fiduciary in its character but enabling a great monopoly to tighten its grip of monopoly forever upon the throats of the people.

There is, and I think always will be, Mr. President, potential competition by sea which will affect transcontinental rates, and I am glad of it. But actual competition has been a pretense very largely. I referred the other day to the fact that the Pacific Mail Steamship Co., after the interest in them of the old Central and Southern Pacific Cos. became considerable, accepted a contract whereby, in consideration of their carrying no freight at all to the Isthmus, they were to receive more money from the railway than they possibly could make if their ships carried full cargoes each way. But of course there is a possibility of the creation of other companies, and that possibility tends to affect those rates.

What I object to is the assumption, if you please, that the expenditure of money on little watercourses and creeks throughout the country, of some possible local benefit, affects transportation everywhere and reduces rates in those sections which have *not* the benefit of this condition, while the truth is that it has not only a directly contrary effect, but an aggravating contrary effect.

It was said, and I have no doubt it is true, that the establishment of a line of boats between Kansas City and St. Louis had the effect of an 80 per cent reduction upon freights between those two points. Yes, between points where the boats touch; but I will wager the assertion that there is no town 15 miles from the line of that river upon the railroads whose rates are not entirely disproportionate, and very much higher than those which prevail on the river.

Mr. RANSDELL. Good roads and automobiles will settle that.

Mr. THOMAS. The Senator from Louisiana suggests that good roads and automobiles will settle that. If that is the case, then why improve the rivers at all, because good roads and automobiles reach the rivers as well as these other sections of country.

That may be the solution. I hope it is. We have just voted $75,000,000 of the people's money for that purpose. I earnestly pray that it may produce some such result. I am afraid not, however. I am very much afraid that by the time the roads become a system of inland transportation of freight, the same insidious influences now controlling our transportation will be found extremely effective in the establishment of huge overland concerns to transport freight at a rate which will make competition practically impossible when the scheme will be abandoned, and then we will go back to the good old way.

I spoke just now of the control of terminals and river fronts. I was very much struck by a recital in the report of the committee regarding this Kansas City and St. Louis route, in that the eastern terminal of the route is in East St. Louis, Ill., and not on the Missouri shore at all, where that great city lies. Now, that may be merely a coincidence; it may be a matter of convenience; but it is a singular fact that after the freight destined for the city of St. Louis reaches its point of termination, the wharf to receive it is across the river, from which it must still be transported either on boats or across bridges controlled by the railway companies centering at that place. So much for this wholly imaginary general benefit.

Now, Mr. President, let me refer for a moment to the speech of my friend the Senator from Mississippi [Mr. VARDAMAN] in support of this bill a few days ago, and read an extract from page 9717 of the RECORD. I think the eloquence of the Senator, which no man can hear unmoved, found apt expression in clothing with his usual ornate phrase a very stubborn fact that seems to me to be the chief if not the fundamental objection to this bill. He said, as I read from page 9717:

> Now, let us see how this bill was created, the multiplicity of interests it is intended to serve, and the various sections of our common country where these interests are located. From the East to the West, the North to the South, contributions are made to this proposed piece of legislation. It is intended to take care of the waterways of New England, down our eastern coast to Florida, from Florida around the continent to San Francisco, and from San Francisco to Alaska, and from Alaska back to the Northeast. It also serves the Middle and Western States and the Northern, Southern, and Eastern States. There is scarcely a place an inch square on a map of America of ordinary size that does not mark the location of some interest treated by the bill. It was constructed by Representatives in Congress of the American people from every section of the Republic—men who are here for the purpose not of promoting personal interests, but rather of serving the interests of all the men and women who pay the taxes and bear the burdens of government. The bill is altruistic in its purposes, boldly patriotic in its design, and intended solely for the public good.

Such a tribute, Mr. President, to such a method of legislation deserves at least our commendation for its elegant English and its ornateness of style. But, Mr. President, that is just the great crowning and obvious fault of the bill. That is the reason why the bill is here. That is the reason why other bills of equally questionable merit with regard to some of their items are here. I need only refer to the public-buildings bill, one of which was enacted since my entry into this body. It is constructed in just that way, and the general purpose of it is to get votes whereby the bill will become a law. John Smith will vote for John Jones's amendment to this bill, although he does not at all approve of the purpose of the appropriation, because he has one of his own that is equally bad in the opinion of John Jones. It is a combination and community of interest which necessarily results to the injury of the people, sooner or later, since it becomes a precedent for schemes of legislation that standing alone can not bear the light of day.

I do not mean to assert this of the bill before the Senate or of the men who are behind it; but I do say that the people of the United States are justified in the prevalent opinion of legislation of this character because of the many things which it may conceal and because such methods of legislation are inherently vicious and indefensible.

The Senator also denounced the Newlands scheme as visionary. I think it is, Mr. President, in some respects; but I do not know of a great measure of legislation having for its purpose general benefit through the adoption of a wise, extensive, and systematic policy that in its beginnings is not visionary. I do not know of a great step forward in the progress of this Republic—and certainly no great step through the processes of legislation—which has not appeared, dimly, perhaps, at first, then more consciously and more definitely, in the vision of men who live not for themselves, but for the people whom they serve, in the dreams of statesmen quickened by the sense of a great need and inspired by the necessity of obtaining it. I am in some degree appalled by the magnitude of this vision of the Nevada Senator; but it comprehends the entire subject of water conservation, beginning where it should commence, away up at the headwaters of these mighty streams, where they are easily controlled, and following down their stupendous courses, taking advantage of every natural reservoir site which nature may afford for the purpose, storing the waters at flood time for use in dry seasons, combining water conservation with navigation and flood prevention, thus relieving the devoted people of the lower part of the Mississippi Valley from those mighty and terrible inundations which, regardless of our enormous expenditures, are occurring with greater and more alarming frequency.

Yes, it is visionary, and the Senator may not live to see even its faint beginning; but in the time to come, when a wise statesmanship shall consider this as a national problem, one which requires science and experience and wisdom both for its conception and for its execution, the Senator from Nevada, perhaps in the spirit world—if there be one—will be comforted by the knowledge that the vision which he clearly outlined and which seemed unreal and preposterous to some of his contemporaries has crystallized into an accomplished scheme of national development the magnitude of whose blessings and whose benefits no man, however vivid his imagination, can fully conceive.

I am not for it at the present time, Mr. President, for the identical reasons which prompt me to support this amendment. We have too much to do in the shape of other needed appropriations now to consider matters of this sort except in the most tentative way. The commission which the Senator has suggested is a good beginning. And let me say, Mr. President, that if the Senator's scheme is visionary, it certainly is no more visionary than our rivers and harbors scheme. That, however, is a vision which has a very practical side in the shape of huge local expenditures. But if demonstrated impossibilities are the test of practical things in this world, then I am here to say that our methods of river protection and of river and harbor development are the most fantastically visionary schemes of legislation that we have placed upon the statute books during the last 25 years. We have to renew our expenditures practically every year, and they increase as the seasons succeed each other.

Mr. President, just a word now in regard to the river traffic—that traffic which is to come back to us and bless mankind with its benefactions when it shall be reestablished by these improvements. It is the unfortunate fact that our river traffic decreases, and has decreased, in inverse proportion to our expenditures. The more money we spend to build up commerce upon the watercourses, the less commerce there is for them; and I have no

doubt that if we should double the amount of this appropriation and pour it into these various improvements, the result would be that we would have no river traffic left at all. That is not surprising, because, as we attempt to re-create it, the efforts of the system opposed to it are doubled for its prevention. As we attempt to establish certain depths of water—as we inaugurate this, that, and the other local scheme of river traffic, the purchasing of boats, their launching upon the waters, and their reception of cargo—the land system of transportation, with spies everywhere, as the Senator stated in a little town in his State, is alert to overcome, and you may be sure it has the means to overcome, the faintest vestige of competition. That the Great Lakes of the country have not succumbed to this mighty influence is due to natural conditions which not even a railroad monopoly in a country as large as this can control. That they would have controlled it, and do control it very largely through their ownership of the lake marine, is painfully apparent.

Mr. President, laudations of the German system of watercourse improvement and of the commerce upon those watercourses have been made upon this floor in connection with this bill, and they are well founded. There can be no question that every dollar which Germany has spent in the improvement of her water highways and of her ports and of her canals; there can be no question that the millions poured out by France in the building of canals and river improvements are bearing a rich and abundant harvest to those peoples. But, Mr. President, we must not be so dazzled by the results in those countries that we overlook the manner in which that traffic has been builded, the method by which traffic has been forced upon these streams and in these canals—a method which we must to some degree adopt, no matter what improvements we make, or how vivid the prospect, if we are to have any traffic whatever beyond nominal amounts here and there upon our rivers after they are improved.

Why, Mr. President, it is known to everyone—and Germany is taken as the examplar, so I will refer to it—that the Empire has developed along all lines for a common purpose, chiefly a military purpose; that one of the first great undertakings of Bismarck after the consolidation of the Empire consequent upon the victory over France was the nationalization of the system of railways. The Government seized possession of these lines of land transportation, made due compensation for them, and then operated them as a part of the general scheme of development. Lines were builded sometimes for purposes of commerce, sometimes for military purposes, but in each and every instance they were so builded that they could cooperate with the lines of water running throughout the land and interconnected with perhaps the greatest system of canals in the world.

Not only so, but Germany, by a system of traffic charges formulated by the German legislature, fixed rates that prohibited the transportation by rail of those bulky products whose delivery does not require any great amount of haste or speed, and which naturally seek cheaper lines of travel. By forcing the coarser articles of commerce upon the waters and by denying to the railroads permission, because of these prohibitory rates, to compete at all, that tremendous commerce has been created. And I am here to say that, in my judgment, if the strong hand of the empire were lifted from its transportation system, if private corporations were permitted again to control it, this mighty traffic upon the Rhine and other German rivers would disappear within a twelvemonth. It would be subject to the same sinister influences that here prevail and the great work which to-day is the admiration of every supporter of this bill would disappear entirely. If, therefore, we expect to acquire and to accomplish what Germany has acquired and accomplished, we must make the railroads correlate with our system of water transportation instead of operating as a competitive system.

Why, Mr. President, when I think of the manner in which these railroad rates have been heaped upon the people of my State, when I consider that to compensate themselves for these forced water-competition reductions they have practically driven the jobbers from the city in which I reside; that our system of manufactures has been reduced to insignificant dimensions, and that, notwithstanding we are the center of a mighty range of country extending for thousands of miles in every direction, peopled by hundreds of thousands of American citizens, they are forced to trade with Missouri River points instead of at home; and when I consider that these are, in part, the consequence of these tremendous expenditures for the unquestionably sincere purpose of increasing the traffic upon the rivers, I confess that I want to see the day of Government ownership come, and come quickly.

I am not an advocate of it, Mr. President, except as the last resort of a suffering people. We have to pay more upon freight downhill from Denver to Galveston than we pay upon freight uphill from Galveston to Denver. We are so situated that freight comes from San Francisco to Denver for less than we can ship freight from Denver to San Francisco, another downgrade route. Why, Mr. President, the rate upon California products to New York and other seacoast towns is the same as the rate to common points in my section of the country. That is bad enough; but when in addition to it there is added to the necessities of life, as a transportation tariff, the difference between the rates of freight from West to East and from East to West, which the consumer has to pay, what wonder that we who represent these people should be opposed to this sort of legislation!

The Senator from Utah [Mr. SMOOT] was questioned yesterday with regard to his attitude upon previous river and harbor bills. I think he said that he supported them. I shall not reproach him. For my part, Mr. President, I am content to know that the Senator is now doing what he can to rectify this situation. I am surely rejoiced that in this instance, at least, he is participating with some of us toward making the economy plank of our Baltimore platform a realization and not a dream. But let me say, Mr. President, that no man and no party—and with that I conclude—is responsible for this sort of legislation. No Senator, no Representative, is responsible for it. It is the outgrowth of inevitable conditions, forming through a series of years and crystallizing in omnibus bills, which, like charity, cover a multitude of sins.

One of the most remarkable books in modern times, Mr. President, is Lecky's "Democracy and Liberty." I do not agree with all his conclusions, but he calls attention to some things and to some evils in republican government which we must all recognize. He says, on page 333:

> There is, in the first place, what may be called the argument of momentum, which Herbert Spencer has elaborated with consummate skill and force. It is absolutely certain that, when this system is largely adopted, it will not remain within the limits which those who adopted it intended. It will advance with an accelerated rapidity; every concession becomes a precedent or basis for another step, till the habit is fully formed of looking on all occasions for State assistance or restriction, and till a weight of taxation and debt has been accumulated from which the first advocates of the movement would have shrunk with horror. There is the weakening of private enterprise and philanthropy; a lowered sense of individual responsibility; diminished love of freedom; the creation of an increasing army of officials, regulating in all its departments the affairs of life; the formation of a state of society in which vast multitudes depend for their subsistence on the bounty of the State. All this can not take place without impairing the springs of self-reliance, independence, and resolution, without gradually enfeebling both the judgment and the character. It produces also a weight of taxation which, as the past experience of the world abundantly shows, may easily reach a point that means national ruin. An undue proportion of the means of the individual is forcibly taken from him by the State, and much of it is taken from the most industrious and saving, for the benefit of those who have been idle or improvident. Capital and industry leave a country where they are extravagantly burdened and have ceased to be profitable, and even the land itself has often been thrown out of cultivation on account of the weight of an excessive taxation.

We have been gradually multiplying—with increasing frequency, however—the activities of the National Government; and each new extension into outlying fields not only decreases and diminishes the rights and powers of the States, but adds to the swelling appropriations from the National Treasury. These things grow by what they feed upon, until we have reached the point where—due very largely and originally, if you please, to the pressure of communities upon their Representatives—millions are voted away by methods of this character, which in our heart of hearts we can not fully approve.

I believe the people stand for economy. I do not think they make their views and their convictions effective because of the pressure upon them in their individual communities and because of the desire for money from the Federal Treasury. This spirit has transformed Members in both branches of the Congress into a congregation of agents for districts and Commonwealths. We represent in some degree conflicting interests; and long ago it was said—and it is true now, as it was true then—that no man can serve two masters. We can not well do our duty as Senators of the United States if at the same time we attempt to serve the necessarily conflicting interests of the States themselves. One or the other must predominate, and since it is the States which send us here and to which we look for return and to which we must make our reports, it is the interests of the States which predominate over those of the Nation, until we are becoming, indeed, what a Senator was once fond of saying in this Chamber—the ambassadors of the Commonwealths, here to get what we can, and conscious of the fact that we will be rewarded at home in proportion to the amount which we may obtain. This makes entirely old-fashioned and quaint the boast of Senator Robert Toombs, who, shortly before his death, declared that he had never asked for nor received a cent from the

Treasury of the United States for the State of Georgia during his term of public service.

Mr. President, I hope this motion will prevail. This is no time to expend this vast sum of money upon these various measures. We must call a halt somewhere in our expenditures. In God's name, when will it be? We must do it upon some bill. Why not this? Let us make the commencement; and, once begun, our future course of frugality in public expenditure, I feel sure, will be found far more easy of accomplishment.

Mr. SMOOT. Mr. President, it is quite evident that at so late an hour Saturday afternoon it would be impossible to secure a quorum to vote upon the pending motion. Therefore I ask unanimous consent that at the convening of the Senate on Monday, May 29, 1916, the Senate will proceed to vote without further debate upon the pending motion of the Senator from Wisconsin [Mr. HUSTING] to recommit the bill with instructions.

Mr. CLARKE of Arkansas. There is no objection to that on this side of the Chamber.

The VICE PRESIDENT. Is there objection?

Mr. STONE. Could we not extend it so as to vote on the bill during the day?

Mr. SMOOT. We can not do that.

Mr. CLARKE of Arkansas. We had better deal with one proposition at a time.

Mr. POINDEXTER. Mr. President, I may want to occupy about five minutes on the motion.

Mr. SMOOT. Would the Senator like to speak now?

Mr. CLARKE of Arkansas. Under the unanimous consent the Senator can proceed now.

Mr. POINDEXTER. If the Senator will withdraw the request I can say all I want to say in five minutes.

Mr. CLARKE of Arkansas. We can enter into the agreement now and then the Senator from Washington can proceed. I shall not make a motion for a recess until after the Senator gets through.

Mr. POINDEXTER. With that understanding I have no objection.

Mr. CLARKE of Arkansas. Let the Chair put the request.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah?

Mr. STONE. Mr. President, I am not going to object, but I should like to make a single observation. We have been a long time on this bill. There are a great many other matters awaiting the conclusion of the bill. I think on Monday when we have disposed of this motion, unless we can come to some understanding as to when the bill is to be concluded, we ought to take more drastic means to bring it to a conclusion.

Mr. SMOOT. I wish to say to the Senator that there has been very little disposition on the part of any Senator it seems to me to prolong the debate.

Mr. STONE. But it has been prolonged for weeks.

Mr. SMOOT. There has been no evidence of a filibuster in any way.

Mr. STONE. As to that I do not know. That is a useless discussion. I simply mean to say if this sort of thing goes along from day to day we ought to come here and sit the thing through until it is completed. That is all I care to say.

Mr. SMOOT. I felt that the bill would be passed to-day, and I believe it would have been passed if there had not been speeches of considerable length made.

Mr. CLARKE of Arkansas. The consideration of the bill has been progressing about as well, under all the circumstances, as it could be proceeded with. There has been an unnecessary consumption of time, principally on this side of the Chamber, with commonplace harangues on threadbare subjects connected with transportation, and some of it by members of the Committee on Commerce. I do not think anybody is to be blamed about what has happened without sharing it pretty generally on both sides of the Chamber, but the preponderance has been on this side.

I hope the suggestion of the Senator from Utah will be adopted for the present, and let Monday take care of itself.

The VICE PRESIDENT. Is there objection to the unanimous-consent agreement?

Mr. LANE. Before it is agreed to I should like to have an opportunity this afternoon to speak about five minutes.

Mr. CLARKE of Arkansas. There will be an opportunity now.

Mr. SMOOT. Then I will withdraw the proposed agreement.

Mr. CLARKE of Arkansas. No; the order can be made and we will stay here.

Mr. LANE. Very well.

Mr. POINDEXTER. I think the Senator from Utah had better withdraw it for the present.

Mr. CLARKE of Arkansas. The Senator can address the Senate after the agreement is entered into. I will promise him not to move a recess as long as there is a Senator here who desires to be heard.

Mr. SMOOT. That is right.

Mr. LA FOLLETTE. That is fair.

Mr. POINDEXTER. That is satisfactory, if that is the understanding.

The VICE PRESIDENT. Is there objection to the agreement. The Chair hears none, and it is adopted.

Mr. POINDEXTER. Mr. President, in answer to the suggestion made by the Senator from Colorado [Mr. THOMAS] that the benefits of water transportation are confined to communities located immediately on the waterways, I wish to read into the RECORD a statement which, it seems to me, is exceedingly significant and entitled to a great deal of consideration. It is a statement made by Mr. Alfred P. Thom, the general counsel of the great Southern Railway system, at the hearing before a committee of this body which was appointed to investigate the question of the rates of transportation on coal from the Allegheny regions, where the the coal mines are located, to tidewater at various points which the Southern Railway reaches, the contention being that there was a discrimination against the southern ports in favor of the terminals of the northern roads.

I read a brief extract from the hearings entitled "Transportation of Coal," held in 1914 by a subcommittee of the Senate Committee on Naval Affairs appointed to investigate the natural and strategic advantages of Charleston, S. C., as compared with Norfolk and other Chesapeake Bay ports, as a permanent point for coal distribution, and so forth, On page 851 Mr. Thom, counsel for the Southern Railroad Co., said:

> I am coming to the question of rates now. It is easy to make an impression superficially in regard to rates. I do not suppose that any man when he starts in knows anything about it, and I doubt that any man when he comes out knows much about it; so it is very easy to make an erroneous impression. There are some scientific facts that bear upon the question of rates which are quite interesting, and I wish to refer to some of them.
>
> Of course, one of the fundamental ideas underlying rates is that they are largely controlled by the quantity of traffic. The more traffic there is the less you can carry it for. Another thing that bears upon the establishment of rates in the United States is that the yardstick by which all rates are measured is the rate from Chicago to New York on the trunk lines. That goes through a part of the country where the densest traffic is. It goes through the largest cities. It goes through the most productive country. It goes on the best and most economically handled railroads. The rates on those lines are controlled by water rates from Chicago to New York through the Erie Canal. Now, when we get down into the roads running east and west in Virginia we find the influence of the rates that I have just mentioned reflected there, because, coming from a common point in the West to the seaboard, they can not be higher than the rate from Chicago to New York plus the water rate to the Virginia ports. The result of that is that the rates through the Great Lakes and the Erie Canal control all the rates down to the northern North Carolina line, east and west. There has been no fact that has created more difficulty for the carriers in the South than that one, because when you get south of the Virginia line the influence of that condition to which I have alluded is no longer reflected, and the people can not understand the difference, and they make great controversies over it.

It is not necessary to comment on the significance of that statement. Whatever authority and credit the witness has attached to his assertion that this one waterway, the Erie Canal—which, by the way, had no water in it before this improvement was made—and so it may be said of almost any one of the great canals of the world—controls rates in all the great region described.

All the great canals might have been subject to the criticism which has been so often made by those who are opposed to certain items of this bill—that there was no water in them. The purpose of the improvement was to put water in the Erie Canal, that the tens of millions of people between the Canadian line and the North Carolina boundary and between the great West and the Atlantic coast might receive reduced freight rates because of a little waterway—as this was until the very recent enlargement of it—up through the Mohawk Valley, connecting the upper waters of the Hudson River with the Great Lake system.

In addition to that, Mr. President—and this is all I desire to say—I send to the desk and ask the Secretary to read a statement—an item of news of undoubted reliability—indicating the value which one of the most intelligent nations of the world attaches to waterways and the sacrifices which it is willing to make to secure them.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

GREAT CANAL IN FRANCE IS OPEN—MOUNTAIN BARRIER BETWEEN MARSEILLE AND RIVER RHONE PIERCED.

MARSEILLE, *May 7.*

The canal under the mountain between Marseille and the river Rhone, constituting one of the most notable engineering achievements of modern times, was officially opened to-day in the presence of a dis-

tinguished gathering, including Marcel Sembat, minister of public works; Etienne Clementel, minister of commerce, and Joseph Thierry, under secretary of war.

GIVES WATER CONNECTION.

Hitherto Marseille, although a great port of entry for the Mediterranean, has been walled in from central France by a mountainous ridge that sweeps entirely around the northern side of the city. The canal pierces this mountainous barrier, the waterway running for 5 miles in a tunnel under a mountain. It thus has the effect of linking Marseille with inland cities and will give Marseille a direct water connection with Havre and the North Sea.

That an engineering work of such magnitude should have been carried to completion when France is in the throes of war is considered a tribute to her perseverance and the stability of her public enterprises.

The canal and its tunnel have been under discussion for nearly 100 years, but the actual work on them was not begun until 1904. The total length of the canal is 60 miles, and the 5-mile section under the mountain is 75 feet wide and 70 feet high, constituting what is declared to be the largest tunnel interior in the world.

COST $20,000,000.

Vessels up to 600 tons can navigate the tunnel and the canal, which it is believed will have strategic value in permitting the movement of small warcraft between the Mediterranean and the North Sea. The cost has been about 100,000,000 francs.

Mr. FLETCHER. What is the date of that, I will ask the Senator?

Mr. POINDEXTER. It bears date the 7th of May of the present year. I think the newspaper clipping has not the year on it, but it is 1916.

Mr. LANE. Mr. President, I wish merely to remark that there are no doubt in the bill many items which deserve condemnation and I have no fault to find with such treatment of them. I would be willing to go as far as anyone to help clear the bill of such projects. Without full information concerning the facts, however, I do not feel that we are justified in condemning the entire bill. There are many good projects which are involved, and I think, as a matter of justice to the Senate at this time before we vote on the bill, some plan should be devised whereby Congress should have full information concerning all items in future bills.

It is unfair to condemn the whole bill for the reason that some projects in it are unwise. It is not fair to Congress, to the Senate, or to the people, whose interests are involved in the worthy items.

I do not concur in the sweeping denunciations which have been made against the bill as a whole, and while I do not question the motives of those who indulge in them I do know the people in the section from which I come in many cases are putting up dollar for dollar with the Government in order to get the improvements and in order that they may get an outlet to market for their products. They should not be swept aside, because there are other items in the bill which are unfair and unjust.

In the future consideration of this bill a committee ought to be appointed to prepare some plan by which Congress could get rid of the deadwood which attaches to this measure. I want more particularly to say that perhaps not half of this bill is bad, it may be not a third of it, but we are all under condemnation all over the country from the press to an extent that a man's honor is questioned if he votes for any item in it or for the measure as a whole. It is not just to the Senate itself to allow such a condition to continue to exist.

I notice that some of the Members from States that have no seaports or water, not enough to drink in some portions of their State, are the most indignant and virtuous in their protest against the passage of the bill. Others who represent States which are willing to put up dollar for dollar with the Government for projects naturally do not feel hostility to the measure as a whole.

That the entire measure should meet year after year with the continued denunciation because some items are wrong is not entirely fair.

Without any care whatever, so far as I am personally concerned, I would vote to kill the bill, if by killing it we could remedy conditions in the future. It would be of benefit to us in my State for thereby we would secure our appropriations without question or reflection upon our honor.

The people of our part of the country have been willing to pay their proportionate share of the cost of improvements, and for years they have been doing so. They have been bonding their little homes, their farms, their property, everything they have in the world to help carry on such improvements, and do not deserve condemnation.

As I said before, I think there has been a bit of unfairness, too much sweeping denunciation of this measure for the reason that I believe there are many projects in the bill that are worthy of the aid of the Government.

Mr. CLARKE of Arkansas. I ask that the river and harbor bill be informally laid aside until the assembling of the Senate on Monday next, so that Senators being present who have any current business to dispose of may have that opportunity.

Mr. LA FOLLETTE. And we are to agree to a recess.

Mr. CLARKE of Arkansas. We are to take a recess until 11 o'clock on Monday.

The PRESIDING OFFICER [Mr. ASHURST in the Chair]. The Senator from Arkansas asks unanimous consent that the river and harbor bill be temporarily laid aside, the consideration of it to be resumed when the Senate assembles on Monday next. Is there objection? The Chair hears none.

Mr. CLARKE of Arkansas. There may be Senators here who have current matters they would like to dispose of, and I desire to afford them an opportunity of doing it.

OIL AND GAS LANDS.

Mr. PITTMAN. Mr. President, on behalf of the Senator from California [Mr. PHELAN], who is unavoidably absent, I desire to give a notice so that it may appear on the calendar.

The Senator from California gives notice that immediately upon the disposition of the pending river and harbor bill and the Philippine bill, which follows the river and harbor bill, he will call up the bill (H. R. 406) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 15957) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution of the Senate No. 23, authorizing the Secretary of the Senate, in the enrollment of the bill (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, to make certain changes.

The message further returned to the Senate, in compliance with its request, the bill (S. 4797) to amend an act entitled "An act concerning foreign-built dredges," approved May 28, 1906.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHACKLEFORD, Mr. SAUNDERS, and Mr. DUNN managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. MYERS. I present resolutions of the Enid Local, of the American Society of Equity, of Enid, Mont., favoring the enactment of legislation for the relief of homesteaders on the Fort Peck Indian Reservation of Montana. I ask that the resolutions, together with the signatures, be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

ENID, MONT., *May 15, 1916.*

Hon. HENRY L. MYERS,
United States Senate, Washington, D. C.

DEAR SIR: The following resolutions were adopted by Enid Local:

"Whereas the cooperative farmers of Montana, known as the American Society of Equity realize that our country now stands in the midst of difficulties, deem it necessary that all farmers should be induced to raise all food possible; and

"Whereas we find a vast area of fertile land on the Fort Peck Reservation practically uninhabited on account of the present law requiring all homesteaders to pay from $2.50 to $7 per acre for said land, one-fifth to be paid at time of entry, the other four-fifths to be made in five annual payments, that said law is keeping actual settlers from this land: Therefore be it

"*Resolved*, That we ask our Senators and Congressmen to introduce a law asking a reduction of one-half of the appraised value of said land and that 10 years extension of time be granted on all payments after the first one has been made, that being one-fifth down at time of entry.

"We also ask that said law be made to cover all payments that have been made, with the exception of commutements, so that the actual settler who is on the land at the present time may receive the same benefits from time of their entry as those who are yet to homestead.

"Whereas we consider this one of the first steps toward preparedness, we ask our Senators and Congressmen to act as soon as possible, as the planting time is near at hand, and through this law not only our State but our Government would be greatly benefited as this is one of our greatest wheat belts."

JAMES R. O'CONNELL, *President*,
[SEAL.] GUS F. KAUN, *Secretary*,
Enid Local, American Society of Equity.

Mr. MYERS. I present a petition of the Black Coulie Local, American Society of Equity, of Rudyard, Mont., in favor of the enactment of certain legislation for the benefit of homesteaders on the Fort Peck Indian Reservation, Mont. I ask that the petition may be printed in the RECORD together with the signatures.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

Whereas the cooperative farmers of Montana, known as the American Society of Equity, realize that our country now stands in the midst of difficulties, deem it necessary that all farmers should be induced to raise all food possible; and

Whereas we find a vast area of fertile land on the Fort Peck Reservation practically uninhabited on account of the present law requiring all homesteaders to pay from $2.50 to $7 per acre for said land, one-fifth to be paid at time of entry, the other four-fifths to be made in five annual payments, that said law is keeping actual settlers from said land: Therefore be it

Resolved, That we ask our Senators and Congressmen to introduce a law asking a reduction of one-half of the appraised value of said land and that 10 years extension of time be granted on all payments after the first one has been made, that being one-fifth down at time of entry.

We also ask that said law be made to cover all payments that have been made, with the exception of commutements, so that actual settlers who are on the land at the present time may receive the same benefits from time of their entry as those who are yet to homestead.

Whereas we consider this one of the first steps toward preparedness, we ask our Senators and Congressmen to act as soon as possible as the planting time is near at hand, and through this law not only our State but our Government would be greatly benefited, as this is one of our greatest wheat belts.

LOUIS HANSON, *President*,
C. E. KLEMETSON, *Secretary*,
Black Coulie Local, American Society of Equity.

RUDYARD, MONT., *May 16, 1916.*

Mr. PITTMAN. I present a resolution adopted by the State convention of Nevada Women's Civic League, held at Reno, in that State, favoring the passage of the Susan B. Anthony amendment regarding woman suffrage. The resolution is very short, and I ask that it be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Resolutions adopted by State convention of Nevada Women's Civic League at Reno, Nev., April 27, 1916.

Whereas we women voters of Nevada and members of the Nevada Women's Civic League firmly believe in the principle of woman suffrage and are working for its establishment for the women of the Nation by means of an amendment to the United States Constitution; and

Whereas the women of the country have been unfairly dealt with by the Judiciary Committee of the House of Representatives in the treatment accorded the Susan B. Anthony amendment: Therefore be it

Resolved, That we, in convention assembled, protest as enfranchised women against the action of the Judiciary Committee in indefinitely postponing a report of the suffrage measure, and thus depriving the representatives of the people of the opportunity of voting upon this question of vital importance to the Nation; and be it further

Resolved, That we call upon the committee for an immediate and favorable report, that the House may pass the measure at the present session of Congress, and that we earnestly urge the Senate to take immediate favorable action upon the Anthony amendment, which is now upon the Senate calendar; be it also

Resolved, That a copy of this resolution be sent to President Wilson, Majority Leader KERN of the Senate, Minority Leader GALLINGER, Speaker CHAMP CLARK, Majority Leader KITCHIN, Minority Leader MANN of the House, all the members of the Judiciary Committee, and the congressional delegation from Nevada.

ANNE H. MARTIN,
President.
Mrs. S. W. BELFORD,
Recording Secretary.

Mr. SMITH of Arizona presented a petition of sundry citizens of Tucson, Ariz., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. WILLIAMS presented a petition of the Columbus (Miss.) Chapter of the Southern Association of College Women, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Los Angeles, Cal., remonstrating against the enactment of legislation to provide for the leasing of oil lands, etc., which was ordered to lie on the table.

Mr. JOHNSON of South Dakota. I present a petition signed by certain residents of Sioux Falls and Flandreau, S. Dak.; of Helena, Mont.; and Meadville, Pa., favoring a scientific experiment in creative economics by the Government, together with a statement of Rev. W. H. Talmage, of Flandreau, S. Dak., in support of the proposition. I ask that the petition and accompanying statement be referred to the Committee on Education and Labor.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ASHURST. I have received a telegram from the governor of my State, which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

PHOENIX, ARIZ., *May 26, 1916.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

Answering your wire of May 24, I am at a loss to account for the absurd reports relative to Arizona's National Guard which have recently found their way into press dispatches. The adjutant general received an order to call the guardsmen into Federal service about 10 o'clock on the morning of May 9, and at 10 o'clock on the morning of May 12 the train left Phoenix for Douglas, with all the militia property, including wagon train. Col. Tuthill, commanding National Guard, reported 40 officers and 613 men on his arrival at the camp. At time when regiment was ordered out one company had been refused recognition by division militia affairs and another company was being reorganized. The peace strength for 10 companies and sanitary corps was 50 officers and 685 men. Many of the guardsmen at the time of the call were long distances from their home stations but have since been reporting daily. This State now has in camp her full quota of 816 men, this being the size of the guard at peace strength. Taking 400,000 as the total strength of the National Guard in this country, Arizona's quota in proportion to population would be 890 men. Many additional recruits are being received daily at recruiting stations established in several different parts of the State. It should be remembered that the guardsmen and many of the recruits are leaving families without adequate means of support, and are giving up positions yielding from $3 to $6 per day in wages. Almost without exception they appear eager to serve their country if actually needed for defense, but some of them naturally do not look with favor upon being incorporated in the Regular Army in time of peace. In my judgment, Arizona has made a showing in the recent emergency which will compare favorably with that which would be made by any of the other States if they were subject to a similar call.

GEO. Q. P. HUNT, *Governor.*

REPORTS OF COMMITTEES.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (H. R. 1024) for the relief of Allen M. Hiller, reported it without amendment and submitted a report (No. 492) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 1579) to correct the military record of Jacob Nice, reported it with an amendment and submitted a report (No. 490) thereon.

Mr. SMITH of Arizona, from the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (H. R. 11156) to authorize the Secretary of the Interior to cause to be appraised and to sell the Boise & Arrowrock Railroad, and for other purposes, reported it without amendment and submitted a report (No. 489) thereon.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 6116) providing for the taxation of the lands of the Winnebago Indians and the Omaha Indians in the State of Nebraska, reported it without amendment and submitted a report (No. 491) thereon.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 1161) authorizing the promotion of an officer on the retired list of the Army who served in the Civil War, reported it without amendment and submitted a report (No. 493) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Arizona:

A bill (S. 6207) granting an increase of pension to Mary Jane Bowman; to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 6208) for the retirement of certain employees of the Postal Service; to the Committee on Post Offices and Post Roads.

By Mr. STERLING:

A bill (S. 6209) granting an increase of pension to Ann M. Green (with accompanying papers);

A bill (S. 6210) granting an increase of pension to Ludvig N. Anderson (with accompanying papers); and

A bill (S. 6211) granting an increase of pension to George W. Bolster (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO SUNDRY CIVIL BILL.

Mr. JONES submitted an amendment proposing to appropriate $20,000 for botanical exploration of Central and South America, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was referred to the Committee on Appropriations and ordered to be printed.

INDIAN PATENTS.

Mr. CURTIS submitted an amendment intended to be proposed by him to the bill (H. R. 8092) confirming patents heretofore issued to certain Indians in the State of Washington, which was ordered to lie on the table and be printed.

PREPAREDNESS FOR WAR (S. DOC. NO. 448).

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to have printed as a public document a paper prepared by William Hoynes, dean of the law faculty of Notre Dame University, South Bend, Ind., on the subject of preparedness.

William Hoynes was the youngest member of the Twentieth Wisconsin Volunteer Infantry, in which he enlisted in Company A in 1862. He was severely wounded in the Battle of Prairie Grove in December of that year, but continued in the active Infantry service until late in the year 1863. He was then discharged from the service on account of his wounds, but reenlisted and joined Company D, Second Wisconsin Cavalry, continuing until the close of the war. He graduated from the University of Michigan in 1872, and from that time, with the exception of brief intervals when he engaged in editorial work during his young manhood, he has engaged in the practice of law in Chicago. He has been dean of the law faculty of the University of Notre Dame since 1883. He was a Republican candidate for Congress in his district in 1888. I ask that the paper be printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered.

GOOD ROADS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BANKHEAD. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. BANKHEAD, Mr. SWANSON, and Mr. TOWNSEND conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 15957. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was read twice by its title and referred to the Committee on Pensions.

RECESS.

Mr. CLARKE of Arkansas. I move that the Senate take a recess until Monday next at 11 o'clock a. m.

The motion was agreed to; and (at 4 o'clock and 20 minutes p. m., Saturday, May 27, 1916) the Senate took a recess until Monday, May 29, 1916, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 27, 1916.*

The House met at 11 o'clock a. m.

Rev. John W. Beard, of Hoquiam, Wash., offered the following prayer:

Almighty God, our heavenly Father, supreme Lawgiver to men and Ruler over the nations, we this day invoke Thy presence with and Thy blessing upon this body assembled. Let Thy power direct and Thy spirit lead the deliberations of these Representatives, who so largely hold the destiny of this great people in their hands. May everything here planned and all things here accomplished be to Thy glory, the honor of the Nation, and the advancement of truth and justice everywhere.

And O our Father, may the way of this our loved land be as the dawning light which shineth more and more unto the perfect day. And adown that path as a giant in strength prepared, yet robed in glorious light, with the breastplate of utter righteousness, the sword of exact justice, and sandals of lovely peace, may it move serenely, majestically on to usher in the thousand years of peace.

All these things we ask, with forgiveness of national sins, in the name of our Lord and Savior Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

W. H. CLEERE.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to withdraw the adverse report on the bill (H. R. 12433) for the relief of W. H. Cleere.

The SPEAKER. The gentleman from Illinois asks unanimous consent to withdraw an adverse report on the bill (H. R. 12433) for the relief of W. H. Cleere. Is there objection.

There was no objection.

PENSIONS.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate concurrent resolution 23, and agree to the same.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate concurrent resolution 23.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate be authorized in the enrollment of the bill (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, to change the word "Hentry" to "Henry," where it occurs in line 21, page 7, and to change the word "him" to "her," where it occurs in line 1, page 18.

The SPEAKER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

FOREIGN-BUILT DREDGES.

The SPEAKER laid before the House the following resolution:

IN THE SENATE OF THE UNITED STATES,
May 18 (calendar day May 25), 1916.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4797) entitled "An act to amend an act entitled 'An act concerning foreign-built dredges,' approved May 28, 1906."

Attest:

JAMES M. BAKER, *Secretary.*

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS.

Mr. BLACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the river and harbor appropriation bill.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD on the river and harbor appropriation bill. Is there objection?

There was no objection.

NAVAL APPROPRIATION BILL.

Mr. PADGETT rose.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. GARNER. Mr. Speaker, I wish the gentleman would withdraw his point of order for the present.

Mr. MANN. I will withdraw the point of order.

Mr. PADGETT. Mr. Speaker, before the House goes into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill, I desire to ask unanimous consent that all persons who speak upon the naval appropriation bill shall have the privilege of extending their remarks in the RECORD. At the suggestion of Members about me I will make that that all Members of the House have that privilege.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that all Members who speak on the naval appropriation bill——

Mr. PADGETT. All Members of the House, Mr. Speaker.

Mr. MANN. Mr. Speaker, I shall object for the present in any event.

Mr. GARNER. Mr. Speaker, will the gentleman yield for a suggestion?

Mr. PADGETT. Certainly.

Mr. GARNER. It has been suggested by some gentlemen that if there could be some kind of an agreement at this time, when the amendment for the armor-plate plant would be offered in the Committee of the Whole, and when it would be voted upon, it would facilitate matters and give Members an opportunity to be all here when the vote was taken. If the chairman of the committee or some gentleman who expects to offer that amendment could indicate about when the vote will be taken I think it would accommodate a great many Members.

Mr. FOSTER. They ought to be here at all times.

Mr. PADGETT. I can not say definitely now, but I should think about Tuesday morning.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. Am I correct in the understanding of the rule that there will not be any amendments offered until after 1 o'clock on Monday?

Mr. MANN. There will not be any amendments offered until the bill is read through, and that will take until about 3 or 4 o'clock on Monday afternoon.

Mr. WINGO. We are supposed to complete the general debate by 1 o'clock Monday afternoon?

Mr. MANN. One thirty; and the bill has then to be read through after that, so that it will probably be 3 o'clock before there will be any action taken on any amendment.

Mr. PADGETT. Something about that time.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. MANN. Following out the suggestion made by the gentleman from Texas [Mr. GARNER], of course the chairman of the committee will have the privilege of offering the armor-plate amendment at any time. Could we have some understanding as to whether a vote in the committee would come on Monday afternoon or Tuesday morning—for the convenience of Members?

Mr. PADGETT. I shall not offer it before Tuesday morning.

Mr. MANN. Will the gentleman offer it at that time?

Mr. PADGETT. I shall, if the way is open. I expect to offer it that morning when opportunity affords.

Mr. GARNER. And that would enable the committee very likely to vote, say, about 2 o'clock.

Mr. STAFFORD. Oh, we want to have liberal debate on that proposition.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. Under the rule that has been adopted there will be nothing but general debate to-day?

The SPEAKER. That is correct.

Mr. GARNER. Then the only point to be gained in making a point of no quorum would be to get people here to listen to Members talk in general debate?

The SPEAKER. No one has made the point of no quorum. The gentleman from Illinois [Mr. MANN] withdrew the point. Under the rule the House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15947, naval appropriation bill, and the gentleman from New York [Mr. FITZGERALD] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, with Mr. FITZGERALD in the chair.

Mr. PADGETT. Mr. Chairman and gentlemen, there are four views that present themselves with reference to the naval appropriation bill. There is one element in the country so opposed to any increase of the Navy that it occurs to me that in order to carry out their views they unduly magnify the Navy that we have. There are others who are so intense in their desire for a very large increase in the Navy that they belittle and unduly minimize the Navy that we have. Another element, unhampered by the exactions of information and unrestrained by the limitations of knowledge upon the subject, have a wide play for the fluency of their imaginations and the eloquence of their tongues, and they speak without restraint concerning the Navy. [Applause.] Still another class, I think, are illustrated very well by an incident that is said to have happened on the Mississippi River. A steamboat blew up opposite the city of Memphis, and the passengers were struggling in the water. A man came running down the hill very much agitated and excited, hallooing at the top of his voice, "Save that red-headed man, save that red-headed man!" A bystander said to him, "Is that your father?" "No, sir; save that red-headed man!" "Is he your brother?" "No, sir." "What kin is he?" "He is not any kin, but he owes me $2." [Laughter.]

Now, all four of those views have to be taken into consideration when we come to make up a just and well-proportioned naval appropriation bill.

I think I can say to the House this morning that the bill which the committee has submitted for consideration contains more helpful, more needed, and more beneficial legislation than was ever contained in an appropriation bill heretofore submitted. The bill is not only larger in its appropriations than any bill heretofore submitted to the Congress but I believe that upon a careful analysis and understanding of the provisions of the bill you will find that the recommendations of the committee are well considered and are supported by the best interests of the Navy, the welfare of the country, and that they rest upon wise considerations. [Applause.]

Upon the greater number of the provisions of the bill there was a unanimous opinion among the members of the committee. The minority members of the committee have submitted a minority report antagonistic to certain provisions of the bill. If time permitted I would be glad to take up the many provisions of legislation in the bill and other matters, but I shall not attempt to do so, because I do not wish personally to consume too much of the time, and I wish to reserve for other Members of the House an opportunity for debate upon the bill.

The bill last year appropriated in round numbers $149,000,000. This bill carries $241,500,000—an increase of more than $91,000,000 in appropriations. The building program submitted this year involves a cost to the Government of more than $160,000,000, as against, if I remember the bill of last year, less than $60,000,000. In other words, there is an increased authorization of about $100,000,000 of the new building program. The committee this year did not see proper to authorize the construction of battleships—dreadnaughts—but in lieu thereof we have recommended the building of five battle cruisers.

The estimated cost of a battleship is about $17,250,000. The estimated cost of a battle cruiser is about $20,423,000, if I remember correctly; so that the cost of a battle cruiser is a little more than $3,000,000 more than the cost of a battleship.

The minority have seen fit to criticize the action of the majority of the committee in refusing or declining to report an authorization for battleships at this session of Congress. I wish to say at the outset that the action of the committee was not intended and is not to be construed or understood as in any way reflecting upon or discrediting or minimizing the importance or the value of battleships.

Mr. MADDEN. Will the gentleman yield?

Mr. PADGETT. No; I must ask to be allowed to proceed until I reach a certain point, and then I will yield to questions.

Mr. MADDEN. I thought this would be a good point to ask the gentleman a question.

Mr. PADGETT. I prefer not to be interrupted now. I think if the gentleman will allow me to proceed I will give the information that the question would call for.

In my opinion, and in the opinion of every naval officer who appeared before the committee, without exception, the battleship always has been, is now, and ever shall be the principal fighting ship of the Navy. It is the ship that is fitted to give and take hard blows in a fight; but the conditions of our Navy are such as in the opinion of the committee justify, yea, demand, that at this time the policy heretofore emphasized by Congress of putting forward the construction of battleships to the exclusion of cruisers should be reversed, and that at this time we should pursue the policy of building battle cruisers instead of battleships.

The minority have filed a report in which they use this language, and I am willing to accept the challenge of the minority and to meet the statements in their report:

> The building program submitted by the committee for the increase of the Navy is inadequate for the defense of the country. It is not the product, in any degree, of expert naval opinion and disregards every plan suggested by naval authorities for the development of the Navy.

I want you to notice this language:

> It ignores the recommendations of the Secretary of the Navy and sets aside expert opinion, as expressed by the General Board of the Navy, the Chief of Operations of the Navy, the admirals in command of the fleets, and every other naval officer appearing before the Committee on Naval Affairs. Apparently the only explanation that can be given for the program suggested is that it is a compromise between those who wanted nothing in the way of additional naval protection and those who wanted but little.

[Applause on the Republican side.]

Now, gentlemen, I ask your careful attention to the matter. First, I want to submit to this House the proposition that $160,000,000 for the increase of the Navy at one session of Congress is a sufficient amount in the aggregate to be devoted to the building up of the Navy at one session. Two hundred and forty-one million dollars, nearly a quarter of a billion, is enough to be carried in the naval appropriation bill at one session of Congress.

The question arises as to the proper distribution and apportionment of that expenditure. You will notice that this minority report says that we ignored the recommendations of the commanders in chief of the fleets and of all the naval officers who appeared before the committee. Now, let us see. Admiral Fletcher is the commander in chief of the Atlantic Fleet. I

have here the printed testimony, and let us see what he says. On page 2291, Admiral Fletcher says:

The CHAIRMAN. Taking into consideration our fleet, with our pre-dreadnaughts and dreadnaughts, the number of battleships, and the absence of any battle cruisers, and the conditions in other fleets having battle cruisers, as a matter of illustration, in order to get the benefit of your opinion, if the committee should recommend four capital ships would you advise that two of them be dreadnaughts and two of them battle cruisers, or that all four of them should be battle cruisers? I am asking for your personal opinion. We have had the opinions of others, and I want to get the benefit of your personal opinion on that phase of the question.

Admiral FLETCHER. I have not given that particular question much study, such as is given to questions of that kind by the General Board, and I would be inclined, therefore, to be guided by the result of the General Board's studies; but without having given it serious thought I would say that I prefer to have four battle cruisers.

Mr. STEPHENS. Admiral Fletcher, if Congress authorizes four or six battle cruisers in this bill, would you build them all alike, from one set of plans, or would you change the plans and specifications for each of the battle cruisers?

Admiral FLETCHER. I would build them all alike.

Mr. BRITTEN. Will the gentleman permit a question?

Mr. PADGETT. No; not at this point. And then on page 2385 he says:

Mr. CALLAWAY. If I understand you aright now, you recommend that we build cruisers, and as between battleships and battle cruisers your preference is a certain number of battle cruisers?

Admiral FLETCHER. I should add battle cruisers at this time and also scout cruisers, in order to reenforce the battleships and in order to enable them to utilize their greater power effectively.

Mr. CALLAWAY. If I understand your recommendation at this time it is that if we were going to build two capital ships that we build battle cruisers and if we were going to build four capital ships that we build battle cruisers, and if we were going to build more capital ships than that that we add some dreadnaughts. Am I right about that?

Admiral FLETCHER. Yes, sir; that would be my conception, but I stated that I had not given this particular subject any study such as is given to it by the General Board, and I would prefer to accept their conclusions.

That is the personal opinion of Admiral Fletcher, who is the commander in chief of the Atlantic Fleet.

Mr. KELLEY. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. I decline to yield now, but I will yield a little later. Now, take the testimony of Admiral Winslow, who is commander in chief of the Pacific Fleet. On page 1423 of the hearings he says:

Mr. BROWNING. How many battle cruisers would you build this coming year?

Admiral WINSLOW. I would build all the country can build.

Page 1424 Mr. BROWNING further asked him:

What I want to know is what is your opinion; whether we should do both, or whether, if we are going to build four, we should build two of each?

Admiral WINSLOW. I think you will find that there is opinion that we should build battleships; that there is other opinion that we should build battle cruisers; but I think that you will find the majority of opinion is that we should build both.

Mr. BROWNING. Both?

Admiral WINSLOW. Both battle cruisers and battleships. I think you will find that that would be the majority of opinion. I myself am very strongly in favor of battle cruisers. We have no battle cruisers.

That is his personal opinion. Now, I call your attention to the testimony of Admiral Knight, the president of the Naval War College. On page 2013 he says:

I asked him a question about his opinion and this is his answer:

As regards the battle cruiser, I will say that I never agreed with that statement as to battle cruisers and I do not agree with it now. You will understand, of course, that there are differences of opinion in the General Board, just as there are difference of opinion elsewhere, and I thought on the 9th day of November, and I think now, that the battle cruiser has shown itself to be very much more important than it was believed to be in the beginning of the war.

The CHAIRMAN. Your recommendation with reference to postponing the construction of battleships at the present time and emphasizing the importance of the immediate construction of battle cruisers, is made in view of our particular situation, having the number of battleships we have and having no battle cruisers?

Admiral KNIGHT. That is one part of my reason, and there is another part, which I tried to bring out when I made my statement. It is that I believe the design of battleships to be now in a condition of flux. I believe that within the next year changes will be made, not in the essential nature of the battleship, but in its detailed nature, which will enable us a year from this time to design a battleship which will meet measurably some of the dangers which have developed during this war.

And then on page 2014:

The CHAIRMAN. With those limitations?

Admiral KNIGHT. Yes. But I think I ought, before closing, to bring in this point which I have not made fully; that is to say, that the experience of the War College, repeated day after day and month after month and year after year, emphasizes the absolutely vital necessity for scouts and battle cruisers. Of course, if we could make them all battle cruisers, as was said in that report, that would be fine, because then the moment contact is made with the enemy, the battle cruiser breaks through their scouting line and finds out what is behind it. When he comes closer to the enemy, he finds the enemy's main fleet, surrounded by what we will call a defensive screen, and he is able to make touch with that, and perhaps to break through it and find out what lies beyond it. In other words, he has all the powers of the scout and a great many more, as stated in the General Board's report; but if we can not have every one of our scouts a battle cruiser—and it seems a little too much to ask—then we should have our line of scouts backed up by battle cruisers, so that when the scout sees something that looks a little dangerous, he calls for the battle cruisers to deal with the situation.

This is the experience of every officer who comes to the War College. Officers come there not very friendly to the battle cruiser; they do not know just what it really is. But I venture to say there is not one of them there now, and there are 36 there, who to-day would not say, "Give us battle cruisers first of all." Before I left there to come down here, a number of officers urged me to speak out strongly for this type.

And then, on page 2066, Admiral Knight says:

In other words, I wish you to accept what I say about the needs of battle cruisers and scouts as coming not from me individually, as Rear Admiral Knight, but as coming from the president of the War College and from the War College; and I really think that that entitles me to ask you to attach more importance to it than you attach on that one point, about types of ships, to the statement of almost any other officer who can come before you. We try these things out there week after week and month after month and year after year, and we have been driven irresistibly to the conclusion that a considerable number of battle cruisers and a large number of scouts are an absolute necessity. So that I say I claim to speak on that subject with an authority quite different from that of officers who have only the general experience of service behind them.

About the number of battle cruisers: During the course of my remarks yesterday I think I made it clear—I hope I made it clear—that the number for which I was standing was the largest number that could be built, and it was represented yesterday that more than I had suggested could be built. I have made some inquiries since, and have satisfied myself that more could be built and I should therefore like to be understood as standing not for six but nine battle cruisers. I think that was implied all through my testimony yesterday, but I did not make it as definite as I wish to make it now.

Mr. KELLEY. You changed your recommendation there from six ships to nine?

Admiral KNIGHT. Yes.

Here is the testimony of Capt. Sims, a very distinguished officer and a very able one. He appeared before the committee, and, on page 2688 of the hearings, he says:

Mr. OLIVER. My idea was to develop what you thought would be necessary at this time to add to the fleet we now have, to make that fleet fairly efficient?

Capt. SIMS. I would like to see eight or nine battle cruisers built at the earliest possible date. That would enable us to put up a good stand against anybody who might come on us.

Then, on page 2745, Admiral Sims has a very interesting statement, as follows:

Mr. CALLAWAY. We have authorized—and you know the condition of our fleet—two dreadnaughts, the keels of which have not yet been laid, one to be built in the New York Navy Yard and the other to be built at Mare Island.

Capt. SIMS. *Nos.* 43 and 44?

Mr. CALLAWAY. If battle cruisers are as necessary to our fleet as you say they are, ought those two dreadnaughts to be changed to battle cruisers?

Capt. SIMS. I should say so, if it could be done, if the plans have not gone too far and there would not be too much delay in changing them. Whether our plans are completed for the battle cruisers or not, I do not know. I do not know whether the plans are completed for the new battle cruisers or not. It takes a long time to make the full plans of a ship of a new type, but if the battle cruiser plans are ready without delay I think they ought to be laid down as battle cruisers.

Mr. CALLAWAY. Battle cruisers?

Capt. SIMS. And I would prefer to see them built as battle cruisers.

Mr. CALLAWAY. So far as you can see under our present conditions, there would be no comparison or argument? You would be absolutely in favor of changing those battleships for battle cruisers, considering our whole equipment and necessity?

Capt. SIMS. Our great necessity now is for the battle cruisers, and if I remember, Admiral Knight said in his statement that we ought to build them as fast as the resources of this country will permit; so that if battleships *Nos.* 43 and 44 have not been laid down and there would not be undue delay in changing them to battle cruisers, I would say change them to battle cruisers.

Mr. CALLAWAY. The department asks for two battle cruisers and two battleships this Congress—this session. In your judgment there is no question at all, if we build four, that they ought all four to be battle cruisers?

Capt. SIMS. Absolutely; there is no question at all.

Mr. CALLAWAY. As I understand you, there is no question in your judgment that the two battleships which have been authorized, and the keels of which have not been laid, should also be changed to battle cruisers?

Capt. SIMS. Absolutely.

Mr. CALLAWAY. Considering the condition of our fleet at the present time, and our necessities?

Capt. SIMS. That is my opinion.

Mr. COOPER of Wisconsin. What is the exact difference between a battleship and a battle cruiser?

Mr. PADGETT. A battleship is a ship that carries heavy armor and big guns and has a speed of from 20 to 21 or 22 knots. A battle cruiser is lighter armored, but has a much higher speed and also carries big guns. The battle cruiser has a speed provided by this bill of 35 knots as against 21 knots for our battleships, but they both carry large guns.

Now, then, pursuing the question that these gentlemen said we were ignoring——

Mr. ROBERTS of Massachusetts. Will the gentleman yield for a question?

Mr. PADGETT. I will yield later.

Mr. ROBERTS of Massachusetts. But the gentleman desires to have his statement accurate?

Mr. PADGETT. Yes.

Mr. ROBERTS of Massachusetts. The gentleman says this bill provides for a 35-knot speed for the battle cruisers.

Mr. PADGETT. No; I said the battle cruisers provided for are to have a speed of 35 knots.

Mr. ROBERTS of Massachusetts. The gentleman said the bill provided for a speed of 35 knots and that is what I wanted to call attention to.

Mr. PADGETT. The plans for these we authorized are for 35 knots or more.

Mr. ROBERTS of Massachusetts. Contemplate 35 knots?

Mr. PADGETT. Actually provide for that.

Mr. ROBERTS of Massachusetts. They do not provide for that speed, that is the difference.

Mr. PADGETT. The bill does not designate the speed.

Mr. ROBERTS of Massachusetts. That is what I say.

Mr. PADGETT. The plans provide for and the testimony shows that is what is contemplated. To show the difference, the battleships we have been building with a speed of 20 to 21 knots have an engine power of 29,000 horsepower. The battle cruisers contemplated by this bill have 180,000 horsepower engines.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. PADGETT. I can not at this time.

Mr. HUMPHREY of Washington. I would like to ask the gentleman——

Mr. PADGETT. I can not yield at this time; I will yield later. Now, Admiral Grant appeared before the committee and on page 1603 this occurred:

The CHAIRMAN. What is the ship that will command the sea and must be used for the most effective offense and defense in war on the sea?

Admiral GRANT. I should say briefly that the most effective vessel is the one of which we have not any in our service—the battle cruiser.

Then on page 1604 Admiral Grant continues:

Mr. BRITTEN (interposing). I asked if you would send a division of battle cruisers out to fight a division of dreadnaughts, and you said that you would not?

Admiral GRANT. I repeat no.

Mr. BRITTEN. Then I asked you upon what you based your conclusion that the battle cruiser was the most efficient fighting ship?

Admiral GRANT. Because the battle cruiser is a vessel that we have none of yet, and it is the one we must depend on to bring us information and to destroy the scouts and torpedo flotilla of the enemy operating against us.

Mr. BRITTEN. What about destroying the big ships of the enemy?

Admiral GRANT. I would take the battleship.

Mr. BRITTEN. You would not do that with the battle cruisers?

Admiral GRANT. I would attack him in some way.

Mr. BRITTEN. With your lighter armament?

Admiral GRANT. I would not attack him, probably, with that alone.

Mr. BRITTEN. If we were going to authorize one or two divisions of big ships, first-line ships, this year, which would you prefer authorizing—battle cruisers or dreadnaughts?

Admiral GRANT. Battle cruisers.

Mr. BRITTEN. Was that based on four ships?

Mr. PADGETT. Yes; he said he would ask four or more if he could get them.

Mr. SLAYDEN. They would ask 40.

Mr. PADGETT. He would ask any he could get. He was speaking of the type that was needed. Now, I will take the statement of Capt. McKean, who is the aid for matériel, a very distinguished and learned officer. On page 1752 the question was asked him:

Captain, I want you to write clearly into the record your views as to the importance of adding to our fleet fast battle cruisers. Do I understand you to give it as your opinion that the most urgent and impending need of our fleet at present is the addition of at least four fast battle cruisers?

Capt. MCKEAN. At least four, sir.

Mr. OLIVER. Do you think that this number of fast battle cruisers is now needed in order to give us a well-balanced and efficient fleet?

Capt. MCKEAN. We need them as a part of the fleet now on the sea.

Mr. OLIVER. And in order to properly balance this fleet, as you expressed it?

Capt. MCKEAN. Yes, sir; the fleet already built.

Mr. OLIVER. Already built?

Capt. MCKEAN. Yes; as judged from the problems that we have solved.

Mr. ROBERTS. You consider 4 fast battle cruisers are necessary where you have as many as 12 dreadnaughts?

Capt. MCKEAN. That is about the proportion that I would consider a fleet to be well balanced in—12 dreadnaughts to 4 battle cruisers.

We have 19 dreadnaughts, counting the *South Carolina* and *Michigan*, and not one battle cruiser.

Mr. BUTLER. Excuse me, but did the gentleman count the two ships the keels of which will not be laid for a year?

Mr. PADGETT. Yes.

Mr. BUTLER. Does the gentleman call them ships?

Mr. PADGETT. Yes, sir; I call them ships as far as Congress is called upon to act. We have authorized them and they are gathering the materials and assembling them and getting ready to construct them.

Mr. BUTLER. Does the gentleman prefer not to be interrupted?

Mr. PADGETT. Yes, sir.

Mr. BUTLER. I have a few questions I would like to ask the gentleman.

Mr. PADGETT. On page 1754 Capt. McKean again says:

Mr. OLIVER. Are your conclusions as to the urgent need of this type based, in part, upon a careful study and observation of the present war?

Capt. MCKEAN. In part on the game-board studies at the War College, in part on active fleet maneuvers at sea with our own fleet, and this conclusion confirmed by the operations of the present war.

Now, then, I have the testimony here of Admiral Taylor, the Chief Constructor of the Navy, on page 855, where he says:

Mr. BUTLER. I heard what you said about the battle cruisers. Have you always entertained that opinion of battle cruisers?

Admiral TAYLOR. I have been quite consistent in that opinion, thinking at first we needed battleships most, and now that we have a reasonable number of battleships completed I think it is time to have some battle cruisers.

On page 857 he continues:

Mr. CALLAWAY. You said that, in your judgment, the battle cruiser is of more importance at this time to our Navy than the battleship?

Admiral TAYLOR. I stated that if you had to make a choice at the present moment I believe I would build two battle cruisers this year instead of two battleships.

Now, then, I have one other authority, and in view of what has been said by some Members who signed the minority report I believe it will be considered good authority, and it will be accepted as good authority whether we signed the minority report or did not sign it, because I say he is good authority. I ask your attention to the testimony of Rear Admiral Bradley A. Fiske, on page 2962:

Mr. CALLAWAY. The war, according to our reasonable expectations, will not last more than a year longer, and whatever developments come out of that will come probably before we will lay the keel of another battleship. Don't you think it would be well for us to put whatever money we have into cruisers and await the development of the battleship situation, rather than to go ahead and build this thing that, according to the testimony before this committee, looks a good deal like junk to me?

Admiral FISKE. That question is a little bit vague and a little hard to answer. That is the reason why I like the game board, because it is helpful in determining just such questions. Before I can answer your question I have first to make up my mind exactly what you mean. Of course no people use words exactly the same. I will have to answer your question again very much the way the other officers have, or most of them, that if you are going to appropriate for a comparatively limited number of ships, I would prefer battle cruisers; but if you are going to vote 20 capital ships, I would not have them all battle cruisers.

Mr. CALLAWAY. I am not going to vote for that many.

Admiral FISKE. If you are going to vote only four, then I think, and most of us think, they should be battle cruisers.

Mr. BROWNING. But suppose we were going to vote six, what would you say?

Admiral FISKE. I would say battle cruisers.

Mr. BROWNING. All of them.

Admiral FISKE. Yes, sir.

[Applause.]

Mr. BRITTEN. Why did not the committee advise six battle cruisers?

Mr. PADGETT. Because the committee decided that they would cost more than they wanted to authorize in one session of Congress. We have nothing to conceal or nothing to hide. We have tried to deal with this question in an intelligent, sane, and safe way and in a legitimate and proper manner to reach a proper solution of this question.

Mr. BRITTEN. Is it not a fact, Mr. Chairman, that the logrolling that occurred in the committee caused the reduction in numbers—the logrolling between the pacifists and near pacifists?

Mr. PADGETT. I have nothing to say about that, except that there was a lot of logrolling going on among those who signed the minority report before that meeting to which you refer.

Mr. BRITTEN. We were educated by your committee.

Mr. PADGETT. Well, I simply want to illustrate that by a little incident that occurs to me at the present time. Down in our country there was an old darky named Uncle Ephraim. Uncle Ephraim started across an old field one day, and there was a bad ram in there that had the habit of attacking people. The ram spied old Uncle Ephraim, and humped himself and started for him. Uncle Ephraim saw an old stump out in the field and he started for it. They got to chasing each other around the stump and Uncle Ephraim gained on the ram and closed on him and reached down between his legs and caught the ram by the tail and began to pull, squeeze, and twist, and then the ram rolled his head back and walled his eyes back at

him and cried, "Baa, baa." Uncle Ephraim said, "You baa and be damned. Who fotched on this difficulty?" [Laughter.]

Mr. BRITTEN. Do you mean to say that that was an old ram?

Mr. MADDEN. Did not the gentleman get the story a little balled up? [Laughter.]

Mr. PADGETT. I wish to call your attention to what Admiral Fiske said as reported on page 2956 of the hearings, as follows:

Admiral FISKE. I testified on Friday, in answer to a question here, that I would follow the recommendations of the General Board of July 30, which would mean if you are going to build eight capital ships, you should build four and four.

The CHAIRMAN. How would you get away from the six?

Admiral FISKE. There you are again. If you are only going to build six, I would make them all battle cruisers.

Mr. CALLAWAY. You had better answer according to your own judgment rather than to take the judgment of the board.

Mr. BROWNING. If you are going to build eight ships, what would you do?

Admiral FISKE. In that case, four battleships and four battle cruisers.

Mr. BROWNING. You would?

Admiral FISKE. Yes, sir; if you are going to build eight capital ships.

The CHAIRMAN. If you are going to build six ships, you would build six battle cruisers, and not four battle cruisers and two battleships?

Now then, gentlemen, I submit to the membership of this House in all seriousness if the statement of the minority in their report that we ignored all naval authority is borne out by the facts? There were two other officers who appeared before the committee and spoke on the subject. Admiral Benson, who is the Chief of Naval Operations, said that he would follow the program mapped out for the five years and build two and two—stood for both. And then Admiral Badger stood for both. And I have read the testimony of these others. And I submit to you as frank, candid men, that with our conditions, having 19 battleships and no battle cruisers, that the proper thing for the committee to do was to pursue the policy we have pursued and start upon the supplying of the needs of the Navy along this line and meet this urgent necessity as we have heretofore done by emphasizing the building of battleships to the exclusion of battle cruisers. [Applause.]

Now, then, gentlemen, there is another question that I want to talk about. That is the question of personnel, and I am not going to take so much time on that. They find fault with the action of the committee in recommending an increase of 13,500 men. We recommend 13,850 men, because of adding 350 enlisted men under the provision for the flying corps. Now, then, the department recommended 10,000. We have recommended 13,850. But these gentlemen complain of that. Now, let me say we have here the recommendation of the General Board of the Navy, of date July 30, 1915, as follows:

Personnel: Eleven thousand men. This number will provide for the needs of the present ships of the Navy, including those nearing completion, but it must be borne in mind that the personnel—commission, warrant, and enlisted—will have to be further increased as the new construction progresses.

Now, that was on the 10th day of last July. The General Board of the Navy carefully, deliberately, and considerately recommended 11,000 men increase. But we have recommended 13,850. But they said that would care for all the present ships of the Navy, including those nearing completion.

Mr. ROBERTS of Massachusetts. Will the gentleman yield right at that point? The number of men that you recommended was 13,850?

Mr. PADGETT. Thirteen thousand five hundred, and three hundred and fifty under the provision of the flying corps.

Mr. ROBERTS of Massachusetts. I supposed that you were referring to the men for the Navy proper.

Mr. PADGETT. They are in the Navy, because if they did not come in under that provision they have got to be supplied from the other provision. So that the aggregate is 13,850.

Now, I want to call your attention to the fact that the General Board in November, 1915, submitted another report to the Secretary of the Navy recommending with reference to an increase in personnel, and they say that the Navy is the first line of defense of the country. They said for the fiscal year 1917 the General Board regarded as inadequate any smaller force than 67,000 men in the regular Navy. Now, then, we have at the present time 54,000 enlisted men. We are authorizing 13,850. So that we are authorizing in this bill 850 more men than the General Board in its report in November, 1915, said were required for the Navy in the next year, 1917, on a peace basis. But not only that, Admiral Badger was before the committee and testified. He is a member of the General Board. He is chairman of the executive committee of that board.

He is chairman of the executive committee of the general board. He has retired from the position of commander in chief of the Atlantic Fleet. We had before him the question of the number of men required for the Navy in time of peace, and he stated the number at 67,865. In other words, he said 67,865, and our recommendation makes 67,850. So it has got down with the minority report to a 15-cent proposition. [Applause.]

Now, then, there is one other matter, and I will not take much time on it. They criticize us on the question of aviation. Last year the Congress appropriated $1,000,000 for aviation. In this bill we are appropriating $2,000,000. It must be borne in mind that the sphere of operations of aviation in the Navy is limited to the operations of our ships. It is not for land aviation, but it is for the purposes that are consistent with and in keeping with the ships. Our development in aviation with reference to motors has not reached a satisfactory condition. While we are making motors, and all the motor manufacturers in this country, all of the factories that are engaged in the manufacture of automobiles, are experimenting with and working and trying to develop a motor—and there never was such energy and effort being put forth as there is at the present time to develop a satisfactory motor, yet we have not thus far secured a motor that is entirely satisfactory. Now, then, the committee take the position, and it is supported by the testimony of Admiral Benson, Chief of Naval Operations, that $2,000,000 will answer all the purposes of the department this year in the development of aviation.

Now, there are other things I would like to mention, but I see I have taken up more time than I intended. I will yield to the gentleman from Connecticut [Mr. HILL] for a question.

Mr. HILL. I desire to ask the gentleman a question for information. The gentleman has quoted very extensively, and to me very satisfactorily, from the reports of these officers of the Navy. I want to ask him now whether these are the same men under whose advice the present Navy has come to its present unbalanced condition, or is it the fault of Congress that the condition which now obtains exists? Where is the blame, if there is blame, to be located? Upon these men whom the gentleman has now quoted, or upon the refusal of Congress to follow their advice in the past?

Mr. PADGETT. I will say to the gentleman that the naval officers heretofore and the General Board heretofore have emphasized the importance and the necessity of the building of battleships above every other ship in the Navy. The General Board has never, except in one year, heretofore recommended the building of battle cruisers. That was in 1912, and at that time they did recommend the building of two; but the Navy Department did not submit any estimate through the Treasury to include those two battle cruisers.

Mr. HILL. Then, do I understand that the present recommendations are to correct past mistakes?

Mr. PADGETT. Yes, sir.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. FESS. What rank will our Navy have when this program is completed? What rank will the American Navy take when this program is completed, assuming that the other countries will continue their building programs?

Mr. PADGETT. That is a proposition where I hardly know what to assume. We have no information that is reliable and definite as to what the other naval powers have done since the outbreak of the war in Europe. I was talking only yesterday and the day before with Capt. Oliver, the head of the Naval Intelligence Office, and he says that they have no information that is reliable and definite. They have gotten fragmentary evidence, they have gotten reports here and there as to what has been done and what has not been done. And that reminds me to say here that last September we received from a source which is confidential, which I can not disclose, but which is supposed to be the most reliable that we have, to the effect that England and Germany both were building battle cruisers instead of battleships.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Not now. And only in the last few days that same report has been confirmed from a similar source.

Mr. FESS. Now where are we as to rank?

Mr. PADGETT. As to rank, there are so many elements that enter into it that it is hard to say; but I will give you the facts. Our Navy, prior to the time of the dreadnaught—that marked a dividing line in the navies of the world—our Navy, prior to the development of the dreadnaught class, was far superior to the German Navy, which is supposed to be the second power.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Not yet. Now, the German Navy in the dreadnaught is superior to ours. That is, we have 19 dreadnaughts, and she has 20 that we know of and one that it is sup-

posed she took over at the beginning of this war that was building in her yards for another nation; and then we have reports that she has built two others. The General Board sent down to us a statement that there were two others that were built, but the Naval Intelligence Office people say they will not state that as a fact. All they can say is that they have fragmentary reports and fragmentary evidence; that is probably true, but they do not state it as a fact.

Now, Germany had at the beginning of the war eight battle cruisers. We have none. The five that we are authorizing in this bill, we believe, are superior to her eight. I may add that one of those eight, the *Goeben*, was sold ostensibly to Turkey. We are informed she is still officered by German officers and manned by a German crew. Whether that is true or not I do not know, but that is the report that we receive. But these cruisers that we are authorizing are of such superior quality and superior character that they would more than offset the eight of the German cruisers that were built of an inferior character. But, according to that same evidence that I was telling you about a while ago, we are informed that the Germans have laid down three battle cruisers since the beginning of the war. Whether that is true or not I do not know. The Naval Intelligence Office say that they can not state whether it is true or not, but that they have fragmentary reports and evidence concerning it.

Now, I will yield to gentlemen.

Mr. SMITH of Michigan. I am interested in knowing what determines the status of a nation in relation to its navy; whether it is the number of battle cruisers, the number of dreadnaughts, the number of battleships, the number of men employed in the navy, the size of the guns, or the displacement of the ships.

Mr. PADGETT. All those things enter into it.

Mr. COOPER of Wisconsin. What is the earliest date at which the program provided in this bill can be completed?

Mr. PADGETT. It has been taking about 34 months to build battleships. The department think that they can build a battle cruiser in about the same time.

Mr. COOPER of Wisconsin. If this bill should pass within the next six weeks or two months, when does the gentleman think the five battle cruisers will be completed?

Mr. PADGETT. About 1919.

Mr. COOPER of Wisconsin. In about three years?

Mr. PADGETT. In from 30 to 36 months; I could not say exactly.

Mr. BRITTEN. Referring to the personnel of the Navy, the gentleman gave the House the recommendation of the Navy General Board of last July and also of last November. Does the gentleman care to advise the House that in December, more than a year ago, the Navy General Board advised 19,600 men additional for the enlisted service?

Mr. PADGETT. I do not remember about that definitely, but if more than a year ago they did that they have revised their figures twice since then, and when Admiral Badger appeared before the committee and was asked to give us a careful estimate and a detailed statement he submitted 67,865 as the number of men required for the fiscal year 1917, in time of peace, and we have given it.

Mr. BRITTEN. Is it not a fact that the report the gentleman refers to was based on specific conditions?

Mr. PADGETT. On peace conditions.

Mr. BRITTEN. Is it not a fact that it was based on skeleton crews for the majority of the ships of the Navy?

Mr. PADGETT. No. Admiral Badger based it on a 50 per cent skeleton for the reserve ships. And I may state to the gentleman that Secretary Meyer established the reserve ships on a 30 per cent basis, and the present Secretary put it at 40 per cent, and the General Board has recommended 50 per cent, and the figures of Admiral Badger are upon the basis of 50 per cent crews for the reserve ships in time of peace, which it occurs to me are ample.

Mr. ROBERTS of Massachusetts. I understood the chairman of the committee to say a moment ago that the strength of the Navy to-day is substantially 54,000 men.

Mr. PADGETT. Yes.

Mr. ROBERTS of Massachusetts. Will the gentleman kindly inform me how he arrives at those figures?

Mr. PADGETT. The Secretary states that number, and in your minority report you accept those figures.

Mr. ROBERTS of Massachusetts. Not men.

Mr. PADGETT. The gentleman wants to make a distinction——

Mr. ROBERTS of Massachusetts. Between a boy under instruction and a man. How many of the 54,000 are boys under instruction?

Mr. PADGETT. There are 3,500 of them that are apprenticed seamen.

Mr. ROBERTS of Massachusetts. Of the 54,000?

Mr. PADGETT. Yes.

Mr. ROBERTS of Massachusetts. That is what I wanted to know.

Mr. PADGETT. That is correct, and those 3,500 apprenticed seamen are young men between the ages of 18 and 21, and they are just as good material, and I sometimes think a little better, than some who are older. [Applause.]

Mr. BUTLER. Those boys are not put on battleships?

Mr. PADGETT. Oh, yes; they sprinkle them around.

Mr. BUTLER. They are put on the smaller ships?

Mr. PADGETT. You take a boy 18 years old and up to 21, a vigorous, well-trained young fellow who goes through the schools down here in our training stations, and he is fit, he is good. [Applause.]

Mr. BUTLER. The chairman of the committee does not pretend to be a military man?

Mr. PADGETT. No.

Mr. BUTLER. He would not place a boy where a military man would not place him, would he?

Mr. PADGETT. No.

Mr. BUTLER. Military men do not place these boys on battleships.

Mr. PADGETT. They do distribute them around to the ships with the others.

Mr. BUTLER. They can stand around, of course.

Mr. FARR. I desire to ask the chairman of the Committee on Naval Affairs if any naval authority has placed our Navy in a better position than fourth?

Mr. PADGETT. Yes; a number of men who testified before the committee. Admiral Fletcher gave it as his opinion that we were third, and some of the others said third.

Mr. FARR. Did not the President in his recent speech say we were fourth? Was not that the statement of the President in his address to the country, that we were not better than fourth, and that he wanted us to be first?

Mr. PADGETT. He said he wanted us to be first, and I believe he stated that we were fourth; but I thought the President was mistaken in his opinion as to our Navy. We have got a far better Navy than that, and I want to make it still better. [Applause].

Mr. FARR. The gentleman stated that we did not possess a well-balanced fleet.

Mr. PADGETT. I said that.

Mr. FARR. And that in order to strengthen our fleet we ought to have battle cruisers?

Mr. PADGETT. Yes.

Mr. FARR. I agree with him; but will these five battle cruisers add 1 pound of fighting strength to our Navy, other than to utilize the power that our dreadnaughts now have?

Mr. PADGETT. Oh, yes. A ship with ten 14-inch guns does not depend on the other ship altogether. [Laughter and applause.]

Mr. FARR. Our fleet is inefficient and we want the battle cruisers to bring it up.

Mr. PADGETT. We need them to help the dreadnaughts.

Mr. LINTHICUM. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. LINTHICUM. The gentleman from Connecticut asked the gentleman from Tennessee whether these officers had not made a mistake in the past, and whether they were not now trying to correct the mistake by building cruisers.

Mr. PADGETT. I did not say it was a mistake. I said that they emphasized the importance of the ships that then appeared to be paramount, and now they are emphasizing the other one to coordinate and supplement and balance the fleet that we have.

Mr. LINTHICUM. What I want to suggest is that perhaps their views may have been modified by the results of the European war.

Mr. PADGETT. They said that the present war has brought out the supreme importance of battle cruisers.

Mr. HOWARD. Will the gentleman yield?

Mr. PADGETT. I will yield to the gentleman.

Mr. HOWARD. The program as reported by the committee somewhat modifies what the country was expecting; that is to say, the extremists for preparedness. I want to ask whether this bill as reported by the Committee on Naval Affairs has the stamp of approval upon it of the Navy Department, the Secretary of the Navy, and the administration?

Mr. PADGETT. I can not say, for I have not talked with them. I have heard that the Navy was tickled to death and laughing all over. [Laughter and applause.]

Mr. BUTLER. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BUTLER. Who is the tickler?

Mr. PADGETT. The bill that we reported. [Laughter.]

Mr. BUTLER. Has it tickled the Secretary of the Navy or the President?

Mr. PADGETT. I said I had not talked with them. I received a note from the Secretary of the Navy in which he congratulated me on the magnificent work we have done. [Applause.] I have the note in my office and I can show it to the gentleman.

Mr. BUTLER. I would be delighted to see it. I would like to know how many times the Secretary and the President can change their minds.

Mr. PADGETT. I think we can show that some of the men that signed the minority report have changed their minds. [Laughter and applause.]

Mr. BUTLER. I have not changed mine. Did the chairman of the committee ever know me to vote for only one battleship?

Mr. PADGETT. Not that I know of.

Mr. BUTLER. And yet the chairman has done that.

Mr. PADGETT. Yes. I have spoken for one battleship and I have spoken for two battleships. And now I am speaking for five battle cruisers, and to try to adapt myself and my speeches to the needs of the country, the wise thing to do. [Applause.]

Mr. BUTLER. I do not question the gentleman's sincerity, but he has changed his views. Mr. Chairman, how much time did the chairman of the committee use?

The CHAIRMAN. One hour and 16 minutes.

Mr. BUTLER. Mr. Chairman, I yield 30 minutes to the gentleman from Michigan [Mr. KELLEY].

Mr. KELLEY. Mr. Chairman, I think the House and the country approach the question of making appropriations for the Navy in a little different frame of mind than for a good many years past. As the appropriation bills have been before the House in former years there have always been objections of various kinds to their passage. Generally somebody has insisted that we had Navy enough already and did not need any more. I noticed in going back through the CONGRESSIONAL RECORD to find out something of what had been said in days past that away back in 1892 Mr. Bryan said that he was in favor of a sufficient Navy, but he thought we had a sufficient Navy at that time. As I recollect it, we had two battleships in commission.

Discussions in the past have shown that a great many men have thought in relation to building up the Navy that the time was about ripe for the nations of the world to get together and establish some sort of a tribunal to which the disputes of the world might be taken and settled in somewhat the same manner as individuals take their differences to courts of law. Many expressed the fear that if we added to the Navy such action might in some way impede the progress of arbitration in the world, and they stated in their speeches that they wanted our country to be in a position when that happy time came to take the initiative in leading the nations of the world from the battle fields into paths of peace. And so men holding these views opposed additions to the Navy.

Others thought that we did not have any enemies anywhere in the world and there was no danger of being attacked by anybody. They said that as long as we were fair and just in our dealings with the world the world, on the other hand, would be fair and equitable in its dealings with us. And so they opposed the building up of the Navy.

But we come into a different time now; and men who thought that wars were over and that the great Christian nations of the world would never be engaged in war any more now come face to face with the fact that we are in the midst of the greatest war in all the history of the world. And whereas they believed that so long as we were fair and just in our treatment of other nations of the world we had no reason to expect that other nations would encroach upon our rights, we now face a situation where our great commercial interests on the seas are invaded from almost every direction, and where innocent American lives have been taken on the high seas where they had a perfect right to be. And so we come to the consideration of this bill in a somewhat different frame of mind, because we know we are living in a period of great danger and much uncertainty.

The President said in his speeches to the country—and he said it sincerely, I think—that these are dangerous days; and he advised, as he went from city to city, that we should prepare to meet this possible danger. We take up the question of the Navy to-day with the situation in the world as it is, and not as we have often approached it in other years, from an abstract or theoretical point of view. Considering our geographical situation, whatever defense we need is very largely a matter of naval defense. If we were located as some of the countries of Europe, with only a line on the map between us and powerful enemies, it would be necessary, perhaps, to do as they have done, and build up powerful standing armies to protect ourselves. But when the Lord gave us this choice spot in the world he placed us 3,000 miles away from powerful neighbors on the one hand and 5,000 miles away from powerful neighbors on the other. So the Navy is the natural and normal and logical protection of the people of this country to whatever extent we may think we need protection.

What of the Navy? Just a word leading up to it. We did not have any Navy to speak of when the Civil War commenced, but when the war was over our Navy was comparable to that of Great Britain. But the necessity soon passed and the ships fell into decline. Our wooden ships passed out of use, and in 1883 we started to build then what we called the steel navy, practically the first steel ships, under the administration of President Arthur. We went along under the administrations of President Cleveland and President Harrison and built a few battleships. I think the *Oregon*, the *Massachusetts*, and the *Indiana* were built or at least authorized under the administration of President Harrison. Then we came on down to the Spanish-American War and we had that little nucleus of a navy. It was sufficient, however, for the needs of that particular time. Dewey, away over there 10,000 miles away from home, without coal enough to bring him a quarter of the way back, destroyed what there was of the Spanish fleet in Manila and placed his name in a single morning alongside of the names of Jones and Farragut and Nelson in the history of the world. [Applause.] Then a little later down here off Santiago we destroyed what there was left of the Spanish fleet. Two Spanish fleets were destroyed without the loss of a single ship or a single American seaman. If we ever have another war in our history, I hope that we will get into just such a fight as that at Manila and Santiago. A good many thoughtful people, however, immediately upon the close of the Spanish-American War began to consider what our situation would have been had we been engaged in a war with some first-class power. And so, following the war, under President McKinley's administration, we started in to build up the American Navy.

Under President McKinley we authorized in the two Congresses of his first term the *Maine*, the *Missouri*, the *Ohio*, the *Georgia*, the *Nebraska*, the *Virginia*, the *New Jersey*, and the *Rhode Island*, a total of eight ships in three years, or an average of nearly three battleships a year. Then, under the McKinley-Roosevelt administration, Mr. Roosevelt succeeding to the Presidency upon the assassination of President McKinley, in the Fifty-second Congress we added the *Connecticut* and the *Louisiana* in the first session. In the second session we authorized the *Idaho*, the *Kansas*, the *Minnesota*, the *Mississippi*, and the *Vermont*. In the Fifty-eighth Congress we authorized the *New Jersey*, the *Michigan*, and the *South Carolina*, or a total of 10 battleships in four years, under President Roosevelt's first administration. During the four years of President Roosevelt's second term we authorized the *Delaware*, the *South Dakota*, the *Florida*, the *Utah*, the *Arkansas*, and the *Wyoming*, a total of 6 ships. During the first two years of President Taft's administration—the Sixty-first Congress—we authorized the *New York*, the *Texas*, the *Nevada*, and the *Oklahoma*. This made a total of 28 battleships in 14 years under McKinley, Roosevelt, and Taft, or an average of 2 a year. In the Sixty-second Congress the House was Democratic, and that Congress authorized but 2 battleships instead of 4. Where were we heading in those days? What building policy controlled our addition of battleships? Why were we authorizing just two battleships a year? A consistent program of this kind, carried forward for 14 years, could not well be a matter of chance. From the close of the Spanish-American War until 1912 the Navy Department and the naval committees of the House and Senate were working upon a well-defined policy. I think Mr. Foss, the gentleman from Illinois, who was chairman of the House Committee on Naval Affairs during most of that time, will bear me out in this statement. President McKinley, President Roosevelt, President Taft, and those charged with naval matters generally were committed to the policy that the United States ought to maintain a navy second only to the navy of Great Britain. Why should such a policy be followed? Why should we be at least the second naval power in the world? Because there is no other country in the world, save Great Britain alone, so situated as to need more naval protection than the United States.

Great Britain is so situated that her empire is dependent upon the navy, scattered as it is all over the world. Not only that, but she is a manufacturing nation at home, with little or no

raw material. This she must get from the outside world. Then, too, she is dependent for her food supply upon the outside world. She must keep open the avenues of commerce in order to get her raw material, in order to keep in touch with her possessions, and in order to feed her people. Not only the empire, but also the very life of the people of England itself is dependent upon her navy. Her naval necessities are probably greater than ours; but there is no nation in the world with so much coast line, so many great cities, and so much property located within gunfire from the sea as the United States. There is no other nation in the world that has more international obligations to perform requiring the need of a navy than the United States. So, back there under McKinley and followed out under Roosevelt and Taft we had in the United States a navy second only to the navy of Great Britain. When you have a policy founded on sense you know what you are doing. You do not simply add a ship here and a ship there, but you can tell definitely how many ships of a particular type to add each year when you have a fixed policy. It is for Congress to lay down the policy, and then, so far as I am concerned, as to the particular type of ship, I am content to leave it to the experts of the Navy, whom we have educated at such great cost.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield?

Mr. KELLEY. Yes.

Mr. McKELLAR. Does the gentleman think that battle cruisers are a necessary part of our Navy?

Mr. KELLEY. I am going to show you exactly how necessary they are and how many are necessary.

Mr. McKELLAR. Then if you had the program under the Republican administrations of which the gentleman speaks, why did you not include battle cruisers?

Mr. KELLEY. That is very fine, indeed, and I am glad the gentleman mentioned it. It is because in those days there were no battle cruisers. [Laughter.] I suppose that would be a simple answer enough, but there were ships which took the place of battle cruisers. There were armored cruisers in those days, and we in making a program provided for the armored cruisers. In the Fifty-fifth Congress, third session, we put in the *Santiago*, the *Pittsburgh*, and the *West Virginia*.

In the Fifty-sixth Congress, first session, we added the *Colorado*, the *Maryland*, the *South Dakota*, the *Milwaukee*, the *St. Louis*, and the *Charleston*.

Mr. COOPER of Wisconsin. In whose administration?

Mr. KELLEY. Those were the administrations of Presidents McKinley and Roosevelt. In the Fifty-seventh Congress we added the *Tennessee*, the *Washington*, the *Montana*, and the *North Carolina*. These are armored cruisers.

Mr. OLIVER rose.

Mr. KELLEY. Let me finish with this gentleman here. These armored cruisers were as large as the battleships of that day and they cost practically the same amount of money as the battleships of that day, and in the 14 years that we were in power in this country we put in 28 battleships and 10 armored cruisers—a total of 38. [Applause on the Republican side.] So we did not neglect this very useful and necessary adjunct to the Navy, the armored cruiser. I now yield to the gentleman from Alabama.

Mr. OLIVER. Is the gentleman aware that in 1906 Great Britain laid down a battle cruiser and in 1908 Germany laid down a battle cruiser, and that during those years and the years following these countries were building battle cruisers; is not that true? [Applause on the Democratic side.]

Mr. KELLEY. I do not remember exactly when England——

Mr. BUTLER. Our armored cruiser—we always had an eye on that.

Mr. KELLEY. Just a moment; let me answer the gentleman. I know that 1910 was the first year that Germany added a battle cruiser to her navy.

Mr. OLIVER. That was during a Republican administration.

Mr. KELLEY. Yes; but the battle cruiser was not a demonstrated quantity when they built the first one. Sensible, reasonable, and rational, we did not go off halfcocked, following after a foreign Government, simply because it built one of these great big ships. We waited a little——

Mr. OLIVER. Will the gentleman yield for one question?

Mr. TALBOTT. Do not blame this administration.

Mr. KELLEY. Oh, I will get to that, and I will put the blame where it belongs.

Mr. OLIVER. Does the gentleman mean to assert to this House that in the number of battle cruisers now possessed by Germany and by Great Britain he is only including the battle cruisers built since 1910? Is it not a fact that in the authenticated lists showing the number of battle cruisers now owned by England and Germany are included battle cruisers laid down by Great Britain as early as 1906 and by Germany as early as 1908?

Mr. KELLEY. That is not true. Germany did not put any battle cruisers in her navy until 1910.

Mr. OLIVER. Did she not lay them down earlier?

Mr. KELLEY. Just one moment. Now, in the Sixty-second Congress——

Mr. COOPER of Wisconsin. Will the gentleman permit just one interruption?

Mr. MILLER of Pennsylvania. The gentleman has only got seven minutes. Why do not you let him alone? [Laughter.]

The CHAIRMAN. Gentlemen must not interrupt without the permission of the speaker, and gentlemen must not inject remarks from their seats.

Mr. BUTLER. Will the gentleman yield to me for a minute?

Mr. KELLEY. I will.

Mr. BUTLER. The rule gives me the disposition of the time, and I will assure the gentleman he will have as much time as he pleases. [Applause.]

Mr. COOPER of Wisconsin. Will the gentleman yield for one question?

Mr. KELLEY. I will.

Mr. COOPER of Wisconsin. The gentleman from Alabama [Mr. OLIVER] said that England laid down a battle cruiser in 1906 or 1908 and Germany in some other year. They might lay them down, but it would take two or three years to complete them, would it not?

Mr. KELLEY. I do not remember the year——

Mr. COOPER of Wisconsin. But he said "laid down." If they were laid down in those years, when would they be completed? May I ask the chairman how long it would take England or Germany to build a battle cruiser laid down in 1906 or 1908?

Mr. KELLEY. Well, I do not know—probably three years.

Mr. OLIVER. Will the gentleman permit an interruption just for information?

Mr. KELLEY. Not just now.

The CHAIRMAN. The gentleman declines to yield.

Mr. KELLEY. Now, Mr. Chairman, so much for the matter of armored cruisers, which was the predecessor of the battle cruiser. I want to say further to the gentleman from Alabama that the first time that the General Board of the Navy recommended battle cruisers was in the Sixty-second Congress, 1912, and it recommended two at that time, and two battleships, and the Sixty-second Congress, as far as the House was concerned, built neither. [Applause on the Republican side.] I just want to call attention to the situation in the Sixty-second Congress, first session. The Democratic caucus, as the records show, passed a resolution against the authorization of battleships [applause on the Republican side] absolutely. The House committee then brought in a bill without any battleships in it at all, and an appropriation for a building program of a little more than $5,000,000 was included in that bill. The other end of the Capitol had not gone Democratic at that time——

Mr. LOUD. Would not stand for it.

Mr. KELLEY. And they put in two battleships, and in the course of the conference, juggling back and forth, finally one was authorized. In the second session of the Sixty-second Congress the Committee on Naval Affairs of the House brought in two battleships and the Democratic House voted for one only; the Senate put in two and finally accepted one, thereupon the Navy of the United States receded from its position of second place which it had enjoyed for four years previous thereto. [Applause on the Republican side.] Now, just a minute.

Mr. DECKER. Will the gentleman yield?

Mr. KELLEY. What does the gentleman want to know?

Mr. DECKER. I would like to know if the failure to build that one battleship is what put us from second place to fourth in the navies of the world?

Mr. KELLEY. I am going to explain——

Mr. DECKER. I would like to have that question answered. We have built two every year since.

Mr. KELLEY. There have not been very many years since.

Mr. DECKER. I would like the gentleman to answer that question.

Mr. KELLEY. I generally speak so that people can understand me. We dropped behind two battleships by this action in the Sixty-second Congress.

Now, then, it has been stated somewhere that the position which we were maintaining all those years prior to 1912 did not require a two-battleship program, and that President Roosevelt in a message to Congress, I think about 1905, said that he thought one battleship was enough. That is true. He did say that. And why? Because in 1898 Germany, which was

the second naval power, adopted a certain naval program. In 1900 they changed it somewhat. In 1906 they changed it again. But particularly in 1908 their program was changed in an important particular. Compared with the German program in force in 1905 we were easily in second place when President Roosevelt sent that message to Congress. But in 1908 Germany changed its program providing for the same number of ships for 1917—32—but put a limit of 20 years instead of 25 upon the age, and also provided that ships over 20 years of age would be replaced. And during the next two or three years that change in the German law added four or five—I have forgotten which—battleships to the German Navy.

In 1912 Germany changed its building program again, and at that time provided for 41 battleships under 20 years old by 1917. Now, we did not take cognizance of that fact, but went on with the one battleship idea during the Sixty-second Congress. The question of restoring our Navy to second place and establishing again a definite policy is before the House. If we want a definite, positive program, if we desire a certain place among the nations of the world, not because of any fear that we may become involved in war with any particular nation, but because our necessities as a Nation on both oceans are so great. Now is the time to so provide for it.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. KELLEY. I decline to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. KELLEY. The report of the General Board shows that Germany, the second power, has 20 dreadnaughts built and two under construction. We have 17 dreadnaughts. Counting the *Michigan* and *South Carolina*, which I think should be counted, we have 19. So there is a discrepancy, in building and authorized, between the two countries to-day, of three dreadnaughts. We have recommended in this bill that the two which should have been built in 1912 be built now.

Now, as to the battle cruisers, the chairman has gone on to say that most of the naval officers have recommended battle cruisers. Absolutely true. Nobody has recommended five battle cruisers and the discontinuance of battleships.

Mr. CALLAWAY. You said that the discrepancy between us and Germany to-day was three battle cruisers.

Mr. KELLEY. I said battleships.

Mr. CALLAWAY. There is no danger of Germany losing any of her battleships in this war, is there?

Mr. KELLEY. Of course, I can not tell what they may lose.

Mr. CALLAWAY. There is nothing that would indicate that Germany would lose any of her battleships in this war?

Mr. KELLEY. I know nothing about it.

Mr. CALLAWAY. Is there any probability that she will lose any?

Mr. KELLEY. How do I know? I can not look into the future. I would be glad if the gentleman from Texas could look into the future a little bit, because if he could guarantee——

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BUTLER. Mr. Chairman, I yield to the gentleman another half hour.

Mr. KELLEY. I desire only five minutes more.

Mr. BUTLER. Then I yield five minutes more to the gentleman.

Mr. LONGWORTH. Will the gentleman yield? Will the gentleman please state the difference between battle cruisers and armored cruisers? Some of the gentlemen do not seem to understand.

Mr. KELLEY. The armored cruiser bears exactly the same relation to the old battleship type as the battle cruiser now bears to the dreadnaught. In the old days the armored cruiser was the ship that went out ahead, scoured the seas, and located the enemy, and then got back under the protection of the heavily armored ships—the battleships. And that is exactly the use of a battle cruiser in its relation to the dreadnaught to-day.

Mr. LONGWORTH. And the battle cruisers carry as heavy guns as the big ships?

Mr. KELLEY. Yes.

Mr. BENNET of New York. What were those vessels such as the *Lion* and the *Blücher* of both the English and German fleets that were sunk in the south seas?

Mr. KELLEY. The *Blücher* was an armored cruiser. We have 10 like her, and the *Lion* is one of the latest and most powerful battle cruisers of the English Government.

Mr. FESS. Can the gentleman permit one interruption? The gentleman knows I agree with him in his position. I am wondering whether we get the wrong idea when we speak of our becoming equal to Germany and not necessarily being equal to Great Britain. It is on no assumption that we shall never have any trouble with Great Britain, but simply that Great Britain can never concentrate all her fighting force at one place?

Mr. KELLEY. That is quite likely. Now, just a word as to the number of battle cruisers. Germany has six battle cruisers built. One of them, the *Goeben*, is at the present time flying the flag of Turkey, but she has German officers and German men on board of her, and probably when the war is over she will be found back in the German Navy if she is still afloat. Now, there are six battle cruisers in the German Navy, and we recommend six battle cruisers in this bill. Five battle cruisers, or four, or three, will help, of course; but if we are going to restore the second-place policy we had better, in my judgment, authorize in this Congress the ships that will actually put us in second place. My father used to say that it was a pretty poor proposition to invest in a race horse that was just a little bit slower than the winner. [Applause.]

Now, then, I sincerely hope that none of these ships will ever have to be used for war purposes at all. But we are in troublous times, and if we are going to have them at all ye ought to have them within a reasonable time. The minority insists that an amendment should be put on the bill which would limit the time within which these ships must be constructed, so that the American people may get the benefit of the protection provided. [Applause on the Republican side.]

Our experience in getting ships for the last four or five years is not such as to encourage Congress in the belief that ships provided in this bill will be constructed more quickly. I wish to say, by way of conclusion, that I trust that these great warships that may be authorized in this bill will never be called to fire a shot except in target practice or as a salute, but in times like these, when the world is inflamed, when the passions of men are aroused, and when prejudices are being engendered in the hearts of men which will flow through the channels of the world's life for years to come, we should not be content with any halfway measures of defense, but we ought to make adequate provisions at this time to fully protect the American people. [Prolonged applause on the Republican side.]

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BUTLER] is recognized.

Mr. BUTLER. Mr. Chairman, can the chairman of the committee accommodate us with a very short speech on this side? I wish to yield to the gentleman from Illinois [Mr. Foss].

Mr. PADGETT. Mr. Chairman, I will yield to the gentleman from Missouri [Mr. HENSLEY] and such others as he may designate an hour and twenty minutes out of my time, and he will use part of his time now.

The CHAIRMAN. The gentleman from Missouri will be recognized for an hour and twenty minutes.

Mr. HENSLEY. Mr. Chairman, I yield 15 minutes to the gentleman from Kansas [Mr. CONNELLY].

The CHAIRMAN. The gentleman from Kansas [Mr. CONNELLY] is recognized for 15 minutes.

Mr. CONNELLY. Mr. Chairman, I want to say in the beginning of the few remarks that I shall make on this bill that, as a new member of the Committee on Naval Affairs, I shall not assume that in the one session of Congress I have become a naval expert or that I have learned any great amount concerning the needs of that great organization. I think I should say that I have found members of that committee very agreeable gentlemen, who have worked faithfully during this session. I am sure that Chairman PADGETT deserves great credit for his untiring courtesy, patience, and gentlemanly forbearance. I do not agree with the conclusions of some of these members, but in this I have no advantage of them, for they are just as much out of agreement with me as I am with them.

I will not assume that the man who has attended the meetings of the committee quite faithfully and given attention to the work of that committee has come to definite and absolute conclusions, because I find that there are very few rules that anyone applies to their reasonings that can be followed with any safety. When men who have spent many, many years—practically all of their lives—in the Navy and who at the end of a long time of close study of its needs find that they can not agree with other men with the same ability, the same application, and the same experience, I do not take it that it is any crime for one who confesses to have but a superficial knowledge at best to have opinions that do not coincide with either of them.

Let me say, in passing, Mr. Chairman, that I am not much impressed with the arguments of any man who bases his reasoning upon the theory that all men who enjoy the blessings of liberty in a great Republic like this are not patriots and are not

seeking to find the best solution of these great questions that are and should be primarily patriotic questions. I have no sympathy or patience with the egotist who persuades himself that because he would build a dozen battleships each year he has a superior grade of patriotism to the fellow who is satisfied that the needs of the country would be very well served with the building of a very much smaller number. I have learned to look with an eye of suspicion upon the fellow who assumes that he has cornered the supply of patriotism of the country and who explains the droop in his shoulders by saying that he has been lugging around such a load of love for his country. This country has in every time of need found patriots in sufficient number who were willing to enlist under her colors and fight and march and die for their country, and if the time ever comes when that sacrifice is called for again, there will be no dearth of volunteers, there will be no failing to meet the test. But when we are trying to rationally and sensibly meet the requirements for the proper defense of the country every man should be allowed to form and express such an opinion as may be honestly formed without having some demagogue question his motives or his patriotism.

Now, I say to you that the only way that the average layman has to secure information along the line of defense of the country is to go to the fellow who knows; that is, to the men who have made a life study of the Army and Navy and the country's defenses. If they can not tell him what should be done, he is in a bad plight so far as getting information that is of any value. But here he is not without some trouble and some misgivings. He finds the average naval officer an agreeable, courtly, and polished gentleman. He is just as unselfish as other people would be when placed in his position, but he has not had the experience nor the training to show him but one side of the matter of national defense, and he can not be blamed for not knowing the things that he has no right to know. The average naval officer has usually gone into the Naval Academy at an early age; he has never learned the real value of a dollar; and the fellow who has not learned that it requires some effort to get money to pay taxes is not fully qualified to see both sides of the question of national defense. In fact, there are a few things that the average fellow raised up in the marts of trade and in the business and commercial lines of the Nation knows just as well as any Navy and Army officer can know, and the knowledge that he has of these things does not reassure him when he sees what these naval officers do in the lines that the average layman is qualified to judge. In the Book of Estimates placed before the members of the committee, on page 34, is an inventory of some wagons, buggies, and sleighs that are used in the various navy yards of the country. I find that, while my training and qualifications in my past life would not justify me in expressing an opinion as to the relative value of much of the fighting equipment, I have had such experience as would qualify me in placing a very fair estimate on the cost of wagons and buggies and sleighs. Here is the list, or a part of it, that we have published in that Book of Estimates:

One light wagon, navy yard, Mare Island	$2,000
One depot wagon, Portsmouth Navy Yard	1,600
One sleigh, Portsmouth Navy Yard	1,200

Now, when I see this evidence of extravagance in the things that I do know about, I am not easily persuaded that the system all through, from beginning to end, is not one of waste and extravagance; that if the people of the country who pay the taxes could once fully understand they would require more than the vociferous proclaims of patriotism in the way of explanation.

Mr. Chairman, I hear a great deal about efficiency in the Navy. I presume there is a good deal of efficiency, but I do not think that that efficiency is any matter to excite wonder and admiration. The Congress last session found it necessary to provide for a naval reserve, made up of men who had served in the Navy and who had had experience. They found that the Navy had for years failed even to keep a card index of those who had come in and served and gone out of the Navy. Such methods in any ordinary business, where it might be necessary to keep in touch with customers, would not be tolerated. Even ordinary caution would have suggested to them the necessity of keeping in touch with men who might be needed and men who had had experience and would be very valuable in emergency. The effort this Congress will make and the effort made in the last Congress to secure a reserve could have been largely obviated with the application of some very well-established business principles in the Navy.

I have been interested in the viewpoint of many of the naval officers of the country as to the obligation the country is under to them. Some of the officers who have been retired through the agency of the retirement board have complained bitterly to the committee, and I doubt not that they feel that they have been very much abused. I will take one of these officers as an example, not because his case is exceptional, but rather because it is not and is to a great extent representative of the class. This officer went into the Naval Academy when but a little more than 15 years of age; he was educated by the Government at an expense variously estimated at from fifteen to twenty thousand dollars; he was placed on the pay rolls of the Government at a good salary from the time that he was graduated and has spent his life at what would appear to most men as a very good wage; and when he was "plucked" or retired at the age of fifty-two or three he was retired on a pay of some $3,700 per year for the remainder of his life. He wants to be reinstated in the Navy so that, instead of retiring at the rate of $3,700 per year, he will in a few years be retired at the rate of $8,000 per year.

It is estimated that it requires more than $3,000,000 per annum to pay the salaries of these retired Army and naval officers who have been educated at the expense of the Government and who have received a handsome salary all of their lives from the time they were mere boys. I am not complaining; I am only saying that the fellow who goes out in the morning of life and labors in the mines and mills, the fields and the factories, through all the months and years of a life devoted to the civil and productive avocations, and who in the finality pays the taxes to support the Government, is the one that should complain, if complaints there must be.

However, Mr. Chairman, I am well aware that the mistakes of the past are not of avail to us for the present or for the future. I am not citing these things particularly to find fault; I am only referring to them to show how difficult it is to take advice from naval officers on certain matters of which they are, and of right should be, well informed, and not take it upon those matters in which they are more deficient than is the average business man. It is the common mistake that the fellow who knows a good deal about one thing is often thought to be informed about other things, when he may be of all men the most ignorant. I will not tire you with a recital of the various examples of extravagance that was brought out in the hearings this year for fear I will be accused of seeing only the little things that were developed and have missed the real issue.

I take it that no man in this country worthy of the citizenship of this great and good Republic would want this country unprepared for any emergency that is reasonable to expect shall confront it. I am willing to concede patriotic motives in each Member of this House, and I hope the same charity will be exercised by those who feel that they would go to the extreme of military preparedness as to the position of those of my colleagues who have seen their duty to stand for a more moderate program.

The question that comes up to the average fellow out in the precincts, those men and women who are intensely interested in the matter of national preparedness, is, How well is this Nation prepared now to meet and cope with the situation that may come up at any time in these troublous times in the lives of nations? I want to say that, in all of the four months of hearings this committee held this session, covering nearly 4,000 pages in the printed book, there was little developed that could be used as a basis for estimating the real strength or the comparative strength of the Navy of the United States. Just along toward the last of the hearings a question from my colleague, Mr. CALLAWAY, of Texas, who, all will agree I hope, devoted an honest effort to the cause of securing information and with that shrewdness, born of a mind fully trained as a lawyer, even he was enabled to develop but little that could be used as a basis for an honest computation of relative strength; but just the last few days, after wandering in the wilderness of many words and little information, he asked the Secretary of the Navy to place a table in the hearings giving the relative strength of the various fighting ships of our Navy, and that table you will find on pages 3789 and 3790 of the hearings; that tells the story to all who want to know of the real strength and also of the wonderful increases in the fighting force of the Navy in the last few years. From that table there is one thing that appears to be very conclusively proven: That whether we have a Navy as strong as other navies of the world or not we have a wonderful fighting machine, and we have spent money enough on it to make it a great machine.

In that table furnished by the experts, and therefore I think it can be counted as a reasonably accurate estimate, I find some figures that are to me very interesting, and I hope they will be to an extent illuminating.

In 1908 Mr. Roosevelt, who was then the President of the United States, sent the fleet of 16 battleships around the world. He did it not for the reason that he wanted to show the other nations of the world our utter unpreparedness to take care of

ourselves, but rather that he wanted to show that the Navy could make the trip and that it would be a silent reminder that this country was a very considerable factor among the navies of the world. In this table you will find that the department has taken the battleship *Delaware* as a basis for estimating and places that at 100 per cent. With that as a basis, here is what the table shows: First, that all the ships of that fleet that went around the world has a little less than 600 per cent. It shows that the total fighting strength of the Navy as it floats in the water to-day is practically six times what it was eight years ago. It shows that, if this building program that this House is now considering and which has been reported by this committee becomes a law, when these ships are finished, as they will be, perhaps, in 1919, our fleet has then in little more than 10 years increased in fighting force practically tenfold. In other words, we have averaged practically an increase each year for 10 years equal to the original 16 ships that went around the Horn in 1908.

If there has been no depreciation because of age of ships, we will have in 1919 or 1920 a fleet equal to at least nine fleets like we sent around the world in 1908, and the fleet then was a matter of no little pride, and went around the world in order to show that we were by no means a small nation among the fighting nations of the world. If that fleet was a very satisfactory fleet at that time, I submit to you that a fleet at least six times as strong in fighting strength now and ten times as great in 1919 or 1920 is by no means a small fleet, and it is not notice to the world that we are a big, lazy nation, not making any proper provisions for our national defense. This administration that will be accused by our Republican friends as being careless of the question of national defense will have authorized during the four years that it has been in power the building of units to add to our fleet that equal to at least three times the strength of the fleet that President Roosevelt sent around the world in 1908. The jingoes will be found on every stump during the coming campaign proclaiming that this administration has not gone far enough and that it has been careless of the country's defenses. Those of us who have refused to be swept off our feet by the frenzied and furious proclaims of those who feel that the time is propitious for a concerted raid on the Treasury will not permit the statement to go forth unchallenged that this country is a helpless country in the way of national defenses.

Mr. Chairman, I believe that a great majority of the Members who will vote for this bill will do so with the sincere belief that it is providing for more building program than is necessary. I personally believe that there is need for some strengthening of the Navy, and I can not vote for any unless I vote for what this bill provides. I would rather have too much and never have need for it than to have too little under any circumstances. The past two years there have been few newspapers published that have not filled their columns day after day with the sickening details of the war in Europe. The people in many sections of the country are nervous. I have, since the war began, found over 30 columns of war news in one issue of a newspaper published in this city, and I think it safe to say that 30 columns were for many months an average daily output for many of the daily papers of the United States. People have read about war, thought about war, talked about war, until the psychological time has come to strike for a big raid on the National Treasury that we may prepare, some say for war and some say to avoid war, but the fellows who will profit by the big appropriations are willing for you to differ on the details as to what the preparation is for, so long as the raid is made and the money spent. If the mistake of providing a five-year building program can be obviated, the people will be able to get out from under this scare before another year rolls around, and then they can halt the mad frenzy if they want to, and, on the other hand, if there appears to be need for further preparations, they can provide for it.

With this program every shipbuilding yard in the country will be taxed to its limit for the next year, and if we provided for 20 battleships they could not be built before Congress convenes again. If the nations of the earth that are bleeding at every pore and are now prostrated by the conflict that is devastating all of Europe learn that this country has started to build the greatest Navy in the world, they will take that as a challenge, and the interests that profit in war materials over there will be using newspaper space to scare those poor people, already laboring under a load that will stagger them for a generation or more, as they are using space here to put and keep our people into a state of frenzy. I want this Congress to go on record as being against war. I want them at this session and in this bill to take the initial steps to establish an international court for the settling of international differences. I want this country, great and rich and powerful, standing a giant among the nations of the earth, to say that it has the wealth and the men and the loyalty and the patriotism to sacrifice all that need be to keep the country right and free, but that it stands ready to enter an agreement for the limitation of armaments and for establishing a court for arbitration of disputed questions that have heretofore been settled with the sword. [Applause.]

I hear the idea of international arbitration spoken of in certain quarters as visionary and with a degree of contempt. I do not believe it is visionary, and I shall not believe that this Nation has lived up to the highest ideals of its national life until it takes the initial step to lead all the nations of the earth to submit practically all questions to a court of arbitration.

What does it mean to be prepared? One answers one thing, another answers another, and each is sure that he is right. The country has had some very indefinite information given to it through the agencies of the scare associations that have cornered the supply of patriotism and are clamoring hard for the center of the platform. I read the other day a newspaper article that proposed to tell the people that we could not at this time arm and equip a hundred thousand soldiers and that if we could find the arms for them there was no ammunition, and then it figuratively struck a pose and asked what is the use of guns and cruisers and battleships when we have no ammunition? The answer to the question was supposed to be incorporated in the great wisdom required to ask it.

Now, what are the ammunition conditions? These fellows who make these assertions do so with the full knowledge that the Government is not giving out as public information some of the data that it would require to prove their assertions wrong, but it is known by every nation in the world that the country has the immediate potentiality of manufacturing in a few months enough powder to supply 5,000,000 soldiers, and there will be enough to keep any army in the field that will be called there, and the truth is that this can be learned by men of ordinary intelligence, which makes it almost border on the criminal to attempt to mislead the country on such matters.

Then, again, they say that we are short of war equipments; we have no howitzers, and who could expect to win a war without howitzers? That would be a joke; no matter how many guns that you have that are equal to howitzers, no matter if they are just as effective, you are lost unless "Howitzer" is printed right on the gun barrel. That is the stuff that the preparedness advocates are putting before the country in the thousands of newspapers that are helping them at so much per help to spread the great tidings of preparedness gospel. Let us see what one of the great business men of the country said while giving real information before the Naval Affairs Committee. Mr. Grace, who is at the head of the Bethlehem Steel Co., which, if not the biggest concern of its kind in the country is big enough to make its managers and superintendents of enough importance to command some respect, in response to a question put to him by Mr. BUTLER, the ranking Republican Member on the Naval Affairs Committee, as to his ability to produce war equipment, gave the following reply, which is significant.

Mr. GRACE. Mr. BUTLER, do not worry about being able to get war equipments in this country if the Government will treat the manufacturing industries right. The thing you want to worry about is manning these equipments. I presume that we can turn out at the Bethlehem to-day in one month more field equipment than the United States has in its entire equipment. Just cooperate with the invested capital of the country and it will be up to you people to get men and get them trained and that is all.

What does that tell you? It says to you that if any nation would start to bring an army to this country over an expanse of 3,000 miles of water, and we would scuttle every fighting ship we have and go out and help them land, this company could manufacture more equipment than we now have in the way of field equipment before these soldiers from the other country could land.

Mr. Barba, who is at the head of the Midvale Steel Co., another great industrial organization, was before the committee, and what does he say regarding the ability of his company to furnish war materials in case they were needed? He says that he is now turning out rifles at a rate that is prodigious and that his institution is capable of indefinite expansion. That is, he can expand to meet almost any emergency in a very short time. From the evidence that was brought before that committee by men who are to be given credit for knowing what they are talking about, I am convinced that this country to-day is equipped to make modern rifles at such a rate that it could arm five armies the size that Jackson led to victory at New Orleans with modern rifles each day in the year, and in a very short time it could double its capacity to produce this output of death-dealing instruments. I want to know if any Member of this House has seen a statement in any of these great preparedness journals telling the people this very important fact.

The committee did not feel that it should interfere with the estimates of the department as to the number of men required to man the ships of the Navy. They asked for upward of 13,000 additional men, and this bill provides that number. In the matter of the selection of the type of ships to be built, the committee again followed the consensus of opinion of the naval men who came before the committee. The bill carries five battle cruisers and no battleships. It must be understood that the choice of battle cruisers was not made on the ground that it saved money; it was provided for the very good reason that the great majority of the men best qualified to know said they were the kind of ships that would best serve the present needs of the Navy. The battle cruiser is a little more expensive than the battleship or dreadnaught, but if we are to believe these men who have spent their whole life in the Navy we conclude that they are much more effective and meet the modern ideas of what a battleship should be than do the heavier armored slow-speed dreadnaughts such as the Government has been building for some years past. Those who came before the committee who expressed their opinions as to the best type of ships for the Navy to build this year were as follows:

Secretary Daniels recommended that there should be five battle cruisers between now and 1921.

Admiral Fiske recommends that if Congress provided for only four capital ships they shall all be battle cruisers; if the Government builds six capital ships this year they shall all be battle cruisers.

Admiral Winslow recommends the building of all the battle cruisers that the country can afford and favors the battle cruisers to the battleships.

Capt. McKean recommended the building of at least four battle cruisers.

Admiral Grant said that the fleet would be best strengthened by battle cruisers rather than dreadnaughts.

Admiral Knight would build nine battle cruisers and not build battleships until a specific number of cruisers were furnished.

Admiral Fletcher recommended that should Congress authorize four capital ships they should all be battle cruisers.

Capt. Sims recommends the building of eight or nine battle cruisers.

Admiral Badger says that the battle cruiser should have preference over the dreadnaught.

I believe that in the face of these almost unanimous recommendations of the men who are trained men in the Navy the committee was justified in building battle cruisers exclusively as capital ships the coming year.

Finally, Mr. Chairman, I know how easy it is to float with the clamor for great appropriations for preparedness. I know how pleasant it is to be spoken of by the daily papers as a real statesman and a real patriot when you go with the tide and advocate the course that has been mapped out by certain forces that have had and are having to-day much to say about the extent preparedness shall go and the enormous appropriations that must be made. I know that it is sometimes unpleasant to incur the displeasure of these forces and these newspapers that bemean public men with all kinds of false accusations when they refuse to travel the road thus mapped out, but I do not care to succeed at the expense of forsaking the honest convictions that I hold on these questions. I believe that this bill goes far enough to satisfy any reasonable expectation of the country's need. I believe that it goes even further than what that need is, but I shall vote for it if it is not increased by amendments, because I appreciate that where there are many men each holding opinions that are at variance some must go further than they believe necessary and others must place some limit upon the length that they will go. I am convinced that any man who will study the strength of the American Navy will agree that if our Navy is weak, it is not in material, it is not in guns and ships and munitions, it is not because the personnel of the Navy is not efficient; it may be because there is some deficiency in the number of men available to handle the fleet on a war basis; and this committee has provided for several thousand men to remedy this weakness. This bill provides for all the ships, all the guns, all the munitions, and all the men that should be provided for at this time. It should not be increased in any particular; the bill as it stands should be passed. [Applause.]

The CHAIRMAN (Mr. GARNER). The time of the gentleman from Kansas has expired.

Mr. CONNELLY. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BUTLER. Mr. Chairman, I yield 30 minutes to the gentleman from Illinois [Mr. Foss].

The CHAIRMAN. The gentleman from Illinois [Mr. Foss] is recognized for 30 minutes.

Mr. FOSS. Mr. Chairman, I am very much interested in the American Navy and in its further upbuilding. When I first entered Congress, in the Fifty-fourth Congress, I was asked by Speaker Reed upon what committee I preferred to become a member. I said my first preference was Foreign Affairs. "Well," he said to me, "there is a very distinguished gentleman from your State"—Mr. Robert R. Hitt, who afterwards became chairman of that committee—"who is upon that committee, and I have tried to make it a rule not to appoint more than one man from a State on the same committee." At that time, of course, the membership of the House was a great deal smaller than it is now. Then the Speaker asked, "What is your second choice?" And I said, "Naval Affairs." He asked me why, and I told him that Naval Affairs was next door to Foreign Affairs; that we must have a Navy to back up our foreign policy. If you will read the history of this country, I think that you will find this to be true, that whenever we have had a strong Navy we have had a strong foreign policy, and when we have had a weak Navy we have had a weak foreign policy. I served upon the Committee on Naval Affairs for a good many years, 18 in all. In the Fifty-sixth Congress I was appointed chairman of the committee by Speaker Henderson and served in that capacity until I was succeeded by the able gentleman from Tennessee [Mr. PADGETT], who this morning has made a very excellent speech upon the bill from his standpoint.

Now, Mr. Chairman, during all the time I served on the Committee on Naval Affairs we tried to keep the Navy out of politics and politics out of the Navy; but a little introduction of politics came along in the Sixty-second Congress, and has been referred to here by the gentleman from Michigan [Mr. KELLEY]. It is proper for us, in looking over the development of the American Navy, to see what has been done and who has done it. The Republican Party was in control in this House from the Fifty-fourth Congress down to the Sixty-second, covering 16 years, and during that time the American Navy increased in tonnage until it became the second navy in the world.

Now, looking over the naval program for those 16 years we find that Congress authorized on an average about two battleships a year and one cruiser; that is, a big cruiser or an armored cruiser. There were 33 battleships authorized in those years. I believe the minority report states that during that period there were something like 13 or 14 cruisers authorized while the Republican Party was in control upon this side of the House. We made our annual program, on the average, three big ships; and, as I said a moment ago, we made our Navy the second navy in the world.

The last report which I had the honor of making to this House as chairman of the Naval Committee was submitted on January 28, 1911. In that report I set out the relative position of our Navy as compared with foreign navies. I speak of tonnage built. The tonnage and personnel of the four leading nations at that time were:

TABLE I.—*Tonnage (completed) and personnel.*

	Tons.	Officers and men.
Great Britain	1,859,168	120,572
United States	717,702	60,160
Germany	666,035	57,885
France	556,306	56,388

In the Sixty-second Congress the Democratic Party came into power on that side of the House. Now, in the first report made by the honorable gentleman from Tennessee [Mr. PADGETT] in the Sixty-second Congress, second session, it is shown that we are still rated as second in tonnage but third in personnel.

TABLE II.—*Tonnage (completed) and personnel.*

	Tons.	Officers and men.
Great Britain	1,869,149	133,965
United States	757,711	60,217
Germany	749,699	60,974
France	630,705	58,755

In the next report made by the gentleman from Tennessee [Mr. PADGETT] in the third session of the Sixty-second Congress, I find that the United States has dropped to third in tonnage and fourth in personnel, as shown by the following table No. 3.

TABLE III.—*Tonnage (completed) and personnel.*

	Tons.	Officers and men.
Great Britain	1,978,212	137,222
Germany	837,982	68,122
United States	773,107	59,567
France	630,769	60,188

Mr. PADGETT. Will the gentleman yield?

Mr. FOSS. I yield to the gentleman from Tennessee.

Mr. PADGETT. In the report which you read just preceding you read the tonnage built, but not building and authorized.

Mr. FOSS. No; it is based on tonnage built.

Mr. PADGETT. If you had read in the former report the tonnage, building and authorized, we would not have held second position.

Mr. FOSS. We would have stood third; but I am talking of navies as they were built at that time. Of course, when we authorize ships we do not know when they will be built.

Mr. MADDEN. If we were called upon to fight we would have to fight with the ships that were built, not the ships that were contracted for.

Mr. FOSS. That is exactly the point.

Mr. MADDEN. So that the strength of the Navy is in its fighting force, is it not?

Mr. FOSS. If our Navy is called into action, of course we can use only the ships that are built and ready for commission. Sometimes we authorize ships, but it takes a long time to get them under process of construction; as we find, for instance, in the bill of over a year ago two battleships were authorized to be built in navy yards, and their keels have not been laid yet, and it is now nearly a year and three months since the bill passed; and it will be six months more, possibly, before their keels can be laid.

Mr. MADDEN. Will my colleague yield to me for a question?

Mr. FOSS. Yes.

Mr. MADDEN. Do I understand my colleague to say that in 1911, when he made his last report as chairman of the Naval Committee, the United States was second in tonnage and second in personnel?

Mr. FOSS. Yes.

Mr. MADDEN. And that when the present chairman of the committee made his report, in the third session of the Sixty-second Congress, we had fallen to third place in tonnage and fourth place in personnel?

Mr. FOSS. Yes; exactly.

Mr. MADDEN. What have we got to now?

Mr. FOSS. Well, we are still falling, I guess. The flag has drooped under Democratic administration.

Now, what was the cause of all this, and when did it begin? Congress a caucus was called in January and the question of building battleships was brought before that caucus. Never before in the history of the building of the American Navy had we ever made the naval program the subject of a party caucus. We have always treated it upon a broad, nonpartisan plane; and when I read in the speech of the President of the United States not long ago that we should treat the subject of national defense upon a nonpartisan basis, I could not help recalling the action of the Democratic Party in January, 1912, when, in party caucus, you passed a resolution that there should be no battleships authorized that year, and in obedience to your caucus action the distinguished chairman of the committee brought into this House the weakest, most insipid, most uninspiring naval program ever brought here that I can recall. Let me read it to you:

After careful consideration—

States the gentleman from Tennessee in his report (p. 14, Rept. 710, 62d Cong., 2d sess.)—

the committee recommends the following program: Two fuel ships, six torpedo-boat destroyers, one tender to destroyers, and four submarines, costing, in all, $12,713,440.

That was brought in here in response to the caucus action of the Democratic Party. What was the result? The bill passed here without any battleships, without any cruisers, without anything upon it except these fuel ships, torpedo boats, and so forth. It went to a Republican Senate, and there two battle ships were added to the bill. Then for a long time the bill was hung up in conference, waiting for another Democratic caucus. Finally, after a long time the caucus was called, and that Democratic caucus passed this resolution:

Resolved, That the former action of the Democratic caucus in regard to battleships be, and is hereby, modified so as to permit any and all Democratic Members who desire to do so to vote in the House for one battleship only, and to permit the Democratic members of the conference committee on the naval appropriation bill to agree to one battleship. No Member is bound by this resolution to vote for one battleship should he not desire to do so.

That was the policy of the Democratic Party in the Sixty-third Congress.

Mr. HENSLEY. Will the gentleman yield?

Mr. FOSS. Yes.

Mr. HENSLEY. Is it not a fact that your colleague from Illinois [Mr. MANN] voted with the Democrats on the proposition of one battleship in the Sixty-second and Sixty-third Congresses and many other Republicans on that side of the House with him?

Mr. FOSS. I have not followed the course of my colleague on the naval programs. But what if he did. I am speaking about the action of the Democratic Party, as a party, on the question of building up the American Navy, and you have always been deficient, you have always been behind, and you have done it by caucus action. [Applause on the Republican side.] You have taken the great question of national defense and subordinated it to party politics and party advantage. [Applause on the Republican side.]

Mr. OLIVER. Will the gentleman yield?

Mr. FOSS. Yes.

Mr. OLIVER. Did not President Roosevelt, in December, 1905, in his message to Congress and also in his message to Congress in 1906, advise the building of only one battleship?

Mr. FOSS. I think he did in one message, but he changed his mind, because in the next Congress he recommended four battleships. He found he had made a mistake.

Now, first, in 1912 one battleship was authorized under Democratic control here. Then in 1913 one more battleship. In 1914 three battleships, but why? Because we were about to sell two of them, the *Idaho* and the *Mississippi*, to Greece, which we did. So that in reality Congress authorized one more battleship that year. Then the last year, after the pressure from the great outside, from the people of this country who were demanding a stronger Navy and a greater national defense, the Democratic Party finally got up to two battleships. So that in four years since the Republican Party was in control we have had authorized five battleships, or one battleship and a quarter each year. And yet there stands the record of the Republican accomplishment of over 16 years when we authorized on the average 2 battleships a year and an armored cruiser or some other kind of a big cruiser—three great big ships.

So long as the gentleman from Alabama has introduced the subject to party politics, I thought it was wise enough to call his attention to what has been done in recent years by the Democratic Party.

In 1912 our General Board of the Navy Department, of which Admiral Dewey is at the head, recommended for the first time the building of the battle cruiser. What that side of the House ought to have done was to have built battle cruisers right along since 1912. [Applause on the Republican side.] If you had kept up with the Republican program you would have built two battleships and one battle cruiser each year. If you had done that, the American Navy would have held its position where the Republican Party put it in 1911. [Applause on the Republican side.]

But you did not do it. Now, you are bringing in this proposition of 5 battle cruisers, and it hardly covers the deficiency of these four years; because if you had followed the policy set by this side of the House you would have built 3 ships a year, which in four years would have made 12 ships. What did you do? You authorized only 5, taking out the 2 that were built in place of the *Idaho* and *Mississippi*, leaving a deficiency of 7. So if you pass this bill with 5 battle cruisers in it you will still be short of the Republican record made in the American Congress. [Applause on the Republican side.]

Now, my friends, this program appeals to me in some respects. I believe in battle cruisers. I believe in scout cruisers and in torpedo boats; and if you would put the battleships at the head of the program, then you would have a well-rounded and complete program. You have recommended here 5 battle cruisers—not a very large program. I can recall that in 1899 we authorized 3 battleships and 3 armored cruisers; and an armored cruiser of that day was equivalent to a battle cruiser in this day and occupied relatively the same position. I can further recall that in 1900 we authorized 5 ships—2 battleships and 3 armored cruisers. In 1903 we authorized a program of 5 battleships. So that in numbers you are not exceeding anything that has been done in the past.

Mr. BRUMBAUGH. Will the gentleman yield?

Mr. FOSS. Yes.

Mr. BRUMBAUGH. I understood the gentleman to say that he believed in battle cruisers.

Mr. FOSS. Yes; I believe in all types of ships.

Mr. BRUMBAUGH. I understand that Germany and Great Britain were building battle cruisers at the time the gentleman was chairman of the committee. Did he believe in battle cruisers then?

Mr. FOSS. As I recall it, Germany and England built battle cruisers in 1908 and 1909, but they were not recommended by our naval experts or by the General Board of the Navy until 1912.

Mr. BRUMBAUGH. The gentleman believed in waiting until the emergency arose.

Mr. FOSS. They were a new experiment and our General Board did not feel justified in recommending them as early as they were built in other countries. But in 1912 the gentleman's party was in control, and in control of the Naval Committee when the General Board first made the recommendation on this subject, they had the matter before them, and they ought to have been building battle cruisers for the last four years.

Mr. OLIVER. Will the gentleman yield?

Mr. FOSS. Yes.

Mr. OLIVER. Did the Republican Senate indorse the recommendation of the General Board or the Secretary of the Navy in building battle cruisers that year?

Mr. FOSS. The Republican Senate added 2 battleships, as I recall it, but no battle cruisers. I believe in all kinds of ships, but the cruiser can not take the place of a battleship or a dreadnaught, as it is now called.

The people to-day are demanding stronger protection and stronger defense upon the seas. It was only a week or so ago that there was a great parade in the city of New York of 142,000 people marching up Fifth Avenue. To-day there is another great preparedness parade in the city of Boston, and, perchance, 100,000 people may march through the streets of that great city, and upon their banners will be these words, "Prepare, prepare, prepare." One week from to-day 150,000 citizens in my home city, the city of Chicago, will be marching up and down Michigan Avenue demanding and calling upon the American Congress to prepare, to prepare, to prepare. [Applause on the Republican side.] If you gentlemen think that the American people are not in earnest on this question, then you better take a vacation and go back home and consult your constituents.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. FOSS. Not now. When they read this program, this program of scouts, this program of battle cruisers, this program of auxiliaries, because they are all auxiliaries, they are all aids, they are the ministering angels or the ministering devils, as you may choose to term them, to the great ship, the battleship, which is the greatest product of American ingenuity and engineering, the greatest ship in offensive power and the greatest ship in defensive power, the ship that stands out above all other ships as the ship of preparedness and of national defense, when they read this program and find no battleship or dreadnaught there, how will they feel toward you?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BUTLER. Mr. Chairman, does the gentleman desire any more time?

Mr. FOSS. Oh, I think the gentleman must have many demands upon his time.

Mr. BUTLER. Mr. Chairman, appreciating the long service upon this committee of the gentleman from Illinois, if he would like to have a little more time I will be glad to yield him 10 minutes.

Mr. FOSS. I thank the gentleman from Pennsylvania. Let us take the question of battle cruisers. I have spoken of the battleship, and that is the ship of all ships. It is the battleship and the battleship fleet that controls to-day in the North Sea, that controls the Seven Seas, so far as England's adversaries are concerned.

Mr. BENNET rose.

The CHAIRMAN. Will the gentleman yield?

Mr. FOSS. I would rather not be interrupted now. This battle cruiser is a big scout for the battleship. It is sent out to acquire information of the enemy. It has the power to break through the protecting screen of the enemy's fleet and obtain information and bring it back to the battleship fleet. That is one of the purposes of the battle cruiser. A battle cruiser can not stand up against a battleship, because its armor is thin. The battle cruiser can never control the sea; the scout cruiser can never control the sea. The submarine or the torpedo-boat destroyer can never control the sea. The battleship will control the sea, and if you are going to build up the American Navy and continue its onward construction, do not leave out the battleship, the greatest bulwark of our fleet. That is the unqualified testimony of every naval officer to-day.

I know that my distinguished friend from Tennessee [Mr. PADGETT] has read the recommendations of the naval officers that were called before the committee; but the report of the Navy General Board, of which Admiral Dewey is the head, what did it recommend? Four dreadnaughts and four battle cruisers. That also was the proportion which the Secretary of the Navy, Mr. Daniels, recommended in his report, which I have here, and also in his testimony before the committee.

Mr. Chairman, this war has not given us any great lessons in the matter of naval tactics or in the matter of the different types of ships. The General Board states that fact in the report which it has made. They say here in section 13 that so far as relates to the battleship and the types of ships "the conclusion to be drawn so far from the history of the great war is that the battleship is still the principal reliance of the Navy, as it has been in the past." There have been comparatively few naval engagements—nothing definite or decisive. We have had no great fleet action. The British fleet has controlled the sea and has bottled up the German fleet, and the German fleet has not seen fit to come out, because they are only one-half in strength of the British fleet. Of course the submarine has also taken some offensive action; but, nevertheless, the General Board said that it has not been sufficient to entitle it to be considered as a ship that would put out of action any of the greater ships. "The submarine," states the General Board, "is a most useful auxiliary, and its importance will no doubt increase, but at present there is no evidence that it will become supreme." And while I recommend that we should go on building up our Navy and building all kinds of ships, yet the naval program that stands for preparedness, or is supposed to stand for it, can not consistently leave out of it the battleship, the greatest ship of all.

Mr. Chairman, national defense is the supreme question before the American Congress. It is above all other issues. Questions of good roads, rivers and harbors, and public buildings pale into insignificance before this greatest of all questions—the national defense of our country. We have great interests upon this hemisphere to protect. We have a great coast line. We have recently completed the building of the great Panama Canal, and under treaty we have guaranteed to protect it. We have also the great Monroe doctrine in which we believe, and that doctrine is not one whit bigger than our ability to maintain it. We have also the protection of our commerce upon the seas, and the protection of the lives of American citizens upon the seas. In the development of the Philippines we necessarily must have a fleet. I remember that Admiral Dewey some years ago said in the Naval Committee room that we could not hold the Philippines six weeks without the Navy; and so, too, in the backing up of our foreign policies, we must have a strong and splendid Navy so that when our President sends a note to the remote quarters of the world it will have in it some force, some energy, some punch, if you please, and if we have a strong Navy to back up our foreign policies and to back up our words, we will find that we will be treated with respect. I believe in giving to our country such a national defense upon the sea that in every hour of international difficulty we may possess that poise which becometh a great nation and a great people—ready to maintain our national honor. [Applause.]

International peace will come only when international justice is recognized, but international justice must be founded upon international public opinion, for which we can all work and strive. [Applause.]

Mr. BUTLER. Mr. Chairman, I yield 20 minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, I congratulate myself on the privilege of listening to the former chairman of the Committee on Naval Affairs, who speaks from authority and an accurate mind. His statement should put to rest further question as to responsibility for the present position of our Navy. I wanted the time simply to express my view upon what we ought to do in the way of national defense.

I never have believed in a large military establishment in the form of a regular army. When the military bill was before us I expressed my position on our duty. I always have believed, however, in the provision of a great reserve for the Army; that is, I wished to meet an emergency rather than to build up a great establishment. I voted for every measure to increase the officering of the Army, for in time of trouble there is no doubt there would be a hearty response to the call for the citizen soldiery of the country, citizens though they are, but to call for the soldiery without the officers to discipline and train them would be simply asking men to commit suicide, and for that reason I have felt that we ought not to limit ourselves in our preparation for officers, but ought to provide for a great re-

serve and a reasonable increase in the Regular Establishment. I wanted to see the State organizations placed in condition to become a real arm of the National Government in time of danger.

But when it comes to the first line of defense, which is the Navy, or the second line of defense, which is the coast defense, I will go as far as anyone on this floor to insure a defense that will compel respect for our rights, for if the first line of defense breaks and the second is not equipped to make resistance there is not much that we are to hope for in a struggle with any first-rate power. This is why the first line of defense, aided by the second line, must be our main dependence in time of international crisis. It is also my reason for supporting the recommendations of those who know the possibilities.

I have listened with more than the usual interest in the discussion of the question before us from both sides of the House, and I have not yet convinced myself that although we are striving to be placed in the position of second rank, where we belong, and where we were when the party in power took control of this House, that that means that we never need to fear any trouble with a nation in the first rank. In other words, such a position does not mean our danger is limited to the second-rate naval power. But I agree with my friend from Michigan [Mr. KELLEY] that we need not prepare with the view of meeting the combined force of any country with which we might have a contest, as for example, Great Britain. While Great Britain is on the sea as the undisputed mistress, and while we might have a contest in the future, yet her navy is necessarily so scattered, her possessions are so attenuated, that there is no possibility, it seems to me, of her in any reasonable time concentrating all of her fighting forces against any one country, thereby withdrawing the arm of defense from her distant and valuable colonies, and therefore I do not feel that we are running any risk in not building a Navy as large as the English Navy. Our Navy, less in size and skill, need not necessarily suffer in a possible contest, but I do think that we must not lose sight of the fact that the same elements that have put the Old World in war might put us to a test some time in the future, and with the country which will be able to dictate terms in this contest. I am not one of those who believe that our safety is in our inability to defend ourselves. This debate has touched the extreme poles of difference among men on this subject. I do not rest in the belief that we will always be protected, that some kind, overruling power will exempt us from trouble, but I have some fear that there may arise a dispute to test our ability to defend ourselves. Fellow Members of this House, there is scarcely a right that a neutral power ought to enjoy on the sea that has not been infringed upon since the war has spread the world over. I detailed these facts before the House on the 11th day of last January. There is scarcely a fundamental principle that is recognized in international law that has not been violated, and violated with impunity, and all that we can do or have done would be to protest in the hope that we may lay plans in the future to make a settlement. This settlement will be sought in diplomacy. If that fails, what next? Its failure may depend upon our situation upon the sea.

If we go back into the cause of the war that has put three-fourths of the world's population in arms—for only the nations composing one-fourth of the world's population are now at peace—if we go back and find out what is the cause of the trouble, we will find it not so much in a struggle between militarism on the one hand and navalism on the other hand, but a struggle that has its explanation in a contest of commerce, and every feature in that contest is an element in our own relation with the same countries that are now in contest. No Member of this House will overlook the elements of contest growing out of the rapid strides of Germany in the commerce of the world which pointed to the day when England's supremacy might be questioned.

Fellow Members, this Nation is not going to continue to be insular. It will not confine its activities to domestic matters. This Nation is not only going to be a world power and a power on the seas, but it is bound to dispute in the future the primacy of the seas. This Nation will go beyond the continental borders of the land and domestic industrialism to a world commerce and a world industrialism, and the very moment that we begin to extend the commerce of America on the seas that moment we will run counter to some wishes of the other countries that have controlled the seas, and any Member who feels that we are exempt from any conflict in the future on questions of commerce has failed to look into the history of the past and refuses to be taught by what has gone before. [Applause.] For that reason I can see an element that has put Europe in arms figuring with a good deal of meaning in the future of our own country. Not only that, the commercial side is not the only item of concern to this Nation, but we are in a quarrel at this moment with the two dominant belligerents, and the quarrel is not yet adjusted. With one the difficulty grows out of submarine warfare. It has been a delicate question. The situation involves vast possibilities, and while we hope the end is in sight, yet nobody can be assured that it is.

We have been careful, so far as our own country has been concerned, in our negotiations not to tie our hands in the legal and rightful use of the submarine as generally recognized, but at the same time whichever way this war ends, no matter in whose favor, this Nation of ours will not have many friends in Europe, and that is not necessarily our fault. Germany will feel ugly toward us simply because we have not done certain things we could not do. Germany had hoped that the Nation by an edict of the Government would stop our citizens from supplying any munitions of war. We had not the right to do it. The provision of the seventh article of The Hague is specific, and we helped to write it, that a belligerent in time of war has the right to buy of a neutral country. The moment we would have forbidden it by act of Congress we would have violated a well-recognized principle of international law which has been universally recognized and practiced by all nations, and we could not afford to do it. However, Germany—not the German Government so much as the German people—both in Europe and in a sense here feel bitter against us. Germany says the bullets bear the mark of America, the shells indicate that they are made in the great neutral Republic, and if we are unable to meet the successful end of the war we have to give much credit to the American neutral country. That makes them feel ugly toward us. Whatever may be the individual wish of our citizens, we as a Government can not afford to violate one principle of international practice in order to win favor from any nation now in war. If we at once repudiate any such principles we have surrendered all with all countries.

The war will end with Germany inevitably feeling bitter toward this Nation, and, as I said, it is not our fault. If, on the other hand, it ends favorably to either country or ends as a drawn battle, it will not win the friendship of any belligerent. If it ends in favor of the country which has been able to secure munitions from us, Great Britain will say to us, "We did it, with you lining your pockets on the profits that have been wrought out of the blood-ridden, sanguinary fields of Europe, and it was not because you had any special interest in us, but it was the basis of the profits that you won in so doing." England will add, "We did it in spite of you," and she will not feel very kindly toward us. Mexico——

Mr. BENNET. Will the gentleman yield?

Mr. FESS. I yield to my friend from New York.

Mr. BENNET. Right in line with his thought, does the gentleman think that the very proper and wholly admirable note of Secretary Lansing in this morning's paper will incline Great Britain to feel very friendly toward us?

Mr. FESS. Oh, no. It will drive her way beyond what she is now. She has proceeded upon the basis, it appears, that her struggle is ours. When she learns differently, as she must soon learn, she will be driven further. This note made public to-day, conceding it a strong statement of our rights in the controversy, is not strong enough. Time will prove she will treat it as our former notes have been treated, I fear.

Mr. FOCHT. Will the gentleman state if he knows of any time when England was friendly to the United States?

Mr. FESS. I thought I could say this without offending anybody, because in all of England's contests since the Civil War here in America my sympathies have been on her side. Even in the Boer War, when it appeared that 95 per cent of our people were against England, I felt that England was on the right side of that issue. I am of opinion, from the attitude of the Boers to-day, that I was justified in my beliefs. I say that much, so that you may not think I am prejudiced when I speak frankly upon the present situation.

Now, this is what I want to say in answer to my friend from Pennsylvania, that in a contest with our mother country over items of commercial rights she has never conceded except as she had to. Never! That is our history. I challenge any Member on this floor to show that she has conceded anything except as we have commanded it. The most recent incident was over the Venezuela episode, back in 1887, and again in 1895. And I want to say another thing—that that great country, the mistress of the sea, a naval power both commercial and defensive, the inevitable result of a system growing out of a consistent policy for 150 years, that has reached the most magnificent, majestic proportions as a sea power of any nation in all history, has so conducted the contest in Europe that while she was burdened with but $3,000,000,000 of indebtedness when the war came, but which has reached $13,000,000,000 now, yet she

has so proceeded that it has been, aside from loss of life, a distinct commercial profit on the sea for that great nation. There is no doubt about that. Churchill's leading question as to the whereabouts of the 5,000,000 soldiers was legitimate. The entire course of Britain in this war proves her determination to maintain her position uncrippled. Britain could not be found anywhere on the civilized sea with a great merchant vessel, with her bunkers filled with coal, that that same vessel would not be at its own coaling station before the coal would be exhausted. Her 14 miles of vessels when placed side by side indicate but one feature of this policy of navalism. She controls the cables of the world and can by simple decree put the world into outer darkness in less than a minute. She has coaling stations so numerous and convenient that almost anywhere a vessel may be found it can be supplied. She has an open port in almost if not every part of the world.

I have had wonderful admiration for the country whose white flag of commerce carries with it the English language, the English law, the English system of government, the English institutions and customs of which I have thought so much. But that does not mean that I must blind myself to the possibility of a struggle of my country with that country on the sea in due time. That is the thing I am afraid of. England's present attitude toward our rights is ominous. To our protests, without a single exception but one, reply has come she can not concede. And anybody who thinks that we are exempt from any contest with a country that treats our demands for respect of our rights as a neutral country, as I said a moment ago, refuses to look into what has taken place in the last 100 years. True, England's offense does not go to destruction of life; that is not necessary. But there is scarcely a possibility that this Nation will submit to the high-handed interferences in vogue.

I was about to say, when my friend asked me a question, that Mexico offers an occasion for our most thoughtful contemplation. In unhappy Mexico there is property belonging to German citizens, who were invited to invest; there is French property there; there is English property there. In the past four years general destruction of the property of these citizens has taken place. The time will come when the war in Europe will end and these countries will demand an adjustment in some satisfactory way. Most certainly an indemnity will be demanded on the part of these countries against Mexico for this loss. What will we do? What will be our attitude? When the indemnity is demanded and Mexico finds herself unable to pay, we will face the problem as it is. Doubtless they will demand indemnity. Can she pay it? No; she can not, no matter how small, which it will not be. The situation of Mexico now indicates the condition of her securities at the present time. I had in my possession recently a dollar bill, sent to me by a resident on the border, that circulates for 5 cents. It would be a good thing to show here, but I do not happen to have it with me. It is Carranza money. In other words, inability to pay any indemnity is the most apparent fact that you can face in Mexico to-day. And when these countries will demand indemnity, which she can not pay, a coaling station may be demanded in lieu thereof, or a slice of territory may be demanded. This is inevitable unless thwarted by some power with more command than Mexico. What will we do when that is demanded? Will we say that the Monroe doctrine is a dead letter? The Monroe doctrine, as my good friend, the former chairman of the committee, said, is no stronger than we are willing to make it. This, in my deliberate judgment, is what we will do: We will either get ready to defend the Monroe doctrine or we will surrender it—one or the other. The alternative is clear and the choice is ours to make. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BUTLER. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. FESS. I am very much obliged to my friend.

I have just time enough to say this: I have never allowed myself to be caught up with any propaganda that would give a just ground for anyone to say: "You are going into a spirit of hysteria; that you are losing your anchorage. There is a demand for preparedness, and you are losing the usual equilibrium that ought to possess a Member." I have studiously avoided linking myself with any propaganda of whatever sort. I have kept an open mind on the question of our defense, and have refused to be influenced for or against. I am firm in the opinion that no one is losing his anchorage if he decides that he will vote to place this Nation in a condition to meet what may come. Too many complicated conditions are confronting us to be totally demure. The unfortunate race question is on our western border, and it is not of our own choosing. It is a conflict between what some say is our treaty obligations on the one hand and State rights on the other. Many contend that the right of the States to control that which pertains to each State, such as the school system and the title to lands, must not be interfered with by the Nation. There is your problem on the western coast. I have never been one of our people who hold that we are bound to have trouble with Japan. Yet I am not blind to the strong contention of those on the ground. There are Members in this House for whose judgment we all have high regard who say to me that it is written in the future; that it has got to come. I have never felt that. But I do know that in our double sovereignty—the sovereignty of the Nation that makes treaties and the sovereignty of the States that make laws—there is not only room for conflict but there is conflict. It was the source of our fiercest contests in the forum in the past and was the real cause of the Civil War. That question is now on the coast, and while the remedy sought in 1860–1865 will never again be resorted to between the States and the Government, yet it ought to make us see what we may be required to meet in our dispute with a foreign country. It is not likely that we shall ever interpret our treaty-making power to extend to our denial to any State its right to regulate matters of land tenure or title or to the right to exercise plenary power over the education of her citizens. On the other hand, it is scarcely reasonable that a proud nation, claiming under treaty stipulations certain rights denied by States which the nation knows not in law, will willingly submit to such treatment. It is a situation demanding the attention of the House when we contemplate the question of preparedness against war.

This is what I want to say, to sum up: The commercial interests which lie at the very door of this world war in Europe will inevitably make a difference between us and the nation with which we will come in contact in competition on the sea. This situation is all but as prominent with us as with Europe in 1914. That is one item. The Monroe doctrine, which expresses a peculiar Americanism on this continent, is another. As is well known, it has never been looked upon with favor in commercial Europe. The specific reference is to Mexico and promises to be the earliest incident to test us. The question on the Pacific coast is another item which ought to cause us to see the danger. Here are at least three sources of danger, to say nothing of the victor in Europe, to seek a way to recoup the awful burden of debt inevitable from the war.

Fellow Members, I do not know that we are going to have war. Nobody knows it. We hope that we will not have war. But if it does not come it will not be because we were unable to defend ourselves. Our safety does not lie in our defenseless condition. The day before Christmas of this past year the boys' hall of Antioch College burned. Fortunately, it was well insured, and the companies rebuilt it. When we insured it we did not know it was going to burn, but we insured it because we were afraid it might burn. [Applause.]

My folks at home, many of them—and among them the very best people in the world, intelligent and sincere—think that my position on the Navy, in demanding a great equipment on the first line of defense is unnecessary. I say to them, "I am ready, with the situation confronting us as a world power, with the complicated questions which are yet unsolved becoming more complicated, to vote for national insurance." And I will vote for any reasonable increase of the Navy that you may bring in. I will do so in the full belief that if we do not build a strong defense because it costs too much, we will be risking millions to save hundreds. I am not satisfied with the majority report. I want what you propose, but there are items omitted that should be provided. I would like to have a greater flotilla of submarines. Our extensive coast line demands a mobile coast defense. I want an increase of the eyes of the Army in the aviation corps. This arm of the service has proved its vast importance. I want the battle cruisers you have provided in this bill, but I want some dreadnaughts in addition to the fast cruisers. Let us make the first line of defense capable. It is the best national insurance I know anything about. [Prolonged applause.]

Mr. BUTLER. Mr. Chairman, I yield 30 minutes to the gentleman from California [Mr. STEPHENS], a member of the committee. He has given the subject a great deal of attention.

The CHAIRMAN. The gentleman from California [Mr. STEPHENS] is recognized for 30 minutes.

Mr. STEPHENS of California. Mr. Chairman, all good citizens, men and women alike, pray that this, our beloved country, may never again be forced into war. No man with a heart for others, no man with family or friends, wants war. All of us want peace, now and during the years to come. We seek the peace that will make us self-respecting and keep us busy and happy at home. We must have the peace that will make us

respected and honored in all other lands, whether they be to the south of us or beyond either great ocean.

There is at this time no way of guaranteeing peace; there is nothing now possible for us to do that will make peace constant, continuing, and everlasting between nations any more than between individuals. All that we can do is to try to prevent war, to keep it off if we can, and to prepare to defend and care for our own if war should come.

Fire engines and firemen do not prevent fires, though we pay out $50,000,000 annually to men who are prepared to fight fire, and we would laugh at him who would suggest that fires were caused by firemen. In 1914 fire insurance premiums in the United States amounted to $396,549,677. If we spend that much or more annually to guard against possible losses by fire, why should we not spend millions on millions to guard against war's greater material loss and its awful sacrifice of hundreds of thousands of human lives?

Sheriffs, constables, and police do not make crime impossible. They only lessen it and apprehend the wrongdoers. Yet we spend hundreds of millions each year for them. As we seek to protect our cities and towns against crime, why should we hesitate to prepare against war?

The American people in 1914 paid out $745,794,982 in life insurance premiums—not to prevent death, but to protect those left behind. Thousands of millions more would be cheerfully expended if death could be prevented or life prolonged through life insurance. Preparedness is national life insurance of the very highest type and character. It is the only insurance that prolongs life and insures against death, not only of the Nation as a whole, but more particularly of its individual members. It prevents disease and keeps away sickness by teaching and preparing the men of the country to care for themselves. The young men of the Nation will be better fathers and better citizens, too, after physical training, such as is given our Army and Navy boys.

Adequate preparedness makes war less probable—may prevent it—for the weak rarely attack the strong. If I believed that preparedness would hasten war, I could not be for it; but believing as I do that preparedness will delay, perhaps prevent war, I am for it with every word and all the strength I have.

From the cradle to the grave, life is one continual round of preparedness measures. The care we get at home, the education given us by our schools, the drilling in trade or business or profession, are only the preparedness measures of to-day for the life we shall lead to-morrow. Every man and woman has an umbrella ready for the rainy day, and carries it, too, as a preparedness measure. When we buy a home we get a notary to draw the deed because he has prepared himself to do it right. When we are in trouble we hire a lawyer because he is prepared to advise or defend us, and when we are ill the doctor is called, because he is prepared to relieve or cure us. In fact, we employ only those whom we believe best prepared, and we strive to meet every situation in life by being well prepared for it.

In my judgment, the thing most likely to keep this country at peace with all other nations beyond the seas is an adequate Navy. The cost should not be counted, for cost what it may, it can not cost more than a mere bagatelle as compared with the money expense of war.

Mr. Chairman, the United States should be and must be the second naval power among nations. I wish it could be first, but that is so impossible for so many years to come as to make it idle to consider now. Second place, however, we should have; and so undoubtedly second as to make us able to withstand an attack on either the Atlantic or Pacific coast, or on both coasts at the same time should a double attack be made. And to be attacked simultaneously on the east coast and on the west coast is far, far from the impossible within the next decade. When the great war now raging is over there will be thousands, yes, hundreds of thousands of men, veteran soldiers inured to privations and to hardships of every kind, who with home ties loosened, with no work or business or profession to return to, restless and necessarily dissatisfied, will seek new fields of adventure, and their respective governments will be obliged, willingly or unwillingly, to back them up in much they do. Asia and Africa have been apportioned, so where is there a more likely field than in Mexico, Central or South America? If restless nations, fresh from war, seek lands and dominion in either, what will the United States do? Will she sit quietly by and permit the Old World to begin again to absorb the New World? Will the United States permit England or Germany or France or Austria or Italy to take over any part of any country south of us? Will the Monroe doctrine mean nothing?

During the next 10 years the United States will be more severely pressed from without than for 50 years past, and she should have, must have, the voice of confident power and adequate preparedness with which to ask and require that laws of humanity be lived up to, that international obligations be kept, and that this Western Hemisphere remain the new and advancing world.

The Atlantic and Gulf coasts of this great country are not adequately defended. They should be. I favor fortifications and a larger Atlantic Fleet that proper defense may be furnished them. But as compared with the Pacific coast the Atlantic is surfeited with defense. One of our immortals, Gen. John A. Logan, when asked how he felt after defeat for a presidential nomination, said: "I am too big to cry and it hurts too bad to laugh." Paraphrasing that, the Pacific coast is too patriotic to cry and the situation is too serious for laughter. No; I am not unduly concerned. Neither am I understating, nor underestimating, the value of what we have there with which to defend ourselves, when I say that our coast defenses are very limited, our Army very small in numbers, and our Navy there not sufficient to withstand one enemy battleship.

Mr. Chairman, I desire now to submit for the particular attention of the Members of the House certain excerpts from the testimony given to the House Naval Committee since January 1 by some of the foremost authorities in our Navy:

COMMITTEE ON NAVAL AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Thursday, February 24, 1916.

The committee met at 2 o'clock p. m., Hon. LEMUEL P. PADGETT (chairman) presiding.

At the expiration of the recess the committee resumed its session.

STATEMENT OF REAR ADMIRAL C. M'R. WINSLOW, COMMANDER IN CHIEF OF THE PACIFIC FLEET.

Mr. STEPHENS. Admiral, you are commander in chief of the Pacific Fleet, I believe?

Admiral WINSLOW. Yes.

Mr. STEPHENS. Will you tell the committee, please, how much of the Pacific Ocean your fleet is supposed to cover?

Admiral WINSLOW. I do not know exactly where we run against the Asiatic Fleet, but in latitude I think we go from the North Pole to the South Pole.

Mr. STEPHENS. Then, your fleet is supposed to cover the Pacific coast from and including Alaska to the Panama Canal?

Admiral WINSLOW. Oh, yes; and South America, too.

Mr. STEPHENS. And you go beyond the Hawaiian Islands.

Admiral WINSLOW. Yes.

Mr. STEPHENS. Then, Admiral, the Pacific Fleet covers, or is meant to cover, as much territory, anyway, as the Atlantic Fleet does?

Admiral WINSLOW. As much coast line?

Mr. STEPHENS. As much coast line and as much general surface of the earth?

Admiral WINSLOW. Yes; about the same thing.

Mr. STEPHENS. You are stationed generally at San Diego?

Admiral WINSLOW. No, sir; not necessarily. I have been three months down on the coast of Mexico.

Mr. STEPHENS. You have to look after the Mexican coast and the South American coast?

Admiral WINSLOW. Yes; most of the vessels of my fleet are down there now

Mr. STEPHENS. The *San Diego* is your flagship?

Admiral WINSLOW. Yes.

Mr. STEPHENS. Does she go out to practice at times?

Admiral WINSLOW. Yes.

Mr. STEPHENS. Has she lately been at practice?

Admiral WINSLOW. Yes; she has been firing at a target this last week.

Mr. STEPHENS. How long was she absent from San Diego?

Admiral WINSLOW. This last time she has been out, I suppose, about a week or 10 days. She comes in for a day and goes out again—a day or two.

Mr. STEPHENS. Do you go out with her generally?

Admiral WINSLOW. Generally, yes.

Mr. STEPHENS. Sometimes you do not?

Admiral WINSLOW. Only once I have not been out with her.

Mr. STEPHENS. What did you use as a staff headquarters and flagship while she was out there?

Admiral WINSLOW. The *Iris*.

Mr. STEPHENS. What is the *Iris*?

Admiral WINSLOW. The *Iris* is a tender for destroyers.

Mr. STEPHENS. She is a mother ship to the destroyers?

Admiral WINSLOW. A mother ship to the destroyers.

Mr. STEPHENS. Has she any guns aboard for defensive purposes?

Admiral WINSLOW. She may have; none that I have ever seen; they are of no great military value if she has any.

Mr. STEPHENS. How old a ship is the *Iris*, Admiral?

Admiral WINSLOW. She is old enough to be of little use. I do not know how old she is.

Mr. STEPHENS. I have seen somewhere in a newspaper that the *Iris* was built about a hundred years ago on the Tyne in England. Is that true, do you think, Admiral?

Admiral WINSLOW. I do not know how long ago, but she shows wear and tear.

Mr. STEPHENS. She is of no value whatever, except as a mother ship?

Admiral WINSLOW. She is of no value whatever, except to lie at San Diego at anchor. She really is not seaworthy. I had her down in the Gulf of California with me, and I convoyed her back. Her boilers are giving out, and if she got caught on a lee shore she would not have power to get off.

Mr. STEPHENS. Why did you use the *Iris*?

Admiral WINSLOW. You mean why did I use her for myself?

Mr. STEPHENS. Yes.

Admiral WINSLOW. Because she was the only thing I had there to use, except the destroyer, and the *Iris* was more convenient.

Mr. STEPHENS. Then, the commander in chief of the Pacific Fleet, when his flagship was away, had nothing else to use except a vessel obsolete in every possible way, and carrying no guns whatever?

Admiral WINSLOW. I could have used a destroyer. I had some destroyers there.

Mr. STEPHENS. Even the commander of the destroyer fleet does not use the destroyer as a flagship, does he?

Admiral WINSLOW. He lives aboard the *Iris*, normally, but when the destroyers are working, he goes aboard one of them, because the *Iris* will not keep up with them, and he would get left behind.

Mr. STEPHENS. You have one armored cruiser in your active fleet; how many are there in the reserve fleet?

Admiral WINSLOW. They have four in the same class as the *San Diego*, and then there is the *Charleston*, the *Milwaukee*, and the *St. Louis*, which are smaller ships.

Mr. STEPHENS. They are cruisers, though, are they not?

Admiral WINSLOW. They are cruisers; they have some armor; they are large cruisers, but have no turret guns.

Mr. STEPHENS. You have one armored cruiser in commission and five armored cruisers in reserve; is that right?

Admiral WINSLOW. Yes.

Mr. STEPHENS. How many cruisers have you in active commission?

Admiral WINSLOW. Six; that is, including gunboats.

Mr. STEPHENS. But the gunboat is not a cruiser, is it?

Admiral WINSLOW. She is doing the work on the Mexican coast.

Mr. STEPHENS. You are making a gunboat do the work of a cruiser?

Admiral WINSLOW. No; but she is doing the work better than a cruiser could do it. She is in a harbor where there is shoal water, and a larger cruiser could not get in there.

Mr. STEPHENS. Have you one gunboat or two?

Admiral WINSLOW. One is in the navy yard, and one is doing the work down there.

Mr. STEPHENS. One gunboat that is really serviceable?

Admiral WINSLOW. They take turns down there.

Mr. STEPHENS. How many cruisers have you in reserve, Admiral?

Admiral WINSLOW. Armored cruisers?

Mr. STEPHENS. Five, you said, of armored cruisers?

Admiral WINSLOW. Yes; five armored cruisers, and three protected cruisers.

Mr. STEPHENS. How many destroyers have you in your fleet?

Admiral WINSLOW. Five.

Mr. STEPHENS. And how many in the reserve fleet?

Admiral WINSLOW. Four.

Mr. STEPHENS. How many submarines in the active fleet?

Admiral WINSLOW. Seven; three *H* boats and four *K* boats.

Mr. STEPHENS. How many in the reserve fleet?

Admiral WINSLOW. I think three *F* boats.

Mr. STEPHENS. And battleships?

Admiral WINSLOW. I have not any.

Mr. STEPHENS. You have not any at all in active commission?

Admiral WINSLOW. No.

Mr. STEPHENS. Nor are there any in reserve?

Admiral WINSLOW. The *Oregon* is out there, but she does not belong to me.

Mr. STEPHENS. Is she in reserve?

Admiral WINSLOW. She is assigned to the Naval Militia.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield there?

Mr. STEPHENS of California. Yes.

Mr. COOPER of Wisconsin. That testimony about the conditions existing out there refers to the present year?

Mr. STEPHENS of California. Yes; in February, 1916.

Mr. COOPER of Wisconsin. There is no battleship out there under Admiral Winslow?

Mr. STEPHENS of California. There has been no battleship there under Admiral Winslow or any other admiral, except when the big fleet went around the world.

Mr. COOPER of Wisconsin. So that if it were necessary to relieve or strengthen the fleet on the Pacific coast you would have to send battleships from the Atlantic clear around the Horn or through the Panama Canal?

Mr. STEPHENS of California. Yes; and it would take a battle fleet almost three weeks to go from the Atlantic through the canal to San Francisco. I read further:

Mr. STEPHENS. Of the seven submarines in active service, where are they located?

Admiral WINSLOW. There are three of them at San Pedro, or were there when I left there, and the *K* boats are at Honolulu.

Mr. STEPHENS. Honolulu is how far from the Pacific coast proper?

Admiral WINSLOW. I have forgotten the exact distance. I think it is about 2,000 miles, is it not?

Mr. STEPHENS. Between twenty-one and twenty-two hundred miles.

Admiral WINSLOW. Something like that.

Mr. STEPHENS. Admiral, with this fleet which you have named, you are supposed to take general care of the territory you have outlined, are you not?

Admiral WINSLOW. Just now I am taking care of the west coast of Mexico. I do not understand that there is anything else out there that needs taking care of.

Mr. STEPHENS. But if there were anything, or if anything developed anywhere on the Pacific coast, it would be your duty to look out for it, would it not, with your vessels?

Admiral WINSLOW. Yes.

Mr. STEPHENS. Admiral, with the fleet that you have named to this committee, do you think the Pacific coast proper is adequately prepared for defense?

Admiral WINSLOW. No; certainly not. I do not think that there is any pretense that it is, with that fleet.

Mr. STEPHENS. Admiral, is the American Navy prepared to-day to fight an enemy that would be at all likely to attack this country on the Pacific Ocean.

Admiral WINSLOW. You mean the whole Navy?

Mr. STEPHENS. Yes, sir; in its present condition and position.

Admiral WINSLOW. When you come to talk about the present position and all that, you are going into strategy, and if you want me to talk about that you had better talk behind closed doors, because I do not think it ought to be given out.

Mr. STEPHENS. If I ask any questions to which you think you should not give an answer, I hope you will withhold your information until later.

Admiral WINSLOW. No. If you want me to say whether we have sufficient fleet out on the Pacific, we have not any fleet on the Pacific; we do not pretend to have; nothing but that one armored cruiser, but if we had more men, I suppose we would commission the other armored cruisers, but so far as we have, our force is all in the Atlantic. That is known as a matter of statistics. Anybody can get the names of the ships we have out there, and what we have here, but what we would do in the event of war in the Pacific, or war in the Atlantic, involves strategy, which should not be given out.

Mr. STEPHENS. Admiral, tell us the condition, if you can, of the cruisers and armored cruisers that are in reserve to-day; how long it would take to put them in condition to go to sea, fit to fight.

Admiral WINSLOW. I do not know the condition of all of them. I think some of them could be commissioned just as soon as you could put the men and stores upon them.

Mr. STEPHENS. How many of them?

Admiral WINSLOW. I do not know. The *Maryland* was put out of commission very lately, and I do not know what they are doing with her in the navy yard; but as she was then, she could have gone right back into commission. The *South Dakota* has gone up to the Mare Island yard to be docked; I do not think they are going to do much more on her than to dock her. The *Milwaukee* is at San Diego now. She could be commissioned right away, I think. I have asked for her to be a parent ship for destroyers. I do not know the condition of the *Charleston* or the *St. Louis*. You see, they pass out of my control when they are not in my command.

Mr. STEPHENS. Admiral, how long has it been since the *Milwaukee* was in active commission?

Admiral WINSLOW. I do not think she has been in active commission for a long time.

Mr. STEPHENS. Seven, or 8, or 10 years?

Admiral WINSLOW. I should think several years.

Mr. STEPHENS. Has she fired any guns at all in that time, that you know of?

Admiral WINSLOW. I doubt it very much.

Mr. STEPHENS. Are there not a number of the cruisers and armored cruisers now in reserve that have not fired their guns for a good many years?

Admiral WINSLOW. I dare say—the protected cruisers. The *Maryland* was about to have target practice, and she was put out of commission just about a week before the time for firing, so she did not fire. She was put in reserve. I do not know when she had fired before that.

Mr. STEPHENS. Would you like to send such vessels to sea, without having experimented with their guns first? Would you feel it a safe thing to do?

Admiral WINSLOW. Their guns are not different from any other mechanism. You lay a ship up for a long time, and when you start her out you will find about everything wrong; you will find her piping leaking, joints leaking, and unless you work things up to approximately their maximum capacity from time to time, they will not work up to their maximum capacity when you want them.

Mr. STEPHENS. Then ships do deteriorate and very rapidly when they are in reserve?

Admiral WINSLOW. Oh, they undoubtedly deteriorate when in reserve.

Mr. STEPHENS. And they become inoperative?

Admiral WINSLOW. Undoubtedly, unless they can be taken out frequently and driven at full speed and their turrets and gun mechanism and everything else worked just as it would in action.

Mr. STEPHENS. Admiral, what would you think the difference would be in the value of a ship as a fighting ship before going into reserve, and five years after, when she would come out?

Admiral WINSLOW. You are going to keep her in reserve five years on a stretch?

Mr. STEPHENS. Yes; that has been done with some of the boats on the Pacific, as I understand—cruisers and armored cruisers now in reserve.

Admiral WINSLOW. She would not be fit to go into action until she had had considerable tuning up, and very likely she would have to go back to a navy yard; and then it would require considerable time to develop her personnel. That has been our experience with the Atlantic Fleet. I have seen ship after ship come out that way and join the fleet, and in a short time they had to go back to the navy yard.

Mr. STEPHENS. What would you consider her percentage of value when she went out, compared with when she went in?

Admiral WINSLOW. As to when she went into reserve?

Mr. STEPHENS. Yes.

Admiral WINSLOW. If she had to go back to the navy yard, she would not have any percentage of value. She would not be of any use to the fleet at all; but she might have a value for driving at low speed, but it would be very unlikely that she could go up to her speed, and her men would be untrained.

Mr. STEPHENS. Supposing, Admiral, the armored cruisers now in reserve in Pacific waters had been there for five years, what would you estimate their percentage of value to be as compared with their value when they went into reserve? How much do they deteriorate, ordinarily?

Admiral WINSLOW. I do not know that it could be expressed mathematically. You would find them all different; you would find some that would have more to be done to them than others. You would not be justified in running them at full speed, because you would take too much chance of killing men. You would have to work them up to their efficiency gradually, and train the men.

Mr. STEPHENS. You would not equip a vessel that had been in reserve for some years with men and supplies, and send her out to fight unless you had to, would you?

Admiral WINSLOW. I would, if I had to, of course.

Mr. STEPHENS. I say, unless you had to.

Admiral WINSLOW. But the chances are she would not get very far. She might, if she had been very well cared for, but the chances are that some of her steam piping or water pipes would go to pieces if you put them under pressure; the gaskets and all those things dry out. She might not have seriously deteriorated, understand; but those little things mean as much as anything else when you come to use them. Aboard our ships we always work our turrets and our gun mechanisms at very frequent intervals, and that is the only way that we can know they will work.

The CHAIRMAN. That is what you keep the crew on them for, is it not?

Admiral WINSLOW. Yes; but still they can not take her to sea and run her. There is a great difference between 50 pounds of steam and 250 pounds.

The CHAIRMAN. But ships in reserve are occasionally taken out for trial practice on short trips, are they not?

Admiral WINSLOW. Not very much, and not under very high pressure.

Mr. STEPHENS. What is the condition of the destroyers on the Pacific coast?

Admiral WINSLOW. I think they are all being overhauled now for the time being. They are about to go up for their annual overhauling. They are not in bad condition. They are old boats, and their speed is cut down, but they are in good seaworthy condition; I mean, with this temporary overhauling.

Mr. STEPHENS. Admiral, you have no vessels that are new, have you?

Admiral WINSLOW. No; we have nothing new.

Mr. STEPHENS. On the Pacific coast now?

Admiral WINSLOW. No.

Mr. STEPHENS. Everything that you have there is practically obsolete, is it not?

Admiral WINSLOW. You would not call those destroyers entirely obsolete. They have a military value.

Mr. STEPHENS. I did not say "entirely obsolete." I said "practically obsolete."

Admiral WINSLOW. The ships were not good ships originally, but they could still do approximately any fighting that they have ever done before, if we put them in order. They have low-powered guns and are not very fast ships.

Mr. STEPHENS. What are the largest guns you have aboard?

Admiral WINSLOW. Eight-inch guns.

Mr. STEPHENS. If you were to approach an enemy with the fleet that you have, how many enemy battleships do you think it would take to conquer the fleet that you have, supposing the personnel of both fleets fighting as best they knew how?

Admiral WINSLOW. Bar luck, one good battleship ought to be stronger than all we have got.

Mr. OLIVER. Mr. Chairman, will the gentleman permit a question there?

Mr. STEPHENS of California. Yes.

Mr. OLIVER. Did not the hearings disclose that it was the continuous policy of the General Board to keep the fleet together on the Atlantic?

Mr. STEPHENS of California. Yes; and I will say to my colleague that I do not expect a division of the Atlantic Fleet as at present constituted, but I do want battleships and submarines and destroyers and air craft added to this program, in order that we may have some to send to the Pacific coast. [Applause on the Republican side.]

Mr. BUTLER. Mr. Chairman, will it annoy the gentleman for me to ask him a question?

Mr. STEPHENS of California. No.

Mr. BUTLER. With but few or no exceptions have not the admirals recommended battleships, and have they not said that if we could build but two or three ships they should be cruisers, but every man among them has demanded battleships?

Mr. STEPHENS of California. Yes.

Mr. BUTLER. I will call attention to specific statements of those officers before the discussion closes.

Mr. STEPHENS of California. It is my recollection that every man who came before us testified to the necessity of battleships. They recommended that battleships be authorized, though some of the officers thought that if we were to have but two or three ships constructed it would perhaps be better to construct cruisers; but none of them, according to my recollection, recommended cruisers without battleships if we had a fairly large program.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of California. Yes.

Mr. CALLAWAY. I want to ask the gentleman if it is not a fact that no man appearing before the committee recommended battleships unless we were going to build more than four capital ships except Admiral Badger, and Admiral Badger was asked to put a table in the record showing what was necessary to balance the ships, and——

Mr. STEPHENS of California. If the gentleman will shorten his question I will be glad to give him the time, but I can not give him time for a speech.

Mr. CALLAWAY. Admiral Badger put a table in the record showing that it would take six cruisers to balance the battleships that we have.

Mr. STEPHENS of California. I am willing, for argument's sake, to admit the gentleman's statement concerning construction of more than four capital ships, but the majority of the committee has not followed the recommendations of the officers he speaks of. You are proposing to build more than four capital ships, and not one dreadnaught is provided for in the program.

Mr. CALLAWAY. The question I asked was——

Mr. STEPHENS of California. I can not yield further, Mr. Chairman. I have only a few minutes, and I must get through.

The CHAIRMAN. The gentleman declines to yield.

Mr. STEPHENS of California. The testimony of Admiral Fiske, in reply to questions from me, I will now read.

Mr. MEEKER. Mr. Chairman, will the gentleman yield there for a question?

Mr. STEPHENS of California. Yes.

Mr. MEEKER. Will the gentleman please explain to the House why the committee has refrained from placing any dreadnaughts on the Pacific coast?

Mr. STEPHENS of California. Well, the majority of the officers of the Navy candidly say that that fleet should not be divided when it is no larger than we have now.

Mr. MEEKER. I beg the gentleman's pardon. I mean for the building of new dreadnaughts for the Pacific.

Mr. STEPHENS of California. I believe the day is not far distant when dreadnaughts and battle cruisers will be built for the Pacific coast. I am not sure but that it will follow the 4th day of next March, because I am sure the complexion of this House will be changed at that time. [Applause on the Republican side.]

Now I read further:

Mr. STEPHENS. Do the men on the reserve fleet get any sea practice or gunnery practice?

Admiral WINSLOW. Yes, sir; they get sea practice sometimes. For instance, the *Milwaukee* is now the flagship of the commander in chief of the Pacific. She was not long ago up to San Francisco and then she went down to San Diego.

Mr. STEPHENS. Then the men on the *Milwaukee* have had some sea practice?

Admiral WINSLOW. Yes; and other ships go to sea once in a while for short distances, and there is an effort to drill them as much as they can, but they do not have gunnery practice, because you can not have gunnery practice with a reduced crew like that.

Mr. STEPHENS. The men in the reserve fleet, while in reserve, really never get any gunnery practice?

Admiral WINSLOW. I do not think they ever do, except on the destroyers. The reserve destroyers have practice. They are not required to have the same gunnery practice that the other ships have, but one of them did have practice this year with their small guns and they have their torpedo practice, but the larger ships do not.

Mr. STEPHENS. What do you think is necessary in submarines for the adequate defense of the Pacific coast?

Admiral WINSLOW. If I answered that question I would merely give you figures. I noticed the figures that Admiral Grant gave you, but to answer that question intelligently it ought to be put on the game board at the War College under different conditions.

Mr. STEPHENS. Do you think the number, 48, given by Admiral Grant adequate?

Admiral WINSLOW. I should not say that was excessive. I think probably they would work it out to use more, because you can not use submarines all the time anywhere. You have to rest them up. They can not stand the life. Therefore you can not say if you had 48 submarines you could keep them moving all the time; very likely you would not have more than 60 per cent or 70 per cent, if you had any above 50 per cent, actively after the enemy.

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COMMITTEE ON NAVAL AFFAIRS,
HOUSE OF REPRESENTATIVES,
Monday, February 14, 1916.

STATEMENT OF CAPT. J. S. M'KEAN, UNITED STATES NAVY.

Capt. McKEAN. I am assistant for matériel in the Office of Naval Operations. I have general charge of the material of the whole service. It is the old office of aid for matériel under another name, with some limitations and some additions.

Mr. STEPHENS. In your opinion, how many submarines should we have on the Pacific coast?

Capt. McKEAN. On the coast itself?

Mr. STEPHENS. Yes, sir; on the main coast.

Capt. McKEAN. I would work that question as Admiral Grant did, in squadrons of 18, divisions of 6, and sections of 3, and I should say 9 to operate from each of four bases. That would be 36 altogether as a minimum.

Mr. STEPHENS. You said the minimum was 36. Would that be adequate, do you think?

Capt. McKEAN. I think if they were good boats; yes. That is a question. That is difficult water to mine and is excellent water for torpedo-boat work. Then the fleet submarines would be 12 more, which would make 48 for the coast.

Mr. STEPHENS. Then you agree with Admiral Grant in the total number of submarines?

Capt. McKEAN. I do not recall what he put at the coast stations, but that is my idea.

Mr. STEPHENS. Forty-eight was his number.

Capt. McKEAN. Forty-eight would be the minimum.

Mr. STEPHENS. In the Army and Navy Journal, in the issue previous to the last one, there was given as along the Pacific coast one armored cruiser and five cruisers in active service.

Capt. McKEAN. That is, in the active fleet with Admiral Winslow. The flagship is the only armored cruiser in the outfit.

Mr. STEPHENS. It stated that those five cruisers were of the third class. Does that mean that they are the poorest of the cruisers?

Capt. McKEAN. They are just about one remove from a gunboat. We have cruisers of the first, second, and third classes. That includes the *Cleveland*, *Yorktown*, and that class, some of them entitled to be called "cruisers."

Mr. STEPHENS. In reserve there were at that time five armored cruisers and three cruisers.

Capt. McKEAN. Yes, sir; five of the same class as the *South Dakota*, the *San Diego*, *West Virginia*, *Colorado*, *Maryland*. Then there are the three—the *Charlestown*, *St. Louis*, and *Milwaukee*.

Mr. STEPHENS. In torpedo boats, it stated there were six in active service and four in reserve.

Capt. McKEAN. Five in active service and four in reserve—nine oil burners—on the west coast. I do not see where they got the sixth. They may be counting a torpedo boat as in reserve. There are nine oil-burning torpedo-boat destroyers on the west coast.

Mr. STEPHENS. Are those in active service in pretty good fighting condition?

Capt. MCKEAN. They are all in about the same condition. The whole nine of them were just declassed the other day to coastal torpedo craft. They are neither fast enough nor long-endurance enough to rate as destroyers which must keep up with the fleet. The fleet has gotten faster and they have gotten slower and dropped back, and we classified them the other day as coastal torpedo craft.

Mr. STEPHENS. What about the submarines?

Capt. MCKEAN. We have three H's operating and three F's under repair.

Mr. STEPHENS. I have named everything on the Pacific coast proper that we have, except two gunboats.

Capt. MCKEAN. Two gunboats and the battleship *Oregon*.

Mr. STEPHENS. The *Oregon* is not a first-line battleship at this time, is she?

Capt. MCKEAN. She is legitimately in the third line, coast defense.

Mr. STEPHENS. She is now more than 23 years old, is she not?

Capt. MCKEAN. Yes, sir.

Mr. STEPHENS. And would not be sent out to fight if we could help it?

Capt. MCKEAN. Oh, she would be sent out to fight, but would not be sent out far. She would not be sent out with the fleet to fight, because her slow speed would detain the fleet.

COMMITTEE ON NAVAL AFFAIRS,
HOUSE OF REPRESENTATIVES,
Tuesday, February 22, 1916.

The committee this day met, Hon. LEMUEL P. PADGETT (chairman) presiding.

STATEMENT OF REAR ADMIRAL CHARLES J. BADGER (RETIRED), MEMBER GENERAL BOARD.

Mr. STEPHENS. With one obsolete battleship, proud of her as we are, a dozen cruisers, nearly all of them third class, three submarines in fighting condition to-day, with three more under repair, and nine or ten torpedo-boat destroyers on the Pacific coast, do you consider that coast very well defended?

Admiral BADGER. Mr. Stephens, the assignment of ships to stations is a matter of policy in the Navy Department, and I will have to beg that you will not require me to answer a question which would be possibly a criticism of the Navy Department's policy.

Mr. STEPHENS. You would like to be excused from answering that question?

Admiral BADGER. The assignment of ships by the Navy Department is not a subject which I think any officer in the Navy should criticize publicly.

Mr. STEPHENS. I am not so anxious to criticize the department as I am to have the Pacific coast well defended.

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Mr. STEPHENS. Was the board's program of July intended to defend the Atlantic coast only?

Admiral BADGER. It was intended to increase the power of the Navy.

Mr. STEPHENS. Did the board forget that there are two coasts in this country?

Admiral BADGER. No; we think of it all the time.

Mr. STEPHENS. I thought you had, but I can not understand why the board does not make some recommendation for adequately defending the Pacific coast.

Admiral BADGER. That care will come when we get the necessary number of ships.

THE COMMITTEE ON NAVAL AFFAIRS,
HOUSE OF REPRESENTATIVES,
Friday, March 24, 1916.

The committee this day met, Hon. LEMUEL P. PADGETT (chairman) presiding.

STATEMENT OF REAR ADMIRAL BRADLEY A. FISKE.

Mr. STEPHENS. Admiral Fiske, until a short time ago you were Chief of Operations, were you not?

Admiral FISKE. They called it aid for operations.

Mr. STEPHENS. When did you resign?

Admiral FISKE. The 1st of April, 1915.

Mr. STEPHENS. Previous to that time you were acquainted with the general duties of the fleets of the United States?

Admiral FISKE. Yes, sir.

Mr. STEPHENS. What are the duties of the fleets?

Admiral FISKE. To enforce the policies of the country.

Mr. STEPHENS. Can you be a little more specific?

Admiral FISKE. Every Government has certain ideas which it wishes carried out, and certain defense which it thinks necessary. The Navy is to defend the policies of the country. It may be by actual battle, and it may be forced actually to defend the country upon invasion, or it may be compelled to go somewhere else to prevent somebody from doing something he ought not to do. If we were attacked, for instance, in Porto Rico by a foreign fleet, we might have to send the fleet there. If our Panama Canal should be assailed, we might have to send the fleet there. Do I answer your question?

Mr. STEPHENS. Is it the purpose of the Navy to have the fleet to patrol and in a measure take care of the ocean in which it is?

Admiral FISKE. I think it is for our country, because our coasts are so far apart. They are joined only by the canal. That canal is not a ditch through the sand, but it is a whole organized machine, and, like all machines, it is apt to get out of order. If it should get out of order at any time, we might not be able to send our fleet through. If half of our fleet got through, the canal might be put out of order, by intention, by some hostile act, or by some accident. There we would have our fleet divided; and it might take a long while to get that repair made.

Mr. STEPHENS. The fact that the Panama Canal is uncertain as to operation, in addition to trouble that might come to it from an enemy, makes it almost impracticable to have one fleet protect both coasts, does it not?

Admiral FISKE. Absolutely impracticable, because we might be attacked on both coasts. If we are attacked on the Atlantic coast, it is thoroughly possible for us to be attacked on the Pacific coast at the same time.

Mr. STEPHENS. Are you acquainted with the size of the fleet on the Pacific coast?

Admiral FISKE. Yes, sir.

Mr. STEPHENS. Can you give its component parts?

Admiral FISKE. No, sir; I might get them.

Mr. STEPHENS. Let me recite them. One battleship, 23 years old, now used as a training ship; one armored cruiser in active commission and five in reserve; five cruisers in active commission and three in reserve; five torpedo boat destroyers in commission and four in reserve; three submarines active on the coast; four submarines active at Honolulu; and three in repair at Mare Island Navy Yard; and two gunboats. So far as you know, is not that the Pacific Fleet complete?

Admiral FISKE. That is about correct, sir; yes.

Mr. STEPHENS. What part of it is stationed at Honolulu?

Admiral FISKE. I do not remember now.

Mr. STEPHENS. There are four submarines at Honolulu, are there not?

Admiral FISKE. Yes; I know that.

Mr. STEPHENS. With that exception, all the rest of the fleet is along the Pacific coast proper?

Admiral FISKE. Yes, sir.

Mr. STEPHENS. Do you know how much of the Pacific coast and the Pacific Ocean that fleet is taking care of?

Admiral FISKE. All of it.

Mr. STEPHENS. In other words, it takes care of the Pacific coast from the Aleutian Islands off Alaska to the Straits of Magellan below South America, and the ocean farther west than the Hawaiian Islands?

Admiral FISKE. Yes, sir.

Mr. STEPHENS. That is a much larger territory than the Atlantic Fleet has to take care of, is it not?

Admiral FISKE Yes, sir.

Mr. STEPHENS. Do you know what proportion the Pacific Fleet bears to the Atlantic Fleet?

Admiral FISKE. Hardly any proportion; it is so small. You would have to work it out by mathematics.

Mr. STEPHENS. In fighting strength, what would your opinion be as to comparison?

Admiral FISKE. One to one hundred or less.

Mr. STEPHENS. About 1 per cent?

Admiral FISKE. Yes, sir.

Mr. STEPHENS. In your estimation, how much of an enemy fleet would it take to conquer the Pacific Fleet, supposing the Pacific Fleet to be fully prepared for battle?

Admiral FISKE. Just a fleet a little larger; that is all.

Mr. STEPHENS. How many enemy battleships do you think it would take to conquer the Pacific Fleet if fully prepared?

Admiral FISKE. One battleship would be plenty, provided it had colliers and could get coal and supplies.

Mr. COOPER of Wisconsin. As I understand, that exactly corroborates the testimony of Admiral Taylor.

Mr. STEPHENS of California. It corroborates everybody who has spoken about the Pacific Fleet and its size and condition.

Mr. COOPER of Wisconsin. One enemy battleship could destroy our Pacific Fleet.

Mr. STEPHENS of California. The testimony before the committee shows that one enemy battleship could destroy our whole Pacific Fleet, even though our fleet was prepared and in the pink of condition.

Mr. FESS. Have we no battleships there at all?

Mr. STEPHENS of California. We never have had a battleship there, except the *Oregon* at the time of its construction, and she is there now, being used as a Naval Militia ship; but she is more than 23 years old and is only considered to-day a third-line battleship.

Mr. FESS. Why is that coast so defenseless?

Mr. BUTLER. I hope the gentleman will tell him right out.

Mr. STEPHENS of California. Because this country has not built enough battleships and battle cruisers, destroyers, and submarines to send some of them over there. Because this Congress and the last has not got awakened to our defenselessness.

Mr. FESS. It is time we are doing it.

Mr. BUTLER. Is it not a fact that we can not divide our fleet until we have more ships?

Mr. STEPHENS of California. We must have a larger number of all kinds of ships, battleships as well as smaller ships and auxiliary vessels, in order to have some to send over there.

Mr. TRIBBLE. Will the gentleman yield for a question?

Mr. STEPHENS of California. Yes.

Mr. TRIBBLE. The gentleman has a good deal to say about what is going to occur after the 4th of next March. Is it not a fact that this bill carries more than $100,000,000 in money more than any bill that ever passed a Republican Congress?

Mr. STEPHENS of California. That does not matter at this time. In my judgment the bill ought to carry $300,000,000 more instead of $100,000,000 more; or $500,000,000 more, if that be necessary for the construction of a fleet that will adequately defend this country, both on the Atlantic and Pacific.

Mr. TRIBBLE. That is all right; but the gentleman has not answered my question.

Mr. STEPHENS of California. I thought I had answered it. Please repeat it.

Mr. TRIBBLE. I will ask the gentleman another question. He criticizes this bill and what the Democratic Party has done for the Navy. I will ask the gentleman if year after year the Democratic Party has not done more for the Navy and appropriated more money for it than was ever appropriated by Republican Congresses?

Mr. STEPHENS of California. The records of recent Democratic and Republican Congresses speak for themselves. The United States Navy had second place previous to 1911. The

conditions in this country have been different in the last few years, though, than they were previous to 1911, and the Democratic Party has not risen to the occasion.

Mr. TRIBBLE. How have conditions been different in the last few years, until this war came on?

Mr. STEPHENS of California. I will ask, Mr. Chairman, that I be allowed to use my own time.

The CHAIRMAN. The gentleman from California is entitled to the floor.

Mr. FOCHT. The gentleman made an alarming statement a moment ago.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BUTLER. I yield to the gentleman five minutes more.

Mr. FOCHT. The gentleman said that any foreign battleship could destroy the entire Navy we might have on the Pacific coast.

Mr. STEPHENS of California. That we have now.

Mr. FOCHT. Do you undertake to say that the submarines would offer no resistance whatever to an enemy battleship?

Mr. STEPHENS of California. We have but three submarines there in active service.

Mr. FOCHT. Supposing we had one good one, would not that destroy a battleship?

Mr. STEPHENS of California. Not if the battleship was awake.

Mr. FOCHT. A battleship will have to get pretty close to land before it can destroy anything, will it not?

Mr. STEPHENS of California. No; it can stand off almost 20 miles and do very serious damage.

Mr. FOCHT. I should like to ask some gentleman, and I will ask the gentleman from California, since he is on the floor, and since he is so persistent about battleships, to say something about the efficiency of the submarine. I can not understand why some one does not bring forward the merits of the submarine, since it has been effective in European waters. When it costs but $500,000 and a battleship costs $20,000,000, why do we want to spend all the money on battleships instead of on submarines?

Mr. STEPHENS of California. The gentleman must not take all my time.

Mr. FOCHT. Please answer my question.

Mr. STEPHENS of California. I will.

Mr. FOCHT. Please answer my question instead of reading so much essay there. [Laughter.]

Mr. STEPHENS of California. I would like to say to the gentleman that this is my essay, or my speech, whatever the gentleman pleases to consider it, and I propose to make it in the way that I desire. [Applause.] However, I am quite willing to answer the gentleman's question. Ever since I came here I have been fighting for more submarines. In committee my motion was that 80 submarines be put in this program; when that was refused I moved that 50 be built. Every year I have moved that 50 submarines be added to our fleet. [Applause.]

Mr. TRIBBLE. If the gentleman will permit me, I will testify that he has advocated more submarines than anyone else.

Mr. STEPHENS of California. Thank you. I must go on.

Mr. Chairman, the few pages of naval hearings just read prove beyond question the utter lack of adequate naval preparation for even halfway defense of the Pacific coast. For the naval defense of Alaska and all that part of the United States west of the Rocky Mountains; for the naval defense of Seattle, Tacoma, Portland, San Francisco, Santa Cruz, Santa Barbara, Ventura, Los Angeles, and San Diego this great country of ours has but one armored cruiser, five cruisers, five torpedo-boat destroyers, three submarines, and two gunboats ready for service, and five armored cruisers, three cruisers, four torpedo-boat destroyers, three submarines, and one battleship of the third line in reserve. Does any man think that is adequate defense?

Admiral Winslow, commander of the Pacific Fleet, told us that even though every active ship and every reserve ship there had its full complement of guns, men, and ammunition, prepared to fight for its very life, that one enemy battleship could defeat them all. Admiral Fiske said that in fighting strength the Pacific Fleet is to the Atlantic Fleet as "1 to 100 or less" and that "one battleship could conquer the Pacific Fleet."

Is it any wonder, Mr. Chairman, that ever since I came to Congress I have labored for a larger share of the Navy's fighting craft for the Pacific coast? Is it any wonder that in season and out of season I talked for more ships on the Pacific? There is not one Member of this House without relatives or intimate friends on the Pacific coast, and there is not a community in the United States without many of its former citizens in Washington, Oregon, or California. We here to-day are engaged in building up the defenses of our country, in order to preserve our children, our wives, our mothers, and our fathers. Your children or your parents live now with us on the Pacific coast. Adequate protection for every part of the United States is demanded. The money is a secondary consideration. I am sure you will soon heed our call and give us what we ask. I know the Atlantic Fleet will not be divided, perhaps it should not be, and so I want more ships of every kind, to the end that the Pacific coast and the Atlantic coast may both be adequately defended.

Our Navy should be the second navy in the world, and it is my personal opinion that it should be made so at the earliest day possible. The General Board of the Navy knows what this country needs to put us in second place, and in the early part of this month it made the statement published herewith.

Additional ships, personnel, and munitions necessary to place the United States second in naval strength.

[This report was made by the General Board of the Navy May 2, 1916.]

The table includes United States ships built, building, and authorized to date. For the second naval power the data are for ships built, building, and authorized July 1, 1914, corrected for known additions and losses since that date.

Comparison of United States with present second power.							Additional required to make United States second in naval strength.		
							Ships and cost to build.		
Classes of ships.	Present second power.			United States.			Number.	Unit cost. (A)	Total cost. (D)
	Built.	Building.	Total.	Built.	Building.	Total.			
Dreadnaughts	20	2	22	9	8	17	6	$17,213,431	$103,280,586
Predreadnaughts	20	0	20	22	0	22	0		
Coast defense	0	0	0	4	0	4	0		
Battle cruisers	6	3	9	0	0	0	10	20,433,531	204,335,310
Armored cruisers	3	0	3	10	0	10	0		
Cruisers (scouts)	32	2	34	14	0	14	21	5,571,900	117,009,900
Destroyers	145	0	145	53	17	70	80	1,325,314	106,025,120
Torpedo boats	0	0	0	2	0	2	0		
Submarines, fleet		?	?	0	3	3	9	1,685,523	15,169,707
Submarines, coast	32	?	?	39	33	72	78	656,302	51,191,556
Aircraft									7,000,000
Required for ships to be authorized for United States to become second in naval strength									604,012,179
Required for ships now building and not to be completed in 1917									48,518,127
Present shortage in personnel and munitions of all naval ships completed in 1917, inclusive (war basis)									
Total additional required for United States to become second in naval strength (war basis)									652,530,305
Personnel authorized at present									
Total personnel when United States becomes second in naval strength									

Additional ships, personnel, and munitions necessary to place the United States second in naval strength—Continued.

Comparison of United States with present second power.	Additional required to make United States second in naval strength.								Grand total.		
	Personnel and cost for 1 year (includes food and clothing for men and recruiting expenses).						Munitions (includes ammunition, general stores for 1 year, and 1 fill of bunkers).				
	Unit complement.		Cost per ship. (B)	Total personnel.			Cost per ship. (C)	Total cost. (F)	Number of ships.	Total unit cost (columns A, B, and C).	Total cost (columns D, E, and F).
	Officers.	Enlisted men.		Officers.	Enlisted men.	Total cost. (E)					
Dreadnaughts	Staff 6 52	20 951	$861,741	318	5,746	$5,170,446	$2,491,575	$14,949,450	6	$20,566,747	$123,400,482
Predreadnaughts											
Coast defense											
Battle cruisers	Staff 9 50	20 1,000	890,968	509	10,060	8,909,680	1,919,555	19,197,550	10	23,244,452	232,442,540
Armored cruisers	32	600	536,298	672	12,600	11,262,258	337,550	7,088,550	21	6,445,748	135,360,708
Cruisers (scouts)				415	7,200	6,528,160	70,900	5,672,000	80	1,477,816	118,225,280
Destroyers	Staff 15 5	90	81,602								
Torpedo boats											
Submarines, fleet	5	50	51,662	45	450	464,958	17,900	161,100	9	1,755,085	15,795,765
Submarines, coast	3	30	30,997	234	2,340	2,417,766	7,600	592,800	78	694,899	54,202,122
Aircraft				200	600	1,038,190					8,038,190
Required for ships to be authorized for United States to become second in naval strength				2,393	38,996	35,791,458		47,661,450			687,465,087
Required for ships now building and not to be completed in 1917				361	6,035	5,511,177		13,129,475			67,158,779
Present shortage in personnel and munitions of all naval ships completed to 1917, inclusive (war basis)				1,960	31,262	28,817,341		8,000,000			36,817,341
Total additional required for United States to become second in naval strength (war basis)				4,714	76,293	70,129,976		68,790,925			791,441,207
Personnel authorized at present				3,551	51,500						
Total personnel when United States becomes second in naval strength				8,265	127,793						

The personnel enumerated above does not include chaplains; professors of mathematics; naval constructors; civil engineers; midshipmen; officers and men required to man merchant ships taken for use in war; Marine Corps—the enlisted strength of Marine Corps should be 20 per cent of enlisted strength of the Navy; commissioned strength of Marine Corps should be 4 per cent of its enlisted strength.

I am willing to be guided by that statement as to numbers of ships and men, munitions and aircraft. Personally I think we should at this time and in this bill authorize all the ships mentioned and build them as fast as three shifts per day can construct. If the committee had done as my motions made in executive session would have had them do, the naval appropriation bill now before us would authorize the construction of 6 dreadnaughts, 10 battle cruisers, 21 scouts, 80 destroyers, 9 fleet submarines, and 78 coast submarines. The day following that committee meeting the newspapers gave detailed statements of the motions made and lost, but the information did not come from me, hence I am revealing nothing when I say that in turn as each type of vessel was reached my motion was to authorize of that type the number recommended for second place by the General Board of the Navy. In my judgment that would be the wisest plan to follow. It costs a quarter of a million dollars and a year's time to make the plans for a battleship. Authorization in one bill of all we need would save time and money through the standardization of the different types. I see no reason why a number of battleships, or battle cruisers, or destroyers, or submarines could not be built from copies of the one set of plans selected.

Mr. Chairman, I come now to aeronautics, the latest development in the naval service. Aircraft though comparatively new are most important. They are the eyes of the Navy, and a fast developing means of defensive attack. When Capt. Mark L. Bristol, United States Navy, in charge of aeronautics, appeared before the committee he gave us much valuable information, and from his testimony I now quote:

Aircraft for the fleet are required for three general purposes, namely, the mobile fleet, the coast defense, and the advance bases.

Aircraft have passed the experimental stage in development to a great extent. The general principles of design and construction are fairly well established. It is now a question of deciding upon the mission they have to perform in war and providing the necessary types of aircraft and the officers to man and maintain them in order to carry out that mission. It is not a question of developing this service gradually, but of getting it as soon as possible, so that our fleet will conform to existing requirements. The mission of our air service, though it may be changed in the future, is for scouting, for patrolling, for fighting an enemy's aircraft, for attacking submarines and unarmed vessels and naval auxiliaries, for controlling gunfire of battleships, battle cruisers, and coast fortifications, and for carrying dispatches. Aeroplanes and dirigibles are required for all these duties. Kite balloons are required for controlling gunfire from ships and advance bases, as well as elevated points of lookout from aircraft stations.

There are several secondary duties that aircraft may be required to perform, according to the special character of the operations of the fleet.

* * * * * * *

The one thing that has kept us back more than anything else in the development of our aeroplanes has been the motor question. I would like to state right now and here, rather than in answer to some questions I have heard asked here by members of the committee, that I believe absolutely, if you will pay our manufacturers, they can produce and manufacture anything that can be produced or manufactured anywhere else in the world, and just as good, if not a little better. The reason the motor has not developed in this country is because there has not been a demand for it. The development would have been more rapid if the appropriations for aeronautics had been larger.

Aeronautical appropriations should now and hereafter be ample. The one now recommended by the board is not too large and can be used to great advantage. Until battleships and battle cruisers can be built and commissioned the Pacific coast must look to submarines and aircraft for its defense, and I register a hurry call for all we can get.

More of our Government yards could be fitted for larger construction, and with a big building program assured the private shipbuilding and aircraft yards of America would quickly prepare to build rapidly. Thus again would we be ready in private plants and Government yards for any emergency.

We should issue bonds to pay the bills. For adequate defense of the United States concerns those who are growing up even more than those already grown, and all who reap should pay.

Social, industrial, and financial preparedness is so absolutely necessary and our duty is so plain that when once attention is called no further argument seems necessary.

We should have all the ships and men and aircraft necessary to make the United States the second naval power of the world. We can, if we will, get it done quickly. If we need a great Navy at all, we will need it most in the next few years. As it was impossible to secure consent to authorize all of the second-place program in this bill, I have joined with my Republican colleagues in recommending the authorization of the larger part in this bill and the remainder in the bill of next winter.

It is my earnest, sincere belief that a greatly increased Navy will keep us out of war. If regardless of all our preparation war should be forced upon us, then can we better defend ourselves and better preserve to the women and children of the Nation their sons, husbands, and fathers.

Mr. Chairman, when this world war is over and world peace conferences are called, the United States must participate. Our delegates will be respected or neglected according to the world's estimate of our power as a Nation. If adequately armed, our offer to disarm will mean something and be listened to. If we have only a diminutive Army and a little Navy, our delegates will receive little attention and less consideration. We can well afford to throw away a thousand million dollars' worth of ships if continuing peace would result.

Mr. Chairman, I have not urged that any sum be appropriated in this bill for any naval development in the district I represent.

I want nothing established there unless it is for the general good. I would not vote to build a navy yard there or anywhere else until after competent authority had determined that to be the best place to locate it. I did ask the committee to insert a clause in the bill authorizing a board of naval experts to examine the Pacific coast, including Los Angeles Harbor, and report upon the advisability of establishing a third navy yard, and if found advisable to recommend a location for it. The committee placed such authorization in the bill, and I hope there will be a unanimous vote in its favor. [Applause.]

Mr. EMERSON. As the gentleman has studied the question very carefully, I should like to ask him what has happened, either in connection with this European war or otherwise, to justify the building of so many battle cruisers at this time?

Mr. STEPHENS of California. The theory of those who know concerning ships and fleets and conditions all over the world is that we should have battle cruisers in addition to battleships. England, Germany, Japan, and Russia have them, and we need them, too. What they have we must have also. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HENSLEY. I yield 10 minutes to the gentleman from Texas [Mr. CALLAWAY].

Mr. CALLAWAY. Mr. Chairman, as the gentleman from the Pacific coast [Mr. STEPHENS of California] makes so much fuss about not having any fleet on the Pacific, I have asked for 10 minutes at this time to answer that. It might appear to people who do not know anything at all about naval strategy and the way fleets are operated, after hearing the gentleman's statement, that the Pacific coast is badly treated, and that it ought to have a fleet. The truth about it is that the naval officers who testified before our committee all stated that it was not the policy of the naval officials to scatter the fleet. It was the policy of all navies to keep the fleet together. The question was asked if England, the greatest naval power in the world, scattered her fleet, and all answered that she did not. Of course, the naval officers want battleships enough to have the Pacific full of battleships and enough to have the Atlantic full of battleships.

The only reason why anybody would ever suggest that we should scatter our fleet and have a part in the Pacific and a part in the Atlantic would be that you had so many that you could not use them all and scattered them around for the benefit of the localities where they feed them and rehabilitate the ships.

Mr. EMERSON. Will the gentleman yield?

Mr. CALLAWAY. Yes.

Mr. EMERSON. What does the gentleman say as to the statement that if we had some trouble in the Pacific we should be without battleships.

Mr. CALLAWAY. Every man that came before the committee said that if a foreign power should attack us the first thing it would do would be to meet our fleet, and no foreign navy would think of attempting to make a landing until our fleet was swept from the ocean.

Mr. EMERSON. But suppose they came from the west.

Mr. CALLAWAY. If they came from the west, they would have to come 7,000 miles, and we could get around to take care of them by the time they got there.

Mr. KAHN. Will the gentleman yield?

Mr. CALLAWAY. Yes; but you people over there seem to have plenty of time, and if you will give me time I will stay here and answer your questions until midnight.

Mr. BUTLER. Would the gentleman be willing to stay and answer at midnight?

Mr. KAHN. The gentleman refers to the fact that on the Pacific local feeling is responsible for the desire to have a battleship fleet over there. Is it the local feeling in Texas that objected to taking away our Army from the frontier for months?

Mr. CALLAWAY. Oh, we are talking about battleships. Don't get the Army down in Mexico mixed in it.

Mr. KAHN. It is a parallel case.

Mr. CALLAWAY. Oh, parallel case nothing. [Laughter.] I want to read you something from a naval officer to give you an idea of what the naval officers want. This is in accordance with the ideas of people who live about navy yards and in the territory controlled by the steel and ordnance concerns. The naval officer does not consider what it costs. He only considers that he wants everything that he can get. I am going to read from the testimony of the president of the War College and a distinguished naval officer, Admiral Knight.

Mr. BUTLER. Admiral Knight, do you think that the number of ships you have recommended here at this time would enable us to catch up with the other fleets if they would continue to build as they have done?

Admiral KNIGHT. I do not. May I enlarge?

Mr. BUTLER. You may. It will be a pleasure to have you do it.

Admiral KNIGHT. I took some care this morning to make it clear that the program which I suggested to you was the program which I believed could be laid down at once. I also urged that a committee be appointed to investigate, organize, and mobilize the shipbuilding reserve of this country, so that next year we might be ready to do a tremendously greater amount than we can do now. If Mr. Browning is right in believing that the establishments of this country can this year lay down a larger number of capital ships than I have recommended, please understand me as recommending them with all possible emphasis. In general terms, I think that this year's program should provide for every ship that can possibly be laid down this year.

Mr. BUTLER. When would you have it in your own mind that it would be advisable for us to have on hand, ready for operation, the largest fleet in the world?

Admiral KNIGHT. To-morrow.

Mr. BUTLER. Would you advise calling upon all the industrial facilities of the United States to assist us in constructing a great fleet?

Admiral KNIGHT. I should. That is what I have already advised.

Mr. BUTLER. Let me ask you—I want to ease my own mind, if the committee will permit me—why should we prepare any defense if it is not one that will succeed? Anything short of actual defense means defeat, does not not?

Admiral KNIGHT. Yes. The General Board, in studying this subject, had before it two sides to the shield. First, what do we want and when do we want it? We want a Navy equal to the largest maintained by any nation in the world, and we want it now. That is one side of the shield. The other side of the shield is, When can we get it? We questioned them as to the present facilities of the shipbuilding yards of this country, including the navy yards, the facilities of the armor plants, etc. We then said in substance this: We are limited this year with regard to the amount of work that can be done, apparently. Let us provide for the doing of that amount of work this year. Let us at the same time encourage Congress and the Navy Department to get very busy to see if they are by any happy chance larger than we think they are, getting the shipbuilders together. Let us try to get everybody working together, in the hope that very soon we may be able to develop facilities which will enable us to enter upon an accelerated program.

* * * * * * *

We can go on from year to year, each year taking advantage of the best that we know at that time. Build all we can this year with what we know now. Build all we can next year with what we know next year.

Mr. MEEKER. Does the gentleman object to that coming from the head of the War College; is that unpatriotic?

Mr. CALLAWAY. I am trying to show that naval officers consider only their desires and their fancies and not the real necessities of the Government.

Mr. MEEKER. Do you object to that policy?

Mr. CALLAWAY. Yes; I object to the policy based solely on what they can get. Admiral Knight says further:

Mr. KELLEY. And in view of the uncertainty of our needs, and the long time it would take to reach the point where you say we ought to be, don't you think this would be a good time to stick to the original plan we have followed for 20 years and just try to get into second place as quickly as we can?

Admiral KNIGHT. I do not think we ought to stop there. I think the situation is such that we ought to try to get everything that can possibly be built this year. I think it ought to be provided for. We will not make any mistake. It will not carry us too far.

Mr. KELLEY. Do you think the plan for building, for five years, a certain number, such as the General Board worked out, at the request of the department, is a better arrangement than the second-place plan which we have held to for so long?

Admiral KNIGHT. I think the plan which the General Board had in mind, of building every ship that it is possible to build this year and every ship that it is possible to build next year, and to keep on building as fast as possible, is the most rational plan.

I could go through this testimony from end to end, showing the only consideration to be, "How much can we get?" It is the same with people who come from navy yards and the territory where the controlling interest is steel and ordnance manufacturing or shipbuilding.

Mr. HENSLEY. Where would that lead us, according to Admiral Fletcher?

Mr. CALLAWAY. According to Admirals Fiske, Badger, and Fletcher, it would lead us into bankruptcy or war.

Mr. EMERSON. We have these men to advise us on this subject.

Mr. CALLAWAY. We have them to advise us on the technicalities of the Navy, but not on the general policies. We should fix the governmental policies ourselves. What we want the Navy for and how much money we can afford to spend on it—I decline to follow them when they tell me that their advice leads this country to bankruptcy or war. They say that is a certainty. I prefer to take some risks to accepting such a safe certainty.

Mr. EMERSON. How would you know how much or how many if the experts did not advise you?

Mr. CALLAWAY. Look through the whole hearings and the advice from these experts does not show when you work it out like a lawyer works out a case that we need a single thing to enable us to defend ourselves against an attack reasonably to be expected from any power. There is 3,000 miles of ocean between us and every country we need to consider in determining the size of our Navy.

Mr. EMERSON. You differ from a great many people.

Mr. CALLAWAY. I am taking their testimony. Who is going to attack us? England? She has got her hands full.

Germany? She can not get aniline dyes to us or milk to her shores for the babies. Japan? France? Oh, they say after the war is over those nations are going to come across the ocean and eat us. Germany, with a navy in weight of a broadside from her guns, according to Admiral Badger, weaker than we are, going to come across 4,000 miles of ocean, crippled, a bankrupt, horrified by the war through which she has just passed, crape on every door for lost son, husband, or brother, with an enemy at her back, and sweep from the seas a navy greater than her own in weight of a broadside from her guns, pass our forts, which Gen. Weaver says are the best in the world, and levy tribute on New York, Boston, and Philadelphia.

Mr. KELLEY. Mr. Chairman, will the gentleman state to the House why the Germans can not get the analine dyes to this country or milk in to the babies?

Mr. CALLAWAY. Because she is surrounded by the allies' surface fleet, which is more than three times as large as her surface fleet, and dyes and milk are transported in craft that travel on the surface of the sea.

Mr. KELLEY. The gentleman has said that we could defend ourselves against even Great Britain.

Mr. CALLAWAY. That is what I said, because England is 3,000 miles across the ocean from us, and the history of this war and of the world shows that it is impossible to wage war successfully against a nation anything like equal across a great expanse of water.

Mr. KELLEY. The gentleman means now while this war is going on?

Mr. CALLAWAY. I mean always. It always has been so, and the development of torpedoes and submarines have infinitely increased the perils of the deep.

I am not going to fool with you gentlemen any more unless you give me some time. I have got to talk a little about submarines.

Mr. FOCHT. One question while the gentleman is answering about submarines. I wish he would explain what the President said when he said that war was at arm's length and might come in the morning. Was that buncombe or was he sincere; and if so, what did he mean?

Mr. CALLAWAY. Answer that question for yourself.

Mr. FOCHT. But I am asking it.

Mr. CALLAWAY. Let me read to you something about submarines. Right in the beginning of this war three English scout cruisers, the *Aboukir*, *Hogue*, and *Cressy*, off the English coast were submarined by one little old-type submarine and sent to the bottom in less than an hour. You talk about your big fighting craft. These ocean monsters never sighted the instrument that did the work.

Mr. HOPWOOD. How many battleships of Great Britain have the submarines sunk?

Mr. CALLAWAY. Nine.

Mr. HOPWOOD. Where were they?

Mr. CALLAWAY. Three of them were in the Dardanelles. Oh, they say that if you have the surface of the water patroled with scouts and destroyers the submarines can not do the work. The English got down there and made the landing on April 25, 1915. This is what an English correspondent who was on the ground says:

> The Dardanelles expedition, if it served no other purpose, is an object lesson on the difficulties encountered by a hostile fleet operating many hundreds of miles from its base in the face of submarine attack.
>
> Up to May 20 an immense fleet of predreadnaught battleships was able to lie off the coast and render the expeditionary army immense moral support by protecting its flanks and encouraging the troops who love to hear the great shells whistling over their heads. On May 13 the *Goliath* was sunk in the Straits during the night by torpedo attack. On May 20 the first submarine was sighted. The entire fleet had to weigh anchor and steer about to avoid giving a sitting shot.

And now we come to these superdreadnaughts that my friend from Illinois [Mr. Foss] told you were the fighting strength of the Navy. Dreadnaught! The dread nothing. Watch what they did at the Dardanelles:

> The more valuable battleships, like the *Queen Elizabeth*, the *Agamemnon*, and the *Lord Nelson* (they are among the finest ships afloat) faded away toward the west and were not seen again. On May 25 the *Vengeance* was narrowly missed by a torpedo, and the battleship *Triumph* was sunk. On May 27 the battleship *Majestic* was also sunk. On the following day there was not a single battleship off the Gallipoli coast. All had been obliged to fly to protected harbors for safety.

Where have they been ever since? They went home into the ports, and not only into their own home ports, but they ran nets across the mouth of the harbors so the submarines could not get in.

Where have the German battleships been all the while? In the Kiel Canal with both ends of it stopped up.

Mr. KELLEY. How many submarines is the gentleman for?

Mr. CALLAWAY. I am for enough, and I think we have enough of the kind that we have tried out. We should have, according to the testimony before our committee, some 800-ton submarines, but that type has not yet been tried by us, and we should make a test of them before authorizing any considerable number.

Mr. HENSLEY. I yield the gentleman two minutes more.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. CALLAWAY. If the gentleman from Pennsylvania will give me some more time.

Mr. BUTLER. I will yield the gentleman one minute.

Mr. MADDEN. Does the gentleman believe in a navy at all?

Mr. CALLAWAY. Yes; I believe in a navy big enough to protect us.

Mr. MADDEN. What does the gentleman think would be a big enough navy to protect us?

Mr. CALLAWAY. We can figure that out if you will get politics, promotions, and profits out of the question. [Applause on the Democratic side.] We are across the ocean 3,000 miles from an enemy that has any navy. Talk about battleships and battle cruisers. Every nation except us equipped with a navy has been engaged in the most gigantic struggle in the history of mankind for two years, and these floating palaces that they say do the fighting have not fired a shot, and no man dare say they will during this war.

Mr. MADDEN. It does not follow that they would not if they had the opportunity.

Mr. CALLAWAY. Every nation in the world that has a navy, except this one, has been engaged in a gigantic struggle for two years, and battleships and battle cruisers have not been worth a continental. What makes you think now that they will be? Foolishness, rot! There are millions of dollars in it, and they have splendid decks for officers to prance up and down and hold receptions on, always cleared for social action. Magnificent quarters, more than a thousand men aboard, the daily news printed on ship, an ice plant, every thing done right there—the pride of the ocean.

Mr. MADDEN. Does the gentleman intend to vote for the bill?

Mr. CALLAWAY. Yes; in preference to a bigger one. Let me tell you what men said about these battleships when I asked them, every one of them, "What will a battleship do in the face of a submarine?" They said, "Run, run." "What will they do if the screen is destroyed?" "Run." The protecting screen is the scouts and the destroyers that surround it. "What will they do when the protecting screen is gone?" The reply was, "It is helpless." Did not they say that. Answer out of your heart of hearts when you come to discuss it.

Mr. HOPWOOD. Will the gentleman yield?

Mr. CALLAWAY. Give me a minute or two more.

Mr. BUTLER. Mr. Chairman, I like my friend well enough to give him one minute.

Mr. HOPWOOD. What nation has control of the seas, and why does it have control of them?

Mr. CALLAWAY. England has control of the surface of the seas because it has more of the small surface craft, three to one, than the central powers.

Mr. HOPWOOD. Battleships.

Mr. CALLAWAY. The kind of craft that actually controls the surface—scouts, torpedo-boat destroyers, submarines, and that class of craft.

Mr. HOPWOOD. Have they got more submarines than Germany?

Mr. CALLAWAY. Well, I do not know and you do not know and nobody else knows how many any of them have. We know the battleships have not done anything.

Mr. HOPWOOD. They have kept Germany off the seas.

Mr. CALLAWAY. Well, that is a bald statement, with not a scintilla of evidence to base it on. Tom, Dick, and Harry with grave mien and dignified air have stated that, and yet you can search nearly 4,000 pages of record where we sought day after day to get all the facts, and no one gave testimony to show that except by a mere personal statement, while looking as wise as an owl and grave and sure as an oracle. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALLAWAY. Can the gentleman give me another minute?

Mr. BUTLER. I will yield another minute to the gentleman.

Mr. CALLAWAY. This English correspondent further says:

> The facts are plain; dreadnaught fleets are useless for offensive purposes provided you are dealing with an enemy supplied with submarines. They are a poor defense, as well because they can only deal with the enemy's fleet as a whole, provided it chooses to come out and fight,

Local defense must be left to the submarines destined to remain in home waters.

Come across the ocean! There is about as much danger of England coming across the ocean and whipping us, or Germany, or any other country, in the face of submarines and torpedoes, developed as they are, as there is of a crippled hound pup getting by a bunch of alligators in a Florida swamp. They can not do it. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from Georgia [Mr. VINSON].

Mr. VINSON. Mr. Chairman, preparedness to increase the efficiency of the Military and Naval Establishments of the United States is a nonpartisan question, and is not, should not, and has not, up to this hour of debate, on either side of this aisle been circumscribed by the narrow limits of party. I am a Democrat, a believer in the creed of Jefferson and Jackson, but my country and its safety comes ahead of any party.

The military and naval preparedness undertaken by Congress and provided for in the bills that have heretofore passed the House and the naval bill now under consideration has but one object and purpose in view—that is, the adequate defense of this country.

In this day of almost world war I have at heart no sectional nor political interests, but only the Republic's safety. I am intent solely upon lending my aid and support, and giving my vote to those preparedness measures which will increase the efficiency of the military and naval establishments of this Government to guarantee proper protection to the Nation's safety.

Nations learn from the experience of other nations, and the war now devastating all Europe from the Garden of Eden to the Thames has aroused the American people and called their attention to their utter unpreparedness to defend the Nation and to preserve this the greatest Republic on earth.

I abhor war and detest that spirit which would make military despotism the chief object and purpose of a nation's thought. I defend the validity of the doctrine that would make of the civilian a paw of a military caste, and assert that a free civil life should be at all times the chief aim of national existence. Neither now nor never can the specter of militarism of the control of our national life rear its dragon head in this democratic land. Firm in the belief am I that however numerous are to be the glistening bayonets and dull-colored warships which we must now create to guarantee the efficiency of our Military and Naval Establishments to protect our shores from the threatening influence of devastating war, that these bayonets and ships ever shall remain as a bulwark of personal liberty, and never become the wall of a barracks in which its creators might bring the populace to the wheel of the chariot of aggression to be driven in other lands.

The policy of preparedness undertaken by the House as set forth in the military and naval bill, is not open to the criticism hurled against it by some, that it seeks to saddle on the people of this Republic a form of military despotism. If for a single moment I thought that this policy of preparedness for defense in any of its numerous forms provided for in the various bills in this House would give birth to a spirit of militarism in this free land, I would oppose it to the utmost of my ability.

The American citizen devoutly wishes to be left at peace with all the nations of the earth, and he trusts and prays that "the grass will continue to grow green for his flocks and herds unstained by blood and uncrushed by the hoof of war." Let not the gates of the temple of Janus be opened, "For blessed are the peacemakers for they shall be called the children of God." The peace which the American people so devoutly hope will continue to be their heritage of to-day and their legacy to all generations yet to be born in this Republic, must be insured and guaranteed by adequate preparation for defensive purposes. I am fearful that some of us, and many of the pacifists throughout the country, misjudge the measure by which peace may be maintained and accomplished and thereby permit our very love for peace to impair the preservation of it. I am a hater of war and a devoted lover of peace, but, sir, Mr. Chairman, in my hour of seclusion and study I have to the best of my humble capacity held up the lamp of the past to the face of the future, and I call God to witness that I would be recreant and faithless to my conscience and to the people who have honored me with their suffrage, and the hundred million American citizens of this Republic, which you and I and my other colleagues represent in this the greatest law-making body on earth, if I did not proclaim as far as my voice will reach that I am fully convinced and realize that peace to be had must sometimes be battled for. That to be preserved it must be guarded and protected, and that to be protected it must be surrounded by impregnable barriers.

Believing as I do, it becomes my duty to my country and to my God to advocate and support the establishment of those barriers by increasing the military and naval efficiency of this Republic, which I trust will insure peace to America until principalities and powers have gone away forever, and the everlasting Republic is established where the brotherhood of man and the Fatherhood of God are sung to the music of the spheres.

This Nation finds itself face to face with imperative duty. The dreams of the pacifists have been shattered, the hopes of a world-wide disarmament deferred, and the formation of a compulsory arbitration league among the nations of the earth, bequeathed to the wisdom and the will of future generations. However much we may desire to aid in the establishment of a world-wide peace and to make war a crime against the law of the nations, we can not disregard the ambitions of other peoples and the policies and purposes of other States, and by a premature disarmament and failure to maintain our means of defense leave our Republic an inviting and helpless field for conquest. No Government which fails to provide for its own preservation against the assaults of every probable foe is entitled to the support of its people. A primary duty of government is self-preservation, and no sophistry of logic can justify it in stripping itself of its means of defense and relying for its preservation upon the mercy, the pity, or the love of other nations. As in the relations of private life, the power of our municipal law must at times be invoked to prevent wrongs or to redress them, so in our international relations times come when the armed forces, the Executive of the Nation, must be called upon to prevent or redress national wrongs, and that one in authority who would deprive our Republic of its means of defense or make them less effective than the necessities of the Nation demands is little less than a traitor to his people, and deserves public contumely and disgrace.

While the military and naval preparedness for the defense and the preservation of the Republic is a fundamental duty, no right-thinking American would wish that, under the guise of preparation for the defense of our State, its institutions, and its instrumentalities of trade, there should be built up armies and navies purposed to wage wars for the conquest of territory, the oppression of the people of weaker nations, or to limit the exercise by them of the rights of our sister nations.

The naval preparation undertaken by us ought to be bounded by the needs of the Nation, having regard for our position among the States of the world, the location of our possessions, the extent and the routes of our trade, the policies we may adopt in our international relationships, and the dangers which threaten us.

I remind you, sir, of the purposes which we ought to have in view in whatever measures of naval preparation we may adopt. Primarily, the protection from conquest and invasion of the home land should have the chief place in our plans. Without this protection entirely adequate, then all other preparation is valueless and without avail. Even though the Canal Zone be converted into a veritable Gibraltar, or Hawaii be made impregnable, if continental United States is inadequately defended against invasion all these defenses are less than useless, for Panama, Hawaii, and the Philippines may be as successfully attacked in Washington or New York as in Central America or the Pacific.

Preparation to defend our insular possessions, to maintain for our commerce the freedom of the seas, to defend the greatest engineering enterprise and commerce carrier of the century, the Panama Canal, to maintain America's open-door policy in the Orient, to enforce our policy of noninterference by monarchical governments in the affairs of Central and South American Republics, to defend our Nation's honor and protect and redress American citizens wherever wronged is the least that duty will permit us to provide.

Whatever may have been our opinion of the adequateness of our military and naval preparation to accomplish our proper defense and protection in the past, the European war has called attention to many defects in our plans and system and has furnished us with new reasons for an increase in our military and naval forces and equipment.

This war has fused the male population between the ages of 15 and 55 years in Europe into fighting machines such as the world has never seen. The millions of men who compose these armies are now hardened and seasoned veterans, inured to the hardships of war; they have been tested and proven in battle; their officers have proven their military theories on hundreds of battle fields and in many campaigns; unfit and imperfect equipment has been discarded; new and more terrible engines

of war have been devised; skill in handling and moving troops increased; methods of maintaining, equipping, and provisioning improved; every department of military activity tested in the ordeals of an active campaign has been improved and made more effective. The fighting instinct has been aroused, and when the war is over each of the nations involved will have an army against which no equal number of men in the world unused to war can stand.

Besides converting the men of Europe into seasoned veterans, and testing all of the instrumentalities of war, this conflict has disclosed the ambition of some of the nations involved, and these, I am apprehensive, threaten the peace of America. The rules of war have been disregarded; international law has been trampled under foot; the rights of neutral nations denied; the seas well-nigh closed to neutral commerce; new hatreds have been engendered; old animosities aroused, new jealousies kindled, and America, careful as she has been in her dealings with the belligerent nations, has not escaped the envy and the hate of many of them.

This war will leave the victorious nations with large armies of seasoned troops, with all of its departments working perfect adjustment—a fit time and fit circumstance to pursue the national ambition, and no man, or set of men, can prophesy the possibilities involved in such a situation. Then, too, both victor and vanquished will bear a weight of debt heretofore undreamed of; will face distress, trade losses, inadequate revenue, increased expenses, the charge of crippled soldiers and their widows and orphans—a situation likely to incline the victors to undertake new conquests of territory and trade, and to the imposing of limitations on commerce, in order to recoup their fallen fortunes.

American territory and trade, and the territory and trade of those South American Republics under her protection, offer most promising and inviting fields for conquest and exploitation.

Recognizing that no man, nor set of men, can foretell the future effect that the European war will have upon this Nation, and being confronted with the duty of giving to the country a more efficient Military and Naval Establishment, Congress, not in a state of hysteria, but in a conservative frame of mind, after much deliberation and painstaking care, did on the 20th of May pass a military bill giving to the Nation a better military defense than it has heretofore had in the history of this Government.

Mr. Chairman, owing to the European war it is impossible to obtain any definite information as to the relative strength and increase that has been made since the beginning of the war in the navies of the belligerents of Europe, and from reliable information it seems now as if all of the nations engaged in war will come out of the same with larger navies than at the beginning. Therefore it is imperative that this Government should provide for additional increase to our Navy.

I shall in a brief manner endeavor to call the House's attention to the necessary increases provided for in this bill so as to place our Navy in a better state of efficiency.

The Naval Committee deserves the thanks of the House for the exhaustive and careful study they have given to this subject. For months and months they have devoted almost their entire time to investigating how the Navy should be strengthened and to place it in a greater condition of preparedness.

There has been much inaccurate and unjust criticism and many varied opinions and statements from irresponsible sources in regard to our Navy, but I want to call the House's attention to the fact that there is no body of officers in the navies of the world that are better educated, and there are none more skilled in their profession and none required to maintain a higher standard of efficiency than those of the United States Navy.

The enlisted men who man our ships are the best the country can produce. They come from good homes and from every State in the Union. They are picked from the high mental and physical standard for their work. They are well cared for, well clothed, well fed, and well paid. The Government, however, is amply repaid for this by their efficiency.

In a statement before the Naval Committee Admiral Fletcher, the commander in chief of the Atlantic Fleet, stated, in substance, that, as far as he could ascertain, there is no fleet on the Atlantic, or any fleet, of which more exacting requirements are demanded.

This fact is borne out by the results shown in the maneuvers, war games, and target practice, and the criticism of the United States Navy that has been heralded through the country by the jingo press has been neither well founded nor justified.

The bill under consideration provides the largest building program ever undertaken by any Government at one time in the history of the world for strengthening a navy. It provides:

Five battle cruisers, to cost $20,433,531 each.
Four scout cruisers, costing $5,571,900 each.
Ten destroyers, costing $1,325,314 each.
Three submarines of a surface displacement of about 800 tons, costing $1,205,302 each.
Seventeen smaller submarines, costing $731,302 each.
One fuel ship, costing $1,363,272.
One ammunition ship, costing $2,714,650.
One hospital ship, costing $2,250,000.

In addition to the construction of the various war vessels above enumerated, the bill provides that $2,000,000 be appropriated for the development of aviation for naval purposes.

The bill also seeks to remedy the shortage of the enlisted personnel of the Navy and recommends an increase of 13,500 enlisted men for the Navy and an increase of 3,079 enlisted men in the Marine Corps, making a total increase in the enlisted personnel of the Navy Department of 16,579.

We have passed previous bills at this session of Congress authorizing an increased number of midshipmen at the Naval Academy to provide line officers for the Navy, and the bill under consideration recommends that officers be taken from civil life for engineering and aviation duty.

By these provisos in the bill the commission personnel should be fully met, and it is the belief of the naval board and also of the committee reporting this bill to the House that it is possible for the Naval and Marine Corps to be recruited to their strength within the next fiscal year.

A new and wise precaution for future preparedness is provided for in the ammunition for new ships and those now under construction. The bill provides that in the interest of real preparedness a new practice, whereby appropriations are made in the bill simultaneously with the authorization of the ships, for all powder and shells that are necessary, so that the powder and shells, active and reserve, will be on hand when the vessels herein authorized and now under construction are placed in commission. In other words, the bill recommends an appropriation of $13,720,000 to fully supply with all ammunition all ships heretofore authorized, and $11,245,925 for ammunition for all ships herein authorized, making a total for ammunition of $24,965,925.

This provision of the bill is made in the interest of real preparedness in view of the experience of the belligerent nations of Europe in the failure to obtain munitions of war with as great rapidity as was expected. The total of the bill recommended, exclusive of the increase of the Navy, is $142,389,773.99. The amount necessary to carry on the construction of new ships heretofore authorized and herein authorized amount to $98,859,378, making, together with the $200,000 for the peace commission authorized, a grand total of the bill of $241,449,151.99. The naval appropriation act of last year amounted to $149,661,864.88, making an increase of $91,787,287.11 recommended over last year's bill, and all of which is found to be necessary to place the Navy, the first line of defense of the country, in a better state of preparedness.

Under previous acts of Congress and in addition to the building program provided for in this bill now under consideration there is now being constructed in the navy yards and shipyards in this country 8 battleships, 9 destroyers, 2 fuel ships, 2 miscellaneous transports, and 38 submarines.

According to the table prepared by the Office of Naval Intelligence, taking the *Delaware* value as 100, the comparative value of battleships of the Navy is as follows:

Ship.	Comparative value when completed.	Comparative value corrected for age in 1914.
Indiana	20.64	7.4
Massachusetts	20.64	7.4
Oregon	20.64	7.4
Iowa	20.96	10.00
*Kearsarge	23.55	15.07
*Kentucky	23.55	15.07
Alabama	21.41	14.72
*Illinois	21.41	14.72
*Wisconsin	21.41	14.72
Maine	28.84	22.20
*Missouri	28.84	22.20
*Ohio	28.84	22.20
*Georgia	39.40	31.54
*Nebraska	39.40	31.54
*Virginia	39.40	31.54
*New Jersey	39.40	33.10
*Rhode Island	39.40	33.10
*Connecticut	51.46	46.19
*Louisiana	51.46	46.19
*Kansas	49.98	46.03
*Minnesota	49.98	46.06

Ship.	Comparative value when completed.	Comparative value corrected for age in 1914.
*Vermont	49.98	46.06
New Hampshire	49.98	47.10
Michigan	78.51	75.37
South Carolina	78.51	75.37
Delaware	100.00	97.44
North Dakota	100.00	98.56
Florida	100.28	99.64
Utah	100.28	99.64
Arkansas	135.64	135.42
Wyoming	135.64	135.42
New York	169.38	169.38
Texas	169.38	169.38
Nevada	190.31	190.31
Oklahoma	190.31	190.31
Pennsylvania	230.84	230.84
Arizona	230.84	230.84
New Mexico	267.83	267.83
Mississippi	267.83	267.83
Idaho	267.83	267.83
*43, Tennessee	273.00	273.00
*44 California	273.00	273.00

The 16 ships marked with a star made the cruise around the world in 1907–1909, and their comparative value, as shown by the above table, was 597.48. The comparative value of battleships added to the fleet by completion or authorization since the around-the-world cruise is 3,409.39. It must be understood, however, that the comparative value of battleships of other nations has increased in the same proportion.

Summary of vessels in the United States Navy July 1, 1915, by types.

Type.	Fit for service, including those under repair.		Under construction.		Authorized.		Total.	
	Number.	Displacement.	Number.	Displacement.	Number.	Approximate displacement.	Number.	Displacement.
Battleships:		*Tons.*		*Tons.*		*Tons.*		*Tons.*
First line	8	189,650	7	213,800	2	64,000	17	467,450
Second line	25	340,146					25	340,146
Cruisers:								
Armored	10	140,080					10	140,080
First class	5	46,465					5	46,465
Second class	4	25,065					4	25,065
Third class	15	48,748					15	48,748
Monitors	9	32,944					9	32,944
Destroyers	53	37,167	15	16,442	6	6,750	74	60,359
Torpedo boats	19	3,365					19	3,365
Submarines	36	12,338	22	11,839	1	(1)	76	[2] 24,177
Tenders for torpedo vessels	7	20,892	2	10,730			9	31,622
Gunboats	30	27,890					30	27,890
Transports	5	26,595	1	10,000			6	36,595
Supply ships	4	25,400	1	8,500			5	33,900
Hospital ships	2	9,000					2	9,000
Fuel ships	23	251,581	2	29,000			25	280,581
Converted yachts	16	9,476					16	9,476
Tugs	45	18,024					45	18,024
Special type	8	43,333					8	43,333
Unserviceable for war purposes	19	43,976					19	43,976
Total	343	1,352,135	50	300,311	26	[2] 70,750	419	[2] 1,723,196

[1] Undetermined. [2] Except 18 new submarines.

It is true, Mr. Chairman, that the minority members on the Naval Committee denounce the naval program as set forth in this bill and contend that the appropriation of $241,000,000 is wholly inadequate and urge more liberal appropriation to place the Navy in a great state of preparedness.

It is contended that the bill as reported from the committee ignores the opinion of the naval experts and the recommendation of the Secretary of the Navy, and is based on a compromise with interests which wanted no additional preparation and those who wanted only a slight increase.

The minority report contends that there should be 2 additional dreadnaughts, 8 battle cruisers instead of 5; 50 coast defense submarines instead of 20; $3,500,000 for additional aircrafts instead of $2,000,000; a larger increase in the personnel; the creation of a national defense council, and a means for rushing the building program by using more than one shift of workmen daily.

But after a careful examination and study of the bill under discussion, I am confident that in the opinion of the country the naval bill will sufficiently increase the Navy to meet any present or future emergency, and that it has brought it up to the highest point of efficiency.

When this bill now under debate has become the law of this Nation we will have fully met the demands of the American people, and have given to them adequate preparation for defensive purposes.

To carry out the provisions of the military bill heretofore passed, it is estimated that it will cost approximately $150,000,000, or, in other words, an increase of over $49,000,000 over last year's bill.

I have just called your attention to the estimated cost for increase of the Navy to carry out the provisions of the naval bill. It is of the utmost importance to the people of this country to be informed from what source this enormous expense will be derived, for it naturally follows that the national budget, on account of the increase to the Military and Naval Establishment of the country, will surpass any in the history of this Republic.

Mr. Chairman, I want to go on record as saying that I am unalterably opposed to the issuing of bonds to provide the revenue to meet the provisions set forth in these bills, and I shall oppose any effort to saddle upon the people of this Nation a bonded indebtedness for this purpose.

I am thoroughly of the opinion that the method by which this increased expenditure should be met is:

First. By increasing the rate of the present income tax.

Second. By the establishment of a Federal inheritance tax.

Third. By the establishment of an excise tax on the profits of munitions of war, such as rifles, cannon, explosives, shells, and such like.

As I interpret the system of taxation, it should consist in pulling the most feathers with the least squawking, and this is certainly what will be accomplished if the revenue to defray the expenses provided for in the naval and military bill be raised in the methods I have above pointed out.

By adopting this taxation it will raise a sufficient amount of revenue to defray the necessary expenses of the naval and military bills and will also permit Congress to repeal the emergency act of 1914, which I trust will be speedily done.

I shall not consume your time in discussing the income tax, as it is the most equitable of all taxation, but in passing I desire to say that during the last fiscal year, ending June 30, 1915, the present income tax produced over $80,000,000 in revenue, and the increased rate now contended for, and which will be provided for by the Ways and Means Committee to meet the urgent demands for our Army and Navy, it is estimated that it will bring into our Treasury an additional hundred million dollars.

The other method by which we should provide for the raising of the additional revenue required to meet this expenditure should be, as I have stated, by the enactment of a Federal inheritance tax.

This is no new form of tax, and by the adoption of such a tax we will not be sailing out upon unknown seas.

An inheritance tax was enforced in Egypt, so historians inform us, 117 years before the birth of Christ. On the luminous pages of Gibbon's History of the Decline and Fall of the Roman Empire the historian tells us that—

> When Augustus resolved to establish a permanent military force for the defense of his government against foreign and domestic enemies he instituted a peculiar treasury for the pay of the soldiers, the rewards of the veterans, and the extraordinary expenses of war. The ample revenue of the excise, though peculiarly appropriated to those uses, was found inadequate. To supply the deficiency the emperor suggested a new tax of 5 per cent on all legacies and inheritances.

There is no truer statement than "history repeats itself." It became necessary six years after the birth of Christ for Emperor Augustus, in the establishment of a "permanent military" force, to inaugurate an inheritance tax. We to-day are confronted with increasing our Army and Navy; and if the views of Members on this side of the House are carried out, we will adopt the same principle of taxation that the Roman emperor enforced when he was confronted with a similar duty.

There is no principle of taxation which has such a long and honorable history supporting it, and none which has the indorsement of such leading economists of ancient and modern times. It has been adopted in almost all the countries of Europe and is to-day enforced in every State of this Union but six.

I know of no theory of taxation which has more to commend it, and I know of no formation of taxation easier to defend. It is wise, simple, and effective.

"Wise, because it does not touch the private property during the life of the owner and therefore levies no burden upon business activity; simple, because it is easily ascertained and collected while estates are being administered in the probate court; effective, for the reason that by the application of progressive rates it places no burden on the poor, but permits those who have much to contribute to the Government somewhat in proportion to their ability to pay."

An inheritance tax does not invade any right. It trespasses on no principle or maxim of law. It does not overstep any constitutional barriers. It can not be said by the opponents of this form of taxation that it is revolutionary, socialistic, or paternalistic, but it is, on the contrary, a measure of practical wisdom and social justice and has been truly styled an "institution of democracy."

The right of inheritance is not a natural but a civil right, and on this point I respectfully invite the House's attention to Blackstone's Commentaries, wherein he says:

The right of inheritance or descent to children and relations of the deceased seems to have been allowed much earlier than the right of devising by testament. We are apt to conceive at first view that it has nature on its side, yet we often mistake for nature what we find established by long and inveterate custom. It is certainly a wise and effectual but clearly a political establishment, since the permanent right of property vested in the ancestor himself was not natural but merely a civil right.

There can be no doubt that the right to take property by devise and descent is a creature of law and secured and protected by its authority.

The Federal Government has heretofore imposed an inheritance tax at different periods of its history. The first act imposing a tax of this character provided for a light graduated tax on inheritance other than those received by wives, children, and grandchildren. The act took effect in July, 1798, and remained in force four years.

This system of taxation was recommended in Congress in 1815, but the recommendation was not adopted. In 1862, during the Civil War, an inheritance tax was imposed as a war revenue measure. The law was repealed by the act of July 14, 1870.

During the Spanish-American War the revenue bill at that time contained a provision for taxation of legacies and distributing shares and was repealed in 1902.

During the fiscal year prior to the European war England received $131,000,000 in inheritance taxes. It is estimated, taking into consideration the wealth of this country, that this form of taxation will bring into the coffers of the United States over $50,000,000 during the first year.

The last and other method by which we should provide revenue to meet the provisions of the military and naval bill should be by the establishment of an excise tax on the profits of war-munition plants. Based on a calculation of the profits reported as being made by munition plants, it can be conservatively estimated that by the establishment of such a tax we will raise a revenue of approximately $35,000,000 during the next fiscal year.

The burden of taxation should fall upon those most able to bear it, and the methods which I have pointed out to the House by which this revenue should be derived will not place an additional burden and hardship upon the backs of the masses of the people of this Nation.

Since we will by legislation increase the Military and Naval Establishments of this country by passing conservative laws, with that object and purpose in view, I devoutly hope that the casting of every gun and the building of every ship will be done with a prayer for the peace of America. Let dreams of conquest be forgotten; let ambition for world's supremacy have no place in our hearts; let us pursue our worthy national ambition in deference to the rights of others, and then, if war is ever forced upon us, let us conquer a lasting peace without staining our arms or sullying our victory by a single dishonorable or ignoble act. Let us pray for the peace of America. "Let peace be within our walls, and prosperity within our palaces." "Let truth flourish out of the earth and righteousness look down from heaven."

The CHAIRMAN. The time of the gentleman has expired.

Mr. VINSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The CHAIRMAN. The gentleman from Missouri [Mr. HENSLEY]. [Applause.]

Mr. HENSLEY. Mr. Chairman, I have been somewhat amused at certain gentlemen on the Republican side of the House who, having gotten recognition, at once began to explain that they deeply regretted that anyone would discuss matters pertaining to politics when an important measure of this kind is pending. Every time you have made that statement I at once realized to a certainty that you were preparing to commit the greatest political assault of which you were capable. This ought not to be a political question. We ought to rise above political views and ideas in the discussion of this question. In criticizing our Navy and characterizing it as being lamentably weak you talk as though the Democrats have been in uninterrupted control of this Government for 20 or 30 years when, in fact, we have only been in control of the affairs of government a little over 3 years, and you were in absolute control for 16 years immediately preceding us. If conditions in our Navy were as bad as you charge, you should be held accountable. Here I desire to read from the hearing of Admiral Blue when before our committee this year:

Mr. HENSLEY. As a fighting machine, it has never been in better shape than it is to-day; is not that true, Admiral?
Admiral BLUE. Never in better shape than it is to-day, in my opinion.
Mr. HENSLEY. And in your opinion, its improvement is constant?
Admiral BLUE. Yes; all the time.
Mr. HENSLEY. And has been for the last three or four years more rapid than it was preceding that time?
Admiral BLUE. I think so; yes.

The Secretary of the Navy, Mr. Daniels, stated when before our committee also that the efficiency all along the line has been greatly increased within the last three years.

And during the three years of President Wilson's tenure in office we have spent for new naval construction $181,945,535. But the total for new naval construction during the first three years under Mr. Taft's administration was only $79,345,266. The total for the same purposes was $80,805,302 during the first three years of the first Roosevelt administration, and the total for the same purposes was $87,497,706 during the first three years of the second Roosevelt administration.

Continually since the Sixty-second Congress I have insisted that in order to properly balance our Navy and make it more efficient and of the greatest value as a fighting force we needed, more than anything else, additional submarines, aircraft, and other auxiliaries, including battle cruisers, instead of additional battleships. This bill does not provide for battleships. It provides for five battle cruisers which are more powerful and more expensive than battleships. It also provides for additional submarines and aircraft, and it is therefore in effect in that respect an indorsement of the position I have taken all along in my efforts to promote the efficiency of our Navy. All of the testimony of the experts before our committee is in support of that position. Admiral Dewey stated before the Committee on Naval Affairs about 15 years ago, after he had witnessed the first demonstration of the Holland type of submarine off the Potomac, "That if the Spaniards had had one of those boats over at Manila he never could have won the victory that he did." He said more than that. He said that "I could take two of these things and defend the port of Galveston against the combined navies of the world." [Applause on the Democratic side.]

What attention did the Republican Party, which was in power for many years after that, give to the subject of submarines with a view of promoting the efficiency of our Navy, about which they pretend to be so much concerned now? [Applause on the Democratic side.] I have said heretofore, and I say it now, that I have been inclined to believe that one reason why more submarines and craft of that kind were not provided was because receptions could not be held on them as could be held on dreadnaughts, and furthermore, there were no such profits in the manufacture of submarines. These are the reasons why you did not build submarines and thereby really promote the efficiency of our Navy. You absolutely ignored them, as I have previously stated. In support of my statement, let me call your attention to some of the testimony before our committee. It shows what has been done under a Democratic administration. Here is what Admiral Griffin, Chief Engineer of the Navy Department, said:

Until Admiral Grant was appointed to command the submarine flotilla the Navy Department itself apparently did not take submarines very seriously, and that is best evidenced by the fact that the officers who were ordered to command them were the most junior and inexperienced officers in the service. They were ensigns and lieutenants—

And, mind you, Admiral Grant was detailed to command the submarine flotilla by Secretary Daniels, under this administration.

Admiral Griffin further advised our committee that at the outbreak of the European war Germany had fewer submarines than we had.

Mr. MEEKER. Will the gentleman yield for a question?

Mr. HENSLEY. Certainly.

Mr. MEEKER. In the light of what you have said here of defending Galveston with two of those submarines, why is it that the submarine operators are fearful of an armed merchantman? They say that a merchant vessel carrying goods with two small guns can put a submarine out of business if they get a shot at it.

Mr. DECKER. He means that they get alongside.

Mr. HENSLEY. That is an entirely different question. The estimate placed upon the value of submarines by Admiral Dewey was based on the unrestricted use of the same. That means, of course, that the submarine will remain submerged. There is no occasion for a submarine to come to the sur-

face in attacking an enemy ship. It is constructed for fighting submerged. It is simply not constructed for surface fighting, and would be at a decided disadvantage on account of lack of armor and in many other ways.

Mr. KELLEY. The Secretary of the Navy recommended 25 submarines, but this bill contains only 20.

Mr. HENSLEY. I think that is as many as we can get ready. The gentleman is familiar with the difference of opinions of the experts with respect to the types of submarines which we should build. Our coast submarines are of the 400-ton type, and we have authorized three 1,200-ton type. The experts tell us that the smaller type has not sufficient radius of action or habitability for the men. They also tell us that the large 1,200-ton type can not submerge quickly enough. For these reasons they desire an intermediate type, which they have not as yet perfected.

The Democrats have authorized two battleships per year each year except one, just as the Republicans did for years. I opposed the construction of battleships for reasons heretofore stated, and aided in striking out the one ship to which I refer. However, the Democrats each year, except in this one instance, followed the policy of building two battleships per year. And now you try to make it appear that because of our failure to provide that one additional battleship, and notwithstanding the further fact that we have really appropriated more money each year for other construction than you did, we have fallen behind to such an extent that it will take from $500,000,000 to $800,000,000 to put us into second place, which is not correct. We have the second strongest navy afloat now and have had all along.

Mr. KELLEY. Could not the gentleman say that we sold two of those ships?

Mr. HENSLEY. Well, they said they were old ships that were sold—antiquated—as the gentleman knows.

Mr. Chairman, I shall give this bill my support, not because it meets with my approval in every respect, for it does not, but because it represents the best collective thought of the committee. I did not think during the preparation of the bill nor do I think now that it is necessary, on account of any real or imaginary emergency, to authorize five battle cruisers, not one of which can be completed within less than three to four years. Personally I feel that a less number of ships of this kind at this time would constitute ample provision for our national defense; and, of course, the cost would be much less. We can not always have our way about these things. I do not understand how any Member can afford to vote against this bill, rounded out as it is, and in favor of the Republican minority report, which carries such tremendous increases—six battle cruisers and two battleships and many other increases all along the line—though I find no fault with those who do not agree with me. Several of the Democrats on the committee favored larger increases than this bill carries, and the minority report indicates how the Republican members of the committee stood. I realize, as President Wilson has so well said, that men may honestly differ upon this great question. President Wilson said in his speech in the city of Pittsburgh:

> No man ought to draw this thing into controversy in order to make party or personal profit out of it. I am ready to acknowledge that men on the other side politically are just as deeply and just as intelligently interested in this question as I am, of course, and I shall be ashamed of any friends of mine who may take any different view of it.

President Wilson in his speech in New York said:

> It is a surprising circumstance, also, that men should allow partisan feeling or personal ambition to creep into the discussion of this fundamental thing.

The hearings of all the experts who appeared before our committee show that they are unanimous in their recommendations of battle cruisers, asserting that they are necessary in order to make our battleships effective fighting units. The experts say that battle cruisers constitute the eyes of the Navy. I suspected heretofore, as I suspect now, that the attitude of the Armor Plate Trust had something to do with the demand heretofore for the construction of those large dreadnaughts.

It was stated in the debate on this bill last year, and I subscribed to that view, that our ships were not constructed for speed—to run—but were constructed to fight. In view of what we have witnessed in the present war, the use to which the submarines have been put, rendering the larger slow craft almost helpless, I am inclined to the opinion now that greater speed is necessary so that the big boats may be able to outrun the submarines. Dreadnaughts have played a very little part, if any, so far as fighting is concerned in the European war. Then, too, we have no fast battle cruisers at present, while all other great powers have them. They will, therefore, tend to round out our Navy with the necessary defensive auxiliary craft, and will make our Navy stronger and more efficient from every angle.

I was strongly opposed to the five-year program, for, in the first place, this Congress should not undertake to bind future Congresses by a continuing contract. As each Congress comes fresh from the people it should have an opportunity from year to year to reflect their views. And, in the second place, we would create the wrong impression among other nations by such a course. Up to date Great Britain and her allies have lost scores of boats representing an enormous tonnage. Germany and her allies have also lost an enormous tonnage. Who is wise enough to foresee what will happen before that war has ended? We may have by that time a Navy stronger than the combined navies of Europe.

Secretary Daniels and Admiral Badger both stated when before our committee that no man can tell what the relative strength will be at the conclusion of the war; that the lesson of this war could not be learned until the war is over, and the lessons of this war might completely change the relative fighting value of the craft we now have or make it practically obsolete. The experts who appeared before our committee have within one year changed their demands for dreadnaughts to the very strongest demands for battle cruisers. Other changes may be necessary before the war is over. We can take care of the situation from year to year more intelligently. The adoption of this program would have the tendency of destroying the hope in the breasts of millions of people for a saner and a more humane way of settling disputes between nations, because there is no humanity whatsoever in war. If we adopted a five-year program it would appear as though this great Nation was trying to bolster up an institution, European militarism, which is crumbling and falling under its own weight. I do not believe in supporting any such institution, except in so far as is necessary in order to safeguard our national rights.

I am pleased to say that I am one of 30 Members who, realizing several months ago that this Congress would likely make large increases in the appropriations for military purposes, turned our faces squarely against putting a stamp tax upon gasoline, telegrams, telephone messages, checks, notes, and so forth, and thus directly place the burden upon the poor of the land. We wrote letters to the Committee on Ways and Means and used every influence we could with the committee against reporting a revenue bill of that kind, declaring that we would not vote for it. We insisted that the burden should be placed upon the wealth of the country for these military increases by further increasing the income tax and by the enactment of an inheritance-tax law and by placing a tax on munitions of war, and we are advised that such a tax measure will be presented to this Congress.

If this legislation is carried out properly, in a large measure those responsible for the agitation for increases, especially the ammunition people, will have to bear their just portion of the burden; and why should they not have to bear their share of the burden? It is enough that the masses of our land must be depended upon for the fighting in time of war, and they should not be put in the attitude of promoting their own destruction, which, in my opinion, contributing to preparedness to a large extent means. The big ammunition concerns have placed the dollar above every other consideration. They, in my opinion, would involve this Nation in war rather than give up their profits from the traffic in their death-dealing wares. Public meetings have been held, speeches have been made, demanding that this Nation join the allies in this war. Many people do not realize to what extent they are willing to involve our country.

We have heretofore reported to this House from the Committee on Naval Affairs a bill providing for Government manufacture of armor plate, which has been added to this bill by an amendment. It will go a long way toward taking the profits out of the manufacture of war materials and stop the unwarranted agitation now going on and which has been going on for years. There should be no profit in war. I am advised that before the European war began British citizens owned stocks in German and French ammunition concerns; that German citizens owned stocks in British and French ammunition concerns; and that perhaps this situation exists now. War traffickers are no respecters of nations. They had just as soon hold stock in the ammunition concerns of one country as another, provided only that the profits are the same. They have been playing one country against the other. Each country has made increases each year. At the end of the year their positions, relatively speaking, remained the same, for rarely ever did one country to any great extent outbuild the other. But there was a change; and what was it? The profits of these traffickers had increased; the burdens upon the people, who frequently had been misled by pleas of patriotism, had increased. Yea, and there was still another change. The probabilities of war had increased also. The instruments of war and the sentiment for war created by

the war gods make them more willing to depend upon their state of preparedness and resort to war than they otherwise would.

Mr. Grace, president of the Bethlehem Steel Co., stated before our committee that at the beginning of the war in Europe the stock of his company was selling on the market for $30 per share; that at the time he was testifying it was selling on the market at $530 per share. I have no doubt that he is true enough to his stockholders to put forth every effort in behalf of his company so that it may continue making big money after the war in Europe is over. What is more natural than that he and his people desire this country to buy their wares when they no longer need them over there? Should our people be so silly as to do it? Many other ammunition plants in this country have enjoyed about the same experience. Lloyd George in a speech in the Parliament of England recently referred to J. P. Morgan as their munition agent in America. Morgan, the head of the banking interests of this country, if not of the world, a British munition agent, is making millions on the sales of munitions to the allies. He also has been selling bonds to our people. Is he and the great institutions with which he is connected neutral as between the warring nations? I am calling attention to these things to indicate to what extent these ammunition traffickers go. Indeed are they true Americans? Should their counsel be adhered to in piloting our ship of state? The Good Book says, "That where your treasure is there your heart is also." The Congress of the United States is made to feel the influence of these people in various ways, by the use of the metropolitan press and by their representatives and in some instances by magnificent banquets. I sometimes fear that too many Members of Congress forget that great silent body of people who are not permitted to come in person and make an appeal in their own behalf. And while the saintly ammunition traffickers are busy pushing their present foreign trade by every means possible they are scheming and planning ahead so that their business may not cease when the war comes to an end.

They want the people of these United States so wrought up that this Government will at once become a market place for their wares when the European war is ended, and they are investing millions in a propaganda to make this country an object of prey and plunder for them. They are not praying and working for the relief of the millions of mortals in the war of Europe who are suffering all the agonies of hell itself. Millions of our people have contributed of their money to help the destitute people of Europe and those cursed by this awful war, but the same ships bearing gifts going from the very hearts of our people to those sufferers have borne ammunition for the slaughter of others. These same traffickers are largely responsible for the *hysteria* in this country, and are urging in every way possible that we go away beyond what this bill provides for. No good citizen wants this country to be in a defenseless state, but this is not the spirit that is prompting these ammunition traffickers. It is the spirit of greed and avarice. It is the riches and not the safety of our country about which they are mostly concerned. They are capitalizing patriotism and by playing upon those finer emotions are making millions of money almost overnight. Mr. Maxim, the inventor, the writer of Defenseless America, the author of the Battle Cry of Peace, and whose brother is a knighted British citizen and ammunition manufacturer in England, recently urged the organization of a defense league in St. Louis, and when the people responded and the league was organized there at once appeared in the papers of that city an advertisement offering stock in his ammunition concerns for sale. This did not set well with the members of the league in St. Louis and some of the most prominent citizens of the city withdrew from the organization, asserting that the whole propaganda was too apparent and that they would not be duped in any such manner. The Battle Cry of Peace, his play, is being put by means of picture shows into every district of the country possible to excite and stir up the people and make it appear as though this country is entirely defenseless nothwithstanding we have in the last 10 years spent hundreds of millions of dollars more upon the defenses of our country than Germany has spent.

We have spent millions more in the last 10 years upon our defenses than Germany and Japan combined, including this bill, and many times more than Japan has spent upon her Navy. Mr. Maxim in his book, "Defenseless America," says—

> that Great Britain should come over here and whip us in order to teach us a lesson.
>
> She tried that and failed on two distinct occasions over 100 years ago, when we were only three or four millions strong and scattered over a vast territory, with little wealth to speak of, and now, by the grace of God and 100,000,000 of freemen, and with billions of wealth, she can not start to do it. He further says:
>
> The unpleasant truth should be realized that invading armies must, with other luxuries, have women. As a result, they leave a large progeny—wrens in the nests of the doves of peace. Hence, inasmuch as soldiers are the pick of the manhood of their country, they are likely to do about as much toward securing the survival of the fit in America as they would in any country.

And further on, in arguing in favor of war, he says:

> That war is a great mixer of races and that usually mixed types benefit enormously from their compound blood.

How do the Christian mothers and daughters of this country feel upon this subject? How do the God-fearing and patriotic fathers, who produce the wealth of our country in time of peace and who constitute the only hope for the security of our country in time of war, feel upon the suggestion that Mr. Maxim makes of the survival of the fit by debauching the homes of the country? Yet this man, the real leader of this propaganda and who has done more than any other dozen men in stirring up public sentiment and in creating fear in the land, is permitted to run up and down and through the land teaching his blasphemous doctrine in order to excite the people so that he and his kind can better rob and plunder them.

Only a few days ago in my office, in the presence of Mr. CALLAWAY and several others, a gentleman recited the part that he had been taking in this propaganda to stampede the people to where they would demand enormous appropriations for preparedness. He was first employed by the Navy League, that bunch of simon-pure patriots to which attention has been called by myself and others for several years, at so much per week and expenses. He went to the country making speeches, pretending to give the people information concerning our "unfortunate" state of unpreparedness. Later on he was employed by the National Security League at $150 per week and his expenses, with a definite territory of the country to cover. He told us that he met Col. R. M. Thompson, Herbert Satterlee, brother-in-law of the present J. P. Morgan, and several other gentlemen at 103½ Wall Street and stated that in a few minutes time $30,000 was raised with which to begin the preliminary movement to bring about a $500,000,000 appropriation by this Congress for the Navy alone. He named several other gentlemen who were also employed by these men closely allied with the ammunition traffickers to stir up sentiment to stampede the country. Now, this gentleman confessed that he did not know anything on earth about our state of preparedness or what the other nations have. Preparedness is a relative term, and in determining our state of preparedness we must know how our Nation compares with the state of preparedness of other nations, because a man is strong or he is weak according to the strength of his adversary. This gentleman did not know the number of dreadnaughts we have, whether or not we have any battle cruisers, the character of our submarines, the nature of our coast defenses, or anything of that kind, yet he was employed to go over the country to enlighten the people upon the subject. Thus you see how false impressions have been made upon our people concerning our state of preparedness.

What is our present state of preparedness arrived at by men who are competent to judge? Gen. Weaver's testimony concerning our coast defenses is as follows:

> I have been a close student of the whole subject, naturally, for a number of years, and I know of no fortifications in the world, so far as my reading, observation, or knowledge goes, that compare favorably in efficiency with ours.

In speaking particularly of the guns, he said:

> The guns now mounted and those contemplated will give us an entirely satisfactory defense.

And when inquired of concerning the range of the guns carried upon foreign battleships with ours, and whether they had a greater carrying range than our guns, he answered in the negative. And when this question was put to Gen. Weaver by Mr. MCKELLAR—

> In your judgment, is it not unfair and misleading to the American people to have a public man make a statement that would lead you to believe that the coast cities of our country are wholly at the mercy of some invading enemy?

Gen. Weaver replied:

> I do not know that there is any officer who is acquainted with the facts that would make such a statement.

I desire to quote from Gen. Nelson A. Miles, who has had about as much experience, I presume, along military lines as any man in our Government. He said:

> Having had much to do with placing and the construction of our fortifications, and inspecting every one along the Atlantic, Pacific, and Gulf coasts, as well as having had an opportunity of seeing all of the great armies of the world and many of their fortifications, including the Dardanelles, I am prepared to say that our coasts are as well defended as the coasts of any country, with the same class of high-

powered guns and heavy projectiles, and I have no sympathy for the misrepresentations that have been made in an attempt to mislead the public.

And further on in his testimony he declares:

These over-seas expeditions spring from the minds of men writing about preparedness who know less about preparedness than anything else.

And on the 31st of January of this year Gen. Miles, before the Senate committee, declared further:

The placing of an army on American soil is the last thing any European Government would attempt; it could never be reembarked. It would dissolve like snow beneath the midday sun. Whenever it has been attempted it has resulted in disaster.

But in spite of the testimony of such men as Gen. Weaver and Gen. Miles and our information gotten from history, we are continually hearing or seeing put upon canvas the frightful scenes of how an invading force will without any difficulty whatsoever, and without the loss of any men, land a large army upon American soil. And some pretend to believe that at the conclusion of the present European war the armies of Europe will be consolidated and united for the purpose of invading this country. Impoverished as those nations will be, with $58,000,000,000 of indebtedness already and bleeding from every pore, they will certainly have their fill of war and will not desire to take on any new engagements with a country separated by many thousands of miles of water. It is said that including interest, sinking fund, and pensions, the annual expenditure of Great Britain will soon reach $3,000,000,000, an amount nearly equal to 25 per cent of her total income. This is about twice the amount of our total expenses of government, which are enormous. You can not believe that those nations will even attempt that unless you believe that the people of those nations, together with their rulers, are nothing more nor less than highwaymen, robbers, brigands, ready to go out and pillage any nation or country without the slightest provocation.

The naval expenditures of this country as well as the naval expenditures of all other countries have been increasing from year to year at a most alarming rate. I said in the Sixty-third Congress that in 10 to 15 years we would be appropriating $500,000,000 or more for the Naval Establishment of this country alone. Only a few years ago a Missourian upon this floor startled the whole country by declaring that Congress to be a billion-dollar Congress, and yet to-day we are appropriating nearly $3,000,000,000 for each Congress and have been appropriating nearly that sum for several Congresses past. These are stupendous figures. On the basis of 100,000,000 people, it represents $30 for every man, woman, and child of our country, and for each family of five the sum of $150 for two years, or $75 each year.

We find this bill now carries $269,479,255.24, $120,000,000 more than has been carried by any naval bill heretofore. The naval bill carried in 1896 the sum of $30,000,000. So you see that in 20 years, a short period in a nation's history, the cost for running this establishment alone has increased over $239,000,000, or an increase of from 700 to 800 per cent, including the amount carried in this bill. In the face of these figures we have people in our country talking as though we have totally neglected our Navy. Now, while I realize, as you all must realize, that in the final analysis these ponderous burdens fall upon the backs of the producers of our land, yet no citizen, I undertake to say, complains or will complain of the burden of these expenditures if they are necessary and for the public good. We all desire our country to be protected, and adequately protected, against any foreign foe. With these facts known, I can not believe that on the part of thinking men and women in this country there can be the slightest apprehension with reference to our safety when we are as well prepared as we are and with our preparations going on as steadily as they are. But, Mr. Speaker, the thing I most fear is that this Nation will give too much thought to the preparation for war, as though that is the most important thing to be obtained, until we are swept from our standards to that of a military State. We all know that many of our people to-day are obsessed upon the question. In many sections of our country the good women and girls are being trained by military men and are wearing uniforms and making preparations as though war was right upon us, and some of our people go so far as to advise military training in all the public schools of our country. We have now under existing law 100 schools and colleges over the country supplied with officers from West Point Military Academy who teach military tactics.

The Hay bill which passed Congress a few days ago provides for 786 more such teachers in our schools and colleges. I was in hopes that the awful war would teach another lesson to the people of the world and that we would not become so steeped in this thought of military preparedness as some appear to be. Many people seem to deplore Prussian autocracy, and yet by their actions they would have us approach that same militarism just as nearly as possible. The fact of the business is the difference between the European countries engaged in war, in respect to militarism, is only in a degree. Great Britain has expended more money upon her navy than Germany has expended upon her land forces, and militarism upon the water is the handmaiden of militarism upon the land. Are we going to permit this European situation to change all of our ideals? Within the last 50 years at least one-third of the habitable globe has changed from monarchical forms of government to republican forms of government. These are serious questions, and should be dealt with seriously, for we all know that the bent of mind of the people of a nation affects the attitude of that nation. As the people think, so are they. If we wish to cultivate a military spirit, the thing to do is to talk upon military subjects and to teach those subjects to the rising generation. If we wish to stand for peace, that peace which many gentlemen insist is brought about only by militarism, as though you could cure militarism with militarism, the nation and the nation's people should be engaged in thinking and teaching the doctrine of peace.

There can not be two true standards—one for the government of individuals and another for the government of nations.

If the people are not honest and candid, it follows that the nation is not honest and candid. The nation can not be above its source. Governments have been instituted in order that the greatest happiness may inure to mankind, in order that the weak may be protected from the aggression of the strong, in order to insure the peace of society. For the violation of any of the rules of law set up by society within a nation an unprejudiced and unbiased jurisdiction passes upon the case, and when the guilt is established punishment of some character is administered. Why should not this be the case between nations? And that brings me to the last consideration. There is appended to this bill a resolution which should and, in my judgment, will give more hope to humanity, if carried out in the right spirit, than all the balance of the bill put together. The resolution is as follows:

Upon the conclusion of the war in Europe, or as soon thereafter as it may be done, the President of the United States is authorized to invite all great Governments of the world to send representatives to a conference, which shall be charged with the duty of suggesting an organization, court of arbitration, or other body, to which disputed questions between nations shall be referred for adjudication and peaceful settlement, and to consider the question of disarmament and submit their recommendations to their respective Governments for approval; that the President is hereby authorized to appoint nine citizens of the United States, who shall be qualified for the mission by eminence in the law and by devotion to the cause of peace, to be representatives of the United States in such conference; that the President shall fix the compensation of the said representatives and such secretaries and other employees as may be needed. Two hundred thousand dollars, or so much thereof as may be needed, is hereby appropriated and set aside and placed at the disposal of the President to carry into effect the provisions of this paragraph.

Mr. Chairman, so far as I know, if this provision remains in the bill, it is the first instance where a great legislative body has taken a definite certain step of this kind. Can you imagine a more propitious time for a move of this kind on the part of this Nation than when the European war is concluded, and I pray God that the end may not be far distant? Each nation will have suffered irreparable losses in men and in property, millions of men and boys will have been mutilated and slaughtered and millions will have been laid beneath the sod, fighting for something they knew not what. Other millions will have been maimed and made dependents for the remainder of their lives, many of whom, as the medical fraternity tell us, will be steeped in disease, which condition will be passed on to even the third and fourth generations; and when the survivors of all the nations return to their respective homes and there face the vacant seats about the hearthstones, when they look into the faces of the mothers, and in many instances widowed by the war, and into the faces of the other loved ones and see the misery depicted there; yea, more than that, when they see, as many of them will see, that the sanctity of the homes has been destroyed and all because of the beauty and the superb glory of militarism, men of Congress, what will the state of militarism be at that time? Can you imagine that it was ever more prostrate than it will be then? What is our duty? Shall we be recreant to all the impulses of our being and false to the duty that we owe humanity by undertaking to resuscitate militarism and breathe the breath of life into the hydroheaded monster and transplant it from the war-torn fields of Europe to our own blessed land? I can never believe that to be the spirit of America. Or shall we Americans discharge our full duty to our God and perform our true mission by saying to those nations and to those people, and with the spirit that it should be said, "You have drunk to the very dregs of the cup of militarism while we have conserved our men in our fair land? We could have taken advantage of your struggle and made

every preparation for war and for conquest, but we did not. We appeal to you and to all the nations of the world to join us in providing and setting up a proper mechanism, a court of arbitration, wherein international disputes may be settled peacefully without the resort to war."

Is not that the true spirit of America, Mr. Speaker? It can be done, and this Nation can enjoy the glory of having taken the initiative in a great cause that means more to humanity than nearly any other. It is not a new thought. International disputes have been settled by negotiation and arbitration on many an occasion. Justice Brewer, in a great speech on this subject, called attention to the fact that—

in South America, Chile and the Argentine Republic disputed for years over their boundary. They were gathering for a desperate and fearful struggle, when in the hour of impending conflict the song of the angels of peace touched the hearts of both nations. They settled their dispute, sold or converted into merchant ships some of their war vessels, and thus took a foremost position in the way of national disarmament. In commemoration of this, on the summit of the Andes, nearly 3 miles above the level of the sea, on the border line fixed between these nations, has been uplifted a colossal statue of Christ, cast from the bronze of the old cannon left there by the Spaniards at the time of the struggle for Argentina's independence, and on it is this inscription: "Sooner shall these mountains crumble into dust than Chileans and Argentines shall break this peace which at the feet of Christ, the Redeemer, they have sworn to maintain."

Mr. EMERSON. Mr. Chairman, will the gentleman yield there?

What question was there in dispute that a court of arbitration could have passed upon, so that it could have brought about a conclusion?

Mr. HENSLEY. The same questions to which the gentleman refers will be argued out between the statesmen of those countries after millions have been slaughtered in that awful war. Why could they not at least have attempted to settle those same questions in advance of that awful carnage? I hope that the war will be brought to a conclusion by arbitration, and I am sure that whatever means are taken to bring about the termination of the war, in that way could have been utilized to prevent the war and the nations concerned would not have suffered as they have. [Applause on the Democratic side.]

I have said on other occasions, and I say it now, that I would not give an ounce of the clear-thinking brain matter that has enabled the President to steer the great ship of state clear of all entangling alliances while this European situation has been so horrible for millions of pounds of armor plate and other excessive military preparations. Only a few days ago my attention was called to the statement made by Lord Bryce, former ambassador from Great Britain here at Washington, one of the greatest thinkers of the age, and certainly no man upon this floor would refer to him as being a dreamer, in which he outlined the things for which England stood, and he concluded his statement with an appeal for a league of peace, using this language:

The obstacles in the way of creating such a league are many and obvious, but, whatever else may come out of the war, we in England hope that one result of it will be the creation of some machinery calculated to avert the recurrence of so awful a calamity as that from which mankind is now suffering.

The statesmen of Germany are also anxious for this to be done, and I say, Mr. Speaker, that if it does not result in the nations of the world setting up some machinery for the settlement of international differences, then, indeed, the war will have been fruitless and the suffering, the agonies of millions of men, women, and children reduced to a wanton, heathenish crime.

It remains for us to make good. Let us not spread the deadly germ that fructifies every few generations with a slaughter of the flower of the land. If we do, if there is no escape from it, and this fair land must follow in the path of the monarchies of Europe, then civilization is a farce and the doctrine of the "tooth and the claw" becomes potential in our Nation as well as in those older nations. No longer should we in a national way, or individually, for that matter, pretend to stand for and be actuated by the life-giving spirit of our Maker, for the spirit of Christ can not exist and live in the poisonous, deadly atmosphere of militarism any more than can a lily, which must for its beauty bask in the sunlight, be nourished by the gentle breezes, and moistened by the rain and dew from heaven, exist and live and flourish in the poisonous gases and fumes of the bottomless pit of hell. My friends, the Bible is true or it is not true. We believe in it or we do not. I, for one, though my efforts may be weak and impotent, shall stand by the old story which constitutes the only hope of man for this life and for eternity. Yes; I shall stand by the country and its institutions as established by our fathers, though in some respects their teaching may have been provincial, and I appeal to Congress, and through Congress to the hundred millions of freemen of our land, to set their faces against the present horrible situation. And I bespeak for the people of the Nation, without regard to where they were born or where their parents came from, absolute loyalty and fidelity to the flag of our country both in time of peace and in time of trouble. If war comes, if all else fails and we can not escape, we stand ready, if needs be, to fight and to die to perpetuate our liberty, a democracy, if you please, which is the only hope of a constitutional form of government. Men do not have to wear uniforms or shoulder straps to be patriots. We can be true to our convictions and do our whole duty in the world and serve a nobler purpose in time of peace than we possibly can by fighting and killing our fellow man in war. So, in conclusion, Mr. Speaker, I say may the God of the universe, who rules the destinies of men and nations, guide us and give us wisdom to see the right and courage and manhood to do the right even though by so doing we may suffer from the taunts and ridicule of those who do not agree with us.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BUTLER. Mr. Chairman, may I ask the Chair how much time has been consumed on either side?

The CHAIRMAN (Mr. LLOYD). One hour and twenty-five minutes has been consumed by the gentleman from Tennessee [Mr. PADGETT], and two hours and nineteen minutes has been consumed on the side of the gentleman from Pennsylvania.

Mr. BUTLER. Does the gentleman from Tennessee wish to consume some time on that side?

Mr. STEPHENS of California. Just a moment. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SLEMP. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Virginia [Mr. SLEMP] makes the same request. Is there objection?

There was no objection.

Mr. HELVERING. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Kansas makes the same request. Is there objection?

There was no objection.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Massachusetts makes the same request. Is there objection?

There was no objection.

Mr. MEEKER. Mr. Chairman, was not that privilege granted to everyone?

Mr. BUTLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUTLER. Can general consent to extend be given by Committee of the Whole?

The CHAIRMAN. Consent can be given to each individual, but not general consent.

Mr. BUTLER. I had hoped that the chairman of the committee [Mr. PADGETT] would make a general request when opportunity offered.

Mr. PADGETT. I did make a request this morning, but the gentleman from Illinois [Mr. MANN] stated that at that time he would object; but I hope at a later time to renew that request.

Mr. BUTLER. It is desirable that everyone should have that opportunity. The gentleman from Tennessee has used how much time, Mr. Chairman?

The CHAIRMAN. One hour and 25 minutes.

Mr. BUTLER. How much time has the gentleman from Missouri [Mr. HENSLEY] consumed?

Mr. PADGETT. That time has been charged to me.

The CHAIRMAN. The Chair at first misunderstood the gentleman's inquiry. Two hours and 41 minutes have been yielded to the gentleman from Tennessee. Two hours and 19 minutes have been yielded to the gentleman from Pennsylvania.

Mr. BUTLER. Now, Mr. Chairman, I yield to the gentleman from Connecticut [Mr. TILSON] 20 minutes. He has brought his arsenal with him, and I yield him time in order that he may shoot it away. [Laughter.]

The CHAIRMAN. The gentleman from Connecticut [Mr. TILSON] is recognized for 20 minutes.

Mr. TILSON. Mr. Chairman, I am in favor of a strong, adequate Navy, because I believe it is best for the country to have such a Navy. I intend to vote for not only the battle cruisers reported by the majority of the committee, but also for the battleships that will be proposed by the minority and offered by way of an amendment.

I have wondered, however, whether with all our battleships, with all our cruisers and other craft, with all the guns they carry, there is the possibility of our being found, in case of war, inadequately prepared in the very vital item of ammunition. I have wondered because this is precisely the situation confronting us in the Army. We need not only a reserve supply of ammunition, but also the potential possibility of manufacturing ammunition in vast quantities upon short notice in case of war.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes; I yield to the gentleman from Texas.

Mr. CALLAWAY. Mr. Grace, of the Bethlehem Steel Co., was before our committee, and I asked him what their capacity for manufacturing munitions was, and he answered it was unlimited.

Mr. TILSON. That is undoubtedly true, as I shall show a little later, provided we have or the private manufacturer has certain special appliances. These special appliances are the things I am going to talk about in the few minutes during which I shall address the House.

Mr. CALLAWAY. This is a manufacturer of munitions, the only manufacturer that is turning over this stuff ready to be used, and he answered the question, when I asked him about it, "How much can you turn out?" And he said, "You need have no uneasiness about it; any amount you want."

Mr. TILSON. I think that is true, provided we have or somebody has the necessary special tools and fixtures which are absolutely necessary for the manufacture of anything of that kind by mass production.

Mr. CALLAWAY. May I just read that he never put that qualification in at all. He said that he could turn out any amount desired without any "ifs" to it.

Mr. TILSON. I shall take the gentleman's word for it, and am very glad to hear that such is the case. To my mind that would indicate that the manufacturer in question is already equipped with these things, for they are surely necessary. It is my intention to address myself to the subject of preliminary preparation for the manufacture of arms and ammunition, so far as it applies to the land forces, because I have given considerable thought to this particular phase of the subject. Since I addressed the House on February 29, upon a bill I had previously introduced covering the subject, the Committee on Military Affairs has approved the subject matter of that bill, which in the form of an amendment I offered on the floor of the House and which is now the law, authorizing the purchase or manufacture of the special tools and fixtures of which I am speaking.

Napoleon is credited with saying that an army travels on its stomach. The bleaching bones of thousands of his veterans on the snowy steppes of Russia after the retreat from Moscow testify to the truth of that proposition. An army must still travel in the same way. An army can not travel or fight unless it is fed; but after an army has marched, after it is in a position to fight, it can not be effective unless it has an adequate supply of arms and ammunition. A modern army fights in the workshops back of the base of supplies. For each man at the front there must be one in the shop. If there is not, the man at the front will soon find himself at the mercy of his more fortunate opponent. As I have said, I am in favor of a larger Navy. I believe in a stronger Army than we now have, though I do not believe we should ever have a large standing Army in this country. I believe in a well-trained citizen soldiery. The truth is, however, and it ought to be more generally understood that all these are futile unless we have the arms and ammunition in sufficient quantities. If we had a million men already trained, a reserve twice as large as that, and as many more volunteers in the training camps back of them, nevertheless, if we have not meanwhile adequately prepared ourselves to manufacture the arms and ammunition that they must have, those men can not be effective. In order to manufacture the arms and ammunition needed, you must have these things of which I speak, and of which I have brought here an exhibit of a few very simple ones for ocular demonstration.

Let me repeat and emphasize the fact that without these simple looking things—I have a number of them here which any Member can look at, if he so desires—without these things it is impossible for us to produce the matériel necessary for a real conflict. Without them it is impossible to produce it at all in quantities. Listen to this statement: It will require more than a year to produce the necessary gauges, dies, templets, fixtures, special tools, and other appliances necessary to manufacture small arms, small-arms ammunition, and field-gun ammunition in sufficient quantities to carry on a real war.

I wish that statement could be emblazoned across the sky until every person in this country who thinks or talks preparedness or refuses to think about it might read it by day and meditate upon it by night, for the statement is as true as it is startling.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. TILSON. I will yield to my friend for a question.

Mr. CALLAWAY. Do you suggest that the Government supply itself with all this necessary equipment to turn out arms?

Mr. TILSON. That and nothing more. I think the Government should supply itself with these things, instead of proceeding to build large factories at great expense, which would have to be equipped with these things even then before they would be of any use.

Mr. CALLAWAY. You do not consider the arms in the hands of private manufacturers throughout the country?

Mr. TILSON. They have not got them. That is just the trouble. Great Britain came here asking for rifles, any amount of rifles that she could get.

Mr. CALLAWAY. You do not believe what the president of the Bethlehem Steel Co. said about turning out these orders, then?

Mr. TILSON. I am not attempting to answer the gentleman or Mr. Grace in regard to ammmunition for the Navy. I have not yet qualified as an expert in regard to the Navy, but I know whereof I speak concerning the Army. I know it to be a fact that Great Britain, having come to this country seeking all the rifles she could get, and offering good prices for them, was unable to get them at all for over a year. I have the statement right here of a well-known and responsible Englishman, made to an American audience, and if the gentleman will excuse me, I will read it into my remarks at this time. He says:

> We were unable to put into the field a tithe of the men we recruited because we were without rifles, and contracts were immediately placed in America, but it takes time to make the patterns, equip the factories, and build the necessary machinery—

What it took the time to make was these simple-looking things, the gauges and other special appliances.

> and it was only last February—

February, 1916, and remember these hurry-up contracts were made in the autumn of 1914—

> that rifles were beginning to go out in quantities. An army is as strong as its infantry, and the weapon of the infantryman is his rifle. The wastage of rifles is enormous, and it has been calculated by military experts that for every man in the ranks there must be a reserve of from three to five rifles to repair loss and damage if the army is to be kept up to its maximum efficiency. Germany is said to have had this reserve at the outbreak of the war. Incidentally I may remark, the United States had several hundred thousand rifles in its armories which the British Government would have bought at almost any price, but your Government, mindful of its strict obligations of neutrality, refused to sell us a single rifle, which, of course, was perfectly proper.

Yes, we had 700,000 new Springfield service rifles all told, and almost half as many Krags, and, of course, we acted properly in not parting with them.

The same statement informs us that in December, 1915, Mr. Lloyd-George told the House of Commons that in May, 1915, after the war had been in progress 10 months, England was turning out only 2,500 high explosive shells daily against Germany's 250,000—a hundred times as many. We know the reason now—Germany had the gauges, Great Britain had to get them after the war started.

Here is a little story carrying its own comment. It is said to be a true story, but whether literally exact as to hours and minutes is not important, as we know the substance and point of the story to be true. It well illustrates the meaning of real preparedness:

> It is the afternoon of July 28, 1914, in a quiet little German valley. To the right, over there behind that growth of trees where you see the smoke arising, is a huge manufacturing plant, the home of a world-famous ignition system. The noonday sun is shining down on the peasants at work in the field, and the atmosphere of peaceful industry is everywhere apparent.
>
> But now it is 2 o'clock p. m. The telegraph key in the office of that manufacturing plant clicks furiously. War has been declared, and the nation needs arms and men and needs them quickly!
>
> Now what do you suppose is happening over there in that factory? Is there the fussing and fuming and delay that we witnessed last month down by the Rio Grande? There is not. Is the machinery stopped and the plant shut down? No. The lathes and milling machines hardly hesitate in their whirring, but instead of turning out magnetos, rifle parts begin to clatter into the shipping room.
>
> At 2.10 o'clock the employees formed in line and marched by the pay window, where each received a little slip of paper bearing exact instructions as to what each individual should do. One-third of them reported immediately at the recruiting station to receive arms and equipment for the front. Another third, according to instructions, reported for duty as expert repairmen on automobile and aeroplane ignition systems, and one-third returned to their lathes and devoted themselves to the manufacture of rifle parts. In short, each man had a preordained duty that fitted cog for cog with the needs of the moment.
>
> How long do you suppose it would take you to change your plant from its present product to the production of rifle parts? Would not a year be a minimum estimate of the time required? Yet over there in that little German valley, one hour's time saw the last magneto rushed from the shop and the appearance of the first rifle lock; one hour's time turned the huge factory from magnetos to war equipment. That illustrates what we mean by real preparedness. Of course the fixtures and

jigs were ready, and doubtless had been ready for months or years. Of course the drawings, the plans, the gauges, and the tools were there ready—prepared.

Unfortunately our Congressmen are not versed in things mechanical. Therefore to them the change from the production of magnetos to rifle parts within a single hour's time seems like nothing more than a pretty and spectacular bit of hurry-up work. It would be a great service to the Nation if some one would tell them that a change of this nature requires months of preliminary thought and labor; that jigs and fixtures and dies are not the product of a moment; that designs, blue prints, and gauges do not grow on trees and that interchangeability of parts and intelligent inspection are the result of training and not of inspiration.

England was 10 months raising her capacity to produce high-explosive shells to 2,500 daily, and other equally necessary things quite as slowly. The interesting part of England's lesson to us as neutrals is that within 20 months after the war began the British ministry of munitions was said to be in control of more than 3,000 munition factories employing 1,500,000 men and 250,000 women. What England has done we can do; but do we wish to do it under such conditions? It is well known that our own situation as to matériel is much the same as that which Great Britain had to face at the outbreak of the war. Certainly we are no better off. The consoling fact in regard to our own situation is that we have many more than 3,000 factories that could be transformed readily into munition factories capable of producing all the arms and ammunition we should ever need in case of war. If we have ready the things for which I am contending, we may approximate the occurrence in the little German valley in case war should come. If we have them not, I think we may be able to get them within 20 months—if the war has not sooner ended.

Mr. SLAYDEN. Will the gentleman yield?

Mr. TILSON. I yield to my friend.

Mr. SLAYDEN. These factories in this country that have been supplying the belligerents are now thoroughly well equipped, I presume, with all this material?

Mr. TILSON. Not to manufacture the United States Army service rifle. Their rifle is different from ours and their artillery is entirely different. They would be forced to have made every one of these gauges, and it would take perhaps 800 different gauges to make this one rifle. Let me show my friend. It takes 120 different gauges to make one piece, the receiver, and probably not many of the gauges these private manufacturers now have would be of any use in the manufacture of our rifle. We must have a new, complete, exclusive outfit for everything that is different in the slightest degree.

Mr. SLAYDEN. The gentleman believes that our Government should buy these things and store them?

Mr. TILSON. Yes; should have them made and ready.

Mr. SLAYDEN. Suppose in the meantime some man invents a different and vastly improved rifle, of what value will these things be?

Mr. TILSON. They will be of no value when the rifle is discarded and new ones will have to be made for the improved rifle; but that is far better than either of the other two alternatives left us, one of which is that we have an inadequate supply of rifles and no preparation to make more, which is unthinkable, and the other that we manufacture a vast reserve supply of rifles, which would cost multiplied millions and which would all have to go to the scrap heap when they become obsolete. Can not the gentleman see the great advantage of my plan?

Mr. BUTLER. Will the gentleman yield for one question? Does not the gentleman think it quite advisable to consider the proposition of some of these ammunition makers, that for small sums of money they will keep their factories ready to make immediately thousands and thousands of rounds of ammunition, so that the Government may not be put to the expense of making it at this time?

Mr. SLAYDEN. If the gentleman asks me that question, I will say that I think we should.

Mr. BUTLER. I was asking the gentleman from Connecticut.

Mr. TILSON. I believe that the Government itself should manufacture for the most part the small arms and small-arms ammunition that it uses in time of peace; because the facilities for doing it are already in existence, so that it would be an economic loss not to utilize them. For war, however, all the Government could possibly manufacture would be but a drop in the bucket. Therefore, we should have private manufacturers, and as many of them as possible, make a portion of the peace-time requirements, so that they may keep their machinery, their special appliances, and their organization in readiness to produce when needed. That was our policy until about five years ago in regard to small-arms ammunition.

Mr. BUTLER. I will give the gentleman another minute or two. Does the gentleman recall the question asked him by the gentleman from Texas [Mr. CALLAWAY]? Does the gentleman remember the statement that the gentleman from Texas [Mr. CALLAWAY] made, that Mr. Grace, president of the Bethlehem Steel Co. said that immediately, within 90 days, they can make more ammunition than the Government can hire men to shoot away?

Mr. CALLAWAY. Will the gentleman let me read that?

Mr. TILSON. I have not set myself up as an expert on the Navy or naval matters, and yet I have a notion that in the manufacture of ammunition in quantities for the Navy some of these things I am talking about will be necessary.

Mr. CALLAWAY. This is a question of naval ordnance. This is what he said:

Mr. CALLAWAY. In this country, should demand come for any amount of arsenal matériel, could not that be distributed to different people in the component parts and assembled in almost unlimited quantities?

Mr. GRACE. If you will keep in existence, Mr. CALLAWAY, the facilities which have been built up during this war, the United States need never have a fear and you people in Washington need never have a fear or worry about where you will get your matériel.

Mr. TILSON. I think that is substantially correct. Our main dependence should be, must be, upon our private industrial resources; and that is just what my plan seeks to do—to organize and prepare to utilize what we have, instead of discouraging and trying to destroy private industries. In my judgment, we shall act with extreme folly if, shutting our eyes to the facts, we blindly proceed to waste the public money in building an uncalled-for armor-plate factory, a lot of expensive ammunition factories, and all that sort of thing. On the other hand, I do believe in the Government manufacturing the special appliances which can be of no use to anyone except the manufacturers of war materials. They do not amount to a great deal in the aggregate. The whole cost of the essentials necessary to equip enough private establishments to produce all the small arms, small-arms ammunition and field artillery ammunition that we should probably need in case of war would not be as much as the cost of one battle cruiser.

Mr. CALLAWAY. It is said here that $60,000 would keep these things in existence.

Mr. TILSON. I do not know just what the gentleman, from whom the gentleman from Texas is reading, is talking about. Evidently it does not cover what I am talking about, because I have here the testimony of Gen. Crozier and other experts who go fully into the matter, from which it appears beyond all question that it would require at least $200,000 to procure enough of these special appliances to manufacture 1,000 rifles a day.

Mr. CALLAWAY. I do not think the gentleman understood my statement. Mr. Grace said they could keep in existence the equipment they have at the present time, which could turn out all the materials that would be needed. I asked him if in any quantity, and he said "Yes; any quantity whatever."

Mr. TILSON. He may possibly mean the expense of keeping what he has already. He can not mean the initial expense of procuring an adequate stock of these necessary articles. I know that he can not be talking about the things that I am talking about, for $60,000 would not go very far.

Mr. FESS. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. FESS. What would be the entire amount in expenditure to keep and preserve what Mr. Grace was talking about?

Mr. TILSON. I do not know, because I have no idea as to just what he was talking about. I could tell the gentleman something about the cost of the things I am talking about.

Mr. EMERSON. The gentleman has brought a lot of material and ammunition in here that I would like to have him explain.

Mr. TILSON. I should like to do so, and I would if I had more time. If I do, I must ask that I be not interrupted further.

Mr. BUTLER. I will yield the gentleman two minutes more time.

Mr. TILSON. This shell [illustrating] is a 6-inch armor-piercing shell for one type of coast-defense gun. The projectile alone weighs 108 pounds and is supposed to pierce 6 inches of Krupp cemented armor plate at 5,000 yards. This [illustrating] is a dummy detonating fuse, the actual fuse being a confidential matter, so that I could not secure one of them. This [illustrating] is a shrapnel complete and ready for firing from a 3-inch gun. This [illustrating] is a shrapnel projectile sectionalized so that you can see the inside. It is loaded with 252 large bullets incased in rosin, having a time fuse which explodes it at the right time in its flight. A gentleman on the munitions board of Canada who called at my office a short time ago told me it cost that Government $100,000 to get the gauges for manufacturing the time fuse alone. He said further that at that particular time he had all the concerns in this country East and West able to make gauges that he could secure obligated to make them.

The black powder at the base of the shell is exploded by a time fuse which is set and lighted as it is discharged from the gun. Smokeless powder is used as a propelling force. The time fuse is set so that at the proper distance in front of the target the shell explodes and releases the bullets. These are embedded in rosin, which catches fire as the bullets spread going on their mission of death.

Mr. BUTLER. It does not burst; it shoots out of the end like a gun.

Mr. TILSON. The charge of black powder at the base is just enough to burst the container so as to release the bullets and spread them, but does not add to the force or velocity.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. BUTLER. Mr. Chairman, I yield to the gentleman five minutes more.

Mr. TILSON. This is one of the gauges [illustrating] I am speaking of which determines the size of the opening in the shrapnel that receives the time fuse. One end of this gauge must go into the opening, and the other end must not. Yet, there is only one one-thousandth of an inch difference. The difference between the two is what is called "the tolerance." The same principle applies to these gauges and a number of others. All are made of costly tool steel and must be carefully made by skilled mechanics after the most careful designing. It requires time to make them and they are expensive. However, they are absolutely necessary before you can proceed to manufacture rapidly and in large quantities. It is not a new principle. It is used in every great industry where mass production is required. My object is to have the Government apply the same principle in the most vital of all things, our national defense.

My desire is to save this country from the folly of rushing madly into making huge appropriations for costly factories to manufacture what we should need in case of war when we have the factories in nearly all parts of the country, located not only in New York, Pennsylvania, and New England, but all over the country, equipped with the necessary machinery—with lathes, turret lathes, milling machines, all sorts of machines, and many of the tools and appliances such as are used as well for the industries of peace. In fact, we have thousands of factories with everything that is necessary except the special appliances that I speak of.

When we provide ourselves with these, that is all that we need do. We shall then be ready on short notice to turn out all the arms and ammunition that we may need. I hope that we may never need any of it. I hope that not a single tool we provide will be used except to make arms and ammunition in comparatively small quantities for training purposes. I hope they will all go out of date without being needed; but whether used or unused, they will be the cheapest and most effective insurance that we can have. If we prepare ourselves by adequately providing these appliances, we need not carry a reserve so large as to be burdensome, and yet we shall be ready to make quickly what we need in case of war.

Mr. HELGESEN. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. HELGESEN. Has the gentleman an amendment in the military bill for this purpose?

Mr. TILSON. Yes; the Army organization bill carried the so-called Tilson amendment authorizing appropriations for these things. The fortifications bill carries a million dollars for the purpose, and the Army appropriation bill will carry something more. I feel greatly encouraged with the progress that is being made, and personally feel very much gratified that two such able, well-informed men as the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from Virginia [Mr. HAY] have so readily and handsomely recognized the importance of my amendment in their respective bills.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from Indiana [Mr. LIEB].

Mr. LIEB. Mr. Chairman, I have a letter directed to me from A. R. Hawley, president of the Aero Club of America, and I send it to the desk and ask that it be read in my time.

The Clerk read as follows:

THE AERO CLUB OF AMERICA,
297 Madison Avenue, New York, May 25, 1916.

Hon. CHARLES LIEB,
Congress Hall, Washington, D. C.

MY DEAR MR. LIEB: Under separate cover there is being sent to you a copy of the special edition of the New York World, which was delivered to Washington by aeroplane.

Being the first metropolitan newspaper to be delivered by air route to the National Capitol, this copy of the World will have historical value, and you may wish to keep it.

You will notice in this number an appeal to Congress to train 2,000 militiamen, coast guardsmen, and mail carriers so as to form a reserve of trained aviators, who, while being employed daily for peaceful purposes, will be available to meet any emergency.

While the special edition of the World was being printed a cablegram was received by the 15 Canadian aviation students being trained at Newport News, Va., from Earl Kitchener, the British war minister, declaring that "one aviator is worth an army corps."

This proves that we were modest in our estimate that a trained aviator is worth 1,000 soldiers in the Mexican campaign. Had we 100 aviators at the Mexican border, the history of the Mexican trouble would undoubtedly read quite differently.

We are glad to say that the aeroplane which carried these copies of the New York World to Washington was the Curtiss battleplane bought by the Aero Club of America with funds subscribed to the national aeroplane fund. From Washington it will be sent now to the New Mexico National Guard for service on the Mexican border.

Page 3 of this letterhead gives a brief résumé of some of the results obtained by the national aeroplane fund. Since this was printed a number of other States have taken up aviation, making close to 40 States that have taken steps to organize an aviation section in the militia. A dozen States are appealing to the Aero Club of America for aeroplanes and for means with which to pay for the training of militia officers in aviation. Assistance is given them as fast as the funds received permit.

There is a limited number of the first "aeroplane edition" of the New York World on hand, and if you or any of your friends would like an extra copy for historical interest, we would be very glad to send one.

Thanking you for your cooperation and support of this important movement, I remain,

Very sincerely, yours,
ALAN R. HAWLEY,
President Aero Club of America.

Mr. LIEB. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, I have sat here and been interested in listening to the discussion that went on between my friend and colleague, Mr. CALLAWAY, and my friend from Connecticut, Mr. TILSON. They seem to be unable to reach a common understanding as to what they were talking about; and, of course, when technically instructed people, as they are about these military and naval matters, fail to understand each other, it is confusing to the rest of us, who are mere untrained laymen. I wanted to learn from the gentleman from Connecticut [Mr. TILSON] whether these parts that he regards so important that we should have a reserve supply on hand, so that factories that are engaged in the manufacture of industrial products can quickly convert their plants into the making of implements, or enlarge the output of a factory engaged in the production of implements of war, are confined to shoulder arms, or do they extend to the manufacture of parts for these 6-inch and 3-inch shells?

Mr. TILSON. Mr. Chairman, if my friend will permit me, I will state that it will apply to anything that is produced in large quantities which you wish to manufacture by what is called mass production. It happens that the small-arms ammunition is used in enormous quantities. Rifles are used in enormous numbers and the field-artillery ammunition is used in such great quantities as no one had any conception of prior to the beginning of this war. In order to manufacture these articles by the repetitive process all these various jigs, gauges, and special appliances must be had, and I say what I absolutely know that it costs about $100,000 to make enough of those special appliances to produce by mass production the particular time fuse which I have in my hand.

Mr. SLAYDEN. Do the same factories that will have all these parts you speak of make the 3-inch shells and the shoulder arms?

Mr. TILSON. The same kind of machinery would be used. For instance, the Baldwin Locomotive Works and the American Locomotive Co. are manufacturing that particular time fuse for Canada and they are manufacturing it in large quantities.

Mr. SLAYDEN. My friend from Texas [Mr. CALLAWAY] was evidently speaking about the projectiles required for the Navy, and except for the few rifles in the hands of the marines they want only the larger caliber ammunition.

Mr. TILSON. Those large articles that are specially made one at a time—machine made—perhaps can not be manufactured in the repetitive way. It is like comparing the Swiss watch to the Ingersoll watch. What we desire in regard to these things is that we should have the appliances such as we make an Ingersoll watch with so that we can make them fast. That is what we want.

Mr. SLAYDEN. Mr. Chairman; I am very much obliged to the gentleman for his elucidation of this interesting question. He made a statement with which I have a good deal of sympathy. I have always believed that it would be most unwise from the point of view of military defense to put the private makers of munitions of war out of business.

Mr. TILSON. I think it would be suicidal.

Mr. SLAYDEN. I am talking heresy, perhaps, but I frequently do.

Mr. TILSON. The gentleman is talking good sense.

Mr. SLAYDEN. I have never had sympathy with that project. I was never in a powder factory in my life, and the Lord being my helper I never will go into one. But I never believed that it was wise by legislation to rely entirely for the manufacture of our gunpowder upon the output of a Government factory, because we all know the difficulty of getting appropriations necessary. I have the honor of having been frequently denounced as one of those contemptible pacifists, and I really regard it an honor to be so spoken of.

Mr. DAVIS of Texas. Mr. Chairman, will the gentleman yield?

Mr. SLAYDEN. In one moment. But I want to see conditions of such a nature existing that if the emergency does come we can meet any danger, however unexpected.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BUTLER. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, I have listened with a great deal of interest to the progress of this debate. The trouble with many of the gentlemen who favor the majority report of the committee is that they look for unattainable Utopias. I am afraid that so long as the world goes around we will have wars. I have often stated on this floor that nations are only aggregations of individuals. Solemn treaties will be broken in the future just as they have been broken ever since the dawn of recorded history—*just as civil* contracts are broken by individuals day after day despite the teachings of preachers and moralists. The gentleman from Missouri [Mr. HENSLEY] spoke of courts of arbitration. Civil and criminal cases are tried in courts, and most Americans abide by the decisions of judges and juries. But there are exceptions of the rule. Why, I remember within the last five or six years a case occurred almost within a stone's throw of this Capitol, in which a litigant before a court in the State of Virginia became dissatisfied with the decision of the judge. The litigant pulled out his pistol, killed the judge, the clerk of the court, and the sheriff, and undertook to shoot up everybody in sight. True, that is an unusual case. And, Mr. Chairman, wars come through unusual conditions.

Mr. CALLAWAY. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. CALLAWAY. On account of that one occurrence would the gentleman advise the people in all the United States to arm themselves?

Mr. KAHN. Oh, I did not say that. I say that it is the unusual that brings about war. In my opinion it is necessary to prepare in order to guard against the happening of the unusual. The gentleman referred sarcastically to the people on the Pacific coast as being mightily afraid because they did not have a battleship fleet over there, and intimated that their solicitude for the battleship fleet was not so much a matter of defense as it was a mercenary desire to reap material advantages for themselves. That seemed to be his frame of mind as I listened to his statement.

Well, now, down on the Texas border the Army of the United States has been encamped for something like four years. I understand that there was a movement here in Washington a year or two ago to withdraw some of the troops from the Texas border and return them to other stations throughout the country. When that program of the War Department became known the whole State of Texas demanded that the soldiers be kept down there near the Mexican border. Was that on account of some material benefit to the people of Texas? The gentleman probably takes that as an expression of the interest of his people in the United States Army, and thinks that all the people of the United States are like the people of Texas in that regard. Now, I want to assure my friend from Texas [Mr. CALLAWAY] that the people of the Pacific coast——

Mr. CALLAWAY. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. KAHN. Certainly.

Mr. CALLAWAY. I think they are just exactly like the people everywhere else, and wherever they are benefited by the soldiers down there they want them kept, and would like to have the benefit of one kind or another.

Mr. KAHN. Mr. Chairman, I would rather believe they want them kept there because they feel that in case of trouble with Mexico they would have the military arm of the Government ready to defend the citizens of the gentleman's State as well as their property. Personally I am very glad that they were there. I am exceedingly sorry that there were not more of them there, that is all. There should have been more there. I firmly believe that if we had had more there probably there would not have been any raid into the State of Texas.

Mr. SLAYDEN. Will the gentleman yield for a question?

Mr. KAHN. Yes.

Mr. SLAYDEN. Does not the gentleman know that at Columbus there were plenty of troops to have driven back or repelled or defeated the little band that Villa brought in there?

Mr. KAHN. Oh, there undoubtedly were. But there was somebody's carelessness there, and some day we will find out whose carelessness it was. [Applause.] I believe it was indefensible carelessness. Somebody was evidently "asleep at the switch." The soldiers were there. If they had been watching as they should have been watching, that incident could never have occurred. I for one am determined to find out somehow or other what were the facts and conditions that enabled that band of cutthroats and bandits to make their successful raid into Texas.

Mr. FARR. Will the gentleman yield?

Mr. KAHN. I do.

Mr. FARR. Was the machine gun in readiness for operation?

Mr. KAHN. It was in readiness for operation. But it got clogged because, in my judgment, the men had not had enough drill with the machine guns. I believe that if they had been drilled much more frequently the clogging would not have occurred.

Mr. HARDY rose.

Mr. KAHN. I can not yield.

Mr. HARDY. Just one question.

Mr. KAHN. Well, I yield.

Mr. HARDY. I desire to ask the gentleman if that was not the Regular Army, and if they had not been down there quite a while so as to have enabled them to be trained?

Mr. KAHN. Oh, yes; there is no question about that, and I do not attempt to excuse it at all. I think it was criminal carelessness, if you want to know my opinion about it.

Mr. HARDY. By the Regular Army?

Mr. KAHN. By the Regular Army in Columbus, N. Mex., at that time; yes. I do not defend it. I do not attempt to palliate it or excuse it. But if the Regular Army had been drilled in the use of the machine guns as they should have been, if the sentinels had been at their posts as they should have been, if the proper number of guards had been posted, the chances are that incident never would have occurred, and the chances are that gun never would have become clogged.

Mr. DAVIS of Texas. Will the gentleman yield?

Mr. KAHN. I only have 10 minutes, and I want to utter a few words in regard to some statements made here on the floor during this debate.

The CHAIRMAN. The gentleman declines to yield.

Mr. KAHN. The chairman of the Committee on Naval Affairs, Mr. PADGETT, in response to a question that was put to him as to a statement of the President of the United States that we were the fourth nation in naval strength, and that in his—the President's—judgment we ought to be first, replied that the President of the United States was evidently mistaken when the latter made the assertion. Mr. Chairman, the President of the United States is Commander in Chief of the Navy of the United States. I believe he would not make such a statement to the country except upon such authority that there can be no mistake about it. When he said that we were fourth and that we ought to be first I believe he was right, and I do not think, with the chairman of the Committee on Naval Affairs, that he was mistaken about it when he made the statement. [Applause on the Republican side.] The distinguished chairman of the committee, the gentleman from Tennessee, also stated that we were building as many ships this year as, in his judgment, the country could stand. That may be so in the gentleman's opinion, but let me call the attention of the gentleman to this fact: That if the country had constantly followed a program of the building of two or more battleships every year it would not have become necessary at any time in our history suddenly to expend over $100,000,000 additional for the necessary vessels. It would not be necessary to do that. True preparedness is achieved when the Nation embarks on a policy of building a certain number of ships every year in order that we may continue in first or second place. To allow the country to slide into fourth place and then in a single year to appropriate a hundred million dollars or more in an effort to recover lost ground falls far short of that character of statesmanship the American people expect from their Representatives. It seems we now are compelled to spend such a large sum in a single year in order to amend the blunders of the past. I believe the pro-

gram submitted by the minority will amend those blunders more effectively than will the program of the majority of the Committee on Naval Affairs.

If we were to follow a program to build up the Navy as it should be built up, we would not have to make these unusual expenditures that the gentlemen on the other side complain of at this time.

Mr. CALLAWAY. Will the gentleman yield?

Mr. KAHN. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. KAHN. I regret I can not yield. I just want to refer to one other matter. Reference has been made here by the gentleman from Ohio [Mr. FESS] to our obligations under the Monroe doctrine. I believe that when this war is over our obligations will materially increase under the Monroe doctrine. Four years ago, on the 24th of May, 1912, the lamented Admiral Mahan, one of the great international authorities on navy matters, published an article in the New York Times in which he pointed out that he had but recently seen two British sources in which there had been statements made that the time had come when the European powers ought to serve notice upon the people of the United States that Europe would no longer recognize the Monroe doctrine. That was over two years ago—yes; it was nearly two years and a half before this European war broke out. That statement came from that great naval authority. If European nations were chafing under the Monroe doctrine then, how much more restive will they be when this war is over? Mr. Chairman, I venture the assertion that when this war is over, when the warring nations send their plenipotentiaries to sit at the council table to determine the conditions of peace, we will have much more to be afraid of than any of the gentlemen who have spoken for a small Navy have any idea of. We have made no friends among the nations during this conflict. On the contrary, we have incurred the hatred of nearly all the belligerents. Our weakness on the seas has compelled us to engage in a diplomatic fight for every right that we are entitled to as neutrals under the law of nations. If we had had a proper Navy undoubtedly our rights would have been respected from the very first. Surely the lessons of this war will not be lost entirely, even upon the "small Navy" advocates of this House.

Mr. TILSON. Mr. Chairman, I did not have time to complete what I was saying, and I would like to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BUTLER. Mr. Chairman, I have only two or three minutes' time, although I should like to have an hour or two, because I have many things I would like to say on the subject of preparation for either peace or war. We are theorizing about what is to become of us in the future. What will happen when the present war is done I do not know, and therefore I do not propose to make a prophecy or express an opinion. By this paper [indicating] you will see whether we are prepared if the invader should appear. A copy of this paper has been sent to every gentleman in this House. I do not criticize him for not having read or examined it. Perhaps if he knew of the importance of the paper he would consult it. It does not lie, neither does it guess. It contains, as far as it is possible to ascertain, information telling us of every battleship that has been built by all the armed nations to the beginning of the present war. It contains the name and size of every cruiser and every sort of warcraft. It was carefully prepared by the General Board. You can make your own comparison and draw your own conclusions.

Mr. CALLAWAY. You mean all over the world?

Mr. BUTLER. Yes.

Mr. CALLAWAY. Is it not a fact that Admiral Badger and Admiral Fletcher both stated before our committee that a battleship was helpless in the face of a submarine or if the screen fleet was destroyed? If that be a fact, I want to know the value of a battleship.

Mr. BUTLER. Mr. Chairman, let me answer the gentleman now. I will ask every one of you if any of you heard me make a statement about the value of a battleship? I always like to answer my friend's questions. I do not know whether they have any value or not. It is not for me to say. I am simply a civilian, sent here charged with a duty which I desire intelligently to perform, and in that performance I depend upon those whom I assume know better than I do. Perhaps I am wrong. [Applause.] I do not know which end of the gun needs the most attention. Why should I know? It is my business to provide a gun. It is also my business to assist in providing the number of guns that are recommended and the character of gun that is required.

I will try, however, before this debate concludes next Friday to answer the gentleman's question. I opposed the submarine for many years. Why? Because I was suspicious of its usefulness. I opposed the submarine until the military men said it was the best weapon known to disturb and affect the morale of the crew of a battleship. I voted for them only when the Navy experts agreed it was wise to buy them. I believe when a man's nerve is shattered his effectiveness is in a large part destroyed. It was here that my high opinion of the submarine began. I will not cease to recommend the construction of battleships, although the seas are filled with submarines. Their real military value is described by the experts. Their military accomplishments are yet to be told. I will endeavor to answer my friend's question. And it is the opinion of military men that battleships will not venture into places where submarines are. Their close relationship is not desirable. I do not know whether 100 submarines or 200 submarines or 500 submarines would protect us from our public enemies, but I have come to this conclusion—and upon it I propose to elaborate if the time can be found—that it is for us as men of sense to say, as men who do not invite war, men who have not raised our sons for slaughter pens, as present belligerents seem to have raised their sons as cattle are raised for the shambles, to say whether or not we will spend our money to save the flesh that we have produced and the product we have stored to resist the invader if he comes. I do not know whether he will come, but I believe that we should prepare to drive him away if he does come. Otherwise we should avoid these vast expenditures, store our tribute, and have it ready to hand to him when he appears. Why waste our sons and expend our treasure unless we prepare for a successful resistance?

My mind is easy to-day, because I have joined with my colleagues in recommending a plan of defense that is definite. If there is anything that I wish to do here, it is to be definite and have some fixed purpose in view. I have joined the minority of the committee in its recommendation for a Navy sufficient in numbers of ships and numbers of men to put the American Navy in the second place upon the seas within a period of three years, and from this I shall not retreat. In the necessary increase I have been guided solely by the judgment of the General Board, the highest and most reliable authority among military men. I have not guessed; I have adopted its opinion. What safer guide can be found?

It may be wrong to recommend that this Nation should go to second place, but that is definite, to say the least. It is time for definite action and my colleagues accept the responsibility——

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Texas?

Mr. BUTLER. Yes.

Mr. CALLAWAY. Did not all of the naval authorities that appeared before our committee state that nobody could tell what the relative sizes of their navies would be at the close of this war? How, then, can we be definite in taking second place if that is true?

Mr. BUTLER. Well, Mr. Chairman, in one hour we may be No. 1. I did not think it worth while during our hearings to ask any military man who appeared what our relative position would be after this war is over. If those fleets clash, I presume without the expenditure of a dollar on our part we will have a No. 1 fleet, but I do not know whether those fleets will come together or not. [Laughter.]

Mr. FARR. Mr. Chairman, will my colleague yield?

Mr. BUTLER. Yes.

Mr. FARR. Did not all the authorities agree that every belligerent nation is stronger to-day than it was before the war began?

Mr. BUTLER. I presume they are. All we can safely do here is to make our comparisons upon naval strength at the beginning of the war.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. HARDY. Why should Germany build more battleships when she knows that under present conditions she must remain in the Kiel Canal?

Mr. BUTLER. Oh, I suppose, Mr. Chairman, they have built these ships with the idea that they will use them.

Mr. HARDY. For fun?

Mr. BUTLER. No; not for fun. They have built them because——

Mr. HARDY. They are not going to use them.

Mr. BUTLER. But it is consistent with their military operations. They build them because they are in war, and they deem it necessary to have them, perhaps. They had better have them on hand than be without them.

Now, I want to answer a question that was asked here to-day. I do not believe we can whip our enemies by congressional legislation alone. I do not believe that anyone can be overcome with a statute. [Laughter.] All the preparation we can make here will not defend us. If we can not construct our battleships there is no reason under the sun why we should provide for them. Hence the minority demands immediate construction.

Mr. HARDY. I do not believe anybody thinks we can whip anybody with a statute book, but is it not the gentleman's observation that these pacifists are about as ready to fight as anybody you ever saw? [Laughter.]

Mr. BUTLER. No. Personally I come from a class of people who do not believe in war, at least many of them have said so, and I credit their sincerity.

Mr. HARDY. Oh, I believe you are as bad as anybody. [Laughter.]

Mr. BUTLER. I admit my wickedness. It is a pleasure to be able to tell my friend from Texas that I live in a county where you saw many Quaker meetinghouses in 1861; a county that had, perhaps, at that time 50,000 men, women, and children in it, and more than 7,200 men marched to battle during the four years of our Civil War. Their patriotism stirs me deeply. I do not know whether they should be called pacifists or not. [Laughter.]

Mr. FESS. They are fighting Quakers! [Renewed laughter.]

Mr. BUTLER. Oh, no. There is no such a thing. I think I ought to explain to you who do not know any more about these honorable people than the gentleman does that Quakers believe in settling differences peaceably. It is remarkable on account of the gentleman's admitted intelligence that he should know so little of what George Fox contended for. They may be "pacifists"; a good many of them are. Some people want others, perhaps, to do their fighting for them. [Laughter.] That does not apply to the real Quaker. On this line permit me to say that I have responded to many letters on the subject of great preparation, and oftentimes I have said in the letter, "Tell me the name of your son who is anxious to go on a battleship's deck." I have been waiting for the reply, and I am waiting for the recruit. [Laughter.] I do not know whether parents are ready to make the sacrifice. American sons are ready when the drum beats, and their names will be found among the willing.

Now, I wish gentlemen would examine this paper. It is a late production. On it you will see the size of the French fleet. You can make a comparison between it and the American fleet. Each one has the same number of ships. On some of their ships the guns are longer than they are on our ships and on others the guns are shorter. Some of the ships have a larger displacement than ours and some have less. Some have more men, and I think some have more guns, and there is a difference as to the cost of the ships, but the number is the same. Then, there are the ships of the German Navy. Germany has 5 battleships more than we have, and England has to-day more than 90 battleships. Can we hope to equal her? What should we do?

Gentlemen will have to determine. I do not care what others do. I am for a definite program; and I think it is advisable, if we propose to make a defense, that it should be one that is creditable to our Nation and a certain security to our one hundred millions of people. I will say to my good friend from Texas [Mr. HARDY] that the people of his State will quickly contribute to our defense. The gentleman comes from a State that has been made famous by the Texas Rangers. The State I come from furnished 400,000 men in 1861–1865. [Applause.]

Now, Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. SWIFT].

The CHAIRMAN. The gentleman from New York [Mr. SWIFT] is recognized for five minutes.

Mr. SWIFT. Mr. Chairman, this Congress, chosen to exercise the paramount legislative powers under the Constitution of the United States during one of the most notable and critical epochs of the history of mankind, when the integrity and perpetuity of republics and empires is menaced by force of arms on land and sea, is now summoned to consider a naval policy which, though conceived in the mist of good intentions, is feeble in character, ignores the sound judgment of our naval experts, and fills the minds and hearts of our countrymen with disappointment and dismay, and this afternoon, as a Representative of the great city of New York, I want to voice my protest against this very inadequate proposal.

Mr. CALLAWAY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Texas?

Mr. SWIFT. I decline to yield. I want to say to my colleagues that the blood of a southern woman flows in my veins, that I spent 11 years of my early manhood in the West, and I perhaps am not fettered with the prejudices that some of my colleagues from distant regions imagine may dwell in the breasts of the men who reside in our metropolis. I am not a politician. I have never had any legislative experience until I came to this House. I want to state in further introduction that when the President entered this Chamber and delivered his message to this Congress, convened in joint session, I was profoundly impressed with the high import of that act in the life of the Nation. It was a scene of great significance, and presented another illustration of the justification of our constitutional form of government. In this historic forum, dedicated to the free expression of the thoughts of men, there were then and there assembled the Representatives vested by the people with the supreme authority to enact legislation for the promotion of the national welfare, and as a Member of this honorable body I thought of the great responsibility imposed upon each Representative in the exercise of his constitutional powers.

It has been my pleasure to make the acquaintance of perhaps one-fourth of the membership of this House. I want to say that when I came down here I entertained some of the popular delusion that perhaps the Members of this House were not fully qualified to discharge the legislative functions of the supreme lawmaking body of the land. Since coming here I have found out that that popular opinion, if it does exist, is entirely unjustified. I am convinced that every Member is conscientious in the discharge of his duty, and I deprecate the vicious attacks of the press in certain quarters upon the integrity and fidelity of Congress, because it is obvious that such outbursts tend to create disrespect for the supreme lawmaking power, the dignity of which should be maintained and guarded as inviolate as the judiciary which is empowered to construe and interpret its legislative enactments. Yet on some occasions evidence of narrow sectionalism has appeared, manifested by the expression of strong prejudice against the city of New York, New England, and the Atlantic seaboard.

Because I found Members here well informed on many subjects, for that reason I have been the more amazed that a program of this inadequate character has been presented to this House for serious discussion.

I want to say just a word about the interest of New York in this naval program. There is undoubtedly abroad some sectional prejudice against the city of New York, which is absolutely unjustified. While the city of New York needs no defense against attacks which are conceived in imagination and not founded on fact, yet it is proper to observe that the basic element of the greatness of the metropolis is the character of the people who dwell within its borders. The blood of many races flows in the veins of its inhabitants, who are inspired by patriotism and sublime confidence in the great mission of the American Commonwealth. [Applause.]

New York is not a sectional entity, but a component part of our great Republic. It is a national institution, and its history and present greatness should dispel jealousy and promote emulation.

When any portion of our population on the coast or in a distant region have been overwhelmed by the calamity of flood, earthquake, tornado, or conflagration the succor of the metropolis has been rendered with liberality to the stricken inhabitants. Disaster in any area, resulting in the extinction of life or the destruction of property, impairs, temporarily at least, national progress and efficiency.

If an attack by an alien foe upon the city of New York, unprotected by an adequate Navy, should force capitulation, such a catastrophe would menace the very existence of the Republic.

It is generally believed and universally hoped that our Nation will not be involved in the European conflict, but common prudence requires sufficient preparedness to meet the lust of a conqueror or the exponent of commercial greed.

Every Member of this body has assumed the constitutional obligation to provide for the common defense, and the metropolis, through its Representatives, now demands the fulfillment of that obligation by the prompt adoption of a comprehensive plan for naval enlargement through new construction commensurate with the recommendations of the General Board and the wisdom of our naval experts.

The supine indifference of a portion of Congress to possible national danger is analogous to the spirit of the Asiatic in the Alexandrian conquest as portrayed by Matthew Arnold:

> The brooding East with awe beheld
> Her impious younger world.
> The Roman tempest swelled and swelled,
> And on her head was hurled.
> The East bowed low before the blast,
> In patient, deep disdain;
> She let the legions thunder past
> And plunged in thought again.

Mr. Chairman, I do not believe that such is the spirit of the people of our country, but that they are actuated by the loftiest ideals of citizenship to properly discharge their duties in the hour of pending peril. We therefore do not come as suppliants, but as equals, prompted by the truth that the former position of this Republic in naval strength must be reestablished to protect our coasts, insure the unmolested transportation of our mails and commerce, and maintain the national honor on the seas in every clime. [Applause.]

Mr. BUTLER. Mr. Chairman, I presume we have consumed more time on this side than has been consumed on that side.

Mr. PADGETT. Yes.

Mr. BUTLER. Will it be understood that on next Monday we will have an equal division of time? Three members of the committee, Mr. BRITTEN, Mr. FARR, and Mr. ROBERTS, desire to speak on that day. The gentleman from Massachusetts [Mr. ROBERTS] will close the debate on this side, and I have anticipated that we would have an hour and a quarter on our side on Monday.

Mr. PADGETT. There will not be quite that much time.

Mr. BUTLER. Will the chairman of the committee have an understanding with me that the time will be equally divided on Monday?

Mr. PADGETT. I will be very willing to do that.

Mr. BUTLER. I am very much obliged to the gentleman for his courtesy.

Mr. ROBERTS of Massachusetts. We have two others on our side who wish to speak, and who must speak to-day, unless gentlemen on that side desire to occupy the time.

Mr. PADGETT. I have no one on this side who wishes to speak, except the gentleman from Indiana [Mr. Cox], who wanted five minutes.

Mr. ROBERTS of Massachusetts. Then the chairman of the committee will have no objection to our utilizing more time to-day than is used by his side, not to interfere with an equal division on Monday?

Mr. PADGETT. That will be all right. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. Cox].

Mr. COX. Mr. Chairman, briefly I want to submit a few observations hardly germane to the pending bill. I do not belong to that class of people in this country carried away with the idea of tremendous preparedness. I believe in a reasonable amount; and from my point of view this committee has gone the limit. I intend to support the measure as presented by the majority members of the committee.

But what I desire to say, briefly, is this—and I do not want it to be understood that I am offering any particular criticism upon the Navy Department or upon anybody connected with it, and especially nothing against any member of the Naval Committee or any Member of this House.

The gentleman from Pennsylvania [Mr. BUTLER], in quoting some other Member a moment ago, struck a keynote. We can not prepare the country by statutes. We can not prepare this country by declarations made on the floor of Congress; we can only furnish the means of preparing the country, to put the means in the hands of men competent to work out the details of it. The foreign war has demonstrated many things. From my viewpoint—and it is extremely limited, because I am far from being a military man—from my viewpoint it has demonstrated the absolute necessity of torpedoes. The torpedo has practically bottled up every battleship in Europe to-day, and it will do it in the future. If I am correctly informed, the average range of a torpedo is somewhere between six and eight thousand yards.

There is a man living in New York State, born and raised in my county, by the name of Simmons—no better and no worse for that—who claims to have invented a torpedo which will carry full weight and full strength 23,000 yards. I recall last summer that the newspapers were filled with stories that the Navy Department had called to its aid many scientific inventors in the United States, which, in my judgment, was a splendid idea. This young man Simmons, as I am informed by him, and I believe it to be true, time and time again has sought an interview with the Navy Department solely for the purpose of getting them to scrutinize and investigate his torpedo. For some reason or other he has never been able to get within gunshot distance of them.

Two weeks ago he forwarded to me the photographs and drawings of his torpedo. I inclosed them and wrote a letter, addressing it personally to the Secretary of the Navy, inclosing Mr. Simmons's personal letter that he wanted an interview with him or some one in authority, with a view of seeing whether or not he had a matter that would be of value to the Government.

The Secretary of the Navy informed me by letter that the device of Mr. Simmons had been submitted to the Navy Department and gone over and found to be unworkable; but the Secretary's letter said it was the Hudson Maxim torpedo, which could not be true, impossible to be true, because the Patent Office will not patent the same invention to two different men.

Mr. Chairman, we all remember very well—for some men in this House are old enough to remember—that when the *Merrimac*, covered with railroad iron, was literally sweeping everything off the seas as fast as she came to it, when she steamed into Hampton Roads on the night previous to the engagement between the *Monitor* and the *Merrimac*, Ericsson had traveled from New York to the city of Washington time and time again from the time the war broke out down to that time trying to get the Navy Department interested in his invention, but they turned him down.

Since I came to Congress Mr. Sperry, from Connecticut, who served on the committee with me, showed me a promissory note where he and five other men had given their own obligations to the amount of $360,000 to build the *Monitor*. It was turned down by the Navy Department until that time. The *Monitor* completely revolutionized naval warfare from that time to this.

I do not know whether there is anything in Mr. Simmons's invention or not, but I do insist that because he is not well educated and a poor boy is no reason to refuse him an audience, and he ought not to be ignored, for he is a wizard when it comes to mechanical ideas and inventions.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. PADGETT. I yield to the gentleman two minutes more.

Mr. COX. Having thought out this torpedo, and the Navy Department having called to its aid these great scientific inventors in this country, it seems that this man Simmons should be given an audience with the Navy Department, with a view of seeing whether he has anything worthy of consideration.

Men like Prof. Nicholas Murray Butler, one of the greatest scientific men in this country, have gone over his invention and say it will revolutionize modern naval warfare. Papers like the Scientific American have devoted page after page to this man's invention, and yet for some reason or other, I know not why, he has never been able to get his invention before your Naval Board or before those in authority down there, with a view of determining whether or not he has an invention that will prove of value. The time might come, it may be knocking at our doors right now, and it may knock at our doors next year, when the Simmons torpedo would do for our country exactly what the Ericsson invention did for modern warfare during the Civil War. I am not offering any criticism, but when a man has gotten up an invention he ought to be given a chance. I am told by him, and I think I am correctly told, that foreign Governments right now are competing for his invention. He has never asked a dollar for it of his Government.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. COX. For a question.

Mr. EMERSON. How does the gentleman account for that, then?

Mr. COX. I am unable to account for it.

Mr. EMERSON. Why does not the gentleman take it to the President?

Mr. COX. It is not my place to take it to the President. We have a Secretary of the Navy who is supposed to do these things, and I am not criticizing the Secretary of the Navy. I am distinctly saying that I know nothing about patents, but I am saying that this young man has never had a square deal at the hands of the Navy, and I repeat and affirm that if a man like Edison had worked out this invention he would have gotten an audience with the Navy Department. Ericsson and his Yankee cheese box sitting on a plank was denied an audience at the hands of the Navy, yet his little *Monitor* saved Washington City from bombardment if not from capture, and to-day there is a bill pending on the calendar of the House proposing to erect a monument to the memory of Ericsson at a cost of $100,000. The time may be near when the Simmons torpedo would be worth billions of dollars to us and save countless thousands of human lives. When everybody is crying preparedness, I say give him a chance. Simmons is not a highbrow; poor, with but little education, but a wonder in in-

vention. He lives with machinery; he dreams about inventions. Right now some of the European Governments are dickering with him concerning his torpedo. I have known him all of his life. Strictly sober, absolutely honest. After leaving the farm he served 12 years in the Regular Army. In my judgment he would make many men who now claim to know something of the Navy realize that he, too, knew something about it if they would meet him in the open field and discuss it with him.

Mr. PADGETT. Mr. Chairman, I simply wish to state that Mr. Simmons asked for a hearing before our committee and the committee gave him a hearing, and I do not wish to comment upon what he said. I now yield 15 minutes to the gentleman from Washington [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Mr. Chairman, I confess that I approach the consideration of this bill making appropriations for the naval service with some degree of doubt and apprehension. The majority report states that the bill recommends an appropriation of $142,389,773.99, exclusive of the increase of the Navy, and for the increase to the Navy it recommends an appropriation of $98,859,378, and then states, and not in irony, that for the expenses of a peace commission it advises and provides for an appropriation of $200,000, making a grand total of $241,449,151.99, which is, as stated, an increase over the grand total of appropriations carried in last year's naval appropriation bill of some $91,787,287.11, which increase is justified by the very pertinent and appealing assertion that it was "found to be necessary to place the Navy, the first line of defense of the country, in a better state of preparedness."

The ranking minority member of the committee, Mr. BUTLER, of Pennsylvania, a day or two ago made the assertion on the floor of the House that this bill in reality calls for appropriations that will eventually aggregate more than $361,000,000, or some $120,000,000 more than is appropriated by the bill.

I have read the minority report carefully, and while it disapproves the bill I find that the disapprobation is not because of the appropriation of too much money, nor is it because a hundred and twenty millions of dollars more appropriation is demanded by the bill than shows on its face. The criticism really goes to the other direction and objects to the bill because it has not provided additional authorization for battleships, destroyers, submarines, auxiliaries, and aeronautics, and, in addition to that, criticizes the majority of the committee for not providing for some 11,183 more men than the bill under consideration provides for, to take care of and man the ships already in commission and those soon to go into commission.

It is pretty safe to say that if the present bill in reality calls for appropriations aggregating $361,000,000, none of which the minority Members would eliminate, and the additional authorizations were made to take care of and sanction all of those items they claim should have been provided for by this bill, its total authorizations would have approximated a half a billion dollars or more.

The minority report indicates that its recommendation is "not urged on account of any threatened danger from any particular quarter," but "on the contrary it is based on the natural and normal requirements for the defense of the country."

Mr. Chairman, I am constrained to remark that the American people would hardly hold this Congress blameless if we should authorize appropriations, directly or indirectly, under this bill aggregating $500,000,000.

Mr. MEEKER. Does the gentleman think that in the minds of the American people it is a question of how many hundred millions or the adequacy of defense? Is it money or defense?

Mr. LA FOLLETTE. I think that if we were in no danger the millions would cut a great figure in their consideration of the matter.

If we in reality feel that the country is not threatened with danger from any quarter and are making provision only as a matter of precaution, would we be justified in the authorization? That is the question.

It was only a Congress or two ago when some of those who are now most insistent for the immediate authorization for large increases in both Army and Navy were standing for small Army and Navy appropriations. The sudden change of heart must either come through fear of invasion and a well-grounded belief that we are in danger from some direction or they are trying to square themselves with their consciences for their past stand on the question and thus contributing to their country's unprepared condition. The question now is, Are we justified in making extraordinarily large appropriations so that we may speedily be on a war footing—both Army and Navy—if we are in no danger from any source? Why not go more slowly and not place a large indebtedness and excessive taxation on our people?

Let us be honest with ourselves and the country.

Mr. Chairman, I am and always have been for reasonable preparedness—I might say for reasonably adequate preparedness—for national defense and offense.

Unlike our honored leader of the minority, Mr. MANN, since I have been a Member of this House I have not been associated with the small Army and Navy forces and have never voted with them. I have voted for the two-battleships program and for the largest additions to our Army and Navy defenses that have been recommended by the majority members of the Army and Navy Committees of the House, and I have never been reproached by my constituency nor by my conscience for so voting. I believe that it is the part of wisdom for the United States to be reasonably prepared for defense and for offense—if justice and right demands and justifies the latter—at all times. I had that opinion before the present deplorable conflict in Europe, I still have that opinion, and I believe I will still have the same mind, if I am alive, when and after that conflict is ended.

But, Mr. Chairman, I am not one of those—and I have no desire to be so classed—who believe that the signs of the times are portentous of calamities that will steal upon us like a thief in the night; that we are liable, like Belgium, to be assailed without warning and, like her, to be ravished and laid waste to satisfy the ambition, the greed, or the hate of any nation or group of nations of the earth.

We are now some 130 years of age as a Nation, and we have never yet been assailed. We have initiated every war in which we have been engaged. Why, then, this sudden fear, this hysteria and apprehension? Have we conducted ourselves in such a way or so unjustly as to incur the enmity of one or more of the nations of the earth? On what grounds and for what purpose will we be assailed all at once and after 130 years of immunity from attack?

I have heard assertions galore "for revenge," "for greed and tribute," "to down the idea of freedom as exemplified in republican forms of government," but I have not heard a tenable argument in favor of any of these contentions.

The very reasonable argument has been made against danger of invasion from Europe in "that after the present conflict is ended the countries engaged in war there would be so impoverished and depleted of money, supplies of all kinds, and men that they would not be in any condition to assail the United States even though they felt an incentive to do so." The reply is made that history shows that nations that have been engaged in great wars have large numbers of seasoned troops, all trained and eager for further carnage when their wars end, and for this reason we must prepare.

Our fitness at the close of our great Civil War is pointed out; it is said that all we had to do was to tell France to get out of Mexico and she got. To be sure she did. That does not in any way go to prove that we were in any financial or physical condition to invade France or carry war into Europe. We could easily have driven her from Mexico and could have given a good account of ourselves had France attempted to assail us in the United States.

We were in no condition to make war on her abroad, and I do not think I misstate the facts when I say that we never contemplated such action.

Mr. Chairman, would-be experts can figure to a nicety just how many men some nation in Europe could land on our shores in a given time. Oh, yes; it is dead easy! I have seen some recent newspaper articles purporting to report the testimony of certain Army and Navy officials before committees of the House and Senate. In the Washington Herald of January 28 Gen. Leonard Wood is quoted as having told the House Committee on Military Affairs that it would be possible for an enemy to land 400,000 troops on American soil in 30 days. I wonder that the committee did not faint from fright! He told the committee further that if attacked under present conditions by a first-class power our Navy in less than 60 days would be at the bottom of the sea.

Why so long a period as that? He could as easily have said 30 days as 60, and with just as much reason and knowledge. He further said that in his opinion the American Navy now stands fourth in the list. The Secretary of the Navy, with all the naval data that it is possible for our Navy to procure, boldly states that we are third. There is a great discrepancy here. Which of these two men is more worthy of credence?

Gen. Wood says that the transportation of our Army—and we suppose he means to imply therewith all necessary supplies, food, ammunition, and guns—is dead easy by sea, and he points to the landing at Gallipoli as proof. I suppose he sees no difference between a landing but a few hundred miles from French ports at a point in close proximity to British supply depots, such

as Gibraltar, and at Egyptian points and making the same kind of an attempt 3,000 miles away.

It is true that in the case of one of the belligerents Canada would be at our door; but it is very questionable whether Canada would not a liability instead of an asset in case of war between that country and ours. Gen. Wood is reported as having said that the "Government experts know for a certainty that it would be entirely feasible for an enemy to lie at Far Rockaway Beach and throw shells into Fourteenth Street, New York City." "Government experts," God bless them! A few years ago these same experts attempted to induce the United States to abandon many of its Army posts, which had been bought and built at great expense to the Government at points where previous "experts" had said they were imperatively needed, and to reduce our entire number to eight posts, their expert knowledge plainly indicating that to be the proper number. Since they gave that expert advice to the country and to Congress it has been found expedient to erect 10 new Army posts along the Mexican border, 2 more than our experts advised in all.

I fear that the most of our expert advice is theory pure and simple; and while I believe in giving due consideration to it all, I fear we would be "up against it for fair" should we attempt to put all their expert, theoretical advice into practice.

Mr. Chairman, I have no doubt but that an enemy fleet could lie off Rockaway Beach and throw shells into Fourteenth Street, New York, if such a fleet had the latest and most modern guns. We have no need to go into any hysteria over that. We would not be compelled to install even a new or larger size gun at Sandy Hook to make that impossible. All that is needed is to remount our 12-inch guns already there, giving them a different and more elevated arc to play in, and this fearful condition would no longer exist. And this improvement can be made at a relatively slight expense, but as a further precaution a battery of 16-inch guns is to be installed there.

Mr. Chairman, I think that the alarmists and agitators, as well as those whom they are, I believe, unduly exciting, are like the old man who said "I am an old man and my life has been full of troubles most of which have never happened."

Mr. Chairman, can it be possible that the United States is in this deplorable condition as to ability to offer defense in case of invasion and offense in case of necessity? Is it possible that after expenditures by this Government of three and one-half billions of dollars on our Army and Navy since 1901, that this country is in the deplorable condition pointed out to us by the press, by the Navy League, by the Aero Club, by Gen. Wood, by Col. Glenn, by the great flood of literature that is being circulated throughout the country, instigated, no doubt, by a feeling of pure philanthropy and by the most exalted patriotism and love for home and country? Perish the thought that any of this is done through sordid greed or for fear that millions of dollars, in many cases entirely too easily obtained, might be wrenched from the grasp of the holders by foreign greed or by internal discord and revolution. As all government is primarily inaugurated for the safeguarding of life and property, with the emphasis on the latter word, in the final analysis that is probably one of the prime incentives to the present preparedness propaganda.

Mr. Chairman, as I have already suggested, is it possible that after the expenditure of billions of dollars we as a Nation are likely to see our land overrun by a foreign foe and New York City laid waste by a foreign fleet? Is our coast defense at that point totally inadequate to protect the city?

I take some comfort from the statement of Gen. E. M. Weaver, of the United States Army, and Chief of the United States Coast Artillery, made to the National Geographic Society in this city recently. Gen. Weaver said that the coast defense of this country is prepared to give an efficient account of itself in case of emergency. He further stated that the organization and system of the mine-laying branch of the service is so well developed that any harbor in the country can be mined completely within 48 hours; and further, that the fortifications along the coasts, before points of great commercial wealth—I presume he included New York—with protecting waters and of high strategic value, are well built and that the system of range fire is accurate, and that one shot could be fired every 52 seconds from our 12-inch guns.

The same authority stated before the Military Committee in the Sixty-third Congress:

I know of no fortifications in the world, as far as my reading, observation, and knowledge go, that compare favorably in efficiency with ours; and Gen. Crozier, Chief of Ordnance, speaking of our coast-defense guns, says: "In my opinion these guns, with other advantages, which our land-defense fortifications have, will be adequate for maintaining a successful combat with vessels of war armed with any gun which is now under construction anywhere in the world, to my knowledge."

It is refreshing to know that we have some splendid coast fortifications and some efficient guns mounted therein. And it is also a fine thing for this country that we have some men who are not overcome with fear and who have not been influenced to the point of making utterances that are a disgrace to the uniforms they wear, who refuse to decry the guns and appliances that they have been furnished by the Government with which to conduct our defense. We owe a debt of gratitude at this time for the cool-headed utterances of such men as Gen. Weaver and Gen. Miles, who refuse to decry their country and add to the wave of hysteria being forced upon it systematically for educational purposes.

Mr. Chairman, Gen. Wood, a very high authority, thinks it very likely that this country will be in war with a first-class power, or with first-class powers, in the near future. There are other men of American birth who do not share in that opinion and who do not think it would be an easy or a feasible proposition to invade America from Europe.

Sir Hiram Stevens Maxim, the inventor of the Maxim rapid-fire gun, an American born in the State of Maine, and who became a naturalized British subject, stated, as published in Everybody's Magazine for January:

The great wealth and population of the United States and its distance from the warlike nations of Europe make it practically impossible for any European nation to invade the country.

He does not think it such a simple matter as does Gen. Wood. Sir Hiram Maxim is an older brother of Mr. Hudson Maxim, who has probably done more to excite the fears of our citizens as to our unprepared condition than has any other man in the United States.

One brother says we are in no danger, the other is almost hysterical and overcome with his solicitude for our defenseless condition, and he is staged in most of the moving-picture shows of our country addressing large audiences of his fellow citizens, imploring them to wake up and importune Congress to make immediate preparation for national defense. Like his brother Hiram, who was knighted by Queen Victoria, Mr. Hudson Maxim is an inventor of powder and other appliances for destroying human life in warfare, and he built a town in New Jersey named Maxim and conducted there a powder and dynamite factory of immense capacity. He later sold smokeless-powder inventions to the Du Pont-de Nemours Co., of Wilmington, Del., and is now one of its consulting engineers and development experts. He sold the United States Government a formula called "Maximite," the first high explosive capable of sending a projectile through heavy "armor plate." He has since invented a superior smokeless powder, called "stabillite," and a detonating fuse for armor-piercing projectiles; also "motorite," for driving automobile torpedoes, and various other inventions. He is also an author and has written a work on the science of poetry and the philosophy of languages, and as a chemist and scholar he takes high rank among the notables of the earth. His principal fame and fortune come though from the invention and manufacturing of war products. War is his principal asset in trade, and if the United States Government would embark on the sea of war preparedness and of militarism, as advocated by the gentleman, it would no doubt buy millions of dollars worth of the products invented, manufactured, and sold by this gentleman and his associates.

It is easy for us to be biased in favor of those conditions that naturally contribute to our business, and this bias is apt to grow on us through our environment. Sir Hiram Maxim, with nothing to gain by this country's action, sees no danger to us from abroad—the brother thinks we are in dire peril and cries "Prepare! Prepare!" Which is more worthy of attention?

Mr. Chairman, I am inclined to agree with those citizens of our country who are of the opinion that we will be in but little danger from any of the warring nations of Europe if the present war there is fought to a finish; yet I do not think it wise to hammer our cannon into plowshares and our swords into pruning hooks. The world has not advanced as yet to that beatific state where we could safely do that. I think that we should continue calmly and dispassionately to build up our Navy, to increase our coast defenses, and to strengthen to some extent our standing army, but not in such a hasty and precipitate manner as to work a hardship on the Nation and increase inordinately the burden of taxation.

Mr. Chairman, I am not one of those who in the past advocated to any great extent Government ownership of utilities, nor have I been enthusiastic in regard to Government paternalism; but, Mr. Chairman and gentlemen, since I have been a Member of this House I have received enough newspaper clippings, briefs, and personal letters from citizens and corporations in favor of private citizens or corporations exploiting the Government to make me at times question the wisdom of aught

but Government ownership and control of everything with which the Government is directly interested and which is necessary for Government use. I am fully convinced that the wise and sane thing to do in respect to our Army and Navy supplies is for the Government to manufacture them.

Immediately when an idea of this kind is advanced a large part of the press and all those interested in furnishing the Government with supplies or hope to be able to furnish them in the future begin to flood Congress with clippings and letters explaining what an unwise and inexpedient thing it would be for the Government to manufacture them. A few months ago when the Navy Department refused to award contracts to private yards for the building of two battleships because of the exorbitant price bid and made the award to two Government-owned yards, Members of Congress were flooded with letters and briefs defending the bids of the private yards and boldly proclaiming the falsity of the Government's estimates of cost, and so forth, and claiming that the Government made no allowance for overhead charges, which the private yards had to take into account.

Government estimates were based on actual knowledge of cost of material, workmanship, overhead charges, and every contingent factor. The Government will not only make a substantial saving on first cost but will, no doubt, save thousands of dollars in the upkeep of the vessels after they go into commission. It has been found that the vessels built in the Government yards, where there is no incentive to slight the work in order to make an unholy profit, have invariably stood the test of time and stress much better than those vessels that have been constructed in private yards.

Mr. Chairman, I have been receiving, as no doubt have all other Members of Congress, almost daily printed letters from the Bethlehem Steel Co., protesting against the Government erecting factories for manufacturing its own armor plate. In its letter No. 10 it says:

> The Secretary of the Navy, in his annual report, estimates that the Government can make armor plate at $262.79 per ton in a plant of 10,000 tons capacity, running at full speed. The prevailing price is $425 a ton. He estimates the difference as the advantage of Government over private manufacture. The estimate is absolutely fallacious.

The company then goes on, exactly as did the champions of the private shipbuilding yards, when the Government let the contract to its own yards, to say that—

> The Secretary's estimate covers mere shopwork; it omits many important items which must enter into actual cost.
> For administration and general expense.
> For insurance, taxes, and depreciation of plant.
> For interest on investment and working capital.

Is it likely that the engineers who compiled the cost estimates for the Secretary of the Navy were not competent? I should judge their estimates to be conservatively high instead of the reverse. The best steel rails for railroad use have been manufactured and sold for $25 per ton. Armor plate manufactured from iron or steel costs $425 per ton, or seventeen times the cost of steel rail for a ton or armor plate. I know nothing about the manufacturing of armor plate, but I would hazard a guess that the Secretary's estimate is high enough to cover all overhead charges, interest, administration, depreciation, and so forth.

Buying armor plate at $425 a ton would, I should judge, be equivalent to making millionaires over night.

Mr. Chairman, I have no doubt but that the Members of Congress who have received copies of the numerous letters of the Bethlehem Steel Co. likewise received a circular reading as follows:

> WE ALSO ASK A HEARING BEFORE CONGRESS ACTS.
>
> *To the Members of Congress:*
>
> The Bethlehem Steel Co. is issuing a series of statements giving reasons why, in their judgment, the United States Government should not erect an armor plant.
>
> Up to this date their statements have contained few points which were not disclosed before various congressional committees and thrashed out over and over again.
>
> But in their statement published in the newspapers of April 13, they did make one new statement to which we call your attention.
>
> They say, "Armor plate for our battleships is a vital factor in national defense. It is supremely important that its durability be the highest obtainable."
>
> We ask Congress to remember one of the gentlemen who signed this statement, calling attention to the fact that the quality of armor plate should be the "highest obtainable," was superintendent of the Carnegie Steel Co. when "pipes or shrinking cavities, erroneously called blowholes, in the plates were plugged by the contractors and the defect concealed from the Government inspector." (CONGRESSIONAL RECORD, Aug. 23, 1894, p. 8638.)
>
> The Government imposed a fine of $140,484.94 for this deception.
>
> Now, the Bethlehem Steel Co. asks, "Is Government manufacture of armor for battleships wise?"
>
> The people hope Congress will answer "Yes."

Mr. Chairman, I imagine the fine mentioned in this circular was based on a percentage of the agreed price; otherwise, I presume it would not have carried 94 cents as a part of the penalty; but, be that as it may, the certainty remains that had the Government been manufacturing its own armor plate there would have been no incentive for the sake of making a profit and preventing a loss to use defective armor plate nor would there have been any attempt made to use it.

The procuring of good material and workmanship would be much better assured, I think, in a Government-owned plant. The Government is manufacturing powder at two-fifths the price it used to pay for it and 50 per cent cheaper than it has paid for part of its needs right along. Is it wise or expedient to tax all our people to pay these enormous profits to private individuals?

The plea that other Governments are paying as much or more to private companies for supplies is no justification for the American Congress submitting to the payment of enormous and unreasonable profits to any company or individual. The simple fact that other Governments submit to such exploitation is no excuse for a progressive and enlightened country such as is ours to submit to that character of treatment. The taxes of our citizens will be high enough if we carry out the various programs for preparedness advocated on both sides of this aisle, if we get armor plate and all other naval and military supplies at their true value.

Mr. Chairman, I feel a much greater inclination to vote for large appropriations for our Navy and for our coast defenses than for other branches of our Military Establishment. I believe it the part of wisdom to make as efficient as possible those units of defense most essential for our protection from foreign invasion. While our Navy is well named our first line of defense, I personally feel that it is really second in importance. Our coast and harbor defenses should in reality be our first consideration and our Navy second in moment, but I consider them very nearly of a parity.

If, unfortunately, some country should conclude to attack us, the more damage we can do to such country's vessels carrying its forces to our shores the better it will be for us—loss of life in decisive battles on the sea are comparatively nil compared with loss of life in decisive battles on land. As already stated, I consider our Navy and coast defenses our most important protection, and think we should make reasonable appropriations for their improvement and upkeep as an insurance against trouble at all times; but I do not think it wise to unnecessarily crowd matters and place a grievous burden on our people.

Mr. BUTLER. Mr. Chairman, I yield 20 minutes to my colleague from Pennsylvania [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman and Members of the House, you have listened this afternoon to a discussion of battleships and cruisers and submarines and shells, and I now ask your attention for a little while to the amendment to this bill provided for in the special rule brought into the House yesterday, appropriating $11,000,000 for the erection or purchase of a Government armor plant. Personally I do not believe the Government under existing conditions can erect a plant of 20,000 tons capacity for $11,000,000. I doubt if it can be done within a cost of $15,000,000, and am of the opinion that it will approximate a cost of $20,000,000. But whether $11,000,000 or $15,000,000 or $20,000,000, it is in my judgment an unwise and unjustifiable and inexcusable expenditure of public funds. I wish to call the attention of the House to the words of a former President of the United States as follows:

> It is the duty of those serving the people in public places closely to limit public expenditures to the actual needs of the Government economically administered, because this bounds the right of the Government to exact tribute from the earnings of labor or the property of the citizen, and because public extravagance begets extravagance among the people.

I especially commend to the majority Members of this House these words of a former Democratic President, and distinguished American citizen, Mr. Grover Cleveland. While we should carefully consider the item of cost with reference to the proposed plant, the principle involved is of vastly more importance.

Now, I live in the vicinity of Pittsburgh, near by, though not within the district where the Carnegie armor plant is located; but, if I properly understand myself, my attitude on this question does not in any manner depend upon this fact. And just here I wish to state that my experience in politics teaches me that in these modern days it is of no particular advantage to have the active support in an election of those successful people whom a short time since we so greatly honored as our captains of industry. The modern mind seems to have assumed an attitude of antagonism to successful people, and we are acting as though we believed in the theory of Proudhon that "property is theft," especially when in the possession of other people.

Though not one of those persons who have succeeded in accumulating wealth, I yet can not bring myself to the point of believing that the man whose genius has permitted him to attain pronounced success along this line is to be looked upon and classed as a thief and a robber. And I am of the opinion that the rare individual who in the field of industrial and commercial enterprise does accomplish great things, and as a result accumulates wealth, performs at the same time a great service to his country, and that his deserved personal accumulation is insignificant in comparison to the greater benefit accruing to the public. And, further, I am so pronounced a believer in the superiority of private over Government ownership that I believe the wealth of such men, derived as it is from the profits of the business, does not equal the waste of Government operation under its necessarily more cumbersome system.

The real question, then, before us is not so much one of cost as it is a question of principle. Is it the right or wrong thing to do? This is the problem with which we are now confronted. And just here I wish to give expression to a thought that is impressed upon me more and more as the days of this session pass by, and that is that men seem to have lost all reverence for things which a short time since they blindly worshiped.

In view of this fact it would be well for us to pause and take stock of our political resources and examine those principles of government hitherto considered of prime importance before in our mad desire for change we destroy the whole splendid structure that has cost us so much of effort and sacrifice to erect.

At the time of the formation of our Government our people were believers in a sturdy individualism, and the members of the constitutional convention were firm adherents of the doctrine of natural rights. A great change has come over us, and we have been and still are moving away from the individualism that characterized our ancestors and are steadily advancing in the direction of paternalism. So strong has been this trend that it is now a serious question as to whether we have not reached a point at which we should hesitate before traveling further in the direction of—let us give it its true name—socialism.

How striking the contrast in the movement of this country to-day with that of ancient Greece, where, as they moved away from the system of tribal control in their progressive advance, the radical was advocating freedom of the individual and the right to do what one would with his own; and here, where these privileges have heretofore been considered as vested rights, the movement is in the opposite direction, which causes us to wonder at the strange workings of the human mind.

Now, whatever your thought may be of the doctrine of natural rights the fact remains that at the time of the formation of our Government they were recognized as rights fundamental. The constitutional guaranties of life, liberty, and property with which we are so familiar had their origin in this doctrine and were provisions inserted in the Constitution to protect these established and well-understood rights. The judges in our early history when construing the Constitution rendered their decisions on the theory that these rights were fundamental and should be protected from legislative enactment. Justice Patterson, who was himself a member of the Constitutional Convention, in the case of Van Horne's lessee against Dorrance, in 1795, said:

> The right of acquiring and possessing property and having it protected is one of the natural inherent and inalienable rights of man.

And whether we read the words of Patterson or Marshall or Wilson or Story or Kent or other great jurists, it is the same story of this doctrine of natural, inalienable, or absolute rights. And as a result of this deep-rooted conviction, these early judges established, under the power of judicial review, more firmly than they otherwise would have been established, these supposed natural rights.

Now, you will agree with me that these rights are not as firmly founded in our laws as they were formerly. This is certainly true with respect to the right of property. True, the judicial department still protects property rights from violent legislative action. But even judges, and it can be more truly said of the general mass, are more and more inclined to interpret our constitutions as having conferred almost plenary power on the legislative department, and under these conditions it is the more important that Congress act independently of executive and other interference and conservatively with due regard to the well-grounded principles of protection to life, liberty, and property that lie embedded in our institutions.

The sense of property—

Says Kent—

> is inherent in the human breast and is graciously bestowed on mankind for the purpose of rousing them from sloth and stimulating them to action. And so long as the right of acquisition is exercised in conformity to the social relations and the moral obligations which spring from them, it ought to be sacredly protected.

In the case before us we will by the passage of this bill destroy the property of the individuals owning the armor-plate concerns, and in two of these instances you will destroy property created at the request of this Government through its representative, the Secretary of the Navy (Secretary Whitney in the case of the Bethlehem Steel Co. and Secretary Tracey with respect to the Carnegie Co.). How can such action be justified? How can this Congress seriously consider such punishment of the people who at the request of the Government has endeavored to render the service required of them? And especially so in consideration of our traditions in so far as property rights and their protection are concerned.

The right of property in this country has hitherto been considered a vested right—that is, the right and privilege of enjoying that which was legally acquired. In the cases mentioned it was not only legally acquired but at the solicitation of the Government that now threatens its destruction, and in one instance, that of the Carnegie Co., entered into most reluctantly and only in an effort and with the desire of serving the Government.

Under our laws the State has no authority even under modern rulings to take the property of the individual without just compensation. And denying to private individuals a fair return on the capital invested is a taking of property without compensation. Business is property just as much as real estate, and the Government has no greater moral right to destroy the property of business men without compensation than it has to take the real estate of individuals. In our country every step in the world of business and social life has been taken upon the faith that the law will protect the investor in his vested rights. For the legislature to overthrow these rights if persisted in to any great extent will work ruin to private industry.

But these abstract notions of justice and right do not seem to sway us in our dealings with corporations, trusts, and monopolies. We feel that these large combinations of capital have acquired more than their due share from the new and rapidly developing system of industry. Perhaps this is true. I am inclined to think that it is, and am ready to join with others in the passage of such wholesome legislation as will transfer the benefits of this industrial system to the general mass. For I believe in the more equitable distribution of the earth's surplus, but at the same time maintain that property rights that have been legally vested should be protected under our laws, and that last of all should they be interfered with by the Government, whose duty it is to render protection.

We hear much of the Armor Trust, and whether or not there is any justification for the charges that have been made I submit to you we should not pass legislation based on the spirit of reprisal. We must not allow any antagonism toward trusts to prompt us in passing unjust and harmful legislation. And, after all, the trusts are not an unmixed evil. For certain it is that conditions of labor have improved under their direction, and that the safety of employees is given more consideration and that old-age pensions have been adopted as a policy. Our remedy against their evils is control.

But while regulating by law and forcing improved conditions of labor and restriction of prices let us not assault the property, the very citadel of the creature thus under our control, for there is danger that we destroy in our wild denunciation and antagonism their great power for good. We must still have room for the growth and development of the individual. We must not put limitations upon his capacity. This development of individuality has brought the trust, which is just as well adapted to modern business needs as was the workman proprietor of early days or the small factory manager of later times. With all their evils they contain a vast amount of good, and, in my judgment, the problem will work out its own solution to the general advantage.

Now, it may be true, as the Good Book says, that:

> The rich are full of violence and treasures of wickedness.

And, yet, I believe that there is much of justice in the words of Story, delivered in the Massachusetts convention of 1820, when he said:

> The poor man ought to be protected in his rights, not merely of life and liberty, but of his scanty and hard earnings. I do not deny that the poor man may possess as much patriotism as the rich, but it is unjust to suppose that he necessarily possesses more. Patriotism and poverty do not necessarily march hand in hand; nor is wealth that monster which some imaginations have depicted, with a heart of adamant and a scepter of iron, surrounded with scorpions stinging everyone within its reach, and planting its feet of oppression upon the needy and the dependent. Such a representation is not just to our country. There is no class of very rich men in this happy land, whose wealth is fenced in by hereditary titles, by entails, and by permanent elevation to the highest offices. Here there is a graduation of

property from the highest to the lowest, and all feel an equal interest in its preservation. * * * In our country the highest man is not above the people: the humblest is not below the people. * * * The richest man among us may be brought down to the humblest level; and the child with scarcely clothes to cover his nakedness may rise to the highest office in our Government. And the poor man while he rocks his infant upon his knees, may justly indulge the consolation that if he possesses talents and virtue there is no office beyond the reach of his honorable ambitions.

And by way of emphasizing the words of Story, let me quote from that great man who is the ideal of what Story had in mind and whose wonderful ability is only now dawning upon the world, the friend of the poor and the oppressed, the great emancipator, Abraham Lincoln:

Property is the fruit of labor; property is desirable; is a positive good in the world. That some should become rich, shows that others may become rich, and hence is just encouragement to industry and enterprise. Let not him who is houseless pull down the house of another, but let him work diligently and build one for himself, thus by example assuring that his own shall be safe when built.

With such notions of property as are thus embedded in our institutions shall this Government of ours destroy the investment of these people who risked their money in a new venture at the urgent request of the Government. Surely not with any regard to the idea of right in the abstract.

Mr. SLOAN. We have, as I understand, a Government navy yard to build ships of war in competition with private navy yards and private shipbuilding establishments, and also a plant to manufacture the powder which is needed by the Government.

Mr. COLEMAN. Yes, sir; and in the navy yards there have been two large battleships constructed—the *Florida* and *New York—and the sister* ships of each of those battleships have been constructed in private yards. In one case, according to the figures of Admiral Watt it cost $2,269,000 more to construct a ship of the same kind in a navy yard than it cost in a private yard. In the other instance, it cost $1,463,000 more for the Government to construct a ship than it did the private company. And therefore the waste and extravagance in the public yard is evidently greater than the profits of the privately-owned concerns.

Mr. RAKER. Will the gentleman yield?

Mr. COLEMAN. I will.

Mr. RAKER. The *Oregon* was constructed at the Mare Island Navy Yard by the Government. Now, as to her sister ship, what was the difference in cost?

Mr. COLEMAN. I do not remember anything about that. That was 23 years ago.

Mr. RAKER. The sister ship—and I forget her name now—was constructed by a private yard.

Mr. COLEMAN. I was speaking of the *New York* as against the *Texas* and the *Florida* as against the *Utah*.

Mr. RAKER. Take from the way we stand now, does not the gentleman believe that we would get cheaper material if the Government had a plant of its own?

Mr. COLEMAN. I do not believe so, because you are paying $425 a ton for armor. The average cost has been about $440 per ton, and that is less than England, Germany, France, or any of the other nations are paying. England is now paying $503 a ton. Germany is paying $490 per ton, and France $460 a ton, and we are paying $425 a ton.

And, setting aside the question of property rights and taking into consideration the facts that confront us, I say that you can purchase armor more cheaply at $425 than the Government can manufacture it. But the Bethlehem Steel Co. has gone further and said to you that they would manufacture armor, in view of the larger five-year contract that is to be made, for $395 per ton; and the Midvale Steel Co. have offered to manufacture armor for $402.50 per ton, and they have gone further and have said that they would allow the Federal Trade Commission or any chartered public accountant to inventory their plant with a view to obtaining a fair price. And I ask you men, in view of our traditions and our belief in the principle of individual liberty if there is any excuse under these conditions for the Government entering into the field of industrial enterprise? [Applause.]

Mr. TAGUE. I would like to ask the gentleman if the Government did not pay more for the plates on the ships made than Germany and France were paying at the time?

Mr. COLEMAN. According to the Navy Yearbook, which is the best authority I have, the amount paid by England is $503 per ton.

Mr. TAGUE. I mean at the time the ships were built?

Mr. COLEMAN. I do not think at any time within 20 years.

Mr. TAGUE. Is it not a fact that the United States Government was paying 15 per cent more at the time?

Mr. COLEMAN. I can not answer that. But I say if it is true, it is no reason why you should take away this business from private concerns, because the difference in cost of wages in this country and abroad is so much greater than 15 per cent that the wonder is that we do purchase armor at all for a less price than the Governments abroad pay.

Mr. TAGUE. I would like to ask the gentleman if it is not a fact that the two supply ships that are now being built are being built by the United States Government at more than $250,000 less than private concerns bid on them?

Mr. COLEMAN. You can not tell under the present existing method of bookkeeping in the Navy Department how much they cost, because they are not charging indirect expenses. Therefore some expenses are not added to the costs that are charged up by the private concerns.

Mr. RAKER. I understand that Japan has a Government plant. What are they paying now?

Mr. COLEMAN. They have a plant, and they are paying, according to my recollection something about the same that we are paying now.

Mr. RAKER. Does not the gentleman believe that the Bethlehem Steel Co. and the other company named by him are reducing their prices because they realize that the public sentiment in this country is such that we are going to have a Government plant, and they have reduced it on that account?

Mr. COLEMAN. Not on account of public sentiment, but on account of the larger amount to be furnished.

Mr. RAKER. And they would really have raised it if it had not been for the determination of the people to have their own plant?

Mr. COLEMAN. I do not agree with the gentleman, for this reason:

Now, it must be perfectly apparent to the gentleman that these armor-making concerns that have been manufacturing armor plate at about one-third or two-thirds of the capacity of their plants must necessarily charge more for the output of their plants than they could afford to do under a larger contract that would enable them to run their plants at their full capacity; and it is on the basis of running their plants at full capacity that they are willing to give a lower price. Does that answer the gentleman's question?

Mr. RAKER. Yes.

Mr. COLEMAN. According to the Yearbook, Japan pays $490 a ton as against $425 a ton, which we pay.

Mr. CALLAWAY. Mr. Chairman, does not the gentleman know that the public at this time demands an armor plant in order to cut off the pressure that is brought to bear upon Congress and the country generally by the stockholders of the private concerns to keep up the value of their stocks on the market?

Mr. COLEMAN. Personally I do not believe that the manufacturers of munitions and of armor plate are any more concerned about building up a great Navy than are the average people of this country. I do not believe that patriotism is confined to any one class of people in this country, and I think you will find just as much of it among the manufacturers of these things and the owners of the plants as you will find among the men who work in the factories. They are all patriotic.

Mr. CALLAWAY. Does the gentleman know that the Bethlehem Steel stock has gone up from $30 a share to $530 a share, and they hope to keep up the value of their stock after the war is over by furnishing munitions to this country and other countries?

Mr. COLEMAN. The gentleman knows that, whatever the profits have been in the past few years, it has not been due to any armor concern; and, of course, the war in Europe, calling for these immense amounts of ammunition at the prices named by the manufacturers, where the manufacturers can get almost any price they ask for, necessarily means large profits; but these profits have no bearing on the Government armor plant and no relation to conditions that will exist in this country after the war is over.

Mr. CALLAWAY. Does not that explain the enormous pressure that is coming from the Atlantic seaboard at this time in behalf of what is known as "preparedness"?

Mr. COLEMAN. No; it has little, if any, connection with that pressure.

Mr. CALLAWAY. If I had any stock in that company and $500 of value was about to be squeezed out of every $530 worth of the stock I would want the war to continue.

Mr. COLEMAN. Now, I will say to the gentleman that there is nothing of that kind under consideration here at the present time.

Mr. CALLAWAY. That pressure is responsible for the people's effort to get away at this time from the exactions of the armor plants.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. COLEMAN. Mr. Chairman, I ask permission to proceed for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. COLEMAN] asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. Yes.

Mr. MEEKER. I want only to say that the gentleman from Texas [Mr. CALLAWAY] has left the impression that if he were a stockholder he would be for preparedness.

Mr. CALLAWAY. Does the gentleman from Missouri say he would not be for preparedness if he owned a lot of that stock?

Mr. MEEKER. I will say I am for preparedness, and I have no stock. [Applause.]

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. Yes.

Mr. RAKER. It has been suggested by the gentleman from Texas [Mr. CALLAWAY] that this stock has increased up to $500.

Mr. COLEMAN. I do not know what it is.

Mr. RAKER. Well, assuming that that is the case——

Mr. CALLAWAY. It is now worth $530 a share, and if it is true that they were selling only at a fair profit to the Government when it was $490 a ton, what are they charging foreign countries now?

Mr. COLEMAN. I do not think they are manufacturing armor plate now for foreign governments.

Mr. CALLAWAY. Then how does the gentleman explain his statement that they are becoming enormously wealthy selling to foreign countries?

Mr. COLEMAN. That is shells that they have been selling.

Mr. CALLAWAY. They have not been selling armor plate?

Mr. COLEMAN. No. Now, I can not yield further, Mr. Chairman. I want to get down to some of the people who are in favor of this. Senator TILLMAN says it would be better if we should have the manufacturers supply the Government at a reasonable price. Under the Butler amendment which is proposed in this bill, providing that the Federal Trade Commission shall make an inventory of these plants and recommend what would be a fair price on the cost of manufacture, with a reasonable profit, I say to you that there is nothing left upon which you can base an argument in favor of a Government armor plant. Rear Admiral Strauss, in a statement before the Naval Committee on January 25, says: "If the private firms will furnish armor plate at a fair profit, and will continue to do so under all conditions, I can see no special advantage in the Government going into the business." Do you see any advantage? If not, why should we, on the part of the Government, strike down the property of individuals and enter into the business, costing us more to manufacture armor than we paid for it before?

Mr. KEATING. Mr. Chairman, will the gentleman yield for a question, just for information?

Mr. COLEMAN. Yes.

Mr. KEATING. Is this Bethlehem Steel Co., that the gentleman mentions so frequently, the same company that sold a lot of armor to the Government with blowholes in it?

Mr. COLEMAN. It is not. The armor plate with the so-called blowholes in it was manufactured by the Carnegie Steel Co., and after an investigation was made by the Government the Carnegie Steel Co. was fined, and the company offered to take any one of those plates off the vessel and have it tested ballistically at Indianhead at their own expense, asking only that the Government should pay the charges if it did not meet the test, and their offer was not accepted by the Government, showing that it was merely a case of a so-called mountain that turned out to be a mole hill.

Mr. KEATING. But they were found guilty, were they not?

Mr. COLEMAN. They were found guilty and fined.

Mr. KEATING. And now you are acquitting them.

Mr. COLEMAN. But after a further investigation the Government remitted the fine, and it never was collected from the company. Now, on the other hand, let me say to the gentleman that that investigation showing up the blowholes in the Carnegie armor plate is nothing in comparison with the frauds developed in the investigation of the Krupp concern in Germany, where the Berlin superintendent of the Krupp armor-plate plant was fined and imprisoned, and other directors also fined, which shows the danger of the connection of the Government with private business concerns.

Let me say further in that connection, if the Government manufactured its own plate, interested as it would be in holding down the cost of the product, would it not be more likely to accept questionable armor for the purpose of making a low cost record than it would in the case of a private company whose product it could reject instantly through its inspectors if it were found in the least degree defective?

But Secretary Daniels insists that the Government should manufacture its own armor, and says:

> It is my intention to eventually secure armor for the United States Navy at the actual cost of manufacture. This, it is my firm belief, can be achieved by the erection of a Government armor plant, and it is my intention to lose no opportunity to urge upon Congress the advantages of its construction.

Certainly under such circumstances we can obtain armor at cost. But what will that cost be? Doubtless greater than is now being paid for armor and unquestionably greater than armor can be purchased under the provisions of the Butler amendment.

While there remains no good reason under the conditions that have been referred to for the Government building an armor plant, there are many reasons why it should not do so. All experience teaches us of the waste and extravagance of Government ownership and operation. Under the conditions recited it would be a violation of the spirit of the fourteenth amendment respecting the rights of property. It would be the most pronounced step yet taken by our Government in the direction of Government ownership, against the dangers of which the whole modern world admonishes us. It is contrary to the spirit of our institutions, under which we have enjoyed an orderly and uninterrupted progress, to which nothing has contributed more than the protection of property rights and the encouragement of individual enterprise.

I might cite many authorities to sustain this contention, but will content myself with referring to the wisdom of Woodrow Wilson, whose words I especially commend to the consideration of those on the majority side:

> The limit of State functions is the limit of necessary cooperation on the part of society as a whole, the limit beyond which such combination ceases to be imperative for the public good and becomes merely convenient for industrial and social enterprise.

And, again, from the same authority:

> Whatever is merely convenient is optional, and therefore not an affair of the State. Churches are spiritually convenient; joint-stock companies are capitalistically convenient; but when the State constitutes itself a church or a mere business association it institutes a monopoly no better than others. It should do nothing which is not in any case both indispensable to social or industrial life and necessarily monopolistic.

Mr. DAVIS of Texas. Will the gentleman yield for one question?

Mr. COLEMAN. I want to finish my statement, and I hope the gentleman will be brief.

Mr. DAVIS of Texas. If the gentleman thinks the Government representatives would accept questionable material on these contracts, would they not be just as likely to accept questionable guns made by the Government?

Mr. COLEMAN. My friend, human nature is the same wherever you go.

Mr. DAVIS of Texas. Amen!

Mr. COLEMAN. And the people who have control of production are interested in getting the best possible results at the least possible cost, and naturally there would be a tendency to accept things when made in a Government plant that the Government inspectors would reject if coming from a private concern.

Now, in conclusion, I want to give you Democrats particularly something more, that I think will be good for you to hear.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COLEMAN. I would like two minutes more.

Mr. ROBERTS of Massachusetts. I suggest to the gentleman that on Tuesday next there will be quite a good deal of debate.

Mr. COLEMAN. I have got mountains of this yet.

Mr. ROBERTS of Massachusetts. We have used a good deal more time than the other side already to-day, and we do not want to ride a free horse to death.

Mr. COLEMAN. Give me one minute.

Mr. ROBERTS of Massachusetts. I will give the gentleman one minute.

Mr. COLEMAN. I want to read to you the words of Woodrow Wilson, which may be found in the Atlantic Monthly of November, 1907:

> The country is still full of men who retain a deep enthusiasm for the old ideals of individual liberty, sobered and kept within bounds by the equally old definition of personal responsibility, the ancient safeguards against license; and those men are right in believing that those older principles can be so used as to control modern business and keep government outside the pale of industrial enterprise.

I commend those words to you, gentlemen of the Democratic Party——

Mr. DAVIS of Texas. Will the gentleman yield?

Mr. COLEMAN. No; I can not yield. I quote further from the same distinguished authority:

Our very political ideals are now to be decided. We are to keep or lose our place of distinction among the nations, by keeping or losing our faith in the practicability of individual liberty.

I do not know what Democrats may say in answer to this plea; but I, for one, take my stand boldly with those whose faith is still firm in the efficacy of individual enterprise. [Applause on the Republican side.]

Mr. PADGETT. I yield five minutes to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Chairman, I am deeply touched by the solicitude of the distinguished gentleman who has just taken his seat [Mr. COLEMAN], who fears that establishments of the kind proposed will not pay the Government. I am not an advocate of governmental ownership or operation of any of the instrumentalities of business in which private capital can and will engage on honest and fair principles.

In the case of the proposed establishment of munition plants, however, it appears not only that it would pay the Government in three respects, but it is absolutely necessary for three reasons. The first is, the Government by having a plant of its own, managed and conducted by itself at its own expenses, can make certain of having what it wants and needs at the proper time. In the second place, it can make what it needs or wants as good as it pleases without any dispute or altercation with private parties who try to mulct the Government on their contracts. In the third place, we could assuredly prevent our armor plate and other supplies from costing the Government 50 per cent more for our own use than our patriotic manufacturers sell the same things to Russia, 10,000 miles away. I think that answers the gentleman's speech. [Applause.]

Mr. ROBERTS of Massachusetts. Mr. Chairman, I yield 10 minutes to the gentleman from Delaware [Mr. MILLER].

Mr. MILLER of Delaware. Mr. Chairman, I rise to say a few words with respect to the American naval officer, inasmuch as several things have been said about him in this Chamber this afternoon which I think need an answer. The naval officers need no defense. Their work and service speak out better than I am able to do. They are not so considered, judging by the applause which met the remarks of certain gentlemen on the Democratic side. At the inception of the Government our forefathers decreed that the Army and the Navy should be kept out of politics. That was a very wise move. But they did not fix it so that politics could be kept out of the Army and the Navy. I agree in part with what the gentleman from Texas [Mr. CALLAWAY] said, that if you remove politics from this Army and Navy question the country might get what it wants in the right kind of preparedness. I agree in part with what the gentleman from Missouri [Mr. HENSLEY] said along the same line. But, gentlemen of the House, I do not agree with what I think was an unwarranted assault by them on the integrity of the American naval officer, and incidentally on the men that serve under him. My friend from Texas [Mr. CALLAWAY] intimated that it was due to the desire and greed of these officers for more "business"; that they desired more ships which would give us a real line of defense. If I have not stated it verbatim, I think I have given his idea. He has no more basis to accuse them of ulterior motives in doing their duty and advising the country what we need in ships than we have to accuse the gentleman who made the statement with ulterior motives for making what I consider, as far as he was concerned, a sincere statement on the floor of the House, mistaken and erroneous as it may be.

I heard the gentleman from Missouri [Mr. HENSLEY] remark in discussing the question as to why more submarines had not been built that it was due to the fact that the American naval officers did not like to have a class of vessel upon which receptions of a social nature could not be held. I do not like to bring it up when he is absent from the floor, but I have waited patiently for my time, and I think the Members of the House will agree with me that that was the inference which he desired to be drawn from what he said.

Now, the first American submarine of the A class was authorized in 1900.

Mr. CALLAWAY. Will the gentleman yield?

Mr. MILLER of Delaware. I do not mean to be discourteous to the gentleman from Texas, but I have only a few minutes, and I can not yield. I did not interrupt him in his remarks. At the conclusion of what I have to say, if I have any time I will be glad to yield. If the particular remark of the gentleman from Missouri was made facetiously, all right, but I do not think it was, because when he made it he was discussing the question of international peace, and he approached the gentleman from Ohio [Mr. EMERSON] in a bellicose fashion and was serious. [Laughter.] Therefore I take it that he was in part serious when he drew the inference that the American naval officers did not like the submarines because they could not hold receptions of a social nature on the quarter-deck.

I will relate an incident to answer facetiously the gentleman from Missouri as to the "social" possibilities of submarines.

The gentleman seems to have forgotten that during the administration of one of our ex-Presidents, his daughter wanted to go down in a submarine; she went down to the navy yard and got into the submarine, and the young lieutenant pulled down the hatch and started up the engines, and after a time when she thought she had had a nice ride under the water she was let out, but as a matter of fact the boat was moored to the wharf all the time. [Laughter.]

To be serious, the American naval officer and men under him are the highest type of American citizens. They are really serving the country and for an amount of money which none of us would serve if we had to render the amount of service that they do. Do gentlemen know that when ships or the fleet visit ports for silver-service ceremonies or other events that the officers foot the bills out of their own pockets and the Government does not put up the cost, but they have to do so themselves? This quarter-deck entertaining has another side.

Mr. CALLAWAY. Will the gentleman yield?

Mr. MILLER of Delaware. I prefer not to yield. The officers are the hired experts of our Navy. The Navy is one of the insurance policies of the Government, and the premium we pay on it every year is represented by the annual naval appropriations. We hire these officers as experts to run the Navy as an individual or corporation hires its trained experts.

When these experts in their line of business are called upon for their suggestions and ideas they ought not to be met with sarcastic rebuffs, but they should be given due consideration. Nobody hires experts in business and then ignores their advice in the manner in which Congress treats the advice of our naval experts. We often hear the remark that the mere fact of a naval board of officers advising something is a good reason why it should be turned down.

The General Board of the Navy represents the expert administrators that this Government has to run the Navy, and while I am not carried away by naval or military hysteria, I do believe that those men in the Navy, who give their lives, because it is a life work, to the Government, should not be held up to scorn and sarcasm. They have no vote and they can not reach the people who make these accusations in the way that the voters in their districts can; and in the few minutes I have I think I can utilize it to the best advantage in bringing out a few points on their side. If the gentleman from Texas [Mr. CALLAWAY] now has something to suggest, I would be very glad to yield to him briefly.

Mr. CALLAWAY. I wanted to ask the gentleman if he had read the hearings, in which Capt. Sims said there was nothing like a Navy officer's place in the whole world for a snap, except it be a Supreme Court appointment?

Mr. MILLER of Delaware. I will say to the gentleman that I have not read all the hearings, but I was aware of that verbiage before he refreshed my memory with it. But be that as it may, we all of us heard the distinguished gentleman from Texas [Mr. CALLAWAY] and the equally distinguished gentleman from Missouri [Mr. HENSLEY] cast aspersions upon the character and patriotism of the naval officer, leaving us to believe——

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Delaware. No; I will not yield. Leaving us to believe they brought in their recommendations and announced their advice for ulterior motives, namely, more "business." Mr. Chairman, the gentlemen who are here may wonder why I am so interested in the American naval officer. When I was 10 years old I made up my mind that I was going to go through the Naval Academy and endeavor to serve my country in the Navy, and one of the reasons I did not have the opportunity was because I had defective eyesight. I have seen the naval officer all over the country, and I have seen him in all sorts of predicaments except in actual warfare. They are a credit to the Nation and they are real, unselfish public servants. The same applies to the American Army officer, whom we hear accused of "prancing around in gold lace."

One question the gentleman from Missouri [Mr. HENSLEY] brought up to which I wish to call attention. He was discussing in all sincerity the question of world peace. Gentlemen of the House, as long as this globe is inhabited by the kind of people that make up the human race to-day, human nature is not going to change, and the people that go to make up the various nations of the globe are going to be the controlling factors in the nations of the globe, and you know very well that the time has not arrived when human beings will cease fighting each

other, either physically, mentally, or in a legal way. Therefore, why should the nations that are composed of these various peoples of the globe be any different in the future from what human nature has taught us to know they have been in the past. I could not let that remark of the gentleman from Missouri go by without saying a few words on the other side of the question. I listened with intense interest to the remarks of the gentleman and was very much impressed by his sincerity. I disagree with him as to his deductions.

We have heard to-day a discussion as to the reserve fleets, and I just want to bring one thing to the attention of the House, a situation that arose in connection with the calling out of one of the vessels of our reserve fleets at the League Island Navy Yard last year, when the *Alabama* was ordered to the Virginia Capes for neutrality duty in connection with the interned German auxiliary cruisers. I purposely consulted a friend of mine in the department about this matter to-day. The *Alabama* was ordered out at 5 p. m. on the 27th of March, 1915. That was a Saturday, and she got away in the prescribed time of 48 hours, on Monday afternoon, for the Virginia Capes, but every other battleship in the Atlantic reserve fleet at League Island Navy Yard, Philadelphia, had to be stripped of officers and men to make up the complement of the *Alabama* when she sailed forth, even on a peaceful mission of neutrality. I think it well to bring this to the attention of the House, because we understand that all over the country we have what is known as the reserve fleets, manned with a 40 per cent complement crew, ready to leave on 48 hours' notice for any duty, whether on peace, frolic, or fight. Yet here last year we had a concrete example of what it took to send one of those boats, the *Alabama*, from the League Island Navy Yard on a peaceful mission to the Virginia Capes. It stripped every other one of those vessels in the reserve fleet of officers and men in order to prepare that boat to go forth. I do not need to draw any conclusions as to what would have to have been done in order to send forth the whole reserve fleet, and that is an argument in favor of increasing the enlisted force of the Navy as it is increased in this bill, and of increasing it even to the extent asked for by the General Board. [Applause.]

Mr. ROBERTS of Massachusetts. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. FOCHT]. [Applause.]

Mr. FOCHT. Mr. Chairman, I have listened with much profit to the illuminating discussion of this question of whether the country shall be protected by dreadnaughts or submarines. The afternoon's debate seems to have resolved itself into a question as to which would be most potent and effective in resisting an invading foe or one that attempted to invade us. Now I want to congratulate both sides of this House, those who are for the submarines and those who are for the dreadnaughts, upon the manner in which they have endeavored to reach a proper conclusion, for, after all, my friends, we must realize that we are to meet conditions as they are to-day, and the quicker the better, and by such means as are at our command; and the deductions to be made from the rather contradictory evidence presented before this committee is a task of some proportions confronting us.

Now as to the submarine and the dreadnaught, from what the gentleman from Texas has said, notwithstanding the arguments of Mr. Foss and several other friends on this side, it is evident to my mind that with the continued development of aircraft and of the efficiency and potency of the submarine, by the time you could complete a dreadnaught, I give it as my opinion that the dreadnaught in the presence of a submarine would be no more potent and efficient than an empty collar box floating on the bosom of the Potomac River. [Applause.] Notwithstanding it is the judgment of the experts that we should have dreadnaughts, and I shall vote for any reasonable number that may be provided for in the bill, it is my opinion that with the further development of the efficiency of submarines naval warfare and all kinds of warfare must end, because it will mean annihilation.

Mr. CALLAWAY. Will the gentleman yield?

Mr. FOCHT. If you will give me time. I want to say to my friend, with respect to standing under that Cross down on the Andes Mountains, and what it typifies and symbolizes, I regret indeed the difference between men and nations can not be thus settled, but the world seems to have gone war crazy. The big imperial bosses of Europe, even though they are intermarried and of the same blood, are determined to war to annihilation, as some have declared, and therefore, my friends, in the presence of this insanity and the fact that there is no longer the restraint of the Christian religion attached to their actions, we as American patriots must see to it that this Government is amply prepared to defend the integrity of this one free country the world has ever seen, or, as Lincoln said, we are the only kind of people it is worth while having a country like this for, the plain people. The gentleman from New York a moment ago said that he was deeply moved—"impressed," I believe, was the word—when the President of the United States appeared on the floor of this House and delivered a speech. I myself can not say that I was so greatly impressed; instead, it rather reminded me of some of the pomp and circumstance that attended the coronation of a Cæsar, quite out of keeping with the democracy of this country, and assuredly from the attitude of my friends on this side to-day, as I have heard their deliverances and their utterances, it made no impression on them if his purpose was to come here and stir up any war feeling and spirit for preparedness. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LLOYD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15947 and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SHERWOOD, for five days, on account of memorial services and private business.

To Mr. BARNHART, indefinitely, on account of sickness in his family.

To Mr. HOLLINGSWORTH, to attend Memorial Day exercises on May 30, at Canton, Ohio, and deliver an address to the Canton Grand Army of the Republic Post and citizens.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4856. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 1288. An act for the relief of Simon M. Preston; to the Committee on Claims.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes p. m.) the House adjourned to meet on Monday, May 29, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting estimates of urgent deficiencies in appropriations required by the War Department for the service of the fiscal year ending June 30, 1916 (H. Doc. No. 1167); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of north shore of Long Island, N. Y., between Huntington Harbor and Plum Gut, with a view to the construction of a harbor of refuge (H. Doc. No. 1168); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk and referred to the several calendars therein named, as follows:

Mr. VENABLE, from the Committee on Indian Affairs, to which was referred the bill (H. R. 489) authorizing the Shoshone Tribe of Indians residing on the Wind River Reservation in Wyoming to submit claims to the Court of Claims, reported the same with amendment, accompanied by a report (No. 775), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LEVER, from the Committee on Agriculture, to which was referred the bill (H. R. 15913) to authorize the Secretary of Agriculture to establish uniform standards of classification for cotton, to provide for the application, enforcement, and use of such standards in transactions in interstate and foreign commerce, to prevent deception therein, and for other purposes, reported the same without amendment, accompanied by a report (No. 777), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GANDY, from the Committee on Indian Affairs, to which was referred the bill (H. R. 14944) authorizing the Secretary of the Interior to transfer on certain conditions the south half of lot 14 of the southeast quarter of section 21, township 107, range 47, Moody County, S. Dak., to the city of Flandreau, to be used as a public playground, reported the same with amendment, accompanied by a report (No. 778), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM, from the Committee on the Judiciary, to which was referred the bill (H. R. 14299) to amend section 33 of an act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 776), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 15066) granting a pension to George W. Johnston, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. LOBECK: A bill (H. R. 16060) providing for the classification of salaries of veterinary inspectors and lay inspectors (grades 1 and 2) employed in the Bureau of Animal Industry, Department of Agriculture; to the Committee on Agriculture.

By Mr. McANDREWS: A bill (H. R. 16061) to extend the present leaves of absence of postal employees; to the Committee on the Post Office and Post Roads.

By Mr. GRIFFIN: A bill (H. R. 16062) granting leaves of absence to employees of the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. RANDALL: A bill (H. R. 16063) granting leaves of absence to employees of the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. MORRISON: A bill (H. R. 16064) to incorporate the Federal Council of the Churches of Christ in America; to the Committee on the Library.

By Mr. HILLIARD: A bill (H. R. 16065) to fix standard sizes for baskets or other open containers for small fruits, berries, vegetables and other dry commodities, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. DAVENPORT: A bill (H. R. 16066) repealing all laws giving authority to the chief or governor of the Creek Tribe of Indians to enter into a contract for employment of a national attorney for the Creek Tribe of Indians, subject to the approval of the President of the United States; to the Committee on Indian Affairs.

By Mr. ELLSWORTH: A bill (H. R. 16067) for the tuition, board, books, paper, and traveling expenses to and from their respective homes of six Chippewa boys to either academies or colleges for the school year ending June, 1916; to the Committee on Indian Affairs.

By Mr. CARAWAY: A bill (H. R. 16068) to authorize the construction, maintenance, and operation of a wagon bridge across the Black River at or near Bennetts Ferry, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. HUDDLESTON: A bill (H. R. 16069) to provide for public education upon political questions and for the dissemination of information upon political issues and matters of a political nature of public interest; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. JOHNSON of Kentucky: A bill (H. R. 16070) to dispose of unclaimed bank deposits in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. DAVENPORT: Resolution (H. Res. 250) calling for copies of the report of Linnen & Cook and S. M. Brosius on the charges filed against R. C. Allen, national attorney for the Creek Tribe of Indians; to the Committee on Indian Affairs.

By Mr. MAPES: Joint resolution (H. J. Res. 230) authorizing the National Society United States Daughters of 1812 to file its historical material in the Smithsonian Institution and to make annual reports to the secretary thereof; to the Committee on the Library.

By Mr. GARDNER: Joint resolution (H. J. Res. 231) relating to the European war; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BEAKES: A bill (H. R. 16071) granting a pension to Marcilla Dusseau; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 16072) granting an increase of pension to John W. Paulus; to the Committee on Pensions.

By Mr. COLEMAN: A bill (H. R. 16073) for the relief of the McClintic-Marshall Construction Co.; to the Committee on Claims.

By Mr. ELLSWORTH: A bill (H. R. 16074) granting an increase of pension to William Mitchell; to the Committee on Pensions.

By Mr. FARR: A bill (H. R. 16075) granting an increase of pension to Elizabeth Davis; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 16076) granting an increase of pension to Sarah A. Polen; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 16077) granting an increase of pension to William M. Ferris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16078) granting an increase of pension to Sadie C. Henderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16079) granting an increase of pension to Thomas G. Willstead; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 16080) granting an increase of pension to Alcesta F. Holahan; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 16081) granting an increase of pension to William H. G. Murray, alias Henry Gordon; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 16082) granting an increase of pension to David M. Crow; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 16083) granting an increase of pension to William S. Jackson; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 16084) granting an increase of pension to L. E. Benton; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 16085) granting a pension to Bertha E. Jones; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 16086) granting an increase of pension to John W. Dewrose; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 16087) granting a pension to James H. Schneider; to the Committee on Pensions.

By Mr. TREADWAY: A bill (H. R. 16088) granting a pension to Caroline Koch; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 16089) granting a pension to Mary H. Bisbey; to the Committee on Invalid Pensions.

By Mr. WICKERSHAM: A bill (H. R. 16090) for the relief of the officers and crew of the lighthouse tender *Armeria;* to the Committee on Claims.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 16091) granting a pension to Thomas E. Pendergrass; to the Committee on Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 16092) granting a pension to Inger Nass; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of General Conference of the Methodist Episcopal Church at Saratoga, N. Y., in re Sunday rest law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. BAILEY: Petition of National Automobile Chamber of Commerce, New York City, relative to extending further the usefulness of the Bureau of Mines; to the Committee on Mines and Mining.

By Mr. CANDLER of Mississippi: Petition of sundry business men of Columbus and Starkville, Ohio, favoring bills to tax mail-order houses; to the Committee on Ways and Means.

By Mr. CAREW: Petition of Philadelphia Wholesale Lumber Dealers' Association, favoring passage of House bill 651, relative to duty of carriers; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Memorial of Wyoming State Democratic convention, relative to woman suffrage; to the Committee on the Judiciary.

Also, petition of Madeleine G. Hooton, of Binghamton, N. Y., favoring passage of bill to establish a probation system in United States courts; to the Committee on the Judiciary.

Also, memorial of National Society for the Promotion of Industrial Education, New York City, favoring passage of the Smith-Hughes vocational education bill; to the Committee on Education.

By Mr. DOOLING: Memorial of Gadsden (Ala.) Chamber of Commerce, favoring passage of the Shields water-power bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FLYNN: Petition of Automatic Printing Co., of Bridgeport, Conn., against passage of House bill 6458, relative to type-casting machines; to the Committee on Patents.

By Mr. GOOD: Petition of sundry citizens of the State of Iowa, against passage of the Sunday-observance bill in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of sundry citizens of the State of Iowa, against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. LINTHICUM: Petition of Paul E. Birkmeyer, of Baltimore, Md., favoring passage of Nolan bill; to the Committee on Reform in the Civil Service.

Mr. O'SHAUNESSY: Petition of Bakery and Confectionery Workers of America, favoring passage of House bill 10318, employers' liability act; to the Committee on the District of Columbia.

Also, petitions of American Association for Labor Legislation and Cooperative Employment Bureau, favoring passage of House bill 15316, workmen's compensation bill; to the Committee on the Judiciary.

Also, memorial of Newport Humane Club, relative to State inspection of food-producing animals; to the Committee on Agriculture.

Also, memorial of New Britain (Conn.) Chamber of Commerce, favoring passage of the Pomerene bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Rhode Island Antituberculosis Association against Senate joint resolution 120, relative to Public Health Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Fred Mitchell, Alton, R. I., against House bill 14666, providing for registration of design; to the Committee on Patents.

By Mr. PAIGE of Massachusetts: Memorial of nine voters and Congregational Church of Royalston, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SLOAN: Petition of Mrs. R. J. Fricke and 37 others, favoring public hearing provided for in the Emerson resolution looking toward securing a guaranty covering proposed shipment of milk; to the Committee on Foreign Affairs.

By Mr. TAYLOR of Colorado: Memorial of Knights of Luther and Ladies Auxiliary of Denver, Colo., against bills to amend the postal laws pertaining to religion; to the Committee on the Post Office and Post Roads.

By Mr. WILLIAMS: Petition of 48 citizens of Edwards County, Ill., favoring a Christian amendment to the Constitution; to the Committee on the Judiciary.

SENATE.

MONDAY, *May 29, 1916.*

(Legislative day of Thursday, May 18, 1916.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Oliver	Sterling
Bankhead	Husting	Overman	Stone
Brady	James	Owen	Sutherland
Brandegee	Jones	Page	Swanson
Chamberlain	Kenyon	Pittman	Taggart
Chilton	La Follette	Poindexter	Thomas
Clark, Wyo.	Lane	Pomerene	Thompson
Clarke, Ark.	Lea, Tenn.	Ransdell	Tillman
Culberson	Lippitt	Reed	Vardaman
Cummins	Lodge	Saulsbury	Wadsworth
Curtis	McLean	Sheppard	Walsh
Dillingham	Martin, Va.	Sherman	Warren
Fletcher	Martine, N. J.	Shields	Weeks
Gallinger	Myers	Simmons	Williams
Gore	Nelson	Smith, Ariz.	Works
Harding	Newlands	Smith, Mich.	
Hardwick	Norris	Smoot	

Mr. TAGGART. I desire to state that the senior Senator from Indiana [Mr. KERN] is unavoidably absent.

The VICE PRESIDENT. Sixty-six Senators have answered to the roll call. There is a quorum present. In accordance with the unanimous-consent agreement, at this time the Senate will proceed to vote without further debate upon the pending motion of the Senator from Wisconsin [Mr. HUSTING], which is a motion to recommit the bill with instructions.

Mr. CLARKE of Arkansas. I ask for the yeas and nays on that vote.

The yeas and nays were ordered.

Mr. LODGE. I ask that the motion may be read.

The VICE PRESIDENT. The Secretary will read the motion.

The SECRETARY. The Senator from Wisconsin [Mr. HUSTING] moves that the pending bill (H. R. 12193) be recommitted to the Committee on Commerce with instructions to report a substitute therefor appropriating an amount not in excess of $20,000,000 for the maintenance of river and harbor projects adopted by Congress and now under improvement and for the further prosecution of work on rivers and harbors adopted by Congress: *Provided*, That the amounts for such maintenance and prosecution shall be apportioned by the Chief of Engineers under the direction of the Secretary of War.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the motion of the Senator from Wisconsin [Mr. HUSTING].

The Secretary proceeded to call the roll.

Mr. JAMES (when Mr. BECKHAM's name was called). My colleague [Mr. BECKHAM] is unavoidably absent. He is paired with the Senator from Delaware [Mr. DU PONT]. This announcement may stand for the day.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], who is absent. I am informed that if he were present he would vote "nay," and as I desire to do the same I feel relieved from my pair. Therefore I vote "nay."

Mr. CHILTON (when Mr. GOFF's name was called). I wish to announce for the day that my colleague [Mr. GOFF] is absent on account of illness.

Mr. HARDING (when his name was called). I have a pair with the junior Senator from Alabama [Mr. UNDERWOOD]. On account of his absence I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Maryland [Mr. SMITH] and vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER], which I transfer to the senior Senator from Indiana [Mr. KERN] and vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the explanation made by me on Saturday, and asking that the announcement may stand as long as the river and harbor bill is before the Senate, I vote "nay."

The roll call was concluded.

Mr. TAGGART. I wish to announce that the Senator from Indiana [Mr. KERN] is unavoidably absent, and that if he were present he would vote "yea." As announced, he stands paired on this vote with the senior Senator from North Dakota [Mr. MCCUMBER].

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is unavoidably absent from the Chamber. He is paired with the junior Senator from Florida [Mr. BRYAN].

Mr. SIMMONS (after having voted in the negative). I transfer my pair with the Senator from Minnesota [Mr. CLAPP] to the Senator from California [Mr. PHELAN] and let my vote stand.

Mr. TILLMAN. I wish to announce that I am paired with the Senator from West Virginia [Mr. GOFF]. I would vote "yea" if I could get a transfer of my pair.

Mr. GALLINGER. I wish to announce the unavoidable absence of the Senator from Maine [Mr. BURLEIGH] on account of illness. He is paired with the Senator from Arkansas [Mr. ROBINSON].

Mr. TILLMAN. I am informed by the Senator from Colorado [Mr. THOMAS] that I can transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from South Dakota [Mr. JOHNSON]. I do that and vote "yea."

Mr. THOMAS. I will state to the Senator from South Carolina that I am informed the Senator from South Dakota [Mr. JOHNSON] was paired on Saturday with the Senator from Illinois [Mr. LEWIS].

Mr. TILLMAN. I withdraw my vote under that statement.

Mr. OWEN. I wish to ask if the Senator from New Mexico [Mr. CATRON] has voted?

The VICE PRESIDENT. He has not.

Mr. OWEN. I withhold my vote. I understand that the Senator from New Mexico [Mr. CATRON], if here, would vote "nay." I would vote "yea" if I were not paired with that Senator.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN];

The Senator from South Dakota [Mr. JOHNSON] with the Senator from Illinois [Mr. LEWIS]; and

The Senator from Nebraska [Mr. HITCHCOCK] with the Senator from New York [Mr. O'GORMAN].

The result was announced—yeas 27, nays 41, as follows:

YEAS—27.

Ashurst	Gallinger	Lodge	Sutherland
Borah	Gore	Norris	Taggart
Brady	Hollis	Page	Thomas
Clark, Wyo.	Husting	Pomerene	Thompson
Cummins	Kenyon	Shafroth	Wadsworth
Curtis	La Follette	Sherman	Warren
Fall	Lane	Smoot	

NAYS—41.

Bankhead	Jones	Pittman	Sterling
Brandegee	Lea, Tenn.	Poindexter	Stone
Broussard	Lippitt	Ransdell	Swanson
Chamberlain	McLean	Reed	Vardaman
Chilton	Martin, Va.	Saulsbury	Walsh
Clarke, Ark.	Martine, N. J.	Sheppard	Weeks
Culberson	Myers	Shields	Williams
Dillingham	Nelson	Simmons	Works
Fletcher	Newlands	Smith, Ariz.	
Hardwick	Oliver	Smith, Ga.	
James	Overman	Smith, Mich.	

NOT VOTING—28.

Beckham	Goff	Kern	Phelan
Bryan	Gronna	Lee, Md.	Robinson
Burleigh	Harding	Lewis	Smith, Md.
Catron	Hitchcock	McCumber	Smith, S. C.
Clapp	Hughes	O'Gorman	Tillman
Colt	Johnson, Me.	Owen	Townsend
du Pont	Johnson, S. Dak.	Penrose	Underwood

So Mr. HUSTING's motion was rejected.

Mr. NEWLANDS. Mr. President, I renew the amendment I offered the other day, an amendment which was inserted in the river and harbor bill some two years ago by the Senate. I understand that the Senator from New Hampshire [Mr. GALLINGER] will not press his point of order against it.

Mr. CLARKE of Arkansas. Mr. President, the amendment has been read heretofore. The purport of it is quite well understood. I have no objection to its going into the bill, with the reservation that the whole subject to which it relates—and which is a broad one—will receive consideration commensurate with its importance when the matter reaches conference. I do not think it is well to take up any time at this stage of the consideration of the pending bill to go into the matter more elaborately; but I feel satisfied that that particular amendment, taken in connection with one offered by the Senator from Washington [Mr. POINDEXTER] and another by the Senator from Iowa [Mr. KENYON], will constitute a fund of information and suggestion that will be valuable to the conference, and it may be that we can evolve some plan by which river and harbor items may be robbed somewhat of the criticism that is now directed against them.

Mr. GALLINGER. Mr. President, when this amendment was offered two or three days ago I made a point of order against it. I think that instead of being placed in this bill it ought to be considered as a separate measure; but in view of the statement made by the chairman of the committee, I shall not renew the point of order as far as I am concerned.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nevada.

Mr. REED. Mr. President, before the amendment is accepted I want, if I can, to get a copy of it. There have been two or three amendments, and I am in doubt which one is before the Senate.

Mr. CLARKE of Arkansas. If the Senator from Missouri desires to debate the amendment, I am willing to have it go out on a point of order.

Mr. REED (after examining the amendment). I have nothing to say, Mr. President.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nevada [Mr. NEWLANDS].

The amendment was agreed to, as follows:

SEC. 8. That a commission, to be known as the river regulation commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the chairman of the Commerce Committee of the Senate, the chairman of the Interstate Commerce Committee of the Senate, the chairman of the Rivers and Harbors Committee of the House of Representatives, and the chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives, is hereby created and authorized to bring into coordination and cooperation the Corps of Engineers of the Army and other scientific or constructive services of the United States that relate to the study, development, and control of waterways and water resources and subjects related thereto and to the development and regulation of interstate and foreign commerce, with a view to uniting such services through a board or boards in investigating questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, forestry, swamp-land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil waste, cooperation of railways and waterways, and promotion of transfer facilities and sites, and in forming comprehensive plans for the development of the waterways and water resources of the country for every useful purpose by cooperation between the United States and the several States, municipalities, communities, corporations, and individuals within the jurisdiction, powers, and rights of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce, and by reason of its proprietary interest in the public domain, and to the States, municipalities, communities, corporations, and individuals such portion as properly belong to their jurisdiction, rights, and interests, and with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the highest development and utilization of the waterways and resources of the United States; and such river regulation commission is authorized to appoint as members of such board or boards such engineers, transportation experts, experts in water development and utilization, and constructors of eminence as it may deem advisable to employ in connection with such plans. And for the expenses of such organization, investigation, and plans the sum of $500,000 is hereby appropriated.

Mr. HARDWICK. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. On page 14, at the end of line 17, it is proposed to insert:

Improving Savannah River at Augusta, Ga.: Completing improvement in accordance with the report of the Board of Engineers for Rivers and Harbors submitted in Rivers and Harbors Committee Document No. 4, Sixty-fourth Congress, first session, $33,000.

Mr. HARDWICK. Mr. President, I think, when I explain this amendment to the Senate and to the Senator in charge of the bill [Mr. CLARKE of Arkansas], there will be no opposition to it.

The amendment I propose is to complete the project at Augusta, Ga. The appropriation was not included in the river and harbor bill because the Board of Engineers had not reported on it at the time the House of Representatives considered the proposition, nor had they reported on the project at the time the Senate committee considered it. Since then the Chief of Engineers has submitted a report urging this appropriation. In a letter addressed to Hon. F. M. SPARKMAN, chairman of the Committee on Rivers and Harbors of the House of Representatives, the Chief of Engineers says:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 28, 1916.

Hon. S. M. SPARKMAN,
Chairman Committee on Rivers and Harbors,
House of Representatives.

SIR: 1. Referring to your letter of February 7, 1916, inclosing a copy of a resolution by the Committee on Rivers and Harbors of the same date, requesting the Board of Engineers for Rivers and Harbors to review its report on the survey of Savannah River at Augusta, Ga., printed in House Document No. 615, Sixty-fourth Congress, first session, with a view to determining whether, in its opinion, any further improvement of the locality is necessary or advisable in the way of additional revetment or otherwise for the protection of the work already done by the Government, as well as the probable cost of the same, I have the honor to inclose herewith a report of the board, dated April 12, 1916, in response thereto, together with a report by the district officer, Col. W. C. Langfitt, Corps of Engineers, dated March 17, 1916.

2. As a result of its further investigation of this subject, the board finds that there has been some erosion of the bank at King Mill tail-race, which, in its opinion, should be checked by revetting the bank for a short distance, at an estimated cost of $33,000, this revetment being considered advisable for the protection of the work already done by the Government.

3. After due consideration of the subject, I concur in the views of the board. The full amount of the estimated cost of the improvement should be provided in one appropriation.

Very respectfully,

W. M. BLACK,
Chief of Engineers, United States Army.

Mr. President, the situation is just this: We have spent a large amount of money on this project at Augusta, Ga. We thought we had completed it; but since this bill passed the House and since it was reported by the Committee on Commerce of the Senate, the Board of Engineers find that it is necessary to expend $33,000 in addition for revetment work, to preserve the work which has already been done and to save the money which we have already spent. I will only say that I ask that this amendment be put into the bill on the same terms that I asked for the insertion of the other amendment. I am sure that the conferees on the part of the other House will readily agree to it, and that the conferees on the part of both Houses will, in conference, conclude that it is an absolutely necessary item. Otherwise, I shall not expect the Senate conferees to insist upon its adoption.

The VICE PRESIDENT. The question is on the adoption of the amendment offered by the Senator from Georgia.

The amendment was agreed to.

Mr. TAGGART. Mr. President, in view of the discussion which has prevailed here on the river and harbor bill for some days past on the various motions which have been submitted for the reduction of the appropriations for some of the projects therein contained and the motions to reduce the appropriations having been defeated, it is evident to my mind from the votes of those who are opposed to the reduction of such appropriations that they consider all of the projects embraced in this bill as meritorious. I therefore offer the amendment which I send to the desk, which I ask may be read and adopted.

The VICE PRESIDENT. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. At the end of the bill it is proposed to add the following as a new section:

SEC. —. That none of the appropriations herein made, except for maintenance and for projects partially completed, shall become available until the Secretary of War shall first determine that the improvement will promote or that it is essential to the interests of interstate or foreign commerce.

Mr. CLARKE of Arkansas. Mr. President, that evidently revolutionizes the policy of framing river and harbor bills, as prescribed by act of Congress, and is therefore new legislation. I make the point of order against the amendment.

The VICE PRESIDENT. To what act of Congress does the Senator from Arkansas refer?

Mr. CLARKE of Arkansas. To the act of Congress referring these projects to the Board of Engineers and their formal adoption by act of Congress. The provision of law is that when they are reported by the Board of Engineers and an appropriation has been made for the beginning of actual work, they are then in the sense of Congress adopted projects, and they are continued under that system until a different one is provided. You could add conditions to the expenditure of public money in an appropriation bill, but this amendment is not directed to any particular project; it undertakes to deal with all of them. It would require additional surveys, and it delegates to an executive officer the legislative function of discriminating between these particular projects which Congress heretofore has by formal action adopted. I, of course, could get together the different acts of Congress covering these subjects, if it be deemed necessary to do so.

The VICE PRESIDENT. But, as the Chair reads the amendment, it is simply a limitation on the expenditure of these appropriations.

Mr. CLARKE of Arkansas. It could not be a limitation on them so as to change the course of the appropriation without——

The VICE PRESIDENT. The Chair is inclined to think that the point of order is not well taken.

Mr. CLARKE of Arkansas. I will submit, if the Chair is going to rule in that way.

The VICE PRESIDENT. It is a limitation of the appropriation. The question is on the amendment.

Mr. KENYON. On that question I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARDING (when his name was called). Repeating the announcement of my pair with the Senator from Alabama [Mr. UNDERWOOD], I withhold my vote.

Mr. SAULSBURY (when his name was called). Repeating the announcement of my pair and its transfer as on the last roll call, I vote "nay."

Mr. SIMMONS (when his name was called). Making the same transfer of my pair as announced on the former vote, I vote "nay."

Mr. THOMAS (when his name was called). Announcing the same pair and transfer as before, I vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and vote "yea."

Mr. WARREN (when his name was called). I have a pair with the senior Senator from North Carolina [Mr. OVERMAN]. I do not see him in the Chamber, and I therefore withhold my vote.

The roll call was concluded.

Mr. TOWNSEND. I have a pair with the junior Senator from Florida [Mr. BRYAN], and therefore withhold my vote.

Mr. HARDWICK (after having voted in the negative). I transfer my pair with the Senator from Kansas [Mr. CURTIS] to the Senator from New Jersey [Mr. HUGHES] and allow my vote to stand.

Mr. GALLINGER. I am requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from South Dakota [Mr. JOHNSON] with the Senator from Illinois [Mr. LEWIS]; and

The Senator from Nebraska [Mr. HITCHCOCK] with the Senator from New York [Mr. O'GORMAN].

The result was announced—yeas 21, nays 37, as follows:

YEAS—21.

Ashurst	Jones	Oliver	Thomas
Brady	Kenyon	Page	Thompson
Fall	La Follette	Pomerene	Tillman
Gallinger	Lane	Sherman	
Gore	Lippitt	Smoot	
Husting	Norris	Taggart	

NAYS—37.

Bankhead	Lea, Tenn.	Ransdell	Stone
Brandegee	Lodge	Reed	Swanson
Broussard	McLean	Saulsbury	Vardaman
Chamberlain	Martin, Va.	Sheppard	Wadsworth
Chilton	Martine, N. J.	Shields	Walsh
Clarke, Ark.	Myers	Simmons	Weeks
Culberson	Nelson	Smith, Ariz.	Williams
Fletcher	Overman	Smith, Ga.	
Hardwick	Pittman	Smith, Mich.	
James	Poindexter	Sterling	

NOT VOTING—38.

Beckham	Dillingham	Kern	Shafroth
Borah	du Pont	Lee, Md.	Smith, Md.
Bryan	Goff	Lewis	Smith, S. C.
Burleigh	Gronna	McCumber	Sutherland
Catron	Harding	Newlands	Townsend
Clapp	Hitchcock	O'Gorman	Underwood
Clark, Wyo.	Hollis	Owen	Warren
Colt	Hughes	Penrose	Works
Cummins	Johnson, Me.	Phelan	
Curtis	Johnson, S. Dak.	Robinson	

So Mr. TAGGART's amendment was rejected.

Mr. KENYON. I offer an amendment to come in as a new section to the bill.

Mr. STERLING. Mr. President, I ask the Senator from Iowa if he will not, since that amendment proposes a new section, withhold it in order that I may offer an amendment which simply proposes an addition to one provision, leaving the bill otherwise as it now stands?

Mr. KENYON. I am perfectly willing to do that, but I do not see how it makes any difference. However, if the amendment of the Senator from South Dakota is urgent, I am perfectly willing to withhold the amendment which I desire to offer.

The VICE PRESIDENT. The Chair will suggest that it will not make any difference as to which amendment is first offered.

Mr. CLARKE of Arkansas. Mr. President, the amendment offered by the Senator from Iowa [Mr. KENYON] is of the same general nature as that offered by the Senator from Nevada [Mr. NEWLANDS], and, for the same reason, I hope that it will be included in the bill, so that it may be considered in connection with the general subject. I inquire which amendment is pending?

The VICE PRESIDENT. As the Chair understands, the amendment offered by the Senator from Iowa [Mr. KENYON] is pending.

Mr. CLARKE of Arkansas. That is what I supposed.

Mr. LODGE. It has not been read.

Mr. CLARKE of Arkansas. That is the amendment to which my remarks applied. The Senator from South Dakota may possess himself in patience. He will get an opportunity to present the amendment he desires to offer.

Mr. STERLING. Very well.

Mr. REED. Let the amendment proposed by the Senator from Iowa be stated.

The VICE PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The Secretary proceeded to read the amendment proposed by Mr. KENYON, which in full is as follows:

Add at the end of the bill as a new section the following:

"That a commission is hereby created and established, to be known as the national waterway commission, hereafter referred to as the commission, which shall be composed of five commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. Not more than three of the commissioners shall be members of the same political party. The first commissioners appointed shall continue in office for terms of three, four, five, six, and seven years, respectively, from the date of the taking effect of this act, the term of each to be designated by the President, but their successors shall be appointed for terms of seven years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. The commission shall choose a chairman from its own membership. No commissioner shall engage in any other business, vocation, or employment. Any commissioner *may be removed* by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

"That each commissioner shall receive an annual salary of $6,000, payable in the same manner as the judges of the courts of the United States. The commission shall appoint a secretary, who shall receive an annual salary of $4,000, payable in like manner. The commission shall have the authority to employ and fix the compensation of civil engineers, clerks, and other employees as it may from time to time find necessary for the proper performance of its duties and as may be from time to time appropriated by Congress, and in making appointments for continuous service the commission, so far as practicable, shall select its employees from the classified service.

"All property of the United States in the hands or under the control of Army engineers or other officials or of private individuals or public contractors, including dredges, steamboats, barges, yards, and other property used in the improvement of public waterways, shall be placed under the jurisdiction and authority of the commission.

"That the Secretary of War may, if practicable, detail such Army engineers as are requested by the commission to assist in organizing and establishing a comprehensive system of waterway improvement, providing that such details of engineers shall not be made to the detriment of their military duties.

"That the commission shall have the authority and it shall be its duty to make an investigation of all waterway projects now constructed in whole or in part by Federal aid. The commission shall prepare a complete and succinct statement, by years, of the amount heretofore appropriated for each project, the estimated amount required to complete such project, a report of the commerce now served and to be served, the character of such commerce given by separate items so far as can be furnished, the source of information, the interests to be served, the kind of water craft used, and such other information as may be useful in determining the public use and value of the project. The commission shall also furnish Congress, at the earliest practicable date, information concerning all harbors and waterways now improved or being improved in whole or in part by Government aid, showing the amount of commerce, character of terminals or landings, ownership thereof, and, so far as practicable, ownership of regular lines of craft used thereon; and the commission shall also report its recommendations for the finishing of the projects now being constructed or modification of existing plans or abandonment of work on any project, together with findings upon which such recommendations are based.

"The commission shall further ascertain and report what projects are now being improved for purposes other than navigation, and if for power development, a full statement of interests concerned, officers and stockholders, public use to be served, if any, private or public contribution toward expense of construction, and the commission's recommendations thereon. Said commission shall further ascertain and report what projects are now being carried on in whole or in part for land-reclamation purposes, the character of such project, amount of lands to be recovered, estimated value of such lands, ownership thereof, and contributions now being made by beneficiaries toward such expenditures, together with the commission's recommendations.

"The commission shall make a full investigation into all work now being performed by the Mississippi River Commission, the amount of money heretofore expended on such river, character and permanency of work performed, and reclamation interests now being served, if there be any, a full statement of contributions by public or private interests toward said work, together with a comprehensive and intelligible report of the probable cost of the present plans of levee construction or other river improvement now being undertaken, the percentage of project completed, and this commission's recommendation thereon. Such Mississippi River report shall be separate and distinct from reports on other projects now under improvement by the Federal Government.

"All of such data and all other available information of a pertinent character affecting particular projects or entire waterway improvements now being conducted by the Federal Government shall be collected in convenient form and presented to Congress in installments at the earliest practicable date.

"When the commission shall have reason to believe at any time that the proposed project is not for general use of the public or will not warrant further expenditures, or if contributions shall be required to be furnished before further appropriations are made or further expenditures authorized, such commission shall immediately report to Congress, with a preliminary recommendation thereon, and shall furnish a copy thereof to the United States Treasurer. That thereupon, when so recommended, the Treasurer shall withhold all funds theretofore appropriated not specifically obligated under existing contracts and shall refuse further payments until subsequent and specific action shall be had thereon by Congress.

"That prior to the presentation of any new waterway project appropriations the commission shall cause a careful survey of the proposed improvement, and if it shall appear such project is to serve a public use and is feasible, the commission shall thereupon collate data showing the estimated cost thereof, commerce to be served, water craft to be used, public terminals furnished, and contributions recommended to be made by public or private interests, together with such additional data as has heretofore been specifically required to be furnished on existing projects. The commission shall thereupon transmit to the Committee on Appropriations of the House of Representatives a full report concerning such new project or projects, its recommendations thereon, and, if requested so to do, all other and further information that may be required by the Committee on Appropriations.

"Whenever the commission shall determine that any waterway project is primarily for power or land-reclamation purposes or to serve special interests, the commission may recommend Government aid for such project, notwithstanding the special interests to be served, and shall prepare data showing the proportionate amount of Federal aid recommended, together with suitable restrictions as to audit and payment of funds from the Public Treasury. Such recommendation shall be presented as a proposed separate bill to the Committee on Appropriations of the House and shall not be embodied in any general waterway appropriation bill by such committee.

Whenever any new survey shall be proposed for any waterway project the commission, prior to such survey, may require data to be furnished showing the public use and prospective commerce to be served and such other information as may be desired, and a brief synopsis of such information shall be furnished to Congress by the commission to accompany any recommendations made for new surveys.

All existing waterways, new projects, and new surveys shall be classified, so far as practicable, prior to each regular session of Congress, together with estimates of appropriations required for maintenance and improvement for the ensuing two-year period, and a brief report as to each project considered shall be separately prepared and, with the commission's recommendation thereon, shall be placed in the hands of the Committee on Appropriations of the House at the beginning of each session.

Whenever the Appropriations Committee so requires the commission shall furnish additional data concerning any project, and shall further aid the Committee on Appropriations when requested so to do in the preparation of the regular river and harbor bill, which shall be prepared and presented by the Committee on Appropriations of the House.

The commission shall further compile and cause to be published at the earliest practicable date for the use of Congress an intelligent, concise statement of past waterway expenditures by the Government and of amounts needed to complete all continuing projects, and shall further give estimates of future obligations to be incurred by new projects recommended for construction. The commission shall give preference in its recommendations to Congress of appropriations needed to complete the more important projects, and, so far as practicable, shall enter upon a program looking toward the early completion of such projects.

The commission shall make a thorough investigation of reasons for loss of river traffic and shall make recommendations for the reestablishment of such traffic. It shall ascertain and determine the most available craft for river use, and, as soon as practicable, shall prepare plans and build experimental craft for such purpose.

Whenever reason therefor shall appear the commission may fix reasonable freight rates on all interestate water-borne traffic by common carrier and upon all such traffic on navigable waters *wholly* within the State, subject, however, to the jurisdiction now conferred by law on the Interstate Commerce Commission to fix maximum joint rates between and over rail and water lines.

The commission shall determine the reasonableness of wharfage or water terminal charges, whether such terminals are owned by private persons or municipalities, and all river and harbor improvements, including terminal facilities, shall be under the supervision and control of the commission.

Whenever the commission shall determine that unprofitable railway freight tariffs are maintained in any given case in order to prevent waterway competition, it shall be the duty of the commission to make a report thereon in duplicate to the Interstate Commerce Commission and to Congress, with recommendations that Congress give power, if need be, to the Interstate Commerce Commission for fixing minimum railway rates.

The commission shall at the earliest practicable date adopt an intelligent system of natural waterway improvement and shall perform such other and further duties as may present themselves from time to time.

Whenever it shall be desirable to secure sworn testimony from any witness or witnesses relating to any project or to navigation generally, or whenever the commission shall have reason to believe that private interests are secretly or improperly seeking to influence the commission or to force the passage of any private or public waterway measure through Congress, the commission may cause a hearing or summary investigation to be held, and for that purpose may issue summons, subpœnas, or other writs in the same manner and under the same procedure as is more specifically set forth in the act to regulate commerce approved February 4, 1887, and the amendments thereto, which portions of such act relating to procedure, so far as applicable, are made a part of this act, and may bring before such commission all parties believed to be informed concerning the facts or interested in the passage of such measure. A complete record shall be preserved of the testimony taken at such hearing and a certified transcript thereof shall be transmitted immediately to the Committee on Appropriations.

That all unexpended balances to the credit of any project not specifically obligated under existing contracts shall from the date of the passage of this act be transferred by the Treasurer to the general fund, and all vouchers thereafter paid by the Treasurer shall be upon order of the National Waterway Commission.

That the sum of $200,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury, to carry out the provisions of this act.

During the reading,

Mr. STONE. Mr. President, it is not worth while to take further time with the reading of this amendment. I shall make, and I make now, a point of order against it.

Mr. GALLINGER. Mr. President, if the point of order is made against this amendment, I will reserve the right, when the bill

reaches the Senate, to make points of order against all similar amendments in the bill.

Mr. CLARKE of Arkansas. I was going to say, Mr. President, that I supposed the amendment offered by the Senator from Nevada went in with an implied understanding that if that went in others of similar character would go in.

Mr. GALLINGER. That is right.

Mr. CLARKE of Arkansas. I do not see any objection to the course indicated by the Senator from New Hampshire.

The VICE PRESIDENT. If the Senator from Missouri insists on the point of order, the Chair will be obliged to sustain it.

Mr. SMOOT. Mr. President, was the amendment read in full, or just part of it?

The VICE PRESIDENT. Only part of it.

Mr. STONE. Mr. President, I am not willing that a proposition to which I am so absolutely opposed in principle as this shall go even to a conference committee, to be reported back here without an opportunity on the part of the Senate to discuss it. I shall insist upon the point of order.

Mr. SMOOT. Yes. I was not objecting to that, but I rose simply to ask the Senator if he had any objection to the balance of the amendment being put in the RECORD, so that it will be complete?

Mr. STONE. I have no objection.

The VICE PRESIDENT. It will be printed in the RECORD, and the point of order noted at the conclusion of it. The point of order is sustained, upon the ground that it is general legislation upon an appropriation bill.

Mr. POINDEXTER. Mr. President, I renew the offer of the amendment which I offered the other day, and which I believe the Secretary has. I send another copy of it to the desk, however. In deference to the suggestions of my colleague [Mr. JONES] and some other Senators, I have changed the amount of the salary of the inspector named in the amendment from $10,000 to $7,000. The whole matter is altogether tentative, and is submitted with the understanding that it will be dealt with very freely by the committee of conference. I myself think that if we are going to have an inspector at all to investigate great expenditures, such as are provided for by this bill, we ought not to higgle over his salary; but I will leave the amount at $7,000.

Mr. THOMAS. Mr. President, will not the Senator also change his amendment so as to provide that the officer shall be appointed by the President instead of by the chairmen of the committees of the Senate and the House?

Mr. POINDEXTER. I can not accept that suggestion, Mr. President. It is entirely inconsistent with the purpose of the amendment. The central idea of the amendment was that Congress, acting through its committees which deal with this subject, should have some special source of information. The entire conduct of the work as it is at present carried on is in charge of men subject to the orders of the President. The work is now operated under one of the executive departments of the Government. This proposition is that the legislative branch of the Government, which appropriates the money, shall have some check upon the manner in which the executive department expends it.

Mr. THOMAS obtained the floor.

Mr. GALLINGER. Let the amendment be stated, Mr. President.

The VICE PRESIDENT. The Secretary will restate the amendment.

The SECRETARY. It is proposed to add at the end of the bill the following:

There shall be appointed by the chairmen of the Committee on Rivers and Harbors of the House of Representatives and the Commerce Committee of the Senate an inspector of river and harbor works. He shall be a trained and experienced civil engineer, not connected in any way with the Army. It shall be the duty of said inspector to thoroughly examine the several river and harbor projects which have been adopted by Congress, with special regard to the question of whether the moneys appropriated by Congress for these works are being expended to the best advantage from a standpoint both of economy and efficiency. In making said examination said inspector shall inquire whether the best methods are being used in the prosecution of said works to accomplish the improvement contemplated thereby. Said inspector shall also examine into the question of the needs of commerce for said improvements and the probable or prospective uses thereof in commerce and the probable or prospective results thereof on freight rates on railroads through the competition of such waterways; and for that purpose said inspector may ascertain the effect upon such rates of waterways heretofore improved and the uses that have been made of the same for purposes of transportation. Said inspector shall make in writing to Congress a full semiannual report of his observations and conclusions in the foregoing matters. He shall hold office at the pleasure of the committees above mentioned, and his successor shall be appointed as provided above. He shall be paid a salary of $7,000 a year and his necessary actual expenses, and shall have such clerical and other assistance as may be necessary, to be approved by the chairmen of said committees.

Mr. GALLINGER. Mr. President, I make a point of order against that amendment. It is general legislation; it creates a new office, and it appropriates money not estimated for.

Mr. THOMAS. Mr. President, I thought I had the floor.

The VICE PRESIDENT. The Senator from Colorado is entitled to the floor.

Mr. LODGE. He does not have the floor against the point of order.

Mr. GALLINGER. Not against the point of order, I judge.

Mr. THOMAS. If the point of order is made, I have nothing to say.

Mr. POINDEXTER. On the point of order, I should like to suggest that it seems to me a principle is involved here similar to that involved in the amendment offered by the Senator from Indiana, in that it is a proviso for the inspection of the expenditure of the appropriations made in this bill. In that respect it is a limitation upon the appropriation. It provides a means by which Congress can be informed of the expenditures for which the bill appropriates, and in that respect, it seems to me, it is a condition attached to the appropriation, and, consequently, not subject to the point of order. I will say to the Senator from New Hampshire that it is an entirely different amendment from the others of which the Senator spoke a moment ago. It does not provide for any comprehensive examination.

Mr. GALLINGER. It is different in this respect, that one point could have been made against the others, but there are three points which can be made against this as being obnoxious to the rule. That is the only difference.

The VICE PRESIDENT. The point of order must be sustained.

Mr. STERLING. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add, after line 15, on page 37, the following paragraph:

In the interest of navigation, and in view of the existing emergency, and to prevent further loss and destruction of property, the sum of $100,000, or so much thereof as may be necessary, for bank revetment work or other improvement at or near the city of Vermilion, Clay County, S. Dak.: *Provided, however*, That before this appropriation shall become available or any work is undertaken by the United States thereunder assurances satisfactory to the Secretary of War shall be given that the said city of Vermilion, or county of Clay, or other agencies, will provide and contribute in money, labor, or materials an amount equal to 33⅓ per cent of the amount herein appropriated for such improvement.

Mr. KENYON. Mr. President, I should like to inquire, if it is not out of order, how much that increases the appropriation.

Mr. STERLING. It increases the appropriation $100,000, or so much thereof as may be necessary for the purpose indicated. I will simply say that I think all of it will be necessary, under a statement made by the Secretary of War under date of March 25. He seemed to think that the $100,000 provided for in the joint resolution which I offered would not do more than half the work of improvement; but I think that statement was made without due and careful investigation, and I believe $133,000 will do the work of making this improvement.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KENYON. Mr. President, a few days ago an amendment was adopted with relation to the Brazos River—a provision that the money should not be expended if the Army engineers reported against the river. That amendment was proposed in the absence of the Senator from Texas [Mr. SHEPPARD]. In conversation with me, he rather feels that it was taking an advantage of him, which was not intended, I am certain, and I know he feels it was not intended. But as he feels that way about it, I move the reconsideration of that amendment.

Mr. STONE. Which amendment is that?

Mr. KENYON. The one with regard to the Brazos River in Texas.

The VICE PRESIDENT. The question is on the motion of the Senator from Iowa to reconsider the vote whereby the amendment was adopted.

The motion to reconsider was agreed to.

Mr. KENYON. We had a yea-and-nay vote on the amendment before, and I think we should have it again. I ask for the yeas and nays.

Mr. GALLINGER. Let the amendment be stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 23, at the end of line 25, it is proposed to insert:

Provided, That no part of the said appropriation of $200,000 shall be expended until the report of the Army engineers upon the reexamination of said project, as provided for by the last Congress, shall have been reported to Congress; and if said report shall be unfavorable to the further progress of said project, then no part of said $200,000 shall be expended thereon.

Mr. SHEPPARD obtained the floor.

Mr. LIPPITT. Mr. President, a parliamentary inquiry. Do I understand that the motion to reconsider prevailed?

The VICE PRESIDENT. It did.

Mr. STONE. Does this amendment relate to the Brazos River or to the Trinity?

Mr. KENYON. The Brazos.

Mr. SHEPPARD. Mr. President, I wish to express my appreciation of the action taken by the Senator from Iowa. I am sure that he intended to take no advantage of the fact that I was not in the Senate Chamber when he moved the adoption of his second Brazos River amendment a few days ago. I reached the Chamber a few minutes after the Senate met, and found the roll call in progress.

I now wish to appeal to the Senate, in the interest of fair play, to reverse its action in regard to the Brazos River. Certainly the presumption is in favor of a project already under way, a project which the engineers and Congress have indorsed. Appropriations for two of the rivers for which reexaminations were ordered by the last Congress have been continued in this bill, although the reexaminations resulted in unfavorable reports. This amendment makes the continuance of the Brazos River appropriation dependent absolutely upon the forthcoming report of the engineers. The report, whether favorable or unfavorable, might be based on insufficient reasons, on frivolous reasons, on reasons that might not appeal to the Senate. In view of the fact that the same rule has not been applied to the other rivers, reexamination of which were ordered, I ask the Senate to change its action.

Mr. KENYON. Mr. President, the only point with reference to this matter, concisely stated, is this: The Army engineers, under the provisions of an act of Congress, are now making a resurvey of the Brazos River. This amendment provides that the money appropriated by this bill for the Brazos River shall not be spent if the report of the engineers is against the project of the Brazos River.

Mr. SHEPPARD. Let me ask the Senator a question right there. The Senator has denounced the engineers when their reports were favorable to projects. Now he proposes to leave this river absolutely to their judgment. Where is the consistency of the Senator's position?

Mr. KENYON. I think my position is much more consistent than the position of the Senator from Texas, who, in all these matters, is following the Army engineers when they are in his favor, and when they are against him he does not seem willing to follow them.

Mr. SHEPPARD. Not necessarily. Let me say to the Senator that I do not take that position. I say, let this resurvey stand or fall on its own merits. Let the Senate reserve the right to pass on it when it is brought into the Senate.

Mr. KENYON. But if the Army engineers report against this project, no more public money ought to go into it; and this money ought not to go into it until the Army engineers do make their report. That is the position I take.

Mr. SHEPPARD. Congress has adopted this project, and the presumption is in its favor.

Mr. KENYON. And Congress has ordered a reexamination of this project. Now, what is the hurry? Why not wait until that report is made to Congress?

Of course it is true, as the Senator says about other projects, that resurveys and reexaminations are being made, and yet the money is going to be spent; and there is not any reason why the amendment should apply to the Brazos any more than to any of these other projects; but I do wish that we might save the money in the case of one of them if the report is against it.

Mr. SHEPPARD. Mr. President, the Senator knows that the reexaminations of the engineers as to two rivers have been made and have resulted in unfavorable reports by the engineers, and yet the Senate declined to follow those reports. I say, let the result of the resurvey be known before it shall be approved. The Senate ought not to abdicate its proper powers.

Mr. KENYON. Mr. President, I only know that where the Army engineers report in favor of a project they are wise and powerful men, and when they report against a project we overturn their report and go ahead just the same as if it did not exist. That is what we are doing in this case.

Mr. SHEPPARD. The Senator takes the same attitude with a reverse viewpoint as to the engineers. If the engineers are for a river, he is against them; if they are against a river, he is with them.

Mr. KENYON. I ask for the yeas and nays on this amendment.

The VICE PRESIDENT. The yeas and nays were ordered on this amendment heretofore, and the Chair rules that the motion to reconsider keeps in force the original order of the yeas and nays. The Secretary will call the roll.

Mr. SHEPPARD. I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Hardwick	Norris	Smoot
Brady	Husting	Oliver	Sterling
Broussard	James	Page	Stone
Chamberlain	Jones	Poindexter	Sutherland
Clark, Wyo.	Kenyon	Pomerene	Swanson
Clarke, Ark.	La Follette	Ransdell	Taggart
Culberson	Lane	Reed	Thomas
Cummins	Lea, Tenn.	Saulsbury	Townsend
Curtis	Lippitt	Shafroth	Underwood
Dillingham	Lodge	Sheppard	Vardaman
Fall	Martin, Va.	Shields	Wadsworth
Fletcher	Martine, N. J.	Simmons	Warren
Gallinger	Myers	Smith, Ariz.	Williams
Gore	Nelson	Smith, Md.	
Harding	Newlands	Smith, Mich.	

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present.

Mr. THOMAS. Mr. President, let the Secretary please state the amendment again.

The VICE PRESIDENT. The Secretary will read the proposed amendment.

The SECRETARY. The House text reads:

Brazos River, Tex.: Continuing improvement from Old Washington to Waco by the construction of locks and dams heretofore authorized, $200,000.

Following the figures "$200,000," the reconsidered amendment reads:

Provided, That no part of the said appropriation of $200,000 shall be expended until the report of the Army engineers upon the reexamination of said project, as provided for by the last Congress, shall have been reported to Congress, and if said report shall be unfavorable to the further progress of said project, then no part of said $200,000 shall be expended thereon.

The VICE PRESIDENT. The yeas and nays were ordered upon the amendment. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I transfer my pair to the junior Senator from South Carolina [Mr. SMITH] and vote "nay."

Mr. SIMMONS (when his name was called). Transferring my pair with the Senator from Minnesota [Mr. CLAPP] to the Senator from California [Mr. PHELAN], I vote "nay."

Mr. THOMAS (when his name was called). Announcing the same pair and its transfer, I vote "yea."

Mr. THOMPSON (when his name was called). I am paired with the Senator from Illinois [Mr. SHERMAN]. In his absence I withhold my vote.

Mr. TOWNSEND (when his name was called). I have a general pair with the junior Senator from Florida [Mr. BRYAN]. As I stated the other day when this amendment was up, I am permitted to vote upon it. I vote "yea."

Mr. WILLIAMS (when his name was called). Upon this particular item I do not feel released from my pair. I therefore transfer my pair to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

The result was announced—yeas 28, nays 32, as follows:

YEAS—28.

Borah	Gallinger	Lane	Smoot
Brady	Gore	Lippitt	Sterling
Clark, Wyo.	Harding	Lodge	Sutherland
Cummins	Husting	Norris	Taggart
Curtis	Jones	Oliver	Thomas
Dillingham	Kenyon	Page	Townsend
Fall	La Follette	Shafroth	Wadsworth

NAYS—32.

Bankhead	James	Ransdell	Smith, Mich.
Broussard	Lea, Tenn.	Reed	Stone
Chamberlain	Martin, Va.	Saulsbury	Swanson
Chilton	Martine, N. J.	Sheppard	Underwood
Clarke, Ark.	Myers	Shields	Vardaman
Culberson	Nelson	Simmons	Walsh
Fletcher	Pittman	Smith, Ariz.	Warren
Hardwick	Poindexter	Smith, Md.	Williams

NOT VOTING—36.

Ashurst	Bryan	Clapp	Goff
Beckham	Burleigh	Colt	Gronna
Brandegee	Catron	du Pont	Hitchcock

Hollis	Lewis	Owen	Smith, Ga.
Hughes	McCumber	Penrose	Smith, S. C.
Johnson, Me.	McLean	Phelan	Thompson
Johnson, S. Dak.	Newlands	Pomerene	Tillman
Kern	O'Gorman	Robinson	Weeks
Lee, Md.	Overman	Sherman	Works

So the amendment was rejected.

Mr. KENYON. I move to strike out all after the enacting clause of the bill and to substitute the following.

The VICE PRESIDENT. The amendment proposed by the Senator from Iowa will be read.

The SECRETARY. Strike out all after the enacting clause and insert:

There is hereby appropriated, out of any money in the United States Treasury not otherwise appropriated, for the maintenance and improvement of rivers and harbors, $25,000,000, to be expended under the direction of the Secretary of War. In the allotment of such funds provision shall first be made for maintenance and urgent commercial and military needs of harbors and waterways. Not exceeding $50,000 shall be used for new surveys and no allotment other than for necessary maintenance shall be made for any project heretofore recommended by Army engineers for abandonment or for modified improvement. And the engineers shall present to the next Congress, at the beginning thereof, a complete report of all expenditures with such further recommendations for abandonment of projects or modification as by them may be determined for the public good.

Mr. KENYON. On that amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). Transferring my pair as last stated, I vote "nay."

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. THOMAS (when his name was called). I announce my pair and its transfer as before and vote "yea."

Mr. TILLMAN (when his name was called). I announce the same transfer of my pair as before and vote "yea."

The roll call was concluded.

Mr. JAMES. I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Maryland [Mr. LEE] and vote "nay."

Mr. WARREN. Has the senior Senator from North Carolina [Mr. OVERMAN] voted?

The VICE PRESIDENT. He has not.

Mr. WARREN. I announce my pair with that Senator and withhold my vote.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from South Dakota [Mr. JOHNSON] with the Senator from Illinois [Mr. LEWIS]; and

The Senator from Nebraska [Mr. HITCHCOCK] with the Senator from New York [Mr. O'GORMAN].

The result was announced—yeas 23, nays 34, as follows:

YEAS—23.

Ashurst	Gore	Lodge	Taggart
Brady	Harding	Norris	Thomas
Clark, Wyo.	Husting	Pomerene	Thompson
Curtis	Kenyon	Shafroth	Tillman
Fall	La Follette	Smoot	Wadsworth
Gallinger	Lane	Sutherland	

NAYS—34.

Bankhead	James	Poindexter	Smith, Mich.
Brandegee	Jones	Ransdell	Sterling
Broussard	Lea, Tenn.	Reed	Stone
Chamberlain	Lippitt	Saulsbury	Swanson
Clarke, Ark.	Martin, Va.	Sheppard	Underwood
Culberson	Nelson	Shields	Vardaman
Dillingham	Oliver	Simmons	Williams
Fletcher	Page	Smith, Ariz.	
Hardwick	Pittman	Smith, Md.	

NOT VOTING—39.

Beckham	Goff	McCumber	Robinson
Borah	Gronna	McLean	Sherman
Bryan	Hitchcock	Martine, N. J.	Smith, Ga.
Burleigh	Hollis	Myers	Smith, S. C.
Catron	Hughes	Newlands	Townsend
Chilton	Johnson, Me.	O'Gorman	Walsh
Clapp	Johnson, S. Dak.	Overman	Warren
Colt	Kern	Owen	Weeks
Cummins	Lee, Md.	Penrose	Works
du Pont	Lewis	Phelan	

So Mr. KENYON's amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the Clerk's desk.

The VICE PRESIDENT. It will be stated.

The SECRETARY. On page 27, after line 12, insert a new paragraph, as follows:

That the Secretary of War is directed to investigate the character and drafts of vessels which would be accommodated by the Welland Canal when enlarged by the Dominion of Canada and what improvements would be necessary upon the Great Lakes and harbors thereof to secure the benefit of such ocean commerce as may pass through such Welland Canal.

Mr. LA FOLLETTE. Mr. President, I do not wish to detain the Senate, but I feel the adoption of an amendment of this character would greatly improve the standards of this bill. It is a proposition national in its proportions. It has not the smell of "pork" upon it anywhere.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. LA FOLLETTE. I do.

Mr. GORE. Did the Senator from Wisconsin say this amendment did not have the "smell of pork" about it?

Mr. LA FOLLETTE. I did.

Mr. GORE. Then I should like to suggest that it is subject to a point of order. [Laughter.]

The VICE PRESIDENT. The Chair refers the point of order to the Senate to decide.

Mr. LA FOLLETTE. Well, Mr. President, the Senate would not sustain the point of order.

The Welland Canal was constructed in 1833. It connects Lake Ontario with Lake Erie. It is, as everyone knows, wholly upon Canadian territory. It was enlarged in 1871; and again enlarged in 1900. It is now being reconstructed or enlarged, and will be completed in 1918 to a depth and width to admit of ocean going vessels passing through it.

Mr. President, if all of the harbors upon the Great Lakes are to share in the benefits of the enlargement of this canal, if we are to be able to load and unload ocean going vessels in the harbors of the Great Lakes, it is absolutely necessary for us to investigate existing conditions and to determine what changes and improvements must be made in order that ocean going vessels may dock at the ports of the Great Lakes.

Mr. President, Great Britain—which country, as I understand, has succeeded to the control of the Welland Canal, considers the enlargement of the Welland Canal so as to carry ocean-going vessels to be a good business investment. Surely the United States should improve the harbors which will be accessible to vessels passing through the Welland Canal, to a depth sufficient to accommodate such vessels. This canal is being enlarged so that it will have a depth of 25 feet. However, the improvements are to be so constructed that the sills of the locks will have a depth of 30 feet. The locks are to be 800 feet in usable length by 80 feet in width in the clear. The canal on the bottom will be 200 feet wide.

The present available depth in the various harbors of the Great Lakes, as I understand, is from 20 to 22 feet, and we shall be shut out from the benefits that will come from the enlargement of the Welland Canal unless we begin to make provision for changing the depth of water in our Great Lakes harbors. Ultimately, I have no doubt this work will require a very considerable expenditure of money. It means, ultimately, the deepening of the entrance to the harbors, of those harbors, and of the basins necessary to the best use of those harbors to a depth that will accommodate ocean-going traffic.

But, Mr. President, if all that has been done and all that has been expended, upwards of $800,000,000 in the improvement of the harbors and waterways of this country, is to be given anything like a meaning that shall be a benefit to the people of the country, then we should not stop at the expenditure of whatever is necessary to bring ocean-going vessels to the harbors of this great chain of lakes, this great inland sea that reaches out almost half-way across the continent.

Mr. LODGE. Mr. President, may I ask the Senator from Wisconsin a question?

Mr. LA FOLLETTE. Certainly.

Mr. LODGE. I am entirely in sympathy with this amendment; I think it is a most important one; but, merely for my own information, I desire to ask a question. Of course this deepening of the Welland Canal will admit very large vessels. What has been done about getting them up by the Lachine Rapids? Are they likewise enlarging those canals?

Mr. LA FOLLETTE. I am not advised about that, Mr. President.

Mr. LODGE. I suppose that will follow.

Mr. LA FOLLETTE. I suppose that would naturally follow in order to secure the benefit of the deepening of the Welland Canal.

Mr. LODGE. I do not make that suggestion in opposition to the amendment at all. I think it is very important that we should have just this thing.

Mr. GALLINGER. Mr. President, will the Senator from Wisconsin permit me to make a suggestion?

Mr. LA FOLLETTE. Very cheerfully.

Mr. GALLINGER. I chance to be very familiar with that part of the country, and I wish to say that I do not see how these great vessels could get through either the Lachine Canal or the Cornwall Canal, which are comparatively small waterways. Possibly the Dominion of Canada has great projects in mind of enlarging those canals in the same way that she is going to enlarge the Welland Canal, but I can not, for the life of me, see how ocean-going vessels, drawing the depth suggested, could possibly get up or down to the Lakes.

Mr. LA FOLLETTE. As I understand, with the present watercourses, I do not believe they could.

Mr. GALLINGER. No.

Mr. LA FOLLETTE. But I apprehend, of course, that, in order to get the largest possible results from the development now going on at the Welland Canal, the British Government must contemplate enlarging these other canals; and I think it follows very logically that we ought to make this investigation, in order that the people of this country may avail themselves of the great benefit that will result from the enlargement of this canal.

I do not wish to take the time of the Senate another moment, Mr. President. I believe the amendment I have offered is meritorious and will commend itself to the judgment of the conference committee.

Mr. BRANDEGEE. Mr. President, before the Senator from Wisconsin takes his seat, I wish to make a suggestion. I have the amendment before me, and I see that it provides—

That the Secretary of War is directed to investigate * * * what improvements would be necessary upon the Great Lakes and harbors thereof, etc.

I am not sufficiently familiar with the geography of that section of the country to be sure about it, but I have wondered whether that language would take in the connecting and adjacent waters—if there are any rivers between the lakes connecting them—or other adjacent waters or canals. I think it would do no harm to insert some words that would broaden the amendment, so that the investigation would not be confined to the lakes themselves.

Mr. LA FOLLETTE. I think the amendment covers the situation; but if the Senator from Connecticut has anything to suggest in that connection, I should be very glad to accept it, because I think the investigation should be as broad as possible in its character.

Mr. BRANDEGEE. I am willing to leave the matter to those who are more familiar than am I with the geography of that section; but I was simply going to suggest that after the words "the Great Lakes and harbors thereof," there be inserted "and tributaries thereto and connecting or adjacent waters," or some such language as that. I do not insist upon it at all, for I have no doubt the conference committee would work out the proper language anyway.

Mr. LA FOLLETTE. Mr. President, it is not my information that there are any such tributaries which it would be important to have investigated; but I see no objection to accepting the suggestion of the Senator from Connecticut. There may exist conditions of which I was not advised when I prepared this amendment.

Mr. BRANDEGEE. Having called attention to it, I am perfectly content to leave it to the conference committee to work out the proper language.

Mr. LA FOLLETTE. They will doubtless have full information on the subject.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

The amendment was agreed to.

Mr. LA FOLLETTE. With the further indulgence of the Senate for just a moment, I wish to offer another amendment, which I send to the Secretary's desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 34, after line 24, it is proposed to insert:

Improving the Duluth-Superior Harbor, Minn. and Wis., by enlarging the Superior Harbor basin in accordance with House Document No. 651, Sixty-fourth Congress, first session, $180,000; and the Secretary of War is hereby authorized to enter into a contract for such material and work as may be necessary to complete the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $180,000, exclusive of the amount herein appropriated.

Mr. LA FOLLETTE. Mr. President, I think I can say all that I care to say upon this amendment in five minutes, and perhaps it might be as well to put into the RECORD some facts which might obviate the necessity of my appearing before the conference committee upon this subject.

This amendment, of course, is in no sense local in its character. The Superior-Duluth Harbor is one of the great harbors of the world. The tonnage received and shipped at the Duluth-Superior Harbor is greater than that at any other inland harbor of this country or of the world. It is simply astounding. Thirty-three million tons is the measure of commerce received at that great inland port, the farthermost point to the west of this great chain of lakes that is, I believe, to be connected in the near future with the ocean transportation of the world.

Mr. HARDWICK. Mr. President, if the Senator will yield for just a moment, I will ask if he knows the reason for the remarkable decrease, as great as are the figures he has suggested, compared with the commerce of that port the year before?

Mr. LA FOLLETTE. I am not able to account for that. I was going to call attention to it.

Mr. HARDWICK. I hope the Senator will, and I am sorry that I have troubled him.

Mr. LA FOLLETTE. The tonnage in 1914 was 33,000,000 tons. In 1913 it was 46,000,000 tons. I apprehend, Mr. President, that it will be found that the tonnage of other great world harbors fell off at about that time. I apprehend that there may have been an influence which was national, or perhaps world-wide, in its character affecting commerce everywhere.

Mr. HARDWICK. If the Senator will pardon me just a moment, that same argument would apply to every project in this bill against which continual assaults of that character have been made on this floor, would it not?

Mr. LA FOLLETTE. Yes; if the comparisons are made only within that short period of time.

Mr. HARDWICK. Within those two years.

Mr. LA FOLLETTE. Mr. President, the most accurate information which I have been able to obtain upon the subject—and I have been somewhat amazed to find that there is not a department of this Government which can tell you what is the tonnage of the commerce of the great harbors or ports of the world, excepting as it has relation to customs duties—but from the best information that I could obtain in 1913 the tonnage in and out of London by water was only 41,000,000 tons; at Liverpool but 35,000,000 tons in 1913; at Chicago but 14,000,000 tons; while this great inland harbor, Duluth-Superior, located on Lake Superior, at the tip of the chain of lakes, at a point that is like an index finger reaching out toward the West, had a commerce in 1914, as I have said, of 33,000,000 tons.

Mr. President, there has been expended on that harbor a very large sum of money, but it has been justified by the national character of the commerce. It is a distributing point for a vast territory to the west; it is the assembling point for a vast territory that ships to the East and to the great ports of the world.

The total number of vessels arriving and departing at this port in 1914 was 9,712, with a net tonnage of 28,000,000. They have immense ore docks there; iron-ore docks, with a capacity of 797,000 tons; coal docks, with a capacity of 10,908,000 tons; grain elevators, with a capacity of 31,625,000 bushels. In 1895 there were received and shipped at this port only 6,000,000 tons of commerce; but it had grown by 1914, in less than 10 years, to be 33,000,000 tons.

Maj. E. D. Peck, the engineer officer in charge of the work at this harbor, in a report upon this project, gives some interesting and important data with respect to the business of this harbor. He says:

Through the existence and development of the large iron fields and the extensive grain-producing areas which are economically tributary to this port, and as the distributing and forwarding center for coal, lumber, and other commodities, Duluth-Superior Harbor ranks as of the first importance. The natural advantages of the harbor have been developed by the Government under various projects at a total cost of $7,418,002.25, as of June 30, 1914. The estimated value of commerce as of December 31, 1914, was $4,845,914,693.

The total number of tons received and shipped for the calendar year 1914, was 33,535,704 with a total valuation of $287,002,960. Total number of vessels arriving and departing 9,712; net registered tonnage of all vessels arriving and departing 28,216,139. The average number of tons of cargo received per day during the season of navigation for 1914 was 45,176; the average number of tons shipped per day for same period was 97,528. Interlake traffic covered a period of 235 days. The harbor has iron-ore docks with a total storage capacity of 797,592 gross tons, coal docks with total capacity of 10,908,000 short tons, and grain elevators with total capacity of 31,625,000 bushels, and these freight-handling facilities are being increased annually. From a total of 6,325,351 tons of freight shipped and received in 1895, the commerce has increased to 33,535,704 tons shipped and received in 1914. From the curve of increase shown in the harbor commerce, and with a knowledge of the sources of supply which create this traffic it is believed that the prospective commercial importance of this harbor is

very great, and that any reasonable necessary aid to insure the safety of vessels using it would be fully justified.

Representative SPARKMAN, in the discussion upon this bill in the other House, speaking of this project and this harbor, said:

Now, the gentleman [Mr. LENROOT] has a project that is a very important one. I have been there and I know what his harbor is. There is not a more important inland harbor in the whole country than his, and I think it not only worthy but urgent, and as soon as we have a bill with new projects in it I think that will be taken care of.

The Superior-Duluth Harbor, Mr. President, is not only the greatest inland harbor in the United States, but it is the second greatest harbor of our country, and I think, from such evidence as I have been able to gather somewhat hastily, that it ranks second amongst the harbors of the world. Because of its great commerce and because of the pressing need of this improvement I offer this amendment, with great confidence that it will not only commend itself to the Senate but to the conference committee.

This amendment proposes merely that, in accordance with the recommendation of the engineers, who have investigated this subject thoroughly, there shall be deepened a basin of 160.2 acres, sufficient to enable the vessels that come into that great port, either by the Superior entrance or the Duluth entrance, to make their turn and anchor safely. The engineers, who have experience in this business, recommend precisely the amendment which I have offered.

Maj. Peek, the engineer officer in charge, speaking of the general difficulties attending navigation at this harbor, has this to say:

These exist mainly in the opposing action between waves and outflowing currents at the Duluth entrance during the prevalence of northeast storms, which create a very turbulent condition of the water at the entrance, and at such times during high wind vessels entering are in danger of losing steerage way and being carried ashore or against the piers. The occurrence of logs and snow are also temporary deterrents to navigation.

At Superior entry during storms the entrance is accomplished by vessels with much less difficulty and risk than at the Duluth entrance. This is probably due to the wider entrance between breakwaters and canal piers, the protection afforded by the breakwaters and reduction of wave height through the stilling basin; but after entering the harbor from the canal the basin from east to west is only 1,500 feet wide, and the four ore docks of the Great Northern Railway Co. are situated opposite the harbor entrance. This limited distance is too short for the larger class of vessels to be manipulated with safety in approaching their docks during northeast storms, and it is of common occurrence for such vessels to go on the ground in the vicinity of the mouth of the Nemadji River in preference to going up against the docks without proper control. No accidents have occurred in the new entrance that are attributable to the existence of conditions resulting from the improvement. On June 27, 1914, during a severe storm, the steamer *Mataafa*, through an accident to its anchor equipment, let go her anchor and swung off on a long chain; unable to recover the anchor, its stern beat along the north canal revetment for several hours before rescued by harbor tugs and inflicted very considerable damage to the vessel as well as damage of a minor character to the revetment.

Gen. Black, in a report upon this improvement, said:

It will be seen from an examination of the map that there is practically no space available in the vicinity of Superior Entry for the anchorage of large vessels. Superior Harbor Basin and Superior Front Channel are used for through traffic and for turning purposes, and experience has shown that the area now available is not sufficient for the latter purpose. It is believed that the magnitude of the commerce to be affected is sufficient to justify the estimated cost of the work. The board therefore concurs in the opinion of the district officer and the division engineer that it is advisable for the United States to undertake the improvement as outlined by the district officer, at an estimated cost of $360,000 and $3,000 per annum for maintenance. The sum of $180,000 should be made available in one appropriation with authority for continuing contract for completion of the work.

Gen. Dan C. Kingman, Chief of Engineers, in his report to the Secretary of War concurring in and approving the reports upon this project, said:

The basin is designed for turning and does not afford facilities for anchorage. Its width is too small for the larger class of vessels to be handled with safety in approaching their docks during northeast storms, and it is a common occurrence for such vessels to go aground.

I will not take another moment of the time of the Senate upon this subject. It is a worthy amendment; it is an amendment of importance to all the people who live between the Atlantic and the Pacific in the great northern belt of States. It is in no sense local in its character. I have been voting, Mr. President, against amendments that were local and which seemed to me not properly a part of any national scheme of commerce and not properly a subject of appropriation.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. LA FOLLETTE. I do.

Mr. VARDAMAN. I want to ask the Senator what amount of appropriation this amendment asks for.

Mr. LA FOLLETTE. The total amount necessary to make this improvement is $360,000, of which it is proposed by the engineers—and I follow their recommendations—that $180,000 shall be appropriated for this year. They also estimate that it will cost, as I remember now, $15,000 a year to keep the improvement intact.

Mr. VARDAMAN. Is it for continuing an improvement?

Mr. LA FOLLETTE. Oh, no; this amendment provides for a completed project. All that will be required hereafter will be the expenditure of a small appropriation of about $15,000 to take out the silt and sand and deposits that may drift or be washed in there naturally by river currents or lake waves. But this appropriation will be sufficient to remove every permanent obstruction, and hereafter there will be required only a small annual appropriation for maintenance.

Mr. VARDAMAN. The engineers have made an estimate for it, I understand?

Mr. LA FOLLETTE. My amendment is based upon the estimate of the department and the recommendations of the engineers.

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. LA FOLLETTE. I do.

Mr. OLIVER. I rise to express the hope that the Senate will agree to the amendment proposed by the Senator from Wisconsin. The harbor of Duluth is just as important to the industrial interests of western Pennsylvania as it is to the people of Minnesota and Wisconsin. Too much attention can not be paid, too much money can not be spent, in improving the harbors upon the shores of Lake Superior, from which we draw all of the supplies of ore with which to run our furnaces, and to which we send a large part of the coal produced in the great State which I, in part, represent.

Mr. SMITH of Michigan. Mr. President, this item proposed by the Senator from Wisconsin undoubtedly has merit; and I want to call the attention of Senators to the fact that if the amendment proposing a lump sum of $25,000,000 had prevailed, just this kind of an amendment would have been entirely cut off. The new item proposed in the bill for the extra channel in the St. Clair River would have been cut off. The fourth lock at the Soo would have been cut off. Every new and meritorious item proposed in this bill, including the East River, the Los Angeles and San Diego Harbors, would have been cut off by a $25,000,000 lump-sum appropriation.

Mr. SUTHERLAND. Including Arcadia?

Mr. SMITH of Michigan. No, Mr. President; I think not. Every item in this bill to which criticism has been directed, without a single exception, is included in the items to which allotments were made by the Secretary of War from the lump sum that was last placed at his disposal. We of the committee feel that unless Congress is to abandon entirely the improvement of our rivers and harbors, special allotments made by the Engineer officers to going projects must be arrested. No project can be completed on such a plan. The Brazos River, the Trinity River, all of these items which have been criticized as undesirable, and yet they are favored with special allotments by the Secretary of War out of the lump sum voted last year and which Senators upon both sides of the Chamber vote for as though they were attempting to purge their consciences of some great sin.

Mr. CLARKE of Arkansas. Mr. President, there is nothing objectionable about this item except the fact that the bill has already attained very large proportions.

Mr. SMITH of Michigan. I am not opposed to this item.

Mr. CLARKE of Arkansas. The amendment comes to the Senate authenticated, as all items in the bill were at one time authenticated, by the approval of the Board of Engineers; and, so far as I have anything to say about it, I hope the amendment will be adopted.

Mr. SMITH of Michigan. I am not opposed to this item and shall vote for it.

Mr. CLARKE of Arkansas. Let us get at it, then.

Mr. SMITH of Michigan. Nevertheless, I can not resist the temptation to say that if this whole river and harbor legislation should eventuate in the passage of a lump-sum appropriation—and I understand, now that $20,000,000 has been voted down and $25,000,000 has been voted down, that we are soon to have an opportunity to vote for $30,000,000—a lump sum of $30,000,000 placed to the credit of the War Department for river and harbor work would be allotted in part to the very items in this bill against which Senators have fought with such feeling, while items like this proposed by the Senator from Wisconsin, the East River item, and the one which was put into the bill at my instance for the building of a new channel in the St. Clair River, like the one for the building of the fourth lock at the Soo, which is absolutely demanded, would fall by the wayside. Not one of them would get an allotment under the twenty, twenty-five, or thirty million dollar lump sum which Senators upon both sides of the Chamber are urging should be appropri-

ated, instead of this carefully worked out plan proposed by the engineers of the Government.

I did not want this matter to come to a vote without calling attention to that very marvelous inconsistency that can hide its offense in a lump sum and appear in most virtuous garments when the vote is taken for specific improvements throughout the country, national in character. This bill has been carefully prepared under the immediate eye of the War Department and its Corps of Engineers, nine-tenths of it inherited by us from past Congresses, which had the approval of distinguished men whose character and reputation should make them safe from unfair and unjust criticism. I do not want it understood that any Senator can salve his conscience with a $25,000,000 lump sum which will go to old projects that have been criticized over and over again on this floor, and that he is committing a great offense when he votes for the specific items that bear the approval of the War Department and of the Engineer Corps of the Army, nonpartisan in character, now in the bill.

If Senators who live in the interior, and have no waterways to improve, could go down before the Engineer Board of the Army and undertake to get them to review projects that have received the disapproval of the local engineer, they would soon find the difficulties in their pathway. The members of that board owe no obligation to anyone, political or otherwise.

I think this amendment proposed by the Senator from Wisconsin is a very meritorious one. I do not know just why it did not get into the bill in the first place; probably because the report may not have reached here in time, just as some of the reports for projects that have been approved, affecting my own State, have not reached here yet. This is probably a belated report; but it has my very warm approval, and I hope it will be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendment was agreed to.

Mr. NORRIS. Mr. President, on page 8 of the bill, I move to strike out line 3.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 8 of the bill it is proposed to strike out line 3, in the following words:

Toms River, N. J.: For maintenance, $2,000.

Mr. NORRIS. Mr. President, I shall not detain the Senate longer than a few moments.

Mr. GALLINGER. Mr. President——

Mr. NORRIS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. In view of the excoriation we received from the Senator from Michigan [Mr. SMITH] does not the Senator think he is rather rash to make this motion?

Mr. NORRIS. I will say to the Senator that one of the reasons I have for making it is to use this as an opportunity to reply somewhat briefly to what the Senator has said.

Mr. KENYON. Mr. President——

Mr. NORRIS. I yield to the Senator from Iowa.

Mr. KENYON. I was going to ask if this amendment had any relation to Arcadia.

Mr. SMITH of Michigan. It is in the same Temperate Zone.

Mr. NORRIS. Yes; it is of the same general character.

Mr. President, I do not expect even to ask for a roll call upon this motion. This amendment is one of 19 somewhat similar to this one that I had prepared and expected to offer if occasion should demand it—some of a little more importance, and involving a little more money. We have been discussing this bill for quite a considerable length of time, however; it has been very fully debated, and amendments similar to the one I have offered have been voted down over and over again. So it is quite apparent that it is not possible to make any motion to strike out any appropriation in this bill and succeed; and that having been determined by a fair and honest discussion extending over several days, I have no desire further to prolong it.

I do not believe, Mr. President, as I have said before, that the bill under consideration is constructed along proper lines and on the proper fundamental ideas. This particular amendment that I have offered applies to Toms River in New Jersey. It is a completed project. In this bill $2,000 is appropriated for the maintenance of the project. During the year 1914 there was commerce on this river of 92 tons. It can not be said, as it has been said with reference to other similar motions to strike out appropriations from this bill, that it is not a completed project, and therefore that it is not fair to say that when it is completed there will not be a very large commerce. This is a completed proposition. It is not a very expensive one. It has not cost the Government very much, but the Government is paying somewhere in the neighborhood of a dollar a ton for all the commerce on that river even for maintenance, without regard to interest on any of the money that it has invested in the improvement. It is interesting to know—we have been working on it for a great many years—that the official record, the report of the Army engineers, shows, in Document 346, Sixtieth Congress, on page 4, why it was desirable to develop this river. I quote now from Col. Taylor, of the Engineer Corps, in the document referred to:

Toms River is located on one of the three principal automobile lines of travel and has a large and increasing business from this source. Suitable depth in the river would increase this traffic, owing to the ease with which owners could communicate with their yachts at this point.

So we have developed this river for several years, and one of the principal and official reasons given for its development is that men who have yachts out on the ocean along the New Jersey shore, and who go from their yachts to their homes, riding from the harbor in automobiles, are able, since this improvement has been developed, to come nearer with their automobiles to their yachts. So we have expended several thousand dollars a year for quite a number of years in order that the owners of yachts may bring those yachts up closer to a connection with their automobiles.

In my judgment, this is no worse than a good many items contained in the bill upon which we have had roll calls, debate, and consideration. For that reason this amendment or any other amendment that I had intended to offer would not have any effect upon the legislation, and it would only tend to add cumulative evidence, I think, to the illustrations that are already in the RECORD.

It seems to me that the Senator from Iowa [Mr. KENYON], although criticized and his motives sometimes impugned, has made a record in this case that is very commendable. In the face of that record, even though all of his amendments have been voted down, I doubt whether Congress or the Committee on Commerce will ever undertake to build another bill along the same lines as those on which this bill and past bills have been built. I say that without any criticism of the members of the committee. I am not criticizing them even for the form of this bill, because they are only following the precedents of the past. As we progress in government and in legislation it is not to be considered an offense, in my judgment, to criticize the methods that have been used in the past and to which attention has been directed by pointing out their defects.

It was said by the Senator from Michigan [Mr. SMITH], who favored the Duluth Harbor appropriation, as I presume all of us did, that if we had passed a lump-sum amendment such harbors would have been stricken out. But the lump-sum amendment was not offered, the motion to recommit with instructions was not offered until the Senate time and time again had voted down motions to strike out of the bill the very items the Senator from Michigan said would get in under a lump-sum amendment. In other words, those who are opposed to this system of legislation did the best they could to strike out of the bill the items that we have criticized and believed were wrong, and in all those motions I think we always found the Senator from Michigan was opposed to striking them out. So, if it is continued, your river and harbor bill really will come down to this, that you can not get a good harbor improved unless the bill that provides for the improvement of the good harbor can be included with a whole lot of rivers and harbors and creeks and mudholes and bayous that, if they stood on their merits alone, would not get any support.

Those who have opposed the methods of thus legislating have not been and are not enemies of river and harbor development where the improvement of the harbors and of rivers is of national importance. The illustration of the vote for the Duluth Harbor is an instance of it, the New York Harbor is another instance where those Senators who have been criticized because they criticized the little creeks and rivers contained in the bill were doing the best they could to make liberal appropriations for such harbors.

If a lump-sum appropriation would cut out some good harbors, it is true that the lump-sum appropriation, if the amendment offered by the Senator from Iowa had been adopted, would have saved nearly $28,000,000 to the taxpayers of the country. If those who are opposed to lump-sum appropriations for rivers and harbors would unite with those who have offered that kind of a remedy—to take out of the river and harbor bill these little creeks and rivers of no consequence—then lump-sum appropriations would be unnecessary.

Mr. SMITH of Michigan. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. SMITH of Michigan. The Senator knows that we have passed no river and harbor bill for several years, and we have had lump-sum appropriations of $20,000,000 placed to the credit of the War Department to be expended on these identical proj-

ects. If you place another lump sum of $20,000,000 or $25,000,000 to-day you exceed by both appropriations the amount carried in this bill, and your improvements relate only to old projects that have been condemned by the Senator and others on both sides of the Chamber.

Mr. NORRIS. They have not all of them been condemned by the Senator from Michigan.

Mr. SMITH of Michigan. No; because the projects are old and have been approved. I have read the reports, and they are exhaustive and favorable. We can not play fast and loose with such matters in justice to the communities served.

Mr. NORRIS. The speeches which have been made against these condemned harbors and streams have consisted mostly in reading the official reports into the RECORD.

Mr. SMITH of Michigan. I have read the reports, and I have heard the engineers. If you are going to stop river and harbor improvement, if you are going to say that the Engineer Corps can not govern or be trusted, if you are going to limit these expenditures to $25,000,000, they should be apportioned according to merit by the Engineer Department. If the Trinity River and the Brazos are included, well and good. Both improvements have been condemned by Senators but approved by the War Department.

Mr. KENYON. I should like to ask the Senator from Michigan if he did not vote for Trinity and Brazos River improvements?

Mr. SMITH of Michigan. I did, on the recommendation of the Government engineers.

Mr. KENYON. Why does the Senator complain about them?

Mr. SMITH of Michigan. I am not complaining.

Mr. KENYON. The Senator also voted for propositions condemned by the Army engineers.

Mr. SMITH of Michigan. No, sir.

Mr. KENYON. Arcadia and the Arkansas River.

Mr. SMITH of Michigan. Arcadia was approved by Congress and by the President. The Senator speaks of Trinity River. When Trinity River has been improved as the Board of Engineers recommended it it may be a very useful improvement. The Texas Senators think so and the War Department says so. Take almost any waterway improvement. Even the Panama Canal must be completed before it is useful. In a partial state of completion it amounts to nothing. Take the New York Canal; in a partially completed state it is nothing. Yet over $100,000,000 has been appropriated by the State of New York for it. You have got to complete it before you can fairly get an accurate judgment as to whether it is a good project or not.

I am not going to condemn the Trinity River improvement, which was projected years ago—the first appropriations for it came from a Republican Congress and from distinguished Senators upon this side as well as the other—I am not going to condemn it now. The Engineer officers said it was feasible and Congress, appropriating the money, said it was practicable. If it costs $100,000 to complete a $3,000,000 improvement and the Government has spent the money, how puerile and idle it is to withhold the small sum necessary to its completion.

Mr. KENYON. Does the Senator claim that the Trinity improvement will be completed for $100,000, carrying 37 locks and dams?

Mr. SMITH of Michigan. No; I think the improvement of the entire stream is more expensive. If the Government makes it navigable as far as Dallas, perhaps it may be useful. Congress said so years ago, and spent the money on the plan.

Mr. NORRIS. I hope the Senator will make his question short. I should like to proceed.

Mr. SMITH of Michigan. If I do not make my question short, the Senator's speech will be very limited, I am afraid, and I apologize to him for the interruption.

Mr. NORRIS. The Senator from Michigan is not justified in saying that. I have not given any indication of weariness yet. I may be able to talk until sundown, but I do not believe I will. It will at least be too long for anybody to read.

Now, Mr. President, I said at the beginning——

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Oklahoma?

Mr. NORRIS. I yield.

Mr. GORE. Mr. President, I should like to occupy just a moment in connection with what the Senator from Michgian said of the Trinity River. Will the Senator from Nebraska yield?

Mr. NORRIS. Yes.

Mr. GORE. I desire to say that it was my privilege to live in the State of Texas for some five or six years, and I feel a deep concern in anything affecting the welfare or the prosperity of that great Commonwealth. I happened to live in the county of Navarro. Trinity River forms the eastern boundary of that county for some 50 or 60 miles as the crow flies, perhaps a hundred miles as the river flows. I have fished in that stream and without difficulty have stepped across it time and time again. I remember that I attended a meeting once called for the purpose of promoting the navigation of Trinity River, and that Maj. Miller in the course of his remarks opposing the enterprise declared that a raccoon could wade the stream from Dallas to the Gulf without getting his breastplate wet. Yet, I repeat, I feel an interest in the welfare of the State of Texas, and I regard the scheme to render the Trinity navigable as one of the most deserving projects in the pending rivers and harbors bill.

Mr. NORRIS. Mr. President, there is not any doubt but that if you dig a well out on the plains near a stream of water that is not half an inch in depth you could get out of that well water, and then if you dig a canal and you fix it so that it could not seep away and put a cover over it so that it could not evaporate, in time you could get enough water in that manner to navigate a battleship. That is what we are trying to do down on the Trinity. They have to build a dam every few feet, in order to hold the water back, to get it deep enough, so that a raccoon can not walk across it and so that it will hold a gasoline boat or something of that kind. That is the method of legislation that those who are opposed to this bill are opposed to. This bill is full of such things. You can get water enough if you have any kind of a supply, if you can keep the supply running and prevent its waste. So, when they canalize that river, the little stream that would not get over your ankles if you walked through it can be dammed and held back until it has a depth of 20 feet.

And when that is all done, Mr. President, it is done for the accommodation of just one city. If you canalize that river, instead of requiring one hundred thousands to complete it, it will require several hundred thousand dollars to maintain it after its completion. It will be like some other items that I remember calling attention to last year in the river and harbor bill, where the Government could have bought all the commerce, all the freight, that passed over it and paid for it at what it was worth for what it cost to maintain locks and dams on the stream.

Mr. President, that is not business. That is not what we ought to use public funds for. There is no reason why a man should not be able to say when he sees a little stream like the Trinity, as has been so well described by the Senator from Oklahoma, we can dam it up and hold the water back, and get water enough to float a ship, but it is not a practicable proposition to do. We can raise bananas up here on a farm if we will put in a heating plant and build glass houses over the farm. We can raise as good bananas here as they raise in Costa Rica, but it would cost about $5 for each banana perhaps. It is not a practical proposition. That is the trouble with very many things in this bill and other bills like it that we have passed in the past. It is the system, Mr. President, that is wrong.

Again, let me call the attention of the Senator from Michigan to the fact that the amendment now pending is not subject to the argument the Senator makes about the Trinity. Here is the Trinity, on which we spend several million dollars, and it will take several million dollars yet to complete it. The Senator said you must not criticize this river, because we do not know what is going to happen when it is completed; it may be a good thing. But the amendment before the Senate relates to one that is completed; it has a commerce of 92 tons on it; and we are paying $2,000 for maintenance to keep it up next year.

Mr. KENYON. How many tons?

Mr. NORRIS. Ninety-two.

Mr. KENYON. Is the Senator correct in his figures?

Mr. NORRIS. I was not there, but I read that from the record. It is in the committee's report, taken from the engineers' report. In 1914 it had a tonnage of 92 tons.

Mr. KENYON. The item, I suppose, received consideration by the committee?

Mr. NORRIS. Yes. This is one of the items which they so carefully prepared, as the Senator from Michigan said, under the eyes of the engineers; and the argument that it may be a great place for commerce when it is completed will not apply, because it is completed. It is finished, and the result is that millionaires who have private yachts on the ocean can bring their yachts up closer to where they can get into their automobiles from their yachts.

Now, the Senator from Michigan is just as much opposed to striking this out of the bill as he is opposed to striking the Trinity River item from the bill. In the one case he says it is not completed, and therefore we ought not to strike it out, because it may develop into something great, and in the other case he

says it is completed, we have put all that money into it, and therefore we must not give it up.

It does not make any difference which dilemma you may take or which way you go, those who favor that kind of legislation are opposed to striking anything out of the bill. We could not strike them out, as we have been trying to do for several weeks here. Then we made a motion to appropriate a lump sum as a last resort, the motion offered by the Senator from Iowa, and we are criticized for supporting that motion, because as the Senator from Michigan says, if that goes through some of these worthless projects like Trinity River will get some of the money. It was not our fault that Trinity River and such places were left in the bill. So those who favor that kind of legislation profit by their own sins. It seems to me that they are opposed to taking these streams out, and after they have prevailed and they have been left in then they are opposed to a lump-sum appropriation because these streams might get some more money under that kind of a procedure.

Mr. President, it does seem to me that as to our river and harbor bills the details ought not to be left to Congress. I believe that a lump-sum appropriation is the best way to do it. It ought not to be confined to old items. I will admit that as far as I am concerned if there is a new item that is worthy it ought to be put in, but we surely ought not to go on forever appropriating for what, in effect, I think is conceded to be wrong, simply because it has been done in the past and, as the Senator says, because it was advocated by Senators and officials who were great and who were honorable. It does not mean that we are censuring the statesmen of long ago because we find fault with the methods that they pursued. They, in their day, criticized the methods of their fathers, and, in fact, unless that had been done we would have been in a state of barbarism yet. We would not have this country with its boasted civilization if it had not been that men had the courage to criticize things that had been done honestly by honest and great men who lived before them and who lived with them.

While this bill, of course, is going through as it has been reported and as it has been slightly amended, I believe that the great Committee on Commerce, presided over by one of the very fairest men I have ever known, will profit by the fight which has been made here by the Senator from Iowa, and that through him and those who will labor with him we shall have a reform in the system by which we will get better legislation and better improvements and have at the same time more economy.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nebraska [Mr. NORRIS].

Mr. CLARKE of Arkansas. Does the Senator insist on a vote on the amendment?

Mr. NORRIS. I will not ask for the yeas and nays.

The PRESIDING OFFICER (Mr. WALSH in the chair). The question is on agreeing to the amendment. [Putting the question.] The Chair is unable to decide.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gallinger	Myers	Simmons
Borah	Gore	Nelson	Smith, Ariz.
Brady	Harding	Newlands	Smith, Mich.
Broussard	Husting	Norris	Smoot
Chamberlain	James	Oliver	Sterling
Chilton	Jones	Overman	Sutherland
Clark, Wyo.	Kenyon	Page	Taggart
Clarke, Ark.	La Follette	Poindexter	Thompson
Culberson	Lane	Ransdell	Underwood
Cummins	Lea, Tenn.	Reed	Vardaman
Curtis	Lee, Md.	Shafroth	Walsh
Fall	Lodge	Sheppard	Warren
Fletcher	Martin, Va.	Shields	Williams

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. There is a quorum present. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. NORRIS].

The amendment was rejected.

Mr. GORE. I offered an amendment a few days ago, which is now on the table. I ask to have it read.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. On page 32, after line 2, insert:

Illinois River, Ill.: Improving the Illinois River from Utica to its mouth in accordance with House Document No. 762, Sixty-third Congress, second session, $1,050,000.

Mr. GORE. Mr. President, I desire to say that I voted to recommit the pending bill. I shall not vote for its passage, whether the amendment which I have offered be adopted or rejected. I have never voted for a river and harbor bill during my service in the Senate; perhaps I never shall.

During my brief service in this body I have seen some $200,000,000 or $250,000,000 appropriated for the improvement of rivers and harbors. Of course, I share the pride other Senators entertain in the splendid merchant navy which burdens the waters of these inland highways. I rejoice in that magnificent, that golden stream of commerce which makes use of these highways. But, Mr. President, in my judgment, perhaps the major portion of the money carried in this bill and carried in preceding river and harbor bills has been wasted. If river and harbor bills can be judged by their fruit, by their returns, by the benefit which they render to the taxpayers, which they render to the public, which they render to the Republic, then we must condemn this measure as we must condemn other river and harbor bills.

There is no seasonable time to waste the people's money. We are the trustees of the public revenue and we ought to husband it even with greater scruples than if it were our private property.

Mr. President, I will vote for almost any project to improve a river if the Senator proposing the project will stand up in his place in this body and assert upon his responsibility as a Senator that if he owned the river and owned the money he would make the improvement as a private investment. Upon that standard I will commit myself to river and harbor improvements.

Mr. President, the situation of the Federal Treasury is unsatisfactory. The Treasury is depleted. It is a grim condition that stares us in the face. Before this Congress adjourns we must find ways and means to add $150,000,00, perhaps to add $200,000,000, to our annual revenues.

These revenues must come out of the people's earnings; the Government's income must come out of the people's income.

Mr. President, the European war has caused a falling off in our imports; has caused a falling off in our revenues. We have already passed one war-revenue measure. That emergency measure was designed to raise some $80,000,000 a year. We now have in contemplation another revenue measure which is intended to raise approximately $200,000,000 more. As I have already observed, our revenues have been falling off and we are threatened with increasing taxes in order to supply the deficiency. In disregard of that unfortunate situation, we are expending money—I had almost said recklessly—in the $43,000,000 carried in this river and harbor bill. As a result of the war abroad and the war mania at home, we are increasing our appropriations for the Army many millions of dollars. The naval appropriation bill this year will carry an additional $100,000,000 over the $150,000,000 of last year. It will aggregate a quarter of a billion this year. This is a result of the European war, or rather a result of the imaginary terrors, of the hysteria which has grown out of the war. Preparedness at any price is not a cheap blessing. Militarism is not an inexpensive curse.

This ought to warn us, Mr. President, to practice the most scrupulous economy, not only because we are under a solemn obligation to the taxpayers of this country to conserve their revenues, but there is an additional obligation resting upon the party in power. We came here upon the pledge of economy. We reprobated Republican extravagance. In its stead we promised Democratic economy. I am anxious to see that bond redeemed to the uttermost letter—not only the letter, but the spirit of the bond should be redeemed.

Senators on the other side will vote for these vast appropriations; they will vote to compel us to lay ourselves liable to the charge of extravagance. They will not share the responsibility during the coming contest; they will not defend the pending river and harbor bill; but they will array and arouse public sentiment against the Democracy on the ground that, instead of being economical, it has been extravagant; and, sir, what sufficient answer shall we find to that indictment?

Mr. President, I was amused and delighted with the unsophisticated amendment offered by the new Senator from Indiana [Mr. TAGGART]. I say "new" because "thereby hangs a tale." The Senator from Indiana has a keen sense of humor as a rule; he has an Irish sense of humor; but his service in this body has been brief. He takes the river and harbor bill seriously. He presumed to offer an amendment providing that the Secretary of War must find that any project in this bill must be either essential to and, if not essential, at least promotive of interstate commerce or of foreign commerce.

Think of it, Mr. President! Nobody but a neophyte in this body would have offered such an amendment as that. The Senator assumed that there was some relationship between the

river and harbor bill and interstate and foreign commerce. He was misled by an association of ideas which might very well characterize a practical man or a private citizen, but which could not be pardoned on the part of a Senator who had seen any considerable service in this body.

Now, I am afraid that Senators on the other side, while professing to support this bill in good earnest, are really voting for this bill because they think that it will render Salt Creek navigable—that is certainly the only stream it will render navigable—and they think that stream will be thrown open to navigation on the 7th day of next November on behalf of Democratic Senators and other Democratic candidates. Of course, I know the great honor and the glory which it brings to a Member of Congress to return to his constituency and to point to a lavish appropriation obtained for some spring branch in his district. He may point to it as a monument, Mr. President; but I fear that it may serve as a different sort of a monument, and may bear a real epitaph, not only of Senators and Representatives but of the Democracy itself, if we persist in this policy of overrigorous economy and overscrupulous redemption of our solemn pledges to the American electorate.

As I suggested before, I should be willing to vote for almost any project if the Senator promoting the project should assert upon his responsibility as a Senator that if he owned the stream and owned the money he would make the improvement as a private investment. Perhaps that is true now. Perhaps Senators have investigated these projects; perhaps their official conduct here is but typical of what they would do in case they occupied the situation which I have described. Perhaps they fondly believe that the faith which will remove mountains will also canalize rivers and even rivulets. Indeed, I have no right to assume the contrary, but I indulge that—I will not say "presumption"— I will take it for a fact in their favor.

Mr. President, there are a few projects which, in my judgment, deserve favorable consideration. The amendment which I have proposed involves one of those projects. It involves a great inland waterway, stretching from the Gulf of Mexico, by way of the Mississippi River, the Great Lakes, the St. Lawrence River, to the Gulf of St. Lawrence; from the Gulf of Mexico, by way of the Mississippi and the Great Lakes, to the Erie Canal, to the Hudson River, to New York Bay. It would be an inland sea of 2,980 miles—the greatest inland waterway upon the face of the globe.

Mr. President, the Hudson River would constitute 212 miles of this majestic waterway. It can and will be completed in 1917 with a depth of 12 feet. This bill carries all of the appropriation necessary for its completion, save about $600,000. The Erie Canal would constitute some 365 miles of the proposed highway. It will be completed in 1918, at a depth of 12 feet, and at the expense of the State of New York.

I might add that in addition to the principal line from Lake Erie to the Hudson River, the Erie Canal has a branch up to Lake Champlain, and another to Lake Ontario at Oswego, N. Y.

Of the proposed waterway the Great Lakes would constitute 890 miles, already completed, with a depth of more than 20 feet, and already available for navigation.

In addition, the Illinois Drainage Canal is already completed to a length of some 30 miles, with a depth of 21 feet, extending from Chicago, on Lake Michigan, to Lockport. The State of Illinois has appropriated $5,000,000 to construct a canal from Lockport, the terminus of the canal just mentioned, to Utica, on the Illinois River, a distance of 65 miles. This canal is to have a depth of 8 feet. From Utica to the mouth of the Illinois River at Grafton, on the Mississippi, is a distance of 230 miles. The engineers have passed favorably on this as a feasible project at a depth of 8 feet. It would cost only $1,050,000 to complete this intervening link, which is the link involved in the pending amendment.

From the mouth of the Illinois River to St. Louis is a distance of 40 miles. To complete that link would cost $3,700,000. There is already available for navigation a channel from St. Louis to the mouth of the Ohio at a depth of 8 feet. The channel of the Mississippi is already available at a depth of 9 feet for a distance of 833 miles to what are known as the Passes of the Mississippi River. From the Passes to the Gulf, a distance of 240 miles, the channel is already available at a depth of 30 feet.

Mr. President, by the expenditure of $600,000 more on the Hudson River, by the expenditure of $1,050,000 on the Illinois River, and by the expenditure of $3,700,000 on the Mississippi from Grafton to St. Louis this mighty inland waterway could be completed, could be rendered available to navigation, and could be finished within the next two or three years.

Of course, there are two other things, in addition to mere water, which are essential to the successful navigation of our rivers. I waive, of course, the theory that you can navigate without water; I take no share in constructive navigation as a basis for the revision or reduction of railway rates. We ought to have the courage to make reasonable revision and reduction of railway rates without having recourse to this miserable fiction of artificial navigation.

In addition to that, however, terminals, docks, and wharves are essential to inland navigation. These do not exist on the Mississippi River. The same difficulty will be found to characterize many of the splendid thoroughfares provided for in this bill. In addition to that, we must safeguard the companies which embark upon inland navigation by legislation that will protect them against destructive competition on the part of railroads. I assume that that competition, if not destructive in the past, has at least been disastrous, but we have already commenced a policy of restraint to safeguard and to guarantee life to companies that undertake the navigation of our streams. What we have commenced we can and we ought to perfect.

With those two essentials the waterway which I have described would be the greatest inland waterway in the whole world. It would be many times longer than the Rhine. It traverses the most populous and the most productive region of the United States. Its entire cost of completion would aggregate only $7,000,000, less than half the cost of a battleship and only about one-third the cost of a fast battle cruiser. It would contribute, Mr. President, to the internal improvement—to the internal development of this country. It might be the cause or the instrumentality of preserving the prosperity of the great industrial centers in the Mississippi basin. I doubt if those industrial centers can maintain their standards of progress and of prosperity with the Panama Canal open to service, unless they obtain deep water to the sea. It is vital to their progress; it is vital to their prosperity.

I say, this inland waterway traverses the most populous, the most fruitful, the most productive region of the United States—the great Mississippi basin and through the entire State of New York from Lake Erie to the Hudson. It would contribute not only to the prosperity of these sections, but it would evidence the fact that in our rush to prepare for war we do not mean entirely to neglect preparation for peace.

Mr. President, the amendment which I have tendered relates only to the Illinois River from Utica to the Mississippi. That project carries only $50,000 in the pending bill. The engineers estimate that $1,050,000 will complete the work. Illinois has testified to her faith in the project by her action in authorizing the issuance of $5,000,000 of bonds for the completion of this project, and that expenditure will be of but slight service unless the United States shall join hands with the State and render the Illinois River navigable to the Mississippi.

In addition to this, we are improving the Mississippi from St. Louis to Minneapolis. The Hennepin Canal is already available from Hennepin, on the Illinois, to the mouth of Rock Creek on the Mississippi River and, if in real earnest we desire to promote inland navigation, there is no project in America more deserving of support than the one covered by the amendment which I have offered.

I believe that if you will select a few feasible projects and complete them and demonstrate their feasibility and their value to commerce, there will then be no complaint, there will then be no opposition to any real plan in the future for actual navigation; and if, upon completing the most promising projects, we are disappointed in our hopes, if they shall prove to be not feasible, if the coils of the railways have crushed them beyond all relief, let us ascertain that fact, let us arrive at a definite and a practical policy on which we can base our action intelligently for the future; abandoning a project if it be hopeless, and pursuing it vigorously to success if it be a practical project or if it renders a real return upon the investment. I am willing to vote reasonable appropriations to prepare for peace while others are voting such fabulous appropriations to prepare for war. Our permanent interest, our enduring glory must be found rather in the paths of peace than in the ways of war. I favor internal improvements; I favor real rational improvements. I desire the assurance that the people's money will be judiciously expended, that it will not be wasted, that it will be expended to promote the general welfare and will lay deep and broad the foundations of a more general and enduring prosperity.

Mr. President, I ask unanimous consent to put in the RECORD, following my remarks, a letter from Gov. Dunne, of Illinois, upon this project.

The PRESIDING OFFICER. Without objection, permission is granted.

The letter referred to is as follows:

STATE OF ILLINOIS, EXECUTIVE DEPARTMENT,
Springfield, February 21, 1916.

DEAR SENATOR GORE: I beg to acknowledge receipt of yours of the 13th instant, containing Senate Document No. 230, being a response on the part of the Secretary of War to a resolution introduced by you in the Senate.

I have just read the document with much satisfaction. It discloses the important fact that if the State of Illinois be granted a permit to construct a waterway between Lockport and Utica at a depth of 8 feet, as provided for in the bill passed by the last legislature of our State, authorizing the issuance of $5,000,000 worth of bonds for that purpose, that there will be a navigable waterway from New York to New Orleans via the Erie Canal, the Great Lakes, the Illinois waterway, the Illinois and Mississippi Rivers, of at least 8 feet in depth, leaving only the section from Utica, Ill., to St. Louis, Mo., with a depth less than 8 feet. I note that the estimate for deepening this waterway from Utica to St. Louis is $4,760,000, and that this work can be completed within three years. It inevitably follows from this that the Secretary of War should grant a permit to the State of Illinois to build a waterway between Lockport and Utica at its own cost. If this be done and Congress appropriates $4,760,000 for the deepening of the Illinois and Mississippi Rivers between Utica and St. Louis, we will have a waterway from the Atlantic seaboard to the Gulf of at least 8 feet in depth over the whole of its course.

Senators LEWIS and SHERMAN of our State are enthusiastic for the granting of this permit, and I would respectfully suggest that you and other broad-minded Senators having this splendid proposition in view would unite in endeavoring to get the Secretary of War to grant this State the permit for which she has been asking since last July.

I congratulate you upon your interest in this great project. I think the completion of a waterway between New York and the Gulf, at this reasonable cost to the United States and the State of Illinois, one of the greatest projects for the development of this country that has been launched in many years.

Very truly, yours,

E. F. DUNNE.

HON. T. P. GORE,
United States Senate, Washington, D. C.

Mr. CLARKE of Arkansas. Mr. President, I assume that the Senator from Oklahoma submitted this amendment for the purpose of having an opportunity to make a very excellent speech, such a one as he always makes; but the amendment can not be considered in the face of objection, and I feel constrained to make the objection. It has never been referred to the Committee on Commerce. It was presented on the 9th of May and ordered to lie on the table and be printed. In addition to that, it has not been included in any estimate which has ever been made.

Mr. GORE. I will say to the Senator that there is an estimate in House Document 230.

Mr. CLARKE of Arkansas. There is a plan provided for, probably, but the improvement never has been estimated for by the department.

Mr. GORE. I think the document contains an estimate.

Mr. CLARKE of Arkansas. But the estimate is not contained in the Book of Estimates to which I have had access.

The PRESIDING OFFICER. The point of order is sustained.

Mr. CLARKE of Arkansas. Mr. President, the Senator from Wisconsin [Mr. LA FOLLETTE] has an amendment to offer to strike out an amendment already inserted in the bill; and as it is the policy of the committee to have the bill completed as in Committee of the Whole, I move to reconsider the vote by which the item was adopted in order that the Senator from Wisconsin may make any motion in connection with it that he may see proper to make.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas?

Mr. GALLINGER. Mr. President, let us understand what the amendment is.

Mr. CLARKE of Arkansas. I was going to make a statement about that. It is an amendment inserted in the bill at the instance of the senior Senator from Illinois [Mr. SHERMAN], and is contained on page 31, lines 24 and 25 and several lines at the top of page 32. I notified the Senator at whose instance the amendment was adopted that it was the purpose of the Senator from Wisconsin to make a motion to strike it out. That notification was given to him this morning. I have made some inquiry as to his whereabouts since that time, but I understand he is not to be found readily. I do not know what that means, and I simply make the motion I do in order that the matter may receive such attention as the Senate sees proper to give it.

The PRESIDING OFFICER. Without objection, the vote by which the amendment was incorporated in the bill will be reconsidered. The question now recurs on the adoption of the amendment, which the Secretary will state.

The SECRETARY. On page 31, line 23, after the numerals "$55,000," the following amendment was inserted:

And the improvement of navigation of the Illinois River authorized by an act of the Illinois General Assembly, approved June 18, 1915, providing for an expenditure of $5,000,000 therefor by the State of Illinois, be, and is hereby, authorized in accordance with said act. The Interstate Commerce Commission is hereby given power to fix reasonable charges and tolls for the use of and navigation upon the waterway created under said act of the general assembly of said State in all interstate transportation.

Mr. REED. Mr. President, I desire to ask what Senator it was who submitted the amendment?

Mr. CLARKE of Arkansas. The amendment was offered in the Committee on Commerce by the senior Senator from Illinois [Mr. SHERMAN].

Mr. LA FOLLETTE. Mr. President, I move to strike out the entire amendment offered by the Senator from Illinois [Mr. SHERMAN] and just read by the Secretary. It includes the committee amendment as well as the additional amendment regarding the control of tolls by the Interstate Commerce Commission.

I am constrained to believe, Mr. President, that if the Senate had understood the full import of this amendment proposed by the committee it would not have adopted it. I understand it was accepted by the committee without any discussion whatever, and without the presentation to the committee of the reports of the special board created by previous acts of Congress for the investigation of this important subject. It seems to have been offered in committee and adopted, as admitted by the senior Senator from Illinois when this subject was up earlier in the consideration of the bill, without any special consideration. When this subject was under discussion in the Senate the senior Senator from Illinois made certain statements which, without any intention upon his part, nevertheless, I am bound to say, were quite misleading.

It will be remembered by the Senate that the Senator from Michigan [Mr. SMITH] proposed to strike out this amendment to the pending bill and submitted some reasons in support of his motion. He was unable to prevail upon the Senate to strike it out. In the course of the debate the senior Senator from Illinois said, among other things, the following:

Mr. President, before the Senator from Michigan concludes I will ask him if he knows that the War Department, acting through its engineers, has made no objection on the question of lowering the Lake levels; that their objection, speaking through the Chief of Engineers, was entirely on the question of the possibility of the State imposing an excessive freight charge, or toll, and on the ownership of the hydro-electric power to be developed by the waterfall? The objection was based on those considerations and not on the question of Lake levels. They have not raised that question.

Mr. President, there can be no fair understanding of the import of this important amendment in the pending bill without some statement of the history of the whole proceeding. The amendment provides:

And the improvement of navigation of the Illinois River, authorized by an act of the Illinois General Assembly, approved June 18, 1915, providing for an expenditure of $5,000,000 therefor by the State of Illinois be, and is hereby, authorized in accordance with said act.

That is the amendment which, with the provision as to the control of tolls added on motion of the Senator from Illinois at the time of the debate a few days ago, is the proposition which I propose should be stricken from the bill.

It is quite misleading to the Senate, Mr. President, to say that the proposed amendment does not involve the taking of any more water from the Great Lakes. Perhaps, as limited to the terms of the amendment adopted by the committee, that would be true, but as being the basis for further application to Congress as flowing directly from the consequences inevitable from the adoption of this amendment, it falls very far from covering the case.

In so far as the improvement of navigation of the Illinois River is concerned, the withdrawal of 1,000 cubic feet of water per second would be sufficient to provide all the water necessary for navigation purposes resulting from the improvement in question.

But, Mr. President, this proposition involves much more than that. It involves the withdrawing of the water from the Great Lakes for what are called sanitary purposes in connection with the Chicago Drainage Canal, and it involves the withdrawing of larger amounts of water from the Great Lakes for water-power purposes, which are also wrapped up in the legislative act which would be approved by the adoption of this amendment. If Congress approves the scheme for which the act of the Illinois General Assembly provides, and to the approval of which, by its terms, this amendment commits Congress, it will involve the withdrawal from Lake Michigan of a vast amount of water, far beyond the navigation requirements of the proposed waterway, and far beyond the requirements for flushing of the river for sanitary purposes. It will involve the withdrawal of the water from the Great Lakes for water-power purposes in the interests of this particular State. It is a very innocent-appearing amendment, but its adoption will commit Congress to a scheme that ultimately and logically will be made the basis of the withdrawal of vast quantities of water from the Great Lakes, which will so interfere with the commerce of those lakes that it will entail upon the Federal Government the expenditure of enormous sums of money to erect compensating

works and to dredge the harbors and the entrances to the harbors over the entire Great Lakes region so as to meet the needs of commerce by restoring a proper depth of water. It will involve this Government in serious complications with Great Britain, because of treaty provisions which exist with Great Britain respecting the use of the waters of the Great Lakes.

If Congress sanctions any scheme of withdrawal of waters from the lakes for water-power purposes, it will at once violate the provisions of the treaty which has been entered into with Great Britain regarding the use of the boundary waters of the lakes common to the two Governments.

In 1899 the city of Chicago, having planned for a canal that would flush the Illinois River and carry off the sewage of that city, applied to the War Department for authority to withdraw from the Great Lakes at that particular point some 5,000 cubic feet of water per second. As I remember now, Mr. Alger was Secretary of War at the time. He granted permission for the withdrawal of 5,000 cubic feet of water per second for the purpose of flushing this canal to take care of the sewage of Chicago through the Illinois River. Subsequently it was found that the withdrawal of that amount of water seriously interfered with navigation, seriously interfered with the tonnage which the boats plying on the Great Lakes could carry and make the harbors of the Lakes, and Secretary Root, I believe, if I remember correctly, reduced to 250,000 cubic feet per minute the amount of water which the State of Illinois was permitted to use through this canal.

In order to set before the Senate the difficulties and the controversies which have arisen between the State of Illinois and the Federal Government, I think I can not do better than to read a memorandum recently made by Gen. Black, Chief of Engineers, to the present Secretary of War upon this subject. It is dated May 13, 1916. I will ask the indulgence of the Senate while I read the entire memorandum, because it bears so directly and so pertinently upon my pending amendment and for the further reason that there can be no proper understanding of this proposition without a knowledge of the history of the efforts of Chicago and Illinois to divert the waters of Lake Michigan.

Gen. Black, in his memorandum, gives a brief history of the matter involved in the pending amendment. He said:

The Chicago Drainage Canal was built under authority of the State of Illinois for sanitary purposes, and has never had the sanction of Congress. When completed in 1899, application was made to the War Department for permission to connect the canal with the south branch of the Chicago River, thereby reversing the flow of the stream which originally flowed into Lake Michigan, and diverting the waters thereof into the drainage canal. A conditional permit was granted May 8, 1899, in which the diversion was limited to 5,000 cubic feet per second. Subsequently on complaint of navigation interests the permit was modified, and on December 5, 1901, the Secretary of War fixed the amount of water allowed to be diverted at 250,000 cubic feet per minute, or 4,167 second-feet, which is now the legal limit.

From the beginning the operations of the sanitary district of Chicago have been looked upon with disfavor by navigation interests, and questions connected therewith have been constantly before the department. The reversal of the flow of Chicago River and the drawing of water into the drainage canal affects navigation seriously on account of the tendency to lower the levels of the Great Lakes, and also for the reason that current velocities in the river and its branches are materially increased. These injurious effects were clearly foreseen by the department, and hence the diversion has been restricted to the amount stated, and the Secretary of War has not only declined to increase the amount, but has consistently adhered to the position that the permit granted was to be considered of a temporary character, and that any permanent diversion of the waters of Lake Michigan into another watershed required congressional authorization.

Notwithstanding this well-understood attitude, the sanitary district has persistently sought to secure from the department permission to abstract larger and additional amounts of water. In 1907 application was made for permission to take an additional 4,000 second-feet through the Calumet River, and after careful and thorough consideration the Secretary of War denied the application, referring again to the desirability of submitting the matter to Congress.

In 1912 the matter came before the department again on an application for permission to divert from Lake Michigan into the drainage canal 10,000 cubic feet of water per second. A public hearing was held by the Secretary of War for consideration and discussion of the questions connected with this proposition. At this hearing opposition to the application was made by representatives of 23 cities and 6 States interested in the commerce of the Great Lakes and the harbors thereon; by navigation interests on Chicago River, and by representatives of the Dominion Government and of the cities of Kingston and Montreal, as well as private navigation interests. The subject was most exhaustively considered, and on January 8, 1913, the Secretary of War rendered a decision adverse to the applicants, in which he held:

1. That the diversion of 10,000 cubic feet per second from Lake Michigan would substantially interfere with the navigable capacity of the navigable waters in the Great Lakes and their connecting rivers.

2. That it would not be appropriate for the department to permit such a diversion without express congressional sanction.

3. That the provisions of the existing boundary waters treaty between Great Britain and the United States offer a further reason why no administrative officer should authorize a further diversion, manifestly so injurious to the interests of Canada.

Although the Secretary of War has fixed the limit of permitted diversion of 4,167 second-feet, and has repeatedly refused to grant any increase, it is known that the sanitary district has for many years been withdrawing a much larger amount of water. In fact, while this State organization has been prayerful as well as persistent in its application to the department, it has shown little regard for the decisions of the Secretary of War when rendered. Soon after the application of 1907 was denied the trustees of the sanitary district passed an order declaring the intention of reversing the flow of the Calumet River and withdrawing through it an additional 4,000 cubic feet of water, without the authority of the Secretary of War, unless prevented by injunction from so doing. Accordingly, in March, 1908, the Attorney General, at the instance of this department, sued out a bill of injunction restraining the sanitary district from reversing the flow of the river and from withdrawing water from Lake Michigan in a different way and in larger amount than was authorized by the Secretary of War. Again, in 1913, when the Secretary of War decided adversely to the application for permission to take 10,000 cubic feet of water, the sanitary district refused to conform to the decision, and another bill of injunction was filed by the Attorney General in October, 1913. These two suits were consolidated, voluminous testimony was taken, and the case, which has been ably argued, is now awaiting decision in the United States District Court for the Northern District of Illinois.

It has been shown that since 1910 the average daily flow through the Chicago River into this canal has been in excess of 7,000 cubic feet per second, and measurements taken by the United States Lake Survey indicate discharges in excess of 8,000 cubic feet per second, or practically doube the amount allowable under the permit of the Secretary of War. This represents a daily average withdrawal from Lake Michigan of more than 690,000,000 cubic feet, which is about equal to the entire low-water flow of the Mississippi River at St. Paul; and, by way of further comparison, it may be added that the low-water flow of the Mississippi River at Keokuk, where the large power plant of the Mississippi River Power Co. is located and operated, is only about twice as great as that now abstracted from Lake Michigan into this drainage canal. The continuous withdrawal of this volume of water will result in the permanent lowering of the surface of Lakes Michigan and Huron to the extent of 5 inches or more and of Lake Erie to nearly the same extent. That the State authorities contemplate a still greater diversion, 10,000 second-feet or more, hardly admits of doubt. The calculations of the United States Lake Survey, based upon observations covering a period of 46 years, indicate that the withdrawal of 10,000 second-feet would lower Lakes Michigan and Huron 6.9 inches, Lake Erie 5.4 inches, and Lake Ontario 4.5 inches at mean lake levels, the reduction being much greater at low-water periods.

To lower the water surface 6 inches would reduce the permissible load of one of the large modern vessels by from 300 to 550 tons, and the International Waterways Commission has estimated that the loss to navigation interests would amount to $1,500,000 per annum. Moreover, there are more than 100 works of river and harbor improvement on the Great Lakes and their connecting waters, for which appropriations aggregating more than $90,000,000 have been made. The application of this vast sum has resulted in securing specified widths and depths of channel, and to diminish these depths, even to a slight extent, will not only prove a serious injury to traffic but will undo the work that has been accomplished and necessitate the expenditure of further large sums of money for restoration. It would seem that any project that tends to reverse or annul the orders of Congress as expressed in the various acts appropriating funds for improving the harbors and channels connecting with the Great Lakes should meet the disfavor of the War Department, unless it has been sanctioned and authorized by that body.

W. M. BLACK,
Chief of Engineers, United States Army.

Mr. President, I am constrained to comment here upon the fact stated by the senior Senator from Illinois [Mr. SHERMAN] that the amendment which he proposed to this bill in committee was made without any discussion and without the presentation of any of these facts before the committee. It is but an indication, Mr. President, of how loosely river and harbor bills are prepared. The small attendance in the Senate Chamber at this particular time is a further indication of the lack of interest on the part of a majority of the Members of this body in a proposition which, as shown by all the authority upon which we act in regard to river and harbor improvements, menaces the interests of commerce in the interest of a State, not for the purposes of navigation but for the purposes of building up a water-power proposition which shall be made profitable to that State and to interests that can secure the benefit of this improvement because of their location within the State.

The act of the Illinois Legislature which this amendment would approve reads in its title:

An act to provide for the construction of a deep waterway or canal, to be known as the Illinois Waterway, from the water-power plant of the sanitary district of Chicago, at or near Lockport, in Will County, Ill., to a point in the Illinois River at or near Utica, in La Salle County, Ill., to provide for the issuance of bonds to pay for said deep waterway, to provide for the development and utilization of water power that may be generated from the water flowing through said waterway, to create a commission to be known as the Illinois Waterway Commission, and to make an appropriation to carry out the provisions of this act.

And in the first section of this law, after again describing the location of this waterway, the act contains this language:

And that there shall be erected, equipped, and maintained by the State of Illinois power plants, locks, bridges, dams, and appliances sufficient and suitable for the development and utilization of the water power of said waterway or canal.

Paragraph 9 of section 3 of the act of the Illinois Legislature contains the following:

The State of Illinois shall be liable for all damages to real estate or other property which shall be damaged by overflow or otherwise damaged by reason of the construction, enlargement, use of any channel, ditch, drain, outlet, embankment, wall, dam, crib, or other improvement or structure of that kind made under the provisions of this act.

But nowhere in the act is there any provision for the payments of damages which may be caused by the diversion of water from Lake Michigan. The act provides that the Illinois Waterway Commission shall collect tolls for the use of the said waterway, but is generous in that it provides for the free use of said waterway for the goods of and persons employed by the United States Government.

When the waterway is paid for and all the bonds which have been issued to pay for it have been paid, either out of earnings of the waterway or by the State of Illinois, then the channel which the act authorizes is to be turned over to the Government of the United States for navigation uses—

conditioned upon the proposition or agreement of said Government to maintain the channel as a waterway free from tolls for navigation and to operate and maintain the locks free of cost to the State of Illinois for all uses other than navigation, the channel and its appurtenances shall be and forever remain the property of the State of Illinois.

The mere quotation of these clauses from the Illinois statute is sufficient to demonstrate that the principal object of the State of Illinois in undertaking this improvement is not to create a navigable waterway, but is to create a great water power upon a navigable stream.

The public interest involved in this waterway is not alone that of the people of the State of Illinois or of those who reside along the banks of this river or who may be engaged in manufacturing upon the river.

It is so peculiarly situated that this waterway has an influence upon and may affect the well-being and the business of peoples situated along the whole chain of Great Lakes.

For a great number of years there has been public discussion as to the effect of the diversion of the water of the Lakes through the Chicago Drainage Canal. The water coming from Lake Michigan passes through the Chicago River, down through the canal, and finally finds its way into the Illinois River, and will be a part of the waterway which it is proposed to build under the act of the Illinois Legislature and which is authorized by the pending amendment.

When the diversion of water from Lake Michigan was first suggested it was for the purpose of cleansing the Chicago River. That river emptied into Lake Michigan and was an open sewer for the city of Chicago. By the creation of the drainage canal the course and the character of the river was changed, and instead of the river emptying into Lake Michigan it was made to empty into the waters of the Des Plaines River.

I fear, Mr. President, and there is good ground for such fear, that the sanction which this amendment gives to the development of the Illinois River will be made the ground for future action by Congress or by the War Department, which will authorize the diversion of the waters of Lake Michigan to this waterway to an extent greater than is now permitted and greater than the necessities of navigation would justify.

The Senate should appreciate the probable effects of this amendment. The report accompanying the bill discusses the improvement by the United States of the Illinois River from La Salle to its mouth at Grafton, but is silent with respect to the purposes and possible effects of the improvement to be made by the State of Illinois and to which improvement this amendment commits the Federal Government.

In 1909 there was introduced in the General Assembly of Illinois a bill to authorize the construction of a waterway from Lockport to Utica, Ill., and in the title of this bill, among other things, it is stated that its purpose is the—

development and utilization of the water power that may be created from the water flowing through said waterway.

That bill proposed that the State of Illinois should expend $20,000,000 in the creation of this waterway.

The river and harbor act approved June 25, 1910, authorized the Secretary of War to appoint a board of five members, and prescribed that such board shall report, among other things, upon the feasibility of the Illinois waterway, and also upon—

such measures as may be required to properly preserve the levels of the Great Lakes and to compensate, so far as practical, for the diminished levels in said lakes and of connecting waters thereof by reason of any diversion of water from Lake Michigan for the maintenance of the proposed waterway herein described, or diversion for any other purpose.

It further proposed—

that the report shall state the extent and character of the cooperation recommended and of the conditions considered necessary in connection therewith to fully protect the interests of the United States.

The board which made this investigation was composed of W. H. Bixby, brigadier general, Chief of Engineers, United States Army; C. MacD. Townsend, colonel, Corps of Engineers; C. Kelly, major, Corps of Engineers; J. B. Kavenaugh, major, Corps of Engineers; and John Boger, civil engineer.

This board filed its preliminary report November 1, 1910.

Under date of January 23, 1911, this board made another report and upon the subject of the conditions necessary in connection with cooperation between the United States and the State of Illinois to fully protect the interests of the United States, the report has to say:

A primary condition of that cooperation between the United States and the State of Illinois should be the exceptance in perpetuity of full responsibility for the State of Illinois or its agents for all damages by changes in lake levels, including cost of compensating works and for all damages to riparian owners, and the State should transfer to the United States the locks and the control of the waterway thus created so far as needed by navigation.

From this same report I also quote another paragraph as throwing light upon the real purposes behind the pending amendment.

This report further says:

By virtue of the act of Congress of March 30, 1822, dedicating to the State of Illinois the land necessary for a canal connecting the Illinois River with Lake Michigan, and the act of March 2, 1827, granting to the State certain public lands for the purpose of aiding in its construction, and the acceptance by the State of the conditions imposed therein, the State of Illinois obligated itself to construct a suitable waterway from Lake Michigan to the navigable waters of the Illinois River. In accordance with this agreement the State constructed the Illinois and Michigan Canal, from Bridgeport to La Salle, and improved the Illinois River by the construction of locks and dams at Henry and Copperas Creek.

For many years this waterway was a valuable route, but in recent years the State has neglected it and failed to maintain it abreast of the needs of commerce. The work now proposed by the State in connection with the canal of the Chicago sanitary district contemplates a waterway from Lake Michigan to Utica, which, although departing from the line of the old canal, substitutes a waterway more than sufficient for any probable navigation. This will, in effect, fulfill the original agreement between the State and General Government for this section and incidentally develop a water power which the State considers a profitable business investment. State or local agencies are better adapted than the General Government for conserving water power for their citizens.

The board believes that the State is more generous in its provisions for navigations than necessity requires, that the locks it proposes are larger than will be utilized, and that its original agreement would be amply fulfilled if it constructed locks 600 by 80 by 11 feet, and required at each lock ground sufficient for an additional lock should it ever be required, but it is also of the opinion that the State should be permitted to expend its own funds in such manner as it deems proper. With locks of the dimensions suggested by the board the $20,000,000 authorized to be appropriated by the State should complete this part of the waterway, and unless large expenditures are required for power rights even the larger locks could be constructed for that amount.

The report of this special board was submitted to the Board of Engineers for Rivers and Harbors, and on January 30, 1911, the Board of Engineers for Rivers and Harbors indorsed upon this report its views. It did not concur with the special board that the United States should assume any of the cost of this waterway in excess of the $20,000,000 which the State of Illinois proposed to spend, and added these significant words:

Moreover, it suggests that the amount of diversion to be permitted from Lake Michigan should be determined, if practicable, before the project is undertaken. Not only may this affect the attitude of the State toward the work, but also when the approximate minimum flow is known, it may be found advisable to substitute open-channel work for the four existing locks and dams that are retained in the plan of the special board.

It is understood that the sanitary district of Chicago and the State expect to develop considerable water power on that portion of the waterway between Chicago and Utica. As it is proposed that the navigable channel between these points shall be built without cost to the United States, it is believed that the General Government should relinquish to those local agencies any right that they may have in the power to be thus developed.

So the Board of Engineers recognized the danger to the Lake levels by the diversion of water, and counsels that before this waterway shall be permitted to be built that the amount of water to be diverted from Lake Michigan shall be determined.

The amount of water to be diverted from Lake Michigan has not been determined. Congress has not acted with respect to that subject. The War Department in 1901 did act. It acted under authority contained in the river and harbor act of March 3, 1899. The Secretary of War granted a temporary permit, under which there was authorized a diversion of 250,000 cubic feet of water per minute, or about 4,167 cubic feet of water per second. The Secretary of War at that time felt so uncertain as to the effect which this diversion would have upon the levels of the Lakes and the commerce of the Lakes that he did not give a permanent permit.

The permit was temporary in character. It is still a temporary permit. Its terms have been violated by the sanitary district of Chicago, and instead of confining the diversion to the amount therein authorized, according to the Board of Engineers, there has been diverted water to the amount of more than 7,000 cubic feet per second.

The Illinois bill of 1909 proposed a 24-foot waterway. In the final report of the board that investigated it is stated that if the waterway was to be used by vessels capable of navigating

the ocean and the Great Lakes it should have a depth of not less than 24 feet, and if it was to be used for river traffic—

navigation does not require its depth to exceed 9 feet. A depth of 14 feet, which has been frequently urged for this waterway, is greater than is necessary for river navigation and entirely insufficient for either lake or ocean vessels.

The final report of the special board of engineers on the waterway from Lockport to Utica, Ill., was made under date of August 15, 1913. That report contains some interesting data with respect to the effect of the Illinois waterway upon lake levels.

The report is contained in House Document No. 762, Sixty-third Congress, second session. I quote the following:

It is therefore evident that when the Lakes stand at mean lake level a diversion of 10,000 cubic feet per second from Lake Michigan through the Chicago drainage canal will ultimately produce a lowering of the water surface of Lakes Michigan and Huron and its connecting harbors and channels of 0.465 feet (5.58 inches), of Lake Erie of 0.448 feet (5.58 inches), and of Lake Ontario of 0.431 feet (5.16 inches); at lower stages the effect will be greater, due to the relatively smaller area of the cross section of the outlets.

The largest lake freighters recently built carry over 80 short tons of freight for each inch of loaded craft, and an uncompensated Chicago diversion of 10,000 second-feet would cause a loss to each vessel of at least 446 tons in carrying capacity for each down trip through the channels connecting with Lakes Michigan and Huron. This, based upon 25 trips per season, with vessels returning light, means a loss of at least 11,150 tons per year, and at a freight rate of 55 cents per ton represents a monetary loss of at least $6,000 per large vessel per year. During the season of 1912 there passed through the locks at Sault Ste. Marie over 72,000,000 tons of freight, the greater part of which was carried in vessels of such size as to be affected by any loss of depth caused by a Chicago diversion. The tonnage of 1913 bids fair to exceed the tonnage of 1912. The lowest estimate of the loss to American vessels alone that has been brought to the attention of the board is over $1,000,000 per annum, and the loss will increase with the increase in the number and size of vessels.

It is evident therefore that any diversion with consequent lowering of lake levels will cause a direct financial loss to vessel owners, and such a loss can be prevented only by the adoption of remedial measures.

The Board of Engineers for Rivers and Harbors considered this final report of the special board and submitted its report thereon under date of December 16, 1913, and the Board of Engineers in 1913 reiterated and emphasized the recommendations made in 1911. It says:

The special board states that a primary condition of any cooperation between the United States and the State of Illinois should be the acceptance in perpetuity of full responsibility by the State of Illinois or its agencies for all damages by changes in lake levels, including cost of compensating works, and for all damages to riparian owners; and the State should transfer to the United States the locks and the control of the new waterway thus created, so far as needed by navigation, and the locks and dams at Henry and Copperas Creek, on the Illinois River.

Again evidently impressed with the need of preserving the lake levels, the Board of Engineers say:

The investigations and studies of the special board show that the diversion of water from the lakes lowers the levels progressively in proportion to the amount so diverted, the full effect not being observable for some time, and that for the 10,000 second-feet diverted through the Chicago Drainage Canal at mean lake level the water surface will be lowered to Lakes Huron and Michigan 0.465 foot; in Lake Erie, 0.448 foot; in Lake Ontario, 0.431 foot. Such lowering would materially affect the carrying capacity of the large freight vessels, estimated at 88 tons per inch of draft, and would cause a loss on American vessels alone, at the lowest estimate, of $1,000,000 per annum.

Three methods for compensating such diversion have been considered by the special board: (1) By the construction of submerged weirs with arbitrarily controllable sluices at the lower ends of the Lakes; (2) by reducing the area of the natural outlets by the construction of fixed contraction works therein; (3) by dredging harbors and connecting channels. The investigations of the board show with certainty the result of diversion of water through a new outlet is a lowering of Lake levels. The effect of the great storage capacity of the Lakes and of the natural fluctuations of level due to natural causes, such as the varying amount of rainfall and the varying amount and direction of wind pressures, is such that the absolute level at a given time at any given place can not be predicted, and human wisdom is inadequate to regulate a variation of discharge through the outlet in such a manner as to produce a definite desired result. Method No. 1 therefore must be classed as impracticable. Compensation by dredging is practicable, but on account of the extensive areas involved this method would be unduly costly. Of the three methods, the second only is therefore favorably considered. The special board proposes to hold up the level of Lake Erie by the construction of three submerged weirs in Niagara River, at an estimated cost of $150,000, and that of Lakes Michigan and Huron by submerged weirs in St. Clair River, at an estimated cost of $325,000, the total for compensating works being $475,000, with $15,000 annually for maintenance.

After reviewing the finding of the special board, the Board of Engineers, evidently fearful that the United States by cooperation with the State of Illinois, unless such cooperation was thoroughly safeguarded, would lose its right of control of this waterway, uses this significant language:

It is the distinct recommendation of the Board of Engineers for Rivers and Harbors that the term "control of the new waterway thus created, so far as needed for navigation," shall be interpreted to include such control of the use of water for power purposes as shall be necessary to insure the conditions of flow required for navigation. Further, the board believes that the total volume of water to be diverted from the natural discharge channels of the lakes should be definitely fixed by Congress; that a project, with estimate of cost, for works necessary to compensate for such diversion should be prepared to the satisfaction of the Chief of Engineers and the Secretary of War; that before any diversion is made beyond that at present existing, the State of Illinois shall transfer to the Secretary of War the funds necessary for such works as given by the approved estimate of cost; that the works shall be built by the United States with the funds so provided; and that the control and the maintenance of such works shall be in and at the cost of the United States.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. LA FOLLETTE. I do.

Mr. GALLINGER. I have heretofore taken some little interest in this proposition, but do not claim to be familiar with its details. I will ask the Senator if the amount of water diverted from the lakes up to the present time has sensibly reduced the level of the lakes?

Mr. LA FOLLETTE. It has, Mr. President; and as is disclosed by Gen. Black's memorandum to the Secretary of War is the subject of litigation between the Government and the State of Illinois. The Federal Government started the proceeding for the protection of the commerce of the Great Lakes.

Mr. GALLINGER. I was further intending to ask the Senator—and I ask these questions merely for information—whether or not the Canadian Government has ever raised an objection to the diversion of the water?

Mr. LA FOLLETTE. It has, Mr. President; and there are great, big questions—questions involving commerce of millions upon millions in value, questions involving international relations—back of a proposition placed in this bill in committee, without discussion, and approved by the Senate with very little discussion of its real merits.

Mr. GALLINGER. One further question, if the Senator pleases: We have an International Boundary Commission. Had the commission jurisdiction at all over this matter? Has it ever taken the question under consideration?

Mr. LA FOLLETTE. I am not able to answer that question.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him?

Mr. LA FOLLETTE. I shall be glad to have the Senator do so.

Mr. NELSON. We have a Waterway Commission, created under the treaty between our country, England, and Canada, of which Mr. Tawney, of our State, is a member. They have jurisdiction over these international waters.

Mr. GALLINGER. Over all matters affecting boundary disputes?

Mr. NELSON. Over all matters affecting the boundary waters of the country. They have jurisdiction over them. There is no doubt about that.

Mr. LA FOLLETTE. Now, Mr. President——

Mr. CLARKE of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. LA FOLLETTE. I do.

Mr. CLARKE of Arkansas. I do not believe the Senator from Wisconsin wants to be understood as broadly as his naked statement would indicate. The Committee on Commerce have not included in this bill any item that has not received very considerable attention, nor have we overlooked the War Department in recommending the item as it now appears. In support of that suggestion I want the Secretary to read the letter that has been received from the Secretary of War, in which he says that congressional action on this subject is desirable.

Mr. LA FOLLETTE. Yes; but, Mr. President——

Mr. CLARKE of Arkansas. Let the Secretary read the letter, please.

Mr. LA FOLLETTE. I think I have a copy of that letter in my hand; and when the letter is read it will be observed that the Secretary of War proposes that if any such provision as is found in this bill should be adopted, there should be added provisions qualifying the indorsement by the Federal Government of this legislation on the part of the State of Illinois.

Mr. CLARKE of Arkansas. Let the Secretary read the letter, and that will be the committee's statement in support of its action.

Mr. LA FOLLETTE. If my proposition to strike out this provision should be voted down, then I propose to offer the recommendations of the Secretary of War contained in what I am led to believe is the letter which the Senator from Arkansas has sent to the desk.

Mr. CLARKE of Arkansas. All of it has now been incorporated in the amendment except one proviso.

Mr. LA FOLLETTE. I shall have an amendment to offer to the pending committee proposition if my motion to strike it out should fail.

Mr. BORAH. Mr. President, I desire to ask the Senator from Wisconsin a question.

Mr. CLARKE of Arkansas. May I ask the Senator from Idaho to suspend until the letter can be read? It is only a page or two.

Mr. BORAH. Certainly.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as suggested.

The Secretary read as follows:

WAR DEPARTMENT,
Washington, May 23, 1916.

Hon. JAMES P. CLARKE,
Chairman Committee on Commerce, United States Senate.

SIR: Referring to the action of the Senate of May 22 regarding the improvement of the Illinois River, as given in the CONGRESSIONAL RECORD, I beg to state that while I think congressional action in this matter is highly desirable it is very important in the general interests of navigation, especially of those depending on the maintenance of the levels of the Great Lakes, that in addition to the proviso which was discussed yesterday, namely:

"The Interstate Commerce Commission is hereby given power to fix reasonable charges and tolls for the use of and navigation upon the waterway created under said act of the general assembly of said State in all interstate transportation"—

certain additional provisos be added to the item, as follows:

"*Provided*, That the improvement may be made in general accordance with the plans heretofore submitted to the Chief of Engineers and the Secretary of War, and subject to their approval, or on such modified plans as may be approved by the Chief of Engineers and the Secretary of War: *Provided further*, That the waterway shall be completed and open for navigation before any of the water now being, or hereafter to be, diverted from Lake Michigan shall be used for the development of power: *Provided further*, That the navigation features of the waterway and its appurtenances shall be operated and maintained in a manner satisfactory to the Chief of Engineers and the Secretary of War, and any repairs or maintenance work that may be directed by the Secretary of War on the recommendation of the Chief of Engineers shall be made within the time specified by him: *Provided further*, That when, under the terms of the act of the State of Illinois, the waterway shall be transferred to the United States for navigation purposes, the United States shall be given a clear title to such land as may be occupied by or used in connection with the locks and various appurtenances necessary for the operation of the waterway for navigation, together with all structures thereon: *Provided further*, That the amount of water to be diverted from Lake Michigan through this system of waterways shall never exceed the rate of 250,000 cubic feet per minute: *And provided further*, That nothing herein contained shall be held to prejudice or affect any rights the United States may have in the Illinois and Michigan Canal, or lands appurtenant thereto, or in any claims against the State of Illinois arising out of any failure upon the part of the State to maintain said canal as a navigable waterway."

It is true that consideration is being had by this department on an application by the State of Illinois for a War Department permit for this project. Decision in the matter has been delayed awaiting the receipt of certain papers relating to the case which had been promised to me, only part of which have as yet been received. At a hearing given to the governor of Illinois and other interested parties on the 15th instant all of these additional provisos recommended above for insertion were read to the applicants, who stated that so far as the interests of the waterway itself were concerned they were unobjectionable.

I would recommend that the item relating to the Illinois River improvement be amended by the insertion of these provisos.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

Mr. CLARKE of Arkansas. Mr. President, every one of the provisos indicated in that communication has been added to the pending amendment except the one which limits to 250,000 cubic feet per minute the amount of water which may be diverted. That has not been included.

Mr. LA FOLLETTE. Mr. President, as the committee amendment reads at present I do not find that any of the proposals of the Secretary of War has been added, aside from the one which suggests that the rates on interstate traffic through this canal shall be controlled by the Interstate Commerce Commission; and that provision would have become operative under the law without its enactment here.

Mr. CLARKE of Arkansas. That is an inadvertence, or else the Senator did not call for the reading of the amendment as it was amended here from the floor. These provisos did not appear in the amendment reported out of the committee. They were added on the floor, after the bill had been reported back; and they are part of the amendment now, except the one with reference to the limitation to 250,000 cubic feet.

The PRESIDING OFFICER. The Chair will say that he has before him the official copy, from which it appears that the amendments now stand as mentioned by the Senator from Arkansas. The amendments recommended in the letter appear to have been adopted, with the exception of the following:

That the amount of water to be diverted from Lake Michigan through this system of waterways shall never exceed the rate of 250,000 cubic feet per minute.

Mr. LA FOLLETTE. Mr. President, that is the most important proposition which the Secretary of War makes, as appears from the memorandum of Gen. Black, which I read. The fact remains, Mr. President, that this committee adopted the suggestion of a member of the committee, the senior Senator from Illinois [Mr. SHERMAN], as he had stated on the floor of the Senate, without having before it the suggestions of the Secretary of War contained in the letter just read from the desk. These suggestions were transmitted under date of May 23, and this bill was reported from the committee May 5. So the senior Senator from Illinois, as a member of this committee, put upon this bill a proposition giving authority to the State of Illinois to undertake this improvement without consideration of any of the provisions which the investigations, conducted at tremendous expense by the Federal Government, beginning away back in 1910, and bearing upon this whole proposition, had shown to be necessary, and many of which were embodied in the letter of the Secretary of War written to the chairman of the committee It was on the 22d day of May that the Senator from Michigan [Mr. SMITH] rose in his place on this floor and attacked this amendment. It appears now that the letter of the Secretary of War came as a result of the attack made on this amendment upon the floor and resulted in the adoption of a portion of the suggestions made by the Secretary of War. But the recommendation of the Secretary which is of most vital importance was not adopted. That recommendation is that the amount of water which shall be diverted through this system of waterways shall never exceed 250,000 cubic feet per minute.

Now, I should like to have the Senate keep in mind these three propositions: So far as navigation is concerned, 1,000 cubic feet per second is all that this improvement ever will require, according to the judgment of the engineers who have investigated it from time to time; 10,000 cubic feet is desired by the city of Chicago for the purpose of taking care of its sewage. How much more will be necessary in order to make this waterway a commercial proposition as a water-power scheme remains to be developed. But I want the Senate to remember that by the very terms of the act of the Illinois Legislature which it is proposed here to ratify, it provides for the development of a water power. If we blindly commit this Government to an approval of the legislation adopted by the Illinois General Assembly, we shall be called upon in the future to furnish a quantity of water sufficient to insure a return upon the millions that the State of Illinois proposes to invest under that act for water-power purposes.

But what I protest against, Mr. President, is that this innocent-looking proposition in this bill in a few lines commits Congress to an indorsement of an act of the legislature, the provisions of which not one member of this body, I venture to say, outside of the Senators from Illinois know, and it will commit Congress to furnishing water to supply the great scheme of development which it is proposed that we shall authorize and indorse in this legislation.

Mr. STERLING. I should like to ask the Senator from Wisconsin if the act of the Legislature of Illinois referred to in this proposed amendment covers the other projects, such as sanitation and water power?

Mr. LA FOLLETTE. No, Mr. President; it does not deal with sanitation at all, except by referring to the fact that there is an improvement there for sanitary purposes; but it is, first and last, a water-power proposition. That is what it is. Of course, it throws over all of it the usual suggestion that it is in the interest of navigation, but, mark you, and I should like to have Senators keep this in mind, the boards that have investigated this from time to time in the last six years say that only a thousand cubic feet per second are necessary for the purpose of navigation.

There has been a constant struggle between the War Department and the State of Illinois to prevent the taking of water through the drainage canal in excess of the amount that navigation requires for the purpose of flushing the Illinois River for the sewage of Chicago.

Mr. President, it may be that it will afford the city of Chicago a cheaper means of disposing of its sewage to drain the Great Lakes to flush the Chicago River, but we can not do that except at the expense of commerce, and at the expense of the commerce of this country. Is it right that we should impose, as the reports of the engineers say it will impose, a loss of at least a million dollars a year upon the carrying capacity of the vessels that ply the Great Lakes if we permit the increase in the flowage from the Lakes which is demanded by the city of Chicago for what they call sanitary purposes?

The other cities on the Great Lakes are not calling upon the General Government to aid in the solution of their sewage-disposal problems. The city of Milwaukee at a very large expense, running to something like $15,000,000, is providing a great intercepting sewage system and a sewage-disposal plant. The city of Cleveland is solving this problem in a similar way.

Mr. SMITH of Michigan. Will the Senator from Wisconsin permit me?

Mr. LA FOLLETTE. Certainly.

Mr. SMITH of Michigan. The Senator from New Hampshire, I think, asked the Senator from Wisconsin if the International

Boundary Commission did not have jurisdiction over this subject matter. My recollection was at the time the question was asked, and is now confirmed by the treaty itself, that except so far as the waters of Lake Michigan pass into international boundary waters the commission has no jurisdiction because Lake Michigan is not an international water. In so far as the waters from Lake Michigan pass into the international channel or boundary waters the commission has jurisdiction and not otherwise. So, it becomes all the more important that Congress itself should take jurisdiction of a question so threatening as is the question raised by the Senator from Illinois by his amendment.

Mr. LA FOLLETTE. I quite agree with the Senator from Michigan. It is, I understand, true that the treaty with Great Britain provides that water may be used from these Lakes for sanitary purposes, and it therefore becomes a question of domestic policy on the part of the Government as to whether we will undertake to draw from these Lakes water for the purpose of taking care of the sewage of the cities bordering upon the Lakes to the extent of seriously interfering with the commerce of the Lakes.

I am not aware that there is any other great plan which does so interfere as does this Chicago plan, but I am certain from all of the investigation that has been made that the taking of more than 250,000 cubic feet of water per minute from the Lakes will result in such a lowering of the lake levels as will cost those who are operating vessels upon the Lakes something like a million five hundred thousand dollars a year through compelling them to load lighter in order to get into the harbors and alongside the piers and docks.

Mr. CLARKE of Arkansas. It might serve to limit the disputed questions in the proposition offered by the Senator from Wisconsin for me to say that I shall offer to include in the amendment the proviso that was omitted, including the limitation suggested by the War Department. So the Senator may discuss it as if that proviso was in the amendment.

Mr. LA FOLLETTE. For 250,000 feet?

Mr. CLARKE of Arkansas. Whatever it says, 250,000 cubic feet per minute. The Senator has the letter before him?

Mr. LA FOLLETTE. I have.

Mr. CLARKE of Arkansas. We will put that proviso in the amendment.

Mr. LA FOLLETTE. Mr. President, I think it will serve to shorten this discussion considerably, and with that assurance from the chairman of the committee I will simply offer that as an amendment to the bill as amended and will discontinue discussing this matter any further.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Add to the proviso already agreed to the following:

Provided further, That the amount of water to be diverted from Lake Michigan through this system of waterways shall never exceed the rate of 250,000 cubic feet per minute.

Mr. LA FOLLETTE. With that amendment added to the amendment already adopted, which, as I understand, fully complies with the suggestion that comes from the War Department, I am disposed to withhold any further suggestion which I had intended to make.

The PRESIDING OFFICER. The Chair will state that the amendment is not in order at this time.

Mr. CLARKE of Arkansas. Why not?

The PRESIDING OFFICER. The question before the Senate is to adopt the amendment.

Mr. CLARKE of Arkansas. The vote was reconsidered, and it is now open.

Mr. LA FOLLETTE. Then I may offer that as an amendment to the pending committee amendment, may I not?

Mr. CLARKE of Arkansas. The amendment is open to further amendment. The proposition is to adopt it.

The PRESIDING OFFICER. The Chair would rule that the Senator may offer his amendment as an amendment to the committee amendment.

Mr. CLARKE of Arkansas. That is right.

Mr. LA FOLLETTE. I so offer it.

The PRESIDING OFFICER. The Chair desires to state that it will be quite inappropriate there. Its proper place is in the part of the amendment which was subsequently adopted and which is not embraced in the motion to reconsider.

Mr. CLARKE of Arkansas. I move to reconsider the vote by which the amendment was adopted. We can get at it that way.

Mr. LA FOLLETTE. That would open the whole matter.

Mr. CLARKE of Arkansas. That is all right.

The PRESIDING OFFICER. The Senator from Arkansas moves to reconsider the vote by which the amendment was adopted appearing in the bill at page 32, after line 2, and after the amendment offered by the Senator from Illinois.

The motion to reconsider was agreed to.

Mr. LA FOLLETTE. I offer the amendment which I send to the desk.

Mr. CLARKE of Arkansas. The amendment offered by the Senator which includes the omitted proviso has not yet been adopted.

Mr. LA FOLLETTE. I offer the entire proposition that the War Department sent down.

Mr. CLARKE of Arkansas. That is all right. I withdraw, then, that part of the amendment offered by myself heretofore. As the Senator from Wisconsin says he has included all the amendments recommended by the Secretary of War——

Mr. LA FOLLETTE. I have.

Mr. CLARKE of Arkansas. So it appears as an entire amendment. I withdraw the amendment, the vote upon which has just been reconsidered.

The PRESIDING OFFICER. The Secretary will read the amendment offered by the Senator from Wisconsin in lieu of the Senate amendment, the amendment offered by the Senator from Illinois, and the amendment the vote on which has just been reconsidered.

Mr. LA FOLLETTE. Pending the adoption of this amendment, I ask leave to add to what I have said the remaining portion of this communication addressed by Gen. Black to the Secretary of War, also a letter which I have received from the Merchants and Manufacturers' Association of Milwaukee, and in addition to that I will ask leave to incorporate in my remarks certain extracts from reports made upon this subject heretofore. It will save the time of the Senate not to read these, and the facts there stated will be of value to the committee of conference.

The PRESIDING OFFICER. Without objection, permission is granted.

The letter of the Merchants and Manufacturers' Association of Milwaukee is as follows:

MERCHANTS AND MANUFACTURERS' ASSOCIATION,
Milwaukee, May 26, 1916.

Hon. ROBERT M. LA FOLLETTE,
Senate Chamber, Washington, D. C.

MY DEAR SENATOR: Your telegram regarding the amendment to the rivers and harbors bill was duly received. We thank you for the interest manifested.

The colossal diversion of lake waters into the Chicago Drainage Canal is becoming a serious menace to the commerce of the Great Lakes. You no doubt have access to all the reports, hearings, etc., etc., on the subject. Having made a study of the subject for the past 10 years, I may be permitted to present to you a historic outline of this controversy, and, at the same time, submit to you some of the views we entertain and the conclusions to which we hold.

Historic outline: In 1899 Secretary of War Russell A. Alger granted a permission to the sanitary district of Chicago to divert 300,000 cubic feet per minute of Lake water into the drainage canal, conditional, however, upon any evil effects that such diversion would have on the levels of the Great Lakes. In 1901 Hon. Elihu Root, then Secretary of War, reduced the grant to 250,000 cubic feet per minute.

Thereafter petitions made by the drainage canal authorities for an increased flow of water into the canal were denied by Secretaries William H. Taft and Henry L. Stimson. A petition filed early this year by the State of Illinois, permitting the extension of the canal, was denied by Secretary Garrison, ostensibly on legal grounds, but also because it involved a greater diversion of the lake waters.

Almost since the opening of the drainage canal more than 600,000 cubic feet, or more than double the amount originally granted, have been taken out.

Two years ago the United States Government brought an action against the drainage board seeking to enjoin them from taking the excess of 250,000 cubic feet per minute. The case is still pending in the Federal court at Chicago.

Lake levels and Lake commerce: The real issue hinges upon the question whether the illegal diversion of Lake waters really reduces the levels of the Lakes and whether the commerce of the Lakes is injured thereby. The answer to these questions is most decidedly in the affirmative.

The report of the International Waterways Commission, the reports made by Gen. Bixby, former Chief of the United States Corps of Engineers, Secretary Henry L. Stimson, the evidence brought out at the hearing called by Secretary of War Baker on May 15, 1916, the charts of the Lake levels kept on file by the Government engineers, all prove that the levels have been reduced from 6 to 10 inches and that such reduction has already caused a loss of millions of dollars to the navigation interests.

The drainage canal: The people of Chicago, in defending the illegal diversion of lake waters, hold that the physical welfare of 3,000,000 people is involved, and that therefore the loss to the lake commerce is of secondary importance. This would ordinarily be true if it were not for the fact that better means for the disposal of sewage are at the command of Chicago, just as they are to all other American cities.

The city of Milwaukee this spring voted the sum of $2,500,000 for a modern sewage-disposal system, which, when completed, will cost between $10,000,000 and $12,000,000. If each lake port city resorted to a wholesale diversion of water for sanitary purposes the harbors and navigable rivers on the Great Lakes, with the exception of those entering Lake Superior, would be destroyed.

The Chicago Drainage Canal will in future require more water, rather than less, if the growth of the city continues, in order to carry its sewage into the Illinois River and thence to the Mississippi River.

Navigation waterway: The project of utilizing the drainage canal, which now extends for a distance of over 30 miles from Chicago to Lockport, Ill., for navigation purposes has been entertained for some years. In this connection a movement was begun some years ago which exploited the Lakes-to-the-Gulf deep waterway, and which provided for a continuous channel at a depth of from 18 to 24 feet from Lake Michigan to the Mississippi River, utilizing the drainage canal on the east and the Desplaines and Illinois Rivers on the west to complete the navigation highway.

The engineers who studied the project soon discovered that such a waterway would not be feasible unless the Mississippi River could be developed into a deep and dependable channel. The Illinois authorities, therefore, after years of controversy, concluded to reduce the proposed waterway to an 8-foot barge canal. The present State administration of Illinois is committed to this project.

Creating water powers: Eight years ago the people of Illinois voted a bond issue of $20,000,000 for the purpose of constructing the deep waterway from Lockport, the present terminus of the Chicago Drainage Canal, to the Mississippi River, and equip the same with locks and dams and large power plants.

The campaign literature which was circulated throughout the State, and upon which the bond issue was carried, guaranteed to the people that the water powers so created would net the State, by the sale of power, the sum of $2,500,000 annually.

When the controversy as to the depth of the waterway led to the reduction of from 24 to 8 feet, with a proportionate reduction in the cost, the present administration agreed upon an expenditure of $5,000,000 instead of $20,000,000, and at the same time providing the retention of the proportionate water-power benefits.

In fact it soon developed that the Chicago Drainage Canal, which had originally been built for sanitary purposes, was rendering a larger service in the power that it provided, which power is now utilized for lighting a portion of the city of Chicago and in providing both light and power to a number of manufacturing concerns located along the canal region between Chicago and Lockport, than in any service it rendered as a navigation highway.

The Illinois State authorities therefore concluded that an extension of the canal with its alluring prospects for additional water powers would prove a most profitable investment. The vote of the people authorizing the bond issue had laid greater stress upon the earnings derived from the sale of power than upon the prospects of constructing a utilitarian waterway and upon the tolls that might be exacted.

The consent of the United States was deemed necessary, and a petition was accordingly presented to the Secretary of War, accompanied with the arguments made by Gov. Dunne that the petition by a sovereign State to dig an intrastate canal could not be denied, and with the further argument made by the attorney representing the State of Illinois that the Secretary of War enjoyed no discretionary powers in determining upon the merits of the project in hand.

Inasmuch as the project, however, includes the Illinois River, which is a navigable highway, and therefore under the jurisdiction of the United States, in that it contemplates the exaction of a toll and must employ the waters of the Great Lakes for its operation, the petition was adversely recommended by Gen. Kingman, Chief of the United States Corps of Engineers, and denied by Secretary Garrison.

The present Secretary of War, Newton D. Baker, will in all probability deny the same petition, which is now before him. Hence the Illinois authorities will try to attain their object through Congress.

Argument and conclusions: The situation may be summed up as follows:

The disposal of sewage at Chicago can well be effected with the original grant of water, namely, 250,000 cubic feet per minute, and that the excess, illegally taken and constituting 350,000 cubic feet per minute, is used to operate the water powers at Lockport, Ill.

The ship-canal project is fostered more largely for the purpose of insuring the continued illegal diversion of water, or, rather, to secure a legal sanction of the same, than to provide a commercial utility. In other words, the real purpose behind the cry of sanitation and ship canal is the continued steal of a colossal flow of lake waters for power purposes.

We hold that the Great Lakes are a God-given blessing conferred upon a nation, that their use is dedicated to the cause of navigation, and that their waters can not be used for domestic or sanitation purposes in any unreasonable degree, and that there is no warrant in law or morals that could sanction their use for power purposes.

No section or locality has the right to use the gifts of nature at the expense and to the detriment of the larger unit. The State of Illinois can *not consistently* create a local advantage at the cost and to the menace of the commerce of the Great Lakes.

We therefore enter a most earnest protest against any action on the part of the Secretary of War or on the part of Congress that will sanction or legalize the present unwarranted diversion of lake waters into the Chicago drainage canal.

We address this communication to you not so much for the purpose of bringing any new facts or information to the subject, but to inform you just what our thinking and reasoning on the subject is.

Trusting that you will give it the attention that it may deserve, we remain,

Respectfully, yours, WM. GEO. BRUCE, *Secretary.*

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. The entire amendment as amended will read:

Beginning on page 31, line 23, after "$55,000" in line 23, insert: "and the improvement of navigation of the Illinois River, authorized by an act of the Illinois General Assembly, approved June 18, 1915, providing for an expenditure of $5,000,000 therefor by the State of Illinois, be, and is hereby, authorized in accordance with said act. The Interstate Commerce Commission is hereby given power to fix reasonable charges and tolls for the use of and navigation upon the waterway created under said act of the general assembly of said State in all interstate transportation: *Provided*, That the improvement may be made in general accordance with the plans heretofore submitted to the Chief of Engineers and the Secretary of War, and subject to their approval, or on such modified plans as may be approved by the Chief of Engineers and the Secretary of War: *Provided further*, That the waterway shall be completed and open for navigation before any of the water now being, or hereafter to be, diverted from Lake Michigan shall be used for the development of power: *Provided further*, That the navigation features of the waterway and its appurtenances shall be operated and maintained in a manner satisfactory to the Chief of Engineers and the Secretary of War, and any repairs or maintenance work that may be directed by the Secretary of War on the recommendation of the Chief of Engineers shall be made within the time specified by him: *Provided further*, That when, under the terms of the act of the State of Illinois, the waterway shall be transferred to the United States for navigation purposes, the United States shall be given a clear title to such land as may be occupied by or used in connection with the locks and various appurtenances necessary for the operation of the waterway for navigation, together with all structures thereon: *Provided further*, That the amount of water to be diverted from Lake Michigan through this system of waterways shall never exceed the rate of 250,000 cubic feet per minute: *And provided further*, That nothing herein contained shall be held to prejudice or affect any rights the United States may have in the Illinois and Michigan Canal, or lands appurtenant thereto, or in any claims against the State of Illinois arising out of any failure upon the part of the State to maintain said canal as a navigable waterway."

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendment was agreed to.

The PRESIDING OFFICER. The bill is still as in Committee of the Whole and——

Mr. CLARKE of Arkansas. The amendment as amended has never been adopted.

The PRESIDING OFFICER. It was all treated as one amendment.

Mr. CLARKE of Arkansas. Just so the record shows that the amendment as amended has been adopted, it is immaterial whether there is one vote or two.

The PRESIDING OFFICER. The Chair understands that the amendment was offered by the Senator from Wisconsin in lieu of the entire amendment.

Mr. CLARKE of Arkansas. No; it must include the committee amendment. It would be unintelligible without the committee amendment. I think the amendment as amended should be adopted.

The PRESIDING OFFICER. The question recurs on the amendment as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

Mr. GALLINGER. I wish to reserve the amendment submitted by the Senator from Nevada [Mr. NEWLANDS] for a separate vote.

The VICE PRESIDENT. That reservation will be made.

The bill was reported to the Senate as amended.

Mr. GALLINGER. Against the amendment submitted by the Senator from Nevada [Mr. NEWLANDS], which has been reserved, I make a point of order that it is general legislation and that it provides an appropriation not estimated for.

I will state that when I withdrew the point of order on that amendment—and the point of order had been sustained—I withdrew it with the understanding that certain other amendments, and particularly one to be offered by the Senator from Iowa [Mr. KENYON], would likewise be permitted to go on the bill, notwithstanding they were subject to a point of order. A point of order was made against the amendment submitted by the Senator from Iowa, and for that reason, in part, I make the point of order now against the amendment submitted by the Senator from Nevada.

The PRESIDING OFFICER. The Chair is disposed to believe that the point of order is well taken. The point of order is sustained.

Mr. CLARKE of Arkansas. The question now is on concurring in the amendments made as in Committee of the Whole.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDING OFFICER. Shall the amendments be ordered to be engrossed and the bill be read a third time?

Mr. SMOOT. Mr. President, I offer the following motion.

The PRESIDING OFFICER. It will be read.

The Secretary read as follows:

That the pending bill, H. R. 12193, be recommitted to the Committee on Commerce with instruction to report a substitute therefor appropriating an amount not in excess of $30,000,000 for the maintenance of the river and harbor projects necessary for commercial and military needs and for the further prosecution of work on rivers and harbors heretofore adopted by Congress: *Provided*, That the amount for such maintenance and prosecution shall be appropriated by the Chief of Engineers under the direction of the Secretary of War.

Mr. CLARKE of Arkansas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Broussard	Curtis	Gore
Bankhead	Chamberlain	Dillingham	Harding
Borah	Clark, Wyo.	Fall	Hardwick
Brady	Clarke, Ark.	Fletcher	Hollis
Brandegee	Culberson	Gallinger	Husting

James	Nelson	Simmons	Townsend
Jones	Norris	Smith, Ariz.	Underwood
Kenyon	Overman	Smith, Ga.	Vardaman
La Follette	Page	Smith, Md.	Wadsworth
Lane	Pittman	Smith, Mich.	Walsh
Lea, Tenn.	Poindexter	Smoot	Warren
Lee, Md.	Ransdell	Sterling	Weeks
Lippitt	Reed	Swanson	Williams
Martin, Va.	Sheppard	Thomas	Works
Myers	Shields	Tillman	

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present. The pending question is on the motion made by the Senator from Utah [Mr. SMOOT].

Mr. KENYON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. OVERMAN. Please have the motion stated.

The PRESIDING OFFICER. The Secretary will read the motion.

The Secretary again read Mr. SMOOT's motion.

Mr. SMOOT Mr. President, I intended to occupy a few moments this afternoon in calling the attention of the Senate to my motion to recommit the bill, but I know it is the desire of Senators that the vote shall be taken at once upon the motion and to immediately follow it with a vote upon the bill. I am informed that there are a number of Senators who wish to leave shortly, and they also have expressed a desire to vote upon my motion to recommit and upon the bill before they leave. I shall therefore content myself by simply saying, in my opinion, there is no question but that the $30,000,000 provided for in my motion will cover all the legitimate projects and that none such will suffer if my motion prevails.

Mr. President, I shall say no more at this time, except to ask for the yeas and nays.

The VICE PRESIDENT. They have been ordered.

Mr. SMOOT. Very well.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the motion of the Senator from Utah [Mr. SMOOT].

The Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I am paired with the junior Senator from New Jersey [Mr. HUGHES] and therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. COLT] to the senior Senator from New Jersey [Mr. MARTINE] and vote "nay."

Mr. SIMMONS (when his name was called). Making the same announcement to my pair and its transfer as heretofore made, I vote "nay."

Mr. THOMAS (when his name was called). Announcing the same pair and transfer as heretofore, I vote "yea."

Mr. THOMPSON (when his name was called). I am paired with the senior Senator from Illinois [Mr. SHERMAN], but on this vote I understand, if present, the Senator from Illinois would vote as I am about to vote. I therefore vote. I vote "yea."

Mr. TOWNSEND (when his name was called). I have a pair with the junior Senator from Florida [Mr. BRYAN], but I feel at liberty to vote on this question, and I do vote. I vote "yea."

The roll call was concluded.

Mr. CURTIS. I transfer my pair with the junior Senator from New Jersey [Mr. HUGHES] to the senior Senator from Illinois [Mr. SHERMAN] and vote "yea."

Mr. TILLMAN. I am paired with the Senator from West Virginia [Mr. GOFF] and therefore withhold my vote. If at liberty to vote, I should vote "yea." I wish this announcement of my pair to stand for the day.

Mr. CURTIS. Mr. President, I am requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Minnesota [Mr. CLAPP] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from Nebraska [Mr. HITCHCOCK] with the Senator from New York [Mr. O'GORMAN]; and

The Senator from Illinois [Mr. LEWIS] with the Senator from South Dakota [Mr. JOHNSON].

The result was announced—yeas 34, nays 35, as follows:

YEAS—34.

Ashurst	Brandegee	Curtis	Gallinger
Borah	Clark, Wyo.	Dillingham	Gore
Brady	Cummins	Fall	Harding
Hollis	Lodge	Smoot	Wadsworth
Husting	Newlands	Sutherland	Warren
Kenyon	Norris	Taggart	Weeks
La Follette	Page	Thomas	Works
Lane	Pittman	Thompson	
Lippitt	Pomerene	Townsend	

NAYS—35.

Bankhead	Jones	Ransdell	Smith, Mich.
Broussard	Lea, Tenn.	Reed	Sterling
Chamberlain	Lee, Md.	Saulsbury	Stone
Chilton	Martin, Va.	Sheppard	Swanson
Clarke, Ark.	Myers	Shields	Underwood
Culberson	Nelson	Simmons	Vardaman
Fletcher	Oliver	Smith, Ariz.	Walsh
Hardwick	Overman	Smith, Ga.	Williams
James	Poindexter	Smith, Md.	

NOT VOTING—27.

Beckham	Goff	Lewis	Phelan
Bryan	Gronna	McCumber	Robinson
Burleigh	Hitchcock	McLean	Shafroth
Catron	Hughes	Martine, N. J.	Sherman
Clapp	Johnson, Me.	O'Gorman	Smith, S. C.
Colt	Johnson, S. Dak.	Owen	Tillman
du Pont	Kern	Penrose	

So Mr. SMOOT's motion was rejected.

Mr. LA FOLLETTE. Mr. President, I wish to add to the amendment which I heretofore offered, and which was adopted, to the provision regarding the improvement of the Illinois River, an amendment which I send to the Secretary's desk.

Mr. CLARKE of Arkansas. That amendment has been submitted to the chairman of the Committee on Commerce and he finds no objection to it. It takes the form of an additional proviso to the amendment heretofore adopted.

The VICE PRESIDENT. A peculiar parliamentary situation has arisen, the Chair should say.

Mr. CLARKE of Arkansas. Mr. President, it is proposed to add this amendment as a new provision. As I understand, a new amendment may be added.

Mr. LA FOLLETTE. I offer the amendment as a new provision, to follow the amendment heretofore adopted.

The VICE PRESIDENT. The amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. At the end of the amendment heretofore adopted relative to the Illinois River, on page 32, it is proposed to add the following:

Provided further, That the water power developed through said waterway shall be subject to the limitations and regulations which may at any time be generally imposed by acts of Congress upon water powers located upon navigable streams.

The VICE PRESIDENT. The Chair will assume that this is a new amendment; and, without objection, it is agreed to.

The bill is before the Senate and open to further amendment. If there be no further amendments, the amendments will be ordered to be engrossed and the bill to be read a third time.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. POINDEXTER. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. An amendment can now only be offered to the bill by unanimous consent. Is there unanimous consent to the submission of the amendment?

Mr. GALLINGER. I object.

Mr. CLARKE of Arkansas. Let us hear what it is.

Mr. LODGE. The bill has been read the third time, Mr. President.

Mr. POINDEXTER. I should like to have the amendment printed in the RECORD, Mr. President.

The VICE PRESIDENT. If there be no objection, that order will be made. The Chair hears none.

The amendment referred to was to add to the bill the following:

The expenditure of the appropriations herein made shall be supervised by Congress as follows:

"There shall be appointed by the chairmen of the Committee on Rivers and Harbors of the House of Representatives and the Commerce Committee of the Senate, an inspector of river and harbor work. He shall be a trained and experienced civil engineer, not connected in any way with the Army. It shall be the duty of said inspector to thoroughly examine the several river and harbor projects which have been adopted by Congress, with special regard to the question of whether the moneys appropriated by Congress for these works are being expended to the best advantage from a standpoint both of economy and efficiency. In making said examination said inspector shall inquire whether the best methods are being used in the prosecution of said works to accomplish the improvement contemplated thereby. Said inspector shall also examine into the question of the needs of commerce for said improvements, and the probable or prospective uses thereof in commerce, and the probable or prospective results thereof on freight rates on railroads through the competition of such waterways; and for that purpose said inspector may ascertain the effect upon such rates of waterways heretofore improved, and the uses that have been made of the same for purposes of transportation. Said inspector shall make, in

writing to Congress a full semiannual report of his observations and conclusions in the foregoing matters. He shall hold office at the pleasure of the committees above mentioned, and his successor shall be appointed as provided above. He shall be paid a salary of $12,000 a year, and his necessary, actual expenses, and shall have such clerical and other assistance as may be necessary, to be approved by the chairmen of said committees."

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. KENYON. Mr. President, I want to take just about three minutes, and then I shall desire to have the yeas and nays on the passage of the bill.

This Senate is about to pass a bill that few Senators have had the temerity to defend.

This Senate is appropriating hundreds of thousands of dollars for streams where Congress has ordered a reexamination and no report has as yet been filed by the engineers.

You are so anxious to get rid of public money that you will not even wait for the Army engineers to report. You are dumping hundreds of thousands of dollars into streams where commerce is constantly growing less and in some cases is practically nothing. You are making appropriations for streams, some of them not over 1 foot in depth, and others where we are solemnly told by witnesses that they could navigate the streams if they could get the river in shape so that the stern would follow the bow of the boat.

You are appropriating for others where the testimony before the House committee was to the effect that you could not tell when you crossed the river.

You are appropriating hundreds of thousands of dollars on projects which the Army engineers have condemned. You have appropriated money running into hundreds of thousands for ridiculous propositions, for which no man conducting his own business would permit the money to be used.

You are about to vote from the Treasury, in a time of great national stress and strain, at least $20,000,000 in unjustifiable projects.

You have had an opportunity to correct them. You would not even correct the worst of them. This bill is to go through. Your motto is "Let the people squeal."

A few days ago the leader upon the Democratic side announced that the appropriations in this Congress would be $200,000,000 more than in the last Congress. Other leaders said, "We must practice economy." We are always willing to practice economy on those things which do not concern us.

We have tried to fight this bill in no partisan way. There is enthusiasm for it on this side of the Chamber. It could not pass without votes from this side of the Chamber.

The fight against this method of appropriating public money is going on. The rising tide of sentiment; the awakened public conscience is against it. Gentlemen may stand here and send out word to the country to talk more about progress and less about "pork," but the country will keep on talking about "pork" as long as bills of this character are passed by Congress. Cloakroom sneers or floor jeers will not stop the fight. The men who are voting for these extravagances will find out that the people do not intend to do all of the squealing, and that they have some notions as to the duty of Representatives in Congress toward the Public Treasury.

Some constituents take a different view. I have received many letters from the people along the Mississippi and the Missouri Rivers, one of which flows the entire length of my State, and the other along a portion thereof, condemning my attitude on this river and harbor bill, and telling what will be done to me at the next election.

Mr. President, if the price of holding my seat in this body is to vote for bills of this kind, the seat may go. If getting appropriations for my State is considered the essential thing by my people, then my usefulness to them in this body is ended.

I am not the seventh son of a seventh son, but I risk a prophecy, and that is that this is the last river and harbor bill, framed along the lines of the present bill, that will ever pass this Congress. New faces will be in the next Congress, fresh from the people, and they will pay some attention to the question of expenditures.

Some day a Congress will be here that will not consider those the greatest statesmen who can get the most out of the National Treasury. Some day a Congress will think along national lines and not State and district lines. And that day is coming just as certain as that to-morrow's sun will rise.

It is a pity that the whole Democratic Party must be held responsible for these expenditures, for this bill could not be passed by Democratic votes alone. There are men on this side of the Chamber who have and will give enthusiastic support to the bill and defend every item in it, and make possible its passage. There are men on the other side of the Chamber who have fought hard for economy.

The Senator from Colorado [Mr. THOMAS] has been one of the most consistent advocates of economy in this body. He is a credit to his State and an honor to the Nation. The Senator from Wisconsin [Mr. HUSTING] has fought hard to eliminate useless expenditures. Likewise the Senator from Ohio [Mr. POMERENE] and others who might be named, all of whom are entitled to the thanks of their constituents. The clarion voice of the Senator from South Carolina [Mr. TILLMAN] has rung out in warning, and the courageous stand of the junior Senator from Indiana [Mr. TAGGART] has been inspiring.

The people may be a little slow in getting at what is going on in Congress, but they are awakening to the fact that votes are cast for certain appropriations in order that reciprocity may follow fawning.

Mr. President, we are beaten perhaps in this preliminary fight, but this is not the end of the fight. We appeal our case from a Congress drunk with extravagance to a people sober, meditative, and very discriminating.

Mr. President, I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I transfer my pair with the junior Senator from New Jersey [Mr. HUGHES] to the Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. OWEN (when his name was called). I ask if the Senator from New Mexico [Mr. CATRON] has voted?

The VICE PRESIDENT. He has not.

Mr. OWEN. I am paired with that Senator, and therefore withhold my vote.

Mr. SAULSBURY (when his name was called). Making the same transfer of my pair as heretofore, I vote "yea."

Mr. SIMMONS (when his name was called). Making the same transfer of my pair as heretofore to-day, I vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence I withhold my vote. If at liberty to vote I should vote "nay."

Mr. THOMPSON (when his name was called). Making the same announcement as before as to being at liberty to vote, I vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN. I have been requested to announce that the Senator from Illinois [Mr. LEWIS] is paired with the Senator from South Dakota [Mr. JOHNSON]. The Senator from Illinois would vote "yea" and the Senator from South Dakota "nay" if present and not paired.

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 35, nays 32, as follows:

YEAS—35.

Bankhead	Lane	Poindexter	Smith, Md.
Brandegee	Lea, Tenn.	Ransdell	Smith, Mich.
Broussard	Lee, Md.	Reed	Sterling
Chamberlain	McLean	Saulsbury	Stone
Clarke, Ark.	Martin, Va.	Sheppard	Swanson
Culberson	Myers	Shields	Underwood
Fletcher	Nelson	Simmons	Vardaman
Hardwick	Oliver	Smith, Ariz.	Walsh
James	Overman	Smith, Ga.	

NAYS—32.

Ashurst	Gallinger	Lippitt	Sutherland
Borah	Gore	Lodge	Taggart
Brady	Harding	Newlands	Thompson
Clark, Wyo.	Hollis	Norris	Townsend
Cummins	Husting	Page	Wadsworth
Curtis	Jones	Pomerene	Warren
Dillingham	Kenyon	Shafroth	Weeks
Fall	La Follette	Smoot	Works

NOT VOTING—29.

Beckham	Goff	McCumber	Sherman
Bryan	Gronna	Martine, N. J.	Smith, S. C.
Burleigh	Hitchcock	O'Gorman	Thomas
Catron	Hughes	Owen	Tillman
Chilton	Johnson, Me.	Penrose	Williams
Clapp	Johnson, S. Dak.	Phelan	
Colt	Kern	Pittman	
du Pont	Lewis	Robinson	

So the bill was passed.

Mr. CLARKE of Arkansas. I move that the Senate request a conference with the House on the bill and the amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to.

The VICE PRESIDENT. The Chair will later announce the conferees on the part of the Senate.

ADJOURNMENT OVER MEMORIAL DAY.

Mr. MARTIN of Virginia. Mr. President, to-morrow will be Decoration or Memorial Day, and there will be, as usual, some ceremonies at the Arlington National Cemetery. In order that there may be the fullest opportunity for all to attend and participate in the ceremonies, and that the Senate itself may pay proper tribute to the occasion, I move that when the Senate adjourns to-day it adjourn to meet at 12 o'clock on Wednesday next.

The motion was agreed to.

NATIONAL CONVENTIONS.

Mr. MARTIN of Virginia. I ask unanimous consent for the adoption of the order which I send to the desk. I will say that I believe it is agreeable to Senators on both sides of the Chamber, and it is intended to enable Senators to attend the two national conventions.

The VICE PRESIDENT. The Secretary will read the proposed unanimous-consent agreement.

The SECRETARY. The Senator from Virginia submits the following unanimous-consent agreement:

It is agreed, by unanimous consent, that on the 3d day of June, 1916, at not later than 6 o'clock p. m., the Senate shall adjourn until the following Thursday, on which day there shall be an adjournment until the following Saturday, and that adjournments every third day shall follow until Monday, the 19th day of June, 1916.

That between the said dates of June 3 and June 19 there shall be no action of the Senate on any pending measure, nor shall business of any kind be transacted other than the introduction of bills and resolutions, the presentation of petitions, and the reception of communications from the President and House of Representatives.

Mr. SUTHERLAND. Mr. President, let me ask the Senator does he mean by that to include the 19th of June as well?

Mr. MARTIN of Virginia. Until the 19th; it does not include that date.

Mr. SUTHERLAND. It excludes the 19th?

Mr. MARTIN of Virginia. It does; that is my understanding of the unanimous-consent order, and that is the purpose of it.

Mr. CHAMBERLAIN. Mr. President, I should be very reluctant to object to that request for unanimous consent, but I am peculiarly situated with respect to a bill affecting my own State. It is local in its nature, but it has some features which are national in their importance. I refer to the measure known as the Oregon and California land-grant bill. The decision of the Supreme Court of the United States, which was rendered on the 21st day of June last, and which was entered of record in the lower court in my State December 9, 1915, practically requires the Congress of the United States to legislate on the subject of this grant within six months from the entry of the decree. That six months expires on the 9th day of June, and if Congress does not act it throws the matter into great confusion and probably might open it up to further litigation. If we can dispose of that bill the day after to-morrow, and I think we can do so easily in an afternoon, I shall be very glad to have the unanimous-consent agreement entered into.

Mr. GALLINGER. We would have Wednesday, Thursday, Friday, and Saturday on which to legislate—four days. The proposed unanimous-consent agreement will not become operative until Saturday.

Mr. MARTIN of Virginia. The proposed unanimous-consent agreement will not commence until the 3d day of June.

Mr. CHAMBERLAIN. Mr. President, may I have an implied understanding with the Senate that they will permit me to take up the bill to which I have referred Wednesday or Thursday? The Senate can see the importance of it, because, unless it is disposed of by the 9th of June, the whole subject may be again opened up.

Mr. MARTIN of Virginia. Mr. President, I will say to the Senator from Oregon that there will be ample time for the legislation to which he refers to be considered by the Senate. I am sure that the importance of the matter to which he now refers is such that, when presented fully to the Senate, it will meet with such reception as he desires.

Mr. BRANDEGEE. Mr. President, I should like to inquire whether the bill to which the Senator from Oregon refers has passed the House of Representatives?

Mr. CHAMBERLAIN. The bill has passed the House of Representatives, and I am ready to report on it this afternoon, with some amendments, from the Committee on Public Lands.

Mr. MARTIN of Virginia. There will be no trouble whatever in regard to it. There will be ample time for the Senator to have his bill considered.

Mr. CHAMBERLAIN. I may later ask that it be taken up and made the unfinished business for day after to-morrow.

Mr. MARTIN of Virginia. I have no objection to that, but I really do not think the Senator ought to ask for what amounts to putting the Senate on terms about this matter of his. I think the proposed unanimous-consent agreement is necessary for the convenience of the entire Senate, and I do not believe it will interfere with the matter which the Senator has in mind.

The VICE PRESIDENT. The Senate can not make a bill the unfinished business by agreement.

Mr. CHAMBERLAIN. The Senate can do almost anything it wants to do, if the President please.

The VICE PRESIDENT. That is one thing it can not do, unless all the rules are abolished.

Mr. CHAMBERLAIN. I can ask that it be done, whether the President agrees with me or not. I am not going to attempt to impose any conditions upon the Senate; I would not do that, even if I could, but I do want to let the Senate know that I shall ask for the disposition of this bill before we adjourn on June 3, and I shall trust the Senate to help me have it done.

Mr. MARTIN of Virginia. I will be glad to aid the Senator, so far as I am concerned.

The VICE PRESIDENT. Is there objection to the request for unanimous consent made by the Senator from Virginia [Mr. MARTIN]? The Chair hears none, and the order is made.

MEMORIAL ADDRESSES ON THE LATE SENATOR BRADLEY.

Mr. SHAFROTH. I move that the Senate proceed to the consideration of the amendments of the House to what is known as the Philippine bill.

Mr. JAMES. I ask the Senator from Colorado if he will yield to me to give a notice?

Mr. SHAFROTH. Let us take up the Philippine bill for consideration, and then I will yield.

Mr. JAMES. I merely desire to give a notice, to which I am sure the Senator will not object.

Mr. SHAFROTH. Very well.

Mr. JAMES. I desire to give the following notice, which I send to the desk and ask to have read.

The VICE PRESIDENT. The Secretary will read the notice.

The SECRETARY. The Senator from Kentucky gives the following notice:

That on Saturday, June 24, 1916, immediately upon the conclusion of the routine morning business, he will ask that the business of the Senate may be suspended that fitting tribute may be paid to the life and character of the Hon. WILLIAM O. BRADLEY, late a Senator from the State of Kentucky.

ADDRESS BY PRESIDENT WILSON.

Mr. THOMPSON. Mr. President, I have here the very able address delivered by the President of the United States last Saturday evening, May 27, 1916, at the banquet given by the League to Enforce Peace, and ask that it be printed in the RECORD and also that it be made a public document. This is one of the ablest addresses yet delivered by President Wilson, and is of very great interest to the public at this particular time.

Mr. SMOOT. Mr. President, I could not hear a word the Senator said.

The VICE PRESIDENT. Nor could anybody else.

Mr. SMOOT. I should like the Senator to repeat his request, as I did not hear a word of it.

Mr. THOMPSON. It was simply a request to have printed in the RECORD the speech of the President of the United States, delivered before the League to Enforce Peace, and also to have it printed as a public document.

Mr. SMOOT. The Senator can either have it printed as a public document or he can have it printed in the RECORD, I do not care which.

Mr. THOMPSON. I should like to have it printed in the RECORD and also made a public document.

Mr. SMOOT. No; I do not want it made a public document if it is printed in the RECORD.

Mr. THOMPSON. I hope the Senator from Utah will withdraw his objection, owing to the importance of this address and the fact that it was made by the President of the United States.

Mr. SMOOT. I do object. I have no objection to it being printed in the RECORD, nor have I any objection to it being printed as a public document; but the rule is not to print anything in both forms. The Senator can take his choice of one or the other.

Mr. THOMPSON. Then, Mr. President, I will be satisfied to have it printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

THE PRESIDENT'S ADDRESS.

"When the invitation to be here to-night came to me I was glad to accept it—not because it offered me an opportunity to discuss the program of the league—that you will, I am sure, not expect of me—but because the desire of the whole world now turns eagerly, more and more eagerly, toward the hope of peace; and there is just reason why we should take our part in counsel upon this great theme. It is right that I, as spokesman of our Government, should attempt to give expression to what I believe to be the thought and purpose of the people of the United States in this vital matter.

"This great war that broke so suddenly upon the world two years ago, and which has swept within its flame so great a part of the civilized world, has affected us very profoundly, and we are not only at liberty, it is perhaps our duty, to speak very frankly of it and of the great interests of civilization which it affects.

RIGHTS OF NATION AFFECTED.

"With its causes and its objects we are not concerned. The obscure fountains from which its stupendous flood has burst forth we are not interested to search for or explore. But so great a flood, spread far and wide to every quarter of the globe, has of necessity engulfed many a fair province of right that lies very near to us.

"Our own rights as a nation, the liberties, the privileges, and the property of our people have been profoundly affected. We are *not mere* disconnected lookers-on.

"The longer the war lasts the more deeply do we become concerned that it should be brought to an end and the world be permitted to resume its normal life and course again. And when it does come to an end we shall be as much concerned as the nations at war to see peace assume an aspect of permanence, give promise of days from which the anxiety of uncertainty shall be lifted, bring some assurance that peace and war shall always hereafter be reckoned part of the common interest of mankind.

"We are participants, whether we would or not, in the life of the world. The interests of all nations are our own also. We are partners with the rest. What affects mankind is inevitably our affair as well as the affair of the nations of Europe and of Asia.

"One observation on the causes of the present war we are at liberty to make, and to make it may throw some light forward upon the future as well as backward upon the past. It is plain that this war could have come only as it did, suddenly and out of secret counsels, without warning to the world, without discussion, without any of the deliberate movements of counsel with which it would seem natural to approach so stupendous a contest.

"It is probable that if it had been foreseen just what would happen, just what alliances would be formed, just what forces arrayed against one another, those who brought the great contest on would have been glad to substitute conference for force.

"If we ourselves had been afforded some opportunity to apprise the belligerents of the attitude which it would be our duty to take, of the policies and practices against which we would feel bound to use all our moral and economic strength, and in certain circumstances even our physical strength also, our own contribution to the counsel which might have averted the struggle would have been considered worth weighing and regarding.

"And the lesson which the shock of being taken by surprise in a matter so deeply vital to all the nations of the world has made poignantly clear is, that the peace of the world must henceforth depend upon a new and more wholesome diplomacy.

"Only when the great nations of the world have reached some sort of agreement as to what they hold to be fundamental to their common interest, and as to some feasible method of acting in concert when any nation or group of nations seeks to disturb those fundamental things, can we feel that civilization is at last in a way of justifying its existence and claiming to be finally established.

"It is clear that nations must in the future be governed by the same high code of honor that we demand of individuals.

"We must, indeed, in the very same breath with which we avow this conviction admit that we have ourselves upon occassion in the past been offenders against the law of diplomacy which we thus forecast; but our conviction is not the less clear, but rather the more clear on that account.

"If this war has accomplished nothing else for the benefit of the world, it has at least disclosed a great moral necessity and set forward the thinking of the statesmen of the world by a whole age.

"Repeated utterances of the leading statesmen of most of the great nations now engaged in war have made it plain that their thought has come to this, that the principle of public right must henceforth take precedence over the individual interests of particular nations, and that the nations of the world must in some way band themselves together to see that that right prevails as against any sort of selfish aggression; that henceforth alliance must not be set up against alliance, understanding against understanding, but that there must be a common agreement for a common object, and that at the heart of that common object must lie the inviolable rights of peoples and of mankind.

"The nations of the world have become each other's neighbors. It is to their interest that they should understand each other. In order that they may understand each other, it is imperative that they should agree to cooperate in a common cause, and that they should so act that the guiding principle of that common cause shall be even-handed and impartial justice.

"This is undoubtedly the thought of America. This is what we ourselves will say when there comes proper occasion to say it. In the dealings of nations with one another arbitrary force must be rejected, and we must move forward to the thought of the modern world, the thought of which peace is the very atmosphere. That thought constitutes a chief part of the passionate conviction of America.

"We believe these fundamental things: First, that every people has a right to choose the sovereignty under which they shall live. Like other nations, we have ourselves no doubt once and again offended against that principle when for a little while controlled by selfish passion, as our franker historians have been honorable enough to admit; but it has become more and more our rule of life and action. Second, that the small States of the world have a right to enjoy the same respect for their sovereignty and for their territorial integrity that great and powerful nations expect and insist upon. And, third, that the world has a right to be free from every disturbance of its peace that has its origin in aggression and disregard of the rights of peoples and nations.

"So sincerely do we believe in these things that I am sure that I speak the mind and wish of the people of America when I say that the United States is willing to become a partner in any feasible association of nations formed in order to realize these objects and make them secure against violation.

"There is nothing that the United States wants for itself that any other nation has. We are willing, on the contrary, to limit ourselves along with them to a prescribed course of duty and respect for the rights of others which will check any selfish passion of our own, as it will check any aggressive impulse of theirs.

"If it should ever be our privilege to suggest or initiate a movement for peace among the nations now at war, I am sure that the people of the United States would wish their Government to move along these lines:

"First, such a settlement with regard to their own immediate interests as the belligerents may agree upon. We have nothing material of any kind to ask for ourselves, and are quite aware that we are in no sense or degree parties to the present quarrel. Our interest is only in peace and its future guarantees.

"Second, an universal association of the nations to maintain the inviolate security of the highway of the seas for the common and unhindered use of all the nations of the world, and to prevent any war begun either contrary to treaty covenants or without warning and full submission of the causes to the opinion of the world—a virtual guarantee of territorial integrity and political independence.

"But I did not come here, let me repeat, to discuss a program. I came only to avow a creed and give expression to the confidence I feel that the world is even now upon the eve of a great consummation, when some common force will be brought into existence which shall safeguard right as the first and most fundamental interest of all peoples and all Governments, when coercion shall be summoned not to the service of political ambition or selfish hostility, but to the service of a common order, a common justice, and a common peace.

"God grant that the dawn of that day of frank dealing and of settled peace, concord, and cooperation may be near at hand!"

Mr. CHAMBERLAIN. from the Committee on Public Lands I report back with amendments the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," ap-

proved May 4, 1870, and for other purposes, and I submit a report (No. 494) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

GOVERNMENT OF THE PHILIPPINES.

Mr. SHAFROTH. Mr. President, my motion is that the Senate proceed to the consideration of the amendment of the House to Senate bill 381, known as the Philippine bill.

Mr. BANKHEAD. Mr. President, this is the conference report, is it?

Mr. SHAFROTH. No; it is a motion for concurrence in the amendment of the House of Representatives.

Mr. BANKHEAD. I should like to ask the Senator from Colorado how much time he expects will be consumed in the consideration of his motion?

Mr. SHAFROTH. I will state that so far as I am concerned I shall not speak five minutes. In fact, I am perfectly willing to have a vote taken at this time. It is simply a motion for concurrence in the House amendment, and it seems to me it ought to be disposed of very soon.

Mr. LODGE. Mr. President, it will take some time to dispose of the House amendment to the Philippines bill. It is not the Senate bill. It is a new bill. I can assure the Senator from Colorado that it will lead to a good deal of debate, and it ought to have a good deal of debate.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. SHAFROTH. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I suggest to the Senator from Colorado that he accompany his motion with a statement to the Senate that he will agree temporarily to withhold consideration of his bill while the bill that has just formed the basis of a unanimous consent of the Senate, in which the Senator from Oregon is interested, shall be considered and passed upon.

Mr. SHAFROTH. I will, if it does not lead to considerable debate.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. Is this motion debatable?

The VICE PRESIDENT. It is after 2 o'clock.

Mr. LODGE. There can be no unanimous consent, Mr. President.

Mr. WILLIAMS. Then I suggest to the Senator from Colorado that he make the same request as the Senator from Alabama has made. If the Philippine bill is going to lead to a great deal of debate—and it seems that it will—then the time of the Senate will not be as much consumed by temporarily laying it aside, first, for the consideration of the bill in which the Senator from Oregon [Mr. CHAMBERLAIN] is interested, and secondly, for the consideration of the bill in which the Senator from Alabama [Mr. BANKHEAD] is interested.

Mr. SHAFROTH. I will do so if the bill does not lead to enormous debate.

Mr. LODGE. Mr. President——

Mr. BANKHEAD. Mr. President, I want to suggest again to the Senator from Colorado that these appropriation bills are entitled to consideration, and ought to be considered as speedily as possible. The Post Office appropriation bill is perhaps the largest that will be presented during this session of Congress and is perhaps of more importance to the whole country than any other bill that will be presented. I suggest to the Senator from Colorado that if he will consent to take up this bill I will then move to lay it aside temporarily in order that my friend the Senator from Oregon may temporarily take up his bill, if it does not promise to consume too much time in debate.

Mr. SHAFROTH. Mr. President, I will make exactly the same proposition to the Senator that he presents here.

Mr. BANKHEAD. Then, Mr. President, let the Senate decide it.

Mr. SHAFROTH. Mr. President, this question of the Philippines has been discussed here for four or five weeks. All phases of the question have been presented, and all phases of the bill as it is now have been presented, because these bills were almost word for word the same when they were introduced. Therefore it seems to me that no unnecessarily long debate can take place on the Philippine bill, unless a filibuster is undertaken.

Mr. LODGE. Mr. President, the bill now presented to the Senate from the House has not been before the Senate for weeks. It is the old House bill, which was set aside by our committee. I consider it of very great importance. I do not mean to delay it unnecessarily, but there will be more or less debate upon that bill—a good deal of debate, I think; and there ought to be debate. I do not think it ought to be allowed to stand in the way of one of the great appropriation bills which is now ready for consideration.

Mr. SHAFROTH. Mr. President, does not the Senator from Massachusetts recognize that these bills were practically the same as introduced, and that the discussion on them was principally with relation to the Clarke amendment, as contrasted with the preamble that is contained in the House bill?

Mr. LODGE. I realize that they are very different. This is the old House bill, and the bill that came before us was a Senate bill.

Mr. SHAFROTH. It was practically the same bill as the House bill.

Mr. LODGE. The Senate committee did not amend the House bill. The Senate committee brought in a bill of their own, and this bill as a whole has never been before the Senate.

Mr. SHAFROTH. The bills contained practically the same provisions.

Mr. VARDAMAN. Mr. President, if they were the same, and if they had been discussed, that would be no guaranty that they would not be talked about to an illimitable extent.

Mr. SMOOT. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Utah will state his inquiry.

Mr. SMOOT. I ask whether the bill referred to by the Senator from Colorado has ever been laid before the Senate?

The VICE PRESIDENT. There is no such bill before the Senate.

Mr. SMOOT. Then I make the point of order that the motion of the Senator from Colorado is out of order.

Mr. SHAFROTH. On what ground?

Mr. SMOOT. Upon the ground that there is no such bill before the Senate. It has not been laid before the Senate as yet, and the Senator can not make that motion.

Mr. SHAFROTH. It has been laid before the Senate. The motion of the Senator from Nebraska [Mr. HITCHCOCK] was to concur in the House amendment. That was the proceeding of about a month ago, and discussion was started on it.

Mr. SMOOT. The Senator from Nebraska, however, had no power to lay the message of the House before the Senate. The President of the Senate has not yet laid it before the Senate, and therefore the motion made by the Senator from Colorado is not in order. I make that point of order.

Mr. SHAFROTH. Well, Mr. President——

The VICE PRESIDENT. We shall have to see what the RECORD shows about that matter. The Chair recalls that when the message came over from the House of Representatives the Chair was requested to hold the message until the return of the Senator from Nebraska. Subsequently the Chair was requested to hold the message until both the Senator from Nebraska and the Senator from Colorado were in the Chamber at the same time, and whether or not it was ever handed down the Chair does not know. The RECORD must be examined. But it has been on the Presiding Officer's desk all the while.

Mr. SHAFROTH. Mr. President, on the 8th day of May the Senator from Nebraska [Mr. HITCHCOCK] rose and moved to concur in the House amendment. That motion was discussed to a limited extent, and it was laid aside on a proposition from the Senator from Rhode Island.

The VICE PRESIDENT. There is not any doubt about that having taken place, but whether or not the message was ever formally laid before the Senate the RECORD will have to show. The Chair has no recollection on the subject. The Chair will request the Secretary to look up the RECORD of the 8th of May and see.

Mr. SHAFROTH. If it was not laid before the Senate, I ask that it be laid before the Senate now.

The VICE PRESIDENT. It will be.

Mr. STONE. Let us first find out whether or not it has been laid before the Senate.

Mr. SHAFROTH. I will. The Secretary is looking that up right now.

Mr. LIPPITT. Mr. President, while the Secretary is looking up the RECORD in regard to that question, I think it is only reasonable for me to state to the Senate that I think the Senator from Colorado is in error in saying that this bill, or anything like it, has ever been reported to the Senate by any committee, or discussed by the Senate. As a matter of fact, the Philippine bill which was laid before the Senate, and was discussed and passed by the Senate and sent to the House, contained something like 20 amendments. There were something like 20 points in which that bill was very different from the bill that has now been returned here by the House. Many of those points go to the vital interests of the management of the Philippine Islands. They refer to provisions that have been

condemned by many of the responsible witnesses before the committee, and condemned in such a manner that the members of the Philippine Committee of the Senate unanimously agreed that there should be changes made in them.

Under these circumstances I think it is manifestly proper and, in fact, inevitable that the bill as now presented will lead to a very considerable discussion. Of course, it is within the power of the majority side of the Senate to decide which subject they wish to consider first. That is not the duty nor the privilege of this side of the Chamber. But inasmuch as the statement has been made here that this bill is something that has already been discussed and that it will take but a very short time to consider it, I think it is proper that I should state the conditions in the way I see them.

Mr. HARDWICK. Mr. President——

The VICE PRESIDENT. The Chair will state, for the information of the Senator from Colorado, that the Senator's recollection is correct. The message was laid down on the 8th of May—legislative day of the 5th.

Mr. HARDWICK. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator will state it.

Mr. HARDWICK. Under Rule IX, first in order and first to be entertained by the Senate is a motion to proceed to the consideration of an appropriation or revenue bill. Outside of the consideration of conference reports, that is a preferential motion in the Senate; and under that rule the Senator from Alabama was entitled to priority of recognition.

The VICE PRESIDENT. The Chair does not so believe. That rule is as follows:

> Immediately after the consideration of cases not objected to upon the calendar is completed, and not later than 2 o'clock, if there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order, beginning with the first subject on the calendar next after the last subject disposed of in proceeding with the calendar, and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:
>
> First. A motion to proceed to the consideration of an appropriation or revenue bill.
>
> Second. A motion to proceed to the consideration of any other bill on the calendar, which motion shall not be open to amendment.
>
> Third. A motion to pass over the pending subject, which, if carried, shall have the effect to leave such subject without prejudice in its place on the calendar.
>
> Fourth. A motion to place such subject at the foot of the calendar.
>
> Each of the foregoing motions shall be decided without debate and shall have precedence in the order above named, and may be submitted as in the nature and with all the rights of questions of order.

Does the Senator from Georgia contend that that rule has anything to do with the procedure after 2 o'clock?

Mr. HARDWICK. Undoubtedly. That is the way I construe it. I do not want to add to the confusion, though, by arguing it. I believe that at any time after 2 o'clock this procedure applies as I have suggested, just the same as before 2 o'clock.

The VICE PRESIDENT. The Chair does not read it that way. This is an off-hand guess, and the Chair does not know whether he is right or wrong; but the Chair does not so read it. That rule is applicable to procedure before 2 o'clock.

Mr. BANKHEAD. Mr. President, has the Philippine bill now been laid before the Senate?

The VICE PRESIDENT. It was before the Senate. There was an error about it. It has been before the Senate since the 8th day of May; and the motion of the Senator from Colorado, as the Chair understands, is to take it up and to agree to the House amendments. The Chair supposes the first question is whether the Senate will or will not consent to take it up.

Mr. BANKHEAD. Mr. President, I understand that under the rule the motion made by the Senator from Colorado can not be amended. In other words, I could not substitute another motion for it. Therefore my only remedy, in order to get the Post Office appropriation bill before the Senate, is to ask the Senate to vote down the motion of the Senator from Colorado; and if that motion is voted down then I shall ask the Senate to proceed to the consideration of the Post Office appropriation bill. When I get the bill before the Senate as the unfinished business I will be willing to have it laid aside temporarily for certain emergencies. That includes the understanding with the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. SHAFROTH. Mr. President, the notice of motion of the Senator from Nebraska [Mr. HITCHCOCK] has been on the calendar for days and days to the effect that the Philippine bill be taken up. We thought that an agreement of some kind was reached as to this bill when the river and harbor bill came up, but it was not. It seems to me that this bill, which has passed practically both Houses, ought to be taken up and considered now. I am willing to yield temporarily to the Senator from Oregon, and also for the Post Office bill, if it is taken up.

The VICE PRESIDENT. The question is on the motion of the Senator from Colorado that the Senate proceed to the consideration of the House amendments to what is known as the Philippine bill.

The motion was rejected.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. POINDEXTER presented the memorial of Mrs. S. J. Pettit and sundry other citizens of Vancouver, Wash., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Seattle, Wash., praying for the establishment of the Mount McKinley National Park in Alaska, which was referred to the Committee on Public Lands.

He also presented a petition of the Chamber of Commerce of Seattle, Wash., praying for the enactment of legislation to provide for the development of the Alaska oil lands, which was referred to the Committee on Public Lands.

He also presented a petition of the Chamber of Commerce of Seattle, Wash., praying for an appropriation for the establishment of a radio station at Seward, Alaska, which was referred to the Committee on Appropriations.

Mr. McLEAN presented a petition of the Pattern Makers' Association of Hartford, Conn., praying for the granting of an additional 15 days' leave of absence to employees of navy yards and arsenals, which was referred to the Committee on Naval Affairs.

He also presented a petition of Lodge Framat, No. 51, International Order of Good Templars, of Ansonia, Conn, and a petition of sundry citizens of Waterbury, Conn., praying that the United States remain at peace, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Common Council of Stamford, Conn., praying for the enactment of legislation to grant pensions to certain employees of the postal service, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Somers, Conn., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Mothers' Club of Bridgeport, Conn., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

Mr. HUSTING presented petitions of sundry citizens of Wisconsin, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Wisconsin, remonstrating against prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Wisconsin, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Wisconsin, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Wisconsin, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Wisconsin, praying for the enactment of legislation to prohibit appropriations for sectarian purposes, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Wisconsin, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Wisconsin, praying for the enactment of legislation to grant pensions to cer-

tain employees of the Postal Service, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Wisconsin, remonstrating against the enactment of legislation to make the Star-Spangled Banner the national anthem, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Wisconsin, remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Wisconsin, praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which were ordered to lie on the table.

Mr. LODGE presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. MYERS presented memorials of sundry citizens of Sanders County, Mont., remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. LIPPITT. I present a petition of the National Association of Woolen and Worsted Overseers, urging industrial preparedness for an early increase of tariff duties on imports. I ask that the petition be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the petition was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

INDUSTRIAL PREPAREDNESS.

PROVIDENCE, R. I., *May 20, 1916.*

The National Association of Woolen and Worsted Overseers is an industrial organization engaged in textile manufacturing and is nonpartisan in their attitude but thoroughly American in their patriotism and devotion to the best interests of these United States, and being desirous of expressing their opinions upon the great public questions of to-day, the most important of which, from their point of view, being the need of "industrial preparedness" against the evils resulting from the war in Europe and sure to follow its termination, appointed this committee of five members at their last annual meeting at Boston, Mass., in November, 1915, to prepare such resolutions for action at the next semiannual meeting at Providence, R. I., May 20, 1916, and we beg leave to submit the following as our report:

"Whereas the results of this great war in Europe as an industrial factor from an economic and competitive point of view, as applied to this country in a business way, is an unknown quantity, baffling the efforts of our keenest statisticians and ablest business men to form some safe conception of our national ability under present abnormal labor and wage conditions, with enormously increased overhead costs for everything entering into the manufacturing of goods of all kinds for sale here or abroad after the war ceases, when all the belligerent nations will of necessity have to immediately return to the pursuits of peace and industry, in order to provide for the payment in future of principal and interest upon their tremendously increased national debts; and

"Whereas the best interests of the 100,000,000 people living in these United States must be safeguarded without any further delay by our National Government at Washington, through the legislative functions of the Congress of the United States (our direct representatives), by the passage of such laws, or by changes in existing laws when found inadequate to provide us with proper protection, so as to prevent a threatened industrial or national disaster, through lack of industrial preparedness, which is as paramount as the strengthening of our Army and Navy for our common welfare, with which idea we are also in hearty accord; and

"Whereas we must collect many more millions of dollars to meet the greatly increased cost of a larger Army and Navy in some way not yet provided for, and our past experience has proved that the best way and the least expensive method for us is by the increase of duties on imports through out customhouses on goods entering into keen and close competition with the products of home industry and labor, as well as to reimpose duties again upon a larger percentage of goods imported than is now the rule (as 68 per cent of all the goods now imported are duty free), and the American people are not favorably disposed to a direct and unjust taxation as a means of collecting national revenues for our Government: Therefore be it

"*Resolved*, That we respectfully direct the attention of Congress to these patriotic recommendations, based upon past practical experience, and we urge an early increase of the tariff duties sufficient in its advance to insure us from an industrial invasion of the products of foreign countries, making this market their dumping ground for the sale of cheaper goods than we can possibly produce under present abnormal conditions here, which conditions may remain for some time to come, owing to high costs of living here and to other economic reasons, which threaten us with disaster unless the present tariff duties are raised beyond the danger line to prevent our exploitation by foreign manufacturers, and the recovery by their nations of the gold sent here during the past 21 months for war munitions and supplies, and we appeal to the Congress to substitute patriotism and true Americanism for partisanship, and not to apply theory against practical business experience, in order that our Government of the people and for the people may still endure and continue to prosper."

M. J. SHAUGHNESSY, *Worcester, Mass.*
J. G. BURNES, *Providence, R. I.*
F. W. PHELPS, *Oldtown, Me.*
WM. F. SCOTT, *Madison, Me.*
JOHN F. BOLGER, *Chairman, Germantown, Philadelphia.*

Mr. THOMPSON. I present a petition of the Colonial Dames of America, praying for the immediate adoption of such measures for national defense as shall enable the country to defend itself from invasion and attack. I ask that the petition be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

THE COLONIAL DAMES OF AMERICA,
167 East Thirty-fifth Street, New York City.

Whereas the Society of The Colonial Dames of America was created for the twofold purpose of holding in reverent remembrance those wise and valiant men who first established our free institutions and of helping to maintain and to perpetuate their ideals of liberty and justice; and

Whereas those ideals can flourish only under the conditions of honorable peace; and

Whereas to enjoy that peace we must be able to defend our liberties; and

Whereas it has lately become increasingly evident that we are not in any way prepared for such defense: Now, therefore, be it

Resolved, That this society advocates the immediate adoption, by the Government of the United States, of such measures for national defense as shall enable us, if need be, to resist aggression, and shall insure the security and independence of our country, and thereby make it possible for us to maintain our ideals and to fulfill those obligations and responsibilities which, as a Nation, we have assumed: And be it further

Resolved, That copies of these resolutions be sent to the President and Congress of the United States.

CLARA L. CHEESMAN, *President.*
E. B. BARROWE, *Secretary.*

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 4550) granting to the Portland, Vancouver & Northern Railway Co. a license to cross the Vancouver Barracks Military Reservation at Vancouver, Wash., reported it with amendments and submitted a report (No. 496) thereon.

He also, from the same committee, to which was referred the bill (S. 708) to make immediately available for the use of the State of Georgia in paying expenses incurred by said State in connection with the joint encampment held at Augusta, Ga., July 22 to 31, 1914, certain sums appropriated for arming and equipping the militia of said State, reported it without amendment and submitted a report (No. 497) thereon.

He also, from the same committee, to which was referred the bill (S. 5441) for the relief of the heirs of Albert Sidney Johnston, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

He also, from the Committee on Commerce, to which was referred the bill (S. 21) to authorize aids to navigation, and other works in the Lighthouse Service, and for other purposes, reported it with amendments and submitted a report (No. 495) thereon.

Mr. WARREN, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 5751) authorizing the addition of certain lands to the Wyoming National Forest, Wyo., reported it with an amendment.

Mr. THOMPSON, from the Committee on Privileges and Elections, to which was referred the bill (S. 5437) to further amend the act of Congress entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," approved June 25, 1910, to extend the same to elections for United States Senators and for presidential electors, and to regulate, control, and limit campaign and other contributions and expenditures in connection with such elections, and to define corrupt practices in connection therewith, and for other purposes, reported it with amendments and submitted a report (No. 498) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WEEKS:

A bill (S. 6212) authorizing the Secretary of War to sell certain magazine rifles; to the Committee on Military Affairs.

By Mr. McLEAN:

A bill (S. 6213) granting a pension to Esteller Barrows (with accompanying papers); to the Committee on Pensions.

By Mr. TAGGART:

A bill (S. 6214) granting a pension to Duncan F. Edwards (with accompanying papers);

A bill (S. 6215) granting an increase of pension to John Goldsmith (with accompanying papers); and

A bill (S. 6216) granting an increase of pension to John W. Bash; to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 6217) to adequately compensate commissioned officers of the United States Navy for length of service, and to grant to warrant officers allowances and privileges allowed other

officers of the United States Navy; to the Committee on Naval Affairs.

By Mr. OVERMAN:

A bill (S. 6218) increasing the limit of cost for the purchase of a site for the erection of a public building at Rockingham, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. LODGE:

A bill (S. 6219) providing for the appointment of civilian clerks in the Quartermaster Corps of the Army as pay clerks; to the Committee on Military Affairs.

By Mr. REED:

A bill (S. 6220) granting an increase of pension to Tillie E. Reeves (with accompanying paper); to the Committee on Pensions.

By Mr. WALSH:

A bill (S. 6221) amending section 140 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States"; to the Committee on the Judiciary.

By Mr. SMITH of Maryland:

A bill (S. 6222) to provide for admissions to the Government Hospital for the Insane, and for other purposes; to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FLETCHER submitted an amendment proposing to appropriate $10,000 for pursuing such experiments and investigations to determine the most practical means of extending the operations of the parcel post in the direction of promoting the marketing of farm products and furthering direct transaction between producers and consumers, intended to be proposed by him to the Post Office appropriation bill (H. R. 10484), which was ordered to lie on the table and be printed.

Mr. VARDAMAN submitted an amendment proposing to appropriate $5,000 for a national library for the blind in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 15774), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LODGE submitted an amendment providing that no officer shall be promoted to a higher grade on the active list of the Navy and Marine Corps except in the case provided in the next section until he has been examined by a board of naval surgeons and pronounced physically qualified to perform all his duties at sea, intended to be proposed by him to the naval appropriation bill (H. R. 15947), which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. OVERMAN submitted an amendment proposing to appropriate $12,500 for the purchase of a site and the commencement of a post-office building at Rockingham, N. C., intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was referred to the Committee on Appropriations and ordered to be printed.

THE JUDICIAL CODE.

Mr. SMITH of Maryland submitted an amendment intended to be proposed by him to the bill (S. 1412) further to codify, revise, and amend the laws relating to the judiciary, which was referred to the Committee on the Judiciary and ordered to be printed.

TREATMENT OF TUBERCULOSIS.

Mr. OVERMAN submitted the following resolution (S. Res. 206), which was referred to the Committee on Printing:

Resolved, That the manuscript submitted by the Senator from North Carolina [Mr. OVERMAN] entitled, "Animal Experiments upon the Acquirement of Active Immunity by Treatment with Von Ruck's Vaccine against Tuberculosis," by Frank J. Clemenger, M. D., Asheville, N. C., and Dr. F. C. Martley, M. A., M. D., Cambridge, England, be printed as a Senate document.

HOUSE BILL REFERRED.

H. R. 15774. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

POST OFFICE APPROPRIATIONS.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of House bill 10484, making appropriations for the Post Office Department.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes, which had been reported from the Committee on Post Offices and Post Roads with amendments.

Mr. BANKHEAD. Mr. President, I ask unanimous consent that the bill may be temporarily laid aside.

The VICE PRESIDENT. Is there objection?

Mr. CHAMBERLAIN. I am not going to object to that, of course. So far as I am personally concerned, I would be ready to take up the Oregon-California bill; but I hardly think it would be fair to the Senate, because the report has not been printed. It will be printed, though, by to-morrow morning, and I should like to take it up on Wednesday morning, when the Senate next convenes.

The VICE PRESIDENT. Is there any objection to laying aside temporarily the Post Office bill?

Mr. LIPPITT. I object, Mr. President.

The VICE PRESIDENT. There is an objection to laying it aside temporarily.

Mr. BANKHEAD. Mr. President, as the Senator from Oregon is not ready to proceed with the Oregon land-grant bill, I shall ask the Senate to proceed with the consideration of the Post Office bill. I ask that the formal reading of the bill be dispensed with and that the Senate proceed to the consideration of Senate committee amendments.

The VICE PRESIDENT. The Senator from Alabama asks that the bill be read first for Senate committee amendments, and that the formal reading of the bill be dispensed with. Is there any objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Post Offices and Post Roads was, under the subhead "Office of the Postmaster General," at the top of page 2, to insert:

The Postmaster General is hereby authorized to have prepared the necessary plans and specifications and to enter into a contract or contracts for the construction of a reinforced concrete and all-glass, factory-type, fireproof building for the use of the Post Office Department equipment shops, such building to contain approximately 70,000 square feet of floor space; and sufficient land in the city of Washington, D. C., may be acquired, if necessary, by the Postmaster General, by purchase or condemnation, upon which to erect such building; and for the purpose of the purchase of said land and the construction of said building $200,000 is hereby appropriated and made available, out of any money in the Treasury of the United States not otherwise appropriated.

Mr. BANKHEAD. Mr. President, if any Senator desires information with reference to this amendment, I shall be glad to give it.

Mr. SMOOT. I should like to have whatever information the Senator has in regard to it.

Mr. BANKHEAD. I will ask the Secretary to read a letter from the Postmaster General in relation to this amendment. It gives the information in more precise form than I could.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

POST OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER GENERAL,
March 24, 1916.

I wish to call your attention to the inclosed House Document No. 103, containing copy of a letter I addressed to the Secretary of the Treasury in regard to an estimate for $200,000 for the construction of an equipment-shop building for the Post Office Department, which estimate was transmitted to the Speaker of the House of Representatives. Your attention is also called to bill H. R. 6827, introduced by the chairman of the Committee on Public Buildings and Grounds, which would authorize the Postmaster General to construct such building.

I understand that the Committee on Public Buildings and Grounds will make a favorable report on the bill, but that as yet the committee is undecided as to whether or not there will be a public buildings bill at this session of Congress. The need of the enactment of such legislation at this session is very urgent, and I do not want the possibility of there being no public buildings bill to interfere with the construction of a shop building by the department. I therefore have to request that you insert bill H. R. 6827 as a proviso in the Post Office appropriation bill, on page 1, after line 10, as introduced into the Senate, so that the paragraph as amended will read as follows, beginning at line 8:

"For rent of suitable buildings for the use of the Post Office Department, including the mail-bag repair shop, lock repair shop, and the Division of Equipment, $32,000: *Provided*, That the Postmaster General is authorized to have prepared the necessary plans and specifications and to enter into a contract or contracts for the construction of a reinforced-concrete and all-glass factory-type fireproof building for the use of the Post Office Department equipment shops, such building to contain approximately 70,000 square feet of floor space; and sufficient land in the city of Washington, D. C., may be acquired, if necessary, by the Postmaster General, by purchase or condemnation, upon which to erect such building; and for the purposes of the purchase of said land and the construction of said building $200,000 is hereby appropriated and made available, out of any money in the Treasury of the United States not otherwise appropriated."

Inasmuch as the office of the Supervising Architect will be unable to prepare plans and specifications for such building, the Secretary of the Treasury has suggested that this department request legislation in the above form, so as to authorize the construction by the Postmaster General.

Hearings were held by the Committee on Public Buildings and Grounds, at which time the chief clerk for the Post Office Department appeared in behalf of the bill. A copy of the hearings is inclosed.

A. S. BURLESON,
Postmaster General.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 5, line 11, after the words "civil-service employee in," to strike out "the Postal Service" and insert "post offices of the first and second classes," so as to make the clause read:

That hereafter the Postmaster General shall have authority to employ acting employees in place of all employees or substitutes hereinafter mentioned who are injured while on duty, who shall be granted leave of absence with full pay during the period of disability, but not exceeding 1 year, then at the rate of 50 per cent of the employee's salary for the period of disability exceeding 1 year, but not exceeding 12 months additional, and the Postmaster General is authorized to pay the sum of $2,000, which shall be exempt from payment of debts of the deceased, to the legal representatives, for the benefit of wife, children, or dependent relatives, of any railway postal clerk, substitute railway postal clerk, supervisory official of the Railway Mail Service, post-office inspector, letter carrier in the City Delivery Service, rural letter carrier, post-office clerk, special-delivery messenger, post-office laborer, or any classified civil-service employee in post offices of the first and second classes who shall be killed while on duty, or who, being injured while on duty, shall die within one year thereafter as the result of such injury: *Provided*, That no compensation shall be paid any such employee for any injury occasioned by his own negligence. To enable the Postmaster General to carry out the provisions of the above, $234,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 19, to insert:

For compensation of a special assistant to the Attorney General to assist in the defense of cases against the United States arising out of the transportation of the mails, and in other cases and matters affecting the postal revenues, $6,000.

Mr. SMOOT. Mr. President, in the first place, I do not think this amendment ought to be in this bill. In the second place, I notice that it carries a compensation of $6,000 for a special assistant to the Attorney General. The Solicitor for the Interior Department, under the Department of Justice, receives a salary of $5,000. The Solicitor for the Post Office Department receives only $5,000. The Solicitor of Internal Revenue receives $5,000. The Solicitor for the Department of State receives $5,000. This provision authorizes the appointment of a special assistant to the Attorney General at a salary of $6,000, $1,000 more than the solicitors for any of the departments receive. The item should rightfully come in an appropriation bill where all the salaries of all the other employees in the departments are provided for.

I will ask the Senator if he will not allow the amendment to be disagreed to and let the provision come in a regular appropriation bill. Not only that; whoever may be selected certainly should not receive a greater salary than the Solicitor General of the State Department or of any of the other departments of the Government.

I want to say to the Senator and to the Senate that just as sure as this item becomes a part of the bill for this particular position carrying $6,000 there will be a demand upon the Committee on Appropriations next year to increase the salary of every solicitor of every department of the Government, and what excuse can be given for denying it? How can we say that the Solicitor of the State Department should have only $5,000 and then provide for paying $6,000 to a man acting virtually as an assistant?

Mr. BANKHEAD. Mr. President, I should like to have the Secretary read a letter from the Postmaster General, which furnishes perhaps the best explanation that can be given as to why this position should be filled at this salary. It is not a new position; it is not a new salary provided. The Assistant Attorney General now has a salary of $6,000 a year. The only purpose of this amendment is to transfer this Assistant Attorney General at $6,000 to the service of the Post Office Department to act especially in the Court of Claims and Supreme Court. The only purpose of the amendment is to provide that the salary shall be paid from the Post Office appropriations instead of being paid out of the appropriations for the Department of Justice.

I should like to have the letter from the Postmaster General read, if the Senator from Utah will yield long enough for that purpose.

Mr. SMOOT. I will wait until the letter has been read.

The VICE PRESIDENT. The letter will be read.

The Secretary read as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., March 11, 1916.

Hon. J. H. BANKHEAD,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

MY DEAR SENATOR BANKHEAD: The large number of important suits filed against the United States by railroad companies and other engaged in the transportation of the mails made advisable the appointment of a special assistant to the Attorney General, who should be specially qualified, by reason of administrative knowledge of the service of the Post Office Department, as well as otherwise, to assist in the defense of the United States in such cases. Accordingly, on the 1st of September, 1915, such an appointment was made by the Attorney General at a salary of $6,000 per annum, payable out of the appropriation for "Pay of special assistant attorneys" under the Department of Justice.

Inasmuch as the work of this officer of the Department of Justice is concerned with suits arising out of the Postal Service, and as his duties make him an adviser of the Postmaster General in regard to the questions involved in these actions, it would seem appropriate that his compensation be provided for in the bill for the service of the Post Office Department. I therefore have the honor to suggest that the following provision be inserted in H. R. 10484, after line 6, on page 22, of the first Senate committee print, namely:

"For compensation of a special assistant to the Attorney General to assist in the defense of cases against the United States arising out of transportation of the mails, and in other cases affecting the postal revenues, $6,000."

Sincerely, yours,

A. S. BURLESON,
Postmaster General.

Mr. SMOOT. Mr. President, I wish to say to the Senator from Alabama having the bill in charge that we might just as well appropriate money for the payment of the salary of the Solicitor for the State Department, the salary of the Solicitor for the Department of the Interior, the salary of the Solicitor for the Internal Revenue Bureau out of the funds of the departments named as to have this particular employee paid from the funds of the Post Office Department. It has always been the practice of the Government to pay the solicitors out of the funds appropriated for the Department of Justice. They have always been under the charge of the Attorney General and all appropriations that have been made have been paid from appropriations made to the Department of Justice.

It seems to me, if the letter of the Postmaster General is correct, we are making a duplicate appropriation. If the position has been appropriated for it must have been in the legislative, executive, and judicial appropriation bill, which has already become a law.

Mr. BANKHEAD. There never has been any specific appropriation for this purpose. It is simply paid out of a lump sum.

Mr. SMOOT. That is one of the evils of the lump-sum appropriations that I have spoken of so often.

Mr. BANKHEAD. I am just trying to keep the record straight.

Mr. SMOOT. I am quite sure the Senator does not believe that this position ought to carry a higher salary than the position of Solicitor for the State Department.

Mr. HARDWICK. I think we can give good reasons why.

Mr. SMOOT. I should like to hear the reasons.

Mr. HARDWICK. If the Senator will permit me, I will state them now.

Mr. SMOOT. I will yield to the Senator. I would prefer that he should state now what the reasons are.

Mr. HARDWICK. I think there is a reasonable explanation for this proposition. Let us get the facts plainly before us. In the first place this office is now held by the former Second Assistant Postmaster General, Mr. Stewart. He is paid, as the Postmaster General says, out of an appropriation for the pay of special assistant attorneys in the Department of Justice and is assigned by that department to the Post Office Department for certain work described by the Postmaster General in his letter.

The facts are these: Mr. Stewart is the greatest expert in the employ of the Government in that particular kind of cases. He is a very great expert about this class of cases, in which he has dealt for so many years.

The business of the Post Office Department, of the character described in the letter referred to, is very heavy, and it is especially heavy now, and has been especially heavy recently, in view of pending questions connected with the adjustment of railway mail pay. The railroad companies of this country have had the most brilliant talent that unlimited funds could employ, and we feel that probably a salary of $6,000 should be allowed Mr. Stewart in this case. We believe that the talent and industry with which this gentleman has served the Government fully warrant and justify it.

I think it required that sort of an explanation to let the Senator understand why we insist on it, or why we agreed to the departmental recommendation with respect to it. We believe that it is real economy to allow the department to employ the very best expert within the reach of the Government and within its means. For that reason and because of the especial service rendered necessary at this time we thought the recommendation of the department should be granted.

Mr. SMOOT. I still state that this is a duplicate appropriation.

Mr. HARDWICK. Will the Senator yield to me just there? Probably I did not cover all the ground. Undoubtedly if this amendment is retained in the Post Office appropriation bill that much more money will be available for the Department of Justice and they may employ another man. But the Post Office Department contends, and I think correctly, and I believe the Senator will agree with me that this man has devoted himself to this particular kind of work exclusively in the employment of that department and it is proper his salary should be paid out of the postal funds. If on that account $5,000 or $6,000 per annum is left unexpended in the Department of Justice, of

course, there will be no duplication in the expenditure. Whether or not the Department of Justice will try to appoint another man I do not know; the committee can not deal with that. It seems that the committee that handles the sundry civil appropriation bill or the legislative, executive, and judicial appropriation bill ought to look after that.

Mr. SMOOT. I will assure the Senator right now that every cent of the lump appropriation provided for in the legislative, executive, and judicial appropriation bill will be spent before June 30, 1917.

Mr. HARDWICK. Of course, the Senator understands——

Mr. SMOOT. I say that, Mr. President, from the past experience I have had in the appropriation of money for any of the departments of the Government in lump sums.

Mr. HARDWICK. I quite agree with the Senator on that general proposition, but owing to the fact that this great expert is devoting himself to the Postal Service, in this particular kind of work, where there is a special need for his services now, he ought to be paid out of this appropriation and in connection with this bill I do not believe can very well be denied by the Senator.

Mr. SMOOT. I think that in the past he has been paid out of the lump-sum appropriation for doing exactly the same work and I see no reason why he can not continue to be paid in that way. I say frankly to the Senator that when the Committee on Appropriations were considering the legislative appropriation bill they knew nothing of this special position. I know Gen. Stewart very well. I know his ability as an attorney and his familiarity with these questions.

There is no question but that we have in the department men of the highest attainment, not only in the law but in the business affairs of the land that draw salaries not exceeding $5,000 per annum. No doubt the Senator remembers of my referring to some of them at different times. I called attention to such men as the Commissioner of Indian Affairs receiving a salary of only $5,000. The result of a direct appropriation of this kind for this particular work will be that when the next appropriation bill comes before the Appropriations Committee the heads of the departments will insist upon an increase in the salaries of the solicitors for their departments. They will insist that they receive $6,000 a year and will point to this very case as a justification.

Mr. GALLINGER. Mr. President, I will ask the Senator if he knows an exception to the rule that when a larger salary is given to a person who occupies a position similar to that of several others the others immediately ask that they shall have their salaries increased to the maximum, giving as a reason that they are entitled to it quite as much as the man who receives it.

Mr. SMOOT. I can not remember of a case in any of the departments where that has not happened; and to be frank, Mr. President, I have always felt like there was justice in their demands.

Mr. GALLINGER. That is true.

Mr. THOMAS. That is human nature.

Mr. SMOOT. There have been a few cases where a position has been hold at a salary larger than perhaps would be ordinarily paid, but it was specifically stated in the bill that it should only apply as long as the present incumbent lived. That only happens where a man has been faithful in a certain position of great responsibility for 20 or 30 years. At present I do not know of a case that is thus provided for in our appropriation bills. I think the late financial clerk of the Senate was the last one who was so mentioned.

I really believe, Mr. President, that this is a bad precedent to establish. By all odds I would prefer to allow it to go on the way it is going and pay Gen. Stewart $6,000 from the lump sum. We have already appropriated the money for the position and it has been paid from a lump-sum appropriation in the past. It would not make any difference to the department if continued, but it will make a great difference to the Committee on Appropriations when they are called upon to consider the next legislative, executive, and judicial appropriation bill.

I appeal to the Senator having the bill in charge to allow this amendment to be disagreed to. I would not ask it if it was going to affect Gen. Stewart. I can testify as to his ability and recognize his faithful services as any Senator in the Chamber. I know what work he has been doing, and I know he will continue to do it; but this amendment will come back to plague us in the future, and I ask that it be disagreed to.

Mr. HARDWICK. Mr. President, I want to say only a word or two more in justice to the committee. I think I ought to reiterate the committee's position that this is an exceptional case. We are not always readjusting a great system of pay for the railroads of the country for hauling the mails. When the pay is once readjusted, it will stay readjusted. We do not expect this thing to recur. We do think that just at this time, when the railroad companies are represented by the most brilliant legal talent that limitless funds can hire, and they are urging with skill and force and tremendous ability their contention on questions relating to railway mail pay, there is a special and exceptional reason why this exceptional thing, if it is exceptional, ought to be done now, during the pendency of that controversy and only during its pendency. It seems to me it ought to cease immediately with the settlement of this question.

Mr. SMOOT. Does the Senator claim that it will in any way interfere with the work of Gen. Stewart if this amendment is stricken from the bill?

Mr. HARDWICK. I will answer the Senator in this way about it. The Post Office Department, I think, has had the services of Gen. Stewart in his present capacity for only a few months, since the resignation of Mr. Otto Praeger. It is not an old thing; it is a very recent thing. The Department of Justice agreed to let them have one of these special attorneys, although they had already an Assistant Attorney General for the Post Office Department. The Department of Justice is under no obligations to continue this. For some reason the Postmaster General seems to think that he could not provide for Gen. Stewart otherwise except by the adoption of this amendment, and we really felt that it would be a calamity to the Government and to the department not to keep him, and unless this amendment is agreed to we were afraid it could not be done.

Mr. SMOOT. I will say to the Senator the appropriation has been made in a lump sum to take care of every one who is in the employ of the Department of Justice, and we gave the Department of Justice every cent that they asked. The Committee on Appropriations did not restrict that department in any way. If the Senator will look up the bill he will find we gave an increase in numbers of employees and appropriations.

Mr. HARDWICK. If the Senator will pardon me, I will suggest this possibility about it. If the Attorney General and the Postmaster General have an understanding that the Postmaster General will take care of this salary for Gen. Stewart and it is not included in this bill and we cut this amendment out, then we may lose the services of this man, and we can not afford to do it.

Mr. SMOOT. We can not afford to do it, and I would not do it.

Mr. HARDWICK. That is the reason why we urge it.

Mr. SMOOT. But I assure the Senator with all the assurance I can give, and it would almost go to a promise, that if the Government of the United States did not pay him I would. If this amendment is disagreed to Gen. Stewart will be employed just as he is employed to-day, and he will be paid out of the lump-sum appropriation.

Mr. HARDWICK. I merely wish to suggest to the Senator that Gen. Stewart is now trying a case for the department in the Court of Claims which involves $40,000,000. We can not afford to run any risk on that. If the Senator could be absolutely positive from his knowledge of the other bill that came from his committee that Gen. Stewart is already provided for and we were going to retain his services whether the amendment was adopted or rejected, I would not care whether he was paid out of this fund or not, but we think otherwise; at least we fear it.

Mr. SMOOT. That will never happen.

Mr. HARDWICK. We would have no assurance of it, and we do not want to run any risk. I do not think the Senator ought to insist upon his opposition to the amendment, because we can not afford to run any risk just at the present time of losing the invaluable services of Gen. Stewart in connection with these cases and with the particular work upon which he is engaged, as set out in the letter of the Postmaster General.

Mr. VARDAMAN. If the Senator will pardon the suggestion, if the facts stated by the Senator from Utah can be established before the conference committee——

Mr. HARDWICK. We will strike it out.

Mr. VARDAMAN. There will be no trouble in striking it out.

Mr. HARDWICK. I think that is a very good solution.

Mr. VARDAMAN. This is an office created for the man, not a man for the office. This man's services are especially needed, and it was agreed by the committee that he ought to be retained in the service, and that this was the most direct and satisfactory way of doing it. If the Members of the other House are in possession of the facts, which the Senator has just suggested may exist, there will be no trouble about eliminating the provision.

Mr. SMOOT. Mr. President, I will say to the Senator that this is not an exceptional case in the sense that we have already admitted that it was, for there are hundreds of appropriations which have been made, just as this is made, to fit a certain condition.

Mr. VARDAMAN. If that certain man is to perform a certain duty or a certain function, the Government makes a very good investment by taking that man.

Mr. SMOOT. Yes; but in this case the Government is already employing him, and the Government will continue that employment. He will do the exact work under the law as it now stands.

Mr. VARDAMAN. If the Senator from Utah were absolutely sure about that, I should agree with the Senator that the provision ought not to remain in the bill, but the Senator is not absolutely certain about it.

Mr. SMOOT. Mr. President, I can not say any more than I have said, but I am positive of it; there is no question of it in my mind.

Mr. HARDWICK. Mr. President, I do not think I need take up the time of the Senate any longer. Permit us to have the amendment agreed to, and if we find that the Senator from Utah is right we will strike it out in conference.

Mr. REED. Mr. President, I am willing to leave the form that this matter shall take to the Post Office Committee, but I can not refrain from saying just a word.

I do not believe in jobs that only one man can perform. I heard an Irishman say one time with reference to a situation of that sort, when it was urged that only one man could fill a position, that, if that were the case, we must immediately abolish the job, because some day that man would die and the country would be in a terrible condition.

I am not impressed with the wonderful ability of the so-called Gen. Stewart, a title that he gets by courtesy because he was for a long time Fourth Assistant Postmaster General.

Mr. HARDWICK. Second Assistant Postmaster General.

Mr. REED. I believe he has gravitated from Fourth Assistant Postmaster General to Second Assistant Postmaster General, and then perhaps to some other position. I believe that this gentleman has been kept in the Government service through some extraordinary favoritism. He used to practice law in my town, just across the hall from me; and if he possessed any remarkable ability or any latent germs that might bud and blossom and bring forth the fruitage of extraordinary talent, then the fact was entirely concealed from the members of the profession to to which he belonged.

Mr. HARDWICK. Will the Senator from Missouri pardon me for just a moment?

Mr. REED. Yes.

Mr. HARDWICK. What I meant to say was—I may have been extravagant in the compliments I have paid to Mr. Stewart—that Mr. Stewart had great familiarity with these questions, in which the Government is obliged to have an expert. There is no doubt about that, I will say to the Senator, whatever may be the fact as to his natural ability.

Mr. REED. I think Mr. Stewart has had a good deal to do with a good many things. I remember one of the first tasks I had to perform after arriving here in Washington was to listen to the complaints of the editors of certain great agricultural newspapers who had been summoned or who had had issued against them orders to show cause why their papers should not be denied the privileges of the second-class mail. I am sorry that both the chairman of the committee and his able assistant have vanished from the Chamber. When I got through hearing the evidence which these gentlemen had to produce I made up my mind that the solitary offense of which these editors of agricultural papers had been guilty was not a violation of the postal laws, but the fact that they had printed a Democratic article in their papers shortly before the election. I remember that a large number of Representatives and several Senators went down to attempt to right that wrong, and found that it was based upon a construction of the law which was so arbitrary and so unjust that after some discussion it was hastily abandoned.

It may be that this indispensable gentleman, this man who manages to hold through all administrations and in all positions, is so essential to the Government that we can not get along without him. If it is necessary to appropriate this $6,000, I am willing to have it appropriated; but not upon the theory that Mr. Stewart is the only man in the United States who can do this work, for I undertake to say that any good lawyer can master every question that has to be presented and can put forward the Government's side in a forceful and complete manner, and that none of these alleged great experts employed by the railroads will have any advantage over a lawyer who is devoting his entire time to the preparation of these particular questions.

Mr. HARDWICK. Mr. President, if the Senator from Missouri will yield for just a moment—I do not want to disturb him, because I surely do not want to prolong the debate—I will say that I think the Senator would be right, probably, if the man had anything like the preparation and training that Mr. Stewart has had; but I will say to the Senator that the particular work upon which Mr. Stewart is engaged is of such a character that, after some little examination of the questions myself—questions so intricate and so involved, with so many angles to them—I am of the opinion that a first-class lawyer could not do this work without a good many years of preparation.

Mr. REED. Of course, I do not want to prolong the discussion. Indeed, I should have been through before now if I had been allowed to drift along in my own mild way. The railroad lawyers who will be here to argue this proposition are lawyers in active practice, having hundreds of different propositions to handle. The man who represents the Government, if he be employed on this business alone, can speedily place himself in a position to meet whatever demands the railroads bring.

It may be that Gen. Stewart has great familiarity with the subject; but I have seen many men possessing great familiarity with a subject who could not handle it half so well as some man of superior talents who had been on the ground only a few hours. So I am not in favor of this proposition because it is going to take care of Gen. Stewart. If it is necessary to have the money, well and good; but I hope that the Senate of the United States will not commit itself to the doctrine that Gen. Stewart is indispensable to the welfare of the American Republic.

Mr. OVERMAN. I have just come in, and I desire to ask, Is the proposition to pay Mr. Stewart $6,000?

Mr. BANKHEAD. Yes.

Mr. OVERMAN. I doubt whether, if we pay him at all, we should pay him more than we are paying the Solicitor of the Post Office Department, the Solicitor of the Treasury Department, or the Solicitor of the Agricultural Department.

Mr. HARDWICK. He is getting that salary already, because he is doing the work of a special attorney.

Mr. OVERMAN. I understand he is being paid out of a lump-sum appropriation, and I am opposed to lump-sum appropriations. It is now proposed to fix his salary; but we ought not to fix it at an amount greater than is paid Assistant Attorneys General.

Mr. HARDWICK. I am sorry the Senator was not here when I tried to give the reasons for the amendment.

Mr. THOMAS. Did I understand the Senator to say that Gen. Stewart received pay in addition to the $6,000?

Mr. HARDWICK. No; the Senator did not understand me to say that. He is being paid by the Department of Justice from a lump sum, $6,000.

Mr. THOMAS. The same amount which he will get under this provision?

Mr. HARDWICK. Yes; but he will be paid through the Post Office Department.

For the benefit of the Senator from North Carolina, I am glad to state for the committee that Mr. Stewart is in charge of all the Government's contentions with respect to important questions that are now acute relating to railway mail pay. He has in charge one case before the Court of Claims growing out of that matter, and involving, I think, $40,000,000, in connection with what is called the divisor question. Just at present that question is before Congress, and it involves immense sums to the Government, to the railroads, and to the public; and so, as to this man, with years of experience and years of training in connection with this question, there are reasons why the compensation is not at all too great.

Mr. OVERMAN. What salary did he get as Second Assistant Postmaster General?

Mr. HARDWICK. I think the Senator probably knows as much concerning the salaries of Government officials as I do. I presume he got $5,000.

Mr. OVERMAN. He got the same salary as the other Assistant Postmasters General of the department got. He did every particle of the work which it is said he is doing now for $5,000 and had a more responsible position; and it is proposed to pay him now more than is paid the First Assistant Postmaster General, the Second Assistant Postmaster General, or the Third Assistant Postmaster General.

Mr. HARDWICK. If the Senator will pardon me, during the time when Gen. Stewart was Second Assistant Postmaster General, this question was not acute in the form it is now.

Mr. OVERMAN. I understand the reason why Gen. Stewart was retained in office was because he knew more about this matter than anybody else.

Mr. HARDWICK. I understand that there are other things of moment which the Second Assistant Postmaster General attends to besides the question of railway-mail pay.

Mr. OVERMAN. If we increase his salary, does not the Senator think we ought to increase the salary of the Assistant Postmasters General?

Mr. HARDWICK. No, sir. In the first place, we do not increase his salary at all.

Mr. OVERMAN. Yes; it is proposed to promote him to $6,000 instead of $5,000.

Mr. HARDWICK. If we should strike this amendment from the bill, he would get $6,000 anyhow.

Mr. OVERMAN. How?

Mr. HARDWICK. From the Department of Justice.

Mr. OVERMAN. He can only get it because he is paid from a lump-sum appropriation.

Mr. HARDWICK. That is how he does get it.

Mr. OVERMAN. Then, he is on an annual basis. Such appropriations are made from the 1st of July of one year to the 1st of July of the next year.

Mr. HARDWICK. That is all the time this appropriation continues in force.

Mr. OVERMAN. The departments can pay salaries of $10,000 out of lump-sum appropriations. They sometimes take lump sums and pay an employee $3,000 whose salary has been fixed at $2,000. I am opposed to paying the salaries of men out of lump-sum appropriations.

Mr. HARDWICK. Six thousand dollars is the amount of salary Congress has provided for in this particular case, and it is now being paid from a lump-sum appropriation by the Department of Justice.

Mr. OVERMAN. When it comes to fixing salaries, I will say to the Senator, if he will pardon me, that we ought not to fix them greater in this bill than we do in the legislative appropriation bill.

Mr. VARDAMAN. That is just what this does. It is not a lump sum and the salary is fixed.

Mr. OVERMAN. That is what I am protesting against.

Mr. VARDAMAN. It fixes his salary at just what he is receiving now.

Mr. OVERMAN. That is what I am protesting against. We have a legislative bill to fix the salaries of all the officers of departments, but in this case they had a lump-sum appropriation, and from the lump-sum appropriation they employ this man and pay him more money than he was getting before for doing the same work; and here comes in another appropriation bill proposing to fix his salary at $6,000.

Mr. HARDWICK. If the Senator will pardon me, I do not want to go over the ground again.

Mr. OVERMAN. I am sorry I was not here, and I beg the Senator's pardon.

Mr. HARDWICK. I am willing, however, to do it for the Senator's benefit. The situation is different from what the Senator imagines. Gen. Stewart is not doing the same work. The question of railway mail pay has become acute. Congress is about to enact legislation one way or another concerning this matter in this bill. Before we get through the committee will submit a proposition looking to a thorough investigation of that question by the Interstate Commerce Commission. The railroads will be represented by lawyers of skill and ability and experience in these questions. They have unlimited funds, or practically so, I presume, with which to pay those attorneys. Mr. Stewart has had years of experience, and he seems to have, so far as the committee can judge, exceptional ability and knowledge of this question, and we thought that for the present it was well to make this provision. I will say to the Senator frankly that as soon as we can get through with this question of railway mail pay, and that matter has been adjusted, I will agree with him thoroughly. I agree with every sentiment that he has uttered in regard to general rules of this kind; but it does seem to me, as it seemed to all the members of the committee, that this was an exceptional case because of the conditions surrounding the question of railway mail pay and railway mail transportation, at this particular time, and the great controversy that is now raging about them.

Mr. OVERMAN. I will ask the Senator if the question of space has been passed upon by the committee?

Mr. HARDWICK. The committee has recommended that the whole matter be investigated by the Interstate Commerce Commission——

Mr. OVERMAN. That is under consideration now?

Mr. HARDWICK. And that the department and the railroads go there to argue the question out. Of course, we will come to that later.

Mr. OVERMAN. I am not going to take any time on this question now, because there are very few Senators present, and I want this bill to proceed; but I did want to protest against this kind of legislation, for if you provide for a man in one bill and for another man in the same department in another bill, what is the use of having a legislative appropriation bill?

Mr. HARDWICK. Abstractly I quite agree with the Senator. He is absolutely right—unequivocally right—and yet I say to him, after a careful study of this question, that I think this is such an exceptional case and the circumstances are so exceptional that the interests of the Government require that the action recommended by the committee be taken in this instance. That is all.

Mr. BANKHEAD. Mr. President, I think perhaps the Senator from North Carolina does not quite understand this particular case. Gen. Stewart was Second Assistant Postmaster General and during that time for 15 years he dealt largely with railway mail pay questions. In his present position, however, he has nothing to do with the Second Assistant Postmaster General's office, but represents the Post Office Department in the Court of Claims and other courts, and recently he appeared in the Supreme Court of the United States.

Mr. OVERMAN. You do not need an Assistant Attorney General, then, for that purpose?

Mr. BANKHEAD. I do not care what you may call him.

Mr. OVERMAN. We have an Assistant Attorney General, as the Senator knows, who does all that.

Mr. BANKHEAD. But he does not do it as to this particular question. He, like many other great lawyers, does not understand all questions, and it seemed to the committee that it would be well to make this provision. This is an annual appropriation, it is true, but whether it stays in this bill or goes out, the salary of the office will be the same and the amount of money received will be the same. The committee thought—and it seems to me that that is a reasonable conclusion—that if he was under the control and jurisdiction of the Post Office Department representing alone the Post Office Department in the courts of the United States, including the Court of Claims and the Supreme Court of the United States, his salary ought to be paid from the Post Office appropriation bill. That is the only purpose of this item, and it seems to me there should be no objection to it.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I should like to ask the Senator having the bill in charge if he will not consent to adjourn at this time. We have been meeting at 11 o'clock every day; this is the eve of Decoration Day, and there are very few Senators present.

Mr. BANKHEAD. I am very glad, indeed, to agree to the suggestion of the Senator from Utah, and I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 38 minutes p. m., Monday, May 29, 1916) the Senate, under the previous order, adjourned until Wednesday, May 31, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 29, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Infinite Spirit, for the sublime faith which enables us to see back of all that we perceive with our physical senses a supreme Intelligence, a moral order, a spiritual realm, the kingdom of heaven. Help us to enter in and possess that realm that we may live in Thee, through Thee, to the larger life and render to our fellow men a truer, nobler service, after the manner of the Christ. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of Saturday, May 27, was read and approved.

JEFFERSON DAVIS.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent that on next Saturday, June 3, I be permitted to address the House for 15 minutes, the occasion being the anniversary of the birthday of Mr. Jefferson Davis.

The SPEAKER. The gentleman from Louisiana [Mr. ASWELL] asks unanimous consent that on next Saturday, after the reading of the Journal and the clearing up of the business on the Speaker's table, he be allowed to address the House to not exceed 15 minutes, it being the anniversary of the birthday of Jefferson Davis. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. MANN. Mr. Speaker, I ask unanimous consent to modify the order under which we are operating, to the extent of allowing general debate to proceed so that the gentleman from Tennessee [Mr. PADGETT] shall have 1 hour and 20 minutes and the

gentleman from Pennsylvania [Mr. BUTLER] 1 hour and 20 minutes to-day, and that general debate shall close at the end of that time.

The SPEAKER. Does that mean at the end of this general debate or at the end of the whole thing?

Mr. MANN. It means now. It will extend it a little time beyond the time fixed by the rule.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the order heretofore agreed to shall be modified to such an extent as to allow the gentleman from Tennessee [Mr. PADGETT] 1 hour and 20 minutes and the gentleman from Pennsylvania [Mr. BUTLER] 1 hour and 20 minutes. Is there objection? [After a pause.] The Chair hears none.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3606. An act for the relief of contributors of the Ellen M. Stone ransom fund; to the Committee on Claims.

JEFFERSON DAVIS.

Mr. KINCHELOE. Mr. Speaker, next Saturday, as we know, is the anniversary of the birth of Jefferson Davis, who was born in my district. I ask unanimous consent that immediately after the reading of the Journal and immediately after the address of the gentleman from Louisiana [Mr. ASWELL] I be permitted to address the House on the life and character of Jefferson Davis and make some observations as to the Southern Confederacy.

The SPEAKER. How much time does the gentleman desire?

Mr. KINCHELOE. It will not take long; 20 minutes.

The SPEAKER. The gentleman from Kentucky [Mr. KINCHELOE] asks unanimous consent that on next Saturday, after the conclusion of the remarks of the gentleman from Louisiana [Mr. ASWELL], he be allowed to address the House for 20 minutes on the life and character of Jefferson Davis, who was born in his district. Is there objection? [After a pause.] The Chair hears none.

ADDRESS OF PRESIDENT WILSON.

Mr. COX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech of the President delivered Saturday night at the peace meeting in Washington.

The SPEAKER. The gentleman from Indiana [Mr. COX] asks unanimous consent to extend his remarks in the RECORD by printing a speech by the President of the United States delivered last Saturday evening at the peace meeting. Is there objection?

Mr. STAFFORD. Reserving the right to object, would the gentleman have any objection to adding to his request that there be printed as a document all the speeches delivered at the recent peace conference?

Mr. COX. None whatever. I would like very much to get hold of President Taft's speech also. The papers did not carry it.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that they be printed as a House document.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. COX]. [After a pause.] The Chair hears none.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that there be printed as a House document the proceedings of the recent meeting of the League for the Enforcement of Peace, held in this city last week.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the proceedings of the Peace League, held here last week, be published as a House document. Is there objection?

Mr. DIES. Reserving the right to object, how much of this stuff is there? Will the gentleman tell me?

Mr. STAFFORD. It will not be a very large document. Under the rules of the House, as the gentleman knows, there can be only so many documents printed within the certain amount allowed by law. They would amount to about 500. We are all interested in having all those very noteworthy speeches delivered at that league last week, among others the speech of ex-President Taft, and President Lowell, of Harvard, and other distinguished publicists. The public expense will not be great.

Mr. DIES. It occurs to me that if you print the speech of ex-President Taft and a few others in the RECORD it would be better than to print the whole flabdab——

Mr. STAFFORD. The gentleman refers to it as "flabdab." The gentleman does not know the character of the speeches.

Mr. DIES. I am not talking about the speeches. I am talking about the proceedings of the meeting.

Mr. STAFFORD. The proceedings virtually consisted of the addresses.

Mr. DIES. I mean to insert the addresses and leave the proceedings out.

Mr. MANN. Mr. Speaker, a wholesale matter of this sort should come through the Committee on Printing. Why not introduce a resolution?

Mr. STAFFORD. There have been many times when such things have been done without a committee resolution.

The SPEAKER. The gentleman from Illinois objects.

NAVAL APPROPRIATION BILL.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15947) making appropriations for the Naval Service for the fiscal year ending June 30, 1917, and for other purposes. And the Chair will ask the gentleman from Indiana [Mr. COX] to preside temporarily until the gentleman from New York [Mr. FITZGERALD] arrives.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15947, the naval appropriation bill, with Mr. COX in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15947, the naval appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes.

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from Indiana [Mr. CLINE].

The CHAIRMAN. The gentleman from Indiana [Mr. CLINE] is recognized.

Mr. CLINE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the naval appropriation bill.

The CHAIRMAN. The gentleman from Indiana [Mr. CLINE] asks unanimous consent to extend his remarks in the RECORD on the bill H. R. 15947, the naval appropriation bill. Is there objection?

There was no objection.

Mr. BAILEY. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PADGETT. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. ESTOPINAL].

The CHAIRMAN. The gentleman from Louisiana [Mr. ESTOPINAL] is recognized for 10 minutes.

Mr. ESTOPINAL. Mr. Chairman, we recall that only two or three years ago the opponents of armed preparedness—or readiness, which is probably a better designation—were voicing, in the pulpit, on the stump, in lectures, in the press, and in the halls of Congress, the theory that the nations of Europe were heading toward bankruptcy on account of their military expenditures, and it was applied to our country in combatting the comparatively small annual increases which our Naval Affairs and Military Committees were wresting, so to speak, from the "watchdogs" of the Treasury and in contest with a strong opposition sentiment in the committees, in the House, and in the country.

In advocating the passage of one of our annual appropriation bills for the Navy I discussed this phase of the question, and showed by reliable statistics the comparatively small effect of these military expenditures even in Europe on the progressive development of commerce, trade, and industry in those countries, and as to the United States that the effect of our expenditures for these purposes was almost negligible in the march of our rapid progress in wealth production, industry, and commerce.

But, Mr. Chairman, were we to concede that even this showing—these comparisons of relatively small military expenditure with the financial, commercial, and industrial expansion of these European countries of the first class—may have left some slight grounds for difference of opinion as to the effect of this burden of "militarism" on their financial status, the unprecedented costs of the great upheaval which has been going on for the last 22 months with no sign of financial collapse make these claims absurd, for these first-class powers are spending more, probably, in two weeks of warfare than their total annual military and naval expenditures prior to the opening of hostilities. These nations certainly must have already expended in this war almost as much as the total amounts spent on their

army and navy for the past half century, including the cost of their wars. And it is equally absurd, Mr. Chairman, to claim that the state of military preparedness of these countries was the cause of the war, for the belief rests on rather conclusive evidence that if Great Britain had been as well prepared with her army as she was with her navy, there would have been no war.

And it is well to note that that country on the Continent which was best prepared has been able to keep its own soil almost free from invasion and to confine the hostilities to that of its enemies.

Now, the lesson in this for us, Mr. Chairman, is that preparation, with the expenditure of hundreds of millions annually, is far cheaper than war with the resultant costs in billions of dollars, in the red riot of death and permanent disability to perhaps millions of our bravest and best, and in widows and orphans and dependent mothers left to mourn in tears and suffer in poverty. For it is one of the surest of things that, with our national spirit and our growing world status, we shall be embroiled in warfare unless our state of readiness makes attack upon us too great a hazard to be ventured.

Mr. Chairman, the Navy Department has submitted a five-year building program and has recommended an appropriation for the next fiscal year for the construction of a certain number of vessels included in this program.

The General Board of the Navy, in its reports to the Secretary of the Navy as published by him, has recommended larger programs, especially in the number of ships to be authorized now. And many individual officers, the president of the War College, the commander-in-chief of the Pacific Fleet, and others, have recommended more extensive programs.

These differences do not indicate a divergence of opinion between the Secretary of the Navy and the General Board and these officers of experience in regard to the number of vessels which may be needed to insure an efficient first-class line of defense for the country. This can be clearly seen by reference to the statements of the Secretary of the Navy to our committee, that, if he thought the money was available, he would recommend accelerating the program. This, of course, meant appropriating for a larger number of ships in the present bill. We have in some ways enlarged the recommendation for the fiscal year, but the balance of the five-year program we have left in abeyance. In this situation the House is, after all, the court of last resort so far as action at this end of the Capitol is concerned.

This question of funds available is a matter which is definitely up to Congress, and in view of the recommendation of the General Board and of the Secretary's statement that he would favor an accelerated program if money were available, we can not evade the responsibility of making the adjustment between the defensive needs of the country and the financial resources at the present time; and to enlarge our resources, or otherwise supplement them, to fit these needs.

The defensive needs of the country can not be based upon any absolute standard. The minimum number of ships required must be arrived at by a comparison with the fleets of the other great naval powers. All authorities agree that in the middle of the year 1914 Great Britain occupied first place and Germany second. The official records of our own Navy Department place the United States third, with a narrow margin over France in the fourth place. This margin, however, is so narrow that some authorities place France in the third place.

If none of the belligerents in the present war has laid down up to the present time, and does not lay down in the future, any additional ships, the five-year program recommended by the department would, in 1925, place the United States in second position in naval strength.

There is as yet nothing in the progress of this war to indicate that it will not end without a great naval battle. Indeed, it appears entirely possible, and many commentators believe probable, that no such battle will be fought; that peace will find all belligerents with their battle fleets as they existed at the beginning of the war, practically intact, and with great additions to their strength, due to the construction work which has been undertaken since the beginning of the war and pushed to completion with the utmost dispatch under the pressure of emergency conditions. For this year at least this would appear to be the only safe hypothesis for this country to proceed on in determining its naval program. If, at the next session, it is found that one or more of the European fleets have actually suffered great losses, the naval program for those years can be reduced. This would result in no greater expenditure over the next three years than would be involved by the authorization of the same total number of ships, but authorized piecemeal; that is, one-third each year. It seems to me that no one can question that this would be the safest course to pursue, in view of the extremely uncertain and unsettled international outlook.

Mr. Chairman, we have not been permitted to peer behind the curtain to see the extent of naval building of the belligerent nations. Therefore very little is known definitely of the amount of construction laid down by the various belligerents since the beginning of the war. Some facts are available, however, upon which a shrewd estimate may be based. It is known that the shipbuilding capacity, both of Great Britain and Germany, is far in excess of that of the United States. As an illustration of the shipbuilding capacity of Great Britain we may cite the statement of the First Lord of the Admiralty before Parliament, in November, 1914, in which he stated that between August, 1914, and December, 1915, there would be added to the British Fleet 15 dreadnaughts and battle cruisers. This number represented only vessels which had been laid down prior to the war in accordance with their ordinary peace-time program, and the construction of which had been carried along with the usual huge output of merchant tonnage.

One naval writer has estimated that the German yards are capable of carrying along the construction of about 25 capital ships at one time; and that there are enough smaller yards, not able to construct capital ships, to supply the needed auxiliaries without interfering with the construction of these capital ships. It is further known that men in the shipbuilding trades have been exempted from military services as they are being utilized to better national purposes in their usual pursuits. It is also known that every effort is being made to increase the output of shipbuilding establishments by resorting to overtime work, work in shifts, and a close supervision of all men to insure good timekeeping; and by Germany, the utilization of establishments in captured territory and the employment of alien civilian workers and prisoners. These facts lead to the inevitable conclusion that a huge amount of naval-construction work is being done in these countries. As supporting this presumption, there can be cited the recent speech, in the British Parliament, of Mr. Winston Churchill, formerly First Lord of the Admiralty, in which he warned the Government of the probability that Germany was adding a large number of capital ships to her fleet, with the consequence that it was of the highest importance that Great Britain should press, with the utmost speed, the construction of similar vessels; this despite the almost 2 to 1 margin of strength which she possessed at the outbreak of the war.

Summarizing the foregoing, it is believed that the statement of the Secretary of the Navy, that his recommendations for new construction were limited only by the question of funds available; the recommendations of the General Board of the Navy, and of individual officers of experience; the present uncertain position of the United States Navy in comparison with great foreign navies; the almost inevitable conclusion that at least some of the belligerents in the present war are adding to their fleets at an unprecedented rate; the probability that these navies will emerge from the present conflict far stronger, both as regards numbers and more experience, than they were at the beginning of hostilities, all place upon Congress the heavy responsibility of determining the extent of the program which should be laid down this year, taking into account the international, political, financial, and military factors of the present situation, some of which are ominous in the extreme, with but small room for any clarity of vision for us.

Mr. Chairman, in my remarks on at least two former naval appropriation bills I expressed the belief that science would finally dispose of warfare by making it impossible on account of wholesale destruction. The present conflict in the war zone of Europe seems to point to a realization of that prediction, with this amendment: That in addition to making it destructive in intensity and duration, science is making warfare futile, as well. When nations realize that, notwithstanding the cost of millions of lives and billions of treasure, a deadlock in operations is inevitable, the glamour of war will depart and self-preservation will dictate international agreement. But until international agreement shall give us security from attack we must be prepared spiritually and economically, as well as with armaments, for the preliminaries of larger military preparation, the passing of laws to increase the strength of our arms of service—especially to only the extent which we are preparing to go—is not sufficient to give us immunity from attack from any nation or nations of the first class which may seek that kind of an adventure with us. Behind these moderate military preparations we must come to a state of industrial manhood and spiritual completeness, with the labor forces of the country forming an integral part. Without these under-

lying conditions, it matters not to what conservative extent we finally plan our defense laws, we shall have but a shell inclosing a molluscous mass of weakness.

Patriotism, Mr. Chairman, is a soul quality, a habit of thought, the spirit of communion, the joy of living, which can not force itself up through the dead lava and ashes of ignorance, poverty, weakness, class divisions, religious prejudice, racial animosities, and grow and bloom in full perfection even in the free atmosphere of America. This country should lead the world in a new spiritual advance that will make these qualities predominant in its life.

Mr. Chairman, it is wholly compatible with the genius of our institutions for us to take the lead in this social evolution, notwithstanding that we are now far from first in organized action, for we have all the components, though yet uncoordinated, to produce the powers we need.

It has been said that it is difficult to mold the character of a people. But in this age of progress in inventions and discoveries of such astonishing character which contribute to the convenience of mankind we may see a sequel in an astonishing progress in social matters for the rapid advancement of mankind. We have only to find the way. We are leaping forward now in decades far more than the world first crept along in millennials.

Mr. Chairman, this is almost ultra vires so far as Government action is concerned, if we may thus distort that legal phrase. It is not a problem which government can solve, though wise laws may aid. It is one for the ingenuity of the educational forces and developing powers of this country to solve. Why should not these forces and these powers integrate America for a glorious consummation of the social ideal?

Mr. Chairman, there is provision in this bill authorizing the President of the United States to invite, after peace is concluded, all the great Governments of the world to a conference in the interest of an agreement for permanent peace. It seemed to us that such an invitation would be generally accepted and that some permanent plan may be the outcome, for this most heartless holocaust of war is shocking the civilized world, and its terms seem too hard, in suffering and desolation and death, for humanity to ever contemplate another. The world may be ready and eager to abolish the savagery of such wholesale wantonness and destruction. I shall not take up the time of the committee to read the clause, but will incorporate it in my remarks, if there is no objection. It is thus:

Upon the conclusion of the war in Europe, or as soon thereafter as it may be done, the President of the United States is authorized to invite all the great Governments of the world to send representatives to a conference which shall be charged with the duty of suggesting an organization, court of arbitration, or other body, to which disputed questions between nations shall be referred for adjudication and peaceful settlement, and to consider the question of disarmament and submit their recommendation to their respective Governments for approval. The President is hereby authorized to appoint nine citizens of the United States, who shall be qualified for the mission by eminence in the law and by devotion to the cause of peace, to be representatives of the United States in such a conference. The President shall fix the compensation of said representatives, and such secretaries and other employees as may be needed. Two hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated and set aside and placed at the disposal of the President to carry into effect the provisions of this paragraph.

[Applause.]

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. ESTOPINAL. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana? Without objection, it is so ordered.

There was no objection.

Mr. BUTLER. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. FARR], a member of the Committee on Naval Affairs.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FARR] is recognized for 15 minutes.

Mr. FARR. Mr Chairman, I do not like to be in the position of belittling our Navy or of minimizing its power, but candor compels me to say, in view of what I have learned as a member of the Committee on Naval Affairs, that while our Navy is the best Navy this country ever had, relatively it is the weakest, and we are not in any position to defend ourselves against the attack of any formidable nation.

The President in his speeches to the country some little while ago spoke about the world, or half the world, being on fire, and said that a spark might ignite the flames that would include us in that great conflagration, and that a navy, not second in size but the greatest navy in the world, ought to be under our flag. The President in his addresses said we were fourth in naval strength.

Now, what caused the President to change from the position that the General Board occupied some time ago as to second place for this country? The information that he was getting through secret sources from foreign countries. The General Board had that information. Our committee had that information that the danger was not from an attack of one nation but from a combination of nations, and that two nations now actually in belligerency, one against the other, were coquetting with a view to getting a stronger position in the future. I can not harmonize the statement of the President with the program that was presented to the committee for its consideration, namely, 16 battleships in five years.

The President declared himself in favor of our having the greatest Navy on earth, and the Secretary of the Navy presented to our committee a program asking for 16 ships, which would not make any change in our position at its consummation. In other words, we are fourth to-day, and we are a poor fourth—that was demonstrated fully and conclusively to the committee when, under the authority of the Secretary of the Navy, Lieut. McCandless appeared before us and presented in miniature the strength of the different navies of the world. First, Great Britain, with a navy twice as large as that of Germany; next, Germany, twice as great in strength as the American Navy; next, France, 15 to 25 per cent stronger than the American Navy; and I will venture this statement, that France is nearer 50 per cent than 15 or 25 per cent stronger.

Experts admitted that if we carried out the program of 16 ships in five years it would not change our position relatively. France would still be third and we fourth, and that it would not advance our position materially as a Navy.

Not only that, my friends, but I contend that if we carried out the 5-year program of 16 ships, which was given such publicity all over the country, with the claim of making our Navy wonderfully strong, Japan with her present shipbuilding operations at the end of five years would be fourth, and we would be fifth. That would be the result if those countries carried out their programs as in times of peace.

Now, what have those countries done? Great Britain has put a fleet on the ocean since the beginning of the war as great as our entire tonnage and so has Germany. Germany has 25 yards, in which it can build simultaneously 25 dreadnaughts, and other facilities for the construction of hundreds of the smaller craft. Great Britain can build that many dreadnaughts, and those two countries have been utilizing their yards to their full capacity in building ships.

One very comforting thing to me from the information that I have learned from these experts is that we can, by the utilization of the Government yards and encouraging the private interests to enlarge their yards, build at one and the same time 25 dreadnaughts, but we are not doing it. We are not spending the money that is needful to get these yards equipped. We have spent a little additional at the New York yard and some for the yard on the Pacific coast, and yet what have we on the Pacific coast?

Admiral Winslow makes the statement to us that one good dreadnaught would be able to destroy the entire Pacific Fleet. That is the statement of an expert who appeared before us. Another one told us that we are not equipped to protect and maintain control of the Panama Canal, in which we have put $400,000,000; that as against a nation the size of Germany we could not retain control of that canal; and, despite all our means of defense—our land fortifications, our submarines, and so forth—Capt. Sims told us that there are 116 places on our coast that the enemy could invade without coming in contact with those parts of the coast that are fortified.

The pacifists talk about furnishing submarines and providing mines. Admiral Grant, who is in charge of submarines, asked that we authorize appropriations for 111 submarines within one year. Only 20 are provided in this bill. All we have now are 27 efficient submarines. Others are contending for aerial fleets. Some Members say all we want is submarines, mines, fortifications, and airships. We have no airships worth mentioning. We need thousands of them in order to patrol our great coasts and to give us warning as to the oncoming of the enemy. According to the evidence presented to our committee, we are not now one bit stronger or more efficient in our ability to tell when the enemy is approaching us than we were in the War of 1812; and we who sit here within these walls are as vulnerable and defenseless as we were during that war when the British invaded Washington and burned the Capitol. Boston is defenseless and New York is defenseless against such attacks as could be waged against them. Those cities and many others could be destroyed with comparative ease.

Mr. CALLAWAY. Will the gentleman yield?

Mr. FARR. I yield to the gentleman from Texas.

Mr. CALLAWAY. Do you remember that Admiral Fletcher stated that they could not attack New York?

Mr. FARR. No, I do not; and all the other gentlemen who appeared before our committee said that they could attack New York, and it is simply a matter of common sense to determine that they could. We have some fortifications there, but the guns are short ranged and the enemy ships could strike it, also land its forces at points near New York, and could enter there without any difficulty. The information before us is that they could easily shut off the water supply of that great city.

Mr. CALLAWAY. Will the gentleman let me read what Admiral Fletcher says?

Mr. FARR. I am not going to yield any further. The gentleman may do it in his own time.

My friends, the matter of cost ought not to disturb us when it concerns the question of safety. If we have a war, we will spend $25,000,000 a day, just as Great Britain is spending it to-day in that great war, and it is for us now to meet the wishes of our constituents and give them the adequate protection that our tremendous interests demand, the interests of a hundred million people, and all the great purposes of this Government. We ought to protect our liberties, which will be endangered in any great conflict with one of those big, formidable nations across the ocean.

They say we are not going to have any difficulty with Japan. I trust we shall have no difficulty; but the people of Japan must change their nature before ever they forgive us for the discrimination that California has shown against their people; and from what I have seen of the representatives from the Pacific coast on this floor, they will also have to change their natures before they recede from the position they have taken. We have this great question of the Monroe doctrine. My friends, we are not going to permit any foreign nation to establish itself in Central America or South America; but in the days to come, with the great rivalry for commerce, and for the reason that some of these nations must burst their boundaries, they are going to take possession in Central and South America, and we are going to have to fight to put them out. We are not ready to do it.

Mr. HARDY. Will the gentleman yield?

Mr. FARR. I yield to the gentleman from Texas.

Mr. HARDY. Do I understand the gentleman to be in favor of our building in this fiscal year 25 battleships?

Mr. FARR. I would vote for 16 ships this minute. I would vote for 25 ships, because I believe that the country needs 25 ships for proper and adequate defense.

Mr. HARDY. I did not finish my question.

Mr. FARR. I believe in having an adequate Navy; and to my mind an adequate Navy is one that will defeat any navy that comes to invade our shores. [Applause.]

Mr. HARDY. Does the gentleman also favor the 111 submarines?

Mr. FARR. I am in favor of 250 submarines, just as Admiral Grant advocated. He said we needed that number and more if we had trouble. I am in favor of thousands of airships, just as every one who appeared before us advocated.

Mr. HARDY. Does the gentleman realize that his battleship and submarine program alone for this year would cost $625,000,000?

Mr. FARR. If we want to give this country adequate protection, we ought to spend this year $500,000,000.

Mr. HARDY. With that program for new construction just now urged by him and the program for maintenance, what size does the gentleman think our naval bill would be at this session?

Mr. FARR. I am willing to vote for $500,000,000 for naval appropriations at this session, because I believe that would be the means of giving us peace. If we have war, as I said before, we will spend $25,000,000 a day. Now, take 60 days of that war or 30 days of that war and see how much that will total. I want to spend that money now to prevent war. I do not want to wait until one of these nations attacks us, and invades our shores and destroys our liberties. [Applause.]

Mr. HARDY. Will the gentleman yield for just one suggestion?

Mr. FARR. Yes.

Mr. HARDY. The gentleman has already stated that he is in favor of a building program of $625,000,000 for dreadnaughts and submarines, and then the maintenance has got to be added to that.

Mr. FARR. All right. I am for adequate protection.

Mr. HARDY. But the gentleman says he is only willing to vote $500,000,000 all told, after demanding a program in excess of that sum for new building alone.

Mr. FARR. I am willing to vote $500,000,000. I am willing to vote for what the experts tell us we ought to have for the adequate protection of our great country. I want to protect that flag in all its glory. [Applause.] I want to perpetuate what it stands for. I am in a sense what might be termed a hyphenated American. My father was born across the ocean, and I have so deep an appreciation of what that flag meant to my father, and of the opportunities it gave to him and to me, that I want to see it protected in every star and every stripe, so that the millions to come may enjoy its blessings. I want it to float free in the breezes of heaven. I do not want it to come down in dishonor. [Applause.] And when I recall the things our country has gone through in my brief experience in this Congress, our visits to Mexico, the unpreparedness in which we found ourselves in Columbus, the killing of our poor people there, with no machine gun in readiness; when I recall the defiance by Huerta, whom we could not even compel to salute our flag——

Mr. DAVIS of Texas. Does the gentleman recall that at Columbus we are supposed to have about 19,000 men around there?

Mr. FARR. We did not have them.

Mr. DAVIS of Texas. If we had had a million there, we would have been in bad shape.

Mr. FARR. If we had had the soldiers there, those invaders never would have dared to come.

Mr. DAVIS of Texas. Does the gentleman recollect that the machine gun was about a mile and a half from headquarters?

Mr. FARR. That is unpreparedness. [Applause.]

Mr. DAVIS of Texas. And that the newspapers tell us that the Mexicans picketed the colonel's tent while he was asleep.

Mr. FARR. And I know they stole our horses. I want to ask if that is not pretty serious evidence to the gentleman from Texas that this country ought to wake up, and that Congress ought to be willing to do something to protect our border and our people.

Mr. CANNON. Who is the Commander in Chief of the Army and Navy?

Mr. FARR. The President; and he asked for the largest navy on earth, and yet he approves of a program that will leave us fourth five years from to-day. That is the program. It does not advance us one whit; as the chairman of the committee frankly admitted on Saturday, it is a filler-in, to balance our fleet, to help utilize the strength of the present Navy, to make what we have effective. Five battle cruisers do not add such strength that they will be able to go out and destroy the enemy; they will get information and kill off the little scouts. The five battle cruisers will be helpful to our present state of efficiency, but do not take the place of dreadnaughts. We ask you to vote for 6 battle cruisers and 2 dreadnaughts. We ask you to give us 50 submarines; we ask you to enlarge the program of scout cruisers and destroyers; and ask a number of things that will give our people some chance to defend their lives and protect that flag. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. OLDFIELD having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills of the following titles:

H. R. 8068. An act for the relief of E. C. Hornor;

H. R. 10490. An act to prevent fraudulent advertising in the District of Columbia;

H. R. 12027. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 14771. An act granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. PADGETT. Mr. Chairman, I yield 22 minutes to the gentleman from Texas [Mr. CALLAWAY].

Mr. CALLAWAY. Mr. Chairman, the peace of mind that the gentleman from Pennsylvania [Mr. FARR] wants is the peace of mind that the steel concerns of Pennsylvania would like to have. [Applause on the Democratic side.] The Navy General Board recommended that we authorize all the facilities of the country in building. That would give peace of mind to the ordnance and ship manufacturers, and nothing short of that will. When the steel, shipbuilding, and ordnance manufacturers have peace of mind, when they are satisfied, the gentleman from Pennsylvania will have peace of mind. That is the peace of mind that will satisfy New York, New Jersey, Delaware, and Massachusetts, and the coast country where the steel concerns do business,

where the stocks are held, where the navy yards are, and where admirals parade. That is the peace of mind they want—an assured market for all the product they can turn out.

PREPAREDNESS.

If we could rid this preparedness question of promotions, profits, and politics it would not be difficult to reach a sane and sound conclusion as to what we ought to have, nor as to what the danger of invasion is. I know better than to argue with the man who has a personal interest or the man who takes orders.

I do not expect to give peace of mind to either, nor convince those who have a different idea of the relation of the masses to the Government, nor to convince those who want a military establishment to change the traditional policies and purposes of this Republic. Many do not agree with my confidence in the willingness and readiness of the masses to defend their country in time of danger. They look at the military establishment as our sole defense should the unforeseen happen. I look to the American citizen in such case who has always been our defense and will necessarily always constitute our Army in times of war. They think a regular soldier, paid to fight, can alone be depended on. We are not going to maintain a sufficient number in times of peace to constitute the needed force in times of war; besides, I had rather depend upon a citizen defending his country and his home in time of supreme test than paid soldiers fighting for pay or fear.

If the Government were an entity which called the citizens when it felt the need instead of the machinery of the citizens through which they call themselves when they think there is need, the entity might call them many times to defend its imaginary ills and have no response. When the masses no longer regard this Government as their institution serving their interests and refuse to defend it, the Government will not be worth defending. When it has to maintain a military force subject to its call, which can be ordered to do its bidding irrespective of what the masses think of the cause, it will have ceased to be a truly representative Republic.

We want sufficient military establishments to protect us against every danger of invasion to be reasonably expected. We do not consider all the dangers possible to conceive of. Many dangers might be imagined. What are the probable dangers? That is the question. That is tangible. We can discuss the dangers reasonably to be apprehended. I have too much confidence in the sober judgment and sound common sense of the people to believe they are willing to spend real money to maintain a military establishment to protect us against imaginary dangers.

YOU CAN NOT BY FALSE GUISE MAKE A CAT'S-PAW OF PEOPLE.

I deny the right of profit seekers to disguise their real purpose and march under the banner of patriotism. If each of their leaders will disclose his exact connection with the concerns expecting profit, a great light will fall on their patriotism. If they will state definitely what they want as preparedness, what they want it for, and how they want and ultimately expect to obtain it, they will be entitled to more confidence.

We do not want a military establishment for conquest nor aggrandizement. We do not want to grind the faces of the masses to build up an army and navy to protect one class against another. We should not build up an army and navy at the expense of the whole people for the benefit of a preferred few.

Some contend that we should extend our trade by force. Bismarck said:

Commerce obtained and maintained by force always costs the Government more than it is worth.

He said:

A nation which can not obtain and maintain commerce with the price mark and diplomacy should strengthen its diplomacy and work on its price mark instead of attempting to force it with a military establishment.

He said that—

Commerce obtained by the price mark and diplomacy was the only commerce worth while.

THE NEED MUST BE REAL.

I can not agree with those who desire a military establishment to "protect and further some imaginary destiny of this Republic not to be seen with the physical eye; some intangible and visionary thing written in the lines of poets." When we vote money for an army and navy, when we vote to put citizens on the battle line, when we call on women to surrender their husbands, sons, and brothers, it should not be for some intangible, visionary destiny that you can not see; it should be real, practical, substantial danger. When we vote to send the taxgatherer to every home to support a military establishment on land and sea, it should not be to carry out some visionary destiny of America which lies written in the lines of poets; it should be for some real purpose that is tangible.

Mr. Chairman, with the people who want a military force to protect us from invasion, to protect our country, to protect our homes from every real danger to be reasonably apprehended, to protect our institutions, I join hands, and so do the earnest, honest citizens of the land from sea to sea. We are willing and ready to protect our homes and to protect our Government, but we are not willing to support a military establishment for conquest, nor to fight our own people, nor to force commerce, nor to further some intangible and visionary destiny of America which lies written in the lines of poets.

WE HAVE AN ADEQUATE MILITARY FORCE.

We have a military force at the present time ample to protect us against every danger which may be reasonably expected. Our ships, ship for ship, and our guns, gun for gun, at the time they were made are as good as any in the world. We excel in the weight of a broadside from our major guns every nation except Engiand. The weight of a broadside from our major guns is, according to Admiral Badger (hearings, p. 1962), 289,430 pounds. The weight of a broadside from the German guns, same class, is 284,610 pounds. We exceed the Germans by 4,820 pounds.

"Our Navy is in good condition," said all the experts before the committee. Some thought it could be improved by this and others by that, but all were agreed that it was in good shape. All of them wanted more navy; they wanted all they could get. They do not consider the cost of it. They said the expense of it was a matter of policy for Congress and the taxpayers to consider and not for them to take cognizance of.

We have 42 battleships, 75 submarines, 74 torpedo boats, 22 gunboats, and "more auxiliary craft," says Admiral Blue, "than any other nation maintains in time of peace."

We have—

Says Gen. Weaver, Chief of Coast Artillery—

the best coast defenses in the world. The guns now mounted and those contemplated will give us an entirely satisfactory defense.

Gen. Miles said:

During the last 30 years the Government has spent approximately $200,000,000 for our coast defense. I am prepared to say that our coasts are as well defended as the coasts of any country and with the same class of high-power guns and heavy projectiles. They are better in some respects than the guns that are mounted at the Dardanelles, which have resisted the most powerful ships of war of the British and French Navies.

We have back of that—

Says Gen. Miles—

10,000,000 men capable of doing effective military service should the demand come; more than a million men, considering those of military age who were in the Spanish-American War, those who have passed through the Army and the National Guard, who have received military instruction; 136,000 graduates from our agricultural colleges, drilled and instructed under Regular Army officers.

If we have in our Navy, in our fortifications, in our Army, and in 10,000,000 men capable of doing effective military service sufficient force, as it is to-day, to protect us, why further grind the faces of the people to maintain a more expensive organization and one that is a menace to our institutions?

THE DIFFICULTIES OF WAGING WAR ACROSS SEAS.

It is next to impossible to wage war across a great expanse of water. It has never in the history of mankind been successfully done against a Nation of anything like equal size.

Admiral Knight, president of the War College and member of the Navy General Board, said:

It would take me a very long time to go into that subject at all satisfactorily, Mr. CALLAWAY, and show you the difficulties under which a fleet 7,000 miles from its home ports would labor. Ships break down. Out of a large number of ships a certain number are bound to be crippled in one way or another. The supplies needed to maintain the fleet would be very extensive. Five or six hundred thousand tons of coal would be needed as a minimum for a very short campaign there. That coal must be delivered and transferred from colliers to ships. It can not be done at sea except under the most favorable possible conditions. It must be done in sheltered waters. The bottoms of the ships would gradually get foul. They ought to have docks where the bottoms can be cleaned. They are subject in their progress over that 7,000 miles, throughout a large part of the time, to the possibilities of attack from the enemy's torpedo craft and other craft of that kind. Their lines of communication, after they get to the point 7,000 miles away, are constantly liable to interruption and would inevitably be interrupted; and yet they depend on those long lines, stretching away back to the home ports, for the very vital things necessary to their life—for coal and supplies and reinforcements, if reinforcements become necessary, and all sorts of things. A fleet going out there would be accompanied, necessarily, by a tremendous attendant fleet, a train, as we call it, of auxiliary ammunition ships, hospital ships, and so forth. The problem of conducting such a train as that in going thousands of miles through hostile waters is probably the most serious problem that could possibly be put up to a commander in chief.

The personnel, the officers and men, of a fleet moving under those conditions would be subject to conditions which are so trying that it is very difficult to picture them without some little experience. Constantly on the watch, constantly threatened, constantly on the alert to guard against some danger which may come out of the darkness or out of the

fog at any moment upon them, after moving that distance they would be broken down, they would be tired, they would need rest. They would have no secure place to rest. Your fleet would get out there with its material in very bad condition, its personnel in perhaps worse condition, and when it got there it would have no place to go for refitting or for any purpose whatever. It would be not unlike the proposition which confronted Admiral Rojestvensky when he went out to the east and met the Japanese fleet, and you know what happened to him. He had a larger fleet than the enemy had, distinctly.

I would not like to be considered as attempting anything like a complete answer to your question, nor could I give such an answer without talking here all day.

If it is well-nigh impossible for this country to wage war against Japan because of the ocean, why fear Japan?

NO DANGER FROM GERMANY.

The German Imperial Chancellor, Von Bethman-Holweg, and Von Jagow, head of the German Navy, say the idea of Germany having any thought of war against the United States is preposterous. Germany can not even get milk from outside for her babies; we can not get analine dyes from her to color our Easter eggs. No danger from that quarter now. After the war is over, is she going to brave 4,000 miles of the deep, the perils of which have been infinitely multiplied by submarine and torpedo, in an effort to levy tribute on us? Germany, bankrupt and a cripple, with a navy, measured by the weight of a broadside from her guns, smaller than ours?

She has lost in this war in killed, wounded, and imprisoned more than 2,000,000 of her sons. There is crêpe on every door. There is a cripple in every home. She is bankrupt. Her mothers, sisters, daughters, and fathers are horrified by the grim specter of war. Is she going to cross 4,000 miles of ocean, with an enemy at her back, and attack the United States?

All the nations engaged in this war have incidentally injured us during its progress. We have been patient. We have sent them supplies, from bread and meat to Christmas presents. We have done what we could to alleviate their sufferings. Are they for that and in their condition at the close of the war going to arrange their differences, bury their hatreds, grudges, and suspicions and combine against us? Will the others of them forget their jealousies and allow one, if one of them could, to attack us for the purpose of recouping its bankrupt treasury? No; and no sane man thinks they are.

I will tell you the danger. It is not from any foreign power. It is that powder stocks, ordnance stocks, steel stocks, shipbuilding stocks, General Electric stocks, and International Nickel stocks will slump at the close of this war unless a new market is developed for their products. The stockholders, knowing full well the value of advertising, are working up a new customer. When the market abroad ceases they hope to have one developed here that will buy "all they can construct."

Admiral Knight said:

The dangers of transporting a fleet across a great expanse of water and maintaining it are almost insuperable. (Hearings, p. 2084.)

Admiral Fletcher said:

It has been recently forcibly demonstrated that ship attack on forts are futile. This war has conclusively demonstrated what every military strategist knew before—that it is impossible for sea craft to successfully attack land fortifications.

Gen. Miles said:

The results at Alexandria, Port Arthur, and at the Dardanelles furnish sufficient evidence that guns on board ship are no match for coast fortifications and submarine guns.

Germany would have 4,000 miles of ocean to cross, a navy, in weight of shells greater than her own, to put out of the way, the perils of the deep, which Admiral Knight says are almost insuperable, to brave, and then the forts to pass, which Admiral Fletcher and Gen. Miles say this war has demonstrated can not be done, before they could invade this country.

But that is not all. If a foreign country, bankrupt and on crutches, should leave homes that have crêpe on every door, horrified by the grim specter of war, brave the perils of the deep, and with an enemy at her back, sweep our fleet from the ocean, and pass our fort guns and mines, have they any chance still to imperil this country? We can live indefinitely and build almost without limit whatever we need for defense or offense without having access to the seas. When some country has braved the perils of the deep, annihilated or bottled up our Navy, and passed our land fortifications, they have still, said Gen. Miles—

to meet the physical strength of this Nation—10,000,000 men capable of doing effective military service, 1,000,000 who have received military instructions under Regular Army officers, and 136,000 graduates from our agricultural colleges to officer them.

Gen. Miles has a right to know what the American citizen is when called to arms. He had service with the Volunteers fighting by his side against volunteers during the Civil War. They were Americans meeting Americans. He went through four years of it. He is able to speak with authority on the citizen soldiers of the United States:

Mr. KAHN. You think the German conscript is a pretty good soldier, do you not?

Gen. MILES. Yes, sir. However, I would match a volunteer American, defending his liberties and his Government, against any German soldier.

Again, he says about landing troops on our shores:

I will suppose an unsupposable case. Suppose they could put an army on a fleet of 500 ships and move it across the Atlantic without being disturbed by any naval power and they could land. They certainly could not go into any port. They could not go into our ports any more than they could go through the Dardanelles. That has been demonstrated. Our forts are equipped and fortified as well as the Dardanelles. Suppose they got that far—as to land at some remote point—if we could not gather enough men in the Army and militia and by other means to destroy that army before they could send their ships back and get another load, I would want to move to some other country.

APPLY SOME COMMON SENSE.

Preparedness advocates contend that nothing but the experts should be heard. We have heard the experts. A civilian ought to be able to reason. If he has munitions to sell or stocks affected by "preparedness," I do not expect him to reason, and I hope the American people know better than to expect him to reason or to be just. He can talk, he can advertise, he can shout, he can villify, he can complain, he can march in a parade and write a book, but never delude yourself into the belief that he can reason. The matter hits him at the pocket, below the reasoning faculty. It strikes him at the place to make him active, but not logical.

One of the ridiculous phases of this preparedness agitation is the attitude of the New Yorkers, Bostonians, and Philadelphians. They are all for preparedness; and what they mean by preparedness is what the Army and Navy bluntly ask, "all they can get." The money is poured out along the Atlantic seaboard. It goes straight into the pockets of the Bostonians, New Yorkers, and Philadelphians, and other places along the Atlantic coast. Of course, they are for preparedness. It is money to their locality. They have had books written, moving-picture shows staged showing New York, Boston, and Philadelphia taken without the firing of a gun or the loss of a life; but when the question of turning loose the Philippine Islands—the most dangerous military liability the United States Government has—came up every mother's son of them voted against it. They are not only a liability from a military and naval standpoint—they cost this Government a hundred million dollars a year—but there is some trade to New York, Boston, and Philadelphia in them, and some citizens of those places have investments there. It has cost us since we have had them more than a billion dollars, yet these scared ones from Massachusetts, New York, New Jersey, and Pennsylvania fought desperately against turning this scarecrow loose. Are they scared? Their wail to me has the sound of self-interest and hypocrisy.

REASON FOR NAVAL BOARD'S REPORT.

I think the public generally ought to know what led the Navy General Board to prepare the report which changed the program they had been following since 1903. They did not voluntarily change the policy and present a new program. They did not do it because of an emergency. They did not do it because of any apparent danger. They did it in obedience to an order.

Admiral Badger said:

Yes; the July program was only for one year, and the order by which that program was drawn up was stated as follows [reading]: "In July last the General Board was called upon to express its opinion to the department 'as to what the Navy must be in the future in order to stand upon an equality with the most efficient and practically serviceable,' and to submit 'a program * * * formulated in the most definite terms.'"

It was on that order that the July program was drawn up, based on utilizing all the facilities for building that could be obtained.

THE FIVE-YEAR PROGRAM.

Admiral Badger says, page 1967, hearings, that recommendation was not approved, and—

The board was instructed to get up a five-year program, to cost for new construction $500,000,000, or about a hundred million dollars a year, and the October recommendation was made in view of that instruction and to comply with it.

Mr. CALLAWAY. Then the board submitted, in accordance with that request, a five-year plan?

Admiral BADGER. Yes, sir.

Mr. CALLAWAY. And submitted it in accordance with that request to submit a five-year plan that would cost so much?

Admiral BADGER. Yes, sir.

Mr. CALLAWAY. This five-year program did not have in contemplation any emergency, did it, Admiral?

Admiral BADGER. No, sir. That program was made according to order.

Now let us review this program and the reason for it. The Navy General Board was called on in July by the Secretary of the Navy "to express its opinion to the department as to what

the Navy must be in the future in order to stand upon an equality with the most efficient and practically serviceable." The board, encouraged by that request, submitted a plan which would "utilize all the facilities for building until our Navy reached the first place." What was the reason for the change from a normal and regular growth in 1914 to "the most adequate in the world" in 1915? Had any new dangers suddenly loomed up? Had there been any sudden change in our national or international policies? Had there been any sudden change in the relative size of the navies of the world?

The President in his annual message, December 7, 1915, said:

I have had in mind no thought of any immediate or particular danger arising out of our relations with other nations. We are at peace with all the nations of the world. I am sorry to say that the gravest threats against our national peace and safety have been uttered within our own borders.

No witness pointed out any emergency, nor any new danger, nor any new-developed reason for changing the policy of normal, regular growth. The President said there was none. Then why the call for a change?

The Secretary himself was before the committee. He did not give a reason. He sent the first order. The July program was furnished, based on what could be built by all the shipyards and ordnance factories working to the limit. Then a specific five-year program, costing $500,000,000, was called for. It was furnished in October. What reason for the first call? What reason for the second call? No danger is pointed out. The only reason I have heard was given in the News and Observer, Secretary Daniels's paper at Raleigh, N. C., under a Washington date line of October 20, as follows:

The plan of Secretary Daniels to increase the Navy for five years, until it is able to compete with that of any other nation, with one exception, has taken the wind out of the sails of the critics who say that the Wilson administration is neglecting national defense.

The President approves Mr. Daniels's plan and will urge Congress to adopt it. President Wilson and Secretaries Daniels and Garrison have virtually destroyed the "issue" of "preparedness" thrust upon the United States by the European war and seized by certain desperate Republicans for the political capital they could make out of it. Leading Republicans must now work and vote for the Daniels program or eat their words.

Five hundred million dollars to take the wind out of the sails of the critics! I can not agree to such a scheme to take the wind out of their sails. It is too expensive.

NAVAL BOARD AND MUNITION MEN IN HARMONY.

Mr. Chairman, what the Navy General Board wants is all the building facilities of the country can accommodate. They bluntly state it. I am going to read from the testimony of the president of the War College and a distinguished naval officer, Admiral Knight:

Mr. BUTLER. Admiral Knight, do you think that the number of ships you have recommended here at this time would enable us to catch up with the other fleets if they would continue to build as they have done?

Admiral KNIGHT. I do not. May I enlarge?

Mr. BUTLER. You may. It will be a pleasure to have you do it.

Admiral KNIGHT. I took some care this morning to make it clear that the program which I suggested to you was the program which I believed could be laid down at once. I also urged that a committee be appointed to investigate, organize, and mobilize the shipbuilding reserve of this country, so that next year we might be ready to do a tremendously greater amount than we can do now. If Mr. Browning is right in believing that the establishments of this country can this year lay down a larger number of capital ships than I have recommended, please understand me as recommending them with all possible emphasis. In general terms, I think that this year's program should provide for every ship that can possibly be laid down this year.

Mr. BUTLER. When would you have it in your own mind that it would be advisable for us to have on hand, ready for operation, the largest fleet in the world?

Admiral KNIGHT. To-morrow.

Mr. BUTLER. Would you advise calling upon all the industrial facilities of the United States to assist us in constructing a great fleet?

Admiral KNIGHT. I should. That is what I have already advised.

Mr. BUTLER. Let me ask you—I want to ease my own mind, if the committee will permit me—why should we prepare any defense if it is not one that will succeed? Anything short of actual defense means defeat, does it not?

Admiral KNIGHT. Yes. The General Board, in studying this subject, had before it two sides to the shield. First, what do we want and when do we want it? We want a Navy equal to the largest maintained by any nation in the world, and we want it now. That is one side of the shield. The other side of the shield is, When can we get it? We questioned them as to the present facilities of the shipbuilding yards of this country, including the navy yards, the facilities of the armor plants, etc. We then said in substance this: We are limited this year with regard to the amount of work that can be done, apparently. Let us provide for the doing of that amount of work this year. Let us at the same time encourage Congress and the Navy Department to get very busy to see if they are by any happy chance larger than we think they are, getting the shipbuilders together. Let us try to get everybody working together, in the hope that very soon we may be able to develop facilities which will enable us to enter upon an accelerated program.

* * * * * * *

We can go on from year to year, each year taking advantage of the best that we know at that time. Build all we can this year with what we know now. Build all we can next year with what we know next year.

Mr. KELLEY. And in view of the uncertainty of our needs, and the long time it would take to reach the point where you say we ought to be, don't you think this would be a good time to stick to the original plan we have followed for 20 years and just try to get into second place as quickly as we can?

Admiral KNIGHT. I do not think we ought to stop there. I think the situation is such that we ought to try to get everything that can possibly be built this year. I think it ought to be provided for. We will not make any mistake. It will not carry us too far.

Mr. KELLEY. Do you think the plan for building, for five years, a certain number, such as the General Board worked out, at the request of the department, is a better arrangement than the second-place plan which we have held to for so long?

Admiral KNIGHT. I think the plan which the General Board had in mind, of building every ship that it is possible to build this year and every ship that it is possible to build next year, and to keep on building as fast as possible, is the most rational plan.

I will also quote Admiral Blue, head of the personal bureau:

Mr. HENSLEY. Do you mean to tell me that you shape your views, your views as expressed here before the committee with reference to the needs of the Navy, upon what you glean to be the sentiment of the people of the country?

Admiral BLUE. To some extent; yes, sir. It has always been an axiom that we have to cut the cloth according to what we are likely to get. That is the principle upon which the Navy has been run ever since I have known it.

That is all the steel and ordnance manufacturers and ship yards want. They do not ask for more orders than they can take care of. The munition manufacturers seem to be in perfect accord. The Raleigh News and Observer said the five-year program would "take the wind out of the sails of the defense."

IT COSTS NOTHING.

That five-year program did not "take the wind out of the sails of the critics." The critics continued to demand a market for all the war materials the munition manufacturers could turn out, all they could furnish, and the naval officers are with them and argue that it costs nothing. That is the consolation they give the public. That is the sugar coating over the pill.

The Army and Navy News, published at San Francisco, Cal., December, 1915, in the discussion of the same subject, says:

The second alleged reason is utterly without foundation. Military preparedness costs us nothing. The few hundred dollars we spend for imported drugs for the medical departments of the Army and Navy is an entirely negligible item. Everything else we get right in the United States, and the money is kept right at home. We construct our own ships and guns in our own yards and factories from materials that come from our own mines. The wool and cotton for clothing come from our own fields; the provisions come from our own farms and ranches. No money leaves the country. It stays right at home, making our shipyards and factories hum with activity, and providing employment for thousands of good Americans. Instead of being hoarded, the money is kept in circulation and everybody is benefited.

But for fear somebody would say these were not up to the standard, I want to quote from an admiral who is regarded as one of the biggest in the Navy, Admiral Grant. I quote from his testimony before the Committee on Naval Affairs:

Mr. CALLAWAY. If one has to have his bigger than the other, and the other has got to have his bigger than the one, then what?

Admiral GRANT. You may not know, Mr. CALLAWAY, but I do not see that we are running ourselves to death by building a battleship. Some people consider that money thrown away. I do not, because of every cent that goes into a battleship half of it goes into the labor product and the other half for material goes originally for the labor and material to produce that material. It is not money wasted, in my opinion. You will find it universally stated—that is, a great many men state it—that this $18,000,000 for this battleship is money wasted and thrown away. I do not consider it so. That is my opinion only.

Mr. CALLAWAY. Your opinion is that the money is still among us?

Admiral GRANT. Yes, sir.

Mr. CALLAWAY. And that the $18,000,000 put into labor and put into material is still with us, and that money is laid out here and there has been no waste at all?

Admiral GRANT. That is my opinion. That is the way I look at it.

Mr. HENSLEY. On the same theory, why should we not tear down these magnificent buildings and reconstruct them again?

Admiral GRANT. I do not think that is on the same line at all.

Mr. BRITTEN. We are using the buildings.

Admiral GRANT. I have known in the West, in the early days, of men who furnished money to laboring men to move sand from one side of a lot to the other to give them employment.

Mr. HENSLEY. Do you regard that as a necessity?

Admiral GRANT. Very philanthropic.

Mr. HENSLEY. A good investment?

Admiral GRANT. Good charity.

Hudson Maxim, in his book, Defenseless America, either an economic fool himself or taking the public for such, says:

The result is that the Nation as a whole is not impoverished in the least by the burden of armaments, but is rather benefited by their support. * * *

The money spent by the Government in building fighting ships could not be esteemed so much money lost, even if the ships were useless. The Government taxes the people for the money to build the ships, and then pays the money back to the people again for the ships. The people get their money all back, and the Government gets the ships. The people lose nothing, and the Government is the gainer to the value of the ships. The result is that the fighting ships have cost nothing. On the contrary, their production has benefited all. Everybody is made better and richer through the building of them. When we have looked upon our Navy, remembering what the pacifists have told us about its enormous cost, we are strongly impressed with the colossal expenditure, not realizing that the Navy has actually cost nothing. Its production has been a source of profit and benefit to the people.

If Maxim, Grant, and the Army and Navy News be correct, then why not stimulate all the industries of the country by feeding them from the Treasury. When all industries are fed from the Treasury, then pension all individuals and we will all live fat and easy.

The President said in his message of December 7, 1915, "These are the essential first steps." Was he at St. Louis indicating a second step when he said, "I want incomparably the most adequate navy in the world"?

Secretary Daniels said, according to newspaper reports on the naval appropriation bill, that his five-year program was considered by him the minimum that should be provided, not the maximum. The Secretary made a speech at Philadelphia on April 28 before the American Academy of Social and Political Science. He said:

My prediction is that Congress will authorize as many battleships, submarines, and destroyers as public and private yards can construct. We are beginning to take an inventory of every factory in America to see what it can do for preparedness. We must spend billions for munitions.

Take that statement with the President's statement at St. Louis February 3, "The American Navy ought, in my judgment, to be incomparably the most adequate navy in the world," and that ought to "take the wind out of the sails of the critics." Munition manufacturers and naval officers have not asked for more than that. They do not want any building to go abroad. They want it all done in this country and by themselves.

The paid and interested critics do not disturb me. I can not follow the President nor the Secretary nor the naval officers; neither do I have any sympathy nor tolerance for the munition manufacturers' demands that we furnish them a market for their wares when the foreign war closes. What the American people want and all they ought to have of militarism is enough to protect their country. More than that is more than the faces of the people should be ground to maintain; more than that is more power than should be concentrated in the Commander in Chief; more than that is more tax on the resources of the country in money and men than is justified; more than that is an unnecessary development of militarism, the thing that has destroyed every free government that has gone down; more than that is an unnecessary menace to our democratic institutions.

We buried the five-year program. The only reason I have ever heard for it was given in the Raleigh News and Observer:

The plan of Secretary Daniels to increase the Navy for five years has taken the wind out of the sails of the critics who say the Wilson administration is neglecting national defense.

The experts who testified before our committee state that the size of a navy is a relative matter and that no man can tell what the relative size of the navies of the world will be when this war is over. They said that in all human probability the war would close within a year. Secretary Daniels said the conclusion of the war would likely be the best time in the history of the world to bring about a general agreement for disarmament. All were agreed "that was a consummation devoutly to be wished." Admiral Badger said:

No man could tell how soon this war abroad would end; no man could tell what the relative size of our Navy and the other navies of the world would be at the conclusion of it.

That is the statement of Admiral Badger, ex-commander in chief of the Atlantic Fleet and member of the board, and regarded as one of the ablest men in the Navy. He says the five-year program was made up on an order.

Mr. CALLAWAY. This five-year program did not have in contemplation any emergency, did it, Admiral?

Admiral BADGER. No, sir. That program was made according to order, without the General Board having under consideration anything outside, but being a direct order to produce such a program with those limitations.

There is no testimony in the hearings showing any reason whatever for a five-year program. On the contrary, the hearings are replete with testimony like Admiral Badger's, which shows that no man can tell what the navies of the world will be at the conclusion of the foreign war; that at its conclusion will be the best time to bring about a general agreement for disarmament; that none of the building authorized by the five-year program can, in all human probability, be completed for use either during or immediately on the conclusion of the war; and that the relative fighting value of ships now built may be shown by the lessons of this war to be obsolete altogether; that all building material is 50 to 100 per cent higher now than ever before. Then, why a five-year program? The only reason is that given in the Raleigh News and Observer, that it would "take the wind out of the sails of the critics." It did not even do that. The Secretary said on April 29:

Congress will authorize, in my judgment, all public and private yards can construct.

The President said at St. Louis, February 3:

I want, incomparably, the most adequate Navy in the world.

Secretary Daniels said, Washington Post, May 19:

The program I presented to Congress represented a minimum and not a maximum of each type.

The war was going on December 10, 1914. At that time the Secretary of the Navy recommended two battleships and said:

I think the war in Europe is going to exhaust the resources of the countries engaged in it, and I think there is less likelihood—I do not think there was much likelihood before—of our country in the future having trouble with these nations.

A YEAR AGO AND NOW.

With our policies and our American ideas, I think the policy recommended in my report and adopted by the last session of Congress is the steady development that is needed.

Two capital ships the year before and two capital ships that year. What has wrought the change?

The President said on December 8, 1914, speaking of our military needs:

There is no new need to discuss it. We shall not alter our attitude toward it because some amongst us are nervous and excited. The question has not changed its aspects, because the times are not normal. Our policy will not be for an occasion.

What is the difference in conditions now and then that made a two-battleship program sufficient and proper then and wholly inadequate at this time? The President has spoken; the Secretary of the Navy has spoken; the sea captains have spoken. What is the difference in conditions now and then? None of them have pointed it out. I have looked, listened, and asked for reasons for the change, but no reason has come from any source except the Raleigh News and Observer and that does not appeal to me.

Last year the R. M. Thompsons and S. Stanwood Menkens, the Gardners, and the Roosevelts, with their Navy League and their American Defense League, the officers of the Army and Navy, always "prepared" for promotions, were clamoring to Congress for additions to the Military Establishment, but they had not attempted to arouse the electorate, to frighten the people. It was not election year. The only place they could work then was on Congress. The arguments of the R. M. Thompsons, the S. Stanwood Menkens, the Gardners, the Roosevelts, the Navy Leagues, the American Defense Leagues disturbed it not. But, oh, what a difference on election year, when those same forces, with the same motives, have gone to the country with J. Bernard Walker's book, America Fallen, Hudson Maxim's book, Defenseless America, and the powder manufacturers' moving-picture show, The Battle Cry of Peace, shouting patriotism! It is not patriotism; it is promotions, profits, and politics.

The President said on his western trip that the peace which followed this war would be a prolonged peace; that the world would not endure another war like this. Secretary Daniels said before the Naval Affairs Committee:

The conclusion of this war would be the best time in the world's history to bring about a general agreement for disarmament.

Admiral Fletcher said before the committee that the conclusion of this war would be the best time in the world's history to bring about an agreement for disarmament. All the sea captains said that the lessons as to the fighting value of the different types of vessels, learned from this war, are not yet to be obtained and will not be until war is over. All are agreed that the developments of this war may make obsolete our fighting ships. No man can tell what the relative strength of the world's navies will be at the conclusion of this war. All are agreed that in all human probability it will close within a year. None of the ships we are now authorizing will be ready for service within that time. Then why lay out a program and make authorizations for continuing contracts for five years in the future?

FEAR OF STOCK SLUMP AFTER WAR.

Mr. Grace, president of the Bethlehem Steel Co., and Mr. Barba, vice president of the Midvale Steel Co., stated that the question with the steel, shipbuilding, ordnance, and powder concerns was how they would utilize their extra forces, their extra equipment, and their extra men that had been added to meet the war's demands when the war stopped. Mr. Grace testified that Bethlehem Steel stock had gone from $30 a share to $530 a share, and like conditions prevailed throughout the entire steel, shipbuilding, ordnance, and powder industries. The board's program would utilize the entire building facilities of the steel concerns, the shipbuilding concerns, the ordnance concerns, and the powder concerns. The Secretary's prediction of what Congress would do and the board's program would solve the question for the munition manufacturers. Will you solve the problem for them? Then to them you are a patriot. I refuse to rake their chestnuts out of the fire at the expense

of those who produce and at the expense of our representative Government.

"Billions for munitions!" Of course, to the ordinary mind, billions is meaningless. Analyze it. See how many thousand dollar homes billions of dollars would buy. "We must spend billions for munitions!" says Secretary Daniels. When I think of the underfed, the poorly clad, the badly housed, and the overworked producers that must in the end pay that bill I balk—I can not stand for it. I will not stand for it. The paid newspapers may criticize, abuse, ridicule, and malign me. The representatives of the steel, shipbuilding, ordnance, and powder concerns belittle and belie me; the coat-tail riding politicians may denounce me, but I will not, if I can help it, permit such a bill to be presented to those who commissioned me to represent them.

BUILD FOR POLITICS.

You tell me that it is politics, and we must do it to carry New York, Massachusetts, New Jersey, and Delaware? I am not playing politics. I am representing 250,000 citizens who want their Government to do even-handed justice and not play politics.

A billion dollars—just one billion—would buy a million thousand-dollar homes. There are 219,575 tenant farmers in Texas. It would buy a thousand-dollar home for every tenant farmer in Texas and leave $780,425,000, or more than three times as much, unspent. There are 2,354,676 tenant farmers in the United States. Three billion, the amount Admiral Fletcher said it would take to build the largest navy in the world and maintain it for two years, would buy every farm tenant in the United States a thousand-dollar home and stock it.

Do you get any idea of what these munition makers are trying to obtain? More than the annual cotton crop for the Navy alone. Unselfish patriots! These patriots held a meeting in New York on the night of June 10, 1915, and at this one meeting raised thirty-odd thousand dollars in less time than it takes to tell it to push this propaganda.

BANKRUPTCY OR WAR.

The biggest Navy in the world? Admiral Fletcher says it will cost a billion and a half dollars to build it and $750,000,000 a year to maintain it, provided other nations do not go on building. If they go on building there is no telling what it will cost. Will they go on building? Admiral Fiske said in the North American Review of February:

It is vital to Great Britain, whose major policy is that she must be mistress of the seas, that she should be.

Admiral Badger said (hearings, p. 1974) that—

England's very existence depends on her supremacy on the seas.

Lord Roseberry said:

I know nothing more disheartening than the announcement made that the United States, the only great country left in the world free from the hideous, bloody burden of war, is about to embark upon the building of a huge armada. It means that the burden will continue upon the other nations and be increased exactly in proportion to the fleets of the United States.

Will the other nations go on building? If "England's very existence depends on her supremacy on the seas," if "it is vital that she be mistress of the seas," if "it means that the burden will continue in proportion to the fleet of the United States," and we must have "incomparably the most adequate Navy in the world," Admiral Fletcher's estimate is no guide.

Where does such a policy lead to? Admirals Fletcher and Badger testified:

Mr. CALLAWAY. If we start to build against them and they build against us, where will the end be?

Admiral FLETCHER. That is simply repeating the history of the world.

Mr. CALLAWAY. You stated the other day that it meant bankruptcy for the weaker nation, and since we were the most wealthy we would be able to bankrupt all of them.

Admiral FLETCHER. That is one phase it might take.

Mr. CALLAWAY. What is the other phase it might take?

Admiral FLETCHER. That one side would force the issue.

Mr. CALLAWAY. Is it your only hope that we are wealthier than any other nation in the world?

Admiral FLETCHER. That is the only hope of any nation.

Mr. CALLAWAY. Admiral Fiske states in the North American Review for this month that military and naval men have seen for years that these competing nations—that is, England and Germany, competing in naval strength and for commerce—would have to go to war some day in self-defense. Do you agree with that statement?

Admiral FLETCHER. Yes, sir. That has been regarded by many experts as the inevitable outcome of conflicting interests and the expansion of Germany upon the sea.

Mr. CALLAWAY. And as soon as they began to build against each other that became apparent to military and naval men, did it not?

Admiral FLETCHER. Yes, sir.

Mr. CALLAWAY. If they entertain the same general views that you entertain with reference to it, would it be possible for us to ever equal their navy, with the start they have?

Admiral BADGER. I think that the financing burden of greater expansion would hamper them, and that if we adopted such a policy we certainly have the money in this country to carry it out. When we come near equality there might be some racing.

Tolstoi, in his open letter to the world, said:

No enlightened man can help knowing that the universal competition in the armament of States must inevitably lead them to endless wars or to a general bankruptcy, or else to both the one and the other.

Here you have the experts and a philosopher. Building for what? Take it from them, "bankruptcy or war."

They ask us to follow them. We ask where they are leading us. They answer, "Bankruptcy or war." "This is repeating the history of the world," says Admiral Fletcher. God of our fathers, is that what their system promises? That is not only what it promises; that is what it insures. Is the sweat of the masses to be coined into dollars for munitions manufacturers, shipbuilders, ordnance producers, powder makers, and officers bedecked with gold braid, that they may finally lead those whose faces they have ground to the trenches with pick and shovel, to bloody mines, to insanity, to slaughter? Tell me I must vote for it?

Go to, thou wretched babbler, and put thy gall in pickle; pour thy tale into the dull ears of ancient "toadeaters," and with it rob confiding partisans of their sense; but tempt not the righteous indignation of reasoning men.

Tell me I must be a party to it? No; I will not do it. If I must feed into the hopper depicted by Admirals Fletcher, Badger, and Fiske the masses that I represent or be the victim of the newspapers, the steel, the shipbuilding, the ordnance makers, the R. M. Thompsons, the S. Stanwood Menkens, and the Hudson Maxims, then victim let it be. And those who, cringing before the shining teeth of these vicious profit takers, surrender those they were elected to represent, have my pity and contempt.

THE REAL PREPAREDNESS LEADER.

Who is the real leader of this grand galaxy of self-styled patriots? Hudson Maxim. He wrote Defenseless America. He got up the picture show, The Battle Cry of Peace. He put it on in every town in the country, showing foreign soldiers in your bedchambers. Let us look at him. He says in his book he is a patriot. He is the crown prince of this band of preparedness patriots. I want to read a few extracts from his book. You all got one—

This country must first be whipped in order to prepare sufficiently to prevent being whipped. Therefore, our business at the present time is to pick our conqueror. I choose England. She would be satisfied with a good big indemnity which we could well afford to pay for the benefit that we should gain from the war.

He was born in Maine, married an English woman, invented smokeless powder, sold his patents to the Du Pont Powder Co., became stockholder and chief mechanical engineer in the Du Pont Powder Co. He has a brother in England, Sir Hiram Maxim, who is an inventor of ordnance and a partner in the Vickers Limited Ordnance Co., of England. He is the inventor of the Maxim rapid-fire gun, and was knighted because of his inventions. Of course, Hudson Maxim wants England to be the one to whip us. Sir Hiram would want us to be the one to whip England. Hudson and Hiram would furnish the ordnance at both ends of the line.

That is not all the interest that this Maxim bunch has in war materials. A Maxim munition company was incorporated on August 24, 1915, in Delaware, with a capital of $10,000,000. (Standard Corporation Service, Vol. IV, p. 939.)

Hudson Maxim, president (Standard Corporation Service, Vol. V, p. 1306), stated:

We have already acquired the services of a very efficient scientific mechanical staff. Hiram Percy Maxim, the inventor of the Maxim silencer, and the son of Sir Hiram Maxim, and his business partner, M. H. Hazler, are among our different technical advisers and supervisors. Edwin B. Hotchkiss, who has had charge of large munition works both here and abroad, and J. S. Conradi, who was for some time superintendent of the Vickers Gun Works at Dartford and Erith, England, is under contract to do similar work for us. We have sold to a very strong financial syndicate in this city (New York) 200,000 shares of our treasury stock.

Maxim Munitions Co. states:

Hudson Maxim has taken the old Maxim gun and made many very important improvements in it, transforming it practically into a new gun. We have a provisional contract with the Russian Government, which is only awaiting confirmation, to manufacture 15,000 of these guns. The price of them I am not at liberty to state, but a regiment of men would be mowed down if in range of one of them. (Nov 10, 1915, Standard Corporation Service, Vol. V, p. 1248.)

Says Hudson Maxim—

We could well afford to pay a big indemnity for the benefit we should gain from the war.

Can you imagine what benefit we common-sense common people would get from the war?

Here are the beauties he sees:

The unpleasant truth should be realized that invading armies must, with other luxuries, have women. As a result they leave a large progeny, wrens in the nests of the doves of peace. Hence, inasmuch as soldiers are the pick of the manhood of their country, they are likely to do about as much toward securing the survival of the fit in an enemy's country as they would have in their own country.

There is another very important consideration, which is that war is a great mixer of races, and that usually mixed types benefit enormously from their compound blood.

Furthermore, the mingling of races and peoples serves greatly to spread knowledge of one another, and they have always profited largely from the mingled knowledge.

He should have told us what benefits he expects for himself. He should let us know if he will be satisfied with a bunch of illegitimates. He is the real preparedness leader. He has done more with his moving-picture show to frighten the timid and make the public believe we were defenseless than any other dozen men in America.

We only have to read his book to find the benefits that interest him personally. On page 73 he says:

We have between forty and fifty million pounds of smokeless powder at the present time, whereas we ought to have 500,000,000 pounds.

He is chief mechanical engineer of the Du Pont Powder Co. Five hundred million pounds of smokeless powder, at 53 cents a pound, would amount to something like $250,000,000. Powder stock has gone, in some instances, from $8 a share to $1,100 a share since the foreign war started. The stockholders, of course, fear an invasion of their stock prices at the close of the war. The Book of Books says that where a man's treasure is, there will his heart be also.

Maxim says:

Every Congressman goes to Washington in the interest of his constituents. He goes there to dicker for them, to swap votes with other Congressman in exchanging congressional concession for congressional concession.

On page 18 Mr. Maxim gives his conception of the temperament and intelligence of the American people. He says:

In a small paragraph in an obscure place on the back page of a leading Boston paper I once saw the announcement that Herbert Spencer, the great philosopher, was very ill and not expected to live. On the front page of the same paper, under bold headlines, was a three-column article on the physical condition of John L. Sullivan. John L. Sullivan was a fighter, while Herbert Spencer was only a philosopher; hence the difference in public interest.

He and those who are like interested with him are trying to organize, crystallize, and capitalize the fighting public interest he saw manifested in that Boston newspaper and frighten the cowardly Congressmen by causing sentiment in their districts.

CONGRESS OBEYS PUBLIC SENTIMENT.

Nine Michigan Representatives voted for a standing army of 250,000 when the Army bill was on its first passage through the House. When it came back from the Senate, after the Ford vote in Michigan, only two voted for 250,000.

Congress is a barometer of public sentiment, if it can determine what the public sentiment is. In this instance these Michigan Representatives got scared too quick. The Ford vote gave them a different idea from the newspapers of what the public sentiment was.

THE FEAR THAT DISTURBS NEW YORK'S PEACE OF MIND.

Mr. Grace, president of the Bethlehem Steel Co., stated before our committee that under conditions existing throughout the entire steel, ordnance, and shipbuilding industries, the question with the directors of those industries was what they would do at the close of the foreign war to avoid a slump.

If we should follow the prophecy of Secretary Daniels, or the advice of the Navy General Board, and authorize all the building that shipbuilding, ordnance, and steel concerns in the country could take care of, the problem that confronts them would be solved, and the Congress of the United States, in their eyes, would be a galaxy of patriots for relieving them of the most serious problem that now confronts them.

The fear of a slump in stock values is the thing that is making New York, Boston, Philadelphia, Trenton, Paterson, and other Atlantic coast cities lie awake at night. Think of the concern of an individual who has 100 shares of Bethlehem stock, worth $3,000 before the war, to-day worth $53,000. Let him contemplate during his sleepless hours the sudden proclamation of peace abroad and $50,000 knocked out of his 100 shares of stock. Do not you know he is willing to parade and wants other people to parade? He is willing to encourage newspapers, and wants other people to encourage newspapers; he is willing to be taxed, and wants to encourage other people to be taxed to maintain that stock.

Fear of invasion? I have heretofore referred you to the statement of Admiral Knight, president of the War College, on the difficulties of transporting a fleet across a great expanse of water.

I want also to quote from Capt. McKean, a graduate of the War College, on the manner in which transports would be convoyed across a great expanse of water:

Mr. CALLAWAY. How much area would a fleet of 100 transports cover, with their accompanying fleet? That would carry about 100,000 troops?

Capt. MCKEAN. With the average transport; yes. They might, with bigger ships, actually accommodate more troops, but the transports you would not dare put in columns closer than a thousand yards apart, and 100 of them in a single column would be 100,000 yards long, or, if you put them in four columns a thousand yards between columns, that would be 25,000 yards long, or 5 miles one way and 4 miles the other way, and they would cover 20 square miles of the ocean.

Mr. CALLAWAY. Twenty-five thousand yards is lots more than 5 miles, is it not?

Capt. MCKEAN. It is 12½ miles; yes.

Mr. CALLAWAY. It would be 12½ miles long and how wide?

Capt. MCKEAN. In four columns it would be 3,000 yards wide; but you would probably put them closer together than that and shorten it up. You would probably put five columns.

Mr. CALLAWAY. You would have to have a screen fleet around them?

Capt. MCKEAN. You would have to have an escort that would screen them; yes.

Mr. CALLAWAY. To protect that troop of transports you would have to have a fleet one and one-half times greater than the opposing man's fleet to afford any character of protection, wouldn't you?

Capt. MCKEAN. To be reasonably safe; yes.

You will get from the above the difficulties that confront a commander in chief in an effort to carry troops across an ocean. You will get from Capt. McKean the immense area covered by the transports, surrounded, as they necessarily have to be, by a screen fleet. I now want to quote Capt. Sims, in my judgment one of the most capable men who appeared before our committee, certainly the most direct and straightforward, showing the impossibilities of protecting a fleet from night attack from torpedoes, scouts, and submarines. He said, in a letter of April 2, 1915, specifically describing the operations of a fleet attacked by torpedoes:

From the experience to date I think it may fairly be concluded that there is no solution to the problem of protecting a fleet against torpedo attack in the open sea. It seems equally clear that under similar conditions fatal damage could be inflicted by floating mines alone, and this without material risk to the attacking destroyers. As for sea-going submarines of high speed, it would be quite useless to try to keep them out at night by any form of screen at present known.

He stated to the committee:

It is true if you drive the scouts back on the fleet and your scouts are reporting to you every half hour the course and speed of that fleet, it enables you to wait until the sun goes down and launch an attack of destroyers through that screen, and we do not know of any means by which that attack can be resisted.

I also want to quote Admiral Fletcher, commander in chief of the Atlantic Fleet, and Admiral Badger, ex-commander in chief of the Atlantic Fleet, and at present a member of the Navy General Board:

Mr. CALLAWAY. You stated a moment ago that a fleet of battleships in the face of the auxiliaries would be in a most precarious condition. Now, analyzing that if the screen of the enemy is superior to your screen and drives it in, your battleships are unprotected in the face of the screen of the enemy?

Admiral FLETCHER. If the screen is annihilated our battleships rely on their speed and the power of their secondary batteries. Under these conditions our battleships would probably withdraw from the scene of operations.

Mr. CALLAWAY. I understood you yesterday that, when we had driven the screen fleet in and the battleships stood bare in the face of destroyers, swift cruisers, and submarines, that it was in a most precarious condition?

Admiral FLETCHER. If all our auxiliaries are destroyed and the enemy's auxiliaries and destroyers are still intact, our fleet would be at a serious disadvantage.

Mr. CALLAWAY. I understood you to say, when I asked you what they would do under conditions of that kind, that they would retire?

Admiral FLETCHER. They probably would; yes, sir; if they could not bring on a day action with the enemy's fleet of battleships.

Mr. CALLAWAY. My attention was called to a statement by Beresford in the Betrayal, in which he said that battleships are worthless against a night attack by cruisers and destroyers. I take it that statement was made prior to the development of the submarine, and to add to that submarines would make it much more forcible, would it not?

Admiral FLETCHER. That is true for unscreened battleships.

The CHAIRMAN. Do you accept that statement as true?

Admiral FLETCHER. He is assuming, and I am willing to agree with the conclusions.

Mr. CALLAWAY. I will follow that out. Do you consider Beresford as an A1 authority?

Admiral FLETCHER. He states that a battleship alone at night is helpless in the presence of destroyers, and I quite agree with that statement.

Mr. CALLAWAY. That is true?

Admiral FLETCHER. Yes, sir.

Mr. CALLAWAY. How about a battleship fighting a submarine?

Admiral BADGER. She will get out of the way just as quickly as she can. There is nothing for her to do but to charge or run, using her guns, of course, when possible; but the best thing is to run, if conditions permit.

Mr. CALLAWAY. How about a battle cruiser fighting a submarine?

Admiral BADGER. The same thing; there is only one way, as far as I know. The submarine, being submerged, can not be hit by gun fire. The only thing to do is to charge it; go for it end on, with the hope that you will ram it, or to run.

If a fleet of battleships in the open sea can not protect themselves against night attack, and no screen fleet has as yet been devised capable of protecting them against night attack by torpedo and submarine, if speed and changing course continuously is their only protection, I can not understand how any sane mortal can get anxious for fear some foreign power will come across either the Atlantic or the Pacific and land on our shores until our entire fleet of destroyers, scouts, and submarines have been cleaned from the ocean. No man who knows the facts has any fears of any foreign power reaching our shores and making a successful landing.

THE INABILITY OF BATTLESHIPS TO STAY IN SUBMARINE TERRITORY.

It has been conclusively demonstrated that battleships can not stay in submarine territory. The statement is often made that when you control the surface of the sea you can destroy the effectiveness of submarines. A look at the operations of the British fleet at the Dardanelles will convince the most obstinate that submarines can drive a battleship fleet, however well protected by small craft, from any place from which submarines are not shut out by means other than the mere control of the surface by destroyers and scouts.

The British made the landing at the Dardanelles April 25, 1915. There were no submarines there. Ashmead-Bartlett, famous English war correspondent, says:

The Dardanelles expedition, if it served no other purpose, is an object lesson on the difficulties encountered by a hostile fleet operating many hundreds of miles from its base in the face of submarine attack.

Up to May 20 an immense fleet of predreadnaught battleships was able to lie off the coast and render the expeditionary army immense moral support by protecting its flanks and encouraging the troops who love to hear the great shells whistling over their heads. On May 13 the *Goliath* was sunk in the Straits during the night by torpedo attack. On May 20 the first submarine was sighted. The entire fleet had to weigh anchor and steer about to avoid giving a sitting shot.

And now we come to these superdreadnaughts that my friend from Illinois [Mr. Foss] told you were the fighting strength of the Navy. Dreadnaught! The dread nothing. Watch what they did at the Dardanelles:

The more valuable battleships, like the *Queen Elizabeth*, the *Agamemnon*, and the *Lord Nelson* (they are among the finest ships afloat) faded away toward the west and were not seen again. On May 25 the *Vengeance* was narrowly missed by a torpedo, and the battleship *Triumph* was sunk. On May 27 the battleship *Majestic* was also sunk. On the following day there was not a single battleship off the Gallipoli coast. All had been obliged to fly to protected harbors for safety.

The facts are plain; dreadnaught fleets are useless for offensive purposes provided you are dealing with an enemy supplied with submarines. They are a poor defense, as well because they can only deal with the enemy's fleet as a whole, provided it chooses to come out and fight. Local defense must be left to the submarines destined to remain in home waters.

Now for the submarine in attack. Supposing the United States were engaged in war against a European power or an oriental. If there is to be a naval war at all, it necessitates one of the belligerents crossing either the Atlantic or the Pacific. It would be utterly useless for either a European power or an oriental to dispatch a fleet to the Atlantic seaboard or the Pacific unless they were already in possession of a prepared base where that fleet could lie at anchor in security against submarine attack. * * * To send a great fleet of modern dreadnaughts to an indefinite objective, namely, to cruise up and down the enemy's seaboard on the off-chance of the enemy coming out to risk an engagement would be merely courting disaster. Such a fleet would be in the nerve-racking position of being exposed to submarine attack from the moment it left its own shores to the moment the survivors regained the shelter of home waters. * * * Even supposing there was a base available within short distance of its objective, the attacking force would be little better off, and you would merely have a repetition of the stalemate which exists in the North Sea at the present time.

Col. Isaac Newton Lewis, United States Army, retired, whose machine gun has practically revolutionized certain phases of operations in the European war, and who has just returned from the scene of hostilities, said:

The effectiveness of the submarine as a weapon can never again be disputed. It has now come to the point where it must be considered as the controlling element in sea power.

Admiral Knight, testifying before the Naval Affairs Committee of the House, was asked:

What show has a battleship against a submarine? What can it do in submarine territory?

Admiral KNIGHT. Of course, it is in danger; and that is all you can say of it. The battleship running at high speed and changing course frequently is not in much danger from a submarine.

Capt. Sims, reporting on the practice of our fleet trying out the different craft, said:

As for seagoing submarines of high speed, it would be quite useless to try to keep them out at night by any form of screen at present known.

If the only thing a fleet of battleships can do in submarine territory is run, what value would battleships be in protecting a fleet of transports when they can do nothing in the presence of submarines but run? If submarines are the controlling element in sea power, if it is useless to try to keep them out at night by every form of screen known, and if they are destined to remain in home waters because they must have a base from which to operate, what reason have we to fear attack from across either the Atlantic or Pacific Ocean?

THE VICIOUSNESS AND INTOLERANCE OF THE PREPAREDNESS PATRIOTS.

Col. R. M. Thompson, proprietor and operator of the Navy League, spoke at Poli's Theater May 28, 1916, in behalf of preparedness. He claims to be a man of very high character, inspired in his work by purely patriotic motives. He was discussing the Army bill just passed and the contemptible inadequacy of it, and said sneeringly that Virginia was a great State, once the mother of Presidents, but now she was satisfied with JIM HAY—just HAY. HAY is the chairman of the Military Affairs Committee of the House, one of the purest and best men in the House of Representatives. Parade, pomp, street shows, and make-believe do not appeal to him. He does not suit the chairman of the board of directors of the International Nickel Co., Col. R. M. Thompson.

He does not suit the New York and Chicago papers either. Referring to the bill they make the following observations about the measure and those responsible for it:

The New York Globe (Ind.) declares that "it will not provide for an adequate system of military defense" and "in the event of trouble it would be necessary to scrap it." The Chicago Herald makes the calm, scientific observation that "a chemist could run the brains of HAY and his little Army pals through a Pasteur filter without getting a trace of an intellectual process above the mental grade of the *Pithecanthropus erectus*."

The preparedness patriots want universal military service. They know a larger force than we now have can not be kept up by voluntary enlistment. That has been clearly shown within the last few months. Expirations and desertions from the Army have been as many as new enlistments. The only way to have a larger force is to force them in by law.

It has become proverbial that the daily press of the country follows its financial interest, but this is the first time it has been so nearly a unit on any question.

It not only puffs everything favoring enormous additions to our Military Establishment, but taboos everything coming from the other side.

Members of Congress in private conversation freely state that there is no danger from without and the danger is from within, but they say the country is wild, and they fly before what they think is popular opinion. They get their conception of public opinion from the daily press.

A few independent papers have stood out against it. May their tribe increase.

TAX FOR INCREASE IN ARMY AND NAVY.

The President suggested in his December message that the stamp tax on notes, deeds, telephone calls, telegrams, medicines, etc., be continued, and that the tax be extended to bank checks, gasoline, and power engines to get money for Army and Navy increase. I protested against that, and, with 31 other Democrats, notified Mr. KITCHIN, chairman of Ways and Means Committee, that we could and would defeat the measure should that committee report it. We notified him that tax for increase of Army and Navy would have to be placed on war munitions, inheritances, and incomes. He and members of the committee, realizing the potency of that statement from 32 Democrats, placed or agreed to place such tax on munitions, inheritances, and incomes. I am proud of this accomplishment.

GENERAL AGREEMENT FOR DISARMAMENT OF ALL NATIONS.

We have secured a provision in this bill that, I think, may be of inestimable value to the nations of the world in the future. When war abroad ceases, when they are exhausted, sick, and horrified by the grim slaughter, and have stopped long enough to coolly survey the fruitless wreckage, I think they will be ready to consider the question of abandoning the competition in armament.

We have provided in this bill for a commission from this country to intercede for such purpose, and we further provide, should such agreement be reached, that all building authorized by this bill shall cease.

Nations at peace have already begun to recognize the efficiency and farsightedness of this provision and wires are coming from across the ocean showing their appreciation.

Think not that helm and harness are signs of valor true,
Peace hath higher tests of manhood than battles never knew.

SUMMARY.

Our Navy, coast defenses, and Army, equipped as they are, backed by the citizens of the land, are amply adequate to defend this country against any and every assault.

No great nation wants to attack us. They want our friendship. It is necessary to them.

We are divided by great oceans, which the development of torpedoes and submarines makes it impossible to transport great bodies of troops across.

It is necessary before this country can be conquered that great bodies of troops be conveyed across broad oceans.

If you want a Navy or Army to force our trade around the world, or for aggrandizement and conquest, you may elevate your sights—a billion and a half for the Navy and a billion for the Army will not give it to you; and a billion per year will not maintain it.

If you want a military establishment to obtain or defend "something intangible and visionary, some vision of the mind never seen by the physical eye," I can not tell, you can not tell, and no mortal man can tell, where we are going nor what will be necessary.

I can not follow the army and naval officers who state that they do not consider the amount of money it costs, nor where it is to come from, and that their plan leads in the end to bankruptcy or war.

Mr. BUTLER. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. BRITTEN].

Mr. BRITTEN. Mr. Chairman, as my time is limited, I desire not to be interrupted until I have finished my statement. Mr. Chairman, I listened with considerable interest to the remarks of the gentleman who just preceded me, and particularly so when he criticized my good friend from Pennsylvania [Mr. BUTLER] for desiring a tranquil peace of mind among the people of Pennsylvania, New York, Massachusetts, and other Eastern States. Does it ever occur to the gentleman from Texas that a satisfactory peace of mind is just as desirable for the border of Texas and the coast line of that great State as it is at other places in the United States? I believe the gentleman forgets that.

While the hearings on this bill have apparently been of a most exhaustive character, it was evident throughout that the muzzling of officers as well as the General Board itself by the Secretary had the effect of curbing free personal discussion in which the committee desired advice.

The bill as drawn is not a measure of real preparedness because it is unscientific, unbalanced, and a patchwork of log-rolling between pacifists and conservatives after the White House had radioed an S. O. S. to the Democratic members of the committee, when the little Navy men had their day.

This is probably the first time in the history of the country that the little Navy men on the committee actually framed the construction program of the Navy. [Applause on the Democratic side.]

Oh, I know you gentlemen of the South are pleased that this bill is framed by the little Navy fellows, but you probably forget—before I go to my other subject—you probably forget that the President went West recently to crystallize public sentiment in favor of a great Navy. He did not go into the South, where most of you gentlemen come from, in order to crystallize a sentiment that does not prevail there. Oh, no; he has got all you fellows and does not need any votes in the South, but he went into Illinois, into Iowa, into Wisconsin, and Ohio to crystallize public sentiment for a big Navy, and you gentlemen watch the votes on this floor on this bill next Friday afternoon and see how valuable his crystallization has been. Count the votes in favor of the bill after it has been properly amended, which will come from men of the East, North, and West, and not from the South, and that is where they always come from. Why does the President insist upon the Republicans in the House carrying the naval bill to a successful completion, as in the past, instead of going into the South where the crystallization of sentiment has evidently not yet occurred? Do you know that out of nine Southern States, including the great State of Texas, from which my distinguished friend [Mr. CALLAWAY] comes, that you only got eight votes two years ago for the one-battleship program? My friend CALLAWAY—and he is a very good friend of mine—was one of those who voted against authorizing even one ship, but after the White House radio S. O. S. he is out for five battle cruisers, at $20,000,000 apiece. That shows the effectiveness of wireless messages on the Navy. [Laughter on the Republican side.]

Mr. MADDEN. Will my colleague yield for a question?

Mr. BRITTEN. I do not desire to be discourteous to my friend, but I said that I did not want to yield to anybody until I have made my point.

In his opening address on the bill the chairman of the committee referred to Admirals Fletcher, Winslow, Knight, Grant, Taylor, Fiske, and others whose testimony indicated a desire for battle cruisers. In this the minority members of the committee fully agree, but the chairman carefully avoided making clear that the advice of these experts was based upon a limited number of first-line ships, principally four, and not upon an unlimited number of battle cruisers as against dreadnaughts, the real fighting ships of the Navy.

The Chairman never once referred to the recommendation of the Navy General Board for first-line ships and evidently forgot that this great body of experts less than 30 days ago recommended 16 first-line battleships—10 battle cruisers and 6 dreadnaughts.

In his opening address to the present Congress the President requested 16 first-line ships, basing the increase on a five-year program at that time, which was entirely ignored by the committee. The Secretary of the Navy in his annual recommendation requested 16 first-line ships. Now gentlemen on the floor of this House and my distinguished friend, the chairman of the committee, when he referred to various programs that have been submitted to Congress and to the Secretary, entirely forgot that the Naval General Board made a recommendation within the last 30 days in which it stated that it would require 16 first-line ships to put our Navy into second place among the navies of the world. Now, I assume when the President was speaking for 16 ships and when the Secretary of the Navy was requesting 16 first-line ships they had done so after conferring with the General Board, the highest naval expert authority in this country. There is no question about it. Now it is up to this Congress—a Democratic Congress—to put our Navy in the second place among the navies of the world or to retain us in fourth place, where the President says we are to-day, and your vote on next Friday afternoon will determine whether or not we are going into second place, because the minority will offer amendments for the construction of eight ships this year. Now, we do not want anything unreasonable of the other side of the House. Your President is for 16 ships, your Secretary of the Navy is for 16 ships, and the Naval Board is for 16 ships. Why not use the Sixty-fourth Congress as a vehicle with which to put our Navy in the second place among the navies of the world, where it belongs? [Applause on the Republican side.]

Surely the President and the Secretary of the Navy can not have forgotten the letter of November 9, 1915, when the General Board advised the Secretary that "our present Navy is not sufficient to give weight to the diplomatic remonstrances of the United States in peace nor to enforce its policies in war."

If Members of the House will carefully read the testimony of the commanders in chief of the Atlantic and Pacific Fleets, as well as that of Admiral Fiske, the foremost strategist in the Navy, they can not fail to be convinced that an efficient, well-balanced Navy is impossible under the present administration, while the figures which I will quote as coming direct from the Chief of the Bureau of Construction and Repair must further accentuate lack of ability to quickly provide a proper national defense in an emergency. With more than one-half of our fighting ships in reserve or repair and with diplomatic complications of a most serious character staring us in the face in Europe, Asia, and Mexico it is impossible for me to understand why the administration so ruthlessly ignores expert military advice.

The Secretary knows that 60 per cent of the crews of the various fighting ships now in reserve would have to be made up of green, untried men in the event of war—men who ordinarily should have had from six months to two years of actual training aboard ship in order to acquaint them with the many duties hurried upon them in the event of actual battle. He knows that our Navy has never been mobilized on account of lack of personnel and also knows of the acute diplomatic situation which brought forth from Germany a short, sharp reply to our note which was equally precise and undiplomatic. He must know that Japan very recently caused our administration to change its policy regarding the restriction of Asiatics as prescribed by the House immigration bill and so changed the phraseology of the measure as to make it look like a gerrymander of a political district to protect a favorite son rather than a piece of legislation covering a class of people. He surely knows that when Japan made this request she was prepared to back it up by force of arms and that her Navy is fully manned, fully equipped, and highly efficient.

It is a simple matter to bluff Germany, whose fleet is vastly superior to ours, when the British Navy stands between us, but

does the administration think that this condition will always exist and that we can look upon the British Navy as our protectors; and if so, is this really a desirable state of affairs? The bluffing of Japan is entirely a different matter, and her polite requests are granted, because we understand the Japanese spirit, while the equally polite request of China applying to our immigration bill is summarily rejected, because China is peaceful and has ignored military and industrial preparations while all other great powers were increasing in wealth and population and at the same time preparing to uphold their honor and dignity. [Applause.]

Let a Democratic Congress remedy the wrong that was made by a Democratic Congress, the Sixty-second, when they permitted the Navy to get out of second place, as they did in 1912, when they denied the recommendation of the Navy General Board and the Secretary of the Navy at that time for three battleships and two battle cruisers. We want to make it clear to you gentlemen. We are merely expediting the building of the 16 ships desired by the President of the United States. Instead of a five-year program, it is going to be a two-year program. Instead of stringing the appropriations over into the next Republican administration, we are giving the Democrats a chance to remedy a great wrong. The Democratic Congress allowed our Navy to get out of second place, and it should be a Democratic Congress that should restore the Navy to the second place among the navies of the world. That is all there is to this argument. I am firm in the belief that our Navy will never be efficient and adequate and will never be the second Navy in point of power among the navies of the world under the present administration, because they have not the ability nor have they the desire to put the Navy in second place excepting for political purposes, and I will prove it to you.

The President has been traveling around the country indicating to the public that the world was on fire, that a great emergency existed. It is perfectly natural that we will adopt or employ emergency measures if an emergency exists. Let us see what his lieutenant, the Secretary of the Navy, the honorable Josephus, has done with the 64 ships now being built for the Navy. Let us see how very ably he has conducted this emergency program and brought these ships to a successful completion in the shortest possible time.

Have any of you on the floor of this House ever heard of an emergency measure coming before Congress? Have any of you on the Committee on Naval Affairs heard the honorable Josephus say that the 64 ships now being constructed in different parts of the country should be rushed to completion? No. That is the best evidence that there is no emergency existing. Let me show you how we are getting along with our construction. And before I do this, I want to call your attention to a certain fact, and let my good friend from Texas, Mr. CALLAWAY, give me his ear. I would like to have his attention, because I hope to convert him to eight first-line ships before we get through. These figures which I have here, and dated May 10, this month, come from the Chief of the Bureau of Construction and Repair, Admiral Taylor. They show the percentage of completion of our ships being constructed in various parts of the country today when an emergency exists, and let me say to you right here on this side of the House that not even one auxiliary ship authorized under the present administration will be built during the four years of this administration. Think of it. During a great administration—the world on fire—the President telling us to keep cool, our diplomatic relations strained almost to the breaking point, with a most undiplomatic note to Germany and a most undiplomatic reply from Germany staring us in the face, and yet notwithstanding that 64 ships are being built by our Government, not one, not even an auxiliary ship authorized under President Wilson's administration will be completed before he goes out of office on the 4th of next March.

Now, of course, there is no need of playing politics with this country and saying that we on the other side expected you and your administration to authorize and build a battleship in the four years of your incumbency. We did not expect that. But when other countries are coming to this country and having ships built in four and five months, as they are doing with submarines, we certainly expect you to build a little submarine or a little destroyer in four years. But you can not do it, according to these figures.

Of battleships there are now seven dreadnaughts under construction. On June 30, 1914, the House authorized three dreadnaughts—the *New Mexico*, being built by the Government in the New York Navy Yard, under absolute control of the Government; the men, the materials, the time, the conditions, the money, and the place all under the control of the Government; and let us see how she compares in point of percentage completed with her two sister ships, the *Mississippi* and *Idaho*. Our good ship, the *New Mexico*, is 19½ per cent completed two years after being authorized. Her sister ships are 100 and 200 per cent nearer completion—that is, 100 and 200 per cent ahead of the *New Mexico*—and, of course, you gentlemen on that side of the House will say, "Well, that is because our honorable Josephus had nothing to do with the sister ships; he could not curtail their completion." But he certainly has water-logged the *New Mexico* in the New York Navy Yard.

Let us take the destroyers. We authorized six on June 30, 1914, two years ago. They are little ships, with no heavy armor or armament. We are constructing the *Shaw*, one of those six, in the Mare Island Navy Yard under the direction and supervision of the honorable Josephus. Let us see how that one has progressed. On May 10 of this year, two years after authorization, it is 31 per cent completed, so that two years from now it will probably be 60 per cent completed if the honorable Josephus lives and the present administration still stays in Washington. Let us see about the sister ships being constructed in private yards, over which the honorable Josephus has no control. The next nearest to the 31 per cent is the *Wilkes*, which is 62 per cent completed, and from that they go up to 87 per cent completed, all in private yards. Of course you understand the Government has nothing to do with the construction after it lets the contract. They can go ahead as fast as they please. Shipbuilders realize that an emergency exists to-day, the same as the General Board realizes it. That is the reason I claim there is an insincerity on the part of the administration in dragging these 64 ships to completion.

We have authorized $24,000,000 for the construction of submarines during past Congresses, and in March of this year we were informed that but six of these destructive water dogs were prepared to defend our thousands of miles of coast line on March 1 of this year.

England had 20 submarines completed in the United States last year in five months. Ten of them were built and reached England under their own power in that time, and 10 are still tied up in this country. Now, certainly if our manufacturers can build submarines for England, 20 of them in five months, surely the ones we authorized in 1914, two years ago, should be nearing completion. Let us see their condition.

Some of those ships are 5 per cent completed. They are 2 years old—5 per cent completed! Why, just imagine how many times this administration would have to be reelected in order to complete one of those ships. [Laughter on the Republican side.] We have heard much about being "too proud to fight," but the record of the Government construction of ships must surely be characterized as "too proud to work."

Mr. MEEKER. Amen! [Laughter.]

Mr. BRITTEN. Oh, I requested that I be not interrupted, and my regular "amen" friend is not annoying me. [Laughter.]

The bill provides for an addition of 300 civilians to the Engineer Corps, to immediately become line officers in the Navy.

This paragraph was written before the House increased by 50 per cent the number of appointees at the Naval Academy and was purely an emergency measure for more officers. Since the House has acted in the matter, this paragraph is most offensive to the service and is sure to provoke an unsatisfactory condition aboard ship, which will militate against the highest efficiency and which, it is agreed by naval experts, is now entirely unnecessary.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. Mr. Chairman, can I get 10 minutes from the chairman of the committee, inasmuch as I am discussing the merits of the bill?

Mr. PADGETT. I would like to give the gentleman 10 minutes, but I have not any time at all.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I will give the gentleman some of my time.

Mr. BRITTEN. I thank you very much. I thought I might get a little time from the chairman of the committee, inasmuch as I am discussing the merits of the bill and the Navy building program proper.

A year ago, Mr. Chairman, we authorized 16 little submarines, the kind that England had built in five months. Let us see their condition. The first 8 or 9 of them have a zero mark after their names, meaning that absolutely nothing has been done on them during this period of emergency. What do you know about that? Would not that make you cross if you were a "big Navy" fellow? [Laughter.] One of those with the zero mark after it is to be built in a Government yard, under the absolute control of the Hon. Josephus and his department. I do not like to say it in a feeling of sarcasm or of criticism. I like the Secretary of the Navy. He is a very estimable gentleman, but he has not the ability to run the Navy Department. There is no use mincing

words about it. He is not big enough for his job, and you gentlemen on that side of the House know it. [Laughter.]

Now, let us take aviation. The General Board has recommended that $7,000,000 be expended on aviation. With a total of 16 aeroplanes at Pensacola, the only aeronautic station of the Navy, 7 of which are being rebuilt or overhauled, and which are therefore *not now* serviceable, surely the most economical Member of Congress will admit that this most important branch of the service has been shamefully neglected in the past and should now receive the whole-hearted support recommended by the Navy General Board.

Recalling the statement of Secretary Daniels before your committee on March 30, this year, that every first-class aviator in Europe who is making frequent flights is furnished three machines, we are now splendidly equipped to keep three first-class aviators busy scouting along 5,000 miles of seacoast, maneuvering with the Atlantic and Pacific Fleets, training recruits for the aviation service, experimenting with launching devices not yet constructed on the decks of battleships, assisting in target practice and "spotting," bomb throwing, torpedo launching, submarine chasing, and a few other duties of such importance that thousands of lives may be sacrificed or gained through their failure or nonexistence.

In view of the advance that has been made in aeronautics during the past year and the demonstrations now being made of the vital importance of a proper air service to both land and sea warfare, our present situation can be described as nothing less than deplorable. In our present condition of unpreparedness, in contact with any foe possessing a proper air service our scouting would be blind. We would be without the means of detecting his plans and unable to attack him from the air, while our own movements would be an open book to him.

Considering that an appropriation of $10,000,000 for aeronautics alone would still leave us behind England, Germany, France, Russia, Austria, Italy, Japan, Spain, and the Netherlands, and that Capt. Bristol, who was ordered to take charge of the development of aeronautics by the Secretary of the Navy more than two years ago, on February 21 of this year told your committee that $7,076,000 was the very least amount which should be appropriated this year, the minority members feel that in recommending an appropriation of three and one-half million dollars they are subjecting themselves to criticism for not properly supplying the Navy with this most efficient weapon of war, which both protects and destroys, and without which the battle fleet of to-day is blind.

The minority have concluded that the $7,000,000 recommended for aviation construction by the Navy General Board on May 2 of this year could wisely be expended during the Sixty-fourth Congress—one-half in each session—and to appropriate less will be but a pretense of giving the people of our country what they really want and what they are prepared and willing to pay for.

The construction of large sea planes, of which our Navy has none, to be used for launching torpedoes, is a matter for serious consideration during the coming months.

And you gentlemen on the other side of the House who framed this bill have provided only $2,000,000 for aviation. Why, do not you know that the people of this country, who have lots of money and are willing to spend it in military defense, will simply characterize that appropriation as shameful, as scandalous? That is what your two millions for aviation is. There is no question about that. Last month our exports were $411,000,000 and our imports were practically $200,000,000. That indicates that we are going ahead, that we are getting richer at the rate of $200,000,000 a month. Is there any reason why we can not provide adequate national defense? Are we too poor? [Applause on the Republican side.]

THE CREATION OF A COUNCIL OF NATIONAL DEFENSE.

The profound weakness of this unscientific, unbalanced, patchwork of logrolling between pacifists and conservatives is the more accentuated by its failure to provide for a council of national defense, so urgently demanded by every student of real preparedness irrespective of his political faith.

If political rivals will unite even now in enabling Congress to establish a council of national defense, they will render a service which heretofore they have failed to recognize as of the first necessity. They will remove a vital national question from the dangers and uncertainties of politics to which it is especially exposed during the year of a presidential election.

The prattle about "preparedness" on the part of politicians already appealing for votes in view of the approaching presidential election would not have the sound of insincerity had they been willing that Congress should possess the machinery necessary for a continuing, complete, and comprehensive program.

Neither the legislative branch nor any official of the executive department, however high placed, has, under the present system, or could have, a complete and comprehensive plan for the national defense. Congress has before it the suggestions of the Chief Executive, the recommendations of the Secretary of War, and the Secretary of the Navy. There are legislative proposals from important leaders in the Senate and House. There are also the various recommendations of the General Board of the Navy and of the General Staff of the Army.

The Secretary of the Navy appears to be the one stumbling-block against this important legislation, requiring practically no appropriation but of the utmost importance to the country.

In the year 1912 the Senate and House Committees on Naval Affairs each unanimously reported favorably to their respective branches of Congress bills for the creation of a council of national defense and at which time President Taft urged upon a Democratic Congress the desirability of establishing this council in order to provide machinery by which the readiness of the Army and Navy might be improved and the programs of military and naval requirements could be coordinated and properly scrutinized with a view to the necessities of the whole Nation rather than of separate departments.

When the chairman of the committee referred to the increase of 13,500 to the enlisted personnel of the Navy, he called attention to the recommendation of the Navy General Board of November 9, 1915, for approximately a like number of men, but failed to state that that recommendation was made upon a building program of $100,000,000 a year, covering a period of five years, which the committee entirely ignored.

A most substantial recommendation of the General Board applying to personnel increase was made in December, 1914, more than one year ago, when 19,600 additional men were recommended, and this report was completely smothered by the Secretary of the Navy, who had his own opinion about the requirements of the service, and since which time the General Board has shown a decided disposition to recommend nothing which might be displeasing to the Secretary, because of the fear that Mr. Daniels might some day wipe the board, which has no legal status, entirely out of existence.

Has it occurred to you that notwithstanding the advice of Admiral Dewey and the Navy General Board, dated August 3, 1914, nearly two years ago, of the necessity of getting the Navy into a state of preparedness, and notwithstanding the letter of Rear Admiral Fiske, dated November 9, 1914, the senior adviser to the Secretary, warning the Navy Department of the Navy's unpreparedness, that no personal increase has been made since then, and that the naval reserve of which he expected so much has developed into a startling fizzle of a little more than 300 men.

Not to be outdone by the then President, the wise men in control of the Democratic national convention in Baltimore inserted in the national platform the following language:

> We approve the measure reported by the Democratic leaders in the House of Representatives for the creation of a council of national defense, which will determine a definite naval program, with a view to increased efficiency and economy.

As the presidential election occurs in November, this will be the last opportunity of the present administration to live up to an agreement solemnly entered into with the American people.

Had the council of national defense been formed at the outset of the administration, in accordance with the platform resolution, we would have long since had a naval and military program and a financial plan to carry it into effect.

It would not be a commission to do the work of Congress, but it would place before Congress a working plan.

The minority proposed to include in this bill, H. R. 9906, which provided for a council of national defense composed of 16 members, 12 of which were civilions and 4 representing the Army and Navy.

The council would help to coordinate the plans of the Army and Navy and furnish a means of reconciling the military and financial interests before submitting to the President and the Congress recommendation for measures of national defense, and would furnish the President and the Congress a ready means of ascertaining at any time the condition of the Nation for defense.

The council would report to the President for transmission to Congress a general policy of the national defense and such recommendations or measures relating thereto as it has deemed necessary and expedient.

Great Britain, France, Germany, Russia, Italy, and Japan all have their national defense boards. The necessity of having a definite policy worked out in advance of war has become of greater and greater importance, and it is not overdrawing the fact to say that Germany's complete success in the terrible war now devastating Europe is chiefly due to the policy and preparations resulting from the cooperation of the civil and military, embodied in Bismarck, the statesman, and Von Moltke, the soldier.

Our own Civil War has brought out the staggering price in blood and treasure a nation may pay for having no definite policy of defense, while Von der Goltz, one of the greatest authorities on the art of war, has said, "Without a good policy, a successful war is not probable."

The great weakness of our Nation, from the standpoint of national defense, has been the want of a definite policy and the lack of cooperation between the various agencies involved.

Thank God, we Americans are not yet so low and mean that we will not gladly pay any price to keep our land from being ravaged, to keep our homes and our women and children safe from rapine, to keep our flag flying in bright honor, to keep our dear country so armed that we can meet any foes that may storm against her, and smash them to pieces with our victorious and terrible weapons of defense.

You gentlemen who are opposing increases to this bill do not believe that war can come upon us as it has come upon every other nation. I wish I could have had you all with me on yesterday when I motored through Arlington Cemetery, just a few miles across the river. In that spot, so sacred and so holy that it is hard to tread its paths without tears, sleep many thousands of our fathers, our brothers who died, not in vain, to save this country from partition and destruction. Those dead did their duty to their country simply, bravely, heroically to the death, and your country expects every man of you to do his duty in the House this week.

Let us not deceive ourselves that these blood-stained powers of Europe and Asia, emerging from their conflict terribly strong in war preparation and desperately bankrupt in wealth, will leave us in peace and in possession of their gold and their trade unless they appreciate our patriotism, our nerve, our wealth, and, above all, our preparedness for defense against any foe or combination of foes.

The President has repeatedly said that he desires unalterably the strongest Navy in the world. Every Member in this House can do his full duty in making the Sixty-fourth Congress the vehicle by which our Navy again assumes second place among the navies of the world.

Remember that the day may come when, because we were not only "too proud to fight" over matters really trivial but also too dull to prepare to face the realities of this world as the last year has proved them to be, our situation will be what is to-day that of France, if not of Belgium and Serbia, and when we shall be in the peril that Britain is.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. PADGETT. Mr. Chairman, I would like to ask the gentleman from Pennsylvania [Mr. BUTLER] how many speeches he has on that side?

Mr. BUTLER. Only one, and I will ask the gentleman from Tennessee to consume all his time except the closing speech.

Mr. PADGETT. Very well. Then I will put in all I have except one. I will yield 10 minutes to the gentleman from Indiana [Mr. GRAY].

The CHAIRMAN. The gentleman from Indiana [Mr. GRAY] is recognized for 10 minutes.

Mr. GRAY of Indiana. Mr. Chairman, the same impassioned appeal made here to-day for arms and armament has been the prelude to war and bloodshed for a thousand years.

But I wish to speak to that paragraph of the bill providing for a conference of the great nations of the world when the European war is over.

The Biblical injunction, "For all that take the sword shall perish by the sword," has been vindicated by the history of all the warring nations of the world from ancient to modern times. I do not want this Nation to take the sword. Alexander the Great took the sword, and Greece perished by the sword. Darius and Cambyses took the sword, and Persia perished by the sword. Cæsar took the sword, and Rome perished by the sword. Napoleon took the sword, and France was humiliated and crushed by the sword. The charred ruins of mighty cities, the hoary columns of antiquity, the overgrown walls of fallen capitals, the crumbling remains of great architecture and ancient art all attest the criminal folly of military rivalry and war.

This is the hour of temptation in our Nation's history. If we abandon our ideals of peace for the standards of war, if we surrender moral force and the power of example to rely upon might, if we enter the contest for world power and control of the seas, if we yield to the alluring calls of rivalry in arms and armament, we will create distrust, engender antagonism, and arouse the world to enmity and the nations to unite against us. If we ignore the admonitions of Scripture and disregard the warnings of the past, posterity will read our history in a new chapter of the tragedy of nations. If we take the sword we will perish by the sword.

But, Mr. Chairman, there is even a higher reason why we as a Nation should now preserve the even tenor of our way in Navy building, why we should now maintain our traditional policy of peace and an Army and a Navy only for defense, why we should now renounce and disclaim a policy of military rivalry looking to world power and the control of the seas.

When the great European war is over and the smoke has lifted from the battle fields, when the echo of artillery has died away, when the censor's curtain screening the horrors of war has been rolled aside, and the world looks in upon the wounded, the mangled, and the dead; looks in upon the ghastly scenes of carnage and human slaughter; upon a continent littered with human skulls and the bleaching bones of the dead; looks in upon the havoc, the destruction, the devastation, upon the ruins, the débris, the desolation; when the world looks in upon the widows, the orphan children, the starving babes upon the breasts of frantic mothers, and the great multitude of cripples all left helpless and dependent upon the earth; upon the woe, the want, the destitution following in the wake of war; when the world looks in upon the bereaved and disconsolate survivors groping their way through the charred ruins, once their homes and abiding places, staggering under the crushing burden of a war debt, to weigh upon them and their children and their children's children for generations to come; when the great European conflict is over—I believe the world will realize the horrors and atrocities of war more than ever before; I believe the world will realize the awful crimes of war more than ever before; I believe the world will realize the awful costs of war, costs in life and limb and treasure, more than ever before; I believe the world will realize the supreme folly of war more than ever before; I believe humanity will be appalled; I believe the world conscience will be shocked and horrified; I believe civilization will stand aghast at the awful spectacle of blood and death and desolation; I believe mankind will revolt; I believe the inhabitants of the earth will appeal to us, as the last great Nation remaining neutral to rescue them from the horrors of human strife and combat; I believe the world will be ready to consider the end of war.

I believe that a great and glorious opportunity awaits this Nation, the opportunity of the centuries, the opportunity of the ages, the opportunity of all time in history, the opportunity to lead the way from cruel, devastating warfare in the settlement of international disputes to courts and commissions and to the planes of a higher and more exalted civilization. [Applause.] This opportunity coming to us is a rare opportunity coming to a nation or to a people; coming only once in a lifetime, only once in a century, only once in an age, only once in a long lapse of time.

I believe this opportunity is ours if we will only avail ourselves of it, if we will only hold ourselves neutral before the world, if we will only hold ourselves impartial before the world, if we will only hold ourselves blameless before the world, if we will only hold ourselves acceptable to the nations and to the peoples of the world. [Applause.]

I believe the opportunity is ours if we will only renounce and disclaim a policy of military rivalry, if we will only turn a deaf ear to the alluring calls for world power and control of the seas, arousing distrust and apprehension against us, arousing animosity and antagonism against us, arousing the enmity of the nations against us.

I believe the opportunity is ours if we will only resist the temptation to take advantage of the misfortunes of others and to gain power for ourselves while others are in war among each other, if we will only remain true to our traditional policies of peace and an army and navy only for defense, if we will only hold ourselves ready, acceptable, and qualified before the world for this great forward movement of civilization.

In the ordinary course of life men are naturally and necessarily more exclusively engrossed with their own, immediate and surrounding affairs; they are more concerned in their own home land where they live and move and have their being; they are more intensely interested in their own day and generation and the ever-engrossing present.

But there is a time when men should rise above their own immediate and surrounding interests for a broad consideration of the welfare of humanity at large. There is a time when men should look beyond their own home land to the world as their country. There is a time when men should extend their vision beyond their own day and generation to contemplate posterity, the future, and the generations to come. There is a time when men should realize their individual responsibilities in life and assume the obligations resting upon them separately as free moral agents among men. These are such times and these are questions upon which I do not surrender my convictions to any man, body of men, or to any party. [Applause.]

This is a duty which we owe not only to the people of our own country but to the people of all countries. This is a duty which we owe not only to our own Nation but to all nations. This is a duty which we owe not only to humanity here but to mankind everywhere; a duty we owe not only to our own civilization but to the civilization of the world, not only to our own day and generation but to posterity, the future, and the generations to come.

If we will only hold ourselves ready, acceptable, and qualified before the world for this great opportunity, our gain and material reward will be great by it. But let us forget the gain and reward of it. Our fame in history will be great by it. But let us forget the fame in history of it. Our glory in the world before men will be great by it. But let us forget the glory of it; let us forget all but the cause of humanity and the civilization of the world. [Applause.]

[By unanimous consent, Mr. BRITTEN was given leave to extend his remarks in the RECORD.]

Mr. PADGETT. Mr. Chairman, I ask unanimous consent to insert in the RECORD as an extension of my remarks some figures and explanations relative to the construction program.

The CHAIRMAN. Without objection, it will be so ordered.

The memorandum referred to is as follows:

MEMORANDUM.

MAY 26, 1916.

1. The naval appropriation act approved March 3, 1915, authorized the construction of 2 battleships, 6 torpedo-boat destroyers, 2 seagoing submarines, and 16 coast-defense submarines; also 1 oil-fuel ship.

2. The battleships *Nos.* 43 and 44, now named the *California* and *Tennessee*, are now under construction, the former at the navy yard, Mare Island, Cal., the latter at the navy yard, New York, N. Y. The usual time required between the authorization of a battleship and the placing of the contract therefor is from three months up. The lowest time possible is about three months, and in the past this has been accomplished only in several isolated cases where the vessel has been a duplicate of vessels authorized a year previously. Sixty days is the minimum time which has been allowed bidders to prepare their estimates. After the bids have been opened several weeks are required for a careful consideration of the bids submitted and the necessary legal formalities in connection with the signing of the contract. The following gives the length of time which has elapsed between the date of authorization and the date of contract for all battleships authorized subsequent to 1898:

Virginia, 23½ months.
Nebraska, 24 months.
Georgia, 23½ months.
New Jersey, 8 months.
Rhode Island, 8 months.
Louisiana, 3½ months.
Connecticut (navy yard).
Kansas, 3½ months.
Minnesota, 3½ months.
Vermont, 3½ months.
New Hampshire, 8 months.
South Carolina, 16½ months.
Michigan, 16½ months.
Delaware, 13 months.
North Dakota, 5 months.
Florida (navy yard).
Utah, 6½ months.
Wyoming, 7 months.
Arkansas, 6½ months.
New York (navy yard).
Texas, 5½ months.
Nevada, 10½ months.
Oklahoma, 10½ months.
Pennsylvania, 6 months.
Arizona (navy yard).
New Mexico (navy yard).
Mississippi, 5 months.
Idaho, 4½ months.
Tennessee (navy yard).
California (navy yard).

It will be noted from the above that in a number of cases a year or more elapsed between the authorization and placing of contracts. In each of these cases the delay was primarily due to the desirability of giving the most careful consideration to the major features of the design of the vessels in question, these features being based on the current developments in naval science. At the date of authorization of the *California* and *Tennessee* the great European war was in progress. The experience during the first months of the war, when a number of vessels of war were sunk by torpedo attack, had impressed upon the department the necessity of improving the methods of defense against underwater attack for capital ships. For some months before the authorization of battleships 43 and 44 an experimental investigation in this connection had been in progress, and this had already developed the great desirability of improving this particular feature. Upon the urgent recommendation of the chief constructor it was determined to hold back the designs in order to introduce such improvements as the experiments might indicate. By July, 1915, the experiments had shown the possibility of very great improvement and indicated the general features of the construction to be desired. It was necessary, however, to make numerous detailed experiments before the best arrangements could be settled on. This work was being pushed all the time to the limit of the facilities available.

3. As soon as there was a preliminary determination of the torpedo protection, which was radical departure in details from former practice, these vessels were advertised for on September 20 and the bids opened November 17, 1915. It was realized at the time of the advertisement that the final information would not be available until early in 1916, and one proviso under which the vessels were advertised required the contractor within three months of the date of contract to make the necessary improvements in this feature, being reimbursed if the changes from the plans as advertised involved any additional expense. All of the bids received refused to accept this condition except on condition of delay in construction.

4. By undertaking the construction of these ships in navy yards the department was enabled to adopt for them the indirect electric-drive method of propulsion, a method which hitherto the private bidders have been loth to adopt or bid upon, presumably in view of the fact that it requires them to purchase machinery instead of building it at their works. This method of propulsion enabled the department to rearrange the machinery in a manner which added very much to the protection of this vital feature against torpedo attack. Incidentally it enabled the speed characteristic to be made 21 knots instead of 20½ knots, as provided in the original design bid upon by outside contractors. By very prompt action in contracting for the structural material for these vessels in December the department was able to obtain it before the enormous rise of the last few months had made much progress. At present market prices the structural material contracted for in December would have cost about $1,450,000 more than the prices actually being paid.

5. The navy yards were instructed to prepare for the construction of these vessels and to proceed with the ordering of material about December 1, 1915, and the plans were entirely revised and completed before the end of February, 1916. It will thus be seen that the order for the construction of these vessels was placed within 9 months of the date of authorization, which compares favorably with the intervals given in the above table in the case of previous battleships. The three months required for the revision of plans was necessary whether these vessels were built in navy yards or by private contractors, as the revision was necessary to incorporate new features of the most vital importance, and the Navy Department would have been liable to the most serious criticism if it had proceeded with the construction of these ships without making provision for these features.

6. The destroyers authorized by this appropriation bill are *Nos.* 69 to 74. Their designs were completed and issued to prospective bidders on August 2, 1915, five months after their authorization. Bids were opened after the usual estimated period of 60 days, on October 6, 1915, and the notice of awards of contracts were issued to private bidders and to navy yards on October 20, 1915, about 7½ months after the date of authorization. The contracts were placed for delivery in 20 months after the date of contract which is the shortest contract period for building of destroyers which has ever been allowed by the Navy Department. This shortening of contract period for destroyers has been obtained despite the fact that American shipbuilders are busier on merchant work at the present time than ever before in their history.

7. The act provided for two seagoing submarines to have a surface speed of 25 knots or more, if possible, but not less than 20 knots. This required a design involving an unprecedented speed, not only as compared to previous United States submarines, but also as compared to any foreign submarines of which the Navy Department has any knowledge. The design for these vessels was completed in December, 1915, which is considered to have been an exceptionally short period for the preparation of a design involving now problems of such magnitude. Bids were opened after the usual 60-day period on February 16, 1916. Only one bid was received within the limit set by the appropriation, and this bid was made contingent on the acceptance of the vessels, even though they might attain a speed as low as between 19 and 20 knots. Under the wording of the act the department could not legally place a contract under these conditions and circumstances were accordingly reported to Congress under date of March 3, 1916. It will therefore be seen that the responsibility for not proceeding with the construction of these vessels rests upon Congress which made mandatory in the law a speed characteristic which no contractor in this country was prepared to accept.

8. The 16 coast-defense submarines authorized by the act were advertised May 29, 1915, less than three months after the passage of the act. The original date set for the opening of bids was August 2, 1915. The date of opening, however, was postponed to September 30, 1915, pursuant to a request of one of the shipbuilding companies which had not previously entered the field of submarine construction. This delay was justified in that it was for the purpose not only of obtaining a wider field of competition, but also for incouraging additional builders to enter this field, thereby increasing the country's resources for constructing this type of vessel. Notices of award of contract for these vessels were issued on October 20, 1915, only 7½ months after the date of authorization, which is a much shorter period than has generally been attained in the case of previous vessels of this class. In spite of the large amount of merchant shipbuilding on hand, and the great difficulties experienced in obtaining material of all kinds, the contracts for these vessels called for completion within periods ranging from 21 to 25 months, which is a shorter average contract period than has heretofore been provided for any class of submarines.

9. The oil-fuel ship authorized in the act of May 3, 1915, was assigned to the Mare Island Navy Yard. On April 19, 1915, the department authorized the construction at the Mare Island Yard, directed material to be assembled, etc. The keel was laid on December 15, 1915. The date for launching has been now fixed for June 17, 1916, having been accelerated beyond the date originally contemplated in order to clear the ways for the battleship *California*. The present estimates are that this vessel will be completed in March or April, 1917, or about two years from the date of its authorization.

Mr. BUTLER. Mr. Chairman, how much time have we left on this side?

The CHAIRMAN. Forty-seven minutes.

Mr. PADGETT. I yield 15 minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER. Mr. Chairman, the necessity for self-defense is not debatable. When that is lacking, there is nothing to defend and nothing to debate; but no informed man will or can truthfully assert that our country is in any sense defenseless. On the contrary, he must admit that it is immeasurably better defended than ever before in its history. While making no claim that our Navy is as large or as strong as it should be, yet to those really seeking information as to its present strength and needs, I cordially commend to their reading the very informing and full statement by Admiral Fletcher, the commander of the Atlantic Fleet, and also the comprehensive statement of Rear Admiral Benson, chief of naval operations, made before the House committee at this session. They will there find a full

answer to many of the misrepresentations so persistently uttered and circulated against our Navy and its present efficient head.

I briefly quote from Admiral Fletcher's hearing as to the efficiency of the men and ships:

The personnel now with the fleet meets every requirement. There is no body of officers in any navy of the world that are better educated. There are none more skilled in their profession and none required to maintain a higher standard of efficiency than those in our Navy. * * * The enlisted men who man our battleships are the best the country could produce. * * * As far as can be ascertained, there is no fleet that is more constantly drilled or exercised than our fleet on the Atlantic coast, or any fleet where more exacting requirements are demanded. This is borne out by the results shown in our maneuvers, our war games, our tactical problems, and our target practice. * * * In my annual report there I pointed out some defects in the matériel of the fleet and its needs and requirements to make it a more effective fighting force. These are of long standing, and are only now emphasized by events abroad. The Navy Department has done everything that lies within its power to remedy the shortcomings and carry out the recommendations from the fleet, but most of these requirements are beyond the control of the department and require the legislation of Congress.

The program now proposed in the majority report is the most noteworthy in the history of the American Navy, carrying not only for new construction by far the largest appropriation ever recommended to any Congress, but at the same time offering more far-reaching and constructive legislation than has ever been recommended before. In the type of ships, both capital and lesser craft, which the report recommends we have followed the best and highest expert advice of naval officers, and, if this report is adopted, it will not only add a large number of very effective and badly needed units to our fleet, but will mark a long forward step in the full development of a well-balanced and thoroughly efficient Navy.

With these additions we may still be short in numbers, as compared with some, but not in quality and high military efficiency.

Mr. Chairman, I now desire to address myself to the remarkable report filed by the minority members of the committee. It is to be regretted that in this report they have injected politics into the discussion of this important subject; partisanship should always stop at the water's edge, but nothing seems to deter the minority from considering every question from the standpoint of partisanship. In this report, remarkable for the great number of its gross inaccuracies and misleading statements, a comparison is made between the building program of capital ships under the present administration of President Wilson and that under the four preceding Republican administrations commencing with that of President McKinley, in the Fifty-fifth Congress, 1898.

A list of the capital ships authorized under each of these administrations is set forth on page 2 of the minority report, and the very surprising statement is made that following the Spanish-American War the United States, under Republican administration, entered upon a policy of building and maintaining a Navy superior to that of any great military country of the world, and that so long as we adhered to that policy our Navy was second only to that of Great Britain. It asserts that the decline of our Navy from second place began with the Sixty-second Congress, and would have you believe that during the 16 years of Republican administration the American Navy was elevated from a lowly position to that of the second naval power of the world, and held there just so long, and only so long, as the administration remained Republican.

While again condemning the injection of politics into this discussion by the minority, I gladly accept the challenge they offer in order that the truth may be made known. [Applause on the Democratic side.]

It is surprising, in the light of the real facts disclosed by the information given the minority at their request by the General Board, and on which they have based their report, that they would have the temerity to assert that it was decided upon by Republican administrations to build a Navy second only to that of Great Britain. It is true that a Navy superior to that of Germany was the desire of the General Board, which submitted its first report in 1903. The German laws of 1898 and 1900, with subsequent amendments, laid down a definite program of building ships and providing personnel. This was public law, of which every administration was fully informed. It was with full knowledge of these laws and the ships they proposed to build that the General Board was influenced in submitting the programs it recommended year by year, including 1903 and thereafter. The recommendations of the General Board, however, were never accepted, nor even were they considered deserving of transmission to Congress or of publication for the information of the people by the Republican administrations referred to in the minority report. [Applause on the Democratic side.] Not until the present Secretary of the Navy came into office in March, 1913, were the reports of the General Board made public.

No Republican Congress provided ships in any measure equal to the number recommended by the board. Any program providing fewer ships than were recommended by the General Board, it is admitted, could not have retained second place for us; and since no Republican Congress or Secretary ever recommended or provided ships to the number required by the program, how can the minority now assert that it was the policy of the Government under Republican administration to build and maintain a Navy superior to that of any great military country in the world? [Applause on the Democratic side.]

Do you know that during the six years of President Roosevelt's administration a Republican Congress built just one-half of the capital ships recommended by the General Board, although the amount recommended by the General Board was necessary, if the policy was to be adhered to of placing our Navy in second place? [Applause on Democratic side.]

What is more, in December, 1905, President Roosevelt sent a message to Congress in which he stated that our Navy was large enough and that he did not wish to increase its strength, but only desired in future to provide a building program to take the place of ships that might become obsolete or worthless from time to time, and in this message recommended that the naval strength could be maintained by providing only for the addition of one battleship each year. The General Board recommended three for that year; a Republican Congress and a Republican President only provided one. [Applause on Democratic side.]

Again, in December, 1906, President Roosevelt, emphasizing the same statement, said:

I still feel that it should not be our policy to increase the strength of the Navy. We have only to maintain it at its present strength.

This, he again said in his message, could be accomplished by the building of one battleship a year. The General Board that year recommended the building of three, yet a Republican President and a Republican Congress again only authorized one. [Applause on Democratic side.]

Do these facts prove the assertion made in the minority report as to the policy of maintaining our Navy as the second great naval power of the world?

But this is not all. In 1903, when the General Board first submitted its recommendations to the Republican Secretary for current and future building, the United States enjoyed a superiority in tonnage of about 100,000 tons over the German Navy. France was at this time the second naval power and the United States was third. The Navy of to-morrow can be measured only by the Navy of to-day plus the new construction on the stocks. We might have to-day a superior Navy, and yet a few years hence an inferior one, if, while a competitor builds, we remain idle. How was it that our superiority over the German Navy, which was about 100,000 tons in 1903, had been reduced to about 60,000 tons in 1907 and 50,000 tons in 1908, and that in 1909, long before the Democrats came into control of the House, it surpassed us? [Applause on Democratic side.]

The action of a Republican Congress, following the recommendation of President Roosevelt, and the absolute disregard of the recommendations of the General Board by Republican Secretaries, clearly account for this rapid decline. Facts in the possession of the minority leader, and on which the minority report is based, show that according to the General Board the United States fell behind Germany in 1909, if you gauge the naval strength by the ships built and building. This was at least two years before the Democratic Congress in December, 1911, assembled. Yet in the light of these undisputed facts, the assertion is brazenly made in the minority report that the decline of the Navy from second to third place began with the Sixty-second Congress. [Applause on the Democratic side.]

There is another comparison that this list set out on page 2 of the minority report suggests. The minority have very wisely omitted to set out the sums appropriated at each session of Congress under Republican administration during the 16 years which they have called attention to. Now, I want to supply this omission. Under the first McKinley administration you appropriated $48,000,000 in four years for capital ships. The greatest amount at any session of Congress during this four years was $20,000,000, and the amount carried in the bill now brought in by a majority of the committee at this one session of Congress represents for capital ships a sum five times what you appropriated at any single session under the McKinley administration and represents more than twice what you appropriated for this purpose during the first four years of the McKinley administration. [Applause on the Democratic side.]

The amount appropriated in three years under President Wilson's administration, including the amount now recommended

in this bill, is more than was appropriated in 12 years under the McKinley, McKinley-Roosevelt, and Roosevelt administrations, and when the next session of this Congress shall have ended the facts will show that in four years under President Wilson's administration more money has been appropriated for capital ships than under the entire 16 years of Republican administration, to which the minority refers. Yet, in the light of these facts, this minority report undertakes to insist that more should now be appropriated than is recommended in the majority report. [Applause on the Democratic side.]

If you will take the trouble to estimate the military efficiency of the capital ships authorized and yet to be authorized under the Wilson administration, according to recognized military formula, you will find that, stated in percentage, the military efficiency of such capital vessels is greater than that of all of the capital ships authorized in the 16 years of the Republican administrations to which the minority report refers. [Applause on the Democratic side.]

Now, if our friends on the minority side of the House can get any comfort out of the comparison which their report invites, they are welcome to it. [Applause on the Democratic side.]

When it is remembered that this bill carries an appropriation for capital ships alone from three to five times greater than any ever carried by any bill offered or passed at any single session of any Republican Congress, it may be interesting to inquire for some explanation of this seemingly enthusiastic desire on the part of the minority Members to add to this already ambitious building program. Perhaps I may be able to suggest such explanation by recalling an interesting incident which occurred during a recriminating discussion between two well-known Republicans.

Back in the Fifty-fourth Congress there was a distinguished Republican on the Naval Committee from the State of Indiana, Mr. Hanly, afterward governor of that State. Mr. Boutelle, of Maine, was the chairman of the Naval Committee at this time, and it so happened that in a Democratic Congress, just a short time preceding this date, Mr. Boutelle had spoken with great earnestness for 10 battleships. In the year now when he, shortly afterwards, became chairman of the Committee on Naval Affairs, in a Republican Congress, and when the war clouds were hovering around, to which frequent allusions were then made, as now, in fervid speeches urging an increase in the naval building program, which Mr. Boutelle had just reported and which carried an appropriation for only four ships, to cost not exceeding $20,000,000 in all; Mr. Hanly, speaking in favor of an increase of the number from four to six ships, made this very significant observation—I quote from Mr. Hanly, on page 3141 of the CONGRESSIONAL RECORD of the Fifty-fourth Congress:

> It has been dinned into my ears constantly in the committee room and out of it, Mr. Chairman, on every hand, that we ought not to make this appropriation because our Democratic friends would not make one when they were in power. Looking back over the debates I find the Democratic Party as a rule has been enthusiastically in favor of appropriations for the Navy when they were out of power and not responsible, and I find the Republican Party has pursued the same policy. Why, sir, the chairman of this committee, speaking in a Democratic Congress urged an appropriation for 10 warships. Why not now? Why not now when clothed with power and authority? Let him answer it. I do not for myself favor that kind of politics. I am heartily sick of it all, and so are the people of these United States.
>
> It seems [continued Mr. Hanly]—
>
> The age of virtuous politics is past,
> And we are deep in that of sold pretense.
> Patriots have become too shrewd to be sincere—
>
> And we need not be surprised if the people are too wise to trust us.

[Applause on the Democratic side.]

I wonder how many Hanly-pictured Boutelles there are among the signers of the minority report? [Loud applause on the Democratic side.]

Now, in conclusion, let me say that in the preparation of this bill the committee have not been unmindful that Congress, in providing for our Navy, should consider any potential dangers from without that address themselves to the calm judgment of reason; yet we have not undertaken, and I hope we never will, to prepare for national aggression, and so long as our preparedness is impressed with the character of self-defense, as opposed to aggression, there can be no merit in the argument that we are drifting into militarism. All recognize that an adequate Navy is the best bulwark of our safety, if the time should ever come when necessity and might become the supreme law. Yet our people have never, and I hope will never, give assent to that declaration attributed to Lord Nelson in the years gone by, to the effect that "a line-of-battle ship is the best negotiator in Europe."

Our country looks with confident hope to the time when peaceful argument can be relied upon in the settlement of national differences, and it was significant that only last week representative citizens from every section of our country gathered at the Capital of the Nation and discussed in serious and hopeful vein the probability, after the close of that almost indescribable struggle across the ocean, that the nations of the world might, by common consent, establish, along practical lines, some tribunal to which differences could be referred for advice and determination, subject to the final approval of the nations involved. This bill carries an appropriation of $200,000, which may be expended at the discretion of the President, in calling an international conference looking to this end.

It is but a recognition of that human truth that to strike a blow in wrath is simply the operation of passion, but to manfully restrain national passion, even under provocation, is the result of human reasoning. If civilization means anything besides the mere technical achievement, it is self-restraint, and the degree to which it is practiced is the measure of our real culture. It should be practiced by nations as well as by individuals.

And in the building program of the future, while it must be always sufficient for adequate defense, may we always remember that a Navy more powerful than is necessary for defensive purposes might invite its abuse and might prove, instead of a protection, a menace to the peace of the world and to our own liberty. Surely none of us will ever want to see our country in the rôle of an international bully. Let us hold to those traditions we have always been taught, and which enjoin on us to always set the world an example in the love of liberty and peace and in the ways of justice and fair dealing in all our relations with others.

What a nation does exclusively for themselves passes away; what they have done for the world remains. For a nation to place all people of all lands under a debt of conscious obligation, because of her real service to humanity, for that nation to send forth light from her high places to illumine the earth, to realize within herself that real righteousness which exalteth a nation, to champion the cause of justice, and to sacrifice the glory of conquest for the right of universal peace—this is indeed to conquer the world, and happy are they who can play a part in it. [Prolonged applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. OLIVER. I ask unanimous consent, Mr. Chairman, for leave to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? The Chair hears none, and the leave is granted.

Mr. OLIVER. Under leave granted me to extend my remarks, I wish to say that it is evident from the discussion that the bill will pass substantially as reported, and I now desire to write into the RECORD some conclusions as to what the evidence, offered before the Naval Committee at its recent hearings, shows has been accomplished under the present administration by the Navy Department, and I am especially induced to do this by reason of the many incorrect statements set out in the minority report, and some of which have been reiterated on the floor of the House in the discussion of the pending bill.

It is my opinion that the Navy is to-day better organized, better balanced—though not well balanced—better officered, better manned, better armed, and better supplied with ammunition, and is more efficiently and ecomonically administered than ever before in its history. Every branch of the service has been improved and the organization of both the Navy Department and the Atlantic and other fleets developed to a high state of efficiency.

Quoting from Capt. J. O. McKean's hearing before the Naval Committee:

> We have made more real progress in the last two years than any previous five-year period in my experience in the Navy. I do not think I have ever known a time when everybody in the service, from top to bottom, was working as hard with their heads and hands to prepare the fleet for active service.

Admiral Benson, the Chief of Naval Operations, asserts that—

> Cooperation between the various bureaus and offices of the department with the office of the Chief of Naval Operations has been most cordial and complete, and the practical result has been all that could be desired.

And he adds:

> A thoughtful consideration of the work that has been accomplished will show that all is being done now that could reasonably be expected from a so-called General Staff. In my opinion the organization that exists in the department, and that is now in successful operation, is accomplishing in a purely American and businesslike manner all that could possibly be expected from the creation of a general staff, and is, I believe, doing this in a much more satisfactory way.

Says Admiral Dewey:

> Our own General board is, I think, the best General Navy Staff in the world.

Rear Admiral Knight, president of the War College, where high officers of the Navy are instructed in strategy and tactics, testified that—

Secretary Daniels has done more for the War College than any of his predecessors.

In his testimony, Admiral Winslow, a recent member of the War College faculty, after testifying to the great value of the institution, testified that it had nearly been done away with under several Secretaries, but had received better backing from Secretary Daniels than it has ever had.

The door of opportunity and of advancement has been opened to the enlisted man. He has been assigned hours for study that he may avail himself of the new opportunities for promotion. In the four years under President Taft only 3 enlisted men were commissioned ensigns from the ranks. In three years under Wilson 17 have been so promoted; commissions in the Pay Corps have been opened to enlisted men, and 15, who succeeded in passing the examinations, have been commissioned assistant paymasters. The positions of pay clerk and chief pay clerk, formerly held by civilians, have been reserved for enlisted men, and 187 have been appointed to these grades; a law has been passed allowing the Secretary of the Navy to appoint 15 enlisted men to Annapolis each year, and in its first two years 13 entered the Naval Academy. This year more than the number allowed have qualified.

The ironclad enlistment has been modified so that a man, under certain circumstances, may obtain his discharge before the expiration of his enlistment, if his presence at home is essential to the welfare of his family. In the last year over 2,000 men have been granted this privilege. Desertions, which were formerly so prevalent that in the four years of Taft they aggregated 10,360, have been so greatly reduced that they now number less than 90 a month and are steadily decreasing. In three years the number of prisoners, owing to the substitution of more enlightened, though stricter regulations, have decreased from 1,800 to 700.

The result is that the Navy has been increased in three years by 6,331 men, which is nearly double the increase made in Taft's four years. In his four years Secretary Meyer recommended an increase of only 5,000 men and left the Navy over 5,000 short of the number authorized. With this shortage overcome and the ranks now recruited to the maximum allowed by law, we are now proposing an increase allowance of 16,550 men. This number will be recruited probably during the year, making a total increase under Wilson of about 20,000 men, to less than 4,000 men under Taft.

The reenlistment of men discharged in good standing has increased from 52 per cent to 85 per cent, and the efficiency of the Navy greatly enhanced by the retention of these valuable seamen.

For 16 years the Republicans talked about a naval reserve. In their second year the Democrats authorized one. The provisions of this bill will be modified by this Congress in a manner regarded by naval authorities as the most certain to give us the best reserve possible, mustering into the Navy the ex-service men, seafaring people, yachtsmen, and mechanics whose services would be required in time of war. Anticipating the enactment of this legislation, the Navy Department has arranged a summer cruise for civilians, which will immediately add about 4,000 to the reserve of men with naval training.

The number of midshipmen at Annapolis has been increased by about 830 to overcome deficiencies in officers inherited by the Wilson administration, and to provide for the large program which this Congress is authorizing.

The appointment of civilian aviators, civilian engineers, and civilian instructors at the Naval Academy is provided for, that an immediate increase in the number of officers available for military duty may be effected without waiting for the graduation of the increased number of midshipmen appointed to Annapolis.

The Bureau of Ordnance has designed and ordered for new vessels a 14-inch gun, which will shoot farther, shoot straighter, and hit harder than any gun now in use in any foreign navy. It has designed and rested a 16-inch gun, which will be ready for use any time the experts of the Navy regard it as advisable to substitute 16-inch for 14-inch guns on our new ships. We had no antiaircraft guns, but have designed, manufactured, and tested a superior weapon of this type, and are now mounting them on board the ships of the fleet.

The amount of ammunition has been increased to an unprecedented extent, shortages which have existed for years being in the process of correction. For every 100 torpedoes on hand when the Democrats took hold there are now 158 more, making our stock on hand and in process of manufacture two and one-half times as great as it was three years ago. The capacity of our torpedo works has been increased 533 per cent. We have already increased the number of mines 244 per cent, and over $3,300,000 is being provided for the acquisition of more mines, this amount being sufficient to meet our requirements as estimated by the General Board.

The capacity of the Navy's powder factory has been increased from about 3,000,000 to 6,000,000 pounds per annum.

A system of providing for the supervision of the industrial departments of the navy yards by industrial officers instead of seagoing officers has been introduced, placing this most important work in the hands of officers who make it their speciality.

The Government's enormous investments in navy yards are being utilized to the fullest extent. Prior to 1913 these stations, costing millions, were considered mere repair shops and the enormous quantity of construction work went, without competition with the Government yards, to private concerns. Only two yards could construct ships, and only four ships were under construction. To-day seven yards are equipped for construction and are building, all told, four battleships, three destroyers, three submarines, three auxiliaries, and other small craft. Construction work at many yards renders more permanent the employment of skilled artisans, the pay of whom has been increased in every navy yard during the last three years.

By installing electric propulsion aboard the battleships *New Mexico*, *California*, and *Tennessee*, authorized by this administration, we have set the pace for the world.

Radio equipment has been successfully installed on submarines. A system of high-powered radio stations, extending over half the earth, is being pushed to completion, and antiquated radio equipment has been displaced by the most improved material available on over 100 ships.

From 4 unsatisfactory flying machines and 4 aviators our air fleet has grown to 17 machines and 30 aviators. The idle navy yard at Pensacola, Fla., representing an investment of nearly $8,000,000, has been utilized as a training station for aeronauts, and 13 officers and 120 enlisted men are now receiving instruction there. With a view to the development and acquisition of satisfactory motors, the cooperation of the great automobile manufacturers has been obtained and officers of the navy sent to their plants for study and investigation.

Since the United States has spent more money on its modern Navy than Germany, some contend that the American Navy should be that much superior to the German Navy. Since in Germany the pay of officers and enlisted men is infinitely less than the pay in the American Navy, and as the cost in wages in their Government dock yards, of living expenses, and of materials, is proportionately smaller, a dollar went further in Germany than it did in the United States; but the Navy Department, under this administration has shown that its affairs could be administered far more economically than they had been in the past.

Insistence upon competition among the armor-plate manufacturers in this country by Secretary Daniels has obtained reductions in the prices of armor under those paid by Secretary Meyer, which has already saved the Government $1,110,084. The establishment of a Government armor-plate plant will end the era of extortionate prices, and if we should accept the maximum price now offered by the armor-plate factories, it would mean a saving of about $500,000 on every battleship hereafter constructed.

Insistence upon competition among the projectile manufacturers saved the American people $1,077,210 on one contract, by manufacturing powder at a gross cost of 34.1 cents per pound, including all overhead charges, or in reality a net cost of 24.9 cents a pound, the difference between the cost and 53 cents was saved on every pound produced at the Navy's great powder factory, which will shortly produce about 6,000,000 pounds a year.

The cost of manufacturing torpedoes has been reduced from $4,202 to $3,245 each. This reduction has already saved over $300,000. By manufacturing our torpedoes instead of purchasing them, we save $1,000 on each torpedo. Thus it is that with $20,000 we could buy only four torpedoes, while we can, with the same amount of money, manufacture five.

We do not buy mines, we manufacture them; and every mine we manufacture costs the Government $145 less than the mine would cost if purchased.

These are some of the savings which have been effected among the big items that make up the Navy's enormous budget. Many other savings, small in amount but so numerous as to aggregate a very large sum, have been saved to the people each year. Only a year ago, out of savings effected in this manner, Congress was able to authorize an expenditure of $1,000,000 for aeronautics and $800,000 more toward the construction of submarines.

In the fleet, the out-of-date organization, inherited by this administration, has given way to the best the fleet has ever had,

The grades of admiral and vice admiral have been restored, so that when our fleet is obliged to cooperate with that of any other nation in handling a foreign situation the American representative will have all the prestige of his rank and not find himself subordinate to the representative of another nation at the head of an insignificant command.

The commander in chief of the Atlantic Fleet has been relieved of many administrative duties so that he may have more time for the big problems of his position. The battleships of the fleet are now under a vice admiral instead of constituting, as formerly, four separate groups, each responsible to the commander in chief. A rear admiral has displaced a captain in command of our destroyers. The submarines, which were so poorly regarded by preceding administrations that they were attached as an appendix to the destroyer flotilla, have been organized into an independent command under a rear admiral. and officers of experience have been assigned to submarine duty in an effort to develop its efficiency to the very maximum. Formerly no officers, except the youngest and most inexperienced from the Naval Academy, had been assigned to this most important duty. A cruiser squadron, under the command of a rear admiral, has been organized of vessels which formerly could not be commissioned because of lack of personnel. This squadron has been assigned to foreign patrol duty, relieving the battleship fleet, so that the fleet might give undivided attention to gunnery practices and fleet exercises. The auxiliaries of the fleet have been organized into a division, under a rear admiral.

We had no mine service in the American Navy up to three years ago. The last division of the fleet to be organized was a mine-laying and mine-sweeping division, and a division of armored cruisers is now being equipped for handling aeroplanes and will shortly join the fleet, and enable aeroplanes to cooperate in all its exercises.

Speaking of the organization of these divisions, Admiral Fletcher recently said: "During the past year the number of units assigned to the fleet has increased 15 per cent," and that "the addition of these vessels has provided a fleet better adapted for carrying on the various operations of war."

To back up the fleet, all merchant vessels, from trans-Atlantic liners to harbor tugs, which could be utilized in time of war have been surveyed and assigned a specific duty. This work was left undone for 16 years by Republicans, whose unfortunate experience in obtaining auxiliaries during the Spanish War should have prompted immediate action.

Every mile of the coast has been organized into naval districts for defensive operations, independent of the fleet, in time of war. This summer Naval Militia will be assigned to battleships of the reserve fleet, and for the first time in our history a general mobilization in time of peace will be effected.

When a fleet finally puts to sea its success depends upon its tactics and its marksmanship. Tactics and strategy are taught at the War College, where in 1913 there were 5 students under 6 instructors, and to-day 34 officers are receiving instruction in person, and 400 more by mail. As for gunnery and the execution of tactical problems, the fleet has devoted to them more time than ever before, and excellent results have been achieved. Marksmanship was at its lowest ebb in years when this administration entered office. "Our target practice," said Capt. Sims, "was all right until 1909, when it began to decline." By 1914, this administration had the problem well in hand, and Admiral Fletcher, commander in chief of the Atlantic Fleet, recently reported that—

> The scores recorded are higher than ever before made in the open sea, and show not only an increase in accuracy of pointing but in rapidity of fire as well.

It would be simple for the gunners, who last winter fired at 18,000 yards with such accuracy that from 10 to 20 per cent of the shots fired could have been landed on a battleship, to duplicate the best records ever made before.

The sufficiency of the Navy depends alone upon Congress. Its efficiency upon the Navy Department. The proof before our committee is convincing that it has been the effort of the present administration to make the Navy 100 per cent efficient, and more progress in elevating its standards has really been achieved in the last three years than in any other similar period, and the goal has been more nearly attained than ever before.

Statements have also been made during the discussion of this bill reflecting upon the rapidity with which work has been pushed upon ships authorized in this administration, one favorite allegation being that no ship authorized in President Wilson's administration will be completed before his present term expires. In this form this statement, I think, is incorrect, as a number of the vessels authorized in this administration will be completed before the 4th of March, 1917.

As regards capital ships, not only for this administration but for all other administrations, this statement is correct, and for a very simple reason. Each administration begins on the 4th of March. The first Congress of the administration assembles in the following December. The first naval bill of an administration is passed sometime in the following summer, or some 15 months after the administration begins. The result is that from the first authorization of a capital ship to the expiration of an administration is about 2 years and 9 months only, and this time is inadequate to prepare plans, advertise, award contracts, and complete the construction of a capital ship.

As a matter of fact, progress that has been made on ships authorized in this administration and the prospective progress between now and March 4, 1917, compare very favorably with that of preceding administrations.

The table below shows the number of vessels authorized during the first two years of the present and the three preceding administrations, and their average percentage of completion at the end of the administration, the percentages being estimated as regards the work under the present administration between now and March 4 next.

Progress of work on naval vessels authorized during first two years of present and three preceding administrations.

	Administrations.			
	1901–1905	1905–1909	1909–1913	1913–1917
Battleships authorized first two years	7	2	4	5
Average percentage of completion at end of administration	49	75	52	58
Destroyers authorized first two years	.....	5	14	12
Average percentage of completion at end of administration	.....	66	87	93
Submarines authorized first two years	.....	5	8	26
Average percentage of completion at end of administration	.....	69	65	88

Percentages for March 4, 1917, estimated from present and prospective progress.

The table below gives a list of all the vessels, both authorized and completed, during one administration since the administration beginning March 4, 1901. As before, the completion estimated during this administration is estimated, but there is no reason at the present time to doubt the accuracy of the estimates:

All vessels of the Navy authorized and completed during the same administration.

1901–1905	1905–1909	1909–1913	1913–1917
2 tugs	None	2 tugs 1 collier 6 destroyers	6 destroyers. 1 submarine. 1 fuel ship.

Particular stress has been laid in some statements upon the fact that vessels being built directly by the Government are much behind sister vessels being built by contract, it being stated, for instance, that the *Mississippi* and *Idaho*, being built by contract, are 100 and 200 per cent ahead of the sister vessel *New Mexico* being built at the New York Navy Yard. This is another case of figure juggling. When these three vessels were authorized by Congress, it was directed by the law that one of them should be built in a navy yard. The navy yard, New York, was the only yard fitted at that time to build battleships, and the single ways at that yard were already occupied by an earlier battleship—the *Arizona*. It was necessary to get this battleship launched and out of the way before the construction of the *New Mexico* could be undertaken. Hence the *New Mexico* was started some six months later than the sister vessels being built by contract. At the time she was started her sister vessels—using the methods of the critics—were some thousands per cent ahead of her, instead of a puny one or two hundred. On May 1, when the *New Mexico's* keel had been laid some six and one-half months, and that of the most advanced sister vessel over 15 months, the total percentage of completion was 59 in the case of the latter and 26 in the case of the former. The other sister vessel—the *Mississippi*—which had been under construction only a little over a year, was 44 per cent advanced.

As a matter of fact, at the present time work on the *New Mexico* is being pushed to the limit. This limit is fixed at present by the number of men available in the shipfitting trades. Many more men could and would be worked if the prevailing scarcity of skilled labor did not prevent them from being obtained. Though it has not been possible to obtain sufficient men to work shifts upon this vessel, certain shops are being worked night and day, and upon the ship itself the single shift available

is being worked overtime at materially increased expense wherever it will facilitate speed.

The truth is that the backward status of the *New Mexico*, as compared with the *Mississippi* and *Idaho*, is due primarily to the requirement of the law that she should be built in a navy yard when the ways were already occupied. Since laying the keel, her progress compares favorably with the progress of sister vessels for the same period, and she is now gaining on the latter.

The *Shaw*, building at the Mare Island Navy Yard—the first destroyer to be constructed in a Government Navy Yard—is progressing thoroughly satisfactorily, and there is no reason to doubt that she will meet her estimated date of completion, which is January 1, 1917, or only a month or two behind the date for completion of sister vessels building by contract. This is not a bad showing for the first Government-built destroyer where material had to be shipped to the Pacific coast, 3,000 miles away.

The critics are still repeating the story that England had 20 submarines completed in the United States last year in five months. They do not give the facts, which are that 10 submarines were assembled for England in Canada, and 10 built in the United States. The time was not 5 months but 10 months, and these submarines were duplicates of an old class of small submarines built for the United States, which the critics now allege are worthless.

The submarines being built for the United States are very different boats, and much superior. The submarines authorized two years ago vary from 56 to 63 per cent in their completion, with the exception of the *Schley*. The fact that on May 1 the *Schley* was only 12½ per cent completed is the foundation for the allegation that, as regards the submarines authorized in 1914, "some of these ships are 5 per cent completed." The *Schley* was contracted for a good deal more than a year ago, the contract date of completion being March 19, 1918, and the contractors express confidence in completing her by their contract date.

Quite as rapid progress has been made by the Wilson administration as under any former administration. This, too, in the face of the fact that to-day every shipbuilding yard is overcrowded with work; it is difficult to secure material, and it is impossible to obtain enough skilled labor to carry the three shifts which the Secretary of the Navy has been endeavoring to put at work to hasten construction. Under former administrations it was easier to obtain material quickly, there was a surplus of labor looking for work, and it was much easier to rush work than under present conditions. Democratic prosperity has done many good things, but the demand for skilled labor has made it impossible to secure enough labor to enable that quick construction which the Navy Department is doing everything possible to secure.

It may be interesting to here state that Mr. Foss in 1907, while chairman of the Naval Committee, stated on the floor of this House, as will appear from the CONGRESSIONAL RECORD, that the battleship *Nebraska* had been building more than six years and was only then nearing completion, and that many of the other ships building were then more than two years over contract time.

An examination of the records will further disclose that when the *Kentucky* and *Kearsarge* were first authorized under Republican administration they carried only an appropriation for $100,000 to cover the estimated cost of preparing the designs for these ships, and it was more than seven months from the date of authorization before any appropriation was even recommended to Congress for the building of these vessels.

A battleship requires time for its construction. The shortest time in which one has been built is three years and one month—the *North Dakota*, which was completed April 11, 1910, but its engines have never been satisfactory, and in order to make that ship fit for the fleet this Congress must appropriate $400,000. The time of building our other battleships has varied from eight years and three months to three years and four months, as the following table, giving the date of authorization, date of signing the contract, and the date of completion shows:

Vessel.	Builder.	Date authorized.	Date contract signed.	Date completed.	Time to complete from authorization
					Yrs. mos.
Virginia	Newport News	Mar. 3, 1899	Feb. 15, 1901	May 5, 1906	7 2
Nebraska	Moran Bros., Seattle	....do....	Mar. 7, 1901	May 31, 1907	8 3
Georgia	Bath	....do....	Feb. 18, 1901	Sept. 21, 1906	7 7
New Jersey	Fore River	June 7, 1900	Feb. 15, 1901	May 12, 1906	6 0
Rhode Island	....do....	....do....	....do....	Feb. 12, 1906	5 8
Louisiana	Newport News	July 1, 1902	Oct. 15, 1902	May 21, 1906	3 11
Connecticut	Navy yard, New York	....do....	Navy yd. N.Y	Sept. 29, 1906	4 3
Kansas	New York Shipbuilding Co	Mar. 3, 1903	June 16, 1903	Apr. 5, 1907	4 1
Minnesota	Newport News	....do....	June 20, 1903	Mar. 4, 1907	4 0
Vermont	Fore River	....do....	....do....	Feb. 11, 1907	4 0
New Hampshire	New York Shipbuilding Co	Apr. 27, 1904	Dec. 27, 1904	Mar. 14, 1908	3 11
South Carolina	Cramps	Mar. 3, 1905	July 21, 1906	Nov. 5, 1909	4 8
Michigan	New York Shipbuilding Co	....do....	July 20, 1906	Aug. 31, 1909	4 6
Delaware	Newport News	June 29, 1906	Aug. 6, 1907	Feb. 15, 1910	3 7
North Dakota	Fore River	Mar. 2, 1907	....do....	Apr. 11, 1910	3 1
Florida	Navy yard, New York	May 13, 1908	Navy yd. N.Y	Sept. 15, 1911	3 4
Utah	New York Shipbuilding Co	....do....	Nov. 24, 1908	Aug. 30, 1911	3 4
Wyoming	Cramps	Mar. 3, 1909	Oct. 14, 1909	Sept. 23, 1912	3 7
Arkansas	New York Shipbuilding Co	....do....	Sept. 25, 1909	Sept. 14, 1912	3 6
New York	Navy yard, New York	June 24, 1910	Navy yd. N.Y	Apr. 15, 1914	3 10
Texas	Newport News	....do....	Dec. 17, 1910	Mar. 12, 1914	3 9

Mr. PADGETT. Mr. Chairman, I yield three minutes to the gentleman from Massachusetts [Mr. TAGUE].

Mr. TAGUE. Mr. Chairman and gentlemen of the committee, I have listened very attentively all during this day and also Saturday to the many speeches on both sides of this question, and I confess that the longer I have listened to the debate the more I am impressed with the importance of a bigger Navy. [Applause.] I come from a city wherein lies one of the navy yards of our Government, and during my life I have come in contact with the men who have made up the personnel of that Navy. I compliment the committee on the work that it has done, but I wish that it had gone further. [Applause.] I have listened to the speeches of the eloquent gentlemen from the South, who sit here and tell us of this war hysteria that is growing all over the country, and I realize that in a few days they will return to their pleasant homes in Texas, where they can smoke the pipe of peace and look over their lands in peace and comfort, while we who live along the shores of the Atlantic can look out upon the ocean and see before our eyes, as we have seen in the past two years, the smoke curling from the smokestacks of the British men-of-war as they parade up and down our seas. That is the condition that prevails in our part of the country to-day. I want to call the attention of gentlemen who wish us to believe there is no need of a Navy to the fact that the best insurance that this Nation has or ever will have is a Navy adequate to protect the shipping industries of the Nation. As I look about the harbor of the city that I have the honor in part to represent and see there the ships of foreign nations, and never see the flag of my own country flying from a ship carrying the commerce of the nations to these shores and our commerce abroad, I wonder what the reasons are, and the answer comes back, "No merchant marine and a Navy too small to protect the little we have." The House has been presented with this great document for preparedness and increase and upbuilding of the Navy, and as I sat in my seat I wondered where all of these ships were to be built. I wondered, as did the gentleman from Texas [Mr. CALLAWAY], whether or not these were to be built by the large shipbuilding companies now already overtaxed with orders for merchant marine, and think that the time has come when we should fit up our own navy yards so that we can build our ships for the Navy. I want a Navy large enough to protect our people in case of war, a Navy large and powerful enough to protect our merchant marine, and a Navy large and powerful enough so that no country would dare to molest it, and the lives of our people on the high seas would be protected. I want a Navy so large that when the mails of our merchants and our people

are on the seas that the English man-of-war will not dare to interfere with it.

Mr. BUTLER. Mr. Chairman, I yield to the gentleman from Illinois [Mr. COPLEY].

Mr. COPLEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUTLER. I now yield to the gentleman from California [Mr. CURRY].

Mr. CURRY. Mr. Chairman, the United States will not become involved in the European war so long as we can honorably and morally keep out of it. We are a peace-loving people, and if we do become involved it will not be on account of our violation of international law and the rights of neutrals nor caused by any overt act that has been or will be committed on this side of the Atlantic. Our country has never yet resorted to war except as a last recourse and never primarily for the acquisition of territory, exploitation, or for commercial expansion, and it never will; but we are a courageous and a patriotic people and, when necessary, always have and always will fight to defend our rights and to protect our liberty.

One of the duties of Congress is "to provide for the common defense." We can only do that by providing an adequate and efficient Navy at sea and an Army trained to fight on land, and supplying the Army and Navy with munitions and equipment. Of course, the Regular Army should be supplemented with a trained reserve, but this is not the time to discuss that feature of military preparedness. It has been said time and time again in the course of this debate that nations are like men—disarm them and they will not commit murder. We have been reminded that in Texas all but peace officers are disarmed. That law, however, is enforced by an armed constabulary. If the law of Texas disarmed law-abiding citizens, but allowed desperadoes to carry concealed weapons, it would not have stopped murder in that Commonwealth. I have no patience with the "peace-at-any-price" maudlin sentimentality that would sacrifice on the altar of the idea of universal peace this free Government of ours.

Under existing world conditions it would be little short of treason for Congress to refuse to make adequate appropriations for the enlargement, development, and maintenance of our Navy and our Army.

There are worse things than war. Loss of liberty, the sacrifice of the Nation's honor, peacefully submitting to vassalage is worse than death on the battle field, worse than devastating war. No people ever yet obtained liberty except by wielding the conquering sword, and no nation ever retained liberty longer than the people had the moral and physical courage and ability to defend it in battle on land and sea.

Our country was born of blood, was baptized with blood, and was saved and cemented by the shedding of blood. While the desire for liberty is as old as the aspiration of the human heart for higher and better conditions, the liberty we enjoy is a new thing in government and dates practically from the Revolutionary War. It is the result of the best thoughts and the best efforts of the best minds that have inhabited and benefited the earth by right living and exalted thinking. It cost unnumbered precious lives and untold treasure. It was, under Divine Providence, wrested from tyrants by the power of the sword. It is our obligation to transmit it to posterity as pure as we received it from the founders and preservers of the Republic who courageously fought the battles of liberty and who "pledged their lives, their fortunes, and their sacred honor" that they and we might be free. We can only so transmit it by being prepared to defend our country and our liberty with force of arms whenever the occasion may require.

The CHAIRMAN. Forty-seven minutes.

Mr. BUTLER. Mr. Chairman, I yield the remainder of my time to the gentleman from Massachusetts [Mr. ROBERTS]. [Applause.]

Mr. ROBERTS of Massachusetts. Mr. Chairman, I do not wish to appear discourteous to any Member of the House, but I do wish to continue my remarks without interruption until I have concluded, and if when I have concluded the things that I have in mind there is time remaining, I shall be very glad indeed to devote it in answering any questions that gentlemen may desire to ask.

The naval bill reported out this year, as stated by the chairman of the committee, contains a great many splendid features, things that are sadly needed in our Navy. On nearly every feature in that bill the minority does not quarrel with the majority. We are in accord, except respecting matters that have been pointed out in the views filed by the minority, which relate chiefly to the amount of money provided by the majority for aviation, to the number of men to be added to the enlisted personnel, for the so-called increase of the Navy as contained in the building program to be authorized, to provisions for speedy construction of ships to be authorized, and to the inclusion in the bill of provisions for a council for national defense.

I am going to take up first the matter of aviation. Last year Capt. Bristol, who is in charge of aviation in the Navy Department, asked that he be given $1,187,000 for new construction, together with $500,000 for maintenance of the aeronautical service, a total of $1,600,000, in round numbers. The committee, against the protest and influence of the Secretary of the Navy, granted $1,000,000 for aeronautics. This year Capt. Bristol recommended to the Secretary of the Navy an appropriation in this year's bill of $13,000,000 for aeronautics.

Of that amount $6,000,000 was for aircraft ships costing $3,000,000 each. Upon the suggestion of the General Board he agreed to eliminate this $6,000,000 from the estimate and said that the remaining $7,000,000—and I speak in round numbers—was the least amount that the Navy should have for aeronautics in this bill. The General Board, under date of May 3 of this year, have said that to place our Navy in second place there should be appropriated $7,000,000 for aeronautics, and the minority of the committee, having in mind the deplorable condition of England to-day because of her failure to recognize in season the great importance of aeronautics, believed that the amount we suggest, one-half of that named by Capt. Bristol, one-half the amount recommended by the General Board, namely, $3,500,000, is the least amount this Government should provide this year for this great and important service.

Capt. Bristol says that on the basis of the so-called five-year program recommended by the Secretary of the Navy for our battleships and other subsidiary and auxiliary ship construction we should have in 1921, 330 aeroplanes, 32 dirigibles, 70 kite balloons, which would cost $20,850,000, and that number of aircraft will require 638 officers and 1,160 enlisted men. I submit that if we are in any reasonable degree to meet the requirements of our service for aircraft we should increase this miserable, pitiful sum of $2,000,000 for the purpose to at least $3,500,000. What is the condition of England in aircraft service? For months the administration controlling the affairs of that country have been apologizing as best they could to the people of the country because of the lack of preparation to meet the German air attacks that are occurring almost daily and nightly. Mr. A. G. Balfour, First Lord of the Admiralty, said on the floor of the House of Commons:

> With regard to Zeppelins, looking back on events, I am sorry we did not develop that type of vessel, not so much for aggression and defense as for maritime and other scouting. We are doing what we can to remedy this state of things, but I do not pretend that when we began the race 10 years behind the enemy there is any reasonable probability of catching up. However, something must be done, and what can is being done.

Is not that statement most significant when our little Navy and our pacifist friends tell us that if the emergency comes we can supply quickly all the aircraft needed?

The First Lord of the Admiralty of England says that England started 10 years behind and can not now catch up. Are we to place this country in the deplorable position, that some time in the future, which may be months—and pray God may be years and many of them—we will need this most important weapon of offense and defense, that the country will look back to us and say, "Why did you not make provision when you could? Why did you not make preparation in this most important means of defense?"

Mr. Bonar Law, Secretary for the Colonies, stated:

> I make no pretense that the Government is satisfied with this branch of the service [the air service], but I assure the House that we are trying to effect remedies for all defenses.

Mr. Tennant, Under Secretary of War, stated:

> While we have made strides in providing proper equipment and defense for the arsenals and vulnerable points of the country, the safety of every part of the United Kingdom from attack by long-range aircraft never can be complete.

Why? Because they were 10 years behind in the race for preparation. Now, what are conditions in this country? Bear in mind that the Army of the United States was the first army in the world to have an aeroplane—in 1909—and that our Navy was the first to have a seaplane—in 1911. Where do we stand to-day in comparison with other nations? Why, the little, insignificant country of Bulgaria, which is hardly larger than the State of Maine, has 300 aeroplanes, and we in our Army and Navy combined have less than 100. France, which started behind us in the development of aeroplanes, has to-day in its air service more officers and men than are in the entire Army of the United States, and England has more officers and men in her air service than we have in our entire Navy, while Germany has not less than 9,000 aeroplanes.

Lord Montague, in the House of Lords, on the 9th of March of this year, said:

At the present time the air service is merely auxiliary to the fighting forces of the army and navy. I can see a time coming when the air service will be more important than the army and navy. We must get into the habit of looking at the air service not as an auxiliary to the army and navy but as a great service which is an establishment of itself and to which we shall have to look in future years for the defense of this country.

Lord Beresford, in the House of Commons, said:

The new air warfare is going to be of so tremendous a character that it may supersede the army and navy. Anyway, we should be ahead in the air, the same as we are on the water.

Another British statesman, in debate on the floor of the House of Commons, said:

The supremacy of the air lies ready to any Government which has sufficient initiative to see to it.

With such testimony by men familiar with air craft and their uses abroad, who with farseeing wisdom look into the future and foresee the effect of future conflicts between nations, I say again it is the part of blindness, of foolhardiness, for this country, which invented the aeroplane, to lag behind all the other countries of the world in its development and utilization, and that the minority of the committee are well justified in differing from the majority in the insignificant sum provided for aeronautics.

Now, Mr. Chairman, with regard to the enlisted personnel: The enlisted personnel of the Navy is of equal importance, to say the least, with its matériel. By matériel I mean vessels of war, capital ships, subsidiary fighting ships, and auxiliaries necessary to make them effective. Without the men to man your ships they are so much expensive and useless junk. The General Board, other than which there is no greater naval authority in this country, have stated, on November 9, 1915, in their report to the Secretary of the Navy, that we should have in our Navy in the year 1917, to man the ships already built and that will be commissioned in that year, not less than 67,000 men. A substantial addition of 17,000 men required on a peace basis.

The majority of this committee, in their endeavor to have the House believe they had complied with the request of the General Board in the number of men, say in their report:

The committee recommends that the enlisted personnel of the Navy be increased by 13,500 men and the Marine Corps by 3,079 men, a total increase of the enlisted men in active service under the Naval Establishment of 16,579.

Now, mark these words:

Which in effect carries out the recommendations of the General Board regarding the increase of the enlisted personnel of the Navy and Marine Corps.

The impression sought to be conveyed is that the committee have met the requirements of the General Board for 17,000 men. To do so, however, the majority of the committee are including as the strength of the Navy to-day 1,500 men in excess of the authorized strength, plus 3,500 apprentices, boys under instruction, and 3,079 marines.

Now, the chairman of the committee and the majority members of the committee well know that the General Board in its estimates of men required exclude the 3,500 boys under instruction and exclude whatever increase of the Marine Corps may be made. The minority believe that we should at least furnish our Navy with the men required to man it in time of peace. And a little later I shall give you some reasons why that should be done.

In considering this number of authorized strength of the Navy, bear in mind the further fact that the bill now under consideration takes out of the effective fighting men of the Navy 3½ per cent of the combined authorized strength of the Navy and Marine Corps and puts them into a hospital corps, which would mean that, whatever the authorized strength of men in the Navy, 3½ per cent of that number plus 3½ per cent of the marines, were not fighting men. Their duties aboard ship and ashore are merely to care for the sick and the wounded. They take no part whatever in the battle or in the maneuvering of the ship. Their duties are purely the duties of the doctor and the nurse, and they can not and should not ever be classed as fighting men in any military organization.

Now, why should we have at least 17,000 additional men for our Navy in time of peace? Admiral Fletcher, before our committee, stated that the fleet he took into southern waters for drill last winter was short 5,000 men. He stated in answer to another question that of the 35 or 36 battleships, which include the dreadnaughts we now have, if he were called on to-morrow to put to sea and to meet an enemy he could man but 18 of those battleships. The other 18 would have to remain at the dock. Why? Because we have not men enough in the Navy to man all our battleships, and he further said, which was extremely significant on this question of men, that to man his 18 battleships it would be necessary to reduce the crews of the battle cruisers and the destroyers and all other subsidiary fighting ships, which would materially affect the efficiency of his 18 battleships.

Do you realize that since October 1, 1914, there have been placed in the reserve, with what is called a skeleton crew aboard, not exceeding 40 per cent of the usual complement, the battleships *Louisiana*, *North Carolina*, *Virginia*, *Georgia*, *Nebraska*, *New Jersey*, *Rhode Island*, and *Connecticut*, all ships less than 10 years of age, and that those ships were placed in reserve in order that we might find crews for three of our modern dreadnaughts, namely, the *Oklahoma*, the *Nevada*, and the *Pennsylvania*?

That is why the minority of the committee find their differences with the majority so great and so radical as to be irreconcilable, and come before this committee and ask that our Navy be provided with the minimum number of men, that the greatest authority that we have in naval matters says is necessary, in 1917.

We further believe that there should be provision of law whereby the President of the United States, in his judgment, knowing better and quicker than any other person can know the exigencies of our foreign relations, should have authority to enlist additional men from time to time and in such numbers as he may deem prudent and the necessities of the Navy require, up to and including the number recommended on a war basis.

Now, the number recommended in order to commission all our battleships with full crews, all our subsidiary craft and auxiliary ships, is 82,000, and some 700 or 800. We believe that the safety of the country demands that there be authority of law reposed in the President to quietly, without having to call Congress together and tell the world that we are getting ready for a fight, enlist the men that will be needed to put our ships on a war footing when he sees the danger coming. And to that end we make recommendation that the President be given the authority to enlist from time to time the number of men in excess of those provided for in this bill that will be necessary to put our vessels in full commission on a war complement.

That brings me down, Mr. Chairman, to the greatest point of difference between the majority and the minority of the committee. There have been before the committee during its sessions of these last four or five months, in one form or another, four different plans for the upbuilding of the Navy, based on four distinct and separate fundamental ideas. The first plan—and it should be borne in mind in considering the testimony of all the officers quoted by the chairman of this committee and all of the members of the majority that those officers testified when the committee had officially before it plan No. 1, to wit, the so-called five-year program—providing for the first year two battle cruisers and two battleships. That was the basis of the testimony of every officer who appeared before our committee—a plan covering five years—that for this year called for two battleships and two battle cruisers. I might say in passing that this five-year program, inadequate, as the minority believes, to meet the exigencies of the situation, the Democratic majority threw to the winds, although it had the indorsement of their Secretary of the Navy and of the President of the United States.

The next plan we had before us, and that was one, as you recall, which came out of the administration——

Mr. LINTHICUM. Will the gentleman yield?

Mr. ROBERTS of Massachusetts. I asked not to be interrupted, and I must decline.

It came out very reluctantly from the administration. It was only secured by the application of the senatorial corkscrew in the form of a resolution, and that was the General Board's program of July 30, 1915. That program, as stated by the General Board, was gotten up in compliance with the oral order of the Secretary of the Navy to express its opinion at the earliest practical date as to a policy which should govern the development of the Navy and a building program.

The General Board reported:

The Navy of the United States should ultimately be equal to the most powerful maintained by any other nation of the world.

That, you remember, is the attitude of the President to-day, that our Navy should at least be equal to the most powerful maintained by any other power of the world. Now, that program called for the building of four battle cruisers and four dreadnaughts this year. That I call the program No. 2. Then we had program No. 3, which was furnished to the committee in answer to a request that I made of Capt. McKean, which was that he inform us what would be necessary in the way of building program, munitions, and additional facilities to round out and balance the existing fleet we have. That came in and called, among

other things, for 12 battle cruisers and 12 large scout cruisers, 48 destroyers, 48 colliers, 48 tank ships, 100 trawlers. Those were some of the things recommended as necessary to make effective the battleships we already have built, building, and authorized. The fourth program before the committee was sent in by the General Board under date of May 3 of this year, and that program was to inform the committee what would be needed to place the American Navy in second place in three years. Among other things they recommended 6 additional dreadnaughts, 10 battle cruisers, 21 scout cruisers, 80 destroyers, and 78 additional submarines. Now, with four distinct programs before the committee, I ask any man on this floor to read those programs, then read the recommendations of the majority, and say if the strictures of the minority are not justified when we say they have ignored all competent naval authority and have gone contrary to the opinion of all naval experts who appeared before the committee.

The chairman of the committee, in his opening remarks, took perhaps half an hour or more in reading extracts from the testimony of various officers who had appeared before the committee. Well, now, let me say in the beginning, the minority does not differ with the majority as to the usefulness and the necessity of battle cruisers; not at all. Yet the quotations of testimony made by the chairman of the committee, if they mean anything, mean that they are strong arguments in favor of this, to our Navy, new type of capital ship. Where, in the testimony of any man who appeared before the committee do you find a recommendation of five battle cruisers this year? The only odd number recommended by any officer was nine, by Admiral Knight, and the same by Capt. Sims. Is it not a fair charge to say that when the majority comes in with only five, when their authority calls for nine, they have disregarded it and paid no attention to their recommendation, except in authorizing a particular type of ship?

Mr. Chairman, there is one feature of these extracts read by the chairman which I think is an injustice to the officers quoted. A great deal of testimony was taken, covering thousands and thousands of pages. By raking this testimony with a fine-tooth comb, they were able to extract such an answer as they wanted only when the officer was pushed into a corner, and asked to say, "If you must choose in the building of four ships, will you have them two and two or all of one type?" Some of them said, "All battle cruisers."

Admiral Fiske, who has been cited as an authority, says he would build two, four, or six battle cruisers this year, if we are to build only that number of capital ships, but when asked if we were to build eight capital ships replied, "I would have four and four."

[Page 2907.]

Admiral FISKE. I testified on Friday, in answer to a question here, that I would follow the recommendations of the General Board of July 30, which would mean if you are going to build eight capital ships, you should build four and four.

The CHAIRMAN. How would you get away from the six?

Admiral FISKE. There you are again. If you are only going to build six, I would make them all battle cruisers.

Mr. CALLAWAY. You had better answer according to your own judgment rather than to take the judgment of the board.

Mr. BROWNING. If you are going to build eight ships, what would you do?

Admiral FISKE. In that case, four battleships and four battle cruisers.

Mr. BROWNING. You would?

Admiral FISKE. Yes, sir; if you are going to build eight capital ships.

The CHAIRMAN. If you are going to build six ships, you would build six battle cruisers, and not four battle cruisers and two battleships?

Admiral FISKE. I do not contend that this is logical, and you must understand that in my judgment anything like this ought to be played out on the game board and worked out very carefully. But to answer and give a good "horseback" opinion here like this difference between six and eight is impossible, in any logical way I know of. It is impossible to say what you should do, but I do think we need the battle cruisers now much more than we need the battleships. If you are going to build a great many battleships, I would be in favor of some battleships and some battle cruisers; but if you are only going to build a limited number—four or six—I would be in favor of all battle cruisers.

[Page 2926.]

Admiral FISKE. The Secretary and I had a number of conferences on that matter.

Mr. BRITTEN. Have you seen the Navy General Board's recommendation of July 30, 1915, wherein they recommend the construction of four battle cruisers, four dreadnaughts, six scouts, etc.?

Admiral FISKE. Yes, sir.

Mr. BRITTEN. Do you agree with that recommendation?

Admiral FISKE. Would you mind letting me see that?

Mr. BRITTEN. I will hand it to you. The lead-pencil figures inside the General Board's figures are the number of ships of various kinds carried in this year's appropriation bill, and the printed figures, of course, are those from the General Board.

Admiral FISKE. I think that this comes from the best authority in the Navy in regard to its requirements, and from that point of view I agree with it. Personally I might differ as to some small particulars, but I think the General Board is the best thing you have now for telling what we need.

Mr. BRITTEN. And if Congress were to authorize four first-line ships this year, what, in your opinion, should they be—battle cruisers, or what?

Admiral FISKE. If they are only going to recommend four?

Mr. BRITTEN. Yes.

Admiral FISKE. Battle cruisers.

Now, Admiral Taylor, Chief Constructor of the Navy, when asked by Mr. CALLAWAY, "Why build two battleships and two battle cruisers if the cruisers, in your judgment, have an advantage over the battleships?" replied:

I think I have stated it is a very small advantage, and we need them both badly.

Mr. KELLEY. Do you mean why not build four battle cruisers?

Mr. CALLAWAY. If they are the thing to build; yes.

Admiral TAYLOR. The question put to me was, "If we had to sacrifice one or the other, which would I sacrific first."

Mr. FARR. You do not believe in sacrificing any of them, do you?

Admiral TAYLOR. No, sir.

I think Admiral Grant was quoted as being for all cruisers, the inference being that he was against battleships as well. I read:

Mr. KELLEY. You did not mean that it was a better fighting ship than the battleship?

Admiral GRANT. I do not think it is.

Mr. KELLEY. We need them more because we have not any?

Admiral GRANT. Yes, sir.

The CHAIRMAN. Would you build all battle cruisers or would you build part battle cruisers and part dreadnaughts?

Admiral GRANT. If I had an unlimited amount of money, I think I would build both; having only a limited amount, I would probably build battle cruisers alone.

There comes in what I stated before, that we were only considering a program of four battleships. I read further:

Mr. CALLAWAY. Admiral, you were stating what we need in vessels besides the 183 submarines, the 4 battle cruisers, and the scouting vessels. You stated, I believe, the number of scouting vessels, but you did not state the number of destroyers and vessels of other character which we would need. I wish you would follow that out.

Admiral GRANT. I think I told you, Mr. CALLAWAY, that I am a poor person to give you much information on that subject, because I have not made it a study. It is work for the General Board and the War College. I can tell you briefly what I think right now, but I would not give it much credit.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Massachusetts. No; I must decline. I stated at the outset that I must refuse to yield. The gentleman, if he was not here, must understand it now. I decline to yield. I do not mean to be discourteous to him.

Mr. LINTHICUM. I did not want to interrupt the gentleman.

Mr. ROBERTS of Massachusetts. Now, Admiral Grant is one of the witnesses they bring here in support of the five battle cruisers and the exclusion of battleships. Capt. McKean, another able and efficient officer, in answer to Mr. FARR's question:

Do you favor the recommendation of the General Board as presented?

And bear in mind the General Board's program was a five-year program, two and two—

Capt. McKean says:

I do not know any body of officers or any officer whose opinions about the necessities and preparation I would take against the General Board. Each officer that appears here, as you must have noticed, will give his point of view, but the best, complete, studied opinion that there is in the Navy to-day is represented by the official opinion of the General Board. There is not a set of officers better trained to give it. They have the information from the Office of Naval Intelligence; they have the assistance of the War College, trained people; they are officers of splendid judgment, splendid training, and they think over this thing in cold blood, and they do not get excited by events on the game board.

Mr. FARR. Following that up, I should like to ask whether you favor the recommendation of the General Board as presented now?

Mind you, two and two. Capt. McKean replied:

I would feel that I would be most egotistical if I attempted to oppose it.

And yet he is brought in here by the majority as a witness in opposition to the board which he says is of the highest authority in the Navy.

Again, on page 1769:

Mr. CALLAWAY. Since we have 17 battleships of the first line, it is your opinion that we should have 1 more battleship and 6 battle cruisers, and then keep that ratio running along?

Capt. MCKEAN. That would give you about the right ratio; yes, sir; the right number of divisions and the right proportion between the ships, according to my personal opinion.

Mr. CALLAWAY. In your judgment, we should not build any more battleships until we get the right proportion of battle cruisers?

Capt. MCKEAN. I did not say that.

Mr. CALLAWAY. I am asking you

Capt. MCKEAN. I think we should build so that when the program is completed it will be in about that ratio, and then I would build in about the proportion of three to one.

Admiral Winslow has been quoted as being for all battle cruisers. On page 1424 he says:

Admiral WINSLOW. I think you will find that there is opinion that we should build battleships; that there is other opinion that we should build battle cruisers, but I think that you will find the majority of opinion is that we should build both.

Mr. BROWNING. Both?

Admiral WINSLOW. Both battle cruisers and battleships. I think you will find that that would be the majority of opinion. I myself

am very strongly in favor of battle cruisers. We have no battle cruisers.

Mr. BROWNING. How many would you build this coming year of each?

Admiral WINSLOW. I would build all that the country can build.

Mr. BROWNING. Would you build four of each? I think that was the recommendation of the General Board.

Of each, bear in mind. Is he a witness to uphold the claim that we should build only battle cruisers? Mr. BROWNING asked him:

Would you build four of each. I think that was the recommendation of the General Board.

Admiral Winslow answered:

No; I would build more than that.

So it goes right through the testimony offered. Take Admiral Knight. He says, on page 2013:

Admiral KNIGHT. I am sorry to say that I can not answer that definitely. I have talked of that matter with many officers. It has not come up officially before the General Board at any time when I have been present. You understand, perhaps, that I only attend the monthly meetings on the last Tuesday of each month. I am not usually present at the other meetings of the General Board. I should hesitate to speak for the other members. I am quite sure some of them would agree with me. You must all understand me as insisting that we must keep on building battleships.

[Page 2072.]

Mr. OLIVER. How many capital ships do you calculate you will have to build in order to have a navy of that strength? I will ask you how many additional capital ships you will have to build?

Admiral KNIGHT. I should like to go over that carefully and count these up.

Mr. OLIVER. I do not care for that. Just approximately, without making it too lengthy; just in numbers?

Admiral KNIGHT. Approximately 20 dreadnaughts.

Mr. OLIVER. Twenty more dreadnaughts?

Admiral KNIGHT. Twenty more dreadnaughts.

[Page 2073.]

Admiral KNIGHT. When I said what Great Britain had at the beginning of the war, I meant built and building.

Mr. OLIVER. Now, give me the number of capital ships that we should have.

Admiral KNIGHT. I think it should be approximately 20 more dreadnaughts.

Mr. OLIVER. And of battle cruisers, how many?

Admiral KNIGHT. It would be 20 capital ships in all.

Mr. OLIVER. Twenty capital ships in all, in addition to what Great Britain has.

Admiral KNIGHT. In addition to what she has built and is building and what we have built and are building.

Mr. OLIVER. Fifteen cruisers. That makes 35. I believe you gave us 20 dreadnaughts and 15 battle cruisers; 35 capital ships in all?

Admiral KNIGHT. Yes.

Mr. OLIVER. How many scouts would you say?

Mr. BUTLER. Do you mean additional?

Mr. OLIVER. Yes; in addition to what we have now.

Admiral KNIGHT. We have none now. I would say 24.

That is Admiral Knight, president of the War College, whose statement is the strongest authority for including only battle cruisers in the bill this year.

Admiral Fletcher, on page 2385, says:

Mr. CALLAWAY. If I understand your recommendation at this time, it is that if we were going to build two capital ships that we build battle cruisers and if we were going to build four capital ships that we build battle cruisers, and if we were going to build more capital ships than that that we add some dreadnaughts. Am I right about that?

Admiral FLETCHER. Yes, sir; that would be my conception, but I stated that I had not given this particular subject any study such as is given to it by the General Board, and I would prefer to accept their conclusions.

[Page 2392.]

The CHAIRMAN. During the whole of the war of 18 months battleships have been the controlling factor on the sea?

Admiral FLETCHER. The battleships are controlling the situation to-day, as they have ever since the war opened. It is the power of the battleships that has kept the German fleet and the German commerce off the sea.

The CHAIRMAN. Kept the German fleet locked up and her commerce destroyed.

And so I might go on, filling the RECORD with quotations.

Showing that the authorities cited by the majority of the committee, instead of sustaining the contention that we should build only battle cruisers, are battleship men as well, and want to see both types added to the Navy.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has seven minutes remaining.

Mr. ROBERTS of Massachusetts. I am going to say just a few words on the submarine feature of the majority program.

Mr. REILLY. Will the gentleman yield just at that point?

Mr. ROBERTS of Massachusetts. I can not yield. I have asked not to be interrupted. The General Board stated that to place us in second position we need 78 coast submarines in addition to those we now have built and building. The General Board say we need in all about 150 submarines, which means that we should have added to those now built and building in the neighborhood of 80.

Admiral Grant, who was before the committee on the matter of submarines, having been detailed to take charge of that very important branch of the naval defense, said to the committee that we could use 250 to 300 submarines. And yet, having in mind the extraordinary and wonderful performance of the submarine in the European war, its great effectiveness against even the battleship itself, its utility in coast defense and as a commerce destroyer, considering that we have only 72 built, building, and authorized, with our thousands of miles of coast to defend; considering the statement of Admiral Fletcher, the commander in chief of the fleet, that in no way can we as well defend our coasts in a limited time and with so small an amount of money as by submarines, the minority of the committee say that we should increase the number of submarines to be authorized in this bill to at least 47 of the coast-defense type. There is no difference between majority and minority on the three 800-ton experimental fleet submarines that are authorized. But we do say again that the United States, the home and birthplace of the submarine, is lagging far behind all other great powers in utilizing that device; and considering its great value to us in the defense of our seacoast alone, not to consider its usefulness in connection with fleet operations, this Congress will be derelict in its duty if it does not make adequate and liberal provision in this year's bill to make up a sufficient number of submarines for our coast and fleet needs.

As to destroyers: I must confess with a degree of shame that in the years past I have not been sufficiently impressed with the necessity of destroyers in our fleet and have been voting in years past against an adequate number of destroyers. I never yet, however, have voted against reporting any. We are 80 short in that most efficient subsidiary fighting ship. The majority, "to partly balance the Navy," recommend 10 to make up that great deficiency of 80. And mind you, that deficiency increases every time you increase the number of capital ships, for the plans of the General Board estimate 4 destroyers to each battleship. And if you do not provide for the additional destroyers at the rate of 4 to each battleship, every time you authorize a battleship, you make the discrepancy in destroyers that much greater. The minority of the committee believe there should be put into this bill at least 28 of these vessels and the others within the life of this Congress, so as to put our fleet where it belongs and where, until 1911, it was, in second place.

It must have struck many of those who heard the chairman's opening remarks, and those who have taken the trouble to read the report of the majority, that the majority of this committee have acted not on any definite, well-considered naval program to do anything particularly for our fleet, but with one eye, and I am not sure but both eyes, on the Treasury. Mr. Chairman, this is not a time when we should unduly consider the Treasury. If we are to believe the highest authorities, we know there is a critical time in the affairs of the world, there is a possibility of more critical times for this country by reason of the disturbances abroad, and we ought to do what we can and as quickly as we can without regard to a few million dollars more or less out of the Treasury in meeting the needs of the country to-day. If the gentleman from Alabama [Mr. OLIVER] will give me his ear just a moment, I do not want to say anything behind his back—the gentleman from Alabama by a very skillful juggling of what he alleged to be facts, of words and dates, would have it appear that this administration has been doing wonderful things for the Navy, because of the large total amount of appropriations. When my friend has been on the committee a little longer, and when he has read past naval history a little more thoroughly he will know that the total amount appropriated in any one bill or by any one administration by no means measures the increased strength of the Navy by reason of that greater expenditure. Battleships of to-day are two or three times larger than those of 10 or more years ago and cost about twice as much. It follows logically and conclusively that we must look to numbers rather than to the amounts expended if we are to form a correct idea of the relative strength of our fleet at different periods of its development.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. I yield 20 minutes to the gentleman from North Carolina [Mr. KITCHIN]. [Applause.]

[Mr. KITCHIN addressed the committee. See Appendix.]

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. PADGETT. I have no further time.

The CHAIRMAN. Under special order all time has expired and the Clerk will read the bill.

The Clerk proceeded to read the bill.

Mr. BORLAND (interrupting the reading). I move to strike out the last word.

The CHAIRMAN. Under the rule the bill must be read without interruption.

The Clerk began the reading of the bill.

Mr. BENNET. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. BENNET. I ask unanimous consent that the further reading of the bill be dispensed with.

Mr. PADGETT. That can not be done, Mr. Chairman, under the rule which directs it must be read.

Mr. BENNET. It can be done by unanimous consent.

Mr. PADGETT. No; I do not think so. The first reading of the bill has already been dispensed with and the bill ought to be read once.

Mr. BENNET. Under the rule general debate was to stop at 1.30, but it did not.

Mr. PADGETT. There was a unanimous-consent agreement. There are two readings of the bill and the first reading was dispensed with and under the rule this ought to be read.

Mr. BENNET. Of course, the gentleman can object. A Member has a perfect right to ask unanimous consent.

The CHAIRMAN. Will the gentleman allow the Chair to put the request? The gentleman from New York [Mr. BENNET] asks unanimous consent that the further reading of the bill be dispensed with. Is there objection?

Mr. PADGETT. Mr. Chairman, I object.

The Clerk resumed and concluded the reading of the bill.

Mr. PADGETT. Mr. Chairman, I wish to offer an amendment embracing several items to correct misprints in the bill just before we take up the offering of other amendments.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Page 3, line 18, strike out the word "sixteen" and insert in lieu thereof the word "seventeen."

Mr. ROBERTS of Massachusetts. What is the amendment?

Mr. PADGETT. To correct the fiscal year, which was a misprint.

Mr. ROBERTS of Massachusetts. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROBERTS of Massachusetts. Under the rule adopted by the House on Friday last providing for the offering of amendments to any paragraph or any portion of the bill after the reading of the bill to-day, which has just been concluded, if an amendment is offered, for example, to paragraph 2 of the bill, adopted or rejected, and the committee then consider an amendment to paragraph 12, will it be in order at any time before 2 o'clock on Friday to offer another amendment to paragraph 2?

Mr. PADGETT. If it is a germane amendment, it would.

Mr. ROBERTS of Massachusetts. In other words, when a paragraph of the bill is under consideration for amendment by one motion, must all motions to amend the paragraph be made before action is had on that particular paragraph?

The CHAIRMAN. The rule does not provide for that.

Mr. ROBERTS of Massachusetts. I wanted to understand. Then we can go back and forth in the bill ad libitum until 2 o'clock on Friday and amend paragraphs as the committee sees fit?

Mr. WILSON of Florida. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILSON of Florida. I did not quite understand the gentleman.

The CHAIRMAN. The gentleman from Massachusetts inquired whether if an amendment was offered to any particular paragraph all amendments to that paragraph must be proposed before that paragraph is left, and the Chair stated the rule did not require it.

Mr. WILSON of Florida. I have an amendment to offer to page 6. May I offer that after we pass page 6 before the vote on Friday?

Mr. PADGETT. Yes.

The CHAIRMAN. It may be offered at any time before the time fixed——

Mr. WILSON of Florida. And debated?

Mr. PADGETT. When the gentleman gets recognition he can offer his amendment.

Mr. BENNET. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN The gentleman will state it.

Mr. BENNET. Under the rule as finally adopted an amendment may be offered even after 2 o'clock on Friday.

Mr. PADGETT. No, sir; I think not.

The CHAIRMAN. It may be offered under the rule after 2 o'clock.

Mr. PADGETT. But not debated.

Mr. BENNET. An amendment may be offered and debated up to 2 o'clock on Friday.

The CHAIRMAN. Yes.

Mr. BENNET. At 2 o'clock on Friday a vote will be taken on the then pending amendments, and after that any number of amendments could be offered and voted on without debate.

Mr. PADGETT. Certainly.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 12, line 18, strike out the word "sixteen" and in lieu thereof insert the word "seventeen."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 13, line 14, strike out the word "sixteen" and in lieu thereof insert the word "seventeen."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 16, line 17, strike out the word "sixteen" and insert in lieu thereof the word "seventeen."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 20, line 7, strike out the word "sixteen" and in lieu thereof insert the word "seventeen."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 69, line 7, strike out the word "sixteen" and in lieu thereof insert the word "seventeen."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 70, at the end of line 15, strike out the colon and insert a period.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 73, line 4, strike out the word "sixteen" and in lieu thereof insert the word "seventeen."

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I will ask the Chairman now to recognize Mr. BUTLER or Mr. ROBERTS of Massachusetts who has an amendment in reference——

Mr. ROBERTS of Massachusetts. The gentleman from Pennsylvania yields to me for this amendment which I desire to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 87, after line 17, insert the following:

"The provisions of sections 1493 and 1494 of the Revised Statutes of the United States shall apply to the Marine Corps."

Mr. ROBERTS of Massachusetts. Now, Mr. Chairman, I would ask unanimous consent that this motion be disposed of at the present time and either adopted or rejected. It will not need any discussion. I think two or three moments of explanation will convince every member of the committee of the absolute justice of making these provisions of law apply to the Marine Corps, the same now applying only to the regular officers of the Navy. The conditions are these:

Under section 1493 no officer of the Navy can be promoted to a higher rank unless the board of examining surgeons certify that he is physically capable of performing all the duties of that higher grade. Section 1494, however, provides that any officer who has been wounded in battle can be promoted to a higher grade if the board of surgeons certify he is capable of performing any of the duties of that higher grade. Under that provision of law many officers of the Navy who have received wounds in battle have gone up to high rank, because they could perform some of the duties of each grade to which they were promoted. Perhaps the most conspicuous instance is that of Admiral Winterhalter, who lost the sight of an eye under such circumstances, and has gone up by various degrees of promotion to the rank of admiral. Had section 1493 only been enforced, he would have been retired the next time he came up for promotion because the loss of one eye would have prevented him from performing all the duties of an officer of higher grade. It is supposed that all these provisions were service provisions—that is, they applied to officers of the Marine Corps as well as to officers in the Navy, and under those two provisions Maj. Leonard, who, I believe, was second lieutenant of marines in the Boxer rebellion, and lost an arm in that campaign, was promoted from second lieutenant to the grade of major, because he could perform some of the duties of the office.

Now, a case comes up, which was decided last Wednesday by the Judge Advocate of the Navy, too late to be brought up in the Naval Committee, under the following conditions: A young Marine Corps officer, a second lieutenant, was shot in a battle in Nicaragua during the early occupation of that country by our marines. He was shot in both feet. As a result of the wounds a portion of one or both feet was amputated, and when the wound healed the cords attached themselves in such a way as to make it impossible for him to get out and march with the

troops without great physical suffering; in fact, he could not do it. He came up for promotion, under the commonly accepted interpretation of sections 1493 and 1494, from second to first lieutenant and passed all his mental and professional examinations. He is a fine specimen of physical manhood. It was then discovered by somebody that these sections were not service provisions and did not apply. The Judge Advocate General has rendered a decision that these two sections, while applying to the officers of the Navy wounded in battle, do not apply to officers of the Marine Corps under similar conditions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I ask unanimous consent for a minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ROBERTS of Massachusetts. And the purpose of this act is to extend those provisions to all the officers of the Navy.

Mr. PADGETT. And to the Marine Corps on the same terms.

Mr. ROBERTS of Massachusetts. On the same terms. It seems to me there could be no objection in the mind of any man to that.

Mr. STAFFORD. Will the gentleman yield? Has the term "active list of the Navy" heretofore received any construction to exclude members of the Marine Corps?

Mr. ROBERTS of Massachusetts. This is the first instance I find on inquiry among officers of the Marine Corps where there has been any exclusion of any officers of the Marine Corps in at least 30 years, and the memory of the officer I consulted did not run back beyond that.

Mr. STAFFORD. In the pending bill there is phraseology of like language to include not only the Navy but the Marine Corps. As a matter of fact, there should be some change made to incorporate some members of the Marine Corps.

Mr. PADGETT. This legislation is proper in order to put the Marine Corps on the same basis as the Navy.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Massachusetts [Mr. ROBERTS].

The question was taken, and the amendment was agreed to.

Mr. BUTLER. Mr. Chairman, I will ask the gentleman from Tennessee if I shall offer this amendment now?

Mr. PADGETT. I shall be glad to have the gentleman do so.

Mr. BUTLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 97, line 20, strike out the word "five" and insert in lieu thereof the word "six."

Mr. BUTLER. Mr. Chairman——

Mr. PADGETT. Mr. Chairman, if you will permit me just a moment, I wish to call attention to the suggestion that has been made——

The CHAIRMAN. Will the gentleman suspend a moment?

Mr. PADGETT. Does the gentleman intend to offer this entire thing as one amendment?

Mr. BUTLER. I have a statement to make as soon as the gentleman from Tennessee has finished.

Mr. PADGETT. I wish to explain the agreement that has been made between us.

Mr. BUTLER. I wish you would explain it, please.

Mr. PADGETT. The suggestion was made that the gentleman from Pennsylvania would offer this amendment as a whole.

Mr. BUTLER. It includes the whole building program.

Mr. PADGETT. It includes the whole proposition in reference to the increased building program, with the understanding that we will vote on the different items separately. For instance, it would be offered as one amendment and be debated and considered until 11.30 o'clock to-morrow morning, and then we would take a vote upon the first proposal and follow that later with a vote upon the other several items, voting upon the items separately.

Mr. ROBERTS of Massachusetts. Let me see if I understand it.

Mr. BUTLER. Let me first make a statement.

The CHAIRMAN. Let the gentleman first report what is proposed in the amendment.

Mr. BUTLER. There are several amendments there, Mr. Chairman—23 in all. Let me add this to the request made by the chairman of the Committee on Naval Affairs: To-morrow morning at 11.30 o'clock we will vote on the first amendment, which is on page 97, line 20, without debate; that then we proceed to the next amendment, and so on, voting separately upon all these amendments.

Mr. COX. There will be no debate to-morrow at all on those amendments?

Mr. BUTLER. Yes. It has been suggested by my colleagues that if any gentleman desires under the five-minute rule to debate any of the other amendments he will have the opportunity.

Mr. PADGETT. That is, under the rules of the House there will be five minutes' debate for and five minutes against?

Mr. BUTLER. Yes; there will be five minutes for and five minutes against.

Mr. PADGETT. Not general debate.

Mr. BUTLER. No; not general debate; but debate under the five-minute rule on all the items excepting the first one, which we will vote on to-morrow, providing for the increase of one battle cruiser.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield there?

Mr. BUTLER. Yes.

Mr. STAFFORD. Does this agreement supersede the tacit understanding that on to-morrow morning the gentleman from Tennessee [Mr. PADGETT] was going to offer the armor-plate proposition, and that we were to vote on it at not later than 2 o'clock?

Mr. PADGETT. I did not agree to that—to vote on it not later than 2 o'clock. I said I would call it up to-morrow morning as soon as opportunity was offered, and these proposals would be voted upon; but we could get rid of those under this understanding not later than 1 o'clock. Then we would take up the armor-plate amendment and debate that and vote upon that to-morrow.

Mr. STAFFORD. Then the understanding of the gentlemen of the committee on both sides, as I understand it, is that after the disposal of the various propositions involved in the amendment of the gentleman from Pennsylvania [Mr. BUTLER], then the gentleman from Tennessee is to offer the armor-plate proposition and have it considered, and have a vote on the armor-plate proposition to-morrow afternoon not later than at what hour?

Mr. PADGETT. Well, I do not know what debate there will be.

Mr. EMERSON. Has any debate been agreed upon?

Mr. PADGETT. No; no debate has been agreed upon. That is an important question. We will allow a fair and proper debate.

Mr. STAFFORD. The understanding is that a vote will be had to-morrow afternoon on the armor-plate proposition?

Mr. PADGETT. Yes.

Mr. ROBERTS of Massachusetts. Mr. Chairman, let me ask the chairman of the committee if he does not think the increase of the Navy, including the proper number of cruisers, battleships, and other craft, is an important matter that ought not to be choked off by a five-minute speech on each side?

Mr. PADGETT. Oh, it has been so much discussed, and, as people have said to me, everybody has his mind made up, so that if necessary we should go ahead and vote on it without any debate at all.

Mr. ROBERTS of Massachusetts. And would not that be true as to armor plate, too?

Mr. PADGETT. I am willing to do that as to armor plate. I am willing that debate should be had for those who want to talk on it.

Mr. ROBERTS of Massachusetts. The gentleman says he is willing to debate the armor-plate proposition, but he is not willing to give full debate on battleships and cruisers.

Mr. PADGETT. That has been debated fully in this Congress and in other Congresses. It has been fully covered in the general debate on this bill.

Mr. BUTLER. Mr. Chairman, I will offer one amendment and see where we come out. That is the one on the battle cruisers. It is the one that was read at the Clerk's desk.

Mr. OGLESBY. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from New York?

Mr. BUTLER. Yes.

Mr. OGLESBY. Does this amendment which the gentleman offered include all of the propositions of the minority as amendments to this bill in substance?

Mr. BUTLER. On the building program; yes, sir.

Mr. OGLESBY. Now, I understand the gentleman proposes to introduce one, instead of the whole series contained in the resolution.

Mr. BUTLER. Yes. I find that over on this side I had not consulted with all my colleagues, and therefore I will offer only what the rules permit me to offer; that is, one amendment, on page 97, line 20, to strike out the word "five" and insert in lieu thereof the word "six," and with that I will stop. There can be no objection taken to that.

Mr. PADGETT. Let me ask the gentleman from Pennsylvania a question.

Mr. BUTLER. Yes.

Mr. PADGETT. The gentleman has made an agreement with me to offer this whole resolution as an amendment, and to let it be pending, with the understanding that we would vote upon the different items when they are reached to-morrow morning at 11.30?

Mr. BUTLER. I did. I know.

Mr. PADGETT. Now, then, upon that agreement Members on both sides of the House, Democrats and Republicans alike, came to me and asked me about the arrangement, and I told them what it was, and they have gone away from here.

Mr. BUTLER. And it would not be fair toward them to change it.

Mr. PADGETT. No; it would not be fair toward them for the gentleman to withdraw that agreement.

Mr. BUTLER. Yes, Mr. Chairman; let me make a promise to my friend: Never again will I make an agreement of any kind, even to stay home at night. [Laughter.]

Mr. PADGETT. I think if you carry out your agreement it will not militate against anything.

Mr. BUTLER. I can not carry it out. If the gentleman will give me time for a minute, I will gather myself together. [Laughter.] I am not going to break my word, and——

Mr. PADGETT. Let me say this to the gentleman: I know he is not going to break his word. Let me say to him, Go ahead and offer it as one amendment, with our understanding that it will be debated until 11.30 to-morrow morning, and then the other items will be considered under the five-minute rule of the House.

Mr. BUTLER. Yes.

Mr. PADGETT. But then, if occasion presents itself, where it appears proper that there should be an extension of the five-minute rule to more than one to a side, I am not going to take advantage of technicalities, but I am not going to allow just ad libitum debate.

Mr. BUTLER. I discover that if we consume to-morrow upon the discussion of this proposed building program it may result in postponing the consideration of the proposed amendment for the construction of an armor-plate factory until another day, and that that postponement will disappoint some of my colleagues. I had not thought of that when I agreed with the gentleman that I would offer this blanket amendment. Now, I will make my offer, because I agreed with the gentleman that I would do it, but I promise my colleagues right now to make no further agreements.

Mr. PADGETT. This is not going to displace the other. We will dispose of both the others to-morrow.

Mr. BUTLER. I am not sure about that. If I were sure about that, then I would feel more cheerful.

Mr. PADGETT. I do not think there is any trouble about disposing of it, because nearly all of those amendments are to correct the amounts.

Mr. BUTLER. They involve the important features of the bill, in our judgment.

Mr. PADGETT. I know; but you have there simply the question of battleships increase, the battle cruisers increase, the submarine increase, the destroyers——

Mr. BUTLER. Scouts.

Mr. PADGETT. Scouts and certain other ships.

Mr. ROBERTS of Massachusetts. There are four or five auxiliary craft.

Mr. PADGETT. Now, when they are voted on, if they are voted down the amounts in the bill stay as they are. If the House votes to increase the number, all you have got to do is to add the appropriate amount of money corresponding to what is now in the bill, applying to that increased number of ships.

Mr. LENROOT. Will the gentleman yield to me?

Mr. ROBERTS of Massachusetts. Will the gentleman yield to me for a moment? Who has the floor?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BUTLER] is supposed to have the floor, but gentlemen are evidently trying to reach some understanding.

Mr. BUTLER. Then there is the question of proposing to limit the time for construction of these battleships and other warships, which, to my mind, is more important than any other feature of the bill.

Mr. PADGETT. When one vote is taken upon that it will determine the feeling of the House on that question of policy.

Mr. BENNET. I ask unanimous consent that the request be put.

Mr. ROBERTS of Massachusetts. I desire to offer this suggestion as a compromise and a way out of what is to me a difficulty. Under the agreement made between the chairman of the committee and the minority leader we provide for a vote on all features of the increase of the program by 11.30 to-morrow.

Mr. PADGETT. No; we commence voting at that time.

Mr. ROBERTS of Massachusetts. With practically no speeches, or limited to five minutes on a side.

Mr. BENNET. No.

Mr. ROBERTS of Massachusetts. Now, I have never known the building program of the naval bill to be jammed through with only one five-minute speech on each side on this great and important part of our naval bill. In addition to that there are two other features involved in this so-called motion to recommit amendments that are of very great importance, and I want to be sure that there will be an opportunity for a separate vote before we come to 2 o'clock on Friday. My suggestion is that the minority leader offer all of the amendments that will be embodied in the minority motion to recommit, and that it be understood that at 1 o'clock to-morrow we begin voting on all those amendments, as stated by the chairman of the committee. Many of those amendments will take no discussion and no time in voting, because they will be immaterial if the main motion on which they are predicated is defeated. If the main motion is carried, then many of those subsidiary motions will necessarily have to be put.

Mr. PADGETT. I think it would be too long to extend it until 1 o'clock. I am willing to make it 12 o'clock. The minority leader [Mr. MANN], the gentleman from Pennsylvania [Mr. BUTLER], and others had all agreed on the idea of commencing voting at 11.30, and they thought that would be sufficient. This debate is not going to change anybody's opinion.

Mr. ROBERTS of Massachusetts. Would 1 o'clock be acceptable to the minority leader?

Mr. PADGETT. I will agree to make it 12 o'clock instead of 11.30. Then we will commence voting, and go on down.

Mr. ROBERTS of Massachusetts. And all the amendments be embodied in one motion.

Mr. BUTLER. And have one hour's debate to-morrow?

Mr. VARE. I would like to ask the chairman of the committee whether this rule would preclude the offering of additional amendments.

Mr. PADGETT. Oh, no.

Mr. VARE. Has there been any time fixed for voting on the armor-plate proposition?

Mr. PADGETT. No. I was trying to expedite this thing so as to make some provision for that.

Mr. BUTLER. It is impossible, Mr. Chairman, for me to join in any agreement to fix any specific minute in the day. I believe it is our business to do what we ought to do and sit here until it is done. [Applause.] I will agree that to-morrow, after one hour's debate, we shall vote on the different amendments, and vote them up or down and dispose of them.

Mr. PADGETT. I have no objection to that. Let the gentleman offer his amendments as one amendment, and then I ask that to-morrow morning we have one hour's debate, and at the conclusion of the hour's debate we proceed to vote on the various amendments.

Mr. STAFFORD. That we shall vote on the first amendment and then proceed to vote on the other amendments under the five-minute rule.

Mr. ROBERTS of Massachusetts. I understand that all the amendments are to be offered at one time, and after having one hour's debate on it, then we take them up and begin to vote on them under the five-minute rule.

Mr. PADGETT. With the understanding that the five-minute rule shall be adhered to, I agree to that.

Mr. ROBERTS of Massachusetts. I presume that we might take up some of them immediately after the amendments are read and dispose of them.

Mr. PADGETT. No; I have notified Members that we would not take a vote to-night—that there would be no vote this afternoon—under the agreement I had made with the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Mr. Chairman, I am going to endeavor to state a request for unanimous consent. I ask unanimous consent to present this amendment, as a whole. It comprises a number of separate amendments. I ask that debate shall proceed upon all of these amendments this afternoon and to-morrow morning for one hour. At the expiration of that time we shall vote on the first amendment. That then we shall proceed to the discussion and consideration and disposition of these other amendments under the five-minute rule.

Mr. PADGETT. I have no objection to that.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to offer at this time a series of amendments; that debate on these amendments shall take the remainder of the session this afternoon and for one hour after the committee convenes to-morrow morning; that at the end of the hour a vote shall be taken on the first amendment; and that thereafter the other amendments shall be taken up in order under the five minute rule, considered, and disposed of. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the amendments.

The Clerk read as follows:

Page 97, line 20: Strike out the word "five" and insert in lieu thereof the word "six."

Page 97, line 25: After the word "each" insert "said battle cruisers to be constructed within 24 months from the date of signing contract."

Page 98: At the top of said page and before the words "Four scout cruisers, etc.," insert a new paragraph as follows:

"Two first-class battleships to be of identical design in all respects as the battleships *Tennessee* and *California* authorized to be constructed in the act making appropriations for the naval service for the fiscal year ending June 30, 1916, approved March 3, 1915, to cost, exclusive of armor and armament, not to exceed $10,500,000 each; said battleships to be constructed within 24 months from the date of signing contract."

Page 98, line 1: Strike out the word "four" insert in lieu thereof the word "six."

Page 98, line 5: After the word "each" insert "said scout cruisers to be constructed within 15 months from the date of signing contract."

Page 98, line 6: Strike out the word "ten" and insert in lieu thereof the word "twenty-eight."

Page 98, line 9: After the word "each" insert "said destroyers to be constructed within 15 months from the date of signing contract."

Page 98, line 14: Strike out the word "twenty" and insert in lieu thereof the word "fifty."

Page 98, line 17: After the word "each" insert "said submarines to be constructed within 15 months from the date of signing contract."

Page 98, line 17: Strike out the word "seventeen" and insert in lieu thereof the word "forty-seven."

Page 98, line 20: After the word "each" insert "said submarines to be constructed within 12 months from the date of signing contract."

Page 98, line 21: Strike out the figures "$4,257,000" and insert in lieu thereof the figures "$9,387,000."

Page 99, line 3: Strike out the word "one" and insert in lieu thereof the word "two."

Page 99, line 4: Insert after the figures "$1,265,000" "said fuel ship to be constructed within 15 months from the date of signing contract."

Page 99, line 6: After the figures "$2,600,000," insert "said ammunition ship to be constructed within 15 months from the date of signing contract."

Page 99, line 7: After the figures "$2,250,000" insert "said hospital ship to be constructed within 15 months from the date of signing contract."

Page 99, after line 7, insert:

"One transport, to cost not to exceed $2,450,000; said transport to be constructed within 15 months from the date of signing contract.

"One supply ship, to cost not to exceed $2,230,000; said supply ship to be constructed within 15 months from the date of signing contract.

"One destroyer tender, to cost not to exceed $1,950,000; said destroyer tender to be constructed within 15 months from the date of signing contract.

"One repair ship, to cost not to exceed $2,600,000; said repair ship to be constructed within 15 months from the date of signing contract."

Page 99, line 22: Strike out the figures "$47,366,860" and insert in lieu thereof the figures "$73,133,852."

Page 100, line 4: Strike out the figures "$30,707,000" and insert in lieu thereof the figures "$44,196,689."

Page 100, line 7: Strike out the figures "$11,245,925" and insert in lieu thereof the figures "$20,296,850."

Page 100, line 9: Strike out the figures "$98,859,378" and insert in lieu thereof the figures "$152,296,984."

Page 100, after line 9, insert the following paragraph:

"To secure the speedy completion of all ships authorized in this act and to cover the additional expense incidental to the employment of more than one shift of men a day the Secretary of the Navy is authorized to increase the limit of cost of each of said ships not to exceed 10 per cent."

Mr. BUTLER. Mr. Chairman, I do not propose to speak to this amendment at this time. I have no control over the time, but I ask unanimous consent that my colleague, Mr. CANNON, from Illinois, may now speak on the amendment.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that the time for debate on this amendment be divided, and that one half of the time may be controlled by the gentleman from Pennsylvania and the other half by myself.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the time for debate on these amendments be divided, one-half to be controlled by himself and one-half by the gentleman from Pennsylvania [Mr. BUTLER]. Is there objection?

There was no objection.

Mr. ROBERTS of Massachusetts. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROBERTS of Massachusetts. Under the unanimous-consent agreement recently made are all motions to amend to be held out of order from now until the motions made by the gentleman from Pennsylvania have been voted on to-morrow?

The CHAIRMAN. Unless they are amendments to the pending amendments.

Mr. ROBERTS of Massachusetts. And no amendments can be offered to any other section of the bill from now on until some time to-morrow afternoon?

The CHAIRMAN. No other amendment will be recognized by the Chair.

Mr. ROBERTS of Massachusetts. That was not my understanding of the agreement.

Mr. PADGETT. That was the agreement. I understood the gentleman wanted to put in the RECORD some amendments that he desires to offer with reference to the personnel, aviation, and so forth, and if he does, I will ask unanimous consent that he may print them in the RECORD for information so that they can be made familiar to the Members when they are offered later.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I ask unanimous consent to have printed in the RECORD for information several amendments that appear on pages 1 and 2 of the printed list, down to and including the motion offered by the gentleman from Pennsylvania.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to print in the RECORD certain proposed amendments to be offered by him later in the consideration of the bill. Is there objection?

There was no objection.

The amendments to be offered by Mr. ROBERTS of Massachusetts are as follows:

AVIATION.

Page 6, line 2: Strike out the figures "$2,000,000" and insert in lieu thereof the figures "$3,500,000."

TRANSPORTATION.

Page 8, line 19: Strike out the figures "$862,000" and insert in lieu thereof the figures "$904,000."

RECRUITING.

Page 8, line 24: Strike out the figures "$174,670" and insert in lieu thereof the figures "$194,340."

OUTFITS—FIRST ENLISTMENT.

Page 9, line 25: Strike out the figures "$1,428,000" and insert in lieu thereof the figures "$1,638,000."

THREE THOUSAND FIVE HUNDRED ADDITIONAL MEN.

Page 36, line 21: Strike out the words "sixty-one thousand five hundred" and insert in lieu thereof the words "sixty-five thousand."

FULL COMPLEMENTS FOR SHIPS.

Page 36, line 22: After the first word, "men," insert the following: "and the President is hereby authorized to enlist, in his discretion, and from time to time, such additional men as the needs of the Navy may require, not to exceed a total authorized strength of 82,762 men."

PAY OF MEN.

Page 36, line 23: Strike out the figures "$27,563,988.50" and insert in lieu thereof the figures "$28,436,488.50."

CHANGE OF TOTAL.

Page 37, line 8: Strike out the figures "$46,876,246.86" and insert in lieu thereof the figures "$47,748,746."

PROVISIONS.

Page 67, line 9: Strike out the figures "$8,848,933.85" and insert in lieu thereof the figures "$9,088,508.85."

PAY CLERKS, MARINE CORPS.

Page 82, line 4: Strike out the word "seven" and insert in lieu thereof the word "eight."

PAY OF ADDITIONAL OFFICERS, MARINE CORPS.

Page 82, line 6: Strike out the figures "$1,328,749" and insert in lieu thereof the figures "$1,377,849."

SERGEANT MAJOR—QUARTERMASTER SERGEANTS.

Page 88, line 4: Strike out the word "seventeen" and insert in lieu thereof the word "eighteen"; also strike out the word "seventy-two" and insert in lieu thereof the word "eighty."

FIRST SERGEANTS—GUNNERY SERGEANTS.

Page 88, line 5: Strike out the word "sixty-five" and insert in lieu thereof the word "seventy-four"; also strike out the second word "sixty-five" in said line and insert in lieu thereof the word "seventy-three."

SERGEANTS—CORPORALS.

Page 88, line 6: Strike out the words "three hundred" and insert in lieu thereof the words "three hundred and forty-two"; also in said line strike out the words "five hundred" and insert in lieu thereof the words "five hundred and seventy-eight."

DRUMMERS—INCREASE OF MEN.

Page 88, line 7: Strike out the first word "thirty" and insert in lieu thereof the word "thirty-seven"; also in said line strike out the words "two thousand" and insert in lieu thereof the words "two thousand five hundred and forty."

PAY OF MARINES.

Page 88, line 20: Strike out the figures "$3,434,582.52" and insert in lieu thereof the figures "$3,509,850.52."

COMMUTATION OF QUARTERS.

Page 90, line 2: Strike out the figures "$56,000" and insert in lieu thereof the figures "$59,000."

TOTALS.

Page 90, line 25: Strike out the figures "$5,331,406.30" and insert in lieu thereof the figures "$5,458,774.30."

PROVISIONS—MARINE CORPS.

Page 91, line 15: Strike out the figures "$1,150,068.90" and insert in lieu thereof the figures "$1,195,068.90."

CLOTHING—MARINES.

Page 92, line 5: Strike out the figures "$926,423.50" and insert in lieu thereof the figures "$996,073.50."

FUEL.

Page 92, line 11: Strike out the figures "$217,092.66" and insert in lieu thereof the figures "$220,692.66."

MILITARY STORES.

Page 93, line 13: Strike out the figures "$713,648.78" and insert in lieu thereof the figures "$810,002.78."

TRANSPORTATION AND RECRUITING.

Page 94, line 13: Strike out the figures "$459,711.65" and insert in lieu thereof the figures "$492,156.65."

FORAGE.

Page 95, line 3: Strike out the figures "$39,246" and insert in lieu thereof the figures "$42,246."

COMMUTATION OF QUARTERS.

Page 95, line 15: Strike out the figures "$107,512" and insert in lieu thereof the figures "$121,048."

CONTINGENT.

Page 97, line 7: Strike out the figures "$654,345" and insert in lieu thereof the figures "$692,845."

TOTALS—QUARTERMASTER'S DEPARTMENT, MARINE CORPS.

Page 97, line 9: Strike out the figures "$4,469,048.49" and insert in lieu thereof the figures "$4,771,133.49."

TOTAL—MARINE CORPS.

Page 97, line 16: Strike out the figures "$9,800,454.79" and insert in lieu thereof the figures "$10,229,907.79."

Mr. BUTLER. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I have not sufficient technical knowledge touching the Navy or the provisions of this bill to enable me to offer much from a technical standpoint for the consideration of the Committee of the Whole House. I have, however, generally, very decided notions about what the Navy ought to be. Of course, if I had to draw the designs to construct the ships and aeroplanes, there would not be any constructed. I believe in an efficient Navy. If I believed as some gentlemen do who have addressed this House, particularly upon the other side, and especially the gentleman from Texas [Mr. CALLAWAY], I would not vote for a single ship and I would destroy those that we now have, because we are all going to be good, and if we are not all going to be good, we are so far away from the balance of the world that they could not cross the ocean and get at us. I understand that to be the position of the gentleman. He was greeted with great applause, though not universal, upon the other side of the House, and by a goodly number of "Amens."

I am not very uneasy about the Army of the United States. I believe that we must rely principally for the national defense against the world upon the Navy, the first line of defense. It is free from any complications that we get with the Army. Why, you can not now fully utilize the National Guard, for there is a large number of people in the United States organized, who say, "You are members of our organization, and if you enter into the service of the National Guard or the militia, you lose your job." There are a good many people that most of us are afraid of who hold that notion. So we just want enough of an Army, say, 150,000 to 200,000. I would like to have 2,000 men for every million of inhabitants, and I think that would be sufficient to take care of Mexico and Central America and the Monroe doctrine, as far as the Army is concerned, as well as to take care of us at home if it is necessary for us to be taken care of.

Gentlemen say that the world can not get across the ocean to attack us. They do not have to. Take, for instance, Great Britain. She has Vancouver, Victoria, near by, right at the very entrance of the Sound upon which one of our principal navy yards is located. Then there are the Bahamas and the Bermudas, the British West Indies, and the French West Indies—not so difficult for Great Britain and France to get over with their navies, after all is said and done. Gentlemen of the minority as well as of the majority have commended this bill as far as it goes, and the only difference as I gather from the debate and the amendments offered is as to whether you have gone far enough—oh, I will say not the only difference, but practically the only difference upon each side of the House.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BUTLER. Mr. Chairman, would the gentleman like me to yield him more time?

Mr. CANNON. If the gentleman desires to yield it to me, I would like to have a little more.

Mr. BUTLER. It would be a great pleasure to all of us. I yield five minutes more to the gentleman.

Mr. CANNON. I thank the gentleman and members of the committee. I believe this bill is short in making sufficient provision at this time. I do not believe it provides for a sufficient personnel of the Navy. I am told and I gather from what gentlemen say that probably one-half of the ships of our Navy have not sufficient men to man them in the event that we did have trouble. What is the use of having ships unless you have men to man them? I am told we are short of ammunition, short on this and that and the other, and I presume that is true and I assume it to be true; and it is a mistake equivalent to a crime not to be ready to fight the ships that we have. [Applause.] And they should be manned as rapidly as possible. It can not be done in a minute. Oh, too expensive, too expensive, it is claimed. One gentleman who addressed the House to-day harked back to old Isaiah:

> And they shall beat their swords into plowshares and their spears into pruning hooks.

I have heard it preached a hundred times; and we are as far off from that time as they were in old Isaiah's time. [Applause.] You have got to reconstruct the human animal before we will all be good. Nations in all the history of the race went with the strong hand to despoil the enemy who had the goods that they wanted. Why, God's chosen people marched out of Egypt and wandered 40 years in the wilderness; and they went in with, "Thus saith the Lord, according to his prophet," and seized the promised land and killed all the men, women, and children who were in possession of the land. They did it—all except one tribe, you know, that came in with moldy bread and tattered clothes and agreed to be slaves. So it has been and so it will be until the human race is, in my judgment, largely reconstructed.

Mr. MADDEN. Regenerated.

Mr. CANNON. Oh, you talk about the millennium, and pray for the millennium. But the millennium has not arrived, and until it does arrive we must protect our own agninst all nations who covet our possessions. Now, I am not afraid of any nation, not at all, but as I read the history of our country in the earlier part of the late century during the Napoleonic wars, because we would not take sides either with Napoleon or with Great Britain, we got into trouble and they seized our ships and declared them good prizes, each one of the contestants, and they will do it again if they have the power to do it. But it is said the world is afraid of us. It may be so. But nations will not be afraid of us unless we have the disposition to care for our own and are prepared to care for our own. If you take the hand off China, she would conquer the world from the frozen ocean to the Equator by her patient labor. We can not compete with her and therefore we shut her out, and yet she is dominated by Japan. Nobody has much respect for China. We can not take care of the Philippines; we can not take care of the Monroe doctrine; we can not take care of Porto Rico; we can not take care of the United States proper unless we have what is equivalent to an insurance policy. [Applause on the Republican side.]

That insurance policy is a Navy sufficient to be efficient against all comers. I am for peace, but the only way to have peace is to be ready to fight for peace if necessary.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BUTLER. Mr. Chairman, I yield five minutes to my colleague on the committee [Mr. BROWNING].

Mr. BROWNING. Mr. Chairman, one amendment offered by my colleague from Pennsylvania [Mr. BUTLER], on page 98, at the top of said page, and before the words "four scout cruisers, etc.," reads: Insert a new paragraph, as follows:

> Two first-class battleships, to be of identical design in all respects as the battleships *Tennessee* and *California*, authorized to be constructed in the act making appropriations for the naval service for the fiscal year ending June 30, 1916, approved March 3, 1915, to cost, exclusive of armor and armament, not to exceed $10,500,000 each; said battleships to be constructed within 24 months from the date of signing contract.

Mr. Chairman, I for one think that the amendment is one of the most important amendments to the bill.

Mr. Chairman, naval preparedness is either entirely unnecessary or it is of paramount necessity. The question for this Congress to decide is whether we need a real and effective Navy or whether no such necessity exists, and if the decision is in the affirmative, then in all reason let us bring forth a law that will achieve its object.

The bill we have before us takes a middle ground; it does not frankly admit that the majority side of the Naval Affairs Committee believe there exists no necessity for an increase in America's first line of defense, nor does it meet the very conservative recommendations of the Secretary of the Navy and the General Board of the Navy. It is neither fish nor flesh.

Mr. Chairman, the stand for a large and effective Navy is not a new one for me, as my votes in committee and in the House have shown, but after four weary months of the closest

study in continuous daily sessions of the Naval Affairs Committee, where we heard at length from our greatest naval experts, from scientists, from pronavy and from antinavy advocates, I am more than unwilling to even appear to approve of the bill before us, the provisions of which fall so far short of what I conceive to be the dire need of the Nation.

Rear Admiral Knight, president of the Naval War College, sounded a timely warning when he said that the ocean, unless its waters be blocked by a fleet strong enough to command them, is a highway, broad, spacious, and convenient beyond any military road the Romans ever built. Let us realize in time that the ocean instead of affording the protection of a blockade is in reality exactly the reverse unless adequately policed.

The battleship, the fighting instrument of the Navy, is conspicuous by its absence from this bill. The General Board on July 30, 1915, recommended the construction of four dreadnaughts for this year's program. The Secretary of the Navy, in his five-year program, recommended two dreadnaughts for this year. All of the admirals who appeared before our committee voiced the opinion that battleships are essential. The concensus of opinion of those to whom we must look for expert and valuable advice is undoubtedly in favor of augmenting the number of our fighting dreadnaughts, the big fellows that give and take the hard knocks, and I believe we should authorize at least two at this time. Personally, I would go further and authorize four, as recommended by the General Board. Our thousands of miles of coast line are mutely appealing to us for a degree of protection that will render them safe from attack. Our people from ocean to ocean are looking to us to keep them out of war and to defend them against any possible invading foe. Let us take the action that will best promote the safety of our country and the welfare of our people by building a Navy that will place us second in the navies of the world.

Mr. Chairman, I trust this important amendment will prevail. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROWNING. Mr. Chairman, I ask unanimous consent that I may extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey? [After a pause.] The Chair hears none.

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I shall, in the main, support the bill as reported by the committee, but shall vote, if the opportunity is offered, to reduce the number of battle cruisers provided for by one. I shall vote to increase the number of submarines and provide the necessary men to fully man the fleet.

Mr. Chairman, during the 12 years immediately preceding the outbreak of the European war, to wit, 1901 to 1912, inclusive, the leading naval nations of the earth expended, according to the best figures I am able to secure, the following sums for all naval purposes:

Great Britain	$1,999,209,088
United States	1,331,721,206
Germany	854,055,078
France	791,244,187

There is always some difference of opinion as to the relative strength of two navies which in tonnage, number, and character of ships are anywhere near equal, and while at the time practically all of those who were demanding a large naval program in 1912 insisted that our Navy was then inferior to that of Germany, it is now, I think, generally recognized that at that time we had from the standpoint of efficiency and effectiveness the second navy in the world. The same class of people who in 1912 were insisting that our Navy was third or even fourth among the navies of the world are now insisting that our Navy occupies the fourth place among the navies of the world. The best expert opinion of the day, however, accords us the third place, though, except for our lack of battle cruisers, of which we have none, and from the standpoint of the main battle line of dreadnaughts, our Navy is equal, if not superior, to that of Germany, barring some mythical ships which some imagine Germany may have built during the progress of the present war.

Since the year 1912 our naval expenditures have been as follows:

1913	$141,050,643
1914	145,503,963
1915	149,763,563

The bill before us carries appropriations amounting to $241,449,151, an increase of $91,787,287 over the bill of last year. The building program proposed in the bill is as follows:

Five battle cruisers, to cost $20,433,531 each.
Four scout cruisers, to cost $5,571,900 each.
Ten destroyers, to cost $1,325,314 each.
Three 800-ton submarines, to cost $1,206,302 each.
Seventeen smaller submarines, to cost $731,302 each.
One fuel ship, to cost $1,363,272.
One ammunition ship, to cost $2,714,650.
One hospital ship, to cost $2,250,000.

The total cost of these ships is estimated at $160,087,357, and of this total cost the amount carried in the bill is $59,244,326, leaving in round numbers $101,000,000 to be paid for in future bills. The bill also carries appropriations of upwards of $11,000,000 for ammunition for these new ships.

If we are to assume that as large a building program is to be carried next year as the one proposed in this bill, and that next year's bill will carry as much for that program as the present bill for this year's program in addition to paying for one-half the remainder of this year's program, and the increased expenditures resulting from the bringing into commission of new ships which will be completed during the year, next year's naval bill will exceed the present bill by at least $75,000,000, and the continuation of such a program for five years would give us a naval bill at the end of that period in the neighborhood of half a billion dollars annually.

It is devoutly to be hoped that no condition shall arise or exist that will necessitate any such outlay. Short of the absolute certainty that such an outlay is essential for the preservation of the country, the American people will not approve such a program.

In addition to the sums carried in the bill amendments will be offered by the minority of the Naval Committee increasing the building program by adding 2 first-class battleships, 1 battle cruiser, 2 scout cruisers, 18 destroyers, 30 large and 30 small submarines, and 1 fuel-oil ship; 1 transport, to cost $2,450,000; 1 supply ship, to cost $2,230,000; 1 destroyer tender, to cost $1,950,000; 1 repair ship, to cost $2,600,000.

The minority also proposes an increase of $52,000,000, in round numbers, in the appropriation for construction, and a very considerable number of other increases.

I shall support in part the amendments offered by the minority for increase of submarines and auxiliary ships. I shall also vote for their amendment for the enlistment of sufficient men to man the ships and for speeding up the building program. On the other hand, while supporting in the main the bill as reported by the committee, I shall, if an opportunity is offered, vote to decrease the number of battle cruisers by one.

I believe the amount carried in the bill is all and even more than can be justified at this time for naval expenditures, and while I believe we should increase the number of submarines provided for, I would pay for that increased number by saving the cost of a battle cruiser. Thirty defense submarines could be provided for the cost of one battle cruiser and in less than a third of the time.

In a speech which I made in the House on the 17th of December, I expressed myself in favor of proper and reasonable preparedness, but against extravagant and unnecessary expenditures for great and permanent Military and Naval Establishments. At that time I expressed the opinion that a proper program of preparedness would not include, at this time, any dreadnaughts in addition to the 9 of the first line and the 25 of the second line already in commission, the 6 superdreadnaughts under construction, 2 of which are now practically completed, and the 2—the *Tennessee* and the *California*—authorized a year ago and not yet laid down.

I did not express that opinion as an expert, for I do not claim to be one, but from the impression which I in common with most of our people had received as to the lessons of the European war as indicating that the type and character of the future dreadnaught was in question and that of big ships the battle cruiser had proved its value as an essential factor of a naval establishment.

The almost unanimous opinion of the men in active command, as expressed before the Naval Committee, was in favor of the battle cruiser as the first essential to round out our Navy and fit it to cope with the navies of other powers having these big, fast ships, and I think the action of the committee in providing for battle cruisers rather than battleships was fully justified. Of course, if we were to build more than the number of capital ships proposed, it might be well to include some dreadnaughts, but I do not believe that is justified at this time. In fact, as I have stated, I believe the program proposed by the committee of capital ships is, if anything, too large. It would be better to spend more for submarines, destroyers, and auxiliaries. If there were no other reason for opposition to so large or a larger number of capital ships, the fact that they can not be laid down and their construction started within a year, is quite sufficient reason for not authorizing them. The fact is that the program proposed in the bill would tax the capacity of the shipyards of

the country capable of handling big ships beyond their resources and facilities. On the other hand, there are numerous yards in which submarines could be built.

Mr. Chairman, amid present conditions of world-wide war, the natural tendency is to emphasize the necessity or advisability for great military establishments and to minimize the strength and effectiveness of the defenses which we possess. Men who believe in the military idea, who would establish on our shores the military establishments, the existence of which have brought on and are perpetuating the horrors of the European war, take advantage of the situation to preach and argue for the military systems they approve. Such people, some of them, I regret to say, are in our military establishments; some of them familiar with things military through their interest in warlike invention and munition manufacture, have not scrupled to indulge in the most fantastic flights of imagination, to baldly misstate facts, and to attempt to incite terror through literature and utterances, treasonable in their exaggeration, their misstatement, and their adroit and unprincipled appeals to fear, cupidity, and prejudice. The most unprincipled, untruthful, and selfishlessly interested of this class of people have the most persistently and continuously veiled their true purposes under the guise and pretense of patriotism.

The fact is, that in all human probability we are less likely to attack by a powerful opponent now or any time in the near future than we have been for years. It is true that several of the belligerent powers have ruthlessly disregarded the rights of our people, and in a manner and to an extent that would have justified greater vigor than our administration has exhibited in its diplomatic correspondence. But it is also true that these powers will not be effected in their attitude by any authorization at this time of battleships and battle cruisers for completion three or four years hence. As to certain of these powers, we have an infinitely more effective weapon against their encroachment on the rights of our citizens in our power to curtail needed supplies than we would have with the most powerful Naval Establishment.

Nevertheless, we should be reasonably and properly prepared. We now have, according to the testimony of the best experts, harbor defenses superior to those of any other nation. Our Navy, while far from the largest, is ship for ship, according to the best expert testimony equal to that of any navy afloat, and in officers and men we do not believe it is equaled anywhere. Our mine material for harbor defense is first class in quality and will soon be abundantly sufficient in quantity. This bill and the fortifications bill soon to be passed will largely strengthen our defenses in quantity and extent, certainly all that can be justified.

My hope is that before all of the expenditures proposed by this bill are made, the return of peace in Europe, possibly the limitation of armaments there, may justify the curtailment of some of these expenditures, the abandonment of some of the program. In any event, I have an enduring hope that the world's condition will in the near future warrant the checking of the program of expansion, at the rate of approximately a hundred million dollars a year, contemplated by this bill, and that we may see our way clear to save for the people of the Union, or to provide for its expenditure in ways of peace and improvement and development, a portion, at least, of the vast sums which are now proposed to be expended for the engines and the agencies of destruction.

I can not close without again reverting to a thought that is ever present in my mind—that as our standing as a nation and our usefulness to the world as a people has in the past resulted from our devotion to peace, our adherence to the principles of liberty and justice, so in the future our contributions to the uplift and welfare and inspiration of mankind shall be based on our devotion to these principles. Even in the unhappy event of international misunderstanding, threatening to a breach of peaceful relations, our ability to enforce our just demands does and will depend infinitely more on our potential strength as a nation and the justice of our cause than on our armed power. In the event of threatened or actual war the outcome will depend infinitely more on our reserves of millions of virile patriotic citizens and our limitless resources for arming and equipping them than on any permanent war establishments we may maintain.

I do not agree with the gentleman who spoke a moment ago that the world is no better than it was 3,000 years ago. If men have not grown better, they have at least grown wiser, and the mighty struggle going on in Europe now is the best object lesson the world has ever had in all of the tides of time of the futility of great military and naval establishments in enabling any people to dominate the world. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LONDON. Mr. Chairman, this subject is so vast that I can touch only upon one or two points. I congratulate the National Security League upon its success. I extend congratulations to the Steel Trust and to the manufacturers of munitions; a plentiful harvest awaits them. They have triumphed. They have aroused a state of hysteria which has proven irresistible. Congress has yielded, and my voice of protest is a voice in the wilderness. When you analyze the present campaign, you will find it is preparedness, profit, and politics. The Democrats were afraid of the Republicans. They were afraid if they would not give five battle cruisers at $20,000,000 apiece that the Republicans might succeed in getting 10 battle cruisers at $20,000,000 apiece. It is purely a question of politics on the part of the Democrats. Were I in their place, I would have courageously defied the imperialist, the munition maker, the Steel Trust, the war contractor. I would have squarely raised the issue of genuine democracy against imperialism. I would have trusted to the verdict of the American people. Instead of doing the brave thing, the Democrats have surrendered. I am sorry for them. When people are scared you can not expect them to be wise. When men get up on the floor of this House and repeat, parrotlike, the phrase that war is a part of human nature I lose patience. War is no more a part of human nature than religious war was human nature. Catholics murdered Protestants and Protestants slaughtered Catholics because both were stupid and barbarous. Increased knowledge and increased intelligence have made religious wars impossible. If people will but understand the cause of modern wars, war will be made impossible. Wars that we have to-day are economic wars, wars for economic advantages, for aggrandizement, for acquisition of territory, for increase of imperial domain. Are you out to increase your imperial domain? Do you want additional colonies? Do you want an additional fleet to obtain additional markets? Or is there anybody fool enough to believe that some European power or combination of powers would attempt to conquer the United States in order to acquire a new colony?

I was never so firmly convinced of the insincerity of the preparedness agitation as when I saw the vote on the Philippine question. The Philippine Islands are the weakest part of the political organism of the United States. Thousands of miles away, you can not keep those islands unless you have near them a fleet stronger than the fleet of Japan. But you voted to keep the Philippine Islands. Just as a designing lawyer for self-aggrandizement advises his client to litigate instead of settling a case. The imperialist and the munition maker and the politician have advised you to retain the Philippine Islands so that they may come out and argue that you want more battleships, more cruisers, a greater fleet on the Pacific Ocean, because the present fleet on the Pacific can be destroyed by one warship.

There is another thing that I will touch upon if you will permit me. You talk about the need of a first-class navy, of a navy as big as the biggest. I heard the leader of the Democratic Party speaking with pride of having a navy second in rank. He is again a victim of phrases. What does a first-class navy mean, or a second-class navy, or a third-class navy?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LONDON. I would like to have just one minute more.

Mr. PADGETT. Mr. Chairman, I yield to the gentleman one minute.

The CHAIRMAN. The gentleman from New York is recognized for one minute more.

Mr. LONDON. A first-class navy is a navy that is best adapted for the purposes of the country which owns that navy. It is entirely immaterial whether it consists of half a dozen ships, of two ships, or of one. The question is, Is it suitable for the purposes of the country? The true criterion should be, To what extent can that navy help in carrying out the policy of the country? If your policy is to maintain and defend this Republic against attack, your present fleet is strong enough. This country is invulnerable against attack, and it is sheer madness to fear invasion. If it is a policy of aggression, a policy of imperialism, a policy of competing with European powers in acquiring new

markets, new colonies, and domains, and in extending your commerce by the sword, then your fleet is surely not big enough, and you had better vote with the Republicans to treble and quadruple your present fleet.

Mr. PADGETT. Mr. Chairman, I will ask the gentleman of the minority if he has anyone who desires to speak now?

Mr. BUTLER. Yes. I will ask the gentleman from Tennessee if he would generously agree that the time to-morrow be equally divided, and then we will entertain him with some good speeches now.

Mr. PADGETT. I was willing to do that before, but I want half the time to-morrow morning.

Mr. STAFFORD. If the gentleman accedes to the gentleman's request he will still have time to-morrow.

Mr. BUTLER. I will ask the gentleman from Tennessee to consume four minutes more, and then we will have another speech of five minutes on this side.

Mr. PADGETT. The gentleman can use such time as he may desire.

Mr. BUTLER. I know; but that will be charged against us to-morrow. I am tender about that. The gentleman who has just spoken [Mr. LONDON] might be willing to speak again.

Mr. PADGETT. Have you any speakers there?

Mr. BUTLER. Yes; we have them here. I want to be perfectly candid. Two or three of my colleagues have something they want to say. I say to the gentleman, be generous, and to-morrow we will go in with the speechmaking and save you much embarrassment. Will you divide with us to-morrow equally?

Mr. PADGETT. Yes; I will divide with you half and half in the morning, and we will go on this afternoon.

Mr. BRITTEN. Mr. Chairman, will the gentleman from Pennsylvania yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BUTLER. Yes.

Mr. BRITTEN. Is there any desire to have this bill passed quickly?

Mr. BUTLER. I do not know.

Mr. BRITTEN. I see this Alphonse and Gaston act has been passing on here for five minutes. I wanted to know if it was the desire to pass this bill soon, or to dally along as we have been doing in committee for the last six months?

Mr. BUTLER. Oh, no. We were just conferring about the distribution of time.

Now, Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. LENROOT] five minutes.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] is recognized for five minutes.

Mr. LENROOT. Mr. Chairman, I have in the past been classed, I suppose, with those who have been termed "small Navy men." I have sometimes voted for one battleship. I have sometimes voted for two battleships. I have no apologies to make for the position that I have taken, nor shall I have any apology at any time in the future for the position that I propose to take now.

Some say that we ought to have a Navy equal to that of any other country in the world. More say that our Navy ought to be the second in the world. Now, Mr. Chairman, whether our Navy should be first or whether our Navy should be second, it seems to me, has depended, depends now, and will depend in the future to a very large degree on the balance of power in Europe.

Now, I lay no claim to having any technical knowledge of this subject. As to how the Navy should be balanced, I shall be glad to follow the Navy experts and the Committee on Naval Affairs; but as to the source from which we may expect trouble in the future, a Member of Congress ought to be just as competent to decide that question as any naval expert in the world.

Now, in the past I have been for a small Navy, because up to the beginning of this European war neither the power that had the first nor the power that had the second navy was in such a position that there was any possibility of our expecting trouble from them. It was not even a remote possibility so long as each was watching the other and had to reckon upon the other's aggression upon it if there was trouble with us. This European war has changed that situation. We can not now tell what the condition will be with reference to the balance of power in Europe when this war is over. If either side crushes the other and absolutely dominates the situation, then we may need a Navy that is equal to the best in the world. [Applause.]

Mr. CALLAWAY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Texas?

Mr. LENROOT. I can not yield now. So long as that possibility exists I believe it is our duty to make the utmost preparation possible at this time, not as a naval policy for the future, for we are not in any position to fix our future naval policy now until we know what conditions are abroad, but we should take every precaution possible to prepare for the conditions that may flow from this European war, and that is to build such dreadnaughts and battle cruisers as it is possible to build with our present yards and facilities, and to build them just as quickly as possible. [Applause on the Republican side.]

For that reason I am for this amendment. I am willing to vote now for six battle cruisers. I am willing to vote now for two dreadnaughts. [Applause.] I would rather vote for eight capital ships now than to vote for four now and four next year, because if we need to use them at all, we will need them at the earliest moment that we can secure them. I would rather vote for eight now and none next year than four now and four next year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. I yield to the gentleman two minutes more.

Mr. LENROOT. I want to make it plain that voting for this very large increase now does not mean that I am committed to any increase next year or when this European war shall be over. I may vote against any increase at that time. That will depend entirely upon conditions which then prevail. I believe it is the duty of every Member of Congress to meet this situation as it now exists, not to frame a definite policy for the future, but to take care to the utmost extent possible of the conditions that now confront us. [Applause.]

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. TAGUE] five minutes.

Mr. TAGUE. Mr. Chairman, during all the discussion on this bill one of the main and most important amendments presented has been that of the speeding-up policy, the haste with which these ships shall be built. Yet in this bill now before us there is not one single item that provides for the equipping of the navy yards of the United States for the building of these battleships, cruisers, and torpedo boats. I believe there is one thing that we owe to ourselves in this Congress, and one thing that we owe to the people of the country, and that is to see that the property now owned by the Government—the navy yards of the United States—shall be equipped, and once for all to put down the story that we are trying to build battleships in order to enable the rich shipbuilding and armor-plate manufacturers to procure more of the money of the Nation. The place for us to do this work of building our ships is in the navy yards of the United States, and the navy yards to-day are unable and unfit to accommodate even two or three of the ships now specified in this bill. There are only two navy yards in the country equipped to build dreadnaughts. There are only two navy yards in the country equipped to build a battle cruiser. Yet we ask for speed, when every shipyard in the Nation is going at top speed and running three shifts at the present time. Why, Mr. Chairman, the deplorable condition of the navy yard in Boston is a lesson for any man who will sit and reason for himself as to what the conditions are. Just imagine, when we need ships so badly and there is such a pressing need for equipping the navy yards of the United States, on Saturday night last the ship fitters and riveters in the Boston Navy Yard were notified that their services for the present were no longer required in the service of the Government, because the Boston Navy Yard was not equipped, because there was no work for them to do, because there was no money appropriated for it.

Mr. Chairman, we hear so much to-day about what has been accomplished in the past. I think it is a disgrace to the former Secretary of the Navy that the navy yards of this country are in the deplorable condition that they are at the present time. With millions of dollars of United States property tied up, with enough millions of dollars' worth of property to equal the amount in this bill rotting away in the navy yards of the Nation, it is a disgrace to former administrations. Mr. Chairman, I was surprised to-day to pick up a Boston paper and read an interview with a former Secretary of the Navy who is now attempting to make presidential nominations, former Secretary of the Navy George von L. Meyer, of my State:

[From the Boston American, Sunday, May 28, 1916.]

NAVY USELESS IN EMERGENCY, SAYS MEYER—FLEET UNBALANCED AND SHIPS UNDERMANNED, DECLARES FORMER SECRETARY—PERIL TO MONROE DOCTRINE.

Former Secretary of the Navy George von L. Meyer calls attention to the "unpreparedness" of the United States Navy in the following article:

[By George von L. Meyer, Secretary of the Navy during the Taft administration.]

"The United States Navy at the present time is inadequate. Either we must have an adequate Navy or we must give up the Monroe doctrine, which is no stronger than the Navy.

"A navy is of little service unless it is prepared for sudden emergency.

"England's navy was of incalculable value because it was prepared. Had it not been prepared its vast expenditures would have been of little service.

"Our enormous expenditures for the past 15 years are of little service to the country because our fleet is unbalanced, our personnel is deficient, and our ships consequently undermanned.

BLAMES CONGRESS.

"Our fleet is unbalanced because Congress has failed to listen to the counsel of naval experts, and our money has, in addition, been frittered away on useless navy yards that have no strategic value.

"To make our Navy efficient we must, in the first place, have an up-to-date organization to run the Navy with a continuity of policy taking military necessities into consideration.

"To meet these exigencies, we should have a general staff and a national council of defense.

"Business men thoroughly realize that a great combination that has not an up-to-date organization can not compete with another organization especially well equipped in that direction.

"So also our Navy, not equipped with a military organization, can not compete with a navy of another country that has an efficient military organization for the conduct of naval affairs.

"Furthermore, after increasing the Navy personnel to the extent of 20,000 men, we should have a naval reserve of 50,000 men, and in order to meet the present military requirements we should reduce the age limit of our captains and our admirals.

CRITICIZES WILSON.

"The Wilson administration has particularly failed during the past 18 months to make the necessary effort to strengthen the strong right arm of the Government, which is the Navy, and in which direction public sentiment has been thoroughly aroused and prepared to support the President as never before.

"Had the President arisen to the occasion, much might have been accomplished immediately after the breaking out of war by mobilizing the fleet and demanding of Congress necessary preparations in order that the Navy should be put on an adequate basis of defense and preparedness.

"It is not necessary that our Navy should be the first in the world, but it is necessary and possible to be the second."

He was Secretary of the Navy, and what did he do for the navy yards of Massachusetts or the other yards in this country. Yet he comes out in the face of preparedness and says to the people of the country that the Navy of the United States is useless in an emergency. That is from a former Secretary of the Navy, who is as much responsible as any other man in the country for the present condition of the Navy of the United States.

Why, Mr. Chairman, a few weeks ago in an address before an audience in Boston this same distinguished genfleman, this gentleman who to-day is all preparedness, told the people of the country that if France lost in this war inside of six years the United States of America would be a monarchy.

What is the condition all over the country? Every shipyard is running day and night. In our State shipbuilding companies run with three shifts a day, and working on the battleships of the United States which we should be building in our own navy yards.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. PADGETT. I yield the gentleman five minutes more.

Mr. GALLAGHER. I would like to ask the gentleman if there is any provision in the bill to equip navy yards with larger dry docks.

Mr. TAGUE. No; there is not; there is not a dollar appropriated in this bill, so far as I know, for the building or extension of ways or the equipping of the yards.

Mr. ROBERTS of Massachusetts. If the gentleman will pardon me, there is a provision in the bill for a large dry dock in Norfolk and one at League Island, Philadelphia.

Mr. GALLAGHER. That would not apply to other great navy yards where they are just as essential.

Mr. TAGUE. Our State has taken time by the forelock. They are building to-day, and it will be completed soon, the largest dry dock in the United States, at an expense of $3,000,000, and the provision is that the ships of the United States Government shall have preference over any other ship in the use of it. Our State had in mind that at some time the Government of the United States would see to it that our navy yard lying almost idle would be equipped sufficiently to take care of the wants of the Navy.

Mr. CAMPBELL. Will the gentleman yield?

Mr. TAGUE. Yes.

Mr. CAMPBELL. Will the gentleman tell the committee why the Boston Navy Yard is idle?

Mr. TAGUE. Yes; I will tell the committee, because it has never been equipped to do the work. The provision for equipping it was given in the last Congress under the present Secretary of the Navy, when he got Congress to appropriate $148,000 for the building of ways that are only large enough to accommodate a small supply ship. We have asked of this committee an appropriation large enough to equip the navy yard for building a battleship. We have the finest harbor, with one or two exceptions, that there is in the United States. We have 35 feet of water at low tide. The Government property there is valued at about $20,000,000, and all that is being done there is to manufacture rope for the Government and chains used on the battleships, with the exception of minor repairs that are being done on ships for the Government.

Mr. FESS. Will the gentleman yield?

Mr. TAGUE. Yes.

Mr. FESS. I want to ask, for information purely, is it not a fact that the change of patterns for dreadnaughts is the thing that puts a yard out of commission to do the work—that you do not keep up with the changes of the patterns?

Mr. TAGUE. No; the navy yard, in order to build dreadnaughts, has to be equipped with ways that are large enough. You must have ways, you must have machine shops, you must have chain shops. We have the machine shops, we have the chain shops, and we have the water in the harbor, and we have the protection of the forts at the mouth of the harbor, but we have not the ways for the building of the ships.

Mr. FESS. There are only two navy yards, are there, equipped for building battleships?

Mr. TAGUE. There are but two.

Mr. ROBERTS of Massachusetts. New York and Mare Island.

Mr. TAGUE. With that condition, I think it is the duty of this Congress to appropriate for these navy yards, so that they can do their own work and build our own battleships. We are building better battleships than any private concern in the country, notwithstanding to-day that we are being told that we are unable to build a ship except by an enormous expenditure over and above other private shipyards.

The gentleman forgot to state that the men employed by the Government are taken from work on the battleship in order to perform the work necessary for the repairs of ships when lying and waiting to go into the service of the Government.

Mr. BRITTEN. Will the gentleman yield?

Mr. TAGUE. Yes.

Mr. BRITTEN. The gentleman understands that the Secretary of the Navy has the power to build submarines at the Boston Navy Yard, does he not?

Mr. TAGUE. If we give him the money.

Mr. BRITTEN. The money was authorized last year and the year before.

Mr. TAGUE. I do not know that the Secretary is authorized to do it.

Mr. BRITTEN. The Secretary has the money authorized in the last Congress, and he has taken no steps to build submarines there, notwithstanding the fact that right in your own bay you built 20 for England last year in 12 months.

Mr. TAGUE. I believe that there are over 20 to-day tied up there, the property of the British Government, built by the Fore River Co.

Mr. BRITTEN. That is merely another evidence of the inefficiency of the present Navy Department.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. PADGETT. Mr. Chairman, I yield one minute more to the gentleman.

Mr. TAGUE. I will take issue with the gentleman upon the efficiency of the present Secretary of the Navy. [Applause on the Democratic side.] I said this morning that I had been around the navy yard in my district during my life, and I have seen the work they do. We have had three Secretaries of the Navy from Massachusetts. We have had Moody, we have had Long, and we have had Von L. Meyer, and Meyer recommended that we close the Boston Navy Yard and other navy yards of the country and build at a tremendous expense a navy yard at Narragansett, R. I.—to satisfy selfish land speculators, and during his régime the navy yard at Boston was practically closed, and the other navy yards were closed, and for that reason the repairs which were so important on the ships that should have been done was neglected.

Mr. STAFFORD. The gentleman does not mean to say that Secretary Meyer advocated the closing of all navy yards. He was for the efficient management of navy yards, by concentrating the work in those best suited for the benefit of the Navy.

Mr. TAGUE. It is a question whether he was right or wrong, and we take issue with him and say that he was wrong.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. PADGETT. Mr. Chairman, he advocated the closing of all on the Atlantic except one, and to establish another one at Narragansett.

Mr. STAFFORD. Did he ever advocate the closing of the League Island Navy Yard?

Mr. PADGETT. I said on the Atlantic.

Mr. GALLAGHER. He has not dared to—it is in Pennsylvania. [Laughter.]

Mr. PADGETT. All along the Atlantic coast, except the Norfolk yard.

Mr. STAFFORD. The League Island?

Mr. PADGETT. No.

Mr. STAFFORD. If my memory serves me right, he never advocated the closing of League Island.

Mr. PADGETT. He did, and he wanted to establish one at Narragansett, and even close the New York yard.

Mr. BUTLER. Mr. Chairman, I wish to congratulate my friend from Illinois [Mr. GALLAGHER] upon his knowledge of geography.

Mr. GALLAGHER. But the gentleman from Illinois can not congratulate the gentleman from Pennsylvania that the Mare Island Navy Yard is the only one provided for in this bill.

Mr. BUTLER. Does the gentleman mean with building slips?

Mr. GALLAGHER. Yes.

Mr. ROBERTS of Massachusetts. It is not equipped with building slips in this bill.

Mr. GALLAGHER. Dry docks.

Mr. PADGETT. We have not any building slips in this bill for any yard.

Mr. GALLAGHER. A dry dock will be a slip when it is done.

Mr. BUTLER. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Chairman, I have never permitted myself to say that we have no Navy. Ship for ship, man for man, gun for gun, I have always believed the American Navy was the equal of any other navy. I do, however, sincerely believe that we need some more ships. I do not agree with the gentleman who said that these new battle cruisers will not add any strength to the Navy. It seems to me very obvious that a ship that costs $20,000,000 and carries 14-inch guns will add strength to the Navy. Of course it will.

For a moment or two I want to address myself to what I consider really a basic matter here, and that is the question as to whether we are discharging the responsibility that lies upon us as men. My colleague from the twelfth New York district [Mr. LONDON] said that there was no such thing inherent in the race as a fighting spirit. I absolutely disagree with him. From time immemorial it has been the burden of the man to discharge the responsibility of protecting and defending the clan, the tribe, or the country, and if he will look at his own Hebrew psalms, in the eighty-ninth, he will find that when the psalmist desired to describe a man whom the Lord had deserted he described a man the edge of whose sword had been turned, and who could no longer stand in battle; and that has been history always. The duty and responsibility of defense has been upon man. The woman has had her place and, in the main, has discharged her duty better than the man has discharged his.

It is not my purpose now to discuss the duty of woman, but I do rise to discuss the duty of man, and ask whether after these centuries, because of education, because of luxury, because of trade, because of commerce, because of business, we have forgotten that the responsibility is upon us to provide the measure of sure defense? Why, gentlemen talk about cost. It is expensive. As I have figured roughly, it will lay a tax on the people of the United States amounting to something like $4 per capita per year; but in the old times the tax that was laid upon the clan or the tribe or the people was everything they possessed over the amount of the bare means of subsistence. We have progressed unquestionably. We devote the greater part now of our earnings, of our surplus over the bare means of existence to progress; but have we reached the time when we, who have been distinguished by our districts each as a preeminent man, scruple to spend that portion of the money that is necessary for the national defense? That raises the question whether we are not only false to our country but to humanity and to our manhood, for the duty has always been discharged faithfully by the man to provide the sure defense; and here and to-day, upon our consciences and responsibilities, we are to decide whether in this twentieth century, because of the fact we have had ease and opportunity, we have ceased to be virile and become epicene. [Applause.]

For one, I propose to do a man's duty and to vote to give my country a sure defense. I shall vote for all the new construction in this bill, for two battleships, for additional submarines, and aeroplanes, and, generally, for the Naval Board's program.

Mr. BUTLER. Mr. Chairman, I yield five minutes to the gentleman from Delaware [Mr. MILLER].

Mr. MILLER of Delaware. Mr. Chairman, I thank the gentleman from Pennsylvania for the time, and although I did not expect it, however, I am willing to speak extemporaneously if the committee will bear with me.

One of the questions before the committee to-day is whether we are going to add two battleships to the naval bill, and an additional battle cruiser. I, for one, am very glad the committee saw fit to bring out five battle cruisers, and I am going to support the amendment of the gentleman from Pennsylvania to make it six battle cruisers.

A few moments ago the gentleman from Wisconsin [Mr. LENROOT] stated that the time when we would need these boats would be within the next few years and not within the next decade, if we were going to need them at all. I trust that the time will never be when we will have to use them in actual combat; but in the face of the situation that has been forced on other nations of the world we should provide these ships now. Throughout all the world the brunt of combat has been borne by the battleship. If it was the battleship of the War of 1812, like the *Constitution*, the brunt of combat fell on it. If it was in the Civil War with the heavy line ship, that was the battleship of that day. In the Spanish War we all know very well it was the battleship at Santiago that won the day. To be sure, they were only fighting so-called armor crusers; but at that time Spain possessed the highest type of armored cruisers represented in the four ships at Santiago. And in the war between Japan and Russia it was the Japanese battleships that won the battle of the Tsu Shima Straits, where the Russian fleet came all the way from the Baltic and were annihilated off the coast of Japan. And so on down. It is the English battleship fleet to-day that causes her to hold the seas, and although she lost a few at the Dardanelles, no one can deny that if it were not for her home battle fleet the German ships of battle would not have remained so securely in the Kiel Canal, but would have ventured forth more often. To-day we are told that it is the battle cruisers that have been doing the fighting on the other side; but the battle cruiser is in reality a battleship except that it has not the armor of a battleship, although it has practically the same gun power. It sacrifices armor for speed. Therefore we should have ample capital ships, be they battleships or additional battle cruisers.

I heard the gentleman from Alabama [Mr. OLIVER] say to-day that he was going to answer the accusation made by certain men on the Republican side whom he accused of bringing politics into the discussion on this bill, and he quoted figures from this bill to show it was a larger bill in money appropriated for capital ships than any heretofore passed under Republican administrations. Certainly it is, because battleships and capital ships cost more now than they did in former administrations. That is no criterion to go by, because the cost of these ships is increasing annually as they get larger. The old *Oregon* cost one-fourth as much as a dreadnaught of to-day. He did not call attention to the fact that the average number of battleships provided per year under the Republican administrations was two ships a year, nor did he call attention to the fact that since the Sixty-second Congress in 1911, when this country first elected a Democratic House, there was provided an average of only one battleship a year until last year, when two were authorized. I will qualify that by saying that the year before last—1914—we had three battleships, because we sold the old *Idaho* and *Mississippi* to Greece, and in place thereof substituted one dreadnaught——

Mr. BUTLER. Two.

Mr. MILLER of Delaware. Two dreadnaughts. I do not like to refer to a gentleman's statement when he is not present on the floor, and I did not interrupt him this morning, because I knew he had only a limited time, and I thought I might have a chance a little later on to put in the RECORD an answer to his statement. I expect to vote for two battle ships, and I expect to follow the minority members of the Committee on Naval Affairs in their recommendation, not because I happen to be on their side, but because I agree with what the gentleman from Michigan [Mr. KELLEY] said, that the Navy is the first line of defense that will have to meet the enemy when it comes. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of Delaware. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD in connection with the few remarks I have made.

The CHAIRMAN. The gentleman from Delaware asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. GREEN of Iowa. Mr. Chairman, I can not at this time attempt to describe the ships of all of the great navies, but I wish to make some comparisons that may be useful in voting upon the amendments before the House. For this purpose I shall speak first of the navy of Germany, which now is generally

considered to occupy the second place in rank among the navies of the world. The English Navy is so much superior to ours that I shall not now consider it.

Taking the Naval Yearbook that has been issued by the Senate and considering the first five battleships which are listed in the German Navy, we find what are called the *Kaiser Friedrich* class. Of these ships Mr. Archibald Hurd, the English naval expert, says:

In their original form each ship carried eighteen 5.9-inch guns, but all, excepting the *Kaiser Karl der Grosse*, underwent complete reconstruction six or seven years ago, when four 5.9-inch guns and much of the clumsy top-hamper were removed. This reduction in weight brought the lower edge of the armor belt dangerously near the surface, with the result that when the ships are rolling the belt comes out of the water, and the lower hull is thus exposed to the smallest projectile.

Owing to this grave defect the ships were withdrawn from active service and have been in reserve ever since they were reconstructed.

So we find some other nations have some ships in reserve as well as our own. These vessels in fact are very much inferior to the *Indiana* and *Massachusetts*, which we no longer include in our list, but which carried very much heavier armor and four 13-inch guns 35 caliber, while the German ships carried 9.4-inch guns 35 caliber as the very largest.

Then we pass to the next five battleships, completed in 1902 and 1903, called the *Wittelsbach* class. Of these ships, Mr. Hurd says:

In service they have been found defective in sea-keeping qualities, and the high freehold and lofty superstructure offer an inviting target to hostile guns.

Normally these ships form part of the reserve fleet. Proposals to reconstruct and modernize them two years ago were rejected on the ground of their insignificant fighting value.

These ships also carried no big guns, the armament being practically the same as the first five mentioned, while we continued to build ships in which the main battery was 13-inch guns 35 caliber, and with much larger guns in the secondary batteries than the German ships.

In planning the next five ships the Germans corrected the error of making the main battery only 9.4-inch guns, and the five ships of the *Braunschweig* class were provided with 11-inch guns. They are much smaller, however, than our vessels built at the same time which carry four 12-inch guns with a heavier secondary battery and heavier armor. The Germans had also increased the range of their guns by making them 40 caliber in the main battery, but we had done better in our *New Jersey* class by not only making the main battery 40 caliber, but the secondary battery 45 and 50 caliber, with heavier projectiles.

The next five battleships of the German Navy, being the *Deutschland* class, completed in 1906 and 1908, are the last of their predreadnaughts. They are a little larger than the *Braunschweig* class and have a little heavier armor belt, but their size, 13,000 tons, is small compared to those battleships of the *Connecticut* class in our own Navy, built at the same time, which have 16,000 tons, and the German ships have four 11-inch guns in the main battery as against four 12-inch guns on our ships, which also carry a heavy secondary battery and heavy armor.

Coming now to the dreadnaughts of the German Navy, the first four belong to what is called the *Nassau* class, completed in 1909 and 1910. Of these ships, Mr. Hurd says:

For their size they have an extremely powerful armament, but too much was obviously attempted on the displacement, and they are admittedly failures.

It is held by experts that these ships would be quickly put out of action if subjected to heavy fire, and it is considered doubtful whether they would be able to stand for long the concussion of their own numerous heavy guns.

I would not, myself, class these ships as failures. They are extremely steady boats and some of the best shooting in the German Navy has been done from them. Their armament comprises twelve 11-inch 45-caliber guns, but owing to the fact that four of the turrets are placed on the broadside, only eight of the big guns can be used on one broadside—the same number as on the first dreadnaught of the English Navy. This has an important bearing on their fighting value. The horizontal deviation in long-range gunfire is much less than the vertical deviation. All naval experts agree that future naval fleet actions will be fought at long range and in broadside, as in this way the ships are less likely to be hit. Inability to use guns in broadside fire has thus become a very serious defect. Our *Michigan* and *South Carolina* are not classed as dreadnaughts in the Naval Yearbook, although as the gentleman from Michigan [Mr. KELLEY] said yesterday, they should be.

Mr. KELLEY. I think the *Michigan* ought to be so considered. [Laughter.]

Mr. GREEN of Iowa. Both, as the gentleman said yesterday, and quite properly. They are better fighting ships than the first four German dreadnaughts, which in broadside fighting could only oppose eight 11-inch guns to eight 12-inch guns of the *Michigan* or *South Carolina*, while the latter carry about as heavy armor. I know these two ships are a little slower than the *Nassau*, but the difference is not great enough to affect their fighting value. They roll heavily, but with modern appliances fine records for shooting have been made from them.

The next four dreadnaughts of the German Navy, the *Helgoland* class, were completed in 1911 and 1912. They carry twelve 12-inch guns, but the same mistake was made in their plans by which four of the turrets were placed on the broadside and only two on the center line fore and aft, a disposition which allows only eight guns to be trained on either beam. In other words, only 66 per cent of the heavy armament is available on the broadside. This error has been avoided in all of our construction. Our constructors started out with the principle that the proper place for the big-gun turrets was on the median line; that none should be placed where their broadside fire would be cut off or restricted by the superstructure of the ship, and all other nations now follow this plan.

The next five dreadnaughts of the German Navy are of the *Kaiser* class, completed in 1912–13. Smaller than our *Arkansas* and *Wyoming*, completed in 1912, our ships being of 26,000 tons and the German ships of 24,300 tons, they carry only ten 12-inch guns against the twelve of the same kind carried by our ships, but have a very strong armor belt of 13¾ inches. This is heavier than our ships last named carry, notwithstanding they are larger. There is, however, in the German ships the same defect, only to a lesser extent, in the arrangement of the big-gun turrets, the broadside fire of which is somewhat restricted. These vessels are excellent sea boats, are fitted with turbine engines, and are undoubtedly very powerful fighting ships.

The five German dreadnaughts of the *König* class, completed in 1914–15, are considered by German experts to be very successful ships. The main armament has ten 12-inch 50-caliber guns, so mounted that all ten can be fired on their broadside and four ahead or astern. They are heavily armored, having a belt 13¾ inches thick amidships, but their armament of ten 12-inch guns is much lighter than that of our *Texas* and *New York*, which carry ten 14-inch guns. Our ships are larger, being of 27,000 tons against the 25,500 tons of this class of German vessels. Our *Nevada* and *Oklahoma*, recently built, and sometimes called superdreadnaughts, are a little larger still, being of 27,500 tons. They also carry ten 14-inch guns, with very heavy armor—13½ inches on the belt. In the *Idaho*, *Mississippi*, and *California*—superdreadnaughts—the thickness in the armor belt is expected to be raised to 14 inches amidships, but as the last two are not started, the details of the plans are uncertain. No details are known concerning the latest class of the German dreadnaughts, except that it is understood that they will carry 15-inch guns. If so, the number of guns must be reduced, and experts differ as to whether our new ships should carry larger guns.

In the latest fighting machines—the dreadnaught and battle cruiser—we are outnumbered by the Germans. The most powerful armored cruiser ever built lacks the speed to escape from the battle cruiser and the guns and armor to fight it.

The German battle cruisers, which up to the time of the war were four in number, including the *Goeben*, which was subsequently sold to Turkey, are fine fast ships of high speed, carrying heavy guns, but with comparatively light armor. Four other battle cruisers of the *Derfflinger* class were then building, of 28,000 tons, to carry eight 12-inch guns and have a speed of 27 knots. Some and possibly all of these vessels have now been completed. We have never built anything in this class and in their line have nothing to oppose them. If, however, we carry out the plans of this bill, it is understood that the battle cruisers provided for therein will be larger, faster, and carry a heavier battery. We will be late, but we will have better designed and more powerful vessels.

My study of these matters leads me to conclude that, ship for ship, the American Navy is superior to any in the world. Our early ships, of course, are defective in many respects, but the defects are not so serious in comparison. We have built later than the other powers, and thus have been able to take advantage of their mistakes. Our plan has been to build larger vessels, with heavier batteries and heavier armor than those which could oppose them. In fast vessels we are deficient, but that will be remedied by the provisions of this bill. The battle cruiser, of course, can not stand in the fighting line as against the dreadnaught, but its value for other purposes is very apparent. It has made the armored cruiser, which is a vessel inferior in speed, armor, and armament, a thing of the past. No naval power will build any more of them, and we are fortunate in that we have not very many. Our Navy is often compared to that of France, and it is said that it is inferior in tonnage. It may be, but when we consider that in 1914 over 200,000 tons in the French Navy, out of 665,000 tons, consisted of armored

cruisers whose day has passed, while we have only 140,000 tons of these almost obsolete vessels, it will be seen that such a comparison is very unfair to our Navy.

I do not have time to compare our ships with those of France. Notwithstanding the frequent statements to the contrary, I consider that a comparison, not only of the ships but of the actual fighting strength, would be greatly in our favor. At the outbreak of the war France only had four dreadnaughts completed, while we had eight. It is true that she then had eight under construction or authorized, and may since have taken over one that was being constructed for another power. I do not believe, however, that she has been able as yet to complete the construction of all of these vessels, and consider the present rank of the American Navy is third; but I hope to see it raised to second place among the navies of the world as fast as can reasonably be done.

Mr. BUTLER. Mr. Chairman, I will yield to the gentleman from Nebraska [Mr. SLOAN] five minutes, which he will occupy to-morrow, so that I will not stand in the way of the committee rising now.

Mr. PADGETT. The gentleman has nothing further now?

Mr. BUTLER. No.

Mr. PADGETT. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. ROUSE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech delivered by Gov. A. O. Stanley, of Kentucky, at the Democratic State convention last Wednesday; also a speech by Senator OLLIE M. JAMES on the same occasion.

The SPEAKER. The gentleman from Kentucky [Mr. ROUSE] asks unanimous consent to extend his remarks by printing in the CONGRESSIONAL RECORD a speech delivered by Gov. Stanley, of Kentucky, at the Democratic State convention recently, and a speech delivered by Senator JAMES on the same occasion. Is there objection?

Mr. MANN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROUSE. The speech of Gov. Stanley will appear elsewhere in the RECORD of to-day's proceedings, and the speech of Senator JAMES will appear later.

The SPEAKER. What was the request of the gentleman from Illinois?

Mr. MANN. To extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. FITZGERALD. Reserving the right to object, Mr. Speaker, I want to ask the gentleman if we can have some understanding about printing the speeches to be made in the two national conventions?

Mr. MANN. I suppose we have started in to print all the speeches made at all the State, county, and village conventions, and that the others will follow.

Mr. FITZGERALD. Well the gentleman has not said anything lately, and I will not object. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

Mr. BENNET. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HICKS. Mr. Speaker, I make the same request.

Mr. FOSS. And I make the same request, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. HICKS] and to the request of the gentleman from Illinois [Mr. FOSS]?

There was no objection.

Mr. AUSTIN. And I make the same request, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter, disagreed to by the House of Representatives, had agreed to the conference asked by the House and had appointed Mr. BANKHEAD, Mr. SWANSON, and Mr. TOWNSEND as the conferees on the part of the Senate.

ROCK CREEK AND POTOMAC PARKWAY COMMISSION.

The SPEAKER. The Chair lays before the House the report of the Rock Creek and Potomac Parkway Commission, with a request from the Committee on Appropriations that the order to print be so modified as to include three illustrative maps. Without objection, it will be so ordered.

Mr. MANN. Mr. Speaker, let us know about it. Does this come from the Committee on Appropriations?

The SPEAKER. Yes.

Mr. MANN. Has there been an order to print?

The SPEAKER. There has been an order to print the words, but not the maps.

Mr. MANN. Does this print all the maps?

Mr. FITZGERALD. Only the maps, not all the illustrations; the maps that are necessary to make the document intelligible.

Mr. MANN. I want to print all the maps that are there.

Mr. FITZGERALD. There are only three maps.

Mr. MANN. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

Mr. FAIRCHILD, by unanimous consent, was granted leave of absence, indefinitely, on account of sickness.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 30, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting with a letter from the Chief of Engineers report on preliminary examination of White Oak River, N. C., from its mouth to the head of navigation at or near Maysville (H. Doc. No. 1169), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 15096) to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the several States, reported the same with amendment, accompanied by a report (No. 779), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SHALLENBERGER, from the Committee on Military Affairs, to which was referred the bill (H. R. 9856) granting to the St. Louis, Iron Mountain & Southern Railway Co. and to the Anheuser-Busch Brewing Association, and to the Manufacturers' Railway Co. permission to transfer certain rights of easement for railway purposes heretofore granted by the United States to the St. Louis & Iron Mountain Railroad Co. and to the Anheuser-Busch Brewing Association, respectively, reported the same without amendment, accompanied by a report (No. 780), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills were introduced and severally referred as follows:

By Mr. MURRAY: A bill (H. R. 16093) to amend an act entitled "An act to provide for the payment of drainage assessments on Indian lands in Oklahoma; to the Committee on Indian Affairs.

By Mr. BRUMBAUGH: A bill (H. R. 16094) for purchasing a site for the erection of a public building at Columbus, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. McKENZIE: A bill (H. R. 16095) authorizing the Secretary of War to donate to the city of Freeport, Stephenson County, Ill., two bronze or brass cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. OLNEY: A bill (H. R. 16096) authorizing the Secretary of War to sell certain magazine rifles; to the Committee on Military Affairs.

By Mr. BORLAND: A bill (H. R. 16097) to extend the time for constructing a bridge across the Missouri River near Kansas City, Mo., authorized by an act approved June 17, 1914; to the Committee on Interstate and Foreign Commerce.

By Mr. McLAUGHLIN: A bill (H. R. 16098) providing for a site and public building for a post office at Ludington, Mich.; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BEAKES: A bill (H. R. 16099) granting a pension to Margaret Wallace; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16100) granting a pension to Martha Hynes; to the Committee on Invalid Pensions.

By Mr. BLACKMON: A bill (H. R. 16101) to authorize the reinstatement of entry and issuance of patent to certain lands in Alabama to William J. Whitworth; to the Committee on the Public Lands.

By Mr. CHIPERFIELD: A bill (H. R. 16102) granting an increase of pension to Richard Burge; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 16103) granting an increase of pension to Dick Ransom; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 16104) granting a pension to Missouri L. Black; to the Committee on Invalid Pensions.

By Mr. EAGAN: A bill (H. R. 16105) granting a pension to Maria Schmidt; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 16106) granting an increase of pension to Fred W. Porter; to the Committee on Pensions.

By Mr. GANDY: A bill (H. R. 16107) for the relief of Oscar Smith; to the Committee on the Post Office and Post Roads.

By Mr. HASKELL: A bill (H. R. 16108) granting an increase of pension to Zachariah Camp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16109) granting an increase of pension to Mary E. English; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 16110) granting a pension to James O. Singleton; to the Committee on Pensions.

By Mr. HINDS: A bill (H. R. 16111) granting a pension to Bryant Libby; to the Committee on Pensions.

By Mr. HOUSTON: A bill (H. R. 16112) granting an increase of pension to Mrs. Mamie M. Carter; to the Committee on Pensions.

By Mr. McFADDEN: A bill (H. R. 16113) granting an increase of pension to John Robinson Davis; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 16114) granting a pension to Charles F. Updegraff; to the Committee on Pensions.

By Mr. OGLESBY (by request): A bill (H. R. 16115) for the relief of the Union Trust Co., of the District of Columbia, trustee for Bessie J. Kibbey, owner of lot 75, square 628, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia; to the Committee on Claims.

By Mr. PATTEN: A bill (H. R. 16116) for the relief of the widow of Robert M. Gibbs; to the Committee on Claims.

By Mr. ROUSE: A bill (H. R. 16117) granting an increase of pension to Margaret Catherine Shotwell; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 16118) granting an increase of pension to Alfred E. Neal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16119) granting an increase of pension to Christopher C. Watkins; to the Committee on Invalid Pensions.

By Mr. STINESS: A bill (H. R. 16120) granting an increase of pension to Harriet N. Saunders; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 16121) granting an increase of pension to James W. Smith; to the Committee on Pensions.

By Mr. TAGGART: A bill (H. R. 16122) to amend the acts of July 1, 1862, and July 2, 1864, and June 24, 1912, relating to the construction of a railroad from the Missouri River to the Pacific Ocean, the legalizing of certain conveyances heretofore made by the Union Pacific Railroad Co., and more perfectly disposing of the excess portions of the company's right of way; to the Committee on the Public Lands.

By Mr. TAYLOR of Arkansas: A bill (H. R. 16123) granting a pension to Mrs. Julia McFarland; to the Committee on Pensions.

By Mr. TILLMAN: A bill (H. R. 16124) for the relief of John Curtis; to the Committee on Military Affairs.

Also, a bill (H. R. 16125) granting an increase of pension to Ahi S. Loudermilk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16126) granting an increase of pension to James A. Duncanson; to the Committee on Invalid Pensions.

By Mr. TRIBBLE: A bill (H. R. 16127) granting a pension to David S. Harrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16128) granting a pension to Arthur Culbertson; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Federal Watchman's Union, Local No. 14964, American Federation of Labor, favoring passage of the Nolan bill, House bill 11876; to the Committee on Labor.

Also (by request), petition of Grand Army of the Republic of the State of New York, favoring preparedness; to the Committee on Military Affairs.

By Mr. BAILEY: Petition of Thomas Kerr, James W. Stephenson, H. A. Morris, Richard Scollon, John R. Musser, William McPherson, Louis Luxenberg, E. M. Binder, Hart Commons, Max Lipman, McMillen & Killins, J. J. Barnes, Sam Ratonsky, F. J. Pandracki, Robert Taylor, Max Freidman, H. A. Shruller, and Frank McAnulty, all of Barnesboro, Pa., favoring a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. CAREW: Petition of Bakery and Confectionery Workers' International Union of America, favoring House bill 10318—employers' liability act; to the Committee on the District of Columbia.

By Mr. COLEMAN: Petition of sundry organizations and citizens of Wilkinsburg and Turtle Creek, Pa., favoring amendment relative to polygamy; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of Young Men's Christian Association, of Concord, N. H., and Katharine H. Shaw, of Ithaca, N. Y., favoring passage of Owen-Hayden bill relative to probation system in United States courts; to the Committee on the Judiciary.

Also, memorial of the Colonial Dames of America of New York City, favoring national defense; to the Committee on Military Affairs.

Also, memorial of Pennsylvania Branch of the Congregational Union for Woman Suffrage and Women of the West, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. DARROW: Memorial of the Colonial Dames of America, favoring national defense; to the Committee on Military Affairs.

By Mr. DAVIS of Texas: Petition of John McCellan, of Houston, Tex., favoring the passage of Rainey bill, House bill 10585, for a nonpartisan tariff commission; to the Committee on Ways and Means.

Also, petition of Glenn W. Smith and commissioners of Mason County and Mason Business Men's Club, of Mason Tex., favoring passage of the Bankhead good-roads bill; to the Committee on the Post Office and Post Roads.

By Mr. DILLON: Memorial of the Dakota Conference of the Evangelical Association, favoring prohibition in the District of Columbia and national prohibition; to the Committee on the Judiciary.

By Mr. DOOLING: Memorial of the Colonial Dames of America, favoring preparedness; to the Committee on Military Affairs.

By Mr. EAGAN: Memorial of the Colonial Dames of America, favoring preparedness; to the Committee on Military Affairs.

By Mr. EDMONDS: Petitions of sundry citizens of Philadelphia, Pa., and National Security League, favoring national defense; to the Committee on Military Affairs.

By Mr. ELSTON: Petition of Woman's Home Missionary Society of Methodist Episcopal Church of Oakland, Cal., favoring bill to prohibit exportation of liquors to Africa; to the Committee on Alcoholic Liquor Traffic.

Also, petition of Woman's Home Missionary Society of Methodist Episcopal Church of Oakland, Cal., favoring bill to prohibit sale of liquors in Philippine Islands and Porto Rico; to the Committee on Insular Affairs.

By Mr. FLYNN: Memorial of the Colonial Dames of America, favoring preparedness; to the Committee on Military Affairs.

By Mr. GRAY of Indiana: Petition of Samuel E. Vertreez, of Richmond, Ind., favoring legislation to prevent slaughter of young calves; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWLEY: Petition of citizens of Salem, Oreg., favoring national prohibition; to the Committee on the Judiciary.

By Mr. JAMES: Petitions of sundry citizens of Lake Linden, Mich., against any change in the parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: Memorial of Diamond Machine Co., of Providence, R. I.; Libermore & Knight Co., of Providence, R. I.; and the Master Printers' Association of Rhode Island, opposing passage of the Tavenner bill; to the Committee on Labor.

Also, memorial of Mixer & Co., of Buffalo, N. Y., favoring House bill 651; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Rhode Island Chiropodists' Society, indorsing House bill 13717; to the Committee on the District of Columbia.

By Mr. RAINEY: Petition of 533 citizens of Illinois, favoring woman suffrage amendment; to the Committee on the Judiciary.

By Mr. RANDALL: Petition of 220 citizens of National City, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. ROWE: Memorial of Gadsden (Ala.) Chamber of Commerce in re water-power legislation; to the Committee on Military Affairs.

Also, memorial of Mental Hygiene Societies of the United States, favoring establishing a division of mental hygiene in the United States Public Health Service; to the Committee on Appropriations.

Also, petition of J. B. Komdorfer, of Bensonhurst, N. Y., in favor of House bill 11539; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Petition of Mrs. S. H. Hough and 117 others, of Comstock, Mich., favoring national prohibition; to the Committee on the Judiciary.

Also papers to accompany House bill 15910, for relief of George M. Woodard; to the Committee on Pensions.

By Mr. STINESS: Petition of Branch No. 5, Amalgamated Lace Operatives of America against the bill providing for the registration of designs; to the Committee on Patents.

Also, petition of Rhode Island Antituberculosis Association against Senate joint resolution 120; to the Committee on Appropriations.

By Mr. TILSON: Petition of H. G. Ford and 54 others, of Highwood, Conn., against passage of House bill 13048, relative to juvenile courts; to the Committee on the Judiciary.

By Mr. WINSLOW: Petition of citizens of Worcester, Mass., against bills to amend the postal laws: to the Committee on the Post Office and Post Roads.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 30, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O God, our Father, we come to Thee with gratitude in our hearts and praise upon our lips for the spirit of patriotism which lives in the hearts of our people and will manifest itself to-day in memory of our sacred dead. Floral tributes will cover their graves and the emblem of liberty float over their ashes. We thank Thee that time not only assuages grief, but sweeps away the unhallowed passions of men, for to-day we would honor the Blue and the Gray, in memory of their valor, since each fought for the right as it was given him to see the right. We thank Thee that the sons of those who followed the Stars and Stripes and the sons of those who followed the Stars and Bars would rally round the old flag and bear it to the breeze in defense of the honor and integrity of our beloved country. Thus we would hallow this day and consecrate it to the soldiers living and the soldiers dead and teach in song and story the value of patriotism in peace no less than in war; that our Nation may continue to live and grow in all that makes it sacred to our hearts; and pæans of praise we will give to Thee, in the name of Him who taught us liberty, justice, mercy, love, peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. BROWNING. Mr. Speaker, on Friday, May 26, my colleague [Mr. SCULLY] was paired with the gentleman from Michigan [Mr. LOUD] on some of the measures that were being voted on at that time. There seems to have been an error in the way in which he was paired, and I ask unanimous consent to print in the RECORD a statement made by Mr. SCULLY on that subject.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to print in the RECORD a statement by his colleague [Mr. SCULLY] as to a certain vote. Is there objection?

There was no objection.

The statement is as follows:

"On the afternoon of Friday, May 26, 1916, Mr. SCULLY, by force of circumstances, was absent from the House during the consideration of the transfer of H. R. 6915 and H. R. 10130 from the Committee on Reform in the Civil Service to the Committee on the Post Office and Post Roads.

"Mr. SCULLY was paired with Mr. LOUD, of Michigan, on this vote, with Mr. SCULLY for the transfer and Mr. LOUD against. Through an error on the part of some one, the pair appears under the vote on the District of Columbia appropriation bill and not on the vote on the transfer of the Tague and Griffin bills.

"I talked with Mr. LOUD about asking for a correction of the RECORD, and after I explained what the transfer meant, he said he did not care to bother about it; that it made very little difference; and that if he had known about the bills and voted on them he would have probably voted as Mr. SCULLY did."

FOURTH-CLASS POST OFFICES.

Mr. MOON. Mr. Speaker, I desire a few moments to correct a statement made by a Member of the House in the RECORD yesterday.

The SPEAKER. The gentleman asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MOON. Mr. Speaker, when the bill in relation to the postal savings bank was before the House it was discussed by the gentleman from Minnesota [Mr. STEENERSON], myself, and others, and finally passed. I find in the RECORD yesterday an extension of remarks of Hon. HALVOR STEENERSON, in which he refers to the fact that he opposed the provision of the bill known as the nonaccounting office provision, by which the department would have been enabled to cover into the civil service some 56,000 postmasters of the United States. Mr. STEENERSON takes entire credit to himself in this matter—I think inadvertently, because he is a very correct and estimable gentleman, and I do not believe he would do a thing intentionally that reflected upon the other members of the Post Office Committee or the conferees. After referring to his remarks in the House on the 17th of March he quotes from some communications, newspaper clippings, which he had received and publishes them as a part of the extension of his remarks, headed:

STEENERSON saves the postmasters—Minnesotan defeats proposition to abolish all except 3,000 post offices.

And also—

STEENERSON SAVES POSTMASTERS' JOBS IN 56,000 TOWNS—MINNESOTA CONGRESSMAN DEFEATS PLAN TO ABOLISH FOURTH-CLASS OFFICES—REPRESENTATIVE COMMENTS UPON TENDENCY TO INCREASE DEPARTMENT POWERS.

WASHINGTON, *May 15.*

Representative HALVOR STEENERSON won his fight to prevent the abolishment of fourth-class postmasterships throughout the country. At the instance of the Post Office Department the Senate placed in the bill to increase the limit of postal savings to $1,000 a provision authorizing the establishment of a central office in each county in the country, with the other post offices as branch stations.

Although the same provision had been submitted to the House Post Office Committee and rejected, the House Members generally were not informed upon it, and the Minnesota Member had to make his fight practically alone for a time, when he won over the Democratic House conferees.

When the conference report was before the House Thursday Representative STEENERSON made a short speech telling what the department was seeking to accomplish.

Now, Mr. Speaker, the statement that he won over the Democratic conferees on that proposition is clearly incorrect. There never was a time during the pendency of the bill when the two Democratic conferees favored the proposition which Mr. STEEN-

ERSON says he opposed and won them over against. In his speech of March 17, to which he refers, he quotes from the hearings before the Post Office Committee, and in the very beginning of those hearings the question was raised as to the meaning and effect of that section. The chairman of the committee called upon Mr. Roper to explain it. He asked a number of questions which showed opposition to it. So did Mr. FINLEY, the other Democratic member of the conference committee, and so did Mr. STEENERSON. I do not want to take any credit from Mr. STEENERSON, but he has not saved any 56,000 postmasters of the United States. He has not won over to his way of thinking the other two House conferees, and he ought not to leave the impression that they had been in favor of this section, and that by his superior ability and intelligence he had won them over to his way of thinking. The hearings before the committee, the speech of the chairman of the committee and others in this House, as well as of Mr. STEENERSON, the conference report, and the conference itself with the Senators shows that that is incorrect.

Now, this is a civil-service proposition. I had opposed the covering into the civil service, by Mr. Taft's order, of 45,000 fourth-class postmasters, and attempted to have it in part revoked in the House. Mr. STEENERSON did not vote with me on that question, but against it. Upon the same reasoning that I opposed 45,000 Republicans being held in service by an Executive order under the civil service, I opposed 56,000 Democrats being held in office under an order of this House that would place them practically under the civil service. It is not right for any man, in my judgment, to oppose a proposition that would inure to the benefit of the Republican Party and favor the same proposition because it inured to the benefit of the Democratic Party. A man ought to be consistent upon these questions. I have always opposed the civil service and any attempt to extend it. The gentleman from Minnesota can not say as much. In his anxiety to obtain credit in this matter he has put these letters or clippings into the RECORD in the extension of his remarks. I do not think he ought to have done it. I believe he is a clean enough man to correct it and not put his fellow conferees in a false position, as he has done in this matter, and it is for that reason that I call attention to it. I have never favored any law that by Executive order or by the order of this House would put Democrats in office for life or Republicans either. I have felt that it was proper to call attention to that fact. He has not won over anybody. He simply agreed with the balance of us. All three of the House conferees were united on this question; and I want to say, so far as the Senate was concerned, that when we explained our position the Senate conferees readily receded. There has been no contest upon that matter, and while I would not take away any credit from Mr. STEENERSON, I am not willing that he shall take all of the credit as against all of the Post Office Committee on the subject, if, in fact, there is any credit to anyone due in this matter. Personally I care nothing about it except that the record be made correct.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MOON. Yes; I yield to the gentleman.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. MOORE of Pennsylvania. I did not know that he had any specified time, Mr. Speaker.

The SPEAKER. He had five minutes.

Mr. MOORE of Pennsylvania. I ask unanimous consent that the gentleman may have two minutes more.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Tennessee may have two minutes more. Is there objection?

Mr. MOORE of Pennsylvania. I have read the extension of remarks to which the gentleman refers, attributed to the gentleman from Minnesota [Mr. STEENERSON], and I think it is fair to Mr. STEENERSON, who is not present, to say that the references to which the gentleman from Tennessee has called attention are clippings from newspapers.

Mr. MOON. I said that.

Mr. MOORE of Pennsylvania. Mr. STEENERSON's own statement was not quoted by the gentleman.

Mr. MOON. Mr. STEENERSON's own statement is printed in the RECORD, and I said that he quoted from these clippings in newspapers and he makes them a part of his speech, and gives faith and credit to them by putting them in the RECORD as confirmatory of his position.

Mr. MOORE of Pennsylvania. The gentleman will concede, I am sure, that other Members of the House are in the habit of extending remarks in which they do not hesitate to speak of the things they have done in the interest of their constituents.

Mr. MOON. I am very sure of that, and I have no objection to that; only I say this, that a gentleman in extending his remarks ought not to put other gentlemen in a bad attitude in reference to anything that has been done, and that is one of the dangers in this House. I do not believe we ought to allow a man to extend his remarks and say anything that reflects directly or indirectly upon any other member of the committee whether named or unnamed, and I would be glad to see a prohibition of extension of remarks at all. No man ought to be permitted to say anything in the RECORD that he does not say on the floor of the House.

Mr. MOORE of Pennsylvania. Mr. Speaker, I would be glad to join the gentleman in stopping the extension of remarks if it could be done fairly to all Members, but I suggest to the gentleman from Tennessee, who has labored hard and earnestly in the Committee on the Post Office and Post Roads, that this now appears to be a matter of credit as between the gentleman from Minnesota [Mr. STEENERSON] and the gentleman from Tennessee [Mr. MOON].

Mr. MOON. Oh, no; oh, no.

Mr. MOORE of Pennsylvania. To this extent, that the gentleman from Tennessee, as indicated in his criticism of the extension of remarks by the gentleman from Minnesota, in certain proceedings heretofore had, did certain things for which he thinks he is entitled to credit, whereas the gentleman from Minnesota may have been entitled to some of the credit.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. ADAMSON. Mr. Speaker, I would like to ask the gentleman a question that will take perhaps one minute.

The SPEAKER. What does the gentleman from Georgia ask for now?

Mr. ADAMSON. I ask that the gentleman's time be extended for one minute.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MOON. Mr. Speaker, it looks to me as though the gentleman from Pennsylvania [Mr. MOORE] has taken up all of the time in asking questions, so that I could not answer him.

Mr. MOORE of Pennsylvania. That is true—merely to put the gentleman from Minnesota right, so long as he is not here.

Mr. MOON. I do not want to put the gentleman from Minnesota in a bad position, but I do not want him to say in the RECORD that he has brought over to his way of thinking two Democratic conferees when they were never of any other way of thinking.

Mr. MOORE of Pennsylvania. Probably the newspaper clippings may be responsible for that.

Mr. MOON. The gentleman must not put such things in the RECORD.

The SPEAKER. What did the gentleman from Georgia wish to ask?

Mr. ADAMSON. I wish to ask one minute's extension for the gentleman from Tennessee.

The SPEAKER. The gentleman has already obtained that.

Mr. ADAMSON. I want to ask the gentleman if he does not think that blessed beatitude, "Blessed is he who bloweth his own horn, lest it be not blown," extends to permitting a blast against anyone else?

Mr. MOON. Maybe so; but I do not think that is a legislative or a parliamentary proposition.

PROBATION SYSTEM IN UNITED STATES DISTRICT COURTS.

Mr. OGLESBY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from the Hon. Homer Folks, president of the New York State Probation Commission, on the subject of the establishment of a probation system in the United States district courts.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

NAVAL APPROPRIATION BILL.

The SPEAKER. Under the rule, the House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15947, the naval appropriation bill, and the gentleman from New York [Mr. FITZGERALD] will take the chair.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, with Mr. FITZGERALD in the chair.

The CHAIRMAN. There is one hour of debate left upon the amendment of the gentleman from Pennsylvania [Mr. BUTLER] under the agreement reached yesterday.

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. WM. ELZA WILLIAMS], and I

understand that the gentleman from Pennsylvania yields him five minutes also.

Mr. BUTLER. Mr. Chairman, I also yield the gentleman five minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes.

Mr. WM. ELZA WILLIAMS. Mr. Chairman, before proceeding I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WM. ELZA WILLIAMS. Mr. Chairman and gentlemen of the House, I have not the time that I would like to discuss this bill. To say that I am wholly satisfied with the bill would not be correct, but in the main I feel that the bill which has been presented by the majority of the committee is a good bill and will go a long way toward establishing a Navy such as we need.

I am a poor hand at finding fault, and particularly dislike to find fault with my old colleagues on the Committee on Naval Affairs. I served with that committee two years and during that time I never knew politics to creep into the action of the committee or its members to be influenced by political considerations.

I notice that the minority report is signed by eight members of the committee, all Republicans. I notice the majority report, while not signed, is authorized by all the Democratic members of the committee. In this minority report I see a very plain attempt to introduce politics into the consideration of this bill. We find here a reference to a Democratic Congress and to a Republican Congress, and a reference to a Democratic administration and to a Republican administration, with a comparison or contrast of what was done under one that was not done under the other. I mistrust that was thrown in with a view of introducing politics into the bill—a bill of all bills which ought to be free from considerations of that kind.

While doubting the sincerity of the minority, I concede some merit in their recommendations. I believe the lessons of the European war have demonstrated that submarines are a very efficient means of sea warfare, and, situated as we are, we ought to have a larger number than provided in this bill.

I believe that we ought to have the battle cruiser, and I congratulate the committee that it has reported here in favor of five battle cruisers, a very essential part of our Naval Establishment. If I had been in control and made that report, I perhaps would have added to the report the usual quota of battleships. [Applause.] It was my belief when a member of the committee that the battleship is essentially our first line of defense, and that we ought to continue the construction of the battleships at the rate of two a year; but the committee in its wisdom has seen fit to report in lieu of two battleships five battle cruisers, and I am not disposed to question their judgment. The committee knows better than I what is necessary to constitute a well-balanced Navy.

We are entering on an era of preparedness. We have passed an Army bill providing for an Army of 211,000 men, besides nearly half a million militia. It must be apparent to anyone who has studied the lesson of the European war that our natural defense is the high seas. That being so, that being our natural defense, it is our duty to prepare to defend ourselves upon the high seas. We must not overlook the fact that we are approached or liable to attack from the east and from the west on two widely separated oceans.

Mr. Chairman, I am one of those who believe that we ought eventually to have a Navy equal to any navy in the world. I believe that we should take an advance step, as this bill does take, in the direction of a great Navy, not only a Navy second among the navies of the world, but ultimately equal to any. With such a Navy we will be able to protect our shores against a hostile foe and avoid the necessity of having to maintain a great standing army.

Mr. BRITTEN. Will the gentleman yield?

Mr. WM. ELZA WILLIAMS. I will.

Mr. BRITTEN. Is the gentleman in favor of obtaining a second place for the Navy as quickly as possible?

Mr. WM. ELZA WILLIAMS. I will not say as quickly as possible, but in a reasonable time. I believe that we ought to enter upon a program of construction that will speedily give us second place and, continued, will give us a Navy equal to any in the course of time.

There is room for men to differ as to the character and size of our standing Army, but there is little room for doubt as to what our Navy should be. Members of the House and Senate ranged in their opinions from 140,000 to 250,000 men for the Regular Army, and finally compromised on 211,000 maximum in time of peace. The compromise provided in the conference report between the two Houses, for which all Democrats voted, seems to me to be sufficient, and, judging from the favor with which it has been received throughout the country, I must believe that the best judgment of the land accepts an Army of 211,000 as amply sufficient for all possible contingencies. This total is a large number of men to be quartered on the country in time of peace merely that they may be in readiness in time of war. Aside from those stationed in the Philippines, the Hawaiian Islands, and Panama, we have provided more than a hundred thousand men to be held in reserve and in readiness in case of sudden or threatened hostilities, besides a half million more in the National Guard. We can not maintain in time of peace a Regular Army of the size and number that would be required in case of actual war. We must in such case rely on the National Guard and the volunteer. Many have contended that we need no standing Army beyond the number requisite for local or internal disturbances, outside the number necessary to garrison the Philippines, the Hawaiian Islands, and Panama, and that inasmuch as we must rely almost entirely upon the militia and volunteers in case of hostilities, it is useless to maintain any standing Army in excess of that required for domestic purposes in ordinary times. To this doctrine I can not subscribe. However well trained a National Guard may be, and however zealous and devoted the volunteer, an army of 200,000 well-trained, well-equipped Regulars, ready to be summoned in a moment to constitute the first line of defense, is to my mind a wise provision against possible contingencies, and it was with pleasure that I supported the bill providing for the Army of 211,000 men.

When we consider our geographical location in the light of the world's experience, as well as common sense, we must all agree on one proposition, and that is that our Navy is our reliance, and that no scheme of preparedness is complete that does not provide for a great naval establishment. We have one neighbor on the south, Mexico, and Canada on the north, neither of whom for centuries need be regarded as a menace to our national safety. All the rest of the world must approach us from across the seas. The two oceans constitute a barrier which, if sufficiently fortified and guarded, will be our defense. The example of England, which has not felt the tread of the invader for a thousand years, with but 26 miles of water intervening between her shores and the continent of Europe, is a sufficient argument to convince me that the United States, with 3,000 miles intervening between us and warlike Europe on one side and 7,000 miles between our western shores and Japan and the continent of Asia, with the sea guarded by a strong Navy and modern fortifications, we need have no fear of the landing of a hostile force on our shores. But without a Navy sufficient to intercept the enemy at sea and prevent them from gaining a foothold on American soil, we are subject to attack at any time, and if attacked, powerless to defend ourselves against the trained soldiers and modern guns and other instruments of warfare which could be brought against us from across either ocean unless we maintain a great standing Army, have universal military training, man our forts and fortifications with great engines of destruction, and maintain in readiness and reserve enormous stores of arms and ammunition.

I have spoken of the defense of continental United States, the safety of which is our first thought. But we have outlying possessions, which we are under as much obligation to defend as continental America, and which can only be defended by means of the Navy. It is manifestly impossible to maintain an army in the Philippines sufficient to defend those possessions against a foe having unobstructed approach and access. It is burden enough to maintain an army there sufficient to suppress insurrection and maintain domestic order. In case of war the only means by which we could defend the Philippine Islands would be by a superior Navy.

The same is true of the Hawaiian Islands and essentially and particularly true of the Panama Canal, which is subject to attack from both oceans, from Europe and from Asia. Then there is Alaska in the Pacific and Porto Rico in the Atlantic, to say nothing of our wards, Cuba and Haiti, which we are under obligation to defend, none of which can be safeguarded except by means of the Navy. Men may differ as to the size of the Army, but I can not conceive how men can find room for disagreement on the subject of our Navy. Second place is all that is asked by the advocates of a great Navy, and perhaps that is as far as we ought to go for the present. But if we continue to gather in the wealth of the world and hope to retain our place in the sun, we must be prepared to defend ourselves against a combination of the great powers of the world. Greed and avarice dictate the policies of nations as well as individuals. Trade rivalry and commercial supremacy have involved the world in the

present struggle, the most gigantic in history. Territorial acquisition, conquest, and subjugation for glory and for power have engulfed the world for ages in seas of blood. Those who but a short time ago dreamed of the millennium and the disarmament of nations now realize that the brotherhood of man and the federation of the world is but a dream.

The increase authorized in this bill, together with the sum necessary for the continuation of work on vessels heretofore authorized, for ammunition, and expenses of the Naval Establishment, carries a total appropriation of over $241,000,000, nearly a hundred million dollars in excess of that heretofore authorized in any one year. I have the highest confidence in the judgment and wisdom of the Committee on Naval Affairs, with whom I had the honor to be associated in the last Congress, and in the main entirely agree with their conclusions and the wisdom of the pending bill. It is evidently a compromise measure, and the result of a getting together of the advocates of a big Navy and of a little Navy among the majority members of the committee. I have heretofore advocated a continuous building program, two battleships a year, not less, and have supported a material increase in that new, novel, and effective instrument of sea warfare, the submarine. This bill authorizes 5 battle cruisers, in lieu of the 2 battleships heretofore authorized, and 20 submarines, 17 for coast defense and 3 of the seagoing type.

I am satisfied with the number of battle cruisers authorized, but would prefer not to abandon our program of enlarging from year to year the dreadnaught fleet, which necessarily must constitute our first line of defense. Some one has said that the dreadnaught has played no part in this war. To my mind that is the strongest argument in its favor. The mere fact of its existence, the known fact that England has in reserve a dreadnaught fleet equal to any two nations of the world, is the very reason why there have been so few naval engagements. The superiority of the English Navy has deterred attack and safeguarded English commerce and the safety of the seas to all the world, except to the extent that it has been infringed by the submarine in violation of international law. Now that Germany has yielded to the President's contention and consented to refrain from the indiscriminate destruction of merchant vessels engaged in the world's trade and commerce, it is to be hoped that, although the war continues to rage on land, the highways of the seas will remain open for the interchange of the world's commodities.

Let the navies of Europe contend in battle on equal terms and the theater of war be removed from the land to the sea, the commerce of the world would be destroyed, the seas run red with blood, and piracy resume its sway. The war is confined to Continental Europe by reason of the existence of a superior naval power, otherwise it would extend from sea to sea and from land to land and involve the whole world. I use the case of England as an illustration of how impregnable the sea is when sufficiently guarded, and to demonstrate the fact that 3,000 miles of water constitutes our natural defense against the world. What we need to do is to avail ourselves of natural conditions and fortify and guard the seas against the approach of the enemy. So convinced am I of the importance and necessity of a great Navy that I would gladly vote for even a larger naval program than that provided in this bill. I deprecate the talk indulged in by men who know better to the effect that we have not a good Navy, that with all the money that has been expended we have been relegated to fourth or fifth place. We have a good Navy, and until preparations for the present war commenced and Germany facilitated naval construction, we were a close contender for second place among the navies of the world. We can easily regain second place, and I feel that it is a duty that we owe ourselves and our country to take an advance step in that direction at this very time.

Mr. KINKAID. Will the gentleman yield?

Mr. WM. ELZA WILLIAMS. Yes; I yield.

Mr. KINKAID. While bringing the Navy of the United States up to second place and then proceeding further to bring it up to first place, what would the gentleman advise if these other countries, one standing at the head and the other second, should compete in the meanwhile in the increase of their navies? Suppose the other countries now ahead of us, having superior navies to the United States, should go on increasing their navies at the same time we are increasing our Navy? What would the gentleman advise as to keeping pace with them? Would the gentleman say that we should keep pace with them and outrun them, or what would the gentleman advise?

Mr. WM. ELZA WILLIAMS. What else could we do? If the world has entered upon a mad race of naval construction, with the greatest resources and the greatest wealth to protect and defend we ought not to lag behind, but should augment our construction.

Mr. KINKAID. I admit our country is the greatest country and we have the greatest people, but I wish to bring out the question what would be proper to do in such a case as I have suggested of the other nations increasing their navies while we are doing so. How are we going to get ahead? When and where the end? To me this is a problem.

Mr. WM. ELZA WILLIAMS. I assume we can facilitate our construction, and our resources are such that we can easily approach second place, and I have no doubt within a few years can approach first place and equal any navy, with a basic and substantial building program.

This is a good bill; it is a step in the right direction; it is an advance step, with $100,000,000 more appropriated for naval construction than by any preceding Congress. There are men who believe we ought to go further; there are some who believe we ought not to go so far; but in any view we are headed in the right direction and from year to year should facilitate our program until we have acquired a place that will render us immune from foreign attack. [Applause.]

Mr. BUTLER. Mr. Chairman, I yield seven minutes to the gentleman from Michigan, a member of the committee [Mr. KELLEY].

Mr. KELLEY. Mr. Chairman, there never was so much uncertainty in the world's history as at this hour. No man can forecast the needs of this Nation when the warring countries of Europe emerge from the great struggle now going on there. I believe at a time like this it is a mistake not to take a longer step than we are taking in this bill toward the national defense. If it turns out that these guns and ships are not needed, so much the better. On the other hand, if we fail to provide them now, and later on the need should arise, he who votes against them to-day will never forgive himself for not making his country safe in a time of storm and stress.

We should add to the program in this bill two great fighting ships of the dreadnaught type. [Applause.] These five cruisers are all-right. We need the five and more. In the event of war they would be used to scour the seas to locate the enemy. So far, so good; but while we are building ships with which to find the enemy we should not neglect to provide also for ships powerful enough to destroy the enemy after he has been found. [Applause.]

Into the hands of the Navy the Nation largely commits its defense. Let us give our defenders out on the seas the ships and the guns, and we can trust them to defend the country as they have ever defended it from the days of John Paul Jones down. [Applause.]

A few months ago I took my 14-year-old boy over to Annapolis. I wanted him to see something over there which I hope none of you will miss when you go that way. Preserved in cases along the sides of the auditorium in Bancroft Hall and festooned under glass on the ceiling are 176 trophy flags of the American Navy—priceless symbols of heroic victories on the high seas. There is the flag that Capt. Isaac Hull, in command of *Old Ironsides*, snatched from the masthead of the British frigate *Guerriere*. There is the faded battle flag of Commodore Perry, with the words of Capt. Lawrence inscribed upon it—"Don't give up the ship." There are six battle flags taken by Perry on Lake Erie. There are flags taken by the *Constitution*, the *Hornet*, and the *Wasp*. There on the ceiling is a great British royal standard, the only British royal standard ever captured in the history of the British Empire—we took it away from her. [Applause.] There is the flag of the Algerian pirates taken by Commodore Stephen Decatur in the far-off waters of the Mediterranean, whither he had been sent by this young Republic to teach the world that we have millions for defense but not one cent for tribute. [Applause.] And, looking at all those captured flags of other lands, I was filled with a new and a deeper appreciation of our Navy, as I recalled that in all the battles in which our country has ever been engaged on the seas the Stars and Stripes have never yet once been hauled down in surrender. Let us give the boys on the seas the ships and the guns, and if need comes we will be safe. [Applause.]

On what day could we more appropriately vote for the Nation's defense than on this, the Nation's Memorial Day, when everywhere throughout the country our people are paying tribute to brave men living and dead, and when the North and South alike are sending up thanks to the throne of God that way back in the sixties the Union of these States was saved from the wreck of war. Let us all from the North and from the South unite on this Memorial Day in a vote to build up the American Navy for the defense of our common country, reunited and happy. [Applause.]

Just a word more in conclusion. It would seem when this great conflict in Europe is over that the common sense and sanity of the world would return and control the actions of men. It would seem, when the nations of Europe count the terrible cost of the war, when they count the dead, when they count the widows and the orphans, when they count the young manhood maimed and crippled for life, when they come to realize the burden of debt which will be placed on the shoulders of generations of their people yet unborn, it would seem that the statesmanship of the world would unite in putting an end to war for all time to come. It would seem so to me. And in any great movement of that kind this mighty Republic will be the first to offer its support.

In the meantime, however, we must not take too many chances. We have too much at stake here for ourselves and for our children and for all mankind. This is a good time to let the world know that America is here to stay and that our people, without regard to race or fatherland, are united for its defense. The crisis through which the world is passing only emphasizes the blessings of American civilization. We must protect it at all cost. This should be a great revival time for America and for Americans. This is a good time to proclaim anew the faith of the fathers of the Republic. This is a good time to dedicate ourselves anew to all the high and holy purposes symbolized by the flag of the Republic itself, and to provide for its defense. But what does the flag of the Republic stand for? First of all, it stands for liberty regulated by law; there can be no such thing as liberty except it be through the orderly processes of the law. It stands for the rights of persons and the rights of property. It stands for the universal enlightenment of the people; for every wise person knows that free schools and free government go up and down in the scale together and that we can not long continue to have one without the other. It stands for popular rule and in this it is our destiny to lead the way. It stands for the protection of American citizens at home and abroad, when they are where they have a right to be and when they are behaving themselves; for the nation that does not protect its citizens under such circumstances will wake up sooner or later to find that it has lost the protection of its citizens. It stands for a Christian civilization, the cleanest and best on the globe. And finally it stands for the home and for all the virtues which thrive and cluster around the hearthstone. Standing for all these things, may the God of our fathers protect it and defend it, and may it ever continue to be the emblem of liberty and the bow of promise for all mankind. [Applause.]

Mr. BUTLER. Mr. Chairman, I yield to the gentleman from Louisiana [Mr. DUPRÉ].

Mr. DUPRÉ. Mr. Chairman, this is a good bill. That is to say, it is good as far as it goes; but the trouble is that, in my belief, it does not go far enough. For that reason I intend to support amendments offered from either side of the Chamber to make the bill a better one. [Applause.] It is immaterial to me from what source these amendments are offered, as I do not regard, nor have I ever regarded, the question of adequate naval defense as a partisan one. Ever since I came to Congress in the Sixty-first, I have been voting for increases of the Navy, even when a majority of my own party associates took a different position.

I especially favor an increase in the item of aeronautics. It is an incredible thing that the home of Langley and of the Wrights should be among the last of the great nations to recognize the military value of the aviator. I shall also support an increase in the item of submarines. If there is one thing this war has shown it is the importance of this instrument as an adjunct to twentieth century warfare, whether from an offensive or a defensive standpoint. [Applause.]

I, of course, commend the committee for recognizing the demonstrated necessity for including in our scheme of naval preparation a sufficient number of battle cruisers and scout cruisers, but provision for them is no justification for omitting any authorization of additional battleships or dreadnaughts, which even the Committee on Naval Affairs in the majority report says are "the backbone of the fighting efficiency of any proper naval defense of a country." [Applause.]

In this attitude toward the pending measure, my own judgment and inclination are in accord with the views of my constituency and with the convictions of the Democracy of the State of Louisiana, as shown by the following extract from the platform unanimously adopted at the convention of that party held in Baton Rouge, on Tuesday, May 23, 1915, to select delegates to the national Democratic convention at St. Louis, which reads as follows:

That we call to the attention of this national Democratic administration that of all the great nations of the earth we have the most extensive and vulnerable seaboard, while all possible enemies are separated from us by the seas, and that the horrors of war can never be brought to our shores until after the American Navy is destroyed; that as a powerful Navy is the first line of defense and if made sufficiently strong guarantees us peace, we therefore urge that our Navy be increased and enlarged until it is demonstrably stronger than any possible enemy, or any two of them combined.

[Applause.]

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from Georgia [Mr. TRIBBLE].

Mr. TRIBBLE. Mr. Chairman, I do not think anyone can truthfully say that I have not always given the Navy my honest and sincere support. I represent a district that gets no benefit from the Navy in the way of yards and manufactures or anything of that kind. It is an interior district. But, mark you, Mr. Chairman, that does not prevent me from supporting the defense of this country upon the sea. I have raised many objections to the naval bill since my service upon the Naval Committee, and many times I have seen my objections vindicated and the committee and this House come around to the positions I have taken.

Mr. Chairman, I shall continue to advocate a good Navy and fight extravagance. The position I have always taken—and the members of this committee will bear me out in it—is that this country should have a sea Navy, and not a land Navy. I have favored the construction of battle cruisers when the members of the Naval Committee and Navy Department opposed it. Mr. Chairman, I am opposed to the proposition of the gentleman from Pennsylvania to add to this bill battleships at this time for the simple reason that the battleship has not sent to the bottom of the sea a single vessel of the enemy in the European war, while the battle cruiser has shown itself to be effective. Why? On account of its speed, on account of its large guns, on account of its ability to get upon the scene of battle quickly and to fight with the enormous guns it carries aboard when it does get there, and also its ability to clear the sea of destroyers and torpedo boats, thereby preventing night attacks on the fleet. You remember the battle in the North Sea, when one of the greatest of the German vessels went to the bottom of the sea—the *Blücher*—fired upon by a cruiser and went down, and yet with all of her heavy armor she could not turn upon the battle cruiser and save herself from destruction.

Mr. BRITTEN. The *Blücher* was not one of the great naval vessels of Germany. It was one of the vessels that had not speed enough to get away.

Mr. TRIBBLE. The gentleman is as mistaken in that proposition as he is in many others. And I will show him where he is mistaken.

I think it ill becomes the membership to bring politics on the floor of this House on this question. I would not have mentioned it, but the gentleman interrupted me. The gentleman has precipitated politics in this House time and time again and in this debate, and so have other gentlemen on the Republican side. I will state to the gentleman that when he charges upon the floor of this House that the Democratic Party has not supported the Navy, as he frequently does, he does not know the facts or just refuses to give the facts.

Now, I am going to show you that misstatements have been made by the gentleman and his party by the facts as found in books that lie here before me and can not be contradicted. I take the last four years of the Republican administration—I skip two years when there was a Republican President in the White House, and the Senate and the House of Representatives were Democratic—and then I take up the last four years, when the Democratic Party has had complete control, and I find that the Democratic Party has appropriated $192,000,000 more than the Republicans in the four years that preceded.

Mr. BRITTEN. Will the gentleman yield?

Mr. TRIBBLE. Yes, sir.

Mr. BRITTEN. Why does the gentleman eliminate the Sixty-second Congress, which was Democratic?

Mr. TRIBBLE. You can include that Congress if you want to do so, and you will find that in the last five years of Democratic administration there was appropriated for naval purposes $216,000,000 more than the Republicans appropriated during the last five years of the Republican administration preceding.

Mr. BRITTEN. What did that Congress do with the recommendations of the General Board and of the Secretary of the Navy at that time?

Mr. TRIBBLE. The Democratic Congress ignored the recommendation of the General Board just as the Republican Congress does. [Applause on the Democratic side.]

Mr. BRITTEN. Oh, the gentleman does not——

Mr. TRIBBLE. I will tell you another thing. I am not through with the gentleman yet. He interjected this question here. I carry you back to the record of the Democratic Party when it was in power in this House the last time, under Cleve-

land's administration, and I am here to say to you, sir, that the Democratic Party when it was in control here the last time, under the Cleveland administration, built and equipped an adequate Navy.

Mr. BRITTEN. Oh, that was 20 years ago.

Mr. TRIBBLE. That is all right. You called the record of the Democratic Party in question, and you did not specify the time; and I will say that that Democratic House appropriated for the Navy $29,000,000 more than your House did in the four years that preceded Cleveland's administration. And I am here to say to you again, sir, that the Democratic Party under the Cleveland administration prepared, equipped, and made ready the Navy that sent the Spanish vessels to the bottom of the sea. [Applause on the Democratic side.] That was a Democratic House that did that. The Democratic Party turned over to you just before the Spanish-American War a Navy that was equipped with vessels, ammunition, and men of the highest type. The officers and men were trained and they used the ships and guns prepared by a Democratic administration and vanquished the enemy in the Bay of Manila and at Santiago. The enemy ships were sent to the bottom of the sea with Democratic material, and not Republican. [Applause on the Democratic side.]

Mr. BRITTEN. Mr. Chairman, will the gentleman yield for another question?

Mr. TRIBBLE. Yes.

Mr. BRITTEN. Is the Democratic Congress going to put the Navy back again to second place?

Mr. TRIBBLE. Yes. The Democratic Congress is going to do more than your party would do if you were in power. If we had reported six battle cruisers instead of five, you would have tried to amend the bill with seven; if we had brought in four, you would have brought in five. You want to get a little ahead of us in this period of excitement. But we have to account to the people for the condition of the Treasury as well as a Navy, and you are trying to account to the people by misrepresenting this bill and the condition of the Navy at the present time. As a matter of truth, this bill carries $119,252,000 more than any Republican naval bill ever brought into this House, and I am tired of hearing these misstatements. [Applause on the Democratic side.] Furthermore, this bill appropriates $241,499,151, while the largest Republican bill was $122,247,365, and still you keep telling the people that the Democrats refuse to provide a Navy in these perilous times.

Mr. BRITTEN. No, Mr. Chairman——

Mr. TRIBBLE. I do not care to yield further at this time.

Mr. BYRNES of South Carolina. Yield to him!

Mr. HUGHES and Mr. HOWARD. Yield to him!

Mr. TRIBBLE. All right. Gentlemen want me to yield. Go ahead.

Mr. BRITTEN. Do I understand from the gentleman's reply that the Democratic Congress is going to do everything in its power to put the Navy back in its place as second during the Sixty-fourth Congress?

Mr. TRIBBLE. Yes. That is what we are going to do.

Mr. BRITTEN. We will watch your vote on Friday afternoon and see what you will do.

Mr. TRIBBLE. The Democratic Party is going to pass a program of nearly $120,000,000 more than the Republican Party has ever brought into this House, and it will continue a program that will put the Navy of this country in the second place in the world, if our party stays in power; and for one I do not propose to sit silently by and permit you to succeed at the ballot box next fall by making the people believe the Democratic Party is not responsive to the demands of the people for an adequate Navy. [Applause on the Democratic side.]

Mr. BRITTEN. Let me say to the gentleman——

Mr. TRIBBLE. Oh, you asked me a question, and I yielded, but I did not give you time to make a speech. However, go ahead.

Mr. BRITTEN. I want to say to the gentleman that his conscience must be bothering him. Now the gentleman is talking about——

Mr. TRIBBLE. I have no navy yard in my district and I have no factory in my district to be interested in. I have nothing in my district but patriotism. [Applause on the Democratic side.]

Mr. BRITTEN. I congratulate the eighth Georgia district in being so well represented in Congress. [Applause.]

Mr. TRIBBLE. I am opposed to a large standing Army in times of peace, requiring compulsory service, but the Army should be ready and adequate for an emergency. The military bill has provided for considerable increase and pay for State militia. I am in favor of a Navy large enough to drive away a foreign foe and prevent the shedding of blood on American soil at the hands of an invading army.

Mr. Chairman, there are many unreasonable, extravagant practices in the Navy administration, but these evils have grown up under laws enacted many years ago. The committee knows that I have never lost an opportunity to expose them and repeal the laws if possible. I have said so much in this House and in the committee on this subject that I shall refrain from going into these extravagant questions at this time.

Mr. Chairman, I want to applaud the sentiment expressed by Hon. Francis D. Winston in a recent speech in Atlanta, Ga. Commending the work of the Hon. Josephus Daniels, one of the greatest Secretaries this Nation has ever had, Mr. Winston said, in part:

Wherever the Stars and Stripes float from the masthead, at home or in foreign port, it proclaims to North Carolina the integrity, the character, and the high purposes of Josephus Daniels, the typical North Carolinian. * * * Eminent as have been his predecessors in that great office, the State of North Carolina recognizes his great merit there and places him primus inter pares. Criticism of him we invite. Calumny of him we resent. * * * Doubtless the armor-plate manufacturers consider him a failure. In this their judgment is as much in error as when they undertook to browbeat the Government with the threat to add enormously to the price of armor plate if the Congress concurred in the Secretary's recommendation for an armor-plate factory owned by the Government. Joe Daniels "don't scare." Possibly he may not know where to locate the "mizzen royal braces," but he has that high character which braces him when a thing of dubious import is proposed.

He may not know whether the American sailor sleeps "in the spanker boom tapping loft" or not, but he is convinced that the American sailor is entitled to the best bed and most wholesome surroundings, no matter where he sleeps, and in the name of the American people he is determined to give them to him.

* * * * * * *

One part of his ship he does know especially well, and that is the rudder; and to hold the rudder fast and the ship true to its course is the necessary result of his birth and training in North Carolina, where he never betrayed a trust or a friend; where he ever stands for all good causes and decries the base; where neither frowns nor threats have ever deterred him, and where he is esteemed by all men of whatever party or creed as an honest man.

He may not have his "sea legs" on when storms toss one of our leviathans of the deep, on which he is in highest command for the voyage, but I declare to you, having known him child, boy, and man, that along that straight, narrow, and difficult path that leads to eternal life he walks with firm and steady tread. Special interests and those who speak for them may malign him; those in whose way he stands for place, patronage, or unwarranted favor and privileges may speak of him in derision, but the fair-minded American people, whose pocket he protects and whose honor he upholds, will hold him in high esteem when his maligners and deriders are forgotten.

Mr. Chairman, the country feels perfectly safe with such a distinguished citizen directing naval operations, and he is fast making the Navy what it should be.

Mr. Chairman, answering further the question of the gentleman from Illinois, who desired to know if we had followed the recommendations of the Secretary of the Navy, I will say for his information that the Secretary is delighted with the building program in this bill, and the bill now before the House represents the wishes of the administration and meets the approval of the Secretary of the Navy.

Mr. Chairman, God knows I wish we could have peace, forever peace, but from the foundation of the world there has been war. The horrors of the European war can not be described in words. Judging by the experience of all history, wars are not over, and our country looks to us to prepare for a proper defense of our homes should war come.

When I travel upon the oceans and land in our insular possessions and I see the flag of my country floating there; when I go to the Panama Canal and see the flag of our country floating there; when I travel to the various State capitals and see the flag of our country floating there, in my love for this great country I would wrap the flag around the cluster of States and possessions and say, as a Representative of this the greatest country on earth, the Navy should be able to protect them all.

Mr. Chairman, my friend, Hon. D. G. Bickers, scholar and editor, beautifully describes a real nation in a poem sent me to-day, and I desire to add his valuable contribution to my remarks:

There was a time when nations came to be
Because they were locked in from sea to sea;
Because they lay between great mountain ranges high;
Because a people spoke one language commonly;
Because they claimed one common worship creed;
Because they were of but one race, one breed;
Because some institution held them true—
The church, the army, or the union through
Peculiar mode of living, government—but none
Of these things counts, when all is said and done,
For perpetuity in any nation's life there needs must be
A greater element, a purpose grounded in real unity;
There must be underneath and over all that strong,
True, vital principle, unselfishness, which lives
For service to the race; which grows because it gives.

Mr. PADGETT. Mr. Chairman, I yield two minutes to the gentleman from Maryland [Mr. TALBOTT].

The CHAIRMAN. The gentleman from Maryland is recognized for two minutes.

Mr. TALBOTT. Mr. Chairman and gentlemen of the committee, I did not intend to take any part in this debate. My mind is made up, and the minds of the members of the committee generally are made up. But following the line of the argument by my friend from Georgia [Mr. TRIBBLE], a member of the committee, I want to say that we have no higher authority than that of Col. Roosevelt himself. He sent for the minority members on the Naval Committee to come up to the White House. I went up there, and with me were the gentleman from Texas, Mr. GREGG, with Mr. Lamar, of Missouri, and Capt. Hobson. Mr. Roosevelt took us in a room and appealed to us to vote for four battleships. I was for the four battleships personally, and I voted for the four. He stated that it was not a political question, that it was a question of national honor and national defense, and he said, "I am frank enough to admit that we could not have carried on the war with Spain successfully except for the Navy that was furnished to the country during Cleveland's two administrations." [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. BORLAND].

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. BORLAND. Mr. Chairman, I am thoroughly in accord with my friend from Georgia [Mr. TRIBBLE]. I am going to vote for this bill and I am going to vote against these amendments, because I want to vote for a navy and not for buncombe. [Applause on the Democratic side.]

I make no pretense of being a naval expert, and for the details of a naval program I must rely upon the opinions of those who have made a professional study of the subject. I feel, however, that it is our duty to provide this country with an adequate Navy for the following reasons: First, The Navy is the first line of defense of the Nation. The standing army may be called the second line of defense. If the Navy be adequate to guard against the approach of a hostile fleet or an invading force, it will not be necessary to rely upon the Army or the coast defenses, and thus a smaller standing army will be sufficient for safety. It is better to fight our battles on sea, if possible, than on land. England to-day might be in the position of Belgium if it were not for the British Navy. At least the battles which are now raging on the soil of France might be fought on English soil instead.

Second. The objections made to a large standing army, and the fears of militarism which are expressed, do not apply to a navy. A navy can be used only to a very limited extent for the purposes of aggression upon other countries. It can never be used for the purposes of oppression, or for destroying the liberties of the people of the country which supports the Navy.

Third. This country needs a navy because of the enormous extent of coast line that we must defend. The Atlantic seaboard, the Gulf coast, Porto Rico and Cuba, the Panama Canal, the Pacific coast, and Alaska constitute a coast line far greater than that of any other country. Our boasted isolation by water is disappearing before the advance of modern science. The ocean is a highway—the best highway in the world. Coast defenses are all right in their way, but floating coast defenses that can go where they are needed are better, and cost very little more.

Fourth. We need a navy because the time has come when we must build up a foreign trade, and to do so we must restore the American merchant marine to the seas. A merchant marine needs the protection of a navy—one able to command and, if necessary, enforce respect to American rights in every part of the world. A navy and a merchant marine work hand in hand in furnishing trained men, each for the support of the other. We have never known a nation to have a merchant marine that did not also have a navy.

Fifth. Our international relations which, with our present dominating position in the world, are growing more important, require that we possess a navy of respectable size, well balanced, and efficient. We want to make our word good, our views respected, and our neutrality secure. The Monroe doctrine that no European country shall attempt to colonize or to acquire further territory in North or South America is deeply imbedded in the hearts of our people, and is regarded as vital to our national safety. Our neutral rights, also, must be protected and neutral commerce must be made secure. Our President, who is required to defend the dignity and honor of this Nation, must also represent its power.

In conclusion, as to the cost. This is the richest Nation on the globe and one of the largest. It can afford to protect itself against any nation on earth without undue burden upon its people. We spend an undue amount in the administration of our Government. We conduct the most expensive Government in the world, because we have not the political courage to follow the plain path of retrenchment and efficiency. If the people want defense, if they want peace, prosperity, and the enlargement of our foreign commerce, they can have it at a cost very little more than our present expenditure. [Applause on the Democratic side.]

Mr. PADGETT. Mr. Chairman, did the gentleman from Pennsylvania use all of his time?

The CHAIRMAN. The gentleman from Pennsylvania has used 15 minutes.

Mr. PADGETT. I will ask the gentleman to use all of his time. I shall have only one other speech.

Mr. BUTLER. Mr. Chairman, I yield seven minutes to the gentleman from Nebraska [Mr. SLOAN].

The CHAIRMAN. The gentleman from Nebraska [Mr. SLOAN] is recognized.

[Mr. SLOAN addressed the committee. See Appendix.]

Mr. BUTLER. Mr. Chairman, I yield four minutes to my colleague from Pennsylvania [Mr. VARE].

Mr. VARE. Mr. Chairman, according to Secretary Daniels's own estimates the House naval bill is an inadequate preparedness measure. It is inadequate, according to the Secretary's own standards, because it does not provide for any dreadnaughts. He recommended two dreadnaughts and this bill provides none at all. The first line of warships has already been depleted by the relegation of seven of our battleships to the reserve, and this Nation is headed inevitably toward a place below Japan in the list of naval powers.

The experts of the Navy have been consistently ignored. If the advice of the General Board of the Navy is not to be taken, what is the General Board for? Why not abolish it altogether? Why have advisers whose advice is continuously rejected? The General Board of the Navy, back in 1903, worked out a program designed to provide safety for the United States. That program contemplated two battleships each year. It was expected that by this regular addition of two battleships there would be 48 battleships by 1919. That program was evolved before the European war began; before it became apparent that preparedness on a much larger scale would be required; yet we have already lapsed behind even in that program. There have been a number of years since then when only one battleship was authorized, and this year, when there is greater need than ever before, there is to be none at all. The present Congress, if it votes for this bill, will vote in favor of giving the United States a place among the naval powers below that occupied by Japan. Our naval officers have admitted that Japan has a secret program for naval expansion; that she replaces all her old ships that go into reserve with new dreadnaughts of the costliest type, without making any announcement whatsoever. It is a fair presumption that Japan will pass us in a few years, if she has not done so already.

The Secretary of the Navy himself said that there should be no less than two dreadnaughts a year for the next five years. This, he said, would give us 27 battleships in the first line by 1921, and with the addition of the number of battle cruisers which he recommended we would have 6 of that type in addition and 25 battleships of the second line. But recently there have been 7 ships taken out of the first line. There is no assurance now that we will have 48 battleships by 1919. In fact, there is every assurance that we will not have. We can not get them by dropping out of the dreadnaught race altogether. And yet the 48-battleship program was designed to satisfy the needs of this Nation before the European war.

Secretary Daniels also recommended an appropriation for extending the shipways at the Philadelphia Navy Yard so that battleships might be constructed there. When bids for the battleships authorized by the last Congress were advertised, the Philadelphia Navy Yard's estimates, as usual, were the lowest received. Either one of the two battleships could have been built there with a saving of hundreds of thousands of dollars. The Secretary, however, pointed out that unfortunately the shipways were not large enough to accommodate battleship construction. The contract would have to go to Mare Island, Cal. But later we find that Mare Island is not equipped either, since an appropriation has to be made for new equipment there also. And even though Mare Island had been equipped, there would have been a saving in constructing the battleship at the

Philadelphia Navy Yard, even including the cost of increasing the slips there, because the labor market, materials, and transportation facilities are exceptional.

The Secretary said that the shipways could not be extended in time to accommodate the construction of a battleship then, but that he would recommend enlargement at this session. He did so, and the Democratic Naval Affairs Committee turned him down. If the committee denied the appropriation for an extension of the shipways on the ground of economy, it was false economy. The committee need not rely on my statement for proof of this. The facts prove it. I said in a speech on the floor of the House more than a year ago, when the estimates of the officers of the Philadelphia Navy Yard for the construction of a Government transport were challenged, that the workmen would do the work within the estimates. Another Member of this House said that although the Philadelphia Navy Yard estimated that the work could be done for $200,000 less than the lowest bidder among the private yards had figured, the Philadelphia Navy Yard had merely made an estimate, which was not binding upon it, while the private yard had made a bid, for which it would be held financially and legally responsible. I said at that time that if it were possible I would be glad to give my own bond that the Philadelphia Navy Yard would keep within its estimate; that the officers and workmen there were responsible, honorable, and capable men upon whom the Government could depend for performances in keeping with promises. The Philadelphia Navy Yard got the contract, based on its estimates. And what do we find? Has the yard kept within the estimate? It has. It has, in fact, done better than its estimates. There has been a saving of not merely $200,000 but of at least $400,000 and possibly one-half million in the amount that the transport would have cost if built by the lowest private bidder. If there has been this saving with the transport, there would be a greater saving in the construction of dreadnaughts. [Applause.]

Mr. BUTLER. Mr. Chairman, I yield such time as I have remaining, which I believe to be four minutes, to the gentleman from Maine [Mr. GUERNSEY].

Mr. GUERNSEY. Mr. Chairman, last Saturday I listened with intense interest to the statement of the distinguished chairman of the Naval Affairs Committee [Mr. PADGETT], and particularly to that part of his statement in which he said that, in his opinion, $100,000,000 was sufficient in the way of an increased appropriation for the building up of the Navy at one session of Congress. I admit that is a large sum, and perhaps it is sufficient, but these are critical times and may turn out to be the most critical times in the history of this country. Was the limit set for the increased building plan of the Navy measured by the necessities of the Nation in this crisis, or was the amount arbitrarily arrived at? I wondered how that sum was arrived at. I hardly believed it was fixed by the distinguished chairman himself. Of course, it was not set by the minority of the Committee on Naval Affairs. I doubt if it was named by the committee as a whole. Was the limit placed by the Democratic caucus or by Woodrow Wilson at the White House? I am forced to the conclusion at least that the limit on the amount for the upbuilding of the American Navy was made prior to the preparation of the bill.

When it came to the question of the allotment of this sum of $100,000,000 it was found necessary, if I can judge anything by the statements that have been made here, to apply the entire amount to the building of battle cruisers in order to balance up the Navy of the United States properly; that is, establish proper proportions in its fighting equipment.

Battle cruisers are undoubtedly necessary, and I do not question the judgment of the gentlemen of the majority for providing for their construction; but it seems to me that it is a sad mistake that in fixing the limit at $100,000,000 it left nothing with which to build battleships.

The cities along our coast, from Eastport and Portland in Maine to Galveston in Texas, are inadequately defended at the present time. Battleships are floating forts, and in time of war those cities along the seaboard, with the billions of property in them, would almost wholly be dependent on battleships for their defense. Who is there that is ready to advocate here the abandonment of the construction of battleships? They are the great fighting units of the Navy and will continue to fill an important place. The chairman of this committee does not question their efficiency or importance. The British Isles are surrounded by water. There has been within easy reach of the British Isles during the present great European war for now nearly two years a hostile navy, the second navy in the world, and yet not a particle of territory of the British Isles has been touched by the German Navy for the very reason, I believe, that their coasts are guarded by the great battleships of the English Navy ready to defend her ports. The very knowledge that these great ships are on duty has been sufficient to protect the interests of the English people. I believe it would be a great mistake to disregard the recommendation of this minority and not provide for two battleships at this time, because if we fail to do so our battleship line will go down, as we are not providing in this measure to keep it up to its present strength. [Applause.]

The CHAIRMAN. The time of the gentleman from Maine has expired, and the gentleman from Tennessee has eight minutes remaining.

Mr. PADGETT. Mr. Chairman, I think it might help us to arrive at a correct solution of the question before us to take stock of the situation. The building program in the bill would cost one hundred and sixty million and several hundred thousand dollars. The program submitted by the minority would cost $283,183,945, and the additional powder would make it $303,480,795.

Mr. OGLESBY. Does that include the 10 per cent?

Mr. PADGETT. No; it does not. It just includes the cost of construction and the cost of the powder or ammunition. Now, I believe that I can submit to this House, as an intelligent body, that that amount is wholly and absolutely unnecessary, and that an appropriation and authorization in one Congress for $160,000,000 is amply sufficient when we have another Congress to convene in less than eight months, when we will have another bill.

Now, I want to make another statement. It has been stated here by those who are criticizing the bill as submitted by the committee, and the question has been repeatedly asked, if it is the purpose of the Sixty-fourth Congress to put the Navy in second place. I want to say that this program in this bill will put our Navy in a broadside gunfire superior to the German Navy [applause], not in the aggregate of ships but in the character of the ships, in the construction and arrangement, and in the gunfire of the ships. Under this program that we are submitting in this bill the broadside gunfire of the American Navy will be superior to the broadside gunfire of the German Navy.

The gentleman from Iowa [Mr. GREEN] yesterday afternoon in a hurried way called our attention to the construction and defects in the construction of the German ships. We are not confronted with those.

Now, in the next Congress, I want to say, we will duplicate this bill, except that in the next bill there will be some dreadnaughts and not so many battle cruisers, because I say the five battle cruisers we are authorizing now in this bill are superior to the eight which the Germans had on the last authority that we had any account of, and not counting the one which they sold to Turkey, which reduced their number to seven. Our five battle cruisers will be superior to the German eight.

In the next bill it will be the pleasure and privilege on the part of this Congress to present and to pass a bill for the construction and upbuild of the American Navy which, in my judgment, will, beyond all question, put the American Navy in the second place.

Now, that answers the criticism that the gentlemen have been making on that subject. We do not have to do this all at one time. We are proceeding to submit to the people an intelligent, safe, and sane proposition.

I want to call your attention to another matter. The program suggested by the minority in the amendments that they have offered, of which they have given notice that they will offer, would increase the appropriation in this bill fifty-six million seven hundred and fifty thousand and some odd dollars. There is no necessity at this time of this increase of appropriation and burdening the American taxpayer, when we are offering a program that will meet all the necessities and will meet the requirements. The gentleman from Maine [Mr. GUERNSEY] wanted to know something about the formation of this program. I will say to him very frankly that the chairman does not disclaim and does not seek to free himself from the responsibility of this building program. Every item in it was agreed to heartily by the chairman and was suggested by the chairman originally except one provision. The chairman had indicated that he stood for four battle cruisers, and there is a little interesting history right there. The chairman had made that known generally. The chairman is informed that the minority members of the committee who have signed the minority report had a conference among themselves in which they agreed to offer in the committee five battle cruisers. When the chairman offered five battle cruisers in the committee every one of the minority members voted against five, although they had agreed to it in their conference or caucus before. [Laughter and applause on the Democratic side.]

Mr. BUTLER rose.

The CHAIRMAN. All time has expired, and the question is on the pending amendment. [Laughter.]

The Clerk read as follows:

Amendment by Mr. BUTLER: Page 97, line 20, after the word "construct," strike out "five" and insert "six."

The question was taken; and on a division (demanded by Mr. BUTLER) there were 83 ayes and 109 noes.

The CHAIRMAN. The Clerk will read the next amendment.

The Clerk read as follows:

Page 97, line 25, after the word "each" insert "said battle cruisers to be constructed within 24 months from the date of signing contract."

Mr. POWERS. Mr. Chairman, I want to address the House for a short time upon that delightful theme, "Woodrow Meets Wilson Coming Back," or to be more exact, "The President Changes His Mind." President Wilson has performed that feat so often and with such lightning-like celerity, even upon the gravest and most weighty problems of state, that it has become a subject of almost universal discussion among the average American voters. For the purpose of gathering these changes together, so to speak, I want to call attention to a few of the things upon which the President has changed his mind; and I need no other witness to prove this than Woodrow Wilson himself.

He was in favor of the Garrison continental army plan. He is now opposed to it.

He was opposed to increasing the Navy. He now demands that our Navy be so increased in size that it will be the largest in the world.

Before his election he was for labor unions. He was their outspoken advocate. He is now opposed to them.

He was in favor of his party's platform pledge of protection to American lives and American property in Mexico and other foreign countries. After he was elected, he said in his Columbus, Ohio, speech this in regard to Mexico:

The Mexicans may not know what to do with their government; but that is none of our business, and so long as I have the power to prevent it nobody shall "butt in" to alterate it for them.

He later did "butt in" and has been butting in ever since.

The President was opposed to young men spending any time in military training. He now demands that 400,000 of them have such training.

A good long time before he was elected President he wanted to "knock Bryan into a cocked hat." He later made him the premier of his Cabinet. Since Bryan has left him he would, no doubt, like to "knock him into a cocked hat" again.

President Wilson was strenuously opposed to preparedness but a short while ago. He is now preaching preparedness most eloquently and fervently.

President Wilson started out to oppose the initiative and referendum; then, when later everybody seemed to want to smash the Constitution, the President joined the throng and declared himself in favor of the initiative and referendum. The world has gotten back to sanity again on that subject, and the President has forgotten all about the initiative and referendum or is now opposed to it. You can not lose Woodrow.

President Wilson was only a short time ago opposed to the creation of a tariff commission, and helped to kill the one that President Taft created. He has changed his mind on that subject and now demands the creation of a tariff commission.

President Wilson has been an out-and-out free trader all of his life. Now that the country has had a dose of it in the form of the Underwood-Simmons Tariff Act and the voters are anxious to put it upon the scrap heap forever, Woodrow says that he does not care anything about free-trade theories, anyway. You can not lose Woodrow.

President Wilson was against intervention in Mexico. Then he decided he would intervene and declared war on old Huerta, the individual, in order to make him salute the American flag. But old Huerta never saluted it and the President changed his mind about making him do it.

President Wilson demanded that all the claimants in Mexico get together and establish at least a de facto government. He threatened nonrecognition to all who refused. Carranza refused. President Wilson then recognized Carranza.

President Wilson was in favor of Panama Canal tolls. He is now against them.

President Wilson has declared himself as opposed to woman suffrage, yet he voted for it in New Jersey.

The President is accustomed to dictate dogmatically and command arrogantly, first on one side and then on the other of the same question. He is swayed around by the pressure of events. He is like the boy who replied, "I am for anything to get the coon."

The President was in favor of presidential primaries. He is surely not in favor of them now, because out of the 22 primary States in the Union the South has but 1, and that is the State of Alabama. In the face of this record, what becomes of that Democratic slogan, "Let the people rule"?

The President came into office declaring that he was going to have "pitiless publicity" concerning the doing of things in and about Washington and elsewhere. Secrecy and King Caucus now rule the roost.

Before election President Wilson was in favor of Government economy in expenditures. He must be now opposed to it because the Democratic administration has been the most extravagant of any in the entire history of the country, and yet no word in any of his public utterances has ever come from the President's lips to check or call a halt on these extravagant expenditures.

Before he was elected the President was in favor of civil-service reform. Aye, he was the vice president of the league to enforce it. Judging from his own and the acts of his administration he is now opposed to civil-service reform, for he and his party have debauched civil service openly and flagrantly.

President Wilson was in favor of free sugar, but since the cane-growing States of the South and the beet-growing States of the West and Northwest all threaten to go Republican, the President has changed his mind on the sugar question, and is now opposed to putting it on the free list.

The President said he was in favor of keeping business out of politics, and spurned its advice in the framing of the Underwood tariff law. He now courts its opinions and seeks its support.

President Wilson was in favor of a single presidential term and was elected on a platform declaring for it. He is now unalterably opposed to it.

When half the world went to war, President Wilson delivered a curtain lecture to Americans and bade them be neutral—neutral in thought, neutral in deed. He himself soon became one of the most active of partisans in his desire to injure Germany and her allies and to help England and hers.

When the *Lusitania* sank—blown up without warning, with the loss of more than 100 American lives—President Wilson extolled the virtues and merits of the man and the nation "too proud to fight." In the next breath we hear of him manifesting his purpose by words to hold Germany to a "strict accountability."

President Wilson condemned in his writings undesirable immigration. He said it was a "coarse crew" that was landing on our shores from southern Italy. But when he had an opportunity to do so he vetoed the bill which would have prevented it.

About a year ago President Wilson said he had an adequate Army. He now says, "I have not enough men to keep bandits from raiding into the United States territory."

President Wilson told Congress that he hoped it would "sanction and put into effect Mr. Garrison's continental army scheme." President Wilson then abandoned the continental army scheme without telling Garrison anything about it, and when Mr. Garrison found out that President Wilson had changed his mind he abandoned him.

The Underwood tariff law designed to produce enough revenues for the running expenses of the Government, having failed to do so, and President Wilson having failed to get enough money for that purpose, even after the enactment of the income-tax law and the war-tax law, he then advocated placing a tax on naphtha, gasoline, automobiles, bank checks, pig iron, and other things, but he has changed his mind on this subject and no additional tax will be placed on any of them. The people would not stand for it. He now proposes to tax, instead of these, munitions, inheritances, and to increase the income-tax law.

At any rate, it may be said that the President has been right at least about half of the time, for he has been on both sides of most all questions before the American people.

You know it takes a mighty lively man to reverse himself more quickly than does President Wilson. On January 18, 1916, in a note addressed to all the warring powers, President Wilson said, through his Secretary of State:

While I am fully alive to the appalling loss of life among noncombatants, I do not feel that a belligerent should be deprived of the proper use of submarines in the invasion of commerce, since those instruments of war have proved their effectiveness in this practical branch of warfare on the high seas.

And in his last ultimatum to Germany so far, issued April 18, 1916, the President completely reversed himself when he said:

It has become painfully evident to it [the United States Government] that the position which it took at the very outset is inevitable, namely, the use of submarines for the destruction of an enemy's commerce, is, of necessity, because of the very character of the vessels employed and the very methods of attack which their employment of course involves, utterly incompatible with the principles of humanity, the long established and incontrovertible rights of neutrals, and the sacred immunities of noncombatants.

It will be observed that on January 18, 1916, President Wilson conceded the right to destroy enemy merchantmen by submarine attack. On April 19, 1916, he denied the right and said it was a violation of the laws of nations and humanity.

In his note of January 18 the President said:

That merchant vessels of belligerent nationality should be prohibited from carrying any arms whatsoever.

But in his ultimatum to Germany, delivered on April 19, the President said:

The law of nations has long recognized the right of merchantmen to carry arms for protection and to use them to repel attack.

So in as weighty a matter as the controversy with Germany, the President changes his mind from day to day.

President Wilson further said in his note to Germany on January 18:

My Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort * * * should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent.

Of course if merchant vessels carrying armament of any sort should be held to be auxiliary cruisers, they are then a part of the fighting force of the country who owns them and subject to attack without warning, but when the McLemore resolution was before Congress, warning American citizens not to travel on such vessels, the President changed his mind on this subject and demanded that the resolution be defeated.

Senator SHERMAN, of Illinois, said:

The Democratic administration is the greatest aggregation of political acrobats who ever performed in the field of American politics.

Before the President was elected he and his Democratic cohorts declared that J. Pierpont Morgan was the evil spirit of the money power. Now, President Wilson invites him to confer with him at the White House.

Before election, President Wilson and those acting with him denounced the Aldrich bill as a product of Wall Street and characterized the Vreeland provision as the height of stupidity. The President changed his mind about all this, however, and the editor of the Wall Street Journal was procured to write and did write the Democratic banking and currency law; and the law, as finally passed, incorporates most of the Aldrich bill. That Vreeland measure, which was described by the Democrats as the height of stupidity, was later resorted to by them to avert a financial panic. President Wilson first denounces and then embraces the Republican financial policy.

President Wilson declared before his election and since, that the high cost of living was due to the high protective tariff law of the Republicans. He put sugar on the free list. The price of sugar still went up along with other articles. The President changed his mind on sugar. May we not look now for other changes?

President Wilson and the Democrats declared that they were in favor of the rule of the people, yet they have brought in more than 52 gag rules, forcing their measures through the House of Representatives and shutting off debate.

President Wilson declared, before his inauguration as President, that he proposed to do away with big business that was bad; that he was going to have enacted radical and comprehensive trust legislation. That is about the last that has been heard on the subject.

President Wilson denounced the appropriations of the last Republican Congress, which amounted to $1,019,000,000, as profligate waste of the people's money. He promised economy and reform; nevertheless the first annual appropriation made by a complete Democratic Congress was $100,000,000 in excess of the appropriations that the President had been denouncing.

President Wilson pledged that legislation under his administration should not be controlled by special rules, and denounced the Republicans for the use of them. For the 16 years the Republicans were in control of the House they averaged bringing in less than seven special rules a year. In the first three and one-half years the Democrats were in, they averaged more than 15 a year. The President may still be possessed of a single-track mind, as he once described himself, but no one can deny that it is provided with excellent switching facilities.

A number of Republican newspapers have been challenging for some time any Democrat or any Democratic newspaper to give a list of important questions now before the American people upon which the President has not changed his mind since his election. So far, no one has been rash enough to attempt to furnish the list. There is none that can be furnished.

It is unfortunate that the President has not the foresight of mind to see the right side of great public questions as they arise and stability of purpose enough to maintain them. It is hard upon the Democracy of the Nation that he is so constituted. No Democrat can tell when he goes to bed at night what his political beliefs are going to be the next morning. The morning papers may announce that the President has changed his mind, and, being "the captain of the team," the team of necessity must change its mind, too, and obey orders. This is true of the thick-and-thin partisan, but I am glad to say that it is not true of an increasing number of Democrats throughout the country who have sense enough to have convictions and courage to maintain them.

In his History of the American People, third volume, President Wilson maintains the doctrine of Republican protection in these words:

Peace changed the face of trade. English merchants poured their goods once again into the American ports, so long shut against them by embargoes of war.

Manufactories had sprung up while the ports were closed. In the year 1815 close upon $50,000,000 had been invested in the manufacture of textile fabrics alone. The new movement did not stop with the establishment of cotton fabrics. The manufacture of wool and flax and hemp and even silk was added. Iron manufacturers, long ago set up but tentative and feeble hitherto, increased from hundreds of thousands to millions in value under the stimulation of foreign trade cut off. Almost everything in general use in the country was sooner or later added to the growing list.

Industry, although begun upon a small scale, took heart to grow, and those which Americans had hitherto not dreamed of attempting were heartily embarked upon. Distinct manufacturing regions began sensibly to develop in the Middle States and in the East, with interests and characteristics which statesmen could not afford to overlook. It was manifestly injurious to every young industry that a flood of English imports should continue to pour into the country at the open ports. The remedy was a protective tariff, such as Mr. Hamilton had wished to see at first, and the young Republican leaders of Congress did not hesitate to advocate and establish it.

In what way could there be written a stronger argument upholding the Republican doctrine of protection than this? It is protection to the core. As a historian President Wilson is a protectionist, as a teacher he is a free trader, as a Democratic candidate he holds that it is unconstitutional to levy tariff duties for the purposes of protection. He lacks the vision to discern the right and the stability to maintain it. It is not safe to have a President in the White House who is wrong four-fifths of the time on four-fifths of the important questions before the country.

Mr. MANN. Mr. Chairman, I do not wish to speak to the amendment, but to call attention to the fact that this is Memorial Day. I do not intend to make a speech upon that subject, but I desire to say that I suppose this is the only body in the United States that is working to-day where work can possibly be avoided. I really think that it is not only due to the memory of the dead, the heroic dead, but also due to our own self-respect that we quit earlier to-day than usual, out of respect to the memory of those dead. [Applause.]

Mr. PADGETT. Mr. Chairman, I wish to say to the gentleman that I full appreciate the force of what he says, and will cordially cooperate with him. I should be glad later on in the day, when we reach an appropriate time, to agree with the gentleman that the House, as a mark of respect, shall adjourn earlier than usual.

Mr. MANN. If we adjourn early, many gentlemen here will be desirous of knowing what they are going to do the balance of the day and make arrangements accordingly.

Mr. KITCHIN. What hour would the gentleman suggest?

Mr. MANN. I suggest that we could probably rise and adjourn at 3 o'clock.

Mr. PADGETT. I think that will be agreeable.

Mr. KITCHIN. Is that agreeable to the gentleman from Pennsylvania [Mr. BUTLER]?

Mr. BUTLER. Perfectly so. If I had had my way about it, I would have held no session to-day at all. I will be very glad to agree to adjourn at 3 o'clock.

Mr. MANN. We will have that understanding?

Mr. PADGETT. The chairman is very willing to do that.

Mr. SMITH of Michigan. Mr. Chairman, I ask the indulgence of the House for a brief moment to digress from the strict letter of the rule to speak briefly not upon the pending measure, but to call to the mind of the membership of this great law-making body that this is a legal holiday in some States, and in all others it is a day set apart to commemorate the sacrifices and deeds of valor of the gallant defenders of our country and to pay tribute to the living and to the dead of the brave men who fought our battles in war.

Mr. Chairman, there will be gathered in every hamlet in this grand Republic of ours and from every hillside and every valley the citizenry of a united, patriotic, and peace-loving Nation to pay tribute to the sacred memory of those who in the flower of their young manhood offered and gave their lives for their country. And for what? That the greatest, the grandest, and most beneficent of all the nations of the earth should remain in perpetuity with its priceless heritages for us the living of to-day, our children, and their children. To-day from thousands of

tongues will be proclaimed the daring deeds of valor of a thousand battle fields. Again and again will the martial renown of those who fought for the establishment of our free institutions or to defend and preserve them be related. Many will live over again in remembrance the days and times when the fate of our Nation was trembling in the scales and rested in their hands.

To me it has always been a source of sorrow that those who lost their lives in the conflicts could not have lived to enjoy the fruits of their victories. "Don't give up the ship," said the great Lawrence. "I have not commenced to fight yet," said the intrepid Paul Jones. "Millions for defense, but not one cent for tribute," declared Pinkney to France. "I only regret that I have one life to give to my country," said the martyred Hale. These and many others are words left to warn and inspire us of the cost of liberty. Horror follows in the wake of war. Of all things that make for dissolution and destruction, war holds a place. But from the beginning of recorded time there has been war.

I was one of those who thought that war would be averted by education, enlightenment, civilization, and Christianity, but my predictions and hopes have been entirely destroyed. To-day the great cultured, Christian nations have entirely eclipsed the slaughter of the barbarians and the pagans. The siege of Troy, the encounter of Grecian and Roman mythology, Pharaoh and his hosts, Alexander, Cæsar, Hannibal, Napoleon, and the struggles of the great chieftains of all ages, added to those of Holy Writ, do not record such destruction of life as the war of to-day. Nations are wiped out and the map of the world changed.

When I was a boy I read Butler's book of the Civil War. I read the statement that there would be a war in every generation of our race, and that the art of war could not be ignored. For many years after the rebellion we had peace and prosperity. I then wondered if that was a true prophecy. Then came the Franco-Prussian War, the Spanish War, the Russo-Japanese War, and now the greatest of all the allied wars of Europe, and a serious disturbance in Mexico. I am now commencing to think that Butler knew much about war.

Mr. Chairman, it has been 140 years since our forefathers dedicated their lives, their fortunes, and their sacred honor to the birth of our Nation. Since then we have engaged in the War of the Revolution, the War of 1812, the War with Mexico, the Civil War, and the Spanish War; four of those with foreign foes, one between ourselves, besides innumerable Indian wars. We have to a certain degree been a fighting nation. When our first war was had with our mother country we were a nation of only 4,000,000 people. When we fought the War of the Rebellion we were a nation of 31,000,000. Now we are a nation of over 100,000,000. We now have an aggregate wealth of $188,000,000,000. We are the richest Nation on earth. We doubled in population three times in the last 50 years. We double our wealth every 10 years. At first our armies fought with flintlocks; now they are armed with automatic repeating rifles. Then every soldier was a marksman. Now the training camp is a necessary experience preceding military service. Now liquid fire and the curtain of fire supplants the ancient Greek fire. Now war is conducted with the greatest engines of destruction the mind can conceive. The Old World to-day is fighting as predicted in Holy Writ—in the "heavens above, the earth beneath, and the waters under the earth."

There is a revolution even in modern warfare. The most modern devices are the aeroplanes and submarines. Any military program, to my mind, is weak which does not provide amply for them. I have every faith in the great American soldiery. He is the greatest fighting man of all the nations. He has earned that distinction in battle and has proven his prowess under fires of steel.

But the sacrifices in war, great as they are, are not all borne by the soldier. The faithful wife and mother are no less patriotic. She keeps the silent vigil at home, praying for victory and the return of the victors. President Lincoln immortalized the sacrifice of one, among many, in a letter to a mother, in which he stated:

LETTER TO MRS. BIXBY, OF MASSACHUSETTS.

NOVEMBER 21, 1864.

DEAR MADAM: I have been shown in the War Department a statement of the adjutant general of Massachusetts that you are the mother of five sons who have died gloriously on the field of battle. I feel how weak and fruitless must be any words of mine which should attempt to beguile you from the grief of a loss so overwhelming. But I can not refrain from tendering to you the consolation that may be found in the thanks of the Republic they died to save. I pray that our Heavenly Father may assuage the anguish of your bereavement and leave you only the cherished memory of the loved and lost and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.

Very respectfully, yours, ABRAHAM LINCOLN.

I am impressed by the great civic parades for preparedness, but I am likewise obvious of the fact that enlistments are few. I am for preparedness and efficiency, and in the language of Commodore Decatur: "My country, may it always be right; but right or wrong, my country." These are no peaceful times. We should mobilize our resources and enroll our military strength. We should put out sufficient literature explaining the latest arts and discoveries in the manual of arms; civilian camps should be opened and some useful practice given as first aids. Attention should be paid to the detail and routine of preparatory army life as well as to the dreadnaught and the cannon. The individual counts for everything in war as he does in every other walk of life, else there would be no one to operate the great fighting ships, the submarines, aeroplanes, or man the guns.

And so to-day, dedicated to the great American soldier, will tribute be paid by a grateful Republic to the luster of his military achievements. To the private in the ranks as well as to the leaders; to the known and to the unknown; to all the glorious dead and the valorous living we pledge anew our lives, our fortunes, and our sacred honor, that liberty, independence, and the happiness of our people, and the customs and institutions of our Nation, shall remain ours forever.

What constitutes a State?
Not high raised battlements or labored mound,
Thick wall or moated gate,
Nor cities proud with spires and turrets crowned;
Not bays and broad, armed ports,
Where, laughing at the storm, rich navies ride;
Not starred and spangled courts,
Where low-browed baseness wafts perfume to pride.
No! Men, high-minded men,
With powers as far above dull brutes endued,
In forest, brake, or den,
No beasts excel cold rocks and brambles rude,
Men who their duties know,
But know their rights, and knowing dare maintain,
Prevent the long-aimed blow
And crush the tyrant while they rend the chain;
These constitute a State.

Mr. PADGETT. Mr. Chairman, with reference to this amendment, providing that the battle cruisers shall be built within 24 months, I beg to say that none of the officers who appeared before the committee could give us any assurance that the ships could be constructed within that time. The department is doing all that it can. Delays have been occasioned by the shipbuilders themselves refusing to sign contracts. The Secretary has tried and tried to get contracts for Nos. 43 and 44 to be constructed within three months, and they will not even do that.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Certainly.

Mr. MADDEN. The gentleman states that the delay is due to the busy conditions of the private shipbuilding yards.

Mr. PADGETT. They will not bid on that time.

Mr. MADDEN. What about the navy yards that we own and control? We are not making any more progress in them than in the private yards.

Mr. PADGETT. We are doing the best we can.

Mr. MADDEN. Then we are not able to do very much.

Mr. PADGETT. The gentleman must remember that the great difficulty is in getting the steel and the materials. The steel mills of the country will not furnish the material nor agree to furnish it within that time.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. COX. Will this further proposed amendment offered by the gentleman from Pennsylvania [Mr. BUTLER] help that condition, wherein it is provided that the Secretary of the Navy may increase the cost 10 per cent, if the trouble now is due to the inability of the department to get steel?

Mr. PADGETT. I think that would not help. This provision would simply hinder in the long run the construction of the ships. I shall ask the House to vote it down. The department is doing all it can to expedite matters.

Mr. GARLAND. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. GARLAND. The gentleman stated that it was impossible to get steel. Does the gentleman mean now to infer that it is impossible to get armor plate?

Mr. PADGETT. No; I refer to structural steel. The armor plate can be furnished within about the time of two years or two years and six months.

Mr. GARLAND. Does the gentleman know that there are three armor-plate mills now idle in this country?

Mr. PADGETT. Yes; I know that.

Mr. FARR. Mr. Chairman, will the gentleman yield?
Mr. PADGETT. Yes.
Mr. FARR. Was not the information before the committee that the Government could get all of the steel and iron that it wanted?
Mr. PADGETT. Not in the time, because the mills have been refusing to furnish it under existing contracts.
Mr. FARR. Did not the representative of the Bethlehem Steel Co., representing the Fore River Shipbuilding Co., say to us that they would guarantee to construct ships within two years?
Mr. PADGETT. I do not remember any such statement.
Mr. FARR. Mr. Grace made that statement.
Mr. BUTLER. Yes.
Mr. FARR. We ought to be able to do as well as Japan has done.
Mr. PADGETT. Japan is not building any.
Mr. FARR. Japan has built two in two years. I will read from the statement of Admiral Benson to that effect.
Mr. PADGETT. Oh, you get all sorts of reports. For instance, take England. The reports published about England as to when the ships are constructed, when you come to analyze them, are found to be inaccurate, because they have simply partially constructed the ships and the rest of it goes over under another name.
Mr. FARR. This is information that Admiral Benson put in his statement, and I will read it:

In December, 1913, each yard received a contract for a large battle cruiser. The *Kirishima* having been completed in 1915 by the Mitsubishi yard and the *Haruna* in 1915 by the Kawasaki yard. Both of these were present at the fleet review in honor of the Emperor's coronation in December, 1915.

The contract was made in 1913, and at this affair in honor of the Emperor's coronation they were completed in December, 1915.
Mr. PADGETT. That does not show they were fully completed. They may have been held there, just as we have had ships for months——
The CHAIRMAN. The time of the gentleman has expired.
Mr. PADGETT. Mr. Chairman, I demand a vote on the question.
Mr. BUTLER. Mr. Chairman, I hope the chairman of the committee will not do that.
Mr. FARR. Mr. Chairman, I move to strike out the last word.
Mr. BUTLER. Mr. Chairman, this is my amendment, and I move to strike out the last word.
The CHAIRMAN. The gentleman from Pennsylvania is recognized.
Mr. BUTLER. Mr. Chairman, I will ask the committee to give me its attention. There has been too much "round-the-table" talk. Gentlemen make a statement upon one side and some gentleman upon the other denies it. Let them go to the record for accuracy. The gentleman from Tennessee has said that no officer said these ships could be built within two years. In answer to a question put to him by Mr. OLIVER the Chief Constructor of the Navy said that under stress orders these ships can be built within two years, or about two years.
Mr. PADGETT. Under stress orders, working three shifts a day.
Mr. ROBERTS of Massachusetts. We are providing in the bill——
Mr. PADGETT. It is not necessary, as I said, and if you do that it will cost 25 per cent more to build the ships and you would have to add $5,000,000 to the cost of a $20,000,000 ship to do it.
Mr. BUTLER. Mr. Chairman, I do not want our esteemed chairman to hedge. We were talking about stress orders. We are endeavoring to have these ships launched and put in commission, and those we provided 15 months ago have not had their keels laid yet. I do not believe that *No. 43*, if that is the number of the battleship, will have its keel laid in the New York shipyard before Christmas, or that *No. 44* will have its keel laid in the shipyard in San Francisco before Christmas. Let the committee understand what we are doing. It is absolutely purposeless to vote these appropriations and not fix the time in which these ships shall be built. The Chief Constructor of the Navy, answering further, said—I am unable at this moment to put my finger upon his answer, but I will later, I am sure of it—that he can build these battleships in 20 months, and if gentlemen see fit to determine whether or not I speak accurately I suggest they examine the record. I repeat what I have already said, that the Chief Constructor of the Navy said that these ships can be built within two years, and then our esteemed chairman says it is not necessary to build them within that time. Let the country pass on the necessity of expedition in construction.
Mr. GORDON. Will the gentleman yield?
Mr. BUTLER. I yield to the gentleman.
Mr. GORDON. Was the statement of the chairman correct, that it would cost $5,000,000 more to build one in two years?
Mr. BUTLER. No.
Mr. GORDON. How much more would it cost?
Mr. BUTLER. Mr. Chairman, I want to answer the gentleman accurately. It is my impression it would be about 10 or 15 per cent more to build a great dreadnaught——
Mr. PADGETT. Will the gentleman yield?
Mr. BUTLER. I yield.
Mr. PADGETT. I have just received information that the General Board state that to build under stress orders the three ships would cost 40 per cent more. I said 25 per cent more a while ago, but I have received information that it would cost 40 per cent.
Mr. BUTLER. Mr. Chairman, our esteemed chairman turns at the last minute to some evidence none of us has had a chance to examine.
Mr. SHERLEY rose.
The CHAIRMAN. Does the gentleman yield to the gentleman from Kentucky?
Mr. SHERLEY. Mr. Chairman, I did not want to interrupt the gentleman, but I desire to be recognized when the gentleman has finished, in order to oppose his motion.
Mr. BUTLER. Mr. Chairman, has my time expired?
The CHAIRMAN. No; it has not.
Mr. BUTLER. I had handed to the chairman in advance the evidence that I had obtained from the General Board concerning the completion of these ships within three years. It was not furnished within a day or two, but it was last month. Since then everybody has had a chance to examine it. Let us play this game openly and above the table, so all can see what the others may have discarded. Now, let me repeat that a dreadnaught—listen—that a dreadnaught can be built within three years, and this Navy contended for by us can be completed within three years, each battleship costing $17,215,431.
Mr. PADGETT. Three years; that is a vast difference between two years.
Mr. BUTLER. Well, for the completion of these 16 ships within three years.
Mr. PADGETT. No; the gentleman said build a ship in three years. That is the statement he made.
Mr. BUTLER. If it is necessary to build some of these ships by increasing the cost, why, let us do it.
The CHAIRMAN. The time of the gentleman has expired.
Mr. BUTLER. Mr. Chairman, I ask for one minute.
The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for one minute. Is there objection? [After a pause.] The Chair hears none.
Mr. BUTLER. The country is not satisfied with the delay——
Mr. GORDON. Yes; they are.
Mr. BUTLER. You will discover your mistake. The country is not satisfied when we appropriate for ships to have their keels laid two years from the date of the appropriation. You consult your constituents and see whether they are satisfied, and you will discover they are not. We are going on record. It is proposed we shall duplicate these two battleships and build them upon the same plan of the last type—*Nos. 43* and *44*.
Mr. SHERLEY. Mr. Chairman——
Mr. BUCHANAN of Illinois. Mr. Chairman——
The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] is recognized.
Mr. BUCHANAN of Illinois. I am in accord with the Chairman's position that he give the floor to some one else than a member of the committee, but——
The CHAIRMAN. The gentleman will be in order and take his seat. The Chair under this rule will protect everybody's rights. The gentleman from Kentucky [Mr. SHERLEY] indicated that he intended to ask for recognition.
Mr. BUCHANAN of Illinois. I will say to the Chairman that I did it before the gentleman from Kentucky [Mr. SHERLEY] had the floor.
The CHAIRMAN. The Chair did not see the gentleman rise.
Mr. BUCHANAN of Illinois. I am not complaining. But I think it is a good plan to give some others the same chance as members of the committee. I am in complete accord with the Chair in that respect.
Mr. SHERLEY. Mr. Chairman and gentlemen of the committee, I believe that the overwhelming desire of every member of the committee is to speed up the building of battleships. But none of us likes to do a thing that may be unwise. It occurs to me, if it be not now the custom in the Navy, that it could well be made the custom with good results to offer bonuses for early

completion, as is done by private concerns. Now, an amendment of that kind would receive my support. I am not in a position to-day to determine whether these ships can be built in 24 months or not, and I do not want to tie up the department in its contracts, and perhaps, with the desire to hasten, actually delay the building of ships.

Now, the gentleman from Pennsylvania [Mr. BUTLER] sincerely believes it can be done. The gentleman from Tennessee [Mr. PADGETT] equally believes it can not. Some of us who are not able to follow the details of the hearings—and I have had enough experience in appropriation bills to know that only the few men on the committee can be accurately informed of the details—are properly in doubt. What I would like would be to have some one on the committee propose a proper amendment undertaking to pay bonuses, in the discretion of the department, for early completion—just as business men do—and without undertaking to tie hard and fast with a time limit or the amount of the bonus; but make it one in reason and leave it to the discretion of the administrative officers. The mistake that legislative bodies constantly make is undertaking to usurp the functions of administrative officers, and we have not the information and the knowledge to enable us to wisely legislate this way, but we have the opinion, which ought to be expressed, that we think there should be a speeding up in the building of these ships, and that we are willing to pay, as any other customer pays, for getting a thing done earlier than it would be done otherwise. Now, I suggest that in all good faith, as a common-sense business proposition, and I hope that some member of the committee will be prepared to offer an amendment to that effect, which I will gladly support. [Applause.]

Mr. BUCHANAN of Illinois. Mr. Chairman, if I may be permitted to digress for a moment on account of the Chairman apparently misunderstanding what I said before, I happen to be a member of the Committee on Naval Affairs, and it has been a practice of the Chairman to recognize members of the committee in preference to others. I have never been in accord with that practice. I believe that any Member of the House has equal rights with those of the members of the committee. But as it happened, I was on the floor when the gentleman from Pennsylvania [Mr. BUTLER] asked for the floor, and I sat down in favor of him, and therefore I thought I had at least an equal chance with my good friend from Kentucky [Mr. SHERLEY]. But in my statement that I was in accord with the Chairman in regard to the recognition of the gentleman from Kentucky, I was sincere.

When the Chairman talks about impudence, I want to say to the Members of the House and to the Chairman that it is not my purpose to practice anything of that sort. But let no one deceive himself, so far as I am concerned, in thinking that I am coerced or in any way frightened or bluffed on account of a fraudulent indictment by a crooked Federal officer in the city of New York, nor do not be deceived by the libelous statements in the mouthpieces of the munition traffickers, the big daily war-trust newspapers, that my rights have been impaired as a Member of this House.

I rose for the purpose of saying something in regard to this bill. If there was any great emergency that made it necessary to expedite the construction of these ships I do not believe that it would cost any great amount extra to work two or three shifts. I do not believe it would necessarily increase the costs of the ships to double up the shifts. It does not make it necessary to pay any more money to the workmen. But I do not see any emergency necessary for that. In fact, when I support this bill, as I may with the view of preventing a greater expenditure and waste of the people's money, I will feel that I am acquiescing in one of the greatest crimes that was ever perpetrated on the people of America, because there is absolutely no use for this increased expenditure for the Navy. There is less use for the increase than there has ever been in the history of the country, because any possible foe lies exhausted and bleeding, so to speak, and there has been proven beyond any question of doubt that battleships and craft of that sort are obsolete and inoperative, due to submarines, aircraft, and other destructive weapons. And still, due to the fact that the military hydrophobia seems to be prevalent in high places, we are acquiescing in what the representatives of the Steel Trust and other profit-seeking corporations of the country wanted when their propaganda was started more than a year ago. I will ask any Member of this House if he thought that when Judge Gary, the head of the Steel Trust, a year or more ago, proposed that this country spend $500,000,000 in preparedness the Congress of the United States would ever acquiesce in such a proposition as that. But that is the result of a propaganda that has been brought forth by the extravagant expenditures of money and by the purchase of newspapers that have diluted and poisoned the minds of the people both in legislative bodies and elsewhere to that extent that it seems to me that the problem begins to confront the people of this country, so that if they would listen to the wild-eyed expressions of the militarists and the jingoists the problem next to consider would be to criticize the Creator for not making the seas bigger, so that they will be able to hold the number of ships that will satisfy some of our militarists of to-day. I say to you that the people of this country are opposed——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUCHANAN of Illinois (continuing). To this proposition, and I want to say to my good friends from the city of Chicago and the State of Illinois that when the people realize and feel the burden of these unnecessary appropriations under the name of preparedness those who are responsible for it will be relegated to the political scrap heap.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Chair desires to make a statement. The House is proceeding under a somewhat unusual rule. The Chair desires to protect every Member of the House in his rights. Under the practice of the House the gentleman in charge of the bill has a preferential right to recognition. Recognition alternates from one side of the House to the other, and so far as possible the members of the Committee on Naval Affairs will be given preferential recognition. But the members of the Committee on Naval Affairs can not expect the Chair to permit them to monopolize all of the debate upon all of the amendments to be preferred to the bill. [Applause.]

The Chair intends, as in the case that has just happened, when some Member not a member of the committee upon the side of the House that is entitled to the next recognition indicates a desire to be recognized—unless the chairman of the committee in charge of the bill or the senior Member on the minority side claims recognition—to give recognition to such gentleman in order that all the Members of the House may be treated fairly. The Chair is not infallible, and is likely to make errors both in recognition and in rulings; and the Chair can only ask the indulgence of the members of the committee to be somewhat lenient when from one cause or another mistakes are made. It is the honest intention of the Chair to protect the interests of all the Members entitled to participate in the proceedings.

Mr. GILLETT. Mr. Chairman, I agree entirely with much of what the gentleman from Kentucky [Mr. SHERLEY] says. I think an admirable plan would be to grant to the department power to give a bonus for speeding up, but the gentlemen in charge of this bill have not offered anything of this kind.

Mr. PADGETT. Mr. Chairman, will the gentleman permit an interruption at this point?

Mr. GILLETT. Certainly.

Mr. PADGETT. I will state to the gentleman and to the House that it is my expectation to offer an amendment at the conclusion of the building program to give to the Secretary of the Navy at discretion an opportunity to offer a bonus for speeding up.

Mr. GILLETT. Mr. Chairman, I am exceedingly glad to hear that, and if it is offered, I shall certainly vote for it.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. No; I can not. I want to continue what I was saying. That proposition from the gentleman from Tennessee is an excellent one. I am glad it is going to be offered. But on the other hand, you can hardly expect this side of the House to accept the proposition which the gentleman from Kentucky [Mr. SHERLEY] suggested, that it is not well to tie the hands of the department or hamper Executive discretion when for the last 15 months they have had authority to construct two ships and not a keel has been laid. We certainly ought to try to do something unless some plan is suggested by the majority side to speed up.

Now, as the gentleman from Tennessee says, to use three shifts does not do the work three times as quickly as to use one shift. Actually it only does it two and one-half times as quickly, and it costs three times as much money.

The gentleman from Tennessee says it should only be done in time of stress. Does he not call this a time of stress? It seems to me it is a wrong theory upon which that side of the House has been acting. To me this is a time of stress, and to me expense is of little account compared with speed. I was surprised to hear the gentleman from Virginia [Mr. HAY] the other day telling us that the Army reorganization bill was not an emergency measure, but that it was only an ordinary measure. I

had supposed it was to meet a condition of emergency. The President had told us that firebrands were dropping all over the country, and I had supposed that was enough to impress this House that we were in a state of emergency. Always before, until last year, I had been on the side called the little Navy. I had been against an increase in the number of battleships. But I changed my mind because I supposed there was a great emergency confronting the country, and I supposed you thought we were in a time of stress, and that the one thing needed more than anything else was speed. Why, if this is not a time of stress, have you gentlemen on that side brought in this bill, so very different from the attitude you have always taken before? The reason why I changed my mind is because I thought an emergency faced us, a time of stress. I thought the old protection which made a large Navy unnecessary had gone, the balance of power in Europe had been upset, and the rule of reason and international opinion had been supplanted by the rule of force. We do not know what the conditions are going to be when this war in Europe is over, and I supposed it was for that reason that the gentlemen on that side of the House, abandoning their own theories, had brought in this bill.

If it is not a time of stress, why are you bringing it in? If it is a time of stress, then the emergency is pressing and time is the most important condition, and the one thing we want to accomplish more than anything else is to hasten whatever program is brought in; and I shall vote for any measure which does that. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. BUTLER].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BUTLER. Mr. Chairman, inasmuch as this is the first amendment proposed on the speeding-up program, I demand tellers; not with the purpose of delaying the consideration of the bill.

The CHAIRMAN. Tellers are demanded.

Tellers were ordered, and the Chairman appointed Mr. PADGETT and Mr. BUTLER to act as tellers.

The committee again divided; and the tellers reported—ayes 96, noes 108.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 98: At the top of said page and before the words "Four scout cruisers, etc.," insert a new paragraph, as follows:

"Two first-class battleships to be of identical design in all respects as the battleships *Tennessee* and *California* authorized to be constructed in the act making appropriations for the naval service for the fiscal year ending June 30, 1916, approved March 3, 1915, to cost, exclusive of armor and armament, not to exceed $10,500,000 each, said battleships to be constructed within 24 months from the date of signing contract."

Mr. PADGETT. Mr. Chairman, I will ask the gentleman from Pennsylvania if he wants debate on this; and if so, can we agree upon time?

Mr. BUTLER. Mr. Chairman, in answer to the gentleman from Tennessee, I presume that the disposition of this amendment will largely dispose of the other amendments, because it will indicate the temper of the House, except on the subject of submarines. Therefore I ask that we may have a little debate. Some colleagues suggest 30 minutes on each side and then take a vote.

Mr. PADGETT. What would the gentleman say to 20 minutes on a side? We want to get through with this.

Mr. BUTLER. I want to facilitate the passage of this bill through this committee, but I think this will largely dispose of the dispute, except on the submarines, and I hope we can finish it this afternoon.

Mr. PADGETT. Then, Mr. Chairman, I ask unanimous consent that there be one hour debate on this, the gentleman from Pennsylvania to control one half the time and I to control the other half.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that debate on the pending amendment and all amendments thereto be limited to one hour, one-half to be controlled by himself and one-half by the gentleman from Pennsylvania [Mr. BUTLER]. Is there objection?

There was no objection.

Mr. BUTLER. I yield to the gentleman from Washington [Mr. HUMPHREY] five minutes.

Mr. HUMPHREY of Washington. Mr. Chairman, last summer I made a visit to the three forts at the entrance of Puget Sound. When I was there I went out to Fort Worden, which is the greatest of the three forts. The commander took me out to the heaviest battery, and I asked him what was the range of the guns in that battery. His reply was that the range was about 11,000 yards. Then I asked him what was the range of the largest guns upon a modern battleship, and his reply was about 21,000 yards. Or, in other words, a battleship could anchor in the Straits of Juan de Fuca, and without coming within 5 miles of the reach of our largest guns batter those forts to pieces.

So far as I know, there is not a single fort upon the Pacific coast that is so constructed as to defend itself from land attack. So, if we are going to have defense upon the Pacific coast at all, it must be by naval vessels. And I want to call the attention of the committee to the fact that there has never been a battleship squadron upon the Pacific Ocean but once, bearing the flag of our country, and that was on a brief holiday trip, when they went around the world. There is only one battleship upon the Pacific Ocean to-day, and that is the old, antiquated *Oregon*, and she is the only battleship that has been upon the Pacific Ocean for years. A single modern battleship could entirely sweep every vessel that we have off the Pacific Ocean, and lay tribute upon every city upon the Pacific coast.

We are often told that since the Panama Canal was constructed they can send a battleship squadron from this side through to the Pacific; but I ask you who think that is true to take down your map and look at it for a moment. You will discover that it is 1,500 miles farther from New York through the Panama Canal to Puget Sound than it is from Japan to Puget Sound; or, to put it in another way, if a battleship squadron started from New York and one started from Yokohama at the same time, both traveling at the same rate of speed, the one from New York going through the Panama Canal, their destinations being Puget Sound, the one from Yokohama would be in Puget Sound from 10 days to two weeks ahead of the one from New York. And if San Francisco was the objective point the difference would be from five to seven days in favor of Japan. So that if we are to have protection upon the Pacific Ocean it must come through a squadron permanently upon the Pacific. And what we upon the Pacific coast are asking for to-day, not for aggression but as a matter of defense and protection, is that Congress proceed to construct a battleship squadron and keep a navy upon the Pacific equal to that kept upon the Pacific by any other nation. [Applause.]

If I have any time, I yield it back.

The CHAIRMAN. The gentleman yields back two minutes.

Mr. BUTLER. Shall I yield again?

Mr. PADGETT. If you please.

Mr. BUTLER. I yield to the gentleman from Illinois [Mr. GALLAGHER] five minutes.

Mr. GALLAGHER. Mr. Chairman, I am in favor of two additional battleships and will vote for the amendment. [Applause.] I have voted for additional battleships every time I have had a chance to do so in this House. I voted for Capt. Hobson's program when it was looked upon as a joke in this body. I believe that a majority of the Members to-day realize the necessity of additional battleships, and I further believe I represent a majority of the Democratic Members from Chicago in this House who, with me, will support the amendment for the two additional battleships.

There is a great deal of talk here about our assuming second place. I am for a Navy that will take first place. I do not care whether it is a greater Navy than Germany has or a greater Navy than England has. I want it big enough to command respect no matter what kind of alliance is made against us. If we have a Navy that does not care for that of any other nation, then I am satisfied we are doing business in the right kind of a way. [Applause.]

We read in the papers that the mails are being interfered with by the British Government, mails coming to and going from this country. I do not believe that Great Britain has any right to interfere with the mails coming to this country, and I hope there will be a protest against it that will make them stop their interference not only with the mails, but with the commercial and business interests of this country that are trying to do business with other neutral countries.

Now, so far as this naval program is concerned, I do not come from a section of country that is going to make any profit by the building of additional battleships. We have no navy yards to look after out my way, but I am in favor of battleships as a necessity. Not only am I in favor of the battleships, but also additional submarines. I believe we ought to appropriate a sufficient amount of funds to put every navy yard in this country in proper shape to handle the business that we are going to make for the navy yards by this Navy program that we are adopting. The talk that we ought to assume second place among

the nations does not appeal to me in any way, shape, or manner. I believe that the United States is big enough, strong enough, and rich enough to assume first place as a naval power; that we have the money to do it with; and that we should not be niggardly about spending it for a good cause. [Applause.] We can secure plenty of funds for defense, and the country does not object to our spending the money in the right way.

The only objections I have ever heard to the spending of money as ordered by a legislative body was when the people believed that it was not spent rightly. If we convince the people that we are spending the money honestly, economically, and for the best interests of the people, I do not believe there is going to be any objection to it anywhere, and I do believe that the country is in favor of this naval program that we are going to try to put through, and I hope we will be successful in getting the two additional battleships. [Applause.] With the countries of the whole world forming alliances and the bringing together of the naval powers of four and five different nations as at present for offensive and defensive purposes, what is the use of our talking of assuming second place as against any other nation?

With the immense coast line we have to look after and our different possessions in the Atlantic and Pacific Oceans that will need protection, and with the Monroe doctrine to maintain, why should we be content to assume second place among the navies of the world? Because the navies of the powers now at war in Europe have cut little or no figure in that disturbance up to the present time, that is no reason or excuse for our not going ahead with our naval program. The very fact that England is the greatest naval power to-day gives her an advantage over her adversaries in that she can bring supplies for herself and allies from all sections of the world to the detriment of the countries with which she is at war.

We are not building a Navy for war purposes. Defenselessness invites insult. So far as we are concerned, we are building a Navy to maintain peace.

We are looking for no advantage over any other nation, but I do believe that we should build a Navy and assume a position that will maintain and secure to our people all that this republican form of government stands for. I am in favor of a greater number of men for the Navy than this bill provides for, and we should arrange for them. The great parades that are taking place in all the centers of population plainly indicates that public sentiment is in favor of preparedness, and the money to furnish all that is needed to make our country secure will be forthcoming.

This Congress will make a grave mistake if it allows other countries to proceed with their naval programs of building ship after ship, which will give them the advantage which they are after and at the same time the liberty to do as they please on the high seas, without we here and now make an effort while this bill is before us to help our country to continue to assume its proper place among the nations of the world. The safest way to preserve peace is to be in a position to maintain it. [Applause.]

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. BUCHANAN].

Mr. BUCHANAN of Illinois. Mr. Chairman, this amendment provides for the 24 months' proposition. The reason that the construction of battleships and submarines has been obstructed or arrested is because the industries of the country have been turned over to the disposal of the belligerent nations. Of course, if the administration that acquiesces in belligerent nations utilizing the industries of our country to manufacture machines of death really believed that there was an emergency confronting the people at this time it would not permit the allies to utilize the industries of the United States, but would bring pressure to bear on the manufacturers of the country to manufacture ships for the American Navy instead of the foreign nations.

It has been stated here that it is impossible to secure steel for the manufacture of these ships, which is true. That also applies to other industries of our country. Not only has the price of steel doubled and trebled as a penalty on the American people for their acquiescence in the despicable business of manufacturing machines of death to shoot down those who are our friends and to widow their wives and orphan their children to satisfy the greed of the financial and commercial pirates of Wall Street, who are the beneficiaries of the extortionate profits in munitions of war; but furthermore, one of the most important industries of our country, the building industry and construction work, is being arrested and obstructed by the abnormal high prices of steel and the inability to secure same as well as other building materials. Those responsible are giving the war as an excuse, but it is really the criminal trusts operating in violation of the law without regard for justice or equity.

Not only is the price of steel and building materials abnormally high, but the prices of all the necessities of the common people have increased by leaps and bounds due to the power of monopoly. This so-called Democratic administration is making no effort to protect the people against this infamous and outrageous plunder, and the silence of the "patriots" who are clamoring for these large and unnecessary expenditures of the people's money under the name of preparedness is quite significant when it comes to protecting the people against this high-handed robbery in the abnormally high prices on the necessaries of life being collected from the people by the invisible government, the house of Morgan, and their Wall Street allies.

I wonder what has become of the real representatives of the people, the men who stood steadfast in upholding the principles of real, genuine democracy. Has that brand of statesmen become extinct? Have they disappeared entirely from our legislative halls? We hear our legislators clamor loud and long in support of propositions that will not only rob the present generation of our people, but will prove disastrous and detrimental to the best interests and welfare of our posterity and the future of our country, but little is said by our patriotic legislators to protect the people from the arrogant plunder of the trusts and monopolies of our country.

So far as the battleships are concerned, if there has been any doubt about the obsoleteness and inoperativeness of a battleship, there is no doubt at this time after 20 months of the war in Europe, because Great Britain, with the greatest fleet, allied with France, Japan, Russia, and Italy, which leaves a surplus of battleships, with a battle ground within a few miles of their base of supplies, has not made a successful move. Ah, they say they have control of the seas; but they could have the same control with modern submarines and other vessels that are much cheaper to manufacture and maintain. But that would not satisfy the Munitions Trust and armor-plate ring, so we must build more battleships, that their greedy appetities for extortionate war profits may continue to be satisfied at the expense of the already overburdened wealth producers of our country.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MAGEE. Mr. Chairman, I want to say a word in behalf of the American Navy, always our first line of defense, probably our main defense in case of foreign attack. If we are to protect and defend the Panama Canal, the construction of which has cost many millions of dollars, and the maintenance of which is so vital to the security of the country; if we are to uphold and promulgate the Monroe doctrine, as we must; if we are to continue to be the dominant power upon the Western Hemisphere, we must have a strong, modern Navy. If a foreign power should contemplate attack, it is quite likely that the first blow might be struck in Mexico or in Central America, or more indirectly in a threatened landing in South America. In such event substantially our sole reliance would be the Navy.

Why, then, should we haggle about increasing the Navy in accordance with the recommendations of our naval officers and experts? You sit here and in the most nonchalant manner vote millions of dollars from the Public Treasury in appropriations for good roads, rivers and harbors, rural credits, flood control, and for a governmental ship experiment, projects commendable or otherwise, but which are not so pressing but that they would keep a while. When, however, it comes to making provision for the defense of the country, the gentlemen across the aisle say that an increase of $100,000,000 for naval purposes at this time is sufficient. What we say is that the needs of the Navy now should not be measured by cost; that the cost is immaterial. If the Navy needs two more battleships, costing some $35,000,000, it is our duty to authorize their construction. [Applause.] I believe, as the distinguished gentleman from Illinois [Mr. Foss] said, that the battleship must be the dependence of the fleet, and that all other naval craft must be auxiliary thereto. The submarine is all right for purposes of defense and as the sniper of the sea, but the battleship is supreme.

Give the Navy the battleships. You need not worry about the cost. It will take a long time to build the ships. Create the obligation and some future Congress will gladly pay the bill, and perhaps, by indirect means, to the material relief of the taxpayers. It is unfair to tax the State of New York heavily for every kind of experiment and then refuse needed appropriations for the national defense.

The American Navy should be our pride. [Applause.] We should be proud of its personnel, proud of its achievements, proud of its traditions. In all the history of the Republic I

do not recall that the American Navy has ever been whipped upon any lake or upon any sea. [Applause.] Whenever the Navy has been called upon for action it has performed its work with marked efficiency and success. It has defended and upheld the honor of the country at all times, at all places, and at all hazards. No one has ever questioned the fighting spirit of the Navy, its absolute devotion to the country, and the remarkable daring of its officers and men. It must be a great pleasure for a real American citizen to honor and salute the American Navy—our greatest safeguard and our best guaranty of peace. [Applause.]

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Chairman, my observation is that there are three classes of American citizens when it comes to the consideration of the bill now pending. All of these classes are represented upon this floor. There is one class represented by some of the gentlemen who have spoken here to-day which thinks that no naval program that the mind of man can conceive is too great. They would go to the utmost limit of the most hysterical advocate of a big navy, and they tell us, as has just been said, that when it comes to battleships the question of dollars and cents ought not to be considered. There is another class, a somewhat larger class, which believes that we need no preparation for defensive purposes at all. That class has some representation here, but not much. There are those in the country, loyal and patriotic citizens, who believe that this whole alarm, this whole theory of national "preparedness," is not well founded; that no hidden danger lurks anywhere and that we can go on in the peaceful ways we have been pursuing with absolute safety, without taxing the people one dollar for additional battleships. There is another class, and a much larger class, which believes in preparedness along reasonable lines, not because they are alarmed by the apprehension that some nation may cross the waters and assail us, but because they realize that some nation might do so, and therefore in order to protect the integrity of this great Government from encroachments from any power or from all powers on earth they favor a reasonable preparedness. For the first time since I have had the honor to serve on this floor I find myself in the frame of mind to support a great naval program.

I can support most heartily the pending measure. I support it, not because I believe there is danger but I support it because there might be danger; but, feeling as I do about it, I am not going to cast my vote to impose a burden of taxation upon the American people, already heavily burdened, which no circumstances in the present and no reasonable apprehension of the future justifies. When I have voted for a measure like the one now pending I feel that I have discharged every patriotic duty that I owe, and I feel at the same time that I am keeping in *mind my* obligations as a Representative not to overtax and unnecessarily burden the taxpayers of this Republic. If our country was in imminent danger, I would join those who think the amount of appropriation should not be considered.

Mr. Chairman, much is being said here about the necessity of speeding up—hastening the construction of battleships. My notion is that even in the slow processes employed at the present time every war vessel authorized in this bill will be constructed long before it will become necessary for this Nation to fire a single shot in defense of our national honor or in the preservation of the safety of our people.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

By unanimous consent, Mr. RUCKER was granted leave to extend his remarks in the RECORD.

Mr. BUTLER. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, the bill reported by the committee is lame and lacking in naval preparedness. How any committee can justify in this critical time a bill that does not provide for any first line of battleships is hard for me to understand. True, they bring in a bill providing for five battle cruisers, but they acknowledge in apology for that lame policy that they are merely auxiliary to the fleet to be used as scout cruisers, not in any wise to be utilized in time of real action on the firing line. The apologists say that during the present European war the dreadnaughts have not shown their efficiency. They have not been called upon so far in any battle to determine whether they are more efficient than any other arm of defense. England has by her superior number of dreadnaughts controlled the sea and has prevented up to the present time any conflict with the navy of the central powers. In these times not to provide for one or two battleships seems to me to be deserting the naval program entirely. Let it go out abroad to the foreign countries that the bill to be passed by this House provides for no real battleships, and it will be reasonably understood that this Government is deserting its policy of providing adequate fighting ships. I hold in my hand a report of the naval board as late as May 3 last, in which they recommend not two dreadnaughts, but six dreadnaughts, to place this Government second in naval power in the world. No one can claim that but two are unreasonable.

Mr. MONDELL rose.

The CHAIRMAN. Does the gentleman yield?

Mr. STAFFORD. In a moment. Heretofore I have in my votes in times past voted for one as opposed to two battleships; but I believe that in these times we should prepare as a matter of insurance to adequately equip our Navy. With the equilibrium in world affairs completely destroyed, it is safe and sane, at least until normal times are restored, to continue to maintain our fighting force. I yield to the gentleman.

Mr. MONDELL. Mr. Chairman, I was about to ask the gentleman if I was correct in my recollection of a year or two ago that the gentleman voted for only one capital ship of any kind?

Mr. STAFFORD. I just stated that heretofore in times past I did.

Mr. MONDELL. This bill provides for five.

Mr. STAFFORD. The bill provides for five auxiliary cruisers, and the chairman of the committee in all his talk could not explain away the fact of not providing for some battleships that would be used in the first line of attack, and here we have the General Board advocating six dreadnaughts, and the amendment under consideration is for but two, a very reasonable proposal. There are many Members on our side who have voted heretofore for but one battleship; but our vision has changed, the times have changed, and we recognize the crucial and critical condition that may beset this Government at any minute, and, if for no other reason than that of insurance, I believe that we should provide for two battleships in this bill. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. The gentleman from Alabama.

Mr. OLIVER. Mr. Chairman, I assume that the gentleman from Wisconsin [Mr. STAFFORD] who has just spoken makes no claim as a naval expert, nor is this claim made by any member of the Committee on Naval Affairs. The gentleman seems to be greatly surprised and shocked that the bill as proposed by the majority of the committee recommends the building of battle cruisers and fails to include in the building program any battleships. This report of the majority is in strict accord with the views and advice of the best recognized experts of our Navy, and in our Navy can be found the brightest and most accomplished scientists and the greatest naval experts of the world. The admiral in charge of the Atlantic Fleet, Admiral Fletcher; the admiral in charge of the Pacific Fleet, Admiral Winslow; the head of the War College, Admiral Knight; and the commander of the *Nevada*, Capt. Sims, than whom there is no more distinguished or capable officer in our Navy; and other distinguished officers have urged and strongly advised the committee to exclude battleships from the building program and to include only battle cruisers, provided the building program adopted for capital ships by Congress at this session is to be a limited one. On page 2637 of the hearings Capt. Sims states as follows:

Capt. SIMS. If you built 10 battleships right now and you had no battle cruisers, you would be up against it if you got into a war with a country that had them. Such an enemy could take his fleet practically where he pleased, as he did in the war game last May, and you would know nothing about it until he got his 40-centimeter guns planted on the shore to keep your fleet off.

The CHAIRMAN. Just for purposes of assumption, and to illustrate your opinion: Suppose that the committee should report in favor of four capital ships, would you recommend, under all the existing conditions in our Navy, that there should be four battle cruisers and no dreadnaughts, or two battle cruisers and two dreadnaughts?

Capt. SIMS. Without the slightest hesitation I would recommend the four battle cruisers, and if the following year you should decide on four more capital ships, I should recommend that you build four more battle cruisers, until we had eight or nine battle cruisers before we built any more battleships, because you are up against it if you have not got them.

Mr. ROBERTS. If we should recommend eight capital ships this year, you would recommend that they be eight battle cruisers?

Capt. SIMS. Absolutely. I do not want you to take this solely as a personal opinion from me, but what I base it on is this: I have talked it over, of course, with a good many other people. In fact, away back in 1912, I was required as a student at the War College to write a paper on the tactics of the whole fleet. My analysis brought out very strongly then the necessity of the battle cruisers. However, what impressed me much more than my own opinion—and it is something to be able to say that, sometimes—was that the War College itself, represented by a man who came down here to talk to you about it, recommended six, and finally changed his mind to nine, battle cruisers. That was not solely Admiral Knight's personal opinion, I believe. That was an opinion he has doubtless formed by association with 40 officers at the college, who are fighting battle after battle against each other, where they see the necessity of the battle cruisers; and if I did not know anything about it, and had not made any study of the subject at all, I would unhesitatingly, as I would in a good many other cases, bend my own opinion to that of a man who comes here to represent the War College, because if the War College is wrong in those matters there is only one thing for you to

do, and that is to abolish it as soon as possible, because that is the institution of practical fleet officers that is telling us how we should handle our fleet when we come to war; and God knows if it is wrong it wants to be suppressed right away. The Navy has been run long enough on individual opinions, and it is time to make use of all the accumulated brains and experience we can get together for thorough continuous discussion.

On page 2692 of the hearings appears the further statement:

Capt. SIMS. I would like to see eight or nine battle cruisers built at the earliest possible date. That would enable us to put up a good stand against anybody who might come on us.

Mr. BUTLER. Would you discontinue building dreadnaughts?

Capt. SIMS. Until I had those cruisers, yes, sir, absolutely, because if you build 10 more dreadnaughts of the most powerful character in the world, you have not anything to screen them, and the enemy can come after you in the night with his torpedo-boat destroyers, submarines, etc.

I also strongly commend to the gentleman the very graphic description given by Capt. Sims of a final attack on the fleet recently planned, and played out in the Caribbean Sea, and which demonstrates the use and value of battle cruisers and the absolute helplessness of battleships against night torpedo attack. This will be found on page 2694 of the hearings.

The gentleman should also carefully consider the very interesting and informing statement by Admiral Knight on page 2013 of the hearings, as follows:

Admiral KNIGHT. As regards the battle cruiser, I will say that I never agreed with that statement as to battle cruisers, and I do not agree with it now. You will understand, of course, that there are differences of opinion in the General Board, just as there are differences of opinion elsewhere, and I thought on the 9th day of November, and I think now, that the battle cruiser has shown itself to be very much more important than it was believed to be in the beginning of the war.

The CHAIRMAN. Your recommendation with reference to postponing the construction of battleships at the present time and emphasizing the importance of the immediate construction of battle cruisers is made in view of our particular situation, having the number of battleships we have and having no battle cruisers?

Admiral KNIGHT. That is one part of my reason, and there is another part, which I tried to bring out when I made my statement. It is that I believe the design of battleships to be now in a condition of flux. I believe that within the next year changes will be made, not in the essential nature of the battleship, but in its detailed nature, which will enable us a year from this time to design a battleship which will meet measurably some of the dangers which have developed during this war.

And then on page 2014:

The CHAIRMAN. With those limitations?

Admiral KNIGHT. Yes. But I think I ought, before closing, to bring in this point which I have not made fully; that is to say, that the experience of the War College, repeated day after day and month after month and year after year, emphasizes the absolutely vital necessity for scouts and battle cruisers. Of course, if we could make them all battle cruisers, as was said in that report, that would be fine, because then the moment contact is made with the enemy, the battle cruiser breaks through their scouting line and finds out what is behind it. When he comes closer to the enemy, he finds the enemy's main fleet, surrounded by what we will call a defensive screen, and he is able to make touch with that, and perhaps to break through it and find out what lies beyond it. In other words, he has all the powers of the scout and a great many more, as stated in the General Board's report; but if we can not have every one of our scouts a battle cruiser—and it seems a little too much to ask—then we should have our line of scouts backed up by battle cruisers, so that when the scout sees something that looks a little dangerous, he calls for the battle cruisers to deal with the situation.

This is the experience of every officer who comes to the War College. Officers come there not very friendly to the battle cruiser; they do not know just what it really is. But I venture to say there is not one of them there now, and there are 36 there, who to-day would not say, "Give us battle cruisers first of all." Before I left there to come down here, a number of officers urged me to speak out strongly for this type.

And then, on page 2066, Admiral Knight says:

In other words, I wish you to accept what I say about the needs of battle cruisers and scouts as coming not from me individually, as Rear Admiral Knight, but as coming from the president of the War College and from the War College; and I really think that that entitles me to ask you to attach more importance to it than you attach on that one point, about types of ships, to the statement of almost any other officer who can come before you. We try these things out there week after week and month after month and year after year, and we have been driven irresistibly to the conclusion that a considerable number of battle cruisers and a large number of scouts are an absolute necessity. So that I say I claim to speak on that subject with an authority quite different from that of officers who have only the general experience of service behind them.

About the number of battle cruisers: During the course of my remarks yesterday I think I made it clear—I hope I made it clear—that the number for which I was standing was the largest number that could be built, and it was represented yesterday that more than I had suggested could be built. I have made some inquiries since, and have satisfied myself that more could be built, and I should therefore like to be understood as standing not for six but nine battle cruisers. I think that was implied all through my testimony yesterday, but I did not make it as definite as I wish to make it now.

From these statements and many others set out in the hearings made by naval officers before the committee it will be seen that they now recognize we have emphasized too much in the past the building of battleships and have neglected to build that valuable, indispensable type of capital ship called the battle cruiser. It was forcefully pointed out that in order to make efficient the fleet we now have it was of supreme importance to devote our attention to the building of battle cruisers until we construct at least six or eight of this type. Admiral Knight called attention to the further fact that it was wise to postpone the further building of battleships, not only because we now find an urgent need for battle cruisers but because many lessons of great value will be later learned from the present war, and we can wisely appropriate the information thus obtained if the now unnecessary construction of battleships be postponed.

Mr. STAFFORD. Is not the entire testimony which the gentleman refers to merely in justification of the need of battle cruisers and not as against the need of dreadnaughts?

Mr. OLIVER. None of the officers appearing before us discredited in the slightest the value of the battleship.

Mr. STAFFORD. That is my point. I am not speaking against the battle cruisers; I say they are needed.

Mr. OLIVER. The gentleman has fallen into this error, however, that he fails to recognize that according to the high expert opinion from which I have heretofore quoted we now have a fleet that is unbalanced, because we have a number of battleships and absolutely no battle cruisers. The military value of the battle cruiser is so great as to cause all of the naval officers to now advise the immediate construction of these cruisers, and many of the officers, as I have already shown, urge with great emphasis that no more battleships be constructed until we shall have added at least six or eight battle cruisers to our fleet.

There must be some rational limit set on the amount to be appropriated at this session of Congress for the building of capital ships, and the committee feels that the large sum of $100,000,000, wnich this bill carries for this purpose, represents the rational, nay the extreme limit. This sum is more than three times what any Congress in the history of this country, prior to the Sixty-third Congress, ever appropriated for the building of capital ships, and surely no one will insist that three times the amount heretofore appropriated by a single Congress at one session is not a reasonable limit upon the appropriation to be made at this time. The committee has endeavored in planning the building program to follow the advice of the well-recognized experts.

Mr. MEEKER. Would the gentleman suggest that the recommendation of the General Board is irrational?

Mr. OLIVER. I will say to the gentleman that Admiral Knight, who is in charge of the War College, is a member of the General Board. He stated to the committee that at the time the General Board made its recommendations differences of opinion were then entertained as to the importance of emphasizing the building of battle cruisers to the exclusion of battleships. He further said that his study of the use made of battle cruisers in the foreign war and their very great importance, as shown in the games played at the War College, now clearly demonstrated to him and the other officers of the War College the urgent and impelling necessity of adding a large number of this type to the fleet.

As early as 1905 England began the building of battle cruisers and Germany laid down the same type of ships in 1907. Our officers all frankly admit that until recently they had not become thoroughly convinced of the great importance of adding this type of ship to our fleet. They now find that to send our fleet of battleships to sea without battle cruisers would be like depriving it of its real eyes. The battle cruiser which this bill proposes to build will have a speed of not less than 35 knots and will carry either ten 14 or eight 16-inch guns, and will be a vessel of wonderful destructive power and of great informing power, powerful enough to drive in or destroy the cruiser screen of any attacking fleet and discover readily the whereabouts of such attacking fleet, and communicate that information to its own fleet, thereby opening the way for torpedo attack at night on the battleships of such attacking fleet. I feel that this House, in the light of this overwhelming expert advice, will fully concur with the majority report recommending the building of five battle cruisers to the exclusion of battleships. The importance of this type of capital ship in the developing and balancing of our present fleet can not be overestimated. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, may I make an inquiry? How do we stand as to time?

The CHAIRMAN (Mr. SAUNDERS). The gentleman has 12 minutes remaining and the gentleman from Tennessee [Mr. PADGETT] has 5.

Mr. OLIVER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD?

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUTLER. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. RICKETTS].

Mr. RICKETTS. Mr. Chairman and gentlemen of the House, the question of preparedness has been the chief topic of public discussion of the American people for the past year. Congress, from the very beginning of this session, has had this question under consideration at various times. The debate in the House has been heated at times between Members favoring the proposition and those who are opposed to it. The result of these debates has developed that the membership of this House is divided into three separate and distinct classes with reference to the question of preparedness. First, the class known as favoring a small navy; second, the class known as favoring a large navy; and third, the class favoring a slight addition to the present Navy. There is another class of individuals known as the pacifists who do not believe in the maintenance of a navy. This latter class is small and has not made great headway in support of its claims.

I have listened to the various discussions on this floor with reference to this great problem. I have read all the literature that I could get hold of on the subject. Since last Saturday I very carefully have read the bill through two or three times. I have read the report of the Committee on Naval Affairs of the House, and I have also read the minority report of that committee; and I have listened to the debate since last Saturday morning, and, after having this matter under consideration for some considerable time, and after having sifted the arguments pro and con, I have reached the conclusion that this country should have at least the second best navy in the world. No other country has so much coast line to protect as we have, and the coasts of our country can be protected only in one way, and that is by a good, strong, and efficient navy. We do not need as large a navy as England, because England has possessions scattered all over the world. She is required to use the seas in order to acquire raw material for her manufacturers and certain foodstuffs for her citizens. She is a dependent nation, while ours is an independent Nation to a very large extent. We can live within our own resources. England survives by the resources that she obtains from other countries.

I have never been in favor of a large standing army. Our present emergency military strength is about 631,000, officers and men. Our normal military strength in time of peace is about 200,000 men, and, to my mind, this is even a greater army than is necessary in time of peace. I opposed the continental army scheme, because I thought it tended too much toward national militarism. It has always been my belief that in order to stimulate the Army of this country the National Guard should be federalized, and the President should be empowered with the authority to require military service on the part of the guard in the event of an emergency. Under the Hay bill, that passed during this session, these provisions have been provided for, and the Hay bill is now a law.

There is a great diversity of opinion with reference to the size of the Navy that should be maintained on the part of this Nation, as I said in the beginning.

Even the naval experts can not agree as to what the size of our Navy should be, and that makes the problem much more difficult to the ordinary man.

OUR PRESENT NAVY.

I shall here give a summary of the vessels of the United States, as shown by the report of the Secretary of the Navy, up to and including July 1, 1915. We have in the Navy—

First-line battleships	8
Second-line battleships	25
Armored cruisers	10
First-class cruisers	5
Second-class cruisers	4
Third-class cruisers	15
Monitors	9
Destroyers	53
Torpedo boats	19
Submarines	36
Tenders for torpedo vessels	7
Gunboats	30
Transports	5
Supply ships	4
Hospital ships	2
Fuel ships	23
Converted yachts	16
Tugs	45
Special type	8
Unserviceable for war purposes	19
Total	343

This Government has under process of construction—

First-line battleships	7
Destroyers	15
Submarines	22
Tenders for torpedo boats	2
Gunboat	1
Transport	1
Supply ship	1
Fuel ships	2
Total	50

We have authorized the construction of the following:

First-line battleships	2
Destroyers	6
Submarines	18
Total	26

INCREASE OF NAVY.

It is proposed by the present House bill 15947, known as the Padgett bill, to increase the Navy as follows:

Battle cruisers	5
Scout cruisers	4
Destroyers	10
Submarines of a surface displacement of about 800 tons	3
Small submarines	17
Fuel ship	1
Ammunition ship	1
Hospital ship	1
Total additional ships	42

This addition is recommended by the Committee on Naval Affairs on the theory that it will better balance our fleet and increase its fighting efficiency. The majority report of the committee states that this bill recommends an appropriation of $142,389,773.99, exclusive of the increase of the Navy, and for the increase to the Navy it recommends an appropriation of $98,859,378, and then states that for the expenses of the peace commission, it advises and provides for the appropriation of $200,000, making a grand total of $241,449,151.99, which is an increase over the total appropriation for this purpose of last year of $91,781,278.11.

This bill does not provide for the building of any dreadnaughts. Some of the gentlemen upon the floor of this House have insisted that such a provision should be made in order to make our Navy more stable. It will require about five years to make the additions proposed in this bill.

The question of increasing the Navy is not a political question. It is one that interests the people of the Nation as a whole, and our action in connection with this bill should be moved by a spirit of patriotism, and any attempt to inject politics into it should pale into insignificance.

During the administration of President McKinley, in the two Congresses of his first term, we authorized the building of the *Maine*, the *Missouri*, the *Ohio*, the *Georgia*, the *Nebraska*, the *Virginia*, the *New Jersey*, and the *Rhode Island*—a total of 8 ships in three years. Then, under the McKinley-Roosevelt administration, in the Fifty-seventh Congress, we authorized the building of the *Connecticut* and the *Louisiana*. During the first session and the second session we authorized the *Idaho*, the *Kansas*, the *Minnesota*, the *Mississippi*, and the *Vermont*. In the Fifty-eighth Congress we authorized the *New Jersey*, the *Michigan*, and the *South Carolina*—a total of 10 battleships in four years under Roosevelt's administration. During the four years of Roosevelt's second administration we authorized the *Delaware*, the *South Dakota*, the *Florida*, the *Utah*, the *Arkansas*, and the *Wyoming*—a total of 6 ships. In the Sixty-first Congress, during the first two years of President Taft's administration, we authorized the building of the *New York*, the *Texas*, the *Nevada*, and the *Oklahoma*. So it is plain that during the 14 years under McKinley, Roosevelt, and Taft we authorized the building of 28 battleships. The Sixty-second Congress was Democratic, and that Congress authorized but 2 battleships. In 1910 our Navy ranked second among the navies of the world; to-day it ranks fourth. It is therefore evident that our Navy since 1910 has been on the decline, and in my judgment this should not have happened. Had it not been for the great, cruel, crushing war that broke out in Europe it is possible that the people of this Nation would have been lulled into an unenviable position with reference to its Navy. There is but one way by which the coasts of this country can be defended, and that is in and through the Navy. The Navy is the first line of defense to our country, and I am one Member in this House who believes in building and maintaining a Navy second only to that of England. If we could look into the future and determine what a day, a week, a month, or a year might bring forth, then in all probability we would not need to spend this vast amount of money in strengthening the Navy, but we can not determine what the future holds in store for this or any other nation. There is no way by which peace may be guaranteed to the people of this Nation. There is but one way by which the interests of the people of this Nation may be protected from invasion by any foreign foe.

At present we are at peace with the world; and let us hope that we may continue at peace for all time to come. While I am in favor of a large Navy, at least one large enough to defend us against attack of any nation, yet it is my sincere hope that the time will never come when we will need our Navy except for the sole and only purpose of delivering a salute to the Stars and Stripes. We all want peace now and forever. I believe the les-

son that American citizens are getting from the great, brutal war that is raging across the seas will incline our people to the pursuit of peace, and let us hope and pray that our people may continue to be a peace-loving Nation. Washington said, "War is to be abhorred," and everybody knows what Sherman said about it.

I am going to support this bill, although it is not what I had hoped it would be; but, after having studied the matter carefully, I am inclined to believe it to be my duty to support it, and I shall be governed in this matter by the dictates of my conscience after mature and earnest deliberation. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. RICKETTS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GALLAGHER. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Illinois [Mr. GALLAGHER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BUTLER. Mr. Chairman, how many minutes have I remaining?

The CHAIRMAN. The gentleman has seven minutes.

Mr. BUTLER. I yield seven minutes to the gentleman from Missouri [Mr. MEEKER].

The CHAIRMAN. The gentleman from Missouri [Mr. MEEKER] is recognized for seven minutes.

Mr. MEEKER. Mr. Chairman, there is just one question before this Congress, and that is, Are we satisfied in our own minds that the provisions of this bill provide ample defense for our coast line? If it does not do that, the bill is not what it should be. Anything short of ample defense is only a little better than none.

The chief discussion here seems to be between the value of a cruiser and a battleship. I have listened patiently and carefully to all the addresses while I was here on the floor, and I have read those that were made when I was not here. As I understand it, to use the parlance of a landsman, a battleship is a floating fortification. On the Pacific coast to-day we have on the sea, if I am correctly informed, no gun greater than an 8-inch gun on any ship. Japan is equipped with 14 and 15 inch guns, and if any man on the floor of this House will take the time to go out here to the navy yard and see that tiny little 8-inch gun alongside of a 14-inch or a 16-inch gun and look the people of this country in the eye and say he believes that those 8-inch guns can keep off a 16-inch gun, he will declare that we can do the impossible thing.

Why is it that you refuse consistently and constantly to put at least two floating forts on the Pacific coast, equipped with guns of sufficient range to outreach any gun from any quarter whatever? I can not understand it.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Washington?

Mr. MEEKER. Yes.

Mr. HUMPHREY of Washington. I want to suggest to the gentleman that according to naval authorities—and I am not one—all the vessels we have on the Pacific Ocean would be able to make no resistance whatever to a modern battleship.

Mr. MEEKER. Am I correct in saying that they have only 8-inch guns there?

Mr. HUMPHREY of Washington. That is my information.

Mr. MEEKER. Now, Mr. Chairman, it is not a question of patriotism. I am getting weary of men getting up on each side of this aisle and assuring the country of their patriotism before making their arguments. It is a question of practical sense. Does anybody believe that an 8-inch gun will take care of a 16-inch gun, and that patriotism will add 8 inches to the deficiency of the gun? [Laughter.] There are some men who would like to substitute their speeches and their "hot air" for guns, but it will not do in war. Why is it that men who on this floor and before this committee plead that you extend the range of the guns so that they will make up the difference in the range between our guns and those of other nations? We do not know who our enemy will be, but the question is, Will we be able to overreach the guns of other nations? Why is it that we men here are charged with being in the hands of the trust, or scared to death, one or the other?

I do not suppose the gentleman from Texas would start out to meet a Texas Ranger and himself be armed with a .22 gallery target pistol. When you start out on land to meet a man who carries a .45 you do not go armed with a set of resolutions. You try to be equipped with something a little better than what he has. Yet because men here are pleading for the arming of the Pacific coast with guns of sufficient range to match the range of any that may come against that coast we are charged with being sold out to the trusts, charged with being scared to death. You on the Texas border would be mighty glad to know that on this side of the line there were soldiers enough with guns enough to reach a little farther than the greasers could shoot. But when men come from the Pacific coast and ask you for adequate protection you say they are frightened to death. Men in the harbors of Boston and New York have the same right to protection as have you.

I am from St. Louis myself, and it would take an enemy a long time to reach us; but I say that the man from the safe interior of the country who is not as much concerned in the protection of our coasts and our seaports and in the protection of every American as is the man who lives at the water's edge is not to my mind a real, thoroughbred, all-around sportsman. [Applause.] The man who thinks only of the safety of his own hide is not, as I understand it, a true American. [Applause.] Of course I know plenty of you gentlemen here do not take much stock in what your President says. You might as well admit it. [Laughter.] He has told you to jump through on this bill, and you will jump through. Almost all of you men here have said that your Secretary of the Navy and your General Board are advising a big naval-construction program. You gentlemen are going to turn down their recommendations for the construction of additional battleships. [Applause on the Republican side.]

[Mr. LANGLEY addressed the committee. See Appendix.]

Mr. PADGETT. Mr. Chairman, in the outset I simply want to say, in answer to a good deal of what the gentleman from Missouri [Mr MEEKER] has said, that there is not a ship provided for in this bill that carries an 8-inch gun, or is intended to do so. So all of his dissertation about 8-inch guns is beside the question. The battle cruisers are to carry either 14-inch guns or 16-inch guns, it has not been decided which.

Mr. MEEKER. Does the gentleman wish the House to understand that he considers a battle cruiser as competent to meet a battleship?

Mr. PADGETT. Not in a pitched battle; no. They are not intended for that; but with the 42 battleships that we have and no battle cruisers, as I said the other day, every naval officer who appeared before our committee said that the effective ships that are needed now above all others are battle cruisers, to make effective and efficient the battleships that we now have, to round out the battle fleet that we have.

Another thing. The gentleman said that we did not follow the recommendation of the Secretary of the Navy, who recommended a big program. I want to say that we have reported a bigger program than he recommended, so that falls to the ground.

Mr. MEEKER. Will the gentleman yield?

Mr. PADGETT. I have only five minutes.

Mr. MEEKER. Did not the Secretary recommend the building of battleships?

Mr. PADGETT. We put in five battle cruisers, and that is better than he recommended. We have a better program. Now, the simple proposition is this: I dare say that if the committee had recommended three battle cruisers and two battleships, there would have been no fight here between battleships and battle cruisers. But the committee took the advice of the naval authorities and recommended five battle cruisers, because they would be better and more efficient, and meet the naval conditions far better than two battleships and three battle cruisers. Because we have left out the battleships, you take up the words, and you are making a shibboleth out of the names "dreadnaught" and "battleship." The thing I want to emphasize is that five battle cruisers are better than two battleships and three battle cruisers; yet, as I have said, if we had divided the five ships, and had reported two battleships and three battle cruisers, I dare say there would have been no controversy in this House.

Now, this amendment imposes a limit of 24 months on construction. If that goes in, there is not a shipbuilding yard in this country that will bid on these ships. You can not get it, and you might just as well understand it. I am opposed to it, because I do not want to hamper the construction of our program.

Now, I submit again, as I submitted before, that the program we have submitted to the House, carrying $160,000,000 for new construction, as against $50,000,000, the biggest amount ever reported in any bill heretofore in the history of the Congress of the United States, an increase of about $110,000,000 in one year,

meets the legitimate and proper demands of the country. In the next session, which meets in about eight months from now, we will have another bill, in which this Congress will meet the necessities and requirements of that time, and we will have a Navy that will be, as the American Navy always has been, the pride of the American people. [Applause.]

I want to say that I have got no patience with those who are going around libeling the Navy that we have. [Applause.] Ship for ship, gun for gun, man for man, it is the best Navy in the world. [Applause.] Take it and compare the ships, compare the qualifications of our officers, compare our guns, and there is no navy in the world that will equal it. And this program which we are now about to adopt will put it forward by leaps and bounds.

Mr. Chairman, I ask for a vote. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment proposed by the gentleman from Pennsylvania [Mr. BUTLER].

The question being taken, on a division (demanded by Mr. BUTLER) there were—ayes 104, noes 116.

Mr. BUTLER. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. BUTLER and Mr. PADGETT.

The committee again divided; and the tellers reported—ayes 114, noes 130.

Accordingly the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 98, line 1, strike out the word "four" and insert in lieu thereof the word "six."

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 98, line 5, after the word "each," insert "said scout cruisers to be constructed within 15 months from the date of signing contract."

Mr. ROBERTS of Massachusetts. Mr. Chairman, I suggest that amendment be not voted on, inasmuch as it was dependent on the previous one, which was rejected.

The CHAIRMAN. The committee must dispose of the amendments.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Page 98, line 6, strike out the word "ten" and insert in lieu thereof the word "twenty-eight."

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Page 98, line 9, after the word "each," insert "said destroyers to be constructed within 15 months from the date of signing contracts."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Page 98, line 14, strike out the word "twenty," and insert in lieu thereof the word "fifty."

Mr. BUTLER. Mr. Chairman, I will ask the gentleman from Tennessee whether or not it will be agreeable to have some debate on this submarine amendment.

Mr. PADGETT. I am willing.

Mr. BUTLER. I do not wish to interfere with the adjournment at 3 o'clock, but would 20 minutes on a side be agreeable to the gentleman?

Mr. PADGETT. That would run us beyond 3 o'clock.

Mr. BUTLER. Could we not finish it to-morrow? If we should agree to that time to be consumed on this amendment it would not interfere with adjournment although we might not finish it.

Mr. PADGETT. But I want to finish these amendments this afternoon.

Mr. BUTLER. If the gentleman will give us 20 minutes on the submarine——

Mr. PADGETT. I will agree to give the gentleman 20 minutes on that side, and I will take 10, and then we will vote on this amendment before we adjourn. That would run us to five minutes past 3.

Mr. MOORE of Pennsylvania. May I ask the gentleman from Tennessee if that will make it absolutely sure that the armor-plate amendment will not come up this afternoon?

Mr. PADGETT. Yes.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the rest of the amendments be submitted in bulk except the amendment that has just been read.

Mr. PADGETT. I have no objection to that.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all pending amendments, except the one just read, shall be voted on at one time. Is there objection? [After a pause.] The Chair hears none.

Mr. PADGETT. Now, Mr. Chairman, I ask unanimous consent that debate on this amendment be limited to 30 minutes—20 minutes to be controlled by the gentleman from Pennsylvania [Mr. BUTLER], 10 minutes by myself, and then the vote be taken on the amendment before we adjourn.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that debate on the pending amendment be limited to 30 minutes—10 minutes to be controlled by himself and 20 minutes by the gentleman from Pennsylvania [Mr. BUTLER]. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, will the gentleman from Tennessee indicate at this time whether he proposes to bring in the armor-plate proposition to-morrow?

Mr. PADGETT. I do, just as soon as these amendments are disposed of, before we take up other amendments.

Mr. MOORE of Pennsylvania. The present arrangement includes only the submarine amendment?

Mr. PADGETT. And a vote in bulk on the others.

Mr. MOORE of Pennsylvania. Individual Members will have a right to bring in their amendments in the morning?

Mr. PADGETT. Yes.

Mr. MOORE of Pennsylvania. About what time will the armor-plate proposition be brought in?

Mr. PADGETT. About 11.15.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. BUTLER. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. ROBERTS].

Mr. ROBERTS of Massachusetts. Mr. Chairman, whatever our individual views may be as to the needs of the Navy, whether it shall be the greatest in the world or second place or a well-balanced Navy, I think we all agree that we want the shores of this country safe from invasion. [Applause.]

Now, what can we do quickly with a comparatively small expenditure of money to insure our safety from invasion? We do not need experts to form an opinion for us as to the value of the submarine. The daily press is telling us and has been telling us for 20 months past of the value of the submarine as a weapon of war. I have read through a list of warships that have been sunk by submarines in the course of the European war, and I find 6 battleships, 5 armored cruisers, 3 protected cruisers, 1 light cruiser, 2 auxiliary cruisers, 4 cruisers, 3 submarines, 4 torpedo boats, 1 mine layer, 2 gunboats, 5 transports, 5 destroyers, 1 scout, 2 armor-board vessels—all fighting ships of the enemy that have been sunk by submarines.

What is it that keeps the German fleet shut up in the Kiel Canal, that prevents it from operating in the North or the Baltic Seas? One thing, and one thing alone; not the great English fleet, but the English submarine. What is it that keeps the British fleet, the greatest in the world, in hiding behind a cloud of destroyers? Is it the German Navy? Not at all; it is the German submarine. What was it that drove the English fleet out of the Dardanelles waters? Was it the gunfire of the Turks? Was it the German Navy? No, indeed; two or three German submarines compelled the retirement of the British fleet from those waters.

I do not need an expert to inform me that the weapon that will drive a battle fleet out of these waters and keep it out will keep that same battle fleet from returning to those waters. And so I say that if we are to make our shores safe from invasion or attack by hostile fleets, give us plenty of submarines and I will guarantee that the submarine will keep any enemy fleet out of gunshot of the American coast. [Applause.]

And it will not only keep them out, but it will keep them from coming within gunshot of the American shores.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Massachusetts. If the gentleman will wait until I finish a few things I have to say. Mr. Chairman, we have had testimony before the committee as to the necessity of submarines and the necessity for them in great numbers. I am not going to read much, but I just want to read one statement from Admiral Benson, Chief of Operations in the Navy Department. He says, at page 3197, as to submarines:

As to submarines, I think we should build a large number of what we call the coast submarines, for coast defense—the smaller type. I am advocating the building of a great number of those, fully as many as we have recommended, and possibly more. I would rather see that appropriation for five fleet submarines, exclusive of the three 800-ton submarines—or possibly altogether—used for coast submarines. I believe in building a large number of coast submarines as quickly as possible.

Again, Admiral Fletcher, when before the committee, in answer to the question of Mr. OLIVER, testified as follows:

Mr. OLIVER. If it were possible to build a sufficient number of submarines and torpedo-boat destroyers, and to have on hand a sufficient supply of mines and means for laying those mines rapidly, and likewise good coastal defenses, that would furnish, in connection with the fleet that we now have, pretty adequate defense against an attack from a foreign power to our naval yards and coasts, would it not?

Admiral FLETCHER. That would furnish the best means that you could get within the next two or three years.

And I submit to this committee that that is what the country is demanding to-day—the best defense that can be furnished in the quickest time to guard us from invasion. [Applause.] The question of a greater Navy is one that can be considered after our people feel that we are safe from invasion.

Mr. Chairman, had the majority of the committee, instead of putting into their bill five battle cruisers, put in place of it four battle cruisers, and taken the cost of one, that extra one, the fifth, $20,000,000, it could have added 32 coast-defense submarines to the number that is now in the bill.

Mr. SLAYDEN. Did the gentleman favor that?

Mr. ROBERTS of Massachusetts. I do favor that, and I want to call the attention of this committee also to the fact that the majority of the Naval Committee ignored the recommendation of the Secretary of the Navy in the matter of the number of submarines we should put in the bill. The Secretary recommended 25, which the committee voted down, and inserted instead 20. I say, and I repeat it, that the best and most efficient and quickest means of assured defense for the least expenditure of money, and requiring the smallest number of officers and men to man efficiently, is the submarine, and we are disregardful of the desires and the demands of this country and of our duties as legislators if we refuse to largely increase the number of submarines provided for in this year's bill.

Does the gentleman from Iowa wish to ask me a question?

Mr. GREEN of Iowa. Just a suggestion in the line of what the gentleman was already saying, as to what it was that stopped the British fleet in the North Sea battle. It was the submarine, according to reports.

Mr. ROBERTS of Massachusetts. Oh, there is no question whatever as to what the submarine is doing in this war abroad. There is no doubt that it is shutting up most of the British and most of the German fleets behind their safe shore defenses, because of their fear of the submarine if they take the open sea.

Mr. REILLY. Then, from the gentleman's knowledge and experience as a member of the Naval Committee, submarines will absolutely protect our coast from foreign invasion?

Mr. ROBERTS of Massachusetts. With the suitable mines and coast defenses I believe as firmly as I believe anything in this world that with a sufficient number—mind you, a sufficient number—of these coast submarines no enemy, even the most powerful naval nation on earth, can ever make a landing upon our shores. [Applause.]

Mr. EMERSON. How much do these submarines cost, and how long does it take to build one?

Mr. ROBERTS of Massachusetts. The gentleman asks what they cost. We are providing a cost of $625,000 each in this bill. The minority are attempting to insert a provision that they shall be built within 12 months. As to the speed with which they can be constructed, England had 20 built in this country and delivered in less than six months, and I believe and feel confident that if this Congress were to authorize 100 of this type they could all be built within 18 months, every one of them—built and delivered.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Massachusetts. Yes.

Mr. MOORE of Pennsylvania. This bill provides for 20 submarines, most of which are not to cost more than $625,000. The total cost of the 20 approximates $14,000,000. The bill appropriates $4,257,000 for that purpose.

Mr. ROBERTS of Massachusetts. That is for the first year's expenditure, and the balance will come along in succeeding appropriation bills.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BUTLER. Does the gentleman desire more time?

Mr. ROBERTS of Massachusetts. Merely to answer questions.

Mr. BUTLER. I yield the gentleman two minutes more.

Mr. MOORE of Pennsylvania. Will the gentleman tell us how many submarines we would be likely to get under this appropriation during the next five years?

Mr. ROBERTS of Massachusetts. Oh, if you authorized 20 we should have those 20, in the ordinary course of things, in the neighborhood of 30 months.

Mr. MOORE of Pennsylvania. How many would we get in one year? That is an easier question.

Mr. ROBERTS of Massachusetts. Unless we provide for speeding up, you will get none in one year.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Massachusetts. Yes.

Mr. SMITH of Michigan. Can the gentleman tell us how many German submarines the English Navy has destroyed up to date?

Mr. ROBERTS of Massachusetts. I can not tell, and I do not think anybody outside of the navy authorities in England can tell; but I have seen it stated that England up to the present has captured or destroyed between 130 and 140 German submarines, and I want to say right here that if Germany at the outbreak of this war had had on hand the number of submarines she now has, I predict the pinch of hunger would have been felt in England long ago, as it is now being felt in Germany.

Mr. BRITTEN. Does the present administration show any signs of being able to build a little submarine now inside of three years from the date of authorization?

Mr. ROBERTS of Massachusetts. In answer to my colleague I will say I have not seen any such signs. They have not yet been shown.

Mr. MANN. What difference does it make what the present administration will do in three years; it will not be here then.

Mr. ROBERTS of Massachusetts. It makes no difference to me; but as a Member of this House and as a patriotic American citizen I think we should provide and compel by law a provision for a suitable defense for this country and make it certain that this or any other administration shall build quickly what this Congress authorizes. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, I yield two minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, the gentleman from Massachusetts [Mr. ROBERTS] made an exceedingly interesting 10-minute speech in which he made some important admissions and at least one valuable suggestion. He said that if we would only cut off the cost of one of these cruisers, which he estimates at $20,000,000, and substitute for it the number of submarines that $20,000,000 would procure, that it would be a wise thing, and I asked if he would support an amendment of that kind, and he gratified and surprised me by saying that he would. Now, a year ago——

Mr. ROBERTS of Massachusetts. I did not understand the gentleman. Did the gentleman say "report"?

Mr. SLAYDEN. "Support."

Mr. ROBERTS of Massachusetts. That is all right; I will.

Mr. SLAYDEN. Mr. Chairman, a year ago——

Mr. PADGETT. May I ask the gentleman a question in that connection?

Mr. SLAYDEN. I have only two minutes.

Mr. PADGETT. I will yield the gentleman one.

Mr. SLAYDEN. Very well; thank you.

Mr. PADGETT. Did the gentleman explain how it was then that he brought in a minority report for six battle cruisers instead of five; and now he wants to cut off one——

Mr. ROBERTS of Massachusetts. Will the gentleman give me some time? If so, I would be very glad to explain fully.

Mr. HOWARD. It shows the gentleman's consistency.

Mr. SLAYDEN. Mr. Chairman, I suggested a year ago, or a little more than a year ago, when this bill was under consideration, that it would be wise to reduce the large-ship program provided and substitute for it submarines. I have been subjected to epithets and anathema and the denunciation of being a small-navy man, and I am compared with some of my wild friends over here, but I have been an advocate of an increase of submarines for this country because the efficiency of those weapons was established. [Applause.] Fifteen years ago I was invited to go on board one of these vessels, and I went down under the water on it, and I came away with the impression then that the newest and most efficient weapon that had ever been devised by the wit of man was provided. And when the gentleman from Massachusetts admitted that we could give our country complete protection by the employment of these smaller and cheaper vessels, vessels which can be more rapidly constructed, which our mechanics, who have no superiors anywhere in the world, and that our workshops, which now perhaps parallel the efficiency of the best in the world, can more quickly provide us than thus far they have been able to do, I realized, and I believe the House will realize, we have it in our power to give the country complete protection at a much less cost than that proposed. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. The second yielding?

The CHAIRMAN. Yes.

Mr. BUTLER. Mr. Chairman, will the Chairman be kind enough to inform me how much time we have on this side?

The CHAIRMAN. Six minutes.

Mr. BUTLER. Mr. Chairman, I yield two minutes to the gentleman from Kansas [Mr. TAGGART].

Mr. TAGGART. Mr. Chairman, I have just voted against an addition of two battleships because I believe that the battleship is an obsolete weapon of defense or offense. It is demonstrated, as was stated here not only by the gentleman from Massachusetts but the gentleman from Texas, that the greatest defensive weapon the world has ever known is the submarine. I have a man in my district who will pay $1,000 for any brick that has been knocked off another brick on the soil of the German Empire by any navy in this war that has lasted nearly two years, and he says he is not a curio hunter, but a speculator, because he could sell that brick for $5,000. Now, what has the battleship done in this great war? It has carried the crew with it down to the bottom of the sea. It has demonstrated that it is more dangerous to the crew than it is to the enemy. What is a battle cruiser? It is a battleship that travels faster than the ordinary ship. The idea is to break the outer defense of a great invading fleet with it and run amuck among the transports that may be carrying an invading army, regardless of what may happen to it by submarines or what a dozen submarines might do that would accompany the transports. The submarine today has absolutely nullified the greatest navy in the world. [Applause.] I shall vote for the amendment. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Will the gentleman from Tennessee consume some of his time?

Mr. PADGETT. I have only one on this side.

Mr. BUTLER. Mr. Chairman, I do not find anyone here who desires to speak further—— [Cries of "Vote!"]

Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. PLATT].

Mr. PLATT. Mr. Chairman, I simply want to take two minutes to say that while I intend to vote for this amendment I do not quite subscribe to everything the gentleman from Massachusetts [Mr. ROBERTS] and others have said about the submarine. I do not think for a minute that the English submarine is what has kept the German fleet in the Kiel Canal. The fleet is in that canal because that is where it is of the greatest service to Germany. By remaining there it keeps open the Baltic for trade between German ports and the ports of Sweden, Norway, and Denmark—a very vital matter to Germany. If England had been able to blockade completely the German Baltic ports, the war would have been ended long ago.

In order to get into the Baltic Sea England has got to use twice as many ships as the Germans have there, for the German ships can go out at either end. My personal opinion is that the submarine has been more or less a failure in this war. They use it more against merchant ships than against battleships, and it appears to be entirely possible to protect battleships against it; but it is a very effective weapon of defense, and we should have many more of them. Therefore I am for the amendment.

Mr. PADGETT. Mr. Chairman, I shall detain the House but a few moments. I want to ask the committee in all seriousness not to be swept off of its feet by the sentimentality for submarines. Every naval officer who appeared before the committee stated that the submarine could not of itself under any circumstances be a defense of our shores unless it was under the protection of big guns, either on the shores, in our fortifications, or on our ships; that they could not under any condition afford protection to our shores alone. Every officer, without exception, so testified, and the Naval General Board in their report said that nothing in the war has occurred to justify the exaggerated public opinion with reference to submarines. We have authorized 20 submarines. There is not one that has a satisfactory motor. They are not working satisfactorily. They are not doing so abroad. There they do not publish, as we do here, their shortcomings. They publish only their successes.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. PADGETT. If the gentleman is right quick about it.

Mr. COOPER of Wisconsin. Did not one German submarine sink three British cruisers, the *Aboukir*, the *Cressy*, and the *La Hogue* in 20 minutes?

Mr. PADGETT. They were old ships. The first one was sunk, and the other two very foolishly, as every naval officer said, went to their rescue to try to save the crew and allowed themselves to be sunk, without taking any precautions.

Mr. COOPER of Wisconsin. How many of the first-class battleships did they sink in the Dardanelles after that?

Mr. PADGETT. I think there was only one ship sunk there.

Mr. COOPER of Wisconsin. Three.

Mr. PADGETT. Not of the big ones.

Mr. COOPER of Wisconsin. Well, of fair size. They went down with their crews.

Mr. PADGETT. We have authorized 20 submarines.

Mr. ROBERTS of Massachusetts. The gentleman does not challenge my statement that six battleships have been sunk by submarines in the war?

Mr. PADGETT. Not altogether. I think some of them were sunk by mines—either by submarines or mines. But the increase of 30 submarines would increase the appropriation $21,929,000. This is not advised by any naval authority that appeared before the committee. We have a number building. We have 70 and odd submarines now, and 20 more would run us up to between 90 and 100. And in the meantime all the energy in the country, the different manufacturers of engines, and the Government, all are working to develop a motor that will answer the purpose and be satisfactory. Why do we want to build up an excessive number of submarines that could be built in a shorter time, and have defective submarines, instead of waiting and have efficient and effective ones?

Mr. HENSLEY. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. HENSLEY. Is it not a fact that at the beginning of the European war this country had more submarines than Germany?

Mr. PADGETT. Oh, yes; much more, and, as far as we know, more now.

Mr. WHEELER. If we should build 50 additional submarines, together with what we already have, would it not be much in excess of what they have in either Germany or England to-day?

Mr. PADGETT. I think so; yes. I ask for a vote, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. BUTLER].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BUTLER. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 112, noes 105.

Mr. PADGETT. Mr. Chairman, I ask for tellers.

Tellers were ordered; and Mr. PADGETT and Mr. BUTLER took their places as tellers.

The committee again divided; and the tellers reported—ayes 114, noes 104.

So the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I want to ask unanimous consent that the figures showing the change in the amount of appropriation be passed over until morning, necessitated by the change in this number of submarines.

Mr. KITCHIN. How much of an increase in appropriation will this probably make?

Mr. PADGETT. I can not give it to you at this minute. It increases it about $20,900,000.

The CHAIRMAN. The question is upon agreeing to the other amendments that are now pending.

The question was taken, and the amendments were rejected.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GREGG, indefinitely, on account of wife's illness.

To Mr. DAVENPORT, for two weeks, on account of important business.

To Mr. MILLER of Pennsylvania, from June 1 to June 20, on account of the sickness of a near relative in the family.

EXTENSION OF REMARKS.

Mr. RUSSELL of Missouri. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a speech delivered by the Hon. FRANK E. DOREMUS, chairman of the Michigan Democratic State convention.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by printing

a speech delivered by the Hon. FRANK E. DOREMUS, chairman of the Michigan Democratic State convention. Is there objection?

There was no objection.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3929. An act validating certain applications for and entries of public lands; to the Committee on the Public Lands.

ARMY REORGANIZATION BILL.

Mr. HAY. Mr. Speaker, I ask unanimous consent that when the Army reorganization bill becomes a law there shall be printed for the use of the House 15,000 copies.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent that when the Army reorganization bill is signed by the President 15,000 copies shall be printed to be distributed through the folding room. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to suggest to the gentleman that if we are to print a large number of copies of the bill a considerable number should be placed in the document room. Many people write for copies to the Clerk of the House, and while they ought to write to the Members of Congress there still ought to be several thousand copies in the document room.

Mr. HAY. Then I ask that 20,000 copies be printed, and that 15,000 copies be distributed through the folding room and 5,000 through the document room.

The SPEAKER. The gentleman from Virginia modifies his request, and asks that 20,000 copies be printed, of which 15,000 shall be distributed through the folding room and 5,000 through the document room. Is there objection?

There was no objection.

ADJOURNMENT—DECORATION DAY.

Mr. PADGETT. Mr. Speaker, to-day is a national holiday, the National Decoration Day. I move as a mark of respect that the House do now adjourn.

The SPEAKER. The gentleman from Tennessee moves that out of respect for Decoration Day the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 13 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 31, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Edward D. Alexander, son and sole heir of Dixon Alexander, deceased, *v.* The United States (H. Doc. No. 1170); to the Committee on War Claims and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Laura McGowan and Lizzie Ishmael, daughters of Joseph M. Hukel, deceased, *v.* The United States (H. Doc. No. 1171); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Anton Phillipson *v.* The United States (H. Doc. No. 1172); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of George S. Smith *v.* The United States (H. Doc. No. 1173); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John B. Todd, brother of Orrin D. Todd, deceased, *v.* The United States (H. Doc. No. 1174); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Louis W. Williams *v.* The United States (H. Doc. No. 1175); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Rosalvo B. Brazelton *v.* The United States (H. Doc. No. 1176); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Rebecca Eversole, widow of Henderson Eversole, deceased, *v.* The United States (H. Doc. No. 1177); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William B. Gehr *v.* The United States (H. Doc. No. 1178); to the Committee on War Claims and ordered to be printed.

10. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Frank A. Kelly, son of John H. Kelly, deceased, *v.* The United States (H. Doc. No. 1179); to the Committee on War Claims and ordered to be printed.

11. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Caroline O. Meglemry, widow of William H. Meglemry, deceased, *v.* The United States (H. Doc. No. 1180); to the Committee on War Claims and ordered to be printed.

12. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John McNaughton *v.* The United States (H. Doc. No. 1181); to the Committee on War Claims and ordered to be printed.

13. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of S. Agnes Young, widow of Thomas L. Young, deceased, *v.* The United States (H. Doc. No. 1182); to the Committee on War Claims and ordered to be printed.

14. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Marguerite E. Fontaine, widow of Juste Fontaine, deceased, *v.* The United States (H. Doc. No. 1183); to the Committee on War Claims and ordered to be printed.

15. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Richard B. Fulke *v.* The United States (H. Doc. No. 1184); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. OGLESBY, from the Committee on the Territories, to which was referred the bill (H. R. 15777) to authorize and provide for the manufacture, maintenance, distribution, and supply of gas in the district of South Hilo, county of Hawaii, Territory of Hawaii, reported the same with amendment, accompanied by a report (No. 781), which said bill and report were referred to the House Calendar.

Mr. ALLEN, from the Committee on Ways and Means, to which was referred the bill (H. R. 10749) amending section 3285 of the Revised Statutes, reported the same without amendment, accompanied by a report (No. 782), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KITCHIN, from the Committee on Ways and Means, to which was referred the bill (H. R. 15347) to amend existing laws relating to the use of alcohol, free of tax, by scientific institutions or colleges of learning, reported the same without amendment, accompanied by a report (No. 783), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII,

Mr. BUCHANAN of Texas introduced a bill (H. R. 16129) to standardize the barrel of lime, which was referred to the Committee on Coinage, Weights, and Measures.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. HARDY: A bill (H. R. 16130) granting a pension to William J. McDonald; to the Committee on Pensions.

By Mr. HASTINGS: A bill (H. R. 16131) granting an increase of pension to Neppie Downing; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 16132) granting an increase of pension to Ellen Krone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16133) granting an increase of pension to Sarah Zimmerman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16134) granting an increase of pension to Joanna Small; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16135) granting an increase of pension to Rebecca Hess; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16136) granting an increase of pension to Maria A. Beitzel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16137) granting an increase of pension to Rebecca Kraft; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 16138) for the relief of Francis G. French, alias Frank Jones; to the Committee on Naval Affairs.

By Mr. MATTHEWS: A bill (H. R. 16139) for the relief of John S. Conkright; to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: A bill (H. R. 16140) granting an increase of pension to William H. G. Murray, alias Henry Gordon; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 16141) for the relief of John Rooney; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Memorial of Motion Picture League of the Chamber of Commerce, favoring Federal regulation of motion pictures; to the Committee on Education.

Also, memorial of Cincinnati Chamber of Commerce, with reference to cable rates to the Philippine Islands; to the Committee on Insular Affairs.

By Mr. BAILEY: Memorial of Congressional Union for Woman Suffrage, favoring reporting the Susan B. Anthony suffrage amendment to the House from the Judiciary Committee; to the Committee on the Judiciary.

By Mr. CAREW: Petition of National Automobile Chamber of Commerce, to provide for collection of reliable data regarding production of petroleum and manufacture of petroleum products; to the Committee on Agriculture.

By Mr. CHARLES: Communication from the Trades Assembly of Schenectady, N. Y., favoring the enactment of House bill 10318, relative to workmen's compensation in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DALE of New York: Petition of Mrs. Verne L. Capron, deputy clerk juvenile court, Denver, Colo., urging adoption of the Susan B. Anthony suffrage amendment; to the Committee on the Judiciary.

By Mr. DOOLING: Memorial of board of directors of the Washington Chamber of Commerce, in re half-and-half plan of taxation; to the Committee on the District of Columbia.

By Mr. DILL: Petition of Mr. Chris Foss and other residents of Mica, Freeman, and Rockford, Wash., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of George B. Hurd and other residents of Rockford, Freeman, and Mica, Wash., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of W. R. Miliken and other residents of Greenacres, Wash., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of W. R. Miliken and other residents of Greenacres, Wash., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of Mrs. A. Anderson and other residents of Spokane, Wash., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of W. E. Reed and other residents of Spokane, Wash., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of citizens of Warren, Wis., opposing all bills detrimental to free press; to the Committee on the Post Office and Post Roads.

Also, petition of Thomas G. Johnston, of North Freedom, Wis., and 40 others, protesting against House bills 6468 and 491, authorizing the Postmaster General to exclude certain publications from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. C. C. Dryhle, of North Freedom, Wis., and 24 others, protesting against House bill 13048, to establish a juvenile court in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Thomas G. Johnston, of North Freedom, Wis., and 41 others, protesting against appropriations for sectarian purposes; to the Committee on Indian Affairs.

By Mr. ELSTON: Memorial of Forty-ninth Encampment of the Grand Army of the Republic, at Bakersfield, Cal., May 12, 1916, favoring the placing of the remaining Volunteer officers of the Civil War on the retired list with pay of officers of like grade in the Regular Army; to the Committee on Military Affairs.

By Mr. GARDNER: Petitions of 16 citizens of Haverhill and Christian Endeavor Society of Haverhill, Mass., for passage of House joint resolutions 84 and 85; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of Howard M. S. Immler, of Baltimore, Md., opposing Senate bill 5677; to the Committee on the District of Columbia.

Also, petition of Howard M. S. Immler, of Baltimore, Md., opposing House bill 13778; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Memorial of Pennsylvania Branch of Congressional Union for Woman Suffrage, protesting against delay on woman-suffrage amendment by Judiciary Committee; to the Committee on the Judiciary.

Also, memorial of Philadelphia Board of Trade, of Philadelphia, Pa., suggesting an amendment to Senate bill 19, relating to bills of lading, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. NEELY: Petition of 53 citizens of Brooks County, W. Va., asking that prohibition be estalished in the District of Columbia; to the Committee on the Judiciary.

By Mr. NOLAN: Resolutions of the Grand Army of the Republic, Departments of California and Nevada, passed at the Forty-ninth Annual Encampment, favoring the passage of legislation to place Volunteer officers on the retired list; to the Committee on Military Affairs.

By Mr. OAKEY (by request): Memorial of executive committee of the Society of the Chagres, in favor of Senate bill 3457 and House bill 8828, relative to civilian employees on the Canal Zone; to the Committee on Insular Affairs.

By Mr. STEPHENS of California: Petition of Calistoga Grape Growers' Association, protesting against the Kent bill; to the Committee on Ways and Means.

Also, petition of Trinity Lutheran Congregation, of Los Angeles, Cal., opposing war with Germany; to the Committee on Foreign Affairs.

Also, petition of Oscar Kerner and 10 other citizens of Los Angeles, Cal., protesting against sale of munitions of war to Europe; to the Committee on Foreign Affairs.

Also, petitions of Friends' Monthly Meeting and others, of Pasadena; and from M. Chamberlain and 46 others, of Los Angeles; also the Woman's Christian Temperance Union of Los Angeles, all in the State of California, opposing parts of the Chamberlain bill; to the Committee on Military Affairs.

Also, petition of S. E. Williams and 27 other citizens of Los Angeles, Cal., favoring the Warren bill; to the Committee on Military Affairs.

Also, petition of the Grand Army of the Republic of California, favoring the Volunteer officers' retirement bill; to the Committee on Military Affairs.

Also, petition of Wilshire Presbyterian Church, of Los Angeles, Cal., favoring prohibition in Porto Rico; to the Committee on Insular Affairs.

Also, petition of C. P. English and 9 other citizens of Los Angeles, Cal., favoring House bill 9162; to the Committee on Interstate and Foreign Commerce.

Also, communications from Whiting-Mead Commercial Co., of Los Angeles, Cal., opposing stamp taxes on checks; to the Committee on Ways and Means.

Also, petition from Warren A. Scott and 24 others, protesting against delivery of mail by automobile; to the Committee on the Post Office and Post Roads.

Also, resolutions of Bakery and Confectionery Workers of Los Angeles, Cal., favoring Crosser employers' liability bill; to the Committee on the District of Columbia.

Also, petition of Merchants, Manufacturers, and Employers' Association, of Stockton, Cal., protesting against legislation to stifle efficiency; to the Committee on Labor.

Also, petition of L. D. Biddle and 23 other citizens of Los Angeles, Cal., favoring House bill 8665, prohibiting stop-watch or other time study; to the Committee on Labor.

Also, petition of Chamber of Commerce, Venice, Cal., favoring naval base on Santa Monica Bay; to the Committee on Naval Affairs.

By Mr. STINESS: Petition of Master Printers' Association of Rhode Island, protesting against the passage of the Tavenner bill to discontinue the Taylor system in Government establishments; to the Committee on Labor.

Also, papers to accompany House bill 16120, for relief of Harriet N. Sanders; to the Committee on Invalid Pensions.

By Mr. TILLMAN: Petition of citizens of Springdale, Ark., opposing passage of House bill 13778; to the Committee on the Post Office and Post Roads.

By Mr. TOWNER: Petition of May Frederick, C. P.; Mary Russell, S. V.; Virginia E. Belding, I. V.; Olive Parker, secretary; Laoma Kurtz, treasurer; and other members of Llewellen Relief Corps, No. 104, praying for the passage of the Ashbrook bill to increase widows' pensions; to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *May 31, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee still abiding under the inspiration of our National Memorial Day. We come with memories following us from the place of death into the place of life and power. We come chastened by the memories of conflicts past, we trust inspired with the vision that opens before us in the call of the new day and of the larger life. We bless Thee that Thou hast always given us men whose names will always be cherished, whose memories we will never let die. Thou hast taken many of the noble and great from us, but Thou hast not taken from us their memory nor the inspiration of their deeds of heroism.

We pray to-day, as we are called into the larger service of our time, that we may have among us leaders whose names will never die and whose devotion to duty and the high cause of patriotism and consecration to the Father's will may help on the cause of human liberty and the establishment of right and justice among men. We ask for Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Thursday, May 18, 1916, when, on request of Mr. CHAMBERLAIN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

AUTOMATIC TRAIN-CONTROL SYSTEM.

The VICE PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting a report of the Chief of the Division of Safety concerning a test of the automatic train-control system of the Gollos Railway Signal Co. of America, Chicago, Ill., which, with the accompanying papers, was referred to the Committee on Interstate Commerce.

CONFEREES ON RIVER AND HARBOR BILL.

The VICE PRESIDENT. The Chair appoints the Senator from Arkansas [Mr. CLARKE], the Senator from Louisiana [Mr. RANSDELL], and the Senator from Minnesota [Mr. NELSON] conferees on the part of the Senate on the river and harbor bill.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Indiana District of the Evangelical Synod of North America, praying that the United States remain at peace, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Supervisors of the City and County of Honolulu, Hawaii, praying for the construction of a military road around the Island of Oahu, Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the American Supply & Manufacturers' Association, of New York City, N. Y., praying for the creation of a permanent tariff commission, which was referred to the Committee on Finance.

He also presented the petition of John M. Coulter, of the Botanical Gazette of the University of Chicago, Ill., relative to an appropriation of $20,000 for the botanical exploration of Central and South America, which was referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of Bath, N. Y., praying for an increase in armaments, which was ordered to lie on the table.

He also presented a petition of the Fourteenth Street Business Men's Association, of Washington, D. C., praying for the retention of the half-and-half system of taxation in the District of Columbia, which was referred to the Committee on Appropriations.

He also presented a petition of the General Conference of the Methodist Episcopal Church, of Washington, D. C., praying for the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented the petition of Rafael Arthur Capo, of Ponce, P. R., praying for the redistricting of the Territory of Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. LANE presented petitions of sundry citizens of Oregon, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Oregon, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

Mr. LODGE presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented the memorial of Robert L. Lamb and sundry other citizens of Pittsfield, Mass., remonstrating against appropriations for sectarian purposes, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Lynn, Mass., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented memorials of Local Grange No. 1511, Patrons of Husbandry, of Richland, and Pomona Grange, No. 82, Patrons of Husbandry, of Kalamazoo County, in the State of Michigan, remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Detroit, Mich., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. BRADY presented a memorial of Local Grange No. 85, Patrons of Husbandry, of Wendell, Idaho, remonstrating against any change in the parcel-post law, which was ordered to lie on the table.

Mr. SAULSBURY presented petitions of sundry citizens of Delaware, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. McLEAN presented a petition of Local Lodge No. 899, Benevolent and Protective Order of Elks, of Stamford, Conn., praying for the enactment of legislation to grant pensions to certain postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Waterbury, Conn., remonstrating against the persecution of Syrians by the Turkish Government, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Connecticut Merchants' Association, remonstrating against the enactment of legislation to fix standard prices for patented and trade-marked articles, which was referred to the Committee on Education and Labor.

Mr. RANSDELL. I present a resolution adopted by the Senate of the Legislature of the State of Louisiana, signed by the lieutenant governor and president of the senate, which I ask may be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate resolution No. 10. (By Mr. Haas.)

To Hon. JOSEPH E. RANSDELL:

Whereas under the leadership of the President of the United States, Woodrow Wilson, and of other patriotic citizens, the people all over our country are being awakened to the necessity for adequate national preparedness, in order that we may continue to enjoy the blessings of peace in full security, and that there may be no possible question of the maintenance of the dignity and honor of this great Nation; and

Whereas with this end in view parades and demonstrations are being planned and held in every section of the country, and that in our own city of New Orleans such a parade is to be held June 3: Therefore be it

Resolved, That this senate go on record as approving the policy of adequate national preparedness, and as being in entire sympathy with the movement and sentiments which prompt the patriotic thousands of men and women who participate in these parades. Be it further

Resolved, That the secretary of the senate be instructed to forward a copy of this resolution to the President of the United States, to each Senator and Representative from Louisiana in the National Congress, and to the mayor of the city of New Orleans.

FERNAND MOUTON,
Lieutenant Governor and President of the Senate.

Attest:

O. H. SIMPSON,
Secretary of the Senate.

REPORTS OF COMMITTEES.

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (S. 4058) making an appropriation for the construction of a bridge at Nogales, Ariz., reported it without amendment and submitted a report (No. 500) thereon.

Mr. MYERS, from the Committee on Public Lands, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 5899. A bill to punish persons who make false representations to settlers and others pertaining to the public lands of the United States (Rept. No. 501);

H. R. 10668. An act to repeal section 4 of the act of Congress, approved June 11, 1906, known as the forest homestead act, and for other purposes (Rept. No. 503); and

H. R. 10791. An act for the relief of the occupants of the Tuttle town site (Rept. No. 502).

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 5504) for the relief of Louis Blanchette, alias Lewis Blanchard, alias Louis White, reported it with an amendment and submitted a report (No. 504) thereon.

He also, from the same committee, to which was referred the bill (S. 698) to correct the military record of John L. O'Mara, and grant him an honorable discharge, reported it with amendments and submitted a report (No. 505) thereon.

Mr. LEA of Tennessee, from the Committee on Military Affairs, to which was referred the bill (S. 545) to correct the military record of Charles Bowen, submitted an adverse report (No. 499) thereon, which was agreed to, and the bill was postponed indefinitely.

OIL AND GAS LANDS.

Mr. HUSTING. Mr. President, I desire to submit the views of the minority (Rept. No. 319, pt. 2) of the Committee on Public Lands, signed by the Senator from Kansas [Mr. THOMPSON] and myself on the bill (H. R. 406) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium.

STANDARD LIME BARRELS.

Mr. JONES. Mr. President, a few days ago the Senator from Minnesota [Mr. CLAPP] reported from the Committee on Standards, Weights, and Measures the bill (S. 5425) to standardize lime barrels, and I objected to its consideration. The bill was recommitted to the committee. The Senator from Minnesota had to go away, and he asked me to report the bill this morning and request its present consideration.

Mr. SMITH of Michigan. It is a unanimous report.

Mr. JONES. With some amendments that are suggested. The committee think the bill ought to be passed.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 2, to strike out "words 'large barrel, 280 pounds,' or 'small barrel, 180 pounds,'" and insert "figures '180 lbs.' for the small barrel and '280 lbs.' for the large barrel"; on page 1, line 13, after the word "sold," to insert "and if imported the name of the country from which it is imported"; on page 2, line 20, after the word "any," to insert "more or"; on page 3, line 2, after the word "in," to insert "the discretion of"; on page 3, line 8, after the word "measures," to insert "*Provided*, That the penal provisions of this act shall not take effect until January 1, 1917"; and in line 10, after the word "after," to strike out "the 1st day of July, nineteen hundred and," and insert "its passage," so as to make the bill read:

Be it enacted, etc., That there is hereby established a large and a small barrel of lime, the large barrel to consist of 280 pounds and the small barrel to consist of 180 pounds, net weight.

SEC. 2. That when lime is sold in barrels the figures "180 lbs." for the small barrel and "280 lbs." for the large barrel shall be stenciled or otherwise clearly and permanently marked upon one or both heads, and in addition the name of the manufacturer of the lime and the name of the brand, if any, under which it is sold, and if imported the name of the country from which it is imported: *Provided, however*, That when a jobber or local dealer in lime sells lime in quantities of more than one barrel and delivers it in barrels which are not headed and are used merely as containers, then nothing in this act shall be deemed to require that the barrels be marked as provided in this section or that each individual barrel contain either of the standard weights established in section 1, but he shall nevertheless deliver a total weight equivalent to the total weight of the number of large or small barrels represented, sold, or charged for by him, or purported to be delivered by him pursuant to an order.

SEC. 3. That rules and regulations for the enforcement of this act, not inconsistent with the provisions of the act, shall be made by the Director of the Bureau of Standards and approved by the Secretary of Commerce, *and that* such rules and regulations shall include reasonable variations or tolerances which may be allowed.

SEC. 4. That it shall be unlawful to pack or to sell, offer, or expose for sale any other barrels of lime than those established in section 1; or to pack or to sell, offer, or expose for sale any barrels of lime which are not marked as provided in section 2; or to represent, sell, charge for, or purport to deliver as a large or small barrel of lime any more or less weight of lime than is established in section 1 for a large or a small barrel, respectively; and any person guilty of a violation of any of the provisions of this act shall be deemed guilty of a misdemeanor and be liable to a fine not to exceed $500, or imprisonment not to exceed six months, in the discretion of the court of the United States having jurisdiction.

SEC. 5. That prosecutions for offenses under this act may be begun upon complaint of local sealers of weights and measures or other officers of the several States and Territories appointed to enforce the laws of the several States or Territories, respectively, relating to weights and measures: *Provided*, That the penal provisions of this act shall not take effect until January 1, 1917.

SEC. 6. That this act shall be in force and effect from and after its passage.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN COLORADO.

Mr. WALSH. From the Committee on the Judiciary I report back favorably with an amendment the bill (H. R. 13765) to amend section 73 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes, and I submit a report (No. 509) thereon. I call the attention of the Senator from Colorado [Mr. THOMAS] to the report.

Mr. THOMAS. I ask unanimous consent for the immediate consideration of the bill.

Mr. CLARKE of Arkansas. What is the bill about?

Mr. THOMAS. The purpose is to provide for the establishment of a term of the United States district court at Durango and Grand Junction and the urgency due to the fact that one of the buildings is now in process of construction and provisions for the court will have to be made at once.

Mr. CLARKE of Arkansas. I assume that there is no objection to the bill, but the title is somewhat misleading.

Mr. THOMAS. The title needs explanation. There would be no hurry except for the building operations at Grand Junction.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was, after the word "April," in line 7, page 1, to strike out the remainder of the bill and insert:

At Grand Junction on the second Tuesday in September; at Montrose on the third Tuesday in September; and at Durango on the fourth Tuesday in September.

That the Secretary of the Treasury, in constructing the public buildings heretofore authorized to be constructed at the cities of Grand Junction and Durango, be, and he is hereby, authorized and empowered to provide accommodations in each of said buildings for post office, United States court, and other governmental offices, and the existing authorization for said buildings be, and the same are hereby, respectively amended accordingly; and the unexpended balance of all appropriations heretofore made for the construction of said buildings and all appropriations which may be provided in any pending legislation, or that hereafter may be made for the construction of said buildings, are hereby made available for the purpose stated in this paragraph: *Provided*, That if at the time the holding of the terms of said court in any year in either of said cities of Grand Junction and Durango there is no business to be transacted by said court the term may be adjourned or continued by order of the judge of said court in chambers at Denver, Colo.: *And provided further*, That the marshal and clerk of said court shall each, respectively, appoint at least one deputy to reside at and who shall maintain an office at each of the four said places where said court is to be held by the terms of this act.

So as to make the bill read:

Be it enacted, etc., That section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended to read as follows:

"SEC. 73. That the State of Colorado shall constitute one judicial district, to be known as the district of Colorado. Terms of the district court shall be held at Denver on the first Tuesday in May and November; at Pueblo on the first Tuesday in April; at Grand Junction on the second Tuesday in September; at Montrose on the third Tuesday in September; and at Durango on the fourth Tuesday in September.

"That the Secretary of the Treasury, in constructing the public buildings heretofore authorized to be constructed at the cities of Grand Junction and Durango, be, and he is hereby, authorized and empowered to provide accommodations in each of said buildings for post office, United States court, and other governmental offices, and the existing authorization for said buildings be, and the same are hereby, respectively amended accordingly; and the unexpended balance of all appropriations heretofore made for the construction of said buildings and all appropriations which may be provided in any pending legislation, or that hereafter may be made for the construction of said buildings, are hereby made available for the purpose stated in this paragraph: *Provided*, That if at the time the holding of the terms of said court in any year in either of said cities of Grand Junction and Durango there is no business to be transacted by said court the term may be adjourned or continued by order of the judge of said court in chambers at Denver, Colo.: *And provided further*, That the marshal and the clerk of said court shall each, respectively, appoint at least one deputy to reside at and who shall maintain an office at each of the four said places where said court is to be held by the terms of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to amend section 73 of an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911, and for other purposes."

NATURALIZATION CASES IN MONTANA.

Mr. WALSH. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 4594) to validate certain declarations of intention to become citizens of the United States, and I submit a report (No. 508) thereon. I call the attention of my colleague to the bill.

Mr. MYERS. I ask unanimous consent for the immediate consideration of the bill. It covers an emergency that exists in Montana and will lead to no debate.

There being no objection, the bill was considered as in Committee of the Whole. It provides that declarations of intention to become citizens of the United States filed prior to the passage of this act in the counties of Cascade, Chouteau, Teton, Hill, Blaine, and Valley, State of Montana, under the act approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," as amended by the acts of March 4, 1909, June 25, 1910, and March 4, 1913, are hereby declared to be as legal and valid as if such declarations of intention had been filed in the judicial district in which the declarants resided, as required by section 4 of said act of June 29, 1906: *Provided*, That such declarations of intention shall not be by this act further validated or legalized.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BOY SCOUTS OF AMERICA.

Mr. SHIELDS. From the Committee on the Judiciary I report back favorably with amendments the bill (H. R. 755) to incorporate the Boy Scouts of America, and for other purposes, and I submit a report (No. 506) thereon.

A bill similar to this passed the Senate at the last session, but failed on account of the late hour when it reached the other House. This bill has been passed by the House and is now favorably recommended by the Committee on the Judiciary, with some slight formal amendments. I ask unanimous consent for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 1, line 9, to strike out the words following the semicolon down to but not including the word "Jeremiah" and insert in lieu thereof the words "Franklin C. Hoyt"; in line 11, strike out the words following the word "Schiff" down to but not including the word "and," in the same line; on page 2, line 1, after the semicolon, insert the words "John H. Nicholson, of Pittsburgh, Pa."; and, in line 24, after the word "organization," insert a comma, so as to make the bill read:

Be it enacted, etc., That Colin H. Livingstone and Ernest P. Bicknell, of Washington, D. C.; Benjamin L. Dulaney, of Bristol, Tenn.; Milton A. McRae, of Detroit, Mich.; David Starr Jordan, of Berkeley, Cal.; F. L. Seely, of Asheville, N. C.; A. Stamford White, of Chicago, Ill.; Daniel Carter Beard, of Flushing, N. Y.; George D. Pratt, of Brooklyn, N. Y.; Franklin C. Hoyt, Jeremiah W. Jenks, Charles P. Neill, Frank Presbrey, Edgar M. Robinson, Mortimer L. Schiff, and James E. West, of New York, N. Y.; G. Barrett Rich, jr., of Buffalo, N. Y.; Robert Garrett of Baltimore, Md.; John Sherman Hoyt, of Norwalk, Conn.; Charles C. Jackson, of Boston, Mass.; John H. Nicholson, of Pittsburgh, Pa.; William D. Murray of Plainfield, N J.; and George D. Porter, of Philadelphia, Pa., their associates and successors, are hereby created a body corporate and politic of the District of Columbia, where its domicile shall be.

SEC. 2. That the name of this corporation shall be "Boy Scouts of America," and by that name it shall have perpetual succession, with power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to hold such real and personal estate as shall be necessary for corporate purposes, and to receive real and personal property by gift, devise, or bequest; to adopt a seal, and the same to alter and destroy at pleasure; to have offices and conduct its business and affairs within and without the District of Columbia and in the several States and Territories of the United States; to make and adopt by-laws, rules, and regulations not inconsistent with the laws of the United States of America or any State thereof, and generally to do all such acts and things (including the establishment of regulations for the election of associates and successors) as may be necessary to carry into effect the provisions of this act and promote the purposes of said corporation.

SEC. 3. That the purpose of this corporation shall be to promote, through organization, and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in scoutcraft, and to teach them patriotism, courage, self-reliance, and kindred virtues, using the methods which are now in common use by boy scouts.

SEC. 4. That said corporation may acquire, by way of gift, all the assets of the existing national organization of Boy Scouts, a corporation under the laws of the District of Columbia, and defray and provide for any debts or liabilities to the discharge of which said assets shall be applicable; but said corporation shall have no power to issue certificates of stock or to declare or pay dividends, its object and purposes being solely of a benevolent character and not for pecuniary profit to its members.

SEC. 5. That the governing body of the said Boy Scouts of America shall consist of an executive board composed of citizens of the United States. The number, qualifications, and terms of office of members of the executive board shall be prescribed by the by-laws. The persons mentioned in the first section of this act shall constitute the first executive board and shall serve until their successors are elected and have qualified. Vacancies in the executive board shall be filled by a majority vote of the remaining members thereof. The by-laws may prescribe the number of members of the executive board necessary to constitute a quorum of the board, which number may be less than a majority of the whole number of the board. The executive board shall have power to make and to amend the by-laws, and, by a two-thirds vote of the whole board at a meeting called for this purpose, may authorize and cause to be executed mortgages and liens upon the property of the corporation. The executive board may, by resolution passed by a majority of the whole board, designate three or more of their number to constitute an executive or governing committee, of which a majority shall constitute a quorum, which committee, to the extent provided in said resolution or in the by-laws of the corporation, shall have and exercise the powers of the executive board in the management of the business affairs of the corporation, and may have power to authorize the seal of the corporation to be affixed to all papers which may require it. The executive board, by the affirmative vote of a majority of the whole board, may appoint any other standing committees, and such standing committees shall have and may exercise such powers as shall be conferred or authorized by the by-laws. With the consent in writing and pursuant to an affirmative vote of a majority of the members of said corporation, the executive board shall have authority to dispose in any manner of the whole property of the corporation.

SEC. 6. That an annual meeting of the incorporators, their associates and successors, shall be held once in every year after the year of incorporation, at such time and place as shall be prescribed in the by-laws, when the annual reports of the officers and executive board shall be presented and members of the executive board elected for the ensuing year. Special meetings of the corporation may be called upon such notice as may be prescribed in the by-laws. The number of members which shall constitute a quorum at any annual or special meeting shall be prescribed in the by-laws. The members and executive board shall have power to hold their meetings and keep the seal, books, documents, and papers of the corporation within or without the District of Columbia.

SEC. 7. That said corporation shall have the sole and exclusive right to have and to use, in carrying out its purposes, all emblems and badges, descriptive or designating marks, and words or phrases now or heretofore used by the Boy Scouts of America in carrying out its program, it being distinctly and definitely understood, however, that nothing in this act shall interfere or conflict with established or vested rights.

SEC. 8. That on or before the 1st day of April of each year the said Boy Scouts of America shall make and transmit to Congress a report of its proceedings for the year ending December 31, preceding, including a full, complete, and itemized report of receipts and expenditures of whatever kind.

SEC. 9. That Congress shall have the right to repeal, alter, or amend this act at any time.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

FOX RIVER BRIDGE, ILLINOIS.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 6073) granting the consent of Congress to George Fabyan to construct a bridge across the Fox River, and submit a report (No. 507) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH RIVER BRIDGE, VIRGINIA.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with an amendment the bill (S. 5851) granting the consent of Congress to the Norfolk-Berkley Bridge Corporation, of Virginia, to construct a bridge across the Eastern Branch of the Elizabeth River in Virginia, and I submit a report (No. 511) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the committee was to strike out section 1 of the bill and insert:

That the time for commencing and completing the bridge authorized by act of Congress approved January 2, 1915, to be built across the Eastern Branch of the Elizabeth River, in the city of Norfolk, Va., by the Norfolk-Berkley Bridge Corporation, of Virginia, is hereby extended one year and three years, respectively, from date of approval hereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for constructing a bridge across the Eastern Branch of the Elizabeth River in Virginia."

YELLOWSTONE RIVER BRIDGE, MONTANA.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 5805) permitting the Riverview Ferry Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana, and I submit a report (No. 510) thereon. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Mr. STONE. From the Committee on Foreign Relations I report back favorably without amendment the joint resolution (S. J. Res. 133) to authorize the President of the United States to convey the acknowledgments of the Government and people of the United States to various foreign Governments of the world who have participated in the Panama-Pacific International Exposition, to celebrate the completion and opening of the Panama Canal and also the four hundredth anniversary of the discovery of the Pacific Ocean, and I submit a report (No. 512) thereon.

The joint resolution is brief, and it is important that it should be acted upon at this time if it is to be acted upon at all. I ask for its immediate consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole. It provides that it is the sense of the Congress that the acknowledgments of the Government and people of the United States be tendered to the various foreign Governments of the world who have so generously and effectively cooperated in the Panama-Pacific International Exposition held in San Francisco, Cal., during the year A. D. 1915, to celebrate the completion and opening of the Panama Canal and also the four hundredth anniversary of the discovery of the Pacific Ocean.

SEC. 2. That the President of the United States be requested to communicate to each foreign Government participating in the said exposition the appreciative acknowledgment of the Government of the United States for its contribution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BUREAU OF ENGRAVING AND PRINTING.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 214) increasing the number of sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing during the fiscal year 1916, and I ask unanimous consent for its present consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole. It provides that the limitation in the sundry civil appropriation act for the fiscal year 1916 as to the number of delivered sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing is increased from 239,000 and 1,600,500 to 289,000 and 2,101,000, respectively.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL GUARD OF GEORGIA.

Mr. SMITH of Georgia. On Monday the chairman of the Committee on Military Affairs reported back favorably the bill (S. 708) to make immediately available for the use of the State of Georgia in paying expenses incurred by said State in connection with the joint encampment held at Augusta, Ga., July 22 to 31, 1914, certain sums appropriated for arming and equipping the militia of said State.

It is a purely local bill, connected with a matter in Georgia and it grows out of this state of facts.

In 1914 the department urged the adjutant general of the State to get as large a number of troops as possible, sending letters to all the inhabitants. They brought out a very much larger number than was expected and they exceeded their expenses $14,000. Thereupon they set apart that sum from the appropriation of 1915–16 and drew on it, but the Comptroller of the Treasury held that it could not be so used. The money is still set apart. The bill is simply to authorize the payment of the liability for 1914 out of the appropriation already made for 1915 and 1916. It involves no additional expenditure and no additional appropriation. I ask unanimous consent for the present consideration of the bill.

Mr. CUMMINS. I was unable to hear the number of the bill. What is the bill?

Mr. SMITH of Georgia. It is a local bill relating to the National Guard of the State of Georgia.

Mr. CUMMINS. I have no objection to its consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole. It provides that of the sum appropriated by section 1661, Revised Statutes, for arming and equipping the whole body of the militia, the sum of $14,409.98, proportioned to the State of Georgia for the years 1915 and 1916, be made immediately available for the purpose of paying the expenses incurred by said State over and above the allotments made by the Secretary of War to the State of Georgia from all appropriations therefor in connection with the joint encampment held at Augusta, Ga., July 22 to 31, 1914; and the Secretary of the Treasury is hereby authorized and instructed to pay over the amount to the governor of the State of Georgia for that purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SAULSBURY:

A bill (S. 6223) granting an increase of pension to Mary E. Conwell (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 6224) to increase the utility of the postal savings bank, to encourage savings among the people, to secure the largest returns for such savings consistent with adequate security, to provide for the loans of such savings for the promotion of agriculture and other useful, productive industries, and for the promotion of home building and home improvement in the rural districts and elsewhere; to the Committee on Post Offices and Post Roads.

By Mr. PITTMAN:

A bill (S. 6225) to regulate the interstate use of automobiles and all self-propelled vehicles which use the public highways in interstate commerce; to the Committee on Interstate Commerce.

By Mr. HUGHES:

A bill (S. 6226) to amend section 18 of the act approved March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary"; to the Committee on the Judiciary.

By Mr. GALLINGER:

A bill (S. 6227) to increase the area of the United States Botanic Garden in the city of Washington, D. C. (with accompanying papers); to the Committee on the Library.

By Mr. HARDING:

A bill (S. 6228) for the relief of the Industrial Savings and Loan Association, of Bellevue, Ohio; and

A bill (S. 6229) for the relief of the People's Building and Savings Association, of Troy, Ohio; to the Committee on Claims.

Mr. CHAMBERLAIN. At the request of the Secretary of War I introduce a bill and ask that it be referred to the Committee on Military Affairs:

The bill (S. 6230) to provide for the creation of a Council of Executive Information for the Coordination of Industries and Resources for the National Security and Welfare, and for other purposes, was referred to the Committee on Military Affairs.

By Mr. OWEN:

A bill (S. 6231) for the erection of a public building at Ponca City, Okla.; to the Committee on Public Buildings and Grounds.

A bill (S. 6232) to provide for public education upon political questions and for the dissemination of information upon political issues and matters of a political nature of public interest; to the Committee on Privileges and Elections.

By Mr. BRADY:

A bill (S. 6233) granting an increase of pension to D. L. Badley (with accompanying papers); to the Committee on Pensions.

By Mr. TAGGART:

A bill (S. 6234) granting an increase of pension to Sylvanus Moore;

A bill (S. 6235) granting an increase of pension to Alma E. Nichols;

A bill (S. 6236) granting a pension to Ruth Wilson (with accompanying papers); and

A bill (S. 6237) granting an increase of pension to Joseph N. Clements (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 6238) granting a pension to John Walker (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 6239) authorizing the Commissioner of Navigation to document as vessels of the United States two dredges built of American material and owned by James Stewart & Co. (Inc.), a citizen of the United States; to the Committee on Commerce.

By Mr. CHAMBERLAIN:

A bill (S. 6240) granting a pension to Richard Trombley (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN (by request):

A bill (S. 6241) to carry out the provisions of an act approved July 1, 1902, known as "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes," and to provide for a settlement to Addie May Auld and Archie William Auld, who were enrolled as members of the said tribe after the lands and moneys of said tribe had been divided; to the Committee on Indian Affairs.

TRANSMISSION OF SECOND-CLASS MAIL MATTER.

Mr. ASHURST. I submit an amendment intended to be proposed by me to the Post Office appropriation bill (H. R. 10484), which I ask may be read.

The amendment was read and ordered to lie on the table, as follows:

On page 38 strike out all of section 7 of the Post Office appropriation bill, as follows:

SEC. 7. That so much of section 1 of the "Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, which provides that the Post Office Department shall not extend or enlarge its present policy of sending second-class matter by freight trains, is hereby repealed.

LOUISVILLE & NASHVILLE RAILROAD CO.

Mr. LEA of Tennessee submitted the following resolution (S. Res. 207), which was referred to the Committee on Printing:

Resolved, That the manuscript submitted by the Senator from Tennessee [Mr. LEA] entitled "Hearings before Interstate Commerce Commission relative to financial relations, rates, and practices of the Louisville & Nashville Railroad Co., the Nashville, Chattanooga & St. Louis Railway, and other carriers" be printed as a Senate document.

NATIONAL GUARD OF ARIZONA.

Mr. ASHURST. Mr. President, there have been some statements made to the effect that the National Guard of Arizona was called into the service and did not respond with alacrity. I wish to say that the showing that was made was most creditable. I ask unanimous consent to have read at the desk a letter from the governor of the State of Arizona.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

PHOENIX, ARIZ., *May 26, 1916.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

Answering your wire of May 24, I am at a loss to account for the absurd reports relative to Arizona's National Guard which have recently found their way into press dispatches. The adjutant general received an order to call the guardsmen into Federal service about 10 o'clock on the morning of May 9, and at 10 o'clock on the morning of May 12 the train left Phoenix for Douglas, with all the militia property, including wagon train. Col. Tuthill, commanding National Guard, reported 46 officers and 613 men on his arrival at the camp. At time when regiment was ordered out one company had been refused recognition by division militia affairs and another company was being reorganized. The peace strength for 10 companies and sanitary corps was 50 officers and 685 men. Many of the guardsmen at the time of the call were long distances from their home stations but have since been reporting daily. The State now has in camp her full quota of 816 men, this being the size of the guard at peace strength. Taking 400,000 as the total strength of the National Guard in this country, Arizona's quota in proportion to population would be 890 men. Many additional recruits are being received daily at recruiting stations established in several different parts of the State. It should be remembered that the guardsmen and many of the recruits are leaving families without adequate means of support, and are giving up positions yielding from $3 to $6 per day in wages. Almost without exception they appear eager to serve their country if actually needed for defense, but some of them naturally do not look with favor upon being incorporated in the Regular Army in time of peace. In my judgment, Arizona has made a showing in the recent emergency which will compare favorably with that which would be made by any of the other States if they were subject to a similar call.

GEO. W. P. HUNT, *Governor.*

ARTICLE BY WALTER CLARK (S. DOC. NO. 449).

Mr. OWEN. I ask to have printed as a public document an article by Walter Clark, chief justice of the Supreme Court of the State of North Carolina, taken from the Michigan Law Review of November, 1914, on some myths of the law.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

FRENCH SPOLIATION CLAIMS (S. DOC. NO. 451).

Mr. LODGE. I ask to have printed as a Senate document a statement by George A. King relating to the French spoliation claims, containing a few additions that bring the claims down to date. There is quite a demand for the full statement.

The VICE PRESIDENT. Without objection, it is so ordered.

ARTICLE BY KEMP P. BATTLE.

Mr. OVERMAN. I ask to have printed in the RECORD a short article by Kemp P. Battle, former president of the University of North Carolina, on the power of the Supreme Court to declare an act of Congress unconstitutional.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

SUPREME COURT AND CONSTITUTION—POWER OF THE COURT TO DECLARE AN ACT OF CONGRESS UNCONSTITUTIONAL.

[By Kemp P. Battle.]

A friend sent me a copy of a speech by Mr. Hinebaugh, a Representative from Illinois, in which he affirms that "nowhere in the Constitution of the United States is the Supreme Court expressly authorized to declare an act of Congress unconstitutional." He accuses the court of being guilty of usurpation.

This is strange doctrine. If true, we live under a Government which may become a lawless despotism. Let us see where it leads.

If this new and startling doctrine be true, a majority of Congress, with the President, or two-thirds majority with the President opposed, can pass any act in violation of the Constitution, which will bind the Nation at least for two years. They can take property without paying for it, authorize arrests without law, abolish trial by jury—in fact, be more despotic than the Czar of Russia or the Sultan of Turkey. Their acts can not be annulled except after another election, but in the meantime what mischief may be done? Many of our ablest southern lawyers thought the two-thirds majority in reconstruction days exercised unlawful authority on the plea that post arma, as well as inter arma, silent leges.

But it is said that the English Parliament can not be checked by the court, and Congress ought to have the same superiority. There is no analogy between the two. In the first place, it is altogether unlikely that the framers of our Constitution imitated a body which had waged a long war against their people. And secondly, their task was to make a Government, not for the British Isles, or a country like them, but for a large number of sovereign States, proud of their independence. They gave to the General Government powers of a general nature, leaving to the States the management of their local affairs. This could not possibly be done without a written Constitution, or compact, specifying the legislative, executive, and judicial powers, duties, and limitations. Great Britain has no written constitution. Ours is the fundamental law, the people's law.

This great code prescribes what the lawmaking body, or Congress, may do and what they may not do, and special provision is made to check them if they exceed their powers. Notwithstanding what Mr. Hinebaugh and other critics may say, these provisions are in the Constitution perfectly plain.

In the first place, a Supreme Court is established. What is a court? The definition of Judge Coley is satisfactory: "The business of courts is to apply the law of the land in such controversies as may be brought before them. Their authority is coordinate with that of the legislative and executive, neither superior nor inferior, but each with equal dignity must move in its appointed sphere."

Now, what is the "law of the land?" The Constitution, Article VI, paragraph 2, is explicit: "The Constitution and the laws, which shall be made in pursuance thereof, and all treaties made or which shall be made, under the authority of the United States, shall be the supreme law of the land." That is, first of all, the Constitution; secondly, the acts of Congress passed "in pursuance of the Constitution." Acts not in pursuance of the Constitution are not laws. An unconstitutional act is no law at all.

The Constitution provides that the judicial power shall vest in a Supreme Court and in such inferior courts as Congress may establish. The classes of cases are enumerated. The Supreme Court shall have original jurisdiction affecting ambassadors, etc., and where a State is a party. In all other cases it shall have appellate jurisdiction.

Now, suppose a case goes up to the Supreme Court, wherein plaintiff claims under an act of Congress, and defendant claims that Congress had no right to pass the act, that it is not "in pursuance of the Constitution." How can the court avoid deciding it? It is their "business to apply the law of the land." Suppose the court is of opinion that the defendant is right, that the act is not "in pursuance of the Constitution." They are confronted by the supreme law, the people's law, the Constitution, on the one hand, and a pretended act of Congress, which is no law. It is too plain for argument. They are sworn to support the Constitution. They are sworn to support acts of Congress in pursuance of the Constitution. The act is not in pursuance of the Constitution. They are sworn to declare it null and void.

The case of Marbury *v.* Madison seems to be misunderstood. There were two decisions, first, that Madison, Jefferson's Secretary of State, ought to have delivered to Marbury his commission as justice of the peace; that he was entitled to it; but, second, that the act of Congress allowing Marbury to bring suit was unconstitutional. He was put out of court. The first decision was resented by Jefferson and Madison as a needless slap in the face. The second decision, as Dana, in his work on the Constitution, says, has been generally acquiesced in. Great judges, eminent statesmen, in the General Government and in the States; Presidents, governors, lawyers, and writers agree that the Supreme Court, as a matter of course, when there is a conflict between the Constitution and an act of Congress, must stand by the Constitution. The great commentators Story, Chancellor Kent, Wharton, Duer, Coley, De Tocquville, and Bryce all accept the doctrine as not only a power but a necessity.

Yes; and the people have indorsed it. When it was decided that a State could be sued an amendment to the Constitution was speedily adopted prohibiting such suits. Other amendments—in all, 15—have been made. But none prohibiting the courts from nullifying unconstitutional acts of Congress has been made or even authoritatively proposed. This is equivalent to indorsement by the people.

President Jackson's reputed unofficial remark, "John Marshall has made his decision (in Worcester *v.* Georgia); now let him enforce it," is quoted as evidence that he was opposed to the power of the court over unconstitutional acts. He was talking of enforcing the decision after it was made, not of the decision itself. Congress was maturing a plan to remove the Cherokees to the Indian Territory, a measure of vital interest to Georgia, necessary to her development. Jackson meant that he would not use the Executive power against that State when a peaceable settlement was in sight. Indeed, it seems to be an open question of extreme importance whether the court has power to coerce a State. Is not a decision against a State only advisory, of a moral nature?

I add that the courts of all the States have never, out of respect for the legislative body, refrained from declaring their acts unconstitutional when clearly so. The excellent book of Connor and Cheshire on the constitution of North Carolina shows numerous cases of this purport decided by the courts presided over by Chief Justices Taylor, Henderson, Ruffin, Nash, Pearson, Smith, Merrimon, Faircloth, and Clark. Were all these guilty of usurpation in protecting the people's constitution, the supreme law of our State?

The critics of the Supreme Court go on to say that the tremendous power of annulling acts of Congress is dangerous to our Government; elevates them above the law. This is not true. By the process of amendment to the Constitution their decisions may be nullified. In McArdle's case the right of appeal was taken away from him by Congress. In President Grant's time the decision that Congress has no power to make greenback legal tender was nullified by reducing the number of judges until two of the old number died, then increasing the number to nine and elevating to the bench two greenback judges. The decision of the court as to taxation of incomes was nullified by constitutional amendment. After the present judges give way the salaries may be reduced so that the able lawyers will not accept the office.

On the whole, the Supreme Court has the highest position in the esteem of good men everywhere. The judges are appointed by the people's President, on whom the eyes of the Nation are fixed. They then undergo the scrutiny of the people's Senate, composed of the best men from every State in the Union. Their salaries can not be reduced. They hold during good behavior. They have an exceedingly able bar. They have been and are one of the most august tribunals in the world.

CHAPEL HILL, N. C.

NATIONAL BANKS (S. DOC. NO. 450).

Mr. OWEN. Mr. President, I present a statement from the Comptroller of the Currency with reference to the national banks and the results under the Federal reserve act. I ask that it be printed in the RECORD, without reading, and also printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement referred to is as follows:

COMPTROLLER OF THE CURRENCY,
Washington, May 26, 1916.

MY DEAR SENATOR: Thinking that they may be of interest to you, I inclose with this copy of a statement just prepared in this office showing the number of new national banks organized and national banks increasing their capital as compared with national banks liquidating and reducing their capital for the following periods: First, November 14, 1914 (date of the inauguration of the Federal Reserve System), to December 31, 1915; second, January 1, 1915, to May 22, 1916.

You will note a very gratifying increase both in the number of national banks and increase in capital for both periods.

I also inclose a memorandum marked "E" showing how the increase in circulation in this country from January 1, 1915, to April 1, 1916, is explained, due wholly to the increase in gold, paper money showing an actual reduction of $100,000,000.

I also hand you herewith an article from the current issue of the Outlook and call your special attention to the answers to questions 6 and 7, showing the universal approval which is being given to the Federal reserve act by business men throughout the country.

The preface to this article, by Theodore H. Price, explains how these questions and answers were gotten together.

It certainly is significant when out of 1,401 replies, 1,244 of the leading business men in every State in the Union declare that "business men are satisfied with the operation of the Federal reserve law."

Sincerely, yours,

JOHN SKELTON WILLIAMS.

Hon. ROBERT L. OWEN,
United States Senate.

The Comptroller of the Currency reports the following increases and reductions in the number of national banks and the capital of national banks during the period from November 16, 1914, to December 31, 1915:

New charters issued to 155 banks with capital of	$9,974,500
Increase of capital approved for 104 banks with new capital of	14,797,700
Aggregate number of new charters and banks increasing capital, 259, with aggregate of new capital authorized	24,772,200
Number of banks liquidating (other than those consolidating with other national banks), 56; capital of same banks	$5,125,000
Number of banks reducing capital, 20; reduction of capital	2,070,000
Total number of banks going into liquidation or reducing capital (other than those consolidating with other national banks), 76; aggregate capital reduction	7,195,000
The foregoing statement shows the aggregate of increased capital for the period was	24,772,200
Against a reduction of capital owing to liquidations (other than for consolidation with other national banks) and reductions of capital of	7,195,000

During this period there were 21 national banks, with an aggregate capital of $2,210,000, placed in the hands of receivers, and 6 national banks, with an aggregate capital of $450,000, were restored to solvency and reopened.

The Comptroller of the Currency reports the following increases and reductions in the number of national banks and the capital of national banks during the period from January 1, 1916, to May 22, 1916:

New charters issued to 47 banks with capital of	$2,480,000
Increase of capital approved for 49 banks with new capital of	3,647,500
Aggregate number of new charters and banks increasing capital, 96, with aggregate of new capital authorized	6,127,500
Number of banks liquidating (other than those consolidating with other national banks), 43; capital of same banks	3,773,000
Number of banks reducing capital, 7; reduction of capital	262,500
Total number of banks going into liquidation or reducing capital (other than those consolidating with other national banks), 50; aggregate capital reduction	4,035,500
The foregoing statement shows the aggregate of increased capital for the period was	$6,127,500
Against a reduction of capital owing to liquidations (other than for consolidation with other national banks) and reductions of capital of	4,035,500

During this period there were five national banks, with an aggregate capital of $400,000, placed in the hands of receivers, and two national banks, with an aggregate capital of $80,000, were restored to solvency and reopened.

E.

MEMORANDUM SHOWING THAT THE INCREASE IN OUR PRESENT MONEY SUPPLY ARISES WHOLLY FROM THE GAIN IN GOLD, ACCOMPANIED BY AN ACTUAL REDUCTION OF PAPER CURRENCY.

In answer to the statement, which has been frequently repeated of late, that the operations of the Federal reserve banks have brought about inflation in our paper currency and an increase in the outstanding amount of Federal reserve notes and national-bank notes, permit me to submit the following official figures:

The official Treasury statements show that the total stock of money in the United States on Apr. 1, 1916, was	$4,373,000,000
On Jan. 1, 1915, the amount was reported at	3,972,000,000
Being an increase in our stock of money of	401,000,000

But this increase was more than accounted for by an increase in the amount of gold and gold certificates, as the following figures will show:

Gold coin, including bullion and gold certificates, Apr. 1, 1916	$2,317,000,000
Gold coin, including bullion and gold certificates, Jan. 1, 1915	1,816,000,000
Actual increase in general stock of gold coin, bullion, and gold certificates in the United States since Jan. 1, 1915	501,000,000
On Jan. 1, 1915, the amount of national-bank notes and Federal reserve notes outstanding was (there were no Federal reserve bank notes outstanding as of that date)	1,057,000,000
On Apr. 1, 1916, the amount of national-bank notes, Federal reserve notes, and Federal reserve bank notes outstanding was	952,000,000
So that there was an actual reduction between Jan. 1, 1915, and Apr. 1, 1916, in national-bank notes and Federal reserve notes and Federal reserve bank notes of	105,000,000

The amount of silver and silver certificates in circulation on January 1, 1915, was $750,000,000, and on April 1, 1916, the amount was reported as having increased approximately $5,000,000, the difference being inconsiderable.

United States notes outstanding January 1, 1915, $346,000,000, were reported on April 1, 1916, as also unchanged.

The increase in our stock or money on April 1, 1916, of $401,000,000, is thus shown to be accounted for by—

An increase in our gold supply of	$501,000,000
An increase in our stock of silver of	5,000,000
Total increase	506,000,000
And a reduction in our paper currency (national-bank notes and Federal reserve notes) of	105,000,000
Making the net increase in the money supply	401,000,000

From all information obtainable, this country's supply of gold at this time exceeds by many hundreds of millions of dollars the gold stock of any other nation.

The above statement shows that the increase in our money supply since January 1, 1915, is wholly accounted for by the increase in gold, and the increase in the gold supply is explained by more than $500,000,000 of foreign gold sent to this country in exchange for American products since the outbreak of the European war.

AMERICAN BUSINESS AS AFFECTED BY PEACE AND PREPAREDNESS.

THE COMPOSITE OPINION OF 1,629 AMERICAN BUSINESS MEN.

[By Theodore H. Price.]

Instead of writing an original article for this issue of the Outlook, I have asked the editors to allow me to publish something that seems to me far more important and informing than anything that I could say.

It is the composite opinion of 1,629 American business men in regard to American business as affected by the political and economic conditions by which we are now, or may shortly be, confronted at home and abroad.

It is derived from an elaborate investigation made for their own and their clients' guidance by Harris, Winthrop & Co., a well-known firm of investment bankers having offices in both New York and Chicago.

The complete report and the letters which accompany it comprise a pamphlet of some 60 pages, advance proofs of which I have been permitted to read and which will probably be published about the same time as this issue of the Outlook.

As such documents do not generally circulate outside the comparatively limited circle of those to whom they are sent for financial reasons, and as this one seems to have exceptional public interest just now, I feel that I am doing a real service to the readers of the Outlook in putting it at their disposal. As it is difficult, if not impossible, to improve upon the bankers' summary of their own report and the conclusions to which it points, I quote it in full. I hope those who read it will agree with me as to its practical value to business men in the present somewhat perplexing situation. This is the report:

In January, 1915, we made an investigation into business conditions in the United States, the result of which we published in a pamphlet dealing with the Present and Future of American Business.

This pamphlet came to have a wide circulation, and many of our friends have been good enough to say that it was at the time an important influence in reestablishing the confidence of the people of this country in themselves and the commercial future of the Nation.

Our previous inquiry was addressed to about 2,000 men of affairs throughout the United States, and was sent out January 21, 1915. At

that time many were in doubt whether this country could prosper while Europe was involved in a war which had then been in progress only five months.

The replies which we received and the letters that we were permitted to publish indicated the general individuality of confidence in the future of each respondent's business that has since been fused in the widespread commercial prosperity that we are now enjoying.

Such service as we may have rendered was in making faith infectious and encouraging a justifiable optimism which most people felt but hesitated to express.

We are now again confronted by a situation that engenders doubt. There are many who fear that we shall have a business recession in the United States with the advent of peace in Europe.

This fear is due to the belief that our present prosperity is artificial and abnormal in that it is the result of the war-induced demand for our products and the protection to our industry which the present military preoccupation of Europe provides.

With the object of ascertaining whether this apprehension was justified by the intrinsic facts, we submitted some 17 questions to about 4,500 men of affairs throughout the United States, including all those who had answered our previous inquiry. Our investigation included every State, the number of business men addressed in each State being proportioned to its population.

(The questions referred to will be found on the accompanying double-page table.)

Those replying were asked to cross out the answers least accurately describing the conditions inquired about, and to amplify their views by writing us at greater length if convenient.

In the selection of those whose opinions we have thus sought to obtain we have included but few bankers and have omitted altogether the business men of Greater New York.

We are particular to explain our action in this respect lest it be regarded as invidious. Our purpose has been to obtain a reading of the business mind of the United States at first hand rather than through the eyes of bankers who must view events in the light of their financial trusteeship, or men of large affairs who live in New York and are precluded by the very isolation of their metropolitan residence from anything more than a vicarious knowledge of conditions outside this great city.

It is only proper to say that we approached this investigation with the feeling that the dependence of the country upon the foreign demand for our goods had been exaggerated, and in submitting the questionnaire to our correspondents we so informed them, closing our letter of transmittal with the following statement:

"The aggregate of our foreign trade, including both imports and exports, is about five and one-half billions. Our domestic commerce is competently estimated at about one hundred billions. The purchasing power of our population is greater than that of any other people in the world. Economically, we are self-contained. If the balance between domestic production and consumption is fairly well preserved, and we do not unnecessarily alarm ourselves over conditions that affect us but remotely, our progress ought to be undisturbed."

We have received in all some 1,629 replies, which we have summarized in tabular form, according to geographical districts.

(This summary will be found on pages 226 and 227 of the Outlook.)

The summary speaks for itself and requires but little explanatory comment. Of those answering the first question, about one-half feel that their business will be directly affected by peace in Europe, while the other half look for undiminished activity.

It is only proper to explain that those who feel apprehensive as to the effect of peace in Europe upon American business activity are engaged, for the most part, in the metal or munition industries or in the manufacture of articles that were imported before the war. Thus, a Connecticut manufacturer of clocks says that he fears that he will not be able to compete with German-made clocks when the war is over; and those who are interested in the manufacture and production of sugar in Louisiana, Utah, and Colorado express a reasonable apprehension of lower prices once the European supply of beet sugar is again available. Many who anticipate a slackening in the war-stimulated demand for specialties are undisturbed thereby and admit that they are gradually and successfully preparing themselves for such a contingency.

We can not, therefore, regard the evenly balanced opinion as to the effect of peace upon American business as indicative of a lack of confidence in the country's ability to readjust itself promptly to the conditions which shall develop with the ending of the war.

The answers to question 2, in regard to the effect of higher prices upon the consumption of goods, are most reassuring. Nearly everyone agrees that the purchasing power of the country has been greatly increased, that people are able to buy more and better goods, and there is but little, if any, complaint as to the effect of high prices upon consumption. In fact, one New England manufacturer goes so far as to say that instead of buying a poorer quality of goods at the same prices the demand is running constantly in the direction of better goods even at higher prices.

The answers to question 3, with regard to the unemployment of labor, are most reassuring. The unemployment reported is, for the most part, localized either on the Pacific coast or in the Southern States, where, as many of our correspondents state, the higher wages paid have really had the effect of diminishing the industry of the Negro.

The answers to question 4 indicate a somewhat widespread desire for higher wages, but most of our correspondents express themselves philosophically with regard to the situation, and realize that it is entirely natural that the wage earner should desire to share in the widespread prosperity of which he hears so much.

The response to question 5 is a corollary of that made to question 4, and is, if anything, more reassuring. The labor unrest is apparently confined to a few classes, including the railroad men and the workers in some highly specialized staple industries.

The unanimity of opinion with regard to the operation of the Federal reserve law is remarkable, and about the only dissatisfaction expressed comes from the Rocky Mountain States and the Pacific Northwest, in which sections loans running for longer periods than the Federal reserve law permits are required to satisfy the financial needs of most of the population. Doubtless the Federal reserve law will pass into history as the most beneficent piece of economic legislation that has ever been enacted in this country.

The response to question 7 negatives much of the newspaper talk with regard to the inflation of currency and credit in the United States. If there is any inflation, but few business men are conscious of it, and it is, we think, reasonable to assume that until there is an inflation of which people are conscious there will be no attempt at contraction.

The answers to question 8, in regard to the constructive activity of the country, reveal the basis upon which the present prosperity rests. Constructive activity means the creation of productive wealth, and it is encouragingly significant that about 80 per cent of our replies indicate that the people are building new houses, enlarging their plants, and making permanent improvements that bespeak their confidence in the future.

The answers to question 9 report an almost unanimous willingness that the tariff question shall be taken out of politics by the creation of a tariff commission. In view of the fact that a very large proportion of our replies come from manufacturers and States which on account of their industrial activities are generally reckoned as "protectionist," this unanimity of opinion may be said to make something of a revolution in American political feeling with regard to the tariff. We commend it to the special attention of the platform committees of both the Democratic and Republican Parties, and are delighted to feel that we are nearing the time when the political energies of each successive Congress may be employed more profitably than in the revision of tariff schedules. One correspondent qualifies his acceptance of the tariff commission plan with the proviso that it shall be made operative "before the end of time." With this we are in hearty agreement.

The answers to question 10, in regard to the market for real estate, drive another rivet in the structure of prosperity that is visualized by this investigation. If the rural credits bill which the Senate has already passed shall become a law, the effect will probably be to increase greatly the availability of farm lands as a basis for loans, thus stabilizing their value and a prosperity that is buttressed by higher wages, increased consumption, and stable values for land would seem to be, for a time at least, immune from any serious reaction.

We regard the answers to question 11, in regard to the abatement of the antagonism toward the railroads, as providing what is, in a financial sense, the most important information in our report. That over 90 per cent of our correspondents should report that the disposition to harass the railroads is vanishing is extremely encouraging. The railroads of the United States employ more labor and disburse a larger sum in wages than any other single industry. Their purchases constitute a very large proportion of our total commerce; and if their development in the future shall be unrestricted by the unwise legislation and regulation of which they have hitherto been the victims, it will be well for the future prosperity of the country.

The negative answers to question 12, with regard to a possible advance of 5 per cent in railway freight rates, are, for the most part, qualified by statements of which the following from a southern correspondent is typical:

"We have already accepted one advance of 5 per cent in railway rates without complaint, and would not be willing to submit to a further advance unless it is equitably distributed throughout the entire country."

The answers to question 13, in regard to the saving and extravagance, are also qualified. Most of our correspondents admit that the savings banks, insurance companies, and other repositories of thrift show increased resources which bespeak a reasonable provision for the future. One informant says that he "sees no increase in extravagance except in the matter of automobiles." His allusion to the automobile expenditure of the Nation is the only comment made upon it, from which we infer that there is a noteworthy change in the attitude of thinking men toward the American investment in this form of transportation.

The answers to questions 14, 15, and 16, which deal with preparedness, the sense of civic responsibility, American nationalism, and the protection of American citizens resident or having property interests outside of the United States, will, we think, be a surprise to the pacifists. If they could read the remarks and letters with which our replies to these questions have been accompanied, they would abandon the theory that the United States has become a spineless Nation. There is naturally a widespread disagreement as to the degree of preparedness to which we should commit ourselves. Some of our correspondents in the rural communities say that "the feeling in favor of preparedness is cooled by the fear that it is inspired by the Wall Street hope of large profits," but a willingness is generally expressed to support Congress and the administration in any reasonable measure that shall be adopted for the defense of the Nation, and it is apparent that the war in Europe has quickened the spirit of nationalism and increased the individual consciousness of civic responsibility throughout the country.

In regard to the protection to be afforded by our Government to American citizens resident or having property interests outside the United States there is a somewhat wide divergence of opinion. One correspondent, in regard to whose Americanism there can be no doubt, writes that "we ought to protect our trade in foreign countries, but there is no reason why we should follow and protect the people who leave the United States to live and invest in foreign lands." He adds: "I believe that this country is good enough for anyone and its guardianship should not follow expatriates. They should know what they are doing and assume the consequences."

Not a few feel that the Nation should avoid taking a position that would plunge 100,000,000 people into war for the protection of those who take unnecessary risks in belligerent countries or on belligerent vessels. For the most part, however, our replies indicate that the people of this country are jealous of the honor of our flag and the rights of our Nation and entirely willing to support any measures that may be necessary for their protection.

Upon the question of military intervention in Mexico there is a great division of opinion, and the correspondence that we have received provides a symposium that would greatly interest many Congressmen. A Baltimore friend says that "weeping prevents a reply to this question," meaning presumably that he is ashamed of the policy which the Government has thus far pursued. Another correspondent writes us that "while the young men of the country may be in favor of Mexican intervention, the older people, who know the horrors of war, will continue to oppose it to the end."

We are somewhat surprised by the number of answers that advocate the solution of the Mexican problem by the purchase of the northern half of Mexico, and there are a good many who seem to favor the forcible annexation of sufficient Mexican territory to indemnify us for the damages inflicted upon American life and property in that Republic. The division of public opinion in regard to the Mexican problem seems to be greater than that disclosed in regard to any other question submitted. It is evident that the issue is one in regard to which there is not as yet any great unanimity of feeling.

Speaking generally, we may say that a careful examination of the replies received leads us to feel great satisfaction in the economic condition of the country and increased confidence in the political common

sense of the people. If we were mapping American prosperity, we should paint New England, Pennsylvania, and Michigan in the most rosente colors. In fact, one correspondent in Detroit says that "the boom is dangerous." The Pacific States of the Northwest and northern California are the only sections in which the use of even a light shade of blue would be justifiable.

In the southern portion of California the absence of war-induced prosperity has been to some extent offset by the winter influx of tourists from the East and the demand for the petroleum production of that locality. The clouds have almost disappeared from the cotton States as a result of the higher price of cotton and cotton seed and the increase in cattle production.

In the Middle West the remunerative figures obtained for the grain crops for the past two years have made the people contented and happy, although there is some complaint that the high ocean freight rates are interfering with the export movement.

Dealing with what we may describe as the politico-economic situation disclosed by our report, it may be said that there is evidenced a much keener appreciation of the essential relation between good government and good times, and, while there is but little disposition to disparage the constructive achievements of the present administration, there is a widespread dissatisfaction with the selfish political individualism of the present Congress and a disposition to hold the one that shall succeed it to a rigid accountability.

Our confidence in the permanent prosperity of the country and our optimism in regard to the benefits and sanity of representative government have been increased and to some extent rehabilitated by this investigation.

Geographical summary of replies.

Questions.	Answer.	Total.	New England States.[1]	Middle Atlantic States.[2]	Central States.[3]	Southern States.[4]	Southwestern States.[5]	Northwestern States.[6]	Rocky Mountain States.[7]	Pacific States.[8]
1. Will your business be directly affected by peace in Europe.	Yes	728	70	163	175	98	65	48	31	78
	No	750	51	189	233	69	45	62	30	71
2. Is the consumption of the goods you distribute or manufacture appreciably reduced by the relatively higher prices now prevailing.	Yes	299	16	61	83	45	31	19	12	32
	No	1,088	99	280	306	106	70	81	43	103
3. Is there any unemployment of labor in your section	Yes	225	11	30	38	42	27	9	13	55
	No	1,332	117	346	388	136	77	108	49	101
4. Is labor in your neighborhood contented with the wages that are now being paid?	Yes	887	51	146	236	138	82	73	47	114
	No	598	73	205	167	35	21	43	16	38
5. If to the former question you answer "No," do you think there is any serious probability of important strikes during the coming summer?	Yes	309	35	118	102	9	4	16	7	18
	No	900	68	183	240	120	82	71	40	96
6. Are the business men with whom you come in contact satisfied with the operation of the Federal reserve law?	Yes	1,244	102	271	348	143	102	104	51	123
	No	157	12	43	50	17	7	5	3	20
7. Do the business men with whom you come in contact feel that there is any inflation of currency or credit in this country?	Yes	307	37	87	87	34	13	16	14	19
	No	1,149	84	246	314	134	102	91	47	131
8. Are the people in your section constructively active? That is, are they building new houses; enlarging their plants, or making permanent improvements that bespeak their confidence in the future?	Yes	1,228	105	298	357	129	80	105	55	99
	No	301	20	70	68	45	32	12	7	47
9. Are the business men in your section content that the tariff question shall be taken out of politics by the creation of a tariff commission?	Yes	1,416	117	315	407	160	103	111	56	147
	No	65	8	29	9	8	2	1	4	4
10. It is said and generally believed that the market for real estate is the last thing to reflect prosperity. Is it becoming more active in your section?	Yes	985	66	220	315	100	72	86	48	78
	No	500	48	129	89	71	46	24	16	77
11. Is the feeling of antagonism toward the railroads in your section abating or persistent?	Abating	1,380	120	331	380	145	98	105	52	149
	Persistent	123	4	23	28	34	7	10	11	6
12. Would and advance of, say, 5 per cent in railway freight rates be generally paid without serious protest by the shippers or consignees in your community?	Yes	912	97	251	245	87	63	66	24	79
	No	561	24	95	167	81	44	47	36	67
13. Are the wage earners in your section disposed to save or is greater extravagance the result of better times?	They are saving	761	68	174	196	83	54	60	31	95
	Increased earnings have led to greater extravagance.	520	34	137	153	60	39	30	25	42
14. Is public sentiment in your section opposed to or in favor of liberal provision and expenditure for "preparedness" by the National Government?	Opposed to	78	2	11	29	9	6	12	4	5
	In favor of	1,396	123	341	365	162	103	99	56	147
15. Has the war in Europe increased the sense of civic responsibility and American nationalism among the people of your section?	Yes	1,310	113	312	355	141	100	96	55	138
	No	185	9	36	70	26	14	13	4	13
16. Assuming that you believe in an extension of our foreign trade, is such extension, in your opinion, possible unless adequate protection is afforded by our Government to American citizens resident or having property interests outside of the United States?	Yes	181	13	41	51	23	18	12	6	17
	No	1,155	104	294	346	143	89	96	53	130
17. Are the people in your section generally in favor of military intervention by the United States in Mexico?	Yes	696	47	165	189	74	61	41	37	82
	No	653	60	162	173	77	47	58	19	57
Number of replies [9]		1,629	137	389	453	187	118	119	64	162

[1] Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.
[2] Delaware, District of Columbia, Maryland, New Jersey, New York, and Pennsylvania.
[3] Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, and Ohio.
[4] Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.
[5] Arkansas, Louisiana, Oklahoma, and Texas.
[6] Minnesota, North Dakota, South Dakota, and Wisconsin.
[7] Arizona, Colorado, Idaho, Montana, New Mexico, Utah, and Wyoming.
[8] California, Nevada, Oregon, and Washington.
[9] This is the total number of persons replying to one or more questions. Few of those answering made replies to all questions, which explains the discrepancy between the totals of the answers to each question and the number of persons answering at least one question.

TABLE OF IMPORTS.

Mr. GALLINGER. Mr. President, on the 1st day of May I presented tables showing the increase of imports under the Underwood-Simmons tariff law in war times as compared with the imports under the Payne-Aldrich tariff law in times of peace. The last table in that compilation shows the imports for January, 1915, and January, 1916, under the Underwood law as compared with January, 1913, under the Payne law, and I now beg to present similar tables for the month of February of those years.

Import comparison for the month of February, 1916 and 1915, under the Underwood law with 1913 under the Payne law, covering 39 strong competitive products, makes a remarkable showing, which should be of great interest to manufacturers and farmers, who have reason to be alarmed at the rapidly increasing imports, indicating what will probably happen at the close of the war.

It will be observed that 20 products, namely, aluminum scrap, automobiles and parts, breadstuffs, cotton cloths, films and plates, fish, fruits and nuts, handkerchiefs, laths, lace and lace articles, leather and tanned skins, meat and dairy products, nets and netting, paper and manufactures, perfumery, seeds, silk manufactures, vegetables, wool and linen yarns, show an increase from $20,750,958 in 1915 to $43,429,609 in February, 1916; and it is a most notable fact that the increase in imports between these two years is more than $3,000,000 larger than the total imports of the same products in February, 1913, under the Payne law. Note, also, the increase of over 100 per cent in the value of imports between February, 1913, under the Payne law, and February, 1916, under the Underwood law.

It also seems important to call attention to another comparison, which is that in February, 1915, but six of these same products showed an increase; and, furthermore, at no time since

the foreign war began, or, in fact, since the Underwood law became operative, have more than half of the number of these products shown an increase over the previous year.

Nineteen products, to wit, aluminum manufactures, clocks, cutlery, eggs, embroideries, enameled ware, glassware, plate glass, leather gloves, hides and skins, cotton knit goods, linoleum and oilcloth, shingles, artificial silk, cotton stockings, tinplate, watches, wood pulp, wool manufactures, reveal a small decrease of $2,193,716 from $17,461,862 in February, 1915, to $15,268,146 in February, 1916; the imports of the last-named products in February, 1916, being practically the same as they were in February, 1913, under the Payne law.

The total imports of the entire 39 products were in February, 1916, valued at $58,697,755; in February, 1915, $38,212,820; and in February, 1913, $34,977,736, the increase between February, 1915, and February, 1916, being $20,484,935, and the increase in February, 1916, over February, 1913, under the Payne law, being $23,720,019.

The fact can not be denied that, beginning with October, 1915, imports of the above-named products have nearly doubled as compared with the imports of similar products in months previous to the beginning of the foreign war, and if such a volume of merchandise can be sent to this country during the war, American producers are not to be blamed for demanding some form of legislation which will protect home industry now as well as after the close of the war. The figures are as follows, which I ask to have inserted without reading.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

The table referred to is as follows:

Imports of merchandise and agricultural products in February, 1916–1915, under the Underwood law, and February, 1913, under the Payne law, using for comparison products having the most severe foreign competition.

Products.	1916 value.	1915 value.	Difference.	1913 Payne law.
			Increase.	
Aluminum scrap	$134,412	$96,016	$38,396	$291,776
Automobiles and parts	76,289	39,019	37,270	99,602
Breadstuffs	1,458,507	1,111,720	346,787	1,141,588
Cotton cloths	909,657	619,771	289,886	727,121
Films and plates	98,921	67,075	31,846	126,963
Fish	1,349,184	1,296,739	52,445	1,155,691
Fruits and nuts	3,338,100	2,233,639	1,104,461	2,523,651
Handkerchiefs (linen)	144,136	106,872	37,264	102,415
Laths	89,365	48,969	40,396	71,939
Lace and lace articles	1,170,615	874,642	295,973	1,561,418
Leather and tanned skins	1,388,814	775,529	613,285	755,549
Meat and dairy products	2,328,570	2,104,431	224,139	933,065
Nets, or nettings	181,530	56,511	125,019	78,071
Paper and manufactures	2,136,035	1,948,217	187,818	1,581,723
Perfumery, etc	236,207	160,284	75,923	112,563
Seeds	3,590,999	2,011,966	1,579,033	1,569,228
Silk manufactures	3,334,284	1,657,688	1,676,596	2,009,108
Vegetables	1,069,533	757,556	311,977	848,255
Wool and Angora hair	20,263,826	4,724,549	15,539,277	3,651,823
Yarns (linen)	130,625	59,765	70,860	62,287
Total (20 products)	43,429,609	20,750,958	22,678,651	19,403,935
			Decrease.	
Aluminum manufactures	7,787	15,887	8,100	78,373
Clocks	7,399	57,020	49,621	50,360
Cutlery	44,711	172,411	127,700	77,541
Eggs	15,433	55,944	40,511	299,060
Embroideries	599,654	684,025	84,371	880,693
Enameled ware	19,493	44,099	24,606	63,353
Glassware	192,227	296,709	104,482	444,344
Plate glass	1,545	2,115	570	19,603
Gloves (leather)	342,867	525,192	182,325	782,973
Hides and skins	10,315,625	11,042,256	726,631	8,924,537
Knit goods (cotton)	28,913	226,263	197,353	43,825
Linoleum and oilcloth	67,164	103,143	35,979	158,531
Shingles	125,130	169,578	44,448	51,157
Silk (artificial)	257,326	209,844	52,518	248,153
Stockings (cotton)	10,193	164,582	154,389	265,169
Tin plate	19,447	20,922	1,475	27,979
Watches	248,162	263,065	14,903	182,237
Wood pulp	1,444,952	1,654,607	209,655	1,623,362
Wool manufactures	1,520,118	1,654,197	134,079	1,352,542
Total (19 products)	15,268,146	17,461,862	2,193,716	15,573,800
From increase list	43,429,609	20,750,958	22,678,651	19,403,936
Total (39 products)	58,697,755	38,212,820	20,484,935	34,977,736

FEDERAL RESERVE ACT.

Mr. OWEN. Mr. President, I desire to give notice that tomorrow, after the morning business, I shall ask to call up for consideration the bill (H. R. 13391) to amend an act approved December 23, 1913, known as the Federal reserve act, by adding a new section.

FLOOD CONTROL.

Mr. CLARKE of Arkansas. Mr. President, I have a matter to present that I think comes under the head of morning business; that is, the reference of a House bill, which was laid upon the table to await the convenience of the Senator from Nevada [Mr. NEWLANDS]. We are now ready to take up that matter, and I move that House bill 14777, known as the flood-control bill, be laid before the Senate, and that it be referred to the Committee on Commerce.

The VICE PRESIDENT. The Chair lays before the Senate the bill referred to by the Senator from Arkansas.

H. R. 14777. An act to provide for the control of floods in the Mississippi and Sacramento Rivers was read twice by its title.

Mr. CLARKE of Arkansas. I move that the bill be referred to the Committee on Commerce.

Mr. NEWLANDS. Mr. President, as a substitute for that motion, I move that the bill be referred to the Committee on Interstate Commerce.

The VICE PRESIDENT. Is this matter to be discussed by unanimous consent?

Mr. CLARKE of Arkansas. I ask unanimous consent that the Senator from Nevada may be allowed to occupy a reasonable time in the discussion of the motion. I am sure he will not take a great while on the issue involved in the motion.

The VICE PRESIDENT. The Chair is of opinion that this is one of the questions that should not be debated during the morning hour. Otherwise the morning hour, of course, could be entirely consumed with a discussion of a question of reference.

Mr. CLARKE of Arkansas. I am satisfied with that; but I ask that the Senator from Nevada be allowed to occupy a few moments.

Mr. JONES. I should not have any objection if the matter might be considered after morning business has been finished. There is morning business to be presented, and if we begin a discussion of this matter before that business has been presented, the discussion will probably run until 2 o'clock.

Mr. VARDAMAN. I object, Mr. President.

The VICE PRESIDENT. Objection is made. The motion of the Senator from Arkansas [Mr. CLARKE] is to refer the bill to the Committee on Commerce, and that is——

Mr. NEWLANDS. Do I understand that that motion is not debatable, Mr. President?

The VICE PRESIDENT. It is not debatable before 2 o'clock.

Mr. NEWLANDS. Then I ask the Senator from Arkansas to allow it to be postponed until 2 o'clock.

Mr. CLARKE of Arkansas. The Post Office appropriation bill being the unfinished business, we shall gain nothing by that.

Mr. NEWLANDS. All I wish is to occupy 25 or 30 minutes in order to present this matter. Indeed, I shall take a shorter time.

Mr. CLARKE of Arkansas. I ask unanimous consent that the Senator from Nevada be allowed 15 minutes in which to discuss the motion. I trust that certainly no friend of the Mississippi River will object to that.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and the Senator from Nevada is allowed 15 minutes.

Mr. NEWLANDS. Mr. President, as a matter of precedent, it, of course, must be admitted that it has been the custom to refer bills of this kind to the Commerce Committee. I submit, however, that the Interstate Commerce Committee was organized for an object, and that was to promote and to regulate interstate commerce; that included in that is interstate transportation; and that that regulation extends not only over the question of freights and fares, but the jurisdiction extends to the instrumentalities themselves through which transportation is conducted.

I assume that it will also be admitted that a river is an instrumentality of commerce, just as is a railway; that a river must be in a measure artificialized in order to make it a perfect instrumentality of commerce; and that the committee which has jurisdiction over interstate railways should also have jurisdiction over interstate rivers.

Mr. BRANDEGEE. Mr. President——

Mr. NEWLANDS. I will state to the Senator from Connecticut that I have only 15 minutes.

Mr. BRANDEGEE. I do not ask to take half a minute. I wish to ask the Senator only one question.

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Connecticut?

Mr. NEWLANDS. I do.

Mr. BRANDEGEE. The Senator from Nevada is aware that Rule XVI of the Senate specifically provides that river and harbor bills shall be referred to the Committee on Commerce, is he not? The amendment to that rule was passed in 1899. So that when the Senator says that by the creation of the Com-

mittee on Interstate Commerce the Senate intended that river and harbor appropriations should be referred to the Interstate Commerce Committee, I do not think he can be correct, because the rule specifically provides otherwise.

Mr. NEWLANDS. Well, Mr. President, when the rule refers to river and harbor bills, I assume that it refers to the customary appropriation bill, known as the river and harbor bill, and that it does not refer to general legislation with a view to perfecting the rivers as instrumentalities of commerce.

Mr. President, why is it that our rivers have not been perfected as instrumentalities of commerce? Why is it that for a hundred years or more we have been engaged in the so-called work of improving our rivers, and that as yet we have hardly a single perfected waterway? Certainly the task is not an impossible one, because other countries have demonstrated its possibilities. They have perfected waterways in Germany, in France, in Austria, and in Russia, artificialized to the highest degree, with a view to maintaining, as far as practicable, a standard flow, so that vessels of standard draft can navigate them at all seasons of the year, with perfected terminals, with perfected transfer facilities, with perfected coordination between rail carriers and water carriers. Not only are these waterways themselves artificialized, but they are so connected by artificial canals as to create a network of waterways resembling the network of railways and almost as extensive, and they work in cooperation with railways in the transportation of bulky and cheap products in such a way as to diminish the cost of transportation, and, above all, to diminish the capital expense of building railways in order to meet the demands of cheap and bulky commodities.

Why is it, then, that we have not as yet entered upon the threshold of river development? My answer is that we have connected them in the same bill with harbor development thus far, and that harbor improvement is a matter upon which not only the people have been united but railroads have operated in cooperation with the people, for every harbor is a railway terminal, and this development is absolutely essential in order to promote railway business; while the river has thus far been regarded not as the terminal of the railway, but a rival of the railway, and thus all legislation tending to its perfection and development has been discouraged by the railways.

This influence has worked secretly. There has been no manifestation of it except upon occasions; but we know that it exists; we know that wherever river transportation has been started it has been waylaid and sandbagged by the rail carriers, and that they have been absolutely unfriendly thus far to any policy which would enable the water carrier to work in cooperation with the rail carrier. I do not mean to say that that feeling is as strong and pronounced now as it was some years ago, for then railways, built in advance of the requirements of commerce, were so eager to get business that they were desirous of monopolizing the cheap and bulky transportation as well as the valuable transportation. They needed volume, and the only way to get volume was to invade the domain of the water carrier; but, with the increase of population and the increase of commerce, we have found that gradually the valuable transportation is meeting all the capacity of our railroads, and that the railroads are becoming congested, and in many cases are absolutely unable to carry the bulky products, heavy in weight and large in size, which require cheap rates. So the railroads' opposition has gradually diminished; but it remains as a tradition that in some way water transportation means injury to rail transportation; and we know how difficult it is to fight against a tradition; how it will hold men in its grasp, even though reason should say it is an entire absurdity, and we have not as yet gotten away from the traditions of the past.

It is my hope that the railroad men of this country, the big men in transportation, will realize that water transportation can be so conducted as to aid railway transportation and to save them the enormous expenditure that will otherwise be necessary in the future in the capitalization of railways in order to meet the demands of the country for the transportation of cheap and bulky commodities.

Mr. President, tradition has also held in its grasp the Commerce Committee of the Senate. It has been so accustomed to treating our rivers in almost a contemptuous fashion that it is hard for it to get out of the habit. Look over our legislation regarding rivers and harbors and you will find that almost all of the appropriations have gone to the harbors—and I have no doubt that for the most part the money has been very wisely expended there—that there has been with reference to our harbors a fixed and continuous policy which has resulted in their highest development; but with reference to rivers we find that our legislation has been halting, spasmodic, and changeable.

We had an illustration only the other day, when a new engineer officer upon the Missouri River proposed the entire abandonment of the scheme of development of that river, and his action was only beaten by an appeal to the Board of Review. That action would have simply duplicated the action of 5 or 10 or 15 years previous when, after conducting the development of that river, the revetment of its banks for a considerable period, the United States abandoned that development upon the ground of economy. I have no doubt that Congress was conscientious in that view, but I have no doubt that the four railways, two on each side of the Missouri River, had a great deal to do with creating the public sentiment that called attention to the so-called extravagance of that expenditure.

What did that work involve? It involved revetting those banks with willow tapestry, or mats, in such a way as to prevent the banks from dissolving, the soil being almost like sugar and dissolving against the impact of the water; and we have to-day 30 or 40 miles of that revetment, constructed many years ago, which is as perfect to-day as when it was made, whereas the rest of the banks is subject to its caprice, the river making its way according to its whim, destroying whole farms and plantations to-day, and so shifting their position that the farm that is on the right bank to-day is on the left bank to-morrow.

The Interstate Commerce Committee is interested in the development of interstate transportation. Gradually the Senate has enlarged the area of its operations. Its name indicates its jurisdiction, but that jurisdiction has only been gradually assumed. In the first instance, that committee took charge of only the question of the regulation of rates, but it has now assumed jurisdiction over telegraph companies, over express companies, over oil carriers, and thus its assumption is approaching the full boundaries of its jurisdiction. It seems to me that this bill relating to the control of floods, presumably in the interest of interstate commerce and with a view of developing a stable stream, ought to go to that committee by reason of its jurisdiction. Such action would leave the Commerce Committee, the jurisdiction over all other commerce outside of interstate commerce. Foreign commerce would remain as the subject belonging to the jurisdiction of the Commerce Committee and the harbors as instrumentalities of foreign commerce would belong to its jurisdiction.

Mr. President, I assume that this power is being exercised under the interstate commerce power. I assume, though it is not stated in the bill, that the purpose is to promote commerce between the States, and I assume that it is not a mere scheme to reclaim private lands. If it is a scheme to reclaim private lands, then the jurisdiction belongs to the Conservation Committee, which was organized for the purpose of conserving the national resources of the country—a committee which thus far has not assumed much jurisdiction, but which was organized as a live committee, with a view to protecting and saving the national resources of the country. If the Senate should come to the conclusion that this jurisdiction does not belong to the Interstate Commerce Committee because it is a mere reclamation scheme for private lands, then I contend that the jurisdiction belongs to the Conservation Committee.

The VICE PRESIDENT. The motion of the Senator from Arkansas is in order.

Mr. WALSH. Mr. President, a parliamentary inquiry. I understood the Chair to intimate that the motion before us is not debatable, and I rose to inquire of the Chair whether that is correct? I invite his attention to subdivision 3 of Rule XIV, as follows:

> No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee; bills and joint resolutions introduced on leave, and bills and joint resolutions from the House of Representatives, shall be read once, and may be read twice, on the same day, if not objected to, for reference, but shall not be considered on that day as in Committee of the Whole, nor debated, except for reference, unless by unanimous consent.

Accordingly it would appear from the plain reading of this rule that the question of reference may be debated, but that the bill itself can not be debated except by unanimous consent; and I notice that that was the construction given to the rule by the Presiding Officer on March 28, 1914. I refer to a precedent found in the last volume of Gilfry, at page 134, as follows:

> The VICE PRESIDENT. In this connection the Chair desires to make a statement. The Chair was in error in ruling that the question of the reference of a bill to a committee is not debatable. The Chair was under the impression that the question was one of those questions which, under Rule XXII, are not debatable; but the Chair finds that the question is debatable. Therefore the ruling of the Chair heretofore made in reference to the matter will not stand as a precedent.

The VICE PRESIDENT. On what page is that?

Mr. WALSH. On page 134.

I recall very distinctly, Mr. President, that this matter was the subject of some extensive consideration by the Senate in

connection with the question as to whether a motion to refer a petition was debatable. The occasion was the presentation of a vast number of petitions dealing with the subject of an embargo upon the export of munitions of war.

The VICE PRESIDENT. Was that during the morning hour?

Mr. WALSH. It was during the morning hour. On that occasion I recall that the Chair held that the rule of the Senate is that everything is debatable, and that when the contention is made that a particular matter is not debatable reference must be made to a specific rule so holding; and my recollection is that the Chair on that occasion ruled that the subject of the reference of petitions to the Foreign Relations Committee, or to some other committee to which reference was made, was a proper subject for debate.

It does seem to me, Mr. President, that if the rule were otherwise as to a bill which has passed the House of Representatives and has come here for consideration by the Senate, it ought not to apply to a measure in that parliamentary stage; and it seems to me that the language of the rule clearly implies that the question of reference is debatable. If it is so, I should like to say just a few words upon the matter of the reference of this bill.

The VICE PRESIDENT. The Senator may proceed while the Chair gets the RECORD of that time. The Chair was under the impression that until the morning business was concluded, at least, these motions were not debatable, as otherwise they would deprive the Senate of the morning hour; but the Senator from Montana may proceed. The Chair would like to verify the time in the proceedings when the ruling was made.

Mr. WALSH. I desire to say, in the nature of a suggestion in the inquiry the Chair is prosecuting, that the handing down of communications from the House of Representatives, and particularly of bills coming from the House of Representatives, is not one of the things contemplated to be done during the morning hour.

The VICE PRESIDENT. The general rule is that they are always in order.

Mr. WALSH. They are always in order. What I mean to say is that it is not a part of the business of the morning hour; and it would seem to me, accordingly, that that part of the business of the Senate would not be governed by the rules relating to the transaction of morning business. It seems to me quite obvious that if a bill happens to be handed down by the Chair after 2 o'clock, it should have exactly the same status as if it were handed down by the Chair before the hour of 2 o'clock. In other words, it ought not to be, and I think the rules did not intend to put it, in the power of the Chair to make a reference debatable or not debatable as the communication was handed down before or after the hour of 2 o'clock.

The VICE PRESIDENT. The rules do put it in the power of the Chair, because the Chair is not under any compulsion to hand down a bill at any particular time; and this particular bill has been held up by the Chair on the request of the chairmen of the Committee on Commerce and of the Committee on Interstate Commerce upon the theory that they would agree as to where it should go. The Chair would not have interrupted the morning business and handed it down at this time if the Chair had believed it was going to cut out the morning business and lead to this discussion. But the bill is now before the Senate for its consideration as to reference.

Mr. WALSH. Then, I desire to say that in my judgment this bill ought to go to the Committee on Interstate Commerce. The reasons which have been presented to the Senate by the distinguished Senator from Nevada, it seems to me, are entirely unanswerable. The only jurisdiction that Congress has to deal with this subject at all, as a matter of course, rests upon the provision of the Constitution which gives to Congress the power to regulate commerce between the several States. Power is also granted to the Congress to regulate commerce with foreign countries, and that is something that is an entirely separate and distinct grant of power. But obviously, Mr. President, the right to control floods in our rivers beyond question is referable to the power to regulate commerce between the several States; and in that view of the matter it seems to me that it is eminently proper that a measure of this kind should go to the committee that deals with that particular subject.

But quite separate and apart from that, Mr. President, there is a reason which it seems to me ought to appeal to the Members of the Senate—a reason that the distinguished Senator from Nevada quite obviously felt some delicacy in advancing. That is that, as we know, he has for years advanced the idea, which appeals to the imagination and to the larger vision of every representative upon this floor, that the only proper way, or at least the advisable way, of taking care of this situation is to take care of floods at their source, and that in addition to the construction of levees and other works of like character, in order to confine the floods within the banks of the rivers and prevent the inundation of the adjacent country and the destruction of property of illimitable value some effort ought to be made to capture the excess waters at their source and utilize them there for some valuable purpose contributing to the development of industry and to the general advancement of the public interest, rather than to allow them to come down where they do their work of destruction.

I hope that some day or other—and now is the accepted time, in my humble judgment—that idea will have consideration by a friendly committee. The Interstate Commerce Committee, it seems to me, is by all means the proper committee for the consideration of this measure, in view of the foundation of the only jurisdiction which we have in the premises. I hope very sincerely, indeed, that the Senate will take that view of it, and allow the bill to go to the committee of which the distinguished Senator from the State of Nevada is the chairman, in order that the ideas that he has so often and so forcibly and, as it seems to me, so persuasively urged upon this body may be developed and presented in some proper form to the Senate.

Mr. CLARKE of Arkansas. Mr. President, may I have unanimous consent to occupy five minutes?

The VICE PRESIDENT. The Chair finds it will be compelled to reverse its ruling that this matter is not debatable, in order to maintain consistency.

Mr. CLARKE of Arkansas. While I should not care to be diverted on to a discussion of that point, I think the Chair's original ruling was right. I do not think the incident which occurred in connection with the reference of a petition has any application here.

The VICE PRESIDENT. By the argument heretofore made, the Chair finds it was once before compelled to back down on that proposition.

Mr. CLARKE of Arkansas. The rule expressly says that motions made before 2 o'clock to proceed to the consideration of anything shall not be debatable.

Mr. GALLINGER. Mr. President, I simply call attention to the second paragraph of Rule VIII. I will not argue that it directly applies to this matter, but it seems to me it does:

> All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.

The VICE PRESIDENT. That was the rule upon which the Chair based the ruling this morning; but the Chair ruled that way once before, and then, on a pretty full discussion, the Chair was compelled to take it back. This is not a motion to proceed to the consideration of a bill or a resolution. It is a question of reference of a House bill the Chair has handed down during the morning hour, and for reasons already stated.

Mr. CLARKE of Arkansas. No; that was a motion to refer a wagonload of petitions on the preparedness question, that had taken a different turn, and came under a different provision. But if I may be permitted to occupy the floor for five minutes, I can say all I have to say about this matter in that time.

It is an embarrassing thing for me to be insisting that a committee with which I am connected should be selected in preference to any other committee to consider any matter that must ultimately be disposed of here; but I do not see any reason why the committee should be deprived of its traditional jurisdiction simply because some one can say that in tracing the matter back to its origin the commerce clause of the Constitution is the foundation for its consideration at all. If that were true, the whole river and harbor bill would go to that committee. The fact of the business is that the Committee on Interstate Commerce is a law committee. It prepares laws. It is a kind of a judiciary committee for the preparation of the laws and regulations regulating interstate commerce.

The bill that is now under consideration—and that is all I intend to say—is an improvement bill. It is a river and harbor bill, and what is done is to be done under the direction of the Mississippi River Commission. I do not know how to distinguish it from the same matter appearing in the text of the river and harbor bill; and there is nothing in the way of an idea in this bill that is not repeatedly contained in the river and harbor bill. It simply isolates two particular projects and adopts them, and directs their continuous development and improvement. If there is any argument in the fact that the interstate-commerce provision of the Constitution is the foundation for jurisdiction, then there is not any reason why the Commerce Committee should exist at all. Besides that——

Mr. WALSH. Mr. President, if the Senator will pardon me, I intended to make the distinction. Of course, we have rivers and harbors. Every harbor on the coast is developed in view of the foreign commerce, and that gives the jurisdiction to the Commerce Committee; and inasmuch as the work is of the same character, it all goes to that committee. But here is a case that

refers to the improvement of rivers alone, and has not any reference to foreign commerce at all.

Mr. CLARKE of Arkansas. This bill relates to the improvement of two specific rivers. It has not got the word "transportation" in it.

I believe I will submit the matter.

Mr. NEWLANDS. I ask for the yeas and nays.

Mr. RANSDELL. Mr. President, I should like to say just a word, if there is no objection. For many, many years all questions relating to the Mississippi River and to the Sacramento River, and all questions relating to floods, have been referred to the Committee on Commerce. There has been no deviation from that rule. This is a question of the control of Mississippi River floods; and not a single measure relating in any way, shape, or form to the floods of the Mississippi River has been referred to any other committee than to the Committee on Commerce.

A number of petitions, memorials, and other matters relating to the Sacramento River were referred to the Committee on Commerce in the Sixty-first Congress. The Committee on Commerce reported in favor of the passage of laws requiring an examination, survey, and report of the Sacramento River. Those reports were made and they are now being acted on in the pending bill.

Everything that the Mississippi River Commission has had to do with since its creation in 1879 has been referred to the Committee on Commerce. This is simply an extension of the powers of that commission. It would be a most unusual proceeding to take out of the hands of the Committee on Commerce the jurisdiction which it has had for certainly more than a third of a century, for everything, let me repeat, in connection with the Mississippi River Commisson has been handled by that committee for more than a third of a century.

I can see no reason in the world for differentiating this from the ordinary river and harbor matters. As the chairman of the committee has so well said, if we are going to differentiate it because of commerce, then you must take away from the Commerce Committee all river matters, for surely they are purely commercial matters. They relate to commerce and to nothing else but commerce.

I sincerely hope that the Senate will not, by its vote, take away from a committee a jurisdiction which it has enjoyed for more than a third of a century.

Mr. NEWLANDS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hardwick	Overman	Sutherland
Borah	Hughes	Owen	Taggart
Brandegee	Husting	Page	Thomas
Chamberlain	Jones	Pittman	Thompson
Chilton	La Follette	Poindexter	Tillman
Clark, Wyo.	Lane	Ransdell	Townsend
Clarke, Ark.	Lea, Tenn.	Reed	Underwood
Culberson	Lodge	Saulsbury	Vardaman
Cummins	McLean	Sheppard	Wadsworth
Curtis	Martin, Va.	Simmons	Walsh
du Pont	Myers	Smith, Ariz.	Warren
Fall	Nelson	Smith, Ga.	Williams
Gallinger	Newlands	Smith, Md.	
Harding	Norris	Sterling	

Mr. SUTHERLAND. I desire to announce that my colleague [Mr. SMOOT] is unavoidably absent from the Senate. I will let this announcement stand for all subsequent roll calls during the day.

Mr. GALLINGER. I rise to announce the enforced absence of the Senator from Maine [Mr. BURLEIGH] on account of illness. I will let this announcement stand for the day.

The VICE PRESIDENT. Fifty-four Senators have answered to their names. There is a quorum present. The question is on the motion of the Senator from Arkansas to refer the bill to the Committee on Commerce.

Mr. NEWLANDS. Is not the question on my substitute?

The VICE PRESIDENT. There can be no substitute for a motion of this kind.

Mr. WILLIAMS. Mr. President, before the Senate votes on this matter I want to read a part of Rule XVI, on page 17, in which it undertakes to tell specifically to what committees bills shall be referred. After saying that appropriation bills shall be referred to the Committee on Appropriations, it says:

> Except the following bills, which shall be severally referred as herein indicated, namely: The bill making appropriations for rivers and harbors, to the Committee on Commerce.

You can not refer any bill making an appropriation for any river or harbor to any committee except the Committee on Commerce without first changing that rule. All sorts of general arguments founded upon general ideas reaching conclusions by inference are as nothing compared with the specific designation in the rule of the jurisdiction of a committee. When the rule states that appropriation bills shall be referred to the Committee on Appropriations, except certain measures, and then says river and harbor appropriation bills shall be referred to the Committee on Commerce, and then goes on afterwards and says the Agricultural appropriation bill to the Committee on Agriculture, the Indian appropriation bill to the Committee on Indian Affairs, and so on, that settles it. It is like a man getting up and arguing an important point from some principle of common law and then finding himself faced with a statute.

Mr. NEWLANDS. Mr. President, I insist that it is perfectly clear from this rule that the bill does not go to the Committee on Commerce by a reason of the rule. What does the rule refer to?

> All general appropriation bills shall be referred to the Committee on Appropriations, except the following bills, which shall be severally referred as herein indicated, namely: The bill making appropriations for rivers and harbors, to the Committee on Commerce; the Agricultural bill, to the Committee on Agriculture and Forestry.

Reference is made to one of those particular bills.

Mr. WILLIAMS. Will the Senator pardon an interruption there?

Mr. NEWLANDS. Certainly.

Mr. WILLIAMS. Does the Senator contend that if the Senate chose to bring in three bills covering the general subject matter of appropriations for rivers and harbors instead of bringing in one, each one of them would not be a bill making appropriations for rivers and harbors? Does the Senator contend that this particular bill is not a bill making appropriations for rivers and harbors?

Mr. NEWLANDS. I do contend that it is not a bill making appropriations. It is a bill authorizing appropriations to be made. It is a bill laying the foundation for appropriations hereafter to be made in the river and harbor bill.

Mr. WALSH. Will the Senator from Nevada allow me?

Mr. NEWLANDS. Yes.

Mr. WALSH. I will answer that in that event it will not be a general appropriation bill. This is not a general appropriation bill at all, neither is the bill making appropriations for rivers or harbors. There are no harbors in it.

Mr. NEWLANDS. Mr. President, it is perfectly clear that the rule refers only to all general appropriation bills and provides that they shall all be referred to the Committee on Appropriations except certain general appropriation bills, and what are they? First, the bill making appropriations for rivers and harbors.

Mr. TOWNSEND. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator will state it.

Mr. TOWNSEND. I understand we have granted 15 minutes for the discussion of this question by the Senator from Nevada, and everybody has been discussing it. If it is in order, I wish to make the point of order that further debate is out of order, and that we proceed to vote on the question. There are a lot of things we want to take up, and we do not want to spend all the morning out of order in discussing a question of this kind.

Mr. NEWLANDS. I understood that the Chair declared debate to be in order.

The VICE PRESIDENT. The Chair stated that the motion is debatable, and the Chair also stated that he would not have handed the bill down had the Chair known that the entire morning was to be taken up in the discussion as to what is a general appropriation bill.

Mr. NEWLANDS. I will bring my remarks to a conclusion within two minutes because I understand, of course, that the Senate is eager to get to other business.

The rule has been invoked, but I say that rule has no application whatever to this bill, first, because it refers only to a general appropriation bill and distinguishes that bill as the bill, the bill making appropriations for rivers and harbors, the nature and character of which we all understood, and, second, because this is not an appropriation bill, but simply a bill authorizing work to be done for which appropriations can hereafter be made. I pause there.

Mr. BRANDEGEE. Mr. President, I wish to state briefly why I shall vote as I feel compelled to vote on the Senator's motion. In the first place, I think the motion to refer the bill is debatable under Rule XIV, that portion of it which says that motions when a bill is introduced shall not be debated except a motion to refer. I think that clearly——

The VICE PRESIDENT. The Chair has already regretfully conceded that point.

Mr. BRANDEGEE. Irrespective of the regret of the Chair I wanted to express that opinion.

As to the other claim of the Senator from Nevada, that this matter of river control and the regulation of commerce upon

rivers should be referred to the Committee on Interstate Commerce because it deals with the commerce clause of the Constitution or is authorized by it, I do not think that that argument is well taken. If it is, it would result in all the bills which refer to the development of any river that ran from one State into another being taken away from the Committee on Commerce and sent to the Committee on Interstate Commerce. If they have jurisdiction over all questions that affect interstate commerce, even to the bridging of rivers, and so forth, it is entirely, I think, in direct contradiction to the universal practice of the Senate.

I am not debating whether the Senate ought to change its rule or its custom in that respect, but if the contention of the Senator from Nevada is correct it seems to me it would leave the jurisdiction of the Committee on Commerce confined solely to harbors and to such rivers as are not interstate.

Mr. NEWLANDS. I will ask the Senator whether he does not think that ought to be the case. Does not the Senator realize that almost all the Senators on that committee come from the seacoast, where they have harbors, and that the interior of the country has very little representation upon the committee?

Mr. BRANDEGEE. I think the subject is a very large one. If the mere creation of the Interstate Commerce Committee by the Senate, without any definition of its jurisdiction, ipso facto gives it jurisdiction over every subject in relation to interstate and foreign commerce, it would also include harbors if they were used for foreign commerce, and you would have the Committee on Commerce with no jurisdiction at all.

Mr. NEWLANDS. But the Senator must bear in mind that the committee——

Mr. BRANDEGEE. The Senator never asked me to yield and he never addresses the Chair when he interjects a speech into mine. I will yield if the Senator will ask me to yield.

Mr. NEWLANDS. The Senator will recall that this is not a Committee on Interstate and Foreign Commerce, but it is simply confined to interstate commerce.

Mr. BRANDEGEE. It is interstate commerce, but the harbors along both the Atlantic coast and the Pacific coast are used in the cosatwise trade, of course, from State to State. The Interstate Commerce Committee is a pretty busy committee. It has now, by the custom of the Senate, if for no other reason, jurisdiction over all matters relating to interstate railways, safety appliances, and all such matters as that, and legislation concerning interstate commerce. It is a pretty busy committee, and it has a tremendously important jurisdiction now. If it is the desire of the Senate to confer the jurisdiction of the Committee on Commerce upon the Committee on Interstate Commerce, in addition to what it now has, it is a large subject, and I would not want, on what debate has now been had, to reverse the policy of the Senate and change the custom of the Senate. Therefore I shall vote for the motion of the Senator from Arkansas to send the bill to the Committee on Commerce.

The VICE PRESIDENT. The question is on the motion of the Senator from Arkansas to refer the bill to the Committee on Commerce.

Mr. NEWLANDS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JONES. I wish to suggest that there are seven members of the Commerce Committee who can be strictly said to be river members.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the motion of the Senator from Arkansas.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. DU PONT (when his name was called). I inquire whether or not the junior Senator from Kentucky [Mr. BECKHAM] has voted?

The VICE PRESIDENT. He has not.

Mr. DU PONT. As I have a general pair with that Senator, I withhold my vote.

Mr. HARDWICK (when his name was called). I transfer my pair with the Senator from Kansas [Mr. CURTIS] to the Senator from Indiana [Mr. KERN] and vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. Not seeing him in his seat, I withhold my vote.

Mr. THOMPSON (when Mr. SAULSBURY'S name was called). I desire to announce that the junior Senator from Delaware [Mr. SAULSBURY] is absent from the Chamber and that he is paired with the junior Senator from Rhode Island [Mr. COLT].

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the junior Senator from California [Mr. PHELAN] and vote "yea."

Mr. SMITH of Maryland (when his name was called). I am paired with the Senator from Vermont [Mr. DILLINGHAM]. I transfer that pair to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. THOMPSON (when his name was called). I am paired with the Senator from Illinois [Mr. SHERMAN]. In his absence I withhold my vote.

Mr. TILLMAN (when his name was called). Transferring my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina], I vote "yea."

Mr. TOWNSEND (when his name was called). I have a pair with the junior Senator from Florida [Mr. BRYAN], but under the terms of that pair I feel at liberty to vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from New York [Mr. O'GORMAN] and vote "yea."

The roll call was concluded.

Mr. LODGE. Mr. President, my colleague [Mr. WEEKS] is absent from the city. He has a general pair with the Senator from Kentucky [Mr. JAMES].

Mr. GALLINGER. Mr. President, I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON]; and

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS].

Mr. THOMPSON. I transfer my pair with the senior Senator from Illinois [Mr. SHERMAN] to the junior Senator from South Dakota [Mr. JOHNSON] and vote "nay."

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. LODGE (after having voted in the affirmative). Mr. President, I have learned that the Senator from Georgia [Mr. SMITH], with whom I am paired, has not voted. I transfer that pair to the Senator from Utah [Mr. SMOOT] and will allow my vote to stand.

The result was announced—yeas 41, nays 16, as follows:

YEAS—41.

Bankhead	Hollis	Reed	Taggart
Brandegee	Hughes	Shafroth	Tillman
Broussard	Jones	Sheppard	Townsend
Chilton	Lippitt	Shields	Underwood
Clarke, Ark.	Lodge	Simmons	Vardaman
Culberson	McLean	Smith, Ariz.	Wadsworth
Fall	Martin, Va.	Smith, Md.	Williams
Fletcher	Nelson	Smith, Mich.	Works
Gallinger	Owen	Sterling	
Harding	Page	Sutherland	
Hardwick	Ransdell	Swanson	

NAYS—16.

Borah	Husting	Myers	Poindexter
Clark, Wyo.	La Follette	Newlands	Stone
Cummins	Lane	Norris	Thompson
Gore	Lea, Tenn.	Pittman	Walsh

NOT VOTING—39.

Ashurst	Dillingham	Lee, Md.	Robinson
Beckham	du Pont	Lewis	Saulsbury
Brady	Goff	McCumber	Sherman
Bryan	Gronna	Martine, N. J.	Smith, Ga.
Burleigh	Hitchcock	O'Gorman	Smith, S. C.
Catron	James	Oliver	Smoot
Chamberlain	Johnson, Me.	Overman	Thomas
Clapp	Johnson, S. Dak.	Penrose	Warren
Colt	Kenyon	Phelan	Weeks
Curtis	Kern	Pomerene	

So the motion of Mr. CLARKE of Arkansas was agreed to; and the bill was referred to the Committee on Commerce.

Mr. NEWLANDS. Mr. President, I ask that the bill (S. 5736) to promote interstate commerce, agriculture, and the general welfare by providing for the development and control of waterways and water resources, for water conservation, for flood control, prevention, and protection; for the application of flood waters to beneficial uses; and for cooperation in such work with States and other agencies, and for other purposes, on the same subject be taken from the table and referred to the Committee on Commerce.

The VICE PRESIDENT. The bill will be referred to the Committee on Commerce.

CONCENTRATION AND MANEUVER CAMP, WASHINGTON.

Mr. JONES. Mr. President, there is a resolution on the table which went over the other day at the request of the Senator from New Hampshire [Mr. HOLLIS]. I have talked with that Senator, and he has stated to me that he has no objection to the resolution. I ask, therefore, that it may be considered at this time.

The VICE PRESIDENT. Is there objection to the request of the Senator from Washington?

There being no objection, the resolution (S. Res. 203) submitted by Mr. JONES on May 18 (calendar day May 26), 1916, was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of War be directed to transmit to the Senate, as soon as possible, copies of the following reports and memoranda with reference to the American Lake concentration and maneuver camp in the State of Washington, to wit:

Report of Gen. Funston for the year 1903.
Report of Capt. S. A. Cloman in 1907.
Report of Col. Woodbury in 1907, about April 4.
Report of Lieut. A. M. Ferguson of August 1, 1907.
Reports from the Secretary of the Interior and the Acting Commissioner of Indian Affairs under date of May 27, 1907.
Report of the board of Army officers composed of Gen. Murray, Gen. Maus, and Capt. Craig, March 4, 1912.
Memoranda submitted by Gen. Duvall May 10, June 8, and September 26, 1907.
Report of Gen. Randall.

OREGON & CALIFORNIA RAILROAD LAND GRANTS.

The VICE PRESIDENT. If there be no further resolutions, morning business is closed.

Mr. CHAMBERLAIN. Mr. President, I move that the Senate proceed to the consideration of House bill 14864, relative to the land grants to the Central Pacific Railroad.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes, which had been reported from the Committee on Public Lands with amendments.

Mr. CHAMBERLAIN. Mr. President, I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, the committee amendments to be first considered.

The VICE PRESIDENT. Is there objection?

Mr. BORAH. Mr. President, just a moment, before that is agreed to. I desire to ask the Senator from Oregon if this is the bill which has to do with the disposition of the lands which were in litigation and which were known as the railroad lands of Oregon?

Mr. CHAMBERLAIN. This is the bill, I will say to the Senator.

Mr. BORAH. The Senator does not expect to dispose of this bill by 2 o'clock, does he?

Mr. CHAMBERLAIN. I understand that when the Post Office appropriation bill, which is the unfinished business, comes up the chairman of the Post Office Committee will ask to have it laid aside for the continuation of the discussion of this bill.

Mr. BORAH. Well, Mr. President, I do not desire to delay this bill; but there are some features of it which have been brought to my attention within the last day or two that I should like to know more about before I vote on the bill.

Mr. CHAMBERLAIN rose.

Mr. BORAH. Is the Senator from Oregon going to discuss the bill?

Mr. CHAMBERLAIN. Yes.

Mr. BORAH. Very well. I may learn from the Senator what I desire to know.

Mr. CHAMBERLAIN. I may defeat the bill by discussion, as is sometimes done.

Mr. BORAH. That is not ordinarily the effect of the Senator's speeches.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon that the formal reading of the bill be dispensed with and that the bill be read first for committee amendments? The Chair hears none.

Mr. CHAMBERLAIN. Mr. President, possibly before the bill is read for committee amendments, I had better make a general statement in reference to the legislation and the condition of the land grant which is involved in the legislation.

Mr. President, as preliminary to the discussion of the measure, I ask permission to have printed in the RECORD a letter from the Attorney General to me under date of March 7, 1916, and an inclosure which that letter brought to me, being a report to the Attorney General by Mr. S. W. Williams, who was appointed as the agent of the Department of Justice to visit Oregon some time last September to examine into the condition of the lands included within this grant and to make a report thereon to the Department of Justice.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. CHAMBERLAIN. I do.

Mr. NORRIS. I have no desire to delay the bill more than would be involved by a legitimate discussion; but I notice that the Senator has asked that the matter to which he refers be printed in the RECORD. If he expects to dispose of the bill to-day, it seems to me it ought to be read.

Mr. CHAMBERLAIN. I should be very glad, indeed, to have the letter and the report read, and if the Senator so requests I will ask that they be read.

Mr. NORRIS. So far as I am concerned, I should like to hear read the letter and the report to which the Senator refers, because it seems to me that there are some very important matters in this bill to which the Senate ought to give its attention, and Senators would get no benefit from the information contained in the letter and report if they could not read them in the RECORD until after the bill had been passed.

Mr. CHAMBERLAIN. I will say to the Senator that I intended to cover in what I had to say about the bill practically what is contained in the letters and report; but I agree with the Senator that, in view of the importance of this legislation, it might be well to read the communications to the Senate, and thus save very much that I might have to say in the discussion of the measure. The report is full and complete and is by quite a distinguished lawyer in the Department of Justice, a man who is entirely disinterested, who himself went over the ground, and from actual contact with individuals in the State, commercial associations, and other bodies, and from an inspection of the lands reported to his chief on this whole subject.

Mr. NORRIS. May I ask the Senator, further, does it refer to or does it have a bearing upon the bill which passed the House, or has it particular reference to the Senate committee amendments which have been proposed?

Mr. CHAMBERLAIN. It is a general report on the condition of the Oregon railroad grant before any bill was prepared or introduced in either the House or the Senate.

Mr. NORRIS. I hope the Senator will have it read, then.

Mr. CHAMBERLAIN. I will be glad to have it read, Mr. President, because, as I have said, it is a full report on the whole subject.

Mr. BORAH. Mr. President, before the reading commences, may I ask the Senator from Oregon if that feature of this bill in which the port districts in Oregon are interested have been taken care of satisfactorily to them?

Mr. CHAMBERLAIN. They have, I will state to the Senator. That is a Senate committee amendment.

Mr. BORAH. And it is satisfactory to those who represent the port districts?

Mr. CHAMBERLAIN. We had a hearing, Mr. President, at which a representative of the port districts was heard, and it is satisfactory to him, I believe.

Mr. BORAH. Do the amendments which the committee have reported to the bill cover the situation satisfactorily?

Mr. CHAMBERLAIN. Yes, sir. I will say that the Senate has made very few amendments, and that that is one of the principal amendments.

Mr. President, I ask that the letter from the Attorney General and the report of Mr. S. W. Williams be read to the Senate.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., March 7, 1916.

Hon. GEORGE E. CHAMBERLAIN,
United States Senate.

MY DEAR SENATOR: In accordance with the request contained in your letter of the 4th, I am inclosing herewith a copy of the report of Mr. S. W. Williams on the Oregon & California Railroad land grant.

Mr. Williams was sent to Oregon for the purpose of securing all available information in regard to the matter for the use of this department in such action as it might be called upon to take in the litigation which, as you know, is still pending, or in regard to any legislation that might be considered looking to a disposition of the case. His report, therefore, contains not only such facts as he could ascertain in regard to the character of the lands, the views of the people living in that section of the country, etc., but also his recommendations as to the manner of settling the litigation and the disposition which should be made of the lands involved. I must, therefore, ask you to regard this report as the work of Mr. Williams and not as expressive of the views of the department, because, as stated in my report to Senator MYERS on Senate bill No. 30 in regard to this matter, I do not consider it within the province of this department to express views as to the policy to be pursued by Congress in regard to the disposition of the public lands.

Should you have occasion to refer to the report, or publish any part of it, I rely upon you to make it very plain that the views expressed are the views of Mr. Williams and not necessarily the views of this department.

Faithfully, yours,

T. W. GREGORY,
Attorney General

REPORT OF S. W. WILLIAMS, ATTORNEY, DEPARTMENT OF JUSTICE, ON THE OREGON & CALIFORNIA RAILROAD LAND GRANT.

NOVEMBER 30, 1915.

The ATTORNEY GENERAL.

SIR: I have the honor to submit herewith the report of my investigation of the situation resulting from the Government's litigation involving the Oregon & California Railroad land grant.

HISTORY OF THE LAND GRANT AND THE LITIGATION ARISING THEREFROM.

For convenience I shall, as an introduction to this report, summarize very briefly the history of the land grant and the litigation growing out of it.

By the act of July 25, 1866 (14 Stat., 239), Congress authorized such company organized under the laws of Oregon as the legislature of that State might designate, to construct and maintain a railroad and telegraph line beginning at the city of Portland, in Oregon, and running southerly through Willamette, Umpqua, and Rogue River Valleys to the southern boundary of Oregon; and to aid in the construction of the railroad and telegraph line, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores over the line of road, the act granted every odd-numbered section of public land, not mineral, lying within 20 miles on each side of the railroad line—there being a provision for securing indemnity within an additional belt of 10 miles on each side, for such odd-numbered sections, within the 20 miles or granted limits, as had been previously disposed of, reserved, or occupied by settlers.

The act of Congress further provided that the company seeking to avail itself of the grant should file its assent to the terms of the act in the Department of the Interior within one year from the date of the act, and should complete the first section—or 20 miles of road—within two years, and upon failure to do either, the grant should be void. For reasons not necessary to state here, no properly organized and designated company accepted the terms imposed by Congress within the time allowed, and by the act of April 10, 1869 (16 Stat., 47), Congress renewed the grant, but in so doing provided that the lands granted should "be sold to actual settlers only, in quantities not greater than 1 quarter section to each purchaser and at prices not to exceed $2.50 per acre."

The grant as thus amended was accepted by the Oregon & California Railroad Co., and in the course of time the railroad was constructed from Portland to the California line.

By the act of May 4, 1870 (16 Stat., 94), Congress made a like grant to the Oregon Central Railroad Co. (a predecessor of the Oregon & California Railroad Co.) for the construction of a railroad and telegraph line from Portland to Astoria and from a point near Forest Grove to the Yamhill River, near McMinnville. It is sufficient to say that the terms of this grant were also accepted by the railroad company, and 47 miles of road were constructed; and that under both grants the total quantity of land accruing to the Oregon & California Railroad Co. was approximately 3,300,000 acres.

At first and for a number of years there were substantially no demands for the granted lands except for the purpose of settlement by persons of limited means able to purchase only in small quantities, and until about the year 1894 nearly all of the sales made by the company were of that character. However, when the value of timber lands became known, the demand rapidly increased and the railroad company in making sales did not observe the conditions imposed by the granting acts, but, on the contrary, sold to whom it saw fit, in such quantities as the purchasers would buy and at the highest prices obtainable until about the year 1903, when the company practically refused to make any further sales whatever. At that time the company had sold more than 740,000 acres and had contracted for the sale of more than 80,000 acres in addition.

While there seems to have been no concealment of its action by the railroad company in disposing of the lands contrary to the terms of the grant, so far as I have been able to ascertain the matter was first called to public notice by Mr. W. B. Sherman, of Grants Pass, Oreg., when, on September 11, 1906, he made a public address at a State fair at Salem before a meeting of the Oregon Development League. In this address he referred to the contract between the Government and the railroad company and commented upon the conditions under which the lands were granted. This address was given wide publicity by the Oregon newspapers. I am also informed that even prior to that time the matter was discussed more or less in litigation in the State courts, involving certain of the granted lands.

In February, 1907, the Legislature of Oregon, responding to repeated demands of the people, adopted and communicated to the Federal Government a memorial pointing out the violations of the granting acts, and on April 30, 1908 (35 Stat., 571), Congress adopted a joint resolution authorizing and directing the Attorney General of the United States to institute and prosecute such suits in equity and actions at law as he might deem adequate and appropriate to inforce all the rights and remedies in any manner arising or growing out of the matter.

Pursuant to that authority and direction the Attorney General caused a bill in equity to be filed in the United States district court for the district of Oregon to have it judicially determined whether the railroad company had not forfeited its unsold lands (approximately 2,300,000 acres) by reason of having violated the terms under which it had received them from Congress. In the bill thus filed the Government contended that the terms of sale imposed by the granting acts constituted a condition subsequent, breach of which on the part of the grantee operated to forfeit the grant; and the bill accordingly contained a prayer that the lands described therein (all the unsold lands, whether patented or unpatented) be declared forfeited to the United States. The bill also contained in the alternative prayers to the effect that a receiver be appointed to sell the lands and account for the proceeds as the court should direct; or that a mandatory injunction be issued directing the railroad company to sell the lands in conformity with the terms by which they were granted.

The railroad company demurred to the bill of complaint. The case was exhaustively argued and briefed, and in a lengthy opinion District Judge Wolverton overruled the demurrer on April 24, 1911. (186 Fed. Rep., 861.) Upon this the railroad company filed an answer and a vast deal of testimony was taken, most of which, however, consisted of conflicting testimony regarding the character, adaptability, and value of the lands. The case was then heard on the merits and a decree entered July 1, 1913, declaring the lands forfeited to the United States.

The railroad company appealed to the circuit court of appeals, and that court, after argument, certified certain questions to the Supreme Court. Upon motion of the Government, in which all parties concurred, the Supreme Court ordered up the entire record and, therefore, had the whole case before it when its decision was rendered on June 21, 1915. (238 U. S., 393.)

The Supreme Court held that the provisions of the acts of 1869 and 1870 declaring that the granted lands should be sold to actual settlers only in limited quantities and at a price not exceeding $2.50 per acre, did not constitute a condition subsequent and that a violation thereof did not work a forfeiture of the grant, but that they were enforceable covenants. The Supreme Court therefore reversed the action of the district court and remanded the case for the entry of a decree enjoining the railroad company from making further sales in violation of the law. The Supreme Court further decided that, in view of the present value of the lands for their timber, any attempt to sell them now in accordance with the terms of the granting acts would invite more to speculation than to settlement, and for that reason the court ordered a further injunction against any sale or disposition whatever either of the lands or the timber for a period of not less than six months from the entry of the decree "until Congress shall have a reasonable opportunity to provide by legislation for their disposition in accordance with such policy as it may deem fitting under the circumstances and at the same time secure to the defendants all the value the granting acts conferred upon the railroads."

It should be stated here that from the time it received patents for the lands the railroad company paid taxes thereon to the State and counties—at first on the basis of a low valuation, but later on a greater value—in most instances far above $2.50 per acre; and when the decree of forfeiture was entered the company had paid taxes to the amount of nearly $2,000,000. Upon the entry of the forfeiture decree by the district court in 1913 the railroad company paid no further taxes on the lands, by reason of which the counties affected suffered material loss in revenue. The situation became so acute during the past summer that the governor of the State called a conference to be held at Salem on September 16 for the purpose of considering the matter and formulating a definite policy regarding the lands and the manner in which they should be disposed of. This conference was attended by public men of the State, by delegates appointed by the county courts, and others who appeared in an advisory capacity, among them the Commissioner of the General Land Office of the United States and Mr. F. P. Dunne, attorney for the Southern Pacific Railway Co., which corporation now controls the Oregon & California Railroad Co.

After a session of two days the conference adopted the following resolution:

"Whereas the people of the State of Oregon by their representatives, duly assembled at Salem, Oreg., September 16 and 17, 1915, have been brought together by a common inspiration to consider the material welfare of Oregon, made imperative by the rendition of the opinion of the Supreme Court of the United States in the case of the Oregon-California Railroad Co. et al. v. The United States, popularly known as the land-grant case; and

"Whereas in said case the Supreme Court has construed the acts of Congress of the United States, approved July 25, 1866, as amended by the act approved June 25, 1868, and April 10, 1869, and the act of May 4, 1870, to be not only laws but enforceable and continuing covenants; and

"Whereas said acts contain conditions for the sale of the lands granted thereunder, requiring the said lands to be sold to actual settlers in quantities not greater than 160 acres and for sums not exceeding $2.50 per acre; and

"Whereas the said conditions plainly imply an obligation upon the grantee in said grant to sell said lands to actual settlers who comply with the conditions of said grant, and bring themselves within the conditions of said grant as actual settlers; and

"Whereas it is apparent that the grantees in said grant, by the acceptance of said grant, plainly agreed to convey the said lands according to the terms of said grant to such settlers upon the payment of the amount specified in said grant, and to make such conveyance upon the full performance of the terms of said grant by said actual settlers; and

"Whereas the Supreme Court in its opinion of June 25 [21], 1915, held that Congress should have a reasonable opportunity to provide by legislation for the disposition of said lands in accordance with such policy as it might deem fitting under the circumstances, and at the same time to secure to the defendants in said cause all the value the granting acts conferred upon the said defendants, at all times keeping in view the policy which will insure actual settlement of the lands rather than speculation; and

"Whereas the United States Government has heretofore created national forests within the State of Oregon, occupying approximately one-third of the area of the State of Oregon, and thereby militating greatly against the growth and development of the State of Oregon: Therefore be it

"*Resolved*, That it is the sense of this conference that the Congress of the United States should enact laws defining and settling who shall be considered an actual settler under the terms of said acts, and what shall be considered an actual settlement, and requiring the grantees under said act to perform the terms and conditions of said act, and sell and dispose of said lands according to the true intent and purpose of said acts to such actual settlers; and be it further

"*Resolved*, That we are unalterably opposed to any further increase of forest reserves in the State of Oregon; and lastly, be it

"*Resolved*, That we urge upon Congress the enactment of legislation which shall provide for the immediate sale of said grant lands in quantities of not greater than 160 acres to any one person, and to actual settlers, at a price not in excess of $2.50 per acre, and to provide against all fraud in the settlement and disposition of said lands."

Such was the situation when I was ordered by the department, on September 21, 1915, to proceed to Oregon and investigate the matter as fully as might be.

CHARACTER AND EXTENT OF THE INVESTIGATION AND FACTS ASCERTAINED.

Leaving Washington on September 24 I proceeded directly to Portland, where I remained several days conferring with the United States attorney, Chief of Field Division of the General Land Office located there, United States Senator CHAMBERLAIN, ex-Governor West, of Oregon, and others. Mr. Louis L. Sharp, Chief of Field Division of the General Land Office, furnished me valuable information respecting the character of the lands, etc., and to enable me to make all possible use of the limited time at my disposal he detailed Special Agent Leonard Underwood to accompany me on the various trips I proposed to make over the land grant. Owing to Mr. Underwood's general information in regard to the lands, his acquaintance with the country and the people, I succeeded in seeing more of the lands and in interviewing more people having personal, intimate knowledge of the situation than I could have otherwise done under the circumstances.

From Portland I went to Oregon City where I met and interviewed a number of the county officials of Clackamas County, and where later a meeting of the Commercial Club was called to discuss the matter.

I should state here that in those towns of Oregon that I visited, the Commercial Club is an important factor. It is an organization combining the functions of a social club with those of a business men's association. Usually most of the prominent or well-known men in the town belong to it, and frequent meetings are held for the purpose of considering public matters and all questions of local interest.

The people of Oregon City seemed to be of the opinion that the grant lands should be sold for their actual value and that the railroad company should receive not more than $2.50 per acre, while the difference between that sum and the selling price should be given to the State. They made it plain beyond all question that they desired that none of the lands be included in a forest or other reservation for national purposes.

From Oregon City I drove out into the grant lands in Tps. 5 and 6 S., R. 2 E., in the western slope of the Cascade Mountains. The land here is fairly well timbered, but rough and steep in most places. The soil seemed to be excellent, and I saw land similar in topography that was cleared and in use as pasture. I also inspected portions of the grant lands in the vicinity of Wilhoit Springs in secs. 5 and 15, T. 6 S., R. 2 E. Here I had a conversation with the postmaster, W. F. McLaren, who said that he thought the Government should insist upon the railroad company selling the land in accordance with the terms of the grant, but that if Congress should act and dispose of the lands they should be sold for their actual value; that he would be glad to buy the tract adjoining his place at $40 per acre, as it was worth that much for its timber alone.

After spending two days at Oregon City and on the grant lands in that vicinity on the east side of the Willamette River, I went to Willamina, on the other side of the river, and from there drove out to the grant lands in T. 4 S., R. 7 W., using an automobile as far as it could conveniently proceed up the mountains. Mr. Underwood and I then walked several miles higher up the mountains. The land here was burnt over some 50 years before and practically all the timber has been destroyed, there being only small second growth in places, with some scattering large trees. The land for the greater part is steep, but not so much so as to be unfit for use. Substantially all of it is good for grazing and a large part can be cultivated. This is shown by the fact that practically on the very top of one of the mountains I found an extensive field. Mr. Underwood took several photographs of the lands here and elsewhere, which I shall submit with this report.

While I saw only a small part of the grant lands in this vicinity, I was informed by Mr. Underwood, who had been over most of the lands there, that what I had seen was a fair sample of all.

From Willamina I went to Salem, the State capital, where I met and interviewed both county and State officials, and where I also had an opportunity of meeting members of the Commercial Club. I had the pleasure of a conference with the governor, who freely expressed his views on the situation. He said that the principal consideration was the early settlement of the lands, and to that end he thought it best to first classify them and dispose of the nontimbered lands at $2.50 per acre to actual settlers in tracts not exceeding 160 acres, while the timber should be sold for its market value; that the timber was largely inaccessible and until railroads or roads were built it could not be used. He seemed to think that the railroad company should received $2.50 per acre for the land and possibly a portion of the surplus derived from the sale of timber, the other part to go to the State and to be placed in some irreducible fund to be available to men who might enter the land at a low rate of interest on long terms. In conclusion, the governor expressed himself as unalterably opposed to the lands going into any sort of a reserve.

From Salem, with B. B. Herrick, jr., county surveyor, I visited the grant lands in Tps. 7 and 8 S., R. 1 E., where I interviewed an old settler, Samuel T. Arnold, who had been living there for 28 years. He stated that most of the railroad land in that vicinity was rough, containing little timber; that nearly all of it was good for grazing and some, perhaps, for cultivation, while portions were too steep for any use whatever. For example, he said that less than 10 per cent of section 11 in that township had any value at all except, possibly, for power purposes, as the Silver Creek here falls abruptly over a bluff 186 feet to a pool below. I found people risiding on the very tops of some of the mountains in T. 8 S., R. 1 E., among them H. J. Winter, who has been living on a homestead there for 24 years, the land having been entered by his father. The soil here seemed to be fertile and produced fine fruit trees and vegetables. Winter informed me that most of the land could be used, and in that vicinity all of it was worth $2.50 an acre, much of it a great deal more.

While in Salem, I had an interview with a timber cruiser for the Hammond Lumber Co., which company is now operating timber in that part of the country. This man informed me that much of the timber was so overripe as to be worthless, and he estimated that in places the loss was as great as 50 per cent. Those attending the meeting at the Commercial Club, in Salem, were unanimous only on one question, namely, that they did not desire the lands to be included in a forest reserve. There was a variety of opinion expressed as to the disposition that should be made of the lands, some suggesting that the lands be sold for the highest prices obtainable and the railroad company paid $2.50 per acre, while the balance should go to the State. The chief concern of the people here, as elsewhere, is that the lands remain on the tax rolls, so as to return their due proportion of revenue to the State and counties in which they are located.

Among those interviewed at the State capital and who furnished me much valuable information was Mr. F. A. Elliott, the State forester, who at one time was employed by the Southern Pacific Railroad Co., and who has been practically over all of the grant lands. In his opinion there are some 400,000 acres of these lands that are hardly worth the taxes at the present time, and the balance is valuable chiefly for the timber. Mr. Elliott exhibited to me statistics showing that of the owners of timberlands in the State less than 25 per cent live upon the lands so owned, and he said that while the railroad lands would be taken up by alleged settlers if they were afforded the opportunity, in his judgment, less than 5 per cent would remain after making proof. Mr. Elliott also corroborated what was told me by the cruiser for the Hammond Lumber Co., that a large part of the timber was past maturity and should have been cut long ago, much of it being now worth little or nothing. At Salem I saw several men of more or less prominence who did not hesitate to say that the railroad company had earned the grant by constructing the road, and that it would not be inequitable for Congress to grant the land to the company outright. Such men, however, constitute a small minority of those whom I saw.

From Salem I went to Albany, the county seat of Linn County, where I talked with a number of attorneys, business men, and several of the county officials, including the sheriff, county commissioner, justices of the peace, county clerk, county attorney, and circuit judge. The majority of those I saw were opposed to the railroad company's receiving more than $2.50 per acre for the lands. They seemed to be willing, however, to waive the requirement of actual settlement and have the lands sold for their value, the proceeds in excess of $2.50 an acre to be given to the State. Here, as elsewhere, the people were particularly anxious to see the lands opened to settlement and be made subject to taxation.

I arrived at Eugene, the county seat of Lane County, on October 11, and remained there and in the vicinity for three days. A meeting was held at the Commercial Club, where I had an opportunity of conferring with a number of prominent men of the town in all walks of life. Here, too, I found strong sentiment favorable to the disposition of the lands at their actual value; also, a disposition to be just to the railroad company, and here, also, I found unanimous opposition to the inclusion of any of the lands in a forest reservation.

From Eugene I visited the grant lands in T. 16 S., R. 2 W., on the western slope of the Cascade Mountains and found them rough and steep, with a fair growth of timber. While these lands are rough, they could be devoted to agricultural purposes, chiefly for grazing, when cleared. I saw where two homestead entries had been made on intervening even-numbered sections and abandoned after proof. I ascertained here that the ownership of the Oregon & California Railroad Co., of the alternate odd-numbered sections and the refusal of the company to dispose of such lands seriously interferes with the operation of adjacent lands owned by other parties, rendering it necessary for those owning the even-numbered sections to make long detours in order to operate their timber.

From Eugene I also inspected the grant lands on the west side of the Willamette Valley and on the east slope of the Coast Range Mountains, in township 19 south, range 6 west, walking through sections 2, 3, 9, 10, and 17 of the township. Here I found some excellent timber; and while generally speaking the land is rough and steep, there are comparatively level areas which can be cultivated to advantage when the timber is removed. I saw improved places in section 10 which had been acquired under the homestead laws. I was informed by men who had lived in the neighborhood for years that a large part of the land is suitable for settlement and cultivation.

Leaving Eugene I crossed entirely over the Coast Range Mountains, going even to the coast, stopping for a day at Noti, a small station on a new line of road which is being constructed from Eugene across the Coast Range Mountains, thence down the coast to Marshfield. At Noti I personally inspected the settlement claims of five men who are actually residing upon the grant lands and received definite information as to some six or eight others in that vicinity but whose places I did not have time to inspect personally. Some of these men have several acres in cultivation, and additional lands are now being cleared. They have resided there for periods of from five years to five months. The greater part of the land here is rough and well timbered, though the settlers whom I saw insisted that it is suitable for cultivation. These men are actually residing on the lands with their families, hoping to acquire title in some way and anxiously awaiting a definite determination of the matter by the proper authority, believing that in the end they will be protected.

I made somewhat copious notes of the improvements I found upon these claims and the circumstances of the people, but do not embody them herein because to do so would add to the length of this report, which I fear will be too long even without the recital of such matters.

I reached the coast at Florence, a small town at the mouth of the Siuslaw River, and from there was taken by boat and stage line to Marshfield, the largest town on Coos Bay. While Marshfield is not within the limits of the Oregon & California land grant, it is not far from the terminus of the old Coos Bay wagon road, running from Roseburg to Coos Bay; and inasmuch as I was instructed to ascertain all I could concerning that grant, which is also in litigation, I considered it advisable to visit Marshfield.

At this place is located the mill of the C. A. Smith Lumber Co., which has a capacity of 450,000 feet daily. The company also has another mill of 250,000 capacity, which was not running at the time of my visit on account of the depressed lumber market. I was shown through the mill by officials of the company, who advised me that while several years ago the average lumber was selling for $17 per thousand, it is now worth only $9, there not being a great demand even at that price. I was informed that this company has $33,000,000 invested in mills, logging equipment, lands, etc., a large part of the land having been purchased from the Oregon & California Railroad Co. I was further informed by officials of the company that there are a number of isolated tracts belonging to the Oregon & California Railroad Co. interspersed with private holdings which are now being operated, and that if the timber on those tracts is not cut at the present time, while the companies are operating in that vicinity, it will be practically lost, as there is not sufficient timber to justify a separate operation.

From Marshfield I reached Coquille, the county seat of Coos County, by rail. Here I called at the courthouse and met a number of county officials, and later in the day interviewed others having an interest in the matter. Most of those whom I saw had no well-defined plan to offer as to the disposition of the land, except ex-County Judge John H. Hall, who said that the railroad company should be paid the price of $2.50 per acre and a reasonable sum for the taxes it had paid to the State and counties; that the agricultural lands should be given to the settlers and the Federal Government to sell the timber on the remaining portion of the lands for its full value. Here I learned that for a number of years after the grant was made the lands could not be sold for as much as $2.50 per acre, as they were chiefly timberlands, and nobody seemed to want timber. The people here were chiefly interested in seeing that the county should receive the taxes that it had been accustomed to receive from the railroad company before the decree of forfeiture was entered In the early days the lands were taxed on a low assessment—$1 per acre—but afterwards this was greatly increased. In 1905 some sections were assessed at from $4 to $6 per acre, while in 1914 the same lands were assessed as high as $40 an acre. As stated earlier in this report, the railroad company has not paid taxes for the past three years. The taxes due Coos County amount to considerably more than $100,000, and the county has found it necessary to draw warrants to meet its expenses.

From Coquille I traveled by automobile to Roseburg, most of the distance being over the old Coos Bay wagon road where it crosses the Coast Range Mountains in Coos and Douglas Counties. I found very

few settlements along this line of road. The land is exceedingly rough and steep, though very heavily timbered in places.

From my talks with those I met I concluded that, while many alleged settlers seem anxious to establish homes on the land, their chief object is to secure the lands for their timber value. It is not unusual to find quarter sections in this vicinity that contain more than 10,000,000 feet of timber, which, at a dollar a thousand, is worth $10,000.

I spent two days at Roseburg, the county seat of Douglas County, and the location of the local land office for that district. Here I met the register and receiver, who gave me valuable information concerning the character of the grant lands in that district and the views of the people in regard to their disposition. I also interviewed a number of the county officials and attended a meeting held at the Commercial Club, where the matter was discussed at length. There are some 650,000 acres of grant lands in this county, having the assessed valuation of nearly $6,000,000, or an average of more than $9 an acre. In the year 1902 the railroad company paid taxes amounting to a little more than $19,000 on its holdings in this county. In 1904 it paid a little less than $23,000, while in 1913 the company's taxes amounted to more than $97,000. For the three past years the county has received no taxes on the unsold grant lands, and its present claim against the company is therefore approximately $300,000.

At the meeting held in the Commercial Club most bitter opposition was voiced to the inclusion of any of the unsold grant lands in a forest reserve, and it was because of the latent fear that if the Government should take over the lands it would place them in a forest reserve that many of those present urged that the railroad company be forced to comply with the conditions of the grant; and they did not hesitate to say that they preferred a repeal of the proviso which restricts the railroad company in its disposition of the lands to any action that might result in the inclusion of the lands in a national forest.

Roseburg is the home of Mr. Binger Hermann, former Commissioner of the General Land Office and at one time a Representative in Congress from that district. I called upon him and had a pleasant interview, but while he seemed greatly interested in the matter and possessed a clear understanding of the question he was not disposed to commit himself definitely to any of the several plans that were suggested for the solution of the situation. He did admit, however, that he belonged to the old school of men who believed that upon the construction of the railroad the company acquired complete title to the lands granted, and that no suit would ever be brought to forfeit the grant or to enforce the provisions of the act. By this I do not desire to convey the impression that since the decision of the Supreme Court construing the grant Mr. Hermann still feels that the railroad company should be granted the lands free of restraint as to sale, because, as indicated above, he did not definitely commit himself.

From Roseburg I returned to Portland October 22 and remained several days, having conferences with men interested in the disposition of the lands, including Mr. Glenn E. Husted, formerly a special assistant to the Attorney General engaged in the litigation, United States Senator LANE, the officials of the local land office, the United States attorney, and others.

On October 25 I visited the logging operations of the Nehalem Timber & Logging Co. in T. 4 N., Rs. 2 and 3 W. That company was then engaged in cutting and removing timber that it had purchased by order of the court on certain of the lands involved in the suit. Here are situated the improvements of certain alleged settlers represented by former Representative A. W. Lafferty. I inspected the improvements on four of the claims, but found none of the parties residing there, and I was reliably informed by the men engaged in the logging operations that none of the alleged settlers in that immediate vicinity were then residing upon their claims. At only one place did I see any evidence of cultivation, and the area was quite small. Most of the houses, however, were well constructed and entirely habitable. To convey an idea as to the value of the timber on some of these lands it might be well to state that the timber on one quarter section claimed as a settlement claim was purchased by the Nehalem Timber & Logging Co. under the order of the court mentioned for the sum of $17,000 or thereabouts. The land here is very steep and rough in places. There are few settlers on the intervening even-numbered sections, and along the logging road running out to the lane from Scappoose I saw very little being done in the way of clearing the cut-over land. I was told that such land was sold by the logging companies after they had removed the timber for about $7 per acre to real estate men, who were charging their purchasers a great deal more, in some instances as high as $75 per acre.

On the occasion of this trip I was accompanied by Mr. John Pearson, of Portland, a director of the Nehalem Timber & Logging Co., and Supt. James Redey, who extended me every possible courtesy, and thus enabled me to see a great deal in a very short time.

On returning to Portland from my visit to the grant lands near Scappoose, in Columbia County, I had further interviews with men interested in the situation, including ex-Gov. West, former United States Attorney John M. Court, and the local officials of the Forest Service and General Land Office, after which I proceeded to Grants Pass, the county seat of Josephine County, in the southern part of the grant.

I found the people of Grants Pass greatly concerned over the situation. Only a little more than 25 per cent of the land in this county is subject to taxation, and until the railroad company ceased paying taxes in 1913 the taxes paid by it constituted about 13 per cent of the county's revenues.

As soon as my purpose was made known, some of the gentlemen whom I met, including county officials, secured automobiles and we drove through the grant lands in T. 36 S., R. 6 W.; T. 37 S., Rs. 7 and 8 W.; and Ts. 38, 39, and 40 S., R. 8 W., proceeding as far as the so-called Logan Gold Mine, located on an old donation claim in sec. 27, T. 40 S., R. 8 W. The lands through which I passed are only fairly well timbered. The soil is not so fertile as that in the northern part of the grant, and I saw few settlements except in the valleys, much of the land being steep, rocky, and barren. I learned that there were a number of squatters or settlers residing on the grant lands in this vicinity, but the improvements that I saw were not extensive. I also ascertained that considerable interest is being manifested in copper and gold mining in that section. I was told that the Logan mine produced $50,000 in gold the year before. All industry here, however, is seriously hampered for want of transportation facilities.

In the evening a public meeting was held at the courthouse, attended by some 30 or 40 men. The subject was discussed at length, and at the conclusion a resolution adopted indorsing the resolution adopted by the land-grant conference at Salem in September. I was convinced, however, from the remarks made by a number of those present that what the people really desire is to see the lands opened to settlement and development in the most expeditious manner possible, and they will be satisfied if the lands are sold by the Government, reasonable compensation given the railroad company, and the surplus used to develop the counties in which the lands are situated.

From Grants Pass I went to Medford, the largest town in Jackson County, and also visited Jacksonville, a very old town and the present county seat. At Medford I had an interview with Mr. W. I. Vawter, who was president of the conference held at Salem in September. He confirmed the impression which I had received soon after reaching Oregon and which had been growing stronger from day to day, that the people in that section of the State were chiefly concerned in seeing that the lands yield their due proportion of revenue to the State and counties; that they be developed as rapidly as possible; that they be disposed of for something like their real value, and that in the settlement of the matter the railroad company be treated justly and equitably.

At Jacksonville, the county seat, I met several of the county officials and procured statistics as to the grant lands, the taxes due, and unpaid thereon. Jackson County is on the southern border of the State, and this completed my examination of the lands.

STATISTICS.

Before making such recommendations as the circumstances seem to warrant, I desire to invite attention to the following statistics, a presentation of which I feel is necessary to make this report readily intelligible or in anywise complete.

The unsold grant lands are situated in 18 counties in the State of Oregon, apportioned among the different counties, as shown by the following table, which also shows the assessed valuation of the lands reported by the Oregon State Tax Commission for the year 1915. In addition to the lands shown by the table there are some 200 acres in the State of Washington:

Acreage and assessed valuation, by counties, for 1915 taxes.

County.	Acres.	Valuation.	Average per acre.
Benton	54,110.05	$815,725	$15.08
Clackamas	94,601.29	1,101,520	11.64
Columbia	18,037.90	726,040	40.25
Coos	121,053.00	1,442,445	11.92
Curry	11,885.00	128,600	10.82
Douglas	640,569.00	5,916,600	9.24
Jackson	446,389.91	4,297,620	9.63
Josephine	187,080.00	1,754,770	9.38
Klamath	42,984.00	423,490	9.85
Lane	301,997.03	3,356,955	11.12
Lincoln	15,946.00	103,120	6.47
Linn	63,032.48	752,485	11.94
Marion	32,051.00	390,775	12.19
Multnomah	9,287.00	205,050	22.08
Polk	37,458.00	621,160	16.58
Tillamook	29,781.00	164,045	5.51
Washington	19,212.18	169,590	8.83
Yamhill	29,974.42	194,280	6.48
Total	2,155,449.26	22,564,270	10.47

The foregoing table shows that the lowest valuation per acre is in Tillamook County, where the lands have an average value of $5.51 per acre, while the highest is in Columbia, where the assessed value exceeds $40 per acre. It will be observed that the total number of acres shown in the table, together with the area in the State of Washington, will not equal 2,300,000 acres. This is due to the fact that a considerable area of land has not been patented by the United States—possibly two or three hundred thousand acres, some of which is in dispute. I am informed that the grant has not been finally adjusted in the General Land Office, and for that reason no exact statement can be now made on this feature of the case. The figures given, however, are approximately correct.

The following table will show the taxes levied against the unsold land of the several counties for the years 1913, 1914, and 1915, the figures for the first two years being taken from a letter written to the State tax commission on August 7 of the present year by William M. Colvig, tax and right-of-way agent for the Southern Pacific Co., while the figures for the year 1915 are taken from the Oregon Voter of September 11, 1915, furnished, as I understand, by the State tax commission.

County.	1913 tax.	1914 tax.	1915 tax.
Benton	$19,986.12	$21,080.21	$21,133.08
Clackamas	29,513.40	29,396.62	29,133.08
Columbia	15,042.62	16,815.96	16,815.96
Coos	49,367.23	39,341.44	39,560.95
Curry	2,230.15	2,314.38	2,023.05
Douglas	96,230.35	(1)	96,230.35
Jackson	71,097.95	65,760.27	65,784.27
Josephine	34,477.89	37,540.40	37,540.40
Klamath	10,359.50	10,698.78	10,698.78
Lane	80,413.07	73,060.78	72,925.97
Lincoln	2,146.82	2,440.41	2,440.41
Linn	13,854.09	11,550.56	11,550.56
Marion	7,827.77	7,532.79	7,532.79
Multnomah	2,279.52	3,194.38	3,207.32
Polk	13,528.44	15,103.39	15,099.77
Tillamook	3,444.95	3,064.52	3,064.52
Washington	4,570.53	3,861.72	3,861.72
Yamhill	4,363.25	4,128.95	4,128.95
Total	459,733.65	346,885.56	442,731.93

[1] Not assessed.

At the time of filing its answer to the Government's bill, the railroad company had sold, in round numbers, 820,000 acres of land and had received from sales of land and other sources the sum of $5,506,870.97, as follows:

From sales of land	$4,338,822.53
From sales of timber on lands	18,850.25
From forfeited contracts	88,205.06

From lease of lands	$5,532.07
From timber used by railroad company	18,850.25
From timber depredations	10,687.92
From interest on contracts	1,025,922.89
Total	5,506,870.97

The company also claimed to have made disbursements as follows:

To advertising	$34,784.85
To law expenses	218,415.25
To grading lands	142,651.40
To United States surveys	145,977.26
To salaries and office expenses	624,344.19
To stationery and printing	18,369.89
To taxes on lands	1,827,776.94
	3,011,776.94
Total receipts	5,506,870.97
Total disbursements	3,011,776.94
Credit balance	2,495,094.03

The figures given above are taken from the railroad company's answer and exhibits filed therewith, as shown by the record in the case in the Supreme Court at the following pages: 6836, 1583, and 915. In its answer the railroad company also claimed that it was entitled to a credit of $1,000,000 in consideration of the free use of the railroad by the Government in the transportation of troops and munitions of war (R., 935). If we deduct this sum of $1,000,000 from the credit balance shown above, it will leave a net surplus of $1,495,094.03, received from the sale of lands, etc. I am informed that since the Supreme Court's decision was rendered, the railroad company has made a further estimate of the value of the transportation afforded to the Government for troops, munitions, etc., fixing the same in excess of $2,000,000, or a million dollars greater than was estimated at the time its answer was filed, and that it also claims to have paid taxes aggregating $2,757,647.84.

From the information contained in reports submitted by a timber cruiser of the General Land Office, based upon a fair, if not low, estimate, the unsold grant lands contain more than 44,000,000,000 feet of timber, which at an average price of 50 cents per thousand, which is also low, would amount to more than $22,000,000. Judging from the prices at which cut-over lands in that part of Oregon are now being held, I feel safe in saying that such portions of the lands as are now chiefly valuable for the timber—and by that I mean having more than 1,000,000 feet to the quarter section—can be sold after the timber is cut and removed for at least $5 per acre. There are probably more than a million acres of such lands.

VARIOUS PLANS SUGGESTED FOR THE SOLUTION OF THE SITUATION.

I shall not attempt to discuss or even present all the plans suggested but shall content myself with a brief discussion of the resolution adopted by the land-grant conference, after which I shall propose a line of action which I feel will best meet the situation and which, if adopted, will, in my judgment, be eventually approved by a majority of those most vitally concerned.

I do not hesitate to say that little or no weight should be given to the resolution adopted by the land-grant conference at Salem last September. In the first place, from what I could ascertain, the conference was not a representative body. By this I mean that if the delegates had been elected by all the people interested the conference would probably have been controlled by other men; in saying which I intend no reflection whatever either upon the men who attended the conference as delegates or upon those who appointed them. I am also informed that the resolution adopted was opposed by some who voted for it simply because they realized that the conference would not agree upon anything else, and they felt that any action was better than no action.

In the next place, a very large portion of the lands involved are at the present time so greatly valuable for their timber that it would be mere folly to dispose of them at $2.50 per acre. While I know that such lands would be promptly entered by alleged settlers for the avowed purpose of settlement and cultivation, I also know that such persons would be moved by the present timber value of the lands rather than by their future possibilities for agricultural purposes. Many men would willingly live a few years in almost any part of the country merely for the sake of acquiring title to timber worth from five to ten thousand dollars, and while such men might make a pretense of compliance with the requirements of the homestead law, their chief object would be the acquisition of the timber.

Then, again, these lands are worth a great deal more now than they were when the grant was made or even 15 or 20 years after the grant was made. This enhancement of the value is due to the development of the country, and, in my judgment, rightfully belongs to those responsible for that development. Should the lands be opened to entry at the nominal sum of $2.50 per acre under any of the methods heretofore adopted for the opening of lands, there is no assurance that the men directly responsible for the present value of these lands would be able to reap any direct benefit. On the contrary, it is not unlikely that strangers or those residing in other parts of the country would be the fortunate ones, and thus be given something which has been produced by others.

Moreover, in a sense this land grant is in debt. For a period of years it has been contributing its share of the revenue received by the State and counties in which it is situated. For the past three years it has contributed nothing to the support of the State or counties. The accumulated taxes amount approximately to $1,000,000 for that period of time. It may be that the State and counties can compel the payment of these taxes, though based on a valuation far in excess of $2.50 per acre. Upon that question I do not venture any opinion further than to say that whatever may be the legal rights of the parties, it does not seem entirely equitable to demand the payment of a tax which in two or three years at most will amount to the owner's entire interest in the subject matter. Should these lands be disposed of at $2.50 per acre, as suggested by the land-grant conference, it will be impossible for the railroad company to receive an average of $2.50 per acre for the entire quantity of unsold lands, because a large part of the lands, probably three or four hundred thousand acres, is not worth anything like that sum, and it may be years before they could be sold for any price at all. Having this in mind and realizing that it has for years paid a tax based on a value far in excess of $2.50 per acre, the railroad company might refuse to pay the taxes which have accumulated for the past three years and thus bring on extended and expensive litigation, which would defeat the object most desired, namely, a prompt and early settlement of the entire matter.

Finally, I am convinced that a majority of the people concerned do not desire that these valuable timberlands be disposed of at a nominal sum. This plan is favored either by those who desire to get something for nothing or those who by reason of their supposed familiarity with the subject matter hope to reap a profit from locating others upon the lands. I have little sympathy with either class, and, as already indicated, I do not believe that a majority of the people in that part of the country want this plan adopted. We know from the decision of the Supreme Court in this case that the so-called actual settler, much less the mere paper applicant, has no legal rights whatever, while the previous operations of locating agents in connection with this land grant are to be condemned rather than rewarded, for they merely induced men to incur unnecessary and useless expense. Others of them have "located" numbers of different people on the same tract of land and have received fees for services that were worth absolutely nothing. Of such it would be difficult to say too much in the way of condemnation.

RECOMMENDATIONS.

The litigation over these lands has been pending since May, 1908, or more than seven years; and for several years before that the lands were withdrawn from sale. Inasmuch as these lands constitute a great part of certain of the counties, it will be seen at once that their withdrawal from the market necessarily retarded the development of the counties affected. The failure of the lands to return any revenue whatever for the past three years has seriously added to the embarrassment of the situation. In certain of the counties the taxpayers say that the burden has become so great that they can not bear it much longer.

The people, therefore, are more interested in securing a prompt and definite settlement of the situation than they are in any particular plan or method. Because of the lack of revenues, for which they hold the litigation entirely responsible, many of them feel that their condition would have been better if the Federal Government had never interfered in the matter.

Whether Congress may now, without consulting the railroad company, provide for a disposition of the lands contrary to the terms of the granting acts I am not prepared to say. It would seem, however, from what was said by the Supreme Court in its decision that such legislation might be upheld, provided only it secured to the railroad company all the rights conferred by the granting acts, apparently $2.50 per acre for the lands granted. Be that as it may, I feel that the Government and the railroad company should reach terms of settlement by which the former should be revested with title to the lands and the latter paid such a sum of money as may be agreed upon. I can conceive of no legal objection to such a plan if authorized or ratified by Congress.

In my opinion, the railroad company should be paid a sum equal to $2.50 per acre for the unsold lands, irrespective of their present market value. This is more than it can receive if forced to sell the land in accordance with the terms of the granting acts. Still, it is only a small part of the present value of such lands. Under such an arrangement the railroad company would receive something like $5,750,000, while the lands and timber together are worth five times that sum.

Such an agreement as I have suggested should, of course, provide for the settlement of all matters involved; credits claimed by the railroad company for payment of taxes, the furnishing of transportation to the Government, and the expenses of administration, on the one hand, and those claimed by the Government, on the other, consisting chiefly of the money received by the railroad company under sales made for a greater price than that authorized by the statute. For a portion of the taxes paid by the railroad company it is entitled to no credit whatever, because it was but just and proper that it should pay taxes at least on a valuation of $2.50 per acre. Neither is the company entitled to any consideration for the transportation it afforded the Government, because it agreed to do that when it accepted the lands on that condition. However, the settlement of a question so large and important as this should not be endangered by minor considerations, and I think, therefore, that the claim of the Government, on the one hand, and that of the railroad company, on the other, on account of past transactions should be set off against and balance each other without considering whether the one is greater or less than the other. Provision should also be made for the early payment of the taxes which have been allowed to accumulate for the past three years, and, inasmuch as the railroad company has for years paid taxes on a valuation greatly in excess of $2.50 per acre, it would seem to be only fair that the taxes now due should be paid from proceeds derived from the sale of the lands.

Such a plan should at once appeal to the railroad company, because it would enable the company to secure considerably more than it could receive from a sale made under the provisions of the granting acts, and at the same time would relieve the company of any further costs on account of the administration and sale of the lands. It would also put at rest for all time the question of the payment of the accumulated taxes.

Assuming, therefore, that such settlement as that suggested can be effected with the railroad company, I think that Congress should approve it, and at the same time provide for the disposition of the lands and timber substantially as follows:

Under a division of the lands into three classes, namely, mineral, timber, and agricultural lands, they will practically classify themselves, and the prolonged delay and great expense (probably $500,000) incident to classification will thus be avoided.

Mineral lands should include all lands chiefly valuable for minerals. Timberlands should include all nonmineral lands which contain 1,000,000 feet board measure of timber to the quarter section, or 160 acres. Agricultural lands should include all lands not within either of the two other classes.

Under such an arrangement close inspection of the land will be necessary only where the quarter section contains a little more or a little less than 1,000,000 feet of timber, because where land is well timbered, or where it contains little or no timber, the class to which it belongs can be determined upon the most casual observation.

The mineral lands should be disposed of under the existing mineral-land laws.

Timberlands should not be disposed of until after the timber has been removed, when they should ipso facto become agricultural lands, and be disposed of as such. Timber on these lands should be sold at public auction or under sealed bids to the highest bidder for cash, any person or corporation being allowed to purchase as many acres as it may see fit. Purchasers should have an indefinite time in which to cut and remove the timber at their pleasure, and in the meantime the land upon which the timber is standing should be subject to the possession and control of the person purchasing the timber. By this means I

believe that the timber alone can be sold for a sum as great as could be secured under a sale of the land and timber, especially if the sale of land and timber together is made in limited quantities. A measure such as this should, of course, be safeguarded by provisions authorizing the officers making the sales to reject bids where the prices offered are grossly inadequate. It will be years before much of this timber is cut, but when it is cut the land will still belong to the Government and will afford homes for thousands of people.

I have limited timberlands to such as contain more than a million feet of timber to the quarter section, for the reason that a quarter section of land in that part of the country that does not contain more than that quantity of timber is not regarded as good timberland. At the present price of timber it is worth about $500, which it will be seen is but $100 more than the payment which the entryman is required to make in paying $2.50 per acre for the land. In such a case a man will not enter the land for its timber value alone, because even under favorable circumstances he can only receive a small increase over the money he pays for the land, and, in addition thereto, he must reside upon it for five or six years, as the law may require.

The agricultural lands should be disposed of to actual settlers under laws somewhat similar to the present homestead laws, but persons entering such lands should be required to pay $2.50 per acre therefor. The term of residence and cultivation should not be shortened, but if any change is made, it should be lengthened and entrymen should not be required to cultivate any given area of the land entered, but the area to be cultivated should be determined by the circumstances of each particular case.

Some protection should be afforded those who are actually residing upon the lands. By this I mean such as are now living there with their families, which is not intended to include persons who may have at one time constructed some sort of habitation upon the land and thereafter abandoned it. Actual residents, however, should be required to pay $2.50 per acre for the lands entered, and they should not be allowed to acquire lands that are highly valuable for their timber. Where the lands occupied are timberlands within the definition given above the settlers should be confined to the smallest legal subdivision upon which their improvements are located, or it may be that they should also be allowed to purchase the timber in excess of a million feet to the quarter section at its appraised price. The chief objection to this, however, is that most of the settlers will not be able to secure the money necessary to pay for any considerable quantity of timber. A provision that will protect the settler in the possession of the 40-acre tract that he is actually occupying is all that he can equitably claim and more than he has any legal right to demand.

I realize that the method suggested herein for the disposal of the timber will meet with criticism upon the ground that it will enable individuals and corporations to acquire large holdings of timber. The answer to that is that it is wholly impossible to operate to advantage a small body of timber in country as rough as this. The timber, consisting chiefly of fir, is heavy, some of it measuring as much as 10 feet in diameter and growing 200 to 300 feet in height. It stands upon steep mountain sides and in the bottom of deep canyons. It can be handled only by expensive machinery, and transported only by specially constructed logging roads. A small quantity can be handled by no one with a profit, even though the stumpage should cost nothing, and it is only the well-equipped individual or corporation that can afford to undertake operations on a large scale.

Therefore it is immaterial whether the timber be sold originally in large or small quantities, because it must inevitably be owned or controlled in large quantities before it can be successfully operated. Again, it is altogether impracticable to operate in any given section of the country unless the operator owns or controls practically all the timber in the area involved; the growth is such that it is impossible to cut only the matured trees of a certain size and leave the younger timber standing, because the greater part of it would be destroyed by the cutting and logging operations.

True, the timberlands may be sold, more or less advantageously, under the timber-and-stone laws now in force; but if that should be done, the purchaser from the Government will be limited to 160 acres, and in almost every instance, the land will be entered for speculative purposes, because, as stated, a small area can not be profitably operated, and the person buying only 160 acres from the Government will necessarily hope to dispose of the land to a lumber company at an advanced price—otherwise, he would not make the purchase.

Feeling that these lands should be sold for their real value, as nearly as may be, in the first instance, and intermediate profits thus avoided, I can not recommend that they be disposed of under the timber and stone act.

DISPOSITION OF THE PROCEEDS.

The money derived from the sale of the lands and timber should be used first to pay the railroad company the sum agreed upon. This, at $2.50 per acre, will amount to something like $5,750,000.

The taxes due the State and counties for the past three years should next be paid. These accumulated taxes amount to approximately $1,000,000, which, when added to the sum to be paid the railroad company, will make nearly $7,000,000.

The greater part of the proceeds arising after making payments as above should be divided between the State and the several counties in which the lands are situated, to be used for public purposes, such as schools, construction of roads (of which most of the counties involved are badly in need). I would suggest that 35 per cent be given to the State and 40 per cent to the respective counties. This leaves a balance of 25 per cent, which should be retained by the United States to cover expenses of administration, etc.

By the adoption of the plan I have suggested, the lands and timber will bring something like their real value. Alleged settlers will not be permitted to acquire valuable timber tracts under the pretense of seeking homes; the proceeds will go where they rightfully belong—to those whose efforts have developed the country in which these lands are situated and have thus given the lands their present high value—and the railroad company will receive more than it could possibly receive if compelled to comply with the terms of the granting acts.

I fully realize that the course outlined by me will not meet with the approval of all concerned, but that will be true of any plan within the range of human ingenuity. Objections will come from various sources; from the railroad company, which pretends to believe that it is entitled to the full value of the timber; from applicants, would-be applicants, and alleged settlers who desire much, giving little or nothing in return; from speculators and locators, who will be denied the opportunity of enriching themselves at the expense of others less well informed; and finally from those who, in the utmost good faith, feel that some other method of disposing of the lands and proceeds would better serve the public interests. All these, save the last, should be dismissed with a word, while as to those who differ from proper motives, it may be said that very few of them can be found who will agree among themselves upon any well-defined plan.

My conclusions have been reached after an earnest and unprejudiced inquiry, the sole purpose of which was to ascertain the best possible solution of the situation. In going through the country and talking with the people in all walks of life, I was brought face to face with conditions, and the deep interest manifested by practically every man I met impressed me greatly. I was made to realize how much a wise and just settlement of the matter means to the people of western Oregon, who have suffered from the improper administration of this land grant and the litigation resulting therefrom; and, in my judgment, theirs is the interest most deserving of consideration. My recommendations are intended chiefly to serve that interest, and I firmly believe that an early settlement along the lines indicated will not only relieve the present business depression for which this litigation is in a large measure responsible, but it will restore the confidence of the people and go far toward inducing a lasting prosperity.

Respectfully submitted.

S. W. WILLIAMS.

During the reading of the foregoing report,

The PRESIDING OFFICER (Mr. WORKS in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes.

Mr. BANKHEAD. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

Mr. CHAMBERLAIN. I ask that the Senate may resume consideration of House bill 14864.

The PRESIDING OFFICER. The Chair lays the bill before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes.

The PRESIDING OFFICER. The Secretary will resume the reading of the report.

After the reading had been concluded,

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. CHAMBERLAIN. I yield.

Mr. NORRIS. I realize that this matter ought to be disposed of without delay, but I am impressed with the importance of it. The report of Mr. Williams read by the Secretary indicates that the measure ought to have very careful consideration.

I wish to ask the Senator from Oregon if he is willing to let the bill go over until to-morrow until Senators have had an opportunity to look into it somewhat? During the reading of the report there were very few Senators in the Chamber, and those of us who were here and listened to it I think feel as though we ought to look into it even beyond what the report would indicate. There are many million dollars involved and the rights of a great many people are involved. While I know the bill ought to be disposed of without delay, I do not believe that we ought to be precipitate about it. I do not believe that Senators as a rule are posted on the details of the transaction. I am a member of the committee that reported this bill, and I have never heard of it being considered in the committee. I suppose it may have been considered at some time when I was not present. I have, however, talked with a great many Senators, and none of them seem to be ready now to express an opinion as to the merits of the proposition involved.

Mr. CHAMBERLAIN. I will ask the Senator from Nebraska, in all frankness, if he thinks the Senators who are absent will look into the bill between now and to-morrow morning?

Mr. NORRIS. I think some of them will. I have talked with some Senators who have mentioned the matter to me who are not now in the Chamber who have expressed an interest in the bill and a desire to examine it.

Mr. CHAMBERLAIN. Mr. President, I will say to the Senator from Nebraska that I am never disposed to rush anything through the Senate; but the bill which formed the basis of this legislation was introduced in the Senate by me in December last. It was Senate bill No. 30. There were a number of bills

on the same subject introduced in the other House at about the same time, but none of them seemed to appeal to the House Committee on the Public Lands. The result was that, at the request of the committee, the chairman of the committee in the House introduced a bill which I had introduced here with certain amendments recommended by the Department of Justice, and that was the basis of the bill now before the Senate.

The House hearings covered a period of weeks. The committee, I am informed, sat in consultation with officers of the Government in the preparation of the bill. The Senator will find that all of the departments had practically agreed upon this bill as it now is. The report will show not only that they have agreed in writing about it but that they sat in consultation with the members of the subcommittee when the bill was finally prepared.

Mr. NORRIS. The Senator means, does he not, that the representatives of the Government and of the various departments agreed with the provisions of the bill as it passed the other House? There are, however, some very important amendments which have been reported by the committee, which will change the bill very materially. That is the reason, or it is one of the principal reasons, why I should like to have the bill go over until we can get a little more information regarding it.

Mr. CHAMBERLAIN. Of course, I do not want to appear insistent about this; but this matter has been agitated for years. It is a matter about which people are pretty generally advised; and the decision of the Supreme Court leaves in doubt how soon Congress must act in the matter. It is contended by some who have read that decision with a great deal of care that this Congress must act on that bill before the 9th of June.

Mr. NELSON. Mr. President, will the Senator from Oregon yield to me a moment?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Minnesota?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. NELSON. The decision of the Supreme Court of the United States in this case was rendered on June 21, 1915, and the concluding part of the opinion reads as follows:

> If Congress does not make such provision, the defendants may apply to the district court within a reasonable time, not less than six months, from the entry of the decree herein, for a modification of so much of the injunction herein ordered as enjoins any disposition of the lands and timber until Congress shall act, and the court, in its discretion, may modify the decree accordingly.

To my mind, that makes it clear that we ought promptly to act in this case if we intend to do anything.

Mr. CHAMBERLAIN. I will say to the Senator that the decision of the Supreme Court was not entered of record in the lower court until the 9th of December, in order that this very question might be avoided. Having been entered on the 9th of December, in the view of many—I am not prepared to say that I am in entire accord with that view—Congress must act before the 9th of June. We are going to adjourn here——

Mr. NORRIS. I do not want the Senator to get the idea that I am trying to delay action on this matter, but the very position of the Senator is one of the reasons why I now ask delay. The Senator is going to contend, I presume, for these amendments. I may be wrong, but, as I understand, the Senator himself has said that the representatives of the Government, perhaps from the Department of Justice and the Department of the Interior, sat with the House committee and helped to frame the bill, and I presume approved the bill as it passed the House. If the Senator from Oregon wanted to have the bill passed through the Senate as it passed the other House, without these amendments, I would be willing to take the judgment of the House, of the House committee, and of the representatives of the Government—they all having agreed on the House bill; but the Senator from Oregon is not going to do that, as I understand.

Mr. CHAMBERLAIN. Mr. President, there are very few amendments proposed by the Senate committee, and I think a discussion of them will develop just what the Senate committee had in view when those amendments were proposed. If the Senate feels, after a discussion of the amendments, that they ought not to be embodied in the bill, there will be time enough to vote them down.

Mr. NORRIS. Oh, yes.

Mr. CHAMBERLAIN. I am frank to say to the Senator that this is a most complicated proposition. Not only has it puzzled the Public Lands Committee of the other House, but it has puzzled lawyers for and against this legislation.

Mr. NORRIS. That is one reason why I should like to put it over one day.

Mr. CHAMBERLAIN. I know that, Mr. President, but the matter will not be any better understood after delay than it will be after a discussion here.

Mr. NORRIS. Let me say to the Senator from Oregon that several Senators have expressed to me a wish that the bill go over in order that they may look into it. I feel that way myself. I do not want anybody to charge—I do not think anybody will charge—that there is any attempt on the part of anyone to delay the bill; but here we have a proposition which the Senator from Oregon himself says is very complicated, one in which representatives of the Government, perhaps of the Agricultural Department, of the Interior Department, and of the Department of Justice, sat for days and weeks with the members of the House committee in framing a bill. They framed a bill and passed it through the House. Now, the bill comes to the Senate; some very material amendments are put on; and the bill is brought up here to-day, without, I presume, more than one or two Senators in the body having read the bill as proposed to be amended.

Mr. CHAMBERLAIN. Well, I call the Senator's attention to this fact, Mr. President: The Senator stated awhile ago that, if the matter came here in exactly the same shape as it passed the other House, he would not object to it. Practically the only material change in the bill is the change of the section of the House bill which requires a sale on time, to one which we propose shall be made for cash. That is practically the serious change in the bill. That can be discussed without——

Mr. NORRIS. Will the Senator from Oregon be in favor of rejecting all other amendments except that one?

Mr. CHAMBERLAIN. No, Mr. President, I am not going to agree to that.

Mr. NORRIS. Well, I do not ask the Senator to do that; but he says that is the only material change which has been made.

Mr. CHAMBERLAIN. If the Senator from Nebraska will just be patient and content himself for one moment I will try to explain what the other proposition is.

Mr. NORRIS. Oh, well, I was afraid I was going to delay the bill by being too impatient, so I will content myself and listen to the Senator.

Mr. CHAMBERLAIN. Mr. President, as I have said to the Senator from Nebraska, the only material and essential change is the one requiring the sale of these lands for cash. That is the essential change. On that proposition the Secretary of the Interior at first advised that that was the best way to make the sale, but later acceded to the terms contained in the House bill.

The only further change that amounts to anything is the one changing the way in which these funds shall be divided. Those are the two essential changes.

I am insisting that because of the fact that so much of the public land in Oregon has been withdrawn from settlement and sale and included in the reserves for so many years, she ought to be very liberally treated in regard to this, and particularly in view of the fact that the railroad company has not complied with the terms of any of these granting acts and has withheld this land from settlement and sale. The only question on that amendment is whether the Senate is willing to be liberal to the State of Oregon or not. It does not involve any essential changes, and the committee made just as few changes in the bill as it was possible to make.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield further to the Senator from Nebraska?

Mr. CHAMBERLAIN. I yield.

Mr. NORRIS. I did not want to ask the Senator a question. I understood the Senator was through. If he is not, I shall wait until he has concluded.

Mr. CHAMBERLAIN. I thought the Senator only desired to ask a question. If the Senator wants to go on with the discussion, I am prepared to discuss it.

Mr. NORRIS. I am not anxious to go on with it; but the Senator and myself have been discussing the proposition of putting the bill over until to-morrow. I want to call attention to what I believe to be some very material changes that have been made by some of these amendments, but I have not had time even to satisfy myself that in all respects I am ready to do so now.

Mr. CHAMBERLAIN. I am not usually unreasonable, Mr. President, but I do think it is hardly fair for the Senator from Nebraska to ask that the bill go over, in view of the discussions which have been had in reference to the matter. The Senator knows how this bill was taken up through the courtesy of the Committee on Post Offices and Post Roads; that the Post Office appropriation bill was laid aside in order that action might be hastened on this bill and the bill passed within the time required by a decree of the Supreme Court.

Mr. NORRIS. Mr. President, that brings me to the proposition that, because the Post Office bill was laid aside, probably

it is going to be contended that we ought to pass this bill without any discussion, and that we should adopt these amendments without giving them any consideration, because otherwise we would have to take some time, and we would be trespassing, it would be said, upon the courtesy of those Senators who have charge of the Post Office appropriation bill.

Mr. President, I now assert, again, that I am just as anxious to give speedy consideration to this bill as is any other Senator; but I am not going to be compelled to subside and to say nothing simply because the Post Office Committee has courteously extended to the Senate the right to consider this bill for a few moments. As to such a bill as this, involving several million acres of land, the interest of a great many citizens in Oregon, and several million dollars in money, it does not seem to me that it is an unreasonable request that a proposition involving all these things should at least lie over one day so as to give Senators an opportunity to investigate it. I do not believe I am unreasonable in asking that the bill be now postponed. I have only asked, as a matter of fact, a courtesy; and it seems to me it ought to be granted.

I am not going to be offended if the Senator insists on going ahead; I do not imagine that my request is necessarily law, but as I caught the purport of the bill from its reading, the House bill disposes of the proceeds in a different manner from what the Senate bill does. After the railroad company has been paid $2.50 an acre, after Oregon has been paid the taxes which are still unpaid against portions of this land, and all the other necessary expenses, the net proceeds will be divided, if the House bill should prevail, by giving to the State of Oregon 20 per cent for its schools; then giving 30 per cent to the counties in which the land is located for roads and bridges; then giving 40 per cent to the Reclamation Service and 10 per cent to the Government of the United States. If I am not wrong, that is what would happen if the House bill were enacted into law; but if the amendment of the Senate committee is adopted, Uncle Sam will get 10 per cent, the Reclamation Service will get 10 per cent, and the remainder will go either to the State of Oregon or to the counties where the land is located. It strikes me that is a very important proposition. Perhaps it is right to do as the Senate committee amendment provides, but it ought not to be done hastily; it ought not to be done without the Senate knowing just what it is doing.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. I yield to the Senator.

Mr. WALSH. I rise to inquire of the Senator from Nebraska, who is a member of the Public Lands Committee, if the different distribution proposed by the amendment was the subject of special discussion and consideration by that committee?

Mr. NORRIS. As I stated awhile ago, I never heard the bill discussed in the committee. I presume it was taken up at some time when I was not present. However, I am informed by the Senator from South Dakota [Mr. STERLING]—and since he reminds me of it, I think I was present when that was done—that the bill was referred to a subcommittee. I do not remember anything about it since then. If anything happened except that in the committee when I was present, I do not know what it was.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Oregon?

Mr. NORRIS. I yield the floor.

Mr. CHAMBERLAIN. Mr. President, I do not feel, under the circumstances, that the bill ought to be laid aside. Of course, the Senator can consume the time if he wants to do so, but I feel it is my duty, as representing in part the State of Oregon, to insist, so far as I can, that the Senate proceed with this matter.

Mr. President, the reading of the report of Mr. Williams, who was the representative of the Department of Justice, avoids the necessity of any lengthy address to the Senate as to the conditions in Oregon, and I shall attempt to be as brief as it is possible to be in giving those Senators who may care to listen to me my views of the subject.

The essential thing in these land grants was the condition imposed upon the railroad company to sell the land to actual settlers at a price not to exceed $2.50 an acre and in amounts not in excess of 160 acres. As has been stated in the report of Mr. Williams, that condition was contained in all the granting acts, except the first. The conditions of the first act, the act of 1866, were not complied with, and in the act of 1868, when an extension of time was asked, this provision was first inserted in the granting act by way of addition to it. The same provision was inserted in the act of 1869 and also in the act of 1870. So, Mr. President, it was the purpose of Congress that these lands should be granted to the railroad company on condition that the company would utilize them for the purpose of the development of the State while, at the same time assisting the company in the performance of a great quasi public work.

The terms and conditions of this grant on the part of the railroad company were practically observed until 1894. Very few, if any, sales were made from 1868 until 1894, which violated the terms of the grant. The lands were sold to actual settlers at $2.50 an acre, in amounts not in excess of 160 acres.

About that time timberlands commenced to go up in price, and then opportunities offered to the railroad companies to sell in larger amounts and for higher prices, and they began to sell without any regard to the conditions of the grant. They violated all the terms thereof, not only as to the price of $2.50 an acre, but as to the limit of the number of acres that might be sold to one purchaser. Furthermore, the lands were not sold to actual settlers, because most of the purchasers were men who did not even live in the State. Those practices were continued up until about 1903.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Montana?

Mr. CHAMBERLAIN. I yield.

Mr. WALSH. I should like to ask the Senator from Oregon whether the amount which would otherwise be due to the railroads on new sales is to be withheld until the equilibrium is restored, which was disturbed by the extra prices for which they sold the land which they did dispose of?

Mr. CHAMBERLAIN. The Senator will find that section 7 provides for the institution of suits to bring about an accounting for the extra amount the railroad company had received where they have made illegal sales. That is a matter to be accounted for between the Government and the railroad company under the terms of the bill itself.

In 1903, while Mr. Harriman was in control of the Southern Pacific system, he absolutely withheld these lands from sale and settlement and positively refused to make any disposition of them under the terms of the grant. The people of Oregon became indignant at the treatment they were receiving at the hands of the railroad company after the Government of the United States had been so generous to it in aiding in the construction of the railroad. It retarded the development of the State.

It must be remembered, Mr. President, that the railroad company was granted every alternate odd section for 20 miles on each side of the line of railway under the terms of the granting act. I call the attention of the Senate to the map on the wall. The line of the railroad company runs down the center of the white part of the map between the two green sections. The lands which were granted to the railroad company, and which are the lands involved in this matter—not all of the lands of the original grant, but the lands that are undisposed of—are checked in red on that map. Not only was the railroad company granted the odd sections within the limits of 40 miles along the line of the railroad, but if any of those lands had been taken up by homesteaders, or if they had been lost to the railroad company for any reason at all, the company had a right to select alternate odd sections 10 miles farther along the exterior limits of the primary grant. The result was, Mr. President, that the company finally had the cream of the land within the primary grant of 20 miles on each side of the railroad track and also the right of indemnity selection for 10 miles on the outside of the primary grant and on each side thereof.

It was my good fortune to be governor of my State from 1902 until 1908, during the time this agitation commenced. I had something to do with the agitation, Mr. President—a good deal to do with it. I did not hesitate to talk about it before chambers of commerce and before audiences of our people, endeavoring to show that the railroad company because of the violation of the terms of the grant ought to be brought to task in some way or other, and that the power either rested with Congress itself or with the courts.

Mr. Williams in his report—which has been read at the desk—calls attention to the fact that when the matter first began to be discussed in the papers of Oregon some time in 1907 the question became a very serious one. The withdrawal of these lands from taxation in the State threatened the county governments. They did not have area enough on which to levy taxes to support the county governments.

In 1907 I happened to be president of the National Irrigation Congress which met in Sacramento, I took occasion to address an immense audience on the subject of the grant of lands in California and Oregon and talked of the manner in which the railroad was ignoring its duty to the public. I suggested

then that the lands ought either to be forfeited by an act of Congress or by some proceeding in the courts, but advised the people of California and Oregon at that meeting that if that could not be done, if the Congress was unwilling to do its duty, and the courts were not appealed to to do their duty, the people of Oregon and California ought to get together in assemblies and mass meetings and formulate some sort of an amendment to their constitutions, under the terms of which the New Zealand system of taxation might be put in vogue in the States, and lands assessed in an ascending ratio; that is, the more land a man owned the more taxes he would have to pay; so that when it came to holding one or two or five million acres of land as did the railroad company, no corporation and no individual could afford to hold it. The suggestion was thought of enough importance by the railroad company to induce it to bring Mr. Harriman to Sacramento to reply to the suggestions which I had made. He came and was invited to address the Irrigation Congress on that subject, and in his usual philanthropic way—de mortuis nil nisi bonum—I shall be as mild as I can—he served notice on the convention that he did not intend to sell any of that land. It did not make any difference to him what the terms of the grant were. He was holding the land in reserve for philanthropic purposes, for the benefit of future generations; and he said he was going to buy timber while it was cheap on lands which were in the hands of private owners and utilize it for railway construction and other public purposes, and was going to sell the lands within this grant when he got ready to sell them.

Then what happened? The people of Oregon were determined that something should be done, and ought to be done, to compel the observance on the part of this great railway corporation of the terms and conditions under which they held the grant. The Legislature of Oregon soon after memorialized Congress on the subject, and a joint resolution was adopted by Congress in 1908 authorizing the Department of Justice to institute proceedings in the courts for the purpose of forfeiting the grant because of the continued violation of its terms. Pursuant to the authority granted by that joint resolution, which is set out in the report of both the House and the Senate Committee on Public Lands in connection with the pending bill, a suit was instituted by the Attorney General of the United States against the Southern Pacific Railroad Co. and others for the purpose of forfeiting the grant because of the violation of its terms. It was tried in the District Court of the United States for Oregon, and the reports of that trial, Mr. President, cover 20 bound volumes, copies of which are accessible to Senators. Every phase of the subject, from the time the grant was first made up to the time the suit was instituted, was gone into. There is absolutely nothing that was not discussed, not only from the individual viewpoint of the citizens of the State and of the officials of Government, but from the viewpoint of the railroad company as well; and the distinguished judge who heard the case and saw the witnesses face to face determined that the railroad company had violated the terms of the grant, and that the conditions contained in it were conditions subsequent, the violation of which entitled the Government to a forfeiture of these lands. While I do not propose to criticize the Supreme Court of the United States, I say that there is more reason and more sense and more logic in the decision of the distinguished judge of the lower court than there is in the decision of the Supreme Court of the United States.

The case went to the court of appeals, and, without any trial before that court, was certified up to the Supreme Court of the United States. That court reversed the decision of the distinguished judge of the District Court of Oregon, and held that these conditions in the grant were not conditions subsequent, that entitled the Government to a forfeiture upon the violation thereof, but they were enforceable covenants. But realizing the injustice that had been perpetrated on the people of the State of Oregon by the continued violation of the terms of this grant, Mr. President, the Supreme Court held in effect that in view of the fact that this violation of the terms of the grant had been persisted in for 40 years, Congress had the jurisdiction and power to deal with the subject as it pleased, saving to the company, however, the value of the undisposed portion of the grant. In other words, while holding in effect that the terms of the grant were violated, the railroad company, nevertheless, was entitled to $2.50 an acre.

This bill has been formulated along the lines of the decision of the Supreme Court of the United States. I will say to the Senator from Nebraska that I am not entirely satisfied with this bill. If I had the sole say in penning a statute on the subject, the railroad company would get very much less out of these lands than it will get under the terms of this bill. But the bill is here after a thorough hearing and discussion by the distinguished members of the Public Lands Committee of the House as the best thing that can be done with a complicated subject, and with some slight amendments I think it ought to be enacted by Congress.

Mr. President, I am not going to call attention to the terms of the decision of the court. It is set out at length in the report of the committee and I hope the Senators have all read it. I say that I am not satisfied with the bill as it passed the House, for it is not generous enough to the State of Oregon. The bill introduced by me—S. 30—provided for a distribution of the fund on the basis of 40 per cent to the school fund of the State, 40 per cent to the counties for roads and highways, and 20 per cent to the United States. The House changed that distribution. I think that all of the proceeds except the expense of administration ought to go to the State of Oregon, and I am going to give my reasons for this opinion.

The green area on that map [referring to a map on the wall] represents the lands of Oregon that are held in reserve and absolutely withdrawn from taxation. Those are within forest reserves in the Cascade range of mountains and along the Pacific coast. Those are the only reserves I have had extended on the map, because they are in close proximity to the railroad lands, in order to show the Senate at a glance the small amount of land left to the people of Oregon for the purpose of taxation in the western part of the State. Off to the right, Mr. President, is another map—I will say that it is an official map, too—which shows other reserves in Oregon which are withdrawn from settlement as well as from taxation.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. CHAMBERLAIN. I do.

Mr. BORAH. Do I understand that the green on that map represents the lands withdrawn from taxation, aside from any lands which are involved in controversy under this bill?

Mr. CHAMBERLAIN. Those green portions are simply lands in the Federal reserve.

Mr. BORAH. They have nothing to do with the lands involved in this bill?

Mr. CHAMBERLAIN. Nothing at all.

Mr. BORAH. How much acreage does that green portion cover?

Mr. CHAMBERLAIN. I have not made any estimate of it.

Mr. BORAH. It is a very large tract?

Mr. CHAMBERLAIN. A very large tract. It is practically the whole Cascade range of mountains, from the northern boundary of the State to the California line.

Mr. BORAH. Are those all timber lands?

Mr. CHAMBERLAIN. Most of it, I will say, is timber.

Mr. President, there [pointing to the map] is a county in the southwest part of the State, the very southwestern county in the State. The Senators will notice a little white strip along the Pacific coast. There is a county that carries on its municipal functions on a strip of land 6 miles wide and about 100 miles long.

Mr. BORAH. Where is the rest of it?

Mr. CHAMBERLAIN. In the Federal reserve. I am not kicking about that, Mr. President.

Mr. BORAH. I should like to kick for the Senator.

Mr. CHAMBERLAIN. I am just calling attention to facts which, in my opinion, entitle Oregon to a little more consideration than the House gave her.

Mr. BORAH. What county is that?

Mr. CHAMBERLAIN. That is Curry County.

Mr. BORAH. Is that green land in Curry County land which could be reduced to cultivation?

Mr. CHAMBERLAIN. I think much of it could. It probably could not be reduced to cultivation under some of the rules that the Forestry Service has adopted, saying that land which had a slope of 26 per cent was not fit for agricultural land. Why, Mr. President, I know of lands in Oregon that slope 45°, and have splendid orchards on them, and the land is worth $250 an acre; and yet, if you should apply that rule to some of those lands, they would not be agricultural lands.

Mr. BORAH. If the rules of the department had been in effect in the days of the "fathers," the original thirteen Colonies could not have been settled.

Mr. CHAMBERLAIN. I doubt if they could have been.

Mr. BRANDEGEE. What is the red color on the map?

Mr. CHAMBERLAIN. The red color is the land involved in this bill. Was the Senator here when I began my remarks?

Mr. BRANDEGEE. No; I was not.

Mr. CHAMBERLAIN. The original granting act gave to the railroad company every alternate odd section of 640 acres for 20 miles on each side of the railroad from the California line to the Washington line; and then the grant provided that if

there was any loss in these lands, if some unfortunate settler had happened to go in there and had taken up a piece of the land under the homestead law, or if there was a loss through any other cause whatsoever, the railroad company could go 10 miles farther on each side of the primary limits of the grant and select indemnity lands for those lost. So the Senator will see that it was possible for the railroads to go a distance of 30 miles on each side of the track and acquire lands through the heart of the richest country under the sun. The road runs through the Rogue and Willamette River Valleys from the California line to Portland, Oreg., the richest part of the State.

Mr. CLARK of Wyoming. Mr. President, will the Senator yield for a question?

Mr. CHAMBERLAIN. Certainly.

Mr. CLARK of Wyoming. What is the Senator's idea of the value of these lands at the present time?

Mr. CHAMBERLAIN. These grant lands?

Mr. CLARK of Wyoming. Yes; that is, those that are proposed to be restored by this bill.

Mr. CHAMBERLAIN. Of course, there is a great diversity of opinion about that. There is some of it that is not worth a cent, but the timberlands are very valuable, and it was stipulated at the trial that these lands and the timber on them were worth approximately $35,000,000.

Mr. CLARK of Wyoming. I have read the bill only hastily. In the case of the timberlands, the timber is to be taken off by the Government, as I understand, and sold?

Mr. CHAMBERLAIN. Yes, sir; to be sold by the Government.

Mr. CLARK of Wyoming. Does the State secure anything from the sale of that timber, or does the State receive the amount which the Senator has spoken of by the sale of the land after it is denuded of timber and made agricultural in quality?

Mr. CHAMBERLAIN. The bill provides for the distribution of the funds arising from the sale of the timber, and it is proposed that the State shall share in the distribution. After the timber has been cut, the land is subject to entry by homesteaders.

Mr. CLARK of Wyoming. They do not have to pay the $2.50 an acre?

Mr. CHAMBERLAIN. No, sir; but the Senator will notice that the last section of the bill provides how this fund is to be divided. The State does get something under that, and I will call the Senator's attention to it in a little while.

Mr. President, there is one county, to which I have called your attention, in the southwestern portion of the State which, by reason of these forest reserves, finds it almost impossible to carry on its government, and yet the people there are industrious and enterprising. They are developing the country, and they only want an opportunity to do better for the State and for the country.

Going farther north, Mr. President, you will see some counties on the map still farther up, along the coast, that have a very small area subject to taxation. Taking the reserves and the railroad lands together, it is almost impossible for the county governments to exist. In addition to the usual taxes the people have, under legislative authority, formed themselves into port districts and annually impose taxes upon the properties in the districts for the purposes of river and harbor improvement. They have contributed dollar for dollar with the Government for these purposes in order to assist in the development of the State. There was no provision made in the House bill for those port districts, although under its terms much of the area within these districts is to be withdrawn from the taxable area.

Mr. SMITH of Michigan. In developing what—the ports?

Mr. CHAMBERLAIN. In developing the rivers and harbors. I will call the Senator's attention to the port of Coos Bay. The people within it have taxed themselves $600,000 for the purpose of deepening the harbor so that seagoing vessels might come in and take away their lumber and other products. The Government of the United States has appropriated a like sum. I simply call attention to the fact that the people there are entitled to some consideration in this legislation, for the reason that a part of the taxable area is to be withdrawn.

Mr. BORAH. Mr. President, am I correct in assuming that this bill withdraws all this Government land from taxation? It does not restore it to taxation, does it?

Mr. CHAMBERLAIN. That brings up the question that I will discuss in a few moments. That is one of the changes the committee has made in the House bill. Under the House bill all of the timber which is to be sold on a 10-year credit might be withdrawn from taxation for a period of 10 years; and the change that the Senate committee has made in the House bill is to bring the timber when sold under the taxation laws of the State by requiring the sales to be made for cash.

Mr. SMITH of Michigan. If those lands are withdrawn in accordance with the terms of the House bill, then all the expense and the bonded debt that has been incurred by these municipalities in the improvement of their harbors is lost, is it not?

Mr. CHAMBERLAIN. Yes, sir.

Mr. SMITH of Michigan. How does the Senator propose to care for those communities?

Mr. CHAMBERLAIN. I will say to the Senator that in the amendment that we propose here, on page 16, the percentages are specified, and I will ask the Senator kindly to look at that.

Mr. BORAH. The bill provides that—

> Of the remainder, 10 per cent shall be paid into, reserved, and appropriated as a part of the fund created by the act of Congress approved June 17, 1902, known as the reclamation act, to be expended on approved projects within the State of Oregon; 10 per cent of such remainder shall become a part of the general fund in the Treasury of the United States.

What was the necessity of turning over 10 per cent to the United States?

Mr. CHAMBERLAIN. I do not think they ought to have anything.

Mr. BORAH. As I understand, the Nation recovers about a million dollars, anyway.

Mr. SMITH of Michigan. It is possible that the condition of the Federal Treasury might justify some contribution of that kind.

Mr. BORAH. Whatever may be the justification with reference to the condition of the Treasury, I do not think that was the moving animus of retaining this 10 per cent. It was for another reason, I presume.

Mr. CHAMBERLAIN. Oh, it was for administrative expenses, Mr. President.

Mr. BORAH. I do not want to take the Senator out of the line of his discussion; but, with reference to this taxation, why was it thought necessary to restore the old five-year law with reference to homesteads?

Mr. CHAMBERLAIN. It is because of the difficulties of living on that land.

Mr. BORAH. Is it because they could not make sufficient cultivation to satisfy the three-year homestead law?

Mr. CHAMBERLAIN. This bill not only extends the time but it relieves them of the amount of work that they have to do.

Mr. BORAH. But what I do not understand is why, at this advanced age and rapid rate of living, you should require men to remain upon a homestead for a term of five years before giving them a title. We have passed beyond that, and have passed a law which permitted them to have title in three years.

Mr. CHAMBERLAIN. The Senator remembers that the three-year homestead law requires quite an extended cultivation.

Mr. BORAH. I know it does; but——

Mr. CHAMBERLAIN. There is not any of this land in the case of which the settlers could comply with that provision of the law.

Mr. BORAH. Exactly; but there has been a bill pending before Congress, passed by the Senate, and lodged somewhere else for the last three years, providing that in lieu of this cultivation a certain amount of improvement could be done, and should be estimated at so much per acre; and I do not see why that kind of a proposition should not have been placed in the bill, and the residence period limited to three years. Five years is a long time for a man who is trying to make a home to be without title. So long as he is without his title he is practically without standing in the credit world, and he must pay high interest if he gets credit at all. These long terms of penal servitude to show good faith are all wrong.

Mr. CHAMBERLAIN. I am not at variance with the Senator on that proposition. We thought we had relieved the homesteader of the serious part of the settlement of these lands when we said that he would not have to cultivate as much. It is just left to the discretion of the Secretary of the Interior.

Mr. NELSON. Mr. President, I want to call the Senator's attention to the fact that these homestead lands are to be paid for at the rate of $2.50 an acre. They only pay 50 cents an acre down, and the other $2 are paid when they make the final proof, and there is no interest to be paid on it; so that they have a benefit from that.

Mr. BORAH. Mr. President, as a practical proposition I do not think that is very much of a benefit. You put a man out upon a homestead and compel him to go along in life without the title to his land upon which to base his security and his credit to do business, and at the end of five years he will not have any $2 an acre with which to pay. It is impossible. You might just as well ask a business man down here in Wash-

ington to enter upon a business course without title to his goods or title to his property, and expect him to maintain and sustain his credit for five years and then get out, as to ask a man to go on one of these homesteads and remain there for five years and have any credit at the end of the five years.

Mr. CHAMBERLAIN. I am inclined to agree largely with the Senator about that; but I will say to the Senator that whenever he has attempted to reform the homestead law so as to relieve the condition of the settlers I have usually favored it with him.

Mr. BORAH. I was not criticizing the Senator's position at all. I understand that this provision with reference to the five-year homestead law came from another source entirely; but I should be glad to join in an effort, if it would not jeopardize the Senator's bill, to reform that particular feature.

Mr. JONES. Mr. President, in that same connection I want to ask the Senator if this provision does not do away, so far as these settlers are concerned; with the provision in the three-year homestead law under which they have five months' leave of absence each year?

Mr. CHAMBERLAIN. I think not.

Mr. JONES. The Senator thinks that right is preserved?

Mr. CHAMBERLAIN. I think so. I think it is preserved to them. I think it is placed more largely in the discretion of the Secretary of the Interior. If the Senator has any doubt about that, after reading it carefully, I should like him to suggest an amendment.

Mr. JONES. Yes; because I think it very important that in the case of these lands, especially, they should not be required to stay on the land continually, because they will have to get out somewhere where they can work and make something with which to maintain themselves.

Mr. CHAMBERLAIN. I think that is true.

Mr. JONES. My recollection is that that provision is in the three-year homestead law, and is not contained in the general homestead law except as it is contained in the three-year homestead law; but I will look that up.

Mr. CHAMBERLAIN. I wish the Senator would.

Mr. President, we have digressed a little bit from the proposition I was undertaking to establish, and that was that justice demands the greatest liberality to the State. If the Senators will turn to the bill as it passed the House they will find that the timber on lands of class 2 is to be sold on a credit of 10 years, payable in installments. Everybody who buys the timber under these conditions would probably buy on credit instead of for cash and take a chance on the market advancing so as to realize a greater profit. The bill as it was originally prepared by me and introduced in the Senate provided for the cash sale of this timber, with the provision that as soon as the timber was sold a patent was to be issued for the timber apart from the land and the timber made subject to assessment. The report of Mr. Williams shows that the people of Oregon are insisting that this property shall be subject to taxation. Some of the counties can not stand having these lands withdrawn even for a period of 10 years, and the period of practical withdrawal of three years by the railroad companies which have refused to pay the taxes for that length of time has almost bankrupted some of those counties. Now, the department says that if you sell the timber on credit you will get more for it than if you sell for cash. That may be true; but in the meantime no taxes are being collected by either the counties or the State.

Mr. BORAH. Mr. President, I do not believe I understand the Senator with reference to this question of taxation. Is the provision with reference to taxation to which he refers the provision which appears on page 16?

Mr. CHAMBERLAIN. Oh, no. On pages 6 and 7 is the House provision, which provides for the sale of the timber on credit. The amendment proposed by the Senate committee is found on page 8. It provides for a cash sale, and subjects the timber, when sold for cash, to the jurisdiction of the taxing power.

Mr. BORAH. I see the point of the Senator.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Oregon yield to the Senator from Washington?

Mr. CHAMBERLAIN. I yield.

Mr. POINDEXTER. I should like the Senator, before he leaves that particular point, to explain why lands sold on the plan provided for in the House bill, to be paid for in 10 annual installments, can not be made subject to taxation. If they are sold under those conditions, and if the bill should provide that the lands shall be subject to taxation, they will be subject to taxation until they are forfeited and taken back by the Government.

Mr. CHAMBERLAIN. I will say to the Senator that the title to the land is in the Government of the United States.

Mr. POINDEXTER. It need not be, Mr. President. In the first place, we are speaking of the sale of timber, not land. The title to the land is in the Government of the United States according to the bill, but that is a matter which can be regulated by the bill. What I am trying to ascertain is whether the Senator contends that it is impossible for Congress in this bill, if this timber is sold on time, to provide also for its taxation?

Mr. CHAMBERLAIN. Let me have the Secretary of the Interior answer that for the Senator, because the bill as I originally introduced it provided for the cash sale, just as this amendment of the Senate committee provides. That bill was referred by the Public Lands Committee to the Secretary of the Interior, and here is what he said about that very proposition:

> The Secretary of Agriculture will recommend that the timber be disposed of at such times, in such quantities, and under such terms as the Secretary of the Interior may prescribe. If it were not for the fact that such a provision would, in effect, prevent the State and local authorities from taxing such timber, I would be inclined to favor the plan.

That is what the House did.

Mr. POINDEXTER rose.

Mr. CHAMBERLAIN. I will ask the Senator to let me conclude without interruption, because it is a continued story with reference to that.

Under it—

Says the Secretary of the Interior—

> the Government will receive larger prices for the timber than is possible where full cash payments are required and where the timber after such sale will be subject to local and State taxation. Extended consideration has been given and an attempt made to work out a plan whereby the lands could be sold in the manner provided for in the bill—

That was the original bill for cash sale—

> upon deferred payments, but so many obstacles have presented themselves that I have concluded it is better to sell the timber for cash, as is proposed in the bill, and issue a patent for the timber than it would be to make such sales on time.

I hope the Senator will listen to this, because it answers him completely:

> Unless it is otherwise provided, the lands would not be subject to taxation as long as the interest of the Government remains unsatisfied. Moreover, if sold upon time payments the Government would lose control over the timber, but in order to protect its interests it must stand ready to protect the timber against loss by fire, etc. If provision was made for taxing the timber prior to the time it was fully paid for, the Government would inevitably be drawn into controversies concerning local and State tax rates and other kindred questions, and might be compelled to satisfy tax liens to protect its interests. The plan proposed by the Secretary of Agriculture is workable, but it will deprive the States and counties of taxing privileges. I therefore follow the general plan for disposing of the timber proposed by the bill under consideration.

The Secretary of the Interior finally, while not surrendering his opinion on that subject as to the merits of the two propositions, in his report on the bill before the House committee, says this in reference to the sale of timber:

> In my report on Senate bill No. 30 I commented at considerable length on the relative advantages to the United States and the State in the sale of the timber for cash or on deferred payments, it being concluded therein that to avoid expensive administrative duties on the part of the one and enable the other to tax the timber after its sale, without any subsequent complications resulting from the unsatisfied claims of the United States, the sale of the timber for cash, followed by a patent to the purchaser, afforded the only remedy, though it was admitted that better prices for the timber would probably be secured on deferred payments.

Now, here is what the Secretary says:

> The scheme now proposed in this bill—

That is the House bill, and the one sought to be amended by the committee of the Senate—

> The scheme now proposed in this bill, by which patents will issue from time to time on the payment of the full purchase price of any legal subdivision, and the postponement of the right of the State to tax the timber until after the issuance of the patent, seems to meet in substantial form the objection that I entertained at that time to the sale of the timber on deferred payments. The measure as now presented therefore meets with my approval.

In other words, the Secretary of the Interior says that, while he favored a cash-basis proposition for timber sales, he was willing to assent to the proposition contained in the House bill because, as a purchaser of timber paid for a subdivision at a time, he could get a patent for the part paid for, and this could be taxed by the authorities. The result of such a plan must inevitably be that all this railroad land will be withheld from taxation for at least 10 years. Some one suggested to me that a good, shrewd timber purchaser could escape taxation entirely in the following way: He is not allowed to cut timber until he pays for a small subdivision—we will say 40 acres. He buys timber on a thousand acres and he proceeds to pay for and to cut the timber on 40 or 80 acres between the 1st of April and the 1st of the following March.

Mr. SMITH of Michigan. He pays for the 40 acres.

Mr. CHAMBERLAIN. Yes. Let me show you how he can dodge taxation. The assessment roll is returned on the 1st of March. He will pay for it the 1st of April. He is entitled to a patent to the timber if he asks for it. Instead of doing that he cuts 40 acres of timber before the 1st day of the next March, and there is nothing left to tax. He has cut off the timber between the taxing period, has sold it, and there is nothing to tax.

There is only one criticism I have to make of the amendment proposed by the Senate committee, and I did not see how to avoid it, and that is that it leaves it optional with the purchaser of timber when he will take it off. I insist that under this provision for a cash sale the purchaser must sell in the first normal market, otherwise the taxes will consume his investment. Taxes come pretty high. Some of that timbered land has been taxed as high as $40 an acre.

Mr. CLARK of Wyoming. There are thousands of acres in patent now.

Mr. CHAMBERLAIN. Yes; and it was taxed very high in the hands of the railroad company.

Mr. CLARK of Wyoming. Timberland?

Mr. CHAMBERLAIN. Timberland; and the authorities assess the timberland at what it is actually worth. So if a purchaser bought 100,000 acres of timberland and determined to hold it for an indefinite time, it would eventually destroy his investment. In other words, he is bound to take advantage of the normal market in order to save himself.

So, Mr. President, I do not believe that any purchaser would hold this timber indefinitely. He would sell it in order to protect himself against taxation. It does seem to me that what people out there want most are two things. They want that country developed; they want settlers on the land; they want mills on it; they want the country to thrive; and while it is being developed, Mr. President, they want to have the money with which to carry on the governmental affairs.

This bill provides that the timber shall be sold on a cash basis, and the only serious question in it is as to whether you want to adopt a policy of reservation and conservation, applied to these grant lands, or whether you want to place them in a position where they will assist in the payment of the expenses of the State.

Mr. CUMMINS. Mr. President, there is one point I do not quite understand. That is the difficulty about uniting the two plans—to sell for cash and to sell on time?

Mr. CHAMBERLAIN. That is what the House bill tries to do.

Mr. CUMMINS. There is no difficulty about bringing it within the taxing power of the States even if sold on time?

Mr. CHAMBERLAIN. Bringing the timber itself.

Mr. CUMMINS. Bringing the timber itself. The very moment you sever the two interests, timber becomes personal property; it is no longer real estate; and if the title passes it at once becomes subject to taxation in the hands of whoever buys it, even though it is sold on time. All the Government would have to do would be to take such security for the payment of the purchase price as to make it reasonably certain that it will ultimately get its money.

Mr. CHAMBERLAIN. Let me ask the Senator: Suppose 160 acres of timber are sold on credit; it is taxed; and after the first year failure is made by the purchaser to make any payment; where does the tax come in?

Mr. CUMMINS. You tax the timber just as you collect any other tax.

Mr. CHAMBERLAIN. The Government owns the timber.

Mr. CUMMINS. No; the Government does not own the timber. This is not an ordinary transaction. The Government proposes to separate it from the soil and sell the timber. If the Government wants to sell the timber on time it can part with its title at the same moment, and it can take from the purchaser such security as in its judgment is necessary to insure final payment of the price, whatever it may be.

Mr. CHAMBERLAIN. So you have the security aside from the timber itself.

Mr. CUMMINS. Certainly. No one is going to buy this timber who is not able to give security of some kind.

Mr. CHAMBERLAIN. There is no suggestion of that kind in the House provision.

Mr. CUMMINS. None.

Mr. CHAMBERLAIN. It may be the Senator can work out some provision that would test that, but those who worked out this House provision say that there would be none.

Mr. NORRIS. Mr. President, does the Senator see anything in the House bill in regard to the taxation of timber after it is sold.

Mr. CHAMBERLAIN. I did not put quite that construction on it, I will say, but it provides for taxation after patent issues.

Mr. NORRIS. It provides that patent shall issue when the sale is made and the money paid.

Mr. CHAMBERLAIN. Yes; when the money is paid.

Mr. CUMMINS. I was suggesting that the title could pass before the money is paid if the Government takes security for it; that is, if it wants to do so. If it does not, let it take its chances like any other seller of property.

Mr. NORRIS. There is this provision in the bill as passed by the House:

> All timber sold under this act shall be subject to the taxing power of the States apart from the land as soon as patents are issued as provided for herein.

Mr. CHAMBERLAIN. That is right.

Mr. NORRIS. Provided that when anyone buys any of the timber the Secretary of the Interior shall give patent for the timber that he buys.

Mr. CUMMINS. In my opinion Congress has nothing to do with the taxing power of the States, and can neither enlarge it nor diminish it. Whenever the property becomes the property of a private owner, then it is subject to taxation. I can not believe that Congress could relieve it from taxation. But the status must be changed. It must become the property of the purchaser, and I assume that under the House bill it does not become the property of the purchaser until the patent issues, and therefore until that time comes it is by operation of fundamental law relieved from State taxation.

I think one of the great necessities of that part of the country is to see to it that no property that has hitherto been subject to taxation shall be removed from taxation. It has a hard enough time now, and I would think it a very bad policy to remove any part of this property from taxation.

Mr. CHAMBERLAIN. I am glad the Senator feels that way because he describes the situation exactly.

Mr. CUMMINS. That is perfectly obvious to anyone who looks at the situation. It is true of the whole western country. So large a part of the property has been taken away from the power of taxation and taken away from the power of anybody to acquire it that the burden of maintaining those governments out there is becoming very severe. Congress ought to take notice of that situation if it wants that country developed.

Mr. FALL. The people of Oregon, under the provisions of this bill, would be relieved from the situation in which the people of the other States find themselves in reference to taxation, even if they could not tax these lands for this timber, because they get a portion of the proceeds from the sale of the timber. In other portions of the West we can not tax the Government lands taken up under the homestead or any other act of Congress nor do we get any part of the proceeds of the sales.

Mr. CHAMBERLAIN. Yes; you do.

Mr. FALL. We get for United States purposes, supposed to be returned; we get for school purposes.

Mr. BORAH. It seems to me that one of the virtues in this bill is the precedent which it will establish.

Mr. FALL. Precisely; and I am in favor of it. I wanted to emphasize the fact that this is a departure in the right direction. I am thoroughly in favor of the measure.

Mr. CLARK of Wyoming. I suppose the Senator from Oregon is thoroughly in favor of a bill of the character we have here?

Mr. CHAMBERLAIN. I am.

Mr. FALL. I am glad the Senator from Oregon is in accord with me on this proposition. I remember that four years ago we were not in accord at all. He was thoroughly imbued with the idea of the department in the administration of the forest reserves, and I took the opposite view. I am glad to find he has worked around to my view.

Mr. CHAMBERLAIN. Please understand——

Mr. FALL. I do not want to commit the Senator.

Mr. CHAMBERLAIN. We have an entirely new proposition here. Here is land that has been in private ownership and has been subject to taxation for a number of years and then it comes back and the title is vested in the Government. But I will say to the Senator I have a little more sympathy for his views than I used to have because of some recent experience.

Mr. FALL. I am glad to know that experience, if not my argument, has brought the Senator to a realization of the case. If my argument had no effect on him, I am glad that experience has modified his views to some extent. But I want to make this suggestion, that in consideration of the fact that Oregon does get a portion of the proceeds of the sales——

Mr. NORRIS. Getting all of it, practically.

Mr. FALL. Practically all of it.

Mr. CHAMBERLAIN. It ought to have it.

Mr. NORRIS. It gets practically everything.

Mr. FALL. I agree with the Senator there, it ought to it all; but in view of the fact that it does get a portion of it, and a large portion of it, does not the Senator really think if the land or the timber were sold on time and the State was not able to tax the timber it would get by virtue of an increased price by selling the land on time more than enough to make up the amount of the taxation which it would lose?

Mr. CHAMBERLAIN. That is the theory of the Forestry Service. I do not agree with that.

Mr. FALL. I want to suggest another thought to the Senator. A cash sale of timber of any amount will preclude the small purchaser or the poor man from buying timber.

Mr. CHAMBERLAIN. Oh, no.

Mr. FALL. Unless sold on time.

Mr. CHAMBERLAIN. If the Senator will examine the bill, he will see that it provides for preference being given to the small purchaser or the small subdivision.

Mr. FALL. The small purchaser for cash?

Mr. CHAMBERLAIN. Yes.

Mr. FALL. I do not know but the Senator may have small purchasers at hand who have the cash. I imagine that under the provisions of the bill there will not be very many small purchasers. However, I am in thorough agreement with the idea of getting the land into private ownership and getting revenue from it and getting all that can be gotten out of it.

Mr. CHAMBERLAIN. I want to say to the Senator that this matter has been receiving my attention for 9 or 10 years. I am frank to say I have never reached a solution of any part of it that was entirely satisfactory to me. One of the questions that has haunted me sometimes is as to just what the result would be; but I will say to the Senator that while there is a provision for bringing this land under the taxing power of the State it is only after payment has been made at the end of a year, say, if a man pays for a small subdivision, as I tried to explain awhile ago, the man who wants to avoid taxation will come pretty near doing so.

Mr. President, I do not think I want to take any more of the time of the Senate except to call attention to the distribution of the fund.

Mr. BORAH. Before the Senator goes into that, he knows something of the difficulty surrounding the formation of this bill and I do not because I am not a member of the Public Lands Committee. I am in favor of the bill and I do not want to be a part of any effort to imperil the bill, but unless the Senator believes that it would imperil the bill I should like to help reform this homestead proposition. The homestead law was supposed to be a poor man's law, but no man can take homesteads in this day under this law unless he has a bank account to start with. It is a rich man's law to begin with.

In view of the scarcity of land and the number of poor people who ought to have homes and who would go and get homes it seems to me every homestead law should be made truly and emphatically a poor man's law—that is to say, under which a man with the most limited means could go and acquire a home by his physical effort, his labor, and so forth. But if a man is to go on this land and stay for five years and then at the end of the time pay $2 an acre he must have a competency when he goes on the land in the first place. He can never work it out to a fruition in title.

I think that the homestead residence ought to be reduced to three years and leave of absence ought to be provided for. I only hesitate to do it because, as I said, the Senator knows something of the different conflicting interests which it is necessary to reconcile, and if those favoring these provisions are insistent it might be dangerous to insist upon a change. But I feel the change should be made, and unless I become satisfied it would imperil the bill I shall offer some amendments. It would not only be better for the settler but it would be better for the State—it brings the lands under taxation sooner.

Mr. CHAMBERLAIN. I am not sure that it would. I have had no conferences with the Members of the House committee, although I have read the hearings. So far as I am individually concerned, I would have no objection to having an amendment of that kind added to the bill, and then, if the conferees outvote us, it would not be our fault.

I am in thorough accord with the Senator in his efforts made in the past and being made now to protect the homesteaders, because conditions are not as they were 25 years ago. When I first went out West in 1876 one could get a homestead almost anywhere and could make a living on it without much trouble, but you can not do it any more. A man who takes up a homestead now, whether it is in the arid region or not, has a pretty hard time to work out a living.

I want to say that the House committee worked industriously on the bill, and all of them gave it their undivided and conscientious attention and faithfully endeavored to reach a proper solution of the questions involved. The fact is they had extensive hearings, and every time I went over there I found that the full committee nearly was present, each and every one of them taking an active interest in the bill. When the Senate committee took it up they wanted to make just as few changes in it as possible, because the committee knew the painstaking care that had been exercised in the preparation of the bill, and the only changes made are practically the few to which I have called attention. We did not think the House committee had been quite generous enough to Oregon because of the conditions which I have undertaken to describe. Let me call attention to one thing.

The bill as passed by the House required that 40 per cent of the money that comes from the sale of this timber should go into the reclamation fund. Under ordinary circumstances I would not object to that very seriously, but let us see what Oregon has suffered under the proposition. Oregon ranks second in the list of 16 States that have contributed to the reclamation fund. There is no other State in the West that has contributed as much to the reclamation fund except North Dakota. Up to the end of last year North Dakota had contributed $12,080,995.97 to the reclamation fund. Oregon contributed $10,717,809.39—second on the list. When it comes to investing the proceeds of public lands that are in the reclamation fund to the development of irrigation projects in the States, Oregon ranks eleventh.

Mr. BORAH. Oregon has a great deal of rainfall.

Mr. CHAMBERLAIN. East of the Cascade Mountains conditions are like those in the Senator's State. There is a lot of arid land and very many reclamation projects that ought to be developed. The State itself has undertaken to develop one project and sought here a year or two ago, just as we have always sought in river and harbor improvements, to get cooperation between the Government and the State. The Senator will remember that the distinguished Senator from Utah said he would never consent to have cooperation between the State and the Federal Government in irrigation. Oregon puts up dollar for dollar for river and harbor improvement and is willing to put up dollar for dollar for reclamation.

Mr. FALL. Is it not a fact that the very showing the Senator has made proves that while, for instance, New Mexico and Arizona have contributed comparatively nothing, in view of what the great State of Oregon has contributed to the reclamation fund, they have had no means to dispose of their lands under the present law?

Mr. CHAMBERLAIN. I am not complaining of that——

Mr. FALL. The State of Oregon is so blessed that her people could acquire land and make homes in the State, and through the acquisition of the land Oregon has contributed a large amount to the reclamation fund. As the Senator is modifying his views I want to impress on him now the difference that exists due to the rainfall in the different States of the Union. We have had quite a large amount of money expended in New Mexico from the reclamation fund. We have availed ourselves very liberally of it, or at least the Government allowed us to use what was contributed by Oregon. New Mexico has thirty-odd million acres of land which, under the present law, can not be sold for the reclamation fund or any other fund.

Mr. CHAMBERLAIN. I am not complaining of the generosity of the Government to the Senator's State. I am glad that it has been generous. Arizona, for instance, has contributed $1,318,630.05 to the reclamation fund and the Government has expended there for reclamation projects $16,000,000. I am not complaining of that. What I am suggesting is that in view of the fact that Oregon has been the second largest contributor and stands eleventh as receiver of money for reclamation, when a condition arises in the State that is sui generis and there is an opportunity to expend the money within the boundaries of the State where the Reclamation Service holds a million acres that are susceptible of irrigation, she ought to have the benefit of it.

Mr. FALL. Mr. President——

Mr. CHAMBERLAIN. Pardon me just a moment. The House bill provides that 40 per cent of the proceeds shall go into the reclamation fund, and possibly all of it may go to New Mexico.

Mr. FALL. The fact, however, remains that while the entire area of New Mexico and the entire area of Arizona susceptible of cultivation, if cultivated at all, must be cultivated by irrigation, a large portion of the State of Oregon is so situated that it can be cultivated by virtue of rainfall without irrigation.

Mr. CHAMBERLAIN. The Senator misapprehends the conditions up there. Nearly the whole eastern part of the State is

in the semiarid region. In some of the counties they have only 8 inches of rainfall and in some of them from 8 to 13 inches.

Mr. FALL. What proportion is that of the entire State?

Mr. CHAMBERLAIN. It is practically a line running through the center of the State east and west from the Cascade Mountains to the eastern boundary of the State. It is practically half of the State.

Mr. FALL. I want to say to the Senator, under the theory which he has been advocating, every tree in New Mexico is taken away from the people of New Mexico and we have not anything left to sell.

Mr. NORRIS. Mr. President, as the Senator is aware, of course, the old reclamation law itself provides that officials shall, I think, at every 10-year period, as near as they can, equalize the expenditures for reclamation projects in various States. He realizes that it would be an impossibility by the use of the reclamation fund to make an accurate division between the States, and where one State gets more money during the first 10-year period the probabilities are that another State will get more in another period. When they start in with projects they necessarily have to finish them, and they can not begin more projects than they are going to complete.

Mr. CHAMBERLAIN. There is some force in that, too, but the Senator will remember that under the law as it was the major portion of the reclamation fund from any State had to be expended on feasible projects in the State. That law was subsequently changed. I was willing to have that change made, leaving it to the Reclamation Service.

Mr. NORRIS. I think the Senator was right in that. I think it is not difficult to see that that is really the only practical way to administer this fund.

It can not be divided equally, but I think they should do it as nearly as they can. If Oregon was not getting as much as she did get out of the fund within a certain period it was because projects had been commenced and money expended in other States, and when they are completed the probabilities are that in the next period Oregon will perhaps get more than her proportionate share. In other words, we can not keep an equal division of that fund between the States all the time, and the law never contemplated that it should be done.

Mr. CHAMBERLAIN. The old law has been changed, the Senator will remember. I was saying that I favored that repeal for the simple reason that if the major portion of the fund had to be expended in a State it resulted in the constant harassing by the Senators and Representatives from that State of the Reclamation Service to get them to spend the money on projects that were not feasible. So I favored the change in the law, leaving the discretion somewhere else. Yet every time I have been up for office in Oregon since then I have had to meet the charge that I had been "sleeping at the switch" and let the change be made. It was the honest thing to do, even if it did affect my State a little injuriously. It had the same effect on other States.

Mr. SMITH of Arizona. Mr. President, inasmuch as Arizona has been drawn into this debate, I feel that I ought to say a single word. I am glad to see the very generous spirit that is expressed in the Senate to-day. I have been trying ever since I have been here to get the kind of land that Oregon has been selling and contributing so generously to the Reclamation Service in an attitude where we could sell it at all or use it at all.

The result is that the State of Oregon had land that it could sell. The State of Arizona has never had any land that it could sell for the Government saw fit to take it and keep it. So it was not possible for us to contribute to the Reclamation Service when the Government had taken it either as forest reserves or for an unnecessarily large Indian reservation. What is left is lying there, not semiarid but actual arid waste and barren mountain, and the contribution that we could make the fund would amount to nothing. I am glad to see that the sentiment is growing in this body that justice shall be done the Western States. It is impossible that they can live with the Government holding all the valuable lands within them. Conservation for what? We can not use the timber. I am buying what timber I need at home from Oregon, while within sight of me is as fine timber as ever grew in the world. I can not touch it. That is the condition there, and it is that condition against which I have been complaining. I will gladly welcome the day when every man upon the other side of the Rocky Mountains may see the necessity of being at least fair, of giving those people a chance to live; and not conserve everything in their State for the other States which have disposed of all the lands that they ever had.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from Oregon a question.

Mr. NEWLANDS. Mr. President——

Mr. SMITH of Michigan. Does the Senator from Nevada desire to take the floor in his own right?

Mr. NEWLANDS. No; I wish to ask the Senator from Oregon a question.

Mr. SMITH of Michigan. Then, I will wait until the Senator does so.

Mr. NEWLANDS. I wish to ask the Senator from Oregon what is the estimated value of the lands that are to be sold?

Mr. CHAMBERLAIN. It was stipulated at the trial of the case that they were worth about $35,000,000; but, of course, that is an estimate. It is impossible to tell exactly what they are worth.

Mr. NEWLANDS. Does the Senator from Oregon think that is above or below their value?

Mr. CHAMBERLAIN. I am inclined to think it is a little above their value.

Mr. NEWLANDS. Is it much above their value?

Mr. CHAMBERLAIN. Not a great deal. The land is assessed for $22,000,000; and they have sought to assess the properties there at something like their value.

Mr. NEWLANDS. Now, then, assuming that the lands are worth, say, $30,000,000, what proportion of that would go to the State of Oregon for reclamation purposes?

Mr. CHAMBERLAIN. I think the bill provides for only 10 per cent.

Mr. NEWLANDS. For reclamation?

Mr. CHAMBERLAIN. Yes.

Mr NEWLANDS. Does the Senator mean 10 per cent goes to the reclamation fund or to the State of Oregon?

Mr. CHAMBERLAIN. It goes into the reclamation fund to be expended in Oregon.

Mr. NEWLANDS. But all of it has to be expended in the State of Oregon?

Mr. CHAMBERLAIN. Yes; it goes into the general reclamation fund of the Government, to be expended by it in Oregon.

Mr. NEWLANDS. About what per cent of that?

Mr. CHAMBERLAIN. Ten per cent.

Mr. NEWLANDS. Is that under the Senate amendment?

Mr. CHAMBERLAIN. That is under the Senate amendment, found on page 16 of the bill.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Wisconsin?

Mr. CHAMBERLAIN. I do.

Mr. LA FOLLETTE. Would the Senator from Oregon, just on that point, permit me to call his attention to the fact that the House hearings show that the State forester of Oregon has estimated the timber upon this land at 40,000,000,000 feet?

Mr. CHAMBERLAIN. It is estimated by him at 44,000,000,000 feet, is it not—somewhere near that amount?

Mr. LA FOLLETTE. In round numbers, 40,000,000,000 feet. That timber is estimated at approximately worth a dollar a thousand, which would make the timber alone worth $40,000,000.

Mr. CHAMBERLAIN. That is right. I will say to the Senator that they have estimates that would run it up as high as $45,000,000.

Mr. LA FOLLETTE. Then, the estimate that the total value of the land is $35,000,000 must be very low, indeed?

Mr. CHAMBERLAIN. But the Senator will understand that there is a great deal of that land that is not worth anything, and so the value of the entire property is problematical. All these estimates are more or less guesswork.

Mr. LA FOLLETTE. This timber estimate must be pretty accurate. A good estimator can practically get at the value of timber fairly well.

Mr. CHAMBERLAIN. Possibly. I think one of the agents out there estimated the timber at 50 cents a thousand stumpage, while the Senator from Wisconsin puts it at a dollar.

Mr. LA FOLLETTE. The testimony, I think, puts it at a dollar.

Mr. CHAMBERLAIN. It is a varying factor between 50 cents and a dollar, as to what the timber will bring. It is safe to say, however, that the land is worth between $28,000,000 and $40,000,000—somewhere along there.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Michigan?

Mr. CHAMBERLAIN. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. Mr. President, this bill is very evidently in the interest of the State of Oregon, appropriately so, in my opinion. Of course the citizens of that State should be the principal beneficiaries of this legislation.

The Senator from Oregon has called attention to the diligent work performed by the House committee, but I am impressed

very strongly with the equitable character of the Senate amendments, especially that part which provides a way in which the harbor districts may be partially compensated for loss of taxable property.

I do not want the Senator, and, of course, the Senator will not overlook this aspect of the situation. It is very evident that the work that has been done in the harbors will add to the value of this timber very greatly. They have bonded themselves and improved their ports, and are to improve their highways under this bill. Every dollar expended by those municipalities or political subdivisions will very largely increase the value of this timber, will it not?

Mr. CHAMBERLAIN. There is no question about that.

Mr. SMITH of Michigan. In other words, if these investments had not been made by the various port districts there would be no way to get these logs to market. Now the way is open, and the Senator's amendment proposes to take care of the municipalities that have obligated themselves far into the future in order that there may be ample harbor facilities. I want to commend that aspect of this bill. There is in it a sense of equity and justice which appeals strongly to me. I hope that when this bill gets into conference, if it should reach that stage, the Senate committee will insist with all their vigor that this equitable recognition shall become a part of the law.

Mr. CHAMBERLAIN. Mr. President, I am not going to take the time of the Senate any further. To save making a lengthy statement—I have imposed on the kindness of the Senate too long already—I am going to ask to have inserted in the RECORD, as a part of my remarks, a statement of Mr. Louis E. Bean with reference to these port districts. Mr. Bean appeared as a witness before the subcommittee and testified on the subject.

The PRESIDING OFFICER. Without objection, permission to do so is granted.

The matter referred to is as follows:

The pending legislation involving the Oregon and California land-grant lands is of most vital importance to Oregon as a whole, and more particularly to the counties and port districts in which these lands are situated. The organization which I represent is made up of the Oregon coast ports, which are quasi municipal corporations organized under the statute of our State, giving to local communities the authority and power to form port districts for the improvement and development of the rivers and harbors along the Oregon coast. Ten or eleven such port districts have been organized within recent years under this statute. These organizations met together, formed a federation for their own mutual benefit and advancement, and I am here to-day to try and point out to you gentlemen the justice of their cause.

The act under which these ports were formed was passed in 1909, immediately following which the several local communities along the Oregon coast, embracing undeveloped harbors of more or less importance, took advantage of the law and proceeded to organize their respective port districts. At that time very little harbor improvement had been made in Oregon, aside from that at the mouth of the Columbia River. Federal aid was denied to us because of the lack of present commerce, although we were, by nature, most richly endowed with vast undeveloped resources awaiting only the opening and development of our magnificent waterways leading to the Pacific. Our people are pioneers and recognize no obstacle or barrier. Consequently, being unable to obtain Federal assistance, took the question of harbor improvement into their own hands and by their own indomitable spirit, energy, and courage went to work to do that that had been done in other States by the Federal Government, a task that might be little expected of a less progressive people—to make harbors for themselves that the abundant undeveloped resources might be turned into present commerce and thereby enrich not only the local community but the Nation as well.

We have a number of these very important harbors along the Oregon coast south of the Columbia River, with a vast area of virgin forest, coal fields, and other undeveloped resources at their very doors, awaiting only the necessary improvement of these harbors to unlock to the markets of the world these resources.

Among these harbors are the Nehalem, the Tillamook, the Siuslaw, the Umpqua, the Coos Bay, and the Coquille. At all of these (and others) port districts have been organized for the purpose of constructing harbor improvements, so as to confine the currents of the waters to a fixed and definite channel and thereby to cut away the bar that separates the inner harbor or bay from the ocean itself, in order that the ships of all countries may enter our harbors, rest in peace while therein, load with our lumber and other products, and depart in safety.

The statute under which these ports were formed limit the amount of bonded debt that may be incurred for these improvements to 10 per cent of the total assessed value of all property within the port district. At the time of the formation of these ports, and on account of the undeveloped condition of our harbors, the assessed value of the taxable property was necessarily very low, in consequence of which, and the large sums of money that would be required to make these improvements, a bonded debt near, if not quite, the full limit allowed by law, was inevitable. The ports met this condition, however, sold their bonds, commenced and carried on their improvements to an extent sufficient to convince the Federal Government that these harbors were worthy projects and would develop sufficient commerce to warrant their full development and improvement. The first among these port districts to bond itself and undertake this harbor improvement unaided by Federal appropriation was the port of Siuslaw. In 1909 this port sold its first issue of $100,000 of bonds and with the proceeds constructed several thousand feet of well-rocked jetty into the sea without Government aid.

At the commencement of this work the surveys on the bar showed but 8 feet of water at mean tide, and not permanent at that. At the completion of the expenditure of this sum by the port the depth of water had been materially increased. At this point the engineers of the War Department recommended to Congress that aid be given to the port, based upon which Congress appropriated $215,500, with the provision, however, that to become available, the port should appropriate a like sum, the port to have credit for the work already completed by it. The port accepted the terms, sold an additional issue of bonds to the amount of $115,500, and paid the same over to the War Department. This sum was expended by the Secretary of War in further improvement on the bar, resulting in greatly increased depth of water, but yet the project was uncompleted.

Based upon the further recommendation of the department engineers, further appropriation was made by Congress in the sum of $112,500, with the same provision that the port should appropriate a like amount. Again the local community acquiesced, sold a further issue of bonds, and paid over to the War Department the sum of $112,500. This last appropriation has not been fully expended, but it is predicted that upon completion of the present contract, some time this year, a depth of water above 20 feet will be permanently obtained upon the bar.

Senator THOMAS. How far is that south of the Columbia River?

Mr. BEAN. About 150 miles, I should say, possibly a little farther. The port of Siuslaw, as I have enumerated, has contributed directly to this harbor improvement $328,000, aside from the interest payments on its bonds and its current expenses. The total assessed value of the port of Siuslaw, as shown by the assessment roll, at the time of its organization, was, in round numbers, $3,000,000. Ten per cent was the limit of bonded indebtedness fixed by law. Consequently, without the increased value, by reason of the improvements made, the port would have reached its full limit so provided, but fortunately, by reason of the improvement of the harbor, the taxable area has increased to $4,500,000.

Senator THOMAS. The area, or value?

Mr. BEAN. The taxable value, Senator Thomas. The increase in the value of the property within the port district has been brought about by the improvement of the harbor; not only that, but the improvement of this harbor and the harbor at Coos Bay, which has been improved in like condition, but to a much greater extent, has been the means of bringing a first-class railroad from Eugene, by way of Siuslaw, to Coos Bay.

The total taxable valuation, as assessed of all property, real and personal, within the port Siuslaw district is $4,500,000. Within the boundaries of this port district is a large area of these Oregon and California grant lands, approximating 126,000 acres, the assessed value of which upon the assessment roll is $1,408,000.

Senator THOMAS. Is that in addition to the $4,500,000?

Mr. BEAN. No, sir. The $1,408,000 assessed against the grant lands is included in the total assessed value of $4,500,000, and if deducted would leave upon the assessment roll as the full taxable value of the port district $3,092,000, upon which to levy a tax annually sufficient to pay the interest and principal of the bonds now outstanding, amounting to over $300,000. In other words, a levy of 6 mills on each dollar of property annually will be required to pay interest alone, to say nothing of the payment of the principal, which will soon commence to fall due. The other ports are in similar condition to the port of Siuslaw. The port of Coos Bay furnishes perhaps the best harbor on the Pacific coast between the Columbia River in Oregon and San Francisco, Cal. More than $1,200,000 has been expended on the Coos Bay Harbor, the port of Coos Bay paying dollar for dollar with the Federal Government. The cities of Marshfield and North Bend are the principal cities on the bay. Regular steamship transportation is maintained between Coos Bay and Portland on the north and San Francisco on the south, and many cargoes of lumber are sent foreign annually. The country surrounding Coos Bay is rich in its coal fields, its forests, and its agriculture. The new Southern Pacific Railroad from Eugene by Siuslaw makes its terminus on the bay. Its harbor improvement is attracting new industries, and not in the far distant future Coos Bay is to be reckoned among the first-class harbors of the Pacific. The local community, the port of Coos Bay, has bonded itself for $600,000 to make possible these conditions; 35,393 acres of these grant lands are within the boundaries of the port of Coos Bay, the present assessed value of which amounts to $540,097.

The port of Umpqua, situate midway between the port Siuslaw and the port Coos Bay, is a most magnificent harbor. The Umpqua River, from which the port derives its name, is a large fresh-water stream extending to the summit of the Cascade Range of mountains, and is navigable for all purposes for a distance of 29 miles from its mouth. The taxable area of the port of Umpqua is over 700 square miles, or about 450,000 acres, 20 per cent of which can be converted into tillable agricultural land. The principal industries are lumber, agriculture, and fishing. It is estimated that the port district contains 15,000,000,000 feet of merchantable timber. The total assessed value of the port district is $4,330,000, within which is 108,583 acres of these grant lands, assessed at $1,117,520, or approximately one-fourth of the entire value of the port district. This port is now preparing for the improvement of its harbor, and to that end is now selling, or has sold, an issue of $200,000 of bonds, expecting to join hands with the Federal Government in making the improvements on their harbor.

The port of Coquille has within its boundaries 65,078 acres of these grant lands, the assessed value of which amounts to approximately $1,000,000.

The port of Bandon, at the mouth of the Coquille River, is an old and important harbor. This port has sold a large amount of bonds and expended the money derived therefrom in joint partnership with the Federal Government in the improvement of its harbor. Of these grant lands 7,854 acres are within the boundaries of this port district, the assessed value of which amounts to $120,000.

The port of Bay City has only about 4,000 acres of these grant lands within its boundaries, the assessed value of which is $21,000.

The several ports along the Oregon coast south of the Columbia River have issued and sold in the aggregate over $2,000,000 of bonds and used the proceeds in joint partnership with the Federal Government, paying dollar for dollar in the improvement of these harbors.

The CHAIRMAN. $2,000,000?

Mr. BEAN. Yes, sir; more than $2,000,000. The money was paid over to the War Department and has been expended for harbor improvement under its direction. The improvement of these harbors by means of self-help by the local communities has tended greatly to the development of the commerce of the State and Nation and has directly made the value of these grant lands. If I am advised correctly, Oregon stands alone as the only State in the Union where deep-sea harbors have been made largely by the local community self-help.

The CHAIRMAN. In other words, you contribute a dollar for every dollar the Government contributes?

Mr. BEAN. Yes, sir; exactly: $4,000,000 and more has been expended by the local communities and the Federal Government in the improvement of these harbors, but the improvement is not yet completed. Further large sums will be required in the future for the maintenance of these improvements and their further development. These port districts at the time of entering into this partnership, as it were, relied upon the taxable area within their respective boundaries as a fixed and immovable resource that would grow in value as the improvement of these harbors progressed. Also, the people who bought our bonds relied upon the value of these resources as a security behind the bonds.

Mr. NEWLANDS. Mr. President, if I may now pursue the inquiry I was making, I wish to say that, as I understand, certainly $30,000,000 will be realized, and the House bill provided that of that $30,000,000, 30 per cent should go for roads in the State of Oregon and that 20 per cent should go to schools in the State of Oregon, making 50 per cent, and that 40 per cent should go to the general reclamation fund. May I ask the Senator from Oregon, Is that the entire disposition that is made of the fund by the bill as it passed the House—30 per cent for roads, 20 per cent for schools, and 40 per cent for the reclamation fund?

Mr. CHAMBERLAIN. That is all by percentages. Of course, the balance under that bill goes into the Treasury of the United States.

Mr. NEWLANDS. Ten per cent goes into the Treasury of the United States?

Mr. CHAMBERLAIN. No; the balance. But there is a percentage—the Senator read it, I think—and the percentages are fixed for everything but as to the United States Government, which gets the balance.

Mr. NEWLANDS. Yes. Now, as I understand, by the amendment offered in the Senate, 10 per cent of this fund of $30,000,000 will go for reclamation projects in Oregon; 10 per cent will go to the United States; 30 per cent will go to certain counties; and 20 per cent to certain other counties, so that, under this amendment, of this $30,000,000 Oregon, in one form or another, will get about 90 per cent, the United States will get about 10 per cent, and the general reclamation fund will get nothing.

Mr. CHAMBERLAIN. Oh, no. I will have to call the Senator's attention to the act of 1912.

The Government of the United States commenced a great many suits against men who had bought land from the railroad company in excess of 160 acres and in excess of $2.50 an acre. By the act of 1912, which was passed by Congress, those suits were authorized to be compromised by the Attorney General upon the payment to the Government of $2.50 per acre for all of this illegally sold land. So the Government has already gotten a large sum of money out of the railroad company.

Further than that——

Mr. NEWLANDS. Can the Senator from Oregon tell me how much the Government has gotten?

Mr. CHAMBERLAIN. I have not the statement at hand just now, but shall be very glad to furnish it to the Senator. I can easily get it from the Secretary of the Interior.

Mr. NEWLANDS. I shall be glad to get it.

Mr. President, I am sure that I shall be very glad to see Oregon benefited by this transaction; but the question arises in my mind as to whether or not the House plan did not present a more equitable distribution of this fund of $30,000,000 than does the Senate committee plan. Under the House plan 40 per cent at least went into the general reclamation fund, which is applicable to irrigation enterprises in some 16 States, whereas under the Senate committee plan nothing whatever goes into the general reclamation fund. Ninety per cent of all of these moneys goes in one form or another to the State of Oregon.

It is true that Oregon has contributed very handsomely to the reclamation fund. It has contributed about $10,000,000, I believe, or something in excess of that, while it has received for reclamation projects only about $5,000,000. I assume that the reason that more than $5,000,000 has not been expended in reclamation projects in Oregon is that it has been somewhat difficult to find feasible projects upon which that amount of money can be expended, and that arises from the fact that Oregon is regarded as a humid State. On the Pacific coast it is called the "Web Foot" State.

Mr. CHAMBERLAIN. Mr. President, let me put the Senator right.

Mr. NEWLANDS. It is true that, so far as the eastern part of it is concerned—I am going to refer to that—about a fourth of the State is exceedingly arid.

Mr. CHAMBERLAIN. A fourth of it is exactly like the State of Nevada.

Mr. NEWLANDS. A fourth of it is just as arid as is my State; and I assume that in that portion they have not been able to find the water that would enable them to establish a feasible project, and therefore the Reclamation Service has not constructed such works. I do not know, of course, as to that with certainty, and yield to the superior information of the Senator from Oregon.

Mr. CHAMBERLAIN. Let me say to the Senator that he misunderstands the situation there. The Reclamation Service says that there are now a million acres of land in Oregon which can be irrigated from waters they now have; but Oregon has been limited in the fund they have available. Nevada has received $5,000,000, or in excess of $5,000,000, for expenditure on reclamation work; while Oregon has not received in excess of $3,000,000.

Mr. NEWLANDS. Yes; and Oregon ought to have more expended—there is no question about that—if there are feasible projects there. Can the Senator explain why it is that the Reclamation Service, having received $10,000,000 from the sale of lands in Oregon, has not found it advisable to expend thus far more than $3,500,000 on irrigation projects there?

Mr. CHAMBERLAIN. I want to say to the Senator, that I sometimes think, under the old law, that possibly it is the fellow with the longest pole who gets the persimmons. There were some distinguished Representatives here who, under the old practice, used to get appropriations whenever they asked for them, and others would not. The Reclamation Service seemed to be partial to some States, and did not treat the others so liberally; but, as I have said, the Reclamation Service states that there are a million acres of land in Oregon which can be irrigated now.

Mr. NEWLANDS. Do they say that they have the water to irrigate that acreage?

Mr. CHAMBERLAIN. Yes.

Mr. SMITH of Arizona. Mr. President, I want to suggest, in that connection, that very probably, especially in the earlier days of the Irrigation Service, they were attempting to demonstrate the feasibility and profit of irrigating lands where crops different from the crops of the temperate zone could be raised. I imagine that, if Oregon has been neglected, it has been due to the fact that they were attempting to irrigate land where high-priced crops, such as oranges and other semitropical fruits, could be grown rather than land which would grow crops that would come in direct competition with products which were already being exported in large amounts from the country. I think that is probably the motive which animated the Irrigation Service.

Mr. NEWLANDS. If Oregon has been unfairly dealt with, all I can say is that I want to see her fairly dealt with; and if there are feasible projects in that State, which would justify an expenditure of $10,000,000, I hope that ultimately Oregon will receive that amount from the fund to which she has contributed $10,000,000; but it will be recollected that the purpose of the reclamation act was to regard the entire public domain as a unit; and it is a unit, regardless of State boundaries, and the purpose of that act was to sell lands that were salable and to devote the proceeds to the reclamation of the lands that were unsalable without water, wherever they might be in the arid regions.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New Mexico?

Mr. NEWLANDS. Yes.

Mr. FALL. I would have very much more at heart the question of the disposition of these lands if the statement which the Senator has just made correctly settled, to my mind, the proposition with reference to the disposition of the proceeds of the sale of the public lands. According to the Senator's statement, it would appear that 95 per cent of the proceeds of the sales of public lands in Oregon would go to the building up of irrigation enterprises in other States. That is not correct. Ninety-five per cent of the proceeds of the sales of such land is loaned, to be returned. It is purely an advance, and not a gift to the other States at all, or, rather, it is not a gift to the users under the reclamation projects.

Mr. NEWLANDS. That provision was repealed, as I understand. The Senator from Oregon, I think, so stated.

Mr. FALL. Oh, no.

Mr. NEWLANDS. I refer to the provision which compels the application of a majority of the proceeds of the sales of public lands in an individual State to reclamation projects within that State.

Mr. FALL. Every water user under every irrigation project is taxed for the cost of that project. Where does it go?

Mr. NEWLANDS. It goes into the general fund.

Mr. FALL. Then, I would rather have it go into the State fund of Oregon than into the general fund of the United States Government.

Mr. NEWLANDS. Not the general fund of the United States, but the general reclamation fund.

Mr. FALL. What is to become of that general reclamation fund?

Mr. NEWLANDS. It is to be spent on new projects wherever necessity for them arises, regardless of State boundaries.

Mr. FALL. And the users pay every dollar of it?

Mr. NEWLANDS. Yes.

Mr. FALL. Then it is only a loan in so far as the water users are concerned.

Mr. NEWLANDS. That is true.

Mr. FALL. That is the point I am making.

Mr. NEWLANDS. It constitutes a revolving fund, to be used over and over again on new enterprises.

Mr. FALL. It is simply reimbursable; that is, eventually, after it revolves until it has done all of this work—and the people are taxed under these projects to pay the money back so that the fund can continue to revolve—it settles finally, I presume, somewhere in the United States Treasury.

Mr. NEWLANDS. It can be used, of course, for other public enterprises or can go into the United States Treasury when the entire field of reclamation is covered.

Mr. FALL. The difference in this case is that under the peculiar condition of affairs in Oregon the greater portion of this fund, instead of going back to the United States Treasury at some time, will remain in the treasury of the State of Oregon, in which the lands are situated. That is the only difference so far as any benefit to the users under the irrigation enterprise is concerned.

Mr. NEWLANDS. Upon that theory, Mr. President, the entire reclamation fund would disappear, because the Senator contends——

Mr. FALL. Oh, no; it would not.

Mr. NEWLANDS. That the moneys in that fund should go to the State from which the moneys were received from the sale of lands, and hence they would absolutely disappear and the fund would be at an end.

Mr. FALL. If the Senator will allow me, I will call his attention to the distinction, as I see it. A very peculiar condition exists in the State of Oregon. It was one not contemplated under the general reclamation act. Under the general reclamation act, under the land-sales act, under the policy of the United States Government in disposing of its lands, 95 per cent of the proceeds of land sales goes to the reclamation fund. What does that amount to for 160 acres under the homestead act? For 160 acres, 95 per cent of $21 at the outside, and only 95 per cent of $14 in some instances, is all that goes into the reclamation fund. Now, under this proposition the 10 per cent of the proceeds which would be used in Oregon—and I think the Senator from Oregon has rather shown that the State is entitled to have it used there—would amount to something like $32, from $32 to $40, for 160 acres, instead of the $20 or $21 under the ordinary land sales which would flow into the reclamation fund as contemplated under the reclamation act. The condition existing in Oregon is a peculiar one, and I am simply calling the Senator's attention to it.

Mr. NEWLANDS. Mr. President, I can not see any peculiarity in the conditions. All I see is that public lands are about to be sold for the sum of $30,000,000; that under the law as it stands all of that $30,000,000 would go into the general reclamation fund, to be applied to feasible projects in the entire arid region, regardless of State boundaries, the purpose of the Government being to use the money derived from the sale of salable land in making other public lands cultivable and homes for the people, and compelling those people whose lands are thus reclaimed to pay back in a period of 20 years the money paid for their reclamation into this fund, so that it can be used over and over again in the creation of new irrigation projects.

Mr. FALL. Mr. President, I do not think that the Senator understands the point made by me. He intimates that he does not understand that there is any distinction. Suppose that this bill simply proposed to return—as it does in one of its sections—these lands in Oregon to the United States; then they would become public lands of the United States, subject to the public-land laws of the United States. That means they would be subject to the homestead law and to the desert-land act; but, as a majority of these lands would not come under the desert-land act, we will say that they will be subject to the homestead law, under which for 160 acres the total sale price would be $21, at the outside, of which the reclamation fund would get 95 per cent. The peculiarity of this condition is that, instead of being turned over to the United States and coming under the disposition of the general land laws of the United States, we are now enacting a special law under which the land shall be disposed of.

Mr. NEWLANDS. But these lands are to be sold, and the policy of the United States is to put all the proceeds from the sales of public lands into the reclamation fund. I understand the Senator says that more is to be realized from the method of sale proposed than would be realized by opening the land to homestead and desert-land entry. That is probably so; but, as I understand, a very large portion of these lands are timberlands, and certainly the Government is not allowing timberlands to be entered under the homestead law.

Mr. FALL. It is not?

Mr. NEWLANDS. No; it is not.

Mr. FALL. Well, it should; and it is everywhere, except in the forest reserves, under the theory of which the lands are held in the United States Government.

Mr. NEWLANDS. Under the present policy of the Government all lands that are better for forestry than they are for cultivation are in forest reserves; and a good many lands that are not are also in forest reserves.

Mr. FALL. But Congress has by legislation prohibited the creation of further forest reserves. This land in Oregon, if it became public land, would be subject to entry under the public-land laws and would not be in a forest reserve. If it were in a forest reserve, it would be, as is the case with other forest reserves, of benefit to no one to any extent at all; but not being in a forest reserve, it would be subject to homestead entry. So the figures which I mentioned a little while ago would be applicable, and the reclamation fund would derive 95 per cent of $21.

Mr. NEWLANDS. The lands would be subject to homestead entry if the United States Government were foolish enough to permit lands worth a very large sum for timber to be entered under the homestead law. The fact is, that the policy of the reclamation act is that the proceeds of the sales of all public land shall go into the general reclamation fund, to be devoted to projects throughout the entire arid region; and the effect of this bill is to take the 90 per cent of $30,000,000, that would go into the general reclamation fund, and apply that sum to the wants of Oregon alone. I say that that is not within the spirit of the reclamation act and is not fair nor just.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. NEWLANDS. Certainly.

Mr. NELSON. I want to call the Senator's attention to the fact that the reclamation act, under which the proceeds from the sale of Government lands go into the reclamation fund, contemplated the disposal of the public lands in the ordinary way. These lands in Oregon are not ordinary public lands. If they were simply public lands, I know of no general law under which the public could go on them and sell the timber separately, and afterwards the lands be subject to homestead entry, as provided for in this bill.

If these were public lands to-day, I do not see how, under the general land laws, anything could inure to the reclamation fund. They would be open to homestead settlers, and unless they commuted their interest and paid for the land the Government would be getting nothing, and nothing would go to the reclamation fund. There might be special cases—for instance, if there was a mining claim inside of this—where something more would inure.

In this case, however, here is a grant of lands made by the Government years ago, with the conditions of which the railroad company have failed to comply. The grant was given to the company on the basis that they were to realize $2.50 an acre out of it. That was the condition on which they got the grant—that they were to dispose of it to actual settlers at $2.50 an acre. They violated those conditions. They violated them entirely. On account of that violation and on account of the decision of the Supreme Court that we have had in respect to this matter, we propose now to cure that entire matter. The Government proposes to assume a sort of a trust in respect to these lands, resume the possession of them, and classify them into three classes of lands—lands with water-power sites on them, lands that are valuable chiefly for the timber, and agricultural lands. Then the bill provides what we have not provided in any other law except in the case of certain Indian reservations—for the sale of the timber separately from the land; and then, after the timber has been sold and cut off, it leaves the denuded timberland open to homestead settlers.

In respect of the agricultural lands, the homestead settlers, unlike the condition under the general homestead law, are required to pay $2.50 an acre, and out of the timber we sell we expect to get a good deal more. They have put an estimate of thirty millions on this. We do not know what it will amount to, because the timber has to be sold. We can estimate what the agricultural lands that may be entered amount to. That would be $2.50 an acre; but out of the fund that we get from resuming

possession of these lands we contemplate paying to the railroad company $2.50 an acre for the entire grant. That comes out, and a large quantity of taxes comes out of it. Then, in addition to that, the Government has had a most expensive litigation from first to last in connection with this matter. It has had a great expense. The Government ought to be reimbursed for that. Then the balance of this money goes mainly to the State of Oregon; and why should it not? The Reclamation Service will get more out of this fund than it could possibly get if it were simply Government land without any conditions imposed upon it.

Oregon has suffered in this case for years. This land has not been taxed. We propose to remedy that. The Government retains a small percentage of this fund. Ten per cent is turned over to the reclamation fund; but most of the balance goes to the people of Oregon, and why should it not? This land grant, in the first instance, was made for the purpose of giving the people of Oregon railroad facilities. Now, why should we apply the rule that the Senator from Nevada insists upon in a case of this kind, sui generis—of its own kind, nothing like it—a case in which the Government simply acts as a species of trustee to dispose of this land and adjust it for the benefit of all parties in interest?

We do not propose to rob the railroad company. We give them here what the law contemplated they were to have in the first instance; and the balance of it, after paying the taxes and the costs and expenses, we devote to the State of Oregon, to the Reclamation Service, and a little bit of it to the Government. Why is not that just in this case?

Mr. NEWLANDS. I will explain to the Senator why I think it is not just. The fact is that the United States is to receive by these sales over $30,000,000 for public lands, and the United States has in the reclamation act declared a policy regarding the sales of public lands; and under that policy those moneys would go into that fund, to be expended in sixteen States instead of only one.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Nebraska?

Mr. NEWLANDS. Certainly.

Mr. NORRIS. The Senator from Minnesota [Mr. NELSON] said that if nothing had happened out there the reclamation fund would have gotten nothing out of this, because there would not have been any $2.50 to-day. I want to suggest to the Senator from Nevada, in consideration of that statement, that these lands, if no attempt had been made to give them to these railroads, would not be subject to entry under the homestead laws, but would be subject to entry under the timber and stone act, and that under the timber and stone act they would have been appraised and sold by the Government of the United States at their appraised value. So that the reclamation fund, as a matter of fact, would have received the entire benefit for the full value of all these lands.

Mr. NEWLANDS. Mr. President, whilst I wish to be entirely fair and liberal to the State of Oregon, and am entirely willing that she shall receive a considerable portion of this $30,000,000, I contend that it should not all be diverted from the reclamation fund, and that whilst a part of it may be properly dedicated to reclamation projects in Oregon alone, yet that a large proportion of it ought to go to the general fund.

So far as the public domain is concerned, I do not think we should recognize State lines. It is a unit. The Congress of the United States has declared a policy regarding it. It proposes to devote the proceeds of all public lands to the preparation of other lands for sale, with compensation to the fund in the sale of water rights, and the application of the moneys thus received to new projects.

Mr. FALL. Mr. President, will the Senator yield for a moment?

Mr. NEWLANDS. I will yield, although I prefer to go on.

Mr. FALL. The Senator is making a broad statement again. That only applies to the public lands in certain States.

Mr. NEWLANDS. That is right.

Mr. FALL. It is not applicable to the public lands in all the States.

Mr. NEWLANDS. That is true; but those happen to be about the only States in which there are public lands, for the great public domain now consists mainly of reserved timberlands and of arid lands that are worthless without water.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Iowa?

Mr. NEWLANDS. I do.

Mr. CUMMINS. I ask for information: When the United States sells timber from a forest reserve, do the proceeds of the timber go into the reclamation fund?

Mr. NEWLANDS. My recollection is that they do. I do not remember whether the whole proceeds go in, or only one-half. Can the Senator from Nebraska inform me as to that?

Mr. NORRIS. Will the Senator repeat his question?

Mr. CUMMINS. I have just asked the Senator from Nevada whether, when the United States sells timber from a forest reserve, the proceeds of the timber go into the reclamation fund.

Mr. NORRIS. No; my understanding is that they do not.

Mr. FALL. No.

Mr. NEWLANDS. My recollection is that a large proportion of them do.

Mr. FALL. Oh, no. Twenty-five per cent of the proceeds from the sale of timber goes back into making roads, and so forth, in the States in which the timber is sold, and the other 75 per cent goes to pay a lot of clerks.

Mr. SHAFROTH. And only 10 per cent of it goes to the construction of roads in the forest reserves?

Mr. FALL. Yes.

Mr. SHAFROTH. So that it makes 35 per cent.

Mr. NEWLANDS. I will ask whether any portion of the proceeds of the sale of timber goes into the reclamation fund?

Mr. SHAFROTH. All of it goes into the reclamation fund, and then there is paid out, by check given by the Treasurer to the governor of the State, 25 per cent of all the receipts from forest reserves, and then, in addition to that, 10 per cent for the construction of roads, and that goes to the governor of the State.

Mr. CUMMINS. Then the expense of the service itself comes out?

Mr. SHAFROTH. Oh, no; the expense of the service itself is paid by the United States Government, in an appropriation made in the general Agricultural appropriation bill.

Mr. FALL. But does the Senator from Colorado maintain that the balance, over and above the 25 and the 10 per cent, goes into the reclamation fund?

Mr. SHAFROTH. I think it does.

Mr. WALSH. Mr. President, I think the Senator will recall that he is in error about that. The appropriation bill regularly appropriates all the avails of the use of the forests to the service itself, so that 25 per cent goes to the States, 10 per cent to use for the construction of roads, and all the rest of the returns go to meeting the expenditures of the service.

Mr. FALL. The Senator is entirely correct. Not a cent of it goes into the reclamation fund.

Mr. CUMMINS. That was my understanding. Now, I desire to ask another question, having ascertained the status of the money received for the sale of timber in forest reserves.

The Senator from Nevada knows that a very large part of the land grant that has been taken from the railway company and resumed by the United States is, or was, timberland?

Mr. NEWLANDS. Yes.

Mr. CUMMINS. The purpose of a reclamation act is to bring more land into profitable use, of course?

Mr. NEWLANDS. Yes.

Mr. CUMMINS. A great deal of this land is heavily timbered yet, and before it can be devoted to agricultural purposes it must be cleared; and in the case of the greater part of it it will cost from $100 to $200 an acre to clear it. Now, is it not just as much the duty of the Government to help clear that land, in order that it can be used, as it is the duty of the Government to put water upon arid land? And why, in some fashion or other, should not the people of Oregon have the benefit of all the proceeds that arise from the disposition of the timber?

I can not, for the life of me, see why you should put a struggling homesteader upon land from which the timber has been cut and expect him to spend from $100 to $200 an acre in order to bring it into use without any help from the Government, and square it with the policy of the Government trying to put water upon arid land in order that it may be brought into use.

Mr. NEWLANDS. But this bill does not propose to turn over any part of this $30,000,000 to the struggling homesteader.

Mr. CUMMINS. If I had my way about it, having in view just one object—namely, the bringing of land into profitable productive use—I would a great deal rather see the Government help the homesteader to clear this land than to turn over to any other purpose the money derived from the sale of the property. We have to get under use in this country all the land possible, and I have no more sympathy with the arid land than I have with the cultivable land that is covered with stumps. In the one case you must put water on the land in order to raise a crop. In the other case you must get rid of the stumps, and ordinarily

it costs more to get rid of the stumps than it does to put on the water.

Mr. NEWLANDS. Mr. President, it might be a more beneficial use of this $30,000,000 to apply it in pulling out the stumps from this forest land in order to prepare it for cultivation than to use it in developing water storage for the reclamation of arid lands, but we have not that question before us.

Mr. CUMMINS. Mr. President, we can bring it before us.

Mr. NEWLANDS. Ah! That is another thing. The question now presented before us is this: What is to be done with this $30,000,000 that the Government is to receive for public lands? Shall it go into the General Treasury of the United States, or shall it go into the treasury of the State of Oregon for the good of that State, or shall it go into the general reclamation fund, or shall it be divided between the three, a part going to the General Treasury of the United States, a part going to the reclamation fund, and a part going to the State of Oregon? The House bill makes the latter segregation, and I think it is the fairest.

Mr. SHAFROTH. Mr. President, I should like to call the attention of the Senator to the fact that the reclamation law, concerning which we were speaking a little while ago, reads as follows:

Be it enacted, etc., That all moneys received from the sale and disposal of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, beginning with the fiscal year ending June 30, 1901, including the surplus of fees and commissions in excess of allowances to registers and receivers, and excepting the 5 per cent of the proceeds of the sales of public lands in the above States set aside by law for educational and other purposes, shall be, and the same are hereby, reserved, set aside, and appropriated as a special fund in the Treasury to be known as the "reclamation fund," to be used in the examination and survey for and the construction and maintenance of irrigation works for the storage, diversion, and development of waters for the reclamation of arid and semiarid lands in the said States and Territories, and for the payment of all other expenditures provided for in this act.

Mr. NEWLANDS. Mr. President, it is perfectly clear. These lands are public lands. There is no question about that. By the reclamation act they are absolutely dedicated to this work of reclamation of arid lands, and the effect of this bill is to repeal the reclamation act so far as the proceeds of these particular lands are concerned.

Mr. CUMMINS. No, Mr. President. The statute quoted by the Senator from Colorado does not touch the question that I asked. I asked whether the sale of timber, which is not the sale of public land at all, was within the reclamation act; that is to say, whether the proceeds of timber were turned into the general reclamation fund. The statute quoted by the Senator from Colorado does not answer that question in any other way than it has already been answered, and this bill provides for the sale of the timber.

Mr. NEWLANDS. It provides also for the sale of the land, does it not?

Mr. CUMMINS. At a very small sum of money. Of course, its principal value is in the timber.

Mr. SHAFROTH. Mr. President, this act provides that the proceeds of the lands shall become a part of the fund subject to expenditure. Of course, I can see that this money goes into some expenditures, perhaps; but, at the same time, just like the proceeds of the sale of public lands, it becomes a part of the reclamation fund. Inasmuch as the timber is a part of the land, and would go by virtue of a deed of the land, I do not see why it would not be a part of the reclamation fund.

Mr. CUMMINS. Of course, the timber would go under a deed of the land; but I asked whether the proceeds of the timber that is sold by the Forest Service—and it is selling timber all the time—were devoted to reclamation. I do not know certainly, but I would be very much surprised to discover that any part of the money that the Forestry Service received from the sale of timber goes to the reclamation of land. I have heard it asserted many, many times—I do not know upon what authority—that the entire proceeds of all the property sold by the Forestry Service were very much less than the expense of maintaining that service, and that we needed and were compelled to make from year to year an appropriation in order to sustain the Forestry Service, after giving it credit for all of the money that it had received by way of sale.

Mr. FALL. Mr. President, if the Senator will yield just one moment, this is an entire departure from any policy that has ever been pursued heretofore by the United States in the distribution of either its timber or its real estate. The bill provides—and it appears from the letter which the Senator from Oregon read to have been worked out by the Secretary of the Interior—a patent for standing timber on land. The land remains the property of the United States Government. That standing timber is to be sold, and a patent issued for the standing timber containing no title whatsoever to the land. Then the timber is to be cut off, and then the land is reclassified, or automatically goes into the other classification provided for in this bill.

The use of the word "patent," of course, is a misnomer in so far as the ordinary legal interpretation of the word is concerned. The title to timber is simply a license to go upon the land to cut timber upon it, and it becomes your property when you cut it and sever it from the real estate. The wording of this bill, however, is that the patent shall be granted for the timber itself, immediately upon its being paid for, and before it is cut. The title to the land remains in the Government, and under the terms of the bill becomes reclassified and salable under the homestead provisions of the bill at $2.50 an acre on five years' time.

The Senator from Iowa is entirely correct. There is no question in the world about the legal proposition that under no conception of the law applicable to the reclamation of arid lands as it stands now, without additional legislation, would the proceeds of this timberland go to the reclamation fund. You would have to amend the reclamation act.

Mr. NEWLANDS. Mr. President, so far as the Forest Service is concerned, it is true that the receipts from the sales of timber do not yet equal the expenses of administration, so that there is no surplus either to go into the Federal Treasury or to go into the reclamation fund. It is also true that under this bill the timber has been separated from the land, with a view, I presume, to a larger realization and with a view to holding the land for homestead proprietorship. But the fact remains that the public domain has been dedicated practically to the reclamation work, and that $30,000,000 is about to be secured from the sale of what we know as timberlands. I do not care whether you separate the timber from the land or not. The fact is that we have so many acres of the public domain, that are worth $30,000,000 or more, and from which $30,000,000 are to be realized.

Now, what public policy has the Congress of the United States declared with reference to that $30,000,000, the proceeds of public lands? It has provided that those moneys shall go into a reclamation fund, to be used for the benefit of all of the States in the arid region and not for one. No State can claim that it owns any part of the public domain within its borders. It is true that the State of Oregon is suffering, so far as its taxing power is concerned, from large timber reserves, and from the fact that there are large areas there of arid lands that are worthless without water and are in Government ownership. But the State of Nevada and the State of Arizona and the State of New Mexico have all suffered to a greater degree. In the State of Arizona, under the policy of this law, the Government has been able to realize only $1,318,000 from the lands within its boundaries, and that money has gone into the fund, and the Reclamation Service has expended in Arizona $16,000,000, coming, for the most part, from the sales of lands in other States. The State of North Dakota has contributed enormously to this fund—$12,000,000—and they have expended in that State only about $2,000,000 for reclamation projects. The State of Oklahoma has contributed over $5,000,000. They have only found one feasible project in that State, upon which they have expended $78,000. Both Oklahoma and North Dakota are favored in having for the most part of their domain sufficient rains; and, unfortunately, with reference to their arid portions or semiarid portions, they have not as yet been able to find water sufficiently accessible at a reasonable expenditure.

Mr. CUMMINS. Mr. President, the Senate passed the other day a bill granting to the State of Nevada 7,000,000 acres of land for its school fund. Was that in violation of the reclamation policy?

Mr. NEWLANDS. Yes, to that extent. It took 7,000,000 acres out of the public domain, but it was land that is not reclaimed. Probably a very small proportion of it is possible of reclamation. The most arid States in the Union are the States of Nevada, New Mexico, and Arizona. No one of those States has been able to contribute much to the reclamation fund. Each one of them has received from it sums largely in excess of the sums contributed to the reclamation fund from the sales of public lands in those States. On the other hand, there are States that have contributed enormously to the fund, and yet they have been so blessed by nature with rains that it is either unnecessary to reclaim their lands or where they have semiarid lands water was not available, and so none of this money has been expended upon it.

So far as the State of Oregon is concerned, it has contributed liberally to this fund—not the State itself, but the proceeds of the sale of lands in that State. Oregon is fortunate in having lands that can be sold. Ten million dollars have been received

from the sales, and they have been able to expend only about $5,000,000 thus far in that State. I hope to see the whole $10,000,000 expended in that State at some time. But what does Oregon get under this measure? Very nearly 90 per cent of $30,000,000. I say when you come to the question of apportionment the House apportionment is very much fairer than the Senate committee apportionment, because the House apportionment gives to the State of Oregon only 40 per cent of this $30,000,000, or $12,000,000, which is a very handsome sum.

I do not wish, Mr. President, to do Oregon any injustice. I am glad she is so favored by nature. I am glad that she is not subjected to the necessity, as the States of Arizona, New Mexico, and Nevada, of resorting to artificial means in order to water the lands. I am perfectly willing that she shall have a very large proportion of the moneys that are derived from the sales of public land in that State, but I say that 40 per cent, under the bill as passed by the House, is sufficient. The general reclamation fund ought to have at least 40 per cent.

Now, what is the status of New Mexico and Arizona and Nevada? They are about in the same condition. Nevada is in perhaps the most deplorable condition of all. Ninety per cent of the land of Nevada is in public ownership, and she is obliged to rely upon the other 10 per cent to maintain the burdens of municipal and State government. She was persuaded into the Union before she was able to assume the burdens of Statehood with a view to carrying constitutional amendments that were necessary and essential after the Civil War, and she has been struggling ever since.

If there is a public domain and if there is money to be derived from the sale of that public domain and if it is the public policy to see that those moneys are applied to develop arid land so as to make homes for men, what State is entitled to those moneys? The State, of course, that has contributed least to the fund, because that very fact demonstrates that in that State there is a greater necessity.

Mr. SHAFROTH. Mr. President, I should like to call the attention of the Senator from Nevada and the Senator from Iowa to the fact, as I take it, that the reclamation act prescribed that the money received from the sale of the public lands should go into the reclamation fund. The only exception that exists, I think, with relation to the matter is where the Government undertakes to sell timber on a forest reserve. That timber on a forest reserve goes as far as it will go for the purpose of paying the expenses of administering the Forestry Service. But there is no law on the statute books that separates the land from the timber in any other phase, except in reclamation in a forest reserve, and therefore, in the absence of any other law, the proceeds of the sale of these lands with the timber on them would unquestionably go to the reclamation fund.

I can see that the statement which the Senator makes is correct in that respect, and yet I think he loses sight of one thing. The State of Oregon was not able to collect a dollar of taxes on this land from 1866 to 1886, and the tax upon the land with reasonable interest each year upon the payment in 20 or 30 years in the Western States is equal to the value of the land.

Mr. NEWLANDS. Let me remind the Senator, however, that the State of Nevada has not been able to get taxes upon 90 per cent of its land.

Mr. SHAFROTH. That is true, but it is all wrong that the National Government should exempt these lands from taxation forever or for any great period of time. However, it has made Oregon pay for these lands practically in making assessments upon the persons owning private lands and private property in that State. I think the proposition here would be a good policy to start as to Oregon and to extend to every other Western State.

Mr. FALL. Will the Senator from Nevada yield to me for just a moment?

Mr. NEWLANDS. Yes, sir.

Mr. FALL. If the argument of the Senator from Colorado with which the Senator from Nevada seems to be in accord—for that which the Senator himself just made it seems to me is in accord with what the Senator from Colorado has stated—I do not understand by what process of reasoning the Senator can arrive at the conclusion that in the disposition of public lands State lines should be ignored. He has just stated that Nevada can not build up her own irrigation enterprises by the sale of the land within her own borders, but that under his reclamation project she should receive a benefit, because of her peculiar condition, from the sale of lands in other States.

It seems to me that every argument the Senator can make simply fortifies the argument that was made here in this Chamber 70 years ago, when our general policy of handling our lands was settled definitely for the future by the result of the debate between Hayne and Daniel Webster, where one insisted that the public lands should belong absolutely to the States within which they were situated, to be handled entirely as they pleased, and the other that they were a great national heritage to be administered by the people of the entire Union, but admitting that he had always contended and would continue to contend that the administration of those lands within the States should be for the benefit of the State in which they were situated. The Senator seems to have adopted an entirely different theory, and I am sorry that I can not go with him.

Mr. NEWLANDS. The Senator alludes to the position of Nevada. Let me say that the position of the State of New Mexico is about the same. The State of New Mexico has paid into this fund $4,323,000.

Mr. FALL. I recognize that fact, and that it will never be able to pay under the present laws of the United States to the reclamation fund what it should pay to it. The laws will have to be changed, and the laws that will enable you to do anything with the land in your State of Nevada must be different from the laws applicable to the State of South Dakota, and therefore you must in legislation for the disposition of the lands recognize State lines and not blot them out, as the Senator suggested.

Mr. NEWLANDS. Very well. If State lines had been recognized, the State of New Mexico would not have received as much money as she has for irrigation enterprises.

Mr. FALL. The people of New Mexico under the reclamation project are now being taxed twice. The land it was agreed should be taxed by the Reclamation Service, and if they are financially able to carry out their contract not one dollar of benefit will they ever receive from the old law which the Senator is so fond of discussing upon every occasion.

Mr. NEWLANDS. I am very sorry that the experience of New Mexico has been so bad. That has not been the experience of other States. So far as Arizona is concerned, she has paid into the fund $1,318,000 and has received in works $16,000,000. Of course, that money is to be paid back. It is a mere loan, it is true. Can any one doubt that that has been of great benefit to the State of Arizona?

Mr. FALL. But how much benefit will it be to them after they will have paid it back? They will have paid for their own development.

Mr. NEWLANDS. Mr. President, I have shown that in these three States the contributions to the funds from the sales of public lands is a very small one as compared with the amount contributed to the project, or the loan, if you prefer that term, to the projects in those States. The only way the very arid States can be reclaimed is through the proceeds of the sales of lands in more fortunate States. The Congress of the United States has declared the public policy regarding the sales of those lands. The Government of the United States has suddenly been favored with a windfall in its annulment of the railroad grant through which it is to receive $30,000,000 for public lands in Oregon, and the question is how that $30,000,000 shall be equitably apportioned, how much of it shall go to Oregon for local purposes, how much of it shall go to the general reclamation fund for the benefit of the entire arid region, how much of it shall go into the general fund of the Treasury of the United States?

I say the House apportionment was a fair apportionment. They gave Oregon only 40 per cent of this fund instead of nearly all of it, as the Senate committee amendment does, and gave the general reclamation fund 40 per cent to be distributed among 16 arid States in feasible projects, or rather loans of the moneys to be ultimately paid back. Recollect this is a trust fund. You divert $30,000,000 from this trust fund and turn it almost entirely over for the benefit of a single State. Of course, the same thing may be said regarding the grant of 7,000,000 acres to the State of Nevada. The proceeds of those lands are necessarily taken out of this fund if they can ever be sold. But what did we show? We showed that we have been 60 years in selling a 3,000,000-acre grant for school purposes, and we showed further that the 7,000,000 acres would only equalize the grants made to other States, not, perhaps, in number of acres but in essential value.

Mr. CUMMINS. Mr. President, I hope the Senator from Nevada will not infer that I have any criticism of the grant to the State of Nevada. I think it was a very wise one, for I think it was much more important to the schools of the State of Nevada to be supported and maintained properly than to build reclamation projects, just as I think it is a great deal more important to the State of Oregon that she shall be permitted to use this fund in the way suggested than to turn the fund into the reclamation treasury. I should like to know from the Senator from Nevada how many of the reclamation projects carried on by the United States have been paid up? How many farmers have been able to make their payments, so that the fund as to that project has been restored?

Mr. NEWLANDS. I do not think that any have been paid up in full.

Mr. CUMMINS. Why not?

Mr. NEWLANDS. Because 10 years' time was given for payment, and that was subsequently extended 10 years more—20 years in all. The moneys are paid in yearly installments and are not yet due. Then also the difficulties of the situation have been very great. In the first place, the reclamation estimates were low. They were made upon a low labor and supply material market in 1902. The Senator knows how greatly the wages of labor and the cost of supplies have increased since that time. The Senator knows that as to the Panama Canal, where an estimate was made of $150,000,000, they have expended $400,000,000. So the Reclamation Service is not to be criticized.

Mr. CUMMINS. I am not criticizing it at all. I only say——

Mr. NEWLANDS. That, of course, imposes an obligation upon the settler that he did not contemplate in the first instance when he entered upon the land. Then, in the second place, they have had all kinds of questions to solve regarding the chemical character of the soil, the alkali in the soil, questions regarding the drainage of lands after they had been reclaimed. In many regions the waters soaking into the soil brought up to the surface alkali that was concealed.

Mr. CUMMINS. Why, the land is not worth what it cost. A farmer can not go upon the land and make a living and make a profit upon the basis of what it has cost him. That is the real trouble, is it not?

Mr. NEWLANDS. I think all these enterprises are now upon a substantial basis, but, of course, there were conditions with reference to which Congress had to legislate, and among other things it did so to the extent of the time of the payments. They have not been released from the payments, but the time has been extended from 10 to 20 years, and very large sums are now being received from many of the reclamation projects. The fund is being turned over and over again. Under this law the settlers on reclaimed lands in Arizona will be compelled to pay back into the fund the $16,000,000 which was expended on Arizona projects, and it will go to projects elsewhere either in that State or in other States, and then if the fund remains intact we will one of these days have an enormous fund aggregating several hundred million dollars to apply to some other public use, such as the construction of railways, good roads, and so forth.

POSTAL SAVINGS BANK.

Mr. SHEPPARD. Mr. President, before the Senate adjourns I wish to give a brief description of a bill I introduced to-day during the morning hour. It is the bill (S. 6224) to increase the utility of the postal savings bank, to encourage savings among the people, to secure the largest returns for such savings consistent with adequate security, to provide for the loans of such savings for the promotion of agriculture and other useful productive industries, and for the promotion of home building and home improvement in the rural districts and elsewhere.

The bill to increase the utility of the postal savings bank is intended to mobilize the money in the country outside the banks, to facilitate and encourage the saving and banking habit among the people, and serve as an automatic regulator of interest rates. Nearly $2,000,000,000 of so-called real money remain outside of existing banks. The addition of this amount, or a large portion of it, to the banking capital of the country will be of immense benefit.

The bill removes the limit from deposits in postal savings banks and requires the employees of the Postal System to serve the people in their dealings with these banks as they now serve them in the matter of letters, money orders, parcels, and so forth; that is, without limit as to amount of deposits, as letters and parcels are without limit.

It requires that such interest be paid the depositors as their deposits will earn on adequate security. At present the Government takes the people's money at 2 per cent, turns it over to the banks at 2¼ per cent, and the banks lend it at anywhere from 6 to 10 and 12 per cent, and upward. Why should banks alone be allowed to use the money of the postal bank when other institutions and private citizens would offer security equally as good, and would pay more interest? The security must be of equal quality with that approved by New York and Massachusetts for investments of savings banks, or such as is considered equally as good by the board of national trustees, composed of certain Cabinet officers, including cotton, wheat, and other nonperishable products adequately insured and warehoused. The deposits may also be loaned on real estate or to persons without collateral, if guaranteed by a bank, trust company, or similar corporation of accepted standing. The guarantor is allowed a small commission. At present savings banks and building and loan associations earn from 4 to 7 per cent on deposits. Why should depositors with the Government be restricted to 2 per cent?

To encourage the saving and banking habit among the people the bill provides for negotiable certificates of deposit, of the same size and form as ordinary currency, in sums from 5 cents to $1, $2, $5, $10, $100, $1,000, or more. These are payable to bearer or order, as depositors desire. Certificates of $10 or more bear interest after three months from date compounded semiannually. These certificates, while not having the function of legal tender, will pass from hand to hand by common consent in place of money and drive money into the banks, where it should be. Interest and principal of certificates of deposit are payable on surrender. Thus individual bookkeeping and the machinery of check books and the present exchange system will be avoided. These certificates, like gold certificates, will be good anywhere. Existing savings banks in good standing may become agents of the Postal Savings System under this bill, receiving a commission on deposits they secure and maintain. Existing commercial banks of acceptable character may become agents for the loan of postal bank deposits on real estate or otherwise, each bank guaranteeing the loan and receiving a small commission on interest collections.

The bill makes the Postal Savings System a single institution, with branches and subbranches at every post office, an ally of existing commercial and savings banks, a vast reservoir in which they may deposit and from which they may withdraw deposits as their needs determine.

The bill permits these negotiable certificates to be counted as a part of the legal reserve of commercial banks, thus releasing enormous resources now tied up.

It is calculated that the enlarged Postal Savings System provided by this bill will mobilize between $35,000,000,000 and $40,000,000,000 of credits, taking the New York City savings deposits of nearly $2,000,000,000 as an example.

On the basis of the experience of the Government savings banks of Australia, where three-sevenths of the people are depositors, the enlarged system of the present bill should mobilize an army of 40,000,000 depositors instead of less than 600,000 as at present.

The present gold basis will be in no way affected. Of course actual gold will be called for only as limited commercial exigencies compel its use, because gold in possession earns no interest, while certificates of deposit in possession earn compound interest.

Unshackle the postal savings bank. Let the people's bank serve the people. Criticisms and suggestions are cordially invited.

Let me quote here a resolution adopted by the fortieth annual convention of the Cattle Raisers' Association of Texas, assembled at Houston, Tex., March 21, 22, and 23, 1916:

> We further demand that the postal savings banks be "unshackled" and be made in fact the postal savings banks of the people of these United States, to the end that the savings of the people can be utilized so as to bring them the largest returns consistent with safety, and so that these savings may be mobilized and used where they will be of the greatest value to the whole Nation.

RECESS.

Mr. CHAMBERLAIN. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m. Wednesday, May 31, 1916) the Senate took a recess until to-morrow, Thursday, June 1, 1916, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 31, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art infinitely wise and good, we believe in Thee, that Thou art a God hearing and a God answering prayer. Teach us, we beseech Thee, how to be noble, how to be grand in the common duties of daily life, how to unfold and develop all the powers of mind and soul with which Thou hast endowed us unto the perfect man, as we know it in the Lord Jesus Christ, our Example and our spiritual Guide. Amen.

The Journal of the proceedings of yesterday was read and approved.

NAVAL APPROPRIATION BILL.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, and

the gentleman from New York [Mr. FITZGERALD] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, with Mr. FITZGERALD in the chair.

Mr. PADGETT. Mr. Chairman, on account of the amendment adopted yesterday afternoon increasing the number of submarines, it is proper to increase certain appropriations, and I offer an amendment for that purpose.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Committee amendment: Page 98, line 21, strike out "$4,257,000" and insert in lieu thereof "$9,387,000."

The amendment was agreed to.

Also, the following:

Committee amendment: Page 100, line 7, strike out "$11,245,925" and in lieu thereof insert "$11,329,925."

Mr. ROBERTS of Massachusetts. Mr. Chairman, is not that an error?

Mr. PADGETT. No, I think not. It adds $2,800 for ammunition for each submarine.

The amendment was agreed to.

Also the following:

Committee amendment: Page 100, line 9, strike out "$98,859,378" and insert in lieu thereof "$104,073,378."

Mr. PADGETT. That is the aggregate.

The amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I wish to offer an amendment of which I gave notice yesterday.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

Mr. BUTLER. Is this the printed Senate bill?

Mr. PADGETT. No; this is not the armor-plate amendment. This is the provision for speeding up.

Mr. BUTLER. The bounty provision?

Mr. PADGETT. The bonus provision.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Committee amendment: Page 100, after line 9, insert:

"To provide for the speedy construction of the vessels herein authorized and for the additional cost incident thereto, including the employment of more than one shift of labor per day, overtime work, and the speedy delivery of material, the Secretary of the Navy in his discretion is hereby authorized to increase the total cost of each of said vessels, including the armor and armament, not to exceed 20 per cent thereof if any of said vessels be constructed in Government navy yards; and if any of said vessels or the armor or armament for same be constructed by private contract, the Secretary of the Navy in his discretion is hereby authorized to prescribe in the contracts for same provisions for the payment of premiums over and above the contract price, not to exceed 20 per cent thereof, for the most expeditious delivery of same, and further provisions for penalties for delays and failure to complete within the contract time.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question. As I caught the reading of the amendment, that puts the navy yards and outside contractors on a parity?

Mr. PADGETT. Yes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words. This provision is a bounty to contractors in the construction of ships?

Mr. PADGETT. For expeditious delivery.

Mr. MOORE of Pennsylvania. And the purpose of it is to speed up?

Mr. PADGETT. Yes.

Mr. MOORE of Pennsylvania. How does that harmonize with the proviso on page 102, which prevents speeding up so far as the workmen are concerned? The gentleman will observe that in his bill on page 102 there is a proviso which incorporates the so-called stop-watch provision or time-measuring device and prevents the payment of premiums or bonuses or cash rewards to employees in addition to their regular wages, and that this is to apply generally to those who have contracts with the Government as well as those who are employed by the Government.

Mr. PADGETT. That relates to the eight-hour law and what is known as the Taylor system, and has nothing to do with the question of different shifts and overtime work.

Mr. MOORE of Pennsylvania. I wonder whether the gentleman does not present a paradox in the amendment he now offers——

Mr. PADGETT. No.

Mr. MOORE of Pennsylvania. When he proposes to speed up in one direction and to speed down in another.

Mr. PADGETT. No; I think not.

Mr. MOORE of Pennsylvania. May I ask the gentleman how far this proviso on page 102 is intended to go with respect to those who have materials to sell to the Government which enter into the construction of ships and those who have contracts with the Government for the construction of ships?

Mr. PADGETT. It has nothing to do with it. It is the present law. The provision on page 102 is the present law, and has been for some time.

Mr. MOORE of Pennsylvania. Has this identical provision been in the naval bill heretofore?

Mr. PADGETT. Yes; that identical language is the law under which the department is now operating.

Mr. MOORE of Pennsylvania. It was in the law last year?

Mr. PADGETT. Yes. It is the identical provision of the existing law.

Mr. MOORE of Pennsylvania. I submit to the gentleman that while he may be speeding up in one direction, even though it is the existing law, he may not be speeding up in the other direction.

Mr. PADGETT. This one is to speed up, and the other is with reference to time-measuring devices.

Mr. MOORE of Pennsylvania. The amendment here offered proposes a bonus, a cash premium, an extra reward to a contractor for getting certain work done, whereas the proviso on page 102 prevents a workman from getting any cash bonus or premium or extra reward for speeding up or doing any extra work at all.

Mr. PADGETT. No; it prevents the others from using what is known as the stop-watch system.

Mr. MOORE of Pennsylvania. It goes further than that, if the gentleman will permit, in that it prevents the payment of any premium or bonus or cash reward to any employee in addition to his regular wages, so that there is no encouragement for the man who wants to speed up to do so.

Mr. PADGETT. This amendment allows the employment of different shifts during the day and night.

Mr. ROBERTS of Massachusetts. It is an added compensation to the employers, but not to the employees. It means a profit to the employers, but the employees will not be able to get in by reason of the provision unless all are given the same thing.

Mr. KEATING. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. KEATING. As the chairman has stated, there is absolutely no connection between the two provisions. The provision in the bill provides that you shall not speed up the workmen, and the other provision merely authorizes or encourages the employers to employ an extra force in order to turn out the work in a given time.

Mr. MOORE of Pennsylvania. Will the gentleman, who is an expert in this matter——

Mr. KEATING. I am not an expert.

Mr. MOORE of Pennsylvania. The spokesman, at least——

Mr. KEATING. I am not the spokesman.

Mr. MOORE of Pennsylvania. I think the gentleman is both an expert and a spokesman. This stop-watch provision says it shall not apply "to the movements of the employees" while engaged in such work——

Mr. KEATING. That is the technical language required in regard to the use of the stop watch in Government arsenals.

Mr. MOORE of Pennsylvania. Does it mean that the employee may do exactly as he pleases, without regard to the time employed?

Mr. KEATING. Not at all.

Mr. MOORE of Pennsylvania. Or that the Government shall have no control over him?

Mr. KEATING. There is absolute control over him; there is control over him which secures absolute efficiency, and the only thing that is barred is the stop watch and the speeding-up system over individual workmen.

Mr. MOORE of Pennsylvania. If a man is more efficient than the rest, he can not get additional pay.

Mr. KEATING. Oh, not at all; he can be paid any salary that the foreman or employer sees fit to pay him.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I offer the following amendment as a new paragraph.

The Clerk read as follows:

On page 17, after line 14, insert as a new paragraph the following:

"The Secretary of the Navy is hereby authorized and directed to provide, either by the erection of a factory or by the purchase of a factory, or both, for the manufacture of armor for the vessels of the Navy; said factory or factories to have an annual capacity of not less than 20,000 tons of armor; to be located at a place or places approved by the General Board of the Navy, with especial reference to considerations of safety in time of war; and the sum of $11,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, for the purposes of this act. The expendi-

tures for drafting, technical, expert, and clerical assistance necessary shall be paid from the appropriation herein made.

The Secretary of the Navy shall keep accurate and itemized account of the cost per ton of the product of such factory or factories and report the same to Congress in his annual report."

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from Pennsylvania for the purpose of offering an amendment to the amendment.

Mr. BUTLER. Mr. Chairman, I offer the following amendment to the amendment.

The Clerk read as follows:

After line 3, on page 2, of the Padgett amendment insert the following:

"The Federal Trade Commission is hereby directed, immediately after the passage of this act, and annually thereafter, upon the request of the Secretary of the Navy, to investigate and inventory the armor-plate plants of the United States, examine their books, and estimate and determine the average full cost of producing armor plate at said plants under the four following conditions, to wit:

"(a) Plants running at full capacity.

"(b) Plants running at two-thirds capacity.

"(c) Plants running at half capacity.

"(d) Plants running at one-third capacity.

"If the manufacturers of armor plate shall refuse the Federal Trade Commission full opportunity for examination and investigation as above mentioned, the said appropriation for the erection of an armor-plate factory or factories shall be immediately available for that purpose; but if such opportunity shall be afforded the said commission, it shall at once determine the full cost of producing armor plate at said plants, and shall immediately report to the Secretary of the Navy a fair and reasonable price the Government shall pay for its armor plate.

"Upon the receipt of such report the Secretary of the Navy is hereby authorized to enter into a contract or contracts for armor plate to meet the needs of the Government, now or hereafter, at or below the price per ton so reported as the fair price for the proportion which the tonnage awarded bears to the aggregate capacity of the plants, and the appropriation hereby made for the erection or purchase of an armor-plate plant shall not be used for that purpose until the said report has been made to the Secretary of the Navy, and the manufacturers of armor plate have failed, within 30 days after notice of such report, to accept the same and to enter into a contract or contracts for the manufacture of said armor plate to provide for the then requirements of the Government, as specified by the Secretary of the Navy, at or below the price per ton so reported by said commission."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BUTLER. Mr. Chairman, I will ask the gentleman from Tennessee if it would not be possible for us to agree on some time for debate upon the amendment of the gentleman from Tennessee and on the amendment to the amendment which I have offered?

Mr. PADGETT. I think so, on all amendments thereto. What time would the gentleman suggest?

Mr. BUTLER. Requests from gentlemen surrounding me for time would indicate that an hour and a half is desired on this side. I assume that after we have disposed of this proposition, the most troublesome part of our bill will have been disposed of, and that we may then move forward quickly. I would be very grateful to the gentleman if he would consent to let us have on this side an hour and 15 minutes.

Mr. PADGETT. I was hoping that we could agree on an hour on a side.

Mr. BUTLER. Just now a gentleman made a request to me for five minutes. I do not expect to take any of the time myself.

Mr. PADGETT. An hour and 15 minutes on a side?

Mr. BUTLER. Yes.

Mr. PADGETT. This is a new proposition, and it will be agreeable to me to take an hour and 15 minutes on a side.

Mr. BUTLER. Two hours and a half altogether.

Mr. PADGETT. That will be agreeable.

Mr. BUTLER. Will the gentleman include in that all of the amendments that may be offered?

Mr. PADGETT. Yes; an hour and a half on a side for debate upon the amendment which I offer and all amendments thereto.

Mr. VARE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VARE. I want at the proper time, if it is decided to construct a Government armor-plate plant, to reserve the right to offer an amendment that it be located in accordance with the report of the Padgett-Tillman-Strauss committee, namely, the Philadelphia Navy Yard.

Mr. MANN. Mr. Chairman, I hope the gentleman from Pennsylvania will be willing to refrain from offering that amendment so that we can agree on a time for voting.

Mr. VARE. Do I understand that my colleague desires me to give up my rights to offer an amendment?

Mr. MANN. I hope the gentleman will, so that we can agree on a time for voting.

Mr. VARE. I am not going to object to the time, but I certainly want to reserve the right to offer this amendment at some stage of these proceedings.

Mr. MANN. The gentleman would have the right to offer his amendment after the amendment of the gentleman from Pennsylvania [Mr. BUTLER] is disposed of, but there would be no debate upon it under this proposed agreement.

Mr. SHERLEY. Why can we not do this: Have a time fixed with the understanding that amendments may be offered during that period of time? There is one amendment which needs to be offered from this side if we are to adopt the affirmative proposition of the gentleman from Tennessee; an amendment which, I think, everybody will agree to.

Mr. MANN. The amendment could be offered after the amendment of the gentleman from Pennsylvania [Mr. BUTLER] is voted on.

Mr. SHERLEY. I have no objection to that; but what I want is to have the amendment pending before the House while debate is going on and not to have a debate of two or three hours, and then at the end of that time have, perhaps, a new proposition presented.

Mr. MANN. Having a lot of amendments pending is always confusing.

Mr. SHERLEY. There are only two amendments that I know of. I understand from his statement that the gentleman from Pennsylvania [Mr. VARE] desires to offer an amendment to locate the plant at a particular point. Incidentally I am very much opposed to that, but I think there should be an authorization for the selection of a site so that when we appropriate this money we can use it.

Mr. PADGETT. I have noticed that the bill in specific terms does not provide for the purchase of a site, and I was going to offer that amendment to the amendment myself.

Mr. MANN. Of course the gentleman or anyone else would have the right to offer an amendment after the amendment of the gentleman from Pennsylvania [Mr. BUTLER] is disposed of.

Mr. PADGETT. Certainly.

Mr. MANN. And in the debate notice can be given of it.

Mr. PADGETT. Yes. Mr. Chairman, I make the request that two hours and a half be devoted to debate on this amendment and all amendments thereto, one half of that time to be controlled by the gentleman from Pennsylvania [Mr. BUTLER] and the other half by myself.

Mr. HOPWOOD. Mr. Chairman, reserving the right to object, this matter is of such vital importance to not only the whole country but particularly to the State of Pennsylvania—and we are very modest people in Pennsylvania and have not had much to say on the floor of this House; 36 Members coming from that State—that it seems to me that an hour and 15 minutes on each side to discuss this amendment is entirely too limited a time in which to dispose of plants worth $25,000,000 and put them in the scrap heap and to spend $11,000,000 initial money of the Government to build a Government plant with probably twenty or twenty-five million dollars of Government money to come afterward before the plant will be in any way efficient. There are 36 Members from the State of Pennsylvania, and probably half of them would like to talk on this matter, and that hour and a half of time if given to the Members from that State alone would yield us less than five minutes each. It strikes me that this is too important a matter to rush through in this limited time, and I ask for more time.

Mr. SHERLEY. The gentleman realizes that what we are doing is to liberalize the time very much. Under the rule under which we are operating it would be in the power of the committee to cut off debate in 10 minutes.

Mr. MOORE of Pennsylvania. Gentlemen will give us credit for voting against the rule.

Mr. SHERLEY. I understand that 11 on that side did.

Mr. MOORE of Pennsylvania. A gag rule, under which we have no rights.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. HOPWOOD. Mr. Chairman, a great many of the Members from Pennsylvania are new Members, and we have been used to talking in forums where we have had an opportunity to talk until the argument is completed. For a new man to come in here and talk five or ten minutes on a question of this kind and undertake in that time to present an argument worth listening to is simply impossible. Now, it strikes me that while the rule heretofore may be as the gentleman stated, he knows better. I have indicated before that I do not, and a great many others who are new do not; but, whatever the rule may be, I ask that in view of the importance of the measure under discussion that we be given additional time.

The CHAIRMAN. The gentleman must submit some specific request. The Chair can not submit an indefinite request of this kind.

Mr. HOPWOOD. I ask that two hours be given to either side.

The CHAIRMAN. The gentleman from Tennessee asked two hours and a half——

Mr. HOPWOOD. But that was two hours and a half on both sides.

Mr. PADGETT. I could not agree to that; but I will agree on an hour and a half on a side, making it three hours in all; and, Mr. Chairman, I will ask to modify my request to that extent.

Mr. HILL. Mr. Chairman, reserving the right to object, I would like to ask a question. This is a business proposition. I want to offer an amendment looking to the real exigency of the present situation before this bill reaches a final vote. I am honestly and earnestly of the belief that an exigency exists. Now, are we to be shut off from offering amendments because we do not happen to be members of the committee? That is the question I want to ask; and I ask the chairman of the committee whether the privilege will be given to gentlemen who are not members of the committee to offer amendments which they earnestly and honestly believe ought to be adopted?

Mr. PADGETT. I think so.

Mr. HILL. Must they be offered to-day?

Mr. PADGETT. We have got three more days.

Mr. HILL. No, we have not; for one of those days is to be consumed on this business proposition.

Mr. PADGETT. We are not proposing to take up the whole day; three hours does not take up the whole day by a long ways.

Mr. HILL. I think less than three hours would be better, but I withdraw my objection.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate upon the amendment and all amendments thereto be limited to three hours, one-half to be controlled by the gentleman from Pennsylvania [Mr. BUTLER] and one-half by himself. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. PADGETT. Mr. Chairman, I will ask the gentleman from Pennsylvania to use some of his time.

Mr. BUTLER. Mr. Chairman, I yield 10 minutes to my colleague from Pennsylvania [Mr. STEELE].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 10 minutes.

Mr. STEELE of Pennsylvania. Mr. Chairman, the pending amendment proposes to appropriate $11,000,000 for the construction of a Government plant for the manufacture of armor. In order that we may have some intelligent understanding of the purposes of this amendment it is necessary briefly to refer to the history of armor manufacture in this country. Prior to the early eighties armor plate was not manufactured in the United States. The first armor was brought over from England under a contract by the Government of the United States and delivered here at a cost of something in excess of $500 per ton. After that time the Secretary of the Navy estimated he would need in the construction of vessels then authorized something in excess of 6,000 tons of armor plate, and in order to meet that need he sent a circular letter to the different manufacturers of steel throughout the country asking them to bid upon the then needs of the Government and to erect armor-plate factories for the purpose of meeting that construction.

In pursuance of this circular letter which the Secretary of the Navy forwarded a contract was awarded to the Bethlehem Steel Co. for the manufacture of those 6,000 tons of armor plate, and that was the first contract made in the United States for the furnishing of armor plate for war vessels.

Mr. EMERSON. What date was that?

Mr. STEELE of Pennsylvania. About 1887.

Mr. MOORE of Pennsylvania. The Secretary of the Navy then was whom?

Mr. STEELE. I have forgotten the name of the Secretary of the Navy then, but my impression is it was during the second Cleveland administration.

Mr. MOORE of Pennsylvania. Mr. Whitney?

Mr. FESS. Hilary A. Herbert was Secretary under the second administration.

Mr. STEELE of Pennsylvania. This contract was made, and the Bethlehem Steel Co. proceeded in the construction of this plant. Subsequently, about 1890 or 1891, at the solicitation of the Secretary of the Navy, in order to secure some kind of competition in the manufacture of armor, the Carnegie Co. also constructed an armor-plate plant, and those two companies supplied the Government with armor plate down to about 1903 when the Midvale Steel Co. entered the field, and from 1903 down to this time those three companies have occupied the field and furnished armor plate for the Government.

Now, at the present time those three plants, being the sole ones in the manufacture of armor, are all three located in the State of Pennsylvania. The aggregate value of their plants is estimated to be about $20,000,000 and the aggregate capacity of the three plants is estimated to be about 32,000 tons per annum. The average amount of armor consumed down to the present time by the Government has been less than 10,000 tons per annum; therefore the capacity of the plants has been three times the needs of the Government down to this time.

Under the five-year program which was suggested by the Secretary of the Navy this year, it was estimated that the requirements of the Navy under the five-year program would be about 24,000 tons per annum, but under the changed program, as recommended by the House Committee on Naval Affairs, that quantity has been reduced practically to one-half. As I understand, the quantity of armor necessary for a battleship is about 8,000 tons and that for a battle cruiser about 2,500 tons, depending upon the thickness of the plate, so that what will be required at this time will be from 12,000 to 15,000 tons per annum under the present naval bill, which will at least be about one-half the capacity of those three armor-plate plants.

Now, the experience in the manufacture of armor plate in this country has shown certain facts beyond dispute and which are admitted in the various reports submitted by the Secretaries of the Navy. They show the following to be conceded facts:

First. The Government has from time to time increased the severity of its specifications for armor and the armor makers have honestly striven to produce the best possible armor.

Second. At present American armor is superior in quality to any in the world.

Third. Deliveries of armor within the times specified have been satisfactory.

Fourth. Notwithstanding the increased price paid for labor in this country, the price paid by the Government for armor has been lower than that paid by any foreign great naval power.

So that the quality of the armor is beyond dispute, the deliveries are beyond question, and the only point of controversy so far between the Government and the manufacturers of armor has been the question of price.

When Admiral Strauss was on the stand testifying before the Committee on Naval Affairs the question was asked him distinctly whether that was not the only question in controversy, and his answer was in the affirmative.

Now, what is proposed by this bill? In order to meet the question of price, this bill proposes to do a variety of things. It proposes to erect a factory, or purchase a factory, or both, for the manufacture of armor for the vessels of the Navy; said factory or factories to have an annual capacity of not less than 20,000 tons of armor, so that a number of factories can be gotten by the Government under the provisions of this bill. It can purchase a factory, or it can erect a factory, but the combined capacity must be 20,000 tons per annum.

Now, it is impossible to buy a factory, because the armor-plate departments of the different steel plants that manufacture armor can not be segregated from the remaining portions of the plants, and therefore the question of purchase is an impossibility without the purchase of the entire plant; which means the purchase of an entire plant, and the capacity must be 20,000 tons.

Now, as I have stated, the proposed capacity of the Government plant being 20,000 tons, and the needs of the Government under the most efficient plan that has been presented under the bill now under consideration being less than 15,000 tons, it is obvious that the Government plant, if it is to be used at all, will afford sufficient capacity for the Government to manufacture all the armor plate it will need for years to come, and there will be no use for the private plants.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. STEELE of Pennsylvania. Yes.

Mr. EMERSON. What do these other plants do with their surplus armor? Do they not manufacture surplus armor?

Mr. STEELE of Pennsylvania. No; they do not manufacture any surplus armor at all, sir. In the past the plants have been operated at about one-third of the time. Two-thirds of the time they have been idle.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. STEELE of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. BUTLER. Mr. Chairman, after a careful allotment of the time, I find I have three minutes left, and I will yield those three minutes to my colleague from Pennsylvania.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for three minutes more.

Mr. MOORE of Pennsylvania. Mr. Chairman, if the gentleman will permit, since the gentleman from Pennsylvania is covering the ground thoroughly and well, I will gladly yield to him my five minutes.

Mr. BUTLER. That makes eight minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. STEELE] is recognized for eight minutes more.

Mr. STEELE of Pennsylvania. I thank you, gentlemen.

Mr. MOORE of Pennsylvania. Now, Mr. Chairman, will the gentleman yield to me for a question?

Mr. STEELE of Pennsylvania. Yes.

Mr. MOORE of Pennsylvania. The owners of the Bethlehem Steel plant have indicated that their armor-plate investment there is about $7,000,000. Is that correct?

Mr. STEELE of Pennsylvania. That is correct.

Mr. MOORE of Pennsylvania. This bill proposes to appropriate $11,000,000 to begin a plant anew?

Mr. STEELE of Pennsylvania. Yes, sir.

Mr. MOORE of Pennsylvania. The Bethlehem plant, with $7,000,000 invested, would be sufficient to manufacture all the armor plate that the Government could possibly need?

Mr. STEELE of Pennsylvania. Possibly so. Its capacity now is 12,000 tons, and that would be the needs under the bill as the bill is now written.

Mr. MOORE of Pennsylvania. And the owners have indicated that they would transfer their plant to the Government, or they would accept the Government's price for the armor plate manufactured?

Mr. STEELE of Pennsylvania. They could not transfer their armor plant without transferring their entire plant, but they have indicated their willingness to agree that the price of armor plate should be fixed by a governmental agency—the Federal Trade Commission.

Mr. MOORE of Pennsylvania. Then the effect would be that instead of taking an existing plant ready for action the investment in which is $7,000,000, this bill proposes to take $11,000,000 out of the Treasury and go into the experiment of building a new factory and putting all these private plants out of business?

Mr. STEELE of Pennsylvania. Absolutely so. The effect of the building of this plant by the Government will be either one of two things: Either the investment of the Government must go to absolute waste or else the private plants must go out of business, and their capital of $20,000,000 must be lost entirely to the stockholders of these various companies. Either one or the other result must necessarily follow.

Mr. MOORE of Pennsylvania. Will the gentleman pardon me for just one other question?

Mr. STEELE of Pennsylvania. Yes.

Mr. MOORE of Pennsylvania. Does not a moral obligation exist on the part of the Government to encourage these plants that were induced to go into the armor-plate business for the Government's sake?

Mr. STEELE of Pennsylvania. Yes. Almost every report of the Secretaries of the Navy that I have read has admitted that these three plants were constructed at the instigation or suggestion of the Government.

Mr. MOORE of Pennsylvania. And this bill would mean practical confiscation?

Mr. STEELE of Pennsylvania. Yes.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield there?

Mr. STEELE of Pennsylvania. Yes.

Mr. SHERLEY. Would not that depend upon the profits on their investment after a series of years?

Mr. CANNON. Mr. Chairman, I think the gentleman had better go ahead without interruption. I think he can tell us better without interruption than with it.

Mr. STEELE of Pennsylvania. I will reach that point at the proper time. The proposition in this amendment is the ordinary proposition that has frequently been resorted to by this Government in settling differences as to prices. The only question of difference here, as I have stated, is the matter of price between the Government and the manufacturers. Now, when the question as to the prices for transportation charged by the railroads was raised, the Government did not undertake to buy railroads or build separate railroads, but the Government instituted an Interstate Commerce Commission to regulate the prices paid for that service, and the result has been entirely satisfactory to the country.

Now, the purpose of this amendment is evidently regulation, not confiscation. The purpose is to utilize a governmental agency, the Federal Trade Commission, which has been established purposely for occasions of this kind—that this governmental agency, the members of which are appointed by the President and confirmed by the Senate, shall go over the books of these various companies and report a fair and reasonable price to be paid for this product, and if the armor-plate manufacturers refuse to accept this fair and reasonable price which has been fixed by this Federal Trade Commission, then this appropriation shall be immediately available for the purposes mentioned in the act.

That, as a reasonable business proposition, means that the Government as the sole purchaser of armor plate practically fixes its own price for its product, and then it will not be necessary to confiscate any property and to waste $11,000,000 of the taxpayers' money. [Applause.]

Much has been said concerning the question of price that has been paid and the profits in the past. There to my mind is one of the mistakes which the manufacturers of armor plate have made in the past. They have permitted that calumny to go forth year after year without paying any attention to it, allowing it to go by in dignified silence. Under Secretary Herbert a report was filed by an inspector who went to Harrisburg and examined the annual tax returns of these various companies, in order to ascertain the profits which they had made out of the manufacture of armor plate. Those tax returns afforded him practically no information on the subject, because armor-plate manufacture was not distinguished from the gross general business of all these various companies. Basing an inference upon an inference and a deduction upon a deduction, he made the inference, as he frankly admitted in his report, that the Bethlehem Co. had made enough money out of these contracts to pay for its plant and 22 per cent in addition. Why, gentlemen, if the Bethlehem Co. had not paid a dollar for its materials or a dollar for its labor, the aggregate amount that it had received from the Government down to that time would not have been sufficient to do that. The aggregate number of tons contracted for down to 1896, when that report was made, was but 12,000 tons of armor plate, and the aggregate amount received, according to the price paid, was but $6,600,000. The Government estimated the value of the plant in 1896 to be $5,000,000; and 5 per cent upon that investment would have made a total of $7,500,000; so that the amount received from the Government would have been entirely inadequate to pay back to the company the cost of its investment, if it had not paid a dollar for its material or a dollar for its labor. [Applause.] The whole charge is utterly absurd and ridiculous, and this corroborates the testimony of Mr. Grace, the president of the Bethlehem Steel Co., before the Naval Committee, that the entire average profit made during the entire period of time was but 1¾ per cent upon the capital invested, and that if they had invested the same amount of capital in the general steel business they could have made at least 10 per cent upon it. [Applause.]

One thing seems to be assured from the present phraseology of the bill, and it is that the great State of Pennsylvania, which now contains the three plants manufacturing this product, will be excluded from any consideration in the location of a Government plant. I know that the chairman of the Senate Naval Committee has stated that he believed the League Island Navy Yard at Philadelphia would be an advantageous location; but an amendment made to the bill in the Senate provides that such plant shall be located by the General Board of the Navy with special reference to considerations of safety in time of war, and we know the General Board has recommended that munition plants shall be located west of the Appalachian Range. It is, therefore, quite clear that if this plant is to be built, its location will be either in the West or the South. The State which answered the call of the Government for the erection of these plants, and furnished the capital to do so, can then scrap these plants and pocket their $20,000,000 loss. I have no interest in any of the financial affairs of these companies, but I am interested in securing fair play for the 23,000 employees of the Bethlehem Steel Co., resident in the district I represent.

Mr. BUTLER. I yield seven minutes to my colleague on the committee [Mr. BROWNING].

Mr. BROWNING. Mr. Chairman, I wish to quote a paragraph from an address delivered in New York City, on April 12, 1916, by a distinguished ex-Secretary of the Treasury, Hon. Leslie M. Shaw:

> From the close of the Civil War until very recently the Government cooperated with business, encouraged development, and fostered industry. The result is inspiring. Our wealth is unequaled; our standards of living unapproached; our scale of wages 100 per cent higher than the highest. Our mines yield gold annually by the train load, silver more abundantly still; and we unload from coastwise ships and railroads upon the shores of Ohio alone more iron ore than any other country in the world produces. We cut from our forests 100,000,000 feet of lumber for every day of the calendar year; our domestic trade is three times the aggregate international trade of all creation; our shops and factories, even in normal times, produce more finished products than all the shops and all the factories of Great Britain and Germany and France combined, plus 5,000,000,000 every 12 months; and we pay out as much in wages as all the rest of the world.

Now, Mr. Chairman, in these critical times of great uncertainty and grave danger when effort is being made to mobilize the industries of our country to be used in her defense

and for her sustenance in time of possible stress it is not the part of fairness or wisdom for the Government to embark in the armor-plate business or any other business. It is a blow below the belt.

In the armor-plate industry we find three plants engaged, representing investment amounting to about $20,000,000, and in two of the three instances the investment was made at the solicitation of the Government, the third concern having entered without solicitation, but with the Government the only purchaser of the commodity. I, for one, do not believe we have ever been overcharged for armor plate. If the figures presented to the Committee on Naval Affairs are correct, the United States is buying armor plate at a less cost than is any other country in the world. We are paying $425 per ton.

England has five privately owned plants, and is paying $503 per ton.

Germany has two privately owned plants and is paying $490 per ton.

Austria is paying $511 per ton.

France is paying $460 per ton.

Japan's armor plate—and she owns her plant, and Japanese labor is the cheapest in the world—is said to cost $490 per ton.

It is alleged that these figures are not accurate. I know of no reason why they should not be accurate in every instance, unless it be that of Japan, as the other nations purchase in the open market just as we do. Japan's secretive methods in all matters of war preparations may render the figures in her case uncertain.

But, Mr. Chairman, for the sake of argument, suppose we have been overcharged for this commodity, we now have the assurance of procuring the best possible finished product at a price to be agreed upon by the Navy Department after due investigation and computations to be made by the Federal Trade Board.

Now, Mr. Chairman, the adoption of the Butler amendment will accomplish all that could possibly be accomplished by a Government owned and controlled armor-plate factory, and vastly more. It is estimated that a plant would cost the Government $11,000,000, but it will doubtless be realized later that a plant of the capacity of 20,000 tons will cost nearer $16,000,000. I believe that $16,000,000 had better be spent in building a battleship. To use the words of the minority report of our committee, it seems to me that we are much more in need at the present time of a "fighting Navy" than a "manufacturing Navy." Certainly there is no excuse for wasting from eleven to sixteen million dollars to drive out of business plants in perfect readiness to supply our needs to our entire satisfaction in every respect.

Mr. PADGETT. I yield 10 minutes to the gentleman from Texas [Mr. DAVIS].

Mr. DAVIS of Texas. Mr. Chairman, I have indeed been interested in this whole question. I believe in a thorough and adequate defense, but from my viewpoint I believe that preparation should be permanent and for the future, because I see absolutely nothing to terrify or endanger us in present times or in the near future. It seems to me perfect sophistry to talk about imminent dangers confronting us, when God Almighty laid oceans on either side, 6,000 miles, and when a fleet to invade us must mobilize for several months in its own country, come at least 5 miles abreast, and spend nearly a month to get here; and modern inventive genius makes it possible to submarine and mine the ocean front at a nominal cost in a few weeks' time, and hence blast them into atoms before they got even in sight of our ports. This Government needs this armor-plate plant as a part of its necessary defensive program, for we should protect ourselves against enemies within as well as without. This Navy bill is inadequate without it, although it carries an appropriation of over $200,000,000.

Mr. FARR. Will the gentleman yield?

Mr. DAVIS of Texas. After a while. I have not made a speech on this question, and the gentleman has made several. I will yield later on, but I want to get off this thought, thank you.

The CHAIRMAN. The gentleman declines to yield for the present.

Mr. DAVIS of Texas. The whole proposition is resolved into a defensive measure; for I am not willing to believe that we are preparing to wade the oceans of the earth for conquest and invasion and aggression. I am ready to vote millions for defense but not a dollar for aggression. I am not one of those Americans who believe such a thing as that ought to come, or will come until we have lost all our American ideals and all hope of liberty and justice.

Our measure must be defensive. Otherwise it is un-American and unnecessary.

Another question that has interested me in this whole matter has been the fact that in the multifarious speeches that have been delivered, the very eloquent dissertations and expansive arguments that have been made, I have never yet heard one man discuss the question from the theory and standpoint of the taxpayer. The whole burthen has been upon the theory, How much money can be spent, how fast can we spend it, and how shall we spend it? The question of where we will get the money has never been discussed. Why, if you would listen to the men, largely on the Republican side of the House, they discuss it upon the theory that all you have to do is to rub a kind of Aladdin's lamp and the next morning you get millions, which come in answer to the magic wand that you lift.

I stand in your presence and tell you that when I hear you talk about our great, massive wealth, our magnificent resources, and the overwhelming riches in our country I say "yes"; but I remember when I was a boy there was an old negro, Hamp Magee, who used to talk about how wealthy he and Marse Joe were. He would say, "We got the finest horses in the country; got more of everything in the country; we are the best folks and got the finest house and everything in the country." But Hamp did not represent much of the wealth; he was an ordinary negro; his master owned the wealth. So when you talk about the great wealth of this country I say "Amen." But listen: Of the 100,000,000 people in this country 60,000,000 of them to-day can repeat the declaration made by Jesus Christ when he said:

> The foxes have holes and the birds of the air have nests, but the Son of Man hath not where to lay his head.

Thirty millions of people to-day must beg for the privilege to earn the bread they eat. Our tenant farm list, our mechanics and journeymen workmen list, and our industrial labor list, with mechanics and artisans, in this country represent about 60,000,000 of our people. Twenty millions more represent the great common business class. The remainder represent the overgrown, exorbitant, and swollen fortunes in this country—the malevolent rich. If you pile up these millions, the income-tax list shows that this class have been dodging their taxes and defrauding the Government out of $150,000,000 to $250,000,000 of the honest collections on incomes that should have been made in the last two years. And so the great burden of taxes must fall on the great common masses of the people. And when you pile out millions I want it for defense only. I want the necessary defense. Give us some aeronautic stations from which we can rise and scout the ocean and spy a fleet three days before it gets to our shores. Give us the submarine equipment and the necessary adjuncts and string the ocean with mines, and some armor-plated cruisers and a few stalwart battleships, and there is no nation on earth that can invade or terrify us.

I am amused at the logic of the discussion that has been brought here. They tell us that we are in impending imminent danger now. I have heard those very words repeated time and again—"in impending danger now." With all due respect to gentlemen who make that statement, I answer no—ten thousand times no. These people on the other side of the ocean are famished, wrecked, impoverished, slaughtered, slaying, killing, crucifying, burning up, and destroying the accumulation of centuries, and are now prostrate, bleeding, wounded, torn, desolate, dead and dying by the million; and yet you tell us that they will get up, lock hands, organize a fleet, and swim over here and whip us. Please hush slandering our country with such twaddle. My God, we are feeding and clothing them now and sending them money to fight each other with. How can they fight us under such circumstances? [Applause.]

I am ready to meet the logic of facts that kings and crowns can get together mighty quick if they want to crush a republic which stands for liberty and justice and the rule of the people, and I am willing to prepare for all necessary measures of defense; hence I am for the amendment for the Government armor-plate proposition upon the theory that we will be free from the clutches of any criminal combine of the corporations that prepare the armor in this country. I do not know that it is necessary to manufacture a great deal of it ourselves. The fact that we are able to do it and ready to do it makes us safe. [Applause.]

When I hear the clamoring call for more big battleships and tremendous dreadnaughts I can not resist the feeling that it must be the call of an uninformed mind or the plaintive plea of an advocate of patronage for the Steel Trust and its allied monopolies. I am not an expert in matters of war and Navy equipment and do not claim to be, but I do assume to have

common sense and some knowledge of the world's affairs, and one thing above all else that the present war has demonstrated is that the efficient instrument of warfare is not the great massive battleship. England, with the biggest navy of any country on earth, and France and Italy's navies to draw from, found Turkey without a respectable fighting ship, and yet was never able to land on her shores; and after having several of her massive ships blown to atoms by submarines, mines, and invisible enemies in the water, took her big, fine $20,000,000 ships and sailed back and vacated all effort to land an army or batter down Turkish forts. Helgoland, a German island occupied by less than half a million people, stands more or less isolated within a few hours' travel from the English shores, and yet with all her naval power England has never undertaken to bombard that little island. During all these two years' warfare her great fleet has never been able to effect a landing on Germany's coast line. Therefore, it is useless to argue with me that we ought to feed into the greedy maw of the Steel Trust two or three hundred millions of money to fit us up with great massive dreadnaughts. They would be nice ponderous palaces to float around in naval parade and banquet feast to officers but comparatively useless except a few for defensive purposes. I would like to see America have a thoroughly equipped and ample merchant marine for purposes of trade and see our coast line supplied with aeronautic stations and airships for scouting military purposes. I am one of those that believe the scouting for the future will largely be done in mid-air. Several good armored cruisers for rapid transit and effective fighting with a few good standard dreadnaughts to stay close to home for defensive purposes, with coast defense forts, submarines, and mine equipments we would be amply prepared to repel any and all of the nations of the earth if they sought to invade us. I would divide this general equipment into two parts, have a Pacific defense and an Atlantic defense. But all this can be done at what a few great dreadnaughts would cost and be far more efficient and effective.

It has always been a policy of the Democratic Party to stand for an adequate and efficient Navy, and I think this measure is an elaborate and extensive measure in that way. It goes much further in general expense than I would have had it go. I should have preferred a far less expensive armament in big ships and a more elaborate development of submarine, mine, aeronautic, and coast defenses, and this process should have made ample provisions for both the Atlantic and Pacific defenses, as well as for the Gulf coast lines. I am not one of those that believe that it would be convenient to swing our fleets back and forth from the Atlantic to the Pacific through the Panama Canal. The risk would be entirely too great to expect to transfer a fleet from the Atlantic to the Pacific in case danger threatened us on that shore. The distance from New York around to Seattle and Puget Sound is farther than from Japan or China to those points.

But speaking for myself, I believe in the Government taking the profits out of war by the manufacture of its own munitions and implements of warfare, or, at least, be able to do so at any time, and thereby be able to protect itself against the aggressions and inordinate greed of the great criminal combines and corporations that are now feasting on the world's agony and distress in war. For, Mr. Chairman, it is a well-known fact and has been clearly demonstrated for years that there is an international war trust which controls the armaments of nations and dictates the prices of the world's equipment for war. And not only that, but by control of the sources of information, education, and intelligence it spends part of its ill-gotten, fraudulent millions in bringing on and provoking wars. These things being true, I am with all my heart anxious to see this great Republic make the start to liberate itself from these infamous and heartless combinations.

Mr. PADGETT. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. HENSLEY].

Mr. HENSLEY. Mr. Chairman and gentlemen of the committee, I desire to say something concerning the pending amendment. I am in favor of the amendment for several reasons, which I shall endeavor to give. We have heard a great deal said with reference to the price at which the Bethlehem Steel Co. is willing to contract with the Government for the sale of armor plate for naval purposes. The company insists that it only enjoyed a dividend representing 1¾ per cent upon its capital for the last several years. If that be true—and I do not know whether it is true or not—it does occur to me that the company would not be making the tremendous effort it is making and has made to retain this business, and you gentlemen on the other side would not complain so tremendously if the Government should build an armor-plate factory, and thus deprive the Bethlehem Steel Co. of this business. That argument does not appeal to me as a business proposition. There have been several moves made by the Government heretofore to engage in the manufacture of armor plate. Some of these moves have not gotten very far. None of them have succeeded in accomplishing any definite purpose; but now, at this juncture, when it looks like that not only are the people in earnest but that Congress is in dead earnest, and proposes to appropriate the necessary money to build an armor-plate factory in order to have something to do with the fixing of prices, this steel company comes forward and submits a proposition which upon its face appears very fair and just. Why has it not submitted a proposition of this character to the Government heretofore? Why has it waited until now to submit a proposition which indicates that it is willing to charge a reasonable price for armor plate? I have not the means of knowing, except this, Mr. Chairman: According to the hearings had before our committee, this same company, the Bethlehem Steel Co., has on several occasions sold armor plate to other countries at a much lower price than it was at the time selling armor plate to this Government. For instance, as I recall the testimony, it was selling armor plate to Russia for $249 per ton when it was selling the same grade of armor to this country for $616 per ton.

Mr. STEELE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HENSLEY. Certainly.

Mr. STEELE of Pennsylvania. Was not that a sample of armor plate sold them and not for general use?

Mr. HENSLEY. That is the statement made by Mr. Grace, the president of the Bethlehem Steel Co.; but the gentleman from Pennsylvania will not undertake to say that it was not selling to Russia and Italy armor plate according to the samples it was furnishing those countries at a much lower figure than it was selling armor plate to this country for, though there may be a question as to whether the difference was as great as that.

Mr. STEELE of Pennsylvania. According to Mr. Grace, they sold it in excess of what it sold for here.

Mr. HENSLEY. That is not according to the testimony, for Mr. Grace said when before our committee that "the price was not $616 that his company received from Russia, but, instead, was $520 per ton." That was in the year 1894, and Mr. OLIVER, of Alabama, asked Mr. Grace this question:

That $616 is made up of elements added to it?

Mr. GRACE. I should say that $616 would be some small particular class, but if we start dealing with those things we are going to get out of all comparison.

The CHAIRMAN. On that, does the $520 per ton include the royalty, or did the Government have to pay the royalty in addition to the $520?

And Mr. Grace answered:

I could not answer that, because it has been both ways, and I do not just know the years that took effect. At some times the company has paid it and at other times the Government assumed it.

Mr. Grace was before our committee for something like two days, and made a very exhaustive statement, and he in every particular acquitted himself as a very high-class business man. According to the testimony before our committee, there has been no competition between these armor-plate companies for several years, and the Secretary of the Navy, Mr. Daniels, has succeeded in his businesslike negotiations in reducing the price of armor plate over former years sufficiently to represent about $200,000 to each battleship.

But the reason that I more particularly insist upon the Government going into the manufacture of armor plate is because I desire that these private concerns be taken out of the traffic of war munitions. I do not charge that these particular concerns are responsible in any degree for the present propaganda for preparedness that is being carried on and which has been going on for some time, but I do know this, that Mr. Grace told us that the stock in his company before the present European war began was selling for $30 per share and that at the time he was giving his testimony the same stock was selling on the market at $530 per share. It may be true and it may not be true that men are actuated by selfish interest, that men will advocate the course that will best serve their individual interests, and that these big concerns are desirous of making profits for their stockholders. I say, whether that be true or not, I do not want the people of this country to believe that these concerns engaged in this character of traffic favor a condition which is war as against peace in order that they may be able to make these enormous profits.

Mr. BUTLER. Will the gentleman yield?

Mr. HENSLEY. Certainly.

Mr. BUTLER. Does the gentleman recall the amount of armor plate made by the Bethlehem Steel Co. as compared with all other business; what per cent?

Mr. HENSLEY. No; I do not recall exactly the per cent, but the difference is considerable.

Mr. BUTLER. The armor plate is about 2 or 3 per cent.

Mr. HENSLEY. It is only a small per cent, as I remember.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. HENSLEY. No; I have not the time. But here is the point I desire to make, that profits should be taken out of war. It ought to be a question of patriotism. No man who reveres the flag will hesitate to respond to a call to go out and fight for the liberties of his country and sustain the flag. [Applause.] I do not want any man to be put in a position where the people may point to him and say, "He stands for war simply because it means profits to him and his associates, and only pretends to stand for the flag."

When war comes and the people are called upon to serve and sacrifice for their country, even unto death, I maintain that no element or class of our people should be making a profit out of a situation of that kind. This Government, whether it ever uses an armor-plate concern or not, can afford to make this authorization for the effect it will have in further reducing the price of armor plate. We may or may not make a ton of armor plate. I want to say here and now that the Secretary of the Navy has rendered a great service to the country, for he has reduced the price of armor plate and has saved hundreds of thousands of dollars in the armor plate that will go into the battle cruisers that this bill carries. [Applause.]

The same argument was made by some against the Government manufacturing powder when it was first proposed a few years ago, but now we are making our powder for the Navy much cheaper than we were ever able to purchase it from the private concerns.

Mr. MEEKER. Mr. Chairman, will the gentleman yield for a question—just one?

Mr. HENSLEY. Yes.

Mr. MEEKER. Does the gentleman think that there is also an increased profit to the people who sell horses and mules and cattle and butter and eggs?

Mr. HENSLEY. Mr. Chairman, I will not take the time of this House to discuss that. These products may have increased, but I am sure it represents so little to the farmers that no person would for one minute believe them influenced by it.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HENSLEY. Yes; I will yield now to the gentleman from Michigan.

Mr. SMITH of Michigan. Is it not true that a short time ago aniline sold for 40 cents a pound and is now worth $20 a pound?

Mr. HENSLEY. That may be, and chemicals of different kinds may be selling now for advanced prices; the Government has nothing to do with those articles; but these are the things that the Government has to do with, and the Government by the establishing of an armor-plate factory can protect itself against such increases. The Government certainly does not want to be placed in the attitude of promoting the things and the institutions that make these profits out of war.

Mr. HENSLEY was granted leave to extend his remarks in the RECORD.

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. Mr. Chairman, I am for this amendment offered by the gentleman from Tennessee [Mr. PADGETT] for the Government to establish an armor-plate factory. The cry of men now, particularly of men who own these armor-plate factories, is that of a dying man who has been a sinner all of his life and is now promising to be good providing he may be permitted to live, but they have sinned too often and too long, their arrogant ways will no longer be tolerated. The Bethlehem Steel Co. has sent out circulars, I do not know how many, but quite a number up to the present time, stating how good they are going to be to the Government if it will just withhold the building of an armor-plate factory for the use of the Government. That may be all right and all good, but we remember the past and what has occurred in buying armor plate for the battleships of the country. There have been charges on this floor, and I do not know that it has been denied by them, that the Carnegie Steel Co. has sold armor plate to the Government full of blowholes, and that to cover up these defects they were filled in some way to prevent detection.

Mr. HOPWOOD. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. No; I can not yield as I have only five minutes. The charge was made against the Carnegie people, and I think they admitted it at the time, that they had sold to the Government this armor plate full of blowholes. It was reported by workmen in the factory and the company was fined for doing so. Afterwards a part of the fine was remitted by the Government. We remember not a great while ago that the Secretary of the Navy asked for bids for armor plate from the three companies that manufacture armor plate in this country, and when the bids were opened they were exactly the same. There was a wonderful mental telepathy, as you might call it, existing between the heads of these concerns by which they were able to tell precisely what armor plate was worth and the lowest price at which they could sell it to the Government, and all agree on exactly the same figures that the Government must pay to these concerns.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. FOSTER. I have only five minutes, but I will yield for a question.

Mr. MADDEN. I was just wondering whether the physicians of the country in different communities had any understanding about whether they shall all charge the same fee for like services?

Mr. FOSTER. I think not. I do not think there is any understanding among them, and everybody knows they are poorly paid, anyway, so that the poor doctor would not be compared to these great corporations. But we remember, and I think the statement has been made a good many times, that these armor-plate factories years ago charged the Government a high price, and such a high price that their profits were enormous, and if they should go out of business now, which I do not believe they will do, I expect that these companies will not have lost any money, for they certainly have not lost any while they have been in the business, and I suspect that their capital has been paid for many times over through the profits they have made during all these years they have been selling armor plate to the Government at such a high price. I am not one of those who gets scared because the Government talks about going into business for itself. I believe that the Government ought to have a right to manufacture those things necessary to use in time of war. We have seen the same fight made against the Government manufacturing powder, and I am sure that under the able leadership of the gentleman from Kentucky [Mr. SHERLEY], who has had the management of the fortification appropriation bill for several years in this House, the price of powder has been materially reduced as a result of the Government's manufacturing a part of the powder for its own use. I hope this amendment will be adopted.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BUTLER. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. KELLEY].

Mr. KELLEY. Mr. Chairman, in arriving at a conclusion for myself upon this question, I have considered only what would, in my judgment, be best for the Government of the United States. I have approached the matter entirely from the public side and the public interest. There are three considerations entering into the question. In the first place, there is the quality of the armor; in the second place, there is the matter of price; in the third place, there are the military considerations involved in the question.

As to the quality of armor, I think there is absolutely no question. The gentleman from Illinois [Mr. FOSTER] has had something to say about armor plate having been furnished some 20 years ago of inferior quality. That may be true, and I think it is, but I have here a report made by the Bureau of Ordnance in July, 1913, in which this language is used as to the present-day armor plate furnished by these companies:

> The bureau believes that the superior excellence of American armor is due to the fact that the Bureau of Ordnance has consistently and persistently demanded from armor makers the best armor they could produce, and has from time to time increased the severity of its specifications, particularly as to ballistic tests, and also to the fact that the armor makers have honestly and conscientiously striven to produce the best possible armor.

That is a report made in July, 1913.

Mr. McLAUGHLIN. By whom?

Mr. KELLEY. By the Bureau of Ordnance of the United States. I think Admiral Strauss was at the head of the bureau at that time.

Mr. BUTLER. That is correct.

Mr. KELLEY. As to the price, I have not been able to convince myself that these companies, during the last 15 years, since 1900, whatever may have been the case prior to that time, have charged an exorbitant price.

Now I will give you the reasons why I think so, and in this connection I want to remind the committee that under the proposition submitted by Mr. BUTLER, whatever the fact may be as to that price of armor, for the future the Government can fix the price absolutely itself. But as to the past, have these companies been making an excessive profit on their investment? All the reports made by the Navy Department and special commissions appointed to investigate the cost of building an armor-plate factory for the Government have placed the cost of plants similar to those now in existence, approximately of 10,000 tons

capacity, at substantially the same figure which these companies claim to have invested in the business, upward of $7,000,000 each. This late report which I have quoted from as to the quality of the armor reports that to build a plant of 10,000 tons capacity would require an investment by the Government of $8,466,000. The report made by the Tillman Commission, of which Mr. PADGETT was a member, estimated the cost at $6,300,000 for a 10,000-ton plant, which is approximately the size of two of the three existing plants and a little larger than the third. So that I think it is fair to assume that the sworn statement made by an officer of one of these companies to the effect that the value of his company's plant is upward of $7,000,000, can be accepted as true.

Now, according to figures furnished me by the Navy Department, we have purchased during the last 10 years from the Bethlehem Steel Co., the oldest company making armor plate, 41,610 tons and have paid that company $17,740,305 for it. That is an average of 4,161 tons a year, less than half the capacity, and the average price paid was $426.35 per ton. These figures were furnished me by the Bureau of Ordnance of the Navy Department only two or three weeks ago. The average annual gross receipts of the Bethlehem Steel Co. from the Government during the last 10 years was $1,774,030.50. Now this sum represents the entire average annual receipts of that company for armor sold to the Government during the past 10 years—a sum less than 25 per cent of the capital invested in the business. Now out of these gross receipts the company, of course, had to buy its raw material and pay the men in its employ. It does not occur to me that if a company's annual gross receipts were only 25 per cent of its investment that it was possible for that company to make exorbitant profits out of its business. [Applause.] I can not understand how it can be done.

Mr. GORDON rose.

Mr. KELLEY. There are many manufacturing companies, I assume, in the country making 20 per cent profit upon their investment, while the gross reecipts of these armor companies annually is only between 20 and 25 per cent on their investment.

Mr. GORDON. Is the Government the only patron that the Bethlehem Steel Co. has?

Mr. KELLEY. The Government is the only purchaser of armor.

Mr. GORDON. The United States Government?

Mr. KELLEY. The United States Government.

Mr. GORDON. I thought they sold abroad.

Mr. KELLEY. Oh, they have sold a few orders abroad 20 years ago and, I think, one order in 1911, as Mr. HENSLEY has said. It is their claim that they tried to get into the outside markets 20 or 25 years ago, but without success. These foreign transactions amounted to only about 5,000 tons, all told. Practically speaking, these companies have never had any foreign business and are not now selling abroad.

Mr. GORDON. Why not?

Mr. KELLEY. Other countries have armor plants of their own. In many countries abroad it is claimed that, while the plants are under private management, the Government has some financial interest.

Mr. GORDON. How does Mr. BUTLER propose to give the Government authority to fix the prices for the Bethlehem Steel Co. on armor?

Mr. KELLEY. Through the Federal Trade Commission.

Mr. STAFFORD. Read the amendment.

Mr. GORDON. But it requires the company's consent, does it not?

Mr. KELLEY. If the armor people should refuse to accept the price fixed by the Government of the United States, the Secretary of the Navy is then clothed with power under the Butler amendment to go ahead and build the factory.

Mr. OLIVER. Will the gentleman yield?

Mr. KELLEY. I have not the time—yes; I will yield to the gentleman.

Mr. OLIVER. The gentleman stated that these companies were not now selling abroad. Is the gentleman aware that in the report made by the Secretary of the Navy in 1906——

Mr. KELLEY. Be quick; my time is passing.

Mr. OLIVER. The report shows a combination between the foreign armor plants and the home armor plants that the armor-plate plants in this country would stay out of the foreign markets.

Mr. KELLEY. I have not time to discuss that particular phase of the question. What the gentleman says may be true. I only know that the records show that practically no armor plate made in this country has been sold abroad. The officers of the company testify that they have tried to get into foreign markets, but without success. If the gentleman has any authority showing that they have sold abroad, except in the limited way stated, why, I should be glad to get the information in his own time.

Mr. OLIVER. The gentleman did not answer me.

Mr. KELLEY. I have not the time to go into that. My time is nearly up, and I want to pursue the question of price which I was discussing when I yielded to the gentleman from Ohio [Mr. GORDON].

Mr. OLIVER. I will answer.

Mr. KELLEY. Another reason why——

The CHAIRMAN. The time of the gentleman has expired.

Mr. KELLEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. KELLEY. Bearing further upon the question of the profits in the armor-plate business, I should like to state that during the 29 years since the Bethlehem Co. began making armor plate the Government has purchased from that company 95,007 tons, at an aggregate price of $42,344,937. It will be seen from these figures that the average annual sales of this company to the Government was 3,280 tons, for which the Government paid the company $1,465,896 annually. On a $7,000,000 investment we find, then, that the total average sales have been but a trifle over 20 per cent of the capital invested. If this company had been able to manufacture armor for nothing, it is apparent from these figures that it could not have made more than 20 per cent on its investment at the prices paid by the Government. Of course, out of its annual gross receipts all manufacturing costs had to be paid, an allowance had to be made for depreciation of plant, besides insurance, taxes, and administration charges. Under these facts I hardly see how the profits in the armor business could be as great as has been frequently stated. The great difficulty, it seems to me, in the way of reducing the price of armor plate has been the fact that the average requirements of the Government have been less than one-third of the capacity of existing armor plants. There is three times as much capital invested in the business now as is necessary to supply the needs of the Government. For the past 10 years the three existing plants have been idle two-thirds of the time. It is necessary to take this fact into account in arriving at a reasonable price which the Government should pay. On page 3723 of Secretary Daniel's hearings before the Committee on Naval Affairs is a table prepared by the Bureau of Ordnance on June 28, 1913, estimating the cost of armor plate in a 10,000-ton plant running at full capacity and also at one-half capacity. The table referred to follows:

FULL COST.

[Reckoned on a capacity of 10,000 tons a year.]

Production cost	$202.83
Administration: One-seventh of officials' salaries and office expenses, which is the proportion allotted to armor manufacture (one-seventh of $1,050,000)	15.00
Depreciation: 6⅔ per cent of value of plant, estimated to be $7,125,000 (life of plant taken to be 15 years)	47.52
Taxes and insurance	4.00
Total	269.35

Estimated cost of production of armor of a 10,000-ton plant, producing varying amounts.

	10,000 tons.	5,000 tons.
Production cost	$202.83	$220.00
Administration	15.00	30.00
Depreciation	47.52	95.04
Taxes	4.00	8.00
Total	269.35	353.04

The cost of armor plate, as estimated by the Bureau of Ordnance, in a 10,000-ton plant running at full capacity is $269.35 per ton, and running at half capacity $353.04 per ton. These costs include every proper charge except interest on the investment. If the existing factories were given business enough to run at half capacity, the cost of manufacture of armor plate would therefore be $353.04, allowing nothing for profits or interest on investment, according to this estimate of the Bureau of Ordnance. Five per cent interest on a $7,000,000 investment would amount to $350,000 per year. If the annual output of the factory was 5,000 tons (half capacity), the interest charge would therefore be $70 per ton. Adding $70 per ton interest charge to the $353.04 production charge makes a total of $423.04 per ton, which represents full cost of manufacture and a 5 per

cent profit to the company on its investment. The price paid by the Government for armor plate during the last 15 years is shown by the following table:

1900 (plus $21.85 royalty)	$420
1903 (plus $21.85 royalty)	420
1903 (plus $21.85 royalty)	420
1905 (plus $21.85 royalty)	420
1906	346
1907	420
1908	420
1909	420
1910	420
1911	420
1912	420
1913 (8-hour law in effect)	454
1913 (8-hour law in effect)	440
1914 (8-hour law in effect)	425
1915 (8-hour law in effect)	425

If the estimate of armor cost made by the Bureau of Ordnance is correct, I hardly see how the profits in the armor business during the last 15 years has been excessive. But whatever the truth may be as to this, under the amendment proposed by the gentleman from Pennsylvania [Mr. BUTLER], it will be impossible for these companies to overreach the Government in the future, for the reason that the Government itself fixes the price. The appropriation for the armor plant under the Butler amendment is simply held in abeyance and is available at any time when the armor-plate companies refuse to provide the Government with such armor as it may require at a price designated by the Secretary of the Navy.

Besides the question of quality of armor and price of armor there is the further question of the military value of the existing armor plants to the Government. They are connected with great steel mills and could be expanded quickly to almost any extent should occasion require. The business has been divided among them for many years in order that all of them might be kept in existence and ready for an emergency. If the Government puts up a 20,000-ton plant one of two courses will be pursued. It will either manufacture all the armor that the Government needs or it will divide the business between the Government plant and the three private plants. If it pursues the former course the three existing private plants will pass out of existence, and in case of an emergency we will not have this great reserve of armor-making ability to fall back upon. If it pursues the policy of dividing the business between the Government plant and the three existing plants, the share of the business given to each will be so small that all the plants will be idle a greater portion of the time than even now, and the cost of production, not only in the Government plant but in the private plants, will be correspondingly increased.

In conclusion, it seems to me that the proper way to handle this matter is to adopt the amendment offered by Mr. BUTLER, under the terms of which the Government can fix the price of armor plate. This will protect the Government against exorbitant prices and at the same time keep in existence for the use of the Government and for its protection in time of need all of the present armor-making facilities of the country.

Mr. BUTLER. Mr. Chairman, I regret I have not more time to yield the gentleman, but I have not got it. I yield 10 minutes to the gentleman from Pennsylvania [Mr. HOPWOOD].

Mr. HOPWOOD. Mr. Chairman, the gentlemen of the Southland seem to think that Pennsylvanians and New Yorkers and men from Massachusetts ought all to be put in jail, and particularly the gentleman from Texas [Mr. DAVIS] seems to think that. I have heard all of them talk about on that line here in the last three days, and they do not seem to have any use for people who manufacture anything. They seem to be willing to send cars east to advertise semiarid lands and sell them to people in the North for ten times what they are worth, and, by the way, there was a car went through my town selling them, and one of those gentlemen got into jail before he left town, so some people besides Pennsylvanians do get in jail occasionally.

Now, the Carnegie Steel Co. has been painted here in very dark colors, and I am not presenting a defense for them, but they have, however, done some good things; they have established a $12,000,000 fund for pensioning their old, aged employees, and the Government, upon the whole, has yet to take up a bill for the pensioning of a few people in Government employ. Such a bill was presented in this House for pensioning postal employees, but you gentlemen on the Democratic side have tried to smother it by referring it to the wrong committee. So this wicked corporation has done a thing for its employees that you do not want to do for Government employees.

They have also appropriated some millions for people who have been hurt in the mines. They take care of them for a year if necessary, if temporarily disabled, and if they are permanently disabled they take care of them for life. They have done many other things in that line that I would like to call your attention to if I had the time, but that is not the question at issue here, and I will not take up further time in referring to it.

Mr. GORDON. No; talk about blowholes. [Laughter on the Democratic side.]

Mr. HOPWOOD. Oh, that was away back in 1894, nearly 20 years ago, and you have been blowing about it ever since. [Laughter on the Republican side.]

Mr. GORDON. Then that is covered by the statute of limitations.

Mr. HOPWOOD. The only things you people remember seem to be things that occurred 20 and 25 years ago. Now, as to that Russian sale that you talk so much about, when did that occur? That occurred back in 1894, and I will tell you that in 1894 and 1895 the Bethlehem Steel Co. did not have a contract with the United States, could not sell a pound of their material to the United States Government, and they tried to secure some business elsewhere. From 1887, when they established their plant, down to 1893 they sold only 6,000 tons, an average of only 1,000 tons a year, to the United States Government.

In 1893 they got a contract for 3,500 tons. In 1894 and 1895 they got nothing, so in 1894 and 1895 they attempted to get business abroad, and then they sold armor to Russia. In December, 1894, they sold 1,115 tons to Russia at $249 per ton for nickel steel or harveyized steel, and in May, 1895, they sold 224 tons at the same price. On November 27 to December 9, 1895, they got some real business from Russia by selling them 1,137 tons at £107 per ton, or approximately $524 per ton.

You gentlemen forgot to mention that sale. You mentioned the 1894 sale, but you forgot to mention the 1895 sale. It is in the testimony. Gentlemen, try and be fair in this matter, and when you call attention to things away back there that were not right and that were not defended on the floor here, give credit for selling good armor and give credit for selling it at a fair price now.

Gentlemen, in recent years you have been getting armor cheaper than any other country in the world. The testimony shows that, and you gentlemen, if you will look it over, will find it out. You will find that we are getting the armor at $425 a ton, while all other nations except one are paying more; and Japan, with her own plant, estimates that it costs her $496 to make her armor plate.

Now, gentlemen, in view of the fact that we are buying our armor at $425 a ton, and in view of the fact that we have established these plants, or, rather, had them established at our own request, and the fact that they have served us well, with one or two exceptions that have been mentioned here and which have been made much of, it can not be denied that we are producing the goods at a fair price to-day, and yet you gentlemen here, who were elected because of the extravagance of our side of the House, want to throw $11,000,000 away and establish a plant that will be nothing but scrap when it is done.

I think if I had the time I could demonstrate to you that you can never make armor anyway. You can not employ people like Charlie Schwab to make it. They are not in the market at Government prices. A salary of $100,000 a year would be nothing to him, for the valuable information that he has acquired since he was a boy employed in steel mills, a business in which he has amassed a fortune of $100,000,000, perhaps. But, gentlemen, you do not like a man worth $100,000,000. You like a man worth—well, say, 30 cents. [Laughter on the Republican side.] I like the 30-cent man pretty well, too, but I also like the man who can make his way in the world in whatever line of endeavor he starts. [Applause on the Republican side.]

Mr. PADGETT. Mr. Chairman, will the gentleman yield?

Mr. HOPWOOD. Yes.

Mr. PADGETT Denying the proposition that we are prejudiced against a man of wealth, I want to confess very freely that on this side of the House we do have a regard for the poor man that can not take care of himself. [Applause on the Democratic side.]

Mr. HOPWOOD. Well, we take care of the poor men in Pennsylvania, as I have indicated, much better than any man over there in any one of your States ever took care of a poor man. [Applause on the Republican side.] I will give you a talk on that question some time when I get the opportunity, and I will tell you how we take care of the poor man in Pennsylvania. But that would be a digression now.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Kentucky?

Mr. HOPWOOD. No; I can not yield. I have only 10 minutes. You propose to put $11,000,000 into an armor-plate plant. What will you have then? You will have a naked plant, with no expert knowledge to run it. You will have to go out and get people to run it. You can not get them from the steel mills. They have their experts, and they will keep them. They will not sell them to you nor hire them to you. It has taken 20 or 30 years to educate these men as specialists. You will have a plant without any experts to make the goods. Neither will you have any raw material. These plants are not only steel plants; they have back of them all the raw material necessary for the production of finished goods. The coal, the coke, the iron ore, the furnaces, and everything necessary is back of those plants.

Mr. CARAWAY. Mr. Chairman, will the gentleman yield?

Mr. HOPWOOD. Yes.

Mr. CARAWAY. If it is impossible for the Government to run its plant after it builds it, why do you object to the Government building it?

Mr. HOPWOOD. Simply because you Democrats will throw the money away. We have to help pay the taxes. [Applause on the Republican side.] I notice every time anything comes up about taxes you say, "We will make those fellows up in Pennsylvania and New York pay for it." You talk about preparedness, but you are not willing yourselves to pay for it. We are willing to pay our share.

Mr. CARAWAY. The Government will have to buy the steel to build the plant, will it not?

Mr. HOPWOOD. Yes; but you can not do it.

Mr. CARAWAY. Then what are you kicking about? [Laughter on the Democratic side.]

Mr. HOPWOOD. You have to practically make all the stuff in the plant before you can get a plant.

Mr. CARAWAY. Then why do you take up the time of the House to cry about it, if you are not going to be hurt? [Laughter on the Democratic side.]

Mr. HOPWOOD. Oh, you are doing the crying over there. You will be weeping if this bill goes into effect, because if your armor plant is built, you will find that you have nothing when it is done.

As I was saying, you have not got the raw material back of it. You will invest $11,000,000 in a naked plant. You would have to put $25,000,000 more into it in order to have an efficient plant, to have the things that are necessary to go into that plant to make it effective. No steel mill has ever succeeded in my country about Pittsburgh unless it had those things. Every steel company in Pittsburgh to-day has gone out into the coke fields and bought thousands of acres of coking coal. They have built their own furnaces; they have their own ore beds. The Government does not propose to acquire these things, and it would be very foolish if it did. I say that the building of this plant, to begin with, is one of the most foolish things that that party over there has ever proposed, in view of the fact that you are now getting good goods. You can not deny that. You are getting them at a proper price, better than other people are paying for similar goods in other countries, even where they have their own plants. Then if the cost is right, if the goods are right, if the plants are there, and if those plants have been induced to make this material because of the fact that the Government asked them to do it, and if those plants have no value for any other purpose—that is, those parts of the plants devoted to the making of armor plate—still you want to put those people out of business, confiscate the armor-plate plant entirely, throw it into the scrap heap, lose our people $20,000,000, lose the $11,000,000 you are going to put in of your own money, besides a good deal more that you will put in later, and all because you want a Government armor plant, and you can not run it after you get it. [Applause on the Republican side.]

Mr. BUTLER. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. GARLAND].

Mr. GARLAND. Mr. Chairman, while I am not an accountant, neither do I pretend to be a bookkeeper, it has been necessary for me for a part of my life to know the cost of making steel and iron in order to meet the employers and argue for the wages for the men whom I represented in the big labor organization of the country, the Amalgamated Association of Iron and Steel Workers.

I have gone carefully over the report of this committee. I presume that the chairman did not bring in a report of the majority of his committee unless they knew something about the cost of making armor plate as well as the building of the plant. I have hunted carefully for some evidence of what the cost would be. I have gone back and found that in 1906 the naval board of officers made a report on the cost of making armor plate, and they went right down through it in detail, and among other things they provided a discard item of 37 per cent, and then added 5 per cent for imperfect ingots not forged and 5 per cent for ingots forged into condemned plate and 3 per cent for oxidation in forging, making a loss of 50 per cent. The report adds that "the above items are turned back to the furnace and their value is only that of the cost of cutting and conveying to the furnace." The report further shows the value of the ingot at forge to be about $71 per ton, or about 23 cents per pound, and this point is where the discard takes place.

In the making of armor plate the practice is that more than 50 per cent—running from 50 per cent to 58 per cent—of the ingots that are made for the purpose of making the armor plate is scrap, or, in other words, rejected. The practice of armor-plate companies is to take these big ingots that are scrap, cut them into shape, and make them into something else, like axles, something in high grade of steel that can be used; they do not lose them. If the Government is making armor plate and 50 per cent of the ingots are rejected, when they come to the forging point it is worth then about 23 cents a pound. The value has been put in it by labor and by metals and ingredients. What is the Government going to do with these rejected ingots, cut them up and make them into some other article? Oh, no; the committee refused a rule to let anything of that kind in, although the gentleman from Illinois, Mr. BUCHANAN, proposed to do it. What will they do? Melt it over? Then it becomes scrap, and, in the words of the report referred to, of value only of cutting and returning to the furnace.

Mr. SHERLEY. Will the gentleman yield?

Mr. GARLAND. No; I can not yield.

The CHAIRMAN. The gentleman is not obliged to yield.

Mr. GARLAND. At the least calculation 20 cents a pound of the 50 per cent of your steel is lost. In other words, you make 20,000 tons a year of armor plate and you require 40,000 tons of ingots necessarily to make that much plate. Then you cut off half of it and put it back into scrap; 20,000 tons is 40,000,000 pounds, at 20 cents worth $8,000,000, and the Government has lost that amount. The making of armor plate by the Government will be a failure. It is an attempt to make a campaign document, but it will be the biggest monument of foolishness and inability that the Democratic Party ever put into existence. [Laughter and applause on the Republican side.] Spend the people's money if you will, but remember the working people of this country will not agree to a wanton extravagance even though you do it to catch their votes.

I want the chairman of this committee or some one on the committee to explain to this Congress before they go any further in this matter as to the absolute justice of these figures and show where the credit is given.

I heard something on that side of the House said about blowholes. It is evident on that side that there was a thought that this side might be desirous of escaping that thought. Not at all; I willingly welcome it. I know something about it, and if you think you are going to make armor plate without blowholes, you have another guess yourselves. They may not be as big as they were when they first started to make armor plate, but steel is porous, and there are holes in it—smaller holes now it is true—but the defects are there, no matter where you make it or who makes it.

Reverting to these blowholes, that was another time in our history when the Democracy was in full bloom, as it is now. You had both the Houses and the President, and I remember well who discovered the blowholes. Not the administration down here but the men who worked in the mills—the Republican boys of Pennsylvania. [Applause on the Republican side.] The boys that go as sailors and soldiers and who have worked alongside of the men whose brothers and sons go out as sailors and who did not want to see them go down into the sea with any chance of losing their lives by defective work; they were the men that brought the evidence here. What was done? An investigation and a fine and then an exoneration. I do not forget the words, for I was working in the rolling mill at the time, and they keep coming back to me. I think it was Secretary Herbert who said in the exoneration that—

> While the highest point of efficiency required by the specifications for armor plate was not reached in this instance, yet the minimum specifications of efficiency that were required in making the armor plate were exceeded and therefore you are excused.

[Laughter and applause on the Republican side.]

That was during a Democratic administration, and the dishonesty, if you please to call it so—and whether it was or not is a question when you go into the making of armor plate—was routed out by the Republican boys in the mills of Pennsylvania. As I said, it was a Democratic administration, in full

bloom, from one House to the other, and up there in the White House, that excused it all and refused to continue the fine.

The report of the committee provides against a time study of "any job of any employee between the starting and completion thereof of the movement of any such employee while engaged upon such work," and so forth. Mr. Chairman, if the Government ever makes armor plate and tries to operate under the proposed rule as above, it will have to establish a morgue along with the plant. The pouring pits of the steel mills have been the scene of the most horrible accidents and most of it because some one faltered in the quick, efficient, and timed moment when a great molten mass of steel weighing up to as much as 350,000 pounds was poured and handled. I have had the experience of not alone carrying my fellow workmen out of the mill dead, but have lain many days between life and death just for the reason that a half dozen men faltered in their duty for one moment before the terrific heat of an open-furnace door.

As to the necessity of an armor-plate plant from the standpoint of use, there is no doubt but that the use of armor plate in large quantities is problematical. Modern war has reduced the effectiveness of high explosives. It is now a war of the best shells instead of the best armor, the problem is to get the shell to the place most needed to destroy. Whether it is carried to the spot by an aeroplane or a whirligig hung on its tail and it is spouted from the depth of the ocean or it is shot from the mouth of a cannon makes no difference when it strikes the strongest armored battleship, the result is the same. The present European war has shown wonderful progress in the two former plans of carrying and putting the shell where it does the greatest harm, and I believe both these means of destruction will improve and make less desirable in war in the future of heavy armor plate.

The recommendation of the committee on the ratio of six battle cruisers to two heavy armored vessels is an indorsement of this thought; as the cruiser has less than one-half the thickness of armor, but has greater speed, it is less resistant but more offensive.

Mr. BUTLER. Mr. Chairman, will the gentleman from Tennessee use some of his time?

Mr. PADGETT. I yield five minutes to the gentleman from Washington [Mr. DILL].

Mr. DILL. Mr. Chairman and gentlemen of the committee, I rise to support the amendment for a Government armor-plate factory. I am strongly in favor of it, because it is another step toward taking the profit out of preparedness. If I had my way the Government would, as soon as facilities could be provided, build every ship for its Navy and make all of its own munitions. I am in favor of the Government manufacture of all the necessary equipment for national defense, first, because it will remove the sinister influence of the war trust in the determination of our policy of national defense; and, second, it will enable us to secure a dollar's worth of preparedness for a dollar, instead of 60 or 70 cents' worth of preparedness for a dollar.

NEED NOT SUBMIT TO HORRORS OF WAR IN PEACE TIMES.

When a nation is fighting for its existence it may be compelled to yield to the greed of steel barons, Army contractors, munition makers, and even politicians who gamble for leadership. These are a part of the horrors of war. But this country is under no such compulsion. We are at peace and should protect the people from added burdens in the form of profits to those who make munitions and build ships in preparation for war.

PEOPLE'S VIEWS ON PREPAREDNESS.

Mr. Chairman, I am a new Member of this House. I come from the far Northwest. Owing to the great distance, I can not go home for a few days at a time to mingle with my constituents, as many Members who live near the Capital can. This question of national defense having become a burning issue since I was elected, I have been anxious to know what the people of the district I represent think about preparedness. I have wanted at all times to consider these great questions, so far as possible, from the standpoint of the individual citizens rather than from the standpoint of officials here in Washington.

Of all the places I have ever lived I have never known any place where it is so difficult to learn what the sentiments of the people really are as right here in Washington. I shall not take the time at this point to explain why this is so, but simply desire to call attention to the fact.

HOW MORE THAN 12,000 VOTED.

Because I could not go home, and because it was so difficult here to know what the people are thinking, I decided to write the voters of my district for their views. I sent a list of questions to every man and woman who voted in the fifth congressional district of Washington in 1914, and I received literally thousands of replies. These replies came from every class of people in every part of the district, both city and country. The first question I asked was whether or not they favored increasing the appropriations from $250,000,000 to $500,000,000 for preparedness. In reply I received a majority of 300 in favor of the big preparedness program.

CITY PEOPLE FAVOR AND COUNTRY PEOPLE OPPOSE.

Mr. EMERSON. What was the total vote?

Mr. DILL. The total vote was 12,517. Those in favor were 6,412 and those opposed 6,105. And the striking thing about it was that in Spokane, a city of 140,000 people, my home town, the vote was nearly 3 to 2 in favor of this program, while in the country districts surrounding Spokane, in the outlying counties, it was nearly 3 to 2 against the program. I have segregated the vote by counties in order that the RECORD may show exactly what the results are.

SUPPORTING THE PRESIDENT.

Now, I happen to live in a district that is normally overwhelmingly Republican, and I asked two questions, the results of which are interesting from a political standpoint. I asked whether or not they were in favor of supporting the President's policy as to Mexico and as to the European war, and the answers show that by a vote of more than 3 to 1 they support the President's policy in Mexico and by a vote of more than 2 to 1 they support him in his European policy. [Applause.]

OPPOSE COMPULSORY SERVICE.

Another question to which the replies may be of interest was whether or not they favored compulsory military service. Now, it happens that in Spokane one of the leading newspapers is continually trying to educate the people in favor of compulsory military service; yet out of the more than 12,000 replies on that question I found that 4,560 were in favor of it and 6,544 were opposed to it, or a vote of 3 to 2 against it. They were strongest against it in the country districts, but every county in my district was opposed to it, the majority against it being 2,000, although I counted all votes registered in favor of the Swiss system on the side of compulsory service.

FAVOR FEDERALIZATION OF NATIONAL GUARD.

The answers show an overwhelming preference for federalization of the National Guard and an opposition vote to the proposition of an embargo by a ratio of 7 to 5. They indorse the tariff board by more than 3 to 1 and the Government ship-purchase bill by nearly 4 to 1. On the question of withdrawing from the Philippines the vote is 3 to 2 in favor of withdrawal. Most of those who answered the questions understood "withdrawal" as meaning immediate withdrawal. Not more than 1 in 10 favored retaining them permanently. The questions and replies were as follows:

Do you favor increasing appropriations for the Army and Navy from $250,000,000 to $500,000,000?

	Spokane County.		Stevens County.	Chelan County.	Lincoln County.	Okanogan County.	Douglas County.	Pend Oreille County.	Ferry County.	Total.
	City.	Country.								
Yes	3,616	434	525	347	521	471	128	145	225	6,412
No	2,108	650	866	446	861	570	170	246	188	6,105
	5,724	1,084	1,491	793	1,382	1,041	298	391	413	12,517

Do you believe President Wilson's policy toward Mexico should be supported?

	Spokane County.		Stevens County.	Chelan County.	Lincoln County.	Okanogan County.	Douglas County.	Pend Oreille County.	Ferry County.	Total.
	City.	Country.								
Yes	4,440	772	950	544	.....	690	238	274	308	8,216
No	1,230	308	234	252	.....	342	61	125	81	2,633
	5,670	1,080	1,184	796	.....	1,032	299	399	389	10,849

Do you believe President Wilson's policy in regard to the European war should be supported?

	Spokane County.		Stevens County.	Chelan County.	Lincoln County.	Okanogan County.	Douglas County.	Pend Oreille County.	Ferry County.	Total.
	City.	Country.								
Yes	4,034	642	872	460	.....	658	206	230	276	7,408
No	1,644	440	512	333	.....	373	91	167	111	3,671
	5,708	1,082	1,384	793	.....	1,031	297	397	387	11,079

Do you favor compulsory military service?

	Spokane County.		Stevens County.	Chelan County.	Lincoln County.	Okanogan County.	Douglas County.	Pend Oreille County.	Ferry County.	Total.
	City.	Country.								
Yes	2,798	340	455	263	.....	328	94	120	162	4,560
No	2,938	732	932	534	.....	705	204	275	224	6,544
	5,736	1,072	1,387	797	.....	1,033	298	395	386	11,104

Are you in favor of federalizing the National Guard?

	Spokane County.		Stevens County.	Chelan County.	Lincoln County.	Okanogan County.	Douglas County.	Pend Oreille County.	Ferry County.	Total.
	City.	Country.								
Yes	4,330	776	888	545	.....	615	177	279	238	7,848
No	1,294	310	501	250	.....	421	120	130	153	3,179
	5,624	1,086	1,389	795	.....	1,036	297	409	391	11,027

Do you favor an embargo on the shipment of war munitions and other contraband of war, including foodstuffs?

	Spokane County.		Stevens County.	Chelan County.	Lincoln County.	Okanogan County.	Douglas County.	Pend Oreille County.	Ferry County.	Total.
	City.	Country.								
Yes	1,825	593	661	354	711	400	149	285	163	5,141
No	3,819	606	520	448	555	637	150	210	222	7,167
	5,644	1,199	1,181	802	1,266	1,037	299	495	385	12,308

Do you favor a tariff board?

	Spokane County.		Stevens County.	Chelan County.	Lincoln County.	Okanogan County.	Douglas County.	Pend Oreille County.	Ferry County.	Total.
	City.	Country.								
Yes	4,576	781	940	621	909	742	190	270	267	9,296
No	1,097	385	438	167	345	290	107	125	121	3,075
	5,673	1,166	1,378	788	1,254	1,032	297	395	388	12,371

Are you in favor of the Government ship-purchase bill for the purpose of building up our merchant marine?

	Spokane County.		Stevens County.	Chelan County.	Lincoln County.	Okanogan County.	Douglas County.	Pend Oreille County.	Ferry County.	Total.
	City.	Country.								
Yes	4,378	859	1,113	605	.....	611	227	303	300	8,396
No	1,265	204	276	181	.....	395	73	96	87	2,577
	5,643	1,063	1,389	786	.....	1,006	300	399	387	10,973

Do you favor withdrawal from the Philippines?

	Spokane County.		Stevens County.	Chelan County.	Lincoln County.	Okanogan County.	Douglas County.	Pend Oreille County.	Ferry County.	Total.
	City.	Country.								
Yes	3,107	662	988	489	.....	623	200	270	233	6,572
No	2,545	410	393	305	.....	309	94	129	157	4,342
	5,652	1,072	1,381	794	.....	932	294	399	390	10,914

NOTE.—The reason for blanks under Lincoln County is that I sent the questions to the people there a few weeks earlier and did not include all of the questions sent to the remainder of the voters of the district.

Now, these figures are interesting as coming from the people, and the most striking thing to me as I read these thousands and thousands of letters—and I read every one of them myself—was the continual repetition of the expression, "We do not care how much money is spent if you will take the graft out of it," "Spend the money, but take the profit out of it," "Cut out the pork, that is what we object to." And I believe that much of this "graft" and "profit" to which they refer is to be found in the contracts to manufacturing establishments which manufacture armor plate and other munitions of war. [Applause.]

TWO KINDS OF NATIONAL DEFENSE.

There are two kinds of national defense, Mr. Chairman. One is defense against the foes from without; the other is against the foes from within. I have no fear but that eventually the American people would successfully defend themselves against any and all foreign foes, but I have grave fears that this Nation may some time be destroyed by foes beneath our own flag. It can always appeal to the magnificent patriotism of the people to prepare and, if need be, to fight against a foreign foe. But the foes from within sometimes wrap the flag about themselves to arouse patriotic enthusiasm and then try to use that enthusiasm to induce the people to establish certain systems and institutions and to adopt certain policies which would ultimately destroy the Republic.

PEOPLE FAVOR PREPAREDNESS.

I believe that the American people are in favor of national defense. Because Members on this floor believe that this Congress will appropriate the most stupendous sums of money for preparation for war in time of peace ever appropriated for a similar purpose by any Government in the known history of the world. This Congress has already passed an Army bill to double the standing Army and to provide military training for the young men on a greater scale than ever before attempted in this country. Congress will pass this naval bill, which will carry the greatest increases in the Navy ever provided by any Congress. As the representatives of the people we do this because of the agitation for a greater national defense. In other words, we are already preparing ourselves for defense against the foes from without. This armor-plate bill will provide not only an addition to our facilities for preparation for defense against foreign foes, but at the same time will be a blow to those domestic foes which now confront us, namely, those who profit by war and preparation for war. As I have said before, I am ready and anxious to vote for measures which will make it impossible for anybody to make any profit whatsoever out of preparation for war.

At this point I shall insert in the RECORD a table showing the appropriations for military and naval purposes made by this Government during the past 15 years.

Naval and military appropriations of United States, 1900 to 1915, inclusive.

Fiscal year.	Appropriations for Navy.	Appropriations for Army.	Appropriations for coast defenses.
1900-1901	$61,721,695	$117,841,998	$8,740,001
1901-2	68,438,301	116,912,716	7,232,646
1902-3	82,977,641	95,930,488	7,181,139
1903-4	104,126,192	73,815,653	7,333,748
1904-5	116,655,826	76,704,343	6,821,426
1905-6	109,725,059	70,509,011	172,826
1906-7	98,392,144	76,930,157	11,788,697
1907-8	117,353,474	82,053,390	9,264,273
1908-9	120,421,579	98,665,550	8,301,573
1909-10	122,247,365	102,830,774	114,341
1910-11	111,791,980	96,811,477	5,653,378
1911-12	133,559,071	91,671,087	5,534,191
1912-13	129,787,233	95,167,711	9,391,325
1913-14	136,858,301	99,008,845	109,680
1914-15	141,872,786	98,704,814	11,804,072
1915-16	149,661,864	96,639,267	6,060,216
Total	1,805,590,511	1,490,197,281	105,403,532

Grand total of appropriations, 1900 to 1916, inclusive, $3,401,191,324.

This year we shall appropriate between $400,000,000 and $500,000,000 for preparation for war, and if we get a dollar's worth of preparedness for a dollar, this should, indeed, be a substantial increase in our national defense.

WHO WILL PAY THE BILLS?

But we should not be forgetful of the fact that somebody must pay the bills for the increases which we are making. If I have my way, those bills will be paid by those who can best afford it, namely, those who possess great wealth and those who are growing richer because of profits from the world war, particularly the munition makers. If I have my way, every dollar necessary to pay the added expenditures for the increases in the Army and Navy will be raised by an increased tax on large incomes, a Federal inheritance tax, and a tax on all munitions of war manufactured in this country.

PROFITS BY MUNITION MAKERS.

The profits American munition makers have made during this European war are so great as to be almost beyond belief. The Standard Financial Digest for January 12, 1916, gives the following figures:

Contracts for war materials said to be held by 25 leading companies.

Corporation name.	War orders, contract value.	Total outstanding stock.	Estimated earnings on war orders.[1]	Quotations on common stock—			Annual rate of dividend common stock.
				July, 1914.	High, 1915.	Dec. 20, 1915.	
							P.ct.
Aetna Explosives	$40,000,000	$7,600,000	$10,000,000	[2] 37	171	140	.....
Allis-Chalmers	8,000,000	42,500,000	2,000,000	10⅜	49½	31½	.....
American Can	80,000,000	82,466,600	20,000,000	26½	68½	59	.....
American Car & Foundry	[3] 7,361,000	60,000,000	1,750,000	50⅝	98	77½	2
American Locomotive	35,500,000	50,000,000	8,875,000	30½	74½	68½	.....
Baldwin Locomotive	100,000,000	40,000,000	25,000,000	45⅜	154½	116⅜	.....
Bethlehem Steel	150,000,000	29,779,000	37,500,000	41⅜	600	474	.....
Bliss, E. W	75,000,000	1,250,000	18,750,000	85	450	380	10
Canadian Car & Foundry	[3] 150,000,000	11,475,000	37,500,000	60	124	92	.....
Carbon Steel	[3] 12,693,965	5,000,000	3,230,000	20	135	70	.....
Colt Firearms	30,000,000	2,500,000	7,500,000	120	950	870	[4] 12
Crucible Steel	[3] 17,000,000	49,578,400	4,250,000	15⅜	109⅞	73½	.....
du Pont Powder	147,500,000	45,542,515	36,875,000	[5] 122	[5] 1,000	[6] 385	[4] 10
Electric boat	30,000,000	7,667,100	7,500,000	15	560	[7]	.....
General Electric	105,000,000	101,485,700	21,250,000	147½	185½	174	8
Hercules Powder	20,000,000	12,350,000	5,000,000	120	450	382	6
Hopkins-Allen	10,800,000	2,600,000	2,700,000	[8]	75	57	.....
Lackawana Steel	6,290,000	35,000,000	1,572,500	33	94½	81	.....
New York Air-brake	[3] 20,242,600	10,000,000	4,145,375	62	164¾	138⅞	6
Pressed Steel Car	23,000,000	25,000,000	5,750,000	43⅜	78¼	64½	.....
Savage Arms	38,610,000	1,000,000	9,652,500	120	490	490	6
Studebaker Corporation	17,000,000	41,026,600	4,250,000	28⅜	195	168½	5
Tennessee Copper	10,000,000	5,000,000	2,500,000	33	70	57½	12
Westinghouse Airbrake	20,000,000	19,638,467	5,000,000	130	143	143	18
Westinghouse Electric and Manufacturing	100,000,000	40,963,787	25,000,000	73⅜	141½	68½	6
Total	1,253,407,565	734,414,169	297,050,375	.....	.....	.....	.....

[1] At arbitrary rate of 25 per cent profit.
[2] Company incorporated in November, 1914.
[3] Officially confirmed.
[4] Not including extra dividend.
[5] Old stock.
[6] New stock.
[7] Company reorganized.
[8] Submarine boat closed at 45½.

Those are the figures for the first 15 months of the war. They do not include the orders and profits since December 15, 1916, which have been enormous. It is estimated by the Wall Street

Journal that these profits now amount to more than $2,000,000,000. Now, when the war in Europe shows signs of burning out, they look to this Government for a new market. They agitate for a preparedness which will bring more profits rather than a preparedness which will give us all the possible protection which can be secured for the money appropriated.

GOVERNMENT MANUFACTURE A SUCCESS.

That Government manufacture of munitions will give us more preparedness for the same amount of money is not a mere theory. It is based on facts and experience. Hon. Josephus Daniels, Secretary of the Navy, says:

Experience has demonstrated that it has been sound public policy for the Government to be able to manufacture smokeless powder. A few years ago the Government paid 80 cents a pound to the private company from which it purchased its supply. [The du Pont Powder Trust.] At the first session of the Sixty-third Congress I recommended an appropriation to add to the plant at the naval proving ground, the appropriation to be large enough to enable the Navy to manufacture all the powder for its ordinary needs. This year the product was nearly 4,000,000 pounds.

Congress made the appropriation and the Navy will soon be manufacturing in its own plant at Indianhead all the powder it needs at a cost of 25 cents per pound, instead of 53 cents it had been paying to private manufacturers. The cost of manufacturing in our own plant has steadily decreased. If the 3,984,978 pounds manufactured had been purchased it would have cost, at 53 cents per pound, $2,112,038.34. Inasmuch as the actual cost to the Navy was 25 cents, the cost was $996,244.50, or $1,115,793.84 less than the price charged by the private manufacturers. This saving is for one year only.

The Secretary then renews his recommendation of last year for a Government armor-plate factory to eliminate the private-profit graft from armor contracts.

It has been demonstrated beyond controversy—

Says Mr. Daniels—

that the prices charged by the armor-plate plants have no reference to competition and little reference to the cost of production. It is estimated that if our Government should establish a plant with the capacity of 10,000 tons, armor plate could be manufactured at $262.79 per ton, or a factory with 20,000 tons capacity at $230 per ton. The price charged the Government for the last armor plate purchased was $425 per ton, and the price in 1913 was $454 on contract let March 3, 1913, and $440 per ton on contract let November 17, 1913, and in 1912, $420 per ton. This shows that a very large saving can be effected if the Congress makes an appropriation in accordance with my recommendation for the erection of an armor-plate plant.

What is true of powder and armor plate is true of guns and aeroplanes and mines and submarines and ships.

WHY NOT SECURE ALL THE PREPAREDNESS POSSIBLE?

As one who believes in preparedness, I can not see why we should not get just as much preparedness for the money we spend as possible. I can not understand why anyone who wants preparedness for the protection of the country instead of for the enrichment of private manufacturers of munitions, should be opposed to this policy.

ATTITUDE OF NEWSPAPERS.

Yet, what do we find? We find that those great newspapers which print most about preparedness print least about the Government making its own munitions and building its own ships. Most of what they do print is designed to show it would be a mistake for the Government to attempt such work except in a limited way as it is now doing. But I am not interested in what these great newspapers want except as their attitude gives an explanation of their policies.

SPOKANE NEWSPAPERS ATTACK ME.

I have tried at all times to consider this question from the standpoint of the millions and millions of everyday men and women who make up the rank and file of our people. I desire always to consider their needs, their desires, and their welfare, remembering that they produce the wealth with which in the end the bills must be paid. I have tried all through this session of Congress to keep my mind open, remembering always that those who will profit by war preparations are preaching preparedness for a purpose, and that that purpose primarily is the filling of their own pocketbooks. Because I have taken this position, an opposition press in my home town of Spokane has branded me a pacifist. They have declared me a traitor to the interests of my country, and particularly to the interests of the great Northwest.

HAVE DONE WHAT I BELIEVED TO BE RIGHT.

But, Mr. Chairman, I have never changed my purpose nor have I taken time to reply to their unfounded attacks. I have been too busy with my daily work here looking after the interests of my constituents and the district I represent, as well as studying the larger national questions. I have preferred to do my duty as I saw it, and at the proper time go home to the thousands of fair-minded men and women who sent me here and let them know the truth as to my position on these great questions. I have stood at all times for a preparedness in the interests of the country as a whole, rather than in the interests of those who while covering themselves with the cloak of patriotism and talking much about the national honor, proceed with plans for operating on the pocketbook of Uncle Sam. I have disregarded the ridicule and the attacks of this powerful Spokane daily, because I feel certain that the great mass of those who read these news articles and editorials will understand the political animus which inspired them. In my judgment, a Member of Congress who changes his position because he is criticized either lacks the courage of his convictions and is therefore a coward, or has no convictions at all and changes from one position to another with every shifting change in the surface indications of public opinion.

HOPE WORLD WAR WILL END TRAFFIC IN WAR MATERIALS.

I have not the time to discuss the details of a national-defense program, but before I close I want to express the hope that this war will put an end to private trading in the implements of war. I hope one of its results will be to close down the business of the great world-wide war trust forever, because just as long as men can make enormous profits by furnishing armaments, it will be impossible to put a stop to great wars or even to limit armaments. The close connection of the Kaiser and the Krupps explains much of the German militarism. When Philip Snowden two years ago published a list of British public men who owned stock in armament firms, he explained the chiefest cause of England's continually increasing burdens of preparedness, and the conditions in France are said to have been equally bad.

WE WANT AMERICAN PLAN OF PREPAREDNESS.

I want this Government armor-plate factory built as an announcement to those who profit by preparedness and to the world that as this Nation increases its national defense it will decrease the opportunity for private individuals to make money out of those preparations. We all know that public opinion on the subject of national defense is still in a state of change. We are just forming our preparedness policy, and there are all sorts of conflicting opinions. Some of our people are so horrified by the bloodshed and suffering of this world war that they are for peace at any price. They are honestly patriotic in their views and entitled to consideration. Others are so filled with fear of attack by some of the warring nations when this struggle ends that they want to turn this Nation into an armed camp. They are honestly patriotic in their views and entitled to consideration. Still others are making so much money out of war orders and war stocks that they care for nothing except a preparedness policy which will enable them to continue their joy riding with the "war brides." They are patriotic for profit, and whatever defense policy we eventually adopt should be so framed that it will be impossible for them to make a dollar.

PREPAREDNESS POLICY SHOULD NOT CHINAFY NOR PRUSSIANIZE OUR PEOPLE.

The easiest way to determine upon a preparedness policy would be to imitate some European or oriental country, but it would also be the most dangerous. It would be a misfit, and has always led to war. I believe we should work out a national-defense policy for ourselves, remembering that ours is a democratic form of government. But if we are to do this, we must take our minds off of profits and pocketbooks and fix them firmly upon the principles that underlie our Government and our free institutions. Our people should not be Chinafied nor Prussianized by a preparedness policy. They should be Americanized. [Applause.]

Mr. DAVIS of Texas. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUTLER. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, my interest in the question now discussed is confined almost entirely to a tendency of this House and of the country. The paternalism that is so apparent in the last two Congresses, expressed in the phraseology, the language of the socialist, is to me a very significant fact. I take the position that the Government should not do anything that private enterprise can do as well, and certainly it should not undertake anything that private enterprise can do better; and when the announcement is made here that the Government must go into this business because the country has been held up in price I reply the course to pursue is to correct the wrong that has been done. Correction does not demand destruction. If it is true that the Government has been held up—the figures quoted by the gentleman from Pennsylvania [Mr. STEELE] and others quoting from the hearings before the committee, throw a doubt upon the accuracy of that statement—then that wrong ought to be corrected; but it will not be corrected by the method now suggested by the majority of the House. It will be corrected by the Butler amendment which offers to let the Gov-

ernment itself, the only customer of these manufacturers, fix the price it is to pay. That is certainly as much as anyone could ask. It gives the Government the complete control of a contract to be made by it. You who say that the Government can manufacture more cheaply than private enterprise are saying it upon the basis that the Government must not suffer the outlay that the private enterprise must suffer. Private enterprise must suffer the cost of insurance. You say the Government does not need to suffer that cost, because if the property is destroyed we can resort to the Treasury of the United States to rebuild it. Private enterprise must suffer the cost of interest upon the money required to build, and you say that the Government need not do that, because it will take the money out of the Treasury which will preclude the necessity to issue bonds and therefore there will be no interest charge. You say that the private enterprise must pay the taxes to the Government, but that the Government need not pay the taxes, because if it wants to run the affairs of the Government all it has to do is to start the printing press to work, because we have the ink and the paper and the printing establishment down here on the Mall—start it to work and make the money.

There are a lot of Members on the Democratic side of the House who do not believe in that wild-eyed theory, but the soft-money, fiat-currency craze, which insists that you can easily account for the money necessary without cost to the people, is most prevalent on the majority side of the House. You can not vote one single dollar out of the Treasury of the United States which you do not take out of the pockets of the American people—money that came to the Treasury in the form of taxation upon the labor of the people. You can not vote money out to take the place of taxes, the place of insurance, the place of interest without laying a tribute on the people, who ultimately must pay the bill. [Applause on the Republican side.]

Private enterprise must estimate the depreciation of its establishment, to supply new machinery and other repairs; the Government need not do this, since all this needed equipment will come as an additional appropriation from year to year. Private enterprise must consider the necessary additions to its plants in the way of new requirements. The Government does not consider this, since this will be forthcoming for the asking. The overhead charges must be estimated in every industry, and in such large establishments this element is large. But the Government is exempt from this charge.

Here are numerous items that cost extensively, but are all ignored in Government estimates, upon the theory that all these losses which are made up by direct appropriations are not losses, but deficiencies, which do not cost the people anything, simply because it comes out of the Treasury and can be supplied by a deficiency appropriation bill. The fundamental fallacy of such reasoning lies in the assumption that since the Government does not take these items of cost into consideration in making up the estimates of construction it saves to the people that amount in the program. These items must be paid some time and somehow, and the mere fact that they are omitted in the original estimate does not mean, except to the theorist perhaps, that they are permanently excluded.

The proponents of this measure press it on the basis that the Government has been held up in price. Concede the accuracy of this statement. It does not prove that the Government will save in the end. There is no better-established fact than a well-regulated private enterprise will produce the finished article in shorter time, at less cost and greater efficiency, than the Government will. This is established in a hundred ways before our eyes.

Secretary Meyer, knowing the facts, urged the dismantling of several of our navy yards as an actual saving in time, efficiency, and expense.

Here is a reason for great caution against launching the Government into such enterprises. When once inaugurated it will be impossible to discontinue, no matter at what loss the continuing of the enterprise entails. The campaign already in motion to secure the location of the proposed armor plant is but a suggestion of the local interest which, when once established, will continue, no matter what loss may be entailed on the Government. The navy-yard situation is but a suggestion. The Army post is another striking illustration. This feature of local influence should not be overlooked in the character of control exerted over legislators whose duty is to guard the public weal. It is difficult to stop the leaks when to do so means to discontinue some local interest. The individual excuses his opposition on the ground that it comes out of the Government Treasury, which will not feel it because it is negligible. If it is argued that the Government can save the overhead charges because the proposed plant will require but one organization, while the private plants now existent require three separate organizations, the answer is that three could be made into one provided the Sherman law would permit private business to do what the Government proposes to do.

Mr. Chairman, "that government is best which governs least." This dictum of Democracy has been a rallying cry to the hosts ever since it was first announced by its author, Thomas Jefferson, in the early promulgation of his political theory. Expressed most frequently by leaders of Democracy in a negative form, we have it "that system of government is best where the largest individual freedom of opportunity and effort is respected." The fundamental contention expressed throughout all the years by leaders on the stump and in platform was against any governmental interference with individual initiative of the citizen. True, here and there, and now and then, fugitive spurts were made by inconsequential members of the Democracy to commit the party to paternalistic doctrines. Many of these efforts at various times assumed the proportions of propaganda, but usually of short duration. Since the war the socialistic tendency of Democracy expressed itself in various campaigns against a sound-money basis of our currency, in which the inevitable attempt was made to array one group of our citizenry against another. The man without money owes his situation to the man with money. They assumed the rôle of the monitor of the mass as against the class. The remedy proposed, of course, is to reorganize society. The Greenback craze back in the seventies was one instance of the headliner type. The free and unlimited coinage of silver in 1896 was the most historic instance. The public mind has never been totally free of the nostrums. The propagation of the Populist movement is another historic chapter. There always has been and quite probably always will be this element in our electorate. It feeds upon the misfortunes of men from whatever cause. The enthusiastic contention for populistic doctrines was never so apparent as to-day as disclosed in the discussion of the Federal Reserve System of two years ago, the bitter assaults upon the amendment I offered and which, adopted, to preserve the parity of the two metals, declared by Democrats of the unlimited-coinage belief to be an "insult to three-fourths of the Democracy in this country; the wild proposals in the Sixty-third Congress to take over by Federal authority the cotton crop, to hold until a certain price could be secured; the equally wild proposals on the rural-credit legislation, just passed through the House; all these perennial spasms demonstrate the strength of this element in the Democratic Party.

This paternalistic trend is not confined to a particular line of legislation. While the money issue is a favorite field for its advocates, it reveals itself in almost every statute written by this Congress. It is easy to explain. The human race is made up of various types. Some love to work, other do not; some will succeed, others hesitate to pay the price. Vast distinctions exist. Then, modern life is of modern social as well as industrial organization. So much of the utilization of discovery and invention in modern science has depended upon the union of effort under the law in the form of corporations. This means organization—leaders and followers, employers and employees. The railroad system could not have been developed by isolated individual action. It demanded collective energy and creative power, both directive and administrative. Men whose genius enabled them to do either should be commended. The world is reminded of this by the yesterday's papers announcing the death of the empire builder, James J. Hill. His was the mission of the organization and direction of the energies of others. Our country honors herself by respecting his achievements. The modern world, in whatever direction observed, demanded some sort of organization. Many of these utilities serve a public function and are consequently subject to public scrutiny. It is perfectly proper that, since owned by individuals who are subject to all risk, they should operate them; but, since they must affect the public, the public should have some say in the exercise of the functions for which organized—that is, some control not inconsistent with ownership. Hence public regulation of public utilities is justified; hence the regulation of transportation by an Interstate Commerce Commission; the regulation of our currency by the Federal Reserve Board; the regulation of methods of trade by the Federal Trade Commission; the regulation of rural credit by the farm-loan board; the regulation of water transportation by the shipping board. These boards, which have under their control most of the great industries, with billions of privately owned wealth, conducted in the main for profit, find justification of their creation in the conceded right of the public to secure at reasonable rates the benefits made possible by genius of invention, organization, and management. But when these commissions were created their function was strictly such regulation as will concede a reasonable profit; limited to regulation, not operation. However, the

trend is rapidly toward operation in this Congress. The Socialist element of the country insistently urge it. Their cause is not infrequently aided by the unwisdom of various industrial organizations in refusing to meet reasonable demands from the public. It often induces the populace to become militant. The express companies, for example, ignoring the public call, gave ground for the parcel-post law. The law was justified by the attitude of the companies. In this way the Government exercised a regulatory influence by becoming a competitor, in a sense. To this degree the public was justified, but not in the degree of the propagandist who desires the Government to take steps to monopolize this transportation activity by driving out of existence under an unfair competition all private enterprise engaged in this line because of his desire to make the Government chief employer.

The contention of Bryan and his many followers for Government ownership of the telegraph and telephone business of the country, which will doubtless take place in time, is but a step to the ownership and operation of the railroads of the Nation, to which he publicly committed himself some years ago upon his arrival from Europe, and to which the party as now led is approaching with no uncertain purpose. Every official act, including the recent legislation on railway mail pay, points to but one result. The constant heckling of the railroads of the past few years can have but one explanation, as it will have but one result if it continues, that is it will force the giving up of private ownership for Government ownership and operation. When that stage is reached the political activity of the lobbyist of to-day will be mild as compared with the new régime. Those now in power are influenced not by their party's former philosophy but by modern paternalism, and they are committing the country rapidly to universal Government ownership and operation of all public utilities; in a word, to socialism.

Mr. Chairman, every piece of legislation which has admitted of it reveals this trend. The party now in power in the various appropriation measures proceeds upon the theory that the Government is a reservoir of wealth to be drawn upon for various needs. There is no hesitation to make demands and to answer them. Note the Agricultural appropriation bill, with the thousand and one demands upon the Treasury of the Nation. Note the $43,000,000 for rivers and harbors, with many projects indefensible. I believe in internal improvements, but not such as here proposed, which passed the Senate on Monday of this week. Note the proposal to spend $85,000,000 out of the Treasury for building the roads of State and county. If money is to be taken from the Treasury, I admit this is justified since it is specifically for the public and will be accomplished under contract, not in competition with private enterprise. Note the $45,000,000 voted into the mouth of the Mississippi River under the scheme of flood control. This, in my judgment, was not justified and can not be defended. Note the $20,000,000 to build a Government nitrate plant over an obsolete method, proved out of date by the demonstration of more modern methods now in operation in Germany in full blast. This I denounce as an assault upon the Treasury that is shameful. Note the $50,000,000 to put the Government into the shipping business which passed the House last week. Professed to be an emergency, it will become the custom. Now comes the armor-plate factory, after a campaign of months by a Democrat of well-known paternalistic philosophy; a companion piece to the Government ownership of all munition plants as directed by the Democratic caucus.

Mr. Chairman, the real significance of any movement is not in the length of the step so much as in its direction. But this country has reached the stage where most legislation is in one direction and the chief concern is the extent to which it will carry us. The most alarming feature in it to me is the ease with which men embrace a policy, even men who until recently had been stalwart in their opposition to it. Twenty years ago State or national socialism was fugitive; a European doctrine born out of European conditions not yet heard in America. Ten years ago the forum resounded against its tenets as promulgated by the imported leaders. In the last Congress, when we authorized the building of the Alaskan Railroad, I being among those who preferred the Government to do it rather than to make the necessary concessions to private capital in the light of our concessions to the transcontinental roads, loud protests were heard from most of us against our vote committing us to the policy of Government ownership, as the construction of the Panama Canal did not commit its supporters to Government ownership of transportation.

The advocates of modern paternalism embrace every opportunity to remind the Congress and the country of these votes as evidence of their growth, and there is no doubt that many who at that time withheld support view the progress with small concern. That vote will continue to be quoted in support of many measures to come.

In the last two Congresses paternalism has been the dominant note. But nothing in all the past is equal to this present Congress. Members in this House who call themselves Democrats never lose a chance to further their chief theory, paternalism, the inevitable end of which is socialism. The most outspoken paternalist of the present House save one is able upon his record to enter the Democratic primaries of his State and win the race for Senator. When he speaks to his colleagues and when his paternalistic philosophy scintillates in every paragraph, he always has the attention and interest of his hearers. This indicates the response this House gives to it. Democratic candidates for governor enter the lists upon paternalistic platforms. This is done this very year of 1916. Men who but two years ago soundly inveighed against socialistic legislation, then proposed demurely, support the same thing this year; and when questioned why the change, some answer the "Government-ownership element is negligible," while others excuse it by saying, "Well, the people seem to want it." Both answers indicate how complete is the surrender. This progression reminds us forcibly of the familiar words of the poet:

> Vice is a monster of so frightful mien,
> As to be hated needs but to be seen;
> Yet seen too oft, familiar with her face,
> We first endure, then pity, then embrace.

Mr. Chairman, the Democratic passion for Government ownership, once so denounced by the leaders, is best shown in this determination to provide the Government armor-plate factory. The claim that the Government has been held up by these factory owners will not now explain. If that were now the case, the issue would be different. Whatever has been done in the past, the proposition of these owners now before us, and the proposal we are now considering in the Butler amendment, nullifies such statement. It is not a question of the past. It is a question of the present and the future. What is the necessity of a Government-owned plant as here proposed in the light of the offer of the armor companies to furnish the needed armor for an indefinite period at the price fixed by our Government agent, the Federal Trade Commission. Mr. BUTLER offered the following amendment in committee, which was rejected:

> The Federal Trade Commission is hereby directed, immediately after the passage of this act, and annually thereafter, upon the request of the Secretary of the Navy, to investigate and inventory the armor-plate plants of the United States, and to estimate and determine the average full cost of producing armor plate at said plants under the four following conditions, to wit:
> (a) Plants running at full capacity.
> (b) Plants running at two-thirds capacity.
> (c) Plants running at half capacity.
> (d) Plants running at one-third capacity.
> After so determining the full cost of producing armor plate at said plants the said Federal Trade Commission shall, at once, report to the Secretary of the Navy a fair and reasonable price the Government should pay for its armor plate. Upon receipt of such report the Secretary of the Navy is hereby authorized to enter into a contract or contracts for armor plate to meet the needs of the Government, now or hereafter, at or below the price per ton so reported as the fair price for the proportion which the tonnage awarded bears to the aggregate capacity of the plants, and the appropriation hereby made for the erection or purchase of an armor-plate plant shall not be used for that purpose until the said report has been made to the Secretary of the Navy and the manufacturers of armor plate have failed, within 30 days after notice of such report, to accept the same and to enter into a contract for the manufacture of said armor plate at or below the price per ton so reported by said commission.

There can be no more desirable proposal than this. It will be acceptable to all the country, except that portion of it that has a passion for Government ownership and operation of all utilities and wish to add this one more triumph over private ownership.

What is the real armor-plate situation to-day? There are now three factories in the United States that manufacture armor plate—Bethlehem Co., Carnegie Co., and the Midvale Co. These companies built the armor factories upon the recommendation of the Government, as it is the only real customer. These companies have a capacity of 32,000 tons annually. The estimated needs of the Government are not over 24,000 tons. This means these factories will be employed to three-fourths of their capacity if allowed the contract.

The Government-owned plant is not necessary to supply our wants, for the plants already exist and are capable of such needed extension as emergency may demand. What are the facts in regard to cost? Figures officially compiled for the Senate Committee on Naval Affairs from the Naval Yearbook show that under conditions prevailing just before the present European war the chief naval powers were paying these prices for armor: England, $503 per ton; France, $460; Germany, $490; Japan, $490; United States, $425.

What has been the price paid in the past? The Bethlehem Steel Co., according to its statement to the committee, has since 1887 supplied to the United States 95,072 tons of armor, at an

average price of $432.62 per ton. During the same period its aggregate sales to foreign countries amounted to 5,331 tons, about 6 per cent of the total, and out of that amount 3,967 tons were sold at a higher price than was charged in the United States. The fact is that for 20 years the United States has obtained a higher grade of armor and paid less for it than any other great naval power, and that in the face of the fact that wages paid in the United States are very much higher and costs here would naturally be greater. The fact is that the price charged is much lower.

But, Mr. Chairman, I am not so much concerned about what we did in the past. We must not allow the remedy to be worse than the disease. I am therefore concerned about this proposal now before us to erect an armor-plate plant, at an initial cost of $11,000,000, with no suggestion of how much more. To do this of course means to destroy the three plants now in existence. According to the proposed naval program now before us, a Government armor plant of 20,000 tons capacity will more than supply the armor for the program in the proposed bill. When the Government plant is built, the private facilities will therefore become valueless. They are of no use for any other purpose. Not only will a private industry then have been crippled, but an important reserve factor in national defense will have been destroyed. The dismantling of these plants would be a national misfortune in case of emergency.

The Secretary of the Navy in his annual report estimates that the Government can make armor at $262.79 per ton in a plant of 10,000 tons running at full capacity. The prevailing price is $425 a ton. He estimates the difference as the advantage of Government over private manufacture. Here we have the erroneous contention of the paternalist. The estimate is absolutely fallacious. The Secretary's estimate covers mere shop work; it omits many important items which must enter into actual cost. His estimate makes no provision for administration and general expense, for insurance, taxes, and depreciation of plant, for interest on investment, and working capital. The omission of these items enabled the Government to underbid the private yards in the construction of *No. 43* and *No. 44* dreadnaughts and they must be paid in one way or another by either Government or private manufacturer. Secretary Daniels's estimate assumes that the Government plant will be run at full capacity. The award of a contract large enough to keep any plant running full would make possible equally great, if not greater, economies in a private plant.

Mr. Chairman, I hold no brief for any individual or group of individuals. I simply desire to impress the country with the meaning of this propaganda. It is not and will not be confined in this debate to the armor-plate item. The manufacture by the Government of aviation equipment will be pressed, in face of the immature and undeveloped stage of the art of air transportation, which now, under individual initiative, is rapidly approaching the stage of absolute reliance. If any Member had a doubt of the advantage of private as against Government ownership and operation, in economy, efficiency, and speed, let him view the miserable fiasco of a building program under the Government of our present Navy Department, as disclosed Tuesday by Mr. BRITTEN, of Illinois. Let him interpret the significance of the majority vote on the same day against a speeding-up program.

Did the armor-plate situation demand the Government operation, I would not protest. But the Bethlehem Steel Co. made the following statement of its position with reference to armor contracts with the United States Government. When I oppose this proposed armor-plate factory, I am not concerned, save my desire to see the Government pursue the policy to leave individual effort free in all cases where it is possible to do so.

The statement follows:

First. We are urging no plan of preparedness. We have advocated no policy involving increased expenditures by the Government for any purpose. We are attempting to show, in the frankest and most open manner, that it would be unnecessary and unwise for the Nation to spend $11,000,000 to build a Government armor plant, because existing facilities can supply every need, and the Government can buy armor at least as cheaply as it can manufacture it for itself.

Second. If the United States should become involved in war or threatened war, the Government of this country can have any product we manufacture—armor plate or anything else—at any price it chooses to pay; and under such circumstances, and regardless of price, our entire plant will run 24 hours a day with every pound of energy behind it.

Third. It has been stated that this company has realized enormous profits from the manufacture of armor plate. The fact is that armor is the least profitable article we manufacture. In our armor plant, which is useless for any other purpose, we have invested $7,100,000. That same amount of money invested in a steel rolling mill would have earned profits of $1,400,000 a year. Yet that investment in armor plant has produced only average annual gross receipts of $1,418,993. In other words, the same amount invested in a commercial plant would have produced as much profit as the total receipts (covering expenses and profit) for armor supplied to the Government.

Fourth. The profits realized by this company in 1915 were not from armor plate. Our total sales in 1915 were about $200,000,000, of which the gross amount received for armor plate amounted to but $3,000,000—not 2 per cent of our total business.

At the present time we can obtain in Europe almost any price we choose to ask for our products; but we have not since the war began raised the price of any ordnance products to the American Government.

We now offer to reduce the price of armor plate for the United States from $425 to $395 a ton.

The price paid now—$425 a ton—is less than that paid by any great naval power.

It is said that if our offer is accepted, and the Government plant not built, the price of armor will soon begin "soaring." That there is no danger of any such contingency, and as an earnest of our policy—

We will agree to make armor at the reduced price named for at least five years; or

We will agree for an indefinite period to make armor at any price which the Federal Trade Commission may name as fair.

The fact is that armor manufacture is and has been the least profitable branch of steel making.

Japan has a Government plant. She pays wages very much lower than are paid in this country. Her people are known for efficiency, yet the actual cost of her armor plate (according to official data) is $490 per ton. Is there any reason to suppose the American Government could do any better?

We have offered to reduce our price, not because the present price is too high.

The shop cost of producing armor was found by Senator TILLMAN'S committee to be about $262 a ton. Those figures represent our own experience, if our plant ran at full capacity.

The report in 1906 of the committee of naval officers, headed by Capt. Kossuth Niles, estimated that the manufacture of armor costs 10 per cent more for a plant running at only two-thirds capacity, and 30 per cent more when running only one-third capacity.

Senator TILLMAN'S production cost of $262 a ton, running at full capacity, did not include administrative expenses; it did not allow any interest on the value of plant or working capital; it did not provide for insurance, taxes, or depreciation. Such items would in one way or another have to be met by the Government, just as much as by a private manufacturer.

The naval estimates call for 24,000 tons of armor per year for the next five years. If we receive orders for 8,000 tons per year, we can run our plant at two-thirds capacity and reduce our price.

In the past our plant has run at an average of one-third capacity. That is why $425 has been a low price. If we could have run at two-thirds capacity, as is now possible, we could have made a reduction then.

To provide for all items of cost with our plant running at two-thirds capacity, would make the total cost about $399 a ton. This covers merely shop cost plus the carrying charge on the plant; it covers no allowance for profit.

We offer the reduced price named or we agree to accept the findings of the Federal Trade Commission as to what a fair charge would be.

Is it likely that we would suggest, as we have done, an investigation by the Federal Trade Commission if we feared their findings would show extortion in the past?

Our situation is easily set forth:

We have a plant now built which cost us $7,000,000. If a Government plant is built, ours is rendered useless and valueless. The whole of our investment will then be sacrificed.

Any return, however small, on the cost of our plant, any payment toward taxes, insurance, and depreciation, any contribution toward the administrative expenses, is better than the loss of the whole plant.

The passion of this Congress for Government ownership as represented by the majority in both wings is simply alarming. In the light of what this and the last Congress has actually done, and what it attempted and failed to do, I am justified in my statement that the Democratic Party will not only be dominated but will be owned and controlled by the socialistic element within the next score of years. Here is a show-down of your much boasted Jeffersonian individualism. It is a proposal to follow your policy on the nitrate proposition and the shipping bill to place the Government in competition with private enterprise to build an armor-plate plant at an initial cost of $11,000,000 when not needed, thereby dismantling by force of superior power in the Government three plants with a capacity of 32,000 tons, the very plants erected at great cost and at the suggestion of the Government. This proposal is made by this Democratic Congress with the company's counter proposal submitted in writing to supply the Government the needed armor for an indefinite time at a price to be fixed by the Trade Commission, our Government's own agent.

This counter proposition will be rejected, if at all, in the interest of a principle that dominates this Congress, a principle that has become a passion.

In the light of this probability it is pertinent to ask, What will be the next step? It will not suffice these paternalists to make armor plate. The iron ore must be secured and blasted and the steel must be manufactured. Is it easy to understand why already agitation is heard for Government ownership of the ore mines, of freighters, and furnaces to procure the material for armor. The same hatred aroused against the armor manufacturer because he sold at a profit will be aroused at other producers, who can not operate without some profit. It will be said the Government must not be subject to pay the owner's price of the raw material and be compelled to make the armor at a price greater than we can now purchase. Hence, Government ownership of the raw material is necessary.

This is the trend to-day. Already we hear of the Government's duty to take over the oil production, own the pipe lines,

and manufacture gasoline. That is but one demand of many. The same is heard about the price-fixing function of the Government. There is a persistent propaganda now at work to stifle competition by governmental decree that an article must not be sold except at such a price. How far this will extend no one knows. It most probably will extend to the price of meat in due time. Do we propose to purchase cattle ranches, erect packing houses, and own transportation lines—in a word, to raise cattle, slaughter them, pack them, and retail the meat by Government decree? What will be the function of the small farmer in time? This is, of course, the paternalist idea, and judged from the Democratic drift of this Congress it is a Democratic idea. The old Democratic doctrine that the individual should be encouraged by the Government's security of his freedom to initiate and compete has given way to the idea that the Government should assume control of the productive forces and citizens should be its pensioners. In spite of the powerful influence of Mr. Gompers, the great labor movements are rapidly being committed to this propaganda, which is but another straw to indicate the subtlety of the movement. The next step, which is exceedingly popular in certain quarters, is the nationalization of the lands, where all will be tenants in Uncle Sam's domain. Already many Government employees look to the Government to take care of them in old age out the General Treasury as its wards. Members of Congress are flooded with letters and petitions. While a retirement system should and must be devised, it should not be allowed to feed upon the General Treasury, but from a fund created by reasonable contribution of those to become its beneficiaries. When we reach the stage to which the policy of this administration is rapidly tending the Government will be everything and the individual will be nothing save a pensioner. Under such condition we may understand how a German soldier serves his country for 9 cents per day.

This is the party of Thomas Jefferson, whose political philosophy was best expressed in his famous dictum "that government is best which governs least," and who never failed to denounce governmental interference with individual enterprise as pernicious intermeddling. This is the party of James Monroe, who vetoed an act of national aid to internal improvement. It is the party of Andrew Jackson, who by the aid of Calhoun, successfully inveighed against a Government-aided national bank to its destruction. It is the party of Thomas H. Benton, popularly known by his nom de plume as "Old Bullion," because of his hard money views. It is the party of Horatio Seymour and Samuel J. Tilden, both widely known for their sound positions upon governmental questions. This is the party of Allen G. Thurman, John G. Carlisle, Grover Cleveland, and CHAMP CLARK, all known to the world for their rugged common sense. But the party of these leaders has given way to a new school of political thinkers. I can not better express the real significance than was done by our colleague, Mr. SAUNDERS, of Virginia, two years ago, when he delivered himself on the then pending shipping bill:

> This shipping bill has been hailed with delight by Debs, Berger, and other leading Socialists in the United States, and why not? It is a concession that their main contention is fundamentally sound. Enact this bill and the Socialists, not the Democrats, will have occasion to rejoice. Its passage may be a victory for the forces behind this measure, but the fruits of that victory will attach to an opposing organization, since our indorsement of their main contention will give an impetus to the development of their propaganda that nothing else would afford to the same degree.

No one will doubt the accuracy of the distinguished Member's utterance. In the following statement he allows the wish to be father to the thought; in less than two years later he voted for a measure which involved the same principle:

> The Socialist contention that Government ownership and Government operation should replace private ownership and private operation has not found favor in the Democratic Party, at least not up to the present time. For one I am opposed to it. I believe in individual initiative ownership. Hence my opposition to the pending bill which provides for Government-owned and Government-operated ships in the field of foreign trade. The Democratic Party has always favored the development of a privately owned merchant marine. Our last platform calls for such a marine, and the legislation of August, 1914, was intended to lay the foundation on which private capital could build. The amount carried in this bill, great as it is, and capable of being applied to very great advantage in many directions of domestic utility, would buy a comparatively small fleet of merchant ships. Still they would be sufficient to chill the spirit of private initiative, and discourage and deter private capital from the effort to establish such a merchant marine as our platform contemplates.

This trend is not confined to the legislative branch of the Government. It is extremely pronounced in the Executive orders. So far as the public knowledge extends, all of this legislation is heartily approved by President Wilson. His appointments display this warmth of conviction toward Government ownership and operation of the paternalistic coloring. His head of the Industrial Commission will be answer to all such queries. His recent selection of the distinguished Ohioan, Single Taxer Tom Johnson's first lieutenant, as the head of an important executive department at a critical moment indicates his sympathy with the Henry George theories. His recent appointment to the highest tribunal of the country of another brilliant figure well known for his views on economic questions reaffirms the current opinion. His earlier attitude toward business men and business organizations is quite in keeping with his appointments referred to. While it will be asserted that all these appointments and many others were made in the interest of political strategy, the most significant fact is the undoubted and complete control of a refined socialism of the present-day Democracy. The Federal Reserve Board and Federal Trade Commission appointments give this administration the most partisan character since the days of Jackson's spoils régime.

Mr. Chairman, this armor-plate proposition of itself may not be important. I am not deeply concerned about it, except as an indication. Its proof of an incontestable fact is the enormity to me. I am willing to be looked upon as an out-of-date thinker. I am inviting the charge that I refuse to look forward. But I shall accept the chastisement most willingly and will continue my contention that this land is yet the place of opportunity. I desire to hold to the old doctrine that every man is the architect of his own destiny. I will use what influence I may exert against this which I call vicious teaching that we must look to the Government for the satisfaction of our wants. I hate with all my being that poisonous doctrine which declares that if a boy succeeds it was mere accident and if he fails the fault is due to the Government or even, if you please, to society. What we need in America is a revival of the common-sense view that if anyone is willing to pay the price of industry, frugality, devotion to the duty at hand, he will as surely as the night follows the day be rewarded by a reasonable success. On the contrary, success will no longer be a term in the language of our people if self-reliance is eliminated and governmental reliance substituted. This growing doctrine, that has already become a habit of mind with many, that we must milk the Government for every purpose, individual and collective, is not only unwise, but it is un-American, and will sooner or later disclose its real results in the loss of individual initiative, of personal ambition, all lost in the common dependence upon your Uncle Sam, who, we are told, is rich enough to give us all a farm.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had asked a conference with the House on the bill and amendments, and had appointed Mr. CLARKE of Arkansas, Mr. RANSDELL, and Mr. NELSON as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 214. Joint resolution increasing the number of sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing during the fiscal year 1916.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. BUTLER. Mr. Chairman, I yield to the gentleman from New York [Mr. HASKELL].

Mr. HASKELL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUTLER. Mr. Chairman, I now yield 10 minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, I know no man who is interested in the manufacture of armor plate, and I have but a slight speaking acquaintance with any person who is interested in the manufacture of steel. I have no interest in this question except the public interest, and I want to call to the attention of the House for a moment the extravagant waste of public money indulged in by the Democrats of this House. We have just passed a river and harbor bill appropriating more than $20,000,000 which is a plain waste of money.

Mr. GORDON. Mr. Chairman, will the gentleman yield at this time?

Mr. MADDEN. No; I will not yield at all. Within the past two years the Democratic Party has levied a so-called war tax amounting to $200,000,000 upon the people of the country, and it has done so because of the extravagance of the Democratic Party. Within the last week or two we have proposed an appropriation of $3,000,000 more to be added to the $50,000,000

for the extension of the Alaskan Railway. We have just appropriated $50,000,000 for flood control, and the Flood Control Committee has just made a trip to Texas to see if it could discover another river upon which to make further appropriations. We have appropriated $20,000,000 for a nitrate plant in the name of war, when there is no necessity for it. We have appropriated $15,000,000 to be loaned to the rural-credit banks without interest. There is a bill pending, just come from the Senate, appropriating $75,000,000 from the Public Treasury for road building—an activity that belongs to the States; and now we propose, after having just appropriated $100,000,000 for the purchase of ships, to appropriate $11,000,000 more to construct an armor-plate plant. This amounts in all to $524,000,000 charged against the Public Treasury, at a time when there is not a dollar in the Treasury, at a time when not one dollar of it is needed for the proper conduct of the Government, and when every dollar of it could be saved. We are in a period when the people of the Nation are looking to us to prepare for the protection of our institutions, and instead of conserving the finances of the country for the purpose of enabling us to meet the demands of the people, we squander their money on useless nothings, in order to employ additional men upon a Democratic pay roll. Thirty thousand new places have been created within the last four years, at a cost of $44,000,000 a year to the taxpayers of America. I do not know whether we have been paying more money for armor plate than we ought to pay, but if we have a remedy is proposed, and that remedy will be found in the amendment of the gentleman from Pennsylvania, Mr. Butler, which authorizes the Trade Commission, every man of whom has been appointed by the President of the United States, to examine the books of the armor-plate companies to ascertain what it costs to make armor plate, and to furnish that information to the Secretary of the Navy, with the right upon his part to propose the payment of a price to be ascertained by the Trade Commission, and in the event of the refusal of the armor-plate companies to accept that price, then authorizing the Government of the United States to enter upon the manufacture of armor plate. Can anything be more fair? Do you want the Government to drive every business out of existence? You want the people of the United States to pay the taxes and yet every day propose measures here to put the men of the United States out of business in order that you may enter into competition with them at the expense of the taxpayers.

The time has come when the people of the Nation will call a halt to your extravagant waste of public money. The time has come when the people of the Nation will demand that they as the Government shall be permitted to pursue their activities in peace, willing to pay the taxes to maintain the Government, to defend its rights; they will demand their right to pursue their legitimate calling without interference from you or anyone else. The Congress of the United States and the President of the United States combined are not the Government of the United States. The people are the Government of the United States. They have rights that you as their servants are bound to respect and the day is not far distant when they as your masters will call upon you for an accounting of your stewardship and demand to know the reason why in season and out of season you have persisted in embarrassing them in their legitimate pursuits. The time is here now, and on the 6th or 7th day of November the people will speak through the ballot box, and they will speak in no uncertain terms, and when they have spoken you will discover once more that all of this Government ownership embarrassment to the business activities of the American people will be repudiated. I am not in sympathy with any monopoly. I believe that all persons engaged in business under the protection of the American flag ought to engage in that business along legitimate lines, and I believe that they are entitled to the protection of those they elect and those who are supposed to speak for them and not to be embarrassed in every way within the power of those who are but their servants by taking their business away from them and taxing them in time of peace in the name of war, so that you may continue in your extravagant, reckless waste of public funds. You will answer; they will call you to account, and this purpose to enter upon the manufacture of armor plate at the expense of the Treasury in the name of economy will disclose the fact, if you are given the power, that instead of paying $395 a ton for armor plate the Treasury, when you have control of its manufacture, will be charged with double that amount. There will be no way to discover what it costs when the Government makes it. There will be no bookkeeping that will disclose the facts, because the power of taxation is in your keeping and you will cover up the facts in order that you may be able to levy new taxes and have a continuation of your iniquities, your extravagance and lack of wise business judgment. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. Cox].

[Mr. COX addressed the committee. See Appendix.]

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman and gentlemen of the committee, I listened to the distinguished gentleman from Chicago, State of Illinois [Mr. MADDEN], when he spoke about economy, and I want to say to the gentleman I have been in this House ever since the 4th of March, 1913, and every time there is a proposition for the American people to save money I have found the gentleman from Chicago and his Republican cohorts voted against it. [Applause on the Democratic side.]

He is opposing the Government establishing an armor-plate factory at a cost of $11,000,000, which would yearly save many millions of dollars to the American people.

He opposed the establishment by the Government of a nitrate plant to make powder and fertilizer.

The gentleman from Illinois [Mr. MADDEN] offered the amendment to reduce parcel-post packages to 50 pounds. He rails at the Democrats for passing the rural-roads bill. Everything the people need the gentleman opposes.

Every time there has been an amendment offered to add more appropriations on, to bear down on the taxpayers of this country, I have seen the gentleman from Chicago march through the lines to bear down on the people and put additional burdens on them. [Laughter.] Every time the American people have had a proposition pending in this Congress to save money the gentleman from Chicago goes against it. He stands with the great organized capitalists of this country to bear down upon the man who labors.

Here you have a provision offered in this naval bill to give to the American taxpayer dollar for dollar for what goes into armor plate. There is not a man on the floor of this House, there is not 1 per cent of the reading people of this Republic, who do not know that the American people have been robbed by the manufacturers of armor plate ever since we have been building battleships. There is not a reading man in the American Republic who does not know that all these manufacturers of war material, the manufacturers of guns and cartridges, have been robbing the American public; and here, the first time the committee has ever brought out a provision to protect the taxpayers from a further robbery, in so far as armor plate is concerned, the gentleman from Chicago raises his eloquent and able voice against the people for the thieves who have been all these years robbing the people. [Applause.]

Of all the disgraceful scandals that have ever been tried before the American public on the floor of this Congress and through the Department of Justice, the worst resulted in the prosecution or attempted prosecution of the Armor-Plate Trust when they bored holes in the armor and put defective material in the battleships, upon which rested the safety of the commerce and the lives and liberties of the American people; and for that trust this gentleman rises up to-day and says we must not establish a plant to manufacture armor plate. Who is it that opposes the Government manufacture of armor plate for our battleships and battle cruisers? The great steel corporations and the trusts engaged in the manufacture of armor plate. The proof shows that they charged three prices to the American Government; and now is it because our Government proposes to go into this little branch of manufacturing armor plate that our friend opposes it or is it for the benefit of the great trust that manufactures that material? It is plain to me that the people who oppose the Government manufacturing this war material want to continue in the same old rut of allowing the American people to be exploited and plundered.

I want to say to the gentleman from Chicago, in reply to his argument, that the rifles that the Government manufactures cost $16 and those that they have been buying from private factories cost $27—identically the same gun. This machine gun which you have read about, that weighs 32 pounds, cost $1,200, purchased from private factories. As to the little tripod and the harness or braces that go on the mule's back, to carry the gun and ammunition, great statesmen on that committee inquiring about it discovered that a tripod that Sears & Roebuck, of the gentleman's own town, would supply for about 30 cents, is supplied by this gun manufacturer at $300, and that the little carry harness that goes on the mule's back costs the Government $500 at the hands of a private factory. Any man who ever used a shotgun and who is a judge of arms knows that the machine gun, weighing 32 pounds, and a little tripod or pair of tongs to hold it up, is worth about $75, but, manufactured by these people and sold to Uncle Sam, it costs the taxpayers of this

Republic $1,200! Mr. Chairman, the failure to pass this provision in the bill would be a reflection on the integrity of this House. We must take the profit out of war—guns, ammunition, and armor plate. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. BUTLER. Mr. Chairman, I will say to my friend from Tennessee that I wish he would consume a little of his time. He is away ahead of us.

Mr. PADGETT. Mr. Chairman, I will yield 20 minutes to the gentleman from Colorado [Mr. KEATING].

The CHAIRMAN. The gentleman from Colorado [Mr. KEATING] is recognized for 20 minutes.

Mr. KEATING. Mr. Chairman, this has been a very interesting debate. I never thought I would live to see the day when a Republican from Pennsylvania in the American House of Representatives would insist that the so-called "high-priced" labor of the United States could undersell the so-called "pauper" labor of European and Asiatic countries. And yet one of the gentlemen from Pennsylvania assured us to-day that the Bethlehem Steel Co. and the Carnegie Steel Co. and various other companies were selling armor plate to the United States Government for less than the Governments of Asia and Europe were paying for the same kind of armor plate, and the gentleman did not deny that those concerns made money out of the transaction.

Now, my friends, unfortunately the facts do not entirely bear out the contention of the gentlemen. The fact is, we do not know what foreign governments are paying for armor plate. If you will turn to the hearings before the Committee on Naval Affairs, you will find that Mr. BROWNING, one of the gentlemen who spoke this morning, examined Secretary Daniels on this very point. I read from page 3683 of the hearings:

Mr. BROWNING. Mr. Secretary, you are just speaking of exorbitant prices which have been charged the United States for armament. Are we not buying it here cheaper than the countries abroad?

Secretary DANIELS. Nobody knows what the countries abroad are paying.

Mr. BROWNING. It was testified here what they were paying. Even Japan, with her own armor-plate plant, and cheap labor—it costs them more than we have ever been charged.

Secretary DANIELS. That information does not come from any reliable source.

You noticed, when my friend from Michigan [Mr. KELLEY] was addressing the House and the distinguished gentleman from Alabama [Mr. OLIVER] attempted to interrupt him, that Mr. KELLEY did what is very unusual for him—he fled from the attack.

Mr. KELLEY. Mr. Chairman, will the gentleman yield?

Mr. KEATING. But there was good reason for it, and if the gentleman will bear with me I will tell the House why he ran away.

Mr. KELLEY. That is what I would like to know.

The CHAIRMAN. Does the gentleman yield?

Mr. KEATING. He ran away, because he felt that the gentleman from Alabama was about to fire the same shot at him that he had fired at one of the witnesses before the Naval Committee, and that he would tell this House why it was that these steel manufacturers were not selling their surplus products in foreign lands. The reason is, as testified to by the distinguished Secretary of the Navy, that an international agreement exists between these armor-plate manufacturers, and that the American manufacturers can not sell in a foreign country without provoking the foreign manufacturers to cross the ocean and sell in America. Our friend from Alabama [Mr. OLIVER] made that quite clear in the hearing. On page 3690 Mr. OLIVER said, questioning Secretary Daniels:

Is it not a significant fact and in support of the report of Secretary Herbert—

And the report of Secretary Herbert, Secretary of the Navy in the second Cleveland administration, was that there was an international agreement, an international trust, of which the American manufacturers were a part—

that at this time the armor-plate men inform us that this Government, even at the price they were charging for armor plate, to wit, $454, was paying much less than foreign Governments had been paying—I repeat, is it not rather significant that though other Governments were paying and were willing to pay prices greatly in excess of what this Government was paying, still we find no soliciting of sales abroad at high prices; and does not such fact support the finding of Secretary Herbert that there was an agreement between home and foreign armor-plate manufacturers not to interfere with one another?

Secretary Daniels replied:

I think that is true.

Mr. OLIVER. May I ask the gentleman, Is it not a further significant fact that at the time Secretary Herbert made that finding suddenly those home companies all withdrew from the foreign market, although they claimed at that time—in 1895—that they were securing a higher price for armor abroad?

Mr. KEATING. Oh, I will say to the gentleman that the evidence is overwhelming to show that there was an international combination among the makers of armor plate.

Another of our friends from Pennsylvania [Mr. GARLAND] had much to say about the "patriotic Republican boys" working in the steel mills of Pennsylvania who furnished the Government with information which led to the exposé of the blowholes in the armor plate furnished the American Government by the Carnegie Steel Co. Mr. GARLAND told you that he was a representative of organized labor, and I believe he has won the unique distinction of being the only representative of organized labor who ever attempted to defend the Steel Trust on the floor of the American Congress. [Applause on the Democratic side.] The gentleman told you that the information was furnished by the "Republican boys." He did not tell you that those "boys" furnished the information to a Democratic committee of this House and that that committee prosecuted an investigation which resulted in the imposition of a fine of $600,000 on the Carnegie Steel Co. He tried to leave the impression with you that none of that fine was paid. According to the figures of the Navy Department, the fine was reduced by President Cleveland to $140,000, of which $35,000 was paid to those "patriotic Republican boys" in the mills in Pennsylvania and $105,000 to the Government.

Mr. KELLEY. Will the gentleman yield?

Mr. KEATING. I have not much time, but I will yield to the gentleman, because he is always courteous.

Mr. KELLEY. Referring to the question of selling armor abroad, I should like to call the attention of the gentleman to the fact that on page 3751 of the hearings there is a reason given why they do not sell abroad. Secretary Daniels, in reply to a question by myself, said:

You ought to recollect that in most countries the Government is a partner or controller.

Then I asked the question that if that be the case, that if the Governments are partners or controllers, how he could expect the armor makers of the United States to go into foreign countries to sell their products?

Mr. KEATING. I trust the gentleman will not contend that it is impossible for the armor-plate manufacturers of the United States to sell abroad. You may search the hearings from one end to the other and they will sustain the contention that there is absolutely nothing to show that there is a condition abroad which prevents our manufacturers selling there.

Mr. KELLEY. If, as the Secretary of the Navy says, the Governments abroad are interested in the factories, how would the gentleman expect our armor-plate makers to get the opportunity to sell to the Governments abroad?

Mr. KEATING. The Governments abroad are not interested in all the factories.

Mr. KELLEY. The Secretary so stated in his testimony.

Mr. KEATING. I think the gentleman is putting a rather broad interpretation on the remarks of the Secretary.

Mr. KELLEY. I have quoted his statement exactly.

Mr. KEATING. I have no doubt of that. I would not for a moment imagine that the gentleman would not quote it exactly if he quoted it at all, but the gentleman knows that according to the quotation which he has just read that Secretary Daniels does not say that all the European Governments are interested in the domestic armor plants. What the Secretary said was that "most of the countries" were so interested. The Secretary all through these hearings has contended that there was an international armor-plate combine, and time after time, in response to questions propounded by the gentleman from Michigan, made it perfectly clear that, in his judgment and in the judgment of Secretary Herbert, there was an understanding between American and foreign manufacturers, and that it was that understanding which prevented American manufacturers selling abroad. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Is there any further time to be used? If not, the Chair will put the question.

Mr. BUTLER. Mr. Chairman, will the chairman of the committee permit me to have a little colloquy with him? The demand on this side for time to express views upon the subject now before the committee is very great. Would it be agreeable to the gentleman that we extend the time for general debate 15 or 20 minutes on each side so as to accommodate gentlemen who wish to speak. I will admit that the gentleman has been generous, but I can not refuse to submit the request, because there is great pressure on me for more time.

Mr. PADGETT. I am willing that the gentleman should submit the request to the House. I will not offer any objection to an extension of 15 minutes on a side, if the House is willing.

Mr. BUTLER. Will the gentleman object to a request for 20 minutes on a side?

Mr. PADGETT. Say 15 minutes on each side.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the time for general debate be extended half an hour—one half to be controlled by the gentleman from Tennessee [Mr. PADGETT] and the other half by myself.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that debate on this amendment and all amendments thereto may be extended 30 minutes—one-half to be controlled by himself and one-half by the gentleman from Tennessee [Mr. PADGETT]. Is there objection?

There was no objection.

Mr. BUTLER. I yield four minutes to the gentleman from Kentucky [Mr. POWERS].

Mr. POWERS. Mr. Chairman, President Wilson has again changed that changeable "single-track mind" of his. He now favors, at least for election purposes, a tariff commission. Formerly he was opposed to it. Formerly he was in accord with the views of his party and the well-known Democratic doctrine on this question. It was the Democrats who opposed the organization of a tariff commission in 1865; also in 1883, as well as in 1910. All three of the commissions to which I have referred did good work, but in each case Congress paid little heed to their labors and reports and all of them passed quietly out of existence. It was the Senate Democrats who opposed and voted against the creation of a permanent tariff board in 1909 and the House Democrats who filibustered it to death during the closing hours of the Sixty-first Congress, 1911; and but for a provision in the Payne tariff law of 1909 authorizing the President to employ such persons as might be required "to secure information to assist the President" in knowing whether or not any trade discriminations were being made by foreign countries against our exports, President Taft never could have appointed his tariff board.

The Democratic Party has fought the creation of such a board all along the line. Pressing political necessity has forced President Wilson to change his position on this vital question. He now asks the Democratic Party to change its position. He had his son-in-law, Secretary McAdoo, to draw up an administration tariff commission bill. The majority leader, CLAUDE KITCHIN, I understand, refused to stand sponsor for it; so that job has been undertaken by Representative RAINEY of Illinois, one of the Democratic heavyweights of the House. He has introduced the McAdoo bill, which is now known as the Rainey tariff commission bill. It is the administration measure and the one which the President will try to force through this Congress.

It provides that the tariff commission "shall be composed of six members, who shall be appointed by the President," and that each commissioner shall receive a salary of $10,000 per year.

Section 3 of the bill makes it the duty of the commission—

> To investigate the administration and fiscal effects of customs laws of this country now in force, or which may be hereafter enacted, the relation between the rates of duty on raw materials and finished or partly finished products, the effects of ad valorem and specific duties, * * * and it shall investigate the operation of the customs-tariff laws, including their relation to the Federal revenues.

Section 5 provides:

> That the commission shall have power to investigate the tariff relations between the United States and foreign countries, commercial treaties, preferential provisions, the effect of export bounties and preferential transportation rates, the volume of importations compared with domestic production, and conditions, causes, and effects relating to competition of foreign industries with those of the United States, including cost of production and dumping.

These sections set out the powers and duties of the proposed tariff commission, except it is to make its reports to Congress, to the Ways and Means Committee of the House, the Finance Committee of the Senate, and the President. It is to investigate the "effects" of customs duties. Why the "effects" and not the facts? Why investigate the "effects" at all? Did not the Baltimore platform tell us all about the effects? Was not the effects the high cost of living, the existence of trusts, unwarranted extravagance, and were not the many robbed to enrich the few? The people do not need any tariff board to tell them about the "effect." They understand the nightmare of hard times that swept over this country following the enactment of the Underwood tariff law. They know about the idle factories, the closed workshops, the suspended traffic, the 5,000,000 jobless men, the closed mines, the bread lines and soup houses that sprang up overnight and remained to plague the authors and advocates of the free-trade measure. This commission is to investigate the "relations," between "the rates of duty on raw materials and finished or partly finished products." Why? It shall investigate the operation and effects of the customs laws. What is the purpose of that? "It shall have power to investigate commercial treaties." Why investigate them? It shall have power to investigate preferential provisions. And what is that for?

Why not abolish them at once, in so far as lies in the power of the commission and a Democratic Congress? The commission shall have power to investigate the volume of importations compared with domestic production. And what do the Democrats want that done for?

The commission shall have power to investigate all conditions, causes, and effects relating to unfair competition of foreign industries with those of the United States, including dumping. And what can be the purpose of all that from a Democratic viewpoint? Why are they concerned about conditions, causes, and effects of unfair competition of foreign industries with those of the United States? What has that got to do with the manner in which they are to levy tariff duties and collect revenues? Has not it always been the theory of the Democratic Party that their only purpose in imposing tariff duties upon goods shipped into this country is to raise enough money to run the affairs of the Government when economically administered? They do not care how tariff duties affect American industry and American wage. All they want to know is whether it will produce revenue. Has not it always been their theory that they levy tariff duties not for the purposes of protection but for the purposes of revenue and for no other purpose? Did not Senator SIMMONS, joint author of the Underwood-Simmons tariff law, say in the Senate?—

> We are not trying to give protection in the duties we impose here.

And yet the only purpose of a tariff commission is to ascertain facts upon which a protective tariff can be based. There can be no other reason assigned for its existence. Has not it been the Democratic position all along that tariff duties levied for the purposes of protection were unconstitutional? Did not they say this in the platform upon which President Wilson was elected? It reads as follows:

> We declare it to be a fundamental principle of the Democratic Party that the Federal Government, under the Constitution, has no right or power to impose or collect tariff duties except for the purpose of revenue.

The Supreme Court of the United States has decided in the case of Champion *v.* Ames (181 U. S., 321) and in the case of McCray *v.* The United States, reported in One hundred and ninety-fifth United States, page 27, and in other cases, that Congress does have the power to legislate to protect American industries and that such legislation is not unconstitutional; but that does not feaze the Democratic Party or interfere with their ridiculous platform declarations.

If it be true, as claimed by the Democrats, that to levy tariff duties for the purpose of protection is unconstitutional, how can they consistently advocate the creation of a tariff commission to investigate the "effects" of customs duties or even the facts in regard to them? Why are the Democrats now concerned about the "effects"? What have the "effects" got to do with it if it is unconstitutional to levy duties for the purposes of protection? If it is unconstitutional to levy tariff duties for the purposes of protection, what does the Democratic Party want with a tariff commission "to investigate all conditions, causes, and effects relating to unfair competition of foreign producers with those of the United States, including dumping"? If tariff duties can be constitutionally levied only for the purposes of revenue, why create a permanent tariff commission at a cost of $300,000 annually to investigate conditions and wrongs, which could not be constitutionally righted, even though they should be found to exist? What use, pray tell me, has the Democratic Party for a tariff commission since tariff duties, according to its theory, can be levied only for the purposes of revenue?

If the Democrats are right in their contention, the creation of a tariff commission empowered to investigate the various things provided for in this bill, at an annual expense of $300,000, is unwise and foolishly extravagant. If the Democratic theory of levying tariff duties merely and only for the purposes of revenue is the correct one, all the data and information they need for that purpose is easily accessible now in the proper departments here in Washington. All they need is a few statistics from the Treasury Department as to imports and exports, especially imports, and a little expert advice as to how these would be affected by the raising or lowering of the duties and an estimate as to the amount of money needed to defray the expenses of the Government and the tariff bill is ready. That is partly the reason why the Democrats paid no attention to the arguments used by the business world in shaping the Underwood tariff law.

It was partly on the theory that they did not need the data furnished by a tariff board, and partly on the theory that the Taft Board's reports were partisan, that the Democrats refused to either use its reports or to appropriate money for its maintenance.

The Democrats said that the unanimous reports of this board were partisan and declined to consider them in drafting the Underwood tariff law. The reasons why the Democrats refused to use or be in any way guided by the reports of the board, were that the facts found in them failed to support their theory of "a tariff for revenue only." The three Republicans and the two Democrats on the board made able reports on print paper, crops, and farm animals, wool and cotton. Each of the reports were agreed to by all the Democratic as well as all the Republican members of the board, nevertheless they were rudely repudiated by the Democrats of the House in shaping their tariff legislation.

They said that the report of a tariff board was useless; that all the data needed was easily accessible; that it was the duty of Congress to frame tariff legislation independent of the advice of other bodies or boards; that the maintenance of the tariff board was a useless expense. So they put it out of existence June 30, 1912. And besides did not President Wilson, both in his letter to ex-Gov. Cox, of Ohio, and in his Indianapolis speech, say that a tariff commission was unnecessary and that the Federal Trade Commission was already clothed with all the functions of a tariff commission? And if these things be true it is nonsensical—it is worse than that, it is positively criminal—to tax the people of this country the enormous sum of $300,000 each year to obtain data not needed by Congress, or, if needed by it, easily accessible in the Treasury Department. No, gentlemen; your thinly disguised purpose and feverish haste to create a tariff commission at this particular time will fool nobody. Do not be deceived about that. President Wilson hopes to capitalize for himself, and you hope to capitalize for your party, a sentiment that exists in the country for a tariff commission. Your motive is to turn that sentiment to your own political ends. You hope to give us the name, but not the substance. How could you give us the substance without overturning your Democratic teachings and beliefs of a lifetime?

The President knows that the Underwood tariff law is anathema in all parts of the United States, and that the voters are more than anxious to pay their respects to its real author, the President himself. He now attempts to becloud and confuse the situation and the issue by his belated advocacy of, and conversion to, a tariff commission. He hopes to raise a fog and make the voters believe that through such a commission the tariff blunders of the Democratic Party can be rectified and the sufferings of the people relieved. President Wilson knows that the Underwood tariff law is an utter failure; that it has neither protected American industry nor raised the requisite revenues to pay the running expenses of the Government.

He says he has changed his mind about the necessity for a tariff commission, but adds in his letter to the Democratic majority leader, Mr. KITCHIN:

> I have had in this change of mind no thought whatever of a change of attitude toward the so-called protective question.

It is plain to be seen that the President is a free trader still. He says he has not changed his mind about "the so-called protective question." He is as much of a free trader now as he has always been. He is the same bitter opponent to the American doctrine of protection that he has been in the past, and neither by act nor word will he give encouragement to it. It is the duty of the President to recommend such legislation as will fulfill the platform pledges of his party. He will want a tariff board that can be relied upon—a board in full accord with his own and his party's views. This Rainey tariff commission bill provides that the President shall appoint the six members of the tariff commission for terms of 2, 4, 6, 8, 10, and 12 years, respectively. The Democrats, of course, will be appointed to the long terms.

When Representative BARNHART, of Indiana, went down to the White House and proposed to President Wilson that Congress name five members of the commission and the President one, no doubt Mr. Wilson felt like showing him the door. The President emphatically disapproved the idea. He wanted to appoint them all. The bill provides, as I have said, that he shall do so. He will appoint a tariff commission that believes as he does.

He will put upon that board no man who is a protectionist, no man who believes in giving assistance to American capital or American labor. From such a body there will come neither sympathy nor assistance to any American manufacturer or American wage earner. No effort will be made by it to equalize conditions here and abroad. The voice of the business world will not be heard. Such a body would start its investigations with the predetermined belief of a lifetime that protection is a form of robbery and that only in free trade can the masses get a square deal. All their collection of data, all their investigations, all their conclusions would be directed to that end.

In the very nature of things any tariff board appointed by President Wilson would be a partisan free-trade body, notwithstanding the bill provides that not more than three of the members of the board "shall be members of the same political party." Upon more than one occasion President Wilson has made known to the world what his notions of a nonpartisan board is. He seems incapable of appointing a nonpartisan board of any kind. And, too, it should be remembered that the Rainey bill provides that the President may remove any member of the commission for inefficiency or neglect of duty. It will be the purpose of the President to appoint pencil-marked instead of engraved Republicans, should he appoint a Republican at all; but if in this he should make a mistake and appoint a real Republican, who would undoubtedly balk at Mr. Wilson's instructions, he would be relieved of his job on the charges of "inefficiency and neglect of duty."

The law provided that the Federal Reserve Board should be nonpartisan, but when President Wilson got through making his appointments the board stood six Democrats to one Republican, with his son-in-law, McAdoo, and John Skelton Williams, another violent partisan, ex officio members of it.

The law provides that the Federal Trade Commission should be nonpartisan. After President Wilson made his appointments it was found that there was not a Republican on it. A tariff commission appointed by the President will be equally partisan. The Democrats accused the tariff commission appointed by President Taft of being partisan and refused to use its findings of facts.

Would not the Republicans be able to use the same argument against the findings of facts of the board appointed by President Wilson, if such a board there should be?

It should be noted, however, that it is not the purpose of the Wilson tariff board to report findings of facts; it will be empowered merely to express opinions, to investigate the "effects", of customs laws, not to find the facts concerning them, and report them to Congress.

Congress is the body that will finally have to pass upon the rates of tariff duties, whether there is one tariff commission, a hundred, or none. The Constitution provides that Congress shall do this. What Congress wants are the facts and not the expressions of opinion of any board or body.

A tariff commission's report on the "effects" would be merely an expression of opinion by the members of the board in conformity with their respective party beliefs—nothing more. And, mind you, the tariff board originally proposed by the President was neither required nor empowered to report to him or to Congress its findings of facts or even its opinions. It was merely to report its opinions to the two tariff-making committees of Congress—the Ways and Means Committee of the House and the Finance Committee of the Senate.

Representative GEORGE W. FAIRCHILD, of New York, a member of the Ways and Means Committee, said concerning this feature of it:

> Each of these committees is absolutely partisan, appointed for the purpose of reporting tariff measures that reflect the tariff policy of the party in power. Republican members of the committee were not permitted to share with the Democratic members in drafting the Underwood bill, and this is the custom usually followed.

The new tariff commission bill approved by the President and introduced by Mr. RAINEY on March 27, 1916, differs from the first bill in some respects. Among other things, it provides that the commission shall report to the President and to Congress, as well as to the two committees heretofore mentioned; but it will, in effect, be the same as reporting to these two committees, since the reports of the commission will be referred to them.

In practice the majority of neither of these committees permits the minority to share in drafting a tariff bill. A majority of these committees would obtain from a majority of the tariff commission a report in favor of the policy favored by their party. The minority on these committees would obtain a report from the minority of the commission equally partisan. The result would be that instead of the tariff board taking the tariff out of politics, it would, in a way at least, be dragging it further in. The intention and purpose of the reports of the majority and minority of the board, respectively, would be either to foster and fortify the Republican position of protection or the Democratic theory of free trade. Free traders do not need a tariff board at all; protectionists do. Protectionists need it to report the facts showing the difference in the cost of production and wage here and elsewhere, to the end that such tariff duties may be levied as will adequately protect both from

the low-priced labor and cheaply produced products of other countries, and yield a fair and reasonable profit to the American producer.

When another tariff commission is created it needs to be created and its work outlined by the party that gave the idea birth and not by the party that saw no virtue in it and that consistently opposed it, until they saw an opportunity to turn their advocacy of it to political account.

The President is playing a gigantic game of politics in his quick conversion to the tariff-commission plan. He saw condemnation and defeat staring him in the face. It caused him to turn turtle. The public was demanding the repeal of the Underwood tariff law, which gave the President so much pleasure to sign. Something must be done by the President to check adverse sentiment. Create a tariff commission and take the tariff out of politics was the plan devised, but it will fail to work. The people want the tariff revised, but they want it done by its friends, not its foes. If a revision of it depended upon the creation and investigation of a tariff commission, it would be at least five years before it could be done. The Democrats are satisfied with the Underwood law. They do not want revision. They want delay. They want to lull the American people, and especially the protectionist voters, into a sense of safety until the November election is over.

Unless a protective tariff is put on the statute books of our country restoring protection to our home markets, home products, home industries, home capital, and home wage earners before the war in Europe is ended, industrial death and want await us.

God pity the bleeding, death-strewn countries of Europe until this fearful war is over, and God pity us afterwards unless protection is restored.

Mr. PADGETT. Mr. Chairman, I yield eight minutes to the gentleman from Wisconsin [Mr. REILLY].

[Mr. REILLY addressed the committee. See Appendix.]

Mr. BUTLER. Mr. Chairman, I yield as much of five minutes as he may desire to the gentleman from Pennsylvania [Mr. MILLER].

Mr. MILLER of Pennsylvania. Mr. Chairman, the bill under consideration appropriates the gross sum of $241,449,151. It is the largest naval appropriation bill ever presented to Congress. It is an increase of $91,787,000 over the appropriation for the year 1916.

If the amendment offered by the chairman of the Naval Committee [Mr. PADGETT] authorizing the building or purchase of a plant to manufacture armor plate prevails, it will increase the appropriation $11,000,000, making a total of $252,449,000.

The building program of the bill provides for an expenditure of $160,000,000, but this bill only provides for $59,000,000 to be expended during the year 1917. The other $101,000,000 is to be appropriated for in the next session of the Sixty-fourth or a succeeding Congress.

The bill provides, among other expenditures, for the building of the following:

5 battle cruisers, at a cost not to exceed	$75,000,000
4 scout cruisers, at a cost not to exceed	18,000,000
10 torpedo boats, at a cost not to exceed	10,000,000
20 submarines, at a cost not to exceed	34,000,000
1 fuel ship, at a cost not to exceed	1,265,000
1 ammunition ship, at a cost not to exceed	2,600,000
1 hospital ship, at a cost not to exceed	2,250,000

Although the bill provides for a large amount of money, I will support it, but I hope the amendment of the chairman of the Naval Committee [Mr. PADGETT] to appropriate $11,000,000 to build or purchase a plant to manufacture armor plate by the Government will be modified by the amendment of the gentleman from Pennsylvania [Mr. BUTLER] authorizing the Federal Trade Commission, after a full investigation as to the cost of armor plate, to make a report to the Secretary of the Treasury as to what would be a reasonable price per ton, and in the event that the owners of the existing armor plants refuse to accept such price, then the proposed appropriation of $11,000,000 shall be available to enable the Government to build an armor plant or factory.

Mr. Chairman, so far as my district is concerned, although it is an iron and steel manufacturing district, it does not mean a button to any citizen residing in it whether the Government builds an armor-plate factory or whether it does not. Nor do I regard this as a political question. It is purely a business one. This country needs armor plate, and some one must make it. If we were buying it abroad, or if there were no manufacturing establishments in the country that produced it, and we had the bill before us that we now have appropriating $160,000,000 in the next two or three years for a naval-building program, I would say, let the Government build an armor-plate factory. What have we got? We have three armor-plate factories in the United States with an annual capacity of 32,000 tons. In the last 28 years the Government has never but once exceeded that amount in contracts—not that much was built in any one year, but in one year—1900—there were contracts made for a little more than 37,000 tons, which were made in that and subsequent years. In the year 1912 contracts were made for 15,343 tons; in 1913, for 15,876 tons; in 1914, for 24,384 tons; and in 1915, for 16,021 tons, but the average annual amount in the last 28 years has been a little over 8,000 tons. What do we propose? We have three factories in this country with an annual capacity of 32,000 tons, and this bill proposes to use about 24,000 tons annually, every ton of which can be made by the three establishments. Somebody says that it costs too much, but the amendment of the gentleman from Pennsylvania [Mr. BUTLER] proposes that the Federal Trade Commission appointed by President Wilson, composed of fair men, a majority of them Democrats, shall fix the price at which it shall be made. Is not that fair? Can the Government do better than that?

But there is another matter. The program that is provided for in this bill, if followed out, will provide for more armor plate annually than the Government can build with this proposed plant, which is to have a capacity of not exceeding 20,000 tons a year. Where are they going to get the other 4,000 tons? Does any man of sense presume for one moment that the three armor-plate factories, that have a capacity for 32,000 tons, will keep their plants ready for operation to make 4,000 tons annually? That is absurd. The factories are of no use for any other purpose; they can not utilize them for any other purpose, and the result will be, if this bill is passed, that they will be dismantled, and then what? Does any man know what it will cost to make armor plate if the Government makes it? Not a man in this House, not a man in the United States, knows what it will cost the Government to make it. It is admitted that the Government of the United States to-day is getting armor plate cheaper than any other country in the world. It is conceded that it is getting the best armor plate manufactured in the world, and it is conceded that it is getting it always and all of the time when it is wanted. Why build a factory? Why make an experiment when you can not make it any cheaper than you can get it under the amendment offered by the gentleman from Pennsylvania? [Applause on the Republican side.]

By unanimous consent Mr. MILLER of Pennsylvania was granted leave to extend his remarks in the RECORD.

Mr. BUTLER. Mr. Chairman, I yield three minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman and gentlemen of the committee, I think we should approach this question in the same manner that we would approach a business proposition of our own. I want to submit whether or not any gentleman in his own enterprise who thought of making an investment of $11,000,000 in a business when another institution stated to him that it would manufacture the product for him and let him name the price at which it would be manufactured? I would like to know whether or not he would be warranted in going into that business? I want to say that as a general proposition it is the history of the manufacturing institutions of this country that the Government can not successfully compete with private enterprise in the cost of manufacture of any product it undertakes to make. You are simply throwing away the $11,000,000 you are putting into this enterprise in order to manufacture armor plate. Private enterprise and individual effort has made this the greatest manufacturing country on the globe. I am not afraid that we will not be prepared for any conditions that are going to confront us. This country will never suffer from any attack of any foreign power. We are perfectly safe with Canada on the north, for the day that England would strike out for this country she would lose that great colony, and what little there is left to us of the Panama Canal, after what we gave to England, both countries can defend. If this country and England can not, then let Germany come over and take it for a little while until we set our house in order and we will go down and blow her out of the sea.

Why, we are perfectly safe. You can put Belgium, Holland, and ancient Greece down in the State of Arkansas, and you can put Japan over in California——

Mr. STEPHENS of California. No; you can not.

Mr. SMITH of Michigan. Well, the World's Almanac gives the area of California at 158,297 square miles and of Japan at 147,000 square miles. You can almost put Italy into Florida, and they look a good deal alike. But I base this preparedness not upon a fright that we are in danger of being wiped out, but I put it upon the proposition that it is our duty and only a good business proposition for us to keep up with the prosperity of our country. [Applause].

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, will the gentleman from Tennessee use a portion of his time?

Mr. PADGETT. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER. Mr. Chairman, this debate seems to have proceeded on the idea that the only purpose to be accomplished by the building of a Government armor-plate plant is to secure a cheaper price than has heretofore been paid. While the extravagant prices charged may have first suggested the inquiry that finally led to this proposed legislation, yet economy is only one of the many good reasons that can be assigned to show the necessity and importance of making this appropriation for a Government armor-plate plant.

I will briefly state some of these other reasons and later discuss more at length the question of price. Many believe that the item of profit should be removed and thereby lessen the incentive that some think has existed on the part of armor-plate manufacturers to unwisely insist on the type of ships that should, from time to time, be added to our Navy. The amount of armor plate necessary for a battleship is about 8,000 tons and the amount necessary for that other important class of capital ship, known as the battle cruiser, is only about 3,000 tons. It is rather significant that our Navy to-day is admittedly unbalanced, because we have emphasized heretofore the building of battleships and have failed to build any battle cruisers. England laid down her first battle cruisers in 1905 and Germany laid down her first in 1907, and now all of the naval officers who have appeared before our committee point out the imperative necessity of adding at once a number of battle cruisers to our fleet in order to make it efficient. A further reason has been assigned by the Manufacturers' Record and other publications of recognized force and authority that an armor-plate plant owned by the Government should be established at some point in the interior, and that for strategic reasons it is a great mistake to concentrate all these factories in a narrow area.

Naval officers have further called the attention of the committee to the fact that it would be wise to maintain as secret those processes that may be adopted for the making of the best and highest type of armor plate, and in this connection I will say that we have not yet reached the limit in improving the quality of armor plate. Reference has been made in this discussion to the fact that the quality demands of our naval officers are wisely made more exacting from time to time. Now, to advert to the question of price and to answer the claims made by the gentleman from Pennsylvania that an injustice would be done the private plants located in that State if the Government should now establish an armor-plate plant, for the reason that some, at least, of the present plants, back in the year 1887, were requested by some Secretary of the Navy to go into the business. Taking up this last claim first, it is probably sufficient to say that the committee appointed by Secretary Herbert to investigate the cost of armor plate reported in 1896 that the profits realized by the Carnegie and Bethlehem companies up to that date had repaid practically the entire amount invested by said companies in their plants.

Much complaint was heard at that time as to the high price charged by these two companies, and in 1898 Congress passed a bill limiting the price to be paid for armor plate to $300 per ton; later, in the year 1899, a limit of $400 was fixed as the maximum price to be paid, and a few months later a bill was passed by Congress appropriating $4,000 for the purpose of beginning the construction of an armor-plate plant for the Government, provided the Secretary of the Navy could not secure a satisfactory price for armor plate. Now, in the face of this adverse legislation and the probability of the Government establishing a plant of its own, we find that both the Carnegie and Bethlehem companies made valuable additions to their plant about the year 1902, and that in 1903 a new company, known as the Midvale Co., evidently aware that the Government was demanding cheaper armor plate, and recognizing the large profit, no doubt, that the two companies then engaged in this business had been making, undertook to construct an armor-plate plant in competition with these two that had secured up to that time all Government contracts for armor. The Midvale Co., before the final completion of their plant, offered to submit bids on armor and to furnish approved security that if any part of the contract was awarded them they would be prepared to comply with the terms within the time fixed. This offer was rejected; and not until after the Midvale Co. had completed its plant do we find that there were any real competitive prices submitted for our armor needs.

The Midvale Co., however, submitted a bid of $398, as opposed to a bid by the Bethlehem and Carnegie companies of $420, in the latter part of the year 1903, and, while a small part of the armor order was awarded to the Midvale Co. at its low bid, yet more than two-thirds of the award was made to the Carnegie and Bethlehem companies at the advanced price of $420. In 1905, the Midvale Co. submitted a bid of $346 and the other two companies a bid at the same price that had been formerly awarded them. Only a part of the armor was awarded to the Midvale Co., notwithstanding its low bid, the rest being awarded to the other two companies; so in 1907 we find that all competition disappeared and that the armor requirements of the Government, from that year until March, 1913, when the present Secretary of the Navy came into office, were divided equally among the three armor-plate plants, to wit, the Carnegie, the Bethlehem, and the Midvale companies. The price to each was fixed at the same basic sum of $420, and afterwards, when the eight-hour law was passed, this basic price was raised to $454, and yet these three companies insist that there was no understanding or agreement that they would submit the same bids.

The CHAIRMAN. The time of the gentleman from Alabama has expired .

Mr. PADGETT. Mr. Chairman, I will yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes more.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield now?

Mr. OLIVER. Let me first finish. The present Secretary of Navy, Mr. Daniels, when bids were submitted for armor plate for the *Arizona*, called the attention of these companies to the singular similarity in their bids and refused to accept the same, demanding a resubmission. On the contract for armor for that one vessel he saved, by demanding competitive bids, more than $100,000, and later, on the armor purchased for other battleships since he became Secretary, he has saved a million dollars or more. I will add, if we should now accept the maximum price that the Midvale and Bethlehem companies offer to sell armor plate in any quantity to the Government for, to wit, $395, we would save, in round figures, on every battleship hereafter built, in the cost of its armor plate alone, about one half million dollars. Yet, in the face of these facts, the Midvale and Bethlehem companies still insist that they have not in the past charged this Government an excessive price for armor plate.

We have had three reports made by committees, appointed under different Secretaries of the Navy, as to the cost of manufacturing armor plate. One of these reports was made about the year 1896, one about 1906, and one to the last Congress. In the main, all three of these reports agree as to the cost of manufacturing armor plate; and the amount, shown by these reports as a reasonable price for manufacture, is about $262, some placing it as low as $230.

Mr. KELLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Michigan?

Mr. OLIVER. Not just now.

Mr. KELLEY. I yielded pretty generously to the gentleman.

Mr. OLIVER. I will gladly yield to the gentleman a little later.

We find a remarkable statement made by the manager of the Bethlehem Co. to the effect that during the 29 years, since that company began making armor plate, they have only realized a profit of 1¾ per cent on their investment. It is a little surprising that, notwithstanding this small profit, they were willing in 1902 to make valuable additions to their plant and that another company—the Midvale Co.—should have come into the market. Attention is called to the further fact that notwithstanding the claim of the Bethlehem Co. that they have only received 1¾ per cent on their investment, yet we find no complaint offered by them to the price of $420, which they submitted and readily accepted contracts for. Is it not passing strange that with a large business, paying only 1¾ per cent, some complaint was not offered against the price of $420, which was the price down to the time, when it was increased to $454, simply to meet, as they insisted, the actual additional expense entailed by reason of the eight-hour law? It is very evident to anyone who will carefully read the facts submitted to the committees and who will analyze the report of these committees that the Government has been paying large and excessive prices for its armor in the past and that the only way to now determine what is a fair and just price for armor plate is for the Government to build a plant of its own and undertake to supply partially, at least, its needs.

Attention should also be called to the fact that in the report of 1906, submitted to Secretary Herbert, the committee found that the Bethlehem and Carnegie Cos. had united with foreign armor-plate factories and had withdrawn, as a result thereof, from the foreign field. It is a singular fact, in this connection, that about two years before this report was filed,

one of the armor-plate factories in this country had been soliciting foreign business and had secured it, according to their statement, at a satisfactory price, higher even, so they claim, than they were receiving from this Government. Yet, when the committee appointed by Secretary Herbert went abroad to make investigation as to the cost of armor plate and reported that an international agreement had been formed, whereby foreign companies withdrew from this market and the companies in this country no longer solicited business in foreign lands, we find in support of such report that no effort has been made by either the Bethlehem or the Carnegie Cos. to sell or solicit orders from abroad since such date, nor any by foreign companies to solicit business here.

These companies, in recent hearings before the committee, made bold to assert that the prices paid by foreign Governments for many years past had been in excess of what this Government was paying for armor, and yet these same companies, now complaining of lack of business and pointing out that during many years their plants have been shut down for want of business, have made no efforts to secure contracts abroad. Does this not show that the report made in 1897, to the effect that a combination had been formed, whereby these companies would not compete longer for foreign orders was true?

If the companies had only been making 1¾ per cent on their investment, it is very strange that after the bill proviiding for an armor-plate plant passed the Senate, they now express an entire willingness to supply the needs of the Government in any quantities that they may decide at not exceeding $395. This reduction of $59 is offered at a time when these companies state that it now costs more to make armor plate than at any time in the history of their business. The question arises, What will become of even the 1¾ per cent after this reduction is made?

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. OLIVER. Yes.

Mr. SMITH of Michigan. Will the gentleman kindly tell us whether or not he or the committee made any figures, and figured out just what it was worth and what it would cost the Government to make that armor plate?

Mr. OLIVER. We found that had been done so thoroughly and satisfactorily on three different occasions by nonpartisan boards, appointed under Democratic as well as Republican administrations, that we accepted their findings. These reports fixed the maximum cost of manufacturing armor plate at about $262, as I now recall. The accuracy of these reports was not questioned by the Bethlehem and Midvale Cos., and representatives of these companies, on the recent hearings before the Naval Committee, admitted that the reports were substantially correct at the times made. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. I yield two minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Chairman, I hope the House will indulge me a moment while I digress for the purpose of correcting an erroneous statement that I made while the so-called nitrate-plant amendment was being considered. During the running debate when the nitrate-plant amendment was up in the House I used this language in reply to a speech made by the gentleman from Wisconsin [Mr. LENROOT]:

> I am getting letters—so are you—from the Du Pont Co. and other munition people, urging us not to adopt a Government-owned plant. As the gentleman from Wisconsin says, the power people are here. So they are, and they have been here for two or three years; but, on the other side, so are the Du Pont and munition people here, too, by letter, if not in person.

That was my statement. I have a letter here from the Du Pont Powder Co. calling attention to my statement made in debate, in which they say that they never authorized anyone to write a letter for them about this business, and that they did not write any letters themselves to me on the subject. I have caused my files to be looked up and find that I received only two letters from the Du Pont people, and they were about other matters independent of this nitrate plant. They were about water power, but were simply requests for copies of the bills and hearings before my committee, which were in all things proper. So to the extent that I stated that I had received letters from the Du Pont Powder Co. urging us not to adopt a Government-owned plant that statement was erroneous, and I am glad to make hasty correction of it. What was in my mind at the time was that I had been receiving communications almost daily from the Bethlehem Steel Co. and other munition concerns presenting their views and their claims and their rights as they appeared to them, and I had confused in my mind the letters from the Bethlehem Co. and others with the two letters that I had received from the Du Pont Co. asking me for copies of bills, hearings, and so forth. I do not desire to take more time, and I am glad to make this correction, because I do not want to misquote anyone or do anyone an injustice.

Mr. MOORE of Pennsylvania. The gentleman refers to having received letters from the Bethlehem Steel Co. Does he mean the circulars that have been coming to all Members?

Mr. FERRIS. Yes; numerous communications.

Mr. MOORE of Pennsylvania. Not private letters?

Mr. FERRIS. These circular letters stating their claims. I do not mean to insinuate anything wrong about the Bethlehem Co.

Mr. MOORE of Pennsylvania. They have been coming to all Members.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. PADGETT. I yield five minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, I shall support this amendment, and hope it will be adopted. In the movement for preparedness now going on in this country, it seems that some of the most enthusiastic advocates of the preparedness policy are opposed to any economies for carrying it out. If the policy is to be adopted, those who are most enthusiastic for it should be the first who would be willing to incorporate an economic policy into the preparation. Under the proposition contained in this amendment there would be a great saving. The armor plate necessary for the construction of a great battleship is 8,000 tons, which, at $425 a ton, cost $3,400,000. For one of the battle cruisers it would require 4,000 tons of armor plate; at $425 a ton, it would cost $1,700,000. Five battle cruisers, the number required by this bill, would cost $8,500,000.

The investigations that have taken place concerning the manufacture of armor plate by the Government show that if this amendment is adopted there will be a saving of more than 40 per cent on each one of these battleships and battle cruisers. Therefore for the program as provided for in this bill there would be a saving on this one item of $3,400,000. Yet gentlemen so enthusiastic for preparedness are unwilling to protect the taxpayers of this country who have the bills to pay in order to enable a few engaged in making armor plate to realize unreasonably large profits.

Fearing Government ownership competing with private business, they in their enthusiastic movement for great preparedness are unwilling to give the people the benefit of economy in the policy proposed by this amendment. If this amendment is adopted and the Government does not manufacture a ton of armor plate, the authorization for construction of this plant will convince them there is danger of real competition and that will bring down the price, and the people will be benefited. The investigation of this matter by a disinterested committee showed clearly that the armor plate could be manufactured at from $230 to $260 a ton by the Government. Yet these patriots in their zeal and enthusiasm for preparedness are unwilling to give to the people of the country who have the bills to pay the advantage of this economy in constructing these great ships for the purpose of preparedness.

In the expenditure of public money due regard should always be had for the welfare of the people, who must bear the cost, and if that regard is not kept in view, necessarily complaint will be heard when the bills are to be paid. If this Government can manufacture armor plate for the construction of battle cruisers for about one-half of what it has to pay for it to the great steel companies, then is it not a wise policy for it to manufacture it and save the people the great difference in cost, even though the Government does go into a business which competes with private business in this country?

A few great steel plants have a monopoly of this business and it is about time to bring them to time or strike this monopoly down.

This step would not have become necessary if this monopoly had not elected to oppress the people by charging enormous prices for its product. It has by its unreasonable policy provoked this issue and made necessary this measure in order to relieve the people from its exorbitant demands.

Monopoly is blind to reason, and by its arbitrary course enlists opposition which sooner or later works its undoing.

Through an ostensible spirit of patriotism it has agitated the building of a larger Navy, advocated the construction of dreadnaughts and other great ships to defend our country against foreign nations, which are now powerless to assail or attempt to invade it, with the real object in view of selling the material with which to build these great sea monsters. It has never displayed sufficient patriotism to reduce the price of the materials used for their construction. It would have been commendable patriotism on its part, if it was really sincere in its fears ex-

pressed for our national safety, to have offered to reduce the price of manufacture to a reasonable-profit basis on all materials it manufactured for the construction of our defense.

This magnanimity on its part has been withheld and the price of such materials has soared higher and higher as each authorization was made by the National Congress. Knowing as it does the monopoly it has, it is here heroically working with all its forces to defeat this amendment. It denounces Government ownership; it criticizes every man who stands here between it and the raid it proposes to make on the Public Treasury; it pleads in eloquent words for the continuance of its monopoly in order that it may realize enormous profits from expenditures made for patriotic purposes.

Its attitude is the more open to criticism because of the arrogance it displays in its indefensible position. If it was sincere in asking that these preparedness measures be adopted for patriotic purposes; if it was unselfish in its course and believed it really necessary for the safety of the country, then, Mr. Chairman, it would not oppose the adoption of this amendment, but would gladly support it or any other measure which would reduce the cost of these great instruments of national defense. Such a position would demonstrate its sincerity, its real patriotism.

In this respect its patriotism is of the dollar brand. The possibilities of enormous profits stimulates its selfish ardor. Eliminate this feature from its vision and it would oppose the entire preparedness program. Lured by the hope of great profits, its patriotic zeal has reached a lofty pitch and its vision of dangers magnified.

By adopting this amendment the cost it entails will approximately be saved in this one program. Let us then do it and save this great cost to the people of this country. Eliminate the monopolistic features from the program and then we will see whether it dampens the patriotic ardor of certain interests which have this year and on previous occasions manifested so much zeal in our national defense.

Read the hearings on this bill, consult the experts who have devoted the best years of their lives to this subject, who have nothing but the best welfare of our country at heart, who believe in "safety first," a safety that will protect us, protect our country from the invasion of any foreign foe, come from where it may, and they all tell us we are invincible and this program is ample in every respect. These opinions come from the men who would have in charge our defense in the event we should be attacked.

The responsibility for our defense would be upon them. They well knew this fact and how it affected them when they stated its condition and the extent of our ability. They have no material to sell to build battleships, no munitions of war to unload on the people, the visions of great profits do not warp their judgment or cloud their view of the situation, but their lives would be imperilled if an attack was made and hence they are not partisans but bear witness against their own interests when they tell us our means of defense is sufficient. This being true, how much more reliable is their statements for us to base our course upon.

It is asserted by the large-navy advocates that in order for us to preserve peace we must be fully prepared for war. Such a doctrine is most dangerous and is more likely to precipitate war than to preserve peace. I challenge those who make this statement to point to a single example to sustain their charge.

Peace thus secured is done so either by force or from fear and can never be either permanent or harmonious. Examples in support of this doctrine are numerous. Every example for a thousand years refutes the contention of those who assert such a doctrine. England has the greatest navy in the world, and yet she has written her history in blood. She is now with her boasted navy, the pride of that great kingdom, engaged in the bloodiest war that ever darkened the pages of history. Germany has boasted for years of her imperial standing army, the largest, the best equipped, the finest disciplined in the world, and yet Germany is engaged in the awful war now raging in Europe in which 11 of the great nations of the world are involved, nations containing one-half of all the population of the earth. Of France and Russia the same can be said. These standing examples do not sustain, but, on the contrary, refute the doctrine of these apostles of a big army and navy.

They can not point to a single example in the world to support their theory. A peace predicated upon either fear or force will not endure. The coerced will retaliate and from muffled tongues mutterings will be heard that will arouse the impatient and they will rise, harass, and vex the power that restrains and stifles them. Prepare for war to preserve peace is a dangerous doctrine. Let no one think if we furnish the sinews of war they will not be used as sure as night and day follow each other. Some one will desire to test these implements of warfare, and will find it much easier to provoke combat with them than without them. It is a dangerous thing to do. Some ambitions will take advantage of the opportunity and bring down upon us such a calamity as is now visited upon the well-prepared for war European nations, and then there will be needlessly sacrificed the best manhood of our country to pay the penalty of an unwise policy.

History will repeat itself. If we sow the wind we will reap the whirlwind. Widows and orphans, desolation and distress, will bear witness to such an improvident course. Think of the type of civilization that will follow in the wake of such a cataclysm. It is amusing to hear our Republican friends speak so disparagingly of our preparedness. Who commissioned them to condemn their own administration? For 16 years, prior to March 4, 1913, they were in control of all branches of the Government. What did they do with the large appropriations made for the Army and Navy? Did they waste it? If we are not prepared it is their fault, not ours, because they had both the power and opportunity. They are in no position to criticize conditions in this respect. If they do they condemn their own administration. Were they unable or incapable to prepare for the national defense? They are asking a return to power. It would seem this fact which they openly confess stigmatizes them as incapable to handle the situation while passing through this great crisis. By their own admissions they are incapable and unworthy for the great responsibility. Look at the situation as the record discloses it; in the first two years of the present administration of President Wilson there were authorized $70,000,000 to be spent on the chief fighting force of the Navy, as against $26,000,000 authorized during the last two years of the Taft administration. In that time the Wilson administration ordered five deadnaughts as against two in the Taft administration, which in effectiveness will mount 36 more 14-inch guns than the two authorized under Mr. Taft. The guns are better in every respect. The Democratic Party has mapped out a program of national defense which will be ample to protect our Nation from the attacks of all foreign foes, able to raise the means to pay the expense, and willing to furnish every requirement essential to carry out the great responsibility and preserve the honor and dignity of our great Nation, and promote the welfare of our people. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. I yield four minutes to the gentleman from Pennsylvania [Mr. VARE].

Mr. VARE. Mr. Chairman, I am one of those who believe that every facility should be placed in the hands of the Government for the purpose of ascertaining what is the reasonable price for the Government to pay for armor plate; and it seems to me that the Butler amendment furnishes the Government every protection and every opportunity for ascertaining what is the reasonable price for the Government to pay.

But, gentlemen, I want to confine myself particularly to an amendment which I propose to offer in the event that the Butler amendment failed. The committee sought to make inquiry into the different plants of Pennsylvania, and a commission consisting of Mr. PADGETT, Mr. TILLMAN, and Admiral Strauss reported that the best place in the country to construct an armor plant, if one was to be constructed, was at the Philadelphia Navy Yard. There are 900 acres of land; and, if a Government plant is to be constructed, it seems to me that the House ought to avail themselves of the opportunity to obtain a place that the Government already owns. It was said by the gentleman from Kentucky that he proposed to perfect a bill by making provision for the purchase of a site. Why purchase a site when the Government owns 900 acres of land where there are skilled mechanics, where the experts live, where they can work at least 11 months in the year, where the heat would not preclude an efficient naval plant? It seems to me that if I was in favor of entertaining this proposition from the Democratic standpoint I would insist that we should build a plant somewhere where it could be effective. As the matter stands now, my vote will be in favor of the Butler amendment, because, first, it furnishes every means of ascertaining the legitimate cost of armor plate, and, second, it insures the protection of the workmen of Pennsylvania. [Applause.]

The purpose of my amendment is to carry out a suggestion made by the congressional committee, composed of Senator TILLMAN, chairman of the Senate Committee on Naval Affairs; Chairman PADGETT, of the House Committee on Naval Affairs; and Rear Admiral Strauss, of the United States Navy, who after an exhaustive investigation of the private armor-plate plants,

and the question of finding a suitable location for a Government plant, said in their report to Congress:

The price of the land necessary for the plant and certain other items are so indefinite as to be only the roughest approximation. The location and local conditions will bear largely on the cost of the various buildings and the installation of the machinery therein. The committee calls attention to the fact that the Government now owns, at the Philadelphia Navy Yard, ample land for the erection of an armor factory and therefore no land would have to be bought. Philadelphia is an ideal place for the erection of such a plant, as it is accessible both by deep-water transportation and railroad facilities, is near coal and iron, and has a fine labor market. However, the Navy Department itself will select the location and construct the plant if Congress orders one, and the committee only mentions that no expense for land will be necessary. Besides the navy yard has facilities for assisting in the construction of this plant, which will largely reduce the expense of erecting it.

This report was made before there was any pressure for the selection of a site in any special locality. There was nothing sectional in the report. Senator TILLMAN is one of South Carolina's most illustrious sons. The distinguished chairman of the House Naval Affairs Committee is a son of Tennessee. Rear Admiral Strauss was born at Mount Morris, N. Y., and to my knowledge has never served at the Philadelphia Navy Yard. Yet these three men, after a careful investigation, mentioned but one logical site, and that was the Philadelphia Navy Yard.

There is no need for further investigation. It was not chance or accident that caused the three existing armor-plate plants to locate in Pennsylvania. They located there because it was good business for them to be there, near the iron ore and coal supply; in the midst of the best labor market; where ample raw materials are available, and the water and rail transportation is the best available.

The question that is raised by this amendment is whether we are going to make certain that the Government's venture into the armor-plate business is to be a success, or whether we are going to leave it to chance.

We do not need naval officers to tell us that the success of this venture will depend upon the kind of employees the Government is able to engage, the economy with which raw materials can be purchased, and the facilities of transportation. The considerations that led all the private plants to locate in Pennsylvania can not be ignored. One company might have gone there and another to some equally advantageous locality, but the fact is that there was no equally advantageous locality.

As the joint congressional committee pointed out, the Philadelphia Navy Yard is near coal and iron and has a fine labor market. It is accessible both by deep-water transportation and railroad facilities. If we are going to be businesslike about this new venture of the Government's, we will specify the site, so that there will be no chance of failure.

The congressional committee has estimated that it will cost $11,000,000 to erect the kind of a plant we have in mind. That estimate was based upon the cost of operating the three existing plants in Pennsylvania. It was based upon the wages that are paid in the Pennsylvania labor market. It was based upon the cost of materials in Pennsylvania.

If this Government plant were to be located anywhere else, an entirely new estimate of the cost of construction and operation would have to be made. There would have to be a revision of the estimates with reference to getting building materials for the new plant, for hiring the necessary employees to run the plant, for buying coal and iron and all the raw materials.

Not long ago I went to the Navy Department to bring about a readjustment of the wages paid to mechanics in the Philadelphia Navy Yard. I learned there that our mechanics were getting lower wages than those employed in the Brooklyn yard. I asked why. I was told that it was because wages at the different yards were adjusted in harmony with the wages paid in private plants; that the labor market in Pennsylvania was so excellent that it was unnecessary for the Government to pay as much there as in the Brooklyn yard.

Since all these estimates of the joint committee—the estimate, for instance, that we can build a Government plant for $11,000,000—were based upon Pennsylvania conditions, I say that unless we build the Government factory there we will not be able to be certain that the plant will not cost $13,000,000 or $15,000,000.

We know now that the cost of manufacturing is different in different localities. In Pennsylvania there are men who are working in the armor-plate business whose fathers worked there before them. They will not leave their homes to follow a Government armor-plate plant; nor will the raw materials follow the Government. It is true that the Government can get the raw materials, probably, wherever it goes, but at greatly increased prices.

If the Government is to go into this business the right sort of start must be made, or the entire venture will prove a failure. If we disregard the experience of the private factories, if we disregard the natural conditions which caused the plants to locate in Pennsylvania we will find ourselves with a very expensive proposition on our hands.

Unless the Government locates its plant where it can get raw materials, labor, and transportation as cheaply as the private plants it will find itself in an absurd position, compelled to admit that it was cheaper to buy from the private plants at their own rates. Unless we are going to make certain that the Government plant will be a real competitor in the same field as that occupied by the private plants, it would have been better to accept the Butler compromise. And entirely aside from the cost of operating the plant in some locality outside of Pennsylvania, where the calculations of expense were made, what assurance have we that the plant itself will not cost one-third as much more than the $11,000,000 estimated if constructed elsewhere, where materials and the cost of transporting them, and the labor charges will be higher?

The amendment which I have offered to this bill is simply in line with the suggestion of the joint congressional committee. It is simply designed to prevent the whole structure on which the bill lies from going to pieces. The estimate that an adequate plant can be built for $11,000,000 was based upon the cost of construction and operation in Pennsylvania. If the Government plant is to be built elsewhere, there will need to be an entirely new investigation to determine what such a plant will cost, what it cost to operate it, and transport the raw materials to it. [Applause.]

Mr. BUTLER. Mr. Chairman, I yield four minutes to the gentleman from Pennsylvania [Mr. FARR].

Mr. FARR. Mr. Chairman, the statements made on the floor would indicate that armor plate made by the Bethlehem Steel Co. comprises nearly all of their products. As a matter of fact, it comprises 2 per cent of their output. Ninety-eight per cent of that great industry's product goes into other lines, and yet men on this floor—I hope not deliberately, but very kin to it—endeavor to mislead the House in that direction.

I am surprised at the statement of the gentleman from Alabama [Mr. OLIVER] in talking about the profits which come from armor plate enlarging the capacity of that great mill, when only 2 per cent of the products are armor plate. The armor-plate part was established at the urgent instance of this Government, and has been kept going but one-third of the time since its establishment, making less than 2 per cent of the Bethlehem Steel Co.'s products. There has been no question about the fact that the Government got its orders delivered to them when they wanted them. How important that is. And, again, the quality was the best in the world. That is another very important fact. The only question is as to the price of armor plate. The Butler amendment will settle that by authorizing this Government through the Federal Trade Commission to fix the cost that the armor plate companies shall charge the Government for armor plate.

The armor plate companies, all of which are located in Pennsylvania, have $20,000,000 invested—money of their stockholders. A Government plant means the closing of those industries. Naturally they are greatly concerned about this large investment. They do not want their industries destroyed. They say to the Government, "You asked us to establish this for the benefit of the country; we have given you the best we could, and we want to save that industry to-day for our stockholders, and we will get down on our knees to this great country in order to protect our stockholders."

The gentleman from Alabama would do the same. If he had $7,000,000 invested in an industry he would scrape the ground to prevent this great Government from destroying his plant and putting it out of existence.

You are going to deprive 3,000 men in Pennsylvania of the opportunity to earn a living. Brushing aside all the arguments for and against this proposition, is this the time to destroy industries which we shall need in case of war? Would this be preparation for possible war—let us say possible war? With the tremendous equipment we have to-day of turning out munitions as a result of the demand on this country from England and other countries, all that we have sent into England is 10 per cent of what that country has used, and not one American shell, the Committee on Naval Affairs was informed several weeks ago, had been fired by France. The English people have been working two years to mobilize their industries and get them into shape to supply the necessary munitions. The cry there is more munitions, more munitions. British authorities say they were 10 years behind Germany in industrial effectiveness. We are 20 years behind Germany in the industrial organization and mobilization of forces that we will need if we are unfortunate enough to have war.

The administration wisely has invited the aid of leading engineers, scientists, and men skilled in large affairs to formulate plans for the mobilization of our industries and getting them into effective shape in preparation for possible trouble. "Danger is at arm's length from us" the President says, and we must be prepared. And yet with one fell blow we are going to destroy great industries, that provide the defensive armament for the splendid ships upon which we must depend to prevent invasion and our possible destruction. Are we not to heed the warning of the great tragedy of the war in Europe? Do we fail to see the colossal task of preparation involved in that fearful cataclysm? A thousand things would have to be done to equip ourselves for any such conflict. Germany, with her energy, skill, and effective organization, has demonstrated what a nation can do. Yet with all her wonderful preparation her soldiers have used more than four times the ammunition she expected to. More munitions have been expended at Verdun than were used in all the modern wars, including our own Civil War. Is this not warning enough? Are we at this dangerous period, with the world afire, going to destroy industries we may need or build them up and organize in preparation for the defense of the lives, liberties, and interests of our 100,000,000 people?

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Chairman and gentlemen, as a purely business proposition, as well as one that has its political bearings, I wish briefly to discuss the Butler amendment. That amendment seemed so fair and favorable to the Government that I took it and read it over very carefully. It was being presented as an offer by the private armor plants to furnish armor plate at a price to be fixed by the Government. I read it carefully so that I need not be mistaken in its purport. All the evidence taken by the committee shows that the armor-plate manufactories in the United States work in perfect harmony. As I understand, also, the threat of a Government armor-plate factory has reduced their proposed prices of armor plate in no small amount. They have now offered to furnish armor much cheaper than before it was proposed to build a Government armor plant. The committee amendment appropriates money to build that plant. The Butler amendment to the committee amendment provides that before this appropriation goes into effect a Government board may ask the right to examine the books of the private armor-plate plants and determine from that examination what the actual cost of making the armor plate is. It gives the companies the right to grant or refuse to permit such examination, as they see proper. If the companies do refuse it, then this appropriation will go into effect; but if the companies agree to have their books examined, and they do examine them, then the board make their estimate as to the cost, and the Secretary of the Navy shall offer to buy the armor plate from the companies at a fair price, as shown by the investigations. He makes the offer at a price fixed by him. The point I am making is this: That then these companies are not required and can not be required to take the price offered, but that they then may say they will or will not furnish the plate at the price fixed by the Secretary of the Navy.

Mr. KELLEY. Does the gentleman think that the appropriation lapses?

Mr. HARDY. No; on the contrary. If the companies refuse to let the board examine their books or refuse to accept the offer made by the Secretary of the Navy, the provision of the committee amendment making the appropriation comes in; but in the meantime what may happen? This: This Government, having taken no steps to establish its plant, comes right up to the precipice where it must have battleships built, and then this estimate is made and the fair price fixed by the Secretary, and the attempt made to secure armor plate from the private plants at the fair price fixed by the Secretary, and the united and combined armor-plate manufacturers, knowing they have the Government in a close place, say no, they will not sell at the price fixed; and then they have the Government where they want it. In other words, the Butler amendment provides, first, delay and then the opportunity for the same companies that, according to the evidence, have held up the Government in times past to hold it up once more.

Mr. KELLEY. Suppose we pass this bill, this armor plant will not be ready for some three years, and what would prevent the armor-plate companies from holding up the Government at this period instead of the other?

Mr. HARDY. I am aware that the armor-plate companies, whether we build or not, may hold us up, and if we were forced to build and build at once, and at any cost, and if public odium and condemnation of the American people did not hold them down, there is nothing to prevent them from holding up the Government; but if the people knew that the armor plate cost $250 to $290 to build, as they would know, after they built their own plant, and that the American manufacturers were attempting to hold the Government up to $450 as they have in the past, odium would be their portion, as odium has been their portion in the past.

One more suggestion: The amendment of the committee authorizing a Government armor-plate factory is deserving of support for one reason, if for no other. It places in the keeping of the Government alone the secrets of the manufacture that properly belong to the Navy Department. We have had illustrations in the past of how these great private makers of battleships and munitions peddle the information they should hold sacred for this Government all over the world. I believe the secrets of the manufacture of the weapons of defense of this Government ought to be in the keeping of the Government alone, and a Government armor-plate plant will help put them there. [Applause on the Democratic side.]

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Chairman, this is not a political question. It is purely a business proposition that we are considering. Personally I do not believe in Government ownership. I believe that in the production of all articles of commerce and trade the people of the United States and not the Government should be the manufacturers. Where, however, the Government is the only user of a commodity or an article, the Government ought to be the only manufacturer. [Applause on the Democratic side.] The gentleman from Wyoming [Mr. MONDELL] on the 29th placed in the RECORD some comparative figures of the cost of the various navies of the world. The average annual cost in Great Britain for a 12-years' period has been $166,000,000; in the United States, $110,000,000; in France, $66,000,000; in Germany, less than $30,000,000; and yet gentlemen in this House say that Germany, spending less than $30,000,000 a year for 12 years, has a navy superior to ours, while we have been expending during the same time more than $110,000,000 a year. This condition requires our candid and deliberate consideration. If our Navy is inferior to that of Germany, the fault is not with Congress. The fault is with those who have had charge of the expenditures of the appropriations of Congress.

Gen. Crozier, Chief of Ordnance of the Army, appeared before the Subcommittee on Fortifications and placed in the hearings some comparative costs in the matter of procuring material, field artillery, ammunition, and other war supplies. This comparison gives the cost to the Government under contract with private concerns and the cost of production at the arsenals of the United States; and let me say here that the same contracts were made with the very concerns that have been making armor plate, that are claiming that they are making but 1¾ per cent on Government contracts for armor plate. Gen. Crozier placed in the record this comparative statement:

Machining and band, 3-inch common and 3-inch H. E. shrapnel case forgings, contract per unit, $1.49.

It will be seen that under that contract, made with the very concerns from which we have been buying armor plate, the cost was $1.49 each. The cost at the arsenal, after allowing for depreciation, for repairs, for overhead charges, and 3 per cent interest on the cost, was only 45 cents each. [Applause on the Democratic side.] But that is not all. There are several pages of this comparison. Let us take limbers, for instance. We have been buying them from the Bethlehem Steel Co. and have never paid less than $1,608.30 each, and at the same time it has never cost the Government of the United States more than $722 to manufacture them in the arsenals, and yet gentlemen say that we should continue to buy the material from these large concerns.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. PADGETT. Mr. Chairman, I yield the gentleman five minutes more.

Mr. GOOD. Mr. Chairman, I am in favor of preparedness. This side of the House is in favor of preparedness, but if we want real preparedness, let us have it without quite so much profit. [Applause on the Democratic side.] Three hundred per cent, I repeat, is too much, and while I was inclined to support this death-bed repentence of these steel corporations and vote for the Butler amendment, I would have done so had the concerns permitted an answer to be made as to what it was costing them to make armor and armor plate. They absolutely refused, and yet the gentleman from Pennsylvania, coming from that State where these concerns operate, says that the Government of the United States is the only purchaser of armor plate. If the Government is the only purchaser, in heaven's name what harm could come from a full and frank disclosure to Congress as to what it was costing these concerns to make armor and armor plate? [Applause on the Democratic side.]

Mr. Chairman, the same argument was made when we established the powder plant for the Government. I saw some figures the other day that led me to believe that the Du Ponts to-day are making powder for about 25 cents per pound and then selling it for a dollar and a quarter a pound to European powers. The same argument is made every time there has been an attempt on the part of Congress to enlarge our arsenals and thereby retain all of the secrets that we ought to retain in the manufacture of our ammunition, and of all of the weapons of defense.

In view of these facts, and in view of the record that we must face, I for one can not vote to continue to give to these concerns the exclusive privilege of supplying all our armor plate on its statement that it is only making 1¾ per cent and then refuses to state what it is costing them to manufacture armor and armor plate, when the record shows that these same concerns are charging the Government for other war supplies about 300 per cent more than it is costing the Government to produce the same equipment in Government arsenals. I shall vote for the amendment. [Applause.] I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back two minutes.

Mr. PADGETT. Mr. Chairman, how much time have I now?

The CHAIRMAN. The gentleman has 16 minutes and the gentleman from Pennsylvania has 19 minutes.

Mr. BUTLER. Mr. Chairman, I yield six minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, the gentleman from Tennessee [Mr. PADGETT] has offered an amendment making an appropriation of $11,000,000 for the construction of an armor-plate factory or factories, or purchase, or both. There are now three armor-plate plants in the United States. The gentleman from Pennsylvania [Mr. BUTLER] has offered as an amendment to the other amendment this proposition: That the Federal Trade Commission shall make an investigation of the cost of making armor and recommend a reasonable price to be paid by the Government, with the provision that if armor-plate factories refuse to permit the Federal Trade Commission to examine their books and their plants and everything necessary under their control, then the Government shall proceed with the construction of its factory or factories. If the armor-plate plants permit an examination by the Federal Trade Commission, then we will have ascertained by competent authority what is the actual cost of producing armor plate. When that is done the Secretary of the Navy is authorized to enter into a contract with these plants for the armor plate necessary for Government use at a price not above the price fixed by the Federal Trade Commission, the price to be fixed by the Secretary of the Navy. He can fix the price below the price fixed as a fair price by the Federal Trade Commission. The Secretary of the Navy then, having fixed the price which he is willing to have the Government pay for the armor plate, tenders contracts to the armor-plate plants. If they decline to enter upon the contracts, then the Government proceeds with the erection of Government plants.

It is conceded, I believe, that it will not be practicable for the Government to construct a plant inside of three years. Probably a longer time will be required. I think it may well be assumed that the Federal Trade Commission can make its examination and report inside of three months. That provision of the bill if enacted will become the law as soon as the bill becomes a law and takes effect. The Federal Trade Commission will be able to make a report this summer or in the early fall as to the cost of producing armor plate, and the Secretary of the Navy under this amendment will be enabled to tender contracts this summer or fall at which the armor-plate factories shall furnish armor plate to the United States. There will be no great delay. As a matter of fact the Secretary of the Navy could proceed with the drawings and the investigation for the actual construction of a plant if he desires to in the meanwhile.

Now, what would we accomplish by this amendment? In the first place we will get armor plate for the next three years with a very large building program at our price if it goes through. If we do not, we will pay the price of the armor-plate manufacturers for the next three years in spite of high water. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROWNING. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey? [After a pause.] The Chair hears none.

Mr. BUTLER. Mr. Chairman, I have but one speech.

Mr. PADGETT. We have two over here. Mr. Chairman, I shall consume 6 minutes myself and will reserve 10 minutes for Mr. SHERLEY. I have 16 minutes, I believe.

The CHAIRMAN. The gentleman from Tennessee.

Mr. PADGETT. Mr. Chairman, I only wish to call the attention of the committee to one or two matters. Some years ago when bids were asked for armor plate the Midvale Co. came in and submitted bids very largely and materially below the bids submitted by the other two companies. The department said that they were not prepared to build. The Midvale Co. answered that they would give a bond, that they would at once construct their factory, and that they would carry out the contract and be ready within the stipulated contract time. Notwithstanding those assurances they were not awarded any part of the contract, and it was given to the other two at a much higher figure than was offered by the Midvale Co. In the meanwhile the Midvale Co. proceeded to erect their factory; and the succeeding year bids were advertised for and the Midvale Co. again submitted bids very largely below the price of the other two companies. Thereupon the department said, "We will not give you all of it, but we will give you a little less than one-third and give the other two-thirds to the other two companies at your bid." Ever since then those companies have said there was no use in fighting against each other, and since that time they have submitted identical bids. There has been no competition; there has been no claim of competition; and the same thing happened a year ago, when all three of those companies submitted identical bids to the dollar and a cent—and yet they say there was no conference, understanding, or agreement between them. [Laughter.] Now, an investigation was made by a commission appointed by the Congress consisting of Senator TILLMAN, myself, and Admiral Strauss. We submitted a long list of questions to the officers of all of those companies, and they very respectfully but firmly declined to answer them or to give any information. We reported that fact. We administered to them oaths, put them upon the stand, and again asked them questions. They answered such as they saw fit to answer, without giving any material information, and declined to give answers to any questions that would elicit information. However, we made investigation as best we could from all other available sources and reported that a factory with a capacity of 20,000 tons could manufacture at $230 a ton at full capacity and a factory of 10,000 tons capacity running at full capacity could manufacture at $262.79 per ton. These figures include:

	Repairs and maintenance of 20,000-ton plant.	
(a)	Coal, 100,000 tons, at $2.80	$280,000.00
	Tools, lubricants	210,000.00
	Ingot molds and materials for repairs other than below	174,500.00
	Repairs to equipment press house, machine shop, cementing shop, materials only	100,000.00
	Yard, laboratory, offices, materials	50,000.00
	20,000 tons	814,500.00
	Per ton	40.72
(b)	Upkeep of plant and buildings, and extensive overhaul repairs of furnaces and machinery, 2 per cent of installation cost, $10,331,907	206,638.00
	20,000 tons, per ton	10.33
	Total annual cost of maintenance and repairs, 20,000-ton plant	1,021,138.00
	Repairs and maintenance of 10,000-ton plant.	
(a)	Coal, 70,000 tons, at $2.80	$196,000.00
	Tools, lubricants	140,000.00
	Ingot molds and materials for repairs other than below	116,000.00
	Repairs to equipment press house, machine shop, cementing shop, materials only	65,000.00
	Yard, laboratory, offices, materials	35,000.00
	10,000 tons	552,000.00
	Per ton	55.00
(b)	Upkeep of plant and buildings, and extensive overhaul repairs of furnaces and machinery, 2 per cent of installation cost, $6,635,107	132,702.00
	10,000 tons, per ton	13.27
	Total annual cost of maintenance and repairs, 10,000-ton plant	684,702.00

The CHAIRMAN. The gentleman has consumed six minutes.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BUTLER. Mr. Chairman, I yield the balance of the time remaining on this side to my colleague [Mr. GRAHAM].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GRAHAM] is recognized for 13 minutes.

Mr. GRAHAM. Mr. Chairman and gentlemen, my attention was called a few minutes since to a bill pending in this House, the bill H. R. 14303, reported from one of its committees, by my learned friend from Kentucky [Mr. SHERLEY] wherein, on page 11, provision is made for an appropriation "For plans and

for the installation of such material in private plants in the United States under such contract and agreement as may be made by the Secretary of War, $1,000,000: *Provided*, That not exceeding 25 per cent of said sum may be used in obtaining from plants so equipped such war material as may be desired: *Provided further*, That not exceeding $50,000 worth of such material may be purchased from any one person or company, and in making such expenditures the laws prescribing competition in the procurement of supplies by purchase shall not govern."

The committee, upon its own initiative, has recommended an appropriation of $1,000,000 for equipping private plants with the machinery and fixtures requisite to enable them to supply various kinds of war material. It seems to me, "Consistency, thou art a jewel." On the one hand, a committee of this House is reporting a measure under which they provide for putting money into private plants in order to develop the manufacture of munitions of war for the benefit of the Government, and authorizing the purchase of products without competition from these private plants, and, on the other hand, a committee of this House is now recommending an amendment to this bill which is intended to destroy and extirpate the industries that are now in existence for the supply of armor plate in the building of warships. What a contrast and what a commentary this is.

I have listened to-day to many arguments that seem to be largely aside from what a discussion such as this ought to be. Here we ought to meet as patriots, banishing from our minds every idea of tactical or party advantage, which, while producing party victory to-day, would tend to impede or sink the interest of our country only because of an opportunity, seemingly, to seize some party advantage. We ought to consider this question purely as a question of business. What should our action be, viewed from our standpoint as patriotic business men, with reference to this question of having an armor-plate plant built and owned by the Government?

One man rises in his place and speaks about Christ and His saying concerning Himself that He had no place where to lay His head, and utters the strangely exaggerated statement that 60,000,000 of our 100,000,000 people are homeless, and he likens them to the homeless condition of the Christ. What place has such a statement in the consideration of this question? Another man rises here, who usually speaks with power and influence upon questions, and he simply says, "I heard that there were holes blown in this armor which these men manufactured and attempted to sell to the Government." An answer most complete and thorough was given to this statement by my colleague from Pennsylvania. All steel is porous. This was investigated under a Democratic administration. Justice, we must presume, was meted out and the corrections made. But when the argument was advanced without a word of explanation it appealed to prejudice and not to reason. It was calculated to stir up antagonism and not make men think as to what is best to be done under existing conditions.

What have you before you to-day? A proposition to amend this Navy bill by adding an appropriation of $11,000,000 for the building of an armor plant. My colleague from Pennsylvania has presented an amendment to this amendment, providing a method by which the price shall be fixed by the Government and regulated by the Government in all our future relations with these armor plants now in existence. By this amendment, if adopted, we are relieved from discussing many of the things that have been interpolated in this debate. When we consider this amendment of the chairman of the committee, Mr. PADGETT, adopted but perfected and graced by the amendment of the gentleman from Pennsylvania [Mr. BUTLER], the evils of combinations, excessive prices, and trusts that you complain of are removed and the power of this Government is placed over the existing plate-armor plants of this country without the expenditure of a single dollar.

Think of it! The gentleman from Texas said, "Oh, we are spending the poor man's money, we are giving the people dollar for dollar, and these gentlemen upon the Republican side think of nothing but of questioning the expenditures and voting for them." What? "They talk for saving the taxpayers' money, but do not vote as they talk." Why, this amendment is intended to spend and not to save. While you gentlemen on the Democratic side are hunting for ways and means out of which to meet the additional expenditures by the vast sums you have authorized, and put upon us war and other taxes, why do you put your hands into the Treasury and take $11,000,000 out of it to use for building an armor plant when you can, by this amendment, without the expenditure of a dollar, take the existing armor plants and make them the willing subjects and servants of your Government? [Applause on the Republican side.] By this amendment you preserve the great capacity of these plants as a reserve against all emergencies.

What patriotism is there in such a movement? What protection to the taxpayers?

It is, as I gathered from reading all these reports and examinations and investigations, a conceded state of facts that the Government of the United States gets to-day the best armor plate manufactured in the world; that the Government of the United States gets that armor plate at a price to-day which, according to these statistics, is lower than the price paid in Europe for armor plate by any of the Governments of Europe.

One gentleman attempted to show that it was impossible to get figures upon this subject, and he quoted the Secretary of the Navy. I prefer to take the statement of Admiral Niles. In the report of his investigation of this subject, he said:

> It is true there is no public bidding invited in those countries, and it is difficult to get at the exact figures; but we have arrived at figures that we believe to be substantially correct, and in every instance, even in Japan, with their Government-owned plants, the figures compare favorably to the United States.

In other words, you are getting armor plate made to-day at a price that is less than that paid by the Governments of Europe, and in addition to that you have three great plants.

Remember also, my friends, that the first one of these plants to enter this business entered it upon the invitation of your Government. They put their money in on a venture and exposed to the peril of an experiment at the invitation of your Government, and the second did likewise. The third came in under competitive conditions, desiring to "butt in" and get some of the business.

The chairman of the committee [Mr. PADGETT] referred to the Midvale Steel incident, which amounts simply to this: They were endeavoring to get some business, and while they had not any plant at all, they made a bid; and the vice president of that company, in this report, in his testimony under oath, shows that what was done was done at a sacrifice to themselves, because they wanted to break in upon this business.

No plant, but only a naked bid, and that is the testimony of the vice president of the Midvale Steel Works in the examination before the committee, illustrating that in that one instance the change in price from a higher to a lower was due to a competitive condition and not due to the existence of extravagant prices charged to and being paid by the Government.

What has this incident to do with this question now? What has the charge that at one time Secretary Herbert is alleged to have found that there was a collusion or combination between the foreign manufacturers and those in the United States to do with it? I ask most earnestly the attention of every thoughtful man in this Chamber, and especially of my friends upon the Democratic side of this House, to the language and force and purpose of the amendment that is offered. If that is adopted, what care you for combinations or trusts here or elsewhere? The price is fixed by the Government, and the price so fixed, or a lower one, will be the one at which the armor plate must be furnished. Get the great benefit of these established plants. You do not have to wait three years to build one. Do all this, and retain the right to build the Government plant as a rod to compel obedience.

Mr. HARDY. Will the gentleman yield for a question?

Mr. GRAHAM. When I am through; not now. If I have any time left, I shall be glad to answer all questions until my time is exhausted.

I happen to know from personal contact with the subject how this operated in another department of our Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM. I ask unanimous consent simply for time to finish this sentence.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. GRAHAM. I only want to say that this question of fixing prices was determined as to smokeless powder, in the case of the International Smokeless Powder Co., one of the companies that furnished powder to the Government. The cost was ascertained at Indianhead by the Government, and the head of the bureau fixed the price and apportioned the quantity to be furnished among the companies that were in existence, a share to be furnished by each at that price. The policy was to keep this enormous reserve of munition-making power in existence for use in case of emergency, and have it as a national reserve sustained by private capital, just as you must keep this enormous armor-plate-making capacity as a national preparedness reserve. Keep it in existence, and do not destroy it by defeating this amendment of the gentleman from Pennsylvania [Mr. BUTLER]. [Applause on the Republican side.]

Mr. PADGETT. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Chairman and gentlemen, my friend, the gentleman from Pennsylvania [Mr. GRAHAM] who has just preceded me, undertook to criticize what he thought to be a conflict of policy as reflected by the views in the report of the Committee on Appropriations in reporting the fortifications bill, and that which seems to be the policy as represented by the Committee on Naval Affairs. I think if he had thought a little bit longer about the matter—for he says that it had but recently been called to his attention—he would have found that there was no conflict, but an absolute harmony. It is true that my committee recommended an appropriation of a million dollars to equip private plants so as to enable them to manufacture war matériel, and a mighty good provision it is. There is also provision in the sundry civil bill from my committee for increasing the capacity of Government arsenals for manufacturing such matériel. There is nothing inconsistent in this, as I shall show.

There are three views touching this subject. There are those like many of the gentlemen from Pennsylvania—except when the Frankford Arsenal is concerned—who are opposed to the Government manufacturing anything. There are those, some of them on my side of the House, who believe that the Government should manufacture everything that it uses in the way of war matériel.

For myself I have always believed that the true policy lies between these two extremes. I believe that the Government should make some portion of everything of which it is the sole user, and I submit that proposition to this House as representing common sense, both from the standpoint of economy and of efficiency of the Army and of the Navy. And it is this view that is carried out in the fortification and sundry civil bills, and is, I hope, to be carried out in this naval bill. I repeat, the Government should make something of everything of which it is the sole user, and it should do that in order to guarantee the very highest character of matériel. By familiarity with manufacturing processes it will be able the better to inspect and to guarantee obtaining that degree of high-grade material that is so important in armor and in all of the things that go into the making of war matériel.

The second great advantage will be that it will be able to determine by actual experience what is the legitimate cost of making it, and thereby to regulate, in the only effective way that it can regulate, the price which it shall pay to private manufacturers for purchases.

The gentleman from Pennsylvania [Mr. GRAHAM] has been pleased to refer to powder. I can speak with a little more detailed knowledge of that than I can of armor, because I have conducted some hearings touching the cost of powder. Some time back we were paying 67 cents a pound for powder other than small-arms powder, and when I brought in a provision on the floor reducing the price to 64 cents, the RECORD will show that the debates followed very much the line taken to-day, with the charge that I was destroying the powder companies, that the Government would be unable to get powder at that price, and would be without powder in its hour of need. Notwithstanding that the House fixed the price at 64 cents. I wanted to be conservative. I believed I could have gone much lower, but I put the price at 64 cents. We conducted hearings subsequently, as a result of which we reduced the price again. To-day we are buying powder for 53 cents, and we are making powder for something over 43 cents a pound, and that is the history of the legislation touching the cost of powder within the knowledge of men serving in this House. [Applause.]

Now, what is the situation in regard to armor plate? I am not going to indulge in abuse of the Bethlehem people. I have never yet undertaken to win a case by abuse of any party or of any section. I believe I am cosmopolitan enough to have no prejudices against Pennsylvania, notwithstanding one gentleman from Pennsylvania seems to think that only he was broad enough to look at the matter from a national standpoint. But the fact remains that we have not had competition in the making of armor plate, and I believe that we have paid excessive prices. I know that is true as to other war material furnished by the Bethlehem Co., as was well shown by the gentleman from Iowa [Mr. GOOD].

The fact remains that you now have the Bethlehem Steel Co. making extreme and heretofore unheard-of offers to the Government. Let me say in passing that I would rather accept their offer than the amendment offered by the gentleman from Pennsylvania [Mr. BUTLER], because it is a better offer. The Bethlehem people are outbidding you. They say without legislation that they will let you come in and make a contract and fix the price after an investigation, and your proposal is unnecessary, even if you are not going to have an armor-plate plant. There is no use of passing your proposal, because you have the Bethlehem proposal publicly made, which is in terms more favorable than yours. But the fact remains that the Bethlehem people never did make offers anything like this, or comparable to it, until there came the imminence of competition by the Government. I would have more respect for that company, more respect for their disinterested patriotism that they are so emphasizing now, if they had showed some disposition to tell the committee that undertook to investigate the cost of armor plate what it was costing them to make it. [Applause.] What did they do? They denied any look into the books. They denied any sort of information.

Now they are coming in at the last moment and saying if you will not build we will do all the things that we ought to have done in the past and so strenuously refrained from doing. I want to have the Government make its armor plate. I do not believe that you are going to have any tremendous saving. At first you may have a loss—I am going to be perfectly frank, for the making of armor plate is not an easy proposition. Blunders may be made, but successes also will be made. I believe that the Government by going into the manufacture of armor plate will help to guarantee the highest quality of that armor plate. I believe it will teach us, and that is the only way we can learn the real cost. You can not learn it by the examination of books, and if you could it would not necessarily remain true the year after you had the examination, as any man who has been in the manufacturing business knows. You will learn by actual doing of the thing, and you can give your officers the experience that will be of value. You will have added to the capacity of the country to make armor plate. Do not be scared about the Bethlehem people; they are not going out of business whether we build this plant or not. There are a good many concerns in my legislative experience that were going out of business at the threat of competition, but I find them still in business at the same old stand.

You will have added to the capacity of the country in making armor plate. I repeat that the only policy that is wise is to make some of everything of which the Government is the only user, because it is the only way it can protect itself. [Applause.] All other relief will be temporary and illusory.

I think it is of value in another way. I am one who believes in the need of this country for a great Navy and an efficient Army. I am tired of hearing all of the arguments and the pleadings in this direction discounted by men simply charging that the propaganda is the propaganda of a limited number of people who are making unusual profits out of it. I do not believe that is true, but the way to prevent the charge being made is to know what it will cost you to make the various articles necessary in building up the Army and the Navy, and then you will know what to pay when you buy from private manufacturers, and you will have taken, in a legitimate sense, the profits out of munition making. [Applause.]

So, to promote this broad policy, the policy of having an efficient Army and an efficient Navy, it is important that the amendment offered by the gentleman from Tennessee should be agreed to. If it was a total failure as a manufacturing plant, I would still think that in the long run the investment would be worth while. [Applause.] Now I am making no foolish statement. I realize that $11,000,000 is a great deal of money, but I also realize that we not only have spent in the past, but in the future will spend, many millions in armor plate. Men who think that building battleships has gone by are mistaken; we have just begun, and it is well to prepare ourselves. This plant will reduce cost of purchase price from private manufacture more than we spend on it, aside from the advantages I have named. [Applause.]

The CHAIRMAN. The time of the gentleman has expired; all time has expired. The question is on the amendment of the gentleman from Pennsylvania [Mr. BUTLER] to the amendment of the gentleman from Tennessee [Mr. PADGETT].

The question was taken; and on a division (demanded by Mr. BUTLER) there were 120 ayes and 155 noes.

Mr. BUTLER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appoint as tellers the gentleman from Tennessee [Mr. PADGETT] and the gentleman from Pennsylvania [Mr. BUTLER].

The committee again divided, and the tellers reported that there were 125 ayes and 180 noes.

So the amendment to the amendment was rejected.

Mr. PADGETT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After the word "act," in line 1, page 2, of the printed amendment, insert "and if the United States owns no suitable site or sites authority is hereby given to acquire by purchase, condemnation, or gift, such site or sites as may be necessary."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Tennessee to the amendment.

The question was taken, and the amendment to the amendment was agreed to.

Mr. VARE. Mr. Chairman, I have the following amendment.

The Clerk read as follows:

Strike out the words "in places approved by the General Board of the Navy with special reference to consideration of safety in time of war" and insert in lieu thereof "the Philadelphia Navy Yard, the particular site therein to be selected by the Secretary of the Navy."

The CHAIRMAN. The question is on agreeing to the amendment to the amendment offered by the gentleman from Pennsylvania [Mr. VARE].

The question was taken, and the amendment to the amendment was rejected.

Mr. FOSTER. Mr. Chairman, I ask for a division.

The CHAIRMAN. The Chair thinks the demand comes too late. The question is on the amendment offered by the gentleman from Tennessee as amended.

Mr. BUTLER. Mr. Chairman, I have an amendment that I would like to offer.

Mr. PADGETT. That is an amendment to the amendment?

Mr. BUTLER. Yes.

Mr. PADGETT. First, I have a formal amendment to offer.

Mr. FOSTER. What became of the request for a division?

The CHAIRMAN. The Chair announced that the gentleman was too late. By unanimous consent the gentleman can obtain a division.

Mr. CULLOP. Mr. Chairman, I demand the regular order.

Mr. MANN. Mr. Chairman, I think the gentleman from Illinois asked for a division at once.

The CHAIRMAN. The Chair had announced its decision.

Mr. MANN. The Chair possibly did not hear the gentleman in the confusion.

The CHAIRMAN. The Chair has no desire to take advantage of the gentleman. Without objection, the Chair will permit a division.

There was no objection.

The committee divided; and there were—ayes 14, noes 255.

So the amendment to the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to offer a substitute for the amendment so that the farce may go on. I move to substitute the words "Rock Island, Ill.," as the place at which this armor-plate factory is to be constructed. That apparently is the plan.

Mr. FOSTER. The House has just decided that it will not put it at Philadelphia.

Mr. MOORE of Pennsylvania. I move that as a substitute Rock Island, Ill., be designated. Then you will have your way.

Mr. FOSTER. They could not find a better place.

The CHAIRMAN. The committee will be in order. All gentlemen will take their seats.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to amend the amendment by inserting "Rock Island, Ill.," at the proper point.

The CHAIRMAN. The gentleman will be in order. If the gentleman has any amendment to submit, he will reduce it to writing and send it to the desk.

Mr. MOORE of Pennsylvania. If that is necessary, Mr. Chairman, I will withdraw Rock Island.

Mr. PADGETT. Mr. Chairman, I offer to amend, on page 2 of the printed amendment, line 1, by striking out the word "act" and substituting in lieu thereof the word "paragraph."

The CHAIRMAN. The question is on agreeing to the amendment to the amendment offered by the gentleman from Tennessee.

The amendment to the amendment was agreed to.

Mr. BUTLER. Mr. Chairman, I offer the following amendment to the amendment of the gentleman from Tennessee.

The Clerk read as follows:

That expert chartered public accountants shall be employed to open a set of books, which shall exhibit every item of expense, direct and collateral, which may properly be charged against the preparation of the plans, the selection and purchase of a site, the construction and equipment of the proposed plant, and the cost per ton of the output for each month of the operation of the plant.

The CHAIRMAN. At what point is this amendment to be offered?

Mr. PADGETT. Mr. Chairman, I make the point of order that it is not germane.

Mr. BUTLER. It is at the end of the second paragraph.

The CHAIRMAN. The Chair overrules the point of order. The question is on agreeing to the amendment to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Tennessee as amended.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 165, noes 91.

So the amendment as amended was agreed to.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I move to amend, on page 98, line 17, by striking out the word "seventeen" and inserting in lieu thereof the word "forty-seven."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 98, in line 17, by striking out the word "seventeen" and inserting in lieu thereof the word "forty-seven."

Mr. PADGETT. That is correct.

Mr. ROBERTS of Massachusetts. Mr. Chairman, that motion is made to fill in an omission that the chairman neglected to put in this morning to carry out the action of the committee yesterday.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I have another amendment.

Mr. BORLAND. Mr. Chairman, I have an amendment.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. MANN. Mr. Chairman, I submit that until the minority is through the gentleman from Massachusetts ought to be recognized.

Mr. ROBERTS of Massachusetts. The understanding was, Mr. Chairman, that the list of amendments which I sent to the desk would be dealt with first.

The CHAIRMAN. The Chair thinks not. The gentleman is not the leading member of the committee, and he can not be recognized indefinitely.

Mr. MANN. But he is taking the place of the gentleman from Pennsylvania [Mr. BUTLER] in offering the amendments of the minority. I think they will be through very soon, and it will expedite matters.

The CHAIRMAN. If these are the amendments of the minority, the Chair will recognize the gentleman.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 6, line 2, strike out "$2,000,000" and insert in lieu thereof the figures "$3,500,000."

Mr. ROBERTS of Massachusetts. Mr. Chairman, this amendment is designed to increase the amount of money available for aviation for the fiscal year 1917. In some way, without pronounced authority behind it, the statement crept into the hearings of the committee that the life of the engine of an airship was only 80 hours, the impression carried by that statement being that at the end of 80 hours the engine was useless. Since that statement was made I have been looking for information along that line, and I find that to a limited extent, and to a limited extent only, the statement is correct. The life of the engine is from 80 to 100 hours, and then it must be taken out of the flying machine, taken apart, the bearings readjusted, the carbon scraped out, and the engine reassembled; and then that same engine is good for another 80 to 100 hours, and so on for many, many periods of overhauling. That is why it has been found necessary in the European armies to have from three to five engines with each airship or flying machine, in order that as soon as one was taken out to be overhauled and cleaned the machine could be used by substituting another, and in that way the flying machine that has three to five or more engines would be in continuous use. I have only to-day received information from an expert aviator, who has been flying for 8 or 9 and possibly 10 years, that he is using and has been using an engine that was constructed in the latter part of 1909. It must be overhauled after about 80 to 100 hours of service. There are many engines in use to-day built in 1910 and 1911, but they must be taken care of just as the engine of your automobile must be taken care of and overhauled and carbon eliminated.

Mr. KEATING. Will the gentleman yield?

Mr. ROBERTS of Massachusetts. I have only 10 minutes, if the gentleman will excuse me. That has been, I think, one of the potent factors in determining the action of the committee against putting money into aircraft to-day, because they say we have not a reliable engine. I admit we have not a perfectly reliable engine any more than we have a perfectly reliable automobile engine. There may be something better developed later on, but that is true of every piece of machinery in operation, whatever it may be, whether in commercial life or in war use;

we have not attained perfection, and we never will attain perfection as long as there is a working brain in the head of a human being; there will always be something a little better developed later on than the thing we now have, but if we do not start on aviation we never will have anything. As I stated to this committee the other day, it is a shame and a disgrace to this Nation that we, having the first seaplane in our Navy, ahead of all other countries in the world, are now lagging behind even the smallest European nation in the development of aircraft, and $2,000,000 is too trifling an amount to be expended for that purpose. If we do not add a single flying machine, if we expend every cent of the increased appropriation, it would be the best investment of a million and a half of money that this Government could possibly make. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. KEATING. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HARDY. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. PADGETT. Mr. Chairman, the committee, as I explained the first day we had this appropriation bill up, recommends an appropriation of $2,000,000 for aviation for this year. This amendment is to increase it to $3,500,000. It does not occur to me it is necessary that there should be a prolonged discussion of the matter, and I would like to have a vote upon it. The committee thought $2,000,000 was an abundance as an appropriation for the coming year.

Mr. WILSON of Florida. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. WILSON of Florida. This aviation school of the Navy is at my home town. What does the Secretary of the Navy recommend in reference to it?

Mr. PADGETT. He has not made any specific recommendation.

Mr. WILSON of Florida. He made the statement that $2,000,000 was the minimum, did he not?

Mr. PADGETT. I do not know of any minimum.

Mr. WILSON of Florida. Yes; he made the statement before the gentleman's committee.

Mr. PADGETT. It may be; but $2,000,000 is all we thought necessary for the appropriation.

Mr. STAFFORD. Will the gentleman yield?

Mr. PADGETT. I do.

Mr. STAFFORD. Can the gentleman furnish the committee with the number of seaplanes now in the Navy and how many this $2,000,000 authorization will buy?

Mr. PADGETT. The $2,000,000 will provide about 75. That is what Admiral Benson said in his tabulated statement.

Mr. STAFFORD. How many have we at the present time, or how many have we altogether at this time, with this authorization for seaplanes?

Mr. PADGETT. I think we have 16.

Mr. GARDNER. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. GARDNER. How many aeroplanes in the Navy of all sorts have we actually finished at the present time?

Mr. PADGETT. I think 16.

Mr. GARDNER. Finished?

Mr. PADGETT. I think so; that is my recollection.

Mr. GARDNER. How many have we in operation; how many have we that we could operate?

Mr. PADGETT. I do not know; that changes from time to time.

Mr. GARDNER. I am told it is 9; is that correct?

Mr. PADGETT. I do not know.

Mr. GARDNER. Can the gentleman state approximately?

Mr. PADGETT. I understand we have 16, but they might not all be operating to-day; there may be something done on them in the way of repairs.

Mr. GARDNER. Was not the testimony before the gentleman's committee 9?

Mr. PADGETT. I do not recall at that particular date.

Mr. GARDNER. The gentleman from Massachusetts [Mr. ROBERTS] says 9.

Mr. PADGETT. Mr. Chairman, I move that all debate upon this amendment do now close. I will change that, and ask unanimous consent that debate close in five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that debate on this amendment close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET. Mr. Chairman, I hope that this amendment for the larger amount will prevail. Of the two new instruments of naval warfare discovered recently, the submarine and the aeroplane, the aeroplane has developed by far the greatest possibilities. The submarine is limited in its efficiency by its lack of speed and its lack of armor. The aeroplane is protected against the attacks of all other agencies by its speed and the fact that it rises to immense heights. I will tell you what an aeroplane can do to a battleship under a recent invention, an invention by Admiral Fiske, of our own Navy, and improved upon by an Italian. An aeroplane can drop a torpedo so as to strike a quarter of a mile or more from a battleship, aimed when it drops, and proceeding toward the target at the rate of 90 miles an hour.

Now, imagine what would happen to a fleet of battleships if four or five hundred aeroplanes—Germany has 9,000—if four or five hundred aeroplanes came out in one of these naval engagements, each equipped with two or three torpedoes, and made the battleships the target of their torpedoes. My own impression is that the development of the airship, which has reached the point where the airship has a capacity of 21 tons—and those now being built in our own country can cross the ocean in 30 hours with a crew of five men and armament—imagine, with the development that will come, what is going to be the future of naval warfare.

We ought to have these aeroplanes. They can do one thing even more hellish to the battleships than the thing I have described about a torpedo, but that particular description that I have given has been printed and published, and therefore I am not assuming any new responsibility in giving it to the world. I have been told by experts of something even worse or more deadly that they can do, but that has not been published, and no Member of the American Congress ought to assume the responsibility of making it public.

Mr. WILSON of Florida. Mr. Chairman, will the gentleman yield there?

Mr. BENNET. Yes.

Mr. WILSON of Florida. I wish to hand to the gentleman a statement contained in the hearings.

Mr. BENNET. Yes. The gentleman from Florida merely reinforces what I said when he calls my attention to Secretary Daniels's statement as to the extreme importance of this aeroplane proposition. I will not read it all. We ought to have that extra million and a half dollars to experiment with. What is a million and a half dollars alongside of what we are voting for these other craft, submarines, and craft of other sorts for this developing branch of naval warfare? I hope that our friends on the majority side will join with us in putting this American invention—that is what it is—again where it ought to be in connection with the American Navy, not in first place but alongside of what we ought to do.

Do you know how many raids have been made on Great Britain by air craft in this war? There have been over 200, and one of them destroyed $15,000,000 of property, including three of the guns of the *Queen Elizabeth* that were being relined in the Woolwich Arsenal, and in connection with that raid 150 people were killed. That was done by one single raid by an aircraft.

This is the startling point to that thing: The only effective thing against aircraft is aircraft. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. ROBERTS of Massachusetts. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 114, noes 106.

Mr. PADGETT. I demand tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Tennessee demands tellers.

Tellers were ordered, and the Chairman appointed Mr. PADGETT and Mr. ROBERTS of Massachusetts to act as tellers.

The committee again divided; and the tellers reported—ayes 129, noes 103.

So the amendment was agreed to.

Mr. ROBERTS of Massachusetts. Mr. Chairman, on page 36, line 21, I move to strike out the words "sixty-one thousand five hundred," and insert in lieu thereof the words "sixty-five thousand."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 36, line 21, by striking out "sixty-one thousand five hundred" and inserting "sixty-five thousand."

Mr. ROBERTS of Massachusetts. Mr. Chairman, the purpose of this amendment is to provide during the fiscal year 1917 the number of enlisted men which the General Board tell us will be required in 1917 to keep in full commission the Atlantic Fleet of 21 battleships, with a reserve crew of 50 per cent upon the other 14 or 15 battleships that will then be and are now in reserve, together with the minimum number of enlisted men required for duty in the Navy at shore stations.

Now, if this committee is to consider any degree or measure of preparedness, the least and smallest they can consider is to provide enough men to keep the present Atlantic Fleet of 21 battleships in full commission, with a reserve complement of 50 per cent on our reserve ships.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Georgia?

Mr. ROBERTS of Massachusetts. No; I must decline. I have only five minutes under the rule. We will be derelict in our duty if we provide any smaller number of men than that minimum number recommended by the General Board for the year 1917.

I want the members of this committee to have in mind a few figures that I propose to give them. The enlisted strength of the Navy to-day is 48,000 men plus 3,500 apprentices, or boys under instruction. The majority of the committee have recommended an addition of 13,500 men. If that were the law, we would then have 48,000 plus 13,500 men, or 61,500 men, in the Navy.

But, mark you, under the provisions of this bill you are going to take out of that 61,500 men, and remove them from what we consider the fighting strength, 3½ per cent of the combined authorized strength of the Navy and Marine Corps. Now, the strength of the Marine Corps would be 13,000 men plus the authorized strength of the Navy, including apprentices, or 65,000, and that is 78,000. Three and one-half per cent of that will give you in the neighborhood of 3,000 men, who must be taken out of your efficient fighting Navy in order to provide this Hospital Corps. These men are necessary aboard ship; they are necessary in our hospitals; but they are in no sense fighting men in the Navy; and if you conform to the majority report of the committee, taking those 3,000 men out of the 61,500 effective fighting men would leave you only 58,000 effective fighting men in the Navy, when the General Board says we want 67,000.

And so I say this amendment is the least and the shortest and the most halting step that we could take toward preparedness, and I believe it is one that if we omit to take will bring this Congress under the unmeasured condemnation and censure of the country for failing in this emergency which confronts us, in the unsettled world conditions, to provide the men needed on a peace basis. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. PADGETT. Mr. Chairman, I hope that this amendment will not be agreed to, for the reasons that I shall state, and I want to state at the beginning that it is my purpose to offer an amendment on page 33, under the Hospital Corps, providing that the Hospital Corps shall be in addition to the enlisted strength, which would add 2,730 men to the Navy, and would make the Hospital Corps an addition to the enlisted strength and be 3½ per cent of the authorized strength of the Navy and the Hospital Corps.

Mr. BRITTEN. Mr. Chairman, does the chairman of the committee indicate that the enlisted personnel now provided in the bill will be increased an additional 2,700 by some amendment he is going to offer?

Mr. PADGETT. Yes; it will increase the enlisted strength 2,730 men. If this amendment is voted down, the amendment that I am going to offer will be to strike out, on page 33, lines 2, 3, and 4, as follows: "Hereafter the Hospital Corps of the Navy shall constitute 3½ per cent of the authorized enlisted strength of the Navy and Marine Corps," and substitute "Hereafter the authorized strength of the Hospital Corps of the Navy shall equal 3½ per cent of the enlisted strength of the Navy and Marine Corps and shall be in addition thereto," which would increase the enlisted force of the Navy 2,730 men.

Now, as I said in the outset, on the 30th day of July the General Board said that the number of men required for the next year was 11,000; that this number would provide for the needs of the present ships of the Navy, including those nearing completion. On November 9 they submitted a report saying that for peace requirements in the fiscal year 1917 the General Board regard as inadequate any smaller force than 67,000 men for the Regular Navy. When Admiral Badger appeared before the committee he was asked to give an exact statement, and he said 67,865.

Now, with the amendment that we have here, that I propose to offer, the number will be 67,850 plus 2,730, which will make 70,580.

I have concluded to offer this amendment for the reason that on careful estimates we wanted to make the number of the enlisted men upon the reserve ships 50 per cent instead of 40 per cent. The increase heretofore provided in the bill of 13,500 would not quite do that, but the 2,730 will take care of that amply.

If the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS] is agreed to, the next provision would be to necessitate an increase of the Marine Corps of 700 men, whom we do not need in the Marine Corps; but to keep it on a proportion of 20 per cent of the Navy would mean an increase of the Marine Corps of 700. But if the amendment that I am proposing to offer is agreed to, it will not be necessary to increase the Marine Corps under this provision, because they will be in addition to and separate from the authorized strength upon which the strength of the Marine Corps is based. For that reason I hope that this amendment will be disagreed to, and then I will offer the amendment that I have suggested.

Mr. TRIBBLE. The gentleman's amendment will furnish all the men that the Secretary of the Navy desires?

Mr. PADGETT. Yes; and in pursuance of a recommendation from the Secretary of the Navy as per a letter which I have received from him.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER. May I ask the gentleman a question before he sits down? I ask unanimous consent——

The CHAIRMAN. The gentleman asks unanimous consent that the time of the gentleman from Tennessee be extended one minute. Is there objection?

There was no objection.

Mr. GARDNER. Is it not true that a year ago in the hearings the Secretary of the Navy and Admiral Blue said that we did not need any more men to fully man the ships in the existing current year?

Mr. PADGETT. At that time he said that according to the proportion of the allotments that were made, and upon the basis that at that time prevailed with reference to the reserve ships.

Mr. GARDNER. That he did not ask for any more, and that is why the House voted down the amendment to increase the personnel last year.

Mr. PADGETT. I think there was an amendment offered last year for an increase of 5,000.

Mr. GARDNER. I think Mr. Hobson offered an amendment for 10,000.

Mr. PADGETT. I thought it was 5,000.

Mr. GARDNER. Were the Secretary of the Navy and Admiral Blue anywhere nearly correct as the facts turned out? Did not Admiral Fletcher report within a month that the Atlantic Fleet alone was 5,000 men short?

Mr. PADGETT. I am reminded that Admiral Blue stated that there was a shortage of 4,000, but that it was not necessary to make an increase at that time for the ships that were not then completed, and that this year they would make a recommendation for an increase.

Mr. GARDNER. But, as it turned out, within two months there was a deficit of 5,000 men, according to the report of the commander of the Atlantic Fleet.

Mr. PADGETT. Admiral Fletcher has reported——

Mr. GARDNER. Not his later report. I am speaking of his report in January, 1915.

Mr. PADGETT. Yes; he reported a shortage of 5,000, but that was based on a very large increase over the allotment made to ships that had always prevailed theretofore.

Mr. GARDNER. Was it not based on an absolute necessity for manning the ships?

Mr. PADGETT. That depends upon the basis that is taken——

Mr. GARDNER. That is what Admiral Fletcher stated, that they were needed to man his ships.

Mr. PADGETT. No; he said that was what was recommended.

Mr. BRITTEN. Mr. Chairman, replying very briefly to the suggestion of my good friend from Massachusetts [Mr. GARDNER], I would like to call the attention of the House to the fact that a little more than a year ago, in December, 1914, directly before our distinguished Secretary of the Navy came before the Committee on Naval Affairs, the General Board recommended an increase in the enlisted personnel of 19,600 men. That was in December, 1914. Now, this matter of personnel for the Navy can certainly be treated on a nonpartisan basis, if anything can. We may have our disagreements regarding battleships, or destroyers, or battle cruisers, or submarines, but certainly there can be no difference of opinion as to the desirability of keeping our ships in the Navy fully manned and prepared. It is all right enough for the chairman of the committee to say that ship for ship and man for man we have the greatest Navy in the world. That is mighty fine to send to the folks at home, especially if he will just add a little of Old Glory, but you are not giving them the facts. Experts who came before the committee said that man for man——

Mr. CALLAWAY. Mr. Chairman——

Mr. BRITTEN. I can not consent to be interrupted. I have only five minutes. Experts who came before the committee said that man for man and ship for ship our Navy was not as efficient as the German Navy or the Japanese Navy. And is it not perfectly natural that that should be so? Those navies are in constant practice. They have mobilizations every year, not of a section of the navy but of their entire navy. Do you gentlemen know that we have not had a mobilization of our Navy since the Spanish War purely because we have not the personnel to put on our ships?

When Admiral Fletcher came before the committee this year, he told us that the battleships that comprised the Atlantic Fleet were 15 ships. You and I know that three or four destroyers should accompany each battleship for maneuvering purposes and war-play purposes and in actual war. Accompanying the 15 or 16 battleships he had 18 destroyers. I asked the admiral why he did not have more. He said, "Well, there are 19 of them tied up at various docks available and in good condition, but you could not take them out to sea because we have not the men." There can be no disagreement as to the desirability of having men; we all agree to that. Our Navy could not go into war play if the 10,000 men and 3,500 boys under 21 years of age, recommended in this bill, were enlisted to-day. We can not have a mobilization of the Navy. There is no question about that, and yet they say man for man and ship for ship we have the greatest Navy in the world. Ship for ship, the *Pennsylvania* and the *Oklahoma* are probably superior to anything that floats, but they can not go out without seasoned men. Men must be trained. You can not take a crew of green men and put them on a battleship with all of the complications, the aviation, the wireless, and the intricate engineering system and multitudinous duties and expect them to go out to fight. Man for man and officer for officer we have the finest type of men in the world, but it is just like taking the all-star football team selected each year by my friend Walter Eckersall from Harvard and Cornell and Yale and other college teams as the star players of the season, and call them the greatest team in the country. Do not you gentlemen realize that a scrub team could beat the all-star team unless they had daily practice?

Now, as I say, we have not had a mobilization of our Navy since the Spanish War.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BRITTEN. I want to call the attention of the House to the fact that the enlisted personnel of the Navy has not been increased one man since August 22, 1912. It is four years ago, and the increase at that time was 4,000. I want to call attention to the number of dreadnaughts commissioned since that small increase was made in the second session of the Sixty-second Congress. We have commissioned six dreadnaughts—the *Arkansas*, the *Nevada*, the *New York*, *Oklahoma*, *Texas*, and *Wyoming*—requiring more than 5,300 men on those ships. And when I say 5,300 men, I mean enlisted men, irrespective of petty officers and warrant officers, and so forth, and exclusive of marines.

We have commissioned 22 destroyers, 13 submarines of the G, H, and K type, 3 torpedo tenders, 1 gunboat—the *Sacramento*—and 5 fuel ships.

In addition to the ships commissioned and in service, we have 7 dreadnaughts building, and the *Pennsylvania* is 99.3 per cent complete, and will be completed in the next 30 days; 13 destroyers in the course of construction and 2 fuel ships, 1 supply ship, 1 transport, and 37 submarines. All of that is exclusive of the tremendous building program that we have to-day.

Man for man and ship for ship we have a wonderful aggregation, but as a compact fighting mass they could not deliver the goods, and experts will tell you so.

With the exception of three experts who came before the committee, every one of them, including the commander in chief of the Atlantic Fleet and the commander in chief of the Pacific Fleet, said that we ought to have from 20,000 to 25,000 men added this year. The three who said that we should have less than 20,000 are directly under the daily glance of the Secretary of the Navy in the department. Every one, with the exception of the three from the department, said 20,000 or 25,000. Now, 25,000 additional men is not a serious matter, particularly when you consider that 3,500 authorized in the bill are boys under 21 years of age.

Mr. PADGETT. Oh, no; they are all men.

Mr. BRITTEN. I am talking about the apprenticed seaman.

Mr. PADGETT. We do not authorize any apprenticed seamen.

Mr. BRITTEN. Thirty-five hundred.

Mr. PADGETT. No; they were all authorized years and years ago.

Mr. BRITTEN. Then if they were authorized years and years ago, they are now men, and they are in the fighting force and we need more of them. The situation is right here. Our Navy can not carry on a war game. We carried on one war game last October—the Atlantic Fleet; a portion of our Navy, with skeleton crews, and it was a farce—not an aeroplane. They called themselves the blues and the reds, or something like that, and I have it from expert authority that the play was a farce. We can not maneuver, we can not mobilize, we can not carry along our destroyers. We have millions and millions of dollars tied up in ships in reserve at the various navy yards. The commander of the fleet will tell you that we can not take those ships out because we have not the men, and that is all there is to it. The chairman says we are going to increase this number now by 2,700 in the Hospital Corps. I should say that we need them in the Hospital Corps, and besides that number we want some more fighting men on the fighting ships so that we can go out and maneuver and mobilize. [Applause on the Republican side.]

Mr. ROBERTS of Massachusetts. Mr. Chairman, I move to strike out the last word.

Mr. PADGETT. Mr. Chairman, before the gentleman begins, I ask unanimous consent that debate upon this amendment and all amendments thereto close in 10 minutes, the gentleman from Massachusetts to have 5 minutes and I to have 5 minutes in reply.

Mr. MANN. I may want five minutes.

Mr. ROBERTS of Massachusetts. The gentleman means 10 minutes after the 5 minutes for which I have already been recognized?

Mr. PADGETT. No; I was including that.

Mr. ROBERTS of Massachusetts. I have already obtained 5 minutes, and I will agree to the proposition for 10 minutes after my 5 minutes have been used up.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that debate on this amendment and all amendments thereto close in 10 minutes. Is there objection?

Mr. BUTLER. Mr. Chairman, my colleague, Mr. FARR, would like two or three minutes, and I would be obliged to the gentleman if he would add five minutes.

Mr. MOORE of Pennsylvania. I would like to offer an amendment to the paragraph, and I presume this arrangement will not interfere with that?

Mr. PADGETT. I ask that all debate on this amendment and all amendments thereto close in 15 minutes.

Mr. ROBERTS of Massachusetts. After my five minutes expire?

Mr. PADGETT. No; 10 minutes after the gentleman's 5 minutes expire, 5 minutes to the gentleman and 5 minutes to the gentleman from Pennsylvania [Mr. FARR]; and do I understand that the gentleman from Illinois desires 5 minutes?

Mr. MANN. I did, but if the gentleman is so anxious I will let it go.

Mr. PADGETT. Very well, and five minutes for myself.

Mr. BROWNING. Make it 20 minutes.

Mr. ROBERTS of Massachusetts. Mr. Chairman, this will virtually close the minority amendments and it will enable us

to dispose of them to-night if we get 20 minutes after I am through. That will let us finish our program at 5 o'clock or a few minutes after.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes after the expiration of the gentleman's time, 10 minutes to be controlled by myself and 10 minutes by the gentleman from Pennsylvania [Mr. BUTLER].

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on the pending amendment and all amendments thereto close in 25 minutes, 5 minutes to be occupied by the gentleman from Massachusetts, and 10 minutes to be controlled by the gentleman from Pennsylvania [Mr. BUTLER], and 10 minutes by the gentleman from Tennessee [Mr. PADGETT]. Is there objection?

There was no objection.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I am very glad indeed to hear the chairman of the committee state that he will later offer an amendment that will take the 3½ per cent of the authorized strength of the Navy and Marine Corps out of the effective authorized strength of the Navy and put them on a separate status.

Mr. PADGETT. I said that I was going to offer that in the event that this was voted down.

Mr. ROBERTS of Massachusetts. Oh, the gentleman has not fully come over then?

Mr. PADGETT. No; I said in lieu.

Mr. ROBERTS of Massachusetts. The gentleman has not come over to the opinion that the nonfighting men should not be included among the authorized fighting strength. We thrashed that out in committee.

Mr. PADGETT. Take them out of the 54,000 that we have, and that will leave that many——

Mr. ROBERTS of Massachusetts. If the gentleman is going to offer his amendment on condition that we do not increase the authorized strength under that motion made by myself, I want to point out wherein his amendment, if adopted, would still leave the Navy 3,500 men short of the requirements on a peace basis. The trouble is the chairman of our committee loses sight of the fact that the authorized strength of the Navy to-day in men is but 48,000. He tells us about the strength of the Navy authorized by law—51,500. That is true, but 3,500 are boys—apprentices. If you called for a plumber to go to your house, and he brought his helper along with him, you would not say that you had two plumbers in the house; you would have a plumber and a boy under instructions. So when you figure 51,500 as the authorized strength of the Navy to-day it means 48,000 men, because the law says that explicitly, and 3,500 more are to be trained as seamen; and the General Board is not asking now at this time for additional apprentices. They do not figure in the 67,000 needed in the Navy a single apprentice. They do not want them. So far as the General Board is concerned, the provision of law providing 3,500 apprentices to-day is ample to meet all the requirements of the Navy. They are asking for men. Now, you take the basis of 48,000 men, which is the law, add to that the 3,500 recommended, plus 2,700, which the chairman says is the strength of the Hospital Corps, and you will have an addition this year of 16,200 men. Add that to the 48,000 and you will have 64,200 men in the Navy, and the General Board says 67,000 is the minimum number needed.

I have some information here I wish I had had the other day. Here is a document I have in my hand, prepared in the Navy Department, in the Bureau of Navigation, for their own information, never intended to come to Congress or be read by the committee or on the floor of this House. I have the permission of the Secretary of the Navy to keep this copy, and I have been reading it through. This gives in great detail just where all our men are who are now in the Navy, on what ships, beginning with the *Wyoming* and running down, how many allowed, how many on board, how many vacancies. It goes right straight on down through every battleship down to the most insignificant of our ships, and the most illuminating thing to me is that to-day we have but 13 battleships in full commission in the Atlantic Fleet. I stated on the floor the other day that the Atlantic Fleet since September, 1914, had shrunken from 21 capital ships down to 16 because they had not men enough to put on them; but I find we have only 13, for the same reason—lack of men.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I ask unanimous consent to extend my remarks by inserting in the RECORD this document. I do so for the reason that many Members say there is no other means of getting information as to the personnel and where located.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The matter referred to above is as follows:

EMPLOYMENT OF ENLISTED PERSONNEL.

(Quarter ended Mar. 1, 1916.)

Bureau of Navigation quarterly statement of vacancies, Apr. 5, 1916.

ATLANTIC BATTLESHIPS—ACTIVE STATUS—14 SHIPS.

Ships.	Allowed.	On board.	Vacancies.	Remarks.
Wyoming, flagship	978	971	7	
Yankton	75	80	5	Over.
Arkansas	957	949	8	
Delaware	830	819	11	
New York	902	904	2	Do.
Texas	902	897	5	
Florida	851	843	8	
Michigan	707	749	42	Do.
Kansas	844	835	9	
South Carolina	707	715	8	Do.
Utah	828	796	32	
New Jersey	819	798	21	
Rhode Island	798	793	5	
Louisiana	862	885	23	Do.
Nebraska	798	766	32	
Total	11,858	11,800	58	

ATLANTIC BATTLESHIPS—RESERVE STATUS—15 SHIPS.

Connecticut	338	312	26	
Minnesota	338	283	55	
New Hampshire	338	306	32	
Virginia	319	442	123	Over.
Vermont	338	350	12	Do.
Georgia	319	351	32	Do.
North Dakota	320	307	13	
Maine	280	191	89	
Missouri	280	253	27	
Ohio	280	249	31	
Wisconsin	245	240	5	
Alabama	245	158	87	
Illinois	245	129	116	
Kearsarge	256	224	32	
Washington	326	370	44	Do.
Total	4,467	4,165	302	

ATLANTIC CRUISER SQUADRON—ACTIVE STATUS.

Dolphin, flag	144	135	9	
Kentucky (Sp)	309	302	7	
Montana (Sp)	446	473	27	Over.
North Carolina (Sp)	336	324	12	
Tennessee	844	852	8	Do.
Des Moines	274	264	10	
Castine	122	154	32	Do.
Machias	123	121	2	
Nashville	172	170	2	
Wheeling	123	134	11	Do.
Sacramento	131	134	3	Do.
Marietta	122	152	30	Do.
Total	3,146	3,215	69	Do.

ATLANTIC DESTROYER SQUADRON—ACTIVE STATUS.

Birmingham	396	364	32	
Melville	315	301	14	
Fifth division:				
O'Brien	84	81	3	
Fanning	74	75	1	Over.
Jenkins	75	76	1	Do.
Jarvis	74	76	2	Do.
Patterson	74	77	3	Do.
Warrington	73	74	1	Do.
Sixth division:				
Wadsworth	87	82	5	
Cassin	84	79	5	
Cummings	84	76	8	
McDougal	84	77	7	
Winslow	84	82	2	
Ericsson	84	79	5	
Seventh division:				
Balch	84	78	6	
Drayton	76	77	1	Do.
Parker	84	81	3	
Aylwin	84	84	0	
Nicholson	84	79	5	
Cushing	84	82	2	
Total	2,168	2,080	38	

Bureau of Navigation quarterly statement of vacancies, etc.—Continued.

ATLANTIC DESTROYER SQUADRON—RESERVE STATUS.

Ships.	Allowed.	On board.	Vacancies.	Remarks.
Dixie	136	152	16	Over.
Fourth Division:				
Ammen	74	70	4	
Burrows	74	67	7	
Beale	45	43	2	
Jouett	44	48	4	Do.
Third Division:				
Paulding	44	49	5	Do.
McCall	74	63	11	
Henley	74	62	12	
Benham	77	69	8	
Panther	153	163	10	Do.
Second Division:				
Walke	44	51	7	Do.
Monaghan	44	51	7	Do.
Perkins	45	44	1	
Roe	44	51	7	Do.
Sterett	44	42	2	
Terry	44	49	5	Do.
First division:				
Smith	51	53	2	Do.
Flusser	50	55	5	Do.
Lamson	51	55	4	Do.
Preston	50	51	1	Do.
Reid	50	54	4	Do.
In ordinary:				
Trippe	10	13	3	Do.
Downes	10	13	3	Do.
Total	1,332	1,368	36	Do.

ATLANTIC SUBMARINE FORCE—ACTIVE STATUS.

Columbia	363	303	60	
Macdonough	47	46	1	
Worden	47	49	2	Over.
Tallahassee	162	168	6	Do.
Severn	66	81	15	Do.
Potomac	37	38	1	Do.
Tonapah	85	46	39	
Ozark	157	151	6	
Fulton	129	114	15	
C boats 1, 2, 3, 4, 5	90	81	9	
D boats 1, 2, 3	60	57	3	
E boats 1	19	19		
G boats, 1, 2, 3, 4	90	92	2	Do.
K boats, 1, 2, 5, 6	92	117	25	Do.
Total	1,444	1,362	82	

ATLANTIC MINING DIVISION—ACTIVE STATUS.

San Francisco	299	309	10	Over.
Baltimore	387	298	11	Do.
Dubuque	142	147	5	Do.
Lebanon	57	56	1	
Ontario	43	43		
Sonoma	43	44	1	Do.
Patapsco	39	43	4	Do.
Patuxent	39	42	3	Do.
Total	949	982	33	Do.

ATLANTIC AUXILIARY DIVISION—ACTIVE STATUS.

Vestal	277	296	19	Over.
Celtic	140	137	3	
Culgoa	131	140	9	Do.
Jupiter	170	163	7	
Solace	59	55	4	
Total	777	791	14	Do.

ATLANTIC, SPECIAL SERVICE—ACTIVE AND RESERVE STATUS.

Chester	352	340	12	
Dolphin	144	135	9	
Eagle	65	72	7	Over.
Fish Hawk	42	44	2	Do.
Hancock (reserve)	215	219	4	Do.
Hannibal	143	143	0	
Leonidas	147	145	2	
Prometheus	160	191	31	Do.
Mayflower	172	170	2	
Neptune	152	156	4	Do.
Paducah	161	225	64	Do.
Osceola	27	30	3	Do.
Peoria	36	37	1	Do.
Prairie	188	208	20	Do.
Salem (reserve)	147	134	13	
Scorpion	80	81	1	Do.
Sylph	28	28	0	

Bureau of Navigation quarterly statement of vacancies, etc.—Continued.

ATLANTIC, SPECIAL SERVICE—ACTIVE AND RESERVE STATUS—continued.

Ships.	Allowed.	On board.	Vacancies.	Remarks.
Petrel (reserve)	54	97	43	Over.
Tacoma (reserve)	30	55	25	Do.
Uncas	29	29	0	
Bailey (reserve)	49	46	3	
Barney (reserve)				
Biddle (reserve)				
Bagley				
Dahlgren				
De Long	15	12	3	
Shubrick				
Thornton				
Tingey				
Total	2,436	2,597	161	Do.

FITTING OUT AND UNASSIGNED.

(Fitting-out allowance, 400.)

Arizona	400	21		
California		5		
Pennsylvania	951	85		
Nevada	920	975		
Oklahoma	920	414		
Conyngham	84	83		
Jacob Jones	84	82		
Porter	84	21		
Duncan	84	79		
Tucker	84	20		
Wainwright	84	26		
Maumee		14		
Bushnell	145	153		
L 1, 2, 3, 4, 6, 9, 10, 11, M-1		90		
Total	3,840	2,068	1,772	

PACIFIC FLEET—ACTIVE STATUS.

San Diego	816	798	18	
Chattanooga	274	276	2	Over.
Cleveland	274	275	1	Do.
Denver	271	290	19	Do.
Raleigh	256	261	5	Do.
Yorktown	162	172	10	Do.
Annapolis	136	139	3	Do.
Total	2,189	2,211	22	Do.

PACIFIC FLEET—RESERVE STATUS.

Oregon	235	226	9	
South Dakota	313	277	36	
Maryland	340	397	57	Over.
Colorado	313	207	106	
West Virginia	313	214	99	
Charleston	260	190	70	
Pittsburgh	314	303	11	
St. Louis	260	196	64	
Saratoga	185	152	33	
Albany	120	97	23	
New Orleans	120	185	65	Do.
Total	2,773	2,444	329	

PACIFIC TORPEDO DIVISION—ACTIVE STATUS.

Milwaukee	260	216	44	
Stewart	73	79	6	Over.
Paul Jones	73	78	5	Do.
Perry	73	79	6	Do.
Whipple	73	80	7	Do.
Preble	73	77	4	Do.
Total	625	609	16	

PACIFIC TORPEDO DIVISION—RESERVE STATUS.

Hull	38	46	8	Over.
Hopkins	38	43	5	Do.
Lawrence	38	42	4	Do.
Truxton	38	40	2	Do.
Total	152	171	19	Do.

PACIFIC SUBMARINES—ACTIVE STATUS.

Alert	127	123	4	
Cheyenne	160	156	4	
F boats, 1, 2, 3	57	55	2	
H boats, 1, 2, 3	57	57		
K boats, 3, 4, 7, 8	88	105	17	Over.
Total	489	496	7	Do.

Bureau of Navigation quarterly statement of vacancies, etc.—Continued.

PACIFIC—SPECIAL SERVICE AND AUXILIARIES.

Ships.	Allowed.	On board.	Vacancies.	Remarks.
Iris	129	124	5	
Glacier	136	142	6	Over.
Buffalo	185	196	11	Do.
Rainbow	86	59	27	
Fortune	42	45	3	Do.
Navajo	26	24	2	
Iroquois	33	29	4	
Supply	148	140	8	
Albatross	73	66	7	
Total	858	825	33	

ASIATIC FLEET—ACTIVE STATUS.

Brooklyn	539	524	15	
Cincinnati	256	233	23	
Galveston	274	260	14	
Elcano	93	83	10	
Helena	159	163	4	Over.
Monocacy	45	48	3	Do.
Palos	45	47	2	Do.
Quiros	54	53	1	
Samar	29	32	3	Do.
Villalobos	54	55	1	Do.
Pampanga				
Wilmington	159	148	11	
Monterey	66	133	67	Do.
Total	1,773	1,779	6	Do.

ASIATIC TORPEDO DIVISION—ACTIVE STATUS.

Dale	77	71	6	
Bainbridge	76	72	4	
Barry	75	76	1	Over.
Chauncey	74	75	1	Do.
Decatur	74	68	6	
Total	376	362	14	

ASIATIC SUBMARINE DIVISION—ACTIVE STATUS.

Monadnock	161	131	30	
Mohican	93	102	9	Over.
A boats, 2, 3, 4, 5, 6, 7	62	58	4	
B boats, 1, 2, 3	38	35	3	
Total	354	326	28	

ASIATIC AUXILIARIES—ACTIVE STATUS.

Wompatuck	25	26	1	Over.
Piscataqua	36	37	1	Do.
Total	61	63	2	Do.

SUMMARY.

	Allowed.	On board.	Difference.
Atlantic, battleships, active status	11,858	11,800	— 58
Atlantic, battleships, reserve status	4,467	4,165	— 302
Atlantic, cruiser squadron, active status	3,146	3,215	+ 69
Atlantic, destroyer squadron, active status	2,168	2,080	— 88
Atlantic, destroyer squadron, reserve status	1,332	1,368	+ 36
Atlantic, submarine force, active status	1,444	1,362	— 82
Atlantic, mining division, active status	949	982	+ 33
Atlantic, auxiliary division, active status	777	791	+ 14
Atlantic, special service, active status	2,436	2,597	+ 161
Fitting out and unassigned	3,840	2,068	—1,772
Pacific, active status	2,189	2,211	+ 22
Pacific, reserve status	2,773	2,444	— 329
Pacific, torpedo division, active status	625	609	— 16
Pacific, torpedo division, reserve status	152	171	+ 19
Pacific, submarines, active status	489	496	+ 7
Pacific, special service and auxiliaries	858	825	— 33
Asiatic, active status	1,773	1,779	+ 6
Asiatic, torpedo division, active status	376	362	— 14
Asiatic, submarines, active status	354	326	— 28
Asiatic, auxiliaries	61	63	+ 2
For March, 1916	42,067	39,714	—2,353
For December, 1915	40,752	39,072	—1,680
For October, 1915	42,671	39,580	—3,091
For July, 1915	40,919	39,001	—1,918

The totals for the last four quarters of the column headed "Allowed" in summary of this report, when compared with the corresponding vacancies existing, indicate the impracticability of employment of more than 40,000 men in the organizations given herein. This report indicates that action will be necessary very shortly to again relieve the personnel situation in order that ships listed in the "fitting out" and "unassigned" classes may be properly manned.

SOLUTION OF PROBLEM.

Statement of personnel.

13 battleships, Atlantic Fleet	11,300		
Atlantic cruiser squadron	3,150		
Atlantic destroyer flotilla, 24 boats	3,660		
Atlantic submarine flotilla	1,580		
Atlantic mining division	950		
Atlantic auxiliary division	780		
Atlantic special service and miscellaneous	2,230		
Total active service		23,650	
Atlantic Reserve Fleet	5,770		
Atlantic reserve torpedo flotilla	1,590		
Total in reserve		7,360	
Atlantic, for ships fitting out		400	
Total for all sea service—Atlantic			31,410
Pacific Fleet	2,190		
Pacific torpedo flotilla	630		
Pacific submarine flotilla	490		
Pacific special service and auxiliaries	860		
Total active service		4,170	
Pacific Reserve Fleet	2,780		
Pacific torpedo flotilla (reserve)	160		
Total in reserve		2,940	
Total for all sea service—Pacific			7,110
Asiatic Fleet		1,775	
Asiatic torpedo flotilla		375	
Asiatic submarine flotilla		355	
Asiatic auxiliaries		60	
Total, Asiatic station			2,565
Grand total, all fleets			41,085
For general detail to meet casualties, sickness, etc			1,000
Total number required			42,085
Total number now available		39,715	
Extra men released from training stations		2,100	
			41,815
Deficit			270

Miscellaneous duty afloat and ashore.

(Correct for Mar. 3, 1916.)

Atlantic, receiving-ship complements	455		
Atlantic, yard craft complements	268		
Atlantic, training-station craft complements	374		
		1,097	
Pacific, receiving-ship complements	66		
Pacific, yard craft complements	101		
Pacific, training-station craft complements	25		
		192	
Asiatic, receiving-ship complements	46		
Asiatic, yard craft complements	14		
		60	
Miscellaneous, available for general detail afloat	400		
Miscellaneous, Naval Militia ship keepers	454		
Miscellaneous, insular force	458		
Miscellaneous, patients in hospitals	1,179		
		2,491	
Ashore, navy-yard details	847		
Ashore, training-station complements	703		
Ashore, training-station apprentices	3,950		
Ashore, service trade schools	1,651		
Ashore, special duty	120		
Ashore, recruiting	407		
Ashore, radio duty	316		
Ashore, hospitals, attendants	398		
Ashore, unavailable, prisoners, insane, traveling, etc	1,696		
		10,088	
			13,928
			39,714
			53,642

Mr. PADGETT. I will ask the gentleman from Pennsylvania to use some time. I want to close.

Mr. BUTLER. Mr. Chairman, not hearing but very little that is said, I do not suppose it is a matter of great importance whether I should or not, but it is important that I should know whether or not the gentleman from Tennessee has put the distribution of time in my hands.

Mr. PADGETT. Yes, sir; the gentleman had 10 minutes and I had 10.

Mr. BUTLER. I have not heard it until this moment. I am very glad to yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. CALLAWAY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing from the hearings a comparative statement of our naval expenditures with those of other countries, covering a period of 10 years back.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, the ships we add to the Navy will not be floating to-morrow. It takes time to construct these ships. They may be necessary several years from now.

I think it is advisable to provide for them and have them then, but in this emergency in the world, in this time when all the world nearly is war mad, and even those in favor of peace want to fight about it, when no one knows what may happen six months or a year from now, it looks like good sense to sharpen our tools, take the rust off them, and teach the people how to use them.

Why, those gentlemen here who are opposed to providing a sufficient number of enlisted men in the Navy to man the ships we now have are like a farmer who lets his farm implements lie out in the weather, rust, and become dull, and gives no care to them until fair weather comes and they ought to be used at once. We can at least provide the men and train them so they can man and fight the ships we now have. That is common sense. It does not require statesmanship, it only requires a little common sense, and it does not require much common sense. We either ought to have no addition to the Navy at all or else just now we ought to provide men enough to completely man the ships we have.

What is the use? You can not take a green hand and put him on board one of these electrical plants—a naval vessel, filled from top to bottom with machinery, operated no longer by human muscle but operated by trained brains. You can not put green men there and expect them to do any good. You must have trained men. Many people believe you can make a soldier over night, but no man believes that you can make a sailor over night. Much less can you make a mechanic or an electrician over night; much less you can train men to fire guns in the Navy over night. We ought to have all the men that the Navy can use and have them trained, ready for trouble if it comes, praying that it does not come. [Applause on the Republican side.]

Mr. BUTLER. Mr. Chairman, I yield the remaining five minutes given to me to distribute to my colleague from Pennsylvania [Mr. FARR].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FARR] is recognized for five minutes.

Mr. FARR. Mr. Chairman, it takes years to prepare a seaman to perform his duties properly. There is no use in having ships unless you are going to man them with men competent to run them. It would be a waste of money.

Great Britain on July 1, 1914, had in her navy 150,000 officers and sailors. To-day she has 417,000 active men on her ships. Take Japan. People say Japan has a smaller navy than we have, but I am somewhat suspicious about the size of Japan's Navy. I am frank to say that. The Japanese Navy has 56,000 on the active list and some 30,500 on the reserve list, making 86,500 in all. Now, as I understand it, we have an active list of 54,500 men and a reserve of 11,000, making 65,500, as against 86,500, the active and reserve personnel in Japan.

We are building hundreds of ships, small and large, but we are not providing men to man them. To repeat, what is the use in building ships unless we provide efficient men with which to man them? It is nonsensical to try to mislead our people by saying, "Ship for ship and man for man, we have the best Navy in the world." We might say that if we had but one ship. It would be like a candidate for Congress saying, "I have 1,000 votes; man for man and vote for vote, they are the best in the world." If his opponent had 2,000 votes, where would he be?

I think, my friends, we have made two good steps in increasing the number of submarines and increasing the appropriation for airships. Now let us fill the Navy with men. Let us give our Navy an abundance of men, so that in case we have war we will be able to utilize every ship we have. Let us be influenced by what has happened in Great Britain. She had 150,000 active personnel in her navy on July 1, 1914, and has 417,000 to-day. What could England have done to protect herself but for the great power she has on the sea? Our dependence for protection must be the Navy. Nothing but the highest efficiency should satisfy us, and we should provide a full complement of men to make this possible.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BUTLER. Mr. Chairman, have I any time remaining?

The CHAIRMAN. The gentleman has one minute and a half remaining.

Mr. BUTLER. I yield a minute and a half to the gentleman from California [Mr. STEPHENS].

The CHAIRMAN. The gentleman from California [Mr. STEPHENS] is recognized for one minute and a half.

Mr. STEPHENS of California. Mr. Chairman, I understood the chairman of the Naval Committee to say that he proposed to offer his amendment because he wants to increase the personnel of the ships in reserve to 50 per cent instead of 40 per cent, as he thinks it is.

In his testimony before our committee Admiral Winslow gave the personnel now aboard the cruisers in the reserve fleet on the Pacific coast as 2,009 men. The Navy Yearbook for 1915 shows that the complement of those ships is 7,247 men. Therefore the personnel of the reserve ships on the Pacific coast is only 28 per cent instead of 40 per cent, as the chairman thinks it is, and his amendment will not bring the total of the enlisted force for the whole reserve fleet up to 50 per cent.

Mr. PADGETT. Mr. Chairman, you can not determine the reserve force in the fleet by picking out a few vessels here and there. That is determined by the aggregate of our Navy.

The General Board adopted a general policy with reference to our fleet, and they say this, that legislation be asked for, providing for an active personnel, officers and enlisted force, keeping in full commission all battleships under 15 years of age from date of authorization, all destroyers and submarines under 12 years of age from date of authorization, half of the cruisers and all gunboats, and all necessary auxiliaries that go with the active fleet and furnish the nucleus of the gross fleet, all the ships of the Navy that would be used in time of war and necessary for training and other shore stations.

Now, that is the policy outlined for the whole fleet. You take any part of the cruisers on the Pacific coast, and the complement may not be full. For instance, you will find that the cruiser service in the Atlantic, down in the South Atlantic, has been extraordinary, and we have been taking men from those other fleets and putting more than half of the cruisers in full commission, instead of half of the cruisers in full commission and half on reserve commission, as recommended by the General Board, to meet the particular exigencies that have arisen at this time.

Now, the gentleman from Pennsylvania [Mr. FARR] referred to England and the United States. England, of course, is in a state of war, and her fleet complement is upon a war basis and not on a normal basis as in time of peace. But what were the conditions in time of peace? On the basis of the number of men per thousand tons, England had 65.34 per thousand tons on her fleet. The United States has 79.04 per thousand tons on our fleet.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. GARDNER. Is it not true that Great Britain also had a reserve navy which we do not have?

Mr. PADGETT. That is true; but I am talking about what is in the active fleet. They have 65 per cent and we have 79.

Mr. GARDNER. But we have not the men.

Mr. PADGETT. Now, then, we have in the Naval Militia, in the Coast Guard, and in the reserve something more than 11,000 men in our reserve, available for the fleet in case of war or emergency.

Mr. GARDNER. Mr. Chairman, will the gentleman yield again?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Massachusetts?

Mr. PADGETT. Yes.

Mr. GARDNER. How many actual men have we in the United States Navy Reserve?

Mr. PADGETT. Four hundred and something.

Mr. GARDNER. And the Secretary of the Navy testified that the legislation proposed would bring us 6,500 the first year.

Mr. PADGETT. I do not remember as to that.

Mr. GARDNER. I put his testimony in the RECORD.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield for a question?

Mr. PADGETT. No; I can not yield.

Mr. MOORE of Pennsylvania. Very well.

Mr. PADGETT. Now, then, at the present time we have an actual enlistment of 54,000. We have provided in the bill for 13,500 additional men. The amendment which I have proposed to offer would increase it 2,730, which would make 70,230, and that does not include 13,000 marines, which, if added, would make 83,230 for the manning of our ships—70,230 in the Navy and 13,000 marines that serve on the ships.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. MOORE of Pennsylvania. Will the gentleman state what is the pay of the enlisted men in the Navy?

Mr. PADGETT. Oh, I can not take up time to do that. I am talking about the number of the men now. In July the General Board said that an increase of 11,000 men would meet our requirements for the year 1917. This amendment that I am proposing will give us 16,230. The General Board stated in their November report that 67,000 men in the service would be sufficient. Take the figures that I have given you, 54,000, 13,500,

and 2,730, would make a total of 70,230, or 3,230 more than the General Board in November said would be needed for the service in the next fiscal year.

Now, Admiral Badger, a member of the General Board, when he came before our committee in February, was asked to give the matter careful attention, and he stated that we would need 67,865. The provision that I propose would give about 2,500 more than he stated.

Mr. BUTLER. I do not want to interrupt the gentleman, but I will ask to have his time extended, because we would like to hear his statement. But why now let us immediately break the compact which we have made, that the Marine Corps shall be 20 per cent of the size of the enlisted force of the Navy?

Mr. PADGETT. Of the authorized force.

Mr. BUTLER. Why should we make an agreement here one minute simply for the purpose of violating it the next?

Mr. PADGETT. I am not doing that.

Mr. BUTLER. As I said to the gentleman the other day, I have made my last agreement.

Mr. PADGETT. I am not violating the agreement. If the provision stays as it is, 13,500, the authorized strength of the Navy would be 65,000 men and the Marine Corps would be 13,000 men, or one-fifth, which we have provided. The provision that I am putting in takes the Hospital Corps out of the authorized strength and puts it as an independent corps, which would give that many more men in the authorized strength, available to take the place of the 2,730 that go into the separate corps.

Mr. ROBERTS of Massachusetts. Does not that 65,000 authorized strength include 3,500 apprentices?

Mr. PADGETT. Yes; and those apprentices are young men from 18 to 21 years of age, just as valuable young men as you could get in the service, and they are just as good material as you could hope for; and it does not do any good to come here and say that boys from 18 to 21 years of age are not valuable and can not perform the service.

Mr. BUTLER. We have got somewhat mixed upon the figures here, and the chairman of the committee will be able to put it straight. The gentleman from Massachusetts [Mr. ROBERTS] insists upon having an amendment adopted here which will increase the fighting force of the Navy by 3,500 men.

Mr. PADGETT. And I am proposing to increase the number by 2,730.

Mr. ROBERTS of Massachusetts. That is not the difference. I am proposing to increase the fighting force by 3,500 men—not apprentices.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment of the gentleman from Massachusetts [Mr. ROBERTS].

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. The clock in front of the Chair seems to have stopped. Is the Chair going by the clock in front of him or the clock behind him?

The CHAIRMAN. The Chair does not go by any clock that has stopped.

Mr. MANN. That is the official clock for the Chair to go by.

The CHAIRMAN. All time has expired.

Mr. BUTLER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BUTLER. To ask unanimous consent of this committee that I may have one minute for myself. When I get time gentlemen take it away from me.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BUTLER] asks unanimous consent that he may proceed for one minute. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object——

Mr. ROBERTS of Massachusetts. Mr. Chairman——

Mr. PADGETT. If they are going to propose to consume the time, I object.

The CHAIRMAN. Objection is made.

Mr. MOORE of Pennsylvania. The gentleman from Tennessee is entirely mistaken. There is no desire to consume time. We would like to get information.

The CHAIRMAN. Objection is made. All time has expired. The question is on agreeing to the amendment of the gentleman from Massachusetts [Mr. ROBERTS].

Mr. ROBERTS of Massachusetts. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROBERTS of Massachusetts. Did not the gentleman from Pennsylvania [Mr. BUTLER] have one minute yielded to him by unanimous consent?

The CHAIRMAN. He did not. The question is upon agreeing to the amendment of the gentleman from Massachusetts [Mr. ROBERTS].

The question being taken, on a division (demanded by Mr. ROBERTS of Massachusetts) there were—ayes 80, noes 87.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I demand tellers.

Tellers were ordered.

The committee again divided; and the tellers reported that there were 83 ayes and 99 noes.

So the amendment was rejected.

Mr. PADGETT. Mr. Chairman, on page 33, lines 2, 3, and 4, I move to strike out the following words: "Hereafter the Hospital Corps of the Navy shall constitute 3½ per cent of the authorized enlisted strength of the Navy and Marine Corps, and as soon as the" and substitute therefor the following: "Hereafter the authorized strength of the Hospital Corps of the Navy shall equal 3½ per cent of the authorized enlisted strength of the Navy and Marine Corps, and shall be in addition thereto."

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 33, lines 2, 3, and 4, strike out the following words: "Hereafter the Hospital Corps of the Navy shall constitute 3½ per cent of the authorized enlisted strength of the Navy and Marine Corps," and substitute therefor the following: "Hereafter the authorized strength of the Hospital Corps of the Navy shall equal 3½ per cent of the authorized enlisted strength of the Navy and Marine Corps, and shall be in addition thereto."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, this will necessitate the changing of the totals in one or two places, and I ask permission to bring in in the morning the corrected figures.

The CHAIRMAN. The gentleman can offer the amendment at a subsequent time.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 36, line 22, after the first word, "men," insert the following: "And the President is hereby authorized to enlist, in his discretion, and from time to time, such additional men as the needs of the Navy may require not to exceed a total authorized strength of 82,762 men."

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to share my time with the gentleman from Illinois [Mr. BRITTEN]. I only need a half a minute to read something into the RECORD.

The CHAIRMAN. The gentleman from Illinois can get recognition in his own right.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that all debate upon this matter close in 10 minutes, 5 to be controlled by the gentleman from Illinois [Mr. BRITTEN] and 5 by myself.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on the pending amendment close in 10 minutes, 5 to be controlled by himself and 5 by the gentleman from Illinois [Mr. BRITTEN]. Is there objection?

There was no objection.

Mr. BRITTEN. Mr. Chairman, it is not probable that I will take four and a half minutes, but if I do I desire to be notified at the end of that time. I hope that this amendment will be agreed to. It does not provide for any expenditure, it merely authorizes the President to enlist more men if he so desires in order to provide a full complement for the various ships in the service.

Mr. GORDON. How can he enlist men without it costing anything?

Mr. BRITTEN. This does not provide any expenditure, but authorizes the President to use his own judgment. Do not get nervous, I will say to my friend from Ohio. Now, I want to call the attention of the House to the fact that notwithstanding our tremendous shortage in the enlisted personnel we have no reserve force. France has a naval reserve of something like 93,000 men and the United States has a naval reserve of 320 men.

Mr. PADGETT. A reserve of over 11,000 men made up of the Coast Guard——

Mr. BRITTEN. Oh, I am not talking about the Coast Guard or the State militia, I am talking about the Naval Reserve as enlisted under the Naval Reserve act of the last Congress. Now, there is no question about that, and that on the 1st of March of this year we had 303 men in that reserve.

Mr. GARDNER. Will the gentleman yield?

Mr. BRITTEN. Certainly.

Mr. GARDNER. Did not I ask the gentleman from Tennessee a few minutes ago how many men there were in the reserve, and the gentleman from Tennessee said there were only 400 men.

Mr. PADGETT. That was under the Naval Reserve act proper, but under the militia act there are eight thousand and something and they are Naval Reserves.

Mr. GARDNER. The gentleman means the State militia?

Mr. PADGETT. No; the Naval Militia, organized and acting under the acts of Congress.

Mr. GARDNER. Are they not the State militia that the gentleman is speaking about?

Mr. PADGETT. They are organized and subject to the call of the President.

Mr. GARDNER. Is not the gentleman talking about the State militia?

Mr. PADGETT. Not the land militia.

Mr. GARDNER. The State Naval Militia?

Mr. PADGETT. Yes; they are a part of our Naval Reserve under the act of Congress.

Mr. BRITTEN. Mr. Chairman, I am not talking about the Coast Guard nor the State Naval Militia. I am talking about the Naval Reserve of former enlisted men; and on the 1st of March we had 303 men. If the gentleman is correct—and I assume he is—when he replied to the gentleman from Massachusetts he said we had something less than 400 now. They are coming in faster in the last month than they have at any time in the previous year. France, England, Germany, and Japan all have tremendous naval reserves, so that when it becomes necessary to have mobilization of their navies they call on the trained reserves, and they have mobilization, and they carry on war games, and that is the reason their navies are an efficient fighting force and in trim all of the time. We have 303 men in the Naval Reserve, and they would not man all the rowboats we would need around the Potomac River in time of war.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. MOORE of Pennsylvania. Have we not provided in this bill for five separate and distinct kinds of reserves?

Mr. BRITTEN. Yes; if you will call them reserves.

Mr. MOORE of Pennsylvania. Has the gentleman time to tell us what those five different branches of volunteers are going to be?

Mr. BRITTEN. No; but the chairman will be glad to enlighten the gentleman on that.

Mr. MOORE of Pennsylvania. I have asked him several questions, but he does not answer.

Mr. BRITTEN. Perhaps he is ashamed to say that the Naval Reserve act created in the last Congress was such a howling farce that he does not dare to talk about it—303 men enlisted in two years is surely a great Naval Reserve. The Secretary came before the committee and said that we would enlist 10,000 men under that act before you gentlemen voted for it.

The CHAIRMAN. The gentleman from Illinois has used four and a half minutes of his time.

Mr. BRITTEN. Mr. Chairman, I yield one-half minute to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, in the colloquy a few minutes ago the gentleman from Tennessee said that there were 400 men in the Naval Reserve. There are 8,000 amateurs, admirals mostly, in our Naval Militia. We have a few Coast Guard men and life-savers that we call the Coast Guard Service, and of past Navy men we have about 400. When you passed the Navy Reserve legislation last year, what did you tell us we were going to have? I hold in my hand a letter from the Secretary of the Navy, in which he describes this Naval Reserve which is going to be built up by the legislation which he proposed and which we passed. On page 1235 of the hearings he said that 6,500 men would be enlisted in that Naval Reserve during the first year; 6,500 men, and all we have is about 400.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. PADGETT. Mr. Chairman, the folly of the provision offered by way of amendment is apparent from the statement of the gentleman from Illinois [Mr. BRITTEN]. He said that it would not cost anything. In other words, it gives the President of the United States authority to enlist ten or twelve thousand men and makes no provision for their payment. How could he enlist them unless he had the money appropriated to bear the cost of enlistment and to pay for the services of the men when they have enlisted?

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. No; I have not the time.

Mr. BRITTEN. I would like to call the attention of the gentleman to the amendment.

Mr. PADGETT. The amendment simply gives authority without making any appropriation.

Mr. BRITTEN. In his discretion.

Mr. PADGETT. Yes; and there is no occasion for exercising that discretion, and there is no need for it as the House has just recently voted. The gentleman from Massachusetts [Mr. GARDNER] said that we had something over 8,000 amateur militia, mostly admirals. Out of eight thousand and something there are about 606 officers and 7,706 enlisted men. It shows the accuracy of his statement, and, in addition, I want to say that every naval officer who appeared before the committee and testified this year and last year with reference to the Naval Militia, testified to its availability and good character, and on it Congress has appropriated several hundred thousand dollars a year to train and develop these men.

Mr. GARDNER. Will the gentleman allow me to correct my remark and say they are men most competent to be admirals?

Mr. PADGETT. I will accept so far as the competency of these men is concerned for the duties which they expect to perform. They are good men. I hope this amendment will be voted down. Now, the gentleman said we had 403 in the Naval Reserve. We have three sources of Naval Reserves by three acts of Congress. A year ago we passed an act for a Naval Reserve of ex-enlisted men. Under that we had 403, the last notice I had. Now, as to the Naval Militia, another act of Congress makes the Naval Militia subject to the call of the President in national emergency or in case of war as a reserve. There are 8,300 there. Then, there is another law of Congress, creating the Coast Guard, with 255 commissioned officers and 3,886 warrant officers, petty officers, and enlisted men, most valuable men, making between 11,000 and 12,000, and under those three laws they are available as a Naval Reserve, and yet gentlemen, when they come to talk about it, want to talk about the last law we passed, that applies to ex-enlisted men and leave out 11,000 of the others.

Mr. MANN. Will the gentleman yield for a question?

Mr. PADGETT. Yes.

Mr. MANN. How many in the Coast Guard would be enlisted?

Mr. PADGETT. A little over 4,000.

Mr. MANN. Does that include the Life-Saving Service?

Mr. PADGETT. Yes, sir; the Life-Saving and Revenue-Cutter Services by an act of Congress which we passed at the last session, which was reported from the Committee on Interstate and Foreign Commerce——

Mr. MANN. I know what the law is.

Mr. PADGETT. Which in time of war were turned over to the Navy Department. They are not under the Treasury, but are under the Navy Department and are a part of the naval service.

Mr. MANN. Does the gentleman contemplate that these men would take the place of enlisted men of the Navy on board naval vessels?

Mr. PADGETT. They would take the place of enlisted men and perform duties in the Navy which if we did not have them we would have to get other men to perform.

Mr. MANN. Oh, no; the Life-Saving Service will guard the coast as they are doing now and as they did during the Spanish War. They will not add a single man on board a vessel, but the men on the vessels of the Coast Guard Service will remain on those vessels. The vessels will be turned over to the Navy.

Mr. PADGETT. And do naval duty.

Mr. MANN. But they will not add a man on board a vessel of the Navy.

Mr. PADGETT. But they will take the place of men they would have to have in the service to perform that necessary function.

Mr. MANN. But the Coast Guard Service or the Revenue-Cutter Service in time of war has always helped the Navy, but they do not add any number of men to the vessels of the Navy.

Mr. PADGETT. Not to the warships, but we have an immense number of auxiliary vessels, and it would take in two or three hundred auxiliary vessels in the Navy in time of war.

Mr. MANN. But the Coast Guard will not add anything——

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the Chair announced that the noes appeared to have it.

On a division (demanded by Mr. ROBERTS of Massachusetts) there were—ayes 62, noes 82.

So the amendment was rejected.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R.

15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

Mr. HUSTED, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the cases of Bridget M. Cleary, Sixty-second Congress, H. R. 28032, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DAVIS of Minnesota, indefinitely, on account of important business.

To Mr. KEY of Ohio, for 10 days, on account of urgent business.

EXTENSION OF REMARKS.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the achievements of the Democratic administration.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD on the subject of the achievements of the Democratic Party.

Mr. BORLAND. I will say that I will not state them all.

Mr. MANN. It will not be long, then. [Laughter.]

Mr. ADAMSON. Replying, Mr. Speaker, to the suggestion of the gentleman from Illinois [Mr. MANN], I want to suggest that if it can not all be put in one issue it can be run along in serial form from day to day. [Laughter.]

The SPEAKER. It is not debatable. Is there objection?

There was no objection.

Mr. BENNET. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of aeroplanes.

The SPEAKER. The gentleman from New York [Mr. BENNET] asks unanimous consent to extend his remarks in the RECORD on the subject of aeroplanes. Is there objection?

There was no objection.

Mr. EMERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the naval bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SIEGEL. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TAGUE. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. SLOAN. Mr. Speaker, I make the same request.

The SPEAKER. On what subject?

Mr. SLOAN. On the naval bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Speaker, I have a little emergency matter here——

Mr. MANN. Not to-night.

Mr. FERRIS. The gentleman shakes his head; so I will not press the matter.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 214. Joint resolution increasing the number of sheets of custom stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing during the fiscal year 1916.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p. m.) the House adjourned until to-morrow, Thursday, June 1, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of War, transmitting draft of proposed amendment to section 22 of the act to regulate commerce, to make reduced rates for transportation of the military forces of the United States when the travel is performed on transportation requests and paid for by the United States or State Governments (H. Doc. No. 1185), was taken from the Speaker's table, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. NEELY, from the Committee on the Judiciary, to which was referred the bill (H. R. 15807) to provide for holding sessions of the United States district court in the district of Maine and for dividing said district into divisions, and providing for offices of the clerk and marshal of said district to be maintained in each of said divisions, and for the appointment of a field deputy marshal in the division in which the marshal does not reside, reported the same without amendment, accompanied by a report (No. 788), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk; and referred to the Committee of the Whole House, as follows:

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 1975) for the relief of C. E. Anderson, reported the same without amendment, accompanied by a report (No. 784), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 11843) for the relief of Charles E. Knickerbocker, reported the same with amendment, accompanied by a report (No. 785), which said bill and report were referred to the Private Calendar.

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 11661) for the relief of Patrick Burns, reported the same with amendment, accompanied by a report (No. 786), which said bill and report were referred to the Private Calendar.

Mr. YOUNG of North Dakota, from the Committee on Claims, to which was referred the bill (H. R. 4626) to reimburse the Farmers Savings Bank, of Brandon, Iowa, for currency destroyed by fire, reported the same without amendment, accompanied by a report (No. 787), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (S. 1288) for the relief of Simon M. Preston, reported the same without amendment, accompanied by a report (No. 789), which said bill and report were referred to the Private Calendar.

Mr. STEAGALL, from the Committee on Claims, to which was referred the bill (H. R. 9335) for the relief of Mrs. W. E. Crawford, reported the same without amendment, accompanied by a report (No. 790), which said bill and report were referred to the Private Calendar.

Mr. PRICE, from the Committee on Claims, to which was referred the bill (H. R. 10624) to appropriate a sum of money to pay Rhoda Menz, W. W. Christmas, and James M. Christmas, heirs of Myra Clarke Gaines, for certain lands in Louisiana, reported the same with amendment, accompanied by a report (No. 791), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 16123) granting a pension to Mrs. Julia McFarland, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. MURRAY: A bill (H. R. 16142) to prohibit the operation of trains of more than one-half mile in length in interstate traffic and in the District of Columbia or any Territory of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. BUCHANAN of Texas: A bill (H. R. 16143) to standardize the barrel of lime; to the Committee on Coinage, Weights, and Measures.

By Mr. MORRISON: A bill (H. R. 16144) authorizing the Secretary of War to donate condemned cannon and balls; to the Committee on Military Affairs.

By Mr. RANDALL: A bill (H. R. 16145) to establish rates of postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. ADAMSON: A bill (H. R. 16146) for adjustment of relative rank of officers of the Army Medical Corps; to the Committee on Military Affairs.

By Mr. MUDD: A bill (H. R. 16147) for the relief of mechanics employed at the proving ground at Indianhead, Md., during the fiscal years 1914 and 1915; to the Committee on Claims.

By Mr. HEATON: A bill (H. R. 16148) authorizing the President to appoint fourth-class postmasters and to pay them a salary of $800 per annum; to the Committee on the Post Office and Post Roads.

By Mr. ABERCROMBIE: A bill (H. R. 16149) to provide for the interchange of teachers of the District of Columbia with other school systems in the United States; to the Committee on the District of Columbia.

By Mr. LOBECK: A bill (H. R. 16150) to amend section 7 of an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes (vol. 37, Stat. L., p. 555); to the Committee on the Post Office and Post Roads.

By Mr. EMERSON: Joint resolution (H. J. Res. 232) granting consent to the Ralph T. Staniforth Airship Line to operate between Cleveland, Ohio, and Detroit, Mich.; to the Committee on Interstate and Foreign Commerce.

By Mr. HEATON: Concurrent resolution (H. Con. Res. 41) that the people of the United States cooperate in the economical use of paper supplies of all kinds; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 16151) granting an increase of pension to George W. Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16152) granting an increase of pension to George Butterbaugh; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 16153) for the relief of Denny Costello; to the Committee on Claims.

By Mr. DEWALT: A bill (H. R. 16154) granting an increase of pension to Amelia Grosscup; to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 16155) granting an increase of pension to Martha Ann Jones; to the Committee on Pensions.

By Mr. HILL: A bill (H. R. 16156) for the relief of Miss C. R. Orricks; to the Committee on Claims.

By Mr. HUMPHREY of Washington: A bill (H. R. 16157) granting a pension to Edward K. Wilson; to the Committee on Pensions.

Also, a bill (H. R. 16158) granting a pension to Hugh W. Garber; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 16159) granting an increase of pension to Mary Jane Thornbury; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 16160) granting a pension to James Prŏsek; to the Committee on Pensions.

By Mr. NEELY: A bill (H. R. 16161) granting an increase of pension to David Rine; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 16162) granting an increase of pension to Minerva J. Gardner; to the Committee on Invalid Pensions.

By Mr. OLNEY: A bill (H. R. 16163) granting a pension to Lois F. Godwin; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 16164) granting a pension to Malissa Ann Lett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16165) to correct the military record of Benjamin Jadwin; to the Committee on Military Affairs.

By Mr. ROWE: A bill (H. R. 16166) granting a pension to Anna L. Lomelino; to the Committee on Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 16167) granting an increase of pension to John M. James; to the Committee on Invalid Pensions.

By Mr. SCHALL: A bill (H. R. 16168) granting a pension to Mrs. Ann E. Sterling; to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 16169) for the relief of the widow and heirs at law of George H. White, deceased; to the Committee on Pensions.

By Mr. THOMAS: A bill (H. R. 16170) granting a pension to Sallie F. Oates; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANTHONY: Petition of Mrs. Kate E. Mayer and others, of Leavenworth, Kans., against compulsory Sunday observance bill for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Katie E. Mayer and others, of Leavenworth, Kans., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. BAILEY: Petition of Rothert & Co., Leopold & Bigley, S. J. Lambour, S. Dembert, L. C. Lambour, Ammon M. Lauver, R. B. Replogle & Bro., John H. Luckett, and H. C. Stultz & Bro., all of Altoona, Pa., favoring the passage of an act placing a tax on mail-order houses; to the Committee on Ways and Means.

Also, petition of D. M. Bare & Co., J. B. Miller, J. P. Martin, S. H. & W. J. Garber, George W. Snyder, I. G. Kagarise, the Snively Grocery, B. Dughi, R. A. Lambert, and Carper Bros., all of Roaring Spring, Pa., for a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. CAREW: Petition of the Columbus (Ohio) Chamber of Commerce, favoring passage of Pomerene bill-of-lading bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DOOLING: Petition of the Aero Club of America, relative to aeronautical needs of the Army; to the Committee on Military Affairs.

By Mr. FOCHT: Evidence in support of House bill 13403, for relief of Arthur V. B. Souders; to the Committee on Invalid Pensions.

By Mr. HEATON: Petitions of sundry citizens and organizations of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of 21 citizens of Wade, Pa., against House bill 652, compulsory Sunday-observance law; to the Committee on the District of Columbia.

By Mr. HILL: Memorial of Stamford Lodge, No. 899, Benevolent and Protective Order of Elks, of Stamford, Conn., in favor of House bill 6915, to retire superannuated postal employees; to the Committee on the Post Office and Post Roads.

By Mr. HUMPHREY of Washington: Petition of citizens of the State of Washington, against Sunday-observance bill in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LAFEAN: Memorial of Colonial Dames of America, favoring national defense; to the Committee on Military Affairs.

By Mr. MEEKER: Memorial of Colonial Dames of America, favoring national defense; to the Committee on Military Affairs.

By Mr. NOLAN: Petition of National Association of Civil Service Employees, favoring Nolan minimum-wage bill, House bill 11876; to the Committee on Labor.

By Mr. NORTON: Memorial of New England Business Men's Association and Mott (N. Dak.) Commercial Club, against a proposed strike by the Brotherhoods of Railway Engineers, Firemen, Conductors, and others; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDALL: Memorial of Epworth League, First Methodist Episcopal Church, Alhambra, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of National Automobile Chamber of Commerce, relative to collection of data regarding production of petroleum, etc.; to the Committee on Mines and Mining.

By Mr. SCULLY: Memorial of citizens of Metuchen, N. J., favoring amendment relative to polygamy; to the Committee on the Judiciary.

Also, petition of National Automobile Chamber of Commerce, relative to collection of reliable data in regard to petroleum, etc.; to the Committee on Mines and Mining.

By Mr. TIMBERLAKE: Memorial of Fort Collins (Colo.) Commercial Club, favoring readjustment of postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of 18 citizens of Fort Collins, Colo., against war with Europe; to the Committee on Foreign Affairs.

Also, memorial of Denver Trade and Labor Assembly, favoring woman-suffrage amendment; to the Committee on the Judiciary.

SENATE.

THURSDAY, *June 1, 1916.*

(Legislative day of Wednesday, May 31, 1916.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

PUBLIC BUILDING AT TAYLOR, TEX.

Mr. CULBERSON. I ask leave, out of order, to submit a report from the Committee on Public Buildings and Grounds.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5447) providing for the erection of a public building at Taylor, Tex., reported it with amendments.

TREATMENT OF TUBERCULOSIS (S. DOC. NO. 453).

Mr. FLETCHER, from the Committee on Printing, to which was referred Senate resolution 206, submitted by Mr. OVERMAN on the 20th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the manuscript submitted by the Senator from North Carolina [Mr. OVERMAN], entitled "Animal Experiments Upon the Acquirement of Active Immunity by Treatment with Von Ruck's Vaccine Against Tuberculosis," by Frank J. Clemenger, M. D., Asheville, N. C., and Dr. F. C. Martley, A. M., M. D., Cambridge, England, be printed as a Senate document.

LOUISVILLE & NASHVILLE RAILROAD CO. (S. DOC. NO. 461).

Mr. FLETCHER, from the Committee on Printing, to which was referred Senate resolution 207, submitted by Mr. LEA of Tennessee on the 31st ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the manuscript submitted by the Senator from Tennessee [Mr. LEA] entitled "Hearings Before Interstate Commerce Commission Relative to Financial Relations, Rates, and Practices of the Louisville & Nashville Railroad Co., the Nashville, Chattanooga & St. Louis Railway, and other carriers," be printed as a Senate document.

MILITARY TRAINING IN PUBLIC SCHOOLS (S. DOC. NO. 452).

Mr. FLETCHER, from the Committee on Printing, reported the following resolution (S. Res. 208), and it was considered by unanimous consent and agreed to:

Resolved, That the manuscript submitted by the Senator from Washington [Mr. POINDEXTER] on May 17, 1916, entitled "Outline of Plan for Military Training in Public Schools of the United States," prepared by the War College Division, General Staff Corps, War Department, together with the Wyoming plan of military training, be printed as a Senate document.

COMMITTEE ON PUBLIC HEALTH AND NATIONAL QUARANTINE.

Mr. LEA of Tennessee. I ask unanimous consent for the present consideration of Senate resolution 114, authorizing the Committee on Public Health and National Quarantine to hold hearings.

Mr. CHAMBERLAIN. If it does not lead to discussion, I shall not object.

Mr. LEA of Tennessee. It is merely a formal resolution to allow the committee to hold hearings.

There being no objection, the resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Public Health and National Quarantine, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fourth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

COMMITTEE ON THE CENSUS.

Mr. LEA of Tennessee. I ask unanimous consent for the consideration of Senate resolution 176, to permit the Committee on the Census to employ an additional clerk.

The Senate, by unanimous consent, proceeded to consider the resolution, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate, with an amendment, in line 4, after the word "period," to strike out the words "of 90 days from and after May 10, 1916," and insert "lasting until the end of the present session of the Sixty-fourth Congress," so as to make the resolution read:

Resolved, That the provisions of the resolution of the Senate of March 9, 1916, authorizing the Committee of the Census to employ an additional clerk for 60 days, are hereby extended for a period lasting until the end of the present session of the Sixty-fourth Congress.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. LEA of Tennessee subsequently said: I move to reconsider the vote by which the Senate agreed to Senate resolution 176, extending the resolution of March 9, 1916, authorizing the Committee on the Census to employ an additional clerk.

The motion was agreed to.

Mr. LEA of Tennessee. I move the following substitute as an amendment, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The question is on the substitute proposed by the Senator from Tennessee.

The substitute amendment was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on the Census be, and it is hereby, authorized to employ an additional clerk, at the rate of $100 per month, to be paid out of the contingent fund of the Senate for a period lasting until the end of the present session of the Sixty-fourth Congress.

ADDRESS BY SECRETARY M'ADOO.

Mr. TAGGART. Mr. President, I have in my hand a copy of a speech delivered by Secretary McAdoo before the Chamber of Commerce of Raleigh, N. C., Wednesday night, May 31. Instead of reading it, I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The speech referred to is as follows:

"The United States is enjoying the greatest era of prosperity in its history, and the outlook for the future of the country was never so bright. Unlike all previous periods of great business activity, the present ascendancy in all lines of industrial endeavor possesses all the elements of permanence, provided we avail of the opportunities which are being literally thrust into our hands, with that intelligence, energy, and enterprise so characteristic of the spirit of the American people.

"Prosperity has permeated every corner of the country. Every line of business is pulsating with it. Every industry is driving at top speed of profitable activity. Labor is employed throughout the land at the highest wages ever known, and the demand for labor in all parts of the country seems to be in excess of the supply. Never in American history have conditions been so favorable to American business and American industry. We have not alone the full dinner pail, but the overflowing dinner pail.

"Agriculture, which is the basis of all prosperity, is experiencing a most wholesome growth. The farmers of the United States never in their history have enjoyed such splendid rewards for their toil, and never before have the economic conditions and the laws already enacted by a Democratic administration so justly favored them. The rural-credits bill, which will soon be passed and approved by the President, will emancipate the farmer from many of the most serious ills he has so long endured and provide the long-time credits, at low rates of interest, so essential to the remunerative and productive development of the farming industry.

"Money and credit are abundant; the ghost of panic has been securely laid. In the midst of a war-torn and war-worn world, with adversity crumbling the economic foundation of almost every other great power, the financial, commercial, and industrial conditions in the United States are phenomenally sound and exceptionally strong. This is due not to transitory war orders or ephemeral trade, but to the amazing economic strength of the United States.

"The Federal reserve act, which is now generally conceded to be the most constructive measure placed upon our statute books in a half century, is the greatest contributing factor in this happy condition. The Federal Reserve System has been in operation less than two years, during which time the Nation has passed through the greatest crisis and strain the world has ever seen. We have successfully withstood the shock of the European cataclysm, and have rebounded into the most unexampled prosperity any nation has ever known. The Federal Reserve System has provided the elastic and responsive credit resources required for the expansion and growth of the business and the development of our country.

"The straight-jacket in which the business and industry of the United States have been cramped and limited by the old financial laws of the Republican Party has been shattered, and the country may grow without restriction to the full limit of healthful and legitimate expansion. Not only has the reserve system provided ample credit resources and strengthened the financial structure of the country immeasurably, but it has caused a more equitable diffusion of credits, has reduced rates of interest, and has mitigated already, and in great measure, the abuses of usury in those parts of the country where usury has been a serious handicap to business and enterprise. What this means to the business men and all classes of our people is too obvious to describe.

"It is a significant fact, and it is an achievement of which the administration may well boast, that when the country was on the verge of appalling panic at the outbreak of the European war in 1914, it was the decisive and adequate measures taken by the Government at Washington that prevented this panic and laid a secure foundation for the great prosperity we are now enjoying. It was the leadership and action of the Government at Washington that saved the country in this great crisis. This is said in no spirit of depreciation of the important cooperation the leading bankers and business men of the country gave to the Government in that critical time.

"What a contrast this is to the ineffectiveness of the Republican administration at Washington during the panic of 1907, which left the country prostrate for many years and brought immeasurable disaster upon the American people.

"Nothing is more indicative of the amazing growth of the country than the condition of the banks. The Comptroller of the Currency states that in March, 1916, the resources of the national banks amounted to $13,838,000,000, exceeding by $370,000,000 the greatest resources ever shown in the history of the national banking system. The resources of the national banks were $2,271,000,000 greater in March, 1916, than in March, 1915.

"This marvelous increase in one year exceeds, the comptroller states, the entire resources of the Reichsbank of Germany, as reported in February, 1916.

"The aggregate resources of the national banks of the United States now exceed by approximately $3,000,000,000 the combined resources of the Bank of England, the Bank of France, and the Bank of Russia, the Reichsbank of Germany, the Bank of the Netherlands, the Swiss National Bank, and the Bank of Japan. The total deposits of the National banks in March, 1916, amounted to $10,790,000,000, an increase in three months of $411,000,000 and an increase over March, 1915 (one year), of $2,198,000,000.

"These figures are so prodigious as to be almost unbelievable. They reflect infallibly the degree of prosperity as wide and deep as it is amazing and gratifying. One can not speak of this record without superlatives. Even the infallible and sanctified Republican Party could not have done better. Perhaps it is heresy to say this, but may the Democrats not reasonably claim that since the Republican Party has never done anything like so well for the country when for many years it had control of the Government it would not have done better than the Democratic Party has shown by these impressive figures and by the results which are visible to every man, woman, and child in America to-day? Has the Republican Party ever done even as well?

"Judge Gary, head of the United States Steel Trust and a leading Republican statesman, in a recent speech in New York had bewailed the fact that the high protective tariff, which is the sanctified doctrine and cure-all remedy of the Republican Party, has not been in force at this time, and he almost weeps as he appeals to the country to restore this Republican system of subsidies, conferring upon the great manufacturers of this country the right to tax the people for their own benefit. If this is a sample of Republican statesmanship, then it may well be asked whether or not the Republican Party could have handled the affairs of the country so well as the Democratic Party has during the past three years.

"In the face of the greatest prosperity ever known in the history of the iron and steel industry—the prosperity brought about under the Democratic tariff law enacted in 1913, and with the coffers of every iron and steel industry in the country overflowing with plenty, Judge Gary seriously asks the people of this country to restore the high protective policy and subsidy system of the Republican Party. What is there in the present conditions to justify such an appeal? How can the people be convinced that the iron and steel industry should be given new advantages and additional subsidies in the light of the huge profits they are now earning?

"The present tariff law—the Underwood-Simmons Act—made a reasonable reduction in the customs duties, transferring a part of the burdens of taxation from the backs of the masses of the people to the ample shoulders of wealth, which has never under the Republican system borne its just proportion of the burdens of government. The Democratic system is the just system. The Republican system is the privilege system. The people will not repudiate the former and deliberately readopt the latter in view of the demonstrated fallacy of the claim of protected industries that they need to tax the people for their own benefit in order to make a profit. Every reasonable man wants industry to thrive and prosper, and every reasonable American citizen is willing that enterprise shall have a just and fair opportunity, but while conceding this to enterprise and business, democracy claims that like treatment should be accorded to the masses of the American people.

"The prosperity of the country is strikingly reflected in the surplus reserves of the national banks. These reserves are now so great that they give the national banks a further loaning power of three to four billion dollars. If we add to this the loaning power of the State banks and trust companies of the country, we have an aggregate approximating the astounding total of $6,000,000,000.

"These great resources carry with them both opportunity and responsibility—opportunity to serve the Nation's needs in the highest degree and to extend assistance to our splendid neighbors of South and Central America, who are suffering severely for the resources needed for their own development; responsibility to so use these resources that they will be employed in legitimate and wholesome enterprise and development, and not for speculation or inflation.

"The duty devolves upon the bankers of the United States, because the responsibility rests primarily upon them to curb speculation and to restrain inflationary tendencies. The Federal Reserve Board, at Washington, will use its great power to assist in the wholesome use of the great credit resources of the country and to prevent unhealthful tendencies; but the banks themselves have the chief power and responsibility; the Federal Reserve Board can only contribute toward this result to the extent that the law gives it the necessary authority.

"When I speak this word of caution about speculation and inflation I must at the same time express my lack of sympathy with the views so strenuously put forward, and I think for selfish motives primarily, by some people and by many partisans for political purposes, that the United States must face a period of serious depression, if not possible disaster, upon the conclusion of peace in Europe. Some people are undoubtedly honestly impressed by these claims and are genuinely apprehensive about the future. Aside from the partisan purpose of this propaganda, unreasonable fear alone seems to me to be at the basis of all honest apprehension on this score.

"An analysis of the conditions in the United States and of the possible economic effects of the war in Europe does not, in my opinion, give the slightest justification for any fear for our prosperity. A Democratic Congress, however, out of deference to any honest apprehension that may exist in the minds of business men, will enact legislation against the dumping of cheap European goods in our markets, and will prohibit by law unfair competition by foreign competitors with American business men and manufacturers. While I do not believe these measures are essential, I favor them simply as a precaution and as an assurance to the timid and hesitating.

"When I contrast the enormous financial and economic strength of the United States, and the extraordinary skill and creative genius of its people, with the depleted resources and the weakened economic power of the great European nations, and the destruction of so much of their skilled labor and manhood, I feel somewhat ashamed of the fright and timidity manifested by some people of the United States whom we have been accustomed to regard as really strong.

"When peace is restored to Europe the belligerent nations will find themselves burdened with an almost insupportable load of debt. Taxation, both oppressive and excessive, must be borne to pay the interest on these debts. Taxation is an important factor in the cost of production and adds materially and will seriously affect the competitive capacity of Germany, France, England, and the other industrial nations of Europe. Many of their skilled workmen have been lost and new ones must be created; many of their industries have been destroyed and must be reconstructed. Their credit resources are seriously impaired. Other serious difficulties must be overcome if they are to regain their foreign markets. Against these formidable handicaps and terrible conditions is it believable that the American people, with their highly developed industries and skilled labor, matchless resources, exceptional creative genius and productive capacity, are unable to sustain themselves in a fair contest for their share of the world's markets? Can it truthfully be said that our economic safety and prosperity will have to face any real peril? It is almost discreditable to our intelligence to have to argue such a proposition.

"There are those who say that the loss of war orders after peace comes in Europe will seriously affect the industries of our country. This is absurd. The percentage of war orders, as contrasted with the entire domestic and foreign commerce of the United States, is insignificant. When war orders cease—and God grant that the necessity for them may cease soon—we shall receive orders, even from Europe, for the restorative pur-

poses of peace, for the reconstruction of ruined industries and cities, and for the relief of the stricken markets of Germany and Austria, which have been closed to us for the full period of the war. Our trade to Austria and Germany alone for the last year prior to the outbreak of the war amounted to $367,500,000. All this trade will be regained, and in addition to that, if we are in the least intelligent and enterprising, the great markets of South and Central America, which have been clamorously seeking us for the past two years, will more than offset any possible loss of war trade. The total imports of South America alone, exclusive of those received from the United States during the last year of available statistics prior to the outbreak of the European war, were something like $700,000,000.

"Here is a great field for American enterprise and business; a field which we would already have securely occupied if it had not been for the disastrous action of the Republican Members of the Senate, aided, I regret to say, by a few Democrats, in filibustering to death the bill introduced by the administration in September, 1914, for the purchase of $40,000,000 of merchant ships to be used by the Government of the United States for the protection of our commerce with all the nations of the world. The failure to buy these ships was a fatal and irretrievable mistake. It is a striking example of narrow partisanism. If we had bought in the fall of 1914 or the early days of 1915 $40,000,000 worth of merchant vessels, which could have been had at that time at the low prices of from $40 to $60 per gross ton, those same vessels to-day could be sold by the Government for at least $80,000,000. In one year these same vessels could have earned fifty to one hundred million dollars of net revenue, while at the same time carrying American products for the farmer, the manufacturer, and the business man at one-third of the existing extortionate ocean freight rates.

"When the historian of the future studies this period he will say that the failure of the United States Government in the fall of 1914 to buy merchant vessels for the protection of American commerce was one of the monumental and inexplicable blunders of the time.

"The necessity for the creation of an American merchant marine, for the regulation of ocean freight rates, and for the establishment of a shipping board is just as imperative now as it was then. A Democratic House has passed such a bill, carrying with it an appropriation of $50,000,000 for the construction and purchase by the Government of a merchant marine to be utilized both as an essential naval auxiliary in time of war and for the uses of our commerce in time of peace. If we are going to have any genuine preparedness, about which there is so much talk on the part of our Republican friends, how can they be justified in voting against this measure, which is just as essential to a strong and effective navy as the guns on the decks of the battleships or the coal which must be put in the bunkers of our war vessels? And yet most of them have voted against this essential measure.

"I believe this bill will soon pass the Senate of the United States and receive the approval of the President. When this happens another great constructive measure for the prosperity and prestige of our great country, second only in importance to that of the Federal reserve act itself, will have been secured for the American people. The Stars and Stripes will again be seen upon the high seas. The safety of our commerce will no longer be jeopardized by reliance upon foreign flags. The lives of American citizens who must travel upon the high seas will no longer be endangered upon the ships of belligerent flags because there are no American ships to protect them; and the efficiency of our Navy will no longer be imperiled for want of the necessary naval auxiliary to supply our fighting units with the coal and provisions and ammunition which can not be supplied to them in case of war except through an efficient auxiliary merchant marine.

"The flag of our country, whether we wish it or not, has a meaning beyond our own territorial limits. By the decree of God and by destiny we have been thrust into a position of power, carrying with it world-wide responsibilities and forcing upon us in all probability a measure at least of world-wide dominance. That flag must never stand for a failure to meet any domestic or world-wide responsibility; that flag must forever continue to represent the true spirit and courage and genius and ideals of the American people, and above all, it must stand for truth and justice and fair dealing with all the world. It must stand for peace—peace which reflects the heaven-given light of truth and justice; a peace we shall never be willing to disturb except in a cause whose shield is truth and honor, emblazoned by a light of such radiance and purity that every American citizen will be eager for the glorious privilege of shedding his blood in defense of it."

OREGON & CALIFORNIA RAILROAD LAND GRANTS.

The Senate as in Committee of the Whole resumed the consideration of the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes.

Mr. NORRIS. Mr. President, I rise for the purpose of making some remarks on the pending bill. I will yield, however, if there is any other Senator who wishes to present routine business.

The VICE PRESIDENT. The morning business has closed.

Mr. NORRIS. Mr. President, the real contention in this bill is whether or not the Senate will pass the bill substantially as it passed the House, or whether it will approve the amendments proposed by the Committee on Public Lands. The effect of those amendments, if agreed to, will be to liberalize the bill, as far as any payments are concerned to the State of Oregon.

Yesterday the senior Senator from Oregon [Mr. CHAMBERLAIN], at considerable length, reviewed the situation, and I have no intention of repeating the history surrounding this proposed legislation. I think the Senator from Oregon stated it very fairly, and, although at the time, because I wanted the bill to go over until to-day in order that I might examine into it somewhat, a request that I made not only on my own behalf but for several other Senators, he was impressed with the idea that I was opposed to the legislation. I want to say, Mr. President, that, like the Senator from Oregon, there are some things in the bill, even as it passed the House, that I would like to have changed if I thought under the decision of the Supreme Court we could enact legislation along those lines that to my mind would give justice to all persons interested. But we are hedged about somewhat by the legal situation and by the construction placed upon the original act by the Supreme Court of the United States. It is conceded, as far as I know, by every person who has given the question any examination that the railroad company in this case failed to comply with the spirit and the letter of the law as passed by Congress by which the Government gave quite a number of years ago to this railroad company several million acres of public land in the State of Oregon.

I wish simply to note in passing that the district court, in the case on behalf of the Government seeking to have a forfeiture declared in regard to these lands, agreed with the position taken by the Attorney General, and rendered a decree forfeiting the lands to the United States because the railroad company had failed to comply with the law, and the circuit court of appeals affirmed this decision, but the Supreme Court of the United States reversed it, and this legislation has been necessary because of that reversal.

I can not help but notice, too, that notwithstanding the failure of the railroad company to comply with the law has caused all the difficulty and trouble, the immense amount of loss in a financial way to the Government of the United States, to the State of Oregon, and to a great many citizens of the State of Oregon; but in order to stay within the limits prescribed by the Supreme Court the bill as it passed the House, notwithstanding this fact, gives to the railroad company the payment of $2.50 an acre for all the land involved. I presume that is necessary on account of the legal situation in which we find ourselves.

So I am just as much in favor of legislating on this subject and bringing the delayed and needed settlement to a final determination as is the Senator from Oregon. The only difference between us is as to just how the State of Oregon should be treated in the legislation. It is perhaps natural and perhaps laudable that the Senators representing the State of Oregon should desire to obtain just as liberal treatment as possible; and yet it seems to me that the Senate of the United States, representing the Federal Government, and being as such representative in part the custodian of the public funds and the public land, ought not to go further than justice and liberal treatment would demand.

When this bill is enacted into law there will be several million acres of land now claimed by the railroad company that will become public land of the United States. The bill as passed by the House, after providing for the payment of all the expenses and the taxes that are unpaid on this land, all the taxes

going to the proper authorities in the various counties in the State of Oregon, divides up the remainder as follows: It gives 20 per cent of the remainder to the State of Oregon for school purposes. It gives 30 per cent to the counties in which the land is situated for roads and bridges. That makes 50 per cent of the net proceeds. But we must remember that even out of the gross proceeds, before this division is made, the State of Oregon gets $1,565,458 for taxes now standing against the land and unpaid.

Then, after that 50 per cent of the proceeds has been given, either directly to the State or to the counties in the State, 40 per cent is paid into the reclamation fund. It must be borne in mind in this connection that Oregon shares with the balance of the country in whatever benefits may be derived from the increasing in this way of the reclamation fund.

Mr. CLARK of Wyoming. It is the bill as passed by the House that the Senator is speaking of?

Mr. NORRIS. It is that bill that I am speaking of. That accounts for 90 per cent of the proceeds of these sales. The other 10 per cent is given to the United States. This other 10 per cent will not much more, if any more, than pay the expenses, directly and indirectly, to which the United States has been put on account of the difficulties of the situation. There have been several suits, and there perhaps will be several more that it will be necessary for the United States Government to prosecute. Special agents have been sent by the department, and they have made a careful investigation of the land and of all the other conditions surrounding it.

It seems to me, Mr. President, that this distribution of the fund is extremely liberal to the State of Oregon. Ordinarily the State would have no such claim. The public lands, or the proceeds from the sale of the public lands, are not divided up ordinarily under the general law in that way. So, Oregon is getting 50 per cent directly, and her interest in the reclamation fund of 40 per cent more, besides being paid, before any of these per cents are reckoned, a little over a million and a half dollars for taxes.

Mr. CLARK of Wyoming. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. CLARK of Wyoming. Has the Senator made any estimate as to the value of this land and the amount that will go to the State in bulk?

Mr. NORRIS. Yes; I am coming to that.

Mr. President, what claim can the State of Oregon have that would exceed that treatment? Under what possible construction of all the circumstances in the case could Oregon demand a more liberal treatment? No public land anywhere that I am aware of has been disposed of where the State has been treated as liberally as the House treated Oregon in this particular instance.

I can conceive of but one claim, and that is not a legal one. I can conceive of but one circumstance that would give to Oregon even any equitable right to claim any of this money, and that is that these lands that have been taxed by the State of Oregon, while they were claimed to be owned by this railroad company, will not be taxable after this bill becomes a law, because the lands become public lands again and will not be taxable until the lands are disposed of as provided for in the bill.

I can see how there will necessarily be on at least a portion of the land several years perhaps before the State would be able to tax some of the land. As soon as the bill becomes a law the provisions of it will be effective and the land will be disposed of, and as fast as disposed of it will be again taxable; but for all the years that Oregon has been taxing these lands the amount of tax will be nowhere near the amount of money that she would get under the terms of the bill as passed by the House.

Now, what do the amendments proposed by the committee do? There are one or two amendments having nothing to do with the amount of money that will be disposed of, and I am not speaking of those. I am speaking now of the Senate committee amendment which provides for a different distribution than the one I have outlined as being provided by the House. If the Senate committee amendments are agreed to on that subject, this will be the disposition of the fund.

Ten per cent will go to the United States Government. That is just the same as goes to the United States Government under the bill as passed by the House. Ten per cent will go to the reclamation fund, whereas the House bill gives 40 per cent to the reclamation fund. The Senate committee amendment, giving only 10 per cent to the reclamation fund, provides further that all of that 10 per cent must be spent in the State of Oregon. So that 10 per cent in reality goes to Oregon.

Then it provides that in counties having port districts 30 per cent shall go to those counties for the purpose of building roads and bridges and 20 per cent directly to the port districts in such counties; that in counties having no port districts 35 per cent shall be given for roads and bridges; and the balance of the fund shall be paid to the State of Oregon for school purposes.

Eliminating the 10 per cent that goes to the reclamation fund, the State of Oregon gets 80 per cent of the money, but inasmuch as the amendment provides that the 10 per cent which goes to the reclamation fund must be spent in Oregon, it follows that 90 per cent of the proceeds of these lands goes to the State of Oregon and 10 per cent to the United States. I say the State of Oregon, but perhaps I ought to modify that. It goes either to the State or to the counties in which the land is located and where the port districts are situated.

I want to say just a word about these port districts. It is said that these port districts have bonded themselves for the purpose of improving harbors within the port districts, and that, therefore, they are sadly in need of assistance because some of this land will not be taxable while it remains Government land.

In the first place, when this bill is passed we shall pay one million and a little over five hundred thousand dollars in taxes, most of which will go into these counties. In the second place, under the House bill, 30 per cent of the entire amount will be paid to these counties for roads and bridges. That certainly will relieve from taxation those counties to the extent of the money that is paid there from this fund.

I might digress here to remark that in reading the record of the proceedings when this bill was under consideration in the other House, one of the members of the Committee on the Public Lands, in referring to these port districts, offered, if the Representatives from Oregon preferred it, to have this 30 per cent paid directly to the port districts instead of to the counties. They did not avail themselves of that offer. So far as I am concerned here, if the Senator from Oregon [Mr. CHAMBERLAIN] would say that he preferred under the provision of the House bill that this 30 per cent which it is provided shall go to the counties for bridges, should be paid to the counties or to the port districts, I should have no objection to that kind of an amendment, and I do not believe any other Senator would.

Mr. CHAMBERLAIN. May I interrupt the Senator for a moment?

Mr. NORRIS. Yes.

Mr. CHAMBERLAIN. On what page of the hearings is found the statement to which the Senator has referred?

Mr. NORRIS. That statement was made on the floor of the House of Representatives. I can give the Senator the page of the RECORD on which it appears.

Mr. CHAMBERLAIN. Then, I shall be glad to have the Senator refer to the page of the RECORD.

Mr. NORRIS. It is on page 8599 of the CONGRESSIONAL RECORD of May 24, 1916, in the right-hand column, near the top of the page.

Mr. SUTHERLAND. Mr. President, may I interrupt the Senator from Nebraska?

Mr. NORRIS. I yield to the Senator from Utah.

Mr. SUTHERLAND. Mr. President, unfortunately I was detained from the Senate yesterday while this bill was under consideration, but the analysis of its provisions in so far as the disposition of the fund arising from the sale of these lands is concerned to my mind is perfectly astounding. Does the Senator from Nebraska mean to say that this bill in substance donates to the State of Oregon 90 per cent of the proceeds of the sales of these lands?

Mr. NORRIS. It would do so if the Senate amendments are agreed to, with the exception, the Senator from Utah must remember, that of that 90 per cent 10 per cent goes to the reclamation fund, which, however, an amendment provides must be spent in Oregon.

Mr. SUTHERLAND. But it is equivalent to the complete donation to the State of Oregon of 90 per cent of these valuable public lands.

Mr. NORRIS. I think so. I call it a "donation." Of course the Senator from Oregon does not call it a donation; but that is what the bill provides.

Mr. CHAMBERLAIN. Mr. President——

Mr. NORRIS. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. Let me say to the Senator from Utah that, based on the analysis of the matter as made by the Senator from Nebraska [Mr. NORRIS], it does look large; but I have not interrupted the Senator from Nebraska to correct the statement he has made. I shall be able to show, however, to the Senate that the United States has already received very large sums, and that under the House provision the Government of the United States, while on the face of the bill is advancing the taxes, yet an analysis of the bill will show that the Government of the United States does not pay the taxes at all.

Mr. NORRIS. Perhaps I had better review the bill just a little. The bill provides that this land shall be sold, and it provides how it shall be sold. That is in the House bill, and there is no amendment to it and no controversy over it. The bill divides the land up into classes and provides that out of the proceeds, after paying the expenses, consisting in part of $2.50 an acre for the land, which must be paid to the railroad company from whom the land is taken, the United States then pays the taxes that are now unpaid on the land which the railroad company has not paid.

Mr. SUTHERLAND. Let me understand, as the Senator from Nebraska proceeds. Out of the funds arising from the sale of the land the railroad companies are first to be paid $2.50 per acre?

Mr. NORRIS. Yes.

Mr. SUTHERLAND. Then, how is the remainder of the fund to be disposed of?

Mr. NORRIS. Then the taxes are paid; and I think that accounts for about all the expense there is. Then the balance is divided up, as I have stated.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. NORRIS. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, what better use does the Senator from Utah think could be made of this money than to donate it to the uses which are specified in this bill within the State where the land is situated. If we should put the money into the National Treasury, we would appropriate it for some other ports, or for an inaugural ball, or soldiers, or something of that kind. This is all proposed to be donated to purposes which will have to do with the welfare of the people of the State of Oregon. It is directed in its application in such a way that it must necessarily inure to the public welfare and to the public benefit within that State.

These lands are situated within the State of Oregon; they are, according to my contention, a part of the natural resources of the State of Oregon, which ought to be applied to the upbuilding of the State of Oregon. It seems to me that we could not make any better use of the money than to direct its use so that it will really reach the people. If it gets into the National Treasury, there is a grave doubt whether or not it ever will reach the people at all in any way which will be of benefit. As I have observed, the appropriations for the last few weeks, I conclude that our capacity to waste is only limited by our capacity to find the money with which to carry on the waste. I think this money is so appropriated that it will help the people of Oregon, and I am willing for them to have it, since it is derived from lands intended in the original grant for the benefit of Oregon.

Mr. NORRIS. Well, Mr. President, I have no doubt that if this money were given to the State of Oregon for the purpose of building roads and bridges it would be used for that purpose and would do the people lots of good. If, however, the argument of the Senator from Oregon is good, then we must repeal all our land laws, and we must begin with the repeal of the reclamation act, because the House bill provides that 10 per cent of this money only goes into the Public Treasury; 40 per cent of it goes into the reclamation fund, and under a general statute creating the reclamation fund and the Reclamation Bureau all the proceeds of the sales of public lands in the United States, with some little exceptions, are declared by law to be sacred funds for the purpose of keeping up the reclamation fund. That is where this money ought to go. It will be the proceeds of the sales of public lands; and under the general statute, if no other provision were made for it, that is where it would go.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from California?

Mr. NORRIS. I shall yield in just a moment.

Mr. President, if this controversy had never arisen and this land were now put on the market and sold to actual settlers, as the law provided that the railroad company should sell it, the proceeds, under the general statute, would go into the reclamation fund. That is the principal difference between the House bill and the Senate amendments. The Senate amendments give practically all the money to the State of Oregon, while the House bill gives 50 per cent of it to Oregon and puts 10 per cent of the 40 per cent into the reclamation fund.

Mr. BORAH. I desire to say that if the National Government would release to the settlers, under such laws as the settlers could make settlement and live, the other lands which have been tied up for an indefinite period in the State of Oregon, the State of Oregon could well afford to turn all this money into the National Treasury in compensation for it; but there are counties in the State of Oregon, the same as there are in my State and in other States of the West, where they have been compelled to go down into their individual pockets to maintain their schools, to maintain their courts, and their other public institutions, because they have no property within those counties to tax. It is reserved and dedicated to eternal silence. For this reason it is absolutely necessary that the Western States have some method of raising money, and this is the only method it seems practicable under these conditions to work out to give them anything in compensation for this denial.

Mr. NORRIS. Mr. President, this is not a question of reserving these lands from settlement. The House bill itself provides—and there has been no attempt to amend that provision—that this land shall be disposed of, and it provides a method for its disposal.

Mr. BORAH. Exactly.

Mr. NORRIS. And that must be done. There is no way out of that, as I understand. We could not give this land away to settlers, unless the Government itself paid the lien which, under the decision of the Supreme Court, the railroad company has.

Mr. BORAH. I was speaking of the large acreages which have been and are withheld under forest reserves, so called.

Mr. NORRIS. That has not anything to do with this bill.

Mr. BORAH. It has this to do with it, that the withholding of those lands has prevented the development of a large area of country in the Western States, has prevented taxation, and has imposed upon the western people an extraordinary burden, and therefore there should be some compensation coming back to them, to enable them to take care of their bridges and their ports and their county expenses and their schools, and so forth, as this bill in the case of Oregon undertakes to do.

Mr. NORRIS. Mr. President, the House bill gives them 50 per cent for those purposes, and I do not believe the Senator can cite a single instance in the United States where the Congress, in the disposition of public lands, has been as liberal with the States where the land is located as the House bill is in this case to the State of Oregon.

Mr. SUTHERLAND. Mr. President——

Mr. NORRIS. I will yield first to the Senator from California, who wanted to interrupt me a while ago.

Mr. WORKS. Mr. President, I merely wanted to ask the Senator from Nebraska if he realized that a very large proportion of the reclamation fund, which he says is a sacred trust, is being used for the irrigation of private and not public lands?

Mr. NORRIS. I take it that under the law it is not illegal to use it for the irrigation of private land.

Mr. WORKS. I am not so sure about that, but does the Senator know that there are some of these projects which are devoted entirely to the irrigation of private lands?

Mr. NORRIS. I do not think that any of them are devoted entirely to the reclamation of private lands.

Mr. WORKS. In some instances there is not a foot of public land under the project.

Mr. NORRIS. That may be; but I know that in practically every project, at least every one of which I have personal knowledge, there is a large amount of land that is privately owned, and that will necessarily be so. We can not refuse to use the fund for the irrigation of private lands unless we confine the operation of the law entirely to localities where there are no private lands, which would be a practical impossibility; but the owners of the private land have to pay just the same as a man who takes up public lands under an irrigation project.

Mr. WORKS. Does the Senator think a project of this kind for the sole purpose of providing for the irrigation of private lands is legal?

Mr. NORRIS. Yes; but that question has not anything to do with this matter.

Mr. WORKS. It has a good deal to do with it, in view of the fact that the Senator is referring to the irrigation fund as "a sacred fund" in the remarks he is making to the Senate.

Mr. NORRIS. I do not think it has anything to do with it. The only possible thing that it can have to do with it, is that out of the proceeds of the sale of these public lands the House bill gives 40 per cent to the Reclamation Service, when, under the general law, 100 per cent would go there, less 5 per cent, I believe, for educational purposes, which goes to the State.

Mr. SUTHERLAND. Mr. President——

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

Mr. NORRIS. I yield first to the Senator from Utah.

Mr. SUTHERLAND. I simply want to say to the Senator that the position of the Senator from Idaho [Mr. BORAH] with reference to the disposition of public lands for the benefit of the States in which they are situated would have my hearty

concurrence if the observations were made with reference to a bill which proposed to treat all the public-land States alike; but I ask the Senator from Nebraska what justice there is in permitting Oregon to have 90 per cent of the proceeds of the sales of the public lands of that State for her especial benefit when no other public-land State is given the same privilege?

Mr. NORRIS. I see no justice in it whatever, I will say to the Senator.

Mr. CHAMBERLAIN. Mr. President——

Mr. SUTHERLAND. In other words, if the Senator will permit me to finish my thought, the public lands in the State of Idaho are sold, and the proceeds are paid into a common fund for the benefit of all the arid-land States, while the proceeds of these public lands in Oregon are dedicated to the especial and sole benefit of the State of Oregon to the extent of 90 per cent.

Mr. CHAMBERLAIN. Mr. President——

Mr. NORRIS. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. Mr. President, on the statement of the Senator from Nebraska [Mr. NORRIS] there is much reason in the argument of the Senator from Utah [Mr. SUTHERLAND], but let me call attention to this fact: These lands occupy a different position from any public lands in the United States, as I undertook to show on yesterday. The United States gave them away once and then took them back, and received large sums of money before this bill was introduced, and is going to receive a large sum of money now.

Let me call attention to what I mean. The House bill provides that the United States shall pay the taxes. They have done that as a sort of an act of charity, because the suits have bankrupted the counties involved. It will be seen that, while the Government of the United States advances this $1,500,000, approximately, to pay the delinquent taxes, yet when it comes to settle with the railroad company it deducts the taxes it has advanced and receives them back. That is one proposition.

Mr. NORRIS. Does the Senator see anything wrong in that?

Mr. CHAMBERLAIN. No; but the Senator is claiming that Oregon is getting the taxes.

Mr. NORRIS. Well, Oregon is getting them.

Mr. CHAMBERLAIN. I say that, while Oregon gets the taxes by direct appropriation out of the Government funds, the Government gets them back from the railroad company. The State does not get any benefit from them.

Mr. NORRIS. The State gets the taxes.

Mr. CHAMBERLAIN. The State would get the taxes anyhow.

Mr. NORRIS. What does the Government get out of that? Where does the Government make anything?

Mr. CHAMBERLAIN. It advances the taxes and collects them from the railroad company when it pays the company $2.50 an acre.

Mr. NORRIS. And the Government pays the amount so collected to the State or to the counties of the State.

Mr. CHAMBERLAIN. Let me call attention to another proposition. I want to show the Senator from Utah that the Government is not faring so badly. The Government of the United States has received $928,840.18 under the act passed by Congress in 1912, which authorized the Department of Justice to compromise with illegal purchasers at $2.50 per acre, so that the men who had bought in excess of 160 acres of land at a price in excess of $2.50 per acre got title from the Government of the United States on payment to the Government of $2.50 an acre. That realized to the Government $928,840.18, which it has already obtained. In addition to that, while this suit was pending, a receiver was appointed, and he sold lands to the extent of about $190,000, and the House bill appropriates that to the Government fund.

That is not all, Mr. President. I am trying to show, if the Senator will excuse me for a moment, that these lands occupy a different position from any public lands in the United States. When this grant was made, public land was selling at $1.25 an acre. Just as soon as the railroad company was permitted to charge the double minimum price of $2.50 an acre for the odd sections within the limits of the grant the Government of the United States raised the price of the even-numbered sections to the double minimum price and got $2.50 an acre for them.

Mr. NORRIS. Does the Senator object to that?

Mr. CHAMBERLAIN. I am not complaining; I am showing that by virtue of the terms of this grant the United States has already received more than it usually receives from the sale of public lands in any other State in the Union.

Mr. SUTHERLAND. Will the Senator from Nebraska permit me to ask the Senator from Oregon a question?

Mr. NORRIS. Yes.

Mr. SUTHERLAND. Let me ask the Senator from Oregon——

Mr. CHAMBERLAIN. Just one moment further. I want to show another amount the Government is going to get. Section 7 of the House bill, and of the Senate bill also, so far as that is concerned, authorizes an accounting between the Government of the United States and the railroad company for the excess price charged. For instance, the railroad company has received large sums from purchasers on illegal sales in excess of 160 acres to an individual, and for a price in excess of $2.50 per acre. The Government of the United States under the bill gets that excess payment.

Mr. SUTHERLAND. Mr. President, may I ask the Senator——

Mr. NORRIS. First, let me say something in regard to the question of excess payments which the Senator from Oregon has mentioned. It is still a question whether the Government will ever get anything because of the excess payments. In order that the Senator from Utah may get the idea right, I will state that the law giving this land to the railroad company provided that the railroad company should sell it to actual settlers in amounts not exceeding 160 acres at a price not exceeding $2.50 an acre. As a matter of fact, they sold the land in larger quantities than 160 acres, not to persons who were actual settlers on the land, but to timber companies, and got higher prices than $2.50 an acre. This bill provides that there shall be an accounting through the medium of litigation, which is provided for, to determine the excess amount for which the railroad company sold this land above $2.50 an acre, and the Government is to be given credit for that amount in computing the amount which the Government under this bill must pay to the railroad company at $2.50 an acre for the remaining land. So that the question will arise at once, and will undoubtedly go to the Supreme Court and finally be passed on—admitting those facts, and they are undisputed, that the railroad company did get sums in excess of $2.50 an acre for the land—whether the Government is entitled to that land or whether the people who purchased the land are entitled to that surplus. It is a question that will yet have to be determined—whether the Government will get a penny of that money or whether, if it is due to anybody, it will not be due to the men who bought the land and paid the railroad company more than $2.50 an acre for it.

Mr. SUTHERLAND. However that may be, all of this deprived the State of Oregon of nothing.

Mr. NORRIS. Oh, no; nothing whatever.

Mr. SUTHERLAND. If the land had never been forfeited to the Government at all, but had remained in the ownership of the railroad company, subject to its disposition, the State of Oregon would have gotten nothing out of it.

Mr. NORRIS. Nothing whatever.

Mr. SUTHERLAND. Except the taxes on the land.

Mr. NORRIS. Except the right to tax the land.

Mr. SUTHERLAND. The State of Oregon is deprived of nothing, because the Government of the United States takes over the land.

Mr. NORRIS. No. I do not see why the State of Oregon has any right to complain even though the Government made some money out of the transaction, if they did not take any of that from the State of Oregon or keep any money that ought to go to the State of Oregon.

Mr. SUTHERLAND. As I understand the situation, the only thing that the State of Oregon possibly has been deprived of is the right to tax the lands.

Mr. NORRIS. She has not been deprived of that yet. She will be if this bill becomes a law.

Mr. SUTHERLAND. At any rate, the State has not received the tax.

Mr. NORRIS. She has received a good many taxes, some two or three millions of taxes, but there is some that is unpaid.

Mr. SUTHERLAND. That is what I meant.

Mr. NORRIS. The railroad company has not paid any taxes.

Mr. SUTHERLAND. It is to that extent only that the State of Oregon can be said to be deprived of anything, and for that the United States proposes to reimburse her.

Mr. NORRIS. That the United States is going to pay her.

Mr. LANE. Why, Mr. President, the State of Oregon was deprived of every opportunity of opening the territory, the business that would result therefrom, and the prosperity and increased taxation owing to increased values of the land. The State of Oregon has been shut up like a corked bottle. The heart of the country west of the Cascade Range was held away from settlers, from people who would have lived there and builded homes and reared families to the third generation.

Mr. SUTHERLAND. So have we all, under the forest-reserve system.

Mr. LANE. Not by a contract whereby you agreed with another person that they would allow it to be opened up for settlement, and for the promise on their part and the pledge that they would open it up for this prosperity, and for this population which the country required you gave way and granted and agreed to part with your land.

Mr. NORRIS. The contract to which the Senator refers, I suppose, is the contract that in effect was made by the railroad company when it accepted the grant.

Mr. LANE. Yes.

Mr. NORRIS. And which provided that the railroad company must dispose of this land to actual settlers only, in quantities not exceeding 160 acres, and at a price not exceeding $2.50 an acre.

Mr. LANE. Yes.

Mr. NORRIS. And of course the railroad company did not do that.

Mr. LANE. No.

Mr. NORRIS. Now, the Government of the United States has been doing the best it could to compel the railroad company to do that, and this legislation is the result of that attempt.

Mr. LANE. Mr. President, the Government has done nothing. It slept on its rights for 40 years, when it should have been busy forcing the carrying out of the contract, compelling the railroad company to throw that land open for settlement. Instead of doing that, it slept on its rights, until it has become a question whether it has any rights at all or not.

Mr. NORRIS. Mr. President, there is a good deal in what the Senator says, I know. Perhaps the Government has not been as diligent as it ought to have been.

Mr. LANE. It has not been.

Mr. NORRIS. But at least this bill is an attempt on the part of the Government, and those who represent the Government, to do the right thing.

Mr. LANE. A tardy effort.

Mr. NORRIS. It is true that suits were commenced against the railroad company by individuals, a great many of them, attempting to compel the railroad company to give them this land at the price of $2.50 an acre. A great many people settled on the land under the law, and then went into court to compel the railroad company to give them a deed, and tendered the money at $2.50 an acre; but the courts held that that could not be done. I remember that several years ago a good many people in my State were interested in these lands. I think some of them invested money. There was a good deal of fraud perpetrated. There were a good many real estate agents who advertised that they could get this land, and they sold it around at various places, or at least got a commission or a fee, and they made application to the railroad company, and they had a suit pending. They perhaps intended and believed that they would win it, but they did not. They lost; and however much we may regret those conditions—I do as much as anyone—they can not be helped, so far as I can understand. The courts held with the railroad company, and we must obey the mandate of the courts.

Mr. BORAH. Mr. President, it would be more fair to say, would it not, that the courts interpreted the law?

Mr. NORRIS. Well, they did; yes. I am not saying that the court was corrupt, or anything of that kind. I presume that would be a better statement; they interpreted the law. There is not any doubt that when Congress passed the law they supposed that actual settlers would occupy these lands, or I presume they did. It was a good many years ago. I presume they supposed that actual settlers would occupy this land and pay the railroad company $2.50 an acre for it. While, as the Senator from Idaho said, the court was interpreting the law, I never believed that it interpreted it right; but what I thought about it does not make any difference.

Now, Mr. President, coming to the amount of money, of course that is an estimate only. The records show that this land was taxed in some instances as high as $40 an acre by the taxing authorities of Oregon. I believe the average was from $8 to $10 an acre. Here is another equity that the Senator from Oregon has not discussed, and that I want to call to the attention of the Senator from Utah, who has shown an interest in it.

The railroad company under that law never had an interest in that land in excess of $2.50 an acre. That has been the contention of the Government all the time. The original law provided that they could not sell it for more than $2.50 an acre; so that if you were going to tax the railroad company it seems to me that as a matter of law you could not tax it in excess of its real interest in the land, which was $2.50 an acre. The railroad company was interested in having the State tax it higher, because it was claiming that it had the land, and could sell it for any amount it saw fit. So that there were paid, while the railroad company was paying taxes to the State and counties of Oregon, taxes on a valuation of more than double what the railroad company owned in these lands; and under the House bill we are paying a little over a million and a half of taxes to the State of Oregon on that kind of a valuation. So that I think again we are extremely liberal with the State of Oregon. I do not believe, as a matter of law, that the State of Oregon ever had the right to tax the railroad company to a greater extent than the value of $2.50 an acre for the land; but that is all away, and the payment is based on the valuation that the taxing authorities put on the land.

Mr. LANE. Now, I should like to ask the Senator, with the railroad refusing to sell the land at $2.50 an acre or any other price, and surrounding land, adjoining sections, being worth $40 an acre, what was the State of Oregon to do? What could it do but tax it at the higher valuation?

Mr. NORRIS. I can answer that question by saying this: Suppose the adjoining land was worth $100 an acre——

Mr. LANE. It was, some of it.

Mr. NORRIS. And the Government of the United States owned this land. They could not tax it. They would not own any taxes in it.

Mr. LANE. No; but here was an agreement to sell it at a certain price.

Mr. NORRIS. Suppose the Government of the United States sold to the Senator a half interest in a certain quarter section of land, and the taxing authorities should come along and say, "Why, the adjoining land is worth $100 an acre, and as you have a half interest or a third or a tenth interest in that land, we will tax you on the full value of that land." I do not believe any court would sustain that.

Mr. LANE. Mr. President, I do not think that is a fair comparison. Here was land, the price of which was settled at $2.50 an acre under an agreement that the railroad company would sell it to people for $2.50 an acre, and let them make it worth the $100 or $1,000 an acre, as they did in the case of adjacent land, some of them—$1,000 an acre, if you please. I have seen it sell for more than that an acre. With a corporation sitting tight on other similar land, under a pledged agreement that it would sell it for $2.50 an acre, withholding it from sale, would you then still tax it at $2.50 an acre?

Mr. NORRIS. Yes. Now, the Senator's contention is——

Mr. LANE. It is not a contention; it is a fact.

Mr. NORRIS. The Government, under the House bill, is paying the taxes at the figures that the taxing authorities of Oregon put on it. I only mention that to show that, in my judgment, it is a liberal payment to the State of Oregon of these taxes. It seems to me that when the State of Oregon claims it had the right to tax this land at $40 an acre, and on the other hand is demanding of the railroad company that it sell it for $2.50 an acre, it is occupying a position that can not be sustained in any court of law; but that is all away. I only mention it in passing.

The value, of course, is a matter of speculation. I believe it was stipulated in the litigation that the value of these lands in dispute that are left was $35,000,000. I do not know that that is entitled to any particular weight, because it was not a material proposition in the litigation, so I suppose they were not careful about putting a value on it. But the valuations run up as high as $50,000,000; and I think, from what little examination I have made of the record—I have not had time to go into it fully—that the great preponderance of the estimates made by men who have made examinations of it put it away beyond $35,000,000. Assuming that it is $35,000,000, let us see what, in money, the State would get.

Under the Senate bill, after getting its taxes—now, they are not counted in that; we pay them as part of the expenses—if the Senate amendment were agreed to, the State of Oregon, either directly or through its counties, would get $26,325,000.

Mr. SUTHERLAND. On a valuation of what?

Mr. NORRIS. On a valuation of $35,000,000, and I think that is low. Taking the same valuation, under the House bill the State of Oregon would get $14,625,000. In each case the taxes are in addition to that amount which they get, because the taxes are paid before there is any distribution made of the fund.

Mr. President, I do not want to be unfair. I want to be liberal. I have always thought that we ought to be liberal with all the States in dealing with the public-land question; and it seems to me that the House bill is extremely liberal with the State of Oregon. We can not relieve a great many individuals who have suffered on account of this condition. If you gave to the State of Oregon all of the money, you would not relieve a great many individuals who have suffered and who honestly went upon the land and spent money in litigation trying to get title.

The House bill gives a preferential right to those who settled on the land. That is another thing that, it seems to me, is very just. It fixes the date at the time of the decree of the lower court when, as I remember, it declared a forfeiture of these lands; and all those who had settled up to that time, who had made applications for homesteads, are entitled to a preferential right over the ordinary person.

Mr. LANE. I should like to ask the Senator, before he goes further, if he does not consider, as an element in equitably disposing of this property or settling this case, the fact that the State of Oregon during all this time gave police protection to the property of the company? They helped them protect their holdings by fighting fires. They gave them protection to life and every protection that they gave to every other citizen; and yet at the same time the company were refusing to sell the land at the price which they had agreed upon, the price limited in the act of Congress.

Mr. NORRIS. I am not defending the company. I have always said that in my judgment the court erred in not compelling them to sell it. I think it erred again in not declaring a forfeiture. It seems to me the violation of the law was so plainly admitted that the railroad company was not entitled to any consideration. But the same thing is true everywhere in this country. The police authorities, if any protection is demanded, give it. They do that all over the United States. They do that regardless of the ownership of property, regardless of the payment of taxes, regardless of anything. Other western States having public lands that are disposed of, where the proceeds all go into the reclamation fund, do the same thing. They have the same police protection, and protect people and corporations the same as Oregon has done. Oregon in this case, under the House bill, gets 50 per cent of the proceeds of all this land.

It is said that in the case of some of the land that was sold a number of years ago Congress passed an act validating the sale, and that the Government got some money out of that. Why, that has not anything to do with those remaining lands. The Government has never received a single penny that I know of from the lands that are in issue in this bill—not a cent from any source. It has been a continual expenditure on the part of the Federal Government, as far as these lands are concerned.

There is another amendment that I want to mention briefly. It will save some time when the amendment comes up. There is another Senate amendment providing for the sale of these lands which changes the provisions of the House bill. The House bill provides that the timber on these lands may be sold on time. It is conceded, I think, by everybody that it will take large corporations, or men of large means, to handle economically the timber on these lands, the same as most other lands where they are taking off the timber. The House bill provides as nearly as it can, it seems to me, for giving the poor man a chance to buy the timber. It provides for the sale of the timber on 10 years' time, and the deferred payments are to draw not to exceed 6 per cent interest.

The Senate committee bill provides that this land shall be put up for sale and sold for cash. I do not believe it will bring as much, in the first place, as if it were sold on time and in payments with interest at not to exceed 6 per cent. If it is put upon the market and sold for cash, it means that no one except men of immense wealth will have any opportunity to buy any of the timber, and for the same reason, there being fewer bidders, necessarily the tendency would be to sell it for a less price. If we sell it on time and let the deferred payments draw interest at some rate that the Secretary of the Interior will fix—not exceeding 6 per cent—in the first place, we will get a larger bid for the timber, and, in the next place, that interest will bring in an income that will be profitable itself, because it will be higher than the State would have to pay if it were in the market and borrowing money directly.

Now, Mr. President, I do not care to proceed further.

Mr. SUTHERLAND. May I ask the Senator before he takes his seat——

Mr. NORRIS. I yield to the Senator.

Mr. SUTHERLAND. It is contemplated, I understand, that the timber shall be sold separately from the land; that it shall be taken off the land and the land shall be swept clear of the timber.

Mr. NORRIS. Yes.

Mr. BORAH. And after the timber is cut off, I understand, those lands will be subject to homestead entry.

Mr. SUTHERLAND. I merely wanted to understand the situation.

Mr. NORRIS. They sell the timber.

Mr. SUTHERLAND. The idea is to clear the land of timber and turn it over to agricultural uses?

Mr. NORRIS. Yes. The testimony shows, and, as far as I know, it is uncontradicted, that the timber on this land is already overripe and it is not worth now as much as it was a few years ago; it ought to have been cut before. There was read yesterday—and it appears in the RECORD to-day—a long report, made by Mr. Williams, of the Department of Justice, who went out and inspected the land and went all over it. He calls attention to the fact, and it appears at several other places in the reports, that the timber is overripe.

Mr. SUTHERLAND. The land, I take it, is far more valuable for agricultural uses than it possibly could be as a reservation to grow timber for the future.

Mr. NORRIS. Some of it is; but it is all kinds of land. There is land that is not worth anything and land, as the Senator from Oregon stated, that is probably worth $100 an acre. The bill as passed by the House provides—and there is no Senate committee amendment which changes it—that the lands and the water-power sites shall be classified by the Department of the Interior. There are some valuable water-power sites on some of this land, and I understand they will be classified, then the timberland and the agricultural land. Then it provides that the timber shall be sold. The bill as passed by the House provides that it shall be sold on bids, and that 10 years' time, as I remember the provision, shall be given for the payment of the money.

Mr. SUTHERLAND. There are to be 10 years within which the timber is to be removed.

Mr. NORRIS. I do not know that that is fixed. I am not sure as to whether that is in the proposed law, or whether the Secretary of the Interior in the contract will fix that.

Mr. POINDEXTER. It prohibits the removal of the timber until after patent is issued.

Mr. NORRIS. After patent is issued for the timber. Let me explain it to the Senator. The bill as passed by the House provides that the Secretary of the Interior shall sell it in quantities that in his judgment will bring the most money, and then the purchaser has 10 years' time. He has payments to make and interest to pay. He takes a 40-acre tract out of his entire purchase and pays for all that 40-acre tract, and he is then allowed to take all that timber, and he gets a patent when he pays that money for the timber, and when the timber is taken off, then the land becomes subject to entry.

Mr. SUTHERLAND. He can not remove any timber before he has paid for the land?

Mr. NORRIS. Not the land, the timber.

Mr. SUTHERLAND. The timber, I mean.

Mr. NORRIS. Yes. He must pay for the timber before he can remove it.

Mr. SUTHERLAND. So it may be that cases will arise where the timber is bought and none of it can be taken off for a period of 8 or 10 years, and none will be taken off.

Mr. NORRIS. I doubt whether the Secretary would make that kind of a contract. He would provide that they could take a certain portion of it off every year.

Mr. TOWNSEND. Mr. President——

Mr. NORRIS. I yield to the Senator from Michigan. He has the amendment before him.

Mr. TOWNSEND. The Senate committee amendment provides that the "timber thus purchased may be cut and removed at any time within the discretion of the purchaser."

Mr. NORRIS. That is the Senate committee amendment?

Mr. TOWNSEND. That is the Senate committee amendment.

Mr. NORRIS. Mr. President, I do not see that there is any disposition on anyone's part to do any injustice. I regret that I have felt compelled to take a view of the situation that is different from that of the Senator from Oregon. It does seem to me as I read the bill and the Senate committee amendments that the bill as passed by the House is liberal. I do not believe it is any defense here to say that because there is a large forest reservation in a State like there is in Oregon, and this land is not included, with no attempt to put it in a forest reservation, therefore we should deal with these public lands any different than though we were dealing with them if they were in some other State. In all other States practically all the money that is paid for public lands goes into the reclamation fund, and we ought to do that with Oregon, or at least we ought to do it to the extent of 40 per cent, as provided in the bill as it passed the House.

Mr. President, let me say if we commence now to prevent the money received from the public lands from going into the reclamation fund we might just as well repeal the law providing for the Reclamation Bureau. If we are going in this case to turn all the money over to the State of Oregon, and that is what the amendment of the committee practically means, keeping it all out of the reclamation fund, then we will have

established a precedent that in all cases in every other State where there are public lands demands will be made that they be treated as liberally as Oregon, and that means the end of the reclamation business in this country.

Mr. WALSH obtained the floor.

Mr. O'GORMAN. Mr. President, will the Senator yield to me for a moment?

Mr. WALSH. I yield to the Senator.

FOREIGN-BUILT DREDGES.

Mr. O'GORMAN. In behalf of the Senator from Louisiana [Mr. RANSDELL] I ask unanimous consent to submit a favorable report on a bill and to ask unanimous consent for its immediate consideration. It is substantially a bill which was passed here a week ago and a motion entered to reconsider it. At the suggestion of the Senator from Rhode Island [Mr. LIPPITT] a modified bill was introduced. We have made the modification so as to meet the view of that Senator.

The PRESIDING OFFICER (Mr. HITCHCOCK in the chair). Is there any objection? The Chair hears none, and the report will be received.

Mr. O'GORMAN. For the Senator from Louisiana [Mr. RANSDELL], from the Committee on Commerce, I report back favorably with an amendment the bill (S. 6239) authorizing the Commissioner of Navigation to document as vessels of the United States two dredges built of American material and owned by James Stewart & Co. (Inc.), a citizen of the United States, and I submit a report (No. 514) thereon. I ask for its present consideration.

The PRESIDING OFFICER. Is there objection?

Mr. GALLINGER. I should like to know what the amendment is that has been agreed upon.

The SECRETARY. The amendment is, in line 6, to strike out the word "as" and insert "a," so as to read "James Stewart & Co. (Inc.), a citizen of the United States."

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SUTHERLAND. Let us hear the bill read.

Mr. CHAMBERLAIN. If there is going to be any discussion upon it I must object, because the pending Oregon and California land-grant bill will have to be disposed of to-day or to-morrow.

Mr. LIPPITT. I do not believe there will be any discussion on the bill. It will not take more than a minute or two.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill as proposed to be amended, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause to be documented as vessels of the United States two dredges built of American material and owned by James Stewart & Co. (Inc.), a citizen of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The question is on the amendment proposed by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OREGON & CALIFORNIA RAILROAD LAND GRANTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes.

Mr. WALSH. Mr. President——

Mr. CLARK of Wyoming. Mr. President, a parliamentary inquiry. What is the business now before the Senate?

The PRESIDING OFFICER. The pending bill is House bill 14864.

Mr. CLARK of Wyoming. Another parliamentary inquiry. How does it happen that the bill is before the Senate at this time?

The PRESIDING OFFICER. It is before the Senate for the reason that the Senator from Alabama [Mr. BANKHEAD] permitted the Post Office appropriation bill to be temporarily laid aside for the purpose of considering this bill.

Mr. CLARK of Wyoming. But have we not considered another bill, which displaces the bill which was before the Senate?

The PRESIDING OFFICER. By unanimous consent that was done. The Senator from Montana will proceed.

Mr. WALSH. Mr. President, it is exceedingly unpleasant for me to find myself obliged to differ from my esteemed friend the Senator from Oregon, who has charge of this bill, and particularly so to find myself differing with him concerning the disposition of public lands in his own State. But the provision of the bill which has given rise to so much of the discussion as has thus far taken place is, in my humble judgment, wholly indefensible, and is so palpably unjust to my own State as well as to every other public-land State that I should not feel that I was discharging my duty here to my constituents if I did not register a protest against the distribution of this fund as it is provided in the bill.

I trust the bill will pass, and pass speedily. In its general aspects it is in every way, it seems to me, a commendable measure. But the reasons that condemn that distributive provision of the bill are so altogether persuasive and unanswerable, as it appears to me, that I find it a little strange that any Senator from the western country should feel that a provision of this kind ought to be asked from the United States Senate. I hope the Senators from Oregon will be prevailed upon to withdraw this amendment and allow the House provision at least to stand.

Mr. President, if we were considering here a question of general policy as to whether all the avails and proceeds of the sales of public lands, or the major portion of such proceeds, should go to the States, respectively, from which they come, I might not be heard to object. Indeed, I have no doubt that a measure of that kind would receive quite general concurrence from the western Senators. But, Mr. President, a rule is established by law quite contrary to that, namely, that all of the proceeds and avails of the sales of public land shall go to the general reclamation fund for the purpose of constructing works wherever it may seem desirable to construct them. Money derived from the sales of lands in the State of Montana are used for the purpose of constructing reclamation work down in the State of Arizona and in the State of New Mexico and in other States throughout the Union, and eventually such money will be used for the construction of reclamation works in the State of Oregon. So moneys derived from the sale of public lands in the State of Colorado are employed for the purpose of constructing works on reclamation in the State of Montana.

Now, it is proposed that Oregon, as to a considerable portion of her lands, and lands of very great value, running from $30,000,000 to $50,000,000, shall be exempted from the operation of that general rule, and that while the rest of us shall still be compelled to put all of the avails of the sales of public lands in our various States into the general pot, that the moneys derived from the sale of these lands in the State of Oregon shall be devoted practically in their entirety to the State of Oregon itself.

Mr. President, I might say in this connection that a more or less general misapprehension exists concerning the advantages which the State of Montana has derived from this act. The balance is still in our favor. We contributed upward of $10,000,000 to the general fund. We have had expended in our State something over $9,000,000. We have still a balance of $1,000,000 to our credit. So we have no particular fault to find. Now, the fact about the matter is that the State of Oregon up to the present time has contributed very much more to the reclamation fund than she has derived from it, the aggregate contributions being in the neighborhood of $12,000,000, while only somewhere between $2,000,000 and $3,000,000 have been expended in that State.

But, my friends, the law provides that every 10 years this thing shall be equalized, so that hereafter we shall not be able to get appropriations for further reclamation works in the State of Montana until Oregon balances us up. In other words, for the future our money is going to go to the construction of reclamation work in the State of Oregon. Let me call your attention to the provision of the law. I read from section 9 of the act of June 17, 1902, as follows:

SEC. 9. That it is hereby declared to be the duty of the Secretary of the Interior in carrying out the provisions of this act, so far as the same may be practicable and subject to the existence of feasible irrigation projects, to expend the major portion of the funds arising from the sale of public lands within each State and Territory hereinbefore named for the benefit of arid and semiarid lands within the limits of such State or Territory: *Provided*, That the Secretary may temporarily

use such portion of said funds for the benefit of arid or semiarid lands in any particular State or Territory hereinbefore named as he may deem advisable, but when so used the excess shall be restored to the fund as soon as practicable, to the end that ultimately, and in any event, within each 10-year period after the passage of this act, the expenditures for the benefit of the said States and Territories shall be equalized according to the proportions and subject to the conditions as to practicability and feasibility aforesaid.

Mr. WORKS and Mr. BORAH addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Montana yield, and, if so, to whom?

Mr. WALSH. I yield to the Senator from California.

Mr. WORKS. I should like to know whether the Senator from Montana thinks it is practicable to carry out that provision of the statute? Suppose there are States where there is no project that can be practically carried out there is no provision for dividing the funds in any way.

Mr. WALSH. I am simply anticipated by the question. I do not care to discuss the question as to what would happen with reference to the State in connection with which no feasible project can be found. The Senator from Oregon tells us that, and that is in accordance with the record, that Oregon does not stand in that situation. He tells us, and it is no doubt true, that there are a million acres of land in the State of Oregon that are capable of reclamation and that ought to be reclaimed through this fund. That means an expenditure of from $25 to $50 an acre, meaning that Oregon could justly claim eventually anywhere from $25,000,000 to $50,000,000 out of this fund for the reclamation of her lands.

Mr. WORKS. That may be true as to the State of Oregon; but this is a practical question, and one that will have to be solved at some time. I am unable to see myself how that provision of the statute equalizing the amounts to be expended in that way can be carried out.

Mr. WALSH. Mr. President, I desire to say to the Senator that the question suggested by the Senator from California [Mr. WORKS] is, of course, an exceedingly important one and when it confronts us it will probably be more or less difficult of solution. For the present, however, it is purely academic. Oregon does not stand in that situation.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Oregon?

Mr. WALSH. I do.

Mr. CHAMBERLAIN. The Senator from Montana read section 9 of the reclamation act of 1902 as it was originally passed. The Senator, however, will remember that that act has been repealed, and now the appropriations for irrigation purposes are made directly by Congress.

Mr. WALSH. Oh, no. The new act, Mr. President, as the Senator from Oregon will quite distinctly recall, does not affect this provision at all. All the change that has ensued with respect to the matter to which the Senator has referred is that under the old act as the funds came in they were assigned to the various reclamation projects without any action whatever on the part of Congress. Two years ago that was changed, and the reclamation extension act, which was passed two years ago, provided that hereafter no money should be assigned to any project except upon appropriations made by Congress. That is the only change, so far as I can recall.

But, Mr. President, that is the situation of affairs. The Senator has stated, however, as I have suggested, that there are a million acres of land in the State that ought to be reclaimed, and which undoubtedly will be reclaimed just as soon as there is money enough in the fund in order to carry on the work. When that time comes and we are desirous of having another project carried on in the State of Montana, and Oregon has an equally feasible and desirable project, and the two stand in other respects upon exactly the same footing, under this proposed law the Secretary of the Interior must take up the Oregon project until the expenditures in the State of Oregon reach the amounts that were contributed by that State, or at least until the proportion contributed by her is no greater than that contributed by any other State relative to the expenditure therein.

Take the State of Idaho, for instance. The State of Idaho has contributed about $5,000,000 to the reclamation fund and has had expended in that State $8,000,000. Every one of the men who have taken land under the Idaho project will be obliged to pay back the amount of the construction charge—$25 or $30 an acre, as the case may be—and Idaho, having already had more than she contributed, could not hope to compete against Oregon in the future in reference to projects. So the Idaho people will be contributing to the construction of this reclamation project in the State of Oregon every dollar that comes out of the sale of lands in that State. Under the provisions of this bill Oregon will be exempted from providing a fund as to this great extent of valuable land.

Mr. President, the State of Arizona is in the same situation. The State of Arizona has had of this reclamation fund something like $16,000,000; and, regardless of what anybody may say about the matter, I have not the slightest doubt in the world that the greater portion of these investments will eventually be returned to the fund and that the State of Arizona will be obliged to turn back into the fund that $16,000,000, and it will go to the construction of reclamation works in the State of Oregon; and yet Oregon is to be exempted under the provisions of this bill from any contribution for reclamation at all, except to the extent of 10 per cent; and that money must be expended for the construction of reclamation projects in the State of Oregon and nowhere else.

Mr. President, it is said that this case is sui generis; that these lands do not belong in the same category as do the general body of public lands open to general appropriation; but why do they not? In what respect are they different? These lands belonged to the Government of the United States. The people of Oregon contended that the railroad company to whom they were granted had forfeited its title to them, and that the title had reverted to the people of the United States. A suit was instituted with that idea in mind. It was contended that by reason of the failure on the part of the railroad company to observe conditions subsequent, they had lost their title, and that these lands had reverted to the Government of the United States. A suit was instituted, and the lower court took that view of it; but the matter went to the Supreme Court of the United States, and that court held that that was true apparently only in part; that the railroad company was entitled to get $2.50 an acre out of the land. So this bill provides that the title to all these lands shall be revested in the United States, subject, however, to the right of the railroad company to have $2.50 an acre for each acre of these lands. It is then provided that the lands shall be classified into agricultural lands, timber lands, and mineral lands. The agricultural lands are to be open to homestead entry. With respect to timber lands, the timber is to be sold off, and then subsequently the lands are to be opened to homestead entry. The mineral lands are to be open to mineral entry. In what respect, then, do these lands differ from ordinary public lands?

Why, Mr. President, it is not an extraordinary thing at all that the Government shall have parted with its title to certain public lands, and, for some reason or other, that title is vacated and divested, and the lands again drop back into the general body of the public lands.

Some years ago a suit was started in my State to annul patents secured by the Northern Pacific Railway Co. to valuable coal lands in the State of Montana to which they had obtained patent; they had held them for nearly five years; the statute of limitations had almost run against them. A suit was instituted to annul the patent to those lands, and it was annulled. Those lands have since that time been valued; they have been classified, and estimated at anywhere from $30 to $105 an acre. They are coal lands which are open to appropriation now to anybody who comes along to buy them. Some of them have been appropriated at that price, and the money has gone into the general reclamation fund. What is the difference between that case and this? None that I can see. This situation, I repeat, is not extraordinary at all.

There is hardly a State in the West in which actions have not been begun to divest grantees of the title to lands which had passed to them, and judgments have been entered, and many of those lands have been reconveyed without the institution of a suit at all; they have gone back into the general body of the public lands for disposition just exactly the same as these lands in Oregon have gone back, for such disposition as Congress may see fit to make of them.

Likewise, it was suggested, and very properly so, that this situation is different in this respect, that under this proposed law the timber upon the lands is to be sold separately, and that there is no law providing for a separate disposition of timber upon the public lands in any of the other States, except in the case of timber within the forest reserves; and in the case of timber within the forest reserves the money does not go into the reclamation fund. All that is true; but, Mr. President, what difference does that make?

Let us take coal lands. The Government has executed leases of coal lands in Alaska, or is prepared to execute such leases, and more or less of the coal may be taken out of the land by virtue of these leases. Would it be asserted for a single moment that proceeds derived from that source would not and ought

not to go into the general reclamation fund, and that it would be possible that that should be diverted, with justice to the other States, allowing the denuded land to remain for distribution to swell the reclamation fund? I apprehend that that would not be asked for.

Now, Mr. President, these lands are not included within a forest reserve because the people of Oregon do not want them included within a forest reserve. God knows there is enough land within forest reserves now. All of us feel in that way about it. There is not anybody here who wants to suggest any such disposition as that; but when they are left outside of the forest reserves for disposition under the general laws, all the avails of them ought in justice to go into the reclamation fund, just the same as the avails of sales of lands in other States.

Why, Mr. President, there is in the State of Montana a large body of the most productive farm land, I undertake to say, that can be found anywhere in the West, which has upon it a very heavy growth of timber. I suppose that probably there are 50,000 acres in the Kootenai Valley of as productive land as there is anywhere in this country. There are a series of benches in a beautiful valley, which runs all the way down that river, covered with a very heavy growth of commercial timber; and yet, Mr. President, it is not an exaggeration at all to say that, if that timber were cut off and that land put under cultivation, as it would be if it were open to sale, the crops raised from that land annually would more than equal all the value of the timber there is on it. It is a matter easily susceptible of computation.

I undertake to say that on these 50,000 acres of land there would be probably 2,000,000 feet of timber upon a quarter section. At a very high estimate that is worth $2 a thousand; in other words, there are $4,000 worth of timber on a quarter section of land. If you cut that timber off, you could sow the land to alfalfa or wheat and get more than $4,000 worth of stuff off of it every year; and yet the Agricultural Department here proposes to hold that land in just exactly that condition until eventually they get ready to sell the $4,000 worth of timber off of it, and then allow it to be homesteaded.

Mr. President, there was much in what was said by the Senator from Iowa [Mr. CUMMINS] yesterday, that there is an obligation resting upon the Government of the United States to help the man who wants to clear a piece of woodland and put it under tillage and cultivation, just as much as there is to help a man who wants to go out upon the prairie and take a piece of arid land. Why should not a man who wants to do so take that 160 acres of land with $4,000 worth of timber on it? He could not clear it for any such price as that; and why should he not be offered that 160 acres of land by the Government of the United States, timber and all, of course safely guarded, so that the law would not be used simply for the purpose of fraudulently acquiring timberland? So, the people of Oregon very wisely insist that these valuable lands should not be put into a forest reserve, but that they should be held out as an inducement to settlers to come there and take them.

Why, Mr. President, we would be exceedingly glad to have an act passed providing for the opening of the lands to which I have referred in the Kootenai Valley, and we would not ask a dollar of the money that was derived from the sale of them. We would be only too glad to allow the money to go into the reclamation fund. If we could open them up in any way, the people of Montana would be only too happy to have these lands opened up to settlement.

So, Mr. President, there is no reason at all why the amount that is available should not go into the reclamation fund, so long as the avails from other lands go into that fund. I can not understand why there should be any distinction with reference to these lands. These lands have been held in private ownership for some years, and they have been subject to taxation; taxes have been assessed against these lands, and all of that money goes to the localities under the provisions of the House bill, which is perfectly proper; but when they get that, Mr. President, I can not see any good reason at all why every dollar of the remainder should not go into the reclamation fund. Certainly on any just consideration of this measure the Senators from Oregon are asking more than the Congress of the United States ought to concede to them.

Mr. BORAH. Mr. President, I agree with very much that the Senator from Montana [Mr. WALSH] has said, and especially the latter portion of his remarks find a hearty response in my mind; but these public lands in Oregon are treated as being in a different condition and situation from other public lands. The bill itself recognizes that all the way through. The legislation is based upon the theory that these lands are sui generis. We are not undertaking to deal with them in any particular as we deal with other public lands. If we were to deal with them as we deal with other public lands, we would simply put them back in a forest reserve or would reserve them, to be disposed of as the other public lands are disposed of. We start out, if we are in favor of the bill at all, on the theory that there is a distinct and marked difference in the situation with which we are dealing as compared to the situation which relates generally to the public lands. I have felt that the difference was such that I could very agreeably support this bill.

The distributive clause of the amendment reported to the bill provides as follows:

Of the remainder 10 per cent shall be paid into, reserved, and appropriated as a part of the fund created by the act of Congress approved June 17, 1902, known as the reclamation act, to be expended on approved projects within the State of Oregon—

It is conceded that Oregon has put into the reclamation fund a very much larger sum than has yet been expended out of it for the benefit of the State. This would not equalize that. Of course, it is said—and the basis of the argument is a correct one—that the reclamation fund is held as a unit for the benefit of all the States, and equalizations are to take place every 10 years; but there is a sufficient difference and distinction in this situation to merit, it seems to me, consideration of the equity of this provision.

The amendment continues—

10 per cent of such remainder shall become a part of the general fund in the Treasury of the United States; 30 per cent of said remainder of the proceeds arising from the sales of land and timber in the counties of Coos, Douglas, Lane, Tillamook, and Multnomah, in the State of Oregon, shall be paid to the treasurers of the said respective counties for the construction of roads, highways, and bridges, and 20 per cent thereof shall be paid to the proper officer of the respective port districts within the counties named, for the purpose of reducing the bonded indebtedness of such districts and for general harbor improvement, and, where there is more than one port district in any county, the county court of such county shall determine what portion of the fund shall be credited to the several port districts therein; 35 per cent of said remainder of the proceeds arising from the sale of lands and timber within counties other than the counties of Coos, Douglas, Lane, Tillamook, and Multnomah shall be paid to the treasurers of the respective counties for the construction of roads, highways, and bridges; and the entire balance remaining in said Oregon and California land-grant fund, from whatever source derived, shall be paid to the State of Oregon for its irreducible school fund for the support of the common schools of the State

The original grant of this land, Mr. President, had for its object and purpose the development, the special benefit, and the special advantage of the State of Oregon. It was designed especially and particularly to aid in the development of that particular region of country in which the land was situated. In the first place it contemplated the building of a railroad, which was for the purpose of development; and in the second place it contemplated the sale of the lands for a small sum per acre, so that the lands would pass into settlement and into the development of the State, become subject to taxation, and contribute to the upbuilding of the different institutions of the State. Had that grant been carried out as it was intended to be carried out by Congress this bill would not be here and the State of Oregon would have received long ago far more in the way of development and advantage from the carrying out of the grant than it will receive from these donations, as they are called, to the State of Oregon in the final disposition of the lands now.

If the railroad had complied with the terms of the grant, these lands would have been disposed of to settlers at the price named in the grant and the settlers during all these years would have been upon the land, paying taxes, and helping to build up the State. These bridge funds would not be starved, and the port funds would not be starved, and the other institutions in the State so essential to the upbuilding of the State would not be starved as they are now. But that grant was not carried out in good spirit and in good purpose. The development of the State was retarded. For a longer time than some of us have lived these lands have been lying there idle by reason of the failure to carry out the purpose of the grant.

What is the result? The United States takes hold of this matter and undertakes in a measure to do equity to the situation. It undertakes in a measure to put Oregon into the position which Oregon would have occupied if the grant had been faithfully carried out in the first instance.

Does it not appeal to the Senate that that is a distinction and a situation different from that of disposing of those lands, the title to which has always been in the United States, and which were never designed to be used for any particular purpose or for the advantage of any particular State?

It has seemed to me, Mr. President, that when you go back and take into consideration the original grant, the benefit which that grant would have been to the State had it been carried out, and the advantage which the State would have derived from the carrying out of that grant, it does place Oregon in a little different position than that which Idaho occupies with reference to her public land, or that which the great State of

Montana occupies with reference to her public land. For that reason it has seemed to me that if we turn over to the State of Oregon these proceeds, as we propose to do, we shall not have done more than equity to the State of Oregon or to the situation in which we find ourselves.

Now, Mr. President, further, let me call attention to the figures which have already been referred to.

Mr. STERLING. Before the Senator passes to that point, will he allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from South Dakota?

Mr. BORAH. Yes.

Mr. STERLING. Does the Senator think that conditions of this kind were ever in the contemplation of Congress when it passed the reclamation act?

Mr. BORAH. No. I was going to refer to that.

Mr. STERLING. Does not the Senator think that 90 per cent of the $2.50 per acre realized from the sale of the agricultural lands by the Government will be equal to the reclamation fund herein provided—10 per cent of these proceeds? Or perhaps it would be better to put it the other way—that 10 per cent of the proceeds of sales of these lands would equal the 90 per cent which would go to the reclamation fund under ordinary conditions, where the land was sold at $2.50 an acre.

Mr. BORAH. Yes; I think there is much in the suggestion of the Senator. But, as I said a moment ago, the entire bill is founded upon the proposition that this situation is different from that which obtains with reference generally to the disposition of the public lands. The bill would not be here if we did not recognize that proposition. We would not vote for the bill at all if we did not recognize that situation. If we were not disposing of public lands which do not stand in the same relation to the National Government and the people as other public lands, we would not support the bill at all.

Mr. President, reference has been made to the supposed equalization of the reclamation fund every 10 years. Indeed, it will be a most difficult problem when we come to administer that particular portion of the law—so difficult that I have no idea in the world that it ever will be administered with any degree of accuracy as to the letter or even the spirit of the law. But let us assume, if we may, that we can approach with some degree of accuracy the administration of this particular provision of the law. Nevertheless we have a situation here with which we are dealing now; and in view of the things which have transpired or failed to transpire in the last 50 years, and the peculiar relationship of this grant to the particular State of Oregon, and of Oregon being retarded by reason of the failure to carry out this grant in this way, we have a situation which is accentuated by the figures which I will give you.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. I yield to the Senator.

Mr. WALSH. To get at the facts, I want to ask the Senator from Idaho if it is not a fact that there were millions of acres of land in the State of Oregon in exactly the same situation as these lands prior to the time the forest reserves were created; and does not the argument which the Senator makes find its application only in the last 10 years, and not the last 50 years? In other words, there were other lands that the homesteader could go and take under existing laws, as well as these, without paying even $2.50 an acre; and is it not because there were other lands open to the homesteader that these were left during all this period?

Mr. BORAH. I do not so understand it, but the Senator may be better informed as to that than myself. I do not, however, so understand.

Mr. LANE. Mr. President, if the Senator will allow me, that was not the case. These lands were in the heart of the richest and most fertile part of the State of Oregon; and when they were taken they took the most valuable resource in the way of lands that were at that time located in Oregon. They were the only accessible lands, and the man who went beyond them went over a trail through the country, if you please, where there was no road and where he could not get out to the market with his produce nor get into his place with his provisions to open his claim without carrying them upon his back or upon a packhorse.

Mr. WALSH. I want to ask the Senator from Oregon if this was the usual grant giving the odd-numbered sections to the railroad?

Mr. LANE. It was the original Oregon & Central Railroad grant, giving every other section to the railroad.

Mr. WALSH. So that the even-numbered sections remained in the Government?

Mr. LANE. The even-numbered sections did, but they have been settled up rapidly.

Mr. BORAH. I have always understood, living neighbor to Oregon, that this grant, lying there as it has for a great number of years, has been essentially and vitally and substantially retarding the development of the State. If it had been public land in the sense that other public lands were, undoubtedly it would have been settled up.

Mr. WALSH. Let me ask the Senator a question. Was not the retardation because you had to pay $2.50 an acre for this land, when you could go right alongside of it and secure land for nothing?

Mr. BORAH. I do not so understand, Mr. President.

Mr. LANE. If the Senator will allow me, you could not buy these lands at $2.50 or any other price per acre. The railroad refused to sell them; and there is where the Government were at fault, for the reason that they slept on their rights and helped perpetrate the wrong upon Oregon.

Mr. BORAH. As I understand, the railroad ceased to sell them at $2.50 an acre, and refused to sell them for any such figure at all.

Mr. WALSH. But in comparatively modern times.

Mr. BORAH. Well, comparatively, but for the last 20 years; and, as the Senator from Montana knows, 20 years in the life of one of our Western States is equivalent to about 150 years for one of the Eastern States. We grow out there even against the tremendous handicaps which these blanket withdrawals have been.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER (Mr. MYERS in the chair). Does the Senator from Idaho yield to the Senator from California?

Mr. BORAH. I do.

Mr. WORKS. I suppose one of the conditions of the grant was that this road was to be constructed?

Mr. BORAH. That was one of the conditions.

Mr. WORKS. That condition has been complied with. Does not the Senator think that has been of great advantage to the State of Oregon, and an immense aid in populating it?

Mr. BORAH. Certainly that has been an advantage; but that was only a portion of the advantage which was intended to inure to the State of Oregon under the grant. In my judgment, a great advantage to the State of Oregon was in having these lands turned over to settlers at a low figure, so that the State of Oregon could be settled up. For many, many years it was of more benefit to the people living in the East who wanted to go to the Pacific coast to have that railroad built than it was for the people of this particular portion of Oregon, which could not be inhabited.

Mr. WORKS. It might be in that immediate neighborhood; but it would not be so as to the whole State of Oregon, because the future of that State has been aided very materially, as we all know, by the construction of this railroad.

I only called attention to that because I thought, in taking account of the whole situation, the Senator was overlooking that very important feature of it.

Mr. BORAH. No.

Mr. CHAMBERLAIN. Mr. President, may I make a suggestion right there to the Senator?

Mr. BORAH. Yes.

Mr. CHAMBERLAIN. The railroad was not completed into Oregon until the seventies, so that it did not help very much up to that time. President Hayes, when he went out there in 1880, rode from Marysville, Cal., to Roseburg in a stage.

Mr. BORAH. Of course the building of the railroad did come as an advantage to the State; but that was only one of the elements of advantage which was contemplated by the grant.

Mr. WALSH. Mr. President——

Mr. BORAH. Just a moment. I do not think it is a vast amount of advantage for a State to have a transcontinental railroad running across it if that State is dedicated to the life of a desert. It is of magnificent advantage to those who want to ride from ocean to ocean and who will observe upon the western people as they pass along in their Pullman cars, and who will come back East and write the laws under which the western people are to develop their States.

I now yield to the Senator from Montana.

Mr. WALSH. I thank the Senator for giving me an opportunity to make this remark, suggested by the remark just now made by the Senator from Oregon. I think it seriously open to question whether the great grants to Pacific railroad companies expedited the construction of any of the roads by 10 years. The Northern Pacific was built through in 1882 with its great grant. It was less than 10 years thereafter—and I feel that it is proper to say it at this time—when the Great Northern Railroad, under

the superb management of Mr. Hill, whose regrettable death has just been announced, was constructed through practically the same territory without a dollar of subsidy from any source whatever.

Mr. BORAH. Yes; I agree with the Senator in that respect, too. I think if we had not made an acre of grant to this railroad it would have been built anyhow, likely within a reasonable length of time of the time when it was built.

But now let us look at the reclamation fund which this bill is designed to help in the State of Oregon; and in so far as it builds up the reclamation projects in the State of Oregon, it to a certain extent relieves the fund from a flow in that direction, so that it does aid the other States to a certain extent in that respect. In other words, if the reclamation projects in the State of Oregon are taken care of out of this fund it will not be necessary to draw upon the general fund to take care of them, and to that extent the State of Idaho and other States will have more to distribute.

Arizona has contributed $1,318,630, and there has been expended in that State $16,964,394. Now, no one regrets this expenditure. I presume no one feels envious or jealous of the fact that it has been thus expended; but it does create an equity so far as this particular grant is concerned, because, I maintain, it stands upon a different basis.

The State of Idaho has contributed $5,482,210, and has had expended in the State some $15,912,000. I do not feel that I can object to the State of Oregon having a very large portion of this fund set apart for the development of her arid lands, in view of the fact, as I say, that originally this grant was certainly intended for the special advantage of the State. I would not favor at this time, certainly, a general distribution of the public-land fund with reference to the amount which was required by each State; that is to say, confining the amount realized in the State to the amount which should be expended in the State. But if a peculiar situation should arise in my State by which some grant which had been intended specifically for the benefit of the State should revert to the National Government, I would feel that the National Government was not establishing a bad precedent to enable me to get the equity of the situation by an enlarged amount of the fund for the benefit of the State.

For that reason, Mr. President, I do not find it difficult to support the distribution which is provided for upon page 16 of the bill. I am not afraid of its becoming a precedent. I do not believe it will result in the repeal of the reclamation act, or in its practical emasculation. But there is another feature of this bill which concerns me quite as much as or more than the feature which we have been discussing, and that is found upon page 9, section 5. It provides there:

That nonmineral lands of class 3 shall be subject to entry under the general provisions of the homestead laws of the United States, except as modified herein, and opened to entry in accordance with the provisions of the act of September 30, 1913. Fifty cents per acre shall be paid at the time the original entry is allowed and $2 per acre when final proof is made.

Of course, that is necessary by reason of the conditions which, as I say, make the disposition of these lands different from the disposition of other public lands, and all those things necessitate some change.

The provisions of section 2301, Revised Statutes, shall not apply to any entry hereunder and no patent shall issue until the entryman has resided upon and cultivated the land for a period of five years.

I shall move at some time during the consideration of the bill, I think, to reduce that to three years. The supposition is, I presume, upon the part of those who urge five years that the parties will have longer in which to acquire the $2 per acre with which to pay for the land, which payment they must make when they come to make their final proof. But, Mr. President, that has not proved to be true with reference to other homesteaders. The longer a homesteader stays upon his homestead without his title as a basis for his security and standing in the credit world, the poorer he gets, nine times out of ten. He is generally better fitted to take care of any cash payment when he goes there than he is after he has been there some two or three years, and especially five years. It is practically impossible for a man, unless he has credit elsewhere, unless he has a standing in the credit world otherwise, to have any credit or standing unless he has title to the property upon which he is expending his labor or to which he is giving up his time.

If he does get credit, he must necessarily pay a higher rate of interest and must necessarily deal under conditions that make it more onerous upon him than the man who is beside him with his title in his possession. If you will make this three years, it will, I believe, bring it under taxation that much more quickly, and thereby benefit the State, but it will certainly, in my judgment, be much to the benefit of the settler. I should like to see that change made.

Again, the bill says:

The area cultivated shall be such as to satisfy the Secretary of the Interior that the entry is made in good faith for the purpose of settlement and not for speculation.

I think perhaps that provision ought to have more consideration than we are in the habit of giving these provisions which provide for such unlimited discretion with reference to what constitutes good faith or what constitutes a sufficient act on the part of a settler to get title. I do not suppose there is a man in this Chamber who would go out and expend his time and his labor, if Senators should ever indulge anything of that kind, upon the theory that we must at last submit to the unlimited discretion of some one else as to whether we have done enough to earn our title or compensation for our effort. Yet we ask the settlers to go upon these lands without law providing what they shall do and having done it know they shall have their title, but leaving it to the discretion of some one to say whether or not they have acted in good faith and whether or not they have done sufficient to satisfy the law. Congress ought not to abdicate, it ought not to give over its solemn duty of prescribing what shall constitute a sufficient compliance with the law.

Mr. WALSH. Mr. President, the suggestion of the Senator opens a rather interesting inquiry. I quite agree with him that there is not any very good reason for extending the period from three years to five years. If the Senators from Oregon prefer to have a period of three years, I should be glad to join in a suggestion of that character. Upon the measure the Senator is addressing himself to now I should like to understand exactly what his attitude is. The old homestead law reposed an absolute discretion in the Secretary of the Interior to determine what amount of cultivation would satisfy the requirement of bona fides. The new law makes an absolute requirement that one-eighth shall be cultivated.

Mr. FALL. The Senator does not mean to say that the old homestead law required any amount of cultivation?

Mr. WALSH. The three years' homestead law requires one-eighth.

Mr. FALL. The three-years' law, but the old law did not require it.

Mr. WALSH. That is what I am saying.

Mr. FALL. It did not leave anything in the matter to the discretion of the Secretary.

Mr. WALSH. Exactly; the old law left the matter entirely in the discretion of the Secretary, exactly as this proposed law provides in express terms. What provision would the Senator like to see there?

Mr. BORAH. Mr. President, I am opposed to lodging such unlimited discretion in the departments here with reference to the enforcement of public-land laws. I understand to what the Senator refers when he says that the present law requires the cultivation of a certain area. I understand perfectly the hardship of that provision, and I have understood it for some time.

I introduced a bill here some two years ago providing that in lieu of the cultivation of a certain area a certain amount of development or improvement should be made, estimated at so much an acre, 75 cents or a dollar, or whatever it was, I have forgotten. That gives the entryman a reasonable rule by which he can conduct his efforts, a rule by which he can know with some degree of certainty that when he shall have complied with it patent must issue to him. I have not been successful in getting that bill enacted into law, but it has passed the Senate.

Mr. NORRIS. Mr. President——

Mr. BORAH. I yield to the Senator.

Mr. NORRIS. I wish to say to the Senator I agree with him, and if we can change this proposed law so as to avoid giving discretion we ought to do it; but it occurred to me that possibly there might be some reason in this case. I do not know that there is. The Senator from Oregon would probably know. As far as I am concerned I think we ought to consider in these homestead matters and in regard to this particular land the fact that the homesteader has to pay $2.50 an acre for his land, and therefore we ought to be more liberal as far as the requirement of improvements and cultivation are concerned than we would if he did not pay that amount.

Mr. BORAH. I agree with that.

Mr. NORRIS. I would be glad to have the Senator or the Senator from Oregon suggest an amendment that would obviate what I think myself is a difficulty.

Mr. BORAH. If I had my way, I would give every homesteader a patent just as soon as he had shown sufficient evidence of the fact that he was there to acquire a home, with such safeguards thrown around the transaction as to prevent fraud or to prevent the acquisition of title by those who desired it for the purpose of speculation. I would give the homesteader his

patent, as I say, as soon as his good faith could be evidenced. As the Senator from Nebraska says, the payment of $2.50 an acre ought to be taken into consideration as one of the items of good faith, although not sufficient, of course, because that would leave a certain class of men able to deal with the situation because of the fact that they had the money.

We have an illustration of this rule of discretion coming up in a day or two, or shortly after this bill is disposed of, in the Post Office appropriation bill. There they are proposing to lodge a certain amount of discretion in the Postmaster General with reference to the carrying of printed matter, magazines, and so forth. I am not in favor of that discretion, but I would infinitely rather see the Postmaster General given the discretion to deal with such a subject as that than to leave unlimited the discretion of the man who is going to pass upon the efforts of a settler who is trying to make a home. Nine times out of ten the public officer has no appreciation or no conception of the sacrifices suffered and the adversities to be endured by a man who has undertaken to make a home in the arid West or upon public lands as they now exist in the United States.

The time was when settlers could go out and acquire a home easily, comparatively speaking, when the lands were available, when it did not require very much effort; but the man who goes out now for the purpose of making a home upon any part of the public land knows when he goes there that it requires sacrifice; that it requires patience and labor, such as men will not make nor undertake to make who have not that indescribable yearning for a home which nine public officials out of ten have never experienced.

I should, therefore, like to see this provision eliminated or changed, and I shall offer an amendment to that effect.

Let me read, Mr. President, a paragraph from a letter which I received only this morning, especially for the benefit of some of our eastern friends who think we have made it easy for the settler to acquire a home, as all the western Senators have had it said to them. We are giving these people 160 acres of land for going out and sitting down upon it. Let me give you a glimpse of the sacrifice which is involved upon the part of such efforts as are now required to get a home. This letter is written by a gentleman who is well known to other Senators than myself and he is entirely familiar with western conditions. He says:

> Hundreds, if not thousands of original settlers are falling by the wayside because of reclamation conditions and reclamation uncertainties, and unless something is done very soon, thousands more are going to fall.

I do not want it to be understood that I am reading this as a reflection upon the particular administration of the law at this time. I am referring to the exacting conditions which surround the settler under the laws that we have passed, assuming that they are executed in the spirit and in the letter of the law.

> I have spent thousands of dollars in my endeavors to improve the relations between the settlers and the Government and think it has been well spent, but actual results are vitiated by red tape and delay purposely brought about to force the settlers into acquiescing in matters and charges they never agreed to and are contrary to reclamation law.

That last, Mr. President, might seem a reflection upon the officers; but the officers, of course, must execute the law as they find it. They are supposed to get back this money and must at times, of course, deal harshly in order to get it apparently; but do the best we may and exercise the best judgment possible, we know that hundreds and hundreds of men who go upon these lands and undertake to reclaim them from the desert spend one or two or three years and then, as this letter says, fall by the wayside not by reason of any fault of theirs but because of the fact that in these days, to carve out of the desert a home means a vast amount more sacrifice than characterized our forebears when they had all of Illinois and Michigan and Kansas and this great and wealthy land to draw from. In this day there ought not to be put into the law with reference to the acquisition of homesteads other than that which will test the good faith of the settler. The United States could well forbear the enforcement of the payments, which are being enforced at this time until such conditions should prevail upon these projects as to enable the settlers to do so without the suffering and the hazard and the loss which must necessarily characterize them under the present law.

Mr. THOMAS. Mr. President, as I was a member of the subcommittee of the Public Lands Committee of the Senate to which was referred this measure and joined with the chairman of that subcommittee in approving the amendments, it is perhaps only proper that I should confirm what the Senator from Oregon [Mr. CHAMBERLAIN] has said regarding them, and to give in brief the reasons for my approval of the bill as it stands. That, however, has been done so admirably and so much better than I could do it myself by the Senator from Idaho [Mr. BORAH], who has just taken his seat, that my task is now comparatively easy.

I know that there is abundant material for argument on both sides of this proposition, and very much that has been urged against the amendments and in favor of the House bill in regard to the distribution of funds realized from the sale of these lands is sustained by the general spirit, so to speak, of the reclamation law and the manner of its administration, and by the tendency to cover into that fund as many as possible of the sources of revenue derived from public lands. Personally I have great sympathy with that policy and naturally want to see that fund so large that its benefits may be as widely extended as possible.

But this is a very extraordinary situation, one with which we have never before been confronted, and one which may not require congressional action again. It involves a land grant which instead of being administered by the immediate beneficiaries of the grant as required by its condition was not administered at all. It involves the execution of a decree of the Supreme Court of the United States by congressional legislation, a task which is unusual and which in some respects has been made, I think, extremely difficult by the peculiar nature of the decisions of which it is the sequel. The bill was filed originally against the Oregon & California Railway Co. to enforce a forfeiture of its grant because of the disregard by the grantee of conditions subsequent, and upon a full hearing the court below sustained the position of the Government and issued a decree accordingly.

The Supreme Court of the United States by a process of reasoning which is entirely logical reached the conclusion that there had been no forfeiture because the recitals of the grant were not conditions subsequent but were covenants which could still be enforced. Had the decree been rendered in strict accordance with the logic of the decision I do not think Congress would have had anything to say upon the subject. But the decree, while denying a forfeiture, seems to me to have proceeded upon the theory that Congress would virtually assume one and then provide for the execution of the details of the decree in appropriate legislation.

That is the first difficulty with which we are confronted. It is true the bill declares that title shall revert to the Government of the United States. That is doubtless necessary in order that the decree can be profitably covered by legislation of this character; but it also provides, which would be impossible if the forfeiture had been declared, that the original sum of $2.50 per acre for which the grantee was required to sell this land to actual settlers, should be paid into the coffers of the railroad company. We are concerned with the distribution of the remainder.

That of itself is unusual in the sale of public lands. It is unprecedented. It would be impossible if these were public lands in the strict sense of the term. It is a recognition of the fact, and a necessary recognition to my mind, that we are required by the Supreme Court of the United States to substitute the Government for the railroad company and then execute the original terms of the grant as nearly as possible in accordance with it and dispose of the fund in a way which is made necessary because of the original failure. I do not regard, and I am unable to regard, this land as being public land. I sympathize fully, as I have stated, with the spirit and with the logic which assuming it to be public land would require a different distribution of this surplus fund.

Mr. President, the fact remains that if this grant had been administered as Congress required that it should be administered when 50 years ago it enacted it, if the railroad company had sold these lands or even attempted to sell them at the maximum price of $2.50 an acre to actual settlers, it unquestionably without regard to the abundance of public lands in other parts of the State would have disposed of a great many of them, and as a result the population of Oregon would have been proportionately increased, a benefit to any Commonwealth which can not be measured in terms of money, a benefit which has been until recently perhaps it has been the object of the Government to secure, the dissemination of title to public lands among citizens anchored to the soil, and thus taking an interest and the deepest of all interests in the welfare and the perpetuation of the Commonwealth.

If that had been done doubtless thousands upon thousands of men, women, and children would long ago have been established upon these lands. The lands would have been brought into taxation according to their value and the added distribution of the resources of the State by this added population would, to my mind, be very largely in excess of all the moneys

that we now realize from these lands to be paid as provided by the terms of the Senate committee amendment.

Consequently, the attitude taken by the Senator from Oregon, who has charge of the bill, it seemed to me, and now seems to me, to be precisely that which I would take and insist upon were this grant located in my State instead of his own. I think the interests and welfare of the State of Oregon with regard to this particular body of land ought to be the first consideration in the distribution of the fund that is to be realized in excess of the amount to be paid back to the railroad company, and this bill seeks to do it. While the rest of the country may have a legal right, I do not think it has what can be termed a moral right to the distribution of this fund as provided by the bill as it passed the House.

I say that as I before intimated with the most profound respect for the views of Senators who disagree with me and with whose logic I can not quarrel, but when we consider, as the Senator from Idaho has so forcibly and clearly stated, that we are dealing with a subject that is sui generis, one in which the Government is seeking at this belated day to perform a contract which it made with other people, and which those other people ignored, it ought to be performed, as far as we can do so, in such a manner as that its effect will bring reparation and compensation to those who, if the contract had been performed by those whose duty it was to do so, would have received it.

I hope, therefore, the bill will be enacted into law.

Mr. LANE obtained the floor.

NATIONAL CAPITAL PREPAREDNESS PARADE.

Mr. SMITH of Maryland. I ask permission to introduce a joint resolution, and I ask consent for its present consideration.

The PRESIDING OFFICER. The joint resolution will be read, and then the Chair will ask if there is objection.

Mr. CHAMBERLAIN. That was done awhile ago by unanimous consent, and quite a question was raised about it among Members. I do not want to lose the place this bill has before the Senate now.

Mr. SMITH of Maryland. I will say to the Senator that I have to attend the meeting of a subcommittee, of which I am chairman. Otherwise I would wait. It is important that this joint resolution should be passed. I hope the Senator will hear it read.

Mr. CHAMBERLAIN. I will not make any objection if it is understood that it will not displace the pending bill.

The PRESIDING OFFICER. Let it be read, and then the Chair will ask if there is objection to its consideration.

The joint resolution (S. J. Res. 137) authorizing the Commissioners of the District of Columbia to make special regulations for the occasion of the National Capital preparedness parade on the 14th day of June, 1916, and for other purposes incident to said parade, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Commissioners of the District of Columbia are hereby authorized and directed to make all reasonable regulations necessary to secure preservation of public order and protection of life and property, and to fix fares to be charged by public conveyances, and to make special regulations respecting the standing, movements, and operation of vehicles of whatever character or kind, including street cars, on the occasion of the National Capital preparedness parade on the 14th day of June, 1916. Such special regulations shall be published in one or more of the daily newspapers of the District of Columbia, and no penalty prescribed for the violation of such regulations shall be enforced until three days after such publication. Any person violating any of such regulations shall, on conviction thereof in the police court of said District, be punished by a fine not exceeding $100, and in default of the payment thereof shall be imprisoned in the workhouse (or jail) of said District for a period not exceeding 60 days.

SEC. 2. That the Secretary of War is hereby authorized to grant permits to the citizens' executive committee in charge of said preparedness parade for the use of any reservation or other public space in the District of Columbia on the occasion of said parade which, in his opinion, will inflict no serious or permanent injury upon such reservations or public spaces or statuary therein; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said District of Columbia as they may deem proper and necessary: *Provided, however*, That all stands and platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said citizens' executive committee and in accordance with plans and designs to be approved by the Commissioners of the District of Columbia.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. THOMAS. Mr. President, it seems to me that the joint resolution would be complete if it also provided for the erection of recruiting stations along the line of the parade so that we could fill up the ranks of the Army to the extent, at least, of the 20,000 provided for by the special act passed a few weeks ago.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CHAMBERLAIN. I will say now, Mr. President, that from this time until the pending bill is disposed of I must object to anything but the regular order.

OREGON & CALIFORNIA RAILROAD LAND GRANTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes.

Mr. LANE. Mr. President, I should like to call to the attention of Senators a little of the history of this country and of this land grant which was made to what was then known as the Oregon & California Railroad. In the early days pioneers, trappers, principally the Hudson Bay Co. trappers, who were engaged in gathering furs for that great company, wandered over on the Pacific coast, and they found favorable winter quarters, where the grass grew and the trees were green all the year around; where there never was any deep snow nor any very cold weather. Thereafter they made their winter headquarters in that country.

That was the Willamette Valley. When their term of service with the Hudson Bay Co. expired many of them went up that valley, some 50 miles south of the city of Portland, in what is now called French Prairie, for the reason that these men were French Canadians. They married into the Indian tribes and settled. They were the first settlers in the State of Oregon. They sent out word to their friends and other trappers and hunters, and pioneers and adventurers came into that country. Word was sent back to St. Louis, to St. Joseph, Mo., and then on here, that there was a good country there, a rich country, a beautiful and fertile country, with a mild climate, and with the spirit of adventure which followed along after the discovery of gold in 1849 there came an exodus, a great immigration to the Pacific coast and into the State of Oregon. In 1848 my father tramped across that country over the Sante Fe trail. In 1852 my mother, a girl from Virginia, walked from Virginia behind an ox team to get into that country in order to make a home. She, with her father and mother, my father and his father and mother, made their homes there and lived and died there. They went there for the reason that it was a beautiful country with a mild and equable climate, but it was far removed from the centers of civilization and from a market for produce.

In 1865 we had but one steamer a month coming in through the mouth of the Columbia River to the city of Portland. When it came within 3 miles of the city it fired a cannon, and everybody suspended business; shops and stores were closed, and the people rushed to the lone wharf to see who had come in from the "States," as they called this eastern country.

Overland we went first on mules and horseback or on foot on the trail; then by stage through the Willamette Valley in Oregon down into California, and then worked our way east or took the steamer at San Francisco to the Isthmus of Panama, so as to get into the eastern country to buy the things that we needed. Others went around the Horn by ships.

The people who came there wanted to open up the country. There were but few settlers, and when a man came in representing a railroad company which proposed to build a railway, we were glad to see him and glad to give him large inducements to come in to help us open up the country with a ready means of transportation in order that we might build up a community and have settlers around us. Where the city of Portland now is, on the site where now is located one of the largest high schools in the country, when I was a boy I have heard the panther scream at night—scream and scream until you thought it was some one in distress, but when you went out to relieve him, or her, rather, and you got within a hundred feet of the beast and it then set up one of its yells, you found you were mistaken, and you went home promptly, and in something of a hurry. [Laughter.]

Right in the center of the city of Portland, which now has 250,000 inhabitants, I have seen bears come right up to the side of my father's house and drive the dogs under the house in an effort to capture what little live stock we had upon the place.

In the deep woods the trees were 6 feet through, and some of them were 8 feet. You gentlemen, who now want to take the proceeds from the sale of our timber and go out and open up your sagebrush country, will hardly believe that in many places the woods were so thick that the sun never shone through, and yet the timber itself had no value at all; it was a curse to the land. The trees were so big that it took you half a day to chop one down; then they were cut into lengths sufficient in size to roll into a pile and burned. Then the stumps had to be removed, and it took hard, laborious work for from five days to a week to get one of the largest out of the ground.

Another point that I want to impress upon you is that where the timber grows thickest, where it is of the greatest size, where the great firs, hemlocks, and other trees grow 6, 8, 10, and even 12 feet through, if you please, the land is the richest; while, where the timber is small or does not grow, in the country west of the Cascade Range the land is hardly fit for cultivation; it is poor land, lean land.

Those were the conditions. The railroad representatives came to us and made an offer. We concluded a bargain with them to the effect that if they would put a line of railway through the State, connecting us as soon as they could with a line then at Sacramento, Cal.—the old Central Pacific, I think, was its name—we would give them every other odd section of land remaining in the Willamette, the Rogue River, and the Umpqua Valleys, 20 miles on each side of the railway tracks. They were three consecutive valleys running right through the heart of the western portion of the State, that being the richest portion of the State, while the land which lay over in the eastern portion of the State was known as a desert. It was not supposed to be able to raise grain. Nobody would have believed it to be fit for agricultural purposes. Afterwards it proved to be among the richest of our lands and produced more grain than any other section. But it was not known at that time. It was a sagebrush country. At any rate, we made a fair bargain with the railroad company, that, if they would open up that country, we would give them every other section of land. The timber was not worth anything; it had no value at all; it did not enter into the transaction. Nobody considered it in connection with the bargain, except that it was a curse to the settlers of the country. They cut it; they labored; they got rid of it to the best advantage that they could. After putting in a hundred or two hundred dollars' worth of labor to the acre to get rid of it, to get at their land—and only by doing so could they use the land upon which to raise crops—they also set fire to it in the fall when the wind was right. After a long, dry spell, when the ferns and underbrush were dry and when the wind was right, they burned it over thousands of acres. I have seen them do it. This was done in order that sheep and cows and horses might graze upon it. To-day it is the principal source of value in a great portion of that country.

The bargain, then, was distinct and plain and simple. It was for the land. The Government land was selling at $1.25 an acre. We allowed the railroad company to charge $2.50 an acre, and they agreed to sell it for $2.50 to actual settlers. They did not keep their bargain. They may have parted with a little of it, but when the timber began to be valuable, when the adjoining lands had been opened up and had become valuable to the community and had correspondingly raised the value of the railroad land, then they refused to sell it; and the men who went and made application for the land, offering their money to pay for it, were refused title; they were refused by the company the right to pay their money and to receive a tract of land.

Right there the Government failed in its duty to the State of Oregon. If after the first refusal of the railroad company to keep the terms of its grant—its plain bargain—the administrative department of the Government had done its duty, it would have stepped right in at that time and compelled them to make the sale. If they had made the sale, this question would not be before Congress at this time; the country would have been settled; there would have been thousands, and probably hundreds of thousands, of people living there who to-day are denied the right to go upon that same property, and can not do so without committing a trespass.

That is the situation which confronts Oregon; that is why the situation differs from the public-land question generally, and the sale of lands for reclamation purposes in other States. It was a distinct grant for the benefit and for the sole purpose of opening up the Oregon country. The people consented to it with that distinct understanding, and entrusted to this body or to our predecessors, and to those in the other House and to the executive departments of the Government, the duty to see that the contract was kept by the railway company, which had secured the grant, which it failed to do. We did our duty. We builded up the country; we builded towns; we opened up our harbors; we builded roads and schools and churches; we builded up municipalities; we cleared the timber off our lands and made them tillable, and have made a good country of that region. The railroad company stalled and blocked the development, and the Government, or this body, as I have said, and other departments of the Government failed in their duty by not forcing the other party to the contract to do their duty. Those facts must be taken into consideration.

Now, when we come here and ask that the bargain be carried out to completion—under different circumstances, I will allow, under changed conditions; conditions in which the timber now has become more valuable—we expect the Government to stand on the original proposition, to carry out the original bargain—the plain, fair, honorable compact that it entered into with the people of that State.

Thirty-five million dollars for the timber and the land! The State of Oregon has lost $130,000,000 through the failure of the other party to the contract to carry out their agreement. We have lost in population. We have been marooned and have paid excessive rates for freights on account of the contract which we made with a corporation, which, if they had done their duty, would have been a blessing to us. They have kept their contract in no particular where it paid them to break it.

The State of Oregon, then, has this situation now confronting it. We have been for 50 years left in this condition. Now, we want the opportunity to use those resources for the benefit of Oregon, and Senators from other States come in and make us a counter proposition that if our timber is sold the proceeds of the sale shall go to the reclamation of the desert and barren lands of their State. They overlook the fact that where the timber grows heaviest the land is the most valuable for farming; that after the timber is removed there remain stumps upon the land, and before the land can be used for settlement, for homesteads, before it will be of value to the settler, it must have the stumps removed from it. In other words, it will cost the people of that country, the settlers, not less than a hundred dollars and from that on to $200 an acre to do that work of reclamation. The funds from the sale of this timber Senators now desire to place upon their lands, which no more need reclamation than do some of ours, and leave the lands from which the money has been derived to be reclaimed at the expense of the settlers of our State.

It is not a fair proposition. If it is a matter of reclaiming arid lands, we have such lands. These timbered lands, however, are not arid lands. If they were arid lands, they would not have this valuable timber upon them. Just east, however, just over the range, where they have an annual rainfall of but from 7 to 12 inches—and that is as little as they have in most of the arid States—we do need water. Those people need help just as much as do the people in any other State in the Union. To the west of this land-grant land the people have mortgaged themselves, they have bonded their little holdings in communities where they are completely isolated by forest reserves and by these land grants, and have opened harbors in order to reach the sea with such products as they can raise. They need encouragement. The people on the eastern slope of the mountains have in many cases put up dollar for dollar with the Government in the attempt to reclaim their arid lands. These things should be taken into consideration.

I do not want to do any injustice to this railroad company, and I do not think any will be done to it if it receives $2.50 an acre for this land; but it will be an injustice to Oregon if the money derived from the sale of these lands and from the sale of this timber, which will be needed to clear the lands and for other improvements which ought to have been made years and years ago, and which would have been made but for the loss which it has suffered because of failure to carry out the agreement on the part of the other party to the contract, is not allowed to go to the benefit of that State.

It is different from the ordinary reclamation scheme. It is different from the conditions that exist in Montana, in Idaho, in Arizona, and in New Mexico. This land would have needed no reclamation if allowed to take care of itself. It would have builded up upon its own merits; it has an abundance of water, and yet from the fact that it has been kept out of the hands of the people it has suffered to an enormous extent.

It is, then, as I have said, a question which should be viewed from a different angle; and, inasmuch as the grant was originally made for the benefit of that State, to open up that country, a country difficult in some parts to open, I see no difference between the condition which existed then and that which confronts the Senate or the Congress at this time.

I am not in favor of some of the provisions even of my colleague's amendments, and I want to have a full hearing on the amendment which the Senator from Idaho [Mr. BORAH] is

going to offer to the bill. My main interest in the question is to get for the settler more than I think he is getting at this time. The value of the timber has become the object of the contest between the differing parties. There lies the value, and upon that I wish to be heard further when the amendments are discussed.

Mr. JONES. Mr. President, I want to ask the Senator from Oregon a question or two about some of the provisions of this bill. These lands are divided into three classes. Class 1 includes the power-site lands. Class 2 includes timber lands, and timber lands are such lands that have a growth of "not less than 300,000 feet board measure on each 40-acre subdivision," which would be 1,200,000 board feet to the quarter section. Class 3 includes agricultural lands. The lands of class 2—that is, the nonmineral lands of class 2—are not to be disposed of until the timber is cut off. Section 5 provides for the disposal of the lands of class 3. It provides for their disposal by homestead entry. The second proviso on page 10 reads:

Provided further, That during the period fixed by the Secretary of the Interior for the submission of applications to make entry under this section any person duly qualified to enter such lands who has resided thereon, to the same extent and in the same manner as is required under the homestead laws, since the 1st day of December, 1915—

Where is the provision in this bill authorizing the Secretary of the Interior to fix the time for submitting applications? Does the Senator from Oregon remember any such provision?

Mr. CHAMBERLAIN. I do not recall any provision fixing the time within which applications for entry shall be filed.

Mr. JONES. I want to suggest to the Senator that in the first part of section 5 it is provided that these lands—

shall be open to entry in accordance with the provisions of the act of September 30, 1913.

That is an act authorizing the President to restore lands which have been withdrawn and provide for their entry, and he fixes the time within which those who have settled on them may acquire preference rights. There is no reference in that act—and I take it that that is the act that is really referred to here under which the period for the submission of applications is fixed—to action by the Secretary of the Interior. So it seems to me, if that is the act to which this part of the bill refers, that we ought to put in the word "President" instead of the words "Secretary of the Interior," because——

Mr. CHAMBERLAIN. At what point and to what page does the Senator refer?

Mr. JONES. Page 10.

Mr. CHAMBERLAIN. Line 6?

Mr. JONES. Yes. Because the act cited in the first part of the section, under which the President restores these lands, only refers to action by the President, and not to action by the Secretary of the Interior at all.

Mr. CHAMBERLAIN. If the Senator offers that as an amendment, I have no objection at all to it.

Mr. JONES. I wanted to make that suggestion. Here is a more important matter, however, to which I want to call the attention of the Senator. As I understand, the provision of section 5 with reference to entry only refers to nonmineral lands of class 3; but there is a provision contained in section 5 that—

any person duly qualified to enter such lands who has resided thereon, to the same extent and in the same manner as is required under the homestead laws, since the 1st day of December, 1915, and who has improved the land and devoted some portion thereof to agricultural use, and who shall have maintained his residence to the date of such application, shall have the preferred right to enter the quarter section upon which he was so residing where such quarter section does not contain more than 1,200,000 feet board measure of timber.

None of the lands covered by section 5 can, under the previous provisions of the bill, contain that amount of timber.

Mr. CHAMBERLAIN. Because the timber has been cut off?

Mr. JONES. No; whether it has been cut off or not. None of the lands entered under section 5 can have more than twelve hundred thousand feet of timber to the quarter section, because if they do have more then they come under clause 2 and are excluded from the provisions of section 5.

Mr. CHAMBERLAIN. I will say to the Senator that the bill as originally prepared and introduced by me did not have that provision in it at all. It was put in by the House committee, and I really do not know the purpose of it.

Mr. JONES. I wanted to call that to the Senator's attention, because it might make it very uncertain as to what this provision really accomplishes.

Then it goes on to say that if the quarter section contains more than 1,200,000 feet board measure, the applicant can enter and secure title to 40 acres upon which his improvements are located.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him?

Mr. JONES. Certainly.

Mr. NELSON. I think this is an exception to the general rule laid down as to the lands embraced in class 2.

Mr. JONES. That is what I wanted to get at.

Mr. NELSON. And the exception is to give title to those who are already on the land and have made homes on it. They are made an exception to the rule laid down as to lands of class 2.

Mr. JONES. No.

Mr. NELSON. Yes; I think that is the effect of it.

Mr. JONES. I want to call the attention of the Senator to the fact that under section 2 all the lands that contain 1,200,000 feed board measure to the quarter section are classified as timberlands.

Mr. NELSON. I understand that.

Mr. JONES. And no exception is made with reference to settlement on those lands.

Mr. NELSON. No; but here an exception is made.

Mr. JONES. That is the question, whether or not it is intended to protect the settlers who are already on the lands of class 2.

Mr. NELSON. I think that is the intention.

Mr. JONES. That is what I want to ascertain.

Mr. NELSON. The exception is intended to protect those who are occupying lands of class 2, except where the timber exceeds the amount described in the provision.

Mr. JONES. No; if the lands contain timber less than twelve hundred thousand feet board measure they do not belong to class 2 at all.

Mr. NELSON. No; but here a rule is laid down which, it seems to me, is perfectly clear.

Mr. JONES. I want to call the Senator's attention to the fact that section 5 starts out as applying only to lands of class 3.

Mr. NELSON. I know; but here is a proviso, commencing in line 5, page 10, which reads:

Provided further, That during the period fixed by the Secretary of the Interior for the submission of applications to make entry——

Mr. JONES. "Under this section"——

Mr. NELSON. Yes; then it proceeds:

under this section any person duly qualified to enter such lands who has resided thereon, to the same extent and in the same manner as is required under the homestead laws, since the 1st day of December, 1915, and who has improved the land and devoted some portion thereof to agricultural use, and who shall have maintained his residence to the date of such application, shall have the preferred right to enter the quarter section upon which he was so residing, where such quarter section does not contain more than 1,200,000 feet board measure of timber.

I think that would apply to all classes of land except water-power land.

Mr. JONES. I want to call the Senator's attention to this point: This section starts out by providing for the disposal of nonmineral lands of class 3. Those are the agricultural lands. Those are the lands the timber on which amounts to less than 1,200,000 feet; and then there follows the proviso:

That * * * to make entry under this section—

That is, entry of lands of class 3—

any person duly qualified to enter such lands—

That is, lands of class 3; and those are the only lands referred to. I agree that it looks as if it is an effort to protect persons who may have settled upon lands of class 2, because those are the only lands that contain over 1,200,000 feet of board measure to the quarter section.

Mr. CHAMBERLAIN. Mr. President, if I may interrupt the Senator, I recall now that Mr. Williams in his report says that there are a number of settlers who went on the land between the date of the suit and the time when the decree was rendered, and this provision is intended to protect those people who went on in good faith and who are living there now as actual settlers. He said they have homes built there, and they have been cultivating the land in good faith.

Mr. JONES. That is, they went upon lands which probably would come under class two?

Mr. CHAMBERLAIN. Yes; on lands which might come under class 2.

Mr. JONES. Does not the Senator think we ought to put that exception in section 4, possibly, so as to make it clear that we intend to protect every settler who went upon lands of class 2?

Mr. CHAMBERLAIN. When the Senator comes to the question of the settler he gets on to pretty dangerous ground, for I think that if there was any part of the bill that was studied more carefully than any other part it was that which relates to the settler. It is unnecessary to discuss it, it seems to me, but it was discussed in the House. There are 16,000 or 18,000

people who claim to be settlers. The provisions of the bill were prepared in order to protect the men who were there and had been there; but they are very few in number.

Mr. JONES. But I want to call the Senator's attention to the fact—and this is what I am trying to get at—that section 5, under which this exception is placed, purports to relate only to lands of class 3 or nonmineral, or agricultural lands. It relates only to what we have defined as agricultural lands. Then there is a provision which looks as if it were designed to protect settlers who went on lands of class 2. What I want to know is, whether or not we are trying to do that? If we are trying to do it, we ought to make it clear.

Mr. NELSON. When you come to figure it mathematically, there is no difference. Class 2 includes timberlands, "which shall include lands bearing a growth of timber not less than 300,000 feet on each 40-acre subdivision."

Mr. JONES. That is twelve hundred thousand feet on a quarter section.

Mr. NELSON. That is the same limitation as is provided in section 5, as applying to a quarter section, the limitation for a quarter section being 1,200,000 feet board measure.

Mr. JONES. I understand that.

Mr. NELSON. There is no difference in the amount.

Mr. JONES. I think the Senator is mistaken in his contention.

Mr. NELSON. Four times 300,000 would be twelve hundred thousand.

Mr. JONES. But the bill says that where the land does not contain twelve hundred thousand feet of timber, board measure, the settler shall have his preference right. Of course, where it does not contain 1,200,000 feet it is agricultural land, according to the terms of the bill. Then section 5 proceeds, and it looks as if it were designed to protect the man who has gone onto land of class 2, when all the preceding part of the section relates to lands of class 3. What I am trying to get at is, whether or not it is the intention of this bill to protect settlers who have gone onto lands of class 2. That is what I want to know.

Mr. CHAMBERLAIN. Mr. President, I think it is intended to protect those men who were on the land in good faith prior to 1915 and are living on it.

Mr. JONES. On lands of class 2?

Mr. CHAMBERLAIN. On lands of class 2 and on lands of class 3 as well.

Mr. JONES. Then we ought to put a provision in that section which refers to lands of class 2, because I doubt very much if the provisions of section 5 would protect anybody who has gone on lands of class 2. It does not purport to do so in express terms. It purports in express terms to protect only those who have entered upon lands of class 3, and then there is thrown in the provision that, if the land has more than twelve hundred thousand feet board measure, the settler can get 40 acres.

Mr. CHAMBERLAIN. That clearly indicates that the reference is to lands of class 2, because the bill provides what shall be included within lands of class 2; in other words, it protects those who have gone on lands of class 2 by allowing them to take a certain subdivision of a section.

Mr. JONES. So the Senator is satisfied that that is not only the intention of this provision but that it does protect those who have gone on lands which are previously classified as lands of class 2?

Mr. CHAMBERLAIN. I think so.

Mr. JONES. Now, I want to ask the Senator——

Mr. POINDEXTER. Mr. President, if my colleague will permit an interruption, I rather agree in my colleague's view of that matter. I will say in that connection that there are a number of people in our State who are interested in the matter in a general way on account of having made applications to purchase, and there are some who have settled upon portions of the land in our State. The report said the other day that there were only a few hundred acres. I got the impression from correspondence that it was more than that. But, however that may be, there is not any right of entry given in this bill to lands of class 2. On the contrary, the section of the bill expressly gives the right of entry upon lands in class 3. There can not be any right of entry except upon the lands in class 3, because that is what the section says.

Mr. JONES. We do not provide for the entry of any lands except those of class 3, and, although you apparently try to make an exception down here, I myself do not believe that you do it. I was just going to inquire about that, and I hope the Senator will examine into that carefully, because I know he wants to make it clear, before the bill finally passes.

I wanted to refer to what my colleague has just referred to. I have some letters from a gentleman at Vancouver, in my State, in which he states that several persons settled upon lands along the Columbia River in Clarke County, and he makes this statement:

> The settlers I refer to and have previously written about were actual settlers over 30 years ago, who, by the fear of losing their homes—

And so forth, were compelled to pay large sums to the railroad. As I understand from his letter, they were persons who settled upon lands and then went to the railroad company and made contracts with the company to purchase these lands, in many cases contracting to pay the company more than $2.50 an acre. He says here they were required to enter into contracts of that kind; they have paid more than $2.50 an acre to the railroad company, and then they paid taxes for quite a while. The burden became so great that they could not pay the additional amount. The railroad insisted upon their paying not only their contract price but the taxes that had been levied upon the land, and they were unable to do it. He says that in one case there is one of these original parties who is still upon the land; that in the case of others their heirs or assigns are upon the land. He thinks these people ought to be protected. The railroad company has already gotten out of it more than the $2.50 an acre. These people have paid that, but they are afraid now that they are going to lose all this land. Now, is there anything in this bill that would protect persons in cases of that kind?

Mr. CHAMBERLAIN. Mr. President, I do not think there is, except in a case where the individual is an actual settler. I have received a great many letters of that kind myself, and there is such a conflict amongst individuals as to their rights, either by virtue of having paid the railroad company or by virtue of having made applications to the railroad company and having those applications turned down, that I have advised most of those who have written to me that the first thing to be accomplished was the adjustment of this grant, the larger question, and those who had valid equitable or legal claims would have no trouble about getting their rights adjusted by subsequent legislation. I still think that is the only way which can be followed.

Mr. POINDEXTER. Mr. President——

Mr. JONES. I yield to my colleague.

Mr. POINDEXTER. I wanted to ask the Senator from Oregon a question. He seems to recognize equitable claims arising from applications to purchase or actual purchase by individuals of land under the terms of the act of 1870. The Senator says he has had a good deal of correspondence about it and that he has advised his correspondents that the first thing to do is to settle the larger question, and that later on their claims can be adjusted. Now, I should like to ask the Senator from Oregon how the claims are going to be adjusted later on when the entire disposition of the land is provided for in this bill? If this bill becomes a law, all the rights to the land are settled. It will be too late then for these people whom the Senator recognizes as being entitled to consideration to be considered at all. The subject matter will have been disposed of.

Mr. CHAMBERLAIN. I do not think so, Mr. President. Personally I feel that I had rather see this legislation fail than for Congress in this bill to undertake to adjust the conflicting claims of and to protect settlers. In all cases of this kind where the settlers have some defect in the title, or have failed to secure the title for one reason or another, Congress has always intervened to protect them on the public domain; and I have not any doubt but that Congress could do it and would do it here. Then there would be an opportunity to test out each case and see just what a man's claims were.

Mr. JONES. Would the Senator have any objection to a provision in substance like this, that purchasers might perfect their titles by appearing at the local land office and tendering the statutory price per acre, or showing by the usual proofs its former payment to the railroad company?

Mr. CHAMBERLAIN. Mr. President, I am frank to say that I would be unwilling to accept such an amendment without the most careful scrutiny and examination. I think the Senator, by such an amendment, would open up a Pandora's box that would appear to haunt us for a long time to come.

Mr. JONES. If we had a provision of that kind, it would not haunt us so much as it would the land-office people.

Mr. CHAMBERLAIN. Well, it might work great detriment and harm to the Government.

Mr. JONES. If we do not get something of that kind, then we are likely to be haunted with it for a good while.

Mr. CHAMBERLAIN. I had rather appear in Congress with a bill for the relief of some particular individual, such as the

Senator seems to have in mind, or set or class of individuals, than to undertake to open the door with doubt as to who might enter.

Mr. JONES. I can see the difficulties, of course, that we would be laboring under.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. JONES. Certainly.

Mr. NELSON. I want to say to the Senator from Oregon and to the Senator from Washington that shortly after we passed the joint resolution of 1908, instructing the Attorney General to commence suit about this land grant, I was flooded with letters from my State recommending that certain land agents out there in Oregon wanted the writers to make homestead applications, asking them for a certain fee. I am satisfied from the correspondence I received that a great many people were foolish enough to send money to these agents. I have seen in a report the name of one of them of a rather unsavory memory—Mr. Puter. I see his name in the RECORD. I must have had a hundred of those letters, and in every instance I wrote to the people who wrote to me, and told them: "This matter is in litigation and controversy, and do not you invest a dollar of money or make any effort about it."

There is no telling how many of these poor victims are lying loose and may try to get in under this cover if we extend it. Therfore I think we are wiser to take the course that the Senator from Oregon indicates; for there were a lot of those people that were brought in, in one way or another, by these officious land agents.

Mr. JONES. There is not any question about that. I received a good many letters along the same line that the Senator has referred to from people in my State, and I gave the same advice that he gave. But what I have in mind here particularly, and what this gentleman writes about, is the case of persons who actually bought the land from the railroad company. He refers to some who went on these lands thirty-odd years ago and made their contracts with the company and actually settled upon the land. They paid the company more than $2.50 an acre, but were unable then to complete their contracts, some of them.

Mr. CHAMBERLAIN. The Senator will remember that the Department of Justice recommended an amendment to the section in the bill I prepared that would protect some of these executory contracts, and notably one into which the former governor of Minnesota was drawn, Gov. Lind. That was in exactly the same situation as some of which the Senator speaks. That raised a storm of protest throughout the West, and yet, I think, no one questioned the integrity of Gov. Lind. It was claimed that it opened up a door that might have been disastrous to the Government, and the House committee, after a most thorough investigation, left out of their bill this very provision which affected one man, and which the Senator proposes to make general.

Mr. NELSON. Mr. President, I am informed by a gentleman who has investigated this matter thoroughly that there are homestead applications on file for the purchase of nearly all of this timber.

Mr. JONES. Of course I am not referring to, and do not have in mind, a provision that would take care of these people who came in through the agents the Senator referred to a few moments ago, after this litigation was started, or after it was brought up, who tried to acquire the rights to these lands then. I have not those people in mind at all. I would not want any provision that could be construed as taking care of them. I remember the provision in the House to which the Senator from Oregon refers, and I know that they did have very extensive hearings with reference to that matter, and, as I understood, they finally did leave it out. I just wanted to get the Senator's views with reference to a proposition of that kind, and as to whether or not the Senate committee considered that phase of the matter and decided that it was best not to try to incorporate in this bill a provision of that kind.

Mr. CHAMBERLAIN. We thought, in view of the investigation of the House committee, and what they had done, that we had better not undertake to adjust these matters any further than they did.

Mr. JONES. Mr. President, I will ask the Senator another question or two, while I have the floor, with reference to one of the amendments proposed by the committee. The committee provides for the sale of this timber, and in the amendment on page 8 it says:

> Timber thus purchased may be cut and removed at any time within the discretion of the purchaser, his heirs or assigns.

Does the Senator think that is a wise provision?

Mr. CHAMBERLAIN. Mr. President, I discussed that yesterday to some extent, and I am frank to say that I am not entirely satisfied with the solution of it. The House bill authorizes the sale on a credit of 10 years. Under it a man can cut the timber off as he pleases and pay for it as he has cut the timber, but the land in the meantime is not subject to taxation, nor the timber, either. The Senate amendment provides for a cash sale of the timber, and immediately upon the sale of it it goes on the assessment roll. The timber is assessable, but it leaves the purchaser his own time to take it off. He may take 5 years, he may take 10 years, he may take 100 years if he wants to; but all the time this timber that he has purchased is on the assessment roll, and it is assessed up pretty well. No man can afford to hold it indefinitely, when the assessment runs up from ten to forty dollars an acre, without utilizing it in some way; and it can only be utilized by taking the timber off and selling it on a normal market.

That method was at first approved by the Secretary of the Interior. He thought that was the proper way to dispose of it, and approved of the Senate provision in the first instance. Then, after the House committee had prepared a bill that had a sort of a combination of option of cash sale or credit sale, he was satisfied with that provision. But I still think that the Senate amendment is better.

Mr. JONES. I think there is considerable force in the suggestion of the Senator. I did not hear the Senator's discussion of the matter yesterday, and I did not know it had been discussed; so I will not take any further time on it now.

Mr. CHAMBERLAIN. Mr. President, I ask for a vote on the committee amendments, if nobody desires to address the Senate at this time.

Mr. POINDEXTER. Which committee amendment is the Senator asking for a vote upon?

Mr. CHAMBERLAIN. The committee amendments to the House bill, in the order in which they appear.

Mr. POINDEXTER. All of them?

Mr. CHAMBERLAIN. Yes, sir.

The PRESIDING OFFICER (Mr. HUSTING in the chair). The order has already been made that the Senate will first consider the committee amendments.

The SECRETARY. The first committee amendment is on page 4, line 20, where it is proposed to strike out the words "withdrawal and," so that, if amended, it will read:

> Class 1. Power-site lands, which shall include only such lands as are chiefly valuable for water-power sites, which lands shall be subject to such use and disposition as has been or may be provided by law for other public lands of like character.

Mr. NORRIS. Mr. President, I shall take only a few minutes on this particular amendment.

Mr. CHAMBERLAIN. May I just suggest to the Senator the reason that was changed?

Mr. NORRIS. Yes.

Mr. CHAMBERLAIN. The reason the committee cut that out was that it was simply undertaking to add a power that I think the Government already had and place it in exactly the same category as other power sites are placed.

Mr. NORRIS. The reason why I am opposed to the amendment is for the same reason that the Senator has said that he is in favor of it. I am not sure, of course, but that he is right; but I want to leave these power sites in exactly the same condition in which every other power site on public land would be left. Under existing law, other power sites are subject to withdrawal, and I fear that if we strike out these words and make them subject to withdrawal, these particular power sites on this particular land would not be subject to the law applying to other power sites. They might be subject to homestead entry, however. Anyone could get them under any other law.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. I yield.

Mr. WALSH. I think the apprehension of the Senator from Nebraska is without any foundation at all. It is true that we now have a special statute authorizing the withdrawal of power sites, but, of course, the Supreme Court of the United States has held that it is not necessary; that the power to make withdrawals exists without any statute at all.

Mr. NORRIS. If the words "withdrawal and" are stricken out it will read—

> Power-site lands, which shall include only such lands as are chiefly valuable for water-power sites, which lands shall be subject to such use and disposition as has been or may be provided by law for other public lands of like character.

I suppose that it was the idea of the Senator from Oregon, and he may be right in it, that they would be subject to withdrawal even with those words stricken out. They could not be any more than subject to withdrawal if the words were left

in; so, to avoid any difficulty, it seems to me they ought to be left in.

Mr. WALSH. Let me make another suggestion to the Senator. The act provides that they shall be classified in the first place, and every power site is set aside and put in class 1.

Mr. NORRIS. Yes.

Mr. WALSH. The act itself provides for the withdrawal.

Mr. NORRIS. These power sites are classified under this law.

Mr. WALSH. Yes.

Mr. NORRIS. Is that what the Senator had reference to?

Mr. WALSH. Yes. Every tract of land that is suitable for use as a power site is taken out of the general body of the lands and put into a class.

Mr. NORRIS. The Senator's contention, as I understand, is that these words that the amendment seeks to strike out have no effect whatever. Is that the Senator's contention?

Mr. WALSH. That seems to me perfectly clear upon two grounds. One is that the act itself is a withdrawal. The act itself puts into a separate class every power site.

Mr. NORRIS. Yes; but the act itself specifically says—

Subject to such use and disposition as has been or may be provided by law for other public lands of like character.

Now, if one of these power sites should be a homestead, if it should be held that the striking out of these words would make it impossible to withdraw them, the entryman might get a valuable power site under the guise of taking a homestead.

Mr. WALSH. Why, he could not possibly do so. The lands classified as power sites are not open to homestead entry at all. He would not be permitted to file on them.

Mr. NORRIS. Yes; but he would take a homestead that had a power site on it. He would not take a power site.

Mr. WALSH. Mr. President, the lands are all classified. Every power site is put into a certain class, and no lands in that class are open to homestead entry at all; so he could not possibly have a homestead entry on it.

Mr. NORRIS. Even if the Senator's contention is right, what is the objection to providing in the law that these power sites shall be subject to withdrawal the same as all other power sites are subject to withdrawal?

Mr. WALSH. The plain answer is that the act itself withdraws them.

Mr. CHAMBERLAIN. I have the same purpose in mind as the Senator.

Mr. NORRIS. I think the Senator does. I am not questioning that at all, and I am not even saying that the Senator is wrong about it, but it seemed to me that there could not possibly be an objection to words that would specifically give authority that everybody concedes ought to exist if the same authority exists in regard to other power sites elsewhere.

Mr. STERLING. Mr. President, I remember very well the discussion of the amendment in the subcommittee. We simply considered that these words here were so much surplusage. The bill itself classifies these lands, and excludes power sites from homestead entry; and it is obviously unnecessary to have those words in the bill. That is the sole purpose of the amendment.

The PRESIDING OFFICER. The question is on the amendment of the committee.

Mr. WALSH. I ask which is the amendment now under consideration?

The SECRETARY. On page 4, line 20, the amendment striking out the words "withdrawal and."

The amendment was agreed to.

The SECRETARY. The next amendment of the committee begins on page 6, line 10, in section 4, where it is proposed to strike out, beginning with line 10, all of the bill down to and including line 3, page 8, and to insert in lieu thereof the following:

As soon as may be after classification the timber on lands of class 2 shall be sold by the Secretary of the Interior for cash to citizens of the United States, associations of such citizens, and corporations organized under the laws of the United States or any State, Territory, or District thereof, in such quantities and under such plan of public competitive bidding as in the judgment of the Secretary of the Interior may produce the best results: *Provided*, That the Secretary shall have the right to reject any bid where he has reason to believe that the price offered is inadequate and he may reoffer the timber until a satisfactory bid is received.

Persons purchasing under the provisions of this section shall be given patents conveying to them the timber and expressly reserving the land to the United States. Timber thus purchased may be cut and removed at any time within the discretion of the purchaser, his heirs or assigns, and until it shall be removed the land upon which it stands shall be subject to the possession and control of the owner of the timber: *Provided*, That the owner of the timber shall make no use of the land except for the purpose of protecting the timber or cutting and removing it.

The sales of timber herein provided for shall be made according to the smallest legal subdivision of land upon which the timber is growing, and any bid may include one or more such tracts, but where more than one such tract is included in such bid the bid must contain a separate offer for each smallest legal subdivision included therein.

All timber sold under this act shall be subject to the taxing power of the States apart from the land.

Mr. POINDEXTER. Mr. President, there are a great number of different propositions involved in that amendment, and I ask for a separate vote on each paragraph of the motion to strike from the House bill that has just been read by the Secretary. Each one of them embodies a different question.

The VICE PRESIDENT. The Chair does not see how that can be done. A motion to strike out and insert is not divisible.

Mr. POINDEXTER. I should like to call the Chair's attention to the rule.

The VICE PRESIDENT. There is not any doubt that when a proposition contains several questions any Senator is entitled to a division of the question and a separate vote upon each question; but the Chair understands this is an amendment offered by the committee to strike out a certain portion of the bill and to insert in lieu thereof another proposal. Under the same rule there is a proviso that the portion to be stricken out and the portion to be inserted are separate questions, each of which may be amended before being voted upon, and that the portion stricken out shall be first amendable.

The Chair thinks the Senator from Washington can not have separate votes upon this question; but he can tender amendments to either the motion to strike out or the motion to insert and reach the same result in accordance with the rule.

Mr. POINDEXTER. The Chair has quoted from memory a rule to which I was just going to call attention; and my understanding of the rule was, treating the motion to strike out as a separate question, that it would then be subject to division. I should like to submit that to the Chair. If the Chair does not sustain that view, I will undertake to reach the proposition by an amendment.

I should like to call the Chair's attention to the difficulty there is in voting upon this matter as a whole. For instance, the first paragraph on page 6, which has a line drawn through it—partly on page 6 and partly on page 7—involves a separate question, the very important question of the manner in which payments shall be made for timberlands, whether they shall be sold on time, as provided in the House bill, or whether they shall be sold for cash, without any restrictions as to when the timber shall be removed, as provided in the Senate amendment, and so on through. Each one of these paragraphs contains an important question of that kind. For instance, in the second paragraph, stricken out on page 7, there is the question as to whether or not any period shall be fixed for the removal of this timber or whether or not the Secretary, in making the contract for the sale, shall fix a period for its removal. The third paragraph in this part to be stricken out is an entirely different question, providing that the timber shall not be removed until after patents for it have been issued, and the fourth paragraph proposed to be stricken out deals with the question of the taxing power of the States.

It seems to me that to vote upon all of those different questions as one amendment would deprive the Senate of an opportunity of deciding, independently of each other, each one of these important questions.

The VICE PRESIDENT. The Chair can never be responsible for the way in which a committee proposes an amendment. The reasoning of the Senator from Washington is good from a logical standpoint, but it is not good from the standpoint of the rules of the Senate. Rule XVIII clearly covers this question:

If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided,

This can not be anything else but a motion to strike out and insert, so it can not be divided. A subsequent clause gives the Senator from Washington ample protection for any views he may desire to present and any vote he may wish to have on this question.

Mr. POINDEXTER. I move to amend the amendment by excluding from the portion to be stricken out the first paragraph on pages 6 and 7, leaving the remainder, and in support of that I will say that that is the paragraph which authorizes the timber to be sold in 10 annual installments.

The only objection to that that was urged by the Senator from Oregon [Mr. CHAMBERLAIN] yesterday was that if it was sold in installments the State would be deprived of its taxing power. But that, Mr. President, is not a valid objection. This very bill itself in section 9, on page 13, provides for the payment of taxes to the State which were levied by the State upon this land while it was held by the railroad company. In the same manner that the bill undertakes to protect the State in the collection of its taxes under those circumstances it can protect

the State in the collection of taxes upon timber which is sold on the installment plan.

If it ever becomes necessary for the Government to take back the timber on account of the failure of the purchaser to pay the installments, the Government, as part of its action of recapturing the timber, can make provision for the collection by the State of Oregon of its taxes. So that objection, it seems to me, is not tenable.

On the other hand, there is an advantage to the Government and to the people to give them an opportunity to buy this timber on credit. This timber is not limited in the amount which may be sold in one sale and to one purchaser, and if cash payments are required one great lumber company can acquire it all practically at its own terms.

Mr. CHAMBERLAIN. May I interrupt the Senator for a moment?

Mr. POINDEXTER. Yes.

Mr. CHAMBERLAIN. I call attention to the fact that the small purchaser is protected by practically giving him a preference on the small subdivision. So whereas the rich timber company bids on the larger tract of land the man who bids for a smaller tract has the opportunity to take it.

Mr. POINDEXTER. How is the man bidding on the smaller tract given preference over the man bidding on the large tract?

Mr. CHAMBERLAIN. In the discretion of the Secretary.

Mr. POINDEXTER. Each one has the same privilege of bidding on any number of small tracts.

Mr. CHAMBERLAIN. I call the Senator's attention to this language in the amendment of the committee:

The sales of timber herein provided for——

Mr. POINDEXTER. On what page, Senator?

Mr. CHAMBERLAIN. On page 9.

The sales of timber herein provided for shall be made according to the smallest legal subdivision of land upon which the timber is growing, and any bid may include one or more such tracts, but where more than one such tract is included in such bid the bid must contain a separate offer for each smallest legal subdivision included therein.

Mr. POINDEXTER. That is true, but that does not put any limitation on the number of the small subdivisions which one man may purchase, and the consequence is that the company which can command any amount of cash would be the only one which would be in a position to bid upon them. It seems to me that the incentive to enterprise and the distribution of opportunities among men who want to assist at least in capitalizing a project for the cutting of this timber by putting their energies and their initiative into it along with their capital and make the business itself and the timber itself help to pay for the carrying through of their project ought to have it given them by the terms of the bill.

Mr. NELSON. Mr. President, I wish to say merely a word in connection with this matter. I think the provision of the Senate committee on this subject is a wise one. Some years ago I had occasion to look up the early history of our land laws and I found that in the early days shortly after we took possession of the Northwest Territory and at the time we adopted our present system of surveys they had a plan of selling public lands on credit. I do not remember the details, but our experience under that law proved an utter failure, so much so that in a very short time the Government felt compelled to abandon the scheme.

In reference to this timber, as the Senator from Washington well knows, living out there in that timber country, and as we all know who come from a timber country, such heavy forests are subject to destruction from wind storms and from great fires. If the timber is sold on time and a small payment is made and a forest fire goes in there and destroys it, the man will not wish to pay; he will abandon his tract, give it up and relinquish it, and the Government will be deprived of that money.

Where there is a cash sale the Government gets the money, it is sure of what it gets, and it is to the interest of the purchaser to protect that timber. If that timber is destroyed by fire or in any other way it is his loss and not the loss of the Government, whereas on time payments, as I said a moment ago, a man might make a partial payment under a 10-year contract and after he had made one or two payments and cut off a little of the timber a fire might go through it and ruin the forest, and then he would give up his contract. He would say, "There is no use for me to pay for this any more, the timber is destroyed," and he would abandon his contract; the Government would be the loser and nobody would get any benefit out of it at all.

For this reason, Mr. President, I am heartily in favor of this provision.

Mr. NORRIS. Mr. President, I wish to offer an amendment to the text, but before I do so I wish to say just a word on the Senate committee amendment. I think it is conceded here that we are all trying to do the same thing, and that is to provide a method of sale that will bring in the most money. To do that we want as many bidders as possible. In my judgment we will get more bidders and get a higher price if we sell it on time. If we sell it for cash, necessarily the bidders will be confined to people or corporations of very large means.

The State of Oregon, which is getting most of the money, will not be the loser if it is sold on time. I think it will be the gainer because, in the first place, I believe it will get a higher bid for the timber, and, in the next place, on the deferred payments it will be getting interest at a rate that will be profitable to the State; and what little goes to the Government or if the other amendment is defeated and 40 per cent goes to the reclamation fund, then the reclamation fund will be the gainer. We will undoubtedly get more money by selling it according to the House provision than by the Senate committee provision.

The Senator from Minnesota [Mr. NELSON] says, and it is, of course, very true, that there might be a forest fire which would destroy the timber, and he thinks that a man who has bought it on partial payment will not take as good care of the timber and prevent forest fires as the man who bought a large tract for cash. To my mind, the reverse is true. I believe the man or corporation that buys a large amount of timber for cash and gets it all at once will expect to get rid of that timber at the very quickest possible moment, and the tendency would be that danger from fire would not be spread over many years. He would not take the same precaution because he would expect to get the timber off. On the other hand, the man or the corporation who buys it on time, knowing that for their own protection they must protect it against forest fires, would take extraordinary precaution.

But let us assume that a man buys it for cash. He pays a large sum for a tract of timber, pays it all down, and the next day after he does it a forest fire comes along and burns it all up. What would happen? The very next thing that would happen would be a bill in Congress to reimburse that man, and the argument could be made and it would be made, and it is very plausible, too, that he had expended his money and had gotten nothing in return; that he had lost in addition to the money he had paid the expense of cutting the timber and sawing it and so forth, and the probabilities are that all of us would feel inclined to return that man's money. He was not to blame for the fire because he had paid his money and got nothing. The forest fire might destroy it in either case.

But, Mr. President, the senior Senator from Oregon [Mr. CHAMBERLAIN] made in his argument a statement which appealed to me, and I think we ought to guard against it if we can. He said that under the laws of Oregon the tax attaches the 1st of March; that the purchaser on time under the House provision would be able to buy a tract of timber, 40 acres at a time, the 1st of April, pay for it, and then being subject to the tax he would get it off before the 1st of March came around the next year. Hence there would be nothing left to tax. He could perform the same operation year after year and thus avoid taxation.

Of course, we all want to avoid anything of that kind. It is probably somewhat imaginary to think that that might occur, but I can see that it might happen as the Senator from Oregon said. I want to move to amend the text on page 8, lines 2 and 3, by striking out the following words, "patents are issued as provided for herein," and insert in lieu thereof "said timber is sold," so that it would read if amended:

All timber sold under this act shall be subject to the taxing power of the States apart from the land as soon as said timber is sold.

Mr. CHAMBERLAIN. I will state to the Senator that if that is an amendment to the House text——

Mr. NORRIS. Yes.

Mr. CHAMBERLAIN. I have no objection to it; but that does not carry with it my assent to abandon the Senate committee amendment.

Mr. NORRIS. Oh, no; I did not expect that.

Mr. CHAMBERLAIN. I think it ought to be added.

Mr. STERLING. Is not that very idea found in lines 7 and 8 on page 9 in the Senate committee amendment?

Mr. NORRIS. Yes.

Mr. STERLING (reading)—

All timber sold under this act shall be subject to the taxing power of the States apart from the land.

Mr. NORRIS. But the Senator understands the parliamentary situation is such that we can offer an amendment either to the committee amendment or to the House text, and

that before we vote on the committee amendment we can move to perfect the text.

Mr. STERLING. That is true.

Mr. NORRIS. The effect of this amendment is to put into the House text the same provision that is in the Senate committee amendment on that taxing proposition; in other words, the State authorities would have a right to tax as soon as the timber is sold, and not wait for patent to be issued on a particular part of it. I can not see any objection to it.

Mr. CHAMBERLAIN. So far as I can consent, I am willing to have that amendment made.

Mr. BORAH. Mr. President, has the amendment been disposed of?

Mr. CHAMBERLAIN. The question is on the amendment of the Senator from Nebraska.

The VICE PRESIDENT. There can be no doubt about a motion to amend the part to be stricken out having precedence, and the motion of the Senator from Nebraska to amend is in order.

Mr. CHAMBERLAIN. I have no objection to the amendment.

Mr. NORRIS. I do not understand that anyone objects to it.

The VICE PRESIDENT. The question is on agreeing to amendment proposed by the Senator from Nebraska [Mr. NORRIS].

The amendment was agreed to.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Washington [Mr. POINDEXTER].

Mr. CHAMBERLAIN. Mr. President, may I express the hope that we can finish this measure in some way before the Senate is compelled, under the unanimous-consent agreement, to go into executive session?

Mr. NORRIS. If the Senator will allow me, I should like to have a roll call on two amendments, or at least on one of them, and that will come last. The one on the distribution of the money I consider to be the most important, and I should like to have one on this question. However, I do not want the bill to go over.

Mr. CHAMBERLAIN. I may be mistaken, but I fear there may be some difficulty about getting a quorum; that is all. Otherwise I have no objection to a yea-and-nay vote.

Mr. NORRIS. There will have to be a quorum to-day after the Senate goes into executive session. There can not be any doubt about securing a quorum.

Mr. CHAMBERLAIN. I am not going to resist a demand for the yeas and nays. I am ready to follow the usual course.

The VICE PRESIDENT. The question is on the amendment of the Senator from Washington [Mr. POINDEXTER] to the amendment of the committee.

Mr. JONES. Let it be read.

The VICE PRESIDENT. It will be stated.

The SECRETARY. In the part proposed to be inserted by the committee, beginning on page 8, line 4, the Senator from Washington [Mr. POINDEXTER] proposes to strike out the first paragraph—all the matter embraced in lines 4, 5, and 6 down to and including line 14 on page 8.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington to the amendment.

The amendment to the amendment was rejected.

Mr. POINDEXTER. Mr. President, I move to strike out the portion proposed to be inserted by the committee on page 8, the second paragraph, beginning at line 15, down to the bottom of the page; and in support of that, without delaying the passage of the bill, which I do not want to do, I wish to point out that it involves the proposition as to whether or not the people who purchase this timber shall have to remove it in any definite time or whether they will have an indefinite period of time in which to remove it, thereby keeping it from taxation and keeping it from development, very much as many large tracts of timber are at the present time kept in my own State.

I will say to the Senator from Oregon that the power of taxation of the State, which he says he thinks would compel them, if properly exercised, to sell the timber within a reasonable time, does not operate that way. If you go across the northwest corner of that map there, where the mouth of the Columbia River is, into the State of Washington, you can find a duplication there—counties similar to the counties in the southwestern portion of the State of Oregon largely taken up by forest reserves—except that in the State of Washington they are taken up by private reserves. In the county of Pacific, in the State of Washington, a few years ago, when I had the matter examined three-quarters of the county was owned by one timber company, who refused to sell the land and used their political and financial influence in defeating the taxes levied upon the land by the State and county; and after delaying it for years they would come in and compromise. That can very readily exist under the provisions of this section if you give these people an unlimited time in which to remove their timber. I prefer the provision of the House in that regard, which authorizes the Secretary of the Interior to fix a certain reasonable, definite time in which the timber must be removed.

Mr. CHAMBERLAIN. I wish to call the Senator's attention to even a more dangerous proposition than that in the House provision. Under the Senate committee provision which the Senator is attacking they will have to pay the taxes or lose the timber. The House provision provides that the timberland may be sold at such time, in such quantities, and under such plans, and so forth, with the result that if the Secretary of the Interior, under this reserve system that they have out there, concludes that it would not be a good time to sell next year, or 5 years, or 10 years, or 20 years from now, he could postpone the sale and they would have an absolute right to withdraw this land from any sale at all.

Mr. POINDEXTER. There is no question of withdrawal involved in it. It is the question of requiring the private owner of the timber or the purchaser of the timber to sell it. It is not Government timber; it is timber which is to be sold to private parties. How can the Secretary of the Interior withdraw that? What motive would he have for withholding it from sale? It will have passed out of the hands of the Government.

Mr. CHAMBERLAIN. The Senator misunderstands me. That question is not involved in the Senate committee amendment; it is involved in the House provision, which authorizes the Secretary to sell it at such time or in such manner as he sees fit. So he may practically withdraw it by not offering it for sale on the ground that it is not the right time to sell.

Mr. POINDEXTER. That is an entirely different matter from the one which I was speaking about. That is simply whether or not the purchaser of the timber shall be required to remove it within a reasonable time. I am not speaking about the conditions which might exist if the timber is not sold. That has nothing to do with this amendment.

The VICE PRESIDENT. The question is on the amendment of the Senator from Washington to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. LANE. I wish to offer an amendment. In line 6, page 8, after the word "cash," I move to insert:

or payment in not exceeding 10 annual installments, with interest on such deferred payments as the Secretary of the Interior may prescribe, not to exceed 6 per cent per annum.

In relation to this I wish to say that if we demand cash for this land we will exclude nine-tenths of the people of the country from bidding upon it for the lack of cash with which to do it. If we protect the States by allowing them to tax the land in addition to this, men of limited means will be able to put in, say, small portable sawmills and attend to the wants of the small community in which they reside and we will open the timber up to the public more generally and get a better price and do our duty by all the people instead of a few of the minority class, who will be able to go in if they desire to do so and control the situation.

Mr. NORRIS. May I interrupt the Senator? From the reading of his amendment, it seems to me the effect of it would be really to make the Senate committee amendment conform——

Mr. LANE. To the House provision.

Mr. NORRIS. To the House provision.

Mr. LANE. Yes, sir.

Mr. NORRIS. The Senator could accomplish that same thing if the Senate committee amendment were voted down.

Mr. LANE. I should like in some way——

Mr. NORRIS. Is there anything else in the House text that ought to be stricken out?

Mr. LANE. There may be. My attention was attracted more particularly to this matter. Just lately we had an experience in the sale of the lands of the Osage Indians, with which I am fairly familiar. There was no competition, practically, and the Indians suffered a great and unnecessary loss.

Mr. NORRIS. I agree with the Senator. The reason why I opposed the Senate committee amendment was because it did not contain such a provision as the text of the bill does as passed by the House. If the text of the bill is satisfactory and means the same, and we did not amend this at all, it would go from the Senate to the President and would become a law a great deal more quickly than if we amended it. If the Senator's amendment is put on, as I gather from its reading it would really make the Senate committee amendment the same as if it was stricken out.

Mr. LANE. Practically that may be, but it is a Senate committee amendment, and I wish to make an amendment to the Senate committee amendment. I thought it might have more favorable consideration for that reason.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In the committee amendment, on page 8, line 6, after the words "for cash," insert:

Or payment in not exceeding 10 annual installments with interest on such deferred payments as the Secretary of the Interior may prescribe, not to exceed 6 per cent per annum.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Oregon [Mr. LANE] to the amendment of the committee.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

Mr. NORRIS. Upon that I ask for the yeas and nays.

Mr. ASHURST. I should like to have the amendment stated.

The VICE PRESIDENT. It is the committee amendment found on pages 8 and 9 as printed. The Senator from Nebraska requests the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JONES (when his name was called). I have a pair for the day with the junior Senator from Virginia [Mr. SWANSON]. I do not know how he would vote on this amendment. Therefore I withhold my vote, but I ask to be counted.

Mr. OVERMAN (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN] and therefore withhold my vote.

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the Senator from Ohio [Mr. POMERENE] and vote "yea."

Mr. THOMAS. I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER], which I transfer to the senior Senator from Virginia [Mr. MARTIN] and vote "yea."

Mr. THOMPSON (when his name was called). I have a pair with the senior Senator from Illinois [Mr. SHERMAN]. In his absence I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. WALSH (when his name was called). I inquire if the Senator from Rhode Island [Mr. LIPPITT] has voted?

The VICE PRESIDENT. He has not.

Mr. WALSH. I have a pair with that Senator, which I transfer to the Senator from New Jersey [Mr. MARTINE] and vote "yea."

Mr. LODGE (when the name of Mr. WEEKS was called). My colleague [Mr. WEEKS] is absent from the city. He has a general pair with the Senator from Kentucky [Mr. JAMES].

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]. From a conversation with his colleague [Mr. OLIVER], I think I am at liberty to vote upon this particular proposition. I therefore vote. I vote "yea."

The roll call was concluded.

Mr. JAMES. As has been stated, I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS]. I have, however, just had a consultation with his colleague [Mr. LODGE], and I feel at liberty to vote on this question. I vote "yea."

Mr. SMITH of Maryland. I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

Mr. CURTIS. I wish to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY]; and

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS].

Mr. SUTHERLAND (after having voted in the negative). Mr. President, I came into the Chamber hurriedly and voted without observing that the Senator from Arkansas [Mr. CLARKE], with whom I am paired, was absent. I now withdraw my vote for that reason.

The result was announced—yeas 44, nays 14, as follows:

YEAS—44.

Bankhead	Broussard	Fall	Harding
Borah	Chamberlain	Fletcher	Hardwick
Brady	Culberson	Gallinger	Hitchcock
Brandegee	Cummins	Gore	Hughes
James	Oliver	Simmons	Thomas
Kern	Overman	Smith, Ariz.	Tillman
Lea, Tenn.	Owen	Smith, Ga.	Underwood
Lewis	Phelan	Smith, Mich.	Vardaman
Lodge	Pittman	Smith, S. C.	Walsh
Myers	Ransdell	Sterling	Warren
Nelson	Reed	Stone	Williams

NAYS—14.

Ashurst	Husting	O'Gorman	Sheppard
Chilton	La Follette	Page	Townsend
Clark, Wyo.	Lane	Poindexter	
Curtis	Norris	Shafroth	

NOT VOTING—38.

Beckham	Gronna	Martin, Va.	Smoot
Bryan	Hollis	Martine, N. J.	Sutherland
Burleigh	Johnson, Me.	Newlands	Swanson
Catron	Johnson, S. Dak.	Penrose	Taggart
Clapp	Jones	Pomerene	Thompson
Clarke, Ark.	Kenyon	Robinson	Wadsworth
Colt	Lee, Md.	Saulsbury	Weeks
Dillingham	Lippitt	Sherman	Works
du Pont	McCumber	Shields	
Goff	McLean	Smith, Md.	

So the amendment was agreed to.

Mr. BORAH. Mr. President, will the Senator from Oregon for a moment waive the procedure which has been agreed upon in reference to the consideration of the pending bill and permit me to offer an amendment on page 9? It is not a committee amendment. I shall be compelled to leave the Chamber in a few moments.

Mr. CHAMBERLAIN. I have no objection.

The VICE PRESIDENT. Is there objection on the part of any Senator to the request of the Senator from Idaho? The Chair hears none.

Mr. BORAH. On page 9, line 21, before the word "years," I move to strike out "five" and to insert "three," so that it will read:

The entryman has resided upon and cultivated the land for a period of three years.

I move, also in line 22, before the word "years," to strike out "seven" and to insert "five."

The VICE PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. On page 9, line 21, before the word "years," it is proposed to strike out "five" and to insert "three," and in line 22, before the word "years," to strike out "seven" and to insert "five," so as to read:

The provisions of section 2301, Revised Statutes, shall not apply to any entry hereunder, and no patent shall issue until the entryman has resided upon and cultivated the land for a period of three years, proof of which shall be made at any time within five years from date of entry.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Idaho.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Public Lands was, on page 10, line 11, after the words "nineteen hundred and," to strike out "thirteen" and to insert "fifteen," so that it will read:

Since the 1st day of December, 1915.

The amendment was agreed to.

The next amendment was, on page 12, line 20, after the word "In," to insert "making this determination in" so as to read:

In making this determination in the aforementioned suit or suits the court shall also determine, on the application of the Attorney General, the amount of the taxes on said lands paid by the United States, as provided in this act, and which should in law have been paid by the said Oregon & California Railroad Co.

And so forth.

The amendment was agreed to.

The next amendment was, on page 15, line 9, after the name "United States," to insert the words: "after which all other moneys received from the sales of land and timber shall be distributed as follows," so as to read:

After the said railroad company, its successors or assigns, and the lien holders shall have been paid the amount to which they are entitled, as provided herein, an amount equal to that paid for accumulated taxes, as provided in section 9 hereof, shall be deposited in the Treasury to the credit of the United States, after which all other moneys received from the sale of land and timber shall be distributed as follows:

And so forth.

The amendment was agreed to.

The next amendment was, on page 15, line 18, after the word "act," to strike out to and including the name "United States," in line 5, page 16, as follows:

Thirty per cent of the remainder shall be paid to the treasurer of the county for the construction of roads, highways, and bridges; 20 per cent shall be paid to the State in which the county is located for the establishment and support of common schools; 40 per cent shall be paid into, reserved, and appropriated as a part of the fund created by the act of Congress approved June 17, 1902, known as the reclamation act; and the balance remaining in said Oregon and California land-

grant fund shall become a part of the general fund in the Treasury of the United States.

And in lieu thereof to insert:

Of the remainder 10 per cent shall be paid into, reserved, and appropriated as a part of the fund created by the act of Congress approved June 17, 1902, known as the reclamation act, to be expended on approved projects within the State of Oregon; 10 per cent of such remainder shall become a part of the general fund in the Treasury of the United States; 30 per cent of said remainder of the proceeds arising from the sales of land and timber in the counties of Coos, Douglas, Lane, Tillamook, and Multnomah, in the State of Oregon, shall be paid to the treasurers of the said respective counties for the construction of roads, highways, and bridges, and 20 per cent thereof shall be paid to the proper officer of the respective port districts within the counties named, for the purpose of reducing the bonded indebtedness of such districts and for general harbor improvement, and where there is more than one port district in any county the county court of such county shall determine what portion of the fund shall be credited to the several port districts therein; 35 per cent of said remainder of the proceeds arising from the sale of lands and timber within counties other than the counties of Coos, Douglas, Lane, Tillamook, and Multnomah shall be paid to the treasurers of the respective counties for the construction of roads, highways, and bridges; and the entire balance remaining in said Oregon and California land-grant fund, from whatever source derived, shall be paid to the State of Oregon for its irreducible school fund for the support of the common schools of the State.

Mr. WALSH. Mr. President, I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. CLARK of Wyoming. Mr. President, I am inclined to vote for this amendment, but solely on the ground that I believe it will serve as a precedent for future general legislation along the same lines, covering our whole public-land States. I say this simply to explain my vote.

The Secretary proceeded to call the roll.

Mr. JONES (when his name was called). I again announce my pair with the junior Senator from Virginia [Mr. SWANSON] and therefore withhold my vote. I will let this announcement stand for the day.

Mr. SIMMONS (when his name was called). Making the same transfer of my pair as on the former vote, I vote "yea."

Mr. SUTHERLAND (when his name was called). I inquire whether the Senator from Arkansas [Mr. CLARKE] has voted?

The VICE PRESIDENT. He has not.

Mr. SUTHERLAND. I have a pair with that Senator, which I transfer to my colleague [Mr. SMOOT], and vote "nay."

Mr. THOMAS (when his name was called). Announcing my pair and its transfer as on the previous roll call, I vote "yea."

Mr. TILLMAN (when his name was called). Announcing the same pair and its transfer as I did before, I vote "yea."

Mr. WALSH (when his name was called). Announcing the same pair and transfer as on the previous roll call, I vote "nay."

The roll call was concluded.

Mr. JAMES. I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Indiana [Mr. KERN] and vote "nay."

Mr. THOMPSON. I have a pair with the senior Senator from Illinois [Mr. SHERMAN]. If permitted to vote, I should vote "nay," but as the Senator from Illinois is absent I withhold my vote.

Mr. BECKHAM. I have a pair with the Senator from Delaware [Mr. DU PONT]. As he is absent, I withhold my vote.

Mr. SUTHERLAND. I announce the unavoidable absence of my colleague [Mr. SMOOT]. This announcement may stand for the remainder of the day.

Mr. WILLIAMS. I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

The result was announced—yeas 37, nays 22, as follows:

YEAS—37.

Bankhead	Fall	Oliver	Stone
Brady	Fletcher	Owen	Taggart
Brandegee	Gallinger	Page	Thomas
Chamberlain	Harding	Phelan	Tillman
Chilton	Hardwick	Simmons	Vardaman
Clark, Wyo.	Hughes	Smith, Ariz.	Warren
Culberson	Lane	Smith, Md.	Williams
Cummins	Lea, Tenn.	Smith, Mich.	
Curtis	Lodge	Smith, S. C.	
Dillingham	Nelson	Sterling	

NAYS—22.

Ashurst	La Follette	Overman	Sutherland
Broussard	Lewis	Poindexter	Townsend
Gore	Myers	Ransdell	Underwood
Hitchcock	Newlands	Reed	Walsh
Husting	Norris	Shafroth	
James	O'Gorman	Sheppard	

NOT VOTING—37.

Beckham	Clarke, Ark.	Johnson, Me.	Lippitt
Borah	Colt	Johnson, S. Dak.	McCumber
Bryan	du Pont	Jones	McLean
Burleigh	Goff	Kenyon	Martin, Va.
Catron	Gronna	Kern	Martine, N. J.
Clapp	Hollis	Lee, Md.	Penrose
Pittman	Sherman	Swanson	Works
Pomerene	Shields	Thompson	
Robinson	Smith, Ga.	Wadsworth	
Saulsbury	Smoot	Weeks	

So the amendment was agreed to.

The next amendment was, on page 17, line 15, after the word "fund," to strike out "hereinbefore" and to insert "in this section," so as to make the proviso read:

Provided, That none of the payments to the States and counties and to the reclamation fund in this section provided for shall be made until the amount due the Oregon & California Railroad Co., its successors or assigns, has been fully paid, and the Treasury reimbursed for all taxes paid pursuant to the provisions of section 9 of this act.

The amendment was agreed to.

Mr. POINDEXTER. Mr. President, in this bill the Oregon & California Railroad Co., which violated every provision of the grant, is protected to the full extent of the value which it was to receive under that grant; but the applicants to purchase lands under the terms provided in the grant are not taken care of; in other words, the party who violated the grant is protected, while the parties who lived up to it are entirely neglected. I see no reason why people acting in good faith, who made application to purchase the amount of land that they were entitled to purchase at a price at which they were entitled to purchase under the granting act, should not be protected in this bill which we are now proposing to pass. For that purpose I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 11, after line 17, it is proposed to insert the following:

Any qualified homestead entryman who, prior to April 30, 1908, made application to purchase any of said land, not exceeding 160 acres, and made tender of the purchase price thereof as provided in the act of May 4, 1870, shall, during a period of six months next following the passage of this act, have a preference right to make homestead entry of the lands for which said application was made, whether the same shall be in class 2 or class 3, as defined in this act, and shall receive a patent therefor on complying with the provisions of the five-year homestead law and payment of $2.50 an acre therefor: *Provided*, That any residence or cultivation which said applicant has made upon said land shall be credited to him in making proof thereunder: *Provided further*, That all payments made to the Oregon & California Railroad Co. by such applicant shall be credited on the payments hereinbefore provided for.

Mr. CHAMBERLAIN. Mr. President, I do not care to discuss the subject of settlers on this land, because it would open up a field that might be extended over weeks of discussion. The Supreme Court of the United States in its decision held that these so-called settlers did not have any rights or equities in the matter. The very amendment which is now suggested here would open the door to 65 people of whom I know, who, it is claimed, were fraudulent settlers. I know the Senator from Washington does not intend to open a door for them; but it is a complicated proposition. All of these alleged settlers can have their rights adjudicated and adjusted later.

Not only are there these 65 claimants, but we might open the door to men embraced in a list of 16,000 or 18,000 so-called settlers. They claim, or some of them do at least, to be settlers, and they extend from Maine to the Gulf of California, and from Portland, Oreg., to Florida; they are not merely confined to this country, but are found in Canada as well. So that I hope the Senate will vote down the amendment and let these rights be adjusted in some other forum than in this bill.

Mr. POINDEXTER. Mr. President, I only have a word to say in regard to that. The amendment speaks for itself. The matter is more or less familiarly known in the country, and I have no way by which I can do more than to present the matter to protect these people. If there are 35 or 6,500 who complied with the terms of that grant, they are entitled to the benefits which the grant conferred.

So far as being "so-called settlers" or acting in bad faith, they would be compelled to comply with the homestead law and to make their proof at the land office, and if they are acting in bad faith they can not make such proof. Nobody but a settler in good faith can get the benefit of this amendment.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Washington. [Putting the question.] By the sound the "noes" seem to have it.

Mr. POINDEXTER. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. POINDEXTER. I ask for a division.

The VICE PRESIDENT. The Senator from Washington asks for a division on the amendment. Those in favor of the amendment will rise. [A pause.] Those opposed will rise. [A pause.] Clearly the decision of the Chair was correct, and the amendment is rejected.

The bill is in the Senate, as in Committee of the Whole, and open to amendment.

Mr. JONES. I desire to offer an amendment as a new section, and I simply want to say that the amendment is in line with that offered by my colleague [Mr. POINDEXTER] except that it is made to apply only to lands in the State of Washington. According to the report there are about 200 acres, but according to some letters I have received I think there are more. I will not take further time to discuss it.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add as a new section of the bill the following:

SEC. 13. That any actual settler who contracted with the railroad company for the purchase of any of the lands in the State of Washington covered by this act, at a greater price than $2.50 per acre, and has been unable to secure title shall be entitled to a patent upon submitting satisfactory proof to the Interior Department that he has paid as much as $2.50 per acre for said lands and has otherwise complied with the homestead laws of the United States as to settlement and cultivation.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Washington.

The amendment was rejected.

Mr. JONES. I desire to offer an amendment to section 4, page 6, after the word "class," in line 9.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In section 4, page 6, line 9, after the word "class," it is proposed to insert:

Provided, That any person duly qualified to enter such lands under the homestead laws who has resided thereon to the same extent and in the same manner as is required under the homestead laws since the 1st day of December, 1915, until the date of his application to make entry, such person may enter the 40-acre tract, or lot or lots containing approximately 40 acres, upon which his improvements, or the greater part thereof, are situated.

Mr. JONES. I want to say to the Senator in charge of the bill that I am trying to make plain the object which I understand was sought to be accomplished by the proviso in section 5 with reference to the classes of land. I do not believe that the provision in section 5 covers the point which I raised a while ago.

Mr. CHAMBERLAIN. Does the amendment of the Senator only cover applications since 1915?

Mr. JONES. It relates to the taking of land the timber upon which exceeds 1,200,000 feet board measure per quarter section, and only covers cases where the settlers have resided on the lands since 1915; and permits them to take only the 40 acres on which their improvements are placed.

Mr. CHAMBERLAIN. Personally I have no objection to the amendment.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The VICE PRESIDENT. Does the Senator from Oregon desire the preamble to stand?

Mr. CHAMBERLAIN. I have no objection to it standing, Mr. President. I think it would be an index to follow in tracing the statutes.

The VICE PRESIDENT. Without objection, the preamble is agreed to.

Mr. CHAMBERLAIN. I move that the Senate request a conference with the House on the bill and the amendments and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. CHAMBERLAIN, Mr. THOMAS, and Mr. STERLING conferees on the part of the Senate.

REVOLT IN IRELAND.

Mr. STONE. Mr. President, in behalf of and at the direction of the Committee on Foreign Relations, I ask unanimous consent to report back favorably Senate resolution 196, submitted by the senior Senator from Indiana [Mr. KERN] and referred to the Committee on Foreign Relations. I should like to have the resolution read as proposed to be amended.

The VICE PRESIDENT. Without objection, the Secretary will read the resolution.

The Secretary read as follows:

Whereas it is represented that at the time of the recent revolt in Ireland there were, and are yet, many American citizens in districts in which martial law was proclaimed and in which armed conflicts occurred, and whereas the relatives and friends in this country of such American citizens whose safety has been thus endangered are apprehensive lest their lives and property have been imperiled: Therefore be it

Resolved, That the Secretary of State be, and is hereby, requested to cause inquiry to be made as to the safety and well-being of American citizens in Ireland, and what steps, if any, may be necessary and proper, consistently with the recognized law of nations, for the safeguarding and protection of their lives and property.

Mr. KERN obtained the floor.

Mr. FALL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. FALL. I simply want to understand what the status of this report is. It is just a report that has been submitted, as I understand?

The VICE PRESIDENT. Yes.

Mr. FALL. Is it to be considered?

Mr. STONE. I have just submitted it.

Mr. FALL. I understand that the report has been received by unanimous consent. Is it to be considered?

Mr. STONE. It is not to be considered. The Senator can ask for its consideration.

Mr. FALL. I have no objection to the report being made at this time.

Mr. KERN. I ask unanimous consent for the present consideration of the resolution. It has been favorably reported, as I understand, by the unanimous vote of the committee.

Mr. FALL. Mr. President——

Mr. BRANDEGEE. I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BRANDEGEE. I simply want to know what is before the Senate. Has the Senator asked unanimous consent to make this report out of order?

Mr. STONE. I asked unanimous consent to make the report.

The VICE PRESIDENT. That was granted.

Mr. STONE. That was granted, and I made the report. The report has been read by the Secretary. The Senator from Indiana rises and asks unanimous consent for its present consideration.

The VICE PRESIDENT. Is there any objection?

Mr. FALL. Mr. President, I have no objection to the present consideration of the resolution, except that the Senate, under a unanimous-consent agreement, is to consider other matters at 5 o'clock, and I shall desire to discuss this resolution, and I think there will not be time to discuss it before the Senate proceeds to the consideration of other business. Therefore I think possibly the resolution had better go over. I do not desire to make any objection to the Senator's request to take it up. [A pause.] I shall object, however, to granting unanimous consent.

The VICE PRESIDENT. There is an objection. The resolution will have to go to the calendar.

Mr. FALL. I have no desire to have it go to the calendar.

Mr. STONE. I would rather it did not go to the calendar. If the Senator desires to discuss it and would like to have it either lie on the table or to be called up to-morrow morning, I will withdraw it and present it at that time.

Mr. FALL. That was my purpose in simply asking the question. I did not desire to enter a formal objection.

Mr. STONE. I ask, then, that the report may lie on the table.

The VICE PRESIDENT. It is a report. It will either have to go to the calendar or be withdrawn.

Mr. STONE. Then I will ask to withdraw it under the objection of the Senator from New Mexico.

Mr. FALL. I object to its withdrawal, Mr. President. I think the matter is one that is deserving of consideration by this body, and I shall not object to the passage of it. In fact, I shall vote for the adoption of the resolution. The report has been made. It is in the Senate, and I can not see why it should not simply lie over by unanimous consent on the table.

Mr. STONE. Mr. President, all I care for is that the resolution may be brought before the Senate to-morrow morning. It is immaterial whether it is brought before the Senate in one way or another. I will ask leave to withdraw the report, and I will present it again to-morrow morning.

Mr. LODGE. Mr. President, a report from a committee has to lie over one day for consideration, if objection is made.

Mr. STONE. Why, to be sure.

Mr. LODGE. It does not carry it to the calendar until it has had its second day.

Mr. STONE. But this is a committee report.

Mr. LODGE. Certainly; and it would go over under the rule, upon the objection of the Senator from New Mexico, for one day, and then it comes up to-morrow on call, and then goes to the calendar if the morning hour expires before it is disposed of.

Mr. STONE. I understood the Chair to state——

The VICE PRESIDENT. The Chair would like the Senator from Massachusetts to point to any such rule which states that the report of a committee lies over on the table and does not go to the calendar.

Mr. LODGE. Senate resolutions? I did not know they went to the calendar on the first day.

The VICE PRESIDENT. They have been going there ever since the present occupant of the Chair has been here.

Mr. LODGE. But a Senate resolution——

Mr. STONE. Mr. President, is there any objection to my withdrawing the report?

Mr. FALL. I have no objection whatsoever, under the Senator's statement.

Mr. STONE. Very well. I ask leave to withdraw the report.

Mr. FALL. I have no objection, under the statement made by the Senator that he will offer this report to-morrow morning.

Mr. STONE. I expect to present it to-morrow morning; and I am doing this in the economy of time, to prevent discussion on a parliamentary proceeding.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

Mr. LODGE. Mr. President, if the Chair will allow me, on page 16, Rule XIV, section 5, reads as follows:

> All resolutions shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

The VICE PRESIDENT. Yes; that is an introduced resolution. It has not gone to the committee. That is always the rule.

Mr. LODGE. But this is a resolution—a Senate resolution—and it is reported back from the committee.

The VICE PRESIDENT. Certainly; and when reported back from the committee it has always gone to the calendar since the present occupant of the chair has been here, at least.

Mr. LODGE. The rule says all resolutions shall go over one day.

The VICE PRESIDENT. Oh, certainly; but we can not pick out a single rule and decide this question by one rule.

Mr. LODGE. Mr. President, the point is made that it comes from a committee. The rule is that reports of committees shall go over one day.

The VICE PRESIDENT. Certainly. Well, where does it go? Are all these things on the table here, or are they on the calendar?

Mr. LODGE. Those are the bills and joint resolutions. This is a Senate resolution.

The VICE PRESIDENT. The rule does not say so. It says "reports of committees."

Mr. LODGE. I think a Senate resolution occupies a different place from a joint resolution. It is not named with them, and I think it is covered by section 5.

SHIPMENT OF FOOD SUPPLIES TO POLAND.

Mr. HITCHCOCK. Mr. President, I submit a report from the Committee on Foreign Relations, and I will ask to have it read, and then I shall ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

Mr. HITCHCOCK. It is reported with certain amendments. I ask that the resolution be read as amended. That will be sufficient for the information of the Senate.

The resolution (S. Res. 148, Rept. 517) as proposed to be amended was read, as follows:

> *Resolved*, That the President be, and he is hereby, requested to furnish to the Senate information as indicated below, if not incompatible with the public interest:
>
> First. What is the present attitude of the belligerent Governments concerning the shipment of food supplies and other necessaries of life to the suffering people of Poland? Do the belligerents permit such supplies to be sent without interruption or delay from the United States to Amsterdam or any other neutral port in Europe.
>
> Second. If the belligerent Governments make limitations or conditions or require guaranties from each other, what are the conditions and restrictions, and what are the terms of the guaranties thus required.
>
> Third. What action, if any, have said belligerents taken toward giving the guaranties that may have been required.
>
> Fourth. To what committees or authority in Poland may supplies be forwarded and consigned.
>
> Fifth. To what extent is the actual work of relief in Poland being carried on and under whose supervision and control.
>
> Sixth. What are the facts at the present time as to the shipment, transportation, receipt, and distribution of supplies? Can these proceedings be taken or are they delayed by pending negotiations with the countries involved or either of them.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution?

Mr. WILLIAMS. Mr. President, when that resolution was reported from the Committee on Foreign Relations I thought it was to be amended by including Belgium and Servia and Armenia in the resolution. I finally consented to have it reported with that understanding in my own mind. I thought that was in the mind of the committee.

I do not see any reason why Poland should be singled out alone for this inquiry. The suffering in Armenia under Turkish tyranny and oppression has been infinitely worse. There has not only been starvation there, but there has been assassination; and the atrocities committed in Belgium were still worse, and the sufferings of the people of Servia have been equally as bad.

Since the resolution was reported to the Senate, however, I have seen the senior Senator from Massachusetts [Mr. LODGE], who assures me that I was wrong about the understanding that I thought the members of the Committee on Foreign Relations had with one another. I therefore shall not object to the immediate consideration of the resolution; but I do consider it a part of my duty to protest that while the condition of Poland is being examined the condition in Armenia and in Servia and in Belgium is being neglected. If the United States Senate or Congress or the United States Government is to inquire into either, it ought, in order to be absolutely impartial and neutral, to inquire into all.

With this explanation, conditioned upon my misunderstanding of what I thought was the understanding between the members of the Committee on Foreign Relations, I shall make no objection to the present consideration of the resolution.

Mr. LODGE. Mr. President, I desire to call the attention of the Chair to Rule XXVI, section 2:

> All reports of committees and motions to discharge a committee from the consideration of the subject and all subjects from which a committee shall be discharged shall lie over one day for consideration—

Now, "lying over" means leaving the subject precisely in the same position in which it was when it was reported.

The VICE PRESIDENT. Then every bill and every report and every joint resolution and everything else is lying on the table now.

Mr. LODGE. Most assuredly, if objection is made.

The VICE PRESIDENT. And if objection is not made?

Mr. LODGE. It goes by unanimous consent to the calendar.

The VICE PRESIDENT. To the calendar?

Mr. LODGE. To the calendar. That is the ordinary course of a bill or joint resolution.

The VICE PRESIDENT. Where is the rule for that? This is all an academic discussion upon the rules.

Mr. LODGE. I call the Chair's attention to a precedent.

Mr. HITCHCOCK. Mr. President, can I get the consent of the Senator from Massachusetts for the consideration of this report?

Mr. LODGE. Mr. President, I will dispose of this first, if the Senator pleases. I thought I had the reference here, but I do not find what I thought I had. I think that has been the usual practice. In Jefferson's Manual, to which Rule XXVI refers, speaking of a bill, it says:

> The chairman * * * then delivers it at the Clerk's table, where the amendments reported are read by the Clerk without the coherence; whereupon the papers lie upon the table until the House, at its convenience, shall take up the report.

Our rule says it "shall lie over one day" and then, under the other general rules, it goes to the calendar.

The VICE PRESIDENT. What general rule?

Mr. LODGE. The general rule applying to bills and joint resolutions. They go to the calendar.

The VICE PRESIDENT. Where is there any distinction in the rules between bills and joint resolutions and Senate resolutions?

Mr. LODGE. There is no need of any distinction, because this says "all reports from committees"——

Mr. STONE. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator from Missouri will state it.

Mr. STONE. There is a matter pending before the Senate, to wit, a resolution reported from the Committee on Foreign Relations, and unanimous consent has been given for its present consideration.

The VICE PRESIDENT. Not yet. The Chair was about to inquire whether or not there was objection to its present consideration.

Mr. STONE. Then the question is, Shall unanimous consent be given?

The VICE PRESIDENT. Yes.

Mr. STONE. And, under the leadership of the distinguished Senator from Massachusetts, we are——

Mr. LODGE. I have no objection to its present consideration, but I can not be taken from the floor.

Mr. STONE. We are discussing a parliamentary question that has absolutely nothing to do with this resolution, but re-

lates to a subject that is already passed—a report I made, and which, with the consent of the Senate, I withdraw, and which is no longer before the Senate.

Mr. LODGE. The Senator from New Mexico [Mr. FALL] objected to its withdrawal.

Mr. STONE. Well, I have withdrawn it.

Mr. LODGE. Can the Senator withdraw it without unanimous consent?

Mr. STONE. No; but I will ask the Chair what the situation is in that respect.

The VICE PRESIDENT. The Senator withdrew his objection, and the report is entirely out of the way.

Mr. STONE. The report has been withdrawn. It is not before the Senate.

Mr. GALLINGER. I call for the regular order.

Mr. LODGE. It certainly is not before the Senate.

Mr. STONE. And I can not see that a discussion of a matter of that kind has anything to do with this. I ask the Chair to put the question. I ask for the regular order.

Mr. LODGE. Mr. President, speaking to the resolution, for the consideration of which unanimous consent has been given, I suppose——

Mr. STONE. The question of giving unanimous consent is not subject to discussion.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution? The Chair hears none, and the resolution is before the Senate.

Mr. LODGE. Now, Mr. President, addressing myself to the resolution, for the present consideration of which unanimous consent has been granted, I merely wish to say to the Senator from Missouri that I appreciate the force of his objection that no one in the Senate should ever speak upon a matter not before the Senate or a matter which has been disposed of by the Senate. That is a rule that the Senate always strictly observes. My purpose was to bring a parliamentary point to the consideration of the Chair; and, now that I have done so, perhaps at some future time he and I may come to an agreement upon it.

In the meantime I have said all that I desire to say, and I accept the point of order that we are talking, as the Senate never does, about something not before it.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

PETITIONS AND MEMORIALS.

Mr. PHELAN presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the creation of a permanent tariff commission, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Berkeley, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of San Bernardino County, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

Mr. DU PONT presented petitions of sundry citizens of Newark, Del., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. TOWNSEND presented a memorial of sundry citizens of Gladwin County, Mich., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. PAGE presented petitions of the Woman's Christian Temperance Union of North Bennington and of the congregations of the Methodist Episcopal Church of Waterbury and of the First Congregational Church of Hinesburg, all in the State of Vermont, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. HUGHES (for Mr. JOHNSON of Maine) presented petitions of sundry citizens of Maine, praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which were ordered to lie on the table.

He also (for Mr. JOHNSON of Maine) presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also (for Mr. JOHNSON of Maine) presented a memorial of the Society of Friends of South Durham, Me., remonstrating against an increase in armaments, which was ordered to lie on the table.

He also (for Mr. JOHNSON of Maine) presented a petition of Manila Camp, No. 1, United Spanish War Veterans, National Military Home, Kans., praying for the enactment of legislation to grant pensions to certain survivors of Indian wars, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (H. R. 6097) to ratify the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish, reported it without amendment and submitted a report (No. 513) thereon.

Mr. SMITH of Maryland, from the Committee on the District of Columbia, to which was referred the amendment submitted by Mr. BANKHEAD on the 22d ultimo proposing to appropriate $4,140 to pay Thomas W. and Alice N. Keller for ground taken and damages on account of condemnation proceedings in square No. 2838 in the city of Washington, reported it without amendment and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

THE NAVY AND MARINE CORPS.

Mr. TILLMAN. On May 16 the Senator from Virginia [Mr. SWANSON] reported from the Committee on Naval Affairs the bill (H. R. 12835) to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic of Haiti, and for other purposes, and it was placed on the calendar. I move that the bill be taken from the calendar and referred to the Committee on Foreign Relations.

The motion was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 6242) authorizing the counties of Nassau, Fla., and Charlton, Ga., to construct a bridge across the St. Marys River between Florida and Georgia; to the Committee on Commerce.

By Mr. MYERS:

A bill (S. 6243) to provide for the purchase of a site and the erection of a public building thereon at Anaconda, in the State of Montana; and

A bill (S. 6244) to provide for the purchase of a site and the erection of a public building thereon at Havre, in the State of Montana; to the Committee on Public Buildings and Grounds.

By Mr. PHELAN:

A bill (S. 6245) transferring to the active list of the United States Navy John Morris Ellicott, now a captain on the retired list of the Navy; to the Committee on Naval Affairs.

A bill (S. 6246) waiving the maximum age limit fixed by law for appointment of second lieutenants from civil life in the case of Harry B. Sepulveda; to the Committee on Military Affairs.

A bill (S. 6247) to amend an act entitled "An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes," approved February 13, 1911; to the Committee on Commerce.

A bill (S. 6248) granting a pension to Willis S. Harris, alias Charles E. Sanders;

A bill (S. 6249) granting a pension to Mary E. Dollard; and

A bill (S. 6250) granting a pension to Thomas G. Cockings; to the Committee on Pensions.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 6251) to remove the charge of desertion from the military record of John F. Kelly; to the Committee on Military Affairs.

By Mr. SHIELDS:

A bill (S. 6252) granting a pension to Alfred C. Williams (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 6253) granting an increase of pension to William H. Bradley; to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 6254) for the relief of the Adams Express Co. (with accompanying papers); to the Committee on Finance.

By Mr. TAGGART:

A bill (S. 6255) granting an increase of pension to Isaac W. Hallock; and

A bill (S. 6256) granting an increase of pension to William Hart; to the Committee on Pensions.

By Mr. LEWIS:

A bill (S. 6257) granting a pension to Bertha Pratt;

A bill (S. 6258) granting an increase of pension to Elizabeth J. Pinckard; and

A bill (S. 6259) granting an increase of pension to John Luther Skinner; to the Committee on Pensions.

By Mr. HUGHES (for Mr. JOHNSON of Maine):

A bill (S. 6260) granting a pension to Josefa Stoneman (with accompanying papers);

A bill (S. 6261) granting a pension to Aravilla Strout (with accompanying papers);

A bill (S. 6262) granting an increase of pension to Horace G. Maloon (with accompanying papers);

A bill (S. 6263) granting a pension to Archibald S. McPheters (with accompanying papers);

A bill (S. 6264) granting an increase of pension to John H. Lowell (with accompanying papers);

A bill (S. 6265) granting an increase of pension to Leroy Harding (with accompanying papers);

A bill (S. 6266) granting an increase of pension to Elden B. Maddocks (with accompanying papers);

A bill (S. 6267) granting a pension to Alphonzo Penley (with accompanying papers);

A bill (S. 6268) granting an increase of pension to Charles R. Stuart (with accompanying papers);

A bill (S. 6269) granting an increase of pension to George H. Crowley (with accompanying papers);

A bill (S. 6270) granting an increase of pension to James H. Stinson (with accompanying papers);

A bill (S. 6271) granting an increase of pension to Eliakin Byard (with accompanying papers);

A bill (S. 6272) granting an increase of pension to Maria A. Leland (with accompanying papers);

A bill (S. 6273) granting a pension to Thomas Dagnan, alias Thomas Degnan (with accompanying papers);

A bill (S. 6274) granting a pension to Hannah M. Flaherty (with accompanying papers); and

A bill (S. 6275) granting an increase of pension to Helen F. Goodwin; to the Committee on Pensions.

By Mr. JONES (by request):

A joint resolution (S. J. Res. 138) directing the Commissioners of the District of Columbia to withdraw their petition in the Supreme Court of the District of Columbia concerning the condemnation of land for the extension of Central Avenue; to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CUMMINS. I submit an amendment in the nature of a substitute for the committee amendment intended to be proposed by me to the Post Office appropriation bill (H. R. 10484), which I ask may lie on the table and be printed.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. STONE submitted an amendment proposing to appropriate $196,641.43 for readjustment of National Zoological Park boundaries, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

ADDRESS BY PRESIDENT WILSON.

Mr. THOMPSON. Mr. President, I ask to have printed in the RECORD the eloquent and patriotic address of the President of the United States, delivered at Arlington on Memorial Day, May 30.

The VICE PRESIDENT. Without objection, it is so ordered.

The address referred to is as follows:

THE PRESIDENT'S ADDRESS.

"Whenever I seek to interpret the spirit of an occasion like this I am led to reflect upon the seas of memory. We are here to-day to recall a period of our history which in one sense is so remote that we no longer seem to keep the vital threads of it in our consciousness, and yet is so near that men who played heroic parts in it are still living, are still about us, are still here to receive the homage of our respect and our honor. They belong to an age which is past, to a period the vital questions of which no longer vex the Nation, to a period of which it may be said that certain things which had been questionable in the affairs of the United States were once for all settled, disposed of, put behind us, and in the course of time have almost been forgotten.

"It was a singularly complete work that was performed by the processes of blood and iron at the time of the Civil War, and it is singular how the settlement has ruled our spirits since it was made. I see in this very audience men who fought in the Confederate ranks. I see them taking part in these exercises in the same spirit of sincere patriotism that moves those who fought on the side of the Union, and I reflect how singular and how handsome a thing it is that wounds such as then were opened should be so completely healed and that the spirit of America should so prevail over the spirit of division.

"It is the all-prevailing and triumphant spirit of America, where, by our common action and consent, Governments are set up and pulled down; where affairs are ruled by common counsel; and where, by the healing processes of peace, all men are united in a common enterprise of liberty and of peace.

"And yet, ladies and gentlemen, the very object for which we are met together is to renew in our hearts the spirit that made these things possible. The Union was saved by the processes of the Civil War. That was a crisis which could be handled, it seems, in no other way, but I need not tell you that the peculiarity of this singular and beloved country is that its task—its human task—is apparently never finished; that it is always making and to be made.

CRISIS WHICH THREATENS.

"And there is at present upon us a crisis which seems to threaten to be a new crisis of division. We know that the war which is to ensue will be a war of spirits and not of arms. We know that the spirit of America is invincible and that no man can abate its power, but we know that that spirit must upon occasion be asserted, and that this is one of the occasions.

"America is made up out of all the nations of the world. Look at the rosters of the Civil War. You will see names there drawn from almost every European stock. Not recently, but from the first, America has drawn her blood and her impulse from all the sources of energy that spring at the fountains of every race, and because she is thus compounded out of the peoples of the world her problem is largely a problem of union all the time, a problem of compounding out of many elements a single triumphal force.

"The war in Europe has done a very natural thing in America. It has stirred the memories of men drawn from many of the belligerent stocks. It has renewed in them a national feeling which had grown faint under the soothing influence of peace, but which now flares up when it looks as if nation had challenged nation to a final reckoning, and they remember the nations from which they were sprung and know that they are in this life-and-death grapple. It is not singular, my fellow citizens, that this should have occurred, and up to a certain point it is not just that we should criticize it. We have no criticism for men who love the places of their birth and the sources of their origin. We do not wish men to forget their mothers and their fathers, their forbears running back through long, laborious generations which have taken part in the building up of the strength and spirit of other nations. No man quarrels with that.

SOURCE OF INSPIRATION.

"From such springs of sentiment we all draw some of the handsomest inspirations of our lives. But all that we do criticize is that in some instances—they are not very numerous—but in some instances men have allowed this old ardor of another nationality to overthrow their ardor for the nationality to which they have given their new and voluntary allegiance. And so the United States has again to work out by spiritual process a new union, when men shall not think of what divides them but shall recall what unites them; when men shall not allow old loves to take the place of present allegiances; when men must, on the contrary, translate that very ardor of love of country of their birth into the ardor of love for the country of their adoption and the principles which it represents.

"I have no harshness in my heart even for the extremists in this thing which I have been trying in moderate words to describe; but I summon them, and I summon them very solemnly, not to set their purpose against the purpose of America. America must come first in every purpose we entertain, and every man must count upon being cast out of our confidence, cast out even of our tolerance, who does not submit to that great ruling principle.

PURPOSES OF AMERICA.

"But what are the purposes of America? Do you not see that there is another significance in the fact that we are made up out of all the peoples of the world? The significance of that fact is that we are not going to devote our nationality to the same mistaken aggressive purposes that some other nationalities have been devoted to; that because we are made up, and consciously made up, out of all the great family of mankind, we are champions of the rights of mankind.

"We are not only ready to cooperate, but we are ready to fight against any aggression, whether from without or from within. But we must guard ourselves against the sort of aggression which would be unworthy of America. We are ready to fight for our rights when those rights are coincident with the rights of man and humanity. It was to set those rights up, to vindicate them, to offer a home to every man who

believed in them, that America was created and her Government set up. We have kept our doors open because we did not think we in conscience could close them against men who wanted to join their force with ours in vindicating the claim of mankind to liberty and justice.

WANTS NO ADDITIONAL TERRITORY.

"America does not want any additional territory. She does not want any selfish advantage over any other nation in the world, but she does wish every nation in the world to understand what she stands for and to respect what she stands for; and I can not conceive of any men of any blood or origin failing to feel an enthusiasm for the things that America stands for, or failing to see that they are indefinitely elevated above any purpose of aggression or selfish advantage.

"I said the other evening in another place that one of the principles which America held dear was that small and weak States had as much right to their sovereignty and independence as large and strong States. She believes that because strength and weakness have nothing to do with her principles. Her principles are for the rights and liberties of mankind, and this is the haven which we have offered to those who believe that sublime and sacred creed of humanity.

"And I also said that I believed that the people of the United States were ready to become partners in any alliance of the nations that would guarantee public right above selfish aggression. Some of the public prints have reminded me, as if I needed to be reminded, of what Gen. Washington warned us against. He warned us against entangling alliances. I shall never myself consent to an entangling alliance, but I would gladly asset to a disentangling alliance—an alliance which would disentangle the peoples of the world from those combinations in which they seek their own separate and private interests and unite the people of the world to preserve the peace of the world upon a basis of common right and justice. There is liberty there, not limitation. There is freedom, not entanglement. There is the achievement of the highest things for which the United States has declared its principle.

TOUCHES UPON PREPAREDNESS.

"We have been engaged recently, my fellow citizens, in discussing the processes of preparedness. I have been trying to explain to you what we are getting prepared for, and I want to point out to you the only process of preparation which is possible for the United States. It is possible for the United States to get ready only if the men of suitable age and strength will volunteer to get ready.

"I heard the president of the United States Chamber of Commerce report the other evening on a referendum to 750 of the chambers of commerce of the United States upon the question of preparedness, and he reported that 99 per cent of them had voted in favor of preparedness. Very well, now, we are going to apply the acid test to these gentlemen, and the acid test is this: Will they give the young men in their employment freedom to volunteer for this thing? I wish the referendum had included that, because that is the essence of the matter.

"It is all very well to say that somebody else must prepare, but are the business men of this country ready themselves to lend a hand and sacrifice an interest in order that we may get ready? We shall have an answer to that question in the next few months. A bill is lying upon my table now, ready to be signed, which bristles all over with that interrogation point, and I want all the business men of the country to see that interrogation point staring them in the face. I have heard a great many people talk about universal training. Universal voluntary training, with all my heart, if you wish it, but America does not wish anything but the compulsion of the spirit of America.

COMPULSION OF PUBLIC OPINION.

"I, for my part, do not entertain any serious doubt of the answer to these questions, because I suppose there is no place in the world where the compulsion of public opinion is more imperative than it is in the United States. You know yourself how you behave when you think nobody is watching. And now all the people of the United States are watching each other. There never was such a blazing spotlight upon the conduct and principles of every American as each one of us now walks and blinks in.

"And as this spotlight sweeps its relentless rays across every square mile of the territory of the United States, I know a great many men, even when they do not want to, are going to stand up and say, 'Here.' Because America is roused, roused to a self-consciousness and a national self-consciousness such as she has not had in a generation.

"And this spirit is going out conquering and to conquer until, it may be, in the Providence of God, a new light is lifted up in America which shall throw the rays of liberty and justice far abroad upon every sea, and even upon the lands which now wallow in darkness and refuse to see the light."

POSTAL SAVINGS BANK.

Mr. SHEPPARD. Mr. President, on yesterday, at the conclusion of my remarks in reference to the bill (S. 6224) to increase the utility of the postal savings bank, to encourage savings among the people, to secure the largest returns for such savings consistent with adequate security, to provide for the loans of such savings for the promotion of agriculture and other useful, productive industries, and for the promotion of home building and home improvement in the rural districts and elsewhere, I intended to ask permission of the Senate to have the bill printed in full in the RECORD. I desire at this time to ask for such permission.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill introduced by Mr. SHEPPARD May 31, 1916, and referred to the Committee on Post Offices and Post Roads, is as follows:

Be it enacted, etc., That the short title of this act shall be the industrial savings act.

SEC. 2. That a board of trustees is hereby created for the administration of this act, consisting of the Secretary of the Treasury, the Postmaster General, the Secretary of the Interior, the Secretary of Agriculture, the Attorney General, the Secretary of Commerce, and the Secretary of Labor, all acting ex officio, to be known as the industrial savings board.

SEC. 3. That for the proper and efficient organization and conduct of the business of the industrial savings board, it shall appoint, under the rules of the Civil Service Commission a first chief, a second chief, and a third chief, having such powers and duties as the board may designate; also such other assistants, attorneys, and other employees as the board may consider necessary. The compensation of the persons so appointed shall be such as the industrial savings board may authorize, and shall be paid from the profits of the postal savings bank.

SEC. 4. That the industrial savings board shall, as soon as possible, take over the control of the existing postal savings bank, the details of its administration to continue in connection with the post offices throughout the country, under the direct supervision of the Postmaster General acting for the board.

SEC. 5. That as soon as arrangements can be made therefor, every post office, postmaster, and all letter carriers and other post-office employees shall hereafter be made to serve the people through the postal savings bank as they now serve them for letters, money orders, registered letters, and parcel post, without limitations as to amount of deposits, as letters and parcels are without limitation, the manner of such service being as in this act provided.

SEC. 6. That of the funds which are now or may hereafter be deposited in the postal savings bank, not to exceed 25 per cent of the balance in hand at any time, may be invested in the bonds of the United States, bought in the open market at the lowest obtainable price or bought at such price from the Treasurer of the United States. Any portion of said bonds may, in the discretion of the industrial savings board, be sold in the open market at the highest obtainable price or sold to the United States Treasurer at such price.

SEC. 7. That no other investment of the funds deposited shall be made, with the exception of a working reserve, the amount of which shall be determined by the industrial savings board; the balance of the funds shall be loaned at the highest obtainable rate of interest on what, in the discretion of the industrial savings board, is considered as adequate security, in manner as follows and in this act provided:

(a) Loans to be made only for uses provided in the title of this bill.

(b) Demands for loans being in excess of loanable funds, preference shall be given—

(1) To small loans over large loans.

(2) To short-time loans over long-time loans.

(3) Loans adequately secured by readily marketable collateral over loans on real estate or other less-readily marketable security.

(c) In accordance with the above the board shall, from time to time, fix the rate of interest to be charged according to the supply of and demand for loanable funds, the profit and security of the depositors being the basis of decision.

SEC. 8. That the industrial savings board shall give clear and ample publicity to its rulings as to character of securities required for loans and the terms of such loans under the following limitations:

(a) Loans not to exceed 95 per cent of the market value of United States bonds or the bonds of States.

(b) Not to exceed 90 per cent of the market value of such other securities as are admissible investments under the existing laws of New York or Massachusetts for savings banks, or as are estimated by the industrial savings board as of equivalent good standing.

(c) Not to exceed 85 per cent of the market value of wheat, cotton, or other nonperishable products, so-called, in safe, adequately insured public storage.

(d) And other securities and terms in the discretion of the board deemed adequate.

SEC. 9. That not to exceed 50 per cent of the balance of deposits may be loaned to an amount not exceeding one-half appraised value on unincumbered real estate in States and Territories where laws for the protection of creditors are by the Industrial Savings Board deemed adequate and fair in manner as follows:

(a) Through any national bank or other incorporated bank or corporation whose business is dealing in or guaranteeing real-estate mortgages and which is subject to the examination and control of the United States Treasury or of the banking department of any State, in the estimation of the Industrial Savings Board adequately protecting depositors, loans may be made to an amount at one time outstanding not to exceed ten times the capital and surplus of the bank or corporation, which shall be required to guarantee the prompt payment of the principal and interest of the loans made through said bank or corporation.

(b) The bank or corporation shall be entitled to a commission of 5 per cent of the interest paid on such loan by the borrower, who shall not be subject to any other charge except the necessary expense of examination of title and drawing papers, which charge may be fixed by rules of the Industrial Savings Board.

SEC. 10. That personal loans without requirement of collateral security may be made in manner as follows:

(a) The borrower to make written statement showing his assets and liabilities; the amount of loan not to exceed $1,000; the length of time, which shall not exceed one year; the purpose for which the loan is to be used, which shall be in accordance with the stated purpose of this act; which statement shall be attached to the borrower's negotiable note.

(b) The principal and interest of the loan to be guaranteed prompt payment by a bank or corporation, as in section 9, which shall be entitled to a commission of 5 per cent of the interest paid thereon, the borrower being subject to no other charge, and the total of such loans at one time outstanding not to exceed five times the capital and surplus of the guarantor.

(c) The limit of the loans specified in (a) of this section, if after two years' trial it is deemed too small for the best results, may be extended by the board from time to time to larger specified sums, the terms to be uniform throughout the United States.

SEC. 11. That to induce the largest possible savings and serve the greatest possible convenience, security, and economy of use to depositors and to the postal savings bank, the Industrial Savings Board shall cause to be prepared and issued certificates of deposit of the size and form, but different in color and appearance, of customary bank currency, the said certificates being of the following tenor and in manner indicated:

(a) "The United States Postal Savings Bank has received from (here the depositor will write his own signature and address in ink, thus identifying his signature on the back when he passes the same) $10 (or other specified sum), and will pay the same after three months from date of issue, together with interest earned hereon as estimated by the Industrial Savings Board, the interest compounded semiannually, on surrender hereof properly indorsed."

(b) This certificate to be duly executed, dated, and recorded where issued, as done in case of money orders.

(c) Certificates in this form shall be issued in denominations of $10, $50, $100, $1,000 and larger, as the Industrial Savings Board may order.

(d) Certificates similar, but payable to bearer and bearing no interest, shall be issued in denominations of $1, $2, and $5.

(e) To encourage the beginning of deposits, and also serve the convenience of those who desire them in preference to coin money, certificates payable to bearer, without interest, shall be provided in denominations of 5 cents, 10 cents, 25 cents, and 50 cents, of size and form similar to United States fractional currency issued in 1862 and later.

(f) Simple printed instructions for their use may appear on the front or back of each of the various certificates.

(g) These certificates shall not be legal tender nor in any way indicated as "money," but may pass from hand to hand by mutual agreement, as is done in the case of "certified" or other bank checks.

SEC. 12. That at the county seat of every county in the United States or similar civil divisions otherwise called, and in such larger cities as the Industrial Savings Board shall deem wise, one or more post offices shall be designated by the Industrial Savings Board as postal savings banks of issue and redemption, and shall be adequately equipped and placed in charge of competent persons qualified by sufficient bank experience.

(a) Such banks of issue and redemption shall issue and record as required by the Industrial Savings Board certificates of deposit as described in section 11 hereof in exchange for bankable funds as per regulations made by said board, and shall redeem the same whether issued by itself or by other similar banks of issue and redemption either in money or in new certificates of deposits, as the applicant may desire.

(b) Each depositor in said banks shall record his signature and address with the bank on a record provided, as is customary by commercial banks, so that indorsement of signatures on backs of certificates may be verified when desired.

SEC. 13. That the industrial savings board shall designate 12 or more districts covering the United States, in a central city of each of which shall be organized a district bank, which shall act as clearing and reserve banks for all the banks of issue and redemption within the district, in accordance with rules and regulations of the industrial savings board.

SEC. 14. That the industrial savings board shall further organize in the city of Washington, D. C., in the Post Office Department, a central postal savings bank, which shall act as clearing and reserve bank for the 12 district banks, and may have direct dealings with and oversight of all the county banks of issue and redemption as the industrial savings board shall order.

SEC. 15. That every smaller post office and every letter carrier may, in accordance with regulations made by the industrial savings board, adequate bonds for safety being required as convenient, keep in hand limited amounts of certificates of deposit, secured from the local county banks of issue and redemption, to be given to local-known applicants in exchange for bankable funds to be forwarded to the county bank of issue and redemption, and may also redeem small certificates of deposit as they can conveniently. Such post offices and letter carriers shall also give proper receipts to any applicant for bankable funds or for certificates of deposit, to be sent to the county bank of issue and redemption in exchange for money or other certificates of deposit, and deliver the same to said applicant in exchange for their own receipt originally given to the applicant.

SEC. 16. That each county bank of issue and redemption and each district bank shall keep in hand such working balance as the industrial savings board shall direct, the county bank forwarding any surplus to its district bank, and the district bank any surplus to the national central bank, and each of said banks shall make loans as authorized by the industrial savings board, the county bank also drawing on its district bank and the district bank drawing on the national central bank as the industrial savings board may direct.

SEC. 17. That existing savings banks of the United States, which desire and will submit to satisfactory examination and supervision of the industrial savings board and is found of standing satisfactory to the board, may be made agents of the postal savings bank, to receive deposits and pay certificates in accordance with regulations made by the board, and shall be allowed as compensation for such service a commission of 5 per cent of the net earnings of the deposits, as estimated by the industrial savings board, which said existing savings bank secures through its agency.

SEC. 18. That in lieu of the principal of amortization (which may be applied when the borrower desires) loans secured by real estate or other collateral may be made as follows:

The mortgage or other paper shall be drawn to secure any sum due from the borrower not exceeding the amount named therein for any time not longer than the longest time therein specified, the borrower thus being permitted to adjust the amount of his loan from time to time according to his needs and opportunities.

SEC. 19. That postmasters and other employees in service at the time of the transfer of the postal savings bank to the industrial savings board shall continue in office until the board finds from experience that any are inefficient, when such of them may be removed, according to rules and regulations which the board shall establish, with the approval of the Civil Service Commission, and their successors appointed under the rules of the Civil Service Commission.

SEC. 20. That the industrial savings board shall test the safety and practicability of making small and short-time loans to farmers and other producers in manner as follows:

(a) After the total balance of deposits in the postal savings bank shall have reached the sum of not less than $1,000,000.

(b) The board shall select not to exceed 10 counties in various parts of the United States to make the trial for a period of not less than one year, after which time, if in the opinion of the board the plan is successful, the method may be extended to many or all other counties.

(c) All persons desiring to borrow, without collateral security, any sum not to exceed $500 for a time not to exceed one year, each shall make a statement showing the amount of his assets and liabilities, with their nature, in manner approved by the board, the amount of the loan desired, its length of time, and the purpose for which it is to be used, in accordance with this act, which statement shall be attached to the applicant's negotiable note.

(d) These applications shall be referred for approval or rejection to a committee of three persons elected by the applicants, and also to a committee of three persons elected by the depositors in the postal savings bank within the county, in manner provided here following: Loans to be allowed shall be approved by not less than two-thirds of the weight of vote of each committee, and also by one or more experts appointed by the board, which may be the postmaster of the county bank of issue and redemption, or other person or persons.

(e) The two committees to be elected in manner as follows: The postmaster to prepare printed ballots and send the same with return envelope to himself, and send to each applicant and to each depositor in the county bank of issue and redemption having then and three months previously outstanding deposits at the time of $50 or more. Each elector shall be entitled to three votes, which he may cast for three, two, or one person of his choice. The persons so chosen, each having weight of vote according to the number of votes by which he is chosen, shall, upon notice of the postmaster, meet and choose three of their number to act as the committee, the electors balloting repeatedly as may be necessary to reduce the number to three. The committee thus elected each shall have weight of vote according to the cumulative number of votes by which he is chosen.

(f) The members of the committee chosen shall have compensation for services in passing on loans at the rate of 20 cents an hour, the time to be approved by the postmaster.

(g) Applicants whose loans are accepted shall give the bank their negotiable notes for the amounts and time approved, the same to be discounted by the bank at double the rate of interest current in postal savings bank for loans secured by collateral, the applicant being given the proceeds less his pro rata expense of passing on the loans. After the end of one year, when all of the loans shall have matured, any profits to the bank on the total of the loans in excess of the current rate of interest for secured loans shall be paid in rebate to those whose loans were promptly and fully paid, so that the net cost of the loan to the borrower may be reduced to approximately the same as secured loans.

(h) If after ample test such method of loaning is found safe and profitable, the amount to be loaned to each applicant may be increased beyond $500, the increase to be uniform throughout the United States. If some counties prove to be habitually unprofitable while other counties prove habitually profitable, the board may withhold, temporarily or longer, permission to make such loans from the unprofitable counties.

SEC. 21. That commercial banks may make deposits in and draw upon county banks of issue and redemption to such extent as said county banks may be able conveniently to serve them, but may, without limitation, deal direct with the district banks and national central bank as per regulations of industrial savings board, and certificates of deposit in the postal savings bank may be counted as part of the legal reserve of all national banks.

SEC. 22. That the board shall cause to be prepared and printed for the general public simple tables showing the value of $10 or larger sums at compounded interest for days, months, and years at various rates of interest, such as will be useful to depositors.

SEC. 23. That needless and expensive records and statistics shall be avoided, but the board shall provide for such as may materially serve the interests of depositors and enable the board to annually report to Congress such information and recommendations as may be of service to Congress.

SEC. 24. That to the extent that the mails shall be used in facilitating the business of the postal savings bank, either by the bank itself or by its patrons, the board shall provide special stamps for free use of the mails, keeping records so that approximately the actual cost of the Postal Service shall be paid by the postal savings bank to the Post Office Department.

SEC. 25. That the sum of $1,000,000 is hereby appropriated for any necessary expense, in the discretion of the board, in the rapid development of the postal savings bank, the sum used to be considered only as an advance and to be repaid to the Treasury, with interest thereon, from the profits of the postal savings bank, which is to be made self-sustaining, without subsidy or other charge against taxpayers.

SEC. 26. That all provisions of an act to establish postal savings, etc., approved June 25, 1910, and of amendments thereto not inconsistent with this present act, shall continue in force, and all other provisions are accordingly modified or repealed, as are all other acts of Congress inconsistent herewith.

SEC. 27. That to the extent that certificates of deposit in postal savings banks crowd out of use forms of paper money now in use, causing the depreciation of the market price of bonds of the United States used to secure their circulation, below par, the Treasurer of the United States shall purchase or redeem such bonds at par issuing, so far as may be necessary to do so, other bonds of the United States bearing higher rate of interest and marketable at or above par.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 30 minutes spent in executive session the doors were reopened.

NOMINATION OF LOUIS D. BRANDEIS.

The injunction of secrecy was removed from the following proceedings in executive session:

UNANIMOUS-CONSENT AGREEMENT, MAY 26, 1916.

That not later than Thursday, June 1, 1916, the majority members of the Committee on the Judiciary and the minority members thereof may file reports upon the nomination of Louis D. Brandeis to be an Associate Justice of the Supreme Court of the United States, which reports shall forthwith be printed in confidence for the use of the Senate; that, on the said day—Thursday, June 1, 1916—at not later than 4.55 o'clock p. m., the Senate shall proceed to the consideration of executive business, and that at 5 o'clock p. m., on the said day, the Senate shall proceed to vote, without debate, upon the said nomination to a final conclusion.

It is further ordered that, after the said vote, the said reports and the proceedings upon the vote shall be printed in the RECORD, and the injunction of secrecy removed from all matters in relation to said nomination.

Vote on the question of advising and consenting to the appointment of Mr. Brandeis. Yeas and nays asked by Mr. CHILTON.

YEAS—47

Ashurst	Hughes	Overman	Smith, Ariz.
Bankhead	Husting	Owen	Smith, Ga.
Beckham	James	Phelan	Smith, Md.
Broussard	Kern	Pittman	Smith, S. C.
Chamberlain	La Follette	Poindexter	Stone
Chilton	Lane	Ransdell	Taggart
Culberson	Lea, Tenn.	Reed	Thomas
Fletcher	Lee, Md.	Saulsbury	Thompson
Gore	Lewis	Shafroth	Underwood
Hardwick	Myers	Sheppard	Vardaman
Hitchcock	Norris	Shields	Walsh
Hollis	O'Gorman	Simmons	

NAYS—22.

Brady	du Pont	Nelson	Sutherland
Brandegee	Fall	Newlands	Townsend
Clark, Wyo.	Gallinger	Oliver	Warren
Cummins	Harding	Page	Works
Curtis	Lippitt	Smith, Mich.	
Dillingham	Lodge	Sterling	

NOT VOTING—27.

Borah	Goff	McLean	Smoot
Bryan	Gronna	Martin, Va.	Swanson
Burleigh	Johnson, Me.	Martine, N. J.	Tillman
Catron	Johnson, S. Dak.	Penrose	Wadsworth
Clapp	Jones	Pomerene	Weeks
Clarke, Ark	Kenyon	Robinson	Williams
Colt	McCumber	Sherman	

Announcing the vote, the Vice President stated that the resolution of confirmation had been agreed to, and announced that the nomination had been confirmed.

Mr. FALL. I have a general pair with the Senator from New Jersey [Mr. MARTINE]. I transfer my pair to the Senator from Utah [Mr. SMOOT] and vote "nay." If the Senator from New Jersey [Mr. MARTINE] were present and not paired he would vote "yea."

Mr. HOLLIS. I have a pair with the junior Senator from New York [Mr. WADSWORTH]. I transfer that pair to the Senator from Maine [Mr. JOHNSON]. If the Senator from Maine were present he would vote "yea." If the Senator from New York [Mr. WADSWORTH] were present he would vote "nay." I vote "yea."

I also desire to state that if the Senator from Minnesota [Mr. CLAPP] were present he would vote "yea." He is paired with the Senator from Iowa [Mr. KENYON], who would vote "nay."

Mr. JONES. I have a pair with the junior Senator from Virginia [Mr. SWANSON] and therefore withhold my vote.

Mr. LA FOLLETTE. The Senator from Idaho [Mr. BORAH] is paired with the Senator from North Dakota [Mr. GRONNA]. If the Senator from Idaho were present he would vote "nay," and the Senator from North Dakota would vote "yea."

Mr. THOMAS. The Senator from Virginia [Mr. MARTIN] is necessarily absent. If he were present he would vote "yea."

Mr. HUGHES. My colleague [Mr. MARTINE] is necessarily absent from the Senate. If present he would vote "yea." He is paired with the Senator from New Mexico [Mr. FALL].

Mr. OWEN. I have a pair with the Senator from New Mexico [Mr. CATRON]. I transfer that pair to the Senator from Florida [Mr. BRYAN] and vote "yea."

Mr. JAMES. I desire to announce that the Senator from Ohio [Mr. POMERENE] is paired with the junior Senator from Massachusetts [Mr. WEEKS]. If present the Senator from Ohio would vote in favor of the confirmation of Mr. Brandeis and the Senator from Massachusetts would vote against the confirmation.

Mr. SAULSBURY. I am paired with the junior Senator from Rhode Island [Mr. COLT]. I transfer that pair to the Senator from South Dakota [Mr. JOHNSON] and vote "yea." If the Senator from South Dakota were present he would vote "yea."

Mr. SUTHERLAND. I have a general pair with the senior Senator from Arkansas [Mr. CLARKE], who is absent, but I am at liberty to vote on this question and I vote "nay."

Mr. THOMAS. I have a general pair with the Senator from North Dakota [Mr. MCCUMBER]. I transfer that pair to the senior Senator from Virginia [Mr. MARTIN] and vote "yea."

Mr. LODGE. I desire to announce that my colleague [Mr. WEEKS] is paired with the senior Senator from Ohio [Mr. POMERENE]. If my colleague were present he would vote "nay."

Mr. WILLIAMS. I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. If present he would vote "nay" and I would vote "yea," if I had the privilege; but I withhold my vote in consequence of my pair.

Mr. THOMPSON. I have a pair with the Senator from Illinois [Mr. SHERMAN], but under an arrangement with the Senator from Illinois, if his vote is not controlling, I am permitted to vote on this nomination. I therefore vote "yea." I am requested to announce that if he were present he would vote "nay."

Mr. TILLMAN. I have a pair with the junior Senator from West Virginia [Mr. GOFF]. If I were at liberty to vote I would vote "yea."

Mr. CURTIS. I have been requested to announce that the Senator from Maine [Mr. BURLEIGH] is paired with the Senator from Arkansas [Mr. ROBINSON].

Mr. NEWLANDS (after the result of the vote had been announced). Regarding my vote, I should like to say that I have great admiration for Mr. Brandeis as a propagandist and publicist, but I do not regard him as a man of judicial temperament, and for that reason I voted against his confirmation.

On motion of Mr. CHILTON it was—

Ordered, That there be printed as part 2 of volume 2 of Senate Document No. 409 the additional evidence (part 22 of the hearings) taken before the subcommittee of the Committee on the Judiciary, and the report of the Committee on the Judiciary to the Senate, with the views of the minority, on the nomination of Louis D. Brandeis; that 1,000 extra copies thereof be printed for the use of the Senate, to be distributed through the folding room, and that 500 additional copies be printed for the use of the Committee on the Judiciary.

[Ex. Rept. No. 2, pt. 1, 64th Cong., 1st sess.]

NOMINATION OF LOUIS D. BRANDEIS.

Mr. CHILTON, from the Committee on the Judiciary, submitted the following report:

The Committee on the Judiciary, to whom was referred the nomination of Louis D. Brandeis, of Massachusetts, to be Associate Justice of the Supreme Court of the United States, vice Joseph Rucker Lamar, deceased, beg leave to report it back with the recommendation that it be confirmed.

The nomination was referred to the Committee on the Judiciary on January 28, 1916. On January 31 the committee referred it to the following as a subcommittee: Messrs. CHILTON (chairman), FLETCHER, WALSH, CLARK of Wyoming, and CUMMINS.

The subcommittee held hearings, made necessary by a protest against confirmation of the nomination, which began on February 9, 1916, and continued from time to time until March 15, 1916. On February 16 Mr. WORKS was appointed on the subcommittee in the place of Mr. CLARK of Wyoming.

On April 3 the subcommittee made a favorable report to the entire committee, recommending confirmation of the nomination. There was a minority report, however, against confirmation, made by Messrs. CUMMINS and WORKS. The majority views of the subcommittee are set out at length in the separate reports of the majority members of the subcommittee. Mr. CHILTON'S views were concurred in by Mr. FLETCHER, and Mr. WALSH filed a separate report.

All of these views of the members of the subcommittee are printed in Senate Document No. 409, Sixty-fourth Congress, first session, and your committee herewith adopts the statements and views of Mr. CHILTON and of Mr. WALSH and makes the same a part of this report, as follows:

Mr. CHILTON, from the subcommittee of the Committee on the Judiciary, submitted the following views:

To the COMMITTEE ON THE JUDICIARY,
UNITED STATES SENATE:

As heretofore announced to the Committee on the Judiciary, your subcommittee decided to have open hearings, which were begun on February 9, 1916, and continued from time to time until March 15, 1916.

Very soon after your subcommittee was organized a protest against the confirmation was filed, signed by the following-named gentlemen:

Charles S. Rackemann, Harrison M. Davis, Joseph Sargent, A. Lawrence Lowell, John Noble, Charles F. Adams, I. Tucker Burr, C. Minot Weld, Nathaniel H. Stone, Felix Rackemann, Arthur Lyman, Henry S. Grew, George P. Gardner, Roger Walcott, Pierpont L. Stackpole, Francis Peabody, Edmund K. Arnold, William B. Luther, Charles A. Williams, Moses Williams, Reginald H. Johnson, Henry Ware, J. L. Thorndike, Julian Codman, Bowditch, C. Storey, Fred C. Bowditch, W. L. Putnam, Prof. Edward H. Warren, Roger S. Warner, James M. Newell, William S. Hall, Clifton

L. Bremer, Lawrence Minot, Henry E. Edes, Hollis R. Bailey, Edward S. Dodge, F. Walker Johnson, George B. Dabney, Francis R. Boyd, J. A. Lowell Blake, Louis Bacon, Lawrence P. Dodge, George B. Harris, Eugene J. Fabens, Charles H. Fiske, jr., Harold Jefferson Coolidge, P. T. Jackson, jr., Augustus P. Loring, William W. Vaughn, Samuel D. Parker, Thomas N. Perkins, R. W. Boyden, Henry L. Shattuck, A. R. Graustein, James D. Colt, Edmund A. Whitman, William C. Indicott, Albert E. Pillsbury, William V. Kellen, and Frederic M. Stone.

Mr. Austen G. Fox, assisted by Mr. Kenneth M. Spence, appeared on behalf of those signing the petition, and the committee requested Mr. George W. Anderson to represent the committee in bringing out the facts. Quite a number of other protests and many letters of commendation of the nominee were filed before the committee in the shape of letters and telegrams, some to the committee and some to different members, all of which are made a part of the report.

As to every charge made against the nominee by the protesting committee or contained in rumor or which in any way came to the knowledge of your committee, we have sent for those alleged to have knowledge and have examined such witnesses. All the testimony of the 43 witnesses examined was taken down by a stenographer, was printed, and is contained in one volume of 1,316 pages, which is now before the committee. The evidence relates to various charges reflecting upon the professional conduct of the nominee, as well as his standing and general reputation.

On pages 884 to 887, 933 and 934, and 1225 and 1226 may be found a summary of the matters as to which the proof, outside of opinion evidence, relates. These charges will now be taken up, one at a time, and the proof relating thereto analyzed.

WARREN CASE.

It is charged that Mr. Brandeis consciously advised and assisted Samuel D. Warren in a breach of trust in fraud of his brother, Edward P. Warren. This charge is wholly unfounded, and was recognized to be by the leading counsel for Edward P. Warren in the suit concerning this trust (284, 860, 1164). The propriety of Mr. Brandeis's conduct in this case was also recognized by one of his leading opponents who was counsel for other beneficiaries of the trust (278). In May, 1888, Samuel D. Warren and Mr. Brandeis were partners in the practice of law and had been for about 10 years. In May, 1888, Mr. Warren's father, Samuel D. Warren the elder, died, leaving a widow and five children, entitled under his will to his property in their own right without the intervention of any trustees—the widow to five-fifteenths and each child to two-fifteenths.

Mr. Warren the elder owned paper mills in Maine, valued at nearly $2,000,000. These paper mills were conducted by the firm S. D. Warren & Co., composed of himself and Mortimer B. Mason, who had been with him for 18 years and a partner for 6 years. One son, Fiske Warren, was employed in the business and had been for about five years. Warren & Brandeis had been attorneys for S. D. Warren & Co. before the elder Warren's death, and were counsel for the executors of his will. They had no other connection or relation with Edward P. Warren, a son, then 20 years of age.

The Warren family was believed to be entirely harmonious at this time, and to desire to keep the mills intact as a family property. There was no member of the family fitted by temperament or desire to take the active headship of the business except Samuel D. Warren. They all lived in or near Boston except Edward P. Warren, who was in England. Mr. Mason was regarded by all as essential to the business because of his experience and ability. He was receiving one-sixth of the profits of operation of the mills, and believed that he should receive under the changed condition one-fourth of the profit. He had earned in the last two year $76,000 and $68,000, respectively, as his share of the profits. This is a larger amount than he averaged during the ensuing 20 years under the plan that was adopted. This plan was to have the real estate vested in trustees who should lease to an operating concern which should pay a fixed rental of 6 per cent and an additional amount equal to one-half the profits of the operating concern. The trustees selected were Samuel D. Warren and Mr. Mason and Mrs. Warren, the widow. The operating concern was a new partnership of Samuel D. Warren & Co., composed of Mr. Mason, with one-half interest; Samuel D. Warren, with one-third interest; and Fiske Warren, with one-sixth interest. The plan was elaborately discussed (842, 858) among the members of the family, all of whom were persons of intelligence, and was agreed to before the trust was created. The papers to give legal effect to the plan were drawn and executed the end of May, 1889, and sent to Edward P. Warren in a letter explaining these terms (844). He executed them, and the business was carried on in accordance with this arrangement for a period of over 20 years.

Full accounts were rendered annually, and they show the profits resulting to the partnership from operating the mills under this lease and the income resulting to the trust (858, 519–607).

Mr. Warren retired from the practice of law and from the firm of Warren & Brandeis in 1889. Mr. Brandeis and his firm continued to be the legal adviser of the firm of Samuel D. Warren & Co. and of the trustees throughout the ensuing 20 years. They also advised and acted for the various members of the family from time to time, and it was well known to all that they were so acting. No dissension arose until after the death of Mrs. Warren in 1901. This left a vacancy in the board of trustees. Henry Warren, next in age to Samuel D. Warren, had died. The declaration of trust provided for the appointment of a trustee, preferably from among the children of the elder Warren, and not a member of the firm. This limited the preference to Edward P. Warren or his sister, Cornelia Warren. Mr. Mason and Mr. Samuel D. Warren believed that Edward P. Warren, on account of his temperament and the fact that he was living in England, was not a desirable trustee, and it was proposed immediately after the mother's death that Cornelia Warren be appointed a trustee, but Edward P. Warren opposed this. The next year it was proposed that Fiske Warren be appointed. This was also opposed by Edward P. Warren. Fiske Warren had retired to a considerable extent from active business, and his proportion of the profits had been reduced from 16⅔ per cent to 5 per cent, and soon thereafter to 2½ per cent.

In 1903 Edward P. Warren retained William S. Youngman, who has testified in the present hearing (461–518, 1286–1296, 1306–1307). He soon after began investigations, and in 1906 rendered an elaborate report to Edward P. Warren thereon (861), approving the details of the accounts, but claiming that the plan had worked too much to the advantage of Samuel D. Warren & Co., that too much of the income of the trust had been devoted to the improvement of the properties instead of to the payment of the beneficiaries, and commenting on the division between the repair account, which was a charge of operations, and the improvement account, which was a capital charge against the trust.

The trust instrument originally provided that the trustees might retain one-third of the net income for improvements. This was found to be inadequate, and by informal agreement reached in 1890 the amount was increased to one-half. All the beneficiaries had agreed to this. The fact was recited in the reports from year to year.

The profits which the partners had received from the operation of the mill had not exceeded on the average those to be expected from the condition of the business as it had been estimated in 1889 in the estimates submitted to the beneficiaries before the plan was agreed to (842).

The division between repairs and improvements had been fairly and honestly made (862).

After 1906 negotiations continued relative to the appointment of a new trustee, but no satisfactory agreement could be reached. Edward P. Warren, after having urged his own appointment, urged the appointment of Mr. Youngman. Outsiders also were suggested.

At the end of 1909 suit was brought by Edward P. Warren against Samuel D. Warren, seeking an accounting and the removal of Samuel D. Warren as a trustee (894–933). Cornelia Warren, whose interests were the same as Edward P. Warren's, and Fiske Warren, whose interests were nearly the same, opposed the suit, as did their counsel (915). Brandeis, Dunbar & Nutter acted for Samuel D. Warren, and one of the members of the firm tried the case up to the death of Samuel D. Warren, who was the first witness. Nothing developed to the discredit of Mr. Warren or Mr. Brandeis in any way, and any lack of good faith on their part was disclaimed in the suit itself by counsel for Edward P. Warren (277, 284, 860, 1164). Some months after the death of Mr. Warren the others in interest bought out the share of Edward P. Warren in the estate at what was believed by them to be no more than the share was worth, making no allowance for any claims made in the suit (278, 867).

Samuel D. Warren was a man of high character and intelligence. The drafts of the original papers for the formation of the trust and the lease were in his handwriting (841). Mr. Brandeis advised about the matter and took part in the conveyances which were made. The negotiations between the different members of the family were conducted directly between them. Apparently all communications with Edward P. Warren were from Samuel D. Warren or other members of the family. No occasion arose for the intervention of counsel between the different members of the family at the time the trust was created or at any time up to the time that Mr. Youngman was employed by Edward P. Warren. The original agreement was a fair one (277, 278) and worked out fairly and was justly and honestly administered, and the share of Edward P. Warren increased enormously under the administration of his brother and the other trustees (867, 915).

Mr. Brandeis exerted no improper influence in the matter (881).

When what was believed to be a wholly groundless and unwarranted attack was made upon Mr. Warren and his removal as trustee sought, it was certainly the province of counsel for the trustee, who had been such during the entire administration of the trust, to support him as counsel in defending the integrity of his administration of the trust (1259). Such knowledge as counsel for the trustee and his firm had came to them from the trustee and his firm in that employment, and the trustee and his firm were entitled to the full benefit of that knowledge. If they had employed new counsel, they could rightly ask that everything known to their existing counsel should be communicated to the new counsel. It would have been virtually a desertion if the counsel for the trustee and his firm had failed to act (1259).

Three out of the four beneficiaries opposed the litigation and desired the retention of Mr. Warren as a trustee.

No claim was ever made in the case but that the defense ought to be made by Brandeis, Dunbar & Nutter on Mr. Warren's behalf (1298).

As to the transactions which led up to the suit, the leading counsel for the plaintiff said that he did not claim that the arrangement was ever gotten up, either by Mr. Brandeis or Mr. Warren, for the purpose of violating a trust (1164).

In order to condemn Mr. Brandeis for anything done in this whole matter one must emphasize every suspicion and minimize the prominent facts shown by the weight of the evidence. I agree with Mr. Whipple, the leading trial lawyer for Edward P. Warren, the complaining heir, that if Mr. Brandeis thought that Edward had assented (and how could a reasonable man assume otherwise?), "there was no violation of trust; and there was no moral wrong" (284).

NEW YORK & NEW ENGLAND RAILROAD MATTER.

It is charged that Mr. Brandeis was engaged at the instance of the New York, New Haven & Hartford Railroad to wreck the New York & New England Railroad Co. The facts do not sustain this charge.

At about the beginning of 1892 Austin Corbin, of New York, was the president and director of the New York & New England Railroad (404). The railroad was in a very bad financial condition and already wrecked. Corbin took the presidency with a view to rehabilitating it. He also got friends to invest in stock of the company and he expected them to become directors (405). Several of the directors whom he thought were acting improperly declined to resign. These directors were represented in the later litigation by Mr. Storey (405). Accordingly, Mr. Corbin decided to resign, himself, as he refused to stay on the board of directors with them. He believed they were using their position to benefit themselves at the expense of the road (405). On resigning, Mr. Corbin consulted William J. Kelly, his attorney, who is now one of the judges of the Supreme Court of New York. Mr. Kelly employed Mr. Brandeis to institute suits to have the railroad put in the hands of a receiver in Massachusetts, Connecticut, and New York. These suits were never filed, because the action of the directors necessitated other proceedings. They declared they were about to pay unearned dividends, and the suits were immediately brought and injunctions were obtained to prevent this (405). They also attempted to issue bonds beyond the legal limit, and suits were brought to prevent this. These also prevailed (405). Suits also were brought to prevent leases made to the company by these directors of railroads claimed to be owned by these directors and leased at an improper rental (409). These suits were brought on behalf of all stockholders, of whom Mr. Corbin was one, and particular stockholders were selected as plaintiffs in order to give the Federal courts jurisdiction (411). Mr. Corbin's connection with the suits was well known. The hostile directors knew it well (411). He indemnified the plaintiffs (411).

All the suits were brought between April and August, 1892 (422). It was alleged in the suits that they were brought at the expense of persons other than the plaintiffs and to depress the credit of the railroad, and this was held to be immaterial (427).

Subsequently, in an investigation before a committee of the Legislature of Massachusetts in May, 1893, it was claimed on behalf of the New York & New England Railroad Co., by Mr. Moorefield Storey, that these suits had been instigated by the New York, New Haven &

Hartford Railroad Co. or in its interests. Mr. Brandeis then testified that he had no knowledge of any such connection. Mr. Josiah H. Benton, the attorney for the New York, New Haven & Hartford Railroad Co., stated that there was no such connection (439).

Judge Kelly now says that in the latter part of 1893 he learned from Mr. Corbin that he had concluded that the chance of reorganizing the road was gone, and that the first mortgage was inevitably going to be foreclosed, and that he was disposed to give up the litigation; and later he learned from Mr. Corbin that certain men interested in the New York, New Haven & Hartford Railroad Co., which was interested in the first-mortgage bonds, had expressed a desire that litigation should not be given up and that they would reimburse Mr. Corbin for expenses thereafter (412).

Mr. Brandeis was not employed to wreck the New York & New England Railroad (406), and had no knowledge that the New York, New Haven & Hartford Railroad Co. was interested in the litigation when he testified in May, 1893. His last substantial work in the cases was done in June, 1893 (700). He was paid by Judge Kelly, who received the money therefor from Mr. Corbin (408).

It was said in the present hearing that the suits were begun at the instance of the New York, New Haven & Hartford Railroad Co. (267, 415), and that the United States, in the recent suit against the directors of the New York, New Haven & Hartford Railroad Co., had so contended. The fact is to the contrary. The Government's contention was in accordance with the foregoing statement from Judge Kelly, namely, that they were started by Mr. Corbin, and that subsequently the directors of the New York, New Haven & Hartford Railroad Co. took them over (419, 700).

There was nothing to indicate that the suits were not meritorious or brought for the purpose for which they purported to be brought. They were found to be well grounded as far as they progressed. Since it appears that the Massachusetts Legislature investigated this matter 23 years ago, and that now Judge Kelly, chief counsel, acquits him of any purpose to wreck the railroad, and that Josiah H. Benton, chief counsel of the New Haven & Hartford Railroad, testifies that that railroad had no connection with the suits brought by Mr. Brandeis, I can find neither reason nor excuse to justify anything but an unequivocal vindication of the nominee from this charge.

DINGLEY BILL WOOL DUTY.

No charge touching Mr. Brandeis appears to have been suggested in this matter.

In 1908 charges were made that William Whitman had, in 1897, secured an exorbitant duty on wool tops, to the detriment of other woolen manufacturers in the association which Mr. Whitman represented (962).

Mr. Whitman did not know Mr. Brandeis in 1897 or have anything to do with him prior to 1905 (690), and Mr. Brandeis has never acted for Mr. Whitman in any tariff matters (973).

When the charges above stated were made against Mr. Whitman in 1908, he consulted with Mr. Brandeis with reference to making an answer to these charges. Mr. Whitman stated his case to Mr. Brandeis, and Mr. Brandeis assisted him in preparing a reply (961). In view of the testimony of Mr. Whitman in the lobby investigation (of 1913), the committee, on its own motion, subpœnaed Mr. Whitman and Mr. Ingersoll in order to find out all the facts concerning Mr. Brandeis's appearance before the congressional committee having in charge the Stevens bill, and the true history of Mr. Whitman's defense to what are known as the "North charges."

I fail to find anything in either which reflects upon the nominee.

LEGISLATION CONCERNING INTOXICATING LIQUORS.

No charge has been made against Mr. Brandeis with respect to this matter. It appears that 25 years ago he appeared in opposition to certain legislation relative to the sale of intoxicating liquors, and in support of certain other legislation then under consideration before the Massachusetts Legislature, and that this appearance was in behalf of associations engaged in the sale of liquor (1055).

This was in a State that never has had a prohibitory law, but has long had laws regulating the liquor traffic. There is nothing to indicate that Mr. Brandeis's attitude was or is favorable or adverse to a prohibitory law in a community where public sentiment wants it.

There is nothing to indicate that his attitude 25 years ago was in any way favorable to the intemperate use of liquor (1057), or that the legislation which he sought was morally wrong from the viewpoints of that period.

Public sentiment upon the question of prohibition has undergone radical change in the last 10 years, not to say 25 years. The argument of an attorney 25 years ago is not even persuasive of his views now. Generally speaking, it is unfair to make one's views, within legitimate limits, the test of a vote on his confirmation as judge. The honest, capable judge only construes the law, and it should be assumed that the good lawyer, "wet" or "dry," when elevated to the bench, will not presume to legislate. Only a dishonest judge would distort a record or evade a reasonable conclusion, whether it suited him or not.

UNITED SHOE MACHINERY CO.

The United Shoe Machinery Co. has charged that Mr. Brandeis has been guilty of unprofessional conduct in acquiring information while connected with that company and using it at a later date in the interest of other clients. This charge involves a history of the company as well as the evolution of trusts and the laws applicable to them.

The tying-clause system, so called, of the United Shoe Machinery Co. was not created by Mr. Brandeis. He severed his relations with the company because of his disapproval of this system. Three and one-half years elapsed after his resignation from the company before he advised any other client on the subject. In this advice and in all subsequent action which he took he made no use of any confidential information; but, on the contrary, the facts seem to have been public property well known to the shoe manufacturers (703, 747).

The United Shoe Machinery Co. was organized early in 1899 and acquired the business and assets or a majority of the stock of Goodyear Shoe Machinery Co. (and other Goodyear companies), McKay Shoe Machinery Co., Eppler Welt Machine Co. (and another Eppler company), Consolidated & McKay Lasting Machine Co., and Davey Pegging Machine Co. (703).

About a year before the organization of the United Co. negotiations had been undertaken to bring these companies together, and Mr. Brandeis had opposed this in the belief that on the terms then proposed it was better for the McKay Co. to remain as it was (703).

The negotiations for the consolidation, which went through in 1899, were conducted principally by Mr Elmer Howe, Mr. James J. Storrow, and Mr. Winslow (703). Mr. Howe was an experienced lawyer and for all practical purposes in charge of the Goodyear Co. Mr. Storrow was of the firm of Fish, Richardson & Storrow, one of the leading firms of patent lawyers of the country. They were counsel for the Eppler Co., the Consolidated & McKay Co., and the McKay Co. Mr. Storrow had or represented a large interest in the McKay Co. (703).

The companies had for a long time put their machines out on leases containing restrictive conditions as to their uses, tying clauses, so called (174, 704, 734), similar in form to those afterwards continued by the new company.

A complete investigation indicates that Mr. Brandeis was not asked nor did he render an opinion as to the legality under the Sherman antitrust law of these clauses of the leases or of the consolidation itself at any time prior to 1906 or 1910 (704, 733, 745, 744).

Before the consolidation the matter of working agreement between the companies was considered, but Mr. Howe thought that this might be contrary to the Sherman law and that there should be a new company which should acquire a full title to the property or stock of the old companies (704).

It should be noted that after the decision in the Knight case (156 U. S., 1) in 1895, and at least until the decision of the Northern Securities case (193 U. S., 197) in 1904, and of the Wall Paper case (212 U. S., 227) in 1909, many lawyers believed that the Sherman antitrust law did not prohibit the acquisition by one company within a single State of the assets of a competitor, even if the manufacturers of both were going into interstate commerce.

Mr. Brandeis joined with the eight other directors of the McKay Co. in signing the circular to the McKay stockholders recommending that they exchange their stock (255, 704).

Mr. Howe at once became the leading counsel (182, 178, 704, 733) for the United Co., and he became also a member of the executive committee. Mr. Brandeis became a director. He never became general counsel for the company or legal or business advisor on the general policies of the company (704). He was concerned with the general policies of the company only to such extent, if any, as Mr. Winslow or others talked with him about them as a director (184).

Mr. Brandeis and his firm were employed from time to time in specific matters for which specific charges were made (705). The last employment was in a matter begun in 1906, and the only matters which lasted after January 7, 1907, were two begun in 1904 or earlier.

In the winter and spring of 1906 legislation was proposed in Massachusetts to prohibit anyone from imposing in the lease or sale of a patented machine a condition that the lessee shall not use the machines of another, and from offering unreasonable discounts which would prohibit such use (218, 705, 713). This proposed legislation was believed to be aimed at the United Co., and to emanate from one or more machinery manufacturers (1153) and not from shoe manufacturers.

Mr. Brandeis believed on the information which he then had, or which he was given by Mr. Winslow, that the methods of the United Co. were beneficial particularly in that their leasing system and uniform terms to all worked to the advantage of the small shoe manufacturers (217, 705), and that the shoe manufacturers were content with the terms of the leases. At this time Mr. Coolidge, one of the counsel for the United Co. and who was experienced in legislative matters, was ill and Mr. Winslow requested Mr. Brandeis to act (221, 705). He did so, and in April, 1906, he appeared before a committee and argued (232) against the proposed legislation, adopting the facts furnished him by Mr. Winslow (187). He stated that he was counsel for a large number of shoe manufacturers (228) and Mr. Winslow then knew of this fact (228, 179).

He, Mr. Winslow, denied it emphatically (181) on February 16, 1916, until confronted with the statement (228).

In May, 1906, Mr. Brandeis undertook to secure the assistance of some of these shoe manufacturers, Mr. McElwain, Mr. Jones, and Mr. Bliss, to support the opposition to the proposed legislation (218, 714). He then learned that they objected to the tying clauses in the leases (218, 715). Nevertheless, it was arranged that they would join in the opposition, but upon the understanding that Mr. Winslow would take up the adjustment of the differences, by conference with them, without legislation (176, 717). Mr. McElwain asked Mr. Winslow to appoint a time for the conferences, and Mr. Winslow expressed the desire to postpone them until fall, as he was about starting for Europe, and this was satisfactory to Mr. McElwain (218, 722). The bill in the legislature failed to pass.

In September, 1906, Mr. Brandeis wrote to Mr. Howe, counsel and member of the executive committee, calling to his attention the great significance of the decision rendered August 22, 1906, by Judge Seamans in Indiana Manufacturing Co. *v.* J. T. Case Thrashing Machine Co. (148 Fed., 21), holding that there might be a monopolistic combination of patents contrary to the Sherman antitrust law (723).

Mr. Winslow says that Mr. Brandeis before his resignation and acceptance of other employment never gave any "intimation" that there was "any legal or moral" wrong in the company's organization or methods (240).

On October 5, 1906, Mr. Brandeis, in response to a letter of criticism from Mr. Erving Winslow, a stranger to the company, wrote him reciting what he had ascertained the preceding spring and defending the company's methods (162).

On October 6, 1906, Mr. Erving Winslow replied, saying that even on the facts stated he thought that the company was open to criticism (724).

After Mr. Winslow's return from Europe, about October (181), some conferences (228) took place between Mr. Winslow and Mr. Jones and Mr. McElwain, in which they disclosed more fully the objections to the exclusive use, full capacity, and tying clauses, but nothing was accomplished toward the removal of any of these clauses (221), and Mr. Winslow did not discuss the matter much (227, 725, 727).

Mr. Brandeis became convinced by these new disclosures that the company's policy was questionable, and also that nothing was going to be accomplished (221) and that he must either take the matter up in the board of directors and fight, probably unsuccessfully, with Mr. Winslow and his associates or retire from the company (221). On December 6, 1906, Mr. Brandeis resigned from the board of directors, without assigning this difference of opinion as a reason in his letter of resignation (163), but Mr. Winslow understood perfectly that Mr. Brandeis's desire not to be a party to the existing policy of the company was the reason. Mr. Winslow telephoned him on December 11, before his resignation had been accepted, and said: "I am very sorry to have you go, and don't want you to feel that there need be any embarrassment on your part; but, of course, if you think, in view of what may be called up this winter, you would rather not be there, we do not want to insist upon it" (726). Mr. Brandeis replied that it might be embarrassing both to Mr. Winslow and to him, and that if they did not agree as to the course to be pursued he might, if he were a director, feel called upon to bring the matter up before the board (726). It had been announced already (179) that there would be an effort in the

coming winter to get legislation against the practices of the company (726).

Efforts to get the company to make some changes continued and Mr. Winslow had long conferences with Mr. Brandeis on January 2 and January 7, 1907 (726), at which Mr. Brandeis urged his objections at length to the tying and other clauses, but Mr. Winslow was unwilling to make any change (177, 178, 179, 180, 730). Mr. Brandeis told him that by making the changes they could avoid trouble (182). Later (735), in a letter to Mr. Winslow referring to this interview, Mr. Brandeis speaks of the "radical differences between your opinion and mine when we last met" (237). Mr. Winslow replied the next day, saying, "We value your opinion in these matters very highly, even if we do not decide that we can follow same at this time" (735). Mr. Brandeis had become convinced by this time that, while the policy and methods of the company had on the whole operated beneficially up to that time, they must, if pursued, eventually prove injurious both to the community and the company's interest; and he urged most strenuously upon Mr. Winslow and the officials who participated in the conference with him that these methods be changed, that the policy of monopoly be abandoned, and particularly that the tying clauses be eliminated from the leases (219).

Mr. Winslow testified on direct examination that he knew of no reason for Mr. Brandeis's resignation except that expressed in the letter (175), and that at the later conference of January 7, 1907, "he expressed a desire that the United Co. make changes in its leases, but he made no concrete suggestion, though asked to do so," and left the inference clear that his severance of relations with the company had nothing to do with this (163). In his widely published attack on Mr. Brandeis in the spring of 1912 he said that during the time that Mr. Brandeis was director and counsel "there entered his mind no doubt whatever of the propriety and legality" of the company's policies and methods. In his published letter of January 19, 1912, attacking Mr. Brandeis, to Senator CLAPP, as chairman of the Committee on Interstate Commerce, he says that up to the day that Mr. Brandeis accepted employment by clients having hostile interests he never gave any "intimation" of any legal or moral wrong in the company's organization or methods, and nowhere in the letter does he refer to the fact that Mr. Brandeis had suggested any changes of policy. In his published letter of February 29, 1912, to Senator CLAPP he refers to the fact that Mr. Brandeis's letter of resignation shows "no uneasiness in Mr. Brandeis's mind as to the soundness of the company's policy or the propriety of its methods."

At the time of testifying on direct examination and at the time of these publications Mr. Winslow had in his possession the letters of September 12 and 13, 1907, and Mr. Brandeis's narrative of the facts (221, 227). His answers on cross-examination showed his full consciousness of the stand which Mr. Brandeis had taken (177, 178, 179, 180, 182, 237).

After January 7, 1907, Mr. Brandeis never acted as counsel for the company and no new matters were taken to his firm. One of the members of the firm continued to act in one litigation which involved no question of tying clauses or monopoly (731). This litigation was begun to secure the return of certain machines claimed to be the property of the company. This was tried in December, 1906, was argued on exceptions in November, 1907, and decided in January, 1908 (734). Other suits followed as a result of this decision, and the company retained other counsel for them. Incidental services were rendered in this connection until 1909.

In the legislative proceedings in 1907, and in all new matters, the company employed other counsel (183, 734).

Mr. Brandeis's termination of relations with the United Shoe Machinery Co. was due to his unwillingness to be identified longer with their policies, which he then expressly disapproved, because of the objections pointed out by the shoe manufacturers and others in the fall of 1906 (219) which came to him after he had expressed to Mr. Howe the possible significance of the decision of Judge Seamans in the legal situation (723) His severance of relations meant the loss of a client (727) and was without expectation of advantage to himself, financial or otherwise.

During the following three and one-half years he had nothing to do with shoe machinery matters (219), and in 1907 declined to act for Mr. Plant (735), a potential rival of the United Co. (222).

On April 30, 1907, the supreme judicial court gave to the legislature, in response to its request, an opinion that an act of the kind proposed aimed against certain of the clauses in use by the United Co. in its leases would be constitutional (220) (193 Mass., 605). Such an act was passed on June 1, 1907 (219–222). The company attempted to avoid the prohibition by adding to its leases a provision, in substance, that any provisions in the lease which were unlawful should not be deemed to be binding, and also a provision reserving to the company the right to cancel the lease on 30 days' notice (222). A use of new machines in contravention of the language of the tying clauses involved thereafter to the shoe manufacturers the double danger of a decision that the clauses were valid and of a 30-day termination at the will of the company (222, 737).

In June, 1910, Thomas G. Plant, the owners of two-thirds of the stock and the executive head of the Thomas G. Plant Co., a large shoe manufacturer, claimed to have perfected a complete line of shoe machinery which was installed in the shoe factory of the company. Other shoe manufacturers had this examined in their interest and received a favorable report. Mr. Charles H. Jones, of the Commonwealth Shoe & Leather Co., who had been a client of Mr. Brandeis and his firm for over 15 years, asked Brandeis, Dunbar & Nutter for an opinion as to whether he could legally take the new machines or whether the leases were enforceable to prevent them (223, 736).

They reached the conclusion that under the conditions which then existed and in the light of the decisions rendered, notably the Wall Paper Trust decision (212 U. S., 227), rendered February 1, 1909 (219), that the company was then a combination in restraint of trade and that the leases were unlawful as essential parts in perpetuating its monopoly, and were in themselves restraints of trade, and that the fact that the machines were patented did not relieve the leases of this objection, because designed to create a monopoly in excess of the patent. They so advised Mr. Jones (163, 736). Other manufacturers received the same advice from able counsel (223).

When this opinion was given the leases were public property, the opportunities, theoretic and practical, of getting shoe machinery from the United Co., or from any other source, and the practical possibilities of installing and using an entire new line of machinery at one time were known to the shoe manufacturers. The essential facts for forming the opinion rendered were not obtained from the United Co., confidentially or otherwise (744).

Mr. Winslow, on direct examination and in his published letters, used language and made omissions calculated to create a contrary impression (160, 164); but he was unable to think of a single fact in support of the unfounded insinuation (185, 249), and when the question showed that he perceived the truth, Mr. Winslow receded to the point that his real criticism of Mr. Brandeis was untruthfulness, not use of private information.

He said, "I do not criticise Mr. Brandeis's acting for anyone if he had at all times scrupulously, or I might say, fairly, confined himself to statements that were correct or true" (202).

When this opinion was rendered to Mr. Jones, Brandeis, Dunbar & Nutter were as free in right and propriety to render it as any lawyers at the bar, and it was rendered to one who had been their client from a time before the United Co. existed or was thought of. They received compensation for this opinion (1154).

It was given to Mr. Jones for his guidance and not as an advertising weapon. Mr. Jones has testified that he showed it to Mr. Plant and Mr. Plant published it. Neither Mr. Brandeis nor his firm had any part in any scheme of Mr. Plant's, if any there was, to force the United Co. to buy him out (253).

At about this time—summer of 1910—Mr. Brandeis, in response to a question in casual conversation from Mr. Barbour, a member of the executive committee of the United Co., told him that in his opinion it would be unlawful suppression of competition for them to buy out Plant or his patents (219, 223).

The company bought out Plant on September 23, 1910, and at a time when a group of large shoe manufacturers from St. Louis were considering the purchase.

Two of these manufacturers, Mr. Jackson Johnson and Mr. Milton S. Florsheim, then conferred with Mr. Winslow. He says that they proposed that they be permitted to acquire stock in the United Co. on unduly favorable terms, and be given better terms on their shoe machinery than was accorded to other manufacturers (196, 191). They deny this (192, 193).

During the following fall and winter (200) these and other manufacturers formed the Shoe Manufacturers' Alliance, designed to secure an opportunity to acquire shoe machinery, whether by purchase or lease, on terms that left the shoe manufacturers free to choose one or more machines at a unit price (163); that is, without tying or exclusive-use clauses. Their object was to get the freedom which Mr. Brandeis had advised the United Co. four years before that they ought to give.

Apparently the information which started the proceedings of the United States against the United Co. came from sources disconnected with this alliance and before Mr. Brandeis acted for them (739).

On January 4, 1911, a resident of Fall River, Mass., wrote the Attorney General about the matter. In consequence, on January 11, 1911, the Department of Justice asked the United States attorney for Massachusetts for information on the subject, and by March the representatives of the Government were making investigations at the offices of the company (201).

On May 3, 1911, the Western Shoe Manufacturers related to the Senate Committee on Finance the alleged monopolistic position which the United Co. had attained (Senate Hearings on the Tariff, 1–5, 1911, p. 3, Cong. Lib. H. F. 1756–a3–1911).

On May 4, 1911, in debate on the farmers' free list, in the House, Mr. Thayer, of Massachusetts, quoted the act passed in Massachusetts in 1907 and severely attacked the United Co. as a trust (Cong. Rec., 62d Cong., 1st sess., vol. 47, pt. 1/2, 953–954). This was followed by his introducing a bill on June 8 (pt. 2, p. 1808).

On May 9, 1911, Senator GORE introduced a resolution for an investigation into the use of patents in the creation of monopolies (pt. 2, p. 1072) (740).

The subject matter of the proposed legislation was the betterment of conditions as they existed in 1911, and not an attack upon past acts. The same is true of the equity suit brought by the Government and the indictment was limited to offenses committed since 1908.

On May 22, 1911, for the first time, representatives of the Shoe Manufacturers' Alliance consulted Mr. Brandeis, and he said that he was willing to act if what they were after was not special terms but freedom in the acquisition of shoe machinery for themselves and their competitors. They were in accord with this purpose and showed no hostility to the United Co., but the reverse (224, 737).

One of the first steps taken by Mr. Brandeis was to endeavor to ascertain what sources for shoe machinery were in existence (738).

In response to the request of the shoe manufacturers, Mr. Winslow apparently for the first time submitted to them a scheme for separating the different departments so that they would be independent of each other (201–260).

About this time, the Standard Oil decision (221 U. S., 1), having been rendered in May, Mr. Matz, one of the directors of the United Co., requested Mr. Winslow to bring the relations of the Government before the directors and to have Mr. Brandeis and Mr. James A. Garfield, his friend and lately Secretary of the Interior, talk to the directors. It was known that Mr. Brandeis was acting for the Shoe Manufacturers' Alliance (200). On June 17, 1911, Mr. Matz had sought advice from Mr. Brandeis and he had advised him to resign, as he, Brandeis, had done in 1906 (227, 741). Mr. Garfield advised Mr. Matz to bring the matter before the directors, and this was done on July 12, 1911 (221). At this time Mr. Brandeis stated fully to the directors his own course in severing his connection with the company at the end of 1906, his reasons therefor and his belief as to the effect of the company's course as a suppression of competition (221, 227).

When Mr. Winslow attacked Mr. Brandeis in his published letter of January 19, 1912 (217), to Senator CLAPP, Mr. Matz gave Mr. Brandeis permission to write to Senator CLAPP what Mr. Brandeis had said at this meeting, concerning his own course, and Mr. Brandeis did so (217, 221), omitting any reference to the fact that he had attended at Mr. Matz's request. Mr. Winslow, well knowing this fact (201), described the meeting in his published letter of February 29, 1912, to Senator CLAPP as a "part of the same campaign," i. e., that for the Western Alliance of Shoe Manufacturers.

In the following December (14, 15, and 16), 1911, Mr. Brandeis in the course of a three-day discussion before the Senate Committee on Interstate Commerce as to trusts, made reference to the United Shoe Machinery Co. as an illustration of the ultimate effect of a monopoly however innocently created and prudently managed (741).

In these remarks Mr. Brandeis made no point of the advantage of his former connection with the company.

Mr. Winslow in his testimony says that Mr. Brandeis's words carried added weight because of his known former connection (165, 202). In his letter to Senator CLAPP, January 19, 1912, Mr. Winslow criticized

Mr. Brandeis for failing to disclose this former connection and promptly himself gave the added weight, if any.

On January 26, 1912, before the Judiciary Committee of the House, in the hearings on the Thayer bill, the Lenroot bill, and the Peters bill (743, p. 13), and on February 16, 1914, before the Judiciary Committee of the House, he spoke on the same subject.

The statements made in these hearings (1025–1050), which Mr. Winslow says are false (166–168), are statements of inferences fully warranted by the information furnished by shoe manufacturers and others familiar with the real situation, and by the fact that these manufacturers do not know where they can get sufficient equipment of the necessary machines, except from the United Co. (746).

Some of the leases of what are regarded as essential machines provide in substance that on failure to observe the conditions of the exclusive use, additional machinery, or tying clauses of that or any other similar lease from the company, the company may terminate not only the particular lease but all other leases from the company.

Mr. Brandeis's statements concerning the effect of the United Co. upon Mr. Plant's credit were clearly expressed to be his own inferences (167). The hostility of the United Co., with its great power, would tend to reduce and perhaps to destroy Plant's credit, even if the company did absolutely nothing. Mr. Plant, who did not testify in the suit of the United States against the United Co., had said, in August, 1910, that the company had cut off his credit in Boston, and that he must therefore try New York (746). He says there was a definite basis for this belief. In New York negotiations were taken up with Mr. Evans and Mr. Wallace, of New York, and in the course of them Mr. Wiggin, of Chase Bank, a director of the United Co., spoke to Mr. Evans about the matter. It appears that Mr. Wiggin brought one of the attorneys for the United Co. into communication with Mr. Evans and Mr. Wallace (747). He says that he did not discourage the financing, but Mr. Plant did not know that and did not learn that they were in communication.

It is not possible to try out in detail the accuracy of Mr. Brandeis's statements, but enough has been said to show that there is no warrant for any of Mr. Winslow's assertions that they were not scrupulously truthful.

These services have been without compensation to Mr. Brandeis (742).

The most significant fact in this case is that Mr. Brandeis voluntarily and with no prospect of profit to himself gave up his connection with a profitable client as soon as and because he became convinced that the policy which it was pursuing and would not change was wrong. Four years later, and again without desire for profit to himself, he gave his assistance to the effort to stop what he believed would be the future and increasing effect upon the community of that wrong policy. It may well be asked, How long does an employment mortgage the lawyer's conscience? After all, what "private information" was divulged? I can not see that there was any.

GILLETTE CASE.

It is urged that the action of Mr. Brandeis, taken for Mr. Gillette in the organization of the Gillette Securities Co., was unprofessional because of its effect upon Mr. Joyce. (Richardson, 355 to 371; Williams, 372 to 384.) This contention seems to me to be far-fetched, if there can be found, indeed, the slightest reason to urge it.

Mr. Brandeis and his firm acted as counsel for Mr. Gillette, beginning about 1901 (887). In 1906 suits were brought against Gillette, Joyce, Curran, Holloway, and Heilborn (888), claiming that they had conspired to obtain, and in consequence had obtained, stock of several stockholders of the Gillette Safety Razor Co. by false representations, and that the defendants had also, as directors of the company, paid Gillette, Joyce, and Holloway excessive salaries. The defendants made a joint defense, and Brandeis, Dunbar & Nutter acted for them in so doing.

During the pendency of the suits Mr. Gillette and Mr. Holloway became convinced that Mr. Joyce was cooperating with another stockholder in measures to oust Mr. Holloway and possibly Mr. Gillette from their official positions in the company (889). Mr. Joyce probably had other counsel (889). Mr. Gillette and Mr. Holloway obtained the cooperation of other stockholders to guard against the ousting of Holloway and Gillette. In order to obtain a majority of the stock it was necessary to secure the stock or the cooperation of Mr. Stewart and Mr. Flaccus, plaintiffs in the pending litigation (889) and believed to be the clients of Mr. Richardson, with whom Mr. Williams was supposed to be cooperating, because he had clients having a similar interest (888).

Mr. Brandeis acted for Mr. Gillette in some of the conferences with Mr. Richardson, which resulted in the purchase by Mr. Gillette of Mr. Flaccus's stock and an agreement between Mr. Gillette and Mr. Stewart whereby Mr. Stewart exchanged his stock for stock in a holding company which was formed to acquire a majority of the stock of the razor company (889).

There was nothing in the proceedings that bore any relation to the pending suits, except that the sale of Mr. Flaccus's stock involved his giving up the pending suit, and this was by so much to the advantage of Mr. Joyce (891).

The facts of this matter became known to Mr. Joyce about January, 1907. Brandeis, Dunbar & Nutter continued the defense of the pending cases for all of the defendants and obtained a decision wholly favorable to all the defendants except Mr. Heilborn. Before this decision had become final, other suits had been brought against Mr. Heilborn and Mr. Joyce, not including Mr. Gillette or Mr. Holloway. In these Mr. Joyce's counsel, Hurlbut, Jones & Cabot, appeared for Mr. Joyce. They also appeared in the Stewart case, Mr. Jones, of that firm, having stated that Mr. Joyce thought that his interests might differ from those of Mr. Holloway, so that he wanted to be separately represented (892).

In connection with negotiations with Mr. Stewart to have him join in exchanging his stock for stock in the holding company, Mr. Gillette agreed to cause him to be elected an officer of the company. Mr. Gillette subsequently did all that he could to carry out this agreement, through action by the board of directors in which he and those in sympathy with him did not have a majority of the votes. Before the next annual meeting, Mr. Gillette bought Mr. Stewart's stock and so terminated his obligation by agreement with Mr. Stewart (986).

At a later date, Mr. Joyce purchased Mr. Holloway's stock in the holding company and then brought a suit to dissolve the holding company or to convert his holding company stock into stock in the razor company, which would have given him a majority of the stock in the razor company (893). Subsequently, in December, 1911, Mr. Joyce bought Mr. Gillette's stock, or a substantial part of it, and thereby secured control and the suit was dismissed (893).

There was nothing to criticize in Mr. Brandeis's connection with the matter at any point (883).

ILLINOIS CENTRAL RAILROAD PROXIES.

It is charged that Mr. Brandeis misrepresented his relation to the procuring of the proxies for the meeting of the stockholders of the Illinois Central Railroad Co. in the fall of 1907. (Peabody, 754.)

On May 19, 1908, Mr. Joseph B. Warner, the chairman of the commission on commerce and industry, in committee of the Massachusetts Legislature, in supporting the position taken by the majority of that commission in favor of the New York, New Haven & Hartford Co. against the opposition of the minority (638, 639), referred to Mr. Brandeis, who opposed the position taken by the majority of the commission. In the course of his remarks Mr. Warner referred to Mr. Brandeis's activities in connection with the obtaining of proxies for the meeting of the stockholders of the Illinois Central Railroad Co. On the same day, May 19, 1908 (697), Mr. Brandeis wrote to the chairman of the committee a precise statement of the exact relation of himself and of his firm to these proxies (352).

In the fall of 1907 Mr. Brandeis's partner, Mr. Nutter, was requested by Mr. Catchings, of the firm of Sullivan & Cromwell, New York, to supervise the solicitation in and about Boston of proxies in the interest of the existing board of directors of the Illinois Central Railroad Co., of which Mr. Harrahan was the president and Mr. E. H. Harriman an important member. The opponents in this contest were a faction headed by Mr. Fish. Mr. Nutter appealed to Mr. Brandeis before taking the matter up, to assure himself that there was nothing in it that would conflict in any way with the work Mr. Brandeis was doing in connection with the attempted so-called merger of the Boston & Maine Railroad with the New York, New Haven & Hartford Railroad. Mr. Brandeis made special inquiries to assure himself that there was no conflict and that the side which was advocated by Mr. Catchings, in the internal difficulties of the company, was one which appeared to be for the best interests of the stockholders (340). There was nothing to indicate, and there is nothing now to indicate, that either side in this controversy had any relation to the railroad situation in New England. Mr. Brandeis "was expected to do nothing, and he did do nothing," in this matter (342), and the evidence is consistent with the statement in the letter of Mr. Brandeis to the chairman of the House Committee on Railroads (352). It would seem that anyone looking at the evidence (353–354) and the letter signed by Alfred Jaretzki, and noting the failure to produce Mr. Jaretzki, could not fail to dismiss this charge as wholly unsupported.

LENNOX CASE.

The claim asserted in this matter is that Mr. Brandeis was guilty of unprofessional conduct in accepting employment as counsel for P. Lennox & Co., or James Lennox, and then acting against them.

P. Lennox & Co., a partnership consisting of Patrick Lennox and his son, James T. Lennox, and doing a large tanning business in Lynn, Salem, and Peabody, Mass., found themselves seriously crippled financially at the beginning of September, 1907. At this time the active partner was James T. Lennox. His father had been inactive in the business for about 10 years. This financial embarrassment led James T. Lennox to send for Mr. Stein of the Abe Stein Co., of New York (1104), who was a creditor (Whipple, 286). Mr. Stein and his counsel, Mr. Stroock, reached Boston on the night of September 3, 1907; and on the morning of September 4 they had a conference with James T. Lennox; Mr. Spaulding, of the Columbia Kid Co., conducting a selling agency (778) for P. Lennox & Co., and Mr. Coburn, treasurer of the Tracy Bros. Leather Co., in which James T. Lennox owned an interest (770; Stroock, 311). On learning of the financial situation, Mr. Stroock suggested that as he was counsel for Mr. Stein and not a Massachusetts lawyer, Mr. Lennox ought to have counsel (1073, 1114). He suggested Mr. Brandeis, and he being satisfactory to Mr. Lennox, Mr. Stroock called on Mr. Brandeis on the morning of September 4 (1074) to arrange an interview.

The subject under consideration at this time was the possibility that Mr. Stein might make Mr. Lennox a further loan, if the prospects were such that this was safe and likely to bring success. (Stroock, 315; Whipple, 286; Brandeis letter, 289, 1099.) Mr. Stein was ready to make the loan (1105).

Mr. Stroock arranged (1076) with Mr. Brandeis for an interview, and soon after 10 in the morning of September 4 (Stroock, 310, 1014), Mr. Stein, Mr. Stroock, Mr. Lennox, Mr. Coburn, and Mr. Spaulding called together on Mr. Brandeis. He had never met Mr. Stroock or James T. Lennox (Stroock, 312), and never has met Patrick Lennox.

Shortly after the interview began (Stroock, 311), or in the afternoon, a stenographer was called in and took notes of the interview (1014; stenographer's report, 775). The first thing dictated was a form of letter which apparently Mr. Stroock desired to send to certain concerns holding leather received from P. Lennox & Co., to which Mr. Stein asserted title under the terms of certain trust receipts (Stroock, 313), under which he had originally supplied the skins to P. Lennox & Co. (788, 1014). This was dictated in the presence of all (1077, 1112).

The interview lasted into the afternoon, or, as Mr. Stroock put it, consisted of two interviews on that day, at both of which all the same persons were present (Stroock, 310). Mr. Stroock's recollection is that it was at the afternoon interview that the stenographer was present first (311) and that the morning conference lasted but a few moments (311). Mr. Stroock says that it was at the afternoon interview that Mr. Brandeis said, for the first time, that he could take the matter up (312), notwithstanding his firm's sometime relation to a creditor, Weil, Farrell & Co. The stenographer's report indicates convincingly that this remark did not occur until the following morning (788). She has no reference to such a statement on the afternoon of September 4 (775–787), and has one on the following morning inconsistent with the question's having been settled the day before (788). Other remarks which Mr. Stroock attributes to the afternoon of September 4 (312) do not appear in the stenographer's notes of that interview (775–786), but do in those for September 5 (790), notably Mr. Stroock's statement that—

"I said that I saw no reason why Mr. Brandeis could not go over the matter and work out *the whole situation* for the benefit of all the parties, because it seemed to me that this was a situation where the *interests of the debtor* and the *interests of the creditors* were alike" (312). [Italics not in original.]

Mr. Lennox says that the stenographer was present when Mr. Brandeis said he would take the case (1119), and that the first day, September 4, Mr. Brandeis said that he would not give his decision about undertaking his case until the following day (1131), and that on the following day he said that he would act as his counsel. This shows clearly that Mr. Lennox is testifying to the same things which

appear in detail and with precision in the stenographer's notes of September 5, hereafter referred to.

The conversation on September 4 was conducted openly in the presence of all and without any private communications between Mr. Lennox and Mr. Brandeis. Mr. Lennox was at no time alone with Mr. Brandeis. Mr. Stein was a creditor, Mr. Spalding a debtor, Mr. Coburn was a business associate and adviser (785). The conversation was long. The names of the principal creditors and the amounts of their claims were stated, and also the character and value of the assets (775–787). Mr. Lennox said that the partnership consisted of Patrick Lennox and himself (775), and it was not intimated, even remotely, that there was any question about it (Stroock, 313, 314). Mr. Lennox now says that the partnership consisted of his father and himself (1128). Mr. Lennox's statement of his assets and his liabilities showed clearly the insolvency of the partnership (775–786).

Mr. Brandeis then said:

"Well, now, I think it perfectly clear that you ought to discuss this matter with your father. He has unfortunately not had any information up to now, but he ought to have it now, and he ought to know fully the situation, and he ought to consider whom he would like to have represent him" (774, 786).

Mr. Lennox said that his father would leave it all to him, and that as notes were coming due every day it was imperative that he do something (786).

Mr. Brandeis said that the situation was much more serious than he had supposed from what Mr. Stroock had said in the morning, and that he had very little doubt that it would be necessary to make an assignment to trustees for the benefit of creditors (786). Mr. Lennox was a man of 30 years' experience in business and accustomed to business in a large way and understood what an assignment for the benefit of creditors was (1119, 1123).

The interview closed with Mr. Brandeis repeating that Mr. Lennox should talk the matter over with his father, who might have some preference in the matter of counsel, and asking Mr. Lennox to make up a more detailed statement of assets and liabilities, and suggesting another conference early the next morning (787).

On the following morning, September 5, Mr. Lennox and Mr. Stroock called on Mr. Brandeis. Mr. Stroock says that the others were present also (311). The stenographer's notes do not show this (791). Mr. Lennox began by reporting that he had talked with his father, and that he had no suggestion to offer (791, 1122). Then, after a short talk about assets and liabilities, Mr. Brandeis said:

"Well, now, Mr. Stroock, I should think that the question that we ought to decide now is whether I should act for Mr. Lennox in this matter or not. I of course understand you came to me after conference with Mr. Lennox to ask me whether I would act for Mr. Lennox."

To this Mr. Stroock replied:

"May I ask you this question, Mr. Brandeis: From all you know, do you believe that you could remain in the case in view of your firm's position with Weil, Farrell & Co.?"

To this Mr. Brandeis replied:

"Yes; I think I could. The position that I should take if I remained in the case for Mr. Lennox would be to give to everybody, to the best of my ability, a square deal" (792).

It seems clear that this conversation is the one which Mr. Stroock, testifying after eight years, has placed as occurring on the preceding day (312).

It is apparent that it was still being considered whether Mr. Brandeis should act in the matter at all. He followed this by saying that the only course for Mr. Lennox was absolute squareness and frankness to creditors, each to have whatever his legal rights might be. He said:

"I should, if I acted for Mr. Lennox, see that he got his legal rights—no more and no less" (793).

Next he repeated that he thought an assignment for the benefit of creditors would be advisable. Mr. Stroock suggested the possibility of bankruptcy if the assignment was made. Mr. Brandeis said it was a possibility, but he thought that the creditors would want to avoid bankruptcy (793). Then Mr. Stroock suggested Mr. Brandeis's acting for Stein rather than as "attorney for trustee of the Lennox family" (793). Mr. Brandeis favored the latter course and said:

"I should feel if I were acting for Mr. Lennox as trustee that it was the duty of the trustee to see that everybody got his legal rights as nearly as we could make it."

And in cases of doubt—

"I should feel that we ought to have a committee of the creditors with whom the trustee could confer; and if there are any questions of doubt in adjustment, that we get the advice of that committee and through them make the proper settlement" (793).

This is followed by repetitions of the same ideas in other words, with an explanation that an assignment would transfer all the property to the trustee for the purpose of liquidation and distribution to creditors (794); that the trustee could employ Mr. Lennox and that the trustee would have to determine with the creditors whether the business should be continued. This part of the discussion closed with Mr. Lennox's inquiry:

"You are speaking now of Mr. Brandeis acting as my counsel?"

To this Mr. Brandeis replied:

"Not altogether as your counsel, but as a trustee of your property" (795).

These are the conversations that determined the only understanding upon which Mr. Brandeis took this matter up; that is, as a trustee of this property for the benefit of the creditors and the debtors (1121). Mr. Lennox, Mr. Stroock, and Mr. Brandeis then agreed and now agree that the interests of the creditors and of the debtors were common and to realize as much as possible on their property, and not in conflict. (Stroock, 312; Whipple, 289; Lennox, 791, 1126.) Mr. Lennox asserted that his father also wanted to pay his creditors in full (791). They desired Mr. Brandeis's assistance to bring about this result.

All agreed, and now agree, that an assignment to a trustee for the benefit of creditors was the wisest course. (Stroock, 314, 795, 1088.) Indeed, there was no other course open except immediate bankruptcy proceedings.

Instead of Mr. Brandeis acting personally as trustee, it was agreed that Mr. Nutter should do so. (Stroock, 313.)

Up to the time that the assignment was made there had been no private communications between Mr. Brandeis and Mr. Lennox. They had never talked together alone. No papers had been shown or delivered to Mr. Brandeis. The attorney of the creditors was there all the time. There was no reason to suppose that the facts concerning the condition of the business could be longer concealed or that there was any desire or intention to conceal them.

Whatever may have been the occasion for coming to Mr. Brandeis in the first place, the only employment which he accepted was that of trustee for the benefit of creditors or as attorney for such trustee (827, 828). He was free to act. He was under no obligation to become or remain counsel for Mr. Lennox in opposition to this trust. He was not employed by any other client in this matter. He gave the only sound advice that could be given at that time, and everything which he did thereafter was consistent with, and required for, the performance of that trust (834).

The assignment was in the printed form (796) in use in the office. It described the assignors as Patrick Lennox and James T. Lennox, copartners as P. Lennox & Co., and the assignee as George R. Nutter. James T. Lennox signed it and gave Mr. Nutter a letter to his father, Patrick Lennox (314, 801). Mr. Nutter called on Patrick Lennox and told him that this was an assignment for the benefit of creditors, and told him what an assignment was (802). Patrick Lennox was in full (1122) possession of his faculties and in physical condition to be at his place of business the following day.

September 5, 1907, Mr. Nutter arranged with an audit company to begin work the next day to find out the exact financial condition.

On that day, pursuant to prior arrangement with Mr. Stroock and Mr. Lennox (795), Mr. Brandeis talked with numerous creditors, and told Mr. Lennox, Mr. Spaulding, Mr. Nutter, Mr. Stein, and Mr. Stroock that he had told those creditors that the assignment had been executed but that they would like to avoid recording it (803–804).

Then followed lengthy interviews for the information of the trustee as to the condition of the accounts, assets, and liabilities (804).

On September 6, 1907, Mr. Nutter went to the office of P. Lennox & Co. Before entering he met Patrick Lennox and he asked him how things were getting along, and Mr. Nutter said all right (804). This was the second and last time (805) that Mr. Nutter ever saw Patrick Lennox. Mr. Nutter learned that the books had not been balanced since 1902 and did not cover many outside business transactions and were meager (293, 804).

The employees of the audit company called to Mr. Nutter's attention two checks for $5,000 each, apparently drawn on September 3, to pay notes, and that no notes to be paid on that day could be found (804).

On September 7, 1907, Mr. Brandeis, Mr. Nutter, and Mr. Lennox had an interview, in which Mr. Nutter asked Mr. Lennox what had become of these two checks for $5,000 each, drawn on September 3 (804). Mr. Lennox said finally that he had the money in the safe of another man in Lynn (804). He then agreed to bring the money to the assignee, and did so on September 9. Nothing by way of lack of frankness to Mr. Brandeis and Mr. Nutter on Mr. Lennox's part had been noticed by them before this (805).

On September 9 it became apparent that an extension by the creditors was out of the question and the newspapers published a statement that the firm was financially embarrassed (314, 805, 1102). On that day Mr. Nutter told Mr. Lennox that hope of an extension was out of the question and that it was necessary to record the assignment. Mr. Lennox assented to this (805) before it was recorded (1169).

On September 10, 1907, Mr. Nutter recorded the assignment.

On September 10, 1907, Mr. J. P. Leahy called upon Mr. Nutter and said that he acted for Mr. Patrick Lennox, and from that time he continued to appear in that capacity in this matter for two or more years (805, 806). This showed a clear understanding that Mr. Brandeis was not counsel for Patrick Lennox, and there was nothing to distinguish between Patrick and James T. in that respect.

Patrick Lennox took a position of opposition immediately (291), and it was this opposition more than anything done by James T. Lennox that rendered bankruptcy proceedings inevitable (1130, 1133, 1134).

On September 11, 1907, Mr. Stroock and Mr. Stein called on Mr. Brandeis and asked him to act particularly for Mr. Stein, and Mr. Brandeis told them that he could act for Mr. Stein only, as for all the creditors equally, and that he had no objection to their getting independent counsel to act for them specially (819, 820). They decided not to do so for the time being (823). This interview as a whole shows that there was a clear understanding that Mr. Brandeis was acting for the trustee for creditors only (815, 828, 1097).

From September 4, 1907, to September 18, 1907, the interviews between James T. Lennox and Mr. Brandeis and Mr. Nutter were almost daily. On September 18 Mr. Lennox declined to go on with the matter and help the assignee in discovering the assets and liabilities unless he received $500 per week (1131, 1127). Mr. Nutter said that this sum was unreasonable and would not be approved by the creditors, but that he would pay him $100 per week, and perhaps could get approval of something better. This was declined by Mr. Lennox, and he rendered little or no assistance to the assignee thereafter (828, 1127, 290).

Mr. Brandeis took substantially no active part in the matter after this, and Mr. Lennox did not consult him in any way or ask him to do anything (290). He last saw him in the matter on September 19, 1907 (828).

On October 4, 1907, Mr. Nutter submitted to Mr. Leahy a draft of his proposed report to creditors, and at Mr. Leahy's request he inserted in it a statement that for some years Patrick Lennox had not been active in the business, and made some other changes until they agreed upon the form of the report (825). No objection was made to the part of the report which stated that P. Lennox & Co. was composed of Patrick Lennox and James T. Lennox.

On October 24, 1907, Mr. Nutter learned for the first time, and from Mr. Leahy, that it was claimed that Patrick Lennox was not a partner in P. Lennox & Co. (826). This put Mr. Nutter in a position where he was compelled by his duty as trustee to establish the fact of the partnership (831). Creditors to the amount of about $380,000 had assented to the assignment (829).

During September and October, 1907, the investigations into the business were continued by Mr. Nutter, and he had several interviews with Mr. Leahy about possible terms of composition.

Mr. Nutter was unable to get from Mr. Lennox adequate information concerning the property covered by the assignment (303, 314), and the creditors insisted that bankruptcy proceedings were necessary. Mr. Lennox was aware of this (832), and Mr. Nutter wrote him to this effect (1130). Mr. Lennox raised no objection to bankruptcy proceedings.

Mr. Nutter made repeated requests for information from Mr. Leahy as to the property of Patrick Lennox, but did not secure it (291, 1130). He became convinced that bankruptcy proceedings were necessary.

On October 31, 1907, Mr. Nutter, Mr. Herrick—representing Lee Higginson & Co., large creditors—and Mr. Leahy had a conversation, at which it was stated by Mr. Nutter that bankruptcy proceedings seemed inevitable (829). He reported this to James T. Lennox by letter on November 9, 1907 (1130), and informed him that, under the circumstances, if a composition was to be effected it would necessitate bankruptcy (1130).

On November 11, 1907, Mr. Nutter issued a report to the creditors, stating that the estate could be administered in bankruptcy better than under the assignment (830).

Under the Massachusetts law a voluntary assignee has no power to compel the assignor to submit to an examination as to the property covered by the assignment.

Between November 13, 1907, and January 4, 1908, several petitions in bankruptcy were filed on behalf of different creditors. The one on which Brandeis, Dunbar & Nutter appeared was brought first and by Allen Lane & Co. and other creditors (830). No compensation was paid by these (836, 847) creditors.

Mr. Lennox says that Mr. Nutter told him that he was assignee for the benefit of his creditors and not his counsel. Mr. Nutter told Mr. Lennox that he had better get independent counsel (836, 1126). This was prior to October 21, as Mr. Nutter saw him last on October 21 (290, 836, 1132).

On November 18, 1907, Mr. Sherman L. Whipple began to act as counsel for James T. Lennox, and continued to do so for two years or more (290). He promptly saw Mr. Brandeis and told him that Mr. Lennox claimed that Mr. Brandeis had undertaken to act as his counsel. Mr. Brandeis at once told him the facts (289).

In the bankruptcy proceedings an answer was filed alleging on behalf of Patrick Lennox that he was not a partner in P. Lennox & Co. and that the assignment had been obtained by fraud (834). The manifest duty of the trustees was to maintain the integrity of the assignment and the existence of the partnership which had made it.

No evidence was offered in support of the allegation that the execution of the assignment had been obtained by fraud.

Mr. Lennox said that his only criticism of Mr. Brandeis or of Mr. Nutter was that Mr. Nutter would not pay him at the rate of $500 per week (828, 1131).

The stenographer's transcript of the interview defining Mr. Brandeis's relation to the matter was offered in evidence in the hearings in bankruptcy (1164).

The case was heard before a referee in bankruptcy, who found that the partnership existed (847). This was followed by a trial before a jury, at which the court directed a verdict (1167), and then the case was taken by Patrick Lennox to the circuit court of appeals, without success (847).

Mr. Nutter, Mr. Herrick, and Mr. Hall became trustees in bankruptcy (830, 1170). The administration as assignee and trustee took four years (1144).

Counsel for Mr. Lennox and the trustees negotiated for a composition offer and finally one was made by which the firm creditors received 40 per cent and the individual creditors 100 per cent, and the bankruptcy was closed (839).

Neither Mr. Brandeis nor Mr. Nutter ever deviated from the course which Mr. Brandeis outlined as the only one upon which he would act in the matter, that of trustee for the benefit of all the creditors alike, and of counsel for the trustee. Only the surplus, if any, was to go to the debtor. All the steps taken were necessary to protect the creditors and were taken in performance of the duty incurred. No compensation was received from any source, except out of the trust fund (847, 1145).

No retainer or other payment for services was ever made to Mr. Brandeis or his firm by Patrick Lennox or James T. Lennox, Weil, Farrell & Co., or any other creditors (315, 847, 1113, 1145).

When the assignment was made there was no reason to suppose that there was the slightest conflict of interests between the debtor and the creditor (289, 312). It was understood that Mr. Brandeis was to act as counsel for the trustee. In that sense he was to act for the creditors and for the debtors in common (289, 312) to the point where either had any interests adverse to those of the trustee. The trustee and his counsel and the debtors had the common moral and legal duty of discovering, disclosing, and getting into the possession of the trustee all the property. They must perform that duty. When the debtors unexpectedly failed (303, 1134) to perform this duty, their conduct necessitated legal proceedings. They, and not the trustee or his counsel, were the ones who acted adversely to the common understanding on which the matter had been undertaken (289). Only that adverse action made the bankruptcy proceedings necessary (289, 834, 1130). The trustee and his counsel were not relieved (299, 300) from performing their affirmative moral and legal duty by the fact that the debtors then took an adverse position, contrary to the understanding upon which the assignment was made. If the debtors withheld property, the assignee must take action to get it. If the debtors would not disclose their property, the assignee must take action to discover it. The examinations of James T. Lennox were in pursuance of the duty of the trustees to ascertain about the property of the debtors (820, 822, 823, 1007, 1170). This was the only action taken. No unwarranted feeling of embarrassment or taste (296) could justify the assignee or his counsel in neglecting the performance of this duty (290, 834).

When criminal proceedings were instituted against Mr. Lennox, the assignee and his counsel were under no duty to prosecute. They were asked to do so and declined (297, 304, 305, 837, 1145, 1170).

Mr. Whipple, who was his adversary, saw clearly that Mr. Brandeis's conduct was upright throughout (299).

Neither Mr. Brandeis nor Mr. Nutter declined to act for Mr. Lennox so far as it was consistent with the duty of a trustee for creditors (1131), and Mr. Lennox makes no criticism of either, except that Mr. Nutter would not pay him a salary of $500 per week (1132).

The events in this case were due entirely to the fact that the debtors went back on the plan to which they agreed and under which the matter was taken up, namely, to devote their property fully and without hesitation to the payment of their debts. They were never deserted in any way. When they refused their assistance, and one of them denied a partnership which unquestionably existed and failed to turn over assets and charged fraud, of which there was no evidence whatever, they were deserting, and it would have been dishonorable in the trustee and his firm to assist in the attempt or to fail to take all necessary steps to secure the performance of the trust. Such a course would have been inexcusable, and the one pursued was the only possible one. The debtors were fully informed of everything and were never refused any assistance consistent with the trust. The course pursued by Mr. Brandeis and his firm was consistent and honorable throughout. No better one can be suggested (833). With Lennox's knowledge and consent, Mr. Nutter became assignee. It is inconceivable that Mr. Brandeis would thereafter desert his partner.

GLAVIS APPEARANCE.

It is charged that Mr. Brandeis was guilty of unprofessional conduct in appearing for Louis R. Glavis at the expense of Collier's Weekly, and concealing the source of his compensation from the select committee engaged in the investigation of the Department of the Interior and of the Bureau of Forestry. (Senate 719, 61st Cong., 3d sess., 1072.)

On August 18, 1909, Louis R. Glavis, then Chief of Field Division of the General Land Office, made a report to the President setting out facts which, if true, indicated that Secretary Ballinger was not a fit official for his high position. On September 13, 1909, the President rendered a decision exonerating Mr. Ballinger and authorizing the dismissal of Mr. Glavis, which immediately followed. On September 20, 1909, Mr. Glavis wrote the President of his intention to make public the charges leading to what he believed was his unwarranted dismissal. (Investigation 888.) On November 13, 1909, the charges were published in Collier's Weekly (330.) On January 19, 1910, the resolution was passed by Congress for the investigation. This resolution contained a provision that "Any official or ex-official of the Department of the Interior, or of the Bureau of Forestry in the Department of Agriculture, whose official conduct is in question, may appear and be heard before the said joint committee or any subcommittee thereof, in person or by counsel" (988).

Collier's Weekly having taken the legal and moral responsibility of presenting Mr. Glavis's charges to the country, felt it imperative to see that all proper steps were taken to have these charges verified before the committee (453–460; Sullivan, 325–335, 385). Collier's accordingly asked Mr. Brandeis to act for Glavis (455) and undertook to pay him therefor, and subsequently did pay him. No pretense was made that Mr. Brandeis was acting as unpaid counsel or for the public, and it was probably assumed by the committee that he was to be paid (994) and that Glavis was not in a position to pay for five months of continuous work by a man of Mr. Brandeis's standing and ability. (Senator FLETCHER of that committee, 994.)

It was thought by Collier's Weekly that it was not seemly to attempt to get the credit of conducting the investigaion (455), but no attempt whatever was made by anyone to conceal the fact that Mr. Brandeis was to be paid by Collier's (330, 332, 455). It was freely talked about (332, 455). It was known to members of the Interior Department who were in opposition (455). When occasion arose, the fact that Collier's Weekly was paying Mr. Brandeis was referred to in the paper itself (706).

Mr. Brandeis's efforts in the case were directed toward establishing the truth of the Glavis charges. He made no effort to have his own position or any belief that he was acting merely as a friend give any added weight to these efforts; and no occasion arose on which there would have been any propriety in his parading the fact that some one other than Glavis was the source of his compensation. That fact was assumed generally. If it were improver to give or to take compensation for such services except from the party of record, no poor man could ever have competent counsel in any extensive proceedings. These investigations are not social functions, but serious affairs. The truth is the goal to be attained. The facts are the same no matter who may have paid the lawyers. The committee did not ask Mr. Brandeis who was paying his fee, because then it made no difference. The fact that during the trial Mr. Finney, of the Interior Department, knew that Mr. Brandeis was employed by Mr. Hapgood, of Collier's (455), seems to me to demonstrate that those interested knew the situation then as well as they do now. This incident has nothing in it detrimental to the nominee.

MR. THORNE'S OPPOSITION.

Mr. Brandeis was employed to represent the Interstate Commerce Commission in the Five Per Cent Advance Rate case of 1913, and worked in the matter for about a year. His letter of employment was as follows:

"We are of course aware of the fact that the carriers will not fail fully to present their side of the case, and the commission has felt that every effort should be made in the public interest adequately to present the other side. Would you care to undertake that burden? As you are already aware, in a number of cases of large importance and wide interest special counsel have been retained by the commission. As a matter of fact, that has not been their real relation in these controversies. They have been retained by the commission not as advocates or to support any special theory of the issues involved but as a means by which the commission might be advised of all the facts and not have to decide the issue upon a record made up largely in one interest. It is with this general thought in mind that the commission has reached the conclusion that in the Rate Advance case special counsel should be retained, and I have been asked to ascertain whether your engagements and inclinations are such as to permit you to undertake the task of seeing that all sides and angles of the case are presented of record, without advocating any particular theory for its disposition. In making this last observation you will of course understand that you will be expected to emphasize any aspect of the case which in your judgment, after an examination of the whole situation, may require emphasis. The commission, however, wishes to avoid a record based solely on a particular view or theory."

His duties were (1) to get before the commission those facts omitted by the carriers which might help the other side (2) to see that all sides and angles of the case were presented and (3) to emphasize any aspect of the case which in his "judgment" required it (8).

Mr. Thorne was employed by a number of railroad or public utilities commissions of several States and by organizations of shippers, some having general and some special and peculiar interests (7, 48, 53, 90).

Mr. Brandeis acted for the commission and not as a partisan (78, 87). He collected (76), formulated, and presented his evidence through the employees of the commission (51), and by the examination or cross-examination of the railroad employees and their witnesses (79) and not in connection with Mr. Thorne or any other counsel for particular interests (82).

Mr. Thorne prepared and presented his evidence in his own way "independently," as the witness puts it (80, 82).

The other attorneys for the railroads and for the shippers did the same.

The hearings for the reception of evidence began in October or November, 1913 (80), and closed on April 7, 1914, and the case was then set for the filing of briefs and the beginning of arguments on April 27, 1914 (15).

Counsel separated and prepared their briefs and arguments without conference or communication with each other concerning them (17, 50, 61, 82).

On April 27, 1914, they gathered, the briefs were filed, and it was arranged that the shippers' counsel should close their arguments first, with Mr. Thorne as the last, then Mr. Brandeis, and then counsel for the railroads.

On April 27 or 28 (76) Mr. Thorne asked Mr. Carmalt, the examiner attached to Commissioner Harlan's office and now chief examiner for the commission, what Mr. Brandeis's position in argument would be,

and Mr. Carmalt told Mr. Thorne that Mr. Brandeis "would take the position that the net operating income of these carriers was not adequate, with especial stress on the lines in Central Freight Association territory, but that he would take the further position that the methods which the carriers had pursued to obtain greater revenues, namely, a horizontal increase of 5 per cent, was not the proper method of increasing their revenues" (19, 76, 81, 83, 84). Mr. Thorne also asked Mr. Brandeis on that day and received substantially the same information as to his position (19).

This brief was understood to take substantially the same position (20, 61).

It was two or three days later, on April 30, that Mr. Thorne began his argument.

He was followed by Mr. Brandeis, who opened by saying that he had reached the following conclusion:

"First, that on the whole the net income, the net operating revenues of the carriers in official classification territory are smaller than is consistent with their assured prosperity and the welfare of the community, and that this is notably true of the C. F. A. lines, and it is true practically as to other lines also, because of the C. F. A. scale.

"In view of this it is desirable that steps should be taken as promptly as reasonably may be to increase those net revenues.

"Secondly, that the method proposed by the carriers for increasing these net revenues is essentially unsound; that it is, except as to a small part of the tariffs that have been submitted, entirely too low, and would, if approved, involve the exceeding of the powers vested by Congress in this commission; and as to that small part of the tariffs as to which it would be legal to approve them, it would be extremely unwise, both for the carriers and for the commission, to grant that approval.

"Third, that there is nothing in the conditions of the carriers which should prevent the adoption of those methods of increasing their revenues which are conformable to and in accordance with their interests and that of the community, and that there exists, as has been indicated on this record, adequate means of increasing those revenues without resort to the unsound, largely illegal, and undesirable method of the horizontal increase (33)."

Mr. Brandeis had developed in evidence with great diligence and skill the facts (77) which might bear adversely (84) on the railroads. The evidence as a whole had convinced him of the soundness of the conclusions stated. He would have been derelict in his duty to the commission employing him if he had concealed this from his employers (62, 63, 64, 66, 68, 84, 92). His conclusions should be those which he could advise the commission to write into an opinion. They could accept or reject his advice, but were employing him for such help as he could give (63, 71).

On the merits of his conclusion, the difference between Mr. Thorne and him appears to be that Mr. Thorne grouped (32) the net revenues of a whole body of carriers and struck an average which was, of course, not available to the many carriers who were below that average and some of them below zero, whereas Mr. Brandeis stated these revenues in detail in his brief (p. 55) and classified them into four classes—(1) above 12 per cent, (2) 6 to 12 per cent, (3) 0 to 6 per cent, and (4) below 0 (988).

Rates fixed by the average of revenues derived from different and not comparable services, would not save the community (66) from receiverships over those roads performing a necessary service and having too small net revenues or none at all (988).

Counsel for shippers and their clients recognize the correctness of Mr. Brandeis's position (14, 88, 89).

Mr. Brandeis opposed the increase and filed an eleborate brief (11, 89), and argued in opposition, taking the position that even if the "net revenues" of some of the railroads were inadequate the rates sought to be raised did "yield an adequate return to the common carriers, the railroads operating in official classification territory" for the services rendered, so that the first question laid down by the commission (12–13) should be answered in the affirmative.

Mr. Brandeis's remark as to the surplus was elicited by Mr. Thorne's inquiry and was not a part of his argument (32). It is to be read in the light of his argument that rates were not to be fixed by reference to surplus earnings but that if the rates were fixed at such an amount that railroads properly managed had an adequate return and no more, any excess produced by extra skill and diligence should not be taken from them by adopting a fixed limit to allowable earnings. He desired to increase the incentive for greater efficiency (31).

The increase in rates sought by the carriers was denied on the grounds urged by Mr. Brandeis (36).

Later, in the light of the new conditions created by the European war, a part of the increase sought was granted, against his opposition (36).

Mr. Brandeis performed his duty fully and with due regard for all parties and counsel interested, and for the commission which retained him as their counsel.

No complaint has been made by the commission, nor by any member of it, that I am aware of. Suppose Mr. Brandeis had taken the opposite view and had "decided" every point according to the view of Mr. Thorne, would he then have considered such a course wrong? The fact that the commission adopted Mr. Brandeis's view forces the conclusion that if Mr. Brandeis was culpable so is the commission. If he, as their attorney, advised them to do wrong and they did it, we must conclude that they indorsed the wrong or are incompetent, a conclusion which would shock the judgment of the country. In my opinion this charge is without any merit whatever.

FREDERICK M. KERBY.

It is suggested, rather than charged, that it was improper for Mr. Brandeis to receive information from Mr. Kerby because he was in the employ of Mr. Ballinger (650). This refers to the Ballinger case.

Kerby was in the employ of the United States, was paid by the United States, and his duty of fidelity was as much to the United States as to his immediate superior. It is not necessary to go further on that point. He was a stenographer assigned to work under Mr. Ballinger when he was the Secretary of the Interior.

On August 18, 1909, Louis R. Glavis, then Chief of Field Division of the General Land Office, made a report to the President setting out facts which, if true, indicated that Secretary Ballinger was not a fit person for his high position. On September 13, 1909, the President rendered a decision exonerating Mr. Ballinger and authorizing the dismissal of Mr. Glavis, which immediately followed.

On January 19, 1910, a joint resolution was passed for an investigation of the Department of the Interior and of the Bureau of Forestry.

In the investigation which followed, the main issue was whether Mr. Ballinger or Mr. Glavis was wrong. Upon this issue Glavis suffered from the inevitable presumption that the President's decision was right. It therefore became important to show the fact that the decision had been drafted, in substantial respects, in Mr. Ballinger's office after an ex parte presentment of the facts by Mr. Ballinger, and had been rendered in an unwarranted reliance upon him and his subordinates, and that Mr. Ballinger and his subordinates were disingenuous in their statements.

In September, 1909, Oscar Lawler, Assistant Attorney General, assigned to the Interior Department, drafted a letter of decision for the President to sign, condemning Glavis and exonerating Mr. Ballinger. He dictated this in part to Kerby.

Shortly after the publication of the President's letter exonerating Mr. Ballinger, Hugh A. Brown, a friend of Kerby's, asked him what he thought of the President's letter, and Kerby informed him that it was practically written in the Secretary's office (988; S. Doc. 719, 61st Cong., 3d sess., pp. 4395–4489, 4398). In response to a similar inquiry, Kerby also told another acquaintance, Arnold, who represented the United Press (4398). These communications were supposed to be confidential (4398). At some time Brown told Mr. Garfield that the draft had been prepared in the Secretary's office. Brown had been private secretary to Mr. Garfield when he was Secretary of the Interior.

In February, 1910, Brown told Kerby that Mr. Garfield knew that the letter had been prepared in the Secretary's office, and that he might be called as a witness (665). Kerby, apparently recognizing the right of the investigating committee to have the truth and his own duty to disclose it, feared that he might be dismissed as Glavis had been, and he therefore sought an interview with Mr. Garfield to see if there was not some way in which the information could be brought out without his being called. (S. Doc. 719, 4397, 4441.) Brown undertook to arrange this meeting for a particular evening, between February 10 and 15, at the house of Mr. Gifford Pinchot, where Mr. Garfield was staying. Kerby, supposing Brown had made this appointment, called on Mr. Garfield (665) and told him of his desire to avoid being called if the fact could be brought out in some other way. Mr. Garfield asked him to talk with Mr. Brandeis, who was at the house at the time, and he did so. This was the first time that he had met Mr. Brandeis (666).

After this conference Mr. Brandeis made several calls for papers, evidently seeking production of the Lawler memorandum (648).

On or about May 8, 1910, Arnold introduced Robert S. Wilson, of the Newspaper Enterprise Association, to Kerby (S. Doc., 4400) and Wilson sought to get a statement of the facts for publication and assured Kerby of a position if he was dismissed; but Kerby declined to give it, as he had a family dependent upon him (S. Doc., 4413). Later, on reading Mr. Ballinger's testimony (S. Doc., 4415, 4456), and seeing that the memorandum was not produced in response to the calls (S. Doc., 4419, 4443, 4449, 4460), and being sure that it was known that there was a copy of the letter in the department (S. Doc., 4419, 4429, 4448, 4452), and observing that a majority of the committee had declined (S. Doc., 4493) to call on the President for the production of the draft letter, he decided to publish the facts and so to force the production of the letter (649).

He had an interview with Mr. Brandeis at Wilson's office, in which Mr. Brandeis told him that he thought it was impossible for him to get the facts before the committee, but declined to advise him whether or not to publish the story (651).

This was the second and last time that Mr. Brandeis ever talked with him (S. Doc., 4448). In neither interview did Mr. Brandeis urge him to make the disclosure or offer him any inducement (S. Doc., 4431).

Kerby decided to publish the facts, and they appeared in the newspapers of May 14. On May 17, at the suggestion of the chairman of the committee, Kerby was called as a witness and examined by Mr. Ballinger's counsel and by Mr. Brandeis and testified in detail as to these facts (650, 667). There are no limits to suspicion, but there are rules of evidence, as well as just ways for determining the probatory effect of facts. Shall we ignore the proved facts and indulge a suspicion in order to condemn the nominee? I can not. The facts in this matter leave no stain upon Mr. Brandeis.

FAIR TRADE LEAGUE.

No charge has been suggested against Mr. Brandeis in connection with this league.

Mr. Brandeis has spoken in support of the price-maintenance principle and of the provisions therefor embodied in the Stevens bill. This has been without compensation and because of his belief in the principle underlying the bill (812, 976).

The evidence under this head was brought out at the instance of the committee for the same reason as stated under the heading "Dingley bill wool duty."

EQUITABLE POLICYHOLDERS' PROTECTIVE COMMITTEE.

It is charged that Mr. Brandeis, or his firm, was paid for his services as counsel for this protective committee, and subsequently accepted employment by the Equitable Life Assurance Society in a manner that was unprofessional (886).

From 1901 to the present time, Brandeis, Dunbar & Nutter have acted from time to time in different matters for the Equitable Life Assurance Society when that society had occasion to employ counsel in Boston (690).

In 1905 strife developed between the different officers of this society; and thereupon a number of large policyholders formed a protective committee to investigate and determine what, in their opinion, should be done for the best interests of the society, and Mr. Brandeis acted as unpaid counsel for this committee. He and the committee criticized the methods which had been pursued by the officers (669) and made many suggestions for improving the methods of this and other life insurance companies (689, 696). The committee continued as long as its services were of value (698). One of its members became a director (971). The committee was not designed to be antagonistic to the society, but for its protection and benefit (972). Mr. Brandeis rendered faithful, diligent, and satisfactory services to the committee (971). His employment by the company was that of attorney in specific cases, having nothing to do with the company's management. He had no retainer, but was paid for what he did. I can see nothing to criticize in his conduct.

NEW YORK, NEW HAVEN & HARTFORD RAILROAD CO. MERGER.

It is charged that Mr. Brandeis was in some way responsible for the destruction of the financial condition of the New York, New Haven & Hartford Railroad Co. (123). This charge is without foundation (271).

In 1907 and thereafter Mr. Brandeis did a large amount of public-spirited work in attempting to prevent the acquisition or retention by the New York, New Haven & Hartford Railroad Co. of the control of the Boston & Maine Railroad Co. and other transportation facilities in New England, tending, as he then claimed, to produce artificial transportation monopoly and suppression of normal railroad competition (809).

He investigated and made public the financial condition of this railroad (271, 618, 627). He was bitterly assailed for this (618, 620, 627, 642). The correctness of his position is now generally conceded (271, 638, 639, 645, 641). This extensive work was done without compensation (991).

WILLIAM F. FITZGERALD.

It was insinuated that Mr. Brandeis counseled an improper method for obtaining additional finances for the Old Dominion Copper Mining & Smelting Co., improperly concealed a report from stockholders, and went over to interests adverse to those of the Old Dominion Copper Mining & Smelting Co. because of the money to be obtained thereby (1225).

These insinuations were so entirely unwarranted that the entire committee thought it unnecessary to hear the facts in reply (1231).

From January 9, 1902, to April 2, 1902, Mr. Brandeis acted for Mr. Fitzgerald, Mr. Smith, and others in obtaining sufficient proxies to elect a new board of directors for the Old Dominion Copper Mining & Smelting Co. in place of the board favorable to Albert S. Bigelow, then president of the company (1246) (1228). On April 2, 1902, the new board was elected and Charles Sumner Smith was by it elected president of the company, and has remained the president ever since. The board of directors selected Mr. Brandeis as the counsel for the company, and he never was counsel for Mr. Fitzgerald in this matter thereafter (1247) (1231). He instituted suits against Mr. Bigelow and Mr. Lewisohn to discover alleged promoters' profits taken by them in the organization of the company in 1895 (1247).

In the late summer of 1903 it became apparent that the company must have additional funds. A plan was formed to secure these funds by having the company issue bonds to the extent of $750,000 with a bonus of stock to a securities company, the stock of which should be subscribed for by all of the stockholders in the Old Dominion Copper Mining & Smelting Co. Mr. Fitzgerald testified that this plan failed because only about one-third of the stockholders availed themselves of the opportunity to subscribe (1248).

At this time, in October, 1903, negotiations were taken up between the company and men connected with Phelps, Dodge & Co., owners of the stock of the United Globe mines, a corporation owning mines adjacent to those of the Old Dominion Copper Mining & Smelting Co.

These negotiations finally resulted in a plan for the formation of a holding company, organized under the laws of the State of Maine, called the Old Dominion Co. This company was to acquire the stock of the United Globe mines and the stock of such of the stockholders in the Old Dominion Copper Mining & Smelting Co. as wished to exchange their shares for shares in the new company.

This plan involved the consideration of the advantages which would result from this connection with the United Globe mines, in the value of the mines and the known financial strength and mining ability of Phelps, Dodge & Co.

The entire board of directors of the Old Dominion Copper Mining & Smelting Co., including a partner of Mr. Fitzgerald, was favorable to the plan. Mr. Fitzgerald desired to have a receiver appointed for the company and Mr. Smith opposed this (1250, 1282).

Mr. Smith requested a mining engineer to examine the United Globe mines (1281). He made an examination involving only a few hours (1281) and made a report to the effect that the United Globe mines property did not have a value as high relatively to those of the Old Dominion Copper Mining & Smelting Co. as the proportion of stock which it was proposed should go to the stockholders of the United Globe mines had to the value of the stock which it was proposed should be received by the stockholders in the Old Dominion Copper Mining & Smelting Co. Mr. Smith did not feel that the report of this cursory examination was of any value and believed that the connection with the stockholders in the United Globe mines had a value greatly in excess of what was to be gained from the acquisition of the properties which they owned (1281). Mr. Smith announced that the engineer's report was at the company's office, and many stockholders did come in and see the report and were given an explanation of its value (1281). He believed that the report alone, if published, would be misleading rather than helpful to stockholders (1281, 1283). He accordingly did not publish this report. In this he acted on his own initiative, and Mr. Brandeis was not responsible for its not being published (1282). At the end of October Mr. Fitzgerald requested the publication of the report (1252). It was published on November 11, 1903 (1254).

The agreement under which the Maine company was formed was made after this, and the holders of a very large proportion of the stock in the Old Dominion Copper Mining & Smelting Co. exchanged their stock, and the enterprise has since been very successful and to the advantage of the stockholders who exchanged their stock and to those who did not (1284, 1236).

As a part of this new organization, it was provided that whatever the Maine company received in dividends from the New Jersey company, resulting from the suits against Bigelow and Lewisohn, and certain other assets amounting to about $94,000, should be paid over by the Maine company to trustees for the benefit of the existing stockholders in the Old Dominion Copper Mining & Smelting Co., who transferred their stock to the Maine company, or to those persons to whom they might transfer their rights, the trustees to receive as compensation an amount not exceeding 5 per cent of the funds handled (1280). The trustees selected were Mr. Smith and Mr. Hoar, who was then a partner in Brandeis, Dunbar & Nutter. The purpose of this arrangement was to have these proceeds go to the benefit of the existing stockholders in the New Jersey company, and not go to those stockholders in the Maine company who had become such by reason of having been stockholders in the United Globe mines (1272).

At this time the litigation against Mr. Bigelow had been going on for more than a year without any specific arrangement having been made as to the amount to be charged by Brandeis, Dunbar & Nutter as counsel. This situation continued for three years more, and until the suits had passed the stages of demurrers and the greater part of the evidence in support of them had been taken.

In the fall of 1906, four years after the suit was started, the board of directors desired to have some specific agreement made as to the liability which they were incurring for the services of counsel. This resulted in an arrangement that the payments on account of these should be not exceeding 6 per cent on the fund of $94,000 (1275)—that is, $5,500 a year (1279)—and that in addition there should be paid as a balance for these services an amount not exceeding 10 per cent of the judgment or settlement obtained in the cases (1276). This amount was suggested by Mr. Smith (1275) and approved by the board of directors, who believed that this would be a reasonable arrangement (1276). The company considered a settlement at one time of a hundred thousand dollars (1285), subsequently five hundred thousand dollars, and then a million dollars, but ultimately about two million dollars was obtained (1276). The litigation incident to this claim or growing out of it has been conducted during about 13 years in about 15 courts (1256). The payments which have been made have been based upon the agreements, and everything has apparently been entirely satisfactory to all parties (1274).

There is no evidence whatever that Mr. Brandeis did anything but what was entirely commendable. Mr. Fitzgerald, notwithstanding the questions urging to the contrary, said that he was not prepared to charge any irregularity in the matter (1245) and that he did not mean in any way, shape, or manner to suggest that Mr. Brandeis was working for the Phelps-Dodge interest or conspiring to do anything in that way, because he knew he was not (1246), and that to his mind Mr. Brandeis advised him that his best interests would be to go into the reorganization (1239).

EDWARD R. WARREN.

The charge, if any, to which Mr. Warren's testimony related was that Mr. Brandeis had misrepresented to a committee of the Massachusetts Legislature the attitude of the State board of trade concerning certain legislation as to the Boston Consolidated Gas Co.

This company, or the interests which were consolidated into it, were urging to be allowed a capitalization of $24,000,000 (808). The Public Franchise League opposed this (1309). Mr. Warren was the chairman of the executive committee of this league, which consisted of 12 or 14 men, and Mr. Brandeis acted as its counsel. The State board of trade cooperated in this opposition (1309).

At or shortly before the beginning of May, 1905, it became evident that the legislation which the Public Franchise League wanted, namely, a general law concerning the consolidation of gas companies, could not be passed (1315), and that the company could be persuaded to accept a capitalization of $15,124,600 (1315) (808). This was somewhat higher than the Public Franchise League desired.

Mr. Brandeis urged upon the league that they should support the bill for the capitalization of $15,124,600, and the executive committee voted unanimously, with the exception of Mr. Warren, to support this bill (1309). Mr. Sprague, representing the State board of trade, did not concur in this position (1309).

The charge made against Mr. Brandeis was that he represented to the committee of the legislature that the State board of trade did concur. No evidence in support of any such charge has been offered, and on the contrary, it appears that Mr. Brandeis informed the legislative committee that the State board of trade could not favor this compromise bill, and was opposed to it (1315). This fact was reported to Mr. Warren and to Mr. Sprague the same day (1315).

These are all the charges, and embrace every matter as to which the evidence related except the opinions evidence.

I yield to none in respect for that "greatest judicial tribunal," our Supreme Court. Its importance in our scheme of government is manifest; and that the appointing power has always looked upon the selection of the justices of that court as involving a sacred duty is proved by the great ability and probity of certainly a very large majority of its membership at all times in our history. Nevertheless, its membership must be recruited from the people, and anyone measuring up to the required standard in ability would be suspected at once of a lack of initiative and personal force if he had not made some enemies and had not engendered an opposition, which could, if it felt so inclined, make a plausible fight against his confirmation. The nominee whose name is before us now has been an active, forceful quantity in his city, State, and country. He has enjoyed a large, lucrative law practice almost ever since he was admitted to the bar. He has been for many years a member of the bar of the Supreme Court, a member of the American Bar Association, and of similar associations in his home State; a member of the board of visitors of Harvard Law School; a writer upon law as well as general subjects; a public speaker and lecturer with pronounced views, and with exceptional powers for impressing those views upon the public; the unpaid counsel of labor organizations, protective associations, and other civic bodies; the paid counsel in many of the most important legal contests before the courts and other public tribunals; an arbitrator in strikes and labor disputes; and the special counsel of the Interstate Commerce Commission.

Such a man, so prominently active in public and private life and at the period when the construction of the Sherman law, the awakening of the States to their duty concerning industrial combinations, and the determination of the dividing line between State and National power, is bound to have been engaged in contests before the courts and before legislative bodies more or less bitter; and he would indeed be a human prodigy if he had not aroused some bitter antagonisms. It is in evidence that there was a systematic campaign of advertisement to injure him in the estimation of the public. I must therefore either decide that the active, earnest, fearless man who might, in the discharge of his duties in his own way, arouse such opposition, is forever debarred from judicial appointment, or else inquire into the grounds of the opposition and determine whether or not such opposition is based upon good and sufficient reasons or otherwise. Anyone who reads the protests made against Mr. Brandeis must come to the conclusion that the opinion expressed by those who undertake to give his reputation is based upon some one or the other of the charges heretofore discussed at length, and since I find that no fault can be attributed to the nominee as to any of those charges in the light of the facts brought before us, then I am bound to say that those who express the adverse opinion have been erroneously influenced by the advertising campaign carried on against him.

To give an idea of the character of the campaign which has been waged against Mr. Brandeis, I clip from the Wall Street Journal, of March 27, 1916, under the heading, "Sacredness in confidences," the following:

"No lawyer can faithfully serve a client without gaining knowledge of that client's peculiarities, strength in parts and weakness in parts, which would make him doubly valuable as a counsel to his opponent.

"When an attorney has accepted the confidence and compensation of one side and then gone over to the compensation and confidences of the other side, and the President and Senate of the United States place him upon the Supreme Bench of the land, a new era has dawned for the priest, the physician, and the advocate, or there is condemnation for both bench and bar, for a Senate of lawyers, for a President, and for a party and its politics.

"When James Lennox in the presence of several witnesses unbosomed himself to his attorney and later found his $10,000 credited against the $48,000 received from the other side with the denial that his attorney was ever his attorney, what can we think of honor at the bar?

"But when that attorney goes to the United States Supreme Bench, what can the world say of honor within the United States with both bench and bar?

"Brandeis at the bar may represent individual wrongs, but Brandeis on the bench puts the United States before the world below even the present standards of his Teutonic ancestors."

If the writer of the above will read the record of the evidence taken before the subcommittee I do not doubt that he will be ashamed of having penned it. It is absolutely false to say or intimate that Mr. Lennox ever paid Mr. Brandeis a cent, much less $10,000, for any services to be performed by the latter, or for any other purpose, and Mr. Lennox never made any such claim; and yet the average person would infer from the above editorial that Mr. Lennox had paid Mr. Brandeis as a retainer the sum of $10,000.

The testimony of Mr. Barron, to which I have already referred, shows that he fostered an advertising campaign against Mr. Brandeis, and yet when he was brought before the committee and asked for the facts upon which his campaign was based, and after the committee had examined every witness suggested by him, obtainable, we find that there is nothing in the conduct of Mr. Brandeis to warrant Mr. Barron's opinion, and absolutely nothing to reflect upon Mr. Brandeis's character as a man or a lawyer. It is suggested in the brief of counsel of the protestants that if a doubt shall be raised concerning the ethical conduct of the nominee, he should not be placed upon the Supreme Court. If that theory shall obtain, then it is possible, by a campaign of slander, to bar the best men and the best lawyers in the country from the judicial office. I am not willing to indorse a campaign of slander, whether it was intended to be slander or not, when promulgated.

If after full investigation I find, as I do, that Mr. Brandeis is not guilty of the things charged against him by his enemies, then it is my duty to say so and to give him the benefit of a pure life and his upright conduct, regardless of the slander.

Judicial temperament is a thing of which it is not for man to judge except by actual experience on the bench. No one can tell whether a great lawyer will be a great judge until he has been tried. It seems to me that there is more in the life of Mr. Brandeis as shown by this record to incline one to the belief that he has the qualities of a good judge than there is to the contrary. It is remarkable that friend and foe alike speak of his ability as a lawyer. The late Chief Justice Fuller advised one seeking a lawyer in the East, as follows: "Go to Boston and see Mr. Louis D. Brandeis, as I consider him the ablest man who has ever appeared before the Supreme Court of the United States. He is also absolutely fearless in the discharge of his duties."

It is impossible to give in detail the testimonials to Mr. Brandeis's fitness and his high character, and it is unfortunate that there are so many of these coming from every part of the United States, from lawyers, judges, college professors, business men, labor leaders, and people in all walks of life, that it would be almost impossible to print them. I do not doubt that if one takes the pains to look at the protests upon the one side and the indorsements upon the other, in the light of the evidence in this case upon both, my conclusions will be found by him to be reasonable and fair. I therefore voted with the majority of the subcommittee to recommend confirmation.

W. E. CHILTON.

I am authorized by Senator FLETCHER to say that he concurs in the above.

W. E. C.

APRIL 3, 1916.

Mr. WALSH, from the subcommittee of the Committee on the Judiciary, submitted the following views:

To the COMMITTEE ON THE JUDICIARY,
United States Senate:

The unusually grave character of the duty with which this committee has been charged quite fully justifies, if it does not require, from each member thereof an expression of the course of thought through which he has arrived at the conclusion in consequence of which he assumes the responsibility for the recommendation he makes.

The testimony taken by the committee is voluminous. In the infinite multiplicity of the duties devolving upon Senators it is quite vain to hope that any considerable number, except those upon whom the burden ot investigation has been directly imposed, will read it all or read any of it.

Outside of the Senate opinion will be based in very small part upon anything more trustworthy than a résumé of the evidence collected by the committee. I assume the task of reviewing it with a just sense, as I hope, of the importance of the office to which it relates in our scheme of government. The interest in the nomination in respect to which we are called upon to act, manifested alike by the citizen in the humble walks of life and by those whose influence is nation wide, reveals the universality of the conviction that in large measure the liberties and the destiny of the American people have been intrusted to the great court to fill a vacancy in which the President has named Louis D. Brandeis.

It so happens that the nominee has awakened unrelenting enmities and fast friendships. He is the object of unrestrained admiration on the one hand and of fierce vindictiveness on the other. The qualities that evoke the just praises of those who believe in him need not engage our attention. It is conceded on all hands that in intellectual equipment and professional attainments he easily measures up to all requirements—indeed, in that respect his qualifications are superb.

His character is assailed, however, as too perverse to justify the Senate in advising or consenting to his appointment. His private life appears to be blameless. It is not charged that he is corrupt, at least by anyone not moved by reckless malevolence. The accusations, if they may be so called, relate entirely to alleged disregard of ethical standards in his professional relations. Singularly enough, there is very little opportunity for dispute in respect to the facts constituting the incidents which the committee deemed worthy of its notice.

There is wide divergence of view touching the significance of the facts disclosed. Interpreted by those bent on finding something to criticize or ready by prepossession to attribute discreditable motives to Mr. Brandeis, they assume a sinister aspect. Men of the highest character, frank admirers of that gentleman, who participated in the transactions in respect to which he is denounced, insist that his conduct was either irreproachable or altogether honorable. It is particularly important in this quite curious situation, in order to form a just estimate of the conduct and character of the nominee, to guard against the insidious influence of detraction and calumny.

Long before his name came to the Senate for the high office of associate justice of the Supreme Court efforts were made through the public press and by means of circulars widely distributed to bring him into disfavor and disrepute. Not unlikely some impression such as it was hoped might be conveyed may remain on the minds of some Senators who fell under the influence of these and like attacks. Moreover, it is scarcely to be expected that one unacquainted with local conditions, who has not followed with scrupulous care the inquiry as it proceeded, would be wholly uninfluenced by the fact that a considerable number of the members of the bar of Boston, the home of the nominee, have protested against the confirmation of his nomination and have organized to oppose it, and that some of them have testified that he is regarded in that community as untrustworthy. These conditions make it imperative, before attempting to survey the particular transactions to which reference is made as justifying the ill opinion thus expressed, to have in mind some incidents in the career of Mr. Brandeis which may have predisposed those by whom it is entertained.

It is clear that he has been a vigorous, aggressive, relentless antagonist in all his legal battles. Moreover, he has been successful. In illustration: One of the lawsuits in connection with which some misconduct was charged is referred to as the "Old Dominion case." The nature of the dereliction with which he was accused need not be adverted to. It was utterly puerile, the testimony drawing from a member of the committee [Senator CUMMINS] a public declaration that it was valueless. Mr. Brandeis had been employed to assist in securing stock or proxies sufficient to take the control of the Old Dominion Copper Mining Co. from the hands of one Bigelow and associates, who had promoted the company. The effort was successful and a new board elected, through which suits were brought in the name of the company by Brandeis as its attorney to recover of Bigelow the value of a large block of the stock of the company which it was averred they had fraudulently converted. The litigation was bitterly contested in the courts of Massachusetts, New York, and New Jersey, repeatedly reaching the reviewing courts and eventualy the Supreme Court of the United States. Judgment was finally rendered against Bigelow for two and a quarter million dollars, on which, after a contest lasting 14 years, payment of upward of $2,000,000 has been enforced. It may well be assumed that any man of whom a judgment in excess of $2,000,000 can be collected is one whose influence is felt even in a city the size of Boston, at least in the banking center and in financial circles. Those who know something of the development of the copper-mining industry with which Boston has been long and creditably identified are aware of how commanding that influence was. It is quite reasonable to suppose that his social standing was in keeping with his great wealth and the magnitude of the enterprises with which he was associated. It was bad enough to be required to give up $2,000,000, but to be branded as having misappropriated so much of the property of the stockholders who had been induced to come into a corporation organized by him was a grievance that very naturally rankled. It is altogether probable that Mr. Bigelow would not express himself in complimentary terms concerning Mr. Brandeis if he were moved to speak of him.

No wretch e'er felt the halter draw
With good opinion of the law,

and few with good opinion of the lawyer. So it is likely that all Mr. Bigelow's friends, or most of them, share the ill opinion which he may be excused for holding of Mr. Brandeis, if he does cherish such.

The part that Brandeis had in exposing the malefactors of great wealth who, in insolent contempt of the law, monopolized the transportation facilities of New England, merging them in the New York, New Haven & Hartford system, and milking the properties in the process is more generally known. These were the very high priests in the temple of Mammon. Boston was the New England as New York was the western terminus of that system. The fight was waged before the Legislature of Massachusetts and the railroad commission of that State long before it engaged the attention of the National authorities. Among many public-spirited citizens who, singly and through local organizations, attempted to prevent the absorption of the Boston & Maine by the New Haven, Brandeis was conspicuous. Before legislative committees and officials of the State government, in public addresses, he declaimed against the consolidation. He not only attacked through pamphlet and the public press the design to impose a transportation monopoly on that highly industrial region, but he investigated and laid bare the financial condition of the company, in consequence of which its stock, a few years later, dropped spectacularly, and the system was brought to the verge of bankruptcy. He asserted that its securities were not a safe or proper investment for savings banks, by which they were held in great quantities. The timid deprecated his assaults and the guilty assailed him with unrestrained venom. He was placarded through paid advertisements in the press as a public enemy.

It will be remembered that the merger was accomplished; that afterwards suit was brought to dissolve under the Sherman Act, which was soon dismissed; that subsequently, pursuant to a resolution of the Senate, the affairs of the New York, New Haven & Hartford were investigated by the Interstate Commerce Commission; that the hearing revealed a state of affairs at which the country stood aghast; that a new dissolution suit was instituted, resulting in a "consent" decree; that the directors participating in the merger transactions were indicted and upon trial some were acquitted and as to others the jury disagreed. We need not concern ourselves as to whether Mr. Brandeis was right or was wrong in the warfare he thus waged. It may be that the absorption of the New England lines was a benevolent assimilation and not a criminal conspiracy. It may be that his elaborate figures touching the financial condition of the New Haven were not fully and altogether justified by the investigation conducted six or seven years afterwards by the Interstate Commerce Commission. I am endeavoring now merely to bring to mind some idea of the atmosphere breathed by those who speak in disparagement of him. To enforce this point I quote from testimony elicited on cross-examination of two of them—both very honorable gentlemen—Mr. Storey and Mr. Hutchins, of the Boston bar. In the testimony of the former will be found the following:

"Senator WALSH. Is it your opinion that the conduct on the part of Mr. Brandeis was calculated unjustly to injure the New Haven road?

"Mr. STOREY. I do not know that I can or ought to express any opinion on the subject. The feeling was that there were better ways of conducting that matter than were adopted. The undoubted result was

apparent. The truth, of course, is that the New Haven Railroad under that administration was spending money recklessly, incurring liabilities recklessly, and doing various things which were most unfortunate for the property. There is no question that Mr. Brandeis called the attention of the public to those facts; but for some reason or other I think they did not make the impression on the public that they would have made if they had come from another source.

"Senator WALSH. But his communications through the public press at that time did direct the public mind to what afterwards was disclosed to be a rather questionable system of operation in finance?

"Mr. STOREY. I have no doubt that is correct. (Hearings, 270–271.)

"Senator WALSH. I judge from what you say that people associated with that organization exercise a very powerful influence, socially, politically, and financially, in your community?

"Mr. STOREY. They did, certainly, at one time. (Hearings, 272.)"

Mr. Hutchins being on the stand, the following colloquy took place:

"Mr. ANDERSON. Mr. Hutchins, I should like to ask you a few questions. Mr. Joseph B. Warner was chairman of the commission of commerce and industry, if I have the name correctly, which wrote a report about 1908 which was quite a factor in the New Haven fight, was it not?

"Mr. HUTCHINS. I think so; yes.

"Mr. ANDERSON. And there was a pretty sharp controversy at that time relative to the statistics and figures which Mr. Warner and Mr. Charles F. Adams, jr.—I have forgotten the other members of the commission—had accepted and published as accurate, and what Mr. Brandeis alleged were the actual facts?

"Mr. HUTCHINS. Yes.

"Mr. ANDERSON. And the subsequent history of the New Haven tended, at least in the minds of a great many, to show that those gentlemen were led into grave error. Is not that so?

"Mr. HUTCHINS. I really can not speak of the merits of that controversy; that is, I mean as to the report of the commission, etc.

"Mr. ANDERSON. You did not go into that in any detail?

"Mr. HUTCHINS. I did not go into that.

"Mr. ANDERSON. But there was a good deal of bad blood engendered in and about Boston in that New Haven fight, was there not?

"Mr. HUTCHINS. Yes; a good deal.

"Mr. ANDERSON. A lot of people maintained for years that there was nothing but a wicked drive being made on the New Haven, and that everybody who criticized the New Haven was a destroyer of properties and values, and the facts as they later appeared did not justify that criticism, did they?

"Mr. HUTCHINS. I do not know about the justification of the criticisms, but there was certainly a great deal of sentiment of the kind that you express in your question.

"Mr. ANDERSON. Assuming that the Interstate Commerce Commission investigation developed something approaching the truth, the atmosphere against Mr. Brandeis in 1908 and 1909 was an atmosphere of harsh and unwarranted criticism, was it not?

"Mr. HUTCHINS. The criticism was harsh. Whether it was unwarranted or not I do not feel competent to judge."

It is quite proper to say here that no one save one Barron, a newspaper publisher, shown to have acted as publicity agent for the New Haven road in the course of the long struggle being outlined, ventured to question the purity of the motives which actuated Mr. Brandeis therein, however the soundness of his judgment as to the methods he pursued or the conclusions he drew might be questioned. No one has suggested that he had any private interest to subserve, and he received no compensation from any source.

One circumstance in this connection would not be mentioned but that it helps to a correct solution of his conduct in the Lennox case, hereafter to be noticed.

Those who think of him as grasping and avaricious, if there are any such, may find one hue in his acts in that case; those who believe him a man of high ideals or as not afflicted with an inordinate love of money may give them quite a different color. Not only was he paid nothing for the herculean labors he performed in the New Haven fight, involving him in a torrent of abuse and villification, but he declined employment by parties holding Boston & Maine securities in a large amount who, like him, were opposing the merger, preferring, as the subject was one of public concern, to be untrammeled. And then, because he had deprived his firm of a lucrative engagement, he paid into it $25,000, a sacrifice that was not so great as it might seem to some in view of the volume of business the firm was doing and the fees it was accustomed to receive. (Hearings, 991, 995.)

Seven members participated in its earnings and it employed a house full of clerks, stenographers, accountants, and other like subordinates. The record discloses another instance in which he pursued, in substance, the same course.

Just how far the animosities engendered by the New Haven fight, considering the infinite ramifications of its interests and of those vitally concerned in effecting its purposes and in concealing the unstable character of its finances, may have influenced the minds of those about Boston who protest against this appointment is a matter of speculation. Doubtless most of the wealth and culture of the community were arrayed on its side.

While it stands out most prominently in the public mind, because of the vast interests involved and the standing in the financial world of the chief figures in it, the New Haven fight was not singular. Perhaps less is known yet much has been told of his warfare on the United Shoe Machinery Co., a corporation with a capital stock of $25,000,000, with headquarters at Boston. When, in 1910, four years after he ceased to be a director of that company, it was about to acquire control of the Thomas G. Plant Co., then threatening to become a formidable rival, he declared that the penitentiary would yawn for anyone concerned in the consolidation. Indictments were found against the officers of that company, the Department of Justice being satisfied that there was sufficient foundation for a prosecution, though the indictments were afterwards quashed. A deep-seated hatred was aroused against him on account of his criticisms of that company that is still virulent, and not the less so that Congress, by the agitation, was moved to insert provisions in the Clayton law and the trade-commission law which it is hoped may correct some of the evils most intimately associated in the public mind with the operations of that company.

The Consolidated Gas Co. of Boston, whose career is not as sweet smelling as might be wished, found Brandeis a serious obstacle in the way of getting everything it wanted from the Massachusetts Legislature. It was the central figure in another protracted fight which has vexed the Boston people. Indeed, the public-service corporations of that city exhibited such a disposition to lay hands on anything they could secure that the people organized themselves to resist their exactions and propensities. The Public Franchise League came into existence to protect the public. Brandeis was a prominent member of the organization, as was George W. Anderson, afterwards a member of the Massachusetts Utilities Commission and at present United States district attorney for the district comprising that State.

It is not without excuse, whatever reason they may have, that some Boston people do not like Mr. Brandeis. A number of the members of the bar of that city sent a protest against his confirmation, reciting that his reputation among the lawyers of that city is that he is untrustworthy. One of the signers wrote a letter setting out why in his opinion such a view was entertained and giving his own judgment of the merits and demerits of Mr. Brandeis's character. It is so judicial in spirit, so keenly analytic, that I venture here to insert it:

BOSTON, MASS., *February 24, 1916.*

GEORGE W. ANDERSON, Esq.,
85 Devonshire Street, Boston, Mass.

MY DEAR ANDERSON: You have asked me to write you a letter giving my views on Mr. Brandeis and on his appointment to the Supreme Court and on the way in which that appointment would be viewed by the Boston bar. I am not seeking to be involved in this controversy any further than necessary, but I do not feel that anyone asked for such an opinion has a right to refuse.

First, then, so far as ability goes, there can be no question as to Mr. Brandeis's professional standing. He is universally acknowledged to be one of the ablest men at our bar, both in point of legal learning and of effectiveness, and if the question was of intellectual ability alone, his appointment would be generally approved.

There is, however, equally little question that he is not generally popular with the bar, and that among a considerable proportion of the lawyers here he has the reputation of not being a man with whom it is pleasant to deal in business matters, and one who is unscrupulous in regard to his professional conduct. Just how far there is any solid foundation for such a reputation it is extremely difficult to say. So far as specific charges go, all of any consequence of which I have ever heard have been or will be brought to the attention of the committee at Washington, and of those it is unnecessary that I should speak, especially as I can add nothing of my personal knowledge.

The general reputation remains, and it is certainly one which is worthy of consideration, in estimating the fitness of an appointment to the bench. Indeed, I think in the existing state of the feeling here that no one can be fairly criticized for opposing the appointment. Many of his opponents are my personal friends and I understand and respect their point of view, though I believe they are mistaken. At the same time, I believe that the reputation to which I have referred is not founded so much on anything that Mr. Brandeis has done as it is on other causes. He is a radical and has spent a large part, not only of his public but of his professional career, in attacking established institutions, and this alone would, in my judgment, account for a very large part of his unpopularity. It would be difficult, if not impossible, for a radical to be generally popular with Boston lawyers, or to escape severe adverse criticism of his motives and conduct. Certainly I have never heard of anybody, from Joseph Story down, who has ever succeeded in doing so. The fact, too, that Mr. Brandeis has been the object of constant attack, and in particular of a very skillful and long-continued press campaign engineered on behalf of the New Haven management by Mr. C. W. Barron, has probably increased the feeling against him, for such advertising inevitably produces effect, by mere repetition, upon people who are not conscious of its influence. When you add to this that Mr. Brandeis is an outsider, successful, and a Jew, you have, I think, sufficiently explained most of the feeling against him.

Undoubtedly he is a merciless antagonist, fighting his cases up to the limit, and with great technicality, and taking every advantage which the law allows him, without perhaps always a keen regard for fair play. So far as I am aware, nothing more than this could be fairly considered as proved against him. On the other hand, there is, except among a comparatively small number of people, a general recognition that Mr. Brandeis has rendered public service to the community of extraordinary value, and that in doing so he has been actuated by disinterested motives. He lives with great simplicity, and has throughout his career devoted to unpaid public works a very large proportion of his time and energy. With the opportunities that have been open to him, he could, by following more conservative courses, have been a much richer man than he is to-day. I do not think it can fairly be doubted that he deliberately chose to serve the public rather than to devote himself entirely to making money, nor do I think it can be fairly questioned that in doing this he was actuated by high motives.

Throughout his career he has shown unusual interest in and sympathy for those classes in the community upon whom economic conditions bear hardly, and has devoted a large part of his time and energy to measures which he believed would help them. The work which he has done along these lines has been sanely planned and carefully worked out, and he has acquired in doing it an unusual grasp of those social and economic conditions which underlie many of the most important questions with which the Supreme Court will have to deal. I believe he will bring to the consideration of these problems not only great legal acumen and deep sympathetic insight, but a power of careful analysis and an ability to see facts and law in their larger relations, which will make him a great judge. Once on the bench the things which have injuriously affected his standing at the bar will cease to be important and his strong qualities, his great ability, his knowledge not only of law but of economics and social conditions, and his capacity for taking a broad judicial view of any questions to which he applies his mind, will be of inestimable value.

Of his fundamental honesty of purpose and his deep moral enthusiasm I feel absolutely sure. His qualifications for the position of Supreme Court Judge far outweigh, in my judgment, anything which can fairly be urged against him. For these reasons I sincerely hope his nomination will be confirmed.

I ought, perhaps, to add that I have never had any legal or other business either with Mr. Brandeis or against him, and have no reason to expect that I ever will have such business. I have known him for many years, but never intimately, and I entirely disagree with his political opinions. My knowledge of him is simply that which I have gained in 20 years' practice at the same bar. I have no reason to desire his appointment except the interest which every citizen, and particularly every lawyer, has, to wish that the best possible man should be selected. It is only because I know no one in this community whom I consider so well fitted for the position that I hope he will be confirmed.

Yours, sincerely, ARTHUR D. HILL.

(Hearings, 619, 620.)

[N. B.—Mr. Hill was not one of the protestants, as erroneously stated above. He ardently supported Mr. Brandeis.—T. J. W.]

In the light afforded by what has been said, I proceed to consider the several matters in connection with which the nominee is said to have shown himself unworthy of the high honor with which the President desires to invest him. I pass directly to the two apparently deemed most grave—the Lennox case and the Warren case. Astonishing as it may seem, the leading counsel in both of these cases, representing the parties whose cause Brandeis is charged with abandoning, completely exonerates him from any misconduct worse than an error of judgment. In respect to the Lennox case, Mr. Sherman L. Whipple, who, as the attorney for James T. Lennox, developed in certain proceedings in bankruptcy the exact facts touching the relations which Mr. Brandeis had sustained to his client (the stenographic notes of the interviews out of which the alleged employment rose having been read), asserted that in his opinion Brandeis acted from most honorable motives and with a high ideal of the duty of a lawyer in the premises. Later his exact language will be quoted.

THE LENNOX CASE.

The business of the firm of Lennox & Co., tanners, had been developed by Patrick Lennox, who, at the time of the occurrences to be narrated, was nearly or quite 80 years of age. For 10 years his son James T. Lennox, the other member of the firm, had managed the business. Its transactions amounted to about $1,000,000 a year. The firm property and private assets of the partners exceeded that sum. In the panicky season of 1907 the firm became embarrassed, and a creditor, one Stein, was called to Boston from New York by James T. Lennox. With his lawyer, one Stroock, he met Lennox, who, in detailing his situation, disclosed that if not actually insolvent he was dangerously near being so. Stroock suggested that he, Lennox, ought to consult a lawyer, and, mentioning Brandeis, Lennox assented. The three waited on Brandeis, under whose questioning, which was exhaustive, going in detail into assets and liabilities, the condition referred to was more clearly exhibited. Stein was friendly. Another creditor participated to some extent in the conferences and it was determined that a general assignment without preferences should be made and that Brandeis should try to work out some general agreement among the creditors—for an extension or a composition, as the progress of negotiations might suggest. This was done, one of Brandeis's partners, George R. Nutter, being named as assignee. It was canvassed in the course of the conference whether Brandeis should become attorney for Stein or for Lennox, but it was agreed eventually that the plan could be worked out most effectively if Brandeis did not represent Stein or any other creditor and that he would represent Mr. Lennox in the manner stated. Stroock having asked Brandeis whether, in view of relations which his firm had sustained to a creditor, Weil, Farrel & Co., he could act for Lennox, the latter said:

"Yes; I think I could. The position I should take if I remained in the case for Lennox would be to give everybody, to the best of my ability, a square deal." (Hearings, 792.)

And he continued:

"I should, if I acted for Mr. Lennox, see that he got his legal rights; no more, no less." (Hearings, 793.)

Again, he said:

"I should feel if I were acting for Mr. Lennox as trustee that it was the duty of the trustee to see that everybody got his legal rights as nearly as we could make it." (Id.)

And then Lennox, referring to some comment by Stroock, remarked:

"You are speaking now of Mr. Brandeis acting as my counsel?"

Whereupon Brandeis interjected:

"Not altogether as your counsel, but as trustee of your property." (Hearings, 795.)

It is plain from the foregoing that Brandeis proposed (whatever may have been the understanding of Lennox) that the latter and his father should turn over to him, Brandeis, all their property, he to deal with the situation with justice to everybody and in the hope of making an adjustment that would be satisfactory to all concerned, or, in the event that such a solution could not be reached, to apply the assets to the liquidation of the indebtedness.

The assignment was made in pursuance of that plan, and Brandeis immediately got into communication with the other creditors with a view to carrying it out. When the assignee went to take possession under the assignment he learned, through accountants who had been directed to examine the books, that James T. Lennox had but recently cashed checks to the amount of $10,000, the avails of which did not appear. Inquiry revealed that he had the cash in his possession. On being questioned in the present hearing he stated that he needed the money. The assignee required him to surrender it, which he did, though reluctantly. A short time after a controversy arose between him and the assignee concerning the compensation he was to receive for assistance which he was rendering pursuant to request in attempting to straighten out the tangled affair—the books being fragmentary and the business having been run without much system. He demanded $500 a week; the assignee refused to allow him more than $100. Meanwhile, on September 10, the assignment having been made on the 5th and recorded on the 9th, one J. P. Leahy, of Lynn, where the Lennoxes lived, called upon Mr. Nutter, representing, as his counsel, Patrick Lennox. He conferred with Nutter and forwarded his work for some time, but toward the close of October Patrick Lennox through Leahy, set up the claim that he was not a member of the firm of Lennox & Co. and that he had never signed the instrument making Nutter assignee or that his signature had been obtained fraudulently or without full understanding of its purport. When Nutter refused to hire James T. Lennox at $500 a week he ceased to assist actively in carrying out the trust, and much difficulty was encountered on account of his indifference or apathy and the claims of the elder Lennox referred to. Meanwhile the creditor, Weil, Farrel & Co., was threatening to proceed criminally against James T. Lennox on an alleged fraudulent statement of his financial condition and sought to employ the Brandeis firm to conduct the prosecution, but they declined. An indictment was afterwards returned. The execution of the trust with which Brandeis had charged himself through the assignment proving impracticable, on account of the attitude of the Lennoxes, it was resolved to see it carried out through bankruptcy proceedings, to which various creditors had recourse. Several petitions were filed, one by the Brandeis firm. An adjudication went, the court holding that the assignment was duly made and constituted an act of bankruptcy. In the original conference it had been mentioned that it was such and would require an adjudication, if asked, but the hope was expressed that the creditors would assent to the assignment. (Hearings, 788.)

The thing worked out as was originally contemplated. A composition was effected under which the individual debts of the partners were paid in full and the firm creditors got 40 cents on the dollar. There is no doubt that the making of the assignment, though an act of bankruptcy, was the wise course to pursue under the circumstances. None of the parties involved are making any complaint. Mr. Leahy was not called to express any complaint on behalf of the elder Lennox, and it will be borne in mind that an organization of protestants was represented at the hearing by counsel who undertook to present to the committee the names of any witnesses his clients deemed it advisable to call. James T. Lennox came in response to a subpœna, but was excused on his request on saying that he could add nothing to what had been said by Mr. Stroock and Mr. Whipple. He was later called, at the instance of a member of the committee, but he showed no hostility to Mr. Brandeis. Whipple was employed to resist the bankruptcy proceedings. He is the head of a leading firm of Boston lawyers, said without dispute to be one of the ablest trial lawyers in New England, an enviable reputation which those who heard him testify will agree he doubtless fully merits. When the story was told him of how the Lennoxes employed Brandeis in their troubles only to find that his firm had filed a petition in bankruptcy against them, he did the manly and fraternal thing. He called on Mr. Brandeis. Let him tell the story of the interview. Introducing the subject which gave rise to his call he said:

"They say that you advised an assignment to your partner, Mr. Nutter, and took all of Mr. Lennox's property, and that you now claim that you are not and never have been his counsel, and I thought, Mr. Brandeis, it would be better for me to come right to you and talk over a situation which seemed to me to be serious, because if you did agree with the Lennoxes that you would act as their counsel, and now are acting in a position hostile to them, through this assignment, you will agree with me that a rather serious situation is presented." (P. 287.)

The witness continues:

"He said, 'Of course it would be,' or he said, in substance, 'Of course, that would be a serious situation, but it is not the situation at all; I did not agree to act for Mr. Lennox when he came to me. When a man is bankrupt and can not pay his debts, Mr. Whipple, he is a trustee for his creditors; he has no individual interest; he finds himself with a trust, imposed upon him by law, to see that all his property is distributed honestly and fairly and equitably among all his creditors, and he has no further interest in the matter. Such was Mr. Lennox's situation when he came to me, and he consulted me merely as the trustee for his creditors, as to how best to discharge that trust, and I advised him in that way. I did not intend to act personally for Mr. Lennox, nor did I agree to.' 'Yes,' I said, 'but you advised him to make the assignment. For whom were you counsel when you advised him to do that, if not for the Lennoxes?' He said, 'I should say that I was counsel for the situation,' I said, 'Yes, but you advised an assignment of all his property, so that your firm became possessed of it, because Mr. Nutter was your partner.' He said, 'Yes; and I knew no one better in the city of Boston than my partner, Mr. Nutter, to execute such a trust as that. He stands high; he has everybody's confidence, and that is why I advised it.' I said, 'I must say, Mr. Brandeis, it looks to me very much, according to your principles, as if when a man was bankrupt and went to a lawyer, and the lawyer advises him to make an assignment for the benefit of his creditors, he assigns his lawyer with it, very much in the way a covenant runs with land.' He said, 'Mr. Whipple, I think that is a very unkind and very ungenerous statement for you to make. It impugns my motives, and I can only assure you that I had no such motive in doing it. I was merely occupying myself with seeing that this property, which was brought into my office in this way, was equitably and fairly distributed among the creditors, and I was looking after the interests of everyone; I was looking after any interest that Mr. Lennox had, if any, if anything should be left after the settlement with his creditors, but, in the first place, looking after the interests of the creditors.'" (Hearings, pp. 287-288.)

The impressions Mr. Whipple took away are expressed by him as follows:

"Mr. WHIPPLE. You see, my belief was, at the time, that there was a misunderstanding. My belief was at the time, and is now, that Mr. Brandeis was misunderstood. That is, I preferred then, and prefer now, not on account of any personal friendship or feeling, but my view was that there was a misunderstanding. I think Mr. Brandeis was so much absorbed in the question of caring for the situation, and so much interested in the development of his ideas as to how this estate should be administered, that he unconsciously overlooked the more human aspect of it, which would perhaps have appeared to another, but here was a man confronted with perplexities and charges and troubles, who wanted his personal and individual care and attention. But I think Mr. Brandeis looked upon it as a problem of distribution.

"He did not view Mr. Lennox, with his difficulties and troubles and desires, in quite the human way that certainly some lawyers would. He took a broader view, as it seemed to me, that he was charged with the duty and responsibility, not merely of looking to Mr. Lennox, or to Mr. Lennox alone, but that he owed a larger and broader duty to all the interests involved. Now, I felt then, and I feel now, that that was a mistake, but it does not mean, to my mind, that Mr. Brandeis was culpable; that he deserted a client; that he neglected a duty to a client, because, as it seemed to me—and I will say it frankly—at first he was going with the property and had a more lucrative job. I was convinced from my talk with Mr. Brandeis and from my knowledge of his character that the mercenary motive did not exist; that the thought of deserting Mr. Lennox's case and interest did not enter his head. I thought then, and I think now, that he made a mistake in this, at least, that he did not make it clear, so that a layman would understand just what he was talking about. When a lawyer talks to a business man about being charged with the responsibility of an equitable division of the estate among all who may be interested, such talk, I think, goes right over the head of the ordinary business man, who does not understand clearly the fiduciary duties of a man in that position, and who does not understand the clear and fine definition of the fiduciary duty in its different aspects."

To this he added:

"I was convinced of his sincerity, his devotion to a thought and an idea with regard to the administration of this estate, which was credible—credible because it is true that a man when he is a bankrupt is the trustee for his creditors, and he has no right to try to keep money from his creditors or to prevent an equitable and fair distribution or

to prefer them. That is true. It is a high and proper ideal of practice. A lawyer who is charged with the duty of advising under those circumstances has a duty not only to the debtor who comes to him but to every creditor, and he must and ought to be scrupulous in his discharge of it. But, of course, his scrupulous discharge of that duty to all the others must not permit him to neglect his duty to the one who needs his help the most." (Hearings, 300–301.)

These observations prompt me to inquire what a man wants with an attorney anyway after he has made a general assignment for the benefit of his creditors? All his property is gone, and there is nothing an attorney can do except to see that the trust is managed to the best possible advantage, so that the property will go as far as may be to discharge the claims of creditors or possibly satisfy them in full, leaving a residue which becomes his again. The best thing a lawyer can do for him—the only thing he can do—is to become attorney for his assignee and aid him in administering the trust. There can be no diversity of interest so long as the assignor purposes and seeks to have the trust carried out. He needs no lawyer except the attorney for the assignee. It is the universal practice, accordingly, for the attorney who draws the deed of assignment to become counsel to the assignee. Lennox must have known—it was impossible that he could fail to know—that the Brandeis firm would become the attorneys for Nutter, the assignee. He could not by any possibility have imagined that in a contest of any character arising between him and the assignee Mr. Brandeis or the Brandeis firm was going to counsel him, except as both he and Nutter were counseled; or that if, perchance, any difference between him and the assignee found its way into court Brandeis or his firm was to represent him as against the assignee, Nutter. He never paid the Brandeis firm anything and no charge was ever made against him. When he put himself in an attitude of hostility to Nutter he knew that he could not count on Mr. Brandeis as his personal legal representative. It is an embarrassment to a lawyer who has drawn an assignment and become attorney for the assignee to make a choice should a disagreement unhappily arise between him and the assignor. He could, perhaps, not be blamed whichever way he determined lay his duty. But, as Mr. Brandeis's partner was the assignee there was no choice open to him. Nor was there, apparently, any choice open to the assignee, when it became evident to creditors that the trust was not being carried out and could not be carried out in view of the hostile claims being made, but to resort to the bankruptcy court or watch the assets pass out of his control through proceedings in that court instituted by creditors who would not sit idly by while the assignors were perhaps getting away with the property. Mr. Brandeis apparently resolved that an obligation rested upon him to carry out the trust in the only way open to do so. Some may differ with him as to what ought to be done in a case so rare, but no one who does not view the proceedings with a jaundiced eye can doubt that he acted conscientiously in the course which was taken.

THE WARREN CASE.

On leaving college Brandeis formed a partnership with a classmate, one S. D. Warren, the son of a successful paper manufacturer, S. D. Warren, sr. After the youths had been in business in Boston under the firm name of Warren & Brandeis for about 10 years the elder Warren died, about 1888, leaving three other sons, Edward, Henry, and Fiske, a daughter, Cornelia, and a widow, their mother. The children, of whom S. D. was the eldest, had all reached their majority. The law firm had so successfully established itself by that time that Warren was drawing out of the business about $10,000 a year. The property which had enriched the family was left by the will of Warren, sr., to his widow and children. Warren & Brandeis became the attorneys for the executors. It was the desire of all that the business be kept in the family, and yet Edward was in Europe most of the time, devoted to antiquarian research and the collection of antiquities; Henry was a student in feeble health, who died not many years after; Fiske was a youth without much experience. The ladies were cultured, but their capabilities in a business way had not been put to the test. It was in mind that those who undertook to run the business should assume the risk and that the other members of the family should be relieved of personal responsibility. It was planned that the property should be conveyed to trustees, and these trustees should lease the property to those who undertook to manage it. One Mason, a relative, had long been associated with the elder Warren in the business. He, S. D. Warren, and Fiske Warren took it over, the old firm name continuing. The mill property was conveyed to trustees, Mrs. Warren, S. D. Warren, and Mr. Mason, the deed reciting the trusts and authorizing the trustees to lease to a firm of which any of the trustees might be members. It was then leased to the new firm, which agreed to pay to the trustees 6 per cent on the valuation placed upon it and one-half the profits. The movable property appurtenant to the mills was taken over by the firm and the value of the respective shares credited on its books to each beneficiary. Substantially, the firm bought this property and became indebted for it. S. D. Warren, who had given some attention to the business during the later years of his father's life, severed his relations with the law firm and thereafter devoted himself to the paper business, though the firm name of Warren & Brandeis was carried for a number of years thereafter.

The firm of which Mr. Brandeis was the head after the retirement of S. D. Warren became attorneys for the trustees and for the firm of S. D. Warren & Co., their fees being paid in part by each, respectively. Edward Warren was abroad when the instruments mentioned were prepared and the deeds had to be sent there to him for execution. With the letter went a list of the accompanying instruments, as follows:

"1. Deed of Cumberland mills and other property, from the residuary devisees under father's will to John E. Warren.

"2. Deed of Copsecook mill, same to same. The property covered by both these deeds will be conveyed by deed of even date to the trustees named in—

"3. Declaration of trust by Susan C. Warren, Samuel D. Warren, and Mortimer B. Mason, of which I send you a copy.

"4. Deed of Forest Paper Co. property to Louis D. Brandeis. This will be conveyed by him at once to the purchasers of the property, Mortimer B. Mason and Samuel D. Warren.

"5. Bill of sale, residuary legatees, to new firm of S. D. Warren & Co.

"6. Brief explanation of proposals, showing the reasons for the various transfers." (Hearings, 843.)

The letter, after giving directions concerning execution of the instruments, continued:

"I do not send you at the moment detailed figures of the condition of the estate, such as I have submitted to the other children, for two reasons—first, because I do not like to have them go out of my possession and run any chance of going astray, and, secondly, because I have found so much explanation necessary to their comprehension by the other children that I do not think you would understand them without explanation. All the others have been carefully into the matter and approve of the proposed arrangement; and I shall have to ask you to take my word for it so far as you do not understand it. When you return in the fall, I will go into all details to your satisfaction.

"The upshot of the whole matter is that the Forest Paper Co. is sold to Mortimer and myself at what I think is a fair price for the one-half interest of the estate (viz, $90,000), the other half being owned by George W. Hammond. The assets of the old firm of S. D. Warren & Co. are sold to the new firm at a fair valuation. The Cumberland and Copsecook mills and other real property in Maine are conveyed to the trustees for 33 years to be dealt with for the benefit of the residuary devisees in the proportions in which they are interested under the will. For the present the rental allowed to the firm of S. D. Warren & Co. for the use of these mills will be 6 per cent per annum on the value of the plants at any time plus 50 per cent of the net profits of these mills. This I think an extremely favorable arrangement for the devisees.

"I should add, lest you get an inflated idea of your income, that the profits of last year (in which you had a larger interest than those of this) were larger by a considerable sum than they will be this year, or than they ever were before; 1888 was the high-water mark in profits.

"Please execute these papers as soon as convenient and return them immediately on execution, care S. D. Warren & Co., 220 Devonshire Street, in a waterproof envelope clearly addressed.

"Your affectionate brother,

"SAMUEL D. WARREN."

(Hearings, 844.)

Edward did return in the fall, and came to this country at intervals thereafter. The liveliest affection had always, until differences unhappily afterwards arose, obtained among the various members of the family. Even on the eve of starting suit against his brother S. D., in the year 1909, Edward wrote him as follows:

"MY DEAR SAM: I have had to file the bill, because otherwise it would have been difficult to obtain a satisfactory before Monday next, but—

"First. I hope that you will make me contented to withdraw it; and

"Second. The phrases are such as in a legal document I have felt obliged to sign, but are very far from representing my feelings toward you aside from the business or my desire for unanimous fraternal procedure.

"Let us try to agree: it would be much pleasanter.

"Your affectionate brother,

"E. P. WARREN."

"BELLEVUE HOTEL, BOSTON,
"December 13, 1909."

(Hearings, p. 860.)

Annual statements were sent to all the beneficiaries and remittances or settlements made. In 1902, after the plan had worked without friction for 13 years, Edward exhibited some dissatisfaction. He employed a lawyer, one William Youngman, who several years thereafter brought a suit for Edward, asking that his brother S. D. be removed as trustee, for a decree annulling the lease, and for an accounting. Issue was joined. S. D. Warren was examined at length before a master, the examination being conducted by Sherman L. Whipple, heretofore referred to. S. D. Warren died before his examination was completed, and a settlement of the litigation was effected, under which the interest of Edward Warren was acquired. Mr. Moorfield Storey was employed by Fiske Warren and represented him in the litigation. Mr. Storey appeared before the committee as a protesting witness. He signed a remonstrance as an ex-president of the American Bar Association, appearing in the record. He appeared to tell that Brandeis had been employed to wreck the New England Railroad, to be hereafter referred to, and that the reputation he bore at the bar of Boston was not good. Asked about the Warren case, he said:

"Mr. STOREY. The position is this: When Mr. Samuel D. Warren, sr., was alive he owned the mills and was the controling partner in the firm. The firm sold the goods, and there was some arrangement between the firm and Mr. Mason, personally, for a division of the expenses and profits. When he died that situation existed, and something had to be done in order to carry on the business, and an arrangement was made whereby the property formerly held by Mr. Warren, personally, was vested in trustees, and Mr. Samuel Warren took his father's place in the firm, and Mr Fiske Warren was also in the firm, but with a smaller interest. Mr. Edward Warren was in Europe engaged in the study of arts and curiosities and was not in active business.

"The arrangement which was made seemed to me, as I examined it, a perfectly fair arrangement. It probably, in view of what happened afterwards, would have been better if Mr. Edward Warren had independent advisers to counsel him. But the thing was submitted to him and agreed to by him, and I saw nothing in the arrangement as to which he could complain. I sat through the trial, which had begun, and Mr. Warren was on the stand, as I remember, about six weeks, and during that time was cross-examined by Mr. Whipple. There were about six weeks more, as I understand it. It looked as if the cross-examination might last longer, when Mr. Warren died. During the cross-examination nothing developed which reflected upon Mr. Samuel D. Warren in any way or upon Mr. Brandeis.

"As I say, I saw nothing in the case up to the time the case ended of which Mr. Warren could be in any way ashamed. It seemed to me he had treated his brother with great fairness. I should have done, perhaps, very much as Mr. Brandeis did if I had been in his place. It would have been a matter of caution, however, to have independent counsel, but apparently the family united——

"Mr. ANDERSON. Was there any more reason for suggesting independent counsel for Mr. Edward D. Warren than Mrs. Warren—I mean at the outset?

"Mr. STOREY. I do not know that there was.

"Mr. ANDERSON. Was there any more reason for suggesting separate counsel for Edward Warren than for Fiske Warren?

"Mr. STOREY. They were all of age, and Fiske Warren, up to that time, had not been very active as a business man, any more than Edward Warren, but he was on the ground and was in a position to employ counsel. Mr. Edward Warren was on the other side of the water. At the time, as I say, there was nothing in the relations between the different members of the family to suggest that there was any divergence of interests, or any reason why they should not act harmoniously, as they did." (Hearings, 277, 278, 279.)

Perhaps that is all that need be said about the Warren case.

If Mr. Storey, with his opportunity to know the facts, and he was obliged to investigate them in order properly to advise his client, found nothing to criticize, the quest is not likely to yield much.

Mr. Hollis Bailey was associated with Youngman in the litigation. He is likewise an adverse witness.

The following indicates his view of Brandeis's wrongdoing:

"Senator WALSH. So far as the Brandeis firm are concerned and Mr. Brandeis's connection with it, as I understand you, the complaint which you make against him is that this firm acted during this period at one and the same time for the lessors and for the lessees in these arrangements?

"Mr. BAILEY. Yes; and that should rightly have suggested to him, when there were conflicting interests, that independent counsel would have been quite proper to act.

"Senator WALSH. The point you make is that it was the duty of the Brandeis firm to have suggested to your client, as soon as differences arose, that he should get independent counsel?

"Mr. BAILEY. Independent advice. (Hearings, 149.)

"I think, further, that if Mr. Brandeis had properly considered the rights and interests of Mr. Edward Warren he would have said to him, 'Your brother, Samuel, while he is trustee, is getting these very large sums for carrying on the business under the lease.'

"Senator WALSH. That is to say, that when the lease was made orginally you think Mr. Brandeis should have advised Edward that he ought not to consent to that lease or enter into it because his brother, Samuel, was getting a better bargain than he ought to get?

"Mr. BAILEY. Not to do it, in any event, without having the advice of independent counsel. Those are the main points." (Hearings, 150.)

But why should Brandeis advise Edward Warren that he ought to get independent counsel? Would not such a suggestion from him be an affront, and a perfectly gratuitous affront, to S. D. Warren, who might be presumed by anyone knowing him, and particularly by his law partner, to give his brother such information as the conditions might seem to require? Edward was at the time 30 years of age—a graduate of Oxford. If Brandeis ought to have advised him to employ an independent lawyer, certainly he owed the same duty to Mrs. Warren and to Cornelia and to Fiske and to Henry. It would be an absurdity as a business proposition to bring into a family settlement of that character a lawyer for every member or even one representing each diverse interest, and there were at least three.

As to advising Edward when differences arose to get another lawyer, he forthwith employed Youngman, and it was unnecessary to give him any advice on that point.

But it was suggested at the hearing, perhaps by a member of the committee, that when suit was begun against S. D. Warren, the Brandeis firm ought not to have acted for him, because it had been attorney for Edward Warren in the transactions under investigation in that it had been attorney for the trustees to whom he stood in the relation of cestui que trust. That is a startling doctrine. Certainly Edward Warren had disclosed nothing to the firm, confidential or otherwise, which could be used against him. The firm had learned nothing and could have learned nothing that each beneficiary was not entitled equally to know. Can it be that when the title of the trustee or his administration of the trust is attacked by one of the beneficiaries the attorney for the trustee can not represent him, because, forsooth, the former has been drawing pay out of funds which belong equitably in part to the suing cestui? Is an attorney for a corporation precluded from defending its directors when assailed in court for maladministration? Is the attorney for an executor or administrator? The suggestion must have been made unreflectingly.

The suit was founded upon the supposition that the lease fell within that class of contracts which equity avoids, not because of any fraudulent purpose, but because of a public policy springing from a desire to remove the temptation to defraud.

Here is what Mr. Whipple has to say of this affair:

"The question was then whether all parties who were involved—all the beneficiaries—knew it and assented to it, fully advised and with their eyes open, and it was contended in behalf of Mr. Edward Warren, who was at the time abroad and whose information all came by correspondence; that he intrusted the whole matter to Mr. Brandeis and was not fully informed, so that that was the ground of the position which we took in the litigation and with reference to which my cross-examination of Mr. Samuel D. Warren proceeded; but Mr. Bailey, as I noticed by the public press, stated, in response to a question by one member of the committee, that he believed that Mr. Brandeis intentionally framed this lease and other papers so as to give Mr. Warren this opportunity to make private profit. That belief I do not share with Mr. Bailey. I cross-examined Mr. Warren at length, and I was then impressed, and so expressed myself, that the idea of defrauding his brother or the other members of his family, or securing a personal advantage to which he was not entitled, did not enter his head; that the entire transaction was free from any taint of dishonest motives or intentional fraud.

"I had the feeling with regard to Mr. Brandeis somewhat like Mr. Storey has just expressed, that he was possibly careless in not making very, very clear to Mr. Edward Warren just the whole transaction and its possible effect upon his rights, but I felt at the time, and I feel now, that Mr. Brandeis, who has been the family counselor and been trusted for many years, thought that there was a perfect understanding and accord among all the members of the family; that Mr. Samuel D. Warren, who, by the death of his father, became the head of the family, should be charged with the responsibility of handling and operating this large property and should have what he could make out of it. Of course, if that was so, and all parties assented, there was no violation of trust, and there was no moral wrong. Therefore I reached the conclusion that there was a legal wrong; that there was a violation of that principle of law with regard to trusts which I have just pointed out, but that there was no reprehensible motive to secure a personal advantage secretly or in any way like that." (Hearings, 283–284.)

Mr. Youngman, referred to, overwhelms Mr. Brandeis with accusations in connection with this case, but it may be said in charity that his employment by Barron to gather up the material for a newspaper campaign against Brandeis probably warped his judgment touching the acts of that gentleman.

THE BALLINGER INQUIRY.

The essential facts in reference to this matter are well known. Glavis, a subordinate in the Interior Department, had laid before President Taft charges affecting the administration of that department under Secretary Ballinger and had been dismissed from the service. It was claimed, among other things, that by a laxity or liberality in the practice of the department the Secretary was permitting the coal lands of Alaska to be fraudulently appropriated. Complicity in the general purpose, or at least toleration of it, was understood by many to be implied. The incident intensified a suspicion of the Secretary entertained by the so-called "conservationists," headed by Gifford Pinchot, Chief Forester. Collier's Weekly, an advocate of the ideas of the "conservationists," printed the Glavis charges. A congressional investigation into the causes of the removal of Glavis was ordered. Collier's Weekly employed Brandeis to appear at the investigation. Upon consideration it was determined that he should appear for Glavis, their contributor, and not seek to introduce the paper as a party to the proceedings.

Glavis was presumably quite willing to have so able a lawyer as Mr. Brandeis. He announced to the committee that he appeared for Mr. Glavis, and as his attorney conducted the inquiry. Collier's paid him $25,000 for his services, which extended over a period of five months. He is accused of unprofessional conduct in not announcing to the committee that he was employed and paid by Collier's.

It is asserted and not denied that it was common knowledge at the time that he was employed by Collier's. He never was asked who hired him or by whom he was paid. The committee, perhaps, thought it quite immaterial. They could scarcely have believed that an impecunious Government clerk was feeing one of the first lawyers in the country.

Be that as it may, were it not for the views of some members of the committee, I should unhesitatingly declare the charge absurd. It presents the question of whether a lawyer may with propriety have his name entered in a cause as attorney for a party who pays him nothing under employment by another, but with the assent of the party he nominally represents. I assert that it is a practice of daily occurrence, not only tacitly approved but recognized by the courts. Can not a mother employ an attorney to defend her son charged with crime? Must he announce in entering his appearance who employed him and where he gets or expects to get his pay?

The stock association of my State frequently employs a lawyer to aid county attorneys in the prosecution of cattle-stealing cases. The local prosecutor is usually glad to have his assistance. Is he disqualified for judicial honors if he does not announce to the court that the State did not hire him and does not intend to pay him? I venture to assert that scarcely a term of the Supreme Court passes during which some lawyer does not have his appearance entered on the invitation, or by the assent of the counsel already of record, being employed by some one not a party to the suit, but who is interested in the principle involved. The court would stare at a lawyer who under such circumstances, in beginning his argument, took its time to announce that he was not hired and did not expect pay from the party for whom he spoke.

If this is professional misconduct the bar needs regeneration.

Another charge in this connection is answered by the undisputed evidence of the record.

THE NEW ENGLAND CASE.

Barron told the committee that Hon. Moorfield Storey could tell that Brandeis had been employed in 1902 to wreck the New England Railroad. It was the conclusion of that gentleman that he had been so employed. The facts were that Brandeis had been retained by one William Kelly, a reputable lawyer of New York City, now a supreme court justice, to bring suits against the directors of the New England road, charging misconduct on their part, to restrain the payment of dividends, alleged to be illegal because there were no profits from which to pay them, and to restrain the issuance of bonds because the bonding power of the corporation had been exhausted. A receivership was contemplated and a bill drafted. Separate suits were started in the States through which roads comprising the system ran. They represented a contest between Austin Corbin, Kelly's client, and the board in control of the road. He had been president, but had resigned, possibly under pressure. The suits were started in the name of Goldsmith, a liquor dealer of Boston, who was a stockholder. The season of financial depression was on. After carrying on the litigation with success, so far as it progressed, Corbin, in 1893, quit and directed Kelly to give no further attention to it on his account, advising him that the New Haven, which had meanwhile acquired the property in foreclosure proceedings, would take care of the litigation. He insists that Corbin was in no way associated with the New Haven at the time the suits were commenced, that Corbin indeed was fighting that system, running a rival road. Be that as it may, there is not a breath of testimony that Brandeis knew or had any reason to suspect that Corbin was acting for the New Haven, if he was, nor is it intimated that the suits were without foundation, so palpably baseless as to suggest to an ordinary lawyer that they were malicious.

In 1893 the Massachusetts Legislature inquired whether the New Haven had not forced the New England into insolvency with a view to the monopolization of transportation facilities. The examination was conducted by Mr. Storey. He called Mr. Brandeis and interrogated him concerning the suits and his employment. Brandeis quite deferentially declined, in the first place, to tell, claiming the privilege and the duty of counsel, but later told, as herein set out, about the matter. The litigation had evidently engendered bad blood between these two lawyers, as evidenced by the examination referred to. I should be loathe to believe that Mr. Storey carried to this day the animosity thus aroused, but the opinion of a man often defies analysis.

Another protesting ex-president of the American Bar Association, Simeon E. Baldwin, was counsel in Connecticut in that litigation for the directors of the New England road, which Corbin charged with misdeeds of many kinds. This affair narrows down to the question of the offense of Brandeis in bringing the suit in the name of Goldsmith, who was fully indemnified by Corbin. Goldsmith afterwards sued the Corbin estate to recover on account of expenses incurred in the litigation. It was not asserted that the court held that his agreement with Corbin was contrary to public policy or good morals.

It is conceded that whatever right Corbin had to maintain the actions, Goldsmith had the same right. The question is akin to that presented in the Ballinger case.

The Supreme Court of the United States held, in Wheeler v. Denver (229 U. S., 342), that a taxpayer could maintain a suit in the Federal court, though it was brought by his permission by the attorneys for a corporation which could not sue therein, which had indemnified him against costs and damages, provided the attorneys, and borne all the expenses.

A fight was waged in my home city for years between the municipality and a water company. On a number of occasions when action was taken by the city which the company thought inimical to its rights or interests, and which in its opinion would justify a taxpayer's suit, it got some friend, possibly a director of the company, to bring suit; that is, started suit in the name of the taxpayer under an indemnity to him. The most high-minded lawyers at our bar have pursued this course, and it never occurred to me that they were subject to disbarment or open to censure for having appeared as they did. What harm is done? What evil is to be feared? Isn't it true that the law is no respector of persons? The "saloon keeper" Goldsmith looked to the court quite like the capitalist Corbin. It does not appear why Corbin preferred not to have the suit brought in his name, but, as in the Ballinger case, it was generally known that he

was back of them. They were referred to as "the Corbin suits." That is immaterial. It was of no consequence to the court in the determination of the suits whether Goldsmith proceeded on his own motion or at the instigation of some one else. Neither the facts nor the law could be affected.

THE ILLINOIS CENTRAL.

This complaint simmers down to a question of whether Mr. Brandeis dissimulated or prevaricated in a statement made in a letter in relation to his being or having been the attorney for E. H. Harriman. The letter having been read and the facts having been developed by testimony, Senator CUMMINS, a member of the committee, addressed the following question to Mr. Fox, who was conducting the case for the protestants:

"Senator CUMMINS. I would like to know, before we go further, your view of Mr. Brandeis's statement or letter to Mr. Walker. Wherein do you think it shows false? Wherein do you think that it departs in any degree from the truth?" (Hearings, 354.)

To this he got no answer; presumably because Mr. Fox was able to give none. Neither am I.

THE SHOE MACHINERY CO.

Mr. Winslow, president of the Shoe Machinery Co., heretofore referred to, made bitter complaint against Brandeis. Prior to 1899, when that company was organized, the latter had been the representative—business rather than legal, apparently—of the Henderson family, of Chicago, owning interests in one of the companies uniting to form the Shoe Machinery Co. Brandeis became one of 19 directors in view of the interest referred to and had such part in the work of the board as a director not immediately concerned with the management of the business ordinarily has, being 1 of 19.

Perhaps more, because his business capacity is perhaps not much less marked than his talent as a lawyer. His firm, though not the general counsel for the company, was frequently employed by it. In 1906 an attempt was made before the Massachusetts Legislature to have an act passed declaring void so-called "tying clauses" in leases under which the company let out its machinery. At the request of Mr. Winslow, the president, Mr. Brandeis appeared before a committee and made an argument against the bill. It will be noted that the bill proceeded upon the assumption that the tying clauses were perfectly legal. It proposed to outlaw them. Up to that time the legality of the clauses in question had not been the subject of any special comment, and nothing appears to show that the Brandeis firm had ever been called upon to express an opinion on the subject. In the effort to defeat this legislation the Shoe Machinery Co. had the cooperation of a number of the shoe manufacturers, clients of Brandeis, whose sympathy and help had been enlisted partly, at least, through his efforts.

The controversy directed attention in a special way to the specific provisions of the leases and the legislation failed, due to some extent at least to a promise secured by Brandeis from Winslow to confer with the shoe manufacturers concerning certain provisions of the leases to which, as the contest proceeded, they expressed a decided objection. These conferences took place in the fall, Brandeis insisting that the leases should be changed, but without convincing Winslow. Thereupon Brandeis resigned as a director of the company. Some lawsuits then pending, apparently of no great consequence, in which his firm represented the company, were afterwards tried, but save for that work all his relations with the company ceased.

In 1907 the Massachusetts Legislature passed an act outlawing tying contracts. The bright legal minds which then guided the affairs of the Shoe Machinery Co. found it easy to circumvent the law, as they thought, by inserting a provision in the lease authorizing the company to cancel it at will. A lease could be avoided, then, against any man who appealed to the new law.

In 1911 the Supreme Court affirmed the decisions in the Standard Oil and American Tobacco Co. cases. Other decisions were rendered shaking the faith of many people that a combination, the basis of which was patent rights, was immune under the Sherman law. Enlightened by these cases the Brandeis firm gave an opinion to the effect that the tying clauses were void under the Sherman Act, of course with respect to insterstate business.

Meanwhile the Thomas G. Plant Co. was acquired by the Shoe Machinery Co., as heretofore recited. Thereafter at hearings before congressional committees and in public addresses to illustrate some point he was making in connection with the trust problem, Brandeis frequently referred to the oppressive tying clauses of the Shoe Machinery Co.—which, by the way, were a growth dating from 1861—and to practices of that company, all of which he roundly denounced. It is not claimed that he ever disclosed any facts concerning its business not long public property, of which he might have learned either as director of the company or as casual attorney for it. Indeed, the things of which he complained had already been communicated to the Department of Justice, and had been the subject of comment by representatives of the shoe manufacturers before committees of Congress.

Mr. Winslow seems to be possessed with the idea that because Brandeis had taken fees from the Shoe Machinery Co. he bound himself forever not to criticize its policy or its practices—that in a way he had violated his fealty. It is not an uncommon view on the part of those who manage great industries and command many men that they may insure the support of lawyers on public questions by putting them on the pay roll or paying them from time to time for legal services. In the case of Brandeis the assumption seems not to have been well founded. In that he did something to dispel that notion, he deserves well of his profession.

It is claimed that in some respects his position in realtion to questions in which that company was concerned was inconsistent. Doubtless he finds it easy to reconcile whatever differences may appear or he may frankly admit that on at least one occasion he was in error. What if he was inconsistent? Is it forbidden to a man that he change his mind?

If in the impetuosity of attack or the ardor of advocacy he was led sometimes into giving too vivid a hue to the facts touching the methods of business of Mr. Winslow's company or drew unwarranted conclusions from them, there was no such obliquity of mind disclosed or faults of character revealed as would in anywise unfit him for judicial duties. It is impossible in reason to attribute his attitude toward the Shoe Machinery Co. after he parted company with it to any but the most creditable motives. There had been no quarrel, no heated interchanges, when the separation came that might have bred some deep-seated resentment to satisfy which the subsequent accusations were made by Brandeis. He was moved either by a sincere purpose to serve the public interest or he was playing the part of a demagogue. Few who plead the cause of the great public escape the imputation from those whose privilege they seek to curtail of pandering to popular prejudice.

In the Illinois Central matter he was getting proxies in New England for what may be called the Harriman interests as against the Fish interests while he was fighting the merger of the Boston & Maine. In these matters, too, it is said he occupied positions that were wanting in consistency. It would serve no useful purpose to inquire whether the local fight was an attempt to "Harrimanize" New England or whether the ousting of Fish was to be desired notwithstanding the influence of Mr. Harriman would be extended.

THE GILLETTE SAFETY RAZOR CASE.

I shall not enter into the details of this matter. Brandeis's firm was employed to defend the directors of that company in a maladministration suit, and to resist actions brought by various parties against the directors to rescind sales of stock sold them without disclosing the true value of it and the condition of the company.

While these actions were pending the defendants quarreled. Certain of them, including Gillette, the inventor of the device, fearing a plot on the part of others to oust them from the directory, went to Brandeis and employed him to help them to secure enough outstanding stock to give them control. He did so, and the firm continued to defend them all, in the actions in which they were employed, until they were finally disposed of. None of the parties are complaining, but the plaintiff in one of the annulment suits had some stock. Brandeis besought his attorney to induce his client to sell. He did so, and the stock was acquired. Now, the attorney for another claimant prosecuting a similar suit, but who owned no stock of record, had been associated on the record as counsel for the plaintiff. The original attorney asserts that Brandeis asked him in the course of the negotiations not to mention the matter to the attorney for the other claimant who had thus been associated. He bore no relation whatever to the directors to whose interests it is suggested Brandeis was not faithful. They are, as stated, not complaining, nor does it appear that they ever did complain.

THE ADVANCE RATE CASE.

Mr. Brandeis was employed by the Interstate Commerce Commission to resist the application of the railroads made in 1913 for a 5 per cent increase in freight rates. He had appeared for certain shippers in a similar application which had been made in 1910, and which had been denied.

Clifford Thorne, one of the railroad commissioners of the State of Iowa, appeared for various shippers and for the State authorities for a number of the Central Western States, who naturally resisted any raise.

The inquiry involved two questions; first, as to whether the net revenues of the railroads as a whole were adequate—that is, without any new economies or change of business methods; and, second, if they were not, how were the net revenues to be increased, and particularly whether they were to be increased by a general raise.

The shipper is not ordinarily concerned, or, at least, not so deeply concerned about what the rate is going to be on any commodity except his own. It may be that the rates as a whole do not produce the requisite revenues and that something additional ought to be raised by an increase on his particular line of goods.

An attorney to represent all interests, as one employed by the commission must, approaches the proposition from a slightly different angle from that from which the attorney for the shipper views it.

It was assumed, however, that the railroads would be represented by able counsel who might be relied upon to bring out all facts helpful to their side of the case.

Mr. Thorne, whose diligence and fidelity, not to speak of his talents, which are undoubtedly of high order, can not be too much commended, in his testimony and in his argument before the commission advanced that the net revenues on the whole were sufficient to pay the companies a reasonable return on their investment.

Mr. Brandeis, in closing the case, declared that in his opinion they were not on the whole sufficient. He then proceeded to tell how by making readjustments here and instituting economies there they could be made sufficient without any raise in general rates. The increase was denied. It is said that Brandeis should not have made the admission that he did. Naturally it was disappointing to Mr. Thorne, but no one suggests, not even Thorne, except from his manner, that Brandeis had not reached the conclusion he announced after a thorough and painstaking inquiry, bringing to bear on the subject his masterful faculty in the analysis of accounts. But it is asserted that he might have said, "If it be conceded, etc.," or "I shall assume for the purpose of the argument, etc."

Mr. Brandeis's critics are hard to please. In the Ballinger and Goldsmith cases it is said he should have been more frank with the court; in this case, that he should have been less so.

The remainder of the matters submitted to the committee do not seem to require notice. It would be useful, perhaps, if time permitted, to outline them in order to show the frivolous character of most of them—indicating a straining after results and a consciousness that the case made on the matters reviewed is a weak one.

The real crime of which this man is guilty is that he has exposed the iniquities of men in high places in our financial system. He has not stood in awe of the majesty of wealth. He has, indeed, often represented litigants, corporate and individual, whose commercial rating was high, but his clients have not been exclusively of that class. He seems to have been sought after in causes directed against the most shining marks in it. He has been an iconoclast. He has written about and expressed views on "social justice," to which vague term are referred movements and measures to obtain greater security, greater comfort, and better health for the industrial workers—signifying safety devices, factory inspection, sanitary provision, reasonable hours, the abolition of child labor, all of which threaten a reduction of dividends. They all contemplate that a man's a man and not a machine. A letter addressed to me by Hon. David I. Walsh, concerning his activities in a public way in the State of Massachusetts, affords some light on the opposition to this nomination. It is made an appendix hereto.

It is said that it is to be regretted that any such controversy as this in which we are involved should arise over a nomination of a justice of the Supreme Court. So it is. But when it is said further that one might better be chosen over which no such bitter contention would arise, I decline to follow. It is easy for a brilliant lawyer so to conduct himself as to escape calumny and vilification. All he needs to do is to drift with the tide. If he never assails the doer of evil who stands high in the market place, either in court or before the public, he will have no enemies or detractors or none that he need heed. The man who never represents the public or the impecunious citizen in any great forensic contest, but always the cause of corporate wealth,

never has these troubles. It is always the other fellow whose professional character is a little below par.

The bar is still the bulwark of the liberties of the people. To it they must look in the future as they have looked in all of our history for fearless champions. Discouragements enough beset the ambitious youth who resolutely sets out upon the path of devotion to duty and to the cause of justice, who strives to render some real public service. I do not care to warn him to abandon the hope of reaching the summit of his profession by that route.

My vote is for the confirmation of the nomination of Louis D. Brandeis for associate justice of the Supreme Court.

Respectfully submitted.

THOMAS J. WALSH.

APRIL 3, 1916.

APPENDIX.

WASHINGTON, D. C., *February 7, 1916.*

MY DEAR SENATOR WALSH: It seems to me a public duty to write to you in regard to the appointment of Mr. Louis D. Brandeis, of Massachusetts, as a justice of the Supreme Court of the United States. During the two years I was governor of Massachusetts, and in the years preceding them, I had repeated occasions to observe this man and his high ideals and common sense; his wide practical knowledge of the law; his extensive understanding of the business, economic, and social problems of our time; his sound judgment and ardent devotion to the public welfare. As you know, we are justly proud of the number and ability of our public-spirited men in Massachusetts, and it would be difficult to point out a better example of generous, unpaid, diligent constructive work upon the side of the public interests than that which has been done by Mr. Brandeis.

On numerous occasions, beginning at least as far back as 1896, whenever the creation and control of the Boston subways was before the legislature, he has been, as a private citizen, a tireless and successful leader against powerful opposition in support of the principle that the value of the subway franchises should be kept for the public, after giving to the operating company a reasonable return for services rendered. He declined to accept any compensation for his long-continued and very valuable constructive work during all these years in this cause.

When the gas situation in Boston appeared to be in a hopeless condition he urged again as a private citizen the plan by which the dividends of the gas company were made dependent upon the price charged for gas to the consumers. This has resulted in a reduction in the price of gas to the public and in a corresponding increase in dividends to stockholders of the company.

When the insurance investigations occurred he devised and successfully pressed for legislation in Massachusetts permitting, for the first time in this country, our savings banks to issue small-payment life insurance policies. This has resulted in an opportunity for our working people to insure themselves at much lower rates than were being charged by the industrial insurance companies, and has led these companies to make lower rates. To my personal knowledge, Mr. Brandeis has given annually thousands of dollars to further the work of bringing to the working people of our State this opportunity for less costly insurance. For more than 20 years prior to the Massachusetts law there had been no reduction in the cost of industrial insurance, but since the passage of the law so successfully advocated by Mr. Brandeis in Massachusetts, the premiums of the old-line companies have been reduced on an average 20 per cent, thus saving to the people of this country insured in industrial companies from $15,000,000 to $20,000,000 annually and to the people of Massachusetts about $1,000,000.

The system of arbitration which he devised for the New York Garment Workers is an equally significant example of his judicial qualities and his public service in other fields.

In 1906 the people of New England began to awaken to the fact that the New Haven Railroad was apparently successfully seeking to create a New England transportation monopoly. The event which focused public opinion most sharply was the acquisition of the controlling interest in the Boston & Maine Railroad. Mr. Brandeis, again as a private citizen, commenced an exhaustive study of this railroad problem, and made public an analysis of the financial condition of the New Haven Railroad, pointing out for the first time to the people of New England the inevitable disaster sure to result from the course of mismanagement and waste then being pursued. His advice was unheeded, his warning derided, and his motives impugned. But time has shown that his conclusions were based upon carefully ascertained facts, to which he applied the clearest and most cogent reasoning power. Three years ago what he prophesied nine years ago became apparent to all and is now a matter of public knowledge and of record in Senate documents and elsewhere.

I instance these, among many public services covering a long period of years, as illustrative of the work done as a private citizen in the service of the public interest without compensation, at a large expenditure of his own time in the midst of a very active professional life.

Indeed, in extensive acquaintance with public men, I know of no one who, without emolument or honors of public office, has given so much of the valuable constructive service of a trained lawyer to the public weal as Mr. Brandeis.

I have written mainly of Mr. Brandeis's public work for the past 20 years, but I would not have you overlook that before he engaged in these public activities out of which have grown results for which he is entitled to the gratitude of the American people, he had achieved already a position at the Massachusetts bar which would well have warranted his appointment to the Supreme Court at the age of 40. He is a great lawyer and a great citizen. Is not this a combination for a great judge?

Were I not hastening on a far journey I would seek a personal interview with the committee, but failing such opportunity, I venture to emphasize and perhaps to repeat some of the things I said to you orally, and I hope that you will communicate them to your committee, together with my very best respects.

Very sincerely, yours,

DAVID I. WALSH, *Boston, Mass.*

Hon. THOMAS J. WALSH,
The Senate, Washington, D. C.

On May 10, 1916, the Committee on the Judiciary appointed the same subcommittee, with the exception that Senator BORAH took the place of Senator CUMMINS (absent), to take further evidence regarding the matter brought to the attention of the committee by a member of the committee concerning the relation of Mr. Brandeis with a drug merger.

This subcommittee met on May 12, 1916, and heard the testimony of Mr. Louis K. Liggett, Mr. Frederick E. Snow, and Mr. George W. Anderson, and also heard the testimony of Hon. James S. Harlan, member of the Interstate Commerce Commission, all of which evidence was printed as a part of the record.

It seems that there was a holding company formed to take over certain drug companies, and Mr. Brandeis was consulted as to the legality of the corporation and proposed combination.

There was nothing in the employment out of the ordinary, and since the evidence was taken no one has suggested that there was anything improper in the employment or anything to be criticized in what Mr. Brandeis said or did. It was a proper employment, and, unless this committee is to supervise the private practice of the law, there is nothing regarding the charges to discuss.

This supposed charge is one of many which come under the notice of an honorable member of the committee, and he in good faith brought it to the attention of the committee, which, regarding its source, felt called upon to take the evidence.

We venture to introduce further comment upon this nomination with the following from an address made by Mr. Brandeis on May 4, 1905, before the Harvard Ethical Society, as follows:

"It is true that at the present time the lawyer does not hold as high a position with the people as he held 75 or, indeed, 50 years ago; but the reason is not lack of opportunity. It is this: Instead of holding a position of independence, between the wealthy and the people, prepared to curb the excesses of either, able lawyers have to a large extent allowed themselves to become adjuncts of great corporations and have neglected the obligation to use their powers for the protection of the people.

"The leading lawyers of the United States have been engaged mainly in supporting the claims of the corporations; often in endeavoring to evade or nullify the extremely crude laws by which legislators sought to regulate the power or curb the excesses of corporations.

"For nearly a generation the leaders of the bar have, with few exceptions, not only failed to take part in constructive legislation designed to solve, in the public interest, our great social, economic, and industrial problems, but they have failed likewise to oppose legislation prompted by selfish interests."

No doubt the distinguished audience which heard this address, as well as the bar and public generally, approved it; that the distinguished author of it deigned to put it into actual practice should go to his credit rather than to his prejudice.

The Five Per Cent Rate case was somewhat illuminated by the testimony of Hon. James S. Harlan, member of the Interstate Commerce Commission, found in part 22 of the hearings at page 157. This evidence makes it clear that the charges brought by Mr. Thorne against Mr. Brandeis are certainly not taken seriously by the Interstate Commerce Commission. Mr. Harlan reviews the whole circumstances concerning the employment, and we quote from that part of his evidence, as follows:

"Senator WALSH. Mr. Harlan, I want to ask you a question or two. I should like to inquire of you whether it had ever occurred to you or to any of the members of the commission, so far as you are permitted to speak for them, that Mr. Brandeis had been faithless to the commission or to the public in the discharge of the duties which he undertook?

"Mr. HARLAN. Senator, I feel assured that I represent the views of my colleagues when I say that no such thought ever occurred to any of us. So far as I am concerned personally, if I may express a personal view, I can not associate such an idea with Mr. Brandeis. It is not consistent with my view of him or with the impressions that I have formed from a long acquaintance with him.

"Senator WALSH. Doubtless you know, Mr. Commissioner, the nature of the complaint made in this connection. It appears to be that, the questions involved being, first, whether the net revenues of the railroads as a whole, without any economies or change of business methods, were adequate; and, second, if they were not, by what means they should be made adequate. Mr. Brandeis, in opening the discussion before the commission, made the statement in effect that, in his opinion, the revenues of the railroad companies were not on the whole adequate, considering the needs of the railroads and the general welfare of the community. Do you recall the statement to which I allude?

"Mr. HARLAN. Yes; I do, Senator.

"Senator WALSH. In a general way, at least?

"Mr. HARLAN. Yes; I do.

"Senator WALSH. What was your view as to the propriety or the impropriety of Mr. Brandeis expressing any such opinion as that to you in the course of his discussion of the matter as he had investigated it?

"Mr. HARLAN. It never occurred to me that there was any impropriety in it. On the contrary, as I view the situation, it was precisely the sort of view that we looked to counsel to express as the result of his study of the case and the record as it lay before us. I do not mean, in saying that, that we had expected him to reach that conclusion on the record before us; I mean to say that it was that sort of judgment that we wanted from all the counsel discussing that case, and particularly from Mr. Brandeis. He had, of course, been in the case from the beginning. We wanted him to develop the facts—all the facts—that might bear upon the public interest, and I know of no more important fact in such a case than precisely that question. If the revenues of the carriers, the net incomes of the carriers, were not sufficient, that was something that we ought to know. It was one of the questions that the commission undertook to investigate. Having retained Mr. Brandeis to bring out all the facts of value, as I have explained, I do not see how he could have failed, when discussing the record, to advise us of any conclusion he had reached from his study of the testimony and evidence adduced, and to point out from the record, as he did, the reasons for that conclusion. We were entitled to have the views of those who had studied the record. As far as I know, the impropriety of the statement by him, to which you refer, has never occurred to any of my colleagues. But in saying that, and in what I have said or shall say, I speak only for myself.

"Senator WALSH. That is all.

"Senator WORKS. Mr. Harlan, that admission, if we call it an admission, practically covered the whole case, did it not?

"Mr. HARLAN. Why, no, Senator.

"Senator WORKS. The very question you had before you was whether these rates should be increased as asked for by the carriers, was it not?

"Mr HARLAN. Well, whether the net revenues were adequate in the public interest was a very different question from the reasonableness of the rates which were then in existence, or the rates which were proposed by the carriers."

Of Mr. Brandeis, Mr. Harlan said further in his testimony:—

"Mr. HARLAN. I do not believe that I am prepared to make any response to that question. I will say that, as far as my experience goes with Mr. Brandeis, he is a man who showed at all times great consideration for others. I do not believe that Mr. Brandeis would consciously have done an unfair thing. I am perfectly certain that in saying what he did he was moved by a sense of duty, upon the record, to the commission. No other thought about it has ever occurred to me, and I never have heard any of my colleagues indicate any criticism of it, or that they were surprised by it. Now, that may not be responsive to your question."

Again, in answer to a question by Senator FLETCHER, the following occurred:

"Senator FLETCHER. And no matter what Mr. Brandeis or any of the counsel may have stated in argument, the commission itself had the whole record before it and all the facts were collected, and there has been no claim that any shipper or any other interest was omitted in the collection of the facts?

"Mr. HARLAN. No; I have heard no criticism of that kind, and I do not think there is any basis for such criticism. I want to say also that I do not think the commission ever dealt with any case that engaged the personal attention of each commissioner more deeply and for a greater length of time than did the Five Per Cent case."

Again, in answer to a question by Senator WORKS, Mr. Harlan said:

"Senator WORKS. I believe it was testified at this hearing with respect to this particular case, by one of those attorneys that you had previously employed, that he never assumed to give any such advice or opinion respecting such a matter as this but simply developed the facts?

"Mr. HARLAN. I do not know who that was; but my own recollection is, and my understanding is, that we expect those who are retained by the commission for this purpose to be of aid to the commission not only in developing the facts but after weighing the record in pointing to the conclusions that the record seems to justify; and as I have said before, I say again, that I heard no comment or criticism in the commission of Mr. Brandeis's course upon the argument.

"Senator FLETCHER. I understand that there was in your mind in writing the letter that presenting the other side meant in the argument of this case and when the facts were collected?

"Mr. HARLAN. When the broad record was made.

"Senator FLETCHER. As you expressed it further down in the letter: 'And I have been asked to ascertain whether your engagements and inclinations are such as to permit you to undertake the task of seeing that all sides and angles of the case are presented of record,' etc. Was there any claim or suggestion that he failed or neglected to do that?

"Mr. HARLAN. I have heard none at all.

"Senator FLETCHER. Even Mr. Thorne, in complaining about the statement made by Mr. Brandeis, never contended that Mr. Brandeis had failed in the effort to collect all the facts in the case?

"Mr. HARLAN. I do not recall that he made that criticism, Senator.

"Senator FLETCHER. Then, when you announced one issue in the language mentioned 'Do the present rates of transportation yield an adequate return to common carriers?' is not that a different question than whether or not the net income of the railroads—the net operating revenues of the railroads—are sufficient?

"Mr. HARLAN. I regard it, of course, as a very different question.

"Senator FLETCHER. Yes.

"Mr. HARLAN. I mean there is a very distinct difference between the two questions.

"Senator FLETCHER. A very distinct difference?

"Mr. HARLAN. Yes.

"Senator FLETCHER. So that when an admission is made that the net operating revenues of a railroad company are insufficient, or the net income is insufficient as the road is being operated, it is not an admission that the rates are inadequate?

"Mr. HARLAN. No; by no means. The adequacy of net operating revenues brings up questions of credit, adequate facilities, efficient service, extension of tracks, and matters of that kind. Whether the rates are adequate brings into view their reasonableness and related questions. As I have before pointed out, the commission held in the first report in the Five Per Cent case that the net operating revenues of the carriers were inadequate in the public interest, but at the same time we denied the increased rates demanded by the carriers and permitted an increase in central freight association territory only in connection with a finding that those rates were unduly low when compared with rate structures elsewhere in the country.

"Senator CHILTON. It therefore follows that Mr. Brandeis's admission did not answer and conclude the first proposition that you presented?

"Mr. HARLAN. Well, it certainly did not conclude it with the commission."

At another place in the evidence Mr. Harlan says:

"But I do not understand that Mr. Brandeis was on either side. He was there in the public interest."

At another place, speaking for the commission, he said that the services of Mr. Brandeis were "eminently" satisfactory.

It seems to us that this evidence makes it perfectly clear that the charge of Mr. Thorne can not be sustained, but that on the contrary the conduct of Mr. Brandeis in this matter was honorable, in every way satisfactory to the commission, and showed fidelity to a most important trust.

In view of the fact that some citizens of great prominence have protested against this nomination, reference may properly be made to certain letters concerning Mr. Brandeis. One is a letter from the President of the United States in answer to a letter from Mr. Culberson, chairman of the Committee on the Judiciary, which letter and the reply thereto follow:

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D. C., May 5, 1916.

DEAR MR. PRESIDENT: As you are aware, the Committee on the Judiciary of the Senate has under consideration the nomination of Mr. Louis D. Brandeis for Associate Justice of the Supreme Court of the United States.

In response to the formal and usual request of the committee made to the Attorney General for all papers in the possession of his department touching this nomination, he replied that there were no such documents in his department.

Inasmuch as this request usually results in the presentation to the Committee on the Judiciary of papers showing the reasons which actuated the President in making the nomination, I would be glad to have you state these reasons, for the benefit of the committee, in case you see no objection to so doing.

Very sincerely, yours,

C. A. CULBERSON.

To the PRESIDENT,
The White House.

THE WHITE HOUSE,
Washington, May 5, 1916.

MY DEAR SENATOR: I am very much obliged to you for giving me an opportunity to make clear to the Judiciary Committee my reasons for nominating Mr. Louis D. Brandeis to fill the vacancy in the Supreme Court of the United States created by the death of Mr. Justice Lamar, for I am profoundly interested in the confirmation of the appointment by the Senate.

There is probably no more important duty imposed upon the President in connection with the general administration of the Government than that of naming members of the Supreme Court; and I need hardly tell you that I named Mr. Brandeis as a member of that great tribunal only because I knew him to be singularly qualified by learning, by gifts, and by character for the position.

Many charges have been made against Mr. Brandeis; the report of your subcommittee has already made it plain to you and to the country at large how unfounded those charges were. They threw a great deal more light upon the character and motives of those with whom they originated than upon the qualifications of Mr. Brandeis. I myself looked into them three years ago when I desired to make Mr. Brandeis a member of my Cabinet and found that they proceeded for the most part from those who hated Mr. Brandeis because he had refused to be serviceable to them in the promotion of their own selfish interests and from those whom they had prejudiced and misled. The propaganda in this matter has been very extraordinary and very distressing to those who love fairness and value the dignity of the great professions.

I perceived from the first that the charges were intrinsically incredible by anyone who had really known Mr. Brandeis. I have known him. I have tested him by seeking his advice upon some of the most difficult and perplexing public questions about which it was necessary for me to form a judgment. I have dealt with him in matters where nice questions of honor and fair play, as well as large questions of justice and the public benefit, were involved. In every matter in which I have made test of his judgment and point of view I have received from him counsel singularly enlightening, singularly clear-sighted and judicial, and, above all, full of moral stimulation. He is a friend of all just men and a lover of the right; and he knows more than how to talk about the right—he knows how to set it forward in the face of its enemies. I knew from direct personal knowledge of the man what I was doing when I named him for the highest and most responsible tribunal of the Nation.

Of his extraordinary ability as a lawyer no man who is competent to judge can speak with anything but the highest admiration. You will remember that in the opinion of the late Chief Justice Fuller he was the ablest man who ever appeared before the Supreme Court of the United States. "He is also," the Chief Justice added, "absolutely fearless in the discharge of his duties."

Those who have resorted to him for assistance in settling great industrial disputes can testify to his fairness and love of justice. In the troublesome controversies between the garment workers and manufacturers of New York City, for example, he gave a truly remarkable proof of his judicial temperament and had what must have been the great satisfaction of rendering decisions which both sides were willing to accept as disinterested and even-handed.

Mr. Brandeis has rendered many notable services to the city and State with which his professional life has been identified. He successfully directed the difficult campaign which resulted in obtaining cheaper gas for the city of Boston. It was chiefly under his guidance and through his efforts that legislation was secured in Massachusetts which authorized savings banks to issue insurance policies for small sums at much reduced rates. And some gentlemen who tried very hard to obtain control by the Boston Elevated Railway Co. of the subways of the city for a period of 99 years can probably testify as to his ability as the people's advocate when public interests call for an effective champion. He rendered these services without compensation and earned, whether he got it or not, the gratitude of every citizen of the State and city he served. These are but a few of the services of this kind he has freely rendered. It will hearten friends of community and public rights throughout the country to see his quality signally recognized by his elevation to the Supreme Bench. For the whole country is aware of his quality and is interested in this appointment.

I did not, in making choice of Mr. Brandeis, ask for or depend upon "indorsements." I acted upon public knowledge and personal acquaintance with the man, and preferred to name a lawyer for this great office whose abilities and character were so widely recognized that he needed no indorsement. I did, however, personally consult many men in whose judgment I had great confidence, and am happy to say was supported in my selection by the voluntary recommendation of the Attorney General of the United States, who urged Mr. Brandeis upon my consideration independently of any suggestion from me.

Let me say, by way of summing up, my dear Senator, that I nominated Mr. Brandeis for the Supreme Court because it was, and is, my deliberate judgment that of all the men now at the bar whom it has been my privilege to observe, test, and know, he is exceptionally qualified. I can not speak too highly of his impartial, impersonal, orderly, and constructive mind, his rare analytical powers, his deep human sympathy, his profound acquaintance with the historical roots of our institutions and insight into their spirit, or of the many evidences he has given of being imbued to the very heart with our American ideals of justice and equality of opportunity; of his knowledge of modern economic conditions and of the way they bear upon the masses of the people, or of his genius in getting persons to unite in common and harmonious action and look with frank and kindly eyes into each other's minds, who had before been heated antagonists. This friend of justice and of men will ornament the high court of which we are all so justly proud. I am glad to have had the opportunity to pay him this tribute of admiration and of confidence; and I beg that your committee will accept this nomination as coming from me quick with a sense of public obligation and responsibility.

With warmest regard, cordially and sincerely, yours.

WOODROW WILSON.

Hon CHARLES A. CULBERSON,
United States Senate.

We submit also the following letter from Prof. Charles W. Eliot, emeritus president Harvard University:

CAMBRIDGE, MASS., *May 17, 1916.*

DEAR SIR: I have known Mr. Louis D. Brandeis for 40 years, and believe that I understand his capacities and his character. He was a distinguished student in the Harvard Law School in 1875–1878. He possessed by nature a keen intelligence, quick and generous sympathies, a remarkable capacity for labor, and a character in which gentleness, courage, and joy in combat were intimately blended. His professional career has exhibited all these qualities, and with them much practical altruism and public spirit. He has sometimes advocated measures or policies which did not commend themselves to me; but I have never questioned his honesty and sincerity or his desire for justice. He has become a learned jurist.

Under present circumstances, I believe that the rejection by the Senate of his nomination to the Supreme Court would be a grave misfortune for the whole legal profession, the court, all American business, and the country.

Sincerely, yours,

CHARLES W. ELIOT.

Hon. CHARLES A. CULBERSON.

Also the following letter from Charles B. Greenough:

262 WASHINGTON STREET,
Boston, Mass., May 19, 1916.

Hon. CHARLES A. CULBERSON.

DEAR SIR: In reading the report of the hearings before the subcommittee of your committee on the question of approval of the nomination of Mr. Brandeis it has seemed to me that the testimony of some of the lawyers from this city as to the reputation of Mr. Brandeis did not do him justice.

I think I am able to speak with some authority, as I have been secretary of the bar association, treasurer, member of the council, vice president, and president from 1902–1905. These positions gave me an excellent opportunity of knowing the character and reputation of the members of the bar. I was also chairman of the grievance committee of the bar association for 15 years, and during these years there had not been to my knowledge any complaint against Mr. Brandeis's character or method of practice.

I know there is among a number of our leading attorneys a strong feeling of antagonism to Mr. Brandeis, which I attribute entirely to two causes: First, the vigorous and, I think, outrageous attacks upon him for his opposition to the United Shoe Machinery Co. in 1909. Thousands of pamphlets were sent to members of the bar. I myself received several, and I have no doubt many received their impressions from these public repeated attacks, which could not be as widely answered. The second reason was his attack on the New York, New Haven & Hartford Railroad Co. All holders of the stock resented his attacks, and he was called a liar, a railroad wrecker, and many other similar names. As every trustee in New England held the stock—I held a lot of it myself, and was for a time inclined to resent his action—I have no doubt the distrust of him was increased thereby. That he was right, and conclusively shown to be so, came too late to dissipate the impression already formed.

At all times, however, and now his firm has the very best of reputation, and is the one most sought by students from the Harvard Law School.

I think I am justified in saying that a large number of the members of the bar to-day have a great respect for his ability and for his remarkable devotion to the public good, and would retain him without hesitation and with entire confidence in any matter relating to their own interests.

Very truly, yours, CHARLES B. GREENOUGH.

An impression has gone abroad that a great majority of the lawyers of Boston and vicinity are protesting against this nomination. That is a great mistake, as may be shown, and we, therefore, attach some letters from prominent lawyers and eminent citizens of that community as an appendix to this report. It will be noted that among that number are the following:

Roscoe Pound, new dean of Harvard Law School and eminent juridical scholar.
George B. Dorr, friend of Samuel D. Warren.
Joseph B. Eastman, member of Public Service Commission, Massachusetts, formerly secretary Public Franchise League.
David I. Walsh, recently governor of Massachusetts.
A. S. Hall, lawyer, practicing in Boston during Brandeis's entire career.
W. T. A. Fitzgerald, register of deeds, Suffolk County, Mass.
Lionel Norman, lawyer, characterizing narrowness of opposition.
J. M. Head, lawyer, knowing Brandeis 40 years.
Richard H. Dana, lawyer, long prominent leader in Civil Service Association.
John W. Cummings, a leading lawyer, Bristol County, bar, supposed to have been offered and declined appointment to superior court.
Melvin C. Adams, former United States district attorney.
Joseph C. Pelletier, State district attorney.
John A. Coulthurst, member of the city council and candidate for mayor.
George U. Crocker, member finance commission.
Samuel K. Hamilton, president Middlesex Bar Association.
Roger Sherman Hoar, former Assistant Attorney General.
James P. Magenis, finance commission.
Frederick W. Mansfield, former State treasurer.
Robert W. Nason, former assistant district attorney.
W. R. Sears, of Whipple's firm.
John R. Thayer, of Worcester.
James H. Vahey, formerly candidate for governor.
George Wigglesworth.
Arthur D. Hill, professor in Harvard Law School.
Prof. William Z. Ripley, of Harvard.
Rev. Edward Cummings, successor of Edward Everett Hale.
Bernard J. Rothwell, former president, chamber of commerce.
Henry S. Dennison, vice president, chamber of commerce.
Robert A. Woods, license commissioner.
William Lloyd Garrison.
Mark de Wolfe Howe, editor Harvard Bulletin.
President Bumpus, of Tufts College.
Robert N. Washburn, brother of Representative Charles G. Washburn, of Worcester.

It has been urged that in view of the fact that these charges have been made, and, at best, there may be still a doubt in the minds of many as to the truth of some of them, this nomination should be rejected.

For the reasons stated in the report of the majority members of the subcommittee, we can not concur in this view, but there are many other considerations which make such a proposition unthinkable. First, the precedents of the Senate are against any such theory. The appointment of Chief Justice Marshall and Justice Story, Justice Taney, and Justice Matthews were viciously attacked.

There were no ex-presidents of the American Bar Association to give their testimony as to the first two, but they did not lack critics of such high position as to impair their reputation at the time, and the criticisms from those of a different political faith were in nowise confined to political opinion.

Of Marshall, Thomas Jefferson said:

"Never will chicanery have a more difficult task than has now been accomplished to warp the text of the law to the will of him who is to construe it.

"The judge's inveteracy is profound and his mind of that gloomy malignity which will never let him forego the opportunity of satiating it on a victim.

"An opinion is huddled up in conclave perhaps by a majority of one delivered as if unanimous, and with the silent acquiescence of lazy or timid associates by a crafty judge who sophisticates the law to his own mind by the turn of his own reason.

"It (Marshall's Life of Washington) is written, therefore, principally with a view to electioneering purposes It will consequently be out in time to aid you with information, as well as to point out the perversions of truth necessary to be rectified."

These opinions from this respectable source were of a man of whom William Wirt said, "Marshall was justly pronounced one of the greatest men of the country"; and William Pinckney said, "A man born to be the chief justice of any country into which Providence should have cast him"; and John Quincy Adams said, "He was one of the most eminent men that this country has ever produced."

Chief Justice Marshall was elevated from the bar and held no judicial position before becoming Chief Justice of the United States.

Of Mr. Justice Story, Josiah Quincy, jr., said:

"I remember my father's graphic account of the rage of the Federalists when 'Joe Story, that country pettifogger, aged 32,' was made a judge of our highest court."

On the other hand, John Quincy Adams says:

"The Associate Judges from the time of his (Marshall's) appointment have generally been taken from the Democratic or Jeffersonian Party. Not one of them excepting Story has been a man of great ability."

In his "Memoir of Joseph Story, LL. D.," 1868, George S. Hillard says:

"Mr. Story, when he went upon the bench, was only 32 years old, a very early and, with the exception of Mr. Justice Buller, an unprecedented age for a lawyer to be advanced to a seat upon the highest judicial tribunal of his country. When we call to mind his youth and remember how earnest and conspicuous he had been on the unpopular side in politics, it will not be a matter of surprise to learn that the news of his appointment fell with something like consternation upon the elder, the more apprehensive, and the more conservative portion of the people of New England. His merits as a lawyer could be scanned only by his professional brethren; his sweet and generous nature could be appreciated only by his friends. The public knew him as an enthusiastic partisan; and it is not too much to say that with many there was an apprehension that, in his hands, rights and property would hardly be safe. It is hardly necessary to add, that the existence of such fears was a striking proof of the truth of Mr. Jefferson's saying, 'How much we suffer from misfortunes that never happen.' From the moment he assumed his judicial office he shook the dust of politics from his feet, and he bore himself with such absolute impartiality that it is literally true that there was no act of his judicial life from which it could have been known to which of the two great parties which divided the country he had previously belonged."

Roger B. Taney was nominated by President Jackson in January, 1835, to be an Associate Justice.

Chief Justice Marshall interested himself in support of the confirmation.

History records the following:

"At the last moment of the session the nomination of Mr. Taney was brought up in the Senate, and was indefinitely postponed, which was equivalent to a rejection."

"It is sad to a reflecting man to witness in an august body like the Senate, composed at that time of men who, by their eminent abilities, would give the highest dignity to any legislative assembly in the world, the unreasoning domination of party spirit, making it do an act of which every Member was afterwards ashamed." (Memoirs of Roger Brooke Taney by Samuel Tyler, p. 242.)

Chief Justice Marshall died in the summer of 1835, and on December 28 President Jackson nominated Taney for Chief Justice. There was violent opposition, particularly by Clay and Webster. On March 15, 1836, the nomination was confirmed by a majority of 14 votes.

The contest over the confirmation of Mr. Justice Stanley Matthews shows how easily mistaken conceptions concerning the predisposition of a judge upon questions of law or policy may develop into an unwarranted attack upon his moral qualities.

He was nominated by President Hayes early in 1881 on the retirement of Mr. Justice Swayne.

Charles Theodore Greve in his Life of Matthews (Great American Lawyers, Vol. VII, pp. 418–420) says:

"That his confirmation was bitterly opposed particularly by many in the East is a matter of public history. He had taken a most active part in one of the bitterest conflicts of modern politics and had been most conspicuous among the members of the bar as a representative of corporations and capital. To the objections that might have been urged as the result of mere differences of judgment were added as always happens in such cases the calumnies of personal enemies. Even a most unfair version of the old Connelly case of a quarter of a century before was made to do service. The opposition was sufficient to prevent confirmation during the few remaining weeks of President Hayes's term, but promptly after the inauguration of Garfield he, at Hayes's request, sent the nomination once more to the Senate. The opposition continued for some time but this extraordinary proof of confidence, the selection by two Presidents, each from his own State and each familiar with his entire career, finally led to his confirmation on May 12, 1881. He took his seat upon the bench of the Supreme Court on May 17, and soon came to be recognized as one of its strongest members. Whatever opposition may have been manifested at the time of his nomination was soon shown to be without foundation and those that led that opposition

were glad to acknowledge their error. Principal among these was Senator Edmunds, who later bore testimony that 'the grounds upon which many Senators (myself among others) thought it unfit that he should be called to this particular public service, turned out to be entirely mistaken, and in the public respect toward which our solicitudes were directed, his opinions delivered in this court and his assent to opinions upon that class of questions delivered by other judges, justified the President of the United States in insisting upon his appointment and convinced me and I think no doubt all the other Senators who were opposed to him at the time, that it was our mistake and not that of the President of the United States.' Senator McDonald, also a member of the Senate committee to which the nomination was sent, took occasion to brand as false any insinuations as to his conduct during the crisis of 1876–77, at which time he, McDonald, was one of the 'visiting statesmen' on behalf of the Democratic national committee."

The Connelly case, just referred to, gave ample opportunity for unjust criticism. In 1859, when Matthews was United States attorney for the southern district of Ohio, it became his duty to prosecute Connelly, the reporter of a local newspaper, who was indicted for aiding in the escape of fugitive slaves. Matthews was then believed to be sympathetic with the antislavery cause, and the prosecution was regarded as an unwarranted persecution by many influential citizens.

Another occasion on which Matthews found himself at the point where conflicting principles met was created by a resolution passed by the board of education of the city of Cincinnati, which provided:

"That religious instruction and the reading of religious books, including the Holy Bible, are prohibited in the common schools of Cincinnati, it being the true object and intent of this rule to allow the children of all sects and opinions, in matters of faith and worship, to enjoy alike the benefit of the common-school fund."

Suit was brought to restrain the execution of this resolution. Matthews was at the time a pronounced Calvinistic Presbyterian. Nevertheless, he accepted employment to defend the board of education. His biographer says of him:

"Matthews's appearance for the defense in this case shows as no other act of his life can show more plainly the liberal character of the man as well as his high conception of a lawyer's duty."

In arguing the case, Matthews said:

"It is easy to swim with the tide, to go with the current, to follow in the wake of the multitude. To do things that are popular is not hard. But to stand by a man's individual moral convictions, in opposition not to enemies but to friends, tries a man. If your honors please, it tries me."

The New York Sun had many violent editorials against Stanley Matthews from January to May, 1881, most of them by reason of his alleged connection with the Pacific railroads or Jay Gould. They appear on these dates: January 27, February 1, 2, 4, 7, 9, 11, 12, 16, 19, March 7, 19, 23, 24, 29, May 12 and 13.

Those of February 1 and 4 refer to the Anderson letters and indicate on their face that Matthews had been the custodian of papers that showed that Anderson had forged false return to get the necessary Hayes count in Louisiana, and show clearly that Matthews after he had this paper in his possession was active in endeavoring to get Anderson a Federal position. Matthews had stated in his testimony before the investigating committee that he understood that this paper was got up for blackmailing purposes, and that Anderson had not in fact been guilty of fraud in connection with the returns. These editorials refer to the committee as a "whitewashing" committee.

The February 7 editorial sets out the virtual trade that was alleged to have been made by Matthews on behalf of Hayes, not to interfere with the local State governments in control of the Democrats in certain States if the filibuster was stopped against the acceptance of the report of the Electoral Commission as to the presidential count. This editorial and some others refer to Mr. Justice Harlan's appointment on the Supreme Court bench as having been a reward for his help in the fraudulent counting in of Hayes.

Stanley Matthews was active in the Hayes-Tilden campaign of 1876 and visited Louisiana as an observer of the count. Subsequently one James E. Anderson made statements which led to an investigation by a select committee of the Senate: Allison, Ingalls, Hoar, Davis of Illinois, Whyte, and Jones of Florida, to determine what connection Matthews had had with real or pretended frauds in Louisiana and any promise of rewards that had been made to Anderson in connection therewith. Anderson was apparently a Republican election officer. They had heard and considered Anderson's testimony and Matthews's testimony and decided that Matthews's statement was correct; that is, that he had had nothing to do with inducing Anderson to suppress testimony or to give false testimony. But it did appear from Matthews's statement that he had exerted himself to get an appointment in the Federal service for Anderson, apparently merely because he was, in Matthews's view, a worthy and needy Republican. The committee, after absolving Matthews from guilt in any other respect, concludes its report:

"* * * We can not but regard his action with respect to James E Anderson's effort to obtain an appointment to office, under the circumstances, as wrong and injurious to the public interest." (Report, Mar. 1, 1879, vol. 2 of 1879, 45th Cong., 3d session., S. Rept. 867.)

Thus it may be seen that Mr. Brandeis will not be the first distinguished lawyer to serve upon the Supreme Court of the United States after having been criticized most severely.

It is easy to make charges, and there is too much proof in this case of a preconcerted effort to weaken the power of Mr. Brandeis before the public, to think of permitting insinuations and inuendoes to take the place of reasonable proof. We should be certain to have an honest, capable man upon the bench, but unless one be appointed who has not had the capacity and the courage to take part in the discussions of the last quarter of a century, which have been pregnant with constructive legislation and decisions, as well as undergoing a revolution in public sentiment regarding many questions, then it would be hard to find one, whom either malice or interest could not easily disqualify. For instance, take such an eminent man as Senator Root, now the president of the American Bar Association. We take it that practically everyone who has protested against Mr. Brandeis would gladly accept Mr. Root as the kind of a man and the kind of the qualified lawyer who would adorn the Supreme Bench. Yet it is the irony of the present situation that in a report published in 1902 entitled "Root's Record in Philippine Warfare," Mr. Moorefield Storey, who has been most prominent in fighting the nomination of Mr. Brandeis, joined in summing up conclusions, among others, as follows:

"That the statements of Mr. Root, whether as to the origin of the war, its progress, or the methods by which it has been prosecuted, have been untrue.

"That he has shown a desire not to investigate, and, on the other hand, to conceal the truth, touching the war and to shield the guilty, and by censorship and otherwise has largely succeeded."

Since that time Mr. Root has occupied many positions of trust and responsibility, among them the position of Secretary of State and United States Senator from New York and president of the American Bar Association. His preeminent position as a citizen is a guaranty that nothing which we quote now from Mr. Storey in 1902 can possibly do any injury, but if he had had less prominence and power, and disappointed railroads and other special interests had so desired, the above-quoted report would be certainly as substantial a foundation upon which to build a structure of doubt as formidable, in any view of the situation, as is the one which is now sought to be interposed against the nomination of Mr. Brandeis.

The active life of the people, the bitterness and intensity of political, legal, and civic controversies have made many prominent men the object of attack from large sections of the people or some particular communities. Instances of this could be multiplied, but we do not care to take liberties with others' names, preferring to let the illustration of one of the very distinguished members of the bar, which we have given, and who can not possibly be injured thereby, suffice.

Since 1907 Mr. Brandeis has been the object of bitter attack from those interested in defeating his opposition to the transportation monopoly sought by the New York, New Haven & Hartford Railroad Co. (620, 751, 615, 640, 499, 510). Before this time his efforts in behalf of what he believed to be the interests of the community had exposed him to the enmity of other public-service corporations, and the banking interests allied therewith (810, 613, 618).

But it was at the end of 1907 that the systematic efforts to discredit him began. This was done through inspired news articles and editorials, and finally through extensive advertising (620, 640, 664, 239). This was placed to some extent through Clarence W. Barron (134), the editor of a financial paper called the Boston News Bureau, and Wall Street Journal, and some of the advertisements were approved by Mr. Charles F. Choate, jr., the counsel for the railroad and a son of one of its directors (640, 643). This advertising was put out under such headings as "Brandeis the Railroad Wrecker." It was not the sporadic outburst of spite. It was a systematic policy of defamation to break down the power of his opposition, which was effective because of his high repute, and could be broken only by attacking his reputation. The method adopted was to spread the idea that he was not acting disinterestedly for the benefit of the community, but under pay and for hostile private interests (640, 660). This is of particular significance when considering the nature of the alleged bad reputation. It is not that he is unfaithful to his clients or false to the courts; it is that he is not entirely "trustworthy" (153), is "ruthless" in the attainment of his objects, and not "scrupulous" in the methods he adopts (271); that he works "under cover" (653); that he is not "straightforward" (611), and not always truthful, and sails under "false colors" (750). This was the very reputation which an extensive and skillful campaign was conducted to give him (620). The meaning of the witnesses is still further defined by their illustrations, namely, that of his being paid by Collier's for appearing for Glavis (614, 269), and the false charge that he was knowingly acting for the New York, New Haven & Hartford Railroad Co. in bringing the Corbin suits against the New York & New England Railroad Co. (415).

The coincidence of the beginning of this alleged evil reputation with a systematic campaign to create it is well shown by the testimony of Mr. Peabody, one of the hostile witnesses, who says that he has a wide acquaintance at the Boston bar, and for years has been a member of the same club with Mr. Brandeis, and yet the first that he heard by way of criticism of Mr. Brandeis's good faith was when he attacked the New Haven Railroad Co. in 1907 (753), and this was an attack to which Mr. Peabody was personally opposed (751).

This was an attack, as Mr. Storey says, upon people, many of whom exercised a very powerful influence, socially, politically, and financially, so that a man would not be in high favor with some of the best citizens of Boston who was engaged in exposing the shortcomings of these people (272).

Outside of this small circle and the influences of the hostile campaign, Mr. Brandeis's reputation is not only above reproach but is that of a man who is conspicuous for high standards of action, personally and in his profession.

With 38 years of practice in the Boston bar, Mr. Melvin O. Adams says of his reputation:

"If I may analyze it, as I observe it, there is a group of men of high standing, like Gen. Peabody, in the community, who are in the network of State Street, which is our financial street, who state and think that Mr. Brandeis is not straightforward in his practice. I think these opinions, when traced, run into some one of these pockets of more or less publicity, namely, the Lennox case, the United Shoe Machinery case, the wrecking of the New England—those allegations. That is a fair statement as to that group. On the other hand, there is a large body of the bar, who, coinciding with what I have said as to his being a very able lawyer, a man of profound learning, also believe that he is actuated by lofty purposes, is honest and trustworthy" (766).

Mr. Thomas J. Boynton, lately attorney general of Massachusetts, says:

"That reputation, so far as I know it, is good. Down to the time this appointment was made I think the only thing that had ever come to my attention in any way reflecting upon Mr. Brandeis was certain printed matter circulated by the United Shoe Machinery Co. With that exception, I do not think I ever heard anything reflecting in any way upon his character as a man or as a lawyer" (771).

The testimony of Mr. French and Mr. Walker are cumulative on this point.

Of his national reputation, Mr. Stephen S. Gregory, formerly president of the American Bar Association, says that "his reputation is excellent as a lawyer of ability and character" (711).

Hon. Newton D. Baker, Secretary of War, says that he knows Mr. Brandeis's reputation among social workers, and that among them he is regarded as not only the greatest lawyer of their group of aids but as a detached and spiritual and high-minded man (762).

This is emphasized by a memorial in Mr. Brandeis's favor signed by many well-known men (761).

Mr. Whipple, already quoted, says:

"As a lawyer, Mr. Brandeis is able and learned. As a man, he is conscientious and high minded. The feature of his career which is the most striking and remarkable has been his unselfish and unswerving devotion to the social, moral, and industrial uplift of the lowly and less fortunate of our people. I believe that on the Supreme bench

of the United States he will exert a strong influence in establishing the ideals to which he has devoted his recent years." (282.)

It is evident that the standing Mr. Brandeis's firm in the public esteem can not rise above his own. Mr. Whipple says that it is a reputable firm, generally so regarded, one of the leading firms of the city (285), one to which go men of superior excellence in their work in the Harvard Law School.

Mr. Hutchins says that the firm is one of the high-standing firms of the city to which for 20 or 30 years a good many of the high-class men from Harvard have gone, and that it has done a large and varied business, dealing on terms of good fellowship and general respect with the entire bar (621).

Without going further into details it may be said that the testimony of Mr. French, Mr. Walker, and others convinces your committee that the high standing of the law firm is not open to doubt.

The unreality of the strictures upon Mr. Brandeis's reputation is strikingly demonstrated by the treatment which has been accorded to him by some of the very men who now make these assertions. Among his critics are several of the overseers of Harvard College and members of that corporation. They are charged with the duty of maintaining the high moral standard of that institution, and of putting in places of prominence only those whose example will be elevating to the student body. Year after year these men have appointed Mr. Brandeis a member of the visiting committee to the Harvard Law School—a committee made up of such men as Mr. Justice Hughes, of the Supreme Court of the United States; Mr. Justice Loring, of the Supreme Court of Massachusetts; Mr. Justice Swayze, of the Supreme Court of New Jersey; Hon. James T. Mitchell, some time chief justice of Pennsylvania; Hon. Robert Grant, judge of the probate court in Boston; Hon. Henry L. Stimpson, some time Secretary of War; James C. Carter, leader of the American bar; Charles C. Beaman, member of the distinguished firm of Evarts, Choate & Beaman, a partner of Joseph E. Choate, lately ambassador to Great Britain; Francis C. Lowell, United States judge for Massachusetts; Charles J. Bonaparte, lately Attorney General; Jeremiah Smith, formerly justice of the Supreme Court of New Hampshire and one of its most distinguished citizens and professor in the law school after 1891; Charles S. Fairchild, formerly Secretary of the Treasury under Mr. Cleveland; Charles P. Greennough, formerly president of the Boston Bar Association; Robert M. Morse, one of the leaders at the Boston bar for the last 40 years; John Noble, clerk of the Supreme Judicial Court of Massachusetts; James J. Storrow, Edmund Wetmore, Henry W. Putnam, William Rand, George Putnam, Langdon P. Marvin, and Chandler P. Anderson.

Some of the members of the board of overseers of Harvard College, which has appointed Mr. Brandeis a member of the visiting committee to the law school, are the following:

Henry Cabot Lodge, Senator from Massachusetts; George F. Hoar, formerly Senator from Massachusetts; Roger Wolcott, formerly governor of Massachusetts; Moorfield Storey, one of the protestants; Francis C. Lowell, United States circuit judge, cousin and former partner of A. Lawrence Lowell; John D. Long, formerly governor of Massachusetts and Secretary of the Navy; William C. Loring, justice Supreme Judicial Court of Massachusetts; Winslow Warren, collector of port under Mr. Cleveland, father of Charles Warren, Assistant Attorney General of the United States; Frederick P. Fish, a protestant; John Noble, clerk of Supreme Judicial Court of Massachusetts and father of a protestant; Robert Grant, judge of the probate court, Suffolk County, Mass.; Robert M. Morse, one of the leaders at the Boston bar for the last 40 years; Solomon Lincoln, formerly a leader of the Boston bar; Moses Williams, a protestant; George O. Shattuck, formerly a leader at the Boston bar; James J. Storrow, Charles R. Codman, Henry W. Putnam, Leverett Saltonstall, Edmund Wetmore, Louis A. Frothingham, and George Wigglesworth.

It will not do to oppose the nomination of a man like Mr. Brandeis and then, after a complete investigation, admitting that the charges are not supported, ask that the nomination be rejected because of the charges rather than of their truth. This would be an injustice to the nominee and to the court, and would be out of line with that sense of justice which pervades all classes of people. Having failed in the charges and admitting the eminent ability of the appointee, it would be the manly thing to concede the evident error in making the charges and ask for a confirmation.

APPENDIX.

HON. WILLIAM E. CHILTON,
United States Senator, Washington, D. C.

DEAR MR. CHILTON: I am venturing to write you the impressions of one who has come into this community from without and may perhaps have been able to judge Mr. Brandeis more fairly than it seems to me he is judged here. His friends, as it seems to me, make a great mistake in urging as his chief qualification his views upon social questions and the eminent services he has performed in the public interest. Important as these matters are, their importance does not lie immediately in the direction of qualification for the bench. What is not so generally known is that Mr. Brandeis is in very truth a very great lawyer. At the beginning of his career his article in the Harvard Law Review on the right of privacy did nothing less than add a chapter to our law. In spite of the reluctance of many courts to accept this, it has steadily made its way, until now it has a growing preponderance in its favor. All the cases upon this subject concur in attributing the origin of the doctrine to Mr. Brandeis's paper. The promise thus given has been amply fulfilled. One might instance the revolution which his brief in Muller *v.* Oregon achieved in the matter of arguing cases involving the constitutionality of social legislation. The real point here is not so much his advocacy of these statutes as the breadth of perception and the remarkable legal insight which enable him to perceive the proper mode of presenting such a question. Since I came to Cambridge, not quite six years ago, I have had many opportunities of observing Mr. Brandeis, and do not hesitate to say that he is one of the great lawyers of the country. So far as sheer legal ability is concerned, he will rank with the best who have sat upon the bench of the Supreme Court.

As to the charge that he is lacking in judicial temperament and would be a partisan upon the bench, it seems to me that those who urge this know very little about him and base their opinions upon newspaper accounts of the vigorous battles which he has fought as an advocate. Of course the newspapers are not interested in the purely legal side of his activities. Only those causes involving more or less sensational public interest attract general notice. In these causes he has appeared as a vigorous and sometimes radical advocate. But those who conceive him disqualified because of his advocacy of those cases make the same mistake as is made by others who have so often objected to putting sound and well-qualified lawyers upon the bench because they had often been engaged in advocating the cause of great corporate interests. Moreover it is well proved by experience that a great advocate may easily become a great judge also. A notable example is to be seen in the case of Sir Henry Hawkins the greatest advocate probably of his generation. When he was appointed to the bench fear was expressed that he would carry his habits of advocacy into the judicial station. On the other hand, when he retired it was universally acknowledged that he had been a fair and sound trial judge in the very class of cases in which he had so often been engaged in the forum. One might instance also the late Lord Russell, easily the greatest advocate of his time, who filled acceptably the post of Chief Justice of England. In the case of Mr. Brandeis the very qualities that have made his advocacy so effective would, I think, make his study of a controversy as a judge equally effective in achieving a sound legal result.

As to the charges of unprofessional conduct which are so much in the air here, I have no first-hand information. But I may call your attention to one circumstance which seems to me conclusive. At least from 1910 (when I came here) to the present Mr. Brandeis has been one of the committee appointed by the board of overseers of Harvard University to visit the law school. That is, the board of overseers have appointed him as one of a committee to inspect the work of teachers and students, and to advise as to the conduct of the school. At different times between 1910 and the present he has been associated on this committee with Mr. Justice Hughes, of the Supreme Court of the United States; Mr. Justice Loring, of the Supreme Court of Massachusetts; Mr. Justice Swayze, of the Supreme Court of New Jersey; Hon. James T. Mitchell, sometime chief justice of Pennsylvania; Hon. Robert Grant, judge of the probate court in Boston, and Hon. Henry L. Stimson, sometime Secretary of War. During this period, in which Mr. Brandeis has been reappointed from time to time to serve with lawyers of the caliber of those just enumerated, the following lawyers have been members of the board of overseers by whom he has been so reappointed: Hon. Henry Cabot Lodge, United States Senator from Massachusetts; the late John D. Long; Mr. Justice Loring, of the Supreme Court of Massachusetts; Hon. James T. Mitchell, sometime chief justice of Pennsylvania; Mr. Justice Swayze, of the Supreme Court of New Jersey; William A. Gaston, Esq., of the Boston bar; Robert F. Herrick, Esq., of the Boston bar; Frederick P. Fish, Esq., of the Boston bar; Judge Robert Grant; and L. A. Frothingham, Esq., of the Boston bar. It can not be that these gentlemen would have appointed him along with such colleagues to a position of such importance had they then believed him deficient in professional honor or guilty of professional misconduct. Nor can it be asserted that the eminent members of the Boston bar who participated in the appointment and reappointment were ignorant of what is now charged, for these charges are not new. Conceding, as one must, the absolute sincerity of these gentlemen one is driven to the conclusion that the objections now urged against Mr. Brandeis at the Boston bar by his colleagues are the unconscious product of fear of his political views and aversion to his social and public activities.

Yours, very truly,

ROSCOE POUND.

SOMERSET CLUB,
Boston, March 21, 1916.

To the CHAIRMAN OF THE SENATE JUDICIARY SUBCOMMITTEE,
Washington, D. C.

DEAR SIR: Having followed with interest the report of evidence submitted to your committee in regard to the President's nomination of Mr. Brandeis for the Supreme Court vacancy, I find myself impelled, as a personal friend of his early partner, Mr. Warren, and as one of a now older group of Boston and Harvard men who have watched Mr. Brandeis's legal career develop from its commencement, in usefulness and distinction—to say that while well acquainted with the views of those who now oppose his confirmation and giving weight in other matters to the opinion of some among them, I believe them to be prejudiced and wrong regarding this.

Mr. Brandeis is a man of keen intelligence, but high ideals, possessing also a rare creative quality of imagination that, combined with fearless courage of convictions, has brought him at times, to the public benefit, in conflict with vested interests and established points of view. We need such a man as this on that high bench to keep it open to the ever-changing thought and sentiment of the world and Nation, recognizing these in their changes and passing judgment on them through the decisions that it renders.

I trust accordingly, for the country's sake, that the Senate may confirm his nomination. And I remain, with respect.

Very faithfully, yours,

GEORGE B. DORR.

THE COMMONWEALTH OF MASSACHUSETTS,
PUBLIC SERVICE COMMISSION,
February 26, 1916.

HON. WILLIAM E. CHILTON,
Chairman Subcommittee on Brandeis Appointment,
United States Senate, Washington, D. C.

DEAR SIR: I have followed the press accounts of the hearings before your subcommittee in the Brandeis matter with a great deal of interest. After it has probed his record to the bottom, as I hope it will, I feel very sure that the committee will favor his confirmation. My confidence does not rest upon what others have told me about him but upon personal knowledge.

Before I became a member of the Public Service Commission of Massachusetts I was, for some years, secretary of an organization in Boston known as the Public Franchise League. It was made up of a group of business and professional men of standing, who thought that they could be of service as citizens by making a disinterested study of some of the important questions that arise from time to time in regard to the public-service corporations of every community and by presenting the results of their study to the public bodies which have to deal with these questions. Mr. Brandeis was one of the members of this league and I saw a great deal of him and worked with him intimately.

If your committee would care to have it, I should be glad to furnish you with a statement, in some detail, of what this league did in connection with street railway, railroad, gas, and electric matters, for its work was, in my judgment, of great public importance and value. It would also help you, I think, to understand the attitude which Mr. Brandeis has taken upon such public questions and the antagonisms

which have been aroused. As you probably appreciate, it is impossible in a conservative community like New England for a man to speak plainly in the public interest upon such questions (especially if he also speaks forcefully) without creating enemies, some of whom are sincere but influenced by a prejudice which is often quite unconscious.

Louis D. Brandeis is a man of very unusual ability and power and a man of great moral courage. Furthermore, he is an indefatigable worker and student. The impression which some have that he is merely a brilliant advocate and addicted to reckless and extreme statements is not warranted. I have never known him, in any matter in which I was associated with him, to take a position before he was well grounded in the facts. This was particularly true in the New Haven Railroad matter. That he is honest and sincere I think no one who really knows him will doubt. I have no hesitation in expressing the opinion that he will make a very valuable addition to the Supreme Court, and I believe that you will feel the same after you have completed your investigation. My own feeling is illustrated by the fact that since I have been a member of this commission I have frequently consulted with him upon important matters.

It is, I think, hardly necessary to say that this letter is not an official communication, but the expression of my personal views.

Yours, very truly,

JOSEPH D. EASTMEN.

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FEBRUARY 16, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: It is my desire to record my indorsement of Louis D. Brandeis, who is nominated as Associate Justice of the Supreme Court of the United States.

I have been a lawyer in active practice in the city of Boston more than 21 years and have been district attorney for more than 6 years. Previous to that time I served as civil service commissioner for the Commonwealth for 4 years and have held other nonelective public positions.

I want to speak of Mr. Brandeis's reputation at the Suffolk bar. I note that, according to the press, a gentleman recently claimed to represent the bar association of the city of Boston, of which I have been a member for many years. While as an officer he may have certain rights, or some committee may have given him authority, I want to call your attention to the fact that no meeting of the bar association has been held and the matter of Mr. Brandeis's indorsement has never been considered by the body as a whole.

I believe that in my private practice and in my official capacity I have been in a position to know much about the bar and the standing of its members. Few men come in contact with more men in active practice, and, as you will appreciate, it is inevitable that the estimate of members of the bar, one toward the other, soon becomes known and a matter of current gossip, criticism, or praise. I have never heard the slightest criticism of Mr. Brandeis, but, on the contrary, he has always been admired and looked upon as one of our most brilliant trial lawyers and one of the best jurists at the bar, learned in the law, and skilled in its practice. I never have heard the slightest intimation that he was anything but honest and upright, as he is capable and energetic. He has never hesitated to take a strong public position on public matters and it is never difficult to place him.

He seems to have been a man who always had an ambition to do something to better the conditions of the people.

It is not unusual for a man of his large experience and long years of turmoil in the courts and out to have displeased many, and perhaps offended them very deeply, and this is true of any man of his years and of his activity.

I am confident that if a vote of the Boston Bar Association were to be taken, or if a vote of the members practicing at the Suffolk bar, many of whom are not members of the association, was to be had, Mr. Brandeis would receive almost a unanimous vote, and, regardless of individual feelings, the lawyers would indorse him as an honest man, well fitted by training and experience to hold a place on the bench of the Supreme Court of the United States.

I have seen in the press a protest against the appointment of Mr. Brandeis signed by some members of the Suffolk bar. These are all estimable men, but, almost without exception, men of one class and one kind. I see there few names of the active trial members of the bar. I see there few names of men who have had to struggle to attain success. I see there few names of men engaged in general practice. This is not to be taken as any reflection upon these men, but merely as calling your attention to the fact that the list of names which I saw published was far from representative of the Boston bar, where we have all races and creeds, whose opinion is worth while and whose standing is beyond question and who are perhaps much nearer to the people than those in the list I have mentioned.

I do not want to accuse anyone in particular, but I think I express the notion of the majority of the people of Boston when I say that there is a feeling that the underlying opposition to Mr. Brandeis is more because he is a Jew than that he is unfit by reason of anything he has ever done. I know that your committee will have this in mind and that such a thought and such a reason will have no harbor and no merit in your honest consideration of this case.

Very truly, yours,

JOSEPH C. PELLETIER.

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WASHINGTON, D. C., *February 7, 1916.*

MY DEAR SENATOR WALSH: It seems to me a public duty to write to you in regard to the appointment of Mr. Louis D. Brandeis, of Massachusetts, as a Justice of the Supreme Court of the United States. During the two years I was governor of Massachusetts, and in the years preceding them, I had repeated occasions to observe this man and his high ideals and common sense; his wide practical knowledge of the law; his extensive understanding of the business, economic, and social problems of our time; his sound judgment and ardent devotion to the public welfare. As you know, we are justly proud of the number and ability of our public-spirited men in Massachusetts, and it would be difficult to point out a better example of generous, unpaid, diligent, constructive work upon the side of the public interests than that which has been done by Mr. Brandeis.

On numerous occasions, beginning at least as far back as 1896, whenever the creation and control of the Boston subways was before the legislature, he has been, as a private citizen, a tireless and successful leader against powerful opposition in support of the principle that the value of the subway franchises should be kept for the public after giving to the operating company a reasonable return for services rendered. He declined to accept any compensation for his long-continued and very valuable constructive work during all these years in this cause.

When the gas situation in Boston appeared to be in a hopeless condition he urged, again as a private citizen, the plan by which the dividends of the gas company were made dependent upon the price charged for gas to the consumers. This has resulted in a reduction of the price of gas to the public and in a corresponding increase in dividends to stockholders of the company

When the insurance investigations occurred he devised and successfully pressed for legislation in Massachusetts permitting, for the first time in this country, our savings banks to issue small-payment life insurance policies. This has resulted in an opportunity for our working people to insure themselves at much lower rates than were being charged by the industrial insurance companies, and has led these companies to make lower rates. To my personal knowledge Mr. Brandeis has given annually thousands of dollars to further the work of bringing to the working people of our State this opportunity for less costly insurance. For more than 20 years prior to the Massachusetts law there had been no reduction in the cost of industrial insurance, but since the passage of the law so successfully advocated by Mr. Brandeis in Massachusetts the premiums of the old-line companies have been reduced, on an average, 20 per cent, thus saving to the people of this country, insured in industrial companies, from $15,000,000 to $20,000,000 annually, and to the people of Massachusetts about $1,000,000.

The system of arbitration which he devised for the New York garment workers is an equally significant example of his judicial qualities and his public service in other fields.

In 1906 the people of New England began to awaken to the fact that the New Haven Railroad was apparently successfully seeking to create a New England transportation monopoly. The event which focused public opinion most sharply was the acquisition of the controlling interest in the Boston & Maine Railroad. Mr. Brandeis, again as a private citizen, commenced an exhaustive study of this railroad problem and made public an analysis of the financial condition of the New Haven Railroad, pointing out, for the first time, to the people of New England the inevitable disaster sure to result from the course of mismanagement and waste then being pursued. His advice was unheeded, his warning derided, and his motives impugned. But time has shown that his conclusions were based upon carefully ascertained facts, to which he applied the clearest and most cogent reasoning power. Three years ago what he prophesied nine years ago became apparent to all and is now a matter of public knowledge and of record in Senate documents and elsewhere.

I instance these among many public services covering a long period of years as illustrative of the work done as a private citizen in the service of the public interest without compensation, at a large expenditure of his own time in the midst of a very active professional life.

Indeed, in extensive acquaintance with public men, I know of no one who without emolument or honors of public office has given so much of the valuable constructive service of a trained lawyer to the public weal as Mr. Brandeis.

I have written mainly of Mr. Brandeis's public work for the past 20 years, but I would not have you overlook that, before he engaged in these public activities out of which have grown results for which he is entitled to the gratitude of the American people, he had achieved already a position at the Massachusetts bar which would well have warranted his appointment to the Supreme Court at the age of 40. He is a great lawyer and a great citizen. Is not this a combination for a great judge?

Were I not hastening on a far journey I would seek a personal interview with the committee, but failing such opportunity I venture to emphasize and perhaps to repeat some of the things I said to you orally; and I hope that you will communicate them to your committee, together with my very best respects.

Very sincerely, yours,

DAVID I. WALSH.

Hon. THOMAS J. WALSH,
The Senate, Washington, D. C.

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FEBRUARY 1, 1916.

To the members of the Judiciary Committee
of the United States Senate.

GENTLEMEN: I have practiced as a member of the Boston bar ever since the admission of Louis D. Brandeis. I have known him well and watched him with interest through all these years, though not connected with him in any way. If confirmed by the Senate, as I have no doubt he will be, I am satisfied he will be an acquisition of the highest value to the Supreme Court. His mind is clear, analytic, exact, incisive, and sound. There is in my acquaintance no surer, saner, more exact and reliable mental macanery than is found in him. I know of no lawyer anywhere who could better assist in the correct solution and conclusion of the involved legal propositions coming before our highest court than Mr. Brandeis. He is versed in nearly all departments of the law. He is acquainted with all sections of the country. He knows all human conditions and has regard for them. His purpose is noble and untrammeled. His spirit and habit are modest, considerate, and kind. He is never obtrusive, but he never hesitates to take the consequences of his convictions. He accomplishes an enormous amount of work in a day, and he is ripe in wisdom, sense, and courage.

Mr. Brandeis is thoroughly judicial in temperament and habit. He is never hasty or extreme, but is calm, mathematical, incisive, and careful in his ready reasoning. His judicial analysis and conclusion in the numerous public issues with which he has been connected are often taken as controversial, because he sees the wrong sooner than others do, and then lays it bare to the world's inspection in the succinct, clear, unanswerable terms which the courts employ. His words are few; he never reiterates. He enunciates propositions which the courts and laymen adopt.

I have never known Brandeis to be assailed, except for turning on the truth. For instance, in the conduct of the New York, New Haven & Hartford Railroad all the attorneys general, district attorneys, and administrators of governments in the three States traversed by the railroad knew for years that the corporation was proceeding ultra vires and regardless of law. By enormous expenditures it quieted agitation, and New England thought it well enough for that railroad to be superior to law. Finally Mr. Brandeis alone made plain that its unlawful monopoly and wasteful aggrandizement were bringing financial ruin as well as moral abasement; that from $100,000,000 to $250,000,000 had been lost in its unlawful courses; and that all would yet be lost unless the policy were changed. The stockholders of that corporation are to-day indebted to Mr. Brandeis alone for effectuating the halt and

turning about which have saved them whatever value they have left in the New Haven Railroad. For his stand against ruination, voluntary to be sure, some writers, like the editor of the Boston News Bureau, who received $104,000 from the railroad company to place among newspapers for advertising, have defamed Mr. Brandeis shamefully and relentlessly, claiming he ruined the credit of the road, whereas he saved the remnants of its value for restoration by a law-abiding management.

The Supreme Court and the country, now that the opportunity is given, should have the benefit of this plain, sincere, and remarkable personality in the position for which he is most signally qualified. Massachusetts could not make a better contribution to any department of the Government.

Respectfully, yours,

A. S. HAL.

FEBRUARY 18, 1916.

Senator WILLIAM R CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

MY DEAR SENATOR: This letter is written to urge the confirmation of Louis D. Brandeis as associate justice of the Supreme Court of the United States.

To identify myself to your committee, in order that you may know what opportunity I have had to pass upon the qualifications of Mr. Brandeis, I would say that I have been a member of the bar, practicing in Boston, for the past 18 years. In politics I am a Democrat, and have served in the Boston City Council, Massachusetts House of Representatives, and the Massachusetts Senate, and have been register of deeds for Suffolk County since 1907. I was president of the Democratic city committee of Boston from 1902 to 1905, inclusive, and a vice president of the Democratic State committee for several years. I was a delegate to the national Democratic convention at St. Louis in 1904 and an alternate at the Democratic national convention in Baltimore in 1912.

I first met Mr. Brandeis 20 years ago, when I was a delegate to the Boston Municipal League, an organization composed of representatives from many improvement societies and other bodies who were interested in improving the civic welfare of the city and obtaining better laws for the benefit of the whole people and opposed to any privileged class, political or otherwise.

I recall that Mr. Brandeis was counsel for the league and had done considerable work for the organization; and I remember distinctly that it was a great surprise to me as a law student at that time when Mr. Brandeis presented to the league a receipted bill for $500, with his compliments, and declined to receive any compensation whatever or to make any use of the appropriation that had been made for counsel fees.

On many occasions since that time I know that Mr. Brandeis has acted in behalf of the public, and has represented civic and charitable organizations without compensation. I have seen him in action before legislative committees and at great gatherings of citizens discussing public questions. I have seen him in court in the trial of cases, and I have never known a man that possessed a keener or more logical mind. I consider him the equal, if not the superior, of any man at the bar in this part of the country.

At a meeting of the Boston City Club about two years ago Mr. Brandeis made the ablest presentation of an antitrust argument that has ever been heard in this city, and it was the unanimous opinion of the members, of all shades of political opinion, that no more scholarly or logical address had been made at the club during its history, and our speakers have included Presidents Wilson and Taft, Hon. William J. Bryan, Hon. Champ Clark, many United States Senators and Congressmen, Cabinet officers, the governors of many States, college professors, eminent pulpit orators, and many leading lawyers of the United States, as well as members of the English Parliament.

At the dinner that preceded this address at the City Club brief speeches complimentary of Mr. Brandeis were made by representative citizens of Boston, and as a vice president of the club I was asked to speak. I said that I agreed with all the speakers, and with the entire community, in fact, that Mr. Brandeis was an exceedingly able lawyer and a good citizen, but that I had been trying for many years to make up my mind whether he was a deep-dyed schemer who had been carefully laying his plans to become mayor of Boston or governor of Massachusetts or whether he was simply an honest man.

I felt that the time had come to make a decision, and, inasmuch as he had stood the test for nearly 20 years and had not declared himself a candidate for office, I had come to the conclusion that he was simply an honest man, sincere in all his endeavors in behalf of the common people, and that he had absolutely no ulterior motive in devoting his magnificent talent on many occasions to the public without compensation. I still adhere to that opinion, and believe that his confirmation would add great strength to the Supreme Court.

Many a man is loved for the enemies he has made, and I believe that Mr. Brandeis is to be congratulated for some of the enemies he has made, although there may be a few of his opponents who sincerely believe his confirmation unwise, but I think they do it because they can not see outside of their own sphere of influence and because Mr. Brandeis has attacked their interests.

These men, however, do not represent the general opinion of this community, and I have no doubt that a poll of the citizens of Boston would be overwhelmingly in favor of the confirmation of Mr. Brandeis.

Respectfully, yours,

W. T. A. FITZGERALD.

[Lionel Norman, attorney and counselor at law, 200 Devonshire Street.]

BOSTON, *February 19, 1916.*

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: I understand that you are chairman of the subcommittee having the matter of the confirmation of Louis D. Brandeis for the Supreme Court of the United States under consideration. While my law practice in the past has not been an extensive one, still I have had more or less trust matters, involving large sums of money, to attend to, and in this connection have had some contact with Mr. Brandeis's firm. One case involved a matter of $168,000, which was referred to Mr. Brandeis personally. The matter was dealt with in a manner showing great integrity and consideration, when it might easily have been dragged out for years and cost the estate a great deal of money. The fee charged to the estate and the whole attitude in the premises made a very deep and favorable impression upon me.

Outside of the few hereabouts in Boston who represent what we call "God's own anointed," but who do not always practice God's precepts, Mr. Brandeis is regarded as a man of very high principles as well as of very great ability and deep legal learning. Possibly, if there is any criticism of him which I might be inclined to make, it would be that instead of being overpractical, as he has been accused of, he is too idealistic.

Yours, very truly,

LIONEL NORMAN.

BOSTON. *February 1, 1916.*

Senator W. E. CHILTON,
Washington, D. C.

DEAR SIR: I see from the daily papers that you are the chairman of the Senate committee which is to inquire and report as to the advisability of confirming the nomination of Mr. Brandeis to fill the vacancy in the Supreme Court.

Having known Mr. Brandeis as a student at the Harvard Law School in 1876, watched his career as a lawyer, and having lived in Boston for the past 12 years, I desire to urge your committee to recommend his confirmation.

Mr. Brandeis was certainly one of the leading men, if not the leading man, in his class at Harvard, and since his admission to the bar in Boston has gradually forged his way to the front until he is now, and for several years has been, recognized as one of the ablest lawyers in this city. His standing as a man and as a lawyer is the best, but like all leading men in his profession has necessarily made some enemies in attaining his present position. He is a lawyer who thinks for himself and is not afraid to express his convictions, and who realizes that the law must grow to fit existing conditions rather than undertake to apply precedents which have arisen out of conditions which no longer exist to present-day problems.

I hope you will find it consistent with your duty as a Senator to vote for and urge his confirmation as a member of the Supreme Court, as I confidently believe that the appointment of a man of his ability an character to the Supreme Court at this time is both wise and judicious.

Very truly, yours,

J. M. HEAD.

FEBRUARY 23, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: I address you as chairman of the subcommittee on the question of confirming the nomination of Louis D. Brandeis, Esq., to the United States Supreme Court. If it is proper at this time to make a statement of opinion, as many eminent persons have recently done pending the investigation, let me say that I was in the law school with Mr. Brandeis and knew him well, and have kept up a friendship with him ever since.

Of late years I have retired from active practice and wholly withdrawn the last four years. I have, however, followed his course with great interest, have the highest opinion of his intellectual and moral qualities, and would not hesitate to entrust my affairs in his hands, feeling sure that if I did so he would look after them with the greatest intelligence and loyalty, and I believe his large knowledge of sociological questions would be of distinct benefit to the Supreme Court. Believe me,

Respectfully, yours,

RICHARD H. DANA.

FEBRUARY 16, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Chairman Subcommittee,
Washington, D. C.

DEAR SIR: I am glad to support the nomination of Louis D. Brandeis. I believe that he is an accomplished, able lawyer; that he has been zealous and faithful in his office as attorney; that he is in every way trustworthy and reliable and eminently qualified for the office of justice of the Supreme Court of the United States.

Very truly, yours,

JOHN W. CUMMINS.

COPY OF RESOLUTIONS ADOPTED BY TAUNTON BAR ASSOCIATION.

[Prepared by Silas D. Reed and Louis Swig.]

Whereas the due consideration and formal expression of the Bar Association of the City of Taunton is proper and becoming upon such subjects as may specially and intimately concern the profession of the law, the said Bar Association of the City of Taunton at a special meeting and after due notice, in which was included reference to the subject of these resolutions—

Resolved, That it unqualifiedly and unreservedly indorses Louis D. Brandies, Esq., of Boston, for appointment to the Supreme Bench of the United States. We regard that Mr. Brandies's learning in the law, his training in its science, and his wide and reputable experience with men and affairs, eminently and becomingly qualify him for the honorable and learned service demanded of the justices of the Supreme Bench. We also voice the opinion that Mr. Brandeis eminently represents the spirit of the times and the democracy of the age. Popular government has a right to expect that such expression be represented in the judiciary as well as in the executive and legislative: Be it further

Resolved, That an attested copy of these resolutions be sent by the secretary of the association to the Senate of the United States, and that they be entered upon the records of the association.

FEBRUARY 16, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Chairman Subcommittee,
Washington, D. C.

DEAR SIR: I hope that the nomination of Mr. Louis Brandeis to the office of Justice of the Supreme Court of the United States will be confirmed. He is an able lawyer in good standing, and he has the confidence of the community.

Respectfully, yours.

CHARLES R. CUMMINGS.

FEBRUARY 26, 1916.

Senator WILLIAM E. CHILTON,
Subcommittee, United States Senate, Washington, D. C.

DEAR SIR: Apropos of the appointment of Mr. Louis D. Brandeis, of Boston, for Associate Justice of the United States Supreme Court, I feel that I should be remiss in my duty as a citizen of this Commonwealth were I not to say at least a word of commendation and assist the good cause so well begun by His Excellency the President.

I have known Mr. Brandeis for 30 years and have had ample opportunity to study him at close range. Having been a public servant, in that I served in the governor's council several terms, and was lieutenant governor of the Commonwealth of Massachusetts, I feel qualified to judge of the pulse of the people with regard to public officers. Consequently, I feel safe in saying that the appointment is one of the greatest acts which the President has done yet, to show that he intends to have as servants of the great American public, men who really will serve the public. The general public feels that no wiser move for the advancement and behalf of the so-called common people has yet been made by His Excellency.

Again I beg to state that I heartily indorse the appointment, and trust that no petty opposition arising from the disgruntled opponents whom Mr. Brandeis has unmercifully beaten in litigation will stand in the path of so worthy an appointee.

Sincerely, yours,

E. P. BARRY.

—

FEBRUARY 10, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: This letter is intended as an indorsement of Louis D. Brandeis, who has been nominated as Associate Justice of the Supreme Court of the United States.

I may be identified as a lawyer in practice in Boston for 35 years and more, who is and has been a Republican, and who was United States attorney for this district in 1905–6, resigning then by choice and not by request while there was a Republican administration at Washington

I have known Mr. Brandeis since he was called to the bar, and I became then and have remained through the continuing years his friend and admirer.

I have differed from him in many questions of politics and policy.

I do not recall that I have ever been associated with him in legal matters and causes, but I am sure he has many times represented interests which were adverse to those for which I appeared.

I have naturally known many men and many lawyers, but he to me seems supereminent in so ordering his life that with his splendid mental equipment and his great acquisition of learning there were always time and energy to recognize and pay his obligation to the State and the people as he in his vision saw it.

Of course, one can not assert that he has high judicial qualities without a trial, but of such as he great judges have been made, and therefore I think he should be confirmed. I am,

Very respectfully, yours,

MELVIN O. ADAMS.

—

FEBRUARY 24, 1916.

WILLIAM E. CHILTON, Esq.,
Chairman of Subcommittee of the United States Senate,
Washington, D. C.

DEAR SIR: I have read with dismay the press reports of the testimony given by Moorefield Storey and Hollis R. Bailey before the subcommittee of the Senate regarding Mr. Brandeis. In view of my knowledge of Mr. Brandeis it did not seem to me possible that these men and others would unite in an effort to prevent his appointment to the Supreme Court and to go to the limits they have gone in maligning him. I am thoroughly convinced that the ring behind this fierce and totally unwarranted opposition to Mr. Brandeis are the representatives of predatory wealth and vested interests, and those who are not directly the representatives of these interests have been influenced in their course by these interests.

My familiarity with conditions in Boston, where I have lived all my life and where I have actively practiced law for more than 15 years, convinces me that this chain of men and interests opposing Mr. Brandeis has been forged together from links which have been closely united for generations in this Commonwealth. These men think more or less alike and have a common purpose. Their thoughts and purposes have been in direct conflict with Mr. Brandeis's thoughts and in direct opposition to the purposes which Mr. Brandeis has made the precepts of his life. The present opposition to him is due entirely to the fact that he has been a vigorous opponent of their interests and that he has laid bare their business methods in a way which did not put them in any very enviable light. It is now their purpose "to get back" at him, and that weight should be given to their testimony (especially in so far as their testimony merely gives their opinions, and that is all the testimony seems to amount to) as would be given to anyone's testimony who has been injured and who has thereby become vindictive.

Their opinions of Mr. Brandeis are entirely unfounded and their testimony as to his standing and reputation is entirely conjured up as the result of their bitter feeling against him. The young men practicing law in Boston have held him up as the ideal of what a lawyer should be—courageous, honest, faithful, and zealous in representing his clients, and in the performance of his duties as a citizen most unusual and unselfish. The accusation that he does not think honestly is to me so absurd, so unwarranted, in view of his public acts and of his splendid accomplishments in the public's behalf, that it seems incredible that men of any type can even give utterance to, let alone think, such things about Mr. Brandeis.

The accusation that the majority of the bar, or of a very large number of the bar, in Boston have no faith in him is to me the most astounding charge, in view of the fact that his office is now, and has been for years, one of the most prominent law offices in this city, and that Mr. Brandeis's firm is constantly coming in contact with numbers of members of the bar. I have yet to hear any lawyer call the conduct of Mr. Brandeis or his associates to account, except in those instances which have already been made public and which have been known for years. As to these accusations, it should be borne in mind that every lawyer's conduct is capable of being misinterpreted. A lawyer is frequently placed in a position where it is difficult for him to know what to do and where his conscience is the sole test as to whether he has done his full duty to all concerned. This must necessarily be the situation in the cases in which Mr. Brandeis was called upon to represent the apparently harmonious but to some extent conflicting interests. Those who know Mr. Brandeis as I do feel that he has conscientiously fulfilled his duty as he saw it to all concerned. Unfriendly persons are likely to misinterpret his conduct in that regard. To my mind the lawyer who endeavors to reconcile the apparently conflicting interests, thus preventing wasteful and annoying litigation, serves all interests best and renders at the same time a great public service. There are many times when it is unwise for him to attempt such a course, but when all parties consent and the lawyer does his best for the time being, if all his foresight and sense of justice fail to accomplish this purpose, is he to be condemned for it?

The accusation that Mr. Brandeis is the sort of man who would betray his clients is not borne out by anything which I have ever heard of him from his numerous clients, many of whom I know intimately, who are substantial business men and have been his clients for years. They have to a man always spoken of him in the most praiseworthy way.

I feel certain that if any of the men who have testified before the committee had been present at any of the gatherings at which Mr. Brandeis was either a speaker or a guest and saw the wonderful receptions which he received from people of every walk in life, from the humblest to the most prominent, that not even their vindictiveness would have given them the courage to have given the testimony before the committee which they gave. I have never witnessed more genuine enthusiasm of a public man anywhere than I have witnessed at large gatherings at which Mr. Brandeis was either a speaker or a guest. I have heard men in every walk of life praise Mr. Brandeis in terms which, in his presence, I am sure frequently embarrassed him, and it is inconceivable that the man who has the "reputation" which has been testified to before the committee should be so lauded and praised.

I was attorney for one of the creditors in the Lennox case, and I was active in that matter. There was nothing in the Lennox case with which any creditor or any party interest could complain of as against Mr. Brandeis. If he purported to represent "the situation" (which is not uncommon practice), he and his associates did it in a masterful and an entirely proper way. This is attested by the fact that for months after Mr. Nutter was appointed common-law assignee, and months after the involuntary petition was filed, not a single creditor made a move to ask for the appointment of receivers to take the place of Mr. Nutter or to serve with him as receiver, which they had a right to do. It has been suggested that the filing of the involuntary petition by Mr. Brandeis's office was not proper. If an involuntary petition had not been filed by Mr. Brandeis's office I feel quite certain, from what I know, that others would have filed such a petition, and, as a matter of fact, the records will show that two other petitions were filed after the petition was filed by Mr. Brandeis's office.

It is my opinion that every attorney, including those who have testified against him, would trust Mr. Brandeis and his office to keep any agreement which he or any of his associates would make. I have heard judges of our courts speak of Mr. Brandeis and his associates in the very highest terms, and I have never heard any attorney outside of this small coterie say anything derogatory of Mr. Brandeis or speak of him in any terms except the highest. There is a feeling here in Boston that if you want to know what an attorney thinks of Mr. Brandeis you must first find out what his affiliations and associations are. If they are with the type of lawyers who testified against him the chances are that they will stand with Mr. Storey and Mr. Bailey. If, on the other hand, they are with the every-day lawyer who does not represent vested interests, large corporations, or predatory wealth or the so-called "Back Bay crowd," I am quite sure that to a man they will stand with Mr. Brandeis and urge his appointment. The latter class constitutes by far the great majority of the bar, and with them Mr. Brandeis's reputation is to be envied.

I have felt that the real issue before your committee is not Mr. Brandeis's character, his standing, his reputation, or his ability, but as to whether Mr. Brandeis's service to the people of the country shall be condemned and as to whether the powerful interests behind the opposition shall be condoned for their wrongful acts. Shall Mr. Brandeis, who has altruistically given his efforts for the welfare of the rank and file of the country, be crucified so that the opposition may say to men of his type, "There hangs the man who was broken on the wheel because he attacked us"? Shall the Senate of the United States say that dishonest business, those who violated trusts and who break laws, may continue in their course, and those who attempt to interfere with them are doomed to destruction?

Mr. Brandeis's works are milestones in the progress of the country. He has labored to make the law a living, vital force for the equitable benefit of all and he has tried to correct it as a force which serves only a few and makes the public subservient to their interests. His grasp of government, his understanding of the conflicting social and economic forces, his genuine sympathy for all mankind, his extraordinary experience, his prodigious capacity for work can not but help make him one of the greatest judges of all times. If the Senate rejects him, I am satisfied that the great majority of the bar and the public will feel that the Supreme Court will have lost the services of a great man, one of the greatest of our time.

Yours, very truly,

ARTHUR BERENSON.

—

CRAIG HALL,
Atlantic City, N. J., March 13, 1916.

To United States Senator OSCAR W. UNDERWOOD,
Washington, D. C.

DEAR SIR: The day you left Atlantic City I called at the Dennis to say a few words on the matters about which I am now writing.

I wanted to say that I hoped Mr. Brandeis would be confirmed, for I have had a casual acquaintance with him dating back 35 years. I attended a part of the hearings in Washington and heard the evidence in the New England Railroad, the Warren Will, and the United Shoe Machinery cases. Judging the other allegations by these, I did not see any need to hear them. From what I heard in the above cases I rated the testimony as simply the whining of whipped dogs.

My brother, who has just retired from 40 years of law practice at Boston to our old plantation in Alabama, was in the Harvard Law School with Mr. Brandeis and knows his record in Boston. He has written an open letter strongly urging his confirmation.

The Boston & Maine and the New Haven Railroads were looted by a group of lawyers, bankers, and promoters in Boston with strong copartners in New York. It is these men who are the real opponents of Mr. Brandeis. I know personally a majority of the Boston lawyers who appeared before the Senate committee, and they were simply responding to their personal environment. The same may be said of President Lowell of Harvard, who, I have the strongest reasons for believing, did not represent the prevailing sentiment of Harvard alumni when he signed the protest of the Boston lawyers against the confirma-

tion of Mr. Brandeis. The Harvard sentiment on that point is expressed in an editorial in the New Republic of February 26. A copy of this I have sent to the Senate committee.

If the Government shipping bill ever reaches the Senate, I hope that will pass. The shipping question I have studied for a number of years, because I had an interest as a shipper in that direction. I do not believe under world conditions of to-day that we can build up a merchant marine without the aid of the Government's credit. Our private capitalists are nearly all associated with the foreign ship monopoly that is fighting the bill. That makes any new private shipping concern almost an impossibility. The plan of aid provided in this bill seems to me much better than that of granting subsidies. My reasons for that position you will find stated in my remarks before the House Committee on Merchant Marine.

Yours, truly,

THOMAS P. IVY.

BOSTON, *February 23, 1916.*

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: I write this letter to urge the confirmation of Louis D. Brandeis, who has been nominated as Associate Justice of the Supreme Court of the United States.

I feel it my duty to address you because I am a lawyer in practice in Boston for more than 30 years and am still in active practice here. I have known Mr. Brandeis during the entire period.

It may be proper for me to state that I was for some years connected with the district attorney's office in this county, and, after that, before entering into general practice, was for some years first assistant city solicitor of the city of Boston.

I have always considered and now regard Mr. Brandeis as a man of great intellectual attainment of the highest character, whose motives are pure and noble.

It would be impossible for a man who has taken such decided stands and expressed what in this conservative end of the world may be called "advanced views" not to be criticized by some large interests.

It is my belief that our people as a whole have confidence in him and wish to see his nomination followed by his confirmation.

Very respectfully, yours,

ROBERT W. NASON.

MARCH 1, 1916.

Hon. WILLIAM E. CHILTON,
Chairman of the Subcommittee on Judiciary Appointment,
Washington, D. C.

DEAR SIR: From reports of the testimony already submitted to your committee appointed to consider the appointment of Louis D. Brandeis to the Supreme Court of the United States, I have learned that certain unfavorable opinions have been placed before your committee regarding the reputation in this community of the man you are considering.

These opinions are, to my knowledge, not representative of the general opinions of the reputation of Mr. Brandeis.

During my experience as a practicing attorney in Boston I have had brought to my attention on numerous occasions the general reputation of Mr. Brandeis. On every occasion that I have heard mention made of Mr. Brandeis it has always been in commendation of Mr. Brandeis, praising him for his standards of honesty, trustworthiness, fidelity, and profound knowledge of the law. I know these opinions are shared by a substantial majority of the lawyers of this community.

I sincerely hope that Mr. Brandeis will be recommended by the committee for appointment to the Supreme Court of the United States, and I feel that the esteem in which the Supreme Court of the United States is held by the people will thereby be greatly increased.

Respectfully, yours,

LOUIS ABRAHAMS.

FEBRUARY 19, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee, Washington, D. C.

MY DEAR SENATOR: The nomination by the President of Louis D. Brandeis, of the Boston bar, for the position of Associate Justice of the Supreme Court of the United States meets with my approval.

I have practiced law in Boston for 15 years. The senior member of our firm has practiced in Boston since 1872. Our firm has had frequent matters with Mr. Brandeis's firm. The senior member of our firm, who at present is ill and unable to address you, has many times been interested in matters in which Mr. Brandeis was interested, one side or the other.

Our relations have been cordial, and we have had great respect for Mr. Brandeis and his firm throughout all these years.

From what I hear of the talk of other lawyers, I wish to say to you that I do not believe that the recent protest by certain Boston lawyers in any way represents the feeling of the Boston bar in reference to this nomination.

Yours, truly,

JOSEPH W. BARTLETT.

[From the office of Maurice Bergman, attorney and counsellor at law, Old South Building, Boston, Mass.]

FEBRUARY 29, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee, Washington, D. C.

MY DEAR SIR: I have been in practice in this State since August 31, 1909, and during this period have constantly had before me as an example of success in legal attainment the career of the illustrious Louis D. Brandeis, whom I believe to be a true champion of the people of these United States, and that he stands for honor and integrity and constantly strives to achieve equality for all and special privilege to none.

Having these sentiments in mind, I take the liberty of addressing this communication to you.

Very respectfully, yours,

———— ————.

BOSTON, MASS., *March 4, 1916.*

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee on the Judiciary,
Washington, D. C.

DEAR SIR: In re Louis D. Brandeis. Permit me as a humble member of the Boston bar to add my bit to the many other which you must have received indorsing the appointment of Mr. Brandeis to the Supreme Court.

I have met Mr. Brandeis personally on several occasions and have found him a man of high ideals. His reputation among the members of the Boston bar, notwithstanding the report given by the self-constituted committee of "State Street lawyers," is most excellent, both as to his personal character and to his legal ability.

I wish I could say as much of several of the remonstrants.

Very truly, yours,

HARRY BERGSON.

MARCH 1, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: Permit me to add my indorsement to those of many others, which I am sure you have received in the matter of Mr. Louis D. Brandeis as Justice of the United States Supreme Court. I have had occasion to know Mr. Brandeis quite thoroughly, both as a lawyer and as a man, and though I could give many details of his worth and fitness for the high office to which he has been nominated, I will not encroach so unnecessarily upon your time.

Let me, then, merely summarize by saying that as a lawyer of almost 20 years' practice I would stake my reputation upon the prophecy that Mr. Brandeis will do honor and credit to his country as a Supreme Court Justice.

Respectfully, yours,

WM. M. BLATT.

BOSTON, MASS., *March 6, 1916.*

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: As a native and lifelong citizen of Boston and a practicing member of the Massachusetts bar for more than a dozen years, I can not too strongly urge the confirmation by your honorable committee of the nomination of Louis D. Brandeis, Esq., as Associate Justice of the Supreme Court, as I know him to be admirably equipped with the very qualities requisite for such office.

Respectfully, yours,

ABRAHAM BLUMENTHAL.

FEBRUARY 29, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

MY DEAR SENATOR: Permit me to express the hope that your committee will report favorably on the confirmation of Louis D. Brandeis as Associate Justice of the Supreme Court of the United States.

I have known Mr. Brandeis for a number of years. I first met him when he appeared before some of the committees on which I had the honor to serve as a member of the Massachusetts Legislature, and I know that even in those days he was considered one of the shining lights of the Massachusetts bar and a man whose integrity and honor was above suspicion. Since then I have known Mr. Brandeis more intimately both as a member of the bar and in philanthropic work and learned to admire and appreciate his many great qualities.

I have no doubt that as a member of the chief tribunal of our great country he will fill the place with honor.

Very truly, yours,

SAMUEL H. BOROPSKY.

[Massachusetts Catholic Order of Foresters, Joseph T. Brennan, high chief ranger.]

17 WORCESTER STREET,
Boston, February 25, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

SIR: As the executive head of the largest fraternal insurance organization in this State, having an active membership of 42,000 adults; as an attorney practicing in the Federal and State courts for 12 years; as a citizen who has endeavored to keep in close touch with industrial, social, and legal, and political conditions, I have had an extraordinary opportunity to observe the sentiment of the people of this community for and against the confirmation of Louis D. Brandeis as Justice of the Supreme Judicial Court. Outside of a few individuals, with personal or biased motives, and irrespective of class, creed, or race, the unanimous opinion is that the nomination should be confirmed.

I therefore beg to add my name to the long list of those who have already indorsed Mr. Brandeis, and trust that the honorable committee of which you are chairman will report favorably.

Respectfully,

JOSEPH T. BRENNAN.

FEBRUARY 23, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee of Senate Judiciary,
United States Senate, Washington, D. C.

DEAR SIR: In view of the fact that several of my associates at the bar have seen fit to protest against the appointment of Louis D. Brandeis, I wish to go on record in favor of his appointment.

I believe that Mr. Brandeis's presence as a member of the United States Supreme Court will greatly strengthen that body.

Yours, very truly,

LAWRENCE G. BROOKS.

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40 COURT STREET,
Boston, Mass., February 24, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee United States Senate,
Washington, D. C.

DEAR SIR: This letter is intended as an indorsement of Louis D. Brandeis, who has been nominated as Associate Justice of the Supreme Court of the United States.

I have been practicing law in the city of Boston 12 years and have been a member of the city government of the city of Boston and of the Massachusetts Legislature, and I feel that the opposition that has been shown toward the confirmation of Mr. Brandeis comes from such a circle that opposes anything that tends toward democracy. I assure you that the different lawyers who signed the petition opposing his confirmation are not the men that rub elbows with the everyday lawyer who practices in our Massachusetts courts.

I think that the addition of Mr. Brandeis to the Supreme Court of the United States would be a great step toward the advancement of ideas that have long had a place in the history of our country.

Very truly, yours,

A. M. BURROUGHS.

—

FEBRUARY 19, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: Referring to the matter pending before the Judiciary Committee of the United States Senate on the confirmation of Hon. Louis D. Brandeis as Associate Justice of the Supreme Court of the United States, permit me to say, in view of the report of the evidence which I have seen in the local newspapers, that in my opinion Mr. Brandeis has the respect and confidence of this community.

I am writing as an attorney admitted to the bar of Massachusetts and practicing at Boston since July, 1894, and now occupying the position of a special justice of the municipal court of the city of Boston.

I know Mr. Brandeis and have met him professionally and in matters relating to civic and social welfare of this city.

I am in favor of the confirmation of the nomination.

Very respectfully, yours,

A. K. COHEN.

—

FEBRUARY 29, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: As a member of the Massachusetts bar and practicing attorney for the past four years, I beg the liberty of registering my heartiest and sincere approval of Louis D. Brandeis, Esq., as Associate Justice of the Supreme Court of the United States, earnestly believing in his sterling qualities, judicial temperament, and national demonstrative ability. I believe I am expressing the sentiments of impartial and unbiased thinkers of this community to whom he has endeared himself through his sympathetic knowledge and wide experience in the needs of our present financial and business organization in its relation to social organization.

Respectfully, yours,

EMANUEL COHEN.

—

FEBRUARY 29, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

HONORABLE SIR: Having been born in Boston and educated in its public schools, and having received two degrees from Harvard University, I write you with a deep sense of my responsibility as an American citizen indorsing Mr. Louis D. Brandeis for the position he has been recently named to by our President.

I realize that a man requires not only exceptional ability but unquestioned integrity in order adequately to fill a position in the United States Supreme Court.

I have known Mr Brandeis for several years, and have met him socially and in a business way. Though of the opposite political party, I indorse Mr. Brandeis most highly. I know him to be a man of absolute honesty, unquestioned integrity, and marked ability, and I am positive that he, if confirmed, will fill the position with dignity and to the entire satisfaction of all the people of the United States. I know that I reflect the consensus of opinion of the Boston bar in these statements.

In conclusion, I thank you for giving this letter your attention.

Respectfully, yours,

FRANKLIN M. COHEN.

—

MARCH 3, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

MY DEAR SIR: As a member of the Massachusetts bar and a member of the general court of this State for several years, I wish to attest as to the qualifications, ability, and character of Mr. Louis Brandeis, now under consideration by your committee, as the appointee of President Wilson to the Supreme Court of the United States.

While my professional associations with Mr. Brandeis have not been over an extended period of time, nevertheless whenever I have had occasion to transact business with him I have always found him to have been a man of the highest type, and, as a result of my observations of him, I take pleasure in saying that I have the utmost confidence in him and feel that he is thoroughly qualified in every particular to fill the high office to which he has been appointed by the President.

I am, sir, very truly, yours,

WILLIAM N. CRONIN.

—

SOMERSET CLUB,
Boston, March 21, 1916.

To WOODROW WILSON, *President,*
Washington, D. C.

MR. PRESIDENT: In the thought that possibly an added word, not idly said, by one possessing personal knowledge in regard to a high nomination lately made by you may not prove superfluous, I write as an older Boston and Harvard man who has followed Mr. Brandeis's career with interest from its early stage, and who has known intimately his friends and those of greatest weight who now oppose him, to say that, with full knowledge of the aims of these, I know the best regard the nomination as a singularly happy one. Mr. Brandeis, if his appointment be confirmed, will bring to that high court strong human sympathies and a creative intelligence, as well as legal knowledge, courage of convictions, and clear, quick apprehension. And that he will be adequately conservative in the presence of that great responsibility I have no fear.

I trust, accordingly, for the country's sake, that this appointment may, in despite of opposition, be confirmed, and with an expression of high personal respect, I remain,

Yours, truly,

GEORGE B. DORR.

—

MARCH 1, 1916.

Senator CHILTON, *Chairman,*
Washington, D. C.

MY DEAR SENATOR: As an attorney practicing in Boston since 1912, and as a social worker of many years, I desire to take the opportunity of going on record in favor of the appointment of Louis D. Brandeis as Associate Justice of the Supreme Court of the United States.

Mr. Louis D. Brandeis is known in this community as a man of great ability and sterling character. His reputation for honesty and uprightness is a matter of common knowledge among all the members of the bar, who have had occasion, disinterestedly, to watch his conduct in the many important causes with which he has been connected. Words of reproach against the reputation of Louis D. Brandeis as a member of the bar can come only from those persons who represent the vested interests and have had occasion very frequently to feel the force of his attacks.

Our country will indeed be fortunate if this learned jurist is placed upon the highest legal tribunal of this land, and that august and majestic body will be increased in strength by his membership.

Very truly, yours,

HARRY E. DUBINSKY.

—

FEBRUARY 16, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: I take the liberty of writing the following letter in support of the nomination of Louis D. Brandeis as Associate Justice of the Supreme Court of the United States.

My practice has been in the State as well as the United States courts the last 16 years, and in 1914 and 1915 served as assistant attorney general of the Commonwealth of Massachusetts, and since have returned to private practice, and have been more or less active in public affairs and public questions.

Mr. Brandeis has been known to me personally and professionally during the last 16 years, and ever since I first met him he has appealed to me as the ideal lawyer and public man. I have been with him in many cases, and notably a large bankruptcy case in 1904, where his conduct with reference to fairness, wisdom, and integrity has ever remained with me as one of the pleasant memories of a lawyer whose practices were far higher than what one is wont to expect. I have differed from him in many questions of public policy, but even in those cases had a feeling that he represented more of the right attitude than I did.

His confirmation to the bench of the United States Supreme Court will be a distinct accession in dignity, force, and learning, and I prophesy that the time will come when his opinions and influence will be regarded as one of the influences of the early twentieth century in the decisions of that tribunal.

I have read of the opposition to his confirmation; I know it comes from a class in our community which, like the old Boston mob, so wonderfully described by Wendell Phillips, were the proponents of slavery, which mob was constituted of the best citizens, so-called, of Boston, because of their fear that some tradition of conservatism might be effected, and yet that very class, as you will remember, became the heroes in the war which followed. This class feels—and it is a very small minority of the community, both at the bar and out of it—that unless a man is of the bone and sinew of Massachusetts he should not have high place, however useful, sincere, and effective his career has been. Privately they will admit the almost incomparable attainments of Mr. Brandeis, but they fear the things he seeks to criticize; but they will be the first to realize 10 years later that his criticisms and work are the foundations of a new and better order. Their opposition, therefore, ought not be regarded too seriously. Their fears discolor their better judgment. The great voice of the country wish the confirmation to be made.

Very respectfully, yours,

L. R. EYGES.

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MARCH 9, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Subcomittee, United States Senate,
Washington, D. C.

DEAR SIR: I have been an assistant corporation counsel of the city of Boston for the last 11 years, and during that time have had several cases with the office of Mr. Brandeis. He is, to my knowledge, well known at the bar as a lawyer of great learning who has given very largely of his time and abilities to public questions.

I have never heard anyone question his great ability and his capacity for public service. I am of opinion that the real sentiment of the community favors his confirmation as a member of the Supreme Court of the United States, and believe that Mr. Brandeis is a lawyer of great ability whose presence on the Supreme Bench would greatly strengthen it with the people as well as with members of the bar.

I am, very respectfully, yours,

GEO. FLYNN,
Assistant Corporation Counsel.

—

[Crigler & Frank, attorneys at law, suit 1117, Third National Bank Building, St. Louis.]

MARCH 16, 1916.

CHAIRMAN OF THE SENATE JUDICIARY SUBCOMMITTEE,
Washington, D. C.

DEAR SIR: I had occasion to notice yesterday in the press dispatches that a letter has been written to you by some of the leading men of this country, among whom were Elihu Root and William H. Taft, the letter in substance stating that it was their painful duty to say that they did not believe Mr. Louis D. Bradeis a fit person for membership in the Supreme Court of the United States.

I wish to call your attention to the fact that during the Glavis-Ballinger investigation Mr. Brandeis was counsel for Glavis; that in the course of the investigation he made Attorney General Wickersham admit that certain papers submitted by the White House to the Senate, at their request, had been antedated by him; that the White House, after denying the antedating, admitted the truth of this fact; that the White House again admitted later certain misrepresentations that it had made with reference to Lawler, a subordinate of Ballinger, and Kerby, Lawler's stenographer.

These decisions plainly show that the White House in response to the Senate's request had sent to Congress an important paper not relied on by the White House, and omitted to send another important paper on which the White House's previous decision relied, but from which only portions were copied. I have as my authority for this a preface, by Ernest Poole, to the book Business a Profession, by Louis D. Brandeis, and published by Small, Maynard & Co., Boston, page xxxix et seq. In connection with Ballinger's grilling examination by Brandeis, Mr. Root intervened with certain questions, showing his interest in the affair.

I have no doubt but that the Senate records of this investigation will bear out these assertions. A President is primarily responsible for

the conduct of members of his administration, and perhaps this incident will throw a little light upon why Mr. Taft and Mr. Root are so "pained" to write the above letter to you.

If you doubt the truth of any of my statements above, I believe a little investigation on your part will reveal the fact that they are true. I am sending a copy of this letter to President Wilson.

Trusting that you will give the above due consideration, and that the real motive behind the letter written will be seen by you, I beg to remain,

Yours, very truly,

MALCOLM I. FRANK.

[Max M Fritz, attorney and counselor at law, 40 Court Street.]

BOSTON, MASS, *March 1, 1916.*

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, Washington, D. C.

DEAR SIR: I have been a member of the Massachusetts bar for the past nine years, and have always looked upon Louis D. Brandeis as the ideal type of a lawyer. I have always heard none but the highest comment concerning his practice at the bar and his willingness to offer his services to the people at all times.

I respectfully urge you and your committee to submit a favorable report in the matter of the appointment by the President of Louis D. Brandeis as Associate Justice to the Supreme Court of the United States.

Very truly, yours,

——— ———.

MARCH 1, 1916.

Hon. WILLIAM E. CHILTON,
Chairman of Subcommittee, Washington, D. C.

DEAR SENATOR CHILTON: As a member of the Massachusetts bar practicing in Boston for nearly 16 years, and familiar with the reputation of all our big lawyers and the nature of their practice, I desire, in the interest of justice, to write to your committee strongly urging the confirmation of Louis D. Brandeis as a member of the Supreme Court of the United States.

The criticisms of Mr. Brandeis, of which I have read in the daily papers, all come from business men whose methods and interests have been attacked by Mr. Brandeis or from lawyers who represent the so-called "vested interests," whose methods have been so ably exposed by Mr. Brandeis in the public interest. I have looked in vain among the names of the men who are opposing Mr. Brandeis for a single one whose interest it has been to promote the public welfare, and in the last analysis it seems to me that the objection to Mr. Brandeis on the part of his opponents is that he would not be very friendly to illegal combinations in restraint of trade. So far from being an objection this strikes me as being a splendid recommendation for an appointee to the Supreme Court of the United States.

Neither Mr. Bailey nor any of the attorneys representing the large corporations, who have appeared before your committee to oppose the confirmation of Mr. Brandeis, represents the opinion of the Massachusetts bar as to the reputation of Mr. Brandeis for "straightforwardness" and "fair dealing." The rank and file of the bar who know anything about Mr. Brandeis, either by reputation or from business relations with him, believe him to be a high-minded, conscientious, honorable lawyer, and I believe it would be for the best interests of the country that Mr. Brandeis should be confirmed.

Very truly, yours,

FRANCIS P. GARLAND.

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18 TREMONT STREET,
Boston, March 1, 1916.

United States Senator WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: As an active member of the Boston bar for the last 10 years, I have been in close touch with many matters in which Louis D. Brandeis, Esq., of Boston, has been interested. I feel it my duty, therefore, to call to the attention of your honorable committee and the Members of the United States Senate that it is my belief that there is no more honorable member of the Massachusetts bar. He has the highest respect of all those with whom I have come in contact, not only for his ability but for his honesty and integrity.

I most heartily approve that his nomination by President Wilson as a Justice of the United States Supreme Court be confirmed.

Respectfully, yours,

EDWARD E. GINSBURG.

[Nathaniel Golden, counselor at law, 40 Court Street, Boston.]

FEBRUARY 29, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: As a graduate of Harvard College, 1912, and of Harvard Law School, 1914, and as a member of the Suffolk bar of the Commonwealth of Massachusetts, I beg to add my hearty approval of the confirmation of the appointment of Louis D. Brandeis, Esq., as a Justice of the United States Supreme Court.

Though my personal acquaintance with Mr. Brandeis is but a recent thing, my knowledge of his unselfish and illy recompensed devotion and service to the cause of the mass of people extends back for many years. When I recall a conversation that I had with President Lowell some three years ago anent Mr. Brandeis, who had a few days previously delivered a lecture in Cambridge on one of the many humane things to which he has so long given of his time and money, I can not help but form the conclusion that the sincerity and purity of motives of the signers of the petition of protest, of whom President Lowell was one, must be impugned, and that it is predicated upon some ulterior purpose.

The general public has long recognized and admired Mr. Brandeis's profound mentality and his courageous love for the truth, and I am certain that the general sentiment is overwhelmingly in favor of his confirmation.

Yours, very truly,

——— ———.

FEBRUARY 28, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: I am writing you this letter as an indorsement of Louis D. Brandeis, who has been nominated as Associate Justice of the Supreme Court of the United States.

I am a member of the bar; and although I am a former member of the Republican city committee of Chelsea, I would not permit politics to enter into my indorsement of Mr. Brandeis.

I have been personally acquainted with Mr. Brandeis for several years, and he has impressed me as a possessor of keen intellect. He engages both in public and private activities with sincerity of purpose, and I have always considered him a rare man.

I believe that the opposition to his confirmation comes from sources that may be classified under the category of special privilege, and it would indeed be lamentable for the progress of this Government if the moneyed interests should influence the appointment of any man to the greatest court in the world.

Permit me to assure you that I am heartily in favor of the confirmation of Mr. Brandeis. I am,

Very respectfully,

GEO. E. GORDON.

FEBRUARY 23, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

HONORABLE SIR: I take the liberty of indorsing the appointment of Louis D. Brandeis, Esq., as Associate Justice of the United States Supreme Court.

I have discussed this appointment with a large number of lawyers and people in this community and can unhesitatingly say that this appointment meets with the approval of a great majority of the legal profession in this city and the people of our community.

From my observation and study of this controversy I am led to the conclusion that no small part of the opposition is due to racial prejudice, and that the rest of the opposition can be attributed to hostile corporation or privileged interests.

I have been a member of the Massachusetts bar for over 10 years and have practiced in the United States courts for several years. I have served my community in our city government and the Massachusetts Legislature, and by reason of such service and in the course of my practice I have had occasion to meet Mr. Brandeis and consider his attitude on many important public questions.

I know Mr. Brandeis to be a man of sterling character, of excellent standing in the legal profession and our community, possessed of a profound knowledge of the law, and one of the leading lawyers of our State. By reason of his knowledge of the law, ability to regard weighty and vital problems with keen and sagacious discernment, his experience with and knowledge acquired in important labor controversies, and participation in so-called "people's conflict with railroads, gas companies, and monopolies," and other questions and matters vitally affecting the people of our country, he is as thoroughly equipped for that honorable body as any man in the public eye to-day, if not more so.

I feel that failure on the part of the United States Senate to confirm this appointment would almost amount to a public calamity, and I strongly urge your honorable committee to make a favorable report in his behalf.

You are at liberty to make as much use of this letter as you deem advisable or necessary.

Respectfully, yours,

ISAAC GORDON.

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17 MILK STREET,
Boston, Mass., March 3, 1916.

Hon. WILLIAM CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: In view of the so-called "Boston petition," and the wholly unexpected quarter from which the voice of the people appears to have emanated, possibly the opinion of an inconspicuous member of the Boston bar, but one who has had many dealings with Mr. Brandeis, may be of some interest.

During the past 13 or 14 years I have been general counsel for the Boot and Shoe Workers' Union, an organization composed of 40,000 men and women shoe operatives throughout the United States and Canada. In many important matters affecting the shoe industry Mr. Brandeis represented the shoe manufacturers, and in conference serious difficulties were often averted by the sound judgment, the keen insight, and the absolute fairness of Mr. Brandeis. In several controversies affecting the union where the interests of Mr. Brandeis' clients were not involved I retained him as senior counsel, notwithstanding the fact that this gave him information which had he been unscrupulous or untrustworthy could have been used to our disadvantage. My selection of Mr. Brandeis as senior counsel in these matters was always approved by the general officers of the union, and our implicit confidence in his integrity remains unshaken.

I have known Mr. Brandeis for 20 years. Until the New York, New Haven & Hartford Railroad inquiry I never heard from professional or business men any expression but of the highest admiration. I know many of his clients, men of high standing in business, who have been advised and guided by him for years, and who, I am confident, would intrust their entire personal fortunes and their business honor in his keeping.

I believe Mr. Brandeis has the complete confidence of this community excepting only those whose enmity he has incurred in his efforts to correct abuses, and I trust the nomination of the President will be confirmed.

Respectfully, yours,

EDWARD S. GOULSTON.

MARCH 1, 1916.

Mr. WILLIAM E. CHILTON,
Chairman of Subcommittee, Washington, D. C.

DEAR SIR: As a member of the Massachusetts bar I feel it my duty to express my views relative to the confirmation of the appointment of Louis D. Brandeis as Associate Justice of the Supreme Court of the United States.

I have known Mr. Brandeis for the past 20 years, and I feel justified in saying that his reputation as to honesty and integrity is above reproach and that the attempts to stain his trustworthiness are the result of unfairness and undue prejudice.

I am fully convinced that Mr. Brandeis is especially qualified for the position, as I know him to be a man of high ideals, one who will exercise his own best judgment regardless of fear or favor, one who can not erroneously be influenced even for personal gain, but will, if necessary, sacrifice his own interests for those of the public.

I am fully confident that the confirmation of Mr. Brandeis's appointment will add an important link to the chain of the administration of justice of our judicial department. He will be a protection not only to the prestige and honor of the Supreme Court itself but a protection also to the people and the great masses of the country.

Very truly, yours,

ISAAC H. GREENBERG.

—

[Elisha Greenhood, attorney at law, 604-5 Pemberton Building.]

BOSTON, *March 1, 1916.*

Hon. W. E. CHILTON,
Chairman Subcommittee of Judiciary Committee,
Washington, D. C.

DEAR SIR: Having been in very active practice at the Boston bar for the past 31 years, I feel I should furnish your committee with whatever light I may have respecting the confirmation matter now pending before it.

I do not suppose there is a practitioner at our bar who knows and has come in contact with a greater percentage of all possible subdivisions of our bar of 3,200 members than I, and I suppose it is obvious to every lawyer of any substantial experience—

First. That the individual constituents of no class of men are so thoroughly dissected within its own ranks as those of the legal profession.

Second. That, particularly if successful and originating in other than the prevailing nationality or creed, they are very likely to be the victims of jealousy, mistrust, and misunderstanding, with the usual concomitants of prejudice and enmity.

Having these two important facts in mind, along with my lengthy experience and unusually extensive professional acquaintance, I desire to say that, notwithstanding Mr. Brandeis's long and highly successful professional activities here, his prominence as a publicist in many necessarily friction-making movements, and his nationality, it is true that never before the nomination which you are considering did I hear, even in a whisper, a single word tending to indicate the slightest variation on his part from the highest standard of professional honor and ethics, and that the attacks now made upon him are to me as thunder out of a clear sky.

I must admit that my professional experiences with him have not been very many, but I do flatter myself with knowing the general reputation of the members of our bar; and I must express the opinion that the supposed general reputation which his opponents are presenting to your committee must be simply the prejudiced opinion of a comparatively small and very localized section of our bar, which honestly believes itself to be the bar, and that its sentiments—usually originating in and propagated by one of its small circle—are those of the entire community.

You will pardon me if, in closing, I add that some 30 years ago I was for over a year editor in chief of the Central Law Journal, and that about that time I wrote the treatise "Greenhood on Public Policy in the Law of Contracts," besides editing two columns of Federal decisions in constitutional law, and being a rather extensive contributor otherwise to legal literature in my early law days.

I have the honor to remain, yours, very truly,

———— ————.

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FEBRUARY 18, 1916.

Senator WILLIAM E. CHILTON,
Chairman of Subcommittee, Washington, D. C.

DEAR SIR: In the interest of fair play, I do not think that the testimony of Hollis R. Bailey, Esq., and others as to Mr. Brandeis's reputation in Boston should remain uncontradicted. I have been practicing law here for 12 years or more and during that time I have never heard Mr. Brandeis's fair-mindedness or integrity attacked except by those representing "special interests" who were engaged in a controversy with him or by newspapers known to be controlled by those "special interests" or suspected to be under their influence.

He has here the reputation of being ever ready to see the right irrespective of the person it is attached to, and of being able to demonstrate that right in the face of overwhelming opposition, but most conspicuously I think he stands in our community as a man who, after his great ability has been proved, has continued to be willing to serve, and who has served with remarkable success, those who needed service, but who were not strong financially nor powerful otherwise.

Respectfully, yours,

LOUIS E. GUILLOW.

—

MARCH 2, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee on Judiciary,
United States Senate, Washington, D. C.

DEAR SIR: I beg to register my name as being in favor of the confirmation of the appointment of Louis D. Brandeis to the Supreme Court of the United States.

From 1905 to September, 1908, I was secretary and assistant to the late Prof. Frank Parsons, who, as an eminent lawyer, law text writer, sociologist, and economist, is undoubtedly known to you and your committee. As an expert for the National Civic Federation and head of the National Municipal Ownership League, and in many other capacities, Prof. Parsons was very closely connected with Mr. Brandeis in his work. I learned from Prof. Parsons to regard Louis D. Brandeis as a lawyer of exceptional ability, as a man of the highest integrity, and as a public-spirited citizen of the finest type.

Since 1908 I have watched Mr. Brandeis's work, particularly his public work, and I desire to say that I know of no man who is more honest or public-spirited or who has greater ability as a lawyer. I believe that Mr. Brandeis as a member of the Supreme Court of the United States would be a great addition to that already great tribunal.

It is my opinion that there are two reasons for the strong opposition which has developed against Mr. Brandeis's confirmation.

First, the fact that he has always stood for the public against the vested interests, even when to do so meant great loss to himself.

Secondly, and I consider this to be the stronger reason for this opposition, that Mr. Brandeis is a Jew.

I desire most earnestly to urge upon your committee the recommendation that Mr. Brandeis's appointment be confirmed.

Very respectfully, yours,

HARRY N. GUTERMAN.

—

[Hall & Hagerty, attorneys and counsellors at law, Taunton, Mass.
Frederick S. Hall, Charles C. Hagerty.]

TAUNTON, MASS., *February 21, 1916.*

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, Washington, D. C.

MY DEAR SIR: I notice from the papers and from other sources that the nomination by the President of Louis D. Brandeis, of Boston, for a seat on the bench of the Supreme Court of the United States has created quite a widespread discussion.

Being interested in the man, having watched his movements, and having had a number of years' experience with his office in connection with large interests, I think I can truthfully say that personally I have never known him to do or say anything which was not in strict accordance with strict legal propriety, and until this nomination came up I have never heard him criticized. A man of such wide knowledge and legal attainments would naturally make enemies, but it seems to me, from what I have observed, that there is nothing which would in any way disqualify him from filling this most important position to which he has been nominated.

Respectfully, yours,

CHARLES C. HAGERTY.

—

FEBRUARY 21, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate Subcommittee of Judiciary,
Washington, D. C.

DEAR SIR: It gives me great pleasure to write in regard to Louis D. Brandeis.

I understand that a number of prominent Boston lawyers have said that Mr. Brandeis is not respected by the Boston bar. I think you will find upon investigation that almost all of these men have been bitterly opposed to Mr. Brandeis on some financial or public question. He has naturally tread on the toes of a great many conservative men and men tied up in large interests, such as the New Haven Railroad. I think, therefore, that their statements must be taken with a grain of salt.

It seems to me that Mr. Brandeis's chief qualities for a position on the Supreme Court Bench are his broad point of view in regard to present-day economic questions and his very great knowledge of the facts and conditions of our modern economic industrial world.

There are many other lawyers in Boston who feel as I do about this matter, and I hope that you will not consider the opinions expressed by Mr. Moorfield Storey as binding upon the rest of us.

Very sincerely,

MATTHEW HALE.

—

BOSTON, *February 9, 1916.*

Hon. LEE S. OVERMAN,
Acting Chairman Judiciary Committee, Washington, D. C.

DEAR SIR: It has been my great privilege to have known Louis D. Brandeis intimately for 15 years, during which time he has been my personal and business counselor. I never knew his to advise or suggest anything that was not founded on the highest ethical grounds. I have no doubt of his confirmation, as it is inconceivable to me that any objection worthy to be seriously considered can be offered or that would weigh in the balance against the great addition he would be as an Associate Justice of the Supreme Court.

In my judgment there is no man living who is more the perfect embodiment of what he will be sworn to administer—justice.

Very truly, yours,

C. B. HALL.

—

WAUKESHA, WIS., *March 14, 1916.*

Senator GEORGE W. NORRIS.

DEAR GEORGE: Without intending or wishing in any way to influence your judgment, but only to give you a few facts as they have come to me, I will say that you, of course, remember that Lois's mother had something of an estate left her in Boston by her father.

This was, as I think I explained to you at the time, left in quite a complicated condition. I have never seen any of the firm, but I wrote to Brandeis, Dunbar & Nutter and asked them to look after Lois's interests, which they did. They got very good results, and they are still looking after this estate. Their charges were very modest, considering the work and the results they got, and in view of the attack on Mr. Brandeis I thought that in justice to him I would give you these facts.

Very truly, yours, H. H. HARRINGTON.

—

MARCH 1, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: Believing the appointment of Louis D. Brandeis to the United States Supreme Court to be most fitting and proper, I respectfully request that you add my name to the multitude indorsing the appointment.

I assert resolutely, from my long acquaintanceship with Mr. Brandeis professionally and publicly, that there is no higher type of citizen or public servant in our country, notwithstanding the attacks his candidacy has evoked. I know of no man in our city who is held in higher esteem or regarded with greater reverence and respect than the appointee.

I am aware of the importance, influence, and standing of the United States Supreme Court, the highest court in the world, and I believe that Mr. Brandeis would adorn this venerably body.

Respectfully, yours,

ISAAC HARRIS.

—

JOSEPH M. HERMAN SHOE CO.,
159 Lincoln Street, Boston, Mass., February 25, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SENATOR: I have known Mr. Louis Brandeis since he entered upon the practice of law. I have come into close contact with him in his personal and social life, in his professional career, and in his public civic activities. It is because of a long and intimate knowledge of the man that I, a member of an opposing political party, heartily indorse

President Wilson's selection of him to be an Associate Justice of the Supreme Court of the United States and earnestly urge the Senate to confirm his appointment.

Mr. Brandeis is one of the few lawyers of our time in this country who has willingly sacrificed lucrative pecuniary returns to an ideal conception of public service. His ability as a lawyer, his luminous and keenly trained intellect, his untiring industry and abnormal capacity for work, would have brought to him permanent retainers from all the great corporate interests in New England had he not voluntarily chosen to forego such retainers in the interest of his own independence of thought and action.

The Nation has always needed the services of men of the Brandeis type, and the confidence of the people in the Nation's highest tribunal can not help but be strengthened by the selection of such a man for a place on its bench.

Of Mr. Brandeis's private life I need not speak, for it has never needed commendation. In temperament he is dignified, calm, and dispassionate; and unless fearlessness in announcing the right as he sees the right can be said to deprive a man of what is called judicial temperament, then Mr. Brandeis possesses that temperament to the highest degree.

Yours, very respectfully,

JOSEPH M. HERMAN.

—

FEBRUARY 16, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: May I add a word in favor of confirmation of the nomination of Louis D. Brandeis?

I am a Democrat, and have been president of the National Democratic League of College Clubs and vice chairman of the State committee of Massachusetts. In 1911 I was a member of the State senate, and declined renomination. In 1914 and 1915 I was second, and then first, assistant attorney general of the Commonwealth, retiring with the change of administration. I am now engaged in private practice. I am a director of the Massachusetts Farmland Bank and of several manufacturing corporations. I am a member of the National Council of the American Judicature Association.

For two years I served in the office of Brandeis, Dunbar & Nutter, and came into personal contact with Mr. Brandeis on legislative matters while in the senate. I do not believe that I am prejudiced in his favor, but I do know from personal experience that his office maintains an unusually high standard of legal ethics. Mr. Brandeis has not been content with being merely personally incorruptible, but he and his associates have insisted that the subordinates in their office adhere to the same high standard.

With the exception of a few lawyers in the certain restricted district, I believe the sentiment of the Boston bar to be distinctly in favor of the Brandeis appointment.

Yours, very truly,

ROGER SHERMAN HOAR.

—

BOSTON, *March 2, 1916.*

Hon. WILLIAM E. CHILTON,
Chairman of the Subcommittee on Judiciary,
Washington, D. C.

DEAR SIR: From reports of the testimony already submitted to your committee appointed to consider the appointment of Louis D. Brandeis to the Supreme Court of the United States, I have learned that certain unfavorable opinions have been placed before your committee regarding the reputation in this community of the man you are considering.

These opinions are to my knowledge not representative of the general opinion of the reputation of Mr. Brandeis, and it is for that reason that I take time to write to you to inform you of my knowledge regarding the reputation of this candidate.

I am a practicing attorney, having offices in Boston and vicinity. I have had brought to my attention on many different occasions the general reputation of Mr. Louis D. Brandeis. On every occasion that I have heard mention of him it has always been a recommendation of Mr. Brandeis, praising him for the standard of honesty, trustworthiness, fidelity, and profound knowledge of the law to which he adheres. All these opinions have been expressed by lawyers, members of the same club to which I belong, and who I had reason to believe had personal knowledge and acquaintance with Mr. Brandeis.

I sincerely hope that Mr. Brandeis will be recommended by the committee for appointment to the Supreme Court of the United States.

Respectfully, yours,

M. H. HORBLITT.

—

FEBRUARY 25, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: I take the liberty of addressing this communication to you for the purpose of indorsing Louis D. Brandeis, who has been nominated by President Wilson as Associate Justice of the Supreme Court of the United States.

I am a lawyer with offices in Boston, and I have been in active practice for eight years.

I am president of the Associated Young Men's Hebrew Associations of New England, an organization comprising 45 young men's Hebrew associations scattered throughout the New England States, with a total membership of over 15,000 men. In my capacity as president of this organization, for the past two years, I have had occasion to travel throughout the district, coming in contact with large numbers of our citizens, and I can say that everywhere I have heard only the highest words of praise and commendation of Mr. Brandeis.

At a number of large public meetings that I have been present, addressed by Mr. Brandeis, the reception accorded him far surpassed any that I have ever witnessed received by any private citizen.

Ever since his nomination I have talked to many members of the Massachusetts bar, and I have heard the appointment generally discussed. In no instance have I heard anything but approval, and in no instance have I heard anything unfavorable.

There is no question in my mind but that the opposition to his appointment comes from a very small and narrow circle, and that the opinions that they express are their own and not those of the general public or of the large majority of the members of the Massachusetts bar.

I heard of Mr. Brandeis even before I became a member of the bar, and for the past two years I have come in contact with him personally. He has always impressed me as being a man of high ideals and principles, possessing a keen and analytical mind and a close student of social and economic problems. He unquestionably possesses all of the qualifications that should go to make of him a great jurist.

I am, very respectfully, yours,

ALBERT HURWITZ.

—

FEBRUARY 24, 1916.

Hon. C. S. THOMAS.

MY DEAR SENATOR: I have known and contacted with Brandeis for over 25 years and have never known or heard of his being guilty of unprofessional conduct.

As his ability is conceded, it is merely a matter of judicial temperament, and that is another term for viewpoint and perspective. He possesses it as much as Milburn or Cromwell or men who would be named by them, and very much more than A. L. Lowell, president of Harvard University, who, having selected a Jewish holy day for examinations last summer, refused to allow Jewish students another day for taking the examinations and advised them to dictate the work to hired stenographers.

We need men on the bench who will not measure and limit rights and liberties of this century by precedents and opinions of the mediæval ages.

Very respectfully,

H. J. JAQUITH, LL. B.

—

FEBRUARY 19, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Senate Subcommittee, Washington, D. C.

DEAR SIR: In view of the suggestion made to your committee—that an unfavorable opinion of Mr. Brandeis held by a portion of this community should in itself prevent his confirmation—I take the liberty of stating my dissent from this opinion of him and from the position so suggested. Mr. Brandeis's talents and legal learning are undisputed. These, with his wide experience, his study of public questions, and especially his readiness and resourcefulness in recognizing and meeting changing industrial conditions, enable him to make a contribution to public service as a Justice of the Supreme Court which possibly no other man in the country could make. I have been in the practice of law in Boston since 1898, have known Mr. Brandeis during most of that time, and have heard his character frequently discussed. While I have known of the unfavorable opinion of him entertained by a considerable number of lawyers, including men of character and standing, nevertheless I have not heard from lawyers any specific charges of unprofessional or dishonorable conduct made with personal knowledge, and I think I have not heard from lawyers specific reference to cases upon which an unfavorable opinion was based outside of those which have been mentioned before your committee. Considering the many heated controversies, private and public, in which Mr. Brandeis has been engaged, testimony as to his reputation can have little weight except so far as it is shown to rest upon facts. My own acquaintance with Mr. Brandeis for some 15 years leads me to believe him to be a man honorably and sincerely devoted to the public interest.

Respectfully, yours,

ELIOT N. JONES.

—

WORCESTER, MASS., *March 4, 1916.*

Senator WILLIAM CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: During the 12 years I have been in business it has been my good fortune to come in personal contact with the Hon. Louis D. Brandeis, whose appointment to the Supreme Court is being considered by your committee, and it gives me pleasure to state that I have always found him to be a man of the highest integrity and ideals. My contact with him and knowledge of him gives me every reason to believe him absolutely honest and straightforward in business dealings and in his public life.

Whatever opposition to his confirmation may develop must, it seems to me, come either from a very narrow circle of attorneys or else from the interests which Mr. Brandeis has necessarily (and not unworthily) antagonized during his public career.

Such opposition certainly does not represent the sound sentiment of the community, which, to the best of my belief, is strongly in favor of Mr. Brandeis's confirmation.

For all these reasons, and for the best interests of the common weal, I trust you may speedily report in favor of Mr. Brandeis's confirmation.

Very truly, yours,

MAURICE L. KATZ.

—

801–805 TREMONT BUILDING,
Boston, February 18, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, Washington, D. C.

DEAR SENATOR CHILTON: Respecting the appointment of Hon. Louis D. Brandeis to the Supreme Court of the United States, I want to say as a lawyer, 47 years old, as a member of the bar association of the city of Boston, and as a member of the American Bar Association, that I consider Mr. Brandeis not only an able attorney, but a man above reproach, who will add ability, integrity, grace, and dignity to the great bench to which he has been appointed. He is an honest man, conscientious to a marked degree, who has raised himself above the sordidness and show of mere wealth, and looks to the character and worth of the individual as the better elements of our citizenship aside from mere accumulation of cash. Louis D. Brandeis is a man with a vision of the American people and the Nation's possibilities. He will hew to the line for the future of the great Republic and the rights of all of its citizens.

Perhaps I should add as a means of identifying myself, that I served three years as a member of the Boston school committee, a board of five; and I am now a member of the Boston finance commission, a board of five, appointed by the governor of our Commonwealth to supervise the finances of the city of Boston.

I am, respectfully, yours,

JAMES P. MAGENIS.

—

FEBRUARY 18, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: I venture to write to you on behalf of Louis D. Brandeis and express the hope that his appointment may be confirmed.

I have been a member of the Massachusetts bar since 1902 and am a member of the Boston Bar Association and the Massachusetts Bar As-

sociation. For the last 10 years I have been prominently identified with labor interests, and have represented labor unions and the American Federation of Labor officially as their attorney during practically all that time. In the course of my practice I have had occasion to meet Mr. Brandeis professionally many times, and from the standpoint of labor I do not hesitate to say that his conduct has been admirable. He has been fearless in his championship of the people's rights and has never hesitated to take up the cause of a labor union or even of unorganized workers when he thought that cause was just. He stands very high in the estimation of the labor men of New England, and I know of nothing which would afford them greater satisfaction than his confirmation as a judge of the United States Supreme Court.

I venture to say that most of his enemies have been made by his championship of the people's rights, and I know of no instance where a whisper has been raised against him by the "people" themselves. I am very sure that he will make a strong, able, fearless, and impartial judge, and that, high and august as the United States Supreme Bench is, Louis D. Brandeis would grace it.

Yours, very truly, FREDERICK W. MANSFIELD.

MARCH 2, 1916.

Hon. W. E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: As a member of the Massachusetts bar of many years' standing, I consider it my duty to express my opinion regarding the appointment of Louis D. Brandeis to the Supreme Court of the United States. That I am not influenced by political motives or partisan considerations is evidenced by the fact that I am and always have been a Republican.

It is, however, a pleasure to advocate the confirmation of a lawyer who possesses not only legal ability of the highest order but also a judicial mind and foresight such as was possessed by the framers of the Constitution of our country. His untiring efforts in behalf of the rights of his fellow citizens and indomitable courage in opposing wrong has won him hosts of ardent friends, and, naturally, bitter enemies.

The general sentiment of the public in Massachusetts is unquestionably with Mr. Brandeis, and with the exception of the interests which have reason to fear his unflinching and unswerving fidelity to the public welfare, it is the desire of Massachusetts that he be confirmed. The confirmation of Mr. Brandeis as a justice of the United States Supreme Court would be a distinct addition in character, legal knowledge, and judicial ability, and will surely add to the respect and esteem in which this highest judicial body of the Nation is held by the great masses of its citizens.

Respectfully, yours, HENRY I. MORRISON.

FEBRUARY 23, 1916.

Hon. WILLIAM E. CHILTON,
Chairman of Subcommittee on Judiciary,
United States Senate, Washington, D. C.

DEAR SIR: I wish to record my earnest desire that the appointment of Mr. Brandeis as a judge of the Supreme Judicial Court be confirmed.

I am not and never have been a Democrat, but write because from some personal knowledge of what Mr. Brandeis has done I think he is inevitably qualified for the position.

Respectfully, yours, FRANK H. NOYES,
73 Tremont Street, Boston, Mass.

MARCH 1, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: I am sending this letter as an indorsement of Louis D. Brandeis, who has been nominated as a Justice of the United States Supreme Court. I have practiced in Boston for about eight years and have always been identified as a member of the Republican Party.

The general opinion concerning Mr. Brandeis which has come to my attention and knowledge has been that he is one of the ablest attorneys practicing in this country. I have never heard his character assailed or integrity questioned by any except a few of the financial interests who may have suffered somewhat by Mr. Brandeis's activity as a friend and counsel of the general public.

I sincerely trust that Mr. Brandeis will receive the confirmation of the United States Senate which he justly deserves.

Yours, respectfully, MAX L. LEVENSON.

MARCH 2, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: I wish to record my indorsement of Louis D. Brandeis, recently nominated as a Justice of the United States Supreme Court. As a member of the Massachusetts bar for about 14 years I have had some opportunity of judging Mr. Brandeis, both from a professional and personal standpoint, and I wish to say that I have nothing but the highest regard for his integrity, honesty, and ability. I feel sure that his many years of activity and practice before all courts and commissions of this country have given him a vast experience and unquestioned judicial temperament.

My residence is in Chelsea, Mass., the home city of Congressman Ernest W. Roberts. I have always been identified as a member of the Republican Party, having had the privilege of being a member of the Republican city committee and a member of the school board of the city of Chelsea for several years. I am now representing the fifth Suffolk district as a member of the Massachusetts Legislature.

I am sure that any opposition which may be brought to your attention against the confirmation of Mr. Brandeis comes from a small circle of people who are biased either because of narrowmindedness or because they may have suffered financially from Mr. Brandeis's activity in the public welfare.

Trusting that Mr. Brandeis will receive the confirmation of the United States Senate, I am,

Yours, very respectfully, JOSEPH M. LEVENSON.
BOSTON, *March 3, 1916.*

Senator WILLIAM E. CHILTON,
Washington, D. C.

DEAR SIR: I graduated from Harvard College in 1903 and from the Harvard Law School in 1906. I passed the Massachusetts bar examination in 1905 and have been practicing at the Suffolk bar ever since.

While at the law school I heard of the fame of Louis D. Brandeis, Esq., and from the time I left the law school to this date I have had considerable opportunity to watch Mr. Brandeis grow in reputation as a lawyer and as a man. I am happy to be able to say that his growth in both respects in the estimation of the community has simply been marvelous. He certainly has been one wonderful example and inspiration for all members of the bar and all other persons in the community. I have never heard any criticisms derogatory to his character or reputation. His wonderful and repeated successes in the most complicated cases and his untiring efforts in behalf of the people at the sacrifice of considerable time and expense to himself have endeared him to the country at large.

It is no wonder that our honorable President of these United States has seen fit to appoint him as the one man fit and able to occupy the exalted position of Associate Justice of the Supreme Court of the United States.

Can it be said that our beloved President has been influenced by anything outside of the highest motive for the welfare of all the people in his appointment of Mr. Brandeis? The whole record of Mr. Brandeis's career must certainly have been reviewed by the President before he exercised the privilege and right under the Constitution to fill the vacancy on the Supreme Bench.

It seems to me that the opposition to Mr. Brandeis's confirmation comes from persons who are envious or jealous of his remarkable rise in the world or to the fact that Mr. Brandeis has so often and so successfully championed the cause of the common people against encroachments by monopolists and monopolistic combinations.

I humbly join in the almost universal desire that our President's appointee be unanimously confirmed.

I have the honor to be, respectfully, yours,

ABRAHAM LEVENTALL.

MARCH 7, 1916.

Hon. WILLIAM CHILTON,
Chairman of the Senate Subcommittee, Washington, D. C.

DEAR SIR: As a member of the Women Lawyers' Association of the State of Massachusetts and as a practicing attorney before the bar of this State, I earnestly advocate the confirmation of the nomination of Louis D. Brandeis for the United States Supreme Judicial Court.

Trusting that you will recognize his entire fitness for that great and honorable position, I am,

Yours, truly, ROSAMOND H. LEVY,

MARCH 1, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: Having made a specialty of the patent laws of this country and foreign countries, for the past five years our office has been doing a great deal of associate work on patent matters with the general-law practitioners in and about this city.

We are personally acquainted with Mr. Louis D. Brandeis, the President's nominee for the vacancy in the Supreme Court of the United States of America, and have, since the question of his confirmation has arisen, discussed his qualifications for that office with many of our clients, who are prominent members of the Massachusetts bar. We find their opinions to be absolutely in his favor and are satisfied that the opinions expressed before your honorable committee, as we understand them, by a few attorneys from Boston, to the end that the reputation of Mr. Brandeis is questioned throughout the Massachusetts bar, are positively without foundation.

We sincerely urge the confirmation of Mr. Louis D. Brandeis as Associate Justice of the Supreme Court of the United States.

Very respectfully, DAVID LICHTENSTEIN,
BENJAMIN H. CHERTOK.

MARCH 8, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

MY DEAR SENATOR: May I express my sincere hope that your committee will report favorably on the confirmation of Louis D. Brandeis as Associate Justice of the Supreme Court of the United States.

As a member of the Massachusetts bar and as president of the Associated Young Women's Hebrew Associations of New England I have had occasion to meet Mr. Brandeis frequently and have found him to be a man of the highest integrity.

I am certain that as a member of the Supreme Bench of the United States Mr. Brandeis will fill the office honorably.

Yours, very truly, S. M. LIPNER.

BOSTON, MASS., *March 3, 1916.*

JACOB J. KAPLAN, Esq.,
161 Devonshire Street, Boston, Mass.

DEAR MR. KAPLAN: Inclosed herewith find copies of letters in the Brandeis matter, which I received from Harry H. Guterman, Henry I. Morrison, David Lichtenstein, Benjamin H. Chertok, Harry Silverman, Joseph H. Samuel, Florence F. Sullivan, Israel Ruby, Isaac Harris, Elisha Greenhood, Max M. Fritz, A. E. Pinanski, Louis Abrahams, William E. Blatt, Isaac H. Greenburg, Harry E. Dubinsky, Edward E. Ginsburg, Albert Hurwitz, Eugene M. Schwarzenberg, Adolphus M. Burroughs, Samuel L. Silverman, George E. Gordon, Samuel H. Borofsky, Nathaniel Golden, Maurice Bergman, Emmanuel Cohen, Samuel L. Wolfson, Franklin M. Cohen.

Very truly, yours, DAVID A. LOURIE.

FEBRUARY 18, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: As a member of the Massachusetts bar for 26 years, 23 of which have been spent in general practice and 3 years as assistant corporation counsel for the city of Boston, and having known and had professional dealings with the firm of Brandeis, Dunbar & Nutter, of which Louis D. Brandeis is the senior member, I indorse his appointment for confirmation as an Associate Justice of the Supreme Court of the United States. I believe that Mr. Brandeis will bring to the high office to which he has been nominated ability, learning, and that sense of unswerving

and impartial justice which has ever been the keystone in the arch of our Government.

Yours, respectfully,

JOSEPH P. LYONS,
Assistant Corporation Counsel.

—

BOSTON, MASS., *March 3, 1916.*

Hon. WILLIAM E. CHILTON,
Chairman Judiciary Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: By way of introducing myself, I have been in the general practice of law for about 10 years, and have been identified with the Democratic Party since 1896; have also been a delegate to the Democratic National Convention at Denver and an alternate delegate to the Baltimore convention. I am at present connected with the law department of the city of Boston, having charge of the "workmen's compensation" cases.

My practice and connections have brought me in contact with a very large majority of the practicing lawyers of Boston and Massachusetts, generally, and I am delighted to say that I find the reputation of Louis Brandeis to be excellent, as far as honesty and ability are concerned.

I most heartily approve of his confirmation as a member of the United States Supreme Court.

Respectfully, yours,

H. MURRAY PATSUKKI.

—

FEBRUARY 28, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: I should like to add my indorsement to the nomination of Louis D. Brandeis, Esq., as Associate Justice of the Supreme Court of the United States.

I am a graduate of Harvard College, 1908, and Harvard Law School, 1910, and have been a member of the Massachusetts bar since January, 1910. For two years after leaving the law school I was in the legal department of the Boston Elevated Railway Co. and for the past three years have been assistant to the general attorney of that company and engaged in the general practice of the law. I have known Mr. Brandeis personally for the past seven or eight years, and I believe that I am familiar with at least his public career of the past 20 years. Although I have been intimately interested in the opposite side of many public, particularly franchise, questions in which Mr. Brandeis has taken an important part, I have always felt and do still feel that he is a man of absolute integrity, exceptional ability and mentality, and unusual fairness.

I believe that I voice the general sentiment of the younger members of the bar when I say that Mr. Brandeis is a shining example of the unselfish, public-spirited citizen, earnest advocate, and profound scholar.

Very truly, yours,

W. E. PINANSKI,
Assistant to the General Attorney.

—

FEBRUARY 16, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: I trust that there is no impropriety in the liberty I am taking in writing you this letter indorsing Louis D. Brandeis as an Associate Justice of the Supreme Court of the United States.

I am now and have been practicing law in Boston for 16 years. I was assistant district attorney in Suffolk County in 1909, and in 1906 was appointed a special justice of the Boston juvenile court, a life appointment.

I have known Mr. Brandeis, or of him, since I commenced the practice of the law. I have had matters connected with his office, although I have not dealt with him personally therein.

It is not unnatural that many should differ with Mr. Brandeis. His career has been exceedingly active and fruitful, and it would be impossible to expect that his acts should meet with the commendation of all. I can not believe, however, that the present opposition is viewed with favor by the great mass of our community. To them Mr. Brandeis towers as a man of great intellect and energy, who has unselfishly served the people, and who has accomplished large constructive good in their behalf.

I believe that Mr. Brandeis is preeminently fitted for the position, and, as far as one can foresee, will add genuine strength to the Supreme Court. The President has assumed the responsibility of making the appointment, and I believe he has exercised sound judgment. I hope the United States Senate will see fit to sustain the President in the matter.

Yours, very truly,

PHILIP RUBENSTEIN.

—

BOSTON, *March 2, 1916.*

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

MY DEAR SIR: Permit me to express my approval of the nomination of Louis D. Brandeis, Esq., as a member of the Supreme Court Bench of the United States. I sincerely trust that your committee will see fit to report favorably on the nomination to the honorable Senate.

I have been engaged in the practice of law for three years, and during that time I have had occasion to discuss the honesty, integrity, and ability of Louis D. Brandeis, Esq., at various times, and the sentiment of opinion always expressed was that he was a credit to our profession, and it is my sincere belief that his appointment to the Supreme Court Bench will add to the same a man who had not only himself at heart but his country and people.

Sincerely, yours,

ISRAEL RUBY.

—

BOSTON, *March 2, 1916.*

Senator WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: In reference to the confirmation of Louis D. Brandeis as a member of the Supreme Court of the United States, now pending before your committee for its consideration, I desire to be placed on record as follows:

I might say at the outset that I am in my fifth year at the bar, active in practice, and of the large number of lawyers with whom I have come in contact a very large majority are in favor of confirmation of the nominee.

I do not personally know him, but so far as I can ascertain—and I have discussed the matter with a number—his reputation at the bar for ability, efficiency, and integrity is good.

I desire to be recorded in favor of confirmation.

Very truly, yours,

JOSEPH H. SAMUEL.

—

[Law offices of Eugene M. Schwarzenberg and Edwin F. Schwarzenberg.]

BOSTON, MASS., *February 25, 1916.*

Senator WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: As a member of the bar of 12 years' standing and one who has participated somewhat in civic life, having been chairman of the good government association of the town in which I lived for several years, as well as a member of the Republican town committee and town council, I feel it my duty to write to express my position on the treatment being accorded to Mr. Louis D. Brandeis.

I have known Mr. Brandeis, both socially and professionally, for upward of 20 years, and have had a great many dealings with him personally and with his office, and have always found him conscientious, upright, and a man of highest integrity, high ideals, and fine ethics, besides which his ability can not in the least degree be impugned.

I wish to express my unqualified approval of his appointment as a member of the United States Supreme Court, believing that his appointment will add dignity and strength to that body. It is my belief, from what conversations I have had with other attorneys, that the only opposition to him in this section comes from a very narrow circle who are allowing selfish motives to warp their judgment.

With the sincere wish that the action of the committee will be favorable to Mr. Brandeis, I am,

Yours, respectfully,

———— ————.

—

MARCH 3, 1916.

Senator WILLIAM E. CHILTON,
Chairman of the Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: It is with a great deal of regret that I note the opposition against the confirmation of Louis D. Brandeis as Associate Judge of the Supreme Court of the United States. Personally, I think it is a misfortune to harass and malign a man who, to my judgment, in the words of Shakespeare, "is above suspicion."

I have practiced law since 1904, and have had more or less to do with the office of Brandeis, Dunbar & Nutter, and there never came a time that I could find any fault with the treatment I received from that office.

Mr. Brandeis has been generally regarded as a man of great legal ability. Not only is he recognized as a leader at the bar, but is known as a man who has given a great deal of his time to work for the public good, and is, in a sense, accepted as a leader of men.

His honesty, character, ability, and his general and judicial temperament has never, to my mind, been questioned. Personally, I believe that those who oppose him do so not because he lacks ability or honesty, but because they recognize the superior man.

I believe that this country needs the service of a man of this type, and I am sure that time will make those who now oppose him ashamed of their conduct.

I sincerely hope that the committee will report favorably upon his confirmation.

Respectfully, yours,

SAMUEL SELIGMAN.

—

MARCH 2, 1916.

Hon. WILLIAM E. CHILTON,
Washington, D. C.

SIR: I most respectfully urge the confirmation of Louis D. Brandeis, Esq., as an Associate Justice of the United States Supreme Court. His sterling character, unquestioned ability, fearlessness when fighting for a just cause, and sincerety of purpose in protecting the weak and oppressed are a few of his qualifications which make him eminently fit for this position which he will hold with credit to himself and honor to his country.

Respectfully, yours,

HARRY SILVERMAN.

—

[Samuel L. Silverman, 40 Court Street, Boston.]

FEBRUARY 25, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: The nomination of Louis D. Brandeis, Esq., of Boston, as Associate Justice of the Supreme Court of the United States is, in my opinion, one of the best nominations that could be made.

I have been a member of the Massachusetts bar since 1899, and I have yet to hear any objection to Mr. Brandeis. It may be that I do not come in contact with that class of attorneys who object to him. The feeling among the everyday members of the bar is that the nomination is a good one and will be a great credit to the United States.

I have had some business with Mr. Brandeis's office, and have found them fair and square.

I have served as a member of the Republican State Committee of Massachusetts for two years, and I have in past years actively participated in politics.

If you know anything about conditions in Boston you will know that the attorneys who oppose Mr. Brandeis are of a certain class who oppose everybody unless they come within their circle.

Very truly, yours,

SAMUEL L. SILVERMAN.

—

BOSTON, *March 2, 1916.*

Senator WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: I am interested in the confirmation of Louis D. Brandeis for the office of Associate Justice of the Supreme Court of the United States.

In the outset let me state that I am a practicing lawyer and have been in active practice for 22 years, and during that time have had daily business relations with a great many lawyers, business men, and a representative element of the general public of this community. From my experience and personal knowledge I find the bar of this city

has among its members several men that seem to possess very deep-seated prejudices along certain lines that are the result of views expressed between themselves and within a somewhat limited circle. For reasons satisfactory to themselves, Mr. Brandeis has incurred the active opposition and personal ill-will of these men.

The standard that seems to have been set by these men for the general bar is of their own creation, unwritten, and, to my mind, very artificial and wholly out of sympathy with the rank and file of the 3,000 lawyers that practice before the courts of this city.

I do not claim to know the candidate, but can state for the information of your committee that the reputation and common speech of other lawyers and business men of this city consider Mr. Brandeis as a man who has elevated his character by his lofty and upright principles, according to a standard of honesty and reasonable application, and who as a lawyer and practicing attorney has distinguished his profession by the result of his achievements.

I believe such a man to be fully capable of calmly weighing matters that might come before him for judicial interpretation, and a man that would do full credit to the high office to which he has been appointed.

Very truly, yours,

F. F. SULLIVAN.

—

FEBRUARY 24, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: I want to indorse President Wilson's nomination of Louis D. Brandeis for Associate Justice of the Supreme Court of the United States. I was a member of the Massachusetts Senate in 1907 and 1908 and was the Democratic candidate for governor in 1908 and 1909 and was also a delegate to the Democratic national convention in 1904.

I have been practicing law for 23 years, have always been a Democrat, and have known Mr. Brandeis for 15 years. I have never been associated with him in legal matters or causes, but have frequently been opposed professionally to his firm. While in the senate I was actively interested with him in the establishment of savings-bank insurance and voted for the bill which finally became a law.

I think that he is peculiarly well fitted and qualified for the position of Associate Justice of the United States Supreme Court. His knowledge of law and his breadth and grasp of great public and social questions remarkably fit him for such a high place. I think he has been very much misunderstood by some members of the bar here.

I earnestly hope that his nomination will be confirmed.

Yours, very truly,

JAMES H. VAHEY.

—

BOSTON, MASS., *March 3, 1916.*

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: In the matter of the appointment of Louis D. Brandeis I wish, as a member of the bar of Massachusetts, to express my confidence and trust in Mr. Brandeis's high character and great ability.

In the city of Revere, where I have my residence, I mix in politics and belong to a number of social clubs and political organizations. Discussing Mr. Brandeis's appointment, the unanimous opinion seems to be that the gentlemen from Boston who are opposing him belong to a class who are known as "blue bloods." The people hark back to a time in Massachusetts, not so very long ago, when Catholics of Irish descent met with similar opposition from the same class who are now opposing Mr. Brandeis. They believe that Mr. Brandeis and men of his race and religion are now facing the same kind of prejudice in their fight for recognition, not of "blue blood" but red blood, courage, ability, and character.

The people, and especially the young lawyers of Boston, who are perhaps more familiar with Mr. Brandeis's career and attainments, are waiting with confidence for the confirmation of Mr. Brandeis as a demonstration that the test for high public office in Washington is the test applied by Mr. Wilson and is not influenced by class, race, or religion, but is determined entirely by character and ability for the office.

Very truly, yours,

P. A. WALSH.

—

FEBRUARY 16, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: In view of the present discussion as to Mr. Louis D. Brandeis, will you permit me, as one who has known Mr. Brandeis ever since we were together in the Harvard Law School, to say in brief that, although I have not for many years been in active practice, I have had an opportunity to know something of Mr. Brandeis's work in public matters, and that he has shown, in my judgment, not only brilliant ability but public spirit, breadth of view, and generosity both in the matter of time and money in helping on the public work which he has undertaken. As to his integrity, I have entire confidence in it, and would intrust my own affairs to him without hesitation.

Respectfully, yours,

GEORGE WIGGLESWORTH.

—

MARCH 4, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: I desire as a practicing attorney of this city, and in the interest of the community, to add my voice in commendation of the character and ability of Mr. Louis D. Brandeis, whose appointment as Justice to the Supreme Court is now awaiting the consideration of the Senate.

I sincerely trust he will be confirmed. I have followed Mr. Louis D. Brandeis's career with great interest, his professional and public activities are known by all men the country over, and I believe there is no one in point of ability or in character more fitted than he to strengthen the great court to which he has been appointed.

The reported sentiment of the Boston bar as unfavorable to Mr. Louis D. Brandeis is, I think, a great perversion of the truth, and it is limited almost wholly to those who have clients identified with vested interests and who are opposed to the measures advocated by Mr. Louis D. Brandeis. The disinterested members of the bar by an overwhelming majority respect him as a man of sterling worth and splendid ability.

Volumes might be written of his worth, but the main facts have already appeared in evidence, and I believe they should be conclusive to his remarkable worth and ability. It is certain that the great masses of the people, both lawyers and laity, will rejoice his confirmation, which is confidently expected.

I have the honor to remain,

Very respectfully, yours,

SAMUEL J. WITKIN.

—

[Law offices of Samuel L. Wolfson, 40 Court Street, Boston, Mass.]

FEBRUARY 29, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: I am an A. B., Harvard University, and LL. B., Boston University, and have been a member of the Massachusetts bar, Suffolk County, since 1913 and United States district court bar since 1915.

I have been for a great many years an ardent admirer of Mr. Louis D. Brandeis, because I believe him to be one of the foremost Americans of to-day and typical of American principles and democracy. I heartily approve his appointment to the United States Supreme Bench because I feel that he will stand up for what is equitable and just at all times and will make an excellent interpreter of the laws because of his vast legal experience.

I am of the opinion that the opposition to his confirmation is confined to a very small sphere, composed only of those who bear him a personal grudge and see a possible opportunity at hand to satisfy themselves, and it does not represent the voice of the people.

Respectfully, yours,

———— ————.

—

A few miscellaneous letters from lawyers outside of Boston or from nonlawyers:

MARCH 30, 1916.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: I am taking the liberty of mailing you under another cover copy of an article concerning Louis D. Brandeis, whom I have had the honor of knowing a great many years.

As a citizen of Massachusetts and a former candidate for the nomination of governor and former chairman of the commission of efficiency and economy, I beg to say that in my opinion there is no living American who is more honest and more fearless, and no man that I know has better judgment or is more patriotic.

There are many people in Massachusetts and elsewhere throughout the country who believe that Brandeis resembles Abraham Lincoln in appearance and in character.

Yours, sincerely,

NORMAN H. WHITE.

—

FEBRUARY 9, 1916.

Hon. GEORGE E. CHAMBERLAIN,
Senate Chamber, Washington, D. C.:

Urge the confirmation of Brandeis because he is able, just, and progressive. One of the best appointments President could have made. No one opposing here but reactionaries, special-privilege beneficiaries, and big-business representatives. Opponents here include all who were applauding in advance nomination of Taft as the graceful thing to do.

WILLIAM U'REN.

—

FEBRUARY 19, 1916.

Hon. WILLIAM E. CHILTON.
Chairman Senate Subcommittee.

DEAR SIR: The newspapers report that certain gentlemen from this vicinity have given your committee an unfavorable estimate of the character of Mr. Louis D. Brandeis and of his standing in the community.

I think it is fair to say that the hostile estimates attributed to these gentlemen are not unexpected and occasion little surprise in his locality. We are accustomed to having honorable men, of strong convictions and divergent interests, differ painfully in their estimates of one another. But I think it is also fair to say that these critics of Mr. Brandeis can not speak for the community at large.

I, for example, have known both Mr. Brandeis and some of his critics for many years. Part of this time I was a member of the faculty of Harvard University, as teacher of political economy and sociology; subsequently colleague and successor of the late Edward Everett Hale as minister of the South Congregational Society of Boston. The longer I have known Mr. Brandeis the more I have admired him, not only for his personal qualities but also for his knowledge of economic conditions; his insight and impartiality in regard to the relations of capital and labor; his public spirit and devotion to the general welfare.

I regard him as one of the most conscientious members of his great profession; as one of the sanest, wisest, and most trustworthy citizens of this Commonwealth.

I was glad when the President nominated him to the Supreme Court; first, because I, like many others, am persuaded that he measures up to the highest standards of moral character, of professional equipment, of judicial temper, of patriotic devotion; second, because I believe he will bring to his high office a statesmanlike grasp of the fundamental principles and problems of our social, political, and industrial life.

Sincerely, yours,

EDWARD CUMMINGS.

P. S.—I think I am not identified with Mr. Brandeis either in race, religion, or political party.

—

ANDOVER THEOLOGICAL SEMINARY,
Cambridge, Mass., February 17, 1916.

Senator WILLIAM E. CHILTON,
Chairman Subcommittee of the Senate.

DEAR SIR: May I be allowed the privilege of expressing to you my appreciation of the character and service of Mr. L. D. Brandeis and my judgment of his eminent fitness for the great position for which our honored President has chosen him? I have known Mr. Brandeis for more than 20 years; I have heard him speak on many occasions on large questions, and have been brought into personal relations with him from our mutual interest in the welfare of workingmen. He has impressed me profoundly as a man of sterling character, absolutely devoted to the common welfare, thoroughly convinced that righteousness alone exalteth a nation, and so eager that good be accomplished that he willingly works in the background while others receive the commendation.

In view of the fact that great social problems are coming more and more to the Supreme Court, it seems to me that he is eminently fitted

for wise and humane judgment on these and other matters. From my contact with various classes of men in the community, I judge that his selection strikes others, with the exception of a small minority, as favorably as it does me.

Yours, respectfully,

DANIEL EVANS.

—

BOSTON, MASS., *February 25, 1916.*

Senator WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: I am writing you to throw what light I can upon the qualifications of Mr. Louis D. Brandeis for service in the Supreme Court. I have never had any business relations with Mr. Brandeis, but have been a close observer of his activities, both locally and nationally.

While I have no authority to speak for any organization with which I am connected, I think it fair to say that because I am connected with various public organizations in this vicinity I have come to know what kind of a man Mr. Brandeis is. As one of the organizers and president of the United Improvement Association, an affiliation of the various local associations throughout Boston, I have been associated with Mr. Brandeis and have seen his breadth of view and self-sacrificing contributions of time and money in the interests of the best civil development. As superintendent of the Wells Memorial Institute, I have become acquainted with his energetic and again self-sacrificing work in the upbuilding of our Massachusetts Savings Bank Life Insurance system. As director of the Boston Chamber of Commerce and an active member of various of its committees, I have had an opportunity to know of Mr. Brandeis's activities in connection with the New York, New Haven & Hartford Railroad. He has received much censure for his actions in this connection, and I believe that much of the opposition to him is based upon that. Let me assure you that such opposition is confined to a very small group of people, though the members of that group are wealthy men whose voices are heard afar. Because Mr. Brandeis discovered the evil financial and managerial situation of the New Haven Railroad and warned the public of it and of the need of an early and drastic remedy, he has been blamed as only the authors of the situation deserve. He is charged with the wrecking of the New Haven Railroad when what he really did was the very useful service of warning us that the railroad would be wrecked unless we took effective means to prevent such a catastrophe. One of our most prominent business men said to me very recently that he believed the opposition to Mr. Brandeis regarding the New Haven activities, which comes largely from the banking interest, is due to the fact that he discovered and made public the real situation of affairs before the bankers themselves had discovered it. It is my deliberate opinion that had Mr. Brandeis not made public the facts regarding the New Haven situation that debacle might have been even more serious than it is.

Finally, may I say that I believe the personal charges against Mr. Brandeis are due to the fact that he refuses to continne as counsel for a company after he becomes convinced that that company is working contrary to the public interest and demands his assistance in securing results which work against essential justice? Such a position is not in keeping with the general practice in the legal profession and is not required by legal ethics. In my opinion, however, it is a step in advance of what is absolutely required by the ethics of the profession; and I believe that in taking such a position he is standing for the higher morality rather than the lower ethics of the particular group. Not being a lawyer, I can not express any opinion of value as to Mr. Brandeis's purely legal contribution to the Supreme Court, but I do know that his intimate knowledge of the actual living conditions and problems of a great majority of the inhabitants of this country will be of inestimable value in giving a human and humanitarian balance to the views of the Supreme Court.

Respectfully, yours,

WILLIAM C. EWING.

—

60 STATE STREET, BOSTON, MASS.,
February 17, 1916.

Hon. WILLIAM E. CHILTON,
Chairman of Subcommittee, United States Senate,
Washington, D. C.

DEAR SENATOR: I write to urge the pending confirmation of Louis D. Brandeis. I am one of those citizens of Massachusetts who conceive Mr. Brandeis to be a great civic asset and potentially a distinct national asset. To many minds he stands as the embodiment of popular intelligence and courage striving for popular rights against selfish corporate aggression. He has a definite record of public achievement unequaled, I believe, by any other member of the bar in this State.

He is essentially a constructive and conservative element in the community, in that he believes in and assists orderly and evolutionary social progress. He is a man with a social vision, but never visionary; a useful servant of the public, but never servile; a profound and brilliant lawyer, who knows that historically the best law is ever expressive of the noblest social aspirations.

Faithfully,

WILLIAM LLOYD GARRISON, Jr.

—

FEBRUARY 17, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee, United States Senate,
Washington, D. C.

DEAR SIR: Louis D. Brandeis is, in my opinion, absolutely devoid of all selfish interests. I do not intend to presume upon his dignity by defending his character, but wish to say that during the last 10 years in which he has served as our counsel we have found him to be both conservative and constructive in his advice.

There are embodied in Mr. Brandeis so many of the essential elements that fit him for the Associate Justice of the Supreme Court it is inconceivable that any testimony presented should influence your committee to the extent of robbing this country of the power and quality of justice that Mr. Brandeis will administer.

It is my belief that we voice the opinion of the conservative element of the country.

Yours, very truly,

E. G. HOWES.

—

FEBRUARY 15, 1916.

Hon. T. H. WALSH.

MY DEAR SIR: Inasmuch as so many allegations by petition or personal statement have been presented to the subcommittee to consider the fitness of Mr. Brandeis for the Supreme Court, many of which allege that he is temperamentally unfit to act in a judicial capacity, may I take the liberty of contributing an opinion on the other side. My professional work at Harvard has for many years required that I keep in close touch with transportation and labor matters, and quite aside from personal acquaintance with Mr. Brandeis, it has been in the true line of my work to follow every detail of his career. Two particular events, in my judgment, prove that Mr. Brandeis, far from lacking the judicial habit of mind, is preeminently fitted to exercise it. The first of these is his attitude on the rate-advance cases, wherein, as your committee has already been so fully informed, he was willing to so far do justice to both sides as to concede the need of revenue for the carriers while still fully comprehending the interest of the public, which he represented, in low transportation rates. As a warrant for this judgment, and merely in order to give it weight technically before your committee, I am taking the liberty of inclosing a few citations from reviews of certain books on railroads which I have published during the last few years.

The second instance of marked judicial capacity on the part of Mr. Brandeis is his record in the New York protocol, covering 50,000 or more garment workers, and substituting standardized and orderly conduct of a great business for chaos and incessant strife. The fact that Brandeis should have been chosen as the third member of the arbitration board, which was the capstone of the system, and should in that difficult position have continued to promote orderly intercourse between capital and labor, is no mean achievement. It could by no possibility have been performed by one who did not possess the qualities of fairness and nice discrimination as to human rights in the highest degree. On this subject also my warrant for expression of opinion is based upon a quarter of a century of instruction and writing on labor problems in connection with my work at Harvard.

You will pardon the length of this communication, but it is difficult more briefly to substantiate the claim which the friends of Mr. Brandeis bring forward in behalf of this candidacy.

Believe me, very truly, yours,

WILLIAM L. RIPLEY.

—

FEBRUARY 21, 1916.

Hon. WILLIAM E. CHILTON,
Chairman Committee on Brandeis Nomination,
Washington, D. C.

DEAR SIR: I take the liberty of placing before you copy of telegram which I sent to President Wilson immediately after the announcement of his nomination of Mr. Louis D. Brandeis to vacancy on the bench of the Supreme Court of the United States:

"The PRESIDENT,
"*Washington, D. C.:*

"Your nomination of Louis D. Brandeis affords renewed evidence of your sagacity, is a fine tribute to his splendid qualifications, and a gratifying recognition of the confidence in which he is held by the masses of the American people."

I may add that for several years I have been in position to gauge with some accuracy the views of the people of Boston as a whole and to contrast them with those of a much more circumscribed local group mistakenly disposed to regard its own sentiments as those of the entire community.

Four men chanced to lunch together to-day at one table at one of our principal clubs. One is president of a prominent Boston savings bank, the second is a well-known lawyer occupying a high elective office, the third is one of the leading dry-goods merchants of Boston, the fourth (myself) is president of two flour milling companies. Among other matters the nomination of Mr. Brandeis was discussed. One suggested that those who favor his nomination hold up their hands and all four men held their hands aloft.

This is, I believe, much nearer a correct illustration of the views of the people of Boston—not to go farther from home—than was the petition recently signed here and forwarded for presentation to your committee.

If the matter were submitted to a vote of our citizens among whom Mr. Brandeis has lived and worked the greater part of his lifetime, I believe the majority in his favor would be overwhelming.

Very respectfully, yours,

BERNARD J. ROTHWELL.

—

[J. Russel Marble & Co., Worcester, Mass., also 77 Pearl Street, Boston, Mass. J. Russel Marble, Rufus S. Woodward, Charles E. Eager, Arthur E. Nye.]

WORCESTER, *February 23, 1916.*

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee Judiciary Committee,
United States Senate, Washington, D. C.

DEAR SIR: As a merchant of Boston and Worcester, Mass., and doing a very considerable business with the principal paper, woolen, cotton, and other manufacturers of New England, I want to state that I believe that a large proportion of the people of New England approve of the nomination of Louis D. Brandeis for Justice of the Supreme Court.

I have met Mr. Brandeis frequently in lines of work which are for the uplift and benefit of the people. His ability is recognized and I believe that he has a large degree of judiciary temperament. He is the only lawyer, so far as I know, of any particular prominence who has appeared before the Legislature of Massachusetts in the last 10 years in the interests of the people as a whole. The other lawyers have been there, chiefly representing the interests of corporations, whose interests are sometimes inimicable to those of the people. The Hon. Robert M. Washburn, a Republican, and more than five years a member of the Massachusetts House of Representatives, now a member of the Massachusetts Senate, himself a lawyer, has approved publicly of Mr. Brandeis's confirmation, as per inclosed interview in the Worcester Evening Gazette.

Knowing Mr. Brandeis as I do, and the sentiment of the New England people, I believe the court would be strengthened by his confirmation, and the respect for the court, if possible, increased among a large part of the community.

Very truly, yours,

J. RUSSELL MARBLE.

—

MARCH 3, 1916.

Mr. A. LAWRENCE LOWELL,
President Harvard University, Cambridge, Mass.

DEAR SIR: As a one-time member of the undergraduate body of the university, I feel that I owe it both to the traditions of that institution and to my own sense of duty to add my protest to that of the

undergraduates who have challenged your opinion as stated to the Senate committee of the fitness of Mr. Louis D. Brandeis for service on the Supreme Court of the United States.

I have some personal acquaintance with Mr. Brandeis. I have a good working knowledge of his activities in the public behalf during the past 10 years. There is no man of his time, in my opinion, who has rendered as valuable service to the cause of humanity and progress. He is of Supreme Court stature at all times. Under the conditions that prevail to-day in the United States, I believe him to be peculiarly fitted for services on that bench. President Wilson has made no appointment in his career that so honored him as that of Mr. Brandeis. In such a situation, it shocks me that the head of our most illustrious educational institution should join the clamor of the privileged and predatory interests of the country in defaming the reputation of this great lawyer and citizen.

Again I protest—for myself, for the old university ideals of truth seeking and service to humanity.

Truly, yours,

STILES P. JONES,
Class of '88.

—

HOT SPRINGS, ARK., *March 12, 1916.*

Hon. JOSEPH T. ROBINSON,
United States Senator from Arkansas, Washington, D. C.

MY DEAR SIR: Mr. Malheny, a brother attorney and old schoolmate of yours informed me that I might use his name as reference in writing to you relative to the confirmation of the Hon. Louis D. Brandeis for Supreme Court judge, who was indorsed by our local painters' union, No. 401, and a copy of the resolutions sent to you and Senator JAMES P. CLARKE on February 22 by special delivery. I wrote Senator CLARKE the second time, but have never received a reply to our resolutions nor my letters, and as I am originally from New England and also know ex-Secretary of the Interior Ballinger and many of the ring that attempted to hold up Uncle Sam in Alaska, and know Mr. Brandeis did his whole duty in that case and rendered invaluable services to the United States Government and the people of our country and in that and other cases, and that a large majority of the laboring men and law-abiding citizens are in favor of your early action and confirming the President's appointment, I hereby again ask you and your colleagues to stay by us, and we will stay by you.

Kindly acknowledge the receipt of this and let me know if you duly received a copy of our resolutions, and oblige your humble friend and servant.

E. E. NEAL,
Box No. 28, Hot Springs, Ark.

—

JOHN P. HERRMANN, JR., REAL ESTATE CO.,
St. Louis, Mo., March 15, 1916.

To the MEMBERS SENATE JUDICIARY SUBCOMMITTEE,
Washington, D. C.

HONORABLE SIRS: The inclosed copy of my letter to Senator Elihu Root, a copy of which was mailed to Mr. Barnes, of New York City, explains itself.

With all due respect to the Hon. William Taft, the ex-President of the United States, I beg to call your attention to the fact that he was not above accepting the nomination at the hands of the 1912 so-called Republican convention, and that notwithstanding that the platform on which he was previously elected as President called for a revision of the tariff downward, that in place of that the people who had voted for him on that platform were given Canadian reciprocity instead of a revised tariff.

If the other gentlemen who are so strenuously opposing the confirmation of Mr. Louis D Brandeis are in the same class, it might be well not to lay too much stress on their opinions as to his fitness for that high office. See inclosed editorial from Globe Democrat.

Trusting that you will receive this letter in the friendly spirit in which it is sent and will confirm Mr. Brandeis's appointment, I remain.

Very truly, yours,

A. F. HERRMANN, *1011 Market Street,*
Delegate to the 1912 Progressive Party Convention,
And Chairman Twelfth Congressional District of Missouri.

—

ST. LOUIS, *February 18, 1916.*

Hon. ELIHU ROOT,
New York City, N. Y.

HONORABLE SIR: You will in all probability recognize the following matter as having been printed on postal cards which were received by various representative men of the so-called Republican National Convention held in Chicago in 1912:

"Rather than stain the nomination for the high office of President with fraud and theft, organize a Progressive Party with the Hon. Theodore Roosevelt as its head."

Now that your State, the Empire State, and your party, the Republican Party of your State, has spoken and given you to understand that they did not consider you fit timber to fill the position of President, the most honorable within the gift of the American people, I sincerely trust that the exalted opinion you had of yourself so dogmatically expressed and displayed while chairman of the national Republican Party convention held in Chicago in 1912 has somewhat diminished.

Might does not always make right, and in this case the lesson has been driven home to you by your own people in your own State.

While your nomination for the highest office was a possibility, your election to same is an absolute impossibility, as we, the Progressives in the western section of the United States, have always resented, nor will we ever forget and few of us ever forgive, the treatment you accorded to us while acting as chairman.

Trusting that your forced retirement to private life may be of a pleasant nature, I am,

Very respectfully, yours,

A. F. HERRMANN, *1011 Market Street,*
Delegate to the 1912 Progressive Party Convention,
And Chairman Twelfth Congressional District of Missouri.

—

FEBRUARY 18, 1916.

Hon. WILLIAM E. CHILTON,
Chairman of Senate Subcommittee,
Washington. D. C.

DEAR SIR: Kindly allow me to express my approval of the nomination of Mr. Louis D. Brandeis to the Supreme Court.

It has been my privilege to have had somewhat of an intimate acquaintance with Mr. Brandeis for more than a dozen years, during which time I have observed his work at close range, both in public and private affairs. I have found him to be a man who is keenly active in getting after exact and fundamental facts before making a statement regarding any matter in hand, and subsequent events have usually proved that his judgment has been sound.

I feel sure that his activities have been misinterpreted sometimes as involving a radicalism which he did not feel or express, but, on the other hand, his utterances and actions have been of great value to the community in which he has lived.

Yours, very respectfully,

CHAS. M. COX.

—

FEBRUARY 3, 1916.

Hon. JOHN W. WEEKS,
Washington, D. C.

MY DEAR SENATOR WEEKS: Permit me to express the hope that you will not hinder the confirmation of Louis D. Brandeis even if you should find that you could not vote for him, which I sincerely hope will not be the case.

Yours, respectfully,

GEORGE W. COLEMAN.

—

FEBRUARY 3, 1916.

Hon. HENRY CABOT LODGE,
Washington. D. C.

DEAR SENATOR LODGE: With all my heart I hope you will not find it necessary to oppose the confirmation of the appointment of Louis D. Brandeis. Nothing would please me more than to see you voting for him.

Yours, sincerely,

GEORGE W. COLEMAN.

—

MARCH 10, 1916.

Mr. ELLERY SEDGWICK,
Editor Atlantic Monthly, 4 Park Street, Boston, Mass.

MY DEAR MR. SEDGWICK: The report in this morning's Herald of your suggestion to President Wilson of the social importance of Mr. Brandeis's appointment is most encouraging. With other Harvard men I was mortified by President Lowell's part in a stupid and unfair protest. Such action as yours is welcome, for it sets us right in the eyes of people throughout the country who have been criticizing Bostonians in general, rather unjustly, for the sad showing we made when one of our greatest citizens was given the recognition due him, and recognition is something Mr. Brandeis has never sought. Over the long-distance telephone some of the foremost social workers in New York told me of their indignation at the character of the protest emanating from this city. Fortunately we got every social worker in Boston to sign a petition showing how Mr. Brandeis really stands with the people and with those who are close to the people in this city. Those of us who regard the Atlantic Monthly as an expression of the best in democratic thinking find in your action a new satisfaction in our allegiance.

Sincerely, yours,

MEYER BLOOMFIELD.

—

CAMBRIDGE, MASS., *February 18, 1916.*

Hon. WILLIAM E. CHILTON,
Chairman Subcommittee of Judiciary,
United States Senate, Washington, D. C.

DEAR SIR: The writer of this letter is a clergyman of the Congregational denomination of over 25 years' standing, most of it in actual service in the Commonwealth of Massachusetts; a graduate of Harvard College, and most of his ministry spent within the limits of the city of Boston. From the ministry he went to the professorship of applied Christianity at Tufts College, and for several years now has been engaged purely in private literary and educational activities. You will find his history in Who's Who for 1914–15, up to my resignation as professor at Tufts, since which I have engaged in writing educational books. I am personally known to Senator HOLLIS, Senator GALLINGER, and Senator WEEKS. Any of these gentlemen can give you light as to my standing. I think this is also true of Senator CLAPP, whom I knew early in my career.

In these many years in Massachusetts I have also been something of a publicist and have engaged in many public activities of the nature of social and political reform, the results of which are embodied in my book on "Christianity and the Social Rage." My views on present movements, as they respect courts and judges, will be found in that volume very fully set forth in the chapter entitled "Social Justice on the Curbstone." I think this is sufficient for identification.

I am writing concerning Mr. Louis D. Brandeis. I have known Mr. Brandeis for nearly 16 years, being first attracted to him because of his activities as they related to sociological reforms in which I was interested. I became more closely acquainted with him in the campaign for savings-bank insurance for poor people in this Commonwealth and have kept more or less in touch with him and his activities during this entire period.

In the last 10 years I have lectured extensively in this State, and often speak in the course of a season to between 5,000 and 10,000 people of all kinds and types throughout the Commonwealth. I think I am in a position to know the public estimation of the man as well as almost any man in the State, and perhaps better than most, and I am writing to say that I am myself in favor of his confirmation as a Justice of the Supreme Court, and believe that the vast mass of the people of this Commonwealth, if they were permitted to express an opinion, would be found equally desirous of such action on the part of the Senate. I believe that more than any other man in the State Mr. Brandeis represents the feeling of liberal-conservative men as being a true and honorable embodiment of what has come to be known as "sociological jurisprudence." I believe that confidence in him is general, and perhaps even greater, because of some of the enemies which he has made, some of whom have appeared before your committee. The confirmation of Mr. Brandeis would reassure the people of this State and, as I believe, of the United States that a public man devoted to the popular interest—meaning thereby the public interest as against private and privileged interests—will not debar him from the highest service of the country. His rejection would be a distress signal which would, in my judgment, be damaging to the courts of the land already under fire in all parts of the land.

I think I am in position to understand and properly characterize the opposition to him from Boston and vicinity. It would not be fair to say that it was racial. It would be fair to say that if any man bearing an old New England name and practicing at the bar in Boston had everything which is alleged against Mr. Brandeis—alleged against

him—and were nominated for the Supreme Court, nobody would dream of raising these questions. Many of the interests represented by the protesting gentlemen are now, and have been ever since I have resided in this Commonwealth, against any emergence into public influence and power of anybody not of their number and clan. This is the simple truth.

Long and unchallenged control of everything in the Commonwealth has given many of these gentlemen the perfectly natural feeling that whoever is not approved by them is ipso facto a person who is either "dangerous" or lacking in "judicial temperament." I have met this in almost every form at public hearings of the legislature, of which I have attended a great many. It appears not merely in matters like this, but hardly less in philanthropies, the administration of public institutions, and many other forms of public activity. They simply can not realize, and do not, that a long New England ancestry is not prima facie a trusteeship for everything in New England. That is, in my judgment, the real spring of most of the opposition, though it must be recognized that it is entirely sincere, and the more sincere because never brought to the bar of critical review.

Doubtless your attention has been called to a recent editorial in the Boston Post entitled "A close petition," showing the comparatively narrow range of this opposition. I desire to affirm to your committee that if most of these people were brought into any public relation, as most of them have not, where a popular estimate of them could be registered, the verdict would be so overwhelmingly against them as to leave no doubt in the mind of any reasonable person of the restricted area in which they operate. I believe the real feeling of this community is one of high regard, amounting in some cases to idolized devotion to Mr. Brandeis as a type of man who will bring both honor and justice to the Supreme Court of the United States. They love him for the enemies he has made.

In my personal associations with Mr. Brandeis I have always been impressed with his sincerity, his uprightness of view, and his devotion to his cause. I believe that as a justice of the Supreme Court of the United States he would adorn the bench and add to the glory and renown of the greatest court in the world.

Respectfully yours,

A. A. BERLE.

To the SUBCOMMITTEE OF THE JUDICIARY COMMITTEE
OF THE UNITED STATES SENATE,
Washington, D. C.

GENTLEMEN: We, the undersigned ministers of Congregational churches in Greater Boston, as public-spirited citizens, hereby express to you the esteem in which we hold Mr. Louis D. Brandeis for his great service in behalf of the workers of the country and for the valiant fight which he has so successfully made for civic and corporate righteousness. We wish to bear witness that Mr. Brandeis was bitterly attacked several years ago for an address which he delivered before the Boston ministers' meeting. At that time, in the interests of fairness, we opened our platform to his opponents, that they might reply to his address and answer any questions which might be asked. This offer was declined. In view of the facts, we are glad that time has vindicated Mr. Brandeis in the position which he maintained before our body.

We sincerely trust that attacks from prejudiced quarters will not be allowed to defeat his confirmation as Associate Justice of the Supreme Court of the United States, and that unless evidence of unfitness not now known is produced, he will be so confirmed.

———.

We, the undersigned social workers in Greater Boston, desire personally to go on record in favor of the appointment of Mr. Louis D. Brandeis to the United States Supreme Court.

In the field of social progress—wherein we have had an opportunity to observe and measure Mr. Brandeis's usefulness—we know that his interest and untiring service in connection with the adjustment of labor differences, his social insight, breadth of mind, and unselfish devotion have won him the confidence and respect of hosts of people in this community and elsewhere. To our thinking, he has given evidence of possessing a knowledge and point of view in regard to present-day social conditions which should make him a most useful member of the Supreme Court.

———.

[The Pilgrim Congregational Church, Magazine Street.]

CAMBRIDGE, MASS., *February 22, 1916.*

Senator CHILTON,
Washington, D. C.

HONORED SIR: Pardon a few words on the Brandeis appointment now before you for hearing and report.

Many of us hereabout are delighted that the President has done the exceptionally good thing in his appointment of Mr. Brandeis, and we earnestly hope that your honorable committee will recommend that the Senate confirm the same.

At the time of the country-wide discussion of the New Haven Railroad matter, and when the public mind was agitated by it, our Boston ministers' meeting heard Mr. Brandeis, who presented the subject from his point of view with great fairness, abundant evidence, and brimful and overflowing thoroughness. His presentation was not answered openly, though his opponents were urgently invited to reply before our meeting. The only reply was a printed attack on the man, which was sent to all our ministers. Being cognizant of these facts, I fear that some of those now attacking Mr. Brandeis, were they and their methods under investigation, would hardly stand the light of day. Big business is surely more fully represented on the bench of the Supreme Court already; why should not the common people have on that bench such an eminent example of love for the public weal?

I have the honor to be, cordially and sincerely, yours,

RICHARD WRIGHT,
Pastor Pilgrim Church.

BRUNSWICK, ME., *March 6, 1916.*

Hon. CHARLES F. JOHNSON.

DEAR SIR: I concede that a Senator's conscience should, and in your case will, determine his official act.

I am aware that the sentiment of a single constituent may not be entitled to much consideration and I have hesitated to address you on the subject of this letter; but I have reflected that my sentiment may perhaps offset that of another.

I hope that you will vote for the confirmation of Mr. Brandeis. I think the definition of "a judicial mind" in our political dictionary should not be "one that stands between corporate rascality and the dispensation of justice."

I hope that in future years you may have the satisfaction to reflect that you have helped to make one of the greatest and purest judges of that great court.

Sincerely, yours,

HENRY F. THOMPSON.

[Ex. Rept. No. 2, pt. 2, 64th Cong., 1st sess.]

NOMINATION OF LOUIS D. BRANDEIS.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, submitted the following views of the minority.

The nomination was referred to a subcommittee for hearing and investigation. Full hearings were had in open session and every opportunity given to all to appear and be heard either for or against the nominee. The evidence and proceedings of the subcommittee, including separate reports of its members, have been printed and a favorable report on the nomination of the appointee, by the full committee, has been ordered by a vote of 10 to 8.

In view of the extreme importance of the appointment and the remarkable conditions disclosed at the hearings, the minority members of the committee feel it to be a duty resting upon them to state their views and their reasons for believing that the nomination should not be confirmed.

We concur in the views expressed and the conclusions reached in the separate reports of Senators CUMMINS and WORKS of the subcommittee. Their reports are so full and ample that it is unnecessary now to enter into any extended review of the evidence. We make those reports a part of the views of the minority and annex them hereto and make them part of this minority report.

In addition to this we think it just and right to call the attention of the Senate to the important features of the evidence adduced before the subcommittee and to summarize in a brief way the vital things established by the evidence.

There were 12 separate and distince charges made against the nominee affecting his conduct, standing, and reputation as a lawyer, and his fitness for the high office for which he had been nominated. Besides this, proof was offered of his bad reputation amongst the lawyers of the Boston bar, of which he was and had been a member for many years. In addition to this, numerous protests, signed by men of high character, including lawyers and others, based upon the claim that he is unreliable and untrustworthy, were submitted to the subcommittee. There were 77 of these protests signed by leading and well-known citizens.

Again, the subcommittee had before it a protest signed by William H. Taft, Simeon E. Baldwin, Francis Rawle, Joseph H. Choate, Elihu Root, and Moorfield Storey, as follows:

"The undersigned feel under the painful duty to say to you that, in their opinion, taking into view the reputation, character, and professional career of Mr. Louis D. Brandeis, he is not a fit person to be a member of the Supreme Court of the United States."

The signers of this protest are among the leading and most highly respected lawyers of the country and each of them had been president of the American Bar Association, of which Mr. Brandeis was, and had been for many years, a member.

To summarize the evidence given before the subcommittee, we submit that it establishes against the nominee—

1. That in a most important proceeding before the Interstate Commerce Commission he was appointed to represent the public side of a vital question, and without conferences with or warning to other counsel upon the same side he joined the railroad companies in asserting that the existing revenues were insufficient, thereby betraying the public interest and imposing upon the producers and consumers an unjust burden of millions of dollars every year.

2. That after serving a client and upholding and defending its manner of doing business and the form of its contracts with its customers, he, in the interest of its competitors in business, and, as he claimed, in the public interest attacked the former client and assailed the same contracts he had approved and defended, denounced them as in violation of law, and endeavored to secure legislation against them.

3. That he made believe that he was appearing and contesting these contracts in the public interests and without pay when he was acting directly for and in the interest of private individuals, and his firm, other than himself, accepted and received a large fee for the services rendered by him in this behalf.

4. That he took employment from a client, advised him to make an assignment for the benefit of his creditors, had his own partner appointed the assignee, and afterwards denied that he had ever been employed by the client. That at the time he took the employment and gave the advice he was the attorney of one of the largest creditors of the client, and for whose benefit the assignment was made, and in connection with the question whether the assignment should be made or not was advising another of the large creditors. That later he repudiated his employment by his client and prosecuted a petition in bankruptcy against him, alleging as an act of bankruptcy the making of the assignment that he himself had advised him to make. Out of this course of conduct he made for himself and his firm fees amounting to $43,852.

5. That in the Glavis-Ballinger case he appeared for Glavis, pretending to act without compensation and in the public interest, when he was acting for and in the interest of a private corporation and was paid for his services a fee of $25,000.

6. That he for a long time represented and collected fees from two clients whose interests were diametrically opposed to each other, and when they later went to law over those same conflicting interests he took employment for one of them against the other.

7. That he took employment in the fight for control of the Illinois Central Railroad to secure proxies for one of the parties, by which, in part, proxies sufficient to control the election of officers by his client were procured, and afterwards he denied having acted in the matter.

8. He took employment in the prosecution of actions against the New England Railroad Co., the object of which was to wreck the road and put it under the control of his client. The actions were not prosecuted in the name of his real client, but in the name of dummy plaintiffs, who were paid to bring the action by the real party in interest, whose identity was purposely concealed. The object intended was accomplished by this means and the New England road was absorbed and taken over by the New Haven.

9. That in the case of the Equitable Life Assurance Society he acted for and in the interest of some of the policyholders, without

pay, and in the public interest, and made charges against the society of misuse and misappropriation of funds and other wrongs. And at this very time he was the attorney for the society in a number of cases, and later, an action was brought against the society by one of the policyholders who alleged in his complaint the very wrongful acts that he had denounced in the public interest, to which he filed a sworn answer for the society denying that it had ever committed the wrongful acts with which he had charged it.

10. That in the merger case, while holding himself as acting as a disinterested representative of the public, he was really acting in the interest of a private individual and himself paid the other members of his firm a fee of $25,000 for the services rendered by him, thereby recognizing and treating the service as rendered for a client and not for the public.

11. That he was employed by certain liquor dealers as a paid lobbyist to prevent the passage by the legislature of his State of a bill detrimental to their interests.

12. That he has, on different occasions appeared before committees of Congress urging legislation against combinations and trusts, and among others has vigorously denounced the so-called chain-store combinations, but notwithstanding he accepted employment as counsel to convince the Department of Justice that the persons who promoted and brought about the merger of the Riker & Hegeman Co. chain of drug stores with the United Drug Co.'s chain of stores and upward of 3,500 agents of the National Cigar Stands Co. should not be prosecuted under the antitrust laws, a prosecution which the district attorney had already determined would be justified.

This last charge is not covered by the reports of the subcommittees, for the reason that the evidence was taken on a rereference to the subcommittee for that purpose after those reports were made. It will appear from this evidence that Mr. Brandeis for some time had actively assisted the so-called American Fair Trade League in an effort to bring about the adoption of the Stephens's price maintenance bill which the league had advocated as a means of defense to the small retailer against the chain stores.

At one of the hearings before the House Committee on Interstate Commerce Mr. Brandeis contended that price maintenance "preserves the small retailer as against the great chain stores." In an article which was submitted at these hearings, which Mr. Brandeis wrote for Harper's Weekly, entitled "Cutthroat competition," he said that without price maintenance manufacturers would "combine with existing chains of stores," or establish "new chains of retail stores." This he declared would be an unmitigated evil. He said, "The process of exterminating the small independent retailer already pressed by capitalistic combinations—the mail-order houses, existing chains of stores, and the large department stores—would be greatly accelerated by such a movement."

An examination of what Mr. Brandeis has written and said upon the subject will disclose that his attitude has been one of vigorous opposition to the chain-store system.

In September of last year negotiations were set on foot looking to a merger of the United Drug Co. of Massachusetts, a $20,000,000 corporation, which also controlled a large number of stores. The Department of Justice, through District Attorney George W. Anderson (who, it may be said in passing, represented Mr. Brandeis before the subcommittee), entered upon an investigation to determine whether or not this merger would violate the antitrust laws. Mr. Anderson came to the conclusion that it would be in violation of these laws. Mr. Brandeis was employed to present the matter to Mr. Anderson in behalf of the merger and filed an elaborate brief with Mr. Anderson in an effort to convince him that the proposed merger was lawful.

We quote from the evidence taken before the subcommittee as follows:

"Mr. Louis K. Liggett testified in part as follows:

"Senator WORKS. Mr. Liggett, what is your business?

"Mr. LIGGETT. Manufacturer and retailer.

"Senator WORKS. Of what?

"Mr. LIGGETT. Drugs.

"Senator WORKS. With what companies are you connected?

"Mr. LIGGETT. The United Drug Co. as president, and chairman of the board of directors of the Liggett Co.

"Senator WORKS. What is the connection between these two companies?

"Mr. LIGGETT. That of parent and subsidiary company.

"Senator WORKS. What do you mean by that?

"Mr. LIGGETT. The Liggett Co. is a direct subsidiary of the United Drug Co., the United Drug Co. owning all the capital stock of the Liggett Co.

"Senator WORKS. What other companies are connected with the Liggett Co. or the United Drug Co.?

"Mr. LIGGETT. Several more subsidiary companies—the United Drug Co. (Ltd.) of Canada; the National Cigar Stands Co., of New York; the Guth Chocolate Co., of Baltimore; the Ballard Vale Springs Co., the United Candy Co., and the United Pharmaceutical Co. To the best of my recollection that is all.

"Senator BORAH. Does the parent company control all the stock of all these subsidiary companies?

"Mr. LIGGETT. It owns all the stock of all these companies, with the exception of a small amount of preferred stock in the United Drug Co. (Ltd.) of Canada, a small amount of preferred stock in the Guth Chocolate Co., and a small amount of the preferred stock of the Ballard Vale Springs Co. It owns all the common shares of all the companies.

"Senator WORKS. I have here a memorandum of some alleged facts relating to the connection between these companies, and I want to call your attention specifically to these statements, so that you may either verify them or correct any mistake in connection with them.

"It is said, first, that the merger of the Riker & Hegeman Co. chain of drug stores and the United Drug Co. brings under the same control nearly 200 retail drug stores and 3,500 agents of the National Cigar Stands Co. affiliated with the United Drug Co. Does that state the facts about correctly?

"Mr. LIGGETT. A little less number of retail stores; about 153 is correct.

"Senator WORKS. Instead of 200?

"Mr. LIGGETT. Instead of 200

"Senator WORKS. How about the agencies—3,500 agents?

"Mr. LIGGETT. I could not give the exact number offhand, but it is approximately correct.

"Senator WORKS. Then, again, it is stated that the United Drug Co. of Massachusetts was a $20,000,000 corporation which controlled the United Drug Co. of New Jersey, the F. L. Daggett Co., the National Cigar Stands Co., the L. K. Liggett Co., the United Drug Co. (Ltd.) of Canada, and owned substantial holdings in the Hanson-Jenks Co. and Ballard Vale Co., and had working arrangements with approximately 7,000 other stores throughout the country, and through its cigar department, operated by the National Cigar Stands Co., had 3,500 agencies in various parts of the country. Does that state the facts correctly prior to the final merger that took place?

"Mr. LIGGETT. Approximately correctly.

"Senator WORKS. Then, again, it is stated that the Riker & Hegeman Co. is a $15,000,000 corporation organized in 1912 to take over the chain of stores of William B. Riker & Co., Hegeman & Co., and the Jaynes Co., and owned and operated over 100 stores in New York, Brooklyn, Boston, Hartford, Newark, Philadelphia, Pittsburgh, Washington, and other eastern cities. Does that state the facts correctly?

"Mr. LIGGETT. As far as I know.

"Senator WORKS. How far do you know?

"Mr. LIGGETT. I was not a member of their organization, and I can not state that in 1912 they did take over those businesses.

"Senator WORKS. You have become connected with some of those corporations since?

"Mr. LIGGETT. We have taken over what was the Riker-Hegeman Co. as it existed at the beginning of this year.

"Senator WORKS. We will come to that directly, I think.

"It is stated that in 1913 the control of the Riker & Hegeman Co. stock was acquired by the United Cigar Stores Co. interest, headed by George J. Whelen, and the stock of the company was put into the corporation for R. H. stock which Mr. Whelen and his associates controlled. Mr. Whelen took active charge of the Riker & Hegeman affairs and a number of Mr. Whelen's strongest associates in the United Cigar Stores Co. came over and took hold of the managements of the Riker & Hegeman Co. What is the fact as to that?

"Mr. LIGGETT. My information is to the effect that the United Cigar Stores Co. as an organization had nothing to do with that; that it was simply an individual promotion plan of Mr. Whelen's; that the stock of the Delaware corporation, known as the R. H. Corporation, was not largely held by stockholders of the United Cigar Stores Co. but rather by independent stockholders, and I believe that to be true, because in the purchase of the business I had to check their stock lists. By long odds a majority of the stock was held by investors.

"Senator WORKS. Then we will go to the next statement.

"In September of last year it was announced that the United Drug Co. interest was negotiating with Mr. Whelen, of the United Cigar Stores, and his associates for the control of the Riker & Hegeman chain. On October 17 it was announced that the transfer had been arranged and that a special meeting of the Riker & Hegeman stockholders would be called to ratify the merger. What is the fact about that?

"Mr. LIGGETT. That is about correct.

"Senator WORKS. Then again, soon after it became public that the Department of Justice was investigating the Riker & Hegeman chain of stores to determine whether prosecutions should be begun under the Sherman Antitrust Act on the complaints which had been coming into the Department of Justice from independent retail druggists of different parts of the country. Had you notice of any such investigation being made by the Department of Justice?

"Mr. LIGGETT. No; my only notice came through the action of Mr. Anderson, the district attorney in Boston, and I rather have assumed and believe it to be the fact that this was initiated by him, not on complaints but rather purely on his own initiative.

"Senator WORKS. When were you first made aware of the fact that Mr. Anderson was investigating the situation?

"Mr. LIGGETT. The 1st of October.

"Senator WORKS. What was the state of the negotiations which finally resulted in the ultimate merger, when you first learned of that fact?

"Mr. LIGGETT. As far as the principals controlling the majority of stock of the company was concerned the agreement has been made between them.

"Senator WORKS. Then, again, it was then claimed that the proposed merger of the Riker & Hegeman Co. with the United Drug Co. would combine retail interests estimated to be doing an annual business of $30,000,000, and that the matter was being investigated by the Attorney General. What was the fact about it, as to the interest that would be included if the merger took place?

"Mr. LIGGETT. The volume of retail business for the year 1915, when the business was conducted separately, would of course have made the combined business approximately $20,000,000, not $30,000,000.

"Senator WORKS. How many different stores would be included in the merger?

"Mr. LIGGETT. One hundred and fifty-three.

"Senator WORKS. Where? Located in how many different States?

"Mr. LIGGETT. Located, the largest number, in New York City in one group; the second largest in the New England States, including all States of New England, excepting Vermont, and having but one store in New Hampshire and three stores in Maine. The rest of the business was distributed in New York State, largely in the principal cities along the New York Central Railroad; a few in Pennsylvania, three being in Philadelphia and two in Pittsburgh, one in Scranton, one in Wilkes-Barre, and one in Lancaster; one in Washington, and three in Detroit.

"Senator BORAH. Washington, D. C.?

"Mr. LIGGETT. Washington, D. C. Three in Detroit, two in Columbus, Ohio, two in Toronto, Ontario, and five in Winnipeg.

"Senator WORKS. Since that time has the number of stores under your control been increased?

"Mr. LIGGETT. Decreased by four.

"Senator WORKS. Where?

"Mr. LIGGETT. One in Providence, one in Troy, N. Y., one in Paterson, N. J., and for the minute I can not think where the fourth place is.

* * * * * * *

"Senator WORKS. Next, it is stated that Louis D. Brandeis is understood to have been retained during this period for some of the parties in interest for the purpose of preparing an opinion and taking part in the negotiations with United States District Attorney Anderson and with the Department of Justice. What do you know about that?

"Mr. LIGGETT. In the latter part of October, I think somewhere about the 22d or possibly the 25th of October, one of the two dates, I went to Mr. Anderson's office with my counsel, Mr. Snow, at the request of Mr. Anderson, to make a full statement regarding the merger and the policies of the United Drug Co. previous to, and what they might be following, the merger; going, as we expressed it, to lay our cards on the table.

"Mr. Anderson's point of view at that time was, as I felt, very arbitrary; and as we left his office with Mr. Snow, in answer to some statement that I made regarding Mr. Anderson's position, said that he felt positive that Mr. Anderson was wrong in his view of the case,

and he said, as nearly as I can recall it, that he has always represented the corporate interests in matters of this kind.

"Senator BORAH. That is, Mr. Snow?

"Mr. LIGGETT. Mr. Snow had always represented corporate interests in matters of this kind, and that while he did believe that Mr. Anderson was wrong it was possible that some one else who had represented interests other than corporate interests might have a different viewpoint to give Mr. Snow, and that he thought he would like to consult with some one. I asked him whom he had in mind. His answer was that there was only one man that he cared to put the question up to, and that was Mr. Brandeis, and I replied, 'Why don't you get Mr. Brandeis, if that is the case?'

* * * * * * *

"Senator WORKS. Now, you may go on. You were telling us what occurred between you and Mr. Snow, and his determination to consult Mr. Brandeis. Had you concluded that?

"Mr. LIGGETT. I had concluded that.

"Senator WORKS. Was that all the connection you had with it?

"Mr. LIGGETT. That was all the connection I had with it.

"Senator WORKS. Did you come in contact with Mr. Brandeis after that?

"Mr. LIGGETT. I have never seen Mr. Brandeis that I know of.

"Senator WORKS. Did you ever see any paper in the form of an opinion or brief that was prepared by Mr. Brandeis?

"Mr. LIGGETT. Yes, sir; a joint letter signed by Mr. Brandeis and and Mr. Snow.

* * * * * * *

"Senator WORKS. Mr. Liggett, at the time this opinion was furnished by Brandeis, what was the condition of this merger or consolidation, or whatever it might be called? Were all these chains of stores, as we may call them, under your control at that time?

"Mr. LIGGETT. No, sir.

"Senator WORKS. This was before the merger took place—the final merger?

"Mr. LIGGETT. Before the final merger took place. The final merger took place on February 4 of this year.

"Senator WORKS. This is dated, I see, December 16, 1915.

"Mr. LIGGETT. Yes, sir.

"Senator WORKS. And the consolidation took place in February following?

"Mr. LIGGETT. The final merger; yes, sir.

* * * * * * *

"Senator WORKS. What was the amount of the capital stock of the merged company?

"Mr. LIGGETT. Authorized or issued?

"Senator WORKS. You may give us both.

"Mr. LIGGETT. Fifty-two millions authorized stock and approximately thirty-five millions of issued stock.

"Senator WORKS. Let me read this statement which I have here and see whether that is substantially correct:

"'On February 5 the meeting of the Riker & Hegeman stockholders, which had been repeatedly postponed, was finally held and the merger was ratified, and two days later the United Drug Co. (Inc.) of New York was organized under the laws of New York with a capital of $53,100,000, which promptly took over all the Riker & Hegeman chains and all of the United Drug chains; and interests identified with the United Cigar Co. were conspicuous upon the board of the new United Drug Co.'

"Mr. LIGGETT. The last statement is incorrect.

"Senator WORKS. The statement respecting the——

"Mr. LIGGETT. The interests of the United Cigar Stores Co. were not represented then and are not represented now on the board of the United Drug Co. by anyone.

"Senator WORKS. And that concern is controlled by this merger?

"Mr. LIGGETT. Which concern?

"Senator WORKS. The United Cigar Co.

"Mr. LIGGETT. No; it is not—the United Cigar Co.

"Senator WORKS. They have no connection?

"Mr. LIGGETT. They have no connection with us whatever, either in stock ownership or representation or anything else.

"Senator WORKS. And that company is not represented on the board of directors?

"Mr. LIGGETT. No, sir.

"Senator WORKS. Except for that, is that statement correct?

"Mr. LIGGETT. Yes; so far as I can recollect.

* * * * * * *

"Senator BORAH. Do you control any articles or goods by reason of patents or copyrights or anything of that kind?

"Mr. LIGGETT. Only trade-marks.

"Senator BORAH. Trade-marks?

"Mr. LIGGETT. Yes; registered trade-marked goods; but we control no basic patent for manufacturing or control of production at all. We have none.

"Senator BORAH. As I understand you, there are 153 retail stores controlled by this merger?

"Mr. LIGGETT. Yes.

"Senator BORAH. Scattered in 8 or 10 States of the Union at least?

"Mr. LIGGETT. I should think that many or more.

"Senator BORAH. And your own parent company, the stockholding company, controls a sufficient amount of the stock of all the subsidiary companies to dominate those companies?

"Mr. LIGGETT. Exactly. They are subsidiary companies, practically.

"(Hearings, pp. 7, 8, 12, 56, 59.)"

Mr. Snow, mentioned by Mr. Liggett as his attorney, testified that he employed Mr. Brandeis, who joined him in a letter in the form of a brief to the district attorney defending the legality of the proposed merger; that he joined in the brief and was regularly employed as an attorney for that purpose.

The brief will be found in the record of the hearings (hearings, p. 13).

Also the report of the district attorney to the Attorney General (hearings, p. 39).

This combination of drug stores and cigar agencies was the largest in the country. Mr. Liggett testified on that subject as follows:

"Senator CHILTON. What other large retailers are there besides this of yours?

"Mr. LIGGETT. The Owl Drug Co., in California, is just on the Pacific coast.

"Senator CHILTON. What percentage of the business has the Owl Drug Co.?

"Mr. LIGGETT. Of the total business of the United States?

"Senator CHILTON. Yes.

"Mr. LIGGETT. I should not think it represented 1 per cent.

"Senator CHILTON. Is it as large as yours?

"Mr. LIGGETT. Oh, no. It is less than one-ninth the size of ours.

"Senator BORAH. Are there other companies aside from yours which represent a larger per cent than yours in the retail business?

"Mr. LIGGETT. No, sir. There are no other large retail drug businesses. By large I mean business running in excess of a million and a half of dollars. The nearest to it that I think of is the May Stores, of Pittsburgh, who are part of our 7,000 stores, however; we have their agency. Then there are the Marshall Stores, of Cleveland, the Public Drug Co., and the Bath & Raynor chain drug stores in Chicago. They all represent a substantial business running to about $1,000,000 each, or maybe a trifle more.

"Senator WORKS. Do you control any stores on the Pacific coast at all?

"Mr. LIGGETT. No, sir.

"Senator WORKS. The field is covered by the Owl Co.?

"Mr. LIGGETT. By the Owl Drug Co.

"Senator WORKS. The Owl Drug Co.?

"Mr. LIGGETT. We have a small interest in the Owl Drug Co., but that was put in at the time following the earthquake in San Francisco to assist them financially, and it has been profitable, and we left a very small interest in their business.

"Senator WORKS. What territory do they cover?

"Mr. LIGGETT. They cover from San Diego to Spokane, all the principal cities; the large cities, not the smaller cities. They have 22 stores, located in San Diego, Los Angeles, San Francisco, Oakland, Portland, Seattle, Spokane, and one in Sacramento.

"Senator WORKS. They have no stores east of the Rocky Mountains, have they?

"Mr. LIGGETT. No, sir.

"Senator WORKS. You have not gone into their territory?

"Mr. LIGGETT. No; we have not extended our business west of the mountains.

"Senator WORKS. Nor they into yours?

"Mr. LIGGETT. I do not know whether they have or not. We have heard that they were making leases in New York and Chicago.

"Senator WORKS. They have no stores there?

"Mr. LIGGETT. They have no established stores that I know of; only rumor."

Mr. Brandeis's inconsistent position as a defender of the public interests and his practice as an attorney—in the one case denouncing such combinations as illegal and against the public interests and in the other upholding their validity and attempting to defend and protect them from suit by the Department of Justice, is sharply and clearly presented by this transaction.

The facts upon which our conclusions are based are undisputed. They present a condition that should make the confirmation of this man by the United States Senate impossible. Never before in the history of the country has a man been appointed a Justice of the Supreme Court of the United States whose honesty and integrity were seriously brought in question. It must be evident to any thinking and unbiased mind that this appointment has resulted from something other than the qualifications and fitness of the appointee for the office.

We regard it as a great misfortune and a distinct lowering of the standard heretofore maintained in making appointments to this high office that one should be selected for the place whose reputation for honesty and integrity amongst his associates at the bar has been proved to be bad, which reputation has been justified by his own course of conduct. We can not conscientiously give our consent to the confirmation of such an appointment.

C. D. CLARK.
KNUTE NELSON.
WM. P. DILLINGHAM.
GEO. SUTHERLAND.
FRANK B. BRANDEGEE.
WM. E. BORAH.
ALBERT B. CUMMINS.
JOHN D. WORKS.

Mr. CUMMINS, from the subcommittee of the Committee on the Judiciary, submitted the following views.

To the COMMITTEE ON THE JUDICIARY,
United States Senate:

As a member of the subcommittee, appointed to consider the nomination of Louis D. Brandeis as a Justice of the Supreme Court of the United States, I beg to submit the following report:

That Mr. Brandeis is a man of unusual intellectual power and of high legal learning is admitted by everybody. The opposition to his confirmation is not based upon any doubt respecting his general competency as a lawyer.

There have been laid before the committee many opinions, some favorable, some unfavorable, touching his fitness for the office to which he has been nominated, and with regard to his reputation at the Boston bar. It is most unfortunate that such questions should arise concerning one who has been selected by the President for a place upon the most exalted tribunal in the world, and I deplore that phase of the controversy. These adverse opinions are, in the main, founded directly or indirectly upon certain specific acts of alleged wrong-doing or impropriety which the subcommittee has examined, and we are therefore in a position to determine whether Mr. Brandeis has given reason for the distrust which has been expressed.

My conclusions rest chiefly upon the proof submitted to the committee concerning definite charges which have been made respecting the conduct and characteristics of the nominee. From this standpoint it is my purpose, as briefly as may be, to state the effect of the testimony adduced and the impressions it has made upon my mind.

CHARGE RELATING TO THE CONDUCT OF MR. BRANDEIS IN THE PROCEEDING KNOWN AS THE "FIVE PER CENT ADVANCE RATE CASE" OF 1913–1915, TRIED BEFORE THE INTERSTATE COMMERCE COMMISSION.

It is alleged against Mr. Brandeis that in this case he was guilty of unfair, unprofessional conduct, and betrayed the interests of the public.

In commenting upon this charge, as well as upon all others, I desire it to be understood that I will confine myself to the undisputed facts, for my conclusions are not dependent upon the comparative weight of the testimony with regard to any controverted issue. This course will relieve me from extensive quotations from the evidence and in part from references to the pages of the record.

In 1910 the railroads operating in what is known as official classification territory, acting in concert, filed with the Interstate Commerce Commission schedules showing a general increase in rates. Under the

act of Congress of 1910 these rates were suspended and a hearing ensued which resulted in a denial of the proposed increases. In this proceeding Mr. Brandeis appeared as an attorney for a Massachusetts commercial organization in opposition to the increases sought, basing his opposition mainly upon the proposition that if the railroads were efficiently managed they could enlarge their net revenues without advancing their rates. He did not, however, concede or suggest that the net revenues, taken as a whole, were inadequate.

In 1913 the same railroads again filed with the commission schedules of rates advancing them generally but not horizontally, and again the commission suspended the schedules and went forward to another hearing.

The proposed increases were so great that shippers everywhere were alarmed. The State railroad commissions became interested, and these State commissions, together with the business organizations, appeared in Washington for the purpose of preventing, if possible, the advance. In this situation there occurred an incident which had never happened before and which, it is profoundly hoped, will never occur again. The Interstate Commerce Commission, acting through one of its members, employed Mr. Brandeis, and inasmuch as the terms of the employment will become important I quote the material part of the letter. It was dated August 15, 1913 (record, p. 8):

"We are, of course, aware of the fact that the railroads will not fail fully to present their side of the case, and the commission has felt that every effort should be made, in the public interest, adequately to present the other side. Would you care to undertake that burden? As you are already aware, in a number of cases of large importance and wide interest, special counsel have been retained by the commission. As a matter of fact, that has not been their real relation in these controversies. They have been retained by the commission, not as advocates or to support any special theory of the issues involved, but as a means by which the commission might be advised of all the facts and not have to decide the issue upon a record made up largely in one interest. It is with this general thought in mind that the commission has reached the conclusion that in the rate advance case special counsel should be retained and I have been asked to ascertain whether your engagements and inclinations are such as to permit you to undertake the task of seeing that all sides and angles of the case are presented of record, without advocating any particular theory for its disposition. In making this last observation you will, of course, understand that you will be expected to emphasize any aspect of the case which in your judgment after an examination of the whole situation, may require emphasis. The commission, however, wishes to avoid a record based solely on a particular view or theory."

With reference to that part of the letter which states that the commission had theretofore retained special counsel it may be said that the lawyers so employed considered their employment to cover only the development of the facts and no one of them, I believe, ever assumed that it was his function to become for the time being a member of the commission and decide the case, or make an argument for the carriers. (Record, pp. 87, 91, 92.)

It was claimed before the subcommittee that this letter made Mr. Brandeis substantially a member of the commission, and that it was his duty upon the hearing of the case not to make an argument but to render an opinion. If this is the true interpretation of the letter, the employment was not only without authority on the part of the commission but was most discreditable, and no reputable lawyer would have entered into such an undertaking or agreed to sustain such a relation to the commission. I desire, however, to do the commission the justice of saying that while the terms of the communication may be unfortunate, the real meaning can not be misunderstood by a fair-minded man.

Mr. Brandeis was employed to take the public side of the question; that is to say, he was to present the side opposed to the claims of the railroads. It was especially said to him that the railroads would be fully prepared to present their side of the case. What the commission wanted Mr. Brandeis to do was to develop all the facts, whether favorable or unfavorable to any theory, and his appointment was thought to be necessary because the commission has under the law opportunities to secure facts which are not accessible to a lawyer representing either State commissions or shippers. It was enjoined upon him that he was not to advocate any particular theory. Under such direction to Mr. Brandeis he entered upon his duties, and the next inquiry is, How did he perform them?

The hearing was both prolonged and exhaustive. Attorneys from all parts of the country representing shippers appeared with their evidence tending to show that the rates upon the particular commodities in which their clients were interested ought not to be advanced. Several State commissions, concerned not in any particular commodities but in the public welfare alone, took up the fight for the public and finally authorized Mr. Clifford Thorne, chairman of the Iowa Railroad Commission, to appear for them. His sole contention, on behalf of the State commission, was that the net revenues of the railroads in official classification territory, taken as a whole, were adequate; and to sustain it he introduced a very large volume of evidence.

If his position had been sustained, there would have been an end of the case, as in that event the Interstate Commerce Commission would have been compelled to have investigated the affairs of the individual railroads in order to ascertain whether, with respect to any one of them, the proposed increases were reasonable. In taking oral testimony before the commission Mr. Brandeis took his place upon the public side of the table and was in regular conference with the attorneys who represented the State commissions and the shippers. With others, he cross-examined the witnesses who were produced by the railroad companies. He extended to Mr. Thorne the most hearty congratulations upon the showing made intended to prove the adequacy of present revenues. Finally, the testimony being concluded, the time came for an arrangement concerning arguments, both printed and oral, and this is what happened before the commission on that occasion, April 7, 1914. (Record pp. 12, 13.)

The chairman of the commission after some preliminary statements said:

"There are, therefore, two proceedings which, however, the commission has consolidated upon the record. Growing out of the two proceedings were certain hearings respecting rates on certain commodities, and protests having been made by shippers interested in those particular rates, those hearings were conducted independently, but they are also a part of this proceeding now before us.

"The rest of the case has followed the two branches of inquiry propounded by the commission in its first order of investigation, namely:

"Do the present rates of transportation yield an adequate return to common carriers, the railroads operating in official classification territory?

"Second. If not, what general course may the carriers pursue to meet that situation?

"Our investigations under this first question are to be considered as having come to a close to-day, subject to the statement just made about exhibits called for and other matters. With respect to that matter the commission desires an argument and briefs at an early date. The first available date is on the 20th of this month, and it has been the desire and hope of the commission that counsel on all sides might have their briefs in and be ready on that date to commence the oral arguments under the first question. I should like to inquire whether that will meet the convenience of counsel?"

Counsel for the railroads made reply that it is immaterial to quote. Following him Mr. Brandeis addressed the commission as follows (record, p. 13):

"Mr. BRANDEIS. I have conferred with various counsel, and they suggest that the 27th will be a date that will be more agreeable to them than the 20th, as they will have to prepare the briefs as well as go through the record for the purpose."

It was accordingly arranged that briefs were to be filed on April 27, and that the oral argument upon the first question propounded by the commission should begin immediately thereafter. The time for oral argument was divided equally between the public and the railroads, and again Mr. Brandeis ranged himself on the public side, and his time was to be a part of the time allotted to the public. When the time arrived for argument, and after conference between Mr. Brandeis, Mr. Thorne, and other counsel, it was determined that attorneys representing particular shippers should speak first, then Mr. Thorne, and that Mr. Brandeis should close the case for the public. At this point it is important to understand just what occurred between Mr. Thorne and Mr. Brandeis at or about the time the argument began. I quote from Mr. Thorne's testimony (record, p. 17):

"I returned for the oral argument, met Mr. Brandeis in the offices of the commission. He was very cordial in his greeting. He called me into his room (where he worked occasionally, perhaps the bulk of his time, while he was over at the commission's offices) and he said, 'Mr. Thorne'—I am quoting him in substance; I can not remember his exact words, but this was the purport of his statement—'you and I have mastered, or tried to master, this case as a whole. The other representatives are chiefly interested in their specific commodities. I have talked it over with the commission,' or 'with Commissioner Harlan'—he said one or the other—'and it is the desire of the commission that you open the argument, and I will close on behalf of the public. In between will come the arguments of the representatives of special interests, whoever they may be. The railroads will open the case, they having the burden, and will close the case.' I said, 'Mr. Brandeis, it will be impossible for me to open this argument on behalf of the public at this time. I am physically unable to do so. I have been working day and night on the brief.'"

Mr. Thorne further says (record, p. 17):

"I was fearful that the men interested in a special commodity, with all the pressure that was being brought to bear upon the shippers everywhere, would be tempted to concede the main issue that was up for discussion at this time and say, 'But this should not apply to my commodity for the following reasons,' etc."

A little later and before the argument began there was further communication between Mr. Thorne and Mr. Brandeis, which I quote (record, p. 19):

"And I wrote a note to him stating as I understood he was giving special attention to the question of laches, inadequate revenues on particular commodities, as he had stated to me, and that when he came to the shippers they were giving their chief attention to the adequacy of revenues on their particular commodities, I was afraid I was going to be playing a lone hand on the issue that was specifically set down for argument at that time, and asked him if he could arrange for my following the shippers and preceding him. He misinterpreted the purport of my request. He thought I was desirous of displacing him in closing the argument.

"Senator WALSH. Have you that correspondence, Mr. Thorne?

"Mr. THORNE. No; it was just a note written in lead pencil on a sheet of paper at the time. And he said, 'You can make your opening statement and then make an additional argument after the shippers have concluded.' I said, 'No; I do not desire to make more than one argument.' And Mr. Brandeis, as I previously stated, misunderstood the purport of my request, evidently, because he then said, 'Well, I will leave to the commission whether you or I shall close for the public.' And I said, 'No; Mr. Brandeis, I do not desire to displace you in any sense of the word. I am not afraid of you a particle; but it is the person interested in the particular commodities who I fear will be tempted to make an unfortunate concession.' 'All right, then,' he said, 'that will be satisfactory. I think there will be no trouble about arranging that.'"

There is but one conflict in the evidence with regard to the entire subject, and it relates to the knowledge which Mr. Thorne had of the position which Mr. Brandeis was about to take. Mr. Thorne says—and it is not contradicted in any way—that Mr. Brandeis gave him no intimation of the extraordinary thing he was about to do. I quote again from Mr. Thorne's testimony (record, p. 19):

"Later in the day, or the following day—I can not state exactly—I received a copy of his (Brandeis's) brief. I looked through it to see the main positions he had taken. I did not find any statement there that the revenues, as a whole, were adequate or any discussion of such a proposition. I then became anxious to know the situation. Mr. Brandeis, I remember, was leaning forward or listening or talking to some other party—I do not know which. Mr. Carmalt was right between us. Mr. Carmalt was the assistant to Commissioner Harlan, chairman of the commission at that time, and was also assisting Mr. Brandeis. He is now chief examiner, I believe, of the Interstate Commerce Commission. I said to Mr. Carmalt, 'What position is Mr. Brandies going to take in this case?' He said, 'You will have to ask Mr. Brandeis. I think that probably he is going to hold that some of the rates are inadequate on special articles and that there should be a general revision in the central freight association territory.'

"Of course, that did not concern me vitally, and that served to allay my alarm; but to make sure, I asked Mr. Brandeis his position. He said, 'Well, now, Mr. Thorne, I believe that some of the railroads are not earning enough money, and I think that the situation is bad in central freight association territory.' I said, 'Well, Mr. Brandeis, that is all right; I have no objection so far as that is concerned,' and I was entirely satisfied. In the brief he had taken the position, 'If the revenues are inadequate, how could they secure the additional money?' But he had taken substantially the same position in the 1910 case—'If the revenues are inadequate, they should secure additional money through the adoption of scientific management methods.'"

Mr. Carmalt says (record, p. 83) that a day or two before the oral arguments Mr. Brandeis said, in discussing the question with him

(Carmalt), that he intended to take substantially the position which he afterwards did take, and that some time during the argument Mr. Thorne asked him (Carmalt) what position Mr. Brandeis was going to take on the sufficiency of the revenues, and that he (Carmalt) told him (Thorne) what Mr. Brandeis had previously stated.

This is absolutely the only dispute, in fact, and I am quite willing to accept either statement. To me Mr. Carmalt's recollection of the matter reflects much more severely upon Mr. Brandeis than does Mr. Thorne's statement.

Taking up the thread of the story again, I find this situation: After months of testimony the commission, with the concurrence of all who were interested in the subject, propounded, for argument to begin on April 27, one question, namely, "Do the present rates of transportation yield an adequate return to common carriers, the railroads, in official classification territory?" The other branch of the inquiry, namely, "If not, what general course may the carriers pursue to meet that situation?" was reserved for a later hearing.

Counsel representing commercial organizations, shippers, State railroad commissions, and Mr. Brandeis were on one side of the table, presumably to argue in the affirmative. And thus the trial proceeded. The carriers opened the argument. Then came the counsel for the commercial organizations and shippers, then Mr. Thorne, who presented the case he had made on behalf of the State commissions, attempting to show from the evidence which had been adduced that the net revenues of the railroads in official classification territory, taken as a whole, were adequate—sufficient. Then followed Mr. Brandeis. His opening sentences were (record, pp. 20–21):

"May it please your honors, it may be helpful if at the outset I state the conclusions to which a review of the record in these cases has brought me. They are these:

"First, that on the whole the net income, the net operating revenue of the carriers in official classification territory, are smaller than is consistent with their assured prosperity and the welfare of the community, and that this is notably true of the Central Freight Association lines, and it is true practically as to other lines also because of the Central Freight Association scale."

Later in his discussion he (Brandeis) declared (record, p. 21):

"I have said, and I will say again, that, whatever may be true of the rates, the net operating revenues and the net income of these properties are not such as to give assured prosperity to the railroads such as the welfare of the community demands."

It is not strange that when Mr. Thorne, representing the public through the State commission, heard these admissions he was dumbfounded and felt that the labor of months had gone for naught, and that Mr. Brandeis had made an admission which destroyed any hope of defeating the claims of the carriers. Sitting as a judge rather than as an advocate he thus practically decided the suit in favor of the railroads. It must not be understood that Mr. Brandeis admitted that the rates ought to be advanced according to the schedules filed by the railroads. After having made the fatal admission to which I have referred he proceeded to insist that there were other ways of swelling revenues, such as increasing the passenger rates, charging for services rendered without compensation, and the like, but this did not retrieve the disaster. The commission accepted the admission made by Mr. Brandeis. It followed his suggestions with respect to the new method of obtaining additional revenues for the purposes of the case then pending; but shortly thereafter, upon a rehearing, advanced the rates substantially as prayed by the common carriers, and the people are now paying them.

It is not my purpose to enter upon the merits of the issues tried before the commission and I shall express no opinion of the decision under which the carriers are now operating. I have only to do with the quality of the act of Mr. Brandeis. To me it seems utterly indefensible. He was an attorney for the public. Mr. Thorne was an attorney for the public. The only issue between the public and the railroads up for argument at that time was whether the railroads were getting enough money from the public to compensate them for the service rendered to the public. Mr. Thorne had made this the vital point in the most remarkable array of evidence I have ever examined. It had been strengthened by cross-examination conducted by both Mr. Thorne and Mr. Brandeis. No matter how they were appointed, Brandeis and Thorne were associate counsel for the public on this issue. The railroads had argued earnestly and ingeniously for their side. Thorne, in a wonderful discussion, had argued for the public side insisting that the public was paying enough already. Then Mr. Brandeis, who had asserted his right to close the argument for the public, rose and the very first thing he said was that the railroad contention, on the issue then being tried, ought to be sustained. I have heard it said that if Mr. Brandeis honestly believed the railroads were right on this question it was his duty to say so. Any such view is a total misconception of the situation. If he could not honestly argue for the public he ought not to have argued the question at all. He should have left Mr. Thorne to maintain the public rights as best he could. Because he reached the conclusion that the railroads were right, on the issue, is no justification whatever for making an argument for them under the circumstances of the trial.

If he appeared in the case as a judge he should have heard all the testimony and arguments and rendered his opinion in the usual way. If he appeared to see that all the facts that were pertinent to the issues were developed, he ought to have left the argument to those who were advocating their respective claims. If his employment was to advise the commission upon the conclusions or questions of law his place was in the conference room and not at the bar.

I have endeavored in vain to conceive any excuse for the course Mr. Brandeis pursued. Its consequences are emphasized when it is remembered that the testimony introduced by Mr. Thorne had established beyond controversy that the net revenue of the carriers had, during the preceding year, been sufficient to meet all the expenses of maintenance and operation, all fixed charges, including taxes, all interest on the bonded indebtedness, and that there remained enough to pay 8$\frac{1}{10}$ per cent on all their outstanding capital stock. (Record, p. 32.)

The commission had decided in 1910 that 7$\frac{1}{2}$ per cent net was on common stock outstanding was adequate; that is to say, that such a return was sufficient to pay a reasonable dividend upon the stock and create a reasonable surplus. This was the very pith of the claim made by Mr. Thorne, and yet during the argument of Mr. Brandeis before the commission the following colloquy occurred (Record, p. 32):

"Mr. BRANDEIS. While I would much rather it were possible to remove a fact, this fact that Mr. Thorne suggests as being such a peril to the community, I myself rather look with hope to the ultimate working out of this problem by the Supreme Court of the United States, with the aid of the commission and other courts, instead of denying to the railroads to-day that which, in good business judgment, in looking to the immediate future with which we have to deal, is an essential to the health of the railroads.

"Mr. THORNE. Mr. Brandeis, did you understand me to deny any surplus?

"Mr. BRANDEIS. I thought you were rather niggardly as to surplus.

"Mr. THORNE. I allowed the same surplus that the commission did in 1910, and if your remark applies to my allowance it applies to the other."

If, under the circumstances of this proceeding, the most important from every point of view which has taken place in a quarter of a century, a lawyer who appears with other counself in behalf of the public can, after his associates have made their arguments, arise and in open court admit that the carriers were wholly right and the public wholly wrong, upon the immediate question under consideration, without incurring the condemnation which follows betrayal, then I confess that I do not understand either common morality among men or the ethics of the profession to which Mr. Brandeis belongs.

THE UNITED SHOE MACHINERY CO. MATTER.

The facts relating to the charge which grows out of the connection of Mr. Brandeis with the United Shoe Machinery Co. are so fully stated in the separate views of my colleagues, Senators CHILTON and WORKS, that it is unnecessary for me to do more than, first, to state the charge; second, my conclusions respecting the facts; and, third, my opinion of the conduct of Mr. Brandeis.

The charge is that Mr. Brandeis, having been for years a director and counsel for the United Shoe Machinery Co., having approved the terms of its contracts and leases with its customers, and having defended them before a committee of the Massachusetts Legislature, after his relation as director and counsel had ceased, made war upon his former client, not only before committees of Congress, as a citizen, but as an attorney in behalf of certain shoe manufacturers; furthermore, that in his public campaign he did not adhere to the truth, and that in appearing for the manufacturers he attacked the very system he had helped build up.

That Mr. Brandeis was for some years a director and attorney for the United Shoe Machinery Co., frequently advised with respect to the leases and contracts which were afterwards assailed; that he did defend the system before a committee of the Massachusetts Legislature; that some three or four years after he had resigned as director and withdrawn as attorney for the Machinery Co., he did assail his former client in a public way and before committees of Congress as a vicious monopoly in restraint of commerce; that he did accept employment from an alliance of shoe manufacturers for the purpose of overturning the system, is not disputed.

I do not attempt to determine whether the statements made in the public assaults and in the campaign for the manufacturers were truthful or untruthful. It was manifestly impossible for the committee to try that question. Nor do I take into account the fact that in the litigation Mr. Brandeis personally returned to his clients the $2,500 collected by his firm as compensation. This fact seems to me to be immaterial, for if the attorney was not working for pay his clients were looking for pecuniary profit, and Mr. Brandeis had no more right to appear for them without compensation than with compensation. My opinion is that a due regard for professional propriety would have prevented Mr. Brandeis from accepting employment from anyone to attack his former client with respect to the very matters about which he had advised and defended it.

I do not apply the same rule to his efforts, as a citizen, to promote the legislation which he believed to be essential to the public welfare, for every man owes that duty to society; but I am not able to reconcile Brandeis, the attorney for the United Shoe Machinery Co., with Brandeis, the attorney for the Shoe Manufacturers' Alliance.

THE LENNOX MATTER.

In this matter the general charge against Mr. Brandeis is that in quick succession he accepted employment from three clients whose interests were necessarily in conflict and undertook the impossible task of advising all of them at the same time. The defense is that he became the attorney for a "situation," and that he could without offense represent all the interests, inasmuch as he was trying to do the square thing.

In many respects the history of Mr. Brandeis's connection with these several clients is the most remarkable I have ever heard. It was developed in a large volume of testimony, which is well worth reading, but for the purposes of the present report it may be condensed within narrow limits.

P. Lennox & Co., a copartnership composed of Patrick Lennox and his son, James T. Lennox, carrying on a large tanning business in Lynn, Salem, and Peabody, Mass., became financially embarrassed. The Abe Stein Co., of New York was a creditor to the extent of more than $200,000, and was represented by a New York lawyer named Stroock. The younger Lennox, who was acting for the firm, informed the Abe Stein Co. of the trouble early in September, 1907, and asked help of some kind. Thereupon Mr. Stein and his lawyer, Mr. Stroock, started to Boston, and on the way over decided that they would employ Mr. Brandeis on behalf of the Abe Stein Co. Immediately upon reaching Boston they visited Mr. Brandeis and did employ him. They then saw Mr. Lennox, and after some discussion advised P. Lennox & Co. to retain Mr. Brandeis. Mr. Stroock offered to see Brandeis to ascertain whether he would accept the employment, which he did during the same forenoon. Mr. Brandeis assented; whereupon Stein, Stroock, and two friends of Lennox went to the offices of Brandeis, Dunbar & Nutter to go over the affairs of P. Lennox & Co. Brandeis, Dunbar & Nutter already represented Weil, Farrell & Co., a creditor to the extent of something like $300,000. Such was the situation when Brandeis, Stroock, Stein, and Lennox, and the two other gentlemen, whose names are not material, came together in Mr. Brandeis's office for a conference. A stenographer was called in, and what was said upon that occasion was taken down, and a transcript of the stenographic notes is before the committee. An exhaustive inquiry into the affairs of the Lennox firm was made by Mr. Brandeis, unquestionably under his employment by Mr. Lennox. This is evident because the only purpose that Mr. Lennox had in going to Brandeis was to be advised with respect to the proper course to pursue. He wanted somebody to tell him what to do; and to that end laid before Mr. Brandeis a rather minute account of the assets and liabilities of the copartnership. The result of the conference was that Mr. Brandeis advised Mr. Lennox to make an assignment for the benefit of the creditors, and suggested that his partner, Mr. Nutter, should become the assignee. The assignment was immediately prepared, and after a little delay was executed and filed. Mr. Nutter took possession of the property, and the firm of Brandeis, Dunbar & Nutter became his

attorneys. Within a short time a disagreement arose between Lennox and the assignee; whereupon Brandeis, Dunbar & Nutter, as attorneys for certain creditors, filed a petition in bankruptcy against P. Lennox & Co., alleging the assignment for the benefit of creditors which Brandeis had advised and procured as an act of bankruptcy. Other petitions in bankruptcy were filed, alleging other causes, and finally the copartnership of P. Lennox & Co. and its individual members were adjudged bankrupts, and Mr. Nutter became one of the trustees, and his firm the attorneys for the trustees.

Four years later the bankruptcy proceedings ended in a compromise through which the firm creditors received 40 per cent and the individual creditors 100 per cent. The report submitted by Senator Chilton gives copious references to the testimony, and the report presented by Senator Works contains extracts from the record so clearly arranged and so abundant that if I were to attempt the same work it would be a mere duplication. There is no real conflict in the record, although there are some serious differences respecting the conclusions which are to be drawn from the conversations of the various parties to this strange proceeding.

There is absolutely no doubt that Mr. Brandeis was at the very beginning the attorney for Weil, Farrell & Co., Abe Stein Co., and P. Lennox & Co. There is no question that under these circumstances he advised an assignment for the benefit of creditors. It is not controverted that he made the assignment the basis of bankruptcy proceedings, and thus became hostile to his former client. The explanation which his friends present is that what Mr. Brandeis really agreed to do was to take the estate and see that it was distributed lawfully among the creditors. To me it is an unseemly spectacle, and Mr. Brandeis is not the only actor in the scene who deserves censure. When I think of how Lennox, with Stein and Stroock on either side of him, went to Brandeis, the attorney for Weil, Farrell & Co., and the Abe Stein Co., to be advised and guided in the way that would lead to emancipation from the troubles that were harrassing them, I can not understand how reputable men could tolerate even that arrangement; but when I see Mr. Brandeis accepting the relation, acquiring all the information that Lennox had to give, advising an assignment, practically to himself, and then to see him turn on Lennox and charge the very thing that he had counseled and procured as an act of bankruptcy, I am bound to condemn the whole transaction, no matter how distinguished the offenders may be.

THE GLAVIS-BALLINGER INVESTIGATION.

The material facts in this case are not in dispute, and they can be very briefly stated.

Glavis was an employee of the Interior Department. He made a series of grave charges affecting the conduct of the department and the integrity of Mr. Ballinger, the Secretary of the Interior. These charges related to the disposition of the public domain and involved what is generally known as the conservation policy of the United States. They were published in Collier's Weekly, a magazine of wide circulation and great influence. Out of these charges grew an investigation carried on by a joint committee of the two Houses of Congress. The investigation finally took the form of a proceeding which may be described as Glavis *v.* Ballinger. The inquiry broadened until there was brought within its scope the attitude of many public officials, including the President and the Attorney General. Glavis was not only without means, but was somewhat obscure and in and of himself could not have given to the proceedings any considerable force. Collier's Weekly, knowing that it had published statements which, if not true, would subject it to damages in a libel suit, and having a real desire, I have no doubt, to further the public interest and expose what it believed to be corruption in the Interior Department, employed Mr. Brandeis to appear before the committee and sustain the charges. The view of the magazine with respect to its relation to the controversy is clearly and forcibly stated by Mr. Norman Hapgood, who was then its editor:

"Senator WORKS. In the discussion of the matter, was the question raised at any time as to the probable liability of Collier's for the publication it had made?

"Mr. HAPGOOD. It certainly was. There was an enormous liability of every kind—moral and financial. When we undertook to show that the Government was concealing such important facts, we were undertaking a good deal, but we did it with a very large sense of responsibility of every kind.

"Senator WORKS. You understood perfectly that Collier's had a personal interest in the matter, in view of the fact that it might be held responsible in an action for libel for publishing a document of that kind?

"Mr. HAPGOOD. We certainly did understand that. (Record, p. 459.)"

Mr. Mark Sullivan, now the editor of Collier's, then the associate editor, put it in this way:

"Senator WORKS. Then you understood, Mr. Sullivan, that Mr. Brandeis was employed by Collier's Weekly to represent its interests and protect it?

"Mr. SULLIVAN. Certainly. If, when the investigation began, Glavis had been discredited, if the investigation had shown nothing serious, Collier's Weekly was in a position to be very much discredited.

"Senator WORKS. Will you be good enough to answer the question?

"Mr. SULLIVAN. Yes; surely. I meant to.

"Senator WORKS. Read the question, Mr. Reporter.

"The reporter (reading):

"'Then, you understood, Mr. Sullivan, that Mr. Brandeis was employed by Collier's Weekly to represent its interests and protect it?'

"Mr. SULLIVAN. Largely. I should say, though I ought to remind you again that the editor of the paper then was Mr. Hapgood. I was not even present.

"Senator WORKS. I was only asking for your understanding of it. That was your understanding?

"Mr. SULLIVAN. Largely to protect the paper's interests, and largely for public service. (Record, p. 327.)"

It is manifest that Collier's Weekly had as much right to appear before the committee as Glavis had, for they sustained exactly the same relation to the investigation; and as a matter of fact, Mr. Robert Collier was invited to so appear.

After Mr. Brandeis had been thus employed by Collier's Weekly the question came up, and naturally, for whom he should appear before the committee, and it is apparent that it was the subject of serious discussion. Mr. Hapgood says (record, p. 458):

"It seemed perfectly clear to us that if this was going to be kept a conservation movement against such big forces we must not try to get into the foreground; that Mr. Glavis, who was a Government official, as well as our contributor, should be the one person kept in the front in order not to cloud the issue."

Mr. C. E. Kelley was at that time counsel for Collier's Weekly in New York City and attended to its legal business there. He had conferences with Mr. Brandeis concerning the investigation and the substance of his evidence on that point is as follows (record, pp. 389, 392, 397, 398):

"Mr. FOX. Were you thereafter in Washington with Mr. Brandeis, while he was acting in the matter of the Ballinger-Pinchot-Glavis investigation?

"Mr. KELLEY. Yes, sir; I was.

"Mr. FOX. Did you have any conversation with him on the subject of your appearance with him in the matter before the committee?

"Mr. KELLEY. I did.

"Mr. FOX. Will you please state what Mr. Brandeis said in that regard, what you said to him and what he said to you, giving, of course, the substance?

"Mr. KELLEY. I would not undertake to state more than the general substance, because the conversations extended over many days. The substance of the conversation on Mr. Brandeis's part was that he did not care to have me appear with him before the committee, and he also stated in those conversations the reasons for that request.

"Mr. FOX. Will you give the reasons, please, and what he said?

"Mr. KELLEY. He stated in substance that he was going to appear or was appearing—because our conversations extended over some time—before the committee as attorney for Mr. Glavis. (Record, p. 389.)"

Again:

"Senator CUMMINS. In your discussions with Mr. Brandeis with respect to appearance, was it understood that the relation of Mr. Brandeis to Collier's Weekly could not be made known?

"Mr. KELLEY. Really, sir; I doubt my ability to testify as to what was understood. I might venture what the understanding was between Mr. Brandeis and myself, but I would not care to go further than that.

"Senator CUMMINS. That is precisely what I asked you.

"Mr. KELLEY. As between Mr. Brandeis and myself, I think I would have to say that was the understanding.

"Senator CUMMINS. What reason did Mr. Brandeis give, if any, for desiring that course to be pursued?

"Mr. KELLEY. That was a subject of conversation between Mr. Brandeis and myself on many occasions with a view to deciding what was the best policy, in so far as the prosecution of the charges, if I may put it that way, was concerned. I do not think I could state at this date that there was any further reason than one of policy. (Record, p. 392.)"

Again:

"Senator WORKS. The question was considered between you and Mr. Brandeis as to whether Mr. Collier should take advantage of the invitation that had been extended to him to appear in his own name before the committee, or whether Mr. Brandeis should appear in the name of Mr. Glavis; and that was really the matter of discussion between you, was it not?

"Mr. KELLEY. I think so; yes.

"Senator WORKS. Did Mr. Brandeis give any reason why he thought Mr. Collier should not take that course?

"Mr. KELLEY. He gave a reason, later on, as to why he thought Mr. Collier should not appear before the committee personally, namely, that he did not think that Mr. Collier could add anything to what had already been brought out.

"Senator WORKS. I am not asking you about that. I am talking about the question in the first instance as to for whom Mr. Brandeis should appear. Was that matter discussed between you then, as to the propriety or policy of his appearing openly for Mr. Collier, or whether he should appear for Mr. Glavis, who was already openly a party to the proceeding?

"Mr. KELLEY. It was not a subject of any extended discussion, because I accepted Mr. Brandeis's conviction on the matter.

"Senator WORKS. In that immediate connection did Mr. Brandeis give you any reason why he thought Mr. Collier should not appear through him, and why he should appear for Mr. Glavis?

"Mr. KELLEY. I at the present time do not recollect any reasons except his statement, in substance, that he thought it was better that he should appear for Mr. Glavis, or his statement that he was going to appear for Mr Glavis. (Record, pp. 397–398.)"

These extracts from the testimony show beyond any question that the whole subject was considered, and that after the most careful reflection it was decided that Mr. Brandeis, who had been employed by Collier's Weekly, not by Glavis, should appear for Glavis, not for Collier's Weekly, because it was better that Glavis, a subordinate in the department, should be the prosecutor rather than Collier's Weekly, a strong, public-spirited magazine. The decision was carried into effect when Mr. Brandeis appeared before the committee, and I quote the record of the appearance (record, p. 1072):

"Mr. GLAVIS. Mr. Chairman, I was here yesterday ready to proceed. I have brought my attorneys here, and I think that if they will be allowed to examine me that the testimony would proceed more rapidly.

"The CHAIRMAN. Are you ready to proceed to testify?

"Mr. GLAVIS. Yes, sir.

"The CHAIRMAN. Very well. If the committee has no objection to that course, we will have your testimony taken, and your attorney can examine you in chief.

"Mr. MCCALL. I understand that Mr. Louis D. Brandeis is your counsel?

"Mr. BRANDEIS. I am counsel for Mr. Glavis, with Mr. J. P. Cotton, jr., of New York.

"The CHAIRMAN. Have you any statement that you desire to make before we proceed?"

With the several parties occupying the relation toward each other shown in these quotations from the evidence, the hearing before the committee went forward, and for the service rendered by Mr. Brandeis he received from Collier's Weekly a fee of something like $25,000 and his expenses.

Upon these undisputed facts I am called upon, as a member of the subcommittee, to say whether Mr. Brandeis was guilty of impropriety. The suggestion of those who appeared before the committee in opposition to the confirmation is that when Mr. Brandeis appeared before the committee it was his professional duty to state that he had been employed by and appeared for Collier's Weekly and that Mr. Glavis was nothing more than a nominal client, if, indeed, he was a client in any sense. The reply of those who appeared before the committee favoring the confirmation is that there was no attempt to conceal the fact that Mr. Brandeis represented Collier's Weekly and that it was generally known by those who were interested in the investigation.

I have no doubt that both Mr. Hapgood and Mr. Sullivan told many persons that the magazine had employed Mr. Brandeis, nor have I any doubt that the circumstances themselves led many other persons

to believe that the magazine was really conducting the investigation. On the other hand, I am just as clear that the people of the country outside of Washington believed that Mr. Brandeis had undertaken to serve Mr. Glavis, who had no means to employ counsel, because he was interested in the public questions involved in the proceeding and that he was bringing his great abilities into the controversy in order to promote the general welfare.

I have no criticism for Collier's Weekly, for I am thoroughly convinced that its chief purpose was to expose what it sincerely believed to be gross malfeasance in office, and to protect the national resources against the unlawful designs of selfish men.

Mr. Brandeis, however, occupied a wholly different relation to the proceeding. I can not avoid the conclusion that it was his duty to state openly and frankly to the committee the fact that he had been employed by Collier's Weekly, not only to guard against the consequences of a suit for libel, but to carry on the campaign against the alleged wrongdoers in the Interior Department. Not only professional propriety in its technical sense, but the situation in a peculiar sense demanded the utmost candor. Mr. Brandeis failed to recognize his plain obligation; and the skill which he exhibited during the long and important proceeding in which the rights of the public were so vitally involved can not relieve him from just criticism.

THE WARREN ESTATE.

It required hundreds of pages of testimony for the development of this matter. Substantially all of it is immaterial, except for the purpose of informing us of the relation which existed between the several parties. I shall not even refer to the pages of the record for the comparatively few facts out of which the present charge against Mr. Brandeis arises will not be disputed by anybody.

Prior to May, 1888, S. D. Warren, sr., was a paper manufacturer in partnership with M. B. Mason, the latter having a very small interest in the property. Warren died on May 2, 1888, leaving an estate of more than $2,000,000. He left a will devising the estate to his widow and five children. To the former he gave five-fifteenths, to the latter two-fifteenths each. The property connected with the paper mills, which constituted the larger part of the estate, was, through a series of complicated instruments, finally vested in trustees, of whom Samuel D. Warren, jr., was one. The trustees held the property for the benefit of the heirs in the proportions already mentioned, and they acquired it with the understanding that they were to lease it to a copartnership composed of S. D. Warren, jr., and M. B. Mason, who, as lessees, were to continue the business. The trustees represented the widow and the widow and five children, namely, Susan C. Warren, the widow; S. D. Warren, jr.; Henry C. Warren; Cornelia Warren; Edward P. Warren; and Fiske Warren. M. B. Mason was also one of the trustees, so that the lease was in effect an agreement between S. D. Warren, jr., and M. B. Mason as trustee with themselves as lessees. I do not find it necessary to refer to the peculiar terms of the lease or to the controversies to which the conduct of the lessees finally gave rise. It is sufficient to say that the lease was enormously profitable for the lessees, and it may be doubted whether Edward P. Warren, one of the cestui que trustent, fully understood its provisions when he entered into the arrangement, for he was then living in England and continued to live there for many years.

S. D. Warren, jr., had been a law partner of Mr. Brandeis under the firm name of Warren & Brandeis, but upon the making of the lease ceased to practice law and devoted himself to the operation of the paper mills. This situation continued until about 1904, when Edward P. Warren complained of the action of the trustees and the way in which the lessees were keeping the books of the paper business, and employed counsel in Boston to look into the matter. Investigations and conferences followed without result, and on December 19, 1909, he filed a bill against the lessees for an accounting, challenging many things that had been done from the time of the making of the lease to the time of filing the bill. During the progress of the suit S. D. Warren, jr., died, and shortly thereafter there was a compromise, the details of which I think are irrelevant.

During the whole complicated transaction from the death of S. D. Warren, sr., to the time that Edward P. Warren employed independent counsel, about 1903 or 1904, Mr. Brandeis represented everybody connected with the matter; that is to say, the heirs, the trustees, and the lessees; and when the actual controversy arose between Edward P. Warren and the lessees, S. D. Warren, jr., and M. B. Mason, he continued to represent the lessees, and when the bill was filed for an accounting in 1909 his firm appeared as counsel for the defendants and so continued until the compromise was effected.

While there has been some suggestion that it was improper for Mr. Brandeis to represent the heirs, trustees, and lessees in the original arrangement, because there were or might be conflicting interests, I do not think the criticism is well founded. The members of the family sustained to each other the most cordial, friendly relations, and it is quite evident that the widow and the four children had the most implicit confidence in the oldest son, S. D. Warren, jr., who was a man of established integrity and great ability. I dismiss that part of the charge.

The thing which Mr. Brandeis did which, in my opinion, he ought not to have done, occurred when Edward P. Warren, as a cestui que trust, questioned the conduct of the trustees and the lessees. It was at that time the conflicting interests were made clear. Before that time Mr. Brandeis had represented Mr. Edward P. Warren just as he had represented all the cestui que trustent, and when the claim was made against the lessees it seems to me that Mr. Brandeis was not at liberty to defend the lessees against it. The lessees should have sought other counsel, and Mr. Brandeis should have occupied an impartial position between the litigants. I am satisfied that there was no corrupt motive on the part of Mr. Brandeis, but inasmuch as the question is squarely before the committee I can not withhold my judgment.

THE ILLINOIS CENTRAL RAILROAD MATTER.

The testimony with regard to the part which Mr. Brandeis assumed in this transaction fully appears in the record. I will not review it because, in my opinion, there is nothing whatever in it which reflects in the slightest degree upon anybody connected with it.

THE NEW YORK & NEW ENGLAND RAILROAD CASES.

It is difficult for me to disassociate my general information with respect to this matter from the testimony introduced before the subcommittee. Inasmuch, however, as there is nothing in my information, or the testimony, to connect Mr. Brandeis with the conspiracy which I believe was formed to wreck the New York & New England Railroad and turn it over to the New York & New Haven Railroad, the difficulty I have mentioned is not important.

The facts are that in 1892 Austin Corbin, then a well-known capitalist and promoter in New York, who had theretofore been connected with the New York & New England Railroad, but who had lost control, began an attack upon the credit of the company and the conduct of its management. Personally, I have no doubt that this attack was the beginning of a campaign, the end of which was to be the complete control of the New York & New Haven, but there is no direct evidence in the record of this unlawful purpose.

For obvious reasons Corbin did not want to bring the suits in his own name, and he sought small and obscure stockholders to effectuate his design. His attorney in New York was William J. Kelly, then a practicing lawyer, now a judge of the superior court. Kelly employed Brandeis, and also found in Boston a wholesale liquor firm, composed of N. F. Goldsmith and Walter H. Keith, which owned a few shares of the common stock, of very little value. Goldsmith & Co. and one E. H. Knowlton, of New York, the owner of a few shares of the preferred stock, became the plaintiffs in something like 10 suits brought in Massachusetts, Connecticut, and one or two other States against the New York & New England Railroad Co., which had for their ultimate object the appointment of a receiver. The agreement between Corbin and Goldsmith & Co. by which the latter agreed to act as plaintiff was of the most discreditable character. Its terms became known because the New York & New Haven in the course of time assumed the burdens of the litigation. The suits had the desired effect. The New York & New England became hopelessly involved, and the New York & New Haven became its owner.

If Mr. Brandeis had known all that was going on he could not escape the severest condemnation, but there is no satisfactory testimony that he was informed of Mr. Corbin's object, or knew anything about the relation of the New York & New Haven to the conspiracy. So far as we are advised by the evidence, all that Mr. Brandeis knew was that Goldsmith & Co. and Knowlton were not his real clients. He was retained by Mr. Kelly, paid by Mr. Kelly, and while he was aware of the relation between Corbin and Kelly, there was nothing in the record to convict him of complicity in the very questionable undertaking. All that I can say is that it leaves in my mind a doubt concerning the extent of Mr. Brandeis's knowledge of this affair, and I am not disposed to hold him responsible.

I have not referred to the pages of the record, because the material parts are carefully quoted in the separate views of my colleague, Senator WORKS, and anyone who desires to read the testimony will there find the references necessary to a full examination.

THE BOSTON & MAINE MATTER.

When the New York & New Haven Railroad Co. sought to acquire the Boston & Maine there were certain stockholders, among them a Mr. Lawrence, who resisted the merger, and it is to be assumed that the resistance was in part at least to protect what they believed to be their pecuniary interests. There was also resistance from a great many people based solely upon public policy. Mr. Brandeis and his firm were retained by these stockholders, and in connection with the employment a most remarkable incident occurred. It is said Mr. Brandeis felt that he ought to render his service without compensation, but that his partners should not be deprived of the fees which would otherwise have accrued to the partnership. In this situation Mr. Brandeis paid to his partners $25,000 out of his own funds and rendered his service without pay. This payment was not solicited by his partners, but accepted by them rather under protest.

I have not been able to fathom the motive for this transaction. In so far as the stockholders represented by Mr. Brandeis were concerned no one could question the propriety of an appearance by Mr. Brandeis nor the acceptance of compensation. In so far as the public generally was concerned Mr. Brandeis ought not to have represented anybody as an attorney and there should have been no compensation for work done to promote the common good. The controversy was carried on mainly before the Massachusetts Legislature, but in part through the ordinary avenues of publicity.

Personally, I am of the opinion that a lawyer has no right to appear before a committee of Congress or a committee of a legislature as an attorney to urge questions of public policy. He has a right as a citizen to become a part of a movement and to be the spokesman of the movement but in so doing he is not an attorney or representative. He is speaking for the people of whom he is one. In such a situation there ought to be no clients whose pecuniary interests are to be served or protected

All that I can say of the singular performance is that Mr. Brandeis furnished the opportunity for serious criticism and at the best indicated that his view of duties and responsibility was somewhat abnormal. It is not strange that those who looked at the incident from the outside were skeptical and suspicious. I pay no heed to the charge that in the course of the campaign Mr. Brandeis made untruthful statements, for I have thought it impossible to examine at this time the complicated facts which were then in dispute.

OTHER CHARGES.

The subcommittee heard a great deal of testimony concerning a variety of other charges, namely, the relation of Mr. Brandeis to the Equitable Assurance Society of New York, the solicitation of proxies to enable Mr. E. H Harriman to control the Illinois Central Railroad, misconduct in regard to the Gillette Safety Razor Co., the connection with the Old Dominion Copper & Smelting Co., the appearance before the Massachusetts Legislature for the liquor interests, the Consolidated Gas transaction, and the activities for the bill in Congress authorizing manufacturers and producers in certain instances to fix retail prices.

I find nothing in any of these matters to warrant extended comment. There are some things in them which might be regarded as of doubtful propriety, but they admit of fair difference of opinion. All that I care to do is to commend the testimony to the full committee.

CONCLUSION.

In view of all the matters to which I have referred I have been constrained to reach the conclusion that the nomination of Mr. Brandeis as a Justice of the Supreme Court ought not to be confirmed. My conclusion is the result of much reflection, and it is with great regret that I announce it. I am acquainted with Mr. Brandeis, and for the strength of his mind and the scope of his knowledge I have the profoundest admiration. Moreover, I am in sympathy, for the most part, with his sociological and economic opinions, and for the work that he has done in these directions I have nothing but commendation. I can not, however, even seem to approve his course in many of the matters which have been brought to the attention of the subcommittee, through which he has lost the confidence of so large an element of the profession of which he is a member and of the country of which he is a citizen as to vitally impair his usefulness as a Justice of the Supreme Court.

ALBERT B. CUMMINS.

APRIL 3, 1916.

Mr. WORKS, from the subcommittee of the Committee on the Judiciary, submitted the following views:

To the COMMITTEE ON THE JUDICIARY,
United States Senate:

It has often been said that the Supreme Court of the United States is the greatest judicial tribunal in the world. This assertion may well be accepted when we consider the vast and controlling powers of the court—its jurisdiction over a hundred million of people whose lives, liberties, and independence are in its keeping; its control over the business of a great, rich, and powerful Nation and its protecting power to preserve our free institutions and the Federal Constitution even to the extent of nullifying laws enacted by Congress and the States. No such far-reaching powers are vested in any other court in the civilized world. The acts and proceedings of every department and every officer of the Government, from the President of the United States down, is subject to its decrees, and from its decisions there is no appeal. They are final and conclusive.

The appointment of a member of such a tribunal involves the gravest responsibility and should call for the exercise of the highest degree of disinterested patriotism, free from political, religious, or race interests or prejudices. To fit any American citizen to fill this exalted and responsible position his ability must be undoubted, his character above reproach, his integrity beyond suspicion, and his fairness and the judicial character of his mind fully established. It may be that this standard of fitness has not always been maintained in making such appointments, but it is the standard that should guide and influence the appointing power. The President has exercised this power, in the present instance, so far as it rests with him, by appointing Louis D. Brandeis to be a justice of the Supreme Court. The responsibility now rests with the Senate of the United States. Our responsibility, individually and collectively, as Members of the Senate, is just as great as was that of the President in making the nomination. Our duty and responsibility, it may also be observed, is to the country and not to the President.

It is most unfortunate that the nomination of Mr. Brandeis for the office should have given cause in the minds of anyone for an investigation or that any inquiry into his fitness should have become necessary. But the investigation has been called for and has been held. The fullest opportunity has been given to all who had any showing to make, for or against him, to present the facts in their possession and their views. It is my purpose to review here the charges made against him and the evidence given before the subcommittee to support and to refute them.

THE RAILROAD RATE ADVANCE CASE.

The charge is made that Mr. Brandeis betrayed his clients in this proceeding in the Advance Rate case and acted in bad faith toward his associate counsel, and evidence was submitted to support the charge. The position of Mr. Brandeis in the case was a peculiar and anomalous one. He was not employed as attorney for any of the litigant parties, and therefore he had no clients to whom he owed a duty resulting from an employment as such. He was called into the case by the Interstate Commerce Commission, the tribunal before which the case was to be tried, a proceeding well calculated to bring about just such an unfortunate condition as the one that resulted in this case, and one that, in my judgment, should not be allowed in any case. Almost inevitably counsel coming into such a controversy in that way will be given greater consideration and his opinions and admissions given greater weight than those of the attorneys for the adversary parties Mr. Brandeis's authority, so far as it was disclosed at the hearing, was contained in a letter from the commission to him. It was said in the letter:

"We are, of course, aware of the fact that the carriers will not fail fully to present their side of the case, and the commission has felt that every effort should be made, in the public interest, adequately to present the other side. Would you care to undertake that burden? * * * I have been asked to ascertain whether your engagements and inclinations are such as to permit you to undertake the task of seeing that all sides and angles of the case are presented of record without advocating any particular theory for its disposition."

This letter, which constituted the authority of Mr. Brandeis to act in the case, was about as ambiguous as it could well have been made. In the first clause of it he was, in plain and unambiguous terms, made the representative of the interests opposed to the railroads, "in the public interest." In the latter he was expected to "undertake the task of seeing that all sides and angles of the case are presented of record."

But, however that may be, Mr. Brandeis himself construed the letter as imposing the duty on him of representing the interests of the shippers and others opposed to the railroads and aiding them to support their defense against the raising of rates. He took place at the table occupied by the attorneys for the shippers, consulted and acted with them throughout, and in the division of time for argument took a part of their time. In the division of time Mr. Brandeis was given the closing argument on behalf of the shippers. The issues to be discussed were stated by the commission as follows:

First. Do the present rates of transportation yield adequate return to common carriers, the railroads operating in official classification territory?

Second. If not, what general course may the carriers pursue to meet that situation? (Hearings, p. 12.)

After this statement of the issues, 20 days were given all parties to prepare briefs, oral arguments to follow. Mr. Brandeis in the brief prepared by him directed his attention chiefly to the second issue and did not disclose his position on the first. At the oral argument, after the other attorneys for the shippers had made their arguments, and without previous notice to them, he made this broad admission:

"First. That, on the whole, the net income, the net operating revenues of the carriers in official classification territory, are smaller than is consistent with their assured prosperity and the welfare of the community, and that this is notably true of the central freight association lines, and it is true practically as to other lines also, because of the central freight association scale. (Hearings, p. 20.)"

This, as I construe it, was to admit away, as against the interests he was called upon to represent and protect, the first and chief issue in the case. Clifford Thorne, chairman of the State Board of Railroad Commissioners of Iowa, presented this charge against Mr. Brandeis and the evidence to support it. He prefaced his testimony on the merits with this statement:

"In the first place, the gentleman whom you have under consideration, I believe, was guilty of infidelity, breach of faith, and unprofessional conduct in connection with one of the greatest cases of this generation. (Record, p. 8.)"

And in stating the effect upon him of Mr. Brandeis's admission above mentioned he said:

"I was simply dumfounded by this statement. This was not an ordinary case. The railroad had been fighting for four years to get that fact established which I have just read to you before the Interstate Commerce Commission. They had maintained a propaganda, Nation wide in extent, in magazines and newspapers and had made speeches everywhere, and had brought pressure to bear in every conceivable manner. * * * And in the closing argument, after every other party on behalf of the public had concluded, the special counsel for the commission appointed to see that all phases of the case were developed, in the final closing argument on behalf of the public, without any notice or warning to other counsel taking part in the argument, he concedes the very point in issue and set down for argument. (Hearing, p. 21.)"

There can be no doubt of the sincerity of Mr. Thorne's views or his feeling that by the admission made by Mr. Brandeis, under the circumstances, the public interests were betrayed and that the course taken by him was unfair to other counsel and unprofessional.

On the other hand, John M. Eshleman, a very estimable and reliable gentleman, formerly chairman of the Railroad Commission of California, and later lieutenant governor of California, and who died suddenly soon after this testimony was given, and Joseph N. Teal, of Portland, Oreg., an attorney at law, who has had large experience in cases of this kind, gave it as their opinion that Mr. Thorne had no just reason to complain of the conduct of Mr. Brandeis. But both of these gentlemen agreed that his admission was not justified and that the rates were adequate and should not have been increased. And the following extract from Gov. Eshleman's testimony shows that he differed from Mr. Thorne only because their construction of the letter under which Mr. Brandeis acted differed:

"Senator CUMMINS. Governor, it seems to me that there is not much difficulty about the controversy between you, if there is one, and Mr. Thorne?

"Mr. ESHELMAN. We have no controversy, Senator.

"Senator CUMMINS. It all depends, I think, upon the relation which Mr. Brandeis bore to that case. You look upon his appointment as an advisor to the commission, and you look upon his argument before the commission as the delivery of a judicial opinion, whereas, I take it, Mr. Thorne supposed that he was counsel for the general public and was associated with him in the defense.

"Mr. ESHELMAN. I think that is our main difference.

"Senator CUMMINS. That is the real difference?

"Mr. ESHLEMAN. Yes. (Hearings, p. 66.)"

So it is left to the committee and finally to the Senate to determine whether Mr. Brandeis's course in the matter calls for condemnation or not.

There is nothing in the evidence to show that in making the admission complained of Mr. Brandeis was moved by any ulterior or improper motives. Whether he was justified in making it as a result of the evidence could only be determined by a retrial by the committee of the rate case, which is manifestly out of the question. Mr. Thorne maintains stoutly that the evidence did not justify or support the admission. In this conclusion he is supported by both Gov. Eshleman and Mr. Teal. But his final justification must rest upon the decision of the commission, which was in accord with this admission. But, very naturally, Mr. Thorne and others interested with him maintain that the conclusion reached by the commissioners resulted from this very admission made by counsel specially appointed by them. Whether this is so no one can tell, but it is only fair to conclude that such an admission made under such circumstances must have been given weight in the final decision of the case.

As to Mr. Brandeis's duty in the matter, independently of the question whether or not the admission was justified by the evidence, it seems to me that any fair mind must conclude that the wise, the prudent, and the fair thing for Mr. Brandeis to have done when he concluded to make the admission would have been to inform the attorneys with whom he had been acting of his intention and give them an opportunity to meet and refute it if they could. His relations with Mr. Thorne throughout the trial had been intimate and confidential. He had commended Mr. Thorne for the able presentation he had made of the shippers' case. There was no intimation from him that he disagreed with Mr. Thorne as to what the decision should be. To make the admission he did and at the time and under the circumstances was to my mind exceedingly unfair to Mr. Thorne and to the interests he represented; besides, there is a serious question in my mind whether Mr. Brandeis was justified or warranted in making any such admission under any circumstances by virtue of his employment. He was employed "adequately to present the other side" as against the railroads, who "will not fail fully to present their side of the case" and to see "that all sides and angles of the case are presented of record." In short, he was employed to see that the case was fully and fairly presented to the commission for its decision and not to decide it himself.

THE UNITED SHOE MACHINERY CO.

It is charged that Mr. Brandeis was from 1899 to 1906 a director and the attorney of the company. That he represented on the board of directors the large interests of the Henderson family of Chicago. That he participated in and approved the organization of the company and the form of leases made by it and was familiar with all its business and affairs. That, as its counsel, he defended its leases when legislation was sought against them, and that afterwards he acted as counsel for certain shoe manufacturing companies which were opposing the leases and which had formed themselves into an alliance to defeat their conditions. That in that capacity he gave a written opinion assailing the leases that he had formerly approved and in addition appeared at the hearings before committees of Congress and assailed the business of the company of which he had been a director and its attorney, during which time it had conducted its business the same as when his attack was made. The charge and the evidence to support it will be found in the testimony of Sidney W. Winslow, president of the company, commencing on page 160 of the hearings. It consists very largely of quotations from Mr. Brandeis at the hearings while he was connected with the company and afterwards. I think a few extracts from his declarations will present with sufficient accuracy what is claimed to be his equivocal and contradictory positions for and against the company and its mode of doing business. But first let me quote the charges made by Mr. Winslow. He says:

"He acted as counsel for the company in many matters for nearly eight years. In 1906 he took practically entire charge of the com-

pany's opposition to a bill proposed in the Massachusetts Legislature designed to restrict the company's leases. He then expressed the firm conviction not only that the company's leases were legal and that the Legislature of Massachusetts could not constitutionally limit their scope but also that they were of great benefit to the shoe manufacturers. As late as October 5, 1906, he wrote Mr. Erving Winslow a personal letter expressing his moral approval of the Shoe Machinery Co.'s system of business.

"He resigned as director of the company in December, 1906, giving as a reason that he felt he ought not to continue an exception to his general rule of not holding the office of director in any corporation for which he acted as counsel.

"Never during his connection with the company did he express disapproval of any of their acts, methods, or policy. On the contrary, the company's method of conducting business met with his full approval.

"I believe that Mr. Brandeis, since he left our company, has been guilty of unprofessional conduct and of conduct not becoming an honorable man, in the following:

"First. Mr. Brandeis has, at the instance of new clients, attacked as illegal and criminal the very acts and system of business in which he participated, which he assisted to create, and which he advised were legal, and he has persistently sought to injure our business. In so doing his knowledge of our leases and business, acquired while acting as our director and counsel, has naturally been of value.

"Second. Owing to his long-extended connection with our company as director and counsel and his acquaintance with our affairs, Mr. Brandeis's statements as to our methods and business have naturally carried an authority which would not otherwise have been accorded them. An honorable man, when acting for other clients, would, in these circumstances, have been scrupulously careful that any statements made by him were truthful. Mr. Brandeis, however, has made false and misleading statements as to our acts and business, both to committees of Congress and elsewhere.

* * * * * * *

"He spoke before the joint judiciary committee of the Massachusetts Legislature in opposition to the bill. He filed a brief with the chairman of the committee, in which he contended that the proposed act was unconstitutional, and he drafted a letter for the United Co. to send to shoe manufacturers urging them to oppose the bill.

"In his remarks before the joint judiciary committee on April 18, 1906, he strenuously defended the lease system employed by the United Co., and explained how it benefited the shoe manufacturer. He stated that the system then employed was not materially different from the system employed by the predecessor companies which had been merged into the United Co. There has been no substantial change of any kind in the lease system since Mr. Brandeis appeared before this legislative committee."

Then he quotes Mr. Brandeis's own language in support of the leases, as follows:

"'If we do not have this clause in certain of the leases where we have it, we could not sell certain things we do sell. We could not lease certain things which we do lease at as low a price as we do. It is only on account of the volume of business that we are able to undersell other people.'

"Referring to the charge of monopoly brought against the company, he said:

"'It has been said that this is a monopoly. In part it is a legal monopoly absolutely granted, because all the machinery we sell—I mean all that we lease or sell, because some we lease, some we sell, and with some we do both—all of the important machines are patented machines. The Federal law means that we shall have a monopoly of those, and nothing in the State can take it away or limit it. We have also a very large part of the business outside of the necessarily patented machines, and why we have it is because we are able to give to the people those machines cheaper than other people, and that is a complaint that is made against this company, that we are giving them cheaper. That is the main complaint.'

"With reference to the charges as to the character of the company's leases, he said:

"'The terms that these gentlemen say are in the leases are not in the leases, taken down as they say. It is not true that if you take one of our leases you can not use any other machine. That is not true. Take the manufacture of the Goodyear turn shoes, which Mr. Storrow spoke about, where he said there were 96 machines used, that we make, that we lease, or some of them that we sell. You would suppose from statements that have been made that if a man took any of those machines he had to take them all. That is absolutely untrue.'

"He pointed out the benefits conferred on manufacturers by the repair service furnished them by the United Co. He declared that nobody could possibly say that the company was selling things too dear or leasing things too dear 'when the cost in every branch of shoe manufacture has gone up from 33 to 50 per cent over every other department it has actually gone down in ours,' and he declared that the company was able to do this and still make a good profit 'because of the extraordinarily able management of this company and because of the fact that we are doing things wholesale.'

"He then declared that the company was entitled to commendation because 'it is the greatest promoter of competition that there is,' and there was not a manufacturing business in the United States in which there was the same freedom of competition that there was in the shoe-manufacturing business. He said:

"'That happy result is due largely to the method adopted by this shoe-machinery company, and the predecessor companies combined together to form this company * * *. I deem it to be the fundamental or most important fact existing in business that the smallest man who makes 50 or 100 pairs of shoes a day has just as great advantage as the man who makes 20,000 pairs of shoes a day.'

* * * * * * *

"I say that it is the best thing that can happen to the shoe manufacturer because he is able to get on in business. He is able to engage in it without sinking his capital. The little man gets the new improvements just as the big man gets them, and some of the men who are doing a large business thought it was very unfair, because they can buy their leather cheaper, because their credit was better, because they could buy a million dollars' worth at a time, and the only thing in the whole business they can not buy cheaper was their shoe machinery or shoe-machinery material.

"In the letter which Mr. Brandeis drafted to be sent to the shoe manufacturers there occurred the following statements:

"'This bill, which is aimed confessedly only against the United Shoe Machinery Co., attacks the policy hitherto pursued by this company and its predecessors in the leasing of machines, and seeks to prohibit more particularly the practice of this company in supplying to our lessees auxiliary and general department machines on exceptionally advantageous terms.

"'We believe that the methods pursued by our company in the past have been greatly to the interest of shoe manufacturers, and that if this bill is enacted and becomes operative it will compel changes in our methods of dealing with Massachusetts shoe manufacturers which would increase the cost to them of machinery and deny to them facilities enjoyed by their competitors in other States.

"'We believe that the Massachusetts shoe manufacturers would be far more seriously affected than our own company by the enactment of such a bill, and that effort to defeat it should be made by you rather than by us.'"

Mr. Winslow refers to the hearings before the Interstate Commerce Committee of the Senate to show that Mr. Brandeis decided in September, 1910, that he ought, if called upon, to lend his aid in any effort to attack the company. He had then severed his connection with the company and was acting as counsel for the Shoe Manufacturers' Alliance. But prior to that time he had given an opinion to Charles H. Jones, president of the Commonwealth Shoe & Leather Co., in which he said:

"First. The United Shoe Machinery Co. is a combination in restraint of trade, and all contracts made by it, as essential parts of the combination or to carry out the purpose of monopolizing and perpetuating its monopoly of the shoe-machinery trade, are unlawful. The leases used are such contracts and are unlawful.

"Second. The leases are in themselves, aside from the unlawful combinations embodied in the United Shoe Machinery Co., restraints on interstate trade within the Sherman Act.

"Third. The fact that the United Shoe Machinery Co. was formed to deal in patented articles does not prevent the illegality of the combination, nor does the fact that the leases are of patented machines render them legal, since the purpose of the combination and the provisions of the leases are designed to create a monopoly beyond that conferred by the patent laws.

"Fourth. The leases being invalid, you can not be held liable for failure to perform." (Hearings, p. 163.)

Of this opinion Mr. Winslow says:

"It is to be noted that Mr. Brandeis in this opinion not only attacks the form of leases which he had previously approved of, but also attacks the organization of the company, in which he participated, declaring the company to be a combination in restraint of trade.

"The above quoted portion of this opinion was printed presumably with Mr. Brandeis's consent as an advertisement on or about July 8, 1910, in the Boston newspapers, together with other opinions, as a part of Mr. Plant's campaign to force the United Co. to buy his patents.

"The Shoe Manufacturers' Alliance, which Mr. Brandeis represented from 1911 on, was an association of a few large shoe manufacturers, including Charles H. Jones, but most of whom were located in the West. Their platform, as quoted by Mr. Brandeis (see hearings before Committee on Interstate Commerce, United States Senate, 1912, p. 2618), declared:

"'We believe it to be essential that shoe machinery, whether it be leased or sold, be put on such terms as will leave the manufacturer free to take from the United Co. or from any other company one or more of the same or of different machines at a fixed unit price.'

"In other words, these manufacturers, according to their program as quoted by Mr. Brandeis, sought to compel the United Co. to give up the wholesale price which it granted where a series of different machines leased from it, all cooperating in the manufacture of a single pair of shoes, were used. The fact that we offered such a wholesale price instead of a unit price, Mr. Brandeis in 1906, before the joint judiciary committee of the Massachusetts Legislature, had spoken of as the reason why we could offer our machines at such reasonable rates and as of the greatest advantage to the shoe manufacturer.

"From this time on Mr. Brandeis has attacked our company in every way possible." (Hearings, p. 163.)

In addition to this, it is claimed by Mr. Winslow that Mr. Brandeis made many false and unwarranted statements against the company which are specifically pointed out by him in his testimony. (Hearings, 164–168.)

These facts, supported by quotations from Mr. Brandeis, stand undisputed. During the time he was attorney and director for the United Machinery Co., Mr. Brandeis was attorney for certain shoe manufacturing companies unknown to Mr. Winslow, but it does not appear that, up to the time he severed his connection with the United Machinery Co., there was any conflict of interest between them. The open conflict and attack on the machinery company came later.

Mr. Brandeis's statement and explanation of his apparently inconsistent positions in this matter will be found in a letter from him to Senator CLAPP, the chairman of the Interstate Commerce Committee. (Hearings, pp. 217–221.)

The letter is very long, but it is illuminating and should be read in full. I extract here some of its statements:

"First. It is entirely true that in April, 1906, I believed the policies and methods of the United Shoe Machinery Co. were legally and morally unobjectionable and that its activities were beneficial to the public, and as a director of the company I appeared before the Massachusetts Legislature to oppose a bill seeking to compel a change in these methods. I was then of the opinion that under some conditions monopoly in industry could operate beneficially to the public; or, in other words, that there was 'good trusts' as well as 'bad trusts.' I believed, not unnaturally, that this company which was managed by men in whose ability and judgment I then had confidence, and with which I was myself connected, was such a 'good trust.' The particular ground upon which I based my opinion that the shoe-machinery monopoly operated beneficially was that it appeared to help the small manufacturer and thus, while itself a monopoly, promoted competition in shoe manufacturing, as stated in my testimony before your committee on December 14, 1911, page 1160, as follows:

"The United Shoe Machinery Trust, with which Senator Crane is also familiar, presents another example. There is a business monopoly, which was started under conditions the most favorable to serving the public of probably any in the field of industry. In the first place the trust was managed by the men who had made the greatest success of any in the shoe-machinery business. It was practically an acquisition of the leading shoe-machinery businesses by the men who were the ablest, the hardest workers, and, in a certain sense, the furthest seeing of all those engaged in the business. They started out with certain perfectly admirable principles, which, I understand, have been adhered to. In the first place everybody, big and little, was to be treated alike; there were to be no discounts for quantity; so that the small manufacturer had the same chance as the large manufacturer, both in respect to service and to royalty. The company adopted a system of

leasing, which gave an opportunity to the small manufacturer with little capital to go into the business, and the company gave them as good service as the large manufacturer.

"Second. In May, 1906 (about a month after I had appeared before the committee of the Massachusetts Legislature), Mr. W. H. McElwain, president of the W. H. McElwain Co., and Charles H. Jones, president of the Commonwealth Shoe & Leather Co., both able and public-spirited shoe manufacturers, who agreed generally with my views as to the value of the United Shoe Machinery Co. to the community, called my attention to certain features in their leases—notably the so-called tying clauses—which seemed to them objectionable. I was not convinced that their objections were sound; but we were all of the opinion that the proper course to pursue was for the manufacturers to discuss any supposed objections with the officials of the company and not resort to the compulsory processes of legislation to correct defects, which should, if existing, be removed by amicable conference. And President Winslow expressed his readiness to give full consideration to such objections if the pending bill were defeated. Thereupon Mr. McElwain, Mr. Jones, and E. J. Bliss (treasurer of the Regal Shoe Co.), and other leading Massachusetts shoe manufacturers joined with the United Shoe Machinery Co. to secure a defeat of the then pending bill.

* * * * * * * * *

"Third. In consequence of the objections raised by these shoe manufacturers the subject was further investigated in the fall of 1906. I then ascertained facts in addition to those which had been previously furnished me by Mr. Winslow and other officials of the company, and to some extent inconsistent with statements made by them, and new considerations bearing upon the matter were brought to my attention. I was not yet, however, fully convinced that the shoe-machinery company's policy was unsound or its methods improper, but so serious a doubt had been raised in my mind of their methods that I was unwilling to assume responsibility for the company's action; and having reason to believe that Mr. Winslow was not likely to make any change in policy or methods, and having as one of the 19 directors no real control, I therefore concluded, without undertaking to decide definitely whether the criticisms made were sound or not, to quietly retire (without raising the question) from the board of directors, of which I had become a member to represent the large stock interests of the Henderson family in Chicago. I tendered my resignation on December 6, 1906, and it was immediately accepted.

"Fourth. Shortly afterwards, about the 1st of January, 1907, when it became apparent that a bill designed to compel the shoe machinery company to change its methods would be introduced at the coming session of the Massachusetts Legislature, Mr. Winslow resumed with Mr. McElwain and Mr. Jones the consideration of those features of the United Shoe Machinery Co.'s policy and leases deemed by them objectionable. At Mr. Winslow's request I participated as counsel in some of these conferences and discussed the whole subject fully also with him and other officials of the company. The facts then developed and the further consideration given the subject convinced me fully that while the policy and methods of the company had, on the whole, operated beneficially up to that time, they must if pursued eventually prove injurious both to the community and the company's interest, and I urged most strenuously upon Mr. Winslow and other officials who participated in the conferences with me that these methods be changed, that the policy of monopoly be abandoned, and particularly that the tying clauses be eliminated from the leases. Mr. Winslow and his associates gave patient consideration to the views which I expressed, but they were not convinced and refused to adopt my suggestion. Our conferences ended on January 7, 1907, and I then ceased to act as counsel of the company. (I had never been general counsel of the company, but had been requested to act frequentl, as for other clients.)

"Fifth. On June 1, 1907, the Massachusetts Legislature enacted a bill to regulate the sales and leases of machinery in form similar to that introduced in the session of 1906. I took no part whatever in opposing or advocating that legislation, and, indeed, did not express publicly my opinion on it. For three and a half years I took no part whatever in the questions relating to the policy and methods of the shoe machinery company, and specifically refused to act professionally for those who had adverse interests.

"Sixth. By the summer of 1910 the situation had entirely changed from what it was in 1906. In the first place the United Shoe Machinery Co. had shown a determined purpose to ignore or evade the act prohibiting tying clauses in leases passed in 1907 by the Legislature of Massachusetts and declared by its supreme court to be constitutional. In the second place, the Federal Government had shown its purpose of enforcing the Sherman antitrust law as evidenced by the Standard Oil and Tobacco cases, and the Supreme Court of the United States, in 1909, laid down in the Continental Wall Paper Co. case a rule applicable to the United Shoe Machinery Co. business. But the trust's methods remained unchanged. In the third place, and most important of all, Mr. Thomas G. Plant had developed a complete system of shoe machinery, in which the United Shoe Machinery Co. had previously enjoyed a monopoly. The Plant system was declared by Mr. Jones and other leading manufacturers to be equal to that of the Shoe Machinery Trust, and in some respects superior to it. Mr. Plant was purposing to put it on the market at a cost to the manufacturer far below that charged by the Shoe Machinery Trust. When this purpose was announced the United Shoe Machinery Co. declared that the shoe manufacturers would be precluded from using the Plant system by the provisions of their leases with the shoe machinery company. This attitude seemed to me particularly oppressive in view of the fact that the fundamental patents of the Goodyear welt system, from which the Shoe Machinery Trust secured its largest royalties, had recently expired, and the trust had made no reduction in those royalties. The question was raised whether the trust's business could be used to suppress the Plant system.

"It was my opinion that under the rule laid down in the then recent decision of the Supreme Court of the United States in Continental Wall Paper Co. *v.* Louis Voight & Sons Co. (212 U. S., 227, decided Feb. 1, 1909), the leases which had before been believed to be valid would be held invalid under the Sherman law, and I so advised Mr. Charles H. Jones."

It will be seen that Mr. Brandeis, as he says, had received new light since he defended the validity and fairness of the company's leases, and a new statute had been enacted that affected the validity of the company's business methods. It seems, however, that the company's method of doing business had not changed, but that Mr. Brandeis had changed his mind as to the law affecting the validity of those methods. Since then the business methods of the company have been tested by a suit on the part of the Government, which has been decided by three Federal judges in favor of the company, and the case is now pending in the Supreme Court on appeal. (See opinions in that case; hearings, p. 1177 and on.)

In discussing the general subject of trusts and monopolies before committees of Congress, it will be seen that Mr. Brandeis persistently used his former client as an example of the evils of which he complained.

Thus, at the hearing before the Committee on Interstate Commerce, he said:

"Now, take, in the second place, the trusts that have been markedly successful, like the Standard Oil Trust, the Shoe Machinery Trust, the Tobacco Trust. They have succeeded through their monopolistic position. They dominated the trade and were able to fix the prices at which articles should be sold. To this monopolistic power, in the main, and not to the efficiency in management, are their great profits to be ascribed (p. 1148). (Hearings, p. 1025.)"

This was in direct and marked opposition to the contentions he made before the Massachusetts legislative committee, as its attorney and director, in behalf of the shoe-machinery company, which he here denounces as a trust and monopoly.

And it appears from his own statement before the House Judiciary Committee, in dealing with the same subject, that he was not acting in the public interest in the attacks he was making upon his former client. He said on that occasion:

"I represent primarily myself, Mr. Chairman, but I have also acted for a certain number of gentlemen known as the Shoe Manufacturers' Alliance, who had specifically objected to the methods and policies of the shoe-machinery corporation, who are therefore interested in this bill, which undertakes to provide not specifically in regard to that corporation, but generally in regard to trusts and combinations, the present amendments to the law."

So it appears from his own statement that he was representing the Shoe Manufacturers' Alliance, an organization of shoe manufacturers, combined to make this very contest against his former client and against its former course of conduct that he, in the capacity of its attorney and director, had expressly approved and defended.

Attention should also be given to a statement of Mr. Brandeis of the meeting of Mr. Winslow, Mr. Brandeis, and others, in which Mr. Brandeis says he endeavored to induce Mr. Winslow to change the form of the leases, but without success. It is too long to quote here. (Hearings, pp. 221–224.)

This was in 1906, and soon after this Mr. Brandeis severed his connection with the company and took up the affairs of the Shoe Manufacturers' Association. Of this Mr. Brandeis says in this same statement made in 1911:

"On the 24th, I think it was, of May, the shoe manufacturers, a few of the men who came on at that time to see Mr. Winslow, telephoned whether I could see them. I had never seen or heard of them except in a general way—I think Mr. Endicott once introduced me to George Brown, of the Brown Shoe Co.—They came up and wanted to know whether I would advise with them, and I told them: 'Gentlemen, this wholly depends on what you want to do.' I said if this is a matter with you merely of a number of dollars for the next five or more years, this does not interest me at all. I think you are being charged a great deal more than a fair remuneration for the machines, but I don't think it makes any difference, because I think you pass it on to the consumer, and I think it always was and still is the policy of this company, and one of its great virtues, to treat all men alike; the big man has no rights over the little man, and as long as this is true—and it has been Mr. Winslow's policy as long as I have known anything of the company—and as long as you are treated alike in service as well as in rates it seems to me that for a number of years you will not suffer anything if this goes on, but it will be the community which will suffer and not yourselves. It seems to me that you have an obligation, and it seems to me to be particularly up to you as shoe manufacturers not to allow a condition of things to continue which, in my opinion, is not consistent with business freedom, and it is not, in my opinion, consistent with the advancement of the art in which you men are engaged, and I believe nothing can be clearer than the fact, which has now been demonstrated, that the ownership and control of the shoe machinery company by one body of men, even if they have all the virtue and all the ability that Mr. Winslow and the others possess, can not do otherwise than to stifle invention and prevent progress. (Hearings, p. 223.)"

By this it appears that Mr. Brandeis had reached a point where he was willing to attack the company he had served for doing business in a way approved by him as its director and attorney, not in the interests of the shoe manufacturers but in cooperation with them as a public duty. It may therefore have been assumed if he had not stated to the contrary at the hearing that the attacks made by him upon the company's methods and practices were made out of a sense of duty to the public, not in the interest of business adversaries or for mercenary reasons.

One of the most singular features of this whole transaction was the fact that Mr. Brandeis made no charge for the services rendered by him to the shoe-manufacturing people, but that he paid his firm $2,500 out of his own pocket for such services on the theory that he had no right to deprive his partners of a fee for services rendered because he chose to make no charge for what he did. (Hearings, pp. 741, 742.)

But if he could not, neither could his partners who had been with him attorneys for the machinery company.

What construction should be placed upon this course in justice to Mr. Brandeis? It was certainly an act of generosity toward his partners, who seemed not to share his scruples. Manifestly, his purpose was to appear as working disinterestedly for the public good and without pay. This would have been commendable if true, if it did not conflict with his duty as the former attorney of the machinery company. It might well be said that, working as he was in cooperation with the business adversaries of his former clients and in their interests, which led him inevitably to attack the business methods of the company which he had, as its director and attorney, approved and defended, this refusal to accept a fee for his services was evidence that in his own mind such an employment was wrong. That it was an employment as an attorney and not services rendered wholly in the public interest is convincingly proved by the payment by him of the fee to his partners and his own declaration that he was appearing for them. That being so, the fact that he was serving them for nothing would not help the matter.

I am driven to the conclusion that the course of Mr. Brandeis in the whole transaction is far from commendable and shows a lack of appreciation on his part of the duty of an attorney to his client and a due sense of the proprieties so necessary to be observed by members of the profession.

THE LENNOX CASE.

The charge in the Lennox case is that Mr. Brandeis was employed by Mr. Lennox and was by him advised to make an assignment for the

benefit of his creditors. That, at the time he was the attorney for one of the large creditors of Lennox, he also by arrangement with the attorney for another large creditor was engaged to protect the interests of that creditor. That he had his partner made the assignee under the assignment. That subsequently Mr. Brandeis denied that he had ever been employed by or to represent Lennox and claimed he was employed to serve and protect all persons concerned in the settlement of the insolvent estate called by him the "institution." That, later, Mr. Brandeis's firm acting for creditors forced Lennox into involuntary bankruptcy alleging in the petition as an act of bankruptcy the making of the assignment for the benefit of creditors that he had advised him to make. That Mr. Brandeis and his firm collected fees for services rendered the assignee, one of the firm, also for services rendered the petitioners in the bankruptcy proceedings and for services rendered the trustees in bankruptcy, and the fee of the member who served as assignee for the creditors was also turned in to the firm.

To my mind the evidence that Mr. Brandeis was regularly retained and employed by Mr. Lennox to represent his interest is conclusive. It is an admitted fact that his firm was at the time the attorneys for one of the large creditors, of which he had full knowledge. It is shown clearly also that he afterwards denied that he was so employed, and his firm took sides against Lennox and proceeded to force him into bankruptcy. The employment took place under most remarkable circumstances. Mr. Lennox and his firm, P. Lennox & Co., were in financial difficulty. Abe Stein & Co., of New York, was one of the largest creditors. Lennox applied to Stein for the advancement of money to tide him over. Stein and his attorney, Mr. Stroock, went to Boston to look into the condition of Lennox's business. On the way over, on the train, Stein and Stroock concluded to employ Mr. Brandeis to represent Stein's interests in the matter. (Hearings, p. 1108; Stein's testimony, hearings, p. 1105.)

And in pursuance of this determination Mr. Stroock visited the office of Mr. Brandeis to consult him in the interest of Stein. (Testimony of Stroock, p. 1074, and of Stein, p. 1105.)

Later, and during the same forenoon, Stein and Stroock saw Lennox and after ascertaining his financial condition advised him to secure counsel and suggested that he employ Mr. Brandeis, to which he assented not knowing that Stroock had already seen him and retained him to protect Stein's interests. Stroock agreed to make an appointment with Mr. Brandeis, which he did, and Lennox, Stein, Stroock, and two other gentlemen proceeded to Mr. Brandeis's office.

Mr. Stein testifies that he saw Mr. Brandeis first in company with his attorney, Stroock, while Lennox and the others waited in the other room. Of this Stein testified as follows:

"Senator WORKS. Mr. Lennox was not present at the time?

"Mr. STEIN. At that moment he was not. Mr. Brandeis then sent for his stenographer and took down every word and all the explanations and all my claims that I had against P. Lennox & Co., and every part and parcel thereof. The stenographer sat there, I guess, for an hour or an hour and a half. During that time, I think, in order to rectify some statements—or not to rectify it, but to verify it—I said, 'Mr. Lennox is outside, and Mr. Spalding. May they come in here?' I said, 'They may give me some enlightenment.'

"Senator WORKS. Now, let us know, Mr. Stein, at what stage of this conversation Mr Lennox came in.

"Mr. STEIN. I could not tell you.

"Senator WORKS. He was not there at the beginning?

"Mr. STEIN. No, sir; but he came in subsequently. I sent for him. I went out myself and told him to come in. Mr. Lennox was then present for the balance of the testimony which Mr. Brandeis took with the stenographer in the room.

"Senator WORKS. Do you mean to say that the conversation that occurred between you and Mr. Brandeis and your attorney was taken down, or did the stenographer commence when Mr. Lennox came in?

"Mr. STEIN. It was before Mr. Lennox came in. That was all through. Mr. Brandeis said afterwards, 'All right, I will take your case.' He never stated, for one moment, any conditions why he should not do it. He never mentioned it to me. I was a party at interest, and and he would have told me—if he had told me there would be a conflicting interest at the start I would not have given the case to him. I would not have it so that five minutes after I told a man something he could say, 'Get out of here. I know all you know.'

"Senator WORKS. I understand you were employing Mr. Brandeis at that time?

"Mr. STEIN. Yes, sir; and then subsequently to that Mr. Lennox gave his testimony, which was taken down by the stenographer." (Hearings, p. 1106.)

After the interview and alleged employment, Lennox, who knew nothing of this, was called in and with Stein and his attorney and Mr. Brandeis, whose firm represented another creditor, Mr. Lennox was examined and cross-examined as to his business and assets and property. But before that Stein had informed Mr. Brandeis that he claimed for himself some of the goods in the hands of Lennox & Co. by virtue of certain receipts which retained a lien on the property that entitled him to reclaim it as against other creditors, and Mr. Brandeis had dictated the form of a notice to be given by Stein, in his interest, to persons holding or claiming such goods. This had been done at the instance of Stroock for the protection of his client Stein. There is a disagreement as to the time when this notice was dictated. The stenographer in Mr. Brandeis's office says it was done when Stroock was there alone with Mr. Brandeis. (Hearings, pp. 1016, 1077.)

Stroock says it was in the presence of Lennox, Stein, and the other parties. (Hearings, pp. 1074, 1075, 1077, 1095.)

Stroock also testifies that he had an arrangement with Mr. Brandeis that he was to "protect Mr. Stein's interests so long as they did not conflict with some one else's interest" (Hearings, p. 1075.)

The interview that took place in Mr. Brandeis's office when Lennox and the others were present was taken down in shorthand and transcribed So that we have at least a fair recital of what took place at that time. (Hearings, pp. 774–796.)

It will be seen that Lennox was examined in detail. This was being done by two attorneys, each of whom represented creditors claiming half a million dollars against him and his firm. Mr. Brandeis had stated that his firm represented Well, Farrell & Co., who Lennox stated held claims against him amounting to $200,000, and Stein's claim was about $300,000. And Stein, whose special claims growing out of the receipts above mentioned, understood at that very time that Mr. Brandeis was representing him as his attorney, as I have pointed out. He testifies that afterward Stroock, his attorney, told him that Mr. Brandeis had concluded to represent Lennox. (Hearings, p. 1108.)

This is confirmed by the fact that Mr. Brandeis prepared for him the notice above mentioned, and on that day advised as to his right to retain a certain check for $25,000 or $30,000 he had received from Lennox. (Hearings, p. 1107.)

The interviews to which I have referred occurred September 4 and 5, 1907. On the 10th day of the same month Stein and Stroock had another interview, involving Stein's right under his trust receipts. (Hearings, p. 815.)

But at that time, while Stroock and Stein contended that Mr. Brandeis was, under their arrangement with him, to represent Stein specially. Mr. Brandeis then contended that he was representing all the creditors as attorney for the trustee. To that Stroock replied: "I understood that you were going to act for all, but with the understanding always that Mr. Stein's interests should be protected by you under all circumstances." (Hearings, p. 819.)

This was a very natural inference to draw, considering the peculiar circumstances under which Mr. Brandeis came into the case, as above detailed. On the other hand, Mr. Lennox understood that he had employed Mr. Brandeis to represent him. (Hearings, p. 1114.)

Part of the examination of Lennox shows quite clearly that a foundation was being laid for the protection of Stein under his trust receipts. I quote:

"Mr. B. Your indebtedness to Abe Stein is about $200,000?

"Mr. L. Yes, sir.

"Mr. B. And that is all for merchandise?

"Mr. L. And money.

"Mr. B. That is, a note came due, and he gave you a check to take it up?

"Mr. L. No; I sent him over a paper previous to it becoming due.

"Mr. B. How recent have been the most recent of your purchases from Mr. Stein?

"Mr. L. I have got a lot of skins down there now, and was wondering whether to send them back to Mr. Stein.

"Mr. B. Have they been delivered to you?

"Mr. L. They were not delivered yesterday. I think they were this morning.

"Mr. STROOCK. When they are received, where do you hold them?

"Mr. L. At Peabody.

"Mr. S. At your warehouse?

"Mr. L. Yes, sir.

"Mr. B. Well, if they have been delivered, nothing ought to be done with them in any way—don't open them up. Don't touch them. How large an invoice is it?

"Mr. L. About $15,000.

"Mr. B. What was the last one before that?

"Mr. L. The last one before that was within a month.

"Mr. B. How much was that?

"Mr. L. I should say $25,000.

"Mr. B. Did the goods go to Salem or Peabody?

"Mr. L. Both places.

"Mr. B. And what before that?

"Mr. L. $20,000, I should say.

"Mr. B. How long ago was that?

"Mr. L. Ninety days ago.

"Mr. B. Where did that go?

"Mr. L. Both places.

"Mr. B. Before that, what was the last lot?

"Mr. L. I remember quite a lot of chinas—$40,000 worth.

"Mr. B. How long ago?

"Mr. L. About four months

"Mr. B. Where did they go?

"Mr. L. To Salem; or, I think, they were split up—part to one factory and part to another.

"Mr. B. Do you recall the lot before the $40,000 china lot?

"Mr. L. I couldn't go back. I could remember four or five lots, but we would work in a good many skins in between—work in a few hundred dozen.

"Mr. B. What have you got in process now?

"Mr. L. I think a lot of sheepskins of Stein's.

"Mr. B. When were they put into the works?

"Mr. L. Five or six months ago.

"Mr. B. And how large a lot is that?

"Mr. L. I should say it was $10,000 or $12,000 worth.

"Q. What else is there besides the sheepskins?—A. There is a lot which I call 'chinas.'

"Q. Those are Stein's?—A. Yes, sir.

"Q. Are they the $40,000 lot?—A. No; they are $8,000 or $9,000.

"Q. Is that a separate lot?—A. Yes." (Hearings, p. 777.)

These questions certainly show that Stein's interests were being looked after. It may have been the foundation of the notice sent out for his protection dictated by Mr. Brandeis.

For Lennox's account under this examination of his indebtedness, see hearings, pages 1080 and 1081.

Another very significant conversation took place between Mr. Brandeis, Stroock, and Stein, in which Lennox was called in and again catechized in their presence. The conversation took place on September 11, 1907, and was taken down. (Hearings, p. 815.)

Stein and Stroock were still contending that Mr. Brandeis was employed to represent Stein's interests and Mr. Brandeis repudiated it and claimed that he was representing the trustee. But Stein's rights were fully discussed, Mr. Brandeis giving his opinion of them, and in that connection Lennox was called in and questioned at length about his transactions with Stein, and in the presence of Stein and Stroock was advised and directed what to do. (Hearings, pp. 815. 819.)

Amongst other things, Mr. Brandeis said to Mr. Lennox:

"I want to say to you, Mr. Lennox, in Mr. Stein's presence and in Mr. Stroock's, that you must under no circumstances do anything regarding any documents or take any action whatever in regard to merchandise or anything without my knowledge. If anything has been omitted to be done which ought to have been done in the past, it must rest just where it is at this moment. I mean that if you intended to pay a note and didn't pay it, or promised to deliver a deed and did not deliver it, you must not now in any way change the situation.

"(Mr. Stroock and Mr. Stein go out.)

"Mr. B. I said that to you, Mr. Lennox, in their presence; I told you in the first instance when you came in that I would not let you do anything which would prejudice your position.

"Mr. L. I understand that; I am very glad that you took occasion to remind me of it. What is their position?

"Mr. B. Well, they have certain papers; I want to ask you a little more about those trust receipts, etc. (Hearings, p. 821.)"

Then follows a thorough course of questioning Lennox about what he had done that would affect Stein's interests in which both Stein and Stroock participated.

That it was understood that Mr. Brandeis was to act for Mr. Lennox is made perfectly clear to my mind by the testimony. And he did act for and advised him as to the first important step to be taken by him. He advised him to make an assignment for the benefit of his creditors. This was of serious moment to him for two reasons. It put an end to his business; put his property and that of the firm and his father out of their hands, and gave it over to the creditors, and at the same time constituted an act of bankruptcy that Mr. Brandeis's firm and others afterwards used to force him into the bankruptcy court.

A few brief extracts from the testimony will verify what I have said.

Very naturally Mr. Stroock clung to the idea that Mr. Stein, his client, was to be protected. He said:

"Mr. STROOCK. The next suggestion is this: Mr. Lennox has agreed that if possible he wants Mr. Stein protected, and, of course, he will be protected. I think, so far as protection can go under these trust receipts, I think they are reasonably safe. Now, do you think that the interests of all would be better subserved by Mr. Brandeis appearing as attorney for trustee of the Lennox family or as attorney for the Stein Co., so that if need be some strong man will be in a position to assert that right, and then have some other person attorney for Lennox & Co.?"

To this Mr. Brandeis replied:

"I am inclined to think that if we all agree that what we want to do is to distribute this property according to the legal rights of creditors, I could be more useful to that end by acting for Mr. Lennox instead of for Mr. Stein; that is, your rights, whatever they are, are rights which would be developed by a proper investigation of the facts. So far as investigation leaves doubts, that is a matter for a just settlement; that is a compromise of doubts, so far as they exist. I should feel if I were acting for Mr. Lennox as trustee, that it was the duty of the trustee to see that everybody got his legal rights as nearly as we could make it, and if we could not determine actually the question of law and of fact, that ought to be determined by proper settlement, and I should feel that we ought to have a committee of the creditors with whom the trustee could confer, and if there are any questions of doubt in adjustment, that we get the advice of that commitee and through them make the proper settlement."

Then followed, immediately, a discussion between the two attorneys as to Stein's rights. (Hearings, pp. 793, 794.)

Then Mr. Brandeis said:

"Now if Mr. Stein is content to stand upon that, I should feel that probably the best interests of all concerned would be subserved by my acting for Mr. Lennox and carrying out the plan of action which I have stated, and I feel that instead of our relation with Weil, Farrell being a hindrance, it would be a special advantage, because they would at once say: 'Well, those people will see that creditors are properly protected.' Of course, in this matter we should not only act for Weil, Farrell & Co., but we should act as trustees for Lennox, and all we could do would be to say, 'Gentlemen, we are acting for this man, and our friends—people who would otherwise be our clients—are interested all around. We can not act for them here, but we can assure them a good, square deal. That is all, and I feel very clearly that so far as Mr. Lennox is concerned, taking his standpoint alone, the only thing for him to do is to give the squarest deal that he can to his creditors. These statements put him in a position where, aside from his desires, his interests coincide with his desires. Now, I want you and Mr. Lennox to decide what you want me to do.'"

He also explained to Mr. Lennox what would be the effect of making the assignment after he had expressed his desire to escape notoriety such as would result from making the assignment. (Hearings, p. 794.)

If Mr. Brandeis was not acting for Mr. Lennox and advising him in his interest then we have two lawyers representing his creditors persuading the debtor, who was without disinterested counsel, to make an assignment for the benefit of their clients.

Mr. Brandeis gave this advice:

"The course that I should pursue if it were decided that I should act for you would be to at once prepare and complete an assignment, so that it could be used at a moment's notice, getting your father's signature as well as your own, and having it here so that it could be recorded at a moment's notice; then I should send for Mr. Farrell and somebody from Lee-Higginson's, and tell them the situation, and perhaps get some one from the Lynn banks and tell them the situation, and say that we want to consider with them what we had better do. If you could get along without an assignment, that, of course, would be desirable; but if we can not, we could have the papers ready to go on record. It is not our wish, but it is the necessity. I haven't a doubt that if this is done, if an open act occurs, we will have quite a lot of failures right along the line." (Hearings, p. 794.)

Then this further colloquy took place:

"Mr. L. Well, what kind of a position does that leave my father and myself in in the meantime?

"Mr. B. The position you would be in would be this: You would have transferred your property; the trustee would be in a position where he could employ you to assist him and could make you a reasonable allowance.

"Mr. L. Would the business be continued?

"Mr. B. The trustee would have to consider with creditors how far it would be desirable to do that. That would have to be passed upon in his discretion; but the reason for doing this, if we made this trust, would be to prevent somebody else stepping in and doing it, keeping it as nearly as you could in the form in which you would get the better hold. My own feeling is that the best thing for you to do is not to be thinking too much of yourself, but thinking of the best interests of your creditors. If there is plenty there, you have got it safe; if there is not, you will be in the position of having a fair, open, and aboveboard compromise; but I feel that it is for your interests as it is in accordance with good morals that you and your father should be just as frank and fair in the present situation as it is possible to be, and not to do anything that would incite any of the people who have been misled by statements which have been made to take actions which might prove a very serious blow to you and would be a fearful blow to your father. That would be my feeling; Mr. Stroock, I don't know whether you agree with me.

"Mr. S. I do, absolutely; the situation is a very dangerous one to my way of thinking. This concern, as we appear to find it, had over a million dollars assets outside of their business and more than a half million dollars in their business.

"Mr. B. What I should say in regard to this situation would be to simply tell them how I came to be connected with it. I would say that I had never known Mr. Lennox—either of them—nor had anything to do with their business; they came to me with creditors, and we looked into the matter, and it seemed the only thing for all concerned to take this action. Whatever mistakes may have been made or sins committed are past, and the only thing to do now is to deal with absolute squareness and frankness, and we look to that as the best solution for all concerned.

"Mr. STROOCK. Mr. Lennox, we will sum this proposition up. The question is whether your best interests with everybody would be subserved, and I think that Mr. Brandeis's suggestion is the best.

"Mr. L. I think it is.

"Mr. S. Without in any way being a flatterer, I think Mr. Bandeis's reputation in the community would best work this out. We will start out substantially under Mr. Brandeis's reputation for giving a square deal, and in the second place he will virtually represent the large interest to start with.

"Mr. L. You are speaking now of Mr. Brandeis acting as my counsel?

"Mr. B. Not altogether as your counsel, but as a trustee of your property.

"Mr. L. I came to you, and I shall certainly do whatever you say—that is why I came to you. The only thing is, I should like to escape as much notoriety as possible."

Thus, Mr. Lennox put himself completely in Mr. Brandeis's hands and declared his intention to follow his advice. I think there can be no reasonable doubt of the fact that this constituted between the two the relation of attorney and client. Mr. Lennox says, at the hearings:

"I referred everything to Mr. Brandeis. I acted entirely on his—under his direction. Mr. Stein and Mr. Stroock, and what I had heard of Mr. Brandeis, gave me unlimited confidence in Mr. Brandeis, and I acted upon it. (Hearings, p. 1115.)"

It should be said in this connection that Mr. Brandeis made no charge against either Lennox or Stein for services rendered.

The advice given was followed and Mr. Lennox made an assignment to Mr. Nutter, Mr. Brandeis's partner, for the benefit of his creditors. Mr. Lennox employed no other attorney, but relied upon Mr. Brandeis for advice until the firm of Mr. Brandeis commenced bankruptcy proceedings against him, or near that time, when Mr. Nutter informed him that Mr. Brandeis was not his attorney and never had been. Of this, Mr. Lennox says:

"I supposed Mr. Brandeis was representing me up to the time I met Mr. Nutter in the Columbia Kid Co.'s office. I asked him or said something about, 'I had not heard anything from Mr. Brandeis,' and he said, 'Why should you hear from him?' I said, 'As my counsel, I suppose I ought to hear something from him.' He said, 'He is not your counsel and never was your counsel.' That was the first intimation I ever had that Mr. Brandeis was not looking after my interests. (Hearings, p. 1126.)"

This led him to employ Mr. Sherman L. Whipple, of Boston, to represent his interests. (Hearings, p. 285.)

When Mr. Whipple came into the matter, November 18, 1907, he was informed by Mr. Lennox and Mr. Stroock of the relations between Mr. Lennox and Mr. Brandeis. (Hearings, p. 285.)

Mr. Whipple then called upon Mr. Brandeis and recounted what Lennox and Stroock had told him, and then said to Mr. Brandeis:

"They say that you advised an assignment to your partner, Mr. Nutter, and took all of Mr. Lennox's property and that you now claim that you are not and never have been his counsel, and I thought, Mr. Brandeis, it would be better for me to come right to you and talk over a situation which seemed to me to be serious, because if you did agree with the Lennoxes that you would act as their counsel, and now are acting in a position hostile to them, through this assignment, you will agree with me that a rather serious situation is presented. (Hearings, pp. 286, 287.)"

After which this further was said between them:

"Of course, that would be a serious situation, but it is not the situation at all; I did not agree to act for Mr. Lennox when he came to me. When a man is bankrupt and can not pay his debts, Mr. Whipple, he is a trustee for his creditors; he has no individual interest; he finds himself with a trust, imposed upon him by law, to see that all his property is distributed honestly and fairly and equitably among all his creditors, and he has no further interest in the matter. Such was Mr. Lennox's situation when he came to me, and he consulted me merely as the trustee for his creditors as to how best to discharge that trust, and I advised him in that way. I did not intend to act personally for Mr. Lennox, nor did I agree to. 'Yes,' I said, 'but you advised him to make the assignment. For whom were you counsel when you advised him to do that, if not for the Lennoxes?' He said, 'I should say that I was counsel for the situation.' I said, 'Yes; but you advised an assignment of all his property, so that your firm became possessed of it, because Mr. Nutter was your partner.' He said, 'Yes; and I know no one better in the city of Boston than my partner, Mr. Nutter, to execute such a trust as that. He stands high; he has everybody's confidence, and that is why I advised it.' I said, 'I must say, Mr. Brandeis, it looks to me very much, according to your principles, as if when a man was bankrupt and went to a lawyer, and the lawyer advises him to make an assignment for the benefit of his creditors, he assigns his lawyer with it, very much in the way a covenant runs with land.' He said, 'Mr. Whipple, I think that is a very unkind and very ungenerous statement for you to make. It impugns my motives and I can only assure you that I had no such motive in doing it. I was merely occupying myself with seeing that this property which was brought into my office in this way, was equitably and fairly distributed among the creditors, and I was looking after the interests of everybody; I was looking after any interest that Mr. Lennox had, if any, if anything should be left after the settlement with his creditors, but, in the first place, looking after the interests of the creditors.'"

This discloses fully Mr. Brandeis's attitude in the premises.

Subsequently correspondence took place between Mr. Brandeis, Mr. Stroock, and Mr. Whipple, in which Stroock maintained that Mr. Brandeis was employed by Mr. Lennox, and Mr. Brandeis adhered to his position that he was never counsel for Lennox. In his letter Mr. Whipple said, among other things:

"While very likely it may promote no useful purpose further to refer to this unfortunate misunderstanding, yet in fairness I may properly add that both Mr. Coburn and Mr. Spaulding are in accord with Mr. Lennox in his memory of what was said. I am further informed that both Mr. Stroock and Mr. Stein also understood that you undertook to act for Mr. Lennox."

In his reply to this letter, Mr. Brandeis wrote:

"There should be no difficulty in removing the misapprehension from Mr. Lennox's mind. When I was originally consulted by Mr. Lennox,

Mr. Stroock, and Mr. Stein, it was with regard to some proposed dealings between the Abe Stein Co. and P. Lennox & Co. When, however, I looked into the situation it was plainly evident that the firm of P. Lennox & Co. was financially embarrassed, and that no such arrangement could take place between the Abe Stein & Co. and P. Lennox & Co., as was suggested. I told Mr. Lennox and Mr. Stroock that in my opinion the situation was one in which the interests and rights of all Lennox creditors would have to be consulted, and that if they and Mr. Stein so desired, we would undertake to act for all the parties in interest, and it was on that understanding that the assignment was made to Mr. Nutter. It was certainly not made for the benefit of Mr. Lennox, but the parties and their respective rights to be served by us were exactly those stated in the assignment. In accordance with this understanding, my firm has acted for Mr. Nutter and thus for those whom he represented, namely, both the creditors and the assignors in accordance with their respective interests. Consistently with this position, we did not accept any retainer from Mr. Lennox or make any charge to him or to anybody except the assignee. (Hearings, p. 289.)"

It is only necessary to refer to the conversation between the parties at the time of the employment, as taken down by the stenographer, to see that Mr. Brandeis was utterly mistaken as to what was said there and the effect of it, to say nothing of the fact that every other person present, five in number, disagreed with his understanding of it.

That what occurred there made Mr. Brandeis the attorney of Mr. Lennox I think there can be no doubt. But he maintained his position to the last, and acted against Lennox in the bankruptcy proceedings, which, if he was employed by the latter, was clearly in violation of his duty as an attorney. In the bankruptcy proceedings Mr. Whipple after being employed by Mr. Lennox found occasion to question the right of the attorney appearing for Mr. Brandeis's firm to appear against Lennox in the bankruptcy proceedings because of his employment by Mr. Lennox.

Again, Mr. Whipple wrote:

"Since receiving your letter of the 21st Mr. Stroock, in a personal interview with me, confirms Mr. Lennox in his recollection that you stated you would act as Mr. Lennox's counsel.

"In view of the clear and consistent memory of these four gentlemen, Mr. Lennox insists that your own memory must be at fault, and that there is no misapprehension in his own mind.

"He says (and I think you also told me so) that a stenographer was present during all the conversations that you had with the respective parties. We ought to be able to get light on this question from her notes. Will you be good enough to inform me whether they altogether confirm your own memory as to what was said on that occasion of the first two interviews? I will await information on this point before writing further. If you could give it to me some time during the afternoon, before 4 o'clock, it would oblige me, as I shall be absent from the city to-morrow." (Hearings, p. 292.)

The copy of the stenographer's notes was not furnished, although Mr. Brandeis had them. Instead he replied:

"I am quite sure that if Mr. Stroock will go over the matter with me there can be no difference of recollection as to what actually occurred. If you will arrange with Mr. Stroock, I should be glad to see you and him either Wednesday or Friday of this week, if that will be convenient to you." (Hearings, p. 292.)

Mr. Brandeis wrote Stroock asking for a conference and inclosing a copy of his letter to Whipple defining his position. (Hearings, p. 294.)

To this Mr. Stroock replied as follows:

"DEAR MR. BRANDEIS: I acknowledge yours of the 30th ultimo, with which you inclose copy of letter which was sent by you to Mr. Whipple on the 25th instant, and a copy of Mr. Whipple's reply thereto. When I am next in Boston, I shall endeavor to meet you with Mr. Whipple, as suggested in your letter. In the meantime, I may remind you that I have met Mr. Whipple and repeated to him my recollection of the conversation which took place between yourself and the writer and Mr. Lennox, which summarized, amount to that which I have heretofore stated and written to you; that you were retained by and accepted the retainer of the firm of P. Lennox & Co. and of James T. Lennox." (Hearings, p. 294.)

To which Mr. Brandeis replied:

"DEAR MR. STROOCK: I have yours of the 2d. When I have the opportunity of meeting you and Mr. Whipple, I think you will find that there is an error in your recollection that I was 'retained by and accepted the retainer of the firm of P. Lennox & Co. and of James T. Lennox' if that expression is used as meaning anything more than that at their instance I undertook to act in this matter, as I have acted, namely, as counsel for the trustee for creditors and debtor under the assignment.

"I think that you will find that my letter to Mr. Whipple of November 21, of which I inclose you a copy, states accurately the situation." (Hearings, p. 295.)

It is evident that Mr. Whipple was convinced of Mr. Brandeis's employment by Lennox, for he says:

"As the record shows, I afterwards made some pretty vigorous protests on the record as to Mr. Brandeis continuing to act for parties who were hostils to Mr. Lennox. (Hearings, pp. 295, 298.)"

See further on this subject some of the proceedings in the bankruptcy in which Mr. Studley, acting for Mr. Brandeis's firm, appeared against Mr. Lennox, and Mr. Whipple for him. (Hearings, pp. 1007, 1008, 1011.)

In this hearing this colloquy took place:

"Mr. WHIPPLE. If I thought you asked the question in good faith for the trustees, and not in bad faith as representing Weil, Farrell & Co. and the execution of their threat at criminal proceedings, I would withdraw the objection, and it is on the latter ground explicitly that I direct him not to answer.

"Mr. STUDLEY. I should like to have a hearing on that question.

"Mr. WHIPPLE. You will have a lot of them before we get through with it. I propose to summon witnesses to establish the fact. When we have a hearing on that we will have a hearing that will take more than a few minutes to dispose of, because we will examine witnesses, and you know who they will be.

"Mr. STUDLEY. I don't know what you are talking about. Perhaps you do.

"Mr. WHIPPLE. You had better know. When you want a hearing on that, you will have to give more notice than this.

"Mr. STUDLEY. I don't understand you place the objection on the ground the testimony is likely to incriminate him?

"Mr. WHIPPLE. You may infer from what I have said that is the ground, because I have said you are asking that question in order to get your client into jail as further violation of your duty to him as an attorney.

"Mr. STUDLEY. I should suppose you would put it on some ground which the witness had a right to set up.

"Mr. WHIPPLE. That is a right which he has set up, to decline to be cross-examined for the purpose of carrying out a purpose of getting him criminally complained of—you, unfortunately, so far as it appears now, still being his own counsel.

"Mr. STUDLEY. If we are still his counsel, it is a matter of which I am ignorant. I had supposed for more than two years you have acted as his counsel.

"Mr. WHIPPLE. Not discharging your firm from his proper retainer and agreement. Because of your recreancy of your duty, he had to get additional counsel.

"Q. This letter, which I show you, refers to certain morocco factories. Will you tell what you referred to by those?

"Mr. WHIPPLE. That I object to on the same ground. I object to any question.

"Mr. PROCTOR. Would you object if Mr. Hall should ask the question?

"Mr. WHIPPLE. I do not believe Mr. Hall would do it, because he has no retainer to abet any such purpose as disclosed before the referee. He will ask only those questions which he desires to ask in good faith to get information, and not for purposes of criminal prosecution. If there are any questions which Judge Hall wants to ask on the subject matter of that letter or any others, I should like to hear them.

"Mr. STUDLEY. I would like to ask on that one. That did not come from Weil Farrell or through Weil Farrell?

"Mr. WHIPPLE. Anything that is asked for real information, and not for sinister purposes"

It must be remembered, in reading this extract of the proceedings, that Weil Farrell & Co. was the firm for which the firm of Mr. Brandeis was attorney at the time Mr. Lennox claims he retained Mr. Brandeis as his attorney.

Of the activity of Mr. Brandeis's firm in the interest of Weil Farrell & Co., who were his clients when Lennox was advised to make the assignment, Mr. Whipple says:

"Senator WORKS. This same firm, which Mr. Brandeis was representing before the proceedings were commenced, was the active creditor that brought about these criminal proceedings?

"Mr. WHIPPLE. Yes; but let me say that while they were in close touch, as I found by correspondence, with Mr. Nutter, and the creditors whom Mr. Nutter controlled voted for Mr. Farrell for trustee, yet I do not understand that Mr. Brandeis's firm did any active work or took any active interest in connection with the criminal proceedings." (Hearings, p. 304.)

It only remains to inquire what profits accrued to Mr. Brandeis and his firm by his acting as attorney for the "situation" instead of Mr. Lennox. As I have said, he received no compensation from either Lennox or Stein.

The firm did receive the following fees for services in the matter of the Lennox assignment and bankruptcy, as testified to by Mr. McClennen, a member of the firm:

As counsel for the trustee in bankruptcy	$12,000.00
As counsel for the assignee for the benefit of creditors	9,500.00
Through Mr. Nutter, fees as assignee	14,500.00
As trustee	2,852.88
For services from time of commencing proceedings in bankruptcy to the adjudication	5,000.00
	43,852.88
To this was added for office expenses	4,105.00
Making a total of	47,957.88

There is no claim—at least there is no proof—that Mr. Brandeis acted corruptly in this matter. The claim is, and the evidence sustains it, that Mr. Brandeis was employed by Mr. Lennox to protect his interests and that he failed to do so, and finally acted directly against him and procured these large fees that came out of Mr. Lennox's property for such services. It is not shown that the advice given Mr. Lennox to make the assignment was not good advice. It is not questioned that his condition was such that either an assignment for the benefit of creditors or proceedings in bankruptcy was inevitable. It is quite evident that Mr. Brandeis's firm profited largely in fees by the making of the assignment and subsequent enforced bankruptcy. Their fees under the assignment before the bankruptcy proceedings, including the assignee's fees which went to the firm, amounted to $24,000. Such fees in prospect was a strong temptation to advise an assignment. Whether it influenced Mr. Brandeis to advise that course no one can tell.

Of the action of Mr. Brandeis having his partner appointed assignee Mr. Whipple says:

"That is a risk * * * that a lawyer always takes when he advises an assignment to one of his own partners or to himself. That has been a very fashionable and usual thing, but I think it is all wrong when he has clients to take his assignments to himself. If he has a client who wants to administer an estate that is a risk he assumes in having himself appointed as administrator. If there is some important thing to do, it is a risk for him to say, 'I will do it for you.' My idea is that the client or some competent friend of the client should be appointed to his responsible fiduciary position and the lawyer act as his counsel." (Hearings, p. 303.)

It should be said in this connection, in justice to Mr. Brandeis, that while Mr. Whipple was opposing counsel to Mr. Brandeis's firm in the bankruptcy case and in the Warren case, hereafter to be noticed, and declared Mr. Brandeis to have been in the wrong in both cases, he testifies that he believes there was no wrong motive on his part, but these wrongs resulted from mistakes and misunderstandings on the part of Mr. Brandeis. (Hearings, 284, 299.)

He sums up the Lennox case in this way:

"You see, my belief was, at the time, that there was a misunderstanding. My belief was at the time, and now is, that Mr. Brandeis was misunderstood. That is, I preferred then, and prefer now, not on account of any personal friendship or feeling, but my view was that there was a misunderstanding. I think Mr. Brandeis was so much absorbed in the question of caring for the situation, and so much interested in the development of his ideas as to how this estate should be administered, that he unconsciously overlooked the more human aspect of it, which would perhaps have appeared to another; but here was a man confronted with perplexities and charges and troubles, who wanted his personal and individual care and attention. But I think Mr. Brandeis looked upon it as a problem of distribution." (Hearings, p. 299.)

It should be said also in this connection that Mr. Whipple is a supporter of Mr. Brandeis and favors his confirmation. When his nomi-

nation was announced, Mr. Whipple gave out an interview in which he said:

"As a lawyer, Mr. Brandeis is able and learned. As a man, he is conscientious and high minded. The feature of his career which is the most striking and remarkable has been his unselfish and unswerving devotion to the social, moral, and industrial uplift of the lowly and less fortunate of our people. I believe that on the Supreme Bench of the United States he will exert a strong influence in establishing the ideals to which he has devoted his recent years." (Hearings, p. 282.)

The American Bar Association, of which, I believe, Mr. Brandeis is a member, promulgated certain canons of ethics, of which this is one:

ADVERSE INFLUENCES AND CONFLICTING INTERESTS.

"It is the duty of a lawyer at the time of retainer to disclose to the client all the circumstances of his relations to the parties, and any interest in or connection with the controversy, which might influence the client in the selection of counsel.

"It is unprofessional to represent conflicting interests, except by express consent of all concerned, given after a full disclosure of the facts. Within the meaning of this canon, a lawyer represents conflicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose.

"The obligation to represent the client with undivided fidelity and not to divulge his secrets or confidences forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interests of the client with respect to which confidence has been reposed."

It is a canon well worthy of consideration in this connection.

THE GLAVIS-BALLINGER CASE.

The charge in this instance is that Mr. Brandeis professed and held himself out as the attorney for Glavis and in effect acting in the public interest when he was the paid attorney of Collier's Weekly. This is claimed to have been such an impropriety as should prevent his confirmation.

There is but little dispute about the facts. Glavis, a clerk in the Interior Department, had made grave charges against his superior, Mr. Ballinger, the then Secretary of the Interior. Collier's Weekly published these charges. They were such as to subject the paper to a successful prosecution for libel, if not proved to be true. Collier's, in this emergency, employed Mr. Brandeis to represent it and paid him a fee of $25,000 for his services. Admittedly he was employed to protect Collier's from liability on a libel charge, and to this end to establish the truth of the Glavis charges. But Mr. Brandeis did not appear for Collier's, but for Glavis, although Robert Collier was invited by the committee to appear and make any showing he might desire. This is the appearance of Mr. Brandeis in the hearings as shown by the record:

"Mr. GLAVIS. Mr. Chairman, I was here yesterday ready to proceed. I have brought my attorneys here, and I think that if they will be allowed to examine me that the testimony will proceed more rapidly.

"The CHAIRMAN. Are you ready to proceed to testify?

"Mr. GLAVIS. Yes, sir.

"The CHAIRMAN. Very well. If the committee has no objection to that course, we will have your testimony taken and your attorney can examine you in chief.

"Mr. MCCALL. I understand that Mr. Louis D. Brandeis is your counsel.

"Mr. BRANDEIS. I am counsel for Mr. Glavis with J. P. Cotton, jr., of New York.

"The CHAIRMAN. Have you any statement that you desire to make before we proceed? (Hearings, p. 1072.)"

J. P. Cotton, jr., as counsel with Mr. Brandeis for Mr. Glavis, was also employed by Collier's and represented it.

Mr. Mark Sullivan, now editor of Collier's and then associate editor, gave the committee the facts as he remembered them. (Hearings, p. 325.)

He states the object of Mr. Brandeis's employment by Collier's as follows:

"Senator WORKS. Then you understood, Mr. Sullivan, that Mr. Brandeis was employed by Collier's Weekly to represent its interests and protect it?

"Mr. SULLIVAN. Certainly. If, when the investigation began, Glavis had been discredited, if the investigation had shown nothing serious, Collier's Weekly was in position to be very much discredited.

"Senator WORKS. Will you be good enough to answer the question?

"Mr. SULLIVAN. Yes; surely. I meant to.

"Senator WORKS. Read the question, Mr. Reporter.

"The REPORTER (reading). 'Then, you understand, Mr. Sullivan, that Mr. Brandeis was employed by Collier's Weekly to represent its interests and protect it?'

"Mr. SULLIVAN. Largely, I should say, though I ought to remind you again that the editor of the paper then was Mr. Hapgood. I was not even present.

"Senator WORKS. I was only asking for your understanding of it. That was your understanding?

"Mr. SULLIVAN. Largely to protect the paper's interests and largely for public service." (Hearings, p. 327.)

Mr. Sullivan testified that it was well known that Mr. Brandeis appeared for Collier's. As he put it, "Everybody knew it" at the time and qualified it by saying that he knew it and discussed it freely, that he shared the knowledge, and that the "knowledge he had was general at the time." But he was quite unable to sustain this view by pointing out anyone to whom he had communicated that knowledge. (Hearings, pp. 326, 335.)

Subsequently he returned to the stand and named two persons to whom he had imparted his knowledge. (Hearings, p. 372.)

Mr. Norman Hapgood, then editor of Collier's, also gave his views of this transaction. He gives very clearly what induced Collier's to employ Mr. Brandeis and for what he was being paid. On that subject he testified:

"Senator WORKS. In the discussion of the matter was the question raised at any time as to the probable liability of Collier's for the publication it had made?

"Mr. HAPGOOD. It certainly was. There was an enormous liability of every kind—moral and financial. When we undertook to show that the Government was concealing such important facts we were undertaking a good deal, but we did it with a very large sense of responsibility of every kind.

"Senator WORKS. You understood perfectly that Collier's had a personal interest in the matter in view of the fact that it might be held responsible in an action for libel for publishing a document of that kind?

"Mr. HAPGOOD. We certainly did understand that." (Hearings, p. 459.)

Mr. Hapgood, like Mr. Sullivan, maintained that it was well known that Collier's Weekly was acting in the matter, but there is nothing to show that anybody, except maybe Collier's and their friends, had any knowledge that Mr. Brandeis was acting as the attorney of Collier's Weekly to protect its interests. Mr. Hapgood says there was a discussion as to "how the appearance was to be made" between him and Mr. Brandeis. He says:

"It seemed perfectly clear to us that if this was going to be kept a conservation movement against such big forces we must not try to get into the foreground; that Mr. Glavis, who was a Government official, as well as our contributor, should be the one person kept in front in order not to cloud the issue." (Hearings, p. 458.)

This discloses a deliberate attempt to deceive the committee and the country by keeping Collier's in the background and Glavis in front in order to make it appear to be a "conservation movement" in the public interest and not a defense of Collier's against a threatened libel suit, which was beyond doubt what Collier's were paying for.

That this deception was deliberately intended and carried out is made clear by the testmony of Charles E. Kelley. Mr. Kelley was at the time the regular attorney of Collier's. (Hearings, p. 388.)

He acted with and assisted Mr. Brandeis in the Glavis matter on the outside. He recounts what occurred between him and Mr. Brandeis as follows:

"Mr. Fox. Were you thereafter in Washington with Mr. Brandeis while he was acting in the matter of the Ballinger-Pinchot-Glavis investigation?

"Mr. KELLEY. Yes, sir: I was.

"Mr. Fox. Did you have any conversation with him on the subject of your appearing with him in the matter before the committee?

"Mr. KELLEY. I did.

"Mr. Fox. Will you please state what Mr. Brandeis said in that regard—what you said to him and what he said to you—giving, of course, the substance?

"Mr. KELLEY. I would not undertake to state more than the general substance, because the conversations extended over many days. The substance of the conversations on Mr. Brandeis's part was that he did not care to have me appear with him before the committee, and he also stated in those conversations the reasons for that request.

"Mr. Fox. Will you give the reasons, please, and what he said?

"Mr. KELLEY. He stated in substance that he was going to appear or was appearing—because the conversations extended over some time—before the committee as attorney for Mr. Glavis.

* * * * * * *

"Senator CUMMINS. In your discussion with Mr. Brandeis with respect to appearance was it understood that the relation of Mr. Brandeis to Collier's could not be made known?

"Mr. KELLEY. Really, sir, I doubt my ability to testify as to what was understood. I might venture what the understanding was between Mr. Brandeis and myself, but I would not care to go further than that.

"Senator CUMMINS. That is precisely what I asked you.

"Mr. KELLEY. As between Mr. Brandeis and myself, I think I would have to say that was the understanding.

"Senator CUMMINS. What reason did Mr. Brandeis give, if any, for desiring that course to be pursued?

"Mr. KELLEY. That was a subject of conversation between Mr. Brandeis and myself on many occasions with a view of deciding what was the best policy in so far as the prosecution of the charges, if I may put it that way, was concerned. I do not think I could state at this date that there was any further reason than one of policy." (Hearings, pp. 389, 392, 398.)

This shows the intent and purpose of Mr. Brandeis to conceal the fact that while he appeared of record as the attorney for a public official in the cause of conservation he was in fact appearing for and being paid for appearing for and in the interest of private individuals to protect them from personal liability.

Mr. Kelley also testified to the fact that prior to the commencement of the hearings, Collier's were invited to appear and present evidence. (Hearings, p. 399.)

I have examined with some care the proceedings before the Glavis-Ballinger committee and Mr. Brandeis's course in that hearing, and the manner of his treatment of the committee and the witnesses tends to show the nature of his employment. It does not seem to me to have been the course of a public-spirited citizen seeking to forward the "conservation movement" in the public interest.

I think it is very generally regarded by the profession as an impropriety for an attorney to appear as the attorney for one person when he is employed and paid by another person not a party to the action or proceeding to represent his interests. This seems to me to be an aggravated case of that kind involving the intention and the effort to conceal the true character of the employment. It is made worse, in my estimation, by the fact that the great question of conservation and the conduct of a public official in dealing with that subject was of record and supposed to be in fact the matter under investigation and in the public interest. The element of private interest and the effort to protect a private individual from personal liability was a false issue which was purposely concealed.

Mr. Hapgood, like Mr. Sullivan, declared that it was well known that Collier's Weekly was interested in the investigation. But there is no evidence to show that anyone knew that Mr. Brandeis was employed and paid by Collier's to protect their private interests. Not only so but it is shown that Mr. Brandeis himself concealed or tried to conceal that important fact.

As to the course of Collier's Weekly, Mr. Hapgood testified:

"Senator WORKS. Did Collier's Weekly publish the facts respecting this investigation as it passed along?

"Mr. HAPGOOD. Yes, sir.

"Senator WORKS. Was anything said in Collier's about Mr. Brandeis appearing for Collier's or being paid by Collier's during that time?

"Mr. HAPGOOD. At one time a newspaper which was actively supporting the administration attacked us along various lines, including the statement that we were paying Glavis's lawyer. I wrote a short and rather satirical editorial, merely saying that we certainly were, and we would support any other contributor who got into trouble of that kind through us.

"Senator WORKS. Can you give us a reference to that editorial so that it can be reached?

"Mr. HAPGOOD. I can to-morrow or this afternoon.

"Senator WORKS. I did not expect you to do it now, but if you will furnish us with a copy of it I shall be very glad." (Hearings, p. 458.)

The letter was subsequently produced. (Hearings, p. 706.)

It does not disclose the fact that Mr. Brandeis was appearing for or being paid by Collier's. It assumes that it is legally protecting its contributor, when, in fact, as the evidence of both Mr. Sullivan and Mr. Hapgood shows, that Mr. Brandeis was employed and paid to protect Collier's Weekly and not Mr. Glavis. How it was legally protecting its contributor is not disclosed. But this letter is important as showing the intolerant, uncompromising, not to say bitter and malignant spirit that was being represented and served by Mr. Brandeis in a hearing where he was ostensibly appearing with the commendable purpose of arriving at the truth concerning a matter of public interest and concern. That he and his clients should attempt to conceal the fact is not to be wondered at. The letter accentuates and makes clearer, if possible, the grave impropriety of the whole proceeding.

It must be taken as true, therefore, that Collier's Weekly as well as Mr. Brandeis was concealing the fact that Mr. Brandeis was appearing for or representing it.

The testimony of Mr. Sullivan shows that for his services for Collier's Weekly he was paid by it the sum of $25,000. (Hearings, p. 386.)

Mr. Storey very well said in his testimony:

"If Mr. Brandeis had come before the committee and said he was there in the interests of an illustrated newspaper that was engaged in pushing this case all the way through, he would have occupied a very different position from that which he apparently occupied when he appeared for a man without means to conduct a great public inquiry." (Hearings, p. 269.)

I call attention in this connection to this further canon of the American Bar Association:

PROFESSIONAL ADVOCACY OTHER THAN BEFORE COURTS.

"A lawyer openly, and in his true character, may render professional services before legislative or other bodies regarding proposed legislation and in advocacy of claims before departments of government, upon the same principles of government, upon the same principle of ethics, which justify his appearance before the courts; but it is unprofessional for a lawyer so engaged to conceal his attorneyship, or to employ secret personal solicitations, or to use means other than those addressed to the reason and understanding to influence action."

THE WARREN CASE.

S. D. Warren died May 2, 1888, leaving property consisting mainly of book-paper manufacturing mills of the value of something like $2,000,000. He disposed of the property by will, five-fifteenths to his widow and two-fifteenths to each of his five children. He had a partner, Mortimer B. Mason, in the paper business, whose interest was limited. He was, under the partnership, allowed to draw out of the firm only $15,000 a year, and his interest was terminated at the death of Warren.

"The year Mr. Warren died the property yielded a profit of $460,000, and the business had yielded the year prior over $400,000, and had been up considerably above a quarter of a million, and all the time, I think, above $300,000 for eight years preceding." (Testimony of Youngman, hearings, p. 463.)

Mr. Warren left a widow, Susan C. Warren, and five children—S. D. Warren, jr., Fiske Warren, Edward P. Warren, Henry Warren, and Cornelia I. Warren. The oldest child, S. D. Warren, jr., was a lawyer and the partner of Mr. Brandeis. All of the heirs joined in a bill of sale of the personal property connected with the mills to S. D. Warren, M. B. Mason, and Fiske Warren—one-third to S. D. Warren, one-half to Mason, and one-sixth to Fiske Warren as partners. (Hearings, p. 548.)

Then by conveyance, through John E. Warren, they conveyed the mill property to Susan C Warren, S. D. Warren, and M. B. Mason in trust. The declaration of trust provides:

"Second. The trustees shall themselves manage and conduct the business of said mills and the other property at any time held in trust, with full powers to do all things needful or proper in the conduct thereof, or, in their discretion, they may lease said property or any part thereof; and they are hereby empowered to lease the same, or any part thereof, among others, to a partnership or organization in which they themselves, or some of them, are partners or members, or to some person or persons who shall sublease or assign the lease to such a partnership or organization, on such terms as may be proper for the interests of all the beneficiaries." (Hearings, pp. 549, 550.)

It was also provided that the trust should continue for 33 years, but that the trustees might terminate it at their sole discretion and put an end to the trust and reconvey the property. (Hearings, p. 551.)

No option to terminate the trust was given to the beneficiaries of the trust. So if the business under a lease that was undoubtedly then in contemplation should prove profitable the trust might continue to the end of the 33 years; if not, the property could be thrown back upon the heirs of the estate.

The declaration of trust was executed May 29, 1889, and was signed by the three trustees only.

On the following day the trustees executed a lease of the property to Louis D. Brandeis. (Hearings, p. 553.)

The lease provided:

"To have and to hold the said premises hereby leased unto the said Brandeis and his representatives at the will of the lessors, but subject to be determined by a one year's notice in writing, no shorter notice being allowed except for default of the said Brandeis on his covenants as hereinafter provided.

"Yielding and paying therefor (except only in case of fire and other casualties hereinafter mentioned) yearly as rent a sum equal to the interest at 6 per cent per annum on the value of the premises hereby leased, as they appear in the books of the said trustees at any time (the said part rental for any year or for any period to which the account is made up being the balance of the interest account kept with said properties hereby leased on the books of the trustees after all debits and credits are made), plus a sum equivalent to 50 per cent of the net profits made by the use of the property hereby leased, after allowing a reasonable per cent as commission and guaranty on sales (over and above the interest at 6 per cent hereinbefore provided for).

"It is hereby understood and agreed that the said Brandeis may assign this lease and the interest thereunder to a copartnership consisting of Samuel D. Warren, Mortimer B. Mason, and Fiske Warren, to conduct the business heretofore carried on under the name of S. D. Warren & Co. under the same name." (Hearings, p. 553.)

It is quite evident that these several instruments were executed in pursuance of a previous understanding that this lease should finally be made. Whether the exact terms of the trust and of the lease, neither of which was signed by the heirs of the estate, were understood and agreed upon, the evidence does not disclose.

In pursuance of the authority given in the lease to him, Mr. Brandeis assigned the same to S. D. Warren, M. B. Mason, and Fiske Warren, who took possession of the mills and operated them for many years under the lease.

Subsequently Edward P. Warren became dissatisfied with the transaction and the operation of the mills and brought his action December 19, 1909, against the lessees for an accounting. (Hearings, p. 894.)

The substance of the bill, so far as it affects the question before the committee, is that S. D. Warren and Mr. Brandeis, his partner, devised a scheme for placing the property in trust and for leasing the same to Mr. Warren and others; that Warren's interests under the lease, as he knew, would come in conflict with the other heirs; that in furtherance of the scheme Warren also procured from his brother Edward, plaintiff in the action, a general power of attorney to represent him; that the interests of the beneficiaries under the trust were not properly protected under the trust; that Warren violated his duty as such trustee and committed many breaches of trust, which are enumerated. Amongst other things, it is alleged:

"The plaintiff says that the said trustees, acting under the advice and direction of the said Samuel D. Warren, overlooked the fact that it was their duty to have the advice of an independent attorney owing no duty to any persons having interests adverse to those of the beneficiaries represented by the trustees and employ constantly the same attorney who was employed by the lessees, namely, the business associate and legal adviser of said Samuel D. Warren, Louis D. Brandeis, Esq., and the law firm of which he was the principal member. That said trustees have paid to the said Louis D. Brandeis and to his law firm during the period from 1889 down to the present time upward of $40,000 out of the assets of said trust, and during the said period the said lessees have paid a like amount for services rendered to the copartnership consisting of the same Samuel D. Warren and Mortimer B. Mason, trustees as aforesaid, the other copartner, Fiske Warren, having only a small interest."

And, again:

"In preparing said lease said trustees, under the guidance and direction of the defendant, Samuel D. Warren, having regard chiefly to the personal interests of the said Samuel D. Warren and his copartnership and disregarding the interests of the beneficiaries under said trust, provided that said copartnership should be entitled to receive out of the gross income of the business a commission which should be deducted before arriving at the net profits. Said commission and net profits received by the said Samuel D. Warren and the said Mortimer B. Mason as copartners as aforesaid during the first five years after the creation of the trust, to wit, from 1889 to 1894, amounted to upward of $900,000. The commission alone of said partnership during the period from 1889 down to the present time has amounted to upward of $1,200,000, being an amount entirely disproportionate to any services rendered by said copartnership, or by any member thereof in view of the other sums received by said copartnership and its members in the way of profits and otherwise from the gross income of the business." (Hearings, p. 896.)

And further:

"The plaintiff says that equity considers the substance of matters and not their form. That the scheme planned by the defendant, Samuel D. Warren, and adopted under his guidance, was in substance that the property should be managed and the business carried on by himself and in his cotrustee, Mortimer B. Mason, for the benefit of the widow and children of Samuel Dennis Warren. That under this arrangement it was not permissible that the said Samuel D. Warren and the said Mortimer B. Mason to take for their own services more than a reasonable compensation upward of $2,024,700, being $1,024,700 more than can be considered reasonable in any aspect of the case. That the taking of this excessive amount amounted to a very serious breach of trust. That the plaintiff is informed and believes that the said Samuel D. Warren, his copartner, Mortimer B. Mason, having been incapacitated by reason of his illness aforesaid, resulting in his death during the current year as aforesaid, has planned to take out of the business in the way of commissions and profits (in addition to his share as a beneficiary) upward of $100,000 for the year ending December 31, 1909, and will take said sum or a larger amount at the end of the year 1909 unless prevented from so doing by this court." (Hearings, p. 898.)

There were other allegations of breaches of the trust, but those set out will suffice to show what was the nature of the action.

The case went to trial but before the end of the trial it was compromised by the heirs of S. D. Warren, who had died in the meantime, and others, paying Edward P. Warren, the plaintiff, a large sum of money and taking over his interest in the property and the business.

During all the time after the death of S. D. Warren, sr., until Edward P. Warren brought his action or was preparing to bring it, Mr. Brandeis was the attorney for and representing all the interests concerned including the settlement of the Warren estate, the trustees under the trust, the lessors, and the lessees under the lease, and, as included in these, the interests of all the heirs of the estate and was paid for the services rendered by him for each and all of them and that his firm had received $40,000 for services to the trustees and a like amount from the lessees of said trustees as charged in the bill of complaint. It is not necessary to go into the details of the charges made in this respect. There is no evidence to show that there was any corrupt conspiracy between Mr. Brandeis and his partner, S. D. Warren, to defraud or take any undue advantage of the other heirs of the estate. It was agreed at the hearings, by all parties concerned, that Mr. Warren was a highly honorable and trustworthy man as well as an able lawyer. It does not seem reasonable that such a man would knowingly enter into any scheme to injure his brothers and sisters.

There is no doubt that the lease was very favorable to the lessees but it is only fair to presume, in the absence of evidence to the contrary, that both Mr. Warren and Mr. Brandeis, in good faith, believed the terms of the lease to be justifiable under the circumstances. This leaves the question of the right or the propriety of an attorney representing two wholly adverse and conflicting interests at the same time under retainer and pay of both.

This raises a question about which there may very reasonably be differences of opinion. Mr. Storey, who testified against Mr. Brandeis, did not think it was wrong, and said he might have done the same thing. (Hearings, p. 279.)

But when asked whether it was not the common practice for a lawyer who had the confidence of all the parties to undertake to represent all of them although, eventually, the interests may be disclosed to be in a sense conflicting, he said, "I think it is a common practice but I think a bad practice." (Hearings, p. 279.)

Afterwards Mr. Storey explained and limited this statement by letter.

Mr. Whipple took the position that Mr. Brandeis was "possibly careless in not making very, very clear to Mr. Edward Warren just the whole transaction and its possible effect upon his rights." (Hearings, p. 284.)

His full statement on the subject I have already given.

Mr. Bailey and Mr. Youngman, who represented Mr. Edward Warren in the litigation, both regarded the course taken by Mr. Brandeis as absolutely wrong. (Hearings, pp. 138, 141, 471, 474.)

And Mr. Youngman testified that Mr. Storey was not present except one day during the trial; was only nominally an attorney in the case for Fiske Warren, who was not actually contesting the case one way or the other.

All of these gentlemen are capable and honorable members of the profession. The one thing that appeals to me as the most serious question of not only propriety, but of legal right, is the fact that when a conflict did arise between the parties whom he had up to that time represented and a suit was brought by one of them against the other, Mr. Brandeis should accept employment for one of his former clients against the other. The detailed information that he must have acquired from his long connection with the whole matter from the beginning to the end gave him an immense advantage over opposing counsel. Besides this, his confidential relations with Edward Warren, evidenced by correspondence that had taken place between them as attorney and client, regarding the matters in litigation, should, it seems to me, have excluded him from any participation in the controversy. Up to the time of making the lease I see no serious ground of complaint of Mr. Brandeis's course. When the lease was made the interests of the parties became antagonistic, and they could not be properly and ligitimately served by the same attorney. It was complained that he neglected his duty to Edward Warren by not keeping him fully informed of what was going on and of his rights.

It is not unusual for attorneys to advise a whole family respecting their business affairs when there is no disagreement between them. I think, as Mr. Storey said, it is a bad practice, that may bring an attorney, however conscientious he may be, into an unfortunate and awkward situation and arouse criticism. That was just what happened in this instance, and when it happened the only true course to take was to decline, as soon as the difference arose between his clients, to represent either of them. The failure of Mr. Brandeis to take this course was the gravest mistake he made.

It appears from the testimony of Mr. McClennen, Mr. Brandeis's partner, that for 21 years their firm drew an annual salary from the trustees under the trust, and the lessees from them whose interests were, of course, in direct conflict. The salary was $5,000 a year for part of the time, and then $4,000, amounting in the aggregate to something like $90,000, and was divided between the two. (Hearings, p. 1258.)

This continued up to the time when Edward P. Warren brought his suit, when the firm took the side of one of the interests, by which it had been employed and paid, against one of the beneficiaries under the other, by which it had also been employed and paid.

The real controversy was between one of the beneficiaries under the trust and heir to the estate, also represented by the firm, against the lessees, but if it had been between the beneficiary and the trustees the appearance by Mr. Brandeis would have been equally objectionable.

I can not see how this course of conduct can be justified or excused.

THE ILLINOIS CENTRAL RAILROAD CASE.

A contest was on between Stuyvesant Fish and E. W. Harriman involving the election of a board of directors for the Illinois Central Railroad and the control of the road. They were each making strenuous efforts to secure enough proxies from stockholders to control the situation. Waddill Catchings, representing the Harriman interests, employed the firm of Mr. Brandeis to aid him in securing such proxies. It seems to have been understood that Mr. Nutter, of the firm, should have charge of the work. But Mr. Brandeis was consulted with in the beginning and approved of the employment of the firm for that purpose, was fully advised in the matter, and consented that the firm act in that capacity. (Catchings's testimony, hearings, pp. 396, 342.)

The nature of the employment and the work done is fully explained by Mr. Catchings. (Hearings, p. 342.)

He testified that the sole connection of Mr. Brandeis was to give his approval to the employment of the firm. (Hearings, p. 343.)

But this appears to be a mistake.

Mr. Francis Peabody testified that a young lawyer came to him to get his proxy; that he told him he had already given it to Mr. Fish, and that he did not approve of the effort to remove Mr. Fish and that he replied:

"'Well, Mr. Brandeis says that he is a personal friend of yours,' which was true, 'and he asked me to say to you that he would like to have you give a proxy,' which would have the effect of revoking my former proxy, in the Harriman interests, and that if you are unwilling to do so he personally will come over and see you.' I said, 'My mind is quite made up about it. He said, 'Mr. Brandeis told me to say to you that he would like to come over and see you about it; and may I use your telephone?' I said 'Yes; you can use my telephone, but it is perfectly useless; nothing i am quite certain, that Mr. Brandeis could tell me in the way of argument would induce me to change my proxy, as I have implicit faith in Mr. Fish.'" (Hearings, p. 750.)

So it seems that Mr. Brandeis was taking part actively in the hunt for Harriman votes.

In another matter that will be taken up later Mr. Joseph B. Warner accused Mr. Brandeis of having represented Mr. Harriman as his attorney. In the so-called Merger case Mr. Warner said:

"That was the situation when this report was made. Since that they have done a good deal more. They have acquired the Illinois Central Railroad, the control of it, he has, and I suppose nobody could tell us more definitely about that than the attorney who is managing the antimortgage cause, for I understand that it was he who solicited for Mr. Harriman the proxies which enabled him to get the control of the Illinois Central Railroad, so far as Massachusetts stockholders were concerned. So we have the interesting spectacle of the same gentleman declaiming against monopoly in the afternoon and evening, and declaring for it in the morning, in both cases, I assume, without pay, but in each case addressing the people of Massachusetts." (Hearings, p. 635.)

From the manner in which the subject was treated by both Mr. Warner and Mr. Brandeis it must have been regarded as discreditable to have accepted such employment. At all events Mr. Brandeis wrote a letter denying the imputation, in which he said:

"Mr. Warner said, in effect, that I was acting and had acted as counsel for Mr. Harriman. That statement is absolutely untrue in every respect. I have never acted, directly or indirectly, for Mr. Harriman or communicated directly or indirectly with him, or with anyone who represented him directly or indirectly; nor have I acted, so far as I know, directly or indirectly for any company with which Mr. Harriman has ever been connected. No one connected with my firm has ever acted directly or indirectly for Mr. Harriman or for any company with which Mr. Harriman was connected, except as follows:

"On November 22, 1907, a representative of the firm of Sullivan & Cromwell, of New York, for whom we have acted from time to time for nearly 15 years, requested my partner, Mr. Nutter, to aid him in connection with obtaining proxies for the annual meeting of the Illinois Central. Mr. Nutter, in the presence of Sullivan & Cromwell's representative, asked me on that day whether there was anything in my merger fight which should prevent his acting in that matter, and I told him none whatever; that so far as I knew Mr. Harriman had no interest of any kind in the merger question.

"Mr. Nutter did act for Messrs. Sullivan & Cromwell, and either he or persons employed by him solicited in the most open manner during the course of several months proxies, applying, among others, to many gentlemen who were known to be most actively in favor of the merger.

"If the judgment of Mr. Warner and his associates were not entirely obscured by prejudice so as to quite overcrowd their reason, they would have found, in the fact that Mr. Nutter did act most publicly in the matter of soliciting proxies for the Illinois Central meeting, the strongest evidence that in this merger matter I could by no possibility be representing Mr. Harriman, rather than the reverse." (Hearings, p. 352.)

Disconnected with other matters to be considered later, this is the case made in this instance. There might be some question of the propriety of a firm of lawyers accepting employment of that kind, but it seems to me to be rather a question of taste. The other issue is one of veracity.

WRECKING THE NEW ENGLAND ROAD.

The charge is made that the New Haven road undertook to destroy the New England road as a competitor, and finally succeeded. That Mr. Brandeis was instrumental in bringing about that result, and brought a number of suits in different States in the effort to carry out that purpose. Mr. Brandeis's part in it, if that was the object of the suits, is thus stated by Mr. Moorfield Storey, who was then the attorney for the New England road:

"Mr. Brandeis, acting apparently or ostensibly for one N. F. Goldsmith and his partner, Mr. Keith, and one, Mr. Lotham, brought a series of bills, 10 in number, in Boston, in Rhode Island, and in Connecticut, aimed to paralyze the financial operations of the New England Railroad. One suit was brought for the purpose of preventing the payment of the dividends of the preferred stock, another was brought to prevent the issue of mortgage bonds. The New England Railroad had bonds which were paying 5 or 6 per cent and 6 or 7 per cent, and they desired to refund, and one of their purposes was to issue more bonds. Another suit was brought to attack their leases of certain branch lines, and in all 10 suits were brought.

"In the spring of 1893 the Legislature of Massachusetts, first at the instance of certain dealers in produce, and afterwards giving the investigation a broader scope, appointed a committee to consider what the relations between these two railroads were, and I conducted the hearing. Mr. Brandeis testified that he was the main counsel; that the other counsel had acted under his direction. He testified that Messrs. Arling, Webb, and Moorehouse, Connecticut lawyers, were acting under his direction, and that the bills they brought were drawn in his office, and that he was the counsel in charge. He said that scarcely a day passed for six months that he had not had something to do with those suits. The result of it was that the credit of the New England Railroad was destroyed; its financial operations were impaired, and its sources of revenue were cut off, except so far as they came from earnings; and, in the fall of 1893, the corporation went into the hands of a receiver, from which it emerged as a part of the New Haven Railroad. At the investigation I undertook to find out for whom Mr. Brandeis was acting, and he finally said that his client was Goldsmith. I asked who paid the bills, whereupon he declined to answer, saying that was a privileged question. I suggested that it perhaps was not and he cited some authorities and stated he would consider it. That occurred on one day and the next day he was away from Massachusetts, as he testified—I think in New York—and the third day he came back and told us. He began by saying that 'While I am perfectly willing to give this information to the committee, I want it to be agreed by Mr. Storey that it shall not be given out in any other investigation.' Here was his statement:

"'We are willing to give the information to the public so far as the public needs it, or the legislature needs it, but we are not willing to be compelled before this tribunal to give testimony which will prejudice our case in court.'

"He wanted me to sign a written agreement that the testimony he gave there should not be used in these cases. But after I pointed out that I could not very well see how any legitimate statement as to his clients would prejudice his case he decided on the whole that he would not insist upon it. Thereupon it turned out that Mr. Goldsmith was the owner of about 60 shares of stock, worth at that time about $3,000, and by no means in a position to incur the expense of six months' employment of counsel in Massachusetts, in Connecticut, and in Rhode Island in the briging of 10 suits. The bills which were brought forward were bills brought in the name of Goldsmith and such other stockholders as should see fit to join. They stood before the court and were pressing their suits brought by the stockholders in their own interests to prevent transactions which were pending and threatening to injure the value of their stock. It was perfectly apparent. It turned out on examination that a man named Judge Kelly, from New York, had come on there and consulted Mr. Carling (?), who was president of the Magee Finance Co., and they had employed Brandeis. The question arose as to whose name the suit should be brought in, and Mr. Carling ran over the list of stockholders, and they finally applied to somebody, whose name was not disclosed, who refused to allow his name to be used. Then it was that Mr. Goldsmith, a liquor dealer of Boston, was applied to, and apparently they promised him a considerable sum of money for the use of his name. His name was accordingly used. When I asked Mr. Brandeis who was his client, he gave the name of Goldsmith and also gave the name Coburn. When I asked if he ever made any charge to those people on his books, he said no. I asked him to whom he did make his charges and he said he made them to Kelly, or they were paid through Kelly.

"Senator CHILTON. Who was Kelly?

"Mr. STOREY. The lawyer who came on from New York representing somebody.

"Mr. ANDERSON. Now one of the supreme court judges of New York.

"Mr. STOREY. Yes; at that time acting as counsel.

"Senator WALSH. Representing whom?

"Mr. STOREY. His name was William J. Kelly, I think.

"In the fall of 1892 apparently, as the correspondence which I have seen shows, Mr. Kelly seemed to lose his interest in the suit, and Messrs. Arling, Webb & Moorhouse, after writing to him, applied directly to the New Haven road for instructions, and from that time on the litigation was carried on by them. In the course of that litigation it became necessary that a bond should be given to indemnify the defendants where an injunction was to be issued to prevent the registration of certain bonds. The bond was in the sum of $25,000. The New Haven road furnished security, and Mr. Coburn gave the bond, and the security was signed by Messrs. Tuttle—afterwards president—Charles P. Clark, president, and Mr. J. Pierpont Morgan, and Mr. William Rockefeller. From that time on the suits were carried on, not resulting in any hearings, because the company went into the hands of a receiver before the cases came on for hearing." (Hearings, p. 264.)

He says further on this subject:

"It is apparent to me that it was clear to Mr. Brandeis that these ostensible parties were not his clients. He never regarded them as such. He never made any charge to them. He took his directions entirely from somebody representing an outside person. That outside person may have been Coburn or may have been the New Haven Railroad. In any event, it was not the somebody who was the ostensible party he was representing. That somebody was either interested in the New England road or he was not. If he was interested in the New England Railroad, there was no earthly reason why his name should not be used in those suits. If he was not interested in the New England Railroad, then it was clear that some outside influence, some outside person, for a reason unwilling to disclose himself or itself, was working to injure the New England Railroad and working effectively, industriously, persistently." (Hearings, p. 266.)

And again:

"It appeared afterwards and appeared at the trial of the New Haven directors that this agreement, of which I have spoken as made, and I have seen this week that the New Haven Railroad paid Moore, Webb & Arling something like $27,000 for services and expenses in the suit, and that after Mr. Corbin's death and Mr. Goldsmith's death the administrators of the Goldsmith estate brought suit against the Corbin estate, alleging that he had been promised a large and liberal compensation for the use of his name, and the New Haven Railroad settled that case by the payment of $10,000."

It was further shown that in the actions lately brought by the Government against the directors of the New Haven road one of the charges made was that the Goldsmith suits were brought in the interest of the New Haven road for the purpose of destroying its competitor, the New England Railroad. (Hearings, p. 267.)

Mr. Storey summed up his views on the subject as follows:

"In the New England case you have the facts that the suits were calculated to wreck the New England, that they had that effect, that they were paid for by the New Haven; that the ostensible parties were not the real parties, and that Mr. Brandeis was unwilling to disclose who the real parties were." (Hearings, p. 270.)

Extracts from the petition and other proceedings in the United States *v.* New Haven & Hartford Railroad Co. and the criminal action against William Rockefeller et al. were introduced in evidence at the hearings.

They show the prominence that was given to the charges above referred to, including the bringing of the Goldsmith suits as means of wrecking the New England road. (Hearings, pp. 415, 420.)

In the Rockefeller case Mr. Batts, one of the counsel, thus characterized the efforts of the New Haven to destroy its competitor:

"There is also no question that while that competitive condition existed, and by methods that are so very wrong, so entirely without the range of decency and legality, that under the improved morals brought about by the several acts passed by the Congress of the United States, they would not even be thought of at the present time by men engaged even in the railroad business. There is this, at least, to be said about the New England: If these methods had not been pursued, and the New England Railroad had been permitted to do the financing with these suits that Mr. Rockefeller and Mr. Morgan helped to maintain, and by that word 'maintain' I am now using it in a sense which indicates an illegal maintenance—if, I say, the New England road had not been subjected to these illegal, immoral influences, there is at least the possibility at this time that there would have been two active competitors, two efficient roads, serving the people of New York and the people of Boston in matters of passenger service and everything else."

Mr. Brandeis's testimony before the committee of the Massachusetts Legislature regarding this transaction will also be found in the record. (Hearings, p. 421 and on.)

The testimony is very long and can not be inserted here. It deserves the careful attention of the committee as giving fully Mr. Brandeis's account of his connection with the Goldsmith suits. That the New Haven finally took over these suits and became liable for all expenses in connection with them and gave a required bond of $25,000 is clearly shown. The suits, while brought in the name of Goldsmith and others, were in fact instigated and carried on at the expense of one Austin C. Corbin, who obligated himself to pay all of the expenses of the litigation, as I shall presently show. Who Corbin acted for in the beginning is not shown, but that the New Haven finally took his place and made itself responsible for the further prosecutions and management of the cases can not be doubted.

The following correspondence used as exhibits in the Government suits discloses this:

NEW YORK, *January 23, 1893.*

To AUSTIN C. CORBIN,
New York:

We are informed that there is a proceeding or suit in Connecticut, wherein one H. L. Knowlton and N. F. Goldsmith & Co. are plaintiffs, in which it is sought to enjoin the comptroller from registering $2,000,000 of bonds of the New York & New England Railroad Co., and the court will enjoin the registry until the case is decided, on condition that a bond for $25,000 is given to cover any costs or damages that may be awarded to the defendants by reason of the granting of such injunction. We desire to have such bond given, and if you will procure it to be furnished, we agree to pay any costs or damages that may be awarded and will indemnify and save you harmless from all loss by reason of such litigation, we being consulted as to its management.

LUCIUS TUTTLE.
WILLIAM ROCKEFELLER.
J. PIERPONT MORGAN.
CHAS. P. CLARK.

(1630, 1631.)

APRIL 12, 1898.

J. PIERPONT MORGAN, Esq.,
Post-Office Box 3036, New York.

MY DEAR MR. MORGAN: Acknowledging your favor of the 11th instant, I beg to assure you that you need pay no attention to the Corbin suit, as we will assume all care and responsibility in that matter, and it is now in the hands of our counsel, who will give it all the attention the case demands. I am very glad to know of your safe return and good health.

Yours, sincerely,

JOHN M. HALL, *Vice President.*

—

JULY 8, 1898.

Hon. LYNDE HARRISON,
New Haven, Conn.

MY DEAR JUDGE: Referring to your favor of the 5th instant, I beg leave to say that I will endeavor to obtain from Mr. Kochersperger a statement of the dates and the amounts paid by our company on account of the Goldsmith matter, etc., very soon. * * *

JOHN M. HALL, *Vice President.*

—

NOVEMBER 29, 1898.

Hon. LYNDE HARRISON,
New Haven, Conn.

DEAR JUDGE: Answering yours 19th, regarding expenses in the Goldsmith litigation, I would say that Mr. Kochersperger has finally picked them out and the aggregate is $7,074.73.

Yours, truly,

JOHN M. HALL, *Vice President.*

—

AUGUST 4, 1898.

Mr. WILLIAM ROCKEFELLER,
26 Broadway, New York.

MY DEAR MR. ROCKEFELLER: Your statement of purchases and sales of N. H. & N. E. stock was duly received. Please find check herewith to balance that account, and also accept the thanks of the company for the financial assistance rendered by you in bringing this important matter to a successful conclusion.

Time alone can determine the financial benefit accruing to our company by the acquisition of the New England road, which we all agree never should have been built. I am confident any benefits to be derived from its possession will be chiefly the prevention of competition rather than from its operation.

I am clear, however, that the greatest possible economies ought to be exercised in the management of that property in connection with our own and that such a policy will alone prevent the New England Railroad becoming a very serious burden to us. * * *

Yours, very truly,

JOHN M. HALL, *Vice President.*

(1633–1640.)

—

WILLIAM ROCKEFELLER, Esq.,
26 Broadway, New York.

DEAR SIR: * * * There is no reason whatever why Harrison should have troubled you with this matter, and if you will kindly refer him direct to me, I will endeavor to see that this matter is properly disposed of, when it can be done on a fair basis. The claim of these parties is simply a blackmailing scheme, got up after Mr. Corbin's death, to secure money from Mr. Corbin's estate, and incidentally from us, to such extent as we guaranteed Mr. Corbin for disbursements and services in the old suit of Goldsmith against the New England Railroad Co., which was proceeded with to stop the issuance of additional funds of the New England Railroad Co., and which resulted in preventing the New England Railroad Co. from issuing the large number of bonds which we, as purchasers of the New England Railroad Co., would have had to assume if they had succeeded in issuing them. Whatever we pay in settling this suit, even if it amounts to the whole demand, would be justified on account of the benefits secured by the suit in question. * * *

Yours, very truly,

JOHN M. HALL.

(1650–1653.)

(Hearings, pp. 449–452.)

The blackmailing scheme referred to by Mr. Hall evidently refers to an action brought by the estate of Goldsmith against the estate of Corbin to recover advances made by the former to carry on the suits, which will be further noticed presently.

We have then the testimony of Hon. William J. Kelly, then a practicing lawyer, now a judge of the Superior Court of New York. (Hearings, p. 403.)

Judge Kelly was employed by Corbin. For some reason Corbin did not want to bring the suits in his own name. So he, assisted by Judge Kelly, secured Goldsmith and others to bring them, Corbin obligating himself to pay all expenses and protect Goldsmith from liability. Corbin had been a member of the board of directors and president of the New England road. Judge Kelly says, after reciting the difficulties and dissensions between Corbin and other members of the board of directors:

"Mr. Corbin was a very positive man in his ways; he was very much provoked and annoyed; and when he got out of the New England Railroad he said there was only one thing he should do, in view of the condition of the road and in view of the fact that the directors in the road had used their position, and were using it, for the purpose of benefiting themselves at the expense of the road; that there was only one thing to do, and that was to bring proceedings to put the road into the hands of a receiver for the protection of the stockholders and the second-mortgage bondholders. That is when he came to me about these litigations. That is when I saw Mr. Brandeis first. I went to Boston and I saw Mr. Brandeis, and employed him to assist me in the matter. Bills of complaint were drawn in Massachusetts and Connecticut and New York to put this road in the hands of a receiver, in which the charges to which I refer were set forth in detail; the fact that the road was insolvent; that its operating expenses exceeded its earnings long before these suits were started." (Hearings, p. 405.)

So the avowed purpose for which Mr. Brandeis was employed was to put the road in the hands of a receiver, which, under the circumstances, was to wreck it. This being so, it was not surprising that Corbin, who was a man of wealth and influence, should want to conceal his part in it and hide behind a small stockholder.

Their first step was to prevent the company from paying dividends or issuing bonds. The litigation was kept on foot until, in 1894, a

mortgage was foreclosed, when, as Judge Kelly says, "the Goldsmith litigations and all these various Corbin litigations ceased." (Hearings, p. 405.)

Evidently they had served their purpose. Corbin had turned the cases over to the New Haven road, that road guaranteeing the payment of all expenses.

When asked whether, at the time, there was any scheme on foot on the part of the New Haven to wreck the New York & New England, Judge Kelly said:

"I do not know anything about it, sir. I had nothing to do with the New Haven Railroad at all at the time of the beginning of these litigations; absolutely nothing to do with it. Mr. Corbin's position was antagonistic to them at that time. He had expected to carry on the New England Railroad, sir. It was long after that that the New Haven road had anything to do with these litigations. The end of 1893 or 1894 was the first time they had any connection with these litigations, and that was when the foreclosure suit was pending or imminent, when these litigations were of no service to anybody." (Hearings, p. 406.)

He also says that Mr. Brandeis was not employed to wreck the New England Railroad and that "the reason he was employed was to show that the New England Railroad was wrecked at that time and to prevent the further distribution of the corporate assets among certain of the directors," which would amount to practically the same thing in the interest of the New Haven road and accomplished the desired result as above set out. The New England road was wrecked, and it was taken over by the New Haven. The preliminary proceedings involving temporary injunctions tying up the activities of the road were successful, and when this was accomplished the litigation was no longer pushed but waited until the mortgage was foreclosed against which the New England, tied up as it was by the pending litigation, was helpless to protect itself. Whether, if let alone, it could have survived there is no proof nor can anyone tell. But it is certain that it could not with this obstructing litigation pending. It became an easy victim of the New Haven road. And that this was just what was intended is evident from the events as they followed each other, culminating at last in the New Haven taking over the litigation of Corbin's dummy. (Hearings, p. 407.)

Judge Kelly also testifies that Goldsmith's estate sued the Corbin estate for his expenses, and those expenses were paid by the New Haven road. (Hearings, p. 408.)

The suits brought and the nature of them are also explained by him. (Hearings, p. 409.)

It is clearly shown that as soon as the road was reduced to a state of helplessness, Corbin lost interest in it and did not want to put any more money into the litigation. This is quite evident from Judge Kelly's testimony. (Hearings, p. 411.)

Corbin first indemnified Goldsmith to induce him to commence the litigation, and then the New Haven road guaranteed payment of all expenses to induce Corbin to keep it going, and the attorneys were serving them throughout. They were all playing into the hands of the New Haven road and wrecking the New England for the benefit of the New Haven.

That this was the intention of Corbin from the beginning I have no doubt. Everything points in that direction. Judge Kelly says he did not know it. It is only fair to say that Mr. Brandeis did not. But the effect of such litigation was so transparently for the purpose of wrecking the New England road that it should have made a prudent and careful attorney suspicious that his services were being used for an improper purpose. He should have been doubly cautious and on his guard when he knew that the nominal plaintiff was not his client, but that some one else, whose identity was concealed, had employed and was paying him for appearing.

It has been altogether too common, I am afraid, to bring suits in this way. It is a practice that should be condemned. It is a deception on the court and one means of encouraging and promoting litigation. If Mr. Corbin had been compelled to bring the suits in his own name, they probably would not have been brought at all. It would have been a commendable and highly proper thing for his attorney to have said to him, "I will bring these suits in your own name, if you desire it, but I will not accept a retainer from you to prosecute them in the name of another man who is only your dummy and would not prosecute them at his own expense."

THE EQUITABLE LIFE ASSURANCE SOCIETY CASE.

This case presents a remarkable state of affairs. Mr. Fox, one of the attorneys before the committee, thus stated the case:

"Mr. Fox. The situation is this: It develops the utterances by Mr. Brandeis in the speech before a certain organization in Boston, at the time he was acting as and published as being made by 'counsel' to a certain protective association, composed of persons who were policyholders in the Equitable Society, were incorporated in this court paper which he filed, in effect. Among these apparently was Mr. McSweeney, and we find Brandeis, Dunbar & Nutter paid by Mr. McSweeney, one of the policyholders, for services in connection with his policy, a certain amount. We shall, we suppose, through Mr. McClennen, with the aid of Mr. Anderson, prove a little more precisely the organization of this protective association. We then find later that the utterances or the acts which Mr. Brandeis charged in his speech as an individual as being iniquitous, he defends as counsel for the Equitable, taking a position at one time precisely contrary to the position taken later, not only as regards the legality, but the morality." (Hearings, p. 680).

Some of the stockholders of the company, being dissatisfied with the management, organized amongst themselves a protective association, so called. Mr. Brandeis espoused the cause of these complaining stockholders and acted as secretary and adviser of the association without compensation. (Testimony of Whitman, p. 972.)

Mr. Whitman says the action of the stockholders was friendly and for the benefit of the company. As evidence of the state of comity existing and the friendly nature of the movement I quote from a speech delivered by Mr. Brandeis before the Commercial Club of Boston, October 26, 1905:

"Mr. President and gentlemen, eight months ago dissension among guilty officers of the Equitable Life Assurance Society first directed public attention to the conduct of the life insurance business. Since then the disclosures of financial depravity have aroused widespread indignation; but even then the importance of the subject is not generally realized. * * *

"Such is the power which the American people have intrusted to the managers of these large companies. How has it been exercised? Substantially as all irresponsible power since the beginning of the world—selfishly, dishonestly, and in the long run, inefficiently. The breaches of trust committed or permitted by men of high financial reputation, the disclosure of the payment of exorbitant salaries and commissions, the illegal participation in syndicate profits, the persistent perversion of sacred trust funds to political purposes, the cooperation of the large New York companies to control the legislatures of the country—these disclosures are indeed distressing; but the practice of deliberate and persistent deception of the public which the testimony discloses, though less dramatic, is even more serious. * * *

"In the case of common criminals flight is accepted as confession of guilt. With financiers and business men falsification of books has hitherto been considered the strongest evidence of guilt. Yet the falsification of the books of these companies has been a persistent practice. Secret ledgers have been opened in which were entered questionable investments and more questionable expenditures. Hundreds of thousands spent "for legislative purposes" were charged up in real estate account. So elaborate has been the system of fraudulent entries that after months of investigation the particular form of rascality embodied in the Equitable's $685,000 Mercantile Trust Co. so-called "yellow dog" account has not yet been detected.

"The degree of guilt involved in such transactions will be appreciated only when one remembers that the life insurance business beyond all others in the world rests upon confidence—confidence that in the remote, indefinite future the present sacrifice of the policyholder will bring protection to widow and children." (Hearings, p. 668.)

This must have been regarded as a friendly and playful reference to the methods of the company, for Mr. Brandeis was at that time and has been ever since the attorney of the company.

Mr. McClennen, one of the firm, testifies that no complaint whatever was made by the company of Mr. Brandeis's attack upon it. (Hearings, p. 684.)

He testifies also to the continued relation of attorney and client between the company and the firm and names a number of cases in which they appeared for the company all through this trouble and down to this time. (Hearings, pp. 684, 685.)

In one of the cases, namely, Peters *v.* The Equitable Life Assurance Society, the complaint charged some of the very things against the company that Mr. Brandeis so dramatically denounced in his commercial club speech. (See the bill in equity in that case, hearings, p. 670.)

In that case Brandeis, Dunbar & Nutter appeared for the defendant corporation and filed an answer denying all the charges made against it in the bill. (Hearings, p. 676.)

The position of Mr. Brandeis in his public utterances strongly condemning the company and his appearance for the company and his defense of it against like charges seem so inconsistent as to need explanation. Mr. McClennen, a member of the firm, has given his version of it, which is nothing more than a history of the proceedings in the matter without any explanation of their apparently inconsistent positions. (Hearings, pp. 697, 698.)

It appears from his testimony that the case first came to the notice of their firm August 25, 1906, about 10 months after the commercial club speech. It was probably one of the results of that agitation against the company and by rights might well have been prosecuted by Mr. Brandeis to vindicate his charges against the company.

GILLETTE SAFETY RAZOR CO. CASE.

Mr. Brandeis was charged with unprofessional conduct in certain cases concerning the stock of the Gillette Safety Razor Co., and evidence was offered to sustain the charge. I have been unable to see any reasonable ground of complaint of Mr. Brandeis's course in that case, taken as a whole. It was another struggle to get control of a corporation of which so many seemed to fall to the lot of Mr. Brandeis. They generally engender much ill feeling and charges and countercharges of misconduct, as they did in this case.

THE OLD DOMINION COPPER MINING & SMELTING CO. CASE.

This is another case in which Mr. Brandeis incurred the violent displeasure of some of the parties concerned. It began by his employment to oust Mr. Bigelow and his friends from the management of the company on the ground that Bigelow had wrongfully converted to his own use a large and valuable block of the stock of the company. Mr. Brandeis represented the complaining stockholders and his clients were successful in getting control of the company. Mr. Brandeis was then made the general counsel of the reorganized company and Charles Sumner Smith, one of his stockholder clients, became its president. A consolidation or combination of the stock and operations of the Old Colony and the United Globe mines, owned by Phelps Dodge & Co., was proposed and the value of the stock of each of the companies became important. The directors of the Old Colony Co. caused an investigation of the properties of the two companies to be made by an engineer, and received a report from him showing that the stock of the Old Colony Co. was greatly more valuable than the other company. It was claimed that in the effort to induce the stockholders of the Old Dominion Co. to deposit and post their stock with that of the United Globe mines as of equal value this report was concealed for a time from them by the directors, and that this was done with the connivance and under the advice of Mr. Brandeis. There is no evidence to sustain this charge. It appears that Mr. Brandeis had nothing to do with the suppression of the report, and that if he had there was sufficient reason for not making it public at that time, which was done a little later. (See testimony of William F. Fitzgerald and Charles Sumner Smith, hearings, pp. 1227, 1269.)

But another peculiar condition was disclosed in this transaction. After Bigelow was ousted there remained a claim against him for the stock alleged to have been converted by him. In the bringing together of the two companies this claim was not included, but was left to be prosecuted by the Old Colony Copper Mining & Smelting Co. In making the deal a new Old Colony Co. was formed as a holding company with which the stock of the two companies was deposited. Some of the stockholders of the Old Colony Copper Mining & Smelting Co. refused to go into the deal and did not deposit their stock with the holding company. It was left to Mr. Brandeis to work out a scheme that would take care of all parties concerned. In doing so he provided for trustees to handle and pay over to the stockholders the money that might be collected from Bigelow. The president of the Old Colony Copper Mining & Smelting Co., who had been one of Mr. Brandeis's clients in the fight for control of the company, was made one of the two trustees. In the trust agreement it was provided that the trustees should receive for their services 5 per cent of the amount collected on the Bigelow claim. In turn the board of directors agreed with Mr. Brandeis to pay him 10 per cent of any amount collected for his services. The effort to collect from Bigelow was successful, and Mr. Brandeis, with his 10 per cent and some other fees paid him for services in the matter, had received $225,000 for his services and the trustees $45,000 each. Thus the company has paid out for the collection and distribution of this fund to the stockholders $315,000, besides large fees paid to other attorneys employed in New York. (Hearings, p. 1275.)

The trustees had nothing to do with the collection of the money. The suits were brought and prosecuted by the Old Dominion Copper Mining & Smelting Co. All the trustees did was to receive the money and pay it out to the stockholders. The fee received by Mr. Brandeis would seem large, at first blush, but I do not think it was an unreasonable charge. The amount recovered was something over $2,000,000, and the litigation involved the bringing of suits in different State and Federal courts and covered several years reaching the Supreme Court of the United States. But the amount paid the trustees was unconscionable. They had practically nothing to do that could not have been done by any competent clerk or accountant at an expense of a few hundred dollars.

The only reflection that can justly be cast upon Mr. Brandeis in the whole transaction, as I see it, is that he devised this scheme, including the creation of this trust, and himself fixed the compensation of the trustees that has proved to be exorbitant. (Hearings, p. 1274.)

But there is nothing to show and no claim that Mr. Brandeis profited in any way by reason of this fact. He received his own fee, that was, in my judgment, well earned and nothing more.

There is nothing in this charge worthy of serious consideration.

THE MERGER CASE.

The Merger case, so called, was an attempt on the part of the New Haven road to take over and absorb the Boston & Maine. One Mr. Lawrence was a very large stockholder in the Boston & Maine and was opposing the proposed merger and solicited Mr. Brandeis's assistance to prevent it. Mr. Brandeis's position in the matter is thus stated by his partner, Mr. McClennen:

"The desire of the Lawrence interests was to prevent this, I will say, merger, as a short term, to express it. Mr. Brandeis was entirely in sympathy with that, but states that it appeared to him that it was a question of public policy of New England that deeply affected generally New England interests, the interests of the community of New England; that it would involve his taking public positions on the matter, and that he should prefer not to be hampered by being in the state of contemplation. (Hearings, p. 991.)"

So Mr. Brandeis undertook the work as a public duty, but, at the same time, paid the other members of his firm $25,000 out of his own pocket as their fee for the services rendered by him. (Hearings, pp. 992, 995.)

In other words, Mr. Brandeis, by paying his partners a fee, recognized this as services rendered a private individual, but for himself personally he preferred to treat it as a public service that should be rendered without compensation. In this he took precisely the opposite course pursued by him in the Glavis case and one was quite as likely to create suspicion and criticism of his motives as the other. The fact that he was taking this course was concealed as his taking a fee in the Glavis case was concealed. (Hearings, p. 993.)

Naturally, as Mr. Anderson, who acted as Mr. Brandeis's counsel on the hearing though asked to act by the committee, says there "were insinuations in this record that he was appearing in the public interests and also privately." (Hearings, p. 992.)

That was precisely what he was doing. He took up the matter at the instance of Mr. Lawrence, represented his interests, and paid his partners for the services. So far as his appearance for Mr. Lawrence was concerned the situation would not have been in the least different as a matter of principle if Mr. Lawrence had paid the fee to all of the firm instead of his paying it to his partners. The only effect of this course, instead of the unequivocal one of taking compensation from Mr. Lawrence, was that Mr. Lawrence escaped the payment of a fee that was justly due from him and Mr. Brandeis was placed in an equivocal and questionable situation. The natural result was that ostensibly he appeared in the public interests only, and was suspected of bad faith, in that he was believed to be appearing in that way and being paid by private interests. It was just that suspicion that brought the transaction before the committee. On the other hand, if the truth had been made known, as Mr. McClennon now discloses it, the public would have suspected that the money he paid his partners was made up to him in some other way.

It was a position that no attorney should allow himself to occupy, and one that, any way one can look at it, was bound to bring him under suspicion of his motives. Whether such a suspicion was justified or not, it put him in a false situation.

EMPLOYMENT BY LIQUOR DEALERS.

The governor of Massachusetts recommended to the legislature an amendment to the liquor law making it more certain as a means of promoting temperance in that State. Mr. Brandeis "was registered under the law as a" legislative counsel for the Protective Liquor Dealers' Association and the New England Brewers' Association to oppose the legislation. (Hearings, p. 1056.)

This was a long time ago, February, 1891. Public sentiment and individual opinions have greatly changed since then and one can not justly be judged by the present standards in dealing with the sentiments expressed. But the question was not one of prohibition but regulation of the liquor traffic.

Mr. Brandeis offered two drafts of bills favorable to the liquor dealers. (Hearings, pp. 1057, 1058.)

He also delivered a somewhat extended address in favor of his clients. He conceded the great evils flowing from the liquor traffic and that it should be regulated, but contended against the kind of regulation urged by the friends of temperance. (Hearings, p. 1058.)

He said:

"The use of liquor is not a wrong. It is the abuse and not the use which is wrong, and, consequently you must not allow yourself to be carried away by your emotions; you must not be misled by your indignation at the misery which liquor has produced."

He insisted that liquor must and would be sold and drunk, and the only question was, "How can the traffic be conducted with least injury to the inhabitants?" (Hearings, p. 1059.)

And the remedy he insisted upon was, "Make the liquor business respectable."

He said further:

"If you will but recognize facts instead of closing your eyes to them, as these gentlemen of the Law and Order League have done; if you will accept the fact that liquor is desired by a large majority of the voters of the Commonwealth, and consequently that people will sell it; if you will recognize that and will make laws which do not necessarily harrass those engaged in the business; if you will let them conduct it respectably—as a majority of these people desire to conduct their business—if you will permit them to earn, not merely money, but what is more important, the esteem of their fellow men, the whole race of liquor-dealer politicians will soon pass away. The liquor dealers will become as inconspicuous in public life as the butchers and bakers. They will devote their leisure and their means to such enjoyments as others do, instead of seeking to control officials and elections by fair means or by foul. You made the liquor dealers politicians as you made them criminals when you passed laws which were unreasonable and clashed against the habits of the great mass of the people when you made their business precarious; when you selected that class of the community for invidious distinction and persecution. Repeal the obnoxious laws, and, when once you have removed the real cause of this evil—the unhealthy conditions—nature will lend its ever-ready aid, and the body politic will recover." (Hearings, p. 1064.)

The views expressed in this address differ very materially from my own, but I have no doubt they were shared by a very large proportion of the community at that time.

Besides, a man should not be condemned for expressing his views sincerely entertained. The vice of it is that these were not the views of Mr. Brandeis, the citizen, expressed in the public interest. They were the paid-for sentiments of a lawyer advocating a change of the laws of his State in the interests of a business acknowledged by all thinking people to be injurious to the public welfare. It was a great moral question, up for legislation, and upon such no man should appear as the paid attorney of private interests.

PROTESTS.

Many protests against the confirmation of Mr. Brandeis have been received by the committee and recorded in the hearings. First was a list of 61. (Hearings, p. 319.)

Then came 16 others, on separate protests, stating their reasons for objecting to the confirmation. (Hearings, pp. 622, 623.)

They affirm a lack of judicial temperament and that "his reputation among a large number of the members of his own profession and of the people in general is such that he has not their confidence."

Another protest, signed by William H. Taft, Simeon E. Baldwin, Francis Rawle, Joseph H. Choate, Elihu Root, and Moorfield Storey, all of whom have been presidents of the American Bar Association, is in the following language:

"To the SENATE COMMITTEE ON THE JUDICIARY:

"The undersigned feel under the painful duty to say to you that, in their opinion, taking into view the reputation, character, and professional career of Mr. Louis D. Brandeis, he is not a fit person to be a member of the Supreme Court of the United States." (Hearings, p. 1226.)

These protests, coming from men of high standing, many of them lawyers of high rank, should receive consideration in determining our course.

REPUTATION.

The protests to which I have referred placed their opposition in part upon the fact that Mr. Brandeis's reputation among a large part of the members of his own bar and others is not good.

The subcommittee permitted evidence to be adduced bearing upon the question of reputation, but limited the number of witnesses to five on each side. As might be expected, the witnesses differ widely as to this, but all agree that amongst some of the members of the bar and others his reputation is not good. The witnesses for Mr. Brandeis claim that the reputation thus admitted is not general and not well founded. What they say on this subject—all of them admittedly men of standing and integrity, is worthy of attention.

Mr. Bailey gives it as:

"First. That he is a very able lawyer; that he is a man of keen intellect; that he is an able advocate; that he is not entirely trustworthy.' (Hearings, p. 153.)

Mr. Storey:

"I think his reputation is that of a man who is an able lawyer, very energetic, ruthless in the attainment of his objects, not scrupulous in the methods he adopts, and not to be trusted." (Hearings, p. 271.)

Mr. Storey gives the names of a large number of lawyers and others who have expressed themselves unfavorably as to his reputation. (Hearings, p. 273.)

Mr. Whipple, in speaking of the Lennox case, said:

"He was sincere about it, and it illustrates, to my mind, why you have heard about Mr. Brandeis from the Boston bar some things that you have heard. I think they have misunderstood him. That is my personal opinion, and I think if Mr. Brandeis had been a different sort of man, not so aloof, not so isolated, with more of the comradery of the bar; gave his confidence to more men, and took their confidence; said to them, when he was charged with anything that was doubtful, 'Boys, what do you think about it?' and talked it over with them—you would not have heard the things you have heard in regard to him.

"But Mr. Brandeis is aloof; he is intensely centered in carrying out his own ideas and his own ideals, which I believe are pure, which I believe are high-minded; and he does not, so far as I know, consult with anybody or take them into his confidence, and he will do things of a startling character. Nothing could illustrate it better than this Lennox matter." (Hearings, p. 300.)

And, again:

"I think I have stated with sufficient clearness my belief that the opinion which has been expressed with regard to Mr. Brandeis in your hearings is founded upon a misconstruction of Mr. Brandeis's motives, because the thing that colors a man's acts usually is his motive." (Hearings, p. 305.)

And, in speaking of the men who have questioned Mr. Brandeis's reputation, he says:

"As I remember that list, I do not think the motives of one of them could be impugned. I think they misunderstand Mr. Brandeis. I do not think that they are very much in sympathy with a great deal that he does. But I can not think of anyone in the list that I have seen who does not conscientiously believe just the statement which he signed. They are, all of them, very high-minded men. I do not think they are all of them very liberal or progressive men. I think they are conservative, and I think that anything that threatens or menaces the traditions which they revere they think is worse than an iconoclast."

* * * * * * *

"I do not think one of them would sign that paper without the most deliberate and prayerful thought as to whether they were doing Mr. Brandeis an injustice, or whether by so doing they were discharging a public duty, and that they were required to do it. They are all of a class in that respect. Men that would not for the world do a wrong or a harm to anybody else consciously; but, on the other hand, they have their conception of a duty, and that is if anyone is propagating mischievous propaganda that upsets the traditions in the community

that we all revere it is a public duty to abate it." (Hearings, pp. 308–309.)

Mr. Pillsbury:

"His reputation as it has come to me is that of a very active, adroit, and successful business lawyer; a man of unbounded audacity; a man if you wish to go into questions touching integrity—a man, I should say, of duplicity; double-dealing; a man who works under cover so that nobody ever knows where he really is or what he is really about. I have not ever heard him accused of cheating in money transactions." (Hearings, p. 654.)

Mr. Hutchins:

"His general reputation at the bar is that he is a lawyer of great ability, but not straightforward." (Hearings, p. 611.)

Mr. Hall. Mr. Hall's estimate of Mr. Brandeis is in the form of a letter. He says:

"First, then, so far as ability goes, there can be no question as to Mr. Brandeis's professional standing. He is universally acknowledged to be one of the ablest men at our bar, both in point of legal learning and of effectiveness, and if the question was of intellectual ability alone, his appointment would be generally approved.

"There is, however, equally little question that he is not generally popular with the bar, and that among a considerable proportion of the lawyers here he has the reputation of not being a man with whom it is pleasant to deal in business matters and one who is unscrupulous in regard to his professional conduct. Just how far there is any solid foundation for such a reputation it is extremely difficult to say. So far as specific charges go, all of any consequence of which I have ever heard have been or will be brought to the attention of the committee at Washington, and of those it is unnecessary that I should speak, especially as I can add nothing of my personal knowledge.

"The general reputation remains, and it is certainly one which is worthy of consideration in estimating the fitness of an appointment to the bench. Indeed, I think in the existing state of the feeling here that no one can be fairly criticized for opposing the appointment." (Hearings, pp. 619, 620.)

Mr. Hall explains how this reputation has grown up out of his idealism and the constant attacks that have been made upon him, and then says further:

"Undoubtedly, he is a merciless antagonist, fighting his cases up to the limit and with great technicality and taking every advantage which the law allows him without, perhaps, always a keen regard for fair play. So far as I am aware, nothing more than this could be fairly considered as proved against him. On the other hand, there is, except among a comparatively small number of people, a general recognition that Mr. Brandeis has rendered public service to the community of extraordinary value, and that in doing so he has been actuated by disinterested motives. He lives with great simplicity, and has throughout his career devoted to unpaid public work a very large proportion of his time and energy. With the opportunities that have been open to him he could, by following more conservative courses, have been a much richer man than he is to-day. I do not think it can fairly be doubted that he deliberately chose to serve the public rather than to devote himself entirely to making money, nor do I think it can be fairly questioned that in doing this he was actuated by high motives." (Hearings, p. 620.)

He recites the work that Mr. Brandeis has done in the public interest, and especially for the poor, and then says:

"Of his fundamental honesty of purpose and his deep moral enthusiasm I feel absolutely sure. His qualifications for the position of Supreme Court judge far outweigh, in my judgment, anything that can fairly be urged against him. For these reasons I sincerely hope his nomination will be confirmed."

This gives, I think, a fair understanding not only of his idea of Mr. Brandeis's reputation but what Mr. Hall himself thinks about him and his qualifications.

Mr. Gregory. Mr. Gregory lives in Chicago, and knows Mr. Brandeis in a general way and nothing of his reputation among the lawyers of Boston. He was for one year president of the American Bar Association. (Hearings, p. 710.)

He says of his reputation:

"I think it is excellent as a lawyer of ability and character." (Hearings, p. 711.)

Mr. Walker. After reciting at considerable length the "fights" Mr. Brandeis had been in with the financial interests of Boston, he says:

"I have never heard Mr. Brandeis criticized before these various matters that I have just referred to. His firm in Massachusetts certainly stood very high. I know Mr. Brandeis and know the members of his firm." (Hearings, p. 811.)

Mr. Adams had this to say:

"I think there is quite unanimous assent that Mr. Brandeis is a very able lawyer of profound learning, but that upon the question whether he is and has been wholly straightforward in his practice there is a divided opinion. If I may analyze it as I observe it, there is a group of men of high standing—like Gen. Peabody, in the community who are in the network of State Street, which is our financial street—who state and think that Mr. Brandeis is not straightforward in his practice. I think those opinions, when traced, run into some one of these pockets of more or less publicity, namely, the Lennox case, the United Shoe Machinery case, the wrecking of the New England—those allegations. That is a fair statement as to that group. On the other hand, there is a large body of the bar who, coinciding with what I have said as to his being a very able lawyer, a man of profound learning, also believe that he is actuated by lofty purposes, is honest and trustworthy. That is all I have to say." (Hearings, p. 766.)

Mr. Peabody:

"I think his reputation for ability is good. I think he is considered as a conspicuously able man; but, on the other hand, his reputation is that he is not always truthful, and that he is untrustworthy, and that he sails under false colors." (Hearings, p. 750.)

Mr. French:

"Among the rank and file of the Boston bar and the Massachusetts bar, so far as I know them, Mr. Brandeis has, in my experience, the reputation of being a man of integrity, a man of honor, a man who is conscientiously striving for what he believes to be right. There are, of course, differences of opinion as to his beliefs in that respect. But that, in general, has been my experience with reference to the Suffolk bar, of which I am a member, and the Massachusetts bar, regarding his professional reputation. He has made enemies, of course. A man can not be combative as he is, or aggressive as he is, fighting as he has been on the firing line during all his professional career, without making many enemies. (Hearings, p. 770.)"

Mr. Boynton:

"That reputation, so far as I know it, is good. Down to the time this appointment was made I think the only thing that had ever come to my attention in any way reflecting upon Mr. Brandeis was certain printed matter circulated by the United Shoe Machinery Co. With that exception, I do not think I ever heard anything reflecting in any way upon his character as a man or as a lawyer.

"I think I might say that the men of my acquaintance—two or three men who are my personal friends who have been very close to Mr. Brandeis—have spoken most warmly in his favor, and by that I mean before this investigation began. They would speak so now, I know." (Hearings, p. 771.)

I have tried to give as accurately as I can, from brief extracts, what was said by all the witnesses who testified on this subject. I hope none of them have been overlooked.

But this analysis of the evidence of what Mr. Brandeis's reputation is would not be complete without reference to what was said by some of the men who have worked with him in the effort to better social and economic conditions and help the poor.

Edmund A. Whittier testifies to his generous work, without compensation, for the American Fair Trade League, which is a business organization seeking legislation. (Hearings, p. 812.)

Newton D. Baker, since made Secretary of War, spoke very highly of his work for the poor and laboring classes and particularly the National Consumers' League, and submitted a memorial numerously signed in his behalf. (Hearings, pp. 759, 760.)

Henry Moskowitz spoke very earnestly in commendation of Mr. Brandeis's work for the board of arbitration of the garment-working industries of New York, of which Mr. Brandeis was chairman. (Hearings, p. 763.)

It is evident that while Mr. Brandeis has many enemies among business men and lawyers who do not believe in him, he has many friends among the poor and lowly and those who are working to better their condition.

CONCLUSIONS.

I have endeavored to make a fair and full statement and analysis of the evidence. I have done so largely to aid me to comprehend and apply it and thereby reach a just conclusion. It has led me irrisistibly to conclude that the nomination should be rejected. For many reasons I should be glad to find otherwise. I am greatly in sympathy with much of the work that Mr. Brandeis has been doing to better economic, industrial, and social conditions. Much of this I am convinced he has done generously, unselfishly, and for the common good. Much of it he has done in ways and by means that do not appeal to me at all. He has in many instances been intolerant and offensive in his methods, as the evidence shows. He has resorted to concealments and deception when a frank and open course would have been much better and have saved him and his profession from suspicion and criticism. He has defied the plain ethics of the profession and in some instances has violated the rights of his clients and abused their confidence. There is nothing in the evidence that leads me to think he has done these things corruptly or with the hope of reward. His course may have been the result of a desire to make large fees, but even this is not clear. He seems to like to do startling things and to work under cover. He has disregarded or defied the proprieties. It has been such courses as he has pursued that have given him the reputation that has been testified to, and it is not undeserved. It is just such a reputation as his course of dealing and conduct would establish in the minds of men. This reputation must stand as a strong barrier against his confirmation.

If it were Mr. Brandeis alone that is to be concerned, and it should be believed that this reputation is undeserved and unjust, it should have no weight; but the effect of such an appointment on the court is of much greater importance. To place a man on the Supreme Court Bench who rests under a cloud would be a grievous mistake. As I said in the beginning, a man to be appointed to the exalted and responsible position of Justice of the Supreme Court should be free from suspicion and above reproach. Whether suspicion rests upon him unjustly or not his confirmation would be a mistake. It is argued against him that he is not possessed of the judicial temperament. There is just ground for this objection. As some of his friends said, he is radical, and for that reason he has offended the conservatives. That may be no cause of reproach; but the temperament that has made him many enemies and brought him under condemnation in the minds of so many people would detract from his usefulness as a judge. He is of the material that makes good advocates, reformers, and crusaders, but not good or safe judges.

Taking all these things into consideration, I submit that the nomination should be rejected, and so report.

JOHN D. WORKS.

APRIL 3, 1916.

Mr. STONE. I move that the Senate adjourn until 11 o'clock to-morrow.

The motion was agreed to, and (at 5 o'clock and 20 minutes p. m. Thursday, June 1, 1916) the Senate adjourned until to-morrow, Friday, June 2, 1916, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 1 (legislative day of May 31), 1916.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Lieut. Col. William P. Kendall, Medical Corps, to be colonel from May 26, 1916, vice Col. Louis Brechemin, retired from active service May 25, 1916.

Maj. Deane C. Howard, Medical Corps, to be lieutenant colonel from May 26, 1916, vice Lieut. Col. William P. Kendall, promoted.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from May 27, 1916.

Frederic Hagler, of Missouri.

Ingvald Martinius Josephson Hotvedt, of Michigan.

Hugo Francis Mehl, of Wisconsin.

Roy Herndon Cox, of Illinois.
Lawrence Howard Robles, of Illinois.
Magnus Jacob Myers, of New York.
Edward Percy Eglee, of New York.
Charles Mallory Williams, of New York.
Archie Ewing Gordin, of New York.
Arthur Ward Cutler, of New York.
Abram Schuyler Clark, of New York.
Charles H. Merrill, of Michigan.
James Edwin Dewey, of Missouri.
John Wesley Long, of North Carolina.
George Irvine McKelway, of Delaware.
Albert Sparr Rider, of South Dakota.
William Launcelot Brown, of Texas.
John Francis Ranken, of New York.
Clarence McClellan, of Illinois.
Perry C. Traver, of Indiana.
Austin Charles Wright, of Arizona.
Frank Farrow Simpson, of Pennsylvania.
Clarence Oscar Christian Max, of Missouri.
Charles Hubart Lovewell, of Illinois.
George James Haslam, of Nebraska.
Emil Sebastian Geist, of Minnesota.
George Clymer, of Massachusetts.
Joel Ernest Goldthwait, of Massachusetts.
John Morris Dodd, of Wisconsin.
James Le Roy Campbell, of Georgia.
Edward Bates Block, of Georgia.
Edward Campbell Davis, of Georgia.
William Lee Wilkinson, of Georgia.
Kendall Emerson, of Massachusetts.
Dennis Francis O'Connor, of Massachusetts.
Somers Fraser, of Massachusetts.
John Lewis Bremer, of Massachusetts.
George Cheever Shattuck, of Massachusetts.
Francis William Anderson, of Washington.
Edwin Bruce Rhea, of Washingon.
Willard Samuel Howard, of Oregon.
Barzilla Milton Hutchinson, of Indiana.
Curtis Alban Evans, of Wisconsin.
Albert Martin Farrell, of Wisconsin.
Alford Edward Budde, of Illinois.
Charles Henry Lawrence, of Massachusetts.
George Sherwin Clarke Badger, of Massachusetts.
Walter Asbury Newman, of Virginia.
Lee Walton Verdery, of South Carolina.
Arthur Morris Zinkhan, of the District of Columbia.
Orville Titus Manley, of Ohio.
Augustus Ravogli, of Ohio.

REGISTERS OF THE LAND OFFICE.

Joseph Oker, of Helena, Mont., to be register of the land office at Helena, Mont., vice Joseph Binnard, resigned to take effect June 30, 1916.

Henry Alexander Porter, of Everett, Wash., to be register of the land office at Vancouver, Wash., vice Glenn N. Ranck, term expired.

APPRAISER OF MERCHANDISE.

James Houlahen, of Pittsburgh, Pa., to be appraiser of merchandise in customs collection district No. 12, with headquarters at Pittsburgh, Pa., in place of Bernard B. McGinnis, resigned.

POSTMASTER.

Edward F. Lonergan to be postmaster at Milburn, N. J., in place of George C. Kessler. Incumbent's commission expired January 11, 1916.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 1 (legislative day of May 31), 1916.

ASSOCIATE JUSTICE OF THE SUPREME COURT.

Louis D. Brandeis to be an Associate Justice of the Supreme Court of the United States.

APPRAISER OF MERCHANDISE.

James Houlahen to be appraiser of merchandise in customs collection district No. 12, with headquarters at Pittsburgh, Pa.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Lieut. Col. Henry S. T. Harris to be colonel.
Maj. James M. Kennedy to be lieutenant colonel.
Capt. William H. Moncrief to be major.

MEDICAL RESERVE CORPS.

First lieutenants.

William Frederick Rice.
Edward Allen Noyes.
Charles Woodward Riley.
Charles George Sinclair.
Charles George Hutter.
Frederick Hensel Petters.
Clarence Searle Ketcham.
Robert Parvin Williams.
Edwin Brooks Maynard.
Harvard Clayton Moore.
Arden Freer.
Paul Adolph Schule.
John Stuart Gaul.

CAVALRY ARM.

First Lieut. George A. F. Trumbo to be captain.
Second Lieut. George S. Patton, jr., to be first lieutenant.

COAST ARTILLERY CORPS.

First Lieut. Henry T. Burgin to be captain.
First Lieut. Nathan Horowitz to be captain.
Second Lieut. George W. Easterday to be first lieutenant.
Second Lieut. George B. Gorham to be first lieutenant.

INFANTRY ARM.

First Lieut. Robert G. Peck to be captain.
Second Lieut. Robert Coker to be first lieutenant.
Second Lieut. William F. Hoey, jr., to be first lieutenant.
Second Lieut. John H. Stutesman to be first lieutenant.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

Hubert A. Royster to be an assistant surgeon in the Medical Reserve Corps.

Boatswain Gregory Cullen to be a chief boatswain.
Machinist Charles F. Beecher to be a chief machinist.
Pay Clerk Andrew J. McMullen to be a chief pay clerk.
Pay Clerk Alvah B. Canham to be a chief pay clerk.
Pay Clerk Noble R. Wade to be a chief pay clerk.
Pay Clerk Ross B. Deming to be a chief pay clerk.
Pay Clerk Effinger E. Hartline to be a chief pay clerk.

Chaplain James D. MacNair, with rank of lieutenant (junior grade), to be a chaplain with rank of lieutenant.

POSTMASTERS.

ALABAMA.

John M. Graham, Stevenson.

INDIANA.

Walter J. Rierden, Montezuma.
George W. Roy, Wolcottville.
Edward H. Taylor, Knox.

IOWA.

Charles V. Dautremont, Riverside.
Charles E. Dawson, Rockford.
E. F. Main, Hopkinton.
Mary E. O'Connor, Rockwell.

LOUISIANA.

J. A. Melton, Coushatta.

MICHIGAN.

Joseph M. Dodge, Cass City.
C. C. Hopkins, Breckenridge.
William B. Howlett, Jonesville.
Sidney Reynolds, Howard City.

MISSISSIPPI.

George C. Gunn, Agricultural College.

NEW YORK.

Archie Goodfellow, Jamesville.
L. G. Quackenbush, Oneida.

PENNSYLVANIA.

E. R. Criss, New Kensington.
William H. Denlinger, Patton.
Daniel A. McGough, Ebensburg.
Patrick J. Mash, Nanty Glo.
Otis S. Quinby, Springboro.

WITHDRAWAL.

Executive nomination withdrawn June 1 (legislative day of May 31), 1916.

James Houlihan, of Pittsburgh, Pa., to be appraiser of merchandise in customs collection district No. 12, with headquarters at Pittsburgh, Pa.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 1, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We seek Thee, our Father in heaven, for that inspiration which shall disclose to us the real values of life, that we may put our souls into our work and make every thought, every act count for the best interests of mankind, that we may be strengthened to bear the burdens of life and guided to a happy solution of all its difficult problems, and so honor ourselves by honoring Thee in the best use of the gifts Thou hast bestowed upon us; in His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO PRINT.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent to print in the RECORD an abstract of some remarks made by the Secretary of the Treasury last night at Raleigh, N. C.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by printing an abstract of remarks made by the Secretary of the Treasury at Raleigh, N. C., last night. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, does this address print a full résumé of the performances of the Democratic Party during the last few years?

Mr. ADAMSON. No, sir; that could not be done in a short space.

Mr. MANN. They could not get in all the foolish things that the Democratic Party has done. I will ask the gentleman from Georgia is this abstract furnished by the Secretary, so that it is correct?

Mr. ADAMSON. Yes. It is correct. The leading thoughts are Wisdom and Prosperity.

The SPEAKER. Is there objection?

There was no objection.

QUESTION OF PERSONAL PRIVILEGE.

Mr. GARDNER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. GARDNER. In its issue of yesterday, May 31, 1916, The Fatherland, a newspaper published in New York, in commenting on my course in Congress, uses the following expression:

> The Hon. AUGUSTUS GARDNER, in other words, is interested in war contracts, and his loud-mouthed patriotism has a string to it.

On those words I base my question of personal privilege.

The article to which I refer is a somewhat long one, but I shall insert it in full in the RECORD. It relates entirely to certain former holdings of mine in the General Electric Co., a corporation which has received ammunition orders from the allies. The article charges that I was forced to admit at a certain hearing before the Committee on Rules that I owned stock in a munition company. It then misquotes the hearing, which took place on January 19, and, furthermore, it states that I did not sell the stock which I used to hold in the General Electric Co. until January 22, three days after the hearing.

The article in full is as follows:

> The Hon. AUGUSTUS P. GARDNER, Member of the House from Massachusetts and son-in-law of Senator LODGE, has strangely subsided since his memorable attack on the German-Americans and his frequent outbursts of righteous indignation at the policy of the Germans during the war. And the reason is not far to seek. GARDNER has been convicted out of his own mouth of being a patriot of the Col. Sellers stripe, who always shouted "for the old flag and a small appropriation." The Hon. AUGUSTUS GARDNER, in other words, is interested in war contracts, and his loud-mouthed patriotism has a string to it.
>
> The unpalatable truth came out in a committee hearing, the proceedings of which have since been printed, but in such small quantities that it is difficult to secure a copy. The revelations came out in the hearing of the Committee on Rules, charged with the consideration of House resolution No. 7, "to inquire into the organization, membership, expenditures, receipts, and sources thereof of the Navy League, Labor's National Peace Council, the National Security League, and the American Defense Society."
>
> The hearing took place on January 19. Representative TAVENNER, of Illinois, who has made two important speeches exposing the workings of the Navy League and other similar organizations, was one of the witnesses examined. Present also was Representative GARDNER, who was examined and made to admit that he owned stock in a munition company, and that his near relatives continue to be interested in the sale of munitions. On page 12 of the committee proceedings, known as "The Peace Propaganda Investigation," the facts are printed, as follows:
>
> "Mr. TAVENNER. I believe that an investigation would reveal that the Navy League originated at 23 Wall Street, in the office of J. P. Morgan & Co.
>
> "The CHAIRMAN. You mean to say that in your resolution you will charge that Members of Congress and Senators own stock in munition-trafficking concerns?
>
> "Mr. TAVENNER. There was an investigation in 1914–15 by a committee of the United States Senate into lobbies, and two Members of the Senate testified under oath that they owned stock in such concerns; others that their relatives owned stock.
>
> "The CHAIRMAN. You want to broaden this resolution?
>
> "Mr. TAVENNER. Yes, sir. I want to broaden this resolution to take in everything, because I realize that nothing would be gained by the puolic if we investigated only the unimportant part.
>
> "Mr. CHIPERFIELD. Are those Senators present Members of the Senate?
>
> "Mr. TAVENNER. Yes, sir; they are Senators now.
>
> "Mr. GARDNER. Did you ask what the stock was they owned?
>
> "Mr. TAVENNER. Yes, sir; the stock was that of the General Electric Co. and the United States Steel Corporation. The General Electric Co. had drawn down $2,500,000 worth of contracts from the Navy Department, receiving orders every year, and it is reported in the Standard Corporation Service Reports as having profited largely from the European war, and it is so reported in the Wall Street Journal and in Financial America. They all have it down as a war trader. I think the orders from the United States Government were received during the time Senators held stock. If not, let us ascertain when they bought the stock, how long they held it, and all about it.
>
> "Mr. GARDNER. But the other orders?
>
> "Mr. TAVENNER. From these various countries?
>
> "Mr. GARDNER. Yes.
>
> "Mr. TAVENNER. I would not be surprised if there had been some withdrawals since the European war.
>
> "Mr. GARDNER. The General Electric Co. is in my county. I sold out my stock. [Note—Jan. 22, 1916—I am a trustee of certain trusts containing General Electric shares. My wife is a small beneficiary and my married daughter is a substantial beneficiary.]
>
> "Mr. TAVENNER. Did you sell out your stock before the General Electric received contracts from the Navy Department?
>
> "Mr. GARDNER. I never heard until this minute of any contracts with the Navy Department. That is the trouble; a man makes investments and he can not get into everything, but I got rid of my General Electric Co. stock when I found out that they had contracts to make munitions.
>
> "Mr. TAVENNER. I would like to ask you what relation George Peabody Gardner is to you?
>
> "Mr. GARDNER. He is a first cousin.
>
> "Mr. TAVENNER. He is a director in the General Electric Co., which is a J. P. Morgan concern; is not that correct?
>
> "Mr. GARDNER. Yes.
>
> "Mr. TAVENNER. You have called these matters to the attention of the Committees on Naval Affairs and Military Affairs and asked them to make an inquiry?
>
> "Mr. GARDNER. No; because I thought the proper way to do this would be by a special joint committee of Congress."
>
> One interesting feature of the hearing is the insertion, evidently by GARDNER himself, of the statement that he disposed of his General Electric stock on January 22. The hearing was held on January 19, and his statements, taken in connection with the inserted line, indicate a strange state of mental confusion on the part of the witness. It is furthermore interesting to record that the General Electric Co. has a $69,000,000 contract for war munitions, in which Mr. GARDNER'S wife and his married daughter are "beneficiaries," the latter "substantially." Also that he holds an unnamed quantity of this stock "in trust"—for whom?
>
> It is understood, and openly stated here, that Mr. GARDNER'S father-in-law, Senator LODGE, is also a stockholder in General Electric, and that this can be substantiated by his own testimony in the lobby investigation.
>
> These facts are regarded as throwing a glaring light on the causes operating in determining the Senator from Massachusetts and his son-in-law to become the most belligerent Members of either House in denouncing Germany and advocating measures to have the United States enter the war on the side of the allies.
>
> Early in the winter Mr. GARDNER made his famous speech on this subject which at the time created a sensation and brought Representative COOPER to his feet. It caused him to hurl back the retort that the only fitting place for such a speech was the British House of Commons, and caused Mr. STAFFORD, of Wisconsin, to make a sharp retort, in which he said that no man with a drop of German blood in his veins could sit still without answering him in kind—which he proceeded to do in masterly fashion.
>
> There has been comparatively little comment on the committee hearing. There is such a thing as congressional ethics, which estops Members from repeating committee-room secrets; but the cat is out, and the American people now may know what significance to attach to the patriotic outbursts of certain Members of Congress.

Now, the exact facts with regard to my investments are as follows: To the best of my recollection and belief, ever since the General Electric Co. was organized, until August 30, 1915, I have been either a stockholder or a bondholder in the concern. Its second largest plant is situated in the county in which I reside. Last summer I saw in the papers that the General Electric had received orders to make munitions of war for the allies, and on August 22 I was given definite information that war orders amounting to $30,000,000 had been received. Even before the receipt of this definite information I had begun to dispose of my shares of General Electric in view of the fact that I had made up my mind to fight against the propaganda in favor of prohibiting the export of munitions of war. Directly after my daughter's marriage I put in trust as part of her marriage portion 325 shares of General Electric. The balance of my holdings, amounting to 300 shares, was sold through a stockbroker, the last of my interest in the General Electric Co. being disposed of on August 30, 1915. This statement accounts for the entire amount of my interest, direct or indirect, in the General Electric Co., except for 10 shares which, as a cotrustee, I held for the benefit of my wife, among a collection of miscellaneous securities. My wife's trust arose under an instrument executed by my wife's grandmother many years ago.

The existence of these 10 shares of General Electric Co. had escaped my memory until January 20, 1916, when, in response to my telegraphic inquiry, the day of the hearing, I was informed of the facts. I promptly secured consent from my cotrustee, and these 10 shares were sold. I have sent for my agent's accounts and have examined them carefully, and I find to the best of my knowledge and belief that none of the concerns in which I am interested financially are or have been engaged in the manufacture of munitions of war except as described above in the case of the General Electric.

Now, a word as to the origin of this libel. On January 19 the Committee on Rules held a hearing at which Mr. TAVENNER of Illinois, Mr. HENSLEY of Missouri, and I were each of us heard in behalf of our own resolutions for the investigation of the activity of certain organizations and individuals interested for and against the preparedness propaganda.

Without being questioned at all I voluntarily stated that the General Electric Co. was situated in my county, but that I had sold out the stock which I formerly held. In answer to a question by Mr. TAVENNER, I stated the fact that one of the directors of the General Electric Co. is my first cousin, Mr. George Peabody Gardner. Furthermore, Mr. TAVENNER asserted that the General Electric Co. had received over two and one-half million dollars' worth of contracts from the Navy Department, a circumstance which was entirely new to me. I could not help fearing that the imputation was to the effect that I was secretly a beneficiary of these contracts.

The matter having taken the turn which I have described, it occurred to me after the hearing that I had not mentioned the fact that I was a trustee of General Electric for the benefit of my married daughter. It also occurred to me that it was possible that my wife had an interest in the same corporation, either outright or as a beneficiary of some trust. I telegraphed to Boston and found that my wife was interested to the extent of 10 shares, as I have described. Thereupon, on January 22, when I corrected the official report of the hearing, I inserted a statement to the effect that I was trustee for some shares of General Electric of which my wife and my married daughter were beneficiaries. So that there could be no misunderstanding I wrote to Mr. TAVENNER, calling attention to my insertion.

Since that time I have been pestered with misrepresentations of the whole transaction. Evidently the story was told to Mr. William Jennings Bryan in a distorted form, for he telegraphed to me about it. Furthermore, I remember noticing an allusion to the matter in a Bridgeport, Conn., newspaper. I have also heard some rumor that student debaters were prepared to make the accusation that I was interested in munition contracts. Now comes the Fatherland article. I am forced to the conclusion that some one has been systematically misrepresenting me with malicious intent.

As to these General Electric contracts with the Navy Department, after hearing Mr. TAVENNER's statement I wrote to the Secretary of the Navy, and I found that in a period of eight years the Navy Department had paid out two and a half millions of dollars to the General Electric Co. for electrical apparatus, wiring, and so forth, on competitive bids in the ordinary course of business. Furthermore, about a half million dollars more is due, or about to become due, to the General Electric Co., of which some $400,000 is on the contract for the electric wiring apparatus, and so forth, of the battleship *California*.

The letter of Secretary Daniels is as follows:

NAVY DEPARTMENT,
Washington, January 29, 1916.

MY DEAR MR. GARDNER: Replying to your inquiry of January 24, 1916, relative to the total amount of money spent with the General Electric Co. by the Navy Department, payments have been made to that company during each of the fiscal years beginning with the fiscal year ending June 30, 1908, down to this date, as follows:

1908	$263,676.79
1909	421,218.58
1910	434,380.26
1911	452,107.44
1912	347,669.26
1913	165,912.41
1914	158,884.38
1915	182,008.23
1916 to date	85,946.48
	2,511,803.83

The above amount represents machinery, material, and supplies in the electric line manufactured by the General Electric Co. and purchased for the Naval Service. In each case covered by this statement the article called for was duly advertised according to law and the award was made to this company as the lowest satisfactory bidder under the specifications. The statement includes all purchases under formal contract paid for through the Navy disbursing office. It does not include material purchased and paid for through Navy pay offices, but such amounts are comparatively small.

The above amounts represent material already paid for. There are outstanding contracts and contract balances with the General Electric Co. amounting to $513,019.60 for which payment has not been made. Of this amount $409,450 is covered by the contract for the electrical apparatus for battleship *No. 40* the *California*.

Respectfully,

JOSEPHUS DANIELS,
Secretary of the Navy.

Hon. A. P. GARDNER, M. C.,
House of Representatives, Washington, D. C.

H. SNOWDEN MARSHALL.

Mr. MOON. Mr. Speaker, by direction of the select committee appointed to investigate the charge of an alleged breach of the privileges of the House by the district attorney for the southern district of New York, Mr. H. Snowden Marshall, I ask unanimous consent that the report of that matter be taken up for consideration after the reading of the Journal on June 20, and that the debate shall proceed during not exceeding four hours, one half of the time to be given to the chairman of the committee and the other half to the gentleman from Illinois [Mr. STERLING].

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the H. Snowden Marshall contempt case be taken up on June 20 immediately after the reading of the Journal and the disposition of necessary business on the Speaker's table, and that the debate be confined to four hours, one half to be controlled by himself and the other half by the gentleman from Illinois [Mr. STERLING]. Is there objection?

Mr. MANN. Reserving the right to object, I do not see my colleague [Mr. STERLING] on the floor at this time. Has the gentleman from Tennessee conferred with him in reference to this?

Mr. MOON. Yes. The committee met this morning. The gentleman from Illinois [Mr. STERLING] was present, and that was the agreement we came to. All of the members of the committee were present except the gentleman from Wisconsin [Mr. LENROOT], who I am sure will have no objection.

The SPEAKER. Is there objection?

Mr. BUCHANAN of Illinois. Reserving the right to object, Mr. Speaker, I would like to ask the chairman of the special committee why this delay about considering the report?

Mr. MOON. Well, there are two or three reasons for it. To be candid with the gentleman from Illinois, the committee have delayed up to this time because they thought it probably best that the Committee on the Judiciary, which had another matter affecting the same party, should report; but that has not been done, and we have not desired to delay any longer than was absolutely necessary. Gentlemen are going to the Republican convention and to the Democratic convention, and we would like to have the membership of the House present. We take it that until those two conventions are over we can not do very much business anyway, and we thought it best to fix this date.

Mr. PARKER of New Jersey. Reserving the right to object, I should like to ask the gentleman from Tennessee if he would be satisfied not to put a limitation of time on this matter? I do not think that we know yet what the issues are in that case, or what will be done. They will probably be quite simple, and can be disposed of briefly; but I really do not like a limit of time assigned on so important a matter.

Mr. GARNER. The gentleman understands that under the rules and practice of the House the committee could call it up to-day, and take an hour, and go on to a vote on the matter.

Mr. PARKER of New Jersey. I suppose you could; but I know you would do the fair thing, and I am only asking whether it would not be better to leave it as to time until the matter develops.

Mr. MOON. The report has been on file since April 14. Probably the matter ought to have been disposed of before; but for the reason stated it has been delayed. We think that four hours is ample time for the discussion.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. MOON. Yes.

Mr. MANN. My recollection is that the report of the committee is a unanimous report.

Mr. MOON. A unanimous report.

Mr. MANN. Some gentlemen, I think, desire to be heard in opposition to the report.

Mr. MOON. I am sure that the gentleman from Illinois, as well as myself, will be glad to divide the time with anybody who wants to be heard in opposition.

Mr. MANN. I assume that anyone who wishes to be heard in opposition to the report, the gentleman from New Jersey or anyone else, would be entitled to a part of that time.

Mr. MOON. Surely. I think we can give you all you want.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MOON. Yes.

Mr. MOORE of Pennsylvania. June 20 is the day fixed in the gentleman's request for unanimous consent?

Mr. MOON. Yes.

Mr. MOORE of Pennsylvania. That is not one of the days on which the Democratic convention will be in session at St. Louis?

Mr. MOON. I think not.

Mr. MOORE of Pennsylvania. I am asking because some of us have been talking over the question of those days when the conventions are in session, the Senate having resolved to adjourn for three days at a time, and it having been suggested that the House may remain in session notwithstanding.

Mr. MOON. I understand it is regarded as certain that both conventions will be over by that date.

Mr. MANN. If the gentleman will permit me, it is but fair to say publicly, especially to this side of the House, that the gentleman from North Carolina [Mr. KITCHIN] and myself have reached an agreement, as far as we are concerned, which I think will be observed by the House, that during next week, the week of the Republican convention, business may proceed in the House, but practically by unanimous consent. What will be done during the week of the Democratic convention I can not say. There has been no agreement reached about that yet. Of course we will do whatever the other side of the House wants to do.

Mr. KITCHIN. That is correct. The gentleman from Illinois has made a correct statement about that.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MANN. Yes.

Mr. MOORE of Pennsylvania. I think it is fair to say that some Members on this side who may not have spoken to the gentleman from Illinois have been suggesting the propriety of having a quorum present here during the period of the conventions if the House is to remain in session, the Senate having agreed to adjourn every three days.

Mr. MANN. I hope that no gentleman on this side will ask for that. Of course if gentlemen want to be obstreperous, I know of no way to prevent it.

Mr. MOORE of Pennsylvania. It is not necessarily a matter of being obstreperous, it is a question of individual right. The Chairman of the Committee of the Whole the other day refused to entertain a motion on the ground that he was a Member of the House and had a right to object.

Mr. MANN. Here is the situation. There probably will be a quorum in town next week, but it will be mostly on the Democratic side of the House.

Mr. MOORE of Pennsylvania. But that will be reversed during the Democratic convention.

Mr. MANN. This side of the House, in order that Republican Members may attend the convention who wish to go, wish to have some kind of an understanding. No one can prevent a Member over here from asking for a quorum, but probably it would prevent a good many Republicans going to the convention, as they desire, and would probably make it very unpleasant for those who did go. It is a concession from the other side of the House, and I think it is to our advantage to observe it.

Mr. MOORE of Pennsylvania. There has been no unanimous-consent request that the House shall remain in session?

Mr. MANN. There can be no unanimous request made as to that.

Mr. MOORE of Pennsylvania. Very well; I have made the statement as to what some Members on this side think.

Mr. BUCHANAN of Illinois. Mr. Speaker, in explanation of my reserving the right to object, and also my inquiry of the chairman of the committee, I will say that I do not understand that this has anything to do with the proceedings before the Judiciary Committee of which the gentleman from Tennessee speaks. I have been studying the rights and authority of investigating committees of the House of Representatives in impeachment cases, and I find that they are clothed with the same powers and prerogatives as a trial court; in fact, in such cases, where these powers were at all questioned, the House very authoritatively and properly upheld and maintained them. I do not believe a trial court would delay action where a contempt of its orders had been committed until after the termination of the proceedings in which it was sitting; on the other hand, I claim that it is the custom of our courts to immediately take steps against those guilty of contempt. Neither would any court, in my opinion, permit the Bar Association of New York, or other pernicious influences, to delay or obstruct its action against the party guilty of that contempt, as has been done in this case. I have read the proceedings before the special committee and the statement of the party held in contempt, and the whole statement on his part was an attack on the subcommittee and myself. There was nothing said as to why he was not in contempt in the House. In fact, he reiterated a statement which was a malicious, libelous, unjustifiable statement against the subcommittee. Therefore it seems a question whether the House wants to protect itself and its dignity and standing of Members, especially those authorized unanimously by the House to act as investigators, as Members of old did, or whether they are going to dillydally along with a crooked Federal official who has only reiterated his charges against it, that are libelous and contemptible. For my part, I have no patience with delay in matters of that sort. Of course, we know the power that is behind this fellow. I know that the administration is behind him and encourages him in it.

Mr. BORLAND. Mr. Speaker, the gentleman is not reserving his right to object. This is debate. I ask for the regular order.

Mr. BUCHANAN of Illinois. Well, Mr. Speaker, I shall object to the proposition of the gentleman from Tennessee, and will state to the House now that I expect to call up this matter myself in another way.

Mr. MOON. Mr. Speaker, I want to make a suggestion to the gentleman. The gentleman from Illinois is correct that courts sometimes take up contempt proceedings and dispose of them before the trial is over, but in the best-regulated courts that is not done, because they do not want it to affect the trial. This has nothing to do with the gentleman's impeachment matter. He may be guilty or not guilty, it does not affect the guilt of Mr. Marshall in this proceeding.

Mr. BUCHANAN of Illinois. That is exactly my position.

Mr. MOON. I will say that this delay has not been caused except for the reasons I have stated. Under the order made in the House the matter will come up on the motion of the chairman of the committee. I simply made the request to bring it up at the hour designated and divide the time. If the gentleman from Illinois objects, this being a question of the highest privilege, I will call it up on the 20th, and at the end of an hour I will move the previous question unless I want to withhold it for somebody to speak. I see no advantage to the gentleman in his objection.

Mr. BUCHANAN of Illinois. Mr. Speaker, I will withdraw my objection.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none, and it is so ordered, and the order is that on the 20th of June, immediately after the reading of the Journal and the disposition of matters on the Speaker's table, the contempt case against H. Snowden Marshall will be taken up and debated for not more than four hours, one half of the time to be controlled by the gentleman from Tennessee [Mr. MOON] and the other half by the gentleman from Illinois [Mr. STERLING].

NAVAL APPROPRIATION BILL.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 15947, the naval appropriation bill, with Mr. FITZGERALD in the chair.

Mr. PADGETT. Mr. Chairman, I offer the following amendments to correct the amounts of the appropriations incident to the amendments that were agreed to yesterday, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 6, line 19, strike out "$862,000" and insert "$882,940."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 8, line 24, strike out "$174,600" and insert "$184,477."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 36, line 22, after the comma after the word "men" insert the following: "And enlisted men of the Hospital Corps, $857,405.75."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BUTLER. Mr. Chairman, that figure is changed by reason of the action of the committee yesterday?

Mr. PADGETT. Yes.

Mr. MANN. Let us have the amendment again reported.

The Clerk again reported the amendment.

Mr. MANN. That should be "pay for enlisted men," should it not?

Mr. PADGETT. Yes; insert the words "and pay of" before the words "enlisted men." The word "pay" is in the preceding part, but it would be better to insert it there.

The CHAIRMAN. Without objection, the amendment will be so modified.

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 36, line 23, strike out "$27,563,988.50" and insert in lieu thereof "$28,421,394.25."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 67, line 9, strike out "$8,848,933.85" and insert "$9,087,823.85."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 100, line 4, strike out "$30,707,000" and insert "$33,896,060."

Mr. PADGETT. Mr. Chairman, just at this point I wish to explain that that is on account of the increase of the 30 submarines in armor and armament. Yesterday we inserted for the hull and machinery, but overlooked the armor and armament.

Mr. ROBERTS of Massachusetts. I would like to ask the chairman how he arrived at that figure?

Mr. PADGETT. It is $106,000 for each submarine.

Mr. ROBERTS of Massachusetts. I had in mind other figures given by the clerk of the committee, which included the armor and armament of other vessels besides submarines.

Mr. PADGETT. Yes. This is the amount given by the department.

Mr. ROBERTS of Massachusetts. Submarines alone?

Mr. PADGETT. Yes.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 100, line 9, strike out "$104,073,378" and insert "$107,262,438."

Mr. PADGETT. Mr. Chairman, yesterday morning the printed figures "$98,859,378" were changed to one hundred and four million and odd dollars, but on account of this addition of three million and odd dollars by the preceding amendment it is necessary to change that figure.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PADGETT. Mr. Chairman, on page 98 of the printed bill, authorizing 20 submarines, there is a provision that 8 of the submarines shall be constructed on the Pacific coast. The Committee of the Whole House increased the total number of submarines to 50. Should that stand, I think it would be equitable to increase the number for the Pacific coast; and I move, in line 23, on page 98, to strike out the word "eight" and to substitute the word "fifteen."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 98, in line 23, by striking out the word "eight" and inserting the word "fifteen."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the bottom of page 8 add the following:

"*Provided*, That any person who may hereafter enlist in the Navy for the first time shall, if he so elects, receive discharge therefrom without cost to himself during the month of June or December, respectively, following the completion of one year's service at sea. An honorable discharge may be granted under this provision; but when so granted, shall not entitle the holder, in case of reenlistment, to the benefits of an honorable discharge granted upon completion of an enlistment."

Mr. PADGETT. Mr. Chairman, the gentleman from Connecticut [Mr. HILL] desired to offer an amendment, and I will yield to him to offer that amendment at this point, and let the amendment I have just offered be considered pending.

Mr. HILL. Mr. Chairman, I will offer it as an amendment to the amendment. I think that would be entirely proper, and do so.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amend the amendment by adding the following:

"And in addition thereto, and as an inducement to the prompt recruiting of men heretofore authorized by law and of such additional force as may be authorized by this act, the sum of $3,476,200, to be at the disposal of the Bureau of Navigation during the continuance of the war in Europe for use as bounties for enlistment at the rate of not to exceed $100 for each man enlisted during such period."

Mr. PADGETT. Mr. Chairman, on that I reserve the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

Mr. HILL. Mr. Chairman, I ask unanimous consent that I may be allowed to address the committee for 10 minutes.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to address the committee for 10 minutes. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman can not take another Member from the floor by a parliamentary inquiry.

Mr. MOORE of Pennsylvania. Mr. Chairman, I respectfully submit that I addressed the Chair and the Chair recognized me before he did the gentleman from Connecticut.

Mr. SHERLEY. Mr. Chairman, the gentleman has no right to recognition.

Mr. MOORE of Pennsylvania. To make a parliamentary inquiry?

Mr. SHERLEY. No. The gentleman from Pennsylvania can not take the gentleman from Connecticut off the floor by a parliamentary inquiry.

Mr. MOORE of Pennsylvania. Mr. Chairman, I submit I addressed the Chair and the Chair recognized me.

The CHAIRMAN. The Chair did not recognize the gentleman. Is there objection to the request of the gentleman from Connecticut that he may address the committee for 10 minutes? [After a pause.] The Chair hears none.

Mr. HILL. Mr. Chairman, I have full confidence in the ability of the Chair, with his parliamentary knowledge, to rule this amendment in order.

The CHAIRMAN. That is to be determined later.

Mr. HILL. I have full confidence, too, in the chairman of this committee—in his wisdom, in his knowledge, and his conservatism—and I shall vote for every good feature of this bill. I have an equal confidence in the ranking member of the minority, and I shall vote for every proposition that he submits; and, gentlemen, I shall vote, if I have the opportunity, for every increase to this bill as it comes from the Senate. I am in favor of the largest Navy in the world. I think the chairman of the committee was mistaken in the statement that he made a day or two ago that he was making this bill for peace. I think that there is an emergency which requires consideration at this time. I have a very distinct recollection of a few years ago when I went to a meeting of the insurgents over here in the rooms which were formerly occupied by the Congressional Library, and I carried a telegram from Marcellus Hartley, of Schuyler, Hartley & Graham, which he asked me to read in the insurgent meeting.

The insurgents consisted of a majority of the Democratic side and a minority of the Republican side, and they controlled the House of Representatives and were determined to force war with Spain. I went into that meeting and read that telegram stating that there was not one pound of smokeless powder in the United States, and that it was necessary to have it in order to load small-arms cartridges, and that there was a consignment of 25 tons on the ocean which should arrive in the port of New York within three days and asking that meeting of insurgents to defer their demand upon President McKinley for intervention until that powder could be landed safely in New York Harbor and escape Spanish cruisers. I am keeping that telegram now among my papers at home as an evidence of unpreparedness in the United States.

Now, a few days ago the gentleman from Illinois [Mr. CANNON] struck the weak spot of this bill, and that was the personnel. What is it—what are the present conditions? A few weeks ago I came from a bed of sickness to Washington to vote to sustain the President of the United States in his ultimatum to Germany, and when I got here I began to inquire about our condition and whether we were ready to back up the President of the United States by something more than votes. I found that of a boasted Navy of 250 or more ships that 70 of them were either on paper or on the stocks in process of construction. I found that in addition to that nearly 70 more were unmanned and unequipped, including craft of all kinds and character. I asked what was necessary in order to equip them and put them in commission ready for business if the President of the United States called upon us to do business, and I found that instead of 10,000 additional men being required to do it, 28,000 were necessary to put the ships that we have now, tied up to the docks, or anchored in midstream, back into working order ready for business.

And I made up my mind that when the time came I would try to do something to get this country prepared immediately, not three or four or five years from now, but to use what facilities we now have to maintain the honor and dignity of my country.

Now, what have we done? We passed an Army bill providing for an army of 175,000 men. We had a most eloquent speech from one gentleman opposing a Regular Army of 250,000 men, for which I voted, on the ground that it was buncombe, that the men could not be procured and that we were deceiving the American people. Well, I have been inquiring about that, gentlemen. Last winter we passed an authorization for 20,000 men to bring the Army up to the standard already provided by law and I found that the recruiting that we have had since has brought an increased army strength of 1,000 men, about, so that on the basis on which we are now recruiting it will take three years and four months to get the Army brought up to the old standard before one man is counted in the new Army bill, and if this new Army bill provides for a minimum of 200,000 men, on the basis of present recruiting it would take 41 years to get them. That is not preparation; that is criminal negligence. [Applause on the Republican side.]

Now, let me apply that thing to the Navy. According to the best authority I can get we are somewhere from 25,000 to 34,000 short of the men necessary to put our existing Navy in commission. You have a choice of leaving it where it is, wholly unprepared, or when the emergency arises of having 34,000 men, one-half of your force, wholly unprepared, undrilled, untrained.

Mr. CALLAWAY. Will the gentleman yield?

Mr. HILL. I will if you give me some time. I can not yield unless I have more time.

It will take, on the same basis of recruiting which is now occurring in the Army, four years and four months to recruit those men whom the chairman of the committee says are necessary for present purposes in time of peace; and when he says that he refers to the manning not of the Navy as such but only to the ships in actual active service.

Now, why should we not offer additional inducements? An amendment passed this House yesterday providing for a 20 per cent bonus to build ships within a record time. That applies to $180,000,000 worth of construction for the expediting of completion of the ships, guns, and so forth, authorized by this bill. That means $36,000,000 under the terms of this bill, possible as a bonus for building ships and making guns and equipping them. I want to give a bonus to the man behind the gun, for he is the man whom we rely on to protect this Nation. [Applause.]

Now, the expenditure under this amendment is not compulsory. I am willing to trust the administration to use it wisely and discreetly. I believe they are just as patriotic as I am or any other Member of either side of this House. I want to authorize this bonus so that the Government, should any necessity arise at any time during the continuance of this war, can get the men and put them upon the ships and drill and train them and keep those ships cruising.

"Oh," but says somebody, "we do not need it." We do. I will tell you what I would do, gentlemen. I would immediately establish a battleship mail-delivery line if I had my way. I am tired, everlastingly tired, of picking up the morning paper and finding that the letters of business men in the United States, sent from a neutral port to a neutral port, are taken into a belligerent port and held up for three, four, and five months. [Applause.] And I would put those battleships into that service, either as mail carriers or convoys to neutral ships carrying our mails under contract with our Government. Why, we took six out of commission week before last in order to get men enough to supply crews for two newer and larger ones. I would man them and start them carrying letters from New York to Norway, Sweden, Denmark, and Holland, and if any belligerent demanded a different delivery of that mail from what we saw fit to give, and attempted to enforce that demand, I would deliver those letters out of the mouth of a 12-inch gun. I do not believe it is consistent or dignified for this great Government of ours to deliberately sit down here and say we have no power in the matter. If, as I believe, absolutely uncontested, acknowledged, international law is being violated every day, it is high time for this Nation not only to assert its rights but to maintain them at any cost.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. HILL. Mr. Chairman, I am sorry. I would be glad to make a few further appropriate comments on the article of Lord Cromer in the press of yesterday from which I quote as follows:

It is well that President Wilson should fully realize the fact that the meaningless and misleading phrase invented in Berlin about freedom of seas is generally regarded in this country as the destruction of naval supremacy of Great Britain.

If we emerge victoriously from the present contest, the victory will be mainly due to the British Navy. It is inconceivable that any responsible British Government would listen to or the nation be prepared to accept any proposals having for their object the diminution of the relative naval strength of this country.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL. Mr. Chairman, I would like to be heard just a moment on the point of order.

My understanding of the amendment of the chairman of the committee is that it adds certain discretionary provisions to the last paragraph on page 8. That paragraph reads:

Expenses of recruiting for the naval service: Rent of rendezvous and expenses of maintaining the same; advertising for obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties, $174,670.

My proposition is, Mr. Chairman, to increase the amount of that appropriation for the specific purposes named herein; in other words, instead of $174,670 with which to obtain seamen, to add a provision providing that it shall be discretionary with the Bureau of Navigation to pay a bonus for enlistments while the war continues. It seems to me that it is strictly in accord with the purpose, the intent, and the provisions of the bill, and that it is wise legislation at this time.

Mr. PADGETT. Mr. Chairman, I insist upon my point of order.

Mr. MANN. Mr. Chairman, may I ask the gentleman what the point of order is?

Mr. PADGETT. The point of order is that it is not germane to the provisions to offer a bounty. I do not think it is legislation germane to the bill.

Mr. MANN. It is germane to the bill; there is no question about that part of it. It may be subject to the point of order that it is not germane to the amendment. I would like to make this suggestion to the gentleman from Tennessee. There are a great many provisions in this bill which are subject to a point of order under the ordinary rules of the House. The majority has brought in a rule making all of those provisions in order. In reasonable fairness the gentleman ought to be willing to let some one on the minority side offer a proposition fully germane to the bill, even if it be subject to a point of order.

Having put so many provisions in, and made them in order under a special rule, the majority ought to be fair, notwithstanding that on a thing of this sort I do not know whether the House wants it or not. I think it ought to be submitted to a vote of the committee.

Mr. PADGETT. I do not want to take any technical advantage. I have been very liberal, I think, in dealing with these matters, but the question of offering a bounty would entirely destroy our enlistments, because no man would enlist after that unless you gave him the bounty. If in time of peace you provide for a bounty, immediately it will go abroad throughout the country that there is a bounty to be had if they will hold out, and nobody would ever enlist at all, and we are having good enlistments, and I see no occasion for it. And the point of order would——

Mr. MANN. The gentleman himself has just offered an amendment subject to a point, to which no point of order was made, but it is not to increase enlistments.

Mr. PADGETT. As we have been dealing liberally, I will withdraw the point of order and let the House determine the matter.

Mr. HILL. Will the gentleman pardon me for just a moment? I want to call the attention of the House to a mathematical proposition. After a careful calculation I think the proposition which the gentleman submits in shortening the enlistment from four years to three will cost the country more than if my amendment were adopted.

Mr. PADGETT. You will notice that this amendment does not give the $100 man the benefit.

Mr. HILL. I understand the ultimate effect of it would be to cost a good deal more.

Mr. PADGETT. It does not cost anything at all.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Connecticut [Mr. HILL].

Mr. PADGETT. I want to say, Mr. Chairman, that this bill has authorized something like a little over 10,000 men. The Navy to-day is fully enlisted and has a waiting list. It has not had any trouble to get enlistments so far.

Mr. HILL. Mr. Chairman, pardon me, does he not recognize the fact that the war conditions, where men are getting war wages, stops enlistments, and will during the continuance of the war in Europe?

Mr. PADGETT. It has not so far, and we find that for a year or more the enlistments have continued. We have a full

enlistment. In fact, day before yesterday the Secretary said to me that he was full up, and would have to stop the enlistments for a while unless this bill became a law, so that he would have an outlet for the enlistments.

And the proposition is plain that if we put on here a provision to give a bonus of $100 for enlistments, not another man will enlist unless he gets that $100. It would be a bad policy. It would destroy our enlistments, and all over the land the word would go, "Just wait and you will get $100 for your enlistment." I hope the amendment will be voted down.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Connecticut [Mr. HILL] to the amendment of the gentleman from Tennessee [Mr. PADGETT].

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

Mr. ROBERTS of Massachusetts. Mr. Chairman, I desire to be heard for a moment on the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

I do not know that I am opposed to it, but I would like to ask the chairman of the committee where this amendment came from? It has never been brought up in committee, and, so far as I know, it has never been heard of in committee. What is its real purpose?

Mr. PADGETT. I will say to the gentleman that several days ago the gentleman from Connecticut [Mr. HILL] talked to me about the amendment which he has just offered and which has been voted down. We discussed the matter of attempting to give some stimulus to enlistments. I told him that I would think over the matter very carefully and earnestly, with a view to trying to reach what I thought would be a correct solution of the matter.

The more I thought of it the more I was convinced that it would be improper to offer a bounty; and then I went up and talked with Admiral Blue and with the Secretary of the Navy. We three discussed the amendment submitted by the gentleman from Connecticut, and all of us agreed that it would in effect destroy our enlistments, and out of that suggestion Admiral Blue prepared the amendment which I have offered, giving a one-year enlistment and allowing the privilege to a man at the end of one year to be discharged honorably, but without any charge against him, and without getting any benefit. If he remains longer than a year, why he continues for the full period.

Mr. ROBERTS of Massachusetts. Mr. Chairman, will the gentleman yield? I desire information only on the proposition.

Mr. PADGETT. Yes.

Mr. ROBERTS of Massachusetts. If a man enlists, he enlists for the full period of four years; but under this provision, if it becomes a law, the man who has enlisted for the first time, after one year's service may, in the following June or December—not between those periods, but in those specific months—be discharged on his own application without paying anything?

Mr. PADGETT. He may ask for a discharge at the expiration of one year from the time of his enlistment, to be discharged the following June or December. Those two months were selected for the reason that at that time it would cause less inconvenience. The fleets in those months are less active than in any other months in the year, and it would cause less inconvenience for the changes to take place in those two months.

Mr. ROBERTS of Massachusetts. Now, this is not intended in any way to take the place of the departmental regulation governing discharge by purchase?

Mr. PADGETT. No, sir; it is not; nor the furlough provision that we have included in this bill.

Mr. ROBERTS of Massachusetts. And under this provision the man enlisting for the first time will be given an outfit costing $60, and 12 months after he receives that outfit he can leave the service without reimbursing the Government a penny?

Mr. PADGETT. That is it.

Mr. ROBERTS of Massachusetts. Does he get transportation like other men who are discharged from the service?

Mr. PADGETT. No, sir; I understand not.

Mr. ROBERTS of Massachusetts. Why should he not? There is nothing here to prevent it, as I read the amendment of the gentleman. I think, Mr. Chairman, under the terms of this amendment, if he enlisted at Boston and lived in the eastern part of the country and was discharged at San Francisco, he would have the transportation back to the point of enlistment.

Mr. PADGETT. I suppose he would receive transportation. I do not see anything that would prevent his receiving his transportation back to the point of enlistment. The advantage of the amendment would be that he would get the benefit, but instead of tying himself for four years the young man would have the inducement of knowing that he would get out at the end of a year in an honorable way without any penalties; and then the department believes that if they enlist and get into the service and serve for one year, and become accustomed to it, a very large number of them will continue in the service, and that benefit is given to them in lieu of the proposal for the bounty.

Mr. ROBERTS of Massachusetts. Really, under the working of this amendment, if it becomes a law, would it not be possible for some men to be held 17 months before they can get their discharge under the terms of this act?

Mr. PADGETT. It would run from 1 year to 18 months.

Mr. ROBERTS of Massachusetts. That would depend, of course, upon the time a man enlisted?

Mr. PADGETT. Absolutely so.

Mr. ROBERTS of Massachusetts. So that if a man enlisted in June or the latter part of May, a year from that time he could ask to be discharged in the following month of June, and he would be in only 13 months, and the man who enlisted in January would have to serve practically 18 months before he could get out?

Mr. PADGETT. That would be the way.

Mr. ROBERTS of Massachusetts. That does not seem to me to be fair.

Mr. PADGETT. The law determines the time of his discharge, but not the time at which he shall enlist.

Mr. ROBERTS of Massachusetts. How are you to help your enlistments if you give him the notice that they may wait a certain number of months and get a more favorable time to enlist?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I ask unanimous consent that the gentleman's time be increased five minutes. We should have an understanding of this radical legislative proposition.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. ROBERTS of Massachusetts. I will say that if there should be a change of law covering enlistments in the departmental regulation, I would be in favor of it.

Mr. PADGETT. Under this provision they can get out without buying their way out.

Mr. ROBERTS of Massachusetts. I understand.

Mr. PADGETT. Then there is another provision in the bill, going along with it, that allows a man to be furloughed and go out of active service into the reserve, and subject to be furloughed without pay in the reserve.

Mr. STAFFORD. Where is that in the bill? I remember reading it, but I can not find it at this minute.

Mr. ROBERTS of Massachusetts. I do not know that I will object to or oppose this provision, but I have grave misgivings about its results.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. McKENZIE. I simply desire to ask the chairman whether, under his amendment, a man would pass out into the reserve at the end of the year?

Mr. PADGETT. Not under this amendment. He would under another provision in the bill. If he did not choose to go out under this provision at the end of the year, later under the other provision he could go out into the reserve.

Mr. McKENZIE. Under your amendment we would lose the man's services.

Mr. PADGETT. At the end of 1 year, or 18 months; whatever that period was.

Mr. McKENZIE. One other question. Is it possible for a man to become an efficient seaman in one year's service?

Mr. PADGETT. For many, even most of the ratings, yes; for some of the higher ratings, no.

Mr. McKENZIE. Is it not possible that by the adoption of your amendment we will demoralize the personnel of the Navy rather than improve it?

Mr. PADGETT. I think not. I think if a young man, when he has been in the service a year, is dissatisfied with the service to the extent that he wants to get out of it, the service is not hurt by letting him get out. Many of them when they get in there and get accustomed to it and get into the drill will go right along and continue the four years, and reenlist later.

Mr. BUTLER. Mr. Chairman, the gentleman from Michigan [Mr. CRAMTON] called my attention to a feature of this amendment that had not at first impressed me. It is only intended for the man who enlists for one year. That is, at the completion of

one year he may, at the following June or the following December, resign.

Mr. PADGETT. No; that is not an accurate statement of it. At the end of the year he can ask for his discharge, and the discharge will take place in the following June or December after the completion of his year. But at the end of the year he must make known his desire to take advantage of the relief.

Mr. BUTLER. Does the gentleman think the amendment is broad enough to cover his view or interpretation of it?

Mr. PADGETT. Yes.

Mr. BUTLER. Suppose a sailor man serves two years. He can not take advantage of it then?

Mr. PADGETT. No. Then he comes under the other law.

Mr. BUTLER. I understand. Then, after he serves one year, he may, if this amendment is adopted, elect to retire from the service, but he will not receive his discharge——

Mr. PADGETT. He would get his discharge in the following June or the following December.

Mr. BUTLER. Very well. But then he will not have to serve 18 months.

Mr. PADGETT. It will depend on when he enlisted.

Mr. BUTLER. Very well. Now, there is where I am confused. If a sailor should enlist in the month of January, 1917, his term would expire in January, 1918.

Mr. PADGETT. At that time he would make known his wish to retire under this provision and would retire in the following June.

Mr. BUTLER. Yes; but he still would continue his service in the Navy?

Mr. PADGETT. Yes; until the following June.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. PADGETT. I ask for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Tennessee [Mr. PADGETT] is recognized for five minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object——

The CHAIRMAN. It is too late.

Mr. MOORE of Pennsylvania. Reserving the right to object——

The CHAIRMAN. The gentleman from Tennessee has been recognized.

Mr. MOORE of Pennsylvania. The Chair stated the question, and the Chair did not hear me.

The CHAIRMAN. That may be the Chair's misfortune.

Mr. MOORE of Pennsylvania. I reserved the right to object to the request.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. MOORE of Pennsylvania. Will the gentleman from Tennessee yield to me?

Mr. PADGETT. When I have yielded to my colleague on the committee [Mr. BUTLER].

Mr. MOORE of Pennsylvania. The committee is occupying the time. I would like to know when the committee does get through.

Mr. BUTLER. I will forego the privilege.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] has the floor.

Mr. BUTLER. My colleague [Mr. MOORE of Pennsylvania] may have the opportunity of asking the question. I only want information, and I do not want to be criticized for it.

The CHAIRMAN. The gentleman from Tennessee has the floor, not the gentleman from Pennsylvania.

Mr. PADGETT. I have offered to yield to the gentleman from Pennsylvania in every way that I could.

Mr. BUTLER. I am not criticizing the gentleman from Tennessee. I was endeavoring to get some information that I thought would be useful to me in voting upon this, but the question is raised whether the Naval Affairs Committee propose to occupy all the time; therefore I will forego my privilege.

Mr. HILL. Mr. Chairman——

Mr. PADGETT. I yield to the gentleman from Connecticut.

Mr. HILL. I would like to understand this amendment If I understand it correctly it cuts out the bounty for the second enlistment, from these men who retire——

Mr. PADGETT. What we call continuous-service pay.

Mr. HILL. The three months' bonus that is given if a man reenlists?

Mr. PADGETT. That is correct.

Mr. HILL. I think the exigencies would require that the man be paid the bonus to begin with. Now, what I want to know is this: Does it cut out also the extra pay for the second enlistment?

Mr. PADGETT. He would not get that unless he served the four years.

Mr. HILL. Is there anything in the amendment that prevents his drawing $5 a month extra if he reenlists?

Mr. PADGETT. Yes; because he would not be counted as having enlisted for a full period. He does not get it. It says here—

> But when so granted shall not entitle the holder in case of reenlistment to the benefit of an honorable discharge granted upon completion of enlistment.

Mr. HILL. Does that specifically cover anything more than the three months' extra pay for reenlistment?

Mr. PADGETT. Yes; it covers all the benefits of reenlistment.

Mr. STAFFORD. Mr. Chairman, this amendment is a departure from the policy persistently followed by the Military Affairs Committee in their method of enlistment for the Army. I wish to inquire whether the Secretary of the Navy and the Chief of the Bureau of Navigation and the gentleman from Tennessee considered the advisability of having these men who elect to be relieved of service within one year continue as reserves for the balance of their enlistment?

Mr. PADGETT. We have a provision in this bill taking care of that.

Mr. STAFFORD. That does not take care of this identical condition. That provision is found on page 40; that only secures a man's release at the option and discretion of the Secretary of the Navy. I can conceive of many men wishing to enlist in the Navy who will be guaranteed their release under a term of one year and be willing to be a member of the reserve force during the remaining three years. Why should we, under the provision that the gentleman submits, allow a man to be mandatorially discharged after service of one year, with full training, full equipment, transportation paid to his home, without having the Government control his activities in case of an emergency during the remainder of his original enlisted period?

Mr. PADGETT. This provision and the one in the bill takes care of both situations. This provision authorizes enlistment, and at the end of the first year of his first enlistment he may be discharged, and he is completely separated from the service if he does not want to remain in the service. Under the other provision he may during the first year, or after the first year, retire and go into the reserve and remain in the service, so that both situations are cared for.

Mr. STAFFORD. They are not cared for; why should not the Government have control of his activities after he has served one year?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. STAFFORD. I ask unanimous consent that the time of the gentleman from Tennessee be extended three minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the time of the gentleman from Tennessee be extended three minutes. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, I would like to ask the gentleman from Tennessee if this request is granted, how many more amendments the committee has to offer, five days having been used for the committee and only one day remaining for the rest of the Members of the House?

Mr. PADGETT. I have only two or three amendments to offer, and that is all. I do not know whether other members of the committee may have any.

Mr. MOORE of Pennsylvania. Still reserving the right to object, I would like to know how many amendments the minority of the committee has, since only the committee has offered any amendments?

Mr. ROBERTS of Massachusetts. The minority has no more amendments to offer.

Mr. MOORE of Pennsylvania. Reserving the right to object, I would like to ask the chairman of the committee, the gentleman from Tennessee, whether the other 425 Members of the House, under the rule and the agreement and the peculiar conditions prevailing, will have an opportunity to present amendments at all?

Mr. PADGETT. Yes; I think so. I hope to get through in a very short time.

The CHAIRMAN. The Chair will state that hereafter gentlemen can not indulge in debate under the guise of reserving the right to object to unanimous-consent requests. The Chair will enforce the rule.

Mr. STAFFORD. Does the gentleman believe that it would be a deterrent to enlistment if the amendment proposed by him

had the further provision that he should become a portion of the reserve force in case he elect to be discharged?

Mr. PADGETT. I think it would destroy the purpose of the amendment. This is to afford an opportunity for a man to get out after one year. We have a provision that if he wants to stay in, or if he wants to go into the reserve, he can go in during the first year or after the first year. This is to take care of a man who does not want to go into the reserve. It is to get trained men, believing that after they are once familiar with the service they will continue during the full period.

Mr. STAFFORD. Are not discharges and going into the reserve under the furlough feature contingent on the exercise of the discretion of the Secretary of the Navy?

Mr. PADGETT. Certainly; and it ought to be. You would not want, if the emergency should arise, to have every one of them to say, "I want to go into the reserve."

Mr. STAFFORD. I think this should have a contingent provision that they should go into the reserves.

Mr. PADGETT. I think not.

Mr. ROBERTS of Massachusetts. Will the gentleman from Tennessee permit a question?

Mr. PADGETT. Certainly.

Mr. ROBERTS of Massachusetts. If I understand the purport of the gentleman's amendment, after one year a man can leave the Navy absolutely on the following June or December, irrespective of whether we are in a state of peace or war. Is that correct?

Mr. PADGETT. Yes.

Mr. ROBERTS of Massachusetts. As I read the amendment, he has an absolute right by giving notice to be released from the Navy with an honorable discharge in June or December following his year of service?

Mr. PADGETT. Yes.

Mr. ROBERTS of Massachusetts. He can be discharged whether we are at peace or at war?

Mr. PADGETT. I am going to modify my amendment by putting in "in time of peace."

Mr. ROBERTS of Massachusetts. That will correct it.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent to modify my amendment, in the second line of the amendment, after the word "shall," and before the words "if he so elects," to insert the words "in time of peace," so that it will read:

Provided, That any person who shall hereafter enlist in the Navy for the first time shall, in time of peace, if he so elects—

And so forth.

The CHAIRMAN. Is there objection to the modification as stated by the gentleman from Tennessee?

There was no objection.

Mr. CRAMTON. Will the gentleman from Tennessee yield?

Mr. PADGETT. Yes.

Mr. CRAMTON. As I understand it, if this amendment goes into law, a man who enlists for a four-year period can, at the end of the first year, make application for his discharge on the following June or December and get it without expense.

Mr. PADGETT. Yes.

Mr. CRAMTON. If he served his country two years or three years, he can not at the end of that two or three years get his discharge except by paying for it.

Mr. PADGETT. He can do that and go into the reserve.

Mr. CRAMTON. He will be penalized for his additional service.

Mr. PADGETT. Oh, no; it is not a penalty, but there must be some time fixed, and this is to give the young man that goes in without experience a period of a year to adjust and adapt himself to the service and if he does not like it to retire.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee, as modified.

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 100, following the amendment inserted after line 9, insert the following:

"In the event the Secretary of the Navy is unable to secure from the shipbuilders contracts for the expeditious construction of the ships herein authorized at a fair and reasonable price, the sum of $6,000,000, or so much thereof as may be necessary, is hereby appropriated to enable the Secretary of the Navy to equip the navy yards at Puget Sound, Philadelphia, Norfolk, Boston, Portsmouth, Charleston, and New Orleans with suitable and necessary machinery, implements, buildings ways, and equipment for the construction of such of the ships herein authorized as may be assigned to such yard for construction."

Mr. PADGETT. Mr. Chairman, I wish to state to the committee that I have offered that amendment because I think it is proper, in view of the amendment which I offered yesterday morning and which was adopted by the Committee of the Whole. It will be recalled that yesterday morning the committee adopted an amendment providing that the Secretary should have authority to pay bonuses not exceeding 20 per cent of the limit of cost of the ships for expeditious construction and for expeditious delivery of material. It occurred to me in reflecting over that that the shipbuilders, with the enormous program that we are authorizing this year, already providing for more than $182,000,000 worth of new construction—yes, $190,000,000 of new construction——

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Not just now; I will in a moment—that it would be proper that we should put in the hands of the Secretary the opportunity and the means of preventing a combination among the shipbuilders. For instance, we are authorizing five battle cruisers. If the shipyards that are prepared to build battle cruisers should say, "We will take one apiece and we will make our bids for a long-time period of construction at a price and then ask a bonus to come down to the ordinary period of construction," the Government might be helpless; but if we have in the hands of the Government power to say to these gentlemen, "If you do not submit to us contracts for a proper time and charge reasonable and fair prices we will equip these yards and be ourselves able and ready and prepared to build these ships," we will have a balanced proposition in the bill. You have offered the bounty for the expeditious proceeding of the private yards if they will properly avail themselves of it. If they seek to hold up the Government, the Government will have the opportunity and the power to equip itself to relieve itself from that situation.

I want to state that I did not include the Mare Island Navy Yard and the New York yard for the reason that heretofore we have made an appropriation at a former day in this session equipping the navy yard at Mare Island and also putting in the amount that was necessary to add the additional machinery at the navy yard in New York. They have already been cared for by previous appropriations and those two yards were not included.

Mr. CALDWELL. Why not put them in anyway, for fear there is not enough?

Mr. PADGETT. Oh, they have enough.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. HUMPHREY of Washington. I want to ask the gentleman this question: Suppose that the situation should so develop that on the Atlantic coast the Secretary could find private yards for the construction of these vessels, but that on the Pacific coast he could not. Would he be authorized then to equip a yard on the Pacific coast, or would he have to equip all of them if he equipped one?

Mr. PADGETT. I suppose that under this amendment, under a fair and proper interpretation of it, if the private builders in the country submitted bids for expeditious delivery at a fair and reasonable price, he would be justified in accepting those bids and not exercising this discretionary power.

Mr. HUMPHREY of Washington. Will the gentleman yield further? I do not think that the gentleman quite understood the import of my question. What I want to know is whether or not the Secretary could equip one or more or all of the yards if he thought it necessary? Would he have to equip all of them or could he equip as many as he thought necessary?

Mr. PADGETT. If he did not get proper bids and he had ships enough to assign to all of the yards he would equip all of the yards under the provisions of this amendment. It is stated that he shall equip a yard with machinery, implements, building ways and equipment to construct the ships assigned to that yard for construction.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. CALDWELL. Does the gentleman not think it would be advisable to include the New York yard for the reason that it may develop from an efficiency standpoint that the department may desire to expend a part of that money for the development of that yard. The gentleman must understand that the Brooklyn Navy Yard is one where they are doing some very very important work at this time.

Mr. PADGETT. Some very very important work, and we have spent some very very large sums to equip that yard, and it is equipped, and they are building and have been building large ships there, and last January we at their request passed an emergency measure taking care of the navy yard at New York. I do not think it is necessary to include it now.

Mr. CALDWELL. For the immediate necessities now.

Mr. PADGETT. Oh, for all that is needed.

Mr. CALDWELL. As I understand it, the purpose of the $6,000,000 appropriation proposed is to take care of something that may happen in the future.

Mr. PADGETT. To equip the yards that are not yet equipped. I think the gentleman ought not to try to gobble up what we are providing for these other yards.

Mr. CALDWELL. We do not want to gobble anything, but we want a square deal.

Mr. PADGETT. You have already had your deal, and these others have been waiting. You have been building ships in New York for years and years.

Mr. CALDWELL. We are trying to square out the points.

Mr. PADGETT. You are trying to take up something that these others get.

Mr. NOLAN. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. NOLAN. Considering the fact that we are now entering upon the largest program that this country ever undertook, does the gentleman not think it advisable to give the opportunity to the two yards already equipped to build dreadnaughts, to build the largest ships that the Navy needs, and, therefore, to give them additional facilities in the way of additional ways, providing the Secretary is confronted with a situation which deprives him from getting satisfactory bids from private contractors, even though these other yards are equipped. I am thoroughly in sympathy with that idea, but does the gentleman not think we ought to give the Secretary of the Navy the right to further equip both the Brooklyn and the Mare Island Navy Yards?

Mr. PADGETT. Well, the Mare Island yard has a ship on the ways at the present time and has another one assigned there that will take it, when this one gets off the ways, a year before they could get that one off.

Mr. NOLAN. That is just what I want to bring out. What we want is to expedite the building program. The committee is considering the offering of a bonus to expedite the building program. We have at the Mare Island Navy Yard and at the New York Navy Yard a certain amount of facilities to build these large, first-class ships. Now, as you want to get this building program through, does not the gentleman think it would be in the interest of efficiency and economy if they should have the authorization to further equip those yards?

Mr. PADGETT. If the House sees fit to put in the New York and Mare Island yards with the idea of putting additional ways to carry on the building of two ships at each yard, if those names are inserted, there ought to be $1,000,000 added, and it ought to be $7,000,000 instead of $6,000,000.

Mr. NOLAN. I would like to see all the yards that have been enumerated here taken care of first——

Mr. GORDON. Especially San Francisco.

Mr. NOLAN. Let them be taken care of first, and in the event the Secretary, after equipping all of those yards, finds he needs additional facilities, then he ought to have the opportunity to enlarge the facilities at both the New York and Mare Island yards.

Mr. PADGETT. I think if that condition arises those two yards could be taken care of at the next Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. Mr. Chairman, I would ask for five additional minutes.

Mr. BUTLER. How about fixing the time?

Mr. PADGETT. Mr. Chairman, I withdraw that and submit another request that debate on this continue——

Mr. BUTLER. Mr. Chairman, there are nine gentlemen here who have made requests for time on this amendment. How about an hour on each side?

Mr. PADGETT. That is entirely too much, is it not?

Mr. BUTLER. It would be too much for me if I had to make the speech.

Mr. PADGETT. I do not think we need that much. Say an hour, all told; the gentleman to have half an hour and I to have a half an hour.

Mr. BENNET. We will require at least 45 minutes on this side.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that debate upon this matter may be limited to an hour and a half, 45 minutes to be controlled by the gentleman from Pennsylvania——

Mr. BUTLER. No; I will not control the time. I suggest the gentleman from Massachusetts [Mr. ROBERTS] control it. I have not been successful in dividing time and will not divide any more.

The CHAIRMAN. What is the request of the gentleman from Tennessee?

Mr. PADGETT. I am trying to secure——

Mr. ROBERTS of Massachusetts. Mr. Chairman, if the minority leader does not wish to control the time, I have no objection.

Mr. PADGETT. Mr. Chairman, I ask that one-half of the time be controlled by the gentleman from Massachusetts [Mr. ROBERTS] and one-half by myself.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate upon this amendment and all amendments thereto shall close in 1 hour and 30 minutes, one-half to be controlled by himself and one-half by the gentleman from Massachusetts [Mr. ROBERTS]. Is there objection?

Mr. BENNET. Mr. Chairman, reserving the right to object, what opportunity will be given for offering amendments to the amendment? Does this simply apply to this amendment?

The CHAIRMAN. To the amendment and all amendments thereto.

Mr. BENNET. Any gentleman who obtains the floor can offer an amendment?

The CHAIRMAN. With the understanding that any gentleman who has the floor may offer amendments.

Mr. PADGETT. Amendments to this amendment; yes, sir; to be voted upon at the expiration of that time.

The CHAIRMAN. Is there objection?

Mr. PADGETT. My request embraces the amendment and all amendments thereto. Amendments can be offered now or at the expiration of that time.

Mr. BUCHANAN of Illinois. I just desire to ask the gentleman from Tennessee one question. I want to ask the gentleman if he will not agree, instead of the words "a reasonable price," to substitute the words "at a price not to exceed the cost at Government navy yards"?

Mr. PADGETT. We could not tell what that was, and the bidder could not tell what it was when he submitted bids.

Mr. BUCHANAN of Illinois. They submit bids in the navy yards——

Mr. PADGETT. "Fair and reasonable" covers it.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Tennessee [Mr. PADGETT] is entitled to 45 minutes and the gentleman from Massachusetts [Mr. ROBERTS] is entitled to 45 minutes.

Mr. PADGETT. I will ask the gentleman from Massachusetts if he will not use a part of his time now?

Mr. ROBERTS of Massachusetts. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, I had ready to offer an amendment to equip the Bremerton yard for battleship construction, but this morning the chairman of the committee [Mr. PADGETT] informed me that he would offer an amendment that he believed would care for that yard. I am certainly much obliged to the chairman for taking this attitude. The amendment that he has offered, I believe, will assure the equipment of the yard at Bremerton for battleship construction. I know the conditions on the Pacific. I know the desires of the Secretary of the Navy, and I have no doubt whatever that if the amendment that has been offered is adopted the Bremerton yard will be equipped for battleship construction. This will accomplish practically all that the amendment that I had proposed to offer would accomplish. For this reason I shall certainly support the amendment.

I appeared before the Naval Committee and urged an amendment for an appropriation sufficient to equip the Bremerton yard. At that hearing I was much surprised to find that, notwithstanding the recommendation of the Secretary of the Navy, practically all of my Democratic friends on the committee were opposed to such an amendment, and several of my Republican friends were also against it. In view of the attitude at that time, I am more than pleased at the change that has taken place, and that the chairman of the committee now offers an amendment that will give what I was asking for when I was before the committee.

For almost 14 years it has been my duty and my pleasure to work for the upbuilding of the Bremerton yard. I believe—in fact, I know—that, all things considered, it is the best yard in the country. Every session of Congress I have been before the committee asking for appropriations for the yard. It is true that the committee has given what they have always believed to be were liberal appropriations and against the action of the committee I have no complaint. But certainly their appropriations were never more than the yard merited. Outside of the legislation giving us the two dry docks, I believe that this amendment, if passed, as it certainly will be, is of greater benefit to the yard than anything that Congress has yet done for it.

Now, I want to call the attention of the committee to the condition as it exists upon the Pacific coast. It is not a question in this particular case of whether you are going to have Government construction or whether you are going to have private construction. It is a question of whether or not you are going to have any construction at all under the condition upon the Pacific coast, and it is largely the condition upon the Atlantic coast.

As I am informed, to-day upon the Pacific coast there is not a single shipyard but what has contracts for at least two years ahead. If the Government was ready at this hour to let a contract for the construction of a battleship there is not a private yard upon the Pacific coast that could commence its construction inside of two years.

What is the use of making appropriations for building battleships unless we are going to have some place to build them? If there is any necessity for a great Navy at all, it is necessary that we proceed to construct it at once, and we can not do that, at least so far as the Pacific Coast is concerned—I have not given so much attention to the situation upon the Atlantic—unless we equip the Government yards for that purpose. The Bremerton yard can be equipped to build battleships in a few months.

Now, another matter in regard to that yard upon the Pacific, the one at Mare Island has already been cared for. The one at Bremerton, as is known by everyone, is the one yard—to use the statement made by experts—is the one yard in the country that has deep water that can be approached and used at all times and under all conditions.

As to the character of the yard, I will take the time to read a few short statements from experts in regard to it.

Admiral Stanford says that the Bremerton yard is absolutely reliable and can be approached at all times and under all conditions by our largest ships without dredging or work on the channel.

The following are quotations from some of those who ought to know:

Admiral Stanford: "We have only one thoroughly reliable and excellent deep-water station, and that is Puget Sound."

Admiral Blue: "It is an ideal yard, and should be fully developed. Our largest dry dock is located there, and all buildings are new and modern."

Admiral Strauss: "An ideal yard and well protected."

Admiral Taylor: "It is a very satisfactory yard, well located, and should be developed to its fullest capacity."

Admiral Badger: "A very fine yard, and is the only yard that vessels can go into at any time of the day, excepting, of course, a dense fog."

Admiral Winslow: "If you are going to equip any of the yards for construction, this one should be so equipped. A large force of well-trained workmen there would be a great advantage in case of trouble in the Pacific. At this time it is the only place on the Pacific that our largest and deepest draft vessels could be taken into."

Surely it needs no further evidence to satisfy the Members of this House that if any yard is equipped for the construction of battleships it should be the Bremerton yard.

In addition to the authorities above quoted, as I have already stated, Secretary Daniels and Secretary Roosevelt have both said that the yard should be equipped. I feel certain, in the light of all the facts, that the Bremerton yard will be one of the first that the Secretary will proceed to equip.

Now, it does seem to me that the one yard that has every facility, the only yard upon the Pacific coast that has a dry dock that can take one of the modern vessels, ought to be equipped for construction if the Secretary of the Navy thinks it is necessary. And the Secretary, when I first came down to Washington, told me he was in doubt whether he would recommend that the Bremerton yard be equipped for battleship construction. Later on he told me that after making an examination, owing to the condition of the private yard, he thought it was necessary that the Bremerton yard be equipped at once.

And I want to take occasion now to extend to the chairman of the committee [Mr. PADGETT] my appreciation for the action he has taken in this matter. By so doing he has helped to relieve a situation that is really serious upon the Pacific, and I certainly appreciate that help.

I only want to say this much in conclusion: We hear gentlemen continually making arguments on this side and on that side about the cost. Well, I submit, that is one of the arguments that does not appeal to me very strongly when used against preparation for national defense. When it comes to this question of preparedness, I do not believe the people of this country are so much concerned as to the cost as they are to know whether or not it is for the protection of the Nation.

We have heard a great deal said about the tremendous sum of money that has been spent by England for her great navy. I wonder if there is any patriotic citizen in all that great Empire to-day who regrets the tremendous sum of money that England has expended to construct her navy. If it had not been for that great expense, the great British Empire to-day would be crumbling. We talk about the great cost of our Navy. We spend more money in this country by millions of dollars every year for automobile tires than we do for our Navy. Talk about the great cost of the construction of a navy. Why, the cost of a single modern battle would be more than the cost of a great battleship squadron. The cost of a single year of war would keep us prepared for a century. The cost of a single modern war would be greater than to be prepared for a thousand years. When you talk about the question of cost, I want to ask you who is going to stop and ask about the cost in the day of battle? Who is going to measure in money the value of the dead and the dying? Who is going to place a value in money upon the sufferings of the widow and the orphan? What is human blood worth, anyway, measured in money? What patriotic citizen is going to weigh the dollar against the safety of the Nation? It is not a question of cost in the construction of a navy, but the sole question is, Does a great navy tend to produce peace and to protect the country? It is an insult to the patriotism and the intelligence of the American people to prate about the question of cost when the safety of the Republic is being weighed in the balance. [Applause.]

Mr. PADGETT. Mr. Chairman, I want to submit an amendment to this amendment and incorporate it and let it be considered at the time. At the end of the line add:

The navy yards at Puget Sound, Philadelphia, Norfolk, and Boston to be fitted to be equipped for the construction of capital ships.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent to modify his amendment in the manner indicated. Is there objection?

Mr. ROBERTS of Massachusetts. That will be satisfactory, Mr. Chairman.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBERTS of Massachusetts. I think, Mr. Chairman, with that amendment in we can obviate this debate. [Cries of "Vote!" "Vote!"]

Mr. SULLOWAY. May I be recognized to ask a question of the gentleman, the chairman of the committee?

The CHAIRMAN. Does the gentleman yield?

Mr. PADGETT. I do.

Mr. SULLOWAY. Why is the Portsmouth yard kept from that amendment? Has not the harbor the deepest water that there is?

Mr. PADGETT. Simply because the yard at Portsmouth is not equipped for battleship construction, but it would be equipped for the smaller ships, the cruisers, the torpedo boats, the submarines, and boats of that kind. The yard is not of that character. The ones that we take up are equipped for battleship construction. The conditions are such that this appropriation would make them so.

Mr. SLAYDEN. Mr. Chairman, I want to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Texas?

Mr. PADGETT. Yes.

Mr. SLAYDEN. I wanted to ask the gentleman if this readiness to surrender the debate that we were so eager for a while ago is not due to an eagerness to take care of certain shipyards and not others? I should think that was so from the inquiry made by the gentleman from New Hampshire [Mr. SULLOWAY] as to the Portsmouth yard.

Mr. PADGETT. This is to equip yards in such a situation that they are suited and adapted for the construction of capital ships.

Mr. SLAYDEN. And also suited to the gentleman——

Mr. PADGETT. That may be true, but that has nothing to do with the question of the yards. Other yards can not be equipped for the construction of capital ships and for that reason they are not put in there.

Mr. WHALEY. I would like to ask the gentleman a question. Under this amendment would the other yards be permitted to build ships of smaller construction?

Mr. PADGETT. Certainly. That is what I stated. They could build the scout cruisers, the torpedo boats, and the auxiliary ships, and submarines. They can take care of those.

Mr. WHALEY. And the only two classes that would be taken out of them would be the battleships and the battle cruisers?

Mr. PADGETT. Yes, sir.

Mr. SLAYDEN. Mr. Chairman——

The CHAIRMAN. The gentleman from Tennessee has control of the floor.

Mr. SLAYDEN. The gentleman yielded and sat down. I wanted to ask the gentleman if I might not have four or five minutes.

Mr. PADGETT. I yield to the gentleman five minutes.

Mr. SLAYDEN. Mr. Chairman, what has happened here in the last few minutes indicates the happy conclusion of a deal. I do not mean to say that it is a deal that is going to be of any particular personal profit to the gentlemen engaged in it. I would not insinuate that, and would not believe it of the gentlemen concerned. But it shows their zeal for the interests of their respective communities, and when they united in one of these combinations and trusts, I will say to my colleague over there, they reached a conclusion that induced them to abandon an opportunity for debate which they were so eager for a few minutes ago. Then comes the gentleman from Washington [Mr. HUMPHREY], with characteristic zeal, hurling his contempt at economy when it comes to the construction of ships of war in his district. He is frank, open, and unashamed in his disregard of economy if his district is to benefit by the extravagance. Always alert and diligent in the effort to line the pockets of his constituents, the gentleman is now smilingly content.

There is one man that is forgotten in all this thing. In the anxiety to build up a shipyard at Brooklyn, or at Mare Island, or at Portsmouth, or on Puget Sound, or some other place, the man who pays for it all has been forgotten, and, I submit, there ought to be some little consideration given to him. He digs in the ground and in the mine; he develops and creates the wealth that we have in this country, and it is his contributions to the Government that support and pay for the extravagant program that we are entering upon; and I say, sir, that in his interest this disgraceful contest between the Pacific coast and the Atlantic, between Mare Island and the eastern shipyards each year, ought to stop, and one line of conduct, and only one, should be adopted and followed, and that is to build these ships for the people who pay for them, at the least possible cost, with due regard to efficiency, and for the purposes for which they were designed. And I think, Mr. Chairman, that so far as the taxpayers are concerned they may well exclaim, and be entirely justified in it, "A plague on both your Houses." You care nothing for the man who supports the whole project. [Applause.]

I never have been able to understand the audacity of Members who year after year stand up here and ask that ships of the Navy be built at greater cost than is necessary to procure them.

If they can be built at less cost and with equal skill on the Pacific than on the Atlantic, why, in heaven's name, build them there and send them to the Atlantic when finished. If they can be built more cheaply on the Atlantic, ordinary common sense and business judgment command their construction there. Then, sir, fairness and justice to the taxpayer demand it. But why talk about justice for the taxpayer when it does not exist in this Hall built for their Representatives.

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from Illinois [Mr. BUCHANAN].

Mr. BUCHANAN of Illinois. Mr. Chairman, I desire to offer an amendment to the amendment of the gentleman from Tennessee, the chairman of the committee.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BUCHANAN of Illinois: "After the word 'a' in line 3 of the Padgett amendment, strike out the words 'fair and reasonable price' and insert 'not to exceed cost of construction in Government navy yards.'"

The CHAIRMAN. How much time does the gentleman from Illinois desire?

Mr. PADGETT. I yield to the gentleman five minutes.

Mr. BUCHANAN of Illinois. Mr. Chairman, I believe the committee will understand the purpose of that amendment. The Navy Department has had some experience recently in regard to prices in the construction of battleships and the inability to secure the construction of them in private plants at a reasonable price, because the Government navy yards in their bids have bid sufficiently low to justify the Secretary of the Navy in recommending and this Congress in granting the privilege to spend $600,000, I believe it was, for the equipment of Mare Island Navy Yard, because a ship could be constructed cheaper in the Government yard than it could be in the private yard; and instead of putting in there "a fair and reasonable price," it seems to me like this has the same effect.

No one ought to object to this, because the private shipbuilders have been claiming all the time that they build cheaper than they do in the Government yards. Therefore those who are in favor of giving the private yards an opportunity to build should not object to a provision of this kind in the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN of Illinois. Yes.

Mr. MOORE of Pennsylvania. Would not the effect of the gentleman's amendment be to put private shipyards out of business, since four of the navy yards will now be equipped to build capital ships? Would there be any competition at all?

Mr. BUCHANAN of Illinois. There would be competition between private yards and Government yards, and the representatives of private yards before our committee have stated that they can build cheaper than the Government yards.

Mr. MOORE of Pennsylvania. Would not the effect be to say to the private yards, "Build the ship at our price, or not at all"?

Mr. BUCHANAN of Illinois. Build the ship at a not greater price, or a price not to exceed the cost of construction in a Government navy yard, which it is claimed is greater than that in the private yards.

Mr. MOORE of Pennsylvania. But there would be no competition in the private shipyards if this amendment passed.

Mr. BUCHANAN of Illinois. It makes competition between the Government and the private yards.

Mr. MOORE of Pennsylvania. I think the passage of the gentleman's amendment would mean that the ship should be built in a Government yard or nowhere.

Mr. BUCHANAN of Illinois. It would mean the ships would all be built in a Government yard. There would still be competition between Government yards, as you see in this House the efforts of Members of Congress to get work done in their yards in preference to the yards in another part of the country. That has also been proven beyond any doubt in the construction of the Panama Canal, where one part of the organization engaged in the work on that canal has endeavored to exceed the other part of the organization engaged in the work of construction of that canal; so that by having more than one yard for the construction of these capital ships, that in itself makes competition, and in any event we would have competition. But this amendment that I am offering makes competition between the Government navy yards and the private yards as well as competition between the different Government navy yards.

Mr. PADGETT. Mr. Chairman, I simply wanted to say about this amendment——

The CHAIRMAN. The amendment can be disposed of at the end of the debate.

Mr. PADGETT. All I wanted to say was that the amendment offered by the gentleman from Illinois [Mr. BUCHANAN] is wholly impracticable, to provide that a private yard should not have a contract for building a ship at a price greater than a navy yard would build it. That would make it impossible. We do not know at what figure a navy yard might build it.

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BUCHANAN of Illinois. I wanted to ask the gentleman if it is not a fact that the Secretary of the Navy, in recommending the equipment of the yard, did know what it would cost to build a ship in the yard, or he would not have recommended it?

Mr. PADGETT. He knew what they submitted estimates for, or what they thought they would build it for. They would get a contract for a certain amount and would be penalized if they did not do it for that. The other navy yard simply submits an estimate, and if it costs more, the Government pays more.

Mr. BUCHANAN of Illinois. Has not that been the usual practice in the Government navy yards? I ask the gentleman whether or not the cost has not been greater than estimated by the representatives of that navy yard?

Mr. PADGETT. In a great many cases it has been more.

Mr. BUCHANAN of Illinois. Can the gentleman name one?

Mr. PADGETT. Yes; in the case of the *Louisiana*.

Mr. BUCHANAN of Illinois. How much more, or about how much?

Mr. PADGETT. In the case of the *Florida* it was a million and a half more.

Mr. BUTLER. Yes; about a million and a half more.

Mr. BUCHANAN of Illinois. Was there any case where it was less?

Mr. PADGETT. Yes. There was a case at Mare Island where they built a smaller boat at something under the estimates—about $100,000 less.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. MOORE of Pennsylvania. Would not the private shipyards start in handicapped by overhead charges and things of that kind, in excess of charges that would be borne by the Government?

Mr. PADGETT. They could not tell at what figure the Government would build on an estimate of so much. If it did not do it and it took $200,000 or $500,000 additional, it would simply mean that private yards could not do it at all.

Mr. MOORE of Pennsylvania. It is an unfair and impracticable condition.

Mr. PADGETT. That is all I have to say about this amendment.

Mr. BUCHANAN of Illinois. If the gentleman will yield, then if his position is correct, the Secretary of the Navy knew nothing about the facts when he represented to us that he could build these ships more cheaply in navy yards than he could by private construction.

Mr. PADGETT. He submitted to us the fact that the yards had represented to him that they could, but there was no guaranty——

Mr. BUCHANAN of Illinois. And, of course, they did not know anything about it.

Mr. PADGETT. There was no obligation to do it, except that they would try to meet their estimate.

Mr. BUCHANAN of Illinois. If the gentleman's position is correct, it means that after all these years of experience they know nothing about what they can do in Government navy yards in the way of the cost of construction.

Mr. PADGETT. It does not mean that at all.

Mr. BUCHANAN of Illinois. It does mean that the Government navy yards, after years of experience constructing ships, can estimate quite accurately what it will cost to construct a ship, and from information at hand the estimated cost of a Government navy yard would be a reasonable and fair price for the Government to pay a private corporation or firm.

Mr. NOLAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. NOLAN: Amend the amendment by incorporating the following proviso:

"*Provided*, That the Secretary of the Navy is authorized to provide additional facilities as provided for in the event it is found necessary at the New York and Mare Island Navy Yards."

Mr. NOLAN. Mr. Chairman, I do not represent the congressional district in which the Mare Island Navy Yard is located. It is not in my district and is a considerable distance away from it; but I recognize the fact that this naval bill carries appropriations running into hundreds of millions of dollars—the largest program the Government of the United States ever adopted—a great building program. I do not want to see the navy yards that have been enumerated here deprived of the opportunity to become shipbuilding plants. I think they ought to be taken care of first, before the New York and Mare Island Navy Yards get any additional facilities; but I do not think the Secretary of the Navy should be deprived of the opportunity of putting increased facilities into both Mare Island and New York if he finds it necessary. Now, it may be that before he gets very far he will find that it will take a considerable length of time to equip these four navy yards enumerated in the Padgett amendment, whereas he could for a slight expense in comparison to the other yards provide additional ways at Mare Island and New York, and put on those ways capital ships.

Mr. ROBERTS of Massachusetts. Will the gentleman yield for a question?

Mr. NOLAN. I will.

Mr. ROBERTS of Massachusetts. Does the gentleman think they can provide new ways quicker than they can extend existing ways? And does he not know that there are existing ways in Philadelphia and Boston that can be extended very readily?

Mr. NOLAN. I do know this, that if you want to provide the right kind of ways for the building of a dreadnaught you can not do it by extending the Philadelphia or Boston ways.

Mr. VARE. Oh, yes; you can.

Mr. NOLAN. Because they are not built strong enough to carry dreadnaughts or other capital ships.

Mr. VARE. The gentleman is mistaken.

Mr. NOLAN. I do not want to deprive Boston or Philadelphia of the opportunity of becoming first-class yards, but I want to give the authority to the Secretary of the Navy to extend the facilities at New York and Mare Island; and if you adopt the Padgett amendment as written, the Navy Department will be handicapped.

Mr. PADGETT. Mr. Chairman, I can simplify the matter, so far as I am concerned. I am willing to accept this proviso here, and add some more money to take care of it, if it is necessary to do it, and leave it in the discretion of the Secretary.

Mr. NOLAN. I do not want to deprive New York and Mare Island of any opportunities.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I would like to see that amendment. I want to see how it is worded.

Mr. PADGETT. It provides that the Secretary of the Navy is authorized to provide additional facilities, as provided for, in the event that it is found necessary, at the New York and Mare Island Navy Yards.

Mr. ROBERTS of Massachusetts. If the amendment gives that authority after he has provided for the other yards named, I will accept it.

Mr. PADGETT. Just put that in.

Mr. NOLAN. I do not want to deprive him of the opportunity.

Mr. PADGETT. It leaves it with the Secretary. He is going to take care of the other yards. You need not have any anxiety about that.

Mr. ROBERTS of Massachusetts. I am not sure.

Mr. VARE. For the benefit of the gentleman from California, I should like to say that the plans for the existing shipways at the California navy yard were drawn by the department with the express purpose that they could be enlarged for the purpose of building capital ships.

Mr. ROBERTS of Massachusetts. We have the best of authority for that statement.

Mr. NOLAN. I would like to see your yard equipped immediately, and every yard that is capable of building first-class ships. I do not want to deprive you of that opportunity for the benefit of Mare Island or New York.

Mr. VARE. I want you to know that the existing ways are already planned for that purpose.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. I ask unanimous consent that the time be extended five minutes.

There was no objection.

Mr. PADGETT. I yield to the gentleman from Massachusetts [Mr. TAGUE].

Mr. TAGUE. Mr. Chairman, I can not see in the amendment by Mr. PADGETT where any of the yards provided for are going to get any expenditure unless the private shipyards of the country do not come up to the specifications required by the Secretary of the Navy. That is one thing that I, for one, representing the district wherein lies the Boston Navy Yard, have insisted upon—that we do become equipped under this appropriation in order that we may begin the building of battleships in the navy yard. That is what the navy yard was intended for. That is what the navy yards were built for. There is not a country in the world to-day that has so many of its navy yards lying idle and going to rot as this country. Mr. Chairman, under this amendment there is no benefit to be derived by any of the Government yards unless all of the private shipbuilding companies of the country fail to come up to the specifications. I contend that it does not use the people in the different parts of the country fairly. In the district that I represent we have just completed on the ways, appropriated for two years ago, a small supply ship. On the building of this ship alone we have saved the Government over $250,000. The building of the ways cost the Government less than $140,000, and we have saved the Government over $250,000 on one ship.

All we ask is that the ways in the Boston Navy Yard be extended so that we can do the work that ought to be done in large cities. Just think of it: Great cities like Boston and Philadelphia you are asking to build little boats, while in the shipyards not equipped as well as we are they are building big battleships. Our navy yards are lying practically idle. It is a shame and a disgrace to this country to see mechanics walking the streets wanting employment and being deprived of employment in the cities where the navy yards are because the yards are not properly equipped.

Mr. Chairman, I think the time has come while we are making appropriations when these yards should be equipped to build, as far as they are able, the ships of the Navy. We can build them more economically than can private enterprise. We have proven this in our yard and we want an opportunity to prove it further on larger ships. There is at least $20,000,000 in Government property at Boston Navy Yard practically worthless to the Government unless we can utilize it. That is the condition that prevails there. We have built nothing since 1840 until last year, when we took the contract for the building of a supply ship, and this supply ship is now in the water three months ahead of the specified time called for in the contract. [Applause.]

The supply ship is within 50 per cent of completion and we have spent less than half the money appropriated in the original bill. I contend that we are entitled under this appropriation to have our yard equipped, and we will then be in a position where, when the Government needs us to build a battleship or a cruiser or whatever they desire, it can be done.

Mr. Chairman, I have presented this amendment, asking that at least one of the battle cruisers now authorized in this bill shall be built at the navy yard in Boston, Mass.

In a great appropriation bill of the size of this one I feel that I am not asking too much for the people of my district when I ask that one of these ships be built in a navy yard which for more than a century has been recognized as one of the best yards we have. I believe, in fairness to my people, that we are entitled to this consideration.

This institution, the Boston Navy Yard, has for years been neglected in the matter of building ships, without any reason being advanced by those who have been responsible for this condition.

The time has come when it must be decided to what extent our country is to use its navy yards. No other country of the world has ever been known to neglect these institutions in the manner in which the yards of this country have been neglected, and no country to-day in the world would for a moment permit a navy yard situated as this one is to remain in its present condition.

A few months ago I presented a resolution, which was referred to the Committee on Naval Affairs, asking that an appropriation be made in this bill for the equipping of the Boston Navy Yard for the building of battleships. The Secretary of the Navy, for some reason which I can not understand, has written to that committee asking that this appropriation be not included; and I, as a representative of the people of Boston, object, with all the force that I can control, to my district being neglected now, as it has been in the past, in the improvements to which this yard and my State are entitled in the many appropriations that have been made to improve the other sections of the country and in which we have not been permitted to share our equal part.

The question that comes from the people of my district is why Boston shall be overlooked in this great appropriation for the upbuilding of the Navy of our country. All navy yards of the country were established for the building and repairing of ships of the Navy. That is what they were intended for, and it is only because they have been neglected and have not been kept up to the high standard for which they were intended that to-day we find ourselves at the mercy of and competing with private interests, who are telling us what we shall pay for the building of our ships and when they shall be built.

What other country of the world can you point to that is in the same position? In the past the only work that has been done at our yard has been the minor repairs upon the ships of the Navy. This, to my mind, has been more of a detriment to the workingmen of my district than it is of value, for they are deprived of the opportunity of steady employment, and it is a customary thing among them to expect at any time the message of a furlough, which comes when work has been completed.

We are told that we are unable to build our ships as cheaply as can private enterprises, and with this I take issue. In the small amount of work that we have had to do at our yard, namely, the building of a supply ship, which was launched a few days ago, we have proven that we are able, when permitted to do the work, to do our work in a manner that is not only satisfactory to our Government, but is economical to the highest degree.

This supply ship which we are now completing is being built at a figure 25 per cent less than the amounts bid by private shipbuilders, and she is now within 40 per cent of completion. She has been launched in less time than the contract required, and the splendid organization of officers and mechanics who have established such an efficient working force and have worked so earnestly and faithfully have nothing further to do, and the mechanics will be paid for their faithful service by a discharge.

Every yard in this country should be building ships at the present time, and with the building of new ships can be carried on the work of repairs, keeping intact an efficient force which will be able to do all our Government work in an economical and efficient manner.

We are entitled to this consideration and we ask it as a matter of fairness from this Congress that we be given an opportunity to develop the yard at Boston in the manner in which other yards of the country are being advanced. There can be no objection to our request, and to any objection we answer, "Give the mechanics of Boston an opportunity to show what they can do in the matter of shipbuilding, and this country will be able to boast that they have established another branch of their many great institutions that are a credit to the Nation." I contend that there is no better way for us to prepare the men of our country in the handling of the ships of our Navy than by giving them an opportunity to work upon them.

This appropriation is the largest appropriation for the upbuilding of our Navy that has ever been made, and I am proud to be one of those who will vote for it; and gladly would I vote for a larger sum if necessary and give to us a Navy that we can be proud of. We are asking but for a small portion of it, less than $300,000, of this great amount of $240,000,000 to do our share in this great upbuilding. We are told that the control of prices is a most important consideration. We are also told that we are making an appropriation in the interest of the great Steel Trusts. I am not one of those who believe this to be so, and I believe that no better answer to this statement can be given them than that we intend, as far as we are able, to build ships of our own Navy in our own navy yards.

In the last Congress they wisely appropriated the sum of $148,000 for the equipment of the Boston Navy Yard for small shipbuilding. How profitable this has been to our Government is shown when we realize that in the building of one ship it has saved the Government more money than it cost the Government to build these small ways. In the building of modern ships these ways are too small and should be enlarged, and if by the building of one small ship we can save for our Government almost 100 per cent more than the cost of the building of these ways, I believe I am safe in stating that in the extension of these ways the Government will be in a position to build their ships far more economically than ever before.

Mr. Chairman, the people of Massachusetts have always been liberal in their efforts to support improvements in any part of the country that would be for the welfare of the whole country. They have been unwilling to stint any appropriation, but have always been willing that all parts of the country should be developed. In the building up of our own section of the country they have always displayed this same liberality.

We have in Boston one of the best harbors in the country, made so by the liberal expenditure of the money of the people of the State of Massachusetts. From 1825 to 1915, a period of 90 years, the United States has expended $12,668,000, or a total of $143,000 per year, on the harbor of the State of Massachusetts, and in one-half of the time, from 1870 to 1915, 45 years, has expended the sum of $15,000,000. Receipts from the customs of the port of Boston are over $10,000,000 a year, and there was collected in the State of Massachusetts from corporation income taxes $1,853,157.41, and from individual income taxes $2,683,084.53, making up a total paid by the citizens of the State of Massachusetts of $4,536,141.94 last year.

In the past few years we have expended $9,000,000 in building docks, and to-day we are building the largest dry dock in this country. This dock will be built at an expense to the State of Massachusetts of over $3,000,000, and the State has already agreed with the National Government that they will have the privilege of the use of the dock as against any private or commercial business.

We have built, at a great expense out of our treasury, the largest pier on the Atlantic coast, large enough to accommodate six of the largest ships afloat, and at each of these docks they have deepened the water to 40 feet to enable them to accommodate any ships that are now being constructed.

I am quoting these figures to show that Massachusetts is ever ready to do her share in protecting the commercial interests of the Nation by the building up of her harbor, and I believe that every part of the country benefits by these improvements.

The foreign commerce with the port of Boston for the year 1915 was $290,516,803. New England manufactures one-seventh of the entire manufactured products of the Nation and the greater part of this goes out from this port to foreign countries.

I believe that the navy yard, which has not for a long time received any great improvements, should be improved in keeping with the rest of the harbor and it is the duty of the Government to do so. The Charlestown Navy Yard has been a repair yard rather than a yard for construction work, and the great amount of work that has been done in the yard has been repairs on ships sent there.

The property of the Government here is worth in the vicinity of $20.000,000, and the location of the yard is right at the head of Boston Harbor at a point where the Mystic and Charles Rivers meet and close in a water front of almost one-half mile in the most desirable place in the harbor, which for commercial and shipping use would be invaluable.

If we are to depend on repair work entirely, it is only a question of how soon this yard will have to be closed, because any

business man can verify my statement when I say that no enterprise of this kind can exist upon repair work alone and can only be as an investment where construction work will go hand in hand with repair work. If the yard is to be continued, and it is the sentiment of the business interests of my State that it shall be, it should be equipped immediately for shipbuilding, and with this large expenditure now being made, without an additional appropriation or without any further expense to the Government, this could easily be done.

Mr. Chairman, from the earliest days of American history the men of Massachusetts have always been interested in shipping and shipbuilding, and from that day unto this it has been one of the leading ports of the Nation.

Previous to the establishment of the Charlestown Navy Yard a number of vessels had been built in the vicinity of Boston, several of which subsequently became well known. In the very earliest days of the settlement the importance of ships was recognized, and as early as 1629 we find records of six shipwrights having been sent out from London. Gov. Winthrop, who reached Boston Bay in 1630, records in 1631 the launching of the *Blessing of the Bay*, the first ship of the infant colony, and on August 9 of that year states:

> The governor's bark, being of 30 tons, went to sea.

This small vessel was later converted into a cruiser against pirates and may, therefore, lay claim to the honor of having been the first American vessel of war.

The *Massachusetts* was built at Germantown, a promontory in the town of Quincy, in 1789. The frigate *Constitution*, launched in 1797, was built at Hartt's shipyard on the site now known as Constitution Wharf, and the frigate *Boston*—the second of that name—was launched from the same yard in 1799.

It was undoubtedly the work already accomplished in shipbuilding, as well as the importance of the settlement and the facilities offered by the harbor, that suggested Charlestown as a desirable location for a navy yard.

On January 25, 1797, a resolution was reported from the Naval Committee of the House recommending the establishment of a Government dockyard. There seems to have been no direct authority from Congress to purchase a site or build a dockyard; but, on February 25, 1799, an act was passed authorizing the building of six ships of war of not less than 74 guns each, and appropriating $1,000,000 for this purpose. Hon. Benjamin Stoddard, then Secretary of the Navy, recommended the purchase of the site, which was approved by the President. The earliest record of the transaction was a letter from the Secretary of the Navy, dated June 2, 1800, to Dr. Aaron Putnam, of Charlestown—who appears to be the agent selected for negotiating the purchase—stating:

> It is desirable, for the purpose of establishing a navy yard for building ships or vessels of war at or in the vicinity of Boston, to purchase, on account of the United States, from 10 to 50 acres of land, if it can be obtained on reasonable terms.

And inclosing a list of the property referred to amounting to about 47½ acres. A later letter from the Secretary to Dr. Putnam, dated August 13, 1800, states:

> The President having determined that the 37½ acres of ground at Charlestown described in the plat herewith sent should be purchased for a ship and dock yard, I have the honor to request, upon satisfying yourself of the goodness of the titles, you will make the purchase, taking deeds to the United States for same, which, after having recorded, you will be pleased to send to me. * * * I have already remitted you $10,000 on this account, and will remit the residue when I am informed you want it.

In accordance with the above letter the first site of the Charlestown Yard was purchased, the original purchase amounting to about 34½ acres and the purchase price being about $37,356. Further purchases were made, as follows: In 1817, from Isaac Hull, 5,186 square feet, for $3,889.50; in 1862, from Oakman & Eldridge, 115,210⅝ square feet, for $123,100; and in 1867, from A. Hull, 2¾ perches for $7,000. The amount purchased, with the filling in of the marshes and flats, made, in 1880, 87¼ acres, and with the extension of harbor line and further filling in since that time makes the present area of the yard proper about 111 acres, of which 80 acres are land and 31 acres water.

The first commandment of the yard was Capt. (afterwards Commodore) Samuel Nicholson, who remained in office until his death, December 29, 1811. The records show but very few improvements in the yard up to this time. The commandant's house, afterwards the old museum, was built prior to 1808, the exact date not being recorded. There were also erected a brick store, marine barracks, a hospital, a powder magazine, a wharf, and a few temporary sheds.

Commodore Bainbridge was the next commandant, and he took a very active interest in the affairs of the yard and vicinity, surveying the harbor and recommending improvements, but the appropriations were very meager, the expenditures for accommodations and improvements at the yard in 1811 and 1812 amounting to but $5,742.43, although during the year 1812 13 vessels received repairs amounting to $245,225.13. The first vessel launched at the yard was the sloop of war *Frolic*, on September 11, 1813, and the next was the *Independence*, on September 22, 1814, and from that time up to the commencement of the Civil War 21 vessels in all were launched at the yard.

Among these were several of historic fame—the *Cumberland*, which was sunk by the Confederate ironclad *Virginia—Merrimac*—in Hampton Roads in March, 1862; the *Merrimac*, the first steam frigate launched for our Navy was built at the yard in 1854–55. The history of this vessel need hardly be told to any American—how she was left at the navy yard, Norfolk, in 1861, and converted by the Confederates into an ironclad and created such havoc with our vessels until she was defeated by the little *Monitor* in 1862 and was afterwards destroyed by the Confederates.

On January 1, 1858, the keel of the historic ship *Hartford*, the flagship of Admiral Farragut, was laid, and she was launched in November of that year.

The cost of improvements at the yard up to 1859, including the cost of site and Dry Dock No. 1, which was built in 1827–1833, amounted to $3,671,521.

During the Civil War there was great activity at the yard, and between 1861 and 1866, 39 vessels of war were built and 43 purchased vessels were equipped; the number of vessels repaired, provisioned, and so forth, is up in the hundreds. At times there were as many as 5,000 men employed. The *Monadnock*, a double-turreted monitor, launched in 1864, was the first vessel of the kind to go from the Atlantic to the Pacific Ocean, arriving at Mare Island in 1866, and being afterwards rebuilt and converted into the vessel now of the same name.

In 1874 the iron torpedo boat *Intrepid* was launched at the yard, and was the first vessel of that kind added to our Navy.

From 1832 to 1880, inclusive, $10,618,716 was expended for general maintenance of the yard. This does not include the expenditures on ships built or repaired or pay of workmen employed on them. Only one vessel, a small training ship, the *Cumberland*, has been built at the yard since that time.

From 1880 until about 1900 very little was done to improve the buildings in the yard, but from 1900 on until the present time remodeling and building has been continuous.

The estimated value of the property is close to $20,000,000. This includes only the property, building, and plant in the yard proper, and not the value of the hospital and other outlying branches of the station.

During the Civil War as high as 5,000 men were employed, although the facilities were not half what they are to-day. We find at the present time that a force of about 2,000 men is employed, not half utilizing the increased industrial facilities. The effect of this variation in the working force is bad in every way—for the employees in having irregular employment, breeding dissatisfaction and frequently causing distress to honest, hard-working men; for the Government, loss of efficiency, due to deterioration of plant and force, owing to lack of work and the dissatisfaction of employees. The history of this yard calls for some consideration for its employees. One of the means of maintaining a steady working force is by having new construction work—shipbuilding—done at the yard, and it would be to the interest of the Government to place such work at the yard instead of doing it by outside contract, even if the price was higher. But when bids were opened in December, 1913, for a supply ship, the bid of the Charlestown Navy Yard was found to be below all others—navy yards or private establishments.

To build this vessel at the yard it will be necessary to extend the present ways.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Chairman, I hope the amendment offered by the gentleman from California, Mr. NOLAN, will prevail. I want to say that the members from New York I am quite sure join with me in the spirit of his remarks. There is no reason why any of us should desire to keep another part of the country from being equipped. When I was in Congress before it gave me great personal pleasure to assist in equipping the immigrant stations at Charleston, New Orleans, and Galveston.

Mr. WHALEY. The immigrant station at Charleston has never yet been equipped.

Mr. BENNET. That was not our fault, we voted it and did our best. Now, I want to call the attention of the committee to what this amendment of the gentleman from Tennessee does, as I understand it, and what the amendment of the gentleman

from California proposes, which the gentleman from Tennessee says he is willing to accept.

As I understand it, this simply provides that if the Government is faced with the position that it can not do all of the building it desires in private yards it can go ahead and equip with additional facilities all of these yards. The gentleman from Tennessee says he will provide in the amendment an additional sum to take care of New York and Mare Island if it is necessary to equip the two yards.

This amendment, as I understand it, is not to benefit any particular yard—Mare Island, Philadelphia, Boston, New Orleans, or any other yard—but it is to serve the best purposes of the Government. Am I right?

Mr. PADGETT. I tried to state that as fully and as clearly as I could.

Mr. BENNET. I thought so, but there appeared to be a misapprehension that this was a contest between cities.

Mr. PADGETT. The situation is this: We put a provision in the bill yesterday authorizing the Secretary to make contracts and provide bonuses not to exceed 20 per cent for the expeditious delivery of material and construction. With the enormous program we are authorizing in this bill it would be possible, if it was so desired, for shipbuilders to conspire and apportion among themselves the work and submit their own terms. We did not want the Government to depend on them, and so, in the event that they do not submit bids for the expeditious delivery at a fair and reasonable price, this amount of money is appropriated to equip the yards for the Government to build ships themselves wherever there is this situation.

Mr. BENNET. It seems very clear that we over here, who have been voting for even larger naval programs than most on the other side, should join with those on the other side and vote for this amendment. Otherwise we would be in an inconsistent position. We would be voting for an increase in the Navy, but when the chairman offered additional facilities we would be in a position of voting against it. Therefore, I hope the amendment offered by the gentleman from Tennessee, with the amendment offered by the gentleman from California, will prevail.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I yield to the gentleman from Kentucky [Mr. POWERS].

Mr. POWERS. Mr. Chairman, ours is not only a representative Government but its business is conducted through the agency of political parties.

Four years ago the Democratic Party of the Nation went before the people of this great country upon a platform pledging it to the carrying out of certain principles in the event of election. On account of the unfortunate dissension in our own ranks, the Democrats won; and for more than three years now they have had complete control of all the departments of the National Government. There has been nothing to prevent the Democratic Party from putting into operation Democratic policies and theories of government. They claim to have done so, and are now asking a return to power because they say they have "kept the faith" and have painstakingly carried out all of their promises and pledges to the people, and that the people have been abundantly benefited and greatly blessed thereby. That is their claim. They are asking an indorsement of their record. They say they have accomplished much for which we should indeed be thankful, and that they can and will accomplish more if given a new lease of life. They say that they have given the world a shining example of economy and efficiency in government. I concede that if these claims be true they ought to be returned to power. Let us calmly and dispassionately look into the facts. Democratic, not Republican, performances are on trial.

In order to find out just what pledges the Democratic Party of the Nation has made to the people, we must turn to authoritative sources of information, to wit, the Democratic national platforms. Their acts alone speak as to their performances. The last platform adopted by the Democratic Party was at Baltimore, Md., on July 2, 1912. That is the one upon which President Wilson and the present Democratic régime were elected. Let us turn to some of its planks. Let us see what they are and see whether or not they have been faithfully kept or shamefully broken. The people are entitled to know the truth.

One plank of the labor section of the Democratic platform adopted at Baltimore July 2, 1912, declares that the "organization of industry makes it essential that there should be no abridgment of the right of wage earners and producers to organize for the protection of wages and the improvement of labor conditions" and that such organizations "should not be regarded as illegal combinations in restraint of trade."

In his speech of acceptance, the presidential nominee of the Democratic Party, the Hon. Woodrow Wilson, took occasion to say regarding the working people of America:

> No law that safeguards their life; that improves the physical and moral conditions under which they live; that makes their hours of labor rational and tolerable; that gives them freedom to act in their own interest; and that protects them where they can not protect themselves, can properly be regarded as class legislation.

Believing in the assurances of the Democratic Party and its nominee for President, and accepting them at their spoken and written word, the labor leaders and labor organizations and laboring people generally throughout the country, including the American Federation of Labor, some 2,000,000 in number, went pell-mell into the Democratic camp and became among the most loyal and enthusiastic supporters of the candidacy of Mr. Wilson. They helped to elect him. But for them he would not have been elected. After his election and after the overwhelmingly Democratic House and Senate had settled down to business and undertaken the work, supposedly, at least, of carrying out the Democratic pledges to the country, labor expected the fruition of its dreams in the fulfillment of the Democratic pledges and promises to it. But it had a shock in June, 1913.

The sundry civil appropriation bill which passed both the House and Senate contained a provision setting apart and appropriating the sum of $300,000 for the enforcement of antitrust laws but provided that no part of it should—

> be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Note the similarity in the language of this provision and President Wilson's speech accepting the Democratic nomination for President. Everybody believed that the President and the Democratic Party was irrevocably committed to the provisions of the bill to which I have just referred. But when the bill was presented to President Wilson for his signature that change of mind, for which the President has since become so widely noted, had come over him and he expressed, in no uncertain terms, his emphatic disapproval of the promised labor and farmer exemptions contained in the bill. He threatened to veto the entire bill on their account and would have done so had the exemptions in any way interfered with the Department of Justice prosecuting either laborers or farmers for attempting to secure, under the provisions of the bill, what they deemed to be their rights, and what was perfectly legal for them to do individually but not collectively.

> I would have vetoed that item—

Said the President—

> because it places upon the expenditure a limitation which is, in my opinion, unjustifiable in character and principle. * * * I can assure the country that this item will neither limit nor in any way embarrass the actions of the Department of Justice—

In dealing with these farmers and labor fellows.

It will be remembered that the Supreme Court of the United States had held in the Danbury Hatters case, reported in Two hundred and eighth United States Reports, page 274, that the Sherman antitrust law did not exempt labor organizations from its operations; that such organizations were combinations in restraint of trade, and therefore unlawful and liable to triple punitive damages.

Both the farmers and the laborers wanted their organizations exempted from the operation of the Sherman law, on the ground that they were not a capitalistic trust organized for predatory profits; but the President said that such exemptions were "unjustifiable both in character and principle," although he had promised in his speech accepting the Democratic nomination for President that—

> no law that safeguards their life (the working people), that improves the * * * conditions under which they live, or that gives them freedom to act in their own interest * * * can properly be regarded as class legislation.

Wonderful how the President changed his mind, and the planks of the Democratic platform were broken.

THE PRESIDENT HAS CHANGED HIS MIND, TOO, ON THE SUBJECT OF IMMIGRATION AND CAUSED THE IMMIGRATION PLANK OF THE DEMOCRATIC PLATFORM TO BE BROKEN.

For a decade immigration to our shores has reached the rate of about 1,000,000 a year. A tremendous influx! There has not been so many since the European war began, but it is on the increase and will doubtless, with the return of peace, far exceed the previous number. The official statistics just given out by the Department of Labor show that in March 11 per cent more

came than in February and 48 per cent more than came one year ago in March. Immigrants of the right sort have always been welcomed among us. For years an attempt has been made to curtail the number, at least, of the undesirable elements that land upon our shores and come into ruinous competition with our own workmen and producers. As a private citizen, as a presidential candidate, as an author and writer of books, it seems that President Wilson was strongly in favor of rigid restriction. In his History of the American People, volume 5, page 212, in speaking of the character of immigrants that come to this country, he said:

They come in numbers which increased from year to year, as if the countries of the south of Europe were disburdening themselves of the more sordid and hapless elements of their population, the men whose standards of life and of work were such as American workingmen had never dreamed of hitherto.

He said that even the unwelcomed, and in some quarters the loathed and hated, Chinamen were more desirable citizens than this "coarse crew" (of immigrants) that come crowding in every year at our eastern ports.

Not only as an author, but as a candidate for the Presidency, on September 4, 1912, in New York City, when he addressed the Association of Foreign Language Newspaper Editors, so called, President Wilson said, among other things:

If we can hit upon a standard which admits every voluntary immigrant and excludes those who have not come of their own motion, with their own purpose of making a home and a career here for themselves, but have been induced by steamship companies or others in order to pay the passage money, then we will have what we will all agree upon as Americans. I am speaking to you as also Americans with myself, and just as much American as myself, and if we all take the American point of view, namely, that we want American life kept to its standards, and that only the standards of American life shall be standards of restriction, then we are all upon a common ground, not of those who criticize immigration, but those who declare themselves Americans. I am not saying that I am wise enough out of hand to frame the legislation that will meet this idea. I am only saying that it is the ideal, and that is what we ought to hold ourselves to. * * * Of course, if the immigrants are allowed to come in uninstructed hosts and to stop at the ports where they enter and there to compete in an oversupplied labor market, there is going to be unhappiness, there is going to be deterioration, there is going to be everything that will be detrimental to the immigrant.

But notwithstanding his writings, notwithstanding his position as a presidential candidate, Mr. Wilson abandoned his position as a restrictionist when called upon to sign and vetoed the immigration bill.

It will be remembered that some few years ago Congress created an Immigration Commission to investigate the whole subject of immigration, particularly the feasibility of the literacy test as a restrictive method.

This commission of nine distinguished members was composed of both Democrats and Republicans, Members of this House and the Senate. It made an extensive investigation both in this country and in Europe. After investigating for a period of four years and spending $1,000,000 it made a voluminous report of 42 volumes and, among other things, said:

A majority of the commission (eight out of the nine) favored the reading and writing test as the most feasible single method of restricting undesirable immigration.

The commission unanimously agreed and reported that there was "an oversupply of unskilled labor in the basic industries of this country."

On April 19, 1912, an immigration bill containing a literacy-test provision passed the Senate of the United States. A bill containing the same provisions was reported to the House by the House Committee on Immigration on June 7, 1912, and the Democratic leaders announced that the bill would be put through when Congress reconvened in December, a special rule having been agreed upon for that purpose.

Woodrow Wilson was nominated for President on July 2, 1912. The Senate immigration bill, with the literacy test therein, was pending before the House during the campaign and became an issue thereof. The Democratic leaders of the House had promised to pass that bill early in December. The Baltimore convention that nominated Mr. Wilson for the Presidency pointed in its platform with pride "to the record of accomplishment of the Democratic House of Representatives in the Sixty-second Congress." "We indorse its action," they said. The House had indorsed the literacy-test provision and the immigration bill. The Democratic platform, upon which President Wilson was elected, indorsed the literacy test as applied to immigrants in approving the House action. But after he was elected the President changed his mind and vetoed the immigration bill, in spite of his writings and his campaign speeches and the platform pledges of his party, although beseeched to sign it by labor leaders, farmers' organizations, and the public generally. The Boston Transcript in an editorial, speaking of the change of front of our President, said:

The somersault of Mr. Woodrow Wilson on the immigration plank should surprise no one. It is only the latest illustration of the politician reversing the position of the historian. For 20 years, as teacher and writer of history, he wrote against the "alien invasion," and brought to bear the heaviest guns of his rhetoric against this "menace." But the President has changed his mind. He has reversed his own position and repudiated the platform upon which he was elected.

Whether the President has changed his position, if not his mind, because of the immense foreign vote in the United States, or for other reasons, I know not. The Democratic Party in its national platform, as far back as 1896, said:

We hold that the most efficient way of protecting American labor is to prevent the importation of foreign pauper labor to compete with it in the home market.

That declaration of principle by the Democratic Party, and since reiterated, has at no time been recalled or reversed; but it does not take President Wilson long to recall and reverse "things" when he changes his mind and decides to break the solemn platform pledges of his party.

MORE BROKEN PLATFORM PLEDGES.

The Democratic platform upon which President Wilson was nominated and elected said:

We favor national aid to State and local authorities in the construction and maintenance of post roads.

It has now been nearly four years since the making of that platform pledge, and still no national-aid road law has been enacted looking to its fulfillment. The prospects, however, seem good for a road law to pass, but the outlook is that when passed it will not go into practical effect for several years, and will benefit but slightly, if at all, people living in the rural districts, where roads are mostly needed, because many of them can be traveled with difficulty, while others can not be traveled at all. I voted for the Federal-aid road bill that passed the House in the hope that when the Republicans came into power it would be so amended as to make it workable and beneficial. For the House bill the Democratic Senate substituted an entirely different proposition. The Democrats are at sea on roads legislation. They feel, however, that they are compelled to pass some sort of a road law before Congress adjourns; otherwise they could not well face an outraged constituency. The road law passed at this late date in the Democratic administration and on the eve of a presidential election can not be tried out before November. The people generally when they vote this fall will not know whether they have been handed a gold brick or not. They will be asked to take the road law "on faith." The passage of some sort of a road law, however, is regarded as a political necessity, and will no doubt be done. The fact remains, however, that the same Democratic Congress, at the instance of the same Democratic President, passed a law two years ago whereby the United States Government is spending $40,000,000 building a railroad in Alaska.

The President tried to put through, and would have put through but for Republican opposition, another bill appropriating $50,000,000 with which to build ships and put the United States in the shipping business for the importers and exporters. It looks like they are going to put that bill through this Congress. They have money for these things, although the pledges of neither of them were contained in the Democratic platform, but so far they have failed to put one dollar into the construction and maintenance of post roads, pledged by the platform upon which the President was elected and which platform the President accepted in toto, saying the pledges were those of "honest men" and "intended to be kept when in office."

PANAMA CANAL TOLLS.

The President and the Democratic Party again broke their solemn promise to the American people on the question of Panama Canal tolls. They said in their Baltimore platform:

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

This is what Democracy declared for in its platform of 1912, and is what the President indorsed, stood for, and argued for in his campaign before he was elected President. President Wilson specifically indorsed this plank in that celebrated speech he made to 2,500 farmers at Washington Park, N. J., on August 15, 1912, in which he said:

Now, at present there are no ships to do that; and one of the bills pending—passed, I believe, yesterday by the Senate, as it has already passed the House—provides for free toll for American ships through that canal.

But after the President was elected, for some unknown reason that the country has never understood, for some mysterious reason that the President has never explained, he came, hat in hand, up on Capitol Hill one day when the House and Senate was in session and practically said: "Boys, we've got to take her back. We've got to break our platform pledges to the country and the people that elected us. Acting under your oaths as legislators, you said that American ships engaged in coastwise trade passing through the Panama Canal should not pay

any toll; that such exemption would tend to keep down railroad rates [which he has since helped get increased]. The Democratic platform upon which I was nominated and elected declared for free tolls. I declared for the same thing in my speeches before election. I have not forgotten what I said to those New Jersey farmers and the country when I was seeking votes, but we have got to take it all back. I can not tell you why this is so, but I have reversed myself on the question of tolls of American ships passing through the canal, and you must reverse yourselves. You made speeches on the floor of the House and on the floor of the Senate until you were red in the face expounding the benefit to the American people, especially the American farmer, to be derived from such a course, and you embodied and passed a bill through both House and Senate declaring for free tolls, a thing specifically promised by our 1912 platform, but you must repeal that law, introduce a new bill charging tolls to American ships engaged in coastwise trade passing through the canal, and make some more speeches, requdiating what you have already said and done and repudiating your and my solemn platform pledges to the American people."

This was done. The repeal law was passed. So it has happened to free sugar and the promised cheapening of the "poor man's" breakfast table. The "crow" was eaten, but few, if any, of the legislators have ever known why it was necessary. The country knows nothing about it on account of the silence and secrecy of the President, although he declared when he came into office that his administration should be one of "pitiless publicity," and the White House doors would swing open to all "forward-looking" men. All the President has permitted the world to know is that he changed his mind and that another solemn contract in the Democratic platform with the people was broken.

RURAL CREDITS.

What I have said tells but a small part of the sad story. The Democratic platform upon which President Wilson was elected declared:

Of equal importance with the question of currency reform is the question of rural credits, or agricultural finance. We favor legislation permitting national banks to loan a reasonable portion of their funds on real estate security.

A rural-credits or farm-loan bill has been passed, or will be before Congress adjourns. I love the country. I was reared on a farm. I have always been interested in legislation looking to the farmers' good. I voted for the rural-credits or farm-loan bill when it was before the House, although I am confident it will prove to be of little benefit to the farmers, especially those in moderate circumstances—those that need help most. The law is a very defective one. It contains no genuine Federal aid. It is passed on the eve of an election, and the Democrats hope the passage of it will help them politically.

The gentleman from Pennsylvania, Representative MCFADDEN, who knows as much about this measure as any Member of the House, said in a speech here concerning it:

It will only benefit well-to-do farmers, but furnish no help for the worthy farmer who has no capital and desires to follow farming as an occupation. * * * This bill is an experiment and has no foundation. * * * The operation of the system as proposed might develop into a political machine.

Representative HENRY, of Texas, one of the Democratic leaders of the House, gave out the following statement when the bill was reported by the joint congressional committee:

In many respects the bill is admirable and has some very strong features.

However, direct Government aid is ignored and excluded. The measure does not provide for the Government guaranteeing or purchasing the farm-loan bonds based on farm mortgages. Without this aid the bill would be worthless to the farmers.

There is no use in mincing words. The fight is on. The real friends of Government aid must rally their forces and prepare for the contest in the House.

It is generally understood here that President Wilson has all along been opposed to putting the Government back of and making available the farmer's credit to the same extent that the Federal reserve act puts the Government back of the business man's and the bankers' credit. This bill as framed and passed by this House on the approval of the President is sufficient proof of that.

It is certain that this bill will not help the man without means. It merely authorizes the farmers to loan money to themselves.

It is not at all certain that the farmers with means will enter into and help form local farm-loan associations, in order to enable them to borrow money under this act, especially in view of the fact that they will be compelled to take stock in the Federal land bank in a sum equal to 5 per cent of their loan and then become liable for 5 per cent more to liquidate the debts of the farm-loan association.

It will be a makeshift law, to say the least of it; but the Democratic Party felt impelled to pass some sort of rural-credits legislation in order to appease the wrath and satisfy the demand of the 12,000,000 farmers in this country. The law can not be tried out before the November election. Its nonworkability can not be demonstrated before that time. Its futility to be of benefit to the farmer who needs it can not before then be made known to many. In the meantime the Democratic spellbinders can boast of the "wonderful blessings" of their rural-credits law.

TRANSPORTATION RATES.

The Democrats also said this in their Baltimore platform:

We favor legislation which will assure such reductions in transportation rates as conditions will permit.

At the time the Democrats made this platform declaration there was a Republican President in the White House and the country was enjoying the fruits of unbounded prosperity. The railroads were making lots of money. The Democratic Party had not been in office long until the country started to the "demnition bowwows." Receivers were appointed for one railroad system after another throughout the country, and the railroads applied to the Interstate Commerce Commission to have rates raised, business was so poor. All sorts of pressure was brought to bear upon the commission to grant increases in rates. Of course, the higher the rates the more the merchant and the farmer has to pay for shipping freight and traveling over the railroads. It is interesting to note whether the President was upon the side of the railroads or upon the side of the people. Just a while before the Interstate Commerce Commission was expected to hand down its decision in regard to this proposed raise of freight rates the President called a number of newspaper reporters about him and authorized the following interview, which was printed by the press of the country on the 1st day of June, 1915:

President Wilson indicated to-day that he would not be dissatisfied if the Interstate Commerce Commission allowed the railroads the 5 per cent freight-rate increase they are seeking. Mr. Wilson left no doubt in the minds of those who talked to him that he was in favor of the increase.

The Interstate Commerce Commission decided in accordance with the President's wishes and granted the increase. He soon reappointed the commissioner who cast the deciding vote. Apparently the habit of the President and the Democratic Party in breaking their platform pledges to the American people has become chronic.

REDUCTION OF OFFICES PLEDGE BROKEN.

The Democrats said in their Baltimore platform—

We demand a reduction in the number of useless offices, the salaries of which drain the substance of the people.

Yet in the face of that pledge the Democrats have created, in less than four years, 30,000 new offices and places at an annual cost of over $36,000,000.

They have increased the annual salaries of the old offices over $4,000,000 every year.

ANOTHER BROKEN PLANK.

I quote the following from the Democratic platform adopted at Baltimore:

The constitutional rights of American citizens should protect them on our borders and go with them throughout the world, and every American citizen residing or having property in any foreign country is entitled to and must be given the full protection of the United States Government, both for himself and his property.

That platform pledge has been shamefully ignored and superseded by "watchful waiting." This administration has not had the merit to go to war nor the courage to stay out of it. Its hatred for Germany and partisanship for England and her allies belies its loud professions of neutrality.

The Democrats declared in their platform that—

American citizens residing or having property in any foreign country are entitled to and must be given the full protection of the United States Government.

Yet in the face of this solemn platform pledge the President of the United States, the Commander in Chief of the Army and Navy, has "watchfully waited," has backed and filled, has hesitated and halted, while Mexico and Mexicans have spat upon our flag, trampled it in the dust, and flung this truthful taunt in the face of red-blooded Americans: "We have outraged your women; we have murdered your children; we have burned your property; we have insulted the flag of your country. Tell us, is there anything we can do to you that will make you stand up and fight like men."

The President's policy in Mexico has not only broken the platform pledge of his party, but has brought a blush of shame and humiliation to every true American, be he native or foreign born.

THE CIVIL-SERVICE PLANK, TOO, HAS BEEN BROKEN.

The Democratic platform adopted at Baltimore, made famous by the number of its broken promises, contained this plank:

The law pertaining to the civil service should be honestly and rightly enforced, to the end that merit and ability shall be the standard of appointment and promotion rather than service rendered to a political party.

Notwithstanding that party declaration and platform pledge, civil service, under this administration, has been utterly debauched in order to find places for "deserving Democrats." The civil-service laws were set aside in the passage of the Underwood Tariff Act, and there were exempted from the civil-service regulations more than 600 agents, deputy collectors, and other income-tax employees. Appointees under new laws like the proposed rural credits are not to be taken from civil service.

One thousand one hundred and forty-five deputy collectors of internal revenue and 176 deputy United States marshals were authorized to be appointed and removed without reference to the civil-service act in the very first general deficiency bill passed by the Wilson administration.

The civil-service laws were violated by the Democrats in the acts of December 17, 1914; December 26, 1914; July 16, 1914; January 28, 1915; March 4, 1913; August 1, 1915. Also in the Federal reserve banking law, the rural-credits law, and other laws passed by this administration.

The 45,000 fourth-class postmasters in this country have virtually been put under the spoils system. Thirty thousand new offices have been created for the faithful. The President by Executive order has waived the civil-service rules 253 times since he has been in office. The spoils system has run riot. Civil-service laws and their pledges to uphold them have been tossed to the winds by the Democrats.

DEMOCRATIC ECONOMY.

But there were two planks in the Democratic platform of 1912 that stood out preeminently above all the others in importance—the ones on which the Democrats most relied for success. One of these reads as follows:

We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations by recent Republican Congresses.

They said that the Republicans were just taxing the people to death; that they had run the annual appropriations up to a billion dollars; and that when they, the Democrats, were placed in power they proposed to have an economical administration, and one of retrenchment and reform. They said that the Republican appropriations were wastefully extravagant. They demanded economy, simplicity, retrenchment, and reform. They said they would abolish all the useless offices that were a drain upon the people's substance and would cut down the salaries of Government officials. They have, as I have said, created 30,000 new offices and have increased the salaries of offices by the millions of dollars. They said that merit and ability should be the standard of appointment to office; that the merit system should be impartially and rigidly upheld, but I have just shown how that pledge was violated. They said they would not spend as much money if they had charge of the Government's affairs as the Republicans had been spending. The first time, however, they got control of the affairs of the country they spent in one year $63,000,000 more of the people's money than had ever been expended by any Republican Congress that has ever been convened in the city of Washington or elsewhere. We turned over to them a total balance of $149,335,710 in the general fund of the Treasury on the 3d of March, 1913. They have spent that. They have spent every cent of money they could rake and scrape from every source of taxation. Notwithstanding this there was a deficiency of $17,575,216.85 on the 29th day of April, 1916. They have invented new ways of taxing the people.

They invented the income-tax system. They figured out that they would collect from the people about $80,000,000 annually from that source. They are now collecting many millions more than that. Then they turned around and invented some more new methods of wringing money from the people, whom they pledged themselves to save and to serve. They saddled on us a war tax, calculated to bring into the Treasury of the United States about $100,000,000 a year. They tax us at the telephone booth and the telegraph office. There never has been such a stamp-licking time in the history of the country. They figured out that there would be a good many notes and a good many mortgages and but very little money passing around under their administration, so they put a stamp tax on notes and mortgages, but did not put any on checks. They knew there would not be very many of them. And so, with all these various forms of taxations, new ones must still be invented. They are puzzling their brains over that now. The Democrats have broken their pledge of economy. This is admitted by all men, denied by nobody.

But the one plank in the Democratic platform of three years ago concerning which the Democrats had most to say was their tariff plank. While the Democrats lambasted the Republicans for the reckless expenditure of the people's money, and while they said many mean things along that line, the most of the abuse that they heaped upon us was concerning the tariff question. They told the people that they were being robbed through the instrumentality of a tariff law that the Republicans had put upon the statute books. They said that the poor man, the laboring man, was staggering under the weight of it and the burden of it. They said that poor men and women all over this land and country were being robbed of the fruits of their labor through the "robber tariff"; that they were pouring their money into the coffers of the rich, especially into the coffers of the rich "tariff barons." They said that the high cost of living was all due to this "robber tariff"; that the Republicans were wedded to and had foisted it upon the many for the benefit of the few. They said that the Republican Party was in bed with the great monopolies of this land and country and was in league with the flesh and the devil.

They said to the laboring man, "Look at this 25 cents you have to pay for a pound of bacon. It was all brought about by the robber protective tariff." They said, "Look at the high cost of the hat on your head and the shoes on your feet, due to this robber protective tariff, fostered and nurtured by the Republican Party." They said, "If you will just put us in power we will put an end to all this. We will revise these tariff laws. We will give you free trade or a tariff for revenue only. We will annihilate the trust and the monopoly. We will reduce the cost of living. We will put the poor man and the laboring man in possession of his rights. We will see to it that as long as we are in power he shall have plenty of work to do at big wages. He shall not have to pay half as much for the necessaries of life as he has been forced to pay under the Republican protective-tariff administration. We are not only going to revise these tariff laws but we are going to do it in such a way as will not injure any 'legitimate industry.' Prosperity will be increased, the trusts destroyed, the high cost of living removed from the backs of labor. The 'crown of thorns' shall be for the laboring man no more." That is what you Democrats said to us, gentlemen; and you now know that not a single one of your promises have been complied with. You said you would revise the tariff down to a revenue or free-trade basis without doing hurt or harm to any "legitimate industry." You did revise the tariff, but not without doing irreparable harm and injury to the legitimate industries of this land and country. You did revise the tariff, but instead of increasing the prosperity of the country, prosperity fled our realms, and is only now returning because of the war in Europe coupled with the immediate prospect of another Republican administration. You did revise the tariff, but instead of reducing the high cost of living it has been getting higher all the time. The average price of the necessaries of life are now 17 per cent more than when you took charge of the affairs of this Government. You enacted your Democratic tariff law in October, 1913. You did away with Republican protection. You were going to enact a tariff law, you said, for revenue only. You said that it was neither your purpose nor your desire to protect any American industry or any American workingman. You said that you had only one idea in view and that was to raise revenue, and a sufficient amount of it to run this Government when its affairs were economically administered; so you passed the Underwood tariff law with that avowed purpose, but it did not raise the needed revenue.

You said the consumer pays the tariff tax. You said take this tariff off of imported goods and they can and will be sold a good deal cheaper than we are getting them in this country. You have preached for years, for example, that free hides means cheaper shoes; free wool, cheaper clothes and cheaper hats. That looks pretty well in theory, but it fails to work out in practice. You said during the 1912 campaign that shoes were entirely too high, and they have been mighty high. You said, "We are going to put hides on the free list and reduce the cost of shoes to the consumer." So you put hides on the free list and the price of shoes have gone up from that day to this. We have lost the revenue. The importer of shoes has kept the price of his shoes at or near the price of shoes produced in this country.

The price of shoes has not been lowered to the consumer. The importer has pocketed the cash while we have lost the revenue.

You said the Republicans had placed a big tariff on sugar and that the tariff on it kept the price of sugar unreasonably high. You said that the poor man who sweetened his coffee with sugar had to pay a double price for the privilege on account of the Republican tariff laws. You said you would put it on the free list and that everybody would get cheap sugar. So in the Underwood law you reduced the tariff on sugar 25 per cent in October, 1913, when the Underwood law became effective and scheduled it to go altogether on the free list in May, 1916. But instead of bringing cheap sugar to the consumer the price of the sweet thing has been soaring toward heaven from that day down to this, or rather to the day when sugar was again put back on the dutiable list. You reversed yourselves and put it back on the dutiable list where the Republicans had placed it. While sugar was on the free list the consumer paid more for it than he had ever done before. The importer pocketed the money. We lost the revenue. We got $50,000,000 a year in revenue by reason of the tariff duty the Republicans laid on sugar. That $50,000,000 annually was used in helping to defray the expenses of the Government. When the Democrats put sugar on the free list we lost the $50,000,000 annually in revenue. It had to be supplied in some other way. It was supplied through the passage of an income-tax law and a war-tax law when this country was at peace with all the world. In the first 10 months of the operation of the Underwood tariff law and before the war in Europe began, 5,000,000 laboring men had been thrown out of employment by reason of it. The railroads alone laid off 120,000 men and cut down expenses $138,000,000 from July 1, 1914, to July 1, 1915. Uninterfered with by the European war, it had brought the country to the verge of ruin and to the homes of many want and starvation.

The Democrats say that the Underwood law is all right, and would be producing ample revenues to run the Government but for the European war. The value of importations coming monthly to our shores—the greatest in the history of the country—and the little revenue collected thereon, however, refutes this charge. We sold during the first year of the war $404,000,000 worth more of our products abroad than we sold the year before the war began. We bought $219,000,000 worth less. The Democrats propose to leave the Underwood tariff law on the statute books, which now admits free of duty about 70 per cent of the goods of foreign countries; and around the tariff issue this fall will be waged one of the fiercest political battles that this country has witnessed in many a day. The Republicans know or feel that they know that when the war in Europe is over and the men now engaged in it return to useful occupations and avenues of productiveness, anxious to retrieve their lost fortunes, this country will be flooded with such an immense quantity of cheaply produced goods as will close down our mines, mills, and factories, and turn millions of our laboring men out of employment, unless the Republicans come back into power and place upon the statute books an adequate protective-tariff law. The Democrats will, no doubt, make many fair promises to the American people; but how can they be trusted in face of the fact that they have violated all of the pledges contained in their last national platform? What will future pledges from such a party be worth? I can not see how fair-minded men can indorse the doings of the Democratic Party or put any faith in any promise its leaders may make.

I am through with my argument, but in order to show conclusively that the President has turned down the chief legislative demand of the 2,000,000 members of the American Federation of Labor, which so enthusiastically supported him four years ago under the apparently mistaken notion that he was their friend and sympathized with them in their efforts to better their conditions, I am appending clippings from recent issues of the official weekly publication of the American Federation of Labor, 100,000 of which go throughout the length and breadth of this land to its local officials and members.

In this as well as other demands of the workingmen, the working people, organized and unorganized, will have to look to the Republican Party for a realization of their expectations and just demands. The Republican Party has always stood for protection, while the Democratic Party has advocated through its present leaders the "open door" and free trade. The Republican Party is for protection against foreign invasion. It stands for true preparedness. It is for protection against foreign pauper-made goods and for protection against the foreign pauper cheap labor itself. It has so declared and will so stand.

The following articles are clipped from the American Federation of Labor Weekly News Letter, printed Saturday, April 8, 1916:

HOUSE PASSES BURNETT IMMIGRATION RESTRICTION BILL—307 TO 87.

WASHINGTON, *April 8.*

By a vote of 307 to 87 the House passed the Burnett immigration bill, with the literacy test, on Thursday, March 30. Prior to this vote, Congressman SABATH moved to recommit the bill "with instructions" to strike out the literacy test. This was defeated on a roll call vote, 284 to 107.

Opponents of the measure presented no new arguments, while the position of its advocates was strengthened by conditions in Europe because of the war. Congressman MANN, the minority leader—who voted for the Sabath amendment, but later voted for the bill—indorsed this position. He said: "And unless those countries (European) by their own legislation can prevent their citizens coming here, we are liable to have a flood of immigration such as no country in the world ever experienced before. I am not willing to take the chances on it."

Advocates of restriction referred to the increasing sentiment in favor of greater effectiveness in every field of activity. They insisted that democracy can not be developed to its highest possible point while we encourage the admission of illiterates who destroy living standards of American labor and who refuse to become a part of our national life.

The literacy test provides that immigrants over 16 years of age must read at least 30 words in some language or dialect, including Hebrew or Yiddish, chosen by the immigrant. Exceptions to this test are made in the case of an immigrant's father or grandfather over 55 years of age; his wife, his mother, his grandmother, or his unmarried or widowed daughter.

Exception to the literacy test is also made where an immigrant flees from religious or political persecution. The latter exception includes "persons convicted, or who admit the commission, or who teach and advocate the commission, of an offense purely political." Under this provision the old-world revolutionist who advocates force to overthrow his government, or who admits the use of force for that purpose, will be admitted to this country regardless of educational qualifications.

The question of immigration restriction by a literacy test has been favorably voted on by almost every Congress since 1896. On three occasions the proposal has been vetoed—by Presidents Cleveland, Taft, and Wilson. In 1897 the House passed the bill over President Cleveland's veto, 193 to 37. This was 37 votes more than the necessary two-thirds vote. The Senate failed to act, owing to a rush of business and Congress adjourning a few hours after the House vote.

In 1913 the Senate passed the bill over President Taft's veto, 72 to 18, but the veto was sustained in the House by a few votes. On February 4, 1915, the House sustained President Wilson's veto, 261 to 136. If any 4 of the 136 that voted to sustain the President had voted with the majority a two-thirds vote would have been secured and the bill passed.

The last vote in favor of immigration restriction—307 to 87, recorded March 30 last—indicates the increasing demand by the people for this legislation.

The bill is now in the Senate. Its passage by that body is conceded if its advocates can overcome the small minority that will take advantage of the rules of the Senate to keep the bill from being voted on.

Trade-unionists and other friends of this legislation are urged to write their two United States Senators and insist that the Burnett immigration bill be voted on at this session of Congress.

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VOTE ON RESTRICTION IN HOUSE ANALYZED.

WASHINGTON, *April 8.*

An analysis of the House vote on immigration restriction, March 30, indicates an increasing demand for this legislation.

Out of a possible 434 votes in the House, only 87 were cast against the bill, 36 were recorded "not voting," and 3 "present." Of these 39 only 13 were paired against the passage of the bill. There was not a single vote against the bill from the following 26 States: Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Kansas, Minnesota, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Washington, West Virginia, and Wyoming.

Eighteen States were divided in their vote, but in none of these was a majority of the Congressmen against the bill.

In only four States—Connecticut, Michigan, New York, and Rhode Island—did a majority of the delegations vote against the bill on final passage. In these cases the vote was: Connecticut, 4 out of 5 against or were paired against; Michigan, 7 out of 13; New York, 27 out of 43; Rhode Island 3 out of 3.

Rhode Island was the only State whose entire delegation either voted or was paired against the bill, 2 voting "nay" and 1 being paired to vote "nay."

But one-fifth of the total membership of the House voted against the bill, which passed by nearly a 4 to 1 vote by Congressmen fresh from the people, just a year and two months after the President's veto of the same bill, January 28, 1915, when the Chief Executive stated that he doubted whether there was a popular demand for this legislation.

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HOUSE ROLL CALL VOTE ON BURNETT IMMIGRATION RESTRICTION BILL.

THE VOTE EXPLAINED.

Prior to the final vote on the immigration restriction bill Congressman SABATH moved to strike out the literacy test. This was defeated on a roll-call vote, 284 to 107.

The bill was then passed by the vote printed herein.

The names in the "aye" columns, with a star (*) at their left, indicate that these Members first voted to strike out the literacy test, and when the motion to strike out was defeated these Members voted for the bill on its final passage.

ALABAMA.

Aye: Abercrombie, Almon, Blackmon, Burnett, Gray, Heflin, Huddleston, Oliver, and Steagall.

Not voting: Dent.

ARIZONA.

Aye: Hayden.

ARKANSAS.

Aye: Caraway, Goodwin, Jacoway, Taylor, and Tillman.

Not voting: Oldfield and Wingo.

Wingo was paired in favor of the passage of the immigration bill with Cary, of Wisconsin, against.

CALIFORNIA.

Aye: Church, Curry, Elston, Hayes, Kent, Kettner, Nolan, Raker, Randall, and Stephens.

Nay: Kahn.

COLORADO.

Aye: *Keating, Taylor, and Timberlake.

Not voting: Hilliard.

Hilliard was paired in favor of the passage of the immigration bill with Loud, of Michigan, against.

CONNECTICUT.

Aye: Hill.
Nay: Freeman, Glynn, and Oakey.
Not voting: Tilson.
Tilson was paired against the passage of the immigration bill with Edwards, of Georgia, in favor of the passage of the immigration bill.

DELAWARE.

Aye: Miller.

FLORIDA.

Aye: Clark, Sears, Sparkman, and Wilson.

GEORGIA.

Aye: Adamson, Bell, Crisp, Howard, Hughes, Lee, Park, Tribble, Vinson, and Wise.
Not voting: Edwards and Walker.
Edwards was paired in favor of the passage of the immigration bill with Tilson, of Connecticut, against.

IDAHO.

Aye: McCracken and Smith.

ILLINOIS.

Aye: Buchanan, Chiperfield, Copley, Denison, Foss, Foster, Fuller, King, McKenzie, McKinley, *Mann, Rainey, *Rodenberg, Sterling, Tavenner, Wheeler, Williams, T. S., and Wilson.
Nay: Britten, Cannon, Gallagher, McAndrews, McDermott, Madden, Sabath, and Stolc.
Not voting: Williams, W. E.

INDIANA.

Aye: Adair, Cline, Cox, *Cullop, Dixon, *Gray, Moores, Moss, *Rauch, and *Wood.
Nay: Barnhart and Lieb.
Not voting: Morrison.

IOWA.

Aye: Dowell, Good, Green, Haugen, Hull, Kennedy, Ramseyer, Steele, and Sweet.
Nay: Towner and Woods.

KANSAS.

Aye: Anthony, Ayres, Campbell, Connelly, Doolittle, Helvering, Shouse, and *Taggart.

KENTUCKY.

Aye: Barkley, Cantrill, Fields, Helm, Johnson, Kincheloe, Langley, Powers, Rouse, and Thomas.
Nay: Sherley.

LOUISIANA.

Aye: Aswell, Lazaro, Morgan, and Wilson.
Nay: Dupré, Estopinal, and Martin.
Not voting: Watkins.

MAINE.

Aye: Hinds and Peters.
Not voting: Guernsey and McGillicuddy.
McGillicuddy was paired against the passage of the immigration bill with Guernsey in favor.

MARYLAND.

Aye: Linthicum, *Mudd, Price, and Talbott.
Nay: Coady.
Not voting: Lewis.
Lewis was paired in favor of the passage of the immigration bill with Doremus, of Michigan, against.

MASSACHUSETTS.

Aye: Gardner, Gillett, Olney, *Rogers, and *Treadway.
Nay: Carter, Dallinger, Gallivan, Greene, Paige, Phelan, Roberts, Tague, Tinkham, Walsh, and Winslow.

MICHIGAN.

Aye: Hamilton, Kelley, McLaughlin, Mapes, Scott, and Smith.
Nay: Beakes, Cramton, Fordney, James, and Nichols.
Not voting: Doremus and Loud
Doremus was paired against the passage of the immigration bill with Lewis, of Maryland, in favor.
Loud was paired against the passage of the immigration bill with Hilliard, of Colorado, in favor.

MINNESOTA.

Aye: Anderson, Davis, Ellsworth, Lindbergh, Miller, Schall, *Smith, Steenerson, Van Dyke, and Volstead.

MISSISSIPPI.

Aye: Candler, Collier, Harrison, Humphreys, Quin, Sisson, Stephens, and Venable.

MISSOURI.

Aye: Alexander, *Borland, Decker, Dickinson, Hamlin, Hensley, Lloyd, Rubey, Rucker, and Russell.
Not voting: Booher, Dyer, Igoe, Meeker, and Shackleford.
Booher answered "present."
Igoe answered "present."
Dyer was paired in favor of the passage of the immigration bill with Igoe against.
Meeker was paired in favor of the passage of the immigration bill with Booher against.
Champ Clark—Speaker—not recorded.

MONTANA.

Aye: Evans.
Not voting: Stout.

NEBRASKA.

Aye: Kinkaid, Reavis, Shallenberger, *Sloan, and Stephens.
Nay: Lobeck.

NEVADA.

Aye: Roberts.

NEW HAMPSHIRE.

Aye: Sulloway and Wason.

NEW JERSEY.

Aye: Browning, Capstick, Drukker, Gray, Hutchinson, Lehlbach, and Parker.
Nay: Bacharach and Eagan.
Not voting: Hamill, Hart, and Scully.

Hamill was paired against the passage of the immigration bill with Young of Texas in favor.
Hart was paired in favor of the passage of the immigration bill with Graham, of Pennsylvania, against.
Scully was paired against the passage of the immigration bill with Rowland, of Pennsylvania, in favor.

NEW MEXICO.

Aye: Hernandez.

NEW YORK.

Aye: Charles, Danforth, Dempsey, Dunn, Hamilton, Hicks, Husted, Magee, Mott, Parker, Pratt, Snell, Snyder, and Ward.
Nay: Bennet, Bruckner, Caldwell, Carew, Chandler, Conry, Dale, Dooling, Driscoll, Farley, Fitzgerald, Flynn, Gould, Griffin, Haskell, Hulbert, Loft, London, Maher, Oglesby, Patten, Riordan, Rowe, Sanford, Siegel, Smith, and Swift.
Not voting: Fairchild and Platt.

NORTH CAROLINA.

Aye: Britt, Doughton, Godwin, Hood, Kitchin, Page, Pou, Small, Stedman, and Webb.

NORTH DAKOTA.

Aye: Helgesen and Young.
Nay: Norton.

OHIO.

Aye: Allen, Ashbrook, Brumbaugh, Cooper, Emerson, Fess, Gard, Hollingsworth, Kearns, Key, Longworth, McCulloch, Matthews, Mooney, Overmeyer, Ricketts, Russell, Switzer, and Williams.
Nay: Crosser, Gordon, and Sherwood.

OKLAHOMA.

Aye: Carter, Davenport, Ferris, Hastings, McClintic, Morgan, Murray, and Thompson.

OREGON.

Aye: Hawley, McArthur, and Sinnott.

PENNSYLVANIA.

Aye: *Bailey, Beales, Butler, Coleman, Costello, Crago, Farr, Focht, Garland, Heaton, Hopwood, Keister, Kless, Kreider, Lafean, Lesher, Miller, North, Porter, Scott, Steele, Temple, and Watson.
Nay: Barchfeld, Casey, Liebel, Moore, Morin, and Vare.
Not voting: Darrow, Dewalt, Edmonds, Graham, Griest, McFadden, and Rowland.
Graham was paired against the passage of the immigration bill with Hart, of New Jersey, in favor.
Griest was paired in favor of the passage of the immigration bill with Edmonds against.
Rowland was paired in favor of the passage of the immigration bill with Scully, of New Jersey, against.

RHODE ISLAND.

Nay: Kennedy and O'Shaunessy.
Not voting: Stiness.
Stiness was paired against the passage of the immigation bill with Henry, of Texas, in favor.

SOUTH CAROLINA.

Aye: Aiken, Byrnes, Finley, Lever, Nicholls, Ragsdale, and Whaley.

SOUTH DAKOTA.

Aye: Dillon, Gandy, and Johnson.

TENNESSEE.

Aye: Austin, Byrns, Houston, Hull, McKellar, Moon, Padgett, Sells, and Sims.
Not voting: Garrett.

TEXAS.

Aye: Black, Callaway, Davis, Dies, Eagle, Garner, Gregg, McLemore, Rayburn, Slayden, Smith, Stephens, and Sumners.
Nay: Burgess, Buchanan, and Hardy.
Not voting: Henry and Young.
Henry was paired in favor of the passage of the immigration bill with Stiness, of Rhode Island, against.
Young was paired in favor of the passage of the immigration bill with Hamill, of New Jersey, against.

UTAH.

Aye: Mays.
Nay: Howell.

VERMONT.

Aye: Dale and Greene.

VIRGINIA.

Aye: Carlin, Flood, Glass, Hay, Holland, Jones, Montague, Slemp, and Watson.
Not voting: Saunders.

WASHINGTON.

Aye: Dill, Hadley, Humphrey, Johnson, and La Follette.

WEST VIRGINIA.

Cooper, Littlepage, Moss, Neely, and *Sutherland.

WISCONSIN.

Aye: Browne, *Cooper, *Esch, Frear, Lenroot, and Nelson.
Nay: Burke, Konop, Reilly, and Stafford.
Not voting: Cary.
Cary was paired against the passage of the immigration bill with Wingo, of Arkansas, in favor.

WYOMING.

Aye: Mondell.

POLITICAL AND RELIGIOUS REFUGEES ARE NOT BARRED.

The Burnett immigration-restriction bill makes clear provision for the continued admission of political and religious refugees to this country.

Opponents of the bill evade discussing the main purpose of this legislation—to maintain American living standards of workers by debarring illiterates.

As it is unwise to combat this principle, the trusts and other cheap-labor advocates insist that the act would change America's traditions and policy toward those who are forced to leave the Old World because of political or religious beliefs.

The following sections of the bill, however, completely refute these claims:

"That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or by governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith.

"Nothing in this act shall exclude, if otherwise admissible, persons convicted, or who admit the commission, or who teach or advocate the commission, of an offense purely political."

Congressman BURNETT, author of the bill, and chairman of the House Committee on Immigration, has repeatedly stated that the friends of immigration restriction would not support legislation that would debar these refugees.

Other advocates of restriction have taken a similar position, which is in line with the innumerable humanitarian declarations of the American Federation of Labor, and which was pointed out by Congressman MEEKER, of Missouri, who made this answer to the claim of anti-restrictionists:

"You speak of the political refugee. If the language is not distinct and plain on that one issue, then I can not understand how it is to be written. The revolutionist, your Kosciuszko, and all those men to whom reference has been made, could enter this country under this provision. This country will always remain the home of the religious and the political refugee, but we would just as well begin now to face that other problem of imported ignorance."

INSIST THAT THE IMMIGRATION BILL BE PASSED AT THIS SESSION—URGE YOUR TWO SENATORS AT WASHINGTON TO FAVOR IMMEDIATE ACTION ON THIS MEASURE—RESTRICTION WILL PROTECT AMERICAN WORKERS' LIVING STANDARDS—INSIST THAT THIS BILL BE PASSED BEFORE CONGRESS ADJOURNS—OPPONENTS OF IMMIGRATION BILL DID NOT DIVIDE ON PARTY LINES.

Opposition to the Burnett immigration bill, which passed the House March 30 by a vote of 307 to 87, was of a nonpartisan character.

On the Democratic side Congressmen SABATH, of Illinois, and GALLIVAN, of Massachusetts, were leaders in defending the cause of cheap-labor advocates. In one of Mr. GALLIVAN'S fervent pleas he declared that "a literacy test will bar from our land its most vital necessity—strong, vigorous, simple, God-fearing peasants."

Mr. SABATH insisted that "reports which have been circulated declaring there is an imperative need for immigration legislation are unfounded and unjustifiable."

Congressman LONDON, Socialist, opposed the bill. Over one-half of the Friday, March 24, speech of this attorney was devoted to an arraignment of the trade-union movement. In a tone that sounded like a spokesman for the National Association of Manufacturers, he declared that:

"The trouble with the average representative of organized labor is that he is incapable of that broader vision which sees above and beyond the narrow needs of the moment. That is the misfortune of the trade-union movement. What lack of intelligence! The politician is afraid to tell them that they are stupid."

In answer to a question Mr. LONDON said he assumed employees in Youngstown steel mills were unorganized, and then made this reference to the trade-union movement:

"But if they were not organized, it was the fault of the narrowness of the trade-union movement that does not know how to reach the masses."

Mr. LONDON is evidently unacquainted with the spy systems of large corporations, with the constant agitation by the American Federation of Labor to organize the unskilled, and with the number of unionists who have been slugged by corporation thugs to prevent organization. He said:

"The union should greet the immigrant as a brother. The union man should teach him unionism. Instead of that, the labor leader looks upon every immigrant as an enemy."

Despite this attorney's claim that he represents the workers, he made it clear that he would be the sole judge of what was best fitted for them. In his second reference to the alleged stupidity of workers, he said:

"I have no faith in the friend of labor who encourages every stupid demand of the worker, checking at the same time every real aspiration of the working class for a greater share in life's joys."

On the Republican side, Congressmen JOSEPH CANNON of Illinois, BENNET of New York, and MOORE of Pennsylvania were among the leading opponents of restriction.

In referring to the literacy test, Mr. MOORE said:

"It casts down utterly the toiler who struggles patiently and laboriously under the burdens imposed upon him by the strong and the heartless."

Mr. CANNON is president of the National Liberal Immigration League, which was exposed last year by President Gompers, who showed that this league was financed by steamship companies, steel, mine, and coal companies, and other large employers of cheap labor. The documents made public by President Gompers proved that this alleged philanthropic organization was the vehicle by which cheap-labor advocates opposed immigration restriction. It was also shown that the league financed delegations of various nationalities to Washington, and that the delegates were not selected by the organizations they alleged to represent.

Congressman W. S. BENNET, another active exponent of restriction, is vice president of the National Liberal Immigration League. In the CONGRESSIONAL RECORD of February and March, this year, Mr. BENNET acknowledged he was attorney for steamship companies; that he defended contract labor violators; and that he opposed increasing, from $50,000 to $100,000, the appropriation for Secretary of Labor Wilson to enforce the contract labor law.

In the CONGRESSIONAL RECORD of February 25, 1916, Mr. BENNET is quoted:

"While I was out of the House, amongst my clients were some steamship companies, and I studied it (immigration restriction) some more."

Mr. BENNET was a member of the United States immigration commission that investigated this question for nearly four years. He was the only member of the commission that dissented from a literacy test and other restrictions favored by his colleagues on the commission.

As an attorney he is most versatile, acting not only as pleader for the steamship companies but for contract-labor-law violators. In the March 25 CONGRESSIONAL RECORD he is quoted:

"The Department of Justice collects thousands of dollars from violators of the contract-labor law. While I was out of Congress on a temporary vacation, I represented a gentleman who had to walk up to the captain's office and pay $6,000 in one of these cases."

TRUSTS ARE PROTECTED FROM FOREIGN PRODUCTS, BUT DEMAND AN UNLIMITED FLOW OF CHEAP LABOR, WHICH DESTROYS AMERICAN WAGES AND IDEALS.

[By Frank Morrison, Secretary of the American Federation of Labor.]

"A high tariff against European cheap-labor products is insisted upon by American trusts, but these trusts are the chief opponents of immigration restriction intended to protect American workers," said Frank Morrison, secretary of the American Federation of Labor, at a recent hearing on this legislation before the House Committee on Immigration. The American Federation of Labor official declared that American manhood can not compete with the living standards of eastern Europe and Asia, and that it "is unwise to expect them to resist the tidal waves of Slavs and oriental onslaught." He further said:

"The proposition to prohibit immigration to the United States of able-bodied men and women because they can not read has a sympathetic viewpoint, where individuals are considered; but, notwithstanding such a viewpoint, the American Federation of Labor, which represents the organized workers of the country, and which is the only method or organization or agency which can with any justification or reason represent the unorganized workers, has repeatedly declared by resolutions in conventions 'that the literacy test is the most practical means of restricting the present immigration of cheap labor whose competition is so ruinous to the workers already here, whether native or foreign.'

"A great deal has been said and published in an endeavor to create the impression that it is necessary to induce immigration to come to this country for the purpose of securing agricultural workers. There is no question in my mind but that such agitation has for its purpose the enticing of immigrants to our country to supply the United States Steel Corporation, the great manufacturing concerns, coal companies, packing houses, and railroads with men willing to work at a cheaper wage than those who are born here.

"The opponents to this test make the argument that common laborers would belong to the class that could not pass the literacy test, and that this country is very much in need of that particular kind of labor.

"The great industrial companies of this country have more men to-day than they can employ, but they want two men for every job. They know that unemployed men must work to live and their necessities will force them to accept any wage set by the companies. Hence the workers' wages are literally held below a living wage by the hunger, misery, and distress of the unemployed.

"The organized wageworkers have declared in favor of restriction of immigration to maintain unlowered the American standard of life. Those who oppose restriction are representatives of companies and associations composed of employers of labor whose dominant interest is the dollar, and associations that depend for their existence upon contributions from the employing class.

"They feel that a reduction of immigration will result in a higher wage for their workers which will disturb the profits and dividends from products manufactured by them, or perhaps they have been informed that if the steamship companies do not receive $60,000,000 a year for transporting aliens they will raise their freight rates.

"This reason will account in a great measure for the opposition of societies of various nationalities composed wholly or partly of business men and the attorneys of business men. Restrictions may interfere with their profits.

"We oppose any attempt to lower the standards of American life. We want to raise them, and we are opposed to the exploitation of millions of aliens with its attending evils to swell the profits of the steamship companies, even if it adds to the resources of those companies $60,000,000 a year, even if it enables the United States Steel Trust to pay dividends and interest on $400,000,000 of stocks and bonds, which never cost that company 1 cent.

"I wish to call your attention to the fact that industry is protected by a tariff, but labor is not; that the products of labor are protected, but we have a free flow of labor coming to our shores all the time; that manufacturers have protection against products manufactured by cheap labor in foreign countries, but labor has not protection against the importation of cheap labor.

The opponents of this measure say that if the products of labor are protected, then labor itself must be benefited, because the manufacturer can sell the products at a much higher price than can be obtained in other countries and will be in a position to pay higher wages to his employees. The protected manufacturer does receive a higher price than the products can be sold for in other countries; and the second contention—that they are thus made able to pay higher wages to their employees—is also true, but the fact is they do not pay higher wages. They pay lower wages.

We find that the most highly protected industries, particularly the industries that are now controlled by trusts, such as the Steel Trust, Rubber Trust, Sugar Trust, packing houses, and textile industry, pay to their employees the lowest wage in the country, and some of them less than a living wage for a family. A high tariff has nothing to do with the wages in these industries.

We hold that limitation of immigration to our country will compel social and industrial reform in the countries from which the immigrants flow. The fact that these countries have an outlet for a great number of their people means that there is an outlet from the oppressive conditions in these countries. For that reason those countries delay social and industrial reforms. As a consequence industrial and social misery is perpetual in those countries, because their citizens are induced to come to this country.

The wage earners believe in an effective regulation of immigration, because they desire to retain the American standard of living. The standard of wages for both skilled and unskilled labor in this country is the result of many years' effort by organized labor. When an immigrant accepts work at less than the standard wage, he not only takes the place of a man working at a higher rate, but he assists in forcing downward the prevailing rate of wages in that industry, which result carries with it a corresponding reduction in the physical, moral, and intellectual standard of American life.

In support of my statement that the American worker can not compete with this induced immigration and support a family on the wages paid, I refer you to the investigation of the Bethlehem Steel Works made by a committee of the Federal Council of the Churches of Christ, representing over 16,000,000 people, and the investigation made by Commissioner Neill, of the Department of Labor, as to wages and conditions in the steel industry.

The committee of the Federal Council of the Churches of Christ, commenting on the wage scale at Bethlehem, said:

"This is a wage scale that leaves no option to the common laborers but the boarding-house method of living with many men to the room. When a man has a family with him, they take in lodgers, or often the

woman goes to work. It is reported that immigrant parents send their children back to the old country to be reared while the mother goes to work. On such a wage basis American standards are impossible."

The literacy test is an expedient which should be adopted now, and time and experience will demonstrate what further legislation will be necessary in the interest and for the safety of the American people, for the improvement of American citizenship and homes, and for the perpetuation of the American Republic.

The American Federation of Labor, at its convention held last November in San Francisco, by unanimous action reiterated the decisions of previous conventions urging the speedy enactment into law of the immigration bill containing the literacy test.

No other single proposed addition to our immigration laws has received the indorsement accorded to the literacy test.

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WHY THE TRADE-UNION MOVEMENT URGES IMMIGRATION RESTRICTION.

[By President Gompers in American Federationist.]

As a people we have barely begun to appreciate the value of those qualities which make for real progress, the necessity to insist and persist in formulating sound policies to redound to the interests of the people of our Nation Indeed for years we have delayed in even formulating a national policy that would protect us against such elements and conditions which act as a barrier to the development of American character and national unity. We have excused this delay on the ground that we were a young Nation; that we had vast public lands and national resources that must be developed, and that we could afford to open our doors to a practically unrestricted immigration in order to increase our population.

But conditions have changed. We are no longer a young Nation. We have wasted much of our national heritage and the frontier has practically disappeared. Recent events that have tested national institutions and men's faith to the uttermost, proved conclusively that we can not hope to be the ideal which America represents, we can not maintain a place of influence in the affairs of the world if we do not plan to carry out those purposes. Haphazard development may do well enough for the ordinary activities from day to day, but will not endure the tests of a great crisis or the slower test of time.

To achieve the best that is possible for our Nation and for our citizens generally, we can not escape the duty devolving upon us of thinking out a national policy that will develop out of the many peoples within our boundaries a homogeneous Nation bound together by common ideals, common customs, common language, and a common culture.

America has not yet become a nation. It is still a conglomerated mass of various and diverse ethnic groups. Hordes of immigrants have crowded into our ports, and have, for the most part, settled in the nearest industrial center. In some cases they have in masses moved farther inland to industrial centers where the nature of the work required comparatively little skill. In many of these cases the coming of the immigrants was due to the activities of managers of industries, who arranged to secure the financial advantages by employing foreign workers who still retained the standards and prejudices of other countries. So we find in many industrial centers sections that are known as "Little Hungary," "Little Italy," etc. The inhabitants of these little nations transplant to American soil the institutions and the standards of their fatherlands. They gain nothing by coming. These communities speak a foreign language, read foreign papers, dress in accord with foreign customs, and bring up their families in accord with foreign standards. There is practically no sustained effort on the part of society or the Nation to assimilate these foreign groups and to make of them Americans. Nor is this condition confined only to the poorer immigrants. There are foreign communities in the resident districts of the large cities. These remain even more exclusively foreign because their wealth enables them to have foreign schools and foreign instruction for their children. Thus the foreign group and alien influence become rooted in the life of the community.

The workers of America have felt most keenly the pernicious results of the establishment of foreign standards of work, wages, and conduct in American industries and commerce. Foreign standards of wages do not permit American standards of life. Foreign labor has driven American workers out of many trades, callings, and communities, and the influence of these lower standards has permeated widely.

For years the organized-labor movement has called attention to these vicious tendencies which affect not only the workers but the whole Nation, for national unity is weakened when the Nation is honeycombed with "foreign groups" living a foreign life.

The labor movement has urged the adoption of a national policy that would enable us to select as future citizens of our country those who can be assimilated and made truly American. The American Federation of Labor has urged a literacy test, which shall be applied to all immigrants. Our Nation has accepted as a fundamental principle that education enables the girl and boy to attain better development and to have better control over their own personal ability and powers. It has been our national purpose to eliminate from our country all illiteracy. It is therefore in accord with this general plan that we should establish the same requirements for foreign-born persons who desire to come and live in our country. It has been urged that this is not a perfect standard. Of course, no standard is perfect, but the literacy test is the most effective and practical. It has been claimed that our greatest criminals are often educated persons. These are, however, only conspicuous failures of education to achieve its desired ideal. Educated criminality is not the fault of education, but is the inherent fault or defect in the nature or the physical make-up of the individual. If it is urged that education tends to criminality it would seem the wisest course to remain in ignorance, a fallacy so patent that its mere statement carries with it its own repudiation. Education can not remedy all the inherent faults of human nature, but it is the greatest instrumentality for human development and betterment.

It has been urged against the literacy test that this standard would make many suffer because they had been denied opportunities. That may be true, but it is equally true that our Nation can not work out all of the problems of all other nations. We can not undertake to educate all of those to whom other countries deny educational opportunities. Each nation must undertake and solve its own educational problems. The adoption of the literacy test by our own country would have a tendency to force nations to establish more general educational opportunities for all of their people. It is only a half truth to say that the literacy test would close the gates of opportunity to illiterate foreigners. As a matter of fact there is very little opportunity for these people in our industrial centers. Usually they have been brought over here either by steamship and railroad companies and other greedy corporations, by employers, or as a result of collusion between these groups. They have been brought over here for the purpose of exploitation, and until they develop powers of resistance and determination to secure things for themselves they have little opportunity here. These same qualities would secure for them within their own countries many of the advantages that later come to them here.

The section of the Burnett immigration bill which establishes the literacy test provides for no unfair requirements. It says:

"All aliens over 16 years of age physically capable of reading who can not read the English language or some other language or dialect, including Hebrew or Yiddish: *Provided*, That any admissible alien, or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not, and such relative shall be permitted to enter. That for the purpose of ascertaining whether aliens can read the immigrant inspectors shall be furnished with slips of uniform size, prepared under the direction of the Secretary of Labor, each containing not less than 30 nor more than 40 words in ordinary use, printed in plainly legible type in some one of the various languages or dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect."

An attempt has been made to create the impression that the literacy test will close America as a haven of refuge to political refugees and those persecuted because of religious faith. That this is wholly unwarranted in fact is evident from the following portion of the proposed act:

"That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or by governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted or who admit the commission or who teach and advocate the commission of an offense purely political."

The proposed legislation does not represent a radical change in the policy of our Nation. It is an extention of our educational policy, and is in harmony with the conviction that has been growing recently that we, as a nation, must leave our haphazard methods of development behind and inaugurate a definite sustained national policy that shall promote our best development and shall coordinate and organize all of the resources of our country and plan for their best utilization.

Opposition to the literacy test and to any proposition to restrict immigration has come from steamship companies, steel corporations, coal operators, and other employers whose financial interests were associated with the maintenance of large numbers of workers forced by their helplessness to work for low wages. The activities of these interests have been given a cloak of respectability by many who, for sentimental reasons, were unwilling to indorse any form of restriction of immigration. But selfish interest or sentiment that is contrary to the fundamental principles of national welfare can not frustrate efforts to promote the best interests of our Nation.

The meaning of America lies in the ideal she represents. That ideal is liberty and opportunity. But beautiful as any ideal may be, it becomes of practical value when it has effectiveness in the daily lives of men and women.

Real liberty and opportunity mean a certain mental attitude toward life, certain standards of life and work, and possession of that which secures the enjoyment of opportunities.

America the ideal—the land of the free—exists only when her people are Americans in all things.

Ours has been a most perilous task—to weld together those from other lands who have sought our shores and to make of them homogeneous people—a Nation with common ideals, common standards of living, a national language, and an ideal national patriotism.

The building of a nation is not a thing of chance; it is the result of statesmanship, knowledge of tendencies, a discernment of cause and effect, ability to distinguish the good from the evil.

Too long our national policies have been determined by sentimental emotions, business profits, and political expediency. But there must come a change. These months of terrible warfare have compelled a testing of things that have passed over. "The world is afire"; and we must put our own house in order lest we, too, be caught unawares. We must search out each weakness and strengthen every danger point.

The workers of America make the demand that there shall be restriction of immigration to such as can be readily identified and assimilated with Americans and can become truly American.

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RAILROAD EMPLOYEES AND FARMERS FAVOR IMMIGRATION RESTRICTION.

Railroad train service employees and the millions of organized farmers have repeatedly declared for immigration restriction, and their representatives are cooperating with the American Federation of Labor to secure the enactment into law of the Burnett immigration bill.

Last January, when the House Committee on Immigration held public hearings on this measure, the American Federation of Labor was represented by Secretary Frank Morrison; the railroad men by Val Fitzpatrick, vice president and national legislative representative of the Brotherhood of Railroad Trainmen, and the organized farmers by J. H. Kimble, national legislative representative of the Farmers' National Congress.

Val Fitzpatrick also spoke on behalf of these legislative colleagues: H. E. Wills, assistant grand chief engineer, Brotherhood of Locomotive Engineers; P. J. McNamara, vice president Brotherhood of Locomotive Firemen and Enginemen; W. M. Clark, Order of Railway Conductors.

The railway employees' spokesman referred to a resolution passed on November 20, 1915, at a meeting of the chief executives of the four railway brotherhoods, when it was "unanimously agreed that we indorse the bill on this subject (immigration restriction) approved by the American Federation of Labor." Mr. Fitzpatrick told the committee that "our members have no guaranty that they are going to remain as engineers, firemen, and brakemen," and that the railroads actually dismiss between 30,000 and 40,000 train service men, and these workers are forced to enter other industries, where wages are often reduced because of the large number of illiterates. The speaker read numerous resolutions passed by the various railroad brotherhoods in favor of immigration restriction and the literacy test.

Speaking for the organized farmers, J. H. Kimble denied that agriculturalists favor unlimited immigration. He said:

"The farmers' organizations—and I am an actual farmer and live on a farm and make a living out of a farm—are opposed to any attempt to distribute the present immigration until the laws are stiffened up. * * * There is no demand among the farmers of the country for aliens unable to speak our language or to read their own. A glance at the last annual report of the Bureau of Immigration, which, by the way, gives many reasons for adopting the Burnett bill, shows that very few 'farmers' are coming to this country. Out of a total immigration last year of 434,244 aliens only 9,215 were 'farmers,' and only 29,247 could be classed as 'farm laborers.' Very few 'farmers' or 'farm laborers' come to this country. That is one important reason why distribution of immigrants is a failure. Another reason is that the farmers do not want and can not use the bulk of the kind that comes."

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"UN-AMERICAN" IS FAMILIAR PLEA OF REFORM LEGISLATION OPPONENTS.

[Editorial in the Unpopular Review, January, 1916.]

The assertion that the literacy test is un-American is one which has been urged against many measures of social progress, and which can be employed against any proposition which involves departing from traditional methods or policies—in other words, which recognizes that the world moves and conditions change. When policemen were first introduced into the cities of the United States, the innovation was bitterly opposed on the ground that it was un-American and interfered with the natural rights of the individual. The "penalty clause" by which the cooperative farmers' elevators of the Middle West maintain themselves has been attacked as un-American by those whom it affects unfavorably.

It would seem hardly necessary to consider arguments of this type were they not propounded with so much frequency and earnestness and accepted with so much sobriety. Especially it seems extraordinary that a measure which asks that the foreigner should have the same training for citizenship or residence that we require of our own children should be called un-American. When we spend over half a billion dollars annually on our public schools, and then compel children born in this country to take advantage of them, is it illogical—not to say un-American—to say to the adult foreigner that he should have so much of an education as is indicated by the ability to read?

But it is asserted that an educational test would be un-American, because it would exclude aliens on the basis of opportunity, not of character. Illiteracy, it is maintained, is not a test of ability but of early opportunity. But a test based on opportunity is not un-American. For our immigration law already contains a number of tests which rest, in part at least, on opportunity. Such are the tests excluding paupers, those likely to become public charges, persons with contagious diseases, etc. In fact, when the individual immigrant appears before the inspector little can be gained by trying to separate those of his characteristics which are due to native ability from those which are traceable to environment. The man must be judged as he is on the grounds of his fitness.

In pursuance of the "un-American" argument, however, it is further pointed out that illiteracy can not reasonably be considered a test of fitness for American life, because this Nation was founded by illiterates, and that it has nevertheless done pretty well. The trouble with this argument is that it is not true, and that if it were, it proves too much. It might be said with equal cogency that this Nation was founded by men who made their living by slave labor in the South and the slave and rum trade in the North, and that therefore these good old institutions should have been preserved. All such arguments ignore the fact that the world has progressed during the past three centuries and that illiteracy stands for very different things now from what it did in the days of the Pilgrim fathers or of the Revolutionary heroes.

Another argument which proves too much is that produced so triumphantly and with so great effect in some such words as these: "This measure would keep out a great many people who would be very useful citizens. If it had been in force in earlier years, it would have kept out the mother of Abraham Lincoln, who signed her name with a cross." Certainly the literacy test would keep out some who would be useful. So do many, if not most, of the tests now in force. The futility of such arguments may be illustrated by another reductio ad absurdum. "Booker T. Washington was one of the most useful citizens of the United States. His ancestors on one side were brought over as negro slaves. Therefore it was a mistake to abolish the slave trade."

Such are the arguments of the opponents of the literacy test. Aside from these, their efforts are devoted to countering the claims of the opposite side, which, as has been shown, can be done successfully only with respect to the strictly and temporarily economic aspects—the building up of quick fortunes by questionable and probably dangerous means. There are those who do not regard this as an argument against the literacy test, but for it.

The matter can be rightly understood only by taking the broadest possible view of the relations, not of this generation alone but of the generations to come. The natural destiny of the United States is to be the leader of the nations into the fullest development of the common people. Our duty is to set standards, not to distribute the natural advantages we possess. We can not render our highest service to mankind by hastily and inconsiderately yielding to the demands of a specious humanitarianism and dissipating to-day what should be the heritage of future generations.

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ONLY PRACTICAL TEST OFFERED.

The Toledo Blade, in these few words sums up the agitation for and against the Burnett immigration-restriction bill:

"The literacy test for immigrants has never been advertised as perfect. In operation, it would turn back many aliens who might become worthy citizens. But no other test that promises to restrict immigration in a practical way has been suggested.

"The advocates of this measure are trying only to slow down the stream of foreigners who for so many years poured through our gates. The opponents of the test do not offer a substitute. And for a very good reason. They are not really troubled, as they profess to be, lest an occasional healthy and intelligent, though illiterate, alien be refused admittance. Their concern is lest the supply of cheap labor be restricted."

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CHICAGO TRIBUNE STATES CASE.

The Chicago Tribune is one of the very few large newspapers in this country that is fearless enough to state the forces for and against the Burnett immigration bill. In an editorial, March 30, 1916, this paper said:

"The literacy test has just one purpose; that is, to reduce immigration into this country.

"Opposition to the literacy test has just one purpose—to prevent any limitation of immigration into this country.

"Proponents of the literacy test believe that the time has come when we must slow up the inrush of foreign blood in order to allow the Nation to assimilate the multitude of strange races now within its borders and in order to limit the competition of pauper labor, which is more and more bearing upon American-born workingmen.

"Opponents of the literacy test desire a broader labor market or they desire to open the benefits of America to foreigners, let the consequences to Americans be what they may.

"People favoring the literacy test wish to reduce immigration into America. People opposing it wish an unrestricted flow of foreigners, literate or illiterate."

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In its issue of March 27, 1916, the Chicago Daily Tribune had the following as its first and leading editorial:

CLOSE THE GATES.

Peace may not bring a new influx of aliens to America. Emigration from Europe may be checked by laws of the countries in need of workers or by the employment of workers at home at high wages.

But even if this prove to be true and war taxes or bitter experience do not drive men and women from the Old World to our shores, the tide may set in from other regions, and these are precisely the sources from which the least assimilable elements are drawn.

The part of common sense and common caution for us is to close our gates for a time. All thinking Americans have become conscious in recent years that the process of Americanization is much slower and more superficial than we have flattered ourselves it was. The amount of foreign nationalism, of unassimilated immigration, is disquietingly if not alarmingly large. It is time to prevent our national composition from being further diluted. It is time to concentrate on an undisturbed process of American nationalism.

There are no signs that the civilized world is entering a period of internationalism. The probabilities are rather that we are to find in the form of new and perhaps larger alliances an intensive nationalism and a more formidable international competition. If this be true we can not afford to be full of domestic divisions and internal distractions, the only clay pot in the stream. We shall need a robust nationalism, a strong unity against the world.

And there is another reason for closing the gates. If we are to enter a period of prosperity, the fruit of our own energy, restraint, and pacific temper, we want that prosperity to be distributed among our own people, among those who have cast their lot with us and contributed to our welfare.

On the other hand, if we are to meet, as many believe, a serious reaction, we do not want to divide our means with millions of aliens. We want what we have for our own people.

The Tribune believes the absolute restriction of immigration would check the consequences of a reaction after the war and insure a widespread prosperity. It would protect our own wage earners from the competition of cheap labor, insure good wages and the American standard of living, and thereby stimulate the home market and bring about the broadest prosperity. If in addition to this measure of patriotism we enact a wise system of commercial laws and provide an adequate naval and military defense, the United States will be virtually invulnerable.

[American Federation of Labor Weekly News Letter, Washington, D. C., Apr. 15, 1916.]

CLERIC-ECONOMIST FAVORS IMMIGRATION BILL—SAYS OPPONENTS ARE SELFISH AND SENTIMENTAL.

WASHINGTON, *April 15.*

Rev. John A. Ryan, D. D., formerly of Minnesota, but now professor of economics, Catholic University, this city, has declared in favor of the Burnett immigration bill. If this legislation is adopted by Congress, he says, "We shall have sufficient legislation to improve the quality, provide for assimilation, and protect the standard of life that is required for decent living."

Rev. Ryan's statement, which includes a history of immigration legislation, has been published by the weekly press service of the social service commission, American Federation of Catholic Societies, and is in part as follows:

"The lowered standard of living is the main justification for restriction, and it is probably the reason behind the greater part of the agitation. Between two-thirds and four-fifths of the adult males of the country receive less than $750 a year, and real wages have declined from 10 to 15 per cent since 1890. The great majority of the new immigrants go into the unskilled industries, thereby overstocking the market for that kind of labor and bringing down wages. They do not become farmers, as so considerably occurred with the old immigration. The supply of unskilled labor should be reduced. The immigration commission was unanimous on this point.

"Among methods of restriction suggested are: The requirement of a contract enabling the immigrant to command living wages, the restriction of the arrivals from any country to a certain per cent of the average emigration from that country during the preceding period of 10 years, the division of the immigration countries in groups and the granting of the privilege of sending immigrants to only one group in one year, and the literacy test. The first three are difficult of administration, while the last was recommended by eight of the nine members of the Immigration Commission as the best single method of restriction. It would exclude about one-third.

"The opposition to restriction is sentimental or superficial or selfish. The sentimentalists want America to be kept a haven for the oppressed; but charity begins at home, and we want to keep it a genuine haven, instead of developing a proletariat, and we want to keep it an example of genuine democracy and of a better distribution of wealth than exists in Europe. Thus we can serve humanity better than by enabling a comparatively small proportion of the oppressed of Europe to better their condition very slightly.

"The superficial objectors find fault with the literacy test because it does not guarantee character, something that it was not meant to do. It is primarily a method of affecting quantity, not quality. Others denounce it as the outcome of bigotry, but this factor is relatively unimportant in the movement; besides, the device ought to be judged on its merits. It is regrettable that Catholics will not consider more the economic argument for restriction. Others object that the country needs to be developed. If that means that a large group will be worse off than before, the objection is baseless. All the rough work generally done by unskilled foreigners would be done by Americans if they were

paid sufficient wages. The immigration commission declared there is a constant oversupply of unskilled labor.

"The selfish persons are those who wish to increase production and profits through cheap labor at less than living wages. They would prefer Chinese and Japanese laborers if they could get them. They do not deserve serious consideration."

[American Federation of Labor Weekly News Letter, May 6, 1916.]

LITERACY OPPONENTS CONTINUE ALARM CRY.

TOLEDO, OHIO, *April 29.*

Under the caption "Still harping on the literacy test," the Evening Blade expresses these editorial views on the Burnett immigration bill now pending in the Senate:

"A number of persons in excellent vocal condition continue to be exercised over the literacy test of the immigration bill. The faults and flaws they find in it are simply amazing. If an earnest-minded citizen confined his reading to these criticisms he would become convinced that this test must be eliminated or the Republic will perish.

"The Immigration Commission, which first made a study of ways to restrict the human flood from Europe, voted 8 to 1 for the literacy test, because it was the only practical method suggested to it. One proposal was that the emigration from any one country should in a single year be confined to a certain percentage of the 10-year average emigration of the country. Another proposal was that immigration be controlled as to groups. In any one year, only a single group should have the privilege of entering the country. There was still another idea, that a contract be required guaranteeing the immigrant's ability to earn a living wage. Plainly, some of the restrictions could not be applied. The commission had to accept the literacy test as the one thing that could be administered day after day without doing grave injustice, conflicting with laws and treaties, and raising the business of examining immigrants to the dimensions of flourishing munitions plants.

"Once the immigration bill is passed and becomes operative, we will hear little more about the shortcomings and oppressions of the literacy test. The agitation has been conducted mostly by people who saw in this test a threatened shortage of cheap labor, an increase in living standards which would make a low standard of wages no longer possible."

[From the Cleveland Press, Cleveland, Ohio, May 16, 1916.]

IMMIGRATION.

This newspaper stands for the further restriction of immigration. Hence we favor the bill now in Congress providing for a literacy test. We have many and important reasons for including this policy in our declaration of principles. We favor restriction, in the first place, for the sake of the immigrant himself who is brought in most cases from a life of lowly simplicity in his native land to a life of deadly isolation, exploitation, and degradation in this country.

Millions of these people are herded to-day in smoke and soot-swept settlements and insanitary slums where, shunned, lonesome, and abused, they learn nothing whatever of the land of their so-called adoption—learn rather to hate it because of the miseries they are compelled to suffer by those who exploit them. It was once America's proud boast that this country was the haven of the poor and oppressed. The evidence is clear and conclusive that the peasant who is poor and oppressed in Europe is still further impoverished and oppressed when, having fled, he finds himself in this haven of his dreams.

We hold that this Nation has not assimilated the thirteen millions odd of immigrants who have landed on our shores since the opening of this century, and that it is high time now to call a halt upon further immigration until we shall have taken this great mass of humanity to our hearts, cheered them with our interest, educated them to our national ideals and made them Americans who will love, and die if need be, for the Nation which has really lifted them from poverty and freed them from oppression. We insist that this process of valid absorption is one of the prime necessities in the making of a new and united American Nation.

We, too, believe, with organized labor, that the practically unrestricted immigration of the past 15 years has been unfair to the working people of this country. The competition of a million new arrivals every year, in addition to the natural native increase of hands that work, was too great.

The entire advantage was with capital—often heartless, ruthless capital. The almost complete cessation of immigration since the beginning of the war has been a double-edged revelation to the American workingman and to those thoughtful citizens who have viewed with anxiety the increasingly serious labor problem in our land. Unemployment has passed. Wages have increased. Working people are more prosperous, their families more comfortable. And, mark this: Although immigration was suspended and the working population was decreased by the half million who returned to Europe to fight, production increased beyond all records, as shown by the official figures of our exports and domestic consumption. Does this not prove that well-paid, regularly employed labor, unhampered by competition flowing from abroad, is a greater producer of national wealth than dissatisfied labor, working half time and suffering from undue competition?

Have we not also the proof before us that a population of 100,000,000 can provide in the natural human increase all the labor needed for the work to be done?

Thus restriction of immigration promises better citizens of our foreign-born, more prosperous, and more contented citizens in our great working classes, better homes, a stronger people in body and mind, greater production of wealth, all of which will combine to cement us into a Nation strong for hearth and country and willing and quick to defend both when the occasion demands.

Mr. PADGETT. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I will state to the gentleman from Tennessee that I would prefer to speak a little later, after I have heard further debate, to get a better conception of the amendment.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I yield to the gentleman from New Hampshire [Mr. SULLOWAY].

Mr. SULLOWAY. Mr. Chairman, it seems to me there have been conversions here during this discussion more sudden than St. Paul's by far. I want to say to the Members of this House that there is but one navy yard in the United States that has 40 feet of water at all times, and that there has never been a penny expended for dredging at that yard and there never will need to be. I refer to the one at Portsmouth, N. H. The yards named here to be equipped for the purpose of building battleships are all subject to dredging, and this bill carries an appropriation of $327,000 for that purpose for the next fiscal year.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. SULLOWAY. Certainly.

Mr. HUMPHREY of Washington. My friend is mistaken in respect to the Bremerton yard. We have no dredging there. We have 60 feet of water.

Mr. SULLOWAY. That is the Puget Sound yard?

Mr. HUMPHREY of Washington. Yes.

Mr. SULLOWAY. If the gentleman will look at the bill, he will find that there is an appropriation of $15,000 or $25,000, I forget which, to continue dredging there.

Mr. HUMPHREY of Washington. That is the approach to the dock.

Mr. SULLOWAY. I do not know what it is or what excuse there is for it, but I am taking the bill as it is before us to-day. If the approaches to the dock have but 24 feet of water, as Admiral Stanford stated on page 23 of the hearings, that is the controlling depth, no matter what depth at the dock, but 17 feet less than at Portsmouth. That is true also of every navy yard except the Portsmouth yard, and the appropriations for dredging have mounted to millions upon millions. Admiral Stanford, constructor of yards and docks, has said it would be necessary to continue dredging at all these yards, as they have done in the past. Portsmouth is admitted to be the best yard under our flag and in the United States. There are 40 feet of water there at low tide. A captain can take his craft up that channel without tugging, without pilots, by night or by day. There is no other yard that has that depth of water. On page 27 of the hearings gentlemen will find the different depths of water in each of these yards, and I will put the data in the RECORD. There is not another one that comes within 5 feet of it in depth. There is to-day a dock there of precisely the same size as the one at Boston. They were twins. Gov. McCall and myself were sort of accouching angels at their birth. They were born at the same time and in the same bill. In each of those docks was sufficient room at the time they were authorized to hold any ship constructed or contemplated. It is a remarkable yard. Above it a short distance, not half a mile, is what is known as Great Bay, and within that bay there are thousands and thousands of acres of water from 60 to 100 feet deep.

The navies of the world could swing at anchor and there would not be any such danger of collision as happens in most all of the other yards by ships coming from the sea or going out to it, because it would be at the end of navigation. It is above and beyond the docks. Take, for instance, a yard like Mare Island, with 22 or 23 feet of water, where they are dredging all of the time, with large appropriations for that purpose, and I am not talking against that yard with a view to undoing it. I am stating it as a matter of fact in order that gentlemen of the House may know what they are doing when they locate shipbuilding plants in yards like that, where they have to be dredged perpetually, and then refuse to give to a yard at Portsmouth the same privilege, where dredging will never be needed. The channel is worn and the dock is cut and chiseled out of the solid granite.

Why is the Portsmouth yard excluded from the list of yards on the Atlantic coast by the proposed amendment of the chairman of the Committee on Naval Affairs? Shot in here like a flash of lightning from a clear sky, authorizing the Secretary of the Navy in his discretion to equip certain yards to construct capital ships; never considered by the committee, and by means of the most vicious and infernal gag rule ever presented to a legislative body I am limited to a few minutes to oppose it or to urge that the Portsmouth yard be included in the list.

The answer is patent. No Secretary of the Navy—not even the Hon. George von L. Meyer—would dare refuse to put the Portsmouth yard first on the list, by reason of its superior natural advantages over all other yards. This gag-rule, snapshot legislation will end on March 4, 1917, thank God. And the people will join with Dr. Watts in singing:

Believing, we rejoice to see the curse depart.

[Applause.]

We are in greater need of larger docks than of battleships. Early in this session I introduced a bill that went to the Committee on Naval Affairs, authorizing the construction of a dock at the Portsmouth yard, and I now have an amendment to this bill filed at the Clerk's desk that can never be reached under this gag rule, which prohibits in its working the consideration

of amendments other than those proposed by the 21 members of the Committee on Naval Affairs. More than 400 Members of the House are absolutely denied hearing on matters of great importance to their constituents and, but for this rule, would be able to have the right to be heard in their behalf.

My amendment reads as follows:

On page 20, line 16, after the figures "$3,000," insert "dry dock—limit of cost not exceeding $3,500,000—in all, $3,503,000."

Permit me to quote Rear Admiral H. R. Stanford, Chief of the Bureau of Yards and Docks, in his testimony before the Committee on Naval Affairs, where he gives the depth of water at the several yards and the necessity for big docks—the man who for years has been at the head of said bureau.

The Mare Island yard furnishes a sample illustration of the expense of dredging and the results obtained in muddy-bottom straits, rivers, and channels. On page 48 Admiral Stanford said that yard was located in the early fifties, and at that time there was 40 or 50 feet of water in the straits. On page 30 it appears that $20,000,000 have been expended on that yard; that not one of the battleships built in the last eight years can get in. And on page 27 it appears that the controlling depth now is but 22 feet, with a continual expenditure of money to the amount of $20,000,000, and the loss of from 18 to 28 feet in depth of water in the straits. And this bill provides $50,000 for dikes and dredging for the next fiscal year at that yard.

The dock at Charleston, S. C., is still more fortunate. This bill provides $187,000 for dredging and opening a channel to that dock where the controlling depth of water is 22 feet.

On page 95 Admiral Stanford said:

At this stage of our naval development the construction of additional docks and battleship piers is as essential as the building of the ships. I think our need for large dry docks and deep-water piers equipment for hauling heavy weights is most urgent, both south and north of Hatteras.

Question by Mr. KELLEY:

Would not an expenditure of $15,000,000 in dry docks, piers, wall extension in our various naval stations do more in promoting the efficiency of the fleet than the addition of a single battleship?

The Admiral's answer was:

It's hardly a fair question to put to me.

Page 96:

I did say that my personal view is that the need for big dry docks is most urgent of the Navy ashore.

On page 90 the Admiral said:

During the past few years the appropriations for yards and docks improvements have been greatly reduced and curtailed, so that there is a very great need for more docks.

On page 90 Admiral Stanford said:

In 1913 there was expended, approximately, for yards and docks $9,000,000. During the past year something over $7,000,000.

On page 91:

It is safe to say that appropriations for yards and docks, for several years to come, will be from $7,500,000 to $10,000,000 to develop the additional dry docks that are needed.

On page 97:

I think for the last three or four years, ever since the construction of our superdreadnaughts, we have needed these additional docks.

On page 50:

We have but three dry docks that will admit the 13 ships built, building, or authorized, and the program if carried out will give us 29 of these capital ships and only four docks that will hold them. The department recognizes the need of more big docks to be built at other yards.

On page 41:

The General Board has recommended that we should have 40 feet of water at all the principal yards.

On pages 90 and 91:

Dredging will be required from time to time in every yard we have, excepting Portsmouth and Puget Sound.

On page 99:

There is dependable deep water at the Portsmouth yard, as I stated two or three days ago. The reason I did not refer to that yard particularly is because it is not fitted with a dock large enough to dock a superdreadnaught.

No harbor on the Atlantic coast possesses the depth of water, the natural advantages, the wonderful channel, that never requires dredging, that is so free from sand, silt, and mud, up which a battleship or a dreadnaught can wend its way in high tide and low tide, as the one at Portsmouth, N. H. Worn out of solid rock, with a width practically equal to any channel on the Atlantic coast, with a bottom as smooth as a floor, this great waterway has a controlling depth of 40 feet, sufficient to sail any vessel afloat or under construction, without waiting for favorable conditions or depending upon Omnipotence to provide sufficient waters through the instrumentality of the tides to get a great ship to its dock.

From the birth of this Republic to the present moment Portsmouth has been famous as a shipbuilding center. But it is not on the glorious past of this famous old seaboard city that I would dwell, but upon its great possibilities at this time, when we, as well as all of the people of the earth, are confronted with great questions of proper and adequate preparedness, and when we are called upon to take account of stock, to look over our advantages and our opportunities for national safety and national security. The protection of home and the protection of our liberties and our Government are solemn duties that we must meet, not with hysteria but with calmness, saneness, and judgment. Proper protection is the greatest element of national safety.

No navy yard in the country is so admirably situated as the one at Portsmouth, N. H. Not only does it have the deepest waterway, 40 feet at controlling depth, but is the most defensible harbor on the Atlantic coast. Situated 10 miles at sea from Portsmouth, absolutely commanding the harbor, are the Isles of Shoals, a series of islands which could be fortified and which not only would command Portsmouth Harbor, but also the coast for miles, both north and south. At Portsmouth the opportunity for development is greater than in any other yard in this country. Available land can be bought at prices per acre that in some of the great cities where navy yards are located would be sold by the foot at fabulous prices.

The opportunity for additional dry docks is unsurpassed anywhere for the reason that the natural advantages of the soil make it a natural location for these great resting places for our ships. The great dry dock constructed some years ago, which at that time would take the largest ship of our Navy, would have contained a ship before a single bit of masonry was placed in it. The great basin for this dock was cut out of the solid rock. There has never been a dump cart full of mud or sand washed into it or its approaches from the ocean since it was constructed. It never requires dredging to get ships in, and when a dock is once completed here, outside of the natural wear and tear, there would never be any artificial repairs necessary by the working of the elements that have to be met. Nature provided everything essential at Portsmouth for the greatest naval station in the world. Climatically it possesses advantages unexcelled by any place where a navy yard or a naval station is located in this country.

From a labor standpoint it means much to the thousands of men employed in the way of cheap rents and a desirable place to live. It has tremendous advantages in this respect over the yards in the great cities. There are opportunities there for men to own their homes at a modest price and within the reach of their pay envelope. This means contented workmen, the keeping of skilled labor, for whenever a workingman accumulates enough to build him a home he settles down there usually to spend his days. As a great economic proposition, both to the Government and to the employees, Portsmouth offers wonderful advantages, which any private business concern in the country would seize upon as a great asset.

While cities and places where other naval yards are clamoring year after year for appropriations for dredging to keep the channels of their harbors open so that present-day shipping may dock in safety Portsmouth has deep enough water to safely float our big ships at any hour of the night or day. Every navigation expert who appeared before the House Naval Committee admitted on questioning that Portsmouth had an abundance of water. It was freely stated that this was the only harbor on the Atlantic coast where water conditions are perfect, and, with the single exception of Puget Sound, the only place on either coast.

Much of the expert testimony before the Naval Committee favored new and additional docking facilities, and it was frankly admitted that there would be practically no dry-dock facilities for our big ships of the future when we get them constructed. It is not in line with wisdom or good judgment to construct great and expensive dreadnaughts with no place to repair and dock them, neither is it a wise business policy to expend money for great dry docks in places where the water is not of sufficient depth to get a great vessel of the future into it when it is constructed.

There is no question about Portsmouth, for the water is there now. It is not a gamble or an experiment, but a reality. The cold facts are there, and they are indisputable. Portsmouth has suffered in the past, I regret to say, because it lacked some of the social advantages of Boston, New York, and Norfolk. Unfair and untrue criticisms of the yard have been made by men who placed the pink tea above efficiency; but in spite of this the yard, which 20 years ago, when I came to Congress, was about ready to be abandoned, has been improved, developed, and brought to

a standard that now compels it to be recognized as one of the great yards of the country.

Sentiment, favoritism, and the popularity of its location have not entered into its present high standing. It has come to the front in spite of official handicapping and backbiting, and purely upon its merits and because of its unquestioned natural advantages. Notwithstanding talk of its abandonment from certain sources in times past, it has continued to grow and develop, and will continue to grow and develop until it ranks second to none in this country.

This yard has been designated as a submarine base by the present administration, which was the very least that could be done. The workmen at that yard are to-day constructing undersea craft, but that is only a small part of the work that should be done there. With land already owned by the Government, with much more that is available, the work of the yard must and will be enlarged to meet the natural requirements and the demands of the times. This Congress may not see fit to rise to the occasion and place in the greatest and deepest waterway on the Atlantic coast a great dry dock to meet all the requirements of the future but there are other Congresses coming which will not be so blind to the wonderful opportunities of Portsmouth, and circumstances and demands of the future will absolutely require the greater development of this natural naval base, making it sufficient to meet any emergency and to be properly equipped for any line of naval construction.

Another novel feature of the Portsmouth Harbor is Great Bay, a large body of water up the river from the navy yard, which is of sufficient size and depth, having 100 feet of water in many places, to anchor the navies of the world. This could be made available with a comparatively reasonable expense and at a cost not in excess of many recent river and harbor improvements in various sections of the country. With the development of Great Bay, a naval base and anchorage could be secured that would be far superior to the one at Hampton Roads and other places, because it would be away from the main channel of traffic and there would be absolutely no danger of collisions and accidents by vessels passing to and from the ocean.

Portsmouth has been the scene of the visits of many of the large ships of our Navy of the past, and there are no records of them going aground, as has often happened in the case of some of the other harbors where navy yards are located. Vessels have to come to anchorage at the yard after coming up the harbor under their own steam and without assistance of tugs. The removal of Hendersons Point some years ago took away the only difficulty to navigation that existed and made Portsmouth Harbor and the navy yard dry dock safe and easy of access, a harbor that never freezes in winter and which possesses at all times ample and abundant water to ship any vessel that floats.

Admiral Stanford, Chief of the Bureau of Yards and Docks, in the hearings before the Committee on Naval Affairs of the House said:

There is dependable deep water at the Portsmouth yard. There is difficulty of getting into the New York yard at times. At some times it will happen that you have to lay outside the San Francisco Harbor before entering on account of sea and fog. There is also difficulty in getting over the bar at times at San Francisco. The Philadelphia Navy Yard is 90 miles from the Capes, and there is a portion of the river between these two points which under certain tidal conditions would barely pass our largest vessels. At the Norfolk yard dredging is required in the river in front of the yard and also a widening of the channel is required. It is my impression that Charleston, S. C., can only be entered under favorable conditions. There is good water leading up to the Boston yard.

Speaking further on this same subject, Admiral Stanford said:

At the Portsmouth yard the controlling depth of the water is 40 feet, the controlling width 500 feet, and the range of the tide 7.8 feet. At Boston the controlling depth is 35 feet, the width of the channel 540 feet, and the tidal change is 9.6. At New York the controlling depth is 31 feet, the controlling width of channel is 450 feet, and the mean rise and fall of the tide is 4.2 feet. At Philadelphia the controlling depth is 30 feet, the controlling width from the yard to the sea is 600 feet, and the tidal change is 5.9 feet. At Norfolk the controlling depth is 35 feet, the controlling width is 450 feet, and the mean rise and fall of the tide is 2.8. At Charleston, S. C., the controlling depth is 22 feet, the width of channel is 300 feet, and the mean rise and fall of the tide is 5.2.

This goes to show that of all harbors on the Atlantic coast used for naval purposes Portsmouth has the greatest depth of water. Admiral Stanford also stated that periodical dredging was absolutely necessary at Boston, New York, and Norfolk. This is something that is never necessary at Portsmouth.

To give the country some idea of the cost of dredging in the approaches to the navy yards of this country, let me quote from the present bill. This measure we are now here considering carries $337,000 for the coming fiscal year. It is divided up as follows: Navy yard, Boston, dredging, $10,000; navy yard, New York, to continue dredging, $50,000; navy yard, Philadelphia, to continue dredging, $25,000; navy yard, Charleston, S. C., to continue dredging, $12,000; dredging Cooper River, approach to navy yard, Charleston, S. C., $175,000; navy yard, Mare Island, Cal., maintenance of dikes and dredging, $50,000; navy yard, Puget Sound, Wash., to continue dredging, $15,000. Continually sums aggregating millions have been appropriated during the past decade to keep these harbors of the navy yards of this country open to navigation, on account of the constant filling of the channels with mud, sand, and silt, and for the purpose of getting a deeper waterway. But at Portsmouth it has never been necessary to make these constant appropriations. The depth of the water has been there from time immemorial and will remain as long as the world exists.

Admiral Stanford, in the hearings before the Naval Affairs Committee, pointed out the great need for docks. He stated in his testimony that during the past few years there had been a great curtailment in the amount of appropriations for this purpose. He said:

My personal view is that more dry docks are most urgent. Ever since we began the construction of the superdreadnaughts we have needed these additional docks.

The Admiral was asked by Representative BUTLER of Pennsylvania, a member of the committee, this question: "Would we not be in a bad mess if we should have war now for lack of docking facilities?" "I think so; yes," replied the Admiral.

Admiral Stanford made the astounding admission before the Naval Committee that we have but three dry docks on both the Atlantic and the Pacific coasts that will admit the 13 ships constructed, under construction, or authorized; and if the present program is carried out, it will give us 29 of these capital ships and only three dry docks in the United States navy yards which will hold them. Two of these are located on the Atlantic coast—one at Norfolk, one at New York—the other being at Bremerton, on the Pacific coast. None of these docks are large enough to hold the fast cruisers that are contemplated under the provisions of this bill.

With these indisputable facts in view, with this country embarking upon a program to place its Navy on a footing that will guarantee us national security and national safety, with a view to developing a proper coast defense that will insure the peace and happiness of our people, I appeal to the good judgment and the common sense of this House to place some of these great improvements and means of national defense where nature has given us the greatest advantages and the deepest harbor anywhere on the coast of our great country. In this time of a crying demand for additional docks, the place to put them is where, when they are completed, ships can be brought to them in safety, where the Almighty has already constructed the channel, and where sufficient water exists to-day, without the use of a dredge, to float in safety the mightiest ship within the conception of man. This place is at Portsmouth, in the district which I have the honor to represent.

Let no one think in anything I have said I have thought to belittle any of our navy yards. Far from it; for I am in favor of developing all of them. But in future construction I believe it to be a patriotic duty to build and improve them where nature has ordained they should be. [Applause.]

Mr. ROBERTS of Massachusetts. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, I dislike to voice a discordant note in this family arrangement of providing for all of the yards from Portsmouth on the Atlantic to New Orleans on the Gulf and from Puget Sound on the north down to the other extreme. I think we are going very fast, indeed, when we authorize, even in the discretion of the Secretary of the Navy, the equipment of yards confessedly unsuited for building programs, such as those at New Orleans, Charleston, and other places, under the guise of naval necessity. This bill is fast becoming a public-building bill rather than a naval bill. Yesterday you voted in favor of an ultimate $20,000,000 Government armor-plate project, when there are sufficient existing plants to furnish armor at cost, and with the completion of this 20,000-ton armor-plate plant the result will be that it will drive the private concerns out of business, because there will not be enough armor contracted for to warrant their continuing in existence. You also have in this bill a provision for the establishment of a plant for the manufacture of projectiles, and now under the guise of naval necessity, which, if carried out, will involve this Government to the extent of millions and millions of dollars—not six millions or seven millions, but hundreds of millions of dollars—it is proposed to equip these yards for shipbuilding purposes, this to be done at so-called navy yards which Secretaries of the Navy in times past have condemned as unfit for navy-yard purposes. Where is this trend, this wild rage of Democratic extravagance, going to end? The bill which was brought in here involving two hundred and

sixty-odd millions will leave us ultimately carrying millions beyond that.

But it takes something more than mere buildings to make a proper shipbuilding yard. The Government can order the buildings, but it will take time.

A shipyard that was constituted to repair ships has not the necessary foundries, has not the machine shops, and above all else has not the necessary organization of men that will be required to make it an efficient shipbuilding concern. There is no consideration in this family arrangement of the Government interests. There is no hope of defeating it when you bring in here an omnibus public building bill.

Mr. CRAMTON. Will the gentleman yield?

Mr. STAFFORD. For a short question.

Mr. CRAMTON. Does the gentleman mean to insinuate that there can be such a thing as "pork" in preparedness?

Mr. STAFFORD. Far be it for me to insinuate something that is so patent. So, Mr. Chairman, you are taking away from the Secretary of the Navy the right to determine where these ships in case of necessity can be properly built. Those who wish to get an advantage for yards in their districts by having them created into a large shipbuilding plant are objecting to an obvious business proposal offered by the gentleman from California to equip the New York Yard and the Mare Island Yard, which to-day are the only two yards in the country that have the necessary equipment and the necessary organization to build these capital ships. They are objecting to that because they fear that it will be trenching on their own private preserves, to get, what—not "pork" but "pie." Such a policy can not be too severely criticized when under the guise of naval preparation you are trying to take away from private shipbuilding yards the building of ships that can be more economically and more expeditiously built than in Government yards lacking the material for large shipbuilding purposes. If we are ever going to have a merchant marine, the private yards should be encouraged with construction of naval vessels so long as their prices are fair and right.

We are going wild in our haste to make a showing. Without any investigation as to the fitness of these yards you are directing their conversion into shipbuilding plants upon the ipse dixit of local representatives. When once navy yards are equipped, the hue and cry from local interests will demand their employment regardless of cost or need.

The proposed policy is Government ownership run wild with only combination of local interests to support it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUCHANAN of Illinois. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. VARE].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. VARE].

Mr. VARE. I ask that the Clerk read the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read the amendment, as follows:

Page 100, following the amendment inserted after line 9, insert the following:

"In the event the Secretary of the Navy is unable to secure from the shipbuilders contracts for the expeditious construction of the ships herein authorized at a fair and reasonable price, the sum of $6,000,000, or so much thereof as may be necessary, is hereby appropriated to enable the Secretary of the Navy to equip the navy yards at Puget Sound, Philadelphia, Norfolk, Boston, Portsmouth, Charleston, and New Orleans, with suitable and necessary machinery, implements, building ways, and equipment for the construction of such of the ships herein authorized as may be assigned to such yard for construction."

Mr. VARE. Mr. Chairman, I would much prefer that the amendment of the gentleman from Tennessee [Mr. PADGETT] had provided $6,000,000 without any condition; but, however, I find as it is it is a step in the right direction, namely, to give the Secretary of the Navy the discretion to further equip the yards of the country which he regards as efficient.

During the discussion a few moments ago the question arose as to which were the superior, the governmental or private shipbuilding plants. That recalled to my mind an incident that occurred on the floor of this House two years ago. There had been bids invited by the Secretary of the Navy from the various private shipbuilding yards for a transport, since called the *Henderson*, which is being constructed at the Philadelphia Navy Yard. Bids were received from these private shipbuilding yards of the country, and the lowest private shipbuilding bid was from the Newport News Shipbuilding Co., which bid was $1,725,000.

The Secretary of the Navy thought that the bids were excessive. He then invited Government yards to send in estimates. The Philadelphia Navy Yard furnished the lowest estimate, and that estimate was $1,405,069, as against $1,725,000. It was said at the time by the gentleman from Virginia [Mr. JONES], who represents the district in which the Newport News Shipbuilding Co. is located, that that company's bid was backed up by a bond. On the other hand, I said that this was a business proposition, and I had such confidence in the ability of the estimating board of the Philadelphia Navy Yard that I would be willing to back up the estimate of the Philadelphia Navy Yard by my personal bond. There was a difference of $319,930 between those two propositions.

Mr. LOUD. Will the gentleman yield?

Mr. VARE. With pleasure.

Mr. LOUD. Did the Philadelphia bid include insurance, overhead charges, depreciation, and all other incidentals that attach to a private yard?

Mr. VARE. I will come to that in a moment. I report to this Congress to-day that this transport will be launched this month, and that instead of saving more than $200,000, which I then predicted, it will save $400,000 beyond all overhead charges and insurance. [Applause.]

And so it is that I welcome the proposition that the chairman of the committee makes, that the yards of the country be placed upon a competitive basis, and I am quite sure that the great mass of laboring people of Philadelphia will do likewise. I would prefer there be no conditions prescribed in the amendment. I want to say to the Members of the House that I am not one of those who believe in governmental ownership. I do, however, believe that these Government plants ought to be so well equipped as not only to be efficient in order to determine what is a reasonable price in battleship construction, but they ought to be well equipped at all times to meet all emergencies. [Applause.]

Mr. ROBERTS of Massachusetts. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. CURRY].

Mr. CURRY. Mr. Chairman, if the ships provided for in this bill are to be constructed within the time limit, they will have to be constructed in the Government navy yards. You will not receive a bid from a private yard for the construction of one of these ships. At the present time every private yard in the United States has already contracts for the construction of all the ships they can build within the next three years. At the present time there are 368 ships being constructed and construction ordered at these private yards. More than 300 of them are large ships for use in the overseas trade. It will take at least three years to construct those ships, and under the circumstances the battle cruisers and the other ships provided for in this bill, and ships that will be provided for at the next session of Congress, will have to be constructed in the navy yards of the United States. But two of those navy yards at the present time are equipped to construct a battleship, the one at New York and the one at Mare Island. Now, I hope that the amendment of the gentleman from Tennessee, as amended by the gentleman from California, my colleague, Mr. NOLAN, will be adopted. That will provide $7,000,000 to be used in the discretion of the Secretary of the Navy for the equipment of all the navy yards in the United States. Mare Island and New York will need more equipment than they have if they are assigned other ships to build than are assigned to them to-day, and it is right and proper that part of this money should be used in the further equipment of those two yards. I am glad there is a disposition in this House to equip the navy yard at Bremerton. There ought to be two first-class yards on the Pacific coast, fully equipped to do the work of the Navy.

Our friend from Washington [Mr. HUMPHREY] has year after year and year after year tried to impress upon this House the absolute necessity for equipping the Bremerton Yard. All that has been done for that yard has been done by the Congress through his efforts. If Bremerton is equipped every Member of this House knows it will be due to the efforts of Mr. HUMPHREY, who has worked hard and persistently for the adequate equipment of that yard. He has appeared before the Committee on Naval Affairs and has told you on the floor of the House what ought to be done for Bremerton and for Mare Island, the two yards on the Pacific coast. I feel certain that the amendment of the gentleman from Tennessee as amended by my colleague will be accepted by the gentleman from Tennessee and adopted by the House, and that the $7,000,000 will be provided for the absolutely necessary equipment of the navy yards if this building program is put through.

I wish to call the attention of the committee to the fact that Mare Island has an organization that is unexcelled in efficiency. She always turns out first-class work within the estimate and

time limit and has never been compelled to ask for a deficiency on any job that has been assigned to her.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ROBERTS of Massachusetts. Mr. Chairman, did the gentleman consume all his time?

The CHAIRMAN. The gentleman consumed four minutes.

Mr. ROBERTS of Massachusetts. How much time has that side remaining?

The CHAIRMAN. Four minutes remaining.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I yield four minutes of that time to the gentleman from California [Mr. STEPHENS].

Mr. STEPHENS of California. Mr. Chairman, I want to call attention to the fact that construction in Government navy yards is sometimes cheaper than in private yards, and as an illustration of that, the bid of the Mare Island Navy Yard for the battleship *California* was $245,000 less than the bid of any private yard, and that bid, although $245,000 less than any private yard, included $500,000 with which to extend the building ways in Mare Island Navy Yard for the building of that and other capital ships. In addition to that it included the furnishing of a number of items for the *California* which private yards excluded from their bids. And the Mare Island Navy Yard, on the Pacific coast, has never yet exceeded its estimates nor the time in which it said it would construct a ship. The Mare Island Navy Yard has proven its character and capability.

Mr. Chairman, at least four of the Government navy yards on the Atlantic coast, as well as the Puget Sound and Mare Island Navy Yards, on the Pacific, should be equipped for largest construction, and especially so when the private yards are unable to meet the requirements of the Government. If ever this Nation engages in naval warfare on the Pacific Ocean we shall need both navy yards there for both repair and construction. Mare Island Yard is now being equipped for the construction of capital ships and the Puget Sound Yard should be similarly equipped at the earliest day possible. I think the amendment proposed is a perfectly proper one and should be adopted. [Applause.]

Mr. ROBERTS of Massachusetts. Mr. Chairman, I suggest that the chairman of the committee occupy some of his time.

Mr. PADGETT. Mr. Chairman, I yield one minute to the gentleman from Virginia [Mr. HOLLAND].

Mr. HOLLAND. Mr. Chairman, I wish to say that I am heartily in favor of this amendment. Under present conditions I believe any scheme of preparedness is absolutely useless which does not, in addition to authorizing battleships, provide the several yards with the facilities necessary for building them.

I ask unanimous consent for permission to extend my remarks in the RECORD.

Mr. ROBERTS of Massachusetts. I yield to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman, I am well acquainted with the navy yard at Bremerton, know its highly favored location and the present state of its equipment. I know also of the comparative ease with which it can be further equipped for the complete construction of first-class ships. I hope that soon some of the vessels authorized last year, and others now being authorized for the Navy, may be constructed in that yard.

Under the provisions of the amendment about to be voted on, I believe that ships will soon be on the ways at Bremerton. The needs of this yard have been well presented to the committee during its hearings by my colleague Representative HUMPHREY, in whose district the yards lie, and by all of the Members of the delegation from the State of Washington. The people of Bremerton, too, have been active and alive to the matter. They are to be complimented on having sent to Washington my old friend and acquaintance, Mr. J. E. Barnes, with a mass of facts which are not to be controverted. The people of Bremerton do not ask for favors for their yard; they ask that its capacity be utilized. I believe the amendment proposed by the gentleman from Tennessee [Mr. PADGETT] will solve the situation. I shall not take the time of the committee further.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. BUCHANAN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. NOLAN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I have an amendment here which I wish to offer.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 24, strike out all of lines 14 to 25, inclusive, and, on page 25, strike out all of lines 1 to 7, inclusive. Insert in lieu of the matter stricken out the following:

"Beginning at a point marked by a concrete monument at the southeast corner of the land acquired by the United States from the John Li estate through condemnation proceedings, which point has the coordinates 230.1 feet south and 87.2 feet west from 'Ford No. 5' (Ford No. 5 being marked by a galvanized pipe in a concrete monument stamped 'U. S. 1911,' established by the United States district engineer office, and having coordinates 8,570.99 feet south and 10,087.64 feet west from the Ewa Territorial triangulation station); thence north 23° 12' east 177 feet, more or less; thence north 16° 0' east 66 feet, more or less, to a point on the shore line at high-water mark; thence southerly along high-water mark to a point marked by a concrete monument that is, with reference to the point of beginning, south 51° 0' east 70 feet, more or less, the southwesterly boundary of the said tract being formed by the line joining said last-mentioned point on the high-water line with the point of beginning."

Mr. PADGETT. Mr. Chairman, this is to correct the description of a piece of land. The War Department first furnished the boundaries, and they were inaccurate. They have since notified the Secretary of the Navy of the correct boundaries, as set out in this amendment. It is to exchange the two tracts of land between the two departments. The Navy Department has a small tract of land that the War Department had use for, and the War Department had another small tract that the Navy Department had use for, and it is just authorizing the departments to exchange the use.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Tennessee offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. PADGETT: Page 76, after line 19, insert as a new paragraph:

"The sum of $340,000, or so much thereof as may be necessary, is hereby appropriated for a test of the Neff system of propulsion in such submarine as the Secretary of the Navy may designate for the purpose. *Provided*, That should the system prove unsuitable for use in submarines one-half the cost of the equipment shall be borne by the Government and one-half by the owners of the Neff system, and that if any part of the system is considered desirable for retention its value, previously agreed upon, shall be deducted from the cost of the equipment in determining the cost of the experiment to be borne by each party to the contract."

Mr. MANN. Mr. Chairman, I reserve a point of order on that.

Mr. PADGETT. Mr. Chairman, I simply want to make this statement. I have a letter from the Secretary of the Navy that is dated March 10 that I will ask the Clerk to read in a moment.

This matter was considered before the Committee on Naval Affairs, and a number of naval officers testified in regard to it; and I believe that every officer who testified stated that there were three military objections to the proposed engine, which, in their opinion, were almost insuperable. That is the way they expressed it. They expressed themselves very strongly against it.

The effort is to secure an oil internal-combustion engine to operate, submerged, by the use of compressed air. It would be very desirable indeed to secure that if possible. There are many objections and shortcomings to the battery system that we have in our submarines, both in the lead battery that is installed in our submarines and also to the Edison battery, from which we had an explosion, as you will remember, a short time ago in the New York yard, when five men, I believe, were killed, and eight or nine were injured. If it is possible to secure an engine that will operate by combustion of oil to propel the submarines when submerged, it would be a very desirable thing and a very great addition to the usefulness of the submarines. But the naval officers stated to the committee that when the engine was operating submerged, the air used in the combustion of the oil being discharged into the air would produce a wake of air bubbles that would disclose the presence and the trace of the submarine. They gave it as their opinion that that would be a very great objection, and if there was no way of overcoming that it would destroy the usefulness of the engine, because the wake, disclosing the track of the submarine, would destroy the utility of the submarine by making its whereabouts known. The owners of this system insist that the air is discharged in such a way and in such a position with reference to the propeller blades that it is churned up so in the water that it will not produce a wake. That, however, has never been demonstrated, and there is that conflict of claims.

Another claim is that in the discharge from the combustion, when submerged, there is more or less oil that goes out with the

refuse into the water, which will rise to the surface and produce an oil wake, and that would disclose the track and the whereabouts of the submarine. That by the owners is disputed, and they stated it would not.

There is still a third military objection that the naval men submitted, and that was that the operation of the engine would produce so much noise when submerged that the under-water communications—the telephones—would pick up the noise at a distance of several miles and disclose the location or the whereabouts of the submarine.

Mr. COX. Mr. Chairman, will the gentleman permit one question?

Mr. PADGETT. Yes.

Mr. COX. That is very interesting. Does the gentleman know how Germany has overcome that, or any of those objections?

Mr. PADGETT. We have never heard that she has overcome it.

Mr. COX. Why, then, don't they discover the presence and whereabouts of German submarines that are all around England?

Mr. PADGETT. The German submarines are moving down and up, and they are operating in very small waters, and they come in and out of their bases. We know of no way that a submarine is operated except by storage batteries. We are trying to get a system of propulsion under water that will dispense with the batteries, and it would be a wonderful achievement if it could be accomplished.

Mr. LOUD. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. LOUD. Is it not a fact that the Government has already contracted for two or three installations of the Deisel internal combustion engine on some of our submarines, one of them being the very boat that had the accident some time ago?

Mr. PADGETT. I do not know as to that.

Mr. LOUD. I was informed by the representative of the electric company that sold them that they had placed an order for those boats.

Mr. PADGETT. They had them for surface operation. We use the internal combustion engine or the Deisel engine; we have them on all the boats.

Mr. LOUD. Exactly.

Mr. PADGETT. But they do not operate submerged. They operate on the surface, and while in operation on the surface they charge, when the boat either runs very slowly or stands still; with the oil engine, operating on the surface, they generate electricity that stores the batteries, but the moment that the boat submerges the engines stop. They do not operate under water, and all submerged operation is by electricity from the storage batteries.

Mr. LOUD. I gathered from what the gentleman said before that they had not used those engines. I was quite sure that they had.

Mr. PADGETT. Oh, no. All our submarines are operated on the surface by the Deisel combustion engine.

Mr. WM. ELZA WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. WM. ELZA WILLIAMS. What is the engine operated with that operates on the surface?

Mr. PADGETT. Oil.

Mr. WM. ELZA WILLIAMS. That is the one that is proposed to be used when submerged?

Mr. PADGETT. Yes.

Mr. WM. ELZA WILLIAMS. Does not the gentleman believe, from the experience of the German submarines in this war, that they have a submarine far superior to anything that we have?

Mr. PADGETT. I do not know. Over there, from what we can get, it seems they advertise their successes. We over here advertise our failures. We do not know anything about their failures or shortcomings.

Mr. WM. ELZA WILLIAMS. But we do know that their successes almost involved the United States in trouble with Germany.

Mr. PADGETT. Well, I do not care to discuss that.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. PADGETT. Mr. Chairman, I will ask for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. PADGETT. When the matter was before the committee, in consideration of the testimony that was given by the naval officers, which I have stated to the committee here today, the Naval Committee concluded not to recommend this appropriation for experimental purposes upon one of the boats. Since then a number of Members of the House have spoken to me about it. They have heard about it. Mr. Neff has submitted to me a large amount of data on the subject from the department and naval officers which I thought I had here on the table, but it seems it has been removed; but on account of the great desirability and urgent need of some means of propulsion under water, different from storage batteries and which would be more efficient, I thought I would lay the matter before the House.

The complaint has been made sometimes that we do not experiment enough. I do not think there is any very substantial basis for the criticism, because there is a great deal of experimentation done, and we appropriate for experimentation; but I thought I would lay this matter before the House with a statement of the facts and let the House determine whether or not we would make this appropriation.

The statement is made that there are certain parts of this machinery embraced in this appropriation of $340,000 that could be used whether the experiments were successful or not. Allowing for this salvage, it is estimated that it would reduce the loss to something like $100,000 or $150,000 if the experiments in underwater combustion were a failure; and the proposal is that the company shall bear one-half of the loss and the Government one-half. That would involve the expenditure of somewhere from $50,000 to $75,000 on the part of the Government.

Now, with this statement I lay the matter before the House for its consideration and determination as to whether or not under the circumstances the House feels justified in making this appropriation, and in having this experiment made, to see whether or not it is possible to have this thing developed to a successful stage.

Md. MADDEN. Will the gentleman yield?

Mr. PADGETT. I yield to the gentleman from Illinois.

Mr. MADDEN. Is not this a most extraordinary proposition to bring before the House?

Mr. PADGETT. It is out of the usual; yes.

Mr. MADDEN. Is there any justification for a man who pretends to have a machine that he is endeavoring to put upon the market asking to have the Government pay the cost of developing it?

Mr. PADGETT. I think there are cases where the Government has developed——

Mr. MADDEN. They do it in guns, but not in engines.

Mr. PADGETT. In certain things; and if the experiment promises success, the great desirability of the end to be attained would more than justify the expenditure. The question that I hesitated about was that all of the naval officers who testified before our committee were of the opinion that the military objections which were stated were insuperable, and in the committee I was at first averse to recommending it, and the committee left it out and did not recommend it.

Mr. MADDEN. What does the department say about it?

Mr. PADGETT. The Secretary of the Navy has recommended that the experiment be made. I will ask permission to have his letter read, so that we may have it before us and in the RECORD.

Mr. MADDEN. Just a moment, before the letter is read. What will it cost?

The CHAIRMAN. The gentleman's time has expired.

Mr. PADGETT. I ask unanimous consent for five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MADDEN. What does this man who controls the engine propose to charge the Government if the experiments are successful?

Mr. PADGETT. He proposes to charge the Government a profit not exceeding 25 per cent on the cost of manufacture.

Mr. MADDEN. What is the cost of manufacture?

Mr. PADGETT. I do not know. He said he would enter into an agreement with the Government that the profit should not exceed 25 per cent of the cost.

Mr. MADDEN. Then, we are buying a pig in a poke if we enter into this thing. Yesterday the House went on record against even buying armor plate from institutions that were already in existence, at a fixed price, or at a price to be fixed by the Secretary of the Navy. Yet, here we come to-day with a proposition that nobody knows anything about, and that a man who has a patent upon an engine is endeavoring to force upon the Government, without anybody knowing anything whatever

about it, and those who pretend to know—the officers of the Navy—talking against it.

Mr. PADGETT. I am not submitting any question with reference to a contract, or the purchase of anything. The only question involved here is the question of experiment as to whether or not the experiments were worth a trial, to see whether or not we can develop this engine. As far as I am personally concerned, I stated before the committee that I was unwilling to include it in the report or to recommend it, and the committee so acted. I am bringing it here and making this full statement without in any way involving the committee and without even my personal recommendation. I am simply laying it before the House, in order that they may have all the facts and determine for themselves whether or not they want to make this experiment.

Mr. TILSON. Will the gentleman yield?

Mr. PADGETT. I yield to the gentleman from Connecticut.

Mr. TILSON. In the opinion of the gentleman, would these experiments go on if the Government did not take hold of the project? Will this gentleman drop his experimenting and let it go by the board if the Government does not take it up?

Mr. PADGETT. I am not prepared to answer that. I have heard that it is owned by some individuals of very limited means. I will just state—it is a statement of private matters—that the other day I got a letter from some gentleman either in Iowa or Illinois, I am not sure which, stating that he had taken some stock in this matter, and that they were calling on him to advance some more money, and that he had hardly any money, and asking me for my opinion. I told him that I had no recommendations to make, that the committee had failed to recommend it, and that I did not know whether Congress was going to do anything or not, and that he must act on his own judgment, that I could not give him any advice.

Mr. KINKAID. Will the gentleman yield for a question?

Mr. PADGETT. I yield to the gentleman from Nebraska.

Mr. KINKAID. Can the gentleman inform the committee what is the estimated cost of making the experiments?

Mr. PADGETT. The amount asked for is $340,000. It was estimated, however, as the matter was stated to me, that certain parts of the machinery, the engines, and so forth, are common to all of the submarines, and that with that salvage taken out it would reduce the loss, if it was a failure, to about $100,000 or $150,000, which, if divided between the owners and the Government, would make the loss of the Government somewhere between $50,000 and $75,000.

Mr. GARDNER. Is the gentleman from Tennessee going to vote for his own amendment?

Mr. PADGETT. I am willing to vote for it.

Mr. GARDNER. Are the members of the committee generally going to vote for it?

Mr. PADGETT. I think not, no, sir; and I am not advocating it as a member of the committee. I am not submitting it as a member of the committee. I am simply laying it before the House with this statement of facts, so that the House may have the facts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I make a point of order against the amendment.

Mr. PADGETT. I ask that my time be extended long enough to have a letter from the Secretary of the Navy read.

Mr. MADDEN. I will withhold the point of order until that is done.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, March 10, 1916.

SIR: There is transmitted herewith a copy of a letter from Mr. Abner R. Neff regarding the Neff system of propulsion for submarines for which he submitted a proposal to the department September 30, 1915, for its installation in a submarine.

There has been considerable correspondence from time to time between the department and Mr. Neff and his predecessors, the L—A Submarine Boat Co., looking to the installation of such a system in a submarine, and more than a year ago the department offered to place a submarine at the disposal of this company for the purpose, the proposition then being substantially that the Neff Co. would install their system at their expense, and that if it proved satisfactory it would be purchased at a figure to be mutually agreed upon in advance of installation.

In the present case Mr. Neff has not submitted a definite proposition covering responsibility for the efficient operation of his system, although his proposal of September 30, 1915, was made under the same conditions as applied to bidders on submarines as a whole; that is, it covered the guaranties for surface and for submerged speed and for defects that might develop in any part of the system.

There are, however, features of the system which might render its use highly objectionable from a military standpoint and, therefore, make it unsuitable for use in a submarine. These features are not covered in the form of contract on which Mr. Neff bid, nor is any mention of them made in his later correspondence. They refer to the possibility of the presence of the submarine being disclosed by the air bubbles or the oil "slick" from the exhaust of her engines when submerged and also by the noise of her engines.

While the probability is that these conditions would exist, the problem is one which can be definitely determined only by experiment, and as it is extremely desirable to get rid of storage batteries, if a satisfactory substitute can be found, it is believed that there is sufficient merit in the scheme to justify a trial of it. While recognizing that there are objections to the system which may render it unsuitable, the Bureaus of Construction and Repair and Steam Engineering nevertheless recommend that it be tested in order definitely to determine its merits. It is, therefore, recommended that an appropriation be made for the purpose somewhat along the following lines:

"That $340,000, or so much thereof as may be necessary, is hereby appropriated for a test of the Neff system of propulsion in such submarine as the Secretary of the Navy may designate for the purpose: *Provided*, That, should the system prove unsuitable for use in submarines, one-half the cost of the equipment shall be borne by the Government and one-half by the owners of the Neff system, and that if any part of the system is considered desirable for retention its value, previously agreed upon, shall be deducted from the cost of the equipment in determining the cost of the experiment to be borne by each party to the contract."

Sincerely, yours, JOSEPHUS DANIELS.

Hon. L. P. PADGETT, Member of Congress,
Chairman Committee on Naval Affairs,
House of Representatives.

Mr. MANN. Mr. Chairman, may I ask the gentleman from Tennessee, or any other naval expert in the House, a question. I read in the morning paper a statement which, I think, said that a British submarine had been out 46 days without touching port. Of course, I do not believe everything I hear or read, but is that possible?

Mr. PADGETT. I do not know what is possible, but it is not common.

Mr. MANN. I know that it is not common, but I wanted to know whether it was possible.

Mr. ROBERTS of Massachusetts. I think it would be possible for a submarine to stay out that length of time without touching port, if she had supplies brought to her by other vessels, and that is being done.

Mr. MANN. This statement indicated that that was not done, and I wanted to know if it was possible for a submarine to stay out longer than 10 days without touching port or receiving supplies.

Mr. PADGETT. I think 7 or 8 days is about the limit of what we call our coast-defense submarine.

Mr. MANN. What is the power in these submarines?

Mr. PADGETT. It is an oil-burning engine running on the surface and storage batteries, electric batteries, when submerged.

Mr. MANN. How long can they run submerged?

Mr. PADGETT. About 70 miles, if they run at a very slow speed. They can stay under about 14 or 15 hours when running 4 or 5 knots an hour. But if they run 14 or 15 knots an hour they can stay under only an hour or two.

Mr. MANN. Then they have to rise to the surface and charge the batteries.

Mr. PADGETT. Yes.

Mr. MANN. How much oil do they carry?

Mr. PADGETT. I do not know, they have a cruising radius of about 400 or 600 miles.

Mr. MANN. What is the relative comparative power produced by oil whether it be used directly or for the storage of electricity?

Mr. PADGETT. I do not know how much oil is consumed in generating electricity where the boat is standing still, but I would think it would be much less than where she is running. Where they are running nothing but the engine and not carrying the weight and resistance of the boat and just running the engines and developing electricity it must be much less.

Mr. MANN. That is not exactly what I wanted to get at. I wanted to know what is the loss of power in converting oil into electricity.

Mr. PADGETT. I do not know.

Mr. MANN. That is the first question I would ask if I was investigating submarines as to power.

Mr. PADGETT. I do not know the relative power of electricity generated by burning the oil bears to the direct power of the oil operating in the oil engine direct.

Mr. MANN. It may be that some of the other wise experts can answer my question.

Mr. PADGETT. I would be justified in saying this, that in our battleships we use oil for generating electricity for the purpose of running the motor that drives the shaft in the battleship, and in that way get more power than they do by coal burning.

Mr. MANN. That is like a man raising himself by pulling on his boot straps.

Mr. MADDEN. Mr. Chairman, I make the point of order against the amendment that it is not germane, that it is a violation of all the ethics of the House, bringing in something that nobody knows anything about, and it is new legislation.

Mr. PADGETT. I think, Mr. Chairman, it is subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PADGETT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 21, line 16, after the figures "$500,000," insert "to provide structural shop and shop facilities in place of those recently destroyed by fire (limit of cost not to exceed $1,050,000), $450,000."

Mr. MANN. Mr. Chairman, I reserve a point of order on that amendment. I would like to ask the gentleman what it is for?

Mr. PADGETT. It is for a shop at the Norfolk yard on account of one that was burned since the committee reported the bill. It is recommended by the Secretary of the Navy. They had a fire down there and this is to build a new shop.

Mr. MANN. What was the value of the shop destroyed by fire?

Mr. PADGETT. It was nothing like so good as the one proposed to be built here.

Mr. MANN. Was it worth half a million dollars?

Mr. PADGETT. The limit of cost here is $1,050,000.

Mr. MANN. Fifty thousand dollars to replace the old shop and one million for additions.

Mr. HOLLAND. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. HOLLAND. The purpose is to save as much of the old machinery as possible. It is hard to say what the old shop was worth.

Mr. ROBERTS of Massachusetts. What was the old shop used for?

Mr. HOLLAND. It was a ship-fitters' shop. I would like to say that it was a shop that had been added to from time to time, and it is practically impossible to tell exactly what it was worth. A part of the machinery was exceedingly valuable.

I wish to say that the shop facilities for promptly and expeditiously handling the repair work assigned to the Norfolk Navy Yard are inadequate, as is conclusively shown by the statements of the following naval experts and officials:

First. Secretary Daniels, in a letter dated February 15, 1915, and which can be found on page 2843 of the hearings, said:

Many of the shops at the Norfolk Navy Yard are antiquated and incapable of satisfactory remodeling.

Second. A naval board, composed of Admiral Edwards and others, in a report made to the Secretary of the Navy in 1914, made the following statement:

The Norfolk Navy Yard, being one of the oldest yards in the country, contains many old buildings of a design and construction which, judged from modern industrial needs, are neither adaptable for storehouses nor for manufacturing purposes. While undoubtedly of excellent construction for the period in which designed and have served the purpose for which built, some are now showing signs of weakness, and the life of many of them can not be greatly prolonged. It would undoubtedly promote economy and efficiency to give consideration to the question of erecting new buildings in preference to attempting any important improvement or extension of buildings which were designed for conditions which no longer exist.

Third. Admiral Stanford, on page 193 of his hearing before the Committee on Naval Affairs, said:

The Norfolk yard to-day is one of the principal Navy bases of this country, but is equipped almost exclusively with buildings which were constructed years and years ago and which were designed for work upon wooden vessels of the old Navy. The yard is not equipped at this time, in my judgment, with buildings which enable that yard to most efficiently and economically perform the work which is exacted of it, and as a business proposition it is going to be necessary to provide for modern and ample shop buildings at an early date, and if you can do it at once it would be a good thing.

Fourth. Assistant Secretary of the Navy Roosevelt, on page 3472 of his hearing before the Naval Affairs Committee, declared:

The general situation is that the Navy has, in the various navy yards, a lot of buildings that go back to the earliest day of the Government. They were buildings that were built for wooden-ship construction, sail lofts, mold lofts, etc., purely for wooden ships with very little iron, and where the furnaces, if there were any, or the forges, if there were any, were all very primitive in character, and were in the open air. We have had to use those buildings as the Navy developed, at first into an iron Navy and next into a steel Navy, for purposes for which they were not meant, and the result has been that at the older yards the conditions in some shops are distinctly bad. The conditions at Norfolk are probably worse than at any other place.

Fifth. Naval Constructor R. M. Watt, who, until a short time ago, was Chief of the Bureau of Construction and Repair, and is now industrial manager at the Norfolk Yard, in a letter to the chairman of the Committee on Naval Affairs, on page 3615 of the hearings, wrote, in part, as follows:

Of all the yards in the country the Norfolk Yard is the most antiquated. It has fewer modern improvements and facilities than any other yard belonging to the Government. The reason of this is that appropriations have not been made for new and modern shops and other necessary facilities which go along with it. According to the publication of the Bureau of Yards and Docks, "Public Works of the Navy, July 1, 1912," and the appropriations which have been made for the different yards since July 1, 1911, make a total value of offices, storehouses, and shops for the different yards as follows:

Portsmouth, N. H	$2,555,000
Boston, Mass	2,668,000
New York, N. Y	3,587,000
Philadelphia, Pa	1,975,000
Washington, D. C	3,513,000
Norfolk, Va	1,506,000
Charleston, S. C	1,459,000
Mare Island, Cal	2,728,000
Puget Sound, Wash	1,512,000

You will see from this valuation that the offices, storehouses, and shops at the Norfolk Navy Yard have a less value than of any other yard in the country, with the exception of Charleston, S. C., but the worst of it is that this valuation is placed on old and antiquated and out-of-date shops, which makes the situation very much worse than the figures show it to be.

These statements conclusively show not only the need for new and better shop buildings at Norfolk, but that the facilities there for doing work are worse than at any other station.

Some provision should be made at once for new shop facilities, and for the reasons briefly stated as follows:

First. The old buildings can not be moved or be so remodeled as to make them suitable for modern industrial purposes. They need not be torn down, but, as testified to by Admiral Stanford, they can be utilized for storage purposes and will provide storage facilities which are now very much needed. (See p. 209.) It would be real economy to use them for this purpose, the only purpose for which they are now adapted.

Second. Just treatment to its employees imperatively demands that this yard shall be modernized and improved without delay. Present conditions in these old buildings, most of which were erected before the Civil War, are almost intolerable. They are not properly ventilated; are not adequately heated; are without proper light and also without suitable and sanitary wash rooms and toilets; and are otherwise lacking in the facilities which are essential for the protection of the health and comfort of the men employed therein. Such conditions would not be allowed in any private establishment, and ought not to be permitted in any Government yard. Such buildings are not adapted for present-day industrial uses, and it is impossible for the men, who are compelled to use them, to accomplish the work which might otherwise be expected of them. Until these conditions are changed the men can not render their best service and can not efficiently and economically perform the work which is required of them. This occasions a direct loss to the Government. It would be effecting a real economy to remedy such a condition.

Third. It is unfair to this yard not to provide these new shop facilities at once. Work at the yard is largely secured by competitive bidding, and fair competitive bidding can not be had unless the yards are equally well equipped for the work. It is unfair to this yard to compel it to compete for work with better equipped yards. It is unfair to expect from it the same degree of efficiency and the same good results as from yards with modern buildings and modern conveniences. It is unfair to so neglect such an important station that it can not perform the work which might otherwise be exacted of it. It would be real economy to so equip it that you could secure genuine rivalry and sharp competition between this and other yards and between this and private yards. The policy now being followed is wrong and would eventually bring about the partial abandonment of this station, except for its advantages and its strategical location.

Fourth. It is unfair to the fleet not to make immediate provision for these improvements. By reason of its geographical location and its accessibility at all seasons of the year, this yard has been and must continue to be the great repair and supply station of the Navy. In time of peace it is visited by a larger number of ships and vessels than any other yard. Vessels in distress invariably seek it, and it can be reached when the channels to some of the other yards are closed by ice or by storm or are otherwise inaccessible. In time of war it must, by reason of its location near Hampton Roads and Chesapeake Bay, be the yard of the greatest military activity. If our ships are kept ready for service they must be periodically docked and overhauled. Disabled ships, whether such disability is occasioned by accident or constant use, must be repaired. The maintenance of the fleet in an efficient condition must depend upon the ability of the yards to promptly render it necessary docking and repair service. This service is absolutely essential, and the lack of it might at any time result in greater loss to the Government than the cost of these needed improvements. It is possible for it to result in the defeat of the fleet.

And yet this yard, the great repair station of the Navy, is now without the shop facilities so necessary to enable it to

render in the most economical and most expeditious manner this very essential service. It is unfair to the Navy to keep it in such condition. Such an important repair station should be so developed and equipped as to make it capable of promptly and efficiently meeting any demands which might reasonably be made upon it.

Fifth. The facilities for work at the yard have been rendered still more inadequate since the destruction by fire on May 18 of the ship-fitters' shop, the most important shop of all ship-repair stations. This one shop employed 400 men, and the urgency of their work is best shown by the fact that it was being done in three shifts of eight hours a day. These men are now temporarily housed and employed, but they are badly handicapped in their work. Steps should immediately be taken to provide new shops. If not provided, this yard, conceded to be of the greatest importance for the maintenance of the fleet, can not render the service which must be required of it.

It is useless to provide for the construction of additional ships unless at the same time you make some provision at the several yards for the pressing facilities which the very maintenance of the fleet imperatively demands. This is equally as important, and its neglect is not in the interest of economy nor in the interest of the Navy. Ships are useless unless kept ready for service, and the yard must do the work necessary to keep them ready.

Mr. PADGETT. Mr. Chairman, in this connection I would like to have read a letter of the Secretary of the Navy with reference to this.

Mr. HOLLAND. And I would like to say, so far as the cost of the building is concerned, that it is the amount recommended by the Secretary of the Navy; but if the committee believes that the amount is too large and that the amendment ought to be amended, then let the committee do it, but do not fail to provide at this yard a facility that is absolutely essential to enable it to do necessary work—not only the work which has heretofore been exacted of it but the work which may hereafter be required of it.

Mr. MANN. Mr. Chairman, I suppose this amendment may have been prepared by the Secretary of the Navy. I see that when originally prepared it provided for an appropriation of $450, but before it was offered it was changed in pencil so as to provide an appropriation of $456,000. I think, however, that a little matter like that on the naval bill amounts to nothing.

Mr. PADGETT. That was typewritten, not by the Secretary of the Navy, but the clerk of my committee added corrections to it to correct the shortcomings of the typewriter.

The CHAIRMAN. The Clerk will read the letter referred to by the gentleman from Tennessee.

The Clerk read as follows:

THE SECRETARY OF THE NAVY,
Washington May 22, 1916.

MY DEAR MR. PADGETT: The Norfolk Navy Yard reports that a fire at that yard on May 18, 1916, completely destroyed the yard's ship fitters' shop. The loss of this building will prove a serious handicap to repair work now on hand there and will also delay the completion of destroyer *No. 70*, although all possible arrangements within my power have been made for temporary expediencies to care for the emergency.

I have already brought to your attention, in my letter to you of March 25, 1916, the inadequacy of the shop facilities at the Norfolk Navy Yard for promptly and expeditiously handling the repair work assigned to that yard. If this were so before the destruction of the shop for ship fitting, the most important shop of a ship-repair yard, you will at once realize how much embarrassment will result at this yard in the future unless steps are immediately taken to improve the conditions.

In this letter of March 25 I urged an appropriation for the construction of structural or ship-fitters' shops, and in recognition of the conditions at Norfolk, a few months ago ordered the Chief of the Bureau of Yards and Docks to make an inspection of the Norfolk Navy Yard with the view to informing me as to the urgent and immediate requirements for improving the facilities there. Shortly after his return I directed him to confer with the Chief of Naval Operations and the Chief of the Bureau of Construction and Repair with the view to their submitting to me a joint recommendation, and I am forwarding herewith a copy of a report made by them in accordance with my directions.

I would refer you to paragraph 5 of this report, giving the items recommended by them to be included in the present appropriation act. I understand that the first item, a dry dock, is already included in the preliminary draft made by your committee of the appropriation bill. In view of the destruction of the ship-fitters' shop by fire, I earnestly recommend and urge that a special appropriation be secured for:

"A structural shop (cost not to exceed $1,050,000). $450,000 to be immediately available, of which $50,000 shall be available for salvage of tools and to insure the continuance of structural work until the new shop is completed."

Sincerely, yours, JOSEPHUS DANIELS.

Hon. L. P. PADGETT,
Chairman Committee on Naval Affairs,
House of Representatives.

Mr. MANN. Mr. Chairman, the gentleman from Virginia [Mr. HOLLAND] stated a moment ago that this appropriation was to provide the shop and replace the machinery. Is he correct about that?

Mr. HOLLAND. That is my information—that it is largely for that purpose. I have been furnished no detailed figures.

Mr. MANN. It seems to me that we ought to have some one on the floor, even on an item so small as $1,050,000, who knows something about it, who knows what it is for. Of course, I know that in a lot of these things we do not pay very much attention to such small sums of money, but I would like to ask the chairman of the committee whether this is for the shop—that is, to replace the shop, to replace the machinery, or is it for both?

Mr. PADGETT. It is both.

Mr. MANN. The letter of the Secretary of the Navy asked for $1,050,000, to replace the shop, as I just heard it read. I do not know whether the gentleman has read it or not; but if he has not, what would be the situation under this amendment——

Mr. PADGETT. My information is that it embraced the shop and the fitting out of shop.

Mr. HOLLAND. That is my information.

Mr. MANN. But that is not what the letter reads, as I heard it read from the desk, though I may be mistaken about that. If that be not the case, what is the situation? This is an amendment to provide a structural shop and shop facilities. I take it that shop facilities in this case means the machinery, and so forth.

Mr. PADGETT. That is what I understand.

Mr. MANN. To replace those recently destroyed by fire, limit of cost not to exceed $1,050,000. Under the rules of the House and under the practice of Congress, where you have a limit of cost fixed, whenever that limit of cost is reached and you desire to add anything to it, you must have legislation, or it is subject to a point of order. Under this amendment, having expended $1,050,000, if they desired to add a 20-cent tool down there they could not make an appropriation for it without its being subject to a point of order. There ought never to be a limit of cost fixed upon tools, machinery, at navy yards or anywhere else. There never has been before. I quote from the letter of the Secretary which has just been read:

I earnestly recommend and urge that a special appropriation be secured for:

A structural shop—cost not to exceed $1,050,000.

If that means machinery, then I do not understand the English language.

Mr. PADGETT. The amendment that is offered provides for the shop and the shop facilities, which takes in the machinery that would fit out the shop.

Mr. MANN. Yes; but you put a limit of cost upon the shop and the machinery.

Mr. PADGETT. Yes.

Mr. MANN. And that limit of cost is legislation.

Mr. PADGETT. Yes.

Mr. MANN. And you can not exceed it hereafter.

Mr. PADGETT Of course hereafter we would have to depend upon Congress in dealing with the question, as it was presented then, and the limit of cost as occasion arises is often extended.

Mr. MANN. I do not know that I shall be here, but if I am, and an appropriation is sought to provide additional machinery down there, please remember that it will be subject to the point of order.

Mr. HOLLAND. Mr. Chairman, I want to say that I had a talk with the Chief of the Bureau of Yards and Docks, and unless I misunderstood him the purpose is not only to provide for the shop but also to provide the machinery.

Mr. MANN. How much is the shop to cost, and how much of the appropriation is for machinery?

Mr. HOLLAND. I could not advise the gentleman as to the exact figures.

Mr. MANN. When you make an estimate of $1,050,000—I wonder they did not make it $1,049,999—certainly somebody must have gotten the figures up on those two propositions, and we are entitled to have the information.

Mr. HOLLAND. I have not the figures; they have not been furnished me.

Mr. PADGETT. Here is a letter referred to there, signed by Admiral Benson, Chief of the Bureau of Operations; Admiral Taylor, Chief of the Bureau of Construction and Repair; and Admiral Harris, Chief of the Bureau of Yards and Docks, who made an investigation, and they report for $1,000,000 for the shop and $50,000 is added to that, and in the letter which the gentleman had there he will notice that the Secretary in the estimate which he drafted, stated that $50,000 was for the salvage of the old machinery.

Mr. MANN. I see that plainly enough. That is not for machinery; that is for salvage of the old machinery. That is not

to supply machinery for the shop; and under the gentleman's amendment——

Mr. PADGETT. I understand.

Mr. MANN. You can not put in any new machinery in that shop. You can build a shop and have a roof over it, but you can not do anything in it.

Mr. PADGETT. We are authorizing a shop with machinery to cost $1,050,000, not providing for so expensive a shop as they recommended.

Mr. MANN. Oh, no; you do not know what you are doing. That is the trouble about it.

Mr. PADGETT. Shop and machinery.

Mr. LONGWORTH. Mr. Chairman, I agree entirely with the gentleman from Illinois it would be wise to know the relative proportions of the cost of machinery and the shop. I would like to ask the chairman if he can tell us what was the original cost of the machinery and the shop?

Mr. PADGETT. I stated I could not. That was put in many, many years ago—some of it before the Civil War—and it has come along down with repairs and additions and scrapping and new machinery, and I could not give the gentleman any idea what it was. I will ask unanimous consent that this amendment be passed over until to-morrow, and in the meantime I will get detailed information along the line of the gentleman's request.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that this amendment be passed over until to-morrow morning. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, in order to close the matter up now, does the gentleman recall whether an appropriation has yet been made for the burned machine shop at the Philadelphia Navy Yard?

Mr. PADGETT. I do not know. We have made so many appropriations for the Philadelphia Navy Yard, I do not know whether that has been made or not.

Mr. MOORE of Pennsylvania. I rather expected the gentleman to say that. The fact that the Norfolk Navy Yard has about $792,000—practically $800,000—in this bill and the Philadelphia Navy Yard $538,000 answers the gentleman as to that.

Mr. PADGETT. I will state to the gentleman that the Secretary of the Navy recommended very earnestly a dry dock at Norfolk, and did not recommend one at Philadelphia, and the gentleman's committee put in one for Philadelphia at three and a half million dollars without the recommendation of the Secretary of the Navy.

Mr. MOORE of Pennsylvania. We appreciate that, for it was due.

Mr. PADGETT. So it does not lie in the mouth of the gentleman to be captious about the committee.

Mr. MOORE of Pennsylvania. May I ask the gentleman again whether the request for the reconstruction of the burned machine shop at the Philadelphia Navy Yard has yet been complied with?

Mr. PADGETT. I do not know; there has not been any request for several years.

Mr. MOORE of Pennsylvania. It was burned several years ago.

Mr. PADGETT. There has been no request from the department nor from a Member of Congress for several years.

Mr. MOORE of Pennsylvania. This was before the committee at one time. May I ask the gentleman whether any request by the department was made for a floating crane at the Philadelphia Navy Yard?

Mr. PADGETT. Not this year—either by the department or the gentleman himself.

Mr. MOORE of Pennsylvania. I wish to submit to the gentleman that a bill was introduced by my colleague [Mr. VARE] and has been before the committee asking for a floating crane, which is a matter of great necessity, since you are obliged to hire one once in a while at the Philadelphia Navy Yard——

Mr. PADGETT. The matter has not been impressed upon the committee by either the department or the gentleman.

Mr. STAFFORD. Will the chairman of the committee take the general committee into his confidence and tell the committee in how many instances they have departed from the recommendations of the General Board or the Secretary of the Navy and favored some special pet project of a local district?

Mr. PADGETT. We did not favor any special project of a local district. The committee two years ago recommended one at Philadelphia, which went out on a point of order, and——

Mr. STAFFORD. I do not mean a dry dock, but generally speaking.

Mr. PADGETT. Generally speaking, I can not give the gentleman any details.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, as we are not considering this bill in the regular order but by special rule, I think it is only due to the committee that the gentleman should indicate how many instances there were when the committee went beyond the recommendations of the department.

Mr. PADGETT. Sometimes we put in more and sometimes less.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

Mr. HOLLAND. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BORLAND. Mr. Chairman, I submit an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 26, page 37, add the following:
"*And provided further*, That any retired officer, while on active duty, shall receive the pay and allowances of the grade, not above that of lieutenant commander, that he would have attained in due course of promotion if he had remained on the active list for a period beyond the date of his retirement equal to the total amount of time during which he has been detailed on active duty since his retirement."

Mr. PADGETT. Mr. Chairman, I reserve a point of order against the amendment.

Mr. MANN. Where does that come in?

Mr. BORLAND. At the bottom of page 37.

Mr. Chairman, if the chairman of the committee wants to reserve the point of order I will make a little statement of the amendment first before touching on the point of order. My understanding is that this particular provision occurs in exactly these words, except the change of title, lieutenant commander to major, in the Army bill. It is exactly the language that was carried in the Army bill with reference to Army officers who are detailed for active duty. As I understand the purpose and the practical effect of it is to give the Government the advantage of the work of these retired officers in cases where it can be done and on conditions that are fair to the retired officer. Now, to illustrate that, because an illustration brings it more closely home to my conception and does, I think, to other nonprofessional men—there is a young man of my acquaintance in the Navy, I do not know exactly what his rank is, but it can not be very high, who had his hearing impaired by a gun discharged in the line of duty. He is a splendid, active young man. My impression is that he was appointed from Arkansas, went through the Naval Academy, is a trained naval constructor, and a very efficient man, and he was retired because in the line of his duty his hearing was impaired by this gun discharge. He is in line with a good deal of work, especially with the enlargement of the Navy. In fact, he is detailed for that purpose right now. But the effect of the present law is, as I understand, no matter how long he has been detailed for that work—and I think he ought to be detailed to it as long as he is able to perform competent work in that branch of the service—his retirement grade does not change as the grade of a man in the active service does. He may become more skilled and more efficient, but he has been retired at a very low grade as a young officer in the Army.

Now, that matter has been corrected by the Military Committee by a specific provision in the military bill which provides that the officers under the grade of major, if they are detailed from the retired list to the active list for duties they are able to perform, advance in grade as though they were on the active list. This is a proposed application of the same principles of the Navy, using the rank of lieutenant commander instead of the rank of major. In other words, a man has to be low down on the list before this can affect him at all, and he never can get above the rank of lieutenant commander.

Now, it does seem to me there are cases similar to the one that I have pointed out, where a man's hearing is affected, or perhaps some other defect incurred in the line of duty. A great deal can be done with the technical knowledge with which the Government has educated him to the advantage of the service. Instead of his lying a dead weight upon the retired list of the Army and continuing to draw his pay and do nothing more, he should be given active duty. If he has the technical knowledge that ought to be used, he should be permited to use it. I have not any other information about it, but I have no doubt it will appeal to the fairness of the members of the Naval Committee, it being exactly the proposition the Military Committee put on their bill.

Does the gentleman from Tennessee insist on his point of order?

Mr. PADGETT. It is subject to a point of order, but I want to ask the gentleman a question.

Mr. BORLAND. Yes.

Mr. PADGETT. Is this the identical provision that is contained in the Army reorganization bill passed at the present Congress?

Mr. BORLAND. I understand it is identical, word for word, with the provision, except that the Army bill uses the word "major" as the rank above which they can not go, while this uses the words "lieutenant commander."

Mr. PADGETT. And this puts the two services upon the same basis?

Mr. BORLAND. Precisely. The Advocate General has put his approval upon this wording.

Mr. PADGETT. I will not insist upon the point of order, but let the House vote on the merits of it.

Mr. BUTLER. Mr. Chairman, I reserve the right to object. This provides for a promotion upon the retired list. It may be that the rule has been repealed in the Army, but I do not know that. I had no opportunity, however, to prevent that, but I have one to prevent it here; and I am going to make the prevention, and I will make the point of order.

Mr. BORLAND. Will the gentleman reserve it?

Mr. BUTLER. I certainly will if the gentleman wants to make a statement.

Mr. BORLAND. I call attention to the fact that in no case can the commander receive the pay or allowance above the rank or grade of lieutenant commander.

Mr. ROBERTS of Massachusetts. If this proposition is a fair one for a junior officer who has been retired for disability, why is it not fair for a lieutenant commander? If a commander has been retired for disability and can perform some active service, why cut the line and say that it is fair for the man below and not fair for the man above?

Mr. BORLAND. I think the distinction was made on this account. I will say that this young man I describe was a comparatively young man, barely over 30 years of age. He had his hearing affected by a gun discharge. He had only just come out of the Naval Academy and just received his technical education.

Mr. ROBERTS of Massachusetts. In what grade was he retired?

Mr. BORLAND. I do not know.

Mr. ROBERTS of Massachusetts. That of junior lieutenant, or what?

Mr. BORLAND. I do not know. I could not say.

Mr. ROBERTS of Massachusetts. If he was 30 years old he was probably a junior lieutenant. Now, let me ask the gentleman a question. If he is on active duty he is getting the full pay, is he not?

Mr. BORLAND. Yes; if he is on active duty he is getting full pay; but if he stays on active duty 20 or 30 years he would still be getting what? As I understand it, he would still be getting the active pay of a junior lieutenant.

Mr. ROBERTS of Massachusetts. Is not that better pay than if he were not at work?

Mr. BORLAND. Yes; but I do not see why, if he is doing the work, he should not have the active service counted in his favor.

Mr. ROBERTS of Massachusetts. The objection is to bringing these retired men in and taking all the snore stations—getting all the soft berths.

Mr. BORLAND. There may be a scramble among officers for promotions; but we are considering the payment of bills for the retired officers. We are not considering it from the standpoint of the officer who wants a promotion in the service, but from the standpoint that we are paying for these men anyway, and should not we at least have some benefit from their service?

Mr. BUTLER. I do not agree about the scramble for office. I am opposed to men on the retired list being placed on active duty.

Mr. ROBERTS of Massachusetts. Mr. Chairman, will the gentleman yield there?

Mr. BORLAND. Yes.

Mr. ROBERTS of Massachusetts. The gentleman misunderstands the situation entirely. This law has not the slightest effect on the promotion of a man on the active list.

Mr. BORLAND. That is the gentleman's own statement.

Mr. ROBERTS of Massachusetts. No; I did not say that. I said this would shut out the line officer when he comes on shore from having a proper duty, and the effect would be to keep him at sea indefinitely, because there is no place on shore where he would get relief from sea duty by reason of all the places being filled up with men on the retired list doing active duty.

Mr. BORLAND. That assumes that there is not more work to be done on shore than could be done by the retired officers. I am not sure that we should not use the retired officers in that way, anyway. But I do not think either one of these assumptions is absolutely incontestable.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. GARDNER. Does the gentleman know whether the effect of the passage or adoption of this amendment would be to displace any officer who was in the line of promotion? In other words, would an officer under the gentleman's amendment be an active officer of his grade?

Mr. BORLAND. I understand that this could not possibly interfere with the promotion of an officer in the active service.

Mr. PADGETT. This is on the retired list, and there are no extra numbers on the retired list.

Mr. BORLAND. It simply says that the man who is on the retired list and is assigned to active duty shall have——

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BORLAND. Mr. Chairman, I would like to have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. BUCHANAN of Illinois. I object.

Mr. GARDNER. Mr. Chairman, I ask for recognition in my own right.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] is recognized.

Mr. GARDNER. Mr. Chairman, I wish to ask the chairman of the committee, in connection with this amendment, a question. As I understand it, there is no question of promotion involved except on the retired list?

Mr. PADGETT. That is right.

Mr. GARDNER. Very well. Now, if you say that a man shall have the same promotion as he would have had if he had served that length of time longer on the active list, how do you determine in what grade he is to be promoted?

Mr. PADGETT. Simply by the man in front of him and the man who is behind him at the time he went out. This, as I stated, gives promotion on the retired list. It is subject to a point of order, but I was willing that the matter should be debated. The gentleman from Pennsylvania [Mr. BUTLER] made his point of order.

Mr. BUTLER. I reserved the point of order. I withheld it so that the gentleman from Missouri [Mr. BORLAND] might have an opportunity to make a statement.

Mr. BORLAND. Mr. Chairman, I do not think it is subject to a point of order. It is offered at a place which provides for the pay and accounts of the officers and men of the Navy, and it contains a good many of these provisos. The one immediately preceding it is in the rating of storekeepers in the artificers' branch. There are a number of similar designations there. I do not know upon what theory the gentleman from Pennsylvania [Mr. BUTLER] is making the point of order, unless it is not germane. I do not think that is tenable. I think it is germane to that particular paragraph, and certainly to the bill itself.

The CHAIRMAN. The particular portion of the bill to which the amendment is offered provides for the compensation and rating of enlisted men in active service. The amendment of the gentleman from Missouri [Mr. BORLAND] provides for the compensation of retired officers when assigned to active duty. In the opinion of the Chair it is not germane to the provision of the bill to which it is offered, and the Chair sustains the point of order.

Mr. BORLAND. Mr. Chairman, I reoffer the amendment at page 66.

Mr. MANN. I reserve a point of order on it, Mr. Chairman.

Mr. BORLAND. At page 66, line 10, I reoffer the amendment.

The CHAIRMAN. The gentleman from Missouri reoffers the amendment, and the Clerk will report it.

The Clerk read as follows:

Amendment by Mr. BORLAND: On page 66, line 10, insert: "*And provided further*, That any retired officer while on active duty shall receive the pay and allowances of the grade, not above that of lieutenant commander, that he would have attained in due course of promotion if he had remained on the active list for a period beyond the date of his retirement equal to the total amount of time during which he has been detailed on active duty since his retirement."

Mr. BUTLER. Mr. Chairman, I reserve a point of order.

Mr. MANN. I make the point of order.

Mr. BORLAND. The Chair will observe that the paragraph applies to a great many retired officers, and provides "That the aforesaid officers shall be carried as additional numbers in the grade to which they may be appointed under this act," so that it includes exactly provisions of this character. It seems to me the point of order is not well taken.

The CHAIRMAN. The provision of the bill to which the amendment is offered authorizes the President to appoint on the active list certain officers of the Navy now on the retired list, and provides that they shall, when appointed, be carried as additional numbers. Under the law retired officers may be assigned to duty on the active list, and receive the compensation of the grade they had reached when retired. The gentleman from Missouri proposes that when assigned to the active list they shall receive the compensation of the grade to which they would have been promoted had they remained in active service without retirement. The Chair does not believe that amendment is germane to the provision of the bill authorizing the President to appoint on the active list certain designated officers now on the retired list. The Chair sustains the point of order.

Mr. TOWNER. I desire to offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TOWNER: Page 102, line 15, after the word "plant," strike out the period, insert a colon, and the words and figures following, to wit: "*Provided further*, That if in securing contracts for any of the increases authorized by this act the Secretary of the Navy shall be unable to make contracts within six months from the passage of this act, which shall provide for the completion and delivery to the Government of battle cruisers within 24 months, of scout cruisers within 18 months, and of destroyers and submarines within 1 year from the date of such contracts, within the limits of cost herein provided, the Secretary shall forthwith report such fact to Congress, with a full statement of reasons assigned and conditions existing, together with an estimate of the cost for the enlargement of Government plants to provide for the building therein of all such increases of the Navy herein authorized for which contracts can not be secured for completion within the limits of the time herein specified."

Mr. STAFFORD. I reserve a point of order.

Mr. MANN. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. This is an amendment offered to the proviso on page 102. If this amendment should be agreed to, would it still be in order to move to strike out the proviso as amended or is it necessary to make that motion now or before the amendment is agreed to? Of course, this is to perfect the text, I take it.

The CHAIRMAN. The Chair is of the opinion that the pending amendment is of a distinctly substantive nature.

Mr. MANN. I am not raising the point of order. That is raised elsewhere. In the form in which the amendment was offered it was offered as an amendment to perfect the text.

Mr. TOWNER. The question is whether or not the motion to strike out the proviso in the bill could be made independently or whether necessarily such a motion would include this proviso.

The CHAIRMAN. The Chair will recognize the gentleman to debate the amendment, and will reserve his decision on the question raised.

Mr. MANN. The gentleman from Wisconsin [Mr. BROWNE] desires to make a motion to strike out the proviso and to have that motion pending.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BROWNE: After the word "emergency," in line 2, page 102, strike out the following:

"*Provided*, That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages except for suggestions resulting in improvements or economy in the operation of any Government plant."

The CHAIRMAN. The Chair thinks that amendment will be in order after the amendment of the gentleman from Iowa [Mr. TOWNER] is disposed of.

Mr. MANN. I suggest to the gentleman from Wisconsin that he modify his amendment so as to propose to strike out the proviso, beginning with line 2, on page 102, so that it will be to strike out the proviso as amended, if it shall be amended.

Mr. BROWNE. I assent to that suggestion.

The CHAIRMAN. The gentleman asks unanimous consent to modify his amendment. The gentleman can submit that amendment subsequently.

Mr. BROWNE. I ask that the Clerk modify it according to that.

Mr. GARDNER. Mr. Chairman, does the mere fact that the amendment offered by the gentleman from Iowa—which seems to be totally unrelated to the proviso—is offered following the proviso, make it an amendment to the proviso?

The CHAIRMAN. The gentleman from Iowa moved to strike out the period and insert a colon, and his amendment seems to be an amendment to the proviso.

Mr. GARDNER. I raise the point of order, if it is not too late, that it is not germane to the proviso that it seeks to amend.

The CHAIRMAN. The point of order is pending.

Mr. GARDNER. Why does not the gentleman offer it as a separate paragraph? That will remove the confusion. Obviously the paragraph would have to be completed before you could move to strike it out, and surely the gentleman from Iowa [Mr. TOWNER] has no desire to modify the proviso by his amendment, which is totally unrelated.

The CHAIRMAN. The portion of the paragraph proposed to be stricken out can be stricken out regardless of the action of the committee on the amendment offered by the gentleman from Iowa, and would be in order even if the amendment of the gentleman from Iowa was agreed to.

Mr. MANN. But the way the amendment was offered by the gentleman from Iowa was to strike out the period in line 15 and insert a colon, and then so forth.

Mr. GARDNER. If the Chair will hear me, if the amendment of the gentleman from Iowa [Mr. TOWNER] is adopted, and then the question reverts to the amendment of the gentleman from Wisconsin and that is adopted also, not only is the proviso stricken out which the gentleman from Wisconsin [Mr. BROWNE] seeks to strike out, but also the proviso offered by the gentleman from Wisconsin will be stricken out, under the parliamentary situation which the Chair has declared to exist.

[Mr. TOWNER addressed the committee. See Appendix.]

Mr. PADGETT. Mr. Chairman, I make the point or order against the amendment offered by the gentleman from Iowa [Mr. TOWNER] that it is legislation, that it changes existing law, and is not germane; and further, the House has already voted on the proposition.

The CHAIRMAN. The amendment is clearly legislation, and the Chair sustains the point of order.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TOWNER. Mr. Chairman, upon the pending amendment to strike out the proviso on page 102, I understand that a specified time is desired for debate. I want to be liberal with gentlemen about it. What time is desired?

Mr. BROWNE. Mr. Chairman, I would like for myself 15 or 20 minutes.

Mr. BUTLER. I do not know of anyone else who desires to be heard on this side.

Mr. MANN. We have some other amendments which we desire to get a chance to offer, and the time is somewhat restricted now.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that debate on the pending amendment to strike out the proviso on page 102 and all amendments thereto close in 40 minutes, 20 minutes of the time to be controlled by the gentleman from Pennsylvania [Mr. BUTLER] and 20 minutes to be controlled by the gentleman from Colorado [Mr. KEATING].

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on the pending amendment and all amendments thereto close in 40 minutes, one-half to be controlled by the gentleman from Pennsylvania [Mr. BUTLER] and one-half by the gentleman from Colorado [Mr. KEATING]. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, I wish to observe at this time that the majority and the minority side of the committee having concluded their amendments some 15 minutes ago, and only 1 hour remaining before adjournment this afternoon, and possibly only 3 hours to-morrow, the gentleman is very liberal in the time allotted for this amendment.

Mr. PADGETT. Oh, the House generally began offering amendments much longer ago than 15 minutes.

The CHAIRMAN. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, I wish to state that at 12 o'clock the gentleman stated that there were two more amendments from his side of the committee, and I think on this side of the House it was stated there would be two more amendments. Three hours have been used in the discussion of committee amendments since

then. Now, when the main body of the House wishes to offer amendments, the gentleman proposes to give 40 minutes to one amendment, with but 1 hour remaining of the day's time.

Mr. PADGETT. I am only expressing the wishes of both sides of the House.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object——

The CHAIRMAN. Debate is not in order. The committee takes more time in trying to come to an agreement than in discussing propositions. Is there objection?

Mr. MOORE of Pennsylvania. I object.

The CHAIRMAN. The gentleman from Pennsylvania objects.

Mr. BROWNE. Mr. Chairman, I ask unanimous consent that I may proceed for 20 minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for 20 minutes. Is there objection?

There was no objection.

Mr. BROWNE. Mr. Chairman, the amendment I propose seeks to strike out a provision in this bill which is similar to the bill familiar to a great many here known as the Tavenner bill, which provides that the stop watch or any time-measuring device shall not be used. It also prohibits the premium or bonus system. We are using the time study and the premium systems in several of the departments of the Government, and these systems are giving the best of satisfaction, and the heads of these departments are anxious to retain them. We have both of these systems in use in the Post Office Department and in the Ordnance Department. The question here is whether it is a wise time now to place in this large appropriation bill a provision which may interfere seriously with the administration of the Navy Department. I wish to call attention to just what the stop watch is used for. A great many people look upon the use of the stop watch as an instrument of torture to the laboring man, while, as a matter of fact, the stop watch is used to-day by thousands of manufacturers. It is not used simply to be held over an employee, but it is used more particularly as a time-measuring device, a laboratory instrument, to determine how long it will take to accomplish a certain task. To determine the cost of any article that is manufactured there are three elements that must be determined. First, there is labor, then material, and third, the overhead or managing charges. And the greatest of these three items is the labor that enters into every manufactured article. Now, the greatest scientific experts on efficiency hold that the only way to find out what an article costs is in some way to find out how much labor and how long it takes that labor to accomplish that task, and as a result they take a skilled employee and see how long it takes him to accomplish that task, and they make this time study by the use of a watch. They make many of these experiments to determine the quickest and best way to accomplish the work.

Now, take the Watertown Arsenal, where both the time study and premium system have been established since 1909 by Gen. Crozier. A great many objected to it when it was being established. Some thought it would result in throwing out a large number of laboring men, putting them on the scrap heap, as they expressed it; but what was the result? No man there lost his job on account of it, but they constantly shifted men about until they got men who were adapted to each particular job, and as a result there has been a tremendous saving made, and I will read you some of the testimony of Gen. Crozier later in regard to it.

Mr. KEATING. Will the gentleman yield?

Mr. BROWNE. I want to make my statement first. If the use of a stop watch and the premium system, or any time-measuring device, is a bad thing, then we want to abolish it. We want to abolish it not only in the Navy Department but also in the Military Department and the Post Office Department and other departments; and so, if we vote to retain the provision I seek to strike out, we logically will have to insert a similar provision in the next appropriation bill that comes up—the fortification bill. They are attempting at this time to insert a provision of that kind in the Post Office bill, and the question will come up squarely whether this Government, which is embarking to-day on so many new activities, is going to follow the private manufacturing institutions and adopt efficient methods, or whether it is going to remain at a standstill and prohibit those methods.

Now, take the premium system, which goes along with the time-study system. The premium or bonus system are practically the same thing—technically they are different, but they are used in the testimony of these experts as being synonymous. They take a man in a shop and set him at a job, and they find out how long it will take him to do that job. They try to get as efficient a man as they can. They then add to the time it takes him to complete the task additional time, sometimes 60 per cent, so they will not set an excessively small time, and fix that as the time an ordinary man can do the job. Then they say to the men who are working on similar jobs, "If you can do more than that task in the required time you will get a premium." As a result, that man has an incentive to do the best he can, and as a result of that practice in the Watertown Arsenal every man who is working under the premium system gets on an average over $10 a month premium. He gets, in the first place, the full day's wage, which is the going wage paid in private institutions of that kind, and in addition he gets a premium, and that premium in the Watertown Arsenal averages over $10 a month.

Now, just see what the Government employees in the navy yards and the arsenals are getting. In the first place, this Government gives an eight-hour day, and I am heartily in favor of that. Next, it says to each employee, "You are entitled to 15 full holidays with full pay." Next it says, "You are entitled during the year to seven legal holidays with full pay." Next, the Government gives each employee during the summer months 13 half-holidays—13 Saturday afternoons off. In all this makes 28½ days that the Government employees in the Navy Department, the War Department, and the Post Office Department get with full pay. That amounts to 10 per cent of the working days of the year that every Government employee working in these departments has to himself, with full pay for every day.

So I say that this Government is not treating its employees badly, but is treating them generously, and that is why they like to work for the Government. Now, what do the heads of these great departments that have this efficiency system—the time study and the premium system—say about it? Secretary of War Baker has written a letter to the Speaker of this House testifying in the very highest terms of the way that system has worked in the War Department, and says it would work great injury to the Government to prohibit the use of these efficiency methods. Postmaster General Burleson and the First, Second, Third, and Fourth Assistant Postmasters General, all of them, are unanimous in saying that prohibiting the use of a time study and premium system is going to disorganize their great departments. Now, our Post Office Department competes with the express companies in the parcel post. Our Navy Department, in its shipyards, is going to compete with private institutions, and they want to use the same efficiency methods which their competitors use. Now, there is another thing to which I desire to call attention, and that is about a year ago the President of the United States, cooperating with the Secretary of the Navy, appointed an Advisory Board to the Navy. He sent out to 11 of the great scientific societies in the United States and asked each to select a man from its society to act as an advisory board in the matter of preparing the national defense. Each society selected one of its members by referendum, and they elected Thomas A. Edison as the chairman of the Advisory Board, and in addition to that others were appointed, which made in all 23 to advise the Navy Department. What do these great scientists and experts, men who are disinterested, say of this legislation? I have the opinion of a number of them, and everyone that has expressed himself has emphatically protested against the Tavenner bill, which is incorporated in this naval bill, and I wish just simply to read for a moment from some of these great men upon that subject.

Here is what Thomas A. Edison says:

> In my opinion, the bill introduced by Congressman TAVENNER is based on fallacy. It is an attempt to prevent efficiency and would be disastrous to labor and to the public.
>
> The worst enemy of all workers is an inefficiently managed shop.

Here is another of these men, Lawrence Addicks, of Chrome, N. J., a member of the American Society of Mechanical Engineers, a graduate of the Massachusetts Institute of Technology, and consulting engineer for Phelps, Dodge & Co. He is as strongly against this proposition as is Mr. Edison.

Another man who takes the same position is Elmer A. Sperry, of New York City, member of American Society of Mechanical Engineers; is a graduate of Cornell, class of 1876; designer of electric appliances; and noted inventor (designer of gyroscopic stabilizer for ships and aeroplanes).

Another is A. M. Hunt, of New York City; member of American Society of Mechanical Engineers; is a graduate of Naval Academy of 1879; is consulting engineer and experienced in the development of hydroelectric, steam, and gas plants.

Still another is Alfred Craven, of New York City; member of American Society of Mechanical Engineers; is a graduate of

Naval Academy of 1876; is chief engineer of the Public Service Commission of New York City; and was formerly division engineer in charge of the construction work on the Croton aqueduct and reservoirs.

Another is Frank J. Sprague, of New York City; member of American Society of Mechanical Engineers; is a graduate of Naval Academy of 1888; now is consulting engineer for the Sprague, Otis, and General Electric Companies. He was the founder of the Sprague Electric Railway Motor Co., and was concerned in establishing the first electric trolley system in the United States.

Another is W. R. Whitney, of Schenectady, N. Y.; member of American Society of Mechanical Engineers; is a graduate of Massachusetts Institute of Technology of 1890; is at present director of the research laboratory of the General Electric Co.; has been the moving spirit in the perfecting of metallic electric-lamp filaments and the development of wrought tungsten.

All of these men believe that the Tavenner bill would be disastrous to efficiency and would injure the laborer himself.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Washington?

Mr. BROWNE. Yes.

Mr. HUMPHREY of Washington. Has the gentleman the opinion there of Mr. Louis D. Brandeis, recently nominated for the Supreme Court by the President?

Mr. BROWNE. Yes, I have; and Mr. Brandeis favors the time study and premium system and believes that they are necessary to any efficiency methods. I will quote from Brandeis later. Here is the opinion of John F. Wallace. He was formerly chief engineer of the Panama Canal. He resides in New York. He says:

I would say that the Tavenner bill is so obviously to the disadvantage not only of the United States Government, but also to all employers of labor as well as to labor itself that it is difficult to conceive of its finding favor with our Senators and Representatives. The prosperity of the American Nation, outside of the personalities of its broad and progressive citizens, has been due to the introduction of labor-saving machinery and the substitution of brains for manual labor in all classes of human industry, and it should be apparent to employees in the mass as much as to employers that increased efficiency in production has not only bettered the condition of workmen, but also increased the available profits out of which compensation of labor is paid.

Elmer L. Corthell, doctor of science, president American Society of Civil Engineers, says:

It is my decided personal opinion from careful study of industrial conditions in this and other countries, covering many years, that the result of the proposed Tavenner bill will lead fast to industrial and commercial disaster. Every effort should be made to remove rather than increase the burden on our industries. This bill, if enacted into law, will lead to irreparable injury and loss to the industry, commerce, and particularly the foreign trade of this country.

And I could go on with the testimony of all these other men. My friend from Washington [Mr. HUMPHREY] asked me about Mr. Brandeis. I have Mr. Brandeis's statement, and I will read it. When Louis D. Brandeis appeared before the Interstate Commerce Commission a few years ago he made the statement to them that the railroad companies of the United States were losing $1,000,000 a day because they were not efficient, and the railroad companies and the Interstate Commerce Commission both asked him to prove it, and he brought his great efficiency experts before them, and he was days and days introducing evidence, making out his case. He submitted a brief on the subject that will convince anyone who will read it that a time study is necessary to efficient management. Everyone knows that if any man in this country is in favor of labor, a champion of organized labor, it is Louis D. Brandeis. And what does he say?

Mr. KEATING. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Colorado?

Mr. BROWNE. Yes.

Mr. KEATING. Does the gentleman know of any railroad in the world that has adopted a stop watch?

Mr. BROWNE. I do not know of any.

Mr. KEATING. You do not know of any railroad that has taken the opportunity to save $1,000,000 a day?

Mr. BROWNE. There are hundreds of thousands of men working to-day under the stop-watch and time system that are absolutely contented, and I could stand here and read from now until to-morrow night from the testimony that I have, not only from manufacturers all over the United States that are making use of the time-study and premium system but also the employees working under such system who are heartily in favor of the same. And I have failed to find a single instance where the employees wanted to abolish the system.

SCIENTIFIC MANAGEMENT DEMANDS TIME STUDY.

The results obtained through scientific management depend further on a careful study of each operation with a view to determining, in the first place, what time should normally be taken in performing the operation, and, secondly, whether it can be performed in a better manner than as hitherto practiced. The whole realm of science is brought to the aid of the humblest workman.

Scientific management recognizes also that due appreciation of the actual results of effort must be based upon actual knowledge, and such knowledge is an essential condition to the best performance. The current record of the accomplishment of each individual, of each machine, and of all materials is an indispensable factor in scientific management. Without such a record the tyranny of the foreman, and all the discord which attends it, is inevitable. Without such a record, justice to employer and employee is impossible. Without such a record, waste can not be eliminated.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BROWNE. Mr. Chairman, I ask to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BROWNE. These interruptions have taken a great deal of my time.

Mr. NOLAN. Mr. Chairman, reserving the right to object, I would like to have some understanding that those who are opposed to the motion shall have an equal amount of time.

Mr. BROWNE. Mr. Brandeis says further:

FINANCIAL GAINS.

Under scientific management the employee is enabled to earn without greater strain upon his vitality from 25 to 60 per cent more than under the old system.

The larger wages are made possible by larger production; but this gain in production is not attained by speeding up. It comes largely from removing the obstacles to production which annoy and exhaust the workman, obstacles for which he is, or should not be, made responsible.

Mr. Brandeis commends in the strongest manner possible in his brief, both as to time study and the premium system, and Louis D. Brandeis is against the piece system. Organized labor is against the piece system. Yet this bill does not condemn the piece system, but the time system; time study of any kind. It condemns the premium system; and yet organized labor, so far as ever I have known, has never made any public statement where it has condemned the use of the time system or the premium system outside of Government work.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield there for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. BROWNE. Yes.

Mr. GALLAGHER. I would like to ask the gentleman whether he knows if Mr. Brandeis or Mr. Wallace or any other scientific man that he has cited ever worked under a stop-watch system or knows anything about it?

Mr. BROWNE. They have made a great study of it.

Mr. GALLAGHER. I do not believe they know anything about it.

Mr. BROWNE. Well, the laboring man is not always the best judge of what is best for him. We know that in days gone by the labor men fought every labor-saving device. We know that the Government Printing Office was the last great printing office in the United States that put in linotype machines, because the men in the Government Printing Office thought it was going to hurt them. But it did not hurt them, and never has; but, on the contrary, they were benefited by such inventions.

Now, my friends who are in favor of the Tavenner bill argue that scientific management is subject to abuse. It is. Every system is subject to abuse. If you have the flat day's work system and you have an unscrupulous employer, he may ask a man to do a day and a half's work in a day. All a man has to do is simply to stop working for such employer.

An employer that wants to treat his men badly can do it under one system as easily as another. It is policy and good business sense to treat laboring men fairly and squarely. Now, under this system it has not impaired the health of any employee. I have Gen. Crozier's statement upon that and I have the statement of the Secretary of War on that. He has ascertained that fact very carefully. They say it will overstimulate a man if you give him a premium. Just look at that a moment. If a premium was going to overstimulate a man if that man was working for himself, he would have the same incentive to overwork as he would if working for a premium. A man may sometimes overstimulate himself because he is working for a premium, but such men are exceptions, and laws are not made for the exceptions. Men are not created with equal capacity. A man that can do twice the work of another man ought to get pay for it. I say that a man ought to have the advantage of his talents, of his energy, and of his ability. And this time system and this premium system give him this.

Take, for instance, a paper mill. A paper machine costs $75,000. It is an important thing in that paper mill to have a man working at that machine that can work it most efficiently. Some men may not be adapted to certain work. They may put such a man at some other machine and he may do well at his new work. So they get the square man in the square place, and the result is we have greater efficiency, a greater output. I have testimony here that it would take me hours to read, showing how much the output is increased and how much more the laboring men are getting under it. And although I have not any accurate information about it, I believe that they are using the time study and premium system in a majority of the up-to-date manufacturing plants in the United States, and the evidence shows that where they have this time system, it shows this fact, that in those plants where they have scientific management they have decreased the hours of labor and increased the output, and at the same time they have increased the wages of labor.

Mr. KEATING. Was not the testimony before our committee with regard to the boot and shoe industry as an example, that less than 15 per cent of the boot and shoe manufactories of this country had the stop-watch system?

Mr. BROWNE. I think that is correct. And some lines have it completely. A large proportion of the automobile works have it.

Mr. KEATING. In the young men's clothing business the testimony showed that there was just one concern in the entire United States. Was not that true? It was so testified before our committee.

Mr. GORDON. You are mistaken about it.

Mr. KEATING. I am not mistaken about it.

Mr. BROWNE. Take the clothing industry. A man testified here, a Mr. Fiess. He showed how he had reduced the hours of labor to seven hours a day. He had increased the pay of the employees and increased his output. Just stop and think a minute. We are going into a great many undertakings in this naval bill. We are going to manufacture armor plate, and great emergencies may arise when we will need to use all efficiency methods known to increase and hasten our output, and should it be the policy of our Government at this time to say that we shall not use a system that is almost universally used by the private employers of the United States just because you can find employers who, maybe, are abusing the system? I can go to plants where they have the common day-work plan, where they have an unscrupulous employer who is abusing his laborers. I do not believe that the heads of great Government departments will abuse a system of this kind.

Gen. Crozier, Chief of the Bureau of Ordnance, states that in the various arsenals over which he has charge there are 6,194 employees. These employees work eight hours per day, and each employee has a 15 days' leave of absence each year with full pay, and receives the same wages as are paid for similar work in private works and in addition many receive premiums or bonuses.

Gen. Crozier testified before the Labor Committee that if the Tavenner bill became a law it would have the effect of abolishing all time study and premium work in the Watertown Arsenal, and in his opinion the labor cost would be doubled.

The following questions were asked Gen. Crozier when he testified, and answered by him as follows:

"Mr. DENISON. As a result of this system, have you had a chance to observe whether or not there is a decrease in the vitality of the employees, and whether it has an injurious effect upon the laborers themselves?

"Gen. CROZIER. It has not in the least. As I stated a moment ago, the records show that the percentage of accidents among the premium workers is less than among the day workers.

"Q. Does the application of the system result in eliminating the men or shifting them?—A. We have a great deal of shifting of the men. We have not discharged any man as a direct result of the system. We have never discharged a man because he could not come up to the system. (Hearings p. 169.)

"Q. General, what is your judgment, speaking with reference to these men, as to whether or not this system will result in decreasing their vitality and health?—A. I do not see the slightest reason why it should. You must remember that the effort which is made is only to ascertain what the workmen can do reasonably, or can be reasonably expected to do. In that respect it constitutes a safeguard, because without the system in any effort to establish tasks I do not see that we can do anything but resort to the pacemaker. If you have an employed pacemaker, he may be an exceptional man, and he would furnish the only standard you would have to go by in forming your expectation as to what a man should do. Even under this legislation this kind of a process would not be forbidden.

"Q. Let me ask this question: Do you think that the enactment of this law, if it should be enacted, would result in any embarrassment to the Government or in any decrease in its ability to meet the situation in case we should become involved in a war?

"Gen. CROZIER. I think it would have a great influence on it, because in that case we would have, in the first place, no accurate knowledge of what a day's work should be, what the output of the workman should be, or what we should require him to do, or what we should tell him to do to get a day's work.

"Q. Do you think you could get a factory to a high state of efficiency without the stop-watch system?—A. I think we could not reach a high state of efficiency without it. I do not believe I could have gotten the Watertown Arsenal up to its present state of efficiency without using the stop watch or some other equivalent time-measuring device.

"Gen. CROZIER. When the amendment carrying similar legislation to that which is now proposed was added to the Army bill last year in order to let the employees see what the effect would be, I gave it by order the same effect it would have if it became a law. I thereupon received a petition signed by several hundred employees of the Frankford Arsenal, where the premium payments were made, asking that my action be withdrawn. A part of the petition is as follows:

PETITION OF EMPLOYEES.

"FRANKFORD ARSENAL, *January 28, 1915.*

"CHIEF OF ORDNANCE, UNITED STATES ARMY:

"I believe that this system (referring to the premium system) has been eminently successful because, according to published reports, the manufacture of small-arms ammunition at the Frankford Arsenal presents a decided economy when compared with costs of the same ammunition procured from private manufacturers. Many of us, based upon the premium system of competition, have obligated ourselves to purchase homes, and if the premium rates are abolished, it means the loss of our homes to us.

"It is very probable that branch of Congress which passed this legislation had in view the interests of the employees, but we beg to differ on this very point. While the legislation prohibits rewarding us for our increased efforts which we give the Government, it does not prohibit an officer or foreman from requiring us to work just as hard as we are now working and for very much less compensation.

"The power of your authority, and that of your officers and your foremen to make us work harder, has not been lessened by this legislation, but you have been deprived of the opportunity of paying us for such increased work as you may give to us.

"We therefore ask you to submit this petition to the Secretary of War, with the recommendation that he transmit it to Congress for consideration and, we hope, favorable action.

"Signed by several hundred workmen." (Hearings, p. 163.)

About March 8 premium payments were restored at the Frankford Arsenal. Maj. Shinkle, who was in charge of the cartridge branch of the arsenal, wrote to Gen. Crozier as follows:

"DEAR GENERAL: When your restoration of premium payments was announced in the cartridge factory there was a complete change in the whole atmosphere of the building. Pessimism gave way to optimism, dissatisfaction to complete contentment.

"There never was a better illustration of the fact that the premium system, when administered in the interests of the employees, is one of the greatest stimulus for the moral, physical, and financial well-being of the employees, etc. (Hearings, p. 185.)

GIVING THE MAN A CHANCE, GIVING HIM INSPIRATION, MAKES A MAN OUT OF HIM INSTEAD OF A MACHINE.

"The social gain of the workman from scientific management is greater even than the financial. He secures the development and rise in self-respect, the satisfaction that his work, which in almost every line of human activity, accompanies great accomplishment by the individual. Eagerness and interest take the place of indifference, both because the workman is called upon to do the highest work of which he is capable and also because in doing this better work he secures appropriate and substantial recognition and reward.

BRANDEIS FAVORS BONUS SYSTEM.

"The money reward for the individual workman's high accomplishment is ordinarily and probably most effectively distributed by means of a bonus system. The bonus system under scientific management has proved itself to be perhaps the most appropriate method of securing to labor its proper reward and perpetuating full cooperation between employer and employee.

SCIENTIFIC MANAGEMENT HELPS CONSUMER.

"Experience in trade has shown that except where there is a close unregulated monopoly the public always secures some part of the benefit gained by reduced cost of production. The reduced selling price comes ordinarily, not as a voluntary concession, but because the demand of the consumer for lower prices proves irresistible in competitive or publicly regulated business."

SCIENTIFIC MANAGEMENT AND LABOR UNIONS.

Mr. Brandeis believes in and has been as great a friend of organized labor as any man of this generation. He says in his brief:

"The claim has been made that scientific management and labor unions are inconsistent; that the organization of labor present insuperable obstacles to the introduction of scientific management in railroads and other industries where unionism is potent. This claim, we believe, is wholly unfounded in fact.

"Collective bargaining is alike an important factor under scientific management as under the old system.

"Unionism does not prevent the introduction of scientific management. It is true that unions, in some trades, have bitterly opposed the introduction of the piece rate or the bonus system without scientific management, just as other unions have opposed the day rate system without scientific management. And very intelligent labor leaders have from time to time objected, and objected properly, to ruthless methods of speeding up; but, as shown above, speeding up is not scientific management.

"It will always require tact and patience to introduce radically new methods, whether the persons to be effected are organized or unorganized workers."

SCIENTIFIC MANAGEMENT APPLICABLE TO ALL BUSINESS.

"Experience has already demonstrated that the principles of scientific management are generally in their application, and can be introduced into practically all businesses, and all departments of any business. They have been successfully applied in private competitive business, like machine shops and factories, steelworks and paper mills, cotton mills and shoe shops, in bleacheries and dye works, in printing and book binding, in lithographing establishments, in the manufacture of typewriters and optical instruments, in construction and engineering work."

Mr. Brandeis produced evidence of the success of scientific management in many different industries, and offered to continue further, when Commissioner Prouty of the Interstate Commerce Commission said:

"Mr. Brandeis, you can hardly add anything to your case by calling the representatives of some other industry and showing these same principles have been applied there. It is perfectly evident that if they

have been applied in one case, they can be applied in another analogous case."

Dr. H. S. Person, director of the Amos Tuck School of Administration and Finances of Dartmouth College, Hanover, N. H., writes as follows:

"I have never been in charge of an industrial plant, nor have I practiced management engineering, therefore what I have to say is not based upon that sort of experience. I have, however, in order to acquaint myself with scientific management for the purpose of instruction, visited many plants, talked with workmen, and made observations particularly with respect to the effect of scientific management upon the workmen. My conclusions are as follows, with respect to the Taylor *system of management* in which is used the stop watch for time study and in which is applied some form of premium of bonus wage payment:

"The happiness of the worker is greater than under conventional management.

"The health of the worker seems to average better than under conventional management.

"The statistical record of accidents shows that they are less under the Taylor system of management.

"Wages are greater for a given expenditure of time and energy.

"Hours of labor vary in different plants according to the industry, but for any given industry seem to be less than the average of that industry.

"The output is greater per hour of application of labor.

"The unit cost of the product is less than under conventional management.

"The quality of product is better than under conventional forms of management, for the reason that its method of inspection eliminates defective work."

Tabor Manufacturing Co., Philadelphia, Pa.: Records examined by Mr. Godfrey, now president of Drexel Institute, show 73 per cent increased wages and 25 per cent reduction in selling price.

Eastern Manufacturing Co., Bangor, Me., by Mr. F. R. Ayer, vice president and general manager: Workers more satisfied; weekly earnings for employees increased 25 to 50 per cent; hours reduced from 10 to 9; increase in output, 20 to 75 per cent; cost reduced 10 to 25 per cent; quality of product improved.

Lewiston Bleachery & Dye Works, Lewiston, Me., by Mr. D. N. Bates, agent: Wages increased 25 per cent; rest periods given to workers; women quit work one-half hour earlier than men; accidents decreased; output increased by improved machine and methods, about 60 per cent; by training operators and bonus, 40 per cent; cost reduced about 40 per cent; workers anxious for a bonus.

H. H. Franklin Manufacturing Co., Syracuse, N. Y., by Mr. G. D. Babcock, product manager: Increase in wages, 36 per cent—20 per cent above average wage in locality; hours reduced to 50 per week; reduction in sale price of our product for improved quality, 32 per cent.

Hermann, Aukan & Co., Lebanon, Pa., by Mr. D. J. Walsh, jr.: Labor turnover reduced; sanitary conditions improved; increase of wages of 25 to 75 per cent; increase in production, 150 per cent, largely through the combination of planning and bonus incentive; direct cost of production somewhat reduced; quality bettered. The operators in one department requested that bonus work be established in their department, so as to give them a chance to earn as high wages as the operators now on bonus.

Smith & Furbush Machine Co., Philadelphia, Pa., by C. W. Schwartz, jr., general manager: Twenty to twenty-five per cent premiums earned; output increased; gross cost, including expenses, about the same with much greater uniformity of cost and more accurate cost in detail; quality better; scolding eliminated.

Packard Motor Car Co, Detroit, Mich., by S. S. Beall, vice president of manufacturing: Happiness increased; have been requested by men to set standard times; average premium, 27 per cent of day wages; hours of labor shortened by premium system; output increased; quality of products maintained.

Knox Motors Co., Springfield, Mass., by F. E. Doolittle, superintendent: Happiness of operators greatly increased; better physical and mental condition; more work accomplished in eight hours under bonus system than in nine hours on straight time; output greatly increased; cost considerably cheaper; quality equally good.

Acme Wire Co., New Haven, Conn., by Ralph W. Langley, works manager: Wages of employees increased 25 per cent; records prove no increase in accidents; no injury to health; output increased 25 to 50 per cent; cost diminished; quality of product improved; bonus earnings frequently deposited in savings bank.

Plimpton Press, Norwood, Mass., by A. E. Barter, superintendent: Workers happier through the setting of definite tasks; health improved and accidents decreased; wages increased 20 to 30 per cent, with average wage increased much more than this through the more continuous employment, which is a direct result of time study; capacity of plant increased; standard of quality improved rather than lowered.

New England Butt Co., Providence, R. I., by J. G. Aldrich, president: Employees anxious to have time studies made; accidents less; wages at least 35 per cent higher; output considerably more on work which has been time studied; cost of product considerably less; quality of product is in general better under time-studied work.

Sewell-Clapp Envelope Co., Chicago, Ill., by R. B. Frazer: Wages based on time study increased 15 to 25 per cent; hours of labor planned to be reduced; increase in output up to 100 per cent. In a recent offer of special preferred stock the first purchasers were men who were working on bonuses.

Waverley Press, Baltimore, Md., by Edward B. Passano, president: Increase in production 33⅓ per cent; operatives earning 33 to 50 per cent more; apparently satisfied and in good health.

Clothcraft Shops, Cleveland, Ohio, by Richard A. Feiss, general manager: Happiness improved; health of workers improved, as shown specifically by average of absentees only 1.4 per cent; accidents formerly quite numerous reduced to practically nothing; wages largely increased; hours of labor reduced from 54 to 48 and overtime practically eliminated; output increased; cost substantially lessened, although wages enormously increased; accurate standards of quality have been set through stop-watch observations.

Eaton, Crane & Pike Co., by William N. Eaton, secretary and treasurer: Increase in wages 15 per cent; hours reduced 10 per cent; greater confidence because employee knows task set by scientific study of methods and time is accurate; health benefited through the shorter hours; greater ease in doing work; rest periods and greater happiness because of wage increase; accidents decreased materially; output increased 22 per cent; quality of product improved.

[Col. Wheeler, p. 74.]

REDUCTION IN COST OF LABOR AND MATERIALS DURING DEVELOPMENT OF SCIENTIFIC MANAGEMENT.

During the development of the new scientific management at the Watertown Arsenal, the cost, not only of labor but also of material, in making sets of parts for the alteration of 12-inch mortar carriages (for short guns) was gradually reduced, "so that we have this result, that the direct labor cost per set was reduced from $480 to $275 per set. The shop expense cost was reduced from $335 to $332 per set, and the material cost was reduced from $785 to $362 per set."

[Col. Wheeler, p. 93.]

DECREASE IN COST OF GEARS UNDER PREMIUM SYSTEM.

Referring to a case where a man was required to cut teeth in 17 steel gears: "As a result of the time study on this work, this man was told that the work ought to be done in 71 minutes, and that if it was done in 71 minutes he would get a premium of 33⅓ per cent. * * * Adding 66 per cent to that time made the time 120 minutes per gear within which he could earn a premium, his saving in time being shared by the arsenal. This man completed the 17 gears in 1,356 minutes, whereas his total allowance was 2,040 minutes, and he earned a premium of approximately 25 per cent. In executing this work under this system he reduced the cost of each gear from $2.41 to $1.06, or a saving per gear of $1.35."

[Gen. Crozier, p. 935.]

EMPLOYEES INCREASED EARNINGS AT PIECEWORK OVER DAY RATE, ARSENAL.

At the arsenal in June, 1911, one miller whose day rate was $2 averaged at piecework $3 a day; that is, his percentage of increase averaged 50 over and above his day rate.

Eighteen millers whose day rate was $1.75 each averaged at piecework $2.63 each; that is, their percentage of increase was 50.28.

Four millers whose day rate was $1.50 each averaged at piecework $2.02 each, their percentage of increase being 34.66.

Two millers whose day rate was $1.25 each averaged at piecework $2.23 each, their percentage of increase being 78.40.

In a group of 25 millers the increased earnings at piecework over their day work averaged from 34.66 to 78.40 per cent.

Fifteen millers whose day rate was $2.50 each averaged at piecework $3.09 each, their percentage of increase being 23.60.

Two profilers whose day rate was $2.75 each averaged at piecework $3.12 each, their percentage of increase being 13.45.

Twelve profilers whose day rate was $2.50 each averaged at piecework $3.09 each, their increase being 23.60 per cent.

Two profilers whose day rate was $2.25 each averaged at piecework $2.63 each, their percentage of increase being 16.88.

Another trade, polishers. One polisher whose day rate was $3.25 averaged at piecework $3.60, an increase of 10.76 per cent.

Eighteen polishers whose day rate was $3 each averaged at piecework $3.59 each, their increase being 19.66 per cent.

Eighteen polishers whose day rate was $3 averaged at piecework $3.55, their increase being 18.33 per cent.

The object of that is simply to show, as stated at the time to the witness, that the rates are such that men, by the extra effort intended to accompany piecework, may make this percentage over and above their day rates.

[Gen. Crozier, p. 1198.]

MACHINISTS UNDER NEW SYSTEM ARE REDUCING COST TO A NOTABLE EXTENT—EXAMPLES GIVEN.

With reference to the length of time that is required for making studies by the use of the stop watch, it is now reported from the Watertown Arsenal that the use of the stop watch in setting the time for the turret lathe work has practically ceased, and that the same condition is being approached in reference to the engine lathes—that very few time studies indeed have been made since the 1st of November in the foundry—although I think there are now working in the foundry, and have been for a month or two past, pretty nearly 75 per cent of the molders under the new system, and have given them compensation under that system. In the machine shop they have been working something like 20 per cent of the machinists under the new system. These men have been doing very well. They have reduced the cost of things. They have kept on reducing the cost of things to a notable extent.

[Gen. Crozier, p. 1204.]

EXAMPLE OF FLOOR JOB IN FOUNDRY—REDUCTION OF OVER 41 PER CENT.

Now, I wish to give an example of a little different kind. Mr. O'Leary asked me about a bench job, so I gave him an example about a bench job. Now, here is an example of a floor job in the foundry, the molding of the elevating arms for a 6-inch disappearing gun carriage. The elevating arm is an affair shaped something like this [indicating]. It is intended to raise and lower the breech of the gun It is pivoted at its lower end about an arbor and its upper end embraces the trunnions of a band which is placed on the gun near its breech, so that by raising and lowering this arm the breech of the gun is raised and lowered. It is about 6 or 7 feet long, and the spread is perhaps 20 inches up at the top.

That, of course, was a larger job than the one I mentioned a moment ago, and the cost of it under the day-work method was $42.35. After a time study had been made of it the cost was reduced to $24.87, making a saving of $17.48, which was 41 and something over per cent of the original cost. The saving represented a sum of $9.94 a day to the Government. The man's pay was increased from $3.52 to $5.02, which was an increase of 42⅝ per cent.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., May 18, 1916.

Hon. EDWARD E. BROWNE,
House of Representatives, Washington, D. C.

MY DEAR MR. BROWNE: With reference to your letter of April 28, asking for my views in regard to H. R. 8665, entitled "A bill to regulate the method of directing the work of Government employees," you are informed that it is my opinion that the enactment of the above-mentioned bill into law would be prejudicial to the best interests of the Post Office Department and Postal Service. I inclose herewith copies of memoranda submitted by several of my assistants covering the subject in detail.

Very sincerely, yours,

OTTO PRAEGER,
Acting Postmaster General.

POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
Washington, May 10, 1916.

CHIEF CLERK,
Post Office Department:

It is my opinion that the attached bill (H. R. 8665) should be opposed by the department. It is reactionary in character and, if enacted, would prove a bar to the adoption, in the administration of the service at large as well as in the department, of methods and practices which

are recognized as sound and proper by all progressive and intelligent business executives.

It may be true that the methods and practices against which the bill is directed, if wrongly applied or left to the discretion of inexperienced supervisory officers, might work hardship and injustice on employees, but this is no justification for condemning and proscribing the general scheme and the principles on which it rests.

"Scientific management" rests upon the theory that intelligent and effective supervision of labor is possible only when the supervisory officer possesses definite knowledge of the time which ought to be consumed by a reasonably efficient man, under reasonably efficient conditions, in the performance of a given task. It recognizes, naturally, the variations in capacity that will be found among different workmen. It merely fixes standard times as a result of actual tests under ordinary conditions and presupposes that different employees may fail to attain the standard, may attain the standard, or may exceed the standard, depending upon their ability and the conditions surrounding the particular job. Under scientific management, where properly and intelligently applied, there are usually two standards—(1) the standard of performance which may reasonably be expected of an efficient employee under efficient conditions, and (2) a standard of performance below which no employee may fall without jeopardizing his salary or position, subject, of course, to exception when the inefficiency is due to conditions over which the employee has no control, such as defective machines, tools, etc., or, in the case of the Post Office Service, defective distribution cases, bad light or ventilation, poor space arrangements, etc.

Scientific management not only enables the employer to eliminate the totally inefficient, but enables him to ascertain definitely the employees who are below the standard of efficiency so that he may endeavor to develop them and also to determine the question of adaptability with respect to different employees.

So far as the Post Office Service of this bureau is concerned, there has been no complete application of all of the principles of scientific management, although it is believed that the tendency should be toward the adoption and application of such principles. We have, however, endeavored to apply, in a restricted way, several of the principles and practices—for example, the efficiency rating system promulgated by general circular in November, 1908. This system was the original step in the direction of scientific efficiency ratings but is now obsolete, and the department has had under consideration for several years the question of improving it. Without some standard of performance and method of ascertaining the performance of different clerks and carriers, even the present crude efficiency rating system could not be applied to our service. The time element is most important, and whether a stop watch is used or not, it is necessary to ascertain the time required by a clerk or carrier to handle the mail distributed to him or to perform other duties to which he is assigned. The broad language of the Tavenner bill proscribing the use of a stop watch or "other time-measuring device" appears to prohibit any method of calculating the time taken by the clerk or carrier to perform his work.

In the City Delivery Service we have adopted recently certain standards of work. For example, our system of determining the reasonableness of office time of carriers consists of a comparison of the time required by the carrier actually to perform his work and the time which he ought to have required based upon standards of 16 letters and 6 papers per minute for two-trip carriers and time allowances for miscellaneous duties. Although the comparison is arrived at as a result of a deductive method, it is, nevertheless, a "time-measuring device." With respect to the street work of carriers, the time element is important again, and the average performance of the carrier, for purposes of comparison, is set up against the actual time consumed by the carrier when accompanied by a foreman or roundsman. The foreman frequently uses not only his ordinary watch and a pedometer but frequently, I believe, equips himself with a stop watch as well as a counting device to determine the number of stops, etc., the carrier may make and the time he consumes per stop. These practices in the City Delivery Service, although somewhat crude as compared with the methods and practices employed in modern industrial plants, are of the nature of scientific management and they, as well as improved methods of their kind, are necessary if we are to arrive at anything like good efficiency in the City Delivery Service.

It is believed, moreover, that the tendency should be toward the adoption of a device or method which will more exactly determine the time consumed by both clerks and carriers in the performance of the different kinds of work assigned to them. Standards of work have not been so generally applied in the case of post-office clerks. Even here, however, it has been necessary, in order to comply with the law requiring that promotions be based on efficiency ratings, to conduct case examinations to determine the speed and accuracy of which distributors are capable. These tests are essentially time studies, and the results are used for making up efficiency ratings. The next step will be to make a comparison between the standards established by these tests and the actual day-to-day performance of the clerks. In other words, the "stop watch" or "time-measuring device" principle is already a necessary feature of the management of post-office clerks, and the principles of "scientific management" are the means by which the next great advance in post-office efficiency is to be accomplished.

Time tests are absolutely essential to the determination of intelligent standards, and the more definite and exact the standards are the surer the employee will be of fair treatment. In our service, with its many thousands of employees and hundreds of supervisory officers, it is absolutely necessary, in the interest of fair treatment for the employees, that some definite method be adopted for the ascertainment of output and the determination of standards for comparison with output. Whether the standards are determined according to a definite plan and stated in writing or whether they are merely the ideas of different supervisory officers based upon opinion or judgment, the fact remains that standards are necessary and do exist for comparison with output. Unless the standards are determined as a result of time tests of specific work under a uniform method or plan they will result from the observation and judgment of supervisory officers, and this observation and judgment will be of as many degrees of intelligence and accuracy as there are supervisory officers.

Furthermore, standards are essential to the intelligent administration of the service by the department, for without standards of performance and information as to the measure in which the standards are attained by the employees of different offices the department has no intelligent way to determine whether an office is overmanned or undermanned.

It is my judgment that the enactment of the Tavenner bill would be prejudicial to the best interest of the Post Office Department and the Postal Service.

DANIEL C. ROPER,
First Assistant.

POST OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER GENERAL,
Washington, May 15, 1916.

CHIEF CLERK,
Post Office Department:

Reference is made to the letter dated April 28, 1916, from Hon. EDWARD E. BROWNE, asking the views of the Postmaster General with reference to bill H. R. 8665, entitled "A bill to regulate the method of directing the work of Government employees." The bill, in part, prohibits any person having charge of the work of any employee of the United States Government from making with a "time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work."

It would be impracticable to satisfactorily administer the Railway Mail Service under such prohibition. The work of the Railway Mail Service consists largely in the distribution of mail on moving trains, and the service must be adjusted to the train operation; therefore it is impossible to organize it on the basis of eight hours' work for every week day on every railway postal clerk's run. There are many long train runs on which the railway postal clerks to properly perform the service must be on duty for considerably more than eight consecutive hours, and this is offset by giving the clerks days off duty alternating with days on duty, the length of the time off duty to depend upon the number of hours of work performed by the clerk during the days when he is on duty. To accomplish this, there must be a "time study" of every railway postal clerk's run, to include the hours when he is on the train, the time devoted at terminals to loading, unloading, going to and from post offices, delivering and receiving registered mail, extra time on account of delayed trains, and extra work to meet emergencies; otherwise it would be impossible to determine what would be a reasonable assignment for a railway postal clerk in any given case. Again, railway postal clerks work in postal cars by themselves, in many cases a long distance from the headquarters of their supervising officials, and in order to determine how many clerks should be assigned to a run a "time study" must be made as to the number of pieces or packages of mail to be distributed and handled within the limit of time available on the particular trains; otherwise too much or too little work might be required of a clerk; and if, by reason of no "time study" having been made, insufficient clerical force was provided, the mail would not be distributed, its delivery would be delayed, and the public service would suffer.

The preamble of the bill indicates that the proposed legislation is intended to be in the interest of Government employees, but if applied to the Railway Mail Service it would be detrimental to the interests of the employees, because without a "time study" of the work and conditions of each railway postal clerk's run there would be danger of employees being placed in assignments requiring of them excessive hours of duty and unreasonable amount of work. On the other hand, they might be placed in assignments where the average number of hours per day and the amount of work performed would fall much below a reasonable standard; therefore I recommend that the bill be not enacted into law, its provisions being contrary to the interests of the public service and of the Government employees as represented by the Railway Mail Service.

OTTO PRAEGER,
Second Assistant.

POST OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER GENERAL,
Washington, May 17, 1916.

CHIEF CLERK,
Post Office Department:

Referring to bill H. R. 8665, entitled "A bill to regulate the method of directing the work of Government employees," your attention is invited to the inclosed communication from the Superintendent of Rural Mails, the contents of which are indicative of the attitude of this bureau toward the provisions of the bill

It is not the present practice of this bureau to use any time-measuring device in determining the efficiency of any of the employees under its supervision, but the necessity for inaugurating a new system, involving the use of a timing watch, may arise at any moment. This is especially true with respect to accounting, cost keeping, and certain features of the rural-delivery carrier service, and it is exceedingly important that such improvements as may be made in the Postal Service by means of a time-measuring device be not rendered impossible of accomplishment by the enactment into law of the provisions contained in the Tavenner bill.

J. K. PICKETT,
Acting Fourth Assistant.

POST OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER GENERAL,
Washington, May 17, 1916.

CHIEF CLERK, *Fourth Assistant:*

With reference to the attached bill entitled "A bill to regulate the method of directing the work of Government employees," which in part prohibits any person having charge of the work of any employee of the United States Government from making a time study of any job of any such employee, I have to state that the enactment of any legislation which would divest the executives of the United States Government Departments of all authority to introduce any system intended to determine the amount of work performed by an employee in a given time, or the length of time required by an employee to complete a given job, would have a vicious effect upon the conduct of the public business, since such legislation would place a premium on slothfulness and tend to encourage sluggishness and indifference on the part of employees.

I fully concur in the statements of the First Assistant and the Second Assistant, which appear in the attached communications.

GEO. L. WOOD, *Superintendent.*

Mr. KEATING. I want to ask unanimous consent that my colleague [Mr. NOLAN] may proceed for 15 minutes.

The CHAIRMAN. Is there objection?

Mr. MANN. Can not we limit the debate then on the amendment?

Mr. BROWNE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Reserving the right to object to the request of the gentleman from Colorado——

Mr. KEATING. There are about four gentlemen over here that would like about five minutes apiece.

Mr. MANN. I have not any doubt of that. Still, let us see if we can not reach an agreement as to time, anyhow.

Mr. KEATING. I would like to do that, as far as I am personally concerned.

Mr. MANN. Because there are other amendments and the time is limited.

Mr. KEATING. I would like to discuss this matter, but I am perfectly willing to enter into any arrangement that these other gentlemen who are anxious to present their views——

Mr. OLIVER. I would call the attention of the minority leader to the fact that the chairman of the committee, the gentleman from Tennessee [Mr. PADGETT], is absent.

Mr. MANN. I understand, but the chairman of the committee made a request for 20 minutes on a side. That was objected to, and then 20 minutes was given to the gentleman from Wisconsin [Mr. BROWNE] and an additional 5 minutes. I think it was understood then that some time would be occupied on the other side.

Mr. KEATING. That would be 25 minutes on each side.

Mr. PADGETT. Has there been a proposition made as to an agreement as to time?

Mr. MANN. There have been 27 minutes used by the gentleman from Wisconsin [Mr. BROWNE].

Mr. PADGETT. How much time did you want on your side?

Mr. MANN. We want to have a limitation.

Mr. PADGETT. You have used 25 minutes.

Mr. MANN. Twenty-five minutes.

Mr. PADGETT. And they want 25 minutes on this side?

Mr. MANN. So that it can be yielded as you want it.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent for 25 minutes of time.

Mr. SHERLEY. Mr. Chairman, I do not know of any more important matter that is going to come up, because the vote here is going to determine the vote on the fortifications bill and a number of other appropriation bills. There are two or three letters here which I have received from the War Department that I would like to call to the attention of the committee, and I would like to speak at least five minutes. I do not want to delay the committee, but I am sincere in the belief that this matter is important enough to be thrashed out.

Mr. PADGETT. Suppose you take 10 minutes more on your side?

Mr. MANN. I would rather take five. We have some more amendments. I realize the importance of this amendment, and I would like to discuss it the rest of the afternoon.

Mr. PADGETT. There are some over here that want some time on the matter.

Mr. MANN. The gentleman knows that the time is fixed. Various gentlemen are waiting to offer amendments.

Mr. PADGETT. Does the gentleman say the time has been fixed on the bill?

Mr. MANN. Yes.

Mr. MOORE of Pennsylvania. All these amendments will be precluded at 2 o'clock to-morrow.

Mr. PADGETT. It has been suggested that we just let it run for the present.

Mr. MANN. I am willing to agree that there be 30 minutes on that side and 5 minutes on this side.

Mr. PADGETT. Then I ask unanimous consent that we have 30 minutes on this side and 5 minutes additional on the other side, and that the Chair control the time.

Mr. SHERLEY. I do not know what you mean by "this side" and what you mean by "that side." I want to speak on the amendment. I do not care where I get the time so that I get it.

Mr. PADGETT. I suggest that the Chair control the time.

Mr. MANN. Some gentlemen want more than 5 minutes. I suggest that the gentleman from Tennessee [Mr. PADGETT] take 30 minutes and that I have 5 minutes.

Mr. PADGETT. That would give you 30 minutes in all.

Mr. MANN. No; I say 30 minutes to the gentleman from Tennessee and 5 minutes to myself.

Mr. PADGETT. I ask unanimous consent, then, that the debate on this amendment and all amendments thereto close in 35 minutes, 5 minutes to be controlled by the gentleman from Illinois [Mr. MANN] and 30 minutes by myself.

The CHAIRMAN (Mr. WHALEY). The gentleman from Tennessee asks unanimous consent that debate on this amendment and all amendments thereto be closed in 35 minutes, that 30 minutes be controlled by himself and 5 minutes by the gentleman from Illinois [Mr. MANN]. Is there objection?

Mr. KEATING. Reserving the right to object, does that give my colleague from California, Mr. NOLAN, 15 minutes?

Mr. PADGETT. No; it could not give him 15 minutes. I was going to say that I would yield to the gentleman from Colorado 20 minutes of that time, and the gentleman from Ohio [Mr. GORDON] 5 minutes, and to the gentleman from Kentucky [Mr. SHERLEY] 5 minutes.

Mr. KEATING. Under that arrangement the supporters of the arrangement would have 40 minutes and those who support the original proposition of the bill would have only 20 minutes. That is not a fair division.

Mr. MANN. Not quite, Mr. Chairman. If that arrangement was made, I should yield to the gentleman from California [Mr. NOLAN] the five minutes on this side. I do not say that is fair. I am not undertaking to pass upon that.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. KEATING. Reserving the right to object——

Mr. PADGETT. Mr. Chairman, if that request is objected to, I do not know of anything except to let it run——

Mr. SHERLEY. I think we can arrange it easily. There ought to be an equal division of time, of course. I understand that gentlemen have had 20 minutes.

Mr. MANN. Twenty-five.

Mr. SHERLEY. Twenty-five by the clock; but there were interruptions.

Mr. MANN. No; he had 25 minutes.

Mr. SHERLEY. Two or three minutes were lost in getting order. How much time does the gentleman from California want?

Mr. NOLAN. I want 15 minutes.

Mr. SHERLEY. And the gentleman from Illinois wants 10.

Mr. KEATING. The gentleman from Illinois, who speaks on the post-office feature of it, wants five, and I should like five myself.

Mr. SHERLEY. If you run it 35 minutes, with 15 minutes additional on the other side, that would make 50 minutes additional time.

Mr. MANN. I submit that that ought not to be done. There are other amendments to be offered, and the committee has an amendment that is coming up to-morrow morning. There are only three hours to-morrow before the vote.

Mr. SHERLEY. I do not care. I simply feel that there are some matters that I ought to present.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee [Mr. PADGETT]?

Mr. KEATING. I shall have to object, unless we can get more time.

The CHAIRMAN. Objection is made.

Mr. NOLAN. I renew my request that I be allowed to proceed for 15 minutes.

The CHAIRMAN. The gentleman from California renews his request that he may proceed for 15 minutes. Is there objection?

Mr. MANN. I am not willing to concede that, unless we can fix the time for debate, which, I think, we ought to do, because there are other gentlemen in the House beside these who want to discuss this amendment. They want to offer amendments. I ask unanimous consent that the gentleman from Colorado have 30 minutes and that I have 5 minutes, and that at the end of that time all debate close.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on this amendment and amendments thereto close in 35 minutes, 30 minutes to be controlled by the gentleman from Colorado and 5 minutes by himself. Is there objection?

There was no objection.

Mr. KEATING. I yield 15 minutes to the gentleman from California.

Mr. GORDON. Will the Chair please state what that agreement was?

The CHAIRMAN. That debate on this amendment and all amendments thereto close in 35 minutes, 30 minutes to be controlled by the gentleman from Colorado [Mr. KEATING] and 5 minutes by the gentleman from Illinois [Mr. MANN].

Mr. FITZGERALD resumed the chair.

The CHAIRMAN. The gentleman from California [Mr. NOLAN] is recognized for 15 minutes.

Mr. NOLAN. Mr. Chairman and gentlemen, this is a very important section of the naval appropriation bill. A similar provision was included in the Naval and Army appropriation bill in the last session of Congress after considerable discussion. I had the good fortune to sit as a member of the Committee on Labor during the Sixty-third and Sixty-fourth Congresses and to hear the testimony on the Dietrich bill, and in this Congress on the Tavenner bill, which strikes at the stop-watch time study and premium and bonus systems as employed in Government establishments.

During the consideration of the Tavenner bill the efficiency engineers of this country had the opportunity of presenting their case to the House Committee on Labor. It was brought out during the testimony of those gentlemen that the efficiency engineers of this country had formed an organization with headquarters in New York and had solicited funds and started a propaganda campaign throughout this country to prohibit the inclusion in the Army and Navy and fortifications appropriation bills of any prohibition of the stop-watch time study and premium and bonus systems. I do not take issue with those gentlemen. That is their profession. They are making a living at it; but they have started a propaganda throughout this country, and they have Members of Congress deluged with an avalanche of telegrams and letters protesting against this provision in the naval appropriation bill.

Now, these gentlemen testified before the House Committee on Labor, and with all due respect to the gentleman from Wisconsin, I do not know whether he read all of the testimony that took place before the committee or not, but I know that he was not present at most of the hearings and did not have the opportunity to hear the testimony of those in favor of the Tavenner bill. I happened to be present on each and every occasion.

The fact was brought out before the Committee on Labor that not one of the gentlemen who appeared and represented himself as an efficiency expert and a scientific management engineer had ever had any practical shop experience, not one. They were all graduates of some technical institute and took up the question of scientific management after they had their experience in some particular school or institute of technology, but not one had ever had any practical shop experience. If Members of the House had an opportunity to read all of the hearings that took place before the Committee on Labor, I doubt whether there would be a small minority here that would not say that the efficiency engineers were the best witnesses for the Tavenner bill.

I have here some charts prepared by Mr. Minor Chipman from records of work done on different jobs at the Watertown Arsenal. They are included in the hearings before the Committee on Labor. I want to call your attention to these charts. If there is anything in the claim of the gentleman that the stop watch is a scientific device in measuring the element of time as it pertains to the labor of the individual, here is complete evidence that it is not accurate, but inaccurate. Here is a chart of an employee, 2516. It is his record of efficiency for the month of March, 1914, when the system was in full force, and this employee worked on 224 jobs. The highest point he struck that month was 200 per cent, and the lowest 21 per cent. Just imagine; on one job he performed it in half the time and on the other he only performed one twenty-first of it in the time set by the time-study men for scientific management by the stop watch.

I call your attention to it to show the variations. That is supposed to be 100 per cent, this line on the chart. That is the task set; and look at the variation up and down here, shown by this line. That employee was one of the highest skilled men in the Watertown Arsenal, and on one job he gets 200 per cent and in the other 21 per cent. I call your attention to that to show you the inaccuracy of the so-called stop-watch system.

Mr. STAFFORD. Will the gentleman give the average that the man had?

Mr. NOLAN. His average was 121.35. Now, here is the same man's chart, April, 1914, for efficiency on 140 jobs. His highest was 172.9 and his lowest was 45; his average was 121 per cent. That is the chart for the following month.

Here is a chart—and these were taken from the records of the Watertown Arsenal—of an employee that was not listed as a highly skilled mechanic. It is his efficiency chart for one year. The highest point he reached was 149 and the lowest was 33.3, and the average for the year was 96. Now, these gentlemen claim that it was absolutely essential that they should have the use of a stop watch as a time-measuring device for setting the task. This chart shows the inaccuracy of it. If the time-study men were accurate and the stop watch must be accurate, there would be hardly any deviation below or above the line. They would not go to 21 below in one instance and 33.3 in the other.

They have tried to create an impression that this particular time service and abolition of the stop watch and the bonus and premium system in Government establishments is a blow at national efficiency. I want to call attention to this fact. There is nothing in this bill that prohibits any sort of facilities, whether it happens to be machinery or a system of scientific management, applied in a common-sense way. The purpose of this provision in the naval bill is to stop the speeding up of the individual so that they can not take the last ounce of energy and strength away from him without any attention or consideration being paid to fatigue studies or the effect on those human elements involved.

Mr. GORDON. Will the gentleman yield?

Mr. NOLAN. Yes.

Mr. GORDON. How does keeping the measurement of time that a man consumes at a given task speed him up?

Mr. NOLAN. By the stop watch they study every motion that is made, taking time by the one-hundredth of a second; they take the time of the individual selected first and then make the average man come up to it.

Mr. GORDON. How do they make them?

Mr. NOLAN. They set the task and require him to do it or else he loses his job, and they admit they make no provision for the man that falls by the wayside under this system.

Now, let me proceed on the proposition of the bonus and premium. There are many people in the country that object to any restriction on the bonus and premium system. Let me call your attention to what transpired before the committee. A simple example was given the efficiency experts, and I will give it to the House to show you how men are paid. The question was asked the efficiency engineers, Suppose you were called on to install an efficiency system in a shoe factory and you found a group of men were making five pairs of shoes at $8 a day. After applying all the elements of scientific management and efficiency you decided that eight pairs of shoes at $8 a day was a fair task, and eight pairs of shoes was the task. What would you pay the individual for the ninth pair of shoes? That ought to be simple enough. You would think that the workman would get as much for the ninth pair as he got for any one of the eight. Here is the answer: "We would pay him 33⅓ to 50 cents for the ninth pair of shoes." These experts claimed, and the hearings will bear out my statement, that notwithstanding the fact that the employer secured an additional output of three pairs of shoes for the $8, due to the establishment of the efficiency system, that he should be further rewarded by getting anywhere from one-half to two-thirds of additional production over and above the eight pairs of shoes, and that the worker, instead of receiving the same rate for the ninth pair as he received for each one of the first eight, should have his price reduced from 50 to 66⅔ per cent.

That is how the premium and bonus system is applied; that is how it is applied in the Watertown Arsenal, according to the testimony of Gen. Crozier. Talk about employees being satisfied to work under it! In 1911, I believe it was, or 1910, a strike took place against this system at the Watertown Arsenal, and one of my colleagues in the House was a member of the committee that investigated conditions up there. The men were induced to return to work on account of this investigation, and while the committee that conducted the investigation did not denounce the system in its entirety, they called attention to the fact that abuses crept in under it, and they did not think at that time it was necessary to recommend any legislation. Since that time the employees in the Watertown Arsenal have been petitioning and protesting against this system. I have a letter here, not an inspired letter but a letter in which 194 of the lower paid employees of the Watertown Arsenal wrote me indorsing the minimum wage bill which I introduced and which is before this House, and here is what they conclude:

> We believe that you will do your best to make the Nolan bill a law. The 194 petitioners of the Nolan bill, with many others working here, also pray to have the Taylor premium system abolished in this arsenal as being detrimental and a menace to our best mutual good.

I withhold the names of the three men that signed this letter as a matter of protection to them.

According to the proponents of the so-called Taylor system and other systems of scientific management, the underpaid and unskilled workers have a greater opportunity under scientific management than by other day-labor systems, and here are 194 laborers in that arsenal who have not received any of the benefits of it, but who have labored under all of the detrimental features of it, and they are protesting against it.

Reference was made here to a Cleveland clothing dealer who came before the committee, and before I pass on to that I

want to say this: I do not believe that 10 per cent of the men who have petitioned Congress against the Tavenner bill have this so-called efficiency system established in their shops. I know this to be the fact in San Francisco, because their men will not work under it, and it invites trouble.

Mr. BROWNE. Mr. Chairman, I would like to ask the gentleman if there has ever been a strike caused by the time study or premium system?

Mr. NOLAN. Yes.

Mr. BROWNE. Whereabouts?

Mr. NOLAN. In the Government establishment at Watertown.

Mr. BROWNE. In any private institutions?

Mr. NOLAN. Lots of them throughout the country.

Mr. BROWNE. Name one.

Mr. TAGUE. Mr. Chairman, will the gentleman yield?

Mr. NOLAN. For a question.

Mr. TAGUE. For the benefit of the gentleman, I would like to tell him that I have already filed, at the request of the workmen in the Watertown Arsenal, a petition to the Army Department to abolish it.

Mr. NOLAN. There was reference made to a gentleman who testified before the committee who had a clothing establishment in Cleveland, who contended here that he had the most contented group of workers under one roof in America. Here is what developed in his shop. I get this from one who was familiar with the conditions in the shop of Mr. Feiss, who is one of the members of the so-called committee of ten who are protesting:

In one plant it was found that iron standards supporting signs were erected at the bench of every group of workers and that on the signboard, in large figures, was placed the number of pieces which that group must finish to accomplish their day's work, so that each group saw before them when the day's work began what their task would be and every other worker in the room could see what tasks the other groups had performed.

From time to time during the forenoon and the afternoon foremen went from group to group counting up the number of pieces already finished and then hanging up this number under the one indicating how much must be done for the day's work, so that each group were notified numerous times during the day of whether they were behind or ahead and each other group knew whether the rest were ahead or behind, the whole purpose of this scheme being to work competition between the groups and to encourage the greatest possible exertion; in other words, to make a racehorse of the group where the foreman endeavored to beat the records being made by the groups under the other foreman.

That is exactly what scientific management as these gentlemen who explain it undertake to show will do. They have no fatigue studies. Scientific-management experts and efficiency engineers tell us that they make none. They pick the time-study man from men in the shop, and from men who have never had any practical experience in trying to determine the effect of this system on the human beings who must perform the task set. The whole objection to this is that you can not apply a stop watch and the results obtained from a stop-watch system to a human being and make it apply generally, as you can to a race horse or to an athlete upon the athletic field. The human being in the workshop has to work day in and day out under the system, while the race horse is prepared for his race just as the athlete is prepared for what he does on the athletic field, with a rest before and plenty of rest afterwards.

So much has been said about "scientific management" and efficiency that the terms have come to represent something definite in the public mind. Something which is definite; not because of any facts which have been ascertained, but because of the terms used with reference to those systems of management which claimed to increase the efficiency of labor and which have been widely advertised under the name of "scientific management."

For several years the proponents of "scientific management" had a clear field and were able to create certain impressions upon the public mind as to the scientific basis for their systems and the protection which their systems gave to labor, which influenced many prominent men to indorse "scientific management."

It is only within most recent times that any thorough and systematic effort has been made to investigate the conditions which had developed, so far as labor is concerned, in those manufacturing establishments which had introduced any of the so-called systems of "scientific management."

Since an investigation has been made by competent authorities, we discover that the claims of scientific accuracy so far as labor is concerned, vanished into thin air.

It is but natural that a system which claims to deal scientifically with labor so far as the stress of labor and the wages to be paid is concerned, would offer some scientific instrument or basis for measurement and determination, and yet we find after extensive hearings by the Committee on Labor and special committees appointed by Congress to investigate "scientific management" that there is not in existence, so far as "scientific management" is concerned, any thorough studies of human fatigue; that the efficiency engineers have discovered no rule or instrument to determine where the danger point in fatigue begins or when the danger point of fatigue has been reached.

We find, furthermore, that none of the efficiency engineers have as yet worked out any adequate data upon the question of long-time efficiency so far as labor is concerned; that they have no standard measurement to determine what the workers' normal speed or exertion should be; and that they have no standard to determine what the hourly wage rate or the payment for labor should be except what they may find in other establishments in the same locality.

Instead of scientific standards of measurements in these matters, each efficiency engineer's personal opinion becomes the standard, and it is upon this frail basis of one human being's opinion that the only element of scientific knowledge is to be discovered.

Last year an investigation was made of "scientific management" as it affected labor under the authority of the Federal Commission on Industrial Relations. The work was done by Mr. R. F. Hoxie, University of Chicago, as chief investigator, his assistants being Mr. Robert G. Valentine, an expert on employing management, and Mr. John P. Frey, an experienced trade-unionist, these two gentlemen representing the employers and the workers.

Some 35 plants in all were investigated and in addition, Mr. Hoxie spent a year in gathering the facts, and one remarkable feature of the report which he prepared was that, when completed, it met with the unqualified approval of the gentleman who had represented the employers' interests and the trade-unionist who had represented labor. In view of the fact that it was a unanimous report, their findings are entitled to be accepted as authoritative, particularly in view of the fact that since the submission of this report no efficiency engineer has submitted evidence to indicate that any one of the statements contained in the report was inaccurate.

It has been said by more than one authority who has read the report that it is one of the most scientifically prepared documents which has been submitted by any body of investigators. And this report iterates and reiterates the fact that there is but little which could be termed scientific about the conditions found under "scientific management" so far as labor is concerned, while on the other hand many conditions affecting labor were found which not only were unscientific but most detrimental to the wage earners' interest, both physically and mentally.

It may be that nothing could impress upon your minds the utterly unscientific and inaccurate results which have followed the application of "scientific management" so much as a graphic illustration.

One of the features of "scientific management" is the use of the stop watch by the time-study man, and the efficiency engineers claim that through the use of this stop watch, the study of the equipment, material, and the man, an accurate or scientifically accurate time can be set in which the workman should perform the task.

It is not difficult to grasp the fact that if the time in which different work was to be performed was scientifically determined that the workmen would accomplish approximately the same percentage called for on each task, and yet investigation shows that the widest of variations exist in the times required to perform tasks which have been set under "scientific management."

We have heard both in the committee room and on the floor of Congress considerable about "scientific management" as it has been applied in the Watertown Arsenal, and I know of no better illustration of the utter inaccuracy of determining the tasks for workmen than can be found in this arsenal.

I hold in my hand some charts prepared by Mr. Miner Chipman, which are prepared from the records of work performed on different jobs by employees of the Watertown Arsenal. The charts are included in the hearings held by the Committee on Labor on the Tavenner bill.

The first one, which relates to the work of employee No. 2519 for the month of March, 1914, indicates that he was a workman of more than ordinary efficiency. During this month he worked on 224 jobs, and for the month his average efficiency was 121.35 per cent. But whether he had accomplished every task in the exact time allowed for it by the split-second watch time-study man, or whether, owing to his great efficiency, he had reached 121 per cent, the degree of time in which he accomplished each task as set by the time-study man would be approximately the same. Yet what do we find on the one hand? One job he performed in one-half of the time set by the time-study man; on another he was able to accomplish but 21 per cent of the task within the time set.

I have another chart, made up from the performance of the same employee during the month of April, and here he shows that his average efficiency was about the same in being 121 per cent, yet on some jobs he was able to accomplish but 45 per cent of what was required by the time-study man within the time set, while on some jobs his efficiency was as high as 172.9 per cent.

As it might be held that this man because of his higher average efficiency might show a greater variation in his output per job, I would call your attention to the record of employee No. 2681 for the months from October 1, 1912, to September 30, 1913. Here we find for this long period an average efficiency of 96 per cent, or, in other words, that this worker on the average accomplished but 96 per cent of his work in the time set by the time-study man, but we find on some jobs that he was able to accomplish but 39.3 per cent of the task within the time set, while on other work he not only accomplished the task but did so with the rating of 149 per cent efficiency.

While such charts are not an indictment against "scientific management" in itself, they do constitute the most convincing evidence that when put into application those who operate the split-second watches and who make the time studies are unable to determine how long a man should be allowed for the performance of a task with any degree of scientific accuracy. In fact, any foreman in an old-fashioned one-horse shop who would allow such differences in the time in which a workman should do his work would be laughed out of the shop by the workers and employers alike.

While theoretically it has been held that "scientific management" through the use of its so-called scientific methods would prevent any overstrain, overexertion, overfatigue upon the worker's part, the result of the investigations made have indicated that nowhere are there to be found such systems for the remorseless speeding up of labor as exist in establishments applying the methods of so-called "scientific management."

The time set for the performance of a task, or the time in which a piece of work must be done, is determined by the time-study man; then to urge or stimulate the workers to accomplish this task they are paid an additional amount either in the form of a premium or a bonus, and the efficiency engineers frankly inform us that they would not expect to secure the performance of the task if it were not for this additional money inducement which is held out to the worker; but this financial inducement is not considered sufficient, and other features are introduced to speed up labor.

In another plant they had established for some of the day workers a very novel evidence of so-called scientific efficiency.

Here some of the work could not be regulated by pulley wheels and machinery because it must be done by hand, and so, as machinery could not be speeded up which the worker must keep pace with, another method had to be devised, and in front of the worker's bench was a metronome, which was set in motion, and the workers were expected to move their arms backward and forward keeping time with the moving arm of the metronome.

In another plant a peculiarly effective system had been devised for speeding the workers to their limit.

The bonus system of payment was in existence and the foreman of each group of workers received a bonus in addition to his wages, based upon the percentage of the workers under his charge who succeeded in accomplishing the task set for them, or, in other words, of earning their bonus. The larger the number of workers who accomplished their tasks within the time set the higher the foreman's bonus.

The idea of making the bonus an effective part of "scientific management" was carried one step further, and the time-study man, who also set the time in which the tasks must be performed, also received a bonus. But his bonus was based upon the number of workers who failed to accomplish the task within the time set, so that when the tasks were set so difficult that but few of the workers could accomplish them, the time-study man's bonus was increased. In other words, the time-study man's income depended upon setting the task so difficult that but few of the workers could accomplish it, while the foreman's income depended upon his prevailing upon the workers in his charge to accomplish their task within the time set.

Here the workers were between the upper and the nether millstone, between the devil and the deep sea. They were at the mercy of two men, each of whom was stimulated to help out a condition which aimed to secure the last ounce of energy from every worker affected by the system.

These illustrations are taken from an almost countless number which could be given to emphatically disprove the claims that "scientific management" has made relative to its protected influence in preventing overstrain and overspeeding.

We have listened to lengthy statements as to the specific efforts made under "scientific management" to train the workers and to make better mechanics and craftsmen, but when we search for the evidence we find that the efficient workman, the highly skilled specialist which "scientific management" talks about is the man who has been trained to do one simple part in connection with one of the articles which is finally to be assembled into a complete whole.

It is the kind of training which may enable a worker to learn how to screw on a certain size nut upon a bolt more rapidly; which may educate the girl in the garment shop so that she will be proficient in the trade of sewing on buttons or stitching the seam on a collar; it is the kind of industrial or mechanical training which equips the unfortunate worker for no other job than the minutely specialized part of the simple operation upon which he is allowed to work.

I would hesitate to make this statement if it was not so completely borne out by the investigations which have been made, but in view of these I am fully justified in holding that if "scientific management" as it is in operation in the industries to-day could be applied to all of our industries within a year, the training of artisans and craftsmen would cease and the American workers would become a nation of unskilled laborers, or rather laborers skilled in performing but one simple operation in connection with the industry in which he was engaged.

In fact, "scientific management" definitely aims to build up a small body of highly trained men, time and motion study men, instructors, and the head of the planning department, and this little handful of men are to acquire all of the knowledge and to do all of the directing, and there is to be this little group who will do all of the thinking and the immense army of workers who are not to be allowed to think because their thinking would interfere with the unlimited rules and regulations of "scientific management." And we would have in our country a little group with all of the knowledge and all of the directing power in their hands and the masses of laborers dependent upon this group for what meager information they would be allowed to secure as skilled workers.

I have confined myself to a discussion of so-called "scientific management" as it affects labor. It is with this feature that I am particularly interested, because this feature is by far the most important, for it affects the lives of the workers themselves; it would determine the degree of mechanical knowledge which they shall acquire, and establish the standard of living for the masses of our people.

No fact was brought out more clearly in the special investigations made by Congress, in the hearings held by the Committee on Labor, and the investigations made by Mr. Hoxie and his assistants, than that the theory and the practice of this so-called "scientific management" differs on many points as far as the east is from the west.

It has been overwhelmingly proven that as applied in industrial establishments to-day, "scientific management" works in opposition to its theories so far as labor is concerned on many vital points.

In fact, there seems to be but one point where "scientific management" consistently applies its theories in practice, and that is, in the autocratic control which the employer must exercise.

"Scientific management" in its relation to the workers is essentially autocratic; there is no place in it for industrial democracy, no point at which labor can be given a voice in the determination of the terms of employment and the conditions of labor.

In this country we hold, at least, that the wage earner has a right to a voice in determining under what conditions he shall work and what the terms of his employment shall be; and we hold that this right, and the daily exercise of this right, is essential to our American institutions, because without its exercise and where the employer determines terms of employment and conditions of labor to please his fancy, his sympathies, or his desires for profits, he also determines the wage earner's standard of living, because wages determine what kind of a

home the worker shall live in and where this home shall be located; whether it shall be an insanitary two or three room home in a crowded tenement, or whether it shall be a comfortable dwelling place with sufficient room and pure air and sunshine entering into it.

His wages and the degree of vitality which he must daily give up to the employer determine his physical condition, the opportunities which he will have for self-development for a knowledge of the great problems which affect us as a people and determine his value as a citizen. But now, under "scientific management," we find both in the theory and in the practice that labor is to be prevented—in fact, must be prevented—from having an effective voice in these most essential matters, because we are told "scientific management," the systems which it applies, the forms under which it works, are such that they can not be made a subject for conference and agreement between the employers and the workers.

"Scientific management" in theory and in practice is essentially autocratic, and as one American I shall always use all of the influence at my command to oppose the growth of any institution or tendency which will develop autocratic control, whether in our industries or in any other department of our activities as a people.

I insert an editorial from the Washington Post:

[From the Washington Post, Saturday, May 6, 1916.]

TOO MUCH EFFICIENCY.

To a certain order of mind the idea of getting a little more out of a given situation than anyone else can extract from it appeals with irresistible attraction. With these the announcement of a new method of efficiency means that the world has ceased to muddle through and has begun some real progress.

While inclined to give due credit to the efficiency workers for their achievements, it is felt that the line should be drawn somewhere. Both common sense and healthy sentiment join in protest against the latest efforts in this respect, which involve the production of two eggs a day from a single hen. This is brought about by a very simple expedient. The confiding biddy is placed in a darkened room, fitted up with electrical dinguses, which convey the illusion of a double day and night period within a single 24 hours. The outcome is that a hen, all unconscious of the deception, lays her regular egg a day, as she thinks, whereas the brutal taskmaster gathers in a pair with no compunctions of conscience, so far as can be ascertained. On the contrary, the account of the affair implies that he rather boasts of it.

Somehow, we instinctively recognize that it won't do. For a while perhaps there will be an actual gain. But the temporary increment can not mean other than eventual loss. One can readily prophesy an exotic brand of egg produced by the electrical method that will pale its ineffectual yolk when peered at through the shell by perspicacious housewives or later dallied with by the men folk at the breakfast table. Besides, it means no real progress. The substance of albumen and lime and protein and phosphorus must come from somewhere at a definite cost. Why not put two hens on the job?

And while the plea is being made for the hen, why not let the general principles involved apply to humanity as well? The real problem of society to-day is not so much to get the last vestige of available effort out of a given individual as it is to provide that every individual shall find his place, and there do his appointed work in respectable measure, with a little reserve force left over for the enjoyment of playtime and rest at the end of the day's task.

I incorporate in my remarks the following letter, which was received too late to read to the House:

COMMITTEE OF TEN TO OPPOSE LEGISLATION
ANTAGONISTIC TO EFFICIENCY IN AMERICAN INDUSTRY,
New York, May 31, 1916.

To the Representatives in Congress:

The antiefficiency rider on page 102 of the naval appropriation bill if retained will brand everyone responsible for it as a coward. If its principle is sound, Congress should enact the Tavenner bill, which openly embodies it.

If afraid to do this, Congress should be more afraid to seek by indirection what it can not or dare not do directly. The country demands efficiency and will profoundly resent legislation forbidding it.

Scientific management stands for better efficiency, for better working conditions, and for better wages. The opposition to it is based on ignorance of facts and experience and on the selfish interest of exploiters of labor.

We urge you to oppose by vote and voice this attempt to hobble American industries. It can not prevail for long, and its inevitable condemnation, when understood by the people, will include all responsible for it.

Yours, truly,

COMMITTEE OF TEN,
W. HERMAN GRUEL,
Secretary.

This letter will give you an idea of the campaign of intimidation that has been carried on by the so-called "Committee of Ten," representing the "efficiency engineers," who have never made any endeavor to set standards for their own profession nor to correct any of the abuses in so-called "scientific management." Their work in installing "scientific management" corresponds with their actions in writing this and other letters. They attempt to label every Member of Congress who opposes the stop-watch, bonus, and premium systems as a coward, and also threaten, in the last paragraph, the Members of the House who are in favor of the Naval Committee provision with their vengeance. So far as I am personally concerned, I welcome their opposition, realizing that if they do not stand for any better standards in their personal affairs than they do in connection with their business, such opposition is always to be welcomed.

The CHAIRMAN. The time of the gentleman from California has expired.

[By unanimous consent Mr. NOLAN was granted leave to extend his remarks in the RECORD].

Mr. KEATING. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. TAVENNER].

[Mr. TAVENNER addressed the committee. See Appendix.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6239. An act authorizing the Commissioner of Navigation to document as vessels of the United States two dredges built of American material and owned by James Stewart & Co. (Inc.), a citizen of the United States.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. VAN DYKE].

Mr. VAN DYKE. Mr. Chairman and gentleman of the commitee, I am not interested in this bill particularly because of private manufacturers or private manufacturing establishments, but simply because of the effect it has upon Government employees and the effect upon the service rendered by those employees. In passing, however, I desire to state that my ideas on the issue of a stop watch coincide with the statement made by Senator LODGE in a speech against its use, which is as follows:

The one object of the time measure is to produce speed. Now, speed is not the only thing that the Government or any other employer or manufacturer is seeking for. There is something more important than speed, and that is quality. Speed has nothing to do with quality. Owing to great inventions of our time, owing to steam and electricity, we have carried speed to such an extent in all of our manufactures that certainly in many cases the product has deteriorated in quality as it has advanced in quantity and rapidity of production.

The stop watch and the time measure can tell you nothing whatever about quality. It may be a basis of fixing wages or anything else, but the only thing we can possibly tell by time is speed. We all associate a stop watch with its use for racing horses. I dare say it is used now for racing automobiles, but not by a man buying horses for his ordinary use. In the days before automobiles I used to own horses and be very fond of them and drove them a great deal, but I never put a stop watch on a horse I was going to buy. I wanted to know his qualities; I wanted to try him; but I was not going to buy a horse to use on the track, and therefore I had no use for the stop watch. They use a stop watch to test a horse that is going on the track to race in the Derby, for instance, or in any of our great races. It is of the utmost importance to know what the horse can do on the furlong, or on the quarter mile, or on the half mile, but it does not tell the story of his quality. It will tell the story of speed and the qualities necessary to speed, but there are many qualities it does not tell.

Now, to put the stop watch on human beings may tell how fast they can work, but it can tell nothing of the quality of their work, nor how long they may work. A horse may be very good for a short spurt and absolutely worthless for a 4-mile race. It is a poor test. It is a promoter of the idea that the one thing to do is to turn out just as much as we can just as far as we can. That has gone through everything in this period of ours. It has deteriorated style, it has deteriorated literature, it has deteriorated art. It is deteriorating manufacture.

I do not believe, Mr. Chairman, in standing over men with stop watches to see how far they can go under pressure in securing speed in performing a given piece of work. The very fact of a stop watch implies strain on every faculty, on every physical power, driving the heart and lungs and every muscle to the utmost possible point.

In the days of slavery it was said there was one school of slave owners who believed it was more profitable to work the slaves to the last possible point and let them die than to try and care for them when they were ill and work them reasonable hours and treat them without a stop watch. Those who believed in working them to death, I imagine, were a very small and merciless minority, but there is always that disposition.

I am a thorough believer in the best man getting the best wage and the hard-working man getting what his hard work deserves. I have no desire to see the thriftless and idle paid as well as the industrious, steady, and hard-working men; but I do not believe anything is gained for the Government or for anybody else in standing over a man with a stop watch to see whether under pressure he can do a certain piece of work in a given time. I do not believe it is sound economy.

Reference was made to the Post Office Department in the talk made by the gentleman from Wisconsin [Mr. BROWNE], who told how efficient the system had worked out in that department. I want to show you—and I am giving you this from personal observation—what happens and how this system is taken care of under the Post Office Department. When a letter is dropped in the post office it is handled first by what is known as a post-office clerk—a distributing clerk. Those clerks are given a certain number of letters which they must work within a certain given period of time, which will run, in different places, from 16 to 30 and sometimes 40 letters per minute. The peculiar

part of the system is this, that it is absolutely impossible to create a standard in handling mail. You can easily see that, when you stop to think of the number of different kinds of addresses that are on different letters, some of them written legibly, some typewritten, but no two alike; so without a doubt you will agree with me that no standard can be placed which would be fair to the clerk.

These post-office clerks are required to handle so many a minute, observed, when this system is used, with a watch, and urged to their topmost speed. Then some time afterwards, probably that week or the following week, they are observed from what is known as a secret passage within the post office. This is taken from the testimony before the committee. The clerks are informed that they have not kept up to the speed that they established at the time they were observed; that is quite natural, it is human, in fact, for a man to speed up when his foreman is looking on and telling him he has to produce a required speed at that time. At this point I desire to submit a communication sent to the clerks and carriers of Chicago and extracts from statement of Thos. F. Flaherty, secretary-treasurer of the National Federation of Post Office Clerks, made before the House Labor Committee on the Nolan minimum-wage law; also letter sent to myself after I had introduced a bill to prohibit the use of the stop-watch and time-measuring systems in the Postal Service:

COMMUNICATION SENT TO THE CLERKS AND CARRIERS OF CHICAGO.

POST OFFICE, CHICAGO, ILL.,
Delivery Division, January 29, 1915.

Circular No. 7.
Subject: Rating of clerks and carriers.
Superintendents of stations:

Superintendents of stations will submit as soon as possible, in C. P. O. Form 3990, efficiency ratings for all clerks and carriers assigned to their respective stations on the quantity and quality of work performed during the year ending November 30, 1914.

The next efficiency ratings following the above will be given for the six months from December 1, 1914, to May 31, 1915, and shall be submitted hereafter semiannually, December 1 and June 1, respectively, on C. P. O. Form 3990.

The efficiency rating of each employee from December 1, 1914, on shall be determined on his record for attendance, adaptability, speed, accuracy, and efficiency, and the relative value of each subject shall be charged as follows:

	Points.
Perfect in attendance, one-fifth point off for each day absent	14
Perfect in adaptability	12

Adaptability of clerks shall be determined by their availability for any clerical duty, application, appearance, and courtesy.

Adaptability of carriers shall be determined by periodical tests as to the manner in which they memorize removals and dispose of their "overs"; their application, general appearance, and courtesy in the office and in the field. Maximum in speed, 12 points.

To be given as follows:

Clerk distributing—	
50 cards per minute on examination	12
45 cards per minute on examination	11
40 cards per minute on examination	10
35 cards per minute on examination	9
30 cards per minute on examination	8
25 cards per minute on examination	6
20 cards per minute on examination	3
16 cards per minute on examination (but qualifies)	0
Carriers routing and trying out on exclusive:	
Firm districts—	
40 pieces per minute on test	12
35 pieces per minute on test	11
30 pieces per minute on test	8
25 pieces per minute on test	5
20 pieces per minute on test	2
Under 20 pieces per minute on test	0
Office-building districts—	
35 pieces per minute on test	12
30 pieces per minute on test	11
25 pieces per minute on test	8
20 pieces per minute on test	5
17 pieces per minute on test	2
Under 17 pieces per minute on test	0
Mixed business and residence districts—	
25 pieces per minute on test	12
23 pieces per minute on test	11
20 pieces per minute on test	9
17 pieces per minute on test	6
15 pieces per minute on test	2
Under 15 pieces per minute on test	0
Three-trip residence districts—	
20 pieces per minute on test	12
19 pieces per minute on test	11
17 pieces per minute on test	9
15 pieces per minute on test	6
13 pieces per minute on test	2
Under 13 pieces per minute on test	0
Two-trip residence districts—	
18 pieces per minute on test	12
17 pieces per minute on test	11
16 pieces per minute on test	9
15 pieces per minute on test	7
14 pieces per minute on test	5
12 pieces per minute on test	2
Under 12 pieces per minute on test	0

Accurate observance of the working schedule by carriers, 12 points. To be determined by weekly periods for first trip in each month of the year.

Where a carrier averages schedule leaving and returning on first trip for each weekly period he shall receive 12 points.

For an average of each minute excess of the schedule as outlined above he shall lose one-half of a point.

Accuracy in the distribution of mail by clerks, 12 points.

Standard for maximum points, 99.50 per cent correct on case examination:

99.50 per cent correct	12
99 per cent correct	11
98.50 per cent correct	10
98 per cent correct	9
97.50 per cent correct	7
97 per cent correct	5
96 per cent correct	3
95 per cent correct (but qualifies)	0

Perfection in all of the above subjects shall entitle an employee to 50 points on efficiency, and the net result would give an employee an efficiency rating of 100.

For example, should an employee's record and service be such that it would earn him 13.80 points for attendance, 11 points for adaptability, 11 points for speed, 11 points for accuracy, the points earned for efficiency would be 47, or a sum total of 93.80 points, which would be the rating earned.

All clerks assigned to stations, except those who are engaged entirely in cage work, must be examined on distribution and assigned to the distribution of mail upon receipt of each dispatch. Cage clerks who perform no distribution shall be rated on speed and accuracy, in accordance with the superintendent's judgment and observation as to their ability to perform the duties assigned them.

LE ROY T. STEWARD,
Superintendent of Delivery.

It is a physical impossibility to reach the standard set by the Chicago postal officials and to retain it for any number of years. The strain both mentally and physically is too great and many employees drop from the service or are forced to accept wage reductions others are dismissed for inefficiency.

EXTRACTS FROM STATEMENT OF THOMAS F. FLAHERTY, SECRETARY-TREASURER OF THE NATIONAL FEDERATION OF POST-OFFICE CLERKS, MADE BEFORE THE HOUSE LABOR COMMITTEE ON THE NOLAN $3 MINIMUM-WAGE LAW.

Mr. VAN DYKE. You spoke a moment ago about speeding up in business. Do they use any such thing as a stop watch in your line of business?

Mr. FLAHERTY. The stop watch is used in some offices; yes. In that connection I will read a letter; I won't mention the office, because it might get somebody in wrong, but it is from a large office in the Middle West, addressed to a clerk in the mailing division. It says:

"It is noted that in the January tests you cased 47 pieces per minute unobserved and 61½ pieces observed. With the early return of this communication I would thank you to explain the difference of 14½ pieces per minute."

In other words, while the clerk was being observed, the man stood over him with a stop watch and he cased 61½ pieces of mail. The unobserved test means that the man was being watched unknown to himself, whether from the overhead inspectors' gallery or whether from the adjoining case I do not know. And in that connection, it might be of interest to the committee to know that in every office in the country, any office of any size, at any rate, there is all along the walls a hidden gallery. The inspectors can enter that gallery from the outside, and sometimes they wear black dominoes so they can not be observed from down below. And from these points of vantage they look down and watch the men at work. The reason given by them, of course, is that it is a preventive against rifling the mails; but as a matter of fact, from the report to Congress last year, you will see there were out of 38,000 clerks only 160 of them detected in rifling the mails. The report does not show how many were detected by this particular method, but the report does show there was only 1 man out of 350 that is liable to do that thing. And I do not believe it is in accord with the spirit of our American institutions, particularly our Government institutions, to have men spied upon; to have 349 innocent men spied upon in order to catch one man who might possibly be guilty. I should think that ordinary police methods ought to prevail in detecting a man who would be weak enough to do a crime of that kind.

To return to the speeding-up question, Congressman, the clerk answered by saying that when he threw the 61½ letters per minute he was endeavoring, as requested, to see how many he could possibly case on a five-minute test. He was being tested with a watch, and, of course, he knew it and was going possibly a little beyond his normal speed. Then he says:

"This is a pace that it would be absurd to think of maintaining for eight hours. I do not know the conditions under which the 47 pieces per minute were cased, but am of the opinion that that is a reasonable rate of speed."

He did not know when he was observed when he cased the 47 letters per minute.

I will say in this connection—and you know it, Mr. Van Dyke—that mail is not uniform. Some of it is typewritten—that is, the addresses—and some of them are almost illegible; and you can not maintain a fair speed or as high speed on letters poorly addressed as you can on those typewritten or on business letters of business men.

The reply to that clerk's answer was "with a little effort you can maintain or exceed standard at all times, and I expect your future tests to show this."

In other words, by the use of a stop watch they were expecting to maintain more than a normal speed; and in that connection, too, here is something that might be of interest to the chairman of the committee, because it pertains to the New York office. A letter here from a clerk in the money-order division of the New York office—and he mentioned and gives the names of three men, and he says that these men have gone insane through the speeding-up methods that are in vogue there. He gives their names—I do not believe that I had better give them for the record, but the committee can read them if they so desire. It tells when they entered the service and when they resigned; and he said one of them committed suicide and killed his daughter, due to nervousness. Another was a nervous wreck.

He says that the above men were not always nervous, but since the pushing tactics were used during the past four or five years the men have changed.

That is in the money-order department of the New York office, in which, as you are aware, they operate a great many of these machines. He says:

"One sheet can not be paid properly in one hour, the time given by the superintendent. Some do it in less than one hour, but they do not check or examine the sheets, which is against the rules of the money-order department. Each machine is numbered, and a record is taken when the clerk sits down at the machine; also the number of the machine he is working on. This week he has ceased timing, but he is watching, and if anyone takes over an hour on a sheet he will surely get—"

He leaves that blank.

LETTER SENT TO CONGRESSMAN CARL C. VAN DYKE AFTER HE HAD INTRODUCED HIS BILL TO PROHIBIT THE USE OF THE STOP-WATCH AND TIME-MEASURING SYSTEMS IN THE POSTAL SERVICE.

NATIONAL FEDERATION OF POST OFFICE CLERKS,
Washington, D. C., February 17, 1916.

Mr. CARL C. VAN DYKE,
House of Representatives, Washington, D. C.

DEAR SIR: Permit me to thank you in behalf of the National Federation of Post Office Clerks for having introduced H. R. 8677, a measure to prevent the use of the stop-watch or time-measuring device or system in the Postal Service, reading as follows:

"*Be it enacted, etc.*, That it shall be unlawful for any officer, superintendent, foreman, or other person having charge of the work of any employee of the Postal Service to make or cause to be made with a stop-watch or other time-measuring device or system a time study of the movements of any such employee.

"SEC. 2. That it shall be unlawful for any officer, superintendent, foreman, or other person having charge of the work of any employee of the Postal Service to use the results or records obtained by a stop-watch or other time-measuring device or system in determining what amount of work or labor is to be done in a given time by such employee.

"SEC. 3. That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than $500 or by imprisonment for not more than six months, or by both such fine and imprisonment.

"SEC. 4. That this act shall take effect upon its passage."

The use of the stop watch in timing postal workers at their tasks has long been a source of complaint for the railway mail clerks, post-office clerks, and letter carriers. Some measure of relief has come to the railway mail clerks since the elimination of the so-called "speed test" instituted by former General Superintendent A. H. Stephens, but the clerks and carriers are still subjected to the obnoxious practice of having a supervisory official time their movements at work. Legislation is therefore sought to have this inhumane system abated entirely in the Postal Service.

Organizations of postal employees have repeatedly passed resolutions at their conventions protesting against the timing systems and speeding-up methods in operation in the service. The department has frequently been memorialized by the service workers to stop the practice of timing them to determine their speed, yet this unjust method of harassing the employees is still in vogue in the post office.

The National Federation of Post Office Clerks, assembled in convention in San Francisco September 6 to 10, 1915, unanimously adopted these resolutions:

"Whereas a system of timing clerks to determine their speed at distributing mail is in effect in many post offices; and

"Whereas this system is unjust and unfair and detrimental to the workers' welfare and the efficiency of the service: Therefore be it

"*Resolved*, That we, the National Federation of Post Office Clerks, in convention assembled, protest against this inhumane method of determining an employee's fitness and capabilities; and be it further

"*Resolved*, That our officers present this protest to the department in the strongest possible manner."

Under date of October 16, 1915, the executive committee of the National Federation of Post Office Clerks transmitted to the Postmaster General this protest:

PROTEST AGAINST TIMING DEVICES.

"We voice our emphatic objection to the use of timing or clock devices to determine the speed at which a postal employee must work. The installation of such a system is a gratuitous affront to the supervisory officials, who have heretofore managed the forces under them sufficiently well to insure the expeditious dispatch of the mails.

"A clerk's record on scheme examination, together with the manner in which he performs daily the duties to which he is assigned, should suffice to determine his fitness for promotion or retention in the service. To harass him to maintain abnormal speed by timing his movements is not conducive toward increasing his efficiency. On the contrary, such methods tend to impair efficiency.

"We ask the department's advocacy of legislation to prohibit the use of timing devices in ascertaining the amount of work performed, or to be performed, by postal employees."

The National Association of Letter Carriers, in convention at Omaha, Nebr., September 6 to 11, 1915, adopted without a dissenting vote this resolution:

"Whereas the Post Office Department has during the past fiscal year introduced the speeding-up system; and

"Whereas this speeding-up plan is detrimental to the service, to the public, and to the employees; and

"Whereas the speeding-up plan is frowned upon and has been ordered discontinued in some departments by the Congress of the United States of America: Therefore be it

"*Resolved*, That our national officers are instructed to use all means in their power to secure the abolition of the speeding-up system."

Despite the appeals of the employees, the department sanctions the practice of "efficiency experts" and "desk" economists, who prowl around with watches in hand seeking to discover what fractional part of a minute a carrier has wasted in casing his mail or whether the clerks engaged in distribution are maintaining the standard of speed—a standard frequently set by the fastest man.

I received recently a letter from a Chicago clerk, who wishes his name withheld, which clearly expressed the injustice of timing a mail distributor to ascertain the amount of work he is doing. He says:

"The officials of the Chicago post office have arranged and instituted a speeding-up system absolutely on a par with the so-called Taylor efficiency system, condemned by the House Labor Committee after exhaustive hearings. Holding a watch to ascertain how many letters per minute a clerk or carrier is distributing is an unpracticable and unjust method: First, because the penmanship on various letters and postal cards varies to such an extent that it is impossible to standardize time for distribution. The clerk or carrier may receive a run of mail that contains a typewritten letter addressed to every person in the block, and distribution of them can be made speedily. Second, the effect of a speeding system on the human being is the same no matter in what industry it is attempted. It results quickly in a nervous breakdown, and particularly does it reduce the efficiency rather than increase the efficiency of any man; and, further, it stultifies the initiative and makes of the human being as far as possible an automatic piece of mechanism."

While the tendency to speed up the postal workers has extended to all branches of the service, the use of the stop watch to determine a worker's speed is most common among those clerks engaged in the distribution of mail. This is a work that lends itself to an application of the timing systems more readily than any other clerical duty.

And yet the use of any timing device upon mail distributers is glaringly unjust. These men must all qualify at frequent intervals by taking what is known as a case examination, when their knowledge of their work, their accuracy, and their speed can be definitely determined. If a distributer is slow and inaccurate, his examination will disclose these shortcomings. It is unnecessary, therefore, to stand behind him with a watch or to surreptitiously spy upon him from an overhead hidden gallery.

These post-office distributers, the hapless victims of the stop-watch practices, must acquire their knowledge of postal work after or before hours upon their own time. After eight hours of steady and nerve-racking toil, too often in a germ-laden, dusty atmosphere, in poorly lighted and illy ventilated basements, they must study intricate distribution schemes at home to better equip themselves for office work. The majority of these men work at night. To compel an employee to devote his time at home toward acquiring knowledge of use only in the post office, and then to prod him into abnormal activity in applying that knowledge by timing his movements, has a tendency to impair rather than improve the efficiency of the service.

The First Assistant Postmaster General in his testimony before the House Committee on the Post Office and Post Roads stated that the installment of the so-called two-division plan in the larger post offices made possible such great economies that he was asking for only a 3 per cent increase instead of the usual 6 or 7 per cent to take care of the normal expansion of the service. This statement, coupled with the fact that the department is asking for but 1,300 additional clerks—the smallest number in many years—plainly indicates that the speeding up of the distributers will continue unless Congress takes some action to prevent it. The two-division plan means to the distributers that they must adapt themselves to different kinds of work. They must acquire a knowledge of both the incoming mail schemes and the outgoing mail schemes. They must study twice as much at home. At work they are shifted from pillar to post, always subject to the fear that a time test is being taken when they are least prepared for it. It is unfair to this class of workers, whose efforts the First Assistant Postmaster General states have made economies possible under the two-division plan, to keep them under the exactions of a time study or speed test. There is a big, pulsating, human factor behind this gigantic task of keeping the Nation's mail in constant motion. These men should not be degraded to the level of machines. Let Congress puts its emphatic stamp of disapproval upon the use of any time-measuring system which tends to grind down the spirits and hopes of those performing the most arduous tasks in the Postal Service.

In my judgment the moral effect of the enactment of this legislation will not be lost on the administrative officials of the service. If Congress says it will not tolerate the use of a time-measuring system, it says, in effect, that it disapproves of the speeding up, the harassing, the demoting, and all of the petty annoyances to which the clerks and the carriers have been subjected.

With sincere appreciation of your consistent support of remedial postal legislation, I am

Very truly, yours,

THOS. F. FLAHERTY,
Secretary-Treasurer.

From the post office the letter goes to the railway mail car, and in the Railway Mail Service they have what is known as the plus-and-minus system, and I just want to say this in regard to that, that the man, at the risk of his life, can receive 500 plus points, and that is the only way he can receive 500 plus points, and there are five different ways in which he can receive 500 minus points. Then, there is what is known as the 100 per cent efficiency night.

One hundred per cent efficiency night is a new scheme to utilize every moment of the time of the railway postal clerk from the time he reports for duty until he reaches the other end of his run. While there is no objection to this from the standpoint of the clerk himself, he realizing that he is supposed to deliver eight hours' work for every day's wage, still the system itself is obnoxious, not only because it tends to drive men, but also because of the poor service to the public which is bound to result from a system of this kind. This system has recently been inaugurated in the tenth division by Supt. Reed, and, in passing, I desire to state that one of the big troubles of all of the systems of efficiency in the service as adopted by different superintendents and different supervisory officials of the Post Office Department are different in character and different in the way that they are enforced by these different supervisory officials. I do not suppose there is another division in the United States where the 100 per cent efficiency nights is in force. It is in force only on certain lines or railway post offices in the

tenth division. Consequently we have this peculiar effect: Clerks running on one railway post office are subjected to rules and regulations which clerks on parallel lines are not subjected to. This causes dissatisfaction amongst the employees, with the resultant lack of efficiency within the service. Now, let us see just how it works out as to delivery of the mail. I am going to give a specific case. The St. Paul and Jamestown railway post office, running on the Northern Pacific Railway west of St. Paul, Minn., prior to the time of putting this so-called time-saving system into effect was manned by five men through. After a time study was made it was determined that Friday night was to be used as a 100 per cent night. Five men were allowed to go through on this night. Saturday was also a 100 per cent night and had five men through, but Sunday and Monday were figured as 60 per cent nights on account of the falling off of the volume of mail handled on Sunday and Monday nights, and only three men were allowed to run through from St. Paul to Jamestown on these nights.

As I have stated previously in my talk, because of the peculiarities existing in the Postal Service it is practically impossible to determine upon a standard hour's work, or a standard day's work, in so far as a timing device is concerned. All Monday nights of the year and all Tuesday nights, Friday and Saturday nights do not correspond exactly as to the volume of mail carried on any one railway post office. If this train goes out on the coming Sunday night with four tons of mail in the car, that is no reason why the Sunday following they will not have more than four tons of mail. This is especially true in the northwestern country, where during the entire winter season trains are missing connections and delayed trains are the regular instead of the exceptional case, and there is no way of determining in advance just how much mail any particular railway post office will carry at any given time in the future. Consequently, it has been the practice of the department to so man the crews on different trunk lines so that they were able to handle the mail on the heaviest night in the week. The same number of men would constitute the crew on the two or three light nights in the week in order to take care of any emergency which might arise and insure the speedy delivery of the mail. This safeguard of the speedy delivery of the public's mail was done away with when this time study had been finished and the 100 per cent efficiency nights put into effect, for if on any of the lighter nights in the week connections which have been missed by previous trains are received by the train having the 60 per cent crew, you will find that it will be impossible for these men to complete their distribution because the result of time study was such as to take care of only the amount of mail which the official putting this system into effect presumed would be received on this night, and no provision has been made to take care of emergencies. What happens? When the clerks reach the other end of the run they find that they have not been able to complete their distribution and this mail is turned over to the next crew unworked, or returned to the initial point for another ride over the entire length of the road. However, the mail of the business men, and others, of that section of the country has been delayed from 12 to 36 hours. Possibly they will not discover the fact, but nevertheless their mail has been delayed. I hardly think the public, when acquainted with the true facts of cases of this kind, would clamor to any great extent for such service.

I do not believe it is the purpose of Congress to enact legislation that will allow economy in any branch of the service when the very best service to the public is not obtained. It is only a few years ago that in this same branch of the service speed tests were put into operation. This was tried out and found wanting. For reasons hereinbefore stated, it was found that it was a very impractical proposition.

By an order effective May 25, 1915, signed by Mr. J. P. Johnston, the general superintendent of the Railway Mail Service, the "speed test" was officially rejected.

This order of the general superintendent was issued following a unanimous recommendation made by all of the division superintendents of the Railway Mail Service. The division superintendents in conference adopted a resolution advising that for service reasons the "speed test" be discontinued.

One of the division superintendents who participated in this conference made the following statement:

After considering the question thoroughly, we decided that it was for the best interests not only of the service but of the clerks as well that the speed tests be abolished as a part of our efficiency-rating system.

There are two reasons for this. The first is that the speed test is extremely difficult to apply, so that the basic principle involved in it could not be applied with fairness and justice either to the clerks or to the service.

The second reason for the action taken by the superintendents is that this test could not be so administered as to get from it a true rating, so far as the efficiency of any of the clerks is concerned.

Notwithstanding this sad experience that the Railway Mail Service had with the "speed-up" system, other branches of the Postal Service continue to employ the same.

The following is the post-office speed test of the city of Cincinnati. This was submitted in the testimony of the national secretary of the carriers' association:

POST-OFFICE SPEED STANDARD.

After making time allowances as noted below, carriers should distribute the number of pieces per minute indicated in the following tables:

Two-trip carriers.		Three-trip carriers.		Four and five trip carriers.	
Percentage.	Pieces.	Percentage.	Pieces.	Percentage.	Pieces.
10	13	10	14	10	16
15	12½	15	13½	15	15½
20	12	20	13	20	15
25	11½	25	12½	25	14½
30	11	30	12	30	14
35	10½	35	11½	35	13½
40	10	40	11	40	13
45	9½	45	10½	45	12½
50	9	50	10	50	12
60	8	60	9½		

"Under 'papers' is included everything except letters, circulars, and cards; time allowances should be made as follows: One minute per piece for registered mail, C. O. D. parcels, insured parcels, postage-due mail, and communications; one-half minute for each change of address order written up; one minute for each seven pieces marked up.

"To arrive at the rate of speed make proper deductions from the total office time on account of 'time allowances' and divide the number of pieces of mail of all classes handled by the number which represents the net number of minutes of office time. For example, a two-trip carrier whose total office time amounts to 1 hour and 31 minutes handles 800 pieces of mail, 35 per cent of which is classed as papers; he handles 2 registered pieces, 1 postage-due piece, answers 1 communication, and marks up for forwarding 77 pieces and enters 4 orders. Making proper deduction for 'time allowances' in accordance with above table, his net office time is 91 minutes less 17 minutes. Dividing 800 by 74, we get 10.8, which shows the average number of pieces handled per minute, and which should be compared with the above table.

"Many carriers should be able to exceed the rates of speed indicated in the above table, and no carrier should fall below the requirements. It can not be supposed that all of the carrier force can sustain their work at the standard fixed by the department, and for this reason there will be routes which are not served according to these standards. Those carriers who can not serve a standard route should be assigned to routes at those outlying stations where they would serve routes in accordance with their abilities, and these assignments should carry a less salary than that paid men serving standard routes. For instance, if it is found after a thorough test that any carrier is unable to conform to the departmental standards of work, he should, if receiving the maximum salary, be reduced in salary, on the grounds of inefficiency, and assigned to a station where undertime, according to the standard of work, is unavoidable."

On October 14, 1915, a test was made of 210 carriers in the Cincinnati post office, divided as follows:

Forty-six six-trip carriers; 10 five-trip carriers; 30 four-trip carrires, 31 three-trip carriers, and 93 two-trip carriers. Out of a total of 210 men 130 fell below the standard in this test. Of the six-trip carriers 23 measured up to the standard and 22 fell below it. Five-trippers, 2 carriers made the standard and 8 fell below; of the four-trippers, 4 men made the standard and 26 fell below; of the three-trippers, 8 measured up to the standard and 23 fell below; of the two-trippers, 43 made the standard and 50 fell below; of the total number, 80 carriers measured up to the speed test of the department and 130 fell below.

Of the test taken on Friday, October 15, 1915, out of a total of 206 men but 72 measured up to the standard and 134 fell below the standard.

The statements referred to are as follows:

CINCINNATI, OHIO.

Result of speed test taken on Thursday, Oct. 14, 1915.

[Number of carriers covered by test 210; forty-six 6-trip carriers; ten 5-trip carriers; thirty 4-trip carriers; thirty-one 3-trip carriers; and ninety-three 2-trip carriers.]

Number of trips.	Number of cards, letters, circulars.	Number other classes.	Number of Reg. Ins. c. o. d.	Number postage due.	Communications answered.	Orders booked.	Forwarded marked up.
6	68,716	5,256	191	363	3	33	4,346
5	10,382	1,058	12	48	0	20	600
4	26,591	4,247	32	84	2	46	1,831
3	21,159	5,528	55	34	4	101	2,209
2	42,642	13,485	70	63	6	123	4,237
Total	169,490	29,574	360	592	15	323	13,223

Table showing time consumed actually.

[First column, time allowance according to weights given in standard table, second column, and time after allowances are deducted and by which the averages are computed are shown in the third column. Time computed in minutes.]

Number of trips.	Actual time.	Allowances.	Time.	Average.	Number of men.
6	5,810	1,195	4,615	16	46
5	1,102	158	944	12.1	10
4	2,900	402	2,498	12.3	30
3	2,848	458	2,390	11.1	31
2	6,125	805	5,320	10.5	93
Total	18,785	3,018	15,767	12.6	210

NOTE.—Fifty-six men, five and six trippers, averaged 15.3, standard 16; 30 four-trippers averaged 12.3, standard 15.5; 31 three-trippers averaged 11.1, standard 13; 93 two-trippers averaged 10.5, standard is 11.5. Out of a total of 210 men, 130 fell below standard.

Table showing the number of men in each class who attained the standard.

	Standard or better.	Lower than standard.	Total.
6-trippers	23	23	46
5-trippers	2	8	10
4-trippers	4	26	30
3-trippers	8	23	31
2-trippers	43	50	93
Total	80	130	210

CINCINNATI, OHIO.

Result of speed test taken on Friday, Oct. 15, 1915.

[Number of carriers covered by test 206; forty-four 6-trip carriers; nine 5-trip carriers; twenty-eight 4-trip carriers; thirty-four 3-trip carriers; and ninety-one 2-trip carriers.]

Number of trips.	Number of cards, letters, circulars.	Number of other classes.	Number of Reg. ins. c. o. d.	Number of communications answered.	Number of orders booked.	Forwarded marked up.	Postage due.
6	70,619	6,216	241	.....	15	4,212	341
5	9,772	1,290	16	1	5	1,599	70
4	27,399	6,003	55	1	20	2,173	65
3	25,369	8,828	46	5	66	3,161	34
2	45,442	17,543	87	7	90	5,015	82
Total	178,601	39,880	445	14	196	15,160	592

Table showing the time consumed.

[First column shows the actual time, second column shows time allowances, and the third shows the time after the allowances have been deducted, and by which the averages are arrived at. Time is shown in minutes.]

Number of trips.	Actual time.	Allowances.	Time.	Average.	Number of men.
6	5,747	1,190	4,557	16.8	44
5	1,052	174	878	12.5	9
4	3,152	441	2,711	12.3	28
3	3,709	569	3,240	10.5	34
2	7,233	937	6,196	10.3	91
Total	20,893	3,311	17,582	12.4	206

NOTE.—Fourty-four 6-trippers averaged 16.8, 10 per cent of papers standard demanded 16; nine 5-trippers averaged 12.5, 10 per cent of papers standard demanded 16; twenty-eight 4-trippers averaged 12.3, 20 per cent papers standard demanded 15; thirty-four 3-trippers averaged 10.5, 25 per cent papers standard demands 12.5; ninety-one 2-trippers averaged 10.1, 35 per cent papers standard demands 10.5. Out of a total of 206 men 134 fell below the standard.

Table showing the number of men in each class who attained the standard.

	Standard or better.	Lower than standard.	Total.
6-trippers	22	22	44
5-trippers	1	8	9
4-trippers	6	22	28
3-trippers	9	25	34
2-trippers	34	57	91
Total	72	134	206

It will be seen from the foregoing that the department is maintaining a speeding-up system which exacts the maximum amount of work from every carrier.

Please note carefully that in the test made on October 14, 1915, out of 210 carriers who were given this test only 80 carriers measured up to the speed test of the department and 130 fell below. No further mention need be made of this, as it is very apparent that, even if a test of this kind is to be considered necessary in the service, that certainly any test in which 130 out of 210 carriers would fall below the required speed could not be a fair and equitable test. So it is in the Postal Service. One of the principal reasons of opposition to any test of this kind is not only of the test itself but because of the abuse of such a test by supervisory officials. Again, let us see how the public is affected by this system. The Government workday is an eight-hour day. In establishing the length of a route which is to be covered by a carrier an inspector, foreman, or roundsman goes out over the route with a carrier and determines by the use of a watch, and sometimes a pedometer, the length of the route and the number of stops which constitute a day's work for that carrier. In determining this the uncertain part of it is the amount of mail which is handled on this special route is never the same. Probably the day in which this route was established was on a Tuesday, or a Wednesday, which are lighter days than the following Monday. This is because on Monday they have the accumulation of Sunday's mail. The work this carrier could perform on a Wednesday was definitely measured. Therefore, when the added amount of mail is given him to distribute he finds that he can not complete his distribution in a given time. Consequently, under the rules of the department it is necessary to take back the undistributed mail to the office with a consequent delay in the delivery of that mail of at least from 16 to 20 hours on a two-trip route and nearly as great a delay on any other route. This complaint is not of a necessity made by the carrier, because it does not affect him personally half as much as it does the persons who should have received the delayed mail on time.

As a member of the Labor Committee, and being interested in this proposition of time study from the standpoint of the Postal Srvice, I asked different witnesses who came before the committee protesting against the stop-watch bill what their opinion of the efficiency system employed by the postal department was and as to whether or not such efficiency systems as used in the Post Office Department were, to their minds, good ones. Each and every man admitted before that committee that he knew nothing about the efficiency systems used in the Post Office Department. I believe that one of these men was a member of the so-called "committee of ten" who had already condemned the bill that I had introduced, but when cross-examined before the committee cheerfully admitted that he did not know the difference between a tie sack and a pouch; how a man received plus or minus points; what kind of speed tests were used, had never heard of a full railway post-office car. In fact, he plead ignorance of the entire proposition, but still had the temerity through the medium of different publications and letters sent out to different civic organizations to oppose the bill introduced by myself. It might be interesting to submit at this time extracts from Henry R. Towne's testimony on the Tavenner stop-watch bill.

EXTRACTS FROM STATEMENT OF HENRY R. TOWNE ON THE TAVENNER STOP-WATCH BILL.

Henry R. Towne, of the Yale & Towne Co., is one of the most widely known exponents of scientific management. He believes abuses of the stop-watch in the Postal Service should be stopped.

Mr. VAN DYKE. As I understand this bill, of course, primarily, it is to apply to Government employees entirely. Certainly it is to apply to abuses which are being practiced in the Government service at the present time, and you have no objection to correcting any abuse which is in existence at the present time in the Government service, have you?

Mr. TOWNE. None at all; on the contrary, I am glad to promote it.

Mr. VAN DYKE. We have, for instance, probably some 130,000 to 140,000 postal employees, and each branch of the Postal Service is being subjected at the present time to a time system, in which they use time-saving devices. For instance, on carriers they have a pedometer on the leg, and they time them in order to find out what is the quickest possible time they can cover a route, and the other men have to come up to that time, or have just recently, and they have been putting them back into the collection service or other service of that kind. In other words, there is no bonus system. It is all the other way. In the Railway Mail Service they have inaugurated a system whereby they take the heaviest night in the week, where primarily, or before inaugurating this system, they used to have five men on a crew, they put the five men out on the heaviest night and reduced that crew proportionately each night according to the amount of mail. If they get an excess of the regular amount of mail on any one of these nights, these men have to speed up, practically at the same rate as a man at an ordinary walk when he has to go on a dog trot, in order to clean up and distribute at this rate on their route.

Mr. TOWNE. Do you call this scientific management that you are describing?

Mr. VAN DYKE. I am talking about the provisions of the bill. The bill, as intended, says "time-saving device or system." This is a timing system.

Mr. TOWNE. Supposing under this system you have just described it is found out that a certain carrier on a route in New York City has 20 or 30 per cent longer route than it is supposed he had, due to his having to go into and out of corridors, as nearly all do in the lower part of the city, and that thereupon the department says, "Why, here, this rate is not just and fair; that man ought to have a higher rate or a shorter route. He is being treated unfairly." Would you object to the application of the system for that service?

Mr. VAN DYKE. The bill as it stands at the present time does not take that into consideration, but it does take into consideration the abuses prevalent in the service at the present time, and all this bill seeks, as I understand, at the present time, is to correct those abuses which are prevalent in the Government service. As a matter of fact the bill does not state that even the Government departments can not time the clerks in order to discover the cost of operating at all, but it does seek to prohibit abuses which are being practiced at the present time.

Mr. TOWNE. Would you not try to eliminate abuses in both directions? Suppose, for example, the postmaster of New York City found on one particular route the carrier taking two hours, where his predecessor took only one hour, and he asked him about it and he said, "I can not do any better," and thereupon the postmaster should put some other carrier, in whom he had confidence, on the route and told him to take it a day or two and he found he could do it comfortably in one hour. Would you say that was a misapplication of scientific methods?

Mr. VAN DYKE. It has been my experience, after my varied experience in the Post Office and other departments of the Government, that we never have to legislate along those lines; that all we have to legislate for is to prohibit abuses the other way.

Mr. TOWNE. Do you not think a case of that kind ought to be subject to correction as well as the other?

Mr. VAN DYKE. it is taken care of at the present time in the service. They have no bonus system, but they have a demerit system or a plus and minus system. There is one way in that service by which employees can obtain 500 plus points—that is by risking life—but there are six distinct, different ways they can get 500 minus points. For instance, he can make a misstatement to his superior. It is abuses of that kind we are endeavoring to correct in this bill.

Mr. TOWNE. I should be with you most heartily in any legitimate effort to prevent abuses, but in preventing abuses do not let us legislate good things out of existence, still less make them penal.

Now, then, Mr. Chairman, as I understand this amendment, and, as a matter of fact, the entire proposition, it does not apply in any shape or manner to private employers. It is simply legislation which may have a tendency to eliminate certain abuses that are prevalent at the present time in different branches of the service, and while I freely admit that it is absolutely necessary, in the Postal Service especially, to keep a record as to the amount of time put in by different employees, and while it is impossible, especially in the Railway Mail Service, to work the men eight hours six days each week, it is therefore absolutely necessary to keep a system of time credit; still I do not believe that it is for the best interest of the men, the department, or the public who should be served by his department, to inaugurate, or keep in effect, any system which has a tendency to speed a man beyond his normal ability to work.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Chairman, it is impossible in five minutes to discuss this question, but I just want to suggest this serious thought to the committee. We have very largely increased the manufacture by the Government of munitions of war. Yesterday I spoke in favor of a Government armor plant. Much of the argument that has been made in favor of Government manufacture has been on account of the record that has been made in cheapness of manufacture; and, despite the statements that were made by the gentleman from Illinois [Mr. TAVENNER], I know from very many personal talks with Gen. Crozier, he considered the efficiency of the arsenals would be greatly interfered with by the abolition of a system that he and those conversant with it believe to be modern and enlightened.

It is possible to abuse anything. You can so arrange a task that is unfair. You can so speed a man as to wear him out; but the Government does not do so. The gentleman used the illustration of a man running instead of walking. It would have been a fairer illustration if he had suggested a man going in a straight line instead of going one way and then turning at a right angle to get to the same point. In other words, this system is one showing you how to go straight to the task. It is a method for creating a fair standard, and then saying to the workman, "If you work beyond that, if you are better than your neighbor, and have more efficiency, you shall be paid for it."

Now, there is objection to it if it is abused by an unfair standard, but where there are abuses the remedy is not by abolishing the system, but doing away with the management responsible for the abuse. We can control the Government arsenals without abolishing a proper system. But the real objection is the objection made by the man who is below the average and who wants to have his inefficiency made the standard of a day's labor and who objects to another man making more money than he.

Now, I have not time to refer to it here, but I will put in the RECORD one letter from a man by the name of John Driscoll. I do not know who he is, except he is employed at the Watertown Arsenal. He writes a letter to the Secretary of War, which the Secretary transmitted to the chairman of the Committee on Appropriations. Hence I came to know of it. This letter states that the men there are satisfied, and that under this system he is making 27 per cent more money than he did theretofore. He does not want anybody to deprive him of the opportunity of making that amount of money.

And I want you to read the letter which was submitted by the Secretary of War, Mr. Baker. He is a man who has been rather noted for his humanitarian views. He was an ideal mayor of Cleveland. No man there had any more friends among the laboring classes. I do not believe that you could get him to recommend a system that he believed was detrimental to the real interests of the working classes. If I did not believe that the system would be of benefit not only to the arsenals but to the men employed there I would oppose it as quickly as anybody else. I am not willing to coin the lives of men into a profit either for the Government or for a private manufacturer. But I recognize that this is an era of progress. If a man can be taught to do a given thing easier and better and quicker than has been done before, you have no right to deny him that benefit. You turn back the dial of time when you undertake to say that a thing can not be done in a right way and in a proper method. I deny that there has been any evidence of abuse in the arsenals, and in the absence of that I am not willing to say to the administrative officers of the Government that "You shall not use an economic system; you shall not have such a method."

Under leave to print, I insert the letters referred to:

[House Document No. 1053.]

PREMIUM PAYMENTS IN GOVERNMENT EMPLOYMENT.

Letter from the Secretary of War, submitting information relative to time studies and premium payments in Government employment.

WAR DEPARTMENT,
Washington, April 20, 1916.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEAR MR. SPEAKER: There is pending in the House of Representatives a bill (H. R. 8665), introduced January 11, 1916, to regulate the method of directing the work of Government employees, the object of which is to prohibit at the Government arsenals what are known as time studies and premium payments. Similar legislation to that which is carried in the bill was enacted on the Army appropriation bill which was passed at the last session of Congress, in the form of a prohibition of the payment from funds appropriated in the act of the salary of any person engaged in making or directing time studies or of any premium. There is therefore apparent the possibility of similar legislation at the present session, either in the form of a separate act or in the form of a restrictive prohibition upon an appropriation act. I think that such legislation would be unwise.

The time study referred to may be defined as a method of ascertaining by careful observation and study in connection with a timing process the most advantageous manner in which a given piece of work can be done and also the time in which it can reasonably be expected to be done by following this best manner. The premium is an extra cash compensation which is paid to a workman for accomplishing the work in this reasonable time, or for approaching the time within certain rather liberal limits, the compensation being in addition to the regular wages of the workman, which are not disturbed, and depending in amount upon the degree to which he approaches the reasonable time which has been ascertained. The timepiece is used only in the study of a new job, for the purpose of working it out properly and for assigning the proper time for its performance. It is not held over a man for the purpose of ascertaining whether he is working industriously, and its employment is of less and less frequency as information is accumulated which makes special study unnecessary. The premium is the workman's share of the economy which is effected by the system.

This system has now been in practice in the Ordnance Department for something like five years. At the place at which it has been most fully put into effect, the Watertown Arsenal, Mass., it has resulted in very substantial economy of production and in a material increase of the earnings of the employees. The last monthly report from the arsenal indicates that the total amount paid in premiums during that month was $3,315.61, which was earned by 311 employees, an average of about $10.66 each. The total number of mechanics and workmen at the arsenal was 554, of which approximately 56 per cent worked during the month on premium jobs. The total pay roll of the arsenal for the month was $45,250.85, of which amount it therefore appears that slightly over 7.32 per cent was paid in premiums. The premiums are in addition to the day wages of the employees, which are regulated in accordance with those of the vicinity for work of similar character to that done at the arsenal. During the five years that the system has been in operation at the arsenal neither the day wage nor the number of employees has diminished, but the amount of work done and the average earnings have increased in an important degree.

The legislation which is being urged upon Congress is advocated by organized labor, which is opposed to the system intended to be prohibited for the essential reason which is embodied in the charge that it is a speeding-up system. I can not understand this charge as having any other meaning than that the work required of the employees by the system is unduly severe. Of the truth of this charge in the practice of the system at the Watertown Arsenal there is no evidence whatever, but there is a good deal of evidence the

other way. There is no complaint of overwork at the arsenal, and no workman has been discharged because of failure to meet the requirements of the system. To prohibit the system of which the records show undoubted advantages, both to the Government and to the employees, because of a charge unsupported by evidence, or even by any attempt at evidence—for there has been no effort to prove overwork at the Watertown Arsenal—seems to me to be most unwise.

There has been no investigation at the Watertown Arsenal which has resulted in a report condemnatory of the practice at that establishment. This department has endeavored to secure an investigation and report from the Federal Commission on Industrial Relations, created by the act of August 23, 1912, and that commission employed a committee which did make a very thorough investigation. Neither the commission nor its committee, however, made any mention of the Watertown Arsenal in its report, but both of these bodies confined themselves to a general discussion of the relations of scientific management and labor largely as a social question. The commission was not able to agree, and conflicting reports were made by groups of its membership. The report of the special investigation committee has not been made public, but the substance of it is understood to be contained in a book entitled "Scientific Management and Labor," by the chairman of the committee, which leaves the subject of scientific management in its general practice in shops which have introduced it still open to discussion. The only investigation at the Watertown Arsenal of which the result has been published in a report is that which a special committee of the House of Representatives made some four years ago, and as a result of which the committee recommended that there should be no legislation upon the subject. There have been expressions from the employees at the Watertown Arsenal both for and against the system. There are evidences that at least some of the expressions against it have come from representatives of organized labor, but I am persuaded that this opposition proceeds from a mistaken theory; for while it is obviously true that a piecework system in which the pay of the employees is based solely on a piece price and high-speed machinery is used to drive operatives harder than is consistent with their physical and nervous welfare, is objectionable, it is equally true, in my judgment, that the system above described as operative in the Watertown Arsenal is not open to either of these objections. The Government surely should not be denied the opportunity of securing efficient work from its employees without an investigation of the facts which would justify the action proposed to be taken.

All of my predecessors in the office of the Secretary of War who have held that office since the introduction of the system at the Watertown Arsenal have been in favor of its retention and have opposed efforts to abolish it. I have been in this office too short a time to have had an opportunity to visit the arsenal or to familiarize myself thoroughly with the details of the practice at that establishment, but I have long been interested in both aspects of the problem presented and do not feel that I am an entire stranger to the controversy merely because of the recentness of my contact with this particular application of it.

The relation between fatigue and efficiency is being widely studied, and in some of the European countries astonishing statistical demonstrations of the effect of speeding-up processes have already been obtained. There can be no question that the whole nervous and physical system of the operative is imperiled, and his strength, as a part of the national strength, decreased, if he is either urged or induced to work beyond a sound physiological maximum. On the other hand, inefficient production is bad for the operative. It is always bad for a man not to do his best, not to make the most of his opportunities and of his labor, and to produce less than he can under a system of proper inducements and compensations. It is bad for the national life, for its industrial efficiency, and for its squareness to have its component parts, whether they be operatives in an industrial plant, professional men, or public officers, turning into the aggregate either a product so excessive that it represents a deterioration in their physical and nervous strength, or a product so insufficient as to represent less than their honest and safe best. To strike the happy mean involved in these statements is, of course, difficult, but at the Watertown Arsenal we seem to have made a fair approach to it. The wages paid to our operatives as a flat rate, irrespective of their response to the time system, is the current rate of the community for similar work, and in addition to that, premiums are offered, not large, but large enough to stimulate continuous and faithful activity. So far as I know, there is not a case on record at Watertown since the introduction of this system of a nervous breakdown or physical exhaustion due to excessive work, nor is it claimed that the operatives in that plant, protected as they are against long hours by a wise eight-hour provision, are in any sense driven or hurried beyond a fair and safe limit.

As I am not in any sense personally responsible for the work which has been done at the Watertown Arsenal, I can be permitted to say that, in my judgment, it represents an achievement of which both the legislative and executive branches of the Government can be justly proud. The reproach is often made that the public can not conduct an economical and efficient industrial enterprise, but no such charge can be brought against the Watertown Arsenal, and I think it would be a grave misfortune to the public service and to the employees of the Government there engaged if any action were taken prejudicial to the system which is working so well, without a special investigation at the arsenal itself which would make a comprehensive study of the results of the system, both in output and upon the operatives. Similar studies have been made in other places; there are a great many experts who know exactly how to make such studies, and the information presented by them could be weighed and proper value given it in determining a future policy.

Sincerely, yours,

NEWTON D. BAKER,
Secretary of War.

WAR DEPARTMENT,
Washington, May 5, 1916.

Hon. JOHN J. FITZGERALD,
Chairman Committee on Appropriations,
House of Representatives.

DEAR MR. FITZGERALD: On April 20 last I wrote a letter to the Speaker of the House of Representatives in regard to the bill (H. R. 8665) prohibiting the use of time study and premium payments at Government establishments. In this letter I speak of the possibility of this prohibition either through the passage of the bill referred to or by means of a restrictive prohibition upon an appropriation act, similar to the one placed upon the Army appropriation bill at the last session of Congress. As the fortification bill, which is in charge of your committee, carries the appropriations covering most of the work which is done at the Watertown Arsenal, the place where the time-study and premium-payment system is in practice in the ordnance department, and is thus likely to encounter a proposed amendment prohibiting expenditure of its funds under this system, similar to the amendment which was added to the Army bill at the last session of Congress, I take the liberty of inviting your attention to my letter to the Speaker, which was published as House Document 1053 of the current session, and also of forwarding to you herewith a copy of a letter which I have just received from Mr. John Driscoll, a machinist employed at the Watertown Arsenal, who states with some emphasis and some detail his satisfaction with the system of payment in practice at the arsenal and his belief in the satisfaction of his associates, together with his hope that the system will be allowed to remain. In case an amendment of the tenor suggested shall be offered, I hope that you will give these papers consideration.

Sincerely, yours,

NEWTON D. BAKER,
Secretary of War.

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16 LADD STREET,
Watertown, Mass., April 26, 1916.

The honorable the SECRETARY OF WAR,
Washington, D. C.

DEAR SIR: In February of 1915 I took the liberty of addressing some communications to the Members of Congress upon the question of the abolition of the so-called Taylor or premium system, then and at present in force at the United States Arsenal at Watertown, Mass., where I am now, and for 20 years past have been employed as a machinist. The opponents of the present premium system were not successful in that attempt to abolish it and we have continued to enjoy its benefits from that time to the present.

Another attempt, however, is now being made to deprive us of the benefit of this premium system, and it is for the purpose of enlisting your voice and vote in favor of the system and for the benefit of those of us, by far the majority of the employees of the arsenal, who have prospered under the beneficent provisions of the premium system, that I now address you.

Permit me, therefore, to briefly set forth some of the facts concerning the situation as I know it to exist at the Watertown Arsenal: There is at present employed about 178 machinists; of this number, 134 are working under, and are in favor of retaining, the present premium system.

The balance of the employees are largely in favor of retaining the present system, but for personal reasons do not wish to take an active part in an effort to retain it, or to be openly identified as its supporters. A very small part of the present working force desire the abolition of the present system.

I am not going to state the reasons why this small minority runs counter to the wishes of the great majority of the employees. Their reasons for so doing might be ascertained.

In common with the others who are in favor of the present system, I have been able to earn an average of 27 per cent over ordinary wages, and that, too, without feeling that I have at all overworked myself. I desire, as do the other employees who desire that the present system be retained, to spend my time while in the shop in an earnest effort to render a good day's service for a good day's wage and to reap the benefit that comes to me as a result of the system now in vogue by continued conscientious effort. I do not feel at all as if I were a slave, driven to my utmost endeavor by a hard-hearted task master; rather do I enjoy my work, conscious that by its fair performance and possibly a little added effort I may win the prize which will more than compensate me for any extra care or diligence that I may exercise. I have been reaping these benefits since the installation of this premium system, and I desire, for the benefit of myself and my family, to continue to reap them in the future, and I feel, as does a great majority of my coworkers, that the right to earn these premiums should not be taken from us arbitrarily upon the invitation of a few men who are either ignorant of or entirely misinformed regarding this matter which so vitally concerns the interest of the workers at this arsenal. There is, save for the discontent of these few men, a feeling of harmony existing at the Watertown Arsenal between those in authority and the workers which is unsurpassed, I believe, in any other governmental or private institution in the country. These relations will be shattered if the present system is abolished, and they ought not, I respectfully submit, to be disturbed.

Under the present system the records of the men are open to the inspection of those who have the right to see them, and each individual is assured that his earning capacity is limited only by the length of the working day and his own faithfulness and diligence.

You will not find among those who desire the abolition of the present system any of the employees who have, by faithful work, earned and merited substantial premiums, but you will find among the agitators for the destruction of the present situation those who have not earned premiums and who are contented, seemingly, to do as little for their day's wages as they possibly can do and retain their positions. In these days "efficiency," which, after all, means common sense and skill applied to the task in hand, and lack of waste in its performance, is a slogan of all industrial concerns. Private enterprises employ efficiency experts to advise employers; not so much on the question of speeding up the workers as of conserving the workers' energies, and directing them intelligently to the end that greater production may be had.

If the wishes of the opponents of the present premium system are heeded and the system itself abolished, the Government will find itself in competition with private enterprises, unable to compete with them in the open market, because of the better conditions which obtain in private shops and the lack of incentive in Government shops to the worker to give the best that there is in him skillfully, energetically, and cheerfully.

We produce at the Watertown Arsenal, under the conditions which now obtain, in a manner and to an extent second to none under normal conditions. I predict that if the present system is abolished the best men, the ambitious men, will leave the governmental employ and will seek other field where their skill and fidelity will be recognized and more worthily compensated. At the Watertown Arsenal we have no real grievances.

If the workers, individually or collectively, feel that they have a grievance, they are encouraged by those in authority to make that grievance known. If it is a just one, it is remedied; if it is unjust, the injustice of it is pointed out and the men are ordinarily satisfied.

This spirit of helpful cooperation will be destroyed, in my judgment, by the abolition of the present system.

I have never known conditions, during my 20 years' service in the Watertown Arsenal, to be as satisfactory as a whole to the workers as they have been during the past four years, during which time we have worked under the premium system.

For these reasons I appeal to you to work to sustain and keep in force the present premium system of wages in the shops of the Government. The basis of the pending bill to abolish this system can not be an intimate knowledge of what it accomplishes, and I respectfully submit that its passage would destroy the great benefits which we now enjoy, would take away from us the worthy ambition which we now possess, and would be a grave wrong, since it would, by reducing our income, seriously affect our future welfare, our happiness and that of those dependent upon us.

Respectfully,

JOHN DRISCOLL.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TAGUE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 708. An act to make immediately available for the use of the State of Georgia in paying expenses incurred by said State in connection with the joint encampment held at Augusta, Ga., July 22 to 31, 1914, certain sums appropriated for arming and equipping the militia of said State;

S. 4594. An act to validate certain declarations of intention to become citizens of the United States;

S. 5805. An act permitting the Riverview Ferry Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana;

S. 5425. An act to standardize lime barrels;

S. 5851. An act to extend the time for constructing a bridge across the Eastern Branch of the Elizabeth River in Virginia;

S. 6073. An act granting the consent of Congress to George Fabyan to construct a bridge across the Fox River; and

S. J. Res. 133. Joint resolution to authorize the President of the United States to convey the acknowledgments of the Government and people of the United States to various foreign Governments of the world who have participated in the Panama-Pacific International Exposition to celebrate the completion and opening of the Panama Canal, and also the four hundredth anniversary of the discovery of the Pacific Ocean.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 755. An act to incorporate the Boy Scouts of America, and for other purposes; and

H. R. 13765. An act to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. KEATING rose.

The CHAIRMAN. The gentleman from Colorado is recognized for five minutes.

Mr. KEATING. Mr. Chairman, as the gentleman from Kentucky [Mr. SHERLEY] says, it is quite impossible to discuss this subject in five minutes.

I would call the attention of the committee, however, to the fact that the provision under discussion applies to the Navy Department, and that the same provision, in the identical language, was in the naval appropriation bill which was passed one year ago. So that for one year the navy yards of this country have been operating under this law. Does anybody pretend to say that the navy yards of this country are not efficient?

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. KEATING. I regret that I have not the time. Where the gentleman errs, and where a lot of other gentlemen err, is in the supposition that you can not have an efficiency system without a stop watch. I hold in my hand an efficiency system covering 16 or 18 closely printed pages—the efficiency system of the navy yards—and there is not a word in that pamphlet concerning a stop watch.

In all the evidence submitted to the Committee on Labor, in all the investigations that have been conducted by committees of this House and by commissions representing Congress and the National Government, it has never been established that you can not have an efficiency system without a stop watch. On the contrary, it has been testified repeatedly that you can have an efficiency system without the stop watch, the premium, or the bonus system.

Only the other day I asked Secretary of the Navy Daniels if, as the result of the operation of this law, he had received the slightest complaint, and he said, "Not at all."

Now, my friends, who is it that is demanding that this law shall be repealed? The leader of the opposition, the chief supporter of the "stop-watch" system before our committee was James A. Emery, of the National Association of Manufacturers. The Members of this House will probably recall Mr. Emery in connection with the Mulhall investigation in the Sixty-third Congress. We did not hear much from Mr. Emery during the remainder of the Sixty-third Congress, but at the beginning of this Congress he reappeared first as the opponent of child-labor legislation, and sent out misleading statements to manufacturers all over this country concerning the proposed legislation.

After he had been defeated by this House on child-labor legislation he bobbed up to oppose the so-called Tavenner bill and the riders placed upon appropriation bills to prevent the use of the "stop watch."

The only Government official I know who has joined with Mr. Emery is Gen. Crozier, of the Ordnance Department. But Gen. Crozier has not demonstrated, and has not attempted to demonstrate, that in his arsenals, where he uses the system, he has gained any higher degree of efficiency than they have in the navy yards, where they refuse to use the system. Now, it is not alone sufficient for Gen. Crozier to come in here and say that as a result of his system he has made a saving. He should be able to prove that under his system he has made a greater saving than they have made in the navy yards.

What are the facts? If anything, the weight of evidence is on the side of the navy yards, and tends to show that they are more efficient than the arsenals. Personally I think there is little to choose between the two. [Applause.]

Mr. Chairman, I desire to insert in the RECORD the following extracts from a report submitted to this House by the Labor Committee on the Tavenner bill to abolish the "stop watch" in governmental arsenals and workshops:

The object of the Tavenner bill is to end the use of the "stop watch" and the bonus and premium systems of payment of employees in Government arsenals and workshops.

Your Committee on Labor made a favorable report on a similar bill in the Sixty-third Congress, but owing to the congested condition of the calendar the House did not have an opportunity to act on it.

NULLIFYING WILL OF CONGRESS.

However, the substance of the proposed legislation was attached as "riders" to the military and naval appropriation bills for 1916. A brief statement containing those "riders" and the amazing attempt of certain officers of the Government to nullify the plain intent of Congress should prove of interest at this point.

On January 22, 1915, Mr. Deitrick, of Massachusetts, offered the following amendment to the military appropriation bill, then pending in the House:

"On page 52, after line 14, insert the following: *Provided*, That no part of the appropriation made in this bill shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and the completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this bill be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant; and no claim for services performed by any person while violating this proviso shall be allowed."

A point of order was made against the amendment, but after extended discussion it was withdrawn and the amendment adopted without a division.

Three days later Brig. Gen. Crozier, Chief of Ordnance, wired the commanding officer at the Watertown, Mass., arsenal as follows:

"Cease all time studies ('stop-watch' studies) and all premium payments, except such as shall have accrued at time of notification of employees, and notify them at once.

"CROZIER."

A similar telegram was sent to the commanding officer at Frankford Arsenal, Philadelphia.

CROZIER ENCOURAGED EMPLOYEES TO PROTEST.

Gen. Crozier, when he appeared before your committee, stated he had sent these telegrams "in order that the employees might protest if they saw fit." On the receipt of the general's telegrams the foremen notified the employees of the arsenals that they would be deprived of the premiums which they had been receiving, but would be expected to do just as much work. In other words, they must continue to "speed up," but without the sustaining hope of reward.

Gen. Crozier denies that he authorized the foremen to issue these instructions, but there is ample evidence to show that they were issued.

* * * * * * *

"RIDERS" RETAINED IN BILLS.

Gen. Crozier's telegrams and the orders of the arsenal foremen had the effect expected and a number of the employees signed petitions protesting against the adoption of the "riders." Gen. Crozier admits that the employees—most of whom were women receiving $1.16 a day—were "assisted" in preparing these petitions which were forwarded to Members of the House and Senate.

Gen. Crozier appeared before the Senate committee and joined in the protest. By a small majority the Senate struck out the "riders," but when the military and naval bills went to conference the House conferees, acting on instructions from the House, insisted that they must be restored, and that was done.

Secretary of the Navy Josephus Daniels proceeded at once to enforce the mandate of Congress as expressed in the "rider" attached to the naval appropriation bill, and issued the following order:

NAVY DEPARTMENT,
Washington, April 19, 1915.

From: Secretary of the Navy.
To: Commandant and industrial managers of all navy yards and stations.
Subject: Circular letter in regard to premium and bonus systems.

Attention is called to the proviso in the naval appropriation act for the fiscal year ending June 30, 1916, reading as follows:

"*Provided*, That no part of the appropriation made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or any other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or any other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash award to any employee in addition to his regular wages, except for the suggestions resulting in improvements or economy in the operation of any Government plant."

All premium and bonus systems of doing work and all time studies or timing of employees as defined in this act will be discontinued on or before June 30, 1915.

The wording of this act, however, is construed as not prohibiting straight piecework—that is, work paid for at a certain rate, such as per hundred rivets, per hundred feet of calking, etc.—with or without a guaranteed day's wage in case of failure through no fault of the employee.

Where systems are in use based upon premiums or bonuses, these should be charged, if possible, to straight piecework, as defined above, provided such charge is acceptable to the employee.

JOSEPHUS DANIELS.

Gen. Crozier, on the other hand, set about nullifying the effect of the "rider" on the military appropriation bill, and with the assistance of former Secretary Garrison and other officials of the department was almost completely successful.

The following extract from the hearings before your committee will prove illuminating on this point:

"Mr. KEATING. Didn't you understand that when Congress added that rider it wished the premium and bonus systems to be abolished in Government work?

"Gen. CROZIER. I had no way of knowing the will of Congress except by its legislation. I can perhaps throw a little light on the latter by saying: The Member of Congress who proposed that amendment, and at whose instance it was added to the law, was aware, before it was too late to attach that same kind of a rider to the fortifications bill, that without attaching it the legislation would not apply to funds under the fortifications bill, and he did not seek to do that.

"Mr. KEATING. You did not seem to experience any particular difficulty in interpreting the law when you issued the order suspending the bonus system at Frankford Arsenal?

"Gen. CROZIER. The law applies to Frankford. Do you mean Watertown Arsenal?

"Mr. KEATING. You issued an order at Frankford which you say you intended as a warning to the employees as to what would occur in case it went into effect?

"Gen. CROZIER. Yes, sir.

"Mr. KEATING. Then, after the rider was put into effect, you came forward with a scheme by which you evaded the plain intent of Congress, but you did not tell the workmen you had that in mind when you issued the first order.

"Gen. CROZIER. You say I evaded the plain intent of Congress. I did not evade it in the opinion of the comptroller.

"Mr. KEATING. How about Frankford Arsenal? Was that order issued under a misapprehension of what this legislation meant or intended?

"To be perfectly frank, you attempted to show these employees what you thought the effect of this legislation would be if it passed, and after the rider was adopted, you found means by which you could avoid the purpose of the legislation?

"Gen. CROZIER. I found means by which I saved them from the disadvantages of the legislation.

"Mr. KEATING. You did not suggest there was a way out of it when you issued the warning?

"Gen. CROZIER. I did not.

"Mr. KEATING. You referred to this legislation that was pending and you warned them if the legislation was passed a certain situation would be created, and you did that for the purpose of getting them to protest to Senators and Representatives?

"Gen. CROZIER. I did that for the purpose of allowing them to protest if they wanted to.

"Mr. KEATING. You are warning them that in case certain legislation was enacted a certain condition would be created, and instead of that you created an entirely different situation?

"Gen. CROZIER. I found a way of saving them from it.

"Mr. KEATING. You think it is perfectly proper, do you, for the Chief of Ordnance of the United States Army to conduct himself in that fashion?

"Gen. CROZIER. I do."

Gen. Crozier's attitude is a very strong argument in favor of the passage of the bill now under consideration. He is apparently willing to defy the law, so long as no penalty attaches, but he promises to obey it if he is furnished with a sufficient incentive in the form of a fine and imprisonment.

EXTENDED HEARINGS ON BILL.

Your committee held extended hearings on the Tavenner bill and many able witnesses appeared for and against the measure.

The opponents of the bill, led by Mr. J. A. Emery, chief counsel for the National Association of Manufacturers, declared that to eliminate the "stop watch" and bonus and premium systems would "penalize efficiency and encourage waste."

The supporters of the bill insisted that the combination of "stop watch" and bonus and premium was "in spirit and essence, so far as labor is concerned, a cunningly devised speeding and sweating system."

The majority of your committee feels that the proponents of the bill made so strong a case that we are justified in urging Congress to enact the legislation needed to drive the "stop watch" and bonus and premium systems from Government shops.

EFFICIENCY WITHOUT THE STOP WATCH.

The opponents of this legislation have much to say about "efficiency" and "scientific shop management," and they seek to create the impression that "efficiency" can not be secured unless (a) the workman's every movement is timed by a "stop watch," and (b) that the old system of day's pay is abolished and bonuses and premiums substituted therefor.

Your committee feels there is nothing in the evidence submitted at the hearings, or in the experience of mankind, to sustain either of these contentions.

In this city we have the Washington Navy Yard, employing thousands of skilled mechanics. The stop watch is not used there, and the commandant will assure you he has the "most efficient body of mechanics ever gathered together inside one fence."

The workmen at the Rock Island Arsenal have succeeded in defeating Gen. Crozier's attempt to introduce the "stop watch," and they have demonstrated their "efficiency" by producing munitions of war for very much less than the Government pays contractors for the same articles.

For instance, Gen. Crozier tells us that a 3-inch gun carriage for which contractors asked the Government $3,398.82 was produced in the Rock Island Arsenal for $2,192.27, a saving of practically one-third. And this is not an exceptional case.

Is it necessary to still further "speed up" workmen who have displayed the skill and industry needed to produce these results?

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"STOP WATCH" REJECTED BY PRIVATE ENTERPRISE.

Turning from the Government shops to the plants of private industry, we find that the "stop watch" has not been received with favor.

Mr. Richard A. Feiss, of Cleveland, Ohio, a manufacturer of men's clothing, was presented by the opponents of this legislation as one of their principal witnesses. He defended the use of the "stop watch" and was emphatic in his declaration that "efficiency" could not be secured without it, but he was forced to confess that his concern was the only house in that section of the clothing business which had installed the system. The following extract from Mr. Feiss's testimony will shed light on this point:

"The ACTING CHAIRMAN. Do you know of any other concern in your business that is using the system?

"Mr. FEISS. No, sir; our business, the clothing business, as a whole, is very backward.

"The ACTING CHAIRMAN. As a consequence there is no other concern that you know of that we could make comparisons with as to the results in your shops and others?

"Mr. FEISS. No; no other industry.

"The ACTING CHAIRMAN. These other business men who are competing with you have had an opportunity to adopt this system?

"Mr. FEISS. Yes.

"The ACTING CHAIRMAN. They have been confronted with your splendid and highly successful example for some time?

"Mr. FEISS. Yes; our shops are always open to anyone.

"The ACTING CHAIRMAN. They have not seen fit to adopt your ideas?

"Mr. FEISS. They are adopting some of the ideas. The trouble with most of the men at the top is that they are not practical men.

"The ACTING CHAIRMAN. They think they are practical men.

"Mr. FEISS. I think they will admit that they are not.

"The ACTING CHAIRMAN. But, anyhow, whatever may be your opinion of your competitors, there are many concerns that have not adopted it, although they have had this example before them?

"Mr. FEISS. Yes."

The boot and shoe industry furnishes another example. Not 15 per cent of the boot and shoe factories in this country use the "stop watch," and the 85 per cent which have refused to use it experience no difficulty, so far as the records show, in competing with their so-called "scientific" rivals.

What has been said of the clothing and boot and shoe industries applies with equal truth to other lines of industrial endeavor.

The workers of this country are not a lot of lazy drones who refuse to do a reasonable day's work unless their every movement is timed by a "stop watch."

WORKERS CONDEMN "STOP WATCH."

The workers' attitude toward the "stop watch" is stated in the following excerpt from the testimony of Mr. John P. Frey, editor of the International Molders' Journal, before your committee:

"Mr. SMITH. What objection has the workman to time study?

"Mr. FREY. Some have the feeling that it is humiliating to have a man standing over your back, or around you, with a stop watch, checking off every movement you make, trying to catch you beating some little time. Others object because it forces them to work harder and harder, and it puts into the employer's hands a power which they use unjustly against them.

"Mr. SMITH. You think the general objection is that it overworks the men?

"Mr. FREY. I should say from what the workers told me, that I interviewed, it was half and half. It was partly the feeling of humiliation in having some one stand over them with a stop watch, and others felt that the system meant making their work that much harder.

"Mr. SMITH. What is the feeling of the workmen about the Taylor system?

"Mr. FREY. I have not encountered one who favored it. All that I have interviewed are bitterly opposed to it.

"Mr. SMITH. Are the workmen generally opposed to a bonus system?

"Mr. FREY. Some of the workers—I want to revise that statement as to the Taylor system. I found some workers working under the Taylor system who said they did not consider it hurt them much.

"Mr. SMITH. But, generally speaking, you think you are safe in saying they are opposed to it?"

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SENATOR LODGE ON THE "STOP WATCH."

Senator HENRY CABOT LODGE presented the case against the "stop watch" in graphic fashion during a discussion of the subject in the Senate during the third session of the Sixty-third Congress. Senator LODGE said:

"The one object of the time measure is to produce speed. Now, speed is not the only thing that the Government or any other employer or manufacturer is seeking for. There is something more important than speed, and that is quality. Speed has nothing to do with quality. Owing to great inventions of our time, owing to steam and electricity, we have carried speed to such an extent in all of our manufactures that certainly in many cases the product has deteriorated in quality as it has advanced in quantity and rapidity of production.

"The stop watch and the time measure can tell you nothing whatever about quality. It may be a basis of fixing wages or anything else, but the only thing we can possibly tell by time is speed. We all associate a stop watch with its use for racing horses. I dare say it is used now

for racing automobiles, but not by a man buying horses for his ordinary use. In the days before automobiles I used to own horses and be very fond of them and drove them a great deal, but I never put a stop watch on a horse I was going to buy. I wanted to know his qualities; I wanted to try him; but I was not going to buy a horse to use on the track, and therefore I had no use for the stop watch. They use a stop watch to test a horse that is going on the track to race in the Derby, for instance, or in any of our great races. It is of the utmost importance to know what the horse can do on the furlong or on the quarter mile or on the half mile, but it does not tell the story of his quality. It will tell the story of speed and the qualities necessary to speed, but there are many qualities it does not tell.

"Now, to put the stop watch on human beings may tell how fast they can work, but it can tell nothing of the quality of their work nor how long they may work. A horse may be very good for a short spurt and absolutely worthless for a 4-mile race. It is a poor test. It is a promoter of the idea that the one thing to do is to turn out just as much as we can just as far as we can. That has gone through everything in this period of ours. It has deteriorated style, it has deteriorated literature, it has deteriorated art, it is deteriorating manufacture.

"I do not believe, Mr. Chairman, in standing over men with stop watches to see how far they can go under pressure in securing speed in performing a given piece of work. The very fact of a stop watch implies strain on every faculty, on every physical power, driving the heart and lungs and every muscle to the utmost possible point.

"In the days of slavery it was said there was one school of slave owners who believed it was more profitable to work the slaves to the last possible point and let them die than to try and care for them when they were ill and work them reasonable hours and treat them without a stop watch. Those who believed in working them to death, I imagine, were a very small and merciless minority, but there is always that disposition.

"I am a thorough believer in the best man getting the best wage and the hard-working man getting what his hard work deserves. I have no desire to see the thriftless and idle paid as well as the industrious, steady, and hard-working men, but I do not believe anything is gained for the Government or for anybody else in standing over a man with a stop watch to see whether under pressure he can do a certain piece of work in a given time. I do not believe it is sound economy."

PREMIUM AND BONUS SYSTEMS.

The premium and bonus systems of payment of employees are designed to supplement the "stop watch" in stimulating the workers to the extreme limit of their physical and mental endurance. When the human machine can no longer stand the strain a new one is to be substituted and the old one sent to the industrial scrap heap.

The opponents of the legislation under discussion deny the truth of this statement, but there is a mountain of evidence to sustain the charge.

* * * * * * *

The United States Public Health Service has just issued Bulletin No. 73, "Tuberculosis Among Industrial Workers," by Surg. D. E. Robinson and Asst. Surg. J. G. Wilson.

Those gentlemen are surely impartial and competent witnesses, and here is what they have to say:

SPEEDING UP.

"This is a natural resultant of the piecework system, and from the standpoint of the employees' health, does more harm than any other one thing associated with factory work. Although it works, or appears to work, to the interest of the employer by increasing the output of the individual workers, these good results are probably only temporary, as the pernicious effect upon the health of the wage earner will, in the end, have the opposite effect."

LABOR'S EARNEST OPPOSITION.

Labor, organized and unorganized, has systematically opposed the introduction of the system into Government plants. Gen. Crozier asserts that outside influences are responsible for the workers' hostile attitude, but the evidence submitted to your committee seems to completely disprove the general's theory.

The leaders of organized labor instead of fomenting trouble in the Government shops have with difficulty restrained the workers from throwing down their tools and quitting work. At the Watertown Arsenal the employees united to employ Miner Chipman, an engineer, to assist them in an attempt to induce the War Department to dispense with the obnoxious system.

Two hundred and thirty-five of the workers furnished Mr. Chipman with detailed information to enable him to complete his case. Of these, 214 were opposed to the system. Of the protestants, 113, or 52.8 per cent, were nonunion, and 101, or 47.2 per cent, were union.

All these men were asked to answer the following question: "Do you think the agitation is brought about through union labor or similar sources?"

They replied as follows: "Noes," 137; "yeas," 28; not answering, 70.

* * * * * * *

CONCLUSION.

In conclusion your committee would suggest:

The system so persistently urged by Gen. Crozier involves a fundamental, not to say revolutionary, change (a) in determining what is a reasonable day's work for an employee in the national arsenals and workshops and (b) in the method of compensating the workers, to wit, the substitution of the "bonus" or "premium" system for the age-old "day's-pay" system.

The workers affected seem to be almost unanimous in their opposition to the change. They insist it will be oppressive to them and will be without benefit to the Government.

So intense is this feeling that an attempt to install the system in all the Government workshops would, in the judgment of your committee, lead to very serious consequences.

In view of these well-established facts, it seems to your committee it would be the height of folly to permit Gen. Crozier to persist in his plan. Apparently, the only way to restrain him is to enact the bill under discussion, and your committee trusts the House will take prompt and favorable action.

The CHAIRMAN. The time of the gentleman from Colorado has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. BROWNE].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. KEATING. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 72, noes 83.

Mr. BROWNE. I ask for tellers, Mr. Chairman.

The CHAIRMAN. Tellers are demanded.

Tellers were ordered, and the Chairman appointed Mr. BROWNE and Mr. KEATING to act as tellers.

The committee again divided; and the tellers reported—ayes 74, noes 100.

So the amendment was rejected.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. KEATING. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. TAGUE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. TAGUE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TAGUE: Page 5, line 13, after the figures "$46,000," add the following:

"The Secretary of the Navy is hereby authorized to use the ships of the United States Navy for the transportation of mail to and from neutral countries in cases of emergency or necessity."

Mr. PADGETT. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] reserves a point of order on the amendment.

Mr. TAGUE. Mr. Chairman, in presenting this amendment I believe that if the House will consider the importance of it and what it means to the business interests of this country they will accept it.

The reason for this must be apparent to every Member of the House who knows the conditions that have prevailed across the sea during the past two years.

The mail of our business men and our people has been interfered with and held up without right or justice, creating hardships and inconvenience to our business interests. I know of no better way of meeting this issue, when it is known that we are without a merchant marine, than by carrying the mail to and from neutral ports on the ships of our Navy.

Not for many years has this country been subjected to such insolence and arrogance on the part of any nation as it is at the present time, when the English Government board neutral ships and take therefrom the mail of our people in direct defiance of the international law and without respect for this or for the other neutral nations.

As one Representative in this Congress I want to know how long we are going to permit the British or any other Government to tamper with the business men's mail of this Nation. They are complaining that bonds and stocks that are sent across the sea have never reached their destination, and only yesterday the captain of a ship that entered the port of Newport News made the following statement:

MAIL FOR UNITED STATES IS SEIZED BY BRITISH.

NEWPORT NEWS, *May 31.*

Capt. Carl Nordman, of the Swedish steamship *New Sweden*, in port from Gothenburg with mail for the United States, Canada, and Mexico, stated that all the parcel-post matter aboard his ship was removed by British authorities at Kirkwall, where his ship was taken by a patrol boat.

About 30 sacks of first-class mail from Scandinavian countries for the United States also were removed and held. Scandinavian mail for Canadian points and a quantity of Russian mail was not disturbed.

In 1775 this country threw off the yoke of English oppression and tyranny, and with the first shot fired at Lexington told England and the world of the birth of a new and independent Nation, and from that day this country has proudly proclaimed that independence.

We have never allowed any nation since that time to interfere with the progress of our business without bringing them to account for it, and not until now has any nation attempted to do this in face of the objection of this country.

How much longer we intend to allow this interference is for us to decide, and I know of no better time than now, when appropriating money to build up our Navy that we shall build it so strong and powerful that it will be a message to English insolence and insults or to any other nation who dares to interfere with our rights upon the sea.

By the adoption of this amendment we send our mail in case of emergency on our warships, with the American flag floating proudly from the masthead, and then let the British attempt to seize it if they dare. That is true Americanism; that is the protection that our American business men deserve at the hands of this Congress to safeguard their business.

The laws of this country forbid any persons interfering with our mails, and anyone who does will be punished by the law. The mail being carried across the sea is just as important as the mail of our own country and deserves that same protection, and if we are unable to punish those who interfere with it, as we do within the confines of our own land, then it is for us to send it across the sea so protected that no nation will dare to interfere with it, and if they do they will do so at their own peril.

We place it in the hands of the officers and men of the American Navy, who have never been found wanting in the performance of their duty in the protection of the rights of the American people. We have always been proud of our American Navy, and we are proud of it to-day. Its personnel can not be excelled by any navy in the world, and is made up of the best of American manhood, who have always been ready to defend the honor and name of their country. We are giving them to-day a navy which they can be proud of, and let us at the same time, by the passage of this amendment, protect our rights upon the high seas.

Like other members of the committee, I have received many letters from the business men of the country whose mail has been interfered and tampered with, depriving them of business that should rightfully come to them, and many complaints have come from our citizens in this country and abroad whose mail, for no reason whatsoever, has been interfered with. Let us, by our accepting this amendment, say to the world that we will not permit in the future any interference with our mail or the rights of America or Americans upon the seas.

May I ask to be allowed to insert in the RECORD a few editorial comments that have come to me recently from some of the newspapers dealing with this question and also with the matter of interference with our rights upon the sea?

[From the Boston American, May 29, 1916.]

A JACKSONIAN AND ROOSEVELTIAN PLAN TO SAFEGUARD OUR NEUTRAL RIGHTS.

Congressman PETER F. TAGUE, of Boston, has introduced a resolution in Congress providing that the United States mails between this country and the neutral ports of the world shall be conveyed in the armed ships of our Navy.

There is a reason for this resolution. The British Government has assumed, without right and without precedent in international law and without decent respect either for this Nation or for other neutral nations, to interfere both with our mail and with the mail of the other neutral nations.

This country has enforced against Germany the claim which the President set up against the use of the submarines which Germany regarded as vital to the successful prosecution of her conflict with Great Britain. The President and the national administration acknowledge that in principle the violation of our rights by the British interference with our mail is no less flagrant. It certainly has less excuse in military necessity than the German use of their submarines. There has, however, been a marked difference in the vigor of the prosecution by our national administration of our demands for fair and respectful treatment by both belligerents. We have entered upon a course of procrastinating negotiations with Great Britain concerning this violation of our rights. Apparently no progress has been made toward a settlement of the controversy.

Now Congressman TAGUE has conceived a way in which an issue can be very promptly forced in this situation. By his resolution he calls upon the Government to send our mail in our warships with our flag at the masthead. Then let the British attempt to seize that mail if they care so to do.

This would be the Jacksonian way of dealing with such a question. It would be the Jacksonian way of settling the question. This method of conducting diplomatic negotiations made Andrew Jackson the most successful diplomat this country knew between the Revolution and the Civil War. This method is also the Roosevelt method of conducting negotiations. It is the way former President Roosevelt would have settled the controversy long, long ago. It is the way of dealing with questions so decisively that they do not have time to get a hot box and become dangerous.

It is only by paltering with embarrassing situations that we make them dangerous. There can not be the least doubt in the world that if our mail were sent in a battleship the British Government would very courteously and discreetly let it entirely alone. Then there would be the end of the controversy.

Mr. TAGUE'S resolution is statesmanship. The administration will do well to heed Mr. TAGUE'S suggestion. Mr. TAGUE has a just conception of real neutrality, for it is not real neutrality to demand our rights vigorously against one belligerent and meekly against another.

[From the Boston American, May 24, 1916.]

FUNDS TAKEN FROM CENSORED LETTER.

WORCESTER, *May 24*.

Patrolman Michael Freil, of the local police department, has written to the Department of State, at Washington, protesting against the abstraction of a money order from a letter which he sent to his mother in Ireland, and which was opened by British censors. He has received a letter from his mother stating that his communication had been opened, and the money order was missing. According to the policeman, the American Express Co. investigated and found that the money order was cashed in Ireland, the indorser giving the name of "A. Lang."

[From the Traveler, May 8, 1916.]

CHARGES BRITISH WARSHIP TRIED TO STOP THE "TEXAS"—WILLIAM P. LARKIN MAKES SENSATIONAL STATEMENT AT MEETING OF CLAN-NA-GAEL.

That the British battleship *Vancouver* tried to hold up the United States battleship *Texas* on the high seas and asked for information as to her destination and complement on October 24, was a declaration made by William P. Larkin, presiding at a public meeting of the Clan-na-Gael, in Hibernian Hall, Dudley Street, last night.

To support his sensational declaration, he read a telegram which he declared was sent by Commander John Wood, of the *Texas*, to the Secretary of the Navy. The telegram reads:

OCTOBER 26, 1915.

To the honorable the SECRETARY OF THE NAVY.

SIR: I have the honor to report herewith an incident which occurred as follows:

At 3.20 o'clock on the morning of October 24, while under full steam for Hampton Roads, we received a wireless from the British warship *Vancouver*, which was accompanied by a British warship torpedo boat. The message inquired as to our destination and full particulars of our complement. Our reply was worded as follows: "Why the hell should we give you the information? Can't you see our flag?" Whereupon we were commanded to halt, to which I replied by ordering all decks stripped for action. Within 15 minutes from the time I was commanded to halt my decks were stripped for action. My men were at their posts, and without further action they proceeded on their way. Hoping that I acted wisely in the fulfillment of my duty, I remain.

JOHN WOOD,
Commandant U. S. S. "Texas."

Following the sensational announcement made by Larkin, John Dovey, editor of the Gaelic American, declared that it was only a matter of transportation that prevented 200,000 trained Irishmen from going to Ireland from the United States to aid in the Irish rebellion.

The meeting was attended by about 1,200 of the "physical force" section of the clan, with a sprinkling of Germans. They contributed $232.60 for the "Irish Republic," and one of the speakers read a notice from City Collector John Curley that another meeting will be held May 15, either in Tremont Temple or in Faneuil Hall.

The other principal speaker was Robert Sturn, vice president of the German-American Alliance.

Mr. TAGUE submitted the following resolution, which was referred to the Committee on Foreign Affairs and ordered to be printed:

House resolution 247.

Whereas the mails leaving this country for neutral countries have been opened and censored by the English Government against the protest of the people of our country and in detriment to the business interests of our country, causing injury to business and much uneasiness to our citizens; and

Whereas the mails from neutral countries destined to the United States of America have been likewise opened, censored, and delayed; and

Whereas the English Government has shown no disposition to discontinue this practice, which is a violation of our rights to the seas and our rights to do business with neutral countries: Therefore be it

Resolved, That the President of the United States is authorized, through the Secretary of the Navy, to transport mail to and from neutral ports upon the ships of the United States Navy, and that any interference with our mails shall be resented by such ships with all power of our Navy and said ships.

Mr. PADGETT. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GARDNER. I ask unanimous consent to proceed for 15 minutes.

The CHAIRMAN. Does the gentleman offer an amendment?

Mr. GARDNER. Yes; I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GARDNER: Page 100, line 10, strike out all down to line 15, on page 101.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] asks unanimous consent to proceed for 15 minutes. Is there objection?

There was no objection.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GARDNER. Mr. Chairman, the part of the bill which I seek to strike out is that part which authorizes President Wilson to send nine gentlemen, noted for their interest in peace, to a European peace conclave.

TALK LESS AND DO MORE.

If there are gentlemen here who are fearful lest we get mixed up in war, let me remind them that if they long to keep out of European troubles they had better stop meddling with European affairs and keep their itching fingers out of European pies.

We Americans have been sitting like a lot of overfed dowagers in the best seats in the opera. We have been criticizing and scolding and patronizing the men who are doing the fighting, and simultaneously we have been filling our own pockets at their expense. We have been moralizing away as if we were not actuated by anything except the grandest motives on earth, and as if greed and timidity were quite unknown to us.

The United States has talked so much and done so little that we shall stand better in the eyes of the world if for the present we hold our tongues and let the men who have been doing the fighting do some of the talking as well.

ENTANGLING ALLIANCES.

Now comes this proposition to ally ourselves with European and Asiatic nations in establishing an international court, with an international army and navy to back up its decrees.

From this time forward everything is going to be left to arbitration, we are told. Oh, of course, I know that at present they talk of limiting the scope of these arbitrations; but if you are going to have an international court at all and tie this country up to an international army and an international navy you had better arbitrate the things which men have strong feelings about, and not merely arbitrate questions which no one would fight over anyway.

Gentlemen have been painting a very attractive picture of the power of this international court to prevent belligerency on the part of angry nations. I can easily see the attractiveness of the program if we only consider one side of the picture. If our international army and navy prevent a war, well and good; but suppose they can not prevent a war. Suppose that the international army and navy must actually be used to suppress some nation or group of nations which may be dissatisfied with the decree of the international court. What then? Is the United States going to let that international court declare war for us in some European or Asiatic quarrel with which we have no concern whatever?

WHAT WOULD HAVE HAPPENED IN 1914?

Suppose that we had had this kind of an international court in 1914, and suppose that this international court had decided that Germany and Austria were in the wrong and had then called upon the United States to furnish its quota of men and money and ships to put down the Austrian and German belligerents. Looking the proposition honestly and squarely in the face, what chance is there that this Congress would have voted in 1914 to raise half a million men and send them to war in Europe to support the allies against Germany and Austria? Why, even to-day, with all the unavenged ghosts of the *Lusitania* victims haunting our pacifist dreams, even now, to-day, we could not get a vote through this Congress to raise half a million men to participate in civilization's struggle for self-preservation.

MONROE DOCTRINE AND CHINESE EXCLUSION.

But let us ask ourselves whether we are genuine in clamoring for the settlement of international questions by arbitration. Would we, were the issue to arise, consent to arbitrate the Monroe doctrine? Would we consent to arbitrate our right to exclude the Chinese and other yellow races from this country? Those are two of the doctrines nearest to the American heart. Yet they are the very doctrines under which the rest of the world chafes. Supposing that you had your international court, with a judge from Japan, and a judge from Great Britain, and a judge from Sweden, and a judge from Germany, and a judge from Austria, and a judge from Russia, and a judge from Italy, and suppose that Japan were to go before that court and claim the right of free immigration of Japanese and Chinese into the United States, would our workingmen submit to a decree of that international court under which we should certainly be overrun by cheap yellow labor? I think not. I think that this Congress would repudiate such a decision of an international court.

Now, take the Monroe doctrine. Supposing Germany goes before that international court and claims the right to restore order in Mexico in order to recover property which has been taken from the Kaiser's subjects. Supposing that we refuse to intervene and refuse to let Germany intervene. Will the international court support us or will it support the side of Germany? If it decrees that Germany has the right to send an army into Mexico, what are we going to do? Submit to the decree of the court or repudiate our international agreement?

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Yes.

Mr. SMITH of Michigan. I would like to inquire whether it is proposed to submit questions of national honor and vital interest to this court?

Mr. GARDNER. The gentleman evidently did not hear the first part of my remarks.

Mr. SMITH of Michigan. Yes.

Mr. GARDNER. I stated that the proposition was to limit the functions of the international court at present, but if the court is to have any value at all it must settle questions which men fight about, not questions which men only argue about. The proposition at present is to leave to the international court all academic wrangles, like boundary disputes and waterways questions, and that sort of pother which nobody would fight about anyway.

SCRAPS OF PAPER.

I confess that I have lost confidence in international agreements. Countries do not keep their treaties when the pace gets too hot. In 1914 Germany promptly announced her disbelief in "scraps of paper." Greece found a reason for evading her treaty with Servia. Uncle Sam's hands are by no means clean. We violated our treaty with the Chinese when we passed the Chinese-exclusion act, and we violated our treaty with the Indians when we drove them from their coveted lands to the country west of the Mississippi River.

JUDGING BY THE PAST.

What sort of success should we have had with arbitration if it had prevailed in the past? Supposing that the question had been left to a court of international judges whether the American colonies had the right to revolt against Great Britain in a matter of taxation levied to pay for New England's own defense. Do you think that we should have won our case before an international court?

Mr. GARRETT. The taxes were not confined to New England.

Mr. GARDNER. No; but if the gentleman will remember the first army was formed in New England. From Virginia we got our commander in chief, but I think the gentleman will admit that if the Revolutionary War had not broken out in New England it would have been many years before it broke out elsewhere. It was New England's fight in the first instance.

Now, let us take up the Mexican War.

We needed some territory in the Southwest, so we helped Texas revolt from Mexico. Then we annexed Texas and went to war to prevent Mexico from recovering her former territory. How do you think that an international court would have looked upon that casus belli?

Supposing that the North and the South had tried to arbitrate their difficulties at the time of the Civil War. What question would they have arbitrated? Half of the Nation thought then, and still thinks, that it went to war to end slavery, and the other half thought then, and still thinks, that it went to war to defend its firesides from invasion. Does anyone to-day believe that the abolition of slavery was an evil thing? And yet, notoriously, the leaders of European thought were for the most part opposed to the course of the North.

Last of all, how should we have come out if our difficulties with Spain in 1898 had been submitted to an international tribunal? Would an international court have decided that we had adequate proof that the battleship *Maine* was blown up from the outside? Would an international court have conceded our right to aid the Cuban insurgents against their Spanish masters? If you have the slightest doubt on this matter, look back to your newspapers just before the Spanish War. As a matter of fact, a sort of international court actually convened itself to sit on the very question of our dispute with Spain. You may have forgotten about that court. It was known to the world as the Concert of European Powers, and a grand old harmonious concert it was, when Great Britain broke in with a dissenting note. The rest of the orchestra had attuned its fiddles to the popular air of "Down With Your Uncle Samuel." Just at that moment Great Britain started to play "Hail, Columbia," and broke up that concert of European powers. I dare say that that was about as near to an international court as we shall get for some time to come.

Mr. BENNET. Mr. Chairman, I desire to offer a preferential amendment to perfect the text.

Mr. BYRNES of South Carolina. Mr. Chairman, I desire to be recognized.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 100, after line 9, insert—

The CHAIRMAN. The Chair does not think this is a preferential amendment. It is to insert——

Mr. BENNET. In the latter part of the text which the gentleman from Massachusetts asked to be stricken out my amendment comes in, and under the rules of the House an amendment perfecting language is in order.

The CHAIRMAN. But the gentleman's amendment proposes to insert some other matter.

Mr. BENNET. If the Chair will look at the latter part of my amendment he will see——

The CHAIRMAN. The Chair does not think it is a preferential amendment. The gentleman can offer his amendment in

the event the amendment of the gentleman from Massachusetts be adopted.

Mr. BENNET. If the Chair will listen. In the amendment offered by the gentleman from Massachusetts——

The CHAIRMAN. Striking out the entire paragraph.

Mr. BENNET. Striking out the entire paragraph. Now, my amendment inserts new matter between lines 10 and 11. Then, on page 100, within the matter proposed to be stricken out by the gentleman from Massachusetts, it inserts after the word "*be*," in line 22, the words "the commissioners herein provided for and," and in line 24, page 100, strike out the word "representatives" and insert the word "commissioners." Now, if the amendment proposed by the gentleman from Massachusetts should succeed there would be nothing to which that portion of my amendment could attach.

The CHAIRMAN. The gentleman can prepare a new amendment which would be in order.

Mr. BENNET. In order to reach that what I would have to do would be to get up a new amendment consisting of the first part of mine and then all of lines 10 to 21, and change that which is stricken out, and change lines 22 to 24, and in line 23——

The CHAIRMAN. It would be an entirely different provision, and it would be in order to insert that.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. BENNET. Now, Mr. Chairman, I offer this as an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 100, after line 9, insert:

"That a commission of nine members be appointed by the President of the United States to consider the expediency of utilizing existing international agencies for the purpose of limiting the armaments of the nations of the world by international agreement, and of constituting the combined navies of the world an international force for the preservation of universal peace, and to consider and report upon any other means to diminish the expenditures of government for military purposes and to lessen the probabilities of war.

"On page 100, line 22, after the word 'be' insert 'the commission herein provided and'.

"On page 100, line 24, strike out 'representatives' and insert 'commissioners'."

Mr. BENNET. Mr. Chairman, the first part of this amendment ought not to be new to men who have served any length of time in this House, because in the Sixty-first Congress it was reported from the Committee on Foreign Affairs and passed this House and the Senate with the addition of a limitation by which it expired within two years and with an appropriation of $10,000. It was signed by President Taft, but he never, very much to my regret and to the regret of other friends of peace, appointed the commission authorized—a commission under that resolution consisting of five. The Sixty-first Congress, of course, was Republican. The Sixty-second House was Democratic, and the Committee on Foreign Affairs of the Sixty-second Congress reported out the same resolution, and again, by unanimous consent, as my recollection is, the resolution passed the House in the Sixty-second Congress.

So that this House has twice committed itself—once when Republican and once when Democratic—to what I now suggest. Mr. Chairman, there is a good deal of force to what the gentleman from Massachusetts [Mr. GARDNER] says in relation to the defects of an arbitral court. There are things that no self-respecting nation, any more than any self-respecting man, will submit to arbitration—those things for which both men and nations will fight—and it is at that point that an arbitral court almost certainly will break down.

Now, what does this resolution do? This resolution faces the fact that the expenditures for war, particularly the naval expenditures, are going to be tremendously high. We are voting for preparedness. I am voting for two battleships, and all that, and no matter how big this bill is when it goes through the House, I am going to vote for it. But, nevertheless, I realize that the very size of these bills will some day bring about a movement all over the civilized world to stop war, because the nations can not afford it.

Mr. GARDNER. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. GARDNER. Suppose that all the navies were disarmed, would not the British potential navy, to wit, her merchant marine, which could be armed in time of war, more overbalance the rest of the world than her navy does at present?

Mr. BENNET. Mr. Chairman, I would not want to answer dogmatically, but I see the gentleman's point.

Mr. GARDNER. That she would be much better off after this than now, because she would have a better potential navy than before.

Mr. BENNET. Very likely the Foreign Affairs Committee, when they drafted this resolution, had precisely this matter in mind, because they provided for the combination of the nations of the world into an international force for the preservation of universal peace. In other words, they did not go to the idealistic extreme of disbanding all the navies, but they took the step of preventing the expansion of the navies and continuing what we had, with the diminution incident upon the wear and tear as the international police——

Mr. MEEKER. The gentleman mentioned a moment ago the expense we are going to now for providing a navy. Does the gentleman believe, after all, our additional outlay for the Navy is ahead of our increase in wealth?

Mr. BENNET. I am quite sure it is. In fact, I know our expenditures for naval affairs are increasing with geometrical rapidity as compared with our increase in wealth.

Now, this proposition of mine does another thing. We can map out a program now and appoint a commission now, without reference to any foreign country, and when the international conference comes——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. BENNET. The advantage of this proposition of permitting the President to appoint this commission now is that when the international conference comes the United States of America will have a commission which has studied the question and which will not go blindfolded into any international conference. I shall vote, in any event, for the proposition of the committee, because I think it is a step in the right direction; and with the multiplying expense of armament, it may be the best thing in the bill.

Mr. FESS. I am greatly interested in the possibility of stopping all war; but is there anything in this that might lead to an entangling alliance with another country of Europe; being a quarrel between us and a European country, that would be the outcome if it had to be referred to arbitration?

Mr. BENNET. If the gentleman will read my proposition he will not find any chance of an entangling alliance in that. But I still think the other is a step in the right direction.

Mr. DECKER. I ask in all kindness this question: Do you think it would be easier to get 10 men to agree if you laid down a specific proposition of defense, or if you say to them, "Come together, gentlemen, and let us talk it over, and we will make you suggestions and we will come to some agreement"?

Mr. BENNET. I think nine men that have spent a couple of years in educating themselves on that subject could do not only themselves good and the country good but good to the countries to which they went.

Mr. DECKER. That is what Mr. HENSLEY's resolution provides for.

Mr. BENNET. No; Mr. HENSLEY's resolution provides that upon the conclusion of the European war this commission shall be appointed. Mine provides that the commission shall be appointed now, and that if an international conference is called, then the commission shall be in existence and cooperate.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DECKER. Mr. Chairman and members of the committee, it is not my desire to quibble about the different plans. The gentleman from Massachusetts [Mr. GARDNER] has withdrawn his amendment.

Mr. GARDNER. Mr. Chairman, will the gentleman yield just for a minute?

Mr. DECKER. Yes.

Mr. GARDNER. Just to straighten out the parliamentary tangle the amendment was withdrawn. The gentleman will offer it again just as soon as the amendment is voted down.

Mr. DECKER. Before I begin I would like to read a cablegram. It reads:

STOCKHOLM, *May 8, 1916.*

Congressman HENSLEY, *Washington, D. C.:*

Neutral conference congratulates you upon reported success in Committee on Naval Affairs in securing recommendation to Congress of appropriation for world congress at end of war. Hopes Congress will vote favorably.

LOCHNER, *General Secretary.*

[Applause.]

Now, I want to say to the distinguished gentleman from Massachusetts—and he is a distinguished gentleman—that from the beginning of time this question has been before the world. We may build our battleships as we have planned in this bill; we may train our armies to march; we may resort to the reeking sword and the belching cannon, but I hope the time will never come in this country when men will not still hope for the day when justice and love and kindness will be stronger than the sword. [Applause.]

I want to congratulate the distinguished gentleman [Mr. HENSLEY] from the State from which I come. I want to commend him for his persistence, his courage, and his lofty purpose. I know that in this hour, when the clouds of war hang over the world—in this hour, when men kneel at the shrine of Jesus Christ and then rise from their knees and rush at each other's throats—some people think it is a poor time to talk about love and peace and the brotherhood of man. I know that it is almost popular to-day to sneer at the man who plants his feet upon the doctrine of the brotherhood of man and the fatherhood of God. I know that when a man sometimes, even for a moment, dreams and hopes for the time when the war drums shall throb no longer, men will tap their heads and say, "Pacifist." If a man to-day begins to say a word in behalf of the men who pay the taxes for enormous armaments, some people will say, "Henry Ford." If a man, forsooth, dares to speak in favor of persuasion and reason as a greater power than a battleship, some one will say, "Bryanite." If a man, forsooth, dares in this hour of tragedy and in this world conflict to speak about the fellowship of human beings and the kindness that should exist between nations as well as men, some people say to themselves, "He must believe in the teaching of Jesus Christ; he must really believe in the power of love."

I am not one of those who wish to leave my country defenseless. I believe in a reasonable and adequate Navy and a reasonable and adequate Army; but I hope that this Congress and no other Congress will ever lose sight of the fact that the world power and the safety which America enjoys is not based so much upon tramping legions, battle cruisers, dreadnaughts, aeroplanes, or deadly submarines as upon the belief that this Nation does not covet any other nation's territory, that this Nation does not covet any other nation's gold, that this Nation, though it wants a world commerce, does not want a commerce built on force. We believe in the doctrine of Bismarck—that a commerce built on force is not worth what it costs, and that the price mark and diplomacy are the greatest guaranties of profitable commerce. Of course, we do not want our country to be unprepared for defense. I believe in reasonable armament, keeping in consideration all the time the Atlantic and the Pacific Oceans; keeping in consideration the less need of force if our Nation will be honest, if it will be just. [Applause.]

This paragraph which the gentleman from Massachusetts [Mr. GARDNER] moves to strike out seeks to bring about a world conference at the end of this war, looking toward arbitration and the limiting of armaments and the lessening of war. It may not strike a responsive chord in the minds of all statesmen and diplomats. It may be scoffed at by those who command the mighty navies and direct tremendous armies. But it may reach beyond these and penetrate the ranks of those who bear the burdens and fight the battles. It may reach to the trenches of Verdun and the far-flung battle line where millions of Russians, Germans, and Austrians contend. This message, direct from the people of this country, may sound above the cannon's roar and cause these fighting, dying millions to ask themselves the question, "Is there not a better way?" Even when this war is ended this paragraph may not appeal to "the masters, lords, and rulers in all lands," but it may appeal to those who, maimed and halt and blind, stagger back to ruined homes and desolate hearths. It may appeal to orphans and widowed women and childless mothers. It may appeal to those whose hearts are torn with sorrow, suffering, and woe, and those whose backs must bend under the burden of taxation necessary to pay for this mad carnival of butchery and destruction. And these are the ones to whom we want the message to go. Until these plain, common men, whose toiling, fighting, dying makes up the sum of every nation's life, until these begin to think, to question, to understand the causes that lead to international strife, there can be no hope of permanent peace. When these plain men shall come to demand that their hopes, their aims, their happiness, their lives be considered, then rulers will not think it unusual and dishonorable to resort to arbitration, negotiation, and even to concession instead of war.

Mr. HENSLEY. Mr. Chairman, I truly hope that the amendment suggested by the gentleman from New York will not be agreed to, for the reason that the provision contained in the bill on page 100, which was suggested by myself, has been gone over very carefully by the Naval Affairs Committee, and it was reported unanimously without a dissenting vote.

I am very anxious that this provision may remain in the bill without change for many reasons. Some of those reasons I discussed with the gentleman from New York, and I think he will agree with me that there are ample reasons for asking that the provision remain in the bill as it is.

Mr. Chairman, I listened with a great deal of interest to the talk made by the gentleman from Massachusetts [Mr. GARDNER]. I must say that I was astonished at the position that he took. I recall that there was a time in the history of our country when some men insisted that there should be no laws for the prevention of dueling, when some men thought it was perfectly right, when certain disputed questions of honor were involved, to go out and shoot it out with each other upon the field of honor. I recall distinctly that on many occasions—if I had time I would be glad to recite some of those occasions—when some of the best men of our country went out, and one or the other was shot down ruthlessly at the hands of a one-time friend. The gentleman from Massachusetts insists that there are questions which can not be arbitrated. Mr. Chairman, there comes a time in connection with nations the same as with individuals, when all disputed questions can be arbitrated. Is it better and wiser to first engage in war over a question of honor and after you have had killed and slaughtered thousands or millions of your people to then arbitrate the differences? Many disputes have been settled by arbitration which otherwise might have led to war.

Now, with reference to the Japanese question. Does not the gentleman from Massachusetts remember that out in California they prohibited the Japanese children from attending the public schools with the white children, which was contrary to the wishes of the Japanese? And what did Japan do? Why, when the San Francisco calamity occurred Japan answered what she regarded as an offensive act to her nation by appropriating so many millions of dollars to the sufferers of San Francisco. [Applause.]

When later California passed an alien land law for the purpose of preventing Japanese holding and owning land and when the jingo press of this country very nearly involved us in war, Japan again answered by appropriating money sufficient to make a creditable exhibition of her products at that fair.

Now, gentlemen of this committee, I say that if ever there was a time in the history of the world when this Nation should take the initiative upon a great vital question it is at this juncture. Picture, if you can, the deplorable situation that will be presented by the sufferers of Europe at the conclusion of this war. Can you imagine that in the history of the world militarism more prostrate than it will be at that time. Think of the sufferers of those countries. We can not afford to look with complacency upon these suffering people. We should think internationally and not nationally upon these great questions. Many of the things that the gentleman from Massachusetts [Mr. GARDNER] has referred to are not in this resolution. Let me read it to you so that you can intelligently pass upon it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENSLEY. I ask for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HENSLEY. I will read it:

Upon the conclusion of the war in Europe, or as soon thereafter as it may be done, the President of the United States is authorized to invite all the great Governments of the world to send representatives to a conference which shall be charged with the duty of suggesting an organization, court of arbitration, or other body, to which disputed questions between nations shall be referred for adjudication and peaceful settlement, and to consider the question of disarmament and submit their recommendation to their respective Governments for approval. The President is hereby authorized to appoint nine citizens of the United States, who shall be qualified for the mission by eminence in the law and by devotion to the cause of peace, to be representatives of the United States in such a conference. The President shall fix the compensation of said representatives, and such secretaries and other employees as may be needed. Two hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated and set aside and placed at the disposal of the President to carry into effect the provisions of this paragraph.

I can not understand how any individual can stand upon the floor of the House and oppose this proposition. I can not quite understand his purpose. I know I have witnessed in the last few months, certainly within the last year's time ships bearing gifts going from the very hearts of the people in this country to those unfortunate sufferers of Europe that have also borne shrapnel and ammunition for the destruction of other folks over there. I have not quite understood it, but some light from day to day is thrown upon that great question. It does to me seem most abhorrent that men will stand on the floor of this House and talk in a way that indicates that they stand for war as against peace between nations. We settle differences between

men; we have a mechanism set up whereby disputes between individuals are settled. Why can not there be some sort of machinery set up between nations whereby disputed international questions may be submitted for settlement.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

[Mr. HENSLEY had leave to extend his remarks.]

Mr. CLARK of Missouri. Mr. Chairman and gentlemen, I would not take the time of the committee if I did not believe that this is the most important section of this bill. [Applause.] In the interest of clear understanding I will call it the Hensley section. I have always believed, believe now, and have always acted on that belief individually, that there are things in this life that individuals are justified in fighting for, and that there are things in the world that nations are justified in fighting for—things both personal and national, which from their very nature can not be compromised.

I have a very high opinion of the gentleman from Massachusetts [Mr. GARDNER]. He is intelligent; he is both insistent and consistent; he is courageous; he possesses mental integrity. But I never saw anything in my life that reminded me of the speech he delivered a few moments ago except the sleight-of-hand performer in a country show pulling rabbits, gold watches, and everything you can think of out of a silk hat. [Laughter and applause.] He conjured up a lot of ghosts and made them walk. He injected into the Hensley section of this bill things that Mr. HENSLEY and other members of the Naval Committee never dreamed of. There is not a thing in this resolution that justifies nine-tenths of his speech. Most of his objections are chimerical—figments of the imagination—merely that and nothing more. He wants to know whether we would be willing to arbitrate the Monroe doctrine. No. [Applause.] We will never arbitrate the Monroe doctrine while the earth spins on its axis and slides down the ecliptic. [Applause.] It is the political life preserver of the western world. [Applause.]

There are a lot of dilettante people in this country who have been talking about the Monroe doctrine being obsolete and played out and a matter of ancient times. The temper of the American people is such that they will not only retain the Monroe doctrine, but strengthen it and improve it. [Applause.] If any gentleman thinks that they do not agree on that proposition, he is very much mistaken. It is the only political proposition that the American people ever did agree on. [Applause.]

A great many people misstate what it was made for anyhow. They think that it was primarily made to help somebody else. It was primarily made for our own defense, and in a secondary way to help other people. The gentleman from Massachusetts asks if we would arbitrate the Chinese immigration question. No; and we never will. If I had my way I would shut out the entire Asiatic gang [applause], and I have always voted for every measure toward shutting them out. He asked if we would agree to arbitrate certain other great questions, questions of peace and war. No! But there are a whole multitude of questions of minor character that could be submitted to courts of arbitration with great advantage. People were accustomed to making fun of The Hague Conference. The Hague Conference did a great deal of good. It did not prevent this stupendous war, and there may be wars in days to come, although I hope not. I hope we will never be engaged in another one, and my own opinion is that if we attend strictly to our own business we never will. [Applause.] I do not believe there is a nation on earth that has little enough sense to attack us, I do not care a straw which one it is; and I have abiding faith that if one of them does attack us it will get licked in the end. [Applause.] I am not in favor of a great standing Army or a Navy that is going to overawe the world, but I am in favor of reasonable preparedness by land and sea—particularly by sea. There was a little of piety and much of wisdom in Oliver Cromwell's order to his Ironsides: "Put your trust in God but keep your powder dry." He certainly knew what he was talking about. I told Chairman HAY originally that if he would bring in an Army bill which was reasonable I would stick to him through thick and thin to the last ditch, and I did, although in order to do so and keep faith with him, I voted against one amendment I was very much in favor of. I told Chairman PADGETT the same thing, and I am going to do it. I am going to vote for his bill no matter what happens.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CLARK of Missouri. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARDNER. Mr. Chairman, will the gentleman yield to me at some time during his time?

Mr. CLARK of Missouri. Yes; I think the gentleman better ask his question now.

Mr. GARDNER. The gentleman from Missouri calls attention to the fact that a great many matters can be arbitrated. We know that now. Does the gentleman from Missouri think there ought to be an international army and navy back of the international court?

Mr. CLARK of Missouri. To tell you the truth, I have not studied much about that. This does not provide for any international army or navy. I will tell you what I am in favor of about this thing. I do not believe that the great nations of the earth can stand very much longer this piling up of armaments by land and sea [applause]; that the nation-bankrupting process must come to an end; and the only way that you can bring it to an end is to have an international conference on the subject. It may prove futile at first; you may have to have a half dozen; but the only way that you are ever going to disarm all the nations is to do it by percentages. What would be the sense in asking Germany to disarm without asking France, England, Russia, and the rest to do the same thing? What would be the wisdom in asking England to disarm without asking the rest to do likewise? If they will cut these armaments down in proportion, they will be just as strong when they get through and reach the minimum, or what Capt. Hobson loved to call the "irreducible residuum"—I think that was his phrase. They would be relatively as strong as they are now. We have demonstrated in the last few weeks by the Army bill and the Navy bill and other bills which we have passed, that we propose to be reasonably prepared, and if any rash nation forces a war on us, we will see to it that it gets what it comes for and plenty of it.

I favor the Hensley proposition over the Bennet proposition because the Hensley proposition proposes that this conference shall be after the trans-Atlantic war closes. The Bennet proposition would have it right away. There is no more sense in calling a conference as long as this war rages to undertake to make peace or establish peace or prepare for peace or disarmament than there would be in undertaking to fly to the moon. They would make fun of us; they would laugh in our face; and they would do nothing at all except go on killing each other. We can afford to make this suggestion looking to disarmament. If they reject it, all well and good; we can not help it; but we can afford better than any other people under the sun to make the suggestion. We are not around seeking quarrels and fusses and fights and wars with other people. We are the richest Nation on the globe. We have the largest homogeneous population of all the nations. We are unafraid. In the interest of peace we can afford to lead the way.

The gentleman from Massachusetts [Mr. GARDNER] made another queer suggestion, and that was that if we went into this business, this court, or whatever you please to call it, and destroyed all of the battleships and the battle cruisers and other war vessels, because England has a larger merchant marine than anyone else on the face of the earth she could put some guns on her merchant vessels, and she would be stronger than she is now, relatively. Mr. Chairman, as sure as the night doth follow out the day, other people are going to increase their merchant fleets. We are; and we have started in to do it.

We can put guns on a merchant ship just as easily as Great Britain can, and so can the South American and Central American States and the neutral States of Europe and all the States and countries of the world. Arming merchantmen is a game that two—indeed, several—can play. My judgment is, giving it for what it is worth—and it is not much, because I do not know much about military affairs—when this over-seas war closes the belligerent nations of Europe now engaged in war will be so completely worn to a frazzle that they will not want to war with us or anybody else for the next quarter of a century. [Applause.] This is a good naval bill, and this is the best section in it. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Missouri. Under the leave to extend my remarks I here insert two short articles which I recently wrote for the National Sunday Magazine—one on "The Monroe Doctrine"; the other on "The Aftermath":

THE MONROE DOCTRINE.

Certain dilettante statesmen, writers, and orators—more philanthropic than patriotic—from time to time vociferate with great positiveness that the Monroe doctrine is obsolete, dead, and should be abandoned. According to these prophets of a New Evangel, the Monroe doctrine was good enough for such old fogies as Jefferson, Monroe, Adams, Lincoln, and Cleveland, and was all right for the stagecoach period of the Re-

public but is entirely too slow and narrow for strictly up-to-date folks in the age of electricity and flying machines.

On the contrary, the Monroe doctrine is the only proposition the American people ever agreed on. About the tariff, finance, internal improvements, and everything else they differ—about several they differ violently and in an unseemly manner—but about the Monroe doctrine all real lovers of our country of whatever persuasion, religious or political, agree. They rightly consider it far and away America's most important contribution to the code of international law, and they regard it as the political life preserver of the Western World—which it is. Consequently, they are justly proud of it and will defend and uphold it under all circumstances and at any cost.

It enabled the Central and South American Republics to maintain their independence. Under it Secretary Seward ran Louis Napoleon, Emperor of the French, out of Mexico at a time when he was the most powerful monarch on earth, when his arms glittered from China to Peru. Under it Cleveland shook his fist in the face of the British lion and forbade him to lay his paw on little Venezuela. We had no Navy then worth mentioning, but Johnnie Bull let us have our way. These are two of the proudest chapters in our history—chapters dear to the American heart.

Abandon the Monroe doctrine! By no manner of means. Obsolete! it is possessed of its pristine strength. It will be maintained in full force and effect. It will grow with our growth and remain forever a blessing to mankind from Vancouver to the Straits of Magellan. This is a plain, unvarnished statement of the sentiments of 100,000,000 American citizens.

What is this Monroe doctrine which we forced into the code of international law? Jefferson stated it—at least the germ of it—when in one of his letters he said that in order to preserve our own independence of the Central and South American countries it might be necessary to actually establish a line betwixt the Eastern and Western Hemispheres, with a distinct understanding and agreement that no gun of a power of the Eastern Hemisphere should ever be heard in the Western Hemisphere and vice versa. That is a much stronger statement of the American position than the one formulated by his friend, neighbor, and political pupil, James Monroe, the last of the Virginia dynasty. John Quincy Adams was Monroe's Secretary of State, and there is a disposition to filch from the great Viriginian the honor of being the father of his own doctrine and to confer it upon his renowned New England Secretary of State, who needs no borrowed honors to confirm his fame. But I do not believe that that scheme will work, and it will forever remain the Monroe doctrine in the minds and hearts of the people. The chances are the Mr. Secretary Adams formulated it—clothed it with proper language, a performance in which he was a master artist—but the idea was Monroe's.

In his annual message of 1823, he stated it in these words:

"We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers (European powers) to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between those new Governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this Government, shall make a corresponding change on the part of the United States indispensable to their security."

That is the Monroe doctrine. Most assuredly it was a modest statement. We were a modest people then; but we have outgrown that modesty, and the doctrine has kept pace with our growth and strength until it means what Cleveland said it meant in our squabble with Great Britain touching the Venezuelan question; that is, that in political matters we are supreme in the Western Hemisphere.

The nations of the Old World have never liked the Monroe doctrine. At the time it was proclaimed to a startled world Great Britain pretended to like it, but she has made more than one attempt to violate it.

Aaron Burr said: "Whatever is boldly asserted and plausibly maintained is law!" And while Old World Governments did not take kindly to the doctrine, they knew that we boldly asserted it, and they believed we would maintain it even at the cannon's mouth. So with much shaking of heads and fists, with many savage objurgations as to American upstarts across the sea they concluded to let us have our way. It was a wise conclusion. It was, as Westerners would say, "A ground-hog case."

Monroe's statement of his doctrine is terse, succinct, clear as crystal. It seems to me that nobody with two ideas above a Hottentot can mistake its meaning, and yet perhaps no state document in all the hoary registers of time has been so misconstrued. Many well-informed persons appear to think that it constitutes us a sort of universal constable—a meddler-in-general in the affairs of all the Governments of the Western Hemisphere. A more astounding or pernicious misconception never entered the mind of man.

That interpretation of the Monroe doctrine would keep us in hot water continually and get us into all sorts of trouble. It would cost us the lives of thousands of the flower of American youth, to say nothing of hundreds of millions of dollars.

The clear intent of the Monroe doctrine—and all there is to it—is to warn the nations of Europe against any attempt on their part to set up their system of Government—which evidently meant the monarchical system—in this hemisphere.

How, then, does it happen that we interfered in Cuba, San Domingo, Nicaragua, and Haiti, and may be forced to interfere in Mexico?

Of course, all sane people hope we will not be forced so to do. By what right have we interfered with the affairs of these countries? Simply to protect the lives and property of American citizens and, in an altruistic spirit, to protect the people of those countries against themselves.

We interfered in Cuban affairs and did a great and noble work. We took over the financial affairs of San Domingo and they have had no trouble since; but we have never meddled with their quarrels or their wars.

For our own protection, for the protection of the Haitians themselves, and to maintain the Monroe doctrine without resort to war with European nations, we should, if we can, make some such arrangement with the Haitians that we have with Cuba. It would be better for us, better for Haiti, better for the world, than the utter chaos which has prevailed for a century in that beautiful and fertile island country.

We have sometimes interfered to preserve American lives and American property, and perhaps may be compelled to do so again, for the vast majority of Americans are determined that our foreign policy everywhere shall be such as to make the sentence "I am an American" a safe passport in every country under the sun.

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THE AFTERMATH.

It goes without saying that free speech is one of our most priceless heritages—and one that always has been and must be jealously safeguarded. But the tendency of the American people to confuse free speech and loose talk has never been more pronounced than at the present time. Its rampant indulgence is at once disquieting and amazing, concerning itself chiefly, of course, with the European-Asiatic-African war and the aftermath thereof.

It is with the aftermath of the war that the following observations are concerned. The prophets of disaster are in their element when making themselves and other timid folks miserable by conjuring up the dire calamities that will befall the United States at the close of the trouble across the seas. They can not deny our present unprecedented prosperity, in which everybody ought to take pleasure, but which many inconsiderate thinkers and talkers seem to take as a personal grievance. They are the skeletons at our feast and prophesy adversity with an unction which shows that they hope for the evils which they foretell.

Item: While admitting most reluctantly that every factory of every sort in all this spacious land is running overtime and making profits unheard of till now, they solemnly asseverate that so soon as the overseas war ends Europe will ruin all American manufacturers by the simple process of dumping her surplus wares upon us. Who can sanely accept or be disturbed by such a preposterous conclusion? Who can believe that at the close of this war Europe will happen to have a surplus of anything except ruin and sorrow with which to jeopardize American prosperity and the welfare of the Republic? Anybody who thinks carefully and has a modicum of vision must foresee that Europe, instead of being burdened with a surplus of wares and merchandise, being in fact afflicted with a painful shortage in respect to such, will, when the war is over, be busy trying to supply wares and merchandise to its own people.

Item: Many of our people view with grave apprehension the prospect of a vastly increased immigration into this country when peace is established beyond the seas, which is another figment of imagination. The chances are that the immigration into this country for a decade, perhaps for a generation, will be negligible, for good and sufficient reasons. Because so many have been killed, crippled, or incapacitated by disease, by exposure in camp, on the march, or in the field, the prospect is that every man or woman desiring employment at home will be able to find it at a higher wage than heretofore. Therefore and thereby the temptation to emigrate from their old homes and seek a new country, particularly this one, will be diminished. Many persons seem to think that the only reason why immigrants come to America is because they desire to live in a Republic. No doubt that is the reason why many do come hither, but many others—a majority perhaps—come because of the greater rewards for labor, whether skilled or unskilled, whether of brain or of brawn. It is confidently submitted that both these motives are rational and honorable. These two classes embrace the bulk of the immigrants to American shores, not to mention the comparatively few who flee from religious or political persecutions and others who, like the Knight of La Mancha, come in quest of ventures. It is safe to say that 95 per cent of all who emigrate from Europe leave the land of their birth with regret, a regret inherent in human nature itself and honorable to the human heart.

It is also safe to say that if the rewards of toil are even approximately equal in their own country and in another, most folks the wide world over prefer to stay in their native land, amid the scenes of childhood, and in company with kindred and friends. It is not to Americans alone that the song, "Home, Sweet Home," appeals, but to all the peoples of the earth.

When this stupendous conflict closes laborers of every kind will be so scarce in the belligerent countries that wages are as certain to rise in them as the sun is to shine; and just as wages increase, so emigration will decrease. It is bound to be so. It can not be otherwise.

Not more than two cases need be advanced to sustain the conclusion as to reduced immigration into this country.

The first mighty army of our immigrants came from Ireland, because of the hard conditions prevailing at home, particularly as to religious and political freedom, education, rents, and ownership of land. Almost exactly in proportion as conditions have improved in Ireland the Irish have ceased to emigrate—for no people are more ardent lovers of their native land.

Following the vast Irish immigration came that of the Germans—a vaster still. Until some 30 or 40 years ago our principal supply of immigrants came from Germany. When the present war began, the great stream of German immigrants had dwindled almost to the vanishing point. What was the reason for this shrinkage? It is clear that it was because the great industrial awakening of Germany—one of the most astounding phenomena of modern times—gave employment at home to hundreds of thousands at higher wages in new kinds of work. That was among the chief of the herculean labors Bismarck performed for his country. Germans found employment at home at more remunerative wages than were obtainable prior to the great industrial awakening, and the number of immigrants into this country from the Fatherland grew constantly smaller year by year, until it practically ceased altogether.

I repeat, that that was one of the main benefactions which Bismarck wrought for Germany, for it made her one of the foremost manufacturing and exporting nations of the globe. And the truth is that no statesman or leader of men ever worked more persistently and industriously at any self-imposed task than Kaiser Wilhelm II has labored to increase the manufactures and exports of Germany.

Query: If improved conditions as to the rewards of labor in Ireland and Germany, whence so many of our most desirable immigrants came in the earlier day, diminished the emigration from those countries, why is not the same result likely to happen in the present warring nations?

So it seems that instead of our country being swamped by a tremendous host of immigrants, the Anti-Immigration Society is likely to find itself in the condition of Othello, for its "occupation will be gone."

Mr. PADGETT. Mr. Chairman, I ask for a vote on the amendment.

Mr. BENNET. Mr. Chairman, I ask for one moment to close debate on my amendment.

Mr. MANN. Will that close debate?

Mr. BENNET. I have no objection to debate being closed. I understand the gentleman from Massachusetts [Mr. GARDNER] is going to offer an amendment to strike out the clause.

Mr. MANN. Mr. Chairman, I ask that debate on this pending amendment close in two minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on the pending amendment close in two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET. Mr. Chairman, when the gentleman from Missouri [Mr. CLARK] and myself were both Members of the Sixty-first Congress he sat down and read this amendment of mine. He favored my amendment and helped get it through the House. If my amendment did what he thinks it does I would be against it myself. Now I want the gentlemen of the committee to listen to it. It says:

That a commission of nine members be appointed by the President of the United States to consider the expediency of utilizing existing international agencies for the purpose of limiting the armaments of the nations of the world by international agreement and of constituting the combined navies of the world an international force for the preservation of universal peace and to consider and report upon any other means to diminish the expenditures of government for military purposes and to lessen the probabilities of war.

Why, we would be crazy if we proposed to call an international conference in the midst of this war conflagration. This is for the purpose of getting ready for the conference which the gentleman from Missouri and I both agree is going to come, which will be forced by the awful cost of war and the burden of taxation.

The CHAIRMAN. The time of the gentleman has expired; all time has expired. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. GARDNER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 100, line 10, strike out all down to line 15 on page 101.

Mr. SISSON rose.

Mr. MANN. Mr. Chairman——

Mr. SISSON. I desire to state to the gentleman that I have not opened my mouth during this debate, and this is one item in which I am interested.

Mr. MANN. How much time does the gentleman desire to take?

Mr. SISSON. I do not think I will desire more than five minutes, but if I should want a minute or two more I should dislike very much to be cut off.

Mr. MANN. We will give it to the gentleman. Mr. Chairman, I ask unanimous consent that debate on the amendment close in five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on the pending amendment close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SISSON. Mr. Chairman, the gentleman from Alabama [Mr. OLIVER] wants to make a unanimous-consent request.

Mr. OLIVER. Mr. Chairman, I ask unanimous consent to have inserted in the RECORD an address delivered by Admiral Benson, Chief of Naval Operations, before the graduating class at Annapolis, which is full of information touching very important provisions in this bill.

The CHAIRMAN. The gentleman will have to do that in the House.

[Mr. SISSON addressed the committee. See Appendix.]

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. SISSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. BURKE, by unanimous consent, was granted leave of absence for two weeks on account of illness in his family.

EXTENSION OF REMARKS.

Mr. PADGETT. Mr. Speaker, I wish to submit a request for unanimous consent that everyone have leave to print for five legislative days upon the naval bill.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent that all gentlemen have the right to extend their remarks in the RECORD for five legislative days on the naval appropriation bill.

Mr. MOORE of Pennsylvania. Reserving the right to object, I ask the gentleman to let that request go over until to-morrow. Let us dispose of it to-morrow.

Mr. PADGETT. Let us dispose of it to-night.

Mr. MOORE of Pennsylvania. If the gentleman insists, I shall object to it now. Let us see how to-morrow works out.

Mr. McKELLAR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the rural-credits question.

The SPEAKER. Is there objection?

There was no objection.

Mr. FESS. Mr. Speaker, I ask unanimous consent to print in the RECORD an address delivered at Canton, Ohio, on Memorial Day, to the McKinley Post, by my colleague, Representative DAVID A. HOLLINGSWORTH.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing a speech made to the McKinley Grand Army Post at Canton, Ohio, on Memorial Day by his colleague, Mr. HOLLINGSWORTH. Is there objection?

There was no objection.

Mr. OLIVER. Mr. Speaker, I ask unanimous consent to insert in the RECORD a speech delivered by Admiral Benson, Chief of Naval Operations, before the graduating class at Annapolis to-day.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD by printing a speech delivered by Admiral Benson at Annapolis. Is there objection?

There was no objection.

Mr. MUDD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the naval appropriation bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CALDWELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the naval appropriation bill.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the naval appropriation bill. Is there objection? [After a pause.] The Chair hears none.

Mr. DECKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the naval appropriation bill.

The SPEAKER. Is there objection?

There was no objection.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1059. An act to provide for the payment for certain lands within the former Flathead Indian Reservation, in the State of Montana; to the Committee on the Public Lands.

S. 1550. An act to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon or the State of Washington; to the Committee on the Merchant Marine and Fisheries.

S. 1746. An act for the relief of Delilah Siebenaler; to the Committee on Claims.

S. 4526. An act authorizing the Arikara, Gros Ventre, and Mandan Tribes of Indians, of the Fort Berthold Reservation, N. Dak., to submit claims to the Court of Claims; to the Committee on Claims.

S. 3539. An act for the relief of John L. Moon; to the Committee on Claims.

S. 798. An act for the relief of Kate Canniff; to the Committee on Claims.

S. 147. An act for the relief of John W. Cupp; to the Committee on Claims.

S. 28. An act for the relief of George T. Hamilton; to the Committee on War Claims.

S. 4810. An act for issuance of a patent for certain Government land to Benjamin F. Robinson and John Dows; to the Committee on the Public Lands.

S. 4807. An act for the relief of James W. Cross; to the Committee on Claims.

S. 4368. An act for the relief of D. A. Barbour and Andrew P. Gladden; to the Committee on Claims.

S. 3533. An act for the relief of Mike G. Womack; to the Committee on Claims.

S. 5851. An act to extend the time for constructing a bridge across the Eastern Branch of the Elizabeth River in Virginia; to the Committee on Interstate and Foreign Commerce.

S. 5425. An act to standardize lime barrels; to the Committee on Coinage, Weights, and Measures.

S. 5805. An act permitting the Riverview Ferry Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana; to the Committee on Interstate and Foreign Commerce.

S. 4594. An act to validate certain declarations of intention to become citizens of the United States; to the Committee on Immigration and Naturalization.

S. 6239. An act authorizing the Commissioner of Navigation to document as vessels of the United States two dredges built of American material and owned by James Stewart & Co. (Inc.), a citizen of the United States; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 53 minutes p. m.) the House adjourned until Friday, June 2, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the president of the Board of Commissioners of the District of Columbia submitting estimates of urgent deficiencies in appropriations required for the service of the fiscal year ending June 30, 1916 (H. Doc. No. 1186); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting an estimate of deficiency in the appropriation for "Pay, miscellaneous, fiscal year 1913," to pay the New York Telephone Co., for rental of telephones at the New York Navy Yard, $94.50 (H. Doc. No. 1187); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. IGOE, from the Committee on the Judiciary, to which was referred the bill (H. R. 15158) to amend the Judicial Code, to fix the time when the annual term of the Supreme Court shall commence, and further to define the jurisdiction of that court, reported the same without amendment, accompanied by a report (No. 794), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and a resolution were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 14528) for the relief of W. W. Finn, reported the same with amendment, accompanied by a report (No. 792), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 8698) for the relief of William W. Danenhower, reported in lieu of said bill H. Res. 252, accompanied by a report (No. 793), which said resolution and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7485) granting a pension to Lee Allen; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15177) for the relief of Leander Parker; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 14396) granting a pension to Eliza J. Reed; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. STEDMAN: A bill (H. R. 16171) increasing the limit of cost for the purchase of a site for the erection of a public building at Mount Airy, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. STOUT: A bill (H. R. 16172) to define the qualifications of Representatives in Congress; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. JOHNSON of Kentucky: A bill (H. R. 16173) to protect the hungry, the naked, the sick, and the dead in the District of Columbia from extortion, and for other purposes; to the Committee on the District of Columbia.

By Mr. REAVIS: A bill (H. R. 16174) to fix standard sizes for baskets or other containers for small fruits, berries, vegetables, and other agricultural products, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. FESS: A bill (H. R. 16175) providing for the acquisition of a site and the erection thereon of a public building for the city of London, Madison County, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16176) providing for the acquisition of a site and erection thereon of a public building for the city of Marysville, Union County, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16177) providing for the acquisition of a site and erection thereon of a public building for the city of Lebanon, Warren County, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16178) providing for the erection of a public building for the city of Urbana, Champaign County, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. SHOUSE: A bill (H. R. 16179) authorizing the Secretary of War to donate to the city of Lyons, in the county of Rice and State of Kansas, two bronze or brass cannon or field-pieces, with their carriages; to the Committee on Military Affairs.

By Mr. WM. ELZA WILLIAMS: A bill (H. R. 16180) to prohibit the giving or receiving of tips or other gratuities; to the Committee on Interstate and Foreign Commerce.

By Mr. SMALL: A bill (H. R. 16181) to provide for the erection of a public building at Edenton, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. KETTNER: A bill (H. R. 16182) for the purchase of a site for a public building at Santa Ana, Orange County, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. McCULLOCH: A bill (H. R. 16183) to create a United States Tariff Commission, to define its powers and duties, and for other purposes; to the Committee on Ways and Means.

By Mr. McKELLAR: A bill (H. R. 16184) to reduce the tax on oleomargarine; to the Committee on Agriculture.

By Mr. DUPRÉ: A bill (H. R. 16185) to give the consent of the Congress to the construction of a bridge across the Mississippi River near and above the city of New Orleans, La., and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BELL: Resolution (H. Res. 251) authorizing the Doorkeeper to employ additional labor for folding speeches; to the Committee on Accounts.

By Mr. HULL of Iowa (by request): Resolution (H. Res. 253) for adopting the Decalogue and Jesus' rule as standard measure for laws and regulations of the Government of the United States; to the Committee on Alcoholic Liquor Traffic.

By Mr. COX: Resolution (H. Res. 254) asking the belligerent nations to agree to an armistice; to the Committee on Foreign Affairs.

By Mr. STEPHENS of Texas: Joint resolution (H. J. Res. 233) to officially recognize a floral emblem for the United States of America; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BEALES: A bill (H. R. 16186) granting a pension to Mary A. Hemler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16187) granting an increase of pension to Isaac Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16188) granting an increase of pension to Mary A. Wilhelm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16189) granting an increase of pension to Morris W. Hackman; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 16190) granting a pension to Carrie S. Wright; to the Committee on Invalid Pensions.

By Mr. HARRISON: A bill (H. R. 16191) granting a pension to Georgia Gentry; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 16192) granting an increase of pension to Nancy J. Frame; to the Committee on Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 16193) granting an increase of pension to William Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16194) granting an increase of pension to Richard A. Woodall; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 16195) granting a pension to Mrs. Augusta Schreiner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16196) granting a pension to Agnes Perry Wilson; to the Committee on Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 16197) granting a pension to Catharine Keen; to the Committee on Invalid Pensions.

By Mr. LIEBEL: A bill (H. R. 16198) granting a pension to Annie H. Hastings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16199) for the relief of James Tweed; to the Committee on Military Affairs.

By Mr. MAGEE: A bill (H. R. 16200) granting an increase of pension to John A. Jaynes; to the Committee on Pensions.

By Mr. OAKEY: A bill (H. R. 16201) granting a pension to Fred G. Kasimir; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 16202) granting a pension to Bertha Shackelford; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 16203) granting an increase of pension to Charles Richter; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 16204) granting a pension to Mary A. Bowen; to the Committee on Pensions.

By Mr. WM. ELZA WILLIAMS: A bill (H. R. 16205) granting a pension to Joseph K. Bellemey; to the Committee on Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 16206) granting a pension to Carl B. Traver; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany House bill 6125, for relief of Charles W. Bryant; to the Committee on Invalid Pensions.

By Mr. BORLAND: Petition of sundry citizens of Kansas City, Mo., regarding execution by English Government of Padrias H. Pearse and others in Ireland; to the Committee on Foreign Affairs.

By Mr. CAREW: Petition of the Indianapolis (Ind.) Board of Trade favoring passage of the Pomerene bill-of-lading bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DOOLING: Petition of National Automobile Chamber of Commerce, relative to data regarding production of petroleum; to the Committee on Ways and Means.

By Mr. FOCHT: Evidence in support of House bill 12140, for relief of Caroline Smith; to the Committee on Pensions.

By Mr. GARDNER: Petitions of various citizens of Beverly, Mass., favoring the passage of the Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

By Mr. GREENE of Vermont: Petition of George W. Peck, jr., and others, of first congressional district, against the passage of House bill 13048, to create a juvenile court; to the Committee on the Judiciary.

Also, petition of Dr. E. F. Johnson, of Orwell, Vt., against passage of House bill 13778, to exclude from the mails certain publications; to the Committee on the Post Office and Post Roads.

By Mr. HAMLIN: Papers to accompany House bill 15408, a bill to pension John E. Opedyke; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: Memorial of Ohio Yearly Meeting of Friends, against increase in Army; to the Committee on Military Affairs.

Also, memorial of J. G. Battelle, against legislation to prevent use of scientific efficiency methods in industrial operations; to the Committee on Labor.

By Mr. KETTNER: Petition of E. L. M. Tate, director California State Board of Health, of Sacramento, Cal., protesting against Senate resolution disqualifying the Surgeon General from holding office in or becoming a member of any medical or private health association; to the Committee on Appropriations.

Also, petition of J. H. Smith and Hon. George Puterbaugh, 742 Second Street, San Diego, Cal., favoring House bill 386, creating Civil War volunteer officers' list; to the Committee on Military Affairs.

Also, petition of C. E. Lamb, of Big Pine, Cal., favoring House bill 9216, providing eight-hour workday for railroad agents and telegraphers; to the Committee on Labor.

Also, petition of F. D. Teall, 2931 Thorn Street, San Diego, Cal., protesting against the Shields water-power bill; to the Committee on Military Affairs.

Also, petition of R. C. Brinkerhoff, of Riverside, Cal., protesting against the juvenile-court bill; to the Committee on the District of Columbia.

Also, petition of Levi S. Taylor and Edith D. Hopkins, of Pasadena, Cal., protesting against increase in Army and Navy; to the Committee on Military Affairs.

By Mr. LIEBEL: Papers to accompany House bill 16198, for relief of Annie H. Hastings; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: Petition of Baltimore (Md.) Federation of Labor, favoring passage of employers' liability act, House bill 10318; to the Committee on the District of Columbia.

Also, petition of Pattern Makers' Association, of Baltimore, Md., favoring House bill 11168, relative to leave of absence for employees of navy yards and arsenals; to the Committee on Naval Affairs.

By Mr. LOBECK: Memorial passed by the temperance committee of the People's Society of Christian Endeavor of Castellar Presbyterian Church, of Omaha, Nebr., petitioning Congress to pass the Barkley and Sheppard bills, prohibiting liquor traffic in the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of Temperance Society of Christian Endeavor, of Omaha, Nebr., petitioning Congress to prohibit the sale of intoxicants in Porto Rico; to the Committee on Insular Affairs.

By Mr. LONDON: Petition of the Workmen's Circle Sixteenth Annual Convention, at New York City, protesting against the agitation for military preparedness and against the introduction of military training into schools, "transforming them into military barracks instead of institutions for the mental development of the young"; to the Committee on Military Affairs.

By Mr. MATTHEWS: Evidence in support of House bill 16139, a bill for the relief of John S. Conkright; to the Committee on Military Affairs.

By Mr. NOLAN: Petitions of California Federation of Women's Clubs, favoring woman suffrage; to the Committee on the Judiciary.

Also, petitions of California Federation of Women's Clubs, favoring S. 5408, to create a women's division in the Department of Labor; to the Committee on Labor.

By Mr. O'SHAUNESSY: Memorial of mass meeting of citizens of Providence, R. I., favoring Dyer resolution relative to execution of Irish prisoners by English Government; to the Committee on Foreign Affairs.

Also, petition of Committee of Ten, Rhode Island Branch National Metal Trades Association, Beakman & Smith, Providence, R. I., against antiefficiency rider to naval appropriation bill; to the Committee on Naval Affairs.

Also, memorial of Rhode Island State Federation of Labor, favoring employers' liability act, House bill 10318; to the Committee on the District of Columbia.

By Mr. SCULLY: Petition of United Hatters of North America, Local No. 4, of Orange, N. J., relative to appropriation for purchase of campaign hats for United States Army; to the Committee on Military Affairs.

Also, petition of Colonial Dames of America, favoring preparedness; to the Committee on Military Affairs.

Also, memorial of convention of Mental Hygiene Societies of the United States, relative to division of mental hygiene in the United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. SINNOTT: Petition of citizens of Carson and Halfway, Oreg., against law enforcing the observance of a religious institution, etc.; to the Committee on the Judiciary.

Also, petition of citizens of Rye Valley, Oreg., against House bill 13048, to create a juvenile court in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SMITH of Idaho: Memorial of Wendell (Idaho) Grange, No. 82, against limiting the weight of parcel-post pack-

ages to 50 pounds; to the Committee on the Post Office and Post Roads.

By Mr. SNELL: Petition of T. S. Hanmer, B. L. Hanmer, E. M. Hanmer, Herman A. James, Jacob Daniels, Allen Farr, Mrs. Elizabeth Farr, L. A. Harding, William La Bounty, J. E. Corey, Charlotte Beck, A. B. Moore, Mrs. Phebe Gray, Vernon Lamoy, Berton H. Farrell, D. A. Farrell, M. E. Henry, M. R. Wood, Mrs. Liggett, P. M. Light, Charles Collins, Aaron Weinstock, S. Weinstock, A. J. Foster, and Ernest Foster, all of Saranac Lake, N. Y., protesting against the passage of House bill 6468 and House bill 491, known as the Fitzgerald and Siegel bills; to the Committee on the Post Office and Post Roads.

Also, petition of Theo. S. Hanmer, B. L. Hanmer, Truman Hanmer, William La Bounty, J. E. Cory, A. B. Moore, Mrs. Phebe Gray, Berton H. Farrell, D. A. Farrell, M. E. Harney, Mary R. Wood, Mrs. Liggett, P. M. Light, L. Weinstock, Aaron Weinstock, A. J. Foster, and Ernest Foster, all of Saranac Lake, N. Y., protesting against House bill 652; to the Committee on the District of Columbia.

By Mr. STINESS: Petition of Livermore & Knight Co., of Providence, R. I., against bill to discontinue the Taylor system in Government shops; to the Committee on Labor.

Also, petition of sundry citizens of Providence and Kent Counties, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of a mass meeting of citizens of Providence, R. I., favoring Dyer resolution relative to treatment of Irish prisoners by English Government; to the Committee on Foreign Affairs.

By Mr. WALSH: Petition of 200 citizens of New Bedford, presided over by Charles Mitchell, in meeting assembled on May 22, petitioning for the speedy passage of Webb-Smith resolutions (H. J. Res. 84 and 85), proposing amendment to the Constitution prohibiting beverage traffic in intoxicating liquors; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of Dakota conference of the Evangelical Association, favoring national prohibition; to the Committee on the Judiciary.

SENATE.

FRIDAY, *June 2, 1916.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek Thy guidance and blessing for the duties of this day that we may be prepared for every issue with that spiritual equipment that will give us the authority of those who dwell in communion with God and who are the exponents of God's will. Thou hast not separated Thyself from us even in our smallest interests, and Thou art with us to guide us in our larger national life. Do Thou take charge of us this day that we may perform Thy will and that all that we do may be in accordance with Thy law. Grant us the grace that comes from God. Bring every emotion of our hearts into subjection to Thy will. For Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Wednesday, May 31, 1916, was read and approved.

PETITIONS AND MEMORIALS.

Mr. CHAMBERLAIN presented a memorial of sundry citizens of Alsea, Oreg., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Salem, Oreg., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. REED. I present resolutions adopted at a meeting of certain prominent Irish-American citizens of Kansas City, Mo., regarding the execution by the English Government of Padriac H. Pearse, provisional president of Ireland, and his compatriots. Accompanying the resolutions is a letter from Hon. Frank P. Walsh, chairman of the executive committee, transmitting the resolutions to me. I ask that the letter and accompanying resolutions be printed in the RECORD.

There being no objection, the letter and accompanying resolutions were ordered to be printed in the RECORD, as follows:

KANSAS CITY, MO., *May 29, 1916.*

Hon. JAMES A. REED,
United States Senate, Washington, D. C.

DEAR MR. REED: We have the honor to hand you herewith resolutions adopted at a meeting of our citizens regarding the execution by the English Government of Padriac H. Pearse, provisional president of Ireland, and his compatriots upon charges of fomenting rebellion.

The resolutions were unanimously adopted by the 4,000 men and women attending the meeting, which was held in this city upon May 21, 1916.

The committee would be pleased if you will present the resolutions to Congress.

Very truly, yours,

FRANK P. WALSH,
Chairman Executive Committee.
MAURICE J. MCNELLIS,
Secretary.
D. V. KENT,
FRANCIS C. DOWNEY,
WILLIAM P. HARVEY,
M. A. FLYNN,
JOHN J. O'CONNOR,
RICHARD J. HIGGINS,
WILLIAM E. LYONS,
JOHN NANGLE,
Members Executive Committee.

At the sacred altar of human liberty, before whose portals the flame of Irish freedom has burned for centuries, the blood of our race has been reconsecrated to its loftiest and finest ideal.

THE ESTABLISHMENT OF THE IRISH REPUBLIC.

England has again shocked the world with a series of barbaric crimes against civilization in the cruel murders of Patrick H. Pearse, James Connolly, Thomas McDonagh, and their brave compatriots.

These latest iniquities should receive the condemnation of lovers of liberty everywhere.

These men, the very flower of Irish manhood, were slain for the assertion of the identical principles written into the American Declaration of Independence by Thomas Jefferson and vindicated by the sword of the immortal Washington.

In the sublime effort which cost them their lives they represented an unconquered race in a state of war against an invading and oppressive enemy, and, as prisoners of war, were entitled to the treatment which truly civilized governments extend to captured foes.

It is repellant to every human ideal that any people should be oppressed by force or their nationality suppressed. Efforts to do so are of the primal causes of war.

Ireland's struggle for freedom has persisted through the generations, kept alive by the indomitable courage and deeply implanted traditions of her sons and daughters.

She has never surrendered her unity of purpose, national ideals, or customs, and has ever preserved a racial tongue. These things constitute the deathless soul of a nation.

Unvanquished, unafraid, her children have ever clung to their righteous ambition to take that place in the world of nations which is the divine heritage of an autonomous and invincible race.

We, therefore, as American citizens, enter our solemn protest against this latest atrocity of the English Government and its wanton violation of the humanities in the cowardly assassination of these Irish statesmen and soldiers, and call upon the President and Congress to use the powerful influence of America to prevent massacres of like character.

We also earnestly demand, in case it becomes the duty of our Government to select mediators to bring about peace in Europe, that the Republic of Ireland be represented with the other nations, to the end that free government may be established there and the holy cause of democracy advanced throughout the world.

As loyal citizens of a neutral country, we desire to offer a historic precedent for our action here to-day by reminding our fellow citizens of the fact that after the Declaration of American Independence was proclaimed Benjamin Franklin went to Europe to plead the cause of the American "rebels" of that day and ask assistance.

In his wisdom he first went to Dublin. The Irish Parliament was then in session. He was granted the privilege of addressing that body, and then and there the Irish Legislature passed a resolution indorsing the Declaration of Independence, and thus went on record as the first legislative body on earth that did indorse it.

PORT OF NOYES, MINN.

Mr. NELSON. From the Committee on Commerce I report back favorably without amendment the bill (S. 5645) for the establishment of Noyes, in the State of Minnesota, as a port of entry and delivery for immediate transportation without appraisement of dutiable merchandise. It is a very short bill, and I ask unanimous consent for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole. It extends the privileges of the first and seventh sections of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement to the port of Noyes, in the State of Minnesota.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CALLING OF THE ROLL.

Mr. KERN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Overman	Stone
Brady	Jones	Page	Sutherland
Brandegee	Kern	Reed	Thomas
Chamberlain	La Follette	Saulsbury	Thompson
Clark, Wyo.	Lane	Sheppard	Townsend
Culberson	Lea, Tenn.	Simmons	Vardaman
Curtis	Lodge	Smith, Ariz.	Warren
Dillingham	Myers	Smith, Ga.	Works
Fall	Nelson	Smith, Md.	
Fletcher	Newlands	Smith, S. C.	
Gallinger	Norris	Sterling	

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent on important business. He is paired with the junior Senator from Missouri [Mr. REED]. I desire this announcement to stand for the day.

Mr. SUTHERLAND. My colleague [Mr. SMOOT] is unavoidably absent from the Senate. I make this statement to stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. TAGGART]. This announcement may stand for the day.

Mr. GALLINGER. I will announce the unavoidable absence of the Senator from Maine [Mr. BURLEIGH] on account of illness and allow this announcement to stand for the day.

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. PITTMAN and Mr. WILLIAMS answered to their names when called.

Mr. BANKHEAD, Mr. SHAFROTH, Mr. HARDWICK, and Mr. BROUSSARD entered the Chamber and answered to their names.

Mr. KERN. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The VICE PRESIDENT. The question is on the motion of the Senator from Indiana.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will execute the order of the Senate.

Mr. CHILTON and Mr. O'GORMAN entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. KERN. Mr. President, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

FEDERAL EMPLOYEES' COMPENSATION.

Mr. SUTHERLAND, from the Committee on the Judiciary, to which was referred the bill (S. 2846) to provide compensation for accidental injuries to employees of the United States resulting in disability or death, reported it with amendments and submitted a report (No. 515) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Maryland:

A bill (S. 6276) granting a pension to Mary Battle; to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 6277) granting an increase of pension to Elizabeth C. Henderson; and

A bill (S. 6278) granting an increase of pension to Clementine M. Denslow; to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 6279) for the relief of William Harold Kehoe; to the Committee on Military Affairs.

By Mr. SHAFROTH:

A bill (S. 6280) granting an increase of pension to Mary H. Trimble; and

A bill (S. 6281) granting an increase of pension to Martha R. Hitchcock; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 6282) granting an increase of pension to Melissa L. White (with accompanying papers); and

A bill (S. 6283) granting an increase of pension to Ellen H. Croggan (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 6284) to carry out the findings of the Court of Claims in the case of Florine A. Albright; to the Committee on Claims.

A bill (S. 6285) authorizing the settlement of certain outstanding liabilities of the Government by the issue of new drafts upon the return of drafts heretofore issued, and providing for settlement of the lost drafts representing said liabilities; to the Committee on Finance.

FLAG DAY IN THE DISTRICT OF COLUMBIA.

Mr. SMITH of Maryland. Mr. President, I introduce a joint resolution making Wednesday, the 14th day of June, 1916, a legal holiday in the District of Columbia, and I ask unanimous consent for its present consideration.

The joint resolution (S. J. Res. 139) making Wednesday, the 14th day of June, 1916, a legal holiday in the District of Columbia was read twice by its title.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Wednesday, the 14th day of June, 1916, to be known and celebrated as Flag Day, is hereby made a legal public holiday in the District of Columbia.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT TO DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. LANE submitted an amendment proposing to appropriate $1,500 in aid of the Columbia Polytechnic Institute for the Blind in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 15774), which was referred to the Committee on the District of Columbia and ordered to be printed.

REVOLT IN IRELAND.

Mr. STONE. Mr. President, by direction of the Committee on Foreign Relations, I report back favorably with amendments Senate resolution No. 196, submitted by the senior Senator from Indiana [Mr. KERN], and I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. The Senator from Missouri asks unanimous consent for the present consideration of the resolution. Is there objection?

Mr. SUTHERLAND. What is the resolution, Mr. President?

The VICE PRESIDENT. It is a resolution which was before the Senate yesterday, having been reported from the Committee on Foreign Relations by the Senator from Missouri [Mr. STONE], and subsequently withdrawn. The resolution will be read as proposed to be amended.

The Secretary read the resolution (S. Res. 196, Rept. 516), as follows:

Whereas it is represented that at the time of the recent revolt in Ireland there were, and are yet, many American citizens in districts in which martial law was proclaimed and in which armed conflicts occurred, and whereas the relatives and friends in this country of such American citizens whose safety has been thus endangered are apprehensive lest their lives and property have been imperiled: Therefore be it

Resolved, That the Secretary of State be, and is hereby, requested to cause inquiry to be made as to the safety and well-being of American citizens in Ireland, and what steps, if any, may be necessary and proper, consistently with the recognized law of nations, for the safeguarding and protection of their lives and property.

Mr. KERN. Mr. President, I hope unanimous consent will be given for the present consideration of the resolution.

The VICE PRESIDENT. Unanimous consent is asked for the present consideration of the resolution. Is there objection?

There being no objection, the Senate proceeded to consider the resolution.

Mr. FALL addressed the Senate on affairs in Mexico. After having spoken for some time, he said:

If the Senator from Indiana desires to have me suspend for the purpose of passing this resolution, I will do so, and continue my remarks on the appropriation bill.

Mr. KERN. I should be very glad if the Senator would do so.

The PRESIDING OFFICER (Mr. OWEN in the chair). The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

AFFAIRS IN MEXICO.

Mr. FALL. Mr. President, I shall vote for the adoption of this resolution. As to the necessity for its passage, I do not propose to give my own conclusions at this time. That there is and has been, however, necessity for the Congress of the United States, and particularly this branch of the Congress, to inform itself upon foreign matters generally and upon the treatment accorded American citizens in foreign countries, I have had no doubt for at least four years.

For more than four years, Mr. President, I have been insisting that it was the duty of the Senate of the United States to inquire into the treatment of American citizens in other countries, and particularly in the so-called Republic of Mexico, and that it was its duty, after investigation, failing action by the administration, to take steps to adopt the necessary means to protect citizens where their protection should be granted; that it was the duty of the Congress of the United States to suggest methods for the proper protection of the citizens of this country, and I am of the same conviction now.

I might refer back to a discussion in this body occurring in August two years ago, in which one of the Senators on the other side of the Chamber expressed himself very strongly upon this question, and during which discussion he asked of other Sena-

tors why it was that the question of the treatment of Americans in Mexico and the question of the conditions existing in Mexico were treated so tenderly in this body, and why those conditions and the treatment of our citizens there were not proper subjects of inquiry. I am here to ask the same question to-day. I am going to take the time of the Senate, Mr. President, to point out the conditions existing in Mexico, but before doing so, I am going to invite the attention of the Senate to the attitude of the administration with reference to Mexican conditions.

On August 27, 1913, the President of the United States came before the Congress of the United States and delivered a message upon Mexico. I have a printed copy of that message, and I am going to read into the RECORD extracts from the message, for the purpose of showing to the Senate and to the people of the United States the conception then entertained by the President of the United States as to the proper attitude of this Government with reference to Mexico and why this Government occupied a peculiar position with reference to Mexico. The President then said:

> The Government of the United States does not stand in the same case with the other great Governments of the world with respect of what is happening or what is likely to happen in Mexico. We offer our good offices not only because of our genuine desire to play the part of a friend, but also because we are expected by the powers of the world to act as Mexico's nearest friend.

He concluded his message by referring to the same subject again, and said:

> I am happy to say that several of the great Governments of the world have given this Government their generous moral support in urging upon the provisional authorities of the City of Mexico the acceptance of our proffered good offices in the spirit in which they were made. We have not acted in this matter under the ordinary principles of international obligation. All the world expects us in such circumstances to act as Mexico's nearest friend and intimate adviser. This is our immemorial relation toward her. There is nowhere any serious question that we have the moral right in the case or that we are acting in the interest of a fair settlement and of good government, not for the promotion of some selfish interest of our own. If further motives were necessary than our own good will toward a sister Republic and our deep concern to see peace and order prevail in Central America, this consent of mankind to what we are attempting, this attitude of the great nations of the world toward what we may attempt in dealing with this distressed people at our doors, should make us feel the more solemnly bound to go to the utmost length of patience and forbearance in this painful and anxious business.

We find, then, that on August 27, 1913, the President of the United States finally announced that this Government had a peculiar special interest in the troubles existing in Mexico, an interest peculiar to no other country; and that, aside from our own personal or peculiar interest in Mexico, we were expected by the great countries of the world to deal with the Mexican problem. We find the announcement made that the other great countries of the world had agreed to leave to the United States the settlement of the Mexican question, and, inferentially, to abide by what this Government might do.

Mr. President, up to August 27, after the inauguration of President Wilson, no government was recognized in Mexico. Huerta, under the forms of the constitution of that Republic, was the legal President of Mexico. Revolutions were in existence then against the administration of Huerta, as they have been continuously existing in Mexico against one man or another; and the leader of one of the revolutionary parties was the present de facto head or chief of Mexico, Mr. Carranza. Up to August 27, and after that date—nearly a year after—Huerta controlled the City of Mexico and the greater portion of the Mexican Republic. On the northern tier of States the so-called constitutionalists, recognizing generally Carranza as their chief, controlled some of the ports of entry on the border of this country and Mexico and partially controlled some of the States.

The Congress of the United States had, prior to this time, passed an act empowering the President of the United States, by proclamation, to prevent the export from this country to Mexico of arms and ammunition. The President of the United States had refused, from the time of his inauguration up to August 27, to enforce the arms-embargo act against Huerta, but had enforced it against Carranza, although he had refused to recognize the Huerta government. He had not only enforced the arms embargo against Carranza up to that time, and not enforced it against Huerta, but, although refusing to recognize the Huerta government, the President of the United States had himself turned over to the Huerta government arms and ammunition through the military arm of the Government.

In June of that year Carranza at Matamoras had 128 machine guns and other guns, seized on this side of the line by the officers of the United States under the embargo act. Again, in the latter part of June or the 1st of July, the Constitutionalists had driven Huerta's forces across the boundary line from Sonora into Arizona at Naco and at Nogales, after fierce fighting. The Mexican troops were interned on this side. Some of them were returned by this Government to points in control of Huerta, and allowed again, over the protest of the Constitutionalists, who had driven them across the line, to join Huerta's army. Others were not allowed to go back to Mexico, because of protests of two Senators who are now Members of this body, and because of the action of the then governor of Texas in refusing to allow Huerta troops to be disembarked from the trains at the union station in El Paso, and compelling the military forces of the United States to take them to the military reserve at Fort Bliss. But the Ojeda troops and the Kosterliski troops, driven across by the Constitutionalists, taking refuge on this side, surrendered their arms and ammunition, machine guns and cannon; and I called the attention of the Senate of the United States then to the fact that these arms and this ammunition were sent back into Mexico and delivered to the Huerta authorities by order of the Government of the United States, although the Huerta government was not recognized.

A different policy was inaugurated in August after the receipt of this message by the Congress. The President of the United States had extracts from his message telegraphed to the American consuls and diplomatic officers throughout the Republic of Mexico. On August 27, 1913, the date of the message, the following telegram was sent. This is an official paraphrase of the official document furnished me by the State Department:

> The consul general was informed by the Secretary of State that the President had directed him, in view of the possibility of increased activity on the part of contending factions, to warn Americans to leave Mexico. The consul general was told that the Government of the United States would assist them in every possible way, and that for those who were near seaports ships would be provided; also that financial assistance would be furnished to those in need of it. The consul general was instructed to notify all officials, military or civil, exercising authority, that they would be held strictly responsible for any harm done to Americans. The consul general was instructed to furnish a copy of the telegram to the American Embassy at Mexico City, and the department had the same telegram repeated to all American consulates in Mexico.

Again, on the same day, another telegram repeating portions of the President's message was sent to the consul general in the City of Mexico and to the other consular officers south of the northern tier of States, with the statement that the consular office at Mexico City need not undertake to repeat to the northern tier of States the warning contained in that telegram and the statement that all officials, military and civil, wherever they might be, would be held strictly responsible for injuries to Americans, but that the Government of the United States itself would, directly from Washington, notify the consulates in the northern tier of States, at Nogales, Hermosillo, Ciudad Juarez, Guadalajara, Nuevo Laredo, Matamoros, and other places.

Mr. President, I will refer a little later to the action of the President of the United States following this message and these telegrams of August 27. At the present moment I am going to call the attention of the Senate to the fact that having changed his policy of "watchful waiting," the President of the United States made various announcements, both as to his change of policy and as to the reasons therefor and as to what he proposed to do with reference to Mexico and as to the character of government which he proposed to see established in that Republic. In his special message to which I have just referred, he stated to Mr. Huerta what he must do, and the character of government which President Wilson expected to see established in Mexico. Quoting from his message, I read:

> America in particular—America north and south and upon both continents—waits upon the development of Mexico; and that development can be sound and lasting only if it be the product of a genuine freedom, a just and ordered Government founded upon law. * * * Mexico has a great and enviable future before her, if only she choose and attain the paths of honest constitutional government.

Again and again has the President referred to Mexico and as to what he proposed to do with Mexico along the same line. In the same message he uses time and again the expression "a constitutional government" and a government "on constitutional lines."

In his message to Congress on December 2, 1913, with reference to Mexico, the President expressed himself as follows:

> We are the friends of constitutional government in America; we are more than its friends, we are its champions, because in no other way can our neighbors work out their development in peace and liberty. Mexico has no government.

In the same message he says:

> We shall not, I believe, be obliged to alter our policy of watchful waiting. And then, when the end comes, we shall hope to see constitutional order restored in distressed Mexico by the concert and energy of such of her leaders as prefer the liberty of their people to their own ambitions.

Again, in his special message of April 20, 1914, the President said:

> If we are to accept the tests of its own constitution (Mexico's) it has no government.

The President was interviewed by one of the writers of this country well known to the public, and the interview was published in the Saturday Evening Post on May 23, 1914. Mr. President, I read with great interest a word picture of the President of the United States drawn by that facile writer, Samuel Blythe, as the President sat with his long white fingers interlaced, gazing through the windows of the White House onto the grounds, with a look in his eyes that struck Mr. Blythe, I presume, at least, as some evidence of statesmanship, The President said, as quoted by Mr. Blythe:

In any event we shall deem it our duty to help the Mexican people, and we shall continue until we have satisfactory knowledge that peace has been restored, that a constitutional government is reorganized, and that the way is open for the peaceful reorganization of that harassed country.

Again, the President addressed the loyal members of his party in Indianapolis on January 9, 1915, and among a few other things said:

Until the end of the Diaz reign 80 per cent of the people of Mexico never had a "look in" in determining who should be their governor, or what their government should be.

Then he proceeded to say that we should let them alone; that it is not your business, not mine, not his, not the business of any man in the United States as to what the Mexicans should do. He continued by saying that they had a right to spill as much blood as they desired to spill.

On June 18, 1914, there was a meeting of the delegates of the A B C powers—Argentina, Brazil, and Chile—with Justice Lamar and Mr. Lehmann, delegates appointed by the President of the United States, at Niagara Falls, for the purpose of considering the difficulties between this country and Mexico. That convention was attended by the Huerta delegates, Robassa and others, but was not attended by the Carranza delegates. Through the American delegates an invitation was extended to Carranza to send delegates, in order that the matters in dispute between the so-called constitutionalists and the Huertaists might be considered and settled at the same time. In the invitation so extended, speaking after consultation, as they said, with Mr. Bryan, Secretary of State, and the President of the United States, the American delegates said that the purpose was to bring that war—Mexico's civil war—to a close; that to restore peace and constitutional government was the aim of the President of the United States.

On June 2, 1915, the President issued a statement to the American people in which he said that the policy or want of policy heretofore pursued would necessarily be changed, and that he proposed to invite all the leaders of the different factions in Mexico to a conference, and that failing an agreement by these leaders it would then become the duty of the United States to act as it saw fit in restoring order in Mexico. I quote from this message:

But neither do they (the people of the United States) wish to see utter ruin come upon her (Mexico), and they deem it their duty as friends and neighbors to lend any aid they properly can to any instrumentality which promises to be effective in bringing about a settlement which will embody the real objects of the revolution, constitutional government, and the rights of the people. * * * It is time, therefore, that the Government of the United States should frankly state the policy which, in these extraordinary circumstances, it becomes its duty to adopt. It must presently do what it has not hitherto done or felt at liberty to do, lend its active moral support to some man or group of men * * * who can rally the suffering people of Mexico to their support in an effort to ignore, if they can not unite, the warring factions of the country, return to the constitution of the Republic so long in abeyance, and set up a government at Mexico City which the great powers of the world can recognize.

Later the President of the United States invited the A B C powers of the Latin America, together with other Latin American countries both north and south, to join with us in the effort to bring about peace in Mexico. A consultation was held and a joint note was forwarded signed by the Secretary of State of the United States and by the representatives of each of those countries. It was forwarded to each of the leaders in Mexico and of various factions. The statement joined in by the United States I shall read:

We, the undersigned, believe that if the men directing the armed movements in Mexico—whether political or military chiefs—should agree to meet, either in person or by delegates, far from the sound of cannon and with no other inspiration save the thought of their afflicted land, there to exchange ideas and to determine the fate of the country—from such action would undoubtedly result the strong and unyielding agreement requisite to the creation of a provisional government, which should adopt the first steps necessary to the constitutional reconstruction of the country—and to issue the first and most essential of them all, the immediate call to general elections.

Mr. President, the answer of Mr. Carranza to this joint note reads in part:

The First Chief * * * can not consent that the interior affairs of the Republic be handled by mediation or by any initiative of any foreign government.

Shortly thereafter he was notified that he would be recognized as the First Chief in Mexico, or, as he styles himself, as the Chief Depository of the Executive Power.

The reason for the action of the President of the United States in recognizing Mr. Carranza under these circumstances, and in the face of the refusal of Mr. Carranza to accept the invitation either of this country or the joint invitation of this country and the Latin-American countries—the reason for his recognition after such a refusal in the face of our declared purpose, in the event he so refused, has been a matter of interest undoubtedly to people throughout the entire Union, as it has to a large majority, I may say, of the people of Mexico.

So a resolution was offered in this body January 6, 1916, as the Senate had no official notice that there had been any recognition of any government in Mexico, asking the President of the United States if there was a recognized government; and if so, what it was, how it was constituted, whether it was a constitutional government, and the reasons for its recognition.

The last word the Senate had upon the subject was that there was no government in Mexico, and that the whole and the sole purpose of this administration was to see a constitutional government restored immediately in Mexico, and an immediate call issued for a free election. The resolution passed the Senate unanimously, and a month and 11 days afterwards an answer to this resolution was sent into the Senate, and it has been lying before this body since February 17.

Mr. President, I may say that prior to my entering this body, and since that time, the study of foreign affairs, particularly in the relation of this country to Latin-American countries, has been a subject of great interest to myself from time to time, and as I could I have availed myself of the opportunity to examine the state papers, and, of course, in doing so, incidentally I have examined the state papers of this Government in correspondence with other Governments aside from the Latin-American Governments. I want to make the statement now, Mr. President, that this answer to the resolution is the most remarkable state paper every filed in the archives of the Senate of the United States, or ever filed in the archives of this Government or in any other department. Never in the history of diplomacy was such a State document given publicity.

Remember that the President, and the President joined by the representatives of other countries at his invitation, had notified all the leaders of Mexico that they must confer and must settle their difficulties; that they must agree upon some man who could be recognized by other Governments, or that the Government of the United States would upon its own initiative act. At that time Francisco Villa was one of the leaders of the contending factions in Mexico, and until after the recognition of the Carranza Government he was a very powerful factor in the affairs of Mexico. The President of the United States indorsed in his letter of transmittal the answer prepared by his Secretary of State to the Senate resolution.

The report of the Secretary of State has my approval.

WOODROW WILSON.

Mr. Lansing undertakes to go into the history of the troubles in Mexico to a limited extent, but he refers to the statement of the President of the United States of June 2, 1915, from which I have read, and which I have just repeated, directed to the leaders of the factions and notifying them that in the event of their failure to obey his instructions then he would act of his own initiative. Among all the State documents of all the countries of the world, as I have said, this is unique. The answer is that Mr. Carranza was recognized and this country insisted no longer upon a conference. He refers to the statement sent out jointly by this country and the Latin-American countries. He does not include in this remarkable statement the answer of Carranza, but he refers to it.

The attempt to bring the factions together for a conference failed.

Here are the reasons for the recognition of Carranza, in so far as you are able to judge from the report indorsed by the President of the United States:

Substantially all the commanders and others in authority who were associated with Gen. Villa replied directly and independently, in varied language, accepting the suggestion for a conference. On the other hand, all the commanders and others in authority who were affiliated with Gen. Carranza replied briefly to the effect that the appeal had been referred to Gen Carranza, whose superior authority they acknowledged, and who would make such reply as he deemed proper. The inference to be drawn was plain. On the one hand, there seemed to be no central organization among the Villista forces, while, on the other hand, submission to a central authority was evidenced in the replies of the Carranzistas. The unity and loyalty of the Carranzistas appeared to indicate the ultimate triumph of that faction, especially as the Carranzista forces were then in control of approximately 75 per cent of the territory of Mexico.

The Secretary of State in making that last statement was going into a field of which he knew and knows nothing. Every paper which he has prepared and every utterance which he has made upon Mexican matters simply establishes the fact that he knows nothing whatsoever of Mexican conditions. The Secretary of State may be competent to deal with diplomatic matters; he is going far afield when he undertakes to judge of facts and conditions as they exist in Mexico. But as an exhibit, as the substantial statement, with reference to the answer of the Carranzista chiefs or leaders, he files a document prepared by Mr. Arredondo, ambassador designate of Mexico to the United States at Washington. On page 22 of this remarkable so-called message of the President of the United States will be found Mr. Arredondo's naive statement as to the leaders, who the leaders are, and refers to their action in referring our note for answer to Mr. Carranza; and one statement I think will convince the Senate at least as to how easy it was to secure exactly the kind of answer that was desired by Mr. Carranza from any of these gentlemen who so answered.

I am not going to read all the names of the officials, the governors, and so forth, who answered. They are in Spanish, and it would be difficult for the stenographer to write them out; but a long list of 27 or 28 governors and military leaders is given, who had "just been appointed" by Mr. Carranza, who answered that—

All of the above leaders of the constitutionalist army and governors who have been just appointed recognize the first chieftainship of Mr. Carranza and his authority as the depository of the executive power of the nation, as they have recently stated it when replying to the note addressed to them by the Secretary of State of the United States and the American diplomatic representatives.

In other words, the Villa leaders banded together against Carranza replied separately, Gen. Angeles, Gen. Raoul Madero, and the other leaders accepting the invitation of the Government of the United States to meet on American soil or elsewhere and to agree to form such a government as the President of the United States said they must form, and the leaders of Mr. Carranza just appointed by him, with the exception of possibly two or three, all answered that Mr. Carranza would answer for them, and Mr. Carranza declined the invitation, and therefore we recognize Mr. Carranza.

Now, let us see. The President, as I have shown you by his own words, written and spoken, which I have quoted and are of record, has said to the people of the world—the people of Latin America, the people of Mexico, the people of the United States—what he proposed to do with Mexico, the character of government which he proposed to adopt—a government formed under the constitution of Mexico as it exists, a government prepared to call an immediate election for the Presidency. The President's words sounded well to the people of the United States, and the people of the United States are loyal to the President of the United States, whoever he may be, and are ready to accept his statements at their face value.

You have heard Mr. Wilson; now let us hear Mr. Carranza. The Secretary of State has refused to furnish the reports of the consular agents of the United States or of our representatives in Mexico; he has refused to furnish to the Senate of the United States at its request the reports of the Brazilian minister made while he was acting for the United States in Mexico; he has refused to furnish to us for our information the reports of such men as Duval West, whom we in the Southwest know to be a man worthy of belief, honest, sincere, and courageous, and whom we know to be the only man whom the President of the United States has ever sent into Mexico who has personally gone through the by-ways and highways of Mexico and has visited the camp of practically every man in revolution in Mexico who has not been simply a hanger-on around the court of Carranza or of Villa, but who, raised on the border, knowing something of Mexican conditions, competent to ascertain for himself exactly the conditions as they existed at the moment, went to Carranza and to the different Carranza leaders, went to Villa and to the different Villa leaders in their camps, and went to Zapata and interviewed Zapata himself and his individual leaders in the States of Guerrero and Morelos; and his report is refused to the Senate of the United States, as I have said. Yet, unfortunately for the consistency of the administration, they have forwarded with this message the papers prepared by Arredondo, the ambassador designate. Among those are the decrees of Mr. Carranza, setting forth the character of government which he proposes to establish and which he has established.

In the first place, he gives to the President of the United States and to the people of the world, by a decree, a statement of his authority for assuming the supreme power in Mexico. This is "Inclosure No. 4 E, declaration to the nation," and is signed "V. Carranza, First Chief of the Constitutional Army and Depository of the Executive Power of the Republic of Mexico." This becomes an official document in the files of the Senate of the United States by virtue of its accompanying the message of Mr. Lansing and of its receiving the indorsement of the President of the United States as explaining his action. Mr. Carranza, as will be found on page 30, says:

Then I, as governor of the State of Coahuila, and in obedience to the constitutional provisions, articles 121 and 128 of our fundamental charter, assumed the representation of the Republic in the terms in which the constitution itself vests me with this right, and supported by the people which rose in arms to regain its liberty.

Carranza quotes the constitution as the basis of his title, and I shall quote it here, and then I shall follow with other quotations showing his "respect" for the constitution of his country. The provision reads:

Every public officer, without exception, prior to his taking possession of his charge, shall render an oath that he will sustain the constitution and the laws emanating therefrom. This constitution shall not fail in force or vigor, even though on account of rebellion its observance may be interrupted. In the case that pursuant to a public disturbance a government contrary to the principles sanctioned by the constitution may be established, as soon as the people regains its freedom, its observance shall be reestablished, and, according to it and to the laws which by virtue of it may have been enacted, those who may have figured in the government emanated from the rebellion shall be tried, as well as those who may have cooperated in the movement.

Mr. Carranza says to the President of the United States that he assumed authority to lead a rebellion against Huerta by virtue of article 121 and of article 128, which, combined, I have just read, and which he quotes for our information as the basis of his title, and which of itself says that, even in cases of rebellion, the constitution as it exists shall be reestablished the moment that peace is restored. This is the basis, remember, of Mr. Carranza's title as indorsed to us by the President of the United States.

Senators, another decree setting forth the character of Mr. Carranza's government which he proposes to establish in Mexico, standing firmly upon the constitution of 1857, is also indorsed to us officially by the President of the United States in this message, and you will find it set forth on pages 28 and 29.

Now, bear in mind the character of government which the President of the United States has said in every utterance upon the subject that he proposed to establish in Mexico; bear in mind that he said to Huerta, "Because you have not established this character of government, we will not recognize you; you must get out, and you must not become a candidate for election as the President of Mexico under your constitution, because you have violated the constitution." Remember that Mr. Huerta was elected under the forms of the constitution as the constitutional President of the Republic of Mexico. During his entire régime law and order were enforced wherever he had jurisdiction in the Republic; the constitution was not suspended in any district over which he had control in Mexico; the laws of Mexico were not abrogated in any precinct or in any State or in any portion of the Federal Republic over which he had jurisdiction; he stood by the constitution of Comonfort, Lerdo de Tejada, and Juarez.

This man Carranza places himself upon the constitution and appeals to the people of the world for recognition, and here is what he tells the President of the United States that he proposes to do; and despite all the fair words and phrases so eloquently expressed by the President of the United States in public speeches, in messages to the Congress of the United States, and in quoted interviews in the press of the United States, this is what Carranza has done. Reading from page 28 of the President's message, we find Carranza saying:

That, therefore, in accordance with the most general sentiments among the leaders of the constitutionalist army, the governors of the States, and of other collaborators of the revolution, and interpreting the needs of the Mexican people, I, Venustiano Carranza, have seen fit to decree the following.

Article 2 provides:

ART. 2. The first chief of the revolution and depository of the executive power of the Republic shall enact and enforce, during the struggle, all the laws, provisions, and measures tending to meet the economic, social, and political needs of the country, carrying into effect the reforms which public opinion demands as indispensable for the establishment of a régime which will guarantee the equality of Mexicans among themselves, agrarian laws favoring the creation of small landowners, the suppression of latifundia or large landholders, and the restoration to townships of the lands illegally taken from them; fiscal laws tending to establish an equitable system of taxation on real estate; laws tending to improve the condition of the rural laborer, the workingman, the miner, and, in general, of the working classes; the establishment of municipal freedom as a constitutional institution; bases for a new system of organization of the army; amendments of the election laws in order to insure the effectiveness of suffrage; organization of an independent judicial power, in the federation as well as in the States; revision of the laws relative to marriage and the civil status of persons; provisions guaranteeing the strict observance of the laws of reform; revision of the civil, penal, and commercial codes; amendment of judicial procedure for the purpose of expediting and causing the effectiveness of the administration of justice; revision of

laws relative to the exploitation of mines, petroleum, water rights, forests, and other natural resources of the country, in order to destroy the monopolies created by the old régime and to prevent the formation of new ones; political reforms which will insure the absolute observance of the constitution of Mexico—

The only place, I may interject, where the constitution of Mexico is referred to——

Mr. SUTHERLAND. Will the Senator read that again?

Mr. FALL. Certainly.

Political reforms which will insure the absolute observance of the constitution of Mexico and, in general, all the other laws which may be deemed necessary to insure for all the inhabitants of the country the effectiveness and full enjoyment of their rights and their equality before the laws.

Article 3.——

Mr. SUTHERLAND. Mr. President, before the Senator passes from that, let me ask him a question. Am I correct in understanding that by that article Gen. Carranza has not only assumed the complete executive power, but has taken unto himself the entire lawmaking power of the Republic of Mexico?

Mr. FALL. And the judicial power. The Senator is correct.

Mr. SUTHERLAND. That would follow, because under the power to make laws he would have the power to deal with the judiciary.

Mr. FALL. If the Senator will allow me to read a little further, I think that will be made plain.

Mr. SUTHERLAND. So that the effect of it is, that Gen. Carranza has assumed a complete dictatorship?

Mr. FALL. Not only that, but, as I shall show you by his own words, sir, he proposes to have a constitutional convention formed by himself which will transform these laws into constitutional precepts. He proposes to form a constitution for Mexico composed of the laws which he says he proposes to enact.

Mr. WORKS. Mr. President——

Mr. FALL. I yield to the Senator.

Mr. WORKS. I should like to ask the Senator at what date and in what connection this decree was issued by Carranza?

Mr. FALL. It was issued at Vera Cruz after we turned Vera Cruz over to Mr. Carranza. After we had refused to recognize Huerta; after we had allowed Carranza to go into the City of Mexico, and then had turned Vera Cruz over to him and were acting as his friend, he issued this decree.

Mr. WORKS. But it was issued before the recognition of the Carranza government?

Mr. FALL. Long before; and is the basis used by Mr. Lansing in his message for his answer to the questions propounded by the Senate as to whether there was a constitutional Government in Mexico, and what assurances this Government had received that the constitution would be observed and that the laws would be enforced in Mexico. This is the answer.

Mr. SUTHERLAND. Mr. President, may I ask the Senator from New Mexico another question?

Mr. FALL. Certainly.

Mr. SUTHERLAND. The Senator from New Mexico is probably better informed about the conditions in Mexico, not only than anyone else in the Senate but than anyone else in the country, and I have great regard for his opinion upon Mexican matters. This would seem to dispose of all of the powers—legislative, executive, and judicial—by vesting them in Gen. Carranza, so far as the Federal Government is concerned. Now, I ask the Senator from New Mexico whether or not, as a matter of fact, in substantially all of the States of Mexico similar occurrences have taken place with reference to the governors, and if it be not a fact that Mexico to-day, both as to the Federal Government and as to the various State governments, has ceased to be a country governed by law, and is governed by special edicts issued by Carranza and by the various governors in the various States?

Mr. FALL. The Senator has stated the condition correctly. Not only has the constitution of every State been set aside, but Mr. Carranza declared to us that he was going to set it aside, as I shall show further along.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from California?

Mr. FALL. Yes.

Mr. WORKS. I should like to ask the Senator to what extent the laws of Mexico are being executed and enforced by the courts?

Mr. FALL. There are no courts in the Republic of Mexico in operation, except that several months ago Mr. Carranza appointed—I think under some decree of his own—three judges, with certain jurisdiction, probably, for the federal district of Mexico, and in his decree he prescribed the oath which they should take. It was not that they should support the constitution and laws of the Republic, but that they should support the "plan of Guadalupe" and the decrees of Carranza; but that judicial forum is not in operation—it is simply a court in name.

Mr. WORKS. Is it not true that all offenses and alleged crimes, whether of a military or civil character, are summarily tried by court-martial and the parties charged executed, without any decree or judgment of a court?

Mr. FALL. Undoubtedly, sir.

Mr. SUTHERLAND. Not only is that so, but have not decrees been issued of such character that acts already past have been declared offenses and men have been punished to the extent of being executed under such ex post facto decrees?

Mr. FALL. Undoubtedly, sir. Ostensibly a court-martial tries offenses. In a few instances what we would know as a court-martial does take cognizance of offenses; but, as a general thing, in ninety cases out of a hundred, what they call court-martial proceedings resulting in the death penalty, simply mean the order of some one chieftain sitting behind a table to a squad of soldiers to "take this man out and shoot him." I have said in 90 per cent of the cases that is true; I will say that this is the procedure in 99 per cent of the cases; that Mexico has been devastated; that many of her best men have been put to death; and some of her best blood has been spilled in exactly this way.

I have here before me, and I intended to call attention to it a little later, but I will do so now, a translation of all the proceedings in the court-martial of Garcia Granados in the City of Mexico immediately after notice of the intention to recognize V. Carranza by this Government. Garcia Granados was known as a lawyer, a writer, and a statesman of wide reputation; possibly not in this country, but in Europe particularly he was known as a law writer, an author, and a statesman of the very highest character. Unfortunately for himself he had accepted a cabinet position as secretary of Gobernacion, as they call it, in Huerta's cabinet. That was his only offense. It was shown by the testimony which I have that immediately upon the seizure of Pino, Suarez, and Madero he resigned. It was shown by the undisputed testimony—no evidence was offered to contradict it—that his whole effort had been to bring peace to his distracted country; that he was acting with Huerta simply in an attempt to bring about a government in Mexico; and that, his efforts failing, he resigned and retired to the privacy of his home. Immediately upon notice being given that Carranza would be recognized, Garcia Granados was arrested and tried before a court-martial. The prosecuting attorney only asked, after the trial was over, that he might be found guilty and that the sentence might be two years' confinement. He was found guilty, and he was shot in less than 24 hours.

Mr. NORRIS. What was the charge?

Mr. FALL. That he had been a member of Huerta's cabinet—the cabinet of a man recognized by all the great powers of the world as the president of Mexico.

Mr. NORRIS. Was that offense made a crime by some decree of Carranza?

Mr. FALL. It was made a crime by virtue of these court-martial proceedings. Not only was this fate visited upon Garcia Granados, but in 1914, when Carranza entered the City of Mexico, his followers shot down members of the senate, members of the house, members of the Congress of the Republic of Mexico, and great statesmen, until the streets ran with blood.

Carbajal begged this Government to prevent Carranza going into the City of Mexico until satisfactory assurances had been given that murders would not be committed; that his wrath would not be visited upon those who had not supported him. This Government failed to seeure such assurance.

But, Mr. President, I want to read a little further from this remarkable statement of Mr. Carranza. I had not completed it. Astonishing as it may appear to the Senator from Utah [Mr. SUTHERLAND], who is a lawyer, and the other Senators present here, Mr. Carranza did not stop with article 2 as to what he was going to do.

ART. 3. In order to continue the struggle and to carry into effect the reforms referred to in the preceding article, the chief of the revolution is hereby expressly authorized to convene and organize the constitutionalist army and direct the operations of the campaign; to appoint the governors and military commanders of the States and to remove them freely; to effect the expropriations on account of public utility which may be necessary for the distribution of lands, founding of townships, and other public services—

Expropriations, as I presume you understand, are confiscations—

to negotiate loans, issue obligation against the national treasury, indicating the property which shall guarantee them; to appoint and remove freely Federal employees of the civil administration and of the States and to fix the powers of each of them; to make, either directly or through the chiefs he may appoint, requisitions for lands, buildings, arms, horses, vehicles, provisions, and other elements of war; and to

create decorations and decree recompenses for services rendered to the revolution.

The Senate wanted to know whether the President of the United States had any assurances that a free and constitutional election was to be held; because, I may say, having known something of the introduction of the resolution to which this message is an answer, that it was worded with reference to the declaration of the President.

In answer, Mr. Lansing cites this decree and other decrees or letters to the same effect, and says that we have assurances of early elections, or of immediate elections. You will recall that in all the President's expressions he has insisted upon "immediate and free elections." Let us see the character of the elections:

ART. 4. Upon the success of the revolution, when the supreme chieftainship may be established in the City of Mexico and after the elections for municipal councils in the majority of the States of the Republic, the first chief of the revolution, as depository of the executive power, shall issue the call for election of congressmen, fixing in the calls the dates and terms in which the elections shall be held.

Now, the promise is that after the success of the revolution, and after the supreme chieftainship may be established in the City of Mexico, municipal elections shall be called.

Mr. WORKS. Mr. President——

Mr. FALL. I yield to the Senator from California.

Mr. WORKS. But those elections were to be held, not under the laws of Mexico as they existed, and which I suppose provided for these elections, but under the orders and decrees of Carranza?

Mr. FALL. Entirely. The Senator is correct. The constitution and the laws are set aside. All State officers are discharged. All civil and federal officers of the entire Republic of Mexico, so called, are ousted, and he fills their places. All the State officers and governors are ousted, and he appoints persons to take their places. He changes the law not only of the Federal Government but of the States. He has not only done that, sir, but I can say to you now, in passing—and I might as well make the statement now—that he has changed boundary lines. The State lines are fixed in the constitution of Mexico. The boundary lines of every State and every Federal Territory are fixed by constitutional enactment, and can only be changed by constitutional amendment in the manner provided for the amendment of the constitution of Mexico; and this man has arbitrarily changed the boundary lines of subdivisions of Mexico. Not only, sir, has he discharged all State officials and ignored the constitution and the laws, but he has actually merged and changed States and Territories by arbitrary decrees, and fixed new lines.

Mr. NORRIS. Then these elections that are going to be held will be held under the supervision of men that he has put into office, I presume?

Mr. FALL. Precisely. Not only that, but note the promise and then recall the facts. Where is the "government" established in the Republic of Mexico to-day? Can you now understand some reason for Mr. Carranza's not establishing the Government in the City of Mexico, which is in his control? The promise is that when order shall be established and the supreme chieftainship established in the "City of Mexico" he will proceed to call municipal elections. He has never established the supreme chieftainship in the "City of Mexico," but he has declared the city of Queretaro as the capital of the Republic. As the Senator has well suggested, Mr. Carranza proposes to appoint the municipal officers. He proposes to see, then, that the municipal elections are held, and that, after that is done, he will call congressional elections in the different States; and then what shall be done?

Mr. WORKS. Mr. President, in that connection I think it should be borne in mind that all of these things are to take place under the regulation of Carranza himself.

Mr. FALL. Not only that, but he assumes the power, of course, to arrange the congressional districts, to apportion the representation in the different States and in the National Congress. He selects the election officers. He nominates the candidates. He will have his own men elected. He will name every congressman who is elected in the entire Republic of Mexico.

Mr. SUTHERLAND. Mr. President, is it true that the conditions which the Senator from New Mexico describes prevail in some of the States where peaceful conditions exist?

Mr. FALL. There is not a State in the Republic of Mexico where peaceful conditions exist.

Mr. SUTHERLAND. There are some States where there is no conflict between——

Mr. FALL. There is not a State in the Republic in which there is not armed conflict to-day.

Mr. TOWNSEND. Mr. President, if I understand correctly, what the Senator from New Mexico is giving to the Senate is the reasons which the President of the United States sends to the Senate for his recognition of Carranza as first chief of the Republic of Mexico?

Mr. FALL. Yes.

Article 5 of this remarkable document:

Once the federal congress has been installed, the chief of the revolution shall render an account before it of the use he may have made of the powers with which he is vested hereby.

Now, allow me to interject that he is "vested hereby" by the chief of the revolution. This is a revolving government, you understand. The powers with which V. Carranza is hereby vested are hereby vested in V. Carranza by V. Carranza. This document is signed simply by V. Carranza and his chief clerk of the department of the interior, Adolf de la Huerta.

ART. 5. Once the federal congress has been installed, the chief of the revolution shall render an account before it of the use he may have made of the powers with which he is vested hereby, and he shall especially submit the reforms made and put into effect during the struggle, in order that congress may ratify them, amend them, or supplement them, and to the end that those which it may see fit may be raised to the rank of constitutional precepts, before the reestablishment of constitutional order.

Now, you understand, Mr. Carranza has appointed his congress. Then he goes before the congress with all of the decrees and the orders and the laws, and so forth, which he has enacted during what he calls the preconstitutional period. He presents these laws and orders and decrees to his congress. They may either ratify them, amend them, or supplement them. They can not reject them under his decree. They may ratify, they may amend, they may supplement, and then they become constitutional precepts.

Mr. WORKS. And the Senator might say, in that connection, that if they do not follow out his directions they will be stood up against a wall and shot.

Mr. FALL. Precisely.

Mr. SUTHERLAND. Let me ask the Senator one more question. Can the Senator from New Mexico tell us whether the President of the United States recognized Carranza because of these matters which the Senator has so graphically described, or in spite of them?

Mr. FALL. I have had an idea, at times, that Carranza was a man after the heart of the President of the United States. When I noticed, for instance, section 7 of the Post Office appropriation bill, vesting absolute and arbitrary powers in the Postmaster General, and when I have seen some other arbitrary acts and investments of power, and when I have seen the Congress of the United States whipped into line at various times and made to reverse themselves and do exactly what the gentleman in the White House has commanded, I have thought at times that he recognized Carranza because Carranza was a man after his own heart. I have thought it possible, sir, that if the President of the United States had the power to form a Government, this is possibly the character of Government which he would form.

After congress has elevated into constitutional precepts the decrees of Mr. V. Carranza, adopted by Mr. V. Carranza by virtue of the power vested in Mr. V. Carranza by Mr. V. Carranza, then the federal congress, under article 6—

shall convene the people to the election of president of the Republic, and as soon as this takes place the first chief of the revolution shall deliver to the president-elect the executive power of the nation.

Mr. President, I think I can safely say that so far as I have established the truth of the statement I have made, that this was the most remarkable document which could be found by searching the archives of any department of this Government. Certainly nothing like it has ever been known in the history of the diplomacy of this or any other civilized country.

Mr. NORRIS. Mr. President——

Mr. FALL. I yield to the Senator from Nebraska.

Mr. NORRIS. If the Senator intends to take it up later, I do not care to have him answer my question now; but for fear he has forgotten it, I want to call his attention to the fact that earlier in his remarks he made reference to a report made to the State Department by a Mr. West, whom the President, as I understand, had sent into Mexico to get information before he acted on the recognition of anybody. The Senator has said that that report from Mr. West was not sent to the Senate. I should like to ask the Senator if he has any knowledge of the report made by Mr. West, and whether it is true that Mr. West was sent there for the purpose of getting information?

The Senator has stated that Mr. West made the most thorough investigation of anybody who was sent into Mexico, and that he went into all the camps of all the belligerents and all the

factions. If the Senator can give us some information about his report, I wish he would do so.

Mr. FALL. I will say, in answer to the question of the Senator, that Mr. West is a high-toned, honest, sincere, loyal gentleman; that in so far as I personally know he has never given a copy of his report to anyone. I will say, upon my own authority, knowing Duvall West, knowing the conditions in Mexico, that his report must have been to this effect in substance, that Mexico was socially, politically, and financially bankrupt; that none of these leaders were worthy of recognition; and that as in any other bankruptcy the only method to pursue was to appoint a receiver.

Mr. President, here is Mr. Arredondo's statement, furnished October 7, 1915, after he was notified by this Government that Carranza would be recognized. He was here in Washington at the time, and he knew what form of law would continue in force, what government would continue in force in Mexico.

Mr. NORRIS. May I ask the Senator before he leaves the question of Mr. West if Mr. West made a report?

Mr. FALL. He made a report.

Mr. NORRIS. Has the State Department declined to send in the document?

Mr. FALL. It has declined. It has declined to send any of the documents or data asked for by the Senate of the United States. I read the approval of the President upon this document. Mr. Arredondo states:

The declarations issued to the Nation on December 14, 1914, and June 11 of the present year—

That I have been reading from—

clearly define the political program of the provisional constitutionalist Government which will be continued until the conditions of the country may permit the holding of general elections and the installation of a general congress.

I am reading from page 23 of the message. There was no time fixed, there was no promise given as to any period at which this unconstitutional, arbitrary, autocratic government is to cease—this government constituted by the joint efforts of Venustiano Carranza and Woodrow Wilson.

Mr. President, I have here among many other documents a copy of the bill of rights of the Mexican constitution. I want to say that statesmen and writers on constitutional government whom I have read have pronounced the Mexican constitution to be the most progressive written constitution ever adopted by any nation. I am going to ask that this extract from the constitution of Mexico on the "rights of man" may be printed as a part of my remarks.

The PRESIDING OFFICER (Mr. HUGHES in the chair). Without objection, permission will be granted.

Mr. GALLINGER. I will ask the Senator if it is lengthy?

Mr. FALL. I think it would require a very short time to read it. Possibly I had better read it for the information of the Senate. I think it would be very enlightening.

Mr. GALLINGER. My thought was that it ought to be read.

Mr. FALL. Then I withdraw the request for its publication without reading, and I will read it now, so that it may come in sequence. May I ask the Secretary to read it? It will relieve me for a few moments.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[From the Mexican Constitution.]

Modern Constitutions (Dodd, Vol. II, pp. 40 to 46).

TITLE I.

SECTION 1. THE RIGHTS OF MAN.

ARTICLE 1. The Mexican people recognize that the rights of man are the basis and the object of social institutions. Consequently they declare that all the laws and all the authorities of the country should respect and maintain the guaranties which the present constitution established.

ART. 2. In the Republic all are born free. Slaves who set foot upon the national territory shall recover, by that act alone, their liberty, and shall have a right to the protection of the laws.

ART. 3. Instruction shall be free. The law shall determine what professions require a diploma for their exercise and what requisites are necessary to obtain such diplomas.

ART. 4. Everyone shall be free to engage in any honorable and useful profession, industrial pursuit, or occupation suitable to him and to avail himself of its products. The exercise of these liberties shall not be hindered except by judicial sentence when such exercise injures the rights of a third party, or by executive order issued in the manner specified by law, when it offends the rights of society.

ART. 5. No one shall be obliged to perform personal work without just compensation and without his full consent (unless the work be imposed as a penalty by the judicial authority).

(With respect to public services, the following only shall be obligatory, under provisions which shall be established by law: Military service, the electoral functions, municipal offices, and service upon the jury; all of these, except military service, shall be gratuitous as well as obligatory.)

The State shall not permit the execution of any contract, covenant, or agreement which has for its object the (abridgment), loss, or irrevocable sacrifice of the liberty of man, whether by reason of labor, education, or religious vows.

(The law, therefore, does not recognize monastic orders, nor may it permit their establishment, whatever may be the denomination or the object for which it may be sought to create them.) Nor shall any agreement be permitted by which a man agrees to his own proscription or exile. (As amended Sept. 25, 1873, and June 10, 1898. The change in the first clause and the addition of the second clause were made in 1898. The other changes were made in 1873. For the relation of church and State, see additions to the constitution of Sept. 25, 1873.)

ART. 6. The expression of ideas shall not be the object of any judicial or administrative investigation, except in case it attacks morality, the rights of a third party, provokes some crime or misdemeanor, or disturbs public order.

ART. 7. The liberty to write and to publish writings on any subject whatsoever is inviolable. No law or authority shall establish previous censorship, or require authors or printers to give bond, or restrict the liberty of the press, which shall have no other limits than respect for private life, morality, and the public peace. Crimes which are committed by means of the press shall be judged by the competent tribunals of the Federation or by those of the States or of the Federal District and the Territory of Lower California, in accordance with the penal laws. (As amended May 15, 1883. The last sentence originally read "Crimes of the press shall be judged by one jury which determines the facts, and by another which applies the law and designates the punishment.")

ART. 8. The right of petition, exercised in writing in a peaceful and respectful manner, is inviolable, but in political matters only citizens of the Republic may exercise it. To every petition a written answer shall be returned by the authority to whom it may have been addressed, and the latter is obliged to make the result known to the petitioner.

ART. 9. No one shall be deprived of the right peacefully to associate or unite with others for any lawful purpose, but only citizens of the Republic may assemble in order to take part in the political affairs of the country. No armed assembly shall have the right to deliberate.

ART. 10. Everyone shall have the right to possess and carry arms for his security and legitimate defense. The law shall designate what arms are prohibited and the punishment to be incurred by those who carry them.

ART. 11. Everyone shall have the right to enter and leave the Republic, to travel through its territory, and to change his residence, without the necessity of a letter of security, passport, safe conduct, or other similar requisite. The exercise of this right shall not affect the legitimate power of the judicial or executive authorities in cases of criminal or civil responsibility.

ART. 12. There are not nor shall there be recognized in the Republic titles of nobility or prerogatives or hereditary honors. Only the people, legally represented, may decree recompenses in honor of those who have rendered or may render eminent services to the country or to humanity.

ART. 13. In the Mexican Republic no one shall be judged by special laws or by special tribunals. No person or corporation shall have privileges or enjoy emoluments which are not in compensation for a public service and are not established by law. Martial law may exist only for crimes and offenses which have a definite connection with military discipline. The law shall determine with absolute clearness the cases included in this exception.

ART. 14. No retroactive law shall be enacted. No one shall be judged or sentenced but by virtue of laws made prior to the act, and exactly applicable to it, and by a tribunal which shall have been previously established by law.

ART. 15. Treaties shall never be made for the extradition of political offenders, or for the extradition of petty offenders who may have been slaves in the country where the offense was committed; nor agreements or treaties by virtue of which are altered the guaranties and rights which this constitution grants to the man and to the citizen.

ART. 16. No one shall be molested in his person, family, domicile, papers, or possessions, except by virtue of a written order from a competent authority, which shall establish and set forth the legal grounds for the proceeding. In cases where one is detected in the commission of an offense, any person may apprehend the offender and his accomplices, placing them without delay at the disposal of the nearest authorities.

ART. 17. No one shall be arrested for debts of a purely civil character. No one shall exercise violence in order to enforce his rights. The tribunals shall always be prompt to administer justice, which shall be gratuitous, judicial costs being consequently abolished.

ART. 18. Imprisonment shall take place only for crimes which deserve corporal punishment. In any stage of the proceedings in which it shall appear that such a punishment can not be imposed upon the accused he shall be set at liberty under bail. In no case shall the imprisonment or detention be prolonged for failure to pay fees or any other pecuniary charge.

ART. 19. No detention shall exceed the term of three days, unless justified by a warrant, showing the cause of imprisonment and having the other requisites established by law. The mere lapse of this term shall render liable the authority that orders or consents to such detention and the agents, ministers, wardens, or jailers who execute it. Any maltreatment in the apprehension or in the confinement of the prisoners, any hardishp which may be inflicted without legal ground, or any tax or contribution in the prisons is an abuse which the laws should correct and the authorities severely punish.

ART. 20. In every trial the accused shall have the following guaranties:

I. That the grounds of the proceedings and the name of the accuser, if there shall be one, be made known to him.

II. That his preliminary examination be made within 48 hours, counted from the time he may be placed at the disposal of the judge.

III. That he be confronted with the witnesses who testify against him.

IV. That he be furnished with all the information on record, which he may need for his defense.

V. That he be heard in his defense, either personally or by counsel, or by both, as he may desire. In case he should have no one to defend him, a list of official counselors shall be shown to him, in order that he may choose one or more to act as his counsel.

ART. 21. The imposition of penalties properly so called shall belong exclusively to the judicial authority. The political and administrative authorities shall only have power to impose, as corrective measures, fines to the extent of $500, or imprisonment to the extent of one month, in the cases and in the manner which the law shall expressly determine.

ART. 22. Punishments by mutilation and infamy, by branding, flogging, the bastinado, torture of every kind, excessive fines, confiscation of property, or any other unusual or extraordinary penalties shall be forever prohibited.

ART. 23. The penalty of death for political offenses is abolished. With reference to other offenses, the penalty of death shall only be imposed in case of treason during a foreign war; parricide; homicide with treachery, premeditation, or advantage; arson; selling or forcing another into involuntary servitude; highway robbery; piracy; and grave offenses of a military character. (As amended, May 14, 1901.)

ART. 24. No criminal case shall have more than three trials. (I. e., trial before the court of first instance, and two trials on appeal.) No one shall be tried twice for the same offense, whether by the judgment he be acquitted or condemned. The practice of suspending trial is abolished. ("Absolver de la instancia," to suspend proceedings, usually because of insufficient evidence, it being possible to have a new trial upon the same charge; practically the same as the nolle prosequi of English law.)

ART. 25. Sealed correspondence sent through the mails shall be free from any examination. The violation of this guaranty is an offense which the law shall punish severely.

ART 26. In time of peace no soldier may require quarters, supplies, or other real or personal services, without the consent of the owner. In time of war he may do so, but only in the manner prescribed by law.

ART. 27. Private property shall not be taken without the consent of the owner, except for a public purpose, and upon previous indemnification. The law shall determine the authority which may make the condemnation and the conditions upon which it may be carried out.

Religious corporations and institutions, whatever may be their character, denomination, duration, or object, and civil corporations when they are under the patronage, direction, or administration of religious organizations or of ministers of any religious denomination, shall have no legal capacity to acquire or administer any real property other than the buildings destined immediately and directly to the service and object of such corporations and institutions, nor shall they acquire or administer funds secured upon real estate.

Corporations and civil institutions which are not included within the above restrictions may acquire and administer, besides the buildings referred to, immovable property and funds secured upon immovable property which they may require for their support and purposes, under subjection to the requirements and limitations of a Federal law which shall be passed by the Congress of the Union. (As altered by amendment of May 14, 1901. This amendment restricted the powers of religious corporations and extended the powers of civil corporations; it repeals, by implication, art. 3 of the additions to the constitution of Sept. 25, 1873. See additions to the constitution of Sept. 25, 1873, for relations of church and state.)

ART. 28. There shall be no monopolies nor exclusive privileges of any kind, nor prohibitions under the guise of protection to industry. The only exceptions to this shall be those relative to the coining of money, to the mails, and to the privileges which, for a limited time, the law may grant to inventors or to the perfecters of some improvement.

ART. 29. In cases of invasion, grave disturbance of the public peace, or in any other cases which may place society in great danger or distress, only the President of the Republic, with the concurrence of the council of ministers and with the approbation of the congress of the union, and in the recess thereof of the permanent committee, may suspend the guaranties established by this constitution, with the exception of those which protect the life of man; but such suspension shall be made for a limited time by means of general orders, and shall not be limited to a particular individual.

If the suspension should take place during the session of congress that body shall grant the authorizations which it deems necessary in order that the executive may properly meet the situation. If the suspension should take place during the recess, the permanent committee shall convene the congress without delay, in order that it may grant such authorizations.

Mr. FALL. Mr. President, the bill of rights as contained in the Mexican constitution which has just been read has been set aside by V. Carranza by virtue of the authority vested in him by V. Carranza, as have also been set aside all the other provisions of the Mexican constitution and all the laws of the Mexican Republic. The Government is one purely by decree. The officers of the Federal Government, I repeat, all over the Republic, where they can find room or where their opponents will allow them to remain, are appointed by Carranza. The governors of the States, whether in the States or not, are appointed by Carranza. They issue decrees wherever they may be, although probably not in the capitals of the States to which they are assigned. Some of them issue a decree, as it is claimed, by virtue of the authority vested in them by V. Carranza; but others issue decrees—as, for instance, the governor of Tamaulipas on the 14th of January issued a decree prohibiting barter, sale, and commerce of any kind in real property, and so forth, in the State of Tamaulipas "by virtue of the power vested" in him by Pablo Gonzales.

Gonzales is the general in command in the department of the City of Mexico. Other governors, whether in their States or not, issue decrees affecting property rights, rights of foreigners and others in their States by virtue of the authority vested in themselves by themselves. Some recognize Carranza; some ignore Carranza. The majority issue a decree by virtue of the authority vested in them by V. Carranza when the decree, they think, will be peculiarly unpopular. When it is one the operation of which might inure to their own personal benefit and will be directed against a class of society which has no voice, they issue it by virtue of the authority vested in themselves by themselves. They ignore Carranza, in other words, when it suits them to do so. They refer to Carranza as authority when it is convenient for them so to do.

But remember, when Madero was elected President every State officer was elected at a general election held under the constitution and in full force, and although in the 27 States governors were elected there is not a governor so elected now serving in the entire Republic of Mexico. Where there is a State in such a condition political or social that Carranza can place a governor in the capital, he places him there by his own arbitrary power vested in himself by himself. There is not an elective officer remaining in the Republic of Mexico. During the Madero administration a congress was elected under the provisions of the constitution. Where is that Congress? During the Huerta administration a congress was elected under call made under the terms of the constitution. Where is that congress?

Under the provisions of the Mexican constitution, differing from ours, when congress is not in session what is known as a permanent legislative committee is always in session, composed of a certain number of senators and a certain number of members of the house. So congress is never out of existence in Mexico. Where is that permanent committee?

I have just read in the bill of rights of the Mexican constitution that no rights of man can be affected by decree. It must be done by following the provisions of the constitution; and if attempted to be done by executive order the action must be ratified by the Congress of Mexico, and if the congress is not in session it must be ratified by the congressional legislative committee, which is always in session.

No contract, concession, so called, franchise, or any other governmental agreement with individuals or with other governments, no appointment of an ambassador can be lawful except by congressional action in Mexico. Arredondo is no ambassador. The Mexican constitution directly prohibits the appointment of this man Arredondo as ambassador to the United States. He could not be appointed except by the action of the Mexican Senate. Such treaty as was proposed to be made following the lines of the old Indian treaty, where the troops of Mexico might cross to this side in the pursuit of Indians and the troops of this country might go into Mexico in pursuit of Indians, must be made by consent of the senate. No such treaty, not even a temporary agreement, can be made under the Mexican constitution by the Executive. It is a question as to whether it can be so made here in the nature of a protocol, though custom has established that it may; but under the Mexican constitution the execution of such protocol without the prior consent or ratification of the senate is prohibited. It is not silent, as is our Constitution, upon the subject.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from New Mexico yield to the Senator from California?

Mr. FALL. I yield to the Senator.

Mr. WORKS. And when we make contracts of that kind with Carranza, we ourselves are violating the constitution of Mexico?

Mr. FALL. We ourselves are violating the constitution of Mexico, and inviting upon ourselves the natural disasters which may ensue if we enter into any character of binding agreement with that country. Under the present condition of affairs existing there such agreement may be violated with impunity by any subsequent Mexican Government or by the present Mexican Government at any time. It may also involve us with foreign countries at any moment, and I may say that some of our actions have already had that tendency.

Mr. President, I am hurriedly going through this record referring to a few other matters which are set forth in this answer to the Senate resolution and which were referred to in the resolution itself.

For instance, the Government of the United States was called upon to state what assurances it had as to either the ability or the desire of the Carranza government to protect American citizens before the recognition of Carranza, which was the time, as it would appear to a man of ordinary common sense, to secure such assurances. What assurances were demanded or secured? I have heretofore read the assurances, but I do not think that a Member of the Senate can recall them now. On page 32 you will find the assurances set forth in the decree of Mr. V. Carranza. That decree reads:

First. The constitutionalist government shall afford to foreigners residing in Mexico all the guaranties to which they are entitled according to our laws—

Mr. Lansing refers to that statement as the assurance obtained for the protection of American citizens in Mexico—an absolute ignoring of the treaty provisions and treaty rights of American citizens; not even a reference to them.

Since 1831 this country has had a solemn treaty with Mexico, under which special protection is guaranteed in their houses, in their homes, and in their business, to American citizens either temporarily or permanently in the Republic of Mexico. The Senate of the United States asked of this administration what assurance they had of either the desire or of the ability of the Mexican Government, which they were constituting, to

regard these treaty rights and to safeguard the interests of the people of the United States. The answer is flippantly given in the words of V. Carranza himself—not that they will respect any treaty, but simply that—

The constitutionalist government shall afford to foreigners residing in Mexico all the guaranties to which they are entitled according to our laws.

What laws? Not the constitution of Mexico, that is set aside; not according to the constitution of any State in the Republic, those constitutions are abrogated; not according to the laws as we have known them, as enforced by that old lawgiver Juarez, and as they have been enforced down to the present time; not the laws of States nor the laws of the Republic passed by the lawmaking bodies, but the laws of Venustiano Carranza, as embodied in his decrees. This is the assurance that our Government has satisfied itself with in the face of the demand of the Senate of the United States to know what the administration has done toward protecting the citizens of the United States in the Republic of Mexico. Since this answer was prepared and sent, 18 of our citizens have gone to their death at Santa Ysabel, and not one thing has been done to avenge their murder or to demand assurances for the future safety of Americans except the punitive expedition, caused by the murder of Americans on this side, to which I shall refer a little later.

In passing now, however, and while it is fresh in my mind, I may call the attention of the Senate to the fact that, with 14,000 American troops in Mexico, they are there under strict orders which will prevent their arresting one man guilty of the murder of Watson and his companions, unless that man happened to be in the raid on Columbus. No authority is vested in our troops in Mexico, although they might encounter those bloody-handed murderers, to cause an arrest or demand punishment, unless the same party happened to be one of those who followed Villa onto the United States soil on March 9. This is the answer given to the request of the Senate of the United States to know, before constituting this Government in Mexico, what have you done to secure the treaty rights and the protection of American citizens? They send us, under the indorsement of Woodrow Wilson, back to the Senate the statement that V. Carranza has said that he will protect American citizens as is provided under his laws. That is the assurance of this great Government of 100,000,000 people, with two billions of the money of its people invested in Mexico, with nearly 500 of its citizens murdered in Mexico, with its women raped in Mexico, with 5,000 of its citizens driven from the soil of Mexico at the muzzles of guns held by bandits, with the Congress of the United States appropriating $100,000 to keep those poor people from starving to death when they were brought to this side—with those conditions existing in Mexico, we receive this assurance from the President of the United States. This is his answer; this is what he has done.

We asked the President what provision he had arranged for as to the payment of claims for damages already done by the loss of life or the destruction of property, or otherwise, to our citizens in Mexico. We are answered in this same expression of V. Carranza, we have the assurance, we are referred to the same statement, following the words which I have just read:

And shall amply protect their lives, their freedom, and the enjoyment of their rights of property, allowing them indemnities for the damages which the revolution may have caused to them, in so far as such indemnities may be just and which are to be determined by a procedure to be established later.

This, we are told, is what this Government has done in constituting a Government in Mexico to secure reparation for damages done American citizens on Mexican soil. Ah, truly this administration can be congratulated upon its methods in protecting American citizens by words, at any rate.

But, Mr. President, I am reading from the record; this is the statement to which we are referred by Mr. Lansing, indorsed by Mr. Wilson, made solemnly to the Senate of the United States in answer to a respectful question; and yet at that time and since 1913 they have had on file in the State Department a pledge from Carranza as to the payment of these claims and as to how the payment was to be made. They have ignored it. This Government, in dealing with him and in recognizing him, has ignored and discharged him and relieved him from his pledge. They have accepted, in other words, the pledge of June 11; 1915, and discharged him from the pledge contained in his decree of May 10, 1913. On that date he pledged to this Government by this decree—a duplicate was filed in the State Department and is there now, and this copy was furnished me on the same date by the Carranza authorities here—this Government, instead of doing its duty and providing for the reparation for damages done Americans, has discharged this man from his solemn pledge to this country—solemn and specific, because at that time they wanted something; because they wanted help in this body and elsewhere; and they made this pledge for the purpose of securing assistance or, at least, that they might to some extent close the mouth of the opposition; and they furnished me for that reason with this duplicate of the decree, which they filed in the State Department:

ARTICLE I. The right of all nationals and foreigners to claim payment for damages suffered during the revolution of 1910 or during the period embraced between the 21st of November, 1910, and May 31, 1911—

Note the dates—

is hereby recognized.

That goes back to the inception of the Madero revolution; it brings it up to the date of the Carranza revolution, and then goes beyond it, as I will show you.

ART. II. An equal right is also recognized on the part of nationals and foreigners to claim for damages which they may have suffered during the present struggle or from and after the 19th day of February of the present year, until the restoration of the constitutional order.

ART. III. The same right on the part of foreigners to claim payment for damages suffered by revolutionay forces or groups during the period embraced between the 31st of May, 1911, and the 18th day of February of the current year, is recognized.

I ask Senators here to pay attention to the wording of this decree, because I am going to call your attention in a moment to other matters in connection with it.

ART. IV. As soon as the first chief of the constitutionalist forces shall arrive at the capital of the republic, and in accordance with the plan of Guadalupe, assumes the executive power, he will name a commission of Mexican citizens who shall be charged with the receipt, examinatien, and liquidation of the claims for damages suffered during the periods fixed in Articles I and II of this decree.

ART. V. At the same time that the said commission is named, as provided in the preceding article, the first chief of the constitutionalist forces, in accord with the diplomatic representative of, or commissioner especially designated by, the government of the foreigners who have suffered damage will proceed to name a mixed commission, composed of an equal number of Mexicans and foreigners, the latter of the same nationality as the claimants, in order that they may receive, examine, and liquidate the claims presented, in accordance with the provisions of the three first articles of this decree.

Now, sir, when Watson and his associates were shot down and representatives of their suffering families, American citizens, came on here to the State Department and asked what was going to be done, and whether this Government would request or demand of the Mexican Government payment for the lives of their loved ones, they were told, first, "We do not know; we have the matter under consideration as to whether legally, we having recognized Carranza, we can hold Carranza responsible for the death of the people who went to their death at the hands of Pablo Lopez or some one else not recognizing Carranza."

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from California?

Mr. FALL. I yield.

Mr. WORKS. These pledges which were made sound very nice, and, if they were made by anybody having authority, they might be of some consequence; but I suppose the Senator recognizes the fact that they are not worth the paper they are written on, because nobody has any authority to bind the Republic of Mexico by any promise of that kind under present conditions. Is it not a fact that the whole trouble with this matter, so far as our dealing with that country is concerned, is that there is not any government down there to deal with at all? We are dealing all the time with people who have no authority to bind the Republic itself.

Mr. FALL. Mr. President, we have made a government there, and, in so far as we are concerned, we are estopped from saying that Mexico has not a government. We have made it.

Mr. WORKS. The Senator says we have made a government down there, but it is hardly in conformity with the constitution of the Republic.

Mr. FALL. It is in absolute violation of the constitution.

Mr. WORKS. Yes; and therefore it is no government at all. We certainly have no authority to establish a government in Mexico.

Mr. FALL. But we have said from August 27, 1912, that we were going to do it; the President of the United States said that he was going to do it, and he stated what kind of government he was going to set up.

Mr. WORKS. Then, it is an attempt to do something that neither this Government nor that one has any authority or power to do.

Mr. FALL. Very well, sir. As to the Senator's statement that these words sound well, do they not sound better, may I ask the Senator, than the words of this instrument which has now been substituted by this Government in lieu of them?

Mr. WORKS. Of course, they sound better, and, if there was any authority to make those promises, they would be better, but what I wanted to bring to the attention of the Senator is

that there is nobody under existing conditions to make any promise that is binding and that every effort of our Government to deal with any such assumed power as that is absolutely futile.

Mr. FALL. Unless, Mr. President, by some miracle this so-called government in Mexico, or its successor, will eventually become a successful constitutional government, in which event the acts of the so-called existing government would probably be enforceable against such successor.

Mr. WORKS. I question that. I do not believe that any government which may be established in the future would be bound in any way; it might accept it, and take some action that would make the government bound from that time on, but certainly it would not be bound by virtue of this document.

Mr. FALL. Mr. President, I do not think that when one government deals with another the doctrine of ultra vires, which is applicable to the case of corporations and their officials, would apply to governmental acts. I think that, inasmuch as this Government has recognized Mr. V. Carranza as chief depository of the de facto government of Mexico, it is the duty of this Government to hold Mr. V. Carranza absolutely to account for anything that he may do, or which may be done under him against American citizens, and to make him carry out his pledges with reference to the payment of damages.

Mr. WORKS. That may be done by force of arms. It is the only way that it can be done. You can not enforce it as a contract or a treaty or anything of the sort.

Mr. FALL. Well, Mr. President, you can not enforce any other treaty or contract between nations except by the method provided for in the treaty itself, by agreement thereafter to arbitrate difficulties or by the sword.

The point that I am making, Mr. President, is this: That the claimants are told that there is a question in the mind of the governmental authorities here as to whether Carranza can be held responsible. There would be no question if they took this document, Mr. Carranza's contract, because that provides that as to any damages done to anyone during the entire course of the revolution he will be responsible. It makes no difference who did the damage or whether the act was committed by one side or the other. They have waived that. Now, they question his responsibility under this new agreement which they have accepted. Not only that, but they have waived the agreement entirely as to a mixed commission; they have waived the responsibility entirely under his contract and have accepted simply his statement that he would see that claimants were paid damages according to his laws, which he himself enacts.

The department was asked another question, which they have answered, I judge, in a facetious spirit. The Secretary of State has put within quotation marks a word which was intentionally used in phrasing the resolution. The question was asked, What assurance the Government of Mexico had given, if any, as to the protection of foreigners and citizens in their religious rights, in the right to worship freely in their houses or in their churches? I say that apparently this expression used in the resolution was treated facetiously by the Secretary of State.

Evidently he did not know what the treaty with Mexico upon that subject was. He did not know that the rights which are referred to are guaranteed by treaty with Mexico, and that those rights have been construed by the greatest lawyer, the greatest lawgiver and enforcer and constitutional statesman that Mexico has ever produced, not only while he was chief justice of Mexico, but while he was President of Mexico, Benito Juarez. He himself passed upon the question of, I think, the ninth section of the treaty of 1831, carried into the treaty of 1848, and referred to in the treaty of 1854, with reference to the right of religious worship, of burial, and so forth. There was a wording in this section which might be construed as protecting Mexicans in the United States in a different way than citizens of the United States in Mexico should be protected with reference to their right to religious worship in their own houses or in their chapels. Juarez went on record in a written answer, in which he said that article second of the treaty of 1831, which prescribed that the contents of this instrument were intended to be based on a mutual understanding, was sufficient to make those treaty obligations mutual also, and that, therefore, American citizens were entitled to the same protection which we had more clearly set forth we would extend to Mexican citizens in the United States in their right to worship. We asked if the Carranza government had promised anything with reference to securing the right of the free exercise of religious observances, and so forth, provided for in the treaty; and we were again referred to the prepared answer of Mr. Arredondo and Mr. Carranza. The department says in its answer "We have received these assurances, as you will see from the accompanying documents." Very well, let us see what the accompanying documents are.

You have read something of the restrictions upon monastic orders as contained in the bill of rights of Mexico. Following the Mexican constitution there was passed what are known as the "laws of reform," providing just how church property could be held and what property could be used by the church, and restricting it to cathedrals, their churches, and so forth, and the necessary ground upon which they were situated. During the Maximilian revolution, as the clerical party had been of assistance to Maximilian and the French in the war, the church property was confiscated in Mexico; and in confiscating the property, so as to readjust conditions, the Government of Mexico confiscated not only the landed property generally, but confiscated the cathedrals themselves. Then, under the laws of reform, which we hear referred to so often by loyal Carranzistas, the cathedrals and the churches were ceded back to the Catholic clergy; the houses of worship were given back, granted by the State, and became the property of the Catholic Church.

Now, Mr. Lansing says he has received assurances as to the protection of citizens in the exercise of their worship, and so forth, and the protection of the priesthood in Mexico. I should like some Senator to tell me what would be the answer if a dictator or a President or a Congress in the United States were to enact a law to provide that no clergyman in the United States should be allowed to take any part in political matters of any kind or character, whether the woman-suffrage question, whether a great moral issue, such as prohibition, or whatever it might be—that he should not be allowed to take part in the discussion of any such matter where it was in politics.

What would be the consequence? How long would a government last in this country under those conditions? And yet the great leader of the Carranza party—I might say the brains of the Carranza party, the man who has represented them continuously in this country and is now acting as minister of finance, in an attempt to satisfy the people of the United States as to the error of statements that had been made with reference to the action of the Carranzistas in regard to religion in Mexico—Mr. Cabrera, issues a pamphlet on what he calls "The religious question in Mexico," and in closing he says:

> However, here is what we intend to do and here is what must be done—

This is what they are prohibiting in Mexico now—

> The intervention of the clergy in political matters.

They construe that to mean that if any priest takes part in anything of a public nature or of a private nature which one of their leaders chooses to class as a political matter, whether it is a question of closing a saloon in the city of Juarez or any other question, then he is guilty of entering into politics and the penalty is exile from his country or that he be shot, as has been done time and time again.

I hold no brief to speak for the Catholic Church in Mexico or anywhere else, but I want to say to you now, without fear of being accused of bringing religion into this discussion, that the Catholic Church in the Republic of Mexico has stood for law and order and peace and against murder and brigandage and outrage and robbery and devastation. It has stood for peace and law and order as all religion everywhere stands for peace and law and order in every country. It is for this reason that those women who have been giving their lives without recompense for nursing the sick in Mexico and to educating the young have been borne, outraged, to maternity hospitals and delivered of children born in the arms of lust. It is by excuses of this kind that Dieguez, one of Carranza's great leaders, has since Carranza's recognition stabled his horses in the churches of Sonora and of Sinaloa and has driven the priests from their homes and into the United States.

It is on a theory of this kind—because the Catholic Church stands there for law and order—that one of its bishops was shot down in Matamoras, after being robbed, because he could produce no more money with which to ransom himself. It is because they are against bandits and murderers that they are being hounded to death and their women driven from Mexico after being outraged and their priests and their teachers driven from the Republic. And then Carranzistas publish throughout the length and breadth of this country—and some innocent people take them at their word—that they are sending 50 educators on to the United States to study the public-school system in this country that they may inaugurate it in Mexico!

Why, Mr. President, that old Indian, Porfirio Diaz, instituted a school system in the Republic of Mexico which carried the public schools out among the Tarahuamaris and into the most inaccessible part of the Sierra Madres; which carried them among the Mayas of Yucatan, who had never been conquered

by any race, and who yet admitted his school system among them. He inaugurated a school system under which, in the State of Chihuahua, in 1910, there were 22,000 children in the public schools alone in daily attendance out of a total population of 327,000 people, mostly Indians, in an enormous State, and scattered over hundreds of miles. They had 22,000 children in daily attendance, two normal schools educating teachers, two agricultural colleges, one technical school, one school of arts and sciences; the State supporting 60 of its normal graduates in postgraduate courses in the colleges of France, of Germany, and of England. To-day there is scarcely a school running, and for four years the doors have been closed; and yet for over two years out of this time in that State of Chihuahua, Carranza, either through Villa or now through himself, has been in supreme command and claims that the State is absolutely under his jurisdiction.

Now, Mr. President, the Government of the United States, through its Secretary, said to this Congress, inferentially, at any rate, that they had received satisfactory assurances from the Carranza government as to the protection of the religionists in Mexico; and yet they filed as an exhibit here this same decree of June 11, 1915, in which Venustiano Carranza says:

Temples shall continue to be the property of the nation, according to laws in force, and the constitutionalist government shall again cede for the purposes of worship those which may be necessary.

He has taken over every church in Mexico which was granted under the laws of reform, and he now says that in his good pleasure, when he has a constitutional government established in Mexico, they will then cede the necessary churches as places of worship. These are "satisfactory assurances"! They may be.

Mr. President, we have recognized Mr. Carranza. I have shown you what the President has said he was going to do about the recognition and the establishment of a constitutional government in Mexico. I have shown you what he has done, as compared with what he has said—that the Government of Mexico is established, by the documents which he has sent to the Senate, to be the most autocratic government ever known in the history of the civilized or uncivilized world. Never did Peter the Great or any Czar of Russia hold in his hand the absolute power vested in Venustiano Carranza by himself to set aside the marriage ceremony, to control the right of marriage, to control the right of religious worship, to prevent religious worship, to control the houses of worship, to set aside State constitutions, to set aside a Federal constitution, to set aside all State laws and all Federal laws, to set aside the legally elected congress of his Republic, to ignore it, to ignore the legislative committee appointed under the constitution of his country, to ignore every elected officer in every State in the Republic, to appoint governors and all other officers at his own sweet will, to abolish courts and establish courts-martial, to try men for civil offenses by military courts such as I have explained to you in passing, and to sentence them and execute them by shooting at his own sweet will; and never, certainly, was such a government, founded upon such declared intentions and principles, recognized by this Government in our history. And yet the President of the United States, after all his declarations as to what he should do, has recognized Carranza and put him in power in Mexico, so far as he could, in the face of Carranza's declaration as to the kind of government he would establish; and the President has then sent, in answer to the Senate resolution, the declarations of Carranza as a reason for his recognition!

Mr. President, I have not been in the habit of injecting politics into any discussion which I have ever engaged in in the Senate; but I say here that if the people of the United States could understand the record of this administration in Mexico, Mr. Wilson would never again be President of this Republic.

Now, let us see. Why should we have picked Mr. Carranza? We did refuse him arms and ammunition, while giving them officially and in a governmental capacity to Mr. Huerta up to August, 1913. Let us see what Mr. Carranza has done for us—how he has treated this Government. Possibly, by looking back, we may ascertain what actuated the administration here in the recognition of Carranza, if anything, aside from what they have set forth in this report.

The first official or semiofficial act of ours with reference to Carranza was, as I recall it, in connection with the murder of the Englishman, Benton. We called for an explanation. Great Britain was requesting us to do something. We undertook an investigation, and we were notified by V. Carranza that he was in command, that Villa was only a leader under him, and that he himself would conduct any such investigation as was necessary. We were offered at one time the right to send physicians into Mexico in order that the body of Benton might be exhumed and examined by physicians to ascertain the method by which he met his death. My recollection is now that that examination was finally definitely refused by Mr. V. Carranza, at that time his headquarters being in Sonora. We then notified Mr. Carranza that we had been requested by foreign governments to have our consuls deal with him in representing the interests of their nationals—for instance, Great Britain in the Benton matter. Mr. Carranza notified the Government of the United States that our consuls could not represent any other government unless such government accredited them as its own consuls to him. Rebuff No. 1.

In assisting Mr. Carranza—or, as the President of the United States much more eloquently and effectively puts it, in serving humanity—by seizing Vera Cruz, we, of course, incurred the displeasure of Mr. Huerta, but naturally we expected the approbation of Mr. Carranza. We received that of Mr. Villa, one of our pets at that time, and we were notified by Mr. Carranza that he objected very seriously to our occupation of any portion of the sacred soil of Mexico, and that he should object to our retention of it. I am going to call attention to this occupation of Vera Cruz and the evacuation of Vera Cruz a little bit later as I go along; but I simply want to emphasize now the number of times that we have requested anything of Carranza, and to show to the Senators here that never in any single instance yet has Carranza agreed to anything we have requested of him—never. Never has he approved of any action of ours; and he has emphatically expressed not only his disapproval of our actions in the past, but his dissent from our views and his refusal to grant our requests at all times.

The Niagara conference was called. Mr. Huerta went before the conference with his delegates. Mr. Carranza refused to go. Then the agents of this Government, Justice Lamar and Mr. Lehmann, presented what they understood should be done in the interests of the Carranzistas to bring about peace. We have never received from the administration any account of what took place at this Niagara conference. I stated here in a speech at one time that certain impressions, at least, were made throughout Latin America and in Mexico as to what had been agreed upon, and it caused no particular manifestation of interest, but certainly no denial from any authoritative source. I want to read into the RECORD some of the statements that were made to Carranza and to the Mexican people and to the Latin Americans at that time.

There was a protocol signed by the representatives of this Government and the representatives of Huerta and by the representatives of Argentina, Brazil, and Chile as to what they should confer about and what should be done and publicity given through the public press, and in signed statements sent out by our officials.

The text of the protocol signed at Niagara Falls the 25th of June, 1914, was as follows:

ARTICLE 1. The provisional government referred to in protocol 3 shall be constituted by agreement of the delegates representing the parties between which the internal struggle in Mexico is taking place.

Huerta agreed that our delegates and Huerta's delegates should submit to mediation their case, not only as to the dispute between the United States and Huerta, but as to the troubles in Mexico and as to the constitution of a government in Mexico as between the Huertistas and the Carranzistas. Carranza refused to send delegates, although we had asked him to do so, and were acting in good faith, as I will show you. Huerta agreed, and the protocols were signed as to what should be considered.

The three mediating Governments agree on their part to recognize the provisional government organized as provided by section A of the protocol.

Then there was a discussion, and our eminent statesmen entered into it and combated some of the objections made by the Huertistas to the methods by which the government was to be established in Mexico, which I shall read you:

The decision to leave for future settlement the question of the withdrawal of the American armed forces from Vera Cruz was due to a difference between the Government of the United States and Mexico and expressed by their delegates.

That was waived.

President Wilson, it was made known, contended that any agreement on the subject should provide that the American troops should not be withdrawn until after constitutional elections had been held throughout Mexico and a new President installed in office.

This was as to the evacuation of Vera Cruz. We were not going to evacuate Vera Cruz at all until after a constitutional election had been held and a new President elected in the Republic of Mexico.

The Mexican delegates combated this proposal on the ground that if American troops remained in Mexico for the period favored by President Wilson, the accusation might properly be made that they were kept in Mexico to influence the elections.

I am quoting all of this from the official proceedings.

As neither side was willing to recede from its position, it was agreed that consideration of the question of the withdrawal should be postponed until after the effort had been made to have the Huerta and constitutionalist delegates settle their differences under the method proposed by the mediators."

Before they got to the point of signing the agreement as to the settlement of difficulties between the contending factions in Mexico and as to the settlement of the difficulties between ourselves and Huerta, Messrs. Lamar and Lehmann, the American delegates, gave out an official statement, in which they said that after consultation with Mr. Bryan and President Wilson himself they issued their statement. I quote:

If those selected by the mediators—

They had been discussing a plan of mediation—

to administer the provisional government have the confidence of the constitutionalists—

The Carranzistas—

a long step will have been taken toward the pacification of Mexico without furnishing any occasion for alarm to those Mr. Rabasa represents—

Mr. Rabasa represented the Huerta element—

for if the plan is accepted both by Gen Huerta and Gen. Carranza, the cessation of arms follows, and a provisional government is established to maintain order, to protect life and property, to call an election at which every qualified voter may cast his ballot for the President of his choice.

I may say here that the Carranzistas insisted that unless it was agreed upon beforehand that a Carranzista should be recognized as the President pro tempore, they would not take any part in the conference. The American delegates were met by the Huertista delegates with the proposition that a neutral man should be agreed upon, not a member of either party. The Carranzista unofficial delegates were in communication with our official delegates all the time, and our delegates were voicing their objections. They insisted that a Carranzista should be appointed President pro tempore, and recognized by this Government.

There was then discussed the method of holding an election, and the American delegates suggested a bipartisan plan—that is, that the Carranzistas should appoint certain-named parties as members of the cabinet, the Government to be composed in that way of the two factions.

The effort, therefore, should be, not to find a neutral—

This is the statement of the American delegates—

but one whose attitude on the controlling issues would make him acceptable to the constitutionalists, while his character and conduct would make him acceptable to the other party. Such a man, and only such a man, can reasonably be expected to have the confidence and respect of the entire country.

In answer to the contention that there could be no fair election conducted by a provisional government of which a constitutionalist was provisional president, the answer of the Americans calls attention to the fact that in the past the elections in Mexico "have been under the supervision of a single cabinet minister representing the dominant party." By analogy the next election should be supervised by only one officer representing the dominant constitutionalist party. The American plan seeks to avoid the just criticism against that method, and contemplates that this, the most important election in the history of Mexico, shall be supervised by the representatives of both parties. It is wholly incorrect to assume that thus supervised it would be unfairly conducted, and you may rest assured that all the influence the United States can legitimately use will be exerted to secure an honest election.

This is all a quotation. You will see that while watchfully waiting, while allowing them to spill their blood, while refusing to have anything to do with Mexico, while notifying our political adherents in Indianapolis that we had nothing to do with this Government, we were outlining the entire plan of government and holding consultations with representatives of the different factions as to how elections should be held, and just what should be done, and stating that we would use our influence to see that these bipartisan methods were carried out; and in every instance Carranza rejected every proposition which was made to him. In every instance where he has been called upon to agree with Huerta, to agree with Villa, to agree with the others, the others have invariably accepted the suggestions of the United States Government and he has invariably scornfully rejected them.

I referred a while ago, in another connection, to the fact that when Carranza sought, after this Niagara conference, to enter the City of Mexico after Huerta had left by way of Puerto Mexico, Carbajal, who was left in charge of the city, requested this Government to demand of Carranza assurances that general amnesty should be proclaimed in the City of Mexico before he was allowed to enter the city. Why? Why, Senators, because following what they understood to be the general agreement, although the party himself was not named in the Niagara conference—they could not agree on the party—but understanding this protocol to mean a certain thing, Huerta agreed to leave Mexico and surrendered every garrisoned city and every soldier in it and no longer attempted to prevent the placing of the country entirely in the hands of the Carranzistas. No further resistance was made. When he marched out he turned the City of Mexico over to Carbajal, who was suggested by all parties as a neutral, as a man not either a Huertista or a Carranzista; and he, a high-toned, educated gentleman, called upon the Government of the United States to assure protection to the people of the City of Mexico against the lust and the bloodthirstiness of Carranzistas; and we intimated to him that we would like to have his promise to that effect, and he refused to give it.

As I said, we occupied Vera Cruz, and then we evacuated Vera Cruz. I want to call your attention to what occurred just before the evacuation of Vera Cruz. I read to the Senate here on one occasion a speech made by Col. Isaguirre, of what was known as the "Benito Juarez" Brigade of the Constitutional Army," at Parral on the 16th day of September, 1914. I have here a translation of that speech. I do not propose to read it again, but I will say that in that speech Col. Isaguirre pointed to Gen. Monclovio Herrera and Gen. Luis Herrera, whose name you have recently read in the public press in connection with certain matters that are going on, and made the statement that because of the threats of Monclovio and Luis Herrera, V. Carranza had demanded of us the evacuation of Vera Cruz immediately and had finally given us until the 30th day of September in which to evacuate that city.

The statement was made openly, and it was printed because of the demand of Monclovio and Luis Herrera that it should be published. Luis Herrera is the same man who is now reported in the public press to be leading a large portion of the Carranza forces immediately to the south of Pershing's command and to be issuing proclamations to Mexicans to come to him and to eject the American troops from Mexican soil. At that time his spokesman declared "death to the Americans" and "death to the Puritan Wilson" if the demand for the evacuation of Vera Cruz by the 30th day of September was not carried out.

What did we do? We did not get out on the 30th of September, but let us see what the official record shows.

Now, what do we find? September 22, 1914, Robert Lansing, Acting Secretary of State of the United States of America, sent a telegram to the Brazilian minister at the City of Mexico. In this telegram there are other matters referred to which I am going to call to the attention of the Senate in a moment, but there is reference made in that telegram or in the letter here of the Secretary of State to the effect that intimation had been given to Mr. Carranza on the 15th day of September that we were preparing to evacuate Vera Cruz. On the 22d this message was sent:

Certain rumors have reached this Government as to actions which may possibly be taken by the authorities at Vera Cruz after its evacuation, namely:

The exaction of further payments of duties on merchandise which has passed through the customhouse since American occupation and on which the duties have been paid. The exaction of further payments of local and municipal taxes paid since American occupation, such as license fees, property taxes, street taxes, etc. The imposition of fines or other penalties upon Mexican citizens, who have been employed in connection with the civil government of the city since American occupation.

You are requested to call these subjects to the attention of Gen. Carranza and state to him that this Government, while it does not give credence to these rumors, as such actions would be manifestly unjust, considers that to avoid possible improper conduct by subordinates and to allay apprehension at Vera Cruz it is hoped that Gen. Carranza will give a specific assurance in regard to each subject that the rumored action will not be permitted.

You will please intimate to Gen. Carranza the advisability of giving these assurances in definite form and as soon as possible in order that there may be no delay in carrying out the proposed evacuation of Vera Cruz by the American forces.

Mr. NORRIS. Who sent that?

Mr. FALL. Robert Lansing.

Mr. NORRIS. To whom?

Mr. FALL. To the Brazilian minister for communication to V. Carranza on the 22d day of September.

Mr. STERLING. The demand was made for the evacuation on the 30th of September.

Mr. FALL. The demand as stated was that not later than the 30th of September we were to evacuate Vera Cruz. It will be seen, if I were to reread all these documents, that there is an intimation here that the first note had been sent about the 15th of September by us that we were now ready to agree to their request and would evacuate. Delays occurred caused by this, that we had collected 2,000,000 pesos in imports while holding the port of Vera Cruz. We had collected certain street taxes and sanitary taxes in the city of Vera Cruz. Mr. V. Carranza, on being notified that on the 15th of September we proposed to get out of there, notified the people of Vera Cruz that they would have to repay to him all the taxes which

they had paid to the Americans until then, and that he would hold the officials upon their "personal responsibility." Personal responsibility means in Mexico something more than a mere law suit.

Now, I may as well comment upon this phase of the matter at this time, showing again where not in one instance, but in every possible instance, without any hesitation whatsoever, Carranza *has not only* rejected our requests, but has rejected them in the most open and insulting manner that it was possible for him to exhibit. The Government of the United States said in this telegram that Mr. Carranza should give assurances that these taxes would not be reassessed and collected and that if he did not give these definite assurances at once delay in our evacuation might ensue. We did not say that we would not get out, but that he should give this assurance:

You will also please call to Gen. Carranza's attention the fact that there is in Vera Cruz a large number of so-called refugees, among them many priests and nuns, who came there because of apprehension as to their personal safety while civil strife prevailed in Mexico. This Government earnestly hopes that Gen. Carranza will be willing to announce that the Mexican central authorities will not countenance or permit any wanton mistreatment of these people, but will assure them that protection which an enlightened and orderly Government affords to individuals within its jurisdiction.

ROBERT LANSING,
Acting Secretary of State.

I am going to ask in connection with my remarks that this telegram, as contained on page 46, and the answer of the Brazilian minister, embodying the answers of Carranza and Aguilar and Dominguez, appearing on pages 46, 47, and 48, may be printed in connection with my remarks.

The PRESIDING OFFICER. Without objection, that order is made.

The matter referred to is as follows:

SECRETARY OF STATE TO THE BRAZILIAN MINISTER IN MEXICO.

DEPARTMENT OF STATE,
Washington, September 22, 1914.

The BRAZILIAN MINISTER, *Mexico:*

Certain rumors have reached this Government as to actions which may possibly be taken by the authorities at Vera Cruz after its evacuation, namely:

The exaction of further payments of duties on merchandise which has passed through the customhouse since American occupation and on which the duties have been paid. The exaction of further payments of local and municipal taxes paid since American occupation, such as license fees, property taxes, street taxes, etc. The imposition of fines or other penalties upon Mexican citizens, who have been employed in connection with the civil government of the city since American occupation.

You are requested to call these subjects to the attention of Gen. Carranza and state to him that this Government, while it does not give credence to these rumors, as such actions would be manifestly unjust, considers that to avoid possible improper conduct by subordinates and to allay apprehension at Vera Cruz it is hoped that Gen. Carranza will give a specific assurance in regard to each subject that the rumored action will not be permitted.

You will please intimate to Gen. Carranza the advisability of giving these assurances in definite form and as soon as possible in order that there may be no delay in carrying out the proposed evacuation of Vera Cruz by the American forces.

You will also please call to Gen. Carranza's attention the fact that there is in Vera Cruz a large number of so-called refugees, among them many priests and nuns, who came there because of apprehension as to their personal safety while civil strife prevailed in Mexico. This Government earnestly hopes that Gen. Carranza will be willing to announce that the Mexican central authorities will not countenance or permit any wanton mistreatment of these people, but will assure them that protection which an enlightened and orderly Government affords to individuals within its jurisdiction.

ROBERT LANSING,
Acting Secretary of State.

BRAZILIAN MINISTER IN MEXICO TO THE SECRETARY OF STATE.

MEXICO CITY, MEXICO, *November 10, 1914.*

SECRETARY OF STATE, *Washington, D. C.:*

November 10—11 a. m.—Acting secretary for foreign relations, who is now in Cordoba, State of Vera Cruz, with Carranza, invited me this morning to have a telegraphic conference over the wire of the foreign office, during which he transmitted the following note, with request that same be transcribed to you at once:

"CORDOBA, *November 10, 1914.*

"Mr. MINISTER: Referring to your excellency's note, dated the 2d instant, relative to the evacuation of Vera Cruz by forces of the United States of America, by order of the first chief of the constitutionalist army in charge of the executive of the union, I have the honor to inform your excellency as follows: The chamber of commerce and the owners of real estate at the port of Vera Cruz, as well as the employees who have served in several capacities in the administration of the port during American occupation, have addressed themselves to the first chief of the constitutionalist army in charge of the executive, through the governor and military commander of the State, stating that the taxpayers will be satisfied with such resolutions of the national Government as may be later passed by it in reference to the collection of fiscal dues as have been paid to the American authorities who have been in exercise in the port; also, that the employees are disposed to submit themselves to such disposition as the Mexican authorities may see fit. The first chief of the constitutionalist army in charge of the executive is now of the attitude assumed by the chamber of commerce, the owners of the city real estate, and the above-mentioned employees, and of his considering so fit for the welfare of national interests, has been pleased to issue, under date of the 8th and 9th instant, the following decree:

"'Venustiano Carranza, first chief of the constitutional army in charge of the executive power of the United States of Mexico, using of the extraordinary authority in me vested, and considering that the chamber of commerce and the majority of owners and administrators of real estate at the port of Vera Cruz have addressed the executive in my charge, renouncing the protection asked for in their behalf by the United States Government before expecting the evacuation of Vera Cruz, stating categorically that they will abide by all the just decisions which the Mexican Government may render in reference to the collection of fiscal dues previously collected by foreign authorities, and because I consider it convenient to the national interests, I have seen fit to decree as follows:

"'ARTICLE 1. On the occupation of Vera Cruz by the Mexican authorities no exaction will be made from the inhabitants of the port for the payment of taxes or any other contributions of federal character which may have previously been paid to the foreign authorities which temporarily occupied the port.

"'ART. 2. In order to be entitled to the privilege granted by this decree it will be sufficient for interested persons to present to the tax collector's office the receipts showing that such payments were made to the authorities established during the occupation of Vera Cruz by the American forces.'

"And I have to inform you of the above for its immediate publication and due observance.

"V. CARRANZA."

CONSTITUTION AND REFORMS,
General Headquarters at Cordoba, November 8, 1914.

The second decree reads as follows:

"Venustiano Carranza, first chief of the constitutionalist army in charge of the executive power of the United States of Mexico, by virtue of the extraordinary faculties in me vested, and considering, firstly, the Mexican and foreign employees who have served the authorities established in Vera Cruz during its occupation by American forces have addressed this first office of the constitutionalist army through the governor and military commander of this State, stating of their own accord that they only recognize the national government as entitled to resolve the questions of interior order such as refer to the punishment or portion of persons who, as themselves, have served the foreign authorities; secondly, that they expressly declared that they will be agreeable to the decisions that the national government may render in regard to them in order that they may not be considered as an obstacle for the eminently patriotic act of obtaining a speedy evacuation of Vera Cruz; and, thirdly, that the spontaneous and patriotic attitude of such employees has made them deserving of an amnesty for such penalties as they might have incurred, in I have seen fit to issue the following decree:

"'General amnesty is hereby granted to all persons who may have served as employees in the several branches of the public administration that in a de facto manner have exercised control temporarily during the occupation of Vera Cruz by American forces.'

"And I communicate the above to you so that you may in turn make it known to the Federal and local authorities of the Republic for its immediate publication and strict observance.

"V. CARRANZA.

"CONSTITUTION AND REFORMS,
"General Headquarters at Cordoba, November 9, 1914."

Gen. Candido Aguilar, as military governor of the State of Vera Cruz, has to-day issued the following decree:

"The government in my charge is obligated to dispense its protection to such persons as may have paid the fiscal dues in the port of Vera Cruz to the American authorities, and that such protection should be made extensive to the new collection of such dues a second time as have been paid, it being so considered in equity, and considering that a large majority of the residents of said port recognize that the Mexican Government is the only one which ought to protect them, they place themselves under its protection as an act of pure patriotism. For the above considerations, I have seen fit to decree as follows:

"'ARTICLE 1. Upon the evacuation of Vera Cruz by the American forces and its occupation by the Mexican authorities, no exaction will be made from the inhabitants of the port for either municipal or State dues such as may have been previously paid by them to the foreign authorities who occupied the port.

"'ART. 2. In order to be able to enjoy the benfits granted by this decree, it will be sufficient to present to the respective collectors' offices the receipts showing the payments made to the functionaries of the administration which had control of affairs during American occupation.'

"Therefore I order that the above be published, circulated, and duly complied with.

"Issued at Cordoba on the 10th day of November, 1914.

"GEN. C. AGUILAR.
"J. DOMINGUEZ,
"Assistant Secretary of the Government."

"In view of the fact that the Mexican Government has issued the decrees which I have had the honor to transcribe to you above, the causes pointed out by the Government of the United States of America for the continued occupation of the port of Vera Cruz have disappeared. In consequence the first chief of the constitutionalist army in charge of the executive of the union, trusts that, as offered in your note of November 2, the Government of the United States of America will not delay any longer the evacuation of Vera Cruz and will proceed at once to evacuate the port.

"I protest to you, Mr. Minister, the assurances of my highest consideration.

"ISIDRO FABELA.

"CONSTITUTION AND REFORMS."

CARDOSO DE OLIVEIRA.

Mr. FALL. I will merely say now in passing that Carranza simply refused to pay any attention to our request. He negotiated privately with the people themselves and finally, in November—and that is the reason why we deferred our evacuation of Vera Cruz until November—he notified the Brazilian minister that he would himself take up the matter as to taxes. He paid no attention to our messages; and as the people of the city of Vera Cruz had agreed with him in writing by a deputation that they would abide by any decision he might make as to the transaction and throw themselves on his mercy, feeling that in the goodness of his heart he would not collect the taxes from them, he made no reference to our representation, ignoring our demands and absolutely remaining silent upon the question.

We never reiterated the request as to whether he would or would not grant protection to the nuns and priests referred to.

The Brazilian minister was so much insulted, as I have heard, by this and other answers which we accepted when he had insisted upon protecting the honor of this great country and in this and other matters having incurred the displeasure of Venustiano Carranza that he left Mexico.

Now, I want to call attention to the fact that only this telegram of September 22 and the Brazilian minister's note, with inclosures of November 10, is included in this document, but the correspondence between the 22d day of September and November 10 is not included. If that had been included, I dare say light would have been thrown on the action of Mr. Carranza and upon some of the acts through which the Brazilian minister became persona non grata in the City of Mexico. But they refused to send it in. The Brazilian minister's report was one of the matters which they refused to send in, except that they selected out this portion and eliminated all the previous correspondence, all the correspondence on this particular matter between the 22d of September and November 10.

The Brazilian minister, you note here, without commenting upon the conditions, simply transmits this reply, which we accept as satisfactory without comment.

I have referred to certain matters with reference to Carranza's action after he went first into the City of Mexico. I have referred, for instance, to the death of Garcia Granados later by court-martial. I do not remember whether I impressed upon the Senate at the time or not that the proceedings of the court-martial were published in the Mexican Herald, a great daily paper owned by an American, Paul Hudson, and published in the City of Mexico. It is the greatest paper published north of the Panama Canal and south of our borders. I do not know whether the Mexican Herald is running to-day. It was suppressed absolutely by the Carranza Government because of its publication of the court-martial proceedings in the Granados case and the publication of other matters which the Carranza Government construed as not reflecting favorably upon them. There was a great property taken away from this American, and a fair newspaper published in the City of Mexico was suppressed.

Now, why did we recognize Carranza? Let us see what the records say about the conditions there at the time Carranza was recognized. I read from the November, 1915, number of the Red Cross Magazine. I read first the preliminary remarks by the editor in an article entitled "The Mexican Situation."

At the request of Gen. Carranza and with the advice of the American Department of State, which was consonant with the request, the American Red Cross discontinued its relief activities in both southern and northern Mexico October 8, and Special Agents Charles J. O'Connor and J. C. Weller, whose enterprise, hardihood, and efficiency in relieving the starving populace have brought them much praise, have been withdrawn. As it developed, the State Department advice in advocacy of the withdrawal of the Red Cross representatives presaged the formal recognition of the Carranza organization.

SUFFERING THIS WINTER.

Announcement of the decision to recognize Gen. Carranza and his forces was made October 9.

It was made informally about September 28 and again informally October 9, and the formal recognition ensued on the 19th of October.

At this time, just as was the case a month previous, many deaths were occurring daily from starvation and the country as a whole was in a pitiable plight, economically and industrially. It has been devastated from end to end and so impoverished and demoralized that under the most favorable conditions it would be possible only slightly to alleviate the widely extended suffering which will be forced upon the Mexican people during the ensuing winter. Gen. Carranza's assurance that the situation will be cared for, therefore, has not wholly dispelled the feeling of sincere regret on the part of the American Red Cross over relinquishing its part of the relief work.

It is hard, for instance, to leave a locality where many thousands of families, mothers and babes predominating, have been absolutely dependent for sustenance upon small portions of nourishing vegetable soup which we have daily distributed. Half-famished mothers with skeleton babies at their breasts have besought the Red Cross agents in the name of all that is holy to do something for their little ones—to save them if they could not save the mothers—and there have been many formerly well-to-do persons, not of the peon class, who have been among the pitiful petitioners for Red Cross aid.

Approximately $50,000 has been expended during this last American Red Cross relief campaign in Mexico. This means that numerous carloads of food supplies have been shipped into Mexico via Vera Cruz and the Texas border and under the personal supervision of trained Red Cross representatives and responsible local committees of Americans and Mexicans have been distributed among hundreds of thousands of wholly destitute and emaciated Mexican noncombatants. It means that in Mexico City alone, under the very competent direction of Mr. O'Connor, a chain of free-soup stations was operated for over a month and that 26,000 families were supplied daily at the height of the distribution—

This is in the City of Mexico—

It means that whole families were rescued from the necessity of trying to stomach the putrifying flesh of dead domestic animals found in the streets of Mexico City; that peon families could desist for a time from picking for morsels of waste food in rubbish heaps; that they could leave off the rôle of human carrion crows amid the offal of the slaughterhouses. It means that thousands of families in Monterey, Monclova, and Saltillo were given a little respite from a diet of prickly or cactus pears, mesquite beans, and other wild products of northern Mexico's prairies, where Special Agent Weller, like Mr. O'Connor, endeared himself to the civilians and took many personal risks in their behalf.

Reading from page 352—

There are details in reports which have come to American Red Cross headquarters from Mexico which would tax the credulity of many Americans, and their publication would not contribute to the improvement of conditions. There have been happenings in the experiences of our agents which have been amazing and disheartening, but these may be forgotten in the interest of a hoped-for cessation of hostilities and the consequent measurable lessening of misery.

Now, Mr. President, the Senate of the United States requested these reports upon which this editorial is founded and they were refused, although they are on file in the department.

I might be able to supply a gap if I chose to do so with relation to at least one. I could show from the report of the agent of whom the editor speaks so highly, who was operating in the north in September, that his train with the Red Cross emblazoned on the side—that train with the Red Cross upon it was, on September 5, attacked by from 800 to 1,400 of Carranza's forces and the Red Cross flag torn from the train and stamped under the feet of the soldiers. The Red Cross agent himself in this official report which the Department of State refuses to give us—the Senate of the United States, although I know that the receipt of it was acknowledged by the State Department—this Red Cross agent himself said that at the time those Carranza soldiers bade him good bye they told him that they would meet him in San Antonio, bearing out the statement made by the Red Cross agent and by other responsible people, that the leaders of the Carranza movement in the States of Coahuila and Tamaulipas were behind all the depredations and were inciting the murders which were being committed and have been committed in the past at Brownsville and this side of the river in Texas.

I am going to quote from Mr. Weller. This is confidential information, but I have permission to quote from the latter part of this report made on the 28th of September, and it will show, among other things, that the advice to the President of the United States from the Red Cross agent was that Venustiano Carranza should not be recognized.

I say without fear of denial that if the Duvall West report were furnished here it would show that the tenor of his advice was not to recognize Carranza. I do not care to go too far, nor in the heat of an argument or in the excitement of the moment to make statements where I have not documentary evidence, as I have had, as the Senate will bear me out, with reference to every statement which I have made here. I will not allow myself to be led into a discussion of some of the matters which are impressed upon me as possibly influencing this administration to recognize Carranza in the face of the report of every consul in Mexico, except possibly Carranza's partner in the milk business, Mr. Silliman, in the face of the Red Cross report, despite the West report, despite Paul Fuller's report, despite the Brazilian minister's report. I defy Mr. Lansing to produce those reports and with them refute my statements.

I am going to read just a little quotation from the report of the Red Cross agent of September 28, which, as I said, is on file in the State Department:

In conclusion, I only regret that some of our higher-up Government officials could not have been with me to see the brand of individuals that are now in control of the situation in Mexico. They do not represent any of the good element in Mexico. They are lawless and have no more idea of patriotism than a yellow dog. They are mentally incapable of handling the situation. Gen. Ellisondo, in command at Monclava, and also in command of a district larger than Massachusetts, is a boy of 24 years old, uneducated and absolutely irresponsible. Gen. Zuazua, formerly classed as a saloon bum around Eagle Pass, a lieutenant colonel in command of a territory as big as Rhode Island, was sent to the Mexican Army some 15 years ago, having been arrested for stealing horses and cattle.

You understand that under the Mexican laws a man convicted and sentenced to work in the salt mines is given his preference of serving in the Mexican Army. This gentleman was sentenced to serve in the Mexican Army for 15 years for cattle stealing, and he is one of the Carranza leaders in Mexico.

These are not the exceptions, but the rule of the character of the men who now dominate one of the richest States in northern Mexico. This fact is largely due to Carranza, who has allowed them to do as they please, and they have no respect whatever for him, each man ruling his district as he sees fit. I do not find any difference between the Carranza faction and the Villa faction, with the exception that Pancho Villa seems to have a better control over his men. It is rumored throughout the Carranza troops that Obregon and Villa are about to launch against Carranza.

That was the rumor there in September.

Having been in personal contact with both factions, I believe that it would be a crime to turn loose this some 200,000 bandits, thieves, and scapegoats on the country. They are rotten with disease and have been divorced from all ideas of ever working again. They will disperse

in small bands, and a reign of terror, which no leader such as Carranza will have the strength or power to overcome.

I repeat, that if Carranza is given control of the country that it will be only a short time until another movement is launched to eliminate Carranza from the situation.

Mr. President, I am going to close in a short time, but I want to call your attention to some of the conditions existing now in the Republic of Mexico. First, as to the financial condition of Mexico. I am sorry that I can not get into the RECORD photographs of some of the Carranza money in existence in the Republic of Mexico.

I will say that as nearly as it is possible for the Mexican bankers or others who know or who should know or are supposed to know something about the subject, that there has been an issue of something over $2,000,000,000, during the Carranza revolution, of money, so-called, and circulated throughout the Republic. I have, I think, five samples here. [Exhibiting.] I may say, Mr. President, that they have all been repudiated, but one, and there is still a billion dollars of unrepudiated currency according to Carranza's own statement. One of those issues known as the provisional issue is now being taken up or they are now attempting to take up with another provisional issue.

Carranza currency to-day is worth something like 2 cents Mexican upon the dollar.

I am going to quote from a statement, to me very significant, showing the conditions in Mexico, and I want to say that this statement was made by a foreigner residing in Mexico for 35 years or more, a banker, a representative in former times at least of large business interests, a man whom I have personally known for 28 years. I am going to quote to you one or two rather significant statements from this man. I vouch for the authenticity, but of course I shall hide the identity. He is writing advising another party requesting information with reference to Mexico.

Please do not make the same error as other Americans do—

This was to an American—

Please do not make the same error as other Americans do; the Mexican affair has come down to the point to pay debts and the pressing debts of the Mexican Government are in Europe and not in the United States.

The present Mexican bunch has been living from looting and robbing for the last five years, and their object is to continue to do so; and none of them recognizes the necessity that debts have to be paid sooner or later, and with the pressing need for money of the European people after the war—

Now, remember, this is a foreigner; he is not an Englishman, and he has been an official representative of his Government in Mexico—

Mexico has to pay, and if she can not or will not the European nations as a unit may force the United States to either intervene and restore the property to the legitimate owners, hold the oil fields as a guaranty for advances, or some other serious happenings may take place.

He says further:

The Government bond issues, bank stocks, mortgage bonds of Mexico, amounting to $450,000,000 Mexican money Government bonds, $500,000,000 railroad bonds, $270,600,000 bank stocks, $58,800,000 mortgage bonds, and $50,000,000 irrigation bonds, and if you add to these figures other stocks held in Europe—

Principally, as he says, in France, Belgium, Germany, Holland, and England; largely in France, Belgium, and Holland—

other stocks held in Europe, as Dos Estrellas Mining Co., Fabrica de Papel San Rafael, Cia. de Fomento y Bienes Raices, the Northwestern Road, and many others, which were considered first class, you have the proximate amount of foreign holdings, and while I do not want to say that every share or bond is held abroad, still we can figure that at least three-fourths was sold to foreigners, and I do not believe that in the United States are many of these securities, as the American investments consist principally of mining, oil, land, ranch, smelter, railroad stocks, etc., all of which are not included in my above statement.

The holders of the above-mentioned securities will not wait until the present rulers are pleased to pay, and as 70 per cent of the import duties are already pledged as security to cover the payment of the foreign government debts, amounting to $450,000,000—

And I may say, Mr. President, that he does not, in speaking of the 70 per cent already pledged, take into consideration that the other 30 per cent was pledged by Huerta to secure the bonds issued. It was placed in this country by J. P. Morgan, and in Holland and in France by French bankers, amounting to something like $68,000,000. So the entire import duties of Mexico are absolutely pledged to the payment of these foreign debts—

on which not a cent has been applied since the time of Huerta, you can figure yourself that there is no other remedy to straighten out the Mexican affairs, except by intervention or by the appointment of a foreign commission, handling the Mexican finances.

I inclose you a statement written by an able man under the heading, "Mexican banking institutions suffer," from which you will see that the shares of some leading Mexican institutions were worth in September, 1910, Frs. 1,041,205,180 and in December, 1915, Frs. 155,584,460, showing a loss of Frs. 855,620,720, and as these companies were the best ones how much have been shrinking others of less prominence.

This shows a decrease of more than $200,000,000 in the value of these bank stocks alone.

I am not going much further, Mr. President, along this line, except to call your attention to the fact that on the Mexican National Lines—that is, the railroads running from Laredo, from Saltillo, and from Eagle Pass, down through Torreon, toward the City of Mexico and in that direction, known as the Mexican National Lines, and that part of the Mexican Central, particularly south of Chihuahua, comprising over 7,000 miles of road—on that road in 1910 there were 729 locomotives; there are less than 139 now that can be used. There were 18,492 freight cars. There are now 3,400, which are just hanging together, and which in some cases can be used at this time. The balance of them were not taken out of the country; they were not moved out, but were burned or destroyed. My correspondent further says:

All passenger cars are either totally destroyed or have to be rebuilt. Two-thirds of the ties on 7,000 miles of road have to be replaced, and nearly all railroad bridges have to be rebuilt; the stations and freight houses and telegraph equipment are gone; the repair and machine shops are mostly destroyed.

When the European Governments recognized Huerta they backed the recognition up with giving him arms and making him loans, which the Carranza people refused to recognize as a national debt; and for that reason the European bankers and bondholders will not give the present outfit one cent of credit nor show them any leniency. Now, we have to see whether Uncle Sam will back up his recognition by giving them money.

* * * * * * *

The Carranza government has issued about 1,000,000,000 pesos paper money, with which they pay employees, soldiers, etc., and as most of them commence to strike, refusing to take this money, Carranza has a job on hand to satisfy the people.

Mr. President, how are they now raising money, and what are they doing? They have increased the mining taxes in the Republic of Mexico more than 10 times. They have compelled the cotton growers—this may appeal to some of the southern Senators—they have compelled the cotton growers in the Torreon district of Mexico to sell them their cotton at $16 per bale, payable in Carranza currency, upon the declared statement which they published, that they proposed to protect the cotton factories in purchasing the cotton at the price which the Government paid for it, so that the poor people could get the benefit of the reduced price of clothing, and that thus this beneficent Government was going to improve and ameliorate the condition of the poverty stricken in Mexico.

What did they do and what are they doing in Mexico to-day? Commandeering the cotton and paying $16 a bale for it in this currency that you see here, and then demanding of the cotton factories, the Mexican manufacturers, the payment of $48 in gold per bale. When they can not get the gold they ship the cotton to foreign markets and put the gold in their pockets.

What are they doing on the Yaqui River and on the Fuerte, where Americans have gone in, established irrigation plants, opened magnificent farms, and are growing great crops of alfalfa? They have commandeered for this year the entire crops of alfalfa growing on those farms, which is worth $28 a ton in gold in Guaymas, to be paid for in "officios," as they call them. They have refused to allow these parties to graze their own stock on their own alfalfa fields, and have compelled them to ship them out, because they have commandeered every grain of corn in the entire State. They ship it out from this starving population and put the gold which they receive for it into their own pockets. Across the river, in the State of Sinaloa, there are yet stores of corn.

No American nor Mexican in the State of Sonora, across the line, can purchase corn from the State of Sinaloa. The people are actually in a starving condition. As I shall explain to you in a few moments, they are eating maguey, which is causing their death from dropsy. Why? Because the right to ship corn out of Sinaloa, or to ship any other food product, is the exclusive privilege of certain Carranza leaders or favorites of his military leader, Obregon, and you pay duty to those patriots. No producer can sell corn except to these privileged ones, and no producer can sell corn to you or to anyone else unless you first pay these leaders for a permit. Then they gather up these products and ship them abroad or ship them to California or some other foreign market for gold.

Why, Senators, shortly before Carranza was recognized—and I defy you to go to the State Departemnt and examine the archives there and then deny that they have there official evidence of the statement which I shall make—just shortly prior to the recognition of Carranza the conditions were such that we were feeding 26,000 people a day through the Red Cross. Mothers were coming with their little children at their breasts and begging us to give the children, at least, something to eat, even if the mothers had to die. At that time Venustiano Carranza himself or through adherents shipped 37,000 tons of foodstuffs through the port of Vera Cruz alone and got the golden dollars for it and put them in his pocket. I say the official information of that is on file in the State Department of this

Government; that we knew of it or should have known when we recognized him.

I myself saw three carloads of potatoes, the last shipped out from the Guerrero district by Mexican officials and sold in El Paso, Tex., to put gold into their own pockets, while the people who raised those potatoes were starving and living on roots or dying. If this Government does not know these conditions, it is because its officials will shut their eyes and their ears.

Why, sir, I know that they have on file in the State Departments reports from the State of Zacatecas—even very recent reports—that in great districts in that State, where a great deal of corn and other food crops are raised, that the Carranzistas have seized every grain of corn and every particle of food from the people of that district and that those people are dying daily because they have been compelled to eat the rusted roots and leaves of the maguey plant, which causes dropsy within a short time and death within three or four weeks. Those reports are on file with the State Department. I know that they have heard from the great State of San Luis Potosi, from Vera Cruz, and from other States and cities, rich and thriving and prosperous cities in Mexico, and that they know that in those States, and in San Luis Potosi particularly, the people from the outlying districts, who have been by the soldiers robbed of every grain of corn and of every particle of food, are moving away, hunting for something to eat, digging in the rubbish or lying in gutters and starving; there are dying children and old, haggard women following around after a sack of corn being convoyed by soldiers for soldiers' use, that they may pick up a few fallen grains for food.

I say to you, Senators, in all seriousness and in all earnestness, that the Christian world does not know what condition exists in Mexico to-day; that the Armenian hardships and horrors, which we have had pictured to us and which have been written of in the press, do not compare with those existing in the Republic of Mexico to-day under the beneficent Carranza Government.

I say, sir, that the object of Carranza now is to drive every American out of the Republic of Mexico, and that, if he is allowed to continue as he has commenced, he will attain that object in a very short time.

You have noticed in the press, possibly, references within the last few days to some of the decrees, particularly one from the State of Vera Cruz, which was protested against by our citizens there. I have one of the decrees, Mr. President, and I will ask to have printed, in connection with my remarks, this translation of the Vera Cruz decree of January 16, 1916, which is being complained of by our citizens at Tampico; and I want to say, Senators, that this decree complained of is one of the most moderate decrees issued by Carranza or any of those under him in authority.

The PRESIDING OFFICER. Without objection, the matter referred to by the Senator from New Mexico will be printed in the RECORD.

The decree referred to is as follows:

[Translation from El Dictamen, Vera Cruz, Jan. 16, 1916.]

LOOKING TOWARD THE SOLUTION OF THE AGRARIAN PROBLEM—THE ESTABLISHMENT OF THE MEXICAN ON HIS LAND—PERSONS EXECUTING CONTRACTS OF PURCHASE OF LAND SHALL BE CONSIDERED MEXICANS WHATEVER BE THEIR ORIGINAL NATIONALITY.

Gen. Candido Aguilar, governor of the State of Vera Cruz, to the inhabitants thereof, know ye:

That using the faculties with which I am invested, and—

Whereas the reasons and motives of this government in issuing the decree No. 3 in Tuxpam, August 3, 1914, still subsist, by reason of which this said decree still responds to a social necessity and should be maintained in vigor; and

Whereas the fundamental principle that inspired said decree demands that it be made general in two ways: Amplification so that it shall cover not only the contracts to which it refers, but also all those covering any land within the limits of the State, and also generalization to cover lands situated not only in the caontones stated in said decree, but within the area of the State; and

Whereas to effectively give sanction to the fundamental disposition in the decree in question, it is necessary to establish not only the indirect penalties of confiscation and others fixed thereby, but also to create a civil sanction by virtue of which the lack of authorization which it decrees must be obtained for the execution of contracts referred to may affect the existence of rights and obligations arising from such contracts for which it is necessary to give to the authorization referred to the legal character of a formality extraneous to the contracts, but thus constituted an element thereof necessary for its validity in accordance with civil legislation; and

Whereas in the practice of the application of the decree above mentioned it becomes necessary to adopt regulations to clear up some of its precepts and to fix the administrative steps which must be followed to obtain the authorization prescribed by this decree: Now, therefore, I have seen fit to decree the following:

ARTICLE 1. No contract of sale, lease, mortgage, quit rent, or of any other character covering any land situated within the boundaries of the State of Vera Cruz, or which affects directly or indirectly such lands, shall be made, unless the parties shall previously obtain the authorization of the State government thereto.

ART. 2. The owners or possessors of lands situated within the limits of the State who have acquired rights of any sort whatsoever to such lands by virtue of any contract of the nature mentioned in the foregoing article shall not cede, transfer, or alienate to third persons or to companies in return for stock or in any other manner the lands or rights acquired by virtue of such contracts, nor the contracts themselves, without previously obtaining the authorization of the State government thereto.

ART. 3. For all legal effects, it is declared that the authorization referred to in the foregoing articles is a formality extraneous to the contracts in question, but necessary for its validity. Therefore the contracts lacking this formality are null, shall produce no legal effects of any sort whatsoever, give rise to no rights, obligations, or rights of action whatsoever, between the contracting parties not to or against third parties, and can not be inscribed in the public property register.

ART. 4. To obtain the authorization referred to in articles 1 and 2 hereof, the contracting parties shall apply in writing to the State government, where the administrative file in the matter shall be made up with the following proceedings:

I. With the petition (solicited), properly complying with the terms of the law, shall be presented the document that sufficiently proves the legal personality of the petitioner, a draft of the contract proposed to be entered into, with the stipulations and clauses that have met with the agreement of the parties, and maps of the lands in question.

II. When the State government shall deem necessary, it shall also demand the exhibition of the title deeds covering the land.

III. The State government may direct that there be carried out on the land in question direct inspection, examination, and check of documents and other proceedings necessary to identify the realty, establish in a clear manner the rights the parties have therein through anterior deeds or by virtue of the contract itself, and, in general, to provide against doubts or differences in the interpretation and compliance with the contract.

IV. The State government shall refuse its authorization if the contract shall appear unjust or prejudicial to any of the parties thereto, when the development to be carried on thereunder redounds exclusively to the benefit of the unnationalized companies to the prejudice of the Mexican citizens, when (the contract in question) tends to solidify the predominance of foreign capital, constituting a menace to the integrity of the progress of the nation, or in any other cases when the contract is against the true interests of the State.

V. The State government shall add to, suppress, and modify the clauses of the proposed contract presented for authorization in accordance with the provisions of the foregoing article, notifying the parties in writing. The parties may then appear again with such observation as they may deem opportune, and so continue till an agreement is reached.

VI. Authorization shall be granted on the understanding that when the contract is executed it shall be strictly in accord with the terms of the proposed contract presented and the modifications which have been deemed pertinent.

VII. When the contract shall be finally executed in public document or private deed, it shall begin with a literal repetition of the officio of the State government granting its authorization, without which requisite the contract shall fall within the prescriptions of article 3 of the decree.

ART. 5. Contracts executed up to now, without the authorization referred to in this decree, and in which it does not appear that this lack is due to bad faith on the part of the parties thereto, shall fall within the prescriptions of article 3, but all such contracts may be revalidated with the approval of the State government.

ART. 6. Such approval shall be granted in cases in which previous authorization would be granted, and by the proceedings mentioned in article 4, with the following modifications:

I. A true copy of the executed contract shall accompany the petition.

II. In order to introduce therein the modifications agreed upon and to insert the officio providing the authorization, the parties shall execute a complementary public or private deed, which shall form an integral part of the text of the original contract, which shall serve for all legal effects, it being understood that without the complementary contract, the original shall fall within the prescriptions of the third article hereof.

ART. 7. If bad faith shall appear in the execution of contracts made without the authorization provided for by this decree, such contracts shall fall within the prescriptions of article 3 hereof, and the lands covered thereby shall be forthwith confiscated, but rights shall be reserved for those who may enjoy them, to proceed against those persons who may be responsible civilly or criminally.

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ART. 10. The persons in charge of public registries who shall register contracts falling within the provisions of this decree which shall not contain the officio of authorization of the State government shall be suspended for two years.

ART. 11. For the effects of the law it is hereby declared that all persons who take part directly or indirectly in the execution of contracts referred to in this decree, shall be considered to be Mexicans, whatever their nationality or origin, and may not in any case allege the defense of foreign citizenship nor ask protection or aid from foreign diplomatic or consular officers, nor from the Governments of other countries, nor have any more rights than the laws of the country concedes to Mexicans.

ART. 12. In the proper department of the State government there shall be kept a registry book, in which shall be noted the authorizations or refusals thereof, granted under this decree, and in it the contracts whose authorization has been solicited shall be copied in full.

ART. 13. The authorizations referred to by this decree shall not incur any tax whatsoever, and shall be granted without cost to the parties.

Transitory articles. This decree shall have effect from the date of its publication.

Given in the city of Vera Cruz, January 15, 1916.

C. AGUILAR,
The Governor of the State.
MANUEL GARCIA JURADO,
The Secretary General of the Government.

Mr. FALL. I say, sir, that there is in existence to-day, although it is not being enforced, a decree issued by Carranza in 1913, or under his authority by Mytorena, by which no Mexican or American can sell to another Mexican or American any real estate in the State of Sonora, and prohibiting thereafter all foreigners owning any such property in the entire State. That is, of course, in contravention of our treaty engagements, as under the treaty our right to do business with

them and to hold real estate is set forth and protected. We say nothing; we make no protest when a decree is issued by Carranza violating every treaty right of Americans. Not one word of protest is uttered by this Government. A protest may be made as to the injustice of the decree, but we never have called their attention to a violation of the treaty. We do not seem to know that we have any treaties with Mexico.

Why, Mr. President, I have amongst the papers at my office decrees issued by different governors and decrees of Carranza issued in the City of Mexico, or by Pablo Gonzales in the City of Mexico, by which the price of flour, sugar, corn, coffee, and other articles sold at the grocery stores is fixed, and the value of Carranza money which they must take in payment of those articles is fixed by the same decree. I can show you also, sir, a jail full of violators of such decrees. People have been placed in Mexican prisons because, Carranza money having gone down since the time the prices were fixed from 5 cents to 2 cents, it required twice as much Carranza money to pay for the same goods, and those demanding full payment were put in the penitentiary for it. They are now serving their sentences and are lucky not to have been shot, for the penalty of the violation of any of his decrees is, in the discretion of Carranza, death.

These decrees are in existence all over the entire Republic. By decree after decree the attempt has been made to fix the value of money, and at the same time to obtain favor with the people by fixing the price at which they can purchase goods. The most absurd and farcical attempt—or pretense only of an attempt to conduct government—that has ever been known in the history of the world is that now being made under Venustiano Carranza in Mexico. They have confiscated property; they have forfeited all agreements and all contracts of every kind which would prevent them from achieving their desires or their ends or interfere with them in any way.

They have doubled all the taxes on real estate in the State of Chihuahua, and I want to show you how it affects the people who live on the agricultural land. In the State of Chihuahua to-day, remember, almost all agricultural land is owned in small lots. The people of Chihuahua were followers of old Benito Juarez under Luis Terrazas, a great landowner, who is now held up as a horrible example, but who was the first man who ever made a stand against the French in Mexico, the man who rallied the mountaineers of Mexico to his assistance, who drove Maximilian's troops out of the State, and enabled Juarez to make his headquarters in the city of Chihuahua, and from there conduct his campaign against the French. In recognition of their services Juarez gave to those people community grants, dividing the land up into severalty, granting agricultural holdings, and vesting in each family a certain piece of land, which was to be theirs, and remains theirs, or the property of their descendants, to-day.

Now, sir, the original revolution in Mexico, which broke out in Chihuahua, called the Madero revolution, was not a revolution against the Diaz government; it was the Orozco revolution of the small landowners against the taxing power of the State of Chihuahua, because under the laws the agricultural lands were taxed, while the grazing lands, belonging to the large landowners, did not pay a proportionate part of the taxes. Under the laws milch cows, work horses, oxen, and every plow, every implement, were taxed. That tax the large landowners escaped, because they did not follow agricultural pursuits. These were the people who revolted against the laws then taxing them.

I have here a telegram from the governor of Chihuahua doubling all land taxes on those people, whom this beneficent government of Carranza is helping, issued on February 13, 1916. I took the trouble myself to obtain a copy of the telegram.

Mr. President, I ask to have printed in the RECORD the Mytorena decree, to which I have referred.

The PRESIDING OFFICER. Without objection, permission is granted.

The decree referred to is as follows:

DECREE NO. 9.

ARTICLE I. Dating from the publication of this decree, Mexican citizens are prohibited from selling landed property situated within the jurisdiction of the State to foreigners or foreign companies, with the exception of mining properties, which may be acquired by persons of whatever nationality.

ART. II. Mexican citizens are prohibited from bequeathing, donating, reverting, or mortgaging landed property to foreigners or foreign associations of whatever kind, unless it be in a special case and under prior consent from the executive of the State.

ART. III. Every contract for more than a year of lease, mortgage, conditional rental (anticresis), rural partnership, etc., of real or personal property located in the State shall only be entered into by Mexican citizens with foreigners or foreign companies with the authority of the executive of the State.

ART. IV. The sale, reversion, pawn, loan, etc., made to foreigners, foreign companies or associations, of products of the State, with the exception of those pertaining to mining and for a value of more than $500, can not be effected without the intervention of the executive.

Mr. FALL. Mr. President, I have referred to the political conditions in the various States and also to the conditions as to starvation and the financial condition of the Republic, and I am going to close now very soon. I have called attention to the various cases in which Mr. Carranza has refused even to consider suggestions made to him by this Government, and I am going to call attention now to another case.

After the raid upon Columbus the President of the United States sent our military forces south of the border, and the public were told that negotiations were proceeding from time to time, from day to day, and from week to week for the use of the Mexican railways, in order that supplies might be carried to our troops. A great deal of mystery was maintained around the State Department concerning this proposition. One day we were going to have the railroads and the next day we were not going to have them. Negotiations are still pending, however, but the Mexican Government, from which we had all our news at that time, and from which we are yet obtaining our news with reference to our troops in Mexico, had no such hesitancy. I have in my hand an edition of a Spanish paper published at El Paso City, Tex., known as El Paso Del Norte, and I have here, under date of April 6, as printed in this paper across the entire head of it, a telegram from the secretary of foreign relations in the City of Mexico, Mr. Aguilar. I will make a rough translation, as the telegram is in Spanish, in order that it may go into the RECORD:

QUERETARO, MEXICO, *April 6.*

EL PASO DEL NORTE, *El Paso, Tex.:*

In The Opinion—

That is a newspaper—

which is published in this city, and in other daily papers of different sections of the country, as, also, in the American press, is continued the publication of the statement that the Mexican Government has permitted that of the United States to transport by rail supplies destined for the American troops. Serve us by contradicting such statement, as it is false, for the Mexican Government has not granted permission for the American Government to use the railroads with the object of transporting supplies destined for its troops, nor for any other purpose.

AGUILAR,
Secretary of Relations.

That is only another instance of the attitude of the so-called Mexican Government. After recognition, when we were sending the punitive expedition, as we stated distinctly in assistance of the Carranza government, and not in opposition to it, when a railroad belonging to private parties ran directly to the points reached by our troops, when they had to cross the railroad two or three times pursuing their course, the owners of the road offered to turn over to the United States the rolling stock, but the Mexican Government refused to allow it to be used for any such purpose; it has refused from that day to this, and still continues to refuse.

Not only that, Mr. President, but I assert that I myself saw the official orders issued by the Mexican authorities to the authorities of that road not to transmit to them again any requests from us upon their personal responsibility; that is, at the risk of being backed up against an adobe wall and shot. I saw further the official documents served upon them to the effect that if they did not take charge of that portion of their road running from the city of Chihuahua west toward Madero and operate it immediately it would be confiscated, and that the entire road from El Paso south would also be confiscated.

What was the condition? Why, sir, by the American Government Americans had been ordered out of there; by the Carranza government Americans had been told to get out of there, and the trouble with the Mexicans themselves was that they could not operate the road, and it would have been necessary for us to take Americans in there to operate the road. It was impossible to do so without protection. This is the portion of the road upon which 18 Americans were killed in what is known as the Santa Ysabel massacre.

Why, sir, in this very district of Zacatecas, of which I was speaking a while ago, where starvation and death are the rule, there is one mine 1,800 feet deep, with over a hundred miles of underground work done by Americans. When I first went into that district, sir, 35 years ago, the average wage of the Mexican was 15 cents per day. To-day his wage is $1.50 to $3, or was before this revolution. Notice has been served upon the American owners of that mining property that if they do not open it up for work within 30 days the Carranza Government will take charge of it and proceed to operate it as a Government project. The same notice has been served as to all the other mines in the State of Zacatecas, and the same notice has been served as to the mines all over the Republic of Mexico, with the exception of two or three States. The foreign owners of those mines may have 40 days in which to open them for work—and this notice was dated 10 days ago—and if they are not opened up with a full complement of labor within 40

days from the date of the decree they will be confiscated, and the Government will take them over.

The Government will take them over! What will they work them with? Will they drive the Mexican miners at the muzzle of their rifles to the mouths of the shafts, and pay them 2 cents a day in money of this character—paper money? What will they live on? Why, Mr. President, Mexico is in a starving condition. The population of Mexico have nothing to eat. Everything is seized for the soldiers. The excess above the immediate necessities of the soldiers is shipped out of the country for gold for some official.

Mr. President, I do not see why our Government has seen fit, through some of its departments, at least to refrain from giving publicity to conditions as they exist in Mexico. I do not know why the Secretary of State should have thought it necessary to send in an incorrect list of Americans whom he claimed had been killed in Mexico when the Senate had not asked for any such list in this last resolution. There is not a word in this resolution which he was answering asking for any list of Americans who had been killed in Mexico.

I do not know why the Secretary of State should have seen fit arbitrarily to classify those Americans who have been killed. I do not know why he should have seen fit to indorse a statement that has been made, and is made repeatedly, to avoid responsibility by some Mexican, that a certain American was killed by an Indian. Why, sir, I want to tell you that the average Yaqui Indian is a 200 per cent better man than the average leader in the Carranza government—more truthful, more honest, more dependable, and more friendly to the Americans. I do not know why it is that, for instance, about the 16th of April I saw a telegram—because I watch those things—from the State Department to the effect that along the west coast of Mexico everything was all quiet and nice, and they mentioned Mazatlan. There was a telegram published from the consul at Mazatlan, saying: "Everything is all right; there is no trouble down here," when on that same day, written from Mazatlan on the 12th day of the month, I had a letter conveying to me information as to the death of Burke, Davidson, Wallace, and Roderigo at the hands of Mexicans, when they were getting out of the country because they had been warned by the Indians that the Mexicans were going to kill them. Their bodies were delivered to the American consul and buried by the American colony of Mazatlan, and the State Department took pleasure in publishing a telegram, on the same day that I got this letter written from there on the 12th, to the effect that everything was quiet at Mazatlan. It was—the quiet of the graveyard for Americans at Mazatlan.

Now, sir, what are we going to do? Is the President of the United States going to submit to this insult which has just been handed him by Mr. Carranza? Or, after taking a week to think it over, will he show any proper American resentment at the insult? I refer to it because there is a statement in the published article on this subject, that in its note the Mexican Government—

> regrets to remark that the acts of the American military authorities are in absolute conflict with the above statements, and is constrained to appeal to the President, the Department of State, the Senate, and the American people, to the end that once and for all time the true political tendency of the United States toward Mexico be defined.

In this note, Mr. President, the statement is baldly made, so that anyone can read it who desires, that the President of the United States is playing politics with Mexico, to Mexico's detriment; that our action in keeping the troops down there is for home consumption; that our action there apparently, they claim, has something to do with the conventions which are to be held here in a short time. A more insulting document was never forwarded by one government to another or by any individual to a government. But the same influence which secured the recognition of Mr. Carranza may secure forgiveness, as it has in the past, for his continued exhibitions of antipathy and hostility to the United States. But what are we going to do?

Why, Mr. President, I have been in my seat here in the Senate and I have seen Senators rise in this body when Mexico and the outrages upon American citizens were referred to, and heard them proceed to abuse Americans and American interests. I have not only known that to be done in this body but I have known it to be done through the press, and I have known it to come recently from the administrative department of the Government in a public statement, to the effect that there were sinister influences, that there were liars attempting to cause trouble between this Government and the Mexican Government for their own selfish ends, that they might make money out of it.

Why, Mr. President, the "selfish" American capitalists and the "self-seeking" American mechanic and the "selfish" American mine laborer, at so much per day, and the "selfish" American spike driver and tracklayer have made civilization in Mexico. They had civilized Mexico until the time came when the muckrakers of this country were able to secure through an administration such action as by its intermeddling in the affairs of Mexico would overthrow civilization itself, and do away with the labor of the last 35 or 40 years and the results of the investment of American capital in Mexico. Why, Americans and foreigners have built every foot of railroad in the Republic of Mexico. They have constructed and they own every mile of copper wire in the Republic. They own three-fourths of the entire taxable property in the Republic of Mexico. Only 25 per cent of it belong to Mexican citizens. They pay the taxes. They support the government. They develop mines. They build factories. They build railroads. They build electric lines. They build and operate the street railroads. Every enterprise in the Republic of Mexico to-day of any consequence whatsoever or that was of any consequence up until four or five years ago, was built and operated by foreigners, not by Mexicans.

I have heard the descendants here of those who took pride at one time in the fact that American citizens were engaged in extending civilization throughout the corners of the earth—I have heard the descendants of those people, if not lineal descendant, at any rate, official successors, say that the Americans going across the line as Watson and his companions went to Santa Ysabel were almost criminals, because their action might result in causing some little trouble to some Secretary of State of the United States.

I have heard that statement made by Senators here; and when it was made my thoughts went back a few years to the time when there was a Senator here who knew something about the western people. I thought of the speeches that were made in this body at that time by Thomas H. Benton, of Missouri, when he, as an American, took pride in the fact that through the efforts of Crockett and of Bowie and of Travis and of Sam Houston and of the Burlesons and the Edwardses and the Austins and those whose names will always be a part at least of Texas history, a Lone-Star flag was raised on the southwestern border of this country; and they were not "criminals" because they had gone across the line, although their action did result, finally, in a foreign war. Their names are engraved, or those of some of them, upon a monument in such an epitaph as history has never written before: "Thermopylae had its messenger of defeat. The Alamo had none." And I can remember, through reading, when old Benton rose here and talked about those who raised the bear flag on the western coast, and carved the empire of California from that of Mexico, and who then were not afraid to defend it against the attacks of Great Britain and her Navy under Admiral Seymour, when he undertook to drive Fremont from Monterey. At that date, thank God, there was not an American who would call these men criminals, although they brought on a war with one country and defied the "Mistress of the Seas."

I say that those people living at Columbus, those people who have been carrying civilization into Mexico, are of the same blood, the same bone, the same sinew as those who raised aloft the Lone-Star flag on the one coast and the bear flag on the other, and added an empire to this country. I glory, sir, in the memory of those men, and in the fact that Missouri furnished a man who was willing and able to rise in his place in this Chamber and call attention to the fact that these were Americans, and who would have disdained to sit silent in his seat and allow them to be attacked as criminals by a President of the United States or anyone else.

I say to you, sir, that the American citizen is worthy of protection in Mexico or out of it; that the policy of this administration has been not only to ignore its duty in that respect but to place the American in Mexico at the mercy of every little petty tyrant, with the knowledge that even when damages were sought some subservient official of the State Department would cast doubt upon the proposition as to whether the heirs of that murdered American were entitled to even a few paltry dollars for damages.

Mr. President, I have finished.

During the delivery of Mr. FALL's speech,

The PRESIDING OFFICER (Mr. HUGHES in the chair). The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes.

The PRESIDING OFFICER. The Senator from New Mexico is entitled to the floor.

NEW YORK STATE BAR ASSOCIATION (S. DOC. NO. 454).

Mr. O'GORMAN. Mr. President——

Mr. FALL. I yield to the Senator from New York.

Mr. O'GORMAN. With the courtesy of the Senator from New Mexico I desire to state that some months since, at the request of the Bar Association of the State of New York, I submitted a resolution that a pamphlet, entitled "Second Report of the Committee on the Duty of Courts to Refuse to Execute Statutes in Contravention of the Fundamental Law," might be printed as a Senate document. The Committee on Printing favorably passed on the request, and I have deferred pressing the matter until now because of the desire expressed by one of my colleagues that he wished to be heard at the time I would make the request. He has advised me that he has no desire to speak on the subject, and I ask unanimous consent for the immediate consideration of the resolution.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Is there objection?

There being no objection, the resolution (S. Res. 116) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the pamphlet submitted by the Senator from New York [Mr. O'GORMAN] on January 26, 1916, entitled "Second Report of the Committee on the Duty of Courts to Refuse to Execute Statutes in Contravention of the Fundamental Law," submitted to the New York State Bar Association, be printed as a Senate document.

SERVICE IN HAITI.

Mr. HITCHCOCK. Mr. President——

Mr. FALL. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I ask the Senator to yield to me that I may submit a report from the Committee on Foreign Relations.

From the Committee on Foreign Relations I report back favorably without amendment the bill (H. R. 12835) to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic of Haiti, and for other purposes. I ask unanimous consent for the present consideration of the bill. (S. Rept. 518.)

The PRESIDING OFFICER. Is there objection?

Mr. JONES. Does the bill require any of our officers or men to serve there without their consent?

Mr. HITCHCOCK. No; this is necessary legislation to carry out the treaty with Haiti which was recently ratified by the Senate. An emergency exists for rather urgent action in the selection of new officers of the local constabulary. The House of Representatives has already passed the bill. It was favorably reported from the Committee on Naval Affairs of the Senate yesterday, and to-day it was considered by the Committee on Foreign Relations, to which it had been referred in order that it might have proper attention from that committee.

Mr. JONES. My recollection from hearing it read yesterday was that it authorizes the enlistment of our officers and men in the Haitian service.

Mr. LODGE. It does not.

Mr. JONES. It does not require them at all?

Mr. HITCHCOCK. Under section 10 of the treaty the United States is permitted to furnish the officers for their local constabulary. They are officers of our Regular Army.

Mr. JONES. Suppose one of our officers should refuse to serve, would he be liable to the penalties for insubordination or anything of that kind?

Mr. HITCHCOCK. No; of course it is a purely voluntary matter, being service outside of the country.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska for the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized, in his discretion, to detail to assist the Republic of Haiti such officers and enlisted men of the United States Navy and the United States Marine Corps as may be mutually agreed upon by him and the President of the Republic of Haiti: *Provided*, That the officers and enlisted men so detailed be, and they are hereby, authorized to accept from the Government of Haiti the said employment with compensation and emoluments from the said Government of Haiti, subject to the approval of the President of the United States.

SEC. 2. That to insure the continuance of this work during such time as may be desirable, the President may have the power of substitution in the case of the termination of the detail of any officer or enlisted man for any cause: *Provided*, That during the continuance of such details the officers and enlisted men shall continue to receive the pay and allowances of their ranks or ratings in the Navy or Marine Corps.

SEC. 3. That the following increase in the United States Marine Corps be, and the same is hereby, authorized: Two majors, 12 captains, 18 first lieutenants, 2 assistant quartermasters with the rank of captain, 1 assistant paymaster with the rank of captain, 5 quartermaster sergeants, 5 first sergeants, 5 gunnery sergeants, and 11 sergeants.

SEC. 4. That the following increase in the United States Navy be, and the same is hereby, authorized: One surgeon, 2 passed assistant surgeons, 5 hospital stewards, and 10 hospital apprentices, first class.

SEC. 5. That officers and enlisted men of the Navy and Marine Corps detailed for duty to assist the Republic of Haiti shall be entitled to the same credit for such service, for longevity, retirement, foreign service, pay, and for all other purposes, that they would receive if they were serving with the Navy or with the Marine Corps.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

After the conclusion of Mr. FALL's speech,

FEDERAL RESERVE BOARD—INTERSTATE COMMERCE COMMISSION.

Mr. OWEN. Mr. President, the hour is growing late, and I understand it will be agreeable to the chairman of the Committee on Post Offices and Post Roads to have the unfinished business temporarily laid aside.

There is a bill relating to the amendment of the Federal reserve act, and which affects the system substantially, which passed the House on May 5, and which has been reported from the Committee on Banking and Currency for a good many days now, and I should like very much to have it disposed of. It is not very long. Recommendations on this subject were made by the Federal Reserve Board, and I believe the bill has the unanimous approval of the Committee on Banking and Currency. I know of no objection to the proposed amendment.

If it be agreeable to the Senator from Alabama to lay aside the unfinished business temporarily, I should like to make a motion to proceed to the consideration of that bill.

Mr. BANKHEAD. Mr. President, of course I am very anxious to have the Senate proceed with the consideration of the Post Office appropriation bill, but I realize the fact that it will perhaps be impossible to make any progress with the bill this afternoon. I am exceedingly anxious to accommodate Senators who have matters they wish to dispose of, and therefore I am willing to make a request to lay aside the unfinished business temporarily in order to give Senators an opportunity to dispose of the matters in which they are interested.

The PRESIDING OFFICER. Is there objection to laying aside the unfinished business temporarily?

Mr. WARREN. Mr. President, may I ask the Senator from Oklahoma whether this is a matter which is likely to lead to debate?

Mr. OWEN. I think not.

Mr. NEWLANDS. Mr. President, I have been waiting here all the afternoon hoping to get an opportunity to ask unanimous consent for the consideration of a bill reported from the Interstate Commerce Committee, providing for an increase in the membership of the Interstate Commerce Commission and the division of that membership into branches or divisions. It is a matter which has been brought to my attention by the President as being one of urgent importance and also by a committee of the Interstate Commerce Commission, who declare that the dispatch of business by that commission urgently requires not only the increase in its membership but the division of that membership into branches, so that each branch of three can separately consider the questions that heretofore have been considered by the entire commission. It seems to me a matter of such urgency that I will ask the chairman of the Committee on Banking and Currency whether he can not yield to that urgency.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside.

Mr. OWEN. Mr. President, I think the bill referred to by the Senator from Nevada will undoubtedly lead to debate. A change in the Interstate Commerce Commission, I should think, would undoubtedly lead to debate.

Mr. NEWLANDS. It will lead to debate, because I understand that the Senator from Wisconsin [Mr. LA FOLLETTE] is opposed to the bill and will resist it. I have given that Senator notice this afternoon that I would bring it up for consideration, and I shall feel bound to send word to him that we have it under consideration; but it is a matter of such urgency that I should like to have it disposed of if possible.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma that the bill he has indicated be now taken up by the Senate?

Mr. WARREN. While I do not object, I wish to say, with reference to a bill which is likely to follow it, that it seems to me rather late in the day to act on a bill which must lead to debate. I have a very small matter—a local one from my State—that will lead to no debate that I hope to bring up after the Senator has finished, and I hardly feel like consenting to taking up both of those matters ahead of it. I make no objection, however.

Mr. NEWLANDS. I wish to say that the proposal of the Senator from Oklahoma will also lead to debate, because I have in view some amendments to the Federal reserve act which I should like to insert, and I think——

Mr. OWEN. I decline to yield further.

The PRESIDING OFFICER. The Senator declines to yield further. Is there objection to the request of the Senator from Oklahoma?

Mr. NEWLANDS. I object, Mr. President.

Mr. OWEN. I move that the Senate proceed to the consideration of the bill (H. R. 13391) to amend an act approved December 23, 1913, known as the Federal reserve act, by adding a new section.

Mr. NEWLANDS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Oklahoma moves that the Senate proceed to the consideration of House bill 13391, to amend the Federal reserve act. The Senator from Nevada raises the question of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Nelson	Smith, Ga.
Brady	Harding	Newlands	Smith, Md.
Brandegee	Hollis	Norris	Sterling
Chamberlain	Husting	Overman	Sutherland
Chilton	James	Owen	Thomas
Clark, Wyo.	Jones	Page	Thompson
Culberson	Kern	Reed	Townsend
Curtis	La Follette	Shafroth	Underwood
Dillingham	Lane	Sheppard	Vardaman
Fall	Lea, Tenn.	Shields	Warren
Fletcher	Lee, Md.	Simmons	Williams
Gallinger	Lodge	Smith, Ariz.	

The PRESIDING OFFICER. Forty-seven Senators have answered to their names—less than a quorum.

Mr. KERN. Let the list of absentees be called.

The PRESIDING OFFICER. The list of absent Senators will be called.

The Secretary called the names of absent Senators, and Mr. MYERS answered to his name when called.

Mr. BANKHEAD entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum of the Senate is present. The question is on the motion of the Senator from Oklahoma that the Senate proceed to the consideration of House bill 13391, to amend the Federal reserve act.

Mr. NEWLANDS. Mr. President, I move as a substitute for that motion that——

Mr. OWEN. Mr. President, I make the point of order that the Senator can not move a substitute for my motion.

The PRESIDING OFFICER. The point of order is sustained. The question is on the motion made by the Senator from Oklahoma to proceed to the consideration of the bill the title of which has been stated.

Mr. NEWLANDS. Is the motion debatable?

The PRESIDING OFFICER. It is debatable.

Mr. NEWLANDS. I wish to state to the Senate that if this motion is defeated, I shall then move to take up the bill (H. R. 308) to amend the act to regulate commerce, as amended, and for other purposes. This bill amends section 24 and section 17 of the interstate-commerce act. It adds to the Interstate Commerce Commission two members, making nine in all. It provides for the division of the commission into three branches, so that each branch can enter upon the work that now occupies the attention of the entire commission.

The Interstate Commerce Commission is overloaded with work. The members of that commission are overworked. The business of regulating the great transportation interests of the country is lagging behind. This matter has become so important that a committee from the Interstate Commerce Commission called upon the President and urged that this particular subject of legislation should not be included within his recommendations that general matters of legislation relating to the amendment of the interstate-commerce act should be referred to a special joint commission or committee. He informed them that it was never his intention that this particular legislation should come within the purview of his recommendation, and wrote the chairman of the Interstate Commerce Committee of the House and the chairman of the Interstate Commerce Committee of the Senate stating that fact and urging the necessity of immediate action upon the matter which the Interstate Commerce Commission has had so much at heart.

Bills were therefore introduced in the House and in the Senate—in the House by the chairman of the Interstate Commerce Committee, Mr. ADAMSON, and in the Senate by myself. The matter was fully considered in the House by the Interstate Commerce Committee, a unanimous report was made, and the bill passed the House. That bill has been under consideration by the Senate Interstate Commerce Committee and it was reported favorably. I will read the letter from the President relating to this subject.

Mr. OWEN. Mr. President, I make a point of order against the Senator's comments, in that they are not addressed to the subject matter before the Senate.

Mr. NEWLANDS. I am endeavoring to show the importance of this measure.

The VICE PRESIDENT. The Chair has heretofore remarked that now and then in the Senate of the United States remarks are not strictly to the question in hand, but they are always in order.

Mr. OWEN. I move that the remarks of the Senator are immaterial and void. [Laughter.]

Mr. NEWLANDS. Mr. President, I will proceed. [Laughter.] The letter is as follows:

THE WHITE HOUSE,
Washington, February 14, 1916.

MY DEAR SENATOR: I had a call the other day from Mr. McChord, chairman of the Interstate Commerce Commission, during which I found that he was very earnestly in favor of the early passage of a bill authorizing the commission to divide itself into sections for the facilitation and more thorough treatment of its work, and that in this desire he was speaking for his colleagues of the commission. He wanted to know whether I thought that the passage of such a bill at this time would be inconsistent with my advice to Congress in my annual message to withhold further railway legislation until a thorough inquiry could be made by a special commission into the whole subject of railway regulation for the purpose of seeing in what direction we should next turn. I told him that it did not seem to me at all inconsistent with that advice, and that I was thoroughly in favor of the bill allowing the commission to divide itself into sections, because it was a merely administrative improvement and would, in my opinion, be a very vast improvement, not affecting at all any of the essential matters of legislative regulation. I promised him that I would write you to this effect, and I take advantage of this opportunity to urge very warmly the immediate consideration of the measure, which, I believe, is already formulated, for conferring this authority on the commission.

Cordially and sincerely, yours,

WOODROW WILSON.

Hon. FRANCIS G. NEWLANDS,
United States Senate.

Now, before the Senate committee appeared Hon. Edgar E. Clark, a member of the Interstate Commerce Commission, and I will read a few extracts from his urgent appeal for immediate action upon this subject:

Commissioner CLARK. Mr. Chairman, the commission has found that the volume of work demanding its attention has grown to such an extent that it is physically impossible for anyone to satisfactorily keep up with all of it. The theory of the law is that the commission shall act as a commission, and that the commission is responsible for all that it does, and its orders must be entered by a majority, at least, of the commission. We have discussed for some time every idea promising some relief which has occurred to us or been suggested by anyone else to our knowledge, and we have finally concluded that this arrangement would give some relief and work out more satisfactorily than any other that has been suggested.

This bill contemplates the addition of two members to the commission. We had some little difference of thought ourselves as to whether or not that was enough, but finally decided that two would suffice, and it was desirable to ask for as small an increase as possible, as we are all agreed that no addition to the number of commissioners would give any relief whatever unless it were coupled with authority for us to subdivide into groups of commissioners, each group to exercise the jurisdiction and power of the commission in the matter especially delegated to it.

Mr. OWEN. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state the point.

Mr. OWEN. Under Rule IX "a motion to proceed to the consideration of any other bill on the calendar" shall be decided without debate, and the Senator is out of order under Rule IX, which I have read.

Mr. NEWLANDS. To what rule does the Senator refer?

Mr. OWEN. Rule IX, on page 12:

Each of the foregoing motions shall be decided without debate.

I have made a motion to proceed to the consideration of House bill 13391.

Mr. NEWLANDS. I have an impression that the Chair decided that debate is in order.

The VICE PRESIDENT. The Senator from Oklahoma will observe that Rule IX applies to the interim between the consideration of morning business and the hour of 2 o'clock. There is no way to stop the Senator from Nevada from talking.

Mr. GALLINGER. If the Senator from Nevada will permit me, the occupant of the Chair at that time did not understand that the Senator had moved to proceed to the consideration of another bill, but that he was debating the motion to take up a certain bill.

Mr. NEWLANDS. Mr. President, I am proceeding in order.

The VICE PRESIDENT. That is correct. The Chair does not understand that the Senator has completed his remarks.

Mr. NEWLANDS. I will state that the suggestion has been made that I should yield for a motion for an executive session. If such a motion is made, I will not stand in the way of it. Continuing Mr. Clark's statement:

To enlarge the commission without that proviso would simply mean nine men to discuss and agree instead of seven, and would, we think, take more time and make matters worse—in that light, I mean.

Now, as we think, the primary purpose of this act and the primary purpose of the work of the commission was to deal with questions of transportation charges, the reasonableness of rates, and questions of unjust discrimination or undue preference. The law provides that when

a complaint is made to the commission the commission shall inform the carrier of it, and unless the carrier satisfies the complaint the commission proceeds with the hearing.

The law in that respect seems to recognize the fact that there would be many instances in which the carrier would satisfy the complaint without formal hearing, and as we have gone along with our work of that character and trying to keep up with the increase of it and trying to administer it in such ways as are most expeditious and most economical, both to the Government and to the parties to the controversies, we have established three dockets.

Mr. OWEN. Mr. President, I make the point of order that on page 95, Jefferson's Manual, "no one is to speak impertinently or beside the question, superfluously, or tediously."

Mr. NEWLANDS. Mr. President, I am giving the reasons why this bill should not be considered, and I am giving the reasons why House bill 308 should be considered—reasons of great urgency; reasons affecting the dispatch of public business; reasons affecting serious consequences to the national service unless the bill is passed by to-morrow, for after to-morrow we must take up only consent matters for a period of nearly three weeks.

I wish to say that I have been waiting here for days in order to present this bill; that the chairman of the Interstate Commerce Committee of the House has been over here urging its passage; and that the members of the Interstate Commerce Commission are awaiting its passage with a view to a quick dispatch of the public business.

Mr. KERN. If the Senator will allow me, I should like to ask him whether he thinks a bill of this importance can be discussed properly and intelligently within the time named by him? Does he think that there would be any possibility of passing such a bill through the Senate between now and the time when the unanimous-consent agreement becomes operative?

Mr. NEWLANDS. We would have to-morrow for its consideration.

Mr. KERN. Does not the Senator understand that the bill will involve discussion, and considerable discussion?

Mr. NEWLANDS. I do not know. If it appeals to others as it has appealed to me, I assume that it will pass most expeditiously. I have never known a bill of greater merit. I have never known a bill of greater urgency in my experience as chairman of the Interstate Commerce Committee. I am urging it in good faith as a means of enabling the Interstate Commerce Commission to discharge the duties imposed upon it by law.

Mr. GALLINGER. Mr. President, the Senator is urging it in good faith at a bad time.

Mr. NEWLANDS. I may suggest that a motion to consider any bill at this time may be regarded as being urged at a bad time, but it is the only time within which I have had an opportunity, though I have been waiting an opportunity for days to present this measure. I regard it as a measure of the very greatest importance.

Mr. President, the usefulness of the Interstate Commerce Commission and the confidence of the public itself in it rest upon its ability to transact the business that comes before it, to dispatch that business with a due consideration of the evidence and the law, and to dispatch it as quickly as the proper presentation of the facts and the law will permit. That commission has been tied up for a long period of time by its constantly increasing burdens. Congress has year after year increased the jurisdiction of the commission without giving it the facilities for the rapid transaction of its business. Here is a proposal under whch we will divide the commission into three divisions so that the commission can do three times the work within a given time that it is now doing.

I appeal to the good sense and the judgment of the Members of the Senate to support me in my efforts to have the bill considered.

Mr. OVERMAN. Will the Senator yield for a motion for an executive session?

Mr. NEWLANDS. I yield for that purpose.

SPEECH BY HON. CHARLES A. TOWNE (S. DOC. NO. 456).

Mr. CHILTON. Before the motion is made I should like to ask unanimous consent to have printed as a public document the speech of Hon. Charles A. Towne, former Senator of the United States, made at Elko, Nev., May 19, 1916.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION.

Mr. OVERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened.

RELIEF OF SYRIANS.

Mr. CHILTON submitted the following resolution (S. Res. 209), which was read and referred to the Committee on Foreign Relations:

Whereas the attention of the people of the United States has been directed to the helpless situation in which many of the Syrians in the Mount Lebanon district have been placed, and that many thousands have perished from hunger and exposure; and

Whereas thousands of citizens of the United States, in practically every State of the Union, were either born in Syria or are the children of Syrians born in that country, and that thousands of American citizens are related by blood and affinity to many of the said suffering and helpless people; and

Whereas the people of the United States have demonstrated their sympathy for the suffering people on all sides in the great European war, having helped in a practical way the people of Belgium, Serbia, Ireland, Poland, and others, as becomes a nation which is neutral in this war and on friendly terms with all the belligerents: Therefore be it

Resolved, That, appreciating the sufferings of the Syrian people, it is suggested that the President of the United States set aside a day upon which a direct appeal to the sympathy of all American citizens shall be made and an opportunity shall be given for our public-spirited people to contribute to a much-needed fund for the relief of the Syrian people.

ADDRESS BY EDWIN M. BORCHARD (S. DOC. NO. 455).

Mr. LA FOLLETTE. Mr. President, I have a copy of an address delivered at the Lake Mohonk conference on international arbitration, May 18, 1916, by Edwin M. Borchard, formerly assistant solicitor, Department of State, which I ask may be printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 23 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 3, 1916, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 2, 1916.

REGISTERS OF THE LAND OFFICE.

Joseph Oker to be register of the land office at Helena, Mont.

Henry Alexander Porter to be register of the land office at Vancouver, Wash.

POSTMASTERS.

ARIZONA.

Don C. Babbitt, Mesa.
John D. James, Metcalf.

CALIFORNIA.

Samuel T. Moore, Gilroy.

COLORADO.

Taylor B. Geer, Delta.

CONNECTICUT.

James E. Cuff, Danbury.
Charles W. Leet, Chester.

DELAWARE.

A. J. McCabe, Frankford.

INDIANA.

Daily C. Beverly, Lynn.
Earl K. Shalley, Berne.

LOUISIANA.

Teresa M. Stewart, Welsh.
Alvyn L. Woods, Lutcher.

MICHIGAN.

H. A. Cole, Paw Paw.
R. W. Doyle, Merrill.

MISSISSIPPI.

John A. Collier, Leland.
Andrew J. Darden, Centerville.
Kirk M. Heflin, Baldwyn.

NEBRASKA.

J. C. Chatelain, Peru.
L. G. Lowe, Sidney.
W. E. Roudebush, Chappell.

NEW YORK.

Manly A. Aiken, Kenwood.
C. J. Carey, Saranac Lake.
Richard J. Gilmer, Kings Park.
Robert C. Halpin, Hyde Park.
John Lenney, Potsdam.

OHLAHOMA.

D. W. Le Crone, Forgan.
H. A. Seaton, Mooreland.

OREGON.

John P. Houston, Vale.

PENNSYLVANIA.

John C. Bradley, Birdsboro.
L. J. Casey, Wilkes-Barre.
Milo G. Conlin, Duquesne.
Sorado Miller, Coopersburg.
Joseph Smith, Elkland.

TENNESSEE.

W. S. Regenold, McKenzie.

WEST VIRGINIA.

Richard C. Cooper, Farmington.
James J. Dunn, Rowlesburg.

WISCONSIN.

Myra W. Blanding. St. Croix Falls.
R. E. Bundy, Menomonie.
Alexander G. Krembs, Stevens Point.
Gilbert C. Roberts, La Farge.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 2, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Almighty God, our heavenly Father, for a united country, strong in its material, intellectual, moral, and spiritual resources. Keep us, we beseech Thee, in touch with Thee, that we enter not into temptation and misuse the gifts with which Thou hast so abundantly blessed us, but lead Thou steadily onward and upward, that our influence may go out for good to all the world. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 14864. An act to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 137. Joint resolution authorizing the Commissioners of the District of Columbia to make special regulations for the occasion of the National Capital preparedness parade on the 14th day of June, 1916, and for other purposes incident to said parade.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes, had asked a conference with the House on said bill and amendments thereto, and had appointed Mr. CHAMBERLAIN, Mr. THOMAS, and Mr. STERLING as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 12835. An act to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic of Haiti, and for other purposes.

EXTENSION OF REMARKS.

The SPEAKER. With the consent of the House, the Chair wants to make a very brief statement. The remarks that I made here yesterday, eked out by printing two short articles in a magazine, ought to have gone in the back of the RECORD as an extension of remarks, and I so marked the manuscript. If there is any difference in the obligation of the Members of the House to pay attention to the rules and regulations, the Speaker is more under obligations than anbody else. I am sorry that this occurred.

Mr. GARNER. Mr. Speaker, I want to ask unanimous consent to extend my remarks in the RECORD by printing the address delivered by the Secretary of the Treasury at Raleigh, N. C., on the 31st ultimo.

Mr. MANN. It has been printed twice already in the RECORD.

Mr. GARNER. Then I do not care to extend my remarks. But this is such a good document that I thought it ought to be reprinted.

Mr. STAFFORD. The Secretary of the Treasury is being overworked nowadays.

NAVAL APPROPRIATION BILL.

Mr. STEPHENS of Nebraska. Mr. Speaker, I ask unanimous consent——

Mr. MANN. I ask for the regular order, Mr. Speaker.

The SPEAKER. The gentleman from Illinois asks for the regular order, and the regular order is that the House resolve itself automatically into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill. The gentleman from New York [Mr. FITZGERALD] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15947, the naval appropriation bill, with Mr. FITZGERALD in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15947, the naval appropriation bill, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes.

Mr. KEATING. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

Mr. MANN. Mr. Chairman, there was one amendment that was passed over. What has become of it?

Mr. PADGETT. I was looking for the information that was requested from the department. I will present it when I get the information.

The Clerk read as follows:

Amendment by Mr. KEATING: Page 32, line 6, strike out "$142,000" and insert "$167,000: *Provided*, That the Secretary of the Navy in his discretion may expend $25,000 of said appropriation for the purchase of a dairy herd for the Naval Hospital at Las Animas, Colo."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the proposition.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order on the amendment.

Mr. KEATING. Mr. Chairman, the naval hospital at Las Animas, Colo., is one of seventeen naval hospitals, and the only one which is devoted to the care and treatment of tubercular patients. As most of the Members of this House probably understand, one of the great needs of such an institution is a sufficient and a reliable milk supply. The Secretary of the Navy, in a letter to the chairman of the Committee on Naval Affairs, has set forth the case on behalf of the Las Animas Hospital, and with the indulgence of the committee I will read the letter. The Secretary says:

NAVY DEPARTMENT,
Washington, April 14, 1916.

MY DEAR MR. PADGETT: The desirability of establishing at the naval hospital, Las Animas, Colo., a herd of milch cows to furnish pure milk for our consumptives from the officer and enlisted personnel there under treatment for consumption has been strongly brought to my attention by the reports from the commanding officer (Medical Director Barber) and others interested in this work.

Milk is the most important food for consumptives, and at present the milk supply is obtained from various small herds owned by farmers in the vicinity of Las Animas. This milk supply is carefully watched by the medical officer at Las Animas, and in general a sufficient and fairly high-standard product is obtained, but, of course, at a very high price.

The medical officer in command, Medical Director George H. Barber, United States Navy, is an unusually competent and well-equipped man for the work, and feels that if he could buy a small strip of land for pasturage and fodder and build the simple structures necessary for

housing the herd he could save between eight and ten thousand dollars a year and obtain a milk supply of the finest quality. The milk supply for this hospital during the past year cost $12,506.86. He states that he is able to purchase a small group of tough Holstein heifers with one or two blooded bulls at a very reasonable price, and from this start would breed the necessary increase to give a herd of sufficient size to furnish the adequate supply. Medical Director Barber besides being a doctor is a graduate of an agricultural college, and is an authority on agricultural questions in this section, so that I feel that he could successfully handle the problem.

When you realize that Congress makes no appropriation for the maintenance of this hospital, and that it is almost entirely supported from the naval hospital fund, which comes from the pay of the men, it would seem that the Congress could not do less than furnish them a supply of pure milk.

It is estimated that an appropriation of $25,000 for this purpose would cover all expenses and in a short time would save at least $8,000 a year on the item of milk.

The plan seems to me proper, just, and ultimately economic, and if you agree with me I would suggest that this item be added to the appropriation bill as follows:

"Naval hospital, Las Animas, Colo.: For the establishment of a dairy farm, including the purchase of land and stock and the erection of buildings, $25,000."

Sincerely, yours, JOSEPHUS DANIELS.

Hon. LEMUEL P. PADGETT, M. C.,
Chairman Committee on Naval Affairs,
House of Representatives, Washington, D. C.

Mr. Chairman, this naval hospital, like other naval hospitals, is maintained by contributions from the sailors and marines in the service of the United States. Every sailor—from Admiral Dewey down to the humblest coal passer on a man-of-war—contributes so much every month to the maintenance of these hospitals.

The Las Animas Hospital is a monument to the work of the Bureau of Medicine and Surgery of the Navy. Originally President Roosevelt transferred the Fort Lyon Military Reservation, in Colorado, to the Navy Department, and through the contributions from the men of the Navy they have built up this great institution for the care of tubercular patients, practically without cost to the Government. But of late, owing to the action of the Secretary of the Navy in changing the method of assessing fines on sailors and marines, the receipts of the hospital fund have been very materially decreased. Prior to the present administration, when a sailor or a marine was fined the money was immediately turned into the hospital fund. Secretary Daniels has established a regulation by which when a man is fined the money is set aside, and if when his term of enlistment expires he can secure an honorable discharge, the entire amount is returned to him. If he can secure an ordinary discharge, then one-half of the fine is returned to him. If he is dishonorably discharged, the fine is turned back into the hospital fund.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. KEATING. Yes.

Mr. MANN. Will this involve the purchase of land?

Mr. KEATING. The amendment does not provide for the purchase of land. The original suggestion was that they should buy some dry land in the immediate vicinity for pasturage.

Mr. MANN. I understand the amendment does not; but will the land, if it is purchased, have to be paid for by the Government or out of the hospital fund?

Mr. KEATING. Under the amendment, if they purchase any land, they would have to pay for it out of the hospital fund.

Mr. MANN. Under this amendment; but still it is quite certain that if we buy the herd, and we have to pasture them, we will have to provide pasturage out of some fund.

Mr. KEATING. I presume that is true.

Mr. MANN. And I doubt whether the naval-hospital fund would warrant the purchase of land out of that fund. I do not know how much the Government owns there.

Mr. KEATING. About 600 acres, and when Dr. Barber was in Washington he told me that his plan contemplated the purchase of about 100 acres of what we know as dry land in Colorado, pasture land, which is not irrigated. The Government's land is very valuable.

Mr. MANN. I know the situation there. It takes a good deal of acreage for pasturage. This is at Las Animas.

Mr. KEATING. Yes. Dr. Barber estimated it would take 100 acres.

Mr. MANN. I can assure the gentleman that 100 acres will not go very far toward pasturing a $25,000 herd of cattle.

Mr. KEATING. That was the estimate Dr. Barber gave to me.

Mr. MANN. The gentleman evidently obtained a misunderstanding.

Mr. KEATING. I do not think I did.

Mr. MANN. It would require a great deal more land than that.

Mr. KEATING. The gentleman must remember that they have 600 acres there where they grow alfalfa and other feed for cattle, and the herd would not be compelled to live off the dry land.

Mr. MANN. I supposed that they used the 600 acres.

Mr. KEATING. They cultivate it, and they raise alfalfa and other crops. You can raise almost anything at that point in Colorado. They have about 600 acres of good irrigated land. Dr. Barber is a curious combination. He is an expert agriculturist, as well as a physician, and he takes a great deal of pride in this farm.

Mr. TALBOTT. What is the size of the herd?

Mr. KEATING. The estimate here is $25,000.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. MANN. Mr. Chairman, unfortunately, I have had to know something about tuberculosis. There is no cure for tuberculosis by ordinary methods. Medicine does not have any material effect, practically, and the only chance for cure is fresh air and good food. They have fresh air in great quantity out in Colorado, and they do not have the good food unless it is supplied in some way. In general there is nothing more important in the way of good food for tubercular patients than milk and eggs; and if we have a hospital, as we have out there, for those who are afflicted with tuberculosis, having acquired the disease while in the Navy, and we send them out there for possible cure or maintenance, it seems quite appropriate that we should provide those patients with good food, with the hope that they may be able to recover. I have no doubt they do the best they can now, and that probably is very good, in the way of the purchase of milk, but I have no doubt that they could do much better if they acquired a herd of cattle of their own—milch cattle—over which they would have perfect control. I hope the amendment may be agreed to.

Mr. FOSTER. Mr. Chairman, I hope the gentleman from Wisconsin [Mr. STAFFORD] will not insist upon the point of order to this important amendment.

Mr. STAFFORD. I hope the gentleman will advance some reasons that have not yet been advanced why the Government should go into the dairy business. I believe it is subject to a point of order.

Mr. FOSTER. Mr. Chairman, I suggest, in justification of the amendment, that here is a hospital, located out there for the treatment of those boys in the Navy who may be unfortunate in contracting what everyone knows to be one of the worst diseases with which the human family has to contend, and, as has been said, the treatment largely, if it is to do any good, must be out in the open air, with plenty of proper and nourishing food. Buying milk, as I understand they have to do, from different dairies in the community is not the best way of securing pure milk for sick people.

Members of this House, no doubt many of them, have gone out to the Soldiers' Home, located in the north part of the city, and have seen the beautiful herd of cattle which they have there which furnishes milk for the soldiers who retire from the service and go into that home. No one can help but admire what is being done there, and I am sure as much can be done for the hospital in Colorado as is done for the Soldiers' Home here in the city of Washington. I think this amendment an important one, because it does give to these people who have control of the supply of milk an insurance that they will have a pure supply for food for these people. I think it is important, and I think a great naval bill, when we are spending this year more than $269,000,000 for preparedness, we should not forget those who are in the service and are unfortunate enough to have contracted this disease. I hope the gentleman from Wisconsin may see his way clear to withdraw the objection to the amendment and permit it to go through.

Mr. STAFFORD. Mr. Chairman, no reason has been advanced here so far——

Mr. PADGETT. Will the gentleman permit me to make a suggestion?

Mr. STAFFORD. Just one moment—why these inmates can not obtain good milk from private parties.

Mr. PADGETT. Will the gentleman permit me to state to him that down here at Annapolis they supplied the Naval Academy with milk purchased in the market, and they had epidemics of all kinds of stomach and bowel diseases and typhoid fever and other troubles, so that the condition became alarming. A commission was appointed to investigate, and after a great deal of investigation they found it was traceable to the milk. Thereupon Congress authorized the establishment of a dairy at Annapolis, which has been operating several years, and disease has been reduced marvelously, almost to a minimum, and the results accomplished have many, many times justified the wisdom of Congress in establishing a dairy at Annapolis.

In addition to that it has proved an economic investment, and for that reason I hope that the gentleman will not insist on his point of order.

Mr. STAFFORD. Mr. Chairman, I decline to yield further. We are all acquainted with the management and control of educational institutions. Most of us have attended them and have eaten in the commons managed by college authorities. The condition that the gentleman has stated existed at Annapolis was the fault of the supervisory officials in not analyzing the milk and getting the proper certification from private purveyors. I stated yesterday that this bill was becoming a public-building bill, and now it is sought to make it an agricultural and dairy-herd bill. I insist on the point of order. I do that because there are a great number of gentlemen here who have a number of amendments yet to offer. I would like to have this discussed for an hour or two, but we have not the time. I call the Chair's attention to the Manual, page 366, paragraph 822. I make the point of order that it is new legislation. It is admitted by the proponent of the amendment that the appropriation is necessary to purchase land additional to that now existing, and I direct attention to section 822, which reads as follows:

Appropriations for new buildings at Government institutions have sometimes been admitted when intended for the purposes of the institution; but later decisions, in view of the indefinite extent of the practice made possible by the early decisions, have ruled out propositions to appropriate for new buildings in navy yards and other establishments. Appropriations for new schoolhouses in the District of Columbia, for new Army hospitals, for new lighthouses, armor-plate factories, and for additional playgrounds for children in the District of Columbia have also been held not to be in continuation of a public work.

This amendment I repeat, Mr. Chairman, is intended to purchase additional land to that owned by the Government, an additional institution connected with the existing hospital.

The CHAIRMAN. The amendment states that the purpose is to purchase a dairy herd.

Mr. STAFFORD. The letter the gentleman read said that it would be necessary to purchase additional land, and he has admitted that it would be necessary to purchase additional land.

The CHAIRMAN. The Chair can not go outside of the amendment, and it does not take a farmer to know that a dairy herd does not consist of land.

Mr. STAFFORD. The proponents of the amendment have admitted to the House that the purpose of the amendment is to acquire additional land.

The CHAIRMAN. The Chair is prepared to rule. The paragraph already provides for the "purchase of and feed for horses and cows." This amendment provides for a dairy herd, and the Chair thinks that where cows are authorized to be purchased money to purchase a dairy herd is clearly in order. The Chair overrules the point of order.

Mr. CRISP. Mr. Chairman, I hope this amendment will be adopted. I have had some experience, and my experience is personal, with this particular disease. A little over two years ago my physician in Washington told me that I had a spot on my lungs and I ought to go West. At that time I had rather have been shot, for I thought that the disease was a loathsome and incurable one. I then weighed about 110 pounds. My colleagues will recollect how I looked.

I went to Colorado and spent seven months at Colorado Springs. If my colleagues could see, as I saw out there, the thousands of people who were seeking health, I am sure they would be glad to do anything to extend and hold out a helping hand. It is the one disease that depends on fresh air and nourishing food for recovery. I spent three months in bed out on a sleeping porch in a tuberculosis sanitarium, and my diet consisted largely of milk and raw eggs, nourishing food, and I learned, Mr. Chairman, that the only chance for people afflicted with that disease for recovery was fresh air, nourishing and pure food.

This amendment tends to insure to the inmates of this naval hospital pure food, essential to their recovery. I can testify to the beneficial effect of the Colorado air if you will aid it by nourishing, pure food. I know that I have recovered from my affliction, and it was due to the Colorado air plus pure food. I hope with all my heart that this amendment will be adopted, for it is a step toward supplying the inmates of the naval hospital with pure food. [Applause.]

Mr. BENNET. Mr. Chairman, I do not think I will take more than a moment to testify as to the value of this particular hospital. When I was in Congress before, a midshipman who had been appointed to Annapolis by my predecessor contracted tuberculosis of the leg. He was sent to this hospital at Las Animas, and I followed, as a layman, the course of treatment that they gave and also submitted it to physicians. I was impressed at the time with the skill and care that the inmates of the hospital were given. Everybody who knows anything about tuberculosis patients knows that they require a great deal of milk. Anybody who knows anything about the West knows that it is difficult to get it. This is an amendment which, though paternalistic, is in the nature of progress, and for the benefit of humanity, and I sincerely hope that there will not be a single vote against it in the whole House.

Mr. HOPWOOD. Mr. Chairman, I had a very similar experience to the one just related by the gentleman from New York. A young man in my district went to West Point. He was about 6 feet in height, weighing nearly 200 pounds, and was put on the football team; he was a magnificent specimen of physical manhood. Yet he contracted tuberculosis there. There was no hereditary taint in his family. He is at present being treated in the hospital in New Mexico.

So while I am against paternalism and against Government ownership generally, yet I think a herd of cows to give good milk for these young men we have in the Government service would be a splendid thing, particularly where they have already contracted this disease and are at the hospital to be taken care of and cured if possible. So in this case I hope that every Member present will vote for this amendment. [Applause.]

Mr. O'SHAUNESSY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island? [After a pause.] The Chair hears none.

Mr. KINKAID. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. McCRACKEN. Mr. Chairman, I make the same request.

Mr. SNYDER. Mr. Chairman, I desire to extend my remarks in the RECORD.

Mr. FOSTER. These remarks will be upon the bill?

The CHAIRMAN. On the bill.

Mr. WHALEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to these requests? [After a pause.] The Chair hears none.

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, yesterday we passed over an amendment with reference to an appropriation for a shop, and so forth, at Norfolk. The amendment offered provided for a shop and facilities, and I understand that the amendment is for a shop, and I wish to offer a substitute for the one I offered yesterday.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to withdraw the pending amendment and offer the following as a substitute. The Clerk will report it.

The Clerk read as follows:

Page 21, line 16, after the figures "500,000" insert: "One structural shop to cost not to exceed $1,000,000, $400,000. Salvage and tools, $50,000."

Mr. MANN. Mr. Chairman, reserving the right to object for a moment, how long will this take?

Mr. PADGETT. Only a few minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to be heard on this amendment.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that the letter I have from the Secretary be read. That is all I desire to state in this connection.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. Is there objection to the request of the gentleman to withdraw the previous amendment and substitute this? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire recognition at the proper time.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, June 2, 1916.

DEAR CONGRESSMAN: I can not emphasize too strongly the imperative necessity for the efficiency of the Navy of the inclusion in the pending naval bill of the item recommended by the Secretary of the Navy in his letter to the chairman of the Naval Committee of May 22, which provides for a structural shop at the Norfolk Navy Yard, at a cost not to exceed $1,000,000, of which $450,000 is to be made immediately available.

The total destruction by fire of the ship-fitters' shop at Norfolk has made this a matter of the greatest importance; and unless the item is included in the bill, not only will the completion of the destroyer to be built at that yard be indefinitely delayed, but repairs to such battleships as are assigned to that station will be a matter of great difficulty; and the delays that will ensue, owing to the lack of facilities and a ship-fitters' shop, will, in all probability, prevent the dreadnaughts from being repaired after the summer maneuvers in time to take part in the winter maneuvers at Guantanamo. You can well understand what a serious blow to the efficiency of the fleet this would be and the just criticism to which we would be exposed if we had failed to provide proper facilities for this work.

The strategic position of the Norfolk Navy Yard makes it one of the most important naval stations that we have, and the shortsighted policy of past years which has prevented us from having proper buildings and equipment at that place has always seemed to me an amazing instance

of inefficiency and maladministration. Even had the fire not occurred, if we are to have an up-to-date and proper shore equipment for our fleet, which is as vitally necessary as the fleet itself, we would be compelled to replace the ancient and dilapidated structures at Norfolk, many of them built before the Civil War, with buildings fitted for modern machinery at the earliest possible moment.

Realizing this, the department, after the most careful investigation, and remembering always the necessity for the most strict economy, has prepared plans for the development of the yard. These plans include a new building for the ship-fitters' shop, located near the dry dock, and containing bays for the boiler shop, blacksmith shop, sheet-metal and pipe-fitting shop, and mold loft. All of these shops at present are so ill fitted for their purpose as to make the cost of work at Norfolk greater than it should be, and merely as an economical proposition proper shops would pay for themselves many times over. It would be the most foolish kind of penny-wise and pound-foolish policy to attempt the erection of a mere temporary shed of the same kind to replace the building destroyed by fire.

The appropriation asked for is extremely moderate when the facilities that it will afford are considered; and it is obviously wise, now that the immediate necessity of some kind of a ship-fitters' shop has arisen, to erect at the same time the permanent building designed for that purpose and which is to include the other obsolete shops, so that the general plan for a proper yard at this point can be carried out. Therefore I feel sure the Congress will not hesitate to include the appropriation.

In addition to this amount, an amount of $50,000, to be immediately available, has been asked for to cover the salvage of the tools partially destroyed or seriously injured by the fire. I trust you will urge upon Congress the importance of the construction of this building, which is as much needed if we desire real preparedness, as new ships, and which, owing to the fire, can not be longer delayed.

Very truly, yours,

FRANKLIN D. ROOSEVELT,
Acting Secretary of the Navy.

Hon. E. E. HOLLAND, M. C.,
House of Representatives.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. PADGETT. Yes, sir.

Mr. MANN. What is now being built at this navy yard?

Mr. PADGETT. Vessels; I think they are set out in the report, but I could not tell the gentleman offhand.

Mr. MANN. Well, the Secretary says a destroyer, which can not be completed owing to the lack of this building, and that it is very necessary to have this building in order to get an early completion of the destroyer. What I wanted to ask was, in view of the fact that this building is to cost a million dollars and that only $400,000 of that is to be used next year from next July, when do they expect to start the work again on that destroyer?

Mr. PADGETT. I do not know of any other, except that one destroyer.

Mr. MANN. Very well; then they will not commence work on that destroyer again, according to the Secretary's letter, for two and a half years. Does anybody call that speeding up? What they need over there in the Navy Department is some kind of a logician, so as not to mix their dates and say they want to build a building in order to finish a destroyer hurriedly, and then only propose to appropriate two-thirds of the cost of the building to be used for the next year and two months. That is neither logic nor sense.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to speak on the amendment. I wish some one would tell us when this fire at Norfolk took place.

Mr. HOLLAND. The 18th of May.

Mr. MOORE of Pennsylvania. Of the present year?

Mr. HOLLAND. Yes, sir.

Mr. MOORE of Pennsylvania. Mr. Chairman, I wish to express my great pleasure at being able to indorse a proposition that comes from Norfolk, even though it comes at an unusual time and under extraordinary circumstances, when other propositions that ought to be taken care of are not provided for in this great bill.

I am glad also to observe that the Secretary of the Navy has such a fine regard for details at this particular juncture as to send us a letter three or four pages in length about the necessity for this million-dollar building at Norfolk, although the chairman of the committee admitted yesterday that the building burned at the Philadelphia Navy Yard three of four years ago has not yet been restored. It must be a matter of a great deal of satisfaction to all to see how gentlemen who are in power take care of their own.

The Speaker of the House, in the discussion of the flood bill the other day, indicated that the time had come for good Democrats to take care of their own, and it is wise in this day and generation of power, perhaps, that they should take care of their own. I am inclined to agree somewhat with the gentleman from Kentucky [Mr. THOMAS] that to the "victor belong the spoils," and that while the spoils hold out we who have the power ought to go out and get the spoils.

Now, here is an opportunity under the stress of preparedness to replace an old burned building that was worth a few thousand dollars by one that is to cost a million dollars. You are going to do it in order "to speed up the Navy" by appropriating $400,000 now, but you are smart enough to provide that you shall get the remaining $600,000 from some other administration. You are taking care of your own and you are doing it while you are in power. I think it is best that you should do it now, lest the chance may not come again.

Now, everything the Secretary says about the Norfolk Navy Yard is substantially true. It is a splendid navy yard. It does have some old and dilapidated buildings that antedate the Civil War. That is true, and there ought to be a reconstruction of some of those buildings, but it is true also that the Secretary of the Navy has been familiar with this fact since he has been in power, for he has not overlooked other improvements at the Norfolk Navy Yard.

However, I am for it. I want to see the yard built up. Geographically it is one of the most important naval stations along the Atlantic coast. I hope it will be restored to great power and usefulness as a navy yard, and I hope you will continue to build it up under this present administration, so that it will be all ready for us when we come back into power next year. I want to indorse my friend from Virginia [Mr. HOLLAND], who has been active in getting this appropriation. We of other yards have not been able to get letters like this for similar projects. We were not able to get letters for projects in the rivers and harbors bill even from the President. So, let the good work go on while you have the power. The letter-writing plan is a good one. Evidently somebody got a letter to put the Cooper River into the naval bill. You remember we could not get it into the rivers and harbors bill. It was all booked to go into the rivers and harbors bill, but there was a hitch somewhere. It was left to the gentleman from South Carolina [Mr. WHALEY] to find a way, just as love is sure to do, and $175,000 for the sole purpose of dredging a river goes smoothly into the naval bill. No wonder the gentleman from Tennessee [Mr. PADGETT], the able chairman of this committee, prefers to move under a rule that prevents points of order against any paragraph in his bill. No wonder gentlemen want to agree to have no debates in the House but their own, when these matters, based upon departmental letters, are covered in their bill.

Mr. Chairman, I am for this appropriation in Norfolk. I am glad they got it. I am glad the Secretary saw the necessity for it, and I compliment the gentleman from Virginia for his activity in that regard.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in three minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on the pending amendment be closed in three minutes, two minutes to go to the gentleman from Michigan [Mr. KELLEY] and one to the gentleman from Illinois [Mr. BRITTEN]. Is there objection? [After a pause.] The Chair hears none. The gentleman from Illinois is recognized for one minute.

Mr. BRITTEN. Mr. Chairman, I hope this amendment will prevail. It is up to the House to develop that yard in every way possible. It is one of the few very good yards in the naval service. I want to call to the attention of the House the suggestion in the Secretary's letter regarding this amendment as being as important to the service as two battleships would be. That side of the House defeated the two-battleship amendment on the floor of the House. I suppose that my good friend from Virginia [Mr. HOLLAND] brings in this amendment in lieu of the two battleships that you gentlemen kept out of this great national-defense bill. You all appear willing to appropriate in special directions on land, but you are equally strong against appropriations for the sea.

Mr. KELLEY. Mr. Chairman, the navy yard at Norfolk is one of the most important navy yards on the Atlantic coast. It is particularly important because of the fact that from Norfolk south there is practically no yard where large ships of the Government can be repaired. For a good many hundred miles from Norfolk, clear around to the South as far as New Orleans, we have no yards at which there is a dock large enough to take care of the dreadnaughts of the fleet.

Now, it has been said a good many times by military experts that probably if we ever have a naval war it is more than likely that it will take place somewhere in the Caribbean Sea, near the entrance of the Panama Canal. Norfolk would be the nearest yard in which ships disabled in such a battle could be repaired.

Now, we have put in this bill an appropriation for another dock at Norfolk. The old yard there is not adequate and should be thoroughly reorganized and built up around this new dock which we are going to put in. This building, to replace the one recently burned, can be added in harmony with the

new plan for grouping buildings at the Norfolk yard. The buildings are old, the machinery is old, in the Norfolk yard, and the Government should at the earliest possible moment take such steps as will make it one of the leading yards of the country. And I hope the amendment to erect this building will prevail.

The CHAIRMAN. The Chair understands the gentleman from Tennessee [Mr. PADGETT] asks unanimous consent to withdraw an amendment offered yesterday and offer in lieu thereof——

Mr. MANN. That was agreed to this morning.

Mr. PADGETT. That was agreed to, as I understand.

The CHAIRMAN. The question, then, is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I want to correct some totals. On account of the hospital amendment and this amendment it makes it necessary to correct the totals.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 21, line 17, strike out "$792,000" and insert "$1,142,000."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Page 29, line 6, strike out "$6,674,975" and insert "$7,124,975."

The amendment was agreed to.

The Clerk read as follows:

Page 32, line 25, strike out "$859,500" and insert "$884,500."

The amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have 15 or 16 amendments. I ask unanimous consent that I may present them seriatim under the five-minute rule.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] states that he has 15 or 16 amendments.

Mr. BRITTEN. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. BRITTEN] objects. The Clerk will report the first amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The Clerk read as follows:

Amendment by Mr. MOORE of Pennsylvania: "Page 11, line 6, after the word 'California,' in line 5, strike out the word 'namely'; also, on the same page, line 24, after the word 'Island,' strike out the word 'namely.'"

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that I may proceed for 20 minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for 20 minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MOORE of Pennsylvania. Mr. Chairman, we have reached a point in our parliamentary procedure in the House where attention should be called to what we may term "government by rule"—the constant changing of the existing rules by which we are supposed to be governed in the House to suit the convenience of the party in power, whatever that party may be. Instead of following the regular rules which we have laid down for our guidance here, we have recently come to be governed by special rules, brought in without notice on special occasions, for special purposes, to the great prejudice of the order of the House and of every working Member who desires to do his full duty by his constituents and the country, and, I may also add, to the prejudice of our Government, since much of the legislation that slips through the House by reason of special rules and the lack of interest of Members, because of their knowledge of the power and effect of special rules, is a reproach to the Government.

I want to enter my protest against this tendency to "government by rule" or even by unanimous agreement. As one Member of the House I am inclined to feel that the power of the individual Member should be exercised more often than it is with respect to these special rules and agreements made for the conduct and operation of business without previous notice.

What is the present situation? We have a rule here, under which the Navy bill is being crowded through, more drastic than any rule brought in within my knowledge. It puts it within the power of 21 men to practically control the business of the House; not that those 21 men are not efficient or are themselves to be unduly criticized, but that this special-rule practice if continued will ultimately put all power in one committee, or in any small group of men, to transact the business for the entire body of 435 Members.

I protest not only against this kind of "government by rule," but I protest also in favor of the right of the individual Member to be heard, whether he happens to be upon the committee bringing in a bill or not. I have no personal interest in anything in this bill, of course, but the people whom I represent have, and it is important that their Representative should have his right to speak for them preserved. In effect, all Members not upon the committee have been barred from offering amendments to the bill until the last few hours. Under the special rule, or the agreement, committee amendments have had precedence for five days. Observe how anomalous this is. The chairman of the committee, the gentleman from Tennessee [Mr. PADGETT], who, by the rule and partly by an agreement, entered into between himself and the minority members of the committee, holds the floor and the power here, comes from a district where no ships are built and where the Navy does not penetrate, while I, who have been thus far denied the right to offer amendments, come from a district bordering a river upon which we build the greatest number of the ships of the navy, as well as of merchant ships, and where we produce most of the workmen and material; but up to the present time, five days having been devoted to general debate and to amendments coming solely from the committee, the minority and the majority side alternating, there are but two hours left in which I or other individual Members of the House of 435 in number, may have an opportunity to offer an amendment or be heard on any proposition under the five-minute rule. With a number of gentlemen waiting to offer amendments and others desiring to discuss them, it is apparent the rule will foreclose some of them.

Now, I have great respect for the members of this committee on both sides, but I submit that being upon a committee, sitting as this committee has done, apart from the House, for four months, saturating itself with the business that comes before it, commendable and laborious as that may be, does not give the committeeman the exclusive right to dispose of the public funds or to come upon this floor and absorb all the time for discussion, taking away from the great mass of Members their right to be heard upon questions vitally affecting their constituents.

Although this committee has been in session three or four months, taking an enormous amount of testimony, hearing the statements of admirals for and admirals against the provisions of the bill, it was still divided when it came upon the floor. Under the special rule it practically ignored the Members of the House but went on fighting the battle over again here just as it must have done in the committee room. It seems to me that we are the judges of these committees when they come upon the floor. After they have had a fair chance to present their case on either side there should be an opportunity for other Members of the House, who may have greater interests at stake than they have and who may look upon some of their findings from a different viewpoint. I suppose that is a part of our business.

The gentleman from Tennessee, however, is naturally a little jealous of his bill. I admire him personally and count his friendship worth while, but he ought not to be so zealous in forcing his bill as to prevent an ordinary amendment here and there though it comes apart from the exclusive precincts of the committee room.

Is the bill subject to criticism? Yes; in many particulars. There are 50 different items that I have marked which might be the subject of inquiry upon this floor. There are items relating to Government ownership, to the expenditure of money for the erection of factories and of foundries to go into competition with private business; items for the appointment of commissions, and officials to be chosen by the President and the Secretary of the Navy, without regard to the civil-service law. I am not prejudiced in their favor.

There are provisions here which increase the power of the administrative body; they might be the subject of discussion if we could take them up separately and discuss them on the floor. But the gentlemen who operate under the rule have covered their tracks. They bring in their bill carrying an item for dredging the Cooper River in South Carolina; for these commissions and Government-owned industries to which I have referred. Why, they have even introduced some agricultural items. All these would be subject to a point of order if we could reach them, but the rule settles the business. Points of order will not lie. We must swallow all these items, including the Government armor-plate plant, because the special rule establishes their right. They may be wrong, but we have to accept them. The rule makes the point of order useless. We take the provisions without reading them separately and without amendment, and we make extravagant appropriations in special instances, because we are compelled to do it under the rule. Vote the bill up with its bad features or vote it down with the good.

There is no recourse under the rule. Hence, the ordinary procedure in this House does not prevail, and the committee becomes an autocracy which the body of the House must follow at the pleasure of the committee.

They have provided for advertising here—advertising in various forms. Why not discuss that? One of the great troubles we have with the young men who go into the Navy is that they are frequently deceived as to the kind of service they are going to perform, and the first thing we know Members of Congress are appealed to to get them released from a service which they did not comprehend. We provide for advertising here, to lure them on. It is well known that the Navy is undermanned, and the reason commonly ascribed is that we do not pay the enlisted man enough to keep him happy. Yet we are providing sums of money, and have no time for an explanation of it, to induce young men who may look at our alluring pictures, to believe they may lie under the green trees and loll upon the green grass and take life easy in foreign countries if they join the Navy. How quickly some of them are undeceived. Why not talk about this?

Here is a provision of the bill that might be considered on the floor, if we could get at it—the pay of the enlisted men. I think we should pay the rank and file in the Navy, as well as the Army, more than we do. The gentleman from Tennessee [Mr. PADGETT] was rather blunt the other day when I asked him what was the pay of the enlisted men in the Navy. He brushed it aside and would not answer. Now, I ask you gentlemen, what is the pay of the enlisted man in the Navy? One gentleman responds, "Fifteen dollars a month." Another gentleman responds, "Sixteen dollars a month." What is it? Who knows; and if it is $15 a month or $16 a month, what young man with any spirit about him is going to join the Navy and become one of Winston Churchill's groomsmen to an officer if he gets only $15 or $16 a month? [Applause.] I do not mean to be ungenerous to those in authority, for I am a firm believer in discipline, but I likewise believe in fair pay for military or naval service. If I had the opportunity I would move to make the minimum pay of the enlisted man $20 per month, but I am precluded from making that motion.

When we look at the bill and find that we are taking care of the officers, increasing the upper end of the force along the line, and that we are paying to officers substantially half as much as we pay to all the 65,000 enlisted men provided for in the Navy, is it any wonder that young men do not enlist in the ranks? Is it any wonder that the complaint goes abroad that our ships are undermanned? It might be well if we had a chance to discuss these matters, but the committee has monopolized the time.

I have not time to go into all the things suggested by this bill. I would like to have some of my amendments considered, and shall hope to save some time for them. The one I have offered is a simple one, but it shows the risk we assume in having thrust upon us here a bill of a hundred pages without the opportunity of reading it paragraph by paragraph. I challenge any 10 men in this House to rise and say that they have read this bill paragraph by paragraph. I challenge them to say whether, since the bill was read in full, without interruption, under the rule, they have been able to discuss 10 separate paragraphs apart from those that were brought in by the committee. My little amendment is of a clerical nature; it strikes out two superfluous words in the text. They would certainly have been observed if the bill had been read in the regular way. In due course I propose to offer several amendments to this bill, although I realize that the limit of time has been fixed and the hour for the guillotine to fall is near at hand.

If I get the chance, I propose to make an inquiry with regard to the Cooper River, and shall inquire why that paragraph is in the bill. I am glad it is here, but it is a dredging proposition and a subterfuge in a naval bill. The dairy business is also in the bill. There are three or four Agricultural Department items in the bill. Have you discovered them? They are there. We are also providing for specialists and experts in the naval bill, very much as we did in the Agricultural bill, to be appointed by the Secretary. We must not mention it, under the rule. We are providing a little money, not much comparatively, for preparedness camps. We might inquire about that, but there is no time. Who has discussed these questions?

Then, we are going to put up $1,500,000 for an experimental laboratory, and the people who are to be employed are to be appointed by the Secretary of the Navy. For what reason do we authorize a limit of cost of $1,400,000 for a Government projectile plant, and where is it to be located? How many men are to be employed? Who is to appoint them? What are their salaries? Is it to be done as it was in the Agricultural bill? Of course a few more officeholders will not hurt. You have created 30,000 of them in three years. Let us have a few more before you go out! Is that the idea? Is that the program? I do not know why we should not have an opportunity to discuss these things.

Then we are going to change the furlough system. How many have thought about that? One half of your trouble today is your inability to get young men out of the Navy after some of them have tired of it. You can not get them out in some instances except by purchase. Yet that furlough system is to be changed. It may be good or it may be bad, but why do we not have an opportunity to discuss it upon this floor?

Yes, gentlemen, a little claim has crept into this bill. Capt. Crapo of the United States Navy got mixed up on $360 somewhere down in Key West, Fla. If any ordinary Member had presented that claim through a bill, he would have had to go to the Committee on Claims and wait until his hair was gray before he recovered. But observe, under the rule, no point of order will hold, and Capt. Crapo gets his money in the naval bill. A short cut to justice. I congratulate the captain. I wish we could do that in other instances, but I am not surprised that gentlemen who succeed in this way under a rule do not want to have these bills discussed in the open in the same way that other bills are discussed on this floor.

Then we come to the reserves—a very important matter, but what do we know about them? We are going to have six different kinds of reserves. The boys who have yachts and those who are to march in the great preparedness parade, with the President in the lead, on foot. We are going to have six different kinds of them. Great Scot! One hundred and fifty thousand of them in New York last week; how many of them in Washington I do not know, but I do know that actual enlistments all over the United States of men equipped for real fighting have not exceeded 7,000 for the Navy since the 1st of January last. A splendid thing this reserve may be for the yachting boys who walk the upper deck of a 40-foot sloop. [Laughter.] But why does not the committee discuss it?

The bill provides that if you join this naval reserve in one form or another, the fact that you want to get a public place will not interfere. There is to be no prejudice against those who join the reserve if they apply for a public job. I want to amend the bill by suggesting that after they get a public job—and 30,000 good Democrats have been placed during the last three years—there would be no prejudice against them if they joined the reserve [laughter and applause on the Republican side], but I may not have a chance to introduce that amendment.

Now, on page 51, it is provided that the members of the naval reserve shall "be issued" a distinctive badge. I do not like that language. I want to amend by providing that members shall not "be issued," but shall "receive," a distinctive badge, and so forth. But there is no chance now, under the rule and the accompanying agreement, to make any correction of that kind.

These boys are also to get a "uniform gratuity." Whether it is a "gratuity" that is to be uniform or a gratuity that is to purchase a uniform I can not make out. [Laughter.] I do not like the word "gratuity." I want to move to strike it out. I do not think these boys are asking for charity. If they are worth anything, they would not like that term. I would strike out "gratuity" and substitute the word "allowance."

There are many other things in the bill that might be improved upon if we had a chance to read and amend it, but what is the use? We are specializing legislation by rule.

Now, as to these yachts: As I understand it, they are to be used for the naval service. The Government is going to have a chance to buy them, and it is to be left to the Secretary of the Navy, whoever he may be, to take them when he wants them, at a price. That is the proposition. We took some of them under pressure about the time of the Spanish War. Let us buy these floating batteries; they may be useful in time of peace, if we get the inside waterways where we can use them. [Laughter.]

Mr. MADDEN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. If the gentleman will be brief.

Mr. MADDEN. There is a provision in the bill authorizing the Secretary of the Navy to sell the colliers and troop ships at 50 per cent of the original cost.

Mr. MOORE of Pennsylvania. The Secretary, whom I like personally, has broad powers; but we are working under a rule. I agree with the gentleman; we ought to have had a chance to discuss that.

Mr. MADDEN. The owner of the Dollar Line bought vessels for $238,000 and sold them for $1,350,000.

Mr. MOORE of Pennsylvania. This is a good time to sell to the Government. Now, gentlemen, we have heard a good deal about the plucking board, or used to, and whether it should be revoked. Have you heard about it in this bill? The officers that

they retired have all been put back in this bill. Maybe it is a good thing; but why should not we have had some explanation of it?

Do you know the President is given authority practically to take over the railroads in time of emergency and force the Government freight through? Why does not the committee let us know about this? If the President had only put an embargo on the munitions we sent into Mexico, perhaps they would not have been turned upon us to-day—but, of course, there is no opportunity under the rule to discuss that.

We are changing the limit of cost of repairs to battleships from $200,000 to $300,000 in this bill. Why do we do that? That is a pretty large sum to spend without specifications. Or am I in error about it? The committee does not say.

We are also going to spend a million dollars for propelling engines without knowing much about it. Yes; we are going into new business all along the line. Private business interests will please take notice, if Members of Congress do not, that we are quite close to Government ownership.

Oh, yes; we are also fixing up retirement before 50 years of age. Having attained 50 years myself, I would be glad to be retired at one-third of my salary. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 63, noes 15.

So the amendment was agreed to.

Mr. BYRNES of South Carolina. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BYRNES of South Carolina: Page 21, after line 19, insert the following as a new paragraph:

"Marine recruiting station, Port Royal, S. C.: For a new building for the naval hospital and for necessary changes in existing buildings and other equipment, $15,000."

Mr. MANN. Mr. Chairman, I reserve a point of order on that.

Mr. BYRNES of South Carolina. Mr. Chairman, I recognize that the amendment in the form in which it is offered is subject to the point of order, but I have offered it in that form because if the proposition should be voted upon upon its merits I think it ought to provide for a new building instead of an extension and improvement of the old building. I ask the attention of the Naval Committee for the reason that this proposition has not been submitted to that committee. It was not submitted to them by me for the reason that it was not called to my attention until about a week or 10 days ago. It was not submitted to them as an estimate from the Navy Department for the reason that the Secretary decided not to submit a supplemental estimate, and his original estimate had been forwarded to the Naval Committee before the matter was called to his attention.

At Port Royal, S. C., the property owned by the Government was formerly used as a disciplinary barracks. Last year the department decided to transfer the detentioners from Port Royal to Portsmouth, N. H., and they established at Port Royal the marine recruit depot. This is the only station along the Atlantic coast where marines are recruited and trained. According to Gen. Barnett, the average number of men at this marine recruit depot is 800. The hospital which was adequate when the property was used as a disciplinary barracks, with an average attendance of only 350 or 400 men, has proven entirely inadequate now that an average of 800 men are located at this place. A gentleman from my district happened to visit this property about three weeks ago, and he wrote me describing conditions as so pitifully inadequate that I wrote to the Secretary of the Navy and to the Surgeon General and asked whether or not his description was correct. Both the Surgeon General and the Secretary stated that he had correctly described the conditions, and that the only reason they had not asked the committee to furnish this appropriation to construct this hospital is that the matter was called to their attention after they had submitted their formal estimates. I want to call to the attention of this House what the surgeon in charge of the hospital at the marine depots says about the conditions:

In every direction there is lack of sufficient space.

(a) The one ward necessitates the care of medical, surgical, and venereal patients in one room.

(b) The mess hall is too small for the tables necessary to feed patients and Hospital Corps.

(c) There is no storage space for reserve supplies of beds, mattresses, tents, medical and commisssary stores, etc.

(d) There are not adequate quarters for the Hospital Corps. Four men have beds in the building and six must sleep in tents. Nor do they have sufficient bathing and toilet facilities.

(e) There are no quarters for the civilian employees who live on the grounds. They now occupy tents.

(f) There is no recreation or lounging space for convalescent patients.

(g) There is no place where an X-ray apparatus might be set up, and this is a crying need.

(h) There is no provision for disinfection of mattresses or bedding of patients ill with contagious disease or for the destruction of vermin that are constantly arriving with recruits.

(i) The dental office is too small. There is no place for men waiting their turn in the dentist's chair to remain under cover.

(k) The heating of the hospital is absolutely inadequate. Because of the lack of steam pressure we can not have steam sterilization in the operating room.

Some of these defects might be remedied in the present institution if we had another building put up that would give space for b, c, d, e, f, and g. It is understood, however, that such a building can not be erected without the specific authority of Congress. Even in such a case the hospital would still be a makeshift.

One item of prime importance must be considered during the coming summer—the heating plant. It is impossible to get a pressure of more than 10 pounds at the beginning of the hospital heating circuit from the central heating plant. The operating room is at the other end of the circuit and gets no steam at all. In winter it can not be used for operating purposes unless the steam is shut off from the rest of the station. Consequently we have had to return to the use of stoves wherever provision has been made for chimneys into which a stovepipe can be run. Should the building mentioned in the preceding paragraph be constructed, there would be still more need for an adequate steam supply. How it is to be obtained without a separate plant for the hospital I do not know.

Mr. KELLEY. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. KELLEY. I would like to know whether or not the naval authorities down there submitted this request to the Navy Department; and if so, what action was taken by the department.

Mr. BYRNES of South Carolina. I intend to come to that.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BYRNES of South Carolina. Mr. Chairman, that statement was furnished to Gen. Barnett, and he wrote me as follows, under date of May 23:

Referring to your letter of the 12th instant, concerning the construction of a hospital at Port Royal, S. C., I have the honor to inform you that I have conferred with the Bureau of Medicine and Surgery concerning the matter, and concur in the statement of the Secretary of the Navy to the effect that an appropriation of $15,000 is required for new buildings for the naval hospital at Port Royal and for necessary changes in existing buildings and their equipment.

Gen. Barnett, the Commandant of the Marine Corps, wrote me this, and here is the reason why it was not submitted to the committee:

No appropriation has been requested of Congress to cover this matter, for the reason that it was not brought to our attention until after the estimates for the current year had been sent in, nor has an estimate been obtained as to the amount of money involved in making the necessary changes. The matter has this day, however, been referred to the commanding officer at Port Royal for this information, and when it is received you will be immediately informed in the premises.

In addition to that, Gen. Barnett stated in his letter that he had visited this station and corroborated in every particular the report of the Surgeon General in charge of the marine recruit depot there. The Secretary of the Navy, in replying, stated, as did the Surgeon General, that the matter was not called to his attention until after they had submitted to the Naval Committee their estimates for the Marine Corps. He says:

It has been the intention of the department that next year's estimates should, if necessary, include an item for the improvement and enlargement of the naval hospital, and the Surgeon General believes, after careful consideration, that $15,000 would cover the cost of the new buildings to be added to those already existing, and of the few necessary changes which would be made in the present buildings and their equipment.

That brings the question to this House. The House is informed of the conditions; that one ward with eight beds is supposed to care for a body of 1,000 men; that if more than eight are sick, they are placed in tents with no facilities for heating them in the winter and no facilities for properly screening them in the summer. If the station is to be continued, and it is to be continued, because you are voting $85,000 in this bill for the maintenance of the station, then it is certainly criminal to say that we are going to invite the young men of this country to enlist in the Marine Corps, send them to this station, and if any one of them shall be so unfortunate as to become sick he is to be placed in a hospital where they have but one ward for eight men, with no provision to heat it, and no provision to properly care for them as the physician says they should be cared for. I submit the matter to the House. The Surgeon General says the appropriation is necessary now; Gen. Barnett says the appropriation is necessary now. The amount is only $15,000. It is unfair to ask a man to enlist in the Marine Corps and to tell

him, "If you get sick, you can have the consolation of knowing that the Secretary says that next year Congress will be asked to appropriate for a hospital; and if you continue sick long enough, we will appropriate $15,000 next year, the building will be erected in about 18 months, and then if you are still sick you will have the opportunity of being properly cared for. I submit that this is an imperative matter. It is better to take a part of the $85,000 provided in this bill for the improvement of some of the buildings at that station and apply it to the hospital than for any other purpose. A well man can get along, but a sick man must have care, and this great Government should not allow its recruits to be placed in a station where, according to the physician in charge, if he is sick, he can not be properly cared for. I think this is a matter that should appeal to the judgment of the Naval Committee and this House, and I confidently ask the adoption of this amendment. [Applause.]

Would the gentleman from Illinois yield for a question? I want to ask if the gentleman intends to insist on his point of order so that I may offer an amendment providing for an enlargement of the present hospital, though I think it proper that the amendment should go through in this form.

Mr. MANN. I was about to ask the gentleman whether the department had recommended it?

Mr. BYRNES of South Carolina. The Surgeon General recommended it. Gen. Barnett recommended it, and Secretary Daniels says it should be built.

Mr. MANN. To whom does he say that?

Mr. BYRNES of South Carolina. In his letter to me. I simply called it to his attention.

Mr. MANN. Does not the gentleman think the Secretary of the Navy or these officials in matters of this sort should follow the law and the rules not only of good sense but the rules of the House and communicate to the Committee on Naval Affairs?

Mr. BYRNES of South Carolina. If the gentleman will wait one second, I attempted to explain that a moment ago.

Mr. MANN. I heard the explanation.

Mr. BYRNES of South Carolina. The Secretary says the matter was not called to his attention until after the estimate was submitted for this station, and that is the reason he had not submitted it.

Mr. MANN. We adopted an amendment this morning of $400,000 to replace a building burned since this communication as read was sent in.

Mr. BYRNES of South Carolina. That is true.

Mr. MANN. It came through the proper channel, and the Navy Department wanted it and estimated for it. That was subject to the point of order, but it went through.

Mr. BYRNES of South Carolina. May I say this to the gentleman——

Mr. MANN. Does not the gentleman think if such a situation of affairs exists down there as described by the local officers, if they had done their duty and called it to the attention of the Navy Department, and if the department had considered it was their duty they would have called it to the attention of the Committee on Naval Affairs, or at least the chairman of the Committee on Naval Affairs?

Mr. BYRNES of South Carolina. I say it was his duty. I did not go to Secretary Daniels and ask him to write the chairman of the Naval Committee. I believe that if I had gone down and asked for a letter from the Secretary he would have given it, but the point I make is this: I say, in view of Gen. Barnett's letter, the Surgeon General's letter, and the local surgeon's letter, it is a matter that should appeal to the discretion of this House regardless of the fact that the Secretary says that if they will wait another year he will ask for a hospital, and to tell the men in the meantime if they continue sick long enough they will have the accommodations in 18 months, but in the meantime they must be put in tents.

Mr. MANN. The gentleman knows the House itself can not be well informed about all of these things. That is what we have a committee for, and where the Navy Department wants a thing they ought to make a request through the proper channel. The gentleman from South Carolina is not at fault. I do not know whether the Navy Department is at fault, but it is at fault if the thing is required, and they ought to have asked for it.

Mr. BYRNES of South Carolina. I agree with the gentleman, and now I submit this to the gentleman, that when the Surgeon General asks for it, when Gen. Barnett tells us from his personal supervision it is required and the local surgeon says it is required, when the Secretary does not ask for it but says it came in too late this year, but he will ask for it next year, I think it is necessary and that it must appeal to this House. We know from these statements what the conditions are. Gen. Barnett and Surg. Gen. Braisted state them. Secretary Daniels can not know anything except what they tell him. We have all the information Secretary Daniels could possibly have. He has to base his recommendation upon their statements, and they say it is necessary. He said it is necessary and he will ask for it next year.

Mr. MANN. While that is true, I served a while on a committee that dealt with lighthouses, and in the early days every year they asked for ten or fifteen million dollars for lighthouses. We would call them before the committee and they would back down nine-tenths and say they did not need it. It was asked for because somebody asked for it, and the Navy Department officials are very much the same, and under officials; they like to be accommodating.

Mr. BYRNES of South Carolina. I will say to the gentleman the only way I became interested in this is a friend of mine visited this station and called this condition to my attention, and said he did not believe it possible for this Government to maintain a hospital in the condition that was. I thought the statement was severe and I wrote the department asking for information, and in reply the Secretary said that every statement of my correspondent was substantially correct.

Mr. MANN. It ought not to depend upon whether a Member of Congress happens to know about something concerning his district. It is the duty of the Navy Department, if such a condition is called to their attention, to submit it and bring it to the attention of Congress and not depend on somebody interesting a Member of Congress.

Mr. BYRNES of South Carolina. I agree with the gentleman.

Mr. MANN. I do not say they did not perform their duty; I do not know.

Mr. BYRNES of South Carolina. But the gentleman and I agree to this: That the local physician performed his duty; that Gen. Braisted performed his duty; that Gen. Barnett performed his; and if you want to say the Secretary did not, we have a duty ourselves, regardless of the Secretary's statement that it is necessary and it should be asked for next year. Does not the gentleman think, in view of every responsible officer having charge of this matter testifying to the condition, we have a duty to perform, and in order to discharge that duty we ought to furnish a hospital to take care of these sick men now in that recruiting station?

Mr. MANN. If the statement is correct, they did not call this matter to the attention of the proper official in time for him to make the estimate——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. Will the committee grant me one more minute? I wish to make myself clear to the gentleman. Gen. Barnett did call it to the attention of Secretary Daniels, and the papers from which I read here are merely a memorandum, not furnished to me, but furnished by the local surgeon to Gen. Braisted and the memorandum furnished by Gen. Barnett to Secretary Daniels. Gen. Barnett wrote me, inclosing a copy of the memorandum which had been furnished.

Mr. MANN. When was that furnished?

Mr. BYRNES of South Carolina. The date is about two or three weeks ago.

Mr. MANN. But these conditions have existed for a long time.

Mr. BYRNES of South Carolina. If the gentleman will wait one second. The memorandum is dated May 4. The letter of Secretary Daniels states:

> The disciplinary barracks established there several years ago has recently been succeeded by the United States Marine Corps recruit depot, and its establishment and recent growth were of too late a date for the department to include in its estimates for the fiscal year 1917 (prepared some months ago) and definite recommendations as to the increase in the facilities for hospital care of marine recruits.

Because he had prepared his estimates for the marine depot some months ago he said that he did not include or furnish a supplementary estimate based on the memorandum furnished him some time in April.

Mr. MANN. The memorandum should have been dated last summer if the conditions existed.

Mr. BYRNES of South Carolina. Assuming that that is so, and the local surgeon ought to have done it, I submit that the gentleman ought to agree with me when Gen. Barnett corroborates the local surgeon as to the necessity of providing the hospital.

Mr. MANN. I think it would have been wiser to have the Committee on Naval Affairs examine and cross-examine to find out whether they are correct or not. I do not assume statements made by officials in that way are correct, because from experience I find many times they are not correct, but when gentlemen go up before the Committee on Naval Affairs and are examined they find out what the facts are. This is mere ex parte statement.

Mr. BYRNES of South Carolina. I submit that it is corroborated.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. MANN. I must insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BYRNES of South Carolina. Mr. Chairman, I wish to offer another amendment.

The CHAIRMAN. The gentleman from South Carolina offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BYRNES of South Carolina: Page 21, after line 19, insert as a new paragraph the following:

"Marine recruiting station, Port Royal, S. C.: For enlarging and improving hospital and for necessary equipment, $15,000."

Mr. MANN. I reserve a point of order. I would like to have the amendment reported again.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CULLOP. Did not the gentleman from Illinois reserve a point of order?

Mr. MANN. I reserved the point of order, and I shall not press it.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LENROOT: Page 98, line 22, after the word "expended" insert:

"*Provided*, That not less than 44 of said 47 submarines shall be constructed upon the general design of hull and equipment of such submarines in commission prior to the date of beginning construction of said 44 submarines as the President shall find to be most serviceable and efficient."

Mr. LENROOT. Mr. Chairman, I lay no claim to having any special knowledge of this general subject All that I know about it I have gained from reading the hearings. But from such reading of the hearings I am impressed, as I think every Member of the House must have been impressed, with the fact that one of the very serious objections to the present plan of securing an adequate submarine force is that there is altogether too much experimentation; that we are building in blocks of five, six, eight, and nine submarines under one contract when we have no assurance and do not know that a single one of those will be efficient, practicable, or serviceable.

Now, by amendment, the House has provided for 50 submarines. The bill as it now stands provides that 3 of said 50 submarines shall have an approximate tonnage of 800 tons. That is for the purpose of allowing the department to experiment with the 800-ton submarines. But as to the 47 still provided for there is no restriction whatever upon the department, and they may continue in the future to build the entire 47 of a type and design that they do not know will be efficient and practicable; and the purpose of my amendment is that it will permit them to construct 3 of the 47 for experimental purposes, but 44 of the 47 must be built of the general design as to hull and equipment of those already built and in commission and tested at the time of the beginning of their construction.

Now, Mr. Chairman, the Secretary of the Navy in his testimony before the committee testified as follows, on page 3641:

We have more or less trouble with all submarines. I think that is due to two things: First, to the fact that about the time we build a submarine, and it functions pretty well, when we build the next number—say, the A submarine comes along pretty well, and then, when we order the B class, we think we want it to be better.

Mark the words:

We make the next one of larger proportions, and make three or five or seven of that type before we have tried one of them. I think we ought to standardize the best and build a number of them, and then always be building one or two or three of a larger and better type, and when that better is completed and has functioned perfectly, then give the contract for more of that perfected standard type.

And that, Mr. Chairman, is exactly what my amendment proposes, namely, to carry out this recommendation of the Secretary, which must appeal to every reasonable and sensible man. And the necessity for this amendment is that although the Secretary says he thinks it ought to be done, the fact is the department is not doing it, has not been doing it, and has been letting contracts in groups of five and six and seven, as the Secretary says, without knowing that a single one of them, when completed, will be practical, whereas they ought not to build more than a very few of such a character, and the others should be built of standard and tested types.

Mr. COX. I think the gentleman's amendment has a lot of merit, but will it not conflict with the amendment which the House put on the bill the other day requiring these submarines to be completed within a year?

Mr. LENROOT. Not in the least. My amendment provides merely that they shall be of the type prior to the beginning of the construction of these.

Mr. COX. As I understand the gentleman's amendment, he would construct one, two, or three as a standard?

Mr. LENROOT. No. I would take as the standard for these 43 those already in commission, but permit them to go on to complete 3 or 6 for a standard for the future to experiment with, but not wait for these 47.

Mr. COX. Then the gentleman would hold in abeyance the building or construction of the 44?

Mr. LENROOT. No. We already have one type in commission that we could build all of these 47 of the 450-ton type after. We could have 47 and let the contract to-morrow, because we have demonstrated that they are practical and certain.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. THOMAS. Mr. Chairman, I ask unanimous consent to address the House for 10 minutes.

The CHAIRMAN. The gentleman from Kentucky [Mr. THOMAS] asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. THOMAS. Mr. Chairman, I have noticed from time to time in the newspapers that some astronomers believe that Mars is inhabited, and that the time will come when we will be enabled to communicate with the inhabitants of that planet. If an inhabitant of Mars could be transported to this Hall, or could have been here during the discussion of this bill and could have listened to the fiery and untamed warriors who have discussed this bill, and who will never enlist in any army—it makes no difference what bill may be passed—that inhabitant would be compelled to believe that the United States is now in a state of actual war with all the nations of the world.

Why, gentlemen, a great many who have discussed this bill have gotten themselves absolutely into a white heat. It was painful to hear them, and a great many of them made such contortions of countenance that I absolutely thought while they were speaking they must have the appendicitis. [Laughter.]

It reminds me of a story, all this hysteria, and it is nothing but hysteria; it reminds me of the story of two Irishmen who came from a country district of Ireland to New York. They obtained a room along the street. They never had seen any fire engines, Pat and Mike. Mike went to bed; Pat took a seat by the window to look out upon the street and see the sights. Directly a fire engine came puffing down the street, emitting smoke and sparks and fire. Pat hallooed to Mike, who had gone to sleep. He said, "Mike, wake up; wake up!" But Mike did not wake up. Directly another fire engine came down the street, emitting flames and smoke, and Pat went over to Mike and shook him. He says, "Mike, wake up; wake up! They are moving hell, and two loads have already gone by." [Laughter.]

So, gentlemen, it seems to me that these people who are so vigorously for preparedness are moving hell to get as big an appropriation as possible for navies and soldiers that this country does not need any more than a wagon needs five wheels. [Laughter.]

Now, we are a Nation over a century and a quarter old. Besides the Civil War we have engaged in four wars, and we began every one of them. No nation has ever yet attacked the United States, but the United States has begun every war that we have engaged in, and has been successful in every war through the bravery and the patriotism and the courage of the volunteer soldiers. [Applause.]

Mr. Speaker CLARK stated to you yesterday, in discussing this bill, that if any nation attacked this country we would lick it in the end. Gentlemen, I say we can do better than that; with the volunteer soldiers of this country we can do better than that. If any nation attacks us, we will lick it in both ends. [Laughter.]

We fought the Revolutionary War and all these other wars without these big armaments and great armies. This whole thing, gentlemen, in my opinion, is the result of an agitation by the most powerful, the best organized, and the best financed lobby in the history of the American Congress. We are having preparedness parades all over the country. One such parade is to be held in the Capital City of Washington, in which the school children of this city will march, you may say be compelled to march. What do they know about preparedness? You

want to teach them war, I suppose. You want to teach them how to fight.

I see many gentlemen who not two years ago were "little Army," men, were "little Navy" men, who did not believe in taxing the people of this country, as you will have to do for all of these soldiers and all these ships and all these armaments, now gone, as it were, crazy with this hysteria, and are wanting the people taxed to the limit for these purposes. Who is going to attack us? Is Germany, is France, is England, is Russia, is Austria? Oh, no. They can not. When they get through with one another over there they will be like the traditional Kilkenny cats. There will be nothing left of them but the tips of their tails, and they will not be able to attack us. It is all stuff, gentlemen.

Let me tell you, there has never yet a wave dashed so high but what it receded, and this hysteria will recede. You want all these large appropriations. What does that mean? It means taxes. Who pays the taxes? The people who labor and who produce things in this country are the ones who ultimately will pay these taxes. You can not have these things without them. That wave will recede, and you will hear from the tax-burdened people against keeping up a useless Army and Navy. [Applause.] I thank you, gentlemen.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. DALLINGER. Mr. Chairman, I move to strike out the last word.

Mr. DUPRÉ. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DUPRÉ. Is the amendment still pending?

The CHAIRMAN. It is.

Mr. PADGETT. I want to speak to the amendment.

Mr. DALLINGER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. DALLINGER. Mr. Chairman, every great nation ought at all times to be prepared, for preparedness in its broadest and truest sense means the development of the nation to the highest point of efficiency in every line of human endeavor. Particularly in this great crisis of the world's history should we as citizens of the great Republic of the Western Hemisphere see to it that our country is prepared physically, intellectually, and morally to fulfill the great destiny for which it was created and for which it has been miraculously preserved throughout its history by Divine Providence. For to us has been committed the great trust of preserving and handing down unimpaired to those who shall come after us the priceless heritage of a representative democracy in the midst of the greatest test which that conception of Government has ever undergone. God grant that we may not be tried in the balance and found wanting!

The problem of physically preparing ourselves to resist any attack that may be made on us by a foreign foe is a many-sided one. It involves not only the provision for an adequate standing army supplemented by such training and disciplining of our people as will insure a sufficiently large volunteer force in case of emergency, which has been done, as many of us fear, only too imperfectly; but it also includes a complete system of coast fortifications as provided for, in part at least, by the bill reported by the Committee on Appropriations and now on the Union Calendar; and, above all, it involves the immediate construction and equipment of an up-to-date Navy, complete in all its branches and sufficiently powerful to meet and destroy either on the Atlantic or Pacific Ocean any hostile fleet that may seek to attack us before such fleet can get within striking distance of any part of our coast.

It is not my purpose to present to the House any statistics. That has already been done in the published reports of the hearings before the Committee on Naval Affairs. We who are intrusted with the appropriation of the people's money are not in a position of our own knowledge to determine what constitutes an adequate naval force or the amount of money that such an establishment will cost. We must in such matters rely upon the naval experts, who have been educated at the public expense and who have devoted their lives to a scientific study of naval matters. These experts tell us that in order to properly defend our shores against attack we ought to have two fleets, one on the Atlantic and one on the Pacific. They also tell us that at the present time we have about two-thirds of a fleet. That is the situation in a nutshell. Under these circumstances it is our plain duty to immediately appropriate a sufficient sum to provide our country with the naval establishment it ought to have.

Mr. Chairman, I am aware that there are many estimable people like the gentleman from Kentucky [Mr. THOMAS] who are opposed to any additional appropriation for military or naval purposes. I must confess, however, that I can not understand their point of view. None of these people would for one moment seriously advocate doing away with either police or fire protection in the communities in which they live, and every one of them would urge that whatever police and fire protection their respective communities have should be adequate to the needs of those communities. They take this position not because they believe in encouraging either crime or conflagration but because as good citizens they desire to prevent both of those evils. Moreover, in addition to paying their taxes for the support of the police and fire departments, they also take out burglary and fire insurance policies and cheerfully pay the annual premiums not because they expect to have their property stolen or destroyed by fire but in order that they may be reimbursed in case either or both of these catastrophies should occur. Now, precisely the same common sense and prudence that makes necessary the maintenance of police and fire departments by our municipalities, and the payment of taxes and insurance premiums by the individual citizens, demands that the Nation shall make adequate provision for the protection of the lives and property of its citizens, and if we are to continue to make any appropriation at all for the national defense, then that appropriation should be adequate for the purpose. It has been well said that the Navy is our first line of defense, and that first line should be so powerfully equipped and manned that no other nation or combination of nations will venture to attack us. And, however large the cost of providing such an adequate line of defense may seem to be, it is a mere drop in the bucket compared with the material wealth of this country, to say nothing of the priceless lives of our people and the maintenance of our free institutions which were won for us at so great a cost. In short, ordinary business prudence would demand an adequate provision for national defense even if patriotism and love of country were things of a bygone age.

Previous to the outbreak of the European war many of us believed that the dawn of universal peace was at hand and that a general conflict of all the European nations such as occurred a century ago, when this Republic was in its infancy, was impossible. The getting together of the nations at The Hague, the negotiation and ratification of numerous treaties of arbitration, and the formation of peace societies throughout the world, certainly furnished some foundation for such a belief. How rudely that belief has been shattered! Here in the twentieth century, relatively far more defenseless than we were a century ago, we are confronted with the same problems as to the rights of neutrals on the high seas that our forefathers wrestled with in the days when the Berlin and Milan decrees of the French Emperor and British Orders in Council well nigh drove our commerce from the ocean. And I wish to call the attention of the gentleman from Kentucky to the fact that then, with a peace-loving President, war came, and we paid dearly for being unprepared. Let us profit by the experience of the past.

But the construction, equipment, and maintenance of an adequate Navy, the building of a complete system of coast defenses, and suitable provision for a sufficient military force of Regulars and Volunteers, constituting, respectively, our first, second, and third lines of defense, necessary as they are, do not tell the whole story of national preparedness. They must be supplemented by the wise and systematic improvement of our great coastwise harbors; the construction of a comprehensive and scientific system of national highways; the coordination of our railroad systems and our great industrial plants; the creation of an adequate merchant marine by a wise system of Government subsidies as practiced by every other great nation; the encouragement of American agriculture and manufacturing by wise legislation, so that this great country of ours, like Germany, may be able to produce everything our people need in case of emergency; the settlement of industrial disputes by arbitration and conciliation; the effective national regulation of our great corporations; the prohibition of child labor; the establishment of a comprehensive system of vocational education as proposed by a bill reported by our Committee on Education; the suppression of vice and intemperance; in short, the systematic development not only by legislation but by the cooperation of all our educational, social, and religious forces, of a nation of industrious, efficient, happy, and Godfearing men and women prepared for any emergency that may come.

Mr. Chairman, I said at the beginning that to us had been committed the great trust of maintaining and preserving the great principles of free popular government. But in the per-

formance of that trust there is reserved to us a still greater service to mankind, and that is the welding together into one nation of men and women of every race and creed under the sun, and thus realizing the great ideal of human brotherhood that was first given to the world by the great founder of Christianity Himself. In working out this tremendous task, in the words of President Monroe, we must consider any attempt on the part of European military despotism to extend its pernicious system to any part of this hemisphere as dangerous to our peace and safety and to the peace and safety of the human race. We are a peace-loving people. We seek no quarrel with any nation. The nations of the Old World can have no war with us unless they themselves are the aggressors; but it is a duty we owe to ourselves and to humanity to be at all times prepared to resist such aggression.

In this great task of preparation let us cast aside all partisan considerations and all sectional jealousies. Let us acquit ourselves like men who realize the solemn duty of the hour—the duty that we owe to our beloved country and to mankind. [Applause.]

Mr. CALLAWAY and Mr. ABERCROMBIE rose.

The CHAIRMAN. For what purpose does the gentleman from Alabama [Mr. ABERCROMBIE] rise?

Mr. ABERCROMBIE. I ask unanimous consent to address the House for 10 minutes.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. CALLAWAY], a member of the committee.

Mr. CALLAWAY. Mr. Chairman, I ask unanimous consent to address the committee for 15 minutes, in reply to these questions that have just been discussed.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to address the committee for 15 minutes. Is there objection?

Mr. DUPRÉ. Reserving the right to object, I want to suggest that opportunity to offer amendments will close at 2 o'clock, and some of us want to offer serious amendments, and it does seem that gentlemen should not take so much time at this particular juncture.

Mr. MOORE of Pennsylvania. Reserving the right to object, I want to make this statement, that I have at least 14 amendments, and they are serious amendments, to offer to this bill. There has been no opportunity to offer them up to this time. Gentlemen who voted for this rule to force upon us this sort of legislation ought to give us a chance, now that we are in Committee of the Whole, to offer our amendments.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. MANN. I thought the gentleman from Alabama [Mr. ABERCROMBIE] made his request first.

Mr. MOORE of Pennsylvania. I object.

The CHAIRMAN. Objection is heard. The Chair recognizes the gentleman from Texas [Mr. CALLAWAY].

Mr. MANN. We can not hear what the Chair says.

The CHAIRMAN. The gentleman from Texas has the floor.

Mr. MANN. Well, while he has the floor, the Chair stated that objection was made.

The CHAIRMAN. But he is entitled to speak for five minutes.

Mr. MANN. I thought the gentleman from Alabama [Mr. ABERCROMBIE] was recognized.

The CHAIRMAN. No; the gentleman from Alabama was not recognized. The gentleman from Texas is recognized.

Mr. CALLAWAY. Mr. Chairman, five minutes is no time for a man to speak on a great question.

Mr. MANN. The Naval Committee is getting all the time anyhow.

Mr. CALLAWAY. I will say to the gentleman from Illinois that I have not said a word on this bill since the general debate closed, not a word, and have not asked for time before.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. CALLAWAY. And I have been very serious about this unmitigated outrage from the beginning to the end.

Mr. MOORE of Pennsylvania. That is all I wanted the gentleman to say. He is a member of the committee and has had no chance to speak. I hated to object to the gentleman's request to have his time extended, but we are all in the same boat under this infernal rule that was passed, which prevents debate.

Mr. CALLAWAY. Nearly everything that is done in this House is "infernal," so this rule has not been out of the ordinary——

Mr. MOORE of Pennsylvania. Under the present administration that is true.

Mr. CALLAWAY. The gentleman from Massachusetts [Mr. DALLINGER], who just addressed the House, could not understand the viewpoint of the people who object to adding every amendment that in his judgment will properly prepare this country. I have been listening to these preparedness advocates and watching their parades in the different cities of the country, and reading their advertisements in newspapers for six or eight months, and I have never heard one man nor have I seen where one of them has outlined what in his judgment would prepare this country as the advocates of preparedness want it prepared.

Now, he says, we want a police in this country, and that none of us would object to the establishment of a police in the city of New York or Washington or any other place, although they object to a police in the Army and Navy. There is no comparison at all. We establish a police to keep people from disturbing the peace, to keep down difficulties. We do not establish a police in the city of New York to fight against the police in the city of Boston, and then build up the two police forces against each other and give one guns bigger and stronger and better than the other, and equip the other better than the one, and build them on the theory that ultimately they must come together. If we did it in that way, we would be considered, as we are nationally, a set of fools and dupes in the hands of manufacturers of gunpowder and guns and ships and munitions of war. That is what we are. [Laughter and applause.]

What would you think of the people of Chicago or the people from the gentleman's town, Boston, should they go to building a police force, not to keep down a crime here and a crime there, but building up the force in Boston larger than the force in Chicago, and building it bigger and stronger, and then Chicago getting additional force larger than that in Boston, and then Boston getting equipment larger than that of Chicago, and so on, with the idea of their coming against each other? What do these munition representatives ask? That we should arm and equip ourselves against England, and then England arms and equips and builds boats against us, Germany builds boats and strengthens her navy, Russia builds up against Japan, and Japan against Italy, all increase armaments of war against each other. That is no police at all.

There have been some who can not generate a thought——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALLAWAY. Mr. Chairman, I ask for five minutes more.

Mr. MANN. Reserving the right to object, can not we close debate on this amendment?

Mr. PADGETT. I want to address myself to the amendment, and I want five minutes.

Mr. MANN. It is most time to close debate on amendments, and there are several other amendments to be offered.

Mr. CALLAWAY. Mr. Chairman, I ask for 10 minutes more.

Mr. MANN. It is now only 55 minutes when the time for filing amendments ceases.

Mr. PADGETT. I only want 5 minutes.

Mr. MANN. Mr. Chairman, I ask unanimous consent that debate on this amendment close in 10 minutes—5 minutes to go to the gentleman from Texas [Mr. CALLAWAY] and 5 minutes to the gentleman from Tennessee [Mr. PADGETT.]

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. CALLAWAY. Mr. Chairman, they say they want it as an insurance, to insure the country against war. I never heard anyone recommend an insurance company when the insurance company had universally failed. This insurance company that they propose is an insurance company that was proposed in Germany, England, France, Russia, and Japan, and what has that insurance company done in the way of maintaining peace. It is an unqualified bankrupt from the standpoint of an insurance against war. It does not keep peace; on the contrary, it has brought war, and the scientific men which munition representatives say we should listen to say it was obvious to them when the countries began competitive building that it would bring war. They have not only not kept peace but they have brought war. Insurance companies do not insure that you will not have a fire, but if you do have fire they pay the loss. But these establishments we build up grind our faces from the time we start until we conclude the building, are a continuous burden, and when they get to the war the burden only gets greater and broader, more intense, and the death and carnage wider in exact proportion as you have respectively prepared what you choose to denominate insurance. [Applause.]

They say that the experts tell us that we should have a fleet in both oceans. They did not tell us any such thing. The experts told us that it was the naval policy of every country on earth to keep their fleet together. None of them advocated that we should split the fleet and that we needed to have part of it in the Atlantic and part in the Pacific. They did tell us that they

never would split the fleet until we got so much that we would not need all of it, and then we could send a part of it to the Pacific as wholly unnecessary to operate in conjunction with the balance. England, the greatest naval power on earth, has one base of operations for her fleet. She operates it all together, and so does every other nation. You never would split a fleet in two and put a part of it in the Atlantic and a part of it in the Pacific.

These munition representatives mention another thing, and I admit that men that have no judgment about human nature could have had dreams of that sort before war broke out. A lot of fellows stood here on the floor and said that we would never have another war—that universal peace was coming. From the time Adam and Eve were placed in the Garden of Eden until this good hour human nature has never changed, and it will never change, I take it, on down the ages yet to come; but I will tell you what you can do. You can use common sense with human nature. You can bring about a general disarmament, and take a ship off for each country that is now building instead of putting a ship on for each country that is now building, and by percentages disarm the nations of the earth. They will be relatively as strong as they are now. All the tacticians say that relative strength is the thing that counts, and these nations will be in the same position, each toward the other, after they have been disarmed down to what is a mere police power, governing their immediate territories, and we will be better off from the standpoint of financial burden, better off from the standpoint of danger of attack, and better off from every conceivable standpoint of national welfare. [Applause.]

Mr. PADGETT. Mr. Chairman, I rise to speak in opposition to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT]. The amendment would seek to have 44 of the 47 boats constructed after the type and like some one of the submarines we now have in commission.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. LENROOT. In commission at the time of the construction of the boats?

Mr. PADGETT. I understand; but assuming that we will begin construction in a short time or in a few months, it would be existing types. In the first place, I want to call attention to the fact that there are two and only two concerns in this country that build submarines. The effect of this amendment, if adopted, might be to force all of these submarines to be given to one concern or to be constructed according to the type of one concern. They have patents that they control and that might put the Government in the position of having competition destroyed as between the two companies that construct submarines.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. LENROOT. I would like to ask the gentleman what value there is in competition if one company can not build an efficient submarine to compete with another one that does?

Mr. PADGETT. They might both build efficient submarines; but one individual might take up the idea that a submarine of one type was, in his judgment, a little bit or a shade or something better than the other, and the other one would be shut out when the bids were made. It could not be made. Then the bidding would be limited to one concern.

Mr. LENROOT. The gentleman will observe that my amendment states only the general design and equipment. It does allow for and permit these shades the gentleman speaks of.

Mr. PADGETT. The gentleman says of a type.

Mr. LENROOT. General design.

Mr. PADGETT. When they take a type, that cuts out the other.

Mr. LENROOT. I do not say "type." "Design" is the word I used.

Mr. PADGETT. The design marks the type, and we have two types.

Again, the department might have almost perfected improvements in design and type that might vary from the existing type or design that is in commission. This amendment, if adopted, would preclude the adoption and the use of a type or a design or an improvement that was almost perfected at the time that they went into the work. Then, again, we do not know when the war in Europe will end. We do not know what information we will get from that source. There may be opened up to us improvements and benefits that would be invaluable. The limitations we have put in the bill as to cost and the general usefulness will be sufficient, and the department will build according to the types we have, using the improvements and the best suggestions and information available at the time.

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. SWITZER. Why should we authorize the construction of 50 of these particular submarines, when we do not know just what sort of submarine we want constructed?

Mr. PADGETT. I submitted that question to the House when the matter was under consideration, and the Committee of the Whole decided that we should build 50.

Mr. SWITZER. Does the gentleman not think we had better experiment with 20 first?

Mr. PADGETT. I am accepting that conclusion, and I am asking that we do not tie up and limit this to one particular thing, which may force us to put all of these boats into the hands of one or the other of these builders and shut out competition.

The CHAIRMAN. The time of the gentleman from Tennessee has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

Mr. SLOAN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 77, line 26, after the word "each," insert:

"*Provided further*, That hereafter the Secretary of the Navy shall in lieu of the mental examination heretofore provided by him accept the certificate or diploma of any university, college, academy, or high school in good standing in any State, and duly accredited by the highest educational authority of such State, and in which institution of learning the course of study shall include advanced study of at least four years above the grade commonly known as the eighth grade, and wherein the passing grade for each study shall be at least 75 per cent."

Mr. PADGETT. Mr. Chairman, on that I reserve the point of order.

Mr. SLOAN. Mr. Chairman, I thank the chairman of the committee for reserving the point of order. I should be pleased if he does not make it. I think under the legislation which we now have, which can properly be called legislation by "rule and rider," we ought to have the benefits as well as the burden of the system. Well did the gentleman from Kentucky [Mr. THOMAS] refer to Mars when he was looking for a figure of speech, instead of selecting Neptune as the god or planet properly to be referred to in connection with this naval bill.

This bill covers everything except the seas. I regard its most important proposition to be the basis of the Navy, and the basis of our Navy is the academy at Annapolis. In the military bill we recognized the close relation between the public and general private school systems and the military arm of the Government. More than that the military authorities of West Point have heretofore taken in part the step which I here propose. Further, when we added 50 per cent to the number of midshipmen allowed to Congressmen I challenged attention on the floor of the House of this feature to the chairman of the Naval Committee, and made a plea in behalf of the school system of the United States, as opposed to the three or four special private institutions which propose no other function than cramming at large expense the youthful minds of Annapolis and West Point candidates. I am opposed to giving the keys to Annapolis to three or four special private institutions of this country, and for that reason I propose this amendment. [Applause.]

It is un-American, it is unfair, for us to make an appropriation which now approaches $300,000,000, and leave it in the mouths of three men who represent three institutions to say to the young men, especially those who live a great distance from Washington, if you would become a member of this great Annapolis institution pass through our doors or leave hope behind. We have in this country 567 great universities and colleges, public, sectarian, and private general educational institutions. We have high schools and academies to the number of 11,551, normal schools 235, amounting in all to 12,317. Yet it is the boast of these three or four institutions that the young men who would enter Annapolis Academy must go through their institutions or stand meager show for admission.

I have no doubt those special schools are good institutions, presided over and conducted by excellent gentlemen, but there is something more that ought to be considered. I do not know that there is anything seriously wrong. But the permission of this condition of affairs to continue is a direct indictment against the advanced public, sectarian, and private school systems of the United States.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. SLOAN. Briefly.

Mr. SMITH of Michigan. Can the gentleman tell why they will accept a certificate at West Point which they will not accept at the Naval Academy?

Mr. SLOAN. I asked the chairman of the committee on a former occasion in this House why they did not and would not do that. I thought that probably this Naval Committee, legislating, as it is, by "rule and rider" to the extent it is, would

attempt to liberalize the admission to the academy and connect the American school system with the American Navy.

Mr. BROWNING. Will the gentleman yield?

Mr. SLOAN. For a brief question.

Mr. BROWNING. I desire to say to my friend from Michigan [Mr. SMITH] that, in my opinion, I do not think this is by legislation. It is by regulation of the department and not by legislation.

Mr. SLOAN. It is by regulation, and that is why I submit this amendment, which would require the head of the Naval Department to accept in proper cases the certificates or diplomas of standard or leading educational institutions of this country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLOAN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to proceed for five minutes. Is there objection?

Mr. MANN. Will debate then be closed?

Mr. PADGETT. I shall make the point of order at that time.

Mr. LINTHICUM. Mr. Chairman, reserving the right to object, I would like to say I have been waiting for several days to get five minutes, and I have not been able to get a minute. I do not want to be mean about this thing, but I do think we ought to have a chance.

The CHAIRMAN. There is a request for unanimous consent pending. The gentleman from Nebraska asks unanimous consent that he may proceed for five minutes.

Mr. MANN. Mr. Chairman, I ask unanimous consent that all debate on this amendment close at the end of five minutes.

Mr. PADGETT. I am going to make the point of order. I have reserved the point of order and it is subject to the point of order, and I will make it at the end of five minutes.

Mr. DOWELL. Mr. Chairman, I desire to ask the gentleman a question.

Mr. SLOAN. I yield briefly.

Mr. DOWELL. Is it not true that at West Point any high-school graduate is admitted?

Mr. SLOAN. No; that is not technically correct. They do accept——

Mr. DOWELL. They are accepted at West Point.

Mr. SLOAN. West Point does accept school grades under certificate or diploma from certain schools which come under the designation of the proposed amendment as applying to Annapolis.

Mr. DOWELL. Does this amendment correspond to the admission to West Point?

Mr. SLOAN. Not precisely. I desire to say that in February, 1915, 268 young men took examinations——

Mr. CLINE. Will the gentleman yield?

Mr. SLOAN. I do.

Mr. CLINE. Is there any affiliation of high schools connected with West Point, or schools recognized as——

Mr. SLOAN. They do recognize certain schools; yes.

Mr. CLINE. But not to pass a student out of the high school into the academy. The Adjutant General told me this morning that there are no recognized high schools from which a graduate was admitted to West Point, except upon an examination and the option of the party having charge.

Mr. SLOAN. I have spoken of the rules of admission briefly, and they are accessible to all. The following is a statement of the rules of admission to West Point by other than the "examinations." These rules are now in force:

Par. 65. Admission by certificate: The academic board will consider and may accept in lieu of the regular mental examination:

(1) A properly attested certificate (Form I) that the candidate is a regularly enrolled student in good standing, without condition, in a university, college, or technical school accredited by the United States Military Academy, provided that the entrance requirements of the course he is pursuing require proficiency in subjects amounting to not less than 14 units of the list given below.

If attendance at college extends over a semester, a full record of academic work at the college, giving subjects taken and grades attained in each, must accompany the certificate; if attendance at college extends over less than a semester and the candidate was admitted to college by certificate, a certificate (Form II) from the preparatory schools, giving a full record of studies taken and grades attained must accompany the college certificate. If a scrutiny of the certificate submitted shows low grades the certificate will be rejected.

A certificate indicating enrollment in or admission to an institution at any other time than that specified in the college register for regular admission or enrollment will not be accepted.

(2) A properly attested certificate (Form II) that the candidate has graduated from a preparatory school or public high school accredited by the United States Military Academy, provided that he has in his school work shown proficiency in subjects amounting to not less than 14 units of the list given below.

If a scrutiny of the certificate submitted shows evidence of low grades or of graduation at an irregular date, the certificate will be rejected.

(3) A properly attested certificate (Form III) from the college entrance examination board that the candidate has shown proficiency in the examinations set by the board in subjects amounting to 14 units from the list given below. If a scrutiny of the certificate submitted shows low grades, the certificate will be rejected.

In the February, 1915, examinations there were 268 young men examined for Annapolis. Of these a total of only 95 passed. Of these, 51 came through three privately conducted special schools, all located at Annapolis or Washington. From the more than 12,000 schools of the United States outside of these, as well as numerous private tutors, there were left just 44 to enter. In April, 1915, there were 620 young men examined. Of these only 200 passed, and of those who passed 93 came through three schools, leaving 107 for all the other schools and tutors of the United States. In February, 1916, the total number examined for Annapolis was 1,216. The total number passed 452. Number passed through these three special schools 160, leaving 292 only from the body of the country. In April, 1916, examinations there were 227 examined, 99 passed 128 failed. Of those passed, 42 were from the three special schools, all others 57. Taking total number examined in 1915 and 1916, to wit, 2,331; total passed, 842, or 36 per cent, or about 3 out every 8. Of those drilled at the three special schools and examined, about 85 per cent passed, or about 6 out of 7. Of those from all other schools, public, sectarian, private, as well as from private tutorship, about 25 per cent examined passed, or about 1 out of 4. Hundreds of State and sectarian universities, numerous colleges, public and private, doing excellent work in the cause of advanced education, thousands of public high schools, supported by State and local taxation, which enable young men to obtain a liberal education while under the home rooftree, all of no avail; the mental sausage mill with a compilation of former questions and problems submitted, with perhaps a discernment of weight given to slight errors, and the gravity extended special forms of expression by examiners heretofore and now can boast that they can give three or more chances for success to one if preparation be made in any branch, public, private, or sectarian, of our excellent educational systems. And all this in the face of the fact that the country is looking to our educational institutions, great and small, for the larger number of our accomplished officers and trained and disciplined men for our national defense. Yet the gentleman who heads the Naval Committee says he proposes to make the point of order. I admit that it is subject to the point of order just as a large part of this whole naval bill would have been subject to the point of order had it not been for a special rule; yet if the gentleman who heads this committee desires to make that point of order against the school system of the United States and in favor of three privately conducted special institutions, let him do it and take that responsibility. Yes, this amendment is subject to a point of order, to wit, that it is new legislation proposed on an appropriation bill. But for the "rule and rider" system used in this bill, the armor-plant provision of this bill must go out, and accompanying it many other provisions, including many millions of dollars appropriated, which would make the bill look more like a real naval bill and less like a combination of public-building and river and harbor measures.

The young men of the United States in the body of the continent, coming, for instance, 1,000, 1,500, or 2,500 miles to be examined, do so at a large expense. The ordinary boy who is ambitious to become an admiral in the Navy later on has not the means, and sometimes does not have a friend who will send him here to Washington or Annapolis at large expense.

Mr. HILL. You do not propose to cut off the examination that is held now, but simply to add the certificate?

Mr. SLOAN. Simply to add the certificate; that the Secretary of the Navy and those under him shall have the power to do it.

Mr. HILL. There are a lot of boys who could not afford four years in high school and college, but who should have the chance to stand on such preparation as they could get otherwise.

Mr. SLOAN. My purpose is not to cut off any opportunity. I would like to extend it to the tens of thousands of boys and young men in the United States who are attending some branch of our school system throughout the United States, so that our American Naval Academy would be regarded as a public and national institution and not a local affair to be patronized and taken advantage of only by those who by reason of their nearness can take the chance of coming down here for their examination or attendance at school. So far as I am concerned, I do not think that any special private school during the few months it has the young man under its control can make a great

seaman or do much toward developing a naval officer. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. SLOAN] has expired.

Mr. SLOAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PADGETT. Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Nebraska [Mr. SLOAN].

The CHAIRMAN. The Chair sustains the point of order.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent to address the committee for five minutes.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to address the committee for five minutes. Is there objection?

Mr. MOORE of Pennsylvania. May I ask the gentleman if he is going to offer an amendment.

Mr. LINTHICUM. I do not intend to offer an amendment.

Mr. MOORE of Pennsylvania. You want to speak to the bill for five minutes?

Mr. LINTHICUM. For five minutes; that is all.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LINTHICUM. Mr. Chairman, I have heard a great deal said in this committee about the hysteria in the country for preparedness; and some seem to think it will not last. I do not agree with this view. I know that the people of this country will never feel safe again until there is provided and maintained an adequate Army and Navy and a large reserve force. I wish to say to the committee—and I do not propose to take many minutes in saying it—that I have always stood for a large Army and a very large, substantial Navy, the latter second alone to that of Great Britain. I feel that in a democratic government like ours, where the government rests with the people, it is the duty of Representatives elected by them to carry out their wishes in matters of legislation and government.

In my district the sentiment is overwhelmingly for preparedness—for very substantial preparedness—and for that reason I voted for a larger Army than the bill gives—2 additional battleships and to construct 50 submarines instead of 20. I felt then, as I do now, that I was voicing by my vote the views and wishes of my constituents.

As additional proof and to show conclusively that the sentiment is strong in my district and in the State of Maryland, and particularly in Baltimore City, I desire to call attention to a campaign the Baltimore Sun recently conducted in which it asked the people, "Are you in favor of preparedness?" The Sun stated what the War College had recommended for the Army and what the General Board of the Navy had recommended for the Navy. They also asked the people whether they were in favor of a universal military system and stated definitely the Swiss system, and in reply to that request there were 9,732 ballots cast. The total for preparedness out of the 9,732 was 8,591 and against it 781. In other words, 91 per cent of all the people who voted out, of nearly 10,000, voted for adequate preparedness in line with what the War College and the Naval Board have recommended. In the city of Baltimore they were stronger for preparedness than they were in the counties. In the city the percentage was 95 in favor of preparedness. In the counties it was 75 per cent in favor.

Now, I merely bring these figures before the committee to show the sentiment in the State of Maryland, which adjoins the capital here, as it were, and particularly in my district, in the city of Baltimore. This balloting was carried on with absolute fairness. The number of men recommended for the Army and the number of ships recommended for the Navy was distinctly stated, and the people voted with a full knowledge of what the vote stood for. Eighty-seven per cent voted in favor of a universal military system in line with the Swiss system. And you might like to know that the women voted strongly in favor of preparedness and a universal military system. Eight to one of them voted for preparedness and six to one for universal service.

Now, Mr. Chairman, I do not want to take any more time, but I ask leave to extend my remarks in the RECORD by inserting therein the articles from the Baltimore Sun to which I have referred.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HULBERT. I would like to ask the gentleman how many people participated in this canvass?

Mr. LINTHICUM. Ninety-seven hundred and thirty-two.

Mr. HULBERT. And what percentage of the people who participated were registered voters?

Mr. LINTHICUM. The article does not state.

Mr. HULBERT. I would like to say to the gentleman——

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. LINTHICUM. The following are the articles to which I have referred:

ARE YOU IN FAVOR OF PREPAREDNESS?

The Sun wants to know what its readers think about national defense.

Adequate military preparedness, in the opinion of the Army War College, means a Regular Army of 281,000 men, with a regular reserve, bringing the total number of soldiers available at home at the outbreak of war up to 500,000. In addition, it thinks there should be 500,000 more men ready to take the field at the outbreak of war, with sufficient training to enable them to meet a trained enemy within three months' time. The War College proposes a program which will take eight years to organize fully an army of this size.

Adequate naval preparedness, in the opinion of the General Board of the Navy, means the construction within the next five years of 10 dreadnaughts, 6 cruisers, 10 scouts, 50 destroyers, and 67 submarines, with appropriate subsidiary craft.

The Swiss Army system, generally regarded as the model universal military system for democratic countries, requires military service of all physically fit male citizens. Each Swiss youth in his twentieth year must spend from 60 to 90 days, according to the branch of the service to which he is assigned, in a training camp. After that, for 11 years he must spend 11 days annually in camp to refresh his training. During the next 12 years he must spend 11 days each alternate year in training.

With these definitions in mind—

Are you in favor of preparedness?

Are you in favor of universal military service?

The Sun would like to know what its readers think, and to that end asks them to cut out and mark the ballot below and mail it or bring it to the Sun, Baltimore:

For preparedness	
Against preparedness	
For universal service	
Against universal service	

Name ——— ———,
Address ——— ———.

[From the Baltimore Sun, June 2, 1916.]

NINETY-ONE PER CENT VOTED FOR DEFENSE—RESULT OF THE SUN'S POLL SHOWS AN OVERWHELMING SENTIMENT FOR NATIONAL PREPAREDNESS—9,732 BALLOTS WERE RECEIVED—UNIVERSAL SERVICE A CLOSE SECOND, WITH MORE THAN 87 PER CENT—25 STATES WERE HEARD FROM—WOMEN STRONGLY IN FAVOR.

More than 91 per cent of the nearly 10,000 persons who were enough interested in the subject voluntarily to send their ballots to the Sun are in favor of preparedness for national defense, and more than 87 per cent are in favor of universal military service, most of them according to the Swiss system.

The result is perhaps as surprising to the Sun as to any others, especially the percentage in favor of universal service, for, like England, America has always heretofore been wedded to the volunteer system and very loath to adopt any form of conscription or compulsory enlistment.

About four men voted to every woman, which was rather disappointing, but the composite decision of the women was rather astonishing. They voted nearly 8 to 1 for preparedness and about 6 to 1 for universal service, and a great many of them insisted that women should be trained to do their part in case of war as well as men—that service should be really universal.

BALLOTS STILL COMING IN.

Hundreds of ballots are still being received every day, but as the averages have not differed materially at any time since the beginning, and as there is no prospect that they will, it has been decided to announce the result now.

The Sun believes that this vote is fairly representative of public opinion, at least east of the Alleghanies. It was, in the first place, entirely voluntary. No effort was made by the Sun outside of the invitation in its own columns to get any person whatever to vote, and, of course, no effort to influence any vote. The fact that nearly 10,000 should have accepted the invitation, more than half of them expending postage for the privilege, shows the widespread interest in the subject.

In the second place, a great majority of the ballots came singly or in little batches of two, three, or half a dozen. A few batches of votes came from big business houses, but it was noticeable that in these different opinions were expressed, the averages differing very little from the general averages. A few bundles of pacifist votes also came, chiefly from the counties of Maryland. There was some evidence that a little organized effort was being made on both sides, but it did not appreciably affect the result. The Sun believes that it was a spontaneous and representative expression of public sentiment.

It was remarkable how evenly the trend of opinion ran. On no single day were the votes received anything but overwhelmingly in favor of preparedness and universal service, and the same may be said of every hundred votes cast. All through the counting the averages showed surprising consistency.

VOTES FROM 25 STATES.

Votes were received from 25 States, besides the District of Columbia, and from Americans in Canada and Cuba. Among the voters were a great proportion of the most prominent men in Maryland, but the large majority of the votes came from the plain people, many of them workingmen of little education. They came from every sort and condition of men and women, the millionaire and the ditch digger, the club woman and her cook, the Sons and Daughters of the American Revolution and the Colonial Wars, and the recently arrived immigrant, from the rampant Roosevelt man and the no less earnest Wilson admirer. The electorate was remarkably representative, apparently, and that is

why the Sun is so confident that the result plainly indicates popular opinion.

The total number of votes received was 9,732. The total for preparedness was 8,591, and against it 781. The total for universal service was 8,186, and against it 1,055. This was divided as follows: Men for preparedness, 7,307; against, 572; for universal service, 6,632; against, 811. Women for preparedness, 1,644; against, 209; for universal service, 1,554; against, 244.

The votes were divided according to localities, as follows: From Baltimore and its suburbs (including all Baltimore County), 7,169; from the balance of the State, 1,542; Virginia, 375; West Virginia, 295; District of Columbia, 156; Pennsylvania, 53; North Carolina, 45; New Jersey, 22; New York, 20; Delaware, 14; South Carolina, 6; Massachusetts, 5; Michigan, 4; Alabama, 4; Texas, 2; Florida, 2; Illinois, 2; Ohio, 2; Tennessee, 2; Maine, 1; Arizona, 1; Montana, 1; Kentucky, 1; Oregon, 1; Georgia, 1; Arkansas, 1; Rhode Island, 1; Canada, 3; and Cuba, 1.

CITY STRONGEST FOR DEFENSE.

The strongest sentiment in favor of preparedness was shown in Baltimore City and suburbs, as was natural, and the strongest pacifist sentiment was disclosed in the vote from the counties of Maryland, but it did not vary greatly. In the city the vote was probably about 95 per cent in favor of preparedness, and in the counties it was fully 75 per cent, although the vote was not divided and tabulated in that way. Virginia was stronger for preparedness than the counties of Maryland and a little weaker on it than West Virginia and North Carolina. All were strongly in favor of both propositions.

The whole object of the Sun's effort to get this poll was to test public sentiment on one of the most momentous and interesting questions before the American people. The support given Henry Ford in the Middle West and the noise made by pacifists and "hyphenates" all over the country led many persons to the conclusion that Americans had become imbued with the peace-at-any-price idea; that they had lost their patriotism and become cowardly and timid and lazy and not disposed to defend their country. The Sun wanted to find out for its own and its readers' benefit. The result ought to be a conclusive answer to the question.

That every effort has been made to make the poll as absolutely fair and uninfluenced as possible and the result correctly ascertained ought to go without saying. For some reason the antipreparedness people have shown a disposition to be angry and insulting. A sample of this was received yesterday, which reads as follows:

"How much graft does the allies' American press and preparedness pay the Baltimore Sun? By what and whose authority does the Sun undertake to act as sponsor for the American Nation? Who will believe the Sun's lies in this matter?

"PATT."

As the Sun does not know who the writer is nor his address, his vote could not be counted, but a number of similar epistles have actually been registered in the pacifist result.

DOUBTERS MAY HAVE RECOUNT.

In this connection the Sun wishes to say that the ballots have been preserved, and if a respectable committee of pacifists who doubt the Sun's honesty in the matter would like to have a recount it can be easily arranged so that the committee may itself count them.

It has not always been easy to get at the exact sentiments of the voters. A good many voted in favor of the Swiss system and against preparedness. These were counted as marked, although it seemed that the vote against preparedness was the result of misunderstanding. Many voted only for universal service, and these were counted for preparedness as well. Many others voted simply against preparedness, and these were counted against the universal service as well. It was believed that in doing this the real sentiments of the voters could be best obtained.

If any very large number of ballots is received hereafter, or if they change materially the percentages as given, a supplementary announcement of the change and the results will be made, but this is not expected.

Mr. ABERCROMBIE. Mr. Chairman, I ask unanimous consent to be allowed to address the House for 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to address the committee for 10 minutes. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object—I do not intend to do so—I wish to observe that while I still have 14 amendments to introduce to this bill but 28 minutes remain which may be used for that purpose under the rule. I shall not object.

Mr. MANN. Reserving the right to object, there is still a large number of amendments which we desire to offer on this side, some of them committee amendments—that is, from the Republican members of the committee—which have been in print and which have not been offered; and there are a number of individual-Member amendments. It is quite evident that we shall not get a chance to offer them all and discuss them, anyhow, and the gentleman from Alabama [Mr. ABERCROMBIE] is such a fine gentleman that I have not the heart to object.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama [Mr. ABERCROMBIE]? [After a pause.] The Chair hears none. The gentleman is recognized for 10 minutes.

[Mr. ABERCROMBIE addressed the committee. See Appendix.]

Mr. PADGETT. Mr. Chairman, I have an amendment to correct a total, made necessary by the adoption of an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. PADGETT: Page 29, line 6, strike out "$7,124,975" and insert "$7,139,975."

The CHAIRMAN. Without objection, the amendment is agreed to. [After a pause.] The Chair hears no objection.

Mr. BRITTEN. Mr. Chairman, I have an amendment I desire to offer.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have a right to discuss the amendment of the gentleman from Tennessee.

The CHAIRMAN. It is too late.

Mr. MOORE of Pennsylvania. When an amendment is offered, is it not the right of a Member to discuss it?

The CHAIRMAN. The Chair said, without objection, the amendment would be agreed to, and no gentleman objected. The amendment came from the committee. It is now a quarter to 2, and only 15 minutes remain.

Mr. MOORE of Pennsylvania. That is the trouble, Mr. Chairman. But when the Clerk reports an amendment is it proper for a gentleman to rise in his place and offer to discuss it?

The CHAIRMAN. The Chair stated that, without objection, the amendment would be agreed to, and nobody objected, and the Chair recognized the gentleman from Illinois [Mr. BRITTEN].

Mr. MOORE of Pennsylvania. I submit that I addressed the Chair.

The CHAIRMAN. The time is limited.

Mr. MOORE of Pennsylvania. I realize that the time is limited. That is the trouble.

The CHAIRMAN. The gentleman from Illinois [Mr. BRITTEN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BRITTEN: Strike out lines 23 and 24, on page 21.

Mr. BRITTEN. Mr. Chairman, I think this is the very first amendment that has been offered in the House attempting to take something out of this bill. Every amendment offered so far during the consideration of the bill has been with a view to increasing the bill. My amendment provides for striking out lines 23 and 24, which read as follows:

Dredging Cooper River, approach to navy yard, Charleston, S. C., $175,000.

Just above these two lines is a paragraph which includes $12,000 for the dredging around the navy yard, which the committee decided was really necessary. This item appropriating $175,000 was not at all considered. No hearings were held upon it, and it is an amount that was requested of the Committee on Rivers and Harbors for insertion in their bill and refused. How it got into our bill I do not know. It is ill becoming to say "I told you so," but——

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BRITTEN. Not now. A little later, please, I shall be glad to yield. But some three or four months ago Admiral Stanford, Chief of the Bureau of Yards and Docks, came before our committee and surely opened our eyes. The last Congress and the Congress preceding that had appropriated $150,000 in each Congress, making a total of $300,000, for a berthing place for torpedo boats at Charleston. Now, experts tell us that the Charleston Navy Yard can be used to very good advantage as a base for destroyers or as a base for light-draft vessels. No expert in the history of the Charleston Navy Yard has ever said that it was properly situated, water facilities considered, for a battleship yard. The original appropriation of $150,000 was made on March 4, 1913. A few days later the honorable Josephus—the right honorable Josephus Daniels—became Secretary of the Navy.

Mr. MADDEN. Will the gentleman yield for a question there?

Mr. BRITTEN. Just a question.

Mr. MADDEN. I should like to know why my colleague uses the term "right honorable Josephus Daniels," when almost everybody whom you hear speak about him thinks he is always wrong? [Laughter.]

Mr. BRITTEN. The reason is obvious. The honorable Josephus Daniels came into office directly after March 4, and on March 7—just think of it, three days later—he started to grind out letters changing the construction of this 1,610-foot wharf for the berthing of torpedo boats and light-draft vessels, and they finally cut it down to 287 feet, but they made it 56 feet wide. Well, Admiral Stanford was asked, "Why make it 56 feet wide?" He said the department wanted it that way. What for? After two days of argument we finally got them to admit that they had changed the construction in order to make it a berthing place for battleships; and I said at that time, "Just as sure as you gentlemen are sitting here, you will see a paragraph inserted in the next naval bill"—there was no other indication of it at that time—"changing that yard from a smallship yard to a battleship yard." And here it is, $175,000. If they stop dredging for a year around the Charleston yard, they would not have any water at all. It would silt up. Now, they

have changed the berthing place from a wharf to take care of light-draft vessels to one 56 feet wide to take care of battleships. But they could not get a battleship up there, and naturally they must provide the $175,000 for this dredging project.

If this project was rejected in the rivers and harbors "pork" bill as without merit, the House can not consistently insert it now.

Mr. PADGETT. Mr. Chairman, with reference to this amendment I beg to say that the House will recollect that it was fully and thoroughly considered in the House when the river and harbor bill was under consideration, and it presented a very strong case. An appeal was made to the House, and from the temper of the House at the time I was satisfied that could it have been entertained in the river and harbor bill the House would have accepted it. There was an understanding that no new project would be taken on to the river and harbor bill and thus it could not be taken as an amendment. The Secretary of the Navy said to the committee that this was so urgent and so necessary that he hoped that the Naval Committee would report it as an item in their bill.

Mr. BRITTEN. When did the Secretary say that to the committee?

Mr. PADGETT. At one of the hearings.

Mr. BRITTEN. The matter was never considered until the last day.

Mr. PADGETT. When the Secretary was before the committee he stated that it was urgent, and he hoped the committee would insist upon it and include it in their report.

Mr. BRITTEN. I wish the gentleman would find that for me in the hearings.

Mr. PADGETT. The situation is this: We have an investment of eight or nine million dollars, as I remember it, in the navy yard at Charleston. The general part of the river out to the open sea is good except that there are two small bars and a sharp curve. It is necessary to dredge out the bars that run across the channel and also to cut a little off the bend of the obstruction so as to make it wider. That is why it is included here.

Admiral Benson wrote a letter which I inserted in the RECORD when the matter was under consideration in the river and harbor bill, calling attention to the urgency of this matter. The gentleman from South Carolina, Mr. WHALEY, fully presented the matter and explained the details, and I am sure that the House remembers it, and that it is in order to make efficient and to make serviceable and available the navy yard that we have there with an investment of seven or nine million dollars. I ask the committee to vote down the motion and retain the provision in the bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. DUPRÉ. Mr. Chairman, I offer the following amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Is it proper to recognize two gentlemen from the same side in succession?

The CHAIRMAN. The Chair has just recognized the gentleman from Illinois [Mr. BRITTEN], a Member on the Republican side, and has now recognized the gentleman from Louisiana on the Democratic side.

The Clerk read as follows:

Page 47, after line 9, insert a new paragraph, as follows:
"That of the naval constructors, 12 shall have the rank of captain and 12 the rank of commander: *Provided*, That promotions in rank herein provided for shall take place immediately upon the passage of this act and be effective from the date of approval thereof."

Mr. MANN. Mr. Chairman, I reserve a point of order.

Mr. PADGETT. I make the point of order against the amendment, Mr. Chairman.

Mr. DUPRÉ. Mr. Chairman, I realize that the point of order is good, and I will not press it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 99, line 22, after the figures "$47,366,860," insert the following:
"*Provided*, That no part of this appropriation shall be applied to the purchase in foreign countries of hulls and outfits of vessels and machinery of vessels, if the same can be procured in the United States."

Mr. PADGETT. I make a point of order against the amendment, Mr. Chairman.

The CHAIRMAN. The Chair overrules the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I want to appeal particularly to those Members of the House who believe in American products. This paragraph provides for the expenditure of $47,000,000 for hulls and outfits of vessels and machinery of vessels heretofore authorized, and so forth. We are told that it is the custom of the department, under certain laws that have recently been passed, to buy some supplies, particularly machinery, of foreign countries. To our very great shame it has occurred that bunting to be made into the American flag has been purchased in foreign countries. I am not going to debate this question at great length, because there are only a few minutes remaining, but the problem is, Shall we permit the Government to buy these things abroad when they can be bought at home and thus encourage American industries? Mr. Chairman, I ask for a vote.

Mr. PADGETT. Mr. Chairman, I just simply ask that that be voted down for the reason that it is very often necessary. That would prevent purchase even in case of emergency.

Mr. MOORE of Pennsylvania. Oh, I beg the gentleman's pardon. It provides only against foreign purchases where goods can be purchased in the United States.

Mr. PADGETT. It is the policy that Congress abandoned several years ago, and I see no reason why we should return to it now. I ask for a vote.

Mr. MANN. Mr. Chairman, in the minute that remains I just want to say to the Republican side of the House, as a matter of convenience, that after the vote upon the naval bill the Republican Members of the House are entitled to be absent until and including a week from to-morrow on account of the Republican convention.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 105, noes 109.

Mr. MOORE of Pennsylvania. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. PADGETT and Mr. MOORE of Pennsylvania to act as tellers.

The committee again divided; and there were—ayes 146, noes 149.

So the amendment was rejected.

Mr. BENNET. Mr. Chairman, I offer the following amendment as a new section, to come at the close of the bill, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of the bill insert:
"SEC. —. Investigation concerning medals of honor: A board, to consist of five general officers on the retired list of the Navy, shall be convened by the President within 60 days after the approval of this act for the purpose of investigation and reporting upon past awards of issues of the so-called congressional medal of honor, by or through the Navy Department; this with a view to ascertain what medals of honor, if any, have been awarded or issued for any cause other than distinguished conduct by an officer or enlisted man in action involving actual conflict with an enemy by such officer or enlisted man, or by troops with which he was serving at the time of such action. And in any case in which said board shall find and report that said medal was issued for any cause other than that hereinbefore specified the name of the recipient of the medal so issued shall be stricken permanently from the official medal-of-honor list. It shall be a misdemeanor for him to wear or publicly display said medal; and if he shall still be in the Army, he shall be required to return said medal to the Navy Department for cancellation. Said board shall have full and free access to and use of all records pertaining to the award or issue of medals of honor by or through the Navy Department. The actual and necessary expenses of said board and its members shall be paid out of any appropriations available for contingent expenses of the Navy Department."

Mr. PADGETT. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BRITTEN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk proceeded to read the amendment.

Mr. PADGETT (interrupting the reading). Mr. Chairman, enough of the amendment has been read to show that it is subject to a point of order, and I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the amendment may be printed in the RECORD in full.

The CHAIRMAN. Is there objection?

There was no objection.

The amendment is as follows:

After line 12, on page 5, insert the following:
"That there is hereby established a council of national defense, consisting of the President of the United States, who shall be ex officio president of the council, the Secretary of State, who shall preside in the absence of the President, the Secretary of War, the Secretary of the Navy, the chairman of the Committee on Appropriations of the Senate, the chairman of the Committee on Foreign Relations of the Senate, the chairman of the Committee on Military Affairs of the Senate, the chairman of the Committee on Naval Affairs of the Senate, the chairman of

the Committee on Appropriations of the House of Representatives, the chairman of the Committee on Foreign Affairs of the House of Representatives, the chairman of the Committee on Military Affairs of the House of Representatives, the chairman of the Committee on Naval Affairs of the House of Representatives, the Chief of the General Staff of the Army, an officer of the Navy not below the rank of captain to be designated by the Secretary of the Navy, the president of the Army War College, and the president of the Navy War College.

"SEC. 2. That the chairmen of the several committees of the Senate and House of Representatives herein named shall act as members of the council until their successors have been selected.

"SEC. 3. That said council shall report to the President for transmission to Congress a general policy of national defense and such recommendation of measures relating thereto as it shall deem necessary and expedient.

"SEC. 4. That said council shall meet at least once in each calendar year on such date or dates as it shall fix: *Provided*, That in time of war said council shall meet only upon the call of the President of the United States: *Provided further*, That special meetings may be called by the president of the council: *And provided further*, That the council may summon for consultation at any of its meetings any citizen of the United States, and upon request by the council the Secretary of War and the Secretary of the Navy shall order any officer of the Army, Navy, or Marine Corps to appear before the council for consultation.

SEC. 5. That for carrying out the purposes of this act there is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $20,000, to be available until expended, and to be expended upon vouchers signed by the president of the council: *Provided*, That all necessary expenses of the chairmen of committees of the Senate and of the House of Representatives, when called to attend meetings of said council when Congress is not in session, and the necessary expenses of all persons summoned shall be paid from this appropriation, upon approval by the president of the council."

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise and report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15947) making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. PADGETT. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

Mr. FITZGERALD. The rule provides that.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. BUTLER. Mr. Speaker, I demand a separate vote on the amendment providing for a Government armor-plate plant.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. PADGETT. Mr. Speaker, I do not demand any.

The SPEAKER. The vote will be taken on the remaining amendments in gross. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the amendment referred to by the gentleman from Pennsylvania, providing for the construction of a Government armor plant, which the Clerk will report.

The Clerk read as follows:

On page 17, after line 14 insert as a new paragraph the following:

"The Secretary of the Navy is hereby authorized and directed to provide, either by the erection of a factory or by the purchase of a factory, or both, for the manufacture of armor for the vessels of the Navy; said factory or factories to have an annual capacity of not less than 20,000 tons of armor; to be located at a place or places approved by the General Board of the Navy, with especial reference to considerations of safety in time of war; and the sum of $11,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, for the purposes of this paragraph. And if the United States owns no suitable site, or sites, authority is hereby given to acquire by purchase, condemnation, or gift such site or sites as may be necessary. The expenditures for drafting, technical, expert, and clerical assistance necessary shall be paid from the appropriation herein made.

"The Secretary of the Navy shall keep accurate and itemized account of the cost per ton of the product of such factory or factories and report the same to Congress in his annual report."

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 236, nays 135, answered "present" 3, not voting 60, as follows:

YEAS—236.

Abercrombie	Ashbrook	Black	Buchanan, Tex.
Adair	Aswell	Blackmon	Byrnes, S. C.
Adamson	Ayres	Booher	Byrns, Tenn.
Aiken	Bailey	Borland	Caldwell
Alexander	Barkley	Britt	Callaway
Allen	Beakes	Bruckner	Candler, Miss.
Almon	Bell	Buchanan, Ill.	Caraway
Carew	Garrett	Lieb	Schall
Carter, Okla.	Good	Linthicum	Scully
Cary	Goodwin, Ark.	Littlepage	Shackleford
Casey	Gordon	Lloyd	Shallenberger
Church	Gray, Ind.	Lobeck	Sherley
Cline	Green, Iowa	London	Shouse
Coady	Griffin	McAndrews	Siegel
Collier	Hadley	McClintic	Sims
Connelly	Hamill	McCracken	Sinnott
Cooper, Wis.	Hamlin	McDermott	Sisson
Cox	Hardy	McGillicuddy	Sloan
Cramton	Harrison	McKellar	Small
Crisp	Hart	Maher	Smith, N. Y.
Crosser	Haskell	Mapes	Smith, Tex.
Cullop	Hastings	Martin	Steagall
Curry	Haugen	Mays	Stedman
Dale, N. Y.	Hayden	Moon	Steele, Iowa
Davis, Tex.	Heflin	Morgan, Okla.	Stephens, Miss.
Decker	Helgesen	Morrison	Stephens, Nebr.
Dent	Helm	Moss, Ind.	Stephens, Tex.
Dickinson	Helvering	Murray	Stone
Dies	Hensley	Neely	Stout
Dill	Hilliard	Nelson	Sumners
Dillon	Holland	Nicholls, S. C.	Sweet
Dixon	Hood	Nichols, Mich.	Taggart
Dooling	Houston	Nolan	Tague
Doolittle	Howard	Norton	Talbott
Doremus	Huddleston	Oglesby	Tavenner
Dowell	Hughes	Oldfield	Taylor, Ark.
Dupré	Hulbert	Oliver	Taylor, Colo.
Eagan	Hull, Iowa	Overmyer	Thomas
Eagle	Hull, Tenn.	Padgett	Thompson
Edwards	Humphrey, Wash.	Phelan	Tillman
Ellsworth	Igoe	Pou	Tribble
Elston	Jacoway	Price	Van Dyke
Emerson	James	Quin	Venable
Esch	Johnson, Ky.	Ragsdale	Vinson
Estopinal	Johnson, S. Dak.	Rainey	Volstead
Evans	Johnson, Wash.	Raker	Watkins
Farley	Keating	Ramseyer	Webb
Ferris	Kent	Randall	Whaley
Fields	Kettner	Rauch	Wheeler
Finley	Kincheloe	Rayburn	Williams, Ohio
Fitzgerald	Kinkaid	Reavis	Williams, T. S.
Flynn	Kitchin	Reilly	Williams, W. E.
Foster	Konop	Ricketts	Wilson, Fla.
Frear	La Follette	Riordan	Wilson, La.
Gallagher	Lazaro	Rouse	Wingo
Gallivan	Lee	Rubey	Wise
Gandy	Lenroot	Rucker	Woods, Iowa
Gard	Lever	Russell, Mo.	Young, N. Dak.
Garner	Lewis	Russell, Ohio	Young, Tex.

NAYS—135.

Austin	Fordney	Lafean	Rodenberg
Bacharach	Foss	Lehlbach	Rowe
Barchfeld	Freeman	Lesher	Rowland
Beales	Gardner	Liebel	Sanford
Bennet	Garland	Loft	Scott, Mich.
Bowers	Gillett	Longworth	Scott, Pa.
Britten	Glynn	Loud	Sells
Browning	Gould	McArthur	Smith, Idaho
Butler	Graham	McCulloch	Smith, Mich.
Campbell	Greene, Mass.	McKenzie	Snell
Capstick	Greene, Vt.	McLaughlin	Snyder
Carter, Mass.	Guernsey	Madden	Stafford
Chandler, N. Y.	Hamilton, Mich.	Magee	Steele, Pa.
Charles	Hamilton, N. Y.	Mann	Stephens, Cal.
Chiperfield	Hawley	Meeker	Sterling
Coleman	Hayes	Miller, Del.	Stiness
Cooper, Ohio	Heaton	Mondell	Sulloway
Copley	Hernandez	Moore, Pa.	Swift
Costello	Hicks	Morin	Switzer
Crago	Hill	Mott	Temple
Dale, Vt.	Hinds	Mudd	Tilson
Dallinger	Hollingsworth	North	Timberlake
Danforth	Hopwood	Oakey	Tinkham
Darrow	Howell	O'Shaunessy	Towner
Dempsey	Husted	Paige, Mass.	Treadway
Denison	Hutchinson	Parker, N. J.	Vare
Dewalt	Kahn	Patten	Walsh
Driscoll	Keister	Peters	Ward
Drukker	Kelley	Platt	Wason
Dunn	Kennedy, Iowa	Porter	Watson, Pa.
Edmonds	Kennedy, R. I.	Powers	Wilson, Ill.
Farr	Kiess, Pa.	Pratt	Winslow
Fess	King	Roberts, Mass.	Wood, Ind.
Focht	Kreider	Roberts, Nev.	

ANSWERED "PRESENT"—3.

Browne	Cantrill	Rogers

NOT VOTING—60.

Anderson	Dyer	Key, Ohio	Page, N. C.
Anthony	Fairchild	Langley	Park
Barnhart	Flood	Lindbergh	Parker, N. Y.
Brumbaugh	Fuller	McFadden	Sabath
Burgess	Glass	McKinley	Saunders
Burke	Godwin, N. C.	McLemore	Sears
Burnett	Gray, Ala.	Matthews	Sherwood
Cannon	Gray, N. J.	Miller, Minn.	Slayden
Carlin	Gregg	Miller, Pa.	Slemp
Clark, Fla.	Griest	Montague	Smith, Minn.
Conry	Hay	Mooney	Sparkman
Cooper, W. Va.	Henry	Moores, Ind.	Steenerson
Davenport	Humphreys, Miss.	Morgan, La.	Sutherland
Davis, Minn.	Jones	Moss, W. Va.	Walker
Doughton	Kearns	Olney	Watson, Va.

So the amendment was agreed to.

The Clerk announced the following pairs:

For this vote:

Mr. DAVENPORT with Mr. BROWNE.

Mr. BARNHART with Mr. MILLER of Minnesota.
Mr. CARLIN with Mr. ANDERSON.
This vote (for armor plant):
Mr. SEARS (for armor plant) with Mr. KEARNS (against armor plant).
Mr. WALKER (for armor plant) with Mr. COOPER of West Virginia (against armor plant).
Mr. GLASS (for armor plant) with Mr. SLEMP (against armor plant).
Mr. GRAY of Alabama (for armor plant) with Mr. GRAY of New Jersey (against armor plant).
Mr. BURNETT (for armor plant) with Mr. SUTHERLAND (against armor plant).
Mr. BURKE (for armor plant) with Mr. MOSS of West Virginia (against armor plant).
Mr. FLOOD (for armor plant) with Mr. ROGERS (against armor plant).
Mr. WATSON of Virginia (for armor plant) with Mr. DYER (against armor plant).
Mr. JONES (for armor plant) with Mr. MOONEY (against armor plant).
Mr. SLAYDEN (for armor plant) with Mr. MCKINLEY (against armor plant).
Mr. HAY (for armor plant) with Mr. ANTHONY (against armor plant).
Mr. KEY of Ohio (for armor plant) with Mr. MILLER of Pennsylvania (against armor plant).
Mr. DAVIS of Minnesota (for armor plant) with Mr. PAGE of North Carolina (against armor plant).
Mr. SAUNDERS (for armor plant) with Mr. PARKER of New York (against armor plant).
Mr. GREGG (for armor plant) with Mr. STEENERSON (against armor plant).
Mr. BRUMBAUGH (for armor plant) with Mr. FAIRCHILD (against armor plant).
Mr. CONRY (for armor plant) with Mr. MCFADDEN (against armor plant).
Mr. MONTAGUE (for armor plant) with Mr. MOORES of Indiana (against armor plant).
Mr. SPARKMAN (for armor plant) with Mr. GRIEST (against armor plant).
Mr. HUMPHREYS of Mississippi (for armor plant) with Mr. MATTHEWS (against armor plant).
Mr. CANTRILL (for armor plant) with Mr. LANGLEY (against armor plant).
For to-day:
Mr. BURGESS (for armor plant) with Mr. CANNON (against armor plant).
Until further notice:
Mr. CLARK of Florida with Mr. FULLER.
Mr. OLNEY with Mr. SMITH of Minnesota.

Mr. ROGERS. Mr. Speaker, I voted "no." I am paired with the gentleman from Virginia, Mr. FLOOD, and I desire to withdraw my vote and answer "present."

The name of Mr. ROGERS was called, and he answered "Present."

Mr. CANTRILL. Mr. Speaker, I am paired with the gentleman from Kentucky, Mr. LANGLEY. If he were present, he would vote "no." I desire to withdraw my vote of "aye" and answer "present."

The name of Mr. CANTRILL was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

Mr. BROWNING. Mr. Speaker, I am opposed to this bill in its present shape and shall vote against it. I therefore move to recommit the bill to the Committee on Naval Affairs with instructions to report the same back to the House forthwith with the following amendments.

The SPEAKER. The Clerk will report the instructions.

The Clerk read as follows:

Mr. BROWNING moves to recommit the bill to the Committee on Naval Affairs with instructions to report the same back to the House forthwith with the following amendments:

Page 8, line 19: Strike out the figures "$862,000" and insert in lieu thereof the figures "$904,000."

Page 8, line 24: Strike out the figures "$174,670" and insert in lieu thereof the figures "$194,340."

Page 9, line 25: Strike out the figures "$1,428,000" and insert in lieu thereof the figures "$1,638,000."

Page 36, line 21: Strike out the words "sixty-one thousand five hundred" and insert in lieu thereof the words "sixty-five thousand."

Page 36, line 22: After the first word, "men," insert the following: "and the President is hereby authorized to enlist, in his discretion, and from time to time, such additional men as the needs of the Navy may require not to exceed a total authorized strength of 82,762 men."

Page 36, line 23: Strike out the figures "$27,563,988.50" and insert in lieu thereof the figures "$28,436,488.50."

Page 37, line 8: Strike out the figures "$46,876,246.86" and insert in lieu thereof the figures "$47,748,746."

Page 67, line 9: Strike out the figures "$8,848,933.85" and insert in lieu thereof the figures "$9,088,508.85."

Page 82, line 4: Strike out the word "seven" and insert in lieu thereof the word "eight."

Page 82, line 6: Strike out the figures "$1,328,749" and insert in lieu thereof the figures "$1,377,849."

Page 88, line 4: Strike out the word "seventeen" and insert in lieu thereof the word "eighteen"; also strike out the word "seventy-two" and insert in lieu thereof the word "eighty."

Page 88, line 5: Strike out the first word "sixty-five" and insert in lieu thereof the word "seventy-four"; also strike out the second word "sixty-five" in said line and insert in lieu thereof the word "seventy-three."

Page 88, line 6: Strike out the words "three hundred" and insert in lieu thereof the words "three hundred and forty-two"; also in said line strike out the words "five hundred" and insert in lieu thereof the words "five hundred and seventy-eight."

Page 88, line 7: Strike out the first word "thirty" and insert in lieu thereof the word "thirty-seven"; also in said line strike out the words "two thousand" and insert in lieu thereof the words "two thousand five hundred and forty."

Page 88, line 20: Strike out the figures "$3,434,582.52" and insert in lieu thereof the figures "$3,509,850.52."

Page 90, line 2: Strike out the figures "$56,000" and insert in lieu thereof the figures "$59,000."

Page 90, line 25: Strike out the figures "$5,331,406.30" and insert in lieu thereof the figures "$5,458,774.30."

Page 91, line 15: Strike out the figures "$1,150,068.90" and insert in lieu thereof the figures "$1,195,068.90."

Page 92, line 5: Strike out the figures "$926,423.50" and insert in lieu thereof the figures "$996,073.50."

Page 92, line 11: Strike out the figures "$217,092.66" and insert in lieu thereof the figures "$220,692.66."

Page 93, line 13: Strike out the figures "$713,648.78" and insert in lieu thereof the figures "$810,002.78."

Page 94, line 13: Strike out the figures "$459,711.65" and insert in lieu thereof the figures "$492,156.65."

Page 95, line 3: Strike out the figures "$39,246" and insert in lieu thereof the figures "$42,246."

Page 95, line 15: Strike out the figures "$107,512" and insert in lieu thereof the figures "$121,048."

Page 97, line 7: Strike out the figures "$654,345" and insert in lieu thereof the figures "$692,845."

Page 97, line 9: Strike out the figures "$4,469,048.49" and insert in lieu thereof the figures "$4,771,133.49."

Page 97, line 16: Strike out the figures "$9,800,454.79" and insert in lieu thereof the figures "$10,229,907.79."

Page 97, line 20: Strike out the word "five" and insert in lieu thereof the word "six."

Page 97, line 25: After the word "each" insert "said battle cruisers to be constructed within 24 months from the date of signing contract."

Page 98: At the top of said page and before the words "Four scout cruisers," etc., insert a new paragraph, as follows:

"Two first-class battleships, to be of identical design in all respects as the battleships *Tennessee* and *California* authorized to be constructed in the act making appropriations for the naval service for the fiscal year ending June 30, 1916, approved March 3, 1915, to cost, exclusive of armor and armament, not to exceed $10,500,000 each; said battleships to be constructed within 24 months from the date of signing contract."

Page 98, line 1: Strike out the word "four" and insert in lieu thereof the word "six."

Page 98, line 5: After the word "each" insert "said scout cruisers to be constructed within 15 months from the date of signing contract."

Page 98, line 6: Strike out the word "ten" and insert in lieu thereof the word "twenty-eight."

Page 98, line 9: After the word "each" insert "said destroyers to be constructed within 15 months from the date of signing contract."

Page 98, line 17: After the word "each" insert "said submarines to be constructed within 15 months from the date of signing contract."

Page 98, line 20: After the word "each" insert "said submarines to be constructed within 12 months from the date of signing contract."

Page 98, line 21: Strike out the figures "$4,257,000" and insert in lieu thereof the figures "$9,387,000."

Page 99, line 3: Strike out the word "one" and insert in lieu thereof the word "two."

Page 99, line 4: Insert after the figures "$1,265,000" "said fuel ship to be constructed within 15 months from the date of signing contract."

Page 99, line 6: After the figures "$2,600,000" insert "said ammunition ship to be constructed within 15 months from the date of signing contract."

Page 99, line 7: After the figures "$2,250,000" insert "said hospital ship to be constructed within 15 months from the date of signing contract."

Page 99, after line 7, insert:

"One transport, to cost not to exceed $2,450,000; said transport to be constructed within 15 months from the date of signing contract.

"One supply ship, to cost not to exceed $2,230,000; said supply ship to be constructed within 15 months from the date of signing contract.

"One destroyer tender, to cost not to exceed $1,950,000; said destroyer tender to be constructed within 15 months from the date of signing contract.

"One repair ship, to cost not to exceed $2,600,000; said repair ship to be constructed within 15 months from the date of signing contract."

Page 99, line 22: Strike out the figures "$47,366,860" and insert in lieu thereof the figures "$73,133,852."

Page 100, line 4: Strike out the figures "$30,707,000" and insert in lieu thereof the figures "$44,196,689."

Mr. PADGETT. Mr. Speaker, I move the previous question upon the motion to recommit.

The previous question was ordered.

Mr. MANN. On the motion to recommit I ask for the yeas and nays.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands the yeas and nays on the motion to recommit.

The yeas and nays were ordered.

The question was taken; and there were—yeas 183, nays 189, answered "present" 4, not voting 59, as follows:

YEAS—183.

Austin	Esch	Johnson, Wash.	Peters
Bacharach	Farley	Kahn	Phelan
Barchfeld	Farr	Keister	Platt
Beales	Fess	Kelley	Porter
Bennet	Flynn	Kennedy, Iowa	Powers
Bowers	Focht	Kennedy, R. I.	Pratt
Britten	Fordney	Kent	Reavis
Browne	Foss	Kiess, Pa.	Roberts, Mass.
Browning	Frear	King	Roberts, Nev.
Bruckner	Freeman	Kinkaid	Rodenberg
Butler	Gallagher	Kreider	Rowe
Caldwell	Gallivan	Lafean	Rowland
Campbell	Gardner	Lehlbach	Sanford
Capstick	Garland	Lenroot	Schall
Carew	Gillett	Loft	Scott, Mich.
Carter, Mass.	Gould	Longworth	Scott, Pa.
Chandler, N. Y.	Graham	Loud	Scully
Charles	Green, Iowa	McAndrews	Sells
Chiperfield	Greene, Mass.	McArthur	Siegel
Coleman	Greene, Vt.	McCracken	Sinnott
Cooper, Ohio	Griffin	McDermott	Sloan
Cooper, Wis.	Guernsey	McKenzie	Smith, Idaho
Copley	Hadley	McLaughlin	Smith, Mich.
Costello	Hamill	Madden	Snell
Crago	Hamilton, Mich.	Magee	Snyder
Curry	Hamilton, N. Y.	Mann	Stafford
Dale, N. Y.	Haskell	Mapes	Steele, Pa.
Dale, Vt.	Hawley	Martin	Stephens, Cal.
Dallinger	Hayes	Meeker	Sterling
Danforth	Heaton	Miller, Del.	Stiness
Darrow	Hernandez	Moore, Pa.	Stone
Dempsey	Hicks	Morin	Sulloway
Denison	Hill	Mott	Sweet
Dooling	Hinds	Mudd	Swift
Dowell	Hopwood	Nichols, Mich.	Tague
Driscoll	Howell	Nolan	Temple
Drukker	Hulbert	North	Tilson
Dunn	Hull, Iowa	Oakey	Timberlake
Dupré	Humphrey, Wash.	Oglesby	Tinkham
Eagan	Husted	O'Shaunessy	Towner
Edmonds	Hutchinson	Paige, Mass.	Treadway
Elston	James	Parker, N. J.	Vare
Emerson	Johnson, S. Dak.	Patten	Volstead
Walsh	Watson, Pa.	Williams, Ohio	Wood, Ind.
Ward	Wheeler	Wilson, Ill.	Woods, Iowa
Wason	Williams, T. S.	Winslow	

NAYS—189.

Abercrombie	Doremus	La Follette	Rubey
Adair	Eagle	Lazaro	Rucker
Adamson	Edwards	Lee	Russell, Mo.
Aiken	Ellsworth	Lesher	Russell, Ohio
Alexander	Estopinal	Lever	Shackleford
Allen	Evans	Lewis	Shallenberger
Almon	Ferris	Lieb	Sherley
Ashbrook	Fields	Liebel	Shouse
Aswell	Finley	Linthicum	Sims
Ayres	Fitzgerald	Littlepage	Sisson
Bailey	Foster	Lloyd	Small
Barkley	Gandy	Lobeck	Smith, N. Y.
Beakes	Gard	London	Smith, Tex.
Bell	Garner	McClintic	Steagall
Black	Garrett	McCulloch	Stedman
Blackmon	Good	McGillicuddy	Steele, Iowa
Booher	Goodwin, Ark.	McKellar	Stephens, Miss.
Borland	Gordon	Maher	Stephens, Nebr.
Buchanan, Ill.	Gray, Ind.	Mays	Stephens, Tex.
Buchanan, Tex.	Hamlin	Mondell	Stout
Byrnes, S. C.	Hardy	Moon	Sumners
Byrns, Tenn.	Harrison	Morgan, Okla.	Switzer
Callaway	Hart	Morrison	Taggart
Candler, Miss.	Hastings	Moss, Ind.	Talbott
Caraway	Haugen	Murray	Tavenner
Carter, Okla.	Hayden	Neely	Taylor, Ark.
Cary	Heflin	Nelson	Taylor, Colo.
Casey	Helgesen	Nicholls, S. C.	Thomas
Church	Helm	Norton	Thompson
Cline	Helvering	Oldfield	Tillman
Coady	Hensley	Oliver	Tribble
Collier	Hilliard	Overmyer	Van Dyke
Connelly	Holland	Padgett	Venable
Cox	Hollingsworth	Park	Vinson
Cramton	Hood	Pou	Watkins
Crisp	Houston	Price	Webb
Crosser	Howard	Quin	Whaley
Cullop	Huddleston	Ragsdale	Williams, W. E.
Davis, Tex.	Hughes	Rainey	Wilson, Fla.
Decker	Hull, Tenn.	Raker	Wilson, La.
Dent	Igoe	Ramseyer	Wingo
Dewalt	Jacoway	Randall	Wise
Dickinson	Johnson, Ky.	Rauch	Young, N. Dak.
Dies	Keating	Rayburn	Young, Tex.
Dill	Kettner	Reilly	The Speaker
Dillon	Kincheloe	Ricketts	
Dixon	Kitchin	Riordan	
Doolittle	Konop	Rouse	

ANSWERED "PRESENT"—4.

Britt	Cantrill	Rogers	Slayden

NOT VOTING—59.

Anderson	Burke	Conry	Dyer
Anthony	Burnett	Cooper, W. Va.	Fairchild
Barnhart	Cannon	Davenport	Flood
Brumbaugh	Carlin	Davis, Minn.	Fuller
Burgess	Clark, Fla.	Doughton	Glass
Glynn	Kearns	Montague	Sears
Godwin, N. C.	Key, Ohio	Mooney	Sherwood
Gray, Ala.	Langley	Moores, Ind.	Slemp
Gray, N. J.	Lindbergh	Morgan, La.	Smith, Minn.
Gregg	McFadden	Moss, W. Va.	Sparkman
Griest	McKinley	Olney	Steenerson
Hay	McLemore	Page, N. C.	Sutherland
Henry	Matthews	Parker, N. Y.	Walker
Humphreys, Miss.	Miller, Minn.	Sabath	Watson, Va.
Jones	Miller, Pa.	Saunders	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

On this vote:

Mr. GLYNN (in favor) with Mr. OLNEY (against).

Mr. BRITT (in favor) with Mr. DOUGHTON (against).

Mr. KEARNS (in favor) with Mr. SEARS (against).

Mr. SUTHERLAND (in favor) with Mr. BURNETT (against).

Mr. Moss of West Virginia (in favor) with Mr. BURKE (against).

Mr. LANGLEY (in favor) with Mr. CANTRILL (against).

Mr. CANNON (in favor) with Mr. BURGESS (against).

Mr. MATTHEWS (in favor) with Mr. HUMPHREYS of Mississippi (against).

Mr. GRIEST (in favor) with Mr. SPARKMAN (against).

Mr. MOORES of Indiana (in favor) with Mr. MONTAGUE (against).

Mr. MCFADDEN (in favor) with Mr. CONRY (against).

Mr. FAIRCHILD (in favor) with Mr. BRUMBAUGH (against).

Mr. STEENERSON (in favor) with Mr. GREGG (against).

Mr. PARKER of New York (in favor) with Mr. SAUNDERS (against).

Mr. DAVIS of Minnesota (in favor) with Mr. PAGE of North Carolina (against).

Mr. MILLER of Pennsylvania (in favor) with Mr. KEY of Ohio (against).

Mr. ANTHONY (in favor) with Mr. HAY (against).

Mr. MCKINLEY (in favor) with Mr. SLAYDEN (against).

Mr. MOONEY (in favor) with Mr. JONES (against).

Mr. DYER (in favor) with Mr. WATSON of Virginia (against).

Mr. ROGERS (in favor) with Mr. FLOOD (against).

Mr. COOPER of West Virginia (in favor) with Mr. WALKER (against).

Mr. SLEMP (in favor) with Mr. GLASS (against).

Mr. GRAY of New Jersey (in favor) with Mr. GRAY of Alabama (against).

Until further notice:

Mr. CLARK of Florida with Mr. FULLER.

Mr. CARLIN with Mr. ANDERSON.

Mr. DAVENPORT with Mr. SMITH of Minnesota.

Mr. BARNHART with Mr. MILLER of Minnesota.

Mr. SLAYDEN. Mr. Speaker, I wish to withdraw my vote, being paired with the gentleman from Illinois, Mr. MCKINLEY. The Clerk has announced the pair. I voted "nay," and I wish to withdraw that vote and answer "present."

The name of Mr. SLAYDEN was called, and he answered "Present."

Mr. ROGERS. Mr. Speaker, I voted "yea." I am paired with the gentleman from Virginia, Mr. FLOOD, and I desire to withdraw my vote and answer "present."

The name of Mr. ROGERS was called, and he answered "Present."

Mr. CANTRILL. Mr. Speaker, I am paired with the gentleman from Kentucky, Mr. LANGLEY. I voted "nay," and I wish to withdraw that vote and answer "present."

The name of Mr. CANTRILL was called, and he answered "Present."

Mr. MANN. I wish to ask for a recapitulation of the vote if the gentlemen are through voting.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks that the vote be recapitulated, and the Clerk will so proceed. All gentlemen will take their seats and refrain from conversation.

The vote was recapitulated.

The SPEAKER. The Clerk will call my name.

The name of Mr. CLARK of Missouri was called, and he voted "nay."

Mr. BRITT. Mr. Speaker, I was not acquainted with it at the time, but I understand the gentleman from North Carolina, Mr. DOUGHTON, understands that we are paired. Therefore I withdraw my vote of "yea" and wish to answer "present."

The name of Mr. BRITT was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. PADGETT. Mr. Speaker, on that I demand the yeas and nays.

Mr. MANN. Mr. Speaker, pending the calling of the roll, I ask unanimous consent for a moment.

The SPEAKER. The gentleman from Illinois asks unanimous consent for one minute before the roll is called. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. I just wanted to say, Mr. Speaker, after this roll call gentlemen can leave—those who want to hurry away.

Mr. PADGETT. Mr. Speaker, at this time I desire to ask unanimous consent that all Members shall have five legislative days in which to extend their remarks in the RECORD on this bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that all Members shall have five legislative days in which to extend their remarks on the bill. Is there objection?

Mr. BROWNING. Reserving the right to object, Mr. Speaker——

Mr. PADGETT. Does the gentleman want it longer?

Mr. BROWNING. No. I want to ask the gentleman a question. Does that include those who have already asked for and obtained unanimous consent?

Mr. PADGETT. Yes; everybody.

Mr. BROWNING. Can they not have additional time?

The SPEAKER. The Chair will decide that. Those who have already got the right to extend their remarks can still retain it.

Mr. PADGETT. They are asking for 10 days, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee changes his request and asks that all Members shall have 10 legislative days in which to extend their remarks on the bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will call the roll. Those in favor of passing this bill will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 363, nays 4, answered "present" 7, not voting 60, as follows:

YEAS—363.

Abercrombie	Dale, Vt.	Griffin	Lazaro
Adair	Dallinger	Guernsey	Lee
Adamson	Danforth	Hadley	Lehlbach
Aiken	Darrow	Hamill	Lenroot
Alexander	Davis, Tex.	Hamilton, Mich.	Lesher
Allen	Decker	Hamilton, N. Y.	Lever
Almon	Dempsey	Hamlin	Lewis
Ashbrook	Denison	Hardy	Lieb
Aswell	Dent	Harrison	Liebel
Austin	Dewalt	Hart	Linthicum
Ayres	Dickinson	Haskell	Littlepage
Bacharach	Dies	Hastings	Lloyd
Bailey	Dill	Haugen	Lobeck
Barchfeld	Dillon	Hawley	Loft
Barkley	Dixon	Hayden	Longworth
Beakes	Dooling	Hayes	Loud
Beales	Doolittle	Heaton	McAndrews
Bell	Doremus	Heflin	McArthur
Bennet	Dowell	Helgesen	McClintic
Black	Driscoll	Helm	McCracken
Blackmon	Drukker	Helvering	McCulloch
Booher	Dunn	Hensley	McDermott
Borland	Dupré	Hernandez	McGillicuddy
Bowers	Eagan	Hicks	McKellar
Britt	Eagle	Hill	McKenzie
Britten	Edmonds	Hilliard	McLaughlin
Browne	Edwards	Hinds	Madden
Bruckner	Ellsworth	Holland	Magee
Buchanan, Ill.	Elston	Hollingsworth	Maher
Buchanan, Tex.	Emerson	Hood	Mapes
Butler	Esch	Hopwood	Martin
Byrnes, S. C.	Estopinal	Houston	Mays
Byrns, Tenn.	Evans	Howard	Meeker
Caldwell	Farley	Howell	Miller, Del.
Callaway	Farr	Huddleston	Mondell
Campbell	Ferris	Hughes	Moon
Candler, Miss.	Fess	Hulbert	Morgan, Okla.
Cantrill	Fields	Hull, Iowa	Morin
Capstick	Finley	Hull, Tenn.	Morrison
Caraway	Fitzgerald	Humphrey, Wash.	Moss, Ind.
Carew	Flynn	Husted	Mott
Carter, Mass.	Focht	Hutchinson	Mudd
Carter, Okla.	Fordney	Igoe	Murray
Cary	Foss	Jacoway	Neely
Casey	Foster	James	Nicholls, S. C.
Chandler, N. Y.	Frear	Johnson, Ky.	Nichols, Mich.
Charles	Freeman	Johnson, S. Dak.	Nolan
Chilperfield	Gallagher	Johnson, Wash.	North
Church	Gallivan	Kahn	Norton
Cline	Gandy	Keating	Oakey
Coady	Gard	Keister	Oglesby
Collier	Gardner	Kelley	Oldfield
Connelly	Garland	Kennedy, Iowa	Oliver
Cooper, Ohio	Garner	Kennedy, R. I.	Olney
Cooper, Wis.	Garrett	Kent	O'Shaunessy
Copley	Gillett	Kettner	Overmyer
Costello	Glynn	Kiess, Pa.	Padgett
Cox	Good	Kincheloe	Paige, Mass.
Crago	Goodwin, Ark.	King	Park
Cramton	Gordon	Kinkaid	Parker, N. J.
Crisp	Gould	Kitchin	Patten
Crosser	Gray, Ind.	Konop	Peters
Cullop	Green, Iowa	Kreider	Phelan
Curry	Greene, Mass.	Lafean	Platt
Dale, N. Y.	Greene, Vt.	La Follette	Porter
Pou	Schall	Stephens, Nebr.	Van Dyke
Powers	Scott, Mich.	Stephens, Tex.	Vare
Pratt	Scott, Pa.	Sterling	Venable
Price	Scully	Stiness	Vinson
Quin	Sells	Stone	Volstead
Ragsdale	Shackleford	Stout	Walsh
Rainey	Shallenberger	Sulloway	Ward
Raker	Sherley	Sumners	Wason
Ramseyer	Shouse	Sweet	Watkins
Rauch	Siegel	Swift	Watson, Pa.
Rayburn	Sims	Switzer	Whaley
Reavis	Sinnott	Taggart	Wheeler
Reilly	Sisson	Tague	Williams, T. S.
Ricketts	Sloan	Talbott	Williams, W. E.
Riordan	Small	Taylor, Ark.	Williams, Ohio
Roberts, Mass.	Smith, Idaho	Taylor, Colo.	Wilson, Fla.
Roberts, Nev.	Smith, Mich.	Temple	Wilson, Ill.
Rodenberg	Smith, N. Y.	Thomas	Wilson, La.
Rouse	Smith, Tex.	Thompson	Wingo
Rowe	Snell	Tillman	Winslow
Rowland	Snyder	Tilson	Wise
Rubey	Stafford	Timberlake	Wood, Ind.
Rucker	Steagall	Tinkham	Woods, Iowa
Russell, Mo.	Stedman	Towner	Young, N. Dak.
Russell, Ohio	Steele, Iowa	Treadway	Young, Tex.
Sanford	Stephens, Cal.	Tribble	

NAYS—4.

Browning	Graham	London	Randall

ANSWERED "PRESENT"—7.

Coleman	Moore, Pa.	Rogers	Webb
Mann	Nelson	Tavenner	

NOT VOTING—60.

Anderson	Dyer	Key, Ohio	Parker, N. Y.
Anthony	Fairchild	Langley	Sabath
Barnhart	Flood	Lindbergh	Saunders
Brumbaugh	Fuller	McFadden	Sears
Burgess	Glass	McKinley	Sherwood
Burke	Godwin, N. C.	McLemore	Slayden
Burnett	Gray, Ala.	Matthews	Slemp
Cannon	Gray, N. J.	Miller, Minn.	Smith, Minn.
Carlin	Gregg	Miller, Pa.	Sparkman
Clark, Fla.	Griest	Montague	Steele, Pa.
Conry	Hay	Mooney	Steenerson
Cooper, W. Va.	Henry	Moores, Ind.	Stephens, Miss.
Davenport	Humphreys, Miss.	Morgan, La.	Sutherland
Davis, Minn.	Jones	Moss, W. Va.	Walker
Doughton	Kearns	Page, N. C.	Watson, Va.

So the bill was passed.

The Clerk announced the following additional pairs:

On the vote:

Mr. HUMPHREYS of Mississippi (for) with Mr. MATTHEWS (for).

Mr. FLOOD (for) with Mr. ROGERS (for).

Mr. WALKER (for) with Mr. COOPER of Wisconsin (for).

Mr. CONRY (for) with Mr. MCFADDEN (for).

Mr. STEPHENS of Mississippi (for) with Mr. LANGLEY (for).

Mr. BRUMBAUGH (for) with Mr. FAIRCHILD (for).

Mr. GREGG (for) with Mr. STEENERSON (for).

Mr. SLAYDEN (for) with Mr. MCKINLEY (for).

Mr. SAUNDERS (for) with Mr. PARKER of New York (for).

Mr. PAGE of North Carolina (for) with Mr. DAVIS of Minnesota (for).

Mr. GLASS (for) with Mr. SLEMP (for).

Mr. GRAY of Alabama (for) with Mr. GRAY of New Jersey (for).

Mr. WATSON of Virginia (for) with Mr. DYER (for).

Mr. JONES (for) with Mr. MOONEY (for).

Mr. SPARKMAN (for) with Mr. GRIEST (for).

Mr. MONTAGUE (for) with Mr. MOORES of Indiana (for).

Mr. BURGESS (for) with Mr. CANNON (for).

Mr. BURKE (for) with Mr. MOSS of West Virginia (for).

Mr. BURNETT (for) with Mr. SUTHERLAND (for).

Mr. SEARS (for) with Mr. KEARNS (for).

Mr. DAVENPORT (for) with Mr. SMITH of Minnesota (for).

Until further notice:

Mr. WEBB with Mr. MILLER of Pennsylvania.

Mr. ROGERS. Mr. Speaker, I voted "aye." I am paired with the gentleman from Virginia, Mr. FLOOD. I desire to withdraw my vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. ROGERS, and he answered "Present."

Mr. MOORE of Pennsylvania. Mr. Speaker, I voted "aye." I desire to withdraw that vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. MOORE of Pennsylvania, and he answered "Present."

The result of the vote was announced as above recorded.

On motion of Mr. PADGETT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. POWERS, indefinitely.

To Mr. HOWELL, indefinitely, on account of important business.
To Mr. CANNON, for 10 days, on account of illness in his family.

OREGON & CALIFORNIA RAILROAD LAND GRANTS.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to take up the conference report on the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes, disagree to the Senate amendments, and agree to the conference asked for.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to take up the conference report on the bill H. R. 14864, disagree to the Senate amendments, and agree to the conference asked for.

Mr. MANN. Is that the Oregon-California land-grant bill?

Mr. FERRIS. Yes.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. FERRIS, Mr. TAYLOR of Colorado, and Mr. LENROOT.

BRIDGE ACROSS THE FOX RIVER, ILL.

Mr. COPLEY. Mr. Speaker, I ask that the bill (S. 6073) granting the consent of Congress to George Fabyan to construct a bridge across the Fox River be taken from the Speaker's table and passed.

Mr. ADAMSON. There is a similar House bill on the calendar, reported from the committee.

Mr. COPLEY. Yes. This is identical with the bill H. R. 12775, which has been reported favorably by the committee.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to George Fabyan, and his successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Fox River, at a point suitable to the interests of navigation, at or near Geneva, in the county of Kane, in the State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the House bill, H. R. 12775, of similar tenor, will be laid on the table.

There was no objection.

On motion of Mr. COPLEY, a motion to reconsider the vote whereby the Senate bill was passed was laid on the table.

DISTRICT COURT IN COLORADO.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 13765 and concur in the Senate amendments.

The SPEAKER. The gentleman from Colorado asks unanimous consent to take from the Speaker's table the bill H. R. 13765 and concur in the Senate amendments. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 13765) to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The Senate amendments were read.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were concurred in.

The title of the bill was amended to correspond to the text.

LEAVE TO EXTEND REMARKS.

Mr. GRAY of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of agriculture.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks on the subject of agriculture. Is there objection?

There was no objection.

Mr. WALSH. Mr. Speaker, I ask leave to extend my remarks on the rural-credits bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks on the rural-credits bill. Is there objection?

There was no objection.

Mr. LIEB. Mr. Speaker, I ask unanimous consent to extend my remarks on the Agricultural bill.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks on the Agricultural appropriation bill. Is there objection?

There was no objection.

FINANCIAL RELATIONS OF THE DISTRICT OF COLUMBIA AND THE UNITED STATES.

Mr. CANTRILL. Mr. Speaker, I ask unanimous consent to present a resolution from the Committee on Rules which was unanimously agreed upon by the committee.

The SPEAKER. If it is a report from the Committee on Rules, it does not require unanimous consent.

Mr. MANN. That depends. What is the resolution?

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 229.

Resolved, That the Committee on the District of Columbia, or any subcommittee thereof which the chairman of the committee may appoint, be, and the same hereby is, empowered to investigate and inquire into the condition of the financial relations between the District of Columbia and the United States, as well as to the correctness of the books and accounts relative thereto, whether those books or accounts be kept by the United States or by the District of Columbia.

Said committee hereby is empowered, further, to examine and investigate the books and accounts of any officer or employee (past or present) of the District of Columbia, or of any other person having business dealings or transactions with the District of Columbia.

And said committee hereby is empowered, further, to inquire into and investigate the official conduct, acts, omissions, and doings of any officer or employee (past or present) of the District of Columbia.

And said committee hereby is empowered, further, to inquire into and investigate the books, accounts, and affairs of any public utility or common carrier doing business or operating in the District of Columbia, including any ice manufacturer, any market-house company or corporation, any market company, any taxicab or motor vehicle company, the Washington Terminal Co., any cold-storage or warehouse company, and any person, company, or corporation dealing in meats or other provisions in the District of Columbia.

For the purposes above set out the said committee is hereby empowered, in its discretion, to send for and compel the attendance of persons and the production of books and papers before it; and the chairman, or acting chairman, may administer oaths or affirmations.

Mr. MANN. I have no objection to that.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. CANTRILL. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. I wish to inquire whether the committee considered placing any limitation as to time on the authority that this rule vests in the District Committee? When this matter was presented to the House some time ago, I thought it was proper to have it referred to one of the committees of the House, as no time limit whatsoever was included in the resolution. This resolution, as I understand it, gives authority for all time to the Committee on the District of Columbia to make the investigations referred to.

Mr. CANTRILL. I desire to say to the gentleman from Wisconsin that when this resolution was originally before the Committee on Rules an amendment was suggested by the Committee on Rules, and that the resolution be reintroduced in the form in which it has been read by the Clerk. This was done, and there was practically no opposition or discussion of the resolution as it now stands, because it met the views of the Committee on Rules, so far as the appropriation was concerned.

Mr. STAFFORD. The gentleman's reply does not answer the inquiry that I propounded.

Mr. CANTRILL. The resolution will speak for itself.

Mr. STAFFORD. I wish to inquire whether the committee considered placing any limitation of time on the activities of the committee, so far as these investigations were concerned.

Mr. CANTRILL. The only discussion of the resolution in the Committee on Rules was what I have stated.

Mr. STAFFORD. I will ask the gentleman's personal opinion, whether he does not believe there should be some time limit on the authority of the committee, supervising these general activities.

Mr. KITCHIN. I would suggest that the authority of the Committee on the District of Columbia could not last any longer than the present Congress, because the committee itself will die with the Congress. The committee is bound to make its report to this Congress, if it makes any report at all.

Mr. CANTRILL. In the showing made by the chairman of the District of Columbia Committee [Mr. JOHNSON of Kentucky] before the Committee on Rules he showed that he had recovered for the Government of the United States something like a million and a half of dollars that had been due the Government for some time. That was the result of the previous investigation, and he stated that he was of the opinion that he could recover about a half million dollars now due the Government if he was allowed under this resolution to continue the investigation. The amount of money appropriated heretofore to make the investigation having been expended, he desired to continue it. The

appropriation will be attended to by the Committee on Accounts, and the action of that committee will have to be agreed to by the House before any money can be appropriated for the continuance of the investigation.

Mr. STAFFORD. I was under the impression that the very commendable work that the Committee on the District of Columbia had been doing——

Mr. CANTRILL. I think the gentleman from Kansas [Mr. CAMPBELL] will bear me out in the statement that all the members of the Committee on Rules were under the impression that this investigation should continue. Action on this resolution was taken over a month ago, and we have been waiting patiently to get it before the House at a time when it would not interfere with general legislation.

Mr. CAMPBELL. One question that arose in the committee about the matter was as to whether or not the resolution that was then pending before the committee was the same as the resolution under which the investigation had been proceeding before, and it was discovered that the only difference was that the resolution that was before the committee was not privileged, because it made an appropriation of some $10,000. That feature was taken from the resolution, and then the resolution stood exactly as it did under the authorization that had been made in the former Congress.

Mr. STAFFORD. If the gentleman will yield further, as I was saying, or about to say, when interrupted by the gentleman from Kentucky, from my slight investigation of this subject I understood that most of this work had been completed, and that it was not necessary to authorize the continuation of the work until the end of this Congress. I should like to inquire of my distinguished friend from Kansas whether he considered that phase of the subject, that there should be some time limit placed on the authorizations provided in this resolution?

Mr. CAMPBELL. There was no suggestion made by the chairman of the Committee on the District of Columbia or anyone else as to how long it would take.

Mr. STAFFORD. Was it understood that these people should be employed until the end of the present Congress?

Mr. JOHNSON of Kentucky. If the committee dies with the Congress, of course its authority will end at the same time.

Mr. CANTRILL. It can not continue any longer than the present Congress.

Mr. STAFFORD. I understood that the very commendable work of the distinguished gentleman from Kentucky was almost completed and could be finished before the end of the Congress.

Mr. CANTRILL. It was the view of the Committee on Rules that the Committee on the District of Columbia had done very commendable work in recovering nearly a million and a half of dollars, and that it should be allowed to continue. I am glad that it is the view of the gentleman from Wisconsin also that the work of the committee was commendable.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. CANTRILL, a motion to reconsider the last vote was laid on the table.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 137. Joint resolution authorizing the Commissioners of the District of Columbia to make special regulations for the occasion of the National Capital preparedness parade on the 14th day of June, 1916, and for other purposes incident to said parade; to the Committee on the District of Columbia.

BOY SCOUTS OF AMERICA.

The SPEAKER laid before the House the bill H. R. 755, an act to incorporate the Boy Scouts of America, and for other purposes, with Senate amendments.

The Senate amendments were read.

On motion of Mr. GARD, the Senate amendments were agreed to.

EXTENSION OF REMARKS.

Mr. FESS. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks on the importance of public documents in Washington and the necessity of an archive building to house them.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD on the value of public documents in Washington and the necessity of an archive building to house them. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 28 minutes p. m.) the House adjourned until to-morrow, Saturday, June 3, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, submitting an estimate of appropriation for continuation of post-office building at New Haven, Conn. (H. Doc. No. 1188); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, submitting an estimate of appropriation for additional quarantine station at New Orleans, La. (H. Doc. No. 1189); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 208) to regulate the interstate use of automobiles and all self-propelled vehicles which use the public highways in interstate commerce, reported the same without amendment, accompanied by a report (No. 795), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 15955) extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits, reported the same with amendment, accompanied by a report (No. 796), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on the Judiciary was discharged from the consideration of the bill (H. R. 15903) for the relief of the Bluff City Railway Co., damaged by collision of barge with wharf house belonging to said company, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills were introduced and severally referred as follows:

By Mr. CASEY: A bill (H. R. 16207) to establish in the Department of Labor a division to be known as a Woman's Division; to the Committee on Labor.

By Mr. SHERLEY (by request): A bill (H. R. 16208) designating the American mountain laurel the national flower of the United States; to the Committee on the Library.

By Mr. WHEELER: A bill (H. R. 16209) authorizing the Secretary of War to donate condemned cannon and balls; to the Committee on Military Affairs.

By Mr. MEEKER: A bill (H. R. 16210) to establish a station for the study of the mentally handicapped children in the schools; to the Committee on Education.

By Mr. HICKS: A bill (H. R. 16211) to authorize the purchase of a site for a public building at Flushing, Long Island, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM: A bill (H. R. 16212) to confer jurisdiction on the Court of Claims; to the Committee on the Judiciary.

By Mr. HEATON: A bill (H. R. 16213) authorizing the Secretary of War to donate to the borough of New Philadelphia, Schuylkill County, in the State of Pennsylvania, three bronze cannon or fieldpieces; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 16214) granting a pension to James A. Shequin; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 16215) granting a pension to Margaret Perry; to the Committee on Invalid Pensions.

By Mr. COLEMAN: A bill (H. R. 16216) granting a pension to Anna K. Rhoades; to the Committee on Pensions.

By Mr. CULLOP: A bill (H. R. 16217) granting an increase of pension to Francis Ham; to the Committee on Invalid Pensions.

By Mr. EAGAN: A bill (H. R. 16218) for the relief of Philip Schmidt; to the Committee on Military Affairs.

By Mr. FIELDS: A bill (H. R. 16219) for the relief of William Harold Kehoe; to the Committee on Military Affairs.

By Mr. GARDNER: A bill (H. R. 16220) for the relief of First Lieut. Albert K. C. Palmer, United States Army; to the Committee on Claims.

By Mr. GOOD: A bill (H. R. 16221) granting an increase of pension to Eleanor F. McKeen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16222) granting an increase of pension to Alexander B. Sloan; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 16223) granting a pension to George H. Cheek; to the Committee on Invalid Pensions.

By Mr. KREIDER: A bill (H. R. 16224) granting an increase of pension to J. Harrison Rennard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16225) granting an increase of pension to Peter Hauer; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 16226) granting an increase of pension to Leah Snyder; to the Committee on Invalid Pensions.

By Mr. McCRACKEN: A bill (H. R. 16227) granting a pension to William H. I. Lorton; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 16228) for the relief of Edward N. McCarty; to the Committee on Claims.

By Mr. MAHER: A bill (H. R. 16229) granting an increase of pension to Mary Power; to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 16230) granting an increase of pension to Leila O. Eldridge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16231) granting an increase of pension to Harriet Cardwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16232) granting an increase of pension to Prudence Metcalf; to the Committee on Pensions.

Also, a bill (H. R. 16233) granting an increase of pension to Mary K. Peterson; to the Committee on Invalid Pensions.

By Mr. STEELE of Pennsylvania: A bill (H. R. 16234) granting a pension to Lottie Beeman; to the Committee on Invalid Pensions.

By Mr. WILSON of Florida: A bill (H. R. 16235) granting a pension to Ethel Maura Robards; to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 16236) granting an increase of pension to Joseph L. Bostwick; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany House bill 14672, for relief of Mary Ladd; to the Committee on Invalid Pensions.

By Mr. CAREW: Memorial of the Colonial Dames of America, favoring national defense; to the Committee on Military Affairs.

By Mr. CURRY: Petition of 9 citizens of Lodi, Cal., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Elmore M. Billings and Calistoga Grape Protective Association, of California, against certain features of the proposed wine tax, etc.; to the Committee on Ways and Means.

By Mr. DAVIS of Texas: Petition of the Cuero (Tex.) Commercial Club, favoring the Bankhead good-roads bill; to the Committee on Roads.

By Mr. DILL: Petition of the East End Book Club, of Spokane, Wash., urging the establishment of a Federal motion-picture commission for the efficient and economical censorship of motion-picture films, so far as the jurisdiction of the Federal Government over the District of Columbia and the Territories and interstate commerce permits; to the Committee on Education.

By Mr. DILLON: Memorial of South Dakota State Luther League, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAYES: Memorial of Ladies' Missionary Society of Ventura, Cal., against sale, etc., of liquors in Porto Rico; to the Committee on Insular Affairs.

By Mr. HUMPHREY of Washington: Petition of First Baptist Church of Everett, Wash., favoring Federal motion-picture commission; to the Committee on Education.

By Mr. McCRACKEN: Petition of citizens of Idaho Falls, Idaho, favoring bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MAGEE (by request): Petition of sundry citizens of New York, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PHELAN: Petition of 72 citizens of Lynn, Mass., favoring Christian amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of 110 citizens of Lynn, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. STINESS: Petition of Rhode Island State Branch, American Federation of Labor, favoring House bill 10318; to the Committee on Labor.

SENATE.

SATURDAY, *June 3, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we lift our hearts to Thee for the inspiration for every day's work. Thou hast not separated Thyself from the affairs of men. Thou hast honored us by calling us to be coworkers together with God. In our relation to Thee any service we try to render is glorified because it may be referred to Thy will and we may be conscious that we are working out a divine program. Grant us Thy grace and guidance this day. We ask for Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following:

UNITED STATES SENATE,
Washington, D. C.

To the Senate:

The Vice President being absent from the Senate, and the undersigned being also necessarily absent therefrom, he, as President pro tempore of the Senate, hereby names the Senator from Alabama, Mr. JOHN H. BANKHEAD, to perform the duties of the Chair on the 3d day of June, 1916; this substitution not to extend beyond an adjournment.

JAMES P. CLARKE,
President pro tempore of the Senate.

Mr. BANKHEAD thereupon took the chair as Presiding Officer and directed the Secretary to read the Journal of yesterday's proceedings.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. P. Taylor, jr., one of its clerks, announced that the House had passed the bill (S. 6073) granting the consent of Congress to George Fabyan to construct a bridge across the Fox River.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 755) to incorporate the Boy Scouts of America, and for other purposes.

The message further announced that the House agrees to the amendments of the Senate to the bill (H. R. 13765) to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FERRIS, Mr. TAYLOR of Colorado, and Mr. LENROOT managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. FLETCHER. I present a letter in the nature of a petition from W. S. Whitten, secretary of the Lincoln Commercial Club of Nebraska, which I ask may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

LINCOLN COMMERCIAL CLUB,
Lincoln, Nebr., May 24, 1916.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

MY DEAR SENATOR FLETCHER: Following an address delivered by Hon. Benjamin J. Rosenthal, vice president of the National Business League of America, before the members of the Lincoln Commercial Club at luncheon to-day, the inclosed resolution was unanimously adopted at a special meeting of the board of directors and is submitted for your information and with the hope that you will find it consistent to support the Alexander shipping bill mentioned therein. We understand the bill is now before the Senate for consideration.

Yours, very truly,

W. S. WHITTEN, *Secretary.*

—

LINCOLN, NEBR., *May 24, 1916.*

Resolution adopted at a special meeting of the board of directors of the Lincoln Commercial Club, 12 o'clock m., Wednesday, May 24, 1916:

"*Resolved*, That as an effective measure to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve, and a merchant marine, to meet the imperative requirements of the commerce of the United States with its Territories and possessions, and with foreign countries, and for other purposes, the board of directors of the Lincoln Commercial Club of Lincoln, Nebr., in conference assembled, this 24th day of May, 1916, hereby indorses the shipping bill, H. R. 15455, introduced in the Sixty-fourth Congress, first session, May 8, 1916, by Mr. ALEXANDER, and passed by the House of Representatives May 20, 1916.

Mr. TOWNSEND. I present a memorial of sundry citizens of Waldron, Mich., and in this connection I desire to state that I have received many similar memorials in the form of telegrams and letters protesting against the passage of what is known as section 7 of the Post Office appropriation bill. I simply desire to say that when the House bill came to the Senate it contained this provision—there were no protests filed. I received no protests until after the bill had been reported. Now the protests are coming in numerously and I desire to present this one and have it printed in the RECORD as a sample of the numerous memorials which I am receiving on the same subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

The memorial referred to is as follows:

Resolutions adopted by citizens of Waldron at Decoration Day assembly in honor of the Grand Army of the Republic.

Whereas the House of Representatives has passed the Post Office appropriation act containing section 7, which section may be invoked to exclude from the United States mails any newspaper or other publication, at the option of the Postmaster General, and believing such section 7 to be decidedly un-American: Therefore be it

Resolved, That we, the people of the village of Waldron and of the township of Wright, Hillsdale County, Mich., in public assembly on Decoration Day, view with alarm the passage of said section 7 of the Post Office appropriation act by the House of Representatives, and hereby protest against said measure being passed by the Senate; and we hereby call upon our Senators to use their influence at once against any and all such measures.

Resolved, That the chairman of the day be authorized to appoint five citizens as a committee, who are authorized to sign this protest on behalf of the Decoration Day assembly, and that copies be sent to each of our Senators and to the President.

JACOB H. WEAVER.
R. H. SMITH.
N. FOGLESANG.
ALFRED WILSON.
PAUL BERLIN.

Mr. KERN presented the memorial of Hon. John B. Stoll and 40 other citizens of South Bend, Ind., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. MYERS presented a memorial of sundry citizens of Corvallis and Victor, in the State of Montana, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. HARDING presented a memorial of sundry citizens of Stillwater, Ohio, remonstrating against an increase in armaments, which was ordered to lie on the table.

Mr. PHELAN presented memorials of sundry citizens of California, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of Camp No. 770, United Confederate Veterans, of Los Angeles, Cal., praying for the enactment of legislation to grant pensions to Confederate veterans of the Civil War and to the widows of such veterans, which was referred to the Committee on Pensions.

He also presented a petition of the Master Painters and Decorators' Association of the State of California, praying for the enactment of legislation to prevent fraud in the manufacture of paint, which was referred to the Committee on Interstate Commerce.

Mr. CURTIS (for Mr. PENROSE) presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation to provide uniform bills of lading in interstate and foreign commerce, which was referred to the Committee on Interstate Commerce.

Mr. GALLINGER (for Mr. BURLEIGH) presented a memorial of sundry citizens of South Durham, Me., remonstrating against an increase in armaments, which was ordered to lie on the table.

He also (for Mr. BURLEIGH) presented a petition of sundry citizens of Dover and Foxcroft, in the State of Maine, praying for national prohibition, which was referred to the Committee on the Judiciary.

COMMENCEMENT EXERCISES AT ANNAPOLIS, MD. (S. DOC. 460).

Mr. TILLMAN. Mr. President, I went to Annapolis yesterday to attend the commencement exercises. I heard three very fine speeches, all short and to the point. I consider them so valuable that I think they deserve better preservation than the newspapers will give them.

I ask unanimous consent for the printing as a public document of the addresses of President Wilson, Secretary Daniels, and the superintendent of the academy, Capt. Eberle.

The PRESIDING OFFICER. Such will be the order, without objection.

SPEECH BY SECRETARY M'ADOO (S. DOC. NO. 457).

Mr. SIMMONS. I ask unanimous consent to have printed as a public document a speech delivered by the Secretary of the Treasury, Mr. McAdoo, before the Chamber of Commerce at Raleigh, N. C., Wednesday, May 31, 1916.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina?

Mr. GALLINGER. What was the subject that was discussed, I will ask the Senator?

Mr. SIMMONS. It has no title. It is a discussion of a number of very important public questions by the Secretary of the Treasury.

Mr. GALLINGER. Mr. President, I do not know when we are going to stop, probably we never will, loading down the CONGRESSIONAL RECORD with speeches delivered outside. The Secretary of the Treasury has occupied a great deal of space during the present session of Congress; but, of course, I know that it is not gracious to object. So I simply content myself by expressing the hope, which I have expressed so often, that the time will come when the CONGRESSIONAL RECORD will be practically a record of what occurs in the Senate.

Mr. SIMMONS. I did not ask that it be printed in the RECORD; I asked that it be printed as a public document.

Mr. GALLINGER. That is better.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

JOHN F. CONSIDINE.

Mr. SUTHERLAND. Mr. President, there is a short bill on the calendar reported from the Committee on Claims, which I should like very much to have passed. I think there will be no objection to it. I ask unanimous consent for the consideration of the bill (S. 2852) for the relief of John F. Considine.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Claims with an amendment, in line 5, to strike out "$5,000" and insert "$2,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, the sum of $2,000 to John F. Considine, a former employee of the United States under the Reclamation Service at Yuma, Ariz., for injuries received by him in the course of such employment which resulted in permanent and total physical disability.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF SEAMEN'S ACT.

Mr. FLETCHER. I ask unanimous consent for the consideration of the bill (H. R. 13112) to amend section 14 of the seamen's act of March 4, 1915. It is a House bill passed there and unanimously approved by the Committee on Commerce of the Senate. It is rather important that action should be taken at once because there are boats being built that are subject to present regulations which are not fair, and all concerned want to change them. Under the present law a boat under 400 feet in length must carry 12 lifeboats. There is no provision under the existing law for a boat 300 feet, 200 feet, or 100 feet in length. In other words, a boat 100 feet in length must have 12 lifeboats, which, of course, is an oversight in the law.

The bill provides that for vessels under 100 feet in length the minimum of buoys shall be 2; for vessels under 200 feet in length the minimum number of buoys 4, two of which shall be luminous; for vessels more than 200 feet and under 300 feet in length the minimum number of buoys shall be 6, of which 2 shall be luminous; and for vessels 300 feet and under 400 feet in length the minimum number of buoys shall be 12, of which 4 shall be luminous. So the bill would amend the present law only in respect to boats less than 400 feet in length.

Mr. GALLINGER. I inquire if it is the so-called seamen's law that the bill proposes to amend?

Mr. FLETCHER. It proposes to amend section 14 of the seamen's law in that respect.

Mr. GALLINGER. Sometime ago I introduced an amendment, which went to the Committee on Commerce. I presume it has not been looked at. It proposes an amendment to that law which I think is very important—much more important than the one the Senator suggests. I hope the committee will look at it some time.

Mr. FLETCHER. I shall be very glad to do my part in that respect.

Mr. THOMAS. I wish to ask if the proposed measure is satisfactory to the senior Senator from Wisconsin [Mr. LA FOLLETTE]?

Mr. FLETCHER. It is.

Mr. LANE. I should like to ask the Senator if he has consulted the senior Senator from Wisconsin and had the measure carefully analyzed? This is quite an important matter, Mr. President.

Mr. FLETCHER. I have gone over it with the Senator from Wisconsin.

Mr. LANE. If you had been out at sea in a storm where you had your life at stake, the Senator would feel quite an interest in the subject, I assure him; just as much interested as in his life. I should like to know if the bill is circumscribed with means of safety and means of getting out of the way from a sinking boat in a storm?

Mr. FLETCHER. It is simply to cure an oversight in the seamen's law in not providing for small boats now being constructed under the law. The department will have to require them to put on more life buoys and life lines than they can hold or carry. This is simply to amend that defect in the law. I conferred with the Senator from Wisconsin about it yesterday, and he understands it thoroughly. It is agreeable to him and to everybody concerned.

Mr. UNDERWOOD. Mr. President, I have no objection to the Senate considering the bill, but there is an order of business that we do not reach when recesses are taken. Before we take up a disputed matter that might raise the point of no quorum, I shall object until the procedure in regular order of the Senate has been gone through with, so that we may introduce bills that we may desire to present.

Mr. FLETCHER. If this will lead to any debate, I will not press it.

Mr. UNDERWOOD. I will object for the present until after the regular order.

The PRESIDING OFFICER. The Senator from Alabama objects. Reports of committees are in order.

CHOCTAW AND CHICKASAW INDIANS.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the bill (S. 5427) referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims, reported it with amendments and submitted a report (No. 519) thereon.

COMMAND OF THE AIR.

Mr. PAGE, from the Committee on Printing, to which the subject was referred, reported a resolution (S. Res. 210) providing for the printing as a Senate Document the manuscript submitted by the Senator from Texas [Mr. SHEPPARD] on May 9, 1916, entitled "Command of the Air."

Mr. FLETCHER. I ask unanimous consent for the present consideration of the resolution.

Mr. UNDERWOOD. Is it in order to consider resolutions until after the call for the introduction of bills?

The PRESIDING OFFICER. Only by unanimous consent.

Mr. UNDERWOOD. I object.

The PRESIDING OFFICER. Objection is made and the resolution will go to the calendar.

COUNCIL OF CROW INDIANS.

Mr. LANE. I introduce a joint resolution and ask for its immediate consideration. It will not lead to discussion, I think.

Mr. GALLINGER. Let the resolution be read.

The joint resolution (S. J. Res. 140) calling upon the Secretary of the Interior to permit the Crow Indians to convene in general council was read the first time by its title.

Mr. GALLINGER. The rule provides that bills and joint resolutions shall be referred to the appropriate committee. I trust that this will take the usual course.

The PRESIDING OFFICER. Such will be the order.

Mr. GALLINGER. The Committee on Indian Affairs.

Mr. LANE. The Committee on Indian Affairs have already had this matter under discussion. A majority, I think, who were present at the meeting were willing to grant the request. These people are here upon this mission and desire to start back to their tribe to-night with the authority of this body to hold an open general council upon their tribal affairs which do not interfere in any way with the prerogatives of this body. It is the opportunity and a chance to consider their own affairs free from interference, which they want, which is the high privilege of every human being or ought to be and is without prejudice to anyone else. That is all I am asking of the Senate, to give these people consent to meet in council free from interference, to consider their own affairs. I am sure when Senators understand it they will grant it.

Mr. GALLINGER. When the committee reports the joint resolution in due form I apprehend there will be no opposition to it. There will not be on my part, but we ought not to depart from the usual method of doing business and convert the Senate into a town meeting. I insist that there shall be a report.

Mr. LANE. If the Senator will allow me, I will state that this matter has already been referred to the committee, and I feel at liberty to introduce a resolution giving these people a voice in their affairs. We have had it under consideration. It has been referred there, and now these people are asking permission and the members of the committee who were present freely granted it and none opposed, so far as I know, to merely hold a council, a meeting among themselves, to decide what they wish—to express an opinion, if you please. They have no other right on earth as to what will be done with their property. I hope the Senator from New Hampshire will withdraw his objection.

The PRESIDING OFFICER. The Senator from New Hampshire objects. The joint resolution will have to go to the committee.

Mr. JONES. I wish to suggest to the Senator from Oregon, in order to have the bill reported now, that he poll the committee and then report it.

Mr. LANE. The chairman of the committee has asked me to present it, and the members are not here. They have gone. The chairman has consented to it and asked me to introduce it.

Mr. GALLINGER. I will ask the Senator if he feels at liberty—in view of what the committee has done, that he is authorized—to report the bill from that committee?

Mr. LANE. Yes; absolutely and in good faith.

Mr. GALLINGER. If the Senator takes the responsibility of reporting it from the committee, I will then not object.

The PRESIDING OFFICER. The Senator from New Hampshire withdraws his objection. The joint resolution will be read.

The joint resolution was read the second time at length, as follows:

Whereas the tribe of Crow Indians of Montana are in possession of a large tract of land in that State which it is desired by some to open to settlement to the whites; and

Whereas the Bureau of Indian Affairs is opposed to the opening of the said Crow Indian Reservation for that purpose; and

Whereas certain Crow Indians have respectfully requested that they may be allowed to hold a general council of all the members of that tribe, free from interference by either of the contending parties, in order to secure an unbiased opinion of the said Crow Indians upon the question of the disposal of their tribal lands: Therefore be it

Resolved, etc., That the Secretary of the Interior is hereby respectfully directed to permit the said Crow Indians to hold a general council of all the members of that tribe and to make provision that no person or persons who desire the opening of the reservation nor members or officers of the Indian Bureau who oppose the opening of it shall attend such council nor influence in any way the conduct of said council or its findings and that permission to attend said council shall be freely granted to all members of the tribe of Crow Indians who desire to do so.

Mr. LANE. Mr. President, if there is any question about the joint resolution, I ask that it be referred to the Committee on Indian Affairs.

Mr. SUTHERLAND. Mr. President, before the joint resolution goes to the committee I wish to make a single observation about it. It seems to me that it is somewhat remarkable. Here is a resolution which is called a "joint resolution." A joint resolution is, of course, an act of legislation. This is a resolution which apparently requests the Secretary of the Interior to do something. If we are to legislate, we ought to direct him to

do the thing. To request an officer of the Government to do something is not a legislative act.

Mr. LANE. I wished to be polite; I wished to be considerate of his feelings. I am willing to direct him and to command him, if you please; but what was the Senator's suggestion?

Mr. SUTHERLAND. That such a resolution, if it is an act of legislation, should direct the Secretary of the Interior.

Mr. LANE. I accept the Senator's suggestion and will insert the word "direct" instead of "request," so as to make it a direction to the Secretary of the Interior. I desire that the resolution be referred to the Committee on Indian Affairs.

The PRESIDING OFFICER. The joint resolution will be referred to the Committee on Indian Affairs.

Mr. LANE subsequently said: I wish to submit a Senate resolution and have it referred to the Committee on Indian Affairs. It is a resolution calling on the Secretary of the Interior to permit the Crow Indians to convene in general council.

There being no objection, the resolution (S. Res. 212) was referred to the Committee on Indian Affairs, as follows:

Whereas the tribe of Crow Indians of Montana are in possession of a large tract of land in that State which it is desired by some to open to settlement to the whites; and

Whereas the Bureau of Indian Affairs is opposed to the opening of the said Crow Indian Reservation for that purpose; and

Whereas certain Crow Indians have respectfully requested that they may be allowed to hold a general council of all the members of that tribe, free from interference by either of the contending parties, in order to secure an unbiased opinion of the said Crow Indians upon the question of the disposal of their tribal lands: Therefore be it

Resolved, That the Secretary of the Interior is hereby respectfully directed to permit the said Crow Indians to hold a general council of all the members of that tribe and to make provision that no person or persons who desire the opening of the reservation nor members or officers of the Indian Bureau who oppose the opening of it shall attend such council nor influence in any way the conduct of said council or its findings and that permission to attend said council shall be freely granted to all members of the tribe of Crow Indians who desire to do so.

NATIONAL CAPITAL PREPAREDNESS PARADE.

Mr. CHAMBERLAIN. Mr. President, Mr. William A. Gude, as chairman, and Mr. Charles J. Columbus, as secretary, of the committee representing the National Capital preparedness parade committee, have requested me to invite the Senate to participate with them in the parade on the 14th instant. I take pleasure in behalf of that committee in extending the invitation to the Senate.

OREGON & CALIFORNIA RAILROAD LAND GRANTS.

Mr. CHAMBERLAIN. Mr. President, I wish to call the attention of the Senate to the fact that the conferees of the two Houses on the Oregon & California Railroad land-grant bill have about come to a final agreement and will be ready to report to the Senate in a little while. I ask the indulgence of the Senate that we do not adjourn for a short time; at least not until the conferees can submit their report. I did not know but that the Senate might finish its business and adjourn before I could submit the report.

Mr. CLARK of Wyoming. That will be all right.

COMMITTEE ON PUBLIC LANDS.

Mr. MYERS. Mr. President, I ask unanimous consent for the immediate consideration of Order of Business No. 449, being Senate resolution 190. The resolution has been favorably reported from the Committee on Contingent Expenses, and provides for the temporary allowance of additional clerical help for that committee merely for a short time. It will take the Senate only a minute to grant it or to refuse it. I ask for the consideration of the resolution now.

The PRESIDING OFFICER. The Chair will say to the Senator from Montana that there has been a general objection raised against the consideration of any other business until the routine morning business shall have been disposed of. In a few minutes the Senate will reach the point at which the Senator's request would be in order.

Mr. MYERS. I thought the order of introduction of bills had been concluded.

The PRESIDING OFFICER. It has not yet been concluded.

Mr. MYERS. Very well. I withdraw the request.

The PRESIDING OFFICER. The introduction of bills and joint resolutions is in order.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. UNDERWOOD:

A bill (S. 6286) to confer jurisdiction on the Court of Claims; to the Committee on the Judiciary.

By Mr. DILLINGHAM:

A bill (S. 6287) for the relief of Joseph Eubor (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 6288) to amend section 2172 of the Revised Statutes of the United States; to the Committee on Immigration.

By Mr. SHAFROTH:

A bill (S. 6289) granting an increase of pension to Lucy J. Muchmore; to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 6290) granting an increase of pension to George C. Stearns (with accompanying papers);

A bill (S. 6291) granting an increase of pension to Oscar M. Dreibelbiss (with accompanying papers); and

A bill (S. 6292) granting an increase of pension to Austin Ormanson (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 6293) for the relief of Mrs. Nellie E. Stockton; to the Committee on Claims.

A bill (S. 6294) granting a pension to Ethel Maura Robards; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6295) granting an increase of pension to James H. Colby (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 6296) granting an increase of pension to Mary F. Ewing; and

A bill (S. 6297) granting a pension to Mrs. George Rowland (with accompanying papers); to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 6299) for the relief of Mary Jordan, widow of Dennis Jordan; to the Committee on Claims.

A bill (S. 6300) granting consent to the county of Madera, Cal., and its successors and assigns, the right to construct a dam across the San Joaquin, Fresno, and Chowchilla Rivers; to the Committee on Commerce.

By Mr. GALLINGER (for Mr. BURLEIGH):

A bill (S. 6301) granting an increase of pension to William H. H. Knight;

A bill (S. 6302) granting a pension to Nettie C. Kimball; and

A bill (S. 6303) granting an increase of pension to Thompson S. Ford; to the Committee on Pensions.

By Mr. CHILTON:

A joint resolution (S. J. Res. 141) retiring Dr. Charles Lee Baker on pay; to the Committee on Military Affairs.

EXHIBITION OF NATURAL RESOURCES.

Mr. WORKS. Mr. President, I am about to introduce a bill the object and purpose of which I desire very briefly to explain. It may be remembered that I have heretofore urged upon the Senate the wisdom and propriety of acquiring the property along Pennsylvania Avenue upon which to construct all Government buildings. I believe that sooner or later this will be done. The bill that I am now offering is intended to authorize the acquisition of certain property in the city of Washington to be used by the States in the construction of State buildings to be used as exposition buildings, in which to exhibit their products and resources and to be made the headquarters of each and all of the States in the National Capital.

The property to be acquired as provided by the bill commences on New York Avenue at Fifteenth Street and extends along New York Avenue on both sides east to Massachusetts Avenue, thence along that avenue to New Jersey Avenue to the Capitol Grounds and the new Capitol Park, consisting of 35 squares and parts of squares. Thus, if Pennsylvania Avenue shall be acquired and Government buildings constructed thereon and the plan I am now offering is carried out, we shall have an almost continuous circle of Government and State buildings and parks from the Treasury Building to the Capitol and return to the Treasury.

In addition to this, the bill provides for the acquisition of additional ground near the water front, to be used for the construction of Government buildings in which to make exhibits of the products and industries of the National Government, and for such general purposes as Congress may provide. This covers the ground between B and E Streets on both sides of the United States Naval Museum of Hygiene from Eighteenth Street to Twenty-seventh Street, consisting of 26 squares and fractions of squares.

I submit, to accompany the bill, two maps on which are delineated in red the several squares intended to be acquired. For the most part the property proposed to be taken is comparatively inexpensive and cheaply improved.

I am not offering the bill with any expectation or desire that it shall be considered at this session of Congress. To make it effective and to accomplish the purpose intended the hearty cooperation of the States must be had.

The chief object of the bill is to create and perpetually maintain in the National Capital an exposition where the products, resources, and industries of every State in the Union and of the National Government may be exhibited, and where all who come to Washington may see gathered in one place the magnificent and varied resources of the country and at the same time improve and beautify the Capital. I sincerely hope that the matter may be taken up earnestly by the States and the Government, and that some time this or some better plan may be adopted to bring about this much-desired object.

Mr. President, I ask that the bill and accompanying maps be referred to the Committee on Public Buildings and Grounds.

The bill (S. 6298) authorizing the purchase of grounds for the accommodation of public buildings belonging to the Government and to the several States, to be used for the permanent exhibition of the natural resources, arts, and industries of such States and of the National Government, and for other purposes, was read twice by its title, and, with the accompanying maps, referred to the Committee on Public Buildings and Grounds.

Mr. WORKS. I ask that the bill may be printed in the RECORD for the information of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill introduced by Mr. WORKS June 3, 1916, and referred to the Committee on Public Buildings and Grounds, is as follows:

A bill (S. 6298) authorizing the purchase of grounds for the accommodation of public buildings belonging to the Government and to the several States, to be used for the permanent exhibition of the natural resources, arts, and industries of such States and of the National Government, and for other purposes.

Be it enacted, etc., That in order to make provision for the erection and maintenance of public buildings by the several States of the Union, within the District of Columbia, and the Government, the following parcels of land shall be, and are, designated and set aside for this purpose, and those parcels of land not already owned in whole or in part by the Government of the United States shall be purchased under the direction of the President of the United States, or taken for public use by due process of law, namely:

All blocks numbered 634, 633, 632, 631, 630, 629, 628, 627, 626, 625, 569, 567, 565, 564, 563, 562, 529, 528, 518 N., 518 S., 517, 516 N., 516 S., 485, 484, 484 W., 452, 427, 403, 373, 372, 344, 343, 318, 317, 327, 326, 251, 223, part of 252, and part of 222, according to the official plat of the city of Washington, upon which to construct State buildings as hereinafter provided.

Also blocks Nos. 12, 12 S, 21, 22, 60, 61, 62, 83, 84, 87, 87 E, 88, 104, 123, 124, 125, 128, 128 N, 144, 145, 146, and 147, according to the official plat of the city of Washington, upon which to construct Federal buildings as hereinafter provided.

SEC. 2. That any and all streets and alleys intersecting the said land so to be acquired as aforesaid may, at such time as the President may deem necessary or expedient, be by Executive order vacated and become and constitute a part of the tract of land so provided to be acquired as aforesaid and subject to such other and further division and subdivision for the purposes of buildings or use as streets, alleys, passageways, or avenues as may be or become necessary in connection with the enjoyment of all of the said lands hereinbefore mentioned for public purposes.

SEC. 3. That the Secretary of the Treasury, subject to the Executive order of the President, shall be authorized to purchase or acquire said land or any part thereof as soon as practicable at such price as may be fixed by agreement between the said Secretary and the respective owners of said lands and premises, not exceeding the actual cash value thereof, and the payments therefor shall be made to respective owners of such lands upon the requisition of the Secretary of the Treasury, with the approval of the President, upon a release and conveyance of said lands to the United States, by good and sufficient deeds so conveying the same after the title of the grantor of said lands shall have been examined and approved in writing by the Attorney General of the United States.

SEC. 4. That in the event of a failure to agree upon the price of said land or any part thereof, between the owner of said land and premises and the Government of the United States, the Attorney General of the United States is hereby authorized and empowered to commence and prosecute proceedings for the condemnation of said lands and premises in the Supreme Court of the District of Columbia at any general or special term thereof, and to prosecute such proceedings in condemnation in the manner heretofore provided in the statute. That upon the final determination of such proceedings in condemnation, the Secretary of the Treasury is authorized and directed to make payment of the sum of money adjudged to be proper compensation on said land and premises so condemned out of the moneys hereinafter provided to be appropriated for such purpose.

SEC. 5. That in condemnation proceedings so instituted and prosecuted as aforesaid the value of the land and the value of the buildings or improvements thereon shall be separately estimated.

SEC. 6. That the Secretary of the Treasury is hereby authorized to issue, at his discretion, 50-year 4½ per cent bonds to the equivalent amount of the cost of such land acquired under this act.

SEC. 7. That all land designated herein as blocks Nos. 634 to part of 222, and acquired under this act, is hereby put at the disposal of the several States of the Union, as soon as any such State or States shall have made appropriations to erect thereon within a period of 10 years, suitable public buildings for the permanent exhibition of the natural resources, arts, and industries of said State or States, such buildings to be designed under the direction of a board, as provided in section 8; and the other blocks above described shall be used for constructing thereon Government buildings as herein provided.

SEC. 8. In order to carry out the provisions of this act, the President is authorized to appoint a commission consisting of the chairmen of the following committees of the Senate, namely, Industrial Expositions, Library, Manufactures, Mines and Mining, Public Buildings and Grounds; and the chairmen of the following committees of the House, namely, Industrial Arts and Expositions, Library, Mines and Mining, Public Buildings and Grounds, to act by and with the advice of the United States Commission of Fine Arts. The commission shall apportion the land so designated and hereby set apart for that purpose, among the several States in groups of States or in severalty as may best meet the needs of the several States.

SEC. 9. The commission shall serve without pay, except the necessary traveling expenses of the commission shall be paid out of this appropriation. The commission may employ expert assistance of architects, sculptors, and landscape gardeners to formulate plans so that the public buildings erected thereon may form a harmonious group and be in conformity with the public buildings of the National Capital.

SEC. 10. That for the purpose of making preliminary plans for carrying this act into effect, the sum of $10,000, or as much thereof as may be necessary, is hereby appropriated from any money in the Treasury not otherwise appropriated, and the sum of $1,000,000 to be made available for the purchase of land as soon as 10 States have made the necessary appropriations for the public buildings to be erected thereon, and the designs for which have been approved by the said Commission of Fine Arts.

NAVAL MANAGEMENT AND DISCIPLINE.

Mr. THOMAS. Mr. President, I desire to give notice that on Monday, the 19th day of June, at the close of routine morning business, I shall address the Senate regarding some features of naval management and discipline under the present administration.

DEVELOPMENT OF WATER POWER.

Mr. SHIELDS. Mr. President, there have been many comments in the press of the United States concerning Senate bill 3331, for the improvement of navigation and the development of water power in navigable streams, passed by the Senate March 8 last, some of which are favorable and some unfavorable. These comments are in part editorial and in part communications from men familiar with the subject matter of the bill, and some are resolutions of business men's associations in regard to the same.

I have received copies of newspapers containing many of these criticisms, and I ask that the editorials and communications here presented be printed in the RECORD.

The PRESIDING OFFICER. Without objection, such will be the order.

The matter referred to is as follows:

[From the Merchant and Manufacturer, Nashville, Tenn., March, 1916.]

TO UTILIZE NAVIGABLE WATERWAYS.

The Shields bill to regulate the construction of dams across navigable waterways, which passed the Senate recently, now goes to the House. Much interest had been manifested in this measure, which authorized the construction, maintenance, and operation of dams after obtaining the permit of the Secretary of War. Diversion structures and accessory works are permitted for the development and improvement of the navigation and for water power or other purposes in and along any of the navigable waters of the United States. The primary object of the bill is to allow of the development of water power. Where the power to be developed is used or to be used for a public utility the grantee must be a municipal corporation or a political subdivision or other agency of the State, a public-service agent of a State, or a public-utility corporation created and organized under the laws of a State or of the United States, authorized to furnish water, heat, or electrical energy for public or private use, and whose rates or charges and service shall be subject to regulation by the laws of the State or a duly constituted commission or other agency. Where the State has not made provision for such corporations the qualifications of the grantee thus prescribed shall not apply, and no transfer of any permit or the rights granted shall be made without the approval of the Secretary of War.

The bill requires plans and specifications of construction and maps of proposed location to be approved by the Secretary of War and the Chief of Engineers, and no change in such plans or specifications shall be made without the approval of these officials. The navigation facilities are required to be preserved at least equivalent to those existing prior to construction of the dam, etc., without expense to the United States, in accordance with plans and specifications approved by the Secretary of War, and in case such navigation facilities are not a part of the original construction, and the United States shall deem them necessary, the grantee shall convey to the United States such land and right of way as may be required for such facilities. The grantee shall also reimburse the United States for the cost of any investigation necessary for the approval of plans and for supervision or construction, and shall pay to the United States reasonable charges in consideration of the benefits accruing and to accrue to grantees. The right to use the public lands is granted by certification of the Secretary of War. In case of contesting applicants the permit shall be granted to the contestant judged best fitted for expediting and realizing the maximum useful development. The Secretary of War shall have, before granting the permit, the report and advice of the Chief Engineer. Control of the level above and below the dam is subject to the rules and regulations of the Secretary of War, and such lights and other signals and such fishways as may be prescribed shall be established under penalty for noncompliance.

The grantee is liable for all damages resulting from construction and operation, and when the grantee is a public-service agent of the State, a municipal corporation, or a political subdivision of the State it may acquire the right to use or damage lands or property of others necessary for construction, maintenance, and operation by the exercise of the right of eminent domain in the district courts of the United States. The permit shall continue for 50 years, and after the expiration of that time until revoked or until compensation shall be made to grantee for its property. After expiration the United States may take over all the property of the grantee dependent in whole or in part upon the rights hereunder granted upon paying the fair value of the property. In the determination of this value no value shall be claimed or allowed for the rights hereunder granted. All charges, rates, and service shall be subject to the laws of the State within which the service is rendered. Where any part of said power shall enter into interstate or foreign commerce, jurisdiction is conferred upon the Interstate Commerce Commission.

Any grantee failing or refusing to comply with any of the provisions of the act or any conditions under it is to be deemed guilty of a misdemeanor and fined not exceeding $1,000 for each offense, in addition to other penalties fixed by law. Work must be begun within two years after the permit is granted, and the grantee shall have in commercial operation such part of it as the Secretary of War shall determine from time to time. If any dam or other part of the work be not completed within the time fixed by the Secretary of War, or if construction shall not be begun in the appointed time, proper proceedings shall be instituted for the revocation of the grant. The Secretary of War may lease to any applicant having the capacity of grantee surplus water from any dam or structure built by the United States on such terms as deemed for the best interest of the United States and reasonable and fair to both parties, preference being given to a municipal corporation, a political division of the State or a public-service agency, provided the plans of the same are deemed by the Secretary of War adapted to conserve and utilize in the public interest the navigation and water resources of the region.

The act does not affect the rights of any person, company, or corporation as to the construction, maintenance, or operation of any structures heretofore constructed or begun under permit of the Secretary of War and chief of engineers or other authority lawfully granted, but any conflicting provisions concerning these must be governed by the provisions of this act. Any person, company, or corporation having the capacity of grantee now constructing or operating any structures herein specified under authority heretofore granted, may obtain from the Secretary of War upon application a permit in accordance with the provisions of this act. The act does not apply to irrigation or power dams or grants for municipal corporations affecting the approved or erected under the jurisdiction of the Secretary of War of the United States.

It is specified that works constructed and maintained under this act shall not be owned, leased, controlled, or operated by any device or in any manner so that they form part of or in any way effect any combination in the form of an unlawful trust or monopoly, or any conspiracy to limit the output of electric energy, or in restraint of trade with foreign nations or between two or more States or Territories, or within any one State or Territory, in the generation, sale, or distribution of electric energy.

The right to alter, amend, or repeal this act is reserved, but no grantee under this act who shall have exercised rights under it shall not be deprived of any of his rights by such repeal, amendment, or alteration, all rights and the prosperity used under it being considered the prosperity of the grantee, until after the expiration of the 50 years.

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[From the Chattanooga Times, May 9, 1916.]

SHIELDS WATER-POWER BILL.

There seems to be reason for believing that the Shields bill releasing water power now tied up and of no use to the country because the Government plays a sort of dog-in-the-manger policy—refusing free concessions to private enterprise and declining itself to develop the same—may become law, even the conservationists who have been opposing it having at last agreed that it is not such a bad law, after all. The objection made to it that it gives away in perpetuity rights that ought to be kept in trust for the future generations of the country has been overcome for the very simple reason that the proposed bill does not give away the rights in perpetuity at all; it simply authorizes the Government to dispose of any power sites under its control to private parties for 50 years, at the end of which time the Government may itself take over the property at a fairly appraised valuation and use the same in any way it shall deem best for the benefit of the public. Every possible safeguard, it would seem, has been thrown about the measure so as to prevent the exploitation of the public and the abuse of public rights. We are quite sure that if States and municipalities had been as careful in granting their franchises to railroads and public-utilities corporations as the provisions of the Shields bill is in protecting the rights of the people, there would never be any outcries against exorbitant charges, excessive rates, and gross discrimination, such as have been practiced by those operating railroads, water plants, telephone exchanges, etc., all of which are supposed to be creatures of and therefore the servants of the public.

The strongest argument for the passage of the Shields or a similar bill to the same purpose is that millions of dollars are ready for investment in plants having for their purpose the development of electrical power through the use of the inland waters of the country. Senator SHIELDS has said that if this bill should become law the development along the Tennessee River would within the next few years add immeasurably to the wealth of the country and become a most powerful agency in promoting the industrial development of the States through which it passes. As it is, few men of wealth are willing to undertake such development hedged about as they would be under present rules and regulations governing running streams under control of the Government.

We should say that, while conserving agencies for the benefit of coming generations is a duty upon the present Government, something is due those who are now on the scene of activity and whose energies and activities are being directed to the projection of enterprises and the development of resources the full benefits of which will extend long beyond the time of their natural lives, and which will therefore become rich heritages for those who shall come after them.

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[From the Knoxville Journal and Tribune, Mar. 18, 1916.]

DEVELOPMENT ENCOURAGED BY THE SHIELDS BILL.

A special correspondent of the Baltimore Manufacturers' Record writes from Washington for that publication at some length concerning what is expected if the Shields bill, which has passed the Senate by a more than 2 to 1 vote, and is now pending in the House of Representatives.

This is a bill of which Senator JOHN K. SHIELDS is the author, and who did more than any other one man in securing favorable consideration in the Senate. The purpose of the bill is water-power development for industrial purposes.

Among other things stated in the correspondence printed in the Manufacturers' Record, attention is called to this paragraph:

"It is known that a number of big electrochemical plants for making saltpeter and nitric acid from the air have been planned by private enterprise, and will be built as soon as the Shields bill becomes a law, thereby making it possible to finance such undertakings. At the present time the United States, as has been pointed out repeatedly in these columns, is wholly dependent for its supply of nitrates upon the deposits of Chile. The Chilean Government collects a high tax upon every ton of nitrate exported. If the present bill goes through the House as it has gone through the Senate, it will mean the early establishment of a large plant for the manufacture of chemicals essential to the making of explosives and agricultural fertilizers."

At this particular time, when the subject of preparedness for national defense is uppermost in the minds of so large a proportion of the American people it seems incomprehensible how there can be any opposition to this bill becoming a law. When it came to a vote in the Senate the opposition was comparatively slight, but the bill reached a vote only after a long siege of hard and patient work on the part of its author.

Were the United States to become involved in a war with a nation that has a strong navy, it might soon become impossible to procure nitrates from Chile, and without the nitrates it would be impossible to make the explosives that are a necessity in war.

But the developments that are to follow the enactment of this bill into a law make possible necessities regarding agriculture in time of peace. The way will be open to the manufacture of fertilizers without limit as to quantity and from sources that are inexhaustible. If the productive capacity of the soils is to be maintained and increased fertilizers are a necessity, and if the Shields bill becomes a law there need be no end to the supply. And the supply for the South will be made in the South.

It is confidently believed that the enactment of the Shields bill into law will be followed by the early development of water powers aggregating as much as 15,000,000 horsepower and it is estimated that it would reduce coal consumption as much as 100,000,000 tons a year. Engineers have estimated that the development of the water power under the provisions of this bill, when it becomes a law, will mean a saving of $700,000 a day in fuel bills.

If nothing else than preparedness were considered, the House of Representatives should without delay concur in the action of the Senate. But more than that is involved. The bill promises development that will add beyond conception to the development and prosperity of the South and of the whole country.

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[From the Memphis Commercial-Appeal, Apr. 3, 1916.]

THE SHIELDS BILL.

The bill offered by Senator SHIELDS and passed in the Senate by a vote of 46 to 22 has been greatly misunderstood.

The bill provides for developing navigation and utilization of the water power of the country.

It is not the purpose of the bill, in any way, to obstruct navigation. On the other hand Senator SHIELDS has embodied in his bill special provisions for the protection of navigation and for the improvement of navigable streams.

It was Gifford Pinchot who inaugurated the fight against the measure. Mr. Pinchot has become a crank of late. He has ideas. Any man is entitled to have ideas of his own, but he should at least apply them in a considerate way. Gifford Pinchot, ever since the days of Roosevelt, has been an extreme conservationist and he is opposed to the Shields bill because he feels that it will ruin the rivers of the country, will rob many streams of their natural beauty, and will obstruct navigation.

The United States, as well established by numerous decisions of the United States Supreme Court, has no property interest in the waters and beds of navigable rivers, but merely the police power to regulate commerce upon them, usually exercised in the way of removing obstructions and making improvements for the passage of commercial vessels. The States of the Union have control of the waters of rivers subject to the paramount authority of the United States for navigation purposes.

The riparian owners have the right to use the waters for all purposes so that they do not destroy the navigable capacity of the streams and after use allow them to pass on to the proprietors below.

These rights are recognized and respected in the bill offered by Senator SHIELDS.

It has been reported that President Wilson was decidedly opposed to the bill. Here again a mistake has been made. After reading the bill President Wilson declined to oppose it.

If the future navigation of present navigable streams would be interfered with there would be substantial grounds for opposition and the House of Representatives would be justified in defeating the measure, but inasmuch as the future safety of such streams is specifically provided for, there can be no logical reason offered for opposing the Shields bill now pending before the House.

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[From the Johnson City Staff, Mar. 3, 1916.]

THE SHIELDS BILL.

United States Senator JOHN K. SHIELDS is to be congratulated on putting through the Senate one of the most important pieces of constructive legislation that has come to a vote in many sessions—the bill which enables the Secretary of War to grant 50-year permits for the building of dams and water-power plants on navigable streams.

This is the first vote taken by the Senate on a general water-power development measure in the eight years that the subject of conservation of natural resources has been under consideration in Congress. Two water-power bills passed the House last year and died in the Senate.

Senate leaders and military authorities urged the Shields bill as a vital feature of the preparedness program. It is estimated that there is 60,000,000 horsepower of natural energy in the navigable streams of the United States, of which nine-tenths is flowing to waste. These great water powers have been locked out of us up to now, as a special act of Congress has been necessary for each power plant, and it has been impossible to pass workable acts for the development of large water powers.

Senator SHIELDS announced in the Senate that the passage of this bill would be followed by early development of water powers aggregating 15,000,000 horsepower, or a volume of electricity equal to that produced by a coal consumption of 100,000,000 tons a year. Engineers estimate that development of this amount of water power equals a saving of $700,000 a day in coal bills.

It is known that a number of big electrochemical plants for making saltpeter and nitric acid from the air have been planned by private enterprise, and will be built as soon as the Shields bill becomes a law and makes it possible to finance these undertakings. These chemicals are essential to the manufacture of explosives and agricultural fertilizers, and at present the United States is wholly dependent for its supply upon the nitrate deposits of Chile. The Chilean Government collects a high tax upon every ton of nitrate exported. There is at

present not a single atmospheric nitrogen plant in this country, although Europe has 1,200,000 horsepower of hydroelectricity devoted to this use, and Germany is making 600,000 tons of saltpeter a year in such establishments for military and agricultural uses.

A few years ago Congressman SELLS told the Staff that it was his ambition to have located in the first district several of these plants, and it begins to look now like he will realize his ambition, for the passage of the Shields bill opens the door of opportunity.

Under the terms of the Shields bill the Secretary of War is authorized to grant permits for dams and power plants where he believes the building of such dams will improve navigability of streams. Dams are to be built without cost to the Government, and the grantees are to provide and operate locks, gates, sluice ways, etc., all without cost to the Government. Permits may be granted to individuals, political subdivisions of States, cities, or other municipal corporations, or to public-utility corporations. Intrastate business and rates of companies operating under the act are to be regulated by the States, the interstate service and rates by the Interstate Commerce Commission.

All plans for dams and works are to be approved by the War Department, as being the most adaptable plans for improvement of navigation and fullest development of waterpower possibilities. The grantee is to pay a rental for public lands used and a charge for rights and privileges in use of water, these rentals and charges to be fixed at the discretion of the Secretary of War, and the money received from same to go into a special fund in the United States Treasury, to be used for further improvement of waterways. Actual construction work on any project is to be begun within two years of the granting of the permit, and the works are to be completed within such reasonable time as the Secretary may prescribe. For failure to complete the works as directed, or for violation of the provisions of the act, or noncompliance with regulations or orders of the War Department, the grantee is subject to heavy cash penalties or to revocation of the grant.

Permits are to be granted for 50 years, after which time the Government may either extend the original lease, make a new grant, or upon one year's notice take over the property upon payment of its fair value, this value to be determined by mutual agreement or by the Federal courts, and not to include any allowance for any rights granted by the Government. The bill also provides that no value of rights granted by the Government shall be allowed in fixing rates to consumers. Dams, locks, and other structures used primarily for improving navigation are to be exempt from taxation.

Municipally owned dams and power plants for irrigation or for supplying power for municipal purposes are to be given preference in making leases for surplus water powers in the streams. The bill does not apply to water power on small streams and creeks used for grist mills, sawmills, etc.

The measure contains a drastic antimonopoly clause, providing that no dam or works constructed under its provisions shall be owned, leased, controlled, or operated "by any device or in any manner so that they form part of or in any way effect any combination in the form of an unlawful monopoly, or form the subject of an unlawful constraint or conspiracy to limit the output of electrical energy or in restraint of trade."

Although the war talk has prevented it from attracting any considerable public attention, the Shields bill has for several weeks been the subject of one of the most interesting debates on conservation of natural resources that has ever been held in the Senate.

Senator SHIELDS has served in the Senate only a brief time, but during that period he has displayed qualities of leadership and constructive statesmanship which have delighted his friends and confounded his enemies. That he should have sponsored such an important piece of legislation so early in his senatorial career, his admirers believe, presages a large career of service to the State and to the Nation.

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[From the Knoxville Sentinel, Apr. 15, 1916.]

MR. PINCHOT'S OBJECTIONS.

Mr. Gifford Pinchot is very much frightened over the passage of the Shields water-power bill in the Senate and its prospective passage in the House. Mr. Pinchot has written the editor of the Sentinel two letters denouncing the Shields bill. He has also written the selfsame letters to all the other leading newspapers of the country. Mr. Pinchot's second letter, just to hand, excitedly says:

"The iniquitous Shields bill, giving away the water powers on our navigable streams, about which I wrote you on February 15, has been driven through the Senate, but it has not passed the House. There is still a good chance not only to stop this raid on public property but to pass a fair and honest water-power bill in its place."

We are very deeply interested in the development of cheap power, for not only is it the great economic need of the future, on which the comfort and happiness of unborn millions will hinge, but it is an urgently needed present development to unlock the exhaustless resources stored up by nature in our hills and valleys and streams and the very air we breathe. We have studied the Shields bill, and it seems to guard in every way that words can express the production of cheap power. There is no compensation exacted by the Government of the power companies for the harnessing and use of the water power, but there is every provision possible made to restrict them from extorting an unfair profit from their investment. If the proposed law is such as to induce capital to develop the power and yet require it to supply it at a reasonable profit resulting in giving the people cheap power, it seems to us that this, being the one thing most universally desired, would be the best form of compensation for the use of the people's property in our navigable streams

Mr. Pinchot has been before the country as a conservationist for many years now, but if he has ever benefited the people through his propaganda we are unaware of it.

The Montgomery Advertiser, which is also one of the recipients of Mr. Pinchot's excited correspondence, says in reply:

"In order that Mr. Pinchot may have no illusions as to the stand of the Advertiser and the people of this section on the Shields bill, we will inform him that if there was any doubt as to how the Congressman of this district stood upon the measure the editor of the Advertiser would sit down and write him the strongest letter he could compose urging him (the Congressman) to use every means he honestly could to secure the Shields bill's passage, so that we could free and develop our paralyzed resources.

"Representing the sentiment of his district, the second district Congressman is friendly to the Shields bill. In fact, every Member of Congress from this State and the two United States Senators are stanch supporters of the measure, which promises to open to development at last our great water-power resources."

We are frank to confess that we have more confidence in our Democratic Congress and administration than we have in Mr. Pinchot, and we prefer to trust our judgment and theirs as to the merits of the bill rather than follow Mr. Pinchot's visionary lead, which has resulted in nothing practical.

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[From the Knoxville Journal and Tribune, Feb. 2, 1916.]

THE DEVELOPMENT OF WATER POWER.

The bill introduced in the Senate by Hon. JOHN K. SHIELDS, the purpose of which is the development of water power, is one eminently worthy of consideration in connection with national preparedness. The world is just entering a new epoch in industrial development. It is the beginning of an era when the wonderful powers of electricity are going to be adapted to the use of mankind.

As we understand—we have not seen a copy of the bill—it provides for cooperation between the Government and private capital in the erection of dams on navigable streams for hydroelectric purposes. The Government can well afford, while retaining control of navigable streams for the purpose of navigation, to at the same time give its consent to the use of such streams in a manner not to interfere with navigation, but also for power to drive machinery.

Attention has before been called to what is being done in fixing nitrates in the atmosphere, and in that way obtaining an article in the making of explosives that can now be had only from Chile. In case of a war with a foreign nation that source of supply might be cut off, and then this country would no longer be in a position to make its own ammunition. It has also been demonstrated that nitrogen, by means of electric furnaces, may be had from the atmosphere for making fertilizers.

The bill introduced by Senator SHIELDS is one showing that our Senator is keeping abreast of the time, and it should become a law. It was seen by those who read this paper yesterday that Senator UNDERWOOD, of Alabama, made a strong speech in favor of the bill.

A dispatch, printed also yesterday morning, told of a bill introduced by Hon. R. W. AUSTIN, of this district, favoring the erection of a factory in the neighborhood of Knoxville for making munitions of war. The bill may show that Representative AUSTIN is alive to the interest of his district—that he is always—but it also calls attention to the fact that in building such factories it is wiser and safer to have them at interior points away from the coast.

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[From the Nashville Banner, Apr. 24, 1916.]

THE WATER-POWER BILLS.

The New York Evening Post calls attention to the opposition from two extreme sources to the water-power bills pending in Congress. The greater part of the water power in the United States available for transmission into electricity is in the mountain regions of the far West, and is largely within Government reservations. There is a great impatience within that region for the development of water power, and the opposition to delays in removing Government restriction partakes of the obstreperous western temperament.

The two water-power bills before Congress, as is generally known, are the Shields bill, that provides for the construction of dams across navigable rivers, and the Ferris bill, that regulates the development of water power on public lands. To this latter bill there is violent opposition in the Rocky Mountain States, which would be the chief scene of its operation. In that region the whole idea of Federal regulation is antagonized. Colorado, Wyoming, Idaho, Utah, and Montana, along with Oregon, want to be let alone to deal with water power on the public domain included within their territory precisely as they see fit. Senator SHAFROTH, of Colorado, asserts that the aim of the Ferris bill is to "confiscate" water power belonging to the States; and he virtually served notice that the handful of Senators from the Rocky Mountain States would not permit any bill of the kind to come to a vote in the Senate.

Mr. Gifford Pinchot, nominally of Milford, Pa., a man born the possessor of a great fortune, who calls himself a professional "forester," and takes a dilletante interest in the conservation of natural resources, represents both the Shields and the Ferris bills as being fraught with iniquity and, for reasons, or alleged reasons, entirely opposite to those that have stirred the people in the Rocky Mountain States to such vigorous protest against any sort of governmental interference that would restrict the rapid development of the great water-power resources of that region.

Considering both of these attitudes, the New York Evening Post, a very judicious and high-class journal that could hardly be suspected of undue leaning toward schemes promoted by sharks, says:

"Our own belief is that anyone who, even approaching the water-power bills with a prejudice against them, gives them a close study, will find that they have a great deal to commend them. In their general aim they appear to be along the lines of Secretary Lane's recommendations. That is, they regulate, they restrict, they provide safeguards, yet they permit of development on a commercial basis. Doubtless a keen lawyer might find lurking perils in phraseology. A layman will suspect some. It is possible that the true and large interests of national conservation are endangered by one paragraph or another. We freely admit this, though our own examination of the bills does not disclose the alleged glaring defects. But our purpose at present is neither to defend not attack the bills as they stand. What we would urge is that the whole subject be given fair consideration in Congress and by the press; that the minds of those interested be brought together; and that the great need of reasonable legislation on this subject be not lost sight of in angry controversies over details. The United States is lagging behind in hydroelectric development; and the chief reason is that for six or eight years we have been laboring in vain to secure laws under which this neglected national work can be done. It will be a severe reproach to Congress if it fails to give due weight to this branch of national preparedness and does not hammer out workable bills, fair to all concerned, before it adjourns."

The Ferris bill doesn't materially affect the South. There are no Government reservations of consequence in this section containing great water powers, but the Shields bill that has to do with the damming of navigable streams is of close concern to southern interest and has been quite generally and earnestly approved in this section and in other parts of the country where conditions are similar to those in the South. All southern Senators except two, one from Tennessee and one from Texas, voted for it.

Only one Tennessee paper, so far observed, has been responsive to Mr. Gifford Pinchot's contention about the matter, and the motives that stir this journal are so obviously different from the idealism that moves Mr. Pinchot, they so plainly proceed from personal spite and individual

jealousy, having really no regard to either the merits or faults of the bill, that the opposition is of little consequence.

The gist of the matter lies in the two last sentences of the extract here reproduced from the comments of the New York Evening Post. Congress should do something to put the United States abreast of the world in this important matter and not allow the development of the country's resources to be hampered and retarded by useless legal restriction and the protests of sentimentalists.

The laws controlling our rivers were made with the sole view to navigation and without a thought of hydroelectric power, that promises to revolutionize industry and transportation, that means economic progress, and that the country must have if it is going to keep pace with the rest of the world.

Canada and Norway have both attracted capital that first sought investment in the United States, but went elsewhere because of the legal obstructions growing out of the use of streams in this country.

Tennessee should be proud to have a Senator broad enough to give thought and purpose to constructive legislation looking to the material progress of the Nation.

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[From the Chattanooga News, Mar. 9, 1916.]

BILL MEANS MUCH TO CHATTANOOGA—SENATOR SHIELDS CONGRATULATED ON ACHIEVEMENT—LOCAL MANUFACTURERS AND BUSINESS MEN ELATED—$50,000,000 WILL BE EXPENDED IN BACK YARD OF CHATTANOOGA.

Telegrams of congratulations were sent Senator JOHN K. SHIELDS Thursday by President Fred Arn, of the manufacturers' association; President Huston, of the chamber of commerce; Vice President Z. C. Patten, jr., of the same organization, and other citizens, expressing gratification at the passage of his river bill through the Senate Wednesday.

According to local manufacturers and capitalists, there will be $50,000,000 spent in the "back yard of Chattanooga," meaning at Muscle Shoals, as a result of the passage of the bill. They think there is no doubt of its passage through the House, and are regarding the Muscle Shoals development as already a certainty.

Twenty millions will be spent by the Federal Government at the shoals as a result of the bill's passage. Thirty-millions of private capital will be added to that. There will be a nitrate plant, and much surplus power delivered to Chattanooga, being an inducement of great pulling power for more great manufacturing plants to locate themselves in Chattanooga, and the consummation of one of Chattanooga's most fervent hopes will be realized—year-around navigation on the Tennessee River.

The expenditure of the Government's $20,000,000 will come about as a result of the adoption of the General Army Staff plans for the building of a nitrate plant. Muscle Shoals is the only available inland site for such a plant, and with the building of the dam and power plant there the Government will have power already furnished ready for use.

Regarding the building of the dam, financiers have been ready for several years to erect it at any time the Government would allow them to do so. They have not only been ready, but anxious, and it is expected that very little time will elapse before tangible developments will be under way.

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WASHINGTON, *March 9, 1916.*

The Shields water-power bill, after several weeks of filibuster on the part of its opponents, passed the Senate yesterday by a vote of 46 to 22, and now it goes to the House for consideration. In the closing hours of the conflict between the friends of conservation and the supporters of the plan to grant public rights for private privileges there was exhibited intense feeling among those who debated the question, and especially on the part of those who protested against the passage of the bill were there uttered harsh terms and exhibited feeling of resentment. When the bill was placed on its passage some of the leading opponents of the measure denounced it in severe terms as a giving away of rights that should be forever guarded and preserved by the Government.

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[From the Knoxville Sentinel, Mar. 11, 1916.]

SHIELDS WATER-POWER BILL.

It seems to us that the two vital interests involved in the Shields water-power bill as it passed the Senate, the offering of inducements for the development of water powers to generate hydroelectric power and guarding against the confiscation through monopoly of the people's interest in these far-reaching and all-important natural resources, have been served.

The two important objections offered by Mr. Pinchot and the other conservationists of Mr. Pinchot's way of thinking are that the Shields bill gives to the power interests the use of the power on navigable streams without compensation, and that it would create a monopoly in the use of these.

The present situation is that these vast potential resources of industrial activity and creative wealth are going to waste without doing either the people or the interests any service because of nonuse.

The provisions of the bill as passed appear to us to obviate both of the Pinchot objections. It is not provided that the power interests shall directly compensate the Government for the water-power rights, but the granting of these are so hedged about by governmental supervision, regulation, and control, with State commissions and the Interstate Commerce Commission given power to regulate rates in the interest presumably of both the power companies and the consumers, that the most valuable consideration must accrue to the people in cheap and abundant electric power to serve all the vast and varied industrial and domestic needs that this agency is destined to take care of in the future.

It is true, we think, that the conferring of these great water-power rights, under the discretion of the Federal Government, will insure to the power interests well-nigh incalculable profits, but the mutual profit to the public will doubtless foot up greater still, while without the inducement to the power interests to invest their capital and enter upon the enterprise, nobody will be benefited, since the power interests decline to venture their capital in it under existing laws.

"The bill is primarily framed in the interest of the consumers," Senator SHIELDS states. "It provides for cheap power by which fertilizers and many necessaries of life can be produced and furnished to the people cheaper than is now done with power produced by steam. It contains an express provision prohibiting a development from constituting a part of a monopoly or a conspiracy in restraint of trade, supplemental to the prohibitions of the Sherman antitrust law. It gives the public-service commissions of the State where the plant is located jurisdiction to fix and regulate the rates charged to the consumers for the hydroelectricity and power produced, except when it enters into interstate commerce, and then jurisdiction is vested in the Interstate Commerce Commission.

"Instead of giving the power companies anything which can be used for exploitation of the public, this bill, by retaining to the Government the title in the power site, closes the door to any stock watering or financial chicanery which might serve as an excuse for high rates or charges. Under this bill capital is offered certainty of tenure and reasonable terms which will assure development, the public is amply protected by provisions insuring low rates and only fair profits, and the whole country will benefit by the use of a now neglected and disused resource which will conserve the fuel supply."

The measure thus guarded and hedged about in the interest of the people has rightly been declared to be a great piece of constructive legislation, and the passage of the bill in the Senate by more than a 2 to 1 vote is an achievement of which Senator SHIELDS may well be proud, in view of the fact that it is the result of quiet, persistent, intelligent, and sustained work amid the hurly-burly of a session of Congress which has had much to do with wars and rumors of war.

The Sentinel heartily joins with other friends of Senator SHIELDS in extending congratulations to him for the success of his measure in the Senate and our best wishes for its similar success in the House.

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[From the Nashville Banner, Mar. 18, 1916.]

THE WATER-POWER BILL.

President Wilson, in a letter to Representative KENT, of California, has said: "I agree with you that it is better to let water power run to waste than to settle the question of its use in the wrong way." This has been seized upon by some of the so-called conservationists as an indication that the President is opposed to the Shields water-power bill as it passed the Senate, and may veto it if it passes the House. The language used by the President in this letter doesn't warrant that conclusion, and if he should take that course it would not necessarily follow that he was right. His infallibility as yet has not been established.

There is, of course, a wrong way in which the question concerning the use of water power might be settled, but it doesn't follow that the President considers the provisions of the Shields bill in that light. The President ignored the extravagant protest made to him by Mr. Gifford Pinchot on the subject, and that is as strong an indication of his position relative to this specific measure as was the generalized expression quoted from the letter to Congressman KENT.

In Sweden and all over the world, except, temporarily, perhaps, in those unfortunate lands involved in war, water power for the manufacture of electricity and atmospheric nitrogen is being rapidly developed. Capitalists eager to invest in such enterprises in the United States have gone in preference to Canada, because of legal restraints in this country. The United States wishes to keep abreast of the world in this important particular, and there should be no unreasonable delay in beginning.

The hope of the development and growth of southern industry lies largely in the new uses to be made of water power. The South for many years has lagged painfully in industrial progress, largely through sentimental reasons and because of too much adherence to the teachings of political doctrinaires; it should not suffer any longer impediments of this kind if they can be avoided.

There is in Tennessee more than a million horse power in water power that needs legislation like that embodied in the Shields bill to facilitate its development.

There are immense possibilities in the Mussel Shoals of the Tennessee River, within easy reach of Nashville, awaiting development that should not be delayed.

If work of this kind is accomplished, it must be in the main through the agency of private capital seeking profitable investment. Monopolies and franchise grabbing are evils to be always considered. The Shields bill, it is understood, contains adequate provisions for the protection of the public interest in that regard. It is baneful sentimentality that would obstruct needed industrial progress through mistaken ideas of conserving public rights in natural resources that the public is never going to develop through its own agencies.

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BUSINESS MEN'S CLUB, MEMPHIS.

Resolution adopted by the Business Men's Club Chamber of Commerce, Memphis, Tenn., at a regular meeting of the board of directors, May 19, 1916.

Resolved, That the Business Men's Club Chamber of Commerce of Memphis, an association representing the commercial and agricultural interests of Memphis and the prosperity and comfort of a population of 200,000, hereby indorses the Shields bill as passed by the Senate, free from impractical provisions that so disastrously have prevented water-power development in recent years, and hereby respectfully urges upon the House of Representatives the immediate passage of this bill; and be it further

Resolved, That a copy of this resolution be mailed by the secretary of this association to every Senator and Congressman from the State of Tennessee, and to every commercial and agricultural association with whom this association is in correspondence or affiliation.

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[From the Nashville Banner.]

PINCHOT'S ATTACK ON SHIELDS BILL DRAWS FIRE OF SENATOR UNDERWOOD, WHO CHAMPIONS THE MEASURE.

[By Jesse S. Cottrell.]

WASHINGTON, *February 2.*

Gifford Pinchot, former Chief Forester of the United States, and the leading spirit in the ultraconservative school of conservation, is out in an attack of what is known as the Shields water-power bill, introduced in the Senate by Senator JOHN K. SHIELDS, and designed to develop the water powers of the country, with ample protection afforded for all interests involved.

Tennessee and Alabama are perhaps more deeply concerned about the fate of the Shields bill than any other States, owing to the million dollars awaiting Federal permission by such legislation, as proposed in the Shields bill for investment in the South. Senator OSCAR W. UNDERWOOD has replied to Mr. Pinchot's criticism as follows:

"Mr. Pinchot's objections to the Shields bill, it seems to me, are based largely upon a misunderstanding of the actual provisions of the bill. One of his main objections is based on the idea that if the bill passes

it will enable great corporations to monopolize the water power of the country. If it is true that there is a monopoly of the water powers of the United States to-day, which I do not recognize to be a fact, the failure to pass legislation only makes that monopoly more secure in its actual vested interest, because competition is throttled by the failure to develop the water powers on the navigable streams of the United States.

"There has been no development of the water powers on navigable streams under existing legislation in the last decade; and if the obstructionists who have endeavored to prevent legislation that will bring about the development of the water power of the navigable streams of the country would succeed in their efforts to block legislation, there would be no relief from the monopoly they complain about. The Shields bill does not grant rights or privileges to anyone, but merely places in the hands of the Secretary of War, acting through the Government engineers, the right to grant permits to build dams for the purpose of aiding navigation and the production of hydroelectric power on such terms as the Government, in its wisdom, shall agree to.

"I am not prepared to agree to a statement that implies that our Government, acting through the Secretary of War and the engineers of the United States, would agree to permits that would continue or produce a monopoly of the hydroelectric power of this country.

"I can not at this time go into a complete analysis of the Shields bill, but I am of the opinion that anyone who will read the bill and compare it with Mr. Pinchot's statement will find that there are very few of the statements by Mr. Pinchot that are sustained by the provisions of the bill."

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[From the Nashville Banner, Nashville, Tenn., Mar. 14, 1916.]

WATER POWER.

For many years the South has been admonished that its greatest need is the development of its natural resources, and the admonition had its basis in self-evident fact. In so far as the South has been favored by nature, no portion of the globe is more liberally endowed with great advantages and possible wealth.

In so much as this region has been backward and not materially abreast of other portions of the country—some of them less favored by nature—the reason was that its resources were undeveloped. It is not necessary here to consider those reasons. They came in most part of past conditions and circumstances that are now being rapidly overcome.

One thing that affords much promise for the utilization of the South's great natural resources is the immense use to which water power under advanced methods may be put, and the facilities the South possesses for meeting the demand for the application of this power to manufacturing and other extensive purposes in consonance with the progress of the day.

The Shields bill that recently passed the United States Senate and is now pending in the National House of Representatives has for its purpose the facilitating of that work, and it received the votes of all the southern Senators except two—LEA of Tennessee and SHEPPARD of Texas. The senior Senator from Tennessee did not explain his vote, but it was in keeping with his usual personal antagonism to his colleague, the junior Senator, who was the author and chief advocate of the bill.

The Banner approved the passage of this bill on its merits without regard to who advocated or opposed it, and it is on its merits that it will and should be considered by the country.

Mr. Gifford Pinchot, an impractical enthusiast, whose inherited wealth has enabled him to spend time and money in quixotic exploitations, has scattered a circular letter broadcast over the country in opposition to the Shields bill. He first put his objections in the form of a letter to President Wilson, that the Chief Executive ignored and the news associations refused to handle. Then it was put in the form of a circular and widely disseminated. The Banner received a copy some weeks ago. Yesterday it was reproduced in the Tennessean and American.

The Shields bill was introduced at the last session of Congress and was favorably reported by the Commerce Committee in that body. It was not reached on the calendar, but was reintroduced at the present session of Congress. It was again unanimously recommended for passage by the Commerce Committee and passed by the Senate by a substantial majority.

Mr. Pinchot's extravagant assault on the measure was without practical effect on the Senate. The local publication of his letter had probably an ulterior purpose that is also likely to fail.

The Shields bill authorizes companies and corporations, with preference to municipalities and public-utility companies, to build dams in navigable streams for power-development purposes without resort to Congress, but plans must be submitted to the Secretary of War and his permission obtained before the work can proceed. He may impose certain conditions, including the construction of locks and dams and other facilities for navigation, at the expense of the company undertaking the work. The permit is limited to 50 years, and may be forfeited sooner by violation of its terms. At the end of 50 years the property may be taken over by the Government and re-leased under then existing laws.

It is further provided that the business and property of the company making the development shall be subject to the laws of the State wherein located, and the charges and rates for water and power shall be regulated by the States and be subject to State taxation after the manner of other public-service corporations.

These salient features of the bill destroy the Pinchot contention that the measure is in the interest of monopoly and would make possible the unjust seizure of public rights by greedy corporations.

The provisions of the bill apply to the country at large, of course, but the South has a peculiar interest in its provisions, and Tennessee may specially benefit by what it makes possible. It is estimated that east Tennessee alone has water power in the aggregate of 1,000,000 horsepower which can not be developed under existing laws.

There is at the Muscle Shoals, in the Tennessee River, a water-power possibility of over 600,000 horsepower. This is in northern Alabama, but in easy reach of Nashville and other Tennessee cities, for which it could furnish hydroelectric power.

The development of the Muscle Shoals might also be used for the fixation of atmospheric nitrogen used in the manufacture of fertilizer and high explosives. The annual importation of nitrogen into this country from Chile amounts approximately to $21,000,000. The Muscle Shoals is said to be the finest location in the United States for a plant for producing atmospheric nitrogen.

Capitalists seeking locations for water-power development have been going to Canada for the location of their plants because of unfavorable restraints on such investment in this country that the Shields bill would remove.

So far from creating a monopoly, the bill would lend such facility to investments of this kind as to destroy monopolies now existing. It is said, in fact, that the chief opposition to the measure has come from those who control existing water-power plants in the Northwest and who are afraid of the competition it would make possible.

While the public rights are properly safeguarded and conserved, every possible facility and encouragement should be given to the investment of capital in enterprises of this character. The progress it would bring is not to be impeded by men imbued with political animosities, seeking personal revenge, nor by the vagaries of fanciful idealists, or yet by egotistic sentimentality that exploits itself for the sake of notoriety.

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[From the Chattanooga Times, Chattanooga, Tenn., Mar. 16, 1916.]

THIS CITY TO GET BENEFIT—RIVER MAY BE IMPROVED AS AN INCIDENT TO PREPAREDNESS—MANY COMPLIMENTS PAID SHIELDS FOR HIS VICTORY—COMMERCIAL AS WELL AS MILITARY IMPORTANCE CONNECTED WITH PROJECT FOR ESTABLISHING NITROGEN PLANT AT MUSCLE SHOALS.

Having just returned from Washington, a local business man and manufacturer gives the following impressions gathered at the National Capital:

One of the members of the brigade post committee made a very interesting report, giving some information gathered at Washington which is welcome news to those interested in the development of this section.

Among other things he commented on the fact that while in Washington last August he found very few Members of Congress who happened to be there and very few citizens throughout the North and East who had much interest in the question of the fixation of nitrates from the air. Only a few who had made a study of this condition abroad and who were familiar with what it had meant to Germany in the past 12 months were talking, only in a general way, about the nitrate needs of this country. Since that time a tremendous volume of literature has been compiled and distributed throughout every State in the Union and placed in the hands of every Member of Congress, until now the entire country is alive to the fact that something must be done to free this country from its dependence on Chile.

Certainly anyone who spends time in Washington will not fail to hear from almost every quarter compliments paid to the fine manner in which Senator SHIELDS conducted the fight for his general dam act. And certainly one less skilled in a parliamentary way than Judge SHIELDS would have been far less successful. This act, having met all the so-called "conservation opposition" that was possible, and coming through with such a tremendous majority, practically insures its passage through the House; but much more difficulty would have been experienced had not the general feeling been so strong for power developments to meet the requirements of the Government, which made everyone feel kindly to any measure that looked to the utilization of this waste energy and the applying of it in some practical way.

URGENT FEATURE OF THE PREPAREDNESS MOVEMENT.

Two significant things happened last week which have been noted in the press, but their significance was especially realized by those who have been in direct touch with the affairs in Washington. One was the meeting in New York of the Naval Advisory Board and the report of Dr. W. R. Whitney, of Schnectady, N. Y., who had been delegated to make a report on the production of nitrogen from the air. His report was unanimously approved, and, among other things, were these significant statements: That the Naval Advisory Board should urge President Wilson to take such steps immediately as might be necessary to create a commission, preferably from the Departments of Agriculture, Interior, War, and Navy, to make effective immediately such plans as might be necessary for the Government production of nitrogen from the air, further stressing the fact that it is not only immediately vital from the standpoint of "preparedness," but equally important from an economic standpoint in making adequate fertilizer for the farmers at a reasonable price. The commission was urged to plan immediately for the utilization of water powers in working out the proposed plant or plants. The next day there appeared from the Government press, Report No. 297, from Mr. HAY, as chairman of the Committee on Military Affairs, together with a report on the hearing before that committee, on ways and means for increasing the efficiency of the Military Establishment of the United States. This report is one of 24 pages, and while it deals with all phases of "preparedness" the following paragraph stands out paramount in the entire report:

"The bill also provides for the authorization of the plan for the manufacture of nitrogen in order to supply the country with powder to make it independent in time of war of every foreign source of nitrogen. This committee considers this question of the first importance in the consideration of preparedness for national security."

Following this, in small type, six pages are devoted to the arguments and data in favor of such a proposed measure. With this report coming from the Military Affairs Committee, backed by the sentiment in the Senate, as evidenced by the Shields bill, also coupled with the report of the Committee on Agriculture, emphasizing the nitrogen interest as of first importance from the agricultural standpoint, it almost seems that the bill authorizing the appropriation for an air-nitrogen plant would be passed quickly and by an overwhelming majority.

BETTER WATERWAY AT CHATTANOOGA IN PROSPECT.

While the proposed measure will not designate Muscle Shoals as the location for this plant, it is a fact that the Government engineers have not made a report on any other adequate location and almost all of the prominent dailies throughout the country have published the statement that when this bill was passed it would mean the immediate designation of Muscle Shoals and immediate work on the large dam at that point. This would then leave but two smaller dams, which would be entirely incidental, and of course they would be provided for at an early date through the Rivers and Harbors Committee of the House and the Commerce Committee of the Senate; in fact, one of the most influential United States Senators made the statement that the very importance of the Tennessee River would not even require another visit from a delegation, as they would be put through as soon as work could begin without any fight.

When it is considered that only a small proportion of the power will be necessary for Government use and a large proportion will be utilized for industrial purposes, all of which or a great part of which can be economically utilized here in Chattanooga, the passage of this measure will mean the biggest development for the South that has ever come

our way; and, coupled with all, it gives us at least 6 feet in the Tennessee River from Chattanooga to Paducah 12 months in the year.

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[From the Nashville Banner, Mar. 2, 1916.]

IMPRACTICAL MR. PINCHOT.

Hon. G. E. Condra, chairman of the executive committee of the National Conservation Congress, has disavowed the right of ex-Chief Forester Gifford Pinchot to speak for the congress.

Mr. Pinchot is very active in opposition to water-power bills now pending in Congress. Very officious would likely be the more appropriate term. In the administration of the office of Chief Forester he proved himself an impractical enthusiast and his continued voluntary work in the cause of conservation is of the same character.

Conservation is a proper principle, but Mr. Pinchot would retard industrial development and prevent the utilization of the water powers of the country, now so extensively undertaken, or projected, for the purpose of producing electricity. The practical sense of the country doesn't accord with Mr. Pinchot's theories.

Hydroelectric power promises much for industrial progress, but Mr. Pinchot would retard or prevent its development by private capital for corporate uses. He calls that the appropriation of public rights for private use. Yet such rights would be of small benefit to the public as long as they are not utilized and under existing economic conditions they can't be utilized, or assuredly are not likely to be utilized except by the investment of capital to which the enterprise promises profit.

The public domain and what pertains thereto should be carefully conserved for the public benefit. There has likely been much wastefulness of this kind in the past. In many instances the public possibly has been robbed to glut private greed. The public interest should be well guarded against that manner of rapacity, but the public interest also demands development and it would be folly to impede it through the quixotic ideas on the subject Mr. Pinchot seems to entertain.

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[From the Morristown Gazette, Morristown, Tenn., Mar. 15, 1916.]

WATER-POWER DEVELOPMENT.

The Shields bill that has passed the Senate and is now ready to go before the House will, if it becomes a law, not only render farmers and planters independent of Chile's present monopoly in nitrates, commonly called saltpeter, but will cheapen the fertilizer 50 per cent, and also greatly aid the Government in the manufacture of explosives by the use of the nitrogen fixation plant, which would obtain its means of operation from the waterways that capital will be encouraged to develop. The numerous streams and tributaries that are at the present time allowed to waste their colossal energy and might in the useless condition which they have so long been kept will be harnessed to water wheels and various other mechanical inventions of late years and made to furnish the same amount of horsepower, or a volume of electricity equaled to that produced by a coal consumption of 100,000,000 tons a year, thereby saving, it is estimated, $700,000 a day in coal bills. The Shields bill, while it encourages capital to aid in the development of water power and the rivers, at the same time provides that the Government will not relinquish supervision over the same. It was due to the untiring efforts on the part of Senator Shields that this bill was passed, it being opposed by such clever parliamentarians and able debaters in the Senate as Senators REED, CUMMINS, and WALSH. The vote of 46 to 22 makes it evident at a glance that Tennessee's eminent statesman won a victory of no small importance in the United States Senate.

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KNOXVILLE BOARD OF COMMERCE, KNOXVILLE, TENN.

Whereas this whole Appalachian section is much interested in the development of hydroelectric plants and in the preservation and conservation of the watersheds involving the permanency of our water-courses; and

Whereas we recognize in the so-called Shields water-power bill, which was recently passed by the United States Senate, a broad, comprehensive, and statesmanlike treatment of the subject of the construction of dams across navigable waters: Therefore be it

Resolved, That we heartily approve of said bill as passed by the Senate and recommend the same to our Congressman in the lower branch of the Government: And further

Resolved, That we congratulate Senator SHIELDS on the splendid statesmanship shown by him in the preparation of this measure and in successfully engineering it through the upper branch of Congress.

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[From the Knoxville Journal and Tribune, Apr. 14, 1916.]

KINDLY ADVICE UNAPPRECIATED.

The editor is in receipt of a fatherly sort of a letter from a distinguished citizen and patriot warning him and the country against the iniquities of the Shields water-power bill. The letter is from Gifford Pinchot, who carried upon his broad shoulders the national interests of conservation.

It was very kind of Mr. Pinchot to write the letter, and in writing it he meant it for our and the country's good. It may be congenital obtuseness on our part, but we have to confess we don't see the danger lurking in the Shields bill as it is seen by the ever-watchful Pinchot eye.

We happen to be one of those who believe the time has come when this country should take advantage of its water power in the promotion of our industries. The fact has been developed that through the use of such power, electricity may be generated at a reasonable cost, and in that way electric motive power may be applied to many inestimable uses.

We are living at a time when one of the subjects more discussed than any other is that of preparedness for national defense. Preparation for national defense means, along with other things, facilities for manufacturing munitions of war. Explosives can not be made without nitrogen, our supply of which is shipped all the way from Chile. But through the use of electric power we may procure our nitrogen, taking it from the atmosphere.

By that process we may add largely to our supply of fertilizers, something the farmers of the country need if they are going to keep up and add to the productivity of their soil.

We are truly sorry that we do not see in the Shields bill the iniquities as Mr. Pinchot sees them, and while grateful to him for his gratuitous advice, as we see it, we can not work ourselves up to the point of agreeing with the great conservationist.

[From the Nashville Banner, Apr. 18, 1916.]

HYDROELECTRIC POWER.

An example of the great use to which hydroelectric power will be put in the future is afforded by the Chicago, Milwaukee & St. Paul Railroad. That corporation will operate 440 miles of track, from Harlowton, Mont., to Avery, Idaho, with that manner of power. One hundred and fifteen miles of the route is now in operation.

This line will be along what is known as the backbone of the continent, in the region of the Great Divide, at an altitude of 6,300 feet.

The trains will be pulled by heavy electric tractors that will displace steam locomotives, and the power will come mainly from the great falls of Montana. At several other points the energy of mountain streams transformed into electricity will add to the power supply.

The electric tractors employed on this road are described as veritable leviathans. They weigh 284 tons, with a length of 112 feet 8 inches. They draw heavier trains at a higher speed than the steam locomotives, and over steep grades. Each is said to be more than 10 per cent more powerful than the modern Mallet engine.

The electric engines are smokeless and comparatively noiseless. They are more efficient and much cheaper than the coal-burning locomotives.

Hydroelectric power is going to work wonders in transportation and industry, and there should be no unreasonable impediments to its speedy development wherever it is available.

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[From the Chattanooga News, May 9, 1916.]

The National Conservation Congress indorsed the Shields water-power bill by a vote of 116 to 39. The bill has been much maligned. It is by no means a "grab" measure, and the rights of the public are fully protected. It will develop the waterways. At a time when measures having to do with waterways are classed by the thoughtless as "pork," it is a welcome sign when the Conservation Congress realizes that true conservation means making the best uses of the forests and waterways for the public and not, as many believe, keeping hands off of waterways and forests.

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[From the Chattanooga News, Mar. 10, 1916.]

SHIELDS BILL IN THE HOUSE.

The Shields bill, which has passed the Senate and which Senator SHIELDS declares will be followed, if enacted, by early development of water powers aggregating 15,000,000 horsepower, or a volume of electricity equal to that produced by a coal consumption of 100,000,000 tons a year, and meaning the saving of $700,000 a day in coal bills, will have a hard fight in the House.

Under the Shields bill the Government will have strict supervision of development of water power. While capital is encouraged to help develop the water power and the rivers, the Government does not relinquish supervision. The rentals are to be converted into funds for improving the waterways. The development of the water powers will center interest of the people on the waterways and will force the Government to give the waterways at least halfway adequate treatment.

Some of the strong points of the Shields bill show the manner in which its enactment might bring about the development of waterways throughout the country. Under its terms the Secretary of War is authorized to grant permits for dams and power plants where he believes the building of such dams will improve navigability of streams. Dams are to be built without cost to the Government, and the grantees are to provide and operate locks, gates, sluiceways, etc., all without cost to the Government. Permits may be granted to individuals, political subdivisions of States, cities, or other municipal corporations, or to public-utility corporations. Intrastate business and rates of companies operating under the act are to be regulated by the States, and interstate service and rates by the Interstate Commerce Commission.

All plans for dams and works are to be approved by the War Department as being the most adaptable plans for improvement of navigation and fullest development of water-power possibilities. The grantee is to pay a rental for public lands used and a charge for rights and privileges in use of water, these rentals and charges to be fixed at the discretion of the Secretary of War, and the money received from same to go into a special fund in the United States Treasury to be used for further improvement of waterways. Actual construction work on any project is to be begun within two years of the granting of the permit, and the works are to be completed within such reasonable time as the Secretary may prescribe. For failure to complete the works as directed, or for violation of the provisions of the act, or noncompliance with regulations or orders of the War Department, the grantee is subject to heavy cash penalties or to revocation of the grant.

Permits are to be granted for 50 years, after which time the Government may either extend the original lease, make a new grant, or upon one year's notice take over the property upon payment of its fair value, this value to be determined by mutual agreement or by the Federal courts, and not to include any allowance for any rights granted by the Government. The bill also provides that no value of rights granted by the Government shall be allowed in fixing rates to consumers. Dams, locks, and other structures used primarily for improving navigation are to be exempt from taxation.

Leading Chattanoogans, through the News, expressed themselves as gratified at the passage of the measure in the Senate. It is believed that the Shields bill will open the way for the full realization of the great Muscle Shoals plan.

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[From the Knoxville Journal and Tribune, Apr. 17, 1916.]

PINCHOT'S PEN.

The Montgomery Advertiser is another paper whose editor is in receipt of a letter written "on some elegantly embossed stationery" by Gifford Pinchot, who seems to have taken upon himself the task of telling all editors of the "iniquities" of the Shields water-power bill. Three of these have been recently received by the editor of the Journal and Tribune.

Mr. Pinchot, be it known, is about the only man left to look after the conservation interests in this country of ours. But he does not seem to have the influence with the editors he thinks he should have. The editor of the Montgomery Advertiser is one of the stiff-necked ones, and makes reply to the letter in the unsympathetic paragraph here copied:

"In order that Mr. Pinchot may have no illusions as to the stand of the Advertiser and the people of this section on the Shields bill, we

will inform him that if there was any doubt as to how the Congressman of this district stood upon the measure, the editor of the Advertiser would sit down and write him the strongest letter he could compose urging him, the Congressman, to use every means he honorably could to secure the Shields bill's passage, so that we could free and develop our paralyzed resources."

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[From the Chattanooga News, Feb. 28, 1916.]

THE SHIELDS BILL.

A hot fight is being waged on the Shields bill to provide for leasing of water-power sites on navigable waters to private interests. The measure may be so amended as to satisfy the conservations leaders, who are opposing it.

The Shields bill applies only to navigable streams. It will not interfere with the conservation of small streams and creeks.

Recently in defense of his bill Senator SHIELDS said:

"Speedy development of 150,000,000 horsepower now flowing to waste in the navigable rivers of the United States will follow the enactment of this bill into law. This power is equal to that now generated by steam plants which are now consuming over 100,000,000 tons of coal annually, at a cost of approximately $250,000,000 a year, or $700,000 a day.

"These unused water powers can not be developed until this legislation has been enacted, because present laws do not offer terms which will induce the investment of the hundreds of millions of dollars that must be put into the dams, wheel pits, power houses, and transmission lines. In the United States to-day there is not a single plant in operation for the fixation of atmospheric nitrogen and the production of cynamide and nitric acid, while Europe, with no better average water powers than ours, is utilizing more than 1,000,000 horsepower in these wonderful new electro-chemical industries. This in itself is the complete proof that American investors will not put their money into water-power development and dependent new industries under the present laws."

He declares the bill is primarily framed in the interest of the consumers; that it provides for cheap power by which fertilizers and many necessaries of life can be produced and furnished to the people cheaper than is now done with power produced by steam; that it contains an express provision prohibiting a development from constituting a part of a monopoly in restraint of trade, supplemental to the prohibition of the Sherman antitrust law. He says, also, that it gives the public service commission of the State where the plant is located jurisdiction to fix rates and regulate the rates charged to consumers for the hydro-electricity and power produced, except where it enters into interstate commerce, and then jurisdiction is vested in the Interstate Commerce Commission.

Senator SHIELDS says:

"Instead of giving the power companies anything which can be used for exploitation of the public, this bill, by retaining to the Government the title in the power site, closes the door to any stock-watering or financial chicanery which might serve as an excuse for high rates or charges. Under this bill capital is offered certainty of tenure and reasonable terms, which will assure development, the public is amply protected by provisions insuring low rates and only fair profits and the whole country will benefit by the use of a now neglected and disused resource which will conserve the fuel supply.

"The United States has no property interest in the waters and beds of navigable streams. These belong to the States and the riparian proprietors. The Supreme Court of the United States has frequently held that the United States has no proprietary interests in navigable streams, but solely the police power to improve and regulate them for navigation under the commerce clause of the Constitution. But the present laws prohibit the use of them without consent of Congress. This bill authorizes the Secretary of War to give such consent after full examination of the proposed improvement and the navigable resources of the stream upon such conditions as he may require, including the construction of locks and all other navigation facilities, at the expense of the company making the improvement."

In other words, it is the opinion of Senator SHIELDS that his bill will greatly encourage just such developments as that at Hales Bar. The dam, locks, and other navigation facilities were built by Mr. Brady at his own expense. Advocates of the Shields bill think it will facilitate the Muscle Shoals development, which will be the third largest power development in the United States, and will furnish power for the treatment of the great phosphate resources of Tennessee, greatly reducing the cost of rendering it into condition to be used as fertilizer, by a process much cheaper than the present treatment by sulphuric acid.

In spite of Senator SHIELDS's strong defense of the bill, it is said that there is a large lobby in its favor—and this arouses distrust in the measure as to its power to protect the interests of the people against the trusts. Legislation which will bring development of the water power and improvements for the navigable streams is greatly to be desired. Wilson, Lane, and others have recommended it. It should be such legislation as will fully protect both the interests of the public and the investors. The Government is showing an inclination to fail in its duty to the waterways. Certainly the water power resources of the country have hardly been tapped.

Whether the Shields bill offers sufficient protection to the public or not, it will show the way for a measure which will fill the requirements.

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[From the Knoxville Journal and Tribune, Mar. 10, 1916.]

THE SHIELDS WATER-POWER BILL.

This important measure, of which Senator JOHN K. SHIELDS is the author, was passed by the Senate Wednesday by a vote of more than two to one. As passed it is substantially as at first written by Senator SHIELDS. No amendment was adopted that did not meet with the approval of the Tennessee Senator.

As has before been stated in this paper, the bill provides for the erection of dams on navigable streams for the purpose of furnishing water power for industrial purposes. Licenses for such dams may be had from the Secretary of War. Ample protection is made against monopoly, and the interests of the Government and the public are safeguarded. The opposition to the bill was engineered chiefly by Gifford Pinchot, who for some years past has presumed to have a commission from Deity, or words to that effect, to take charge of all conservation interests in the country.

Senator SHIELDS has been complimented for the skill and ability with which he has managed his bill, the final vote after weeks of discussion bearing testimony to that.

It is something of a coincidence that on the same day the bill was passed in the Senate the Naval Consulting Board of the United States, in session at New York, adopted a resolution requesting Secretary Daniels to urge the President to create a commission to make effective the synthetic production of nitrogen in this country.

While the subject of preparedness for national defense is uppermost in the minds of the American people, the fact will not be overlooked that we are now and have been dependent upon Chile for a supply of the nitrates. In case of a war of invasion such a supply from that source would be in danger of obstruction, cut off, and then the Nation would be out of material for use in the manufacture of explosives.

Such a risk as that need not be taken, and the Shields bill, if it passes in the House and becomes a law, will facilitate the production of our own nitrates by the use of water power. What is proposed by the Naval Consulting Board will be accomplished through the Shields law.

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[From the Chattanooga Times.]

SHIELDS WATER-POWER BILL.

There seems to be reason for believing that the Shields bill releasing water power now tied up and of no use to the country, because the Government plays a sort of dog-in-the-manger policy—refusing free concessions to private enterprise and declining itself to develop the same—may become law, even the conservationists who have been opposing it having at last agreed that it is not such a bad law after all. The objection made to it, that it gave away in perpetuity rights that ought to be kept in trust for the future generations of the country, has been overcome, for the very simple reason that the proposed bill does not give away the rights in perpetuity at all; it simply authorizes the Government to dispose of any power sites under its control to private parties for 50 years, at the end of which time the Government may itself take over the property at a fairly appraised valuation and use the same in any way it shall deem best for the benefit of the public. Every possible safeguard, it would seem, has been thrown about the measure, so as to prevent the exploitation of the public and the abuse of public rights. We are quite sure that if States and municipalities had been as careful in granting their franchises to railroads and public-utilities corporations as the provisions of the Shields bill is in protecting the rights of the people there would never be any outcries against exorbitant charges, excessive rates, and gross discrimination, such as have been practiced by those operating railroads, water plants, telephone exchanges, etc., all of which are supposed to be creatures of, and therefore the servants of the public.

The strongest argument for the passage of the Shields or a similar bill to the same purpose is that millions of dollars are ready for investment in plants having for their purpose the development of electrical power through the use of the inland waters of the country. Senator SHIELDS has said that if this bill should become law the development along the Tennessee River would within the next few years add immeasurably to the wealth of the country and become a most powerful agency in promoting the industrial development of the States through which it passes. As it is, few men of wealth are willing to undertake such development hedged about as they would be under present rules and regulations governing running streams under control of the Government.

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[From the Chattanooga Times.]

SHIELDS WATER-POWER BILL.

The Shields water-power bill pending in Congress has been attacked by Mr. Gifford Pinchot and others on the ground that it opens up the way for selfish personal interests to absorb all the water power of the country, thus putting the people in the grip of a merciless trust. In brief, the bill, which gets its name from the author, Senator JOHN K. SHIELDS, of this State, repeals the Federal statute providing that in order to build dams for water power or other structures across or in navigable streams an act of Congress granting the right must be passed. The Shields bill restores the right to grant the privilege to the State wherein the water power sought to be developed is situated and to the riparian owners, a right that prevailed until a few years ago. The provision of the present law can be well illustrated by a reference to the procedure necessary to the building of the Hale Bar Lock and Dam and the Market Street Bridge. The purpose of the Shields bill is to make such enterprises possible without a congressional enactment.

It is stated that the War Department has indorsed the measure and that the public welfare requires it, since under existing laws the development of the water-power resources of the country is practically impossible. The Shields bill authorizes companies and corporations, with preference to municipalities and public utility companies, to build dams in navigable streams for power-development purposes without resort to Congress, after having first submitted their plans and obtained the approval and permit of the Secretary of War, upon certain conditions that he may impose, including the construction of locks in the dams and other facilities for navigation at the expense of the developing company. The permit will continue for a term of 50 years, unless sooner forfeited for violation of its terms, at which time the property may be taken over by the United States and re-leased under then existing laws.

Other safeguards are included in the measure which, it would seem, ought to satisfy the most sensitive reservationist, since it is made practically impossible for any company or trust to exploit the people or deprive them of their rights, either by exorbitant charges or combination in restraint of the free use of navigable streams for purposes of transportation. It is pointed out by Senator SHIELDS that the passage of this act is necessary to the full development of the wonderful resources of the Tennessee River, and it is suggested that on its passage may depend the erection of an enormous plant near Mussel Shoals for the generation of hydroelectricity for the fixation of atmospheric nitrogen used in the manufacture of fertilizer and high explosives, all of which is now almost exclusively imported from Chile at an annual expenditure of $21,000,000.

If, as seems to be the case from the documents accompanying the copies of the bill sent to this office, the public rights are securely safeguarded and the avenues for the development of the country's resources are thereby opened up without harm to the welfare of the people or the abridgment of the Government's authority over navigable streams, the passage of this measure would at once stimulate development of water-power resources all over the country, and especially along the Tennessee River, the waters of which, it is stated, are susceptible of developing more than a million horsepower of electrical energy. We have not noticed that under the present law anything more than trouble and delay have been occasioned, for Congress has generally granted such rights as have been asked; the Shields bill will, therefore, only facilitate the

developments necessary to make the Tennessee potential in the building up of the sections through which it runs.

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[Herman B. Walker, in Memphis Herald, Memphis, Tenn., Mar. 29, 1916.]

WATER-POWER DEVELOPMENT—SHOULD RECEIVE THOROUGH DISCUSSION—THE HERALD WILL HAVE ABLE ARTICLES UPON THE SUBJECT.

WATER-POWER DEVELOPMENT ASSOCIATION,
Washington, D. C., March 29, 1916.

EDITOR THE MEMPHIS HERALD:

There are two great conservation bills before Congress, the passage of which means so much to the economic welfare of the United States that they are entitled, I believe, to your careful consideration and earnest support. These are the bills for enabling and encouraging development of the unused water powers in the navigable streams and in the public domain. Because of widespread misinformation and misunderstanding concerning the water-power business, and because of misapprehension in many minds as to the kind of legislation necessary to bring about water-power development, there is danger that these bills may be passed in such form as will defeat their main purpose and actually discourage water-power development instead of encouraging it.

NOT MANY NEW DEVELOPMENTS.

To secure water-power development by private enterprise, terms and conditions must be such as will attract investment. With Europe impoverished by war, development must be financed here, and water-power securities must compete with other forms of investment. Under present laws, for several years past, water-power development in the United States has been practically at a standstill. A few comparatively small powers have been developed in the West, in the national forests and national parks, in localities where growth of city utilities or need for irrigation, or both, have created a high-priced market, or where conditions have otherwise been exceptionally favorable. No large hydroelectric plants have been built in recent years. Recent reports of the Forest Service show that the average size of power plants built in the national forests under the present revocable permit system is less than 6,000 horsepower, and that permits have been issued for large developments, aggregating more than 1,500,000 horsepower, of which none has been built or is being built. I know from personal investigation that efforts to finance these larger plants have failed, and that they can not be built under present laws.

NEW LAWS NECESSARY TO STIMULATE WATER-POWER DEVELOPMENT.

In 10 years past, only eight water-power plants, aggregating less than 140,000 horsepower, have been built upon our navigable streams under the general dam act of 1906 and 1910. President Wilson, Secretary Lane, and committees of both Houses of Congress, after careful study, have announced their belief that new laws are necessary to stimulate water-power development.

During the past 10 years, 1,200,000 horsepower of hydroelectricity has been developed in Europe for use in atmospheric nitrogen establishments, of which we have not one in this country. A number of large enterprises of this nature have been planned in recent years, in the South and West, but they can not be financed under our present laws. The stagnation in water-power development is not only wasting unnecessarily our fuel supply, but is preventing the establishment of new industries and putting the brakes on national prosperity. One large factory with $2,000,000 invested in buildings and machinery especially designed for making water wheels was shut down for 10 months last year, and has exactly one small wheel at present under construction. It is estimated that more than 2,500 engineers in the United States, formerly employed in hydraulic construction, are now out of work.

OUR DEPENDENCY ON FOREIGN COUNTRIES.

We are talking of military preparedness, but are wholly dependent upon foreign supplies of saltpeter from which to make nitric acid, an essential in the manufacture of explosives. Our farmers are paying tribute to the Chilean monopoly on every pound of nitrates used in agricultural fertilizers. Capital will not build the water powers necessary to the establishment of electrochemical industries which would give us military, agricultural, and industrial independence, because present laws do not guarantee security of investment or offer hope of reasonable return. It is believed by men who know the practicable side of the subject that the Shields bill, and the Ferris bill as amended in the Senate, will offer this needed incentive to investment, and that their passage will be closely followed by extensive development.

SENATOR SHIELDS'S BILL INDORSED.

The Shields bill received the full indorsement of Lindley M. Garrison, former Secretary of War, whose testimony on the subject before the House Committee on Interstate and Foreign Commerce should be carefully read by every citizen interested in the conservation of water powers. An editorial in the Outlook of February 9, 1916, states clearly and forcibly the features of legislation necessary to protect puolic rights. All of these features are included in both the Shields bill and the Ferris bill as amended by the Senate Committee on Public Lands.

Both of these bills retain to the public all title in water rights and power sites, where these are now publicly owned, granting only permits or leases for use for 50 years, at the end of which period the Government may take over all parts of the plants dependent for their usefulness upon the leases or permits, at a fair value to be decided by mutual agreement, or by the Federal courts. No allowance is to be made for an unearned increment or value in any lands or rights granted or leased by the Government or acquired by condemnation under any powers conferred by the acts. During the leasing period, intrastate service and rates are fixed by the Interstate Commerce Commission.

On the ground that use is the highest form of conservation of water powers, and to discourage speculation, leases and permits are to be revocable if development is not made within a reasonable time. A moderate rental for public lands used is to be paid by the power companies; also a Federal charge for the benefits derived from Government storage of water. Any attempt to make these powers a source of large Government revenues would naturally add to cost of development and to power prices, which would discourage use, since the lower cost of construction and the greatly increased efficiency of steam plants make their competition with the average water power very close.

NO WATER-POWER TRUST.

There is talk of a water-power trust. Actually, no such thing exists. It is that there is a limited number of water powers and that it is not generally possible to have competition between one water power and another. Some of our biggest and best water powers are located in the mountains of the West, remote from cities. They can be and should be utilized for creating cheap power for irrigation, for electrification of railroad trunk lines, and for great chemical and manufacturing industries to make available the ores and minerals in these waste regions. Present laws, however, are prohibitive of development for such uses. This leaves the corporations operating public utilities in the cities as the largest users of power, and for these reasons the utility corporations naturally control a large percentage not only of the developed water power but also of the steam power of the country.

WILL CONSERVE FUEL SUPPLY.

There is nothing abnormal or alarming about this situation, excepting in the fact that so much coal and oil and so little water power is being used to generate electrical current. So far as the control of water powers by the utility corporations is concerned, it means simply, and only, that what water powers are to be used at all they must be used for supplying power within the zone of economical transmission. Where the use of a water power will reduce the cost of power and conserve the fuel supply, shall we leave it unused because the most beneficent use can be made by a corporation which, under State and municipal charters, with which Congress can not interfere, controls the distributing system supplying the natural market for power?

Distribution of power, with other public utilities, is considered by most economists to be a natural monopoly, a service that can be better and more economically rendered by monopoly than by competition. President Van Hise, of the University of Wisconsin, in his book on the subject, points out that the generation and distribution of power is a natural monopoly and should be recognized and treated as such. Experience has shown that monopoly in the power business increases diversity of use of current, resulting in increased load factor, and consequent reduction of unit cost. Shall we refuse to allow the use of water powers to the corporations controlling natural monopolies and attempt to force unnatural and uneconomic competition in the distribution of power? Shall we, in blind prejudice, compel these corporations because their business is a natural monopoly to go on burning coal and oil where they could reduce the cost of their power by using water power?

Suppose these power companies were all burning wood, that the Government controlled coal supply, and that to substitute coal for wood under the power-house boilers would cheapen cost of power. Who would be so foolish as to propose that these companies, because they held local franchises giving them control of the natural monopoly of the power business, should not be allowed to burn coal, or that the Government should fix the price of coal so high that it would be cheaper for them to go on burning wood and denuding the forests? Still this is the attitude of some men who are trying to scare the country with a water-power-trust bugaboo and who are urging that water-power development should be discouraged by high rentals or taxes on use of water rights and power and dam sites.

There are a few sections where utility corporations having a monopoly of present water-power development are opposing this legislation because they do not want further development that would lead to the establishment of new industries, increase demand for power, upset the conditions they now enjoy, and possibly bring about reduction in power prices.

AS TO UTILITY CORPORATIONS.

Utility corporations and power companies are all subject to State regulation as to their rates and service. The pending bills make companies operating under them subject to Federal regulation where the States do not exercise this power. The cheaper the cost of their power, the lower rates they will naturally be compelled to offer to consumers. Under the proposed legislation the power companies will not have the opportunity to capitalize or exploit any unearned increment or monopoly value in what is now public property, because they will not be given any title or any rights extending beyond the leasing period, in such property. How, then, can the public be anything but benefited by permitting the power companies to develop maximum power at minimum cost?

The sole purpose of this association is to secure a full presentation to the public of the whole truth about water powers and the water-power business. We believe that knowledge of all the facts will result in legislation on which will lead to use of these important sources now largely in disuse. Will you not make a careful investigation of the water-power situation and of water-power legislation for yourself, and aid us to present the whole truth to your readers so that Congress may be guided by intelligent public opinion and conclusions based on full information? By all means, let us have free discussion and criticism of legislation, but let the criticism be based on knowledge and understanding of the facts and actuated by intelligent wish to make legislation beneficially constructive. Let's get away from personalities and prejudices and consider this whole subject on its merits and demerits.

Sincerely, yours, HERMAN B. WALKER.

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[From the Memphis Herald, Mar. 8, 1916.]

Senator SHIELDS'S water-power bill that is about to pass Congress, ranks among the most important legislation that will come up at this session. It is hand in hand with national preparedness that is sweeping the country and that is bound to come to secure our safety as well as to provide our people with enormous facilities for industries that will never be built without this conservation. Tennessee will pick up rapidly under its provisions, and sections that have slumbered for years will revive and become the most thrifty of the State.

The wonder is that we have not had this water-power under control long ago. East Tennessee is the most lovely part of the State for habitation. Its streams flow down the mountains in rollocking waves, and with such power it is strange we haven't made effort to bring it into use before.

As a conservation measure there is a great deal more to be said in its favor than can possibly be said against it. The water power available is said to be much larger than all the power—water, steam, electric, and every other kind now in use in the United States. The conservation of coal alone, that is being consumed yearly to an alarming extent, will outweigh all argument against it by the conservationists.

Senator SHIELDS has done one big thing for his State that will perpetuate his name. Read in another column what benefits are to be derived from it.

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[From the Chattanooga News, Mar. 30, 1916.]

Chief Conservationist Gifford Pinchot has not been able to arouse much interest against the Shields water-power bill, which has passed the Senate. There are two reasons for this. In the first place, the country is not now interested in matters of this kind. In war attention is with difficulty directed to such subjects. In the second place,

undeveloped regions of the country like the South can not see that corporations which are willing to invest the immense sums necessary for such plants ought to be penalized. We need the water-power development through here. At the Muscle Shoals a plant may be installed which would make us independent of Chile in the matter of nitrates. This is most important for agriculture, not to speak of the incidental protection in case of war. The grants of franchises under the proposed legislation are limited to 50 years. We doubt if those who invest would make any undue profit. There should be no abandonment of the principle of conservation, but we are inclined to the belief that much of the criticism of this bill is unreasonable.

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[From the Tennesseean, Apr. 22, 1916.]

THE SHIELDS BILL.

Though its office of publication is not at "Table Mountain," the Peoria Journal is a "Truthful James" sort of newspaper when it discusses public questions. The Journal is a Democrat, but it is not blind to the faults of Democrats. It has this to say of the Shields water-power bill:

"Users of plain language have described the Shields conservation bill, which lately passed the Senate by a vote of 48 to 22, as a plain steal by special privilege. The bill grants absolutely free water rights on public domains for 50 years to corporations, with a perfunctory provision that the Government may 'buy back' from such corporations at the end of this period—a provision of which there is no possible likelihood of enforcement.

"It is regarded as impossible for the bill to get through the House, however, and even should it do so President Wilson will undoubtedly veto it, following the precedent of Taft and Roosevelt with regard to similar measures. The discouraging thing is that the vote on the Shields bill shows up the Senate as still the stronghold of privilege in matters where public and private interests conflict."

The Journal puts the matter in words that are a mite plainer than most papers have used, but the substance of what it says has been said in practically every well-informed newspaper of the United States that is free from corporate influence. It is to be hoped that the bill will be defeated in the House and that the President will not be confronted with the necessity of vetoing it. It will be a sad commentary upon Congress if for the third time it shows so little devotion to the interests of the people as to pass a bill that gives their rights into the hands of monopoly.

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CHAMBER OF COMMERCE,
San Antonio, Tex., May 12, 1916.

Senator SHIELDS, *Washington, D. C.*

DEAR SIR: I have the honor to report to you that at a meeting of the board of directors of the San Antonio Chamber of Commerce held on May 9, 1916, the Shields bill was formally indorsed by this body, and we are notifying our Congressman and Senators to that effect. You are at liberty to use this letter as proof of the fact.

Very truly, yours,

JOHN B. CARRINGTON,
Secretary-Manager.

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Resolution of Gadsden Chamber of Commerce, Gadsden, Ala.

Whereas 60,000,000 undeveloped horsepower in the rivers and streams of the United States now go to waste because their development is financially impossible under our present laws; and

Whereas cheap electrical power for the treatment of our limestone, phospate, and mineral resources, for the operation of light, heat, and power plants in areas now closed to electrical competition, for the manufacture of nitrogen from the air on a scale to lessen the cost of our farm fertilizers and to insure us an adequate ammunition supply in time of war, and for reducing the cost of power in manufacturing of every description now waits upon a change in our present laws; and

Whereas water-power development, under vigilant regulation by National and State authorities, insuring absolute freedom from monopoly or restraint of trade, and forfeiture in event of failure to develop, and termination of the Government franchise at the end of 50 years, and the payment of compensation to the Government for any use of Government property and land, is fully secured in the Shields bill recently passed by the Senate of the United States and now pending in the House of Representatives: Therefore be it

Resolved, That the Chamber of Commerce of Gadsden, an association representing the commercial and agricultural interests of Gadsden, upon whose welfare depends the livelihood of many thousands of employees and the prosperity and comfort of a population of some 50,000 now comprised within the commercial and agricultural districts of Etowah County, hereby indorses the Shields bill as passed by the Senate, free from impractical provisions that so disastrously have prevented water-power development in recent years, and hereby respectfully urges upon the House of Representatives the immediate passage of this bill; and be it further

Resolved, That a copy of this resolution be mailed by the secretary of this association to every Senator and Congressman from the State of Alabama and to every commercial and agricultural association with whom this association is in correspondence or affiliation.

MAY 8, 1916.

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[From the Times, Buffalo, N. Y., Mar. 15, 1916.]

One of the most important measures, from a commercial standpoint, which has come up in Congress during the present session is the bill which tied up the Senate for upwards of a week and which was finally passed a day or two ago, known as the waterway bill, which was introduced by Senator SHIELDS of Tennessee. The Senator who was the author of this bill announced in the Senate that the passage of this bill would be followed by early development of water powers aggregating 15,000,000 horsepower, or a volume of electricity equal to that produced by a coal consumption of 100,000,000 tons a year. Engineers estimate that development of this amount of water power equals a saving of $700,000 a day in coal bills. And not only does this measure apply to all of the streams in the States of the West, where the United States owns or controls the lands not yet patented, but it applies with equal force to the older States in which there are navigable rivers, over which Congress has authority because of the improvements which may have been made in the past.

The measure contains a drastic antimonopoly clause providing that no dam or works constructed under its provisions shall be owned, leased, controlled, or operated "by any device or in any manner so that they form part of or in any way effect any combination in the form of unlawful monopoly, or form the subject of any unlawful constraint or conspiracy to limit the output of electrical energy or restraint in trade."

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[From the National Magazine, Boston, Mass.]

Some one has said that the water-power bills pending in Congress mean as much to the future of the United States as did the Panama Canal legislation. The great possibilities in the development of new industries, settlement of new country, and creation of increased prosperity, for which these measures offer hope, would seem to prove this assertion. After 10 years of conservation of natural resources by undevelopment it seems that reasonable-minded and progressive men in public life have finally concluded that conservation by use is more desirable.

Of the men who have been in the spotlight in urging legislation that will bring about water-power development, Franklin K. Lane, of the Interior Department, and former Secretary of War Lindley M. Garrison have been conspicuous. With knowledge of western needs and an optimistic belief in the future of the West, Secretary Lane's activities in behalf of conservation legislation have been wholly along constructive lines.

Senator JOHN K. SHIELDS, of Tennessee, the father of the Shields bill for authorizing construction of water-power plants in navigable rivers, is a lawyer and jurist whose views on legal questions, especially those relating to the subject considered by his bill, are regarded by his colleagues as authoritative.

The press of the South is generally enthusiastic over the possibilities of development and prosperity that are likely to follow in the wake of the passage of the Shields bill. There is keen public interest in the passage of the bill introduced by Senator HENRY L. MYERS, of Montana, for leasing water-power sites in the public domain. These two bills, fathered and urged by these men who know the South and West, are heralded as new proclamations of industry and prosperity for creating new empires within the boundary of the Nation.

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[From the Times-Star, Cincinnati, Ohio, Mar. 13, 1916.]

SHIELDS BILL AROUSES OLD QUARREL AS TO NATURAL RESOURCES—GIFFORD PINCHOT WILL RESIST PASSAGE IN THE HOUSE OF THE SENATE BILL—PREPAREDNESS AMONG THE ARGUMENTS USED.

[By Gus. J. Karger, staff correspondent.]

WASHINGTON, *March 13.*

Overshadowed by the stirring developments in the field of international interest, but little has been done to call public attention to the passage in the United States Senate, after prolonged debate, of the Shields bill authorizing the Secretary of War to grant 50-year permits for the building of dams and water-power plants on navigable streams—a question which some years ago stirred certain citizens of the Republic to a high pitch of excitement that manifested itself in loud exclamations of murder, police, and stop thief. As a chapter in the years-old controversy between conservationist—who took his position in favor of maintaining the resources of this country for the generations to come—and the bitterly denounced "anticonservationist," who favored exploitation of some of them in favor of the folks already here, the disputes with reference to reasonable water-power regulation stood in a class by themselves.

For about eight years the subject of conservation of natural resources has been under consideration in the United States Senate, and this is the first time in that period that a vote has been taken on a general water-power development measure. Two water-power bills passed the House last year, and both died in the Senate. And now that the Senate has at last taken action the result is so unsatisfactory to the old-line conservationists of the Gifford Pinchot stripe that predictions already are freely made that this action will be undone by the adverse verdict of the House of Representatives.

FIFTY-YEAR PERMITS.

The Shields bill authorizes the Secretary of War to grant permits for dams and power plants to be constructed where their presence will improve the navigability of streams. Dams must be built without cost to the Government, and the grantees are required to provide and operate locks, gates, sluiceways, etc., also without cost to the Government. Permits may be issued to individuals, political subdivisions of States, cities, and other municipal corporations, or the public-utility corporations. Intrastate business and rates of companies operating under the act are to be regulated by the States, interstate service and rates by the Interstate Commerce Commission. The grantee must pay a rental for public lands used, and a charge for rights and privileges in use of water, to be fixed by the Secretary of War. Permits are to be for a term of 50 years, after which the Government may extend the original lease, make a new grant, or on a year's notice take over the property on payment of its fair value. The bill contains an antimonopoly clause, described as "drastic" by its supporters, providing that no dam or works constructed under its provisions shall be owned, leased, controlled, or operated "by any device or in any manner so that they form part of or in any way affect any combination in the form of unlawful monopoly, or form the subject of any unlawful constraint or conspiracy to limit the output of electrical energy or in restraint of trade."

PART OF PREPAREDNESS.

The Shields bill was urged by some of the Senate leaders and by military authorities as a vital feature of the preparedness program. Expert estimates locate 60,000,000 horsepower of natural energy in the navigable streams of the United States, and 54,000,000—nine-tenths—is flowing to waste. This waste has been locked up against the use of man, because a special act of Congress was required for the establishment of each proposed power plant, and because it was found impossible to devise workable and satisfactory acts for the development of large water powers. By passing a development measure of general application, Senator SHIELDS, of Tennessee, announced in the Senate, water powers aggregating 15,000,000 horsepower would be assured at once, releasing a volume of electricity equal to that produced by a coal consumption of 100,000,000 tons a year. Such a development as that, according to engineers' estimates submitted, would equal a saving in coal bills of $700,000 a day. Electrochemical plants for making saltpeter and nitric acid from the air—the very bedrock of military preparedness—to be constructed on a huge scale by private enterprise, are said to be contingent on final enactment of the Shields bill. For the chemicals in question, essential to the manufacture of explosives and agricultural fertilizers, the United States

at present is dependent upon the nitrate deposits of Chile, whose Government collects a high tax on every ton of nitrate exported. Although Europe has 1,200,000 horsepower of hydroelectricity devoted to the uses of atmospheric nitrogen plants, not a single such establishment is to be found in the United States. Germany alone manufactures 600,000 tons of saltpeter annually for its military and agricultural uses. Electrification of railroads, manufacture of iron and steel in electric furnaces, and extensive irrigation development in the West, are among the benefits promised by the cheapening of electricity through the utilization of vast water powers.

SENATORS WERE SATISFIED.

They were well satisfied with their work, were the Senators behind the bill, and they succeeded in passing it through the Senate by a vote of 46 to 22. But Gifford Pinchot has girded his loins for a fresh fray, and, as far as the House is concerned, there is rough sledding ahead for the Shields bill. It is full of jokers, its opponents declare, and it is designed for the sole and exclusive benefit of the Water Power Trust. Still full of the peculiar jargon of enthusiastic exaggeration which marked his former campaigns, Mr. Pinchot screams out that "no worse assault on the rights of the people has been committed in Congress for many years than the passage of the Shields water-power grabbing bill. The water-power monopolists won. The people lost because a majority of their representatives in the Senate went back on them."

It is a special-interest bill, he says, "the most serious attack upon conservation since the effort to turn Alaska over to the Guggenheims was blocked in 1910." The Shields bill, he charges, gives the use of enormously valuable public property to the water-power interests, without compensation. "Ostensibly," he says, "it provides for a method of restoring its own property to the public at the end of 50 years. As a matter of fact, it has been so drawn as to make it practically impossible for the people to take their own water powers back into their hands."

Therefore he wants the measure defeated in the House. "Not even the international situation," he says, "important as it is, should be allowed to obscure this great domestic issue. The people sometimes forget their own interests, but the grabbers never do."

CLAPP, CLARKE of Arkansas, HARDING, KERN, POMERENE, SHAFROTH, and the other Senators who voted for the bill, please write.

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[From the Baltimore (Md.) News, May 10, 1916.]

A CONSERVATIONIST "SPLIT"—COMMON SENSE AND REASON FINALLY GOT AWAY WITH A MAJORITY OF THIS CONGRESS.

The annual conservation congresses have usually been rather wild and woolly bodies, but, as the members finally began to learn something about the subject which they met to consider—of which at first they were almost totally ignorant—reason and common sense began to assert themselves, until finally a majority of the Congress has indorsed the principle of the Shields bill in opposition to the enthusiasts, headed by Gifford Pinchot. And the principle of that bill is what any unbiased person would adopt who has carefully read and digested the testimony given at the extensive hearings on the subject which were held two years ago.

The conditions of the Shields bill are such that the possible water powers on navigable streams are likely to be developed. Those demanded by Pinchot and his following would probably postpone their development indefinitely.

Falling water is nothing more than an opportunity to apply to beneficial use power that is being wasted. The opportunity is, of course, essential, but the dam, the power house, the distribution system, and the customers are all equally essential, and can only be got in the expectation of profit. And the necessary cost of these elements, which only hope of profit can secure, is so great that if any considerable charge is made for the use of opportunity the total cost will in many, perhaps most, cases be prohibitive.

Hydroelectric power competes everywhere with steam, and unless it can be delivered at as low a cost per unit as steam power can be furnished it can not be sold, and so will not be developed. In much of the East, where coal is abundant and cheap, it is only in occasional instances that hydroelectric power can compete. In the West, where water power is most abundant, fuel costs more and hydroelectric development can be more general.

The text of the Shields bill is not available, but it appears to be drawn in contemplation of fact and not of vain imaginings. It probably contemplates 50-year leases at such a charge for opportunity as will not prevent use, with the right of the Government to take over the enterprise at expiration of the lease, repaying only actual cost of whatever is furnished by the Government, and "fair value" at the time for all land, structures, and rights not supplied by the Government. And in an extensive hydroelectric system the cost of the property not supplied by the Government would be so enormous that there is no probability that it will ever be taken over.

All proposed legislation on this subject assures regulation of service and prices by public authority. If there is no State commission, there will be Federal regulation until a State commission is created. No grant of rights in perpetuity is contemplated.

This is the measure that the Pinchot element opposes—on what ground is not clear.

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[From the Times, Glens Falls, N. Y., Apr. 24, 1916.]

PINCHOT'S MISSTATEMENTS.

In a recent letter to newspaper editors opposing the passage of water-power legislation Gifford Pinchot, president of the National Conservation Association, makes at least two misstatements of fact.

As one reason for his opposition to the Shields General Dam Act he repeats a previous misstatement that the Shields bill proposes to give away water-power sites in perpetuity.

The Shields bill provides that after the end of a term of 50 years the original grantee shall continue in possession until the United States, upon two years' notice, proceeds to take over the plant for its own use or for other disposition. In a recent lengthy explanation of his position on this question Mr Pinchot says that this provision, coupled with the fact that Congress would have to approve the Government acquisition of such a plant, constitutes a perpetual grant, arguing that it would be "practically an impossibility to induce Congress to pass an act terminating the grant."

Naturally the taking over of any water-power or other utility property or the initiation of any governmental ownership enterprise which involved a large expenditure of money would have to be done by act of Congress. Even though it were put in the discretion of the President or any other executive officer to negotiate for such a purchase, the appropriation necessary to complete it would have to be made by Congress, so that this argument seems to have very little weight. If it were desirable to divest Congress of the right to have the final word in such a matter, it is difficult to see how it can be done.

In this connection it is interesting to note that the language of the Shields bill concerning recapture of a power plant is almost identical with that of the Ferris bill passed by the House, with Mr. Pinchot's entire approval and commendation.

The language of the Shields bill is "that at any time after the expiration of said 50 years the United States may terminate the rights hereunder granted," etc.

The recapture clause in the Ferris bill is "that the United States shall have the right after the expiration of the lease to take over the properties," etc.

Instead of making a perpetual grant, the Shields bill proposes a grant for a minimum term of 50 years which shall be indeterminate after that period, and indeterminate grants of public rights or franchises are generally looked upon as peculiarly advantageous to public rights and interests.

Mr. Pinchot also gives as a reason for opposing the Shields bill the fact that it proposes to make power grants without compensation to the Government. He says, "There is no reason why the water-power corporations should not pay for what they get. The rest of us do."

Although Mr. Pinchot may not admit it, there is an excellent reason why power companies should not pay rental for grants or leases of water powers or power sites. The only reason for developing water powers is to generate cheap power. The cheaper this power, the greater will be its development and use. Regulation of rates provided for by the Shields bill guarantees that these cheaper rates will reach and benefit the consumer. Even if there were no provision for regulation, it is a fact that no power user will buy water power if he can make power cheaper by steam, and every cent added to the cost of generating power, from whatever source, must be paid by the consumer. To charge the power companies rental or taxes for use of water power or power sites means only to add an item of expense which regulating commissions will have to allow for in fixing rates to the consumer. Instead of there being no reason why power companies should not be charged for rentals, there really is no good reason why they should be charged for such use of public property.

In the same letter Mr. Pinchot declares the Myers bill dealing with water power on public lands to be "an undesirable substitute" for the Ferris bill passed by the House, and, in connection with this, he makes the completely unjustified and erroneous statement that this bill "gives the public water power away in perpetuity."

The Myers bill not only does not do this, but it does provide as fully and carefully for recapture of the property as does the Ferris bill. It also makes specific provision for a moderate rental charge for public lands used to be paid by the lessee on the basis of the amount of power developed.

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[From the Washington State Weekly.]

Two regions of the world stand preeminent in the possibilities for water-power development—the United States and the Scandinavian Peninsula. One of these regions is making progress in that direction; the other is not.

Norway and Sweden are utilizing their water powers. We are allowing ours to run to waste. We should conserve fuel and manufacture nitrogen, but we have run riot in idle resources and buy our nitrates.

And there is only one reason why we do this.

It is too much Pinchot.

The disgruntled, unhappy, socialistic ex-forester blighted Alaska just as it was entering upon a period of what would have been marvelous development. Industrial activity ceased, and stagnation settled down upon a land rich in natural resources. And that stagnation grows deeper and gloomier as the years go on.

But he is not satisfied with what he has done. He must add to his record of desolation.

So he settled down upon Congress to further spread his propaganda. This time it is in opposition to water-power development.

The Shields bill is the thing he attacks. It was drawn to open the way to make use of idle and wasting water powers under Government control; but the control does not meet Mr. Pinchot's theory of what constitutes control. He denounces it as "a serious attack upon public resources," and urges that the Shields bill "gives to the power interests" something to which they are not entitled.

All of this is typical Pinchot phrase-making, mere generalizations that do not rise even to the dignity of academic conservation. It is pinheadism reduced to a point; flub-dub, pure and simple; Pinchot at his best, or worst, whichever you like, or whichever way you look at him.

This country has water power, but it is for the most part idle water power. It is capable of development; can be made of service and of use only when harnessed and put to work.

The Shields bill proposes to put it to work under Government control and regulation. Pinchot insists that it is better for all concerned for this water power to remain idle than to be put to use unless it is used in conformity with his untried and unproved theory.

But Gifford Pinchot has accumulated a lot of purely theoretical knowledge, and because of his grandfather's foresight, energy, and marked faculty of acquisition, and because of Gifford Pinchot's own dogmatism, the grandson is capable of an unlimited capacity for interference, and he is using that capacity to his utmost.

That the Shields bill has not become law—that a start has not yet been made to utilize the greatest waste now imperiling this country and a start made toward practical conservation and away from the purely theoretical—is all the fault of Gifford Pinchot.

The Shields bill is a start in the right direction. It provides for development. It places water-power control with the War Department. It provides for 50-year, instead of indeterminate, franchises. It gives the same rights to municipal corporations or to political subdivisions of States that it grants to private corporations, companies, or associations. There is no discrimination. And no transfer of any such rights can be made by any grantee without the approval of the Secretary of War, which is to say, the Government.

It provides for compensation for power used and for lands occupied by any grantee, and specifically gives to the people the right to claim damages occasioned by the use of water power where injury to property rights occurs. And it specifically reserves to the Government the authority to terminate the rights granted at the end of the 50-year franchise period.

But this doesn't suit Mr. Pinchot for some reason. His attacks, addressed to the people through the Scripps papers, principally, have consisted of vague general charges. He has been asked to state specifically which, if any, of these provisions is wrong, and how and under what provisions any right or thing of value has been "given to the power interests" in a manner not compatible with sound public policy. To this invitation he has not responded.

The Shields bill opens the way to development under Government supervision and control. It may not be perfect. Few things are. But this is a new departure. The way has not been pioneered. A little experience will beat a whole lot of theory from inexperienced dreamers.

Congress should pass the Shields bill, and the President should approve it. This will open the way to development, and do it now.

An adequate theory of control can be worked out in the light of experience.

That the country can safely leave to the future, as the future alone can solve the problem.

In the meantime why pay any attention to Pinchot? He doesn't know what he is talking about.

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[From the Financial World, Apr. 1, 1916.]

WATER-POWER LEGISLATION—AN UNFORTUNATE CONDITION EXISTS WHICH HAS RESULTED IN RESTRICTING DEVELOPMENT OF WATER POWERS.

From an association formed for the development of our water-power resources, and which has its headquarters at the National Capital, the information is gleaned that only eight water-power plants, with a capacity of 140,000 horsepower, have been built upon our navigable streams during the last 10 years.

What feeble progress this is in the direction of the production of cheap power can be judged when the giant strides Europe has made in the same period are considered. In Europe in the last 10 years more than 1,200,000 horsepower of hydroelectric energy has been developed. To-day in this country capital is frightened away from water-power development, notwithstanding that we count ourselves rich in such undeveloped resources. Further, we are told that more than 2,500 engineers are idle in the United States simply because the extreme defenders of conservation of our natural resources are obsessed with the fear that if private capital were allowed a free hand in developing our water power it would result in establishing a water-power trust which in turn would take from the American people one of their greatest natural heritages.

The obstructionists do not put forth any energy in efforts to induce Congress to develop these resources, but are satisfied to let all the available water go to waste. This is no way to conserve our rapidly shrinking fuel supplies. At present there are two bills before Congress which, if too great restrictions are not added, could be depended upon to encourage the development of our water-power resources, provided they are passed. One is the Shields bill and the other the Ferris bill. The latter has been materially amended since last summer. Both measures confer upon the Government the right of regulation and supervision and yet make it inviting enough for capital to embark upon such ventures in the full belief that it will be properly rewarded. As long as the Government is assured that it does not lose control over our rivers and lakes, but is simply leasing for a term of years the use of the water to private corporations, and is further vested with the authority through the Interstate Commerce Commission to control rates charged to consumers, it would appear that the interests of the public are fully safeguarded. But capital can not be expected to venture into projects unless it is promised a fair return.

Either the Government will have to develop our undeveloped water power or private capital; it will not develop itself. That is a foregone conclusion.

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[From the Oregonian, Portland, Oreg., Mar. 29, 1916.]

THE PINCHOT HUE AND CRY.

Because the Senate, in passing the Shields bill for development of water power on navigable streams, has shown due respect for the rights of the States and has made due provision for the attraction of capital to this class of investment, Gifford Pinchot and his entire pack of conservation fanatics have started in full cry after the Senate. Professing an ardent desire for development of water power, but determined that it shall be developed only on terms which they dictate, the Pinchotites falsely charge that by the terms of this bill the interests of the people are sacrificed and that the power sites are delivered to the water-power trust, which has no existence except in their diseased imaginations. They falsely declare that the Shields bill obliges the people to pay rates upon, and the Government in case of recapture to pay for, unearned increment in the value of power plants arising from the privileges granted by the Government. The fact is that the bill specifically provides that no such value shall be paid for in recapture. Rates for power are to be regulated by the States, none of which make allowance for that which has cost the power companies nothing.

The Shields bill was passed as a substitute for the Adamson bill, passed by the House at the last session. The Adamson bill required the consent of Congress to each individual dam-site lease, which would be a serious obstruction to any development. It contained no requirement that grantees must first comply with State, water, and other laws. The recapture provision allowed only actual cost of land, depreciated value of structures, and nothing for expenditure on making the business a going concern.

The Shields bill authorizes the Secretary of War to grant permits without going to Congress for confirmation in each case. Grants can be made only where operation will be subject to public regulation. The Secretary may require, as conditions of the permit, the construction of locks, booms, sluices, etc., and free power for operation of the same, or may later require free grant of land and right of way and free power for such structures to be erected by the Government. The grantee is to pay the cost of investigation and of Government supervision over construction, also reasonable charges for benefits accruing from headwater improvements by the Government.

There is to be no gift of public land, for which the Government might afterwards be required to pay full value, including unearned increment, as the Pinchotites allege. The grantee may use public land which is to be withdrawn from entry for the purpose, but for its use he must pay "such reasonable charges, based upon its value, as may be fixed by the Secretary of War," who is to be guided by the State laws governing condemnation of land.

A provision which arouses the ire of those who wish to inaugurate complete Federal control in disregard of the rights of the States is that which requires the Secretary of War to give preference to the one among contending applicants who has first acquired water rights and who has otherwise complied with State laws. The grantee must first obtain the State's consent to the power development. This regard for State jurisdiction is evidently prompted by knowledge that Federal jurisdiction over water is limited to its use for navigation and can only be applied to power so far as the latter is incidental to improvements for navigation. One of the earliest decisions of the United States Supreme Court declared that, even if a State had entered into an express stipulation surrendering its jurisdiction over other uses of water to the Government, "such stipulation would have been void and inoperative, because the United States have no constitutional capacity to exercise" such jurisdiction. A long and unbroken line of decisions has maintained the same principle.

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[From the Manufacturers' Record, Mar. 16, 1916.]

WATER-POWER DEVELOPMENT ENCOURAGED BY SHIELDS BILL—FIRST FAVORABLE LEGISLATION TO BE PASSED BY CONGRESS IN RECENT YEARS—GREAT NITRATE PRODUCTION POSSIBLE IF BILL BECOMES LAW.

WASHINGTON, D. C., *March 11.*

With but few exceptions, all the Senators from the South and Southwest voted for the passage of the Shields water-power bill, which received approval after a two years' fight in the Senate by a vote of 46 to 22. Although 60,000,000 horsepower of water has been going to waste ever since the discovery of America, the present Shields bill is the first active step taken to encourage the investment of capital in the harnessing and use of these great resources for the benefit of all the people.

Senator SHAFROTH, of Colorado, just before voting for the bill in the Senate, made the following statement, which correctly describes the situation:

"We passed in 1906 a law for the purpose of producing water-power development. No water-power development took place. Why? Because the terms of the law were too rigid. In 1910 we passed another act so as to let water-power development be made, but no such development took place, because the terms were too severe. Consequently up to this time nothing has been done in the way of water-power development, and some of the Senators have been putting on amendments, or trying to put them on in this bill, so as to make it the same as the others, so that there will be no water-power development under this bill. This bill provides that before a company does anything it must provide to improve navigation to the extent of millions of dollars, which the Federal Government gets for nothing. Is it possible that this can be described as a monopoly scheme? Is it possible that companies will put up a large amount of money unless they are permitted at least to recoup the amount they have advanced? It seems to me that when we take into consideration the provisions of this bill, especially the provision that all rates shall be subject to regulation by the utilities commissions of the States, we have as nearly perfect a bill of this kind as we can get, and therefore it seems to me that from these views and from the view that we can get development this bill ought to pass."

Following the passage of the bill, in an effort to have the Ferris power bill for the development of water power on the public lands of the United States made the unfinished business of the Senate, Senator MYERS, of Montana, made this statement:

"The Shields bill has very little to do with the West. It has nearly all to do with the streams of the South. We all know that nearly all of the power that is going to be developed under the bill which has just been passed, if it becomes a law, will be developed in the Southern States—in the South—whereas the power which will be developed in the bill which I want to call up will be developed nearly altogether in the West."

While this statement was challenged by Senator WILLIAMS, of Mississippi, who pointed out that there are vast water-power resources in New England, in Pennsylvania, in Delaware, and on the nonnavigable streams in the Middle West, there is no doubt that the South will benefit materially if the bill passed by the Senate goes through the House and receives the approval of President Wilson.

The Shields bill authorizes the Secretary of War to grant 50-year permits for the building of dams and water-power plants on navigable streams. Senator SHIELDS, of Tennessee, the author of the bill, announced in the Senate that the passage of it would be followed by early development of water powers aggregating 15,000,000 horsepower, or about one-fourth of the amount that is going to waste, or a volume of electricity equal to that produced by a coal consumption of 100,000,000 tons a year. Engineers estimate that the development of this amount of water power will mean a saving of $700,000 a day in coal bills.

It is known that a number of big electrochemical plants for making saltpeter and nitric acid from the air have been planned by private enterprise and will be built as soon as the Shields bill becomes a law, thereby making it possible to finance such undertakings. At the present time the United States, as has been pointed out repeatedly in these columns, is wholly dependent for its supply of nitrates upon the deposits of Chile. The Chilean Government collects a high tax upon every ton of nitrate exported. If the present bill goes through the House as it has gone through the Senate, it will mean the early establishment of a large plant for the manufacture of chemicals essential to the making of explosives and agricultural fertilizers.

Under the terms of the Shields bill, the Secretary of War is authorized to grant permits for dams and power plants where he believes the building of such dams will improve the navigability of streams. Dams are to be built without cost to the Government, and the grantees are to provide and operate locks, gates, and sluiceways without cost to the Government. Permits may be granted to individuals, political subdivisions of States, cities, or other municipal corporations or a public-utilities corporation. Intrastate business and rates of companies operating under the act are to be regulated by the States, and interstate service and rates by the Interstate Commerce Commission.

All plans for dams and works are to be approved by the War Department as being the most adaptable plans for the improvement of navigation and fullest development of water-power possibilities. The grantee is to pay a rental for public land used and a charge for rights and privileges and use, these rentals to be fixed at the discretion of the Secretary of War, and the money received from the same to go into a special fund in the United States Treasury to be used for further improvement of waterways.

The chief fight in the Senate was over the provisions for terms to be granted for 50 years, after which time the Government may either extend the original lease, making a new grant, or upon one year's notice take over the property upon payment of its fair value, this value to be determined by mutual agreement or by the Federal courts, and not to include any allowance or any rights granted by the Government. This

particular provision was in line with the suggestion of former Secretary of War Garrison, as outlined a month ago exclusively in the Manufacturers Record.

Electrification of railroads, manufacture of iron and steel in electric furnaces, and extensive irrigation developments in the West are among the benefits expected to be derived from the utilization of large water powers for the generation of cheap electricity. Some of the southern newspapers, recently misled by the sweeping generalities of statements issued by Gifford Pinchot, have presumed that the bill passed by the Senate does not preserve all the rights of the people. As a matter of fact, the bill preserves all such rights. The Government gives a franchise, but in return the investors in water-power development spend millions of dollars to make streams navigable for the benefit of the Government, without a dollar of expense to the United States. The very fact that the power will be developed will be of vast benefit to the people, in that it will lower the national coal bill and provide cheaper fertilizers. It will produce a national asset in providing the nitrates needed for national defense.

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[From Current Opinion, June, 1916.]

THE BIG PROBLEMS OF WATER-POWER POLICY IN THE UNITED STATES.

In a subsequent number Current Opinion will present a symposium on water power by the leading engineers of the country. Only the opinions of practical operators will be given. Meantime, some considerations may be noted.

The St. Paul Railroad has electrified 450 miles of its mountain line. A director of the railroad, and also president of the power company, testified: "The railroad will pay for its power $550,000 a year. It is now paying for coal over the same area $1,750,000. On another section of road the payment for water power is $96,000 as against $270,000 for coal. These figures are for the hard mountain grades."

With such testimony there is only one inference possible. Within a few years all the railroads which can will use hydroelectric power.

It is estimated that there are 20,000,000 tons of nitrogen above each square mile of the earth's surface. Yet we are paying $75 a ton for Chilean nitrates and spend yearly on Chilean nitrates $21,000,000. Chile's nitrate beds will be exhausted by 1923. At that time the United States will be compelled to take the nitrogen supply from the air.

In Europe 1,200,000 hydrohorsepower are used to extract nitrogen from air. In the United States up to 1915 not a horsepower was used for that purpose. It took the war to waken us. England is about to establish a nitrogen plant in Iceland. Capital would have established such plants in the United States, but bonds could not be financed on short-term permits.

The fertilizers sold to the farmers of the United States cost $170,000,000 a year. Why not manufacture our own fertilizers? The United States uses only 28 pounds of fertilizer an acre. European countries use 200 pounds. American crop returns are lower than European returns by half.

Of the bills before Congress the Shields bill is an act to regulate the construction of dams across navigable waters. It provides that the Secretary of War is authorized to grant permits for dams and power plants where he believes the building of such dams will improve the navigability of streams. Dams are to be built without cost to the Government, and the grantees are to provide and operate locks, gates, sluiceways, etc., all without cost to the Government. All plans for dams and works are to be approved by the War Department. The grantee is to pay a rental for public lands used and a charge for rights and privileges in the use of water. These rentals and charges are to be fixed at the discretion of the Secretary of War, and the money received therefrom is to go into a special fund in the United States Treasury to be used for the further improvement of waterways. Permits are to be granted for 50 years, after which time the Government may either extend the original lease, make a new grant, or upon two years' notice take over the property upon payment of its fair value, to be determined by mutual agreement or by the Federal courts.

The Ferris bill is "to provide for the development of water power and the use of public lands in relation thereto, and for other purposes." It would be practically impossible to finance under it. With the amendments that have been adopted by the Senate committee the bill should be, generally speaking, a workable measure. It provides for the leasing of public lands for a period of 50 years "for the purpose of constructing, maintaining, and operating dams, water conduits, reservoirs, power houses, transmission lines, and other works necessary or convenient to the development, generation, transmission, and utilization of hydroelectric power." Upon three years' notice after the expiration of any lease the United States may take over the properties which are dependent in whole or in part for their usefulness on the continuance of the lease by paying their full value, which is to be determined by mutual agreement between the Secretary of the Interior and the lessee, or by proceedings instituted in the United States district court for that purpose. The Secretary of the Interior is authorized to specify in the lease and to collect charges or rentals for all lands leased, which charges are to be based on the value of the land, to be determined by the amount of horsepower to be developed, but which shall not in any event exceed the sum of 25 cents per developed horsepower.

On the merits of these bills there is the widest possible divergence of opinion. Mr. Forbes, of Harris & Forbes, who has probably marketed as many water-power bonds as any other man in America, says:

"The passage of those two bills along the lines indicated should make possible the development of many of the great unused water powers of the United States."

He says frankly our rigorous laws have hitherto hindered water-power development in the United States.

Gifford Pinchot, who led the fight against the water-power interests six years ago, says of the very same bills:

"The Shields bill gives to the power interests without compensation the use of water power on navigable streams. The amount of water power these streams will supply is larger by far than all the power of every kind now in use in the United States. It pretends to but does not enable the people to take back their own property at the end of 50 years, for in order to do so under the bill the Government would have to pay the unearned increment and to take over whole lighting systems of cities and manufacturing plants. Private corporations are authorized to seize upon any land they choose to condemn.

"The Ferris bill, relating to national forests, was a good bill as it passed the House. As reported in the Senate it encourages monopoly by permitting a corporation to take as many public water-power sites as it may please. The corporation could not be kept from fastening on Grand Canyon. The bill takes the care of water power in national forests from the Forest Service and gives it to the Interior Department. The water-power legislation is too favorable to the men who control through 18 corporations more than half the total water power used throughout the United States."

The main crux of the argument with the public is how to obtain cheap power, for cheap power means cheap fertilizer, cheap munitions, cheap light, cheap heat, cheap freight, cheap paper. That, rather than posterity, is the crux of necessity now.

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[From the Manufacturers' Record, Mar. 16, 1916.]

VAST INDUSTRIAL ENTERPRISES THAT ARE PLANNED FOR ALABAMA—DEVELOPMENTS THE ALABAMA POWER CO.'S NEW $100,000,000 MAY SECURE—NITRATE PLANTS AS A MEASURE OF NATIONAL PREPAREDNESS—DEMANDS THAT BAN ON INDUSTRIES BE REMOVED.

[By Albert Phenis.]

With $100,000,000 of new capital assured the Alabama Power Co. for the development of its various water-power sites on the rivers of Alabama, as announced in the Manufacturers' Record of last week, bewildering possibilities of industrial expansion for the Birmingham district and all of Alabama are brought into view. In a letter from James Mitchell, president of the Alabama Power Co., to the Manufacturers' Record the statement was made that the entire amount of $100,000,000 had been arranged for through an issue of bonds, and that while only $4,000,000 would be utilized at this time, and this for the addition of duplicate units to the hydroelectric power plant in operation at Lock 12, Coosa River, and an auxiliary steam plant of 20,000 kilowatts capacity, the remaining $96,000,000 would be at command for further hydroelectric developments as the demands for power were manifested.

No more interesting or important development could be made at this time than that of the Alabama Power Co.'s site at Muscle Shoals, on the Tennessee. Four years ago the company had set aside funds for the construction of a dam at Lock 18, on the Coosa, a few miles down the stream from Lock 12. A plant of equal size of that at Lock 12 was proposed, and in addition foreign money had been pledged for the construction there of a cyanamid plant to cost $3,000,000. Mr. Frank S. Washburn, vice president of the Alabama company, a scientist, engineer, and capitalist, is at the head of a cyanamid plant at Niagara Falls, Ontario, and is entirely familiar with the commercial and chemical sides of the methods of extracting nitrogen from the air for use in the manufacture of nitric acids for fertilizers and likewise for explosives. It was no promoter's dream, therefore, this plan to build a cyanamid plant at the proposed water-power development at Lock 18.

President Taft vetoed the congressional measure granting the right to build a dam at Lock 18—a concession to the same influence that is now flooding newspaper offices with attacks on the present Shields bill and that was described by ex-Secretary Garrison at a recent committee hearing as not a "conservationist" but a "reservationist"—one which desires to prevent the development of any natural resource that would prove beneficial to any of the people who are now on earth. As a consequence the dam at Lock 18 was not built and never has been built, and the $3,000,000 of foreign money that would have secured the completion long ago of a cyanamid plant on the Coosa near Birmingham left the country and was used to expand the cynamid plant at Niagara, beyond the Canadian border.

Thus, there is no plant in this country, outside of the recently opened one at Nitrolee, S. C., where nitrogen is extracted from the air. This country is almost wholly dependent on Chile for its nitrates—a supply that would at once be cut off in case of war against the United States—and in times of peace there is a dependence on Chile for fertilizer materials that is a burden and an enormous expense.

The vital necessity of a plant for getting nitrates from the air has become apparent to everyone who has given the most superficial study to the subject of preparedness. Without synthetic nitrates Germany would have been prostrate early in the war—had there been a war. Not a pound of Chilean nitrates has been imported into Germany since the war began, and yet there is no scarcity of nitrates, for explosives or for fertilizers, thanks to the extraordinary development that has been made there in the extraction of nitrogen from the air.

A realization of the utterly helpless condition in which the United States would find itself as to explosives if at war with any important power has finally aroused the country to the necessity for a great plant to extract nitrogen from the air. The naval consulting board urges such a plant, and the recently reported Army appropriation bill of Congress specifically recommends it.

Since the unanswered and unanswerable argument was made by the Manufacturers Record that no scheme of preparedness that did not provide for munition plants—nitrate factories and all—in the interior of the country, away from the vulnerable, easily captured seaboard centers, could be anything but an idle dream, it is a matter of common agreement that a synthetic nitrogen plant should be located in the zone of the great water-power sites of the South.

The greatest undeveloped water power in the South is that at Muscle Shoals, in the Tennessee River near Florence, Ala. This has often been referred to as the logical site for a great cyanamide plant.

That such a development was in mind when the Alabama Power Co. financed its recent $100,000,000 loan is indicated by the company's previous efforts to establish such a plant, and also by the statement of one familiar with the company's plans that the building of the Muscle Shoals Dam would mean the expenditure of $50,000,000 in dam, power plant, factories, and all.

The sites owned by the Alabama Power Co. include a number on the Coosa River, one on the Tallapoosa, one on Little River, and the one at Muscle Shoals. When all are fully developed the total capacity would be approximately 1,000,000 horsepower. The capitalization of the company is $50,000,000.

The present completed plant at Lock 12 has about 20,000 horsepower capacity. It supplies power and light to companies and individuals in Birmingham and a number of neighboring cities in Alabama.

Officials of the company believe that Birmingham is certain to become a greater industrial center than Pittsburgh. The center of the richest mineral section in the world, with more coal than Europe contains, and with coking coal, iron ore, and limestone in such phenomenal proximity as can nowhere else be found, there are also water-power possibilities in Alabama sufficient in themselves to attract great industrial development. In addition to an increasingly large installation of electrochemical plants and other industries not now known to Birmingham, it is the belief of the company that Birmingham ought to be the center of gravity for the cotton industry of the country. As sellers of power it is the announced purpose of the company to secure users of large units of power, and it thus becomes their business to develop the community by every possible means.

With the passage of the Shields bill in the United States Senate by a large majority, there is hope that this Congress will finally pass some measure that will make it possible to bring about water-power development in the South. There has been complete stagnation in that line for several years.

Incidental to this stagnation, which has held up development projects not only in the South, but all over the country as well, the manufacturers of hydroelectric machinery have voiced a protest against conditions that interfere with their activities. Such manufacturers, representing an investment of at least $200,000,000 and employing 50,000 workmen, met in New York last week and effected an organization that will work for any measure that will bring about a resumption of water-power development. Some 40 companies were represented at the meeting, and it was announced that 500 or 600 more had declared their purpose to join. Among the companies represented at this meeting were the Allis-Chalmers Manufacturing Co., of Milwaukee; American Rolling Mill Co., of Mansfield, Ohio; American Smelting & Refining Co., Anaconda Copper Co., Archbold-Brady Co., Syracuse; Buffalo Foundry & Machine Co., Gould Manufacturing Co., of Seneca Falls; James Leffel & Co., Springfield, Ohio; Locke Insulator Manufacturing Co., Victor, N. Y.; General Electric Co., Ohio Brass Co., Springfield, Ohio; Pelton Water Wheel Co., San Francisco; Pittsburgh High Voltage Insulator Co., Platt Iron Works, Dayton, Ohio; S. Morgan Smith Co., York, Pa.; Standard Underground Cable Co., Pittsburgh; R. Thomas & Sons Co., Wellman, Seaver, Morgan Co., East Liverpool, Ohio; Westinghouse Electric Manufacturing Co.

The organization proposes to maintain offices in Washington and to carry on a campaign of publicity and education in the effort to foster an industry of large magnitude and public importance, and thereby solve one of the problems of national preparedness in the only way it can be solved—by getting nitrates from the air by electricity instead of paying Chile millions of dollars every year in times of peace, with the certainty of having the nitrate supplies cut off in time of war.

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[From the Journal of Electricity, Power, and Gas, Mar. 18, 1916.]

THE SHIELDS BILL.

After four weeks' debate the Shields navigable-stream water-power bill has passed the Senate by a vote of 46 to 22 and now goes to the House. That this notable result has been attained, notwithstanding the distractions incident to war and preparedness, should be a matter of congratulation to everyone interested in the development of our latent water powers, which, like a sleeping giant, need but be put to work to create new wealth and support new peoples on lands now disused. This is the most notable congressional recognition of western needs to date.

The Shields bill as it passed the Senate is a splendid, practical measure. It will permit of the harnessing of water power in many parts of the country. Nor is this all. While Congress is not likely at the present session to make any great appropriations for the improvement of rivers and harbors, the great hydroelectric developments made possible by the enactment of this measure will make many rivers navigable far into the interior by private capital instead of by public taxation.

Briefly stated, the bill gives authority to the Secretary of War to approve a 50-year permit for the construction, maintenance, and operation of dams and accessory works for the development of water power if, in his judgment, navigation will be benefited, public purposes best served, and conservation of water resources promoted. It provides that navigation facilities shall at least be equal to those existing prior to the new construction, that reasonable charges for the privilege and reasonable costs of Federal investigation shall be paid, and that a reasonable rental be paid for public lands occupied, the "reasonableness" to be determined by the Secretary of War, who is also to formulate all regulatory measures.

It is believed that this bill fully protects the public interest and yet provides sufficient incentive to justify the power developer in soliciting private funds. If passed by the House, this bill should usher in an era of low-head power developments exceeding in capacity the high-head plants which have already made the West preeminent electrically. The power thus released for human utilization will make possible many irrigation and reclamation projects as well as materialize plans for electrochemical and electrometallurgical industries. Its probable enactment will mark an epoch in this electrical age.

With the Shields bill yet to pass the House and the Myers modification of the Ferris bill yet to pass the Senate, only half the action necessary to provide needed relief has been taken. Vigorous agitation against both these measures is being conducted by Gifford Pinchot and his followers, who seem to look upon these measures as a means of rescuing themselves from political obscurity. It is a fact greatly to be regretted that matters so vital to the economic progress of the West are at the mercy of politicians, who apparently value their own preferment above the common welfare.

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[From the Daily Missoulian, Missoula, Mont., Mar. 19, 1916.]

WASTED WATER POWER LEAVES NATION MINUS POWDER SUPPLY.

Sensational charges involving America's pitiful lack of ingredients for explosives are stirring the Senate of the United States. Developments of the last few days have brought out the fact that the United States is absolutely dependent on foreign countries for the bases of all its explosives.

The revelation of actual conditions is regarded as the most important development up to date in the preparedness situation. Senators are saying there is little use to provide fortifications, big guns, or even more battleships, if our powder supply runs out. The keen edge of interest has been whetted by cables revealing the tremendous use of explosives in the present war, especially at Verdun.

In spite of efforts to keep this critical national situation secret from the public—or rather from agents of foreign countries—disclosure of the facts has just been made in the Senate debate on water-power legislation. The reason for the revelation is that the passage of two bills—the general dam bill introduced by Senator SHIELDS, of Tennessee, and the bill for leasing power sites on the public domain, introduced by Senator MYERS, of Montana—open the way for Uncle Sam to make his own nitrates for explosives right at home by taking nitrogen from the atmosphere through water power without asking leave of any foreign nation.

Senator SHIELDS, who is responsible for making public the situation, declares that in the event of a blockade of certain seaports "our ships, forts, and troops would have silently to surrender after the small reserve stores of nitric acid and saltpeter had been ultized, because there would be no powder left and nothing to make it of."

There has been no denial of Senator SHIELDS's charge.

WILL REDUCE FERTILIZER PRICES.

Besides making the United States independent in its supply of what the big guns eat, the pending legislation will, if passed, reduce the price of the farmers' fertilizer by supplying cheaper nitrates. It would also immediately open the way for cheap power for a multitude of other purposes.

The proposed measures are not political. They are regarded as not only an essential part of the "preparedness" program, but also as an urgent economical necessity. President Wilson has urged legislation to unlock the Nation's water powers to use. Secretary of the Interior Lane has indorsed the Myers bill for power-site leases in the public lands. Former Secretary of War Garrison urged strongly the need for passing the Shields bill. Other prominent men have given their approval to these conservation measures. One of the few sources of strong opposition is reported to be certain groups of big corporations, which now have a monopoly of power in their territory and which are opposing development which might lead to competition and possible reduction in power prices.

Congress has been talking about water-power legislation for eight years, but has done nothing, while water powers running to waste are said by Government experts to represent energy equal to that generated by an annual coal consumption of more than 100,000,000 tons. More than a million horsepower of hydroelectricity in Europe is devoted to varied industries, experts say but there is not one such establishment in the United States.

Engineers, bankers, chemists, business men, and others who know the practical side of the water-power business have told congressional committees that the reason America has none of these new industries and the reason why 70 per cent of our water powers are running to waste is because the present laws do not offer terms upon which American investors are willing to put their money into these enterprises. Pending legislation, they say, will, if passed, furnish the necessary incentive to capital.

Water-power development has been practically at a standstill in the United States for years, not only making development impossible but injuring existing industries. Manufacturers of hydraulic and electrical equipment have told congressional committees that they are "hard hit." One Philadelphia plant, with $2,000,000 invested in buildings and machinery for making water wheels, and normally employing more than a thousand men, was shut down for 10 months last year. Twenty-five hundred engineers, heretofore employed in building dams and power plants, are said to be out of work. Thousands of men would also be employed if construction on water-power plants were not held up.

Those in charge of the legislation say they are encouraged greatly over the letters that farmers and other citizens are writing to their Senators and Congressmen in favor of these bills.

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[From New York Evening Post, Mar. 16, 1916.]

THE WATER-POWER BILLS.

The public business at Washington is in a very backward state. Senator UNDERWOOD declared on Monday that in all his congressional experience he had never known the appropriation bills to be so delayed. The Senate has not yet passed a single one. Indeed, but one has been reported to it. Representative MANN uttered a warning in the House yesterday on the need of settling down to the really important legislation of the session. He said it was time to drop "chicken-feed" bills and buckle to on the big measures. But there ought to be some way of stopping also the flow of "chicken-feed" speeches. The Senate had a dreary three or four hours of them on Monday, all on the question of what should be the next order of business. It finally voted by a narrow majority to take up the Ferris water-power bill, which passed the House on January 8. Having thus exhausted itself in deciding what to do next, the Senate did nothing and adjourned.

One water-power bill was passed by the Senate on March 8. It is the so-called Shields bill. This has to do with the construction of dams "across navigable waters," with incidental development of power. The Ferris bill, which the House passed and which is now, much amended, before the Senate, regulates the development of water power on public lands. To it there is violent opposition in the Rocky Mountain States, which would be the chief scene of its operation. In that region the whole idea of Federal regulation is antagonized. Colorado, Wyoming, Idaho, Utah, and Montana, along with Oregon, want to be let alone to deal with water power on the public domain included within their territory precisely as they see fit. Senator SHAFROTH, of Colorado, asserts that the aim of the Ferris bill is to "confiscate" water power belonging to the States. And he virtually served notice that the handful of Senators from the Rocky Mountain States would not permit any bill of the kind to come to a vote in the Senate. There could hardly be a more brutal and defiant way of setting up the Senatorial privilege of unlimited debate and endless obstruction against the national principle of conserving natural resources and regulating their use.

The power bills have been sharply attacked from the other end of the line. Mr. Gifford Pinchot has denounced them as the worst "grab" by the corporations ever attempted. Representative KENT, of California, has bitterly condemned them, and has received a letter from President Wilson expressing the opinion—a right and just opinion—that it would be better to let the water go on running to waste than to part with its use and control on improper terms. But the whole question is, obviously, whether the terms proposed are improper. To the Ferris bill, as it passed the House, Mr. Pinchot gave his certificate of approval. It contained the provision for 50-year leases, which even extreme conservationists now agree to be necessary. As the bill has been amended by the Senate committee, however, Mr. Pinchot assails it, along with the Shields bill, as the sum of all villainies. His charges are very general, not to say vague. They do not rest upon a line-by-line reading of the bills with specifications just where the iniquity lies. The measures should be carefully scrutinized, of course, and if there are valid objections to any given clauses these should be changed or stricken out. But indiscriminate clamor should not prevent Congress or the public from giving attention to the solid merits of the bills.

Our own belief is that anyone who, even approaching the water-power bills with a prejudice against them, gives them a close study, will find that they have a great deal to commend them. In their general aim they appear to be along the lines of Secretary Lane's recommendations. That is, they regulate, they restrict, they provide safeguards, yet they permit of development on a commercial basis. Doubt-

less a keen lawyer might find lurking perils in phraseology; a layman will suspect some. It is possible that the true and large interests of national conservation are endangered by one paragraph or another. We freely admit this, though our own examination of the bills does not disclose the alleged glaring defects. But our purpose at present is neither to defend nor attack the bills as they stand. What we would urge is that the whole subject be given fair consideration in Congress and by the press; that the minds of those interested be brought together, and that the great need of reasonable legislation on this subject is not lost sight of in angry controversies over details. The United States is lagging behind in hydroelectric development, and the chief reason is that for six or eight years we have been laboring in vain to secure laws under which this neglected national work can be done. It will be a severe reproach to Congress if it fails to give due weight to this branch of national preparedness and does not hammer out workable bills, fair to all concerned, before it adjourns.

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[From St. Louis Globe Democrat, Mar. 10, 1916.]

SHIELDS WATER-POWER BILL.

The decisive vote of the Senate in favor of the Shields water-power bill was a victory for the school of conservation which believes that the water should be used for power as soon as possible, so as to conserve coal and petroleum. The resolutions committee of the Fifth National Conservation Congress estimated that the country could save $200,000,000 a year on fuel by prompt development of hydroelectric power. There is another and smaller school of conservation, of which Mr. Pinchot is the most prominent personality, which is chiefly interested in keeping the water-power sites out of private hands. This school has gloried in the defeat of previous bills, but has done nothing toward utilizing water power. It has saved waterfalls from use, but has let the country pay its excessive annual toll for steam power.

The long debate in the Senate revealed that the principal question is whether the Government or State shall be permitted to take over a plant at the end of 50 years at the actual value then, determined by agreement or condemnation proceedings, or whether it shall pay only what the plant has actually cost. There is no agreement to take it over at all. The investor is asked to make the venture. If he loses money, it is hopelessly lost. If he builds up a valuable property he must sell out, if the Government wishes to buy, for what the site costs now, with his actual expenditures added. It is a "heads I win and tails you lose" proposition. Nobody favors Government or State ownership now. The Government merely asks an option, which can be exercised if the experiment is successful.

The bill provides for control of charges by State and Federal authorities. Every reasonable safeguard is provided to prevent abuse. The sites must be acquired at actual value, under the various State laws. There is no bonus or grant, such as Congress voted the railways for the development of the great West. A slight monopolistic feature is almost unavoidable, but the bill prohibits improper practices as well as discriminatory charges. The critics of the bill offer no constructive alternative. They would merely load the bill down with such amendments that capital would not take the risk. If they have their way, they should entitle their act "An academic theory as to how water power might be developed if capital could be induced to invest in the experiment."

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[Editorial from the Evening Post, New York, Friday, May 5, 1916.]

That the National Conservation Congress should have indorsed the Shields bill by a vote of 116 to 39 is a severe blow to Pinchot, Garfield, and other extreme conservationists. There was no division upon principles, but merely upon the interpretation of the Shields measure. The majority of the Conservation Congress plainly thought that its provisions could be accepted literally and in good faith. It meant what it said in giving the Government the right to take over private water-power plants on navigable streams at the end of 50 years at actual valuation. But ex-Secretary of the Interior Garfield was certain that the bill "turns over to private monopoly public power in perpetuity. The 50-years' limitation as proposed is nothing more than a mere fiction." The minority resolutions held that power sites should not be disposed of in perpetuity, but retained in Federal control. The majority made much of the fact that the Senate, after careful debate, had not seen in the bill the "mere fiction" of which Garfield spoke; and an even weightier consideration is that Secretary Lane has not done so. Upon details of the measure there may be disagreement, but its guaranty of a 50-years' tenure seems necessary to invite capital into a risky field.

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[From the Ottumwa Courier, Mar. 14, 1916.]

SHIELDS WATER-POWER BILL.

The Shields water-power bill authorizing the Secretary of War to grant permits for the building of dams and power plants on navigable streams is about ready for a vote in the United States Senate. This will be the first vote taken in the Senate on a general water-power measure in the eight years that the subject of conservation of natural resources has been under consideration in Congress. Two water-power bills passed the House last year and died in the Senate.

Senate leaders and military authorities urge the Shields bill as a vital feature of the preparedness program. It is estimated that there is 60,000,000 horsepower of natural energy in the navigable streams of the United States, of which nine-tenths is flowing to waste. These great water powers have been locked out of use up to now, as a special act of Congress has been necessary for each power plant, and it has been impossible to pass workable tracts for the development of large water powers.

Senator SHIELDS, of Tennessee, announced in the Senate that the passage of this bill would be followed by early development of waterpowers aggregating 15,000,000 horsepower, or a volume of electricity equal to that produced by a coal consumption of 100,000,000 tons a year. Engineers estimate that development of this amount of water power equals a saving of $700,000 a day in coal bills.

It is known that a number of big electrochemical plants for making saltpeter and nitric acid from the air have been planned by private enterprise, and will be built as soon as the Shields bill becomes a law and makes it possible to finance these undertakings. These chemicals are essential to the manufacture of explosives and agricultural fertilizers, and at present the United States is wholly dependent for its supply upon the nitrate deposits of Chile. The Chilean Government collects a high tax upon every ton of nitrate exported. There is at present not a single atmospheric nitrogen plant in this country, although Europe has 1,200,000 horsepower of hydroelectricity devoted to this use, and Germany is making 600,000 tons of saltpeter a year in such establishments for military and agricultural uses.

Electrification of railroads, manufacture of iron and steel in electric furnaces, and extensive irrigation developments in the West are among other benefits expected to be derived from the utilization of large water powers for generation of cheap electricity.

Under the terms of the Shields bill the Secretary of War is authorized to grant permits for dams and power plants where he believes the building of such dams will improve navigability of streams. Dams are to be built without cost to the Government, and the grantees are to provide and operate locks, gates, sluiceways, etc., all without cost to the Government. Permits may be granted to individuals, political subdivisions of States, cities, or other municipal corporations, or to public-utility corporations. Intrastate business and rates of companies operating under the act are to be regulated by the States and interstate service and rates by the Interstate Commerce Commission.

Municipally owned dams and power plants for irrigation or for supplying power for municipal purposes are to be given preference in making leases for surplus water power in the streams. The bill does not apply to water power on small streams and creeks used for gristmills, sawmills, etc.

The measure contains a drastic antimonopoly clause, providing that no dam or works constructed under its provisions shall be owned, leased, controlled, or operated "by any device or in any manner so that they form part of or in any way effect any combination in the form of unlawful monopoly, or form the subject of any unlawful constraint or conspiracy to limit the output of electrical energy or in restraint of trade."

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[From the Albany Argus, Mar. 13, 1916.]

DEVELOPING WATER POWER.

The bill for development of water power, which has now passed the Senate after four weeks of debate, differs in many respects from the measure passed in the House several weeks ago, and so materially that it is designated as the Shields bill, after the name of the Tennessee Senator mostly responsible for it. Gifford Pinchot is up in arms against it, characterizing it as "the most serious attack upon conservation since the effort to turn Alaska over to the Guggenheims was blocked in 1910."

That this is an extravagant statement is obvious from comparison of its provisions with those of the House bill which Pinchot approved in behalf of the conservationists and which was framed in the main along the lines recommended by Secretary Lane. The two Houses in smoothing out the differences in conference will, if we are not mistaken, find merits worth adoption in both bills.

In essential purpose the two bills are the same in that they would provide for the early development of some 18,000,000 horsepower from navigable streams that are under Federal jurisdiction, so that Uncle Sam's consent is necessary for their utilization for this purpose. The harnessing of their power would mean a saving yearly of 100,000,000 tons of coal, for which $250,000,000 is spent. The points of difference deal with the question of how far it is necessary or safe or just to go in inducing private enterprise and capital to take hold of the development work. Under the Senate bill leases of water-power sites may be secured from the Secretary of War to run for 50 years and, if the Government at the end of that time wishes to take over the plants, a "fair value" must determine the price which the Government will pay to the private owners. The element of "unearned increment," which might be great in that time, is the subject of the chief dispute. Critics of the Senate bill insist that if this feature stands water-power companies might be able to get "too fat a thing" in selling out to the Government.

In the main the business done by the companies will be an intrastate one; so it is provided that it shall be regulated by the public utility commissioners of the States themselves, the interstate business alone being left to regulation by the Interstate Commerce Commission of the United States. This again is attacked as giving the advantage to the companies in the States where they can control the commissions—a very usual line of argument for centralizing power, without stopping to think what of evil as well as good could be within reach of a body wherein all control is concentrated. Moreover, could a pretense be erected that would stand for stretching the Federal arm into such a business exclusively within the borders of a single State?

One-half of the water power now in public use is controlled by 18 great companies and though full monopolization is hardly to be feared there are tendencies in that direction, especially because of the influence of the great supply companies, and they would be likely to be strengthened under centralized supervisory control. All hands are agreed that regulatory power is needed over such a utilization for private profit of great natural resources. The dispute is simply as to which is the fairest and most effective way of exercising it.

Much was made in the argument on the bill of the need of securing great water powers for the extraction of nitrogen from the air, as Germany is doing, as a part of a policy of "preparedness," because of the need of that element for gunpowder. The House Army bill includes a provision for this purpose. But the need for the works of peace and for the elimination of enormous needless cost for our industries is manyfold greater.

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[From the Electrical Age, March, 1916.]

WATER-POWER DEVELOPMENT.

The investigation of the country's water-power development by the Department of Agriculture, which we abstract on another page, at least establishes certain points as being true for the time. It shows that the public service companies account for about one-fourth of the total primary electric power of the country and about half of the developed water power. It also shows that 68 per cent of the total public service company power is in the hands of about 85 corporations, of which 6 control one-fourth, and that these corporations are closely related as to holdings and ownership.

All this is not very new and could have been pretty closely forecasted by anyone conversant with the facts. But a feature of the report that has caused some comment is that which shows that the development of water powers during the three years just passed has been three times as great as that of steam power, and that the development in the Mountain and Pacific Coast States has been over twice as rapid as that of the country at large.

As these Western States contain nearly three-fourths of the country's total water power, it is to be expected that the principal development would take place here. That this fact has been brought out by the report is not particularly comforting to many of the opponents of the existing laws, whose efforts in Congress resulted in its making. It has

been persistently claimed that the present laws relating to the development of water power on public lands were throttling the progress of the country, particularly of the western country. This view has been behind much of the agitation about water power and has had credence in high places. It has been expressed by the President, Secretary of the Interior Lane, and most committees that have investigated the matter.

At first glance it would seem that there is no ground for the belief that public-land water-power development has been checked. On the contrary, the report calls the present situation in the West an "overdevelopment." Its conclusion is that not only has the present régime fostered the investment of capital in water power but that it has gone too far and overstimulated it.

Is this opinion based on the fact that electrically generated water power per capita in the States in question is from 120 horsepower per 1,000 inhabitants in the Mountain States to 160 in the Pacific States as against 30 for the country at large? If so, it is apparent to some that it stands on a poor foundation.

If a reason is sought for the fourfold production of water power per capita in the West as compared with that of the rest of the country, it is not to be found in the enticements to capital offered by the existing laws and regulations. It lies, figuratively and actually, much deeper—it is to be found in the lack of coal out there.

If this section of our country is to progress industrially it must progress by means of oil power and water power and in spite of lack of coal power. That electrically generated water power there is more than fourfold that of the country at large is so because of the demand for cheapest power available in that section—nothing else.

For this reason all will not agree with those who are satisfied with the present state of affairs. Why should not the preponderance of water power per 1,000 inhabitants in the West be fivefold or tenfold greater than for the country at large? In many places the actual excess cost price of coal as compared to the average cost for the country at large approaches that proportion. Therein lies the real reason of hydroelectric development.

In the Eastern and Central States the coal mine is still actively competing with water power. In the West the latter has the advantage. And, from all points of view, it is probable that the actual effect of the present laws on this subject has been to hold back legitimate growth. Hence the persistent efforts that are being made to reform them.

Sound regulation of these resources demands that there should be no unnecessary clog to needed developments. If there are features of the existing laws that have this effect, then the growth of water-power use, as shown, has progressed in spite of these adverse factors. If they are removed, none can deny that it will be all the better for the industry.

The legislation now pending in Congress is drawn, for the most part, with this in mind and its passage may be expected to improve the situation as regards the terms imposed on capital seeking investment in this field.

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[From the Age-Herald, Birmingham, Ala., Mar. 13, 1916.]

ALABAMA WILL REAP BOUNTIFUL HARVEST IF SHIELDS BILL IS ENACTED INTO LAW—BANKHEAD AND UNDERWOOD OVERWHELMED WITH CONGRATULATIONS ON ITS PASSAGE BY SENATE—MEASURE WILL HIT SHOALS IN HOUSE, ADVOCATES FEAR—WILL BE OPPOSED BY THE SO-CALLED CONSERVATIONISTS—SHOULD SAVE HUNDRED MILLION TONS OF COAL ANNUALLY.

[By Hugh W. Roberts.]

WASHINGTON, *March 12.*

Judging from the fact that Senator BANKHEAD and Senator UNDERWOOD have been overwhelmed by the unanimous congratulation of citizens of the Tennessee Valley, it is evident that Alabamians believe that as a result of the passage of the Shields dam bill a great blessing will be in store for the State.

The measure, after a long, hard fight, passed the Senate by a big majority. It will encounter shoals in the House. It is opposed by the so-called conservationists, although Senator SHIELDS contends that as the development of latent water power will prevent the consumption of 100,000,000 tons of coal per annum, the advocates of the bill are the real conservationists.

At any rate, the idea obtains that if the bill is eventually enacted into law all streams in Alabama capable of generating power will be developed, and that the State as a result will be immeasurably enriched. All dams constructed by individuals or corporations will cost the Government nothing and must be an aid to navigation. The individual or corporation constructing the dam retains a lease without taxation for 50 years.

THE BILL'S TERMS.

Under the terms of the bill the Secretary of War is authorized to grant permits for dams and power plants where he believes the building of such dams will improve navigability of streams. Dams are to be built without cost to the Government, and the grantees are to provide and operate locks, gates, sluice ways, etc., all without cost to the Government. Permits may be granted to individuals, political subdivisions of States, cities, or other municipal corporations, or to public-utility corporations. Intrastate business and rates of companies operating under the act are to be regulated by the States, and interstate service and rates by the Interstate Commerce Commission.

All plans for dams and works are to be approved by the War Department as being the most adaptable plans for improvement of navigation and fullest development of water-power possibilities. The grantee is to pay a rental for public lands used, and a charge for rights and privileges in use of water, these rentals and charges to be fixed at the discretion of the Secretary of War, and the money received from same to go into a special fund in the United States Treasury to be used for further improvement of waterways. Actual construction work on any project is to be begun within two years of the granting of the permit, and the works are to be completed within such reasonable time as the Secretary may prescribe. For failure to complete the works as directed, or for violation of the provisions of the act or noncompliance with regulations or orders of the War Department, the grantee is subject to heavy cash penalties or to revocation of the grant.

FIFTY-YEAR PERMITS.

Permits are to be granted for 50 years, after which time the Government may either extend the original lease, make a new grant, or upon one year's notice take over the property upon payment of its fair value, this value to be determined by mutual agreement or by the Federal courts, and not to include any allowance for any rights granted by the Government. The bill also provides that no value of rights granted by the Government shall be allowed in fixing rates to consumers. Dams, locks, and other structures used primarily for improving navigation are to be exempt from taxation.

Municipality-owned dams and power plants for irrigation or for supplying power for municipal purposes are to be given preference in making leases for surplus water powers in the streams.

The measure contains a drastic antimonopoly clause, providing that no dam or works constructed under its provisions shall be owned, leased, controlled or operated "by any device or in any manner so that they form part of or in any way effect any combination in the form of an unlawful monopoly or form the subject of any unlawful constraint or conspiracy to limit the output of electrical energy or in restraint of trade."

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[From the San Diego Tribune.]

SOME OF THE FALLACIES OF PINCHOT CONSERVATION.

In an open letter to Gifford Pinchot, president of the National Conservation Association, from the water-power development association, it is shown that under the kind of restriction and high rentals in the present laws, approved by the Pinchot conservationists, development has practically come to a standstill; and that no large powers have been or are being developed in the national forests and the public domain.

It is also shown that under the present general dam laws, which do not offer terms attractive to capital, only eight dams and water-power plants, with a total development of less than 140,000 horsepower, have been built on navigable streams in the last 10 years.

And in this same period water powers in Europe have had the greatest area of development known to history.

Under the restrictive policies of the United States, for 10 years past, not a single electrochemical plant using water power has been built in this country, while in the same years Europe has developed more than a million horsepower of hydroelectricity devoted to fixation of atmospheric nitrogen alone. Restrictive laws and water-power failures in this country have so discouraged investment that some of our largest power enterprises of recent years have been compelled to seek financial aid abroad.

Every kilowatt of electricity produced by water power is the approximate equivalent of 2 pounds of coal saved for future consumption.

Ever dollar added to the cost of water-power development adds to the cost of supplying power to the consumer, decreases the possibilities of production of power cheap enough upon which to build great new enterprises, lessens the margin of economy between generating power by water and by steam, and diminishes the number of water powers that can be economically and profitably developed, in like manner and extent diminishing the hope of conserving the fuel supply.

Pinchot charges that the Shields bill just passed by the Senate does not protect public rights, because at the end of 50 years, in buying the plants, the Government would be compelled to take over transmission and distributing systems dependent upon the water powers for their value; in other words, Mr. Pinchot would have the Government discourage investment in such utilities by destroying the value of the properties at the end of 50 years.

If the Government bought the generating plant and not the distributing system, the entire scheme would be "up in the air," for Mr. Pinchot in his objection makes no provision for the use or disposition of the power.

He probably intends that the whole cost of the plant shall be amortized, and the property turned over to the Government free of cost at the end of the period, but evidently he does not take into consideration that the amortization cost would have to be added to the power prices, and would operate to discourage water-power development in the same manner and for the same reasons as would the imposition of any other form of rental or taxation adding unnecessarily to the cost of power.

Use is the highest form of conservation of water power; but Mr. Pinchot either doesn't know that or refuses to admit it.

The entire Pinchot scheme of conservation is demagogic and sophistical.

Pinchot probably knows better, but it does not suit his personal or political purposes to have it right and for the best interests of the country and posterity.

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[Editorial from the Engineering Record of Apr. 8, 1916.]

THE SHIELDS BILL.

For years this journal has been urging the need for Federal legislation which would encourage the rapid development of our wasting water powers. As is well known the only form of permit which can be secured now is revocable at any time. Under this provision capital has been deterred from water-power investment. So patent is the present unfavorable situation, so apparent is it that true conservation demands the utilization of energy now being wasted, that the demand for suitable legislation is heard from every quarter. Year after year measures have been introduced. Much time has been consumed in hearings, yet always the pressure of legislation has resulted in the measures dying with the termination of the sessions. In the fall of 1913 the National Conservation Congress met in Washington to discuss the question. The water-power committee brought in not only majority and minority reports but also a set of "unanimous recommendations," which had the support of the entire committee. These recommendations, too, were the burden of the majority and minority reports, which differed from each other and from the "unanimous recommendations" in minor respect only—and chiefly in the emphasis which the minority report laid on the danger of water-power monopoly. An examination of the Shields bill, side by side with these recommendations, shows that each of them has been embodied in the Shields bill, save only that which provides that the Government should reserve the right of receiving a compensation for the power granted. It is the omission of such a reservation which has brought forth the chief opposition to the measure. As to this matter there is ground for argument. The only reason for demanding such a clause is that the State public-service commissions, to which the bill gives the right of regulating interstate rates, might be subservient to the wishes of the water-power companies. Rates might thus be set which would fail to return to the public its share of the water-power benefits. With our present experience in regulation, however, the danger is rather that the attitude of the commissions toward the companies will be inimical. Where power is transmitted across State boundaries the Interstate Commerce Commission would control the rates. The real injustice to the public would come, in the opinion of this journal, in cases where a power was granted for the use, exclusively or in large part, of a single industry. And this would

apply whether the industry received the grant directly or through a subsidiary. Where a power is so granted, the company may get an inordinate return and the public nothing. There should be a clause in the bill, therefore, which would allow the Government to lay a tax on that part of the power used by a grantee proprietor whenever power so used exceeds 40 per cent of the total generated. With this addition the Shields bill should meet the hearty approval of thinking citizens. So amended it would adequately protect the interests of the public, and make it possible to attract investors. The bill should then receive favorable action in the House.

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[From the Washington Post, May 7, 1916.]

VAST POWER WASTED—STREAMS CAN DO WORK OF NEARLY TWO BILLION MEN, SAYS LANE—NEW INDUSTRIAL ERA SEEN—HAMPERING LAWS BLAMED FOR LOCKING UP COUNTRY'S RESOURCES—PREDICTION MADE THAT WEST WILL RIVAL EAST AS STEEL AND IRON PRODUCER—NITRATES FOR STARVED LAND.

[By Franklin K. Lane.]

We are living to-day in the dawn of an age in which power is the basis for our material progress. The productive abilities of our 100,000,000 people are increased by the use of probably 125,000,000 horsepower of mechanical energy, not including the animal power furnished by 30,000,000 horses and mules. When applied to industrial uses 1 electrical horsepower does the work of 10 men without tiring. That is, 1 electrical horsepower, continously operated, does as much work as 30 men working in eight-hour shifts.

Conservation of human labor goes hand in hand with utilization of mechanical energy, and utilization of that form of energy most cheaply and least wastefully developed accomplishes the maximum in freeing man from muscular toil and increasing his productivity. In the last decade we have harnessed for our utilities and industrial needs something like 6,000,000 horsepower of water. This means, in terms of human energy, that streams which before that time flowed on in waste are now doing work equivalent to the labor of 180,000,000 men working eight hours a day.

POWER OF 1,800,000,000 MEN.

This accomplishment stands for real progress, but, as compared with our possibilities, it is not such progress as we should have obtained. Although we are utilizing to-day 6,000,000 horsepower of water, we are annually, daily neglecting and wasting 10 times that amount, largely because of our inapplicable laws, since most of the water powers not in use are under Government control, and the present laws do not adequately make provision for their fullest development and use.

There is in nonuse in the United States enough water power to equal, if harnessed to the wheels of industry, the daily labor of 1,800,000,000 men, or 30 times our present adult population.

We are depleting our fuel supply in the manufacturing sections of the East and Middle West, while in the far West are mountains of undeveloped raw materials adjacent to unused water powers whose development would mean the establishment of great new industries in new manufacturing centers.

FARMS DENIED FERTILIZER.

We are robbing our farm lands of fertility and failing to realize the utmost of our agricultural opportunities because of our dependence upon foreign sources of high-priced supplies for chemical plant foods or fertilizers, while mountains of phosphate rock, lime, and lignite in the West await only the magic touch of atmospheric nitrogen extracted and fixed with the aid of cheap hydroelectricity to furnish a low-priced and plentiful supply of fertilizing elements.

Millions of acres of lands rich in plant foods lie arid and waste in the western country which can be converted into fertile and productive farms, gardens, and orchards merely by pumping onto them the waters of the streams flowing through them. This miracle of making the desert bloom awaits for accomplishment only the laws which will permit capital and enterprise to engage in the harnessing of these streams so that they can pump themselves onto the thirsty soil.

To conserve these vast natural resources is the greatest attainment to which the statesmanship of our day can apply itself.

To be truly prepared for war is to be fully prepared for peace.

More than 40 per cent of the potential water power of the United States lies in the comparatively narrow strip bounded by the Cascade Mountains and Sierras in the east, the Pacific Ocean in the west, Canada in the north, and Mexico in the south. Some of these water powers, now unused, are among the cheapest in the world. Long-distance, high-voltage transmission has almost annihilated distance in making hydroelectricity available in this great western empire.

NEW INDUSTRIAL ERA.

Development will open to the West an industrial era of such possibilities as have been almost undreamed of. Iron deposits are here in abundance, which, with fluxing and reducing materials at hand and cheap hydroelectric power as the agency for reduction, may make the Pacific coast a competitor with the Ohio Valley in the production of special grades of pig iron and the manufacture in electrical furnaces of high-grade steels.

Also at hand are the materials for the manufacture of such steel alloys as ferromanganese, ferrochrome, ferrosilicon, ferrotungsten, ferromolybdenum, and others. Here are rare metals—barium in the form of sulphate and carbonate, zince and copper, gold and silver—all awaiting the magical touch of the cheap electrical potentiality in our wasted stream flow.

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[From the Investment News (Chicago), Apr. 1, 1916.]

WATER POWER DEVELOPMENT MEANS GREATER PROSPERITY FOR UNITED STATES—AS PRIVATE CAPITAL ALONE CAN BE PROCURED, IT SHOULD BE ENCOURAGED TO INVEST AND NOT FRIGHTENED AWAY BY LAWS PROHIBITIVE AND INIMICAL; PURPOSES OF SHIELDS AND FERRIS BILLS; AN HONEST PRESENTATION OF THE SUBJECT.

[By Herman B. Walker, Washington, D. C.]

One of the greatest problems before Congress to-day is the adequate handling of the water resources of this country. The following article prepared by Herman B. Walker, of the Water Power Development Association, outlines in temperate and judicial language the purpose of the legislation sought and the benefits to be derived from a safe, sane, and sensible development of the water power of the Nation.—Editor.

There are two great conservation bills before Congress, the passage of which means so much to the economic welfare of the United States that they are entitled, I believe, to careful consideration and earnest support. These are the bills for enabling and encouraging development of the unused water powers in the navigable streams and in the public domain. Because of widespread misinformation and because of misapprehension in many minds as to the kind of legislation necessary to bring about water power development, there is danger that these bills may be passed in such form as will defeat their main purpose, and actually discourage water-power development instead of encouraging it.

To secure water-power development by private enterprise terms and conditions must be such as will attract investment. With Europe impoverished by war, development must be financed here, and water-power securities must compete with other forms of investment. Under present laws, for several years past, water-power development in the United States has been practically at a standstill. A few comparatively small powers have been developed in the West, in the national forests and national parks, in localities where growth of city utilities or need for irrigation, or both, have created a high-priced market, or where conditions have otherwise been exceptionally favorable. No large hydroelectric plants have been built in recent years. Recent reports of the Forest Service show that the average size of power plants built in the national forests under the present revocable-permit system is less than 6,000 horsepower, and that permits have been issued for large developments aggregating more than 1,500,000 horsepower, of which none has been built or is being built. I know from personal investigation that efforts to finance these larger plants have failed and that they can not be built under present laws.

In 10 years past only eight water-power plants, aggregating less than 140,000 horsepower, have been built upon our navigable streams under the general dam acts of 1906 and 1910. President Wilson, Secretary Lane, and committees of both Houses of Congress, after careful study, have announced their belief that new laws are necessary to stimulate water-power development.

POWER DEVELOPMENT IN EUROPE.

During the last 10 years 1,200,000 horsepower of hydroelectricity has been developed in Europe for use in atmospheric-nitrogen establishments, of which we have not one in this country. A number of large enterprises of this nature have been planned in recent years in the South and West, but they can not be financed under present laws. The stagnation in water-power development is not only wasting unnecessarily our fuel supply, but is preventing the establishment of new industries and putting the brakes on national prosperity. One large factory, with $2,000,000 invested in buildings and machinery especially designed for making water wheels, was shut down for 10 months last year and has exactly one small wheel at present under construction. It is estimated that more than 2,500 engineers in the United States formerly employed in hydraulic construction are now out of work.

We are talking of military preparedness, but are wholly dependent upon foreign supplies of saltpeter from which to make nitric acid, an essential in the manufacture of explosives. Our farmers are paying tribute to the Chilean monopoly on every pound of nitrates used in agricultural fertilizers. Capital will not build the water powers necessary to the establishment of electrochemical industries which would give us military, agricultural, and industrial independence because present laws do not guarantee security of investment or offer hope of reasonable return. It is believed by men who know the practical side of the subject that the Shields bill and the Ferris bill as amended in the Senate will offer this needed incentive to investment, and that their passage will be closely followed by extensive development.

The Shields bill received the full indorsement by Lindley M. Garrison, former Secretary of War, whose testimony on the subject before the House Committee on Interstate and Foreign Commerce should be carefully read by every citizen interested in the conservation of water powers. An editorial in the Outlook of February 9, 1916, states clearly and forcibly the features of legislation necessary to protect public rights. All of these features are included in both the Shields bill and the Ferris bill as amended by the Senate Committee on Public Lands.

FEATURES OF BILLS BEFORE CONGRESS.

Both of these bills retain to the public all title in water rights and power sites, where these are now publicly owned, granting only permits or leases for use for 50 years, at the end of which period the Government may take over all parts of the plants dependent for their usefulness upon the leases or permits at a fair value, to be decided by mutual agreement or by the Federal courts. No allowance is to be made for any unearned increment or value in any lands or rights granted or leased by the Government or acquired by condemnation under any powers conferred by the acts. During the leasing period intrastate service and rates are to be subject to State regulation, and interstate service and rates by the Interstate Commerce Commission.

On the ground that use is the highest form of conservation of water powers, and to discourage speculation, leases and permits are to be revocable if development is not made within a reasonable time. A moderate rental for public land used is to be paid by the power companies; also a Federal charge for the benefits derived from Government storage of water.

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[From the News, Birmingham, Ala., Mar. 14, 1916.]

THE SHIELDS BILL—LET US BE FAIR IN OUR ATTITUDE.

A good deal has been said in disparagement of the Shields bill that would permit the development of waterways by private capital. Most if this criticism has originated, it may be said, from localities that would not be directly benefited by streams far distant. Much of this criticism, too, has come from sources quite blind to the good of any utility, no matter how carefully supervised by Federal, State, or municipal authorities, that is developed by private capital. Private capital, to some mentally blind persons, is a thing worse than the black plague—a fearsome scourge meant only to rob poor persons of their daily bread. It is true that private capital at times has made malefactors of some corporations. It is the nature of great unrestricted power, unless properly regulated, to drift into deviltry.

There is a cropping out here and there of the old bitterness against private capital in any shape or form that would even suggest a hastening of the illiteracy campaign. It would appear that some persons who criticize the Shields bill that has just passed the Senate are not well informed as to the purposes of the dam building which that bill would permit, nor the regulation of these privileges, nor the safeguarding of the people's interests, which are a part of it.

Under the Shields bill the Federal Government will have the strictest supervision of all water-power development.

Dams are to be built without cost to the Government, and the grantees are to provide and operate locks, gates, sluiceways, etc., all without cost to the Government.

Intrastate business and rates of companies operating under the act are to be regulated by the States and interstate service and rates by the Interstate Commerce Commission.

The grantee is to pay a rental for public lands used and a charge for rights and privileges in use of water, these rentals and charges to be fixed at the discretion of the Secretary of War, and the money received from same to go into a special fund in the United States Treasury to be used for further improvement of waterways.

For failure to complete the works as directed or for violation of the provisions of the act or noncompliance with regulations or orders of the War Department, the grantee is subject to heavy cash penalties or to revocation of the grant.

Permits are to be granted for 50 years, after which time the Government may either extend the original lease, make a new grant, or, upon one year's notice, take over the property upon payment of its fair value, this value to be determined by mutual agreement or by the Federal courts, and not to include any allowance for any rights granted by the Government.

The bill also provides that no value of rights granted by the Government shall be allowed in fixing rates to consumers. Dams, locks, and other structures used primarily for improving navigation are to be exempt from taxation.

That last paragraph may irk the tempers of some folk who believe the companies that spend millions on the improvement should be heavily taxed for the privileges granted by the Government. The point is debatable. The attitude assumed in such an argument is that the people are giving something away and receiving nothing back. The argument is stereotyped, of course. It is assumed by those who, like the miser, look on their unused gold and gloat over the thought of what they could do with it if they chose to go on a high lonesome and blow it in. There are those of poetical temperament, who protested against the use of Niagara Falls, who would prefer to have the scenery remain, rather than devote the power of those falls to the service of men; those who would rather the river would babble over sharps and shingles to the end of the journey rather than let it be utilized to create great wealth for the people.

Now, this is all very well. The News is strong in the opinion that these privileges should be well paid for, and that in addition to the rentals and land charges specified in the bill the companies should be taxed, and taxed commensurately with the value of the development. But this matter was thrashed out long before the bill was introduced, and it was found that the owners of capital, considering the vast expenditures necessitated for the work, could not see their way clear to paying taxes. With that knowledge, the Shields bill was framed. The bill passed the Senate. A similar bill will be disposed of in the House, and the News trusts in a similar fashion.

Whatever those charges for land rents and water privileges may be, they will be diverted to water-power developments—perhaps to production of nitrogen on an immense scale. In the case of Muscle Shoals, which will be greatly benefited by such a development, the commercial development of Alabama is a quite natural concomitant. Greater pay rolls will follow in the path of such privileges on the Alabama and Tennessee Rivers.

No good argument has been presented against this—none that can be attributed to anything greater than congenital prejudice, a thing which Alabama must get over with if it would properly develop its latent wealth. If the companies that go to work and spend millions in this development get immensely rich in the course of years, that, too, is all right.

Let us not be selfish. Let us all be as liberal and fair as our training and vision will allow us to be.

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[From the Monitor, Concord, N. H., Mar. 23, 1916.]

The Shields water-power bill, which administration Democrats have just succeeded in driving through the Senate is denounced by Gifford Pinchot as something most outrageous. And Pinchot declares that President Wilson was fully informed of the evil character of the measure and refused to lift a finger in opposition to it. The logical conclusion of this should be that Pinchot, with all whom he can influence, will unite with the Republican Party to defeat Wilson's reelection. But Pinchot is always more prolific of language than of logic in political affairs.

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[From the Sentinel, Milwaukee, Wis., May 9, 1916.]

WATER-POWER OBSTRUCTION.

By a vote of 116 to 39 the National Conservation Congress has indorsed the Shields bill and thus such conservation impossibilists as Messrs. Garfield and Pinchot have been hit hard in the house of their friends.

If these somewhat monomaniacal gentlemen were to have their way water-power conservation would simply amount to a Government veto on water-power development.

Owing to such fanatical, unprogressive, incredibly stupid legislation, only 10 per cent of the country's enormous available water power is utilized. By imposing such impossible terms that capital can not be induced to enter the precarious field of water-power development, our immense potential source of hydroenergy is almost entirely undeveloped.

The Government can not develop it. Private capital alone can develop it. Unless the Government gives private capital a chance to develop it on reasonable terms, it will remain undeveloped.

Nothing can be more asinine, more wasteful in terms of national resources, than this governmental policy of sheer dog-in-the-manger obstruction.

Irrigation, reclamation of millions of acres of arid lands, railway electrification, great projects in the substitution of hydroenergy that would conserve the Nation's coal supply—all will be indefinitely held up, to the immense loss and detriment of the country unless the stupid and reactionary legislative shackles are removed from the water-power development opportunities.

It is most encouraging to find that the National Conservation Congress recognizes this.

Let the public interest be protected, and well protected, by all means.

But it certainly is not protecting the public interest so to legislate that our magnificent water-power resources remain as undeveloped as they were when the Indians and the buffaloes roamed the country. It is precisely the reverse.

Give American energy and capital a fair chance, and a fair chance is all they ask or are entitled to.

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[From the Inquirer, Philadelphia, Pa., May 5, 1916.]

REAL CONSERVATION WINS.

Gifford Pinchot, former Secretary of the Interior Garfield, and other sentimentalists received a body blow at the meeting of the National Conservation Congress in Washington. These gentlemen, who have lived long in the East and have plenty of money, can not understand how anyone can oppose their own special views without being utterly given over to the devil of materialism. Their idea of conservation is to stop the use of all of the natural resources of the country. It is about as practical as to urge a man to keep depositing all his money in bank with the distinct understanding that it can not be drawn out for a hundred years.

The majority of conservationists in the Congress are not of that sort. They want the best possible use made of our resources and to this end have indorsed the pending Shields bill in Congress, which will release the pent-up water power of the country and put it to work. They have an interest in posterity, but they are also interested in living people. Pinchot et al. are of the opinion that this is going to give a great money devil control over the lives and fortunes of people in the West. If so, the people involved are quite satisfied. They would rather see water power at work pumping water over desert lands, which will blossom like the rose, sending light, heat, and power of various kinds to benighted sections, than that the present condition should continue.

Pinchot managed to tie up many of the resources of the West—coal, iron, pasture lands, water power, timber, etc., so that practically no progress has been made for a decade. It is a revolt from his academic and unworkable methods which has brought the real conservationists to action. The Shields bill looks to releasing water power under normal restrictions. It means much to the people of the West, where conditions depend so much on the activity of man to make nature more kindly. Such conservation as Pinchot desires, if undertaken a century ago, would have blocked the development of this country. The Western Commonwealths have no desire to be butchered to make a holiday for their great-great-grandchildren.

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[From the American, Waterbury, Conn., Apr. 14, 1916.]

MR. PINCHOT'S WEAKNESS.

Gifford Pinchot writes another letter to the newspapers—some of which print it—on the subject of the giving away by the Government of vast water powers. The Shields bill, which has just passed the Senate, Mr. Pinchot says, gives to water-power interests water power equivalent to twice the mechanical power of every kind now used in the United States—enough to meet the needs of 200,000,000 people. But the bill has not passed the House, and he says it can be defeated. He calls attention to another substitute bill in the House which he considers just as bad, and to two other bills, either in the House or Senate, which are not fit substitutes. He recommends especially the Ferris bill, which has twice passed the House but got no further. He is afraid that in the conference between the two Houses, if different bills pass each House, the water-power interests will be able to bring their powerful influence to bear and obtain what they seek.

The present is a great opportunity for interests which know what they want and have the means of going after it. We don't know the merits of these different measures. Heretofore we have taken Mr. Pinchot's word for it. He was almost the original of the advocates of conservation of land, forests, water power, and whatever else was in danger of being wasted But his zeal so led him away from general to personal causes, and he has shown himself so untrustworthy in his judgment and so hasty in some of his words and actions that we don't know how far he is speaking as the unselfish, self-sacrificing friend of the people and defender of their rights, or as the partisan in politics, the radical in theories, and the zealot whose enthusiasm confuses his common sense.

We have got to trust Congress to deal with this question, because the great popular forces which Mr. Pinchot was once able to rally behind him are now distrustful of him, and, furthermore, are so interested in one or two other vital things as to exclude questions like this, where the terms are not perfectly distinct. Still further, the public has seen some harmful results of the interference of government with private business which was brought on in a considerable degree by Mr. Pinchot's past activity, and for the time being at least is inclined to give private enterprise a chance for its life, with the risk, of course, that it will take the lives of competitors and the property of the people.

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[From the American, Waterbury, Conn., Mar. 9, 1916.]

STOPPING STRANGULATION.

What has been called the "heavy hand of strangulation" has been laid on all water-power production, but it especially affects the Northwest. The hard times are still along the Pacific coast and in that general region. One reason given by those who live there is that all private initiative is so controlled by Government or State regulation that capital can not be found for investment in new enterprises.

And no wonder. Take the State of Oregon. There are thousands upon thousands of horsepower running to waste there. A water-power company can not obtain a license from the Government that is not revocable on some excuse or other by a bureaucratic official in Washington. There is no appeal to the courts against this official. One company which did venture out into that field is said to have had a $10,000,000 investment taken away from it, and it was obliged to charge off that amount because of this bureaucratic system. What evidently is needed is that private capital be allowed to develop this water power for a given term of years without revocation, except on a court decision of the license.

This is the privilege which is granted in the so-called Shields bill which has just passed the Senate. The bill provides for the development of water power in a navigable water by providing capital, the license, issued by the Secretary of War, giving the grantee the right to operate the power for 50 years, when the plant reverts to the Government upon payment of a fair value to be determined, in the last resort, by the courts. Of course, all such water-power privileges are under the control of the Interstate and the State Commerce Commissions. This is all those interested in the development of water power have been fighting for, and if the bill now goes through the House it will raise the heavy hand of strangulation which has prevented a very necessary development.

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[From the Engineering News, New York, May 11, 1916.]

FEDERAL PERMITS FOR WATER-POWER DEVELOPMENT.

The National Conservation Association at its meeting in Washington last week voted by a large majority to approve the Shields bill, which authorizes the Government to grant fifty-year permits for the development of water power on navigable rivers. Under this bill the development of the power will be under Government supervision and the rates charged by any company which develops power will be subject to regulation by the authorities of the State in which the plant is located.

The Shields bill has been opposed by Gifford Pinchot and his associates on the ground that it is too generous in its terms to the companies which develop the power and especially that the companies receiving the permits should pay some compensation to the Government in addition to that provided in the bill. Mr. Pinchot's theory is unquestionably sound, but the difficulty lies in its practical application. It sounds reasonable to say that, if the Government is to sell or lease valuable property it should get the best price the property will bring rather than give it away. But how could a price be fixed which would be fair both to the Government and the people who invest their money in water-power development? It is easy to say that the price should be such as will leave a fair return to the company on its capital invested plus suitable compensation for the risk involved and a reward for the enterprise and industry necessary to organize the corporation and carry the work into effect.

The difficulties of carrying any such ideal plan into effect are insuperable. No engineer or financier is wise enough to predict in advance with any considerable degree of accuracy what will be the annual net earnings (or losses) of a great water-power enterprise five years, ten years, or twenty years from the date of its establishment. Unless such an estimate could be made, how would it be possible to appraise the different water-power sites and determine their present-day value or what would be a fair rate of compensation for their use? It might be possible of course, to fix by law or executive order a certain rate of compensation for all Federal water-power leases; but under such a plan only the most favorable power sites would be developed and the others would remain idle.

Everyone agrees that it is to the interests of all parties concerned and especially desirable for the conservation of our coal and oil resources that water-power development should again go forward on a large scale. The Government itself obviously can not go into the business of power development, and it ought therefore to encourage private corporations to carry forward this work and to do so at the earliest possible date.

It is this general view of the matter, we take it, that influenced the National Conservation Association at its recent meeting to reverse its action of three years ago and approve a more liberal policy toward the development of water power.

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[From the Nation, New York City, May 1, 1916.]

That the National Conservation Congress should have indorsed the Shields bill by a vote of 115 to 39 is a severe blow to Pinchot, Garfield, and other extreme conservationists. There was no division upon principles, but merely upon the interpretation of the Shields measure. The majority of the Conservation Congress plainly thought that its provisions could be accepted literally and in good faith. It meant what it said in giving the Government the right to take over private water-power plants on navigable streams at the end of 50 years at actual valuation. But ex-Secretary of the Interior Garfield was certain that the bill "turns over to private monopoly public power in perpetuity. The 50 years' limitation as proposed is nothing more than a mere fiction." The minority resolutions held that power sites should not be disposed of in perpetuity, but retained in Federal control. The majority made much of the fact that the Senate, after careful debate, had not seen in the bill the "mere fiction" of which Garfield spoke; and an even weightier consideration is that Secretary Lane has not done so. Upon details of the measure there may be disagreement, but its guaranty of a 50 years' tenure seems necessary to invite capital into a risky field.

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[From the World, New York City, May 5, 1916.]

Now that the Conservation Congress has approved the Senate bill for the leasing of water-power sites for a term of years, it is possible that sorely needed legislation on the subject will not be much longer delayed. A good many leaders in the movement for the preservation of the natural resources of the Nation have proceeded on the theory that rivers, mines, and forests could not be saved if they were used, and those who have disagreed with them have been denounced as no better than horse thieves. The conversion of the Conservation Congress itself to the contrary idea is a welcome sign of progress.

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[From the Ledger, Columbus, Ga., Mar. 12, 1916.]

SHIELDS WATERWAY BILL.

The Ledger is impressed with the scope and apparent meaning of the Shields bill, which passed the Senate a few days ago.

Senator SHIELDS claims much for his measure, which, if enacted, he says, will be followed by early development of water powers aggregating 15,000,000 horsepower, or a volume of electricity equal to that produced by a coal consumption of 100,000,000 tons a year, and meaning the saving of $700,000 a day in coal bills, will have a hard fight in the House.

Under the Shields bill the Government will have strict supervision of development of water power. While capital is encouraged to help develop the water power and the rivers, the Government does not relinquish supervision. The rentals are to be converted into funds for improving the waterways. The development of the water powers will center interest of the people on the waterways and will force the Government to give the waterways at least half way adequate treatment.

Some of the strong points of the Shields bill show the manner in which its enactment might bring about development of waterways throughout the country. Under its terms the Secretary of War is authorized to grant permits for dams and power plants where he believes the building of such dams will improve the navigability of streams. Dams are to be built without cost to the Government and the grantees are to provide and operate locks, gates, sluiceways, etc., all without cost to the Government. Permits may be granted to individuals, political subdivisions of States, cities, or other municipal corporations, or to public-utility corporations. Intrastate business and rates of companies operating under the act are to be regulated by the States, and interstate service and rates by the Interstate Commerce Commission.

A brief synopsis of the provisions of the measure, as carried in Friday's Ledger, indicates that it is the thing for the country at this time.

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[From the Herald, Bristol, Conn., Mar. 17, 1916.]

The water-power bill, which has long been under discussion in the Senate, has at last been passed. It permits the construction of electric plants on navigable streams, subject to apparently very mild restrictions. As adopted the bill permits the construction of dams on navigable streams under licenses issued by the Secretary of War and gives grantees the right to operate such plants for 50 years, after which time the Federal Government may take over the plant, giving two years' notice and paying a value to be determined. Regulation of rates and service is left to the States in which the plants are located. This is a tremendously important piece of legislation, and if it becomes a law will give the new Secretary of War plenty of opportunity to exercise his legal talents. All, we believe, agree that the water powers now going to waste should be utilized to a considerable extent. But it is even more necessary to safeguard the rights and interests of the people. A really cheap and abundant electric current is a boon to any section and its utilization for a great many purposes is only a question of price to the consumer.

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[From the Republican, Springfield, Mass., Mar. 16, 1916.]

SHIELDS WATER-POWER BILL.

The Shields water-power bill, passed by the Senate, is not without merit, since it would provide for the early development of 15,000,000 horsepower, more or less, now flowing to waste in the navigable streams of the United States. As Senator Shields has said, this water power is equivalent to 100,000,000 tons of coal consumed annually, at a cost of $250,000,000. Navigable streams are under the control of the United States Government and no power development in them is possible without the Government's consent. That these vast water powers should be utilized is universally admitted.

All the more reason exists for developing them now that the national danger involved in the cutting off of the supply of nitrates from abroad has followed the European war. Hitherto the indispensable nitrates used in the manufacture of gunpowder and explosives have come from Chile. It has been said very truly that—

"American farmers are paying over $21,000 a day in taxes to support the Government of Chile, in the form of export duties levied by that country upon saltpeter and nitrate of soda, while American business enterprises and capital, ready to establish the electro-chemical industries which will afford a competitive supply and lower prices, stand by helpless, bound and chained by archaic laws and conditions created before the invention of the steam turbine or the discovery of these new sciences and industries."

Nitrogen plants are needed in this country. The blockade forced the establishment of such plants in Germany and Germany now gets its nitrogen from the air. Mr. Pinchot himself has urged the speedy development of our water powers, "because without electricity generated from water power we can not manufacture nitrates and nitrates are the basis of gunpowder." The United States Government can establish its own nitrogen plants, of course. The House Army bill has a section providing for a Government plant "for the fixation of atmospheric nitrogen by the development of water power, or any other means." But the interests of the entire country comprehend much more than its military interests and, as a whole, they require the utilization of water power wherever it can be made commercially available.

The Shields bill is undoubtedly framed so as to make this field of development attractive to private capital. Leases of water-power sites on navigable streams may be secured from the Secretary of War to run for 50 years and, if the Government at the end of that time wishes to take over the plants, a "fair value" must determine the price which the Government will pay to the private owners. That an unearned increment might figure largely in the valuations 50 years hence is not impossible, and the bill is criticized as being too favorable to the water-power corporations in that particular. The debate in the Senate disclosed a group of Senators who unsuccessfully attacked the measure along this line.

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[From the Record Herald, Chicago, Ill., Mar. 31, 1916.]

TIME TO GET TO WORK.

Two water-power bills are pending in Congress. The Shields, dealing with dams and power development on navigable streams, has been passed by the Senate. The Ferris, regulating the development of water power on the public lands, has passed the House and is before the Senate with many amendments.

To the latter there is violent opposition in the Rocky Mountain States, which wish to be "let alone" in dealing with water power on the public domain, which they seem to think "belongs" to them. Of course, it belongs to the whole Nation. Yet Senator SHAFROTH, of Colorado, has virtually threatened that he and his colleagues of these States will "talk it to death."

The bills may not be perfect, but in their general aim they appear to be along the lines of Secretary Lane's recommendations. It will be difficult to convince any reasoning mind that Mr. Lane would sanction a "corporation grab," though that is the charge now made against the Ferris bill by Gifford Pinchot, who has thus reversed the approval he gave the bill as it left the House.

The purpose here is neither to condemn nor uphold the bills as they stand. It is to urge that they be given full and fair consideration and that the great need of reasonable legislation be not lost sight of in acrid controversies over details. Also that no undue respect be given to the new-born affection of the Rocky Mountain region for "State rights."

The country is lagging woefully in hydroelectric development for the lack of laws under which this neglected national work can be done. Congress will fail in an important branch of national preparedness if it does not hammer out workable legislation. We have been talking about the subject for nearly a decade. It is time to agree on some plan and get to work.

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[From the Ledger, Tacoma, Wash., May 5, 1916.]

WATER-POWER LEGISLATION.

The Shields water-power bill has been approved by the National Conservation Congress over the protest of Gifford Pinchot. In the debate charges were made and denied that the bill is backed by water-power "interests." Even if the bill be supported by men who are ready to engage in hydroelectric development, it does not necessarily follow that it is a bad measure. The merits or demerits of the bill should be considered on their own account, for it is probably true that no bill would command the united support of either Congress or citizens.

The Shields bill passed the Senate a few weeks ago and went to the House, where the Adamson bill was reported as a substitute. Like the Shields bill, the Adamson bill provides for 50-year permits, but the Adamson bill contains additional restrictions. For example, the grantee could not sell to one consumer more than 50 per cent of the power developed without the consent of the Secretary of War, nor could the grantee sell to a distributing company without similar consent.

Both the Shields and Adamson bills contain clauses designed to prevent combinations to fix prices or control markets.

Under the Shields bill prices of power would be regulated by the States in which the plants are situated. The Adamson bill is the same in this regard, but whereas interstate rates would, under the Shields bill, be regulated by the Interstate Commerce Commission, under the Adamson bill they would be regulated by the Secretary of War.

The Shields and Adamson bills relate to navigable streams, which are under the supervision of the Secretary of War. They contemplate the construction of dams, and where dams are constructed the grantees are required at their own expense to construct and operate canals and locks to preserve navigation.

The Adamson bill's provisions in regard to valuation of a plant at the end of 50 years, should the Government decide to take it over, are considered more specific.

It is reported that $100,000,000 is ready for investment in hydroelectric development should Congress make a law encouraging it. One proposed project on a large scale is planned for the Columbia River in eastern Washington.

The passage of the Shields bill in the Senate and the approval of the bill by the National Conservation Congress indicate that Gifford Pinchot's extreme views are not approved, and while the several changes may be yet made, it is probable that a bill favorable to power development of navigable streams will soon become a law.

There are also pending in Congress measures for the development of power on lands owned by the Government. The House and Senate have passed measures that differ, but the prospects are that the two branches will reach a compromise.

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[From the News, Salt Lake City, Utah, Mar. 9, 1916.]

WATER-POWER DEVELOPMENT.

The so-called Shields bill, which passed the United States Senate yesterday, has no immediate and direct interest for the people of Utah, though indirectly it is of great importance to them, in connection with the rest of the country, as signalizing a break through the outer fortifications of the ultraconservationists. The measure provides for the development of water power by private capital in navigable streams—and of such waters there are practically none in this State. But its passage by a two-to-one majority in the upper House of Congress is a welcome indication that other measures of similar import will find more favor than has been the case in the past and that some of the country's resources, which certain radicals have determined shall be locked up indefinitely for the purported use of posterity, may be made serviceable for the utilitarian citizenship of the present.

With the wise and reasonable conservation of natural resources the best sentiment of the West is in true accord. No one now favors wastefulness or the monopolistic seizure of public property for private gain. On the other hand, there is no justice or statesmanship in leaving this property or these resources absolutely unused; and it is this extreme view, as represented in the policies which eastern theorists have caused to prevail, that excites the impatience of the growing West. The people of this imperial section are willing that grants and licenses and permits and privileges be safeguarded in every possible way in the public interest, but they are not willing that, provided all this is done, there shall be no use whatever of benefits which nature has placed within their reach, merely because of a fantastic fear that future generations will otherwise be robbed. The men of to-day are of opinion that the more and the better they build and utilize their advantages the more pleasant and prosperous will be the homes of their children Mr. Gifford Pinchot and others of his school may consider this vain and foolish self-conceit, but it is the popular view just the same.

So the passage of the Shields bill is a cause of satisfaction. It is not a perfect measure; certain amendments which were proposed the News would have liked to see accepted. Furthermore, it has not yet encountered the tempestuous treatment of the lower House. But it marks a victory—partial, at least—and its further progress through the stages of legislation will be watched with the concern which its importance deserves.

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[From the Duluth Herald, May 12, 1916.]

THE WATER-POWER BILLS.

The general public probably is not in a position to judge finally of the Shields bill, the ostensible purpose of which is to make it possible to develop water power to the profit of the country. It hears Pinchot, Garfield, and others condemn it as too liberal to capital and unduly generous at public expense with a great national resource, and naturally it has its doubts about whether or not the bill should become a law.

Probably the biggest help the bill has had yet is its indorsement by the National Conservation Congress by a vote of 116 to 39. To a very large extent this indorsement offsets the doubt raised by the more radical conservationists. Probably it will do away with most of the fear that has been felt of the results of the measure if it is enacted into law. There lie the water powers, latent and undeveloped. It is to the interest of the country that they be developed and put to use. Unless the Nation itself is in a position to go into the power business and develop them itself, it must look to private capital to do it. And private capital will hardly do it unless reasonable permanence and possible profit are assured. It is possible to assure these things without jeopardizing the public interest; and the sole question is whether or not the Shields bill accomplishes this. The National Conservation Congress says it does, and unless the congress has been suddenly dominated by greedy interests its word has the weight of authority

Mr. Pinchot and Mr. Garfield are earnest, honest conservationists, and their word also carries the weight of authority. But they are extremists, and clearly it is possible for extremists to stand for such an ironclad protection of the national interest as to make it practically impossible for capital to get through it with any prospect of profit.

For our part, while we would like to see the provision regulating rates made stronger than it is, and not so much dependent on local authority which in some States is practically nonexistent, on the whole the bill seems fairer than Mr. Pinchot's construction would lead one to think it. It is of the highest importance that the development of water power be made possible. Water power is the last great public resource remaining, and in time to come it will prove the greatest of all; therefore the public interest should be carefully conserved. The Shields bill does not conserve the public interest quite so fully as we should like to see, but perhaps it is impossible to conserve it better without driving away capital and locking up the water powers for an indefinite period. The provision limiting franchises seems more definite and satisfactory than Mr. Pinchot thinks it is, and because this assures against giving away this resource for all time the Shields bill in something like its present form probably should be passed.

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[From the Journal, Minneapolis, Minn., Mar. 22, 1916.]

SOLVING THE WATER-POWER PROBLEM.

The passage of the Shields water-power bill by the Senate gives ground for the hope that the House will solve the knotty problems involved by also passing the bill.

For eight years there has been a practical Federal embargo on the construction of water-power dams in navigable waters. This came about through President Roosevelt's declaration that he would sign no special water-power bills that did not provide specifically for the right of the Government to fix a charge, and for a definite limitation in time of the rights conferred.

This action forced Congress to consider general legislation covering the whole subject. But the two Houses have never been able to get together, and important water-power development has thus been greatly hampered.

The Shields bill recognizes two sorts of dams—those built by the Government to improve navigation, like the High Dam below Minneapolis, and those built by State-chartered corporations. As to the first sort, the bill provides that the Government may lease the power incidentally generated, preference being given to municipal or other public corporations. Complete control over all other dams is given to the individual States, subject only to the Government's superior right to protect navigation. In case of the transmission of hydroelectric power over State boundaries the Interstate Commerce Commission has control of rates.

The only legal authority the Government has over water powers—except where it owns the land and riparian rights and builds the dam itself—springs from its constitutional right to regulate navigation. The ultraconservationists, led by Gifford Pinchot, have insisted that the Government take advantage of this right to assume complete control over all water-power improvements in navigable streams.

But the Senate—giving heed especially to the legal and practical arguments of Senator KNUTE NELSON, who has made exhaustive studies of the whole complicated question—has voted to turn the regulation of rates, the fixing of franchises, and other supervision over to the individual States, to whom it rightfully belongs. Many of the States already have utility commissions ready for the task, and, once the question is settled the others will create similar bodies.

The Shields bill will settle only half of the water-power problem. It will help the older States of the East and South to push much-needed water-power development. Legislation must still be perfected to define the process by which development of powers in the public-land domain of the Western States may be made.

It will be noted that in the bill passed Senator NELSON has provided for the granting of authority to the Secretary of the Treasury to lease the power generated by Government dams, like the High Dam, preferably to public corporations. This provision, if it becomes law, will remove the last obstacle to the use of the High Dam power by the university and the Twin Cities. * * *

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[From the Ione News, Ione, Wash., Mar. 17, 1916.]

The Colville Examiner says the passage of the Shields bill by Congress means "activity on the banks of streams where now fishermen and woodticks have sole possession" and reads into it an increased prosperity of the whole Columbia Basin. Everyone seems to realize something of the wide range of benefits to be derived from extensive power development on the Pend Oreille save poor old short-sighted Spokane, and there the hammer will be handy by until the Washington Water Power has been handed all the fat contracts it can fill for years to come and they consider it safe to let some one else in to take care of the lesser business. And, still, Spokane stands to win large stakes on the development of Z Canyon, though she can't see it; if she did there might be some aid offered by the city's press, its chamber of commerce, some of its clubs, and perhaps even its illustrious Senator, MILES POINDEXTER. Spokane never misses a chance to promote anything when there is a sure thing of getting ten dollars back for every one spent.

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[From the Evening Wisconsin, Milwaukee, Wis., Apr. 24, 1916.]

Herman B. Walker, writing in the interest of the Water Power Development Association, calls attention to a serious misstatement which is in circulation with reference to the Shields bill, now before Congress. This is that the bill proposes to give away water-power sites in perpetuity, whereas, on the contrary, it provides that after the end of a term of 50 years the original grantee shall continue in possession until the United States, upon 2 years' notice, proceeds to take over the plant for its own use or for other disposition. Another criticism of the bill is that it proposes to make power grants without compensation to the Government. Mr. Walker submits that there is an excellent reason why water-power companies should not pay rental for grants or leases of water powers or power sites. The only reason for developing water powers is to generate cheap power. The cheaper this power the greater will be its development and use. Regulation of rates provided for by the Shields bill guarantees that these cheaper rates will reach and benefit the consumer. Even if there were no provision for regulation, it is a fact that no power user will buy water power if he can make power cheaper by steam, and every cent added to the cost of generating power, from whatever source, must be paid by the consumer. To charge the power companies rental or taxes for the use of water power or power sites means only to add an item of expense which regulating commissions will have to allow for in fixing rates to the consumer. Instead of there being no reason why power companies should not be charged for rentals, there really is no good reason why they should be charged for such use of public property.

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[From the Spokesman-Review, Spokane, Wash., Apr. 23, 1916.]

RESENTS FIGHT ON SHIELDS BILL—EDITOR READING SEES INLAND EMPIRE PROSPERITY IF WATER POWER IS DEVELOPED—UNITED STATES IS FALLING BEHIND—EUROPE NOT SO HAMPERING ON CAPITAL—NATIONAL-DEFENSE MONEY NEEDED HERE.

To the EDITOR OF THE SPOKESMAN-REVIEW:

In a Spokane evening paper of April 7 there appears an editorial on the likelihood of the lower House of Congress defeating the Shields water-power bill, and the tone of the editorial is in justification of their action, if they should do so. Three reasons are offered in this editorial

why it would be quite as well for the inland empire were the Shields bill not passed, and I would like to enter against these a brief argument.

It is stated the bill is against the welfare of the public in that at the end of the 50-year least the Government will have to go through a difficult process to obtain title to the properties should they wish to take over the ownership of the power sites, as the bill provides. Is it proper that ownership to an enterprise built up by private investment of at least $10,000,000 should come through any other process than one which would assure justice and equity to the property holders as well as the public? And as the Government would be called upon to determine the value of an exceedingly small number of such power sites, scattered over an indefinite range of years, could it ill afford to spend whatever time was necessary to determine such values with absolute certainty, though it required some time and care to do so? Consider how much time and expense is now being spent on making a valuation of the railroads. The effort on the part of the Government to secure a reversion of title to these plants will not begin to compare in tediousness and complexity with what investors are called upon to go through with to secure title to the bare sites under present conditions.

NOT ENOUGH RETURN TO UNCLE SAM.

The second assertion is that a sufficient compensation is not returned to the Government. By whom would this compensation be returned to the Government? By anyone but the consumer—the public for whom the Spokane paper asks protection? Will not rental fee be charged, together with cost of operation, upkeep, and so on, when the Government determines what the proper rate will be for the power concerns, which develop these power sites in the public domain, to place upon their electric current?

Must we disregard tax returns upon new millions invested, as well as tax returns on an extent of correllated developments about which we know nothing? Must we lay aside the consideration of increased income to wage earners now idle and the building up of regions now a barren waste?

EUROPE GOING AHEAD OF US.

The last statement is that development of these powers will come without new legislation. Not so, if past history is a criterion. In refutation let me repeat the statement which is made upon eminent authority that less than 140,000 horsepower has been developed during the last 10 years on navigable streams in the United States. During this 10-year period Europe made its greatest advancement in water-power development—the United States could not, because capital was not available for so precarious an investment as our laws had made water-power development. Europe developed in one year, on an average, nearly as much as we did in all 10 years.

The average size of power plants installed under the present revocable grant in the national forests was 6,000 horsepower. Is there any use to talk electrochemical or electrometallurgical processes and hitch them to 6,000-horsepower dam sites? Permits for a total of 1,500,000 horsepower were granted in the United States during that 10 years, but none of them were built. That doesn't look as though development would take place without new legislation.

The Secretary of War says this country needs facilities for producing nitric acid more than any other single need, perhaps, as a matter of defense. Then why quibble about whether it will be easy or hard to secure a reversion of title to the Government in 50 years, so long as it will be possible to do so? Why not bring some of the national-defense money to the inland empire, since it is the cheapest place the Government can spend it for manufacturing ammunition? What is the reason our inland empire press is so active against the biggest hope we have, the Pend Oreille Valley?

ARNOLD READING,
Editor Ione News.

IONE, WASH., *April 11.*

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[From the Spokesman-Review, Spokane, Wash., Mar. 3, 1916.]

ALLEN FAVORS SHIELDS BILL—IONE CITIZEN WANTS WATER POWER DEVELOPED SPEEDILY.

To the EDITOR OF THE SPOKESMAN-REVIEW:

It seems to me the inland empire is strangely silent over the water-power-development controversy being fought out in Congress.

This district, perhaps more than any other in the United States, is rich in water-power possibilities, large and small, directly affected by the proposed legislation. It is stated by people who think they know that two great powers—Priest Rapids and Z Canyon—are slated for immediate development in case of favorable legislation. This would mean immediate expenditure of many millions and would create business opportunities this district has been sighing for for many a day.

Most of us have taken blindly the opinion of Mr. Pinchot that the Shields bill is "iniquitous" and that the rights of the public are forever lost if that bill goes through.

I have carefully read and studied the Shields bill, and it seems to me to provide in very simple language for the taking over of the power plants at the end of 50 years at a reasonable price, if the Government shall at that time think it advisable to do so, and a very important point is that the Government is in no sense obliged to do so unless conditions shall then make it seem wise to do so.

In regard to the rental power companies should pay for using the water, it seems to me that if they are obliged to pay a rental of, say, $1 per year per horsepower that that would be fair, and enrich the Public Treasury considerably. But, on the other hand, they will simply add that dollar in their bill to the manufacturer who buys the power from them. The manufacturer will add that dollar and another two or three to the price of his goods. And the "ultimate consumer" will pay another indirect tax in just the same manner that we now do when we sweeten our coffee or smoke a cigar. So why does that point make any real difference to us?

Mr. Pinchot is probably a brilliant theorist, but he has never done this district any large amount of good by his beautiful theories, and if his opposition to the development of the water powers should mean the delay of even one year in development (especially now, when the time seems to have come when the capital is ready to invest) he will have accomplished more waste, more harm and loss than any German submarine had done to date in that length of time.

RAYMOND ALLEN.

IONE, WASH.

[From the Spokesman-Review, Spokane, Wash., Mar. 3, 1916.]

KENNEWICK BACKS SHIELDS MEASURE—COMMERCIAL CLUB SENDS MESSAGE TO SENATORS URGING SUPPORT OF POWER BILL—NEW PROJECTS ARRESTED—FINANCIERS SAY PRIVATE CAPITAL WILL NOT BE INVESTED UNTIL BILL BECOMES LAW.

KENNEWICK, WASH., *March 2.*

The commercial club in a special session last night passed a resolution favorable to the Shields navigable stream power measure now pending in the Senate, and sent telegrams to Senators POINDEXTER and JONES urging them to support the bill without amendments.

It was reported at the meeting that the bill would be passed upon within the next few days and that the securing of its passage was of the utmost importance to eastern Washington development.

The bill, unlike the Jones bill, deals alone with navigable streams; it provides for a tenure of permit of 50 years without power taxation, whereas the present laws only provide for 10 years, and places a tax on the power developed. It was brought out at the meeting by men interested in irrigation and power development that to secure the investment by private capitalists in the power projects of eastern Washington it was essential the bill be passed.

Local people are interested in securing the development of the power sites at Priest Rapids in the Columbia and Five Mile Rapids in the Snake.

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[From the Manufacturer, Baltimore, Md., May 4, 1916.]

MR. PINCHOT'S WATER-POWER ACTIVITIES SIZED UP.

It is interesting to note that at least one leading paper in the South, the Montgomery Advertiser—possibly there may be a good many others—is able to size up Mr. Gifford Pinchot's so-called conservation work at about its full value. Nothing but the minus sign is able to express it. Mr. Pinchot has unfortunately been able to do this country an immense amount of harm, because in the day when he most flourished the country was obsessed with the idea that everything put out in the name of "reform" was the final word of goodness and perfection.

The country has of late been coming to its senses. Some of the fever of hysteria which produced more or less incapacity to think straight and to see straight has been losing its hold. The mob spirit has been dying out, fortunately for the welfare of the Nation, and as the mob spirit and the hysteria which prevailed pass away Mr. Pinchot and those of his ilk become objects of ridicule instead of being objects of worship, as they were for a while when, under the delusion which was sweeping over the country, newspapers and the public generally were ready to swallow all of the legislative decoctions prescribed by these doctors of know-it-all.

The Government very properly endeavors to lessen the evils of the patent-medicine business and of food adulteration by its pure-food act. The majority of reputable newspapers are more and more inclined to refuse patent-medicine advertisements on the ground that many of these medicines are a curse rather than a blessing to those who by broad advertising are fooled into swallowing them. It is a pity that the Government can not in some such way, not contrary to human rights, regulate the mental poison which is so vigorously ladled out to the country, and it is a pity that the newspapers who refuse to accept many patent-medicine advertisements are still willing to give their space free to the poison which emanates from the factories of misinformation, prejudice, and hatred, and which has been taken in such large doses by many of our people to the great injury of their minds and their souls and the twisting and distorting of their mental faculties and the permanent injury of the whole country.

We are glad to see that the Montgomery Advertiser fully understands the situation, and in a recent issue, under the heading of "Mr. Pinchot and our water power," touches up this would-be regulator of all human affairs as follows:

"We have received on some elegantly embossed stationery a neat letter from our regular correspondent, Mr. Gifford Pinchot. You remember, of course, the brothers Pinchot—Amos and Gifford?

"They are the brothers of means who had one rip-roaring time during the radical days of the Roosevelt administration. Gifford, the letter writer, was in the conservation department under the Roosevelt and later under the Taft administrations until he resigned himself out of the Taft administration. What a time the two brothers had in the mad, glad days of 1912! Nobody except the colonel made quite so much noise during the battling at Armageddon.

"Mr. Gifford Pinchot, in his correspondence with the Advertiser, reveals himself as the jealous guardian of the conscience of the country on the issue of conservation. In his last letter he tells us excitedly:

"'The iniquitous bill giving away the water power on our navigable streams, about which I wrote you on February 15, has been driven through the Senate, but it has not passed the House. There is still a good chance not only to stop this raid on public property but to pass a fair and honest water-power bill in its place.'

"Again the frightened watchman on the tower exclaims:

"'I am asking for your help once more to get the House to pass a good bill and then to stand by it, no matter what the conference may do. If the House stands firm, the people will win this fight; but the House needs to know that the people are behind it.'

"In order that Mr. Pinchot may have no illusions as to the stand of the Advertiser and the people of this section on the Shields bill, we will inform him that if there was any doubt as to how the Congressman of this district stood upon the measure, the editor of the Advertiser would sit down and write him the strongest letter he could compose, urging him, the Congressman, to use every means he honorably could to secure the Shields bill's passage, so that we could free and develop our paralyzed resources.

"Representing the sentiment of his district, the second district Congressman is friendly to the Shields bill. In fact, every Member of Congress from this State and the two United States Senators are staunch supporters of the measure which promises to open to development at last our great water-power resources.

"Mr. Pinchot's propaganda falls upon stony ground in Montgomery and in this section. We have not forgotten that Mr. Pinchot's views prevailed when President Taft was induced to veto the bill for the development of Lock 18 on the Coosa River. The ideas of Mr. Pinchot and his group of theorists so influenced the administration that the President blocked the plans already under way for the building of that dam a few miles above Wetumpka.

"By that veto Montgomery lost cheap electrical power for every purpose; a possible manufacturing development was halted. What is

more, and what is clear and definite, Montgomery lost the nitrate plant for the building of which arrangements had already been made. The option on the land for the site of this building had been secured, and the structure itself was being planned.

"It is difficult to conceive of any enterprise which would have meant more in material and commercial terms than this nitrate factory. It would have been established in the center of one of the great agricultural sections of the country, and farming would have been greatly accelerated. The unforseen war came on. If we had had a nitrate plant in this city it would probably have been quadrupled to meet the increased demand for nitric acid for the making of explosives.

"The bill was vetoed. The promised capital was frightened out of Alabama. The nitrate plant was built in Canada, which country does not seem to be infested with well-intended but harmful agitators. Canada has a plant employing hundreds, perhaps thousands, of men, the output of which is bringing money from all sections of the world; and Montgomery is left with a bad taste in her mouth.

"Mr. Pinchot can employ his energy to better purposes elsewhere. We have had an object lesson here. What we want throughout Alabama is the development of our vast water-power resources. We would have the Government do it if the Government were willing. But if the Government can not and will not develop it, then we want the Government to give the chance to men who are willing and able to do it.

"The Creek Indians inaugurated our present policy toward water-power development. They used the rapids for fishing and hunting; and for unnumbered years the Coosa has tumbled over its rocky bottoms, useless to mankind. Mr. Pinchot may favor a continuance of the policy of the Creek Indians; we do not."

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[From the Oregonian, Portland, Oreg., Apr. 28, 1916.]

PINCHOT BLOCKS THE TRACK.

Gifford Pinchot continues his propaganda in favor of legislation which will hasten Federal control of water power and which will exact a rental that must surely be paid by the consumer. He sends to newspapers all over the United States letters denouncing the Shields bill and all other bills which do not coincide with his views and grossly misrepresenting their provisions.

In a letter received recently by an Oregon newspaper he says of the Shields bill:

"This bill turns over to the power interests water power equivalent to twice the mechanical power of every kind now used in the United States, or enough to meet the needs of 200,000,000 people. This it does in perpetuity, although pretending to limit the grant to 50 years."

It does no such thing. It authorizes the Secretary of War to grant permits for 50 years, to continue beyond that period only until he grants a new permit to a new lessee or until the Government takes over the plant. If water power is to be developed, to whom should it be turned over but to the water-power interests? The bill provides for strict regulation of rules and service by the States, in which that authority is vested by the Constitution. The water-power interests will be unable to use their privilege to the public injury if the people elect competent and faithful public servants.

Mr. Pinchot commends the House substitute to the Shields bill as making no perpetual grant, but he says:

"Nevertheless, it is not yet a good bill. For example, it gives away the public water powers without compensation. There is no reason why the water-power corporations should not pay for what they get. The rest of us do."

The House bill does not give away the public water powers without compensation, nor does the Shields bill. Both bills intrust the water powers to lessees for development for the public interest under restrictions which would prevent the companies from including in their charges to the public any allowance for the use of that which costs them nothing. If the power interests are compelled to pay compensation, the amount they pay will be added to the rates which they charge to the public. The States would sanction that addition; if they did not, the power companies would be unable to obtain capital and the water power would remain undeveloped. By insisting on a charge for water-power leases, Mr. Pinchot proposes to place a burden on the public, not on the power companies. The only effect on the latter would be to limit the possibility of their developing power by enhancing the cost of production and consequently the rates paid by the consumer and the available market.

Any charge for the water rights should be made by the States, not by the Federal Government. The jurisdiction of the United States is limited to the safeguarding of navigation; subject to that limitation, the jurisdiction of the States is indisputable, having been upheld by the United States Supreme Court for a century.

The only true statement in Mr. Pinchot's letter is this:

"What the people need is water-power development on equitable terms without further delay."

It is preceded, however, by the false statement that "in the last eight years the water-power interests have killed eight water-power development bills that were fair both to the corporations and to the public." Those bills were unfair to the corporations, the public, and the States. They imposed impossible terms on investors and burdensome charges on the public; they usurped the sovereignty and confiscated the property of the States. The delay has been caused by the insistence on these conditions by the Pinchot fanatics. If Congress will push Mr. Pinchot off the track, the water-power train can go ahead. He is the obstructionist.

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[From the Oregonian, Thursday, May 4, 1916.]

TURNING AGAINST PINCHOT.

Proof accumulates that the sober common sense of the people is turning away from the extremes of restriction and Federal control which characterize the Pinchot conservation policy. The first striking proof is the passage by the Senate of the Shields bill for development of water power on navigable streams. The latest is the indorsement of that bill by the majority of a committee of the water-power congress, in face of determined opposition from Mr. Pinchot and his adherents.

The turn of the tide against Mr. Pinchot can safely be ascribed to his fanatical insistence on certain legislation and to his absurd denunciation of all opposition as arising from certain selfish private interests. The Shields bill is the best example of Mr. Pinchot's incapacity to find merit in any measure which does not square with his views or to find virtue in any man who does not entertain those views. That bill is not the bill of either party to the conservation controversy, nor even of the Senator whose named it bears. It was practically drafted by the Senate itself and is the work of reasonable men, whose leanings varied, but who were united in the desire to facilitate development and at the same time to protect the public interest.

This is apparent from a study of the vote on its final passage. It was supported by 27 Democrats and 19 Republicans and was opposed by 14 Democrats and 8 Republicans. There was no partisanship in that vote, and there was no sharp alignment for and against it of men who have opposed and favored the policy hitherto advocated by the conservation congress. There were in the majority 17 Democrats from the South who were doubtless prompted to support the bill by its careful regard for the rights of the States, but it commended itself both to Senator SHAFROTH, of Colorado, one of the stanchest western champions of those rights, and to Senators WALSH and MYERS, of Montana, who have upheld Federal control. Senator CLAPP, who has upheld the Pinchot cult, appears among the Republicans of the majority side by side with Senators JONES and SMOOT, who have rejected that cult. The minority against the bill includes such out-and-out Federalists as Senators CHAMBERLAIN and LANE among the Democrats and Senators GRONNA, CUMMINS, KENYON, LA FOLLETTE, and NORRIS among the Republicans, but it also includes Senators BORAH and WORKS, who have been the severest critics of the Pinchot idea. The fair inference is that the bill does not please extremists of either camp, but satisfies the moderate, reasonable men of both.

The unfounded character of Mr. Pinchot's attacks on the bill is shown in an open letter which the Water Power Development Association has addressed to President Wilson urging him to use his influence in its favor. That association is composed of manufacturers of machinery and other material used by power companies, and is interested in settlement of the question through the injury done to the business of its members by suspension of development. It pronounces "wholly untrue" Mr. Pinchot's statement that the Shields bill "gives the use of enormously valuable public property to the water-power interests without compensation." It admits that no Government tax for revenue purposes is imposed, but it shows that upon demand of the Secretary of War a grantee under the bill is required without expense to the United States to construct "a lock or locks, booms, sluices, or other structures for navigation purposes, in accordance with plans, specifications, and conditions approved by the Secretary of War and made a part of such permit."

In case navigation facilities are not made a part of the original construction, whenever the United States deems them necessary the grantee must deed the necessary land free of cost and give free right of way and free power for operation and also must pay reasonable charges for the benefits accruing from headwater improvements constructed by the Government. In the case of one plant already constructed under existing law the holder deeded to the Government a canal and lock which had cost $2,000,000. That is very material compensation.

It was charged by Mr. Pinchot that the bill made it "practically impossible for the people to take their own water powers back into their hands." The bill limits permits to 50 years, and provides that at any time after that period the Government may recapture the plant upon giving two years' notice, either for its own use or for a new grantee. That provision is almost identical with the one in the Ferris bill, which Mr. Pinchot indorses.

The statement that the bill "interposes every possible legal delay between the violation of a Government permit and the chance of effective enforcement" is met by citing the provisions imposing a fine of $1,000 for every violation of the law, of the conditions of a permit, or of a War Department regulation, giving United States district courts summary jurisdiction in such cases and authorizing revocation of permits in case of persistent violation.

Mr. Pinchot must have been blind when he said the bill "fails to require the necessary publicity and uniformity of accounts, and so makes the effective supervision of water-power corporations impossible." Section 7 authorizes the Secretary of War "to provide rules and regulations for uniform accounting, to examine all books and accounts, to require them to submit statements, representations, or reports, annual or special, including full information" as to every detail of their business.

The bill does not, as Mr. Pinchot says, give "to the water-power interests the right to condemn or take any land they choose," for the Secretary of War must first be satisfied regarding the qualifications of the grantee and the appropriateness of the project.

Against the bill it is also alleged that it "forces the people, when they take back the public property whose use they have granted, to pay the unearned increment on land condemned or otherwise acquired by the grantee." The bill clearly provides that "no value shall be claimed by or allowed to the grantee for the rights hereunder granted," which are the public property in question. For other property, which includes not only land condemned or otherwise acquired but all improvements made thereon the bill requires the Government to pay "the fair value." Even the single-tax theory, of which Mr. Pinchot is a devotee, would not deny fair value for the improvements. The only unearned increment remaining in question would be that attached to land acquired by purchase or gift from private parties. To appropriate to the community this part of a power company's property without applying the same principle to all other property would be manifestly unjust, especially as the increased value would be the direct result of the company's improvements.

In approving the Shields bill the majority of the Conservation Congress committee has approved a measure which conforms to the sound principle of conservation with use. In opposing that bill, Mr. Pinchot has shown himself possessed of the egotistical fixed idea that his way is the only right way. That marks him as a fanatic who is unworthy of attention.

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NATIONAL CONSERVATION CONGRESS,
Washington, May 4, 1916.

The report of the water power nitrophosphate committee made to this convention upon the subject of water-power development adopted by a vote of 116 to 39, contains a statement in these words:

"We have full faith in the sovereign power of the Government, and believe that orderly conduct in water-power matters can be served by precisely the same methods as have so long proved effectual in the orderly conduct of the ordinary police matters. There are those who would impose upon the development of water power advance penalties for the presumptive doing of wrong. They consist of limitations in operation, in market and in property title. They promise confiscation of property, unrestrained taxation, and speculative securities. In the sovereign control of water power as in the sovereign control of everything else, the guilty should be punished and the innocent should be encouraged, but the progress will be made by assuming at the outset that the innocent will soon become the guilty, and therefore all should be placed under restrictions that make success impossible.

"Summing up the whole matter and having due regard for the present vital needs for power development as related to national defense, the cost of food, and our comfort and convenience in all departments of life, we believe that our duty will not be completed unless we make definite and concrete recommendations as to the future. This course does not necessarily involve participation in political issues or any unwarranted interference with legislative procedure. There are before Congress two water-power bills which comprise the best thought of the day and represent a reasonable common ground upon which all may safely stand for the present at least.

"In view of the acute necessities of the present, we urge such action by the Congress of the United States as will result in immediate water-power development, and inasmuch as H. R. 408, as reported by Mr. MYERS, chairman of the Committee on Public Lands of the United States Senate, with amendments, on March 14, 1916, rendering available water powers on public lands, and S. 3331, as passed by the United States Senate on March 8, 1916 (commonly knowns as the "Shields" bill), relating to navigable streams, contain provisions adequately safeguarding the interests of the public and the rights of investors, we hereby indorse both of these measures in principle and express the hope that they may be speedily enacted into law."

BY THREE-TO-ONE VOTE SHIELDS BILL RECEIVES INDORSEMENT OF CONSERVATION CONGESS.

WASHINGTON, D. C., *May 4.*

By indorsing the measure on a test vote, which resulted in a 116 to 39 victory, the Shields water-development bill, which recently passed the Senate by more than a two-to-one vote, now bears the official approval of the National Conservation Congress. Gifford Pinchot, who at the last congress three years ago, defeated a proposal somewhat similar, vainly fought this action. Charges that the convention was packed by the power interests were made and denied. The vote, 116 to 39, came after the divided committee report had been debated. The minority report opposed indorsement of any legislation and demanded a declaration of principles, holding that power sites shall be retained by the Government and that all water-power development shall be under public control.

The Pinchot delegates charged that the congress had been called to create sentiment favorable to the Shields and Myers bills, and that it did not represent the true conservation sentiment of the country. Mr. Pinchot declared special interests were trying to mold the congress into a lobby for water-power legislation. "This shows to what lengths the interests are prepared to go to further legislation to serve their own particular interests."

Mr. Pinchot's argument was badly shattered when it was demonstrated on a rising vote that of the 116 delegates who voted to indorse the Shields water-power bill 32 only were either directly or indirectly interested in the development of water power. This effectually set at rest the accusation that the water-power interests had "packed" the convention.

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[From the Post, Washington, D. C., May 5, 1916.]

THE WATER-POWER CONTROVERSY.

Why is it whenever the ideas of the restrictionists in the school of conservation are rejected at a conservation convention the cry is invariably raised that the majority was subservient to the "water-power monopoly"? At the present convention of the National Conservation Congress a committee assigned to draw up resolutions returned a majority report approving of the Shields and Myers bills for the development of water power. The Shields bill was passed in the Senate by a majority of more than two to one. It is hardly conceivable that so large a majority of the United States Senate could have come under the influence of the so-called "water-power monopoly."

Yet the approval of the Senate bill by the committee of the National Conservation Congress was immediately denounced by Mr. Pinchot and Mr. Garfield as a surrender to "the interests." The vote of the convention itself indorsing the Senate bills was 116 to 39. A list prepared to show the number of men in the convention identified with various power interests certainly does not account for any considerable portion of the 116 degelates who voted in favor of the Senate bills and against the restrictionists' ideas of conservation.

There is no charge that the delegates who voted against Mr. Pinchot were elected or appointed in a manner different from the procedure in the case of the delegates who supported Mr. Pinchot. The organization formed by Mr Pinchot many years ago should not be abandoned, as the former Chief Forester says it ought to be, merely because real conservationists are now taking part in its deliberations.

The water-power interests deserve no special consideration. When various interests advocate the expenditure of millions of dollars of the Government's money for a nitrate factory, to be run by private interests, short shrift should be given to them. But the followers of Mr. Pinchot should not cry "wolf" every time their ideas are rejected in a convention presumably made up by honest men divided merely by differences of opinion as to the best way to serve the public.

CALIFORNIA & OREGON RAILROAD LAND GRANTS.

Mr. CHAMBERLAIN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 14864, entitled "An act to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon,' approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon,' approved May 4, 1870, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 6.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, and 10, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment, and on page 9 of the bill, in line 11, after the word "residing," insert the following: "whether such lands shall be of class 2 or class 3 and"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The timber on lands of class 2 shall be sold for cash by the Secretary of the Interior, in cooperation with the Secretary of Agriculture, or otherwise, to citizens of the United States, associations of such citizens, and corporations organized under the laws of the United States, or any State, Territory, or District thereof, at such times, in such quantities, and under such plan of public competitive bidding as in the judgment of the Secretary of the Interior may produce the best results: *Provided*, That said Secretary shall have the right to reject any bid where he has reason to believe that the price offered is inadequate, and may reoffer the timber until a satisfactory bid is received: *Provided further*, That upon application of a qualified purchaser that any legal subdivision shall be separately offered for sale such subdivision shall be separately offered before being included in any offer of a larger unit, if such application be filed within 90 days prior to such offer: *And provided further*, That said timber shall be sold as rapidly as reasonable prices can be secured therefor in a normal market.

"The Secretary of the Interior shall as soon as the purchase price is fully paid by any person purchasing under the provisions of this section issue to such purchaser a patent conveying the timber and expressly reserving the land to the United States. The timber thus purchased may be cut and removed by the purchaser, his heirs or assigns, within such period as may be fixed by the Secretary of the Interior, which period shall be designated in the patent; all rights under said patent shall cease and terminate at the expiration of said period: *Provided*, That in the event the timber is removed prior to the expiration of said period the Secretary of the Interior shall make due announcement thereof, whereupon all rights under the patent shall cease.

"No timber shall be removed until the issuance of patent therefor. All timber sold under this act shall be subject to the taxing power of the States apart from the land as soon as patents are issued as provided for herein."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: On page 9 of the bill, in lines 1 and 2, strike out the words "by the Secretary of the Interior"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: After the comma inserted at the beginning of said amendment, strike out the words "after which" and in lieu thereof insert the word "thereafter"; and, on page 14 of the bill, in line 5, omit the period after the words "United States"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Twenty-five per cent of the remainder shall be paid to the State treasurer of the State in which the land is located, to be and become a part of the irreducible school fund of the State; 25 per cent shall be paid to the treasurer of the county for common schools, roads, highways, bridges, and port districts, to be apportioned by the county courts for the several purposes above named; 40 per cent shall be paid into, reserved, and appropriated as a part of the fund created by the act of Congress approved June 17, 1902, known as the reclamation act; 10 per cent shall become a part of the general fund in the Treasury of the United States; and of the balance remaining in said Oregon and California land-grant fund, from whatsoever source derived, 25 per cent shall be paid to the State treasurer of the State in which the land is located, to be and become a part of the irreducible school fund of the State; 25 per cent shall be paid to the treasurer of the county for common schools, roads, highways, bridges, and port districts, to be apportioned by the county courts for the several purposes above named; and the re-

mainder shall become a part of the general fund in the Treasury of the United States"; and the Senate agree to the same.

GEORGE E. CHAMBERLAIN,
C. S. THOMAS,
THOMAS STERLING,
Managers at the conference on the part of the Senate.

SCOTT FERRIS,
E. T. TAYLOR,
I. L. LENROOT,
Managers at the conference on the part of the House.

The report was agreed to.

SELECTION OF LIEU LANDS BY WYOMING.

Mr. WARREN. Mr. President, has morning business closed?

The PRESIDING OFFICER. It has not. The introduction of bills and joint resolutions is still in order. If there be none, concurrent and other resolutions are in order. If there be no concurrent or other resolutions, the morning business is closed.

Mr. WARREN. Mr. President, I have a short bill, which is entirely local in its nature, applying to the State of Wyoming, which I think will lead to no discussion. I ask unanimous consent for its present consideration. I refer to order of business 411, being Senate bill 4282.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent for the present consideration of a bill, which the Secretary will read by title.

The SECRETARY. A bill (S. 4282) to permit the State of Wyoming to relinquish to the United States lands heretofore selected, and to select other lands from the public domain in lieu thereof.

Mr. SIMMONS. Mr. President, if the bill does not lead to debate I shall not object.

Mr. WARREN. I do not expect the bill to lead to debate. It is a matter which the State of Wyoming desires and one which the Interior Department has approved and which the Committee on Public Lands has unanimously approved.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments, in section 1, page 2, line 16, after the word "unappropriated," to insert "unreserved, nonmineral," and in line 21, after the word "held," to insert:

Provided, That the total area of lands so reconveyed and selected under the provisions of this act shall not exceed 100,000 acres, and that selections shall be restricted to lands not heretofore sold by the State: *And provided further*, That such selections shall be made within a period of three years from the date of the approval of this act.

So as to make the section read:

That upon the delivery to the Secretary of the Interior by the State of Wyoming of its properly executed and duly recorded deed or deeds conveying to the United States of America in fee simple any lands heretofore selected by and certified to said State in satisfaction of the grant by the United States of America to said State for the erecting of public buildings at the capital of said State; for university purposes in said State; for an agricultural college in said State; for the establishment, maintenance, and support in said State of the insane asylum in Uinta County; for the penal reform or educational institution in Carbon County; for the penitentiary in Albany County; for the fish hatchery in Albany County; for the deaf, dumb, and blind asylum in Laramie County; for the poor farm in Fremont County; for the hospital for miners who shall become disabled or incapacitated to labor while working in the mines of the State; for public buildings at the capital of the State; for State charitable, educational, penal, and reformatory institutions, and indemnity school lands, under the provisions of an act entitled "An act to provide for the admission of the State of Wyoming into the Union, and for other purposes," approved July 10, 1890, the said State shall be authorized and permitted to select, from the unappropriated, unreserved, nonmineral public lands of the United States in said State, an equal number of acres so reconveyed by said State to the United States, in the same manner, for the same purposes, and subject to the same conditions and limitations under which the lands so reconveyed were selected and held: *Provided*, That the total area of lands so reconveyed and selected under the provisions of this act shall not exceed 100,000 acres, and that selections shall be restricted to lands not heretofore sold by the State: *And provided further*, That such selections shall be made within a period of three years from the date of the approval of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATEMENT OF APPROPRIATIONS AND EXPENDITURES.

Mr. SIMMONS. Mr. President, I desire to submit certain tables and explanatory statements relating to appropriations and expenditures of the Government during the fiscal years 1907 to 1916, inclusive, which I ask may be printed without reading.

The PRESIDING OFFICER. Such will be the order, without objection.

The matter referred to is as follows:

Total of all appropriations, including estimated permanent annual, which includes sinking-fund requirements, and postal, payable from postal revenues.

Year.	Amount.	Increase.	Decrease.
1907	$881,953,644		
1908	919,163,823	$37,210,179	
1909	1,006,431,727	87,267,904	
1910	1,044,433,623	38,001,896	
1911	1,039,550,017		$4,883,006
1912	1,022,759,949		16,790,668
1913	1,021,349,991		1,409,958
1914	1,098,602,066	77,252,075	
1915	1,122,471,919	23,869,253	
1916	1,114,490,704		7,981,215

Increases in appropriations.

FIVE YEARS UNDER REPUBLICAN PRESIDENT, SENATE, AND HOUSE.

Period.	Increase amount.	Percentage.
1907 to 1912	$140,806,305	16
Average annual	28,161,261	3.2

TWO YEARS UNDER REPUBLICAN PRESIDENT AND SENATE AND DEMOCRATIC HOUSE.

1912 to 1914	$75,842,117	7.4
Average annual	37,921,058	3.7

TWO YEARS DEMOCRATIC PRESIDENT, SENATE, AND HOUSE.

1914 to 1916	$17,888,638	1.4
Average annual	7,944,319	.7

NOTE.—It must be noted that the appropriations made for the fiscal year 1914 were based upon estimates prepared and submitted to the Congress by Secretary of the Treasury MacVeagh. The estimates were the largest submitted for over 45 years, amounting to $823,410,000, exclusive of the postal appropriations. The appropriations based upon these estimates were made by the Taft administration and prior to March 4, 1913, the date of the inauguration of the present administration. The total appropriations for 1914, exclusive of postal, amounted to $812,283,000—being $11,200,000 less than the estimates, but was the largest appropriated for any one year in over 45 years. The present administration did not disburse $86,100,000 of the appropriations of $812,283,000 for 1914.

In the above table the postal appropriations, payable from postal receipts are included. This is hardly fair. The receipts from postal revenues are increasing rapidly, on account of the extension of the regular Postal Service and of the Parcel Post Service. This appropriation simply covers these receipts and they are not included in the net ordinary receipts of the Government.

TOTAL, EXCLUSIVE OF POSTAL.

The following table shows the total appropriations of the Government, not including postal, nor the sinking-fund requirement.

Year.	Amount.	Increase.	Decrease.
1907	$632,510,567		
1908	648,625,764	$16,115,197	
1909	723,710,542	75,084,778	
1910	748,287,759	24,577,217	
1911	733,725,390		$14,562,369
1912	703,125,486		30,599,904
1913	689,938,602		13,186,884
1914	751,597,940		
1915	744,977,032		6,620,908
1916	739,522,065		5,454,967

Annual increase.

Period.	Amount.	Percentage.
Republican—1907 to 1912	$70,614,919	11.2
Average yearly	14,122,984	2.2
Republican President and Senate, Democratic House—1912 to 1914	48,472,454	6.9
Average annual	24,238,227	3.4
	Decrease.	*Decrease.*
Democrats—1914 to 1916	12,075,875	1.6
Average yearly	6,037,938	.8

Summary of appropriations.

[Average annual increase in appropriations.]

Period.	Total appropriations.	Per cent.	Total, less postal and sinking-fund requirements.	Per cent.
Five years of Republican power in all branches of the Government, 1907 to 1912	$28,161,000	3.2	$14,122,000	2.2
Two years of Republican power and Democratic House, 1912 to 1914	37,921,000	3.7	24,236,000	3.4
Two years of Democratic power in all branches of the Government, 1914 to 1916	7,944,000	.7	*Decrease.* 6,038,000	*Decrease.* .8

That is, the total appropriations for the years 1907 to 1912, when the Government was under full control of the Republican Party, increased annually at the rate of $28,161,000, or 3.2 per cent.

For the years 1914 to 1916, when the Government was in the hands of the Democrats, the increase was at the rate of $7,944,000, or seven-tenths of 1 per cent per year.

Comparing the total appropriations, after deducting the postal, the changes were as follows:

Years 1907 to 1912, an annual increase of $14,123,000, or 2.2 per cent, and for the years 1914 to 1916, an annual decrease of $6,038,000, or eight-tenths of 1 per cent.

The annual increase in the population of the United States is a trifle less than 2 per cent, which is much greater than the average annual increase of all appropriations under the present administration, and smaller than that for the Republican years shown above. This proves by the appropriations that the present administration is more economical than were the two preceding ones.

Total ordinary disbursements of the United States, exclusive of all postal expenditures.

[Page 238, Financial Report, 1915.]

Year.	Disbursements.	Increase.	Decrease.
1900	$480,483,013		
1901	505,012,591	$24,529,578	
1902	468,788,705		$36,223,886
1903	503,320,103	34,531,398	
1904	525,735,290	22,415,187	
1905	548,294,837	22,559,547	
1906	536,732,131		11,562,706
1907	544,075,746	7,343,615	
1908	608,214,350	64,138,604	
1909	642,823,382	34,609,032	
1910	651,209,779	8,386,397	
1911	654,137,998	2,928,219	
1912	652,985,769		1,152,229
1913	681,743,337	28,757,568	
1914	700,763,167	18,511,153	
1915	724,763,167	24,508,677	
1916 (estimated)	725,000,000	236,833	

Annual increase.

Period.	Total.	Average annual.	Per cent average annual.
1907 to 1912	$108,910,023	$21,782,005	4.00
1912 to 1914	47,268,721	23,634,360	3.62
1914 to 1916	24,745,510	12,372,755	1.76

The increases in the net ordinary expenditures, exclusive of postal deficiencies, are as follows:

Period.	Amount.	Percentage.
1915 over 1912	$71,777,000	11
1915 over 1913	43,020,000	6.3

Compare these increases with the following increases covering similar periods:

Period.	Amount.	Percentage.
1909 over 1906	$106,091,000	19.8
1909 over 1907	98,747,000	18.1
1910 over 1907	107,135,000	19.7
1910 over 1908	42,996,000	7

The above increases in ordinary disbursements at normal times show greater increases than those under the present administration under extraordinary and war-time expenditures.

If to the total ordinary disbursements be added the other disbursements of the Government, except those for the Postal Service payable from postal receipts, we have as follows:

DISBURSEMENTS.

Net ordinary disbursements, together with payments on account of the Panama Canal and the public debt, which includes the excess of redemption of the national-bank-note fund, we have as the total disbursements, less the postal, above referred to, but including postal deficiencies:

Fiscal year.	Disbursements.	Increase of 1915.	Percentage.
1915	$760,634,000		
1913	727,233,000	$33,401,000	4.6
1912	698,451,000	62,183,000	8.9

Compare former similar disbursements and their increases: 1909 over 1906, $175,842,000, or 21.8 per cent; 1909 over 1907, $131,743,000, or 31.5 per cent.

The total disbursements, including all for the Postal Service, were as follows:

Fiscal year.	Disbursements.	Increase of 1891.	Percentage.
1891	$532,708,747		
1889	476,753,378	$55,955,369	11.7
1888	395,482,191	137,226,556	34.7

From 1888 to 1891 the increase in disbursements was more than one-third of the total disbursements for the year 1888. Take a more recent period:

Fiscal year.	Disbursements.	Increase.	Percentage.
		1909.	
1909	$956,678,801		
1907	793,086,892	$163,591,909	20.6
1906	738,379,773	218,299,028	29.6
		1908.	
1908	885,031,733		
1906	738,379,773	146,651,960	19.8
1905	724,010,170	161,021,563	22.2

TOTAL DISBURSEMENTS.

Compare these former increases in disbursements—

	Per cent.
1891 over 1888	34.7
1891 over 1889	11.7
1906 over 1905	22.2
1908 over 1906	19.8
1909 over 1906	29.6
1909 over 1907	20.6

with the following increases:

1915 over 1912	10.9
1915 over 1913	5.9

That is, taking the two periods, the increases from 1889 to 1891, from 1906 to 1908, and from 1907 to 1909, and comparing them with the increase from 1913 to 1915, we find the rate of increase for the last period only about one-third of the average for the other three periods; that is, 5.9 per cent, as compared with the average of 17.4 per cent.

For the three-year periods the comparison is as 10.9 per cent to an average of 28.8 per cent. On which side is the extravagance?

The following shows the postal disbursements and their increases:

Fiscal year.	Total disbursements.
1888	$55,751,214
1889	60,044,531
1891	[1] 70,673,558
1905	167,[illegible]91,842
1906	180,[illegible]95,077
1907	191,214,388
1908	[2] 204,366,704
1909	[3] 223,063,445
1912	248,312,211
1913	263,136,244
1915	[4] 293,884,758

[1] Increase over 1888, $14,922,344, or 26.7 per cent.
[2] Increase over 1905, $36,464,862, or 21.8 per cent.
[3] Increase over 1906, $42,457,368, or 23.5 per cent.
[4] Increase over 1912, $45,572,547, or 18.3 per cent.

That is, in spite of the enormous increase in the work performed by the Postal Service on account of the parcel post, etc., the rate of increase has fallen, as shown above.

Principal increases in United States expenditures—Increase fiscal year 1915 over 1913 and 1912.

[Disbursements for total civil establishment.]

Year.	Disbursements.	Increase over.
1912	$173,824,989	$33,345,000
1913	170,829,673	36,340,000
1915	207,169,824	

Increase in total civil establishment:

	1915 over 1913.	1915 over 1912.
Amount	$36,340,000	$33,345,000
Per cent	21¼	19½

Made up as follows:

Executive proper:		
Relief of American citizens in war zone	$2,499,000	$2,499,000
Department of State:		
Representing interest foreign governments	271,000	271,000
Payments to Panama	250,000	250,000
Treasury Department:		
Customs debentures and drawbacks	2,978,000	2,950,000
Internal revenue, expense of collection	1,080,000	1,195,000
Refunds and reliefs	1,429,000	1,709,000
War-risk insurance	726,000	726,000
Salaries, etc., under new Federal reserve law and preparing and issuing notes	637,000	637,000
Maintenance of public buildings	617,000	617,000
Panama-Pacific Exposition	357,000	357,000
Public Health Service, including epidemic diseases	538,000	691,000
Interior Department:		
Construction Alaskan Railway	573,000	573,000
Enlarging Capitol Grounds		1,110,000
Reclamation fund	5,483,000	3,110,000
Post Office Department:		
Deficiencies in postal receipts paid from the Treasury	5,609,000	5,068,000
Department of Agriculture:		
Salaries and miscellaneous	1,656,000	1,192,000
Foot-and-mouth disease	3,416,000	3,416,000
Plant Industry expenses	1,114,000	1,348,000
Forest Service	733,000	1,009,000
Hog-cholera investigation	343,000	343,000
Land for protection of watersheds, etc	241,000	1,026,000
Independent bureaus and offices:		
Interstate Commerce Commission	2,146,000	2,402,000
Salaries, etc., Federal Reserve Board	296,000	296,000
Commissions	381,000	560,000
District of Columbia	379,000	261,000
Total above	33,792,000	33,518,000

From the above it is evident that the principal increases of expenditures were as follows:

Executive proper: About two and a half million dollars for the relief of American citizens in the war zone.

Department of State: Something over one-half a million dollars for representing the interests of foreign Governments in belligerent countries, and a payment to the Government of Panama, under the treaty made with that country under a Republican administration.

Treasury Department: About $3,000,000 paid back as debentures or drawbacks under the administration of the customs. The drawbacks cover almost this entire increase, and these are the refunds of duty paid on foreign merchandise used in manufacturing goods that are then exported. This increase simply shows an increase in our manufacturing and exporting business. Something over two and a half millions of dollars increase in the internal-revenue expenses, etc. About one and one-eighth millions of this was caused by the increased business of the bureau, as shown below:

Total collections—Fiscal years.

	Amount.	Increase over 1912.
1912	$321,615,895	
1913	344,424,454	$22,808,559
1915	415,681,024	94,065,129

That is, the increased cost was about 1¼ cents for each additional dollar collected:

The remaining one and a half millions, approximately, were in refunds and reliefs, governed by the laws and not by the administration.

Something over a half million dollars was the increase in expenses of the Public Health Service, used in fighting epidemic diseases and in successfully coping with the hookworm, pelagra, etc.

Nearly three-fourths of a million dollars increase by way of expenses and losses of the War Risk Bureau. Their receipts from premiums amounted, for the same period, to over one and three-fourths million dollars.

About three-fourths of a million dollars as salaries, etc., under the Federal reserve bank act and the expense of preparing and issuing the bank notes authorized by that act.

Something over one-third of a million dollars for the Panama-Pacific Exposition and nearly two-thirds of a million dollars for the maintenance of public buildings to which this administration fell heir. The following shows the number of public buildings completed and occupied June 30:

1912	779
1915	967

An increase, 1912 to 1915, of 24 per cent in the number of public buildings and only about 10 per cent in the cost of maintenance.

INTERIOR DEPARTMENT.

About one-half a million dollars was expended in building a railway in Alaska and an increase of about five and a half millions over 1913 and three and one-eighth millions over 1912 on account of the reclamation fund. This reclamation work was started by a former administration, and these expenditures were necessary.

POST OFFICE DEPARTMENT.

Something over $5,000,000 increase was paid out of the Treasury to meet deficiencies in the Postal Service. This increase was caused by the extension of this service proper, and also of the parcels-post system, which is proving so beneficial to the people of the country. In previous years this expenditure has been as follows:

1905	$15,065,000
1906	12,673,000
1907	7,629,000
1908	12,888,000
1909	19,501,000
1910	8,496,000
1915	6,637,000

DEPARTMENT OF AGRICULTURE.

Something over $3,000,000 was expended in stamping out the foot-and-mouth disease, which threatened to ruin our dairy and cattle industry.

Something over one-third of a million dollars was spent in seeking ways of successfully fighting hog cholera and kindred diseases.

Something over three and a half millions increase has been expended in salaries and expenses for the department proper, the Bureau of Plant Industry, and the Forest Service. The farmers insist upon this valuable work being done.

About one-fourth of a million increase over 1913 and about one million increase over 1912 has been expended in the acquisition of land for the protection of watersheds and navigable streams—something that should have been attended to heretofore, when land was cheaper.

INDIVIDUAL BUREAUS AND OFFICES.

About two and one-fourth million dollars increase has been expended upon the Interstate Commerce Commission, necessitated by the enlargement of the scope of its duties.

Nearly one-third of a million dollars increase has been expended in salaries, etc., of the Federal Reserve Board.

Nearly one-half a million increase has been expended in paying the expenses of the various commissions now in being, such as the Industrial Relations Commission, etc.

DISTRICT OF COLUMBIA.

About one-third of a million dollars increase in the expenses of the District of Columbia.

These increases foot up from thirty-three and one-half to about thirty-four millions of the total increase under this head, of about thirty-three to thirty-six million dollars.

Other ordinary expenditures:

	Total expenditures.	Increase 1915 over—
1912	$480,728,975	$43,501,000
1913	511,941,033	12,288,000
1915	524,229,935	

TABLE I.—*Principal increases.*

	1913 over 1913.	1915 over 1912.
Increase in other ordinary disbursements	$12,289,000	$43,501,000
Per cent	2.4	9
Under War Department:		
Quartermaster Corps	$5,036,000	$5,833,000
Pay of Army		3,519,000
Subsistence of Army		1,527,000
Ordnance Department	616,000	1,093,000
Militia	5,086,000	4,310,000
National parks	585,000	585,000
Expenses of interned Mexicans	350,000	350,000
Rivers and harbors	5,371,000	11,280,000
Under Navy Department:		
Increase in Navy	9,927,000	9,560,000
Bureau of Construction and Repair	2,133,000	1,329,000
Bureau of Steam Engineering	3,221,000	1,688,000
Bureau of Supplies and Accounts	6,464,000	8,541,000
Pay of the Navy	4,550,000	5,169,000
Indian Service:		
Support of Indian schools	51,000	642,000
Miscellaneous expenses	1,182,000	640,000
Trust funds	860,000	257,000
Pensions		10,797,000
Total of above	43,432,000	67,126,000

The difference between these totals and those above is that there were many decreases in these disbursements; that is, while from 1913 to 1915 the gross increases shown above were over forty-three millions, the net increases were only a little over twelve millions.

An examination of the items above shows the largest increases were in the nature of an increased Navy, and for increasing over military and naval efficiency.

TABLE II.—*Principal decreases in ordinary disbursements other than for civil establishments.*

	1915 for 1913.	1915 for 1912
MILITARY ESTABLISHMENT.		
Military posts	$1,042,000	$1,424,000
National homes for disabled soldiers	688,000	729,000
NAVAL ESTABLISHMENT.		
Bureau of Yards and Docks	203,000	2,679,000
Bureau of Equipment	7,680,000	8,224,000
Bureau of Navigation	97,000	352,000
Bureau of Ordnance	4,695,000	2,778,000
General account of advisers	5,453,000	7,617,000
Pensions	10,697,000	
Total of above decrease	30,555,000	23,803,000
Total of above increase	43,432,000	67,126,000
Net increases above	12,877,000	43,323,000

This shows that the above principal increases and decreases account for nearly all the actual changes, 1915 from 1913 and 1912.

Mr. SIMMONS. Mr. President, I desire to make a brief statement explanatory of the tables which have been presented.

The first of these tables contains a statement of total appropriations, including Postal Service and sinking-fund requirements, covering the period I have named. All of these appropriations and the estimates therefor were made under Republican administrations except those for the fiscal years 1915 and 1916.

An examination of these appropriations will show that there has been a progressive increase in appropriations during this period.

An analysis of these tables will show that from 1907 to 1912, under a Republican President, Senate, and House, there was an average annual increase of $28,161,261, an increase of 3.2 per cent. It will show that from 1912 to 1914, under a Republican President and Senate and Democratic House, the annual average increase was $33,921,058, an increase of 3.7 per cent; and it will show that from 1914 to 1916, under a Democratic President, Senate, and House, the average annual increase was $7,944,319, an increase of only 0.7 per cent.

In passing, I call attention to the fact that while the money appropriated for the fiscal year 1914 was expended under the Wilson administration, the estimates therefor and the appropriations were made during the Taft administration. The amount actually expended in that year was $86,000,000 less than the amount appropriated.

The next table presented by me is a table of the total appropriations, not including the Postal Service and sinking-fund requirement for the same fiscal years embraced in the first table. An examination of this table will show that during the fiscal years from 1907 to 1912, under a Republican President, Senate, and House, the average annual increase was $14,122,984, the percentage of increase being 2.2 per cent. It will show that from 1912 to 1914, under a Republican President and Senate and a Democratic House, there was an average annual increase of $24,238,227, being an increase of 3.4 per cent. It will show that from 1914 to 1916, under a Democratic President, Senate, and House, instead of an increase there was an average annual decrease of $6,037,938, being a decrease of 0.8 per cent.

The annual increase in our population is less than 2 per cent, which is very much greater than the annual average increase of our appropriations under the present administration, and considerably smaller than that for the Republican years shown in these tables.

The next table I have presented embraces the total ordinary disbursements of the Government, exclusive of postal expenditures, from the years 1900 to 1916. This table will show that for the fiscal years from 1907 to 1912, when the Republicans had control of all branches of the Government there was an average annual increase in disbursements of $21,782,005, or an increase of 4 per cent. It will show that from 1912 to 1914, with a Republican President and Senate and a Democratic House, there was an average annual increase of $23,634,360, or an increase of 3.62 per cent. It will show that from 1914 to 1916, under a Democratic President, House, and Senate, there was an average annual increase of only $12,372,755, or an increase of 1.76 per cent.

One of the tables submitted contains a statement of the increases and decreases, respectively, in the expenditures for the fiscal year 1915 as compared with those of 1913 and 1912 and the net increase for the fiscal year 1915 over 1913 and 1912.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Kansas?

Mr. SIMMONS. I am through. I will yield the floor to the Senator from Kansas.

Mr. CURTIS. I desire to ask the Senator from North Carolina a question.

Mr. SIMMONS. Very well.

Mr. CURTIS. I wish to ask the Senator if he has included in his statement the $25,731,229 of urgent deficiency appropriations which have been made at this session of Congress to cover deficits in the appropriations made by the last session of Congress?

Mr. SIMMONS. To what $25,000,000 does the Senator refer?

Mr. CURTIS. I refer to the $25,000,000 appropriated in the four urgent deficiency bills which have been passed at this session of Congress.

Mr. SIMMONS. I think that that amount is included, but I would not say definitely because these tables——

Mr. CURTIS. Mr. President——

Mr. SIMMONS. Let me finish my statement. I will not say definitely about it, because I did not myself prepare these tables. They were prepared for me by one of the actuaries of the Treasury Department, and I assume that he has included in the tables all that it is proper to include in making the comparisons.

Mr. CURTIS. Mr. President, I desire to state that in the usual statements furnished by the department the deficiency appropriations are not included until the next year; and I think that if the Senator will examine his figures he will find that he is $25,000,000 short.

Mr. SIMMONS. I assume, Mr. President, that when the actuary of the Treasury is asked to make a financial statement, and he makes it, he includes in the statement all the items that are proper to be included in making the comparison.

ADDITIONAL CLERK TO COMMITTEE ON PUBLIC LANDS.

Mr. CLARK of Wyoming. Mr. President——

Mr. MYERS. Mr. President, I ask unanimous consent for the present consideration of Senate resolution 190, providing for temporary clerical help. I will say to the Senator from Wyoming [Mr. CLARK] that if he wishes to make any remarks in reply to the Senator from North Carolina at this juncture, I will yield to him.

Mr. CLARK of Wyoming. Oh, no.

Mr. MYERS. Then I ask immediate consideration for that measure

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent for the present consideration of a resolution, which will be read by the Secretary.

The resolution (S. Res. 190) was read, as follows:

Resolved, That the Committee on Public Lands be authorized to employ an additional clerk, at a salary of $100 per month, for a period lasting until the end of the present session of the Sixty-fourth Congress, the same to be paid out of the contingent fund of the Senate.

Mr. SHAFROTH. Mr. President, the Committee to Audit and Control the Contingent Expenses of the Senate looked into that matter very thoroughly, and believe that the resolution ought to be agreed to.

The resolution was considered by unanimous consent and agreed to.

AMENDMENT TO THE RULES.

Mr. SMITH of Georgia. Mr. President, I desire to call the attention of the Senate to Senate resolution 195. As it has reference to the procedure of the Senate, and the report of the Committee on Rules upon a proposed amendment to the rules, I thought probably the Senate might be glad to consider it. I want to say that in bringing it to the attention of the Senate it will not be my purpose to press it if there is serious opposition.

There have been proposed amendments to the rules introduced a number of times looking toward some limitation of debate; and the Committee on Rules finally took up that subject, and worked over and presented this as a substitute for a number of those rules. We harmonized on this rule, and I believe it was the unanimous view of all present. There may have been a member of the Rules Committee not present; but it having met with such general favor in the Committee on Rules, I thought perhaps it might meet with the same general favor in the Senate.

I do not think this is a desirable time or a proper time to press such a matter over serious opposition. If we should take it up now for consideration, and serious opposition should develop, I would ask the Senate to lay it aside, because I would not try to pass a rule so important for the Senate if it developed serious opposition.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. LODGE. Mr. President, I do not know that I have any objection to the passage of the rule, but it seems to me that a change of this character in the rules ought to be considered with a full Senate present. The Senate is very thin to-day.

Mr. SMITH of Georgia. Even if we do not come to a vote to-day, does not the Senator from Massachusetts think it might be well for us to consider it for a while, in order that it may get in the minds of Members of the Senate, even if we eventually lay it aside? I do not think we can transact any business to-day to which there is serious opposition. I fear that a call for a quorum would break up the Senate. Quite a number of Senators are away. I thought we might consider it, and if any Senator wishes to lay it aside a little later, that would be done.

Mr. LODGE. I do not think I have any objection at all to the rule.

Mr. SMITH of Georgia. We will make some progress if we consider it.

Mr. JONES. Mr. President, I do not think a measure of this character ought to be brought up at this time, when we expect to adjourn at the close of this day, and without a quorum of the Senate present. A proposition involving cloture in the

Senate is certainly a very important one, and I do not think it ought to come up, and I shall have to object myself.

The PRESIDING OFFICER. Objection is made.

VOCATIONAL EDUCATION.

Mr. SMITH of Georgia. Mr. President, then I will not press that resolution over objection; but I ask unanimous consent to consider Senate bill 703. I do not think anybody will object to that. That is the vocational-education bill.

Mr. JONES. Mr. President, let us take up matters to which there is no objection. I have not any objection to that bill, but——

Mr. SMITH of Georgia. If the Senator interposes no objection to taking up this bill, I will lay it aside in order to yield to him later.

Mr. JONES. Why not let us pass a few little local matters and then take it up?

Mr. SMITH of Georgia. I am willing to yield for that purpose.

Mr. OVERMAN. Mr. President——

Mr. SMITH of Georgia. Just one moment. I think we can certainly discuss somewhat the vocational-education bill to-day and let the Senators present know just what is in the bill. I doubt whether any Senators will study it beyond those who are here. The Senator from Vermont [Mr. PAGE] and I can call attention to the details of the bill.

WYOMING NATIONAL FOREST.

Mr. CLARK of Wyoming. Mr. President, I ask unanimous consent for the present consideration of a purely local bill, Senate bill 5751.

The PRESIDING OFFICER. The Secretary will state the title of the bill.

The SECRETARY. A bill (S. 5751) authorizing the addition of certain lands to the Wyoming National Forest, Wyo.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which has been reported from the Committee on Agriculture and Forestry with an amendment, to strike out lines 9 to 12, inclusive, on page 1, in the following words:

Sixth principal meridian and base, State of Wyoming, township 25 north, range 116 west, sections 9 to 15, inclusive, and sections 22, 23, and 24

And to insert:

Sections 9 to 15, inclusive, and sections 22, 23, and 24, all in township 25 north, range 116 west, sixth principal meridian.

So as to make the bill read:

Be it enacted, etc., That any lands within the following-described areas found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow may be included within and made a part of the Wyoming National Forest by proclamation of the President, said lands to be thereafter subject to all laws affecting National Forests:

Sections 9 to 15, inclusive, and sections 22, 23, and 24, all in township 25 north, range 116 west, sixth principal meridian.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. GALLINGER. Mr. President, on yesterday the Senate placed itself on record as being in favor of making Flag Day a holiday in the District of Columbia—a very gracious and patriotic thing. I now rise to ask that the pension bills on the calendar be considered by unanimous consent, so that before we part we may pay a little tribute to the men who defended the flag when it needed defense.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire?

Mr SMITH of Georgia. I did not hear it, Mr. President.

Mr. OVERMAN. I did not hear it, either.

The PRESIDING OFFICER. The Senator from New Hampshire requests that the pension bills on the calendar be considered.

Mr. OVERMAN. Will the Senator yield to me to get through a little resolution?

Mr. GALLINGER. Oh, certainly; I yield.

STATUE OF HON. ZEBULON BAIRD VANCE.

Mr. OVERMAN. I ask present consideration for the resolution which I send to the desk

The resolution (S. Res. 211) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That exercises appropriate to the reception and acceptance from the State of North Carolina of the statue of Zebulon Baird Vance, erected in Statuary Hall in the Capitol, be made the special order for Thursday, June 22, 1916, after the conclusion of the routine morning business.

Mr. OVERMAN. I send to the desk a notice, which I ask to have read.

The SECRETARY. The Senator from North Carolina [Mr. OVERMAN] gives notice that on Thursday, June 22, 1916, immediately upon the conclusion of the routine morning business, he will ask that the business of the Senate be suspended in order that there may be held appropriate exercises for the reception and acceptance from the State of North Carolina of the statue of Zebulon Baird Vance, erected in Statuary Hall in the Capitol.

PENSIONS AND INCREASE OF PENSIONS.

Mr. GALLINGER. Now, Mr. President, I will ask that my request be put.

Mr. SMITH of Georgia. Mr. President, I should like to know what the request of the Senator from New Hampshire is.

The PRESIDING OFFICER. The request of the Senator from New Hampshire is that the pension bills on the calendar be now considered.

Mr. SMITH of Georgia. I object to that, Mr. President.

THE CALENDAR.

Mr. GALLINGER. Then I will ask unanimous consent that we proceed with the consideration of the Calendar of Unobjected Cases.

The PRESIDING OFFICER. Under Rule VIII?

Mr. GALLINGER. In fact, that is the order.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the Senate proceed with the consideration of unobjected bills on the calendar. Is there objection? The Chair hears none.

BILLS PASSED OVER.

The first business on the calendar was the bill (S. 1062) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices.

Mr. MYERS. Mr. President, the Senator from New Mexico [Mr. FALL] has an amendment pending to that bill. It has gone over many times on account of his absence; but I spoke to him yesterday and asked him if he would not leave word with somebody to ask that no objection be made the next time it was called, and he said he would speak to the Senator from Utah [Mr. SUTHERLAND]. If he made that request, I should like to know it.

Mr. SUTHERLAND. He did not ask me to make the request. I think the bill had better go over.

Mr. MYERS. I regret very much that it goes over. I have no hope of its ever being passed.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. LODGE. I object.

The PRESIDING OFFICER. The bill will be passed over.

Mr. SMITH of Georgia. Mr. President, I hoped Senators were all ready to vote on that bill at this time.

Mr. LODGE. Personally, I am not.

Mr. OVERMAN. Mr. President, I will ask the Senator from New Hampshire whether we are not making a mistake in this course? There are many Senators absent. We may pass bills here by unanimous consent that nobody knows anything about, and the Senators who are not here may have objections to them. So far as I am concerned, the Senate can go on with the calendar in this way; but there may be some Senators absent who have objections to bills on the calendar to which I would not object.

Mr. CLARK of Wyoming. I think there are more Senators than usual present in the Senate Chamber.

Mr. OVERMAN. Very well; I have no objection.

The bill (S. 609) to aid in the erection of a monument to Pocahontas at Jamestown, Va., was announced as next in order.

Mr. LODGE and Mr. KERN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 611) for the erection of a monument to the memory of Matthew Fontaine Maury, of Virginia, was announced as next in order.

Mr. GALLINGER. Let that go over. I make the objection on the part of the Senator from Utah [Mr. SMOOT].

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States conferring upon women the right of suffrage was announced as next in order.

Mr. LODGE. That may go over.

Mr. CLARK of Wyoming. That is just a short resolution?

Mr. LODGE. Yes.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 2406) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, was announced as next in order.

Mr. SMITH of Georgia. Mr. President, I doubt whether we had better pass that bill. The House has passed a very similar bill, and we have the House bill now before the Judiciary Committee. The Senator from Utah [Mr. SUTHERLAND], the Senator from Tennessee [Mr. SHIELDS], and I are on a subcommittee to report upon it. I will ask the Senator from Utah whether it is not the same thing?

Mr. SUTHERLAND. I am not sure about it. I have not in my mind the bill to which the Senator from Georgia refers.

Mr. OVERMAN. It is the same bill.

Mr. SUTHERLAND. This bill, as I recall, was passed by the Senate at a previous session. It is a very proper bill.

Mr. SMITH of Georgia. I think it is an exact duplicate of a bill which has already passed the House, and if it is it would be better to take up the House bill and pass it.

Mr. GALLINGER. Let it go over, Mr. President.

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Objection is made. The bill will be passed over.

Mr. SMITH of Georgia. I do not object to it. The Senator from Tennessee [Mr. SHIELDS] is here now. Let us pass it without prejudice, and we may be able to call it up a little later on.

The PRESIDING OFFICER. Objection is made by the Senator from New Hampshire [Mr. GALLINGER].

The joint resolution (S. J. Res. 43) authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable was announced as next in order.

Mr. OVERMAN. Let that go over, in the absence of the Senator from Iowa.

The bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

ELLEN B. MONAHAN.

The bill (S. 640) for the relief of Ellen B. Monahan was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "$1,371.18" and insert "$400," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ellen B. Monahan, out of any money in the Treasury not otherwise appropriated, the sum of $400, for physical injuries received by her as the result of being overcome by illuminating gas escaping from a pipe (said to have been broken through the negligence of an employee of the Treasury Department) on the 14th day of June, 1911, while she was in the employ of the Government of the United States and in the discharge of her duties as a clerk in the national-bank redemption agency office of the Treasury of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

BILLS, ETC., PASSED OVER.

The resolution (S. Res. 43) for the appointment of a committee to investigate and inquire into the causes of the existing freight blockade and embargoes on the trunk-line railroads entering into the port of New York was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 668) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 665) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes, was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 669) to limit the use of campaign funds in presidential and national elections was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1840) to amend an act entitled "An act to establish a Court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, June 27, 1898, and February 26, 1909, was announced as next in order.

Mr. OVERMAN and Mr. KERN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes, was announced as next in order.

Mr. LODGE. That bill had better go over. It will give rise to debate.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2730) to fix the compensation of assistant appraisers of merchandise, and for other purposes, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure, was announced as next in order.

Mr. JONES. Mr. President, I do not think I have any objection to that bill, but I should like to have it go over now. It will probably lead to considerable discussion, and we could not pass it to-day.

Mr. SMITH of Georgia. Mr. President, I do not think any bill of any substantial materiality, unless it is just a local bill, ought to have precedence over this bill that has just been called. If it is a purely local bill I shall not object to it; but to other bills I do not think I ought to yield. I think this bill is entitled to consideration, and it ought to receive it from the Senate.

Mr. JONES. That is the only reason why I asked that it go over in order that we may pass local bills.

Mr. SMITH of Georgia. The Senator from Vermont [Mr. PAGE] is here. I think this is a splendid day for us to take up the vocational education bill.

Mr. JONES. It could not be taken up and discussed under the order under which we are now proceeding, which limits speeches to five minutes each.

Mr. SMITH of Georgia. Oh, no; I would make a motion to proceed to its consideration, if necessary.

Mr. JONES. Then the Senator might have a roll call. I ask that the bill go over.

The PRESIDING OFFICER. Objection is made. The bill will be passed over.

The resolution (S. Res. 7) providing that any Senator upon his own request may be recorded and counted as present in order to constitute a quorum, was announced as next in order.

Mr. SUTHERLAND. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 20) for the appointment of a committee of Senators to examine into questions relating to the acquisition or construction of manufacturing plants to supply the Army and Navy with arms, armament, etc., was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 1428) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900 was announced as next in order on the calendar.

Mr. KERN. Let that go over.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

The bill (S. 3551) relating to the procedure in the United States courts was announced as next in order.

Mr. OWEN. Let that go over.

The PRESIDING OFFICER. The bill goes over.

FISH HATCHERY IN UTAH.

The bill (S. 34) granting to the State of Utah title to certain lands in said State for use as a fish hatchery was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to grant to the State of Utah lot 3 of section 17 and the northeast quarter of the southeast quarter of section 18 in township 26 south, range 2 east of Salt Lake meridian, located within the Fishlake National Forest, containing a total of 68.10 acres, for use as a fish hatchery: *Provided*, That if the said State shall at any time permit the said lands hereby granted to be used for any purpose not contemplated by this act the said lands shall revert to the United States: *Provided further*, That the right of the United States to any coal that may be contained in said tract of land, together with the right to prospect for, mine, and remove said coal, is hereby disinctly reserved to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The joint resolution (S. J. Res. 93) authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States, was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 1107) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications was announced as next in order.

Mr. OWEN. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 4654) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

The bill (S. 645) to provide for the closing of barber shops in the District of Columbia on Sunday was announced as next in order.

Mr. OWEN. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (H. R. 7571) to provide for the appointment of the recorder of deeds of the District of Columbia by the Commissioners of the District of Columbia was next in order on the calendar.

Mr. OWEN. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (H. R. 11240) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. SMITH of Georgia. Let that go over.

The PRESIDING OFFICER. It will go over.

Mr. GALLINGER. I have no remedy, Mr. President; but these House bills in behalf of soldiers, I think, ought to be considered. I wish the Senator would not insist upon his objection. I will ask who objected.

The PRESIDING OFFICER. Is there objection to the consideration of this bill?

Mr. SMITH of Georgia. There is.

The PRESIDING OFFICER. Objection is made.

REPUBLIC COAL CO.

The joint resolution (S. J. Res. 50) authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation, was announced as next in order.

Mr. GALLINGER. Let that go over.

Mr. MYERS. That bill has been waiting for a long time. I ask the Senator from New Hampshire to withdraw his objection.

Mr. GALLINGER. I withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read as follows:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized, empowered, and directed to sell to the Republic Coal Co., a corporation organized and existing under and by virtue of the laws of and doing business in the State of Montana, the coal deposits in and under the following described lands, situate in Musselshell County, State of Montana, to wit: Section 30, township 8 north, range 26 east; section 6, township 7 north, range 26 east; northeast quarter southeast quarter and southeast quarter northeast quarter and west half of southwest quarter section 26, township 8 north, range 25 east. In the event of a sale the purchase price thereof shall be fixed by the Secretary of the Interior, but shall not be less than the appraised value thereof, and upon payment thereof the said Secretary shall issue to said corporation a contract providing the terms and conditions of said sale: *Provided, however*, That said sale shall be made subject to the legal or equitable rights, inchoate or vested, of any surface or other entryman on any part of said lands, and subject to the laws now in force governing the sales of coal or other minerals where the surface lands and rights are reserved or have been previously disposed of.

Mr. OVERMAN. I will ask the Senator if he objects to striking out the word "directed," because there will be no discretion in the Secretary of the Interior. I think it should authorize him to sell but to direct him to sell gives him no discretion whatever. I do not know anything about it, but it seems to me that the word "directed" should not be employed.

Mr. MYERS. All the discretion in the world as to the price is vested in the Secretary of the Interior; unlimited discretion as to a maximum price, but he can not sell at less than the appraised price.

The object of the joint resolution is to effect the sale of these lands for purposes that are quasi public, that are beneficial to the public and in the interest of the public.

Mr. OVERMAN. I understand that.

Mr. MYERS. If he is given discretion as to a maximum price without limit, all the Secretary of the Interior would have to do would be to put on a prohibitive price. That would be equivalent to a refusal to sell.

Mr. OVERMAN. But this directs him to sell to one particular person. Ought he not to have some discretion or authority to sell?

Mr. MYERS. I think he has that discretion when allowed to name a prohibitive price.

Mr. OVERMAN. He is directed to sell to one particular person. Ought there not to be some competitive bidders? He would not have the right arbitrarily to put up the price so that nobody could buy it. He would have to sell it at a reasonable price.

Mr. MYERS. I accept the amendment.

Mr. OVERMAN. Very well; strike out the word "directed" and insert "and" between "authorized" and "empowered."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. The joint resolution reads "and he is hereby authorized, empowered, and directed." It is proposed to strike out the word "directed" and to insert "and" between "authorized" and "empowered."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

WEST OKANOGAN VALLEY IRRIGATION DISTRICT.

The bill (S. 3329) for an appropriation of $105,000 to purchase water rights within the West Okanogan Valley irrigation district, and for other purposes, was announced as next in order.

Mr. OVERMAN. Let that go over.

Mr. JONES. I will state that that has practically been incorporated in an appropriation bill which has become a law. I do not know what the practice is.

Mr. OWEN. Let it be indefinitely postponed.

Mr. JONES. I do not know whether it should be left on the calendar or go over.

Mr. OVERMAN. Let it go over under Rule IX.

Mr. JONES. I do not suppose my colleague [Mr. POINDEXTER] would have any objection to its going to Rule IX, because it has been taken care of in the Indian appropriation bill.

Mr. OVERMAN. Let it go to Rule IX.

Mr. OWEN. It should be indefinitely postponed.

Mr. OVERMAN. That is equivalent to being indefinitely postponed.

The PRESIDING OFFICER. Would it not be better to have it indefinitely postponed?

Mr. JONES. I do not think there would be any objection to that at all.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

INDIAN LANDS IN NEBRASKA.

The bill (S. 4424) to provide for the payment of drainage assessments on Indian lands in Nebraska was announced as next in order.

Mr. NORRIS. When the Indian appropriation bill was before the Senate I offered this bill as an amendment to it and it was agreed to. Therefore there is no use in keeping it on the calendar and it may be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

OSAGE OIL LANDS.

The next business on the calendar was Senate resolution 107, relative to leasing of Osage oil lands.

Mr. LANE. Let that go over.

The PRESIDING OFFICER. The Senator from Oregon objects.

DENISON COAL CO.

The bill (S. 1093) to permit the Denison Coal Co. to relinquish certain lands embraced in its Choctaw and Chickasaw coal lease and to include within said lease other lands within the segregated coal area was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOYAL CREEK INDIANS.

The bill (S. 1100) to pay the balance due the loyal Creek Indians on the award made by the Senate on February 16, 1903, was announced as next in order.

Mr. CURTIS. I ask that that bill may go over under Rule IX. I want to be here when it is taken up, because I desire to present some reasons why it should not be passed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas that the bill go to the calendar under Rule IX?

Mr. OWEN. Mr. President, I think the Senate ought to dispose of this matter at some time when it has the opportunity, and I hope that the Senator from Kansas will not insist upon its going over under Rule IX. He will undoubtedly be notified in case it should come up at any time, because he has resisted the passage of it.

This is a case in which the Senate of the United States made an award to the loyal Creek Indians of $1,200,000, but the House of Representatives on the Indian appropriation bill in providing the means to pay it reduced the amount to $600,000, with a provision that the Creeks should be compelled to accept it in settlement. They did accept it with protest because they had no other course to pursue. The Senator from Kansas is opposed to paying the remainder of it, but I think the Senate ought to hear the case at some time and act upon it.

Mr. CURTIS. The Senate has twice voted upon this measure and defeated it at two different sessions of Congress. It is simply coming back here session after session when it ought to be left alone. The Senate has voted twice on the proposition.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

Mr. OWEN. I object to its being taken over under Rule IX. I am willing to have it go over.

The PRESIDING OFFICER. Objection is made to the consideration of the bill and it goes over.

MUSKOGEE (CREEK) NATION.

The bill (S. 1096) to provide for carrying into effect of the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901, and supplemental agreement of June 30, 1902, and other laws and treaties with said tribe of Indians was announced as next in order.

Mr. CURTIS. I ask unanimous consent that that bill may go over under Rule IX. I want to be present when it is taken up because I desire to present some reasons why it should not be passed.

Mr. OWEN. I hope that the Senate may consider this matter now. It is a local affair. It merely permits the Creek Indians who have not received allotments to receive $1,040 which is the approximate share of an average allotment, or if they have received less than that in land and money that they be given that amount out of the Creek fund. I do not see why the Senator wishes to put it over.

Mr. CURTIS. I object to the present consideration of the bill.

The PRESIDING OFFICER. Objection is made and the bill goes over.

PONCA TRIBE OF INDIANS.

The bill (S. 4251) to authorize the Ponca Tribe of Indians to appear in and be made parties to any suits filed in the Court of Claims by the Omaha Tribe was considered as in Committee of the Whole.

The bill is as follows:

Be it enacted, etc., That the Ponca Tribe of Indians residing in Oklahoma and Nebraska is hereby authorized and empowered to appear in and be made party to any suit or suits in the Court of Claims heretofore instituted or which may hereafter be begun under and by virtue of an act of Congress approved June 22, 1910, entitled "An act authorizing the Omaha Tribe of Indians to submit claims to the Court of Claims," with full rights of appeal as therein provided for other parties; and the Court of Claims shall thereupon have full jurisdiction to hear and determine all legal and equitable claims, if any, of such Ponca Tribe of Indians against the United States and against any other tribe or band of Indians party thereto, and also any legal or equitable defense, set-off, or counterclaim which the United States or the Omaha Tribe of Indians may have against any other party thereto. The compensation to be paid the attorney or attorneys chosen by the Ponca Tribe under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior in accordance with law to represent them in those cases shall be determined by the Court of Claims, such fees to be paid out of any money which may be found to be due said Indians, provided that the amount of attorneys' fees shall not be greater than that named in the approved contract.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PONCA INDIAN CLAIMS.

The bill (S. 1094) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 1, section 1, line 7, after the words "United States," to insert "for lands taken by the United States from the Ponca Indians without due compensation," so as to make the section read:

That jurisdiction is hereby conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States, to consider and determine all legal and equitable claims, if any, of the Ponca Tribe of Indians against the United States for lands taken by the United States from the Ponca Indians without due compensation: for the misappropriation of any funds of the tribe or for the failure of the United States to pay the tribe any money due under any treaty: and also to consider and determine any legal or equitable defenses, set-offs, or counterclaims which the United States may have against the said tribe of Indians, and to enter judgment thereon, all claims and defenses to be considered without regard to lapse of time; and the final judgment and satisfaction thereof shall be a full and final settlement of all claims of said Indians against the United States.

The amendment was agreed to.

Mr. OVERMAN. I object to that bill because it provides that the Court of Claims shall render judgment. I would have no objection if it simply provided that the Court of Claims should find the facts.

Mr. OWEN. Mr. President, these people are entitled to their peace.

Mr. OVERMAN. Is this money to be paid out of the tribal fund?

Mr. OWEN. If the Government of the United States owes them, why should it not pay them?

Mr. OVERMAN. Every claim that is sent from the Senate to the Court of Claims is sent there for the purpose of having the Court of Claims find the facts, to make finding as to questions of law, and then to report their findings to Congress for appropriation.

Mr. OWEN. The Senator is entirely mistaken. The Congress of the United States from time to time sends cases there both for the purpose of having the court find the facts and, after finding the facts, to render judgment under the law.

Mr. OVERMAN. Very seldom is that done. I objected the other day to a claims bill affecting Massachusetts on the same ground.

Mr. OWEN. What would be the use of providing merely that the court shall find the facts and send them back to the Senate for the Senate to adjudicate the matter?

Mr. OVERMAN. The findings come back to Congress for its action. It has been done time and again, a thousand times.

Mr. OWEN. So has the other procedure been followed a thousand times.

Mr. OVERMAN. I think the Senator is mistaken. We have reports here from the Court of Claims every session setting forth the facts and the conclusions of the court on the questions of law and equity.

Mr. WILLIAMS. Why is not the court a better judge of the law and equity than Congress? Why can not the United States Government trust its own court?

Mr. OVERMAN. I trust the court. That is exactly what I want done. I want the court to find the facts and report to Congress in the regular way.

Mr. WILLIAMS. The Senator wants the court to find the facts and send the case here, and then constitute Congress as a court of appeals.

Mr. OVERMAN. I am perfectly willing that the Court of Claims should make a finding as to the facts. As I have said, some days ago I objected to a claims case of Massachusetts on the same ground as I am objecting in this instance, and I can not let one go through without letting the others go through. I object, Mr. President.

The PRESIDING OFFICER. Objection is made to the consideration of the bill.

Mr. OWEN. These bills relating to affairs in Oklahoma have been on the calendar for some time, and objection after objection has been made every time the bills have come up. Why are these people not to be given their peace? The Omaha Indians

have been permitted to bring suit and the Ponca Indians have a conflicting claim and should have the right to intervene; but the Senator is denying them that right by raising the objection.

Mr. OVERMAN. I am willing that they should go to the Court of Claims like any other claimants and have the court try the case and ascertain the facts. That is the purpose for which the Court of Claims was established. Congress can not go into these questions. We have not the power and we have established the court to ascertain regarding all questions of law and fact, and then to report to Congress. That has been the rule, and that was the reason for the establishment of the court.

Mr. OWEN. Congress does both sometimes. It authorizes the court to find the facts, and upon the facts Congress sometimes acts for itself, and sometimes it sends the case back to the court to find the law and render judgment.

Mr. OVERMAN. Very rarely.

Mr. OWEN. I have had great familiarity with the practice in that court, and I know perfectly what is the practice.

Mr. OVERMAN. I served 10 years on the Committee on Claims, and I think only in the rarest instances, and, as I recall, never did we send a case to the Court of Claims to render final judgment.

Mr. GALLINGER and Mr. LODGE. Regular order!

The PRESIDING OFFICER. The regular order is demanded. Objection has been made to the bill. The next business on the calendar will be stated.

CLAIMS OF LOYAL SHAWNEE AND ABSENTEE SHAWNEE INDIANS.

The bill (S. 1098) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribe of Indians, was announced as next in order.

Mr. OVERMAN. I object to that bill.

Mr. OWEN. Mr. President, this is a case where the Interior Department has ascertained the facts and made a report to Congress upon the facts, and the facts are now before Congress.

Mr. OVERMAN. Why does not Congress act, then, instead of sending it to the Court of Claims?

Mr. SUTHERLAND. Regular order!

Mr. OWEN. If the Senator is willing to make an appropriation direct, I would be very glad to have that done.

Mr. OVERMAN. I object to the bill.

The PRESIDING OFFICER. The regular order has been called for and objection has been made to the consideration of the bill. The bill will be passed over.

BILLS PASSED OVER.

The bill (S. 4250) for the relief of the Ottawa Indian Tribe of Blanchards Fork and Roche de Bœuf was announced as next in order.

Mr. OVERMAN. I object to that bill.

The PRESIDING OFFICER. Objection is made to the consideration of the bill.

The bill (H. R. 8092) confirming patents heretofore issued to certain Indians in the State of Washington was announced as next in order.

Mr. CURTIS. Mr. President, in view of the absence of the Senator from Washington [Mr. POINDEXTER] I ask that that bill go over. There is an amendment pending to it, but I think it had better go over until the Senator from Washington returns.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

OCCUPANTS OF TUTTLE TOWN SITE.

The bill (S. 4722) for the relief of the occupants of the Tuttle town site was announced as next in order.

Mr. OWEN. I move the indefinite postponement of that bill. It has already been provided for in the Indian appropriation bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oklahoma that the bill be indefinitely postponed.

The motion was agreed to.

BILLS PASSED OVER.

The bill (S. 3927) for the relief of the legal representatives of Francis Busch, deceased, was announced as next in order.

Mr. LODGE. Mr. President, the senior Senator from Utah [Mr. SMOOT] objected to that bill, and to the whole series of bills beginning at Calendar No. 243 down to Calendar No. 254, inclusive; and, in his absence, I think they had better go over.

Mr. VARDAMAN. Does the Senator's objection go to the merit of these claims?

Mr. LODGE. The Senator from Utah, when they were heretofore reached in the consideration of the calendar, objected to all of them, and said he did not wish them to go through without discussion.

Mr. VARDAMAN. I remember that the Senator from Utah objected to Calendar No. 246, a bill I should be very glad to have the Senate consider.

Mr. LODGE. Personally I have no objection to any of the claims, but, in the absence of the Senator from Utah, I do not think they ought to be considered to-day.

The PRESIDING OFFICER. Objection being made, the bills referred to will be passed over.

SETTLEMENT OF CERTAIN PRIVATE-LAND CLAIMS.

Mr. CATRON. Mr. President, I ask to recur to Calendar No. 72, Senate bill 1840, which was objected to by the senior Senator from North Carolina [Mr. OVERMAN]. I have explained to him the situation. He was laboring under a misapprehension, I understand, and is willing to withdraw his objection.

Mr. OVERMAN. I withdraw the objection after the explanation the Senator from New Mexico has given me of the bill.

Mr. CATRON. I ask unanimous consent that the bill be now considered.

Mr. ASHURST. Let the bill be read.

The Secretary read the bill (S. 1840) to amend an act entitled "An act to establish a Court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, June 27, 1898, and February 26, 1909.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. LANE. I should like to ask the Senator to what the bill applies?

Mr. CATRON. It applies to some small claims in the States of Arizona, New Mexico, and Colorado of old people who were given permission when the Court of Private Land Claims was established to file their claims on their small holdings, but a great many of them did not understand the English language, they never got notice, and so did not file their claims. This bill simply proposes to extend the time within which they may do so.

Mr. LANE. Very well.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, on page 2, line 9, to strike out the date "1915," and insert "1917," so as to make the bill read:

Be it enacted, etc., That section eighteen of an act entitled "An act to establish a Court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, as amended by the act approved February 21, 1893, and by the act approved June 27, 1898, and by the act approved February 26, 1909, be, and the same is hereby, further amended by striking out the words "before the 4th day of March, 1910," and inserting in lieu thereof the words "before the 4th day of March, 1917," so that the first clause of said section shall read as follows, namely:

"That all claims arising under either of the two next preceding sections of this act shall be filed with the surveyor general of the proper State or Territory before the 4th day of March, 1917, and no claim not so filed shall be valid."

Provided, That the extension herein granted shall not apply to lands within the limits of a confirmed grant or embraced in any entry completed under the public land laws prior to filing of a claim hereunder, nor shall its provision extend to persons holding under assignment made after March 3, 1901.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1065) to provide for summer residence homesteads, and for other purposes, was announced as next in order.

Mr. FLETCHER. I object to the consideration of that bill.

The PRESIDING OFFICER. Objection being made, the bill goes over.

Mr. GALLINGER. I call attention to the fact that Orders of Business 237 and 240 have not been acted on.

Mr. LODGE. Orders of Business 237 and 240 have nothing to do with the bills which went over. Order of Business 234 was passed over, and the Orders of Business from 243 to 254, inclusive, were passed over. Orders of Business 237 and 240 have nothing to do with those bills which have been passed over.

The PRESIDING OFFICER. The bills to which the Senator from Massachusetts [Mr. LODGE] refers went over at his suggestion.

Mr. LANE. Was Order of Business 234 considered?

Mr. LODGE. It has not been, Mr. President, as I understand, it being one of the bills to which objection was made;

but I repeat that Orders of Business 237 and 240 have nothing to do with that.

The bill (S. 4418) to establish game sanctuaries in national forests, and for other purposes, was announced as next in order.

Mr. THOMAS. Mr. President, I object to the consideration of that bill.

The PRESIDING OFFICER. Objection being made, the bill goes over.

PACIFIC OCEAN HALIBUT FISHERIES.

The bill (S. 4586) to protect and conserve the halibut fisheries of the Pacific Ocean, to establish closed seasons in halibut fishing in certain waters thereof, and to restrict the landing of halibut in the United States of America, and the Territory of Alaska during the closed seasons established, was announced as next in order.

The PRESIDING OFFICER. Did the Senator from Massachusetts object to this bill and those following down to and including Order of Business 254?

Mr. LODGE. No, Mr. President; Order of Business 240, being the bill just announced, has no relation to the post-office claims to the consideration of which I have objected.

The PRESIDING OFFICER. Then Senate bill No. 4586 will be proceeded with in the absence of objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Fisheries with an amendment, in section 2, page 2, line 20, after the word "west," to insert "thence southeast (magnetic) 19 miles to a point approximately latitude 55° 24′ north, longitude 134° 3′ 42″ west," so as to make the section read:

SEC. 2. That it shall be unlawful for any vessel or boat of the United States or person belonging to or on such vessel or boat, or any person owing obedience to the laws of the United States, to fish for or catch halibut at any time within the area circumscribed by lines as follows, or for any vessel, boat, person, or corporation to land at any port or place in the United States any halibut taken within such area, which area is hereby recognized and designated as a nursery for halibut:

From the northwest extremity of Cape Lynch, Hecata Island, southwest (magnetic) 18 miles to a point approximately latitude 55° 42′ 21″ north, longitude 134° 12′ 30″ west; thence southeast (magnetic) 19 miles to a point approximately latitude 55° 24′ north, longitude 134° 3′ 42″ west; thence northeast (magnetic) 8.6 miles, touching the north shore of the outer and bisecting the inner of the two islets southwest of Cape Addington, Noyes Island, to a point on Noyes Island.

From the northwest extremity of Cape Lynch, Hecata Island, southeast three-fourths south (magnetic) approximately 14.5 miles, to a point on Noyes Island in range with the peak shown on chart No. 8150 published by the Coast and Geodetic Survey, said point being approximately in west longitude 133° 39′ 30″.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 4884) for the relief of the estate of A. B. Denton was announced as next in order.

Mr. LODGE. That bill, being Order of Business 243, and all the others down to Order 254, have been objected to.

Mr. SUTHERLAND. Yes; they have been objected to, down to Order of Business 254.

PONCA INDIAN CLAIMS.

Mr. OWEN. Mr. President, the objection which was made to Order of Business 218, being Senate bill 1094, on the ground that it authorizes the entry of judgment, could be met by an amendment striking out the words "to enter judgment thereon," and so forth, and in lieu thereof to authorize the report to be made to Congress. If I may be permitted, I should like to have the bill disposed of.

Mr. OVERMAN. I shall be very glad to withdraw my objection with that understanding.

The PRESIDING OFFICER. The Secretary will state the title of the bill.

The SECRETARY. A bill (S. 1094) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. OVERMAN. The bill has been read.

The PRESIDING OFFICER. The Senator from Oklahoma will state the amendment which he desires to submit.

Mr. OWEN. On page 2, line 4, I move to strike out all after the word "and," including lines 5, 6, 7, and 8, and to insert "report the same to Congress."

Mr. OVERMAN. The Senator proposes to strike out the words in reference to the court rendering judgment?

Mr. OWEN. Yes.

The PRESIDING OFFICER. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. On page 2, line 4, after the word "and," it is proposed to strike out the words "to enter judgment thereon, all claims and defenses to be considered without regard to lapse of time, and the final judgment and satisfaction thereof shall be a full and final settlement of all claims of said Indians against the United States," and in lieu thereof to insert the words "report the same to Congress."

Mr. SUTHERLAND. Will not that amendment necessitate a reconstruction of the bill? The bill is drawn upon the theory that the Court of Claims shall render final judgment.

Mr. OWEN. I shall have to make one amendment at a time. I am going to move to amend the bill in another place as soon as the amendment which I have just offered is disposed of.

Mr. LODGE. The title also will have to be amended.

Mr. OWEN. I move to strike out section 3.

The PRESIDING OFFICER. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. On page 3, it is proposed to strike out section 3, as follows:

SEC. 3. The balance of any judgment rendered in favor of claimant Indians shall be placed in the Treasury of the United States to the credit of the Indians entitled thereto, and shall draw interest at the rate of 4 per cent, which principal and interest may, in the discretion of the Secretary of the Interior, be paid to the Indians or expended for their benefit.

The amendment was agreed to.

Mr. SUTHERLAND. Mr. President, this is rather an unsatisfactory way of passing legislation—to amend it in a radical respect in the Senate—for we can not always tell what effect such amendments may have on other provisions of the bill. Beginning on line 20, page 2, there is a provision for compensation of attorneys——

Mr. OWEN. I am going to move to strike out all of the remainder of section 2 below line 14. I now move to strike out that part of section 2 after the words "existing law," in line 14.

The PRESIDING OFFICER. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. In section 2, page 2, after the words "existing law," it is proposed to strike out:

The Ponca Tribe of Indians shall be party plaintiff and the United States party defendant, and such suit shall on motion of either party be advanced on the docket of the Court of Claims and of the Supreme Court. Official letters, papers, reports, and public records, or certified copies thereof, may be used as evidence. The compensation to be paid the attorneys for the claimant Indians shall be determined by the Court of Claims but in any event shall not be greater than that provided in the contract between the claimant Indians and their attorney or attorneys, and shall be paid out of any sum or sums found and adjudged to be due said Indians.

The PRESIDING OFFICER. Without objection, the amendment will be considered as agreed to.

Mr. SUTHERLAND. Mr. President, the very first provision of the bill is:

That jurisdiction is hereby conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States, to consider and determine—

The word "determine" is used, which implies a judgment.

A further provision is—

and also to consider and determine—

Again, the word "determine" means an adjudication upon the legal and equitable defenses. Then the bill concludes by providing that the adjudication shall be reported to Congress. It seems to me that the bill ought to go over.

Mr. OWEN. I have modified it so that the determination of what these rights are, and the facts in the matter, may be sent to Congress. It does not permit them to enter judgment against the United States. It sends it to Congress to ascertain from the findings of facts and of law what the rights are.

Mr. SUTHERLAND. I shall not object, Mr. President.

The PRESIDING OFFICER. If there are no further amendments to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LODGE. The title should be amended to conform to the Senator's amendment.

Mr. OWEN. Yes; the title should be amended.

Mr. LODGE. The words "and render judgment" should be stricken out.

The PRESIDING OFFICER. Without objection, the amendment to the title will be agreed to.

Mr. LODGE. The Secretary can make the amendment to the title.

BILLS PASSED OVER.

The bill (S. 1065) to provide for summer residence homesteads, and for other purposes, was announced as next in order.

Mr. FLETCHER. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 5126) giving the consent of the United States for the bringing of certain suits in the Supreme Court of the United States, and for other purposes, was announced as next in order.

Mr. SUTHERLAND. Mr. President, I do not intend to object to the consideration of this bill, although I shall vote against the bill itself, as I voted against it in the Committee on the Judiciary. I think the Senate ought to understand the character of the legislation before it votes upon it. It makes a very profound and far-reaching alteration in existing law.

Of course, under the present state of the law, no State can maintain an action against the United States. Wherever a State has a grievance against the United States it must be presented to Congress, and there investigated and determined. My own opinion is that there is the safe place to leave it.

The principal object of this bill, as I understand, is to permit the State of West Virginia, and perhaps some other States, to maintain an action against the United States Government to recover for lands which were transferred to the United States by the State of Virginia and other States at the inception of the Government. Of course, if an action of that kind is maintained, and judgment is rendered, it means a judgment for untold millions of dollars—nobody knows how much. A bill of that vast importance and that vast range it seems to me ought to receive pretty careful consideration.

I content myself with making that statement. I shall not object to a vote being taken upon the bill.

Mr. TOWNSEND. Do I understand that the Senator does not object?

Mr. SUTHERLAND. I do not object.

Mr. TOWNSEND. I do object, Mr. President.

The PRESIDING OFFICER. Objection is made by the Senator from Michigan. The bill will be passed over.

The bill (H. R. 54) to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China was announced as next in order.

Mr. SMITH of Georgia. Mr. President, I object to the consideration of that bill.

Mr. GALLINGER. Mr. President, I am going to venture to appeal to the Senator from Georgia regarding this bill. The widows and children of officers and enlisted men of every other war, including the Indian wars, have been pensioned.

Mr. SMITH of Georgia. I am very much opposed to it. I am opposed to pensioning the widows of men who come out of the Army sound. I do not see any reason for pensioning them. If they are injured in the service or killed in the service, or if they give their lives to the service, I am willing to give them just as much as anybody would give them, but I can not see why a man who went on an excursion to Cuba, which was the case with most of them, and who came back afterwards and married, sound and well, should charge the Government with responsibility for his widow or children, any more than if he had not been there.

Mr. GALLINGER. I know this matter is not debatable, but a great many of these widows are widows of soldiers who did not consider it a junketing expedition, but who actually contracted disease, and many of them were wounded. However, if the Senator objects——

Mr. SMITH of Georgia. I want to say to the Senator that wherever anyone was injured in the service, wherever anyone has died as a result of the service, wherever the service has really damaged anybody, the Senator from New Hampshire will not vote for a more liberal pension than I will. I simply object to pensioning them when they were not injured. I simply object to the system of pensioning widows of perfectly sound men who have had a short service, who come out of that service well, and who subsequently marry. I do not think there is any more reason for pensioning their widows than for pensioning the widows of everybody. It is injury in service that I am willing to vote any reasonable pension for, but I object to pensioning where there is lack of injury in service.

Mr. MYERS. Mr. President, If I may say a word, I will suggest that the bill might be amended, then, by striking out the widows in such cases. I will add my voice to the appeal of the Senator from New Hampshire to take up that bill. I am very much in favor of it.

Mr. GALLINGER. I will not agree to amending the bill. The Senator from Georgia has objected to every pension bill that we have reached on the calendar, and I am willing that the record shall stand.

Mr. SMITH of Georgia. Every one of the pension bills reached so far has contained pension of the class which I have shown should be subject to objection.

Mr. GALLINGER. I beg the Senator's pardon.

Mr. SMITH of Georgia. Yes; the others included them.

Mr. GALLINGER. Well, we will not argue that matter.

Mr. SMITH of Georgia. I did not object to the bills until I saw they included them.

I want to say that I have letters from constituents urging some of these pensions. There are persons in my own State who are in this list, and who want to get these pensions. I am pressing my objection now, free from any embarrassment about their having been soldiers of the war between the States. They are my constituents that I am stopping from receiving gifts from the Government to which I do not consider them entitled, just as they are constituents of Senators from other States.

Mr. GALLINGER. Well, Mr. President, that is all right. The Senator did object to two bills that provided pensions for widows of soldiers and sailors of the Regular Army and Navy.

Mr. SMITH of Georgia. And they also added "of other wars," the Senator will notice.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

CLAIMS OF MASSACHUSETTS.

The bill (S. 3346) conferring jurisdiction on the Court of Claims to adjudicate the claims of the State of Massachusetts, was considered as in Committee of the Whole.

The PRESIDING OFFICER. This bill was read and amended on April 24.

Mr. LODGE. Mr. President, objection was made to that bill by the Senator from North Carolina [Mr. OVERMAN] on the same ground on which he has objected to the bills of the Senator from Oklahoma. I have drafted an amendment in the nature of a substitute which meets his views, and I have consulted him in regard to it. I know of no other objection to the bill.

The PRESIDING OFFICER. The bill is in Committee of the Whole and open to amendment.

Mr. LODGE. I ask to have the amendment read.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert the following:

That the claim of the State of Massachusetts for premium paid for coin with which it paid the interest and principal of its bonds issued in the year 1861 for money borrowed and used to furnish troops of the State for the service of the United States during the Civil War, and also its claim for interest, and premium paid for coin used in payment of such interest, on bonds issued for money borrowed and expended, at the request, during said war, of the President of the United States, in protecting the harbors and fortifying the coast, which claims were rejected by the Comptroller of the Treasury Department, be, and the same are hereby, referred to the Court of Claims for a determination of the law and the facts and report to Congress. The evidence of the amount of said expenditures and of the computations of such premiums made by the accounting officers of the Treasury on file in said department as furnished by the State may be considered by the court so as to relieve the State of the necessity of again filing said evidence in court.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, is this Senate bill 3346?

The PRESIDING OFFICER. It is.

Mr. LODGE. The bill has been changed to meet the objection of the Senator from North Carolina.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH T. WELLS.

The bill (S. 3012) for the relief of Elizabeth T. Wells was considered as in Committee of the Whole. It proposes that in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers of the Volunteer Army Charles S. Wells, deceased, shall be held and considered to have been honorably discharged from the military service of the United States as a member of Company F, Twelfth Regiment New York Volunteer Infantry, on the 26th day of December, 1861, provided that no back pay, bounty, pension, or other emolument shall accrue prior to the passage of the act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 2530) for the relief of the Buffalo River Zinc Mining Co. was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

CREEK INDIAN LANDS.

The joint resolution (S. J. Res. 114) withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians, and providing for the sale thereof, and for other purposes, was considered as in Committee of the Whole.

The joint resolution has been reported from the committee on Indian Affairs with an amendment, on page 2, after line 2, to insert:

That the Secretary of the Interior is hereby authorized to pay each and every duly enrolled citizen of the Creek Nation who has not been allotted lands in said nation and who is not included in Senate Document No. 478, Sixty-third Congress, second session, the sum of $2,080, in lieu of an allotment of land in said nation. Said sum of $2,080 to be paid to each and every person out of the funds in the Treasury of the United States to the credit of the Muskogee Creek Nation.

So as to make the joint resolution read:

Resolved, etc., That the unallotted lands or public domain of the Creek Nation or Tribe of Indians, including any land the title to which has been or may be recovered for the Creek Nation in any pending or other suit or otherwise, be, and the same is hereby, withheld from allotment to members of said nation or tribe, and that the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to cause such land to be sold or leased for the benefit of the Creek Nation or Tribe of Indians under such rules and regulations as he may prescribe, the proceeds of such sale or lease to be paid into the Treasury of the United States to the credit of said Creek Nation.

That the Secretary of the Interior is hereby authorized to pay each and every duly enrolled citizen of the Creek Nation who has not been allotted lands in said nation and who is not included in Senate Document No. 478, Sixty-third Congress, second session, the sum of $2,080, in lieu of an allotment of land in said nation. Said sum of $2,080 to be paid to each and every person out of the funds in the Treasury of the United States to the credit of the Muskogee Creek Nation.

Mr. GALLINGER. Let that go over, Mr. President.

Mr. OWEN. Mr. President, I wish to propose an amendment, to insert "$1,040" in lieu of "$2,080." Do I understand that objection is made to the consideration of the joint resolution?

The PRESIDING OFFICER. Yes.

Mr. OWEN. I hope the Senator will not object to its consideration. There are some lands which have been developed for oil there that have a very large value, estimated at as much as a million dollars for a quarter section. It is obvious that it was not the intention of the agreement that such a development there should pass into the hands of a private person.

Mr. CURTIS. Mr. President, I think with the amendment reducing the amount, offered by the Senator from Oklahoma, there is no objection on the part of members of the committee to the joint resolution.

The PRESIDING OFFICER. Is there objection to the consideration of the joint resolution?

Mr. GALLINGER. I objected, but I will withhold the objection to ask the Senator from Oklahoma a question. It looks to me as though the committee must have been guessing when they fixed upon the sum of $2,080 and now agree to a less sum. How did they reach their conclusions?

Mr. OWEN. The original estimate of the value of these allotments was $1,040. In many cases Congress, where it has granted money in lieu of land, has increased it to double the amount, and it was thought that double the amount would be just in this case, because they had developed a very important oil field there, and the values had increased accordingly. The value of the land increased, but $1,040 is the original standard.

Mr. GALLINGER. How did the committee happen to name $2,080?

Mr. OWEN. Because it was double $1,040.

Mr. CURTIS. Mr. President, I desire to state that I was not present when the bill was considered by the committee or I should have objected to that amount. As soon as I found the amount was fixed at that figure, I notified the Senator from Oklahoma that I thought it should be reduced to the amount fixed in the agreement, and he consented to offer that amendment.

Mr. GALLINGER. Mr. President, I withdraw my objection, under the statement made by the two Senators.

The PRESIDING OFFICER. The objection is withdrawn. The Senator from Oklahoma proposes an amendment to the amendment, which will be stated.

The SECRETARY. On page 2, line 8, in the committee amendment, it is proposed to strike out "$2,080" and to insert "$1,040," and in line 9 it is proposed to strike out "$2,080" and to insert "$1,040."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

IOWA TRIBE OF INDIANS.

The bill (S. 4253) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Iowa Tribe of Indians against the United States was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment on principles of justice and equity and as upon a full and fair arbitration of the claims of the Iowa Tribe of Indians, of Oklahoma, against the United States, with the right of appeal by either party to the Supreme Court of the United States, for the determination of the amount, if any, which may be legally or equitably due said tribe of Indians under any treaties or laws of Congress or under any stipulations or agreements, whether written or oral, entered into between said tribe of Indians and the United States or its authorized representatives, or for the failure of the United States to pay any money which may be legally or equitably due said tribe of Indians. A petition in behalf of said Indians shall be filed in the Court of Claims within one year after the passage of this act, and the Iowa tribe of Indians shall be the party plaintiff and the United States the party defendant, and the petition may be verified by the attorney employed by the said Iowa Tribe of Indians, to prosecute their claim under this act, under contract to be approved by the Commissioner of Indian Affairs and the Secretary of the Interior, as provided by law, upon information and belief as to the facts alleged in said petition. Upon the final determination of the cause the Court of Claims shall decree such fees and expenses as the court shall find to be reasonably due to be paid to the attorney or attorneys employed by said Iowa Tribe of Indians, and the same shall be paid out of any sum or sums of money found due said Iowa Tribe of Indians: *Provided*, That in no case shall the fees and expenses decreed by said court be in excess of the amount stipulated in the approved contract.

Mr. OVERMAN. Let that bill go over, Mr. President.

Mr. OWEN. Mr. President, this bill can be modified so as simply to provide for a report to Congress, and I should like to have it passed in that form. I will propose such an amendment.

Mr. OVERMAN. Let it go over, then, and the Senator can call it up when he is ready to amend it.

Mr. OWEN. I am ready now.

Mr. OVERMAN. All right.

Mr. OWEN. I move, in line 4, page 1, to insert the word "and" after the word "hear"; to strike out the words "and render judgment," in line 4; and to insert, after the word "States," in line 7, the words "and report to Congress," striking out, in lines 7 and 8, the words "with the right of appeal by either party to the Supreme Court of the United States, for," leaving the language to read:

Jurisdiction is hereby conferred upon the Court of Claims to hear and determine, on principles of justice and equity, and as upon a full and fair arbitration of the claims of the Iowa Tribe of Indians, of Oklahoma, against the United States, and report to Congress the determination of the amount, if any—

And so forth.

The PRESIDING OFFICER. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. On page 1, line 4, after the word "hear," it is proposed to insert the word "and," so that it will read "to hear and determine"; in the same line, to strike out the words "and render judgment"; in line 7, after the words "United States," to insert "and report to Congress"; and, in lines 7, 8, and 9, to strike out "with the right of appeal by either party to the Supreme Court of the United States, for."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GALLINGER. I notice in this bill there is a provision for the payment of fees to attorneys representing these Indians. I have heard——

Mr. OWEN. I have no objection to having that stricken out if it is objectionable.

Mr. GALLINGER. I am not going to object, but I am going to ask a question. A good deal of complaint has come to me of inordinate fees being made, fees out of all reason. I was going to ask the Senator how that is, whether or not——

Mr. OWEN. In the past history of the country there have been fees allowed that were unreasonable and unfair, but in recent years there has been a tendency to a gradual restriction of fees to narrower limits, and in this case it is left to the determination of the court after they have perceived what services were rendered before the court.

Mr. GALLINGER. The court will not decree anything above the amount stipulated in the approved contract. What I was trying to get at was whether those contracts as a rule are fair to the Indians.

Mr. OWEN. I think under the present administration and under recent administrations the restriction has been so rigid, in fact, that in many of these cases the Indians have really not been represented at all.

Mr. OVERMAN. I suggest to the Senator to strike out the words "render final judgment" and to insert "report to Congress," and to strike out the word "decree" and insert "find," so that they shall find such fees and report to Congress.

Mr. OWEN. I make the motion to change that.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. GALLINGER. What is the amendment?

Mr. OWEN. In line 21, strike out the word "decreed" and insert "found."

The PRESIDING OFFICER. The Secretary will state the amendment.

Mr. OWEN. In line 21, strike out the word "decreed" and insert the word "found."

The SECRETARY. On page 2, line 21, strike out "decreed" and insert "found," so as to read "the expenses found by said court."

The amendment was agreed to.

Mr. OWEN. In line 15, on page 2, I move to strike out the word "decree" and to insert "find."

Mr. OVERMAN. That is right.

The amendment was agreed to.

Mr. GALLINGER. The Chair did not give me an opportunity to conclude what I was trying to say.

The PRESIDING OFFICER. The Chair will give the Senator an opportunity now.

Mr. GALLINGER. Yes; I will take the time now.

The PRESIDING OFFICER. First, however, the hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes.

Mr. OWEN. I ask that the unfinished business be temporarily laid aside.

Mr. BANKHEAD. I was going to suggest that it be laid aside temporarily.

Mr. OWEN. I beg the Senator's pardon; I looked at his seat and not seeing it occupied I did not observe him in the Chamber. That is the reason why I made the request.

The PRESIDING OFFICER. Without objection, the unfinished business will be laid aside temporarily.

Mr. GALLINGER. I was only going to say in reference to this matter that it is gratifying to me to have the Senator from Oklahoma, who is more familiar with these cases than those of us from the East, assure us that the Indians are being protected, so far as the payment of fees to attorneys is concerned. I had called to my attention one case a few years ago where an enormous fee had been paid to attorneys out of the funds of the Indians for defending them or securing legislation in their behalf, as it was claimed. I recognize the fact that fees ought to be paid to men who represent Indians or white men, but, as a friend of the Indian, in a general way, I trust that his rights will be carefully guarded in all such legislation and that he will not be robbed of fees that ought not and can not properly be demanded as a matter of justice and right.

That is all I care to say.

Mr. OWEN. It is very naturally an object of solicitude to protect the Indian people against unjust and unfair fees. In this case it comes under sections 2103, 2104, and 2105 of the Revised Statutes, and is subject to the scrutiny of the officers of the Indian Office and then the Secretary of the Interior, and it must receive the written approval of both, and then afterwards the court will define what is right.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. OWEN, the title was amended so as to read: "A bill conferring jurisdiction on the Court of Claims to hear, determine, and report to Congress in claims of the Iowa Tribe of Indians against the United States."

CARE AND TREATMENT OF LEPROSY.

The bill (S. 4086) to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States, was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER. Objection is made to the consideration of the bill and it goes over.

BARKENTINE "MABEL I. MEYERS."

The bill (S. 3270) for the relief of the owners of the barkentine *Mabel I. Meyers* and her master and crew, and for the relief of the owners of cargo of molasses late on board said barkentine, was considered as in Committee of the Whole.

The PRESIDING OFFICER. The reported amendment has been agreed to.

Mr. SMITH of Georgia. What amendment was made?

The PRESIDING OFFICER. It will be stated.

The SECRETARY. On page 2, line 14, insert the following proviso:

Provided, That no award or judgment shall be made for prospective profits.

Mr. SMITH of Georgia. I should like to know what it is supposed the bill will carry as a charge, if anyone knows anything about it. Let it go over.

The PRESIDING OFFICER. Objection is made, and the bill will go over.

VOLUNTEER OFFICERS' RETIRED LIST.

The next bill on the calendar was the bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

Mr. SMITH of Georgia. I object.

Mr. TOWNSEND. Mr. President, I had expected that the bill would be objected to at this time because I recognize that it is not the proper time to call up the bill when a majority of the Senate is not here. This, however, is a bill which was passed at the last session and which I am very anxious should receive the consideration of the Senate. I shall try immediately after the reconvening of the Senate to fix some day on which we can have a vote. I want to be as good as I can be to all Senators who have bills which they wish to have considered, but I am going to urge every means possible to secure a vote upon this bill at the proper time.

The PRESIDING OFFICER. The bill will go over.

TAX ON OPIUM, ETC.

The bill (S. 3526) to amend an act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," was announced as next in order.

The PRESIDING OFFICER. This bill was considered as in Committee of the Whole on April 24 and an amendment suggested by the Senator from Kansas [Mr. THOMPSON] was stated but not agreed to. The question is on the amendment offered by the Senator from Kansas.

Mr. CHAMBERLAIN. In the absence of that Senator I suggest that the bill go over.

Mr. THOMAS. I understood that the Senator from Oklahoma [Mr. OWEN] objected to that bill. Consequently I assumed that he would object to its consideration now.

Mr. OWEN. I only objected to it on account of having introduced a rule with regard to "peyote" in Oklahoma. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will go over.

WATER-POWER SITES.

The bill (S. 4971) to authorize the designation and withdrawal of water-power sites, and the construction of water power and other plants by the United States for the manufacture of nitrates, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that go over.

Mr. SMITH of Georgia. I think that bill has been disposed of by a provision in the Army reorganization bill, and it might be indefinitely postponed.

The PRESIDING OFFICER. Is there objection to the indefinite postponement of the bill?

Mr. SMITH of Georgia. Perhaps I had better not make that motion. Let it go over.

The PRESIDING OFFICER. Objection is made to the consideration of the bill at the present time, and it will go over.

COAL, PHOSPHATE, GAS, ETC.

The bill (H. R. 406) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. It will go over.

COWLITZ INDIAN CLAIMS.

The bill (S. 2458) authorizing the Cowlitz Tribe of Indians residing in the State of Washington to submit claims to the Court of Claims was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, on page 2, line 3, after the words "The Court of Claims," to strike out the words "shall advance said cause upon the docket for hearing and," so as to read:

The Court of Claims shall have authority to determine and adjudge the rights, both legal and equitable, of said Cowlitz Tribe and of the United States in the premises, notwithstanding lapse of time or statutes of limitation.

The amendment was agreed to.

The next amendment was, on page 2, line 10, after the words "United States," to insert the following proviso:

Provided, That in no case shall any award covering all legal and equitable claims of said Cowlitz Tribe of Indians against the United States exceed the sum of $2,000,000.

The amendment was agreed to.

Mr. OWEN. I shall have to insist that that shall go under the same rule that is imposed upon the case in Oklahoma.

Mr. LANE. What is that rule?

Mr. OWEN. A rule that a report shall be made to Congress, and I shall move that the bill be amended accordingly. Otherwise I shall be compelled to ask that it go over.

Mr. JONES. I will offer an amendment to make it conform to that bill, because I doubt if we will have an opportunity to pass it again. I will ask the Senator to note the amendment as I suggest it. In line 6, after the word "Claims," I move to strike out the words "with the right of appeal to the Supreme Court of the United States," and in line 8, after the word "party," to strike out the words "for determination," so as to read:

That all claims of whatsoever nature, both legal and equitable, which the Cowlitz Tribe of Indians residing in the State of Washington may have or claim to have against the United States may be submitted to the Court of Claims by any party.

The amendment was agreed to.

Mr. JONES. On page 2, line 2, I move to strike out the words "enter judgment thereon" and insert "report its findings of fact and law to Congress."

The amendment was agreed to.

Mr. JONES. I suppose it would be just and proper to strike out the balance of the bill after the word "limitation," in line 7.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 2, line 7, after the word "limitation," strike out the comma and the remainder of the bill down to and including the word "cause," in line 8, on page 3, at the end of the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF IMMIGRATION.

The bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States was announced as next in order.

Mr. LA FOLLETTE. Let that be passed over.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

STEAMBOAT-INSPECTION SERVICE.

The bill (H. R. 449) to provide for the appointment of 11 supervising inspectors, Steamboat-Inspection Service, in lieu of 10, was considered as in Committee of the Whole.

Mr. CHAMBERLAIN. I desire to offer an amendment: On page 2, line 6, I move to insert the following proviso:

Provided, That the States of California and Oregon shall be included within the same steamboat inspection district.

Mr. JONES. I should like to ask the Senator from Oregon what change that makes?

Mr. CHAMBERLAIN. It simply leaves Portland, Oreg., and San Francisco in the same district.

Mr. JONES. How are they now?

Mr. CHAMBERLAIN. I was trying to find the report. I will find it in a moment.

Mr. JONES. As it is now, the Senator understands that Oregon, Washington, and Alaska are in one district?

Mr. CHAMBERLAIN. I will not be positive about that, I will say to the Senator. I thought I had the report at my desk, but I do not find it.

Mr. JONES. I have not any objection to the amendment.

Mr. CHAMBERLAIN. I will say to the Senator that I have been requested by the chamber of commerce of my city to ask for this amendment to the bill, and it was on their request that I offered the amendment.

Mr. JONES. The Senator has conferred with the department in reference to the desirability of it?

Mr. CHAMBERLAIN. No; I have not.

Mr. JONES. Of course, the bill has to go through the House, and I make no objection to the amendment.

Mr. CHAMBERLAIN. It can be amended there if there is any objection to it.

Mr. GALLINGER. It is a House bill.

Mr. FLETCHER. It is a House bill, and if any change is made it must be done in conference.

Mr. JONES. Being a House bill, it will go to conference if it is an important matter.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CLAIMS OF SHAWNEE INDIANS.

Mr. OWEN. I should like to revert to the bill (S. 1098) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribe of Indians. It was objected to on the ground that it gave the Court of Claims the right to render judgment. I ask to be permitted to modify the bill so as to make the case of the loyal Shawnees conform to the Cowlitz case and the Ponca case.

The PRESIDING OFFICER (Mr. MYERS in the chair). Is there objection to recurring to the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. OWEN. On page 1, line 4, after the words "Court of Claims," I move to strike out the words "with right of appeal to the Supreme Court of the United States," and, in line 5, to strike out the word "adjudicate" and insert the word "hear," so as to read:

That jurisdiction is hereby conferred upon the Court of Claims to hear and determine as right and justice may require, and as upon a full and fair arbitration, the claims of the loyal Shawnees—

And so forth.

The amendment was agreed to.

Mr. OWEN. On page 2, line 3, after the word "time," I move to strike out the words "and the final judgment and satisfaction thereof shall be a full and final settlement of the claims of said Indians against the United States" and to insert "and to report the same to Congress."

The amendment was agreed to.

Mr. OWEN. In lines 15, 16, and 17, on page 2, I move to strike out the words "such suit on motion of either party shall be advanced on the docket of the Court of Claims and of the Supreme Court."

The amendment was agreed to.

Mr. OWEN. On page 3 I move to strike out all after the word "Indians," in line 2, in the following words:

The balance of any judgment rendered in favor of claimant Indians shall be placed in the Treasury of the United States to the credit of the Indians entitled thereto, and shall draw interest at the rate of 4 per cent per annum.

The amendment was agreed to.

Mr. OWEN. That merely leaves the bill so that a report is made to Congress of the facts and law bearing on the case.

The PRESIDING OFFICER. The bill was reported from the Committee on Indian Affairs with an amendment, which will be stated.

The SECRETARY. On page 2, line 11, after the word "Indians," strike out "entered into a contract on May 26, 1909, to represent them in the above matter" and insert "may enter into contract, with the approval of the Secretary of the Interior and Commissioner of Indian Affairs, as provided by law."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

As passed the bill reads:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims to hear and determine as right and justice may require, and as upon a full and fair arbitration, the claims of the loyal Shawnees and loyal Absentee Shawnees, either as a tribe or as individuals, against the United States, mentioned in the twelfth article of the treaty proclaimed October 14, 1868 (15 Stat., p. 513), and investigated and reported to Congress by the Interior Department, and to enter judgment

thereon, said claims to be considered without regard to lapse of time and to report the same to Congress.

SEC. 2. That suit under this act shall be begun by the filing of a single petition in the name of the Absentee Shawnee Tribe and the business committee as representative of the individual claimants, setting forth the claims of said Indians, to be verified by the attorneys with whom the claimant Indians may enter into contract, with the approval of the Secretary of the Interior and Commissioner of Indian Affairs, as provided by law. Official letters, papers, reports, and public records, or certified copies thereof, may be used as evidence, and in the event any original papers shall be lost, the court shall consider secondary evidence thereof, giving to the same such weight as to the court may seem proper. The compensation to be paid the attorneys for the claimant Indians shall be determined by the Court of Claims, but shall not exceed the amount provided in the contract between the claimant Indians and their attorneys, and shall be paid out of any sum or sums found and adjudged to be due said Indians.

The title was amended so as to read: "A bill to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribe of Indians, and to report the same to Congress."

STOCK-RAISING HOMESTEADS.

The bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes, was announced as next in order.

Mr. ASHURST. I wish to propose an amendment to the bill.

Mr. GALLINGER. Let it go over.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

JAMES F. COLE.

The bill (S. 739) to remove the charge of desertion from the military record of James F. Cole was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James F. Cole, who was a private in Company E, Second Regiment Michigan Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment on the 25th day of May, 1864: *Provided*, That no pay nor bounty shall accrue or become payable by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of James F. Cole."

MOSES CHAUNCEY.

The bill (S. 743) to remove the charge of desertion from the military record of Moses Chauncey was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Moses Chauncey, who was a private of Company M, Eighth Michigan Cavalry Volunters, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on or about the 25th day of December, 1863: *Provided*, That no pay nor bounty shall accrue or become payable by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Moses Chauncey."

PUBLIC BUILDING AT GEORGETOWN, DEL.

The bill (S. 5503) to provide for the purchase of a site for the erection of a Federal building at Georgetown, Del., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to expend a sum not exceeding $10,000 for the purchase of a site for the erection of a Federal building in the town of Georgetown, Del.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 5206) for the relief of mail contractors was announced as next in order.

Mr. GALLINGER. Let that go over.

Mr. SMITH of Georgia. I did not intend to object to that bill.

Mr. GALLINGER. I objected.

The PRESIDING OFFICER. The bill will go over.

The bill (H. R. 12194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. SMITH of Georgia. I object.

The PRESIDING OFFICER. The bill is objected to, and the next bill will be stated.

CIRCUIT COURTS OF APPEAL.

The bill (S. 1308) to amend an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1911, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, be, and the same is hereby, amended by adding at the end thereof an additional section, as follows:

"SEC. 16. In all suits wherein by the provisions of this act a review may be had as a matter of right in the Supreme Court of any final decision of a circuit court of appeals a right of review by the Supreme Court is hereby given of all decisions in such suits which reverse the judgment or decree of a district court and by the same procedure by which a review of such final decision can be obtained under the provisions of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend an act entitled, 'An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes,' approved March 3, 1891."

CHILD LABOR.

The bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes, was announced as next in order.

Mr. NEWLANDS. The Senator from North Carolina [Mr. OVERMAN] told me that he wished to be present when this bill is considered.

The PRESIDING OFFICER. Objection is made——

Mr. NEWLANDS. I do not object myself, but I suggested——

The PRESIDING OFFICER. The bill has to be considered unless some one objects.

Mr. NEWLANDS. I suggest that the Senator from North Carolina be notified.

Mr. GALLINGER. Let the bill be passed over temporarily.

The PRESIDING OFFICER. Is there objection to that suggestion?

Mr. NEWLANDS. I suggest that it be passed over temporarily.

The PRESIDING OFFICER. Very well; it will be passed over.

COMMERCIAL PACIFIC CABLE CO.

The bill (S. 4866) to carry out the findings of the Court of Claims in the case of the Commercial Pacific Cable Co. was considered in Committee of the Whole. It directs the Secretary of the Treasury to pay to the Commercial Pacific Cable Co. $35,838.22, to reimburse that company for the cost of repairing certain damages done by the United States naval authorities to one of the company's cables in the harbor of San Luis d'Pra, Island of Guam, in September, 1907, as reported to Congress in Senate Document No. 88, Sixty-fourth Congress, first session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SERVICES ARISING UNDER NAVY DEPARTMENT.

The bill (H. R. 6651) providing for the payment for certain services arising under the Navy Department was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay the following sums of money to the respective claimants enumerated herein, the same being the amount due the claimants for service rendered under the Navy Department as certified to the House by letter from the Secretary of the Treasury March 25, 1914: To W. F. Durand, Stanford University, California, $228.05; to Burton McCullom, Bureau of Standards, Department of Commerce, $325; to Pay Director J. S. Phillips, United States Navy, $70; to Pay Inspector Z. W. Reynolds, United States Navy, $529.93; to R. P. Andrews Paper Co., Washington, D. C., $21.15.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LESTER A. ROCKWELL.

The bill (S. 1362) for the relief of Lester A. Rockwell was considered as in Committee of the Whole. It provides that in the administration of the pension laws and laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Lester A. Rockwell, who was a private of Company G, First Regiment Connecticut Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 29th of April, 1865, but that no pension shall accrue prior to the passage of this act.

Mr. GALLINGER. In line 11, after the word "pension," I move to insert the words "or other allowances," so that it will read:

Provided, That no pension or other allowances shall accrue prior to the passage of this act.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Hampshire.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF MYRA CLARKE GAINES.

The bill (S. 3294) to appropriate a sum of money to pay Rhoda Menz, W. W. Christmas, and James M. Christmas, heirs of Myra Clarke Gaines, for certain lands in Louisiana, was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment in section 1, page 3, line 3, after the words "sum of," to strike out the figures "$200,000" and to insert "$48,071," so as to make the section read:

That the sum of $48,071 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, and that the same shall be paid by the Treasurer of the United States to Rhoda Menz, W. W. Christmas, and James M. Christmas, heirs at law of Myra Clarke Gaines, who shall prove their rights of inheritance.

The amendment was agreed to.

Mr. GALLINGER. I move to strike out section 2 of the bill. It is superfluous.

The PRESIDING OFFICER. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 3, after line 8, it is proposed to strike out section 2, as follows:

SEC. 2. That this act shall take effect from the date of its passage.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, the Senator from Louisiana [Mr. BROUSSARD], who reported the bill, is not now in his seat. I was about to inquire how it chanced that the bill originally carried $200,000, and when reported that sum is reduced to $48,071? I have not had time to read the report of the committee, but knowing that the Senator from Louisiana is a very careful legislator, I shall not raise any objection to the bill, although it always strikes me as a suspicious circumstance when a large sum is named in a bill, and when the report comes in the amount is perhaps reduced three-fourths, or in this case more than that. I shall not, however, as I have said, object to the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I move to strike out the preamble, as it recites facts that are included in the report.

The preamble was rejected.

SPANISH WAR CLAIMS OF KENTUCKY.

The bill (S. 2543) for the relief of the State of Kentucky was considered as in Committee of the Whole. It proposes that the claim of the State of Kentucky for reimbursement for expenses incurred by its governor in aiding the United States to raise the Volunteer Army for the War with Spain, arising under the act of Congress of July 8, 1898, and the acts amendatory thereto, which has heretofore been filed before the Treasury Department and disallowed because the claim had not been "filed and disallowed" before the passage of the amendatory act of April 27, 1904, shall be reopened, examined, and allowed in accordance with the second section of said act of April 27, 1904, and in accordance with the rulings of the accounting officers of the Treasury Department, heretofore made in claims of like character of other States, the allowance not to exceed in amount $1,400.44.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRODUCTS OF CHILD LABOR.

Mr. NEWLANDS. Mr. President, I call the attention of the Senator from North Carolina [Mr. OVERMAN] to the fact that Order of Business 342, being the bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes, was called up during his absence, and that I called attention to the fact that it ought to be passed over until he could return.

The PRESIDING OFFICER. Is there objection to returning to the consideration of that bill?

Mr. OVERMAN. Mr. President, I suppose nobody desires that the bill shall be passed here at this time of day, with the Senate as it is. I do not propose to filibuster at all against the bill, but there are other Senators who are bitterly opposed to it who are not here to-day. So far as I am concerned, I repeat, I do not propose to filibuster on the bill. I had hoped some time might be set, say, the first Monday of next December, for its consideration. I do not know whether we shall reach it soon or not. I would be ready for its consideration, so far as I am concerned, when the bill properly comes up for discussion. I wish the bill discussed, and propose myself to discuss it, but I do not think we can discuss it this afternoon.

Mr. LA FOLLETTE. I ask unanimous consent, Mr. President, that the bill be taken up for consideration on the first Monday in July.

Mr. THOMAS. That will require a call of the roll.

Mr. SMITH of Georgia. Mr. President, I desire to suggest that there are a number of bills before that on the calendar, and I do not propose to give unanimous consent to take up such a bill for consideration ahead of its order on the calendar.

Mr. OVERMAN (to Mr. LA FOLLETTE). Make it the first Monday of December next.

Mr. SMITH or Georgia. The bill for vocational education precedes this bill, the judiciary bill precedes it, and a number of other bills precede it. Now, let us take up the calendar and dispose of these matters in their order.

Mr. LA FOLLETTE. I do not understand that the bill for vocational education is yet on the calendar.

Mr. SMITH of Georgia. Certainly; it is on the second page of the calendar. I tried to get it up, but it was objected to when it was reached on the calendar. I repeat, the bill for vocational education is on the second page of the calendar. It is No. 703, and has been objected to.

Mr. LA FOLLETTE. Because that bill was objected to, it does not follow that every other bill should be objected to.

Mr. SMITH of Georgia. I think we are entitled to call the calendar, not under a unanimous-consent agreement, but to dispose of business as we reach it.

Mr. LA FOLLETTE. Well, Mr. President, I will not submit a unanimous-consent request at this time, because I suppose that would necessitate a call of the roll and disclose the fact that there is no quorum. There are bills to which no objection can be taken that may be disposed of even without a quorum. Therefore I forbear to submit that request; but I shall do so, Mr. President, at a very early day, and press, with others who are in favor of this legislation, for its early consideration, even to the exclusion of bills that other Senators may think important.

Mr. OWEN. Mr. President, I am very greatly desirous of having the child-labor bill brought up and disposed of, but it is obvious that under the conditions to-day a unanimous-consent agreement is not possible without imparing the opportunity which we have of disposing of unobjected bills. At a very early opportunity, however, I shall join with other Senators and shall be prepared to make a motion that we proceed to the consideration of that measure and dispose of it.

BUILDING AND LOAN ASSOCIATIONS.

The bill (S. 5672) for the relief of sundry building and loan associations was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the several associations herein named, out of the moneys in the Treasury not otherwise appropriated, the sums herein specifically set forth, the same being a refund of the tax illegally collected from said associations under the excise act of August 5, 1909, namely:

To the Rapides Building & Loan Association, of Alexandria, La., $23.70.

To the Shreveport Building Association, of Shreveport, La., $929.47.

To the Sixth District Building & Loan Association, of New Orleans, La., $41.64.

To the Fidelity Homestead Association, of New Orleans, La., $70.26.

To the Union Homestead Association, of New Orleans, La., $190.98.

To the Iberia Building Association, of New Iberia, La., $723.55.

To the Teutonia Loan & Building Co., of New Orleans, La., $312.16.
To the Citizens' Homestead Association, of New Orleans, La., $21.63.
To the Portsmouth Savings & Loan Co., of Portsmouth, Ohio, $111.57.
To the Ninth West Columbia Permanent Building Association, of Baltimore, Md., $88.41.
To the State Mutual Building Association, of Baltimore, Md., $247.55.
To the Citizens' Saving & Loan Association Co., of Portsmouth, Ohio, $243.48.
To the Reliable Building & Loan Association, of Newark, N. J., $811.59.
To the Orvil Cooperative Building & Loan Association, of Allendale, N. J., $38.74.
To the Monticello Mutual Building & Loan Association, of Jersey City, N. J., $261.36.
To the Junior Order Building & Loan Association, of Newark, N. J., $228.61.
To the Ironbound District Building & Loan Association, of Newark, N. J., $97.28.
To the Hilton Building & Loan Association, of Newark, N. J., $134.82.
To the Duncan Building & Loan Association, of Jersey City, N. J., $47.46.
To the Columbia Building & Loan Association, of Jersey City, N. J., $201.05.
To the Commonwealth Building & Loan Association, of Newark, N. J., $77.40.
To the Woodlawn Building & Loan Association, of Jersey City, N. J., $10.95.
To the Boonton Building & Loan Association, of Boonton, N. J., $149.23.
To the Twelfth Ward Building & Loan Association, of Newark, N. J., $11.01.
To the Woodside Building & Loan Association, of Newark, N. J., $404.69.
To the State Mutual Building & Loan Association, of Los Angeles, Cal., $1,969.66.
To the Fidelity Savings & Loan Association, of Los Angeles, Cal., $2,392.29.
To the Kern County Mutual Building & Loan Association, of Bakersfield, Cal., $189.20.
To the Pasadena Building & Loan Association, of Pasadena, Cal. (formerly the Los Angeles County Mutual Building & Loan Association, of Pasadena), $62.74.
To the Home Builders' Loan Association, of Pomona, Cal., $117.55.
To the San Diego Building & Loan Association, of San Diego, Cal., $317.68.
To the Provident Mutual Building Loan Association, of Los Angeles, Cal., $4,403.12.
To the People's Mutual Building & Loan Association, of Bakersfield, Cal., $199.35.
To the Santa Fe Building Association, of San Bernardino, Cal., $571.90.
To the Home Investment Association, of Redlands, Cal., $157.65.
To the Western Loan & Building Co., of Salt Lake City, Utah, as successors to the Western Loan & Savings Co., $768.38.
To the Yakima Savings & Loan Association, of North Yakima, Wash., $121.54.
To the German Savings, Building & Loan Association, of Seattle, Wash., $37.54.
To the Pacific Building & Loan Association, of Tacoma, Wash., $268.33.
To the Jefferson County Building & Loan Association, of Birmingham, Ala., $1,034.59.
To the West Baltimore Building Association, of Baltimore, Md., $168.17.
To the Fidelity Building, Loan & Savings Co., of Columbus, Ohio, $541.28.
To the Trumbull Savings & Loan Co., of Warren, Ohio, $173.07.
To the Permanent Savings & Loan Co., of Akron, Ohio, $56.22.
To the Home Building Loan & Savings Co., of Coshocton, Ohio, $164.92.
To the Third Savings & Loan Co., of Piqua, Ohio, $151.23.
To the Cleveland Savings & Loan Co., of Cleveland, Ohio, $405.31.
To the Union Savings & Loan Co., of Cleveland, Ohio, $1,389.70.
To the People's Savings Association, of Columbus, Ohio, $835.61.
To the Allemania Building & Loan Co., of Columbus, Ohio, $10.58.
To the Cambridge Loan & Building Co., of Cambridge, Ohio, $122.82.
To the Bellefontaine Building & Loan Co., of Bellefontaine, Ohio, $194.44.
To the Centerburg Building & Loan Co., of Centerburg, Ohio, $331.10.
To the Central Ohio Building & Loan Co., of Columbus, Ohio, $353.68.
To the Citizens' Home & Savings Co., of Marysville, Ohio, $80.11.
To the Defiance Home Savings & Loan Association, of Defiance, Ohio, $269.58.
To the Delphos Savings & Loan Association Co., of Delphos, Ohio, $155.39.
To the Home Savings, Loan & Building Association Co., of Bryan, Ohio, $122.42.
To the Mutual Loan & Savings Association, of Chillicothe, Ohio, $105.45.
To the People's Savings & Loan Association, of Sidney, Ohio, $58.02.
To the Railroad Employees' Building & Loan Co., of Columbus, Ohio, $478.25.
To the Savings, Building & Loan Co., of Sandusky, Ohio, $50.08.
To the Star Building & Loan Co., of Ironton, Ohio, $338.70.
To the West Side Building & Loan Association, of Columbus, Ohio, $31.73.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

Mr. GALLINGER. Mr. President, I do not rise to object to this bill, but rather to express regret that the author of the bill, who also reported it, is not present. I am a little puzzled to understand how it chanced that this illegal tax was levied upon building and loan associations in certain sections of the country and not in other sections. We have a great many such institutions in New England, but this legislation does not seem to apply to any one of those. Perhaps it could not apply to them. There may be some good reason for it. I simply want to suggest that for the record, with a view possibly to having the matter looked into further when it goes to the other House.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was passed.

CONVICT-MADE GOODS.

The bill (S. 4060) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor or in any prison or reformatory, was announced as next in order.

The PRESIDING OFFICER. Objection is made.

Mr. SMITH of Georgia. Mr. President, this is a bill that I am very anxious to see passed. It has been favorably reported by the committee. It is not a bill that undertakes to invade the authority of the States, but only extends the regulations of the States, so that where they fix a limit as to the use of products or the sale of products manufactured by convict labor the rule of the States shall apply, even though the goods are imported into a State from some other State. If I can not proceed with the bill this afternoon, I hope we shall be able to have the bill considered in the near future.

BIRTHPLACE OF ABRAHAM LINCOLN.

The bill (H. R. 8351) to accept a deed of gift or conveyance from the Lincoln Farm Association, a corporation, to the United States of America, of land near the town of Hodgenville, county of Larue, State of Kentucky, embracing the homestead of Abraham Lincoln and the log cabin in which he was born, together with the memorial hall inclosing the same; and further, to accept an assignment or transfer of an endowment fund of $50,000 in relation thereto, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Library with amendments. The first amendment was, in section 1, page 1, line 5, after the words "possession of the," to strike out "President of the United States of America," and insert "Secretary of War"; on page 2, line 2, after the word "deed," to strike out "or" and insert "of"; in line 3, after the words "executed on the," to insert "eleventh"; in the same line, after the words "day of," to insert the word "April"; in line 4, after the word "and," to strike out "thirteen," and insert "sixteen"; so as to make the section read:

That the United States of America hereby accepts title to the lands mentioned in the deed of gift or conveyance now in possession of the Secretary of War, together with all the buildings and appurtenances thereon, especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, which deed of conveyance was executed on the 11th day of April, 1916, by the Lincoln Farm Association, a corporation, to the United States of America, describing certain lands situated near the town of Hodgenville, county of Larue, State of Kentucky, which lands are more particularly identified and described in said deed or conveyance. The title to such lands, buildings, and appurtenances is accepted upon the terms and conditions stated in said deed or conveyance, namely: That the land therein described, together with the buildings and appurtenances thereon, shall be forever dedicated to the purposes of a national park or reservation, the United States of America agreeing to protect and preserve the said lands, buildings, and appurtenances, and especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, from spoliation, destruction, and further disintegration, to the end that they may be preserved for all time, so far as may be; and further agreeing that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 1, after the words "possession of the," to strike out "President of the United States of America," and insert "Secretary of War"; in line 3, after the words "executed on the," to insert "eleventh"; in the same line, after the words "day of," to insert "April," and in line 4, after the word "and," to strike out "thirteen," and insert "sixteen," so as to make the section read:

SEC. 2. That the United States of America hereby also accepts title to the endowment fund of $50,000 mentioned in the assignment and transfer, now in the possession of the Secretary of War, which assignment and transfer was executed on the 11th day of April 1916, by the Lincoln Farm Association, a corporation, to the United States of America, transferring and turning over all its rights, title, and interest in and to said endowment fund, heretofore invested in certain stocks, bonds, and securities held and owned by the Lincoln Farm Association, and more particularly identified and described in said assignment and transfer. The title to said endowment fund is accepted upon the terms and conditions stated in said assignment and transfer, namely, that the United States of America shall forever keep the said tract of land described in said deed, together with the buildings and appurtenances thereunto belonging, dedicated to the purpose of a national park or reservation, and that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation; and further, shall forever protect, preserve, and maintain said land, buildings, and appurtenances, and especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same,

from spoliation, destruction, and further disintegration, to the end that they may be preserved for all time, as far as may be, as a national park or reservation.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I will detain the Senate only a moment; but I think, in connection with the acceptance of this property by the Federal Government, it is fitting that something of the history of the organization which has brought about the preservation of this memorial be made a part of the record of to-day's proceedings of the Senate.

I confess to feeling something of a personal interest in the matter. Richard Lloyd Jones, who I think was instrumental in first suggesting the idea which has culminated finally in the preservation of the birthplace and home of Lincoln, is a native of Wisconsin and a resident of the city of Madison, where I live. I have also a sentimental interest arising from the fact that my father was born upon the farm adjoining the Lincoln farm.

I asked Mr. Jones some time ago to write me a letter, stating in brief the circumstances which led to his taking up the subject originally; and, while he did not expect that his letter would be inserted in the RECORD, I am going to take the liberty of reading it into the RECORD myself.

WISCONSIN STATE JOURNAL,
Madison, Wis., April 18, 1916.

Hon. ROBERT M. LA FOLLETTE,
United States Senate.

DEAR SENATOR: You asked for a brief statement of the Lincoln farm movement. It is this:

In common with every American boy I grew up with an admiration for Lincoln and early began to collect books and stories of his life and had quite a creditable Lincoln library collected and much of it read when, in the summer of 1904, being then upon the editorial staff of Collier's Weekly, I found myself, in my editorial wanderings, in Kentucky with a day or two to spare. I used this time to visit his birthplace 2½ miles south of Hodgenville, the county seat of Larue County. (Lincoln was born in Hardin County. Larue County is part of the original Hardin County.) I found the farm in a state of sad neglect. Thomas Lincoln left the farm when Abraham was 7 years old. He sold it to a family by the name of Creal. Jude Creal, who was born in the cabin in which Lincoln was born and who was the son of the Creal that purchased the farm from Thomas Lincoln, sold the farm in 1885 to Mr. Dennett, a wealthy New York restaurant owner, who bought it with some patriotic idea in mind, but he never perfected any plan for the farm other than to remove the log cabin from its original site, marking the site from which it was taken and carefully numbering and cataloguing the logs and then exhibiting the cabin as a side show at the Chicago World's Fair, Pan American Exposition at Buffalo, St. Louis World's Fair, and other large fairs and expositions, the proceeds of which he gave to the Foreign Baptist Mission Society. When I first visited the farm the cabin was not there. It was in storage in a warehouse in Long Island City, N. Y. The farm had simply been neglected since Dennett bought it. Dennett was then in a sanitarium, not of sound mind, and his properties were involved in litigation I felt on that visit that some movement should be started to conserve this historic ground as national property. I retained a local lawyer in Hodgenville to advise me when this property might be subject to sale. On the 25th of August, 1905, I received a wire from this lawyer telling me that three days later the farm would be sold by court order at public auction on the steps of the courthouse at Hodgenville. I at once interested my friend, Robert J. Collier, the publisher of Collier's Weekly, in my plan, and he offered generous financial aid in the enterprise, and I hurried to Hodgenville and succeeded in bidding in the property at a very low figure, which would not have been possible except for the delay in the arrival of the two bidders who were eager to get the property for commercial purposes—one for distilling purposes, who would have been glad to have paid a high price for it. The distilling scheme, of course, grew out of the fact that there is a famous spring on this farm; the purity of its water is known through central Kentucky, and incidentally it is interesting to know that the only battleship that was ever christened with water was the battleship *Kentucky*, which was christened with water from the Lincoln birthplace spring. On the 28th of August, by virtue of this sale, I brought back the title of the property to Mr. Collier. We found we had been flooded with letters and telegrams coming from the news stories of the sale over the country and we at once organized the Lincoln Farm Association with the idea of raising an adequate sum of money to not only restore the log cabin to its original site but to build about it and over it a simple, strong, noble, enduring, granite memorial that would be in the nature of a national shrine, the story of which and the picture of which would find way into the geographies and school readers of the country as a constant reminder to the children of this country who are to be the future voters, that so long as they keep this country a pure democracy, even the boy of humblest birth may hope to rise to be the source of his country's greatest strength in its hour of greatest need. This was the inspiration in the movement and we invited the plain people of America to build this memorial by becoming members in the Lincoln Farm Association through the contribution of 25 cents or more to the memorial fund.

Gen. Horace Porter, Hon. Joseph H. Choate, Ex-President William H. Taft, Mr. August Belmont, Col. Henry Watterson, Jenkin Lloyd Jones—

Who, by the way, is the father of Richard Lloyd Jones and the pastor of the Lincoln Center Church in Chicago, which he has built up and which is a liberal church, where all may worship without regard to sect or belief—

Cardinal Gibbons, William Jennings Bryan, Justice Charles E. Hughes, Mr. Thomas Hastings, Mr. Sampel Gompers, Mr. Norman Hapgood and Miss Ida Tarbell (biographers of Lincoln), Hon. Oscar S. Straus, Hon. William Travers Jerome, Ex-Gov. Augustus E. Willson (of Kentucky), the late John A. Johnson (governor of Minnesota), the late Augustus Saint Gaudens, Dr. Albert Shaw (editor of the Review of Reviews), and Hon. Lyman J. Gage agreed to act as trustees of the association. Joseph W. Folk, then governor of Missouri, became the president of the association; Clarence H. Mackay, president of the Postal Telegraph Co., became its treasurer; Robert J. Collier, chairman of the executive committee; and Richard Lloyd Jones, the secretary of the association.

It was a five-years' campaign to raise the money and the endowment of $50,000, so that whether the property was finally put in the hands of the Government of the United States, where it properly belongs, or whether it was maintained through a private association, it would have all the necessary funds for upkeep.

On the 12th day of February, 1909, the centennial of Lincoln's birth, President Roosevelt delivered the centennial Lincoln address and laid the cornerstone of this memorial building. Though the farm is 2½ miles south of Hodgenville and Hodgenville is 60 miles south of Louisville, special trains were run to the farm on that occasion from Chicago, St. Louis, Cincinnati, New York, Nashville, Memphis, and many other cities, and over 17,000 people were on the ground.

On the 9th day of November, 1911, President Taft dedicated the completed memorial, at which time there was an equally large gathering on the grounds. During the four years since this memorial has been completed there has averaged over 15,000 visitors a year to this memorial, not including the crowds that have gathered there for special occasions and patriotic celebrations.

While this never would have come to pass but for my interest and enthusiasm in the idea, while I fathered the thing as secretary of the association engineered it, giving to it much labor and thought, and much more cash than I could afford to give, and while Mr. Collier, in the last report which he made to the meeting of the trustees of the association recently held in New York, very generously voiced the gratitude of the directors to me for bringing this thing into being, it would be unfair to give me credit for the whole enterprise, because, however great may have been my enthusiasm for the idea, it would have been impossible to bring to fruition without the very generous contribution of not only cash but labor of love given to the work, first by Mr. Collier himself and second by Mr. Mackay, for it was we three rather than any one of us who got together regularly once a week for five years and piloted the enterprise through to success. Of course, I "got together" once a day for an hour or so, but these two friends of mine should be given big credit for the fine and generous part they played in the enterprise. I think this covers all the ground you will want.

As a by-product of the enterprise the State of Kentucky, after the Lincoln Farm Association was well under way in its work, appropriated by legislative enactment $2,500 for a tablet to be erected in Hodgenville, which would bear the inscription that "On the 12th day of February, 1809, two and one-half miles south of this town, Abraham Lincoln was born." Through my interest in this, by virtue of my having been appointed on the commission to spend this $2,500 by Senator Beckham, then governor of Kentucky, we secured an additional appropriation of $10,000 from the Congress of the United States and $2,500 from individuals in Louisville, so that, with $15,000 instead of $2,500, we procured the beautiful and famous statue of Lincoln, by Adolph A. Weinman, which now stands in the courthouse square at Hodgenville, and, of course, it was through my initiative that a replica of that went to the campus of the University of Wisconsin. In addition to this, I interested Gov. Willson in an effort—which he made successful—in raising money for a second statue of Lincoln by Mr. Weinman, which now stands in the rotunda of the State Capitol at Frankfort.

Always faithfully, yours,

RICHARD LLOYD JONES.

The PRESIDING OFFICER (Mr. CHILTON in the chair). If there be no further amendments to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read three times, the question is, Shall it pass?

Mr. FLETCHER. There are certain amendments, I believe.

The PRESIDING OFFICER. They have been agreed to.

Mr. FLETCHER. I think these gentlemen have done very noble work and have rendered great public service toward this undertaking.

The PRESIDING OFFICER. The question is on the passage of the bill.

The bill was passed.

EXCLUSION OF INTOXICATING LIQUORS FROM NATIONAL PARKS AND FOREST RESERVES.

The bill (S. 4862) to exclude intoxicating liquors from national parks and national forest reserves was considered as in Committee of the Whole. It prohibits, from and after its approval, the issuance by any officer or employee of the United States to any lessee, permittee, concessioner, or other person, firm, or corporation whatsoever, of any permit or authority for the sale or dispensing of intoxicating liquors of any kind (including beer, ale, and wine) in any national park or national forest reserve, and directs the Secretary of the Interior and the Secretary of Agriculture to take all necessary measures to carry the bill into full force and effect.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. Mr. President, it is now 3 o'clock on Saturday afternoon. There is only a small attendance of Senators, and we can not pass any controverted bills. I will ask the Senator from Indiana [Mr. KERN] if we may not adjourn at this time.

Mr. FLETCHER. Mr. President, I think we could clear up a good many bills on the calendar with no sort of inconvenience or discomfort to Senators. I think we are accomplishing a good deal by getting rid of a number of items that are not objected to at all.

Mr. SMITH of Georgia. I want to say to the Senator that I am not going to ask that House bill 13486 shall go over.

Mr. GALLINGER. It is a gratification to me to know that.

Mr. SMITH of Georgia. That falls within a different class.

Mr. GALLINGER. I have no disposition to force an adjournment by asking for a quorum; so I will withdraw for the present the suggestion I made and let us proceed a little further.

Mr. OWEN. I should like to call attention to the fact that we began the consideration of the calendar this time at the beginning, instead of starting where we left off before, so that it has been somewhat unfair to the unobjected bills at the latter end of the calendar.

Mr. GALLINGER. I have no objection to going along.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 13486) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions, with amendments.

The first amendment of the Committee on Pensions was on page 1, after line 5, to strike out:

The name of James C. Baker, late of Company G, Sixth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, line 5, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of Murray Myers, late of Company C, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. CURTIS. Mr. President, I hope that amendment will not be agreed to. The man has had a paralytic stroke and is confined to his house, and requires the care and attention of another person. He is also totally blind.

The PRESIDING OFFICER. The question is upon agreeing to the amendment of the committee.

The amendment was rejected.

The next amendment was, on page 2, line 9, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of William C. Hershberger, late of Company A, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. CURTIS. I hope that amendment will not be agreed to. That man is nearly blind and is suffering from disabilities contracted in the service. He is in very poor circumstances and has no income except his pension and needs the increase.

Mr. SMITH of Georgia. How long did he serve in the Army?

Mr. CURTIS. My recollection is that he had a long service, over three years. I thought I had the papers here. I did not expect to have the case come up to-day or I would have had them here. He had a long service, though, and a good service.

Mr. SMITH of Georgia. Has he raised any children?

Mr. CURTIS. None upon whom he can depend for support.

Mr. SMITH of Georgia. Does not the Senator think that every parent ought to have the right to depend upon every child for support?

Mr. CURTIS. I think so, if they are able to support the parent; but this is, indeed, a very meritorious case. I know the man personally and know of his condition.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee. [Putting the question.] By the sound, the "ayes" appear to have it.

Mr. CURTIS. I ask for a division.

The PRESIDING OFFICER. Those in favor of the amendment will rise. [A pause.] Those opposed will rise. [A pause.] The amendment is rejected.

The next amendment was, on page 4, after line 2, to strike out:

The name of Chesley Goldsby, late of Companies A and B, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 3, to strike out:

The name of Lucretia P. Kill, widow of Darius Kill, late of Company A, One hundred and fifty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving

The amendment was agreed to.

The next amendment was, on page 6, after line 16, to strike out:

The name of Mary Ellen Thomas, widow of Charles R. B. Thomas, late of Company D, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, after line 20, to strike out:

The name of Maggie Nelson, former widow of Alonzo Nelson, late of Company A, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 7, line 19, after the word "Infantry," to insert "and former widow of William H. Rudd, late of Company I, One hundred and forty-fifth Regiment Illinois Volunteer Infantry," so as to make the clause read:

The name of Martha O. Balch, widow of William Balch, late of Company B, Fifty-fourth Regiment Illinois Volunteer Infantry, and former widow of William H. Rudd, late of Company I, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 8, line 10, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of Frederick Wulff, late of Company I, Second Regiment United States Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 24, before the words "per month," to strike out "$30" and insert "$36," so as to make the clause read:

The name of William Foster, late of Company B, First Battalion Sharpshooters Maine Infantry, and Company B, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, line 8, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Leslie R. Hyde, late of Company D, One hundred and thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 8, after the name "Brackett's," to strike out "Battery" and insert "battalion," so as to make the clause read:

The name of George W. Beebe, late of Company D, Brackett's battalion, Minnesota Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 17, to strike out:

The name of Stephen B. Garrigus, late of Company H, Fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, after line 20, to strike out:

The name of Henry Thompson, late unassigned, Seventy-ninth Regiment United States Colored Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, after line 16, to strike out:

The name of Mary Ann Bourke, widow of John Bourke, late of Company G, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, line 7, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Peter Weber, late of Company C, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, line 12, before the words "per month," to strike out "$24" and insert "$25," so as to make the clause read:

The name of Julia W. Simpson, widow of John Simpson, late first lieutenant and quartermaster Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 4, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of Adelaide E. Kennedy, widow of Ronald A. Kennedy, late of Company K, Third Regiment, and lieutenant colonel Fifth Regiment, Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 22, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Anna E. Ritchey, widow of Adelbert L. Ritchey, late assistant surgeon, Sixteenth Regiment Illinois Volunteer Infantry, and surgeon, Tenth Regiment Illinois Veteran Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, after line 23, to strike out:

The name of Ann M. Coady, widow of William J. Coady, late of Company H, Nineteenth Regiment Indiana Volunteer Infantry, and Company B, Second Regiment United States Veteran Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 21, after line 6, to strike out:

The name of Julia L. Hulbert, former widow of Charles E. Hulbert, late of Companies A and B, Ninety-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 21, after line 22, to strike out:

The name of George Shults, late of Company C, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, after line 14, to strike out.

The name of Benjamin F. Patterson, late of Company G, First Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, line 9, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Aaron B. Stutzman, late of Company A, One hundred and sixty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to,

The next amendment was, on page 25, line 17, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of John F. Williams, late of Company F, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to:

The next amendment was, on page 26, line 9, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Robert Jolley, late of Company H, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, after line 19, to strike out:

The name of David T. McFarland, late of Company F, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 28, to strike out:

The name of Laura A. Hayner, widow of George W. Hayner, late of Company F, One hundred and twenty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 29, line 3, after the word "determine," to strike out:

And provided further, That in the event of the death of Mary Winegardner the name of said Carrie Winegardner shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Mary Winegardner.

So as to make the clause read:

The name of Mary Winegardner, widow of Samuel Winegardner, late of Company A, Eighth Regiment, and Company K, Forty-first Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Carrie Winegardner, helpless and dependent child of said Samuel Winegardner, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, unless my copy is a misprint, I will ask the Secretary to turn to page 20, line 7. The committee have stricken out the words "The name of Julia L. Hulbert, former widow of Charles," and then what follows has not any meaning to it.

The PRESIDING OFFICER. The Chair will inform the Senator that the Secretary is handling a reprint of the bill, which is correct.

The SECRETARY. As the item appears here, it reads:

The name of Barbara A. Mott, widow of George Mott, late of Companies K and D, Ninety-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. CURTIS. Mr. President, at the bottom of page 14 is the item relating to Henry Thompson. I will ask what action has been taken with reference to that?

The PRESIDING OFFICER. That amendment has been agreed to.

Mr. CURTIS. I ask unanimous consent to reconsider that amendment.

The PRESIDING OFFICER. Is there objection to granting unanimous consent to reconsider the vote whereby the amendment was agreed to?

Mr. THOMAS. What is the amendment?

Mr. CURTIS. It strikes out an item giving a pension of $24 a month to Henry Thompson, of Topeka, Kans., an old colored man who was only given a service of two months and seven days, but who, as a matter of fact, served over four years. He was the body servant of Gen. Blunt, and served all the time. The evidence shows he wore his uniform and carried a gun and took part the same as other soldiers, but he was only a body servant, and he is only given, in the War Department, a record of two months and seven days of service. He is a man about 70 years old. He is nearly blind, and is suffering from motor paralysis. He is in destitute circumstances, and it seems to me the increase is justifiable. It is only $24, from $15 that he is drawing now.

The PRESIDING OFFICER. Is there objection to the reconsideration?

Mr. STERLING. Mr. President, I think perhaps I ought to call the attention of the Senate to the report of the committee in this case. The Senator from Kansas has already stated the length of service as being two months and seven days. The man had no pensionable status, therefore, under the general law in regard to pensions, not having served the required time of 90 days. I read a paragraph from the report of the committee:

From testimony filed in support of this bill and that at the Bureau of Pensions it appears that the claimant had four years' actual service in the service above named, as bodyguard to Gen. Blunt, having been informed that such service, in the event of his becoming disabled, was a pensionable service, and it was on the strength of this information that the former bill was approved by Congress.

I think the Senator from Kansas has made correct statements in regard to the disabilities of this claimant.

The PRESIDING OFFICER. Is there objection to granting unanimous consent to reconsider the action of the Senate in agreeing to the amendment of the committee? The Chair hears none. The question is on agreeing to the amendment of the committee. [Putting the question.] By the sound the "ayes" seem to have it.

Mr. CURTIS. I ask for a division.

The PRESIDING OFFICER. Those in favor of the amendment will rise. [A pause.] Those opposed will rise. [A pause.] The amendment is agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER.

The bill (H. R. 13620) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. SMITH of Georgia. Mr. President, I think that bill had better go over.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

The bill (S. 3069) to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to regulate commerce,"' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved March 4, 1915, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LANDS IN IDAHO.

The bill (S. 3618) authorizing the Secretary of the Interior to subdivide the southeast quarter of section 18, township 46

north, range 4 west, Boise meridian (the same being that portion of the town site of Plummer, Benewah County, Idaho, not yet platted), into 5-acre tracts for sale, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be subdivided that part of the town site of Plummer, Coeur d'Alene Reservation, Idaho (which town site was created under the act of June 21, 1906; 34 Stat. L., 325, 337), described as the southeast quarter of section 18, township 46 north, range 4 west, into streets or roads and into tracts of not exceeding 5 acres each; and to cause the tracts to be appraised, except such as are hereinafter reserved for the town of Plummer, and sold at not less than their appraised value.

SEC. 2. That the Secretary of the Interior is also authorized and directed to cause a patent to be issued to the town of Plummer for 5 acres of land so subdivided for the purpose of a reservoir site for the Plummer waterworks system, described as the east half of the northeast quarter of the southeast quarter of the southeast quarter of section 18, township 46 north, range 4 west, as well as 10 acres of the land so subdivided for the purpose of a public park described as the northwest quarter of the northwest quarter of the southeast quarter of section 18, same township and range as above.

SEC. 3. That the purchase price of the tracts authorized to be sold shall be paid at such times and in such installments and upon such terms as the said Secretary may direct, and he shall cause 20 per cent of the net proceeds arising from said sale to be set apart and expended under his direction in the construction of schoolhouses or other public buildings or improvements within said town site.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of the Interior to subdivide a part of the town site of Plummer, Idaho, and for other purposes."

BILL PASSED OVER.

Mr. OVERMAN. Mr. President, I withdraw my objection to the consideration of Senate bill 3069.

Mr. BRANDEGEE. Mr. President, I think I will renew the objection.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

ISLANDS IN MINNESOTA.

The bill (S. 4287) to grant unsurveyed islands to the State of Minnesota for forestry purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands, with amendments.

The first amendment was, on page 1, line 3, after the word "That," to insert "the Secretary of the Interior is hereby authorized to cause to be surveyed," so as to read:

That the Secretary of the Interior is hereby authorized to cause to be surveyed the unsurveyed islands in lakes and streams north of latitude 46°, in the State of Minnesota.

The amendment was agreed to.

Mr. OVERMAN. Mr. President, almost everybody has left, and I suggest to the Senator from Indiana that we may as well adjourn.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

THOMAS S. JOHNSON.

The bill (H. R. 3794) for the relief of Thomas S. Johnson, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Thomas S. Johnson, of Beaver Dam, Wis., late chaplain One hundred and twenty-seventh Regiment United States Colored Volunteer Infantry, the pay and allowances of a chaplain of Infantry from November 4 to December 14, 1864, not to exceed $200.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OSCAR R. HOWARD.

The bill (H. R. 7804) to authorize the issuance of patent to Oscar R. Howard, and for other purposes, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Interior, in consideration of improvements and payments made for and residence upon the land, to issue patent to Oscar R. Howard for lot 3, section 10, and lots 15, 16, and 17, section 15, township 13 north, range 8 west, Indian meridian, Oklahoma, containing 87.78 acres of land, more or less, without payment of the balance of purchase price due under the sale heretofore held, pursuant to act of Congress approved June 17, 1910, entitled "An act to open to settlement and entry under the general provisions of the homestead laws of the United States, certain lands in the State of Oklahoma, and for other purposes."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH DAVIS.

The bill (S. 3617) for the relief of Elizabeth Davis, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Interior to issue patent to Elizabeth Davis for the east half of the northwest quarter, northeast quarter of the southwest quarter, and the northwest quarter of the southeast quarter, section 28, township 47 north, range 3 east, of the Boise meridian, lying within the Coeur d'Alene National Forest, in the State of Idaho.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRED WHITE.

The joint resolution (S. J. Res. 113) for the relief of Fred White was considered as in Committee of the Whole.

The joint resolution was read, as follows:

Whereas through the mistake in the acceptance by the officials of the land office at Lewiston, Idaho, of the homestead application of Fred White, who located upon land included within the Nez Perce Indian Reservation and made improvements thereon to the extent of $1,500 before the mistake was discovered: Therefore be it

Resolved, etc., That the Secretary of the Treasury is hereby authorized to pay to said Fred White, of Kooskia, Idaho, the sum of $600, which amount is hereby appropriated out of any money in the United States Treasury not otherwise appropriated.

The PRESIDING OFFICER. Without objection, the word "said" will be stricken from the joint resolution. It seems to be an error.

The joint resolution was reported to the Senate, without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, the preamble will stand as reported.

BILLS PASSED OVER.

The bill (S. 793) modifying and amending the act providing for the disposal of the surplus unallotted lands within the Blackfeet Indian Reservation, Mont., was announced as next in order.

Mr. STERLING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 833) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1807) to reinstate Elwin Carlton Taylor as a passed assistant surgeon in the United States Navy was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

JOHN B. BOSTICK.

The bill (S. 3020) waiving the age limit for admission to the Medical Corps of the United States Navy in the case of John B. Bostick was considered as in Committee of the Whole. It waives the age limit for admission to the Medical Corps of the United States Navy, as an assistant surgeon, during a period of one year from the date of passage of the bill, in the case of John B. Bostick, in consideration of his previous naval service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 14484) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 3, after line 6, to strike out:

The name of Pauline R. Wolf, former widow of Hermann Rohde, late of Battery F, Second Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 18, to strike out:

The name of Mariah W. Smith, former widow of Robert J. Wilson, late of Company K, Two hundred and seventh Regiment Pennsylvania

Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 19, after the word "Maston," to strike out "C" and insert "G," so as to read:

The name of Mary Jane Strong, widow of Maston G. Strong, late of Company G, Fifty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 4, line 24, before the word "Regiment," to strike out "Thirty-fourth" and insert "Twenty-fourth," so as to make the clause read:

The name of James Parmer, late of Company I, Twenty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 14, to strike out:

The name of Levi Coon, late of Company E, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 18, to strike out:

The name of Francis M. Cain, late of Company L, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 11, after the surname "Gillespie," to insert "widow of Thomas J. Gillespie, late of Company B, Fifty-fifth Regiment Pennsylvania Emergency Militia Infantry, and," so as to make the clause read:

The name of Harriet C. Gillespie, widow of Thomas J. Gillespie, late of Company B, Fifty-fifth Regiment Pennsylvania Emergency Militia Infantry, and former widow of William T. Stevenson, late commissary sergeant, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 8, after line 2, to strike out:

The name of Mary M. Duffy, former widow of Lawson Duffy, late of Company E, Ninth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 10, line 12, after the word "First" to insert "Regiment," so as to make the clause read:

The name of Collins Washburn, late of Battery F, First Regiment Ohio Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 21, to strike out:

The name of Adeline Lampman, widow of Isaac Lampman, late of Company G, Ninety-eighth Regiment New York Volunteer Infantry, and Company I, Twenty-sixth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 13, line 17, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Daniel V. Hamilton, late of Company B, Thirty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 9, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Henry R. Thomas, late of Company I, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 13, before the words "per month," to strike out "$40" and insert "$36," so as to make the clause read:

The name of Noble Bryant, late of Company H, Sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, after line 14, to strike out:

The name of Julia A. Slaybaugh, former widow of Levi Slaybaugh, late of Company I, Seventy-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 17, after line 20, to strike out:

The name of Mary T. Green, former widow of Thaddeus Albert, late of Company F, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 18, after line 4, to strike out:

The name of Gurney E. Hall, helpless and dependent child of Elijah P. Hall, late of Company D, Seventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 18, after line 12, to strike out:

The name of Sarah J. Milligan, widow of James G. Milligan, late of Company D, Twenty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 19, after line 22, to strike out:

The name of Augusta Anderson, widow of Frank W. Anderson, late of Companies I and D, Ninth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 5, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Catherine Brennan, widow of John P. Brennan, late captain of the hold, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 15, after the surname "Benjamin," to insert "widow of Howard Benjamin, late of Company C, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and," so as to make the clause read:

The name of Sarah E. Benjamin, widow of Howard Benjamin, late of Company C, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and former widow of Henry Ellison, late of Company D, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 21, after line 2, to strike out:

The name of Elizabeth Denges, former widow of George Denges, late of Company E, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 22, line 9, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of Joseph C. Yutzy, late of Company C, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 22, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Walter J. Wall, late of Fourth Independent Company, Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was on page 23, after line 19, to strike out:

The name of Sarah H. Matheny, widow of Nathaniel B. Matheny, late of Company D, Seventeenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was on page 24, line 1, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Charles Claudius Early, late of Company D, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was on page 24, after line 6, to strike out:

The name of George W. Alt, late of Company A, Twenty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was on page 24, after line 15, to strike out:

The name of George Vansickle, late of Company B, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was on page 26, line 5, before the words "per month," to strike out "$50" and insert "$36," so as to make the clause read:

The name of Homer Day, late of Company H, One hundred and seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was on page 28, after line 12, to strike out:

The name of Hollingsworth Gipe, late of Company C, First Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was on page 29, line 24, before the words "per month," to strike out "$20" and insert "$12," so as to make the clause read:

The name of Orilla F. Porter, widow of Milo Porter, late of Companies F and E, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 31, line 5, after the surname "Clevenger," to insert "widow of William F. Clevenger, late of Company A, Forty-eighth Regiment Iowa Volunteer Infantry, and," so as to make the clause read:

The name of Jemima Clevenger, widow of William F. Clevenger, late of Company A, Forty-eighth Regiment Iowa Volunteer Infantry, and former widow of Henry Richardson, late of Company M, Twelfth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 33, line 22, before the words "per month," to strike out "$30" and insert "$20," so as to make the clause read:

The name of Adelbert Price, late of Company H, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 34, line 3, after the surname "Farr," to insert "widow of Albert J. Farr, late of Company C, Second Regiment Michigan Volunteer Cavalry, and," so as to make the clause read:

The name of Kitty E. Farr, widow of Albert J. Farr, late of Company C, Second Regiment Michigan Volunteer Cavalry, and former widow of Charles McCoy, late of Company D, Fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 34, line 8, after the surname "Phillips," to insert "widow of William A. Phillips, late of Companies A and F, Sixty-third Regiment Indiana Volunteer Infantry, and," so as to make the clause read:

The name of Mariah L. Phillips, widow of William A. Phillips, late of Companies A and F, Sixty-third Regiment Indiana Volunteer Infantry, and former widow of Nathaniel Edwards, late of Company F, Twenty-second Regiment, and Company D, One hundred and fiftieth Regiment, Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month

The amendment was agreed to.

The next amendment was, on page 34, after line 14, to strike out:

The name of Elizabeth Wolliver, former widow of Selah Baxter, late of Company G, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, at the top of page 35 to strike out:

The name of Josephine Sibley, widow of Solomon Sibley, late of Company D, Second Battalion, District of Columbia Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 35, line 8, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Celia F Congdon, widow of George B. Congdon, late major and additional paymaster, United States Volunteers, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, line 5, after the words "name of," to strike out "Davis" and insert "David," so as to make the clause read:

The name of David S. Milliken, late of Company B, Third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, line 17, before the words "per month," to strike out "$32" and insert "$24," so as to make the clause read:

The name of Sarah E. McCann, widow of Francis McCann, late of Company K, Fourth Regiment Rhode Island Infantry, and First Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Francis E. McCann, helpless and dependent child of said Francis McCann, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Sarah E. McCann the name of said Francis E. McCann shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Sarah E. McCann.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

HOSPITAL CORPS OF THE NAVY.

The bill (S. 4054) to reorganize and increase the efficiency of the personnel of the Hospital Corps of the United States Navy, and for other purposes, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will go over.

NATIONAL-DEFENSE SECRETS.

The bill (S. 4307) to prevent the disclosure of national-defense secrets was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, on page 3, line 3, after the word "penalty," to strike out the semicolon and insert a comma and the words "and offenses hereunder committed within the Canal Zone shall be cognizable in the district court of said zone," so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to prevent the disclosure of national-defense secrets," approved March 3, 1911, be, and the same is hereby, amended to read as follows: That whoever, without proper authority, procures or attempts to procure, either individually or by collusion, information of any kind, in any form, relating to the national defense at any place within the United States or subject to the jurisdiction thereof; or so receives or assents to receive any such information from any unauthorized person; or whoever, having possession of or control over any such information, communicates or attempts or agrees to communicate the same to any person not authorized to receive it, shall be punished by a fine of not more than $1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 2. That all information of a confidential character communicated by any officer, representative, agent, or employee of the Government to any contractor or any officer, agent, or employee of any contractor for constructing, manufacturing, or supplying for the Military or Naval Establishment any vessel, building, structure, article, supplies, or thing, shall be regarded as included in information respecting the national defense within the meaning of this act.

SEC. 3. That whoever communicates, or agrees or attempts to communicate, information of any kind in any form respecting the national defense to any foreign Government, or to any officer, representative, agent, or employee of any foreign Government, shall be imprisoned for not more than 10 years.

SEC. 4 That offenses against the provisions of this act committed upon the high seas or elsewhere outside of a judicial district shall be cognizable in the district where the offender is found or into which he is first brought; but offenses hereunder committed within the Philippine Islands shall be cognizable in any court of said islands having original jurisdiction of criminal cases, with the same right of appeal as is given in other criminal cases where imprisonment exceeding one year forms a part of the penalty, and offenses hereunder committed within the Canal Zone shall be cognizable in the district court of said zone, and jurisdiction is hereby conferred upon such courts for such purpose.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 3521) to establish a United States naval reserve was announced as next in order.

Mr. WARREN. Let that go over.

The PRESIDING OFFICER. It will go over.

The bill (S. 4761) providing for the classification, appraisal, and disposal of certain lands within the former Fort Peck Indian Reservation, Mont., was announced as next in order.

Mr. KERN. Let that go over.

The PRESIDING OFFICER. The bill will go over.

GEORGE S. CLARK.

The bill (H. R. 7817) to validate the homestead entry of George S. Clark was considered as in Committee of the Whole. It proposes to validate the homestead entry of George S. Clark, No. 029,961, made October 22, 1914, for the southeast quarter northwest quarter, east half southwest quarter, and southwest quarter southeast quarter of section 34, township 7 north, range 13 east, of the Black Hills meridian, in the State of South Dakota.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOMESTEAD ENTRIES.

The bill (H. R. 8654) to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, by adding a new section to be known as section 7 was announced as next in order.

Mr. KERN. I object.

Mr. THOMAS. Is the bill objected to?

Mr. KERN. I will withdraw my objection.

Mr. THOMAS. I am glad the Senator has withdrawn it. The Senator from South Dakota [Mr. STERLING] desires to offer an amendment to the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. STERLING. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 10, page 2, after the word "laws" insert "except that where the land embraced in the additional entry is located not exceeding 20 miles from the land embraced in the original entry no residence shall be required on said additional entry," so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, be amended by adding thereto an additional section to be known as section 7:

"SEC. 7. That any person who has made or shall make homestead entry of less than 320 acres of lands of the character herein described, and who shall have submitted final proof thereon, shall have the right to enter public lands subject to the provisions of this act, not contiguous to his first entry, which shall not with the original entry exceed 320 acres: *Provided*, That the land originally entered and that covered by the additional entry shall first have been designated as subject to this act as provided by section 1 thereof: *Provided further*, That in no case shall patent issue for the land covered by such additional entry until the person making same shall have actually and in conformity with the homestead laws resided upon and cultivated the lands so additionally entered, and otherwise complied with such laws, except that where the land embraced in the additional entry is located not exceeding 20 miles from the land embraced in the original entry no residence shall be required on said additional entry: *And provided further*, That this section shall not be construed as affecting any rights as to location of soldiers' additional homesteads under section 2306 of the Revised Statutes."

Mr. THOMAS. I accept that amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LANDS IN COLORADO.

The bill (H. R. 2744) to correct title to certain lands in Colorado was considered as in Committee of the Whole. It directs the Secretary of the Interior to issue a patent conveying to the State of Colorado and its assigns all of lots 2 and 4 in section 23; lots 7, 9, and 11 in section 24; lots 3, 4, 5, 6, 7, 8, 12, 13, 14, 15, 17, and 19 in section 25; lots 1, 2, 7, 8, 9, 10, 15, and 17 in section 26, township 6 north, range 99 west, sixth principal meridian, Colorado, containing 639.14 acres, more or less, according to resurvey made in pursuance of the act of April 28, 1904 (33 Stats. L., p. 519), being the same land transferred to the Lily Park Stock Growing Association, a corporation of the State of Utah, by the State of Colorado by patent dated September 6, 1894, and filed for record August 15, 1901, in book 37, page 18, one of the land records for Routt County, Colo., and described in said patent from the State as section 36 of said township: *Provided*, That the State of Colorado and the said Lily Park Stock Growing Association, its successors or assigns, if any, shall relinquish to the United States any and all claims to section 36 of said township and range as shown by the survey made in pursuance of said act of April 28, 1904, which survey was approved August 14, 1907.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATISTICS OF COTTON SEED AND COTTONSEED PRODUCTS.

The bill (H. R. 4767) authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products was considered as in Committee of the Whole.

The bill was reported from the Committee on the Census with amendments.

The first amendment was to add a new section, to be known as section 4, as follows:

SEC. 4. That the Director of the Census be, and he is hereby, authorized and directed to collect and publish statistics of raw and prepared cotton and linters, cotton waste, and hull fiber consumed in the manufacture of guncotton and explosives of all kinds, and of absorbent and medicated cotton, during the calendar year 1915, and quarterly thereafter, and the quantity held in such establishments at the end of each quarter. The statistics herein provided for are in addition to those now collected in compliance with the act of Congress approved July 22, 1912, the provisions of that act being made applicable to and governing the collection and publication of the data.

The amendment was agreed to.

The next amendment was to add as a new section the following:

SEC. 5. That the Director of the Census be, and he is hereby, authorized and directed to collect and publish annually statistics of forest products and State finance in the several States and the District of Columbia.

The amendment was agreed to.

Mr. SHEPPARD. I wish to move one or two formal amendments. In line 10, page 1, I move to insert between the words "crude" and "cottonseed" the words "and refined."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 1, line 10, before the word "cottonseed" and after the word "crude," insert "and refined," so as to read:

crude and refined cottonseed oil.

The amendment was agreed to.

Mr. SHEPPARD. The second amendment I move is on page 2, line 1, before the word "cottonseed" and after the word "crude," to insert "and refined."

The amendment was agreed to.

Mr. SHEPPARD. On page 2, line 20, before the word "or," I move to insert the word "refinery."

The amendment was agreed to.

Mr. SHEPPARD. On page 3, line 14, before the word "or," I move to insert "refinery."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. CHILTON. Is not an amendment to the title required?

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Secretary thinks so.

Mr. CHILTON. I will ask the Secretary to amend the title so as to correspond with the body of the bill.

The title was amended so as to read: "A bill authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products, and for other purposes."

STATISTICS OF MARRIAGE AND DIVORCE.

The joint resolution (S. J. Res. 107) authorizing and directing the Director of the Census to collect and publish statistics of marriage and divorce was considered as in Committee of the Whole.

The bill was reported from the Committee on the Census with amendments, on page 1, line 6, before the word "years," to strike out "seven" and insert "nine"; in line 8, after "December 31," to strike out "1913" and insert "1915"; in line 10, after the words "statistics as," to insert "are"; and after the word "collected," in line 11, to insert "shall," so as to make the joint resolution read:

Resolved, etc., That the Director of the Census be, and he is hereby, authorized and directed to collect and publish the statistics of and relating to marriage and divorce in the several States and the District of Columbia for the nine years from January 1, 1907, to December 31, 1915, and for each year thereafter annually: *Provided*, That such statistics as are now required by law to be collected shall be used, so far as it is practicable to do so.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SHEPPARD subsequently said: Mr. President, I ask unanimous consent, in connection with Senate joint resolution 107, which was passed awhile ago, to have printed in the RECORD a letter from Francis M. Moody, executive secretary of the Interstate Committee on Marriage and Divorce.

The PRESIDING OFFICER. Without objection, the request will be granted.

The letter referred to is as follows:

INTERSTATE COMMITTEE ON MARRIAGE AND DIVORCE,
Washington, D. C., May 22, 1916.

Hon. MORRIS SHEPPARD,
Senator from Texas,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I beg leave to submit the following in behalf of Senate joint resolution 107, of which you are the author.

You are doubtless aware that the work for the now permanent Census Bureau has not yet been fully planned. The Director of the Census informs us that the census on marriage and divorce can be better handled and just as cheaply if taken annually as if taken decennially. Better, because the cases are less likely to be lost or mislaid through fire or carelessness. Without additional cost, because expert agents who are already on the field for certain other duly authorized work can be used to collect data for this work also.

The Director of the Census further informs us that the sum of about $20,000, needed to begin this work, is already in hand. He also estimates that the United States of America are this year breaking all previous world's records for a single nation in the granting of divorces by uttering over 125,000 such decrees in the current year of 1916. If this be true—and it seems to be an eminently conservative estimate—it ought not to be a matter left to any conjecture, however expert, but should be definitely known as soon as possible after the 1st of January, 1917, by the first of the annual censuses authorized by this act.

The data for the nine years just past (1907–1915, inclusive) are greatly needed in very many of our States for the proper consideration of most important legislation relative to the subject of marriage and

divorce, as well as in the discussion of the larger question of a possible Federal law on marriage and divorce. You are, of course, aware that most of our State legislatures meet only once in two years and that next year is the time of most of them. Delay in furnishing full and certain information on the subject of the pulverizing of American homes and the pauperizing of tens of thousands of American children every year because of such divorces, which are often utterly needless and fraudulent, would mean an incalculable loss to the Nation.

We therefore respectfully request your immediate assistance in securing the passage of this measure without delay.

Sincerely and cordially, yours,

FRANCIS M. MOODY,
Executive Secretary.

PUBLICATION OF LAND-OFFICE NOTICES.

Mr. MYERS. The first bill on the calendar is the bill (S. 1062) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices. That bill has been going over for a long time, and in a number of instances on account of the absence of the Senator from New Mexico [Mr. FALL], because it happened to be reached at a time when he was absent. The Senator from New Mexico is present now and I think it would be agreeable to him to have the bill considered. I ask unanimous consent that we revert to that number and take it up and dispose of it at this time.

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent to return to Senate bill 1062, relating to the duties of registers of the United States land offices and the publication in newspapers of official land-office notices. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The pending amendment will be stated.

The SECRETARY. The pending amendment is one offered by the Senator from New Mexico [Mr. FALL], following an amendment already adopted in line 5. The amendment adopted at that place reads "published nearest to the land affected." After the word "affected" the Senator from New Mexico proposes to insert a comma and the words "or in case of a public-land entry by the entryman," and a comma.

Mr. FALL. Mr. President, I shall not spend any time at all on this amendment. The purpose of it is simply to allow a man who has made the entry and must pay for the notice the choice of a paper in the event that there are two papers equally qualified to publish the notice. It merely enables him to make the choice himself.

There was some little debate had on this amendment and upon the bill at one time, and the Senator from Montana [Mr. MYERS] then made a statement with reference to the former practice and the present practice, and I think he was frank to say that it was his idea that this patronage from the public-land offices should go to the press of his political party. He said it had been the practice before, and he referred to an old circular. The circular did allow the entryman, unless objected to by the register or receiver, to choose his paper.

Mr. WARREN. Will the Senator yield to me for a moment?

Mr. FALL. Certainly.

Mr. WARREN. Not only that, but did not the present Secretary issue a circular, or perhaps I should say letters, to all the land offices to insert land notices only in newspapers supporting the administration? I think before that time it had never been done, at least so far as issuing official orders were concerned, and that the only qualification insisted upon was that the notice should in every case be published in a paper of general circulation.

Mr. FALL. I so understand, Mr. President. I am simply going to take the time of the Senate to read a letter, not a circular but a letter signed by the Secretary of the Interior at this time. It was a letter addressed to the registers and receivers of the public land offices in the State of New Mexico:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 13, 1913.

DEAR SIR: You are charged with the duty of selecting newspapers for the publication of notices of intention to offer final proof; the law provides that newspapers selected shall be of established character and general circulation in the vicinity of and published nearest to the land affected. Complaints have been received by me that discrimination has been practiced in the placing of land notices in certain of our land districts. I hope that there will be no action on your part which will cause complaints of this nature.

It is considered that the registers of the Land Service should recognize the propriety of designating newspapers whose political principles are in harmony with the administration.

Very truly, yours,

FRANKLIN K. LANE,
Secretary of the Interior.

I have also here a letter from Hon. A. A. Jones, First Assistant Secretary of the Interior, directed to myself, upon the same subject. I took the matter up with him, and he states:

The practice that formerly prevailed in the Roswell land district, as set out in your correspondent's letter, was not in accordance with the law or the instructions thereunder, as shown by the inclosed circular, and, consequently, his deductions as to the cause of the change in the manner of selecting newspapers are erroneous. While it is considered that the register should recognize the propriety of designating newspapers whose political principles are in harmony with the administration, yet they are specifically enjoined from practicing discrimination in the placing of land notices; and if your correspondent is in a position to proceed in accordance with the instructions contained on pages 3, 4, and 5 of the inclosed circular, his complaint will be formally considered.

It was at that time that I obtained a copy of the letter which I have just read from the Secretary of the Interior himself, in which he directs the registers of the land offices, in the publication of these notices, to recognize papers and have notices published in papers which are supporting this administration.

It is simply for the purpose of obviating these very matters and difficulties which are constantly arising that I have offered the amendment to the bill to the effect that entrymen, who must pay for the publication of these notices, should, everything else being equal, be allowed to designate the paper in which the notice is to be published; that if he can make arrangements to have the notice published at less than the legal rate or by any contract rate, he would be allowed that privilege. That is the sole object of the amendment.

Mr. MYERS. Mr. President, this amendment was debated at great length once before in the Senate, and I have but little to say about it. I opposed it then, and I hope the amendment will not be adopted now, for the reason which I shall state.

This is the only change that the bill makes in the law. Under existing law in towns where there is no weekly paper published and only a daily paper published, the land-office notices, the mining-office notices, have to be published seven times a week, every day in the week, which is a great burden to poor mining claimants and homesteaders. The bill merely provides that in cases of that kind notice may be published once a week in the daily newspaper with the same effect as if published in a weekly paper. It makes no other change whatever. That is the only change the original bill sought to make, and I do not think we ought to drag politics into the measure.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me, with my experience of 25 or 30 years I have some knowledge of the subject. The only difference is as to the frankness of the letters that have just been read, for unquestionably it has always been the practice, as far as my experience with the land offices goes, that whenever the Republicans are in power the Republican paper nearest that particular mining claim or homestead got the publication. I know it was certainly true after the Democrats came into power that the Democratic papers usually got the publication. But the Democratic papers have had the publication so much less than the others that probably it would not exactly equalize the matter to stop the practice now, though I am not here asking for either course to be taken. I do not care except as to the amendment the Senator from New Mexico offers, which, it seems to me, would reduce the expense of the men who are making their applications for patents, and on that ground, and that alone, I should like to see it passed.

Mr. MYERS. In every other respect the bill leaves the law just as it finds it. It is not seeking to make any other change. If the law is partisan now, it leaves it partisan. If the law is nonpartisan now, then it leaves it nonpartisan. It just leaves it as it is in every respect, except that the notice shall be published once a week in a daily paper instead of daily.

In the last Congress a similar bill passed the Senate by practically a unanimous vote. The Senator from Wyoming [Mr. CLARK] was on the floor at that time and spoke in favor of the bill, for which I felt very grateful. I wish he was here now in order that he might do the same thing again, perhaps. There was practically no opposition to it. It was fully explained at that time and passed the Senate, but it did not pass the House for lack of time.

Therefore, I hope the amendment will not be adopted.

Mr. NORRIS. Mr. President, at a prior session of the Senate I discussed this bill somewhat at length. I shall take only a few moments now. The object of the bill which the Senator from Montana reported and has in charge is to reduce the expense of the homesteader when he makes proofs. That is a worthy object. The object of the amendment of the Senator from New Mexico is to further reduce those same expenses. That is likewise a worthy object. I am not claiming any more virtue for one party than another for the practice that has taken place heretofore. It has been correctly stated that the party which was in power, as far as I know without exception, there may have been, but both parties accepted it as far as I know, and the practice has been that the officer at the land office who must designate the paper in which the homesteader must publish his proof designates a paper, the political complexion

of which corresponds with the man who does the designating. That is conceded, so far as I know, by everybody.

The amendment of the Senator from New Mexico would prevent that from being done, and having lived most of my life since I have been grown in a country where final proofs were being continually made, I know that it is often a hardship to the homesteader, at least it is frequently unfair to the homesteader. He may be able to have a notice published in one newspaper at half the legal rate, and if he has not enough money in his pocket to buy a sack of flour for his family and the present practice be continued under this bill, without the Senator's amendment he would be compelled to pay the full legal rate to some newspaper designated by the officer at the land office.

I think when this bill was under discussion before I told of going down through western Kansas, quite a number of years ago, where I met an old schoolmate of mine. I had not seen him for several years and I did not know where he was. I found that he was running a newspaper. It was when Grover Cleveland was President. It was at a time when the farmers were just proving up on their lands. There had never been a Democratic newspaper there before. He went in there and started a Democratic newspaper, and while he was perfectly competent to edit it and did edit and publish a good newspaper, the only reason on earth why he established a newspaper there was because he was able to get all the notices of final proof. He got full pay without any reduction in any case, and he always got the pay in advance before he submitted the affidavit which it was necessary to have showing the publication under the law in that newspaper. It was a good thing for him. It made him lots of money. He had running at that time two or three extra pages of his paper with nothing but final-proof notices. But it was unfair to the homesteader. He was making several hundred dollars a month cash, clear and net, out of the one item alone.

It is not wrong, it seems to me, where there are two qualified newspapers in the same town and therefore both equally distant from the land that the man who has to pay the bill should select the newspaper, and such a practice will work just the same to one party as it does to another. It happens right now that the Democrats are in power, but you do not expect to stay in power through all eternity. God knows you are going to be awfully disappointed if you do have that kind of an expectation. But if you are, then, why not for once in your lives be generous and fair and let the poor devil who has to pay the money, often at a great sacrifice to himself, obtain the benefit of whatever reduction he can get by some competition in this line. It ought not to be a partisan question. There is no charge made against one party that does not exist against the other, but because one party has done it is no reason why another party should continue to do the evil.

Mr. FALL. Mr. President, will the Senator yield to me for just a moment?

Mr. NORRIS. Yes.

Mr. FALL. It is true, I think, just as the Senator has stated, that the practice has been in the past for the register to favor some paper of his political party, unless he happened to have some personal favorite editing some other paper, in which case he has always favored his personal friend; but my object in reading the letter, which I have read into the RECORD, was this: The circular which has been issued establishing the practice by article 7 is in force, except so far as it is done away with by written instruction from the present Secretary, which reads as follows:

> It will be entirely proper to accord favorable consideration to a claimant's nomination of a newspaper.

That is the circular under which all parties up to this time have been operating—that it is entirely proper to accord the claimant publishing a notice and paying for it the right to name his newspaper. Of course, the discretion is still left as to whether favorable consideration will or will not be given to his suggestion; but never before, until the present administration, so far as I can learn, was there ever a letter sent to the register directing him officially to publish notices in newspapers supporting the administration.

Mr. NORRIS. It reduces itself to this: The amendment, if adopted, will make it necessary, just the same as though it were not adopted, that the notice be published in a legal newspaper, as defined by law, the nearest one to the land. Nine times out of ten the town that is nearest to the land has two, or perhaps more newspapers, and publication in any one of them would be legal and would comply with the law. The homesteader has to pay the bill, and it is no more than justice that we should permit him to select the newspaper that will do the best by him in consideration of the payment of that bill, the newspaper itself being a legal newspaper, and the publication in it complying in all respects with the law. Can it be possible that we think so much of a little political advantage for any political party that we should require contributions to be made by men who can not afford to make them, in order to keep the party going? It seems to me it does not speak well for any party that is asking it.

Mr. SMITH of Arizona. Mr. President, if the Senator from Nebraska will permit me there, I wish to say that I am not going to carry my partisanship to the extent he suggests, though I confess to a very great deal of it; but if the Senator will ponder a minute over the experience he must have had in such matters, I think he will concede that it became necessary for somebody with authority to designate the paper in which such notices should be published. It is the easiest thing in the world for some one to start a newspaper for the purpose of receiving contributions in the form of payments for publishing notices, and then claim a general circulation by sending copies of the paper around the county. So it became necessary, in order that the notices should become general, that they should appear in some respectable newspaper. I imagine that was the reason for the original law.

I do not think the practice has been prostituted to the political ends of political parties, for if I were Secretary of the Interior and had this matter under control I would certainly, as between a Democratic and a Republican newspaper published in the same town, give the preference to the former. In that particular I would stand on exactly the same ground on which every Republican Secretary of the Interior has stood during my life in the West. So it is not a mere question of politics; it is a question of securing circulation and of publication in a paper that will give the notice which the law intends shall be given. I think that is the reason for it.

Mr. NORRIS. The publication must be made in a legal newspaper. There are States that have statutes which define what a legal newspaper is.

Mr. SMITH of Arizona. And there are some States which have not such statutes.

Mr. NORRIS. And there are some States which have not; but the very argument of the Senator from Arizona, it seems to me, is a good one in favor of this amendment. He says that often a newspaper is started for the purpose of getting such publications.

Mr. SMITH of Arizona. And for nothing else.

Mr. NORRIS. That is true. I have myself seen newspapers started for the purpose. The one I described was started for that purpose, and while in that case, in my judgment, it was a good newspaper, a man could start a newspaper for the express purpose of getting these publications. Do you suppose if he did so for that express purpose that as a rule he would have as good a newspaper, one that would be of as general circulation as the man who is publishing a newspaper and who is in the newspaper business because he wants to publish a real newspaper? Hence, if the question of publication were decided on partisan grounds it might go to a paper that was only distributed around, as the Senator says, without any idea of being a legitimate newspaper, but simply for the purpose of making this money.

Mr. BANKHEAD. Mr. President, I rise to a point of order, that the Senator from Nebraska [Mr. NORRIS] is out of order. He has spoken more than five minutes on this proposition.

Mr. NORRIS. I think that objection does not apply after the morning hour; that it does not apply to this unanimous-consent agreement under which we are now proceeding. The Senator must not expect, if he is trying to hurry this bill through, that he is going to get any particular advantage by attempting to be technical.

Mr. BANKHEAD. I do not care anything about this bill, but I think there are a number of other Senators who would like to address the Senate on the amendment.

The PRESIDING OFFICER. The Senate is by unanimous consent operating under Rule VIII. As Rule VIII does restrict a Senator to five minutes' discussion and to one speech upon unobjected bills, the Chair will be compelled to sustain the point of order made by the Senator from Alabama.

Mr. HITCHCOCK. Mr. President, I think my colleague [Mr. NORRIS] is putting the emphasis on the wrong portion of this law and of this practice. The object of giving this notice is for the purpose of advising people in the neighborhood in the widest possible way that the entryman is about to secure his rights under his entry. I think it would be a mistake to permit him to choose the newspaper in which he was to publish his notice, for he would desire to publish it in that paper which had the least circulation and which would attract the least attention.

Mr. NORRIS. Mr. President, will my colleague yield for a question?

Mr. HITCHCOCK. I will.

Mr. NORRIS. Is my colleague aware that in our own State there is a statute which provides that in every case where a service of summons must be made by publication the person who has to pay the bill shall have the right to select the newspaper in which it shall be made, and that we have been operating under that statute for the last 50 years?

Mr. HITCHCOCK. That is not the case with the law of the United States. The object of the law of the United States is to give the widest possible publicity in the neighborhood to the fact that the entryman is claiming his title.

Mr. NORRIS. Does not the Senator understand that that is the very object of a summons where it is served by publication?

Mr. SHAFROTH. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. HITCHCOCK. I should like to be permitted to finish my point without being further interrupted.

The PRESIDING OFFICER. The Senator from Nebraska does not yield at this time.

Mr. HITCHCOCK. That being the proposition, and the desire and object of the national statute being to give the widest publicity, it would evidently be a perversion of the law to allow a man possibly to select the cheapest publication which might give the least publicity. It would be a defeat of the very purpose of the law.

This charge, after all, is not one which is so serious as my colleague indicates. It amounts to only a few dollars, at the very most, and it goes to a class of people who are living from hand to mouth. My colleague knows that every one of those small western publications, whether they are Republican or Democratic, are eking out a bare existence, and it is hardly fair to them to indicate that this matter is one in which the law is being used to extort from the poor entrymen an excessive amount of money. The law limits the charge that can be made.

It seems to me it would be to defeat the very purpose of the law, and it would be a wrong to a large number of people in the neighborhood to permit the entryman to choose the paper which would give the least possible publicity.

Mr. FALL. Will the Senator from Nebraska yield for a question?

Mr. HITCHCOCK. I will.

Mr. FALL. If these newspapers can only subsist, or if they depend largely upon this character of patronage, then, if the Democratic administration is in power, the Republican papers will go out of business.

Mr. HITCHCOCK. Well, Mr. President, I have not said that they only subsist on this patronage. I have said that the charges were not excessive. I said that the papers which were receiving those charges are as poor as are the entrymen themselves, and in many cases they are poorer. My colleague is doing an injustice to those papers in indicating that this paltry little charge which the Government permits is an excessive and harsh one upon the entryman.

I think, Mr. President, that the present law is the proper law, but I believe that the bill supported by the Senator from Montana is a wise one, because—and this is all that it does—it permits certain entrymen, who might now be compelled to advertise in daily papers for seven days per week, to advertise in a daily paper but one day per week. It is in the interest of a smaller charge to a man who is compelled to use a daily paper in the immediate neighborhood. I think the provision proposes a just and wise amendment to the statute.

Mr. WARREN. Mr. President, it is evident that we are not in a condition this afternoon to settle this subject. I ask the Senator from Montana if he is not willing to withdraw the bill and to let it be now passed over?

Mr. MYERS. Mr. President, I am willing, in the interest of fairness to others, to withdraw the request; but I will ask the Senator from New Mexico if he will not express his willingness at this time, so far as he is concerned, to have the bill voted on the next time the calendar is called, if he should not be present—that is, to let it be called as any other bill would be, and not express a desire to have it put over on account of his absence, if he should be absent.

Mr. FALL. Certainly, Mr. President. It has not been my intention at all to delay this measure.

Mr. MYERS. I realize that.

Mr. FALL. And I have no objection, under the heavens, to taking a vote right now on this measure. In what I have done I have simply acted not in behalf of the Democratic Party or of the Republican Party or of the newspapers, but for the poor homesteader who must pay for the publication of his notice.

Mr. MYERS. I realize the sincerity of the Senator's motives. May we not have a vote now?

Mr. WARREN. If a vote may be had without further debate, and settle the question, of course I do not want to interfere.

SEVERAL SENATORS. Vote!

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Mexico, which the Secretary will again state.

The SECRETARY. Following the amendment of the committee, in line 5, after the word "him," inserting the words "published nearest to the land affected," it is proposed to insert the words "or in case of a public-land entry by the entryman."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Mexico. [Putting the question.] In the judgment of the Chair the "noes" have it.

Mr. NORRIS. I ask for a division.

The PRESIDING OFFICER. A division is requested.

Mr. WARREN. Will not the Senator ask for a showing of hands instead of a division?

Mr. NORRIS. Very well.

The PRESIDING OFFICER. Those in favor of the amendment will raise their hands, and the Secretary will count them. [A pause.] Those opposed to the amendment will raise their hands. [A pause.] The amendment is rejected. The bill is still as in Committee of the Whole and open to amendment.

Mr. NORRIS. I object to the bill.

The PRESIDING OFFICER. The Senator from Nebraska interposes an objection.

Mr. MYERS. Mr. President, of course I recognize the right of any Senator to object, but I merely want to ask the Senator from New Mexico if he will not state that he has no objection to the bill coming up the next time the calendar is called if he should not be present.

Mr. FALL. Mr. President, I have already made the statement; but I want the RECORD to show as strongly as it possibly can, in my weak words, that I offer no further objection of any kind to the taking up and consideration of this bill and final action upon it.

Mr. MYERS. I thank the Senator from New Mexico.

AMENDMENT OF INTERSTATE-COMMERCE ACT.

Mr. CUMMINS. Mr. President, I have been confined to my house for a day or two and have just reached the Chamber. There has been passed over a bill on the calendar which, unless some Senator has objection, I ask unanimous consent to take up. I refer to Calendar No. 359, being Senate bill 3069.

The PRESIDING OFFICER. What is the request of the Senator?

Mr. CUMMINS. I ask unanimous consent that Senate bill 3069 be taken up for consideration under the rule under which we are operating.

Mr. WARREN. Calendar No. 359 was objected to.

Mr. CUMMINS. Who objected to it?

The PRESIDING OFFICER. The Chair will state to the Senator from Iowa that calendar No. 359 was called up in regular order. We are operating under Rule VIII, which permits of a single objection blocking the consideration and passage of a bill. It is the impression of the Chair that the Chair himself objected to it when he was not in the chair, but was in his seat. The Chair will state to the Senator from Iowa, however, that when he objected he thought the bill was another bill in relation to the Interstate Commerce Commission; and if the Senator cares to ask unanimous consent to return to the consideration of that measure, and it is given, the Chair will not interpose another objection. The Chair objected under a misapprehension.

Mr. CUMMINS. Mr. President, I hope I may have unanimous consent for the consideration of the bill. It is quite important. If the Senate will permit me a moment, we passed a bill two years ago intended to restore full liability as against railroad companies in the event of loss of or damage to goods in transit. While the bill was on its passage through the Senate the proviso which had been reported by the committee was stricken out and another one, which, I think, had not been carefully thought out, was substituted in its stead. Under a construction, which I do not think sound, by the Interstate Commerce Commission, that proviso has done a great deal of harm and has caused a great deal of trouble; and this bill is intended to meet the views of the Interstate Commerce Commission and others who are interested in the subject. It has been prepared with the most careful cooperation of the commission and of both the shippers and the railway companies, and I do not think there is any objection to it. Therefore, I ask unanimous consent for its consideration at this time.

The PRESIDING OFFICER. Is there objection?

Mr. FLETCHER. Mr. President, I do not object to returning to the bill and considering it, with the understanding that we are operating under Rule VIII; in other words, unanimous consent for its consideration now might give it the entire right of way until disposed of.

The PRESIDING OFFICER. The Chair understands that unanimous consent is requested simply to return to the bill out of order, and that we are still operating under Rule VIII.

Mr. FLETCHER. With that understanding, I have no objection to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3069) to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to regulate commerce,"' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved March 4, 1915.

Mr. OVERMAN. The bill has been read.

The PRESIDING OFFICER. The question is on the amendment proposed by the committee, which the Secretary will state.

The SECRETARY. On page 2, after line 15, it is proposed to strike out:

Provided, however, That the provisions hereof respecting liability for full actual loss, damage, or injury, notwithstanding any limitation of liability or recovery, shall not apply, first, to baggage carried on passenger trains or trains carrying passengers; second, to property offered and received for transportation which is hidden from view by wrapping, boxing, or other means, unless the carrier is notified in writing of the specific character of the property; third, to property, except ordinary live stock, offered and received for transportation concerning which express authorization has been heretofore granted or shall hereafter be granted by the Interstate Commerce Commission for the establishment and maintenance of rates for the transportation thereof dependent upon the value of the property shipped as stated in writing by the consignor; and in such cases the rate schedule shall refer to the authorization and the statement of value shall have no other effect than a limitation upon the amount of the recovery; and in such cases a tariff filed with the Interstate Commerce Commission may lawfully prescribe rates varying with values as so stated.

And to insert:

Provided, however, That the provisions hereof respecting liability for full actual loss, damage, or injury, notwithstanding any limitation of liability or recovery or representation or agreement or release as to value, and declaring any such limitation to be unlawful and void, shall not apply, first, to baggage carried on passenger trains or trains carrying passengers; second, to property, except ordinary live stock, received for transportation concerning which the carrier shall have been or shall hereafter be expressly authorized or required by order of the Interstate Commerce Commission to establish and maintain rates dependent upon the value declared in writing by the shipper or agreed upon in writing as the released value of the property, in which case such declaration or agreement shall have no other effect than to limit liability and recovery to an amount not exceeding the value so declared or released, and shall not be held to be a violation of section 10 of the interstate commerce act; and any tariff schedule which may be filed with the commission pursuant to such order shall contain specific reference thereto and may establish rates varying with the value so declared or agreed upon; and the commission is hereby empowered to make such order in cases where rates dependent upon and varying with declared or agreed values would, in its opinion, be just and reasonable under the circumstances and conditions surrounding the transportation. The term "ordinary live stock" shall include all cattle, swine, sheep, goats, horses, and mules, except such as are chiefly valuable for breeding, racing, show purposes, or other special uses.

So as to make the bill read:

Be it enacted, etc., That so much of an act to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved March 4, 1915, as reads as follows, to wit:

"*Provided, however,* That if the goods are hidden from view by wrapping, boxing, or other means, and the carrier is not notified as to the character of the goods, the carrier may require the shipper to specifically state in writing the value of the goods, and the carrier shall not be liable beyond the amount so specifically stated, in which case the Interstate Commerce Commission may establish and maintain rates for transportation, dependent upon the value of the property shipped as specifically stated in writing by the shipper. Such rates shall be published as are other rate schedules,"

be, and the same is hereby, amended to read as follows, to wit:

"*Provided, however,* That the provisions hereof respecting liability for full actual loss, damage, or injury, notwithstanding any limitation of liability or recovery or representation or agreement or release as to value, and declaring any such limitation to be unlawful and void, shall not apply, first, to baggage carried on passenger trains or trains carrying passengers; second, to property, except ordinary live stock, received for transportation concerning which the carrier shall have been or shall hereafter be expressly authorized or required by order of the Interstate Commerce Commission to establish and maintain rates dependent upon the value declared in writing by the shipper or agreed upon in writing as the released value of the property, in which case such declaration or agreement shall have no other effect than to limit liability and recovery to an amount not exceeding the value so declared or released, and shall not be held to be a violation of section 10 of the interstate commerce act; and any tariff schedule which may be filed with the commission pursuant to such order shall contain specific reference thereto and may establish rates varying with the value so declared or agreed upon; and the commission is hereby empowered to make such order in cases where rates dependent upon and varying with declared or agreed values would, in its opinion, be just and reasonable under the circumstances and conditions surrounding the transportation. The term 'ordinary live stock' shall include all cattle, swine, sheep, goats, horses, and mules, except such as are chiefly valuable for breeding, racing, show purposes, or other special uses."

Mr. CUMMINS. Mr. President, either by mistake of the stenographer or the printer two words were left out of the committee amendment. Therefore on behalf of the committee I move that the amendment be amended as shown in the slip I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. In the committee amendment, on page 3, line 16, after the word "trains," it is proposed to insert "or boats," and in the same line, after the word "trains," where it appears the second time, to insert "or boats," so as to read "on passenger trains or boats, or trains or boats carrying passengers."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 5911) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension, at the rate stated, the following-named persons:

Nellie M. Leonard, widow of Willard R. Lemon, known as William L. Leonard, late of Company D, Third Regiment Ohio Volunteer Cavalry, $12 per month.

Bowman C. McEwen, late of Company B, First Regiment Minnesota Volunteer Heavy Artillery, $24 per month in lieu of that he is now receiving.

Burnum W. Francis, late of Company K, Sixteenth Regiment Connecticut Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Elizabeth R. Frink, widow of Rufus S. Frink, late of Company G, Second Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Anna M. Holt, widow of Thomas Holt, late major and lieutenant colonel Seventieth Regiment New York Volunteer Infantry, $25 per month in lieu of that she is now receiving.

Fitzhugh S. Hoag, late of Company K, Forty-sixth Regiment Massachusetts Militia Infantry, $30 per month in lieu of that he is now receiving.

Ella P. Hines, widow of Thomas J. Hines, late chief musician, Fourteenth Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Sarah L. Lunt, widow of Albert C. Lunt, late of Companies I and F, First Regiment Vermont Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

George H. Bishop, late of Company G, Fifty-second Regiment Illinois Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Hatch Chamberlin, late of Company B, Fourth Regiment Vermont Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Michael Kelly, late of Company B, Eleventh Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Horace Berlew, late of Company B, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, $14 per month.

Irvin E. Scott, late of Company B, Twenty-eighth Regiment Pennsylvania Militia Infantry, and Company D, First Battalion, Fifteenth Regiment United States Infantry, $24 per month in lieu of that he is now receiving.

John B. Way, late of Company D, Seventeenth Regiment Kansas Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William Comstock, late of Company C, Seventh Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

George H. French, late of Company A, Forty-eighth Regiment Wisconsin Volunteer Infantry, $27 per month in lieu of that he is now receiving.

David Devore, late of Company C, Fifteenth Regiment Iowa Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Storm T. Roberts, late of Company B, Sixty-first Regiment Massachusetts Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Horatio N. Washburn, late of Company F, Fourth Regiment, and Company F, Nineteenth Regiment, Maine Volunteer Infantry, and Twenty-third Company, Second Battalion Veteran Reserve Corps, $40 per month in lieu of that he is now receiving.

Peter Wedge, late of Company C, Thirty-second Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Mary F. Fernald, helpless and dependent daughter of James L. Fernald, alias Francis Hamilton, late of Company G, Thirteenth Regiment Connecticut Volunteer Infantry, and Company H, Twentieth Regiment Veteran Reserve Corps, $12 per month.

Hiram R. Brackett, late of Company G, Fourteenth Regiment Maine Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Harriet S. Crooks, widow of William Crooks, late colonel Sixth Regiment Minnesota Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Frances A. Hall, widow of Charles H. Hall, late of Company K, First Regiment Connecticut Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Elzie W. Grindle, late of Company F, Forty-second Regiment, Company E, Ninety-sixth Regiment, and Company A, Battalion Seventy-seven, Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Celia E. Gibson, former widow of William Gibson, late of Vaughn's independent battery, Illinois Volunteer Light Artillery, $12 per month.

Amanda Brewster, widow of Stephen G. Brewster, late unassigned, Thirty-second Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Henry Vanderpool, late of Company H, Tenth Regiment New York Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Charles F. Cooken, late of Company F, Forty-fifth Regiment Iowa Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Orrin S. Williams, late of the Seventeenth Battery, Indiana Volunteer Light Artillery, $40 per month in lieu of that he is now receiving.

Mary J. Holliday, widow of George W. Holliday, late of Company H, Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, $20 per month in lieu of that she is now receiving.

Samuel I. Scammon, late of Company G, Fourteenth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Amanda M. Ricker, former widow of William E. Barrows, late of Company I, Nineteenth Regiment Maine Volunteer Infantry, and widow of Isaiah Ricker, late of Company E, Sixteenth Regiment Maine Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Henry Stewart, late of Company K, Sixty-ninth Regiment, and Company I, One hundred and fortieth Regiment, Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Ivan S. Ford, late of Company F, Fourth Regiment Iowa Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Miles Gary, late of Company I, Forty-seventh Regiment, and Company H, Twenty-fifth Regiment, Ohio Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Josephine Taylor, widow of Isaac Y. Taylor, late of Company H, Seventh Regiment Rhode Island Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Frances W. Wood, widow of George L. Wood, alias George Surgent, late of Company E, Third Regiment New Jersey Volunteer Cavalry, $12 per month.

Mathew Farley, late of Company C, Forty-ninth Regiment Massachusetts Militia Infantry, $30 per month in lieu of that he is now receiving.

Charles B. Sutton, late of Company G, First Regiment Oregon Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John Harrigan, late of Troop F, Third Regiment United States Cavalry, $40 per month in lieu of that he is now receiving.

Johnson White, late of Company H, First Regiment Kentucky Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Stinson Books, late of Company K, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Eliza E. Vose, widow of Charles S. Vose, late of Company H, Second Regiment Maine Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

John T. Warburton, late of Company I, Thirteenth Regiment Kansas Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Phebe J. Asher, widow of Charles Asher, late of Company D, Twentieth Regiment Iowa Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Albertus Bowen, late of Company B, Sixty-fourth Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Milton Rhodenbaugh, late of Company D, Fifty-first Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Minnie Anderson, widow of Calvin Anderson, late of Company D, Second Regiment Wisconsin Volunteer Cavalry, $12 per month.

Christian Howald, late of Company K, Tenth Regiment Michigan Volunteer Infantry, $50 per month in lieu of that he is now receiving.

George Lucas, late of Company G, Twelfth Regiment West Virginia Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Jesse L. Pelton, late of Company H, One hundredth Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

William E. Chappell, late of Company D, Thirteenth Regiment Indiana Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Sarah E. Hathaway, widow of John F. Hathaway, late acting assistant surgeon, United States Army, $20 per month in lieu of that she is now receiving.

Hiram Bender, late of Company H, Forty-sixth Regiment Wisconsin Volunteer Infantry, $36 per month in lieu of that he is now receiving.

John P. Martin, late of Company C, Thirteenth Regiment Iowa Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Orrin A. Johnson, late of Company I, Sixth Regiment Vermont Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Harriet A. Cady, widow of Stephen G. Cady, late of Company G, Seventh Regiment Minnesota Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Julia G. Hottel, widow of Martin V. Hottel, late captain Company K, Fifty-ninth Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Edgar Thompson, late of Company A, Fiftieth Regiment New York Volunteer Engineers, $30 per month in lieu of that he is now receiving.

Thomas H. Webley, late of Company F, Fifth Regiment Wisconsin Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Harriet E. Vose, widow of Thatcher Vose, late of Company K, Sixth Regiment Maine Volunteer Infantry, $12 per month.

Charles E. Sawtelle, late of Company F, First Regiment Maine Volunteer Heavy Artillery, $36 per month in lieu of that he is now receiving.

Richard Harmon, late of Company F, Third Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Caroline Wannofsky, widow of Samuel Wannofsky, late of Company E, Third Regiment Maine Volunteer Infantry, Company F, Seventeenth Regiment Maine Volunteer Infantry, and One hundred and eighth Company; Second Battalion, Veteran Reserve Corps, $20 per month in lieu of that she is now receiving.

Sylvanus H. Ward, late of Company E, Sixteenth Regiment Maine Volunteer Infantry, and Company E, Ninth Regiment Veteran Reserve Corps, $30 per month in lieu of that he is now receiving.

James Rogers, late of Company K, First Regiment Maine Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Alonzo J. Nevers, late of Company B, Seventeenth Regiment Maine Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Mary A. Holland, widow of John Holland, late of Battery B, First Regiment Rhode Island Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

James Somerville, late of Company G, Sixth Regiment Vermont Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Richard M. Johnson, late of Company B, Eighth Regiment Tennessee Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

James McNamara, late of Company A, Twenty-first Regiment Michigan Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Hamilton Davis, late of Company I, Fourteenth Regiment Michigan Volunteer Infantry, $36 per month in lieu of that he is now receiving.

John J. Foraker, late of Company K, One hundred and forty-third Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John Curtis, late of Company K, Fifty-first Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry A. C. O'Connor, late of Company A, Seventh Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Simon Jenson, late of Company G, Fifth Regiment Minnesota Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John Wilson, late of Company E, Fifteenth Regiment United States Infantry, $30 per month in lieu of that he is now receiving.

Robert R. Bratton, late of Company E, Twenty-seventh Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Henry Quint, late of Company H, Twentieth Regiment Maine Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Morrison Young, late of Company H, Fourth Regiment Maine Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Frank A. Colcord, late of Company K, Twenty-sixth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jane McD. Johnston, widow of Francis Johnston, late of Troop K, Fourth Regiment United States Cavalry, $20 per month in lieu of that she is now receiving.

Abbie Sloggy, widow of Harrison Sloggy, late of Company B, Forty-sixth Regiment Wisconsin Volunteer Infantry, $20 per month in lieu of that she is now receiving.

George M. Titus, late of Company E, Eleventh Regiment Iowa Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Sarah A. Welliever, widow of Joseph S. Welliever, late of Company A, Ninth Regiment Illinois Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Catherine Goodwin, widow of William H. Goodwin, late of Company I, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Henry Harpham, late of Company C, Tenth Regiment Minnesota Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Charlotte Randall, widow of William Randall, late of Company E, One hundred and seventy-ninth Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Cassius M. Jones, late of Company H, Eighth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John Little, late of Company C, Thirty-fifth Regiment, and Company C, Twenty-ninth Regiment, Massachusetts Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Marion D. Egbert, late of Company K, Eighty-sixth Regiment Ohio Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William R. Donaldson, late of Company E, First Regiment Missouri Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Charles F. Runkle, late of Company K, Eighty-ninth Regiment New York Volunteer Infantry, $36 per month in lieu of that he is now receiving.

John Brown, late of Company I, Fourth Regiment New Jersey Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William Painter, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Peleg N. Carson, late of Company I, Forty-seventh Regiment Illinois Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Solomon Keffer, late of Company B, Cass County Missouri Home Guards, $30 per month in lieu of that he is now receiving.

Charles H. Thompson, late of Company E, First Regiment Vermont Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

John Washburn, late of Company G, Second Regiment New York Volunteer Infantry, and Company E, Second Regiment Massachusetts Volunteer Heavy Artillery, $50 per month in lieu of that he is now receiving.

Charles H. Johnson, late of Company E, First Regiment New Hampshire Volunteer Heavy Artillery, $50 per month in lieu of that he is now receiving.

Charles W. Sager, late of Company L, First Regiment Vermont Volunteer Heavy Artillery, $36 per month in lieu of that he is now receiving.

William J. Hull, late of Company E, Eighty-third Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Benjamin Weatherby, late of Company G, Twenty-fifth Regiment New Jersey Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Andrew J. Messer, late of Company C, Fortieth Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Diantha K. Dickey, widow of Nahum B. Dickey, alias Hiram B. Dickerson, late of Company D, Twentieth Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Virginia R. Coates, widow of Darwin C. Coates, late of Company C, Fourteenth Regiment New Hampshire Volunteer Infantry, $12 per month.

Nancy R. Brady, widow of Thomas H. Brady, late of Company H, Twelfth Regiment, and Company K, Twenty-third Regiment, Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Allie A. Richey, widow of John Richey, late of Company C, One hundred and forty-first Regiment Ohio National Guard Infantry, $20 per month in lieu of that she is now receiving.

Marget E. Schrieber, widow of Frederick W. Schrieber, late of Company L, First Regiment Potomac Home Brigade, Maryland Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Eliza Harrison, widow of William Harrison, late of Company I, One hundred and twenty-fourth Regiment United States Colored Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Nannie P. Brown, widow of Charles C. Brown, late of Company I, One hundred and eighty-fourth Regiment Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Tabitha Rask, former widow of Martin Tiffany, late of Company F, Ninety-fifth Regiment Illinois Volunteer Infantry, $12 per month.

Lewis C. Cleavinger, late of Company C, Thirty-fourth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Ella Louise Collett, widow of John R. Collett, late of Company B, Seventh Regiment Kentucky Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Marie P. Collett, helpless and dependent child of said John R. Collett, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Ella Louise Collett the name of the said Marie P. Collett shall be placed on the pension roll at $12 per month, from and after the date of death of said Ella Louise Collett.

Ellen Collins, widow of John S. Collins, late of Company A, First Battalion Nevada Volunteer Infantry, $12 per month.

Margaret L. Wood, widow of Samuel N. Wood, late captain Company I, Second Regiment Kansas Volunteer Infantry, and lieutenant colonel Sixth Regiment Missouri Volunteer Cavalry, $30 per month in lieu of that she is now receiving.

Charles E. Cole, late of Company A, Third Regiment Maine Volunteer Infantry, and Company I, First Regiment Maine Volunteer Heavy Artillery, $50 per month in lieu of that he is now receiving.

Charles E. Low, late of Company D, Twenty-first Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William Banta, late of Sixteenth Battery, Indiana Volunteer Light Artillery, $30 per month in lieu of that he is now receiving.

Celestia M. Lull, former widow of Alonzo J. Sawyer, late of Company A, First Regiment Maine Volunteer Cavalry, $12 per month.

John Murphy, late of Company A, Twenty-third Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Joseph Lyman, late of Company C, First Regiment Maine Volunteer Heavy Artillery, $40 per month in lieu of that he is now receiving.

Hamilton Rogers, late of Company D, Twelfth Regiment Missouri Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Roxalina Kinney, widow of Snoden S. Kinney, late of Company A, Fourteenth Regiment West Virginia Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary A. Hapgood, widow of George W. Hapgood, late of Company D, Sixty-fourth Regiment New York Volunteer Infantry, and Company B, Second Regiment New York Volunteer Mounted Rifles, $20 per month in lieu of that she is now receiving.

George Pullen, late of Company A, Thirty-fourth Regiment New Jersey Volunteer Infantry, and Company M, Second Regiment United States Cavalry, $30 per month in lieu of that he is now receiving.

John Pugsley, late of Company D, First Regiment New Hampshire Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Margaret L. Sexton, widow of Charles M. Sexton, late of Company C, Second Regiment Colorado Volunteer Infantry, and Company E, Veteran Battalion, First Regiment Colorado Volunteer Cavalry, $12 per month.

Amanda J. Johnson, widow of Edward P. Johnson, late of Companies H and A, Thirtieth Regiment Maine Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Joseph Zeimer, late of Company D, First Battalion Massachusetts Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

George T. Conner, late of Company C, Forty-second Regiment Massachusetts Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Arcelia Trowbridge, widow of Ira Trowbridge, late of Company G, Twenty-third Regiment Wisconsin Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Chester C. Smith, late of Company K, First Regiment Rhode Island Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Mary C. Harvey, widow of Thomas J. Harvey, late of Company B, Fourteenth Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Henry W. Botsford, late unassigned, Fifth Regiment New York Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Eliza A. Reed, widow of John C. Reed, late of Company K, One hundred and first Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Thomas Pemberton, late of Company D, Fourth Regiment Tennessee Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Antonio Armenta, late of Romero's independent Company A, New Mexico Militia Infantry, $21 per month.

John J. Buckley, late of Company H, Tenth Regiment Minnesota Volunteer Infantry, $36 per month in lieu of that he is now receiving.

James Welsh, late of Company G, Fifteenth Regiment New Jersey Volunteer Infantry, and Company G, Second Veteran Battalion New Jersey Volunteer Infantry, $24 per month in lieu of that he is now receiving.

David Ham, late of Company E, Eighth Regiment Wisconsin Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Catherine E. Stamp, widow of Andrew H. Stamp, late of Company F, Eighth Regiment New York Volunteer Heavy Artillery, and One hundredth Company, Second Battalion, Veteran Reserve Corps, $20 per month in lieu of that she is now receiving.

Catharine M. Dunham, widow of William Dunham, late of Company K, Seventeenth Regiment Michigan Volunteer Infantry, and Company B, Fourteenth Regiment Veteran Reserve Corps, $20 per month in lieu of that she is now receiving.

Luther D. Whitten, late of Company I, Sixty-sixth Regiment, and Company G, Fifty-ninth Regiment, Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Harriette H. Kelly, widow of Robert M. Kelly, late colonel Fourth Regiment Kentucky Volunteer Mounted Infantry, $20 per month in lieu of that she is now receiving.

Frank B. Stearns, late of the U. S. S. *North Carolina*, *Kansas*, and *Princeton*, United States Navy, $36 per month in lieu of that he is now receiving.

Mary E. Bradford, widow of William J. Bradford, late first lieutenant and adjutant Second Regiment Rhode Island Volunteer Infantry, $24 per month in lieu of that she is now receiving.

Leafy J. Leavitt, widow of Edward N. Leavitt, late of Company C, Third Regiment Maine Volunteer Infantry, and Battery K, Third Regiment United States Artillery, $20 per month in lieu of that she is now receiving.

William A. Collins, late of Company B, Seventy-ninth Regiment, and Company E, Seventy-third Regiment Ohio Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Nettie Lamprey, widow of Lyman H. Lamprey, late of Company H, Twelfth Regiment New Hampshire Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Minnie L. Gould, widow of Arthur J. Gould, late of Company K, Eleventh Regiment New Hampshire Volunteer Infantry, and Eighty-seventh Company, Second Battalion, Veteran Reserve Corps, $20 per month in lieu of that she is now receiving.

Sarah S. Humiston, widow of John F. Humiston, late of Company E, One hundred and fifth Regiment Ohio Volunteer Infantry, and former widow of Robert Emmet Dickens, late of Company D, Fifty-eighth Regiment New York National Guard Infantry, $12 per month.

John Coffron, late of Company C, First Regiment Maine Volunteer Sharpshooters, $50 per month in lieu of that he is now receiving.

Eleazer O. Additon, late of Company K, Sixteenth Regiment New Hampshire Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Harriet Aylward, widow of Lowell C. Aylward, late seaman U. S. S. *Sabine*, *New Hampshire*, and *Nipsic*, United States Navy, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mabel Aylward, helpless and dependent child of said Lowell C. Aylward, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Harriet Aylward the name of the said Mabel Aylward shall be placed on the pension roll at $12 per month, from and after the date of the death of the said Harriet Aylward.

Samuel E. Griffin, late of Company D, First Regiment Maine Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

George S. Ayer, late of Company A, Tenth Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Edwin F. Witham, late of the Fifth Battery, Maine Volunteer Light Artillery, $36 per month in lieu of that he is now receiving.

Josephus Clark, late of Company G, One hundred and twentieth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

John A. Baird, late of the U. S. S. *Great Western* and *Juliet*, United States Navy, $30 per month in lieu of that he is now receiving.

Alfred H. Hulburt, late of Company E, Ninety-third Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Samuel E. Stainbrook, late of Company F, Forty-eighth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Nicholas J. O'Brien, late captain Company F, Seventh Regiment Iowa Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Adolphus W. Jones, late of Company K, Forty-third Regiment Illinois Volunteer Infantry, $22.50 per month in lieu of that he is now receiving.

Victoria Fleischmann, widow of John B. Fleischmann, late of Company G, Second Regiment Illinois Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Michael O'Brien, late of the United States Marine Corps, $50 per month in lieu of that he is now receiving.

Charles B. Clark, late of Company B, Twenty-fifth Regiment Iowa Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Matilda I. Nason, widow of Thomas C. Nason, late of Company K, Seventh Regiment Minnesota Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Webster A. Whiting, late captain Company B, Eighty-eighth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Abraham J. Yoemans, late second lieutenant Company I, One hundred and thirty-second Regiment New York Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Sarah Denney, now Sinley, former widow of Theodore J. Denney, late of Company I, Fourth Regiment Delaware Volunteer Infantry, $12 per month.

Mary A. Flynn, widow of Patrick Flynn, late of Company F, One hundred and twelfth Regiment Illinois Volunteer Infantry, and Twenty-first Battery Ohio Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Mary Whitesides, former widow of Edwin Wentworth, late of Company I, Eighteenth Regiment Michigan Volunteer In-

fantry, and Eighty-third Company, Second Battalion Veteran Reserve Corps, $12 per month.

Nancy J. Fleming, widow of Joseph T. Fleming, late captain Company F, Thirty-third Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Rebecca McC. Laptad, widow of Henry Laptad, late of Company B, First Regiment Vermont Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Robert Irvin Rea, late of Company H, Thirteenth Regiment Kansas Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Rebecca Jane Thompson, widow of Jesse Thompson, late of Company E, Thirty-fifth Regiment Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Frank B. Sargent, late of Company K, Ninth Regiment, and Company K, Sixth Regiment New Hampshire Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John M. Farquhar, late captain Company B, Eighty-ninth Regiment Illinois Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Robert Nichols, late of Company D, Ninth Regiment Michigan Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Francis B. Ainsworth, late of Company M, Sixth Regiment, and second lieutenant Company B, Sixth Regiment New York Volunteer Heavy Artillery, $36 per month in lieu of that he is now receiving.

Edward H. Allison, alias Henry A. West, late of Company D, Tenth Regiment Ohio Volunteer Cavalary, $40 per month in lieu of that he is now receiving.

Lucy M. Roach, widow of Jeremiah P. W. Roach, late of Company B, Battalion, Tenth Regiment, and Company C, Twenty-ninth Regiment, Maine Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Nicholas B. Langley, late of Company F, Second Regiment West Virginia Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Emaline King, former widow of Robert Campbell, late of Company C, Eighteenth Regiment Wisconsin Volunteer Infantry, $12 per month.

Andrew Mitchell, late of Battery B, First Battalion Maine Volunteer Light Artillery, $30 per month in lieu of that he is now receiving.

Alphonso E. Libby, late of Company F, Twenty-fifth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James F. Walker, late of Company K, Twelfth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Uranus Stacy, late of Company E, Twenty-ninth Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

George S. Thing, late of Company I, First Regiment District of Columbia Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Allen T. Hodgkins, late of Company I, Fourteenth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Abram Hall, late of Company K, One hundred and sixth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William J. Bradford, late of Company I, Sixteenth Regiment New Hampshire Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Myra R. Daniels, widow of William H. Daniels, late of Company D, First Regiment District of Columbia Volunteer Cavalry, and Company F, First Regiment Maine Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Alonzo P. Hart, late of Company E, Seventh Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Alfred A. Bonney, late of Company E, Forty-seventh Regiment Wisconsin Infantry, $30 per month in lieu of that he is now receiving.

George A. White, late of Company E, Ninth Regiment New York Volunteer Heavy Artillery, $40 per month in lieu of that he is now receiving.

Melvan Tibbetts, late of Company H, Fifteenth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Sallie Rigney, widow of Joab Rigney, late of Company D, Thirteenth Regiment Kentucky Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Henry W. Crow, late of Company C, Ninety-first Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

George B. Van Pelt, late of Company K, First Regiment New York Volunteer Engineers, $24 per month in lieu of that he is now receiving.

John Allen, alias John McGuire, late of Company K, Eighth Regiment New York Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Sarah Maurer, widow of John A. Maurer, late of Company B, Eighth Regiment Kansas Volunteer Infantry, and Company D, First Regiment United States Veteran Volunteer Engineers, $20 per month in lieu of that she is now receiving.

Mary I. Bradbury, widow of Eben H. C. Bradbury, late of Company K, Ninth Regiment Maine Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Frances B. V. Kelley, widow of George H. Kelley, late of Company D. Sixty-second Regiment New York Volunteer Infantry, and Company H, Fourteenth Regiment Veteran Reserve Corps, $12 per month.

Mary Taylor Kain, widow of John L. Kain, late principal musician Seventh Regiment Illinois Volunteer Infantry, $12 per month.

Valentine M. Hodgson, late first lieutenant Company K, Sixty-seventh Regiment New York Volunteer Infantry, and Veteran Reserve Corps, $40 per month in lieu of that he is now receiving.

Florence Sanders, helpless and dependent child of John Q. Sanders, late of Company I, Twenty-second Regiment, and Company C, One hundred and fifty-third Regiment, Ohio Volunteer Infantry, $12 per month.

James L. Boothe, late of Company D, One hundred and fifteenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Howard Miller, late of Company F, One hundred and seventy-eighth Regiment, and Company E, One hundred and eighty-first Regiment, Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jasper Reeder, late of Second Battery, Iowa Volunteer Light Artillery, $36 per month in lieu of that he is now receiving.

Harlow J. Greenfield, late of Company K, One hundred and thirty-second Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Charles Leffler, late of Company A, One hundred and sixteenth Regiment, and Company G, Thirty-third Regiment, Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Michael Galligan, late of Company E, Twentieth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Anna Stanley, widow of William M. Stanley, late of Company E, Fifth Regiment Indiana Volunteer Cavalry, $12 per month.

Edith A. Grover, widow of Benjamin P. Grover, late of Second Company Sharpshooters, attached to Twenty-second Regiment Massachusetts Volunteer Infantry, and Company G, Thirteenth Regiment Veteran Reserve Corps, $12 per month.

Terrence Dobson, late of Company C, Ninety-third Regiment New York National Guard Infantry, $24 per month in lieu of that he is now receiving.

Allen Conner, late of Company E, One hundred and fifty-sixth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Oliver P. Gillson, late of Company L, Fifteenth Regiment New York Volunteer Cavalry, and Company L, Second Regiment New York Provisional Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Loami E. Scherer, late of Company C, Eighth Regiment United States Veteran Volunteer Infantry, $40 per month in lieu of that he is now receiving.

John R. Kingman, late of Company M, Tenth Regiment Illinois Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Oliver Harding, late of Company A, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Albert A. Burleigh, late of Company M, First Regiment District of Columbia Volunteer Cavalry, and Company H, First Regiment Maine Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Charlotte Goding, widow of Harrison Goding, late of Company L, First Regiment Maine Volunteer Cavalry, $12 per month.

Annie K. Ames, widow of Charles A. Ames, late quartermaster sergeant Thirteenth Regiment New Hampshire Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Elizabeth J. Beck, widow of Henry D. Beck, late of Company C, Twelfth Regiment Kansas Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Sarah L. Chute, former widow of Samuel Chute, late of Company A, Second Regiment Maine Volunteer Cavalry, $12 per month.

George W. Lukenbill, late of Company F, One hundred and seventeenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas E. Niles, late of Company A, Fifty-seventh Regiment Indiana Volunteer Infantry, Tenth Battery, Indiana Volunteer Light Artillery, $36 per month in lieu of that he is now receiving.

Ira H. Fuller, late of Company B, One hundred and forty-eighth Regiment Ohio National Guard Infantry, $24 per month in lieu of that he is now receiving.

Laban A. Fernald, late of Company B, Twenty-ninth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Simeon Noble, late of Company M, Third Regiment Kentucky Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Nellie A. Sanborn, widow of Augustus D. Sanborn, late captain Company G, Fifth Regiment New Hampshire Volunteer Infantry, $30 per month in lieu of that she is now receiving.

Delia L. Trask, widow of William A. Trask, late of Company B, Eighteenth Regiment Connecticut Volunteer Infantry, $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEPOSITS OF GOLD BULLION.

The bill (H. R. 13474) to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 2, 1911, was considered as in Committee of the Whole. It proposes to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act approved March 2, 1911, by striking from the last proviso of said section 6 the word "one-third" and inserting in lieu thereof the word "two-thirds," making the last proviso of section 6 read as follows:

And provided further, That the Secretary of the Treasury may, in his discretion, receive, with the Treasurer or any Assistant Treasurer of the United States, deposits of gold bullion bearing the stamp of the coinage mints of the United States, or the assay office in New York, certifying their weight, fineness, and value, in amounts of not less than $1,000 in value, and issue gold certificates therefor of the description herein authorized. But the amount of gold bullion and foreign coin so held shall not at any time exceed two-thirds of the total amount of gold certificates at such time outstanding. And section 5193 of the Revised Statutes of the United States is hereby repealed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

APPLICATION OF HOMESTEAD LAW TO ALASKA.

The bill (H. R. 228) to amend the United States homestead law in its application to Alaska, and for other purposes, was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands with an amendment, in section 1, page 2, line 9, after the word "Alaska," to insert:

Provided, That nothing herein contained shall be construed to limit or curtail the area of any homestead claim heretofore lawfully initiated.

So as to make the section read:

That every person who is qualified under existing laws to make homestead entry of the public lands of the United States who has settled upon or who shall hereafter settle upon any of the public lands of the United States situated in the District of Alaska, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall, subject to the provisions and limitations of the act approved March 3, 1903, chapter 1002, United States Statutes at Large, page 1028, be entitled to enter 160 acres or a less quantity of unappropriated public land in said District of Alaska, and no more, and a former homestead entry in any other State or Territory shall not be a bar to a homestead entry in Alaska: *Provided*, That nothing herein contained shall be construed to limit or curtail the area of any homestead claim heretofore lawfully initiated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RESOLUTION PASSED OVER.

The resolution (S. Res. 119) authorizing the Committee on Fisheries to employ a stenographer to report hearings held before the committee was announced as next in order.

Mr. OVERMAN. The chairman of the Committee on Fisheries is not present, and I object to the present consideration of the resolution.

The PRESIDING OFFICER. The resolution will be passed over.

HEIRS OF RICHARD SHAW.

The resolution (S. Res. 111) authorizing the Secretary of the Senate to pay to the heirs of Richard Shaw, late head waiter in the Senate restaurant, a sum equal to six months' salary at the rate he was receiving at the time of his death, etc., was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and hereby is, authorized and directed to pay to the heirs of Richard Shaw, late head waiter in the Senate restaurant, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

BILLS PASSED OVER.

The bill (S. 2215) to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service was announced as next in order.

Mr. OVERMAN. I object.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

The bill (S. 5914) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors was announced as next in order.

Mr. THOMAS. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PUBLIC BUILDING AT JEFFERSON CITY, MO.

The bill (S. 3265) for the extension, remodeling, and improvement of the public building at Jefferson City, Mo., was considered as in Committee of the Whole. It proposes to appropriate $60,000 for the purpose of erecting an addition to the public building at Jefferson City, Mo., and for extending, remodeling, and improving the public building, to be expended under the direction of the Secretary of the Treasury.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELECTRIC LIGHT AND POWER IN KAUAI COUNTY, HAWAII.

The bill (S. 5777) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Pacific Islands and Porto Rico with an amendment, in section 11, page 7, line 24, after the word "the," to strike out "Territory of Hawaii," and insert "County of Kauai"; on page 8, line 1, after the word "the," where it occurs the second time, to strike out "Territory of Hawaii," and insert "County of Kauai"; in line 2, after the word "said," to strike out "Territory," and insert "county"; in line 7, after the word "the," to strike out "governor, the Public Utilities Commission of the Territory of Hawaii," and insert "treasurer of said county"; and in line 9, after the word "and," to strike out "their" and insert "his," so as to make the section read:

SEC. 11. That the association shall, within one month after the expiration of each calendar year, file with the treasurer of the county of Kauai a detailed statement showing all of its receipts and expenditures during the preceding calendar year, and shall, at the time, pay to the treasurer of the county of Kauai, for and on behalf of said county, one-half of 1 per cent of the gross receipts of the association from all electric light or power furnished to consumers during the preceding year; and all its books, papers, records, and accounts shall at all reasonable times be open to inspection by the treasurer of said county, and his respective agents appointed for such purpose.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRINTING OF ARTICLES BY JOHN S. PATTERSON AND PIERRE JAY (S. DOC. NO. 458).

Mr. SHEPPARD. Mr. President, I have here a brief but valuable document, entitled "Six Years of the Guaranty Fund—Its Operation and Effect," by Hon. John S. Patterson, commissioner of insurance and banking of the State of Texas. I ask that it be printed as a public document.

Mr. OWEN. I ask that there may be added to it an article by Mr. Pierre Jay, of the Federal Reserve Bank of New York, upon the same subject matter. I think they should probably go together as showing comments upon the operation of the statute from the points of view of these two gentlemen. I will ask the Senator if that is agreeable to him?

Mr. SHEPPARD. That is entirely agreeable.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Texas to the fact that the communication which he has sent to the desk has an indorsement showing that it was referred by the Senate to the Committee on Printing.

Mr. SHEPPARD. I ask that that indorsement be stricken out. I will state that I have been trying to get a quorum of the committee together for two or three months but have failed to do so.

The PRESIDING OFFICER. The order of the Senate was that it be referred to the Committee on Printing.

Mr. OVERMAN. If it has been referred to the Committee on Printing, I think it ought to remain there until acted upon.

The PRESIDING OFFICER. The Senator from Texas can move to discharge the committee or ask unanimous consent that the committee be discharged from the further consideration of the matter.

Mr. SHEPPARD. Then, I ask unanimous consent, Mr. President, that the Committee on Printing be discharged from the further consideration of the matter.

The PRESIDING OFFICER. Is there objection to that course of procedure being taken? The Chair hears none, and the order will be entered to print the paper as a document, together with the article referred to by the Senator from Oklahoma [Mr. OWEN].

ADDRESS OF HON. EDWARD N. HURLEY (S. DOC. NO. 459).

Mr. CHILTON. I ask unanimous consent to have printed as a public document an address by Hon. Edward N. Hurley, vice chairman of the Federal Trade Commission, delivered before the American Iron and Steel Institute, at New York, May 26, 1916. It is a very short address.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and the order will be entered.

The Secretary will state the next bill on the calendar.

HONOLULU GAS CO. (LTD.).

The bill (S. 5658) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Honolulu Gas Co. (Ltd.), by extending it to include all of the island of Oahu, Territory of Hawaii, was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That the act of the Legislature of the Territory of Hawaii entitled "An act amending the franchise held by the Honolulu Gas Co (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii," is hereby ratified, approved, and confirmed, and section 1 of act 30 of the Laws of the Territory of Hawaii, 1903, as amended and approved by an act of Congress April 21, 1904 (section 905 of the revised laws of Hawaii, 1915), is hereby amended to read as follows:

"SECTION 1. Manufacture and supply: W. W. Dimond, of Honolulu, island of Oahu, Territory of Hawaii, his associates, successors, and assigns, or such corporation as he or they shall cause to be incorporated under the laws of the Territory of Hawaii (he or they being hereinafter referred to as W. W. Dimond), are hereby authorized and empowered to manufacture and supply gas for use as a fuel, for illuminating purposes, and otherwise, in Honolulu, which, for the purpose of this charter, shall be held to include all of the island of Oahu."

SEC. 2. That said act 30 of the laws of 1903 of said Territory as amended and approved by an act of Congress approved April 21, 1904, is hereby further amended by adding a new section thereto to be known as section 7A (and to be known as section 911A, revised laws of Hawaii, 1915), and reading as follows:

"The franchise and the person or corporation holding the same shall be subject as to reasonableness of rates, prices, and charges, and in all other respects to the provisions of chapter 128 of the revised laws of Hawaii, 1915, creating a public utilities commission and all amendments thereof for the regulation of the public utilities in said Territory, and all the powers and duties expressly conferred upon or required of the superintendent of public works or the courts of said act creating said franchise, are hereby conferred upon and required of said public utilities commission and any commission of similar character that may hereafter be created by the laws of said Territory."

SEC. 3. That the public utilities commission of the Territory of Hawaii is hereby granted the power to order the Honolulu Gas Co. (Ltd.), its successors or assigns, to make extensions of its service lines within the island of Oahu whenever it shall be made to appear that said extension is a public necessity and that said extension or extensions can be made to earn a reasonable profit on the cost and maintenance of the same: *Provided*, That all orders of the public utilities commission herein provided for shall be subject to review by the courts of said Territory.

SEC. 4. That Congress or the Legislature of the Territory of Hawaii, with the approval of Congress, may at any time alter, amend, or repeal this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HAWAIIAN ELECTRIC CO. (LTD.).

The bill (S. 5274) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Hawaiian Electric Co. (Ltd.), by extending it to include all of the island of Oahu, Territory of Hawaii, was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the act of the Legislature of the Territory of Hawaii entitled "An act amending the franchise held by the Hawaiian Electric Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii," is hereby ratified, approved, and confirmed, and section 1 of act 48 of the laws of 1903 of the Territory of Hawaii, as amended and approved by the act of Congress approved April 21, 1904 (now sec. 836 of the Rev. Laws of Hawaii, 1915), is hereby amended by striking therefrom the following:

"(b) 'Honolulu' or 'district of Honolulu,' shall refer to, include, and mean all of that portion of the island of Oahu included in the taxation, educational, and judicial district now defined by law as 'Honolulu district,' or the 'district of Honolulu.'"

SEC. 2. That section 2 of act 48 of the laws of 1903 of said Territory (sec. 837 of the Rev. Laws of Hawaii, 1915), as amended and approved by the act of Congress approved April 21, 1904, is hereby further amended to read as follows:

"Electric power, manufacture, sale, etc.: The right is hereby granted to the Hawaiian Electric Co. (Ltd.) as a body corporate under that or such other name as the said company may hereafter adopt, and its successors and assigns, to manufacture, sell, furnish, and supply electric light, electric current, or electric power on the island of Oahu, Territory of Hawaii, for lighting the streets, roads, public or private buildings, or for motive power, or for any other purpose which it or they may deem advisable, and from time to time, for the purposes above mentioned, to construct, maintain, and operate suitable poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution, or supply of electricity to the consumers thereof, under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said island of Oahu and to connect the said lines, wires, and conductors with any manufactory, private or public building, lamp, lamp-post, or other structure or object with the place of supply."

SEC. 3. That section 3 of act 48 of the laws of 1903 of said Territory, as approved by the act of Congress approved April 21, 1904 (now section 838 of the Revised Laws of Hawaii, 1915), is hereby amended so as to read as follows:

"Power houses, etc.: Said company shall also have the right to maintain and operate its present light and power station on the corner of Halekauwila and Alakea Streets, in Honolulu, said island of Oahu, and also to construct, maintain, and operate, at such points as may from time to time be necessary, light and power stations or houses, or such other buildings and structures as may be necessary and proper, and to use machinery therein for the purposes of the company."

SEC. 4. That said act 48 of the laws of 1903 of said Territory, as amended and approved by the act of Congress approved April 21, 1904, is hereby further amended by adding a new section thereto to be known as section 15A (and to be known as section 850A of the Revised Laws of Hawaii, 1915), and reading as follows:

"This franchise, and the person or corporation holding the same, shall be subject as to reasonableness of rates, prices, and charges, and in all other respects to the provisions of chapter 128 of the Revised Laws of Hawaii, 1915, creating a public-utilities commission, and all amendments thereof, for the regulation of the public utilities in said Territory, and all the powers and duties expressly conferred upon or required of the superintendent of public works or the courts by said act creating said franchise are hereby conferred upon and required of said public-utilities commission."

SEC. 5. That the public-utilities commission of the Territory of Hawaii is hereby granted the power to order the Hawaiian Electric Co. (Ltd.), its successors or assigns, to make extensions of its service lines within the island of Oahu, whenever it shall be made to appear that said extension is a public necessity and that said extension or extensions can be made to earn a reasonable profit on the cost and maintenance of the same: *Provided*, That all orders of the public-utilities commission herein provided for shall be subject to review by the courts of said Territory.

SEC. 6. That Congress, or the Legislature of the Territory of Hawaii with the approval of Congress, may at any time alter, amend, or repeal this act.

Mr. OWEN. Mr. President, I should like to ask the Senator reporting that bill if the public-utilities authorities have a right to fix the price?

Mr. SHAFROTH. Yes; they have that right under the law. This is a bill which must be ratified by the Congress of the United States. It is an act of the Territory of Hawaii.

Mr. OWEN. It provides for public supervision and control?

Mr. SHAFROTH. Yes; it provides for the supervision and control by the public-utilities commission.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC-UTILITY FRANCHISES IN HAWAII.

The bill (S. 5776) to amend certain public-utility company franchises in the Territory of Hawaii, was considered as in Committe of the Whole. It provides that each and every public-utility company operating within the Territory of Hawaii under

any franchise or charter heretofore approved or granted by the Congress of the United States shall, within one month after the expiration of each calendar year, pay to the treasurer of the county in which said company operates such per cent of the gross receipts of said company for the preceding calendar year as its franchise now requires it to pay to the Territory of Hawaii; and that all acts and parts of acts inconsistent with this enactment are repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL PARK, TERRITORY OF HAWAII.

The bill (H. R. 9525) to establish a national park in the Territory of Hawaii, was considered as in Committee of the Whole.

Mr. OVERMAN. Mr. President, I should like to ask the Senator where this park is?

Mr. SHAFROTH. This park is on the Island of Hawaii. It includes the great volcano, and also takes in another volcano. They are very rare curiosities, as it were, because of the fact that they are live volcanoes. One of them is now in a very violent state of eruption. It has overflowed, and the lava extends nearly down to the sea.

Mr. THOMAS. What is the acreage?

Mr. SHAFROTH. I do not know the acreage.

Mr. OVERMAN. Does it carry any appropriation?

Mr. SHAFROTH. I do not think there is any appropriation in the bill; no.

Mr. SMITH of Georgia. Is it public land?

Mr. SHAFROTH. Yes; it is land acquired at the time of the acquisition of the islands. There is an appropriation of $10,000. No——

Mr. OVERMAN. I object to it.

Mr. SHAFROTH. I do not believe there is any appropriation. It is a limitation, instead of an appropriation.

Mr. OVERMAN. I have been on the island, and I am in favor of making it a national park; but there is no appropriation needed. It is public land, wild land. There is nobody living there.

Mr. SMITH of Georgia. I suggest to the Senator that the appropriation be stricken out.

Mr. SHAFROTH. There is no appropriation in it. It is a proviso, reading as follows:

That no appropriation for the maintenance, supervision, and improvement of said park in excess of $10,000 annually shall be made unless the same shall have first been expressly authorized by law.

I do not remember any provision in the bill for an appropriation except that limitation.

Mr. LANE. Mr. President, it should not cost anything to maintain a volcano.

Mr. SHAFROTH. No; but you have got to have some supervision of the park.

Mr. OVERMAN. I suggest to the Senator to strike that out and let it pass.

Mr. SHAFROTH. Rather than let the bill go over, I will move to strike that out. I offer an amendment striking out the first proviso on page 8, beginning with the word "*Provided*," in line 8, and extending to the word "law," in the twelfth line of the same page.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 8, line 8, it is proposed to strike out the following words:

Provided, That no appropriation for the maintenance, supervision, and improvement of said park in excess of $10,000 annually shall be made unless the same shall have first been expressly authorized by law.

Also the word "*And*" and the word "*further*" in line 12, after the proviso just read.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EDWARD J. LYNCH.

The bill (S. 5495) for the relief of Edward J. Lynch, collector of internal revenue for the district of Minnesota, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to credit Edward J. Lynch, collector of internal revenue for the district of Minnesota, and his accounts with the sum of $35,207.14½, being the value of currency, coin, and various kinds of stamps charged to him and which were stolen from the vault of his office during the night of January 6, 1916, together with other stamps which have since been returned to him.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REFUND OF DUTIES ON FLAX-PREPARATORY MACHINES, ETC.

The bill (S. 4384) providing for the refund of duties collected on flax-preparatory machines, parts, and accessories imported subsequently to August 5, 1909, and prior to January 1, 1911, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to the Linen Thread Co., of No. 96 Franklin Street, New York City, the sum of $23,239.35, being the amount of duties collected on flax-preparatory machines, parts thereof, and accessories thereto, imported subsequently to August 5, 1909, and prior to January 1, 1911.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COPPER RIVER & NORTHWESTERN RAILWAY CO.

The bill (S. 5268) for the relief of the Copper River & Northwestern Railway Co. was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to the Copper River & Northwestern Railway Co., a corporation organized and existing under the laws of the State of Nevada, the sum of $3,102.92, in refund of the gross income tax paid by said company to the collector of internal revenue at Tacoma, Wash., on May 21, 1915, pursuant to a tax levied under the act of Congress approved July 18, 1914 (38 Stats., p. 517), for the period beginning January 1 and ending June 30, 1914, for which period said company had previously paid the license fee or tax provided by the act approved March 3, 1899 (30 Stats., pp. 1336, 1337), as amended by the act approved June 6, 1900 (31 Stats., pp. 330, 331).

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT PRESCOTT, ARIZ.

The bill (S. 1045) to provide for the erection of a public building at Prescott, in the State of Arizona, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to erect on the site heretofore authorized to be acquired by the United States a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, complete, for the use and accommodation of the United States post office, Federal court, and other Government offices in the city of Prescott, in the State of Arizona, the cost of said building, including said vaults, heating and ventilating apparatus, elevators, and approaches not to exceed the sum of $100,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SITE FOR PUBLIC BUILDING AT BISBEE, ARIZ.

The bill (S. 1046) to provide for the purchase of a site for a public building in the city of Bisbee, Ariz., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, in section 1, line 6, after the words "sum of," to strike out "$35,000" and insert "$25,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase or otherwise, a site on which to erect a public building at the city of Bisbee, in the State of Arizona, and the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated for the same.

SEC. 2. That no money hereby appropriated shall be available until a valid title to the site for said building shall be vested in the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 5854) to provide for the erection, furnishing, and equipping of a building in the city of Washington, D. C., for the Department of Justice was announced as next in order.

Mr. SHAFROTH and Mr. CHILTON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over, under objection.

The bill (H. R. 308) to amend the act to regulate commerce, as amended, and for other purposes was announced as next in order.

Mr. OVERMAN. I do not think that ought to pass.

Mr. SMITH of Arizona. That ought to go over.

The PRESIDING OFFICER. The bill will be passed over, under objection.

ADDITIONAL LAND DISTRICT, CALIFORNIA.

The bill (H. R. 529) creating an additional land district in the State of California, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES L. LLEWELLYN.

The bill (H. R. 4297) for the relief of Frances L. Llewellyn was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Interior to allow Frances L. Llewellyn to enter, under the homestead law and subject to the terms, conditions, and limitations of the reclamation act and acts amendatory thereof, lots 1, 4, 5, and 6 and the southeast quarter of the northeast quarter of section 15, township 21 south, range 1 west of the New Mexico principal meridian, New Mexico, Las Cruces, N. Mex., land district, provided that the entry and patent therefor shall expressly reserve to the United States the right to take for use, without compensation to entryman, patentee, or her assigns, any or all of the said lands which may be actually needed for or in connection with the construction, operation, and maintenance of the Rio Grande reclamation project.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 5716) to establish the Mount McKinley National Park, in the Territory of Alaska, was announced as next in order.

Mr. THOMAS and Mr. OVERMAN. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

CHARLESTON-DUNBAR TRACTION CO.

The bill (S. 5103) authorizing and directing the Secretary of War to lease to Charleston-Dunbar Traction Co. a certain strip or parcel of land owned by the United States Government on the Great Kanawha River in West Virginia, was considered as in Committee of the Whole. It authorizes and directs the Secretary of War to lease, at a nominal rental value of not exceeding $25 per year, to the Charleston-Dunbar Traction Co., a corporation, its successors or assigns, the strip of land 15 feet wide and 601.8 feet long, or approximately twenty-one hundredths of an acre, which said strip of land is situated at or near United States Government Lock and Dam No. 6 of the Great Kanawha River improvement, near the city of Charleston, in the State of West Virginia, which said strip of land said Charleston-Dunbar Traction Co. is now occupying with its track; provided that said annual rental shall be promptly paid as required by the Secretary of War, and that the United States Government shall sustain no loss or expense by reason of said lease to said traction company, and provided further that said traction company shall not fence up said strip of land unless required to do so by the Secretary of War, and shall, at its own expense, keep up and maintain the existing crossings over said traction company's line on the Government property, and provided further that said traction company shall not remove its station or stop upon or near the Government's said property as said stop and station is at present located.

Mr. CHILTON. Mr. President, there is a mistake in the notation in the calendar. It should state that this bill was reported from the Committee on Commerce instead of from the Committee on Military Affairs.

I do not want to have it read, but I ask permission to have inserted in the RECORD the letter of the Secretary of War approving this bill.

The PRESIDING OFFICER. Without objection, that may be done.

The letter referred to is as follows:

WAR DEPARTMENT,
Washington, March 25, 1916.

Hon. GEORGE E. CHAMBERLAIN,
Chairman Committee on Military Affairs,
United States Senate.

SIR: I beg to acknowledge the reference to this department of Senate bill No. 5103, Sixty-fourth Congress, first session, authorizing and directing the Secretary of War to lease to Charleston-Dunbar Traction Co. a certain strip or parcel of land owned by the United States Government on the Great Kanawha River, in West Virginia.

The Charleston-Dunbar Traction Co., the grantee named in the bill, operates a traction and gas line from the city of Charleston to the suburban town of Dunbar, W. Va. When the line was under construction in 1911 the company applied for permission to cross the lands of the United States at Lock No. 6, Kanawha River, but as the project contemplated the permanent occupation of Government property, and as the Secretary of War was not vested with power to grant such a privilege, the application was denied. Subsequently the company requested a temporary lease to be used pending action by Congress on an application for a permanent right of way, and on August 30, 1911, the company was granted a lease of the right of way for a period of one year at an annual rental of $150, on condition that the lessee should obtain from Congress at the earliest opportunity the necessary legislation for occupancy of the land. This lease was thereafter extended by the department, from time to time, an additional four years, covering the period up to September 1, 1916, on which date the full five-year period for which the Secretary of War is now authorized by law to lease public property will expire. The object of the bill under consideration is to authorize the Secretary to continue leasing the property indefinitely.

The land in question is on the abutment side of Dam No. 6, Kanawha River, and its occupation by the traction line has not been objectionable, and it is believed that its future use for the same purpose will not be harmful to the public interests. With respect to the rental to be paid by the company, it is proper to say that the amount now paid under the existing lease is recognized as being far in excess of the rental value of the property, but this high charge was imposed for the purpose of insuring compliance with that condition of the lease requiring the company to obtain the authority of Congress. It is thought that, in view of the small area of land occupied, and its inconsiderable value to the Government, the charge of $25 per year, as proposed in the bill, is a fair one.

I see no objection to the proposed measure, and with the addition of the usual repeal clause its enactment by Congress will be satisfactory to this department.

It is deemed appropriate to add that the land in question is not military land but was acquired by the Government for use in connection with the improvement of the Kanawha River to which work it pertains; and I have the honor to suggest, therefore, that the bill should also be considered by the Senate Committee on Commerce.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 681) providing for the election of a Delegate to the House of Representatives from the District of Columbia, and for other purposes, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

PUBLIC BUILDING, DURANGO, COLO.

The bill (S. 5724) authorizing the construction of a public building in the city of Durango, Colo., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 3, after the word "section," to strike out "four" and insert "three," so as to make the bill read:

Be it enacted, etc., That so much of section 3 of the public-building act, approved March 4, 1913 (37 Stat., p. 871), as authorizes the erection of a public building for the United States post office in the city of Durango and State of Colorado, be, and the same is hereby, amended so as to authorize and direct the Secretary of the Treasury to erect and complete a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, complete, for the use and accommodation of the United States post office, Federal court, and other Government offices, upon ground already purchased by the Government for such purpose and now owned by the United States, the cost of such building not to exceed the sum of $150,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

BILLS, ETC., PASSED OVER.

The bill (S. 5675) for the relief of John Henry Gibbons, captain on the retired list of the United States Navy, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 195) amending Rule XXII of the standing rules of the Senate was announced as next in order.

Mr. JONES. I object.

The PRESIDING OFFICER. The resolution will be passed over.

POST-OFFICE SITE AND BUILDING, MILLVILLE, N. J.

The bill (S. 5398) to increase the limit of cost of post-office site and building at Millville, N. J., was considered as in Committee of the Whole. It provides that the act of Congress approved June 25, 1910 (36 Stats., p. 681), authorizing the Secretary of the Treasury to contract for the acquisition of a site and for the erection and completion thereon of a suitable building, including fireproof vaults, heating and ventilating apparatus and approaches, complete, for the use and accommodation of the United States post office and other governmental offices at Millville, N. J., shall be and is amended so as to increase the limit of cost for said site and building from $55,000 to $105,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES H. BINGHAM.

The bill (S. 5863) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa., was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, on page 1, line 7, after the word "Pennsylvania," to insert "but such permit shall not be issued until there has been filed in the health department of the District of Columbia a permit from the proper governmental authorities at the place where said cemetery is located authorizing the interment there of said remains," so as to make the bill read:

Be it enacted, etc., That the health officer of the District of Columbia be, and he is hereby, authorized to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa., but such permit shall not be issued until there has been filed in the health department of the District of Columbia a permit from the proper governmental authorities at the place where said cemetery is located authorizing the interment there of said remains.

The amendment was agreed to.

Mr. STERLING. Mr. President, I desire to offer an amendment, as follows:

In line 4, after the word "permit," I move to insert the words "to Charles Bingham," as the person who is to get the permit; then, on line 5, after the word "of," I move to insert the words "his son."

The PRESIDING OFFICER. The Secretary will read that part of the bill as it would read if amended.

The SECRETARY. If amended, that part of the bill would read:

That the health officer of the District of Columbia be, and he is hereby, authorized to issue a permit to Charles Bingham for the removal of the remains of his son, the late Charles H. Bingham, from Congressional Cemetery, District of Columbia, to Lock Haven, Pa., etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. OVERMAN. Mr. President, it is now quarter to 5 o'clock. I think the Senate should adjourn.

Mr. MYERS. Mr. President, I hope the Senator will not insist upon that motion.

Mr. OVERMAN. The Senator from Montana has had more bills on this calendar passed than any other Senator.

Mr. MYERS. There are a lot of other Senators here having little bills which have not yet been reached. We do not go through the calendar once a year. Let us go on. We are going to reach some of importance in a very few minutes. We ought to work until 6 o'clock. I wish we could go on until 7.

Mr. OVERMAN. There are a good many bills being passed here that ought not to be passed.

BILLS PASSED OVER.

The bill (S. 3776) providing for the establishment of a radio station on Unga Island, Alaska, was announced as next in order.

Mr. OVERMAN. I object.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 6047) to carry out the purposes mentioned in section 3 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," was announced as next in order.

Mr. OVERMAN. I object.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 778) to amend an act entitled "An act to establish the Glacier National Park in the Rocky Mountains south of the international boundary line, in the State of Montana, and for other purposes," approved May 11, 1910, was announced as next in order.

Mr. OVERMAN. I object.

The PRESIDING OFFICER. The bill will be passed over.

LANDS IN WASHINGTON.

The bill (S. 5615) granting certain lands to the board of park commissioners of the State of Washington for park purposes, was announced as next in order.

Mr. OVERMAN. I object.

Mr. JONES. Mr. President, I hope the Senator will not object to the consideration of that bill. It is simply a local bill, granting a small amount of land in the State of Washington for public-park purposes. It is a short bill.

Mr. MYERS. I hope, too, that the Senator will not object. This is a bill reported from the Committee on Public Lands. We have to put these little bills through at some time.

The PRESIDING OFFICER. Does the Senator from North Carolina insist upon his objection?

Mr. OVERMAN. I withdraw the objection. I think we ought to adjourn, though.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands, with amendments, on page 1, line 3, after the word "the," to strike out "Board of Park Commissioners of the," and, in line 6, page 1, after the word "acres," to insert "*Provided*, That whenever these lands shall cease to be used as a public park by the said State of Washington, or the same shall be devoted to other uses, the title thereto shall revert to the United States free and clear of all incumbrance," so as to make the bill read:

Be it enacted, etc., That there be, and there is hereby, granted to the State of Washington for park purposes all of section 26, township 25 north, range 21 east of the Willamette meridian, except the south one-half of the southeast one-quarter of said section; in all, 560 acres: *Provided*, That whenever these lands shall cease to be used as a public park by the said State of Washington or the same shall be devoted to other uses the title thereto shall revert to the United States free and clear of all incumbrance.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting certain lands in the State of Washington for park purposes."

BILL PASSED OVER.

The bill (S. 790) to repeal an act entitled "An act to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes," was announced as next in order.

Mr. OVERMAN. I object.

The PRESIDING OFFICER. The bill will be passed over.

MISSOULA NATIONAL FOREST, MONT.

The bill (S. 5082) adding certain lands to the Missoula National Forest, Mont., was announced as next in order.

Mr. OVERMAN. I object.

Mr. MYERS. Do I understand that this bill is objected to?

Mr. OVERMAN. Yes. However, I see that it is a bill reported by the Senator from Montana and is from his home town.

Mr. MYERS. It is a very harmless little bill.

Mr. OVERMAN. I withdraw the objection.

Mr. MYERS. I thank the Senator.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments, on page 1, line 3, after the word "following" to strike out "described areas, namely," and insert "unsurveyed areas which, by protraction of the public surveys in adjoining townships, would probably be described as," and on line 7, page 1, after the word "west," to strike out "Montana principal meridian" and insert "and," so as to make the bill read:

Be it enacted, etc., That the following unsurveyed areas which by protraction of the public surveys in adjoining townships would probably be described as section 1, section 2, section 11, and section 12, all in township 9 north, range 15 west, and section 25, section 35, and section 36, all in township 10 north, range 15 west, Montana principal meridian, be, and the same are hereby, included in and made a part of the Missoula National Forest, subject to all prior valid adverse rights, and that said lands shall hereafter be subject to all laws affecting national forests.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 5772) to provide for the sinking of artesian wells, and for other purposes, was announced as next in order.

Mr. OVERMAN. I object.

The PRESIDING OFFICER. The bill will be passed over.

Mr. MYERS. Mr. President, I hope the Senator will withdraw his objection unless he is making it understandingly, and really has a valid objection to the bill. It is a meritorious bill.

Mr. OVERMAN. My recollection is that we had quite a debate on this bill at the last session.

Mr. MYERS. Oh, no; not on this bill. This has never been introduced before.

Mr. OVERMAN. This is a bill providing for the sinking of artesian wells, is it not?

Mr. MYERS. Yes, sir; in a district which is very arid.

Mr. OVERMAN. I think it ought to go over.

Mr. MYERS. It is strongly recommended by the Interior Department.

Mr. OVERMAN. I object to it, Mr. President.

Mr. MYERS. It is unanimously recommended by the members of the Senate Committee on Public Lands who were present when it was considered.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

The bill (H. R. 4866) for the relief of Julia R. Goodloe was announced as next in order.

Mr. OVERMAN. I object.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 782) granting additional rights to settlers on reclamation projects was announced as next in order.

Mr. OVERMAN. I object.

The PRESIDING OFFICER. The bill will be passed over.

VALIDATION OF HOMESTEAD ENTRIES.

The bill (S. 5379) validating certain homestead entries was announced as next in order.

Mr. OVERMAN. I object.

Mr. SMITH of Arizona. I move that we adjourn. There is no use in going further with the calendar.

Mr. MYERS. Mr. President, let me have a word with the Senator from North Carolina.

Mr. OVERMAN. The Senator from Montana is interested in almost every bill that comes up.

Mr. MYERS. This is a bill carrying no appropriation. There can be no objection to it. It simply validates the title——

The PRESIDING OFFICER. The Senator from Montana is not in order.

Mr. MYERS. I will ask the Senator from North Carolina if he will not withdraw his objection to Senate bill 5379?

Mr. OVERMAN. Very well; let the Senator pass it.

The PRESIDING OFFICER. Does the Senator from North Carolina withdraw his objection?

Mr. OVERMAN. I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments, to insert two new sections at the end of section 1, so as to make the bill read:

Be it enacted, etc., That all pending homestead entries made in good faith prior to January 1, 1916, under the provisions of the enlarged-homestead laws, and all rights to enter land under said laws, based on settlement made thereon in good faith before said date and while the land was unsurveyed, by persons who before making such enlarged-homestead entry had acquired title to land under the homestead laws and therefore were not qualified to make an enlarged-homestead entry or such settlement, be, and the same are hereby, validated, if in all other respects regular, in all cases where the original homestead entry was for less than 160 acres of land: *Provided*, That no settlement claim shall be validated hereby where adverse claim for the land has been initiated before the passage of this act.

SEC. 2. That no homestead entry heretofore made under the provisions of section 2 of the act of Congress entitled "An act for the relief of the Colorado Cooperative Colony, to permit homestead entries in certain cases, and for other purposes," approved June 5, 1900, shall be canceled for the reason that the former entry made by the entryman was commuted under the provisions of an act entitled "An act relating to the public lands of the United States," approved June 15, 1880 (21 Stat., p. 237). And all entries heretofore canceled on the ground that an entryman who commuted under the provisions of said act of June 15, 1880, is not entitled to the benefits of the act of June 5, 1900, shall be reinstated upon a showing by the entryman or his heirs, within one year from the approval of this act, that there were no valid grounds for the cancellation of such entries except that a former entry was perfected under the act of June 15, 1880, in all cases where valid adverse rights have not attached to the lands covered by such second entries since the date of their cancellation.

SEC. 3. That the provisions of the act approved March 3, 1911 (36 Stat. L., p. 1084), are hereby extended to a period of six months after the passage of this act, provided that proper application for reinstatement of the homestead entries mentioned in section 1 of said act or for the exercise of preference right mentioned in section 11 shall be filed in the proper land office within the said period of six months.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. OVERMAN. Mr. President, I want to say that if there is any other Senator who desires to have any particular bill on the Calendar passed, I shall be glad to have him bring it to the attention of the Senate.

PUBLIC BUILDING AT TAYLOR, TEX.

Mr. CULBERSON. I ask unanimous consent for the present consideration of Senate bill 5447.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent for the present consideration of a bill the title of which will be stated by the Secretary.

The SECRETARY. A bill (S. 5447) providing for the erection of a public building at Taylor, Tex.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. FLETCHER. Mr. President, I am not going to object to the consideration of this bill, but I have been waiting here all day to get to Order of Business 454, House bill 13112. The only objection to the motion to take it up this morning was because the motion was premature, and was made out of order. There is no objection to the bill, and I want to call attention to the fact that I am going to ask to take up Order of Business 454, because I have waited here all day to get it up.

Mr. CULBERSON. I simply made the request that I did because I understood we were about to adjourn.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds, with amendments, on line 6, after the words "post office," to insert "Department of Agriculture, and Civil Service Commission," and on line 12, after the words "sum of," to strike out "$75,000," and insert "$60,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to erect a suitable building, with fireproof vaults therein, for the use and accommodation of the post office, Department of Agriculture, and Civil Service Commission, in the city of Taylor, State of Texas, upon the site now owned by the United States in said city.

The plans, specifications, and full estimates for said building shall be previously made and approved according to law and shall not exceed, for building complete, the sum of $60,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT TO THE SEAMEN'S ACT.

Mr. FLETCHER. Mr. President, I now ask unanimous consent for the present consideration of House bill 13112, to amend section 14 of the seamen's act of March 4, 1915. It will take only a moment to dispose of it. There is no objection to the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Th Secretary read the bill, as follows:

Be it enacted, etc., That section 14 of the seamen's act of March 4, 1915, be amended by striking out subdivisions 3 and 4 of subsection headed "Life jackets and life buoys," regarding the numbers of life buoys with which steamers navigating the ocean, or any lake, bay, or sound of the United States shall be equipped, and inserting, in lieu thereof, the following:

"Third. The minimum number of life buoys with which vessels are to be provided is fixed as follows:

"Vessels under 100 feet in length, minimum number of buoys, 2; vessels 100 feet and less than 200 feet in length, minimum number of buoys, 4, of which 2 shall be luminous; vessels 200 feet and less than 300 feet in length, minimum number of buoys, 6, of which 2 shall be luminous; vessels 300 hundred feet and less than 400 feet in length, minimum number of buoys, 12, of which 4 shall be luminous; vessels 400 feet and less than 600 feet in length, minimum number of buoys, 18, of which 9 shall be luminous; vessels 600 feet and less than 800 feet in length, minimum number of buoys, 24, of which 12 shall be luminous; vessels 800 feet and over in length, minimum number of buoys, 30, of which 15 shall be luminous.

"Fourth. All the buoys shall be fitted with beckets securely seized. Where two buoys only are carried, one shall be fitted with a life line at least 15 fathoms in length, and where more than two buoys are carried, at least one buoy on each side shall be fitted with a life line of at least 15 fathoms in length. The lights shall be efficient self-igniting lights which can not be extinguished in water and they shall be kept near the buoys to which they belong, with the necessary means of attachment."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FLETCHER. Mr. President, I should like to have the report of the House committee printed in connection with the bill.

The PRESIDING OFFICER. In the absence of objection, that may be done.

The report is as follows:

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, submitted the following report:

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 13112) to amend section 14 of the seamen's act of March 4, 1915, having considered the same, report it to the House with the recommendation that it do pass.

The bill amends subdivisions third and fourth of subsection 14, headed "Life jackets and life buoys," as regards the number of life

buoys with which steamers navigating the ocean or any lake, bay, or sound of the United States shall be equipped.

The third subsection referred to provides that the minimum number of life buoys on vessels under 400 feet in length shall be 12. The bill divides vessels under 400 feet in length into four classes, and provides the minimum number of life buoys with which vessels in these classes shall be as follows:

"Vessels under 100 feet in length, minimum number of buoys 2; vessels 100 feet in length and under 200 feet in length, minimum number of buoys 4, two of which shall be luminous; vessels more than 200 feet and under 300 feet in length, minimum number of buoys 6, of which two shall be luminous; vessels 300 feet and under 400 feet in length, minimum number of buoys 12, of which four shall be luminous."

The fourth subdivision is amended to conform in the matter of life buoys and life lines to subdivision 3 as amended by the bill.

Section 14 of the seamen's act contains the provisions of the International Convention on Safety of Life at Sea in respect of lifeboats, floats, rafts, life preservers, and other life-saving appliances and equipment, adopted at London, England, in January, 1914, to which this Government was a party. The convention was framed to apply to vessels of the signatory nations in the overseas trade. The committee in drafting section 14 of the seamen's act modified the provisions of the London convention in respect to vessels in our coastwise trade and on lakes, bays, and sounds, but overlooked the requirements as to life buoys on vessels under 400 feet in length.

Most of the vessels in the overseas trade are 300 feet long or over, and the provisions of the convention may reasonably apply to them. The same reason does not apply to the smaller vessels and particularly those on our lakes, bays, and sounds.

The seamen's act went into effect as to vessels of the United States on November 1, 1915, and when the provisions as regards life buoys were called to the attention of vessel owners by the Steamboat-Inspection Service they complained that they were unnecessarily severe and would work a hardship upon them. The owners of tug boats claimed that their crews are small and the spaces where the buoys might be placed were very limited.

A meeting of the representatives of the interests affected was held at the office of the Secretary of Commerce in December last, at which the Secretary of Commerce the Supervising Inspector General of the Steamboat-Inspection Service, the Commissioner of Navigation, the chairman of this committee, and a large delegation of agents and owners of vessels affected were present, and the whole question was considered, with the result that it was agreed that the amendments of the law proposed by the bill might reasonably be made and at the same time make ample provision in the matter of life buoys for saving life on vessels to which the bill applies.

M. A. SWEENEY SHIPYARDS & FOUNDRY CO.

Mr. KERN. Mr. President, I have a House bill for the relief of some very worthy people in Indiana, which I am very anxious to have passed before adjournment. It is House bill 13064, for the relief of the M. A. Sweeney Shipyards & Foundry Co.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to the M. A. Sweeney Shipyards & Foundry Co., out of any money in the Treasury not otherwise appropriated, the sum of $2,635, which sum of money is appropriated for this purpose, the same being the amount of money withheld by the Government from said firm for building and constructing a steamboat named *John Ewens*.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL REUNION AND PEACE JUBILEE, VICKSBURG NATIONAL MILITARY PARK.

Mr. THOMAS. I ask unanimous consent to call up Order of Business 436, Senate bill 4176, authorizing and directing the Secretary of War to make certain provisions for the care of Federal and Confederate veterans.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

A bill (S. 4176) authorizing and directing the secretary of War to make certain provisions for the care of Federal and Confederate veteran soldiers who served in the War between the States, 1861 to 1865, to enable them to unite in participation of a national reunion and peace jubilee to commemorate the victories and virtues resulting in the half century of peace and prosperity to the American Nation, to be held in the national domain within the Vicksburg National Military Park, October 16, 17, 18, and 19, 1917.

Whereas a memorial celebration and peace jubilee was held at Gettysburg, Pa., on the fiftieth anniversary of the battle fought at that place during the War between the States in July, 1913, and such celebration gave to the veterans of the Union Army, known as the Army of the Potomac, and the Confederate Army, known as the Army of the Virginia, an opportunity in such a gathering of peace and unity; and

Whereas coincidently with that battle an equally important event to this country occurred in July, 1863, in the siege and defense of Vicksburg, the survivors of the Armies of the Tennessee and of the Mississippi, who participated in that siege, now desire to join in a national memorial celebration and peace jubilee to commemorate the victories and virtues leading to the half century of peace and prosperity to the American Nation, and, further, to strengthen the fraternal ties of brotherly amity in a United Nation of States: Therefore

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed as follows:

First. To provide and furnish all necessary sewerage, sanitation, and hospital service for health and accommodation of persons attending upon such occasion.

Second. To provide and furnish all necessary camp and garrison equipment for visiting veterans of the Civil War, together with all necessary rations and supplies, properly prepared and served, for such veterans during said celebration.

SEC. 2. That the steps hereinbefore authorized to be taken by the War Department shall be fully completed before the 14th day of October, 1917, and that all camp equipment, including tents, supplies, and rations shall be fully ready for occupancy and use.

SEC. 3. That the National Association of Vicksburg Veterans, formed in the city of Chicago, Ill., August 9, 1913, shall have charge of the order of exercises during the celebration; that the physical control of the camp and grounds and the movement of the troops and marching bodies therein shall be in the hands of the Secretary of War, under such officers as he may detail for that purpose.

SEC. 4. That there is hereby appropriated from the Treasury of the United States, out of funds not otherwise appropriated, such sum as may be necessary to carry out the foregoing provisions of this act, not exceeding the sum of $150,000: *Provided*, That out of the said sum of $150,000 thus appropriated no part thereof shall be available or expended for the purpose provided in this act until after January 1, 1917.

SEC. 5. That the Secretary of War is hereby authorized to reimburse and pay, out of the funds herein appropriated, the traveling expenses of the members of the council of administration or of the executive committee of the National Association of Vicksburg Veterans for journeys authorized by him to be taken in attendance upon meetings in the interest of this celebration. *Provided*, That the number of members shall at no time exceed seven at any one meeting.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PORTLAND, VANCOUVER & NORTHERN RAILWAY CO.

Mr. JONES. Mr. President, Order of Business 470, Senate bill 4550, is a purely local bill, and one of considerable urgency. I ask unanimous consent that it may be taken up and considered. It is a bill granting to the Portland, Vancouver & Northern Railway Co. a license to cross the Vancouver Barracks Military Reservation at Vancouver, Wash.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

The PRESIDING OFFICER. The amendments of the committee will be stated.

The SECRETARY. On page 2, after line 16, the committee proposes to strike out all of section 3 as it appears in the bill, and in lieu thereof to insert:

SEC. 3. That the work shall be begun within one year after the approval of this act, and within 90 days after the approval of this act the said railway company shall furnish a bond to the satisfaction of the Secretary of War conditioned for the completion of the said railroad and other works mentioned herein across said reservation within two years after the approval of the said bond by the Secretary of War.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. On page 3, after line 6, the committee proposes to strike out all of section 4, and in lieu thereof to insert:

SEC. 4. That the work herein authorized shall be constructed in such manner, of such character, and with such spurs, switches, and crossings as may be prescribed by the Secretary of War, and shall be maintained and operated subject to such rules and regulations as he or the commander at the said post may from time to time prescribe.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. After the amendment just agreed to, the committee proposes to insert a new section, as follows:

SEC. 5. That the licensee shall bear one-third of the cost of macadamizing Fifth Street and the public road on the eastern boundary of the reservation for the distance they occupy said street and road; macadamizing of said street and road to be of such width as may be prescribed by the Secretary of War. The licensee shall bear one-third of the cost of maintenance of said street and road in addition to maintaining the space between the rails at all times in good condition for vehicle traffic.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. After the amendment just agreed to, on page 4, line 3, the committee proposes to change the number of the section from "5" to "6," and on line 5, after the word "road," to insert "work, lighting of track on roadway without expense to the United States," so as to make the section read:

SEC. 6. That the maintenance and operation of said railway within the limits of the reservation, including all road work, lighting of track on roadway without expense to the United States, and other work required to be done by the licensee in accordance with the provisions and conditions of this instrument, or deemed necessary or advisable by the Secretary of War, shall be subject to the supervision and approval of the post commander and to such regulations as he may from time to time prescribe in the interests of good order, police, sanitation, discipline, public safety, and the conservation of the interests of the Government.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. The committee also proposes to change the numbers of sections 6 and 7 to 7 and 8, respectively, in accordance with the amendments made.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. OVERMAN. I move that under the unanimous-consent agreement the Senate adjourn.

Mr. BANKHEAD. Pending that, I ask unanimous consent that the Senate proceed to the consideration of House bill 10484, commonly called the Post Office appropriation bill.

Mr. OVERMAN. I object.

The PRESIDING OFFICER. Objection is made.

Mr. OVERMAN. I move that the Senate adjourn, in accordance with the unanimous-consent agreement.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.), under the order previously made, the Senate adjourned until Thursday, June 8, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 3, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art from everlasting to everlasting, through whose eternal energy all things are evolved, guide us by Thy counsels through this day that our thoughts, words, and deeds may harmonize with Thy will. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

PREPAREDNESS, PATRIOTISM, AND FLAG DAY.

Mr. HULBERT. Mr. Speaker, I ask unanimous consent that I may address the House for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. HULBERT. As the RECORD stands, it would appear from interrogatories which I propounded to the gentleman from Maryland [Mr. LINTHICUM] yesterday that I was opposed to the spirit of the canvass which was conducted by a newspaper in Baltimore upon the subject of preparedness. Prior to the convening of this session of Congress I sent out to every registered voter in the twenty-first congressional district of New York, which I have the honor to represent, a list of questions, which I ask unanimous consent to insert in the RECORD, to which I have received over 7,000 replies, indicating that at least 80 per cent of the people in my district favored an increase in the Army and 90 per cent favored an increase in the Navy.

List of questions sent out to constituents:

1. Do you favor an increase in the Army?
2. To what extent?
3. Do you favor an increase in the Navy?
4. To what extent?
5. Do you approve the foreign policies of the administration:
(a) As to Germany in connection with the submarine controversy?
(b) As to Great Britain in connection with trade questions?
(c) As to Haiti?
(d) As to Mexico?
(e) As to Japan?
6. Do you favor an embargo on the exportation of munitions of war?
7. Do you favor a tax upon the manufacture of munitions of war for export?
8. Do you favor any changes in the tariff?
9. Do you favor continuance of the duty on sugar?
10. Would you be opposed to placing a duty on matches, both for the purpose of raising revenue and as a matter of safety in the regulation of their manufacture and sale?
11. Do you favor the withdrawal of the United States from the Philippines?
12. Do you favor the adoption of an amendment to the Federal Constitution granting suffrage to women?
13. Do you favor the adoption of an amendment to the Federal Constitution prohibiting the sale of liquor?
14. Do you favor the administration's ship-purchase bill?
15. Do you favor a special bond issue in order to secure an appropriation for the improvement of the Harlem and East Rivers to increase the commercial benefits of New York Harbor?
16. Do you approve of the assignment by the Secretary of War of an Army officer to orphan asylums and juvenile correctional institutions for the instruction of its inmates in the rudiments of military tactics?
17. Do you favor the use of public buildings for the education of special classes of aliens seeking citizenship in the patriotic history and rudiments of our governmental institutions?
18. Will you serve on a committee to promote civic interests of a national character in the district?

Name ——— ———.
Address ——— ———,

(Please fill out, sign your name as above, and mail to Congressman MURRAY HULBERT, 457 House Office Building, Washington, D. C.)

While upon the subject of preparedness I desire to place in the RECORD two letters written by me to the Secretary to the President of the United States upon the issuance of a proclamation relative to the 14th of June as Flag Day and requesting its observance, which action I took on behalf of the Benevolent and Protective Order of Elks, together with the proclamation of the President in accordance therewith, dated the 30th of May:

MARCH 18, 1916.

Hon. JOSEPH P. TUMULTY,
Secretary to the President, White House.

MY DEAR MR. TUMULTY: During my incumbency of the office of exalted ruler of New York Lodge, No. 1, I inaugurated a beautiful patriotic service and held same on June 14, 1912, to commemorate the birthday of the American flag. Since that time the grand lodge of the Benevolent and Protective Order of Elks has made the observance of this date in like manner compulsory in every one of the 1,400 lodges throughout the country under penalty of forfeiture of charter.

Articles have recently appeared with great frequency in various magazines and periodicals commenting upon the fact that the patriotism of this country was on the wane, but if this be true there has since been a noticeable acceleration.

In November of each year the President issues a proclamation calling upon all citizens to observe the last Thursday of November as the date upon which they should rightfully give thanks to Almighty God for the blessings He has bestowed upon them. May I not suggest with equal propriety, and hope that the President may deem it meet and proper to issue a proclamation in due course, calling up on all citizens of the United States to observe June 14, 1916, at least by displaying from every household and place of business the American flag and calling upon the people to arrange and participate in such patriotic services as they may, in their respective communities, deem advisable. Five hundred thousand members of the Benevolent and Protective Order of Elks, loyal citizens of the United States of America, would appreciate this service on the President's part in recognizing officially the day and date which they have been the first to dedicate to the patriotic cause of true Americanism.

Assuring you of my sincere appreciation of any personal effort you may show in this subject, I remain,

Cordially, yours,
MURRAY HULBERT.

MAY 26, 1916.

Hon. JOSEPH P. TUMULTY,
Secretary to the President, White House.

MY DEAR JOE: Some time since I took up with you the matter of asking the President to request the people, by public proclamation, to observe our National Flag Day on June 14. This is not a political or partisan matter but it seems to me making acknowledgment to our patriotism on this date as we acknowledge our gratitude to Almighty God on Thanksgiving Day.

My activity, as you know, has been stimulated by the fact that while exalted ruler of New York Lodge, No. 1, Benevolent and Protective Order of Elks, the mother lodge of Elkdom, I instituted a public, ritualistic ceremony which since has been adopted by the grand lodge and is observed in every one of the 1,400 lodges throughout the country and participated in by more than 500,000 American citizens, members of the order. I have received hundreds of communications from other patriotic organizations supplementing my endeavors, and I believe it would be in keeping with the policy of Americanizing the hundred million people who live under Old Glory if the President would take favorable action upon this request, and it certainly will not be setting a precedent that will be hard to follow, because no other similar appeal can be made to him founded upon any less worthy and patriotic cause. With kind personal regards, I remain,

Sincerely, yours,
MURRAY HULBERT.

WHITE HOUSE,
Washington, June 2, 1916.

Hon. MURRAY HULBERT,
House of Representatives.

MY DEAR MURRAY: Referring to your letters of March 18 and May 26, to your several talks with me, and your personal conference with the President on May 9, I have much pleasure in sending you herewith a copy of the proclamation which the President issued on May 30 suggesting the special observance of June 14 as Flag Day. I am sure this will please you, because I know how deeply interested you have been in this matter and how urgently you have pressed for this action.

Sincerely, yours,
J. P. TUMULTY,
Secretary to the President.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA—A PROCLAMATION.

MY FELLOW COUNTRYMEN: Many circumstances have recently conspired to turn our thoughts to a critical examination of the conditions of our national life, of the influences which have seemed to threaten to divide us in interest and sympathy, of forces within and forces without that seemed likely to draw us away from the happy traditions of united purpose and action of which we have been so proud. It has therefore seemed to me fitting that I should call your attention to the approach of the anniversary of the day upon which the flag of the United States was adopted by the Congress as the emblem of the Union, and to suggest to you that it should this year and in the years to come be given special significance as a day of renewal and reminder, a day upon which we should direct our minds with a special desire of renewal to thoughts of the ideals and principles of which we have sought to make our great Government the embodiment.

I therefore suggest and request that throughout the Nation and, if possible, in every community the 14th day of June be observed as Flag Day, with special patriotic exercises, at which means shall be taken to give significant expression to our thoughtful love of America, our comprehension of the great mission of liberty and justice to which we have devoted ourselves as a people, our pride in the history and our enthusiasm for the political program of the Nation, our determination to make it greater and purer with each generation, and our resolution to demonstrate to all the world its vital union in sentiment and purpose, accepting only those as true compatriots who feel, as we do, the compulsion of this supreme allegiance. Let us on that day rededicate ourselves to the Nation, "one and inseparable," from which every thought that is not worthy of our fathers' first vows of independence, liberty, and right shall be excluded, and in which we shall

stand with united hearts for an America which no man can corrupt, no influence draw away from its ideals, no force divide against itself, a Nation equally distinguished among all the nations of mankind for its clear, individual conception alike of its duties and its privileges, its obligations and its rights.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 30th day of May, in the year of our Lord 1916 and of the independence of the United States of America the one hundred and fortieth.

[SEAL.] WOODROW WILSON.

By the President:
ROBERT LANSING,
Secretary of State.

I am also reminded of the fact that this is the birthday of Jefferson Davis, who will presently be eulogized, and in that connection I am going to ask, further, that I be permitted to have read from the Clerk's desk this poem, entitled "One Flag."

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

ONE FLAG.

Never since fratricidal strife reddened our riven land,
When the flames of hate that brothers felt by the winds of war were fanned,
Has the day that we give to memories of a time when men were tried
In a furnace that cleansed the soul of them so filled our hearts with pride.

Pride that is sprung from the fervor of a vow renewed to-day
For a flag that flies for men to see that there is no foe in gray;
Our Northland graves are dear to us, but under the sycamore trees
From mounds where sleep the Southern brave 'tis one flag meets the breeze.

—Edward S. Van Zile.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5645. An act for the establishment of Noyes, in the State of Minnesota, as a port of entry and delivery for immediate transportation without appraisement of dutiable merchandise; and

S. J. Res. 139. Joint resolution making Wednesday, the 14th day of June, 1916, a legal holiday in the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 755. An act to incorporate the Boy Scouts of America, and for other purposes; and

H. R. 12835. An act to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic of Haiti, and for other purposes.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5645. An act for the establishment of Noyes, in the State of Minnesota, as a port of entry and delivery for immediate transportation without appraisement of dutiable merchandise; to the Committee on Ways and Means.

S. J. Res. 139. Joint resolution making Wednesday, the 14th day of June, 1916, a legal holiday in the District of Columbia; to the Committee on the District of Columbia.

THE WILSON ADMINISTRATION.

Mr. ADAMSON. Mr. Speaker, in 1910 a Democratic House of Representatives terminated 16 years of uninterrupted Republican misrule. The Sixty-second Congress was more or less stormy, but the wise conduct of the Democrats, aided by discord in the dismembered Republican Party, split and floundering after its revelry of misdeeds and repudiated by the people, resulted in the election of a Democratic President and a Democratic Senate, with an overwhelmingly increased Democratic majority in the House for the Sixty-third Congress.

So small a number of States voted for either of the Republican candidates that the Electoral College was well-nigh unanimous for Woodrow Wilson and Marshall. The result was salutary for the country. The beginning of the Wilson administration ushered in a new era of good will in the United States. The iniquities of one-man rule in the House had been corrected during the Sixty-second Congress, though a Republican President was still in the White House and reform legislation during that Congress was impossible. The Underwood tariff bill, the first triumph of the Democratic administration, was the most fortunate legislative construction since the Walker tariff. The protectionists, who had long propped their dynasty with the false assertion that the Democratic Party was a free-trade party, were surprised to learn the truth—that the Democratic Party was a taxation party, believing that everything that entered our ports to compete with the products of our citizens ought to share with our own products in sustaining the burdens of the Government, and therefore everything ought to be taxed at a proper rate except a few absolute necessaries, luxuries being taxed most highly and necessaries at a much lower rate. Yet such taxation as was imposed inevitably and unavoidably carried some degree of incidental protection; enough, in fact, to satisfy any honest man. So that the protectionists were pleased and surprised to find that the Underwood bill did not verify their prediction and destroy their business. On the other hand, the reductions were so wise and beneficial, the removal of inequalities so general and salutary, that universal relief was realized by the people.

Freed from the shackles and bars of protection which excluded them from foreign markets our people were no longer the slaves of special interests which controlled both exports and imports, but were free to sell or exchange in all the markets of the world the boundless productions of our matchless industry and resources. So that the Underwood tariff bill was really a popular measure, the most satisfactory in 60 years. It not only permitted general prosperity among the people which increased by leaps and bounds but was a successful revenue producer, fully satisfying the demands of the Treasury. The most striking manifestation of the beneficence of the Underwood tariff was its remarkable effect upon the price of cotton. That great staple in all times of peace makes the cash balance of trade in favor of our country. For the first time in history, except during the Civil War and immediately following, when the world had lost four crops, cotton advanced immediately after the enactment of the Underwood tariff bill, so that in September and October, 1913, it commanded 12 and 13 cents per pound, absolutely unprecedented, and maintained that price until the breaking out of the universal war in 1914 obstructed the channels of commerce and temporarily closed our markets for cotton. Fortunately the genius of commerce recovering from the shock has adjusted its operations and necessities to the demands and exigencies of prolonged war so that not only has cotton recovered in price but the abnormal derangement of our revenues has been largely corrected so that cotton is again commanding a living price, and the Treasury is again receiving ample revenues for ordinary uses, not, of course, including increased expenses of our extraordinary preparations for the Army and Navy, in making which the Democrats have exhibited rare wisdom, prudence, and patriotism regardless of hysterical sensationalism of the jingoes on one side and criminal parsimony and obstruction of the pacificist on the other.

The companion piece of beneficial legislation exhibiting, as far as we know the consummation of human wisdom, was the Federal reserve act, which decentralized the control of money, guaranteed a sufficient supply for general distribution, and made it impossible for special interests to control it and produce shortage and panics. The one possible mistake was not in what the bill contained, but what it failed to contain. A number of us insisted all through the preparation of that legislation that it should include a provision specially adapted for the benefit of farmers, that it should provide for long-term loans on farmland security at low rates of interest. We insisted that the idea could consistently be incorporated in the system without injury to the general banking and commercial features of the scheme and could be administered with very little additional cost. While we failed at that time in that, we did succeed in providing for recognition of some farm products as bases of security, but not for accommodation rate of interest nor time necessary to help the farmer. If we could have succeeded at that time in our effort we could have prevented a terrible loss to the cotton producers, inflicted by the slump in price from 13 to 6 cents per pound following the breaking out of general war.

But we could not do all things at once, nor could we anticipate the war. No man could see a war cloud as big as a man's hand. Many men of many minds were unable to agree at that time, but we were pledged to some relief of that sort, and we kept working at it until we are now assured of success in legislating for farm loans. Though we can not reach back into the past and correct former errors and recoup or refund the losses already sustained, we hope to prevent their repetition in the future.

With the change of administration and a safer Democratic majority in both Houses, we succeeded in correcting the monu-

mental mistake we had made under the Taft administration in violating the equality pledge in our treaties as to canal tolls, which would have robbed the people of this country and our Treasury of two or three million dollars a year for the benefit of the opulent special interests which exclusively operate in the coastwise trade. We also during the Sixty-third Congress established a Federal Trade Commission, by which we hope so to *administer* present and future laws as largely to eliminate unfair and corrupt practices in interstate trade and render more healthy, as well as profitable, the domestic commerce of this country.

The correction and extension of the antitrust law was also a triumph of the Wilson administration. Time is too short to enumerate all the beneficial enactments so wise and so generally accepted that most of them received strong support on the Republican side of the House. In fact, there was very little strenuous opposition or lack of harmony until the ship bill, so essential to the commercial prosperity of our country met with such stubborn partisan opposition that the country has never been able to understand it. When the general war commenced there were only six ships of any consequence flying the American flag engaged in foreign trade. Under the free-ship provision of the Panama Canal act, hastily amended in 1914, something like 150 or 200 ships came under the flag; but having difficulty about insurance on account of the mines and torpedoes in the war zone, they could secure no cargoes, and were unwilling to venture anyway, for while ordinary marine insurance companies could insure ordinary marine risks, they were unable and unwilling to underwrite war risks in the war zone. So commerce remained at a standstill. Therefore Congress created an Insurance Bureau in the Treasury Department. Diligent and malicious misrepresentations have been made about this, but it was fully understood in Congress. Its wisdom and necessity were recognized and received the support of all shades of opinion. It has been falsely charged that the provision was for the benefit of speculators, and that they had deprived the producers of cotton at a low price, and special favor to the speculators was argued from the fact that cotton was insured at 10 cents per pound.

The truth is the insurance bill was introduced in August, 1914, when the cotton was still in the field unpicked, and the price was alleged to be so low that it was not worth the picking, and the reason the bill was introduced and passed was to encourage the farmers to pick their cotton, with the assurance that it might be carried to a profitable market. Whenever insurance was applied for, the bureau in the Treasury did not inquire who was the personal owner of the cotton, but it was insured at the valuation placed on it by the applicant who paid a premium in proportion to the value fixed. It was valued at 10 cents per pound because insurance was to operate in the war zone in Europe and not in this country, and cotton never was worth as little as 10 cents after it safely passed the war zone. It may comfort those who have been urging the false statements about this insurance bureau to know that the Treasury realized a net profit of more than 100 per cent on its insurance transactions. But having secured ships under the flag, with insurance for the ships and the cargo, ship owners, realizing their monopoly, raised their rates of freight to prohibitive figures. A bale of cotton, formerly carried for $1.70, was charged $17, and everything else in proportion. The protection of our people and the salvation of our commerce imperatively demanded relief. The emergency could only be relieved by a line of Government-owned ships. We did not necessarily need a $100,000,000 appropriation. What we needed was some legislation authorizing the construction or purchase and operation of some ships. A dozen ships placed upon the ocean accompanied by authority to start more, if necessary, would have brought instaneous relief—freight charges would have toppled at once. The question of temporary or permanent ownership and operation was immaterial. If Congress had given authority for the operation of a dozen ships we could have controlled the situation in the interest of our people until the emergency passed, and then the benefits and profits to our people would have been so vast as to make little difference as to what we did with the ships. If we had given them away or burned them up, the benefits to our people would still have justified the venture. However, we failed to pass the ship bill then, but it seems now that we are certain of success.

The only other measure stubbornly antagonized in the Sixty-third Congress, but the first and only one on which the Republicans could solidly organize opposition, was the war-revenue measure. If President Wilson had been a temporizing politician instead of a profound and honest statesman, he would have devised means to tide over the emergency for two months and wait until after the 1914 election to insist on that measure. But conditions abroad had suddenly interrupted our revenues and the Treasury was in a depleted condition. Something had to be done, and rather than try to fool the people by selling bonds or resorting to other means to pass the crisis he bravely and honestly faced the music and told Congress and the country the true condition and asked for a tax to relieve the shortage. He knew that the taxes to be levied would be unpopular, and he knew that his action would be misunderstood and that the Democratic majority in the House would be reduced in the November election because the people would not have time to learn the truth of the situation. If he had allowed that measure to wait until after the election, the Democratic majority in the Sixty-third Congress would have been maintained in the Sixty-fourth Congress. The Republicans also knew that; they knew the unpopular character of the taxes levied; they knew by acting the rôle of demagogue and attacking the taxing bill they could reap political advantage, if not win the House. Unfortunately they did not share the President's patriotism and candor and rise to the height of his principles and conduct. Unfortunately the war continued, the shortage also continued for awhile, and we had to extend the war-revenue measure, but we will soon supplant that by a new revenue bill, which will eliminate the most objectionable features. In the meantime the people have had an opportunity to learn the truth of the situation, and they are not likely to repeat their 1914 mistake in the next election.

So many beneficent measures were enacted during the Wilson administration that there is neither time nor necessity to enumerate them. The Agricultural Committee has been busy; so have the Committees on Good Roads and Flood Control. I have the individual happiness, after having introduced more good-road bills, perhaps, than any other Congressman ever did, to see the fruition of my hopes and labors in the result of the conference committee now at work on the differences between the two Houses on the good-roads bill. I also feel peculiar pleasure in my cooperation in the legislation on cotton, cotton warehouses, regulation of cotton exchanges, immigration, and other measures designed, not only for the protection but for the promotion of the prosperity of the farmers, the laborers, the common people, the backbone and sinew of the country and the hope of our institutions for the future.

Mention of some measures to the exclusion of others need not be construed as invidious comparison or discrimination, but the creation of the Coast Guard should not be overlooked as perhaps our most valuable instrumentality in time of peace and most reliable defense in time of war. Our administration has not failed to look after the maintenance and upbuilding of all the departments, not least among which is the organization and administration of the Department of Labor.

The most brilliant and glorious accomplishments, however, of our administration have been the diplomacy of Woodrow Wilson. Our adversaries have been so inconsistent in their criticism as not to be able to hold any one position. Woodrow Wilson found our Sister Republic, Mexico, distracted and riven by revolutions and bandit factions. There was no established accredited head of the Government. There was no occasion or pretense of war between the United States and Mexico. Occasionally an innocent bystander over the border was injured and there was no Mexican Government for us to hold responsible or to make war upon. The wise plan of watchful waiting was inherited from the Taft administration—about the only valuable thing that was acquired therefrom. Goaded on by American capitalists and American speculators and adventurers, indiscreet persons denounced watchful waiting and demanded intervention. Finally when Huerta's faction insulted the United States, President Wilson sent the fleet and Army and punished Huerta and his faction. However, he was not making war on Mexico but punishing Huerta and his faction. That expedition was at the time denounced by our political adversaries. Then when we had accomplished our purpose, had held Huerta's chief port, collected several million of his revenues and driven him ignominiously from his capital and his country, we withdrew our forces from Mexico. Then the President was denounced by his adversaries who falsely and foolishly charged that he withdrew without accomplishing his mission. Orators on this floor have loudly sneered that we went there to make Huerta salute the flag and came back without making him do so—foolish and illogical. We informed Huerta that if he did not salute the flag we would punish him. He refused and we proceeded with the punishment. He could not then settle the matter by saluting the flag, because we had entered upon his punishment. We seized his port, collected his revenues, and drove him from power and from the country, and it is not apparent where he had any opportunity to salute the flag or to settle the matter by so doing.

Yet the glory of this administration has been in diplomacy with the European powers. Not only a great administrator at home, Woodrow Wilson has shown as a bright particular star in the firmament of diplomacy. He has conducted the foreign relations of the Government in a superb and masterly manner. He has been able to differentiate with unerring precision between the conduct and demands of the different belligerents, and, in spite of clamor to the contrary, to recognize that the destruction of our commerce by the allies, however serious, was a mere financial matter that could be charged up and protested now and paid for after the war. He also knew and asserted that innovations in warfare which threatened and destroyed the lives of neutrals was more serious than a temporary financial disturbance, and should be challenged at once and denounced with courage and firmness, without regard to cost or results. On his theory of diplomacy he has won signal and glorious triumphs, and will go down in history as a master of statecraft and diplomacy.

There have been few matters of just complaint against the administration. The matter most complained of is attended by very strong mitigating circumstances. What is called the interference with the rural mail service has hit some of us pretty hard. In spite of all my efforts, it has hurt me politically in the district I represent more than all other circumstances combined, and yet I can not find it in my heart to criticize the administration of the Post Office Department. Their motives have been good. Economy has been the controlling motive, and whatever else may be said about it, the revision has been nonpartisan, and the Democrats have been hit as hard as the Republicans, and the South has been hit as hard as the North. The service is so vast, the routes and carriers so numerous, and the population served thereby so immense that the matter of surprise is not that so many mistakes were made, but that so few were made, and that the department had the temerity to undertake the task on so short notice and to be accomplished in such a short time. It was impossible for the inspectors to visit and survey all the localities. Many of the blue prints were antiquated and inadequate, and many of the communities had been metamorphosed since the blue prints were made.

One great mistake the department made was not taking the opinions of the Congressmen in preference to the views of the inspectors and postmasters in those districts where the Congressmen took an interest in the matter and knew all about the situation. But this and every other matter in connection with it are mere details resulting from the one fundamental mistake, to wit, the heresy that the Post Office Department must be a money-maker. It is even an ungodly heresy to assert that it ought to be self-sustaining. It is above all other Government agencies in giving necessary conveniences and accommodations to the people, to the maintenance of which they are willing that their taxes be applied. That truth should be recognized and should guide all administrations. Recognition of that truth would have avoided all troubles and complaints in the Post Office Department. But Gen. Burleson and Gen. Blakslee should not be denounced and execrated by Republicans for pursuing the false doctrine. They inherited the heresy from Republican administrations. For the past 20 years the full efficiency of the Post Office Department has been curtailed, hampered, and crippled by the foolish and unpardonable heresy that the Post Office Department must save money instead of spending money. Congress realizes the truth of the situation and is willing to grant all necessary funds to make the Post Office Service fully efficient and acceptable to the people. The first rule in administering the Post Office Department should be efficiency. The second rule should be, having prescribed an efficient standard, then have the work done as cheaply as possible without any dishonesty or graft. I believe that the present Post Office administration has striven to promote efficiency, handicapped, it is true, by the ever-present idea that it must be self-sustaining. Graft and dishonesty are entire strangers to the present administration of the Post Office Department.

Taken all together, future generations will credit the Wilson administration with the glory of having given the golden age to the American Republic. The universal prosperity which now blesses our people and signalizes the close of the first Wilson administration is unprecedented in this or any other country. The wisdom and moderation of his course, counsel, diplomacy, and general administration are recognized and appreciated by a grateful, prosperous, and glorious people and admired throughout the world, and if history ever records a more brilliant administration than the first term of Woodrow Wilson, it will be found in the second term of that great and glorious President.

EXTENSION OF REMARKS.

Mr. GORDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing so much of the speech of Secretary of War Baker at Columbus, Ohio, recently, as chairman of the Democratic State convention, as pertains to national issues.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing all that portion of the remarks of the Secretary of War delivered as president and chairman of the Ohio State convention, as applies to national politics. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Ohio [Mr. GORDON], who has carefully read this address, whether it covers the same ground that was covered by Secretary McAdoo in the two addresses which have been printed in the RECORD.

Mr. GORDON. I have not read those addresses, but I can assure the gentleman that it does not cover the same ground in the same way.

Mr. MOORE of Pennsylvania. And is upon an entirely foreign subject?

Mr. GORDON. No; but it is a very good speech, I will say to the gentleman, and I commend it to his favorable consideration.

Mr. MOORE of Pennsylvania. Mr. Secretary McAdoo's speech having been twice printed, and apparently being an excellent speech from a Democratic standpoint, what is the object of multiplying the same thing?

Mr. GORDON. This is not the same speech, I can say to the gentleman.

Mr. MOORE of Pennsylvania. It pertains to another phase of the work the Democratic Party has performed during the last three years?

Mr. MANN. Failed to perform.

Mr. ADAMSON. Mr. Speaker, the same theme is inexhaustible; it can go on forever.

The SPEAKER. This is not debatable. Is there objection?

Mr. MOORE of Pennsylvania. No; I do not object.

The SPEAKER. The Chair hears no objection.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and also to print some data in reference to the production of gasoline by the Rittman process, showing the cost to the firms that are using it in the United States, or who are going to use it.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, I suppose this will not contain an excerpt from the report of the Bureau of Mines that, owing to the discovery of Dr. Rittman the price of gasoline will likely go down, a report which was made when gasoline was costing about 9 cents a gallon and it is now costing about 19.

Mr. FOSTER. Mr. Speaker, I will say to my colleague—of course the gentleman knows that was some time ago, and the factories were not then in operation; but this shows something of what may be accomplished when they come into full operation and what they are able to do by the Rittman process.

Mr. MANN. I suppose gasoline will still go up?

Mr. FOSTER. Oh, I think not.

Mr. MANN. What they are able to do is best shown by the gasoline people.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

CHANGE OF REFERENCE.

The SPEAKER. There is a Senate bill, S. 6239, which everybody concerned wants rereferred from the Interstate and Foreign Commerce Committee to the Committee on the Merchant Marine and Fisheries. The Clerk will report the bill by title so that everybody will know what it is.

The Clerk read as follows:

A bill (S. 6239) authorizing the Commissioner of Navigation to document as vessels of the United States two barges built of American material and owned by James Stewart & Co. (Inc.), a citizen of the United States.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I suppose if this is done by unanimous consent and we discover afterwards that this is a mistake, we can not correct it by reconsidering the vote by which it is done?

The SPEAKER. Does the gentleman want to object or not?

Mr. MANN. I am asking.

Mr. ADAMSON. The gentleman is propounding a conundrum.

The SPEAKER. The Chair has ruled on that once.

Mr. MANN. I thought the Speaker might have looked it over and probably changed——

The SPEAKER. The Chair has not looked it over and changed his opinion about this unanimous-consent business. That ruling does not apply to anything else except a unanimous-consent change of reference bill.

Mr. ADAMSON. I was going to ask the Speaker to allow me to say to the gentleman from Illinois that it is not my recollection that our committee ever had jurisdiction of those barges.

Mr. MANN. They always had jurisdiction.

Mr. ADAMSON. The gentleman from Illinois has such an infinite fund of humor, bubbling and sparkling over, and such a great fund of wit that he had to joke at the Speaker.

Mr. MANN. I am so very slow that I am second and third to the gentleman from Georgia when it comes to wit, humor, pathos, oratory, or anything else that is good, great, and noble.

Mr. ADAMSON. Much obliged. I was trying to get the gentleman to say that.

Mr. MANN. The gentleman paid me for it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the reference is made.

Mr. SISSON. Mr. Speaker, I ask unanimous consent for the change of reference of a private bill referred to the Committee on Pensions. The bill is one to have the record of a soldier of the Civil War corrected where his original and honorable discharge was burned up in his house.

Mr. MANN. Those changes are made through the basket.

The SPEAKER. That is a private bill. Under special order of the House the gentleman from Louisiana [Mr. ASWELL] is recognized for 15 minutes. [Applause.]

JEFFERSON DAVIS.

Mr. ASWELL. Mr. Speaker, I am honored to-day in having the privilege of delivering the first eulogy in this Chamber on the President of the Confederacy. This era of good feeling and national unity between the North and the South which makes possible this occasion and which, God grant, may endure, is hailed by the people of all sections with genuine delight.

The subject of this discussion is a Mississippian, a man from the South—the real South—where cotton and cane and rice and oranges grow, where the magnolias bloom, and where the warm heart beats true to country, to humanity, and to the flag.

No people of any section are more willing than we to give ourselves in defense of our country. When the news of the *Maine* disaster was flashed over the country, the first companies to go to the front were bands of gallant southern boys who were the sons of Confederate soldiers. The men who followed the boys to the trains and cheered them on in defense of a united country were the old Confederate soldiers themselves. We stand for peace with honor, but ready to defend the flag. [Applause.]

In the State of Louisiana, June 3, the anniversary of the birth of Jefferson Davis, is a legal holiday. Our people are now celebrating this holiday in a most fitting manner. At this very hour in the city of New Orleans there is marching down Canal Street a most remarkable monster preparedness parade. In that parade are marching the organizations of our women and our men—business men of all classes, professional men of all grades, the judges of our courts, the members of our general assembly now in session, and at the head of the parade is our distinguished governor, who is the loyal son of a Confederate soldier and who was himself a distinguished colonel in the Spanish-American War. Dramatic and pertinent to this occasion in that parade are marching side by side in the line of honor the soldiers who wore the blue and the soldiers who wore the gray. [Applause.] They are vying with each other as to who is the more willing and ready to give himself, if need be, in demanding respect and honor to the American flag wherever she floats on land or sea. This parade expresses the sentiment of our people as they honor the memory of Jefferson Davis by showing their readiness to defend our country's honor.

It is easy to present the life and character of a successful man, a man whose name is made illustrious by valiant deeds on victorious fields of battle or in other lines of successful endeavor. The literature of the ancients—of the Grecians, of the Romans—finds its chief inspiration in recounting victories won in heroic contest.

But greatness is not always confined to victory. The American people love a courageous and purposeful man. This is the American spirit now. It was the American spirit a hundred years ago when in humble station such a man was born. He was loved, honored, worshiped by those whose cause he led. He led a victorious cause. A few months earlier in a home not so humble was born another such man. He, too, was loved, honored, idolized by those whose cause he led. He led a lost cause. In the early sixties the one was loved by the North, the other by the South. To-day the North and the South join hands in honoring the memory of both, rejoicing together that America produced Abraham Lincoln and Jefferson Davis—the one great in victory, the other no less great in defeat. [Applause.]

One hundred and eight years ago to-day, in the State of Kentucky, less than 100 miles from the birthplace of Abraham Lincoln, born eight months and nine days later, Jefferson Davis was born, not in poverty, nor in wealth, but able to secure an education.

After varied experiences as a soldier, he burst upon the scene of action and plunged into the national conflicts of the hour as a Member of Congress in 1845. Discussing the Mexican question in his first speech in this Chamber, he deprecated the wild and unreasoning appeal to arms by the jingoes of the time, saying, "We need a little better preparation for hostilities before too much bragging is indulged." His speeches then would apply now. He was a citizen of all time; a patriot with large perspective.

He declared that "logrolling" to secure appropriations from the Federal Treasury was despicable and unworthy of honorable men. He denounced partisanship and sectionalism in handling the affairs of the Government. He demanded that each question stand or fall upon its own merit. Individualism with him was a life conviction. It found expression in his vigorous championship of State rights as against nationalism. But his love for the Union and his devotion to our common country were well expressed when he resigned a position of honor, sacrificed his health, and offered his life in courageous service on the battle fields of Mexico. This proud-spirited son of the South expressed his love of country hundreds of times with convincing eloquence and a personal force unsurpassed, in this Chamber and in the Senate Chamber of the United States. He repeatedly expressed his patriotic sentiment in his public addresses in New England and elsewhere. No Cabinet member ever discharged his duties with more pluck and courage, signal ability, skill, consecration, and devotion to his country. [Applause.] Through all his public utterances before 1861 there breathed a consciousness of impending calamity. His constant prayer was to avoid bloodshed, but he had a conviction, and that conviction was the dominant force of his life. Where it led he had the courage to follow. Neither Washington nor Wellington created the conditions that made their names immortal, nor did Mr. Davis create the conditions of his time. His turbulent life hurled him into the midst of those conditions.

The conflict was inevitable. The theory of State rights held that the founders of the Constitution did not intend to create a new nation, but only a new Government; that the Federal Government was not the sovereign, nor had it any sovereign powers except such functions as had been delegated to it by the States. The national theory, on the contrary, held that the Federal Government was sovereign; that the States had ceded their sovereignty to it. Between theories so antagonistic and so resolutely held by courageous men, the only arbiter was the field of battle.

I have not time to discuss the terrible experiences during the four years that followed, nor would I, if I could, discuss here the two years of suffering and needless humiliation of this proud-spirited southerner that followed his defeat, but suffice it to say that no public man living or dead has gone through the perilous political conflicts of a generation with a more stainless name than did Jefferson Davis. [Applause.]

Soldier, Senator, Cabinet member—gallant, able, active, and efficient, always positive and aggressive, stimulating antagonism and resentment, yet no man has questioned his patriotic devotion, his integrity, or the purity of his character—a man impelled by motives unattainable by petty or ignoble passions, guided by a character of sterling firmness and more than common purity, with a devotion that culminated at the close of a turbulent life in the highest type of a patriot's love. Such a life, whether in victory or in defeat, whether in public or in private, is an enduring asset in the higher development of a republic.

The conflicts that raged about him were fought wherever men of opposite opinions gathered—in church, in State, and on fields of blood. Bitterness, suffering, anguish, devastation, poverty, desolation, ruin, and despair resulted.

Arising from the ashes of that titanic struggle, the men of the North and the men of the South faced each other with a courage unsurpassed in all the history of the world. There had been victory and defeat, but the blood of the race made it impossible for either to be conquered. They faced each other as unconquerable men, without apology or excuse for the past, and together they turned the same way to settle their differences in their own way and to work out the destiny of this Republic as no other people could and as only men of heroic mold can. This tragic moment in our history, met by master minds and hearts, reveals the superior character and the surpassing greatness of the American people. Out of it has come a new Republic, cemented forever by the blood of her citizens,

whose battles of the future will be fought not with shot and shell, but with logic, reason, and moral force—a people as pure as the Puritan, as gallant as the cavalier, as heroic and chivalrous as the southerner, as sturdy and loyal as the northerner; a people possessing the best of all sections and of many nationalities—Americans, standing for Americanism, which means that America must champion the rights of mankind, that every human being has a right to be free, and that we can best express our freedom by helping others be free. [Great applause.]

Let me illustrate. A friend of mine traveling in the West found an eagle's egg. He said he would take this egg home and grow the finest eagle that culture and care could grow. He did, and the eagle grew and measured several feet from tip to tip, a great North American eagle. He took the eagle into his garden and lest it might escape he chained it to a stake. The eagle went as far as the chain would permit, and round and round and round and round and round the eagle proceeded to go until he wore away the earth and left a beaten track. In that track the eagle went round and round for seven years. Finally the owner called his friends together, and they discussed it and decided that they would take away the shackles and set him free. To their disappointment round and round in the same old track the eagle proceeded to go. They stepped in front of him and turned him back, but he clung to the rut. Being discouraged, the owner kicked him out of the rut. For the first time the eagle spread his wings and realized that he had some power of his own. But he had no confidence at first and sank back. But finally, catching the spirit of his kind, higher and higher and faster and faster until he became a speck in the distant sky, and then the little group of friends heard the first shrill scream that told the story of the liberty that that bird had the right to have. In the struggles through which we have gone the American people have torn from their lives the shackles of bitterness, prejudice, and hatred that our people may enjoy the liberty that we have a right to enjoy. [Applause.]

Such are the lessons, the inspiration, and the hope that come to us to-day from a brief interpretation of the meaning of the unconquerable life and purpose of Jefferson Davis. [Prolonged applause.]

The SPEAKER. Under the special order of the House the gentleman from Kentucky [Mr. KINCHELOE] is recognized for 20 minutes.

Mr. KINCHELOE. Mr. Speaker and gentleman of the House of Representatives, a century and eight years ago to-day in the little hamlet of Fairview, Christian County, Ky., the light of day for the first time dawned upon the vision of Jefferson Davis. While he was an infant his father and mother moved to Louisiana, but owing to his children suffering from acclimatization his father sought a more congenial climate, and in a short while moved to Woodville, in Wilkerson County, Miss. His father's family consisted of 10 children, of whom Jefferson Davis was the youngest. At the age of 7 years he was sent on horseback by his father, in company with friends, to St. Thomas College, near Springfield, Ky., where he entered school for a year. He afterwards attended school near his father's home in Mississippi until he was sufficiently advanced, and then sent to Transylvania University, at Lexington, Ky. In November, 1823, he was appointed to the West Point Military Academy by President Monroe; was graduated from this institution in 1828, and was sent to the Jefferson Barracks, and afterwards to Fort Crawford, in Wisconsin, and to other forts in the Northwest.

He resigned from the Army in 1835 and married Miss Taylor daughter of Gen. Zachary Taylor, over the protest of her father, and went back to Mississippi to farm. The estrangement between Gen. Taylor and Mr. Davis never was healed. His wife lived only a short time. He was married again in 1845 to Miss Varina Howell.

He was elected to the Twenty-ninth Congress in 1845, and in 1847 was appointed United States Senator by the governor of Mississippi to fill the vacancy caused by the death of Senator Speight. While United States Senator he resigned to run for governor of Mississippi, but was defeated. In 1853 he was appointed Secretary of War by President Pierce and served for four years. He went back to the Senate from Mississippi on March 4, 1857. In 1861, when Mississippi seceded from the Union, Mr. Davis, as one of the United States Senators from Mississippi, immediately resigned his office and cast his fortunes with the Southern Confederacy. The speech which he made in the United States Senate at the time he resigned is one of the brightest and most pathetic gems of English literature, and should be read by every liberty loving and patriotic American citizen. He was shortly afterwards elected president of the Southern Confederacy.

The war clouds were lowering over this country at this time. The bloody conflict that transpired during the early sixties is well and familiarly known to all.

It is not my purpose to-day to pluck one laurel wreath from the brow of any Union soldier, either living or dead. They were loyal and patriotic and bared their breasts to the bayonets in order that this country might still remain an undivided Union. However, it shall be my endeavor to pay a just tribute to the brave and patriotic men of the Southern Confederacy, thousands of whom gave their lives in defense of a constitutional right, which theretofore from the adoption of the Federal Constitution had never been questioned by anyone, much less denied to any State. The principle for which they fought is clearly enunciated in the tenth amendment of the Federal Constitution, which reads as follows:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

It was agreed by all when the Constitution was adopted that it was a compact between the States, that the Federal Government was limited to the authorities granted in the Constitution, and that any State had a right to secede from the Union whenever that State was satisfied that the administration of the Government of the Union was oppressive, or that its constitutional right had been invaded.

Thomas Jefferson, the greatest of all Democrats of his age, in the celebrated Kentucky resolutions expressed this sentiment, and placed this interpretation upon the Constitution. In the Virginia convention, when this question was raised, it was conceded by all that this was the correct interpretation of the Constitution, and Virginia would not have ratified the Constitution or joined the Union without this understanding. Patrick Henry raised this question in the convention, and received the assurances from Mr. Madison, the father of the Constitution, that this was the correct interpretation of it.

In the Constitutional Convention a proposition was made to authorize the employment of force against a delinquent State, on which Mr. Madison remarked, "the use of force against a State would look more like a declaration of war than an infliction of punishment, and would probably be considered by the party attacked as a dissolution of all previous compacts by which it might have been bound." The convention expressly refused to confer the power proposed, and the clause was lost. This interpretation of the Constitution was prevalent among the Northern as well as the Southern States. The acquisition of Louisiana in 1803 created much dissatisfaction in the Northern States, and especially in Massachusetts. Col. Timothy Pickering, who had been an officer of the War of the Revolution, and afterwards Postmaster General, Secretary of War, and Secretary of State in the Cabinet of Gen. Washington, and later a representative of the State of Massachusetts in the Senate of the United States, was one of the leading secessionists of his day. Expressing his dissatisfaction at the way Louisiana was acquired, he wrote in December, 1803:

> I will not yet despair. I will rather anticipate a new confederacy. * * * There will be (and our children, at the fartherest, will see it) a separation.

In January, 1804, he further wrote:

> The principles of our Revolution point to the remedy—a separation. This can be accomplished and without spilling one drop of blood, I have little doubt. I do not believe in the practicability of a long-continued union. A northern confederacy would unite congenial characters. * * * While the Southern States, having a similarity of habits, might be left to manage their own affairs in their own way. * * * It (the separation) must begin in Massachusetts. The proposition would be welcomed in Connecticut; and could we doubt of New Hampshire? But New York must be associated, and how is her concurrence to be obtained? She must be made the center of the confederacy. Vermont and New Jersey would follow, of course; and Rhode Island of necessity.

I do not show this in any spirit of criticism of this great man, but to show that his interpretation of the Constitution coincided with the views of Thomas Jefferson, James Madison, Patrick Henry, and other great men of his day.

Even as late as 1860, when many men of the North were appealing to passion and inciting the multitudes to support a war waged against the Southern States in the event of their secession, the New York Tribune, the organ of the Abolitionists, declared:

> That if the cotton States wished to withdraw from the Union, they should be allowed to do so; any attempt to compel them to remain by force would be contrary to the principles of the Declaration of Independence and to the fundamental ideas upon which human liberty is based. If the Declaration of Independence justified the secession from the British Empire of 3,000,000 subjects in 1776, it was not seen why it would not justify the secession of 5,000,000 of southerners from the Union in 1861.

So we see that the right of a State to secede from the Union was claimed by the North and the South.

At the time of the adoption of the Constitution there were many people in the North and Northeast engaged in the slave traffic, importing slaves from Africa to this country, and when the fact was ascertained that these slaves were not acclimated to the North they were sold to the planters of the South. The question then came in this constitutional convention whether the right to longer traffic in slaves should be recognized by the Constitution. Some of the greatest leaders of thought in the South in this convention protested against the further legalizing of the slave traffic, while several States of the North and Northeast insisted that this right should be recognized, and thus this baneful institution was fostered by the fundamental law of this Republic for 20 years, to be assailed by their descendants in 1856 and 1861.

As a result of this concession in the Constitution, the institution of slavery spread over the South, its climate and soil being favorable to the institution.

A great number of the people of the Northern States were just as much in favor of the institution of slavery as were the people of the South.

In December, 1805, a petition of the Legislative Council and House of Representatives of the Indiana Territory, then comprising all the area now occupied by the States of Indiana, Illinois, Michigan, and Wisconsin, was presented to Congress, accompanied by a letter from Gov. Harrison, afterwards President of the United States, for a suspension of the sixth article of the ordinance, so as to permit the introduction of slavery into the Territory. These resolutions were submitted to a committee of the House, which reported the resolutions favorably, and this report was sustained by the House, and a resolution to suspend the prohibitory article was adopted. The proposition failed, however, in the Senate. But I cite this merely to show that the people of the Indiana Territory were unanimous in indorsing these resolutions, so as to permit the introduction of slaves into their Territory. The African slave trade was carried on largely by New England merchants and northern ships.

Thomas Jefferson, a southern man, the founder of the Democratic Party and the vindicator of State rights, was a constant enemy to every form of slavery. The Southern States took the lead in prohibiting the slave trade, and the State of Georgia was the first State to incorporate the prohibition in her constitution. These facts of history must be considered when judgment is pronounced by posterity upon the justice of the act of the southern people in choosing the fearful alternative of war rather than submit to an invasion of their chartered rights under the Constitution.

So in 1860–61 the southern people stood upon the constitutional rights as interpreted by their statesmen since the Government was founded, that a State in the strictest interpretation of the Constitution had the power never surrendered to withdraw from the Union should it be denied its right.

Eleven States, with South Carolina first, seceded from the Union and formed the Southern Confederacy. The great conflict lasted for four years.

In this great abandonment proceeding between Uncle Sam and 11 of his southern daughters, which was settled in a court of arms, Kentucky as a State was neither a party plaintiff nor party defendant. She was not even corespondent, but yet she furnished to the North and South her full quota of as brave men as ever went upon the battle field in the history of the world. She did more; she furnished to the Union its President, that great and liberty-loving idol, Abraham Lincoln, and to the Southern Confederacy its President, that brave and patriotic statesman, Jefferson Davis.

The South fought against many odds, but yet she fought for a principle guaranteed to her under the Federal Constitution. Finally, at the end of four years, at the Battle of Appomattox, when Gen. Lee surrendered, the sun of the Southern Confederacy set. The hopes of a brave and patriotic people were blighted, but these men were not traitors to the Government, but were just as patriotic and liberty loving as the men who fought to maintain the Union. [Applause.]

Jefferson Davis was indicted and imprisoned for treason, but without trial he was acquitted of the charge, and history must accept this result as conclusive of the fact that this great man, in standing for the constitutional right of a State to withdraw from the Union and in resisting force to coerce the State into submission, was guilty of no treason, but was justified by the law as it then existed. Such will be the verdict of unerring history. Were they guilty of treason? If they were, they were inspired to this act by the teachings of Patrick Henry, James Madison, and Thomas Jefferson in their interpretation of the Constitution. [Applause.]

After Lee's surrender these soldiers, in their faded gray uniforms, with their rusty canteens upon shoulders, wended their way to the sunny South, only to find burned homes, wrecked farms, and separated families. A great war debt had been contracted; Confederate money proved to be worthless; but, notwithstanding the unfavorable circumstances that then existed, they again united for grander and nobler purposes. Amid the ashes, wrecks, and their dead, holding the inspiration of the past for the future, they took their horses from the battle field to the furrow, their cotton, which was hidden, and sold it for the necessaries of life, and went with the same energies to rebuild the South as they had gone upon the battle fields to defend her, and to-day America has no better citizens in peace, and would have no braver soldiers in war, than those who over 56 years ago followed Robert E. Lee as their general, the grand old tune of "Dixie" for their inspiration, and the "Bonnie Blue Flag" as their banner. [Applause.]

The negroes of the South, as hard as were the conditions of slavery, owe a thousandfold greater debt of gratitude to the southern people than to any other people on earth. The people of the South tutored the negro in the way of civilization. They found him a savage, fresh from the jungles of Africa. They have taken him by the hand and lead him up the hill of progress and civilization and taught him there is a God, and that they may be the recipients of His choicest benedictions. They are giving him an education. And it is to the eternal credit of the South and its people that under the law of practically every Southern State each negro boy and girl draws as much per capita of the school fund as do the white children of the South.

The southern people have erected negro colleges at the expense of the taxpayers of the South, and are maintaining them at such expense in order to better the condition of the negro and to give him an equal chance in life's battles. That the institution of slavery has been abolished, and that every man beneath the fold of our country's flag is a freeman is the gratification of every man of this great Republic, and the people of the South also rejoice in this fact. Yet slavery was not the cause of the war, but the institution died as an incident of the war, and the southern people are exerting their best efforts to uplift and educate the negro, and every good colored citizen in the South will agree to this statement.

The deeds of valor and heroism of Jefferson Davis in his devotion to the South and to the people who had honored him will live in the memory of the posterity of the South so long as she erects an altar to her heroes and so long as men have grateful hearts.

Mr. Speaker, wherever in this broad land of ours the ashes of a Confederate soldier lie, the clay that wraps his remains is the sepulcher of an American patriot who died for a vital principle of government as taught by the fathers of this Republic. History, calm, fair, and truthful, will yet record this truth as the final and considered judgment of mankind.

> Not for fame or reward,
> Not for place or for rank,
> Not lured by ambition
> Or goaded by necessity,
> But in simple obedience to duty
> As they understood it,
> These men suffered all, sacrificed all, dared all—and died.

[Applause.]

When the war had ended, soldiers of the North and of the South shook hands across the graves of their comrade dead, and said we will be friends, we will again have a Union, one and undivided, and when they did this they made a Government that will live on united until time shall cease its flight in the centuries to follow.

I rejoice with every patriotic American to-day in the fact that we have a hundred million free, happy, peaceful, united, and patriotic people with one country, one Government, one flag, and one God. [Loud applause.]

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 58 minutes p. m.) the House adjourned until Monday, June 5, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting an estimate of appropriation required for the service of the fiscal year ending June 30, 1917 (H. Doc. No. 1190), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 13674) to amend section 11 of chapter 308 of the acts of 1909, reported the same with amendment, accompanied by a report (No. 797), which said bill and report were referred to the Private Calendar.

Mr. BURNETT, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 14669) authorizing the acceptance by the United States Government from Pueblo Post, No. 8, Grand Army of the Republic, of a monument located on the grounds of the Federal building in Pueblo, Colo., reported the same without amendment, accompanied by a report (No. 798), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10725) granting a pension to Elizabeth Boetticher; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12862) granting an increase of pension to Benjamin F. Crosson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15771) granting an increase of pension to Charles V. Petteys; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14677) granting a pension to Mary A. Heinz; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills were introduced and severally referred as follows:

By Mr. McKENZIE: A bill (H. R. 16237) authorizing the Secretary of War to donate to the village of Cedarville, Stephenson County, Ill., one bronze or brass cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. LITTLEPAGE: A bill (H. R. 16238) to provide for a site and the erection thereon of a public building on the west side, in the city of Charleston, W. Va.; to the Committee on Appropriations.

By Mr. RANDALL: A bill (H. R. 16239) to establish the Sierra Madre National Park in the State of California; to the Committee on the Public Lands.

By Mr. CASEY: A bill (H. R. 16240) providing for the purchase of a site and the erection thereon of a public building at Plymouth, Pa.; to the Committee on Appropriations.

Also, a bill (H. R. 16241) providing for the purchase of a site and the erection thereon of a public building at Nanticoke, Pa.; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. CASEY: A bill (H. R. 16242) granting an increase of pension to Delight A. Allen; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 16243) granting an increase of pension to Tyler W. Parker; to the Committee on Invalid Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 16244) granting a pension to Julia A. Harlow; to the Committee on Invalid Pensions.

By Mr. HARRISON: A bill (H. R. 16245) for the relief of the legal representatives of Alicia Cornelia Hiern, deceased; to the Committee on War Claims.

By Mr. HAUGEN: A bill (H. R. 16246) granting an increase of pension to George R. Peacock; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 16247) granting an increase of pension to Sarah J. Creighton; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 16248) granting an increase of pension to Mary Fahs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16249) granting an increase of pension to Henrietta C. Ilgenfritz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16250) granting an increase of pension to William H. Johnson; to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 16251) for the relief of the widow and heirs at law of George H. White, deceased; to the Committee on Naval Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 16252) authorizing payment to certain Red Lake Indians, out of Chippewa Indian funds, for garden plots surrendered for school-farm use; to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany H. R. 9934, to correct military record of Earl W. Shaffer; to the Committee on Military Affairs.

By Mr. DALE of New York: Report of Chamber of Commerce of State of New York on Philippine independence bill; to the Committee on Insular Affairs.

Also, memorial of National Association of Vicksburg Veterans, in re House bill 11874; to the Committee on Military Affairs.

Also, petition of Mrs. Edward Biddle, of Philadelphia, Pa., favoring an immediate report on the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, petition of Jenkin Lloyd Jones, of Chicago, Ill., in re "preparedness"; to the Committee on Military Affairs.

Also, memorial of the Pictorial Review Co., of New York, opposing section 7 of the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Report of Chamber of Commerce of State of New York on Philippine independence bills; to the Committee on Insular Affairs.

By Mr. LAFEAN: Report of the Chamber of Commerce of the State of New York on Philippine independence bills; to the Committee on Insular Affairs.

By Mr. O'SHAUNESSY: Petition of Builders' Iron Foundry of Providence, R. I., opposing rider to naval appropriation bill prohibiting premium payments, etc., in navy yards; to the Committee on Naval Affairs.

Also, memorial of New England Bu. H. Co., of Providence, R. I., opposing proposed forms of legislation against efficiency methods in Government work; to the Committee on Labor.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 5, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our heavenly Father, impart unto us, we pray Thee, out of the abundance of Thy grace the qualities of mind and soul which shall bring us into a conscious relationship with Thee, that our minds may be broadened and our hearts quickened, that we may render willing and faithful service in the things whereunto Thou hast called us. In the spirit of the Lord Jesus Christ. Amen.

The Journal of Saturday, June 3, 1916, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5658. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Honolulu Gas Co. (Ltd.), by extending it to include all of the island of Oahu, Territory of Hawaii;

S. 5777. An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii;

S. 5274. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Hawaiian Electric Co. (Ltd.), by extending it to include all of the island of Oahu, Territory of Hawaii; and

S. 5776. An act to amend certain public-utility franchises in the Territory of Hawaii;

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 529. An act creating an additional land district in the State of California, and for other purposes;

H. R. 4297. An act for the relief of Frances L. Llewellyn;

H. R. 6651. An act providing for the payment for certain services arising under the Navy Department;

H. R. 7817. An act to validate the homestead entry of George S. Clark;

H. R. 7804. An act to authorize the issuance of patent to Oscar R. Howard, and for other purposes;

H. R. 3794. An act for the relief of Thomas S. Johnson;

H. R. 2744. An act to correct title to certain lands in Colorado;

H. R. 13474. An act to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 2, 1911;

H. R. 13112. An act to amend section 14 of the seamen's act of March 4, 1915; and

H. R. 13064. An act for the relief of the M. A. Sweeney Shipyards & Foundry Co.

The message also announced that the Senate had passed with amendment bills of the following titles, in which the concurrence of the House was requested:

H. R. 14484. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13486. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 4767. An act authorizing the Director of the Census to collect and publish statistics of cotton seed and cottonseed products;

H. R. 9525. An act to establish a national park in the Territory of Hawaii;

H. R. 228. An act to amend the United States homestead law in its application to Alaska, and for other purposes;

H. R. 8654. An act to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, by adding a new section to be known as section 7;

H. R. 8351. An act to accept a deed of gift or conveyance from the Lincoln Farm Association, a corporation, to the United States of America, of land near the town of Hodgenville, county of Larue, State of Kentucky, embracing the homestead of Abraham Lincoln and the log cabin in which he was born, together with the memorial hall inclosing the same; and, further, to accept an assignment or transfer of an endowment fund of $50,000 in relation thereto; and

H. R. 449. An act to provide for the appointment of 11 supervising inspectors, Steamboat-Inspection Service, in lieu of 10.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House was requested:

S. J. Res. 113. Joint resolution for the relief of Fred White;

S. J. Res. 107. Joint resolution authorizing and directing the Director of the Census to collect and publish statistics of marriage and divorce;

S. J. Res. 50. Joint resolution authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation;

S. J. Res. 114. Joint resolution withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians and providing for the sale thereof, and for other purposes;

S. 1098. An act to adjust and settle the claims of the loyal Shawnee and loyal absentee Shawnee Tribe of Indians and to report the same to Congress;

S. 3069. An act to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission,'" approved March 4, 1915;

S. 2543. An act for the relief of the State of Kentucky;

S. 4176. An act authorizing and directing the Secretary of War to make certain provisions for the care of Federal and Confederate veteran soldiers who served in the War between the States, 1861 to 1865, to enable them to unite in participation of a national reunion and peace jubilee to commemorate the victories and virtues resulting in the half century of peace and prosperity to the American Nation, to be held in the national domain within the Vicksburg National Military Park October 16, 17, 18, and 19, 1917;

S. 3020. An act waiving the age limit for admission to the Medical Corps of the United States Navy in the case of John B. Bostick;

S. 2458. An act authorizing the Cowlitz Tribe of Indians residing in the State of Washington to submit claims to the Court of Claims;

S. 640. An act for the relief of Ellen B. Monahan;

S. 5268. An act for the relief of the Copper River & Northwestern Railway Co.;

S. 5082. An act adding certain lands to the Missoula National Forest, Mont.;

S. 3617. An act for the relief of Elizabeth Davis;

S. 4307. An act to prevent the disclosure of national-defense secrets;

S. 5724. An act authorizing the construction of a public building in the city of Durango, Colo.;

S. 3346. An act conferring jurisdiction on the Court of Claims to adjudicate the claims of the State of Massachusetts;

S. 5103. An act authorizing and directing the Secretary of War to lease to Charleston-Dunbar Traction Co. a certain strip or parcel of land owned by the United States Government on the Great Kanawha River in West Virginia;

S. 3618. An act authorizing the Secretary of the Interior to subdivide a part of the town site of Plummer, Idaho, and for other purposes;

S. 5911. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 1094. An act conferring jurisdiction on the Court of Claims to hear and determine and report to Congress on claims of the Ponca Tribe of Indians against the United States;

S. 1093. An act to permit the Denison Coal Co. to relinquish certain lands embraced in its Choctaw and Chickasaw coal lease and to include within said lease other lands within the segregated coal area;

S. 5379. An act validating certain homestead entries;

S. 1308. An act to amend an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891;

S. 743. An act for the relief of Moses Chauncey;

S. 1045. An act to provide for the erection of a public building at Prescott in the State of Arizona;

S. 4251. An act to authorize the Ponca Tribe of Indians to appear in and be made parties to any suits filed in the Court of Claims by the Omaha Tribe;

S. 5495. An act for the relief of Edward J. Lynch, collector of internal revenue for the district of Minnesota;

S. 4384. An act providing for the refund of duties collected on flax-preparatory machines, parts, and accessories imported subsequently to August 5, 1909, and prior to January 1, 1911;

S. 4282. An act to permit the State of Wyoming to relinquish and to select other lands from the public domain in lieu thereof;

S. 5672. An act for the relief of sundry building and loan associations;

S. 34. An act granting to the State of Utah title to certain lands in said State for use as a fish hatchery;

S. 4253. An act conferring jurisdiction on the Court of Claims to hear, determine, and report to Congress on claims of the Iowa Tribe of Indians against the United States;

S. 4586. An act to protect and conserve the halibut fisheries of the Pacific Ocean, to establish closed seasons in halibut fishing in certain waters thereof, and to restrict the landing of halibut in the United States of America and the Territory of Alaska during the closed seasons established;

S. 3012. An act for the relief of Elizabeth T. Wells;

S. 1046. An act to provide for the purchase of a site for a public building in the city of Bisbee, Ariz.;

S. 3265. An act for the extension, remodeling, and improvement of the public building at Jefferson City, Mo.;

S. 3294. An act to appropriate a sum of money to pay Rhoda Menz, W. W. Christmas, and James M. Christmas, heirs of Myra Clarke Gaines, for certain lands in Louisiana;

S. 5503. An act to provide for the purchase of a site for the erection of a Federal building at Georgetown, Del.;

S. 4866. An act to carry out the findings of the Court of Claims in the case of the Commercial Pacific Cable Co.;
S. 5398. An act to increase the limit of cost of post-office site and building at Millville, N. J.;
S. 5447. An act providing for the erection of a public building at Taylor, Tex.;
S. 5615. An act granting certain lands to the State of Washington for park purposes;
S. 4862. An act to exclude intoxicating liquors from national parks and national forest reserves;
S. 5751. An act authorizing the addition of certain lands to the Wyoming National Forest, Wyo.;
S. 5863. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa.;
S. 739. An act for the relief of James F. Cole;
S. 1362. An act for the relief of Lester A. Rockwell; and
S. 2852. An act for the relief of John F. Considine.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:
On June 3, 1916:
H. R. 12766. An act for making further and more effectual provision for the national defense, and for other purposes.
On June 5, 1916:
H. R. 12843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

EXTENSION OF REMARKS.

Mr. ASWELL rose.
The SPEAKER. For what purpose does the gentleman from Louisiana rise?
Mr. ASWELL. I rise to ask unanimous consent to extend my remarks by printing a short resolution indorsing vocational education.
The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD by printing a short resolution indorsing vocational education. Is there objection?
There was no objection.

ADJOURNMENT OF THE SENATE FROM JUNE 3 TO JUNE 8.

Mr. MANN. Mr. Speaker, I ask unanimous consent to proceed for three minutes.
The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for three minutes. Is there objection?
There was no objection.
Mr. MANN. The last paragraph of section 5 of the Constitution of the United States reads as follows:

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

The RECORD shows that on Saturday, June 3, in the Senate of the United States one of the Senators moved that the Senate adjourn in accordance with a unanimous-consent agreement. The motion was agreed to, and under the order previously made the Senate adjourned until Thursday, June 8, 1916, at 12 o'clock meridian.
I do not know whether it is the business of the House of Representatives to tell the Senate of the United States to obey the Constitution. I am not sure that it may be, so that I do not propose to offer anything. I do not know but that the claim may be that adjourning from Saturday, June 3, to Thursday, June 8, which includes one Sunday, is only an adjournment for three days; but I feel quite certain that the universal custom in the House has been—and I think the universal custom in the Senate heretofore has been—that an adjournment from the 3d of June to the 8th of June was more than three days, although it included one Sunday.
I do not know what the effect would be if the Senate should conclude to adjourn for a month; whether there would be anything that the House could do; but I do not wish the incident to pass without some notice being taken of it, because it seems to me it is a flat violation of the Constitution for the Senate to adjourn for more than three days without the consent of the House, and that an adjournment from Saturday until Thursday is an adjournment for at least four days, in violation of the Constitution.
The SPEAKER. The Chair would like to inquire of the gentleman—because it is an interesting point undoubtedly—in case they adjourned for more than three days what would happen?
Mr. MANN. I do not know what happened. Nobody has ever tried it before, I believe.
Mr. SLAYDEN. It is a fracture of the Constitution.
Mr. MANN. The gentleman from Texas [Mr. SLAYDEN] suggests that what happened is a fracture of the Constitution.
Mr. GARRETT. Did the Senate adjourn or did it take a recess?
Mr. MANN. It adjourned according to a motion, as shown in the RECORD, and I think that was a unanimous-consent agreement in the Senate, as shown in the RECORD heretofore.
Mr. HEFLIN took the chair as Speaker pro tempore.
Mr. CLARK of Missouri. When the gentleman gets through, I would like to say a word or two myself. I would like to have five minutes.
The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to proceed for five minutes. Is there objection?
There was no objection.
The SPEAKER pro tempore. The gentleman from Missouri is recognized for five minutes.
Mr. CLARK of Missouri. The question that the gentleman from Illinois [Mr. MANN] raises is a very fine point, and it comes very nearly being a fundamental question. The constitutional provision cited by the gentleman from Illinois [Mr. MANN] is this: "Neither House during a session of Congress shall, without the consent of the other, adjourn for more than three days," section 5, Article I. The Senate, it seems, adjourned from Saturday to Thursday—four days, not counting Sunday, a clear violation of the provision of the Constitution aforesaid.
Most of the Members have come in in recent years; at least they have not been here 20 years. The present Senator, JAMES HAMILTON LEWIS, of Illinois, an exceedingly brilliant man, made a national reputation when he was in this House—he was here only two years—from the State of Washington, and he made it on one question. Of course, he made a whole lot of interesting speeches on other questions, but he first attracted national attention on the paragraph of the Constitution just cited by the gentleman from Illinois [Mr. MANN]. When the House passed the Dingley tariff bill in the spring of 1897 Mr. Speaker Reed, who entertained a great prejudice against the Senate, and was not mealy-mouthed about expressing it, made up his mind that the House should not do anything the rest of that summer, so that public attention would be concentrated upon the Senate, to see it dawdle. What he was up to really was very largely to bring the Senate into contempt. He would not appoint the committees, and of course everybody knows you can not transact any business here without committees, except upon extraordinary occasions, such as the repeal of the purchasing clause of the silver law by agreement without the appointment of a committee. We took that up and debated it.
The point that Senator LEWIS made his great reputation on was this: That that clause of the Constitution which was read by the gentleman from Illinois [Mr. MANN] provided that one House of Congress can not adjourn more than three days at a time without the consent of the other. Speaker Reed held with the old-time lawyers that Sunday was dies non, no day, and he made two adjournments cover seven days in the teeth of that provision of the Constitution. Speaker Henderson and Speaker CANNON and myself have all followed the ruling of Speaker Reed. It may have been wrong originally, but it was a very convenient ruling, so we let it go at that.
Whenever the House met during the period of adjourning three days at a time we did not have anything else to do, and Col. LEWIS exploited his claim that Congress was not in session at all; that the fact that the House adjourned for more than three days practically adjourned Congress sine die, and he kept it up here time after time, week in and week out, with other constitutional lawyers occasionally helping him out. I shall never forget that one morning our friend the cartoonist Berryman, one of the most amiable of mortals, had an immense picture of Mr. Speaker Reed lying flat on his back and Col. LEWIS standing triumphantly on top of his stomach.
One of the funniest things that ever happened in this House grew out of that. As long as Mr. Speaker Reed was in a good humor he listened to these constitutional hair-splitters with patience and apparently with pleasure, but one morning he was in a bad humor, and Jerry Simpson, of Kansas, one of the best rough-and-tumble debaters that ever sat in this House, tackled this great constitutional question. Speaker Reed said he was not in order and peremptorily made him take his seat. Mr. Bland, of Missouri, moved that Jerry be allowed to proceed in

order. That seemed like a reasonable request, but they had a wrangle about it and a roll call on it, and on that roll call it was solemnly decided that Jerry Simpson, one of the ablest men in the House, should not proceed in order. Now, if Jerry had let them alone he would have been all right, but while the clerks were adding up that vote—the Members generally could tell by ear how it had gone—Mr. Richardson, of Tennessee, went up the aisle to where Jerry was sitting and said, "Jerry, when Reed anounces that vote, you get up and ask him where you are at." So Jerry got up, looking as solemn as an owl, and said, "Mr. Speaker, you have decided that I can not speak out of order. The House has just decided that I can not proceed in order. I want to know where I am at." As quick as lightning Mr. Reed said, "That is one of the things that no mortal man has ever been able to find out." [Laughter.]

I would like to know if the gentleman from Illinois [Mr. MANN] or anybody else has any suggestion about what happens when the Senate, or the House either, violates the Constitution in this regard. It is a very serious question. If the Senate can adjourn for four days without the consent of the House, it can adjourn for four weeks, and so can the House. The point raised in court might knock out and invalidate important laws. The statement in the RECORD that the Senate adjourned from Saturday until Thursday may be a misprint. I hope it is, because——

Mr. MANN. It is not a misprint.

Mr. CLARK of Missouri. It is then a clear case of a violation of that provision of the Constitution, because Monday, Tuesday, Wednesday, and Thursday are four days, not saying anything about Sunday. Everybody agrees now that Speaker Reed was right about that, and that Sunday is dies non, but we have to count either Saturday or Thursday, and so we have four days. It is worth looking into.

Mr. GARRETT. Did the Senate notify the House of its action?

Mr. CLARK of Missouri. No.

Mr. GARRETT. Was any resolution adopted by the House on the subject?

Mr. CLARK of Missouri. No.

The SPEAKER resumed the chair.

Mr. GARRETT. Mr. Speaker, if the Senate has not communicated to the House the resolution it adopted, providing for an adjournment until Thursday, I am frank to say that I do not see how we can take official notice of it. Personally I should like to present a resolution of regret that the Senate has violated the Constitution of the United States; but if it has not been communicated to us officially, we do not know officially that the Senate has adjourned. We know from the RECORD, but the RECORD is not official.

Mr. MANN. The gentleman knows that one House never communicates to the other the fact that it has taken an adjournment for three days.

Mr. GARRETT. They do not ask the consent of the House, but they have usually communicated the fact that they took an adjournment for three days.

Mr. MANN. Oh, no; they never do, and we never send word to the Senate that we have adjourned for three days.

Mr. NORTON. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. Certainly.

Mr. NORTON. The gentleman is an authority on parliamentary law. What would he say would be the proper procedure if the Senate should adjourn for 30 days without notifying the House? Would it be proper for the House to take some action to compel the Senate to continue in session?

Mr. GARRETT. I do not know whether it would be proper or not. I think it might be in order to pass a resolution expressing our regret.

Mr. RUSSELL of Missouri. Mr. Speaker, when a resolution providing for the final adjournment of Congress is passed by one House it has no effect until the other House concurs in that resolution. Now, the Senate having adjourned for four days, five days, including Sunday, or a longer time than they have the right to adjourn under the Constitution without the consent of the House, it seems to me that action of the Senate is of no more binding effect than a resolution to adjourn sine die would have if passed by the Senate but not concurred in by the House. The proper course would be—the Senate having passed a resolution providing for an adjournment for five days, or for four days excluding Sunday—to send the resolution to the House and ask the House to concur in it. Then, if the House should not concur in the resolution, it would have no force or effect under the Constitution, and the Senate would be constructively in session, and it could meet to-day or to-morrow.

Mr. GARRETT. Suppose, as the gentleman from North Dakota suggests, the Senate should adjourn for 30 days.

Mr. RUSSELL of Missouri. That would be a nullity and have no effect, unless the House should concur in the resolution. An adjournment by the Senate for four days is, in my opinion, of no effect until the House concurs in it, because such an adjournment would be without constitutional authority. Like a resolution to adjourn sine die, it would not be binding and would have no effect whatever unless the House should concur in its action.

Mr. GARRETT. That is probably true, but I think we ought to resolve that we regret to hear that the greatest legislative body in the world has violated the Constitution of the United States.

Mr. ALEXANDER. Does not the gentleman think it would be worth while to first determine if they have violated the Constitution of the United States?

Mr. GARRETT. I think they have.

Mr. ALEXANDER. I think it is quite doubtful if they have.

OREGON & CALIFORNIA RAILROAD LAND GRANTS.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent for the present consideration of the conference report on the Oregon & California Railroad land grants.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent for the present consideration of the conference report on the Oregon & California Railroad bill.

Mr. MANN. I think the gentleman should first present the conference report on the part of the managers of the House.

Mr. FERRIS. Mr. Speaker, I present the conference report.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Conference report on the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent for the present consideration of the conference report. Is there objection?

Mr. MONDELL. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Oklahoma if there is any special hurry about this matter, if it can not be taken up to-morrow and have the report printed in the RECORD?

Mr. FERRIS. The gentleman knows that it was debated to great length in the Senate and that the conference report was acted on Saturday. There is an additional reason, the injunction expires on June 9, and, further, one of the Oregon Members on that side of the House wants to take the train this afternoon for Chicago.

Mr. MONDELL. The Senate does not meet until Thursday, and unless there is some special reason why the matter should be disposed of to-day I think it would be better to take it up to-morrow.

Mr. FERRIS. One of the gentlemen from Oregon wants to go to the convention and wants to leave at 2 o'clock. There can be no objection; the conference report has been printed in the RECORD in the Senate proceedings on Saturday.

The SPEAKER. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 14864, entitled "An act to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland in Oregon,' approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon,' approved May 4, 1870, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 6.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, and 10, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment, and on page 9 of the bill, in line 11, after the word "residing," insert the following: "whether such lands shall be of class 2 or class 3 and"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The timber on lands of class 2 shall be sold for cash by the Secretary of the Interior, in cooperation with the Secretary of Agriculture, or otherwise, to citizens of the United States, associations of such citizens, and corporations organized under the laws of the United States, or any State, Territory, or District thereof, at such times, in such quantities, and under such plan of public competitive bidding as in the judgment of the Secretary of the Interior may produce the best results: *Provided*, That said Secretary shall have the right to reject any bid where he has reason to believe that the price offered is inadequate, and may reoffer the timber until a satisfactory bid is received: *Provided further*, That upon application of a qualified purchaser that any legal subdivision shall be separately offered for sale such subdivision shall be separately offered before being included in any offer of a larger unit, if such application be filed within 90 days prior to such offer: *And provided further*, That said timber shall be sold as rapidly as reasonable prices can be secured therefor in a normal market.

"The Secretary of the Interior shall as soon as the purchase price is fully paid by any person purchasing under the provisions of this section issue to such purchaser a patent conveying the timber and expressly reserving the land to the United States. The timber thus purchased may be cut and removed by the purchaser, his heirs or assigns, within such period as may be fixed by the Secretary of the Interior, which period shall be designated in the patent; all rights under said patent shall cease and terminate at the expiration of said period: *Provided*, That in the event the timber is removed prior to the expiration of said period the Secretary of the Interior shall make due announcement thereof, whereupon all rights under the patent shall cease.

"No timber shall be removed until the issuance of patent thereof. All timber sold under this act shall be subject to the taxing power of the States apart from the land as soon as patents are issued as provided for herein."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: On page 9 of the bill, in lines 1 and 2, strike out the words "by the Secretary of the Interior"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: After the comma inserted at the beginning of said amendment, strike out the words "after which" and in lieu thereof insert the word "thereafter"; and, on page 14 of the bill, in line 5, omit the period after the words "United States"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Twenty-five per cent of the remainder shall be paid to the State treasurer of the State to which the land is located, to be and become a part of the irreducible school fund of the State; 25 per cent shall be paid to the treasurer of the county for common schools, roads, highways, bridges, and port districts, to be apportioned by the county courts for the several purposes above named; 40 per cent shall be paid into, reserved, and appropriated as a part of the fund created by the act of Congress approved June 17, 1902, known as the reclamation act; 10 per cent shall become a part of the general fund in the Treasury of the United States; and of the balance remaining in said Oregon and California land-grant fund, from whatsoever source derived, 25 per cent shall be paid to the State treasurer of the State in which the land is located, to be and become a part of the irreducible school fund of the State; 25 per cent shall be paid to the treasurer of the county for common schools, roads, highways, bridges, and port districts, to be apportioned by the county courts for the several purposes above named; and the remainder shall become a part of the general fund in the Treasury of the United States"; and the Senate agree to the same.

SCOTT FERRIS,
E. T. TAYLOR,
I. L. LENROOT,
Managers at the conference on the part of the House.

GEORGE E. CHAMBERLAIN,
C. S. THOMAS,
THOMAS STERLING,
Managers at the conference on the part of the Senate.

Mr. HAWLEY. Mr. Speaker, I wish to comment upon the conference report only to the extent of explaining briefly some of the matters agreed upon by the conferees of the Senate and House. The timber is to be sold for cash only. The proceeds derived from the sales of timber and lands are to be divided in the same proportions as in the bill as it passed the House between State and national uses—that is, one-half to each. Forty per cent of the proceeds go to the general reclamation fund for use anywhere in the United States and 10 per cent to the United States Treasury. Twenty-five per cent of the proceeds are to be paid to the State treasurer for the irreducible school fund and 25 per cent to the county treasurers for common schools, roads, bridges, highways, and port districts, to be apportioned among them by the county courts. I understand it to be the purpose of the conferees that the amount received by any county at any time shall depend upon the area of grant lands within that county and the amount of sales therefrom. Prior to any distribution as above provided, the preferred claims must be paid to the railroad and to the Government. I wish again to protest vigorously that we have not received that portion of the proceeds of the grant to which we are by every consideration of right and justice entitled. The amendment I offered on May 24, when the bill was before the House, allotting to the State school fund practically 40 per cent of the proceeds and to the counties and municipal subdivisions also 40 per cent for roads, ports, and so forth, was fairer and should have been agreed to. I also feel that another contention of mine for more liberal treatment of the homesteaders was based upon sound policy and fairness.

Mr. NORTON. Would it not be well for the chairman of the committee to explain the conference report?

Mr. FERRIS. Mr. Speaker, I can explain the changes and modifications, I think, in two or three sentences. As the bill passed the House, roughly speaking, 50 per cent of the proceeds went to the State of Oregon and 50 per cent to the United States Government—40 per cent of the Government's part goes through the avenue of the Reclamation Service. As the bill passed the Senate it was raised to 90 per cent for the State of Oregon and only 10 per cent for the United States Government. In the conference the conferees came back to the fifty-fifty provision with one modification. The bill as it passed the House, and we still retain the provision providing for a suit for accounting and determining what, if any, excess the railroad had received more than it was entitled to. As the bill passed the House it carried all of the money to be recovered from the railroad as the result of the accounting to the Government, and the House yielded in conference to the extent of giving 50 per cent to go to the State and retaining 50 for the Government. Nobody knows what the surplus will be, but probably $200,000 or $300,000. There was also a little modification made on the method of selling the timber. The House will remember that there was some controversy about that as it went through. None of us were sure of the best way to sell it, but a good many different views were held. The Senate conferees yielded some of their positions, and we yielded some of ours, and brought in a compromise provision which we think is better than that of either the House or the Senate.

Mr. MONDELL. Will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. MONDELL. Amendment No. 3, in regard to which the House has receded from its disagreement and agreed to the same with an amendment, seems to be a very important provision. As I read the conference report, it would seem that it has very materially modified the provision in regard to the disposition of the timber. The bill as it passed the House provided that the timber should be sold for cash or payments not exceeding 10 equal annual installments. The provision as agreed to in conference seems to provide for the sale of the timber for cash only.

Mr. FERRIS. That is true.

Mr. MONDELL. That is a very important departure. It would, of course, give great advantage to those who have ready cash to put up. What was the argument in favor of that sort of departure from the House provision?

Mr. FERRIS. The Senate provision as they passed it provided for cash sales only, and provided that the purchasers could retain title to the timber and possession of the land from which the timber was removed indefinitely, no time limit. That seemed to us to be very objectionable both for the sale of the timber and the handling of the land. It becomes a very important question as to when the property can become taxable. In the sale of the timber on time no one knows when they would cut it, how we could collect for it, and that leaves the thing all in the air and made it difficult for the Government to protect itself. In order to clean up all these questions—taxation, the

sale of the timber, the collection of the proceeds on the sale of Government property—we decided on this provision.

Mr. MONDELL. Mr. Speaker, the gentleman will recall that when the bill was under consideration I called attention to the fact that the provision in the bill, a new and novel one, for the issuance of a patent to the timber after all payments were made, might relieve, or would relieve, the purchaser from all taxes until he had paid his last installment, and I suggested that there would be no difficulty to amend that and make the land taxable by providing for the issuance of a certificate of sale.

Mr. FERRIS. I remember that.

Mr. MONDELL. And the land would become immediately taxable upon the issuance of a certificate of sale and upon the first payment. The change that has been made by the committee authorizing the sales only for cash undoubtedly would give a very great advantage to the large timber companies as against persons of small means who might desire to make these purchases.

Mr. FERRIS. Let me call the gentleman's attention to the fact that the Secretary of the Interior is given full power to reject any and all bids, and the provision forcing the Secretary to sell in 40-acre tracts is still preserved. We thought that was about as good as we could do. I may say that I was very much in favor of having the property sold on time; I thought it would bring more sold in that way, and thought perhaps it might help some one to buy land who could not otherwise buy; but we were confronted with this proposition: We had to do one of three things. We either had to sell the property on time and take outside security or we had to deny the State the right of taxation or, third, we had to sell it with a proviso that it was taxable from the date of sale. None of the three seemed satisfactory. If we allowed it to be taxed before it was paid for the State of Oregon would, of course, tax it; and if the purchaser refused to pay the taxes, the Government would lose it by a tax sale. In any time sale we encounter perplexing questions when you come to sell personal property of the Government on time. The provision was the best that we could do. It may not be free from objection. In fact, I doubt if it is, but it represents the combined judgment of your conferees, who worked very faithfully to solve it correctly.

Mr. Speaker, unless some one desires time, I ask for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

TRAINING THE ORGANIZED MILITIA.

Mr. HAY. Mr. Speaker, I call up the bill H. R. 15005, an act to appropriate $200,000 for training the Organized Militia of any State, Territory, or of the District of Columbia, with Senate amendments thereto, and ask that the same be laid before the House.

The Senate amendments were read.

Mr. HAY. Mr. Speaker, I move to concur in all of the Senate amendments.

The Senate amendments were agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BRITT, for one week.

ACTS, ETC., OF PORTO RICO LEGISLATURE (H. DOC. NO. 1191).

The SPEAKER laid before the House the following message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

As required by section 31 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenue and a civil government for Porto Rico, and for other purposes," I transmit herewith copies of the acts and resolutions enacted by the Eighth Legislative Assembly of Porto Rico during its second session (Feb. 14 to Apr. 13, 1916, inclusive).

These acts and resolutions have not previously been transmitted to Congress and none of them has been printed.

WOODROW WILSON.

THE WHITE HOUSE, *June 5, 1916.*

The SPEAKER. This will be referred to the Committee on Insular Affairs and ordered printed. The documents are not ordered printed.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The Clerk will call the first bill on the Calendar for Unanimous Consent.

FRAUDULENT ENLISTMENT.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 7619) to repeal section 3 of section 1342 of the Revised Statutes of the United States, enacted July 27, 1892.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, there are a number of bills on the calendar that might be objected to and passed over, and in view of the absence of a good many Members of the House, owing to the Republican convention at Chicago this week, I am going to suggest that instead of bills objected to being stricken off the calendar, they be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that when a bill is called and there is objection made to it, it may be passed over without prejudice. Is there objection?

There was no objection?

Mr. GORDON. Mr. Speaker, do I understand that the gentleman from Illinois will not object to the consideration of this bill?

Mr. MANN. I am going to object to its consideration to-day.

Mr. GORDON. And there is no use in discussing the merits of it?

Mr. MANN. Not to-day. It will go over and have its place on the calendar.

Mr. GORDON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GORDON. Under the unanimous-consent agreement just entered into on the suggestion of the gentleman from Illinois [Mr. MANN], what would be the status of a bill that was objected to?

The SPEAKER. If any one objects to a bill under the unanimous-consent agreement just secured, instead of that objection striking it from the calendar it goes over without prejudice.

Mr. MANN. It keeps its place on the calendar.

The SPEAKER. That is because of the peculiar condition in which we find ourselves to-day. Is there objection to the consideration of this bill?

Mr. MANN. I object.

The SPEAKER. It will go over without prejudice.

RECORDS, ETC., OF COMMON CARRIERS.

The next business on the Calendar for Unanimous Consent was the bill H. R. 722, to amend section 20 of an act to regulate commerce approved February 4, 1887, as amended, and for other purposes.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, there is a minority report of a gentleman who is not present.

Mr. ADAMSON. I do not think the gentleman who made the minority report intends to delay the bill. I have talked to him about it. If the gentleman objects, of course, under the agreement it will go over.

Mr. MANN. It will have to go over in view of the minority report.

The SPEAKER. Does the gentleman object?

Mr. MANN. I object.

Mr. ADAMSON. I was praying the gentleman would not object.

The SPEAKER. The Clerk will report the next bill.

INVESTIGATION OF CONDITIONS RELATING TO INTERSTATE AND FOREIGN COMMERCE.

The next business in order on the Calendar for Unanimous Consent was Senate joint resolution 60, creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee.

The SPEAKER. Is there objection?

Mr. MANN. Under the agreement I object.

The SPEAKER. The joint resolution goes over under the agreement.

MEMORIAL TO JAMES BUCHANAN.

The next business in order on the Calendar for Unanimous Consent was House joint resolution 145, authorizing the erection, on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States.

The Clerk read the title.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission to the trustees designated in the will of Mrs. Harriet Lane Johnston for the erection of a memorial to James Buchanan, a former President of the United States, on public grounds of the United States in the city of Washington, D. C., in the southern portion of Meridian Hill Park, between Fifteenth, Sixteenth, W, and Euclid Streets NW.: *Provided,*

That the design and location of said memorial and the plan for the treatment of the grounds connected with its site shall be approved by the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of said memorial.

The committee amendment was read, as follows:

Page 1, lines 9 and 10, strike out after the word "Columbia" the words "in the southern portion of Meridian Hill Park, between Fifteenth, Sixteenth, W, and Euclid Streets NW."

Mr. SLAYDEN. Mr. Speaker, unless some gentleman wants information about it I have nothing to say.

Mr. MANN. Will the gentleman yield?

Mr. SLAYDEN. Certainly.

Mr. MANN. My information is that the Fine Arts Commission approved the site for this monument in the Meridian Hill Park.

Mr. SLAYDEN. In the southern extremity of it.

Mr. MANN. That being the case, is it not safer to disagree to the Senate amendment so we will know that that is where it will go? I do not believe we ought ever to pass a bill for a monument that may be stuck no one knows where, and as long as they have made up their minds just now I would like for them to continue in that frame of mind, and that we should disagree to the Senate amendment and let it be put where they say they expect to put it.

Mr. SLAYDEN. Mr. Speaker, I have not a copy of the bill here——

Mr. MANN. The bill provides that this monument shall be located in the southern portion of Meridian Hill Park, between Fifteenth, Sixteenth, W, and Euclid Streets NW., and that is the present expectation. I think if it is to go through it ought to be located there and not located in Potomac Park or some other place—Monument Park, probably.

Mr. SLAYDEN. Mr. Speaker, I am willing to accept the suggestion of the gentleman from Illinois, and I presume the gentleman from Maryland [Mr. COADY], who was requested by Mr. LINTHICUM, the author of the bill, to see that it was reported and to represent it here to-day, would be willing to do that, and it is my understanding, as it is that of the gentleman from Illinois, that this Commission of Fine Arts decided that the appropriate place for the erection of the monument is in the southern extremity of Meridian Hill Park. What was the suggestion of the gentleman from Illinois?

Mr. MANN. To disagree to the committee amendment.

The SPEAKER. Without objection, the committee amendment is disagreed to.

There was no objection.

Mr. MEEKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MEEKER. I do not know whether this is the right place for an inquiry, but I would like to know if the matter in regard to the Key monument has passed entirely from the control of Congress? I notice a protest on the part of his son to the design.

The SPEAKER. The gentleman from Texas can answer that question.

Mr. SLAYDEN. I did not catch the gentleman's question.

Mr. MEEKER. I desire to know if the entire control of the design of the Francis Key monument has passed from the control of the House? That was left to the commission, and there was a disagreement between his son and a number——

Mr. SLAYDEN. Mr. Speaker, my information is that the matter has been entirely settled. A protest from his son was sent recently to the White House opposing the design. I think I saw the report in the papers, and that is the only information I have——

Mr. MEEKER. Any action?

Mr. SLAYDEN. And a reply was received from the Executive that the matter had been settled and the design accepted.

Mr. MEEKER. Nothing could be done?

Mr. SLAYDEN. Nothing could be done.

Mr. MANN. I think we had better lay this aside temporarily. The Senate has not passed the bill.

Mr. SLAYDEN. Has not passed the bill? Then the amendment of the gentleman from Illinois is simply to definitely fix the location?

Mr. MANN. That has already been disagreed to.

Mr. COADY rose.

The SPEAKER. This joint resolution is on the Union Calendar.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent to consider the joint resolution in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Texas asks unanimous consent that the joint resolution be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none. The action of the House a while ago disagreeing to the amendment is reaffirmed, without objection.

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SLAYDEN, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

THE AVIATION SERVICE.

The next business in order on the Calendar for Unanimous Consent was S. J. Res. 65, a joint resolution creating a joint commission of Congress to investigate the Aviation Service of the United States Army.

The Clerk read the title.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

RESTORATION OF HOMESTEAD RIGHTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8492) to restore homestead rights in certain cases.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. VOLSTEAD. Mr. Speaker, reserving the right to object, I would like to know whether the gentleman in charge of the bill would be willing to amend it so as to include some of my people up in Minnesota?

Mr. FERRIS. I would, but it would bring other objections and cause trouble in other places. I hope the gentleman will not object.

Mr. VOLSTEAD. The amendment I offer only extends the relief provided in the bill to others equally deserving. There were 11 townships ceded out of the Chippewa Indian Reservation. The law provided that these lands must be sold at not less than $4 an acre. Now, those lands were too swampy to live on for many years after purchase, and practically every man that purchased has lost the land he got. Now, it seems to me, in view of that situation, we ought to be willing to admit those people to the same sort of relief as we are offering in this bill.

Mr. FERRIS. I am not objecting to the gentleman's amendment.

Mr. VOLSTEAD. I will send it to the Speaker's table and have it read, or give the gentleman a copy of it.

Mr. SHERLEY. Mr. Speaker, I do not think the House ought to consider, without a committee having acted on it, an amendment of that kind. We can not afford to do business in that way here.

Mr. FERRIS. I said to the gentleman that he could offer an amendment and I personally would not object to it. I think it is a just amendment.

Mr. SHERLEY. I am not prepared to have an amendment come up in that way without committee action.

Mr. FERRIS. I do not think the gentleman from Kentucky will object to it himself when he hears it.

Mr. SHERLEY. That may be; but we ought not to legislate with public lands in that way. I announce now that if the gentleman is going to accept that amendment, I will object to the bill that is now pending.

Mr. VOLSTEAD. If the gentleman will permit, this is in line with the bill itself. The only real difference is that this bill gives a new homestead if a person has paid $5. My amendment gives $1 where $4 has been paid.

Mr. SHERLEY. If the gentleman please, that is not the point at all. We have had enough legislation touching public lands—at least I have had enough experience—not to be willing to let the matter go through without it having been considered by committee. The gentleman is adding something that may or may not have merit, and if he persists I will object to the bill that is up now.

The SPEAKER pro tempore (Mr. ADAIR). Is there objection?

Mr. MANN. Reserving the right to object, what is the merit of this bill, anyhow?

Mr. FERRIS. The gentleman from Illinois will remember that this bill was passed in this House two years ago.

Mr. MANN. I do not remember it.

Mr. FERRIS. It did; and the gentleman from Illinois and the gentleman from South Dakota [Mr. BURKE] and I had a long colloquy about it at that time. The gentleman from South Dakota at that time wanted to amend it by taking in some Indian lands that sold at a smaller price. The gentleman from Illinois said if we did, he would object. I was between the proverbial two stones. This bill went over to the Senate and was held up behind the shipping bill last year, and therefore did not pass that body.

Mr. MANN. The gentleman understands that if this bill passes in this shape and there is any substantial amendment re-

lating to any other matter going in it in the Senate, and it comes back here, it will probably die.

Mr. FERRIS. That is probably true. But let me say a word on the merits of this proposition. In Oklahoma—and it has been true also in South Dakota and Minnesota—they have put up the Indian lands and sold them to the highest bidders, and, coupled with that, they have forced them to homestead the lands. Some of these lands sold for as much as $30 an acre. All this bill does is to provide that where they paid the price of $5 an acre or more they may take again.

The legislation providing for this sale provided that they may pay one-fifth down and pay one-fifth each year for five years. They most all had to prove up and go into a loan company, and they borrowed from the loan company in order to pay the Government the deferred payments. This method exhausted both his pocketbook and his homestead rights, and this bill allows him only to take again. And personally I think that these $4 an acre people, whom the gentleman from Minnesota represents, although they did not bid by competitive bid, ought to have another chance. If the House does not agree with the gentleman, I ask him not to obstruct this very meritorious legislation for my people. Surely it would not help his people to obstruct mine. My people bid by competitive bid, and in every case they paid over $5 an acre. It is almost too much to exhaust a man's pocketbook and homestead too.

Mr. VOLSTEAD. Why should Oklahoma, simply because the people paid a dollar more there than in Minnesota, be given relief? There is no question but the people that I have reference to lost out because they could not maintain their rights. It became necessary, before they could use the land, to drain it, and large expenses were incurred for that purpose. Most of your people, I understand, still retain the land.

Mr. FERRIS. Oh, no. They paid more than $5 per acre; that was the minimum. Lots of them have lost land and payments too. The condition in Minnesota is not on the same footing with Oklahoma; but, even so, they present a good case, and there is no reason why the House should refuse to allow the amendment to them also under those circumstances. Of course your people did not buy by competitive bids but pursuant to appraisement.

Mr. VOLSTEAD. I believe they bought at a competitive sale, but I am not quite sure; it may have been on appraisal.

Mr. FERRIS. I think you did.

Mr. VOLSTEAD. I know that a good many of them paid more than $4 an acre, and I know that they lost the lands they bought because they paid too much.

Mr. FERRIS. Of course if the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from Illinois [Mr. MANN] are willing to let that amendment be considered, I will say frankly that the gentleman has justice in his amendment; but I do not want to see my people knocked out if I can help it, for I know that they need this relief. The Lord knows if they can go out on that bald, naked prairie and fight out a home on it they ought to have a chance to do it.

Mr. VOLSTEAD. That committee has passed upon this identical proposition, in passing on this bill.

Mr. FERRIS. I introduced a bill to take care of the gentleman, anticipating what the gentleman says, and the Interior Department would not recommend it favorably, and the department said they must report for a competitive bid and hew it down to those cases where they paid $5 or more an acre. I knew that the bill, if it passed, would have to be without any flaw, and free from departmental objection. We have to run the gantlet of unanimous consent, and I was trying to meet the objections that were made.

Mr. VOLSTEAD. I am willing to offer it and let the House decide whether it is willing to have the amendment.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, do I understand that this other amendment is to be offered?

Mr. FERRIS. What was the suggestion of the gentleman from Illinois?

Mr. MANN. Is this bill to be amended otherwise?

Mr. FERRIS. Not by me. I hope the gentleman from Minnesota [Mr. VOLSTEAD] will not insist upon his amendment, because I feel if he does it will knock these people out of relief—those people who bought by competitive bids and with a minimum price of $5 per acre. Five hundred and five thousand acres were sold, and the average price, which included canyons and mountains and prairie-dog towns, was $10.50 per acre. Some of it is not worth that much now, and those people went out and secured it by competitive bids, and they also exhausted their homestead rights, and what I say is that it having served its purpose in keeping down speculation, they ought to have a chance to try again. I urge the gentleman from Minnesota not to offer his amendment, and thereby complicate the chances of my people.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That any person who has heretofore made homestead entry of lands embraced in a ceded Indian reservation, and who, in completion of the entry, has paid paid or shall have paid the purchase price provided in the law opening the lands to settlement, shall be entitled to the benefits of the homestead laws just as though such prior entry had not been made, if otherwise qualified: *Provided*, That the right of commutation of entries under this act shall not be permitted.

With a committee amendment, as follows:

After the enacting clause strike out all the matter just read and insert in lieu thereof the following: "That from and after the passage of this act any person who has heretofore entered under the homestead laws, pursuant to purchase by competitive bid for a price equivalent to or greater than $5 per acre, lands embraced in a ceded Indian reservation shall, upon proof of such fact, if otherwise qualified, be entitled to the benefits of the homestead law as though such former entry had not been made: *Provided*, That the provisions of this act shall not apply to any person who has failed to pay the full price for his former entry or whose former entry was canceled for fraud."

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PREPAREDNESS PARADE IN WASHINGTON.

Mr. CARLIN. Mr. Speaker, I ask unanimous consent to discharge the Committee on the District of Columbia from the consideration of Senate joint resolution 137, and that it be considered in the House and passed. It will take only a minute. It gives the right directions for the preparedness parade in the District of Columbia.

Mr. HAMLIN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Virginia if his resolution is on the Unanimous Consent Calendar?

Mr. CARLIN. No. It has gone to the Committee on the District of Columbia, unless it is on the Speaker's desk.

Mr. MANN. I ask for the regular order, Mr. Speaker. I do not know what the request is.

Mr. BAILEY. I object, anyhow.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

LEO N. LEVI MEMORIAL HOSPITAL ASSOCIATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 1388) to authorize the Secretary of the Interior to furnish hot water from the hot springs on the Hot Springs Reservation for drinking and bathing purposes free of cost to the Leo N. Levi Memorial Hospital Association.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, let us have the bill reported.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to supply a sufficient quantity of hot water from the hot springs on the Hot Springs Reservation for drinking and bathing purposes to the Leo N. Levi Memorial Hospital Association without cost or charge therefor, under such rules and regulations as he may prescribe.

With committee amendments, as follows:

On page 1, lines 4 and 5, after the word "water," on page 4, insert the words "for five tubs."

On page 1, after line 8, insert the following:

"*Provided*, That said hospital association shall, upon request of the superintendent of the Hot Springs Reservation or his duly authorized representative, immediately after being notified, send an ambulance or conveyance for and accept and treat without charge therefor any emergency patients so sent to the hospital for treatment."

Mr. TAYLOR of Arkansas. Mr. Speaker, the Secretary of the Interior has suggested to the Committee on Public Lands the amendments now in the bill.

This bill authorizes the Jewish Hospital at Hot Springs, Ark., to use the hot water of the Hot Springs for five tubs. Heretofore they have been paying the Government for all the hot water they have used. Their patients are largely charity patients. They are not confined to any religion. If I, a Christian, were

to fall on the street, and they should take care of me, they would do it just exactly as if I were a Jew. This hot water, more than can be used from the springs, flows to the sea. It does not cost the Government a cent to give this water to this highly charitable hospital. I hope the bill will be passed as reported.

Mr. SHERLEY. Mr. Speaker, are most of these hospitals under the control of the Federal Government?

Mr. TAYLOR of Arkansas. This is not.

Mr. SHERLEY. That is just what I am coming to—whether the gentleman does not think this hospital should be subject to some supervision by the Government?

Mr. TAYLOR of Arkansas. It is to some extent.

Mr. SHERLEY. That is what I was asking. The gentleman said it was not.

Mr. TAYLOR of Arkansas. It is not controlled by any doctor in the city of Hot Springs. Of course, they have physicians there who look after the sick and helpless patients.

Mr. SHERLEY. I understand; but is it subject to any regulation by the Federal Government?

Mr. TAYLOR of Arkansas. This bill itself shows that it is under the regulation of the Federal Government, but not entirely.

Mr. SHERLEY. No; the bill provides that the water shall be furnished under certain regulations, but there is nothing to show that there is any control over it by the Government. In times past there have been very great abuses down there in the Hot Springs Reservation and there has been a great deal of trouble at different times in regulating it. While I am strongly in sympathy with the object of the bill, I wanted to inquire of the gentleman whether it was not desirable to give the Government some control over the hospital, inasmuch as the Government is furnishing the water?

Mr. TAYLOR of Arkansas. It is, so to speak, under the control of the Government. It may be on the reservation, and they are using the water from the reservation.

Mr. SHERLEY. I understand that perfectly well. I am somewhat familiar with the situation at Hot Springs. I want to know whether the hospital is going to be under the control of the Government at all.

Mr. TAYLOR of Arkansas. I can not say. It is a chartered institution. I do not know whether the Government has any immediate control over this charitable institution.

Mr. SHERLEY. In point of fact, I am hoping that the gentleman, or some one else primarily interested, will do for the Hot Springs Reservation what ought to have been done long ago, and that is to take it out of the jurisdiction of the Department of the Interior and put it under the direct control of the Public Health Service. It is not a park in any true sense of the word.

Mr. TAYLOR of Arkansas. It is one of the public parks of the Government, as much so as any the Government has.

Mr. SHERLEY. I know it is; but I have just stated that it ought not to be under the control of the Interior Department as a public park. It really ought to be under the control of the Public Health Service, because it is not a park; it is a sanitarium.

Mr. TAYLOR of Arkansas. I do not know what it takes to constitute a park. There are 1,100 acres in it. No park or health resort like it anywhere.

Mr. SHERLEY. Oh, yes; but the primary purpose of keeping it is to afford the people of America the benefit of its water. What I hope to see done is to have it developed, as it never has been properly developed, by people who are familiar with the real purpose to be served, and that is as a health resort and not a park. I suggest that to the gentleman, because I believe that the Government would feel very much better disposed toward the reservation if it was under the control of the Public Health Service.

Mr. TAYLOR of Arkansas. All I can say about that is that it is the greatest health resort of the world, and I hope that the Government will take some proper steps to give suffering humanity the greatest benefit.

Mr. SHERLEY. So do I. That is what I want; and because that has not always been done, and because the management in the past sometimes has been the subject of righteous criticism and indignation I make this remark.

Mr. TAYLOR of Arkansas. There is one wonderful fact about this park, which I think the gentleman knows as well as I do—that it is the only park in the United States that is self-sustaining.

Mr. SHERLEY. It would not long remain so if we should comply with all the requests that are made upon us to take care of matters there.

Mr. TAYLOR of Arkansas. I will try to change the gentleman's opinion about that later on.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAYLOR of Arkansas. With pleasure.

Mr. MANN. There are a number of these hospitals there. I do not know whether the term "charitable" is correct or not; but these hospitals are maintained by various organizations. Do they all enjoy the privilege of getting water free?

Mr. TAYLOR of Arkansas. No; they do not. That is, all the hospitals that have asked for it do not now get it. Of course the Army and Navy Hospital located there gets its water free; but I do not know of any other hospital, except this Jewish hospital, that is being maintained in this way.

Mr. MANN. Oh, I think there are several hospitals there of a similar kind, maintained by different orders.

Mr. TAYLOR of Arkansas. This amendment, proposed by the Secretary of the Interior and offered by the committee, was to avoid setting a precedent to give the water free to all of the hospitals.

Mr. MANN. Well, but I do not see how it does set any such precedent.

Mr. TAYLOR of Arkansas. Suppose there are 100 tubs in the Catholic hospital. Congress will give them, I hope, if they ask for it, water for five tubs free, for the absolute poor that they have to take care of.

Mr. MANN. In this bill they asked for unlimited water, and the committee proposed an amendment limiting it to five tubs. Of course, the number of tubs to be furnished free should be in proportion to the size of the hospital. I suppose that possibly all the tubs they have in this hospital are five. In other words, I do not quite see how we can make a distinction between one hospital which takes patients without charge and another hospital which does the same thing.

Mr. TAYLOR of Arkansas. Here is the charge in this bill:

Provided, That said hospital association shall, upon request of the superintendent of the Hot Springs Reservation or his duly authorized representative, immediately after being notified, send an ambulance or conveyance for and accept and treat without charge therefor any emergency patients so sent to the hospital for treatment.

Mr. MANN. Oh, well, that is moonshine. It does not amount to anything. There is no penalty if they do not do it, and they will not do it if the hospital happens to be full, and they ought not to be asked to do it if they have other patients to fill the hospital. They would not do it ordinarily. The same provision could be made as to any hospital; but whatever practice we adopt ought to be uniform. If we are going to furnish free tubs to all of the hospitals that are in a way charity hospitals, that is very well; but I do not see how you can make a distinction between one and another. We have given to a number of these hospitals the land upon which they are located. We have given them the land. Now, I do not say we ought not to give them the water, but I say that we ought not to do it in one case and refuse to do it in another case of the same kind. I should like to know what the facts are.

Mr. TAYLOR of Arkansas. While these wonderful waters are now going to waste, flowing away to the sea, as I see it every day when I am at Hot Springs—it is in my district, but I do not live there—I do not see why poor, suffering, afflicted humanity should not have the benefit of it.

Mr. MANN. This hospital expects to charge patients for the use of this water, yet it wants to get the water for nothing.

Mr. TAYLOR of Arkansas. If you are able to pay, of course, you have to pay, for they must maintain their institution; but if you are a poor person, then you can get it without charge.

Mr. MANN. That may be. I do not know how many, or what the proportion is.

Mr. TAYLOR of Arkansas. I state this to the gentleman from Illinois: Frequently a poor fellow struggling along the street on his crutches falls upon the street, and there he lies unless some friendly policeman or kind somebody takes him away. In this bill provision is made for this vehicle belonging to this charity hospital, that it shall get the man and take him to that institution. There is quite a cost to maintain a vehicle and a horse to haul these people to the hospital.

Mr. MANN. The gentleman does not seriously think that they are going to do that.

Mr. TAYLOR of Arkansas. Oh, yes, they will. I know it.

Mr. SHERLEY. Who made the suggestion that they should do that?

Mr. TAYLOR of Arkansas. The superintendent of the reservation, Dr. Park.

Mr. SHERLEY. Did it come from the city because they did not want the expense?

Mr. TAYLOR of Arkansas. The city had nothing to do with it.

Mr. SHERLEY. The city has not control, but it has a good deal to do with suggestions, as I have found out.

Mr. TAYLOR of Arkansas. Dr. Park was called on by the Secretary of the Interior to know what he thought about the bill, and in reply he said that in his judgment this charitable institution ought to be willing to furnish that vehicle in compensation for the free hot medical water. I myself do not think that it ought to be required.

Mr. SHERLEY. I do not, but I am struck by the peculiar character of the service required and wondered whether it was to relieve the municipality.

Mr. TAYLOR of Arkansas. Not at all, I do not see how it could have that effect.

Mr. SHERLEY. If you relieve people within the city that it has to take care of, it relieves the municipality. I know that the claim is made that they bear great burdens as the result of this reservation, and that they ought to get great benefit from it.

Mr. TAYLOR of Arkansas. The poor from all over the United States come there for relief, and become a charitable charge on the good people of Hot Springs. Such people are there by thousands, and these charitable people take care of them; they are interested to that extent only. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore (Mr. ADAIR). The gentleman from Arkansas asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Arkansas, a motion to reconsider the vote whereby the bill was passed was laid on the table.

RECLAMATION OF ARID LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12365) to promote the reclamation of arid lands.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. MANN. Mr. Speaker, I ask to have that bill go over.

LAND FOR PUBLIC PARK IN OREGON.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10305) to grant certain lands in the State of Oregon for a public park for the benefit and enjoyment of the people.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I see that this purports to give certain lands to the State of Oregon as a public park, the land being situated in the State of Oregon "within boundaries particularly described." What are the boundaries particularly described.

Mr. HAWLEY. They are described by subdivisions of the rectangular division of the public survey.

Mr. MANN. That is not boundaries; that is the description of the property.

Mr. HAWLEY. I think the gentleman is right about that. I did not prepare the language of the bill.

Mr. MANN. Who did?

Mr. HAWLEY. I would not dare to say.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That all those certain tracts, pieces, or parcels of land lying and being situate in the State of Oregon and within the boundaries particularly described as follows, to wit: The south half and the northeast quarter of section 7, and the west half and the southeast quarter of section 8, and the southwest quarter of section 9, in township 5 north, range 8 west of the Willamette meridian; and the southwest quarter of section 27, and the southeast quarter of and west half section 28, and the north half of section 33, and the northwest quarter of section 34, and the northeast quarter and the southeast quarter of section 29, in township 6 north, range 8 west of the Willamette meridian, are hereby granted to the State of Oregon as a public park or pleasuring ground for the benefit and enjoyment of the people: *Provided*, That the patent to be issued for said lands shall contain the provision that the land shall revert to the United States whenever it shall not be used for the purposes mentioned in this act: *Provided further*, That the Government of the United States of America reserves the right to operate and maintain any telegraph or telephone line over and upon said land which is in operation at the passage of this act, or which it may see fit to establish thereafter.

The following committee amendments were read:

On page 1, line 11, strike out the word "of" and insert the word "of" between the words "half" and "section."

On page 2 add a new section:

"SEC. 2. That there shall be excepted from the grant hereby made any lands which at the date of the approval of this act shall be covered by a valid, existing bona fide right or claim initiated under the laws of the United States: *Provided*, That this exception shall not continue to apply to any particular tract of land unless the claimant continues to comply with the law under which the claim or right was initiated."

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The committee amendments were agreed to.

Mr. MANN. Mr. Speaker, I move to amend, on page 1, lines 4 and 5, by striking out the words "and within the boundaries particularly."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, lines 4 and 5, strike out the words "and within the boundaries particularly."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAWLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

WATER SUPPLY OF BLACKHAWK, COLO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11472) to reserve certain lands and make them a part of the Pike National Forest.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. MANN. Reserving the right to object, I think the gentleman from Colorado ought to make a little explanation.

Mr. KEATING. I would be glad to do so.

Mr. SHERLEY. Let us have the bill read first.

The Clerk read the bill, as follows:

Be it enacted, etc., That all lands in the State of Colorado described as follows, to wit: Section 19 and section 30 in township 2 south, range 72 west, sixth principal base and meridian, be, and the same are hereby, reserved, subject to all prior valid adverse rights, and made a part of and included in the Pike National Forest.

Mr. KEATING. Mr. Speaker, the object of this bill is to safeguard the water supply of Blackhawk, Colo., an old-time mining camp. The Forestry Service for some years has been cooperating with the mountain towns of the West for the purpose of safeguarding their water supply. In some instances we find that a part of the watershed is in the forest reserve and a portion on the public domain. Where conditions will justify it the forest reserve would like to have its jurisdiction extended out over the public domain so as to take in the entire watershed in order that there may not be a divided jurisdiction. That is what we do in this case. It is what we have done in some other cases. I introduced a bill in the last Congress which accomplished the same object for the mining camp of Idaho Springs, Colo., and the Forestry Service and the city authorities of Idaho Springs have entered into an arrangement by which the Forestry Service will police the watershed of Idaho Springs.

In the case under consideration I think that about 800 acres will be added to the Pike National Forest. It will not involve any expense on the part of the Government, but it will result in giving the Forestry Service jurisdiction over the watershed from which the town of Blackhawk draws its water supply.

Mr. MANN. Mr. Speaker, I shall not object to the passage of this bill. A good water supply is necessary to everyone, especially since the State of Colorado will not permit the use of anything stronger. We hear a great many complaints from our distinguished and able Representatives from the West constantly that the Government does not treat them fairly. In the East, if a city wants to conserve and preserve its water supply, it has to do it at its own expense. There are more than a thousand of these cities and villages, and so forth, out in Colorado and the neighboring States that have their water supply taken care of by the General Government at the expense of the General Government. I never have heard any of them give any thanks for it.

Mr. KEATING. Mr. Speaker, on behalf of Idaho Springs and Blackhawk I will now establish a precedent by thanking the National Government for the very excellent service they have given us. [Applause and laughter.]

Mr. TAYLOR of Colorado. Mr. Speaker, I might suggest also that these lands are lands that have been surveyed for 46 years, and they have not been taken up by anyone. If the Government would give them to the cities and the towns, it would make it very much easier. The towns are too poor to buy them, and they would be very glad to take care of them themselves.

Mr. MANN. I notice in some cases that we have done that, or we have let the towns have the land at a very nominal consideration, but most of them want the Government not only to give the land, which may be perfectly proper, but also to take care of it and see that nothing gets on it which damages the water supply, which also may be very proper. I do not undertake to say that it is not, but it is all done at our expense, and, as I suggested before, while we are doing it at our expense, we would appreciate the courtesy of thanks.

Mr. TAYLOR of Colorado. I think we ought to extend thanks to the Government and the Forest Service, but on behalf of these cities I will say that this land is vacant, that it is of no value for mineral or other purposes, and if the Government would convey it to them the cities would relieve the Government from any expense and gladly take care of it themselves. Inasmuch as we can not get this land without paying a dollar and a quarter an acre for it, and the towns have not the money to do that, the next best thing and the only thing that they can do is to put it in the Forest Service.

Mr. KEATING. Mr. Speaker, I do not entirely agree with my colleague. I think the best way to handle this problem of policing the watersheds is for the municipalities to cooperate with the Forest Service. This is being done at a number of points in my district to the complete satisfaction of the municipalities and the Forest Service. I hope Congress will assist the good work by passing the pending bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. KEATING. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KEATING, a motion to reconsider the vote by which the bill was passed was laid on the table.

UNITED STATES COURT AT JAMESTOWN, N. DAK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11878) to amend section 99 of the act to codify, revise, and amend the laws relating to the judiciary.

The SPEAKER pro tempore. Is there objection?

Mr. NORTON. Mr. Speaker, reserving the right to object, I have some amendments to offer to this bill. It seems that the committee in considering the bill was not acquainted with the rapid growth and development of North Dakota and has left out several counties in the arrangement of the different judicial districts. If there is no objection to including these counties I shall have no objection to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SHERLEY. Mr. Speaker, we would like to find out what the bill is about.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 99 of the act to codify, revise, and amend the laws relating to the judiciary be amended to read as follows:

"SEC. 99. That the State of North Dakota shall constitute one judicial district, to be known as the district of North Dakota. The territory embraced on the 1st day of July, 1910, in the counties of Burleigh, Logan, McIntosh, Emmons, Kidder, McLean, Adams, Bowman, Dunn, Hettinger, Morton, Stark, and McKenzie shall constitute the southwestern division of said district; and the territory embraced on the date last mentioned in the counties of Cass, Richland, Barnes, Sargent, Ransom, and Steele shall constitute the southeastern division; and the territory embraced on the date last mentioned in the counties of Grand Forks, Traill, Walsh, Pembina, Cavalier, and Nelson shall constitute the northeastern; and the territory embraced on the date last mentioned in the counties of Ramsey, Benson, Towner, Rolette, Bottineau, Pierce, and McHenry shall constitute the northeastern division; and the territory embraced on the date last mentioned in the counties of Ward, Williams, Mountrail, Burke, and Renville shall constitute the western division; and the territory embraced on the date last mentioned in the counties of Griggs, Foster, Eddy, Wells, Sheridan, Stutsman, Lamoure, and Dickey shall constitute the central division. The several Indian reservations and parts thereof within said State shall constitute a part of the several divisions within which they are respectively situated. Terms of the district court for the southwestern division shall be held at Bismarck on the first Tuesday in March; for the southeastern division, at Fargo on the third Tuesday in May; for the northeastern division, at Grand Forks on the second Tuesday in November; for the northwestern division, at Devils Lake on the first Tuesday in July; for the western division, at Minot on the second Tuesday in October; and for the central division, at Jamestown on the second Tuesday in April. The clerk of the court shall maintain an office in charge of himself or a deputy at each place at which court is held in his district.

With the following committee amendments:

Page 2, line 11, strike out the word "northeastern" and insert the word "northwestern."

Page 3, at the end of the bill, insert the following:

"*Provided*, That the Government of the United States shall incur no expense for rent, light, heat, water, or janitor service for the building in which court shall be held until such time as the Government may erect its own court room."

The SPEAKER pro tempore. Is there objection?

Mr. BORLAND. Mr. Speaker, reserving the right to object, is this creating some new divisions in North Dakota?

Mr. NORTON. This is creating a new district at Jamestown, N. Dak.; but, as I observed, I have noticed that the committee having in charge the bill has overlooked the fact that at the date given in the bill there were several counties in the State not included in the bill, and I purpose to offer an amendment to perfect the bill. This is not my bill. It is a bill introduced by my colleague, Mr. YOUNG.

Mr. BORLAND. Do I understand that this creates a new division, with the court to be held at Jamestown?

Mr. NORTON. Yes.

Mr. BORLAND. How large a place is Jamestown?

Mr. NORTON. It is a city of about five or six thousand.

Mr. BORLAND. Is there a public building there?

Mr. NORTON. There is a public building authorized at Jamestown.

Mr. BORLAND. Is it sufficient for this court?

Mr. NORTON. Yes; I think it is.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, do I understand my friend to intend offering an amendment to put it at another place?

Mr. NORTON. No. I have no such intention. I intended to include in certain judicial divisions described in the bill counties in the State that had been omitted from this bill, that are not mentioned in it at all.

Mr. MANN. The gentleman, I am afraid, has not carefully read the bill.

Mr. NORTON. On the contrary, I have read the bill very carefully, and I desire to say to the gentleman from Illinois that I have taken particular notice of the date—July 1, 1910—when the several divisions of the State is said to have been embraced in certain counties which are named. On that date there were several organized counties in the State which are not taken care of in this bill.

Mr. MANN. Of course, there are a number of counties left out of this bill which are in the existing law. Whether it was done designedly or whether the counties have been abolished I do not know. The gentleman from North Dakota would know. The existing law as it now stands provides:

The territory embraced on the 1st day of July, 1910, in the counties of Burleigh, Stutsman—

Stutsman is out of this bill—

Logan, McIntosh, Emmons, Kidder, Wells—

Out of this bill—

McLean—

Out of this bill—

Adams—

And a number of others. Have these counties been abolished?

Mr. NORTON. It appears from the gentleman's statement that he has not very carefully read the bill.

Mr. MANN. I have read the bill and the law, and I am telling exactly what occurs in both.

Mr. NORTON. Is the gentleman reading from the existing law?

Mr. MANN. I have read from the bill. I have the bill in my hand.

Mr. NORTON. If the gentleman will read line 16, page 2, he will find the counties of Eddy, Wells, Sheridan, and Stutsman.

Mr. MANN. In the central division.

Mr. NORTON. Incorporated in this bill.

Mr. MANN. The gentleman is correct.

Mr. NORTON. Now, I have reference particularly to the counties of Oliver and Mercer, which should be incorporated in the first division—not mentioned in this bill, but they were organized prior to July 1, 1910.

Mr. MANN. Where have they been all the time since then?

Mr. NORTON. The territory included in these counties has not been changed since a date long prior to July 1, 1910.

Mr. MANN. Have they been in a judicial district?

Mr. NORTON. I do not have at hand a copy of the existing law.

Mr. MANN. Well, I have both in my hand. What counties?

Mr. NORTON. Oliver and Mercer.

Mr. MANN. There are no such counties in the law.

Mr. NORTON. Clearly, then, they have been off the United States judicial map, and the omissions in this bill would result in continuing this gross error.

Mr. MANN. I guess they were not on the map at that time. The bill, I think, should go over until we find out.

Mr. YOUNG of North Dakota. If Congress has heretofore overlooked these counties there will be no objection to having them included, because it is very clear they were intended to be included in the district that centers at Bismarck.

Mr. MANN. I think it would be worth while to know, just for curiosity's sake, whether two counties in that great State have been left out, and they have not found it out in less than six years. That is a tribute to the counties, and I am willing to pay a tribute if they have had no litigation to cause them to find out that they were not in any judicial district in the United States, but it is well enough to be certain about it.

Mr. NORTON. If the gentleman has a copy of the existing law and they are not included in that, why, they simply have been left out.

Mr. MANN. I have a copy of this bill with the existing law compared with it.

Mr. TAYLOR of Colorado. Will the gentleman yield for a question?

Mr. YOUNG of North Dakota. I do not understand that the gentleman from North Dakota [Mr. NORTON] is objecting to the consideration of the bill at this time, but he simply wants to have those two counties named.

Mr. MANN. I think we ought to know.

Mr. YOUNG of North Dakota. But the gentleman from Illinois surely has no question as to the location of these two counties?

Mr. MANN. I do think this. I have the utmost of faith in the gentleman from North Dakota, but it is impossible, on the other hand, for me to believe without absolute proof of some kind that we have passed a law which had been in the statute books for six years which did not cover certain counties in a judicial district and nobody had discovered it. My friend from North Dakota has not discovered it, because he did not put it in his bill.

Mr. YOUNG of North Dakota. The counties were not located within the area in which we sought to create the district.

Mr. MANN. I do not think it will hurt to go over a couple of weeks and find out about it.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I ask that the bill go over.

The SPEAKER. The gentleman objects, and the bill goes over.

TO SIMPLIFY APPEALS AND WRITS OF ERROR AND COSTS THEREOF.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10312) relating to appeals and writs of error and costs thereof.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this is a bill I am very anxious to have passed, but the gentleman from Kentucky [Mr. SHERLEY] wanted to be here. Might it go over for five minutes or so?

Mr. CARAWAY. I have no objection. He went out to get a copy of the bill and report a minute ago.

The SPEAKER. The gentleman from Illinois asks to pass this bill temporarily without prejudice. Is there objection? [After a pause.] The Chair hears none.

SECTION 20, ACT TO REGULATE COMMERCE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 563) to amend section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes.

The Clerk read the title of the bill.

Mr. MANN. There are some gentlemen absent who wish to be heard on this bill and I ask that it go over.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be passed without prejudice and to keep its place on the calendar. Is there objection? [After a pause.] The Chair hears none.

RED RIVER, OKLA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7613) to authorize the Terral Bridge Co. to construct a bridge across the Red River near Terral, Jefferson County, Okla.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Terral Bridge Co., a corporation organized and existing under the laws of the State of Oklahoma, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Red River at a point suitable to the interests of navigation at or near Terral, Okla., in the county of Jefferson, in the State of Oklahoma, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The following committee amendment was read:

Page 1, line 4, at the end of the line, strike out the word "is" and insert, at the beginning of line 5, the words "its successors and assigns be and are."

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask the gentleman in charge of the bill whether this is designed as a toll bridge?

Mr. FERRIS. I do not think so. The farmers on both sides have raised the money by subscription and are going to build the bridge for their own benefit. It is in my own district.

Mr. STEPHENS of Texas. If it crosses the Red River, one end of it is in Clay County, in my district. That is the reason of my inquiry.

Mr. FERRIS. I have a letter here from Dr. Ewing, who lives at Ewing, and he explains it is a farmers' proposition, so that they can haul their grain across the river there. Terral is a small town on the edge of the river.

Mr. STEPHENS of Texas. In what direction from Terral will this be built?

Mr. FERRIS. South.

Mr. STEPHENS of Texas. Then it is near the crossing of the Rock Island into Texas?

Mr. FERRIS. It must be very near.

Mr. STEPHENS of Texas. I have no objection.

Mr. ADAMSON. I will say to the gentleman from Texas [Mr. STEPHENS] that in the event tolls were ever considered, it is under the jurisdiction of the Secretary of War as to what they shall be, if any.

Mr. STEPHENS of Texas. I understood from the reading that it is a corporation that is building the bridge, and I did not know the kind of a corporation.

Mr. ADAMSON. I should think that they would be willing to pay tolls in order to get into communication with such a good district.

Mr. STEPHENS of Texas. They are both good districts.

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

APPEALS AND WRITS OF ERROR.

Mr. CARAWAY. Mr. Speaker, I ask unanimous consent to return to the bill H. R. 10312.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10312) relating to appeals and writs of error and costs thereof.

Be it enacted, etc., That two or more defendants severally adjudged guilty upon the same trial in any district court of the United States of any criminal offense or offenses charged against them in the same indictment or information, or in the same indictments or informations, may be joined as plaintiffs in error in the same writ of error issued to review the several judgments entered against them adjudging them guilty of and sentencing them for said offense or offenses, and said two or more defendants may unite in the same joint and several assignment of errors intended to be urged in the prosecution of such writ of error, and the court from which such writ of error is sued out shall hear and determine such writ of error on behalf of all and each of the plaintiffs in error named therein as if such joint and several assignment of errors were the separate and distinct assignment of errors of each of such plaintiff in error.

SEC. 2. That the bill of exceptions or certificate of evidence in any civil or criminal case, instead of a copy thereof, may be incorporated into the transcript of record for use in the Supreme Court or the court of appeals by stipulation of counsel for the respective parties or by order of the Supreme Court or of the court of appeals or of the judge or justice signing the citation; and that said bill of exceptions or certificate of evidence shall be returned to the district court after it has served its purpose in the Supreme Court or the court of appeals, or in both the Supreme Court and the court of appeals.

SEC. 3. That whenever any party to any suit or proceeding in any United States court desires to take an appeal or prosecute a writ of error from any judgment or decree of such court rendered in such suit or proceeding to the Supreme Court or a court of appeals, and shall present to the clerk of such United States court where such judgment or decree was rendered a fair copy of the bill of exceptions or certificate of evidence or other papers not of record in such case necessary to be transcribed, the clerk shall, in making up the transcript of the record for such appeal or writ of error, be allowed 3 cents for each 100 words for comparing such copies with the originals or with the record thereof

and for correcting any errors in the same, and shall incorporate into such transcript of the record of such appeal or writ of error, such fair copy of the certificate of evidence or the bill of exceptions or other papers not of record in such case.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I just wanted to interrogate the gentleman in charge of the bill about a matter or two. I thoroughly agree with the wisdom of the first section of the bill. The second section undertakes to change the rules touching bills of exceptions. If I understand it, the effect of it would be simply to permit the original bill to be used in the appellate court instead of the copy.

Mr. CARAWAY. That is true.

Mr. SHERLEY. Would it in any way change the rule touching the printing of the transcript?

Mr. CARAWAY. No, sir; it does not. I just examined that matter a minute ago. By consent, the parties in civil matters may have in just one bill of exceptions all their errors incorporated.

Mr. SHERLEY. Does the gentleman quite catch what I mean? I understand that the effect of the bill is to permit the original bill to go up in place of a copy of it; but in addition to that the rules, as I recall them, require the printing of a number of copies of the record. Would this in any way change that rule?

Mr. CARAWAY. No, sir; it would not. It does not change that rule.

I would like to say that I am relying rather strongly on the brief furnished by Mr. Forrest, and on page 3, under the subdivision 2, I think it is rather clearly set out that it does seek to change the rule with reference to the printing of the copy.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill relating to appeals and writs of error and costs thereof."

On motion of Mr. CARAWAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF ROCKY MOUNTAIN NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10124) to add to the Rocky Mountain National Park, Colo., certain lands.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. SHERLEY. Reserving the right to object, can we have an explanation of the bill?

Mr. TIMBERLAKE. Mr. Speaker, this is a bill to add some small areas to the boundaries of the present Rocky Mountain National Park, as authorized in the Sixty-third Congress. In the arrangement of the boundaries in that bill there were certain special scenic features that were omitted. It was the opinion of the Interior and Agricultural Departments, as expressed, that these features should be included in the Rocky Mountain National Park. Accordingly a bill was drawn in conjunction with these departments to embody those features. That is the purpose of this bill. The features sought to be added to the park are very peculiar scenic features and very desirable to have added. They do not contain valuable timber. In fact, there is nothing included within the provisions of this bill that is sought to be added to the Colorado Rocky Mountain Park except pure scenery.

Mr. SHERLEY. Except the subsequent expense of the Government to build roads, trails, and so forth, to see the scenery.

Mr. MANN. In the limitation there is some suggestion of that.

Mr. SHERLEY. Yes; I wrote it.

Mr. TIMBERLAKE. Of course, we are willing to abide by it.

Mr. SHERLEY. Mr. Speaker, if the gentleman will permit, I was out in Denver last year, and you can take a pair of field glasses and see pretty much over the entire area of this park. It is a very beautiful piece of ground, and it makes a most delightful suburban park for Denver. Just why Denver should not keep it up I have never quite seen. It is close now with an automobile. It is only two hours' ride, and it is really quite an attraction for Denver. We would be very glad to have a similar one for Louisville and would be glad to maintain it at the expense of the municipality. I was wondering what additional outlay they would expect the Government to make.

Mr. MANN. I know it is very popular from Chicago. I do not know about Denver.

Mr. TIMBERLAKE. Well, it is popular with Denver, and it seems to me it is equally so for the whole country.

Mr. SHERLEY. I quite agree as to the value of national parks; but I take occasion to emphasize something that needs to be emphasized, to the constant, unreasoning propaganda that is going on over the country touching national parks.

Now, here is a park the primary advantage of which is for Denver. It is worth many thousands of dollars to Denver, but Denver does not seem to be disposed to do anything except to have Uncle Sam improve it; so that I think it is wise to emphasize that each time, so that we can understand where the influence comes and where all the articles in the magazines come from touching the development of public parks.

Mr. TIMBERLAKE. I do not represent the city of Denver. I have the honor to represent the second congressional district of Colorado, and I want to say that the Rocky Mountain National Park is considered by the people of the second district, outside of the people of Denver, as a very great asset to that portion of the country and to the United States as well.

Mr. SHERLEY. Of course it is an asset.

Mr. TAYLOR of Colorado. Mr. Chairman, will my colleague yield?

Mr. TIMBERLAKE. Certainly.

Mr. TAYLOR of Colorado. I would like to suggest to the gentleman from Kentucky [Mr. SHERLEY] that the city of Denver has expended something like $500,000 in building roads not only to this park but to the city parks and various mountain resorts around there. That is of benefit to the whole public.

Mr. SHERLEY. Oh, that is not unusual. My city has expended more than that in the development of its park system.

Mr. TAYLOR of Colorado. The State of Colorado is not parsimonious. The city of Denver has spent half a million dollars in the improvement of the roads.

Mr. SHERLEY. That is like many other beautiful pieces of mountain scenery in the West. Now, the particular reason why it was made into a national park was because Denver wanted it.

Mr. TAYLOR of Colorado. It is accessible to the railroads. It is the most accessible national park in the world.

Mr. TIMBERLAKE. I want to say to the gentleman from Kentucky that the people of Denver and of Colorado will not be found wanting in supplying the needed funds for the building of proper roads in that locality if the Government does not do it.

Mr. SHERLEY. How would the gentleman like us to give it to the State of Colorado, following the suggestion of the gentleman from Colorado, that he would be glad to have various and sundry of these lands presented to the State? How would the gentleman like us to give the park to the State?

Mr. TIMBERLAKE. I think the State of Colorado would regard it as a very valuable gift, coming from the United States Government, and would accept it with pleasure.

Mr. FERRIS. As a matter of caution, I suggest to the gentleman from Colorado that he had better not go on record with the Committee on Appropriations on that subject.

Mr. TIMBERLAKE. That was merely a personal opinion of mine.

Mr. TAYLOR of Colorado. I will say, Mr. Speaker, that when the boundaries of this park were originally created, when I had the distinction of passing the bill and being considerably cross-examined by the gentleman from Kentucky [Mr. SHERLEY], the boundaries, while we thought they were as they ought to be at that time, have been discovered to be somewhat defective in that there are two or three mountain peaks there that ought to be included, in order to round out the park. It is only a comparatively small amount of land that remains to be added, and we think it ought to be in.

Mr. FITZGERALD. This does not take in the city of Denver?

Mr. TAYLOR of Colorado. No; it does not take in the city of Denver. This adds to the scenery, and we hope it will pass.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. TIMBERLAKE. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Colorado asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. This bill has three or four pages stricken out.

Mr. TIMBERLAKE. Mr. Speaker, I would like to suggest an amendment on account of a misprint.

Mr. FERRIS. I suggest that the gentleman ask unanimous consent to consider the amendment as distinguished from the part stricken out. It will save time.

The SPEAKER. The gentleman asks unanimous consent to have the amendment read in lieu of the part stricken out by the committee. Is there objection?

There was no objection.

Mr. TIMBERLAKE. On page 5, line 21——

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

On page 5, line 6, add:

"That the eastern boundary line of the Rocky Mountain National Park between the section corner common to sections 2 and 3, township 3 north, and sections 34 and 35, township 4 north, range 73 west, and the township corner common to townships 5 and 6 north, ranges 72 and 73 west, is hereby changed so as to read as follows:

"'Beginning at a point on the present eastern boundary line of the Rocky Mountain National Park, Colo., which is the northwest corner of section 2 and the northeast corner of section 3, township 3 north, range 73 west of the sixth principal meridian, Colorado, running thence east along the township line to its intersection with the main hydrographic divide east of Cow Creek, between section 31, township 4 north, and section 6, township 3 north, range 73 west; thence northwesterly following along said hydrographic divide, passing over Twin Sisters, The Crags, passing west of Lily Lake, and continuing along said hydrographic divide, now between Aspen Brook and Fish Creek and passing over Lily Mountain and Gianttrack Mountain to a point which is the southeast corner of section 34 and the southwest corner of section 35, township 5 north, range 73 west; thence north along the section lines between sections 34 and 35, 26 and 27, 22 and 23, 14 and 15, to the quarter corner common to sections 14 and 15, all in township 5 north, range 73 west; thence east along quarter-section line, through sections 14 and 13, township 5 north, range 73 west and along the continuation of said quarter-section line through section 18 to the quarter corner common to sections 18 and 17, township 5 north, range 72 west; thence north along the section line between sections 18 and 17, 7 and 8, 5 and 6, all in township 5 north, range 72 west to that point which is the northeast corner of section 6 and the northwest corner of section 5 in said township and range; thence west along the township line to the township corner common to townships 5 and 6 north, ranges 72 and 73 west, which is on the present eastern boundary line of the Rocky Mountain National Park, Colo.'

"And the lands lying between the present existing eastern boundary and the eastern boundary as changed by this act between said section corner common to sections 2 and 3, township 3 north, and sections 34 and 35, township 4 north, range 73 west, and said township corner common to townships 5 and 6 north, ranges 72 and 73 west, are hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and said tracts are hereby made a part of and included in the Rocky Mountain National Park, and all the provisions of the act to establish the Rocky Mountain National Park in the State of Colorado, and for other purposes, approved January 26, 1915, are hereby made applicable to and extended over the lands hereby added to the park."

With another committee amendment to amend the title so as to read:

A bill to add certain lands to the Rocky Mountain National Park, Colo.

Mr. TIMBERLAKE. Mr. Speaker, I move to amend, on page 5, line 21, by striking out the word "seventy-three" and inserting the word "seventy-two."

The SPEAKER The Clerk will report the amendment offered by the gentleman from Colorado.

The Clerk read as follows:

Amend the committee amendment on page 5, line 21, by striking out the word "seventy-three" and inserting in lieu thereof the word "seventy-two."

The amendment to the amendment was agreed to.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent, the title was amended so as to read: "A bill to add certain lands to the Rocky Mountain National Park, Colo."

On motion of Mr. TIMBERLAKE, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT OF THE SENATE FROM JUNE 3 TO JUNE 8.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to consider the following resolution.

The SPEAKER. The gentleman from New York asks unanimous consent to consider a resolution that will be read by the Clerk.

The Clerk read as follows:

House resolution 255.

Resolved, That the House of Representatives consent that the Senate may adjourn from June 3 to June 8, 1916.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, my own opinion is that the proper procedure would have been for the Senate to have requested the House to consent that it take this adjournment.

The SPEAKER. There is no question about that.

Mr. FITZGERALD. As they have not done so, however, it seems to me that the House should at least come to the rescue of the Senate and save it from a violation of a plain provision of the Constitution, which it is perhaps too much to expect Members of the Senate would observe. [Laughter.]

Mr. MANN. Mr. Speaker, I think it is proper to say that this action is taken at the request of a number of the Senators of the United States.

Mr. FITZGERALD. An informal request.

Mr. MANN. True, an informal request.

Mr. FITZGERALD. It seems to me that it would have been proper for the Senate to do it formally, and I hope that if the House ever decides to adjourn for more than three days at a time it will keep in mind this provision of the Constitution, and in a proper, courteous, and legitimate manner ask the consent of the other body, in order that it may keep within the limitations of the Constitution.

Mr. MANN. Mr. Speaker, the gentleman from New York ought not to suggest that the Senate should have notified us in order to obtain this consent, because they did not know they were violating the Constitution when they took the action. [Laughter.]

Mr. FITZGERALD. If the gentleman thinks it advisable, a copy of that provision of the Constitution might be transmitted with this resolution. [Laughter.]

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

WESTERN AND EASTERN DISTRICTS, OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11148) transferring the counties of Osage and Pawnee from the western judicial district of the United States court, in the State of Oklahoma, to the eastern judicial district of said court in said State for judicial purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. THOMPSON. Mr. Speaker, I object.

The SPEAKER. The gentleman from Oklahoma objects, and the bill goes over without prejudice.

ELECTRIC LIGHT AND POWER, OAHU, HAWAII.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6070) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Hawaiian Electric Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object——

Mr. HOUSTON. This is a bill passed by the Territorial Legislature of Hawaii.

Mr. MANN. I am under the impression that the Senate passed a similar bill——

Mr. HOUSTON. I was just coming to that. This is a bill to extend the rights of the company to extend its electric light and power service over every part of the island of Oahu, it now being limited to Honolulu. A bill identical with this bill reported by the Committee on the Territories has passed the Senate, and that Senate bill is now on the Speaker's table.

Mr. MANN. It has come over this morning, has it?

Mr. HOUSTON. It has come over this morning, and I ask unanimous consent that the House consider the Senate bill in lieu of the House bill.

Mr. RAKER. Do the people of Hawaii favor this legislation?

Mr. HOUSTON. Oh, yes. The Territorial Legislature of Hawaii has passed this bill. It comes here for ratification by Congress.

Mr. RAKER. In addition to that, is there a general feeling in Hawaii favorable to this bill?

Mr. HOUSTON. My understanding is that the people entirely favor it. There is much local demand for it, and also a demand on the part of the Government of the United States.

Mr. RAKER. There are no monopolistic influences back of it?

Mr. HOUSTON. Not at all. It simply extends to all parts of the island of Oahu the franchise that they already have for Honolulu. This will enable them to extend electric light and power service to Fort Schofield and to Fort Kamehameha, and also to the Government plant at Pearl Harbor, where they have no right to extend it now. It is a very great necessity.

Mr. RAKER. Does the company give reasonable rates?

Mr. HOUSTON. The rates are under the control of the public-utilities commission and are fixed by that commission. The bill also contains a provision that the public-utilities commission may require the company to extend its service into any other part of the island where there is a demand for it.

Mr. RAKER. In some of the States there has been some question as to the efficiency of their public-service commissions,

that they were not really capable of controlling the rates for these services. Has there been any complaint about that in this case?

Mr. HOUSTON. There has been no complaint of that sort about the Public Utilities Commission of Hawaii.

Mr. RAKER. That commission is absolutely efficient and does control this service, does it? I am in earnest about this.

Mr. HOUSTON. There has never been any complaint whatever in regard to the action of that utilities commission. The people of the island are very much in favor of this legislation, and their legislature have already enacted the law establishing the commission, and it is now in control of all the public-service companies there.

Mr. SISSON. Will the gentleman yield for a question?

Mr. HOUSTON. I yield to the gentleman from Mississippi.

Mr. SISSON. Is the gentleman familiar with the terms of the law as to the power of this commission to regulate rates, to increase or diminish the rates for the sale of electricity for light and power purposes?

Mr. HOUSTON. I can not say that I am familiar with the rates.

Mr. SISSON. I do not mean the identical rights, but power under the bill to raise or lower rates.

Mr. HOUSTON. They have the right to control rates.

Mr. SISSON. The mere passage of a bill of that kind carries with it very little weight, because frequently these things may go through the legislature by certain influences which might not result in protecting the people.

Mr. HOUSTON. I think these things are all safeguarded.

Mr. JOHNSON of Washington. The Public Utilities Commission of Hawaii has the power to increase or lower rates and hold hearings in relation thereto?

Mr. HOUSTON. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Tennessee asks unanimous consent to consider the Senate bill of identical tenor in place of the House bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, S. 5274, as follows:

Be it enacted, etc., That the act of the Legislature of the Territory of Hawaii entitled "An act amending the franchise held by the Hawaiian Electric Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii," is hereby ratified, approved, and confirmed, and section 1 of act 48 of the Laws of 1903 of the Territory of Hawaii, as amended and approved by the act of Congress approved April 21, 1904 (now section 836 of the Revised Laws of Hawaii, 1915), is hereby amended by striking therefrom the following:

"(b) 'Honolulu,' or 'district of Honolulu,' shall refer to, include, and mean all of that portion of the island of Oahu included in the taxation, educational, and judicial district now defined by law as 'Honolulu district,' or the 'district of Honolulu.'"

SEC. 2. That section 2 of act 48 of the Laws of 1903 of said Territory (section 837 of the Revised Laws of Hawaii, 1915), as amended and approved by the act of Congress approved April 21, 1904, is hereby further amended to read as follows:

"Electric power manufacture, sale, etc.: The right is hereby granted to the Hawaiian Electric Co. (Ltd.) as a body corporate under that or such other name as the said company may hereafter adopt, and its successors and assigns, to manufacture, sell, furnish, and supply electric light, electric current, or electric power on the island of Oahu, Territory of Hawaii, for lighting the streets, roads, public or private buildings, or for motive power, or for any other purpose which it or they may deem advisable, and from time to time, for the purposes above mentioned, to construct, maintain, and operate suitable poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution, or supply of electricity to the consumers thereof, under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said island of Oahu and to connect the said lines, wires, and conductors with any manufactory, private or public building, lamp, lamp-post, or other structure or object with the place of supply."

SEC. 3. That section 3 of act 48 of the Laws of 1903 of said Territory, as approved by the act of Congress approved April 21, 1904 (now section 838 of the Revised Laws of Hawaii, 1915), is hereby amended so as to read as follows:

"Power houses, etc.: Said company shall also have the right to maintain and operate its present light and power station on the corner of Halekauwila and Alakea Streets, in Honolulu, said island of Oahu, and also to construct, maintain, and operate, at such points as may from time to time be necessary, light and power stations or houses, or such other buildings and structures as may be necessary and proper, and to use machinery therein for the purposes of the company."

SEC. 4. That said act 48 of the Laws of 1903 of said Territory, as amended and approved by the act of Congress approved April 21, 1904, is hereby further amended by adding a new section thereto to be known as section 15A (and to be known as section 850A of the Revised Laws of Hawaii, 1915), and reading as follows:

"This franchise, and the person or corporation holding the same, shall be subject as to reasonableness of rates, prices, and charges, and in all other respects to the provisions of chapter 128 of the Revised Laws of Hawaii, 1915, creating a public utilities commission, and all amendments thereof, for the regulation of the public utilities in said Territory, and all the powers and duties expressly conferred upon or required of the superintendent of public works or the courts by said act creating said franchise are hereby conferred upon and required of said public utilities commission."

SEC. 5. That the public utilities commission of the Territory of Hawaii is hereby granted the power to order the Hawaiian Electric Co. (Ltd.), its successors or assigns, to make extensions of its service lines within the island of Oahu, whenever it shall be made to appear that said extension is a public necessity and that said extension or extensions can be made to earn a reasonable profit on the cost and maintenance of the same: *Provided*, That all orders of the public utilities commission herein provided for shall be subject to review by the courts of said Territory.

SEC. 6. That Congress, or the Legislature of the Territory of Hawaii, with the approval of Congress, may at any time alter, amend, or repeal this act.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HOUSTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The bill H. R. 6070 was laid on the table.

PUBLIC-UTILITY FRANCHISES IN HAWAII.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 14071) to amend certain public-utility company franchises in the Territory of Hawaii.

The Clerk read the bill, as follows:

Be it enacted, etc., That each and every public-utility company operating within the Territory of Hawaii under any franchise or charter heretofore approved or granted by the Congress of the United States shall, within one month after the expiration of each calendar year, pay to the treasurer of the county in which said company operates such per centum of the gross receipts of said company for the preceding calendar year as its franchise now requires it to pay to the Territory of Hawaii.

SEC. 2. That all acts and parts of acts inconsistent with this enactment are hereby repealed.

Mr. MANN. Will the gentleman yield?

Mr. HOUSTON. Yes.

Mr. MANN. I understand from the report in this case that the purpose of the bill is to have paid to the counties the per centum of the gross receipts which are now paid to the Territory.

Mr. HOUSTON. That is the object of the bill.

Mr. MANN. Let us see whether that is what it does. The bill says "shall pay to the treasurer of the county in which said company operates such per centum of the gross receipts of said company for the preceding calendar year as its franchise now requires it to pay to the Territory of Hawaii."

It does not seem to me that that is what it means, that it shall pay the percentage which it now pays to the Territory and pay the same amount to the counties. "Shall pay such per cent of the gross receipts." That is merely assigning the amount.

Mr. HOUSTON. The object of the bill and a fair construction of the language would seem to be that this per centum that is now required by the franchise to be paid into the Territorial treasury shall be paid into the county treasury.

Mr. MANN. I think a fair construction of it is that 2 per cent—if that is what it is—shall be paid to the county. If the gentleman means that they shall pay "the" per centum, he had better say so. "The per centum" is definite language.

Mr. NORTON. Will the gentleman yield?

Mr. HOUSTON. Yes.

Mr. NORTON. Is it intended by this bill that there shall be paid into each county the per centum on the mileage of the company that is operated in a certain county? If the company operates in two or more counties——

Mr. MANN. It does not, because each island is a county. No island is divided into counties.

Mr. HOUSTON. That is correct; each island is a county.

Mr. MANN. I believe the city of Honolulu—it may be that it is a county—takes in the Midway Islands, 2,000 miles away. I think it is safe to say that no public-utility company operates over in the Midway Islands from Honolulu.

Mr. NORTON. I did not know that; reading the bill, if the company operated in two counties it would look as if it had to pay twice.

Mr. HOUSTON. The county of Honolulu takes in all of the island of Oahu, and that constitutes the county, with the addition of some small islands.

Mr. MANN. My information comes from Mayor Lane, who was mayor of Honolulu. I understand Honolulu takes in a number of little islands not organized by themselves.

Mr. HOUSTON. Adjacent to it.

Mr. MANN. One is 1,500 or 2,000 miles away.

Mr. NORTON. That is not much in that country of magnificent distances.

Mr. MANN. Possibly it will be clear if you change the word "such" to "the." It seems to me the present language means simply the definition of the amount.

Mr. HOUSTON. I am convinced that it was the intention of the Territorial legislature, from the hearings on the bill and information we have from the residents of Hawaii, some of

whom have been before the committee in support of the bill. I think if the bill is subject to the construction the gentleman speaks of it ought to be amended. I was going to say that we have a Senate bill identical with this which has passed the Senate, and I was going to ask unanimous consent to substitute that bill.

Mr. MANN. If the gentleman thinks it is sufficient, I will not raise any question about that part of it. I could not tell from the reading of the bill just what it meant. I would like to ask the gentleman a question. This is for the purpose of ratifying and approving an act of the legislature. In a number of these cases they say they ratify and approve the act of the legislature, but it does not pretend to do that here. What is the distinction in these bills where you purport to ratify the action of the legislature? In the bill just passed you sought to ratify the act of the legislature, and in this you do not make any reference to it.

Mr. HOUSTON. This is not a bill especially to ratify the act of the Territory of Hawaii. This is more general in its purpose. The Territory of Hawaii passed two bills relative to two different franchises, and in each one there was a provision similar to this. The intention of this bill is to ratify those two bills, also to provide that all franchises authorized of a similar character shall be subject to this provision. Since these two bills were passed by the legislature they have passed two other bills of the same purport with the same conditions.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOUSTON. Mr. Speaker, I ask that the bill S. 5776, of identical language, be substituted in lieu of this bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that Senate bill 5776 be substituted for this. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That each and every public-utility company operating within the Territory of Hawaii under any franchise or charter heretofore approved or granted by the Congress of the United States shall, within one month after the expiration of each calendar year, pay to the treasurer of the county in which said company operates such per centum of the gross receipts of said company for the preceding calendar year as its franchise now requires it to pay to the Territory of Hawaii.

SEC. 2. That all acts and parts of acts inconsistent with this enactment are hereby repealed.

Mr. MANN. Mr. Speaker, this is a Senate bill. I am not going to be captious about it, but I move to strike out the last word for the purpose of calling attention to one thing. I do not know who drew the bill, but evidently some one connected with the Territory of Hawaii. No one connected with Congress drew it. Section 2 provides "that all acts and parts of acts inconsistent with this enactment are hereby repealed." It means the same thing as if they had used the word "act," of course.

Mr. HOUSTON. Where is that?

Mr. MANN. Section 2. I refer to the word "enactment," which is used instead of "act." It means the same thing. It is because such things are formal and that we know the form that we let them pass without scrutiny. They all ought to be in the same form. I withdraw the pro forma amendment.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HOUSTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

HONOLULU GAS CO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 3085) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Honolulu Gas Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOUSTON. Mr. Speaker, this is a bill identical with the one passed with regard to the electric-light franchises, only it applies to gas—the Honolulu Gas Co. (Ltd.). The provisions are the same, and the purport is the same. The demand for this is much more universal throughout the country, because gas is used for cooking purposes, and the measure is more imperative in that respect.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. HOUSTON. Yes.

Mr. COX. Does the public-utilities commission in the Territory of Hawaii fix the price of gas to the consumer?

Mr. HOUSTON. They fix the price on the products of all public-service corporations. They have that right now.

Mr. COX. Do they actually fix the price of gas to the consumer?

Mr. HOUSTON. They have the power to fix it.

Mr. COX. Is not that far in advance of the work of the public-utilities commissions in this country generally?

Mr. HOUSTON. There are some provisions in these measures that are progressive.

Mr. COX. I think that must be so. I am heartily in favor of that.

Mr. MANN. One of the provisions of the original law put the power in the hands of what I think they called the superintendent of public works, but since that time they have created a public-utilities commission, and one of the purposes of this bill is to give the public-utilities commission power which, under the orginal act, was authorized by the superintendent of public works.

Mr. HOUSTON. Except I suggest this, that the public utilities commission has powers that the superintendent of public works did not have. They go further and fix the price beyond any authority given him.

Mr. MANN. I understand.

Mr. COX. I am not criticizing the measure, but it looks to me as though they are making much more progress in the Territory of Hawaii than we are in this country with our public-utilities commissions.

Mr. MANN. We are getting public-utilities commissions in almost every State.

Mr. COX. That is true. In the city of Chicago, does the Public Utilities Commission of the State of Illinois fix the price of gas to the people of the city of Chicago?

Mr. MANN. There is a dispute in the city of Chicago as to whether the public-utilities commission has jurisdiction or the city council. I believe the public-utilities commission not only claims jurisdiction, but has jurisdiction under our State law. There is a good deal of opposition to that in Chicago, by the way.

Mr. COX. Then there is some power in the State of Illinois which does fix the price of gas to the consumers in the city of Chicago?

Mr. MANN. Oh, certainly. The city council has the power, subject, of course, to review by the courts, and there is a case pending in the courts there now.

Mr. COX. Has the Public Utilities Commission in the city of Washington power to fix the price of gas to the consumer?

Mr. MANN. Yes.

Mr. COX. Are they doing it?

Mr. MANN. Recently the price of electric light, I think, was reduced through voluntary action on the part of the company, after obtaining an order from the Public Utilities Commission.

Mr. OGLESBY. I will say to the gentleman the Public Utilities Commission of New York has the right to fix the price of gas, electricity, and so forth.

Mr. HOUSTON. I suggest to the gentleman from Indiana this Public Utilities Commission of Hawaii has the right to require companies to extend their lines out where there is a demand for them.

Mr. COX. I am in full sympathy with it, but I was referring to the progress Hawaii was making.

Mr. RAKER. Will the gentleman yield for a question?

Mr. HOUSTON. Yes, sir.

Mr. RAKER. The third section of this bill is intended to cover the act of the Territorial Legislature of Hawaii that has been passed since this bill was introduced, is it not?

Mr. HOUSTON. What is the gentleman's question?

Mr. RAKER. I asked if this third section, which is an amendment to the bill, is intended to comply with the public utilities act that the Territorial Legislature of Hawaii lately passed?

Mr. HOUSTON. Yes, sir; that is an amendment that was put upon this bill by the House.

Mr. RAKER. For that purpose?

Mr. HOUSTON. For that purpose.

Mr. RAKER. Will the gentleman yield for another question?

Mr. HOUSTON. Yes, sir.

Mr. RAKER. This law is desired by the citizens and the people generally of Hawaii?

Mr. HOUSTON. We so understand it.

Mr. RAKER. And there is no monopoly?

Mr. HOUSTON. The representative of the people, the Delegate from Hawaii, favors it and the people who have been before the committee in the hearings favor it.

Mr. RAKER. I am asking it so that it may appear in the RECORD if the people of Hawaii are in favor of this legislation, and that it will not give to the company a monopoly but will give the people a chance to get their material?

Mr. HOUSTON. The committee has reported this bill with just the terms and provisions in it that there are in response to the demands of the representatives of the people of the Territory of Hawaii.

Mr. RAKER. It will at least protect the interests of the people of Hawaii?

Mr. HOUSTON. That is the intention, certainly.

Mr. SISSON. Will the gentleman yield?

Mr. HOUSTON. I will.

Mr. SISSON. These privileges are not exclusive, are they?

Mr. HOUSTON. Not at all.

Mr. SISSON. Anybody else can organize——

Mr. HOUSTON. None are exclusive, and Congress has the power and right to repeal and change any provision afterwards.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to consider the Senate bill, which is identical with this, in lieu of the House bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the Senate bill of like tenor be considered in lieu of the House bill. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the Senate bill, as follows:

A bill (S. 5658) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Honolulu Gas Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii.

Be it enacted, etc., That the act of the Legislature of the Territory of Hawaii entitled "An act amending the franchise held by the Honolulu Gas Co. (Ltd.), by extending it to include all of the island of Oahu, Territory of Hawaii," is hereby ratified, approved, and confirmed, and section 1 of act 30 of the Laws of the Territory of Hawaii, 1903, as amended and approved by an act of Congress April 21, 1904 (section 905 of the revised laws of Hawaii, 1915), is hereby amended to read as follows:

"SECTION 1. Manufacture and supply: W. W. Dimond, of Honolulu, island of Oahu, Territory of Hawaii, his associates, successors, and assigns or such corporation as he or they shall cause to be incorporated under the laws of the Territory of Hawaii (he or they being hereinafter referred to as W. W. Dimond), are hereby authorized and empowered to manufacture and supply gas for use as a fuel, for illuminating purposes, and otherwise, in Honolulu, which, for the purpose of this charter, shall be held to include all of the island of Oahu."

SEC. 2. That said act 30 of the laws of 1903 of said Territory as amended and approved by an act of Congress approved April 21, 1904, is hereby further amended by adding a new section thereto to be known as section 7A (and to be known as section 911A, revised laws of Hawaii, 1915), and reading as follows:

"The franchise and the person or corporation holding the same shall be subject as to reasonableness of rates, prices, and charges, and in all other respects to the provisions of chapter 128 of the revised laws of Hawaii, 1915, creating a public-utilities commission and all amendments thereof for the regulation of the public utilities in said Territory, and all the powers and duties expressly conferred upon or required of the superintendent of public works or the courts of said act creating said franchise, are hereby conferred upon and required of said public-utilities commission and any commission of similar character that may hereafter be created by the laws of said Territory."

SEC. 3. That the public-utilities commission of the Territory of Hawaii is hereby granted the power to order the Honolulu Gas Co. (Ltd.), its successors or assigns, to make extensions of its service lines within the island of Oahu whenever it shall be made to appear that said extension is a public necessity and that said extension or extensions can be made to earn a reasonable profit on the cost and maintenance of the same: *Provided*, That all orders of the public-utilities commission herein provided for shall be subject to review by the courts of said Territory.

SEC. 4. That Congress or the Legislature of the Territory of Hawaii, with the approval of Congress, may at any time alter, amend, or repeal this act.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HOUSTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The House bill (H. R. 3085) of similar tenor will lie on the table.

STREAMS, SPRINGS, AND WATER HOLES, CALIFORNIA.

The next business on the Calendar for Unanimous Consent was the bill (S. 1351) providing for the discovery, development, and protection of streams, springs, and water holes in the desert and arid public lands of the United States in the State of California, for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I ask to have it go over.

The SPEAKER. The gentleman from Illinois objects, and the bill goes over.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill retain its place——

The SPEAKER. It retains its place under the agreement of to-day.

Mr. RAKER. Mr. Speaker, I hoped the gentleman could see his way clear to withdraw his objection.

PUBLIC LANDS FOR CEMETERY AND PARK PURPOSES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11162) to amend an act entitled "An act to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes, approved September 30, 1890, and for other purposes."

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, under section 3 of this bill, beginning—

That any county or incorporated city or town shall have the right, under rules and regulations prescribed by the Secretary of the Interior, to select and acquire title to not exceeding 640 acres of nonmineral public land—

And so forth, do they have to pay anything for it?

Mr. TAYLOR of Colorado. Yes, sir; they have to pay $1.25 an acre.

Mr. MANN. Where does it say that?

Mr. TAYLOR of Colorado. In section 2.

Mr. MANN. That relates to another matter. The gentleman would say in section 1, but that relates to another matter.

Mr. TAYLOR of Colorado. Section 1, line 3, page 2:

That any incorporated city or town shall have the right, under rules and regulations prescribed by the Secretary of the Interior, to purchase, at a dollar and a quarter an acre, for cemetery or sewerage purposes.

Then there is the next one, section 2:

That any incorporated city or town shall have the right to select and acquired, under rules and regulations prescribed by the Secretary of the Interior, at a dollar and a quarter an acre, not exceeding 640 acres of nonmineral lands not reserved for public use other than for a forest reserve necessary and useful for the protection of the water supply.

And so forth.

Mr. MANN. Oh, well, it has been some time since the gentleman introduced this bill and he does not remember what is in it. There is no such provision in the bill. Evidently the gentleman intended there should be one or he would not have the supposition now that there had been one.

Mr. TAYLOR of Colorado. Well, the bill——

Mr. MANN. So taking the gentleman's intent as to what he meant, will he offer an amendment to provide that they shall pay a dollar and a quarter an acre for the land?

Mr. TAYLOR of Colorado. Yes; I will accept that amendment, certainly. I may say to the gentleman from Illinois that the gentleman readily knows the bill has been reported out a number of times and this bill as it is written now is an Interior Department bill. It is a bill that is to supersede the present law, because the present law has become entirely obsolete.

Mr. MANN. Oh, well, the present law—there is no such law on the subject as section 3.

Mr. TAYLOR of Colorado. That is true. It is to extend the present law, and it is also to make a general provision whereby a county can get a part of this land as well as a city. There are a number of places where a county wants outing places and where several counties want to get together and have outing places. There is no law on the subject for a county, but there is for incorporated towns, and there are no public lands left any more that are suitable for a park within 3 miles of any town; and this is simply to allow them to go outside of that limit and select a site for a public outing place.

Mr. MANN. I have no objection to that whatever; but the question is whether they should pay $1.25 an acre for the land so as to add to the reclamation fund. I am very solicitous about the amount of money in the reclamation fund.

Mr. TAYLOR of Colorado. Personally, I would rather they would not do it, but I would not object to an amendment of that kind going in.

Mr. MANN. Let us see where it would go in.

Mr. TAYLOR of Colorado. We could put a proviso at the close of section 3, providing that such lands shall be paid for at the rate of $1.25 an acre. That would cover it.

Mr. MANN. You might put it in after the word "title" in line 19, on page 2, or after the word "to" in line 20, "to select and acquire title to, at $1.25 per acre, not exceeding 640 acres." Is the gentleman willing to accept that?

Mr. TAYLOR of Colorado. Yes.

Mr. MANN. All right. I have no objection to the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the act of Congress approved September 30, 1890, entitled "An act to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes" (26 Stat. L., 502), be, and the same is hereby, amended to read as follows:

"That any incorporated city or town shall have the right, under rules and regulations prescribed by the Secretary of the Interior, to purchase, at $1.25 an acre, for cemetery or sewerage purposes, not exceeding one quarter section of nonmineral public lands not reserved for public use other than for a forest reserve, such lands to be located within 5 miles of the city or town applying therefor.

"SEC. 2. That any incorporated city or town shall have the right to select and acquire, under rules and regulations prescribed by the Secretary of the Interior, at $1.25 an acre, not exceeding 640 acres of nonmineral public lands not reserved for public use other than for a forest reserve necessary or useful for the protection of the water supply of said city or town, such lands to be located within 20 miles of the city or town applying therefor.

"SEC. 3. That any county or incorporated city or town shall have the right, under rules and regulations prescribed by the Secretary of the Interior, to select and acquire title to not exceeding 640 acres of nonmineral public lands not reserved for public use other than for a forest reserve for public-park purposes, such lands to be within the exterior limits of the county or within 30 miles of the incorporated city or town applying therefor: *Provided*, That any such selection and grant for public-park purposes shall be upon the express condition that the county, city, or town shall construct and maintain a substantial and permanent wagon and automobile road to the exterior limits of such public park, and in the case of the incorporated city or town such road shall extend from the city or town in question to the exterior limits of the public park.

"SEC. 4. That all patents issued under the provisions of this act shall contain the stipulation and reservation that the lands shall revert to the United States in case the county, city, or town shall fail to comply with the conditions herein expressed, shall fail to occupy or use the lands for the purpose granted, or shall attempt to sell or dispose of the same: *Provided*, That selections under this act for lands within forest reserves shall be subject to approval by the Secretary of the Interior."

Also the following committee amendments were read:

Page 2, in lines 23 and 24, strike out the words "or within 30 miles of the incorporated city or town applying therefor" and insert "applying therefor, and when such application is made by any incorporated city or town, such lands to be within the exterior limits of the county in which it is situated and within 30 miles of such city or town."

Page 3, line 19, amend by striking out the words "the Interior" and insert the word "Agriculture."

The SPEAKER. The question is on agreeing to the committee amendments.

The question was taken, and the amendments were agreed to.

Mr. TAYLOR of Colorado. Mr. Speaker, I suggest to the gentleman from Illinois [Mr. MANN] that the idea of the Interior Department and the Public Lands Committee was that by compelling these towns to build good highways from the cities or towns to the parks that they would expend quite a large amount of money; and also in improving these sites and in building highways and automobile roads through them, when they were some distance from the town, they would thereby be expending as much money as they ought to, and they would have to make that expenditure before the Interior Department would give them a title. I think that Secretary Lane personally did not care anything about the $1.25 an acre; that he wanted the sites improved for outing places for the public; and if the towns were compelled to expend probably ten times the amount of money in improving and beautifying the grounds, the Government could very well afford to relieve them of the expense of paying $1.25 an acre. That was the reason I left out the purchase price. I do not think the towns ought to be compelled to pay the Government $1.25 per acre for worthless land for a park for the use of the public.

Mr. MANN. Well, it is perfectly evident that if you start in on that principle the towns will want enough land on the basis of $1.25 an acre, which they do not expect to pay, to be equivalent to the amount which they pay for the improvement of roads, the roads being constructed for their own benefit, and we would soon be asked to donate the whole public domain. These are nominal, and I think we ought to maintain the nominal amount when we donate the lands to the municipalities. It is the only possible check we have.

I move to amend by inserting, in line 20, page 2, after the word "to," "at $1.25 per acre."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE FOR HOMESTEAD SETTLERS.

The next business on the Calendar for Unanimous Consent was the bill (S. 1066) authorizing leave of absence to homestead settlers upon unsurveyed lands.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object——

Mr. TAYLOR of Colorado. Will the gentleman permit a suggestion? The gentleman from Illinois will remember that at my request the House some time ago passed this identical bill, and it went over to the Senate. It was my bill. After it reached the Senate our attention was called to the fact that the Senator from Montana had a few days prior passed a similar bill through the Senate, and it had come over here and was lying on the Speaker's table, apparently. We did not know anything about it. So the Senate called our attention to the practice of the two Houses, and that we ought to recede and take up and pass the Senate bill, because it had passed the Senate before our House bill had passed the House. Thereupon we had the bill referred to the Committee on the Public Lands, and the committee authorized me to report out the Senate bill, which I have done in exactly the same language. I desire to now pass this same bill again and send it over to them again.

Mr. MANN. Well, let us see now. I supposed the gentleman carefully examined the Senate bill.

Mr. TAYLOR of Colorado. There is one difference between my bill and the Senate bill, and we have amended this Senate bill to conform to the bill the way we passed it before.

Mr. MANN. There is one here in the Senate bill that does not mean anything. Let us see what the Senate bill says. They are quite different, so far as that is concerned. This is what I want to ask about; I may be wrong, but these things always get me mixed up. I read:

Provided, That he shall have plainly marked on the ground the exterior boundaries of the lands claimed and have filed in the local land office notice of the approximate location of the lands settled upon and claimed of the period of intended absence.

I guess that is right.

Mr. TAYLOR of Colorado. If the gentleman will take the amendment that is in my report, I think he will find it is all right.

Mr. MANN. Has the gentleman got a star print of this bill?

Mr. TAYLOR of Colorado. I am not sure that I know what you call a star print.

Mr. MANN. Has it a star below it? The gentleman reported it with some amendments. They are not printed in the copy of the bill that I have.

Mr. TAYLOR of Colorado. They are not printed in the copy of the bill I have here, either.

Mr. MANN. That is what I am trying to find out about. Let us find out what the bill is before us. Here is a bill reported with a number of amendments, but the copy of the bill in the Clerk's hands has not any amendments in it. Theoretically it may be the fault of the printing clerk, but it is not actually the fault of the printing clerk, because when a bill is reported with committee amendments there will always be a copy of the bill with amendments inserted in the bill for the benefit of the printing clerk.

Mr. TAYLOR of Colorado. The only difference between the Senate bill and the House bill is that the period of absence provided—five months each year—may be taken at two separate times instead of all at one time. Under the present three-year homestead law that we passed a leave of absence of five months is allowed each year. After that we passed a bill allowing a man to take his five months' leave of absence in two periods. He might want to stay away two months at one time and three months at another time. The way the Senate passed this bill was in accordance with the old three-year homestead provision of five months' continuous leave of absence. The House modified that in accordance with the bill I prepared, allowing the entryman to take his leave of absence in two different sections as desired. That is the only change that we reported out, and that is a beneficial provision and ought to remain in the bill the way it passed this House before.

Mr. MANN. That change is not indicated in the copy that the Clerk has in his hands. I know why. Whoever actually reported the bill, I will not say theoretically, did not correct it.

Mr. TAYLOR of Colorado. I will say that actually and theoretically I reported it, so that if there is any fault it is mine, because I introduced the bill in the House and reported it from the committee, and had charge of it in the House, and I have again reported this bill, which is Senator MYERS's bill.

Mr. MANN. The gentleman is old enough and wise enough as a Member of the House to have known how to do it correctly, and he did not do it correctly.

Mr. TAYLOR of Colorado. I think I did do it correctly.

Mr. MANN. The proof of the pudding is in the eating. Here is the bill. If it were passed as the gentleman reported it to the House, the gentleman's amendment would not be in it.

Mr. TAYLOR of Colorado. My report clearly shows what the committee did.

Mr. MANN. If the Clerk were bound to read all the reports of committees filed in this House we would have to get a number of extra clerks and pay them higher salaries. I have discovered now what the gentleman wants to do. I could not tell in the first place. I have no objection if he wants to offer an amendment.

Mr. TAYLOR of Colorado. I will offer this committee amendment so as to make it conform to what the committee intended. Mr. Speaker, have we passed the unanimous-consent stage?

The SPEAKER. No. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. TAYLOR of Colorado. I ask unanimous consent, Mr. Speaker, that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Colorado asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc. That any qualified person who has heretofore or shall hereafter in good faith make settlement upon and improve unsurveyed unreserved unappropriated public lands of the United States with intention, upon survey, of entering same under the homestead laws shall be entitled to a continuous leave of absence from the land settled upon by him for a period not exceeding five months in each year after establishment of residence: *Provided*, That he shall have plainly marked on the ground the exterior boundaries of the lands claimed and have filed in the local land office notice of the approximate location of the lands settled upon and claimed, of the period of intended absence, and that he shall upon the termination of the absence and his return to the land file notice thereof in the local land office.

Mr. TAYLOR of Colorado. Mr. Speaker, I move to amend by striking out, on line 7, the words "continuous leave," and all of line 8, and, in line 9, the words "not exceeding" and inserting in lieu thereof the words "leave of absence in one or two continuous periods not exceeding in the aggregate." That will appear in the report.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Colorado.

The Clerk read as follows:

Amend, on page 1, by striking out, in line 7, the words "continuous leave," all of line 8, and, in line 9, the words "not exceeding" and inserting "leave of absence in one or two continuous periods not exceeding in the aggregate."

Mr. TAYLOR of Colorado. Mr. Speaker, I move the adoption of the amendment.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

PERMITS, EXCURSIONS ON PASSENGER STEAMERS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13831) to amend section 4464 of the Revised Statutes of the United States relating to number of passengers to be stated in certificates of inspection of passenger vessels, and section 4465 of the Revised Statutes of the United States, prescribing penalty for carrying excessive number of passengers on passenger vessels, and section 4466 of the Revised Statutes of the United States, relating to special permits for excursions on passenger steamers.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. McLAUGHLIN. Mr. Speaker, reserving the right to object, I would like to call the attention of the gentleman in charge of the bill to the portion beginning on page 2, line 18, where a penalty for violation of the act, for carrying a greater number of passengers than is permitted by the certificate of inspection, makes the owner or master liable to a suit by any individual. It reads:

SEC. 4465. It shall not be lawful to take on board of any vessel a greater number of passengers than is stated in the certificate of inspection, and for every violation of this provision the master or owner shall be liable to any person suing for the same to forfeit the amount of passage money and $10 for each passenger beyond the number allowed.

The bill provides also, on page 3, for a penalty of $100 or imprisonment for not more than 30 days or both. Is it wise to have in this law a provision for suits by individuals against the owner of a ship to recover a $10 penalty or any penalty?

Mr. GREENE of Massachusetts. That is the existing law.

Mr. McLAUGHLIN. Should it be permitted to remain so in the judgment of the gentleman in charge of the bill?

Mr. ALEXANDER. If the gentleman will permit, I will read the existing law. Section 4465—is that the section to which the gentleman refers?

Mr. McLAUGHLIN. Yes.

Mr. ALEXANDER. That section reads:

SEC. 4465. It shall not be lawful to take on board of any vessel a greater number of passengers than is stated in the certificate of inspection, and for every violation of this provision the master or owner shall be liable to any person suing for the same to forfeit the amount of passage money and $10 for each passenger beyond the number allowed.

That is the existing law.

Mr. McLAUGHLIN. This bill proposes to amend that section; and why not amend it by striking out the portion which gives to individuals the right to sue? That imposes the burden of a suit on each individual, if he chooses to sue. Why not leave the punishment for the violation of this act in the hands of the Federal authorities and make the punishment fit the crime?

Mr. ALEXANDER. This has been the law for a long while. We have never had any complaint of its abuse, and the committee were not disposed to disturb it.

Mr. McLAUGHLIN. Would it not be well to strike out everything after the word "and" following the word "inspection," in line 22, page 2, down to the end of line 2 on page 3, and then let follow the next four lines, which read as follows:

The master or owner of the vessel, or either or any of them, who shall knowingly violate this provision shall be liable to a fine of not more than $100 or imprisonment of not more than 30 days, or both.

I have never thought it a good idea to leave the enforcement of a law in the hands of individuals, or to have the law so framed as to permit an individual to profit by a suit for violation of a law. If an individual suffers loss or damage, he has a right to bring a civil action to recover; but is it wise to provide for suits by individuals to recover a penalty for the purpose of assisting in enforcement of a law?

Mr. ALEXANDER. As I have said, that whole matter was discussed in the committee, and the committee were unanimously of the opinion that there was no occasion to change the existing law. For that reason the amendment was not made.

Mr. McLAUGHLIN. Did the committee consider the particular matter which I am calling to the attention of the gentleman now?

Mr. ALEXANDER. Oh, yes, indeed.

Mr. McLAUGHLIN. And the committee considered it a wise provision to give individuals the right to sue?

Mr. ALEXANDER. Yes; and the fact that there is no complaint of the law ever having been abused was an additional reason why the committee thought it was well to let it remain.

Mr. McLAUGHLIN. That right to sue for a penalty might be exercised by the very individuals who were received on the boat in excess of the number provided by the certificate of inspection. They might, perhaps, profit by their own fault in going aboard.

Mr. ALEXANDER. Surely the gentleman can not take the position that every passenger who goes aboard a vessel is at fault if he fails to ascertain whether it is overloaded.

Mr. COX. This simply makes it doubly safe, as far as the passengers are concerned.

Mr. ALEXANDER. This legislation grew out of the *Eastland* disaster, and our effort was to make the law in many respects more stringent, or rather to make it such as better to insure safety of life. The gentleman is familiar with the facts as to the *Eastland* disaster?

Mr. McLAUGHLIN. Yes.

Mr. ALEXANDER. We saw no occasion to change this part of the statute.

Mr. McLAUGHLIN. If the committee wished to make this law more drastic, the amount of the fine could be increased. The amount of fine provided is only $100, and the imprisonment is only 30 days. It would seem to me that if you wish to make it more drastic you should increase the amount of fine or the jail sentence; but as I look at it now I do not like the

idea of giving the right to each and every individual on a boat to bring suit against the master. There may be thousands of them. I do not think, as a principle, that individuals ought to undertake the enforcement of a criminal statute and to profit by suits brought for the violation of a statute.

Mr. ALEXANDER. That has been the law for many, many years. I think it is in the revision of 1878, and it never has been disturbed. The committee saw no occasion to amend the law in this regard. It has never been abused, and for that reason we thought it unwise to change it.

Mr. McLAUGHLIN. Now that it is brought to the gentleman's attention, will he not consent to an amendment such as I suggest?

Mr. ALEXANDER. No; I would rather strike out the other penalty than that one.

Mr. HARDY. Will the gentleman allow me to make a suggestion there?

Mr. McLAUGHLIN. Yes.

Mr. HARDY. This whole matter came up at the instance of the department, for the reason that the law as it stood applied only to steamships and not to vessels propelled by other motive power. Consequently the word "steamboat" was stricken out and the other word inserted. There was no complaint against this provision. There was one giving the passenger the right to bring a civil action. Then there is the other section imposing a fine. That was put there so that if no passenger complained the officials themselves might enforce the law in another proceeding.

Mr. McLAUGHLIN. I wish to see this law made just as good as it can be, but I do not like that provision.

Mr. HARDY. As it is it enables the passenger to enforce it by a suit if he sees proper; and if no passenger will do it, then the public officials may proceed.

Mr. McLAUGHLIN. Why should it be necessary that there be any power behind the officials to compel them to enforce the law? They ought to be regardful of their duty and active in the enforcement of the law anyway.

Mr. HARDY. The great *Eastland* disaster was caused by somebody being inactive in the performance of his duty, and we do not want to take away any vitality that there is in the law.

Mr. McLAUGHLIN. There was no lack of activity on the part of the officials after the disaster occurred. But the activity ought to be before and at the time the ship is being loaded.

Mr. ALEXANDER. When the committee were called upon to strengthen and correct the law we did not feel that we wanted to weaken it. Under the existing law the local inspectors may determine how many passengers a steamer may carry, and there is no appeal from their decision. Section 1 of this bill provides that they may fix the number, but shall report the number to the supervising inspector, who may approve or disapprove of their action. We amend the existing law in the interest of greater safety to life.

Mr. McLAUGHLIN. I shall not object to the bill, but I have called attention to this feature, as I thought it might have been overlooked. It does not seem to me to be just right.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4464 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"SEC. 4464. The board of local inspectors shall state in every certificate of inspection granted to vessels carrying passengers, other than ferryboats, the number of passengers of each class that any such vessel has accommodation for and can carry with prudence and safety. They shall report their action to the supervising inspector of the district, who may at any time order the number of such passengers decreased, giving his reasons therefor in writing, and thereupon the board of local inspectors shall change the certificate of inspection of such vessel to conform with the decision of the supervising inspector. Whenever the allowance of passengers shall be increased by any board of local inspectors such increase shall be reported to the supervising inspector of the district, together with the reasons therefor, and such increase shall not become effective until the same has been approved in writing by the supervising inspector."

SEC. 2. That section 4465 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"SEC. 4465. It shall not be lawful to take on board of any vessel a greater number of passengers than is stated in the certificate of inspection, and for every violation of this provision the master or owner shall be liable to any person suing for the same to forfeit the amount of passage money and $10 for each passenger beyond the number allowed.

"The master or owner of the vessel, or either or any of them, who shall knowingly violate this provision shall be liable to a fine of not more than $100 or imprisonment of not more than 30 days, or both."

SEC. 3. That section 4466 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"SEC. 4466. If any passenger engages in excursions, the board of local inspectors shall issue to such steamer a special permit, in writing, for the occasion, in which shall be stated the additional number of passengers that may be carried and the number and kind of life-saving appliances that shall be provided for the safety of such additional passengers; and they shall also, in their discretion, limit the route and distance for such excursions: *Provided, however*, That the issuance of such special permit shall be reported by the board of local inspectors to the supervising inspector of the district, and such special permit shall not be effective until approved by the said supervising inspector."

The following committee amendments were read:

Add, on page 3, line 8, after the word "passenger," the word "vessel"; and strike out on page 3, line 10, the word "steamer" and insert the word "vessel."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GREEN of Massachusetts, a motion to reconsider the vote whereby the bill was passed was laid on the table.

APPEALS FROM DECISIONS OF BOARDS OF LOCAL INSPECTORS OF VESSELS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13223) to provide for appeals from the decisions of boards of local inspectors for vessels, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Missouri asks unanimous consent to consider the bill in the House as in Committee of the Whole? Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That whenever any person directly interested in or affected by any decision or action of any board of local inspectors of vessels shall feel aggrieved by such decision or action he may appeal therefrom to the supervising inspector of the district; and a like appeal shall be allowed from any decision or action of a supervising inspector to the Supervising Inspector General, whose decision, when approved by the Secretary of Commerce, shall be final: *Provided, however*, That application for such reexamination of the case by a supervising inspector or by the Supervising Inspector General shall be made within 30 days after the decision or action appealed from shall have been rendered or taken: *And provided further*, That in all cases reviewed under the provisions of this act where the issue is the suspension or revocation of the license of a licensed officer such officer shall be allowed to be represented by counsel and to testify in his own behalf.

SEC. 2. That whenever there shall be a disagreement between the local inspectors in regard to any matter before them for decision they shall report the case to the supervising inspector of the district, who shall investigate and decide the same; and any supervising inspector may within 30 days thereafter, upon his own motion, review any decision or action of any board of local inspectors within his district and in like manner the Supervising Inspector General may within 30 days thereafter review any decision or action of any supervising inspector or board of local inspectors, and the decision of the Supervising Inspector General in such case shall, when approved by the Secretary of Commerce, be final.

SEC. 3. That any decision or action reviewed by the Supervising Inspector General or by any supervising inspector, as provided in sections 1 and 2 of this act, may be revoked, changed, or modified by such reviewing officer, who shall have power to administer oaths and to summon and compel the attendance of witnesses by a similar process as in the district courts of the United States; and the disbursing clerk, Department of Commerce, shall pay, on properly certified vouchers, such fees to any witness so summoned for his actual travel and attendance as shall be officially certified to by the officer reviewing the case, not exceeding the rate allowed for fees to witnesses for travel and attendance in the district courts of the United States.

SEC. 4. That the Secretary of Commerce shall make such regulations as may be necessary to secure a proper enforcement of the provisions of this act.

SEC. 5. That section 4452 of the Revised Statutes, as amended by section 6 of the act of March 3, 1905, is hereby repealed.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

RIGHT OF WAY NEAR ENGLE, N. MEX.

The next business on the Calendar for Unanimous Consent was the bill (S. 1843) to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex.

The SPEAKER. Is there objection?

Mr. MONDELL. Reserving the right to object, the arrangement which it is proposed to make with the Atchison, Topeka & Santa Fe Railroad to give them not to exceed 30,000,000 gallons of water per month seems to be a pretty liberal one, unless the property rights they are surrendering are quite valuable. Is the gentleman from Texas acquainted with the value of the property that is being surrendered?

Mr. SMITH of Texas. I do not know that any money value was ever put on that property. The company refuses to sell it.

Mr. MONDELL. It is simply a right of way, an easement over public lands.

Mr. SMITH of Texas. It is to the river.

Mr. MONDELL. And that right of way would expire if not utilized within a given time.

Mr. SMITH of Texas. I do not know what the conditions were about that.

Mr. MONDELL. I know about the dam, but I know nothing about this right of way. The quantity of water which the railroad company is to be given is very large. If it were sold at the ordinary price of water supplies it would amount to a considerable sum of money.

Mr. SMITH of Texas. I think it would irrigate something less than 400 acres of land. I think the supply of water is small.

Mr. MONDELL. It depends upon whether you figure it from the standpoint of water for irrigation or water for domestic or railroad purposes. Figuring it from the ordinary value of water for railroad purposes it would mean several hundred dollars a month.

Mr. SMITH of Texas. Under the terms of the bill the gentleman will notice that the amount of water allowed the railroad company is to be fixed by the Secretary of the Interior, but there is no obligation on the part of the Government to deliver it; it merely permits the railroad company to take it at such times and places as the Secretary may prescribe. But the Reclamation Service has figured out the amount of water and figures it at a sufficient supply to irrigate 400 acres of land.

I will state to the gentleman that we have had this matter up with both of the water-users associations under this project and have agreed that this is a fair settlement of this matter, and they are willing for it to go through.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. SMITH of Texas. I will.

Mr. TAYLOR of Colorado. I will say to the gentleman from Wyoming that the committee had the Reclamation Service officials before us and the senior Senator from New Mexico. The reclamation officials seemed to be of the opinion that 30,000,000 gallons a month was an infinitesimal amount of water, and that it was much better to make the proposition than to condemn the right of way. They said the company's right to that territory would not lapse for many years.

Mr. MONDELL. My friend knows well that 30,000,000 gallons a month is far from infinitesimal. Taken from the ocean it would not be so much.

Mr. TAYLOR of Colorado. For a great big irrigation proposition it would not go far.

Mr. MONDELL. I do not know anything about the right of way which the company surrendered, and in view of the fact that the Reclamation Service thinks it is a fairly equitable arrangement I have no disposition to object.

Mr. TAYLOR of Colorado. I will say to the gentleman that I did not write the bill at all, but the Reclamation Service thought it was best and for the welfare of the department.

Mr. MANN. The report of the Reclamation Service would seem to indicate that this was not a right of way but that they owned the land. They say that the company was unwilling to sell the land for cash. Either they do not know what a mere right of way is or I do not know what the English language means or else they own the land.

Mr. TAYLOR of Colorado. They could refuse to sell the land, but we could condemn it and take it away from them.

Mr. MONDELL. If it were a right of way that the railroad company had still in force, there might be some question as to whether or not we could condemn it. I imagine, as a matter of fact, that the building of the dam does not in any way affect the right of way. I do not see any reason why it should. The fact that the dam covers some land over which there may be an easement for a right of way would not prevent the lowering of a pipe.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. COX. How much land is actually involved in this right of way?

Mr. MONDELL. I do not know. It is a right of way.

Mr. COX. Does anybody know how much is actually involved? In other words, what are we getting from the railroad company for the swamp?

Mr. SMITH of Texas. It is a right of way for a pipe line.

Mr. COX. It does not involve much land?

Mr. SMITH of Texas. Not a great deal.

Mr. COX. What is the length of the pipe line?

Mr. SMITH of Texas. It must be 10 or 12 miles.

The SPEAKER pro tempore. Is there objection?

Mr. COX. Just one more question. The railroad, as I gather from the report, is to pay for taking the water out of the reservoir and putting it on their trains?

Mr. SMITH of Texas. Yes.

Mr. COX. They are to stand all of that expense?

Mr. SMITH of Texas. Yes; under the direction of the Secretary of the Interior. The rights of the Government are well safeguarded in the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized to receive on behalf of the United States from the Atchison, Topeka & Santa Fe Railway Co. the conveyance of so much of said company's pipe-line right of way from a point near Engle, N. Mex., to the Rio Grande River as will be flooded by the Elephant Butte Dam; and as the consideration for such conveyance the railway company shall be permitted to take from the water impounded above Elephant Butte Dam, now under construction by the Reclamation Service, and which will flood such right of way, such quantity of water as the Secretary of the Interior may find to be necessary for the operation of said company's railway, but not exceeding 30,000,000 gallons of water per month; that neither the United States nor its successors in interest shall be held liable for or obligated to supply the water hereinbefore described, but in the event that the United States or its successors in interest shall abandon the use of the land upon which the said Atchison, Topeka & Santa Fe Railway has its said right of way for a reservoir site as herein contemplated, said right of way, so far as the same may be conveyed to the United States hereunder, shall revert to the said railway company.

With the following committee amendment:

Page 2, line 5, after the word "month," insert the following:

"*Provided*, That the Secretary of the Interior shall at all times have authority to determine the times, place, and manner in which said Atchison, Topeka & Santa Fe Railway Co. shall be permitted to take such water from said reservoir, and that all expense incident thereto shall be borne by said railway company: *Provided further.*"

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question now is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SMITH of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

GAME PRESERVE IN THE STATE OF KANSAS.

The next business on the Calendar for Unanimous Consent was the bill (S. 1793) granting to the State of Kansas title to certain lands in said State for use as a game preserve.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I notice there are three committee amendments to this bill which seem to me to make the bill worse instead of better.

Mr. SHOUSE. Mr. Speaker, I will say to the gentleman that they were put in at the request of the ranking minority member of the committee, the gentleman from Wisconsin [Mr. LENROOT]. He would not report the bill favorably unless these amendments were inserted. I had no objection to them.

Mr. MANN. Then, I think we better let the bill go over until he is here.

Mr. SHOUSE. He did not object to the bill. He wanted these amendments in, that is all.

Mr. MANN. They do not seem to me to be reasonable. If he wants them in I would like to have some explanation why.

Mr. SHOUSE. Perhaps the chairman of the committee can offer some explanation.

Mr. MANN. I do not see what great distinction there is as to the first amendment. If we pass a law granting to the State of Kansas certain public lands, that covers the case. If we pass a law to say that we issue a patent to the State of Kansas I suppose if we issue the patent it would show that the State owns the land.

Mr. FERRIS. Does the gentleman from Illinois think the second amendment is of no value?

Mr. MANN. The second amendment, of course, goes with the first, but the third amendment is different. The bill as it came from the Senate provided "such reversion to be declared by the Secretary of the Interior." That amounts to something; but when you say "such reversion to be specified in said patent" it would amount to nothing. The right of reversion would be specified in the patent, but it would not amount to anything unless somebody declared it, unless you went into court and declared it.

Mr. FERRIS. The gentleman is probably correct about that.

Mr. MANN. I think I am.

Mr. FERRIS. I rather hope the gentleman from Illinois will not oppose this and have it passed over. If he desires to put this back as it was originally, or even to fix it to suit himself, it will be satisfactory to the committee, and I think also to the gentleman from Wisconsin [Mr. LENROOT]. They have a little band of antelope out there, and that is a very scarce article in the United States. As the gentleman from Illinois [Mr. MANN] will recall, they had a pretended forest reserve out there without any trees on it, and by Executive proclamation they opened it all up except these few sections.

Mr. MANN. I am in sympathy with the purpose of the bill. I am willing to give them a little land to take care of the deer.

Mr. FERRIS. If the gentleman from Illinois thinks best, we can go back to the original bill, and will be glad to do it.

Mr. MANN. All right.

Mr. FERRIS. We will not even have to go back to the Senate. We will just vote the amendments down.

Mr. MANN. Yes; vote down the amendments.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. SHOUSE. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to grant to the State of Kansas the public lands in sections 25, 26, and 35 in township 24 south and sections 1 and 2 in township 25 south, all in range 33 west, sixth principal meridian, for use as a game preserve: *Provided*, That if the said State shall at any time use or permit the said lands hereby granted to be used for any purpose not contemplated by this act the said lands shall revert to the United States, such reversion to be declared by the Secretary of the Interior.

The committee amendments were read, as follows:

Page 1, line 4, strike out the word "grant" and insert the words "issue patent."

Page 1, line 10, after the word "lands" strike out the words "hereby granted."

Page 2, lines 1 and 2, strike out the words "declared by the Secretary of the Interior" and insert the words "specified in said patent."

Mr. FERRIS. Mr. Speaker, I hope the amendments will be voted down.

The question was taken, and the amendments were rejected.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. SHOUSE, a motion to reconsider the vote by which the bill was passed was laid on the table.

SECTION 4931, REVISED STATUTES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13618) to amend section 4931 of the Revised Statutes of the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LLOYD). Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That section 4931 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"SEC. 4931. Patents for designs may be granted for the term of 3 years and 6 months, or for 7 years, or for 14 years, as the applicant may in his application elect; and that during the term of letters patent for a design heretofore or hereafter issued for one of the shorter terms, the owner thereof may at any time, but not later than 30 days prior to the expiration of the term for which said patent was issued, file with the Commissioner of Patents his election of one of the longer terms provided for by law, said application being accompanied by an amount of money equal to the difference between the fee paid for the patent as issued and the fee that would have been required to be paid had the applicant for said patent originally elected such longer term. The Commissioner of Patents shall thereupon amend and modify the letters patent issued in such case so as to include the unexpired balance of such longer term so elected by the owner of said letters patent."

The SPEAKER pro tempore. The question is——

Mr. MANN. No; the question is, Is there objection to the present consideration of the bill?

The SPEAKER pro tempore. That was granted.

Mr. OGLESBY. I will say to the gentleman that I saw the gentleman from Tennessee was talking with the gentleman from Illinois when this was passed. The gentleman said to me that he thought it ought to be amended——

Mr. MANN. All right; let it go.

Mr. OGLESBY. I would call the attention——

Mr. MANN. The truth is most of the gentlemen who occupy the position of Speaker, except the Speaker, do not understand that there is a zone of air around the Speaker's chair that it is hard to break through. They do not talk loud enough usually for me to hear them, although another gentleman was talking to me.

Mr. OGLESBY. Mr. RUSSELL of Missouri has charge of this bill.

The SPEAKER pro tempore. Certainly the gentleman does not mean the present occupant of the chair?

Mr. MANN. Yes; I mean the present occupant of the chair and all the others that have been in the chair recently. It takes a lot of noise——

Mr. OGLESBY. The gentleman suggested he wanted this bill amended——

Mr. MANN. I move to insert, page 2, line 7, after the word "term," the words "plus 20 per cent."

Mr. OGLESBY. That is perfectly satisfactory to me. I had written in 25 per cent. Twenty per cent is all right.

Mr. RUSSELL of Missouri. I am satisfied with that.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, in line 7, by inserting after the word "term" the words "plus 20 per cent."

Mr. RUSSELL of Missouri. Mr. Speaker, the gentleman from New York [Mr. OGLESBY] who reported the bill to the House says he consents to this amendment. I prefer to have the bill passed as it is, but of course if Mr. OGLESBY, the acting chairman of the Patents Committee, who reported the bill to the House, has seen the gentlemen who are interested in it and says they are satisfied with it, I do not feel inclined to make serious objection.

Mr. MANN. I will say to the gentleman, to relieve the gentleman from New York, I would not consent to the passage of the bill without the amendment. Here is a proposition where men take out design patents and can take them out for 3½ years or 7 years or 14 years, as they please, there being an addition to the fee charged in the three cases. This bill proposes to let all design patents be taken out in the first instance for 3½ years. That is not the language of the bill, but that is the effect of it, and if anyone wants to extend it all they will pay is the difference between the cost of the 3½-year design patent and the 7 or 14 year design patent, and if they take out the 14-year patent that will save the designers or patentees of these design patents thousands of dollars.

Mr. RUSSELL of Missouri. Will the gentleman yield?

Mr. MANN. In just a second. Because there is not one design patent in 20, probably, which is ever made any use of or ever extended, whereas now if they want to get a design patent for 14 years they have to pay for it in the first place. Under this bill they will only have to pay the lower fee for 3½ years, and then, if it proves to be good, they can get a 14-year patent benefit by paying the difference between the original cost of the 3½-year and the 14-year patent. I have only suggested that they pay 20 per cent in addition.

Mr. RUSSELL of Missouri. I think that would greatly improve this law, but I think without the amendment suggested it would be still better. The gentleman correctly states the purpose of the bill, and my information is that the Commissioner of Patents says that this will encourage the filings for the shorter term and that the money paid will amount to more than is paid at the present time; in other words, that it would increase the revenue of that department.

Mr. MANN. I would not be surprised if it would add a great many to the number of design patents which are issued. The fact is, you know, we encourage everybody to patent everything; then when they patent the articles we kick because they have a monopoly upon them. Why, the automobile industry in this country, which is getting to be something wonderful, never started until the original patents had expired. It could not.

Mr. COX. Why?

Mr. MANN. Because one man had a monopoly and the genius of the American people could not be made to operate upon it, because they were held by the throat by this one man who had a monopoly. The sewing machines of the country never really started until the original patents ran out. People could not make sewing machines, regardless of the original patent and add to them. Well, I am not opposed to the patent law, but the result of this will probably be that anybody who gets up a design for anything will patent it.

Mr. RUSSELL of Missouri. If it is true that the people interested in design patents want it, and if it is also true, as the Commissioner of Patents states, that it will increase the revenues of the Government in that department, why should anybody object to it?

Mr. MANN. If anybody would object to it it is the gentleman from Missouri and myself. We are the ones who will have to pay for it.

Mr. RUSSELL of Missouri. When we buy the article?

Mr. MANN. Yes.

Mr. OGLESBY. I will say to the gentleman from Missouri——

Mr. MANN. I will not offer objection to the bill.

Mr. RUSSELL of Missouri. I understand that you would object unless this amendment is included?

Mr. MANN. I think if people are going to pay a dollar—I do not remember what the price is—it is not very much for these design patents.

Mr. OGLESBY. The design patent is practically the same as any other patent.

Mr. MANN. The cost of the patent is not very much, anyhow. They do not pay very much for a 3½-year patent.

Mr. RUSSELL of Missouri. They pay $10 for 3½ years, $15 for 7 years, and $30 for 14 years.

Mr. MANN. Then, this would require them to pay 20 per cent more when they elect to take the 14-year patent. Most of them will not take that at all.

Mr. OGLESBY. After it has been determined at the end of 3½ years that the increase is very small the patent granted that much earlier will fall into the public domain.

Mr. RUSSELL of Missouri. On the statement of the gentleman from New York [Mr. OGLESBY], who reported the bill to the House, I will make no objection to the proposed amendment.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. RUSSELL of Missouri, a motion to reconsider the vote by which the bill was passed was laid on the table.

APPLICATIONS FOR PATENTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13720) to amend section 4894 of the Revised Statutes relating to patent applications.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 4894 of the Revised Statutes be, and it is hereby, amended so as to read as follows:

"SEC. 4894. All applications for patents shall be completed and prepared for examination within one year after the filing of the application, and in default thereof, or upon failure of the applicant to prosecute the same within one year after any action therein, of which notice shall have been given to the applicant, they shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner of Patents that such delay was unavoidable: *Provided, however*, That no application shall be regarded as abandoned which has become the property of the Government of the United States and with respect to which the head of any department of the Government shall have certified to the Commissioner of Patents, within a period of three years, that the invention disclosed therein is important to the armament or defense of the United States."

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. MONDELL. Mr. Speaker, I desire to discuss the bill briefly. As I understand it, this is the bill that was placed on the fortification bill as one of its items. I have no doubt, Mr. Speaker, but that we should have legislation on this subject, but I have very grave doubts as to whether we should legislate in this way. I think it would have been very much better to have provided for the prosecution of these applications to a patent, and provide that the patent should be secret, and I say that with some hesitation, because I am not an expert on patent law and know comparatively little concerning it. But what I fear is this, that an application, or applications, may be filed for a patent on behalf of the United States, rather broad in its nature, covering quite a wide field. It is not necessary for the Government to prosecute that application. It may be held indefinitely, forever, so far as any provision in the bill is concerned, if I recollect rightly, and thereafter any number of applications made covering the same general field may be denied on the ground that they might affect the application or applications thus filed on behalf of the Government. It is true that if the application were prosecuted to a patent, it might develop that the new application might not apply to or infringe upon the patent as secured, but the application being broad and being held indefinitely, it seems to me that there is very great danger that other applications along the same general line, or for improvements and betterments, for carrying out or developing the idea, might be held up indefinitely.

While, as I said, I am not sufficiently familiar with the patent business to know to what extent this involves a danger to the development of patentable ideas, it occurs to me that might involve a very great danger.

The gentleman from Illinois [Mr. MANN] just called attention to the fact that the automobile did not develop to any large extent until the basic patents had expired, and that that was true to a certain extent of the sewing machine. It would have been true to a much greater extent if the original applications, which were much broader than the final patents, had been held indefinitely without a prosecution to patent. What I fear is that an agency of the Government, anxious to protect the Government, filing applications broad and general and holding them indefinitely, may by so doing absolutely block progress along important lines. This is announced as a part of the program of preparedness, and one is anathema who stands in the way of anything heralded in the name of preparedness. Hence I did not object to the bill. But I have very serious doubts as to whether this is a wise course to pursue in cases of this kind.

Mr. OGLESBY. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. OGLESBY. Will the gentleman suggest some way in which the filing of such an application could block the wheels of progress? These applications, of course, are secret and are never made known until the patent is granted.

Mr. MONDELL. That is true.

Mr. OGLESBY. And all their applications are secret, and the secret is not revealed until the actual granting of the patent.

Mr. MONDELL. I understand. It is secret as far as the world is concerned, but it is known to the Patent Office, and every other patent application that is filed thereafter must be considered in view of that application, which in these cases would or could remain indefinitely blocking the way. You as an inventor do not know what the Government has filed along a certain line. You make an application along the same line and you are held up. Why? You are told you are held up on account of Government application or applications the nature of which you can never know, the extent of which will not be revealed to you. I think the gentleman from New York is familiar with patents. I am not. Therefore, it is with some hesitation that I discuss the matter, but it does seem to me that you create a situation which makes it very trying for people who file applications along the same line as the Government applications and whose applications will be held up because they are said to interfere with an application which has been filed on Government account but indefinitely held in abeyance.

Mr. OGLESBY. It would not interfere with it any more than if a patent had been granted. If there is no interference, it would not be held up.

Mr. MONDELL. But an application is very broad. Although I have never filed one, I assume that an application is generally much broader than the patent as finally granted, and if a certain thing has been patented and you make an application you can judge yourself as to whether your application infringes. You can have some opinion yourself in regard to it. But how can you know whether you can enter the field at all if there can be an infinite number of applications filed and held secret for the Federal Government. Your application might not be considered at all because of the opinion held by the department that it might infringe upon an application filed by or on behalf of Uncle Sam.

Mr. OGLESBY. There are about 50,000 applications on file now.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHERLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will read the next one.

TOWNSITE OF M'CABE, MONT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 600) to validate title to the townsite of McCabe, in the State of Montana.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to accept for surface rights only Santa Fe Pacific lien-land selection heretofore made and designated as Glasgow, Mont., land office serial number 015766, for the following-described land: Southwest quarter of the southeast quarter of section 4, in township 29 north, range 56 east, Montana meridian; and issue patents thereto, which patents shall contain a reservation to the United States of all coal, in said lands, as provided by section 3 of the act of June 22, 1910 (36 Stats., p. 584).

With a committee amendment, as follows:

Amend, page 2, by striking out all after the word "coal," in line 2, and all of lines 3 and 4 and inserting in lieu thereof "oil, or other mineral deposits in the land, and the right of the United States, its grantors or lessees, to mine and remove same."

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. FERRIS. I ask unanimous consent, Mr. Speaker, that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

Mr. MANN. I move, on line 6, page 2, to strike out the word "grantors" and insert the word "grantees."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, page 2, line 6, by striking out the word "grantors" and inserting the word "grantees."

Mr. MANN. I do not know whether that is correct or not.

Mr. FERRIS. Yes; it should be "grantees."

Mr. MANN. Certainly if it is "grantors or lessees," they do not come in very well together. The lands are reserved to the United States, grantees or lessees.

Mr. FERRIS. The only thing I was debating was whether the amendment suggested would improve it. It needs something, but I do not know whether it needs that or not.

Mr. MANN. Plainly it is not trying to reserve for any grantors of the United States.

Mr. FERRIS. "Grantors" is wrong, undoubtedly. We accept the amendment if the gentleman is satisfied with it himself.

The SPEAKER pro tempore. The question is on agreeing to the amendment of the gentleman from Illinois to the committee amendment.

The amendment to the committee amendment was agreed to.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. MONDELL. Mr. Speaker, I move to amend, page 1, line 4, by striking out the words "surface rights" and inserting the words "limited patents."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

On page 1, line 4, strike out the words "surface rights" and insert "limited patents."

Mr. MONDELL. Mr. Speaker, what is proposed to be done here is to issue a limited patent, and, therefore, we should direct the Secretary of the Interior to accept a certain application for a limited patent.

Mr. FERRIS. The committee thinks the gentleman from Wyoming is right about it.

Mr. MANN. I would like to hear the amendment reported first.

The SPEAKER pro tempore. The Clerk will again report the amendment.

The amendment was again read.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The amendment was agreed to.

Mr. MANN. Now, Mr. Speaker, if nobody else does, I move to amend, page 1, line 5, by striking out the word "lien" and inserting the word "lieu."

Mr. FERRIS. That ought to be done. The letter "u" is turned bottom side up.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, page 1, line 5, by striking out the word "lien" and inserting the word "lieu."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend, in line 10, by striking out the word "patents" and inserting the word "patent" in the singular.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, page 1, line 10, by striking out the word "patents" and inserting the word "patent."

Mr. MANN. I suppose the word "patent" for a quarter section is sufficient.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I make the same amendment on page 2, line 1.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 1, by striking out the word "patents" and inserting the word "patent."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next one.

METALLIFEROUS MINERALS ON INDIAN RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12426) to authorize mining for metalliferous minerals on Indian reservations in the State of Arizona.

The title of the bill was read.

Mr. MANN. Mr. Speaker, I ask to have that bill go over.

The SPEAKER pro tempore. Without objection, it will be so ordered.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next one.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 13765. An act to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes.

PUBLIC PARK, SALIDA, COLO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21) authorizing the city of Salida, Colo., to purchase certain public lands for public-park purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LLOYD). Is there objection to the present consideration of this bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the city of Salida, Chaffee County, Colo., is hereby authorized for a period of five years and after the passage of this act, to purchase, and the Secretary of the Interior is hereby directed to convey to said city for public-park purposes for the use and benefit of said city, the following-described lands or so much thereof as the said city may desire, to wit: All of section 16, township 49 north, range 9 east, New Mexico principal meridian, locally known as Castle Garden, containing 640 acres, more or less, and the south half of section 25, and the southeast quarter of section 26, township 51 north, range 8 east, New Mexico principal meridian, known as Box Canon, containing 480 acres, more or less.

SEC. 2. That the said conveyance shall be made of the said lands to the said city by the Secretary of the Interior upon the payment by said city for the said lands, or such portions thereof as they may select, at the rate of $1.25 per acre, and patent issued to said city for the said land selected to have and to hold for public-park purposes, subject to the existing laws and regulations concerning public parks, and that: *Provided*, The grant hereby made shall not include any lands which at the date of the issuance of patent shall be covered by a valid existing bona fide right or claim initiated under the laws of the United States: *Provided further*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted, and all necessary use of the land for extracting the same: *And provided further*, That said city shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described; and that if the said land shall not be used as a public park, the same, or such parts thereof not so used, shall revert to the United States.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Without objection it is so ordered.

The following committee amendment was read, considered, and agreed to:

Page 1, line 4, insert, after the word "years," the word "from."

The following committee amendment was read, considered, and agreed to:

Amend by striking out after the words "to wit," in line 9, on page 1, the following:

"All of section 16, township 49 north, range 9 east, New Mexico principal meridian, locally known as Castle Garden, containing 640 acres, more or less, and the."

The amendment was agreed to.

Mr. MANN. There are a number of committee amendments. We had better consider them altogether.

The SPEAKER pro tempore. The Clerk will report the committee amendments.

The following committee amendments were read, considered, and agreed to:

Page 2, line 2, before the word "south," insert the word "The."
Page 2, line 11, after the word "patent," insert the words "shall be."
Page 2, lines 12, 13, and 14, strike out the words "subject to the existing laws and regulations concerning public parks, and that."
Page 2, line 14, after the word *"Provided,"* insert the word "That."
Page 2, line 14, strike out the word "grant" and insert the word "conveyance."
Page 2, line 15, strike out the word "made" and insert "authorized."

The SPEAKER resumed the chair.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the last vote was laid on the table.

MYTON, UTAH.

The next business on the Calendar for Unanimous Consent was the bill (S. 35) to authorize the Secretary of the Interior to issue patents for certain lands to the town of Myton, Utah.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patents to the town of Myton, Utah, for the following-described lands, as shown by the plats and records on file with the Commissioner of the General Land Office, for the use and benefit of the inhabitants of said town: The southwest quarter of the southwest quarter, section 19, township 3 south, range 1 west, to be used as the site of a pumping station; the south half of the northwest quarter section 30, township 3 south, range 1 west for cemetery purposes; the north half of the northwest quarter, section 30, township 3 south, range 1 west, Uinta base and meridian, to be used as a reservoir site, and for other purposes incidental thereto in the distribution of water to the inhabitants of said town; blocks 36 and 46 of town site of Myton, to be used and held for the benefit of the public schools of said town; all that portion of unsubdivided block 1 which lies west of the Duchesne River, to be used as a public common; and all those portions of blocks 1, 3, 4, 5, 7, 8, 9, and 10 which lie east and north of the Duchesne River, to be used as a public park: *Provided*, That if the said town shall at any time permit the said lands hereby granted to be used for any purposes not contemplated by this act the said lands shall revert to the United States.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I should like to ask how many acres this bill proposes to convey, and how much they are to pay for it, if anybody happens to know.

The SPEAKER. Who is in charge of this bill?

Mr. MAYS. Mr. Speaker, this is a Senate bill reported out of the House Committee on the Public Lands. I suppose I may know as much about it as any member of the committee, and that is not a great deal. It was introduced by the Senator from Utah. What is it the gentleman from Illinois wishes to know?

Mr. MANN. I should like to know how much land it is proposed to convey, and how much they are to pay for it.

Mr. MAYS. I think the land is described in the bill. The southwest quarter of the southwest quarter would be 40 acres.

Mr. MANN. Oh, yes; I know about that, but I do not know how many acres there may be in block 36 and block 46.

Mr. MAYS. In these towns in Utah a block contains 10 acres.

Mr. MANN. How many acres are there in—

All those portions of blocks 1, 3, 4, 5, 7, 8, 9, and 10, which are east and north of the Duchesne River?

I think I am entitled to know how much land they contain, and certainly there is no indication in the description.

Mr. MAYS. The report does not add up the total number of acres.

Mr. MANN. I have discovered that.

Mr. MAYS. I do not know of any way to find out, except by adding up the number of blocks and the number of quarter sections.

Mr. MANN. My arithmetic is very good, and always was. That was my strong suit. I can tell the number of blocks, but I can not tell by arithmetic alone what portion of the blocks lie east and north of the Duchesne River.

Mr. MAYS. If the gentleman will multiply the number of blocks by 10 he will get the number of acres.

Mr. MANN. Oh, no; he will not. You see it provides for so much of certain blocks as lie east and north of the Duchesne River. It will take more than abstract arithmetic to tell how many acres there are in the parts of those blocks that lie east and north of the Duchesne River.

Mr. MAYS. It says—

All that portion of unsubdivided block 1 which lies west of the Duchesne River, to be used as a public common; and all those portions of blocks 1, 3, 4, 5, 7, 8, 9, and 10 which lie east and north of the Duchesne River, to be used as a public park.

Block 1 would have 10 acres in it, if it took it all. That portion of block 1 on the west side of the river, and that portion of block 1 on the east side of the river, taken together, would make 10 acres.

Mr. MANN. That accounts for block 1. But how about block 3? I assure the gentleman I have been over the report very carefully. There is absolutely nothing in the bill or the report that gives any indication of the number of acres which are to be conveyed. I think these people ought to pay a dollar and a quarter an acre for the land.

Mr. MAYS. I am willing that they should.

Mr. MANN. You can not tell anything about it. I think the bill had better go over until the gentleman can get from the Land Office the information which they ought to have furnished in the first place.

Mr. MAYS. The report of the Secretary of the Interior did not furnish that.

Mr. MANN. I understand that.

The SPEAKER. The gentleman from Illinois objects, and the bill goes over without prejudice. The Clerk will report the next bill.

Mr. MANN. I think there are some matters on the Speaker's table.

The SPEAKER. That is true.

ENLARGED HOMESTEADS.

Mr. TIMBERLAKE. Mr. Speaker, I ask the Chair to lay before the House H. R. 8654 with the Senate amendments.

The SPEAKER laid before the House the bill (H. R. 8654) to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, by adding a new section to be known as section 7, with Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is on concurring in the Senate amendments.

Mr. FERRIS. I want to offer an amendment to the Senate amendment. I assume that the gentleman is going to move to concur in the Senate amendment.

The Clerk read as follows:

Agree to the Senate amendment with an amendment as follows: Add at the end of the Senate amendment the following: "if the entryman is residing on his own original entry."

The SPEAKER. The question is on agreeing to the Senate amendment with the amendment offered by the gentleman from Oklahoma.

Mr. RAKER. Will not the gentleman from Oklahoma explain what this amendment does?

Mr. FERRIS. The House passed a bill providing for an additional homestead entry by living on it and cultivating it. The Senate struck out the part requiring residence, and this amendment modifies it to this extent, that they can only take the additional land where they are residing on the original homestead. In other words, they must reside on the original homestead before they can take the addition.

Mr. NORTON. If they are residing on the original homestead under the terms of the gentleman's amendment, residence would not be required, but if they were not residing on the original homestead, both residence and cultivation will be required.

Mr. FERRIS. Yes.

Mr. RAKER. Suppose a man still owns his original homestead and has his family in town going to school?

Mr. FERRIS. If he had abandoned it, if he had moved away——

Mr. RAKER. No; I am assuming that that is his regular place of residence, but he has moved temporarily to town to send his children to school.

Mr. FERRIS. That would be a temporary absence, and I do not think it would affect him.

The SPEAKER. The question is on agreeing to the Senate amendment with the amendment.

The question was taken, and the amendment with an amendment was agreed to.

PENSIONS.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent to take the bill H. R. 13486 from the Speaker's table, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

H. R. 13486. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take this bill from the Speaker's desk, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. FULLER.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 14484, disagree to the Senate amendments, and ask for a conference.

The Clerk read as follows:

H. R. 14484, granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table this bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The Chair appointed as conferees on the part of the House Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. FULLER.

FORT NIOBRARA MILITARY RESERVATION, NEBR.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent to take up House joint resolution 184 for consideration.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to take up House joint resolution 184 at the present time. Is there objection?

There was no objection.

The Clerk read the joint resolution as follows:

Joint resolution (H. J. Res. 184) providing for one year's extension of time to make installment payments for the land of the former Fort Niobrara Military Reservation, Nebr.

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to allow entrymen of lands of the former Fort Niobrara Military Reservation, Nebr., made under the act entitled "An act to subject lands of the former Fort Niobrara Military Reservation and other lands to homestead entry," approved January 27, 1913, as are required to be paid for at their appraised values, one year extension of time in which to make each of the two remaining unpaid installments of the purchase price.

The following committee amendments were read:

Amend the bill in line 4, after the word "of," by striking out the words "the certain" and insert in lieu thereof the word "such."

Line 9, after the word "thirteen," strike out the word "which" and insert in lieu thereof the word "as."

Line 11, strike out the word "extention" and insert in lieu thereof the word "extension."

Mr. KINKAID. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I move to strike out the last word. They have made a very strong case for an extension of time for the payment of these installments, although I am of opinion that no extension of this sort should be granted without the payment of some rate of interest. Does not the gentleman from Oklahoma agree with me that where we extend the time for the payment of land to be paid for in installments that there ought to be some rate of interest?

Mr. FERRIS. They always have charged in my State on extensions, but this is an abandoned military reservation and in cases where they have sold land in my State it was Indian land.

Mr. MANN. Yes; that is where we felt it would be a gross injustice to the rightful owner of the property not to charge interest, but where it is Uncle Sam anybody has a right to rob him and nobody kicks. The fact is that no one will ever want to pay his debts, if he gets an extension without it, and why should they?

Mr. FERRIS. The only reason that I know of is that the interest would be a small item.

Mr. MANN. I do not believe that there is another man in the United States who could hornswoggle Congress into this as has the gentleman from Nebraska.

Mr. FERRIS. We are all familiar with the very persuasive ways of the gentleman from Nebraska.

Mr. MANN. He is as sweet to Congress as he would have been if married. [Laughter.]

Mr. KINKAID. I accept the sweet remarks, also with thanks, if there is no further objection. [Laughter.]

The committee amendments were agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KINKAID, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

LOAN OF TENTS TO KNIGHTS OF PYTHIAS.

Mr. BYRNS of Tennessee. Mr. Speaker, I ask unanimous consent to consider House joint resolution 78, No. 153 on the Calendar for Unanimous Consent.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take up out of its order House joint resolution 78, authorizing the Secretary of War to loan certain tents, saddles, and bridles for the use of the national encampment, Knights of Pythias, to be held at Nashville, Tenn., in August, 1916. Is there objection?

Mr. BYRNS of Tennessee. Mr. Speaker, I will state to the House that this is in the nature of an emergency proposition.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan, at his discretion, to the committee on tents of the national encampment, Knights of Pythias, to be held at Nashville, Tenn., in the month of August, 1916, 1,018 tents and 200 saddles and bridles: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered to said committee designated at such time prior to the holding of said encampment as may be agreed upon by the Secretary of War and Paul De Witt, chairman of the said committee on tents: *Provided further*, That the Secretary of War, before delivering said tents, shall take from said Paul De Witt a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

With the following committee amendment:

On page 2, line 2, after the word "tents" insert "saddles and bridles."

The SPEAKER. This is on the Union Calendar.

Mr. BYRNS of Tennessee. Mr. Speaker, I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BYRNS of Tennessee, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. MANN. Mr. Speaker, I do not see the gentleman from North Carolina [Mr. KITCHIN] present——

Mr. FERRIS. Mr. Speaker, I wish the gentleman would let me make a request for unanimous consent. Does the gentleman think that we ought to quit at this time?

Mr. MANN. I do not think we ought to bring up any other bills. I understand the Diplomatic and Consular appropriation bill is going to come up to-morrow. The gentleman from Virginia [Mr. FLOOD] is not on the floor at present, but I think he has that understanding. I was about to ask whether it would be agreeable to everyone to meet at 11 o'clock in the morning and to quit at 4 o'clock in the afternoon instead of meeting at noon and quitting at 5 o'clock, probably for this week only?

Mr. ASWELL. Mr. Speaker, is there any chance to continue the Unanimous Consent Calendar to-morrow?

Mr. MANN. I do not think there is to-morrow.

The SPEAKER. Not to-morrow.

Mr. MANN. But I think we can get through the Unanimous Consent Calendar, and I hope the Private Calendar for Unobjected Bills, this week or next week. By the way, there are quite a number of what we call bridge bills on the calendar which can be passed by unanimous consent without trouble. If we do not run through the Unanimous Consent Calendar by Thursday, I think we ought to pass these bridge bills by that time, and I hope that we can dispose of the Unanimous Consent Calendar soon. I suppose on Friday we are likely to take up the Private Calendar for Unobjected Bills and see if we can not run through it.

The SPEAKER. Does the gentleman make a request to meet at 11 o'clock?

Mr. MANN. Of course, a request of that kind properly comes from the other side, and I am merely suggesting that, hoping that somebody will make that request.

Mr. FERRIS. Of course, the House will understand that I am merely a small straw boss here this afternoon. I was left here merely to adjourn.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from Illinois made the further suggestion that we stop at 4 o'clock.

Mr. MANN. Oh, that would be only an understanding.

The SPEAKER. The gentleman from Missouri asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

Mr. ASWELL. Mr. Speaker, reserving the right to object, I ask unanimous consent that the Unanimous Consent Calendar may be taken up on Thursday.

Mr. MANN. I hope that may be done, but I am sure the gentleman from North Carolina [Mr. KITCHIN] would not want an agreement of that kind made without consulting him.

Mr. FERRIS. I shall object for the present, as I do not think the gentleman from North Carolina would desire to have that taken up without his having been consulted.

Mr. MANN. As long as gentlemen on the other side will not permit me to go to Chicago this week and I have to stay here, though I really do want to go, I want to make it worth while and see if we can not get through some of these bills for the benefit of Members who have gone.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that on Thursday of this week, if there be no appropriation bill pending, no other matter pending, I be permitted to address the House for one hour on the state of the Union.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that next Thursday after the reading of the Journal and clearing up the business on the Speaker's table, unless there is an appropriation bill or something of importance pending, he be allowed one hour to discuss the state of the Union. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, can not the gentleman come in to-morrow on general debate on the diplomatic bill?

Mr. FERRIS. I had in mind the suggestion of the gentleman. I have not had a chance to see the gentleman from Virginia [Mr. FLOOD] and I am really not quite ready with the remarks I intend to make. I want to submit to the House a kind of digest of the work here——

Mr. MANN. What does the gentleman think it is more important to do, to submit a digest of what we have done here, or to do the things we ought to do now?

Mr. FERRIS. Well, there is some question about that. I submit it for what it is worth.

Mr. MANN. Of course, if the gentleman wants an hour I might want 15 minutes to reply to him.

Mr. FERRIS. I certainly would not object, and I know the gentleman can do more in 15 minutes than I can in an hour.

Mr. MANN. I might want two hours.

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, is this the Thursday on which the gentleman from Oklahoma stated he could not agree we should go ahead with some of the business of the House?

Mr. FERRIS. If there is no important business——

Mr. JOHNSON of Washington. Does the gentleman include the Unanimous Consent Calendar?

Mr. FERRIS. If the House desires to take up the Unanimous Consent Calendar, I certainly would not occupy that time.

Mr. JOHNSON of Washington. There is a large amount of business here that has been waiting for months, when we have had no Unanimous Consent Calendar. It has been postponed and postponed, and when we have had that day to consider bills it has been largely occupied by bills from the Committee on the Public Lands. Mr. Speaker, I shall not object.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think the gentleman can get in to-morrow. If he can not, we will try to work him in some way on Thursday; but I do not think at this time we should commence granting unanimous consent in this way. We can not give it to one and refuse it to another.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. LITTLEPAGE. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman from Illinois objects.

ADJOURNMENT.

Mr. FERRIS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Is there objection to the House meeting at 11 o'clock to-morrow morning? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from Oklahoma that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 48 minutes p. m.) the House adjourned to meet to-morrow, Tuesday, June 6, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chairman of the Interstate Commerce Commission, transmitting report of the Chief of the Division of Safety concerning a test of the automatic train-control system of the Golloa Railway Signal Co. of America, Chicago, Ill., which was conducted by the commission's experts from August 10 to October 1, 1915, and from February 26 to March 31, 1916 (H. Doc. No. 1192); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

2. A letter from the Secretary of War, inviting attention to the omission from the bill making appropriations for the support of the Army, fiscal year 1917, of a provision making Signal Corps appropriations available for the purchase of motorcycles and motor-driven vehicles used for technical purposes (H. Doc. No. 1193); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SHALLENBERGER, from the Committee on Military Affairs, to which was referred the bill (H. R. 12545) granting to the Portland, Vancouver & Northern Railway Co. a license to cross the Vancouver Barracks Military Reservation at Vancouver, Wash., reported the same with amendment, accompanied by a report (No. 799), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 15282) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from the Congressional Cemetery, District of Columbia, to Lock Haven, Pa., reported the same without amendment, accompanied by a report (No. 800), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. TREADWAY: A bill (H. R. 16254) authorizing the Secretary of War to donate to the town of Lanesboro, Berkshire County, Mass., one bronze or brass cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 16255) to provide for the daily free delivery of rural mail and parcel-post matter to every rural home at least once each day where the houses are not more than 1 mile apart on a main traveled highway; to the Committee on the Post Office and Post Roads.

By Mr. BAILEY: A bill (H. R. 16256) to authorize the Committee on Ways and Means of the House of Representatives and the Finance Committee of the Senate to collect facts and statistics for the use of said committees, and for other purposes; to the Committee on Ways and Means.

By Mr. JOHNSON of Kentucky: A resolution (H. Res. 256) authorizing Committee on the District of Columbia, or the subcommittee thereof, to sit during sessions of Sixty-fourth Congress or during the recesses between the sessions of said Congress; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. SMITH of New York: A bill (H. R. 16253) authorizing the Commissioner of Navigation to document as a vessel

of the United States a dredge built of American material and owned by the Perry-Victoria Sand Co., a citizen of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. ADAIR: A bill (H. R. 16257) granting a pension to Frank M. Twigg; to the Committee on Pensions.

By Mr. BARNHART: A bill (H. R. 16258) granting a pension to Hiram Davis; to the Committee on Invalid Pensions.

By Mr. BEALES: A bill (H. R. 16259) granting a pension to James M. Danner; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 16260) granting a pension to Alexander Gross; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 16261) for the relief of Andrew Ohler; to the Committee on Military Affairs.

By Mr. DILLON: A bill (H. R. 16262) granting a pension to Henry F. Walton; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 16263) for the relief of the heirs of Isabella Ann Fluker; to the Committee on War Claims.

By Mr. FERRIS: A bill (H. R. 16264) granting a pension to Julius M. Deal; to the Committee on Pensions.

Also, a bill (H. R. 16265) granting a pension to James M. Conner; to the Committee on Pensions.

Also, a bill (H. R. 16266) granting a pension to Pearl B. McDonald; to the Committee on Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 16267) granting a pension to A. J. Pope; to the Committee on Pensions.

By Mr. GOULD: A bill (H. R. 16268) for the relief of Uriel D. Belles; to the Committee on Military Affairs.

By Mr. HOLLINGSWORTH: A bill (H. R. 16269) granting an increase of pension to Benjamin R. Buffington; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 16270) granting an increase of pension to John H. Foutch; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 16271) granting a pension to Christena Wentworth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16272) granting an increase of pension to William H. Coulter; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 16273) granting an increase of pension to George H. Cheek; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 16274) granting a pension to Thomas M. Hoover; to the Committee on Pensions.

By Mr. RUBEY: A bill (H. R. 16275) granting an increase of pension to Elijah W. Sorber; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 16276) to authorize the appointment of John Faraday James to the grade of lieutenant in the Army; to the Committee on Military Affairs.

By Mr. TAGGART: A bill (H. R. 16277) granting an increase of pension to Mary E. Hottenstein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16278) granting an increase of pension to Marstein Forward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16279) granting an increase of pension to Mary W. Dagley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16280) granting a pension to Sarah A. Day; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 16281) granting an increase of pension to Abner D. Bell; to the Committee on Pensions.

By Mr. TINKHAM: A bill (H. R. 16282) granting a pension to Agnes K. Hedman; to the Committee on Pensions.

By Mr. TREADWAY: A bill (H. R. 16283) granting a pension to Charles A. Smead; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BEAKES: Petition of John Ferris and 38 citizens of Riga, Mich., and Town Line Sunday School of Whiteford, Mich., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of F. P. Goodwyn and 17 others, of Albion; R. T. Davis and 56 others, of Adrian, both in the State of Michigan, against abridgment of the freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. CAREW: Petition of the National Automobile Chamber of Commerce, against bills to abolish Taylor system in Government shops; to the Committee on Labor.

By Mr. CASEY: Memorial of the Woman's Christian Temperance Union and Second Welsh Congregational Church, of Wilkes-Barre, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of women voters of Maricopa County, Ariz., and M. Davis, of Philadelphia, Pa., relative to woman suffrage amendment; to the Committee on the Judiciary.

By Mr. DOOLING: Memorial of the Chamber of Commerce of the State of New York, against Philippine independence; to the Committee on Insular Affairs.

By Mr. EAGAN: Petition of the Maritime Law Association of the United States, relative to safety of life at sea; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Atlanta (Ga.) Typographical Union, No. 48, favoring bills relative to wages, etc., on Panama Canal; to the Committee on Appropriations.

By Mr. FULLER: Petition of M. Engel, of Marseilles; H. H. Wagner, of De Dalb; Murdoc & Farmes, of Clinton, and P. W. Pyler, of Winnebago, all in the State of Illinois, protesting against the Stevens-Ashurst price-maintenance bill; to the Committee on Interstate and Foreign Commerce.

By Mr. GOODWIN of Arkansas: Paper to accompany House bill granting a pension to Duval Johnson; to the Committee on Pensions.

By Mr. NOLAN: Memorial of San Diego (Cal.) Tent, No. 26, Knights of the Maccabees, favoring passage of Penrose-Griffin indefinite leave of absence bill for postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of F. E. Barton and 19 others, of San Francisco, Cal., favoring eight hours a day for telegraph operators; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: Petitions of sundry merchants of Spur, Tex., against passage of the Stephens-Ashurst bill; to the Committee on Interstate and Foreign Commerce.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 6, 1916.*

The House met at 11 o'clock a. m.

The Rev. Clarence A. Vincent, D. D., pastor of Mount Pleasant Congregational Church, Washington, D. C., offered the following prayer:

Eternal God, our Father, we praise Thee for that love and grace that have enriched and strengthened the life of every one of us and of the Nation. We ask for that help that shall guide us in our thinking, comfort us in our trials, keep alive in us our visions and ideals, and help us always to live and when necessary to sacrifice for the public weal; in Jesus' name. Amen.

The Journal of the proceedings of yesterday was read and approved.

UNANIMOUS CONSENT CALENDAR.

Mr. ADAMSON. Mr. Speaker, I want to make a request or suggestion touching the procedure. Yesterday the gentleman from Illinois [Mr. MANN] secured an agreement that bills which were objected to when called yesterday should remain on the calendar without prejudice. I wish to request that, in the event the Unanimous Consent Calendar is called again this week, the same agreement apply to the extended call.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that if the Unanimous Consent Calendar is called again this week the same agreement that was made yesterday as to bills to which objection was made going over shall prevail. Is there objection? [After a pause.] The Chair hears none.

DIPLOMATIC AND CONSULAR SERVICE.

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13383, the Diplomatic and Consular appropriation bill; and pending that, Mr. Speaker, my friend from Wisconsin [Mr. COOPER], the ranking member of the committee, not being here, I would like to make an arrangement with the gentleman from Massachusetts [Mr. ROGERS] as to time for general debate.

Mr. ROGERS. Mr. Speaker, I think there will be very little time desired on this side. I suggest that the time run for a little while.

Mr. FLOOD. I will say to the gentleman that I talked with the gentleman from Wisconsin [Mr. COOPER] yesterday, and he suggested 45 minutes on his side.

Mr. ROGERS. There is one more speaker on this side, and I do not know exactly how much time he will require. I think there will probably be not over an hour and a half at the outside, and we may save time in the end if we do not attempt to fix the limit of the debate now.

Mr. FLOOD. I suggest that we fix it at an hour on a side, and I can give the gentleman some time if he has not sufficient.

Mr. MANN. Oh, let it run. I think we can pass this bill to-day.

Mr. FLOOD. I can give you time in addition to what the gentleman from Massachusetts can give you.

Mr. MANN. If we let it run, I do not think there will be any extra time consumed.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Diplomatic and Consular appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13383, with Mr. MOON in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FLOOD. Mr. Chairman, I desire to make a brief statement in reference to this bill. The Diplomatic and Consular appropriation bill this year carries a total appropriation of $5,483,246.66. For 1916 it appropriated $4,061,280.01. The net increase in the present bill over the bill for the year ending June 30, 1916, is $1,421,966.65. This is a very considerable increase, but the committee believed that every item provided for here is fully justified and should be passed by the House.

Of this $1,421,966.65 increase, the larger item consists of appropriations for legation and consular buildings amounting to $555,000. There was no appropriation of this character authorized in the bill of last year, so that this $555,000 is an entirely new item.

We also have an appropriation in this bill of $250,000, the annual payment to Panama which heretofore has been carried in the urgent deficiency bill. Under our treaty with Panama, by which we acquired the right to construct the Panama Canal, we agreed that nine years after the signing of the treaty we would pay Panama $250,000 per year. These payments have been made since they became due but were not carried in this act. This year the State Department estimated for it to be carried in this bill, which is the place where it belongs. This is an obligation we acquired by treaty and is a part of the payment for our right to construct the Panama Canal.

The emergency fund has been increased this year by $125,000. In the last bill the amount carried for this fund was $75,000 and in this bill it is $200,000. This is for emergencies arising in the Diplomatic and Consular Service, and is known as the emergency fund. It is used for the purpose of meeting unforeseen emergencies arising in the Diplomatic and Consular Service, to extend the commerce of the United States and meet the necessary expenses attendant upon the execution of the neutrality act.

The need for ample funds for emergencies and confidential purposes is obviously greater to-day than at almost any time in our history, and the committee felt that the President and Secretary of State should not be left unprovided with ample funds to meet emergencies that under the present situation might arise any time. The committee therefore provided for what the department asked for.

There is also an entirely new item of $100,000 carried in this bill known as "Post allowances for the Consular Service." This is to enable the President to make allowances for consuls who are living in countries where, owing to the war, the cost of living has very greatly increased. After the war began there was a rise in prices in all parts of the world, and particularly in those countries where the war was being fought. The prices became higher for foodstuffs, for clothing, and for rents, and it was almost impossible in some countries for consuls to properly perform their duties on the salaries they were getting. This fund will be used under the direction of the State Department and only where the department is satisfied that owing to extraordinary conditions some additional allowances should be made to the consuls.

There is also an increase of $132,000 for "Contingent expenses, United States consulates." This is necessary in order to provide the consulates with the proper furniture and filing systems. We have been making such meager appropriations for these in the past that very little has been accomplished in this direction. The department has a standard index and filing system that applies throughout the Consular and Diplomatic Services, and in order to continue that and make it possible for an officer at any post to begin work immediately on arrival there and to do his work efficiently, it is essential to keep this system up to date and in good order. The department thought, and the committee agreed with it, that this increase was a wise one. In a normal year, 1914, for instance, the Consular Service paid back to the Treasury in cash received from fees every dollar appropriated for it except about $43,000.

These increases make $1,052,000, leaving the rest of the increases somewhere between $300,000 and $400,000, which I will discuss in detail as the bill is read, if anyone desires information in reference to them.

While the increase in this bill is quite large, the committee believes that under the existing world-wide conditions it is a very moderate increase, and is as little as ought to be provided for our Diplomatic and Consular Services.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS rose.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. FLOOD. I will say to the gentleman from Wisconsin [Mr. COOPER] that when he was temporarily out we did not agree to any limit on debate.

Mr. COOPER of Wisconsin. The reason I was not in the Chamber when the session began this morning was that I thought we would begin at 12 o'clock. I see no reason why we should begin at 11 o'clock with such a small attendance present.

Mr. FLOOD. When the House adjourned last evening it was agreed to meet to-day at 11 o'clock.

Mr. COOPER of Wisconsin. Yes. I was misinformed.

Mr. FLOOD. Will the gentleman from Wisconsin yield some time now?

Mr. ROGERS. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Massachusetts is recognized for one hour.

Mr. ROGERS. Mr. Chairman, the direct influence of the European war extends to every quarter of the earth's surface and immediately and vitally affects almost every form of human endeavor and activity. It is not surprising that this influence is felt to a peculiar and unusual degree by the State Department.

EFFECT OF WAR ON STATE DEPARTMENT.

The Department of State is the department of the Federal Government upon which existing domestic and foreign conditions bear most heavily. It is the department which speaks for the entire United States in the relations of this country with foreign nations, whether the subject concerned is the protection of national or individual rights or the safeguarding and advancing of our foreign trade. Even under normal conditions the intelligence and efficiency with which the Department of State is administered are vitally important to the welfare of the country and to its commercial interests; but the great European war has precipitated an unprecedented condition which makes it of supreme importance that the department should be well administered and adequately maintained if it is to accomplish all that may, under existing conditions, rightfully be expected from it. The United States, through the Department of State and the diplomatic and consular officers subordinate to it, is at present in charge of the interests of 23 nations, in various parts of the world, including the interests of the principal nations engaged in the war. The discharge of the duty thus imposed involves not only exercising our good offices in behalf of individuals or property interests of the nations so represented and acting as a medium of communication with enemy governments, but also the inspection of prison camps and the distribution of millions of dollars in relief to prisoners of war and detained civilians of the belligerent Governments. While some of the work described is temporary and will cease with the close of the war, new duties will then arise of much concern to our manifold trade and commercial interests. With the outbreak of the war in 1914 many treaties and commercial arrangements between Governments ceased to exist. Conditions under which foreign trade was carried on have changed. When the war is over the entire question of foreign trade will have to be studied de novo and new treaties and trade agreements negotiated. The negotiations embracing these questions will devolve upon the Department of State. Furthermore, the interference with American commerce and individual rights in belligerent countries and in Mexico is resulting in the filing by American citizens of hundreds of claims for redress, all of which must be examined, and, if approved, presented to the foreign Government concerned for payment. This problem alone will involve a vast amount of legal and clerical work.

WAR CONDITIONS ENTAIL LARGE EXPENDITURES IN STATE DEPARTMENT.

In the light of this recitation, then, it was not surprising that last year the Diplomatic and Consular act was the largest in

our history—$4,061,280—nor is it surprising that the bill now under discussion exceeds even the large bill of last year by nearly a million and a half of dollars, carrying $5,483,246. For the reasons stated it can not confidently be expected that our future Diplomatic and Consular bills will shrink to the standards prevailing during the years prior to the European war. The appropriations carried by the present bill are, comparatively speaking, at least, large. Yet in my judgment they are not too large, considering the magnitude and variety of the benefits to result from a farsighted administration of the Department of State. The report accompanying the bill states (pp. 2 and 3):

The committee has made every effort to keep the total appropriations carried by the bill within the bounds of reasonable economy; and while some of the increases for the Diplomatic and Consular Service are apparently considerable, the committee deems them wise and necessary. The continuance of the European war has devolved upon our entire Diplomatic Service a vast amount of labor as well as unavoidable expense, and if the efficiency of the service is to be maintained, the additional appropriations asked for are imperative.

I believe the foregoing statement to be warranted and entirely accurate.

OUR CONSULAR SERVICE.

The general public has little detailed knowledge of what our Consular Service is and what it does. It knows in a general way that United States consuls are sent out by the State Department to important trade centers in foreign countries primarily in the commercial interests of the United States and its citizens. Beyond this the average man has little occasion to inquire and does not inform himself.

It is my purpose in this discussion to make available some facts about our Consular Service which I think are not generally understood or appreciated, but of which it seems to me desirable that there should be more general knowledge. In the course of my remarks I shall consider especially some of the respects in which our Consular Service fails fully to meet its largest opportunities and to accomplish its highest measure of usefulness. In saying this, however, I do not mean to be understood as even suggesting that our service to-day is inefficient or backward; on the contrary, I believe it to be remarkably efficient and progressive.

OPINION OF OUR CONSULAR SERVICE IN EUROPE.

It is always of interest to notice how we are appraised by our neighbors and especially by our rivals. Last March the chambers of commerce of the United Kingdom, which assembled for the purpose of devising ways and means of improving British commercial interests, discussed the efficiency of our Consular Service. President Sterling, of the Belfast delegation, who is one of the largest linen producers in Great Britain, said that whenever he required exact technical details concerning linen, Belfast's chief industry, he was obliged to seek it in the American consular reports, which contained better information concerning linen than the British Government or the Belfast trade possessed.

Mr. Sterling was followed by Col. Herbert Hughes, C. B., C. M. G., president of the Sheffield Chamber of Commerce, representing one of the great steel industries, who said that the Sheffield manufacturers had found it imperative to know the sources and distribution throughout the world of wolfram ore, from which tungsten is made, and that after unsuccessfully searching all available British data the trade statistics compiled from the reports of American consular officers were examined, and there he found where wolfram was produced, the quality, the state of the industry, and the amount likely to be available. Partly as a result of that information, he said, the manufacture of tungsten powder was undertaken in England and has proven a great success; he predicted that the beginning thus made will destroy the monopoly enjoyed by the German Empire prior to the war. This material is essential in the production of certain necessary war supplies and the present extensive branch of this large war industry was entirely the result of our American consular reports.

NEEDS OF THE CONSULAR SERVICE.

My suggestions as to various respects in which the Consular Service is capable of improvement will not, I repeat, be a criticism of a system of little worth, but an effort to bring to the attention of the public specific possibilities for improving an efficient and well-managed machine.

In fairness to the State Department it should here be pointed out that the department is entirely conscious of such weaknesses as still inhere in the Consular Service, and during recent years has made persistent and faithful efforts to eradicate them. In so far as it has failed, the failure has been largely due either to insufficient appropriations given it by Congress or to the shortcomings or unwisdom of existing legislation.

RECENT IMPROVEMENTS IN THE CONSULAR SERVICE.

Since 1905 all the efforts of the State Department to improve the Consular Service have been consistently toward the accomplishment of the following results:

1. The elimination of all personal profit on the part of consuls general, consuls, and clerks from the performance of their duties and the placing of them upon fixed annual compensation paid by the Government.

2. The classification of all consulates general and consulates in such manner as to make possible the promotion of officers for efficient service from the lower grades gradually upward to the higher grades.

3. The graduation of salaries in accordance with the importance of the various posts.

4. The systematic and intelligent inspection of all consular offices by experienced officers chosen from the service.

5. The stimulation of officers in the performance of their duties by keeping a careful record of their efficiency and conduct.

6. The gradual improvement of the physical condition and equipment of consular offices by providing more commodious and better-situated quarters, American-made office furniture, typewriters, telephones, and other miscellaneous equipment.

7. The gradual Americanization of the clerical force of the consular offices by substituting young Americans as clerks wherever means and conditions permit.

8. The improvement of the personnel by requiring all candidates for appointment as consul to pass a comprehensive examination to determine their educational and personal qualifications for consular work, including their knowledge of at least one foreign language, the commercial resources of the United States, political economy, commercial geography, and international, commercial, and maritime law.

9. The gradual elimination of useless offices and inefficient officers.

All the foregoing objects have been accomplished, but there still remain many other things to be done if our Consular Service is to be developed to the highest modern standard of efficiency. Before undertaking to point out the principal needs of the service at the present time, it may be profitable to indicate the characteristics of a modern and efficient Consular Service.

REQUIREMENTS OF AN EFFICIENT CONSULAR SERVICE TO-DAY.

Throughout the world the consul is recognized as the local representative of the commercial interests of his Government and people quite apart from the multitude of other duties that he is called upon to perform. Regardless of any other governmental agencies that may be at work in a foreign country or district, it is the consul who is in a position to make systematic and continuous investigations to obtain information through personal channels when official sources are no longer open, to exert an effective influence in behalf of his country's trade interests through the acquaintance and confidence gained through long intercourse with the people. In view of these considerations the consuls general, consuls, and vice consuls should be Americans of the best type; they should have made a study of economics and commercial and industrial development, as well as of the special subjects which constitute a large part of the routine consular work. They should speak and write the languages of the countries to which they are sent, and they should have such mental training as will enable them to make accurate and intelligent investigation of commercial, economic, and industrial developments, and be able to report the result of their investigations in a manner to be of practical value to business men in America interested in foreign trade or in the development of American industries. The personal characteristics of a really efficient consul should be such as to enable him to take an honorable place among the people of the district to which he is sent. He should possess tact and resourcefulness and have a practical habit of thought. We take great pains to ascertain the personal and mental and physical charcteristics of the men who officer our Army and Navy, and there is quite as much reason for similar care in relation to the men who guard and promote our commercial interests in foreign countries.

We have perhaps now reached a point where, with the foregoing as a setting, we can advantageously consider the present shortcomings, or, to put it in another way, the needs of the service, if its utmost fruitfulness is to be realized.

1. AMERICANIZATION.

First in importance of the needed reforms is, in my judgment, the complete Americanization of our Consular Service; that is, that every consul general, consul, vice consul, and consular agent of the United States shall be a native-born or naturalized American citizen. Every consul general and consul is to-day, I believe, an American citizen; yet there is no statutory requirement that

such should be the case. The possibility that a person not an American citizen should be a consul general or a consul should be eliminated by law, and when the proper place in the detailed consideration of this bill is reached I propose to offer an amendment to accomplish this purpose.

As to vice consuls, a most astounding situation exists. Out of 243 American vice consuls, 84—over one-third—are foreigners. The Committee on Foreign Affairs has this year for the first time inserted a provision to do away with this indefensible practice. This provision is added as a limitation to the item appropriating salaries for the Consular Service, and reads as follows:

No portion of this sum shall be paid as compensation to vice consuls who are not American citizens: *Provided*, That if in any case the Secretary of State deems it impracticable immediately to secure a competent vice consul who is an American citizen, he may appoint or retain as vice consul and compensate from this fund a person not an American citizen until such time as he is able to designate a competent American citizen for such post.

As to consular agents, the proportion is even less creditable. Out of 189 consular agents, 97—over one-half—are foreigners. The remedy in the case of consular agents, however, is not so clear and simple as in the case of vice consuls, and I shall take up later in my remarks the most feasible solution to bring about the Americanization of our consular agents.

The demand for the Americanization of our Consular Service is no new thing; it even antedates the Constitution of the United States. To show the thought in this direction of our best statesmen, it may be worth while to incorporate some of the many recommendations upon this subject, which appear frequently in the pages of our history.

The first reference which I find is embodied in a report made to the President of the Continental Congress only two years after the signing of the Declaration of Independence. At that time the infant Nation was represented in Europe by three of its ablest citizens—Benjamin Franklin, Arthur Lee, and John Adams. In a report, signed by the commissioners, dated July 20, 1778, and addressed to the President of Congress, appears the following language:

If Congress should think proper to appoint consuls, we are humbly of opinion that the choice will fall most justly, as well as naturally, on Americans, who are, in our opinion, better qualified for this business than any others.

In a report signed by John Adams, dated June 29, 1780, to the President of Congress appears the following recommendation:

I would therefore beg leave to propose to appoint a consul without loss of time to reside at Nantes, and to him consign all vessels from the United States. I think it should be an American. * * * There are many applications from French gentlemen. But I think that from a want of knowledge of our language, our laws, customs, and even the humors of our people, for even these must be considered, they never would be able to give satisfaction or to do justice. Besides, if it is an honor, a profit, or only an opportunity to travel and see the world for improvement, I think the native Americans have a right to expect it; and further, that the public have a right to expect that whatever advantages are honestly to be made in this way should return some time or other to America, together with the knowledge and experience gained at the same time.

Presumably acting upon these and other recommendations, Congress itself, on March 16, 1784, passed the following resolution:

That it is inconsistent with the interest of the United States to appoint any person not a citizen thereof to the office of minister, chargé d'affaires, consul, vice consul, or to any other civil department in a foreign country.

In 1791 Thomas Jefferson, then Secretary of State, wrote to one of our consuls as follows:

With respect to your inquiries on the subject of consuls, vice consuls, and agents, you will observe that the system of the United States is different from that of other nations. We appoint only native citizens consuls. Where a port is important enough to merit a consular appointment, if there is a deserving native there, he is named consul; if none, we name a merchant of the place vice consul, notifying him that whenever a citizen settles there he will be named consul.

And in 1819 John Quincy Adams, then Secretary of State, wrote to an American consul:

It has been the general and almost invariable rule of this Government to appoint in preference a native American citizen to every consular office abroad; when a person bearing that character, suitably qualified for the office, was also desirous of obtaining it.

In Hunt's Magazine for March, 1846, appears an interesting article upon the Consular Service by the United States consul at Genoa. In the course of it he says:

Another evil, and perhaps a greater one still in our present consular system, is the appointment of foreigners to office. Gen. Jackson introduced a reform in this matter, Mr. Van Buren prosecuted it, and Mr. Tyler has done more than all our former Presidents put together; but still a very large number of our consuls are foreigners. I do think it requires no argument to prove that no foreigner, under any circumstances, should ever hold an office under our Government. By a foreigner, I mean a man who owes allegiance to a foreign Government. Set a wolf to watch the fold, but in God's name don't commit republicanism to the keeping of foreigners. Whoever heard of Great Britain asking a foreigner to hold an office for her? John Bull ask another dog to watch his fold? Not he! This is one of the good things of the exclusiveness and pride of England; this is the spirit which has brought her to the top of the world; and what is her consular system? In the most distant port of the most barbarous nation, where no American would accept the office of a consul, the English send an intelligent, experienced man, and maintain him, too, with a handsome salary, and he is backed by all the authority of the Government. This is one of the reasons why that tremendous power is so universally dreaded. She is everywhere present, and no man or nation can tread upon the folds of her mantle without finding cause to repent of it afterwards.

In 1846 James Buchanan, then Secretary of State, wrote:

From the nature, variety, and importance of consular duties, and their bearing on the commercial interests of nations, consuls ought always to be citizens of the country which they represent. The President, at an early period of his administration, had this subject under consideration, and determined to appoint no consuls who were not American citizens, and, indeed, several consuls have been removed because they did not possess this qualification.

In 1873 Assistant Secretary of State Hunter wrote:

As a general rule, it is preferable that United States citizens only should be appointed to all consular offices.

By the act of August 18, 1856, diplomatic officers and principal consular officers were required to be citizens of the United States. The Revised Statutes, which became law June 20, 1874, do not incorporate this requirement and contain no prohibition of payment to consuls who are not American citizens. As the law stands to-day, therefore, it is legally possible to commission as a consul one who is not a citizen of the United States. As I previously stated, the prohibition of 1856 should unquestionably be reenacted. By the act, approved April 5, 1906, it is provided that—

No person who is not an American citizen shall be appointed hereafter in any consulate general or consulate to any clerical position the salary of which is $1,000 a year or more.

Strangely enough, therefore, our law permits non-American principal officers while emphatically excluding subordinate clerks who receive a salary of $1,000 or more. As a result of the act of 1906, there are to-day only 11 non-American clerks—the service of all 11 antedating 1906—who receive a salary of $1,000 a year or over.

Quotations upon this subject covering almost every year of our history might be multiplied to show the universal sentiment. Enough has been said, however, to indicate the importance with which the question has been regarded.

The most recent action which I have seen was in the form of a referendum conducted last winter by the United States Chamber of Commerce. A special committee of that body was appointed to consider desirable reforms in our Consular Service, and among other things it recommended in its report complete Americanization. The committee said:

The committee can not conceive of an argument against the position that those promoting the commercial interests of the United States should be American citizens. It is clearly inconsistent to employ natives of a foreign country, whose sense of nationality and loyalty will lead them to prefer the interests of that country over those of the United States.

The report of the committee was submitted to the constituent members of the chamber of commerce, and the result of the referendum shows a vote of 877 to 8 indorsing the report of the committee.

This subject is engaging the attention of other Governments at this time. The same meeting of the British Chamber of Commerce, to which I have previously referred, adopted a resolution for the reorganization of the British Consular Service with British-born consuls. One of the delegates asserted that during the competition for trade between Great Britain and Germany, preceding the war, 44 British consuls were Germans.

The situation is much the same in Holland. Dissatisfaction among many commercial bodies in Holland with the Dutch system of foreign representation has led to a general advocacy of reforms, whereby foreign consuls shall be paid officials. Of the total of 730 representatives of the Netherlands abroad only about 80, mostly diplomats, are paid officials. Of the remaining 630 honorary consuls only 129 are Dutchmen, and there are nearly 400 who can not even correspond in the Dutch language. The Government is being urged particularly at this time to see that commercial interests are well represented abroad, in order that Dutch manufacturers, traders, and shipowners may be kept well informed on the needs and opportunities of foreign countries after peace is declared.

Mr. BORLAND. Mr. Chairman, will the gentleman permit me to interrupt him there?

Mr. ROGERS. Yes; I will yield to the gentleman from Missouri.

Mr. BORLAND. How many consuls are there now in the service who are not American citizens?

Mr. ROGERS. There are no consuls who are not American citizens. There are no consuls general who are not American citizens. But I will say to the gentleman that there is no provision of law which requires them to be American citizens, and

one of the amendments which I propose to offer to this bill will put actually on the statute books the requirement that all consuls and consuls general shall necessarily be American citizens.

Mr. BORLAND. I think I am right in this position, that up to about six or seven years ago there were many consuls, or at least some consuls, that were not American citizens. But since the plan has been strictly enforced of these consular examinations and consular promotions we have gradually supplanted them all with Americans, so that to-day we have a complete set of American citizens.

Mr. ROGERS. To-day we have undoubtedly American consuls and consuls general only. I think the gentleman is mistaken, however, in saying that that situation is of recent origin. I think that foreign consuls and consuls general have for many years been the exception and not the rule. From 1856 down to 1874, when the Revised Statutes were compiled, it was the law of the United States that consuls general and consuls must be American citizens, but in the codification that provision was eliminated.

Mr. BORLAND. Now let me ask the gentleman in that connection: My information is that a good many of the consular clerks are not Americans. Is that true?

Mr. ROGERS. As the result of the act of 1906, which I have read, there are still about a dozen clerks receiving salaries of $1,000 a year or more who have continued over from the period prior to the enactment of the statute, and who have been retained because they were competent, and because it did not seem fair to dismiss them; but every new appointment at a salary of a thousand dollars a year or more has been and is an American citizen.

Mr. BORLAND. Then, of course, there are some whose salaries are less than $1,000 who are not American citizens.

Mr. ROGERS. I think probably the majority of clerks whose salaries are less than a thousand dollars a year, and who hence are not covered by the section which I have read, are not American citizens.

Mr. BORLAND. As the gentleman knows, it is almost impossible to get a young man in this country who is qualified to take that kind of a clerkship, to go to some foreign capital and work for less than a thousand dollars a year. We can not get them to go, and ordinarily we can not find them there.

Mr. ROGERS. That is true. My insistence that our Consular Service be Americanized does not go to the minor clerical positions, for that reason. I think you must be reasonable and businesslike about a thing of this sort, as well as about everything else, if you can; and while I think every position of responsibility in our Consular Service should be filled by an American citizen, I do not think that at present at least it is practicable even to attempt to Americanize the lower-paid consular clerks.

Mr. BORLAND. What is the gentleman's insistence at this time—that we have a definite law limiting consuls and consuls general to American citizens?

Mr. ROGERS. I was just reaching that point in my discussion when the gentleman asked the question.

Mr. CARY. By "clerk" does the gentleman mean "vice consul"?

Mr. ROGERS. No; a "clerk" may or may not be a "vice consul." A vice consul is oftentimes appointed from the ranks of the clerks in a certain post. Does that answer the question of the gentleman from Wisconsin?

Mr. CARY. They are all Americans, are they not?

Mr. ROGERS. If they receive over $1,000 a year; all except 11 are Americans under the law of 1906.

The question of Americanization resolves itself into three classes, I think. In the first place, as to consuls general and consuls, it involves Americanization by law as distinguished from Americanization by custom. There is not a single foreigner, so far as I know, who is to-day serving either as consul general or as consul; but there is no legal requirement that such should be the fact. In my judgment, there should be no objection to reenacting the state of the law as it existed from 1856 to 1874, prohibiting in terms the appointment of any foreigner as an American consul general or consul.

Then the second class is made up of vice consuls, and as to those the language on page 23 of the bill, which I have read, seems to cover the ground as far as it can. In the more remote posts of the world it is not possible, as every gentleman will understand, to find at once a man who will be a competent vice consul and who is also an American citizen. I think the language of the bill which I have read is sufficiently elastic to permit the Secretary of State to retain a suitable foreigner until he can be sure of locating and appointing a suitable American citizen.

Mr. HARRISON. Will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Mississippi.

Mr. HARRISON. I want to get into my head what the gentleman proposes to do by his amendment. Does he propose to Americanize all the vice consuls in the service?

Mr. ROGERS. The language which is already in the bill as reported by the committee deals with the vice consuls.

Mr. HARRISON. The language in the bill does not Americanize them absolutely.

Mr. ROGERS. It Americanizes them as fast as practicable.

Mr. HARRISON. Is the gentleman dissatisfied with the provision in the bill?

Mr. ROGERS. I am absolutely satisfied with the provision in the bill.

Mr. HARRISON. Does the gentleman want to go further than the provision in the bill? Because the provision in the bill says:

> No portion of this sum shall be paid as compensation to vice consuls who are not American citizens: *Provided*, That if in any case the Secretary of State deems it impracticable immediately to secure a competent vice consul who is an American citizen, he may appoint or retain as vice consul and compensate from this fund a person not an American citizen until such time as he is able to designate a competent American citizen for such post.

Does the gentleman want to wipe out that proviso and make it absolute?

Mr. ROGERS. No; I am perfectly satisfied with the bill as it stands with respect to the Americanization of vice consuls. I think it should contain a further express prohibition against the appointment of foreign consuls general and consuls, which is not in the law and which is not in this bill.

Mr. HARRISON. They are all Americans, though.

Mr. ROGERS. They happen to be all Americans. They have not been in the past and they may not be in the future, unless we require that they shall be.

In the third place, I want to make a start in the direction of Americanizing our consular agents.

Mr. HARRISON. The gentleman has an amendment that he proposes to offer to this provision?

Mr. ROGERS. I have an amendment that I propose to offer, dealing, in the first place, with consuls general and consuls on the one hand, and in the second place with consular agents on the other hand.

Mr. HARRISON. I remember that in the committee the gentleman made quite a strenuous fight to get that.

Mr. FLOOD. May I make a statement?

Mr. ROGERS. I yield to the gentleman from Virginia.

Mr. FLOOD. In the good old Democratic days consuls and consuls general were required to be Americans, but later that provision of the law was omitted in some way. Now we want to bring it back to the point where it was in the old days. Is that the gentleman's idea?

Mr. ROGERS. The only period in our history when that was the law of the land was from 1856 to 1874, and my recollection is that there was not a long line of Democratic Presidents during those years.

Mr. FLOOD. There certainly was a Democratic President during four years of that time and at the time when this law was enacted.

Mr. ROGERS. I will say to the gentleman, in reply, that I think this is an absolutely nonpartisan matter, and that partisan politics should not enter into it in any way. I have approached the matter, and I know the chairman of the committee has approached the matter, in a way that in no wise involves partisan politics.

Mr. FLOOD. That is true. The gentleman's suggestion is a wise one—that we go back to the old law requiring that no consul and no consul general shall be other than an American citizen.

Mr. HARRISON. Will the gentleman yield?

Mr. ROGERS. I will.

Mr. HARRISON. The gentleman realizes that it was the view of the committee, I think every man, that consuls should all be Americanized.

Mr. ROGERS. Yes; that is true or they would not have adopted this provision.

Mr. HARRISON. The reason why that provision was not put in is we thought it would not work; that it was impracticable to try and Americanize them immediately, and so put in this provision that it might work out and not disorganize the force.

Mr. ROGERS. The gentleman will agree that I am not disclosing any committee secret if I say that I drew the language that applies to the vice consuls, and of course I am satisfied with it.

Mr. CLINE. Will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Indiana.

Mr. CLINE. I call the gentleman's attention to what is disclosed in the hearings; that it has been the practice for the last 10 years to Americanize as fast as possible not only the vice

consuls but the consular agents also; that in the last 10 years 19 consular agents have dropped out in South American Republics for the very reason that the Government is proceeding along these lines as rapidly as possible to Americanize all of the force.

Mr. ROGERS. That is true, and yet it is also true that over half of the consular agents are foreigners now. The State Department recognizes the importance of Americanizing the Consular Service and is anxious to cooperate in bringing about that result.

Mr. BORLAND. Will the gentleman yield?

Mr. ROGERS. I will.

Mr. BORLAND. Will the gentleman state the difference between the consular agent and the vice consul?

Mr. ROGERS. They have similar duties, but the consular agent is appointed to the smaller places—not necessarily smaller in population, but in trade importance. The consular district is the unit. Take, for instance, Rio de Janeiro, which is the location of a consul general. There are two or three consulates within the consular district of which Rio is the center, and smaller places up and down the coast where there are consular agents. In other words, it is largely a question of degree, with a consul general at the top, several consuls under him, one or more vice consuls substituting for each consul general and consul; then at the bottom are several consular agents.

As I said a moment ago, more than half of the consular agents are foreigners to-day. Under the provisions of the law these men receive no salary whatever but do receive compensation, in no case to exceed $1,000, representing one-half of all the fees which go into their office during the year.

Mr. BORLAND. The consular agents are not always under a consul, but represent some country where they are detached?

Mr. ROGERS. They are always subordinate to some central consular district, but independent in jurisdiction in their particular location.

Mr. BORLAND. Is it not a fact that these men frequently represent a group of countries?

Mr. ROGERS. That has sometimes been detected by the State Department.

Mr. BORLAND. Is it not a good thing?

Mr. ROGERS. I do not think so. Just as fast as it catches a man doing that, the State Department tells him that he can not serve God and Mammon—God in this instance representing the United States and Mammon the rest of the world—that he must choose whether he will represent us alone or represent some other country and give up the United States.

Mr. BORLAND. It transpires that in my city there are a number of gentlemen there, not a large number, but possibly half a dozen, who among them represent all the Latin American countries. One gentleman will represent three or four. I know of one Spanish teacher in the high school who represents three South American countries. He was not a citizen of either one of those countries.

Mr. ROGERS. The policy of other countries may differ in that regard from our own, but I agree with the State Department that we should not have a divided allegiance among the consuls and consular agents.

Mr. BORLAND. Suppose we have so little work in that particular district that we could not have a man looking after it exclusively.

Mr. ROGERS. The method of compensation takes care of that. The consular agent receives one-half of the fees which he takes in, not exceeding, however, a total compensation of $1,000. If he takes in nothing, he gets no salary whatever.

Mr. BORLAND. The gentleman's idea is that the Americanizing of the consular agents should go on; that it is just as important as that of the vice consul.

Mr. ROGERS. Just as important. There is, for instance, a consular agency at Casa Blanca, Morocco, where there is little or no business, and where it would be absurd to try to Americanize the agent, simply because we could not afford to pay a man for the amount of business that is done there. We must in time, however, put all consular agents upon a salary basis, if their post is of any commercial importance.

To insure by law that our consuls general and consuls shall be American citizens, I propose to offer, at line 22 on page 23 of the bill, the following amendment:

Every consul general, consul and, wherever practicable, every consular agent, shall be an American citizen.

The Americanization of our vice consuls is, as far as practicable, achieved by the language which I have already quoted and by the addition of the sum of $45,000 to the Consular Service salaries item, which sum was stated by Hon. Wilbur J. Carr, Director of the Consular Service, in a letter to the gentleman from Virginia [Mr. FLOOD], the chairman of the committee, dated February 4, 1916, to be necessary for this purpose. I shall later take up in detail the problem of how to Americanize our consular agencies.

I think the historical review will convince anyone—if, indeed, argument were needed—that the practice of appointing foreigners to represent us abroad should be and must be stopped. The primary obligation of patriotism and loyalty is owed by the foreigner to his own Government and not to the United States. Much important information goes through his hands and may be diverted to the service of his compatriots instead of being applied solely to the advancement of American interests. The increased cost incident on Americanization is so trivial that it may be disregarded.

In time of war the necessity is even more apparent. Foreigners who represent us, if nationals of a belligerent, may be and often are called upon to serve in the armies of their country. A recent clipping from the Washington Post illustrates this point. It reads as follows:

TWELVE WOMEN AID UNITED STATES CONSUL—FEMININE CLERKS TAKE PLACE OF MEN WHO HAVE JOINED ARMY.

LONDON, *February 28.*

War has done much to change the complexion of the working force of the United States consulate here. Seven British clerks have joined the army.

There are now 12 women employees where before the war there was not one. One of the British clerks came to the consulate when the affairs of the Turkish consulate were taken over, having formerly been employed there.

It is well known that disloyalty to America on the part of foreigners who were representing us in various countries is not a theoretical matter but is a practical and demonstrated fact. The State Department has since the outbreak of the war two years ago repeatedly found it necessary to separate from the Consular Service men whose conduct showed all too plainly that their primary interests were not in favor of the United States. We must, then, promptly replace each foreigner with one who is an American citizen, either by birth or by naturalization. It is the duty of the United States to see to it that the watchword of every foreign representative shall be not "America second" but "America first."

2. REORGANIZATION OF CONSULAR AGENCIES.

A consular agent is an officer at a post the commercial importance of which has not been deemed sufficient to require the designation of a consul general or a consul. I have already alluded to the fact that of our 189 consular agents more than one-half (97) are foreigners. The importance of Americanizing our consular agencies was emphasized by Mr. Carr, Director of the Consular Service, during the hearings on the present bill. He says (p. 91):

In regard to consular agents, Americanization of these is a stronger need than for the vice consuls. The consular agent is stationed at a post other than that at which the supervising consul is stationed.

In other words, while the vice consul acts as consul only for the limited period during which the regular consul is absent on leave or by reason of sickness, the consular agent is at all times the head of the office to which he is assigned. It may be that in volume of business the office is smaller than a consulate; yet in many of the consular agencies the business transacted is exceedingly important and its faithful and loyal performance may be of incalculable importance to American interests.

Americanization of consular agencies is, however, greatly complicated by two circumstances:

First. The consular agent is paid by fees.

Second. He is permitted to engage, and habitually does engage, in trade.

The combination is an unusually vicious one—a foreign, fee-paid consular agent of the United States engaged in and primarily interested in his own private business. Foreigners should be eliminated; the vicious fee system, of which, by the way, this is happily the last vestige in our consular service, should be eliminated; and by making our consular agents officers "of career"—that is, by professionalizing them—their necessity of engaging in private trading should be eliminated.

All this, however, is not as simple as it perhaps sounds. By the act of April 5, 1906, section 8—

* * * Consular agents * * * shall be paid by one half of the fees received in their offices up to a maximum sum of $1,000 in any one year, the other half being accounted for and paid into the Treasury of the United States.

Under this provision the average salary per year of our consular agents probably does not exceed $400 and very few receive the maximum of $1,000. As the case now stands, the hopelessness is obvious of expecting a consular agent to give up his private business and of being able to Americanize the agencies by offering inducements to competent young men to go out from

this country, perhaps to an obscure and undesirable post, to obtain a salary which at best can not exceed $1,000.

Plainly, therefore, the fee system, which in all conscience is vicious enough in itself, must for this further reason be done away with and a salary system substituted.

What is the best way of effecting the needed reforms? Probably to elevate as fast as possible consular agents to vice consuls, each dependent upon the principal consular officer of the particular district. Up to this time the term "vice consul" has always indicated a substitute consul; that is, an officer whose duties begin when those of his principal consular officer are suspended by absence. Such vice consuls have been and usually are also permanent clerks in the particular consulate. Under the act approved February 5, 1915, we find:

For such time as any vice consul shall be lawfully authorized to assume charge of a consulate general or consulate during the absence of the principal officer at the post to which he shall have been appointed or assigned he shall be entitled to receive, in addition to his regular salary or compensation as a subordinate consular officer or employee, compensation equal to the difference between such salary or compensation and 50 per cent of the salary provided by law for the principal consular officer at such post.

This is the only provision in our laws for the payment of vice consuls, so that when they are not actually performing the duties of consul general or consul, as the case may be, their vice consulate brings them in no compensation of any kind.

A new type of vice consul was, however, hinted at for the first time in the act of February 5, 1915, which provides:

"Vice consuls" shall be deemed to denote consular officers subordinate to such principals exercising and performing the duties within the limits of their consulates at the same or at different points and places from those at which the principals are located.

Here we have for the first time in our diplomatic history the conception of a vice consul who exercises his functions at all times—instead of merely during the absence of his principal officer—and whose station is at a point other than that at which his principal is located. Here, I believe, is the basis for the needed reforms in our consular agencies. Let us make a class of professional vice consuls, who shall devote all their time to the duties of their vice consulate office, who shall receive an adequate salary from the United States Government, who shall not engage in private business, and who shall be American citizens. Let the State Department then take advantage of the language of the act of February 5, 1915, and as rapidly as possible elevate the consular agencies to vice consulates in the manner indicated. At one stroke we should thus wipe out the three present vices in our consular-agency system—foreign representation, the fee system, and the trading consular agent.

To Americanize all our consular agencies would be rather expensive, involving, as it does, the payment of an outright salary sufficient to induce a competent American citizen to take the office and to devote his whole time to the duties thereof. Assuming that Congress should undertake to professionalize all consular agencies and give the incumbents salaries of $2,000 a year, the yearly cost would be $386,000, from which could be deducted approximately $85,000 a year now paid to agents as their share of the fees, making the net cost $301,000. To this would have to be added about $155,000 for contingent expenses, since it would be expected that professional vice consuls should do more work in an independent office and consequently be a greater expense to the Government than our consular agents.

If, on the other hand, it should be felt sufficient to professionalize only consular agencies that are now held by foreign subjects, the cost, including contingent expenses, would, after deducting the amount at present paid our consular agents at the corresponding posts, be approximately $200,000.

The reorganization of our consular agencies can not be achieved in one year. A start, however, in this direction should at once be made. I propose to offer an amendment increasing the Consular Service salaries item by $25,000, and amending the text so as to permit the Department of State to use this $25,000 for compensation of the new type of permanent and "career" vice consuls. Even so small a sum as $25,000 will permit the State Department to establish the grade of salaried vice consul and demonstrate the advantage of having in office American citizens who are able to devote their entire time to the promotion of American commerce and to the advancement of American interests. I believe that the results of a year's trial will convince Congress of the wisdom of replacing our consular agents with salaried vice consuls in all posts except those in which the business done is practically negligible.

3. TRACES OF THE SPOILS SYSTEM.

The merit system in the Consular Service was put on a firm footing by President Roosevelt in 1906. In his Executive order of June 27 of that year he provided in considerable detail that vacancies in the office of consul general and consul above the two lowest classes should be filled by promotion from the lower grades of the Consular Service, based upon ability and efficiency as shown in the service; and that vacancies in the two lowest classes of consuls should be filled either by promotion of vice consuls, consular agents, and so forth, or by new appointments of candidates who had passed a satisfactory examination. This Executive order did not, of course, have the force of law. Even after it was issued the President could at any time by another Executive order appoint a personal or political friend to a consulate. Nevertheless, from 1906 to 1914 not a single Executive order was issued making such personal or political appointment; not a single consul was appointed to the service except in accordance with the provisions of the Executive order of 1906.

With the arrival in the State Department of Mr. William Jennings Bryan alarm was naturally felt for the integrity of the Consular Service and especially for the strict continuance of the merit system. It was feared by many that a series of Executive orders would be issued appointing to the Consular Service henchmen of Mr. Bryan as often as a vacancy occurred. I need not point out that such a course would have utterly destroyed the effect of the Executive order of 1906, although technically it would have been permissible. But to the surprise of all, for substantially a year Mr. Bryan kept his hands off the Consular Service. It was not until February 10, 1914, that we find the first Executive order making appointment to the Consular Service without regard to the Executive order of 1906. At monthly intervals they followed for six months. By that time a good deal of publicity had been stirred up, and it was apparently deemed feasible—not for the sake of the service but for political reasons—to suspend further issuances.

I append herewith a list of the six orders in question:

Otis A. Glazebrook, New Jersey, February 10, 1914.
Wilbur J. Keblinger, Virginia, March 28, 1914.
John M. Savage, New Jersey, April 21, 1914.
Wallace J. Young, Illinois, May 26, 1914.
John R. Silliman, Texas, July 3, 1914.
J. C. Monaghan, New Jersey, October 10, 1914.

Perhaps the fact that these orders were issued and signed by President Wilson himself and that one-half of the orders are in favor of citizens of New Jersey may indicate that at all events Mr. Bryan's responsibility was not exclusive.

It may be argued that six appointments not based upon the merit system and upon examination are so few as to be trivial. This is, however, not the proper way in which the incidents should be judged. We are trying to attract to the Consular Service the highest type of young men which our country affords. In 1906 we told them that appointment and promotion would be based upon merit and upon nothing else. For eight years we adhered to this principle without a single exception. Then, in 1914, six exceptions came in rapid succession. With the vicious spoils system again rearing its ugly head in the Consular Service, the best young men will hesitate to risk a career in which ability and achievement may be subordinated to political "pull"; men already in the service will be disheartened and discouraged if they see men with "influence" shot over their heads.

Take the case of Mr. Monaghan, of New Jersey, for example. He was appointed to Kingston, Jamaica, as a consul of class 4, with a salary of $4,500. He is serving in the same class and at the same salary with men who have been in the service 20 years, and, indeed, is in a grade ahead of some men who have served honorably and efficiently for 25 years.

Take the case of Mr. Glazebrook, of New Jersey. He is a consul of class 6, assigned to Jerusalem, at a salary of $3,500. He is serving in the same class with men who have been in the Consular Service for 20 or even 25 years, and ahead of some who have been in the service as long. The case of Mr. Savage, who is consul at Sheffield, is similar; he is in class 7, receiving a salary of $3,000. It should be said that he and Mr. Monaghan had been in the Consular Service 15 or 20 years before; at the time of their previous appointment, however, entrance did not depend, as now, upon examination.

But the issuance of Executive orders fell, as I say, into disrepute. Whether it was the "pitiless publicity" which each order evoked or the unamenability of the President to some of the schemes of Mr. Bryan which stopped the issuance of further orders, we do not certainly know.

At all events, a new and ingenious scheme, which avoided both publicity and the necessity of Executive docility, was devised. The Executive order of 1906 provides that "persons in the service of the Department of State with salaries of $2,000 or upward shall be eligible for promotion, on the basis of ability and efficiency as shown in the service, to any grade of the Consular Service above class 8 of consuls." This was suggested by Mr. Root, then Secretary of State, with the idea of affording an outlet from the department for men who had worked their

way up from the ranks to a position perhaps as chief of one of its bureaus. It was the intention that the provision should be utilized only in favor of men who had originally entered the department under civil service rules, and this requirement had been insisted upon without exception on the infrequent occasions, prior to Mr. Bryan's incumbency, when it was invoked.

The fertile mind of Mr. Bryan, however, detected in it an opportunity to take care of a stray "deserving Democrat." Let me illustrate: He appointed one Calvin M. Hitch, who had been for years a prominent wheel horse in Georgia politics, Assistant Chief of the Division of Latin-American Affairs, at a salary of $3,000. He then, on February 22, 1915, applied the above provision of the Executive order of 1906 and appointed Mr. Hitch consul of class 5, at a salary of $4,000. Mr. Hitch is now consul at Nottingham.

While the action was no doubt a technical compliance with the provision of the Executive order, it was as gross and flagrant a violation of the spirit of the order as could well be imagined. It is probably fair to say that every man in the Consular Service, excepting Mr. Hitch himself, resents and deplores the prostitution of the Executive order of 1906 to the political exigencies of the unlamented Secretary of State.

Take another case. William F. Kelley hailed from Lincoln, Nebr. The very name of the town was until about a year ago something to conjure with. Mr. Bryan appointed his fellow townsman Assistant Solicitor in the Department of State, at a salary of $3,000. Mr. Bryan resigned on June 9, 1915. "Coming events cast their shadows before." On June 8, 1915, the previous day, Mr. Bryan again took advantage of the letter of the Executive order and appointed Mr. Kelley consul of class 5, at a salary of $4,000, and assigned him to Rome.

These two men, both appointed for purely political reasons, entered the same class and at the same salary with men who had been acquiring the traditions, the policies, and the details of the service for from 10 to 25 years. They became the superiors in rank and salary of perhaps 30 or 40 men whose service exceeds 10 years. It is small wonder that the friends of our Consular Service and the consular officers themselves were outraged at this utterly indefensible breaking down of the merit system.

It must be said in fairness to Secretary Lansing that during the year of his incumbency he has sedulously and scrupulously preserved intact the merit system and that there is no sign whatever that with his connivance further inroads may be expected.

4. MORE CONSULS AND CONSULAR POSTS.

If we are to get and hold our share of the trade of the world we must have at every important commercial center of the world an outpost of trade. As I have previously pointed out, the war in Europe has thrown upon our Consular Service in the countries at war a vast amount of work of an entirely new character, namely, that of protecting the interests of belligerent Governments, of relieving and caring for their nationals, of inspecting the camps in which prisoners are confined, and attending to a multitude of details having to do in a minor way with the war. While commercial and ordinary consular functions have decreased in some of the belligerent countries they have been vastly increased in other belligerent countries to such an extent that the Department of State has been compelled to withdraw consuls from some of the neutral countries and send them to the consulates in belligerent countries. This has been unfortunate in that it has left the United States with an inadequate consular staff in some of the neutral countries, in which they are at present very greatly needed because of the opportunities for the extension of American trade. The effect of the war, as is well known, has been to modify to a considerable extent the course of trade and to cause many neutral countries which have hitherto depended upon the countries at war for the major part of their imports to turn to the United States for their purchase of supplies. It follows that the consular organizations in all the neutral countries should be maintained at their maximum strength, and that in order to accomplish this desirable object the number of available consuls should be considerably increased.

In South America there are undoubtedly extraordinary opportunities at present for the United States to build up a permanent market for its products. Yet we are getting to-day only a relatively small share of the business of South America. This is in part attributable to the fact that throughout the vast continent we have a total of but 41 posts. This number should be materially increased. There should be additional consulates at some or all of the following places: Oruro, Bolivia; Bahia Blanca, Argentina; Maranhao, Brazil; Porto Alegre, Brazil; Paita, Peru; Rio Grande do Sul, Brazil; Mollendo, Peru; Paramaribo, Dutch Guiana; Santiago, Chile; and Manaos, Brazil. In Australia there should be consulates at Brisbane, Adelaide, and Townsville. In the Dutch East Indies there should be a consulate at Soerabaya. In Russia and China there should be several new consular offices established, because there are extremely promising opportunities for extending American trade during the war and for holding it after the war.

Sometimes the proper solution will be to elevate a consular agency to a full consulate; sometimes it will be sufficient to put at the posts in question a salaried vice consul, above referred to; and sometimes new posts must be established. With world trade as the stake the United States can not afford to be penny-wise and pound-foolish.

5. HIGHER COMPENSATION.

As a general rule, to which there are some exceptions, the higher grades of the Consular Service from $5,000 a year and upward are adequately compensated. The middle and lower grades, from $5,000 to $2,000, are not adequately compensated. A glance at the following list will at once convey an idea of how much underpaid some of the lower-grade consuls are:

Aden, Arabia	$2,500
Asuncion, Paraguay	2,500
Batum, Russia	2,500
Bergen, Norway	2,500
Breslau, Germany	2,500
Hull, England	2,500
La Rochelle, France	2,500
Madrid, Spain	2,500
Nice, France	2,500
Swatow, China	2,500
Tunis, North Africa	2,500
Turin, Italy	2,500
Bristol, England	2,000
Cartagena, Colombia	2,000
Petrograd, Russia	3,500
Port Elizabeth, South Africa	3,500
Vladivostok, Siberia	3,500
Rosario, Argentina	3,500
Colombo, Ceylon	3,000
Madras, India	3,000

The list might be greatly extended, but the foregoing will serve to convince anyone who will stop to think what can be done with like amounts in any large city in the United States of the impossibility of properly representing a great commercial nation upon such salaries. In order to emphasize the insufficiency of these salaries, it will be profitable to see what Great Britain and Germany pay their consuls at a few of these places:

Place.	Great Britain.	Germany.	United States.
Vladivostok	$4,865	$5,783	$3,500
Rosario	4,865	.....	3,500
Tunis	[1] 4,379	5,093	2,500
Petrograd	5,459	8,151	3,500
Batum	3,893	4,392	2,500

[1] And house.

The United States is one of the strongest competitors of Great Britain and Germany in the contest for the world's markets. Since external appearances, a consul's manner of living, his ability to enter into personal relations with the people among whom he lives, affect so strongly his influence in the community and consequently his power to serve his Government and people, it is easy to see from the foregoing which consular officers would as a rule have the best standing in the community.

While a careful and detailed estimate has not been made, it is believed that it would cost $250,000 additional to place the salaries of the American consuls general and consuls upon an equality with the scale of compensation of British and German consular officers.

A far better method of equalizing the cost of living at various consular posts than the mere raising of salaries is to place at the disposal of the President a sum of money sufficient to enable him to make allowances to individual posts in the nature of additional compensation to meet changes or variations in the cost of living. No scale of salaries can be adapted to the purposes of promotion of officers and at the same time equalize the cost of living, which is constantly changing. The continental nations have learned this fact, and all the leading ones provide the means of making post allowances in addition to salary where needed. Thus, a German consul general receives a maximum salary in his grade of $2,856, but at Moscow he is given an additional local allowance of $5,236; at Naples the allowance is reduced to $2,856, while at New York it is increased to $10,234. This method is fair to the consul and simplifies the work of administration. Moreover, it promotes greater economy because it reduces frequency of transfers and the expense incident thereto, because in many cases promotion in salary can be made without changing an officer's post. If the amount of $250,000,

suggested in the preceding paragraph, were provided for post allowances, the number of classes of consuls reduced from eight to four, and the grade of salaried vice consul established, the condition of the personnel would be vastly improved.

No better illustration of the hardship which results to officers from the absence of such a fund as that suggested can be desired than that of the consulate at Vladivostok. The duties may well be performed by a sixth grade—$3,500—consul, yet that salary will not maintain a consul and his family decently. To send a higher grade consul there merely results in wasting the ability of a more experienced officer and at the same time in actually reducing the value of his compensation. The entire difficulty could be remedied by allotting to the consul a sum equal to the normal cost of living for an officer of his grade and the existing cost at the post where he happens to be stationed.

The Secretary of State has requested $150,000 as a fund for equalizing the cost of living by means of post allowances. The Committee on Foreign Affairs has recommended instead the sum of $100,000. Actual returns from consular officers show that the cost of living under war conditions, based upon the cost of fuel, rent, clothing, and food, ranges all the way from 15 to 128 per cent above that at the outbreak of the war. The cost of food alone has increased in some countries as much as 250 per cent above the prices of 1914. The effect of the rise in prices will be appreciated when it is remembered that consular salaries run as low as $1,000 and that the vast majority are below $3,000. Some of the belligerent Governments have increased from 37 to 60 per cent the salaries of their own officers to offset the rise in prices. The United States has done nothing. It is proposed from such appropriation as Congress may make to increase the compensation of consular officers in a proportion to compensate at least in part for the increase in the cost of living. Of course, caution will have to be exercised in making post allowances of this kind. It should be definitely known that the returns of the cost of living are accurate and are inflated permanently and not merely temporarily.

6. MORE FREQUENT INSPECTIONS.

Every consular post should be inspected at least as often as once in two years. In many ways it would be desirable if such inspection should occur annually. The United States has but five consular inspectors, known as consuls general at large, to cover the whole world. With due diligence and under peace conditions some of these men can not cover their district oftener than once in five years. An increase in the force of inspectors seems necessary for this purpose.

7. BETTER QUARTERS.

In respect to the effect upon the local mind quite as much as in the interest of the efficiency of our consulates their physical condition should be representative of the best that there is in America in the way of quarters, office equipment, clerical force, and general management. We should not seek to outdo other nations in the direction of the elegance of our establishments, but we should be careful that our consulates should be of such a character as to command at least as much respect on the part of the various local communities as that shown to the establishment of any other nation. The realization of these ideals makes it necessary that our consulates should be in central and convenient, if not in prominent, locations in the cities in which they are situated; that they shall be appropriately housed; and that they shall acquire a reputation abroad for dignity, permanency, helpfulness, and efficient organization. I believe that as fast as possible we should purchase suitable consular premises, and I am glad to point out that the present bill, besides providing for legations at Panama and Habana, appropriates $355,000 for adequate consular and court premises at Shanghai. Shanghai is the great commercial port of the Orient and the distributing point for imports into China. It is the city in which are located the principal agencies of American firms. It is the point of arrival and departure for trans-Pacific steamers. The United States maintains at Shanghai one of its largest and busiest consulates as well as a district court, a jail, a post office, and public-health office. The court and the consulate have official jurisdiction over Americans and their property. These offices occupy rented quarters. Every other first-class Government owns dignified and commodious buildings in which their consulates and courts are housed. The United States is the only first-class Government not owning its consular and court premises. The property now rented by the United States is the only available property on the water front and near the consulates of other great nations. The lease expires next month. The importance to American commerce of owning the property now occupied or other property equally desirable can scarcely be overemphasized.

8. AGE LIMIT.

The personnel of the American Consular Service has been greatly improved within the last few years. In the interest of economy and efficiency, however, further improvements are desirable. The existing rules fix the maximum age for examination at 50 years. This is entirely too high. It is not fair to the Government from an economical point of view, and it is not just to the service or to the commercial interests of the country to admit men from other walks of life at an age when they can not be expected to acquire readily the knowledge necessary to the efficient discharge of consular work or be available for service in tropical or other climatically trying places. Great Britain long ago placed her maximum age limit at 27. Under no circumstances should men be admitted to our service over 30. The analogy of officers in our Army and Navy, who can under no circumstances be more than 28 years of age and who except in rare cases are not over 24 or 25, is instructive in this connection.

9. MORE BUSINESS TRAINING.

It is often urged that business experience be made a prerequisite to appointment as a consul. In theory this is almost axiomatic. But in practice it is doubtful if it would work so well. "Business training" is an elastic term. It may mean a clerkship in a bank or it may mean a presidency of a trust. If we are to insist upon men in their twenties, we can not insist upon any considerable or detailed business knowledge, and if a clerkship or some minor business experience will fulfill the requirements, it is questionable whether it is worth exacting it at all. The right kind of business training would be of unquestionable value, but the kind ordinarily possessed by a man of 25 would be worthless. Probably an insistence upon such a requirement would entail the sacrifice of more important qualifications.

The best way, I think, is to encourage consuls after appointment to return to this country as often as possible and acquire as rapidly as possible the sort of knowledge which is a valuable qualification for their work. Indeed, it is doubtful if the Consular Service can properly progress without requiring that consuls return to the United States regularly on leaves of absence. Only in this way can they retain to the fullest extent their knowledge of and appreciation for the best in our national life. Only in this way can they become acquainted with American progress and industry and with the principal problems of manufacturing and exporting. Only in this way can they impart by personal touch the first-hand information which they possess to chambers of commerce and business men as to commercial conditions in foreign countries. I believe that no one thing would do more to vitalize the entire consular organization, in so far as its work relates to commerce, than to have every officer feel that at the end of a certain period he would be expected to return to this country for a time on leave and enter into a series of conferences with business men having trade with his district, in the course of which he would be expected to answer questions, to advise, and at the same time study conditions in this country. Consuls now receive leave of absence for 60 days each year with full pay, and in the event they come to the United States the leave is extended to cover the time of transit. Once in two and a half or three years, then, consuls should be required to return home and their traveling expenses paid. Great Britain already has this system in operation. An appropriation of $25,000 for this purpose would prove of great practical value to the business men of the country. The National Foreign Trade Council, through its committee on improvement of foreign and domestic commerce and consular service, recently said:

Your committee also strongly indorses the recommendations of officials of the State Department that authority be given and funds provided which will enable consular officers, on arriving in the United States, to attend business conventions and commercial conferences, in order to bring before American business interests the information as to conditions in the markets where they are stationed. The National Foreign Trade Council had the benefit at its recent third national foreign trade convention in New Orleans of the presence not only of representatives of the Bureau of Foreign and Domestic Commerce, but of three consular officers, and the benefits derived by delegates from this opportunity for personal consultation were great.

COMMERCIAL ATTACHÉS.

The act of Congress approved July 16, 1914, provides in part as follows:

For commercial attachés to be appointed by the Secretary of Commerce, after examination to be held under his direction to determine their competency, and to be accredited through the State Department, whose duties shall be to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States, $100,000.

The 1915 and 1916 laws have carried a similar item.

Under this provision the Department of Commerce has appointed 10 commercial attachés, 1 being assigned to each of the following capitals: London, Paris, Berlin, Petrograd, Peking, Buenos Aires, Rio de Janeiro, Lima, Santiago, and Melbourne.

The fact that these officials are under the Department of Commerce may seem to make it superfluous to discuss them in a speech upon the Consular Service. Nevertheless, I think the connection is sufficiently close and important to warrant a brief reference.

It is my considered opinion that these officials do absolutely no good and in some respects do the country more harm than good. I think they should either be eliminated or be made subject to the State Department.

It is well known that the Department of Commerce, under the tutelage of Secretary Redfield, is one of the greatest self-advertising institutions in the world. It blows its horn in season and out of season. A typical blast appeared in an article entitled "Uncle Sam, Trade Expert," in the Saturday Evening Post for May 6, 1916. This article lauded to the skies the achievements of the commercial attachés and, inferentially at least, left the impression that our commercial attachés were everything and our Consular Service nothing. For example, the following language, quoting a high official of the Department of Commerce, appears:

> It is not strange that all consuls are not able at all times to produce trade reports calculated to inspire the American manufacturer to go out after export business, and to guide those efforts to success after they have been inspired. On this end of the job he needs help of the sort that only the highly trained specialist can give. Hence the commercial attaché and the commercial agent.

I believe it to be a demonstrable fact that these 10 men hinder instead of assist the work of the consuls in caring for our foreign trade. For example, there have been repeated cases where a commercial attaché would ask a consul to collect information for him bearing upon a certain subject. The consul, though under no obligation so to do, would graciously and after much research collect the information desired. Then the attaché without giving any credit whatever to the consul, would forward the information to the Department of Commerce and it would be blazoned forth to the country with a great hurrah. That very information would frequently have already been made available by the consul himself. Lately, I am informed, some of the consuls have notified the attachés that they no longer could do their own work and that of the attaché as well.

A number of the attachés were selected for political reasons, and several of them at least had no apparent qualifications for the task to which they are assigned. Knowledge of business conditions in the country of their station, knowledge even of the tongue of the country were apparently not deemed essentials to appointment.

These men, being officials of the Department of Commerce, not of the Department of State, and belonging neither to the diplomatic nor to the consular branches of our Government, have no official standing abroad. The foreign Government can not understand why they are in the country at all, and they occupy a thoroughly nondescript position. Oftentimes it seems as if every man's hand was against them and their hand was against every man.

It may be that there is a useful opportunity for service for the right sort of men, but any such men, to be effective at all, must be, as is the practice of other Governments, under the direction of the State Department. The present division of responsibility and authority works very badly, tells directly for friction, and entirely neutralizes any possible good which might otherwise result. As it stands now the country is simply throwing away $100,000.

COST OF THE CONSULAR SERVICE.

It is not, I think, generally realized that the Consular Service is practically self-supporting. Largely through fees for invoices, the receipts almost equal the expenditures. I append herewith a table showing the receipts and expenditures, together with the net cost of the service, for the past 10 years:

Year.	Invoice fees.	Total consular fees.	Gross cost of Consular Service.	Net cost of Consular Service.	Gain.
1906	$1,262,060.76	$1,404,940.10	$1,385,217.47	.....	$19,722.63
1907	1,384,319.50	1,672,802.15	1,777,635.72	$104,833.57	.....
1908	1,251,637.12	1,517,304.65	1,808,661.26	296,356.61	.....
1909	1,330,514.24	1,586,047.14	1,835,078.06	249,030.42	.....
1910	1,484,653.65	1,762,133.72	1,928,561.77	166,428.05	.....
1911	1,434,264.00	1,712,345.87	2,017,042.35	304,696.48	.....
1912	1,502,621.93	1,793,166.00	2,053,256.21	260,090.21	.....
1913	1,561,327.23	1,852,535.99	1,972,604.39	120,068.40	.....
1914	1,735,247.30	2,040,234.42	2,083,908.42	43,674.00	.....
1915	1,236,810.91	1,498,029.80	2,073,642.57	575,612.77	.....

It will be seen from these figures that for the year just prior to the European war the consular budget was about $2,000,000 and that the consular fees came within $44,000 of meeting all expenditures. Even during the year 1915, when very heavy burdens resultant upon the war were being borne by the Consular Service, the net cost of the service was only $575,000.

When we consider that a net expenditure of from one to two million dollars is made yearly by France, Germany, and Great Britain, it will be seen that the United States can well afford to expend a million dollars more upon its Consular Service and still be well within the net expenditure of its principal trade rivals. We can well afford to be extremely liberal in our appropriations for the practical upbuilding of the Consular Service. The committee report accompanying this bill emphasizes this point:

> The committee deems it proper to call attention to and emphasize the fact that under normal conditions the fees collected and actually paid into the Treasury by the Consular Service are almost equal in amount to the entire cost of that service—approximately $2,000,000 per year. In fact, this service has been heretofore almost self-supporting. This should be taken into account when appropriations for this branch of the service are under consideration. In view of the extraordinary and exigent conditions now existing, with every expectation that they will continue perhaps indefinitely, the committee feels that it can not too strongly urge upon the Congress liberal, but necessary, appropriations for the Diplomatic and Consular Service as proposed in the accompanying bill.

PRACTICAL RESULTS OF CONSULAR SERVICE.

Inquiry into the results of consular activity on behalf of American export trade covering the period of six months prior to January 1, 1916, shows from the reports of about one-half of the consuls orders and sales amounting to $24,600,000. Assuming that these results were average results, the new business obtained through the direct activity of the Consular Service for six months would amount to the large total of $49,200,000. The orders and sales referred to include cotton piece goods, cloth, clothing material, coal, drugs, druggists' supplies, electrical goods, harness and saddlery, leather goods, machinery, lumber, typewriter supplies, tobacco, varnish, and so forth. When it is considered that the net cost of the Consular Service to the Government for that period was less than $300,000, we may gain some conception of the utility of the service in comparison with its cost to the public and form some accurate opinion of how far the Consular Service deserves support and a more generous provision for its maintenance.

Besides the purely material good, such as the direct securing of orders, we must bear in mind the thousand and one activities of the Consular Service in safeguarding American lives, in assembling accurate information for well-directed commercial activities by our people, and the numerous though intangible beneficial results which flow from having our country suitably represented in the cities and markets of the world.

It is our duty to use our utmost efforts to promote in every wise way the continued and increasing usefulness of the Consular Service. One of the essentials, and the one which I have emphasized in the course of my remarks, is that we must make the Consular Service attractive to our best and strongest citizens; we must make it a career of distinction and promise; we must make the holding of consular office an object of worthy ambition and a source of pride and patriotism.

I have a good many other questions which I desire to discuss but I do not care to take up the time of the committee in dealing with them to-day, and, Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. DUPRÉ. Will the gentleman yield?

Mr. ROGERS. I do.

Mr. DUPRÉ. I should like to ask the gentleman if he has any idea what course the Department of State intends to pursue with regard to our consuls in Mexico? Are they to be allowed to remain there indefinitely? I mean with regard to the tenure of particular positions. I know, for instance, one consul who has been there for five very strenuous years. Is it intended to shift these gentlemen to other posts and recognize their services?

Mr. ROGERS. I have not discussed that question with any of the officials of the Department of State, and I am unable to say what their position is. Mr. Chairman, I reserve the balance of my time. [Applause.]

Mr. MANN. Mr. Chairman, I have a few matters upon which I desire to make a few observations. On the 23d of May there appears in the CONGRESSIONAL RECORD, page 9674, an extension of remarks by the gentleman from Texas [Mr. DIES] under this heading:

> Thou shalt not bear false witness against thy neighbor.

I think it might be said with truth that this is a campaign primary speech for home consumption. I noticed the heading of it and glanced through the speech, because the gentleman from Texas is always interesting, and I found this statement among other things:

The next charge in this false circular is that I was "present and did not vote" to establish a certain bureau in the Department of Labor, known as the Children's Bureau. I was for the bill, as the CONGRESSIONAL RECORD shows, and was paired for the bill with Mr. COPLEY, a Republican, who was against the bill. This bill passed the House April 2, 1912.

I knew that Mr. COPLEY, my colleague from Illinois, was not opposed to the bill, and I wondered if the statement of the gentleman from Texas [Mr. DIES] was correct, that he was paired for the bill with Mr. COPLEY, a Republican, who was against the bill. I looked up the record and found that the statement was wholly inaccurate; was not correct at all. The Children's Bureau bill passed the House on April 2, 1912, as stated by the gentleman from Texas. It passed under suspension of the rules on a yea-and-nay vote. This was the second yea-and-nay vote taken that day. On the first yea-and-nay vote on that day, which was on the lighthouse bill, the gentleman from Texas [Mr. DIES] had a general pair with my colleague from Illinois [Mr. COPLEY] "until further notice." This general pair ran through the day, being announced but once. There was no special pair on the Children's Bureau bill. The RECORD does not show that the gentleman from Texas was in favor of the Children's Bureau bill, or that my colleague from Illinois was against that bill. Nor is the statement of fact correct.

The gentleman from Texas also states:

The next charge in this false circular is that I was "present and did not vote" for a bill to investigate the Money Trust. I was paired for it with a Republican, Mr. Harris, who was against it.

Mr. DUPRÉ. May I ask the date of the RECORD from which the gentleman is quoting?

Mr. MANN. May 23.

The Money Trust investigation bill was before the House on April 25, 1912. The resolution authorizing that investigation was adopted by a yea-and-nay vote. The gentleman from Texas [Mr. DIES] did not vote or answer "present." He had a general pair with the gentleman from Massachusetts, Mr. Harris, which did not show that the gentleman from Texas was for the resolution or that Mr. Harris was against the resolution.

I call attention to this, because it is utterly unfair to my colleague from Illinois [Mr. COPLEY], who has been for a long time enthusiastically in favor of bills like the Child's Bureau bill, which, to a certain extent was a part of the propaganda of the Progressive Party, to which Mr. COPLEY belongs.

Mr. COOPER of Wisconsin. Will the gentleman permit one interruption?

Mr. MANN. Certainly.

Mr. COOPER of Wisconsin. I want to corroborate what the gentleman says about Mr. COPLEY, because he has spoken to me more than once in favor of the Child Labor Bureau.

Mr. MANN. Gentlemen making speeches for the RECORD ought to be a little careful about what they insert in the RECORD relating to other Members of the House. So much for that.

The other day in the Senate there was inserted in the river and harbor bill a Senate amendment, in part, as follows:

And the improvement of navigation of the Illinois River, authorized by an act of the Illinois General Assembly approved June 18, 1915, providing for an expenditure of $5,000,000 therefor by the State of Illinois, be, and is hereby, authorized in accordance with said act.

Then, the amendment contains various provisions, among which is:

Provided further, That the amount of water to be diverted from Lake Michigan through this system of waterways shall never exceed the rate of 250,000 cubic feet per minute.

This is known, I believe, as the La Follette amendment, being offered in the Senate by the Senator from Wisconsin, and which comes with a letter of recommendation from the Secretary of War, Mr. Baker, from Cleveland, Ohio. I just want to take a moment to read a letter from the commissioner of health of Chicago in reference to this matter, so that some Members of the House may know of what intense interest it is to the citizens of Chicago.

Mr. CRAMTON. Will the gentleman yield?

Mr. MANN. Yes.

Mr. CRAMTON. Is it not a fact that during the speech of Senator LA FOLLETTE one of the Illinois Senators—I do not recall which one—offered to accept such an amendment, and thereupon the amendment was introduced and carried?

Mr. MANN. I think it is not the fact. Still, if the gentleman says it is a fact, I am not going to dispute him.

Mr. CRAMTON. That was the situation.

Mr. MANN. I think the gentleman is mistaken. Neither of the Illinois Senators was present when the amendment was offered. I do not see how they could have had this conversation when one of them was in New York, and I do not know where the other was, except that he was not here.

Mr. CRAMTON. I will say to the gentleman, it was simply the Senator who was looking after the measure in question. I do not recall his name.

Mr. MANN. Of course it is not permissible for me to discuss what debate took place in the Senate, and I shall endeavor to comply with the rules.

What some Senator may have said in debate as to what he would do in the future I would not undertake to say. I might have forgotten. My recollection is the Senator to whom the gentleman has reference was in New York City delivering a speech at the time this matter was up in the Senate and agreed to there. However, that has nothing to do with the proposition. I am not complaining about the introduction or the agreement of the Senate to the amendment. This is not the time to do that.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BUCHANAN of Illinois. Would it not be impossible for the people of Chicago to submit to that law without encouraging the ravages of disease?

Mr. MANN. If my colleague will yield until I read a letter that I have announced I was going to read, it will do more service.

Mr. BUCHANAN of Illinois. I would like to have the gentleman continue.

Mr. MANN. This is the letter:

CITY OF CHICAGO,
DEPARTMENT OF HEALTH,
Chicago, May 31, 1916.

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

DEAR SIR: In reference to the La Follette amendment to the rivers and harbors bill limiting the amount of water to be withdrawn from Lake Michigan by the sanitary canal system of the city of Chicago to 250,000 cubic feet per minute, I have the honor to call to your attention the fact that this amount of water will be inadequate to properly dilute the sewage of this city.

The 450,000 cubic feet per minute now diverted has been insufficient, and consequently there has been practically no free oxygen in the water of the sanitary canal during the summer season. It is thus self-evident that any further reduction in the amount of water available for dilution will make the Chicago River and the sanitary channel a public nuisance.

Furthermore, such reduction in the amount of water which may be withdrawn will interfere with the measures now under consideration for the diversion of the sewage of the north shore and northern Indiana towns. Such delay will naturally result in a continued and increasing pollution of the water supply of this and neighboring cities. At the present time about one-half of the typhoid fever in this city is contracted in neighboring towns as a result of polluted water supplied in such towns. There is now such an epidemic of typhoid fever in Indiana Harbor. Approximately 250 cases have developed there within the last 60 days.

Chicago has just gone through the year 1915 with a typhoid rate of 5.39 per 100,000, which is the lowest in the history of the city and, according to the report on comparative typhoid rates of cities in the United States for 1915, published by the American Medical Association, the lowest of any city in the country with a population of 500,000 or more. We are justified in being proud of such a record. In addition, we have the right to expect such a lowering of mortality as a reward of the millions expended in intercepting the sewers and constructing the sanitary channel.

Our citizens will oppose any measures which will result in rendering inefficient at once our present method of sewage disposal and which will reestablish conditions which existed here before the sanitary channel was put into operation. For the 10-year period preceding the opening of the channel our typhoid rate was 59.7 per 100,000.

I am well aware of the fact that the system of sewage disposal now used by this city is not ideal. We are, however, confronted with the situation of having to guard the health and welfare of two and one-half millions of people. It is therefore apparent that the crippling of the existing system of sewage disposal by limiting the amount of water available is a very dangerous procedure and should not be taken until a comprehensive system of sewage treatment and disposal has been installed in Chicago and also for neighboring cities.

Therefore, I have the honor to respectfully request that you make every effort possible to have this proposed amendment stricken from the pending rivers and harbors bill.

Respectfully,
JOHN DILL ROBERTSON, M. D.,
Commissioner of Health.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. MANN. In a moment. When the old rate for typhoid fever for the 10-year period was over 59 for 100,000 inhabitants, as against less than 6 for 100,000 inhabitants at the present time, you can see that the matter is of considerable interest to Chicago, because the decrease in the rate of typhoid has been caused by the Sanitary Canal. Now I yield to the gentleman.

Mr. McLAUGHLIN. In February, 1912, the Secretary of War, after a full hearing, refused to consent to the diversion of more water. That was notice to the people of the city of Chicago. Has any effort been made on their part or any move in the direction of otherwise disposing of the sewage than into the Chicago River?

Mr. MANN. I am told by the trustees of the Sanitary Canal that it would cost $250,000,000 to Chicago to dispose of the city

sewage in any other way than the way now adopted. I do not know whether that is correct, or how far there has been investigation on that subject. Before the Sanitary Canal idea was adopted at Chicago there was a considerable investigation on the subject of sewage disposal.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MANN. Let me finish. Personally, at the time I was not in favor of the method which was adopted. I thought it was a mistake for Chicago to have adopted the plan that it did without first getting authority of Congress. But they went ahead with the plan, and have expended close to $100,000,000. Whether they should be required to adopt some other plan I am not undertaking to say. I am calling this to the attention of the House, because I do not believe the House desires to adopt any amendment which would make life unsafe in the city of Chicago, not only to the citizens there but to all who go through Chicago.

Mr. GORDON. Mr. Chairman, will the gentleman yield to me?

Mr. MANN. Certainly.

Mr. GORDON. Has the gentleman fully considered the consequences of draining the Great Lakes, and the fact that we have a treaty with Great Britain which obligates us to maintain the present lake level?

Mr. MANN. Oh, certainly; long before the gentleman was in the House, and many times since.

Mr. HAMILTON of Michigan. Mr. Chairman, may I ask the gentleman a question for information.

Mr. MANN. Certainly.

Mr. HAMILTON of Michigan. How much water does the gentleman who writes that letter say is passing through the Chicago River per minute now?

Mr. MANN. He says 450,000 cubic feet. Whether it is correct or not I do not know.

Mr. HAMILTON of Michigan. And the proposition involved in this amendment is 250,000 cubic feet?

Mr. MANN. Yes; 250,000 cubic feet. I might say, although I do not want to go into that, that no one knows what is the effect upon the level of the water by the diversion at Chicago. At Chicago the water flows on the west side of the lake to the south. It flows by Chicago south. It always has and still does. While the current is not perceptible to the naked eye, it is quite perceptible to those who investigate the matter. If there is a dock on the west side, it fills up with sand, and the sand is deposited on the north side of the pier. In my district the current is to the east. On the east side of the lake the current is to the north. I have seen the water in Lake Michigan rise and fall 6 or 8 inches in less than half an hour. I have heard a great many gentlemen explain why it happens, but I do not think any of them knows.

Now, Mr. Chairman, I have a little illustration of the dignity of the State Department. I suppose if anybody should ever propose to introduce real modern methods into the State Department they would get such a shock up there that they would not get over it, and though it is more modern now than it was a few years ago, still it is a very dignified place. We passed a law a couple of years ago requiring every department to send a report to Congress each year of the number of typewriters purchased and exchanged, and they all do it.

The Secretary of War, the Secretary of the Navy, the Secretary of the Interior, and the Secretaries of Agriculture, Commerce, Labor, and the other Secretaries send the statement addressed to the Speaker of the House. Not so with the State Department. It would be beneath the dignity of the State Department to communicate this statement directly to the House. That would be too short a method, so we get the statement from the President of the United States. They communicate this statement about old typewriters first to the head of the Nation, and then the President, carrying out the theory of the State Department, sends a special communication to Congress, communicating what has been done with an old $10 typewriting machine in exchanging it for a $50 new one. Other departments write to us directly, but it would not be in keeping with the dignity of the Nation for the State Department to communicate such great, valuable, and intricate information to the Congress by addressing it to the Speaker of the House.

I have another matter here which I suppose everybody is familiar with, though I have not seen any reference to it in the RECORD. I hold in my hand a circular issued by the H. W. Johns-Manville Co. It is headed "Important," and is as follows:

IMPORTANT.

APRIL 14, 1916.

In compliance with a recent "Order in Council" of the Canadian Government, we are compelled to ask each of our customers to sign and return to us the following guarantee:

H. W. JOHNS-MANVILLE CO.

I now read the guaranty which follows:

To H. W. JOHNS-MANVILLE Co.,
Michigan Avenue and Eighteenth Street, Chicago, Ill.:

In consideration of your consenting to the delivery to us of asbestos from Canada or elsewhere, we hereby give you the following undertaking, which shall remain in force so long as the present war in Europe continues.

The said asbestos shall be consumed in the United States and shall not be exported from the United States in any shape or form.

Date ——— ———, 1916.

Signature ——— ———,
Town ——— ———,
State ——— ———.

Of course the Canadian Government has the right to make any orders it pleases. An order in council up there is an order by the executive department, which has the effect of legislation. They have issued an order under which they say that men transacting business in the United States shall not sell asbestos to anyone, no matter where the asbestos comes from, unless the purchaser will agree that he will not ship it out of the United States. I do not know what they would do up in Canada if we should adopt some such legislation as that in Congress.

Mr. KELLEY. Will the gentleman yield?

Mr. MANN. No; not yet. I have a letter here from the Sharon Steel Hoop Co., of Sharon, Pa., dated February 14, 1916, addressed to a Chicago firm, whose name, at their request, I will not give. This letter is as follows:

SHARON STEEL HOOP CO.,
Sharon, Pa., February 14, 1916.

———— ————, *Chicago, Ill.*

GENTLEMEN: In order that we may secure the necessary raw material to continue operations necessary to supply you with steel will you please sign and return to us the attached agreement by return mail in the inclosed envelope.

Yours, very truly, SEVERN P. KER, *President.*

This is the undertaking:

FEBRUARY —, 1916.

SHARON STEEL HOOP CO., *Sharon, Pa.*

GENTLEMEN: We hereby undertake not to export any of the steel purchased by us from you or any article manufactured from such steel to any European country except the United Kingdom, France, Italy, or Russia, and not to export any such steel or products to any countries outside of Europe or Canada without giving written notice to his Britannic Majesty's consul general at New York of such shipments, and that this engagement will be kept by us so long as the present war in Europe continues.

I think that is really going some! I have had a number of these communications sent to me. I presume other Members of the House have received them from their constituents; but it does seem remarkable that in this country, which produces more steel, probably, than all the other countries of the world put together, a man can not buy steel from this company because this company can not buy steel from the companies manufacturing steel or pig iron, unless he agrees that he will not export the steel or any product made from it except to certain countries in Europe, excluding all the neutral countries of Europe, and unless he will notify His Britannic Majesty's consul general at New York when he ships out 5 cents' worth of the steel. I wonder at times whether we did have a war of independence, or, if we did, whether we were successful.

Mr. GORDON. Will the gentleman yield?

Mr. MANN. In just a moment. Of course, I know that the foreign countries engaged in war will do everything in their power to injure one another. I do not criticize that, nor do I want this country to go to war about it, but I would like at times to see some effort on our part to maintain at least our natural independence. We have heard a good deal of talk about preserving the lives of Americans and how much more valuable life is than property. It is good talk, but it always was the talk of slaves everywhere to preserve life as against rights. What good is it to a man to have his life, if that is all he cares for? He is a slave! I am in favor of preserving the lives of Americans from exploitation or injury on the part of Germany and in favor of preserving the rights of American property from England or any other country. [Applause.] Now I yield to the gentleman from Michigan.

Mr. KELLEY. When the gentleman was talking about asbestos I was about to say that I understand Canada is the chief source of supply of asbestos for this country, and it is used very extensively in the manufacture of automobiles, and the automobile manufacturers have had to sign an agreement of that sort.

Mr. MANN. This letter which I read does not confine this agreement to asbestos coming from Canada.

Mr. KELLEY. That is the chief source of supply of asbestos.

Mr. MANN. There was a great deal of asbestos before the Canadian asbestos beds were discovered. Now I yield to the gentleman from Ohio.

Mr. GORDON. I will say to the gentleman that I have considered with a good deal of care and attention those contracts

which he has just read into the RECORD. But are they not the voluntary renunciation of rights by American citizens, and does the gentleman suggest any way in which the Government can prevent its citizens from signing such contracts if they see fit to do so, and think it to their personal advantage to do so, in order to get these raw materials?

Mr. MANN. I could easily suggest many ways by which these men would not be compelled to sign these agreements under duress, but I am not going to suggest any.

Mr. GORDON. They are not compelled now to sign them.

Mr. MANN. Oh, they are compelled to sign it. A man in business who is threatened with the loss of all he has unless he signs an agreement to boycott somebody will sign the agreement.

Mr. GORDON. Can the gentleman suggest any way by which the Government can stop it?

Mr. MANN. Yes; I can suggest forty ways.

Mr. GORDON. Will the gentleman suggest one.

Mr. MANN. No; I am not going to. The gentleman can make the suggestion.

I have a letter here which I want to read, and then I am about through. It is dated Department of State, Washington, April 18, 1916, and is as follows:

SIR: The department has received your letter of April 11, 1916, in further relation to the claims of various American citizens against the British Government growing out of their detention at Falmouth, England, on August 4, 1914, as passengers on the steamships *Prinz Adalbert* and *Kronprinzessin Cecilie*.

The department regrets to inform you that it does not consider that it is in a position to press these claims at the present time. You will doubtless appreciate that the department must determine for itself the time and the methods for action in matters of this kind.

As I say, this is dated April 18, 1916, and relates to claims growing out of the detention of passengers on August 4, 1914, and the department says it is not in a position to bring these to the attention of the British Government at this time, although they are over 20 months old.

I do not say that the department may not be correct. If the State Department would not only call some of these things to the attention of the British Government, but tell them to get out of the way, there would be no difficulty.

I received last night from one of the largest bulb houses in America a catalogue of bulbs imported from Europe. They usually sell them at a lower rate if you buy them early in the season, in advance of importations. This bulb catalogue said that owing to the seizure by England of all the mail going between the United States and European countries—and this particularly applied to mail between the United States and Holland—it was impossible to now get a letter through short of 30 days' time, and that in most cases the time was much longer than that.

The State Department recently addressed a letter to Great Britain on the subject of the detention of mail. I read the letter, and the papers heralded it as a very strong letter, although it practically acknowledged that you could not send a check in a letter which England did not have the right to take the check out. I have wondered whether even that letter was sent with the fingers crossed. I would like to see something done where we mildly, and not too weakly, insisted that we do have a right to transact business with Holland and other neutral countries in Europe.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. MANN. Yes.

Mr. COOPER of Wisconsin. In that connection it may be proper to state—and perhaps the gentleman knows instances of this sort—that last week I received the complaint of a friend who had received letters from Germany and Austria, saying that pension checks going from this country to pensioners who had fought in the United States Army from 1861 to 1865 had been held up for months and months, and some of them never received at all.

Mr. MANN. That is between this country and some of the belligerent countries. I have had innumerable cases brought to my attention where in the ordinary course of business between this country and Norway and Sweden and Holland and other neutral countries, the mail has been taken out and our rights absolutely disregarded if not spit upon. I do not think that there would be any difficulty about it if we just told them to quit. [Applause.]

Mr. FLOOD. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. Cox].

Mr. COX. Mr. Chairman, I beg the indulgence of the committee for a few moments to briefly discuss a matter not germane to the present bill. I do not like to put myself in the attitude of being a critic or criticizing any of the departments, and what few words I say upon this subject this morning must not be considered at all as a criticism by me.

But, Mr. Chairman, I am getting a little bit tired of having the newspapers, magazines, and periodicals of the country criticize me, and practically every Member of Congress for not voting larger and heavier appropriations. I announced that I was for the naval bill when it passed the House, which carried $361,000,000 before the building program and the bill is finally completed. I think it is safe to guess that before the bill finally becomes a law it will carry $400,000,000 or $425,000,000.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. COX. Yes.

Mr. COOPER of Wisconsin. Does the bill carry $361,000,000? I thought it was two hundred and sixty-odd millions.

Mr. COX. Before the building program is completed I understood the gentleman from Pennsylvania [Mr. BUTLER] to say that it would carry $361,000,000.

Mr. TALBOTT. The bill as it left the House carried practically $270,000,000.

Mr. COX. But, Mr. Chairman, we can not prepare this country by making appropriations. We can not prepare this country by passing laws. The only thing that the Congress can do is to give to the department the bone and sinew necessary to prepare the country; and that is, give to the department the money. This Congress could appropriate a billion dollars for the Navy, or it could appropriate $500,000,000 for the Army this session. If Congress should make these appropriations it would not prepare the country. After the money is made available, from that time on, the working out of the details and the preparation of the country rests with the Army and the Navy.

When the naval bill was going through the House I took occasion then to call the attention of the committee to what I thought was at least some carelessness, if not neglect, on the part of the Navy officials in not paying attention to men of science, to men of thought, to men who have devoted their lives to studies along the lines of preparing this country for defense. There is a man living in the city of New York named Simmons, who, I believe, has worked out some wonderful inventions, and if the department will only give him a chance, with a view of seeing whether or not he has the details of inventions worked out, so far as I am concerned, I will be satisfied. What I said the other day I said with the hope that the Navy Department would pay some attention to him, having previously taken the matter up with him by correspondence, and having been turned down. I am going to put a few more remarks in the RECORD this morning on this same subject. If the foreign war has taught us anything, it is that the submarines are practically the masters of the situation in the European war to-day, and I especially rejoiced when the Committee of the Whole increased the number of submarines in the naval appropriation from 20 to 50. I voted for the increase. The newspapers to-day carry, in their headlines, at least, the news that Lord Kitchener, the great war lord of England, has gone to the bottom of the sea as the result of a torpedo. This man to whom I refer—Mr. Simmons, in the city of New York—claims that he has worked out to a mathematical certainty a torpedo that will carry 20,000 yards. The maximum limit now, as I am informed, of the new torpedo is 8,000 yards. Yet the Navy Department will not let this man get within gunshot distance of it. In addition to this, he says that he has worked out a submarine; and if I remember correctly his statement—and I want to detail it exactly as I remember it—the Navy Department has absolutely denied to him the right to go upon a submarine. Here is what he says in his letter:

NEW YORK CITY, N. Y., *June 3, 1916.*

Hon. W. E. COX, M. C.,
Washington, D. C.

DEAR SIR: I can not thank you enough for the great favor you have done for me.

When I forwarded the drawing of the torpedo to you I was satisfied that the naval officials would reject it, simply because they can not afford to give me recognition after they had previously given false report upon the practicability of my "gun" for submarines, and their report upon my "high-velocity shell and armor-piercing projectile" and "submarine" was so ridiculously nonsensical that I would consider it an insult to my intelligence to answer them.

Admiral Strauss said to me, "Now, don't let me discourage you; you have ability all right, but your gun doesn't seem to have any advantages over those now in use"; but the report he forwarded to me was to the effect that the gun would not stand the recoil and would not stand the pressure of water when submerged.

No one in the Navy Department discouraged me, but some of them have gotten me pretty well disgusted, and I am going to Europe just as soon as I find that there is no chance of an honest inventor to get a square deal here in America. I wish that you would inform me as to whether or not I have a chance of getting the torpedo adopted into the United States Navy, and I will hold the plans until I hear from you.

I have plans of a submarine that will need no batteries and may be operated among hostile fleets or in hostile harbors, and with safety, at

that. This submarine will be capable of rising to the surface, fire its guns and torpedoes, and submerge again in less than 30 seconds' time, and it will have a speed sufficient to overhaul any battleship afloat.

Our naval experts laughed at this when I told them of the rapid operation of the submarine; they have laughed at everything they did not understand and never seen in books.

Great Britain has requested that I forward my plans of torpedo for their consideration, but I have been told repeatedly that I would stand a better show in Germany, and will give all an equal opportunity to acquire the torpedo, armor-piercing projectile, new turbine, submarine, and all the essentials that goes to make it the most rapid operating under-sea vessel in the world.

I am inclosing clippings which tell of other inventors besides the Wright Bros., Gathmann, and myself that Uncle Sam refused to recognize until Europe brought them to the fore.

I thank you very much for your efforts in my behalf.

Very faithfully, yours,

SHERIDAN D. SIMMONS.

NEW YORK CITY, N. Y., *1713 Webster Avenue.*

Of course, they have no use for this man when he goes down to the Navy Department. He is not a highbrow in any sense of the word, but is a laboring man, yet, if I do say it myself, he is a wizard when it comes to working out the details of an invention. Almost everyone here knows something about Prof. Nicholas Murray Butler. I imagine he is not a man who goes off his feet and puts his O. K. and approval on a proposition unless he has gone through it. Mr. Butler is behind this man Simmons and his inventions. The Scientific American and many other papers are likewise behind him. Why is this? There must be a reason for it, and in my judgment it is due to the little petty rankling jealousies that exist in our Navy Department as against the civilian. It is due to the rankling petty jealousy in the Army, not alone as against the Army officials but as against the civilian; but that is not all.

I am going to insert here under leave granted an article published in the New York Herald recently. We all know something about the automatic gun which was invented in this country by Col. Lewis, which was turned down by the War Department, for they absolutely refused to recognize it. Yet the Lewis gun, invented by an American inventor, refused by the War Department in this country, is the gun that is to-day being used by England, France, Italy, Russia, and Belgium. I think that is undisputed. I will put this article in the RECORD, and if it is not correct, I will stand corrected by the War Department, and if what I have said concerning Mr. Simmons is not correct I will be delighted to rise upon the floor of this House and make corrections. Here is what the article says:

With the return to this country of Col. Isaac Newton Lewis, United States Army, retired, whose deadly automatic gun—refused by this country—has practically revolutionized organization and operation in the European war, and who is expected here this week, men in Army circles here predict the beginning of a bitter fight in the War Department over the Nation's unpreparedness.

The fight is expected to center around the Board of Ordnance and Fortification, of which Brig. Gen. William Crozier is the chief, and of which Col. Lewis had been the stormy petrel up to the very day of his retirement. It is predicted in certain quarters that the result will be a demand upon Congress for a sweeping investigation into the actual state of preparedness of this country, having in view the radical departures in equipment, armament, munitions, and operation that have been forced upon the nations now at war through the development of the modern means of destruction, like the aeroplane, the submarine, and the machine gun. Not one of these twentieth-century implements of warfare has been developed in the United States Army or Navy past the experimental stage; not one is included in any comprehensive way in the present formation of the various fighting units; not one has been considered with anything like the earnestness that it was by the chief powers at war even before the conflict started.

EQUIPMENT IS FAULTY.

Preparedness will be the whole issue. Men in position to know declare that the equipment of this country is years behind the time, that only a few of the submarines can compare with those of the warring nations; that the aeroplane service presents a meager showing against those of other nations; and that the coast fortifications are almost obsolete as means of defense against a modern fleet. It is declared on the best of authority that the 12-inch guns, the largest in this service, are outranged from 3,000 to 4,000 yards by the 12-inch guns of England, France, Russia, Germany, Italy, Austria, and Belgium.

Men in official circles here who are alarmed at the admitted deficiency of the country in the matter of preparedness assert that it is known to those directing the defense forces of the Nation that a few 12-inch guns could be brought to the entrance of New York Harbor and, absolutely out of the range of the 12-inch guns of the forts around that immensely wealthy port, reduce the city in a few hours to ruins.

GUN CAUSED REORGANIZATION.

The machine gun practically has turned organization upside down. Great Britain has virtually reorganized her whole infantry arm and done away with cavalry. Germany at the start of the war had thousands upon thousands of machine guns. In her equipment there were 50 machine guns to every 1,000 soldiers. Great Britain and France had a hopelessly small number to the thousand men, not more than six or eight. Belgium had an almost inconsiderable quantity. But she was making the Lewis gun and outfitted her men as fast as she could. Great Britain and France, seeing the terrific work of the German guns, increased their equipment as fast as they could have the weapons turned out. Now Great Britain has 20 of these automatic weapons to a thousand men, France has the same, and both countries are manufacturing them as fast as day and night forces can make them. Great Britain soon will increase this equipment to 32 machine guns to a thousand men, and France will do the same, increasing this allotment to 64 as quickly as possible.

The Lewis machine gun is declared by all military experts to be the most deadly and perfect of any in the world to-day, having greater accuracy, range, and facility of handling than the German weapon. Russia has given contracts for thousands of the Lewis guns, and by the end of the next year the entente allies will have spent $70,000,000 for the weapon which was refused by the United States Government. Great Britain is using hundreds of them on aeroplanes, and yet the United States denied, during the joint maneuvers in Connecticut in 1914, the privilege of a demonstration of this weapon on the four aeroplanes that were then being used by the Regular troops. The United States Army has about 2 machine guns to 1,000 men.

And this incident, as friends of the colonel here explain, was the final one in a long chain of discouragements that Col. Lewis suffered in the branch of the service he was trying to aid. He retired after 33 years and went to Europe to interest army men there in his gun. Just before the Connecticut maneuvers request was made of him for two of his machine guns for use on the Army aeroplanes. Col. Lewis said he would gladly lend them, without any restrictions, if the Government would supply its own ammunition. This was agreed to, and request was made for 2,000 rounds of ammunition. When this reached the Chief of Ordnance the ammunition was refused on the ground that the Lewis gun had not been adopted in the United States Army service, and therefore ammunition could not be issued for a gun that was not a service gun.

OTHER MACHINE GUNS REFUSED.

The Lewis gun suffered the same experience as practically every machine gun that was submitted to this Government, all by Americans. At the end of the Civil War Richard J. Gatling offered the first machine gun. It was refused and then developed abroad, the same as the Gardner, the Maxim, the Hotchkiss, the Colt, and the Benet-Mercier, which later was adopted and is now in use in the United States Army. Other inventions that were offered by Col. Lewis were rejected for one reason or another. He invented a depression range and position finder which were adopted into general use for the coast armament by the Board of Ordnance and Fortification in 1896. Hundreds of them were put in use. Other devices offered, but not accepted, were a horizontal base range finder, automatic sight, photographic time recorder, self-regulating differential dynamo, automatic electric cut-out switch, and others which friends of the colonel do not recall.

Although Col. Lewis and Gen. Crozier were constantly at odds, Col. Lewis is not coming to Washington to foment trouble himself, according to his friends here. He bears no animosity toward any one of the board and feels that he has had ample vindication for the efforts made against him in the adoption by four large nations of the gun which he invented and offered to the Government of the United States. But friends of the colonel who are alarmed over the condition of national defenses are lining up to make a fight.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. COX. Yes.

Mr. HAMILTON of Michigan. What kind of a machine gun is this?

Mr. COX. It is an automatic gun, said to fire 600 shots a second.

Mr. HAMILTON of Michigan. Who invented the guns that our Army is using?

Mr. COX. I do not know.

Mr. HAMILTON of Michigan. They seem to have had difficulty with them at Columbus.

Mr. COX. That is true.

In 1914 when the Army maneuvers were being held at sea on the Atlantic Ocean, off the borders of Connecticut, they asked Col. Lewis to loan them some of his guns with which to experiment in aeroplanes. He readily consented on condition that the Government would furnish the ammunition. Only 2,000 rounds were required, and yet when that request was made, it was refused; and upon what ground? On the ground that the Lewis gun had never been adopted by our Army!

And yet the Lewis gun, to-day, as I said a moment ago, is the gun that is used by all the allies, or practically all of them, against Germany. I repeat, as I said a moment ago, it is a matter of indifference how much money the Congress appropriates for the preparedness of our country if the men charged with the work of the details of this Army absolutely turn their backs upon all inventions made by civilians of this country.

Mr. MANN. Will the gentleman yield?

Mr. COX. For a question.

Mr. MANN. All right.

Mr. COX. Oh, yes; I will yield for a statement

Mr. MANN. I did not want to interrupt the gentleman. It was understood the gentleman was courteous, but I did not want to interrupt him.

Mr. COX. If the gentleman desires to make a statement. I will yield.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. MANN. Mr. Chairman, I have some time left, and I yield the gentleman the balance of my time.

Mr. COX. All right. I thank the gentleman.

Mr. MANN. The gentleman recognizes that in the consideration of the naval bill in the House the other day a letter was read from the Secretary of the Navy asking Congress to make an appropriation for the trying out of the Neff patent in

reference to submarines, and we declined to make the appropriation. I do not know who it was who made the point of order.

Mr. COX. I think it was the gentleman from Illinois [Mr. MADDEN].

Mr. MANN. The gentleman from Indiana and myself very often make points of order on similar things, but this time both escaped. Is not the main difficulty the refusal of Congress to *give to the* Navy and War Departments money with which they can make these investigations?

Mr. COX. I think that is absolutely correct.

Mr. MANN. Does not every Member of this House receive in the course of a year from somebody notice that he has some scheme connected with the Army or the Navy that will absolutely give defense to this country and revolutionize all warfare?

Mr. COX. Yes; that is true again.

Mr. MANN. Is it not perfectly patent that the Army and Navy can not investigate all these things unless they have the force and the appropriation with which to do it?

Mr. COX. I recognize, Mr. Chairman——

Mr. MANN. And is it not true that if they ask for such an appropriation the two men in the House most likely, under ordinary conditions, to make points of order against it will be the gentleman from Indiana and the gentleman from Illinois, myself? [Laughter.]

Mr. COX. Mr. Chairman, in response to that, I shall not make any point of order against any item which, in my judgment, would tend to prepare this country, and I regretted it very much when the gentleman from Illinois [Mr. MADDEN], if I remember correctly, made the point of order against the proposition proposed in the Navy bill to try out the patent. I recognize we can not appropriate money indiscriminately for these things. This man, Mr. Simmons, is not asking for an appropriation. The only thing that he has ever asked for is an audience with the proper naval authorities——

Mr. HAMILTON of Michigan rose.

Mr. COX. With a view to seeing whether or not it is a project that would put this country, to some extent, in line of defense. I yield to the gentleman.

Mr. HAMILTON of Michigan. I simply want to say to the gentleman, in my experience, the War Department, for illustration, has been very fair and very accommodating in trying out these proposed inventions; that within its resources it has always been willing to do what it could.

Mr. COX. Here is the worst rebuke I ever read in my life, when Col. Lewis's gun was turned down by the War Department, if it does do what it is claimed to do in this European war. Why did not they take hold of it, then?

Mr. REAVIS. Will the gentleman yield for a question?

Mr. COX. For a question.

Mr. REAVIS. I want to know whether the Lewis gun is more efficient than the gun they are now using in the Army?

Mr. COX. I take it it must be, otherwise the allies certainly would not be using it.

Mr. REAVIS. Beyond the fact the allies are using it rather than the one we are now using in our Army, has the gentleman any information as to which gun is the more efficient?

Mr. COX. I have not. Mr. Chairman, I ask leave to revise and extend my remarks by inserting this letter and this editorial.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to extend his remarks by inserting the letter and editorial indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD. Mr. Chairman, I would like to ask my friend from Wisconsin [Mr. COOPER] if we could make some arrangement about closing debate?

Mr. MANN. Does anyone here want more time?

Mr. ROGERS. I have two gentlemen who request five minutes each, which I can yield out of my time.

Mr. COOPER of Wisconsin. The gentleman from Missouri [Mr. MEEKER] wants half an hour.

Mr. FLOOD. I would like to ask how much time has been consumed on that side and how much on this side?

The CHAIRMAN. Thirty-two minutes has been used on the side of the gentleman from Virginia and 78 minutes on the other side.

Mr. MANN. How much time does the gentleman want over there?

Mr. FLOOD. We want about 20 minutes.

Mr. MANN. We have used more time than the gentleman has.

Mr. FLOOD. What I want to do is to reach a conclusion as to closing general debate.

Mr. MANN. Let us close debate in an hour's time.

Mr. COOPER of Wisconsin. The gentleman from Missouri [Mr. MEEKER] wants half an hour, and the gentleman from Massachusetts says he has two gentlemen who desire five minutes each, which time he can yield.

Mr. MANN. That would be 40 minutes.

Mr. COOPER of Wisconsin. If the gentleman on that side does not want to use more than 20 minutes, make it 1 hour, and——

Mr. FLOOD. The suggestion was made this morning before the gentleman from Wisconsin came in by the gentleman from Illinois [Mr. MANN] that we could get through this afternoon.

Mr. MANN. I think possibly we can, although I guess we will not be able to get through this afternoon; still, we will do the very best we can.

Mr. FLOOD. Suppose we limit the debate to 40 minutes—20 minutes on a side.

Mr. COOPER of Wisconsin. The gentleman from Massachusetts [Mr. ROGERS] has promised two Members 5 minutes each, making 10 minutes, and the gentleman wants 30, and that will be 40 minutes.

Mr. FLOOD. I ask unanimous consent, Mr. Chairman, that the general debate be closed in an hour, 30 minutes of it to be controlled by the gentleman from Wisconsin [Mr. COOPER] and 30 minutes by myself.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. And that will close debate at 8 minutes past 2.

Mr. FLOOD. Mr. Chairman, I yield to the gentleman from Texas [Mr. DIES].

Mr. DIES. Mr. Chairman, I got into the Chamber just as the gentleman from Illinois [Mr. MANN] was discussing some remarks of mine that occurred in the RECORD some days ago. I will say, Mr. Chairman, that these remarks were inserted in the RECORD in order to place myself correctly before my constituents with reference to an assertion that was being made in my district that I was present and did not vote on a great many important measures. And I will say, Mr. Chairman, I do not now recall having ever declined to vote upon any measure in the Congress since I have been a Member of it. I may have been present and not voted, but I have no recollection of it. Whatever other faults I may possess, I have usually voted one way or another on measures that have come up before this body. These records I have had looked up by the record clerk, and my information about these pairs was gained from him.

Now, with respect to the Money Trust in this circular which my friend from Illinois [Mr. MANN] criticized, I used this language:

> I was paired for it with a Republican, Mr. Harris, who was against it.

That is the Money Trust. I got that from the CONGRESSIONAL RECORD of the Sixty-second Congress, second session, page 5346. My understanding was then, and it is now, that when a Democrat is paired with a Republican in a Democratic Congress, the Democrat's name appearing at the left of the column and the Republican at the right, he is paired for it while the Republican is paired against it. If I am mistaken in that, it is simply a mistake.

Mr. MANN. Will the gentleman yield?

Mr. DIES. Yes, indeed.

Mr. MANN. Does the gentleman understand that a general pair means that one is for and the other against a proposition?

Mr. DIES. That is precisely what I understood when I inserted this in the RECORD.

Mr. MANN. The gentleman offers a valid excuse for insertion in the RECORD, but I doubt if anybody else has ever understood it in that way.

Mr. DIES. I think so. I have conferred with a great many gentlemen and they seem to be of my opinion about it. However, I can set the gentleman at rest about this business.

My contention was that I was not sitting by and refusing to vote on these questions. I had no particular ambition to show that I voted for the Money Trust investigation. I looked upon it as a sort of political horseplay for which I had no particular respect. If I had been present I would have voted for it, however. I wanted to show my constituents that I was not doing a cowardly thing by refusing to vote on questions that came up in the Congress.

And the same may be said of the Children's Bureau. That pair will be found on page 4195 of the RECORD, where it shows that Mr. DIES is paired with Mr. COPLEY, a Republican. I had no desire to show that Mr. COPLEY was against the bill. I do not know except in the manner in which the pair is stated,

and the thing I did want to show and the thing I want to now state to this House is, that the statement that I have been present and not voting on important questions is utterly without foundation, because I do vote one way or the other, whether right or wrong.

While I am on my feet, I wish to refer to another statement they make about me in my district, which is that the gentleman from Illinois said that I had referred to a speech of the President of the United States as idiotic. The facts are that the gentleman from Illinois spent a large part of his time in the last Congress making points of order against battle cruisers, against appropriations for submarines, and voting against battleships. I was present and helped him hold down large appropriations for the Navy. Some gentlemen who come back to the Congress confess the coin. They say that sentiment has changed, and that they were for a large Navy, but my friend from Illinois came in with a cock and bull story about meditation in a garden somewhere. He neglected to say whether he had a ground wire and received these meditations while he had his ear to the ground, or read them in the newspapers while in his garden, but he said he reached the determination never to make points of order against battle cruisers, never again to smite submarines, never again to raise questions against a large Navy, because, he said, he had meditated in his garden. Of course, it aroused our risibility to know that a man whose district had turned over for preparedness would have to go in his garden in order to turn himself over. [Laughter.] He could do it on the sidewalk, or elsewhere.

I did not say that the President's speech was idiotic. I said the speech of the gentleman from Illinois was somewhat of a twaddle.

I do say, and repeat, that the people who ride up and down the Avenue in automobiles with streamers do not send their sons to join the Army. They ride around with poodle dogs and with streamers calling for preparedness.

Preparedness means a gun upon the shoulders of the young men of this country, a gun with powder and lead in it; and I do say before this Congress that it is idiotic to parade around over the country talking about preparedness and putting your hand upon your sons' heads, not telling them to join the standing army. More than 60 days ago we authorized 20,000 additional soldiers that the President said we needed. We have not got them. We have not been able to get a thousand more into the Army than we had 60 days ago. And all those people in New York that are parading in 150,000 bunches up and down the streets could solve the question of preparedness and give dignity and integrity to their declarations if they would stay at home and tell their boys to join the Regular Army.

That is what I said was idiotic, and I say it to this good day, that it rings with insincerity. You know when men want a Regular Army in this country in time of peace they can get it by Congressmen sending their sons to join it and by Senators and naval and Army officers sending their sons. Why do not you open down here at the Peace Monument a recruiting station, and as this great parade for preparedness marches down the street let them enlist their sons and the members of their families? Tell them that the President wanted 20,000 men 60 days ago and that nobody will join.

I do say that this Nation is making itself ridiculous by these parades when nobody will join the Army. The gentleman from Massachusetts [Mr. GARDNER] was talking about preparedness and saying that no appropriation was big enough for him, and one man enlisted in 10 days in Boston. New York had a parade of 150,000 for preparedness when in April of this year there were 100 less enlisted in the standing army in New York than in April of last year.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. DIES. I regret I have not the time.

Mr. ROGERS. Just a word in regard to the statement as to enlistments in Boston.

Mr. DIES. I referred to the statement of the gentleman from Illinois [Mr. MCKENZIE] in the RECORD.

Mr. ROGERS. The gentleman from Texas is mistaken and the gentleman from Illinois [Mr. MCKENZIE] is mistaken if he seriously said any such thing. Eight thousand, instead of 1,000, have been enlisted in the Regular Army since the adoption of the emergency act, and Boston has done her full share and more.

Mr. DIES. Expired enlistments have kept the number down until only about 1,000 additional have been gotten into the Army, and we have to-day, as I understand it, about 19,000 vacancies in the standing army of the United States. And what I say is this, that if the people of Boston, Mass., and Beaumont, Tex., and New York, N. Y., and Fort Worth, Tex., instead of riding their Cadillacs and their Chalmers high-power cars up and down the streets, and tooting their horns for preparedness, had told their boys to put on a uniform and take a gun on their shoulder they would be doing something effective. War means hell and fighting and guns with powder in them; and all this tommyrot of parades amounts to nothing except to further gum-fuzz and confuse the American people. That is what I want to say. [Applause.]

Mr. ROGERS. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized for two minutes.

Mr. MANN. Mr. Chairman, the original statement of the gentleman from Texas [Mr. DIES] that my colleague from Illinois [Mr. COPLEY] was opposed to the child-labor bill, when he was for it, the gentleman tries to get around. The statement was deliberately made, and it is not true. What the gentleman says about his reference to my speech is equally incorrect. The speech which he made on the floor, in which he referred to the President of the United States as having uttered idiotic ideas has nothing whatever to do with the speech he made on the floor concerning my garden meditation repentance. It is very natural that he mixes the speeches up, but unless he has changed the copy that was furnished to him—which many Members do—the RECORD will still show that he referred to the utterances of the President of the United States as idiotic.

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. DIES. That is not true. The gentleman made the reference to the gentleman named as a candidate for President; he referred to a candidate for the Presidency. I submit to this House my manuscript to show that the gentleman's statement is not true.

Mr. MANN. The gentleman was referring then to the speech by President Wilson some time after I made my speech on the subject in the House, and I at once took the floor to say that that was not the sentiment of Congress, as it was not, notwithstanding the gentleman's assault upon his own President.

Mr. DIES. I can set the gentleman right by saying that if I said anything about an idiotic speech, it must have been with reference to the only idiotic speech made that day, and that was by the gentleman from Illinois.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield to the gentleman from Nebraska two minutes.

The CHAIRMAN. The gentleman from Nebraska [Mr. SLOAN] is recognized for two minutes.

Mr. SLOAN. Mr. Chairman, very many excellent gentlemen and ladies from Wymore, Nebr., in my district, have placed themselves on record by resolutions on the subject of the suffrage question, and they desire that these brief resolutions be made a part of the RECORD of this House. I therefore ask to have them made a part of my remarks.

The CHAIRMAN. The gentleman from Nebraska asks permission to extend his remarks by printing the resolutions indicated. Is there objection?

There was no objection.

Following are the resolutions referred to:

Resolutions unanimously passed at Wymore, Nebr., by about 40 men and 10 women residents.

Resolved, That we, citizens of Wymore, Nebr., assembled May 14, 1916, protest against the unjust action of the Judiciary Committee of the House of Representatives in blocking the passage of the Susan B. Anthony Federal suffrage amendment and demand that it be given an immediate and favorable report; and be it further

Resolved, That we hold the party in power responsible for the passage of this amendment before the close of the present session of Congress; and be it finally

Resolved, That a copy of these resolutions be forwarded the administration leaders, the chairman and members of the Judiciary Committee of the House, and the Nebraska congressional delegation, with the request that it be read into the CONGRESSIONAL RECORD in the Senate and in the House.

FLORENCE BAYARD HILLES, *Chairman*.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. CRAMTON].

The CHAIRMAN. The gentleman from Michigan [Mr. CRAMTON] is recognized for five minutes.

Mr. CRAMTON. Mr. Chairman, in the remarks this morning of the gentleman from Illinois [Mr. MANN], reference was made by him to an amendment offered by Senator LA FOLLETTE, so stated by him, to the committee amendment to the river and harbor bill in the Senate, providing for the improvement of the Illinois River. I find that I was in error in my first suggestion to him, to the effect that the amendment was the result of a suggestion or offer from one of the Senators from Illinois. I find, however, that I was correct in my further statement that the said amendment was the result of an offer or suggestion

from the gentleman in charge of the bill and at that time in charge of the amendment in question.

I find by consulting the RECORD that the gentleman in question was Senator CLARKE of Arkansas, the chairman of the committee. After some discussion in opposition to this proposed improvement of the Illinois River, on the ground that it might endanger the level of the lake, the following occurred:

Mr. CLARKE of Arkansas. It might serve to limit the disputed questions in the proposition offered by the Senator from Wisconsin for me to say that I shall offer to include in the amendment the proviso that was omitted, including the limitation suggested by the War Department. So the Senator may discuss it as if that proviso was in the amendment.

Mr. LA FOLLETTE. For 250,000 feet?

Mr. CLARKE of Arkansas. Whatever it says, 250,000 cubic feet per minute. The Senator has the letter before him?

Mr. LA FOLLETTE. I have.

Mr. CLARKE of Arkansas. We will put that proviso in the amendment.

Mr. LA FOLLETTE. Mr. President, I think it will serve to shorten this discussion considerably, and with that assurance from the chairman of the committee I will simply offer that as an amendment to the bill as amended and will discontinue discussing this matter any further.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Add to the proviso already agreed to the following: "*Provided further*, That the amount of water to be diverted from Lake Michigan through this system of waterways shall never exceed the rate of 250,000 cubic feet per minute."

Mr. LA FOLLETTE. With that amendment added to the amendment already adopted, which, as I understand, fully complies with the suggestion that comes from the War Department, I am disposed to withhold any further suggestion which I had intended to make.

Which he did, except to insert certain papers in the RECORD, Mr. Chairman, I have no desire to enter into any general discussion of the merits of that amendment, as I am not prepared to do so. I read the debate in the RECORD at the time it appeared, because I was interested, as everyone must be who represents a district in any way affected by the commerce of the Great Lakes, in any proposition that would permit the diversion of an immense quantity of water from the Great Lakes down the Illinois River and out through the Mississippi, and I took it from that colloquy that that was a settled question, that the people in support of the amendment having accepted that, and thereby forestalled the attacks being made upon it by the Senator, it was a settled question, and I have been surprised to know that it is proposed in the committee of conference to legislate upon a matter as vital as that, when it had not been mentioned in this House, as I understand, at all, and in the Senate was made the subject of an agreement and passed by unanimous vote.

Mr. MANN. Will the gentleman yield?

Mr. CRAMTON. My time is very limited. I will yield to the gentleman, however.

Mr. MANN. Does the gentleman know that in the Senate an amendment on this subject had been agreed to, offered by the Senator from Illinois [Mr. SHERMAN] before this controversy came up——

Mr. CRAMTON. I am under an absolute limit of time, and I think I have the gentleman's question.

Mr. MANN. No; the gentleman has not.

Mr. CRAMTON. I am willing to have all of it.

Mr. MANN. No; go on.

Mr. CRAMTON. Then I will answer what I have. The RECORD shows that the amendment in the bill was at the instance of Senator SHERMAN. Such is the statement of Senator CLARKE, but it embodied all of the agreement recommended by the Secretary of War except the vital point as to 250,000 cubic feet of water per minute, and that is the point that we upon the Lakes and around through the rivers are interested in.

Mr. CHIPERFIELD. Will the gentleman yield?

Mr. CRAMTON. I would like to yield, if I could have my time extended.

Mr. CHIPERFIELD. I would like to get the gentleman's time extended.

Mr. CRAMTON. Then I am right with you.

Mr. CHIPERFIELD. I ask unanimous consent that the gentleman's time be extended for one minute, because he is doing a grave injustice to one of the Senators from Illinois, and I know he would not wish to do that. I ask that his time be extended one minute.

Mr. FLOOD. Mr. Chairman, a rule has been adopted——

Mr. CRAMTON. I will say, Mr. Chairman, that I would like at least five minutes.

Mr. FLOOD. I yield to the gentleman one minute.

Mr. CRAMTON. Make it five minutes by unanimous consent.

Mr. FLOOD. I can not yield five minutes.

The CHAIRMAN. The gentleman can get recognition and then yield so much of his time as he wishes.

Mr. FLOOD. I will yield to the gentleman three minutes.

Mr. CHIPERFIELD. There is an injustice being done by the statement of the gentleman.

Mr. CRAMTON. I yield to the gentleman from Illinois.

Mr. CHIPERFIELD. Mr. Chairman, I am not a defender of Senator SHERMAN, but I have been vitally interested in this proposition, and I want to ask the gentleman from Michigan [Mr. CRAMTON], does he not know, as a matter of fact, that Senator SHERMAN has been bitterly opposed and is now bitterly opposed in every way to the limitation of the flow of water from Lake Michigan to 250,000 cubic feet per minute?

Mr. HAMILTON of Michigan. Mr. Chairman, I suggest that this discussion is in violation of the rule which forbids criticism of senatorial action.

Mr. CRAMTON. I will say to the gentleman from Illinois that I know nothing of Senator SHERMAN's attitude further than the statement of the chairman of the Senate committee—Senator CLARKE—that the committee amendment was inserted at the instance of Senator SHERMAN, and the said committee amendment did not include the limitation of 250,000 cubic feet per minute.

Senator SHERMAN was not present when this amendment proposing a limitation of the amount of water to be diverted was offered.

Mr. CHIPERFIELD. It is only fair to say that he is thoroughly opposed to the limitation.

Mr. CRAMTON. That is all right, then. It does not appear in the RECORD. There was an agreement entered into there by those who were present, Senator CLARKE representing the committee and Senator LA FOLLETTE opposed to an unlimited diversion of the water, but finally accepting the limitation recommended by the War Department, and that is the shape in which the bill now is. Now, what does an unlimited diversion of the water mean? I do not think any of us are sure. If we could permit that unlimited diversion and accomplish the object desired by the city of Chicago, without injury to other localities, all of us would favor it.

We want the city of Chicago to be just as healthy as possible, but we do not want that accomplished at the expense of lowering the level of all the lakes. We have spent millions of dollars in getting deeper channels and deepening the harbors in order to permit the vast commerce to come down. Is all that work to be destroyed by the diversion of this water? Before such a momentous question is decided by permitting such a diversion by legislation there ought to be a thorough investigation and a thorough discussion. Why, even in my district, in the waters bordering it, in the St. Clair River, there has existed a point dangerous to navigation, said by the War Department to be the most dangerous point of navigation between Buffalo and Duluth. The War Department has steadfastly refused to permit the removal of the middle ground opposite Port Huron, on the ground that it would reduce the level of the lakes above.

There is in the bill a provision which Senator SHERMAN called attention to, which, to remove this danger, permits a channel 400 feet wide along the Port Huron side water front, and in that case they provide for a compensating weir to offset the effect of such narrow deepened channel.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. CHIPERFIELD].

Mr. CHIPERFIELD. Mr. Chairman, in the brief time allotted to me to-day there is no opportunity to discuss the question of the effect of 250,000 cubic feet flow from Lake Michigan through the sanitary canal of Chicago. But I desire to say that it is a question upon which no Member of this House should close his mind without the fullest information that is possibly attainable.

It is a problem I have been connected with for nearly 20 years, and during that time have had a close and intimate study and association with the matter.

The flow through the sanitary district channel of Chicago affects the lives and the health of two and a half millions of people. I am not competent at this time to speak with any degree of binding authority as to what that flow or any other flow accomplishes so far as lowering lake levels is concerned, but the question, Mr. Chairman, is in the courts of the United States, and hundreds of witnesses have been sworn and their testimony taken, and soon there is to be a decision on that proposition as to whether or not it does injure the commerce and navigation of the State represented by the gentleman who has just spoken, and whether it injures the commerce and navigation of the States represented by other gentlemen that border on the lake.

It is a momentous question and one upon which there should not at this time be any snap judgment. Action should not have been taken hurriedly by the Senate of the United States or any other body upon this question that is so vital to the needs of the people of Chicago.

Mr. LINTHICUM. Will the gentleman yield?

Mr. CHIPERFIELD. Very briefly.

Mr. LINTHICUM. How do you dispose of the sewage in Chicago? Have you not any system by which it is treated to get rid of it?

Mr. CHIPERFIELD. The system of disposal of sewage of Chicago is this: It was formerly ascertained that the sewage which had been going into the lake by gravity flow through the Chicago River, the country being very flat, was contaminating the water supply of that city, drawn from Lake Michigan, especially the health of the poor people of the city.

Children were being affected and sickened until they were literally dying off like flies. With the tacit consent of the whole country, the city of Chicago inaugurated this sanitary district, reversed the flow of the Chicago River, and spent more than $100,000,000 to dilute the sewage of the Chicago River with the water from the lake and send it down through the valley. At some time I want to get more time to discuss this matter thoroughly. In the meantime I ask the Members of this House to keep an open mind upon this question in order that a very grave injustice may not be done to the people of the city of Chicago.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. McLAUGHLIN. Mr. Chairman, this amendment was inserted in the river and harbor bill for the purpose of enacting into law a rule or regulation adopted by the Chief of Engineers of the War Department and for many years enforced. The quantity of water permitted to be taken from Lake Michigan and turned into the drainage canal is 4,167 cubic feet per second, or a trifle more than 250,000 cubic feet per minute. There have been requests of the Secretary of War to modify his order and permit the taking of a larger quantity from the lake, but each request has been refused because, after careful study of the question, the Secretary has determined that it would be harmful to navigation to permit the taking of a larger quantity than is provided by his order.

February 12, 1912, there was a hearing before the Secretary of War. It was attended by many Representatives and Senators, by representatives of the Sanitary District of Chicago, by representatives of the Government of the Dominion of Canada, which we all understand is interested equally with ourselves.

We have a treaty with Canada which binds us to do nothing that will reduce the level of the water of the Great Lakes. Canada is interested, and has protested; Canadian representatives protested at the meeting of 1912; and the Secretary of War, Mr. Stimson, gave a written opinion, in which he determined that in justice to commerce, to the harbors of the Great Lakes and interests dependent upon them, in justice to or in keeping with our obligations to Canada, the water demanded by the drainage district could not and ought not to be permitted to be taken from Lake Michigan. This amendment is the first attempt ever made to determine by law the amount of water that should be taken from the lake.

It appeared, however, at the hearing in 1912 that in the face of the regulation of the War Department, which permits 4,167 cubic feet per second only, the drainage district of Chicago had been taking out of Lake Michigan upwards of 9,000 cubic feet per second—deliberately violating the law or the rule of the War Department, and they were requesting permission to take 10,000 cubic feet per second. The request, as I say, was denied.

There was a similar hearing last November in Chicago, and another demand for a larger quantity of water. The result of that hearing was that the Secretary adhered to his regulation to permit the taking only of 250,000 feet. So persistent has been the violation of the regulation of the Secretary of War by the drainage district of Chicago that the Secretary began, or under his direction proceedings were begun, in the district court of the United States at Chicago against the sanitary district. There was a full trial of the case, the Secretary of War seeking an injunction against the sanitary district of Chicago to restrain it from taking more water than is permitted by the rule of the department—that is, to compel it to obey the law. There has been no determination of that case.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McLAUGHLIN. I will ask the gentleman from Wisconsin to yield me one minute more.

Mr. COOPER of Wisconsin. I regret that everything is given out, but I will yield to the gentleman one minute more.

Mr. MANN. The gentleman ought not to get so worked up.

Mr. McLAUGHLIN. It does work us up, because we are vitally interested. Mr. Chairman, for the purpose of showing the attitude of some of the people of Chicago toward this proposition, for the purpose of showing how unmindful they are of the interests of the rest of the country, I desire to quote one gentleman from Illinois as saying that they must be permitted to take this larger quantity of water, even though the results be that appropriations will have to be made by the Federal Government to rebuild and reconstruct every harbor on the Great Lakes. That statement was made in my hearing at the time of the hearing before the Secretary of War in February, 1912, by a gentleman who at the time of the making of it was a Senator from the State of Illinois. The amendment suggested by the Senate ought to be adopted. The city of Chicago must find ways and means of taking care of its sewage. It must not be permitted to pursue a course which will impose irreparable loss upon other parts of the country. The Great Lakes have other and better uses than to supply water for relieving the city of Chicago of the burden, which it is abundantly able itself to assume, of taking care of sewage.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield the balance of my time, 26 minutes, to the gentleman from Missouri [Mr. MEEKER].

The CHAIRMAN. The gentleman has but 16 minutes remaining.

Mr. COOPER of Wisconsin. I thought I had 40 minutes in all.

The CHAIRMAN. No; 30 minutes on a side.

Mr. COOPER of Wisconsin. Mr. Chairman, I did not so understand it. I supposed that I had 40 minutes, because I had requests for that amount of time.

The CHAIRMAN. The Chair understood the committee agreed upon an hour, to be divided equally between the gentleman from Wisconsin and the gentleman from Virginia.

Mr. FLOOD. And the gentleman from Illinois suggested I might be able to yield some of my time over there, and I have already yielded five minutes.

The CHAIRMAN. The gentleman from Missouri is recognized for 16 minutes.

Mr. MEEKER. Mr. Chairman, in the time that I have—and I expected to have 30 minutes—I shall probably be able to suggest some things that can be answered when we get under the five-minute rule.

Mr. FLOOD. Mr. Chairman, I will yield five minutes of my time.

Mr. MEEKER. I thank the gentleman. On page 20 of the bill we find the following item:

Fifteenth International Congress Against Alcoholism: To complete the arrangements and provide for the entertainment of the Fifteenth International Congress Against Alcoholism, to be held in the United States, to be expended under such rules and regulations as the Secretary of State may prescribe, $10.000, or so much thereof as may be necessary, together with the unexpended balance of previous appropriations for the holding of said congress in the United States.

I would like to know how much is the unexpended balance at this time?

Mr. FLOOD. The gentleman asks that question?

Mr. MEEKER. Yes.

Mr. FLOOD. My understanding is that it is something over $35,000.

Mr. MEEKER. About $40,000 is the unexpended balance?

Mr. FLOOD. No; the original appropriation was $40,000 and some of it has been expended.

Mr. MEEKER. About $35,000 remains?

Mr. FLOOD. Something over $35,000.

Mr. MEEKER. So that we have about $35,000 already provided for the entertainment of this congress. If I have read the records correctly, in 1912, when the bill was introduced in the Senate to defray the expenses of the delegates from the United States to the congress held in Europe at that time, there was a proviso instructing the delegates to that congress to invite this congress to meet in the United States in 1915. That proviso was stricken out of the bill and the bill passed, making provision for defraying the expenses of the delegates to that congress without any authority whatever granted them to invite this congress to the United States; that is, official authority.

Nevertheless, the invitation was extended, and after the invitation had been extended the representatives of this organization came and asked for an appropriation, which was to be used in defraying the expenses of the congress in 1915. However, because of the European war the congress has been postponed. I would like now to ask from any gentleman here, any member of the committee, or anyone else, upon whose authority, after this invitation was stricken from the original bill, the invitation of the United States was extended to have the congress meet here. If any member of the committee can give that information, I would like to have it.

Mr. FLOOD. Who gave the invitation?

Mr. MEEKER. Who invited the congress to come here after the provision for inviting them was stricken out of the original bill in 1912?

Mr. FLOOD. The delegates from this country. There was no inhibition in the bill as to that.

Mr. MEEKER. But the authority to extend the invitation was specifically stricken out of the bill.

Mr. FLOOD. They were not inhibited from inviting the congress here. They did invite them, and the congress accepted the invitation; and since then the Congress of the United States has made provision for $40,000, and in that way approved the invitation. It provided to that extent for the entertainment of the congress.

Mr. MEEKER. The delegates, on their own authority, extended the invitation, and then came to Congress and asked for the funds?

Mr. FLOOD. Yes.

Mr. MEEKER. And $40,000 have already been appropriated?

Mr. FLOOD. Yes.

Mr. MEEKER. That was what I was wanting to get at in this part of the discussion. Mr. Chairman, I am perfectly willing and would be only too glad to see this Congress appropriate funds to entertain any congress which might be considered to add to the knowledge of the people of this Nation or to the people of the world, and I should be glad to see an appropriation made to call together a congress of scientists, authorities on the question of alcoholism. I should be glad to appropriate funds to call together a body of men who were not identified with any particular group of so-called reformers at so much per reform.

Mr. FLOOD. That is just what this congress is.

Mr. MEEKER. Very well. I will read a list and see how many scientists we have. I have been looking for some time through the record of who has been going to this congress and how much information they have been returning to this country, and I want to get into the RECORD just who has been attending these congresses. I have in my hand the list of delegates who went in 1909 from the United States. Mrs. M. M. Allen, of New York; Miss Brehm, of Chicago; Hon. G. F. Cotterill, of Washington; Rev. Dr. Wilbur Crafts, of Washington—and everybody understands what a great scientist he is; Prof. T. D. Crothers, M. D., Hartford; Mrs. E. Smith Davis, Milwaukee; Rev. E. C. Dinwiddie, Washington—we know what a scientific man he is; Dr. W. A. Ellsworth, Boston; Dr. Reid Hunt, Public Health Department, Washington; Mr. G. R. Munroe, Newark, N. J.; Surg. F. L. Pleadwell, United States Navy; Judge Pollard, St. Louis; Prof. C. Scanlon, Pittsburgh; Miss Cora Stoddard, Boston. That is the 1909 delegation, the scientists whom we sent over to Europe for the purpose of enlightening the world as to what alcohol really means to the country.

Now, I want you to know how we have improved on this list of delegates. In 1913 we sent another delegation at the expense of the Government, and it did not cost $40,000 at that time. We sent Miss Marie C. Brehm, Pittsburgh; Bailey B. Burrill, New York; Father Peter J. O'Callaghan, Chicago; E. H. Cherrington, Westerville, Ohio, editor of an antisaloon paper; Mrs. E. H. Cherrington also went; Laura Rooke Church, Washington; Miss Maynard N. Clement, Albony, N. Y.; Mrs. Maynard N. Clement, Albany, N. Y.; Rev. J. S. Davis, Hartford, Wis. Here cames E. C. Dinwiddie and Mrs. Dinwiddie. We know what real scientists they are and how much wisdom they have always brought to the solution of this question from the standpoint of prohibition and the solving of the question of alcoholism. Mrs. Margaret Dye Ellis, of Newark, N. J.; A. W. Ferris, of Watkins, N. Y.; Dr. G. H. Heald, Takoma Park, Washington; Mrs. Heald also went. I presume they are both scientific persons. Dr. Kingsbury, of Florida; Miss E. Norine Law, of Los Angeles, Cal.; Prof. P. J. Lennox, of Washington, D. C., and Mrs. Lennox also went. Dr. Lewis Mason attended. S. E. Nicholson, of Washington, and Mrs. Nicholson went to this great scientfiic gathering. Judge Pollard went again. Prof. Charles Scanlon attended; James K. Shields went over. Mrs. Mary Charlton Sibley attended; Prof. E. E. Southard, of Cambridge, Mass.; Miss Cora F. Stoddard, of Boston. Those were the people who attended in 1912. Do you know how many scientists were in that list and what knowledge they would be capable of bringing home to this country?

Mr. CLINE. Will the gentleman yield?

Mr. MEEKER. I do.

Mr. CLINE. Did those parties go at the expense of the Government?

Mr. MEEKER. They are the Government's delegates.

Mr. CLINE. How many were the duplicates of those who went to the preceding gathering?

Mr. MEEKER. It runs about fifty-fifty. The scientific people were all gradually eliminated and the antisaloon people are on hand.

Mr. FLOOD. I would suggest to the gentleman that was the fault of the appointing power——

Mr. MEEKER. I understand.

Mr. FLOOD. And not the people who made the appropriation.

Mr. MEEKER. Sure; I know how the appointments were made.

Mr. FLOOD. If President Taft had followed the line of his predecessor and appointed scientists the gentleman's criticism would not apply.

Mr. MEEKER. Let us look at the last list. This was the one that went over there in 1913 for the purpose of getting information to enlighten the world, and he selected a group of scientists about as near as the then Secretary of State could select, scientists from his point of view.

First comes the Rev. Dinwiddie, who went again.

Mr. KELLEY. What year?

Mr. MEEKER. Nineteen hundred and thirteen, when they asked for this congress to come here, and now want $10,000 more for the entertainment of the "drys." Well, I know it sometimes costs more to entertain them than it does the "wets." Now I will proceed to give you this list of scientists. Rev. Edwin C. Dinwiddie, superintendent of the National Temperance Bureau, Washington, D. C. This scientist goes again. Mr. Ernest H. Cherrington, editor American Issue, Westerville, Ohio, attended at our expense. Rev. S. E. Nicholson, secretary Antisaloon League of America, Washington, D. C., also went; Hon. Maynard N. Clement, former excise commissioner of the State of New York, attended; Judge Pollard, of St. Louis; Prof. Charles Scanlon, general secretary of the Temperance Committee of the Presbyterian Church in the United States, Pittsburgh; Mrs. Margaret Dye Ellis; Mrs. Edith Smith Davis, all "scientists," every one of these, and "authorities"; Dr. V. A. Ellsworth, superintendent of the Washingtonian Home for Inebriates, Boston; Rev. Father Peter J. O'Callaghan, president of the Catholic Total Abstinence Union of the United States, Chicago; Rev. James K. Shields, editor Illinois Issue, Chicago; Prof. Patrick J. Lennox, Catholic University, Washington, D. C.; Miss Laura Rooke Church, secretary-stenographer to the delegation, Washington, D. C. The Rev. Dinwiddie was chairman, the Hon. Maynard N. Clement was vice chairman, and the honorable secretary was Prof. Charles Scanlon. They sent in their report here, which is very interesting.

Mr. HARRISON. Will the gentleman yield?

Mr. MEEKER. Yes.

Mr. HARRISON. Is the gentleman objecting to the fact that Anheuser-Busch, Schlitz, and Pabst were not appointed delegates to this conference?

Mr. MEEKER. Not at all; but as long as the Anheuser-Busch Co. have to pay their own way and that of the Government, if the gentleman wants to know anything about that, as far as that is concerned——

Mr. MURRAY. The gentleman really wants to know if the gentleman knows Anheuser-Busch.

Mr. MEEKER. Yes; I know Anheuser-Busch; does the gentleman?

Mr. MURRAY. I have heard of it.

Mr. MEEKER. The Democratic convention will meet in St. Louis next week. [Laughter.] I simply want to call the attention of the committee to this one thing. This body of men and women, under gradually increasing political power in this country, have been increasing the amount which they have asked from the Treasury. They started only a few years ago with $4,500 to send these folks to Europe, Mr. Dinwiddie and the Antisaloon League crowd—prohibitionists—and now they have got their hands in the Treasury to the tune of $40,000, when, in both letter and spirit they have violated the trust of this Congress when they went in 1912, the provision being in the bill originally that the President of the United States should extend an invitation to this congress, and that was stricken out. The chairman of the committee said that of course there was no inhibition; that they could not prevent them from extending an invitation, but I say to you that this organization that has already gotten some "pap" from the Federal Treasury, is not entitled to $10,000 more. None of us, I think, prohibitionists or otherwise, have any objection, nor should we be concerned to do other than to appropriate all the funds that are necessary to any enterprise which has to do with the development of the scientific knowledge of the world. But when you go and look over the personnel of those delegates, you will find that they are not scientists, but that it has been a question of politics pure and simple. You can not make anything else out of it.

It is nothing but common cadging from the Treasury of the United States by a group of individuals who boast of the fact

that their organization has an income of over $1,000,000 a year, who are at the same time violating the trust of this Congress that was kind enough and considerate enough to send delegates over there—not a scientist among them, and nobody came back for the purpose of using anything that they got over there, even the resolutions that they put together, except for politics. Those same people have had $40,000 slipped across in an appropriation bill recently, and they now come in here with this little innocent-looking item for $10,000 more. It is up to this Congress to begin to take some account of the activities of that organization. It is not my purpose this morning to give a little historic sketch of the maneuvers of this league, but I want to say to you, and some of you know it, that there is no more powerful lobby in Washington than the one headed by Mr. Dinwiddie and his crowd, and you know it just as well as you know that you are here.

Mr. CLINE. Will the gentleman yield?

Mr. MEEKER. Yes.

Mr. CLINE. The gentleman has undoubtedly read the proceedings of this congress. Is there anything disclosed there of a scientific nature that was undertaken?

Mr. MEEKER. There was nothing used that had not been used before, not a thing. I can get up a lot of glittering generalities on any subject, but this group of men and women is not identified with the scientific bodies of America. They are political, and you can not get away from it. I have no objection to a man who wants to be a prohibitionist. That is his business. I have a greater respect for him if he lives the way he votes. The only one who merits contempt is the one who votes one way and lives another.

Mr. HUDDLESTON. Is it any more inconsistent for a man in a dry territory drinking than a man in a wet territory not taking a drink?

Mr. MEEKER. Inconsistencies are always in evidence.

Mr. FLOOD. Is the gentleman aware of the subjects that were discussed at Milan in 1913?

Mr. MEEKER. Yes.

Mr. FLOOD. Would the gentleman mind if I would read him a list of those subjects?

Mr. MEEKER. You can do so, and then I will ask you a question.

Mr. FLOOD. The following is a list of a few of the subjects:

A. The State and alcoholism.
(1) Legislation.
(2) The consumption of alcohol in the colonies.
(3) The attitude of the courts toward alcoholics, and particularly the application of restraint and conditional sentence.
(4) The juridical, political, and economical causes which make it the duty of the governments and parliaments to repress alcoholism.
B. Society and alcoholism.
(1) Questions of organization.
(2) Indirect repression of alcoholism; that is to say, by improving the workmen's homes.
(3) The treatment of alcoholics in sanitariums, asylums, and the like.
(4) Medical problems bearing on the subject.

Does the gentleman think that those are worthy subjects?

Mr. MEEKER. Fine. Did you read the addresses delivered on those subjects?

Mr. FLOOD. I read some of them.

Mr. MEEKER. So did I—all of them.

Mr. FLOOD. And not all of them were delivered by prohibitionists, by any means.

Mr. MEEKER. I leave it to the country after reading the list.

I want to say that so far as Mr. Dinwiddie is concerned and Dr. Craft and all of these other agitators and reformers, that so far as what they got I take my hat off to them. I am not quarreling with them because they came in here and got $40,000 out of the United States Treasury or that they want $10,000 more. They would take the whole Treasury if they got a shot at it. The question is how much more of this sort of thing we want to allow to slip in. You might as well ask any other organization that is termed "reform." Uncle Sam has helped them to the extent of $4,000 and $8,000 and $10,000. He sent them to Europe, but they should not invite the people to come at his expense. But these people go and invite the others to come and say, "We want the money." That is the thing in a nutshell.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. Mr. Chairman, I will occupy the attention of the committee only for a few moments. I do not care now to enter into a defense of the great assembly of scientists, jurists, and statesmen in the world-wide fight against the evil of alcoholism. I will have something to say on that subject when that item is reached in the bill.

I do think, however, I should make some reply to the remarks of the gentleman from Massachusetts [Mr. ROGERS] with reference to the violation of the efficiency system established in connection with our Consular Service. The gentleman complains that the former Secretary of State, Mr. Bryan, secured from the President six Executive orders placing in the Consular Service men who did not get into that service under the Executive order of President Roosevelt.

The facts are, Mr. Chairman, that for years and years, from 1897 to 1906, the Consular Service was filled, consuls and consuls general were appointed, under the spoils system by various Republican administrations until they had gotten the entire Consular Service filled with Republicans. In 1905 President Roosevelt undertook to get Congress to enact a law applying civil-service efficiency rules to the Consular Service. He failed to do it. He then issued an Executive order, in the name of efficiency, blanketing into the service, under rules that protected them from removal, every Republican in the service, and then they stayed in until 1913, when the Democrats came into power, and most of them are still there; of the 57 consuls general, 233 consuls, and 327 vice consuls, Executive orders have been issued in only six cases since President Wilson was inaugurated.

Mr. SLAYDEN. Mr. Chairman, will the gentleman permit me a question?

Mr. FLOOD. I will.

Mr. SLAYDEN. Does not the gentleman think the administration was very remiss, then, in the discharge of its duties?

Mr. FLOOD. From my standpoint, they were, because there were numbers and numbers of inefficient Republicans placed in there under the spoils system and protected by the Roosevelt order putting them under a civil-service system. I think the Secretary of State did not go far enough and did not remove a sufficient number of them. But so careful was he to observe the rules of civil service that had been applied—not by Congress, but by President Roosevelt, not, in my opinion, for the purpose of protecting the efficiency of this service, but for blanketing in office and keeping in office a lot of political appointees—that of all this great number of consuls and consuls general Executive orders were issued to remove only six, and to replace those six with gentlemen who, I presume, although I do not know, were Democrats.

Mr. SLOAN. "Deserving Democrats."

Mr. FLOOD. Certainly it does not lie in the mouth of a civil-service worshiper to complain of this record of the former Secretary of State.

Mr. SLAYDEN. Mr. Chairman, will the gentleman permit another question along that same line?

Mr. FLOOD. Yes.

Mr. SLAYDEN. Does not the gentleman think that if they are to have a permanent tenure, in common decency and fairness there should be a just and equitable distribution among the parties of the country? Does he not think a Democrat should be permitted to aspire to some of those offices, if not all of them, under a Democratic administration?

Mr. FLOOD. I think when the time came to pass a law, not an Executive order, making this service a part of the civil service, these people should have been removed and examinations should have been held for all of these positions. But the then Secretary of State, Mr. Bryan, took a different view. I hold no brief from Mr. Bryan. I have had controversies with him. But I frequently came in contact with him as Secretary of State, and I do believe he applied his great ability to the duties of that office with singleness of purpose and a devoted desire to serve the welfare of this country, as much so as any other man who ever occupied that office, and among the things he thought was for the best interests of the country was the plan to have this Consular Service placed in the civil service; and therefore he went before the Committee on Foreign Affairs and asked that a bill be introduced into Congress and enacted into law placing the service upon an efficiency basis. That bill became a law, and under a Democratic administration, under the administration of Mr. Bryan in the State Department, for the first time in our history that service was fully and completely placed upon the merit system. I think the criticism——

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. ROGERS. The gentleman introduced a bill which, I assume, is the bill he refers to, on the 19th of May, 1914, providing for secretaries in the Diplomatic Service and appointments in the Consular Service?

Mr. FLOOD. Yes.

Mr. ROGERS. That bill contains three sections, squarely putting the appointments thereafter and promotions thereafter on the merit basis after examination. Will the gentleman explain why it was, before that bill was taken up in the House, that those three sections were taken out of the bill which he

introduced on September 3, and which was the basis of the legislation?

Mr. FLOOD. Because other provisions were put in that put this service under the merit system.

Mr. ROGERS. That is not correct. Will the gentleman say that it was not at the request of Mr. Bryan that he struck out those three sections?

Mr. FLOOD. The bill as it passed put the service under the merit system. The three sections referred to by the gentleman were objected to by Members of the House, and it was doubtful if the bill in that shape could have been gotten through at that time; and that fact was communicated to Mr. Bryan, and in his desire to have the legislation enacted, he acquiesced in the suggestion made to him that those sections be stricken out. But the bill that became a law on February 5, 1915, while Mr. Bryan was still Secretary of State, places the Consular Service and the appointment of secretaries in the diplomatic service upon an efficiency basis, and provides that they shall be appointed to classes and not to posts, and shall be promoted from one post to the other. Since that time there has never been a consul or a consul general or secretary put in except in the lowest class in that service, and we owe that enactment to Mr. Bryan as much as to anyone else; we owe it to the Democratic administration. [Applause.]

Mr. ROGERS. There are two exceptions to that. Two have been put in since the act of February 5, 1915.

Mr. FLOOD. Who are they?

Mr. ROGERS. One is Kelly. I refer to the two cases in my own knowledge. The case of Kelly was one, and the other was the consul at Nottingham.

Mr. FLOOD. Since the enactment of this law?

Mr. ROGERS. Yes.

Mr. FLOOD. What was the time?

Mr. ROGERS. One was in February, 1915, and one in June, 1915.

Mr. FLOOD. They were put in under a provision of law that authorized the appointment to these diplomatic positions of gentlemen who had been in the service of the Government. There have been no appointments of those who were not in the service at all, since the enactment of this law, either to the Consular Service or to secretaryships in the Diplomatic Service. I simply allude to that as a matter of justice to the former Secretary of State, who I believe rendered great service to his country; and while I do not agree with him about everything, I do think we ought at least to do justice to him in discussing these measures.

How much time have I remaining, Mr. Chairman?

The CHAIRMAN. Six minutes.

Mr. FLOOD. I notice that the gentleman from Illinois [Mr. MANN] is somewhat critical in his remarks of the administration in regard to our dealings with Great Britain. I believe, Mr. Chairman, that the country approves fully the action of President Wilson in our foreign affairs. Germany violated our rights upon the high seas. She violated international law and the instincts of humanity, and there were people who demanded that the President should break off diplomatic relations with that country and go to any extent that that step might lead to. The President preferred to pursue the wiser course and to negotiate as far as negotiation was wise. He denounced the sinking of the *Lusitania* with such force and vigor as to challenge the attention of the civilized world and to arouse anew respect for international law and to awaken in Germany a respect for the principles and precepts of that law. There was complaint that he negotiated too long, but he negotiated successfully; he did not go to war, but achieved the greatest diplomatic victory of this generation, and now Germany and this country have agreed upon the principles upon which submarine warfare shall be carried on in the future, and the basis upon which our violated rights of the past shall be settled. The country approves of what the President has accomplished diplomatically by delay and negotiation, instead of by forcing the issue with that great country at once. [Applause.]

Germany yielded, because she knew that we were right, and because she knew that this country had at its head a man who, when he was right, would enforce the right regardless of cost. [Applause on the Democratic side.] The questions we were dealing with, with Germany, involved the lives of our people and of innocent persons who traveled on merchant ships of belligerent countries, and they demanded the President's first attention. The controversy with England involved property rights, and could wait. England has violated our rights upon the seas. She has violated the dignity of our flag, and there were those who demanded that the President should at once hold England to the strictest accountability. He preferred to pursue the wiser course—to pursue the course that was followed by Washington in 1793, when England, then at war with France, violated our rights just as much as she has in this instance. He preferred to pursue the course followed by Grant in 1873, when Spain violated the dignity of our flag to a greater extent than England has done in this instance. He preferred to follow the course pursued by Blaine in our controversy with Chile, and by Cleveland with England over the Venezuelan question. These great statesmen were determined to assert the rights of this country and maintain them at any cost, but they preferred to do it by negotiation and by diplomacy rather than by war, if that could be done, and they accomplished the results they had in mind greatly to the gratification of the people of this country and the glory of this Nation. [Applause.] They did just as President Wilson will do with England in this case. England will settle with this country and settle with her people, because they know that we are right in the demands we are making upon them, and the President is going to demand every right that an American citizen is entitled to. England knows that we have at the head of this Government a man who when he is right is willing to go to any extent that may be necessary to enforce the rights of his people and the honor of his Nation. [Applause on the Democratic side.]

Mr. KINKAID. Mr. Chairman, I ask unanimous consent to extend the remarks which I made yesterday on House joint resolution 184.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks on House joint resolution 184. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the bill for amendment under the five-minute rule.

The Clerk read as follows:

RECEIVING INSTRUCTIONS AND MAKING TRANSITS.

To pay the salaries of ambassadors, ministers, consuls, and other officers of the United States for the periods actually and necessarily occupied in receiving instructions and in making transits to and from their posts, and while awaiting recognition and authority to act, in pursuance of the provisions of section 1740 of the Revised Statutes, $65,000, or so much thereof as may be necessary.

Mr. ROGERS. Mr. Chairman, I move to amend by inserting the words "vice consuls" after the word "consuls," in line 3, page 4.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 4, line 3, by inserting after the word "consuls" the words "vice consuls."

Mr. MANN. I reserve a point of order on that amendment.

Mr. FLOOD. I think that is a very wise amendment. I understand from the gentleman from Massachusetts that he is going to follow that up with some other amendments with a view of improving the situation of the vice consuls in the service.

Mr. ROGERS. I think this stands on its own merits, however, without regard to whether other amendments are adopted later or not.

The act of February 5, 1915, provided that—

"Vice consuls" shall be deemed to denote consular officers subordinate to such principals exercising and performing the duties within the limits of their consulates at the same or at different points or places from those at which the principals are located.

That language, in so far as it permitted the exercise of functions by vice consuls at different points and places, was, I think, new, and it permitted the State Department at its pleasure to assign vice consuls at other points than those at which their principal consuls were residing. If that permission should be taken advantage of by the Department of State, it would mean that vice consuls would become in certain cases practically minor consuls at smaller posts, although with the title of vice consul. If that situation results, they will need to be given instructions, and so on, just as the consular and other officers of the Consular Service are now given.

Mr. MANN. The law now provides where there shall be consulates, does it not?

Mr. ROGERS. I am not familiar with that law if it does.

Mr. MANN. The law provides where there shall be consuls and the salary?

Mr. FLOOD. The law provides for posts and the President makes appointments to the grades, and the consul is assigned to the post according to the grade of the post.

Mr. MANN. Does not the law that we passed some years ago specify where the consuls are to be located?

Mr. FLOOD. That was the law of February 9, 1915.

Mr. MANN. That did not change the location of the posts?

Mr. FLOOD. No.

Mr. MANN. Did not the old reorganization law that we passed some time ago provide where there should be consuls, and fix the salaries?

Mr. ROGERS. That was the law of 1906.

Mr. FLOOD. No; that law fixed the salary.

Mr. MANN. Can the President appoint a consul at any place he pleases?

Mr. FLOOD. No. The posts are fixed by law. Under the present law men are not appointed to a particular post.

Mr. MANN. I understand. Formerly the consuls were paid by the fees, and we passed a law some years ago fixing the salaries, and I thought that we specified the places where there should be consuls.

Mr. FLOOD. That was fixed by law prior to that time.

Mr. MANN. I think in the law of 1906 we specified the salaries for a lot of places.

Mr. FLOOD. Yes.

Mr. MANN. I think we fixed the salaries at every place instead of fees.

Mr. FLOOD. The gentleman from Massachusetts has that law.

Mr. ROGERS. I have a version of it printed by the Department of State, but it simply refers to the 1915 law as to this section.

Mr. FLOOD. The gentleman from Illinois is right; we fixed the salaries for each place. For instance, we fixed the salary of the consul at London at $12,000, and so on down at all places where the law had established consuls.

Mr. MANN. That is what I thought. Now, as to vice consuls, whether we should start in to pay their expenses not now authorized I am not sure. There are a great many vice consuls. We do not undertake to pay now certain expenses of theirs. Is the gentleman quite sure that we should do that?

Mr. ROGERS. I am quite sure that we should provide for it if advantage is to be taken of the permission granted the State Department under the act of 1905 to continue vice consuls in certain positions where consular agents are not operating.

Mr. MANN. We have never undertaken to pay the consular agents or vice consuls either for receiving instruction. For the first time the bill carries a limited amount. The custom heretofore has been, for a number of years at any rate, to appropriate so much money as may be necessary for these expenses of transit and receiving instruction. With a limited amount I do not know that it makes so much difference, but if we could return to the old system and pay so much as may be necessary, I suppose we would pay for the transportation of vice consuls all over the world in a little while without any limitation.

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. MANN. No, Mr. Chairman; but it is subject to a point of order. There is no authority at law for it.

Mr. ROGERS. Is not this provision in the act of 1915 a sufficient authority?

Mr. MANN. No; we have a provision in section 1740 of the Revised Statutes for the payment of these expenses, but that does not apply to vice consuls.

Mr. ROGERS. That is true, but I thought the act of 1915 would be considered broad enough.

Mr. MANN. I doubt if the amendment, if inserted, would make any difference, because the authority to pay expenses only applies to certain offices. However, does the gentleman from Virginia [Mr. FLOOD] think this is a proper provision?

Mr. FLOOD. I think it is a good provision, but I think it is subject to a point of order.

Mr. MANN. Well, Mr. Chairman, I feel overwhelmed by the two gentlemen, and I withdraw the point of order. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. ROGERS].

The amendment was considered and agreed to.

The Clerk read as follows:

To pay the actual and necessary expenses of transportation and subsistence, including the transportation of household and personal effects, under such regulations as the President may prescribe, of diplomatic and consular officers in going to and returning from their posts or when traveling under orders of the Secretary of State, but not including any expense incurred in connection with leaves of absence, $125,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I notice that in this item you increase the appropriation from $50,000 to $125,000 and appropriate for the first time for the transportation of household and personal effects, also all the cost of subsistence. Is the increase in appropriation because of these changes as to what we shall pay for? Heretofore we paid for transportation at the rate of 5 cents per mile. Now, it is proposed to pay all the cost of transportation, all the cost of subsistence, and also all the cost of transferring household and personal effects to and from foreign countries.

Mr. FLOOD. The argument was made by the department to the committee—and the committee was convinced by the argument—that the 5-cent provision did not in any way compensate the official when moved from one place to another. The Consular and Diplomatic Service is now a permanent service. They are transferred from one post to another and their salaries are not extravagant. Five cents per mile did not pay the traveling expenses frequently of the officer himself.

Mr. MANN. I have no doubt of that.

Mr. FLOOD. In comparing the treatment of the men in that service with those of the Army and Navy we found that they were treated very much less generously, and the idea was to allow the department to make an allowance to the officers when transferred so as to cover the actual expenses.

Mr. MANN. The gentleman understands that we do not make any limited allowance in the Army or the Navy or the Revenue-Cutter Service, and I believe those are the only branches that have household transportation at the Government expense. This makes an unlimited amount. In other words, any of these gentlemen abroad may buy all of the things he wants, of any kind, before he comes home and have them brought home at our expense.

Mr. FLOOD. No. The statement was made that the department would adopt a system of rules to limit that.

Mr. MANN. That is true, but we do not know what that system will be. As far as this law is concerned, it is unlimited.

Mr. FLOOD. Yes.

Mr. MANN. The reason for the increase in the expense is because of this change?

Mr. FLOOD. Yes; largely.

Mr. MANN. My observation is, and I have made it before, that all reforms, especially designed to effect economy, are very expensive.

Mr. FLOOD. I think the gentleman is right about that.

Mr. MANN. Here is a proposition to effect a needed reform in the interest of the Government, and in order to do it we increase the appropriation from $50,000 to $125,000.

Mr. FLOOD. That is what it does.

Mr. MANN. While I think, perhaps, it is subject to a point of order, I do not want to interfere with what is necessary.

Mr. FLOOD. I will say to the gentleman that, in the judgment of the State Department and in the unanimous judgment of the Committee on Foreign Affairs, after hearing the question discussed, it was deemed that this request for the additional $75,000 for this purpose was a reasonable request.

Mr. MANN. I think a few years ago—and I am not sure that I am right about it—there was no limitation of 5 cents a mile, and the Congress, in order to prevent undue extravagance, put in a limitation of 5 cents a mile?

Mr. FLOOD. Yes.

Mr. MANN. That is for the transportation of the person. You now not only remove the limitation but add very much to what is to be transported at Government expense. I withdraw the point of order.

Mr. COX. Mr. Chairman, I renew the point of order, and reserve it.

The CHAIRMAN. Does the Chair understand that the gentleman from Indiana makes the point of order?

Mr. COX. No; I do not make it, I reserve it. My heart is to make the point of order, but I am afraid to do it because I am afraid that I will do wrong. I recall reading the report on this item, and, if I remember correctly, the man who made the statement before the committee proposes under rules and regulations that the Government pay not only the traveling expenses of the diplomatic officer but also of the members of his family. Am I correct in that?

Mr. FLOOD. Yes.

Mr. COX. That is in process of contemplation?

Mr. HARRISON. The actual expense.

Mr. COX. Not only of the person himself but of all the members of his family?

Mr. FLOOD. Yes.

Mr. COX. Does not the gentleman feel that that would be an abuse of authority?

Mr. FLOOD. I do not think so. These people are moved about at the will of the department. I happen to know a secretary who was at Stockholm, who had expensive quarters there, well furnished. He was telegraphed to go to London, and he was kept in London six months, and finally had to bring his furniture there at great cost to him, after having paid six months' rent at Stockholm. Five cents a mile is evidently too

little. Consuls, secretaries, and diplomatic officers moving about in the war zone can not begin to pay their own expenses at 5 cents a mile. and the idea of this is something like the idea that keeps in the 20 cents a mile for Congressmen, to enable them to bring their families to the seat of government at the expense of the Government, on the theory that they have a right to have their families with them. Here is what the evidence showed. I read from Mr. Carr's statement:

Mr. CARR. The existing law, which is a provision in the appropriation act, provides that diplomatic and consular officers traveling to and from their posts or under the orders of the Secretary of State shall receive an allowance of 5 cents a mile to cover the cost of traveling expenses. That operates in this way: On a journey of comparatively short length 5 cents a mile does not cover the actual traveling expenses, and on a steamer journey, we will say, across the Atlantic or the Pacific, 5 cents a mile more than covers the cost of transportation of the officer himself. The great difficulty is that the 5 cents a mile makes no provision whatsoever for the transfer of the officer's household effects, or his family, or anything except his own personal transportation and light personal baggage.

Now, that works great hardship, particularly upon a consular officer who is likely to be ordered from one place to another on comparatively short notice, as is necessary and usual in the service. He has to break up his household; usually sell his furniture at a sacrifice; and advance the cost of transporting his wife and perhaps several children. He may have to carry household effects with him, because he may not be able to get satisfactory new ones in the place to which he is going; or, if he is able to get them there, he will at least have to sell out his old furniture and buy new furniture to replace it. That is a source of very great expense and hardship upon a man who is receiving, say, a salary of $2,000 or $3,000 or $4,000, where the journey is anywhere from 5,000 to 10,000 miles.

Mr. COX. This provision will apply to the ambassadors as well, will it not?

Mr. FLOOD. Yes; it does.

Mr. COX. It applies to the Diplomatic and Consular Service altogether, no matter whether a man's salary is $2,000 a year or $17,500 a year?

Mr. FLOOD. The gentleman is right about that.

Mr. COX. I want to again call the gentleman's attention to the point suggested by the gentleman from Illinois [Mr. MANN]. It does look to me as though this is dangerous ground.

Mr. FLOOD. I will say to the gentleman that there was not any contemplation on the part of the department of paying the expenses of ambassadors and ministers. What is in mind are the secretaries and the consular officers.

Mr. COX. But the gentleman concedes that under this provision it can be done?

Mr. FLOOD. Yes.

Mr. COX. The Army gets 7 cents a mile while traveling under orders, and the Navy gets 8 cents a mile. If I remember correctly, an Army officer is permitted to transport household goods to the amount of 7,000 pounds, and a Navy officer to the amount of 8,000 pounds. Unless that is safeguarded in some way under rules and regulations to be prescribed by the President, there is no limit, and they could move Marshall Field's store from abroad to this country if they desired.

Mr. FLOOD. The statement made to the committee was that the Department of State would immediately adopt a system of rules and regulations governing how much a diplomatic and consular officer could carry with him on these trips.

Mr. COX. Does not the gentleman feel that it ought not to be more than that given to the Army and the Navy?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. COX. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FLOOD. I do not think that that is a fair rule. I was convinced that the mileage system was not a wise system.

Mr. COX. I am referring to the number of pounds permitted.

Mr. FLOOD. That might be.

Mr. COX. That they ought not to have in excess of what the Army and Navy have.

Mr. FLOOD. That might be. I suggest to the gentleman that we try it out this year, and next year we can work into the law the system that has been worked out by the State Department.

Mr. HARRISON. Will the gentleman yield?

Mr. COX. I will.

Mr. HARRISON. I notice that Mr. Carr in his statement before the committee says:

These regulations would naturally follow the regulations of the departmental civil service of the Government plus some provision for the officer's family——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRISON. Mr. Chairman, I desire about two minutes.

Mr. COX. I will reserve the point of order until the gentleman gets through.

Mr. HARRISON (continuing)—

These regulations would naturally follow the regulations of the departmental civil service of the Government plus some provision for the officer's family, or a certain limited number of members of the officer's family, and a limited amount of household effects and baggage.

In other words, the President could lay down any regulations that he might see fit as to the number of the family that might travel, or any other regulation that he might see fit to impose. I notice also in the hearing that Mr. Carr, speaking about this provision, says:

Let me illustrate that. We transferred an officer from Washington to Hongkong. His expenses for himself and wife were $820.50. The Government reimbursed him at the rate of 5 cents a mile, or $587.80, leaving the officer to suffer a personal loss of $232.70 plus any costs of transporting household effects and baggage he may have had.

And throughout the hearings he cites other instances where these men in traveling from these places lose two or three hundred dollars and sometimes more.

Mr. TEMPLE. Is there not another point that ought to be taken into consideration, and that is to travel in certain countries sometimes it has to be by carts or horseback, which is much more expensive than 5 cents per mile?

Mr. HARRISON. Yes; by horseback, carts, and in some insome instances in Persia they had to employ mules.

Mr. TEMPLE. They have to organize a caravan?

Mr. HARRISON. Or by caravan, and so forth.

Mr. COX. Mr. Chairman, I feel the point of order ought to be made, but I will let it go this year.

The CHAIRMAN. Does the gentleman withdraw the point of order?

Mr. COX. I withdraw the point of order.

The Clerk read as follows:

To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service and to extend the commercial and other interests of the United States and to meet the necessary expenses attendant upon the execution of the neutrality act, to be expended pursuant to the requirement of section 291 of the Revised Statutes, $200,000, together with the unexpended balance of the appropriation made for this object for the fiscal year 1916, which is hereby reappropriated and made available for this purpose.

Mr. FLOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 3, after the word "purpose," strike out the period, insert a colon, and the words "*Provided*, That in his discretion the President may employ part of this fund for the payment for personal services in the District of Columbia or elsewhere notwithstanding the provisions of any existing law."

Mr. MANN. Mr. Chairman, I reserve a point of order on that. It is not expected to be a permanent arrangement, is it?

Mr. FLOOD. No; this is just an emergency arrangement.

Mr. MANN. I withdraw the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To enable the commission to continue its work under the treaties of 1884, 1889, 1905, and the protocol of May 6, 1896, between the United States and Mexico, $17,000.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. What possible excuse is there for the making of this appropriation?

Mr. FLOOD. We have a treaty obligation which has never been abrogated.

Mr. MANN. We have no treaty obligation about this.

Mr. FLOOD. Oh, yes; we are under treaty with the Republic of Mexico.

Mr. MANN. Oh, I understand; but we have no treaty obligation that requires the expenditure of this money. Nothing is being done and nothing has been done for years. Now, let me be square about it. I do not know, and I am frank about these things. We made this appropriation for several years after the trouble in Mexico commenced, because John Wesley Gaines, formerly a Member of the House, was drawing a salary. The newspaper accounts stated that Mr. Gaines threw up the job. Now, to whom are we under obligation of making a useless appropriation?

Mr. FLOOD. We are under no obligation to any individual, but we are under obligation to the Republic of Mexico.

Mr. MANN. But nothing is being done; the gentleman will not say that.

Mr. FLOOD. Something is being done; oh, yes, the gentleman is mistaken about that.

Mr. MANN. Oh, I am not.

Mr. FLOOD. I think the gentleman is. We have always had an organization, and while the specific purposes for which the first treaty was made are not being carried out now, we have always kept and will have to keep an account of the quantity of water that we are taking into this country that belongs to

Mexico, because we are under obligation under this treaty not to take but half of it, and unless we have these gaugers, water measurers, along there, we will not know whether we are taking water which belongs to our sister Republic or not, and the treaty provides that we should have a commissioner and a consulting engineer and a secretary. Now, the treaty still stands, and I understand that Mexico has some sort of a commissioner——

Mr. MANN. Oh, they are not paying any money to anybody.

Mr. FLOOD. I do not know whether they have got any money——

Mr. MANN. We are not doing anything and they are not doing anything.

Mr. FLOOD. But this treaty requires us to keep up this organization. If conditions slow down in Mexico, this commission would go right to work. It is a very small appropriation. The former appropriation was $50,000 generally, and the commissioner was an Army officer, and did not get any pay out of that. We have not got a commissioner. Mr. John Wesley Gaines was the secretary, and we have not got him, but we have got a consulting engineer and we have got an assistant engineer, Mr. Gilliam, from North Carolina, and the State Department feels that this skeleton of this organization ought to be kept up.

Mr. MANN. I remember when it was up last year we made an appropriation then of $14,000. This bill provides for $17,000. I do not remember whether it was stated on the floor of the House openly—if it was not stated openly, it was stated privately by a large number of the members of the Committee on Foreign Affairs—there really was not the slightest excuse for the appropriation unless the House wanted to pay a salary to John Wesley Gaines.

Mr. FLOOD. If that was stated, it was not exactly the fact.

Mr. MANN. I believe if this is——

Mr. FLOOD. It was the desire of a great many Members of the House to see Mr. Gaines well provided for, but, outside of that, we understood we had to keep a skeleton organization up under the treaty we had with Mexico. Here is what the Secretary of State said to me under date of February 19 of this year:

It is true that, on account of conditions existing in Mexico, it has not been possible to carry on the regular work of the commission relating to the disposition of new questions arising in regard to the boundary line; but the American section of the commission is frequently requested by persons having interest in lands along the Rio Grande for information in regard to the location of the boundary line and upon other points connected therewith which have been considered by the commission, so that it is practically imperative that the present small staff be retained. While it is not possible to foresee when it may be feasible for the commission to resume its regular work of determining questions in relation to the boundary, the United States should be in a position to resume its part of the work as soon as it shall have been formally notified of the appointment of a Mexican representative on the commission. Several questions of importance are awaiting the action of the commission, the decision in regard to one of which, the precise location of the boundary line along the Colorado River, will have an important effect upon the cost of one of the projects of the Reclamation Service to the people in that locality. It is learned from the Reclamation Service that it is highly desirable that the last-named question be determined as speedily as possible.

In addition to the foregoing it should be pointed out that for a number of years the Governments of the United States and of Mexico have been making a systematic study of the equitable distribution of the waters of the Rio Grande and of the methods by which the flood waters of the tributaries of that river can be controlled so as to reduce to a minimum the variability of the channel of the river itself. Consultation with the Geological Survey reveals the fact that the measurements of the amount and flow of the waters of the Rio Grande are of much importance and that it is very desirable that the work of taking such measurements should be continued.

I have, therefore, to request that so much of the amount estimated for the boundary commission as shall appear proper to the committee be included in the bill to be reported.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. There is no work being done. There is work that ought to be done and work that will be done under the treaty whenever we can get somebody from Mexico appointed to the office of commissioner who can join in the work. The Government can not do the work. Now, the only possible use that could be made of this appropriation is to put some new person on the job and pay him the salary. I realize it is difficult to abolish an appropriation where somebody has to go off of the pay roll, at any time, but I had hoped it was possible to postpone an appropriation before a new man was appointed in an office that is purely a sinecure at present.

Mr. FLOOD. Mr. Chairman, there is some work being done by the officers connected with this commission. We have not a commissioner now, and we have not a secretary, but we have engineers and we have the skeleton of the commission which can be filled in very readily as soon as conditions in Mexico enable them to appoint a commissioner to unite with our commissioner in fixing the boundary lines of the Rio Grande. No work has been done on that for some years, and it is very important that it should be done, but there is work being done in reference to the Reclamation Service down there. And as my friend from Texas tells me, hundreds of people are interested in the service in his State and there is work constantly being done. And this appropriation is principally for that purpose, to pay the gaugers along those rivers, the water of which ought to be equally distributed between this country and the people of Mexico, so that we will not take more than our share and lay ourselves liable to damages to that Republic by taking water belonging to their people.

Mr. MANN. Mr. Chairman——

Mr. SMITH of New York. This appropriation does not provide for a successor to Mr. Gaines, does it?

Mr. FLOOD. No. There is nothing in the bill in regard to appointments.

Mr. SMITH of New York. This is for gauges and work that is going on? The work that Mr. Gaines has been on would be done by anybody who might succeed him?

Mr. FLOOD. We have an office in El Paso. Already in the office there is a consulting engineer, whose name I do not recall now, quite an intelligent man, drawing quite a good salary, and there is an assistant engineer, and there are a number of gaugers all up and down the river. So they keep this office open. We made a calculation of what was necessary for officers to keep the commission going and limited the appropriation to that amount.

Mr. NORTON. How was the amount expended last year? Has the gentleman a statement of that?

Mr. FLOOD. I think it was $14,000. About $4,800 went to the consulting engineer, and $4,800 went to the secretary, and about $1,800 to the assistant secretary, and the rest of it to the gaugers, stenographers, for office rent, and so forth. Mr. Gaines was secretary. He is the only one who is out now.

Mr. NORTON. Who is the consulting engineer? Is he a retired Army officer?

Mr. FLOOD. No; he is not a retired Army officer. He is a gentleman named Corbin, from Colorado.

Mr. TEMPLE. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. TEMPLE. We have no report yet of the amount expended for the present fiscal year, ending June 30, 1916, when the appropriation was $14,000?

Mr. FLOOD. No.

Mr. TEMPLE. But there was a balance of something like $7,000 left over for the year ending June 30, 1915, when the appropriation was $20,000. How much will be expended this year I do not know.

Mr. FLOOD. There is no commissioner. Gen. Mills, an Army officer, was the commissioner. The salary he got was the Army salary, and his expenses were paid out of this appropriation. That was in the old days, when the appropriation was from $20,000 to $50,000, when they were doing some work with reference to the bancos in the river. Now they have a consulting engineer and his assistant and the gaugers and the office rent.

Mr. NORTON. What does the consulting engineer do?

Mr. FLOOD. He is provided for by treaty and is the head officer of this commission as it stands, and he is next in office to the commissioner when there is one.

Mr. MANN. There is no commissioner and there is no secretary. There is no commissioner from Mexico and there is no organization on the other side. This is a joint commission. It can not work from this side unless there is somebody on the other side. They have not done any work, and they can not do any work.

Mr. FLOOD. Let me interrupt the gentleman. You will recall that they had two commissions, one by treaty and one that Mr. Knox established by some sort of an agreement or arrangement with Mexico, for the purpose of keeping measurements of this water and the equitable distribution of this water. That has not stopped working for a minute. It is working now.

Mr. MANN. If the gentleman will let me make a statement I will be glad to have the privilege. Last year, or as the gentleman says, now, this year, until Mr. Gaines resigned, $4,800 salary was paid to the consulting engineer, $4,800 was paid to the engineer, $1,800 to the assistant engineer or assistant secretary—I have forgotten which—not one of whom has a thing to do. That would be $12,000 out of an appropriation of $14,000

for the current year and out of the $13,000 for the year before. There is nothing to do. There is nothing to do except to draw the salaries.

Now, if gentlemen want to pay a salary when there is no human probability of continuing this work in the next fiscal year, very well. Of course, everybody will agree that if the trouble in Mexico ceases, so that they can appoint their commissioner and take part in the work, we can make an appropriation so that the work will be carried on, but it will not be done now.

[Mr. GARNER addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois, to strike out, on page 10, the appropriation contained in lines 12 to 18, inclusive, for the Mexican Boundary Commission.

The amendment was rejected.

Mr. NORTON. Mr. Chairman, I move to strike out "$17,000," in line 18, page 10, and to insert "$5,000."

The CHAIRMAN. The gentleman from North Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 10, line 18, by striking out "$17,000" and inserting "$5,000."

Mr. NORTON. Mr. Chairman, it seems that there was $6,000 of the $13,000 appropriated in 1914 remaining unexpended. There is no statement as to the amount unexpended at the end of the fiscal year 1916, but it is reasonable to assume that there is at least the same amount expended that there was last year; and it would seem to me that if there is no commissioner, and only a consulting engineer employed, $5,000 additional would be ample.

Mr. FLOOD. Mr. Chairman, $5,000 would not be any better than nothing. We may be paying the consulting engineer too much, but he is getting $4,800 a year, and the gaugers who are measuring the water ought to be paid. They are employed under the consulting engineer.

Mr. NORTON. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. NORTON. Does not the gentleman know what the unexpended balance was on July 1, 1915?

Mr. FLOOD. Not a cent. They kept within the appropriation.

Mr. GARNER. It was all used up last year?

Mr. FLOOD. Every bit of it.

Mr. NORTON. The gentleman from Pennsylvania [Mr. TEMPLE] said that year before last there was $6,000 unexpended.

Mr. FLOOD. That was a much larger appropriation.

Mr. TEMPLE. Will the gentleman yield?

Mr. NORTON. Certainly.

Mr. TEMPLE. The appropriation for the year ending June 30, 1915, was $20,323.46. The amount expended was $13,595.99 and the balance remaining $6,727.47.

Mr. FLOOD. Then we cut down the appropriation to $14,000, and I understand every bit of it was used and that there will not be any of it left.

Mr. GARNER. It was all used.

Mr. NORTON. I do not doubt the statement of the chairman that there will be none of it left, but I do not see why any more is needed than enough to pay the consulting engineer.

Mr. TEMPLE. In order to avoid any misunderstanding, some gentlemen are using the phrase "last year." Let it be understood that that means the last appropriation, for the fiscal year which has not yet expired but will expire on the 30th of this month. For last year the figures were as I read them a moment ago.

Mr. GARNER. Will the gentleman yield?

Mr. NORTON. Yes.

Mr. GARNER. The importance of gauging this water is, I think, far-reaching. It may involve a controversy between the Mexican Government and this Government, with reference to damages that they might claim or we might claim for taking more water on one side of the river than on the other. That is the object in gauging the water.

Mr. NORTON. The Mexican Government is not gauging this water, is it?

Mr. GARNER. Yes; the Mexican Government is gauging this water, and so it is quite important and more far-reaching than the question of a commission.

Mr. NORTON. Have they gaugers employed there at this time?

Mr. GARNER. Yes; and have had for a number of years.

Mr. FLOOD. These gaugers have been employed for a number of years, and we have had to pay for the excess of water that we have taken.

Mr. GARNER. In my judgment that is more important than the commission, because the friction existing between the two countries as to the boundary might be settled through diplomatic channels, but the question how much water each Government is taking is an important question which might involve a claim by one Government against the other.

Mr. NORTON. You might use the gaugers, but the consulting engineer is not necessary.

Mr. FLOOD. The consulting engineer is the head of the gaugers. He might be dispensed with, but he has not been dispensed with, and he is there at the head of this gauging work.

Mr. NORTON. And he will not be dispensed with as long as you keep up this appropriation.

Mr. FLOOD. Should there not be some head of this system?

Mr. NORTON. Not necessarily.

Mr. FLOOD. To whom are these gaugers to report?

Mr. NORTON. They can keep their records themselves.

Mr. FLOOD. How is the Government going to get them?

Mr. NORTON. This work is done under the State Department, is it not?

Mr. FLOOD. Yes; but they can not go down there.

Mr. DAVIS of Texas. Mr. Chairman, I represent the whole State of Texas. That river borders my district.

Mr. NORTON. Do I understand the gentleman to say that he represents the whole State of Texas?

Mr. DAVIS of Texas. Yes; the State of Texas. It is immaterial to this issue whether Mexico is doing any gauging or not. We are carrying on an irrigation system all up and down that country, and under the treaty we are only allowed to take half the water. If we take more than half the water during a time of low water, Mexico complains, and it is liable to complicate matters with that country, and we must have some kind of a system by which we can know what we are doing under the treaty obligations that we owe to Mexico; and it is very important that we should know how much water is used.

The CHAIRMAN. The time of the gentleman from North Dakota has expired. The question is on the amendment of the gentleman from North Dakota to strike out, in line 18, page 10, the figures "$17,000" and insert "$5,000."

The amendment was rejected.

The Clerk read as follows:

The judge of the said court and the district attorney shall, when the sessions of the court are held at other cities than Shanghai, receive in addition to their salaries their necessary actual expenses during such sessions, not to exceed $10 per day for the judge and $5 per day for the district attorney, and so much as may be necessary for said purposes during the fiscal year ending June 30, 1917, is hereby appropriated.

Mr. COX. Mr. Chairman, I move to strike out the last word. The paragraph at the top of page 15 provides for the expenses of the judge of the United States court at Shanghai when the court is held outside the city, not to exceed $10 per day. How much did that expense amount to last year? Is there any record of that? That is a pretty large per diem.

Mr. SLAYDEN. In a cheap country.

Mr. COX. As the gentleman from Texas says, in a cheap country.

Mr. SMITH of New York. Does the gentleman think that $10 a day is large for the expenses of a judge?

Mr. COX. I think it is—entirely for expenses. He does not spend it.

Mr. HARRISON. Is it not a fact that all judges of the United States courts get $10 a day for service outside of their home in this country?

Mr. COX. As I understand it, this is for expenses.

Mr. HARRISON. It is the same for the judges in this country; when they serve away from home they get $10 a day. That was the theory on which this was placed in this bill.

Mr. COX. I know that has been in the law for years, but what I wanted to know is how much was expended under this paragraph last year?

Mr. MEEKER. Is it not worth $10 a day to live in China? [Laughter.]

Mr. FLOOD. All the expenses of that court and the officers for the year ending June 30, 1915, amounted to $31,200, or $2,800 more than was appropriated.

Mr. COX. It is not as much as I supposed it was.

Mr. FLOOD. No; they watch them very carefully.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Expenses, United States agency: Necessary and contingent expenses, $200; rent of rooms, not more than $1,000.

Mr. BYRNS of Tennessee. Mr. Chairman, I move to strike out the last word. I notice the committee has reduced the appropriation for rent from $1,500 to $1,000, thereby saving $500. I understand that this will necessitate the commission moving to less commodious quarters on New York Avenue. I did not rise, however, to criticize the action of the committee in that respect, but there is an item of $200 for necessary and contingent expenses which, I am informed, will not be sufficient to meet the actual expenses required in the event of certain contingencies during the next fiscal year. Information has been given me that there are about 16 cases under advisement by the arbitration commission. Six of them involve claims by this Government against Great Britain amounting to over a million and a half dollars and 3 by Great Britain against this Government amounting to more than half a million dollars. I am told that there has been an exchange of notes recently between the two Governments with a view of having the cases now under advisement determined finally, and if these awards are rendered it will be necessary to make publication of the findings, and in such event the $200 would by no means be sufficient to pay the extra expense plus the expense of keeping up the library and other expenses of the office.

I wanted to ask the gentleman if he would have any objection to accepting a small amendment, say, $100, making $300 for contingent expenses, especially in view of the fact that he has saved $500 on the rent.

Mr. FLOOD. The gentleman from Tennessee is mistaken about the rent matter. The amount allowed for rent last year was $600, and we have increased it to $1,000 in order that the tribunal may keep the commodious quarters they are now occupying and not have to move their valuable papers and the library.

Mr. BYRNS of Tennessee. The gentleman knows that they were allowed to remain in their present quarters this year at $600, with the hope and expectation that for the next fiscal year the rent would be increased to $1,500, as it had been previous to this year. They could not stay where they are now for $1,000 next year, and so they have entered into an arrangement for offices on New York Avenue near Fifteenth Street; the quarters are less commodious and less convenient. But I did not rise for that purpose, and I do not wish to be understood as finding fault with the committee for its action in the matter of rent.

Mr. FLOOD. I think this is an important tribunal, Mr. Chairman, and I am willing to accept the proposed amendment of the gentleman from Tennessee.

Mr. BYRNS of Tennessee. Mr. Chairman, I move to strike out on page 16, line 12, the figures "200" and insert the figures "300."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 12, strike out the figures "200" and insert the figures "300."

The amendment was agreed to.

The Clerk read as follows:

Nineteenth Conference Interparliamentary Union: The appropriation of $40,000 "for the purpose of defraying the expenses in Washington City incident to the Nineteenth Conference of the Interparliamentary Union to be held in Washington in 1915, to be expended under such rules and regulations as the Secretary of State may prescribe," made in the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, is hereby extended and made available for the calendar years 1916 and 1917.

Mr. SLAYDEN. Mr. Chairman, I move to amend by striking out the words "in Washington City," in line 7, page 20, and if I may be indulged for a few minutes I will explain why.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 7, strike out the words "in Washington City."

Mr. MANN. I would like to suggest to the gentleman from Texas that his amendment would not accomplish anything.

Mr. SLAYDEN. Why not?

Mr. MANN. That is only a citation. It is in quotation marks, and refers to an appropriation heretofore made. The gentleman will have to do something more than change the citation. All that has reference to is an appropriation of $40,000 heretofore made.

Mr. SLAYDEN. And reappropriated.

Mr. MANN. I know; but if the gentleman changes the language in the quotation of what the appropriation was last year he will accomplish nothing.

Mr. SLAYDEN. Mr. Chairman, I will ask to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

Mr. MANN. The gentleman can add the words "made available for the calendar years of 1916 and 1917 for the purpose of defraying expenses incident to the Nineteenth Conference of the Interparliamentary Union."

Mr. SLAYDEN. Does the gentleman think that the limitation in line 7 will not be held to apply?

Mr. MANN. That is in quotation, and refers only to the appropriation heretofore made. If we incorrectly cite the appropriation, probably the department would think it was an error upon our part, but they would not do anything more.

Mr. SLAYDEN. What is the gentleman's suggestion as to the language to be used?

Mr. MANN. I suggest that the gentleman add after the word "seventeen" the language "for the purpose of defraying the expenses incident to the Nineteenth Conference of the Interparliamentary Union." That will cover what the gentleman wants.

Mr. SLAYDEN. And the gentleman would not go further and say that the expenditure in that connection is not restricted to expenditures in the city of Washington?

Mr. MANN. No; I have not restricted it at all.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "seventeen," in line 16, page 20, insert the words "for defraying the expenses incident to the Nineteenth Conference of the Interparliamentary Union."

Mr. HARRISON. Mr. Chairman, on that I reserve the point of order.

Mr. SLAYDEN. Mr. Chairman, I hope I may be allowed to proceed for five minutes, as I dare say the first five minutes have already gone. The reason that I am offering the amendment is this: I am not asking for any change of the appropriation, for it is abundant. I was connected with the expenditure of the appropriation when the conference was held here in 1904. An appropriation of $50,000 was made that year. I was on a committee charged with the entertainment of these visiting parliamentarians, and the expenditures in connection with it. It was our pleasure to return to the Treasury a fifth of that appropriation, which was not expended. These people were received in New York, magnificently entertained, taken out to St. Louis to the exposition, and as far west as the Rocky Mountains, brought back by way of Omaha, Chicago, Detroit, Niagara, New York, and to Washington, where they had their interview with the President.

Mr. HARRISON. Did the various cities pay the expenses from Washington to those places?

Mr. SLAYDEN. No; the municipalities only entertained those people while they were in the different cities. They were essentially and always the guests of the country.

Mr. HARRISON. And all of the expenses came out of the appropriation made by the Federal Government?

Mr. SLAYDEN. Except for the local entertainments, which were inexpensive, however agreeable.

Mr. HARRISON. How many were in the party?

Mr. SLAYDEN. As I remember it, 314 to 320—somewhere in that neighborhood.

Mr. HARRISON. Mr. Chairman, if the gentleman will permit, when this matter was presented to the committee, if I recall correctly—and all of the committee were for the appropriation to entertain them in the city of Washington—the committee was told by some of those who advocated this proposition that these cities would pay the expenses of the delegates after they got here, and we were given to understand, as I understood it, that the Federal Government would not be called upon to pay to send them all over the country.

Mr. SLAYDEN. The Government does not have to do that. There is no obligation to do it. They need not be sent anywhere, except to Washington.

Mr. HARRISON. But if we write into this law a provision that we are going to pay the expenses here and the $40,000 should not meet those expenses, then the Congress might feel under obligation to make an additional appropriation.

Mr. SLAYDEN. Mr. Chairman, the experience and the precedent set in 1904 show that the appropriation will meet it. If we do invite the representatives of about 23 or 24 or 25 governments to come and hold a great conference in the interest of the whole human family, for the purpose of promoting arbitration, something we all stand for, and which this House with one exception voted for the other day, I do not think we ought to qualify our own tender of hospitality in this way.

With reference to the apprehensions of the gentleman from Mississippi [Mr. HARRISON] that the appropriation will not meet such an expense, I desire to tell him that I know absolutely that it will do it. I was on that committee from the time these guests arrived in New York, in 1904, until they were brought to

Washington. They did not come here first. I myself watched with care all of the expenses. They were magnificently entertained. They had everything that was required to make an elegant, complete, and satisfactory entertainment. It was hospitality such as is rarely shown. We ought not to invite them and to make a tender of hospitality which we do not mean. If this is to pay only the hotel expenses of those gentlemen in Washington, then the appropriation is entirely too large. It will not cost any such sum of money, unless it is thrown to the birds.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SLAYDEN. If we are going to invite people to visit us, I believe we ought to extend hospitality like a prince.

Mr. CARY. Will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. CARY. Will the gentleman inform me how many delegates there would be?

Mr. SLAYDEN. I can only say to the gentleman that there are about 3,300 or 3,400 members of the Interparliamentary Union, and experience indicates that there will be approximately 10 per cent present.

Mr. CARY. Will the gentleman yield?

Mr. SLAYDEN. It is a long way, and they will have to pay their expenses here and back to their homes.

Mr. CARY. Does the gentleman think $40,000 would be too much to entertain them?

Mr. SLAYDEN. I said it would be too much to entertain them if it were confined to their stay in the city of Washington.

Mr. CARY. But it would be plenty if they remained in the city of Washington?

Mr. SLAYDEN. Forty thousand dollars is enough, if we care to do so, to transport them to Chicago or Milwaukee—that city made famous by certain enterprises—to St. Louis or Chicago; they all want to go to those great cities; and to entertain them handsomely and bring them back to New York, the usual port of embarkation.

Mr. FLOOD. Will the gentleman yield?

Mr. SLAYDEN. Yes, sir.

Mr. FLOOD. I do not see how the gentleman can tell what will be the attendance.

Mr. SLAYDEN. I have just disavowed my ability to do so.

Mr. FLOOD. How can the gentleman say every member of every parliamentary body of the world can come here and attend as a member of this Interparliamentary Union, what the expense would be in the city of Washington, or what the expense would be if we undertook to haul them about the country?

Mr. SLAYDEN. If they were to come, we could take care of them here and cut our garment according to the cloth. And I want to say that in 1904, when everything was prosperous in Europe, when there was no devastating war abroad and distress and poverty over great areas, only about 300 came; and certainly following this great war one can not reasonably expect a very large attendance, and for that reason I look upon this appropriation of $40,000 as being relatively greater than $50,000 12 years ago.

Now, Mr. Chairman, I am president of the American group of the Interparliamentary Union, and I am in receipt of letters, a great many letters, from gentlemen of importance in some of these war-racked countries of Europe and from some of the neutral countries all saying that they hope we will arrange to have the Nineteenth Conference of the Interparliamentary Union in the United States, because this is the one great neutral country in the world. It is the one country to which they can come with the hope that the environment will be such that some sort of an agreement may grow out of the conference, that some sort of progress may be made toward an era of peace and good will. They do not believe it possible to have such a development if it were held in Europe, even in a country as neutral as Switzerland or Holland. This is the one country they have all turned their eyes to, and now the only plea I make is that if we propose to extend hospitality we shall do it with liberality and gentility and not restrict it in this way. I hope, Mr. Chairman, that the chairman of the committee will accept the amendment.

Mr. HARRISON. Mr. Chairman, I reserved the point of order on the amendment and I regret very much to have to make it. I make the point of order on the amendment.

The CHAIRMAN. What is the point of order?

Mr. HARRISON. The point of order is that it is a change of existing law. It is providing for an expenditure of money outside of the city of Washington, when under the law that was passed it was to be expended in the city of Washington, and that was the condition on which the committee made the appropriation. I doubt if the committee would have made it otherwise, and now it is proposed to change that existing law by this amendment.

Mr. SLAYDEN. Mr. Chairman, is the point of order made to the entire paragraph, let me ask the gentleman?

Mr. HARRISON. No; just to the gentleman's amendment.

Mr. SLAYDEN. Mr. Chairman, I do not know whether the point of order is well taken or not. The Secretary of State can expend every cent of this appropriation in the city of Washington if he pleases, even under my amendment. I do not require that he expend it elsewhere. I simply undertake to extend his right. That is all, and I doubt if the point of order is well taken, because there is no command on the Secretary of State to expend it elsewhere than in the city of Washington.

Mr. HARRISON. If the Chair is in doubt about the proposition, I would like to say something more.

The CHAIRMAN. Very well.

Mr. HARRISON. This appropriation is for the purpose of defraying the expenses in Washington City in entertaining the Nineteenth Conference of the Interparliamentary Union, that appropriation being made by the committee with the understanding that these gentlemen who come here from Europe and various countries to this Interparliamentary Union——

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

Mr. MANN. Will the Chair hear me on the point of order?

The CHAIRMAN. The Chair has already sustained the point of order, but he will be glad to hear the gentleman.

Mr. MANN. This whole item is subject to the point of order——

Mr. SLAYDEN. That is the point.

Mr. MANN. But the point of order was not made upon it.

The CHAIRMAN. The point of order the Chair sustained was not to the item, because it was not made on the item.

Mr. MANN. I understand, but if the whole item was subject to the point of order and it is not made you can not make a point of order upon a proper germane amendment to it. That is what I wanted to call to the attention of the Chair. There is no authorization of law for the holding of this Nineteenth Conference of the Interparliamentary Union at all, except as it was carried in an appropriation act subject to a point of order when it was inserted in the bill in the first place. That expires with the end of this fiscal year. Now, this item carrying an appropriation and making it available for the next fiscal year was subject to the point of order. That point of order was not made, and under the well-settled rules of the House, it is then open to amendment. And if the item, in the first place, had not been subject to a point of order, then the amendment of the gentleman from Texas would be subject to a point of order. But as his amendment is simply to perfect the text of the original paragraph which itself was subject to a point of order, I do not think the amendment offered is subject to a point of order. It is for the same purpose.

The CHAIRMAN. The Chair understood the gentleman from Mississippi [Mr. HARRISON]—and the question was not disputed—that there was a general law that authorized this appropriation. If that is an error, of course the Chair was in error, because the Speakers of the House have held time and time again that where a proposition in a bill was out of order an amendment that was germane to it would be entertained if the point of order was not made upon the main proposition. The point of order would have to be made to the main section unless, as I understood the gentleman from Mississippi to say, the general law authorized this appropriation.

Mr. HARRISON. If the Chair will permit, I may have misstated the situation. There was a law passed appropriating this $40,000 to be expended in a certain time. It was not spent at that time, and here we propose to extend that appropriation. The law did expire when the money was not spent, I presume.

The CHAIRMAN. Now, the Chair will ask the gentleman from Mississippi this: Was that a general statute or a mere appropriation act?

Mr. MANN. It was a mere appropriation.

Mr. HARRISON. Not a statute.

The CHAIRMAN. The Chair will have to change the ruling made on the amendment offered by the gentleman from Texas [Mr. SLAYDEN]. The question is on the amendment offered by the gentleman from Texas.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word.

It seems to me that the time has come to call a halt in spending public money for the purpose of paying for pleasure trips, both for our own citizens and for people who come here from foreign countries. I admire hospitality of the open-handed kind, but hospitality ought to be extended by the individual. We do not stand here in any attitude to offer the hospitality of this country, so far as it consists in taking money which the people have paid to carry this Government on, and spending it upon the pleasure of travelers and pleasure seekers.

We have about 19, I think it is, of these international congresses, conferences, committees, and commissions, and one such thing and another. It amounts, in my mind, to what almost reaches the proportion of a scandal, that we are spending so much public money as we do upon these organizations. I venture to assert, Mr. Chairman, that no useful purpose is served by any of these commissions. The idea of sending our citizens, selected for political purposes or social purposes or as a favor to them, to some foreign country to meet with others of their kind and powwow and palaver and come back after having had a nice time, eaten good food, and seen some strange sights, and leave this country exactly as it was when they went away, seems to me absurd. Here we propose not only to send our own people to Europe and give them the pleasure of trips over there, but in return we are going to pay for junkets for our European brothers and make good to them for the hospitality which they may have extended to our citizens, and so on and so forth. How could anyone believe that any useful public purpose is to be served by any such course.

This is the Nineteenth Conference of the Interparliamentary Union, which the distinguished gentleman states was formed for the purpose of promoting peace between nations. We are making preparations to hold a peace conference at this time when the cause of peace is in most dire extremities. I am surprised that any gentleman has the temerity to propose any appropriation upon this floor for any purpose except for war. Preparedness for war is in the air. Why should we have any preparation for peace?

As I have said, this is to be the nineteenth conference. The other 18 have gone into history; nevertheless, the world has on hand the greatest war humanity has ever seen.

It seems to me it is time to end this farce. A lot of people will come here from foreign countries. They are eminent people and mean well, but they will accomplish absolutely nothing. However, we have invited them and I would not say to stop the conference, but I do insist we ought not to spend the peoples' money in giving these visitors a pleasure junket. I do insist that the laws of hospitality do not for a moment squint at the idea that we ought to take these people over these United States and pay their way from city to city in order to impress them with our greatness.

Mr. SLAYDEN. Is the gentleman under the impression that we are to pay the expense of bringing those people over here?

Mr. HUDDLESTON. Not at all. If you want to show them the great resources of this country, and the wealth and power of it, let them read a guide book, Mr. Chairman. That will be much better for them and much cheaper. Let them come to Washington and transact the business of their organization, and then if they want to travel over the country, let them pay their own way. Why should the Government of the United States pay the bill? Why should the humble people at home, the people down in Texas, in Alabama, and in other sections of this country sweat and toil to pay their taxes on the necessaries of life in order to give these visitors a chance to see what this country looks like and to inform their minds and educate themselves upon the geography of the Western Hemisphere?

Mr. MANN. Mr. Chairman, I have never been a member of the Interparliamentary Union, and was not very enthusiastic about inviting the next conference to be held in the United States.

On the whole I doubt if it has been of any practical value, but I am always willing to let gentlemen who think they can do good in the world get together with that hope. But it seems to me that if we do invite what I might term our associates in the parliaments of other countries here to this country, we ought to treat them with ordinary courtesy. The present appropriation of $40,000 provided only for the entertainment of the members who come to this conference in the city of Washington. They are members of other parliaments.

Gentlemen will notice that in the item immediately below this there is an appropriation of $50,000—$10,000 besides $40,000 heretofore appropriated—to pay all the expenses of delegates to the Fifteenth International Congress Against Alcoholism, there being no limit or location where the expenses will be paid, it only being provided that the expenses shall be paid under the rules and regulations prescribed by the Secretary of State. It really seems to me that it would be just as appropriate for us to give entertainment to our fellow associates in other parliaments gathered here for the purpose of producing peace in the world as it is to pay the expenses of delegates to the congress on alcoholism gathered for the purpose also of doing what seems to be very laudable work. I think we ought to treat them both very well, but if we invite them here—I am not very enthusiastic about inviting many of these conferences to come here—we should treat them as guests should be treated.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. HUDDLESTON. Does the gentleman think that includes paying their traveling expenses around over the United States?

Mr. MANN. Oh, as a matter of fact, the traveling expenses around over the United States will not be paid by the Government of the United States, notwithsanding my friend from Texas [Mr. SLAYDEN]. These gentlemen will travel around over the United States; they will go to Chicago at the expense of Chicago; they will go to St. Louis at the expense of St. Louis. They will go to other large cities of the country and through smaller cities at the expenses of the localities, because $40,000 will not take care of them. But extending the appropriation will permit the Government to send somebody with them and pay those ordinary expenses which a host would naturally pay.

Mr. SLAYDEN. Mr. Chairman, will the gentleman permit an interruption?

Mr. MANN. Certainly.

Mr. SLAYDEN. In 1904 the appropriation was $50,000. These guests were received in New York and taken to Philadelphia and Pittsburgh, then to St. Louis and kept there during the conference, four days; thence to Kansas City, Denver, and up into the mountains, and back by way of Omaha, Chicago, Detroit, and Niagara to Washington, where they fulfilled an engagement with Mr. Roosevelt, and then they were delivered to New York again; and $9,555.02 was turned back into the Treasury. There were more than 320 of them, and they were carried half across the country. They did not have to be taken on that journey, and they did not have to be invited; but if they are invited they should be treated courteously.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FLOOD. Mr. Chairman, I do not agree with the gentleman from Illinois [Mr. MANN] that this provision or amendment ought to be put in this bill. It would probably have been well if the restriction had been contained in the succeeding item in this bill with reference to the antialcoholic conference. I believe when we invite delegates here we ought to entertain them, and entertain them well, but I do not believe in junketing trips taken on these occasions.

I attended, last summer, the most important and, in my judgment, the most useful in its results of any of the conferences that have been held in this country for many years, the Pan American Financial Conference. The most distinguished financiers and business men of Central and South America were here as our guests, and they were entertained in the city of Washington most delightfully, and then an attempt was made to give them a junket over the country. These men were business men, and did not have time to take the junket, and the result was that the Government was put to the expense of sending this train of cars to the various cities of this country, and very few of the South and Central American delegates attended. Those who went with the Assistant Secretary of the Treasury, Mr. Peters, were a lot of clerks here and Americans who had nothing else to do but take advantage of a junket which nobody else would take. It was not a success.

We had a very large conference here last year, the Pan American Scientific Congress, and they abandoned the idea of a junket as not being essential to the entertainment of the delegates. They were given a most magnificent entertainment here, which pleased the delegates highly.

Most of these conferences have advanced our trade relations and have brought about closer trade conditions between this and other countries, and I believe in them, but I do not believe junkets all over the country are at all essential to their success or the proper entertainment of our guests. I hope the amendment will not be adopted.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word. I wish to address the House for two minutes.

The CHAIRMAN. The gentleman from Texas [Mr. SLAYDEN] asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. SLAYDEN. I want to correct the impression that the gentleman from Virginia [Mr. FLOOD] seems to be under, that I am asking or expecting a junket. I do not ask or expect that any such trip shall be taken. All I ask is that you should not invite guests to your house, people whose hospitality you have enjoyed, and then treat them as you propose to do here by restricting the Secretary of State in this way. I hope sincerely that there will be no traveling about the country when these guests come. I hope, as a matter of fact, that they will be brought to the city of Washington and entertained here, and perhaps to New York, the port to which they will first come.

I do not like the position in which this debate would put me, as advocating a junket. I am not asking that there shall be any such privilege. I referred to what happened in 1904 to show that the appropriation that year was excessive. I had nothing to do with the procuring of it. I did have something to do with the expenditure of it and the settlement of the accounts under it. We turned back a fourth or a fifth of it. I do not ask that a junket be entered upon; but when I invite a gentleman to my house I do want to show him hospitality in a decent way and not confine or limit it. I would not say, "You may come into my house, but not into my grounds." I am not asking a change in the appropriation. The appropriation itself is ample, but I do not like the restriction. Better no hospitality than the sort that makes your guest think he is unwelcome.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ROGERS. Mr. Chairman, I ask that the gentleman may have two minutes more on this question.

The CHAIRMAN. All debate has expired on this proposition. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. SLAYDEN].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. SLAYDEN. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 14, noes 55.

Accordingly the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The gentleman from Virginia [Mr. FLOOD], I think, was temporarily absent yesterday when we agreed to meet at 11 o'clock this morning with the idea of quitting early this afternoon, and I am going to suggest to him that we might rise now, and when we get into the House see if we can not agree to go ahead with this bill to-morrow, that being Calendar Wednesday, when probably we would not be able to do much with any contested matter, anyhow, under the circumstances.

Mr. FLOOD. I understand, Mr. Chairman, that there was an understanding between the gentleman from Illinois [Mr. MANN] and the gentleman from North Carolina [Mr. KITCHIN] that the House should convene at 11 o'clock this morning and that the committee should rise at 4. Therefore I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MOON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SMITH of Texas, indefinitely, on account of important business.

FISCAL RELATIONS, DISTRICT OF COLUMBIA AND THE UNITED STATES.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 256 (H. Rept. 807).

Resolved, That the Committee on the District of Columbia, or the subcommittee thereof provided for in House resolution 229, adopted on the 2d day of June, 1916, in the investigations authorized by said resolution, be, and is hereby, authorized to sit during the sessions of the Sixty-fourth Congress, or during the recesses between the sessions of said Congress, and employ stenographers and accountants, the expenses of said investigation, not exceeding the sum of $10,000, to be paid out of the contingent fund of the House on vouchers ordered by said committee or subcommittee, certified by the chairman thereof, and with the approval of the Committee on Accounts, certified by the chairman thereof.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

FOLDING SPEECHES.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 251 (H. Rept. 806).

Resolved, That the Doorkeeper is authorized to employ additional labor for folding speeches, at the rate of not exceeding $1 per thousand, and the sum of $5,000 is authorized to be expended from the contingent fund for that purpose.

Mr. LLOYD. Mr. Speaker, this becomes necessary on account of the extraordinary number of speeches that have been ordered by Members of the House.

The SPEAKER. Without objection, the resolution will be agreed to.

There was no objection.

On motion of Mr. LLOYD, a motion to reconsider the votes by which the two preceding resolutions were agreed to was laid on the table.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. J. Res. 113. Joint resolution for the relief of Fred White; to the Committee on Claims.

S. J. Res. 107. Joint resolution authorizing and directing the Director of the Census to collect and publish statistics of marriage and divorce; to the Committee on the Census.

S. J. Res. 50. Joint resolution authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation; to the Committee on the Public Lands.

S. J. Res. 114. Joint resolution withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians and providing for the sale thereof, and for other purposes; to the Committee on Indian Affairs.

S. 1098. An act to adjust and settle the claims of the loyal Shawnee and loyal absentee Shawnee Tribe of Indians and to report the same to Congress; to the Committee on Claims.

S. 3069. An act to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to regulate commerce,"' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved March 4, 1915; to the Committee on Interstate and Foreign Commerce.

S. 2543. An act for the relief of the State of Kentucky; to the Committee on Claims.

S. 3020. An act waiving the age limit for admission to the Medical Corps of the United States Navy in the case of John B. Bostick; to the Committee on Naval Affairs.

S. 2458. An act authorizing the Cowlitz Tribe of Indians residing in the State of Washington to submit claims to the Court of Claims; to the Committee on Claims.

S. 640. An act for the relief of Ellen B. Monahan; to the Committee on Claims.

S. 5268. An act for the relief of the Copper River & Northwestern Railway Co.; to the Committee on Claims.

S. 5082. An act adding certain lands to the Missoula National Forest, Mont.; to the Committee on the Public Lands.

S. 3617. An act for the relief of Elizabeth Davis; to the Committee on the Public Lands.

S. 4307. An act to prevent the disclosure of national-defense secrets; to the Committee on the Judiciary.

S. 5724. An act authorizing the construction of a public building in the city of Durango, Colo.; to the Committee on Public Buildings and Grounds.

S. 3618. An act authorizing the Secretary of the Interior to subdivide a part of the town site of Plummer, Idaho, and for other purposes; to the Committee on Public Lands.

S. 5911. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 1094. An act conferring jurisdiction on the Court of Claims to hear and determine and report to Congress on claims of the Ponca Tribe of Indians against the United States; to the Committee on Claims.

S. 1093. An act to permit the Denison Coal Co. to relinquish certain lands embraced in its Choctaw and Chickasaw coal lease and to include within said lease other lands within the segregated coal area; to the Committee on Indian Affairs.

S. 5379. An act validating certain homestead entries; to the Committee on Public Lands.

S. 1308. An act to amend an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891; to the Committee on the Judiciary.

S. 743. An act for the relief of Moses Chauncey; to the Committee on Military Affairs.

S. 1045. An act to provide for the erection of a public building at Prescott in the State of Arizona; to the Committee on Public Buildings and Grounds.

S. 4251. An act to authorize the Ponca Tribe of Indians to appear in and be made parties to any suits filed in the Court of Claims by the Omaha Tribe; to the Committee on Claims.

S. 5495. An act for the relief of Edward J. Lynch, collector of internal revenue for the district of Minnesota; to the Committee on Claims.

S. 4384. An act providing for the refund of duties collected on flax-preparatory machines, parts, and accessories imported subsequently to August 5, 1909, and prior to January 1, 1911; to the Committee on Claims.

S. 4282. An act to permit the State of Wyoming to relinquish to the United States lands heretofore selected and to select other lands from the public domain in lieu thereof; to the Committee on Public Lands.

S. 5672. An act for the relief of sundry building and loan associations; to the Committee on Claims.

S. 34. An act granting to the State of Utah title to certain lands in said State for use as a fish hatchery; to the Committee on the Public Lands.

S. 4253. An act conferring jurisdiction on the Court of Claims to hear, determine, and report to Congress on claims of the Iowa Tribe of Indians against the United States; to the Committee on Claims.

S. 3012. An act for the relief of Elizabeth T. Wells; to the Committee on Military Affairs.

S. 1046. An act to provide for the purchase of a site for a public building in the city of Bisbee, Ariz.; to the Committee on Public Buildings and Grounds.

S. 3265. An act for the extension, remodeling, and improvement of the public building at Jefferson City, Mo.; to the Committee on Public Buildings and Grounds.

S. 3294. An act to appropriate a sum of money to pay Rhoda Menz, W. W. Christmas, and James M. Christmas, heirs of Myra Clarke Gaines, for certain lands in Louisiana; to the Committee on Claims.

S. 5503. An act to provide for the purchase of a site for the erection of a Federal building at Georgetown, Del.; to the Committee on Public Buildings and Grounds.

S. 4866. An act to carry out the findings of the Court of Claims in the case of the Commercial Pacific Cable Co.; to the Committee on Claims.

S. 5398. An act to increase the limit of cost of post-office site and building at Millville, N. J.; to the Committee on Public Buildings and Grounds.

S. 5447. An act providing for the erection of a public building at Taylor, Tex.; to the Committee on Public Buildings and Grounds.

S. 5615. An act granting certain lands to the State of Washington for park purposes; to the Committee on the Public Lands.

S. 5751. An act authorizing the addition of certain lands to the Wyoming National Forest, Wyo.; to the Committee on the Public Lands.

S. 5863. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Charles H. Bingham from Congressional Cemetery, District of Columbia, to Lock Haven, Pa.; to the Committee on the District of Columbia.

S. 739. An act for the relief of James F. Cole; to the Committee on the Public Lands.

S. 1362. An act for the relief of Lester A. Rockwell; to the Committee on Military Affairs.

S. 2852. An act for the relief of John F. Considine; to the Committee on Claims.

S. 3346. An act conferring jurisdiction on the Court of Claims to adjudicate the claims of the State of Massachusetts; to the Committee on the Judiciary.

S. 4176. An act authorizing and directing the Secretary of War to make certain provisions for the care of Federal and Confederate veteran soldiers who served in the War between the States, 1861 to 1865, to enable them to unite in participation of a national reunion and peace jubilee to commemorate the victories and virtues resulting in the half century of peace and prosperity to the American Nation, to be held in the national domain within the Vicksburg National Military Park October 16, 17, 18, and 19, 1917; to the Committee on Appropriations.

S. 5082. An act adding certain lands to the Missoula National Forest, Mont.; to the Committee on the Public Lands.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 2744. An act to correct the title to certain lands in Colorado;

H. R. 15005. An act to appropriate $200,000 for training the Organized Militia or National Guard of any State, Territory, or of the District of Columbia;

H. R. 529. An act creating an additional land district in the State of California, and for other purposes;

H. R. 13112. An act to amend section 14 of the seamen's act of March 4, 1915;

H. R. 13474. An act to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 2, 1911;

H. R. 13064. An act for the relief of the M. A. Sweeney Shipyards & Foundry Co.;

H. R. 3794. An act for the relief of Thomas S. Johnson;

H. R. 4297. An act for the relief of Frances L. Llewellyn;

H. R. 7804. An act to authorize the issuance of patent to Oscar R. Howard, and for other purposes;

H. R. 7817. An act to validate the homestead entry of George S. Clark;

H. R. 14864. An act to alter, and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes; and

H. R. 6651. An act providing for the payment for certain services arising under the Navy Department;

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6073. An act granting the consent of Congress to George Fabyan to construct a bridge across the Fox River.

THE VISITORS' GALLERY.

Mr. MANN. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. MANN. Just for amusement, and so that it may appear in the RECORD: A little incident happened here in this House to-day, and this is the way in which it is described in one of the evening papers:

> The House was thrown into pandemonium to-day when a slight, immaculately dressed youth arose from his seat in the visitors' gallery and in loud voice began reading a resolution demanding an investigation of Secret Service sleuthing operations.
>
> Speaker CLARK banged his gavel and there was disorder in the House and galleries until the youth was arrested.

[Laughter.]

It is on such things as this that the newspaper boys feed the country. There was no disorder in the House.

Mr. JOHNSON of Kentucky. The Speaker was not in the chair.

Mr. MANN. True, a man arose in the gallery, and in a very sofe voice read something which no one in the House could understand. No one in the gallery could distinguish what he said. He made a little speech, and the caretakers in the gallery took him out. The Speaker was not in the chair. No one banged the gavel. There was no disorder in the House.

Mr. LLOYD. And there were no reporters in the press gallery.

Mr. MANN. There was no pandemonium in the House. I was occupying the floor at the time, and never ceased speaking in a mild tone of voice. I just put this in the RECORD to show how accurate these accounts are.

Mr. LLOYD. The gentleman does not want to omit the fact that there were no reporters in the press gallery. The gentleman from Illinois could not see that, but other Members on the floor observed that the press gallery was deserted.

Mr. MANN. It would not have made any difference. [Laughter.] It would not have been a good story if the truth had been told.

ORDER OF BUSINESS TO-MORROW.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that Calendar Wednesday be transferred to Thursday.

Mr. MANN. Will not the gentleman make his request in this way, that it shall be in order to-morrow, Calendar Wednesday, to proceed with the consideration of the Diplomatic and Consular appropriation bill, so that if we get through with that, then we can go ahead with other business if anybody wants to do so?

Mr. FLOOD. I make that request.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the Diplomatic and Consular appropriation bill shall be in order to-morrow, notwithstanding it is Calendar Wednesday.

Mr. NORTON. Mr. Speaker, reserving the right to object, I just want to say that it seems to me we ought to make some arrangement to have one unanimous-consent day this week. I trust some such arrangement will be made.

Mr. FLOOD. We will try to arrange that to-morrow.

The SPEAKER. Is there objection to the request of the gentleman from Virginia to make the Diplomatic and Consular bill in order to-morrow?

There was no objection.

HOUR OF MEETING TO-MORROW.

Mr. MANN. I think we had better agree to meet at 11 o'clock to-morrow, and adjourn early.

Mr. FLOOD. I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. FLOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Wednesday, June 7, 1916, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MONTAGUE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 5851) to extend the time for constructing a bridge across the Eastern Branch of the Elizabeth River in Virginia, reported the same without amendment, accompanied by a report (No. 801), which said bill and report were referred to the House Calendar.

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 5805) permitting the Riverview Ferry Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana, reported the same without amendment, accompanied by a report (No. 802), which said bill and report were referred to the House Calendar.

Mr. RUBEY, from the Committee on Agriculture, to which was referred the bill (S. 3205) to amend "An act to protect the birds and animals in Yellowstone National Park, and to punish crimes in said park, and for other purposes," approved May 7, 1894, reported the same without amendment, accompanied by a report (No. 803), which said bill and report were referred to the House Calendar.

Mr. CAREW, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 13224) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, reported the same without amendment, accompanied by a report (No. 804), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCLINTIC, from the Committee on Public Lands, to which was referred the bill (H. R. 15156) granting public lands to the State of Oklahoma, reported the same with amendment, accompanied by a report (No. 805), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RUSSELL of Missouri, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 16290) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war, reported the same without amendment, accompanied by a report (No. 808), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 14989) granting a pension to Nina H. Love, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. HELVERING: A bill (H. R. 16284) to provide for the building of a macadam road on the Fort Riley Military Reservation in the State of Kansas; to the Committee on Military Affairs.

By Mr. CARTER of Oklahoma: A bill (H. R. 16285) providing for the building of a road to the Choctaw Sanitarium, near Talihina, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. VINSON: A bill (H. R. 16286) authorizing the Secretary of War to deliver to the Georgia Military College, Milledgeville, Ga., four condemned bronze or brass cannon with their carriages and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. CRISP: A bill (H. R. 16287) granting the consent of Congress to the county of Sumter or to the county of Dooly, both of the State of Georgia, acting jointly or saparately, and their successors and assigns, to construct a bridge across the Flint River; to the Committee on Interstate and Foreign Commerce.

By Mr. NOLAN: A bill (H. R. 16288) to amend an act entitled "An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes," approved February 13, 1911; to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: A bill (H. R. 16289) authorizing the Secretary of the Interior to withdraw from the funds now on deposit in the Treasury to the credit of certain Indian tribes and to pay certain claims, and also making appropriations for the payment of certain claims as herein provided for, and for other purposes; to the Committee on Indian Affairs.

By Mr. CARTER of Oklahoma: A concurrent resolution (H. Con. Res. 42) providing for the printing of 3,000 copies of the Compilation of Indian Laws and Treaties; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. RUSSELL of Missouri [from the Committee on Invalid Pensions]: A bill (H. R. 16290) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. BRUMBAUGH: A bill (H. R. 16291) granting an increase of pension to Catherine J. Thayer; to the Committee on Invalid Pensions.

By Mr. COOPER of West Virginia: A bill (H. R. 16292) granting an increase of pension to William C. Bowen; to the Committee on Pensions.

By Mr. DOOLITTLE: A bill (H. R. 16293) granting an increase of pension to Miron Harper; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 16294) granting an increase of pension to M. L. Moore; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 16295) granting a pension to Adline Young Swearingen; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 16296) granting an increase of pension to Thomas Black; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 16297) granting an increase of pension to Mary E. Edwards; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 16298) for the relief of Maurice B. Browne; to the Committee on the Public Lands.

Also, a bill (H. R. 16299) for the relief of Evelyn Browne; to the Committee on the Public Lands.

Also, a bill (H. R. 16300) for the relief of Maude Browne Matkins (formerly Maude Browne); to the Committee on the Public Lands.

By Mr. TALBOTT: A bill (H. R. 16301) to correct the military record of William W. Edwards; to the Committee on Military Affairs.

By Mr. WINGO: A bill (H. R. 16302) granting an increase of pension to George W. Cainan; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Washington Chamber of Commerce, against erection of municipal hospital at Fourteenth and Upshur Streets; to the Committee on the District of Columbia.

By Mr. CAREW: Memorial of the Franklin Typothetæ, of Chicago, approving the Stevens resale bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Memorial of E. B. Donaldson, of Philadelphia, Pa., favoring woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. DARROW: Petition of woman's section of Navy League of the United States, Philadelphia Branch, Oak Lane Division, in behalf of national defenses; to the Committee on Naval Affairs.

By Mr. DAVIS of Texas: Petition of Levy Bros. Dry Goods Co., of Houston, Tex., against passage of the price-maintenance bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Progressive Lodge, No. 440, International Association of Machinists, of Rockford, Ill., against the Taylor system in Government shops; to the Committee on Labor.

Also, petition of Charles V. Weise Co., of Rockford, Ill., against the Stephens-Ashurst price-maintenance bills; to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Rhode Island: Memorials of Rhode Island Nos. 1 and 5, National Association of Stationary Engineers, of Providence, R. I., indorsing Senate bill 4874; to the Committee on the Post Office and Post Roads.

By Mr. KETTNER: Petition of Mrs. Adele Meyer Outcalt, principal of the Francis W. Parker School, and 6 others, of San Diego; Miss E. B. Scripps, La Jolla; Paul Scharrenberg, San Francisco; and William Blacklock, president Los Angeles Post Office Laborers' Association, Los Angeles, favoring Kern-McGillicuddy bill, H. R. 15316; to the Committee on Education.

Also, petition of A. J. Newsom, Garden Grove, opposing increase in Army and Navy; to the Committee on Military Affairs.

Also, petition of D. R. Crane, Elsinore, favoring House bill 10500, the Alexander shipping bill; to the Committee on the Merchant Marine and Fisheries.

Also, petition of W. C. Wilde, adjutant Bennington Camp, No. 20, United Spanish War Veterans, San Diego, favoring Senate bill 4086, establishment of national leprosarium; to the Committee on Agriculture.

Also, petition of Edward L. Hardy, State Normal School, San Diego, favoring Smith-Hughes vocational bill; to the Committee on Education.

Also, petition of Elizabeth M. Covell, San Diego Review, No. 17, Woman's Benefit Association of Maccabees, San Diego, and A. T. Petersen, record keeper, Tenth and M Streets, San Diego, favoring Penrose-Griffin bills, H. R. 6915 and S. 3081; to the Committee on the Post Office and Post Roads.

Also, petition of W. H. Readle, 142 Seventh Street, San Bernardino, and R. J. Pickard, 607 Watts Building, San Diego, favoring House bill 8828, for recognition and reward of civilian canal builders; to the Committee on Insular Affairs.

Also, petition of H. R. Rising, editor Saturday Telegram, San Diego, Cal., protesting against House bill 15949, interstate transmission of racing bets, odds, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of C. B. Munzig, Redlands, Cal.; E. A. Hartt, 23 Tribune Street, and 2 others, of Redlands, Cal., favoring passage of Warren bill; to the Committee on the Judiciary.

Also, petition of D. H. Oberholtzer, Palm City, Cal., and 49 others, protesting against House bills 6468 and 491, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petitions of D. H. Oberholtzer, Palm City, Cal., and 49 others, and Byron E. Tefft and 133 others, of National City, Cal., protesting against House bill 652, Sunday closing; to the Committee on the District of Columbia.

Also, petition of John H. Roberts, assistant adjutant general Grand Army of the Republic, San Francisco, Cal., favoring a bill to place the few remaining officers of the Civil War on retired list, with pay of officers of like grade in Regular Army; to the Committee on Military Affairs.

By Mr. LINTHICUM: Petition of citizens of Baltimore, Md., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. NOLAN: Memorial of Society of the Chagres, favoring House bill 8828, for payment of a bonus to civilian employees of the Panama Canal; to the Committee on Appropriations.

By Mr. PRATT: Petition of Philadelphia Branch of the Woman's Section of the Navy League of the United States, at Corning, N. Y., Miss Gretchen Gorton, chairman, favoring national-defense legislation; to the Committee on Military Affairs.

By Mr. RAKER: Memorial of California Tax Collectors' Association, opposing any national legislation for collection of inheritance tax by the Federal Government; to the Committee on Ways and Means.

By Mr. RANDALL: Petition of Christian Endeavor Mission of 51 people of Pasadena, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Papers to accompany House bill 15910, granting a pension to George M. Woodard; to the Committee on Pensions.

Also, petition of Ministerial Association of Battle Creek, Mich., favoring House bill 6915, relative to indefinite leave of absence for Government clerks; to the Committee on the Post Office and Post Roads.

Also, petition of C. E. Paul and 17 others, of Bedford, Mich., and vicinity, against the Sunday observance bill; to the Committee on the District of Columbia.

Also, petition of C. E. Paul and 17 others, of Bedford, Mich., and vicinity, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. SLOAN: Petition of R. D. Waterman and 12 others, of Ceresco, Nebr., against the Shields water-power bill; to the Committee on Interstate and Foreign Commerce.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 7, 1916.*

The House met at 11 o'clock a. m.

Rev. Dr. George S. Duncan, of the Hermon Presbyterian Church, Washington, D. C., offered the following prayer:

Father of all, may Thy name be hallowed in this day's session. May all that we do, say, and think be in harmony with Thy holy will, and so for the highest and best good of our beloved land. May every one of these Thy servants feel that they have indeed been chosen by Thee for the important duties in which they are here engaged. Give every one of them, we pray Thee, a double portion of Thy divine spirit, illumining their minds, guiding them into all truth, so that at the close of each day's duties they may hear Thee saying to them, "Well done, good and faithful servants." Grant all these mercies, which we ask in the name of Jesus Christ, Thy Son and our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. PRICE, by unanimous consent, was given leave of absence for one week, on account of important business.

WINSTON-SALEM, N. C., PORT OF DELIVERY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 5708, to make Winston-Salem, N. C., a port of delivery.

The SPEAKER. The gentleman from North Carolina asks unanimous consent for the present consideration of the bill which the Clerk will report.

Mr. MANN. Mr. Speaker, this bill would be in order to-day on the Calendar Wednesday call.

The Clerk read as follows:

An act (S. 5708) for the establishment of Winston-Salem, in the State of North Carolina, as a port of delivery under the act of June 10, 1880, governing the immediate transportation without appraisement of dutiable merchandise.

Be it enacted, etc., That the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and are hereby, extended to the port of Winston-Salem, in the State of North Carolina.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. KITCHIN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

OFFICERS OF THE NATIONAL GUARD.

Mr. MANN. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, there are several Members of the House who hold commissions in the National Guard of the different States. There was no question in reference to that before the enactment of the recent Army reorganization bill. Under that act there is pay that goes to the officers, and several Members have asked me, in reference to their status, whether they could still remain members of the National Guard and of the House. I have a resolution asking the Committee on the Judiciary to make an investigation of the subject so that they may have their standing known. If there is no objection, I will ask unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the resolution which he has explained. Is there objection?

There was no objection.

The Clerk read the resolution, as follows:

House resolution 257.

Resolved, That, in order to determine the status of certain Members of this House with reference to whether there is any disqualification of such Members by reason of such Members holding commissions in the National Guard of the various States, the Judiciary Committee is hereby directed to investigate such question and to report its conclusion thereon at such early date as may be convenient to said committee.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13383, the Diplomatic and Consular appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MOON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917.

The Clerk, proceeding with the reading of the bill, read as follows:

Fifteenth International Congress Against Alcoholism: To complete the arrangements and provide for the entertainment of the Fifteenth International Congress Against Alcoholism to be held in the United States, to be expended under such rules and regulations as the Secretary of State may prescribe, $10,000, or so much thereof as may be necessary, together with the unexpended balance of previous appropriations for the holding of said congress in the United States.

Mr. CARY. Mr. Chairman, reserving a point of order on this section, I would like to ask the gentleman from Virginia a question. Is it not a fact that there is $40,000 now laid aside for this purpose?

Mr. FLOOD. Forty thousand dollars was appropriated, but some of it has been used. I do not know how much; probably three or four thousand dollars. There is a considerable sum remaining; over $35,000 certainly.

Mr. CARY. Yesterday on the floor I asked the gentleman from Texas [Mr. SLAYDEN] a question in regard to the other convention coming here, if $40,000 would carry it through, and he said it would be a plenty. If $40,000 was enough to carry that convention through, surely $40,000 ought to be enough for this.

Mr. FLOOD. I will say to the gentleman that this is a great moral congress of unselfish, devoted men and women from all over the world, and it is apt to be more largely attended and more enthusiastically attended, than a congress of the Interparliamentary Union that is principally for the purpose of bringing together the members of the different parliaments of the world and having a good time. These gentlemen and ladies who attend this congress come here for serious work. We had a financial congress of Pan American countries last year, and we appropriated $50,000 and it was not more than sufficient. We had a scientific congress here, and my recollection is that there was $60,000 or $70,000 appropriated for that, but they did not have any excess fund. This is a congress that seems to me should appeal to every Member in this House. It is a congress that was established in 1885 at a meeting held in Antwerp, and was the successor of a philanthropic congress that was organized in 1851. It is not a prohibition congress; it is a congress for the moral uplift of humanity.

Mr. FITZGERALD. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. FITZGERALD. Mr. Chairman, with one notable exception, have not the delegates appointed on behalf of the United States been prohibitionists?

Mr. FLOOD. I do not know. I have not followed the history of all of the men appointed; but if that is the case, it is not the fault of Congress, it is not the fault of this institution, which has been established practically since 1856. It is the fault of the appointing power; and, in fact, I do not see that it is any fault at all.

Mr. FITZGERALD. But we can not control the appointments.

Mr. FLOOD. And if the gentleman is interested in having people who are antiprohibitionists appointed, let him suggest the names to the President of the United States, who makes the appointments.

Mr. FITZGERALD. The fact is that there was a gentleman who was neither a prohibitionist nor an antiprohibitionist, who had been an excise commissioner of the State of New York, who was appointed to one of these conferences, and he submitted a report upon his return to the President of the United States, pointing out that the work of the conference had been very much hampered by reason of the fact that all of the delegates from the United States were radical prohibitionists, and that they could see only one side of the question. I do not believe that we ought to appropriate money for a prohibition convention any more than we should for an antiprohibition convention.

Mr. FLOOD. This is not a prohibition convention. The delegates from the European countries are not prohibitionists. Every phase of alcoholism is discussed in this Congress.

Mr. FITZGERALD. How do they come to have their next conference in the United States? Who asked them here?

Mr. FLOOD. The delegates from the United States.

Mr. FITZGERALD. What authority did the delegates from the United States have to issue such an invitation?

Mr. FLOOD. In 1911 the delegates from the United States extended an invitation to the conference when it assembled at The Hague. They did not accept that invitation, but accepted an invitation of the city of Milan, Italy, and indicated that they would accept the invitation of the United States to the next congress.

Mr. FITZGERALD. My recollection is——

Mr. FLOOD. I will ask the gentleman to wait for a moment. He asked me a question and I want to answer it. When the delegates were provided for for the Milan conference in 1913 I introduced a bill in the House, which was reported from the Committee on Foreign Affairs, providing that these delegates be authorized to extend this invitation. A bill had been introduced in the Senate that did not have that provision in it. That bill came over to the House and was referred to the committee of which the gentleman from New York [Mr. FITZGERALD] is the chairman, and the time for the conference——

Mr. FITZGERALD. I was not the chairman of the committee then.

Mr. FLOOD. In 1913? Oh, yes; the gentleman was.

Mr. FITZGERALD. That is accurate.

Mr. FLOOD. This was in the summer of 1913, in the early days of September. The Congress was to assemble on the 23d of September, 1913, and we felt that we did not have time to get the bill through the House and through the Senate and have the President appoint the delegates so they could get to the conference, and the result was that we took up the Senate bill which had passed that body prior to that time, discharged the Committee on Appropriations from further consideration of it, and passed it. That bill did not have the provision in it for extending the invitation, but there was no suggestion that they were prohibited from extending the invitation, and these delegates went to Milan and extended that invitation.

Mr. FITZGERALD. The gentleman has a very peculiar theory of our Government if he thinks that officials can do anything they are not prohibited from doing. Officials in our Government can only do things that they are specifically authorized to do, and when people purporting to represent the United States extend invitations to bodies to meet here when Congress has failed to give that authority, it is an assumption of power that should not be passed by without some criticism.

Mr. FLOOD. It has been passed by without criticism by the gentleman from New York [Mr. FITZGERALD]. Many international conferences have been invited here without authority

of Congress, and authority was given afterwards and an appropriation was made afterwards.

Mr. FITZGERALD. I would criticize that action by whomsoever it was taken just as I would criticize this one. I do not believe that any official of this Government, whomsoever he may be, has any right to do any such thing, and, as a matter of fact, my recollection is there is a statute which expressly prohibits such action.

Mr. CARY. Mr. Chairman, I believe I have the floor.

Mr. FLOOD. I desire to reply to the gentleman from New York [Mr. FITZGERALD]. The delegates to the Milan conference were appointed after a bill had passed this House appropriating $4,500 to pay their expenses. I stated at that time upon the floor of the House that at The Hague conference they had indicated their purpose to invite this congress to the United States for its fifteenth meeting, and there was no objection made to it. I stated that we took the Senate bill because the date for the assembling of the conference was nearly at hand, and the House bill which gave that authority and requested them to invite this congress here could not be passed through this House and the Senate and become a law in time to have the President appoint these delegates and give them time to reach Milan. There was every suggestion made in this House that they had authority and right to issue that invitation officially, and they did extend the invitation, and it was accepted, and in 1914 and again in 1915 this House, the Senate, and the President approved their action in issuing that invitation by making an appropriation of $40,000 to pay the expenses of that congress when it came here. I yield now to the gentleman from Wisconsin [Mr. CARY].

Mr. CARY. Mr. Chairman, I believe the $40,000 is sufficient to cover all of these expenses, and that this additional $10,000 is not necessary at all. I therefore make the point of order upon the section.

The CHAIRMAN. Does the gentleman from Virginia desire to be heard upon the point of order?

Mr. FLOOD. I hope that the gentleman will not make the point of order.

Mr. CARY. I will reserve it.

Mr. FLOOD. The International Congress on Alcoholism was organized in 1885 at a meeting held at Antwerp, and is the successor of an international philanthropic congress which was organized in 1856. Fourteen congresses have been held, as follows:

Congress.	Place.	Time.	Congress.	Place.	Time.
First	Antwerp	1885	Eighth	Vienna	1901
Second	Zurich	1887	Ninth	Bremen	1903
Third	Christiania	1890	Tenth	Budapest	1905
Fourth	The Hague	1893	Eleventh	Stockholm	1907
Fifth	Basel	1895	Twelfth	London	1909
Sixth	Brussels	1897	Thirteenth	The Hague	1911
Seventh	Paris	1899	Fourteenth	Milan	1913

The scope and purpose of the congress can easily be determined by the subjects discussed at the Milan meeting.

The questions discussed related to:

A. The State and alcoholism.

(1) Legislation.

(2) The consumption of alcohol in the colonies.

(3) The attitude of the courts toward alcoholics, and particularly the application of restraint and conditional sentence.

(4) The juridical, political, and economic causes which make it the duty of the Governments and parliaments to repress alcoholism.

B. Society and alcoholism.

(1) Questions of organization.

(2) Indirect repression of alcoholism; that is to say, by improving the workmen's homes.

(3) The treatment of alcoholics in sanitariums, asylums, and the like.

(4) Medical problems bearing on the subject.

The congress is a great assemblage of scientists, publicists, jurists, statesmen, and prominent workers in the world-wide fight against the evils of alcoholism. The discussions are protected by the strictest neutrality of politics and religion, and by a free interchange of opinions concerning the methods for combating this evil.

The adherents to the moderate use of alcohol, or of the total abstinence and prohibition, as well as those advocating various forms for regulating the traffic in alcoholics, are allowed equal rights in the congress.

The discussions embraced not only the physical conditions usually understood from the term "alcoholism," but embraced all forms of the evils, social, medical, and economic, and the various remedies for dealing with the evils, educational, legislative, and other methods.

The periodical mingling of representatives of the various governments to consider the evils of alcoholism and the progress of the many methods of dealing with them, can not fail to produce a broader vision and lead to better methods in treating these evils.

Participation in these congresses does not bind the Governments represented or the individuals to any form or system of control which may be advocated, but tend only to the dissemination of knowledge concerning the various methods which have been tried. The facts brought out are given publicity so that they are obtainable by all who desire them, and even those connected with the liquor trade can profit by them, and if desired can take what they claim to be the falacious arguments or theories and adopt them or prove the truth concerning them, particularly so because of the class of men who largely compose the congress, especially from foreign countries.

The questions discussed at these conferences are the various methods for regulating and controlling the manufacture and sale of intoxicating liquors, the general welfare of society, and the preservation of its manhood, the happiness of women and children, the prosperity of commerce, the preservation of wealth, the strengthening of law and order, and every man, regardless of his position on the question of prohibition, should favor this conference. [Applause.]

It is clear, therefore, that this is not a prohibition congress, but it is a congress for the discussion of the use of alcohol, and the views of those who believe in a moderate use of it are represented as well as those who believe in total abstinence.

Even if it was a congress to advance the cause of prohibition I think the appropriation should be made. The antisaloon organizations all over the country and in many other countries of the world are composed of unselfish and devoted men and women who are working for the good of humanity, and it is a cause that is worthy of the encouragement of this Government. I sincerely believe this. On every occasion in my life where I have been called upon to cast my vote and use my influence for or against the manufacture and sale of alcoholic liquors I have always lined up with those who are opposed to its manufacture and sale. I have done this at my precinct, in the Virginia Legislature, and in Congress. I have done so simply because I know that the manufacture and sale of alcoholic drinks have done infinite harm to mankind and I have never seen the slightest good it has done.

I do not think all prohibitionists have prosecuted their cause wisely. Some have been as unwise as the gentleman from Missouri [Mr. MEEKER] was in his remarks upon this floor yesterday in opposing this appropriation.

I have had experience with these myself. In my district there are some very unwise and extreme prohibitionists, who not only want you to vote and work for their cause, but to claim for yourself that because you do this you are better than other men. Because I did not do this I was opposed by this class for reelection two years ago.

When I returned to my district the week before election I found they had formed a combination with the Republican nominee, and that he was advocating his election not upon the Republican doctrine of a protective tariff and the plundering of the masses of the people for the benefit of the favored few, but on the ground that he was a great and leading prohibitionist. I looked into his record. I had one joint discussion with him. I developed the fact in this discussion that my opponent out of five times he had voted on the wet and dry question had voted wet three times and for the dry cause twice; that he had represented the whisky interests in overturning a dry victory in his town upon a technicality; and that he had represented barkeepers of an adjoining county who were applying for whisky licenses.

And yet some of the leading prohibitionists of my district voted for him. I believe, however, that the broad-minded, intelligent, and patriotic leaders of the prohibition cause in the State of Virginia and the Nation and most of them in my district understand what I have done for their cause and appreciate it. At any rate, I am satisfied with my course. I have many friends who do not believe as I do and have not voted as I have, and in discussing the question of prohibition with them I have always told them that they would not gain anything for their side by trying to throw captious obstructions in the way of this great cause. It is too great and means too much to humanity to be delayed or injured by petty objections and fights. [Applause.]

The CHAIRMAN. The gentleman has made the point of order.

Mr. FLOOD. I concede the point of order as to the $10,000. There is no use of arguing against that.

The CHAIRMAN. The point of order is sustained.

Mr. BORLAND. Mr. Chairman, I would like to have the gentleman from Wisconsin withhold the point of order for a moment.

Mr. FITZGERALD. I wish the gentleman would withhold it for a moment.

Mr. CARY. I withhold the point of order.

Mr. BORLAND. I notice this paragraph against which the gentleman makes the point of order provides that the unexpended balance of previous appropriations is reappropriated. What will be the effect of this point of order? Will it leave the administration without any money to provide for this congress, invitation to which has already been ratified?

I understand from the gentleman from Virginia that one year ago we appropriated $40,000, which was a specific ratification of the invitation given. Now, if this unexpended balance is not reappropriated and no money is appropriated, what shape will it leave this country in after having extended the invitation?

Mr. FITZGERALD. When is this congress to be held?

Mr. MANN. It is for the fiscal year.

Mr. FLOOD. Yes.

Mr. BORLAND. The gentleman from New York asks when this congress is to be held.

Mr. FLOOD. It was, as I understand it, to be held the latter part of this year or the first part of the next year.

Mr. BORLAND. Has the date been set?

Mr. FITZGERALD. Does it not depend somewhat on conditions abroad?

Mr. SMITH of New York. If the gentleman will permit, this is the statement the State Department made:

> The congress was not held in 1915 as had been intended, and in the Diplomatic and Consular act approved March 14, 1915, the appropriation was extended. The arrangements have not yet been completed, nor is there sufficient in the appropriation to provide for the entertainment of the delegates.

So no arrangements have been made at present for holding the congress. The matter is under negotiation and arrangement at the present time.

Mr. BORLAND. Can these arrangements be made unless some appropriation is provided for that purpose?

Mr. FLOOD. The gentlemen who are in charge of this matter have had conferences with the Secretary of State. They have arranged for correspondence with the foreign delegates, with a view of having this congress open sometime in the latter part of this year.

Mr. HARRISON. Will the gentleman permit me to ask the gentleman from Wisconsin a question?

Mr. CARY. Certainly.

Mr. HARRISON. The gentleman from Wisconsin only made the point of order on the $10,000?

Mr. CARY. That is all; to strike that out.

Mr. HARRISON. So it is not against the whole paragraph, only against the $10,000?

Mr. CARY. Only against the $10,000, but I made the point of order on the paragraph.

Mr. DUPRÉ. I should like to ask the gentleman a question——

Mr. MANN. I would like to be heard on the point of order.

Mr. DUPRÉ. And that is, Is it proposed to use this money at any point beyond the city of Washington?

Mr. FLOOD. I do not think so; no.

Mr. DUPRÉ. Because I notice the position the gentleman took yesterday in regard to the Interparliamentary Union meeting here, and in order to be consistent the gentleman should take a similar position.

Mr. FLOOD. I said on yesterday, in regard to a provision of this kind, I thought it would be proper if applied to this item.

Mr. DUPRÉ. Does not the gentleman think he should offer an amendment to that effect?

Mr. FLOOD. No; the gentleman from Louisiana has a perfect right to offer one.

Mr. DUPRÉ. I understand the right of the gentleman from Louisiana, but my inquiry was in regard to the consistency of the gentleman from Virginia.

Mr. FLOOD. There is no inconsistency in the position of the gentleman from Virginia, because he stated yesterday he thought that that provision would be very proper in this item.

Mr. MANN. Mr. Chairman, while the gentleman from Virginia conceded the point of order, I think perhaps he did it inadvertently. I do not think the item is subject to the point of order. The language of the existing law makes available for this fiscal year an appropriation of $40,000 which was made in the preceding year. Of course that is no warrant of itself for continuing the appropriation, but the language of the current law in making the appropriation also gives this authority:

> The Secretary of State is hereby authorized and requested to extend an invitation to the governments of the world with which we maintain diplomatic relations to participate in and appoint delegates to said congress: *Provided*, That an itemized account of all expenditures shall be reported to Congress.

That follows the appropriation for the purpose of defraying the expenses incident to the fifteenth national congress against alcoholism.

I think the fact that we authorized the Secretary of State to extend the invitation to the governments of the world to send delegates to this congress is of itself an authority for us to make an appropriation to pay the necessary expenses. It would be ridiculous to say that we authorized the Secretary of State or the President to extend an invitation to various countries of the world to send delegates to a congress to be held in Washington and then can not thereby authorize any expenses whatever in connection with the reception of those delegates or the holding of the congress. That is the authority we have given by legislation, the authority to extend the invitation that does not expire with this fiscal year.

Mr. SMITH of New York. To what year does the gentleman refer? In what year was that law passed?

Mr. MANN. It was passed a year ago. This law that I am referring to was passed a year ago. It is current law. It is the current appropriation act. But it contains the authority to extend an invitation.

We constantly make use of this practice. Where we authorize the President to extend an invitation and do not expect that we will make any appropriation for it we invariably put in the bill a provision that this shall not authorize any expense on the part of the United States, because it has always been assumed in the House that where we authorize the President to extend an invitation and do not provide that the United States should be put to no expense we thereby authorize an expense, and if we authorize the expense, then the item of appropriation is in order.

Mr. FITZGERALD. Mr. Chairman, the argument of the gentleman from Illinois, if it were to prevail, would completely destroy the rules of the House under which we operate in the consideration of appropriation bills. Under the rules no appropriation can be carried in a bill or is in order as an amendment unless it is authorized by law, and an appropriation to pay the expenses of a convention can not be inferred from an authority to issue an invitation to Governments to nominate delegates to the convention. The provision to which the gentleman refers, about Congress inserting provisions to the effect that no expense shall be incurred by the United States, is a provision which is intended as a notice and as a warning to those interested in these conventions that they shall not look to the Federal Treasury to meet the expense that should be met from other sources.

That practice of acceptance of invitations to participate in international conferences or to have international conferences meet in the United States and have their expenses defrayed by the Government of the United States assumed such proportions and became such an abuse that Congress provided specifically that the Executive shall not extend or accept any invitations to participate in any international conference or congress or like event without having specific authority of law to do so, and the delegates appointed on behalf of the United States to any such conference have no authority, unless it is specifically given to extend such an invitation.

Now, in this instance such an invitation was without authority of law extended by the American delegates. Congress, however, recognized the situation that frequently arises, that the Government would be embarrassed if it did not acquiesce in nor ratify the action of those appointed to represent the Government, and so provision has been made to take proper care of this congress. I have looked over some of the hearings, and I have found out that when this item of $50,000 was reported to the Senate and stricken from the House bill on a point of order and the item was reported to the Senate carrying $40,000, the statement was made that there were no facts upon which it was possible to say that $40,000 would be required. Forty thousand dollars has been appropriated, and is at the disposal of the Department of State. The only money that could have been expended thus far would be the money that necessarily would have been expended in connection with whatever correspondence has taken place relative to the proposed holding of the convention. There is no reason submitted why an additional $10,000 should be given. So far as I know there is none.

So far as the gentleman from Illinois [Mr. MANN] is concerned, if his argument is to prevail, then practically any kind

of an appropriation could be argued in order on an appropriation bill. This appropriation is not authorized. No statute can be found which authorizes an expenditure of money or an appropriation of money to pay the expenses of this congress. The paragraph is not in order. But I hope, because I have no desire any more than any other Member of this House to prevent the Government doing the thing to which it is committed, that some understanding may be reached by which the money now at the disposal of the State Department might be continued at its disposal for this work.

Mr. CARY. Mr. Chairman, in reserving the point of order or making the point of order, which I will do, it is not with the intent of embarrassing the committee or the Secretary of State or this Government. All I wish stricken out is the $10,000, not the law or section itself. If the gentleman is willing to do that, I will merely confine my point of order to the $10,000 in the section.

The CHAIRMAN. Is the gentleman's point of order to the section or to the $10,000?

Mr. HARRISON. Mr. Chairman, I make the point of order that he can not make it to the whole section now. It is too late.

Mr. FLOOD. He does not make it to the whole section, as I understand.

Mr. MANN. He made it to the paragraph. Now, just a word more on the point of order.

The CHAIRMAN. The gentleman from Wisconsin [Mr. CARY] has the floor.

Mr. FLOOD. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. CARY. I will.

Mr. FLOOD. As I understand, the point of order is only made to the $10,000.

Mr. CARY. I make the point of order to the whole section, but the gentleman from Virginia [Mr. FLOOD] asked me if I would change it and restrict it to the $10,000, and I said I did not wish to strike out the whole section if it would embarrass him.

Mr. FLOOD. Then the gentleman will withdraw the point of order?

Mr. CARY. If you will guarantee that the $10,000 shall be stricken out, I will.

Mr. FLOOD. I will not guarantee anything. I can not tell what the Senate of the United States is going to do. I concede the point of order on the $10,000. I think the gentleman from Illinois [Mr. MANN] is right, and I take it that the Chair will rule that the point of order against the $10,000 is well taken. That is all I can guarantee.

Mr. MANN. I do not think he will, as it is not well taken.

Mr. FLOOD. He ought not to.

Mr. MANN. I can throw the gentleman's last argument out of the water so quickly that he would admit it himself.

Mr. FLOOD. If the gentleman concedes the point of order on the $10,000, it is not necessary for the Chair to rule.

Mr. CARY. Mr. Chairman, there seems to be a great deal of dispute in the minds of the parliamentarians here; so that, in order not to continue the agony longer, I make the point of order on the whole section.

Mr. HARRISON. I make the point of order, Mr. Chairman, that it is too late. I asked the gentleman if he made the point of order to the whole paragraph or to the $10,000, and he said he made it to the $10,000.

Mr. CARY. I said I made it to the whole paragraph, but would restrict it to the $10,000.

Mr. FITZGERALD. Make it that way, then.

Mr. CARY. I make the point of order on the whole section.

Mr. MANN. Mr. Chairman, just a word.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MANN. The gentleman from New York [Mr. FITZGERALD] said that no appropriation was in order unless previously authorized by law, but the gentleman is mistaken. The language of Rule XXI, paragraph 2, is:

> No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress.

This is not a public work. Public works are physical things, but this is an object already in progress. Here is an invitation which by legislation we have authorized the Secretary of State to extend. It is an object already in progress. A portion of the appropriation has been expended already. There was legislation authorizing the invitation, so it is an object in progress, an object started by the Congress of the United States.

Mr. FITZGERALD. Of course the decisions do not sustain the gentleman from Illinois.

Mr. DAVIS of Texas. Mr. Chairman, I am not going to try to be technical; but it is a well-known rule of all legislative bodies that a requirement of law to do a thing carries with it all necessary means to perform the act commanded. We find a law authorizing the Secretary of State to invite a certain body to convene in the United States, and under that the ratification of an appropriation of $40,000, or something like that amount, heretofore made. This House is now called upon to add to that appropriation $10,000, following in line that direction. I do not think a point of order could possibly lie, even against the $10,000. If you move to strike it out, it is a question for the House to consider, whether $40,000 is proper, or $50,000; but from my viewpoint it is entirely germane to all the action taken heretofore and could not be eliminated by a point of order.

Now, the question raised about most of these people being prohibitionists heretofore appointed to these alcoholic investigations is certainly not germane. If the President selected prohibitionists, I suppose he selected them upon the theory that they were experts upon alcoholism, which is really in most cases a fact. When you send men to school to study the scientific questions involved in alcoholism, and graduate them, nine times out of ten they come out of college prohibitionists. That is the history of such young men.

I do not think a point of order can possibly lie against even the $10,000.

Mr. FITZGERALD. Mr. Chairman, I call the attention of the Chair to the manual, which says that by "public works and objects already in progress" are meant tangible matters like buildings, roads, and so forth.

Mr. MANN. Those are public works.

Mr. FITZGERALD. Public works and objects, and not the duties of officials in executive departments.

I suggest to the gentleman from Wisconsin [Mr. CARY], however, so as to relieve the situation and obviate any necessity for a ruling, that I understand the gentleman from Virginia [Mr. FLOOD] concedes that the point of order is good as to the $10,000. I suggest to the gentleman from Wisconsin that he make his point of order to the $10,000, and, as it is conceded, that will end it.

Mr. FLOOD. When the gentleman from New York [Mr. FITZGERALD] took the floor I had risen to say that my view of the parliamentary situation was that the point of order as to the $10,000 was well taken, but that it would not be well taken as to the whole paragraph. I concede the point of order as to the $10,000, if that is the point of order the gentleman makes.

Mr. CARY. As long as the chairman of the committee concedes the point of order as to the $10,000, I am satisfied to make it as to the $10,000 instead of to the section, so that the $10,000 will be stricken out.

Mr. FLOOD. The gentleman can move to strike it out.

Mr. FITZGERALD. Do not move to strike it out. It goes out.

Mr. CARY. What I want to accomplish is to have the $10,000 stricken out of the bill.

The CHAIRMAN. The Chair is ready to rule on the whole question.

Mr. FITZGERALD. The gentleman from Wisconsin makes the point of order to the $10,000, and the gentleman from Virginia concedes it.

The CHAIRMAN. Does the gentleman make the point of order only to the $10,000?

Mr. CARY. Yes; at the suggestion of gentlemen on that side.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. I suggest to the gentleman from Virginia [Mr. FLOOD] that the language will have to be modified.

Mr. FLOOD. I offer an amendment.

Mr. MANN. You had better put it in the language of the current law.

Mr. FITZGERALD. I suggest to the gentleman that he offer an amendment in lieu of the paragraph.

Mr. FLOOD. I offer this amendment in lieu of the paragraph:

> Fifteenth International Congress Against Alcoholism: To complete the arrangements and provide for the entertainment of the Fifteenth International Congress Against Alcoholism to be held in the United States, to be expended under such rules and regulations as the Secretary of State may prescribe, together with the unexpended balance of previous appropriations for the holding of said congress in the United States—

Leaving out the $10,000.

Mr. BORLAND. The gentleman should add the words "is hereby reappropriated and made available for the fiscal year ending June 30, 1917."

Mr. FITZGERALD. You had better put in that language.

Mr. FLOOD. Yes.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Amend by inserting the following:
> "Fifteenth International Congress Against Alcoholism: To complete the arrangements and provide for the entertainment of the Fifteenth International Congress Against Alcoholism to be held in the United

States, to be expended under such rules and regulations as the Secretary of State may prescribe, together with the unexpended balance of previous appropriations for the holding of said congress in the United States is hereby reappropriated."

Mr. MANN. For the fiscal year ending June 30, 1917.

The CHAIRMAN. Is this offered as an independent section?

Mr. MANN. That is in lieu of what is in the bill.

The CHAIRMAN. In lieu of lines 17 to 25, on page 20?

Mr. FLOOD. Yes.

Mr. FITZGERALD. You want to add the words "and made available for the fiscal year ending June 30, 1917."

Mr. FLOOD. Why not let them hold it any time they want to?

Mr. FITZGERALD. You had better include those words.

Mr. SMITH of New York. Mr. Chairman, I reserve a point of order on that amendment, for the purpose of asking the chairman a question. I am not going to make the point of order. I understand that about $5,000 of the $40,000 has already been spent.

Mr. FLOOD. Some of it; I do not know how much.

Mr. SMITH of New York. I should like to know just why that money has been spent and for what purpose, before the convention is held.

Mr. FLOOD. It has been spent for the purpose of starting the congress—getting in communication with the different countries that are going to send delegates; for postage, paper, stenographic work, newspaper work, and things of that kind.

Mr. SMITH of New York. That would seem to be a rather liberal expenditure.

Mr. FLOOD. I do not say that it is $5,000. There is something over $35,000 left. I do not know whether they have spent $1,000, $2,000, $3,000, $4,000, or $5,000. My information is that something has been spent, and that more than $35,000, but less than the whole $40,000, is now available. I do not know how much.

Mr. SMITH of New York. I am not going to make the point of order, but I want to suggest in this connection that this money heretofore has been spent for junketing, as the gentleman from Missouri [Mr. MEEKER] pointed out yesterday. I want to put in the RECORD the suggestion that in the future delegates be appointed who are actual scientists, or who actually understand this subject, and not because they are for or against prohibition.

Mr. FLOOD. What does the gentleman mean by the money having been spent in junketing?

Mr. SMITH of New York. I mean that men and their wives were sent over, apparently at the expense of the Government, to these conventions. They were not scientists; two members of the same family were not scientists, and they should not have been selected as delegates.

Mr. FLOOD. Some of them were scientists; and when Congress appropriated the money and these ladies and gentlemen were appointed to attend the convention in Italy, I do not think it can be said that the money was spent for junketing when it was spent to pay their expenses to the place of meeting. Four thousand five hundred dollars was spent for paying the expenses of delegates. The President appointed the delegates, and the money was used for the purpose of paying their expenses, and I do not think the gentleman should characterize that as junketing.

Mr. SMITH of New York. It is clear that many of the men and women appointed were not scientists, and they did not add anything to the information of the convention or to the knowledge of the United States.

Mr. FLOOD. I think the statement of the gentleman from Missouri yesterday was far afield. All of them may not have been scientists, but some of them were. All of them had much knowledge as to the suppression of alcoholism, and the exercise of this knowledge is what the gentleman from Missouri is opposed to.

Mr. MANN. Mr. Chairman, can we have the amendment reported? It has not been fully reported yet.

The Clerk read as follows:

Amend by striking out the paragraph beginning on line 18 and ending on line 23 and inserting the following:

"To complete the arrangements and provide for the entertainment of the Fifteenth International Congress Against Alcoholism to be held in the United States, to be expended under such rules and regulations as the Secretary of State may prescribe, the unexpended balance of previous appropriations for the holding of said congress in the United States is hereby reappropriated and made available for the fiscal year ending June 30, 1917."

Mr. MANN. Mr. Chairman, I move to amend by adding, "*Provided*, That an itemized account of all expenditures shall be reported to Congress."

Mr. FLOOD. I have no objection to that.

Mr. SMITH of New York. Would the gentleman from Virginia accept a further amendment, that no part of the appropriation shall be spent for expenses outside of Washington City?

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Add to the amendment the following:

"*Provided*, That an itemized account of all expenditures shall be reported to Congress."

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMITH of New York. Now, Mr. Chairman, I offer an amendment, "that no part of the appropriation shall be spent for expenses outside of Washington City."

Mr. BORLAND. Mr. Chairman, I make the point of order that the amendment as amended has already been adopted, and my point of order is that the amendment offered by the gentleman from New York should have been considered before the amendment as amended was agreed to.

Mr. SMITH of New York. Mr. Chairman, I offer it as a separate paragraph, "*Provided*, That no part of the foregoing appropriation shall be spent for expenses outside of the city of Washington."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add to the paragraph as amended the following:

"*Provided*, That no part of this appropriation shall be expended for entertainment outside the city of Washington."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and on a division there were 32 ayes and 14 noes.

So the amendment was agreed to.

Mr. CLINE. Mr. Chairman, I move to strike out the last word. During the consideration of this bill for the last two or three years questions have arisen on the floor of the House relative to what became of the student interpreters appointed under the Diplomatic and Consular appropriation bill. The gentleman from Illinois last year made that inquiry. Since 1903 we have been appropriating $10,000 or more a year for the appointment of student interpreters. We have also been making appropriations for tuition services for the ostensible purpose of bringing these students into the Consular Service.

I do not presume that there are many Members of Congress who have any understanding or knowledge of what finally becomes of the appropriations and the students nominated for these places. Accordingly I asked the Secretary of State, or Mr. Carr, representing that department, for an abstract of the appointees showing the appointments, promotions, and positions they now hold in the service. The abstract is very short, but it takes up every person appointed under the provisions of the law, and I would like to have it incorporated in the RECORD for the information of the Members.

Mr. MANN. Will the gentleman yield?

Mr. CLINE. Certainly.

Mr. MANN. Generally speaking, what becomes of these students?

Mr. CLINE. I think they are largely incorporated into the service. There are now serving as consuls and vice consuls—28 in China, 11 in Japan, and 13 in Turkey. Some of these students occupy inferior positions.

Mr. MANN. How much have we appropriated; $10,000 in Turkey every year for 10 or 15 years?

Mr. CLINE. These student interpreters are to be educated and distributed wherever, in their respective countries, the State Department sees fit to send them.

Mr. MANN. Not at all; there are 10 in Turkey, and, I think, 6 in Japan.

Mr. CLINE. The abstract sets out who they were and where they are.

Mr. MANN. If we have been educating 150 student interpreters and now have 28 in China and 13 in Turkey or Asia, we are doing pretty well. Student interpreters were authorized for China in 1903, 10 in number; to the embassy in Japan, 1907, 6 in number; in the embassy in Turkey, 1909, 10 in number.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. CLINE. Yes.

Mr. ROGERS. The gentleman recalls that in the Executive order of 1906 provision was made for the promotion of student interpreters and other subordinates to the lower grades of consul if their merit was sufficient to warrant it. Has the gentleman any information as to how many student interpreters in the last 10 years since that order was promulgated have been in fact promoted to the grade of consul?

Mr. CLINE. A very large number of these student interpreters have been promoted from inferior positions to positions

of more dignity and efficiency in the service, and this abstract I have from the State Department, I will say, sets out in detail each individual person, as to the position he has held, and his promotion. I think, as a matter of information, it ought to be incorporated in the RECORD, and I ask that that be done.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The abstract referred to is as follows:

Statement of the number of students who have been appointed, promoted to the grades of interpreter and of consul, retired from service by death or resignation, voluntary or involuntary, and the number now in the service.

	China.	Japan.	Turkey.
Appointed	42	15	17
Interpreters	22	10	10
Consuls	13	3	.....
Now serving	28	11	13
Died	2	.....	4
Resigned:			
Voluntarily	8	3	1
Involuntarily	4	.....	3

AMERICAN STUDENT INTERPRETER CORPS.

CHINA.

Julean H. Arnold, student interpreter, July 18, 1902; also vice and deputy consul at Dalny, February 4, 1904; appointed deputy consul general at Shanghai, July 13, 1904; vice and deputy consul at Foochow, March 7, 1906; assigned to duty in the consulate general at Shanghai, May 5, 1906; appointed consul at Tansui, June 22, 1906; consul at Amoy, May 1, 1908; consul at Chefoo, March 8, 1912; consul general at Hankow, July 29, 1914; appointed commercial attaché, Department of Commerce, September 25, 1914, and designated for duty in the American Legation at Peking, October 12, 1914.

Thomas W. Haskins, student interpreter, July 18, 1902; assistant Chinese secretary to the legation to China, June 4, 1904; consul at Swatow, June 24, 1908; died at Pe-tai-ho, China, July 12, 1908.

Frederick D. Cloud, student interpreter, August 7, 1902; also vice and deputy consul at Antung, February 4, 1904; appointed vice and deputy consul at Hangchow, June 30, 1904; retired as vice and deputy consul at Hangchow, June 30, 1906; appointed vice consul general at Shanghai, October 28, 1907; consul at Antung, June 22, 1908; detailed as vice consul general at Mukden, August 17, 1908; in charge from August 17, 1908; appointed vice and deputy consul general at Mukden, August 5, 1909; consul at Antung, November 1, 1909; retired as consul at Antung, January, 1910.

Harry M. Robins, appointed student interpreter, August 7, 1902; resigned, November 3, 1902.

Clarence Clowe, appointed student interpreter, October 2, 1902; vice and deputy consul at Mukden, March 30, 1904; resigned, May 31, 1905.

Percival S. Heintzleman, student interpreter, October 25, 1902; vice and deputy consul general at Canton, October 5, 1904; vice and deputy consul at Dalny, October 8, 1906; retired as vice and deputy consul at Dalny, May, 1907; transferred from the Consular Service to the Department of State as assistant to the Third Assistant Secretary, on far eastern affairs, June 1, 1907; designated as assistant in the Division of Far Eastern Affairs March 20, 1908; appointed consul at Swatow ($2,500), August 14, 1908, but did not go to post; detailed as vice consul general at Shanghai, December 21, 1908; appointed consul at Chungking ($3,500), January 22, 1909, but did not go to post; detailed as vice consul general at Shanghai and in charge, July 1, 1909, to September 6, 1909; appointed in the Division of Far Eastern Affairs, Department of State, in connection with foreign trade and treaty relations, November 24, 1909; appointed consul at Dalny ($3,500), June 24, 1910, but did not go to post; appointed second secretary of the legation at Peking ($1,800), August 16, 1910; assistant chief of the Division of Far Eastern Affairs ($3,000), June 27, 1911; consul general at Mukden ($4,500), July 28, 1914; consul general of class 5 by act approved February 5, 1915.

Willard B. Hull, student interpreter, November 26, 1902; vice and deputy consul general at Hankow, September 18, 1905; also appointed interpreter ($1,500), March 27, 1905; appointed vice and deputy consul general and also interpreter at Canton, February 21, 1908; vice consul general and also interpreter at Shanghai ($2,000), November 27, 1908; retired as interpreter, also vice consul general, at Shanghai, December, 1909.

Albert W. Pontius, student interpreter, March 9, 1903; also vice and deputy consul general at Tientsin, November 14, 1905; appointed vice and deputy consul general at Newchwang, December 29, 1906; also interpreter, May 1, 1907; appointed vice and deputy consul general and also interpreter at Hankow, February 21, 1908; transferred to the Department of State as assistant to the chief of the Division of Far Eastern Affairs, October 16, 1908; appointed consul at Swatow ($2,500), January 22, 1909; consul at Chungking ($3,500), January 10, 1910; detailed as vice consul in charge at Nanking, January 1 to May 26, 1910; detailed for special duty at Hankow, May 31, 1910; appointed consul at Dalny ($3,500), August 19, 1911; consul at Nanking ($4,000), November 24, 1913; consul at Newchwang ($4,500), May 5, 1914; consul at Foochow ($4,500), December 19, 1914; consul of class 4 by act approved February 5, 1915.

Charles L. L. Williams, student interpreter, March 17, 1903; deputy consul general at Shanghai, July 7, 1906; retired as deputy consul general at Shanghai, January, 1907; appointed vice and deputy consul general at Chefoo, September 25, 1907; interpreter ($1,500), September 26, 1907; vice and deputy consul and reappointed interpreter, July 1, 1908; appointed vice and deputy consul and also interpreter at Newchwang, July 6, 1909; consul at Swatow ($2,500), June 24, 1910; consul at Dalny ($3,500), November 24, 1913; designated December 3, 1913, as the permanent American representative on the Commission for the Investigation of Claims Arising out of the Revolution in China, 1911–12; appointed consul at Nanking ($4,000), May 5, 1914; retired as consul at Nanking, April, 1915.

Hubert G. Baugh, student interpreter, December 22, 1904; vice and deputy consul general at Canton, October 8, 1906; retired as vice and deputy consul general at Canton, February, 1908; appointed interpreter ($1,500) to the consulate general at Tientsin, June 30, 1908; also vice and deputy consul general, August 24, 1908; vice and deputy consul at Chungking, November 27, 1908; vice and deputy consul general at Hankow, February 17, 1909; vice and deputy consul general at Mukden, December 8, 1910; interpreter at Tientsin, February 24, 1911; also vice and deputy consul general, April 20, 1911; consul at Saigon, August 19, 1911; vice and deputy consul general at Singapore, July 19, 1912; reappointed consul at Saigon, November 14, 1912; appointed vice and deputy consul at Saigon, February 27, 1913, but did not act as such; retired February, 1913.

Hamilton Butler, student interpreter, April 10, 1905; interpreter ($1,500) to the consulate general at Shanghai, April 8, 1908; interpreter ($1,800), Shanghai, November 8, 1908; also vice and deputy consul general, November 27, 1908; vice and deputy consul general and also interpreter at Tientsin ($1,500), April 9, 1909; appointed vice consul, temporarily, at Newchwang, January 19, 1910; reappointed vice and deputy consul general at Tientsin, February 23, 1910; appointed vice and deputy consul general and also interpreter at Canton, December 30, 1910; retired as interpreter, also vice and deputy consul general, at Canton, 1913.

Charles J. Arnell, student interpreter and vice consul general at Mukden, September 14, 1906; retired as student interpreter and appointed interpreter ($1,500), March 20, 1907; vice and deputy consul general, September 19, 1907; assistant Japanese secretary to the embassy to Japan ($2,000), June 25, 1908; Japanese secretary and interpreter to the embassy to Japan ($3,600), September 7, 1909.

Willys R. Peck, student interpreter, October 8, 1906; assistant Chinese secretary to the legation at Peking ($2,000), November 9, 1908; Chinese secretary to the legation at Peking ($3,600), September 11, 1913; consul at Tsingtau ($4,000), May 5, 1914; detailed as vice consul general at Hankow, December 1, 1914; consul of class 5 by act approved February 5, 1915.

John I. Viney, student interpreter, October 8, 1906; appointed also deputy consul general at Shanghai, September 7, 1909; retired June 21, 1910.

J. Paul Jameson, student interpreter, August 27, 1907; appointed deputy consul general and interpreter at Shanghai ($1,500), November 1, 1909; vice and deputy consul general, April 25, 1910; interpreter ($1,650), March 5, 1911; vice and deputy consul general and interpreter at Hankow ($1,500), December 2, 1911; interpreter ($1,650), October 15, 1912; consul at Antung ($2,500), May 5, 1914; consul of class 8 by act approved February 5, 1915; consul of class 6, June 8, 1915, and assigned to Nanking.

Nelson T. Johnson, student interpreter, August 27, 1907; vice and deputy consul general and interpreter at Mukden ($1,500), November 1, 1909; vice and deputy consul and interpreter at Harbin, April 18, 1910; vice and deputy consul general and interpreter at Hankow, July 30, 1910; vice and deputy consul general and interpreter at Shanghai ($1,650), December 2, 1911; mixed court assessor; designated to exercise judicial authority and jurisdiction in civil and criminal cases June 7, 1913; interpreter ($2,000), June 9, 1913; interpreter ($2,500), September 1, 1913; appointed consul at Chungking ($3,500), December 29, 1914; consul of class 6 by act approved February 5, 1915; assigned to Changsha, March 2, 1915.

Myrl S. Myers, student interpreter, August 27, 1907; vice and deputy consul general and interpreter at Canton ($1,500), November 1, 1909; vice and deputy consul general and interpreter at Tientsin, December 1, 1910; vice and deputy consul general and interpreter at Mukden ($1,650), July 25, 1911; consul at Swatow ($2,500), November 24, 1913; consul of class 8 by act approved February 5, 1915; appointed consul of class 6, March 2, 1915, and assigned to Chungking.

Frank W. Hadley, student interpreter, December 4, 1907; vice and deputy consul general at Tientsin, December 1, 1908; interpreter ($1,500), December 1, 1908; vice consul general, Shanghai, April 9, 1909; interpreter ($1,800), April 9, 1909, also mixed court assessor; designated to exercise judicial authority and jurisdiction in civil and criminal cases, Shanghai, August 10, 1909; interpreter ($2,000), May, 1910; interpreter ($2,500), August 1, 1911; resigned June, 1913.

Esson M. Gale, student interpreter, June 4, 1908; appointed deputy consul general at Shanghai, February 10, 1911; also interpreter ($1,500), March 1, 1911; interpreter ($1,650), October 15, 1911; resigned March 1, 1913.

Harold O. Henry, student interpreter, June 4, 1908; consular assistant, December 13, 1911; died in Peking, January 1, 1912.

Mahlon F. Perkins, student interpreter, January 14, 1909; vice and deputy consul at Chefoo, May 25, 1911; also interpreter ($1,500), July 25, 1911; deputy consul general and interpreter at Shanghai, May 13, 1912; vice and deputy consul general, March 17, 1914; designated to exercise judicial authority and jurisdiction in civil and criminal cases, temporarily, March 17, 1914; interpreter ($1,650), also junior mixed court assessor, March 20, 1914; vice consul, Shanghai, February 6, 1915; interpreter ($2,500), February 16, 1915; designated to exercise judicial authority and jurisdiction in civil and criminal cases, March 11, 1915.

Raymond P. Tenney, student interpreter, June 2, 1909; vice and deputy consul general, Tientsin, September 6, 1911; interpreter ($1,500), October 20, 1911; vice and deputy consul general, Canton, November 22, 1912; interpreter ($1,650), March 1, 1913; assistant Chinese secretary to the legation at Peking ($2,000), September 11, 1913.

Horace Remillard, student interpreter, June 2, 1909; deputy consul general, Hankow, January 10, 1912; interpreter ($1,500), October 15, 1912; vice and deputy consul general, Hankow, July 21, 1913; vice and deputy consul general, Tientsin, March 17, 1914; vice and deputy consul general, Tsingtau, April 8, 1914; vice and deputy consul general, Hankow, July 31, 1914; vice consul, Hankow, February 6, 1915.

George C. Hanson, student interpreter, June 12, 1909; deputy consul general, Shanghai, September 7, 1911; interpreter ($1,500), October 15, 1911; vice and deputy consul, Chefoo, May 13, 1912; interpreter ($1,650), October 4, 1913; vice and deputy consul, Dalny, November 25, 1913; vice and deputy consul, Newchwang, March 17, 1914; vice and deputy consul general, Tientsin, May 9, 1914; vice and deputy consul, Newchwang, January 5, 1915; consul of class 8, March 3, 1915, assigned to Swatow.

Crawford M. Bishop, student interpreter, April 1, 1910; deputy consul general at Tientsin, November 22, 1912; also interpreter ($1,500), March 10, 1913; vice and deputy consul and interpreter at Chefoo ($1,650), June 9, 1913; vice and deputy consul general and interpreter at Harbin, May 9, 1914; interpreter ($1,800), July 1, 1914; deputy consul general at Shanghai, December 1, 1914; vice consul at Shanghai, February 6, 1915; vice consul and interpreter at Hankow, October 15, 1915; resigned November 16, 1915.

John A. Bristow, student interpreter, April 1, 1910; vice and deputy consul at Tsingtau, October 9, 1912; also interpreter ($1,500), March

10, 1913; vice and deputy consul general and interpreter, Shanghai, April 8, 1914; interpreter ($1,800), also assistant assessor, February 16, 1915; resigned April 1, 1915.

Paul R. Josselyn, student interpreter, April 20, 1910; deputy consul general at Tientsin, July 26, 1912; vice and deputy consul general at Tientsin, November 22, 1912; also interpreter ($1,500), March 1, 1913; vice and deputy consul general at Canton, March 17, 1914; interpreter ($1,650), October 20, 1914; vice consul at Canton, February 6, 1915.

George F. Bickford, student interpreter, March 10, 1911; vice and deputy consul and interpreter ($1,500) at Newchwang, June 17, 1913; vice and deputy consul general at Hankow, March 17, 1914; vice and deputy consul at Antung, May 8, 1914; vice and deputy consul general at Hankow, October 8, 1914; vice consul at Hankow, February 6, 1915; interpreter ($1,650), April 1, 1915; vice consul at Shanghai, October 15, 1915.

Charles P. McKiernan, student interpreter, March 10, 1911; deputy consul general, Shanghai, June 30, 1913; interpreter ($1,500), October 4, 1913; vice and deputy consul general, Mukden, December 1, 1914; interpreter ($1,650), July 1, 1914; vice and deputy consul general, Tientsin, January 5, 1915; vice consul, Tientsin, February 6, 1915.

John K. Davis, student interpreter, March 12, 1912; deputy consul general, Shanghai, June 7, 1913; interpreter ($1,500), June 7, 1913; vice and deputy consul general, Canton, September 16, 1913; vice and deputy consul, Chefoo, March 17, 1914; interpreter ($1,650), July 1, 1914; interpreter ($1,800), October 20, 1914; consul of class 8 and assigned to Antung, June 8, 1915.

Alexander Krisel, student interpreter, March 12, 1912; vice and deputy consul at Swatow, September 29, 1913; vice and deputy consul, Chefoo, December 14, 1914; interpreter ($1,500), Chefoo, December 14, 1914; vice consul, Shanghai, March 1, 1915.

Carl D. Meinhardt, student interpreter, March 12, 1912; deputy consul general, Hankow, October 3, 1913; vice consul and interpreter ($1,500), Chefoo, September 1, 1915.

William S. Howe, student interpreter, April 4, 1914.
Ernest B. Price, student interpreter, April 4, 1914.
Clarence J. Spiker, student interpreter, April 4, 1914.
Samuel Sokobin, student interpreter, April 4, 1914.
Andrew J. Brewer, student interpreter, March 24, 1915.
Jay C. Huston, student interpreter, March 24, 1915.
Eugene M. Lamb, student interpreter, August 12, 1915.
Albert C. Chapin, student interpreter, October 15, 1915.
John B. Nicholson, student interpreter, October 15, 1915.
Joseph E. Jacobs, student interpreter, October 15, 1915.

JAPAN.

Adolph A. Williamson, student interpreter, October 8, 1906; vice and deputy consul at Dalny, December 10, 1908; interpreter ($1,500), December 10, 1908; consul at Antung ($2,500), August 19, 1911; consul at Tansui ($3,000), September 18, 1913; consul at Dalny ($3,500), May 5, 1914; consul of class 6 by act approved February 5, 1915.

Charles Lyon Chandler, student interpreter, October 8, 1906; vice consul at Tansui, December 29, 1906; vice consul at Dalny, March 20, 1907; transferred to be American consular assistant, August 1, 1908.

John K. Caldwell, student interpreter, October 8, 1906; vice and deputy consul general at Yokohama, April 16, 1909; interpreter ($1,500), April 16, 1909; assistant Japanese secretary to the embassy to Japan, December 4, 1909 ($2,000); vice consul at Dalny, temporarily, January 17 to February 17, 1911; consul at Vladivostok ($3,500), August 1, 1914; consul of class 6 by act approved February 5, 1915.

Alfred Salisbury, student interpreter, August 27, 1907; resigned September 22, 1908.

Edwin L. Neville, student interpreter, August 27, 1907; vice and deputy consul at Dalny, August 6, 1909, to September 30, 1909; interpreter ($1,500) to the consulate general at Seoul, March 29, 1910; vice and deputy consul general at Seoul, February 25, 1911; vice and deputy consul at Dalny, November 10, 1911; vice and deputy consul general at Seoul, January 17, 1912; interpreter ($1,650), January 15, 1912; consul at Antung ($2,500), September 18, 1913; consul at Tansui ($3,000), May 5, 1914; consul of class 7 by act approved February 5, 1915.

Francis R. Eldridge, jr., student interpreter, January 14, 1909; interpreter ($1,500) to consulate general at Yokohama, March 18, 1911; deputy consul general at Yokohama, June 30, 1911; resigned, to take effect September 8, 1912.

Joseph W. Ballantine, student interpreter, June 2, 1909; interpreter ($1,500) at Kobe, August 31, 1911 deputy consul at Kobe, December 18, 1911; deputy consul general at Yokohama, June 11, 1912; interpreter ($1,650), March 1, 1912; vice and deputy consul at Tansui, November 6, 1912; deputy consul general at Yokohama, October 7, 1913; vice and deputy consul general at Yokohama, June 25, 1914; assistant Japanese secretary to the embassy at Tokyo ($2,000), August 1, 1914.

Harold C. Huggins, student interpreter, April 1, 1910; vice and deputy consul at Nagasaki, December 5, 1912; interpreter ($1,500), December 5, 1912; deputy consul general at Yokohama, March 14, 1914; vice consul at Yokohama, February 6, 1915; interpreter ($1,650), April 1, 1915.

Raymond S. Curtice, student interpreter, April 1, 1910; vice and deputy consul at Dalny, December 6, 1912; interpreter ($1,500), December 18, 1912; interpreter at Yokohama, March 11, 1913; deputy consul general at Yokohama, July 7, 1913; vice and deputy consul general at Seoul, October 7, 1913; vice consul at Seoul, February 6, 1915.

Max D. Kirjasoff, student interpreter, March 10, 1911; vice and deputy consul at Tansui, August 6, 1913; interpreter ($1,500), August 6, 1913; deputy consul general at Yokohama, October 20, 1913; deputy consul general at Seoul, February 12, 1914; deputy consul general at Yokohama, April 18, 1914; vice consul at Yokohama, February 6, 1915; interpreter ($1,650), May 6, 1915.

Henry B. Hitchcock, student interpreter, March 12, 1912; interpreter ($1,500), March 23, 1915; vice consul at Yokohama, July 6, 1915.

Eugene H. Dooman, student interpreter, March 12, 1912; vice consul and interpreter ($1,500) at Kobe, May 7, 1915.

Erle R. Dickover, student interpreter, April 4, 1914.
William R. Langdon, student interpreter, April 4, 1914.
Harvey T. Goodier, student interpreter, April 4, 1914.

TURKEY.

Arthur H. Leavitt, student interpreter, June 2, 1909; vice and deputy consul at Saloniki, July 22, 1910; assigned to consulate general at Cairo, September 20, 1910; interpreter ($1,500), Cairo, July 25, 1911; interpreter to the consulate general at Constantinople, December 18, 1911; assistant Turkish secretary of the embassy to Turkey ($2,000), August 5, 1912.

John L. Binda, student interpreter, June 2, 1909; vice and deputy consul at Saloniki, January 23, 1911; interpreter ($1,500), Cairo, August 5, 1912; deputy consul general, Cairo, December 2, 1912; resigned May 28, 1913.

Lewis Heck, student interpreter, June 2, 1909; assigned to consulate at Jerusalem September 20, 1910; vice and deputy consul at Jerusalem, December 17, 1910; interpreter ($1,500), January 9, 1912; deputy consul general at Constantinople, August 26, 1912; vice consul at Constantinople, February 6, 1915.

Samuel Edelman, student interpreter, June 2, 1909; detailed to consulate general, Constantinople, May 23, 1911; deputy consul general, Constantinople, July 14, 1911; interpreter ($1,500), January 24, 1912; vice and deputy consul, Jerusalem, August 26, 1912; vice consul, Aleppo, April 6, 1915; detailed as interpreter at Beirut, November 30, 1915.

Ralph F. Chesbrough, student interpreter, April 1, 1910; deputy consul general at Constantinople, June 25, 1912; interpreter ($1,500), August 4, 1913; vice and deputy consul general and interpreter, Beirut, September 13, 1913; vice consul, Beirut, February 6, 1915; interpreter ($1,650), April 21, 1915.

Leland B. Morris, student interpreter, April 1, 1910; deputy consul, Saloniki, June 25, 1912; vice and deputy consul, Saloniki, October 25, 1912; interpreter ($1,650), August 4, 1913; vice and deputy consul general, Smyrna, December 8, 1913; vice consul at Smyrna, February 6, 1915.

Ralph H. Bader, student interpreter, April 1, 1910; interpreter ($1,000) to the American Legation and consular agent at Teheran, February 8, 1912; also clerk in the American Legation at Teheran, March 8, 1912; interpreter ($1,000) to the American Legation and consulate general to Persia and vice and deputy consul general at Teheran, July 1, 1912; vice consul at Teheran, February 6, 1915.

Frank B. Rairden, student interpreter, March 10, 1911; detailed for duty in the consulate general at Cairo, December 24, 1912; deputy consul general at Cairo, May 27, 1914; vice consul, Cairo, February 5, 1915; resigned April, 1915.

George W. Young, student interpreter, March 10, 1911; deputy consul general and interpreter ($1,500), Constantinople, September 13, 1913; vice and deputy consul, Harput, June 23, 1914; interpreter at Beirut, November 18, 1914; vice and deputy consul at Aleppo, November 30, 1915.

Donald Nicolson, student interpreter, March 10, 1911; resigned February 20, 1913.

Adolph Van Hemert Engert, student interpreter, March 12, 1912; interpreter ($1,500) at Constantinople, July 1, 1914; vice consul, Constantinople, February 12, 1915.

Winthrop R. Cole, student interpreter, March 12, 1912; resigned to take effect January 31, 1913.

Montefiore Judelsohn, student interpreter, March 12, 1912; vice consul at Constantinople, February 12, 1915; interpreter ($1,500), April 21, 1915.

Charles E. Allen, student interpreter, April 4, 1914; assigned as consular agent, Adrianople, September 3, 1915.

Erwin F. Lange, student interpreter, April 4, 1914; assigned as consular agent at Brusa, September 3, 1915.

George L. Brandt, student interpreter, March 24, 1915.

Bernard Gottlieb, student interpreter, May 1, 1915.

Countries.	1906			1916		
	Salary.	Contingent expenses.	Clerk.	Salary.	Contingent expenses.	Clerk.
Buenos Aires	$4,500	$2,000	$800	$8,000	$3,450	$10,160
Rosario	2,500	700	500	3,500	962	800
Bahia	4,000	1,200	1,500	4,000	1,850	900
Para	4,000	1,200	1,500	4,000	2,000	1,710
Pernambuco	4,000	800	1,500	4,000	1,560	2,000
Rio de Janeiro	8,000	2,500	2,500	8,000	5,000	6,800
Santos	4,000	1,000	1,500	4,000	1,400	2,760
Sao Paulo	.....	.....	.....	5,000	2,310	2,960
Antofagasta	.....	.....	.....	4,000	1,340	800
Punta Arenas	.....	.....	.....	3,000	1,160	500
Iquique	2,000	400	.....	.....	.....	.....
Valparaiso	4,500	1,070	1,000	5,500	1,800	2,800
Barranquilla	3,500	650	1,000	3,500	1,300	1,600
Bogota	3,500	1,000	1,000	.....	.....	.....
Cartagena	2,000	740	1,000	3,000	950	1,600
Guayaquil	4,500	1,000	1,000	4,500	1,022	2,400
Asuncion	2,000	550	.....	2,500	696	.....
Callao-Lima	4,500	1,000	1,000	5,500	1,250	2,400
Iquitos	3,000	1,000	500	.....	.....	.....
Montevideo	3,500	1,300	1,000	3,500	1,063	1,300
La Guaira	3,000	950	1,000	3,000	960	1,500
Maracaibo	2,500	1,030	800	2,500	954	800
Puerto Cabello	2,000	700	1,000	2,000	986	1,250
Total (20 officers)	71,500	20,790	20,100	83,000	32,013	45,040

	1906	1913
Total number of principal offices	20	20
Total number of agencies	40	21

[Mr. CARY addressed the committee. See Appendix.]

Mr. ROGERS. Mr. Chairman, my colleague on the committee, the gentleman from New York, Mr. MOTT, is unavoidably detained, and he asked me to secure permission for him to extend his remarks in the RECORD upon this bill. Is it in order to make that request in the committee?

The CHAIRMAN. It is.

Mr. ROGERS. Then I make that request.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Purchase and repair, consular premises: Purchase, alteration, and repair of consular premises, or purchase of a site and the erection thereon of a suitable building or buildings, for the use of the consulate general at Shanghai, including the residences of officers, $150,000.

Mr. COX. Mr. Chairman, I reserve the point of order on that; and I think in order to save time I may just as well make it, because it is my intention to do so.

Mr. FLOOD. Mr. Chairman, that is not subject to the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Virginia.

Mr. FLOOD. Mr. Chairman, that is made in pursuance of the law, and I will read that law to the Chairman:

Be it enacted, etc., That the Secretary of State be, and he is hereby, authorized to acquire in foreign countries such sites and buildings as may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish the said buildings; suitable buildings for this purpose to be either purchased or erected, as to the Secretary of State may seem best, and all buildings so acquired for the Diplomatic Service shall be used both as the residences of diplomatic officials and for the offices of the diplomatic establishment: *Provided, however*, That not more than the sum of $500,000 shall be expended in any fiscal year under the authorization herein made: *And provided further*, That in submitting estimates of appropriation to the Secretary of the Treasury for transmission to the House of Representatives, the Secretary of State shall set forth a limit of cost for the acquisition of sites and buildings and for the construction, alteration, repair, and furnishing of buildings at each place in which the expenditure is proposed (which limit of cost shall not exceed the sum of $150,000 at any one place) and which limit shall not thereafter be exceeded in any case, except by new and express authorization of Congress.

Approved, February 17, 1911.

This item against which the gentleman makes the point of order is for the purchase, alteration, and repair of consular premises, or the purchase of a site and the erection thereon of a suitable building or buildings for the use of the consulate general at Shanghai, including residences of officers. This committee is authorized by law to report not exceeding $500,000 for this purpose, and not exceeding at any one place $150,000 for this purpose. This item comes within the provisions of the law. I concede that the succeeding item is subject to a point of order.

Mr. COX. Mr. Chairman, I think the argument made by the gentleman from Virginia is well made. I recollect the statute was passed several years ago, but for the time being it had escaped my recollection. Under the authority read by the gentleman from Virginia I think it is not subject to the point of order.

Mr. MANN. Mr. Chairman, I desire to ask the gentleman from Virginia a question. This item comes under the terms of the so-called Lowden Act?

Mr. FLOOD. Yes.

Mr. MANN. Does the next item also?

Mr. FLOOD. The next item exceeds the limitation in the Lowden Act. The Lowden Act authorizes us to make an appropriation of only $150,000 at any one place.

Mr. MANN. It is supposed to come within the provisions of the Lowden Act except as to the amount?

Mr. FLOOD. No.

The CHAIRMAN. The point of order is overruled.

Mr. SMITH of New York. Mr. Chairman, does not the Lowden Act refer to diplomatic and consular buildings?

Mr. FLOOD. Yes.

Mr. SMITH of New York. Does the next paragraph refer to that—that is, for other buildings?

Mr. FLOOD. Mr. Chairman, that is true. The gentleman from New York is correct about that.

The CHAIRMAN. Discussion of the succeeding item is not in order. It has not yet been read. The Clerk will read.

The Clerk read as follows:

Purchase, alteration, and repair of premises, or purchase of a site and the erection thereon of a suitable building or buildings, for the use of the United States court, jail, post office, marshal's and other Government offices at Shanghai, and residences of officers, $205,000.

Mr. COX. Mr. Chairman, on that I reserve the point of order. I do not think the Lowden Act covers that.

Mr. EDMONDS. Mr. Chairman, will not the gentleman reserve his point of order?

Mr. COX. I reserve the point of order.

Mr. EDMONDS. Mr. Chairman, during my recent visit to China I was greatly impressed with the fact that it was characteristic of the Chinese that when dealing with foreigners they were impressed only by what they personally saw of them or their belongings, and that their idea of the greatness of a nation was gauged entirely by the evidences of its wealth and power visible to them.

Most Foreign nations realizing this have seized every opportunity to present what is known in China as "face" and have secured every concession made to them by the Chinese Government, using the ground not only to establish thereon their consular and other governmental buildings but concentrating on these concessions all of their commercial and manufacturing interests where they can be under the protection of their home government, as these concessions are policed by the governments to whom they are made.

This is not true of our Government, although on the most friendly basis with the Chinese Government, so much so that we have always been offered the best of the concessions, we have refused to take advantage of their offer and to-day find ourselves not in a position to present the "face" that the other large commercial powers are able to do, and our interests suffer accordingly.

In Hankow, the "Pittsburgh of China," the greatest manufacturing city in China, located 600 miles up the Yangtze River, and yet doing a commercial business in ocean shipping, having 30 feet of water at its wharves, the Chinese Government offered our Government at a low price a favorably located concession, facing on the bund—or water front—and alongside of the concessions made to other nations. This was refused by our Government, and immediately taken up by the Japanese and is now occupied by them. The ground alone is now worth ten times the price at which it was offered to us. As a contrast to what might have been had we accepted this concession, our consulate is at present situated on the first floor of a private residence and has nothing about it to impress anyone with the greatness of our Nation.

In Tientsin, where we have a full regiment of soldiers, we rent our consulate, and also barracks and officers' quarters for the soldiers, all located in the city notwithstanding that there is a piece of ground on the bund large enough to accommodate all of our operations, saving in cost, compared with the rents at present paid and calculating the cost on a 3 per cent basis, more than it would cost us to buy this ground and erect buildings thereon. This piece of ground is still under option by our Government and is now occupied by the British Government under an agreement that we can take it over at any time upon payment for the buildings erected upon it. Again, in this important city we have lost "face."

In Shanghai, the "New York of the East," we have made numerous errors. Originally what is now known as the international concession was made by the Chinese Government to the United States and refused by us. To-day it is under the joint rule of a board composed of five Englishmen, one American, and one Russian. This property is in the foreign section of the city, and the ground alone is worth over a hundred million dollars. In this concession and near the bund are found all of the large foreign banking and business concerns, and property is worth ten times as much as it was 20 years ago. Of course ground has become very desirable along the bund and most of it is worth far more than the property offered the United States Government, which is just across Soochow Creek from the concession and is between the German and Japanese properties. It is the most available site that can be purchased at the present time, and considering the prices placed upon other properties the price asked is reasonable. Should our Government lose this location it will be forced to go upon one of the back streets, which would be a severe blow to our prestige. I understood, when I was in China, that there was another nation which would purchase this site if we did not take up our option.

At the present time we have housed in the two buildings rented by the Government the consul general's office, the United States court and jail, the post office, and the United States Marine and Health Service. The buildings are well built and can be used for years without change, and although they are not as impressive as some of the consulate buildings of other nations their location at the mouth of Soochow Creek is so commanding that it helps to correct the lack of impressiveness.

Mr. SMITH of New York. Will the gentleman yield for a question?

Mr. EDMONDS. Certainly.

Mr. SMITH of New York. Does the gentleman know how much rent we are paying for property which can be abandoned for rental purposes if this building is constructed?

Mr. EDMONDS. At present we pay a rental of over $5,000 gold for use of about one-half property, and our tenancy is subject to an option to purchase which will expire in a few months. If no action is taken by this body and the property is not purchased by other parties, it will only be possible to retain

this property under a greatly increased rental or to purchase it at a greatly increased cost.'

As a comparison in value, I am able to give the values of a few properties on the Shanghai Bund reduced to the price per acre: Union Assurance Co., $392,040 per acre; Bank de l'Indo-Chine, $313,632 per acre; Siemssen & Co., $705,672 per acre; and American consulate site, $347,173.

I can not too earnestly impress upon the House the necessity for acting at this time, and trust that for our future prestige and commercial advantage the bill to purchase the buildings and grounds will pass.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EDMONDS. May I ask the privilege of extending my remarks in the RECORD?

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection. [After a pause.] The Chair hears none.

Mr. COX. Mr. Chairman, I make the point of order.

Mr. FLOOD. Mr. Chairman, I think the gentleman from Wisconsin [Mr. COOPER] wanted to be heard.

Mr. COX. Then I will reserve the point of order.

The CHAIRMAN. Does the gentleman from Wisconsin desire to be heard on the point of order?

Mr. COX. I will reserve the point of order if the gentleman from Wisconsin wants to make a statement.

Mr. COOPER of Wisconsin. Mr. Chairman, may I ask the gentleman from Virginia whether it will be possible, if the point of order be sustained and all of lines 6 to 10, inclusive, page 21, be stricken out, for the United States Government to purchase any property on the water front at Shanghai?

Mr. FLOOD. My opinion is it would not; but the appropriation of $150,000 was not subject to the point of order, and has been passed. Now, the gentleman from Indiana makes the point of order against the next item of $205,000.

Mr. HAMILTON of Michigan. May I ask the gentleman a question? Suppose this item in line 10 be reduced to $150,000, so it may come within the law, would it not be possible to enter upon negotiations to acquire the site suggested in the paragraph, and thereby save the site which the gentleman from Pennsylvania referred to?

Mr. FLOOD. I do not think there would be any law if we reduced it, because this is for other purposes than buying a building for the Diplomatic and Consular Service. This is for a court.

Mr. HAMILTON of Michigan. I see.

Mr. COOPER of Wisconsin. Mr. Chairman, the gentleman from Massachusetts [Mr. ROGERS], a member of the Committee on Foreign Affairs, has just called my attention to the report—page 56—of the hearing before our committee last January, during which he asked Mr. Carr, of the State Department, the precise question that I just put to the gentleman from Virginia [Mr. FLOOD], and I invite the attention of the gentleman from Indiana——

Mr. COX. I have read the report.

Mr. COOPER of Wisconsin. To this testimony of Mr. Carr. It is not necessary for me to vouch for the character of Mr. Carr, nor for the high standing he has with all people who have had business with him at the Department of State:

Mr. ROGERS. The $150,000, which is not subject to the point of order, would not alone do you very much good, would it, Mr. Carr?

Mr. CARR. No; because we could neither get this piece of property nor could we get any other that would be adequate.

The gentleman from Indiana [Mr. Cox] will notice the express statement of the representative of the State Department that the $150,000 which we have appropriated by the previous paragraph, or will appropriate if the paragraph shall become a law, would do no good at all, because it would not enable us to buy either this property on the water front or any elsewhere that would be adequate.

Mr. Chairman, it is well for the House, I think, to be reminded of what consulates are and of the advisability where possible of keeping all of the representatives of our Government together in offices in close proximity to the consulate building.

A consulate is a business office. Consuls perform no diplomatic function. Our consuls are really business agents for the American people. As a business agent it is a consul's duty to try in all honorable ways to extend our trade in the country where the consulate is located. That is one of the chief purposes of a consulate.

Now, at Shanghai—and I visited Shanghai a few years ago—is one of the most magnificent water fronts in the world—incomparably the finest water front in the Orient—an avenue lined on one side by banks—some of these being branches of the principal international banks of Europe—by great business houses, and by the handsome, commodious consulate buildings of Great Britain, Germany, France, Japan, and other nations. As our steamer passed slowly along that superb water front we all were astonished to see floating over those consulate buildings the flags——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMILTON of Michigan. I ask unanimous consent, Mr. Chairman, that the gentleman from Wisconsin [Mr. COOPER] may proceed for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. COOPER of Wisconsin. I was about to speak of our astonishment to see flying proudly from those fine Government buildings the flags of our commercial rivals, and of our regret that nowhere could we see the flag of the United States. We were told that our consulate was on a back street. On reaching it we soon were reminded by our official representatives that this Government was making a serious mistake in keeping our consulate housed in such a building and in so bad a location; that an appearance of business thrift about a consulate is important in any country, but especially so in the Orient; and that they had found our poor, badly located quarters in that city a great drawback in their efforts to extend our trade. Since then the consulate was removed to the premises it now occupies on the water front, this being the property that the pending paragraph is intended to purchase.

This particular piece of property is located between the consulate of Germany and that of Japan, and is absolutely the only piece of property which we can purchase on that water front for our business building. I do not know who the owners are except by name, nor have I ever had a communication from any one of them, either directly or indirectly. My knowledge of the subject comes only from the testimony of the State Department officials who appeared before the Committee on Foreign Affairs of the House and from my own personal observations while visiting Shanghai.

The foreign trade of China before the present European war broke out was annually more than $740,000,000. The city of Shanghai alone did more than 42 per cent—nearly one-half—of that business, or more than $300,000,000, export and import. The city is located on the Whangpoo River, and that great stream, with its tributaries, enables vessels drawing considerable water to reach one-third of the vast domain of China. Our commercial rivols know all this, and they are getting that trade. We have only 10 per cent of it.

The rapidity of the growth of the city's foreign trade is remarkable. In 1880 it was $40,000,000, and in 1913, as I said before, it was more than $300,000,000, and of this we did only 10 per cent. We have the right to look for a larger, much larger, share of that trade. We can get it only by taking advantage of every legitimate business opportunity in China. One such opportunity is now before us. This Government ought to have a respectable business house on that water front. Remember that Shanghai is a city surrounded by a stone wall pierced by gates. All foreigners, including the people of the United States, are limited to a very restricted area inside of the walled city, and that area can not be extended. The situation in Shanghai is wholly exceptional, unlike that of any other consulate. I hope that the gentleman from Indiana [Mr. Cox] will not make a point of order against this item. We have an option on that property, which, as I understand, will expire in two months. If the Government of Great Britain, or of Germany, or of Japan, or if some great Japanese steamship company should buy that property, the Government of the United States could never have a business office—and a consulate is a business office—on the water front in Shanghai, the city destined to become the London of the Orient.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. The point of order is sustained. The Clerk will read.

Mr. COOPER of Wisconsin. Mr. Chairman, did the Chair give the gentleman from Indiana an opportunity to renew his point of order? Did the gentleman renew it?

Mr. COX. No; I made the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Acquisition of legation premises at Panama City, Panama: For the erection at the city of Panama, on ground to be presented by the Government of Panama, of a suitable building for the use of the legation to Panama, both as a residence of the minister and for the offices of the legation and for the necessary furnishing of the building, $100,000, or so much thereof as may be necessary.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question of the chairman of

the committee. As I recall, in the act which authorizes these buildings to be constructed there was a limitation that not more than $500,000 should be expended in any one year. Is that correct?

Mr. FLOOD. That is correct.

Mr. CULLOP. I notice a number of items in this bill for the erection of these buildings. I would like to ask the chairman if more than $500,000 is authorized in this bill for that purpose?

Mr. FLOOD. Only $350,000, I think.

Mr. CULLOP. All the items together?

Mr. FLOOD. One at Shanghai, $150,000; one at Panama, at $100,000; and one at Habana, $100,000.

Mr. CULLOP. So that it comes within the limitation prescribed by the statute for this purpose, and does not exceed the expenditure of $500,000 for any one year?

Mr. FLOOD. No.

Mr. CULLOP. I thought it well to keep in view the limitation contained in the law authorizing the construction of these buildings, in order that no difficulty might arise hereafter about the same. I can readily see if more than the amount should be authorized here now serious difficulties might arise and embarrass the work.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Virginia if he is familiar with the item in the sundry civil bill relating to the American Legation building at Panama?

Mr. FLOOD. I would like to have the gentleman read the item.

Mr. MANN. I did not know that it had been called to the attention of the gentleman. The sundry civil bill, which was recently reported to the House, carried the items in reference to the Panama Canal, and so forth, and so on. One of the items in the sundry civil bill relates to the American Legation building. It is in connection with some other matters, but it reads this way:

> And exclusive of the fair value of the American Legation building in Panama, as approved by the Secretary of War and the Secretary of State, which building is authorized to be transferred without charge to the jurisdiction of the Secretary of State.

The purpose of that is to turn over to the State Department the building now belonging to the Government of the United States under the Panama Canal act as a legation building. The question is whether that will fully take care of the needs of a legation building at Panama. We certainly do not want to spend money unless it be necessary there.

Mr. FLOOD. No; and the State Department will not spend it unless it is necessary.

Mr. COX. I do not know about that.

Mr. FLOOD. But they are very anxious to have a legation building. I think I can make that statement without qualification.

Mr. MANN. The gentleman knows the pressure that has been brought to bear on the State Department in reference to this from outside sources?

Mr. FLOOD. Yes. A representative of the State Department approached me the other day in reference to an appropriation of $350,000, I think it was, for the purpose of securing an embassy building at Petrograd, and our ambassador at Paris has in mind a building that can be bought very cheaply now if Congress will make the appropriation. But I have talked with Mr. Phillips with reference to the Russian embassy building, and he said he would be very willing to substitute Russia for Panama, but it was essential to put up a proper building at Panama at this time, though it was not as important as it would be in Russia. I told him that I did not think the committee would entertain the proposition, as it would involve too much money. They think that a proper building at Panama is necessary on account of the fact that other nations have their buildings there, and it is a place where a great many people will visit, and it will accomplish as much good, probably, for the country as the expenditure at any other embassy or legation, except that he preferred this Russian proposition because the property at this time could be bought very cheaply.

Mr. MANN. The gentleman knows that this item contemplated that a certain piece of land should be given to the Government. That land is located outside of the city of Panama, quite a distance from the city, at a very inconvenient place for anybody going through Panama to visit.

Mr. FLOOD. It has not been designated, and I have no idea that the department would accept a site any considerable distance outside of the city of Panama.

Mr. MANN. It is a part of that same real-estate deal in reference to a Government exposition.

Mr. FLOOD. The gentleman made that statement on the floor of the House last year, and when the representatives of the State Department were before the committee this year we took occasion to go into it somewhat, and developed the fact that the gentleman from Illinois was mistaken.

Mr. MANN. Oh, I am not mistaken. I have talked with the representatives of Panama in reference to it.

Mr. FLOOD. The representatives of the State Department who read the gentleman's statement made on the floor of the House last year stated to us that the gentleman was mistaken.

Mr. MANN. Then the representatives of the State Department are not informed.

Mr. FLOOD. They said the gentleman from Illinois was not informed.

Mr. MANN. My information comes at first hand.

Mr. FLOOD. Their information also comes at first hand.

Mr. FITZGERALD. Where is this land to be donated? I have been in Panama seven times. I get my information at first hand myself.

Mr. FLOOD. I do not know where it is to be located.

Mr. FITZGERALD. There is no land in the city of Panama, unless you go away outside, that can be granted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask that the time of whatever gentleman has the floor may be extended five minutes.

Mr. FLOOD. Mr. Chairman, I ask for recognition, and yield to the gentleman from New York [Mr. FITZGERALD] for a statement.

Mr. FITZGERALD. The Panama Canal Commission took over a building in the city of Panama when they acquired the rights of the French company. The State Department has been endeavoring to get possession of that building to use for a legation. The canal commission has no use for the building. It is a very substantial structure, one of the most substantial and one of the finest buildings in the city of Panama. We carry in the sundry civil bill a provision, put there at the suggestion of Gen. Goethals, to turn the building over to the State Department without expense.

I find that there is a good deal of exaggeration about these legation buildings. I have been all over Panama. I have been down there seven times, and it takes a guide to find these legation buildings, with the exception of one, and to identify them. They do not add a thing to the prestige of any government, and the best building of the lot is this building that we propose to turn over to the State Department. One of the legation buildings is rather attractive, because it recedes a little, and there are some tropical plants outside of it; but the architecture of Panama is such that most of the residences are above business places. You can not tell anything about them from the outside. The business houses are on the ground floor and the residences are on the upper floors, and they are all barricaded, as if everybody were afraid that there was about to be an uprising at any moment and that a mob would take possession of the buildings. It seems to me that if the State Department gets this building, it will be all that is wanted. I should think that for $100,000 you could build a whole public park full of buildings, judging from what I have seen of them. I have spent a lot of time in Panama. It is like going from here over to the Senate, from where the committee would be located. I have walked all over it and driven all over it, in those little vehicles that they have there, and I am convinced that if the gentleman from Virginia [Mr. FLOOD] had ever been in Panama, if anybody had the temerity to ask him for $100,000 for a building exclusive of site, he would suggest that that man be sent to St. Elizabeth's for examination. That is not an exaggerated statement. There are a number of gentlemen on the floor of this House who have been there and who know the situation and the conditions. I can not understand this, except on the theory that those who make the suggestion have never been in Panama.

Mr. HARRISON. May I ask the gentleman a question?

Mr. FITZGERALD. Certainly.

Mr. HARRISON. Did the State Department appear before the committee and recommend this provision in the sundry civil bill?

Mr. FITZGERALD. No; they did not. Gen. Goethals told us that they had been trying to get the building for several years, that the Canal Commission could not turn it over because they had no authority to transfer it, and he asked for that authority and to exclude it from the sums for which bonds could be issued. The Canal Commission has no use for the building, the Department of State needs one, and this is one of the best buildings in Panama.

Mr. HARRISON. How far is this building located from the site of the exposition grounds, where they propose to locate this legation building?

Mr. EVANS. About 2 miles.

Mr. FITZGERALD. The exposition grounds are outside the city.

Mr. FLOOD. This site that the Republic of Panama is going to give is not on the exposition grounds at all. It is in the city of Panama.

Mr. FITZGERALD. There are no vacant lots in the city.

Mr. FLOOD. They could tear down one of those buildings.

Mr. FITZGERALD. The city of Panama extends out. I suppose there are unbuilt sections of it, but I should think this would be a very unwise thing.

Mr. CLINE. Does the gentleman know where the legations of Cuba, Spain, and France are located at this time?

Mr. FITZGERALD. I have had them all pointed out to me, but I can not distinguish them now in my mind. I have had men take me to see them. There is one of them that is attractive, and that stands out from the general run of buildings there. The streets of Panama are not as wide as half of the corridor of the lobby of this House.

Mr. CLINE. What I wanted to inquire is, How far is this building which it is proposed to be turned over to the United States from the embassies?

Mr. FITZGERALD. It is in the heart of the city—I suppose six or seven minutes' walk. You can walk from the Tivoli Hotel through to the extreme end of the city of Panama in half an hour without any effort.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. FLOOD. Mr. Chairman, I ask that my time be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FLOOD. Mr. Chairman, it seems to me that what the gentleman from New York has said demonstrates the propriety of the United States putting up a decent building at Panama to give the people some idea of the proper kind of architecture of a building for a legation or an embassy if they ever have an embassy there. The gentleman says that there is one appropriate building there occupied by a legation of some country, and I do not see why the United States should not have the best that there is there. We passed a law some years ago authorizing Congress to appropriate half a million dollars a year for the purpose of erecting embassies, legations, and consulates in different countries of the world. Since then we have appropriated $100,000 for a legation at Berne, $150,000 for a legation at Mexico City, and $150,000 for one at Tokyo. I think that is all up to the present appropriation bill. None of that money has been expended so far except in negotiations in reference to the Berne property. In this bill we carry an item providing for a change of site in Tokyo, and the State Department will do nothing until that change is made. In Mexico City, owing to the disturbed conditions in that country, nothing has been done.

The State Department this year recommended appropriations for building a consulate at Shanghai and for the erection of a legation at Panama upon land to be given to the United States Government by the Republic of Panama, and for the erection of a legation at Habana. The committee has recommended this $350,000 appropriation under the Lowden Act. It seems to me that if we are going to carry out the policy laid down by Congress some years ago when the Lowden Act was passed we ought to proceed to make some appropriations each year. Of all of our representatives in countries besieging the State Department with the request or recommendation for embassy or legation or consulate buildings the department selected Panama. I do not see anything in the suggestion made by the gentleman from New York to induce Members of Congress to vote against this appropriation.

Mr. TEMPLE. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. TEMPLE. I noticed in the report that the department is officially informed that it is the intention of the President of Panama to present to the United States a suitable site for the construction by the Government of the United States of a building for the use of the legation, and so forth. In the bill the appropriation is made for a legation on ground to be presented by the Government of Panama. I would like to ask whether it is from the Republic of Panama, or a private gift from the President from his own personal resources.

Mr. FLOOD. It is a gift from the Republic of Panama. I do not see, Mr. Chairman, any advantage to be gained by voting for the suggestion of the gentleman from New York. We ought to put a building at Panama that will be an example in architecture and a proper building for the use of our legation and a credit to our country.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. HAMILTON of Michigan. Does the gentleman know what the actual value of the land proposed to be given by Panama is?

Mr. FLOOD. That question was asked at the hearing, but they did not know what the value was. It was assumed to be a suitable site for a building for the legation.

Mr. HAMILTON of Michigan. I did not want to violate the proprieties by looking a gift horse in the mouth, but I did not know but that the gentleman might state it privately.

Mr. FLOOD. I think the gentleman can trust the State Department. If the site is not satisfactory, they need not erect a building, but can come to Congress and ask permission to change the site.

Mr. MANN. Mr. Chairman, I understood the gentleman from Virginia to say that when Mr. Carr was before the committee he contradicted something I said on the floor a year ago. I did not remember until reading the testimony before the committee, but I have reread it, and there is no contradiction by Mr. Carr of any statement I made a year ago, but quite the contrary.

Mr. FLOOD. I did not say it was in the hearings before the committee; I said we asked him about it, and he said that the gentleman from Illinois was entirely mistaken.

Mr. MANN. But he did not say it.

Mr. FLOOD. He did say it.

Mr. MANN. It is not in the hearings.

Mr. HARRISON. Mr. Chairman, may I read what was said before the committee?

Mr. MANN. I will yield to the gentleman to read from the hearings.

Mr. HARRISON. I read from page 62 of the hearings:

Mr. HARRISON. Did they have discussion in the committee and on the floor of the House about that, Mr. Chairman?

The CHAIRMAN. Both in committee and on the floor of the House. Mr. MANN stated that he had been there and looked at it; that it was some distance from the residential and business part of the city and in a location that would not be suitable for the legation.

Mr. CARR. In the communication I saw and to which I have made reference there was no location specified.

The CHAIRMAN. There was no specific location?

Mr. CARR. No.

Mr. LINTHICUM. Was that the exposition building or the legation building?

The CHAIRMAN. It was the exposition building that was to be used as a storeroom for exhibits.

Mr. CARR. It may have been an exposition building erected for that purpose, and possibly afterwards to be used for legation purposes. There was some such proposition as that, I know. I think, however, in any appropriation that was made for the legation building at Panama you can depend upon it that the department will not consent to the erection of any building that is not suitable or on a suitable site.

The CHAIRMAN. Why do you recommend this?

Mr. MANN. Certainly. That is all correct. There is no contradiction there of what I said.

Mr. HARRISON. I did not say there was.

Mr. MANN. The gentleman from Virginia [Mr. FLOOD] simply forgot.

Mr. FLOOD. I did not forget.

Mr. HARRISON. I will say that it was the impression of the committee that the gentleman had made a statement to that effect, but when we asked Mr. Carr, this is what he stated before the committee.

Mr. MANN. I was going to read that myself, and I am much obliged to the gentleman for reading it. What was up last year was in reference to the exposition building which possibly might be used for a legation building. I know where the exposition grounds are. I do not know whether the gentleman from Virginia [Mr. FLOOD] has been there and seen them or not. The State Department probably knows where they are. There was no secrecy about that. The exposition building had to be located upon the exposition grounds. I was talking about the exposition building when the gentleman from Virginia [Mr. FLOOD], a little forgetful of what I had said, stated to Mr. Carr what I said, which was in reference to a legation building, which was not the building that was under discussion at all, and Mr. Carr said that he did not know, because there was no location specified. The location that was not specified was a legation building which was not before the House last year at all unless it was to be the left-over remains of the exposition building. But that is neither here nor there. I know where these exposition grounds are, because I have been there. I know where the exposition building was to be located, because I examined the site. I presume that the site that is to be presented by the President of the Panama Republic for a legation building is the same location, though I do not know. The committee does not know, Mr. Carr does not know, the State Department does not know—at least they say they do not, but the fact is that there is an element down there endeavoring to build up a new subdivision——

Mr. FITZGERALD. And we are to help them.

Mr. MANN. Where the exposition buildings were to be located, in the hope that some of them would remain there permanently, where they would like to locate the legation building, where some one might be perfectly willing to donate a site to help sell the balance of the property. I do not see any reason why we should engage in real-estate speculations in Panama. The one thing that we are long on down there is real estate. We own lots of real estate in the city of Panama. We own a strip 10 miles wide clear across the Isthmus from Panama to the Caribbean Sea. We practically gave to the Republic of Panama the old administration building down there a few years ago because we had no use for it—a much better location for a legation building than one located outside of Panama, where the people going through the canal will never see it.

Mr. CLINE. Mr. Chairman, I just want to add a word to this discussion as a reason for the recommendation of the State Department. I have never been to Panama and do not speak from any personal knowledge. I am informed by the State Department that Cuba has already expended $60,000—it may be in revamping their old exposition building; I do not know how that is—for a legation and for a permanent commercial exhibit. Spain has expended $100,000 in transforming, if that is the fact, their exposition building into a legation building and bank for the purpose of doing a banking business and for a permanent commercial exhibit also. France has also erected a building at a cost of $60,000 in this group of buildings. These countries feel that the development in the South American Republics demand this. I understand that it is the purpose of the President of the Panama Republic in his representative capacity to give the United States a very excellent lot in the immediate vicinity of these buildings. The State Department considers that a very good reason why the United States should build, especially when the site for the building is given to us. I think that that is a matter which ought to be taken into consideration, especially in view of our relationship with the South American Republics and with that territory down there, in which we are becoming more and more interested, and because of the fact that within the last five years our exports to South American Republics have increased in round numbers from $189,000,000 in 1910 to $324,000,000 in 1915, showing the great drift of trade to the territory south and through the Panama Canal. All those things are of interest to the United States.

I do not know how far an exposition building or a legation building will go toward helping that out, but I do know it is universally believed that legation buildings bespeak the dignity and influence of the Government that constructs them. Certainly it is worthy of our attention, and those are some of the things—together with the fact that we get the very best site there is there—that ought to command our attention. If the exposition building we formerly occupied can be changed and made into a good legation building, with all of the necessary arrangements we ought to have in a building of that kind, with a residence for the minister, and if it is properly located for the purposes contemplated, I think it ought to be considered also.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. CLINE. Yes.

Mr. McLAUGHLIN. The gentleman has stated that a very excellent lot in the vicinity of the exposition building has been offered to the Government of the United States. I gather from the talk of gentlemen on both sides of the Chamber that no one here knows the location or anything about it. By what authority does the gentleman now say that a very excellent lot in the vicinity of the exposition building has been offered?

Mr. CLINE. Mr. Chairman, I stated distinctly when I began my remarks that I got my information from the State Department. Where the lot is located, the size of it, the value of it, I do not pretend to know. One thing is certain, however, that if the lot was not commensurate with the necessities of the United States the State Department would not erect a building there to cost $100,000.

Mr. EVANS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. All debate upon this amendment is ended under the rules. The gentleman can proceed only by unanimous consent.

Mr. EVANS. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. EVANS. Mr. Chairman, I regret to find myself out of accord with the committee's recommendation in this matter. Anyone who has been to Panama and looked over the situation there must agree, I think, that if the building formerly occupied by the Panama Canal Commission is to be turned over to the State Department for the purposes here stated, they will have all of the building they want for ambassadorial purposes.

This building is located near the water front, in the heart of the city. It is one of the best buildings there. In my judgment if the building is taken over for ambassadorial purposes it will be incomparably the best building in Panama for the purpose. It is a large, commodious, fireproof, and excellent building. Now, the exposition grounds are probably 2 miles from there. I do not say positively they are beyond the corporate limits, because I do not know, but there are no buildings around it for half a mile, or perhaps three or four or more blocks, at least; and if we can get a good building, own it ourselves, and turn it over to the State Department for the purpose, I see no reason why we should expend $100,000 in building a building somewhere else. I am sure, as I suggested, that the building shown to me as the building originally occupied by the Panama Canal Commission, which is sought now to be turned over here, will be better than any foreign public building in the city of Panama. For that reason I would be opposed to voting $100,000 to build a new building when we have one already that can be used.

Mr. MANN. Mr. Chairman, I make the point of order against the paragraph. The Lowden Act does not authorize the appropriation for buildings to be constructed on land which the Government has not acquired or is not authorized to acquire. This is for the erection at the city of Panama on ground to be presented by the Government of Panama. We do not own that ground and there is no authority to make an appropriation for the construction of a building on ground to be presented, nor is there any authority on the part of the State Department to accept any ground that is presented unless this itself is legislation authorizing the acceptance. This probably would be considered as legislation authorizing the acceptance; hence it is legislation and is subject to the point of order because it requires legislation to authorize any officer of the Government to accept a present.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent to offer an amendment to this paragraph right at this time.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to offer an amendment to the paragraph.

Mr. MANN. If the point of order is sustained the gentleman would have authority to offer an amendment, of course.

Mr. FLOOD. I would rather do it before.

Mr. MANN. Or a substitute.

The CHAIRMAN. The Chair rather thinks that the point of order should be disposed of before the amendment is offered.

Mr. FLOOD. Not if I get unanimous consent.

Mr. FITZGERALD. Mr. Chairman, I make the point of order on the whole paragraph, because I am going to oppose any proposition for the expenditure of $100,000, as you might as well throw it in the river as to expend it for this purpose.

Mr. MANN. Mr. Chairman, I made the point of order on the paragraph. Of course the gentleman can offer another proposition if the point of order be sustained.

The CHAIRMAN. The Chair thinks the point of order should be disposed of first.

Mr. FLOOD. Let the Chair dispose of it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FLOOD. I offer this amendment. Acquisition of legation premises at Panama City, Panama. For the erection at the city of Panama of a suitable building for the use of the legation to Panama, both as a residence of the minister and for the offices of the legation, and for the necessary furnishing of the building, $100,000, or so much thereof as may be necessary.

Mr. MANN. If the Clerk has not the amendment we might argue the point of order while the gentleman reduces it to writing, so the Clerk can get it.

Mr. FLOOD. The amendment is to strike out, page 22, line 9, the word "on," in line 10, down to and including the word "Panama," in line 11. Does the gentleman make the point of order against that?

Mr. MANN. I do.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Substitute for the paragraph stricken out the following:

"For the erection at the city of Panama of a suitable building for the use of the legation at Panama, both as a residence of the minister and for the offices of the legation, and for the necessary furnishing of the building, $100,000, or so much thereof as may be necessary."

Mr. MANN. Mr. Chairman, I make a point of order against that. The only authorization for any of these appropriations is the so-called Lowden Act. That act, which I helped to draw in order to protect the Treasury from onslaughts upon it, is very particular as to what the appropriation shall be. It requires an estimate from the State Department and the appropriation to be made in accordance with the estimate. Now, the

gentleman has not any estimate from the State Department, except the estimate in conformity to the paragraph which was stricken out, and there can be no appropriation until an estimate has been presented stating exactly what is to be done and the appropriation is based upon the estimate.

Mr. FLOOD. Mr. Chairman, I would like to read the Lowden Act to the Chair. It is as follows:

Be it enacted, etc., That the Secretary of State be, and he is hereby, authorized to acquire in foreign countries such sites and buildings as may be appropriated for by Congress for the use of the Diplomatic and Consular Establishments of the United States, and to alter, repair, and furnish the said buildings; suitable buildings for this purpose to be either purchased or erected, as to the Secretary of State may seem best, and all buildings so acquired for the Diplomatic Service shall be used both as the residences of diplomatic officials and for the offices of the Diplomatic Establishment: *Provided, however*, That not more than the sum of $500,000 shall be expended in any fiscal year under the authorization herein made: *And provided further*, That in submitting estimates of appropriation to the Secretary of the Treasury for transmission to the House of Representatives the Secretary of State shall set forth a limit of cost for the acquisition of sites and buildings and for the construction, alteration, repair, and furnishing of buildings at each place in which the expenditure is proposed (which limit of cost shall not exceed the sum of $150,000 at any one place), and which limit shall not thereafter be exceeded in any case except by new and express authorization of Congress.

Approved, February 17, 1911.

Now, that estimate of the cost was made by the Secretary of State and submitted to Congress by the Secretary of the Treasury, and the estimate was $100,000, and this appropriation is for $100,000, which is within the limit of $150,000 prescribed by law, and this bill does not carry in excess of $500,000. Therefore, it seems to me, the item is necessarily in order.

Mr. FITZGERALD. I call the attention of the Chair to the fact that the statute requires an estimate be submitted on the limit of cost and site of building. There is no estimate here on the site at all. There is no estimate for a site, and there is no provision in this amendment to acquire a site. You can not authorize the construction of a building without a site. The act requires the estimate to be for a limit of cost for site and buildings.

Mr. HARRISON. You have already got your site, and it provides in one year for the building.

Mr. FITZGERALD. You can not have a building without a site. It is useless to authorize the erection of a building without authorizing the acquisition of a site.

Mr. FLOOD. Mr. Chairman, I will offer another amendment to meet that objection. I do not concede the point of order, but I want to offer an amendment. On line 8, after the word "For," to insert "purchase of a site and."

Mr. MANN. The gentleman withdraws his former amendment and offers an amendment with this in?

Mr. FLOOD. Yes.

Mr. MANN. I am perfectly willing.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to withdraw his former amendment. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, let the new amendment be reported.

Mr. FLOOD. It is for the purchase and acquisition.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amend by inserting "For the acquisition of a site and the erection of a suitable building thereon for the use of the legation at Panama, both as a residence of the minister and for the offices of the legation and for the necessary furnishing of the building, $100,000, or so much thereof as may be necessary."

Mr. MANN. Mr. Chairman, I make a point of order on the amendment. It is perfectly plain that under the Lowden Act there must be an estimate for the site and the building and that the estimate for the site and the building must not exceed $150,000. But there must be an estimate for it. There is no estimate here for a site.

Mr. FLOOD. Mr. Chairman, there was an estimate of $100,000. That was all that the department estimated, all that it desired to spend at Panama. It was not in contemplation that any portion of that $100,000 was to be spent for a site, because it was thought that the site would be given by the Republic of Panama. But the estimate of the cost of the acquisition of the site and the erection of a building thereon was $100,000, and that was made according to the Lowden Act.

Mr. MANN. There is no dispute about that. This is a very important matter, Mr. Chairman, as to the ruling that is to be made.

For many years there was a controversy pending here as to whether Congress should purchase embassy buildings abroad. A bill to authorize that was defeated once or twice in the House. Finally we passed the Lowden Act, drawn so that just this kind of a thing could not be done; requiring, first, that the State Department should make an estimate of the cost of a site and building which should not exceed $150,000.

Now, it is frequently stated that you can not buy an embassy building in Berlin, Paris, London, or Vienna for $150,000. Gentlemen have been trying to find some way by which they could evade the provisions of the Lowden Act. But the law requires that before you can make an appropriation you must have an estimate from the Department of State to the effect that you can acquire both the site and the building for $150,000 or less. Suppose this were in Berlin, and there was no estimate of the cost of the site at all, but just of a building, $150,000; but the gentleman puts in an item for the acquirement of a site and building, $150,000. You could acquire the site for $150,000, and stop there. Then you could come in next year with an estimate of the building, another $150,000. Under that system you clearly evade the provisions of the Lowden Act. There must be an estimate from the State Department that they can do this. We do not ordinarily have any rule of the House requiring an estimate. The law provides that certain estimates should be made. But here is a law which provides that an estimate shall be made before it is in order to make the appropriation in the House, and there is no estimate from the State Department here for anything except the building.

Mr. HARRISON. Mr. Chairman, this act that the gentleman talks about proposes to allow the Congress to appropriate $500,000 a year, not over that amount, to procure these embassies throughout the world, and the limitation was placed in it that at no place should the site and building cost over $150,000. The provision was written in it that the Secretary of the Treasury should transmit to Congress an estimate as to the cost of buildings for some purpose. What was that purpose? The purpose of compelling the Secretary of the Treasury, through the Secretary of State, to present to Congress that estimate was to limit the expenditure by Congress at any one place, namely, that they should not appropriate for any one place over $150,000. The Congress did not care whether or not the site costs anything. The Congress did not care whether or not the site costs $10,000 and the building $140,000. The question that Congress was interested in was that the embassy or the legation should not cost over $150,000 in any one place.

Now, here is an estimate of the Secretary of the Treasury which says that at Panama $100,000 shall be a limit of cost for the acquisition of the premises and the erection of a building. He says in his estimate of cost that the site is going to cost nothing, and that it is proposed to expend $100,000 on the erection of a building. It would have no more effect, since it comes within the limitation, namely, of expending no more than $150,000 for the acquisition of a site and building at Panama than if the site cost $10,000 and the erection of the building cost $140,000; and the fact that in the estimate submitted by the Secretary of the Treasury he says that the site shall cost nothing, but that it shall be given to the Government of the United States, cuts no figure.

The question that confronts the Chair in passing upon this is whether or not in the acquisition of the site and building the limit of cost shall exceed $150,000. The limit of cost here is not $150,000, but the limit of cost provided is $100,000, and the question whether or not the site is given to the Government has nothing to do with it. I submit, Mr. Chairman, that the point of order ought to be overruled.

The CHAIRMAN. The point of order is overruled. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, after line 7, insert the following: "Acquisition of legation premises at Panama City, Panama: For the acquisition of a site and the erection at the city of Panama of a suitable building for the use of the legation at Panama, both as a residence of the minister and for the offices of the legation and for the necessary furnishing of the building, $100,000, or so much thereof as may be necessary."

Mr. FITZGERALD. Mr. Chairman, I was in error in stating what building was to be turned over under the provision in the sundry civil bill. The building to be turned over is the building now occupied by the legation, which pays to the Panama Canal Commission $3,000 a year rent.

When the Lowden Act was passed by Congress its purpose was to provide for the erection at foreign capitals of buildings that would impress the people of those countries with the importance and dignity and the power of the Government of the United States. If there be any place in the civilized world where it is not necessary to erect a building for that purpose it is Panama.

We have expended nearly $400,000,000 in the greatest engineering enterprise of all time. We have an administration building at Ancon that towers up above the city of Panama that cost in the neighborhood of $800,000 or $900,000. We pay to the Republic of Panama, in perpetuity under the treaty, $250,000 a year. We have already paid to the Republic of Panama

$10,000,000 for the rights that we have acquired from it. The one place in the entire world where it is not necessary to spend money to impress the people with the power, dignity, and wealth of the United States is Panama. A great many Members of Congress have been there——

Mr. FLOOD. Mr. Chairman, will the gentleman allow me to interrupt him?

Mr. FITZGERALD. Yes.

Mr. FLOOD. I was going to make the suggestion that I withdraw this amendment, so that the proposition for the erection of this building at Panama may be taken up by the State Department with the Senate committee and the Senate. I will say that the last time I talked to any representative of the State Department that department knew nothing about the transfer of this building to which the gentleman from New York refers.

Mr. FITZGERALD. I want the RECORD to show that the building I mentioned first is not the building which it is proposed to transfer. I was in error about that. That building was sold to the Republic of Panama for $80,000, as provided in the treaty. The building that is being turned over is the building which has been occupied by the legation for several years and for which it pays an annual rental of $3,000, and I think has paid in all about $20,000 to the Canal Commission. I simply wish to say this to the gentleman from Virginia: I am very familiar with Panama, and if the gentleman should spend two weeks there he would be as familiar with the location of the buildings there as he is with the location of the buildings in Washington. If he should see the conditions there and should then propose an appropriation for the purpose of providing a building, both as a residence and as offices for our legation at Panama, I believe he would not suggest anywhere near $100,000 for both the site and the building. I say that in perfect good faith, because the conditions down there are such that if we should spend $100,000 on a building and the furnishing of it for our minister, we would not be able to obtain many men who would have the means to keep up the palace that we should erect for that much money. I think perhaps the gentleman's suggestion that this matter be looked into a little more thoroughly is a wise one. I do not wish to antagonize the gentleman's committee.

Mr. FLOOD. We do not want to make an appropriation that is extravagant, and this matter can be taken up by the Department of State with the Senate committee, and if the Senate desires to make the appropriation it can be made. I ask unanimous consent to be allowed to withdraw my amendment.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to withdraw his proposed amendment. Is there objection?

There was no objection.

The Clerk read as follows:

For salaries of consuls general, consuls, and vice consuls, as provided in the act approved February 5, 1915, entitled "An act for the improvement of the foreign service," $1,139,000. No portion of this sum shall be paid as compensation to vice consuls who are not American citizens: *Provided*, That if in any case the Secretary of State deems it impracticable immediately to secure a competent vice consul who is an American citizen, he may appoint or retain as vice consul and compensate from this fund a person not an American citizen until such time as he is able to designate a competent American citizen for such post.

Mr. ROGERS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ROGERS: Page 23, line 14, strike out the figures "$1,139,000" and insert in lieu thereof the following: "And for salaries of vice consuls, under such regulations as the President may prescribe, $1,164,000."

Mr. HARRISON. I reserve a point of order on that.

Mr. ROGERS. Mr. Chairman, I think that is not subject to a point of order. The Revised Statutes, edition of 1878, section 1695, prescribe—

The President is authorized to define the extent of country to be embraced within any consulate or commercial agency, and to provide for the appointment of vice consuls, vice commercial agents, deputy consuls, and consular agents therein in such manner and under such regulations as he shall deem proper.

The act of 1906, which made separate provisions for consuls general and consuls, prescribed by section 3—I am reading it only in part—

That the offices of vice consuls shall be filled by appointment, as heretofore. * * * Consular agents may be appointed, when necessary, as heretofore.

In other words, the effect of the provision in the Revised Statutes, coupled with the virtual continuance of that provision in the act of 1906, leaves it still open to the President to prescribe for the appointment of vice consuls and consular agents as he may deem necessary.

Now, as to the effect of this amendment. The act of 1915 prescribes, in the third paragraph of section 6:

Vice consuls shall be deemed to denote consular officers subordinate to such principals, exercising and performing the duties within the limits of their consulates at the same or at different points and places from those at which the principals are located.

I may say, in passing, that that was the first recognition by law of the principle that vice consuls need not necessarily be substitute consuls exercising their functions only at the place where the principal consul general or consul was holding office.

That same act, of 1915, provided by section 3 that a vice consul should be paid during the absence of his consul compensation equal to the difference between one-half the salary of the consul for whom he is substituting and the salary of the vice consul himself as clerk or other officer of the Government; this provision for the first time permitted vice consuls to receive a salary out of the Treasury of the United States. Prior to that time a vice consul had received a salary as such only by personal arrangement with his consul, and out of the consul's own pocket, when the consul himself was away. The language of the present bill provides for salaries of consuls general, consuls, and vice consuls, "as provided in the act approved February 5, 1915," a certain sum of money. In the opinion of the State Department this provision for compensation of vice consuls would be construed to refer only to the provision of section 3 of the act of 1915, which provides for partial compensation for vice consuls during the absence of their principals. I have therefore suggested, as an amendment, the addition of the words "and salaries of vice consuls under such regulations as the President may prescribe," just before the figures in line 14, and I have increased the sum carried in the bill by $25,000.

Mr. CLINE. Will the gentleman yield?

Mr. ROGERS. I yield.

Mr. CLINE. My understanding is that the party who acts as vice consul already receives a clerk's salary for his services except in the absence of the consul, and then he receives an additional sum equal to 50 per cent of the difference between his salary and that of the consul. Does the gentleman propose to put him on a new basis?

Mr. ROGERS. I am attempting at this time only to deal with the point of order and to show that my amendment is not subject to a point of order. If I can get past that point I will be glad to discuss the merits of the question.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ROGERS. Mr. Chairman, I am discussing the point of order.

The CHAIRMAN. The Chair will be glad to hear the gentleman on the point of order.

Mr. ROGERS. I supposed that I had been discussing the point of order. As briefly as I can state it my position is this: The act of 1915 permits the appointment of vice consuls as independent officers and does not restrict the appointment of vice consuls to men who are acting as subordinate officers at a given post. Thus we have contemplated by the act of 1915 the creation of a somewhat modified type of vice consul. The Revised Statutes and the act of 1906 both prescribe that the President of the United States shall have the power to make regulations for the appointment of vice consuls and consular agents. For these two reasons taken together I submit that the point of order should be overruled.

The CHAIRMAN. The point of order is overruled, and the question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. ROGERS. Mr. Chairman, I demand a division, and I would like to ask the gentleman from Virginia if he has any objection to the amendment; it was drawn by the State Department.

Mr. HARRISON. Mr. Chairman, has not the vote been declared?

The CHAIRMAN. The amendment would be voted down if the gentleman does not claim a division.

Mr. ROGERS. I ask unanimous consent for one minute to state the reasons for this amendment.

The CHAIRMAN. The gentleman from Massachusetts asks for one minute. Is there objection?

There was no objection.

Mr. ROGERS. The State Department wishes to try the experiment of Americanizing the consular agents little by little by sending out professional vice consuls. They will get very little salary, but that result will accomplish not only the Americanization of the vice consular service but also the elimination of the vicious fee system, of which this is the last remnant. Also the practice of having consular agents who are

engaged in private business will be abolished. The State Department would like to have a small sum of money, $25,000, to make a beginning and to show Congress a year hence that this process should be continued and extended. I had an impression that this amendment was satisfactory to the chairman of the committee.

Mr. FLOOD. I told the gentleman yesterday that I had no objection to it but I thought it would be better to postpone it to another year until we could have hearings upon it.

Mr. ROGERS. The State Department has gone into it carefully, and the Director of the Consular Service has approved it. I have a letter on my desk from him on the subject. I think there can be no objection raised to it.

Mr. HARRISON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HARRISON. Has the vote upon this amendment been announced?

The CHAIRMAN. The question was put on the motion of the gentleman from Massachusetts, and the amendment was lost, and then he asked for a division and the House was about to divide when he asked for a minute, by unanimous consent, to state the reasons for the amendment, which the House gave to him.

Mr. HARRISON. Mr. Chairman, I want to be heard in opposition to the amendment, if it is to be up again.

The CHAIRMAN. The gentleman can be heard by unanimous consent.

Mr. HARRISON. I ask unanimous consent that I may have two minutes.

The CHAIRMAN. The Chair thinks that this is very irregular, but as the House can do anything by unanimous consent, the Chair will put the question. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none.

Mr. HARRISON. Mr. Chairman, I am opposed to the amendment which carries an increase of $25,000, for the reason that in this item the committee gave to the State Department every cent that it asked for, and at the urgent recommendation or solicitation of the gentleman from Massachusetts they increased the item, I think, $25,000. He got into this a provision for Americanizing the vice consuls without disorganizing the whole service, and this item carries an increase of appropriation of $51,000 over what it was last year, $25,000 to take care of Americanizing the vice consuls. This increase has not been asked for by the State Department, and it certainly ought to be first considered by it. It looks like an unwise piece of legislation to adopt the amendment at this time.

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts.

The House divided; and there were—ayes 5, noes 8.

So the amendment was lost.

Mr. ROGERS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 23, line 22, after the word "post," insert the following as a new sentence: "Every consul general, consul, and, wherever practicable, every consular agent shall be an American citizen."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For salaries of five consular inspectors, at $5,000 each, $25,000.

Mr. DIES. Mr. Chairman, I move to strike out the last word. On the 28th of January, 1916, I made a speech in the House on the subject of preparedness, and following the custom of Members of Congress, I asked leave to revise and extend my remarks. In order to get that speech into a 16-page pamphlet to send to my district, I condensed it into 16 pages. After the delivery of the speech the gentleman from Illinois [Mr. MANN] secured time and made a speech in which he said that I had referred to the speech of the President of the United States as idiotic. Those opposed to my reelection in my district seized upon that as the most serious thing that could be said about me as a Member of Congress and largely pitched their campaign that I had referred to the speech of the President as idiotic. On yesterday I called attention to the fact that that was untrue—that I had made no such reference to the speech of the President—and the gentleman from Illinois [Mr. MANN] took the floor and used this language:

"What the gentleman says about his reference to my speech is equally incorrect. The speech which he made on the floor in which he referred to the President of the United States as having uttered idiotic ideas has nothing whatever to do with the speech he made on the floor concerning my garden meditation repentance. It is very natural that he mixes the speeches up, but unless he has changed the copy that was furnished to him—which many Members do—the RECORD will still show that he referred to the utterances of the President of the United States as idiotic."

Taking up that statement by the gentleman from Illinois, the papers very generally carried it; and, as I say, it was made the chief campaign slogan against me in my district. I need not say to the House, to those who heard me, that I made no such statement. I am not a worshiper of the President of the United States. When I think he is right, I go with him. When I think he is wrong, I go against him. When I entertain doubt as to the correctness of his position, I resolve the doubt in favor of the President.

Mr. Chairman, it is a question of veracity. I do not doubt the gentleman from Illinois [Mr. MANN] thinks he is speaking the truth, but as a matter of fact he is doing me a great injustice in my district. If I had said that the President had made an idiotic speech, I would stick to it; but I did not say that, and I do not think the gentleman from Illinois ought to want to put me in a position of having made such a statement, when, in fact, I did not make it. I therefore ask unanimous consent to insert in the RECORD the stenographer's report of my speech, which I later revised into a pamphlet of 16 pages in order to avoid the great expense of its publication, and I now desire to insert it in the RECORD as proof positive of the fact that the gentleman from Illinois [Mr. MANN] is honestly, but, nevertheless, mistaken as to my speech, and that the campaign against me on that score, at least, is unfounded.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to insert in the RECORD the official report of a speech that he made at a previous date. Is there objection?

There was no objection.

The speech referred to is as follows:

"Mr. DIES. Mr. Chairman, I do not expect the committee to extend to me any privilege that any other Member of the House should not ask for. Yet, I want to ask you to permit me to make a plain and candid speech; allow me to call a spade a spade, and always, if something in the heat of my remarks—which will be extemporaneous—should displease you, I ask you charitably to conclude that it is intended for the other fellow and not for any person who feels that it might be directed toward him.

"I realize, of course, that there is such a thing as being too candid, brutally candid; but it does seem to me that in this moving-picture crisis of our country, this hysterical fit into which the public seem to have fallen, it is time that the matter receive candid treatment at the hands of representatives of the people.

"What I said yesterday with rgard to a reversal of opinion on the part of my distinguished friend from Illinois [Mr. MANN] occurring in his garden was not intended, I assure you, as a stricture upon him. The thing is fashionable. The malady is catching. The epidemic is universal. The paper I quoted from yesterday, the Philadelphia Inquirer, referred to the gentleman from Illinois [Mr. MANN] as the real leader of the House. It said:

"'The vigorous and clearly defined speech of Congressman MANN in favor of strengthening the Army and Navy, and his eloquent plea to make this a national and not a partisan or political question, lifts him into immediate prominence as the real leader of this most important movement.'

"And even the Philadelphia Inquirer last night flops on the question of flopping, and this morning it says, under the caption of 'The President's changing mind':

"'Entirely aside from the merits of the proposition, the President's announcement that he has changed his mind on the subject of a tariff commission presents an interesting study in psychology. It was the first Napoleon who said that the worst fault in the conduct of affairs was vacillation.'

"So this newspaper overnight flops on the question of flopping. [Applause on the Democratic side.] I am not so much concerned with what the President said a year ago, or what the leader of the Republican Party said a year ago, as I am with regard to the truth of what they said a year ago. I concede any man's right to change his opinion. I admire the courage of gentlemen who announce to the public a change of opinion, but I beg leave, before I follow repentant gentlemen to the mourners' bench, to inquire the revelation to them for a change of faith. And that is what I propose to do to-day.

"I have a garden as well as my friend from Illinois. I doubt not it is as luxuriant in vegetables as his. I worked in it last summer, but I did not conclude, as he did, that the whole tradition of this Republic should be changed with regard to military preparedness.

"I have been reading the President's speech this morning, and he says, by way of apology for Members of Congress, that we have not had time to look into this question. I am glad that the President is not so busy a man but that he has had time to look carefully into it. I have had more than the usual amount of time to look into it, and I shall give you candidly some of the conclusions I have arrived at after having looked into it.

"I believe just as the President believed a year ago. I think I am not as radical now as the gentleman from Illinois was a year ago, although I doubt now if I would be willing to join him again in striking those 14 submarines from the naval bill and the 2 battle cruisers and both dreadnaughts. I am inclined to think that I, too, have changed to that extent with regard to preparedness.

"Now, I want to see what part of the President's speech a year ago is untrue now.

"'We are at peace with all the world.'

"That is true now.

"'No one who seeks council based on facts and candid interpretation of realities can say that there is reason to fear that from any quarter our independence or the integrity of our territory is threatened.'

"He reiterated that yesterday in New York by saying that all the twaddle about invasion of the United States was not to be believed. He says:

"'We never have had, and while we retain our present principles and ideals we never shall have, a large standing army.'

"The President may have changed his principles and ideals and the gentleman from Illinois may have changed his ideals, but my ideals and the ideals of my country are just what they have been from the days of 1776 down to this time, and that is that a military atmosphere is one in which a free government can not exist. [Applause.]

"The President says:

"'The country has been misinformed.'

"Well, that is true; that was true a year ago, and more violently true to-day; and if you do not think so, go up and sit for an hour in the moving picture theaters and behold the invasion of this country, the destruction of its cities, the ravage of the land, the rape of the women of the country, the sinking of all the American Navy without the loss of the life of a single one of the invaders. Then the President told the truth. A year ago the country was misinformed, and more violently misinformed to-day. He said:

"'We have not been negligent of national defense.'

"That was true then, and it is truer to-day than it was then, because in the last naval appropriation bill we gave the President $8,000,000 more than he asked for. He further says:

"'But I turn away from the subject. It is not new. There is no new need to discuss it. We shall not alter our attitude toward it because some amongst us are nervous and excited.'

"I appreciate that, for there is great excitement and more nervousness, and we who are following the old flag would be recreant to our trust if we got nervous and excited and changed our ways in thinking about it.

"Ordinarily it would be a difficult task to bring public opinion into such a state that it would be willing to reverse the entire traditions of the country in just an hour. Have we forgotten all of the history of this country? Have we forgotten that it began without a standing army; that we secured our liberties without it; that we have maintained our liberties against all comers in the years of our infancy and growth? Do the representatives of the people to-day, and the people themselves, forget that in all the time and tide of nations no nation anywhere in the world, at any period of the world's history, was ever able to survive as a free government in the presence of a large standing army and great preparations for war?

"In the midst of war, the old Roman said, laws were silent. The man on horseback never tolerated that freedom and liberty which the people of this country demand, and it is old, but it is true, that it was the same Cæsar who conquered the barbarians when he returned to Rome and destroyed the liberties of the people. It was the same Napoleon who rose in obedience to the popular cry as the First Consul, who, when secure on horseback, turned on the people and hoisted himself into power and crowned himself as Emperor of the French with his own hands.

"What is the state of our preparedness to-day? We are better prepared to-day than we have been in the history of the Republic. Prepared for what? For the only thing—for the one thing which the Republic should be prepared for, and that is to maintain our liberty and the integrity of our institutions. I ask, gentlemen, what are we to prepare for? If we follow the vagaries of our generals and admirals on the active and retired list, we make preparations for conquest of the world. And in speaking of admirals and generals, permit me to say that every old liar on the retired list is in active service now. [Laughter and applause.]

"And we have more of them on the retired list, on the retired pay-roll list, than we have in the active service. We have to-day 145 rear admirals drawing princely salaries, more rear admirals on the pension roll living in this country than there are in all of the navies combined in all the world. If there is anyone here who wants to prepare this United States to depart from the traditions of the fathers, who want to prepare it for world conquest, who wants to assemble the young men of this country in armies, to police Santo Domingo, Haiti, who wants to keep a larger army in the Philippine Islands, to be captured by first assault—I say if there is any man who entertains the belief that it is for the interest of this Republic that we turn our people into conquerors of great military power, my only criticism of the program is that it is not large enough. Instead of having a navy equal to Great Britain, we ought to have a navy equal to all the world. Instead of a million soldiers they tell us about, we ought to emulate the Germans and make every citizen a soldier. Instead of the industrial, peaceable, and prosperous Republic of our fathers, we should convert it into an armed camp and go forth to conquer. But I do maintain that if your purpose is merely to defend the shores of America, to vouchsafe to this people the boon they received from their fathers and from a kind Providence, to work out their own destiny on this hemisphere, and maintain free government, we are better prepared to-day than we have ever been.

"Oh, what a year can do! Just a year ago we were informed by the Chief of Staff of the Army on page 700 of the hearings before the Military Committee on the Army appropriation bill that we were in less danger then of attack than we were six years ago. Mark you, these Army people who want a great army and these Navy people who want a great navy do not confine themselves to the statement that we are now unprepared. They admit that we are better prepared than we have ever been. What they want is what men of their kind have wanted since the dawn of time, namely, more power, more commissions, more princely battleships to live upon, more appropriations for the Army and for the Navy.

"The gentleman from Virginia [Mr. HAY], chairman of the Committee on Military Affairs, just a year ago said that to-day the United States is safer from attack than she has ever been in our history. He said that on page 2066 of the CONGRESSIONAL RECORD. Less than a year ago the Secretary of the Navy made this argument—and I suppose the argument, like the argument of my friend from Illinois [Mr. MANN], has gone into meditations of the garden, though the argument itself remains:

"'I think when the war is over in Europe there is going to be such exhaustion and such reaction that the people are going to demand the cessation of this ever-increasing burdensome expense of war.' (Page 63 of the hearings.)

"Our leaders a year ago were unanimous. Right by the side of my friend from Illinois [Mr. MANN], the brilliant leader of the Republican Party, stood the brilliant UNDERWOOD, of Alabama, leading the Democratic forces against the Navy bill, against more submarines, against more scout ships, against more battle cruisers, against more dreadnaughts, against more appropriations for the Navy. Do you know, I have come to the conclusion that the average Member of Congress is a sort of weather vane, local weather vane. That is, he is a weather cock for his particular locality; but when you want to know how the political wind is blowing generally, as to its general velocity, then consult our leaders. They will answer the purpose for the whole community of Congress, as each Member answers for his district. Usually great bodies move slowly, but that law of physics evidently has no application to modern politics, for the bigger the leader a man is the quicker he can flop. [Laughter.]

"Among the other floppers is the Navy General Board. Just a year ago the Navy General Board said that we ought to have a Navy equal to everybody except Great Britain. Now they have flopped, and they say that we ought to have a Navy as great as Great Britain. But I am not going to waste a great deal of time on the Navy General Board; they are in a receptive mood at all times for appropriations. They fit the description I once gave on the floor of the House of my friend Hobson. They think an ideal republic is an aggregation of battleships with just enough land around them for coaling stations. [Laughter.] And in speaking of my friend Hobson, who is not here to-day, I wish you to indulge me the time to pay him this compliment. He ought to be on some party ticket for President. He is the first man who said what my friend the gentleman from Illinois [Mr. MANN] said the other day, that we ought to have a Navy as great as Britain and Japan combined. Of course the real leader of the movement is crowded off the band

wagon before the movement gets sufficiently accelerated to get anywhere. [Laughter.]

"My friend GARDNER, from Massachusetts, ought to be the Republican candidate and Hobson ought to be the Democratic or the Prohibition candidate. These men who started to tell us that the country was in danger of invasion have been lost. Who hears of Hobson as a leader? And all GARDNER does is to stand up and pick pebbles out of his eyes because the wagon has passed him so speedily. [Laughter.]

"I invite your attention to the fact that a year ago we had a hearing before the various committees. The war was then in progress in Europe. We knew all about the blighting effect of war in Europe a year ago. They say our coasts are undefended. The highest authority in this country, the Battle Cry of Peace on that side of the question, informs us that the coast defenses at New York can be destroyed, outranged, and the city laid waste without the loss of a single life of the invader. Would you allow me to read you the testimony of Gen. Weaver, Chief of Coast Artillery, before the committee last year? I understand upon what seems to be very good authority that Gen. Weaver has no garden, and he has not meditated a change of mind. A year ago Gen. Weaver said:

"'I have been a close student of the whole subject, naturally, for a number of years, and I know of no fortifications in the world, so far as my reading and observation and knowledge goes, that compare favorably in efficiency with ours.'

"But what is Gen. Weaver's testimony compared with the testimony of 'The Battle Cry of Peace'? [Laughter.] I have culled out some of the criticisms of the American Navy, and I wish to answer the most pointed ones. They say that we have no auxiliary vessels, and therefore we have an unbalanced Navy. Admiral Blue, Chief of Navigation, testified a year ago, page 40 of the hearing, and said:

"'I believe I am correct in stating that we have now more auxiliary vessels in our Navy than any other nation maintains in time of peace.'

"Mr. DAVIS of Texas. Amen!

"Mr. DIES. They have got to eliminate this Navy before they can get to the United States, but these moving-picture experts. these garden meditators and hysterical gentlemen throughout the land, are felt called upon to do a thing that I never believed would lie in the mouth of an American citizen to do or say, to libel the American Navy. They have not stopped at that. They have told you how cowardly your forefathers were at Concord Bridge, the farmers of Massachusetts, the sires of one of the present Representatives from that State. To hear his speech you would never conclude that they were his sires. I learned that from other sources. [Applause on the Democratic side.] They have belittled the War of 1812; they have belittled your sires who have come out victorious in every war of the country. Why do not they talk of the Battle of New Orleans, where Andrew Jackson, a militia general, with a handful of militia soldiers, drove back the pick of Wellington's army, fresh regular soldiers from the Peninsula War, commanded by Wellington's brother? They say that we were not organized, and we had a little loss at Blandensburg. We had called out 400,000 of the yoemanry of this country, and the Battle of New Orleans, fought after the war was actually over, was just the beginning of the strength of this young giant of America, and would have been repeated on the various battle fields if that war had continued. If I had four hours, I would like to engage in joint debate with some man who tells me the regular soldiers ever won a battle in this world [applause], from the time your recruits drove back the regular soldiers, from the time Athens and Sparta drove back the Persians in days of old, when the Republic of Rome drove back the 13-year prepared army of Hannibal on down to the first Battle of Manassas.

"I made a statement in a speech at New York the other day that the regular soldiers ran faster than the others at Manassas, because they were better prepared. [Laughter and applause on the Democratic side.] They all ran, but naturally the man who had been in training would be expected to run faster. [Laughter.] My father, who followed Forrest for four years, said the Confederacy never got into real trouble until they met the boys from Illinois and Ohio and other Western States, who had been used to shooting squirrels in the head because they did not want to spoil the meat. [Laughter.] Regular soldiers are generally made up of people who have had a falling out with their sweethearts, or have been cut off from their pin money by their fathers and have gone to the Army in a spirit of spite, and they generally make a Congressman's life miserable by wanting to get out after the first four or five months. [Applause.] I want to argue as a lawyer would argue to a jury the question of the strength of the American Navy. I am not willing to let the 'Battle Cry of Peace' decide its worthlessness. I want to call as my witness the man who commanded it, Admiral Fletcher. You know they say we have not any submarines, that our submarines will not submerge [laughter], and when submerged, they will not come up any more. [Laughter.] Now, the trouble is that the defects in our submarines are advertised to the world. The troubles that the Germans are having with what submarines they have left are not advertised to the world. I believe we have 77 built and building. Germany had 31 when the war broke out. I think she has 10 or 12 left. Judging by the information we have from our naval intelligence bureau, taking the number that have been destroyed of German submarines during the war and captured, my conclusion is that Germany has no more than 10 or 12 submarines afloat to-day. And, yet, they say German submarines will come over here and destroy us because we have no submarines. Let us see about it. We want the facts even though we do not vote like we think the facts are. We want the facts as a matter of historical refreshment. [Laughter.] Admiral Fletcher, page 522, made this statement a year ago:

"'I should think it would be reasonable precaution to provide a few more submarines, considering our extensive coast line in the Atlantic and in the Pacific, yet I will say that as compared to other nations we are well provided with submarines to-day.'

"Further he says:

"'I think a reasonable increase of submarines, 8 or 10, or something in that vicinity, would be a proper increase.'

"Mr. Daniels, I believe, recommended 8 submarines, and he said he spoke for the President. My friend MANN and myself were not willing to give them the 8 they asked for, but the balance of the House, when they asked for 8, gave them 17 in the last appropriation bill in spite of all that my friend from Illinois and myself could do about it. [Laughter.] But you know, if you take the testimony of Admiral Badger, the scare is nothing, after all, because he said, at page 504 of the hearings, in response to a question by Judge Witherspoon—

"'A German submarine could not operate on our coasts for want of a base of supplies.'

"Now, if you believe the testimony of a member of the Navy General Board, who was commander of the Atlantic Fleet in advance of Admiral Fletcher, all of this newsy movie-picture alarm is without foundation, because without bases of supplies Germany could not operate her submarines against this coast. You know you never can pin one of these preparedness fellows down. If he comes from a district largely inhabited by Germans, he wants a Navy larger than England. If he comes from a district pro-ally, he wants a Navy which is just as big as that of Germany. If on the Pacific coast, it is the Japanese Navy he seeks to emulate, and so forth, and so forth.

"How strong is our Navy? Turn to page 553 of these hearings and you will find this question by Judge Witherspoon. God bless his memory! He was one of the ablest and bravest fighters who ever graced a place in this Chamber. [Applause.] He asked of Admiral Fletcher:

"'Then, understanding your testimony after reviewing it, do you want us to understand that England is the only nation on earth that has a navy that we could not successfully resist?

"Admiral Fletcher replied: 'I think that is the fair conclusion; yes, sir, at the present time.'

"Was our Navy progressing last year? Secretary Daniels stated, on page 597, that—

"'The naval program has been upgrade all the time. The Navy has been getting better every year. The present Congress gave three dreadnaughts, and we have 7,000 more trained men than at the first session of the Sixty-third Congress.'

"Another criticism I have seen is that our boats are not ready to fight. Some are not in commission, some have been wabbling on their sides, and some have no men. Some have so few men, if we believe the moving-picture campaign, that we can not defend the shores of our country.

"See what Admiral Fletcher says:

"'I would say, in emergency, some vessels are ready to-day, some would be ready to-morrow, but I would say all of them could be ready within a week.'

"Did he know what he was talking about? Will we listen to the experts of the Navy with regard to the efficiency of the fleet, or will we listen to politicians who have been going to the movies? [Laughter.]

"Now, there are some things I would not permit an admiral or general to tell me. I never want to go to an admiral or a general to have him inform the country what to fight about. Fighting is their business. They get more promotions in war. Oh, there is no treason about this. I am only repeating the words of other men. Do not abuse me about it. Abuse De Toqueville's work, his Democracy in America.

"Army officers and Navy officers are quick to quarrel. They are ready to involve the country in war. They believe that war is the natural state of society; and while I would not allow them to tell the country what to fight about, I would go to them in a minute if we got into war in order to have them tell us how to fight. There is the biggest difference in the world. You want, my colleagues, to tell the people what the tradition and policy of this country is and should be. It is you and I that ought to be able to say to the country when to fight, and then, after we get into it, let the admirals and generals tell us how to fight. There is all the difference in the world. The great trouble is to-day that we are allowing the admirals and generals to shape the foreign policy of this country. The American people are overwhelmingly opposed to our undertaking to hold the Philippine Islands as a political liability which is likely to involve us in war. [Applause on the Democratic side.] And while the words 'Philippine Islands' are on my lips, do you know that a good chunk of our small standing army is over there to-day—something like 19,000 of them, I believe, including the Philippine Scouts. Possibly there are a few more. Let those who cry the need for more soldiers to defend the shores of America use our transports to bring home the soldiers we are quartering upon the Philippine people to-day. I believe we have a couple of thousand men over in China. Let those who are driving the mothers of this country into hysterics lest their homes be invaded by a foreign foe join me in bringing the 2,000 American soldiers home from China.

"The Secretary of War says that if we give him what he asks for—141,000 in the Regular Army—he proposes to send 42,000 of them to the Philippine Islands. If this Republic is to be driven from its traditions of a small standing army, if we are to turn our faces back on all of the teachings of the political history of nations, let it be for the defense of our shores and our homes and not for the subjugation of a people that will to be free. [Applause on the Democratic side.]

"Our experts tell us that about the first thing we will do when we get into a war will be to turn loose the Philippine Islands temporarily. We could not hold them. Talk about scaring the people! I heard my friend Hudson Maxim make a speech in New York the other night. He said two very important things, and I want you to get them. He said, 'There are manufacturers in this country to-day who are making a million dollars a day out of the war in Europe by selling munitions.' That is one thing. Put a pin down there. And he turned from that statement to the large audience and said, 'You women of Brooklyn, if this country does not go forward and prepare, you will see a foreign invader in Brooklyn within two years. You will see foreign troops quartered in your homes; a strange man to be the master of the bedchamber.'

"I do not wish to leave the impression that every man who advocates what they call preparedness is actuated by bad motives, but I wish the American people to take into consideration that many large concerns in this country to-day are reaping a veritable harvest of gold by making war munitions for Europe; and they know, when the war in Europe is over, unless they can drive the American people mad and drive them into emulation of blood-soaked Europe, down go their profits. Schwab's concern, stock worth $8 before the European war; worth $700 to-day. They are selling these war stocks all over the country. Something has gotten into the usually fair American press that has dried up their power to speak the truth with regard to our defenses. I do not know of a great newspaper in America to-day that has not, with few exceptions, joined this propaganda of libel upon the American Navy. Get one of them to publish Admiral Fletcher's statement that ours is the strongest Navy in the world except England's! You would never find it there. You will never find anything in the newspapers of this country except the hackneyed statement that we are utterly defenseless; that our Navy and coast defenses are worthless.

"Just the other day the Washington Times, bad authority, but as good as you can get in these days, had a whole page of 'Admiral Fletcher says our Navy is worthless. Admiral Fletcher says that the Navy is totally unprepared.'

"What are the facts? I have read you what Admiral Fletcher said a year ago. Do you want to know what he says now? In his report, which they are using before the American people to libel the Navy of the United States, he starts off in this way:

"'I have the honor to submit herewith a report covering the period of September 17, 1914, to June 30, 1915. In order to limit the report to moderate length it has been found necessary to omit discussion of the many satisfactory features of the fleet and to invite attention more particularly to its operations, condition, and requirements.'

"He very candidly starts out his statement by saying he omits the good part of the Navy and merely calls attention to what he conceives to be some of its needs. If they had been fair enough to tell the truth about the American Navy, they would have quoted Admiral Fletcher's statement to the effect that it is 15 per cent stronger to-day than it was a year ago, when he said it was the second Navy in the world; that in the matter of accuracy of gunnery it had improved 30 per cent in the year.

"You found none of these things in the statement, but the usual one that the American Navy was hopelessly deficient. Just the 6th of this month—not last year, when he said it was the best, but just the 6th of this month—the Secretary of the Navy says:

"'When the fleet sailed for Guantanamo on the 6th of this month the complement of every vessel, including destroyers, was filled, and the department is reliably informed that the enlisted complement of our ships is as liberal as that of similar ships in the great navies of the world.'

"We had from the press the other day a volume, paid for out of the public funds, entitled 'The Navy Yearbook.' I see the newspapers are still using the Naval Yearbook as a basis for the comparison of our Navy with that of Germany and the other powers. This Naval Yearbook, published 8 or 10 days ago, carries nine German armored cruisers. Six of them had been at the bottom of the ocean for a year. [Laughter.]

"I shall not go into a discussion of the deliberate and systematic depreciation of our Navy. It is the old trick of those who want larger appropriations. Bernhardi said in his book that the American Navy was second to that of Great Britain and that there was no objection in Germany that it should keep the lead. He may have made the statement in order to get larger appropriations for the German Navy. If my deceased friend, Judge Witherspoon, proved anything in his whole life, he proved in the last session of the Sixty-third Congress that the American Navy was second only in strength to that of Great Britain. Of course, like my friend from Illinois [Mr. MANN], in an interruption of Judge Witherspoon's speech a year ago, he invited Judge Witherspoon's attention to the fact that some 44 German vessels had been destroyed as another reason why we ought not to have a larger naval bill. I can say for the benefit of my friend that now we have the record of something over 100 German vessels that have been destroyed.

"Mr. Chairman, we are all for preparedness. One of us is as much for preparedness as another. I will tell you what the trouble is. I know what is the matter. The State of New York and a few other coast States and pivotal States have become excited over this question. They have been brought to that by having their minds focused upon the great conflagration in Europe.

"The first thing you think of when you see a house on fire is as to whether your own insurance policy is secure. Moreover they have been brought to it by the makers of money out of the traffic in war munitions, and then they have been brought to it by the Army and the Navy men who seek to build up their establishments now, 2 years ago, 8 years ago, and 20 years ago. You know I never have been in favor of the proposed embargo on munitions, but I do not know; I was out in my garden this morning meditating a little bit. [Laughter.] If we are in such a horrible state of unpreparedness as they tell us, I do not know whether we ought to be shipping rifles and cannon and airships and submarine parts, all the implements of war and death, over to Europe. Why, might they not shoot us with our own guns? We are sending millions over there. Mr. Maxim says some of the corporations are making a million a day out of the traffic. Well, if I thought one of my neighbors was about to shoot me I would not be poking bullets into his gun, I would not be getting him a new gun to shoot me with. [Laughter.] So, pretty soon, when you convince the American people that we are about to be invaded, somebody will get up a statement showing how many guns we are supplying to foreign people, how much ammunition we are putting into their guns, how much power to destroy we are handing to them.

"I know one thing that this ammunition gold mine has done. Looking about for definitions, I took up an old edition of Webster. I do not know whether Webster has been out in his garden since he wrote this definition or not [laughter], but I looked for the word 'preparer,' and this is one of the definitions of 'preparer';

"'That which fits or makes suitable, as certain manures are preparers of land for a particular crop.'

"Mr. DAVIS of Texas. Amen! [Laughter.]

"Mr. JOHNSON of Washington. Mr. Chairman, a parliamentary inquiry.

"The CHAIRMAN. The gentleman will state it.

"Mr. JOHNSON of Washington. If a Member desires to interrupt, by exclamations or otherwise, does he not have to rise in his seat and address the Chair?

"Mr. DIES. Oh, Mr. Chairman, I protest; with as many prominent men as there are to-day at the mourners' bench, anybody ought to be allowed to say, 'Amen!' [Laughter.]

"The CHAIRMAN. The Chair will not have to rule on that. The gentleman can think, but not speak so loud—that is the object of the rule—unless he desires to rise and address the Chair. [Laughter.]

"Mr. DIES. As certain manures are preparers of land for a particular crop, has it ever occurred to you that these billions that are being accumulated by the makers of the implements of death, to be gently pressed into the hands of dying men in Europe to kill themselves with first, and to kill ourselves with afterwards—has it ever occurred to you that we are manuring our own field for war? I have not tarried long in my garden [laughter], and I have not yet come quite to the conclusion that we ought to put an embargo on our exportation of ammunition and munitions of war. But I do believe that if this propaganda keeps on, and you frighten the American people within an inch of their lives, if you continue to tell them that this great country of a hundred million people is helpless, and that they may expect a foreign foe to devastate this land at any time, you will surely work them up to a point where they will ask you to stop supplying our possible enemies with the means to destroy us.

"Mr. QUIN. Does not the gentleman think that these millionaires ought to be taxed on their incomes to pay for this extra expense of this so-called 'preparedness'?

"Mr. DIES. Oh, I am glad my friend from Mississippi brought my mind around to that phase of the question. I was about to forget something. I believe we are prepared, as our fathers were prepared. I agree with the President in his speech of yesterday in New York, in which he said he did not take any stock in the notion that this country could be invaded. Of course, it could not be invaded. They could not invade it when our people were weak and struggling in the first days of our national life. They have never been able successfully to invade it. Oh, of course, some nation might land a marauding party on our shores, certainly. There is no doubt but what anybody might come along and slap my jaws, but—a nation which would land an army in the United States would do so with the full knowledge that they would never get it back home. Of course not.

"Now, we are not what the preparedness people say we are. We are not a commercial Nation in the sense that we would suffer a foreign foe to land upon this soil. Why, this is a militant Nation, this is a young Nation, a young giant, feeling its first great strength as a Nation. That is not our danger. I want you to call me back to that in a moment.

"Another thing: In these garden meditations not only have positions on public questions gone with the sweet peas and poppies of the garden, or the last rose of summer, but logic as well has been destroyed. Whoever would have thought that men would have taken the position that we could find an enemy in one of the warring nations of Europe? Germany, with almost 3,000,000 men killed, wounded, and missing; poor France, bleeding their last drops, with a loss of two and one-half million men; England with almost a million men killed in the war!

"And yet we are told that when this war is over and these soldiers go back to their wives and mothers those wives and mothers will send them to a fresh war with us. This is not rhetoric. This is logic. Fritz goes back home to his mother in Germany after the war is over, a mother who has lost one son, who lies buried in an unnumbered grave in France. A French soldier goes back home and consoles his sister, whose other brother was killed in battle. France and Europe, all of the nations of Europe with crêpe on every door knob, with death in the house of the prince and the peasant alike, with the horrid ravages of war before the visions of all the people, with one-legged men sitting in every park, with every hospital filled with diseased men, with billions of dollars of debt which must be paid by taxes; men with rheumatism from the damp ditches of the long lines in Russia and France. These battered soldiers of Europe, with the best blood of the nation spilt in war, with property destroyed and homes torn with bereavement, limp back to their wives and mothers and sisters, and these fellows would have us believe that those wives and mothers and sisters would kiss them good-by and send them forth to an invasion of America! [Applause on the Democratic side.] It staggers the reason of any sensible man. Why, do you know that in the South when that little war was over—I say 'little war,' because it was little compared to this one—I remember following an ox wagon from Louisiana to Texas with my parents. It was the most desolate country I ever saw. Every soldier was telling tales of how his comrade was killed in some place far away. Mothers were mourning for their sons, fathers were grieved at the terrible loss of war, and I lay this down to you, that you could not get to-day one Confederate soldier in ten to tell you other than that he has a perfect horror of war. If that was true in the southern mind after the war, what will be true in the mind of Europe when the war is over?

"Mr. SHERWOOD. It was true in the North, too.

"Mr. DIES. How much time have I remaining?

"The CHAIRMAN. The gentleman has one minute.

"Mr. POU. I ask unanimous consent that the gentleman may have an extension of time of 10 minutes.

"Mr. MANN. The time has been limited in the House. The committee can not change it.

"Mr. GARNER. The gentleman from Missouri [Mr. RUSSELL] may be able to yield time to the gentleman from Texas.

"Mr. RUSSELL. I yield 10 minutes to the gentleman from Texas. [Applause.]

"The CHAIRMAN. The time of the gentleman from Texas is extended 10 minutes.

"Mr. DIES. I will devote that 10 minutes to a discussion of ways and means. My friend from Illinois [Mr. MANN] wants a Navy as great as that of Great Britain. He always descends to particulars. He is one of the most useful Members of this House to-day, because he watches legislation. He goes into the figures of the case. Let him tell the country in the discussion of this question how many dollars and cents it will cost to duplicate the British Navy. Billions of dollars will be required. If we start in the race with Great Britain, will she stop?

"Only a few weeks ago Secretary Daniels said that Great Britain had built more navy since she has been at war than we have. How are we to keep up with the British Navy? You know it costs us three times as much to get a navy as it costs in Germany or Great Britain. In 12 years we have spent more money on the American Navy than both Germany and Japan combined. Will gentlemen who want this colossal establishment come now and tell the people how much it will cost, and how we are going to get the money? I can tell you how I am in favor of getting every dollar in excess of what was appropriated last year for the Army and Navy—by a tax on incomes. [Applause.]

"Mr. DAVIS of Texas. Mr. Chairman, will the gentleman allow an interruption? I want to ask the unanimous consent of the gentleman from Washington [Mr. JOHNSON] to say Amen. [Laughter.]

"Mr. DIES. I want to get it by a tax on incomes. Republicans and Democrats, we are taxing the American people to-day on the clothes they wear, on the food they eat. It is not right. It never was a just principle of taxation. And now, if you propose to follow the leadership of the gentleman from Illinois and spend three or four billion dollars to duplicate the English Navy, and $600,000,000 a year to maintain it, do you think a man ought to pay in proportion to the number of collars he wears and the food he eats, upon consumption, or do you think wealth ought to bear its burden in proportion as wealth is owned?

"I am a Democrat, but I am not hurt with partisanship. I follow my leader. That is, I do not ramble around in the garden with him [laughter on the Democratic side]; but I want to serve notice now, and I believe the Members of the House know me well enough to believe what I say, that I am going to vote against any sort of taxation for these extra appropriations for the Army and Navy except a tax which comes out of the wealth in proportion as the man owns that wealth. [Applause on the Democratic side.]

"The gentleman from Illinois talks about patriotism and this being a nonpartisan question, but he will not join me in proposing that wealth shall bear these burdens. He will help us to order a navy as big as that of Great Britain, he will sit in council with us while we write the order for a $5,000,000,000 navy and a $2,000,000,000 army, but when we come on the floor of the House and propose that those who own the wealth of the country shall pay for it, not in proportion to their appetite but in proportion to the wealth they own, I fear that my patriotic friend and erstwhile leader will return again into his garden. [Laughter on the Democratic side.]

"You can say what you please. The day laborer on the railroad and the section hand that gets $1.50 a day, with 10 Irish mouths to feed, ought not to be taxed on the clothes and food that he buys for his wife and children, while the man that is making a million dollars a day out of the traffic in iron and blood does not pay in proportion to his wealth. [Applause on the Democratic side.]

"I say to this House of Representatives this day that if enough Democrats will stand with me, or allow me to stand with

them, we will put the kibosh on this mad rivalry between nations as to which shall build the greatest navy and tax the nation the most by getting a tax on incomes. [Applause on the Democratic side.] Then we will get space in the New York World, we will get space in the Saturday Evening Post, then we will get our views in the moving-picture shows, and not until then. As long as they can tax the man in the ditch in a time of peace, as long as they can tax the laboring man in proportion to his consumption in time of peace, and pocket the profits of a million dollars a day, and send the other fellow to war when they bring it on, so long will they cry, 'Let slip the dogs of war!' [Applause on the Democratic side.]

"If war should ever come to this our beloved country, we are all ready to make the sacrifice; but we do not want to talk ourselves into war. [Applause.] Stop this talk, suppress the moving-picture shows that depict the dastardly invasion of our country without an American rising in arms to defend our shores. If there is anything in this world that will produce war in this country, it is the intemperate and idiotic talk going forth from public men in the public press. [Applause.] What nation in the world to-day has a war grievance against us over here working out our destiny, disturbing no nation in the world. Unless we threaten and bully and fan the smoldering embers of hate into war and alarm the American people into the belief that the country is to be invaded, we will have no war.

"The one thing doing more to drive this country to-day in the direction of war than any other combination of causes is the simple statement that we are going to have a war, and putting a pistol in our pocket for a war. That has produced many a corpse and a funeral out in the western part of Texas, where I was raised. A fellow gets a few drinks in him, puts a pistol in his pocket, and says, 'I know I am going to have a fight with Tom Jones.' Tom hears about it, puts a pistol in one pocket and a dirk in another, and says, 'I am ready.' Then if Tom carelessly starts to get his tobacco out of his hip pocket, the fellow shoots him. That is precisely what we are doing to-day. What do they say? We are going to have a war; we are going to be invaded; we are going into a war with Europe; let us get ready. Let us arm, let us equip, let us be ready so that at the drop of the hat or the pop of the match we are ready to go off. How many of you want your sons to go into the standing army to-day? Cry patriotism! How many sons of Members of Congress are serving as private soldiers in the standing army? Mr. Chairman and gentlemen of the House, no nation at any time was ever able to have a standing army without military compulsion. Why do you not tell the American people the plain, unvarnished truth, that you are heading toward compulsory service? The time is coming, if the American people do not right about face and stem this awful cry of fanaticism and hysteria, when you will be sending the corporals and colonels around to put the handcuffs on the young men of America and putting them into a standing army as in Europe they are doing to-day. This country had better stop and think. Nowhere in all the annals of the world has a republic grown so great, is a people so happy and so prosperous and free. We began it without these doctrines of organized, high military preparedness, and all the years we have grown with the wisdom of the fathers. I appeal to you as representatives of the people of this country, think you well before you set your face against these great traditions upon which we are builded and turn back to the theories of the old blood-soaked soil of Europe. [Great applause.]"

Mr. CULLOP. Mr. Chairman, I move to strike out the last two words for the purpose of asking the chairman of the committee a question with reference to the paragraph just read. I see there is an appropriation of $5,000 each for the salaries of five consular inspectors. What is the duty of a consular inspector?

Mr. FLOOD. The duty of a consular inspector is somewhat similar to the duty of a bank examiner. He travels all over the world examining and inspecting consulates and making reports to the State Department as to the condition of the consulate and the methods of the management of the business of those consulates by the consuls general, consuls, and vice consuls.

Mr. CULLOP. Is this for five additional men?

Mr. FLOOD. No.

Mr. GARNER. That has been in the bill for a long time.

Mr. FLOOD. In the reorganization of the Consular Service, by law enacted in 1906, these five men were provided for and have been appropriated for in this appropriation bill ever since.

Mr. CULLOP. How are they appointed?

Mr. FLOOD. Like other consuls are appointed now. When the law first became effective they were appointed by the President, without any reference to their efficiency, but by that I do not mean that the President did not consider their efficiency, because they are the most important officers connected with the Consular Service. I mean that there was no efficiency test, so called, applied to them.

Mr. CULLOP. When the gentleman refers to the act of 1906, does he mean the Lodge Act?

Mr. FLOOD. No; I think the act originated in this House. My recollection is that Mr. Adams, of Pennsylvania, was principally responsible for it. At any rate, it was an act passed in 1906, the purpose of which was, to some extent, to reorganize the Consular Service, and it did something along that line.

Mr. CULLOP. How many of these inspectors are there in all?

Mr. FLOOD. Five. The law provides for five.

Mr. CULLOP. Has the salary been $5,000 each heretofore?

Mr. FLOOD. My recollection is that the law creating them fixed the salary at $5,000.

Mr. CULLOP. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

EXPENSES OF CONSULAR INSPECTORS.

For the actual and necessary traveling and subsistence expenses of consular inspectors while traveling and inspecting under instructions from the Secretary of State, $15,000: *Provided*, That inspectors shall be allowed actual and necessary expenses for subsistence not in excess of $10 per day.

Mr. COX. Mr. Chairman, I reserve a point of order on that.

Mr. MANN. I reserve the point of order on the paragraph. I make the point of order on the proviso.

Mr. COX. That is what I intended to do. I make the point of order on the proviso because it is a change of law.

The CHAIRMAN. Does the gentleman from Virginia desire to be heard?

Mr. FLOOD. No.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Post allowances to consular officers: To enable the President, in his discretion and in accordance with such regulations as he may prescribe, to make special allowances by way of additional compensation to consular officers in order to adjust their official income to the ascertained cost of living at the posts to which they may be assigned, $100,000.

Mr. COX. Mr. Chairman, I reserve the point of order on that. The language in that paragraph strikes me as peculiar. Is there any law for it?

Mr. FLOOD. No.

Mr. COX. I suppose it is put in here under the general complaint of the war, the high cost of living, and so forth.

Mr. FLOOD. That is the reason for it partially, but even without that something ought to be done for these people.

Mr. COX. It is an indirect attempt, is it not, to increase the salaries of these consuls?

Mr. FLOOD. No; it is not an indirect attempt to increase their salaries.

Mr. COX. In the last analysis it will be that.

Mr. FLOOD. It will make them some allowances.

Mr. COX. And increase their salaries?

Mr. FLOOD. Increase allowances made to them on account of the increased cost of living.

Mr. COX. This is the first time that this item has ever been carried in the bill?

Mr. FLOOD. Yes.

Mr. COX. Does the gentleman feel that this is just the beginning of a permanent appropriation for this purpose?

Mr. FLOOD. I do not.

Mr. COX. Does he not feel, if that be true, that the salaries ought to be increased and that that ought to be done directly by statute?

Mr. FLOOD. No; I think this is the better way to do it, for these allowances will be temporary and under normal conditions will not be allowed.

Mr. COX. Why?

Mr. FLOOD. This is to enable the President, in his discretion, and in accordance with such regulations as he may prescribe, to make special allowances by way of additional compensation to consular officers in order to adjust their official income to the ascertained cost of living at the posts to which they may be assigned.

The Secretary of State asked for $150,000 for which to make allowances, in his discretion, to the various consular officers for the purpose of increasing their compensation in proportion to the increase in the cost of living since the beginning of the war in Europe. In certain places in Europe the cost of living has tremendously increased. I have here, which I shall put in

the RECORD, a table showing the increase in different items; and our consuls under the salaries which they get find it almost impossible to live and support their families.

The following table shows the percentage of increase in the cost of the principal necessary articles of food in eight belligerent and seven neutral countries during the first six months of the war as compared with the period immediately preceding the war.

Countries Nos. 1, 2, 3, 4, 5, 7, 9, and 15 are belligerent countries; Nos. 6, 8, 10, 11, 12, 13, and 14 are neutral countries.

Article.	Per cent of increase in countries Nos.—															Average.
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
Bread, brown	.....	33	.....	50	.....	.....	14	.....	.....	25	42	15	19	33	.....	29
Bread, white	.....	115	.....	.....	16	.....	55	20	.....	.....	.....	11	24	11	.....	36
Butter	10	51	37	22	15	39	28	15	.....	.....	.....	20	8	30	51	27
Coal	.....	56	.....	.....	.....	.....	.....	.....	21	.....	.....	8	16	25	50	20
Coffee	33	40	11	20	.....	15	23	.....	.....	.....	.....	.....	10	.....	150	38
Eggs	125	100	58	35	50	74	75	15	150	100	40	104	80	105	.....	79
Meat, fresh	29	.....	.....	23	10	.....	.....	.....	.....	11	.....	.....	.....	.....	.....	18
Meat, salt	20	.....	.....	18	6	.....	.....	.....	41	20	.....	.....	.....	.....	.....	21
Milk	.....	.....	40	.....	14	.....	.....	53	100	.....	.....	.....	118	.....	.....	65
Potatoes	100	.....	100	100	.....	20	100	33	.....	.....	.....	.....	50	73	150	80
Rice	75	94	.....	20	20	20	.....	20	18	45	13	10	33	.....	400	64
Salt	33	333	.....	50	.....	.....	.....	33	.....	.....	.....	.....	.....	.....	50	99
Sugar	14	66	75	9	60	29	.....	.....	.....	.....	14	.....	33	.....	264	62
Wheat flour	62	66	.....	20	33	.....	.....	.....	20	.....	25	18	30	66	37	37
Other flour	.....	.....	.....	50	.....	.....	.....	.....	.....	50	60	28	.....	.....	.....	34
Average	50	95	53	35	25	33	54	29	58	38	32	27	38	49	154	.....

This table shows an increase of from 6 per cent to 400 per cent in the cost of certain articles of food and an average increase in the cost of food of from 25 per cent to 154 per cent, according to the country.

Since the foregoing table was compiled, detailed reports have been obtained from nearly one-half of the consular officers in belligerent countries and contiguous neutral countries covering the period from July to December, 1915. These reports are not limited to cost of food, but cover also rent, fuel, and clothing. The percentage of increase in the cost of living, based upon an average of the increase in the cost of rent, fuel, clothing, and food, ranges all the way from 15 per cent to 128 per cent over the prices for the period of from January to June, 1914, before the outbreak of the war. The percentage of increase in the cost of food alone in some countries rises as high as 250 per cent above the prices for January to June, 1914. These percentages of increase are not mere expressions of opinion, but are based upon actual prices of the principal articles of food, clothing, fuel, and rent entering into the cost of living in each country. It will readily be seen that the effect of the change in living expenses upon the higher salaried officers in the Consular Service works great hardship, while the effect upon officers receiving $3,000 to $1,000 a year is exceedingly serious. It will obviously be impossible for the latter class of officers to remain in the service unless they be granted some relief in the way of increased compensation.

The condition described can not be met by any horizontal increase in salary because the percentage of increase in the cost of living not only differs in one country from that existing in another country, but there is considerable variation as between cities and consular districts in the same country, due to many local conditions, such as impaired transportation facilities, decrease of production, and other causes. Therefore, the only manner in which the condition can be remedied economically and effectively is by empowering the Secretary of State to increase the annual compensation of each consular officer affected by making a post or local allowance of an amount based upon the ascertained increase in the legitimate living expenses.

At the time the estimate for $150,000 for post allowances was transmitted to Congress, the Department of State was without sufficient data upon which to make an accurate and intelligent estimate. Therefore the arbitrary amount of $150,000 was specified. Now that detailed reports have been received from a large number of consular officers, it is possible to make an approximate estimate of the amount which would be required. If each officer's compensation were increased in proportion to the increase in the cost of living in the belligerent countries and the contiguous neutral countries, an appropriation of at least $260,000 would be necessary for consuls general and consuls alone in those countries and approximately $50,000 for increased allowances at the same rate to salaried subordinate consular officers, making a total of $310,000, instead of $150,000 as requested. This estimate leaves entirely out of consideration any relief to officers in noncontiguous neutral countries and the colonies of the belligerent countries, where reports show that there has been considerable increase in the cost of living.

As an illustration of the necessity of increasing the compensation of consular officers, it may be pointed out that some of the belligerent Governments, where the increase in prices has not reached the maximum stated in the foregoing, have increased the compensation of certain classes of their employees from 37 per cent to 60 per cent because of the unusual conditions growing out of the war.

This appropriation will not be permanent, but it is just to meet the condition of affairs that has arisen as a result of the war. Consular officers getting from two to three thousand dollars a year find the increased cost of living so enormously raised that it is almost impossible for them to live.

Mr. COX. It will be a curiosity if this item is permitted to remain if it does not become permanent for all time to come.

Mr. FLOOD. I will say to the gentleman it will be subject to a point of order after the war ends, as it is now, and I have no doubt the gentleman will be in Congress when the war ends, and many years afterwards, and it certainly is a hardship on these gentlemen as it is.

Mr. COX. I expect the cost of living has increased somewhat over there, and has increased here.

Mr. SIMS. Some!

Mr. COX. At least the men who keep house know what "some" means.

Mr. FLOOD. In some places the increase is as high as 150 to 200 per cent.

Mr. COX. Would not the gentleman be willing to reduce the item, as it is an experiment, to $75,000? The Secretary of State only asked $150,000.

Mr. FLOOD. I will accept it with pleasure.

Mr. COX. If the gentleman will accept that to start with——

Mr. FLOOD. I accept the gentleman's suggestion.

Mr. COX. I will withdraw the point of order.

Mr. CULLOP. Mr. Chairman, I make the point of order against the amendment. If this gets in here, it will never get out.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HARRISON. Will the gentleman reserve the point of order?

Mr. CULLOP. I will, but I want to notify the gentleman I will make it.

The CHAIRMAN. The Chair has sustained the point of order.

Mr. HARRISON. Will the gentleman reserve it for a moment?

Mr. CULLOP. I will reserve it, but I am going to make it.

Mr. HARRISON. Mr. Chairman, the gentleman from Indiana [Mr. CULLOP] is always so gracious and big-hearted I know he does not want to do anybody an injustice. As I understand it, there are three or four of these countries that have passed provisions to take care of these men in the employ of the Government who have to live in these centers where food has gone so high, and if the gentleman had heard the statement of Mr. Carr, who came before the committee, he would have been impressed with the fact that something ought to be done for the men who are in the service of this Government in Berlin, Vienna, and other places throughout the war zone, where the price of food has increased so much.

Now, the committee was asked for an appropriation of $150,000 for this purpose. It is in the discretion of the President as to how much he is going to allow, what additional rules and regulations he may prescribe, and I am sure the department is not

going to do wrong in this matter, but is going to take care of conditions that have arisen by virtue of the war. This is simply a temporary provision; we have cut the appropriation from $150,000 to $100,000, and we are now willing to cut it to $75,000, and there are people who now, by virtue of circumstances, are placed in the war zone who can not live on the salaries they are getting, and they certainly ought to get a little increase. I think this should appeal to the gentleman, and I hope he will not make the point of order, but let us reduce the amount if the gentleman thinks this is too high.

Mr. FLOOD. Mr. Chairman, I will add, if the gentleman will permit, that the point of order can be made at any time. There is no law authorizing this appropriation. If we carry it this year and carry it next year, the year after, if the war is ended and conditions have changed, the gentlemen, who will be here, can raise the point of order against it. The conditions certainly are such as to entitle these consuls to some kind of an additional allowance now. They are performing their duties to this country, and the State Department wants to aid them when they need assistance. Many of them are men without any means, and they can hardly support their families on the little salary they get.

Mr. SIMS. Will the gentleman yield for a question?

Mr. FLOOD. I will.

Mr. SIMS. Has it not just recently appeared in the newspapers that the German Empire has absolutely prohibited the use of meat for eight weeks on account of conditions?

Mr. FLOOD. Yes, sir.

Mr. SMITH of New York. Mr. Chairman, I wish to add a word to what the chairman of the committee has said. It is impossible to make specific statements as to the increased cost of living in the belligerent countries because the State Department can not properly give out those facts. The representatives of the State Department, however, gave information privately to the committee, and the committee after careful consideration decided that this appropriation should remain at $100,000.

The committee, when the proposition was first made, was in the same mood as the gentleman from Indiana [Mr. CULLOP], but after hearing the argument and listening to the presentation of the facts the committee was unanimous in putting this item in the bill.

Mr. CULLOP. Mr. Chairman, I have heard the gentleman's statement with a good deal of pleasure. In my judgment, if this item gets into this bill now, it will never get out, but will grow larger and larger from year to year.

Now, I would like to suggest a way of relief, and that is to notify the powers upon the seas to keep their hands off our commerce and let us go into those ports and reduce the cost of living. [Applause.] That will bring about a change in the cost of living and bring about a condition that does not require this increased appropriation in this matter. Tell all in emphatic terms to keep their hands off our commerce on the seas and then see that they do it, in order that the products of this country may move to the markets of the world unhampered and free from censorship and hold-ups on the high seas. Conditions heretofore have prevailed in the transportation of our products on the seas which have injuriously affected our commerce, hampered our access to foreign markets, and impaired our trade abroad very much to the detriment of our people as well as those in foreign countries who wanted our goods. Many acts affecting this matter have been inexcusable until they have become almost intolerable. It is about time it seems to me that certain powers which have been actively engaged in this matter should be told it must cease, and told that we mean what we say. If this should be done, I dare say it will end and there will be no more of it. The people are growing impatient on this matter, and there is some occasion for their impatience in this regard, and I hope that there will soon be a stop put to it in order that our products may be transported unmolested to the markets to which they are consigned and freedom of commerce reestablished. The seas should be a common highway to all for the transportation of their products, and humanity as well as duty requires that they be so maintained, and now is a most appropriate time to give all who interfere with this privilege to understand further interference will not be tolerated. Do this and it will meet the approval of the people, not only here but abroad as well, and will also lower the high cost of living in some of the countries where it is excessively high, and such appropriations as in this item proposed will be unnecessary. For one I think it the better plan, and hence I am prompted for these reasons to take this course in reference to this question.

We owe a duty to our people, aye, to the world, and I hope to see that fully discharged; and it matters not what nation interferes, let such nation know in positive terms such interference must stop, and it will no longer interfere. If it does, it will be at its peril; and such a course will be approved by humanity the world over. It will end much suffering and anxiety and be a great stimulus to commerce and swell the volume of our prosperity. This is a good time to do it—the sooner the better—and our people expect it. They are ready for it now.

American rights and American interests are at stake, and we should see they are strictly preserved; and in doing so we will be serving humanity all over the world. I shall therefore insist upon my point of order.

The CHAIRMAN. The Chair has already sustained the point of order. The Clerk will read.

The Clerk read as follows:

ALLOWANCE FOR CLERK HIRE AT UNITED STATES CONSULATES.

Allowance for clerk hire at consulates, to be expended under the direction of the Secretary of State, $493,000.

Mr. CULLOP. Mr. Chairman, I desire to make a point of order against that item, and will reserve it.

The CHAIRMAN. The gentleman from Indiana reserves a point of order on the item.

Mr. HARRISON. What is the gentleman's point of order? What are the gentleman's reasons?

Mr. CULLOP. I want to inquire whether under this there is any increase of appropriation?

Mr. FLOOD. Not a cent.

Mr. CULLOP. It is a new appropriation?

Mr. FLOOD. No. It has been here for years.

Mr. CULLOP. How is this money expended with reference to these different positions—under the direction of the Secretary of State as he sees fit?

Mr. FLOOD. Absolutely.

Mr. CULLOP. A lump-sum appropriation?

Mr. FLOOD. Yes; provided by law.

Mr. CULLOP. And he makes the expenditure of it?

Mr. FLOOD. Yes.

Mr. CULLOP. It is not allotted, then, to any particular post, but it is under the Secretary of State to allot as he sees fit?

Mr. FLOOD. It is to be allotted to various points. It is not subject to a point of order.

Mr. CULLOP. I regret that, because I would like to knock it out.

Mr. FLOOD. Then you would break up the Consular Service.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Paying for the keeping and feeding of prisoners in China, Chosen, Siam, and Turkey, $9,000: *Provided*, That no more than 50 cents per day for the keeping and feeding of each prisoner while actually confined shall be allowed or paid for any such keeping and feeding. This is not to be understood as covering cost of medical attendance and medicines when required by such prisoners.

Mr. FLOOD. Mr. Chairman, I want to offer an amendment on page 25, line 17. It is just a change in language.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FLOOD: Page 25, line 17, after the word "Turkey," insert the words "and of those convicted by the United States Court for China."

Mr. MANN. You have there the language "paying for the keeping and feeding of prisoners in China." Do you want to insert the words "and those convicted in the United States court"?

Mr. FLOOD. Yes. I will read to the gentleman a letter that I received from the Secretary of State. He says:

FEBRUARY 11, 1916.

Hon. HENRY D. FLOOD,
Chairman Committee on Foreign Affairs,
House of Representatives.

SIR: I have the honor to recommend that in the bill now pending in Congress covering appropriations for the Diplomatic and Consular Service the second paragraph of the item "Expenses of prisons for American convicts" be amended to read as follows:

"Paying for the keeping and feeding of prisoners in China, Chosen, Siam, and Turkey, and of those convicted by the United States Court for China, $9,000: *Provided*, That no more than 50 cents per day for the keeping and feeding of each prisoner while actually confined shall be allowed or paid for any such keeping and feeding. This is not to be understood as covering cost of medical attendance and medicines when required by such prisoners."

The only change is the addition of the words "and of those convicted by the United States Court for China." Under the law the United States Court for China has jurisdiction under the extraterritorial provisions in all criminal cases against Americans arising in China where the punishment may exceed 60 days' imprisonment. The consular jail in Shanghai is not fitted for the accommodation of long-term prisoners because of lack of facilities for exercise and employment therein, and it is therefore occasionally necessary to send such prisoners to prisons in the United States or the Philippines, and it is to meet such cases that the proposed amendment is requested.

I have the honor to be, sir, your obedient servant,

ROBERT LANSING.

Mr. MANN. I see the gentleman's words "for the keeping and feeding of prisoners in China."

Mr. FLOOD. Yes.

Mr. MANN. And the other is for the payment to those somewhere else that have been convicted in China?

Mr. FLOOD. Yes.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Expenses of providing all such stationery, blanks, record and other books, seals, presses, flags, signs, rent (so much as may be necessary), repairs to consular buildings owned by the United States, postage, furniture, including typewriters and exchange of same, statistics, newspapers, freight (foreign and domestic), telegrams, advertising, messenger service, traveling expenses of consular officers and consular assistants, compensation of Chinese writers, loss by exchange, and such other miscellaneous expenses as the President may think necessary for the several consulates and consular agencies in the transaction of their business, and payment in advance of subscriptions for newspapers (foreign and domestic) under this appropriation is hereby authorized, $597,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. I see in this paragraph you have taken the limit off the amount of rent that can be paid. Is that the reason for the increase in the amount of the appropriation by about $130,000?

Mr. FLOOD. No. The reason for the increase is that they needed it. They did not have enough.

Mr. MANN. Heretofore we have carried a provision in reference to rent, that the allowance for rent should not exceed in any case 30 per cent of the official's salary. Now you have removed that limit and left it purely discretionary with the State Department as to how much the rent may be, saying here, "so much as may be necessary."

I apprehend that if that stays in the law the increase of $130,000 a year will not be a circumstance to what we will be called upon to pay, because if we are going to pay unlimited rent all of these very distinguished gentlemen, from consular agents and vice consuls up to ambassadors, will want to live in very nice quarters if the Government of the United States is to pay the rent. Now, when we limited the rent to 30 per cent of the official's salary, of course they could not engage the finest house in town. They can not now, of course, unless it is allowed by the State Department; but they can ask for it, because there is no limit on the amount that they can ask for. I am afraid in the future they will overpersuade us.

Mr. FLOOD. Mr. Chairman, I notice the change that the gentleman alludes to. I really do not think the committee considered it very carefully.

Mr. MANN. I really think it is rather a dangerous change. I do not care what the limitation is, but there ought to be some limitation to it.

Mr. FLOOD. Mr. Chairman, I move to strike out the words in the bill in line 18, page 26, "so much as may be necessary," and insert in lieu thereof "allowance for rent not to exceed in any case 30 per cent of the officer's salary."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Amendment offered by Mr. FLOOD: Page 26, line 18, strike out the words "so much as may be necessary" and insert the words "allowance for rent, not to exceed in any case 30 per cent of the officer's salary."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that the Clerk may be allowed to correct the totals wherever necessary.

The CHAIRMAN. By unanimous consent, that will be done.

Mr. FLOOD. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MOON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. FLOOD, a motion to reconsider the last vote was laid on the table.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the committees.

The Committee on Ways and Means was called.

PORTS OF ENTRY, WASHINGTON.

Mr. KITCHIN. Mr. Speaker, I desire to take up for consideration the bill (H. R. 12954) for the establishment of Northport, Chopaka, and Laurier, in the State of Washington, as ports of entry and delivery for immediate transportation without appraisement of dutiable merchandise.

Mr. MANN. This bill is on the Union Calendar.

Mr. KITCHIN. I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the privileges of the first and seventh sections of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and are hereby, extended to the ports of Northport, Chopaka, and Laurier, in the State of Washington.

With the following committee amendment:

Page 1, line 3, strike out the words "and seventh sections" and insert in lieu thereof the word "section."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent, the title of the bill was amended so as to read: "A bill for the establishment of Northport, Chopaka, and Laurier, in the State of Washington, as ports of entry for immediate transportation without appraisement of dutiable merchandise."

On motion of Mr. KITCHIN, a motion to reconsider the vote by which the bill passed was laid on the table.

PORT OF JACKSONVILLE, FLA.

Mr. KITCHIN. Mr. Speaker, I desire to call up the bill (S. 4506) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880.

The bill is on the Union Calendar, and I ask unanimous consent to consider it in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to consider the bill in the House as in Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the privileges of the first section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of Jacksonville, Fla.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. KITCHIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

ALCOHOL.

Mr. KITCHIN. Mr. Speaker, I desire to call up the bill (H. R. 15347) to amend existing laws relating to the use of alcohol, free of tax, by scientific institutions or colleges of learning.

The SPEAKER. This bill is on the Union Calendar.

Mr. KITCHIN. I ask unanimous consent to consider it in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to consider this bill in the House as in Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That an act entitled "An act to extend the provisions of section 3297 of the Revised Statutes to other institutions of learning," approved May 3, 1878, is hereby amended to read as follows:

"That the Secretary of the Treasury is authorized to grant permits, as provided for in section 3297 of the Revised Statutes of the United States, for the withdrawal of alcohol from bond, free of tax, to any scientific university or college of learning created and constituted as

such by any State or Territory under its laws, though not incorporated or chartered, and to any hospital maintained by endowment or otherwise, and not conducted for profit, upon the same terms and subject to the same restrictions and penalties already provided by said section 3297: *Provided, however*, That alcohol so obtained by hospitals may be used in surgical operations and, except as a beverage, in the treatment of patients, under such regulations as the Secretary of the Treasury may prescribe: *And provided further*, That the bond required by said section 3297 may be executed by an officer of such hospital or institution or by any other person for it, and on its behalf, with two good and sufficient sureties, upon like conditions, and to be approved as by said section is provided."

Mr. MANN. Mr. Speaker, I take it that the committee and the department have given careful consideration to this subject or they would not extend to all hospitals not conducted for profit the authority to use alcohol free of tax, not only in any scientific work which the hospital may do, but also in all operations and the treatment of patients, except as a beverage; and I suppose that the department, with the experience that they have on the subject, may be able to protect the Government. They say they think they can, though I have grave doubts whether they really can.

Mr. KITCHIN. I really think they can as well in an unchartered hospital as in a chartered one. At the present time, if the hospital is chartered and a corporation, they hold that they can do it now.

Mr. MANN. I understand that.

Mr. KITCHIN. Now, in these unchartered and unincorporated hospitals, but not for profit like a great many private hospitals, they ought to have this privilege. I recall one where a hospital was built for the poor under a will by a gentleman from Missouri, and we desired to extend it so that such a private hospital, run not for profit, should have the benefit.

Mr. MANN. I know, and I can see the purpose; but where you undertake to give anybody who says that he is running a hospital, if he can make the claim, authority to get alcohol free from tax, you open quite a wide door with a pretty strong invitation for them to try it, especially in the big cities.

Mr. KITCHIN. The department would have to supervise it pretty strictly; but that same party could incorporate under the law now and get alcohol free.

Mr. MANN. He could; but there are some restrictions on the incorporation of charitable hospitals. I would not be in favor of the bill at all if they had not been trying it with reference to hospitals under the existing law, and they think there is no loss.

Mr. KITCHIN. I talked with the department and the Commissioner of Internal Revenue, and they thought that they could protect it.

Mr. MANN. I would like to offer a formal amendment by inserting on page 1, line 5, after the word "learning," quotation marks.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 1, line 5, after the word "learning," by inserting quotation marks.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KITCHIN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. Has the Ways and Means Committee any more bills?

Mr. KITCHIN. No, Mr. Speaker; it has not. Mr. Speaker, I ask unanimous consent that to-morrow we take up the Unanimous Consent Calendar.

Mr. MANN. And I suggest that we commence where we left off.

The SPEAKER. Beginning where we left off, with the same restrictions that we had on Monday.

Mr. MANN. That has already been agreed to.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that to-morrow we take up the Unanimous Consent Calendar, beginning where we left off on Monday. Is there objection?

There was no objection.

Mr. WATSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to print in the RECORD some remarks on the bill revising and amending the statutes relative to trade-marks.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, before we adjourn I would like to ask the gentleman from North Carolina a question. We take up the Unanimous Consent Calendar to-morrow. Will we take up the Private Calendar on Friday or Saturday?

Mr. KITCHIN. Yes; we will take it up on Friday or Saturday.

Mr. MANN. One of the two calendars the rest of the week?

Mr. KITCHIN. Yes.

The SPEAKER. The Chair will state to the House for the benefit of Members that there are nine pages remaining of the Unanimous Consent Calendar. We got through three pages on Monday.

Mr. MANN. I would like to inquire if anybody would object to first taking up the bridge bills. We have a lot of bridge bills on the calendar that will be passed as fast as read. I have no interest in them, but I would like to know whether we could not meet at 11 o'clock and dispose of those first?

Mr. KITCHIN. That is agreeable to me, to meet at 11 o'clock and take up the bridge bills first from the Unanimous Consent Calendar.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the bridge bills be given precedence to-morrow on the Unanimous Consent Calendar. Is there objection?

There was no objection.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

There was no objection.

ADJOURNMENT.

And then, on motion of Mr. KITCHIN (at 2 o'clock and 16 minutes p. m.), the House adjourned until to-morrow, Thursday, June 8, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Hattie Willis and Mollie T. Willis, daughters and sole heirs of Phlegman W. Willis, *v.* The United States (H. Doc. No. 1194), was taken from the Speaker's table, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills were introduced and severally referred as follows:

By Mr. EDMONDS: A bill (H. R. 16303) to permit the manufacture of denatured alcohol by mixing domestic and wood alcohol while in process of distillation; to the Committee on Ways and Means.

By Mr. SISSON: A bill (H. R. 16304) to provide for the purchase of a site and the erection of a public building thereon at Winona, in the State of Mississippi; to the Committee on Public Buildings and Grounds.

By Mr. DAVIS of Texas: A bill (H. R. 16305) to make classifications for military and naval service, to promote preparedness, to provide for adequate and efficient national defense, to require that in all naval and military service of the United States, whether in time of peace or war, wealth shall bear and perform its proportional part of the service, and that money shall be made to fight for its country the same as men; to the Committee on Ways and Means.

By Mr. EVANS: A bill (H. R. 16306) for the purchase of a site for and the erection of a post-office building at Anaconda, Mont.; to the Committee on Public Buildings and Grounds.

By Mr. McDERMOTT: A bill (H. R. 16307) to authorize the registration of pure-bred live stock; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 16308) granting a pension to Margaret Berry; to the Committee on Invalid Pensions.

By Mr. BAILEY: A bill (H. R. 16309) granting a pension to Izora B. Hewitt; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 16310) to restore First Lieut. Archibald Grymes Hutchinson, resigned, to the active list of the Army; to the Committee on Military Affairs.

By Mr. EAGAN: A bill (H. R. 16311) granting an increase of pension to Theodore Kiefer; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 16312) granting an increase of pension to James H. Leonard; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 16313) granting an increase of pension to Claude A. Holder; to the Committee on Pensions.

By Mr. HUDDLESTON: A bill (H. R. 16314) granting an increase of pension to William G. Beckley; to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 16315) granting an increase of pension to John S. Wooten; to the Committee on Invalid Pensions.

By Mr. NOLAN: A bill (H. R. 16316) granting a pension to Maxwell Gray; to the Committee on Pensions.

Also, a bill (H. R. 16317) for the relief of Horatio S. Turrell, alias Horatio Seaward; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 16318) granting a pension to N. Ellen Peters and George N. Peters; to the Committee on Pensions.

By Mr. ROWLAND: A bill (H. R. 16319) granting an increase of pension to Isaiah Copelin; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 16320) granting an increase of pension to Sarah E. Lukens; to the Committee on Invalid Pensions.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 16321) granting an increase of pension to Samuel Barton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of D. L. Williams and 22 others, of Pataskala, Ohio, favoring a peace amendment to the Constitution; to the Committee on the Judiciary.

By Mr. BAILEY: Protest of Nelson A. Elsasser, Alex H. When, J. A. Keating, A. Quigley, K. Boyd, E. J. Cohoe, E. P. Harding, Margaret McDermott, Laura Scott, C. B. Johns, Walter Everett Burnett, Viola McGuire, Anna Lawrence, Mollie Buxton, Alice Buxton, Bea Campbell, Jane Hartnett, Bertha Stern, Mrs. D. Boyle, Mrs. M. Boyle, James Coyle, George J. Hammer, D. F. Boyle, Mrs. Annie Campbell, Sue Boyle, Mary Rogers, Mrs. Pat McConlogue, Mrs. M. Harrington, Mrs. J. Harrigan, Anna Boyle, Mrs. Frank Molloy, Hugh Rodgers, Mrs. Richard Goggin, Margaret McKernan, Mrs. Frank Dunphy, and Mary H. Clougher, all of Johnstown, Pa., against the passage of the Stephens bill to establish price control; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of Schenectady (N. Y.) Board of Trade, favoring the Shields water-power bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Dr. D. Challiss Faust and Eleanor Blimson, of Philadelphia, Pa., favoring woman suffrage amendment; to the Committee on the Judiciary.

By Mr. FOCHT: Evidence in support of House bill 7079, for the relief of Riley R. Zerbe; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of National Society for Promotion of Industrial Education, favoring bill for vocational schools; to the Committee on Education.

Also, petition of Board of County Commissioners of Morgan County, Ill., favoring House bill 15526, to permit the removal of dams on the Illinois River; to the Committee on Flood Control.

By Mr. HUMPHREY of Washington: Petition of sundry citizens of the State of Washington, against Sunday observance bill; to the Committee on the District of Columbia.

Also, petition of sundry citizens of the State of Washington, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MAPES: Petition of 59 citizens of Kent County, Mich., against passage of Sunday observance bill; to the Committee on the District of Columbia.

By Mr. OAKEY: Memorial of Sons of Veterans, Connecticut Division, advocating by the Congress and constitutional authorities of the United States a wise policy of preparedness; to the Committee on Military Affairs.

By Mr. SNELL: Petition of Paul Cloke, H. M. Royal, O. E. Parks, J. B. Brooks, J. R. Weston, L. H. Pelton, H. A. Miner, G. R. Smith, E. E. Tryon, J. Pimberton, P. R. Pierson, H. B. Jebo, Lilly A. MacBrien, Ella J. MacBrien, J. F. Day, William M. Towle, L. C. Merrill, W. M. Countryman, F. R. Griffiths, H. H. MacDonald, W. Taylor, F. F. McCue, S. J. Wise, W. B. Davis, L. E. Olson, M. H. Montross, P. R. Cloke, A. B. Gibson, C. J. Dresser, F. B. Cowan, L. K. Russell, J. A. Hill, W. A. Bassette, Edgar Fobes, K. W. Morrison, H. H. Plank, F. N. Dodge, C. S. Winchester, E. L. Pelton, F. H. Fisk, H. M. Smith, L. F. Ayers, M. M. Timmerman, M. S. Hoskins, J. W. Sancto, Mrs. A. E. Morgan, Mrs. Ada Pray, D. J. Armstrong, Mrs. D. J. Armstrong, Mrs. R. J. Sanford, Mrs. J. S. Hosmer, Mrs. E. L. Whitmore, D. L. Fisher, G. W. F. Smith, B. F. Scott, R. E. Roberts, George W. Sisson, jr., L. D. Taggart, J. F Hummer, and F S. Needham, all of Potsdam, N. Y., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. STINESS: Petition of Rhode Island, Nos. 5 and 1, National Association of Stationery Engravers, favoring passage of Senate bill 4874; to the Committee on Agriculture.

By Mr. WARD: Petition of Louis C. Winhold and others, of Summit, N. Y., favoring national prohibition; to the Committee on the Judiciary.

SENATE.

THURSDAY, *June 8, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we lift our hearts to Thee, seeking Thy blessing upon this our land and country. We thank Thee for the great spiritual ideals upon which the institutions of this land have been founded. We bless Thee that, coming out of all the kindreds of the earth, we are not to be controlled by the artificial distinctions of blood or by even the traditions of the ancient nations of the earth. We thank Thee for the liberty of thought and of conscience, so that we shall never be controlled by any organization of whatever character, however great. We bless Thee that lying back of all the incidental things pertaining to government is the thought of God and of freedom and of soul. At this time, when great parties seek to guide the Nation and to express the policies of the Government for the years to come, we pray that all who are in places of influence and power, and are shaping the public opinion, may remember that God is above all and that there is a hand of Divine Providence that guides the affairs of men. So may Thy name be glorified in all the future course of our national history, we ask for Jesus' sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following:

UNITED STATES SENATE,
Washington, D. C.

To the Senate:

The Vice President being absent from the Senate, and the undersigned being also necessarily absent therefrom, he, as President pro tempore of the Senate, hereby names the Senator from Alabama, Mr. JOHN H. BANKHEAD, to perform the duties of the Chair on the 8th day of June, 1916; this substitution not to extend beyond an adjournment.

JAMES P. CLARKE,
President pro tempore of the Senate.

Mr. BANKHEAD thereupon took the chair as Presiding Officer and directed the Secretary to read the Journal of the proceedings of Saturday last.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. VARDAMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CONCENTRATION AND MANEUVER CAMP, WASHINGTON.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of May 31, 1916, copies of reports and memoranda with reference to the American Lake Concentration and Maneuver Camp in the State of Washington, which, with the accompanying papers, was referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 1793. An act granting to the State of Kansas title to certain lands in said State for use as a game preserve;

S. 4506. An act to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

S. 5274. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Hawaiian Electric Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii;

S. 5658. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Honolulu Gas Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii;

S. 5708. An act for the establishment of Winston-Salem, in the State of North Carolina, as a port of delivery under the act of June 10, 1880, governing the immediate transportation without appraisement of dutiable merchandise; and

S. 5776. An act to amend certain public-utility company franchises in the Territory of Hawaii.

The message also announced that the House had passed the bill (S. 1388) to authorize the Secretary of the Interior to furnish hot water from the hot springs on the Hot Springs Reservation for drinking and bathing purposes free of cost to the Leo N. Levi Memorial Hospital Association, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 1066) authorizing leave of absence to homestead settlers upon unsurveyed lands, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 1843) to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex., with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House agrees to the amendments of the Senate to the bill (H. R. 15005) entitled "An act to appropriate $200,000 for training the Organized Militia or National Guard of any State, Territory, or of the District of Columbia."

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 13486) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. FULLER managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 14484) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. FULLER managers at the conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14864) to alter, and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes.

The message further announced that the House had agreed to a resolution consenting that the Senate may adjourn from June 3 to June 8, 1916.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 21. An act authorizing the city of Salida, Colo., to purchase certain public lands for public-park purposes;

H. R. 600. An act to validate title to the town site of McCabe, in the State of Montana;

H. R. 7613. An act to authorize the Terral Bridge Co. to construct a bridge across the Red River near Terral, Jefferson County, Okla.;

H. R. 8492. An act to restore homestead rights in certain cases;

H. R. 10124. An act to add certain lands to the Rocky Mountain National Park, Colo.;

H. R. 10305. An act to grant certain lands to the State of Oregon as a public park for the benefit and enjoyment of the people;

H. R. 10312. An act relating to appeals and writs of error and costs thereof;

H. R. 11162. An act to amend an act entitled "An act to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes," approved September 30, 1890, and for other purposes;

H. R. 11472. An act to reserve certain lands and make them a part of the Pike National Forest;

H. R. 12954. An act for the establishment of Northport, Chopaka, and Laurier, in the State of Washington, as ports of entry for immediate transportation without appraisement of dutiable merchandise;

H. R. 13223. An act to provide for appeals from decisions of boards of local inspectors of vessels, and for other purposes;

H. R. 13383. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917;

H. R. 13618. An act to amend section 4931 of the Revised Statutes of the United States;

H. R. 13720. An act to amend section 4894 of the Revised Statutes relating to patent applications;

H. R. 13831. An act to amend section 4464 of the Revised Statutes of the United States, relating to number of passengers to be stated in certificate of inspection of passenger vessels, and section 4465 of the Revised Statutes of the United States prescribing penalty for carrying excessive number of passengers on passenger vessels, and section 4466 of the Revised Statutes of the United States relating to special permits for excursions on passenger steamers;

H. R. 15347. An act to amend existing laws relating to the use of alcohol, free of tax, by scientific institutions or colleges of learning;

H. R. 15947. An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes;

H. J. Res. 78. Joint resolution authorizing the Secretary of War to loan certain tents, saddles, and bridles for the use of the national encampment, Knights of Pythias, to be held at Nashville, Tenn., in August, 1916;

H. J. Res. 145. Joint resolution authorizing the erection, on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States; and

H. J. Res. 184. Joint resolution providing for one year's extension of time to make installment payments for the land of the former Fort Niobrara Military Reservation, Nebr.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Presiding Officer:

S. 6073. An act granting the consent of Congress to George Fabyan to construct a bridge across the Fox River;

H. R. 529. An act creating an additional land district in the State of California, and for other purposes;

H. R. 755. An act to incorporate the Boy Scouts of America, and for other purposes;

H. R. 2744. An act to correct title to certain lands in Colorado;

H. R. 3794. An act for the relief of Thomas S. Johnson;

H. R. 4297. An act for the relief of Frances L. Llewellyn;

H. R. 6651. An act providing for the payment for certain services arising under the Navy Department;

H. R. 7804. An act to authorize the issuance of patent to Oscar R. Howard, and for other purposes;

H. R. 7817. An act to validate the homestead entry of George S. Clark;

H. R. 12835. An act to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic of Haiti, and for other purposes;

H. R. 13064. An act for the relief of the M. A. Sweeney Shipyards & Foundry Co.;

H. R. 13112. An act to amend section 14 of the seamen's act of March 4, 1915;

H. R. 13474. An act to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 2, 1911;

H. R. 13765. An act to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes;

H. R. 14864. An act to alter, and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes;

H. R. 15005. An act to appropriate $200,000 for training the Organized Militia or National Guard of any State, Territory, or of the District of Columbia; and

H. J. Res. 214. Joint resolution increasing the number of sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing during the fiscal year 1916.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented a petition from the Chamber of Commerce of Washington, D. C., praying for the erection of a modern municipal hospital building on the site of the Washington Asylum Hospital and remonstrating against its proposed erection at the corner of Fourteenth and Upshur Streets NW., Washington, D. C., which was referred to the Committee on the District of Columbia.

Mr. SHEPPARD presented petitions of sundry citizens of Galveston, Houston, and Tyler, all in the State of Texas, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHAFROTH presented a memorial of sundry citizens of Denver, Colo., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Bellefontaine, Oreg., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. LANE. I present a resolution unanimously adopted at a mass meeting in the capitol building at Salem, Oreg., which I ask may be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution unanimously passed at a mass meeting in the capitol, Salem, Oreg., by about 400 citizens.

Be it resolved, That the men and women voters at this meeting in the capitol, Salem, Oreg., on April 29, 1916, do protest at the action of the Judiciary Committee of the Sixty-fourth Congress in preventing the Susan B. Anthony amendment enfranchising women from being voted upon by the Representatives of the people on the floor of the House, and do also protest against the inconsistent attitude of the party in power—the Democratic Party—in withholding the right of full citizenship from half the people—the women—and further request that this resolution be forwarded to the President of the United States, the Speaker of the House, members of the House Judiciary Committee, and to our Oregon delegation, requesting that it be read into the CONGRESSIONAL RECORD by Senator LANE and by Congressman HAWLEY.

FLORENCE B. CARTWRIGHT,
Chairman.

Mr. VARDAMAN. I have received a letter from W. B. Watkins, president of the Aberdeen National Bank, of Aberdeen, Miss., with reference to the bill (S. 6001) to amend section 19 of the Federal reserve law, relating to reserves, which is now in the Committee on Banking and Currency. I do not ask that the communication be read, but that it be printed in the RECORD and referred to the Committee on Banking and Currency.

There being no objection, the communication was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

THE ABERDEEN NATIONAL BANK,
Aberdeen, Miss., May 27, 1916.

Hon. JAMES K. VARDAMAN,
Washington, D. C.

DEAR SIR: We are addressing you in the interest of Senate bill 6001, now in the hands of the Committee on Banking and Currency.

We respectfully urge your support of this bill. We are satisfied with the 12 per cent reserve requirement in the law for cities outside of reserve and central reserve cities, and do not object to its distribution as follows:

Four-twelfths in vault after 36 months from its passage in 1913, five-twelfths with Federal reserve bank in its district, and three-twelfths with a member bank in reserve and central reserve cities.

But we do object to the requirement that the balance of our reserve fund shall be kept in the vault or with the Federal reserve, or both, where we will receive no interest on daily balances.

Twelve per cent is a very small proportion of the reserve maintained by banks, and to be forced to keep the excess—averaging around 40 per cent more than the law requires—where it will be idle so far as producing revenue, viz, "in the vault and with Federal reserve bank," is quite unnecessary and unreasonable.

We prefer that it be left optional as to where this extra reserve be kept, provided it shall be kept (as amendment provides) within a radius of 300 miles or with solvent member banks approved by the Comptroller of the Currency, where we may receive interest on the daily balance.

Very respectfully, W. B. WATKINS, *President.*

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. VARDAMAN:

A bill (S. 6304) for the relief of the widow and heirs at law of George H. White, deceased; to the Committee on Naval Affairs.

By Mr. BECKHAM:

A bill (S. 6305) granting a pension to Arabella G. Walker; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6306) to assess benefits for the opening, extension, widening, and straightening of alleys and minor streets in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CUMMINS:

A bill (S. 6307) granting an increase of pension to Jasper Trimble (with accompanying papers); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 6308) to authorize the Secretary of the Interior to lease for production of oil and gas ceded lands of the Shoshone or Wind River Indian Reservation in the State of Wyoming; and

A bill (S. 6309) to authorize mining for metalliferous minerals on Indian reservations in the State of Arizona; to the Committee on Indian Affairs.

A bill (S. 6310) granting a pension to Andrew Bird; to the Committee on Pensions.

By Mr. NORRIS (for Mr. TAGGART):

A bill (S. 6311) granting an increase of pension to Jacob H. Vinson;

A bill (S. 6312) granting an increase of pension to Jane A. Caldwell;

A bill (S. 6313) granting an increase of pension to William C. McLaughlin;

A bill (S. 6314) granting an increase of pension to Jesse L. Vick;

A bill (S. 6315) granting an increase of pension to Frank Schaffer;

A bill (S. 6316) granting an increase of pension to Luke Tuttle (with accompanying papers);

A bill (S. 6317) granting an increase of pension to Venila Simpson;

A bill (S. 6318) granting an increase of pension to Mary E. Herron (with accompanying papers);

A bill (S. 6319) granting an increase of pension to James Pickett;

A bill (S. 6320) granting a pension to Tabitha Lewis; and

A bill (S. 6321) granting an increase of pension to James Duke; to the Committee on Pensions.

By Mr. GORE:

A bill (S. 6322) to remove the charge of desertion against Allen Ellsworth; to the Committee on Military Affairs.

A bill (S. 6323) granting a pension to Andrew J. Heatley; and

A bill (S. 6324) granting a pension to Jesse Watkins; to the Committee on Pensions.

By Mr. HITCHCOCK (for Mr. JOHNSON of Maine):

A bill (S. 6325) granting an increase of pension to Loren E. Steward (with accompanying papers);

A bill (S. 6326) granting an increase of pension to Daniel W. Smith (with accompanying papers);

A bill (S. 6327) granting an increase of pension to Owen Stacy (with accompanying papers);

A bill (S. 6328) granting an increase of pension to Mary A. Hanson (with accompanying papers); and

A bill (S. 6329) granting an increase of pension to George L. Merrill (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FLETCHER submitted an amendment proposing to appropriate $10,000 for the investigation of the disease known as Phoma Rot and other diseases prevalent in and affecting the tomato crop in the State of Florida, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

Mr. CUMMINS submitted an amendment proposing to appropriate $650 to grade Woodridge Street from Twenty-fourth to Thayer Streets NE., Washington, D. C., intended to be proposed by him to the District of Columbia appropriation bill (H. R. 15774), which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

VOCATIONAL EDUCATION.

Mr. SMITH of Georgia. Mr. President, I have here resolutions passed by the Western Drawing and Manual Training Association in convention assembled in the city of Grand Rapids, Mich., expressing their approval of the bill now pending before the Senate providing Federal aid to vocational education.

I have also similar action by the Master House Painters and Decorators' Association, of Philadelphia, Pa. I ask that the action of each of these organizations may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

WESTERN DRAWING AND MANUAL TRAINING ASSOCIATION.
A resolution on the Smith-Hughes bill.

Whereas we need a system of education which will not only preserve our own ideals as a people and advance learning and culture but bring greater efficiency in all the work of this busy Nation. Particularly do we need more brains, better taste, and greater skill in

all the productive callings of field, shop, and mine; we need nation-wide training in the agricultural and the mechanic arts to preserve and conserve our national resources; to minister to our rising standards of comfort and taste; and to gain the social wealth whereby we may do more and better things for the happiness and the conservation of our people. We need vocational education in these arts to give countless millions in the days to come their way out to efficiency and happiness; to make the Nation economically independent; to equip her for commercial supremacy in markets both at home and beyond the sea; to prepare her with the resources wherewith she may meet every problem that may perplex or threaten at home or abroad. We need to begin now a program for a nation-wide system of vocational education; the problem is too large and the issues at stake too great for delay; we need the help of the National Government, because it is the Nation's welfare that is at stake and because Federal aid is necessary to stimulate and give prestige to the movement, and to supplement, with the larger resources of the National Government, the efforts of States and local communities: Be it therefore

Resolved, That the Western Drawing and Manual Training Association in convention assembled in the city of Grand Rapids, Mich., on the 5th day of May, 1916, unanimously indorse the spirit and the purpose of the report of the National Commission on Federal Aid to Industrial Education and of the Smith-Hughes bill now pending before Congress, and ask that in view of the overwhelming sentiment of the country in its favor by all classes of our people that this bill be passed at this session, and that a copy of this resolution be sent to the President of the United States, the chairman of the House Committee on Education, and the chairman of the Senate Committee on Education and Labor.

C. T. COTTER, *Chairman*,
MARTHA PIERCE,
FLORENCE H. FITCH,
Resolution Committee.

—

MASTER HOUSE PAINTERS' AND DECORATORS' ASSOCIATION OF PHILADELPHIA,
Philadelphia, Pa., May 9, 1916.

Senator HOKE SMITH,
United States Senate.

DEAR SIR: At a very largely attended meeting of the Master Painters' and Decorators' Association of Philadelphia it was unanimously passed that we should petition you to ask for the passage of the vocational training and guiding education bill now before the Senate and House of Congress.

It was further resolved that we should urge the appointmant on the commission of men who are engaged in the industries of the Nation as the only fitting men to meet the conditions and remedy the defects existing in our present industrial requirements, the Commissioner of Education to be one of the committee.

Respectfully submitted.

J. CLIFFORD WILSON, *President.*
ROBERT BOYD, *Secretary.*

COMPULSORY OBSERVANCE OF SUNDAY.

Mr. SMITH of Georgia. Mr. President, I have been requested to present to the Senate a memorial from the Seventh-day Adventists of Georgia. It gives me pleasure to comply with their request, although in doing so I wish to say that I do not agree with the conclusions reached in the memorial. I believe that a day should be recognized by the Nation and by the States as one to be set apart for religious service and for the cessation of ordinary labor. I agree, also, with the great body of the American people, that Sunday should be the day so recognized. I would not, however, deprive anyone of a hearing on this subject, and I ask that the memorial be printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

A Memorial.

To the honorable the Senate and House of Representatives of the United States:

The ministers and lay delegates of the Seventh-day Adventist denomination of the Georgia Conference, assembled in annual convention at Fairburn, Ga., on May 24, 1916, beg leave to address the following memorial to you concerning certain un-American bills now pending before Congress:

As citizens of the United States, who have the general welfare of the Nation at heart, we are exceedingly jealous that the fundamental principles of civil and religious liberty guaranteed to each individual by the Federal Constitution be not jeopardized and overriden by the enactment of statutes which are in direct opposition to these sacred guaranties and immunities.

Three press bills—H. R. 491, H. R. 6468, and H. R. 13778—are now pending before Congress which, if enacted into law, would create a one-man censorship of the press and might result in the complete destruction of the freedom of the press, without recourse to our courts.

Four religious measures are also pending, viz, S. 645, S. 5677, S. J. Res. 42, and H. R. 652, which, if enacted, would commit Congress to the subject of religious legislation, would establish the Christian religion and some of its religious institutions as the legal religion of the Government, and would penalize every dissenter and nonconformist because of his faith and practice.

We regret that Congress has ever been asked to legislate in favor of a religious institution concerning which there is so divergent a religious sentiment as the Sunday and Sabbath questions. We are in harmony with the following sentiments expressed in the Senate report on Sunday mails, by Mr. Richard Johnson, of Kentucky, who was chairman of the Senate Committee on the Post Office and Post Roads, January 19, 1829:

"The proper object of government is to protect all persons in the enjoyment of their religious as well as civil rights, and not to determine for any whether they shall esteem one day above another or esteem all days alike holy. * * * It is not the legitimate province of the legislature to determine what religion is true or what false. Our Government is a civil and not a religious institution. Our Constitution recognizes in every person the right to choose his own religion and to enjoy it freely without molestation. * * *

"Among all the religious persecutions with which almost every page of modern history is stained no victim ever suffered but for the violation of what government denominated the law of God. To prevent a similar train of evils in this country, the Constitution has wisely withheld from our Government the power of defining the divine law. * * * If the principle is once established that religion or religous observances shall be interwoven with our legislative acts, we must pursue it to its ultimatum."

We believe that the Sabbath ought to be observed with piety and due respect to God, but we do not believe that any man should be compelled to observe Sunday or any other day as long as he is a free moral creature and has the liberty to be religious or nonreligious by choice. Enforced religion can only engender hypocrisy instead of true piety. It makes slaves out of free men. Congress has no more right to prohibit legitimate and honorable business on Sunday because the church demands it than it has to prohibit church services on show day because the show demands it.

We believe that Sunday laws are not only un-American but un-Christian. Neither Christ nor His apostles sought at any time to enforce their teachings by the force of civil statutes and penalties.

We, as Seventh-day Adventists, feel that we have a just reason to remonstrate against these compulsory Sunday bills. The enactment into law of Sunday legislation has subjected many of our members to hardships and cruel persecutions. A revival of the Sunday blue laws always opens the way for religious bigotry to stir the smoldering embers of persecution, and it is impossible to set a bound beyond the limits which it dare not go.

We therefore ask your honorable body to refrain from any course which may lead again to the persecution of individuals or sects who have the divine and constitutional right to differ on points of religious dogmas and to enjoy the free exercise of their religious functions in such a manner and at such a time as they may choose, provided the exercise of that choice respects the same and equal rights of their neighbors.

And we, your memorialists, beg leave to assure you that we are kindly disposed to support the Government of our country and to maintain a due submission to the lawful exercise of its authority in purely civil matters.

Signed by order of the convention.

N. V. WILLESS, *President.*
J. K. MACMILLAN, *Secretary.*

ADDRESSES BY SENATOR ASHURST.

Mr. ASHURST. Mr. President, I ask unanimous consent to include in the RECORD a copy of certain addresses delivered by myself last year.

The PRESIDING OFFICER. Such will be the order, in the absence of objection.

The addresses referred to are as follows:

ADDRESS OF SENATOR HENRY F. ASHURST, OF ARIZONA, AT THE EIGHTEENTH ANNUAL CONVENTION OF THE AMERICAN NATIONAL LIVE STOCK ASSOCIATION, AT SAN FRANCISCO, CAL., WEDNESDAY, MARCH 24, 1915.

"Mr. ASHURST. Mr. President, members and delegates of the American National Live Stock Association, I am a Member of a body of men—the Senate of the United States—who are supposed to and frequently do talk for hours upon one subject without any hesitation, preparation, manuscript, reflection, or remorse; but in addressing a body of producers a speaker does not feel justified in coming before them to deliver an address upon the essence and life of their business without some preparation. So I made some notes. Former Vice President Fairbanks said in a speech the other evening, "He had a few stray thoughts." It was in my mind on that occasion to suggest to Mr. Fairbanks that he ought to have "roped" and "branded" those "strays" before they got away. I have taken precaution and have "roped" and "branded" and put down before they got away the stray thoughts that came into my mind during the past hour.

"I had planned to reach Arizona by the 20th of this month, but the invitation extended to me to remain here caused me to reflect that it was a part of my duty to stay, not only for the pleasure that I might derive in meeting you here in this city but for the higher and nobler purpose of absorbing the ideas which you delegates shall communicate to one another. So I remained in order also that I might be here to receive such instructions as this honorable body may see fit to make to a United States Senator, who is your public servant.

"Twenty years have passed, and passed forever, since I gave up the range, the saddle, and the bridle for the more precarious occupation of practicing law. I am pleased to see so many of my old cowboy friends here—not all wealthy, but all at least in a position of affluence and independence. I do not envy them; I am glad and proud of their success, and I can testify to the fact that the success which has come to the Arizona stockmen has not come by chance or mere good luck; but every dollar which you have and every cow which you own to-day has come to you because of your perseverance, your hard labor, and your rigid economy. Let me say further to the American National Live Stock Association and to the Wool Growers' Association—in fact, it would apply to all businesses—that whatever success you have achieved or expect to achieve will not come through any law—because a law can not make a man rich; it will only assist him in the protection of the property which his industry helps him to acquire—but the success you achieve will be because of your thinking correctly regarding your business; it will come because of your rigid economy and your persistent labor. In no other way will success come to you.

"I realize this morning that I am talking to ladies and gentlemen who are disciples of effort, who are apostles of industry. The life of a man engaged in the live-stock business is not an easy, indolent life. There can be no drones in the great hive of the live-stock industry, because the exacting law of compensation will drive out the idle and the indolent. The live-stock industry requires men who are continually face to face with the stern realities of this life and its duties. The life of the 'cowman' is not, as some novelists would have us believe, simply the drifting down a sunlit and flower-bordered stream, but it is a life of persistent labor; the stock business requires men of iron will, of lion courage, and of sustained effort. You are men who look difficulties squarely in the face and hypnotize those difficulties. The live-stock industry, in a large degree, requires men who can think accurately and whose processes of thought bring results. Now, frequently we hear of this man and that man being a speaker. It is very fine; we all have an ambition to be speakers. It is a rare thing to hear a real public speaker, but it is a still rarer thing to see a great thinker. Do you know that one of the most difficult things in this world is to sit down for five minutes and think continuously on any one subject? When we attempt to think continuously we find that, in spite of ourselves, things other than our subject will come into our minds and will filter into our processes of reflection. Now, that which will bring success to you is not being skilled in the art of speaking, but being skilled in the art of accurate thinking. The great thinker is the one who succeeds most frequently, not the great speaker. I would rather be able to think accurately and keep still in one language than to talk in twelve.

"I had the pleasure to be present last night at the sumptuous banquet which was tendered by the cattlemen of this State to the American National Live Stock Association, and if you will pardon me I will repeat what I said last evening—that in order to maintain our supremacy among the nations of the world, in order to maintain this foremost position which we have achieved as the most puissant nation of the earth—in fact, the leader of all nations of the earth—we should carefully see that we have an abundant supply of meat foods, especially beef and mutton; and while, of course, the other flesh foods and the fish and plant foods are all extremely important, nevertheless, if there be one food more necessary than another it is the beef food. Let scientific men explain it if they may, I will only state the conclusion which those of an investigating turn of mind have reached, and that is that the protoplasmic cells which go to make up beef meat are very nourishing to the human body. So, I repeat, in order to maintain our place as the leader of the nations of the earth, we must have an adequate supply of beef, and that beef must be raised in our own country. It must be grown upon our own ranges.

"On the 2d of April this year the population of the United States of America will be 100,000,000 people. We are increasing in population at an enormously rapid pace, and during the past decade our production of beef cattle has not kept pace with the proportion of our population, although in the year just closed there was slight increase in the production of cattle, I believe, over 1913. So it is wise that the American National Live Stock Association is formed. It is money in your pocket, it is success to your business, that you are here to see and learn and study these great problems and learn how to improve the carrying capacity of your ranges; learn how—but you will learn it elsewhere than here, although you will get much valuable information here—you can cause two 'critters'—two cows, two beef animals—to subsist where only one subsisted before.

"A large number of intricate and delicate questions arise the moment we attempt to discuss the methods as to how to improve the carrying capacities of the ranges. I am not going to detain you long, as it is now past the lunch hour, and you have had numerous excellent speeches; hence I will take but little of your time.

"Your efforts to increase the carrying capacity of your ranges are in the right direction. I was especially glad that Congress immediately passed the act appropriating a sufficient sum of money temporarily to cope with the foot-and-mouth disease, and a sum of money sufficient to enable the Agricultural Department in some measure to exterminate the predatory animals that have been destroying your herds, and the Cummins bill, signed by the President during the closing hours of the Sixty-third Congress. Our Government, I believe, should carefully guard the matter of the inspection of all food products that come into our country, and, as was well pointed out by your distinguished president, Mr. Jastro, the greatest care, the most rigid inspection, should be had with respect to the importations of wool and hides, beef and mutton, and all the food products. I hope that Congress will, and I know that it should at once, give attention to the matter of inspections. Moreover, our Government, in my opinion, should not be satisfied merely with the inspection made in a foreign country. We should reserve the right, and exercise it, of making our own inspections of these meat foods at our own customhouses or other appropriate places established by the Government.

"A very historical Congress closed on the 4th of this March. It honestly tried to take care of some of the rights of the consumers. I want to repeat what I said last night, that I hope the succeeding Congresses will attend to the equally important duty of seeing to it that the producers of this country, who are going to feed the consumers, shall have their rights taken care of and conserved.

"I was gratified and instructed to hear the able address of your president, Mr. Jastro. It was a profound address; it evidenced the fact that your distinguished president was a close thinker and a great reasoner. I made some fugitive notes regarding his speech as he proceeded. He said, among other things:

"'This war has demonstrated how interwoven is the international commercial fabric, and how every civilized nation is, in a greater or less degree, dependent on the supplies, the markets, and the credit of other countries.'

"How true the statement, for the war has demonstrated that great truth. Just reflect for a moment that on the 1st day of August, 1914, we had bumper crops—the largest wheat crop we ever had, the largest cotton crop by nearly a half million bales, our mines producing copper to a degree almost unprecedented; yet suddenly, like a flash of lighting, the devastating scourge of war swept over half the civilized world, and with our abundant cotton crop, our enormous wheat crop, we could not get a market, and our produce was rotting at the wharves. We had nothing with which to bring our gold home. Every year tourists from the United States to continental Europe and to the United Kingdom took $250,000,000 of American gold abroad; and for years our cotton, our wheat, and our copper have brought the gold home in the fall, just as the tourists took it abroad in the summer. There was $400,000,000 of our gold abroad when the war broke out. We could not get our copper, cotton, or beef marketed. The situation demonstrated how interwoven is our international commercial fabric, and how every civilized nation is, in a greater or less degree, dependent on the supplies, the markets, and the credit of other countries.

"President Jastro also said:

"'Temporarily we may increase our exports, but in the end we must buy from other countries approximately as much as we sell abroad, in order to maintain a proper trade equilibrium.'

"That is absolutely true. We must in the end, in some way, buy from other countries as much as we sell in order to maintain our trade equilibrium. So it would seem to me to be the duty of Congress, of this association, and of kindred associations, to see to it that every legitimate and proper effort shall be exercised so that markets for American products may be secured in the nations to the south of us, in the nations in the Orient, in continental Europe, and in the United Kingdom. It will be recalled that the lamented President McKinley, in the last speech he ever delivered, said almost the same thing which has been repeated by Mr. Jastro to-day. You remember Mr. McKinley's speech contained a sentence like this:

"'We, as a Nation, need not suffer under the delusion that we shall always be able to sell, but never required to buy.'

"He made the point that there must be some reciprocity among nations in a commercial way, just as there is among individuals. No individual lives unto himself, and no nation lives unto itself.

"Now I approach the question of your grazing and your lease law. I know that this association for many years has been in favor of the lease system. At first, so far as I am able to understand, not much headway was made regarding obtaining favorable expressions for such bill, but in more recent years large numbers of persons have been converted to the lease system. Frankness and plainness of speech I always use, and that is what you wish; so I will say that I believe you are correct in advocating the 640-acre grazing homestead law, for this reason: It is a good law. That is reason enough. But in politics and in legislation a man is sometimes like a man on roller skates; whenever you want to get a bill through Congress, whenever you want to get a bill passed, you go partly where you would like to go and partly where the skates take you. Now, then, a great many of the small owners are not converted to your proposition for a lease system. The small stock owners seem to pin their faith to, and seem to favor, the 640-acre or 1,280-acre grazing homestead law. Therefore I believe you are right; I believe you are adopting the psychology of the situation in helping your lease bill by honestly, openly, and bravely advocating the passage of the 640-acre or 1,280-acre homestead law. It has been said

that there are approximately 350,000,000 acres of unappropriated public land. Some authorities think only 20,000,000 acres would ever be brought under the 640-acre homestead law; some think only 10,000,000; some think as high as 50,000,000 acres; but whatever the proportion may be that could be utilized under the 640-acre grazing homestead law, it is a wise thing, in my judgment, for this association to indorse that bill and help pass it through Congress as a supplement to the lease law. For, I repeat, the small owner believes he will get more adequate protection in the 640-acre grazing homestead than under the lease law.

"This constitutes about all I have to say. I had no prepared speech; I assumed you did not want it. Others, who are more closely in touch with the live-stock industry, have reported to you in their official capacity the progress made in the last year.

"You may not, as an organization or as an association, believe that you secured from Congress every measure of relief to which you think you are entitled. That, of course, is your opinion; you are entitled to it. I myself feel that some bills which ought to have been passed were not; but, with 30,000 bills pending in Congress, it is a most difficult thing to pass even one, because our country is so vast. It is one great Republic made up of 48 little republics, with their ever-present propositions of State and National sovereignty; and what seemingly might be good for one State the others might not approve.

"I had the honor to attend your ninth annual convention in Denver in 1906. I note immense progress since that time. I had, in Denver, the pleasure of hearing Mr. Cowan, your able attorney, deliver a great speech. Since that occasion, and looking back over the course of the years that have glided away since your meeting in Denver in 1906, I see many reforms that have come to you—much good individually and as an association; although you, being so near to it, might not be able to appreciate it as fully as some one who is not a member of the association.

"As I said last night, you sent, and so did the National Wool Growers' Association, a dignified body of gentlemen to come before Congress; and even if they failed to secure the legislation they wanted, they conducted themselves as gentlemen. They won the esteem if not the votes of the Members of the Congress of the United States. Wishing you the full measure of success which one old "cow hand" may wish other people, I thank you for your attention."

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EXTRACT FROM ADDRESS OF SENATOR ASHURST, OF ARIZONA, AT THE DEDICATION OF THE GRANITE CREEK RESERVOIR, PRESCOTT, ARIZ., APRIL 8, 1916.

"* * * Of all the States in our American Union, Arizona is one of the most interesting. No State offers more tempting allurements to investors or fairer fields to endeavor than does Arizona.

"Are you interested in romance? If so, read the history of Arizona. Do you love the artistic? If so, here you will find landscapes whose beauties can not be imprisoned on any canvas. You will find here the rich imagery of the desert, the storm-riven crags, the rolling prairie, and the evergreen forests which winter's inclement winds do not dismantle.

"Would you think in the raptures of poetry? Here is a sun which, like a disk of burnished gold, sends down its shafts of light with indescribable beauty. Here are the silver stars, the seasons that bring variety, and all the fruits and flowers.

"Are you fevered by ambition? Ah, here is the forum where you may render valuable services to a State, gain the esteem of a sturdy people, and hear the bugle call of fame.

"Would you be interested in stock raising? Then journey no farther, for here we grow the wool and hides which clothe a nation and the beef and mutton which must feed a powerful race.

"Do you name hydroelectric power? Here are creeks, rivers, and strategic points where can be generated sufficient hydroelectric power to turn millions of wheels and spindles and run all the trains necessary to carry the commerce of the Southwest.

"Are you seeking mineral wealth? Would you be interested in nature's alembic, where the base metals are transmuted into gold? Here is your new El Dorado. Remain, and shout Eureka! for into the hills and caverns of Arizona nature has poured more mineral wealth than Ophir had to burden the mighty fleets of Solomon.

"Do you seek health? Here is a dreamful tranquillity which soothes the throbbing nerves of pain; here is a bracing air whose wonder-working secrets redden the bloodless lip and paint the rose upon the invalid's pallid cheek.

"Would you follow that noble, that most independent of all occupations—agriculture? Would you become a producer as well as a consumer? Then consider our fields and valleys which, when given the living waters, produce all the vegetables, grains, melons, fruits, and flowers. In Arizona we have imprisoned tumbling waters that once rushed madly to the sea and have built irrigation projects so big and yet so simple that they appeal to all. Irrigation charms with its magic spell the patriotic imagination of the masses, and touches with its wizardry our self-interest, the heart of which throbs in the pocketbook. It kindles fires of unselfish sentiment, for it is poetical yet practical, exalted as an ideal, yet hard as iron in its common sense. The agricultural products of Arizona are the most varied of any State on the American continent. We produce the Egyptian date, the Egyptian long-staple cotton, the orange, the lime, the lemon, the Louisiana sugar cane, the Michigan sugar beet, the Canadian strawberry, the California cantaloupe, the Kalamazoo celery, and the French asparagus.

"And here in Arizona is a people who are disciples of industry, and therefore apostles of success—a people who know that independence, competence, and all livable conditions of life come, and come only, from constant striving and long-sustained effort; who know that from out of the infinite sea of the future there will never touch our beach and shoal of time a richer or more precious gift than liberty.

"Hail! the giant Commonwealth of Arizona. Her past is secure and proud, her present is radiant and pulsates with energy, and her future spreads a bright and balmy effulgence against the eastern sky."

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SPEECH OF SENATOR ASHURST AT LAUNCHING OF THE U. S. S. "ARIZONA," JUNE 19, 1915, AT BROOKLYN NAVY YARD.

"Hon. Secretary of the Navy, ladies, and gentlemen, this is an occasion which quickens the heart of every American who loves his country and her institutions. With our Nation leading in commerce, wealth, enlightenment, and Christianity; with our Nation teaching the other powers of the earth lessons in true moral courage, justice, and magnanimity, and with our country setting the world an example in moderation, forbearance, and prudence, we to-day launch a mighty leviathan of the deep, whose mission it shall be to engulf any hostile craft that disturbs or threatens our American civilization.

"If the man who gives his family over to the dangers and vicissitudes of his neglect and indolence is deserving of censure and scorn, how much greater should be the contempt and censure for the public servant who, sworn to protect and defend his country, neglects his duty, evades his obligations, and exposes not only his family but his constituency—indeed, his entire nation—to the dangers of conquest, defeat, and degradation? To neglect one's liberty is to lose it; to neglect one's country is to perish with it.

"On the surface of the earth are 51,886,000 square miles of land, as compared with 145,054,000 square miles of water; hence it does not require a diagram to see that in all probability a large part of the commerce of the world will always be carried on this vast water area; while the wonders and transformations that have been wrought within the past 70 years in science, mechanics, electricity, transportation, and the hurling of projectiles make it manifest that the battles of the future will in large part take place on this water area.

"The Sixty-third Congress, with its unparalleled record of constructive legislation, acting under the leadership of the President of the United States and upon the report of the Secretary of the Navy, authorized the construction of additional dreadnaughts, destroyers, submarines, and other necessary craft; for, while it is easy and pleasing to indulge in self-deception, and thus evade the unwelcome thought of national defeat or degradation, it is neither wise, judicious, nor statesmanlike to do so. It is wiser and safer to be on guard and preclude all possibility of danger than to hide our fears of danger in the secret recesses of our closets.

"The world seems out of joint just now, and it is better for us to be 'sure than sorry.' In a day of trouble we can not instantaneously convert sleepy, fat self-assurance into national security. Men may be heroes, but unless they are drilled their heroism will end only in unavailing martyrdom. Our caverns and mountains are filled with copper and iron ore, but these can not instantly be metamorphosed into battleships. Preparation and vigilance only can work the necessary changes. Men do not ascend to eminence, strength, and power by a single leap or by growth overnight. It is only by steady tread that a man moves up the rough and rugged path to success. Those who reach eminence and distinction are they who subject their lives to the fires of intellectual and physical endeavor. Success and efficiency come only after many years of anxious striving and long-sustained effort. So it is with a nation. It holds its place and preserves its liberty only by never becoming careless and by never despising nor underrating an opponent. Ever since the days of the children of Noah men have sought to build

them a tower which they might ascend and thus escape the hardships of this world. But such can not be; under nature's harsh yet profound laws we must meet and overcome dangers and perform duties; we can not build a tower lofty enough to take us above and beyond the trials and duties of this life.

"So, in consideration of these truths, Congress saw the need for a healthy and steady growth of our Navy, and we to-day launch one of the superdreadnaughts ordered by the Sixty-third Congress.

"It is well that she should be named the *Arizona*. The Secretary of the Navy showed a true appreciation of the history of that State when he named this ship the *Arizona*.

"In every walk of life, in war and in peace, Arizona's people have proved themselves to be—

"Zealous, yet modest; innocent, tho' free;
Patient of toil, serene amidst alarms,
Inflexible in faith, invincible in arms.

"She is a land where, in the bracing air of toil and temperance, her people tirelessly labor for the public good. Her people resolutely see to it that all the ends which they attempt to achieve shall be for the cause of their country and the cause of truth, and neither ambition's bugle call nor fame's alluring smile nor the piling up of gold can induce them to abate one jot or tittle from the path of rectitude which makes nations truly great.

"Under these favorable auspices we launch this ship; we send her forth as an additional guaranty that America may possess her soul in peace; we send her forth as an additional guaranty that, though the passions in other lands may hurl reason from her throne, nothing shall deter America from her course of wisdom and justice; we send her forth to guard a people who demand justice, not ignoble revenge, and who show strength of heart in steadfast self-control.

"We send her forth with the proud consciousness that when the storm king gathers his clouds, obscures the fickle moon, opens the mysterious caverns where his hurricanes and tornadoes are imprisoned, and loosens furies to ride on the wings of the wind, flouting the wild and wasteful ocean with tempestuous and angry waves, she will cleave atwain the tumbling billows and send her serene and effulgent rays out upon the deadly waters, lending help, hope, and encouragement to every friendly ship. We send her forth with the calm assurance that if some hostile craft should assail these shores and attempt to subvert or destroy this Nation, where—under the providence of God—a people consecrated to liberty dwell under a peaceful and happy sky, the plume of smoke from the *Arizona* may be backward blown, but all else about her will be bounding forward, and with our astral banner held high aloft she will repel the invader and keep our Nation more powerful than ever for good in the affairs of men."

EXTRACT FROM AN ADDRESS OF SENATOR HENRY F. ASHURST, OF ARIZONA, ENTITLED "A LESSON OF LIFE," TO THE STUDENTS OF THE HIGH SCHOOL AT NEW LEXINGTON, OHIO, NOVEMBER 24, 1915.

"Teach me the power of truth and courage. Teach me that no man can be 'downed' who is in the right and 'keeps coming.' Teach me that a dollar honestly earned is a friend that will never ask me for an office; teach me to plug my ears with the cotton of prudence and common sense against the voice of the stock ticker; teach me that the man who wastes his time wastes his life, for life is made up of time. Give me the fortitude to endure the thrusts I can not parry. Deafen me to the jingle of tainted money. Teach me that I will never regret not eating more nor saying more; teach me to rid my room and office of trash and my brain of slosh; teach me to be accurate in all things, whether serious, humorous, or fantastic.

"Teach me that all success and every livable condition of life come only from constant endeavor and long-sustained effort; teach me that to succeed I must subject myself to the fierce fires of intellectual and physical endeavor; that I must walk while others ride; and that, like 'Cascarets,' I must work while others sleep.

"Teach me to pay all my debts, moral, social, and financial; teach me to return something good to this world for the food, raiment, and shelter it gives me. Teach me never to lack sympathy with the poor. Teach me that happiness, wisdom, and success come from within, not from without. Teach me that no statute can be enacted that will give discernment to the fool, wealth to the improvident, or wisdom to the man who will not think. Teach me that a firm faith is the best theology. Teach me to live by day so that I can sleep by night, and when I have been taught all these things, then will my heart not be troubled when the grand jury meets, then will the sheriff be confounded, then will my way be pleasant and I will know the symmetry, the beauty, the zest, and use of life; then will I fear no man and shall live a broad life, possibly a long one, but, be it brief or long, I shall be guided by a 'brilliant star shinning from the inmost veil of Heaven, beckoning to the abodes where the eternal are.'"

OSAGE INDIAN OIL LANDS.

Mr. LANE. Mr. President, I desire to present a communication addressed to me by some Osage Indians in regard to the disposal of their oil lands. They are not satisfied with the manner in which their oil lands have been disposed of, and they have the right, in my opinion, to voice their dissent to a transaction with which I myself am not entirely in harmony, so far as that is concerned. I ask that the communication may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The communication referred to is as follows:

WASHINGTON, D. C., *May 19, 1916.*

Hon. HARRY LANE,
United States Senator from Oregon,
United States Senate, Washington, D. C.

SIR: We, the undersigned, respectfully represent that the Department of the Interior, together with four members out of the eight members of the Osage tribal council, have agreed to and have granted oil leases to divers persons on about 235,000 acres of Osage oil lands, and which is a part of the 680,000 acres embraced within what is known as the Foster leases and which expired on March 16, 1916. The said area is about 235,000 acres, 70,000 acres of which is developed and producing territory, and has a vast leasing value. The remaining 165,000 acres is at this time undeveloped, but it, too, has a vast leasing value. The leasing values referred to as to both the producing and undeveloped areas mentioned has a value in excess of one-sixth royalty, and while the exact amount of such value can not be estimated it is known to be of great value.

We further represent that the duty is imposed upon the honorable Secretary of the Interior and the Osage tribal council to do all within their power to secure to the Osages the greatest possible values for the mineral lands in question, and we complain that the granting of the area referred to, to the divers lessees referred to without other consideration than the royalties and rentals provided for, was an improvident and excessive abuse of the powers granted and was a dismal failure of the performance of the duty imposed, and that the granting of said area to the divers lessees referred to will result in the loss of many millions of dollars to the Osage Tribe of Indians.

We further represent that hearings have been had before the Senate Committee on Indian Affairs relative to different features of the leasing of Osage oil and gas lands and that the result of said hearings was that much confusion ensued and little or nothing was brought to bear upon the committee from the standpoint of the Osage Tribe of Indians, who were most directly and greatly affected by the action taken, or to be taken, by the Department of the Interior and the Osage tribal council.

We further represent that one safe and certain way of disposing of the area in question (i. e., 235,000 acres herein referred to) was to have put up the same under competitive bids to the highest bidder either upon a royalty basis, or a royalty and bonus basis, and had that plan been followed no one could have been heard to complain of the result, therefore, the injustice that has been done to the Osage Tribe of Indians has been the result of the failure to put these mineral lands up to the highest bidder under competitive bids and instead thereof to grant the area in divers tracts to divers lessees upon the meager royalty and rentals provided in the contracts. The said failure upon the part of the Department of the Interior is more striking when it is known and understood that the policy of letting Osage mineral lands only to the highest bidder has been in force for some time and no lease was ever granted on any other basis except in the instance of the original Foster lease, which was made 20 years ago. The Osage people have been, and are, a unit in favor of leasing their mineral lands to the highest bidder under a competitive-bid system, and we feel that a great wrong is being done to us by giving the lands referred to to the lessees referred to without any consideration whatsoever, other than the meager rentals and royalties provided in the contracts.

We respectfully represent that there can be no justification for the action of the Department of the Interior in permitting the leases referred to to be granted.

We respectfully represent that it is no justification for the Department of the Interior to say that four of the eight members of the Osage Tribal Council were in favor of making the grant, for the reason that Congress has imposed upon the Secretary of the Interior and his subordinate officials the duty, not only in law, but in strictest conscience, of preserving the property rights of tribal Indians, and it is the duty of said Interior Department to not permit the Osage Tribal Council to improvidently give away vast mineral wealth which is the property of the Osage Tribe of Indians.

We further represent that at the instance of a mass meeting of about 300 members of the Osage Tribe of Indians and intermarried citizens thereof we instituted a suit in the Supreme Court of the District of Columbia to enjoin the honorable Secretary of the Interior from approving the leases on the area referred to, and said suit was filed on the 24th day of April, 1916; that the injunction was denied, and that the Secretary of the Interior on the day following the denial of the injunction and the signing of the decree by the court, i. e., on the 16th day of May, 1916, the Secretary of the Interior hurriedly approved the leases and mailed the same out to the lessees to whom they were granted.

We further represent that it is an open question whether our suit will avail us even though we won in the court of final resort upon appeal; however that may be, we call your attention to the great hurry evinced by the Interior Department to get the leases after approval into the hands of the lessees and thus prevent action by the Congress of the United States in granting the Osage people such relief in the premises as they were justly entitled to.

We further represent that the Osage people have over 1,000,000 acres of land remaining that are yet unleased and are located in what is known as the "mid-continent oil field" and are supposedly rich in oil and gas, and we, therefore, make this appeal to you to bring the matter to the attention of the Congress of the United States that a great wrong has been done to us and that we be protected from similar injury in the future as to our remaining lands.

We fully understand how futile our efforts might be as compared to the great power of the Department of the Interior and the rich and powerful interests that have seemingly joined hands in defeating our wishes and desires in the premises herein referred to.

As a striking evidence of the methods employed by the rich and powerful oil interests referred to to gain their ends, we submit herewith as an accompanying paper a copy of an affidavit filed in the Supreme Court of the District of Columbia by James E. O'Neil, president of the Prairie Oil & Gas Co., a concern which is referred to in the records submitted to the Committee on Indian Affairs and which is to be found on page 255 of the hearings before the Senate Indian Committee as a sublessee whose address is at Independence, Kans., date of acceptance August 31, date received August 31. Here we have a sublessee, namely, the Prairie Oil & Gas Co., demanding that its leases be approved by the Secretary of the Interior, and saying to the court in which we were suing that if the court would prevent the Secretary from approving his leases together with others no oil would be run from the Osage field by the Prairie Oil & Gas Co., the sublessee before referred to. The Prairie Oil & Gas Co., as you will remember as shown at the hearings before your committee, is a subsidiary of the Standard Oil Co., as a sublessee saying to the court that if you prevent the Secretary from approving our leases and other leases we will not run oil from the Osage field.

Without going further into details of this matter, we feel that you are sufficiently acquainted with the seme to warrant us in making the request that by resolution, or otherwise, you provide for an investigation of this whole transaction in its minutest details to the end that some measure of justice may be done to us in reparation of the wrongs already done, and that the Department of the Interior in the future be not permitted to lease Osage mineral lands only under competitive bids to the highest bidders upon either a royalty, or a royalty and bonus basis.

We feel that the extraordinary spectacle of the giving away of 235,000 acres of our mineral lands to certain lessees without competition and without other consideration than meager royalties and rentals, calls for immediate and searching investigation, and justice to the Osage people dictates that the Department of the Interior in the future be not permitted to do the same with our remaining mineral lands.

We beg to say that in making this request of you, we do it upon our own behalf as members of the Osage Tribe of Indians, and also upon the behalf of the mass meeting of Osages and intermarried citizens above referred to, and on behalf of every member of the tribe who is directly interested in the matters herein complained of and the relief and protection sought.

Very respectfully,

FRANKLIN SHAW.
JOHN F. PALMER.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA—FRANKLIN SHAW ET AL. v. FRANKLIN K. LANE, SECRETARY OF THE INTERIOR. EQUITY No. 34279.

AFFIDAVIT OF JAMES E. O'NEIL.

I, James E. O'Neil, of Independence, Kans., on oath depose and say that I am president of the Prairie Oil & Gas Co., a corporation organized and existing under the laws of the State of Kansas, and engaged in doing business in the State of Oklahoma; that the business of said corporation includes in part the purchasing, producing, and sale of oil mined in said State of Oklahoma; that it operates within the Osage oil territory and purchases extensively from lessees engaged in mining oil in that field; that said corporation produces and purchases from operating lessees about 81 per cent of all the oil produced or mined in the Osage Nation (and that of these figures, its production amounts to only about 4 per cent); that he is informed of the existence of the above-entitled suit and understands its purpose and its existing status, i. e., that the court has rendered an opinion dismissing the bill, but has now under consideration a motion to stay the effect of decree dismissing the bill, pending appeal.

He further states that the said corporation has been purchasing and taking oil from former sublessees under the Foster lease, whose leases expired March 16, 1916, since said date under the temporary orders issued by the Secretary of the Interior, first for a month expiring April 16, 1916, and then for another month expiring May 16, 1916; that this arrangement was made in view of the fact that said lessees had in the course of preparation certain leases made under the resolution of the Osage Council of June 17, 1915, and the rules and regulations of the Secretary of August 26, 1915, which said leases, it was expected, would unquestionably be approved. Hence, as a temporary arrangement, to meet the emergency existing by the fact that the leases were not wholly completed and in form perfected, the corporation was willing for the short time involved to run and purchase the oil as aforesaid. But owing to the existence of this litigation and regarding it as doubtful if the Secretary has power to continue indefinitely or for any longer period the arrangement aforesaid, as he has been by his counsel advised, and having considered fully the uncertainty of title to the oil continued to be mined or attempted to be purchased in face of this litigation, the Prairie Oil & Gas Co. will be compelled to discontinue the running and purchasing of crude oil from properties within the Osage Nation under temporary order or permission from the Secretary of the Interior after midnight, May 16, 1916. In other words, if the Secretary is by order of the court prevented from approving the leases in controversy, the running and purchasing of said company in the Osage Nation must and will cease forthwith.

Affiant further states that he has been informed of the text of a certain proposed regulation presented for the Secretary's consideration, having in view an arrangement whereby the leases aforesaid might be conditionally approved, but he states that even if such regulation might receive the approval of the Secretary, that the attitude of his company would be the same; i. e., that said company would not feel justified, as a matter of prudence, and would not continue to purchase and take oil mined under leases thus conditionally approved.

JAMES E. O'NEIL.

Subscribed and sworn to this 16th day of May, 1916, before me.

[SEAL.] NEENAH LAMB,
Notary Public.

BID ON OIL LANDS OF OSAGE NATION.

C. K. Davis bid on the SW. ¼ sec. 1, T. 21, R. 7 E., one well producing 109 barrels per day, for which tract the Gypsy Co. at the recent sale bid only $50,000.

I have bid 52½ per cent royalty, guaranteeing to drill not less than nine wells two years from date of execution of lease to me. On present production same will net Osages $85.83 per day, or $31,327.95 per year, which is $21,381.70 more per year on present production than a one-sixth royalty. But I wish to call particular attention to the fact that this piece of property is not developed, and I am making a bid, offering a bond to guarantee development of same.

Nine more wells on this piece of property, making a total of ten wells (which is approximately one-third the number of wells drilled on 160 acres to develop it), granting those wells are no larger than the present well on this property (and I have reason for believing they will be much larger), will produce 1,090 barrels of oil per day. Fifty-two and one-half per cent of this oil at the present price of oil will net the Osages $885.88 per day, or $323,346.20 per year, and this is ⅓ acre less than one-third developed. On a one-sixth royalty the Osages would receive $102,200 per year, or $221,146 less per year. And this property has a cash bonus bid of $50,000. On this property the Government gaugers in November, 1915, report a production of 3,753.08 barrels, which is over 125 barrels per day. Their reports on same for the last of February and fore part of March this year are 109 barrels per day.

February being a cold month, it was impossible to get an accurate gauge on production. I learned at the lease from men in a position to know that this well is now doing 165 barrels per day. However, my figures are all compiled from Government reports on same.

I will also take, if permitted enough undeveloped acreage to make total acreage 4,800 acres, and develop same under departmental regulations at a royalty to the Osages of 52½ per cent.

Respectfully submitted.

C. K. DAVIS,
By R. R. BRADER.

THE MERCHANT MARINE.

Mr. MARTINE of New Jersey. Mr. President, I desire to offer and to have printed in the RECORD an editorial appearing in the Washington Post of some days ago entitled "The American merchant marine and governmental control of ocean rates." I do not ask that the editorial be read, but that it may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, such will be the order.

The matter referred to is as follows:

THE AMERICAN MERCHANT MARINE AND GOVERNMENTAL CONTROL OF OCEAN RATES.

Eight dollars a ton for the railway freight on barley from San Francisco to Galveston may be a fair and reasonable rate; at least it should be, with National and State regulation of rates and with official commissions to see that the railway interests are fairly cared for and the public not exploited unfairly.

What the rate would be if it were not for the power given by legislation to the Interstate Commerce Commission and to the various State commissions no business man in the United States would attempt to state.

But with ocean transportation, unregulated by either National Government or by States, with the shipping combines of Europe reaching for the last copper of the shippers or the consumers, and private capital, after 50 years' talk of providing an American merchant marine, either in partnership with foreign combines or in operating agreements with them, or controlling few, very few vessels independent of these combines, we have to-day statements that $32 a ton is to be charged for transporting barley from Galveston to European ports.

And we have some legislators who still balk at governmental protection of the interests of American farmers, American miners, American manufacturers, the masses of the American people, and who are opposed to governmental control of rates in a governmental owned or governmental aided merchant marine.

Thirty-two dollars a ton ocean freight to western Europe on barley produced on the lands of the farmers of the United States makes it highly profitable for owners of vessels, for private capital invested in vessels, and, of course, they want no governmental owned merchant marine, no governmental control of rates, no governmental service for the producers and the shippers of the Republic.

The farmers who produce the barley, working early and late, through winter's cold and summer's heat, working in every season throughout the year to produce the grain crop for the market, do not receive per ton for the grain as much as the owners of the vessels which carry it on the two weeks' trip from Galveston to Europe.

And private capital has had 50 years to furnish an American merchant marine, and yet some Members of the Congress oppose the governmental establishment of a marine and are strongly against governmental control of ocean rates on freights carried by governmental owned or governmental controlled vessels.

The manufacturers of the United States and the miners of the United States will find themselves at great disadvantage if there is not created at once an American merchant marine, with governmental control of rates on ocean transportation.

It is not many years since governmental control of railway rates was established in the States and in the Nation.

Is there a business man in the United States who to-day would favor removal of the State and National control of railway rates?

Is there a Senator or Representative in Congress to-day who will go to his constituents and advocate the repeal of all legislation looking to such control and regulation of rates upon the railways of this country? If such control and regulation is injurious to the interests of the masses of the country, why not say so? If it is not injurious, if it is beneficial, why not give the people of the United States the benefits resultant from establishing control of rates on the American merchant marine, owned by the Government or aided by the Government, and, whether owned or aided, dependent upon the cash of the citizens of the United States.

PONCA TRIBE OF INDIANS.

Mr. HITCHCOCK. I desire to enter a motion at this time for a reconsideration of the vote by which on Saturday last the Senate passed the bill (S. 4251) to authorize the Ponca Tribe of Indians to appear in and be made parties to any suits filed in the Court of Claims by the Omaha Tribe. I merely enter the motion at this time because, on account of the absence of the Senator from Oklahoma [Mr. OWEN], it is proper to postpone the consideration of it until his return.

Mr. NORRIS. Mr. President, may I ask my colleague, in conection with the motion which he has entered, whether the bill has not been sent to the House; and if so, whether the motion to reconsider ought not to include a request for the House to return the bill to the Senate.

Mr. HITCHCOCK. That is a request which can be made by the Chair or by the Secretary, I presume, as the bill was passed at the last session of the Senate.

The PRESIDING OFFICER. The Chair thinks the Senator from Nebraska had better include the request in his motion.

Mr. HITCHCOCK. Then I will take the liberty, Mr. President, of including the request in the motion.

The PRESIDING OFFICER. That the House be requested to return the bill to the Senate?

Mr. HITCHCOCK. That the House be requested to return the bill to the Senate.

Mr. PAGE. Mr. President, may I inquire of the Senator from Nebraska if that is an Indian bill?

Mr. HITCHCOCK. It is a bill which proposes to grant to the Ponca Tribe of Indians the right to intervene in a proceeding in the Court of Claims which is practically concluded, and it would result in delaying the award which will undoubtedly be made to the Omaha Tribe of Indians.

Mr. PAGE. Is it a bill which has been considered by the Committee on Indian Affairs?

Mr. HITCHCOCK. Oh, yes; certainly. It was on the calendar and had been considered, but it had not been contested in any way. It was a matter which did not come to my knowledge until after the committee had reported the bill, and it was then brought to my knowledge by a delegation of Omaha Indians who visited this city, and who represented that the case had been pending in the court for years, had practically reached its conclusion, the testimony had been closed, and there was nothing remaining except the filing of briefs in the case, and that to permit the other Indians, who had really no equitable claim, to intervene in the case simply meant another long delay in giving the Omaha Indians what they were justly entitled to from the Government.

The PRESIDING OFFICER. The motion of the Senator from Nebraska will be entered.

LAWS OF PORTO RICO.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico:

To the Senate and House of Representatives:

As required by section 31 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith copies of the acts and resolutions enacted by the Eighth Legislative Assembly of Porto Rico during its second session (February 14 to April 13, 1916, inclusive).

These acts and resolutions have not previously been transmitted to Congress, and none of them has been printed.

WOODROW WILSON.

THE WHITE HOUSE, *June 5, 1916.*

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on the 5th instant approved and signed the joint resolution (S. J. Res. 72) to provide for holding the Texas Bicentennial and Pan American Exposition in 1918.

HOUSE BILLS REFERRED.

The following bills and joint resolution were read twice by their titles and referred to the Committee on Public Lands:

H. R. 21. An act authorizing the city of Salida, Colo., to purchase certain public lands for public park purposes;

H. R. 600. An act to validate title to the town site of McCabe, in the State of Montana;

H. R. 10124. An act to add certain lands to the Rocky Mountain National Park, Colo.;

H. R. 10305. An act to grant certain lands to the State of Oregon as a public park, for the benefit and enjoyment of the people;

H. R. 11162. An act to amend an act entitled "An act to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes," approved September 30, 1890, and for other purposes;

H. R. 11472. An act to reserve certain lands and make them a part of the Pike National Forest; and

H. J. Res. 184. Joint resolution providing for one year's extension of time to make installment payments for the land of the former Fort Niobrara Military Reservation, Nebr.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 7613. An act to authorize the Terral Bridge Co. to construct a bridge across the Red River near Terral, Jefferson County, Okla.;

H. R. 13223. An act to provide for appeals from decisions of boards of local inspectors of vessels, and for other purposes; and

H. R. 13831. An act to amend section 4464 of the Revised Statutes of the United States, relating to number of passengers to be stated in certificate of inspection of passenger vessels, and section 4465 of the Revised Statutes of the United States, prescribing penalty for carrying excessive number of passengers on passenger vessels, and section 4466 of the Revised Statutes of the United States, relating to special permits for excursions on passenger steamers.

The following bills were severally read twice by their titles and referred to the Committee on Finance:

H. R. 12954. An act for the establishment of Northport, Chopaka, and Laurier, in the State of Washington, as ports of entry for immediate transportation without appraisement of dutiable merchandise; and

H. R. 15347. An act to amend existing laws relating to the use of alcohol, free of tax, by scientific institutions or colleges of learning.

The following bills were severally read twice by their titles and referred to the Committee on Patents:

H. R. 13618. An act to amend section 4931 of the Revised Statutes of the United States; and

H. R. 13720. An act to amend section 4894 of the Revised Statutes relating to patent applications.

H. R. 8492. An act to restore homestead rights in certain cases was read twice by its title and referred to the Committee on Indian Affairs.

H. R. 10312. An act relating to appeals and writs of error and costs thereof was read twice by its title and referred to the Committee on the Judiciary.

H. R. 13383. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917, was read twice by its title and referred to the Committee on Appropriations.

H. R. 15947. An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes, was read twice by its title and referred to the Committee on Naval Affairs.

H. J. Res. 78. Joint resolution authorizing the Secretary of War to loan certain tents, saddles, and bridles for the use of the national encampment, Knights of Pythias, to be held at Nashville, Tenn., in August, 1916, was read twice by its title and referred to the Committee on Military Affairs.

H. J. Res. 145. Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States, was read twice by its title and referred to the Committee on the Library.

The PRESIDING OFFICER. If there be no further business, under the unanimous-consent agreement the Senate stands adjourned until 12 o'clock on Saturday next.

Thereupon (at 12 o'clock and 25 minutes p. m.) the Senate adjourned until Saturday, June 10, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 8, 1916.*

The House met at 11 o'clock a. m.

Rev. John Van Schaick, jr., pastor of the Church of Our Father, Washington, D. C., offered the following prayer:

O God, who turneth into morning the shadows of the night, grant that we may be the children of the light and of the day. Let the sun of Thy righteousness shine in our hearts, enlighten our reason, make clear our conscience, purify our affections. We dedicate ourselves to Thee this day, beseeching Thee so to rule and govern us that all evil thoughts, all unholy desires, all anxious cares and fears may be driven from our minds, and that we may walk with joy in the light of Thy countenance and the comfort of Thy presence. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENLARGED HOMESTEADS.

Mr. GANDY. Mr. Speaker, I ask unanimous consent to vacate the proceedings by which the Senate amendment to the bill H. R. 8654, an act to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, by

adding a new section, to be known as section 7, was agreed to on Monday last, and to return to the consideration of the Senate amendment.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to vacate the proceedings touching the agreement by the House to the Senate amendment to the bill H. R. 8654 and to return to the consideration of the Senate amendment. Is there objection?

There was no objection.

The SPEAKER. The question now is on agreeing to the Senate amendment.

Mr. GANDY. Mr. Speaker, I move to concur in the Senate amendment with an amendment as follows:

Add, at the end of the Senate amendment, the following: "if the entryman is residing on his former entry."

The SPEAKER. The question is on agreeing to the Senate amendment with the amendment of the gentleman from South Dakota.

Mr. MONDELL. Mr. Speaker, I would like to ask the gentleman from South Dakota what change this makes in the procedure of the other day?

Mr. GANDY. Just a change of one word. We change the word "original" to the word "former." We have second homestead statutes whereby a man may have had an original entry and then, exercising his rights under the second homestead law, have taken another one. The department is of the opinion that the use of the word "original" in that connection might get them into endless difficulty whereas the word "former" would not.

Mr. MONDELL. Mr. Speaker, I think the department is entirely wrong. It is not a former entry. You are proposing to give to a man an additional entry, and an additional entry must be additional to the original. The language in the bill as it passed the House was correct. The legislation does not provide for a new entry succeeding a former entry. It provides for an additional entry to an original entry. The language the House adopted is the correct language.

Mr. MANN. I think the gentleman is wrong about that.

Mr. MONDELL. I believe I am entirely right; but if the department insists we must use certain language in connection with the bill, there is nothing for anyone to do but to accept it, because if we do not accept it the department may decline to carry out the provisions of the law; but the change is erroneous. The provision as it stood before is correct.

Mr. GANDY. Mr. Speaker, I do not think the gentleman from Wyoming [Mr. MONDELL] yet gets the idea in this proposition. A man may have heretofore exercised his right under the second homestead law, and the use of the word "original" in this connection was thought by the department to refer to the original entry which he might have made—the first entry—whereas he may have a second entry, to which the additional entry is desired.

Mr. NORTON. Mr. Speaker, may we have the amendment reported, together with the Senate amendment?

The SPEAKER. The Clerk will report the Senate amendment with the House amendment.

The Clerk read as follows:

Senate amendment: On page 2, line 9, after the word "laws," insert a comma and the words "except that where the land embraced in the additional entry is located not exceeding 20 miles from the land embraced in the original entry no residence shall be required on such additional entry"

House amendment: Add at the end of the Senate amendment the following: "if the entryman is residing on his former entry."

So that the Senate amendment as amended will read: "Page 2, line 9, after the word 'laws,' insert a comma and the following: 'Except that where the land embraced in the additional entry is located not exceeding 20 miles from the land embraced in the original entry no residence shall be required on such additional entry if the entryman is residing on his former entry.'"

The SPEAKER. The question is on agreeing to the Senate amendment with the Gandy amendment.

The Senate amendment as amended was agreed to.

THE JUDICIARY IN POLITICS.

Mr. MURRAY rose.

The SPEAKER. For what purpose does the gentleman from Oklahoma rise?

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to proceed for five minutes.

Mr. MANN. About what?—oh, the gentleman is always entertaining, and I will not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. MURRAY. Mr. Speaker, it has been the experience of all nations that when its judiciary becomes corrupt the nation is in its last stage of decadence. History also teaches us that such corruption often grows out of questionable politics. The framers of the Constitution of the United States fully understood this, and in order to avoid its dangers provided that all judges should hold office for life, believing that life tenure, with a fixed and unchangeable salary, would be the strongest safeguards against their entry into political contest for public office; and candor compels us to admit that, with few exceptions, this belief has been justified by the decisions and practices of the Supreme Court of the United States, although too often have the inferior Federal courts degenerated into questionable practices or decisions. Nevertheless, it is true that with few exceptions the Supreme Court has proven itself above such practices. Whenever it has departed even in a slight degree agitation not to the best interest either of the court or of the country has resulted. In the Dred Scott decision Judge Roger B. Taney could not resist the temptation, which strong political agitation of the time influenced, to pronounce an obiter dictum as addition to his decision. He reaped the just reward for his misconduct, which materially dimmed his otherwise glorious career. Immediately following the Dred Scott decision the opponents of further extension of slavery in the Territories began an agitation to combat the effect of this political decision, or, rather, of this uncalled-for dictum, which had no rightful part in the decision. The Republican Party was born out of scathing criticism of the Supreme Court and out of rebuke of what Lincoln and others justly termed a political decision.

Some 15 years ago I remember reading the American Commonwealth, by James Bryce, and my astonishment at his statement that the Federal courts would some day destroy the American Republic, reciting as a bad precedent the raising of the number of judges in 1868 in order to have declared constitutional the paper-money issue. This statement of Mr. Bryce was contrary to my training, and at the time I pronounced it absurd; but there has occurred too many regretful incidents in the career of the Supreme Court of the United States, too many reversals of a long line of decisions, like the income-tax case some few years ago. Therefore, sirs, I can not restrain a critical examination of any departure of the practices of the Supreme Court of the United States, which has characterized it from the beginning of the Republic, and I look with dread upon any movement which would likely bring it into bad repute.

In contemplating the judiciary, having a regard for its future welfare, I can not resist analyzing the effect of a recent utterance of a member of the Supreme Court, whose friends say that he is, or at least they present him as a candidate for the Republican nomination for President of the United States; or mentally to question whether or not it would be wise now to prohibit the nomination or election of any member of that court to any other office while a member of the court. True enough, Mr. Justice Hughes has been remarkably and commendably silent until the eve of the Republican national convention, when he took occasion to pronounce a eulogy on the flag, which at any other time would have gone unnoticed; but his friends immediately pronounced it a "keynote speech for the nomination," and if a man's real character and motives can not be ascertained from the statement and judgment of his friends, to whom can we look for the truth of his purpose and motives? I do not wish to be understood now as inveighing against his nomination nor to consider the wisdom of electing Mr. Justice Hughes to the Presidency. I will agree that should he receive that nomination the contest between him and the Democratic nominee, Woodrow Wilson, would be like pitting classic Roman against classic Greek. The acme of literary taste in American politics would certainly be realized in the campaign speeches of the two contestants in their use of pure diction, rhetoric, and classic learning; but such nomination, to say the least, brings to our mind the fear that such course will be too often attempted. Suppose four years hence an agitation is started to nominate Justice Louis D. Brandeis. Does anyone doubt, even though he keep his mouth closed, the "spasms" into which certain interest-serving publications would be thrown by the very suggestion of his nomination? Indeed, we can reasonably expect every man and every influence who opposed his confirmation by the Senate immediately to begin the cry that the suggestion of his name meant the dragging of the judiciary into political mire, and the suggestion would do so. Therefore I repeat the question, ought there not to be a written or unwritten inhibition against any member of the Supreme Court ever receiving the nomination for President while serving on the judiciary? If not should the object now sought by the friends of Mr. Justice Hughes be repeated, would not that itself bring the Supreme Court into political discussion and controversy? Do we not realize that it has already brought to the door of the Supreme Court too much agitation and discussion as to whether one of their members shall receive the nomination of a great political party? This suggests the further question, to wit, What has been the line of mental consideration of the able and learned jurist, Mr. Justice Hughes, during the many months

since his name became associated with the possible nomination for the Presidency? Has he been studying sharp quillets of the law in order to balance the scales of justice exactly and to render decisions upholding the clear intent and purpose of the Constitution of the United States, or has his mentality strenuously endeavored to answer the personal question, "What shall I do and say if I become the nominee of the Republican Party at Chicago?"

I trust I may be pardoned, therefore, when I say that either Mr. Justice Hughes should have made it clear that under no circumstances would he have accepted the nomination for the Presidency or have resigned from the bench at the first serious consideration of his name 12 months ago. His remaining on the bench and flirting with his supporters, like a girl wanting to be kissed, is reprehensible in the extreme, dangerous to the future integrity of the court, and to the best interest of the country.

We are progressive in Oklahoma and in a measure radical, but have never thought it wise to make of the judiciary a training school of political success. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, the speech of the distinguished gentleman from Oklahoma [Mr. MURRAY] is such an evidence of fear on that side of the House that I will ask for the regular order without replying any further.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The regular order is the Unanimous Consent Calendar, bridge bills to have precedence. The Clerk will report the first bill.

BRIDGE ACROSS THE MISSISSIPPI RIVER, MEMPHIS, TENN.

The first bill in order on the Unanimous Consent Calendar was the bill (H. R. 12999) extending the time for the completion of the bridge across the Mississippi River at Memphis, Tenn., authorized by an act entitled "An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at Memphis, Tenn," approved August 23, 1912.

The Clerk read the title.

The SPEAKER. Is there objection?

Mr. CARAWAY. Mr. Speaker, I wish to ask unanimous consent that this bill be passed over without losing its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? [After a pause.] The Chair hears none.

BRIDGE ACROSS THE WABASH RIVER, WABASH, IND.

The next business in order on the Unanimous Consent Calendar was the bill (H. R. 13669) to authorize the county of Wabash, in the State of Indiana, to construct a bridge across the Wabash River, at the city of Wabash, Ind.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the county of Wabash, State of Indiana, is hereby authorized to construct, maintain, and operate a bridge across the Wabash River, at a point suitable to the interests of navigation, at the city of Wabash, in the State of Indiana, in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendments were read, as follows:

Page 1, line 5, at the beginning of the line, insert the words "and approaches thereto."

Page 1, line 8, strike out the words "approved, June 23, 1910," and, line 9, strike out the words "amend an act entitled 'An act to.'"

Line 10, strike out the words "and across" and insert the words "bridges over."

Line 1, page 2, strike out the words "June 21" and insert the words "March 23."

In line 2, page 2, strike out the quotation marks after the word "six."

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CULLOP, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER, BATON ROUGE, LA.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 3722) to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La.

The Clerk read the title of the bill.

Mr. MANN. Mr. Speaker, I ask that this bill be passed over.

The SPEAKER. Under the agreement, the bill will be passed over without prejudice.

BRIDGE ACROSS THE MISSISSIPPI RIVER IN AITKIN COUNTY, MINN.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 13835) to authorize the county commissioners of Aitkin County, Minn., and the town board of Logan Township, in said county and said State, to construct a bridge across the Mississippi River on the line between sections 26 and 27, township 149 north, range 25 west, fourth principal meridian.

The Clerk read the title.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the county commissioners of Aitkin County, Minn., and the town board of Logan Township, in said county and said State, are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at its intersection with the division line between sections 26 and 27, township 149 north, range 25 west, fourth principal meridian, in the county of Aitkin, in the State of Minnesota, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendments were read, as follows:

Page 1, line 7, after the word "river," insert the words "at a point suitable to the interests of navigation."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGES ACROSS BAYOU BARTHOLOMEW, ASHLEY COUNTY, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10849) granting the consent of Congress to Ashley County, Ark., to construct a bridge across Bayou Bartholomew.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Ashley County, Ark., and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Bayou Bartholomew at a point suitable to the interests of navigation, at or near the town of Wilmot, in the county of Ashley, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13715) granting the consent of Congress to C. M. Simpson, Z. T. Hedges, J. C. Hackney, and Mark Brown to construct a bridge across Bayou Bartholomew, Ashley County, Ark.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to C. M. Simpson, Z. T. Hedges, J. C. Hackney, and Mark Brown, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Bayou Bartholomew at a point suitable to the interests of navigation, at or near the town of Morrell, or about one-half mile above or north of said town, in the county of Ashley, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time and passed.

On motion of Mr. SIMS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12197) authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Ashley County, Ark., to construct, maintain, and operate a bridge and approaches thereto across the Bayou Bartholomew at a point suitable

to the interests of navigation, at or near the section line between section 17 and section 20, township 16 south, range 5 west, in the county of Ashley, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Also the following committee amendments were read:

Page 1, lines 7 and 8, strike out the words "17 and section 20" and insert in lieu thereof "19, township 16, range 5 west, and section 24."

Page 1, line 9, strike out the word "five" and insert the word "four."

The SPEAKER. The question is on agreeing to the committee amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS BRAZOS RIVER, TEX.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12362) granting the consent of Congress to the Dallas & Southwestern Motorway Co. to construct a bridge across the Brazos River, in the State of Texas.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Dallas & Southwestern Motorway Co. and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Brazos River at a point about 300 feet above the mouth of Georges Creek in county of Somerville, in the State of Texas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Also the following committee amendment was read:

Page 1, line 6, after the word "point," insert the words "suitable to the interests of navigation."

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote by which the bill was passed was laid on the table.

KANSAS CITY & MEMPHIS RAILWAY & BRIDGE CO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10251) authorizing the Kansas City & Memphis Railway & Bridge Co. to make settlement with Crittenden County, Ark., and for other purposes.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MONDELL. Mr. Speaker, reserving the right to object, what difference is there between this bill, H. R. 10925, and the bill which has just passed, H. R. 10849? It seems to provide for the same bridge or a bridge at the same point.

Mr. CARAWAY. May I answer the gentleman?

Mr. MONDELL. It says "at a point suitable to the interests of navigation, at or near the town of Wilmot, Ark." The bill now before us has an additional description, but the location seems to be the same. Do they both apply to the same bridge?

Mr. CARAWAY. You refer to House bill 10925? That has not been reported yet.

Mr. MONDELL. I refer to House bill 10849.

Mr. CARAWAY. And what other bill?

Mr. MONDELL. And the bill now before us, H. R. 10925. They both provide for a bridge at a point suitable to the interests of navigation at or near the town of Wilmot, in the county of Ashley, in the State of Arkansas.

Mr. CARAWAY. I understand that the bill, H. R. 10925, has not yet been reported. We reported H. R. 10251, and have not reached H. R. 10925 yet.

Mr MONDELL. H. R. 10849 was passed some time ago.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] is talking about one bill and the gentleman from Arkansas [Mr. CARAWAY] about another.

Mr. MONDELL. Mr. Speaker, are we not now considering H. R. 10925?

The SPEAKER. We are not. The one that the House is considering is H. R. 10251.

Mr. MONDELL. I thought we had disposed of it and reached the next, No. 179.

The SPEAKER. No. The gentleman is mistaken. The Clerk will report this bill by title, so that Members will know what they are talking about.

The Clerk read as follows:

A bill (H. R. 10251) authorizing the Kansas City & Memphis Railway and Bridge Co. to make settlement with Crittenden County, Ark., and for other purposes.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, this is a new proposition. Is it involved at all in this proposition of the bill that the gentleman had up before?

Mr. CARAWAY. Not at all. There are two bridge companies there.

Mr. MANN. I know. They are both seeking to get legislation from Congress.

Mr. CARAWAY. This bill seeks to ratify a settlement made between the bridge company and Crittenden County. Crittenden County lies right across the river in Arkansas from Memphis. When the former bridge was constructed a wagon way was to be maintained across the old bridge, and Crittenden County built an approach to it. Two years ago the wagon way fell down, and it has never been reconstructed. The new company has built a new wagon way that is more satisfactory, and the county has entered into a contract with a new company. The figures here ought to be $12,000 instead of $12,500.

Mr. MANN. There are two bridge companies there, apparently. I do not know how many more there may be. The former bill that the gentleman had passed over provided for the extension of the time for the company to construct its bridge?

Mr. CARAWAY. Yes.

Mr. MANN. I take it that the two propositions are related to each other in some way—not the companies or the bridges.

Mr. CARAWAY. I will state to the gentleman that Crittenden County, which built an old bridge which fell down, made an agreement with the company by which the company was to pay $12,000 to Crittenden County when the Secretary of War under this bill granted them the right not to be compelled to reconstruct their wagon way, which was never used.

Mr. MANN. I understand the Secretary of War states the further fact that no improved highway has ever been constructed by the Arkansas authorities from the Arkansas levees to connect with the bridge approach.

Mr. CARAWAY. It was not a very good way. I have crossed it several times. The approach was so steep that it was never a very practicable bridge. It has fallen down, and the company and the county have entered into this agreement by which the company is to pay Crittenden County $12,000. The amount ought to be amended to "$12,000," not "$12,500."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of War is hereby authorized and empowered to release the Kansas City & Memphis Railway & Bridge Co., a corporation, from the duty now imposed upon it by the act entitled 'An act to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.,' approved April 24, 1888, and all acts amendatory thereof, to maintain approaches to its bridges at Memphis, Tenn., and a way over and across said bridge for wagons and other vehicles, animals, and foot passengers, upon its payment to the road fund of Crittenden County, Ark., the sum of $12,500.

"SEC. 2. That upon the compliance by the said Kansas City & Memphis Railway & Bridge Co., a corporation aforesaid, with the provisions of section 1 of this act the provision hereof shall take effect, and for that purpose an act entitled 'An act to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.,' approved April 24, 1888, and all acts amendatory thereof are hereby so amended as to relieve said company of the necessity of maintaining said approaches to and said passageway across said bridge for wagons and other vehicles, animals, and foot passengers.

"SEC. 3. All laws and parts of laws in conflict herewith are hereby repealed."

Mr. CARAWAY. Mr. Speaker, I move to amend the amendment in line 22, page 2, by striking out the figures "$12,500" and inserting the figures "$12,000."

The SPEAKER. The Clerk will report the gentleman's amendment.

The Clerk read as follows:

Page 2, line 22, strike out "$12,500" and insert "$12,000."

The SPEAKER. The question is first on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the amendment offered by the gentleman from Arkansas [Mr. CARAWAY].

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

BRIDGE ACROSS BAYOU BARTHOLOMEW.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 10925) authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I now desire to ask the gentleman from Arkansas [Mr. CARAWAY] if the bridge that it is proposed to build under the authority granted by this act is the same bridge that is proposed in the bill H. R. 10849? They both seem to be near the town of Wilmot, Ark.

Mr. CARAWAY. I am not informed as to that.

Mr. MONDELL. I do not see that there is any particular harm if the two bills do refer to the same bridge.

Mr. MANN. This is the third bill to provide a bridge to be built at or near the town of Wilmot.

Mr. MONDELL. Yes; but one other is a bridge to be built by a private corporation, and still another bridge that my friend refers to is at a different point specifically located.

Mr. MANN. I think I spoke to some gentleman about it. This is for a county. I guess what they are trying to do is to get a bridge built. They may not be absolutely certain just where to build it, and they do not want to incur any expense until they know the particular place where the bridge is to be built.

Mr. MONDELL. They are evidently trying a number of localities.

Mr. MANN. Yes. It probably takes a vote of the people to determine just where it will go.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Ashley County, Ark., and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across Bayou Bartholomew at a point suitable to the interests of navigation, at or near Wilmot, Ark., on section line between sections 1 and 12, township 19, range 5, where it crosses said bayou in the county of Ashley in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

BRIDGE ACROSS MISSISSIPPI RIVER, BATON ROUGE, LA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9235) to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. I ask to have the bill passed over.

The SPEAKER. The bill goes over without prejudice.

BRIDGE ACROSS LITTLE RIVER, MISSISSIPPI COUNTY, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6923) to authorize the construction, maintenance, and operation of a bridge across Little River at a point where the line between townships 12 and 13 north, range 8 east, crosses said river.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Osceola and Little River road improvement district No. 1, of Mississippi County, Ark., be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Little River, at a point where the line between townships 12 and 13 north, range 8 east, crosses said river, in accordance with the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That permission be granted to construct and maintain said bridge without building and maintaining a draw therein.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, after the word "river" in line 6, insert the words "at a point suitable to the interests of navigation"; page 2, line 3, strike out the words "*Provided*, That permission be granted to construct and maintain said bridge without building and maintaining a draw therein."

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. CULLOP, a motion to consider the last vote was laid on the table.

DAUPHIN ISLAND RAILWAY & HARBOR CO., ALABAMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11616) to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland, at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, as amended by an act approved June 18, 1912.

The Clerk read the title of the bill.

Mr. GRAY of Alabama. Mr. Speaker, I ask unanimous consent that Calendar No. 188, S. 4476, which is a Senate bill identical with this House bill, be considered in lieu of H. R. 11616. The Senate bill has passed the Senate.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. Reserving the right to object, I expect to ask to have both the House bill and the Senate bill go over. I have no objection to extending the time reasonably for this work, but apparently this would extend for five years the time for beginning the bridge. I am not willing to do that. I do not know whether that is what they want or not, but I suppose it is easy enough to provide that the bill shall not make that extension.

Mr. HARRISON. Will the gentleman consent to pass the bill for the present?

Mr. MANN. Yes.

Mr. HARRISON. So that if we can get together the bill may be passed at some time later in the day.

Mr. MANN. I am perfectly willing.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. GRAY of Alabama. I yield to the gentleman.

Mr. MOORE of Pennsylvania. In what State is this located?

Mr. GRAY of Alabama. In Alabama.

Mr. HARRISON. I ask unanimous consent that the bill may lie over for the present.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to pass this bill temporarily without prejudice. Is there objection?

Mr. MANN. This bill and the next one, S. 4476.

The SPEAKER. To pass this bill and the next one temporarily. Is there objection?

There was no objection.

BRIDGES ACROSS GRAND CALUMET RIVER, IND.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15006) to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the board of commissioners of Lake County, Ind., be, and they are hereby, authorized to construct, maintain, and operate a public bridge and approaches thereto across the Grand Calumet River, at a point where the same intersects Calumet Avenue, in the city of Hammond, in the State of Indiana, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is expressly reserved.

With the following committee amendments:

Page 1, line 3, after the word "consent," insert the words "the consent of Congress is hereby granted to."

Page 1, line 4, after the word "Indiana," strike out the words "be, and are hereby, authorized" and insert the words "and their successors and assigns."

Page 1, line 6, strike out the word "public."

Page 1, line 7, after the word "point," insert the words "suitable to the interests of navigation."

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. CULLOP, a motion to reconsider the last vote was laid on the table.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15007) to authorize the board of commis-

sioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read as follows:

Be it enacted, etc., That the board of commissioners of Lake County, Ind., be, and are hereby, authorized to construct, maintain, and operate a public bridge and approaches thereto across the Grand Calumet River at a point where the same intersects Kline Avenue, in the city of East Chicago, in the State of Indiana, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is expressly reserved.

With the following committee amendments:

Page 1, line 3, after the word "consent" insert the words "the consent of Congress is hereby granted to."

Page 1, line 4, after the word "Indiana," strike out the words "be, and are hereby, authorized" and insert the words "and their successors and assigns."

Page 1, line 6, strike out the word "public."

Page 1, line 7, after the word "point" insert the words "suitable to the interests of navigation."

Page 1, line 8, strike out the word "Kline" and insert the word "Cline."

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. CULLOP, a motion to reconsider the last vote was laid on the table.

SALT FORK, ARKANSAS RIVER, PONCA INDIAN RESERVATION, OKLA.

The next business on the Calendar for Unanimous Consent was the bill (S. 3423) to provide for the construction of a bridge across the Salt Fork of the Arkansas River, near White Eagle Agency, in the Ponca Indian Reservation, Okla.

The Clerk read the title of the bill.

Mr. SIMS. Mr. Speaker, I notice this bill is from the Committee on Indian Affairs. It seems to provide for the construction of a bridge. I have no objection, but I understood the consent was for the consideration of bridge bills coming from the Committee on Interstate and Foreign Commerce.

Mr. MANN. There was nothing said about that. I do not think anybody will have any objection to this.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury to the credit of the Ponca Tribe of Indians, the sum of $6,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, for the purpose of paying one-third of the cost of the construction of a bridge across the Salt Fork of the Arkansas River, between sections 3 and 10, township 24 north, range 2 east, Indian meridian, near White Eagle Agency, in the Ponca Indian Reservation, Okla.: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of Kay County and Noble County, in Oklahoma, satisfactory guaranties of the payment by said counties of at least two-thirds of the cost of such bridge, and that the proper authorities of the said counties assume full responsibility for and will at all times maintain and repair said bridge and the approaches thereto.

The SPEAKER. This bill is on the Union Calendar.

Mr. MANN. I ask unanimous consent that it may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Illinois asks unanimous consent that this bill be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. SIMS, a motion to reconsider the last vote was laid on the table.

Mr. MANN. I ask unanimous consent that the report of the committee on this bill be inserted in the RECORD.

The SPEAKER. The gentleman asks unanimous consent to insert in the RECORD the report of the committee on this bill. Is there objection?

There was no objection.

The report (by Mr. CARTER of Oklahoma) is as follows:

The Committee on Indian Affairs, to whom was referred the bill (S. 3423) providing for the construction of a bridge across the Salt Fork of the Arkansas River, near White Eagle Agency, in the Ponca Indian Reservation, Okla., having carefully considered the same, reports the bill back without amendment, and recommends that the bill do pass.

The report of the Senate Committee on Indian Affairs to the Senate shows the necessity for the appropriation for the bridge, but instead of making the appropriation a gratuity from Government funds, the bill appropriates the money direct from the tribal funds of the Indians, the bridge being built on an Indian reservation and being for the purpose of affording the Indians a crossing over the Salt Fork of the Arkansas River. Only one-third of the cost of the bridge is to be paid for by the Indians, the other two-thirds being borne by Kay and Noble Counties, Okla. The report of the Senate is hereby adopted and made a part of this report, and is as follows:

[Senate Report No. 302, Sixty-fourth Congress, first session.]

"The Committee on Indian Affairs, to which was referred Senate bill 3423, to provide for the construction of a bridge across the Salt Fork of the Arkansas River near White Eagle Agency, in the Ponca Indian Reservation, Okla., having carefully considered the same, recommends that the bill do pass without amendment.

"This bill provides for the construction of a bridge across the Salt Fork of the Arkansas River between Kay County and Noble County, Okla., one-third of the expense to be borne by each of the said counties and one-third to be borne by the United States Government, the total cost to the Government not to exceed $6,000; and no part of the appropriation to be used until the authorities of the two counties have furnished proper guaranties that the shares which they contribute will be available, the said counties named to be responsible for the maintenance and repairs to the bridge.

"The Government is asked to contribute its proportion of the cost of this bridge for the reason that a considerable portion of the land in each of these counties is Indian land and not subject to taxation, and for that reason the county authorities could not collect from these Indian landowners their proportion of the assessed cost of the construction of the bridge.

"This bill when originally introduced was referred to the Committee on Commerce, and subsequently, on motion, the Committee on Commerce was discharged and the bill was referred to the Committee on Indian Affairs.

"While pending before the Committee on Commerce the bill was referred to the Interior Department for a report, and the Secretary of the Interior reported thereon to the Committee on Commerce under date of February 12, 1916. In this report the Secretary calls attention to the fact that the erection of the proposed bridge would increase the value of the land on the Ponca Indian Reservation south of the Salt Fork River far beyond the amount proposed to be contributed, and states that it would be an inducement for many of the Indians now living north of the river to make their homes on their own allotments in Noble County, which they are not now willing to do on account of the remoteness of that section and its inaccessibility, due to the fact that the river is not bridged and is frequently not fordable.

"The Secretary's report is as follows:

"DEPARTMENT OF THE INTERIOR,
"*Washington, February 12, 1916.*

"MY DEAR SENATOR: Referring to the letter of your committee, dated January 21, submitting for report Senate bill 3423, appropriating $6,000 to pay one-third of the cost of the construction of a bridge across the Salt Fork of the Arkansas River, I have to state that all the information at my command indicates it is only fair that the Government should assist the counties in the construction of the proposed bridge.

"The erection of such a bridge would increase the value of land on the Ponca Reversation south of the Salt Fork River far beyond the amount proposed to be contributed. It would also be an inducement for many of the Indians now living north of the river to make their homes on their own allotments in Noble County, which they are not now willing to do on account of the remoteness of that section and its inaccessibility, due to the fact that the river is not bridged and is frequently not fordable. The bridge would afford a direct gateway from Ponca City to the south portion of the Ponca Reservation and to the Otoe Reservation, would give the Indians access to competitive markets, and their lands would be leased more readily and for better prices.

"It frequently happens that this river is unfordable for considerable periods of time, stopping the travel between the two parts of the reservation or making it necessary to go about 25 miles from the agency at White Eagle, Okla., to reach land 2 or 3 miles south thereof. Under these conditions the white lessees of Indian lands and the Indians living on the south end of the reservation are placed at a disadvantage, the Indian land leasing and selling cheaper than it would otherwise, and the Indians themselves being unwilling to settle upon their allotments. The superintendent in charge of the agency has been furnished figures showing that the entire cost of the bridge will be from $15,000 to $18,000.

"Considerable Indian land in these counties is not subject to taxation, and this appropriation is asked for by the county authorities because of this condition.

"I am submitting the facts in this case, leaving the question of the propriety of making the appropriation to the determination of the Congress.

"Cordially, yours,

"FRANKLIN K. LANE, *Secretary.*

"Hon. JAMES P. CLARKE,
"*Chairman Committee on Commerce, United States Senate.*"

ENROLLED BILLS SIGNED.

The Speaker announced his signature to enrolled bills of the following titles:

S. 1793. An act granting to the State of Kansas title to certain lands in said State for use as a game preserve; and

S. 5776. An act to amend certain public-utility company franchises in the Territory of Hawaii.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 529. An act creating an additional land district in the State of California, and for other purposes;

H. R. 13112. An act to amend section 14 of the seamen's act of March 4, 1915;

H. R. 13474. An act to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 2, 1911;

H. R. 13765. An act to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes.

H. J. Res. 214. Joint resolution increasing the number of sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing during the fiscal year 1916;

H. R. 4297. An act for the relief of Frances L. Llewellyn;

H. R. 7817. An act to validate the homestead entry of George S. Clark;

H. R. 7804. An act to authorize the issuance of patent to Oscar R. Howard, and for other purposes;

H. R. 6651. An act providing for the payment for certain services arising under the Navy Department;

H. R. 3794. An act for the relief of Thomas S. Johnson;

H. R. 12835. An act to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic of Haiti, and for other purposes;

H. R. 755. An act to incorporate the Boy Scouts of America, and for other purposes;

H. R. 2744. An act to correct title to certain lands in Colorado;

H. R. 13064. An act for the relief of the M. A. Sweeney Shipyards & Foundry Co.;

H. R. 15005. An act to appropriate $200,000 for training the Organized Militia or National Guard of any State, Territory, or of the District of Columbia; and

H. R. 14864. An act to alter, and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes.

BRIDGE ACROSS YELLOWSTONE RIVER, MONT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14823) to authorize the Savage Bridge Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Savage Bridge Co., a corporation organized under the laws of the State of Montana, its successors and assigns, be, and are bereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Yellowstone River at a point suitable to the interests of navigation from the northwest bank thereof in section 28, township 20 north, range 58 east, Montana principal meridian, to the southeast bank thereof, landing on Bear Island in section 33, township 20 north, range 58 east, Montana principal meridian, and from the northeast bank of Bear Island to the southwest bank thereof, all in section 34, township 20 north, range 58 east, Montana principal meridian, all in the county of Richland, State of Montana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

On motion of Mr. DILLON a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS MISSOURI RIVER, WILLISTON, N. DAK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14483) to authorize the construction of a bridge across the Missouri River at or near the city of Williston, N. Dak.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Missouri River Bridge Co., a corporation organized under the laws of the State of North Dakota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interest of navigation, at or near the city of Williston, N. Dak., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. NORTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS MISSOURI RIVER, MONT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14534) permitting the Missouri River Transportation Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Missouri River Transportation Co., a corporation organized under the laws of the State of Montana, its successors and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation, from the north bank thereof in the county of Sheridan, State of Montana, to the south bank thereof in the county of Richland, State of Montana, all in section 23, township 27, range 50 east, Montana principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The following committee amendment was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the consent of Congress is hereby granted to the Missouri River Transportation Co. and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation, from the north bank thereof in the county of Sheridan, State of Montana, to the south bank thereof in the county of Richland, State of Montana, all in section 23, township 27, range 50 east, Montana principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

Amend the title to read:

"A bill granting the consent of Congress to the Missouri River Transportation Co. and its successors and assigns, to construct, maintain, and operate a bridge and approaches across the Missouri River."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

On motion of Mr. DILLON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS PERDIDO BAY, ALA.

The next business on the Calendar for Unanimous Consent was the bill (S. 5841) to authorize the Perdido Bay Bridge & Ferry Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across Perdido Bay from Lillian, Baldwin County, Ala., to Cummings Point, Escambia County, Fla.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Perdido Bay Bridge & Ferry Co., a corporation existing under the laws of the State of Alabama, be, and hereby is, authorized to construct, operate, and maintain a bridge and approaches thereto across Perdido Bay at a point suitable to the interests of navigation, from the town of Lillian, on the western shore thereof, in the county of Baldwin and State of Alabama, to Cummings Point, on the eastern shore thereof, in the county of Escambia and State of Florida, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS RED RIVER, N. DAK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15322) granting the consent of Congress to the board of county commissioners of Traill County, N. Dak., to construct a bridge across the Red River of the North.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the board of county commissioners of Traill County, N. Dak., and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Red River of the North, at a point suitable to the interests of navigation, at or near the village of Caledonia, in the county of Traill, in the State of North Dakota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The following committee amendments were read:

Page 1, lines 3 and 4, strike out the words "the board of county commissioners of."

Amend the title so as to read: "Granting the consent of Congress to Traill County, N. Dak., to construct a bridge across the Red River of the North.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. I have no objection to this particular bill, but I wanted to ask the acting chairman of the committee a question. These

bills have been following a very uniform course and very uniform language. It seems to me that it might be possible, and I wanted to inquire whether it is in the minds of the committee, to pass a general law so as to permit the construction of bridges across navigable streams whenever they comply with certain requirements of the War Department. In other words, is it necessary that we shall in the future on these private local bills be obliged to have a separate bill for each bridge that is intended to be built?

Mr. SIMS. I can not go into that question in the time that I have while on the Unanimous Consent Calendar. The committee has shown a disposition to require a separate act of Congress for each bridge across a navigable stream.

Mr. BORLAND. I wanted to bring out, if I could, the reason for that. The committee has been very good to me and I have no complaint to make.

Mr. SIMS. It is the general policy of the committee to require a separate act for each bridge or dam. There has been a uniform dam law passed—the general bridge and dam act—and I think the committee will stand by that policy. I do not believe that the committee at the present time would favor a bill creating a general law by which navigable streams might be bridged by complying with regulations or requirements of the War Department.

Mr. BORLAND. That is what I wanted to get at, the reason for that.

Mr. SIMS. As I said, in a unanimous-consent proceeding I do not feel warranted in taking up much time.

Mr. BORLAND. I did not know but that the gentleman might state it briefly. It is now necessary that all these bills should follow a stereotyped form as the form has been approved by the War Department as to the wording of the bill, and then the structure must conform to certain specifications.

Mr. SIMS. The practice is to refer all of these bills to the War Department as to whether or not the bridge will in any way impair or obstruct navigation. The committee never reports a bill until they get the report from the War Department and find that it does not impede or obstruct navigation.

Mr. BORLAND. I thought that there was some theory in the minds of the committee, and I did not know but that we might get at it.

Mr. SIMS. That is the policy of the committee.

Mr. BORLAND. Mr. Speaker, I have no objection to this bill, and I withdraw my pro forma amendment.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. DILLON. Mr. Speaker, I move to amend the title by striking out the words "board of county commissioners of."

The motion was agreed to.

On motion of Mr. DILLON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS THE RED RIVER OF THE NORTH.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15318) granting the consent of Congress to the village and township of Hendrum, Norman County, Minn., and the township of Elm River, Traill County, N. Dak., to construct a bridge across the Red River of the North on the boundary line between said States.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the village and township of Hendrum, Norman County, Minn., and the township of Elm River, Traill County, N. Dak., and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Red River of the North at a point suitable to the interests of navigation, at or near the section line between sections 23 and 26, township 144 north, range 49 west, fifth principal meridian, on the boundary line between Minnesota and North Dakota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DILLON, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS WEST PASCAGOULA RIVER, MISS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15682) granting the consent of Congress to Jackson County, Miss., to construct a bridge across West Pascagoula River at or near Pascagoula, Miss.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 6041, of similar title, substantially the same as this bill, and that it be substituted for the bill H. R. 15682.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that the bill S. 6041, on the Speaker's table, identical with this, be considered in lieu of House bill 15682. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Jackson County, Miss., and its successors and assigns to construct, maintain, and operate a bridge and approaches thereto across the West Pascagoula River at a point suitable to the interests of navigation, at or near Pascagoula, Miss., in the county of Jackson, in the State of Mississippi, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote by which the bill was passed was laid on the table, and the bill H. R. 15682 was also laid on the table.

BRIDGE ACROSS SNAKE RIVER, WASH.

The next business on the Calendar for Unanimous Consent was the bill (S. 5310) to authorize the county commissioners of Walla Walla and Franklin Counties, Wash., to construct a bridge across the Snake River between Pasco and Burbank.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the county commissioners of Walla Walla and Franklin Counties, Wash., are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Snake River over the southern end of Strawberry Island about 2 miles above the confluence of the Columbia and Snake Rivers, at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DILLON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MANN. Mr. Speaker, there are two Senate bridge bills on the House Calendar, just reported in, but not now on the Unanimous Consent Calendar. I think we may as well clean them up at the same time. They are Nos. 136 and 137 on the House Calendar.

Mr. SIMS. Those bills have been reported from the House Committee?

Mr. MANN. Oh, yes.

Mr. SIMS. I ask unanimous consent that we consider these bills at this time, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the bills referred to be considered at this time. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report them.

BRIDGE ACROSS EASTERN BRANCH OF ELIZABETH RIVER, VA.

The next business was the bill S. 5851, to extend the time for constructing a bridge across the Eastern Branch of the Elizabeth River, in Virginia.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time for commencing and completing the bridge authorized by act of Congress approved January 2, 1915, to be built across the Eastern Branch of the Elizabeth River in the city of Norfolk, Va., by the Norfolk-Berkley Bridge Corporation, of Virginia, is hereby extended one year and three years, respectively, from date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS YELLOWSTONE RIVER, MONT.

The next business was the bill (S. 5805) permitting the Riverview Ferry Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Riverview Ferry Co., a corporation organized under the laws of the State of Montana, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Yellowstone River at a point suitable to the interests of navigation, 3 miles south of Sidney, in said State, from the west bank thereof on lot 3, section 9, in the county of Richland, State of Montana, to the east bank thereof, in the said county and State aforesaid, in section 16, township 22 north, range 59 east, Montana principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DILLON, a motion to reconsider the vote by which the bill was passed was laid on the table.

PATENTS FOR CERTAIN LANDS TO DUCHESNE, UTAH.

The next business on the Calendar for Unanimous Consent was the bill (S. 36) to authorize the Secretary of the Interior to issue patents for certain lands to the town of Duchesne, Utah.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patents to the town of Duchesne, Utah, for the southeast quarter of the southeast quarter, section 2, township 4 south, range 5 west, Uinta special meridian, for cemetery purposes: *Provided*, That if the said town shall at any time permit the said lands hereby granted to be used for any purpose not contemplated by this act the said lands shall revert to the United States.

With the following committee amendment:

Page 1, line 7, after the word "purpose," insert the words "upon the payment of $1.25 per acre."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. MANN. Mr. Speaker, I think there is only one piece of property to be conveyed here, and there should be only one patent. I therefore move to strike out the word "patents," in line 4, page 1, and insert in lieu thereof the word "patent."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 1, line 4, by striking out the word "patents" and inserting the word "patent."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MAYS, a motion to reconsider the vote by which the bill was passed was laid on the table.

MARCUS A. JORDAN.

The next business on the Calendar for Unanimous Consent was the bill (S. 888) authorizing the Secretary of the Treasury to confer upon Marcus A. Jordan the life-saving medal of the first class.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is passed without prejudice.

LAND LEASE, MUSKINGUM RIVER, OHIO.

The next business on the Calendar for Unanimous Consent was the bill (S. 4026) authorizing and directing the Secretary of War to abrogate a contract lease of land and water power on the Muskingum River, Ohio.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, I would like to know something about this bill. Why is it necessary to direct the abrogation of this lease? What are the circumstances attending it.

Mr. SIMS. Does the gentleman from West Virginia wish to explain this?

Mr. LITTLEPAGE. Mr. Speaker, the object of this bill is to secure a release to some gentlemen in the city of Parkersburg, W. Va., a district represented by my colleague [Mr. Moss], who is now sick and who is very much interested in the passage of this bill. The Government leased, through the Secretary of War, to these gentlemen, for the price of $8,800 per annum, the water power on the Muskingum River arising from Locks 3, 4, 5, and 6. They have paid the first year's rent, I understand, and upon the investigation of the water power it was ascertained it was a failure for the purposes for which it was leased; and the object of this bill is to release them from further obligation, and it requires them to pay an additional $8,800 for something from which they got no benefit.

Mr. SISSON. If they had made a good trade and had made a good deal of money, would they then ask to be released?

Mr. LITTLEPAGE. Well, I do not suppose that would hardly be a fair question here, would it?

Mr. SISSON. I want to know.

Mr. LITTLEPAGE. If the Government has gotten——

Mr. SISSON. Is it not true if they had in leasing this water power made a great deal of money out of it they would not be here asking to be relieved from their contract?

Mr. LITTLEPAGE. That is undoubtedly true, but when the people who lease from the Government are being destroyed and ruined and getting no earthly benefit out of it, I never conceived it the duty of the Government or the Government's representatives to break people up, and that is what this is doing.

Mr. SISSON. And I never heard of the Government being relieved when people were breaking the Government up and getting a great deal more for what the Government does.

Mr. LITTLEPAGE. But the gentleman as a Member of this House would not want to stand here and see the Government break up private citizens?

Mr. SISSON. The Government is not breaking up private citizens when a man gets a lease of water power and makes a bad trade. That is all; is not that it?

Mr. LITTLEPAGE. They took it upon the supposition and information that the water power was there.

Mr. SISSON. Is there any evidence to the fact that the Government had made certain representations concerning the water power to be developed and that those representations were untrue?

Mr. LITTLEPAGE. They took it on the supposition——

Mr. SISSON. But is there any evidence?

Mr. LITTLEPAGE. Has the gentleman read the report?

Mr. SISSON. I have not, and I do not know anything about it, except the statement of the gentleman.

Mr. LITTLEPAGE. I will read to the gentleman from the report.

Mr. SISSON. Do not read it all, but read that portion of the report, if there is any, where representation was made to these people who leased the water power and that the Government misstated the facts.

Mr. LITTLEPAGE. Let me say this to my distinguished colleague. This matter is outside of my district, but is in my State. There are two distinguished Members of this House very much interested in this bill and who are absent, unavoidably detained, one of them, a resident of Parkersburg, I fear may never enter this House again, and I do not want to take the chances of failing to do them a service and at the same time to impress upon the Members of this House the value and importance as well as the justice of this bill. Here are the facts, as set forth in the report:

The facts in regard to the pending bill are these: Pursuant to the act of Congress of August 11, 1888, the Secretary of War leased to W. W. Mills, of Marietta, Ohio; S. D. Camden and Henry H. Archer, of Parkersburg, W. Va., on February 28, 1913, certain land and water power on the Muskingum River in Ohio at Dams Nos. 3, 4, 5, and 6 for a period of 22 years, upon the payment of an annual rent of $8,800. The lease was made to the men named after advertising for bids, no other bidders appearing. The lessees named had acted upon a report made by a local engineer, but subsequent to signing the contract and preliminary to making the improvements they contemplated for developing the water power they secured a report from a firm of hydraulic engineers, Messrs. Sanderson & Porter, of New York, upon the feasibility of the plan. The report was distinctly unfavorable and disclosed the fact that for the purpose for which the water power in question was intended to be used, on account of flood waters at certain seasons of the year and a scarcity of water during the summer months and for other reasons given, the plan was not feasible. The lessees had expected to use the power to be developed for the production of electrical power for interurban trolley line purposes.

The fact that the water power was insufficient and uncertain made it impracticable to utilize it where constant energy was needed. It developed that it would be necessary to maintain a 100 per cent reserve combustion power station, and the lessees, after paying a year's rental

of $8,800 to the Government, decided to abandon the project. It is not held nor claimed that they have a legal right to ask the abrogation of the lease, but inasmuch as the enforcement of the lease would entail an unnecessary hardship under the circumstances, your committee has approved the bill, with the amendments suggested above, which provide that an additional year's rental shall be paid and that the money paid on the lease shall not be refunded. All the rights of the Government in and to the water power and land in question are intact and have been in nowise disturbed nor lessened in value. It is possible that the power can be utilized for other purposes not requiring constant application.

Mr. SISSON. Now, Mr. Speaker, under this report it seems that these individuals not only did not rely upon the Government's report but had a private firm of engineers—Sanderson & Porter, of New York—to make an investigation——

Mr. COADY. If the gentleman will permit an interruption, I desire to say they did not make the investigation until after the contract was entered into.

Mr. SISSON. The contract was not signed, so the report states; there was a tentative agreement that they would pay that much for the water power; but after getting this report from this firm of engineers they then signed the report, which would indicate that they had made some investigation of their own and were backing it up.

Mr. MANN. The gentleman did not hear the report read. It was subsequent to signing the contract——

Mr. SISSON. I am sure——

Mr. MANN. That is what the gentleman read. Subsequent to signing the contract they really made an investigation.

Mr. SISSON. The payment of money was made subsequent to this investigation.

Mr. CULLOP. But these people paid rental.

Mr. MANN. They first asked the opinion of the local engineers and bid on the power. They had a contract made out, and then had somebody investigate it who knew something about it. It is indisputable, as far as that is concerned, that they can not develop the power, and they should be relieved.

Mr. DEWALT. Will the gentleman yield?

Mr. SISSON. I yield to the gentleman.

Mr. DEWALT. This matter was given very careful consideration by the committee, and we considered it in this light, namely, that these lessees were asking for what lessees generally term equitable relief. They had made a lease for 17 years. The rental for each year was $8,800. They had used the lease for one year and had paid the rental for one year. After they made an investigation of the plant they came to the conclusion that they could not use the water at a profit, and they asked for this release. The department thought it ought to be granted to them, but the committee took the ground that if they asked for such a release they ought to do equity. In other words, they ought to pay one year's additional rent. And under that consideration the bill was reported favorably from the committee.

Mr. SISSON. In other words, they pay two years' rental in all?

Mr. DEWALT. Yes. Now they will have to pay $8,800 in addition.

Mr. FERRIS. If the gentleman will permit, I do not know intimately about this, but I wish to say that there are about 35,000,000 potential horsepower by water in the United States, only 6,000,000 of which has been developed, leaving nearly 30,000,000 undeveloped. Now, if it is shown that these people can not develop water power, I do not believe that the Congress ought to hold them too harshly to the contract. To hold them to a harsh contract and make them pay for something they never can get, I think would place a kind of blight on water-power development. The development of water power means cheap lights in your homes, on your streets, in your automobiles, and on your traction lines, and it ought to be developed as rapidly as possible; and the Government ought to take a very broad view, I think, in getting it developed. And for that reason, if it is made sure that they can not develop this power, I do not think that they ought to be forced to pay for it.

Mr. SISSON. Mr. Speaker, I realize fully the condition as it has been represented here by these gentlemen who seem to know the facts. But the Government has been frequently too ready, or the Congress has been too ready, or the department has been too ready, when those who have made contracts with the Government desire to be released, to permit them to rescind these contracts, whereas if dealing with the public on business principles they would not think of even asking to be relieved, but would make the best of a bad bargain. But in view of the representations made here by these gentlemen I shall not object and shall not consume more of the time of the House.

Mr. DEWALT. I wish to inform the gentleman further and the House that the committee took care in investigating to find out whether the interests of the Government had been preserved or any damage had been done.

Mr. SISSON. I understood that from the gentleman's first statement.

Mr. DILLON. Mr. Speaker, I wish to say that there were some members of the committee who thought that this second year's rental ought not to be required. I was one of that number. It seemed to me that the consideration had wholly failed. The Government thought that they had a water power, and these people thought that they were getting a water power, when they entered into this contract. They paid one year's rental of $8,800, and the committee reached the conclusion that they ought to pay a second year's rental. That makes $17,600 that they will have paid, and for which they absolutely get nothing. The consideration entirely failed, and it seems to me that these people could have gone into court upon the broad proposition of a failure of consideration and also upon the ground of a material mistake of the facts, and could have maintained a suit in equity for the cancellation of the lease.

Mr. SIMS. Mr. Speaker, I am not objecting to the bill, of course, but I want to make a little explanation, as some of the gentlemen seem to be a little bit off about the facts. This company is a trolley railroad line, as I understand it, and it wanted the power for the purpose of operating its trolley cars. Now, they were mistaken, and it seems the engineers on whom they relied were mistaken, as to the use of this water power when developed for that purpose, because in the winter the water was excessively high and in the summer excessively low. When they found out that they could not use it for operating their trolley system they had no use for it. But it does not follow that the water power proved absolutely valueless. Some gentlemen even on this side seem to think that this water power was valueless and that they were paying rental for which they got absolutely nothing.

Mr. DILLON. Will the gentleman yield to me at that point?

Mr. SIMS. Yes.

Mr. DILLON. Is it not true that these people were all laboring under a mistake of facts?

Mr. SIMS. They were laboring under a mistake of miscalculation. Beforehand they thought that a water power could be developed that would be sufficient to operate their cars, and they had no other use for it; but the House should not come to the conclusion that that power is utterly valueless because we release them under an equitable consideration. Because they were mistaken, and because they could not make the use they intended of the water power, it does not follow that the water power is utterly valueless. The Government hereafter, perhaps, can get all out of this water power, and possibly more, than it will get if this contract is carried out to the letter. I did not want the House to have the idea that they had something absolutely valueless, and that we have taken it off of their hands simply as a favor.

The SPEAKER pro tempore (Mr. TALBOTT). Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I move to amend the committee amendment, in line 6, by striking out the word "none" and inserting the words "no part."

Mr. COADY. Mr. Speaker, this bill is on the Union Calendar.

Mr. LITTLEPAGE. I ask unanimous consent, Mr. Speaker, that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from West Virginia asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be authorized, and he is hereby directed, to abrogate a contract lease entered into on the 28th day of February, 1913, between said Secretary of War, for the United States of America, and William W. Mills, of Marietta, Ohio, and S. D. Camden and Henry H. Archer, of Parkersburg, W. Va., for the land and water power at Dams Nos. 3, 4, 5, and 6 on the Muskingum River, in the State of Ohio. The Secretary of War is hereby directed to collect no rental under lease other than that already paid in full for the first year of the contract.

With committee amendments as follows:

After the word "That," in line 3, insert the following: "upon the payment of an additional $8,800 by the lessees to the United States Government, to be paid within six months after this act is approved and with the understanding that none of the moneys paid by the lessees to the United States Government shall ever be refunded, and in satisfaction of all claims of both parties and in cancellation of the contract between the parties."

Amend, on line 10, page 1, by striking out the word "abrogate" and inserting the word "cancel."

Amend, page 2, by striking out lines 8, 9, and 10.

Mr. MANN. Mr. Speaker, I move to amend the amendment on line 6, page 1, by striking out the word "none" and inserting the words "no part."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, page 1, line 6, by striking out the word "none" and inserting the words "no part."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the Committee amendment as amended.

Mr. MANN. The original bill, Mr. Speaker, as passed the Senate, directed the Secretary of War to abrogate the contract. The House committee proposes to have the Secretary of War cancel the contract. Just what is the distinction? I should have supposed that abrogating the contract was the proper thing. That is to end it, not to cancel it.

Mr. SIMS. Mr. Speaker, while I do not remember just what occurred in the committee, I think it was suggested that abrogation would make it void ab initio, and that would involve the question of the Government receiving any rent at all.

Mr. MANN. I think it was just the other way. That is the reason why I raised the question, that to abrogate the contract was to end it.

Mr. COOPER of Wisconsin. When we abrogate a treaty we do not end it ab initio.

Mr. SIMS. The gentleman from West Virginia who reported the bill is not present, and in his absence I do not feel authorized to consent to the amendment.

Mr. MANN. I think the term "abrogate" is the proper term. The contract is not to be canceled. It is to be abrogated; it is to be ended.

Mr. SIMS. I do not remember just exactly what did happen or what was the reason actuating the committee in making the amendment.

Mr. RAYBURN. I do not think it makes much difference.

Mr. MANN. I remember the discussion of this bill in the Senate, and if it had been reported in the House in the way it passed the Senate, I would not have given my consent for its consideration by unanimous consent. While I think these people ought not to be compelled to pay $200,000, or any sum like that, for a 22-year contract for the use of this water power, yet they went into it with their eyes open. They were not fooled by the Government. The Government made no statement to them which was in any way incorrect. They had their own engineers, and if they were foolish or wise enough to accept the word of a local engineer and base their opinion upon that, it was their own doing. It is quite certain that if they had obtained a contract worth $8,800 a year we would not have heard anything more from them about breaking the contract. But I am not in favor of breaking them up. Perhaps the full enforcement of this contract would throw them into bankruptcy. I would not like to see that happen, but I would like to see them pay the $8,800. When this bill gets into conference will the House gently recede from its amendment?

Mr. SIMS. I took exactly the same position before the committee that the gentleman has just announced, and that we must insist upon the additional year's rent or there would be no bill.

Mr. RAYBURN. And I will say further that the Senator from Ohio [Mr. HARDING], who appeared before that committee, said that he would agree to this amendment.

Mr. LITTLEPAGE. I will say further, Mr. Speaker, to the gentleman from Illinois that these men have told me that they were ready to pay the $8,800.

Mr. SIMS. Apropos to what the gentleman from Illinois has said, I think they are getting off lightly.

Mr. MANN. I would like to offer an amendment to strike out of the committee amendment the words "and in cancellation of the contract between the parties," and then disagree to the committee amendment, to "cancel" in place of "abrogate," and then change "direct" to "authorize," so that we authorize the Secretary of War on payment of this money to abrogate the contract.

Mr. SIMS. I see no objection to such an amendment, speaking for myself. I do not care to speak for other members of the committee who may not be present.

Mr. MANN. I move to amend the first committee amendment by striking out the words "and in cancellation of the contract between the parties."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 1, lines 8 and 9, by striking out the words "and in cancellation of the contract between the parties."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the committee amendment as amended.

Mr. MANN. The first committee amendment only.

The SPEAKER. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. MANN. Mr. Speaker, before the next committee amendment is acted upon, I move to amend, in line 10, by striking out the word "directed" and inserting the word "authorized."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 10, by striking out the word "directed" and inserting the word "authorized."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. The next committee amendment is striking out "abrogate" and inserting "canceled." I think that committee amendment ought to be disagreed to.

The SPEAKER. The question is on agreeing to the amendment.

Mr. RAYBURN. The language reads, "the Secretary of War be authorized, and he is hereby directed." Would it not be better to say, "the Secretary of War is hereby authorized"?

Mr. MANN. I think the word "directed" ought to be stricken out. Let him have some responsibility.

Mr. RAYBURN. Strike out the word "directed" and put in "authorized."

Mr. MANN. The gentleman is correct. I move to strike out the language "and he is hereby directed."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 10, by striking out the words "and he is hereby directed."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. The next amendment ought to be disagreed to.

Mr. RAYBURN. I shall not object to that.

Mr. MANN. That amendment is to strike out "abrogate" and insert "cancel."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, in line 10, by striking out the words "abrogate" and inserting the word "cancel."

The SPEAKER. Without objection, that amendment will be disagreed to.

There was no objection.

Accordingly the amendment was rejected.

The Clerk reported the next committee amendment, to strike out lines 8, 9, and 10, on page 2.

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. LITTLEPAGE and Mr. SIMS, a motion to reconsider the vote by which the bill was passed was laid on the table.

OLD POST OFFICE AT YORK, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 486) authorizing the Secretary of the Treasury to sell the old post-office building and site thereof at York, Pa.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized, in his discretion, to sell the present post-office building and the site thereof, situate at the corner of Philadelphia and Beaver Streets, in the city of York and State of Pennsylvania, either by public or private sale, after proper advertisement, at such time and on such terms as he may deem to be to the best interest of the United States, and to execute a quitclaim deed to the purchaser thereof, and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt.

With the following committee amendment:

Page 2, after line 2, insert the words "*Provided*, That the said property shall not be sold for less than $10,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. MOORE of Pennsylvania, a motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF MAIL CONTRACTORS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11150) for the relief of mail contractors.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the amounts due to mail contractors for mail service performed for the United States in the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, and Texas from July 1, 1860, to May 31, 1861, and in the States of Kentucky, Missouri, and Tennessee from July 1, 1860, to June 30, 1862, and an appropriation of $225,000, or so much thereof as may be necessary, is hereby made, out of any money in the Treasury not otherwise appropriated, for the payment of said amounts: *Provided*, That amounts which have been paid by the United States and amounts which were paid by the Confederate States Government and the State of Arkansas out of moneys belonging to the United States, as shown by records filed in the office of the Auditor for the Post Office Department, shall not be again paid.

SEC. 2. That where any contractor named in section 1 of this act is deceased payment shall be made to the executor or administrator of the estate upon filing with the Auditor for the Post Office Department proper evidence of his appointment and qualification. Where, however, the amount due the estate of the decedent is $300 or less, and no demand is presented by a duly appointed and qualified administrator of the estate, payment may be made to the decedent's widow or widower or legal heirs in the following order of precedence:

First, to the widow or widower.

Second, if there be no widow or widower, then to the children or their issue, per stirpes.

Third, if there be no widow or widower or descendants, then to the father.

Fourth, if there be no widow or widower, children or their issue, or father, then to the mother.

Fifth, if there be no widow or widower, children or their issue, father or mother, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes.

Sixth, if there be no widow or widower, children or their issue, father or mother, brothers or sisters or their descendants, then to the grandparents.

Seventh, if there be no widow or widower, children or their issue, father or mother, brothers or sisters or their descendants, or grandparents, then to the uncles and aunts and their descendants in equal parts. In following the foregoing order of precedence there shall be no distinction between the whole blood and the half blood: *Provided*, That this act shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses or a refundment of said expenses to the person or persons who actually paid the same when a claim therefor is presented before payment is made by the Secretary of the Treasury: *Provided further*, That where the contractor was a corporation or quasi corporation which has since been merged in or consolidated with another corporation or quasi corporation, payment shall be made to the corporation or quasi corporation with which the consolidation or merger has been made.

With the following committee amendments:

Page 2, strike out the figures "$225,000" and insert in lieu thereof the figures "$196,000."

Page 2, line 9, strike out the words "Auditor for the Post Office Department" and insert in lieu thereof the word "Treasury."

Page 3, after line 25, insert "*Provided further*, That the Secretary of the Treasury shall require in the case of each claim before making payment that any agent, attorney, firm of attorneys, or any person engaged heretofore or hereafter in preparing, presenting, or prosecuting said claim shall file with him a waiver of all said fees in excess of 20 per cent.

The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, reserving the right to object, I want an explanation. I do not understand the proviso at the top of page 2. The bill appropriates $196,000 to make payments to various estates in the South for mail contracts. The proviso reads:

Provided, That amounts which have been paid by the United States and amounts which were paid by the Confederate States Government and the State of Arkansas out of moneys belonging to the United States, as shown by records filed in the office of the Treasury, shall not be again paid.

This bill carries $196,000. Is it probable that that amount will be reduced when these figures are ascertained in the auditor's office, and it is found that any part of the $196,000 has been paid, either by the State of Arkansas or by the government of the Confederate States?

Mr. ASWELL. It will.

Mr. COX. Do you know how much that reduction will amount to? Have you any data or figures on that?

Mr. ASWELL. I will say to the gentleman that in the report there is a list of the claimants and of the amounts.

Mr. COX. I read the report, and noticed this very voluminous list.

Mr. ASWELL. The amount is stated in the report.

Mr. COX. This bill carries an appropriation of $196,000, with a proviso which, if I am able to interpret the language, seems to indicate that that amount may be reduced.

Mr. ASWELL. I will say to the gentleman that it may be reduced, and the chances are that it will be. No claim will be paid unless it is proven, as provided in the bill, that the claimant has not received the amount.

Mr. COX. Has the gentleman any data or figures showing the probability as to the amount which this sum of $196,000 may be reduced?

Mr. ASWELL. The $196,000 covers the maximum.

Mr. COX. I understand that.

Mr. ASWELL. Just how many of these claimants will fail to prove that they have not been paid no one can now foretell.

Mr. MANN. As long as the gentleman from Indiana has raised the question, he is entitled to have the information. I propose to offer an amendment changing the proviso. A good while ago the auditor reported in detail the amounts that were unpaid, and by a process of figuring reached an amount of $195,000 plus, setting out the claims, but stating that according to the records of the government of the Confederate States more of these claims had been paid than the Post Office Department here had knowledge of. They have a portion of the records, but not all. Just how many of these claims were paid by the government of the Confederate States no one knows. Of course we have no desire to pay them a second time if they were paid by the other government. So I have an amendment to take care of that.

Mr. COX. Very well. I have no objection, Mr. Speaker.

The SPEAKER. Is there objection?

There was no objection.

Mr. CULLOP. Mr. Speaker, I have an amendment. I move to strike out lines 3, 4, and 5 on page 3. I think the degree of kinship there provided for is too remote.

Mr. MANN. What becomes of the committee amendments?

The SPEAKER. The question is first on the committee amendments.

Mr. MANN. One at a time.

The SPEAKER. The question is on the first committee amendment.

The first committee amendment was agreed to.

The SPEAKER. The question is on the second committee amendment.

The second committee amendment was agreed to.

Mr. MANN. Will the gentleman allow me to offer an amendment at this time?

Mr. ASWELL. Yes.

Mr. MANN. In behalf of the gentleman from Delaware [Mr. MILLER], a member of the committee, I offer the following amendment.

The Clerk read as follows:

Amend, page 2, by striking out the proviso, beginning in line 4, and insert in lieu thereof the following:

"*Provided*, That amounts which have been paid by the United States and amounts which were paid by the Confederate States Government, or the State of Arkansas, as shown by records filed in the office of the Auditor for the Post Office Department, shall not be again paid, nor shall any claim be paid until the claimant or some one on his behalf shall by affidavit or otherwise show to the satisfaction of the Secretary of the Treasury that the amount claimed under this act was not paid by the Confederate States Government and remains justly due from the United States."

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. MANN. Now, Mr. Speaker, I offer an amendment to the third committee amendment on behalf of the gentleman from Delaware [Mr. MILLER].

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill strike out the period and add the following:

"And upon receipt of such waiver the Secretary of the Treasury shall pay, out of the amount found due the claimant, to said agent, attorney, firm of attorneys, or other person holding a power of attorney to represent the claimant, a fee not in excess of 20 per cent of the amount allowed and shall pay the residue to the claimant direct by warrant on the Treasury."

The SPEAKER. The question is on the amendment to the amendment offered by the gentleman from Illinois.

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

Mr. CULLOP. Mr. Speaker, I move to strike out, on page 3, all of lines 3, 4, 5, 6, 7, 8, 9, 10, and 11, down to the period in line 12.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, strike out lines 3, 4, 5, 6, 7, 8, 9, 10, and 11, down to the period in line 12.

Mr. MANN. The gentleman does not accomplish anything by his amendment.

Mr. CULLOP. If there is no relationship further than the widow, children, father, and mother, there is not anything to be paid, because there is nobody to pay it to.

Mr. MANN. Oh, yes; it will go to somebody anyhow. The gentleman moved to strike out the fifth provision.

Mr. CULLOP. No; I moved to strike out the fifth, sixth, and seventh down to the period in line 12. I make my amendment to include lines 3 to 12, so that it takes out all of the distant relatives.

Mr. ASWELL. Will the gentleman from Illinois allow me?

Mr. MANN. Certainly.

Mr. ASWELL. I wish to state that it would be unfortunate to strike out these lines in this bill. The bill has been prepared and worked upon for about three years, and this is exactly in the line of descent that is adopted in the Army and the Navy for payment. It has been carefully studied by the Auditor of the War Department and the Treasury Department and of the Post Office Department, and the committee has worked upon it many months. The bill has been in preparation three years. To strike out these lines would merely confuse it. Since the amendment of the gentleman from Illinois was adopted the claimant has to prove his undoubted right to the claim, and certainly striking out these lines would only tend to confuse the whole bill. I sincerely hope the House will not adopt the amendment.

Mr. NORTON. Mr. Speaker, I think the amendment of the gentleman from Indiana should be agreed to. The provisions included in lines 3 to 12 are altogether too much refined, and to hand this money down to people who are not any blood relation or near relation to the original claimant does not seem to me wise. It simply makes business for some attorneys. If there is no widow, no father, no mother, no children to claim it, that is as far as it should go.

Mr. ASWELL. Is it not a fact that if there is no claimant the money will not be paid out anyhow?

Mr. NORTON. He provides for claimants down to about the fourteenth generation.

Mr. ASWELL. If these lines are stricken out, does the gentleman not believe that then it will open the door for claims attorneys and encourage litigation and all sorts of confusion?

Mr. NORTON. I do not think anything of the kind. I think it would simplify the bill and would endanger no one who had any rights under the bill.

Mr. DUPRÉ. Will the gentleman yield?

Mr. NORTON. Yes.

Mr. DUPRÉ. The gentleman concedes the justice and legality of the claim, and why does he want to narrow the scope of payment to whom it should go?

Mr. NORTON. I do not think you should dig up forty-ninth cousins.

Mr. DUPRÉ. But you exclude brother and sister in this amendment.

Mr. NORTON. A brother and sister? I think they should be excluded; yes, if there is no widow, no father, no mother.

The SPEAKER. The question is on agreeing to the Cullop amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ASWELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

CERTAIN LANDS IN THE STATE OF WASHINGTON.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 3132) providing for the homestead entry of certain lands in the State of Washington, and for other purposes.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The bill will go over under objection, and the Clerk will report the next bill.

UNITED STATES MILITARY RESERVATION AT FORT MIFFLIN, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13984) granting to the city of Philadelphia, in the State of Pennsylvania, a right of way through the United States Military Reservation at Fort Mifflin, Pa.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to grant to the city of Philadelphia, in the State of Pennsylvania, an easement of a right of way for municipal purposes over a strip of land 100 feet wide, extending from Back Channel to the Delaware River, through and over the United States military reservation located in the said city of Philadelphia, county of Philadelphia, State of Pennsylvania, and known as the Fort Mifflin (Pa.) Military Reservation; the said city of Philadelphia to have a right of way over said strip of land, and as well authority to construct a paved roadway and an industrial railway thereon for the use of the sewage-treatment works of the said city of Philadelphia, and as well to construct upon the end of said right of way at the Delaware River a wharf or pier, and as well to construct and maintain under said right of way conduits from the said sewage-treatment works to the Delaware River: *Provided*, That the exact location of the said right of way and wharf shall be fixed by the Secretary of War; that the construction thereof shall be under his supervision; and that the city of Philadelphia shall remove the old earth battery and level the entire portion of the reservation west of the old fort: *Provided further*, That no title or property right whatever to said strip of land or interest therein, by reason of said conveyance, is to pass to the city of Philadelphia, excepting the right of use as above set forth; that the use by the city of Philadelphia of the said strip of land for any other purpose than herein set forth or the failure to maintain as directed by the Secretary of War shall work a forfeiture of the above-recited right; that the said right of easement of the city of Philadelphia may be declared terminated and ended by the Secretary of War of the United States for such breach in the use or failure to maintain; and that upon such forfeiture being declared all right hereunder shall cease and determine: *And provided further*, That the right is reserved to the United States to occupy the said right of way for military or other governmental purposes.

With the following committee amendment:

Page 3, at the end of the bill, insert as a new section:

"SEC. 2. That the right to alter, amend, or repeal this act is hereby reserved."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. MANN. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 25, strike out the words "for such breach in the use or failure to maintain" and insert in lieu thereof the words "at any time, and he may thereupon resume complete possession of such strip of land," and also strike out at the end of line 25, on page 2, and in line 1, page 3, the words "and that upon such forfeiture being declared."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. MOORE of Pennsylvania. Does the gentleman think the proviso on page 3 is not sufficient to cover the purpose of his amendment, that the right is reserved to the United States to occupy such right of way for military or other governmental purposes?

Mr. MANN. That might require court proceedings, and it might happen that the Secretary of War would want to take immediate possession of this strip of land. While that is not likely to happen under any normal conditions, a situation might arise where he would want to take possession immediately and not wait for court proceedings to determine whether there had been a forfeiture.

Mr. MOORE of Pennsylvania. I have no objection to the amendment, except that it seemed to me that the right was reserved to the Secretary to take the land back if he found such emergency as the gentleman thinks might exist.

Mr. MANN. No; only for a forfeiture.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MOORE of Pennsylvania, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4550. An act granting to the Portland, Vancouver & Northern Railway Co. a license to cross the Vancouver Barracks Military Reservation at Vancouver, Wash.

EMPLOYEES OF UNITED STATES NAVY YARDS, ETC.

Mr. TALBOTT. Mr. Speaker, I ask unanimous consent that the bill (H. R. 11168) granting 30 days' leave of absence in each year, without forfeiture of pay during such leave, to employees at United States navy yards, gun factories, naval stations, and arsenals, being 183 on the Calendar for Unanimous Consent, be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

NATIONAL MILITARY PARK, GETTYSBURG, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13342) to improve and maintain certain public roads and parts thereof included within the limits of the national park at Gettysburg, as defined by the act of Congress, entitled "An act to establish a national military park at Gettysburg, Pa.," approved February 11, 1895, and making an appropriation therefor.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I just want to say that while this is a bill reported from the Committee on Military Affairs, the Committee on Appropriations has jurisdiction of appropriations for the improvement of national cemeteries and military parks, and I therefore object.

The SPEAKER. The gentleman from Illinois objects and the bill goes over.

DAMS ACROSS NAVIGABLE WATERS.

The next business on the calendar was the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

The SPEAKER. , Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill goes over.

CUTTERS FOR THE COAST GUARD.

The next business on the Calendar for Unanimous Consent was the bill (S. 2719) providing for the purchase or construction of cutters for the Coast Guard.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill goes over.

PUBLIC HEALTH SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 721) to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service.

The SPEAKER. Is there objection?

There was no objection.

Mr. COADY. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That there shall be established one additional division each of mental hygiene and rural sanitation in the United States Public Health Service, and said divisions shall be in charge of commissioned medical officers of the United States Public Health Service, detailed by the Surgeon General, which officers, while thus serving, shall be assistant surgeons general within the meaning of section 3 of the act approved July 1, 1902, entitled "An act to increase the efficiency and change the name of the United States Marine Hospital Service."

SEC. 2. That the duties of the division of mental hygiene shall be to study and investigate mental disorders and their causes, care, and prevention. The duty of the division of rural sanitation shall be to investigate improved methods of rutal sanitation and the prevention and suppression of communicable diseases.

The committee amendments were read, as follows:

Page 2, line 5, strike out the word "duty" and insert the word "duties."

Page 2, line 7, strike out the word "rutal" and insert the word "rural."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. COADY, a motion to reconsider the vote by which the bill was passed was laid on the table.

SCHOONER LEDGE RANGE FRONT LIGHT, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13233) authorizing the Secretary of Commerce to exchange lands belonging to the United States at the mouth of Crum River, Pa., for other lands adjacent thereto, for the purpose of removing thereto the Schooner Ledge Range Front Light, so that it may be on the range of the channel of the Delaware River, and further authorizing the Secretary of Commerce to remove said range light from its present location to the property acquired by the exchange.

The SPEAKER pro tempore (Mr. LINTHICUM). Is there objection?

Mr. COADY. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland that this bill be considered as in the Committee of the Whole House on the state of the Union? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I ask unanimous consent to dispense with the reading of the original bill and to read the committee substitute.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to dispense with the reading of the original bill and to read the substitute. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of Commerce be, and he is hereby, authorized and directed to grant and convey to Alba B. Johnson and Samuel M. Vauclain all that certain lot or piece or parcel of land granted and conveyed to the United States of America by the president and company of the Philadelphia & Reading Railroad Co. by deed dated December 29, 1879, situated in Tinicum Township, in the county of Delaware and State of Pennsylvania, described according to a recent survey as follows: Beginning at a point in the south side of the entrance gate to the basin (for the storage of canal boats in winter) on the upper side of the mouth of Crum Creek and running thence along the cross bank dividing said basin from the meadow at the mouth of Crum Creek south 4° west 157 feet; thence south 13° 55′ east 100 feet; thence south 26° east 319 feet, more or less, to low-water line in the Delaware River; thence by the low-water line of the Delaware River and Crum Creek to the place of beginning, containing 5 acres, more or less, being part of a certain larger tract or parcel of land which the president, managers, and company of the Schuylkill Navigation Co., by a certain indenture dated the 12th day of July, A. D. 1870, recorded, etc., granted and conveyed unto the Philadelphia & Reading Railroad Co., their successors and assigns, together with the free and uninterrupted use, right, liberty, and privilege of passage in and along a certain roadway 16 feet wide next to the line of Crum Creek and upon the bank extending along and following the course of the said creek from the railroad of the Philadelphia & Wilmington Railroad Co. to the herein described premises as now in use; for and in consideration of the said Alba B. Johnson and Samuel M. Vauclain granting and conveying to the United States in fee simple the following described premises and rights of way situated on Crum Creek after its course shall have been changed, in the county of Delaware, State of Pennsylvania, now belonging to them, to wit:

"A certain piece or parcel of land whose boundaries shall form a parallelogram containing 1 acre, more or less, with 200 feet frontage on the east side of the new course of Crum Creek, Pa., which frontage shall be intersected by the axis or center line of Chester Range at a point to be approved by the Secretary of Commerce, together with the full and uninterrupted use, right, liberty, and privilege of passage for persons and vehicles over an accessible, direct, and improved right of way 16 feet wide wholly above high-water mark, from the premises above described to the right of way of the Chester Branch of the Philadelphia & Reading Railroad Co., the said right of way to be used in common and wholly maintained by the said Alba B. Johnson and Samuel M. Vauclain, their heirs, executors, administrators, and assigns, and kept in passable condition at all times, also a suitable and sufficient right of way for beams of light on the Chester Range line over all the property on said range line between the proposed permanent front and rear lights of Chester Range and to the southward and westward of said front light: *Provided*, That the Attorney General shall first examine the title of said Alba B. Johnson and Samuel M. Vauclain to said premises to be conveyed to the United States as aforesaid and shall furnish his written opinion in favor of the validity thereof: *Provided further*, That the said Alba B. Johnson and Samuel M. Vauclain, within such reasonable time after the passage of this act as may be determined by the Secretary of Commerce, shall deed to the United States the premises herein described to be conveyed by them: *And provided further*, That the conveyance of the herein described lot or parcel of land now owned by the United States of America shall not be made and the title thereto shall not pass to the said Alba B. Johnson and Samuel M. Vauclain until the following shall have been done by said persons without expense to the United States and to the satisfaction of the Secretary of Commerce:

"First. Erect a bulkhead of permanent construction on the easterly side of the new course of Crum Creek along the entire frontage of the premises to be conveyed to the United States of America, which shall consist of a timber-pile foundation supporting a timber platform and a gravity section concrete retaining wall of the same construction, as approved by the United States Engineer Office and now being erected on the southwest side of the mouth of Crum Creek.

"Second. Fill the entire plot of land to be conveyed to the United States with sand, earth, or other suitable material to an elevation of 12 feet above mean low water.

"Third. Dredge a channel from the premises to be conveyed to the United States to the main channel of the Delaware River having a depth of not less than 6 feet at mean low water.

"Fourth. Construct and make available for the purposes of the United States the improved right of way for the passage of persons and vehicles provided for herein: *And provided further*, That the conveyance shall not be made by the United States and title shall not pass from the United States until the permanent tower and dwelling proposed to be built by it on the land to be conveyed to it shall be ready for occupancy nor until all valuable lighthouse property is removed by the United States from the site to be conveyed by it: *And provided further*, That the existing lights now in use shall continue, without interference by said Alba B. Johnson and Samuel M. Vauclain, until the establishment by the United States of permanent lights on Chester Range.

"That the said Alba B. Johnson and Samuel M. Vauclain, upon the passage of this act and after the rendition by the Attorney General of his opinion in favor of the validity of the title to be conveyed to the United States and the conveyance to the United States of such title, shall have the right to proceed with improvements upon the tract to be conveyed by the United States, except upon such portions as are actually required for lighthouse purposes, under conditions to be prescribed by the Secretary of Commerce.

"That all expenses incurred by the United States in making the exchange of property herein authorized, including the cost of such abstracts, official certifications and evidences of title as the Attorney General may deem necessary, and all expenses incurred in removing such lighthouse property on the present site as may be advantageous to the interests of the Government, shall be payable from the appropriation, General expenses, Lighthouse Service, for the fiscal years in which such expenses are incurred."

The question was taken, and the substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MOORE of Pennsylvania, a motion to reconsider the vote by which the bill was passed was laid on the table.

RADIO EQUIPMENT FOR SEAGOING VESSELS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14340) to furnish all seagoing vessels in the Lighthouse Service and all other seagoing vessels of the Department of Commerce with radio equipment and auxiliary power for the operation thereof.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Illinois objects and the bill goes over without prejudice under the unanimous-consent agreement.

LIFE-SAVING STATIONS ON THE COAST OF GEORGIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6903) providing for the establishment of life-saving stations on Tybee Island, coast of Chatham County; on Warsaw Island, coast of Chatham County; on Ossabaw Island, Coast of Bryan County; on St. Catherines Island, coast of Liberty County; on Blackbeard Island and on Sapelo Island, coasts of McIntosh County, Ga.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I ask that the bill go over without prejudice.

The SPEAKER pro tempore. The bill goes over without prejudice under the unanimous-consent agreement.

LIGHTHOUSE RESERVATION AT SCITUATE, MASS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13419) authorizing the sale of the lighthouse reservation at Scituate, Mass.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. COADY. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

Mr. MANN. Mr. Speaker, I wish the gentleman would ask also to consider Senate bill 5910, which is Unanimous Consent Calendar 263, Union Calendar 228, in lieu of this bill.

Mr. COADY. Mr. Speaker, I make that request.

The SPEAKER pro tempore. Will the gentleman state his request?

Mr. MANN. To consider Senate bill 5910, a similar bill, in lieu of this bill, in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent to consider Senate bill 5910 in lieu of the House bill in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized and directed, in his discretion, to sell to the town of Scituate, Mass., for the sum of $1,000, that certain piece or parcel of land pertaining to the Lighthouse Service situate and lying on Cedar Point, Scituate, county of Plymouth, Commonwealth of Massachusetts, described April 4, 1811, by Seth Sprague, Joshua Thomas, and Nathan Rice, a committee appointed under the act of the Legislature of the Commonwealth of Massachusetts, ceding jurisdiction and authorizing the appraisement of land at Scituate Harbor, and recorded in Plymouth register of deeds, book 116, folio 183, and Book B, page 159, as follows: All the land and beach that lies southeasterly of a line beginning on the easterly side of Cedar Point at a place that bears south 49½° west from the Old Sow, so called, and that bears north 4° east from the willow tree on the first cliff, so called, and from said place running south 74° west across said Cedar Point to the harbor, together with the right of way and shore privilege, including the improvements thereon, no longer required for lighthouse purposes: *Provided*, That said town of Scituate shall maintain the site and structure thereon as an historic landmark.

Mr. MANN. Mr. Speaker, I desire to offer two amendments.

The SPEAKER pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

Page 1, line 4, after the word "sell" insert the words "and convey."

Page 2, beginning in line 2, strike out the words "folio 183, and Book B, page 159," and insert in lieu thereof the following: "pages 182 and 183."

The question was taken, and the amendments were agreed to.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. WALSH] have leave to extend his remarks on this bill.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the gentleman from Massachusetts [Mr. WALSH] have leave to extend his remarks in the RECORD on this bill. Is there objection? [After a pause.] The Chair hears none.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COADY, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr COADY. Mr. Speaker, I move that the House bill lie on the table.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

COAST GUARD STATION NEAR BARATARIA BAY, LA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12282) to establish a Coast Guard station on the coast of Louisiana, in the vicinity of Barataria Bay.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, it seems to me they make out a very slim excuse for this life-saving station.

Mr. DUPRÉ. I think if the gentleman had visited the scene, as I have, and was familiar with the conditions there, he would agree with the report of the Treasury Department on this subject. I will call the gentleman's attention to the fact——

Mr. MANN. If we would endeavor to put a life-saving station on every little inland lake that had 4 or 5 feet of water, I do not know what would happen to us.

Mr. DUPRÉ. I will say to the gentleman that this is not in that category. Grand Isle, which is only about a mile wide, separates this Barataria Bay from the Gulf of Mexico, and is actually exposed to all the elements.

Mr. MANN. Yes; but it is not exposed to the wave motion from the Gulf.

Mr. DUPRÉ. I will assure the gentleman from my personal knowledge that frequently the waves from the Gulf of Mexico have swept over Grand Isle and caused loss of life and property. It is in the neighborhood, if the gentleman is interested in literature, of scenes made famous by Lafcadio Hearn, in his artistic romance, "Chita: A Memory of Last Island."

Mr. MANN. That may be the principal reason for it, but that is not a real reason.

Mr. DUPRÉ. I am not pleading for it on account of any literary reason. There are some fifteen hundred people on that island and in that vicinity, and no later than last September there were 20 people wrecked there who would have lost their lives but for the fact that one man walked about 30 miles through marsh and lagoons, arriving at his destination almost dead, and a rescue party went from the good people of Gretna and Harvey to help them. There is no telephone or telegraph station down there, and the people really have no communication with the outside. The nearest Coast Guard station is several hundred miles away.

Mr. MANN. They could get a telephone station without much expense.

Mr. DUPRÉ. I hope the gentleman will not press his objection. I ask to substitute an identical Senate bill now on the Speaker's table for this one.

Mr. MANN. The committee will soon be reached on Calendar Wednesday, when there will be time for this bill. I ask that it go over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

CUTTERS FOR THE COAST GUARD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 515) providing for the purchase or construction of cutters for the Coast Guards.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I ask that the bill go over without prejudice.

The SPEAKER pro tempore. The bill goes over without prejudice.

AIDS TO NAVIGATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14338) to authorize aids to navigation and for other work in the Lighthouse Service, and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I ask that the bill be laid aside without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, I was not here when this original agreement was made. The putting over of a bill does not necessarily put it off the calendar?

Mr. MANN. No; it retains its place on the calendar.

The SPEAKER pro tempore. The bill goes over without prejudice.

TRANSPORTATION OF IMMATURE CALVES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 549) to regulate the interstate transportation of immature calves.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was read as follows:

Be it enacted, etc., That no person, firm, or corporation shall ship or deliver for shipment, nor shall any common carrier nor the receiver, trustee, or lessee thereof, receive for transportation or transport from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia any live calf not accompanied by its mother unless the same is six weeks old or over: *Provided*, That the Secretary of Agriculture may make rules and regulations permitting, in cases of emergency only, the shipment in interstate commerce of live calves less than six weeks old; and the Secretary of Agriculture may also permit, under such restrictions as he may deem proper, one shipment in interstate commerce of live calves less than six weeks old and over three weeks old when the entire time consumed in such interstate shipment to final destination, including time of loading and unloading, does not exceed 12 hours.

SEC. 2. That any person, firm, or corporation, or any common carrier or the receiver, trustee, or lessee thereof, who shall violate any of the provisions of this act shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a fine of not less than $20 nor more than $50 for each calf offered for shipment, shipped, or received for transportation or transported in violation of any of the provisions of this act.

Mr. COX. Mr. Speaker, I would like to have the gentleman explain this bill. I am fairly with him, but I do not understand some of the language in section 1, which is as follows:

And the Secretary of Agriculture may also permit, under such restrictions as he may deem proper, one shipment in interstate commerce of live calves less than six weeks old and over three weeks old, when the entire time consumed in such interstate shipment to final destination, including time of loading and unloading, does not exceed 12 hours.

What does that mean? Does it mean one shipment?

Mr. HAMILTON of Michigan. Mr. Speaker, this bill was drawn in the Bureau of Animal Industry, and the purpose of the language referred to by the gentleman from Indiana, as I understand it, is to permit the shipment of calves for breeding purposes.

Mr. COX. What I am trying to get at, if I can make myself plain, is this, Would that limit a shipper to only one calf?

Mr. HAMILTON of Michigan. Only one shipment.

Mr. COX. Just one shipment. It would mean, then, he would be entitled to one shipment one day and could ship the next day, and the next, and so on?

Mr. HAMILTON of Michigan. I should say the words "under such restrictions as he may deem proper, one shipment in interstate commerce of live calves less than six weeks old," and so forth, mean that application may be made from time to time, but that the Secretary of Agriculture can not make a blanket order.

Mr. COX. Then the gentleman's construction of that language is that a person seeking to comply with this law would first have to get permission from the Agricultural Department?

Mr. HAMILTON of Michigan. But he could not have a general order covering the season.

Mr. COX. And not for each individual shipment.

Mr. HAMILTON of Michigan. Does not it seem so to the gentleman?

Mr. COX. It seemed so to me, but I did not know whether it was so or not.

Mr. HAMILTON of Michigan. That was my understanding of it.

Mr. COX. And that would mean that if the shipper had half a dozen calves, say, to ship, he would have to apply to the Agricultural Department for a special permit each time that he shipped one, if he shipped them at different times.

Mr. HAMILTON of Michigan. I think so. The Agricultural Department seemed to think that was the better way to do it. It would seem to me, however, that if the shipper knew that at certain times he was going to ship calves for breeding purposes, he ought to be permitted to get an order covering shipments on certain days in the future, although I presume there will be no difficulty about the operation of this as it is written.

Mr. COX. Does the gentleman think that this language applies to the shipment of calves for breeding purposes?

Mr. HAMILTON of Michigan. That was the purpose of it; yes.

Mr. MANN. That is what this exception is in for, in order to permit them to be shipped.

Mr. STEPHENS of Texas. I desire to know if it changes the law in reference to shipping these calves, to protect them?

Mr. HAMILTON of Michigan. There is no Federal law, and great abuses have grown up in that connection.

Mr. STEPHENS of Texas. This would not affect that?

Mr. HAMILTON of Michigan. There is a 28-hour law, but the Bureau of Animal Industry is unable to reach these abuses. The fact is that these young calves, sometimes a day old, are taken out of warm stables, picked up by dealers for a dollar or two dollars apiece, collected at various stations along the road, shipped out, and kept sometimes two or three days on the road. These little chaps have no means of getting any nourishment except from their mothers, and many of them die on the way.

Mr. STEPHENS of Texas. Would they not be violating the 28-hour law, fixing the time that stock can be kept on a train?

Mr. MANN. This is the same bill as was proposed in the last Congress. The gentleman and myself and others agreed to it.

Mr. HAMILTON of Michigan. It is the same thing. Mr. Speaker, I want to offer an amendment, in order to keep faith with some of the New York Members. On page 1, line 9, I offer to amend by striking out the word "six" and substituting the word "four," and in line 12 the same change; and if I may be permitted to go on, in line 3, page 2, also strike out "six" and substitute "four."

Mr. COX. What is the purpose of that amendment? Does not that practically destroy the gentleman's bill?

Mr. HAMILTON of Michigan. No.

Mr. MANN. That is the way we passed it before.

Mr. COX. I like the six weeks much better than the four weeks.

Mr. HAMILTON of Michigan. So do I.

Mr. MANN. There was quite a contest before the committee on that.

Mr. HAMILTON of Michigan. That is the only way I could get it out.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Michigan [Mr. HAMILTON].

The Clerk read as follows:

Amend, page 1, line 9, by striking out the word "six" and substituting the word "four"; on page 1, line 12, by striking out the word "six" and substituting the word "four"; and on page 2, line 3, by striking out the word "six" and substituting the word "four."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAMILTON of Michigan, a motion to reconsider the vote whereby the bill was passed was laid on the table.

WAGES OF EMPLOYEES UNDER NAVY AND WAR DEPARTMENTS.

Mr. GRAY of Indiana. Mr. Speaker, I want to ask that No. 185 on the Unanimous Consent Calendar, the bill H. R. 9548, be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. GRAY] asks unanimous consent that No. 185 on the Unanimous Consent Calendar be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

AMERICAN NATIONAL RED CROSS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 14426) to amend section 6 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. WEBB. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole, although it is not properly on the Union Calendar. It simply makes a change from January 1 to July 1.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 6 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905, is hereby amended to read as follows:

"SEC. 6. That the said American National Red Cross shall on the 1st day of July of each year make and transmit to the Secretary of War a report of its proceedings for the fiscal year ending June 30 next preceding, including a full, complete, and itemized report of receipts and expenditures of whatever kind, which report shall be duly audited by the War Department, and a copy of said report shall be transmitted to Congress by the War Department."

Mr. MANN. Mr. Speaker, I move to amend, on page 1, line 8, by striking out the word "on" and inserting in lieu thereof "as soon as practicable after."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, page 1, line 8, by striking out the word "on" and inserting the words "as soon as practicable after."

Mr. MANN. The bill provides that they shall make report on July 1 for the fiscal year ending June 30, including all expenditures. That is pretty rapid work. My amendment will make it read "as soon as practicable after the 1st of July" they shall make the report for the preceding fiscal year.

Mr. WEBB. I have no objection to that, Mr. Speaker. This is introduced at the request of the War Department.

Mr. MANN. Of course they could not put in the report on the day after the close of the fiscal year, and we should not require that they should violate the law.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WEBB, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

SALE OF INTOXICATING LIQUORS TO MINORS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 465) to prohibit the sale or gift of intoxicating liquors to minors within the admiralty and maritime jurisdiction of the United States.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 288 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," is hereby amended by adding thereto the following as a new section:

"SEC. 288a. Whoever shall sell, give, or dispense in any manner intoxicating liquors of any kind as a beverage to any person under the age of 21 years, within the admiralty and maritime jurisdiction of the United States, shall be fined in any sum not exceeding $500 for each offense. The master of every vessel is directed to enforce this prohibition, and in case any violation of this act is permitted or is committed upon any vessel by any officer or employee of said vessel, then said vessel shall be fined in any sum not exceeding $500, the amount of the fine to be determined by the Secretary of Commerce in the same manner that other fines for violation of the navigation and inspection laws are now determined under section 5294 of the Revised Statutes of the United States."

Mr. COX. Mr. Speaker, I move to amend by striking out the language, in line 10, "to any person under the age of 21 years."

Mr. MANN. You might as well throw the bill away as to do that.

Mr. COX. I think the bill is a good measure as far as it goes.

Mr. MANN. I know; but if it is going to be radically amended we should not take it up in the absence of the gentleman who introduced it.

Mr. COX. Then, Mr. Speaker, I will withdraw my suggestion.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

PREDACEOUS FISHES AND AQUATIC ANIMALS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11254) to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predaceous fishes and aquatic animals.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COX. Reserving the right to object, I should like an explanation of this bill.

Mr. MANN. We passed this bill in the last House after quite full consideration. The bill is introduced by the gentleman from Maine [Mr. HINDS], the former parliamentary clerk of the House, and the proposition contained in it is a fair and legitimate one. The gentleman from Maine has given great study to this subject.

Mr. COX. Reserving the right to object, I will say that the author of the bill, the gentleman from Maine [Mr. HINDS], is a man for whom I have the very profoundest regard. I understand that his health at this time is not the best. The bill strikes me as committing the Government to a very far-fetched policy.

Mr. MANN. What the gentleman says has a great deal of virtue in it, but we passed this bill in the last House after a good deal of consideration, waiving that part of it which might be considered objectionable. The fact is, the Secretary of Commerce told me some time ago, in connection with some ocean fish, I have forgotten now what they were—that they had put these fish in carts——

Mr. COX. They were mussels, according to his own letter.

Mr. MANN. It was something else first—that they had done this until they had gotten people very anxious to eat the fish. I do not know whether that is a long bow or not. I understand they have done somewhat the same thing as to hotels.

The dogfish, which this bill seeks to get after, is a very destructive fish, that practically ruins, to a large extent, fishing grounds where other fish are caught. The gentleman from Maine [Mr. HINDS] thinks it may be possible not only to get rid of the dogfish as far as their preying upon other fish is concerned, but also to get people to acquire a taste for them, so that instead of being an evil they will become a blessing.

Mr. COX. I rather doubt the wisdom and propriety of the Government educating the taste of the people to like dogfish.

Mr. MANN. After all, that is one of the things that the Bureau of Fisheries is doing as to other fish.

Mr. COX. This is the first time that I know of the Government attempting to teach a love for the taste of dogfish.

Mr. MANN. But the gentleman knows that probably nobody ever has an appetite for oysters without acquiring it.

Mr. COX. Oh, that is not a fair comparison at all, to compare dogfish with oysters. Oysters have been eaten since the days when the Pilgrims landed on Plymouth Rock.

Mr. MANN. I suppose the gentleman would not eat snails?

Mr. COX. No; and I would not want the Government to try to teach me to acquire a taste for snails.

Mr. MANN. If we had great quantities of snails going around and destroying other things, it would be a good thing for the gentleman to acquire the taste.

Mr. MONDELL. If the gentleman will yield, I will remind him of the work that was undertaken by the Department of Commerce, possibly without authority, in connection with the introduction of the tilefish. The tilefish was formerly a food fish, but it disappeared from eastern waters for a long time. Several years ago it reappeared, and the Secretary of Commerce, by guaranteeing a reasonable profit to the captain of a certain fishing boat, persuaded him to catch and sell tilefish. By doing that the tilefish were reintroduced, and have, as I understand, become quite popular in the market as food fish. In that case it did not cost the Government anything——

Mr. COX. But this is costing the Government something. This bill proposes to appropriate $25,000, and if the bill becomes a law that will probably become a permanent appropriation.

Mr. MANN. Oh, I think not. I fully agree with the argument of the gentleman, as far as that is concerned, but——

Mr. COX. I think they have already solved this problem as the Secretary of Commerce can solve it. I do not know that I am going to object to the bill. The letter of the commissioner is very enthusiastic. I have read it two or three times. He says:

The belief is entertained that the proper method of procedure is not to exterminate the dogfish by indiscriminate destruction, but to convert a nuisance into an economically useful product and a source of profit. It is believed that the only way in which this can be accomplished is to induce the utilization of this pest as food. Although this has been scoffed at by some who would be the first and principal beneficiaries, the project is practical and economically sound. The dogfish is not eaten in the United States solely on account of prejudice. It is palatable and nutritious, and its food is but little different from that of the haddock and other valued food fishes. It is extensively eaten in Europe, and during the past few years it has grown in favor in England, where 5,000,000 pounds, with a value to the fishermen of $82,000, were marketed in 1914. This large and increasing production of a cheap and excellent food is a boon to the people at large, while the fishermen receive about $28 per ton for their catch as against $8 which they would receive if the Government were to engage in the unprofitable production of fertilizer under the conditions recently proposed in this country.

They seem to have solved the problem there, and I do not like to see the Government commit itself to the establishment of a commissary department to enable the people to enjoy the taste for a peculiar kind of fish that is already on the market in England. I think the letter is rather æsthetic. I do not think he knows very much about the subject, but out of due deference to the gentleman from Maine [Mr. HINDS] I shall not object.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. COX. Yes; I will yield.

Mr. MOORE of Pennsylvania. I wanted to know whether the gentleman was serious about introducing dogfish as human food during the present administration?

Mr. COX. Oh, no; we do not need it. We do not need dogfish now. If we did, I might not raise any question about it.

Mr. MANN. Well, probably both gentlemen have eaten dogfish without knowing it. I am told by a very distinguished authority that fillet of sole, which is one of the most popular dishes there is, is nine times out of ten, or maybe less often, dogfish—and fillet of sole is one of my favorite dishes.

Mr. COX. If this bill becomes a law, does the gentleman think this will practically amount to a permanent appropriation?

Mr. MANN. I do not think so.

Mr. COX. I will withdraw my objection, Mr. Chairman.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I ask unanimous consent to consider in lieu of the House bill Senate bill 4401, which is No. 193 on the Unanimous Consent Calendar, and is the same bill. I ask unanimous consent to consider it in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to consider S. 4401. Is there objection?

There was no objection.

The SPEAKER pro tempore. Is there objection to considering the bill in the House as in Committee of the Whole House on the state of the Union?

There was no objection.

The Clerk read the bill S. 4401, as follows:

Be it enacted, etc., That the Commissioner of Fisheries be, and he is hereby, authorized and directed to conduct investigations and experiments for the purpose of ameliorating the damage wrought to the fisheries by dogfish and other predacious fishes and aquatic animals.

SEC. 2. That the said investigations and experiments shall be such as to develop the best and cheapest means of taking such fishes and aquatic animals, of utilizing them for economic purposes, especially for food, and to encourage the establishment of fisheries and markets for them.

SEC. 3. That the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Commissioner of Fisheries to carry out the provisions of this act, the same to be immediately available.

The bill was ordered to be read a third time, was read the third time, and passed.

The bill H. R. 11254 was laid on the table.

TITANIC MEMORIAL ASSOCIATION.

The next business on the Calendar for Unanimous Consent was House joint resolution 104, granting permission to the Woman's Titanic Memorial Association to erect a memorial on public ground in the city of Washington, D. C.

Mr. MANN. Mr. Speaker, I ask to have that bill go over without prejudice.

EXCLUSION OF INTOXICATING LIQUORS FROM NATIONAL PARKS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6814) to exclude intoxicating liquors from national parks and national forest reserves.

Mr. RANDALL. Mr. Speaker, I ask to have that bill passed without prejudice.

ELECTRIC RAILWAY, FORT BARRANCAS, FLA.

The next business on the Calendar for Unanimous Consent was the bill (S. 3344) to authorize George H. Hervey, of Pensacola, Fla., to construct and operate an electric railway line on the Fort Barrancas and Fort McRee Military Reservations, Fla., and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, there is no information contained in the report, and I will ask to have it laid over without prejudice.

PATENTING CERTAIN PROPERTY AT PENSACOLA, FLA.

The next business on the Calendar for Unanimous Consent was the bill (S. 3581) authorizing the Secretary of the Interior to issue a patent to that portion of land, being a fractional block, bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola, in the State of Florida.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object——

Mr. FERRIS. Mr. Speaker, the gentleman from Illinois will probably remember that this bill, with the next one on the calendar, were passed by the House last year. They relate to lots of land that have been occupied for more than 50 years.

Mr. MANN. This is plainly land that belongs to the Government. Why should not the Government get paid something for it?

Mr. FERRIS. Yes; the land does belong to the Government, but they were very lax about the title and the records were destroyed. The House has heretofore passed bills relating to these tracts that have been occupied. The gentleman from Florida [Mr. WILSON] is now at home.

Mr. MANN. It looks to me from the report of the case as though some of these persons squatted on the land, or took possession of it, did not pay anything for it, and have been in possession for so many years that now they think they own it. Congress passed a law as far back as 1832, and I think that was amendatory of an act passed in 1822, giving all these people authority to make application where titles were not perfect. This is what the Assistant Secretary of the Interior says:

After a careful examination of the records and said American State Papers relative to the claim for lots in Pensacola, I am unable to find that any application was ever made to said commissioners for the land above described, or that the title thereto has ever been confirmed by Congress to any person. It therefore appears that the title thereto remains in the United States.

Mr. FERRIS. There is no controversy about it. It is a question whether the United States is willing to give the land to these people who have occupied it so long. The House passed both bills last year.

Mr. MANN. Well, that shows that somebody somewhere else thought it not proper to pass them, and I think we had better let it go over and see whether the Government ought not to get something for the land that it owns.

Mr. FERRIS. Very well, but I think the gentleman will be induced to withdraw his objection when the gentleman from Florida gets back and explains the situation. It has been occupied by these people so long, and the Department of the Interior winds up by saying that "under the conditions mentioned, the department sees no objection to the passage of the bill." And the conditions are that the claimant shall make proof that he and his grantors have had continuous possession of it under a claim of ownership for the last 20 years.

Mr. MANN. I do not remember that this bill passed the House in the last Congress.

Mr. FERRIS. The gentleman from Florida told me that both bills passed last year, but died in the Senate. I know he came before the committee with some bills that were not quite in form last year, and we reported substitutes.

Mr. MANN. The gentleman is probably correct. I know that we passed some bills, but I have no recollection or memorandum that this was one of them. I ask to have the bill laid over.

Mr. FERRIS. The next bill is in the same position; they are both in the same category.

Mr. MANN. I will ask to have that laid over, too.

TOWN SITE OF PLUMMER, IDAHO.

The next business on the Calendar for Unanimous Consent was the bill H. R. 14725, authorizing the Secretary of the Interior to subdivide a part of the town site of Plummer, Idaho, and for other purposes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be subdivided that part of the town site of Plummer, Cœur d'Alene Reservation, Idaho (which town site was created under the act of June 21, 1906; 34 Stat. L., pp. 325, 327), described as the southeast quarter of section 18, township 46 north, range 4 west, into streets or roads and into tracts of not exceeding 5 acres each, and to cause the tracts to be appraised, except such as are hereinafter reserved for the town of Plummer, and sold at not less than their appraised value.

SEC. 2. That the Secretary of the Interior is also authorized and directed to cause a patent to be issued to the town of Plummer for 5 acres of land so subdivided for the purpose of a reservoir site for the Plummer waterworks system, described as the east half of the northeast quarter of the southeast quarter of the southeast quarter of section 18, township 46 north, range 4 west, as well as 10 acres of the land so subdivided for the purpose of a public park, described as the northwest quarter of the northwest quarter of the southeast quarter of section 18, same township and range as above.

SEC. 3. That the purchase price of the tracts authorized to be sold shall be paid at such times and in such installments and upon such terms as the said Secretary may direct, and he shall cause 20 per cent of the net proceeds arising from said sale to be set apart and expended under his direction in the construction of schoolhouses or other public buildings or improvements within said town site.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to consider this bill in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

HOMESTEADS IN WIND RIVER RESERVATION, WYO.

The next business on the Calendar for Unanimous Consent was the bill (S. 733) providing for patents to homesteads on the ceded portion of the Wind River Reservation, in Wyoming.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Oklahoma [Mr. FERRIS] if the committee substitute to the Senate bill is satisfactory to the gentleman from Wyoming [Mr. MONDELL]?

Mr. FERRIS. I have not interrogated him recently; but he sits so close to the gentleman from Illinois that I think he would be able to answer that himself.

Mr. MANN. What I want to know is whether he had indicated to the gentleman from Oklahoma his satisfaction or dissatisfaction with the committee substitute?

Mr. FERRIS. If he did, I have forgotten it. I do not recollect ever having any conversation with him about it.

Mr. MANN. It might make a difference. I think the committee substitute is a reasonable proposition, while the Senate bill is a vicious proposition.

Mr. MONDELL. Mr. Speaker, if the gentleman is really seeking information——

Mr. MANN. I am, because I am not going to let this bill go through by unanimous consent unless I know more about it.

Mr. MONDELL. I will state to the gentleman that the gentleman from Wyoming originally introduced and succeeded in having passed the act of April 27, 1912, which he believed was a very good act, and as this amendment which is now before the House is practically a copy of that act, the gentleman from Wyoming thinks it is excellent legislation.

Mr. MANN. But what I want to get at is whether, when it comes to a conference, the House conferees will have to meet not only the Senate conferees but also the gentleman from Wyoming [Mr. MONDELL] in the House as against the House amendment. If this bill is passed by unanimous consent with the House substitute, does the gentleman from Oklahoma opine that that probably would be the law if any law is enacted?

Mr. FERRIS. I have had some experience in going into conferences at the other end, and I never know what is going to happen to us. I try to uphold the views of the House always.

Mr. MANN. Then I think the gentleman would better find out, for otherwise I think it ought to go over.

Mr. MONDELL. I hope the gentleman will not ask to have the bill laid over.

Mr. MANN. If the gentleman does not know what is going to happen in conference, I will have to have the bill laid over until he can find out.

Mr. FERRIS. In good faith, how can anyone tell?

Mr. MANN. I could tell. I am not going to pin the gentleman down to any statement.

Mr. FERRIS. I think the gentleman from Illinois knows it would be hardly appropriate for me to say that I am going to bull a conference at the other end.

Mr. MANN. I asked a very simple question, which was susceptible of easy answer.

Mr. FERRIS. I have not intended to evade anything. What answer did the gentleman expect?

Mr. MANN. So that we could know what the gentleman is going to do without putting any declaration into the RECORD, and without being offensive to any other gentleman.

Mr. FERRIS. I will say that I will try to uphold the House, as I do on every occasion.

Mr. MONDELL. I will say to the gentleman from Illinois that I think the provision before the House in the form of an amendment is wise and proper legislation. I will say to him, as I said to the Committee on the Public Lands at the time I presented the matter to them, that I did not ask the committee to report favorably the Senate bill, and did not think they would be justified in doing it. I have not changed my mind in regard to the matter since. I suggested this amendment to the committee, as the gentleman will recall, as the proper legislation, and I shall not change my mind in that regard.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. If this ever gets through with this Senate provision, I shall never give consent again so long as I live.

The SPEAKER pro tempore. The Chair hears no objection.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That all persons who prior to the passage of this act have made valid homestead entry on the ceded portion of the Wind River Reservation in Wyoming and established residence thereon in good faith, but who through no fault of their own were unable to secure water for the irrigation of their lands, shall be granted patent for their lands upon payment of the Indian price for the land and without the necessity of proving continuous residence thereon.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That any person, who, prior to the passage of this act, made homestead entry on the ceded portion of Wind River Reservation, in Wyoming, who has not abandoned the same, whose entry is still existent and of record, and who has been unable to secure water for the irrigation of the land covered by his entry, may secure title to the same upon the submission of satisfactory proof that he has established and maintained actual bona fide residence upon his land for a period of not less than eight months, and upon payment of all sums remaining due on said land, as provided for by the act of March 3, 1905."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MONDELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

TETON NATIONAL FOREST, WYO.

The next business on the Calendar for Unanimous Consent was the bill H. R. 12208, adding certain lands to the Teton National Forest, Wyo.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following described areas be, and the same are hereby, included in and made a part of the Teton National Forest, subject to all prior adverse rights, and that said lands shall hereafter be subject to all laws affecting national forests:

All of section 4; east half; east half northwest quarter; east half southwest quarter of section 5; east half; east half northwest quarter; east half southwest quarter of section 8; all of section 9; all of section 16; the northeast quarter of section 17; the east half; north half northwest quarter; northeast quarter southwest quarter; southeast quarter northwest quarter of section 21; all of section 26; east half; north half northwest quarter; southeast quarter northwest quarter; northeast quarter southwest quarter of section 27, all in township 40 north, range 116 west of the sixth principal meridian, State of Wyoming.

The south half; south half northeast quarter; southeast quarter northwest quarter of section 9; all of section 16; southeast quarter; southeast quarter northeast quarter; southeast quarter southwest quarter of section 17; south half; south half northwest quarter; south half northeast quarter of section 19, all in township 41 north, range 115 west of the sixth principal meridian, State of Wyoming.

The southeast quarter; south half northeast quarter; southeast quarter northwest quarter; east half southwest quarter of section 24; all of section 25; the southeast quarter; east half northeast quarter of section 26; the south half southwest quarter; south half southeast quarter of section 33; the south half southwest quarter; south half southeast quarter of section 34; all of section 35; all of section 36, all in township 41 north, range 116 west of the sixth principal meridian, State of Wyoming.

The east half southeast quarter of section 1; east half; east half northwest quarter; east half southwest quarter of section 12; all of section 13; east half southeast quarter; southeast quarter northeast quarter of section 23; all of section 24; all of section 25; east half; southwest quarter of section 26; all of section 35; all of section 36, all in township 42 north, range 115 west of the sixth principal meridian, State of Wyoming.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MONDELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

COURT OF PRIVATE-LAND CLAIMS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6430) to amend an act entitled "An act to establish a court of private-land claims and to provide for the settlement of private-land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, June 27, 1898, and February 26, 1909.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The bill will go over, and the Clerk will report the next bill.

LANDS FOR RESERVOIR AT LEMMON, S. DAK.

The next business on the Calendar for Unanimous Consent was the bill (S. 3203) granting to the city of Lemmon, S. Dak., certain lands for reservoir purposes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. GANDY. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent to the authorities of the city of Lemmon, in the State of South Dakota, for reservoir purposes, in connection with the water supply of said city, for the following-described lands situate in the county of Adams and the State of North Dakota, to wit: The east half of the northeast quarter of section 10 and the west half of the northwest quarter of section 11, in township 129 north, of range 92 west of the fifth principal meridian, in the Dickinson (N. Dak.) land district, containing 160 acres, said patent to contain a provision that said land shall be used for reservoir purposes and in connection with the water supply for said city and for a public pleasure resort, and in case said land shall cease to be used for such purposes it shall at once revert to the United States: *Provided*, That said city shall pay $1.25 per acre therefor.

The amendment in the nature of a substitute was read as follows:

Strike out all after the enacting clause, page 1, and page 2, down to and including line 8, and substitute the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to cause an appraisement to be made of the land, exclusive of all improvements, embraced in the southeast quarter of the southeast quarter of section 10 and the southwest quarter of the northwest quarter of section 11, in township 129 north, of range 92 west of the fifth principal meridian, in the county of Adams and the State of North Dakota and in the Dickinson, N. Dak., land district, containing 80 acres; and upon the payment of the appraised price by the city of Lemmon, in the State of South Dakota, to convey by patent to said city of Lemmon the said land."

Mr. MANN. Mr. Speaker, I move to strike out the last word. I would like to ask the gentleman who reported the bill in reference to the description of the property. This bill as introduced in the Senate covered the southeast quarter of the northwest quarter of section 10. As it passed the Senate it covered the southeast quarter of the northeast quarter of section 10. It commenced with the northwest quarter, skipped over to the northeast quarter, and is now reported for the southeast quarter. Where do they want these 80 acres?

Mr. GANDY rose.

Mr. MANN. Well, I will help the gentleman out. I move to amend the committee amendment in line 12 by striking out the word "southeast" where it occurs the second time and inserting the word "northeast."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the committee amendment by striking out, in line 12, the word "southeast" where it occurs the second time and insert in lieu thereof the word "northeast."

Mr. MANN. The original bill was introduced covering the northwest quarter of the section, and the gentleman will find a letter from Mayor Watt in which he says:

Would say that the Senate bill gave us a full quarter of land, described as east one-half northwest quarter, section 10. We have since elected to take only the south 80 acres of the land above described, the legal description of what we now want is the southeast quarter of the northeast half of section 10, and the southwest quarter of the northwest quarter of section 11, as described.

So it is not the southeast quarter.

Mr. GANDY. That is right. It is a typographical error and I am very much pleased the gentleman noted it.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The substitute as amended was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended to conform to the text.

YUMA RECLAMATION PROJECT, ARIZONA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10116) for the relief of certain settlers under reclamation projects.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I think this is one of the bills that ought to be considered when we have more Members present—this and the next one. We passed one over in which the gentleman from Washington was interested.

The SPEAKER. The gentleman from Illinois objects, and the bill goes over.

Mr. STEPHENS of Texas. I desire to say to the gentleman this only applies to one Indian reservation, to 13 settlers. There was a general bill first drawn, but the committee did not see proper to report the first bill, and this is only a special bill with reference to the Yuma Indians in Arizona.

Mr. MANN. This is to give trespassers special privileges; that is what it is for.

Mr. STEPHENS of Texas. They are not trespassers; they are simply settlers in good faith, as was shown to the committee and also reported by the department.

Mr. MANN. They were trespassers in the first instance, however.

The SPEAKER. The gentleman from Illinois objects, and the bill goes over.

Mr. MANN. I do not say the bill ought not to pass.

NAVAJO INDIAN RESERVATION, ARIZ.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10115) authorizing the adjustment of rights of settlers on the Moqui and Navajo Indian Reservations in the State of Arizona.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I have not been able to make anything intelligent out of this bill.

Mr. HAYDEN. I think the bill speaks for itself.

Mr. MANN. I do not think it does.

Mr. HAYDEN. If there is any information I can give the gentleman, I would be very pleased to do it.

Mr. MANN. Then I will ask where the gentleman can find Executive order of January 8, 1900, referred to in the bill? The language of the bill reads:

Upon the making and approval of the public surveys of such lands, said Executive order being of date January 8, 1900.

There it ends with a period. I am quite certain it is not intended to do so. I do not think the gentleman has read the bill since he introduced it.

Mr. HAYDEN. I will say to the gentleman that the bill was prepared for me in the Indian Office and I introduced it as given to me. I think the period ought not to be there. The language following is—

extending the boundaries of a tract of land lying west of the Moqui and Navajo Indian Reservation in the Territory of Arizona—

covered by that Executive order of January 8, 1900.

Mr. MANN. Well, Executive orders, if they are proclamations, are supposed to be printed in the Statutes at Large. This order is not, not under that date. I am going to ask to have it passed over so the gentleman can find out in reference to that.

Mr. HAYDEN. I would be glad to do so.

The SPEAKER. The bill goes over.

CERTAIN CHIPPEWA LANDS IN MINNESOTA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14533) to authorize the Secretary of the Interior to issue a patent in fee simple to the district school board No. 112, of White Earth Village, Becker County, Minn., for a certain tract of land upon payment therefor to the United States in trust for the Chippewa Indians of Minnesota.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue to the district school board No. 112, of White Earth Village, Becker County, Minn., a patent in fee simple for the east half of the southeast quarter of the southeast quarter of section 22, in township 142 north, range 41 west, of the fifth principal meridian, in the State of Minnesota, or such part thereof as the said district school board may select, upon payment by them to the United States in trust for the Chippewa Indians of Minnesota of the appraised value of said land.

Mr. MONDELL. Mr. Speaker——

The SPEAKER. This bill is on the Union Calendar.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, I move to amend by striking out, on page 1, line 6, the words "in fee simple."

The SPEAKER. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 1, line 6, by striking out the words "in fee simple."

The SPEAKER. The question is on agreeing to the amendment.

Mr. STEPHENS of Texas. I have no objection to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF CERTAIN INDIAN LANDS, OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11958) to provide for the sale of certain Indian lands in Oklahoma, and for other purposes.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, did the Indians have this money?

Mr. STEPHENS of Texas. The gentleman from Oklahoma [Mr. FERRIS] understands the situation.

Mr. FERRIS. This old abandoned town site used to be in my district. It is now in the district of the gentleman from Oklahoma [Mr. MCCLINTIC]. I feel I know pretty well the facts about it, however.

When this tract, along with 505,000 acres of other land, was opened under the act of June 6, 1906, under the act they reserved certain Government town sites, and they reserved this town site and named it Eschita, after one of the old Indian chiefs. The lots were auctioned off, and some of them sold on payments. Some of them were later forfeited. There is no one living there now. Most of the lots were forfeited because the railroad went through a little after the opening and they opened up the town of Grandfield, which has developed into a nice little town 3 or 4 miles away.

Tillman County has long desired part of this tract as a county farm and this bill gives it to them. The town of Grandfield has long desired to acquire part of it for a cemetery. This bill accomplishes that. They both agree to pay a nominal sum therefor and under the circumstances that is all they should pay.

The gentleman from Oklahoma [Mr. MCCLINTIC] has been faithful in getting up this legislation, and I am glad to join him in helping to pass it.

The 320 acres of prairie land is now unoccupied aside from a cemetery. A good many of the local people who made one payment on their lots lost them, and some who paid in full also lost it. The local community began using that part of the town site as a cemetery. Those are the facts. There was a time when the Indian Office thought they ought to be allotted to two Indian women, but as there were some town-site settlers there it was not thought proper to make that disposition of it.

Mr. MANN. These Indians got $60,000 or $70,000 for this land?

Mr. FERRIS. Yes. I have not the exact amount, but they got more than it was worth.

Mr. MANN. And they want to sell it over again? I do not see where they have got much claim for it.

Mr. FERRIS. The gentleman is about right about that. They were paid about ten times what the raw land was worth at the time. But the Government on its own initiative platted the town site there and the railroad came along and missed this Government town by 3 or 4 miles, and of course the poor people who had bought the lots had to lose their money and move away.

Mr. MANN. Supposing we were selling this property now, and then some attorney—and that is almost sure to happen—would come along after a while and say that the Government authorized the sale of this land for $1.25 an acre? It had already been sold in the neighborhood of $100,000, but it was not all paid for. The Government should certainly pay the value of the land to the Indians if they sold them at $1.25 an acre, and the Government should pay the balance. We have got from the Committee on Claims and the Committee on Indian Affairs half a dozen bills on the calendar to submit claims to the Court of Claims that are not as good as that.

Mr. FERRIS. There is an answer to that statement that will satisfy the gentleman and satisfy the Congress, that will cause them not to succeed in that. And that is this: There were 505,000 acres in this opening, and 480,000 acres in my home county. I want the gentleman's attention.

Mr. MANN. No one can distract my attention when the gentleman is talking.

Mr. FERRIS. The selling of this land and the giving of the money to the Kiowa Indians was a gratuity ab initio. To some one who was here before the Members from Oklahoma came it was represented that the Indians had large herds of ponies and cattle that therefore they had better make therefor a large reservation, and so they made it a 480,000-acre reservation and gave it to them as a gratuity, and gave them $25,000 as a so-called wood reservation. As a matter of law, this whole matter was a gratuity to the Indians. I never objected to their getting it, but the facts should be known.

Mr. MANN. Does the gentleman think that we should pay for the land after having given it to them once?

Mr. FERRIS. I believe the gentleman from Illinois had better trust to the Committee on Indian Affairs in this case. They have reported a bill that I believe we can all stand on, and I do not think there will be any afterclap from it. I think it is the best we can do.

Mr. MANN. Well, I confess I may be overpersuaded.

Mr. FERRIS. The Indians have already been paid a large sum of money for this town site.

Mr. STEPHENS of Texas. I will say to the gentleman from Illinois that the bill was reported unanimously.

Mr. MANN. Ah, that is a suspicious circumstance. If a bill is not reported unanimously, you know it has been considered, and has two sides to it. One of these little private bills, practically private bills, reported unanimously nearly always has never really been considered by any committee. I know; I have been there.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. FERRIS. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the substitute be read in lieu of the bill, for the sake of economy of time.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the substitute be read in lieu of the bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the substitute.

The Clerk read as follows:

That the Secretary of the Interior is hereby authorized and directed, upon application therefor, to sell to the county of Tillman, State of Oklahoma, at $1.25 per acre, not exceeding 160 acres, for county farm purposes, and to the town of Grandfield, Okla., no exceeding 40 acres, for cemetery purposes, of vacant undisposed of lands within the town-site reserves in the State of Oklahoma, withdrawn by Executive orders under the act of March 20, 1906 (34 Stat. L., p. 80), the money received from the sale of said lands to be deposited in the Kiowa Indian Agency hospital fund, and to draw interest at the rate of 4 per cent per annum.

Mr. MANN. Mr. Speaker, I move to strike out, in line 17, the word "no" and insert the word "not."

Mr. FERRIS. That is accepted.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Illinois.

The amendment was agreed to.

Mr. MANN. Have we not reduced the rate of interest to 3 per cent in some of these cases?

Mr. FERRIS. Not with us.

The SPEAKER. The question is on agreeing to the substitute as amended.

The substitute as amended was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ROADS ON THE SPOKANE INDIAN RESERVATION.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 12123) to appropriate money to build and maintain roads on the Spokane Indian Reservation.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby appropriated, out of the Treasury of the United States, out of any funds not otherwise appropriated, the sum of $2,000 for the building and maintenance of roads on the Spokane Indian Reservation, in Stevens County, Wash., said amount to be spent under the direction of the Secretary of the Interior: *Provided*, That said $2,000 shall not be available until Stevens County, Wash., appropriates $1,000 for the building and maintenance of roads on the Spokane Indian Reservation.

With a committee amendment, as follows:

On page 1, in line 3, strike out the words "the Treasury of the" and all of line 4 and insert "any funds in the Treasury of the United States to the credit of the Spokane Indians in the State of Washington, not otherwise appropriated."

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FEDERAL AID FOR INDIGENT TUBERCULOUS PERSONS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 11864) to provide Federal aid in caring for indigent tuberculous persons, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MANN. I think it is too important a matter to be considered with such a small number of Members present.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects. The Clerk will report the next one.

Mr. MANN. It will keep its place on the calendar.

THREATS AGAINST THE PRESIDENT.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 15314) prohibiting threats against the President of the United States.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, the title of this bill does not seem to conform to the text. I do not know whether the gentleman representing the bill desires to answer. How can you prohibit threats against the President of the United States?

Mr. WEBB. Well, I will say to my friend that it covers the meaning of the bill fairly well. The title is no part of the bill. If the gentleman has a better suggestion for the title I will be glad to hear it.

Mr. MOORE of Pennsylvania. That bill provides for punishment for threats.

Mr. WEBB. I believe it would be better to provide punishment for those who make the threats.

Mr. MOORE of Pennsylvania. I have no objection to the consideration of the bill in the regular way.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, I hope the gentleman will let the bill go over.

Mr. WEBB. I have no objection to the amendment to the title suggested by the gentleman.

Mr. MANN. Mr. Speaker, does the gentleman remember what became of the bills concerning the protection of the President which were here shortly after the assassination of President McKinley?

Mr. WEBB. I do not. I was not in Congress then.

Mr. MANN. There was a good deal of consideration given to the subject at that time. My impression is that perhaps either the House or the Senate passed a bill. I am not sure but that both of them passed different bills. It is a very important subject. I think it ought to be very carefully examined. It was discussed uphill and down dale at that time, although no legislation resulted, so far as I now recall. I will not say that this bill is loosely drawn, because I think it is fairly well drawn, but I do not think it covers the case at all.

Mr. WEBB. I will say to my friend from Illinois that it is practically patterned after section 20 of the Post Office appropriation bill of a year ago, except that the bill before the House is not so full as section 20 in the Post Office appropriation bill. That provision punished persons making threats, not only against the President but against anyone in succession to the Presidency. That bill, I believe, died in conference. This is practically patterned after that bill, except that it is made shorter.

Mr. MANN. Supposing the man actually gets at the President, without making any threats?

Mr. WEBB. That is another crime.

Mr. MANN. Well, but it is not a crime. The gentleman is mistaken.

Mr. WEBB. Oh, it is a crime——

Mr. MANN. It is a crime to assault any person, but it is not a crime to assault the President any more than any other person. It is a crime against the person, but it ought to be a very different offense. Assaulting the President of the United States is quite a different matter from assaulting some private individual. That is the reason the gentleman's bill has the provision against threats. There is a law now covering the private individual, as far as these things are concerned, and the President to the same extent; but in this bill you are differentiating the office of President, and the man who fills the office, from any other citizen of the United States, as ought to be done.

Mr. WEBB. Of course.

Mr. MANN. But I do not think you begin to go far enough.

Mr. WEBB. This bill was drawn by the Department of Justice, and the committee went over it carefully and amended it, and struck out the punishment for threats, either orally or by mail, against the successors to the President, and made it apply to the President alone. I can say to my friend that for 25 years threatening letters have come in the White House mail, and something ought to be done in the way of protecting the Chief Executive of this great Republic, if possible, from this kind of annoyance.

Mr. MANN. This will not protect him. It will not have any tendency toward protecting him.

Mr. WEBB. A bad man can make a public threat, and put somebody else up to committing a crime against the Chief Executive, and that is where the harm comes. The man who makes the threat is not himself very dangerous, but he is liable to put devilment in the mind of some poor fellow who does try to harm him.

Mr. MANN. The men who write letters to the President threatening to take his life or to inflict bodily harm are not sane men, and all the legislation you can enact and put upon the statute books will not have any effect to stop the sending of these letters. Of course you can punish the men. We had a little incident here in the House the other day, when a man violated the dignity of the House by talking from the gallery. I do not know what has become of him. One of the officials of the House asked me whether I wanted him punished. I said, "Certainly not, as far as I am concerned. I have no desire to punish him." If he is an insane person and liable to do injury to anyone, he ought to be treated as an insane person, but they will have to get some one else to judge of that. I do not know. If the man is insane, he ought to be cared for as an insane person.

Mr. WEBB. I will say that threatening letters are sometimes written by insane persons, but I do not think that the writers of these threatening letters are always insane, and I think the time may come when we will have great need for this kind of a statute.

Mr. MANN. I think we have need of legislation to protect the body of the President. I do not think this does that. I am not going to object to the consideration of it, but this is a case where you are asking for bread and you are getting sand. I say that without any reflection upon the committee.

The SPEAKER. Is there objection?

Mr. CARAWAY. Reserving the right to object, I want to ask the chairman of the committee a question. In line 8 you provide—

> Or who knowingly and willfully otherwise makes any such threat against the President shall, upon conviction, be fined not exceeding $1,000 or imprisoned not exceeding five years, or both.

Now, what jurisdiction would a Federal court acquire if some man living in Maryland should orally threaten to do violence to the President? Where could you punish him in a Federal court? If he indulged in speech of a violent nature within the jurisdiction of a State court, the State court could punish him, but no Federal court could reach him.

Mr. WEBB. If you can punish the assault itself in a Federal court, you can pass a statute providing punishment in a Federal court for the making of the threat to commit the assault. Practically every Federal officer in the United States is protected by a Federal statute; and if you can punish the act itself in the Federal court, you can certainly punish the threat to commit the act, because if you have jurisdiction to punish the overt act itself, you certainly would have jurisdiction of a threat to commit the offense. The highest duty of a Government is to protect itself, and certainly the head of the Government should be protected both against assault and against any threat to do him physical harm.

Mr. CARAWAY. If I recall correctly, when McKinley was killed they had to go into a State court to punish the man who assassinated him.

Mr. WEBB. Precisely; because it was committed within the territory of a State; and there is no Federal statute punishing an actual assault upon the President, or his murder, as far as I know. That is one reason why we want this statute—in order to

decrease the possibility of actual assault by punishing threats to commit an assault.

Mr. MOORE of Pennsylvania. Is this the matter that the Attorney General brought to the attention of Congress sometime ago?

Mr. WEBB. I do not believe he did in his annual report.

Mr. MOORE of Pennsylvania. Did the bill originate in the office of the Attorney General.

Mr. WEBB. It did.

Mr. MOORE of Pennsylvania. There was a suggestion in the newspapers sometime ago that there was some irritation at the White House over threatening and that legislation was necessary to cover it.

Mr. WEBB. There has always been, for that matter.

Mr. MOORE of Pennsylvania. This bill provides for the punishment only of those who deposit—

for conveyance in the mail or for delivery from any post office or by any letter carrier any letter, paper, writing, print, missive, or document containing any threat to take the life of or to inflict bodily harm upon the President of the United States.

Is there no law now which would punish anyone committing any of these offenses as against the Speaker or the Vice President, for instance?

Mr. WEBB. I do not think so. Certainly not adequately. We took the statute and compared it, and in the opinion of the committee it did not cover that. That is why the Post Office Committee a year ago undertook to pass this very same act, and I presume it would have passed if the bill had not died in conference. The bill we are now considering is almost identical with section 20 of the Post Office bill of a year ago, which would have been passed except for the fact that it died in conference.

Mr. MOORE of Pennsylvania. Not to point out any particular official, but as a matter of fact letters containing threats do come to Members of Congress. Is there no law or regulation that would permit of the arrest and punishment of anyone offending in this regard?

Mr. WEBB. I do not know of any. There are laws against threatening men and trying to extort money.

Mr. MOORE of Pennsylvania. If that is the fact and a person who is not insane writes a threatening letter to the Speaker or to a Member of Congress why should we not provide a law sufficient to cover such cases?

Mr. WEBB. I am perfectly willing to do it. If we apply it to the Speaker of the House and Members of Congress and other Government officials, you make a pretty broad law to which some might object, but everybody admits that the Chief Executive of a great Nation like ours ought to be protected in every way possible, especially in view of the sad experience we have had in losing by assassination three of our beloved Presidents.

Mr. MOORE of Pennsylvania. It is true, however, that we were able to detect and arrest the men responsible and to punish them by death.

Mr. WEBB. Yes; but an ounce of prevention is worth a pound of cure, and we want to prevent the threats which often incite men to kill and murder.

Mr. MOORE of Pennsylvania. There were arrests and convictions and executions in the last two cases to which the gentleman referred. I assume that if any threat was now carried into execution we would be able to reach the culprits. All you intend to cover in this bill is the act of the person who makes a threat by depositing a newspaper clipping in an envelope and putting it into the mail or writing a letter.

Mr. WEBB. It must be a threat to kill the President or do him bodily harm. Any man that makes that sort of a threat ought to be punished, and punished severely.

Mr. MOORE of Pennsylvania. Then the law should be general. It seems to me that this is a bill of such importance that it ought to be laid over until we can have more time to consider it.

Mr. RAKER. I would like to ask the gentleman a question. Is it not a fact that under every State law a threat, either verbal or by letter, is punished under the State law?

Mr. MOORE of Pennsylvania. It is in my State.

Mr. RAKER. But the fine is very modest. Under the law, as I understand it, a threatening letter put in the post office, under the postal regulations, would be subject to punishment by using the mail in that way, but the punishment is very mild and light. This makes a special punishment and fixes the punishment at not less than $1,000 fine or five years' imprisonment. It makes it severe, and I think the bill ought to pass. The law covers all the other cases, as it ought to, by fine and a minor imprisonment.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person who knowingly and willfully deposits or causes to be deposited for conveyance in the mail or for delivery from any post office or by any letter carrier any letter, paper, writing, print, missive, or document containing any threat to take the life of or to inflict bodily harm upon the President of the United States, or who knowingly and willfully otherwise makes any such threat against the President, shall upon conviction be fined not exceeding $1,000 or imprisoned not exceeding five years, or both.

Mr. RAKER. Mr. Speaker, I would like to ask the chairman of the committee if he does not think that in line 3 the words "and willfully" and the same words in lines 8 and 9 ought to be stricken from the bill, for the reason that if a man knowing does an act, that ought to be sufficient to punish him; if the act is made an offense by this law, and not say that it has got to be both knowingly and willfully done. Practically all of the statutes carry the provision that before a man can be convicted the court shall instruct the jury he must do it with a will, and if he is not willing he is insane or an idiot, and not subject to conviction.

Mr. WEBB. I do not think so, Mr. Speaker. I think he ought to be shown to have done it willfully. I think it must be a willful intent to do serious injury to the President. If you make it a mere technical offense, you do not give him much of a chance when he comes to answer before a court and jury. I do not think we ought to be too anxious to convict a man who does a thing thoughtlessly. I think it ought to be a willful expression of an intent to carry out a threat against the Executive, and I hope that the gentleman will not offer his amendment.

Mr. RAKER. I have not offered an amendment. I just want to call the attention of the chairman to these words, and get his views upon the subject. The House can then act as it seems best. We want a workable statute, and are satisfied that is the purpose of the chairman of the committee. If a man knows the fact and knows what he is doing and knows the consequences of his act, that man ought not to go free.

Mr. WEBB. This is the language used in nearly all the statutes where the intent constitutes the crime. You find it in the statutes against murder and embezzlement, and I had rather keep the word "willfully" in.

Mr. RAKER. So as to give the fellow a chance, for fear he may have made a mistake.

Mr. WEBB. Yes.

Mr. VOLSTEAD. Mr. Speaker, I think it would be a mistake to strike out the word "willfully." Suppose a person found a document containing a threat and sent it through the mail to a friend as a matter of news. He might knowingly send the document, not intending to convey any threat. The word "willfully" adds an intention to threaten, and distinguishes a case of that kind so as to take it out of the category of criminal acts.

Mr. RAKER. The gentleman says that if it is stricken out it would permit the conviction without proof at the trial that the man knew what his act was.

Mr. VOLSTEAD. No; I did not say that. If the gentleman will read it with the word "willfully" stricken out, he will see that a person might send innocently, without any intention to convey a threat at all, an instrument to a friend that contained a threat, and he would be guilty if you strike out the word "willfully."

Mr. RAKER. If he knowingly sent what the gentleman says, there certainly could not be any excuse or reason why he should not be convicted of his act, because he did it knowingly, and that is the interpretation of the statutes. He knows what his act is, knows the consequences of his act.

Mr. VOLSTEAD. The gentleman does not catch the point I have in mind. This statute does not require that the instrument shall be sent to the President. It might be sent to some other person. If, as the gentleman suggests, you strike out the word "willfully," a person who simply sends an instrument, say, a newspaper that contains such a threat, to some friend to call his attention to the matter, would do so knowingly, and would come within the language of this bill.

Mr. RAKER. Does the gentleman mean that if a man should mail to a friend a newspaper that contained an article against the President saying that some injury should be done him, that that man would be guilty? What would become of the newspaper man that published the paper and circulated it?

Mr. VOLSTEAD. That is not the question.

Mr. RAKER. I know, but the very statement the gentleman makes, that if the newspaper was such that it would be an offense for a man to send it to a friend, suggests the inquiry of how the newspaper publisher and the people who handle it are affected under this statute, without all being convicted by virtue of the publication and circulation of the paper.

Mr. VOLSTEAD. The suggestion I want to make to the gentleman is this, that if this statute is to be saved at all, it seems to me it must be upon the theory that the act is willful. There is not anything in the language outside of that word to convey the idea that a threat must be an intentional threat against the President. The word "willful" conveys, as ordinarily used, the idea of wrongful as well as intentional. That idea ought to be preserved so as not to make innocent acts punishable.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. WEBB. Mr. Speaker, I ask that the title be amended in accordance with the suggestion of the gentleman from Pennsylvania.

The SPEAKER. How would the gentleman have the title amended?

Mr. MOORE of Pennsylvania. I would strike out the word "prohibiting" and insert the words "to punish persons who make."

The SPEAKER. The Clerk will report the amendment to the title.

The Clerk read as follows:

Strike out in the title the word "prohibiting" and insert the words "to punish persons who make."

The SPEAKER. Without objection, the title will be amended in accordance with the amendment just reported.

There was no objection.

On motion of Mr. WEBB, a motion to reconsider the vote by which the bill was passed was laid on the table.

NEWELL, S. DAK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12889) authorizing the Secretary of the Interior to convey certain lands to the town of Newell, S. Dak., and for other purposes.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I ask to have the bill go over.

The SPEAKER. The gentleman from Illinois objects, and the bill will go over without prejudice.

INDIANS OF ROSEBUD SIOUX RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13298) authorizing the Secretary of the Interior to make payments to certain Indians of the Rosebud Sioux Reservation, in the State of South Dakota, who were enrolled and allotted under decisions of the United States district and circuit courts for the district of South Dakota.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to pay, out of any funds in the Treasury to the credit of the Rosebud Band of Sioux Indians of the State of South Dakota, such sums as may be found by him to be due those Indians enrolled and allotted on the Rosebud Reservation in South Dakota, under the decisions of the United States district and circuit courts for the district of South Dakota, in the cases entitled "Mary Sully et al. *v.* The United States and John H. Scriven, allotting agent," and "Narcisus Drapeau et al. *v.* The United States and John H. Scriven, allotting agent," and each Indian who was enrolled and allotted under said decisions shall be entitled to and receive a sum of money equal in amount to all per capita and other payments made to individual members of the Rosebud Band of Sioux Indians from December 31, 1896, or from the date of the birth of such Indian if subsequent to December 31, 1896, to the date of the enrollment and allotment of said Indians under said decisions: *Provided*, That the Secretary of the Interior is authorized to determine what attorney or attorneys have actually rendered services of value to the Indians hereinbefore described in connection with the payments herein provided for, and all compensation therefor in such amounts as he may deem proper, and pay the amount so fixed and found to be due, less any counter claims, to such attorney or attorneys, and deduct the same from the amount paid to the Indians hereinbefore described, upon receipt in full by such attorney or attorneys of all claims and demands against said Indians.

With the following committee amendment:

Page 2, lines 18 and 19, after the word "therefor," insert the words "on a basis of quantum meruit."

The SPEAKER. This bill is on the Union Calendar.

Mr. GANDY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

CLAIMS OF VOLUNTEER SOLDIERS FOR PAY, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 3690) repealing certain sections contained in the urgent deficiency act approved December 22, 1911.

The SPEAKER. Is there objection?

There was no objection.

Mr. REAVIS. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sections contained in the urgent deficiency act approved December 22, 1911, relating to claims for arrears of pay, bounty, or other allowances growing out of the Civil War and the War with Spain, are hereby repealed.

Mr. REAVIS. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, by striking out in line 3 the word "sections" and inserting in lieu thereof the words "following provisions"; and in line 5 by inserting after the word "eleven" the words "to wit" and the following:

"No claim for arrears of pay, bounty, or other allowances growing out of the service of Volunteers who served in the Army of the United States during the Civil War shall be received or considered by the accounting officers of the Treasury unless filed in the office of the Auditor for the War Department on or before December 31, 1912: *Provided*, That hereafter no agent or attorney shall demand or accept, for his services in connection with the prosecution of claims for arrears of pay, bounty, or other allowances due on account of the services during the Civil War of an officer or enlisted man of the Regular or Volunteer Armies of the United States, filed after the passage of this act, any fee for any services rendered in connection therewith. Whoever shall violate this provision upon conviction shall be punished by a fine of not exceeding $500 or imprisonment for a period not exceeding six months, or both, and shall be disbarred from practice before the Treasury Department.

"No claim for arrears of pay, bounty, or other allowances growing out of the service of Volunteers who served in the Army of the United States during the War with Spain shall be received or considered by the accounting officers of the Treasury unless filed in the office of the Auditor for the War Department on or before December 31, 1914."

Mr. REAVIS. Mr. Speaker, I find that I have made a mistake in offering my amendment, and I ask unanimous consent to strike from the amendment the proviso, being the language:

Provided, That hereafter no agent or attorney shall demand or accept for his services in connection with the prosecution of claims for arrears of pay, bounty, or other allowances, due on account of the services during the Civil War of an officer or enlisted man of the Regular or Volunteer Armies of the United States, filed after the passage of this act, any fee for any services rendered in connection therewith. Whoever shall violate this provision upon conviction shall be punished by a fine of not exceeding $500 or imprisonment for a period of not exceeding six months, or both, and shall be disbarred from practice before the Treasury Department.

The SPEAKER. The gentleman asks unanimous consent to withdraw a portion of his amendment as indicated. Is there objection?

There was no objection.

The SPEAKER. The question now is on agreeing to the amendment as modified.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. REAVIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDING COPYRIGHT LAW.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13981) amending the copyright law.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think this ought to go over if there is no one here who——

The SPEAKER. The gentleman from Illinois objects and the bill goes over.

TO EXTEND TEMPORARILY THE TIME FOR FILING APPLICATIONS, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13982) to extend temporarily the time for filing applications and fees and taking action in the United States Patent Office in favor of nations granting reciprocal rights to United States citizens.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. MANN. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That any applicant for letters patent or for the registration of any trade-mark, print, or label, being within the provisions of this act, if unable on account of the existing and continuing state of war to file any application or pay any official fee or take any required action within the period now limited by law, shall be granted an extension of nine months beyond the expiration of said period.

SEC. 2. That the provisions of this act shall be limited to citizens or subjects of countries which extend substantially similar privileges to the citizens of the United States, and no extension shall be granted under this act to the citizens or subjects of any country while said country is at war with the United States.

SEC. 3. That this act shall be operative to relieve from default under existing law occurring since August 1, 1914, and before the 1st day of January, 1918, and all applications and letters patent and registrations in the filing of prosecutions whereof default has occurred for which this act grants relief shall have the same force and effect as if said default had not occurred.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

GOVERNMENT EMPLOYEES SUFFERING INJURIES WHILE ON DUTY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15316) to provide compensation for the employees of the United States suffering injuries while in the performance of their duties, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, it is evident this bill could not be considered to-day. It is a long bill and the committee will soon be reached, and I ask to have it passed over without prejudice.

The SPEAKER. The bill goes over without prejudice.

NATIONAL-PARK SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15522) to establish a national-park service, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, I do not think this bill ought to pass by unanimous consent. I object to it.

The SPEAKER. The gentleman from Indiana objects, and the bill goes over without prejudice.

Mr. RAKER. Will the gentleman withhold his objection?

Mr. COX. I will withhold it.

Mr. FERRIS. Mr. Speaker, 12 national parks of the United States are running in a helter-skelter sort of way by borrowing clerks from other departments, and there is some reorganization needed very badly.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman from Indiana—there is not very much remaining of the afternoon—does the gentleman intend to object?

Mr. COX. Yes; I intend to object.

Mr. MANN. I do not think we ought to take up the time any further on this bill. The Committee on Public Lands will be reached, I hope, before very long now. I think the bill ought to pass, but I do not think——

The SPEAKER. Is there objection?

Mr. COX. I object.

The SPEAKER. The bill is passed over without prejudice.

BERKSHIRE COUNTY TROUT HATCHERY, MASS.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 218) authorizing the acceptance of the gift of the Berkshire Trout Hatchery, Berkshire County, Mass.

The title of the joint resolution was read.

The SPEAKER. Is there objection?

Mr. MANN. I ask to have the joint resolution go over.

The SPEAKER. The joint resolution goes over without prejudice.

LOSS OF ALCOHOL BY ACCIDENT DURING TRANSPORTATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 3861) to amend an act entitled "An act to amend an act entitled 'An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses when mixed with suitable denaturing materials,'" approved March 2, 1907.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the consideration of this bill in the House as in the Committee of the Whole House on the state of the Union? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to amend an act entitled 'An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses when mixed with suitable denaturing materials,'" approved March 2, 1907, be, and the same is hereby, amended by adding to section 3 thereof the following:

"*Provided*, That where alcohol is withdrawn from a distillery warehouse for shipment to a central denaturing bonded warehouse under the provisions of this act it shall be lawful under such rules, regulations, and limitations as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for an allowance to be made for leakage or loss by any accident, and without any fraud or negligence of the distiller, owner, carrier, or their agents or employees, occurring during transportation from a distillery warehouse to a central denaturing bonded warehouse."

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DUPRÉ, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF SCHOOL PROPERTY, DENVER, COLO.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 217) to authorize the sale of school property in the city of Denver, Colo., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. HILLIARD. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the request of the gentleman that this bill be considered in the House as in the Committee of the Whole House on the state of the Union? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the board of education of school district No. 1, in the city and county of Denver, State of Colorado, be, and is hereby, authorized to sell and dispose of block No. 143 in the east division of the city of Denver, State of Colorado, donated and set apart for educational purposes by the act of Congress approved February 24, 1879 (20 Stat. L., 317–318), together with the improvements thereon, so much of said act of Congress as prohibited alienation or other use of the property, upon penalty of reversion to the United States, being hereby repealed: *Provided*, That all proceeds of sale or disposition of said block and the improvements thereon, less reasonable brokerage, if any, shall be set apart, appropriated, and expended by said board of education for the purchase of other land in said school district for school purposes, and the erection of school buildings thereupon: *And provided further*, That it shall not be incumbent upon the purchaser or purchasers of the said block and the improvements thereon to see to or be responsible for the appropriation or use of the proceeds of the sale or disposition of the said property.

The Clerk reported the committee amendment, as follows:

Page 2, line 10, after the word "That," strike out "it shall not be incumbent upon the purchaser or purchasers of the said block and the improvements thereon to see to or be responsible for the appropriation or use of the proceeds of the sale or disposition of said property" and insert "to the extent the said school district shall make use of the said proceeds for purposes other than as limited herein, it shall be held and deemed to be indebted to the Government of the United States, recoverable in appropriate proceedings in the United States District Court for the District of Colorado, which is hereby vested with jurisdiction in the premises."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HILLIARD, a motion to reconsider the vote by which the bill was passed was laid on the table.

WATER LIMITATION IN DISTILLERIES.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 9542) to amend the second paragraph of section 3264 of the Revised Statutes of the United States as amended by section 5 of the act of March 1, 1879, and as further amended by the act of Congress approved June 22, 1910.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar; who is running it?

Mr. FERRIS. Mr. Speaker, I am not running it; but I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the second paragraph of section 3264, Revised Statutes of the United States of America, as amended by section 5 of the act of March 1, 1879, and as further amended by the

act of Congress approved June 22, 1910, be amended so as to read as follows:

"In all surveys 45 gallons of mash or beer brewed or fermented from grain shall represent not less than 1 bushel of grain, and 7 gallons of mash or beer brewed or fermented from molasses shall represent not less than 1 gallon of molasses, except in distilleries operated on the sour-mash principle, in which distilleries 60 gallons of beer brewed or fermented from grain shall represent not less than 1 bushel of grain, and except that in distilleries where the filtration-aeration process is used, with the approval of the Commissioner of Internal Revenue; that is, where the mash after it leaves the mash tub is passed through a filtering machine before it is run into the fermenting tub, and only the filtered liquor passes into the fermenting tub, there shall hereafter be no limitation upon the number of gallons of water which may be used in the process of mashing or filtration for fermentation; but the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, in order to protect the revenue, shall be authorized to prescribe by regulation, to be made by him, such character of survey as he may find suitable for distilleries using such filtration-aeration process. The provisions hereof relating to filtration-aeration process shall apply only to sweet-mash distilleries."

Mr. COADY. Mr. Speaker, this bill comes before the House with the unanimous recommendation of the Committee on Ways and Means, which recommendation was made after a hearing before the Subcommittee on Internal Revenue.

The purpose of it is to enable distilleries using what is known as the filtration-aeration process to use an unlimited amount of water in extracting from the grain those ingredients which produce yeast and alcohol.

The law now provides that in distilleries where the filtration-aeration process is used 70 gallons of beer brewed or fermented from grain shall represent not less than a bushel of grain.

The meaning and effect of this is that the distiller is prohibited from using more than 70 gallons of water for each bushel of grain of any kind required in the process of manufacturing yeast and alcohol.

Before the passage of the law permitting the distiller to use 70 gallons of water to the bushel, he could use only 45 gallons to the bushel, and this latter quantity of water was found to be sufficient before the use of the filtration-aeration process.

After the adoption of this process it was found that 45 gallons of water were wholly insufficient to accomplish the extraction of a sufficient amount of the ingredients of the grain required for the manufacture of yeast and alcohol to justify its use, and that this limitation resulted in the waste of at least 15 per cent of the whole and also a loss to the Government in revenue.

The change in the law increasing the amount of water used to the bushel of grain from 45 gallons to 70 gallons resulted in the receipt of revenue to the Government from one company alone of $500,000 per annum, and it is estimated that the passage of this act will increase the annual revenue from this company more than $120,000.

When the original act of March 1, 1879, was passed prescribing a limit upon the amount of water which a distiller could use, the filtration-aeration process was not in use in this country, and that method was devised for the purpose of regulating distilleries employing an entirely different method.

It was thought to be necessary to make such a regulation in order to protect the Government revenue in distilleries of that kind, but it seems to be quite clear that there is no necessity for such a regulation in the case of distilleries using the filtration-aeration process, and it can really afford no protection to the Government in distilleries of that sort.

But, in any event, in order to make sure that the Government revenue will not suffer as a result of the elimination of the restrictions as to the amount of water to be used, this bill provides that the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall be authorized to prescribe, by regulation to be made by him, such character of surveys as he may find suitable for distilleries using the filtration-aeration process. I sincerely hope that this bill will be passed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

EXCHANGE OF LANDS WITH NORTH DAKOTA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 393) to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. NORTON. I move that this bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That upon receipt of a proper deed from the State of North Dakota, executed under authority of the act of its legislative assembly, approved February 5, 1915, reconveying to the United States title to section 16, township 138 north, range 81 west, fifth principal meridian, the Secretary of the Interior is authorized to issue patents to said State for such vacant, surveyed, unreserved, unoccupied, nonmineral public lands as may be selected by said State within its boundaries, not exceeding 1,280 acres in aggregate area, and said section when so reconveyed shall not be subject to settlement, location, entry, or selection under the public-land laws, but shall be reserved for the use of the Department of Agriculture in carrying on experiments in dry-land agriculture at the Northern Great Plains Field Station, Mandan, N. Dak.

The following committee amendments were read:

Page 1, line 5, strike out "January 25" and insert "February 5."

Page 1, line 10, after the word "vacant," insert the words "unsurveyed, unreserved."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. NORTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

OPENING OF FORT ASSINNIBOINE MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 3646), an act to amend the act of February 11, 1915 (38 Stat. L., p. 807), providing for the opening of Fort Assinniboine Military Reservation.

Mr. MANN. Mr. Speaker, I ask to have the bill go over.

The SPEAKER. The gentleman objects, and it goes over without prejudice. The Clerk will report the next bill.

LANDS IN FORT BERTHOLD INDIAN RESERVATION, N. DAK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12030) to amend an act entitled "An act to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak.," approved August 3, 1914.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 3 of the act entitled "An act to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak.," approved August 3, 1914, be, and is hereby, so amended as to authorize the classification and appraisal of unallotted lands in sections 16 and 36, containing coal, and for such reason reserved by the terms of section 1, act of June 1, 1910 (36 Stat. L., p. 455), pending provision for their disposal by Congress; said lands when so classified and appraised to be subject to disposal under the laws applicable to other reserved coal lands within said former reservation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. NORTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

COLORADO AND PIKE NATIONAL FORESTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15287) authorizing the addition of certain lands to the Colorado and Pike National Forests, Colo.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. TIMBERLAKE. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That any lands within the following-described areas found to be chiefly valuable for the production of timber or the protection of stream flow may be included within and made parts of the Colorado or Pike National Forests by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests and as otherwise provided herein.

Sixth principal meridian and base, State of Colorado:

Township 1 north, range 71 west: Sections 29 to 32, inclusive.

Township 1 north, range 72 west: Sections 1 to 11, inclusive; sections 14 to 23, inclusive; sections 25 to 28, inclusive; sections 33 to 36, inclusive.

Township 2 north, range 71 west: Sections 2 to 10, inclusive; sections 15 to 22, inclusive; sections 27 to 34, inclusive.

All of township 2 north, range 72 west.

Township 2 north, range 73 west: All of section 36.

Township 3 north, range 71 west: Sections 4 to 9, inclusive; sections 17 to 21, inclusive; sections 26 to 29, inclusive; north half of section 30; south half of section 31; sections 32 to 35, inclusive.

Township 3 north, range 72 west: Sections 1 to 35, inclusive.

Township 3 north, range 73 west; Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36.

Township 4 north, range 71 west: Sections 3 to 10, inclusive; west half of section 14; sections 15 to 23, inclusive; sections 26 to 33, inclusive.

Township 4 north, range 72 west: Sections 1 to 5, inclusive; east half of section 6; east half of section 7; sections 8 to 30, inclusive; that portion of section 31 lying north and east of the main hydrographic divide east of Cow Creek; sections 32 to 36, inclusive.

Township 4 north, range 73 west: All those portions of sections 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, and 36 lying north and east of the divide between Aspen Brook, and Fish Creek, Aspen Brook and Lily Lake, and of the main hydrographic divide east of Cow Creek.

Township 5 north, range 70 west: Sections 4 to 9, inclusive; sections 17 and 18; north half of section 19; north half of section 20.

Township 5 north, range 71 west: Sections 1 to 14, inclusive; north half and southeast quarter of section 15; sections 17 to 21, inclusive; sections 27 to 34, inclusive; west half of section 35.

Township 5 north, range 72 west: Sections 1 to 5, inclusive; sections 10 to 15, inclusive; sections 21 to 28, inclusive; east half of section 32; sections 33 to 36, inclusive.

Township 6 north, range 70 west: Sections 7, 8, 17, 18, 19, and 20; west half of section 21; west half of section 28; sections 29 to 33, inclusive.

All of township 6 north, range 71 west.

Township 6 north, range 72 west: Sections 1, 12, 13, 14, and 15; sections 22 to 28, inclusive; sections 32 to 36, inclusive.

Township 7 north, range 70 west: Sections 2 to 11, inclusive; sections 14 to 30, inclusive; north half of section 32; sections 33, 34, and 35.

Township 7 north, range 71 west: Sections 1 to 35, inclusive.

Township 7 north, range 72 west: All of section 1; east half of section 2; sections 10 to 15, inclusive; sections 22, 23, 24, 25, and 36.

Township 8 north, range 70 west: West half of section 4; sections 5 to 8, inclusive; west half of section 9; sections 17 to 22, inclusive; sections 27 to 35, inclusive.

All of township 8 north, range 71 west.

Township 8 north, range 72 west: All of section 1.

Township 9 north, range 70 west: Sections 7 to 10, inclusive; sections 14 to 23, inclusive; sections 28 to 33, inclusive.

Township 9 north, range 71 west: Sections 12 and 13; sections 24 to 36, inclusive.

All of township 9 north, range 72 west.

Township 9 north, range 73 west: Sections 1 to 6, inclusive; sections 9 to 16, inclusive; sections 21 to 28, inclusive; sections 33 to 36, inclusive.

Township 10 north, range 72 west: Sections 2 to 11, inclusive; north half of section 12; sections 14 to 24, inclusive; sections 26 to 35, inclusive.

All of township 10 north, range 73 west.

Township 10 north, range 74 west: Sections 1 to 4, inclusive; sections 10, 11, 12, 13, 24, and 25.

Township 11 north, range 72 west: Sections 2 to 11, inclusive; north half of section 12; sections 14 to 24, inclusive; sections 26 to 34, inclusive.

All of township 11 north, range 73 west.

Township 11 north, range 74 west: Sections 2 to 6, inclusive; sections 8 to 36, inclusive.

Township 11 north, range 75 west: Sections 6, 7, 8, and 14; sections 17 to 31, inclusive.

Township 12 north, range 72 west: Fractional sections 19 and 20; sections 28 to 34, inclusive.

Township 12 north, range 73 west: Fractional sections 19 to 24, inclusive; sections 25 to 30, inclusive; sections 32 to 36, inclusive.

Township 12 north, range 74 west: Fractional sections 23 and 24; section 26.

Township 1 south, range 71 west: Sections 4 to 7, inclusive; west half and northeast quarter of section 8; north half of section 9; west half of section 17; sections 18 and 19; west half of section 20; northwest quarter of section 29; north half of section 30.

Township 1 south, range 72 west: Sections 1 to 4, inclusive, sections 9 to 16, inclusive; sections 21 to 28, inclusive; sections 31 to 36, inclusive.

Township 2 south, range 71 west: Sections 2 to 10, inclusive.

Township 2 south, range 72 west: Sections 1 to 12, inclusive.

Provided, That, in order to protect existing equities or to avoid undue hardship, the Secretary of the Interior may, in his discretion, continue thereafter to allow additional entries, within the previously described areas, under the provisions of section 3 of the act approved February 19, 1909, entitled "An act to provide for an enlarged homestead," as amended by the act approved March 3, 1915 (38 Stat., p. 956).

Also the following committee amendment was read.

Page 7, line 7, strike out the words: "In order to protect existing equities or to avoid undue hardship."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. MONDELL. Mr. Speaker, I move to strike out the last word. I want to call the attention of the gentleman from Colorado [Mr. TIMBERLAKE] to the fact that he has no saving clause in his bill. I wonder if he considers that is not necessary by reason of the fact that instead of definitely bringing these lands within the forest reserve he provides that they may be brought in by proclamation of the President? If that was his thought it would be necessary for the President in making his proclamation to include only unentered lands. Otherwise, if he included any entered land in his proclamation, there might be some question in some cases as to whether or not entries could be perfected without a saving clause in the bill.

Mr. TIMBERLAKE. I will say to the gentleman that that was the idea, that it was not intended that the President should include by proclamation other than unentered land in this area. As has been stated, it does not definitely place in the forest reserve, but the President is authorized upon the recommendation of the two departments by proclamation to place in the forest reserve, such lands as in the judgment of the two departments should be included to protect the watersheds of that vast area.

Mr. MONDELL. Only the unentered land?

Mr. TIMBERLAKE. Only the unentered land; yes, sir.

Mr. MONDELL. Well, I wondered if that were the thought, because that idea seems to be contradicted by the proviso which authorizes the Secretary of the Interior, in his discretion, to continue to allow additional entries under the enlarged-homestead law. If the Secretary only included unentered land, would that proviso be necessary?

Mr. TIMBERLAKE. It seems to me it would. There are certain entries or applications for additional entry that are pending before the department, and the department desires to examine this land to see whether or not it comes within the requirements of that character of land that ought to be allowed as an additional entry. My understanding is that it only includes unentered land.

Mr. MOORE of Pennsylvania. Mr. Speaker, I would like to ask the gentleman from Colorado to what extent the area of the Colorado and Pike National Forest will be increased by the passage of this bill? To what extent will the area be increased?

Mr. TIMBERLAKE. I will state to the gentleman it is a little hard to determine, because it is left open and for the departments to determine this. The whole area, as described here, contains something like 480,000 acres; but of course that will be reduced very much by the provisions of the bill, which contemplates taking in only the unentered land.

Mr. MOORE of Pennsylvania. How much of that is forest land?

Mr. TIMBERLAKE. I can not answer the gentleman definitely, but it is all forest land that is included within the boundaries as read in the bill.

Mr. MOORE of Pennsylvania. Is it overgrown or is it in a valley or on a mountain top?

Mr. TIMBERLAKE. If the gentleman has read the report, he will notice that it is in the mountains and along the gulches of the mountains, and some of it is reforested at the present time with a good growth, as shown by the report. Other portions of it contain valuable timber of fir and pine.

Mr. MOORE of Pennsylvania. Which the Government will now protect. That is the idea, is it?

Mr. TIMBERLAKE. Yes, sir; that is the idea.

Mr. MOORE of Pennsylvania. It is rugged country?

Mr. TIMBERLAKE. Yes; almost all of it is a very rugged country.

Mr. MOORE of Pennsylvania. It is a picturesque country?

Mr. TIMBERLAKE. Quite so.

Mr. MANN. It is from 7,000 to 11,000 feet above the sea level.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TIMBERLAKE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CHANGE OF JUDICIAL DISTRICTS IN OKLAHOMA.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 14471) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary."

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 101 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended to read as follows:

"SEC. 101. The State of Oklahoma is divided into two judicial districts, to be known as the eastern and western districts of Oklahoma. The eastern district shall include the territory embraced on the 1st day of July, 1916, in the counties of Adair, Atoka, Bryant, Craig, Cherokee, Creek, Choctaw, Coal, Carter, Delaware, Garvin, Grady, Haskell, Hughes, Johnston, Jefferson, Latimer, Le Flore, Love, McClain, Mayes, Muskogee, McIntosh, McCurtain, Murray, Marshall, Nowata, Ottawa, Okmulgee, Okfuskee, Pittsburg, Pushmataha, Pontotoc, Rogers, Stephens, Sequoyah, Seminole, Tulsa, Washington, and Wagoner. Terms of the district court for the eastern district shall be held at Muskogee on the first Monday in January; at Vinita, on the first Monday in March; at Tulsa, on the first Monday in April; at South McAlester, on the first Monday in June; at Ardmore, on the first Monday in October; and at Chickasha, on the first Monday in November in each year. The western district shall include the territory embraced on the 1st day of July, 1916, in the counties of Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Custer, Dewey, Ellis, Garfield, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Major, Noble, Oklahoma, Osage, Pawnee, Payne, Pottawatomie, Roger Mills, Texas, Tillman, Washita, Woods, and Woodward. Terms of the district court for the western district shall be held at Guthrie on the first Monday in January; at Oklahoma City, on the first Monday in March; at Enid, on the first Monday in June; at Lawton, on the first Monday in September; and at Woodward, on the first Monday in November: *Provided*, That suitable rooms and accommodations for holding court at Woodward are furnished free of expense to the United States. The clerk of the district court for the eastern district shall keep his office at Muskogee and the clerk for the western district at Guthrie, and shall maintain an office in charge of himself or a deputy at Oklahoma City."

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. MANN. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. Have there been no new counties created in Oklahoma since 1910?

Mr. FERRIS. We created some new counties after the adoption of the constitution, but not since 1910. There is only one change.

Mr. MANN. I know what the report says, but the report is incorrect in one respect. I do not know whether it is an intentional change in the bill or otherwise. The gentleman himself says it makes only one change. That is what the report says. I do not know whether that is an omission or an intentional change. What is that?

Mr. FERRIS. At the bottom of page 2 it is provided that a term of the district court shall be had at Woodward on the first Monday in November. In the law it is the first Monday of May and the second in November.

Mr. MANN. I understand.

Mr. FERRIS. Let me tell the gentleman a piece of interesting history about that.

Mr. MANN. Oh, I do not want to detain the House with the history. I want to know whether that is intentional or otherwise.

Mr. FERRIS. There are two prints of the law. We had to go to the State Department to find out about that. One print of the law we got from the statistician of the House here, Mr. Sabine, in the annex to the library here. We found one print that gave two terms of court, and another print that gave one term of court.

Mr. MANN. I would like to know where you found a print that gave one term. Out there in the Statutes at Large two terms are given. It is the Statutes at Large that are the official copy, and they are produced in evidence. If they are left out intentionally, that is all right.

Mr. FERRIS. They are left out intentionally. It is all right. Mr. MORGAN and I agreed about it. It is Mr. MORGAN'S town.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

CENTRAL DIVISION, DISTRICT COURT IN NORTH DAKOTA.

Mr. YOUNG of North Dakota. Mr. Speaker, I ask unanimous consent to return to Calendar No. 120.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to return to Calendar No. 120. Is there objection?

There was no objection.

Mr. MANN. Union Calendar No. 139; Unanimous Consent Calendar No. 120.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 11878) to amend section 99, chapter 231, of the act to codify, revise, and amend the laws relating to the judiciary.

The SPEAKER pro tempore (Mr. RAKER). Is there objection to the present consideration of the bill?

There was no objection.

Mr. YOUNG of North Dakota. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from North Dakota asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 99 of the act to codify, revise, and amend the laws relating to the judiciary, be amended to read as follows:

"SEC. 99. That the State of North Dakota shall constitute one judicial district, to be known as the district of North Dakota. The territory embraced on the 1st day of July, 1910, in the counties of Burleigh, Logan, McIntosh, Emmons, Kidder, McLean, Adams, Bowman, Dunn, Hettinger, Morton, Stark, and McKenzie shall constitute the southwestern division of said district; and the territory embraced on the date last mentioned in the counties of Cass, Richland, Barnes, Sargent, Ransom, and Steele shall constitute the southeastern division; and the territory embraced on the date last mentioned in the counties of Grand Forks, Traill, Walsh, Pembina, Cavalier, and Nelson shall constitute the northeastern; and the territory embraced on the date last mentioned in the counties of Ramsey, Benson, Towner, Rolette, Bottineau, Pierce, and McHenry shall constitute the northeastern division; and the territory embraced on the date last mentioned in the counties of Ward, Williams, Mountrail, Burke, and Renville shall constitute the western division; and the territory embraced on the date last mentioned in the counties of Griggs, Foster, Eddy, Wells, Sheridan, Stutsman, Lamoure, and Dickey shall constitute the central division. The several Indian reservations and parts thereof within said State shall constitute a part of the several divisions within which they are respectively situated. Terms of the district court for the southwestern division shall be held at Bismarck on the first Tuesday in March; for the southeastern division, at Fargo on the third Tuesday in May; for the northeastern division, at Grand Forks, on the second Tuesday in November; for the northwestern division, at Devils Lake on the first Tuesday in July; for the western division, at Minot on the second Tuesday in October; and for the central division, at Jamestown on the second Tuesday in April. The clerk of the court shall maintain an office in charge of himself or a deputy at each place at which court is held in his district.

With the following committee amendment:

On page 2, line 11, strike out "northeastern" and insert "northwestern." At the bottom of page 3, beginning with line 6, insert the following proviso: "*Provided*, That the Government of the United States shall incur no expense for rent, light, heat, water, or janitor service for the building in which court shall be held until such time as the Government may erect its own court room."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. YOUNG of North Dakota. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of North Dakota: Page 1, line 9, strike out "July, 1910," and insert "January, 1916." And on page 2, line 1, after the word "Stark," insert the following: "Golden Valley, Slope, Sioux, Oliver, Mercer, Billings." And on page 2, line 13, after the word "Williams," insert "Divide."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from North Dakota.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. YOUNG of North Dakota, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. MANN. Mr. Speaker, I move to amend the title by striking out the words "Chapter 231."

The SPEAKER. Without objection, the title will be amended in accordance with the text.

There was no objection.

CHARLESTON-DUNBAR TRACTION CO., WEST VIRGINIA.

Mr. BURGESS. Mr. Speaker, I ask unanimous consent for the present consideration of H. R. 12455, which is No. 233 on the Union Calendar.

Mr. MANN. Is it on the Calendar for Unanimous Consent?

Mr. BURGESS. No. I ask unanimous consent to consider it in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Texas asks unanimous consent to consider the bill the title of which the Clerk will report.

The Clerk read the title of the bill (H. R. 12455) authorizing and directing the Secretary of War to lease to Charleston-Dunbar Traction Co. a certain strip or piece of land owned by the United States Government on the Great Kanawha River in West Virginia.

The SPEAKER. The gentleman asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

Mr. MANN. Reserving the right to object, is the gentleman going to object very strenuously if I offer an amendment to strike out "$25" and make it "$100 for the annual rental"?

Mr. BURGESS. Yes; I believe I would.

Mr. MANN. I am not willing to let the bill pass without it. They are now paying $150 a year rent, and they want to rent it for $25 a year. I think if we say $100 a year, they are doing very well.

Mr. BURGESS. Have you read the statement of the Secretary of War about that?

Mr. MANN. Oh, I have read all there is in the report.

Mr. LITTLEPAGE. May I ask the gentleman from Illinois a question?

Mr. MANN. Certainly.

Mr. LITTLEPAGE. This strip of land is 15 feet wide and about 600 feet long. It is within a few miles of my home. It is on a hillside. The company is now paying $150 a year. The Secretary of War in his report recommends $25, and says that is ample rent for it, and he says the only reason he charged $150 a year was because he wanted to make the company pay some nominal rent.

Mr. MANN. I know what the Secretary of War said. He was applied to for permission to use this land——

Mr. LITTLEPAGE. And granted it.

Mr. MANN. He gave a temporary permission at $150 a year. Temporary permission could not be worth as much as permanent permission. It is true the Secretary of War said that it would be a nominal rental. It is only a nominal rental anyhow. It would not pay the Government to fool with this matter for $25 a year. Before this $25 a year was paid into the Treasury, credited to the proper fund, and all the expenses incident to accounting were gone through with, it would cost the Government probably more than $25 a year. Now, if these people want the use of the land, and we reduce the rent one-third, they are getting off well enough. We ought to make it $150 a year.

Mr. LITTLEPAGE. Then you would be charging them what they are paying now.

Mr. MANN. The company are asking this, not for the purpose of reducing the rent but for the purpose of remaining there.

Mr. LITTLEPAGE. This land is in the country, on a steep hillside, where the land is absolutely worthless——

Mr. BURGESS. Except for this purpose.

Mr. LITTLEPAGE. It does not hurt the Government one particle. It is an accommodation. And I will say to the gentleman from Indiana——

Mr. MANN. Indiana! That is the last word. Nobody can get anything out of me now. [Laughter.] I apologize to Indiana.

Mr. BURGESS. I think $25 is reasonable.

Mr. MANN. I do not. We are not asking these people to take the land. They want to get it from us at less than it will cost us to give it to them. Let them pay $100. That is a nominal consideration. They do not need to pay it if they do not want to.

Mr. LITTLEPAGE. I know; but it means to break this railroad up——

Mr. MANN. If this railroad is going to be broken up because it pays $75 a year more rent, they had better break it up quickly. We have just given the State of West Virginia this afternoon $150,000 or $175,000.

Mr. BURGESS. Do not make it up on me. [Laughter.]

Mr. MANN. Now the gentleman from West Virginia wants us to give this company some land in addition. Oh, be fair to the Government!

Mr. LITTLEPAGE. Permit me to make this statement: I simply want to say again that this land is on a steep hillside. It is valueless for the purposes of cultivation. It is valueless for city purposes. It is 5 miles out of town, in the country, where few people live. This interurban line has been given the right of way in order to get the line there. It is an accommodation to the people and the Government to have it there, because Government officials come and go on the interurban road. The company will have to pay the $100 if the gentleman from Illinois says he will object otherwise, but it is an injustice to this street car line. I want to say further that Judge Grosscup, of Chicago, and his associates have invested $300,000 there, and they have not gotten back 2 per cent on the money they have invested.

Mr. MANN. If Judge Grosscup is one of the investors, he is amply able to pay the $100 or $200 a year. He has made enough money on street car lines to be able to do it. And if this is to let the car line run up a steep hill, as my friend from West Virginia suggests, it will be to their interest not to give them the right, for it will cost them too much to climb that hill.

Mr. LITTLEPAGE. I want to say this to the gentleman from Illinois, that I would not object to a bill in his district—a private bill such as this is, which no other Congressman in this House is interested in as I am. I would not object if it were in the gentleman's neighborhood.

Mr. MANN. Oh, well, I would not object if this was a matter giving something which belonged to the gentleman to his constituents. This is taking something that belongs to all of us to give to his constituents. I have observed my rights, and this will not get me to waive them.

Mr. BURGESS. Let me read what the Secretary of War says:

Mr. MANN. I do not want to waste time, unless the gentleman is willing to accept the proposition I have made.

Mr. LITTLEPAGE. All right, if the gentleman from Illinois insists.

Mr. BURGESS. Will not the gentleman from Illinois make it $50?

Mr. MANN. I will make it $125, if you want to.

The SPEAKER. Are the gentlemen from West Virginia and Texas willing to accept the amendment proposed by the gentleman from Illinois, for $100 instead of $25?

Mr. LITTLEPAGE. In order to get the bill through, I presume we will have to.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to lease at a nominal rental value of not exceeding $25 per year, to the Charleston-Dunbar Traction Co., a corporation, its successors or assigns, the strip of land 15 feet wide and 601.8 feet long, or approximately twenty-one one-hundredths of an acre, which said strip of land is situated at or near United States Government Lock and Dam No. 6 of the Great Kanawha River improvement near the city of Charleston, in the State of West Virginia, which said strip of land said Charleston-Dunbar Traction Co. is now occupying with its track: *Provided,* That said annual rental shall be promptly paid as required by the Secretary of War, and that the United States Government shall sustain no loss or expense by reason of said lease to said traction company: *And provided further,* That said traction company shall not fence up said strip of land unless required to do so by the Secretary of War; and shall, at its own expense, keep up and maintain the existing crossings over said traction company's line on the Government's property: *And provided further,* That said traction company shall not remove its station or stop upon or near the Government's said property as said stop and station is at present located.

With the following committee amendments:

Page 1, line 4, after the word "lease" insert the words "from year to year."

Page 2, after line 19, insert the following:

"*Provided,* That the right to alter, amend, or repeal this act is hereby expressly reserved, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in said lease or any railroad or other structures placed on said lands by said Charleston-Dunbar Traction Co. or its assigns, and in case of such repeal any lease executed under the provisions of this act shall become null and void, and said company, or its assigns, shall immediately, without delay, vacate said land and remove all railroad track or tracks or other structures therefrom."

Mr. MANN. Mr. Speaker, I move to amend page 1, line 5, by striking out $25 and inserting $100.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 1, line 5, by striking out "$25" and inserting "$100."

The amendment was agreed to.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LITTLEPAGE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

THE VANCOUVER & NORTHERN RAILWAY CO.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to take up the bill H. R. 12545, and, this being an emergency, I ask unanimous consent that a similar Senate bill, S. 4550, on the Speaker's table be laid before the House and that it be considered.

The SPEAKER laid before the House the bill (S. 4550) granting to the Portland, Vancouver & Northern Railway Co. a license to cross the Vancouver Barracks Military Reservation at Vancouver, Wash.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to consider the Senate bill in the House as in Committee of the Whole, and that the similar House bill be laid on the table.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby granted to the Portland, Vancouver & Northern Railway Co., a corporation organized under the laws of the State of Washington, under the conditions and restrictions in this act contained, a revocable license to construct, maintain, and operate an electric railroad, telephone, telegraph, and electric-power transmission lines across the Vancouver Barracks Military Reservation in the county of Clarke, State of Washington. Congress reserves the right to alter, amend, or repeal this act.

SEC. 2. That the work herein authorized shall be constructed, as near as practicable, upon the following location: Beginning at a point on the westerly side of Reserve Street where the same intersects the southerly boundary line of the city of Vancouver, Clarke County, Wash.; thence running in a northerly direction along the west line of said Reserve Street to a point 9 feet north of the south line of Fifth Street where the same goes through the United States military reservation; thence easterly on a line parallel to and the center line 9 feet north of the south line of said Fifth Street and south of the macadam portion of said street, running through said reservation to the eastern boundary line; thence north to a point where the said eastern boundary line intersects East Seventh Street in the city of Vancouver, the exact location to be fixed by the Secretary of War.

SEC. 3. That the work shall be begun within one year after the approval of this act, and within 90 days after the approval of this act the said railway company shall furnish a bond to the satisfaction of the Secretary of War conditioned for the completion of the said railroad and other works mentioned herein across said reservation within two years after the approval of the said bond by the Secretary of War.

SEC. 4. That the work herein authorized shall be constructed in such manner, of such character, and with such spurs, switches, and crossings as may be prescribed by the Secretary of War, and shall be maintained and operated subject to such rules and regulations as he or the commander at the said post may from time to time prescribe.

SEC. 5. That the licensee shall bear one-third of the cost of macadamizing Fifth Street and the public road on the eastern boundary of the reservation for the distance they occupy said street and road; macadamizing of said street and road to be of such width as may be prescribed by the Secretary of War. The licensee shall bear one-third of

the cost of maintenance of said street and road in addition to maintaining the space between the rails at all times in good condition for vehicle traffic.

SEC. 6. That the maintenance and operation of said railway within the limits of the reservation, including all road work, lighting of track on roadway without expense to the United States, and other work required to be done by the licensee in accordance with the provisions and conditions of this instrument or deemed necessary or advisable by the Secretary of War, shall be subject to the supervision and approval of the post commander and to such regulations as he may from time to time prescribe in the interests of good order, police, sanitation, discipline, public safety, and the conservation of the interests of the Government.

SEC. 7. That any other person or corporation having a franchise for operation of a street railway in the city of Vancouver, including any electric railway as may have authority to do a suburban and interurban business, may, upon obtaining a license from the Secretary of War, use the track and other construction herein authorized to be placed upon the reservation upon the payment of just compensation, and if the parties concerned can not agree upon the amount of such compensation the sum or sums to be paid for said use shall be fixed by the Secretary of War.

SEC. 8. That if any portion of said right of way herein authorized shall cease to be used for the purpose aforesaid the same shall be revoked. Any sums which have to be expended after the revocation of this license, or any portion thereof, in putting any premises or property herein authorized to be occupied in as good condition as it is at this time shall be paid by said licensee, its successors, or assigns.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Washington, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DEFICIENCY ESTIMATES, WAR DEPARTMENT (H. DOC. NO. 1195).

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting deficiency estimates of appropriations required for the service of the War Department for the fiscal year ending June 30, 1916, which was referred to the Committee on Appropriations and ordered to be printed.

DISTRICT COURT, MIDDLE DISTRICT OF TENNESSEE.

Mr. MOON. Mr. Speaker, I ask unanimous consent to consider the bill (S. 377) providing for the establishment of a term of the district court for the middle district of Tennessee at Winchester, Tenn.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

An act (S. 377) providing for the establishment of a term of the district court for the middle district of Tennessee at Winchester, Tenn.

Be it enacted, etc., That a term of the district court for the middle district of Tennessee shall be held at Winchester on the first Monday in April and the third Monday in November.

The SPEAKER. Is there objection?

There was no objection.

Mr. MOON. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MOON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. MANN. Mr. Speaker, to-morrow is Private Calendar day. We can get through with the Unanimous Consent Calendar before long. I think there was an understanding with the gentleman from North Carolina that we should take up the unobjected bills on the Private Calendar to-morrow.

Mr. PAGE of North Carolina. That was the understanding.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that to-morrow be set aside to take up unobjected bills on the Private Calendar and that we meet at 11 o'clock a. m.

The SPEAKER. The gentleman from Oklahoma makes two requests for unanimous consent. First, that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow, and, second, that to-morrow we take up the unobjected bills on the Private Calendar. Is there objection to either request? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. COADY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the juvenile court bill.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the juvenile court bill. Is there objection?

There was no objection.

ADJOURNMENT.

On motion of Mr. FERRIS (at 4 o'clock and 30 minutes p. m.), the House adjourned until to-morrow, Friday, June 9, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting deficiency estimates of appropriations required for the service of the War Department for the fiscal year ending June 30, 1916 (H. Doc. No. 1195), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DOOLITTLE, from the Committee on Agriculture, to which was referred the bill (H. R. 16060) providing for the classification of salaries of veterinary inspectors and lay inspectors (grades 1 and 2) employed in the Bureau of Animal Industry, Department of Agriculture, reported the same without amendment, accompanied by a report (No. 810), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ASHBROOK, from the Committee on Coinage, Weights, and Measures, to which was referred the bill (S. 5425) to standardize lime barrels, reported the same with amendment, accompanied by a report (No. 811), which said bill and report were referred to the House Calendar.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (S. 3900) to authorize the sale and disposal of an island in the Coosa River, in the State of Alabama, reported the same without amendment, accompanied by a report (No. 812), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 5911) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 809), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. STEENERSON: A bill (H. R. 16322) granting the consent of Congress to the village and township of Halstad, Norman County, Minn., and the township of Herberg, Traill County, N. Dak., to construct a bridge across the Red River of the North on the boundary line between said States; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWLEY: A bill (H. R. 16323) to authorize the construction and maintenance of a dike on Depot Slough, Lincoln County, Oreg.; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER of Oklahoma: A bill (H. R. 16324) making appropriation from the tribal funds of the Choctaw and Chickasaw Nations for the purpose of improving the Choctaw Sanitarium near Talihina, Okla.; to the Committee on Indian Affairs.

By Mr. RUCKER: A bill (H. R. 16325) for the purchase of a site for a public building at Milan, Sullivan County, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16326) for the purchase of a site for a public building at Salisbury, Chariton County, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16327) for the purchase of a site for a public building at Paris, Monroe County, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. LONDON: A bill (H. R. 16328) to amend section 17 of the United States bankruptcy law of July 1, 1898, and amendments thereto of February 5, 1903; to the Committee on the Judiciary.

By Mr. CHURCH: A joint resolution (H. J. Res. 234) requesting the President of the United States to designate a day on which funds may be raised for the relief of the Armenians; to the Committee on Foreign Affairs.

By Mr. FLOOD: A joint resolution (H. J. Res. 235) to authorize the President of the United States to convey to the foreign Governments participating in the Panama-Pacific International Exposition the grateful appreciation of the Government and the people of the United States; to the Committee on Foreign Affairs.

By Mr. CASEY: A resolution (H. Res. 258) to designate a day on which the people of this country may express their sympathy by contributing toward the relief of the Lithuanians in the war zone; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 16329) granting an increase of pension to Luther Sealey; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 16330) granting a pension to Ellen M. Mason; to the Committee on Invalid Pensions.

By Mr. CAREW: A bill (H. R. 16331) for the relief of the owners of the British steamship *Clearpool;* to the Committee on Claims.

Also, a bill (H. R. 16332) for the relief of the owners of the steamship *Esparta;* to the Committee on Claims.

By Mr. CLINE: A bill (H. R. 16333) granting an increase of pension to Isaiah E. Lawrence; to the Committee on Invalid Pensions.

By Mr. EDMONDS: A bill (H. R. 16334) granting a pension to Mary Pierce; to the Committee on Pensions.

By Mr. GUERNSEY: A bill (H. R. 16335) granting an increase of pension to Benjamin H. Monk; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 16336) granting an increase of pension to James Curtis; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 16337) granting a pension to William D. Galligher; to the Committee on Pensions.

Also, a bill (H. R. 16338) granting a pension to William W. Gillette; to the Committee on Pensions.

Also, a bill (H. R. 16339) granting an increase of pension to John Conkie; to the Committee on Invalid Pensions.

By Mr. McCLINTIC: A bill (H. R. 16340) granting an increase of pension to Almon G. Cooley; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 16341) granting a pension to Emeline Verity; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 16342) granting an increase of pension to Grace A. Negley; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 16343) granting a pension to Susie F. White; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 16344) granting an increase of pension to Albert Mason; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 16345) granting an increase of pension to William F. Fogarty; to the Committee on Pensions.

By Mr. SUTHERLAND: A bill (H. R. 16346) granting an increase of pension to Daniel W. Welsh; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 16347) reinstating Roy F. Waring to his former rank and grade in the United States Army; to the Committee on Military Affairs.

By Mr. TAYLOR of Arkansas: A bill (H. R. 16348) to amend and correct the military record of James Brumbelow; to the Committee on Military Affairs.

By Mr. TREADWAY: A bill (H. R. 16349) granting a pension to Edward J. Davis; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Papers to accompany House bill 16308, for relief of Margaret Berry; to the Committee on Invalid Pensions.

By Mr. BAILEY: Protest of E. C. Dorer, M. O. Hess, Mrs. Merle Hess, George F. Hess, Mrs. S. E. Horner, Caroline Rainey, and Zoe Markle, all of Johnstown, Pa., against the passage of House bill 9671, a bill to establish price control; to the Committee on the Judiciary.

By Mr. BRUMBAUGH: Evidence to accompany House bill 16291, for relief of Catherine J. Thayer; to the Committee on Invalid Pensions.

By Mr. CAREW: Memorial of Chamber of Commerce of State of New York, on Philippine independence bills; to the Committee on Insular Affairs.

By Mr. DALE of New York: Petition of Ella Jackson, of Denver, Colo., favoring the Susan B. Anthony amendment; to the Committee on the Judiciary.

By Mr. FULLER: Petition of sundry citizens of Mendota, Ill., for a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. GRAY of Indiana: Petition of W. H. Plake and other citizens of Richmond, Ind., favoring the enactment of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. HAWLEY: Petition of the Woman's Christian Temperance Union of Bell Fountain, Oreg., favoring Federal censorship of films; to the Committee on Education.

By Mr. LITTLEPAGE: Six petitions of telegraphers in the employ of the Kanawha & Michigan Railroad Co., indorsing House bill 9162, introduced by Mr. CULLOP, of Indiana; to the Committee on Interstate and Foreign Commerce.

By Mr. LOBECK: Petition of 259 citizens of Omaha, Nebr., indorsing the Hamill bill (H. R. 5757) providing for the retirement of civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. MONTAGUE: Petition of W. C. Moffett, Richmond, Va., and others, protesting against the passage of House bill 13778, entitled "A bill authorizing the Postmaster General to exclude from the mails certain publications"; to the Committee on the Post Office and Post Roads.

By Mr. MOON: Papers to accompany House bill 13509, for the relief of James R. Collins; to the Committee on Invalid Pensions.

By Mr. RANDALL: Petition of Christian Endeavor Society, Calvary Baptist Church, of 57 people of Pasadena, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROGERS: Petition of sundry citizens of Lowell, Mass., opposing House bill 13778; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Resolution of California Federation of Women's Clubs, favoring woman's division in Department of Labor; to the Committee on Labor.

Also, letter of Northern California Branch of Woman's Peace Party, Palo Alto, Cal., indorsing the Adair bill; to the Committee on Foreign Relations.

Also, resolutions of the Highland Park Methodist Episcopal Church Brotherhood, of Los Angeles, Cal., favoring the Hamill bill (H. R. 5139); to the Committee on Reform in the Civil Service.

Also, petition of Whittier Woman's Club, of Whittier, Cal., protesting against militarism; to the Committee on Military Affairs.

Also, resolutions of San Diego Tent, No. 26, the Maccabees, and San Diego Renew, No. 17, Woman's Benefit Association of the Maccabees, both of San Diego, Cal., favoring the Penrose-Griffin indefinite leave of absence bill, H. R. 6915 and S. 3081; to the Committee on the Post Office and Post Roads.

Also, letter of California State Federation of Labor, of San Francisco, Cal., favoring the Kern-McGillicuddy bill, H. R. 15316; to the Committee on the Judiciary.

Also, resolution of the Building Trades Council of San Francisco, Cal., protesting against an appropriation of $50,000,000 for the National Guard; to the Committee on Military Affairs.

Also, telegrams of Western Pipe & Steel Co., Alexander & Baldwin, Grant Fee, Sunset Publishing House, Shipowners' Association of the Pacific Coast, Union Lithograph Co., The Charles Nelson Co., Building Trades Employers' Association of San Francisco, and Merchants & Manufacturers' Association, all of San Francisco, Cal., protesting against efficiency methods; to the Committee on Labor.

Also, resolution of Federation of Women's Clubs, favoring woman suffrage; to the Committee on the Judiciary.

Also, resolutions of California Tax Collectors' Association, protesting against national inheritance tax; to the Committee on Ways and Means.

By Mr. TILSON: Petition of Horace J. Ayling and 51 others, of New Haven, Conn., protesting against the passage of H. R. 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, memorial of the Connecticut Division, Sons of Veterans, favoring preparedness; to the Committee on Military Affairs.